

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

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

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

v.

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

**On Appeal From The United States District Court For The
Northern District of California, No. CV-07-01389-JW,
The Honorable James Ware**

**MOTION OF FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER, LLP TO WITHDRAW
AS COUNSEL FOR DEFENDANT-APPELLANT CONNECTU, INC.**

Scott R. Mosko
FINNEGAN, HENDERSON,
FARABOW,
GARRETT & DUNNER, L.L.P.
Stanford Research Park
3300 Hillview Ave.
Palo Alto, California 94304
Telephone: (650) 849-6600

John F. Hornick
FINNEGAN, HENDERSON,
FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue NW
Washington, D.C. 20001
Telephone: (202) 408-4000

Attorneys for Appellant ConnectU, Inc. in the District Actions

MOTION

Finnegan, Henderson, Farabow, Garrett & Dunner LLP (“Finnegan”), counsel to ConnectU, Inc. and others in the District Court action, an order and judgment from which is on appeal before this Court, hereby moves for an Order allowing it to withdraw from representing ConnectU, Inc. in this appeal. The Boies, Schiller and Flexner, LLP. firm (“Boies”) initially filed a representative statement pursuant to Ninth Circuit Rule 3-2 identifying various members from the Boies firm and Finnegan’s Scott R. Mosko as counsel for ConnectU, Inc. The Orrick firm filed a Ninth Circuit Rule 3-2 statement identifying various members from the Boies firm and Scott R. Mosko and John F. Hornick (also from Finnegan), as counsel for ConnectU, Inc. Finnegan, itself has not filed any pleading in this Court on behalf of ConnectU, Inc.

Since these above-referenced representative statements were filed, on or about December 16, 2008, Finnegan received documents, purportedly executed by new management from ConnectU, Inc. that ConnectU, Inc. no longer desires Finnegan’s representation in this Ninth Circuit appeal. Instead of allowing a reasonable time for Finnegan to investigate the matters asserted by this new management, and its status in this case and this Court, ConnectU Inc.’s purported new counsel, Hoge, Fenton, Jones & Appel, Inc., (“Hoge”) filed a motion seeking Finnegan’s withdrawal from this matter. *See* Docket No. 53 in Case No. 08-

16745, Docket No. 37 in Case no. 08-16849, and Docket No. 34 in Case No. 08-1687.

If either Ninth Circuit Rule 3-2 representative statements resulted in Finnegan becoming counsel to ConnectU, Inc., and in light of the assertions made by Hoge regarding its representation of ConnectU, Inc., Finnegan respectfully requests an Order allowing it to withdraw from its representation of ConnectU, Inc.

Dated: December 29, 2008

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: /s/ Scott R. Mosko
Scott R. Mosko
John F. Hornick
Attorneys for Defendant-Appellant
Connect U, Inc.

Certificate of Service

I hereby certify that on December 29, 2008, I electronically filed the foregoing 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 who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following non-CM/ECF participants:

Steven C. Holtzman, Esq.
Boies, Schiller & Flexner, LLP
1999 Harrison Street, Suite 900
Oakland, CA 94612
Fax: (510) 874-1460

David A. Barrett, Esq.
Boies, Schiller & Flexner, LLP
575 Lexington Avenue, 7th Floor
New York, NY 10022
Fax: (212) 446-2350

Michael D. Underhill, Esq.
Jonathan M. Shaw, Esq.
Boies, Schiller & Flexner, LLP
5301 Wisconsin Avenue NW
Washington, D.C. 20015
Fax: (202) 237-6131
Attorneys for ConnectU, Inc.

Sean F. O'Shea, Esq.
Mark A. Weissman, Esq.
O' Shea Partners LLP
90 Park Avenue, 20th Floor
New York, NY 10016
Fax: (212) 682-4437

Mark A. Byrne, Esq.
Byrne & Nixon LLP
800 West Sixth Street, Suite 430
Los Angeles, CA 90017
Tel: 213.620.8003
Fax: 213.620.8012
*Attorneys for Cameron Winklevoss, Tyler Winklevoss, and
Divya Narendra*

John F. Hornick, Esq.
Finnegan, Henderson, Farabow,
Garrett & Dunner
901 New York Avenue N.W.
Washington, DC 20001
Fax: (202) 408-4400
*Attorney for ConnectU, Inc.,
Cameron Winklevoss, Tyler
Winklevoss, and Divya Narendra,
Pacific Northwest Software, Inc.,*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 29, 2008 at Palo Alto, California.

/s/ Lissette Vazquez