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20 Attorneys for Plaintiff and
 21 FACEBOOK, INC.

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA
 24 SAN JOSE DIVISION

25 FACEBOOK, INC.,

26 Plaintiff,

27 v.

28 POWER VENTURES, INC. a Cayman Island
 Corporation; STEVE VACHANI, an
 individual; DOE 1, d/b/a POWER.COM,
 DOES 2-25, inclusive,

Defendants.

Case No. 5:08-cv-05780 JF (RS)

**DECLARATION OF JULIO C.
 AVALOS IN SUPPORT OF
 FACEBOOK INC.'S MOTION FOR
 JUDGMENT ON THE PLEADINGS
 OR, IN THE ALTERNATIVE,
 MOTION FOR SUMMARY
 JUDGMENT**

Date: February 26, 2010
 Time: 9:00 a.m.
 Judge: Hon. Jeremy D. Fogel
 Courtroom: 3, 5th Floor

1 I, Julio C. Avalos, declare as follows:

2 1. I am a member of, and in good standing with, the Bar of the State of California and
3 am admitted to practice before this Court. I am an associate at the law firm of Orrick, Herrington
4 & Sutcliffe LLP, counsel to Plaintiff/Counter-Defendant Facebook, Inc. (“Facebook”). I make
5 this declaration of my own personal knowledge unless otherwise indicated herein. If called as a
6 witness, I could and would testify competently to the truth of the matters set forth herein.

7 2. Attached hereto as **Exhibit A** are true and correct copies of e-mail correspondence
8 exchanged between Defendant Steven Vachani and Facebook counsel at various dates in
9 December 2008. These emails have been maintained on secured databases in the normal course
10 and conduct of our law firm’s business.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is
12 true and correct and that this declaration was hereby executed at Menlo Park, California on
13 December 23, 2009.

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/s/ Julio C. Avalos
JULIO C. AVALOS

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 23, 2009.

Dated: December 23, 2009

Respectfully submitted,

/s/ Jessica S. Pers
JESSICA S. PERS