

EXHIBIT A



HOGE, FENTON  
JONES & APPEL, INC.

Attorneys at Law | San Jose | Pleasanton | East Palo Alto | Hollister

James E. Towery  
408.947.2432  
jet@hogefenton.com

December 16, 2008

VIA FACSIMILE, U.S. MAIL AND EMAIL

D. Michael Underhill  
Boies, Schiller & Flexner LLP  
5301 Wisconsin Avenue, N.W.  
Washington, D.C. 20015

Re: The Facebook, Inc. v. ConnectU, Inc.  
Our File No.: 80696

Dear Mr. Underhill:

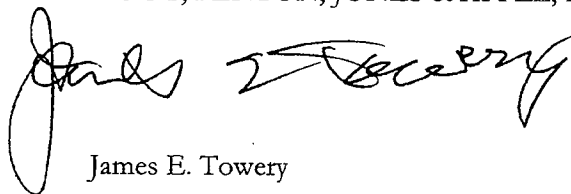
We have been informed that the Special Master, George Fisher, has completed all tasks necessary on his part to culminate the settlement agreement between the parties, as of Monday morning. Accordingly, ConnectU, Inc. is now a wholly owned subsidiary of The Facebook, Inc.

The purpose of this letter is to advise you that this firm has been retained to represent ConnectU, Inc. in all pending litigation. You are hereby notified that you and your firm no longer have authority to take any legal action on behalf of ConnectU, Inc., in any forum.

Enclosed is a stipulation for your withdrawal as counsel of record in the matter pending before the Ninth Circuit Court of Appeals. Please review, sign and return the stipulation to my office via facsimile by noon (Pacific Standard Time) tomorrow, Wednesday, December 17, 2008. If you fail to do so, we will promptly file a motion for substitution before the Ninth Circuit. I trust that will not be necessary. Please do not hesitate to contact me if you have any questions.

Very truly yours,

HOGE, FENTON, JONES & APPEL, INC.



James E. Towery

JET  
ENCLOSURE

cc: Mark Howitson

1 JAMES E. TOWERY -- BAR NO. 74058  
ALISON P. BUCHANAN -- BAR NO. 215710  
2 JILL E. FOX -- 243945  
HOGE, FENTON, JONES & APPEL, INC.  
3 Sixty South Market Street, Suite 1400  
San Jose, California 95113-2396  
4 Phone: (408) 287-9501  
Fax: (408) 287-2583

5 Attorneys for  
6 CONNECTU, INC. (formerly known as  
CONNECTU, LLC)  
7

8 UNITED STATES COURT OF APPEALS  
9 FOR THE NINTH CIRCUIT

10 THE FACEBOOK, INC. and MARK  
11 ZUCKERBERG

12 Plaintiffs-Appellees,

13 vs.

14 CONNECTU, INC. (formerly known as  
CONNECTU, LLC),

15 Defendant-Appellant,

16 and

17 PACIFIC NORTHWEST SOFTWARE,  
18 INC., WINSTON WILLIAMS, and  
WAYNE CHANG,

19 Defendants.  
20

No. 08-16745  
(Consolidated with Case Nos. 08-16849 and  
08-16873)

D.C. No. 5:07-cv-01389-JW  
Northern District of California,  
San Jose

STIPULATION AND [PROPOSED] ORDER  
FOR WITHDRAWAL AND SUBSTITUTION  
OF COUNSEL FOR DEFENDANT-  
APPELLANT CONNECTU, INC.

21 THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD, BE  
22 INFORMED that Defendant-Appellant ConnectU, Inc. makes the following substitution of  
23 counsel:

- 24 1. Former counsel Boies Schiller & Flexner LLP and Finnegan, Henderson,  
25 Farabow, Garrett & Dunner LLP hereby withdraw as counsel of record for  
26 ConnectU, Inc.; and  
27 2. New counsel Hoge Fenton Jones & Appel, Inc. is hereby substituted as the  
28 attorneys of record for ConnectU, Inc.

-1-

1 The undersigned consent to this substitution. The contact information for new  
2 counsel is as follows:

3 JAMES E. TOWERY -- BAR NO. 74058  
4 ALISON P. BUCHANAN -- BAR NO. 215710  
5 JILL E. FOX -- BAR NO. 243945  
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10 Fax: (408) 287-2583  
11 [jef@hogefenton.com](mailto:jef@hogefenton.com)  
12 [jet@hogefenton.com](mailto:jet@hogefenton.com)  
13 [apb@hogefenton.com](mailto:apb@hogefenton.com)  
14 [jef@hogefenton.com](mailto:jef@hogefenton.com)

15 DATED: December \_\_, 2008

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Mark Howitson  
Sole Officer and Director  
CONNECTU, INC.

15 DATED: December \_\_, 2008

---

D. Michael Underhill,  
BOIES SCHILLER & FLEXNER, LLP

19 DATED: December \_\_, 2008

---

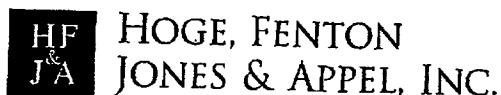
Scott Mosko  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP

23 DATED: December 15, 2008

---

James E. Towery  
HOGE, FENTON, JONES & APPEL, INC.

**EXHIBIT B**



Attorneys at Law | San Jose | Pleasanton | East Palo Alto | Hollister

James E. Towery  
408.947.2432  
jet@hogefenton.com

December 16, 2008

VIA FACSIMILE, U.S. MAIL AND EMAIL

Scott R. Mosko  
Finnegan, Henderson, Farabow, Garrett & Dunnet, LLP  
Stanford Research Park  
3300 Hillview Avenue  
Palo Alto, CA 94304-1203

John F. Hornick  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW  
Washington, DC 20001

Re: The Facebook, Inc. v. ConnectU, Inc.  
Our File No.: 80696

Dear Mr. Mosko and Mr. Hornick:

We have been informed that the Special Master, George Fisher, has completed all tasks necessary on his part to culminate the settlement agreement between the parties, as of Monday morning. Accordingly, ConnectU, Inc. is now a wholly owned subsidiary of The Facebook, Inc.

The purpose of this letter is to advise you that this firm has been retained to represent ConnectU, Inc. in all pending litigation. You are hereby notified that you and your firm no longer have authority to take any legal action on behalf of ConnectU, Inc., in any forum.

Enclosed is a stipulation for your withdrawal as counsel of record in the matter pending before the Ninth Circuit Court of Appeals. Please review, sign and return the stipulation to my office via facsimile by noon (Pacific Standard Time) tomorrow, Wednesday, December 17, 2008. If you fail to do so, we will promptly file a motion for substitution before the Ninth Circuit. I trust that will not be necessary.

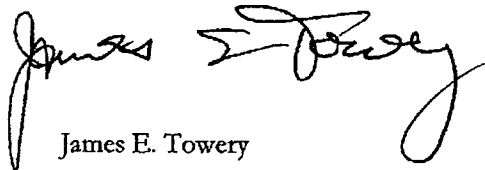
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Scott R. Mosko and John F. Hornick  
December 16, 2008  
Page 2

Please do not hesitate to contact me if you have any questions.

Sincerely,

HOGE, FENTON, JONES & APPEL, INC.

A handwritten signature in black ink, appearing to read "James E. Towery". The signature is fluid and cursive, with a large, sweeping flourish at the end.

James E. Towery

JET

ENCLOSURE

cc: Mark Howitson

1 JAMES E. TOWERY -- BAR NO. 74058  
ALISON P. BUCHANAN -- BAR NO. 215710  
2 JILL E. FOX -- 243945  
3 HOGE, FENTON, JONES & APPEL, INC.  
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10 THE FACEBOOK, INC. and MARK  
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15 Defendant-Appellant,  
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18 INC., WINSTON WILLIAMS, and  
WAYNE CHANG,  
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No. 08-16745  
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08-16873)

D.C. No. 5:07-cv-01389-JW  
Northern District of California,  
San Jose

STIPULATION AND [PROPOSED] ORDER  
FOR WITHDRAWAL AND SUBSTITUTION  
OF COUNSEL FOR DEFENDANT-  
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1 The undersigned consent to this substitution. The contact information for new  
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11 jet@hogefenton.com  
12 apb@hogefenton.com  
13 jef@hogefenton.com

14 DATED: December \_\_, 2008

15 \_\_\_\_\_  
16 Mark Howitson  
17 Sole Officer and Director  
18 CONNECTU, INC.

19 DATED: December \_\_, 2008

20 \_\_\_\_\_  
21 D. Michael Underhill,  
22 BOIES SCHILLER & FLEXNER, LLP

23 DATED: December \_\_, 2008

24 \_\_\_\_\_  
25 Scott Mosko  
26 FINNEGAN, HENDERSON, FARABOW,  
27 GARRETT & DUNNER, LLP

28 DATED: December 15, 2008

\_\_\_\_\_

James E. Towery  
HOGE, FENTON, JONES & APPEL, INC.



**HOG FENTON  
JONES & APPEL INC.**

Attorneys at Law | San Jose | Pleasanton | Modesto | Hollister

**San Jose Office**

60 South Market Street  
Suite 1400, San Jose, CA 95113  
Ph: 408.287.9501 Fax: 408.287.2583

**Pleasanton Office**

6155 Stoneridge Drive  
Pleasanton, CA 94588  
Ph: 925.224.7780 Fax: 925.224.7782

**FAX COVER SHEET**

TO: John F. Hornick

FAX NO: 2024084400

FROM: Jim Towery

MATTER: The Facebook, Inc. v. ConnectU, Inc.

DATE: 12/16/2008 9:01:55 AM

NO PAGES: 5

MESSAGE:

Please see attached.

**CONFIDENTIALITY NOTICE**

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for the return of the original documents to us.

If this fax is incomplete or difficult to read, please call (408) 287-9501

EXHIBIT C



HOGE, FENTON  
JONES & APPEL, INC.

Attorneys at Law | San Jose | Pleasanton | East Palo Alto | Hollister

James E. Towery  
408.947.2432  
jet@hogequenton.com

December 16, 2008

VIA FACSIMILE, U.S. MAIL AND EMAIL

Sean F. O'Shea  
O'Shea Partners LLP  
90 Park Avenue, 20th Floor  
New York, NY 10016

Re: The Facebook, Inc. v. ConnectU, Inc.  
Our File No.: 80696

Dear Mr. O'Shea:

We have been informed that the Special Master, George Fisher, has completed all tasks necessary on his part to culminate the settlement agreement between the parties, as of Monday morning. Accordingly, ConnectU, Inc. is now a wholly owned subsidiary of The Facebook, Inc.

The purpose of this letter is to advise you that this firm has been retained to represent ConnectU, Inc. in all pending litigation. You are hereby notified that you and your firm no longer have authority to take any legal action on behalf of ConnectU, Inc., in any forum.

Enclosed is a stipulation for your withdrawal as counsel of record in the matter pending before the Ninth Circuit Court of Appeals. Please review, sign and return the stipulation to my office via facsimile by noon (Pacific Standard Time) tomorrow, Wednesday, December 17, 2008. If you fail to do so, we will promptly file a motion for substitution before the Ninth Circuit. I trust that will not be necessary.

Sincerely,

HOGE, FENTON, JONES & APPEL, INC.

James E. Towery

JET  
ENCLOSURE  
cc: Mark Howitson

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1 JAMES E. TOWERY -- BAR NO. 74058  
ALISON P. BUCHANAN -- BAR NO. 215710  
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5 Attorneys for  
6 CONNECTU, INC. (formerly known as  
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8 UNITED STATES COURT OF APPEALS  
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10 THE FACEBOOK, INC. and MARK  
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18 INC., WINSTON WILLIAMS, and  
WAYNE CHANG,

19 Defendants.  
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No. 08-16745  
(Consolidated with Case Nos. 08-16849 and  
08-16873)

D.C. No. 5:07-cv-01389-JW  
Northern District of California,  
San Jose

STIPULATION AND [PROPOSED] ORDER  
FOR WITHDRAWAL AND SUBSTITUTION  
OF COUNSEL FOR DEFENDANT-  
APPELLANT CONNECTU, INC.

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-1-

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9 Phone: (408) 287-9501  
10 Fax: (408) 287-2583  
11 [jef@hogefenton.com](mailto:jef@hogefenton.com)  
12 [apb@hogefenton.com](mailto:apb@hogefenton.com)  
13 [jef@hogefenton.com](mailto:jef@hogefenton.com)

14 DATED: December \_\_, 2008

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Mark Howitson  
Sole Officer and Director  
CONNECTU, INC.

DATED: December \_\_, 2008

---

D. Michael Underhill,  
BOIES SCHILLER & FLEXNER, LLP

DATED: December \_\_, 2008

---

Scott Mosko  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP

DATED: December 15, 2008

---

James E. Towery  
HOGE, FENTON, JONES & APPEL, INC.

EXHIBIT D

O'SHEA PARTNERS LLP  
521 FIFTH AVENUE  
25th FLOOR  
NEW YORK, NEW YORK 10175

SEAN F. O'SHEA  
MICHAEL E. PETRELLA  
—  
JONATHAN R. ALTSCHULER  
MARC D. FEINGOLD  
JULIE O'SHEA  
ROBERT R. VIDUCICH  
MARK A. WEISSMAN

(212) 682-4426  
Fax (212) 682-4437  
[www.osheapartners.com](http://www.osheapartners.com)

December 17, 2008

VIA EMAIL

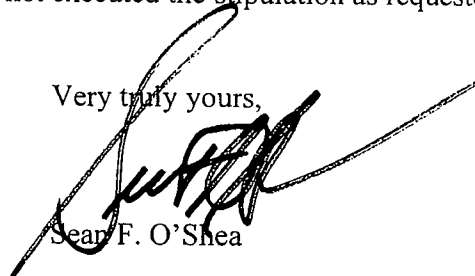
James Towery, Esq.  
Hoge, Fenton, Jones & Appel, Inc.  
60 South Market Street  
Suite 1400  
San Jose, California 95113-2396

Re: *The Facebook, Inc. v. ConnectU, Inc.*

Dear Mr. Towery:

I am not counsel of record for ConnectU, Inc. in the Ninth Circuit as your letter of December 16, 2008 suggests. Therefore, I have not executed the stipulation as requested by your letter.

Very truly yours,



Sean F. O'Shea



EXHIBIT E

**Quintana, Sandy**

---

**From:** Hornick, John [John.Hornick@finnegan.com]  
**Sent:** Wednesday, December 17, 2008 11:29 AM  
**To:** Towery, James E.  
**Cc:** Buchanan, Alison P.; Quintana, Sandy; Mosko, Scott; Washington, Tamara; Esquenet, Margaret; Schoenfeld, Meredith  
**Subject:** RE: ConnectU, Inc.

Dear James:

We write in response to your letters of December 16, 2008. Please provide us with documentation that the requests contained in your letters have been authorized by a properly appointed officer of new ConnectU, Inc.

Sincerely,

John

**John F. Hornick**  
Attorney at Law  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
202.408.4076 | fax 202.408.4400 | [john.hornick@finnegan.com](mailto:john.hornick@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

---

**FINNEGAN**

---

**From:** Quintana, Sandy [mailto:SLQ@hogefenton.com]  
**Sent:** Tuesday, December 16, 2008 12:45 PM  
**To:** Mosko, Scott; Hornick, John  
**Cc:** Towery, James E.; Buchanan, Alison P.  
**Subject:** ConnectU, Inc.

Dear Counsel:

Please see attached correspondence from Jim Towery regarding the above-referenced matter.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

12/23/2008

EXHIBIT F



HOGE, FENTON  
JONES & APPEL, INC.

Attorneys at Law | San Jose | Pleasanton | East Palo Alto | Hollister

James E. Towery  
408.947.2432  
jet@hogefenton.com

December 17, 2008

VIA EMAIL AND FACSIMILE

Scott R. Mosko  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Stanford Research Park  
3300 Hillview Avenue  
Palo Alto, CA 94304-1203

John F. Hornick  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW  
Washington, DC 20001

Re: The Facebook, Inc. v. ConnectU, Inc.  
Our File No.: 80696

Dear Mr. Mosko and Mr. Hornick:

This letter serves to respond to your email earlier today wherein you requested "documentation that the requests contained in your letters have been authorized by a properly appointed officer of new ConnectU, Inc." Please be advised that pursuant to the District Court's Judgment of which you are no doubt aware, the new shareholder of all of the Connect U shares appointed Mark Howitson as the sole officer and director of ConnectU, Inc. ConnectU, Inc. retained my law firm as corporate counsel.

ConnectU, Inc. instructed my firm to obtain substitutions of counsel from Finnegan, Henderson, et al., as well as the other firms that previously represented ConnectU, Inc. Enclosed is written confirmation, from Mr. Howitson, that he is the sole officer and director of ConnectU, Inc. and that he has authorized Hoge, Fenton to obtain a substitution from your firm.

\\HFJAFS\NDrive\80696\Let\375020.doc

Scott R. Mosko and John F. Hornick  
December 17, 2008  
Page 2

Please advise whether you will stipulate to the substitution as soon as possible. If we have not heard from you by five p.m. PST tomorrow (December 18, 2008), we will conclude that you are refusing to follow your client's request that you sign the substitution. Please also await further instruction from Connect U.

Sincerely,

HOGE, FENTON, JONES & APPEL, INC.



James E. Towery

JET  
ENCLOSURE

cc: Mark Howitson (via email only)

**Buchanan, Alison P.**

---

**From:** Mark Howitson [connectuhq@gmail.com]  
**Sent:** Wednesday, December 17, 2008 4:39 PM  
**To:** Towery, James E.; Buchanan, Alison P.  
**Subject:** Substitution

This confirms that I, Mark Howitson, have been appointed the sole officer and director of ConnectU, Inc. ConnectU, Inc. has retained James E. Towery and the law firm Hoge, Fenton, Jones & Appel to serve as corporate counsel for ConnectU, Inc. I previously instructed Mr. Towery to obtain substitutions of counsel from Finnegan, Henderson, et al., as well as the other firms that previously represented ConnectU, Inc. I hereby instruct Finnegan, Henderson, et al., as ConnectU, Inc.'s counsel of record in the pending Ninth Circuit Court of Appeals action, to immediately sign the substitution of counsel provided to it by Hoge, Fenton, Jones and Appel on December 16, 2008 and await further instruction.

Mark Howitson

12/17/2008



**HOG FENTON  
JONES & APPEL INC.**

Attorneys at Law | San Jose | Pleasanton | Modesto | Hollister

**San Jose Office**

60 South Market Street  
Suite 1400, San Jose, CA 95113  
Ph: 408.287.9501 Fax: 408.287.2583

**Pleasanton Office**

6155 Stoneridge Drive  
Pleasanton, CA 94588  
Ph: 925.224.7780 Fax: 925.224.7782

## **FAX COVER SHEET**

TO: John F. Hornick

FAX NO: 2024084400

FROM: Jim Towery

MATTER: Facebook, Inc./ConnectU, Inc.

DATE: 12/17/2008 5:25:36 PM

NO PAGES: 4

MESSAGE:

Please see attached.

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If this fax is incomplete or difficult to read, please call (408) 287-9501

EXHIBIT G



December 18, 2008

FILE #	80696
VOLUME	C
DATE REC'D	12/22
INITIALS	GW
DIARY	JET
ROUTE	A415 JCF

VIA EMAIL [jet@hogefenton.com](mailto:jet@hogefenton.com) and US MAIL

James E. Towery  
Hoge, Fenton, Jones & Appel  
60 South Market Street  
Suite 1400  
San Jose, CA 95113-2396

RE: Facebook v. ConnectU

Dear Mr. Towery:

Your letter of today makes reference to the new shareholder appointing Mark Howitson as the sole officer and director of ConnectU, Inc. We request that you provide us with the appointment documents. And while we assume that the e-mail you provided us was sent by Mr. Howitson, we request the communication over his signature.

With respect to your request that we agree to substitute counsel, we believe that, given the rather unusual circumstances, it would be preferable for you to file a motion to substitute with the Ninth Circuit. That way, the position of all parties can be presented to the Court with respect to these matters of client representation.

Finally, on behalf of the Founders, we request that ConnectU not take any action that would interfere with the pending appeal. As you are probably aware, ConnectU owes substantial debts to the Founders, and ConnectU's most significant assets are its claims against Facebook and persons associated with Facebook. Consequently, we believe that any attempt by ConnectU to benefit its current shareholder by extinguishing that claim would be a fraudulent conveyance and legally actionable.

Thank you.

Very truly yours,



D. Michael Underhill

DMU/tle

EXHIBIT H



HOGUE, FENTON  
JONES & APPEL, INC.

Attorneys at Law | San Jose | Pleasanton | East Palo Alto | Hollister

James E. Towery  
408.947.2432  
jct@hogequenton.com

December 18, 2008

VIA FACSIMILE AND EMAIL

D. Michael Underhill  
Boies, Schiller & Flexner LLP  
5301 Wisconsin Avenue, N.W.  
Washington, D.C. 20015

Re: The Facebook, Inc. v. ConnectU, Inc.  
Our File No.: 80696

Dear Mr. Underhill:

This letter serves to respond to your letter yesterday wherein you requested instructions directly from a duly-elected officer of ConnectU, Inc. Please be advised that pursuant to the District Court's Judgment of which you are no doubt aware, the new shareholder of all of the Connect U shares appointed Mark Howitson as the sole officer and director of ConnectU, Inc.

ConnectU, Inc. retained my law firm as corporate counsel and has instructed my firm to obtain substitutions of counsel from Boies Schiller, et al., as well as the other firms that previously represented ConnectU, Inc. Enclosed is written confirmation, from Mr. Howitson, that he is the sole officer and director of ConnectU, Inc. and that he has authorized Hoge, Fenton to obtain a substitution from your firm.

Please advise whether you will stipulate to the substitution as soon as possible. If we have not heard from you by five p.m. PST today, we will conclude that you are refusing to follow your client's request that you sign the substitution. Please also await further instruction from Connect U.

Very truly yours,

HOGUE, FENTON, JONES & APPEL, INC.

A handwritten signature in black ink that reads 'Ali Budr for'.

James E. Towery

JET

ENCLOSURE

cc: Mark Howitson

**Buchanan, Alison P.**

---

**From:** Mark Howitson [connectuhq@gmail.com]  
**Sent:** Thursday, December 18, 2008 9:28 AM  
**To:** Towery, James E.; Buchanan, Alison P.  
**Subject:** Boise Letter

This confirms that I, Mark Howitson, have been appointed the sole officer and director of ConnectU, Inc. ConnectU, Inc. retained James E. Towery and the law firm Hoge, Fenton, Jones & Appel to serve as its corporate counsel. I previously instructed Mr. Towery to obtain substitutions of counsel from Boise Schiller et al., as well as the other firms that previously represented ConnectU, Inc. I hereby instruct Boise Schiller, et al., as ConnectU, Inc.'s counsel of record in all actions anywhere, to immediately sign the substitution of counsel provided to it by Hoge, Fenton, Jones and Appel on December 16, 2008 and await further instruction. All communications concerning this matter should be exclusively through Mr. Towery's office.

- Mark Howitson

12/18/2008



Attorneys at Law | San Jose | Pleasanton | Modesto | Hollister

**San Jose Office**

60 South Market Street  
Suite 1400, San Jose, CA 95113  
Ph: 408.287.9501 Fax: 408.287.2583

**Pleasanton Office**

6155 Stoneridge Drive  
Pleasanton, CA 94588  
Ph: 925.224.7780 Fax: 925.224.7782

**FAX COVER SHEET**

TO: D. Michael Underhill  
FAX NO: 2022376131  
FROM: Jim Towery  
  
MATTER: Facebook, Inc./ConnectU, Inc.  
DATE: 12/18/2008 10:09:50 AM  
NO PAGES: 3  
MESSAGE:

Please see attached.

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**EXHIBIT I**

SCOTT R. MOSKO  
650.849.6672  
scott.mosko@finnegan.com

December 18, 2008

James E. Towery  
Hoge, Fenton, Jones & Appel, Inc.  
60 South Market Street  
Suite 1400  
San Jose, CA 95113-2396

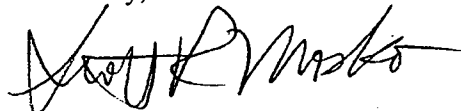
VIA E-MAIL

*Facebook and Zuckerberg v. ConnectU, et al., Case No. 5:07-cv-01389*  
*ConnectU, Inc. v. Facebook, Inc., Case No. 1:078-cv-10593-DPW*  
*ConnectU LLC v. Zuckerberg, Case No. 1:04-cv-11923-DPW*

Dear Jim:

Please send us a corporate resolution appointing Mark Howitson as new ConnectU's sole officer and director, and a signed letter from Mark Howitson that specifies the action he wants us to take. I will respond promptly, but given my schedule, I may not be able to get back to you within the specified timeframes.

Sincerely,



Scott R. Mosko

SRM/Imm

**Quintana, Sandy**

---

**From:** Towery, James E.  
**Sent:** Friday, December 19, 2008 9:33 PM  
**To:** Quintana, Sandy  
**Subject:** FW: ConnectU

pp

---

**From:** Mosko, Scott [mailto:scott.mosko@finnegan.com]  
**Sent:** Thursday, December 18, 2008 12:15 PM  
**To:** Towery, James E.  
**Cc:** Hornick, John  
**Subject:** ConnectU

Please see attached.

**Scott R. Mosko**

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
3300 Hillview Ave, Palo Alto, CA 94304-1203  
650.849.6672 | fax 650.849.6666 | scott.mosko@finnegan.com | [www.finnegan.com](http://www.finnegan.com)

---

**FINNEGAN**

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

12/23/2008



EXHIBIT J



HOGE, FENTON  
JONES & APPEL, INC.

Attorneys at Law | San Jose | Pleasanton | East Palo Alto | Hollister

James E. Towery  
408.947.2432  
jet@hogefenton.com

December 18, 2008

VIA FACSIMILE AND EMAIL

Scott R. Mosko  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Stanford Research Park  
3300 Hillview Avenue  
Palo Alto, CA 94304-1203

John F. Hornick  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW  
Washington, DC 20001

D. Michael Underhill  
Boies, Schiller & Flexner LLP  
5301 Wisconsin Ave. NW  
Washington, DC 20015

Re: Facebook, Inc. v. ConnectU, Inc.  
Our File No.: 80696

Dear Mr. Mosko, Mr. Hornick and Mr. Underhill:

This letter serves to respond to your requests for communication directly from Mr. Howitson evidencing ConnectU's request that you sign the stipulation to substitute, which we previously provided you. Although you are not entitled to either a letter directly from Mr. Howitson, or a copy of any board resolutions, we are providing those things to you so that ConnectU can protect its rights and assess its obligations. Therefore, enclosed is correspondence from Mr. Howitson, along with the board resolution appointing him ConnectU's sole officer and director.

Now that we have complied with your demands, please immediately sign the stipulation by noon PST on Friday, December 19, 2008. We enclose another copy of the stipulation for your convenience.

Also, please note that your refusal to follow your client's direct instructions to sign the stipulation and your failure to provide the client's documents, as requested, is obstructionist and harassment (not to mention a violation of the Cal. Rules of Prof Conduct Rule 3-700). Hopefully it will not be necessary to bring these issues to the court's attention, although we grow ever more

Document in ProLaw

D. Michael Underhill  
Scott R. Mosko  
John F. Hornick  
December 18, 2008  
Page 2

concerned that we are headed in that direction. It is undisputable that ConnectU has every right to your undivided loyalty.

Sincerely,

HOGUE, FENTON, JONES & APPEL, INC.

A handwritten signature in black ink that reads "Ali Buch for". The signature is written in a cursive, flowing style.

James E. Towery

ENCLOSURES

cc: Mark Howitson (via email only)

*Connect U, Inc.*

December 18, 2008

VIA FACSIMILE AND EMAIL

Scott R. Mosko  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Stanford Research Park  
3300 Hillview Avenue  
Palo Alto, CA 94304-1203

John F. Hornick  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW  
Washington, DC 20001

D. Michael Underhill  
Boies, Schiller & Flexner LLP  
5301 Wisconsin Ave. NW  
Washington, DC 20015

Re: Facebook, Inc. v. ConnectU, Inc.  
Our File No.: 80696

Dear Mr. Underhill, Mr. Mosko and Mr. Hornick:

Pursuant to your request, attached is the ConnectU, Inc. board resolution appointing me the sole officer and director of the company. I have retained Hoge, Fenton, Jones & Appel to represent ConnectU, Inc. in all matters. As Hoge, Fenton has previously directed you (at my request), please do the following:

1. Cease all work on behalf of ConnectU, Inc.;
2. Immediately provide all ConnectU, Inc. documents in your possession, custody or control to Hoge, Fenton;
3. Confirm to me in writing that you will abide by your obligations of confidentiality and will not discuss this matter or your representation of Connect U (past or present) with anyone outside of your respective firms without my express written permission; and
4. Immediately sign the enclosed stipulation to substitute counsel, which Hoge, Fenton previously provided to you. If they do not receive it by Friday noon PST, we will assume that you are disregarding your client's instructions.

D. Michael Underhill  
Scott R. Mosko  
John F. Hornick  
December 18, 2008  
Page 2

Connect U hereby withdraws from any and all joint defense agreements, if any.

Please direct all communication to ConnectU through Hoge, Fenton. Finally, please note that any instructions you receive from Hoge, Fenton have been approved by me as the sole officer or director of ConnectU, Inc. I will not be communicating directly with you in the future.

Sincerely,

CONNECTU, INC.

A handwritten signature in black ink, appearing to read 'Mark Howitson', written in a cursive style.

Mark Howitson

1 JAMES E. TOWERY -- BAR NO. 74058  
ALISON P. BUCHANAN -- BAR NO. 215710  
2 JILL E. FOX -- 243945  
HOGE, FENTON, JONES & APPEL, INC.  
3 Sixty South Market Street, Suite 1400  
San Jose, California 95113-2396  
4 Phone: (408) 287-9501  
Fax: (408) 287-2583

5 Attorneys for  
6 CONNECTU, INC. (formerly known as  
CONNECTU, LLC)  
7

8 UNITED STATES COURT OF APPEALS

9 FOR THE NINTH CIRCUIT

10 THE FACEBOOK, INC. and MARK  
11 ZUCKERBERG

12 Plaintiffs-Appellees,

13 vs.

14 CONNECTU, INC. (formerly known as  
CONNECTU, LLC),

15 Defendant-Appellant,

16 and

17 PACIFIC NORTHWEST SOFTWARE,  
18 INC., WINSTON WILLIAMS, and  
WAYNE CHANG,

19 Defendants.  
20

No. 08-16745  
(Consolidated with Case Nos. 08-16849 and  
08-16873)

D.C. No. 5:07-cv-01389-JW  
Northern District of California,  
San Jose

STIPULATION AND [PROPOSED] ORDER  
FOR WITHDRAWAL AND SUBSTITUTION  
OF COUNSEL FOR DEFENDANT-  
APPELLANT CONNECTU, INC.

21 THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD, BE  
22 INFORMED that Defendant-Appellant ConnectU, Inc. makes the following substitution of  
23 counsel:

- 24 1. Former counsel Boies Schiller & Flexner LLP and Finnegan, Henderson,  
25 Farabow, Garrett & Dunner LLP hereby withdraw as counsel of record for  
26 ConnectU, Inc.; and  
27 2. New counsel Hoge Fenton Jones & Appel, Inc. is hereby substituted as the  
28 attorneys of record for ConnectU, Inc.

1 The undersigned consent to this substitution. The contact information for new  
2 counsel is as follows:

3 JAMES E. TOWERY – BAR NO. 74058  
4 ALISON P. BUCHANAN – BAR NO. 215710  
5 JILL E. FOX – BAR NO. 243945  
6 HOGE, FENTON, JONES & APPEL, INC.  
7 Sixty South Market Street, Suite 1400  
8 San Jose, California 95113-2396  
9 Phone: (408) 287-9501  
10 Fax: (408) 287-2583  
11 jet@hogefenton.com  
12 apb@hogefenton.com  
13 jef@hogefenton.com

14 DATED: December \_\_, 2008

15 \_\_\_\_\_  
16 Mark Howitson  
17 Sole Officer and Director  
18 CONNECTU, INC.

19 DATED: December \_\_, 2008

20 \_\_\_\_\_  
21 D. Michael Underhill,  
22 BOIES SCHILLER & FLEXNER, LLP

23 DATED: December \_\_, 2008

24 \_\_\_\_\_  
25 Scott Mosko  
26 FINNEGAN, HENDERSON, FARABOW,  
27 GARRETT & DUNNER, LLP

28 DATED: December 15, 2008

\_\_\_\_\_

James E. Towery  
HOGE, FENTON, JONES & APPEL, INC.



**HOG FENTON  
JONES & APPEL INC.**

Attorneys at Law | San Jose | Pleasanton | Modesto | Hollister

**San Jose Office**

60 South Market Street  
Suite 1400, San Jose, CA 95113  
Ph: 408.287.9501 Fax: 408.287.2583

**Pleasanton Office**

6155 Stoneridge Drive  
Pleasanton, CA 94588  
Ph: 925.224.7780 Fax: 925.224.7782

**FAX COVER SHEET**

TO: D. Michael Underhill  
FAX NO: 2022376131  
FROM: Jim Towery  
  
MATTER: Facebook, Inc./ConnectU, Inc.  
DATE: 12/19/2008 7:50:16 AM  
NO PAGES: 11  
MESSAGE:

Please see attached.

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If this fax is incomplete or difficult to read, please call (408) 287-9501



EXHIBIT K

December 22, 2008

VIA EMAIL [jet@hogequenton.com](mailto:jet@hogequenton.com) and US MAIL

James E. Towery  
Hoge, Fenton, Jones & Appel  
60 South Market Street  
Suite 1400  
San Jose, CA 95113-2396

RE: Facebook v. ConnectU

Dear Mr. Towery:

Our firm will stipulate to the proposed substitution of counsel for ConnectU, Inc. if The Facebook, Inc. and ConnectU, Inc. agree to completely indemnify BSF from any liabilities arising from or relating to such substitution. If not, we will accept the offer, made in your December 16 letter, for you to petition the Ninth Circuit for substitution, and will cooperate in any efforts to have your motion heard expeditiously. We are as interested as you are in resolving this matter promptly but need to ensure that the legal rights of the Founders are appropriately protected. In this regard, please confirm that ConnectU will not take any actions to interfere with the pending appeal.

Thank you.

Very truly yours,



D. Michael Underhill

DMU/tle

EXHIBIT L

SCOTT R. MOSKO  
650.849.6672  
scott.mosko@finnegan.com

December 22, 2008

James E. Towery  
Hoge, Fenton, Jones & Appel, Inc.  
60 South Market Street  
Suite 1400  
San Jose, CA 95113-2396

**VIA FEDERAL EXPRESS**

Facebook and Zuckerberg v. ConnectU, et al., Case No. 5:07-cv-01389  
ConnectU, Inc. v. Facebook, Inc., Case No. 1:078-cv-10593-DPW  
ConnectU LLC v. Zuckerberg, Case No. 1:04-cv-11923-DPW

Dear Jim:

As a courtesy, we are providing to you a copy of the pleadings in the Ninth Circuit proceeding that we have maintained during the course of our involvement.

If you have any questions, please let me know.

Sincerely,

*Scott R. Mosko/lmm*

Scott R. Mosko

SRM/lmm  
Enclosures

FILE #	80696
VOLUME	C
DATE REC'D	12/23
INITIALS	SR
DIARY	
ROUTE	JET A10
	Jlf

EXHIBIT M


**ZUCKERMAN SPAEDER LLP**

 1000 STREET NW SUITE 600  
 WASHINGTON, DC 20005-5807  
 (202) 778-1800 (202) 778-1805 fax www.zuckerman.com

 Thomas B. Mason  
 (202) 778-1844  
 tmason@zuckerman.com

January 7, 2009

***Via Facsimile And Federal Express***

 James E. Towery, Esquire  
 Hoge, Fenton, Jones & Appel, Inc.  
 60 South Market Street  
 Suite 1400  
 San Jose, CA 95113-2396

 Re: *Facebook, Inc. v. ConnectU, Inc.*

Dear Mr. Towery:

Zuckerman Spaeder LLP represents Finnegan, Henderson, Farabow, Garrett & Dunner LLP ("Finnegan") with regard to your December 23, 2008 request, on behalf of ConnectU, Inc. ("ConnectU"), that Finnegan provide you with files from its representation of ConnectU. For the reasons set forth below, ConnectU, under its current ownership, is not entitled to the files requested.

As of December 15, 2008, ConnectU ceased to exist as an independent corporate entity and became nothing more than an alter ego of Facebook, Inc. ("Facebook"). Facebook is ConnectU's sole shareholder, and its sole director, Mark Howitson, also serves as ConnectU's President, Secretary, Treasurer, and Chief Financial Officer. ConnectU has no other officers. In addition to serving as ConnectU's sole officer and director, Mr. Howitson is Deputy General Counsel of Facebook. Indeed, to Finnegan's knowledge, ConnectU presently has no other employees besides Mr. Howitson, no assets or revenues, and minimal, if any, business activities. In fact, ConnectU's only present activity appears to be to oppose the legal positions of its former owners.

Prior to December 15, 2008, ConnectU was owned and controlled by Tyler and Cameron Winklevoss and Mr. Divya Narendra, current clients of Finnegan. These individuals litigated and still continue to litigate against Facebook in the Ninth Circuit and the United States District Court for the District of Massachusetts. From 2004 until December 15, 2008, ConnectU, also represented by Finnegan, was similarly adverse to Facebook in the above proceedings. Mr. Howitson, ConnectU's current sole officer and director, is undoubtedly familiar with these proceedings. In his capacity as Deputy General Counsel of Facebook, he filed declarations on behalf of Facebook in the federal court proceeding in California. In addition, prior to joining

**ZUCKERMAN SPAEDER LLP**

James E. Towery, Esquire

January 7, 2009

Page 2

Facebook in November 2007, Mr. Howitson was a partner in the Menlo Park, California office of Orrick Herrington & Sutcliffe LLP ("Orrick"), the same office of Orrick that has represented Facebook in its litigations against Messrs. Winklevoss and Narendra since 2004.

Under the circumstances described above, ConnectU is not entitled to Finnegan's files concerning its prior representation of ConnectU. *E.g., Tekni-Plex v. Meyner and Landis*, 89 N.Y. 2d 123, 137-39 (1996) (holding that successor entity had no right to attorneys' files relating to the matter that led to the change in control); *Orbit One Communications, Inc. v. Numerex Corp.*, 2008 WL 4778133 \*4-5 (S.D.N.Y. Oct. 31, 2008) (same). At all relevant times, Finnegan's representation of ConnectU was a joint representation with its current clients, the Winklevosses and Mr. Narendra. Those individuals continue to litigate against Facebook, ConnectU's controlling and indeed sole shareholder. Finnegan would be remiss in, and not in furtherance of, its ethical obligations if it were to turn over to you all of the materials that you have requested.

ConnectU's request for Finnegan's files has no purpose other than to harass Finnegan and its clients. ConnectU is now the same entity as Facebook, and it already has, within its custody and control, the pleadings, production documents, correspondence, deposition transcripts, etc. that it is requesting from Finnegan. Despite this, Finnegan, as a courtesy, promptly provided you with copies of the pleadings and the appellate record in the Ninth Circuit case. In response, you expanded your request to encompass work product and other protected materials. Finnegan is ethically prohibited from providing you with any such protected materials.

As a further courtesy, we enclose (with the hard copy of this letter) the docket sheets for the case that was pending in the United States District Court for the Northern District of California and for the case that is currently pending in the United States District Court for the District of Massachusetts. If there are specific pleadings or other items identified on these docket sheets that Mr. Howitson or Facebook do not already have and that you would like Finnegan to provide, please let me know.

Please feel free to contact me if you have any questions.

Sincerely yours,

Thomas B. Mason

TBM:gbh

Enclosures

cc: Scott Mosko, Esquire (w/o encl.)  
John Hornick, Esquire (w/o encl.)