

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

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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

v.

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

Appeal from the United States District Court Northern District of California,
Case No. CV 07-01389-JW, The Honorable James Ware

**SUPPLEMENTAL DECLARATION OF THERESA A. SUTTON IN
SUPPORT OF APPELLEES/CROSS-APPELLANTS FACEBOOK, INC.
AND MARK ZUCKERBERG'S REPLY MEMORANDUM TO DISMISS
PORTIONS OF APPELLANTS' CAMERON WINKLEVOSS, TYLER
WINKLEVOSS AND DIVYA NARENDRA'S APPEALS**

I. NEEL CHATTERJEE (STATE BAR NO. 173985)
WARRINGTON S. PARKER, III (STATE BAR NO. 148003)
MONTE COOPER (STATE BAR NO. 196746)
THERESA A. SUTTON (STATE BAR NO. 211857)
YVONNE P. GREER (STATE BAR NO. 214072)
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

Attorneys for Appellees/Cross-Appellants Facebook, Inc. and Mark Zuckerberg

I, Theresa A. Sutton, declare as follows:

1. I am an Associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Facebook, Inc. and Mark Zuckerberg. I am a member of the State Bar of California and the Ninth Circuit. I make this supplemental declaration in support of Appellees-Cross-Appellants' Reply Memorandum in support of their Motion to Dismiss portions of Appellants' Cameron Winklevoss, Tyler Winklevoss and Divya Narendra's Appeals. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. Attached hereto as **Exhibit V** is a true and correct copy of the November 30, 2007, Court Order granting motion to dismiss claims against Defendants Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra.

3. Attached hereto as **Exhibit W** is a true and correct copy of the June 3, 2008 Memorandum and Order filed in the United States District Court District of Massachusetts, Case No. 07-10593-DPW.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 12th day of March 2009, at Menlo Park, California.

/s/ Theresa A. Sutton /s/
Theresa A. Sutton

CERTIFICATE OF SERVICE VIA ELECTRONIC FILING

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 copied will be sent to those indicated as non-registered participants,

Dated: March 12, 2009

Respectfully Submitted,

/s/ Theresa A. Sutton /s/

THERESA A. SUTTON