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 THE FACEBOOK, INC. and MARK ZUCKERBERG

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

15 THE 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
 20 NORTHWEST SOFTWARE, INC.,
 WINSTON WILLIAMS, WAYNE CHANG,
 and DAVID GUCWA,
 21
 Defendants.

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

**DECLARATION OF I. NEEL
 CHATTERJEE IN SUPPORT OF
 REPLY IN SUPPORT OF MOTION
 TO COMPEL COMPLIANCE BY
 DEFENDANTS PACIFIC
 NORTHWEST SOFTWARE AND
 WINSTON WILLIAMS WITH
 ORDER GRANTING MOTION TO
 COMPEL SUPPLEMENTAL
 INTERROGATORY RESPONSES**

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

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1 I, I. Neel Chatterjee, declare as follows:

2 1. I am a partner at the law firm of Orrick, Herrington & Sutcliffe, counsel for The
3 Facebook, Inc., and Mark Zuckerberg. I am an active member in good standing of the Bar of the
4 State of California. I make this declaration in support of Plaintiffs' Reply In Support Of Motion
5 To Compel Compliance By Defendants Pacific Northwest Software And Winston Williams With
6 Order Granting Motion To Compel Supplemental Interrogatory Responses ("Plaintiffs' Motion").
7 I make this declaration of my own personal knowledge and, if called as a witness, I could and
8 would testify competently to the truth of the matters set forth herein.

9 2. Attached hereto as **Exhibit 1** is a true and correct copy of a document produced by
10 Wayne Chang bearing production numbers CHANG-0001376-0001378. **[CONFIDENTIAL**
11 **DOCUMENT SUBMITTED SEPARATELY UNDER SEAL]**

12 3. Attached hereto as **Exhibit 2** is a true and correct copy of a document produced by
13 Wayne Chang bearing production numbers CHANG-0001389-0001390. **[CONFIDENTIAL**
14 **DOCUMENT SUBMITTED SEPARATELY UNDER SEAL]**

15 4. Attached hereto as **Exhibit 3** is a true and correct copy of a document produced by
16 Wayne Chang bearing production number CHANG-000091. **[CONFIDENTIAL DOCUMENT**
17 **SUBMITTED SEPARATELY UNDER SEAL]**

18 5. Attached hereto as **Exhibit 4** is a true and correct copy of a screen shot of
19 www.amazon.com/exec/obidos/ASIN/B0001LKYKE/103-8067691-1611035 taken on September
20 22, 2005.

21 6. Attached hereto as **Exhibit 5** is a true and correct copy of a document produced by
22 Pacific Northwest Software bearing production numbers PNS001133-001136.
23 **[CONFIDENTIAL DOCUMENT SUBMITTED SEPARATELY UNDER SEAL]**

24 7. Attached hereto as **Exhibit 6** is a true and correct copy of the Memorandum in
25 Support of Plaintiff's Motion to Compel the Production of Mirror Images of Defendants' Hard
26 Drives and Other Electronic Memory Devices and Documents Created After May 21, 2004, filed
27 July 28, 2005 in *ConnectU LLC v. Zuckerberg et al.*, Civil Action No. 1:04-cv-11923 (DPW)
28 (D.Mass.) [Dkt. 38].

1 8. Attached hereto as **Exhibit 7** is a true and correct copy of a document produced by
2 Wayne Chang bearing production number CHANG-000143. [**CONFIDENTIAL DOCUMENT**
3 **SUBMITTED SEPARATELY UNDER SEAL**]

4 9. Attached hereto as **Exhibit 8** is a true and correct copy of Facebook's First Set of
5 Requests for Production of Documents to Pacific Northwest Software (Requests Nos. 1-96)
6 (without attachments), served on November 21, 2007. To my knowledge, Pacific Northwest
7 Software has not produced the device images, databases or other records requested in both
8 Plaintiff's Motion and Exhibit 8.

9 10. Attached hereto as **Exhibit 9** is a true and correct copy of Facebook's First Set of
10 Requests for Production of Documents to Winston Williams (Requests Nos. 1-99) (without
11 attachments), served on November 21, 2007. To my knowledge, Winston Williams has not
12 produced the device images, databases or other records requested in both Plaintiff's Motion and
13 Exhibit 9.

14 11. On August 9, 2005, I took the deposition of Cameron Winklevoss in the related
15 action styled *ConnectU LLC v. Zuckerberg et al.*, Civil Action No. 1:04-cv-11923 (DPW)
16 (D.Mass.). At the deposition, Mr. Winklevoss was represented by John Hornick of Finnegan
17 Henderson Farabow Garrett & Dunner LLP. At that time (and presently), the Finnegan
18 Henderson firm represented ConnectU, Cameron Winklevoss, Tyler Winklevoss, and Divya
19 Narendra in the Massachusetts action. My questioning of Mr. Winklevoss included questions
20 concerning efforts to access the Facebook website, take data from the Facebook website and the
21 use of the Social Butterfly tool. Mr. Hornick stated that, from my questioning, it appeared that
22 Facebook was going to seek to amend the cross-complaint in the Massachusetts action to assert
23 additional causes of action. Mr. Hornick then asked whether I would agree to allow both parties
24 to amend. I responded that we would not stipulate in the way he proposed, but I was willing to
25 consider any amendments he proposed as well as an explanation as to his reasons why an
26 amendment would be proper.

27 12. This action was filed on August 17, 2005. In this action, the Finnegan Henderson
28 firm represents defendants ConnectU, Winston Williams, Pacific Northwest Software and Wayne

1 Chang, as well as former defendants Cameron Winklevoss, Tyler Winklevoss and Divya
2 Narendra.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed this
4 13th day of February 2008, in Menlo Park, CA.

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/s/ I. Neel Chatterjee /s/
I. Neel Chatterjee

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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/ I. Neel Chatterjee /s/

I. Neel Chatterjee

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