

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Nos. 08-16745, 08-16849, 08-16873 (consolidated)

**THE FACEBOOK, INC., *et al.*,
Plaintiffs—Appellees,**

v.

**CONNECTU, INC., *et al.*,
Defendants—Appellants.**

**DECLARATION OF EVAN A. PARKE
IN SUPPORT OF CONNECTU FOUNDERS'
OPPOSITION TO MOTION TO DISQUALIFY COUNSEL**

David A. Barrett
BOIES, SCHILLER & FLEXNER LLP
575 Lexington Avenue
New York, NY 10022
(212) 446-2300

D. Michael Underhill
Evan A. Parke
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Avenue NW
Washington, D.C. 20015
(202) 237-2727

Steven C. Holtzman
BOIES, SCHILLER & FLEXNER LLP
1999 Harrison Street
Oakland, CA 94612
(510) 874-1000

Scott R. Mosko
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
Stanford Research Park
3300 Hillview Avenue
Palo Alto, CA 94304-1203
(650) 849-6600

Sean F. O'Shea
O'SHEA PARTNERS LLP
521 Fifth Avenue
New York, NY 10175
(212) 682-4426

*Attorneys for Non-Movants /
Defendants / Appellants Cameron
Winklevoss, Tyler Winklevoss and
Divya Narendra*

February 13, 2009

I, Evan Andrew Parke, declare as follows:

1. I am an Associate with the law firm of Boies, Schiller & Flexner LLP, counsel for Non-Movants / Defendants / Appellants Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra (the “Founders”). I am a resident in the firm’s Washington, D.C. office and am licensed to practice law in the District of Columbia. I am also admitted to various federal courts including the Court of Appeals for the Federal Circuit. I appeared in the case below per an order of the district court granting my application to appear pro hac vice. I have been admitted to the Bar of this Court. Unless otherwise noted, I have personal knowledge of the facts set forth in this Declaration.

2. Attached as Exhibit A is an accurate copy of the First Amended Complaint in *ConnectU LLC v. Zuckerberg et al.*, Case No. 1:04-CV-11923 (DPW) (D. Mass.) (No. 13) (without attachments) filed in the United States District Court for the District of Massachusetts on October 28, 2004.

3. Attached as Exhibit B is an accurate copy of the Founders’ Initial Notice and Statement of the Issues Pursuant to Local Rule 10-3 Corresponding to Second Notice of Appeal, served on December 29, 2008.

4. Attached as Exhibit C is an accurate copy of the Founders’ (I) Response to Appellant’s Motion to Voluntarily Dismiss Appeal Pursuant to FRAP 42(B) and Stipulation of Dismissal, and (II) Response to Motion to Withdrawal

and Appointment of Substitute Counsel for Defendant-Appellant ConnectU, Inc. (without exhibits or attachments), filed in the Court on January 6, 2009.

5. Attached as Exhibit D is an accurate copy of the Reply Memorandum in Support of Appellees-Cross-Appellants' Motion to Consolidate Case Nos. 09-15021 and 09-15133 with Case Nos. 08-16745, 08-16849, 08-16973, filed in the Court on February 11, 2009.

6. Attached as Exhibit E is an accurate copy of the December 19, 2008, Notice of Appeal (without exhibits or attachments) filed in the United States District Court for the Northern District of California.

7. Attached as Exhibit F is an accurate copy of Appellees-Cross-Appellants' Opposition to Appellants' Fourth Emergency Motion to Stay, filed with the Court on December 5, 2008.

8. Attached as Exhibit G is an accurate copy of Facebook and Mark Zuckerberg's Opposition to ConnectU Inc.'s Motion to Stay Execution of Judgment Pending Appeal (without exhibits or attachments), filed in the United States District Court for the Northern District of California on August 4, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed: February 13, 2009

/s/ Evan A. Parke

BOIES, SCHILLER & FLEXNER LLP

*Attorneys for Defendants and Appellants
Cameron Winklevoss, Tyler Winklevoss
and Divya Narendra*

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.

DATED: February 13, 2009

Respectfully submitted,

/s/ Evan A. Parke

Evan A. Parke