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10 **Attorneys for Defendant**
11 **FACEBOOK, INC.**

12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 WINDY CITY INNOVATIONS, LLC

16 Plaintiff,

17 v.

18 FACEBOOK, INC.,

19 Defendant.

Case No. 4:16-cv-01730-YGR

**FACEBOOK, INC.’S WRITTEN
STATEMENT IN RESPONSE TO
JANUARY 23, 2019 ORDER TO
SHOW CAUSE (Dkt. 143)**

Date: January 28, 2019

Time: 2:01 p.m.

Ctrm: Courtroom 1, Fourth Floor

The Honorable Yvonne Gonzalez Rogers

23 Counsel for Defendant Facebook, Inc. (“Facebook”) respectfully submits the following written
24 statement in response to the Court’s January 23, 2019 Order to Show Cause re: Sanctions for Failure
25 to Comply with Standing Order (Dkt. 143):

26 We apologize that our letter requesting a Pre-filing Conference for Facebook’s Motion for
27 Summary Judgment (Dkt. 140) did not meet Your Honor’s expectations. We believed that we were
28

1 required to comply with both Civil Local Rule 3-4(a) requiring a case caption on the first page of
2 papers presented for filing with the Court, and Paragraph 9(a) of Your Honor's Standing Order
3 requiring a single-spaced three page letter. We thought that the format used for our submission was
4 the best way to comply with both rules. We did not intend to circumvent any rule or the applicable
5 page limits. We apologize for any misunderstanding or inconvenience to the Court.

6 We have submitted herewith a new version of the letter, which contains the content of our
7 earlier submission, but is on our firm letterhead and uses the standard font and formatting that we use
8 when employing this letterhead. (Exhibit A.) All of the original content of the letter remains and has
9 not been changed, and all of it fits within three pages. Accordingly, the format employed in our letter
10 requesting a Pre-filing Conference for Facebook's Motion for Summary Judgment (Dkt. 140) did not
11 allow us to include any more content than a three page letter on our standard firm letterhead.

12 Further, I attest that all attorneys appearing for Facebook in this matter have read Your Honor's
13 Standing Order in Civil Cases, and have, at every turn, attempted to comply with it. We again sincerely
14 apologize to the extent we failed to do so in this instance.

15
16 January 25, 2019

COOLEY LLP,

17 */s/ Heidi L. Keefe*

18 Heidi L. Keefe

19 Attorney for Defendant
20 Facebook, Inc.