

Exhibit C



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January 30, 2008

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VIA FACSIMILE, ELECTRONIC MAIL AND U.S. MAIL

Scott R. Mosko, Esq.
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3300 Hillview Avenue
Palo Alto, California 94304-1203

Re: *Facebook and Zuckerberg v. ConnectU, et al*; Case No. 5:07-cv-01389

Dear Scott and Jason:

I am writing to follow up on a number of issues for which we have repeatedly asked you for a response, but have received nothing from you – not even an indication that you are considering the issues. If we do not hear from you by the close of business today regarding these issues, we will have no choice but to seek the Court's assistance. Please note that our deadline is not arbitrary – this letter is intended to conclude the delays already occasioned by our patience awaiting your responses. To that end, my January 25, 2008, email to you set out essentially the same substance as this letter. Here are the issues we believe should be addressed immediately:

1. **Second Stipulated Protective Order.** We sent you and Valerie Wagner a draft Second Stipulated Protective Order on January 25, 2008. Please confirm that you have received it, whether you intend to approve it, and/or when you expect to provide comments to us. The Court itself expected this issue – particularly the process for filing under seal documents – to be addressed by the parties immediately.
2. **Defendants Rule 56(f) Motion.** At the CMC, you indicated that you would withdraw the motion and raise the issues as alternative arguments in your Opposition to the Motion for Summary Judgment. We have not received a notice of withdrawal. While the Court has advised that we can address the Motion in either an Opposition or our Reply to the Motion for Summary Judgment, we would appreciate knowing whether Defendants are now going to address the issues in their Opposition to the Motion for Summary Judgment, or the previously-filed Rule 56(f) motion.
3. **Depositions.** We noticed five depositions on January 8. You have not provided us dates for any of those depositions, despite my second and third requests on January 14 and 17 for dates, as well as Sean Lincoln's request on Wednesday, January 23. I also asked for dates when a 30(b)(6) witness for ConnectU and PNS can be made available. You have not



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provided any dates for those either. Accordingly, we are now seeking Court intervention to address the scheduling delays.

4. **Deposition Topics for Facebook 30(b)(6).** You have asked for Facebook's availability for a 30(b)(6) deposition on the "general topics of ... the operation of Facebook's servers, and its internet connections from the time its website launched to the present." I asked for more specificity as to these topics, as did Sean Lincoln when you spoke to him Wednesday, January 23. Federal Rule of Civil Procedure 30(b)(6) specifically states that the designation of officers does not occur until after receipt of the formal written Notice of Deposition with the topics included. We have not yet received a formal notice, or even any further information about the deposition. Please let us know if you intend to provide it, as required by the Federal Rules. As you know, we have provided you with proposed dates. Please let us know at your earliest opportunity which of those dates works for you, so we may notify Facebook.
5. **Discovery.** I sent you a letter memorializing our meet and confer from December 24, 2007 regarding Mr. Chang's RFP responses and the other defendants' interrogatory responses. On the same day, I sent you an email indicating we had the same issues with PNS' and Williams' responses to document requests. On January 2, 2008, you emailed me indicating that you would respond to the December 31 letter, noting that I had "misunderstood" something(s) you said in that conversation. I also indicated on I never received a response from you or any clarification of the issues. I sent you an email on January 23, 2008 asking that you respond and provide such clarification, and also following up on our meet and confer during the CMC on January 16, 2008. Monte also sent you an email on January 18, 2008 confirming the meet and confer during the CMC and asking for clarification of misunderstandings to which you referred but did not identify. Please let me know when (and if) you intend to respond to these communications. If we do not hear from you today, we will proceed on a motion to compel responses and an order shortening time on the motion.

We look forward to hearing from you on these issues.

Best regards,

Theresa A. Sutton