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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12 FACEBOOK, INC., and MARK ZUCKERBERG,

13 Plaintiffs,

14 v.

15 CONNECTU LLC, (now known as CONNECTU
 INC.) CAMERON WINKLEVOSS, TYLER
 WINKLEVOSS, DIVYA NARENDRA,
 16 PACIFIC NORTHWEST SOFTWARE, INC.,
 WINSTON WILLIAMS, WAYNE CHANG, and
 17 DAVID GUCWA,

18 Defendants.
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CASE NO. C 07-01389 RS

**DECLARATION OF SCOTT R.
 MOSKO IN SUPPORT OF
 PLAINTIFFS' ADMINISTRATIVE
 REQUEST PURSUANT TO LOCAL
 CIVIL RULE 79-5(b) & (d) TO FILE
 UNDER SEAL EXHIBITS C, E, L, M,
 O, U, X, AND CC TO THE
 DECLARATION OF THERESA A.
 SUTTON IN SUPPORT OF
 PLAINTIFFS' OPPOSITION TO
 DEFENDANTS' MOTION TO
 DISMISS**

[PROPOSED ORDER]

Date: October 10, 2007
 Time: 9:30 a.m.
 Dept.: 4
 Judge: Hon. Richard Seeborg

1 I, Scott R. Mosko, declare as follows:

2 I am a partner with the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner,
3 L.L.P., counsel of record for Defendants ConnectU LLC, Cameron Winklevoss, Tyler Winklevoss
4 and Divya Narendra in the above captioned matter. This declaration is based on my personal
5 knowledge and, if called as a witness, could and would competently testify thereto.

6 1. The following materials designated by the Plaintiffs in their Administrative Request
7 Pursuant to Local Civil Rule 79-5(b) & (d) to File Under Seal Exhibits C, E, L, M, O, U, X, and CC
8 to the Declaration of Theresa A. Sutton in Support of Plaintiffs' Opposition to Defendants' Motion
9 to Dismiss ("Sutton Declaration") for Filing Under Seal are confidential and sealable in their
10 entirety:

11 • **Exhibit CC** to the Declaration of Theresa A. Sutton filed in Support of
12 Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of Facebook's
13 Motions to Compel filed in the Superior Court for the County of Santa Clara action,
14 Case No. 1:05-CV-047381. These motions contain references to documents and
15 deposition testimony produced by ConnectU that ConnectU marked Confidential.
16 Accordingly, the Motions to Compel were marked Confidential by Facebook
17 pursuant to the Protective Order entered in that matter. This exhibit should be sealed
18 from public viewing pursuant to Local Civil Rule 79-5(b) and (d) and should remain
19 sealed from public view.

20 2. The following materials in Plaintiffs Administrative Request Pursuant to Local Civil
21 Rule 79-5(b) & (d) to File Under Seal Exhibits C, E, L, M, O, U, X, and CC to the Declaration of
22 Theresa A. Sutton in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss were
23 designated by the Defendants as confidential or highly confidential and sealable in their entirety:

24 • **Exhibit C** to the Declaration of Theresa A. Sutton filed in Support of
25 Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of Defendants'
26 Reply to Facebook's Opposition to Defendants Motion to Quash, filed on May 24,
27 2006, Santa Clara County Superior Court, Case No. 1:05-CV-047381. It has been
28 marked Confidential by ConnectU pursuant to the Protective Order entered in this

1 matter, and hence is subject to Local Civil Rule 79-5(d) and should remain sealed
2 from public view.

3 • **Exhibit E** to the Declaration of Theresa A. Sutton filed in Support of
4 Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of relevant exhibits
5 from ConnectU's production in the Massachusetts action, *ConnectU LLC v.*
6 *Zuckerberg, et al.*, Case No. 1:04-CV-11923-DPW. These documents have been
7 marked Confidential by ConnectU pursuant to the Protective Order entered in that
8 matter, and hence is subject to Local Civil Rule 79-5(d) and should remain sealed
9 from public view.

10 • **Exhibit L** to the Declaration of Theresa A. Sutton filed in Support of
11 Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of relevant exhibits
12 from Pacific Northwest Software's production. These documents have been marked
13 Confidential by Pacific Northwest Software pursuant to the Protective Order entered
14 in this matter, and hence is subject to Local Civil Rule 79-5(d) and should remain
15 sealed from public view.

16 • **Exhibit M** to the Declaration of Theresa A. Sutton filed in Support of
17 Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of relevant exhibits
18 from ConnectU's production in this action. These documents have been marked
19 Confidential by ConnectU pursuant to the Protective Order entered in this matter, and
20 hence is subject to Local Civil Rule 79-5(d) and should remain sealed from public
21 view.

22 • **Exhibit O** to the Declaration of Theresa A. Sutton filed in Support of
23 Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of relevant excerpts
24 from Winston Williams' June 19, 2007, deposition. The deposition testimony has
25 been marked Confidential by Winston Williams pursuant to the Protective Order
26 entered in this matter, and hence is subject to Local Civil Rule 79-5(d) and should
27 remain sealed from public view.
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