

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TIMELINES, INC.)	
)	
Plaintiff/Counter-Defendant,)	Civil Action No.: 11 CV 6867
)	
v.)	HONORABLE JOHN W. DARRAH
)	
FACEBOOK, INC.)	Jury Trial Demanded
)	
Defendant/Counter-Plaintiff.)	

**TIMELINES' RESPONSE BRIEF IN OPPOSITION TO FACEBOOK'S
MOTION *IN LIMINE* NO. 5 TO EXCLUDE EVIDENCE REGARDING FACEBOOK'S
OVERALL FINANCIAL CONDITION AND NET WORTH**

Plaintiff/Counter-Defendant Timelines, Inc. ("Timelines" or "Plaintiff") submits this response brief in opposition to Defendant/Counter-Plaintiff Facebook, Inc.'s ("Facebook") Motion *In Limine* No. 5 to exclude evidence, argument, and testimony regarding Facebook's overall financial condition ("Motion") and net worth, and states as follows:

RESPONSE

Facebook's Motion notes that evidence of a party's overall financial condition and net worth generally is irrelevant unless exemplary damages are at issue. Of course, these matters also are relevant when the case concerns matters pertaining to finances or net worth. In this matter, Timelines is seeking the revenues and/or profits Facebook has made since it began selling advertising on Facebook Timeline. Facebook has produced certain revenue information, and the parties have designated competing experts to testify about these issues. For this, and the following reasons, Timelines submits that it is premature to rule upon Facebook's motion:

1. Facebook has listed the financial statements from its 2012 Annual Report (it is a public company) as one of its exhibits.

2. Facebook has listed certain Timelines' revenue documents (profit and loss statements, and other financial records) on its exhibit list. Timelines is not yet sure what information Facebook contends is relevant from those documents, and wants to make sure that any matters placed at issue can be fairly addressed to and by both sides.

CONCLUSION

For the foregoing reasons, Timelines respectfully submits that Facebook's Motion in *Limine* No. 5 is premature and consideration of these matters should be delayed until they come up, if at all, during trial.

DATED: April 15, 2013

Respectfully submitted,

TIMELINES, INC.,
Plaintiff/Counter-Defendant

By: /s/ Douglas A. Albritton
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CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I electronically filed foregoing document. Pursuant to Rule 5(b)(3) of the Federal Rules of Civil Procedure and Local Rule 5.9, I have thereby electronically served all Filing Users.

DATED: April 15, 2013

Respectfully submitted,

TIMELINES, INC.,
Plaintiff/Counter-Defendant

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