

# **EXHIBIT 7**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

C.A. No. 04-1923 (DPW)

MARK ZUCKERBERG, EDUARDO SAVERIN,  
DUSTIN MOSKOVITZ, ANDREW McCOLLUM,  
CHRISTOPHER HUGHES and THE FACEBOOK,  
INC.,

Defendants.

CERTIFIED  
COPY

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VOLUME 1

VIDEOTAPED DEPOSITION OF CONNECTU LLC

BY CAMERON H. WINKLEVOSS

Boston, Massachusetts

Tuesday, August 9, 2005

9:44 a.m. to 5:27 p.m.

Reported by:

Jessica L. Williamson, RMR, RPR, CRR

Notary Public, CSR No. 138795

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VIDEOTAPED DEPOSITION OF CONNECTU LLC  
by CAMERON H. WINKLEVOSS, a witness called  
on behalf of the Defendant Mark Zuckerberg,  
Dustin Moskovitz, Andrew McCollum,  
Christopher Hughes and The Facebook, Inc.,  
pursuant to Rule 30(b)(6) of the Federal  
Rules of Civil Procedure, before Jessica L.  
Williamson, Registered Merit Reporter,  
Certified Realtime Reporter and Notary  
Public in and for the Commonwealth of  
Massachusetts, at the Offices of Proskauer  
Rose, LLP, One International Place, Boston,  
Massachusetts, on Tuesday, August 9, 2005,  
commencing at 9:44 a.m.

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A P P E A R A N C E S, Continued

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Note: Original Exhibits 1 - 15 were retained by the court reporter and forwarded to Sarnoff Court Reporting for distribution.

P R O C E E D I N G S

THE VIDEOGRAPHER: We are recording

and are now on the record. Today's date is

August the 9th, 2005, and the time is 9:44

a.m. My name is George Dobrentey. I'm a

legal videographer for G & M Court

Reporters, Ltd. Our business address is 42

Chauncy Street, Suite 1A, Boston,

Massachusetts 02111.

This is the deposition of Cameron Winklevoss in the matter of ConnectU vs. Zuckerberg in the United States District Court for the District of Massachusetts, Civil Action No. 04-1923(DPW).

This deposition is being taken at One International Place in Boston, Massachusetts, on behalf of the defendant. The court reporter is Jessica Williamson. Counsel will state their appearances, and the court reporter will administer the oath.

MR. CHATTERJEE: Neel Chatterjee and Joshua Walker for all of the defendants except for Eduardo Saverin.

MR. WALKER: Robert Hawk from Heller Ehrman for Defendant Saverin.

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MR. HORNICK: John Hornick and Troy  
Grabow for the plaintiff, ConnectU.

CAMERON H. WINKLEVOSS,  
a witness called on behalf of the Defendants  
Mark Zuckerberg, Dustin Moskovitz, Andrew  
McCollum, Christopher Hughes and The  
Facebook, Inc., having first been duly  
sworn, was deposed and testifies as follows:

DIRECT EXAMINATION

BY MR. CHATTERJEE:

- Q. Mr. Winklevoss, thank you for coming today.  
Do you understand that your deposition today  
is you're testifying on behalf of ConnectU  
LLC?
- A. Yes.
- Q. Have you ever had your deposition taken  
before?
- A. No.
- Q. I'm going to go over some ground rules with  
you, and I'm just going to ask you to make  
sure you understand them. You may have gone  
over them with your counsel before.



01:16:07 1 Q. And would it be like match.com?

01:16:10 2 A. I don't think we looked at match. We looked

01:16:14 3 at Yahoo Personals, that's one salient one

01:16:18 4 that I can remember outside of Friendster.

01:16:19 5 Q. And what about American Singles?

01:16:22 6 A. I think that -- I logged onto American

01:16:26 7 Singles probably in post-February 2004, I

01:16:28 8 believe. I'm not sure if I looked at it

01:16:30 9 prior to -- during the time I met with Mr.

01:16:32 10 Zuckerberg. I don't recall.

01:16:34 11 Q. So it isn't ConnectU's position that looking

01:16:46 12 at other websites and as guidance on how to

01:16:49 13 develop your website, the information on

01:16:52 14 those other websites isn't anything that you

01:16:55 15 would claim as a trade secret?

01:16:57 16 MR. HORNICK: Objection, calls for

01:16:59 17 contention testimony, but you can answer.

01:17:01 18 A. Again, those other websites are in the

01:17:03 19 public domain, and they're -- you know, they

01:17:06 20 are what they are. They're there. And I

01:17:10 21 would not call a public website such as, you

01:17:12 22 know, friendster.com a proprietary thing. I

01:17:16 23 am -- yeah.

01:17:18 24 Q. And, in fact, in developing ConnectU, you

01:17:20 25 assessed Thefacebook to develop your website

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with these features?

A. We looked at Thefacebook, yes.

Q. And you extracted course information from ConnectU -- I mean, from Thefacebook?

MR. HORNICK: Object to the form of the question and assumes facts not in evidence.

A. Yeah, when collecting course information there's basically two -- you know, it's public course information that's posted by a registrar from the school, and you can either go to the registrar or you can go, you know -- and Thefacebook had the courses. So, yes, we did look at the courses which, again, is public proprietary information, and we collected that, yes.

Q. How did you collect it?

A. We just would like look at the file in a text editor and just take the course file.

Q. Did you ever extract e-mails from Thefacebook?

A. We -- yes, we have extracted e-mails from Thefacebook.

Q. Isn't it true that you've extracted 2.9 to 3 million e-mails from Thefacebook because of

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a security hole you found?

MR. HORNICK: Objection. It's a misleading question, but you can answer it if you can.

A. We have extracted e-mails basically just, you know, following -- an e-mail has a -- at that point they had a URL, and you could follow that URL and it's completely authorized -- it's not unauthorized access, and you can follow that URL to find an e-mail address, yes, you could. And we did.

Q. So did you find a way to extract those e-mails without logging onto Thefacebook?

MR. HORNICK: Objection. I think this is outside the scope. It's not 30(b)(6) testimony.

A. See, again, I don't remember -- I'm not a programmer, but it's my understanding that with unauthorized -- excuse me, with authorized -- without using unauthorized access those e-mails were accessible.

Q. And ConnectU took them?

MR. HORNICK: Object to the form of the question.

A. What do you mean by take?

01:19:31 1 Q. Extracted the information?

01:19:32 2 A. ConnectU followed an open URL, "open" being

01:19:36 3 that it was accessible with not having to

01:19:41 4 use unauthorized access, it was accessible,

01:19:44 5 out in the open, and ConnectU followed those

01:19:46 6 URLs and was able to collect e-mail

01:19:50 7 addresses.

01:19:50 8 Q. And who did that?

01:19:51 9 A. Winston Williams.

01:19:52 10 Q. Winston Williams did that? And when did he

01:19:55 11 do that?

01:19:56 12 A. I believe he did it in the spring of this

01:19:58 13 year.

01:19:58 14 Q. Were those e-mails ever used by ConnectU?

01:20:01 15 A. I think we used some of them with the Social

01:20:06 16 Butterfly software.

01:20:06 17 Q. And how were they used?

01:20:07 18 A. If a friend used Social Butterfly and wanted

01:20:11 19 to invite their friends, then they could do

01:20:14 20 that with Social Butterfly. And they --

01:20:16 21 Q. So when you -- once you had those e-mails,

01:20:20 22 did you -- well, what did you do with them?

01:20:22 23 A. We just held them in a holding bin, and if a

01:20:29 24 user said, I would like to invite my friend,

01:20:31 25 well, we would just invite their friends.

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And as I said, we only used a portion of them, because only a portion of the users invited their friends.

Q. Did you ever send e-mails to people based upon those e-mails, that e-mail database?

A. That's what I just said, that if a user --

Q. Let me rephrase that.

A. Okay.

Q. Independent of a user request, did you ever send an e-mail to people in that --

A. With that bucket from the sort of open URL, no, we did not send unsolicited e-mails to those people.

Q. Has ConnectU obtained any revenue to date?

A. We have obtained some advertising revenue, yeah.

Q. And how much revenue is that?

MR. HORNICK: I'll object that this is outside the scope as well, but you can answer it. It's not 30(b)(6) testimony.

A. I would say roughly no more than \$1,000 of revenue.

Q. Okay.

A. We haven't actively sought too much advertising at this moment.

01:21:34 1 Q. How many users does it have?

1:21:36 2 A. I believe we have 66,000 plus, thereabouts.

01:21:40 3 Q. And does it -- does it have any university

01:21:50 4 environments for California universities?

01:21:54 5 A. Yeah, I believe we have California

01:21:57 6 universities, I believe so.

01:22:01 7 Q. Can you give me some examples?

01:22:04 8 A. UC Berkeley, I think that.

01:22:07 9 MR. CHATTERJEE: Let's mark this as

01:22:08 10 Exhibit 5. I think we're on Exhibit 5.

01:22:10 11 (Exhibit No. 5, Certificate of

01:22:10 12 Registration, Bates Nos. C004842 - 4845,

01:22:40 13 marked for identification.)

1:22:40 14 Q. Mr. Winklevoss, what's been handed to you as

01:22:42 15 Exhibit No. 5, do you know what this is?

01:22:48 16 A. Looks like a copyright signover from Joseph

01:22:57 17 Jackson to ConnectU and one from, I believe,

01:23:05 18 yeah, looks like a copyright signover from

01:23:08 19 Victor Gao, Sanjay, yeah.

01:23:11 20 Q. What do you --

01:23:12 21 MR. HORNICK: I'll object that this

01:23:14 22 is outside the scope. This is not 30(b)(6)

01:23:17 23 testimony.

01:23:18 24 Q. What do you mean, "signover"?

01:23:20 25 A. Well, I would think that they wrote the code



1 In the United States District Court  
2 For the District of Massachusetts  
3 I, Jessica L. Williamson, Registered,  
4 Merit Reporter, Certified Realtime Reporter  
5 and Notary Public in and for the  
6 Commonwealth of Massachusetts, do hereby  
7 certify that CAMERON H. WINKLEVOSS, the  
8 witness whose deposition is hereinbefore set  
9 forth, was duly sworn by me and that such  
10 deposition is a true record of the testimony  
11 given by the witness.

12 I further certify that I am neither  
13 related to or employed by any of the parties  
14 in or counsel to this action, nor am I  
15 financially interested in the outcome of  
16 this action.

17 In witness whereof, I have hereunto set  
18 my hand and seal this 11th day of August,  
19 2005.

20  
21 *Jessie L. Williamson*

22  
23 \_\_\_\_\_  
24 Jessica L. Williamson, RMR, RPR, CRR  
25 Notary Public, CSR No. 138795  
My commission expires: 12/18/2009