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 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,
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 Plaintiffs,
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 v.
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 19 CONNECTU, INC. (formerly known as
 CONNECTU, LLC), PACIFIC
 NORTHWEST SOFTWARE, INC.,
 20 WINSTON WILLIAMS, WAYNE CHANG,
 and DAVID GUCWA,
 21
 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 EXHIBIT A TO THE DECLARATION OF SCOTT R. MOSKO IN SUPPORT OF DEFENDANTS' CONNECTU LLC, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, AND WAYNE CHANG'S OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Date: February 27, 2008
 Time: 9:30 A.M.
 Judge: Honorable Richard Seeborg

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I, Theresa A. Sutton, declare as follows:

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

2. On February 6, 2008, Defendants ConnectU, LLC, Pacific Northwest Software, Inc., Winston Williams, and Wayne Chang, lodged several exhibits with the Court pending this Court's ruling on their Administrative Request to Seal documents (Doc. No. 302).

3. Defendants lodged as sealable **Exhibit A** to the Declaration of Scott R. Mosko in Support of Defendants' ConnectU LLC, Pacific Northwest Software, Inc., Winston Williams, and Wayne Chang's Opposition to Plaintiffs' Motion for Partial Summary Judgment. This Exhibit A contains excerpts from the April 25, 2006 deposition of Mark Zuckerberg. It contains references to commercially sensitive and private personal information. This testimony has been marked Highly Confidential pursuant to the Stipulated Protective Order entered by the Superior Court of California prior to Defendants' removal of this case.

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

Executed this 13th day of February, 2008, at Menlo Park, California.

/s/ Theresa A. Sutton /s/
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 February 13, 2008.

Dated: February 13, 2008

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton