

**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 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.**

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

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

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

*Attorneys for Appellants-Non-
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*