

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CROSS ATLANTIC CAPITAL PARTNERS, INC., **CIVIL ACTION**

Plaintiff,

NO. 07-CV- 02768-JP

v.

FACEBOOK, INC. and THEFACEBOOK, LLC,

ORAL ARGUMENT REQUESTED

Defendants.

FACEBOOK MOTION NO. 5

**STATEMENT OF MATERIAL FACTS IN SUPPORT OF FACEBOOK'S MOTION FOR
PARTIAL SUMMARY JUDGMENT PRECLUDING INJUNCTION**

[REDACTED VERSION FOR PUBLIC FILING]

(Unredacted version filed separately under seal pursuant to Protective Order)

Defendants Facebook, Inc. and Thefacebook, LLC (collectively “Facebook”) submit the following statement of undisputed material facts in support of its Motion for Partial Summary Judgment Precluding Injunction:

1. XACP does not sell, offer to sell, make or import any product, service or method covered by any claim of U.S. Patent No. 6,519,629 (“the ’629 Patent”). Declaration of Heidi L. Keefe (“Keefe Decl.”), Ex. B [XACP Response to Request for Admission (“RFA”) No. 38].

2. XACP has never sold, offered to sell, made or imported any product, service or method covered by any claim of the ’629 Patent. Keefe Decl., Ex. B.

3. XACP has never licensed or offered to license the ’629 Patent. Keefe Decl., Ex. C [XACP Response to RFA No. 47].

4.

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7. Facebook is a social utility that connects people to each other on the Internet.

www.facebook.com.

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11.

Dated: June 20, 2008

By: /s/ Heidi L. Keefe

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CERTIFICATE OF SERVICE

This is to hereby certify that on this 20th day of June, 2008, I caused a true and correct copy of this **Statement of Material Facts in Support of Facebook's Motion for Partial Summary Judgment Precluding Injunction** to be served *via* this Court's Electronic Filing ("ECF") System, upon the following:

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/s/ Heidi Keefe

Heidi Keefe