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 Cameron Winklevoss, Tyler Winklevoss
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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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FACEBOOK, INC., and MARK ZUCKERBERG,

CASE NO. C 07-01389 RS

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Plaintiffs,

**DECLARATION OF SCOTT R.
 MOSKO IN SUPPORT OF
 PLAINTIFFS' ADMINISTRATIVE
 MOTION FOR FILING UNDER SEAL**

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v.

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

Date: September 26, 2007
 Time: 9:30 a.m.
 Dept.: 4
 Judge: Hon. Richard Seeborg

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Defendants.

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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 J, U, BB, CC, DD and EE to
8 the Declaration of I. Neel Chatterjee in Support of Facebook's Motion for Sanctions ("Chatterjee
9 Declaration") for Filing Under Seal are highly confidential and sealable in their entirety:

10 • Exhibit CC Exhibit CC to the Chatterjee Declaration is a copy of the Motion
11 to Compel the deposition of ConnectU, which Facebook filed in the Superior Court in
12 this action. This motion contains references to confidential material. It was marked
13 Confidential by Facebook pursuant to the Protective Order entered in this matter, and
14 was filed under seal in the Superior Court. This exhibit should remain sealed from
15 public viewing pursuant to Civil Local Rule 79-5(b).

16 • Exhibit DD to the Chatterjee Declaration is a copy of the Motion to Compel
17 responses by ConnectU to written discovery, which Facebook filed in the Superior
18 Court in this action. This motion contains references to confidential material. It was
19 marked Confidential by Facebook pursuant to the Protective Order entered in this
20 matter, and was filed under seal in the Superior Court. This exhibit should continue to
21 be sealed from public viewing pursuant to Civil Local Rule 79-5(b)

22 • Exhibit EE to the Chatterjee Declaration is a copy of the Motion to Compel
23 responses by ConnectU to written discovery, which Facebook filed in the Superior
24 Court in this action. This motion contains references to confidential material. It was
25 marked Confidential by Facebook pursuant to the Protective Order entered in this
26 matter, and was filed under seal in the Superior Court. This exhibit should remain
27 sealed from public viewing pursuant to Civil Local Rule 79-5(b).

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1 2. The following materials in Plaintiffs Administrative Request Pursuant to Local Civil
2 Rule 79-5(B) & (D) to File Under Seal Exhibits J, U, BB, CC, DD and EE to the Declaration of I.
3 Neel Chatterjee in Support of Facebook's Motion for Sanctions were designated by the Defendants
4 as confidential or highly confidential and sealable in their entirety:

5 • Exhibit J to the Chatterjee Declaration is a copy of ConnectU, LLC's
6 Operating Agreement and has been marked Confidential by ConnectU pursuant to the
7 Protective Order entered in this matter, and hence is subject to Civil Local Rule 79-
8 5(d). This exhibit should remain sealed from public viewing pursuant to Local Civil
9 Rule 79-5(b).

10 • Exhibit U to the Chatterjee Declaration is a copy of supplemental briefing
11 submitted by ConnectU in the Massachusetts litigation. It has been marked
12 Confidential by ConnectU pursuant to the Protective Order entered in that matter as a
13 result of citation to deposition testimony and other documentation produced by
14 Facebook and Mark Zuckerberg which is subject to that Protective Order. This
15 exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-
16 5(b).

17 • Exhibit BB to the Chatterjee Declaration is a copy of ConnectU's responses to
18 Facebook's First Set of Interrogatories, which it served in the Massachusetts action. It
19 has been marked Confidential by ConnectU pursuant to the Protective Order entered
20 in that matter, and hence is subject to Local Civil Rule 79-5(d). This exhibit should
21 remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).

22 I declare under penalty of perjury under the laws of the United States of America, that
23 the foregoing is true and correct. Executed on September 14, 2007, at Palo Alto, California
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26 /s/ Scott R. Mosko
27 Scott R. Mosko