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9 Attorneys for Plaintiffs
 THE FACEBOOK, INC. and MARK ZUCKERBERG

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

15 THE FACEBOOK, INC. and MARK
 ZUCKERBERG,
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 Plaintiffs,
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 v.
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 19 CONNECTU, INC. (formerly known as
 CONNECTU, LLC) PACIFIC
 NORTHWEST SOFTWARE, INC.
 20 WINSTON WILLIAMS, and WAYNE
 CHANG,
 21
 Defendants.

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

**DECLARATION OF I. NEEL
 CHATTERJEE IN SUPPORT OF
 FACEBOOK, INC. AND MARK
 ZUCKERBERG'S OPPOSITION TO
 MOTION TO INTERVENE BY
 CAMERON WINKLEVOSS, TYLER
 WINKLEVOSS, AND DIVYA
 NARENDRA**

Date: August 6, 2008
 Time: 4:30 p.m.
 Courtroom: 8
 Judge: Honorable James Ware

1 I, I. Neel Chatterjee, declare as follows:

2 1. I am a Partner at the law firm of Orrick, Herrington & Sutcliffe, counsel for
3 Plaintiffs Facebook, Inc. and Mark Zuckerberg (“Facebook”) in this action, and a member of the
4 Bar of the state of California. I make this declaration in support of Plaintiffs’ Opposition to
5 Cameron Winklevoss, Tyler Winklevoss and Divya Narendra’s (the “ConnectU Founders”) Motion to Intervene. I make this declaration of my own personal knowledge and, if called as a
6 witness, I could and would testify competently to the truth of the matters set forth herein.
7

8 2. Attached hereto as **Exhibit A** are true and correct copies of the August 17, 2005
9 TheFacebook, Inc.’s Complaint, filed in Superior Court of California, Santa Clara, and the May
10 30, 2007 Plaintiffs’ Second Amended Complaint filed in this Court.

11 3. Attached hereto as **Exhibit B** are true and correct copies of the April 21, 2006
12 Defendants’ Motion to Quash Service of Complaint and Summons for Lack of Personal
13 Jurisdiction, filed in Superior Court of California, Santa Clara, and the March 21, 2007 Defendant
14 ConnectU LLC’s Motion to Dismiss for Failure to State a Claim Pursuant to Fed. R. Civ. P.
15 12(b)(6).

16 4. Attached hereto as **Exhibit C** are true and correct copies of the June 2, 2006 Order
17 re: Demurrer of Defendant ConnectU to Complaint and Defendants’ Motion to Quash Service of
18 Summons and Complaint for Lack of Personal Jurisdiction, entered in Superior Court of
19 California, Santa Clara, and the May 21, 2007 Order Granting in Part and Denying in Part
20 Defendants’ Motion to Dismiss.

21 5. Attached hereto as **Exhibit D** is a true and correct copy of the August 17, 2008
22 Errata to Plaintiffs’ First Amended Complaint filed in related action *ConnectU, Inc. v. Facebook,*
23 *Inc. et al.* (Case No. 1:07-10593) in the United States District Court of Massachusetts.

24 6. Attached hereto as **Exhibit E** is a true and correct copy of the February 7, 2005
25 Counterclaim Defendants’ Reply to Counterclaims of TheFacebook, Inc. and Mark Zuckerberg,
26 filed in related action *ConnectU LLC v. TheFacebook, Inc. et al.* (Case No. 1:04-11923) in the
27 United States District Court of Massachusetts.
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1 7. Attached hereto as **Exhibit F** is a true and correct copy of a redacted copy of the
2 Term Sheet and Settlement Agreement.

3 8. Attached hereto as **Exhibit G** is a true and correct copy of the April 24, 2008
4 Proof of Service for Confidential Notice of Filing of Motion filed in related action *ConnectU, Inc.*
5 *v. Facebook, Inc. et al.* (Case No. 1:07-10593) in the United States District Court of
6 Massachusetts.

7 9. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from the June
8 2, 2008, Hearing Transcript filed in related action *ConnectU, Inc. v. Facebook, Inc. et al.* (Case
9 No. 1:07-10593) in the United States District Court of Massachusetts.

10 10. Attached hereto as **Exhibit I** is a true and correct copy of the June 3, 2008
11 Memorandum and Order, entered in related action *ConnectU, Inc. v. Facebook, Inc. et al.* (Case
12 No. 1:07-10593) in the United States District Court of Massachusetts.

13 11. Attached hereto as **Exhibit J** is a true and correct copy of excerpts from the Rutter
14 Practice Guide Fed. Civ. Proc. Before Trial (CA. Ed.) Ch. 7-E, §7:162.

15 12. Attached hereto as **Exhibit K** is a true and correct copy of a August 4, 2008
16 (1:20p.m.) e-mail from John Hornick, Subject: "RE: Boston Proceedings".

17 13. I understand that Boies Schiller firm, ConnectU's has been described by the Wall
18 Street Journal as a "litigation powerhouse."

19 14. Divya Narendra and Howard Winklevoss attended the June 2, 2008 hearing on
20 ConnectU's Emergency Motion For Expedited Hearing before Honorable Judge Woodlock in
21 District of Massachusetts. Judge Woodlock offered to hear the motion to enforce during that
22 hearing.

23 15. The parties had numerous meetings with the Special Master appointed by the
24 Court. Sean O'Shea and representatives from his law firm discussed matters with the Special
25 Master, including Sean O'Shea's representation of ConnectU and the ConnectU Founders in a
26 separate lawsuit against their former law firm, Quinn Emanuel.

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I declare the foregoing is true and correct to the best of my knowledge.

Executed this 4th day of August, at Menlo Park, California.

/s/ I. Neel Chatterjee /s/
I. Neel Chatterjee

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CERTIFICATE OF SERVICE

I hereby certify that this document 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.

Date: August 4, 2008

Respectfully Submitted,

/s/ I. Neel Chatterjee /s/
I. Neel Chatterjee