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 I. NEEL CHATTERJEE (State Bar No. 173985)
 2 MONTE COOPER (State Bar No. 196746)
 THERESA A. SUTTON (State Bar No. 211857)
 3 ORRICK, HERRINGTON & SUTCLIFFE LLP
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6 Attorneys for Plaintiff
 Facebook, Inc.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 FACEBOOK, INC.,

13 Plaintiff,

14 v.

15 CONNECTU LLC, PACIFIC NORTHWEST
 SOFTWARE and WINSTON WILLIAMS,

16 Defendants.
 17

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

**NOTICE OF MANUAL FILING OF
 EXHIBIT A TO THE DECLARATION
 OF I. NEEL CHATTERJEE**

18 Notice is hereby given that the exhibits listed below have been manually filed with
 19 the Court and are available in paper form only:

- 20 1. **Exhibit A** is a true and correct copy of relevant excerpts of the January 16,
 21 2006 deposition of ConnectU LLC.

22 Dated: April 5, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

23
 24
 25 /s/ Theresa A. Sutton /s/

Theresa A. Sutton
 Attorneys for Plaintiff
 FACEBOOK, INC.

EXHIBIT B

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

VOLUME 1

VIDEOTAPED DEPOSITION OF CONNECTU LLC

BY CAMERON H. WINKLEVOSS

Boston, Massachusetts

Tuesday, August 9, 2005

9:44 a.m. to 6:27 p.m.

Reported by:

Jessica L. Williamson, RMR, RPR, CRR
Notary Public, CSR No. 138795

JOB NO. 36599

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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.

A P P E A R A N C E S
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER
LLP

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and Troy E. Grabow, Esq.)
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Counsel for the Plaintiff

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

ORRICK, HERRINGTON & SUTCLIFFE LLP

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Counsel for the Defendant Eduardo Saverin

ALSO PRESENT:

George Dobrentey, Videographer

09:43:59 1
9:43:59 2
09:44:01 3
09:44:04 4
09:44:07 5
09:44:10 6
09:44:14 7
09:44:15 8
09:44:17 9
09:44:18 10
09:44:23 11
09:44:27 12
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09:44:45 21
09:44:47 22
09:44:49 23
09:44:54 24
09:44:56 25

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.

09:44:59 1

MR. HORNICK: John Hornick and Troy

9:45:01 2

Grabow for the plaintiff, ConnectU.

3

4

CAMERON H. WINKLEVOSS,

5

a witness called on behalf of the Defendants

6

Mark Zuckerberg, Dustin Moskovitz, Andrew

7

McCollum, Christopher Hughes and The

8

Facebook, Inc., having first been duly

9

sworn, was deposed and testifies as follows:

10

11

DIRECT EXAMINATION

12

13

BY MR. CHATTERJEE:

9:45:10 14

Q. Mr. Winklevoss, thank you for coming today.

09:45:14 15

Do you understand that your deposition today

09:45:16 16

is you're testifying on behalf of ConnectU

09:45:19 17

LLC?

09:45:19 18

A. Yes.

09:45:19 19

Q. Have you ever had your deposition taken

09:45:21 20

before?

09:45:21 21

A. No.

09:45:22 22

Q. I'm going to go over some ground rules with

09:45:26 23

you, and I'm just going to ask you to make

09:45:29 24

sure you understand them. You may have gone

09:45:31 25

over them with your counsel before.

01:17:25 1
01:17:25 2
01:17:28 3
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01:17:35 6
01:17:36 7
01:17:36 8
01:17:40 9
01:17:43 10
01:17:45 11
01:17:47 12
01:17:49 13
01:17:51 14
01:17:55 15
01:17:59 16
01:18:01 17
01:18:02 18
01:18:07 19
01:18:10 20
01:18:12 21
01:18:13 22
01:18:17 23
01:18:18 24
01:18:21 25

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

01:18:24 1
1:18:25 2
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01:18:30 5
01:18:38 6
01:18:45 7
01:18:46 8
01:18:49 9
01:18:52 10
01:18:55 11
01:18:57 12
01:19:01 13
1:19:06 14
01:19:07 15
01:19:09 16
01:19:12 17
01:19:15 18
01:19:19 19
01:19:21 20
01:19:24 21
01:19:25 22
01:19:28 23
01:19:29 24
01:19:29 25

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.

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 

22
23 _____
24 Jessica L. Williamson, RMR, RPR, CRR

25 Notary Public, CSR No. 138795

My commission expires: 12/18/2009

EXHIBIT C

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THEFACEBOOK, INC.,)

Plaintiff,)

vs.)

NO. 1 05 CV 047381

CONNECTU LLC,)

Defendant.)

**CERTIFIED
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CONFIDENTIAL

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION

OF

JOHN TAVES

8:58 a.m. - 4:49 p.m.

January 29, 2007

719 Second Avenue, Suite Number 900

Seattle, Washington

Joan E. Kinn, CCR, RPR

Court Reporter

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A P P E A R A N C E S

For the Plaintiff: THERESA A. SUTTON
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For the Defendant: SCOTT R. MOSKO
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 GARRETT & DUNNER
 3300 Hillview Ave.
 Palo Alto, CA 94304

Also Present: DAN BASSETT

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1	P R O C E E D I N G S	08:54:43
2	THE VIDEOGRAPHER: This is the videotaped	08:55:33
3	portion in the deposition of -- I'm sorry, sir, I --	08:55:44
4	THE WITNESS: John Taves.	08:55:48
5	THE VIDEOGRAPHER: John?	08:55:49
6	THE WITNESS: Taves.	08:55:49
7	THE VIDEOGRAPHER: Taves.	08:55:50
8	MS. SUTTON: Actually, it's Pacific Northwest	08:55:51
9	Software, you're here on behalf of the company.	08:55:54
10	THE VIDEOGRAPHER: My name is Dan Bassett, I	08:55:57
11	am the videographer here today. I am employed by	08:56:00
12	Prolumina Trial Technologies. The court reporter is	08:56:04
13	Joan Kinn from Continental Reporting Service. The	08:56:08
14	deposition is being recorded this 29th day of January,	08:56:08
15	2007. The time now is approximately 8:58 a.m.	08:56:10
16	We are located at 719 Second Avenue, Suite	08:56:14
17	Number 900, in Seattle, Washington. The deposition is	08:56:18
18	being recorded in the matter of TheFacebook Incorporated	08:56:22
19	versus ConnectU LLC. The case number is 1 05 CV 047381	08:56:25
20	in the Superior Court of the State of California in	08:56:34
21	Santa Clara County. The deposition was noticed by	08:56:38
22	Theresa Sutton.	08:56:41
23	Counsel and all present, please identify	08:56:42
24	yourselves for the record, and then the witness may be	08:56:44
25	sworn in.	08:56:46

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7

1 MS. SUTTON: Theresa Sutton, Orrick, 08:56:47
2 Herrington & Sutcliffe on behalf of the plaintiff, 08:56:49
3 Facebook. 08:56:51
4 MR. MOSKO: And my name is Scott Mosko on 08:56:52
5 behalf of ConnectU and on behalf of Pacific Northwest 08:56:55
6 Software, Inc. 08:57:01
7 I believe the videographer misidentified the 08:57:03
8 case number. This is a Washington state case, not a 08:57:07
9 California case. I understand the Washington state case 08:57:11
10 number is 06-2-39146-2 SEA. 08:57:15
11 08:57:32
12 Whereupon,

13 JOHN TAVES,
14 having been first duly sworn, was called as a witness
15 herein and was examined and testified as follows:

16

17 E X A M I N A T I O N

18 BY MS. SUTTON: 08:57:33
19 Q. Could you please state your full name for the 08:57:39
20 record. 08:57:41
21 A. John Taves. 08:57:41
22 Q. No middle name? 08:57:43
23 A. I don't use it, but. 08:57:45
24 Q. Okay. J-O-H-N for John? 08:57:46
25 A. Mm-hm. 08:57:50

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8

1 Q. Do you understand that you're testifying 08:57:51
2 under oath today? 08:57:54
3 A. Mm-hm. 08:57:54
4 Q. What does that mean to you? 08:57:55
5 A. Means I've got to tell the truth. 08:57:56
6 Q. Great. Are you taking any medications or 08:57:59
7 drugs that would impair -- 08:58:00
8 A. No. 08:58:03
9 Sorry. 08:58:03
10 Q. That's okay. So ground rule number one, 08:58:03
11 let's not talk over each other. Let me finish my 08:58:05
12 questions, I will do my best to let you finish your 08:58:08
13 answers. And mostly that's just so the court reporter 08:58:11
14 can get everything down. 08:58:14
15 So no medications or drugs that will impair 08:58:16
16 your ability to testify truthfully today, correct? 08:58:19
17 A. That's correct. 08:58:21
18 Q. Okay, good. 08:58:22
19 Is there any other reason why you can not 08:58:22
20 give truthful testimony today or your best testimony? 08:58:25
21 A. There's no reason. 08:58:27
22 Q. Okay, good. Have you ever had your 08:58:29
23 deposition taken before? 08:58:31
24 A. I have not. 08:58:32
25 Q. Have you ever been involved in litigation 08:58:33

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61

1 the client talks to? 10:13:07
2 MR. MOSKO: Calls for speculation and lacks 10:13:09
3 foundation. 10:13:11
4 A. We pass it around quite a bit. 10:13:11
5 Q. Okay, so there's not -- there's not sort of 10:13:14
6 like a team lead and then -- 10:13:16
7 A. No. 10:13:17
8 Q. Okay. And what is your role then with the 10:13:18
9 company? 10:13:21
10 MR. MOSKO: Generally or in this instance? 10:13:21
11 Q. Do you understand the question? 10:13:23
12 A. Well, I'm the -- I'm the CEO, the president, 10:13:24
13 but, you know, Mike and I are fairly equal, and so we 10:13:34
14 team up to make the major decisions. 10:13:40
15 Q. Okay, it's a fairly small company, right? 10:13:42
16 A. Yes. 10:13:45
17 Q. So as the CEO, what are your day-to-day 10:13:46
18 responsibilities? 10:13:50
19 A. Anything I feel like doing. I mean I worry 10:13:50
20 about the books, I worry about who we employ, I worry 10:13:55
21 about the customers, I worry about the -- 10:13:58
22 Q. Okay, do you do any development work 10:14:01
23 yourself? 10:14:03
24 A. Yeah, some. 10:14:04
25 Q. And did you do any development work for 10:14:05

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62

1 ConnectU? 10:14:07
2 A. No. 10:14:08
3 Q. Who did that? 10:14:09
4 A. The bulk of it was Winston. 10:14:10
5 Q. Okay. 10:14:12
6 A. Joel did some. I think there was others that 10:14:13
7 did a little bit, but I can't remember the extent of all 10:14:16
8 of them. 10:14:20
9 Q. Okay. Did Wayne Chang do any? 10:14:20
10 A. I don't think so. 10:14:23
11 Q. Okay. 10:14:25
12 A. Could be wrong. 10:14:26
13 Q. Did you have any interaction with iMarc, a 10:14:36
14 company called iMarc, with regard to your work -- 10:14:51
15 A. Yeah. 10:14:53
16 Q. -- with ConnectU? 10:14:53
17 MR. MOSKO: Let her finish the question 10:14:54
18 before answering. 10:14:56
19 Q. So you did, okay. Who at iMarc did you work 10:14:57
20 with or talk to? 10:15:00
21 A. I can't remember his name. 10:15:02
22 Q. Mark Pierrat? 10:15:05
23 A. That sounds familiar. There might have been 10:15:08
24 another name too. 10:15:11
25 Q. Dave Tufts? 10:15:13

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88

1 that's okay. 11:09:05
2 A. Well, in response to this I think there's -- 11:09:06
3 Q. That's okay. 11:09:12
4 In the E-mail from you to Cameron, which is 11:09:12
5 the last one in this string -- 11:09:15
6 A. I don't think we ever had the call from this. 11:09:18
7 Sorry. 11:09:22
8 MR. MOSKO: John, just answer the question 11:09:23
9 that's asked, please. 11:09:24
10 A. Sorry. 11:09:26
11 Q. It's easy to want to keep talking, it's okay. 11:09:28
12 I know Scott doesn't like it, but it's fine with me. 11:09:32
13 So in this E-mail from you to Cameron that's 11:09:36
14 dated December 20th, you wrote that you would have to 11:09:38
15 ask Winston for the source code; do you see that? 11:09:41
16 A. Mm-hm. 11:09:45
17 Q. And that didn't happen? 11:09:46
18 A. Correct. 11:09:47
19 Q. Why not? 11:09:49
20 A. He's not an employee. 11:09:51
21 Q. Well, you at least thought about asking him. 11:09:54
22 A. I did, yeah, looks like it. 11:09:56
23 Q. And you decided because he's not an employee 11:09:58
24 you won't ask him for it? 11:10:01
25 A. I think so, yeah. 11:10:02

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98

1 A. Yeah, I have. 11:29:16
2 Q. Have you never seen a page that looks like 11:29:17
3 this? 11:29:20
4 A. Well, I have seen pages that look like this, 11:29:20
5 because the ConnectU site has, you know, when you log 11:29:23
6 in, you know, it's got your photo here if you ever put 11:29:25
7 your photo in, and it's got these links, but over the 11:29:29
8 time lots of stuff has changed, and this particular one 11:29:33
9 doesn't look familiar. 11:29:36
10 Q. Okay, great. Under my friends in the middle 11:29:37
11 of the page, do you see that? 11:29:40
12 A. Mm-hm. 11:29:41
13 Q. It says, you can also use Social Butterfly to 11:29:42
14 import your friends from other social networks; do you 11:29:45
15 see that? 11:29:46
16 A. Okay. 11:29:46
17 Q. Does that refresh your recollection at all 11:29:47
18 about the Social Butterfly program -- 11:29:49
19 A. No. 11:29:51
20 Q. -- and what it does -- no? 11:29:52
21 A. No, I don't really have, you know, Winston 11:29:53
22 worked on that. 11:29:59
23 MR. MOSKO: You answered the question, John. 11:30:00
24 A. Sorry. 11:30:02
25 Q. Did you say Wayne was working on that? 11:30:03

1 financially interested in the said action or the outcome
2 thereof;

3 I further certify that each witness before
4 examination was by me duly sworn to testify the truth, the
5 whole truth and nothing but the truth;

6 I further certify that the deposition, as
7 transcribed, is a full, true and correct transcript of the
8 testimony, including questions and answers, and all
9 objections, motions, and exceptions of counsel made and
10 taken at the time of the foregoing examination.

11

12 IN WITNESS WHEREOF, I have hereunto set
13 my hand and affixed my official seal this 31st day of
14 January, 2007.

15

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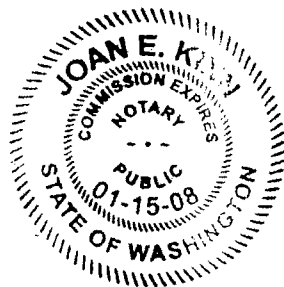
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Joan E. Kinn

JOAN E. KINN

Notary Public in and for
the State of Washington,
residing at Fall City.

KI-NN-*J-E401NR

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