

EXHIBIT V-5

1 G. HOPKINS GUY, III (State Bar No. 124811)
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 2 MONTE COOPER (State Bar No. 196746)
 ROBERT D. NAGEL (State Bar No. 211113)
 3 THERESA A. SUTTON (State Bar No. 211857)
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6 Attorneys for Plaintiff
 7 THEFACEBOOK, INC.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 COUNTY OF SANTA CLARA

11 THEFACEBOOK, INC.,

12 Plaintiff,

13 v.

14 CONNECTU LLC, CAMERON
 15 WINKLEVOSS, TYLER WINKLEVOSS,
 HOWARD WINKLEVOSS, DIVYA
 16 NARENDRA, AND DOES 1-25,

17 Defendants.

CASE NO. 1:05-CV-047381

**DECLARATION OF ROBERT D.
 NAGEL IN SUPPORT OF
 FACEBOOK, INC.'S OPPOSITION TO
 DEFENDANTS' MOTION TO QUASH
 SERVICE OF COMPLAINT AND
 SUMMONS FOR LACK OF
 PERSONAL JURISDICTION**

Date: June 1, 2006
 Time: 9:00 A.M.
 Dept: 2
 Judge: William J. Elfving

1 I, Robert D. Nagel, declare:

2 1. I am a member of the State Bar of California and an associate with Orrick,
3 Herrington & Sutcliffe LLP, attorneys of record for Plaintiff Facebook, Inc. in this action. I make
4 this declaration based upon my personal knowledge and, if called as a witness in this action,
5 could and would testify competently as to the matters set forth herein.

6 2. Attached hereto as **Exhibit A** is a true and correct copy of relevant excerpts
7 from the Deposition Transcript of ConnectU LLC, dated August 9, 2005. [**CONDITIONALLY**
8 **LODGED WITH THE COURT**]

9 3. Attached hereto as **Exhibit B** is a true and correct copy of an email string
10 between Defendants Cameron and Howard Winklevoss, dated May 3, 2002, and Bates numbered
11 C003865 through C003869. [**CONDITIONALLY LODGED WITH THE COURT**]

12 4. Attached hereto as **Exhibit C** is a true and correct copy of relevant excerpts
13 from the Highly Confidential Deposition Transcript of Divya Narendra, dated January 16, 2006.
14 [**CONDITIONALLY LODGED WITH THE COURT**]

15 5. Attached hereto as **Exhibit D** is a true and correct copy of an email,
16 marked Confidential, from Cameron Winklevoss to Marc M. Pierrat, dated May 4, 2004 and
17 Bates numbers C003990 through C003991. [**CONDITIONALLY LODGED WITH THE**
18 **COURT**]

19 6. Attached hereto as **Exhibit E** is a true and correct copy of Amended
20 Response of Defendant Cameron Winklevoss to Form Interrogatories, dated March 31, 2006.

21 7. Attached hereto as **Exhibit F** is a true and correct copy of Amended
22 Response of Defendant Tyler Winklevoss to Form Interrogatories, dated March 31, 2006.

23 8. Attached hereto as **Exhibit G** is a true and correct copy of Amended
24 Response of Defendant Divya Narendra to Form Interrogatories, dated March 31, 2006.

25 9. Attached hereto as **Exhibit H** is a true and correct copy of relevant
26 excerpts from the Highly Confidential Deposition Transcript of Tyler Winklevoss, dated
27 January 16, 2006. [**CONDITIONALLY LODGED WITH THE COURT**]

28 10. Attached hereto as **Exhibit I** is a true and correct copy of an email, marked

1 Confidential, from Wayne Chang to Cameron Winklevoss (and others), dated February 17, 2005
2 and Bates numbered C008673. **[CONDITIONALLY LODGED WITH THE COURT]**

3 11. Attached hereto as **Exhibit J** is a true and correct copy of relevant excerpts
4 from the Highly Confidential Deposition Transcript of Cameron Winklevoss, dated August 9,
5 2005. **[CONDITIONALLY LODGED WITH THE COURT]**

6 12. Attached hereto as **Exhibit K** is a true and correct copy of pages printed
7 from www.winklevoss.com.

8 13. Attached hereto as **Exhibit L** is a true and correct copy of a printout from
9 the website of the California Secretary of State showing Winklevoss, LLC's registration, and its
10 agent for service of process, in California.

11 14. Attached hereto as **Exhibit M** is a true and correct copy of an email,
12 marked Confidential, from Marc M. Pierrat to Cameron Winklevoss and Divya Narendra, dated
13 June 21, 2004 and Bates numbered C007697. **[CONDITIONALLY LODGED WITH THE**
14 **COURT]**

15 15. Attached hereto as **Exhibit N** is a true and correct copy of an email,
16 marked Confidential, from Marc M. Pierrat to Cameron Winklevoss, dated August 16, 2004 and
17 Bates numbered C007602. **[CONDITIONALLY LODGED WITH THE COURT]**

18 16. Attached hereto as **Exhibit O** is a true and correct copy of a string of
19 emails, marked Confidential, between Cameron Winklevoss and Howard Winklevoss, dated May
20 3, 2004 and Bates numbered C003865 through C003869. **[CONDITIONALLY LODGED**
21 **WITH THE COURT]**

22 17. Attached hereto as **Exhibit P** is a true and correct copy of a string of
23 emails, marked Confidential, from Winston Williams to Cameron and Tyler Winklevoss (and
24 others), dated February 19, 2005, and Bates numbered C008963. **[CONDITIONALLY**
25 **LODGED WITH THE COURT]**

26 18. Attached hereto as **Exhibit Q** is a true and correct copy of relevant
27 excerpts from the Highly Confidential Deposition Transcript of Mark Zuckerberg, dated April 25,
28 2006. **[CONDITIONALLY LODGED WITH THE COURT]**

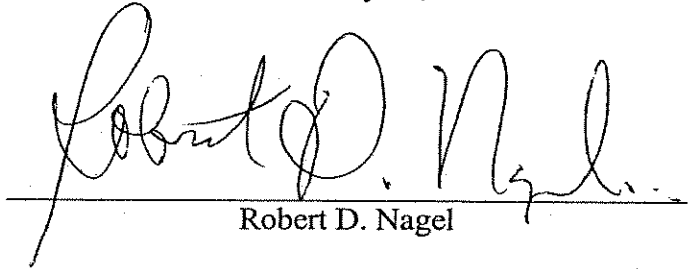
1 19. Attached hereto as **Exhibit R** is a true and correct copy of relevant excerpts
2 from the Highly Confidential Deposition Transcript of ConnectU LLC, dated January 16, 2006.

3 **[CONDITIONALLY LODGED WITH THE COURT]**

4 20. Attached hereto as **Exhibit S** is a true and correct copy of TheFacebook's
5 Terms of use and privacy Policy.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct. Executed in Menlo Park, California on May 11, 2006.

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Robert D. Nagel