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 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.
 22

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

**PLAINTIFFS' ADMINISTRATIVE
 MOTION TO SEAL UN-REDACTED
 EXHIBITS 1 AND 2, AND
 CONFIDENTIAL EXHIBITS 3 AND
 4, TO THE DECLARATION OF I.
 NEEL CHATTERJEE IN SUPPORT
 OF PLAINTIFFS' OPPOSITION TO
 CONNECTU INC.'S MOTION TO
 STAY EXECUTION OF JUDGMENT
 PENDING APPEAL**

1 Pursuant to Fed. R. Civ. P. 26, Civil L.R. 7-11 and 79-5(d), as well as this Court's Order
2 dated July 2, 2008 Setting Conditions with Respect to Access to Materials Previously Filed in this
3 Case [Doc. No. 473], Plaintiffs respectfully submit this administrative motion asking the Court to
4 file under seal un-redacted copies of the following two Exhibits attached to the Declaration of I.
5 Neel Chatterjee In Support of Plaintiffs' Opposition to ConnectU Inc.'s Motion to Stay Execution
6 of Judgment Pending Appeal:

7 (1) **Exhibit 1:** "Affirmation of Sean O'Shea in Support of Petitioners' Application for a
8 Permanent Stay Pursuant to 7503(b) and For a Temporary Stay Pending Determination of the
9 Application for Permanent Stay" filed in *Connect U, Inc., et al. v. Quinn Emanuel Urquhart*
10 *Oliver & Hedges, LLP*, in the Supreme Court of New York, County of New York; and

11 (2) **Exhibit 2:** "Memorandum of Law in Support of Application to Stay Arbitration
12 Pursuant to CLPR 7503" filed in *Connect U, Inc., et al. v. Quinn Emanuel Urquhart Oliver &*
13 *Hedges, LLP*, in the Supreme Court of New York, County of New York.

14 Plaintiffs further respectfully request that the Court permit the filing under seal of copies
15 of the following two Exhibits also attached to the Declaration of I. Neel Chatterjee In Support of
16 Plaintiffs' Opposition to ConnectU Inc.'s Motion to Stay Execution of Judgment Pending Appeal:

17 (3) **Exhibit 3:** "Valuation Report, Facebook, Inc., as of April 20, 2006," produced in
18 discovery as FBMA 000093-0000171.

19 (4) **Exhibit 4:** "Valuation Report, Facebook, Inc., as of August 31, 2006," produced in
20 discovery as FBMA 0000172-0000263.

21 Pursuant to Fed. R. Civ. P. 26, Civil L.R. 7-9 and 79-5(d), as well as this Court's Order
22 dated July 2, 2008 Setting Conditions with Respect to Access to Materials Previously Filed in this
23 Case [Doc. No. 473], good cause and compelling reasons exist to permit redaction of Exhibits 1
24 and 2, to permit the filing under seal of un-redacted copies of Exhibits 1 and 2, and to permit
25 filing under seal of the entirety of Exhibits 3 and 4. All four of these Exhibits are offered by
26 Plaintiffs to rebut positions set forth by ConnectU in a non-dispositive Motion to Stay
27 Enforcement of the Court's Judgment Enforcing Settlement Pending Appeal. The sensitivity of
28 the confidential information set forth in these documents is not disputed. To that end, the parties

1 entered into, and the California Superior Court issued, a Stipulated Protective Order on January
2 23, 2006, which prohibits either party from filing in the public record any documents that have
3 been designated as “Confidential” or “Highly Confidential” pursuant to the Protective Order.
4 Likewise, the parties entered into a separate “Second Stipulated Protective Order” in *ConnectU*
5 *LLC v. Zuckerberg*, Case No. 1:04-cv-11923 (D. Mass.), signed by the Honorable Douglas
6 Woodlock on July 6, 2005, which has governed filings in related actions among the parties in the
7 District of Massachusetts. Exhibits 1 - 4 as offered in this litigation all are subject to the
8 confidentiality terms of both these Protective Orders.

9 In particular, the redacted portions of Exhibits 1 and 2 reflect confidential information set
10 forth in court records that are under seal in the Supreme Court of the State of New York, New
11 York County, concerning the value that Defendants place upon the underlying settlement in this
12 action. Such settlement valuations were intended by the parties to be maintained as confidential,
13 are subject to the protection in the protective order, and already have been determined by this
14 Court in its July 2, 2008 Order to be properly the subject of redaction since they “fall within the
15 category of information ‘traditionally kept secret.’” *See* Doc. No. 473 at 5. *See also id.* at 8-9
16 (“the Court finds it appropriate to redact those portions of [the] transcript [of the June 23, 2008
17 hearing on the Motion to Enforce Settlement] which would invite public scrutiny regarding the
18 parties’ motivation to settle or their characterization of the settlement process beyond what is
19 reflected in the Court’s June 25, 2008 Order”). Indeed, the fact that the documents are filed in
20 redacted form in New York County Supreme Court further reflects that good cause exists to file
21 them in redacted form in this case as well. Accordingly, good cause and compelling reasons exist
22 to permit redaction of statements related to valuation of the underlying settlement, and the sealing
23 of un-redacted copies of the materials. No other information is being redacted other than the
24 settlement information.

25 Exhibits 3 and 4 reflect confidential “Valuation Reports” of Facebook, Inc., a private
26 company, which were produced in discovery in this action. The documents have been marked
27 “Confidential” under the Protective Orders entered by the Courts, since they contain sensitive and
28 confidential valuations of Facebook’s business, including Facebook’s trade secrets relating to the

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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 August 4, 2008.

Dated: August 4, 2008.

Respectfully submitted,

/s/ Monte M.F. Cooper /s/
Monte M.F. Cooper

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