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14

15   UNITED STATES DISTRICT COURT

16   NORTHERN DISTRICT OF CALIFORNIA

17   SAN JOSE DIVISION

18   THE FACEBOOK, INC. and MARK   Case No. 5:07-CV-01389-JW
     ZUCKERBERG,
19   **DECLARATION OF EVAN A. PARKE**
                    Plaintiffs,   **IN SUPPORT OF DEFENDANTS**
20   **ADMINISTRATIVE MOTION TO SEAL**
          v.
21   **CONFIDENTIAL EXHIBITS**
     CONNECTU, INC. (formerly known as   **(EXHIBITS A, F, H, I, J, K, AND N)**
22   CONNECTU, LLC), PACIFIC NORTHWEST   **TO DECLARATION OF**
     SOFTWARE, INC., WINSTON WILLIAMS,   **EVAN A. PARKE IN SUPPORT OF**
23   and WAYNE CHANG,   **DEFENDANTS' RESPONSE TO ORDER**
                                            TO SHOW CAUSE
24   Defendants.

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                                            PARKE DECL., MOTION TO SEAL
                                                 5:07-CV-01389-JW

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   am appearing in this case per an order of the Court granting my application to appear *pro*

5   *hac 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. 7-11 and 79-5.

7   2.   Good cause exists for sealing "Confidential Exhibits (Exhibits A, F, H, I,

8   J, K, and N) to Declaration of Evan A. Parke in Support of Defendants' Response to

9   Order to Show Cause" ("Defendants' Confidential Exhibits"). Defendants' Confidential

10   Exhibits contain (i) information that the Court has Ordered should be sealed, including

11   the financial terms of the purported settlement between Plaintiffs and Defendants (*see*

12   Order conditionally granting CNET's request to unseal, at Dkt. No. 473); (ii) information

13   that has been designated by Plaintiffs as Confidential or Highly Confidential and covered

14   by the Protective Order; (iii) information that the Master has designated as confidential in

15   prior filings (*see* Dkt. No. 632); and/or (iv) information alleged by Plaintiffs to implicate

16   confidentiality provisions found in a purported settlement agreement which is the subject

17   of dispute between the parties.[1]

18   3.   This Administrative Motion is being made pursuant to Civil L.R. 79-5,

19   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 Defendants do not waive any arguments or rights as to the admissibility or
     inadmissibility of evidence concerning the purported agreement, nor do they waive any arguments or rights
28   as to the enforceability or unenforceability of the purported agreement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 14th day of October, 2008.

                                                /s/ Evan A. Parke

                                                Evan A. Parke

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 October 14, 2008.

Dated: October 14, 2008

                                                /s/ *Steven C. Holtzman*
                                                Steven C. Holtzman
                                                Attorney for Defendant ConnectU, Inc.