

1 G. HOPKINS GUY, III (State Bar No. 124811)
 hopguy@orrick.com
 2 I. NEEL CHATTERJEE (State Bar No. 173985)
 nchatterjee@orrick.com
 3 MONTE COOPER (State Bar No. 196746)
 mcooper@orrick.com
 4 THERESA A. SUTTON (State Bar No. 211857)
 tsutton@orrick.com
 5 YVONNE P. GREER (State Bar No. 214072)
 ygreer@orrick.com
 6 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 7 Menlo Park, CA 94025
 Telephone: 650-614-7400
 8 Facsimile: 650-614-7401

9 Attorneys for Plaintiffs
 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,
 16
 Plaintiffs,
 17
 v.
 18
 19 CONNECTU, INC. (formerly known as
 CONNECTU, LLC), CAMERON
 WINKLEVOSS, TYLER WINKLEVOSS,
 20 DIVYA NARENDRA, PACIFIC
 NORTHWEST SOFTWARE, INC.,
 21 WINSTON WILLIAMS, WAYNE CHANG,
 and DAVID GUCWA,
 22
 Defendants.

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

**DECLARATION OF YVONNE P.
 GREER PURSUANT TO CIVIL
 LOCAL RULE 79-5(B) IN SUPPORT
 OF PLAINTIFFS' MOTION TO SEAL
 EXHIBITS A, E-H TO THE
 DECLARATION OF THERESA A.
 SUTTON IN SUPPORT OF
 PLAINTIFFS' REPLY IN SUPPORT
 OF MOTION FOR PARTIAL
 SUMMARY JUDGMENT RE
 DEFENDANTS' LIABILITY
 PURSUANT TO CALIFORNIA
 PENAL CODE SECTION 502(C) AND
 15 U.S.C. § 7704(A)(1) AND 15 U.S.C.
 § 7704(B)(1)**

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

1 I, Yvonne P. Greer, declare as follows:

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

7 2. Good cause exists for sealing Exhibit A to the Declaration of Theresa A. Sutton in
8 support of Plaintiffs' Reply in Support of Motion For Partial Summary Judgment Regarding
9 Defendants' Liability Pursuant to California Penal Code Section 502(C) and 15 U.S.C. §
10 7704(a)(1) and 15 U.S.C. § 7704(b)(1) ("Sutton Declaration"). This exhibit contains excerpts
11 from Mark Zuckerberg's April 25, 2006 deposition, in which he discusses confidential,
12 proprietary and sensitive business information. The deposition was marked Highly Confidential-
13 Attorneys Eyes Only pursuant to the Stipulated Protective Order, and therefore is subject to Local
14 Civil Rule 79-5(b).

15 3. Good cause exists for sealing Exhibit E to the Sutton Declaration. Exhibit E is a
16 true and correct copy of an instant message conversation between Mark Zuckerberg and Adam
17 Goldberg, dated August 9, 2004. The exhibit contains a discussion of confidential, proprietary
18 and sensitive business and personal information. It has been marked "Confidential" by Facebook
19 pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule
20 79-5(b).

21 4. Good cause exists for sealing Exhibit F to the Sutton Declaration. Exhibit F is a
22 true and correct copy of an instant message conversation between Mark Zuckerberg and Fallick,
23 dated August 6, 2004. The exhibit contains a discussion of confidential, proprietary and
24 sensitive business and personal information. It has been marked "Confidential" by Facebook
25 pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule
26 79-5(b).

27 5. Good cause exists for sealing Exhibit G to the Sutton Declaration. Exhibit G is a
28 true and correct copy of an email string between Mark Zuckerberg and Scott Sassa, dated

1 February 19, 2005. The exhibit contains a discussion of confidential, proprietary and sensitive
2 business information. It has been marked "Confidential" by Facebook pursuant to the Protective
3 Order entered in this matter, and hence is subject to Local Civil Rule 79-5(b).

4 6. Good cause exists for sealing Exhibit H to the Sutton Declaration. Exhibit H is a
5 true and correct copy of an email string between Facebook and a user, Alexander Lee, dated
6 February 20, 2005. The exhibit contains a discussion of confidential, proprietary and sensitive
7 business and personal information. It has been marked "Confidential" by Facebook pursuant to
8 the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(b).

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

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

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Yvonne P. Greer /s/

Yvonne P. Greer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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