

MYSFACE IN A POST-GROKSTER WORLD: DIGITAL FINGER POINTING FOR OFFENSES PERPETRATED THROUGH USE OF SOCIAL NETWORKING SITES AFTER *MGM v. GROKSTER*.

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INTRODUCTION

The human condition compels each person to seek closeness with others. Everyone wants to make friends and to form relationships. That instinct is what makes social networking websites so profitable: the widespread nature of their appeal. These websites seemingly serve no purpose other than to provide a forum through which people make contact with others. The fact that social networking websites attract so many users means that there are over one billion pages on which to advertise.¹ The magnitude of potential advertising revenues has made online networking one of the fastest-growing enterprises in the Internet age.²

Before the twenty-first century, social networking meant going to clubs, parties, social events, and similar gatherings and physically *meeting people*; this usually involved formal introductions and handshakes. Today, social networking means you can make hundreds of “friends” without leaving your bedroom. MySpace.com (“MySpace” or “the Site”), one of the leading social networking websites, calls itself “a place for friends.”³ What makes MySpace more popular⁴ than competing

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¹ See Saul Hansell, *Making Friends Was Easy. Big Profit Is Tougher.*, N.Y. TIMES, Apr. 23, 2006, § 3, at 1.

² MySpace is said to be worth as much as \$650 million. See Plaintiffs’ Memorandum of Law in Opposition to Defendant MySpace, Inc.’s Motion to Dismiss at 3, *Doe v. MySpace, Inc.*, No. 06-cv-7880 (SDNY, Nov. 6, 2006) [hereinafter *Memorandum*].

³ MySpace, <http://www.myspace.com>. See also, *infra* Part I, for a description of social networking websites.

⁴ See Hansell, *Making Friends Was Easy*, *supra* note 1, (“MySpace now displays more pages each month than any other Web site except Yahoo.”); Brief of Appellee at 6, *Doe v. MySpace*