

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

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

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**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.**

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

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

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## **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:

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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