

1 Scott R. Mosko (State Bar No. 106070)
 scott.mosko@finnegan.com
 2 FINNEGAN, HENDERSON, FARABOW,
 GARRETT & DUNNER, L.L.P.
 3 Stanford Research Park
 3300 Hillview Avenue
 4 Palo Alto, California 94304
 Telephone: (650) 849-6600
 5 Facsimile: (650) 849-6666

6 Attorney for Defendants Pacific Northwest
 Software, Inc. and Winston Williams
 7

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

11 FACEBOOK, INC., and MARK ZUCKERBERG,

12 Plaintiffs,

13 v.

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

18 Defendants.
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

CASE NO. C 07-01389 RS

**DECLARATION OF SCOTT R.
 MOSKO IN SUPPORT OF
 FACEBOOK'S ADMINISTRATIVE
 REQUEST PURSUANT TO LOCAL
 CIVIL RULE 79-5(d) TO FILE UNDER
 SEAL THE REPLY MEMORANDUM
 OF POINTS AND AUTHORITIES IN
 SUPPORT OF FACEBOOK'S MOTION
 TO COMPEL PACIFIC NORTHWEST
 SOFTWARE, INC. AND WINSTON
 WILLIAMS TO PROVIDE
 COMPLETE AND SUPPLEMENTAL
 RESPONSES TO FACEBOOK'S FIRST
 SET OF INTERROGATORIES NOS. 3
 AND 4 AND EXHIBITS I AND K TO
 THE DECLARATION OF MONTE
 COOPER SUPPORT OF FACEBOOK'S
 MOTION TO COMPEL**

[PROPOSED] ORDER

Date: December 14, 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 Pacific Northwest Software, Inc. and Winston Williams in
4 the above captioned matter. This declaration is based on my personal knowledge and, if called as a
5 witness, could and would competently testify thereto.

6 **1. Papers Submitted for Partial Filing Under Seal**

7 The following document designated by Facebook's Administrative Request Pursuant to Local
8 Civil Rule 79-5(d) to File Under Seal the Reply Memorandum of Points and Authorities in Support
9 of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and
10 Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 contains excerpts of
11 a highly confidential document that should be filed under seal:

- 12 • Facebook's Reply Memorandum of Points and Authorities in Support of Facebook's
13 Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and
14 Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4.
15 This document contains direct quotes from a document produced by Pacific
16 Northwest Software, Inc. It contains confidential business information of defendant
17 Pacific Northwest Software, Inc., specifically source code, and hence is subject to
18 Local Civil Rule 79-5(c) and (d) and the excerpts should be sealed from public view.

19 **2. Papers Submitted For Filing Under Seal in Their Entireties**

20 The following materials designated by Facebook's Administrative Request Pursuant to Local
21 Civil Rule 79-5(b) & (d) to File Under Seal the Reply Memorandum of Points and Authorities in
22 Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide
23 Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 and
24 Exhibits I and K to the Declaration of Monte Cooper in Support of Facebook's Motion to Compel
25 are confidential or highly confidential and sealable in their entirety:

- 26 • **Exhibit I** to the Declaration of Monte Cooper in Support of Facebook's Reply
27 Memorandum of Points and Authorities in Support of Facebook's Motion to Compel
28 Pacific Northwest and Winston Williams to Provide Complete and Supplemental

1 Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 is a copy of
2 excerpts from Winston Williams' June 19, 2007 deposition taken in this matter. The
3 deposition testimony has been marked Highly Confidential by Winston Williams
4 pursuant to the Protective Order entered in this matter. It contains testimony
5 regarding confidential business information of defendant Pacific Northwest Software,
6 Inc., and hence is subject to Local Civil Rule 79-5(c) and (d) and the excerpts should
7 be sealed from public view.

8 • **Exhibit K** to the Declaration of Monte Cooper in Support of Facebook's
9 Reply Memorandum of Points and Authorities in Support of Facebook's Motion to
10 Compel Pacific Northwest and Winston Williams to Provide Complete and
11 Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 is a
12 copy of a document produced by Pacific Northwest Software, Inc. (PNS0002119).
13 This document has been marked Highly Confidential by Pacific Northwest Software,
14 Inc. pursuant to the Protective Order entered in this matter. It contains confidential
15 business information, specifically source code, of defendant Pacific Northwest
16 Software, Inc., and hence is subject to Local Civil Rule 79-5(c) and (d) and the should
17 be sealed in its entirety from public view.

18 I declare under penalty of perjury under the laws of the United States of America, that
19 the foregoing is true and correct. Executed on November 19, 2007, at Palo Alto, California

21 /s/ Scott R. Mosko
22 Scott R. Mosko

23 //
24 //
25 //
26 //
27 //
28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Upon good cause shown, **IT IS HEREBY ORDERED** that the following documents shall be received and filed under seal by the Clerk:

1. The highlighted and unredacted version of Facebook’s Reply Memorandum of Points and Authorities in Support of Facebook’s Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook’s First Set of Interrogatories Nos. 3 and 4.

2. Exhibits I and K to the Declaration of Monte Cooper in Support of Facebook’s Reply Memorandum of Points and Authorities in Support of Facebook’s Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook’s First Set of Interrogatories Nos. 3 and 4.

Dated: _____, 2007

United States Magistrate Judge