

1 G. HOPKINS GUY, III (State Bar No. 124811)
 hopguy@orrick.com
 2 I. NEEL CHATTERJEE (State Bar No. 173985)
 nchatterjee@orrick.com
 3 MONTE COOPER (State Bar No. 196746)
 mcooper@orrick.com
 4 THERESA A. SUTTON (State Bar No. 211857)
 tsutton@orrick.com
 5 YVONNE P. GREER (State Bar No. 214072)
 ygreer@orrick.com
 6 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 7 Menlo Park, CA 94025
 Telephone: 650-614-7400
 8 Facsimile: 650-614-7401

9 Attorneys for Plaintiffs
 FACEBOOK, INC. and MARK ZUCKERBERG

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 FACEBOOK, INC. and MARK
 ZUCKERBERG,

16 Plaintiffs,

17 v.

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

22 Defendants.
 23

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

**DECLARATION OF THERESA A.
 SUTTON PURSUANT TO CIVIL
 LOCAL RULE 79-5(D)
 WITHDRAWING THE
 CONFIDENTIAL DESIGNATION OF
 EXHIBIT 2 TO DOCKET NO. 92**

Date: July 11, 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 June 25, 2007, Facebook lodged several exhibits with the Court pending this
8 Court's ruling on its Administrative Request to Seal those documents (Dkt. No. 93). Though
9 Exhibit 2 to the Declaration of Monte M.F. Cooper in Support of Plaintiffs' Opposition to PNS
10 and Williams' Motion to Dismiss (Dkt. 92) is not generally available to the public and has not
11 been otherwise made public, Facebook hereby withdraws its "Confidential" designation on
12 Exhibit 2. As a result, Exhibit 2 to Docket No. 92 need not be sealed in the Court's records.

13 3. Exhibit 2 will be separately re-filed.

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

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

17
18
19
20
21
22
23
24
25
26
27
28

/s/ Theresa A. Sutton /s/

Theresa A. Sutton

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

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