

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

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

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

**v.**

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

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**DECLARATION OF EVAN ANDREW PARKE IN SUPPORT OF  
CAMERON WINKLEVOSS, TYLER WINKLEVOSS AND DIVYA  
NARENDRA’S**

- (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.**

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Movants Cameron Winklevoss,  
Tyler Winklevoss, and Divya  
Narendra*

January 6, 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. 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 Courts 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 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 district court on August 4, 2008.

3. Attached as Exhibit B is an accurate copy of Facebook and Mark Zuckerberg's Motion to Dismiss Appeal (without exhibits or attachments), filed with the Court on November 14, 2008.

4. Attached as Exhibit C is an accurate copy of Facebook and Mark Zuckerberg's "Opposition to Appellants' Fourth Emergency Motion to Stay" (without exhibits or attachments), filed with the Court on December 5, 2008.

5. Attached as Exhibit D is an accurate copy of a letter from D. Michael Underhill, counsel for the Founders, to James Towery, alleged counsel for ConnectU, dated December 22, 2008.

6. Attached as Exhibit E is an accurate copy of a letter from James Towery to D. Michael Underhill, dated December 23, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed: January 6, 2009

/s/ Evan A. Parke

**BOIES, SCHILLER & FLEXNER LLP**

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