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Attorneys for Defendant
CONNECTU, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK
ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as
CONNECTU, LLC), PACIFIC NORTHWEST
SOFTWARE, INC., WINSTON WILLIAMS,
and WAYNE CHANG,

Defendants.

**DECLARATION OF EVAN A. PARKE
IN SUPPORT OF CONNECTU, INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONNECTU, INC.'S
ADMINISTRATIVE REQUEST FOR
LEAVE TO FILE A SUR-REPLY.**

1 I, Evan A. Parke, declare as follows:

2 1. I am an associate with the law firm of Boies, Schiller & Flexner LLP,
3 counsel to ConnectU, Inc. I am licensed to practice law in the District of Columbia and
4 in the State of Illinois and am appearing in this case per an order of the Court granting my
5 application to appear *pro hac vice*. I have personal knowledge of the facts and
6 circumstances set forth in this Declaration. I make this Declaration pursuant to Civil L.R.
7 7-11 and 79-5(b).

8 2. Good cause exists for sealing ConnectU, Inc.'s Administrative Request to
9 File a Sur-reply (including the Sur-reply in Opposition to Confidential Motion and
10 Declarations of Cameron Winklevoss, Donna M. Hitscherich, and Scott R. Mosko
11 attached thereto). Plaintiffs have taken the position that their Confidential Motion and all
12 papers filed in support thereof contain confidential information that is subject to the
13 protection in the Stipulated Protective Order dated January 23, 2006. The materials
14 requested to be sealed in this motion contain the same or related information that
15 Plaintiffs contend is covered by that Protective Order and/or are alleged by Plaintiff to
16 implicate confidentiality provisions found in a purported agreement that is the subject of
17 dispute between the parties.¹

18 3. 3 This Administrative Motion is being made pursuant to Civil L.R.
19 79-5, which requires a Court order to seal documents and does not permit sealing by
20 stipulation.

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27 ¹ By filing this declaration, ConnectU does not waive any arguments or rights as to (i) the admissibility or
28 inadmissibility of evidence surrounding the purported agreement, (ii) the confidentiality or non-
confidentiality of information relating to the purported agreement, or (iii) the enforceability or
unenforceability of the purported agreement.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that this document(s) filed through the ECF system will be sent
3 electronically to the registered participants as identified on the Notice of Electronic Filing
4 (NEF) and paper copies will be sent to those indicated as non registered participants on
5 June 19, 2008.

6
7 Dated: June 19, 2008

8 /s/ Steven C. Holtzman
9 Steven C. Holtzman

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