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7 Attorneys for Defendant  
FACEBOOK, INC.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

13 In re: FACEBOOK INTERNET TRACKING  
LITIGATION

Case No. 5:12-md-02314 EJD

**DEFENDANT FACEBOOK, INC.'S  
STATEMENT OF RECENT DECISION  
RELEVANT TO MOTION TO DISMISS  
PLAINTIFFS' CORRECTED FIRST  
AMENDED CONSOLIDATED CLASS  
ACTION COMPLAINT; REQUEST FOR  
LEAVE**

**JUDGE:** Edward J. Davila  
**TRIAL DATE:** None Set

1 On July 2, 2012, Defendant Facebook, Inc. ("Facebook") filed a Motion to Dismiss  
2 Plaintiffs' Corrected First Amended Consolidated Class Action Complaint ("Motion"). On  
3 October 5, 2012, this Court heard argument on Facebook's Motion and took the matter under  
4 submission. Facebook previously filed a Statement of Recent Decisions with this Court on March  
5 7, 2013. (See Dkt. 61.)

6 Yesterday, the United States District Court for the District of Delaware issued a decision  
7 relevant to the issues raised by the pending Motion.<sup>1</sup> Facebook hereby seeks leave to provide that  
8 decision as supplemental authority for the Court's consideration when deciding the Motion. The  
9 decision is attached as Exhibit A: *In re Google Inc. Cookie Placement Consumer Privacy*  
10 *Litigation*, No. 12-2358-SLR, slip op. (D. Del. Oct. 9, 2013).

11  
12 Dated: October 10, 2013

COOLEY LLP

13 /s/ Matthew D. Brown

14 MATTHEW D. BROWN

15 Attorneys for Defendant FACEBOOK, INC.  
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26 <sup>1</sup> Indeed, numerous counsel for Plaintiffs here, including Edward Robertson and James Frickleton  
27 (Bartimus Frickleton), David Straite (Stewarts Law), Stephen Grygiel (Keefe Bartels), Barry  
28 Eichen (Eichen Crutchlow), and William Murphy (Murphy P.A.), also acted as counsel for the  
plaintiffs in the Delaware action. *See* Amended Complaint, *In re Google Inc. Cookie Placement*  
*Consumer Privacy Litig.*, No. 12-2358-SLR (Dec. 19, 2012).