

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

Appeal Nos. 08-16745, 08-16849, 08-16873, 09-15021

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

v.

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

**DECLARATION OF EVAN A. PARKE AND
VOLUME I OF EXHIBITS (A-H) IN SUPPORT OF
CONNECTU FOUNDERS' OPPOSITION TO
FACEBOOK'S FEBRUARY 18, 2009 TO MOTION TO DISMISS**

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March 5, 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 Court 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 to my declaration is an accurate copy of the Order Directing the Special Master to Deliver the Property Being Held in Trust to the Parties in Accordance with the Terms of their Settlement Agreement, entered by the district court on November 3, 2008.

3. Attached as Exhibit B to my declaration is an accurate copy of transcript excerpts from a hearing before the district court on July 2, 2008.

4. Attached as Exhibit C to my declaration is an accurate copy of transcript excerpts from a hearing before the district court on June 23, 2008.

5. Attached as Exhibit D to my declaration is an accurate copy of transcript excerpts from a hearing before the district court on August 6,

2008.

6. Attached as Exhibit E to my declaration is an accurate copy of Plaintiffs Facebook, Inc. and Mark Zuckerberg's Opposition to Motion to Intervene by Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra, without exhibits, filed in the district court on August 4, 2008.

7. Attached as Exhibit F to my declaration is an accurate copy of Plaintiffs' Motion for Administrative Relief, Pursuant to Civil Local Rule 7-11, to Correct November 3, 2008, Order Directing Special Master to Deliver Property, filed in the district court on November 10, 2008.

8. Attached as Exhibit G to my declaration is an accurate copy of the Court's December 12, 2008 Order that, among other things, denied appellees/cross-appellants' first motion to dismiss without prejudice.

9. Attached as Exhibit H to my declaration is an accurate copy of the district court's Order Denying Plaintiffs' Motion to Correct; Granting Plaintiffs' Motion for Clarification; and Vacating the November 3, 2008 Judgment, entered by the district court on November 21, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed: March 5, 2009

/s/ Evan A. Parke

BOIES, SCHILLER & FLEXNER LLP

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

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

DATED: March 5, 2009

Respectfully submitted,

/s/ Evan A. Parke

Evan A. Parke