

# Exhibit A

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 THE FACEBOOK, INC., ) C-07-01389-JW  
6 )  
6 PLAINTIFF, ) JUNE 23, 2008  
7 )  
7 V. ) **SEALED**  
8 )  
8 CONNECTU, LLC, ET AL., ) PAGES 1-79  
9 )  
9 DEFENDANTS. )  
10 ----- )

**COPY**

11 THE PROCEEDINGS WERE HELD BEFORE  
12 THE HONORABLE UNITED STATES DISTRICT  
13 JUDGE JAMES WARE

14 A P P E A R A N C E S:

15 FOR THE PLAINTIFF: ORRICK, HERRINGTON & SUTCLIFFE  
16 BY: I. NEEL CHATTERJEE  
17 MONTE M.F. COOPER  
18 SUSAN D. RESLEY  
19 1000 MARSH ROAD  
20 MENLO PARK, CALIFORNIA 94025

21 FOR THE DEFENDANTS: BOIES, SCHILLER & FLEXNER  
22 BY: DAVID A. BARRETT  
23 EVAN ANDREW PARKE  
24 STEVEN C. HOLTZMAN  
25 575 LEXINGTON AVENUE  
7TH FLOOR  
NEW YORK, NEW YORK 10022

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR  
CERTIFICATE NUMBER 8074

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2  
3 A P P E A R A N C E S: (CONT'D)

4 FOR THE DEFENDANTS: FINNEGAN, HENDERSON,  
5 FARABOW, GARRETT & DUNNER  
6 BY: SCOTT R. MOSKO  
7 JOHN F. HORNICK  
8 STANFORD RESEARCH PARK  
9 3300 HILLVIEW AVENUE  
10 PALO ALTO, CALIFORNIA 94304

11 FENWICK & WEST  
12 BY: KALAMA LUI-KWAN  
13 555 CALIFORNIA STREET  
14 12TH FLOOR  
15 SAN FRANCISCO, CALIFORNIA  
16 94104

17 ALSO PRESENT: BLOOMBERG NEWS  
18 BY: JOEL ROSENBLATT  
19 PIER 3  
20 SUITE 101  
21 SAN FRANCISCO, CALIFORNIA  
22 94111

23 THE MERCURY NEWS  
24 BY: CHRIS O'BRIEN  
25 SCOTT DUKE HARRIS  
750 RIDDER PARK DRIVE  
SAN JOSE, CALIFORNIA 94190

THE RECORDER  
BY: ZUSHA ELINSON  
10 UNITED NATIONS PLAZA  
SUITE 300  
SAN FRANCISCO, CALIFORNIA  
94102

CNET NEWS  
BY: DECLAN MCCULLAGH  
1935 CALVERT STREET, NW #1  
WASHINGTON, DC 20009

2 P R O C E E D I N G S

3  
4 (WHEREUPON, COURT CONVENEED AND THE  
5 FOLLOWING PROCEEDINGS WERE HELD:)

6 THE CLERK: CALLING CASE NUMBER 07-1389,  
7 THE FACEBOOK, INC., VERSUS CONNECTU, LLC.

8 THE COURT: DO YOU KNOW THE PARTIES?

9 THE CLERK: THEY'RE SITTING OVER HERE  
10 (INDICATING).

11 LIZ.

12 THE CLERK: YES. TESTING ONE, TWO.

13 THE COURT: STATE YOUR APPEARANCES.

14 MR. CHATTERJEE: GOOD MORNING, YOUR  
15 HONOR. NEEL CHATTERJEE REPRESENTING FACEBOOK, MARK  
16 ZUCKERBERG, A NUMBER OF OTHER INDIVIDUAL PARTIES TO  
17 THE MASSACHUSETTS ACTIONS EXCEPT EDUARDO SAVERIN.

18 WITH ME TODAY ARE MY COLLEAGUES SUSAN  
19 RESLEY AND MONTE COOPER WHO WILL BE ASSISTING ME IN  
20 THE HEARING TODAY.

21 THE COURT: VERY WELL.

22 MR. MOSKO: GOOD MORNING. SCOTT MOSKO.  
23 LET ME -- THERE'S GOING TO BE A BIT OF AN  
24 INTRODUCTION HERE. FOR THE PURPOSES OF THE MOTION  
25 THAT FACEBOOK HAS FILED, I AM NOT REPRESENTING

1 CONNECTU; HOWEVER, I DO REPRESENT CONNECTU IN THE  
2 UNDERLYING CASE.

3 THE COURT: AH.

4 MR. MOSKO: AND I DO REPRESENT THE OTHER  
5 DEFENDANTS.

6 WITH ME THIS MORNING IS DAVID BARRETT,  
7 STEVEN HOLTZMAN, AND EVAN PARKE WHO ARE  
8 REPRESENTING CONNECTU ON THE MOTION CONCERNING THE  
9 SETTLEMENT ISSUES.

10 ALSO MY PARTNER JOHN HORNICK.

11 THE COURT: MR. HORNICK. DO I HAVE A  
12 THIRD PARTY?

13 MR. CHATTERJEE: YOUR HONOR, THERE IS ONE  
14 THIRD PARTY HERE WHICH IS ROBERT HAWK, WHO IS FROM  
15 THE HELLER EHRMAN FIRM AND HE REPRESENTS EDUARDO  
16 SAVERIN IN THE MASSACHUSETTS ACTION.

17 AND I WANT TO MAKE SURE THAT I UNDERSTOOD  
18 CORRECTLY, MR. HORNICK IS NOT ADMITTED IN THIS CASE  
19 BUT IN THE MASSACHUSETTS CASE, AND I WANT TO  
20 UNDERSTAND IF HE'S REPRESENTING CONNECTU OR  
21 CONNECTU AND THE THREE INDIVIDUALS WHO ARE  
22 PLAINTIFFS IN THAT CASE.

23 THE COURT: ALL RIGHT. AND I HAVE KALAMA  
24 LUI-KWAN.

25 MR. LUI-KWAN: YES, YOUR HONOR.

1 YOUR OPPONENT.

2 MR. BARRETT: YOUR HONOR, THANK YOU VERY  
3 MUCH. DAVID BARRETT FROM BOIES, SCHILLER & FLEXNER  
4 REPRESENTING CONNECTU, WHICH I SHOULD NOTE IS THE  
5 ONLY PARTY THAT -- ON THE DEFENDANT'S SIDE WHICH IS  
6 PROPERLY BEFORE THIS COURT, ALTHOUGH THE PLAINTIFFS  
7 ARE ASKING THE COURT TO ENTER AN ORDER THAT WOULD  
8 COMPEL THE INDIVIDUAL PRINCIPALS OF CONNECTU TO  
9 SIGN CERTAIN DOCUMENTS, THE FACT IS THAT THEY  
10 HAVEN'T EVEN SERVED THOSE PEOPLE WITH PROCESS THAT  
11 WOULD BRING THEM PROPERLY BEFORE THIS COURT.

12 SO THAT'S THE REASON THAT I ONLY APPEAR  
13 TODAY IN THIS COURT ON BEHALF OF CONNECTU.

14 SECOND, YOUR HONOR, WITH RESPECT TO  
15 MR. CHATTERJEE'S REQUEST, WE DON'T REALLY LITERALLY  
16 DO NOT UNDERSTAND WHAT IT IS THAT THE PLAINTIFFS  
17 ARE ASKING THIS COURT TO DO.

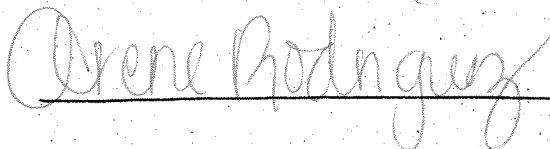
18 THE PROPOSED ORDER THAT WAS FILED WITH  
19 MR. CHATTERJEE'S MOTION BACK IN APRIL IS AN ORDER  
20 THAT DOESN'T EVEN MENTION THE TERM SHEET AND WHICH  
21 IS THE DOCUMENT THAT HE SAID YOU COULD, YOU COULD  
22 JUST STAPLE TO YOUR ORDER.

23 THE PROPOSED ORDER, WHAT THEY WERE  
24 ORIGINALLY ASKING FOR, DOESN'T EVEN MENTION THAT  
25 TERM SHEET.

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4 CERTIFICATE OF REPORTER  
5  
6  
7

8 I, THE UNDERSIGNED OFFICIAL COURT  
9 REPORTER OF THE UNITED STATES DISTRICT COURT FOR  
10 THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH  
11 FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY  
12 CERTIFY:

13 THAT THE FOREGOING TRANSCRIPT,  
14 CERTIFICATE, INCLUSIVE, CONSTITUTED A TRUE, FULL  
15 AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN  
16 AS SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS  
17 HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED  
18 TRANSCRIPTION TO THE BEST OF MY ABILITY.  
19  
20

21  
22 

23 IRENE RODRIGUEZ, CSR, CRR  
24 CERTIFICATE NUMBER CSR 8074  
25