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 FACEBOOK, INC. and MARK ZUCKERBERG

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

FACEBOOK, INC. and MARK
 ZUCKERBERG,

Plaintiffs,

v.

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

Defendants.

Case No. 5:07-CV-01389-RS

**DECLARATION OF THERESA A.
 SUTTON PURSUANT TO CIVIL
 LOCAL RULE 79-5(D) IN SUPPORT
 OF SEALING EXHIBITS V-8-E, V-8-
 G, V-8-H, AND V-4; AND
 WITHDRAWING THE
 CONFIDENTIAL DESIGNATIONS
 TO EXHIBITS V-5-Q AND V-8-B TO
 THE DECLARATION OF SCOTT
 MOSKO IN SUPPORT OF
 DEFENDANTS' MOTION TO
 DISMISS**

Date: October 10, 2007
 Time: 9:30 A.M.
 Judge: Honorable Richard Seeborg

1 I, Theresa A. Sutton, declare as follows:

2 1. I am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 to Plaintiffs Facebook, Inc. and Mark Zuckerberg. I am licensed to practice law in the State of
4 California. I have personal knowledge of the facts and circumstances set forth in this Declaration.
5 If called as a witness, I could and would testify competently to the matters set forth herein. I
6 make this Declaration pursuant to Civil L.R. 79-5(d).

7 2. On September 5, 2007, Defendants Cameron Winklevoss, Tyler Winklevoss, and
8 Divya Narendra lodged exhibits with the Court pending this Court's ruling on Defendants'
9 Administrative Request to Seal those documents (Dkt. No. 138). Good cause exists for sealing
10 Exhibits V-8-E, V-8-G, V-8-H, and V-4 to the Declaration of Scott Mosko in Support of
11 Defendants' Memorandum.

12 3. **Exhibit V-8-E** is a document related to the registration of the Facebook.com
13 domain registration. The document contains Mark Zuckerberg's parents' home address and
14 phone number. Because of the substantial public attention this case has drawn, Mr. Zuckerberg is
15 concerned that the release of his family's home address and phone number will invite third parties
16 to contact his family, imposing an unnecessary and avoidable burden on them.

17 4. **Exhibit V-8-G** is a copy of an Agreement between Facebook and a third party,
18 Equinix. The Agreement was marked confidential by the third party. It is not Facebook's
19 information to make publicly available.

20 5. **Exhibit V-8-H** is a copy of excerpts from the deposition of Mark Zuckerberg. The
21 testimony includes confidential and commercially sensitive financial information (in the form of a
22 valuation placed on the company) related to Facebook, Inc.

23 6. Defendants also lodged **Exhibit V-4**. This document, Facebook's Opposition to
24 Defendants' Motion to Quash, contains information ConnectU designated as Confidential and
25 was filed under seal by the Superior Court of California before this action was removed to this
26 Court.

27 7. Defendants also lodged as sealable **Exhibits V-5-Q** and **V-8-B**. Facebook is
28 withdrawing its "Confidential" designation on these documents. **Exhibits V-5-Q** and **V-8-B** need

1 not be placed under seal.

2 I declare under penalty of perjury that the foregoing is true and correct to the best
3 of my knowledge.

4 Executed this 7th day of September, 2007, at Menlo Park, California.

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/s/ Theresa A. Sutton /s/

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Theresa A. Sutton

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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 September 7, 2007.

Dated: September 7, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

Theresa A. Sutton