

1 SEAN A. LINCOLN (State Bar No. 136387)
 salincoln@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
 10 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 CONNECTU, INC. (formerly known as
 19 CONNECTU, LLC), PACIFIC
 NORTHWEST SOFTWARE, INC.,
 20 WINSTON WILLIAMS, and WAYNE
 CHANG,

21 Defendants.

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

DECLARATION OF THERESA A. SUTTON PURSUANT TO CIVIL LOCAL RULE 7-11 AND 79-5(B) IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO SEAL:

(1) PLAINTIFFS' MOTION FOR ADMINISTRATIVE REQUEST PURSUANT TO CIVIL L.R. 7-11;

(2) DECLARATION OF I. NEEL CHATTERJEE AND EXHIBITS IN SUPPORT THEREOF;

(3) PROPOSED ORDER GRANTING ADMINISTRATIVE REQUEST PURSUANT TO CIVIL L.R. 7-11

1 I, Theresa A. Sutton, 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. 7-11 and 79-5(b).

7 2. Good cause exists for sealing Plaintiffs' Administrative Request Pursuant to Civil
8 L.R. 7-11; Declaration of I. Neel Chatterjee and exhibits in Support Thereof; and Proposed Order
9 Granting Administrative Request Pursuant To Civil L.R. 7-11. Plaintiffs' Administrative
10 Request, and all documents filed in support thereof, contain confidential information that is
11 subject to the protection in the Stipulated Protective Order dated January 23, 2006. In light of the
12 high profile nature of this case, and the parties' desire to keep the details of this Administrative
13 Request private, Plaintiffs request that this Administrative Request and its supporting papers
14 remain sealed. The subject matter discussed in these papers contains commercially sensitive and
15 confidential information that, if released to the general public, will adversely affect the parties to
16 this litigation.

17 3. This Administrative Motion is being made pursuant to Civil L.R. 79-5, which
18 requires a Court order to seal documents and does not permit sealing by stipulation.

19 I declare under penalty of perjury that the foregoing is true and correct to the best of my
20 knowledge. Executed this 9th day of May, 2008, at Menlo Park, California.

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22 /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 May 9, 2008.

Dated: May 9, 2008.

Respectfully submitted,

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