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9 Attorneys for Defendant  
CONNECTU, INC.

10  
11 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 THE FACEBOOK, INC. and MARK  
ZUCKERBERG,

15 Plaintiffs,

16 v.

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

20 Defendants.

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

**DECLARATION OF  
D. MICHAEL UNDERHILL  
IN SUPPORT OF MOTION TO STAY  
EXECUTION OF JUDGMENT  
PENDING APPEAL**

Judge: Honorable James Ware

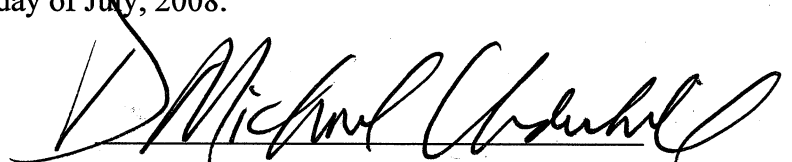
1 I, D. Michael Underhill, declare as follows:

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

7 2. Attached as Exhibit A is an accurate copy of excerpts of the official  
8 transcript of the July 2, 2008, show cause hearing held before Judge Ware in the federal  
9 courthouse in San Jose, California.

10 3. Attached as Exhibit B is an accurate copy of an email sent to me by Neel  
11 Chatterjee, counsel for Facebook, Inc., on July 25, 2008. His email attached an earlier  
12 email that I sent to him as well as an email he sent to me.

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14  
15 I declare under penalty of perjury that the foregoing is true and correct to the best  
16 of my knowledge. Executed this 31st day of July, 2008.

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19 D. Michael Underhill  
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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 July 31, 2008.  
6

7 Dated: July 31, 2008

8 /s/ Evan A. Parke

9 Evan A. Parke  
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