

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU, INC., CAMERON
WINKLEVOSS, TYLER WINKLEVOSS,
AND DIVYA NARENDRA,

Plaintiff,

v.

FACEBOOK, INC., MARK ZUCKERBERG,
EDUARDO SAVERIN, DUSTIN
MOSKOVITZ, ANDREW MCCOLLUM, and
FACEBOOK, LLC,

Defendants.

Civil Action No. 1:07-CV-10593-DPW

FILED
IN CLERKS OFFICE
2008 DEC 15 A 11:58
U.S. DISTRICT COURT
DISTRICT OF MASS.

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO
SAVERIN, DUSTIN MOSKOVITZ, ANDREW
MCCOLLUM, CHRISTOPHER HUGHES, and
FACEBOOK, INC.,

Defendants.

Civil Action No. 1:04-CV-11923 (DPW)

MARK ZUCKERBERG, and FACEBOOK,
INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

DEFENDANTS' MOTION FOR ORDER OF DISMISSAL

On July 2, 2008, the United States District Court of the Northern District of California, San Jose Division, entered a Judgment Enforcing Settlement Agreement ("Judgment"), attached hereto as Exhibit A. Pursuant to the Judgment, all cases by and between The Facebook, Inc. and Mark Zuckerberg and their related parties, and ConnectU Inc., Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra, and their related parties, pending as of the date of the Settlement Agreement are to be dismissed with prejudice. Based on the Judgment of the California District Court, the following cases are dismissed with prejudice:

- *The Facebook, Inc. et al, v. ConnectU, Inc., et al.*, Civil Action No. C 07-01389, before the United States District Court for the Northern District of California;
- *ConnectU, LLC v. Facebook, Inc. et al.*, Case No. 1:04-cv-11923-DPW, before the District of Massachusetts; and
- *ConnectU, Inc. et al v. Faceook, Inc., et al.* Civil Action No. 1:07-CV-10593-DPW, before the District of Massachusetts¹

Accordingly, Defendants request that all claims asserted against ConnectU, LLC, ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra be dismissed with prejudice with each of the parties to bear their own attorney's fees and costs. A proposed order is submitted herewith.

¹ In September 2004, ConnectU filed a lawsuit in the District of Massachusetts, *ConnectU LLC v. Zuckerberg, et al.*, Case No.: 04-11923 DPW, against Facebook, Mark Zuckerberg and several individuals associated with the founding of Facebook. The case was dismissed for lack of diversity in March 2007. Subsequently, ConnectU Shareholders and ConnectU, Inc. re-filed in the same Court, Civil Action No. 1:07-CV-10593-DPW, *ConnectU, Inc. et al v. Faceook, Inc., et al.* ConnectU appealed the dismissal and in April 2008, the First Circuit reversed and remanded. Those cases have been consolidated before the Honorable Douglas P. Woodlock in *ConnectU, LLC v. Facebook, Inc. et al.*, Case No. 1:04-cv-11923-DPW.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Counsel for the Defendants certifies that pursuant to Local Rule 7.1(a)(2) they met and conferred with counsel for Plaintiffs regarding this motion on August 3, 2008, via email correspondence.

Dated: August 4, 2008.

Respectfully submitted,

/s/ I. Neel Chatterjee /s/

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Attorneys for Defendants Facebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and TheFacebook LLC

Dated: August 4, 2008

HOLLAND & KNIGHT

/s/ Daniel K. Hampton /s/

Daniel K. Hampton

Attorneys for Defendant Eduardo Saverin

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 on August 4, 2008.

Dated: August 4, 2008.

Respectfully submitted,

/s/ I. Neel Chatterjee /s/

I. Neel Chatterjee (*pro hac vice*)

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[PROPOSED] ORDER OF DISMISSAL

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ORDER

IT IS SO ORDERED.

Dated: _____

Honorable Douglas Woodlock
United States District Judge
District of Massachusetts