

Case Nos. 08-16745, 08-16849, 08-16873

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

THE FACEBOOK, INC., et al.,
Plaintiffs-Appellees-Cross-Appellants,

v.

CONNECTU, INC. (formerly known as CONNECTU LLC), CAMERON
WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA,
Defendants-Appellants-Cross-Appellees,

Appeal from the United States District Court Northern District of California,
Case No. CV 07-01389-JW, The Honorable James Ware

**DECLARATION OF THERESA A. SUTTON IN SUPPORT OF
APPELLEE'S OPPOSITION TO MOTION TO STAY ISSUANCE OF
MANDATE**

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I, Theresa A. Sutton, declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Appellees Facebook, Inc. and Mark Zuckerberg. I am a member of the State Bar of California. I make this declaration in support of Appellees' Opposition To Motion To Stay Issuance of Mandate. I make this declaration of my own personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of the June 3, 2008, Memorandum and Order, Dkt No. 204, Case No. 07-10593-DPW.

3. Attached hereto as **Exhibit B** is a true and correct copy of ConnectU's May 23, 2008 Administrative Request Pursuant to Civil L.R. 7-11 To Reschedule Hearing on Facebook, Inc. and Mark Zuckerberg's Motion to Enforce Alleged Settlement Agreement, Declaration of Steven C. Holtzman In Support Thereto and relevant exhibit thereto, Case No. 07-01389-JW. [**CONFIDENTIAL-FILED UNDER SEAL**].

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 8th day of June 2011, at Menlo Park, California.

/s/ Theresa A. Sutton /s/

Theresa A. Sutton

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2011, I electronically filed the foregoing document **DECLARATION OF THERESA A. SUTTON IN SUPPORT OF APPELLEE'S OPPOSITION TO MOTION TO STAY ISSUANCE OF MANDATE** with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ E. Joshua Rosenkranz /s/

E. Joshua Rosenkranz