

1 G. HOPKINS GUY, III (State Bar No. 124811)  
 hopguy@orrick.com  
 2 I. NEEL CHATTERJEE (State Bar No. 173985)  
 nchatterjee@orrick.com  
 3 MONTE COOPER (State Bar No. 196746)  
 mcooper@orrick.com  
 4 THERESA A. SUTTON (State Bar No. 211857)  
 tsutton@orrick.com  
 5 YVONNE P. GREER (State Bar No. 214072)  
 ygreer@orrick.com  
 6 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 1000 Marsh Road  
 7 Menlo Park, CA 94025  
 Telephone: 650-614-7400  
 8 Facsimile: 650-614-7401

9 Attorneys for Plaintiffs  
 FACEBOOK, INC. and MARK ZUCKERBERG

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

FACEBOOK, INC. and MARK  
 ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as  
 CONNECTU, LLC), CAMERON  
 WINKLEVOSS, TYLER WINKLEVOSS,  
 DIVYA NARENDRA, PACIFIC  
 NORTHWEST SOFTWARE, INC.,  
 WINSTON WILLIAMS, WAYNE CHANG,  
 and DAVID GUCWA,

Defendants.

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

**DECLARATION OF THERESA A.  
 SUTTON IN SUPPORT OF  
 PLAINTIFFS' OPPOSITION TO  
 CONNECTU'S CIVIL L.R. 6-3  
 MOTION TO ENLARGE TIME**

1 I, Theresa Sutton, declare:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP,  
3 counsel for Plaintiff Facebook, Inc. in the above captioned case. I am an active member in good  
4 standing of the California State Bar, and I am admitted to appear before this Court. I make this  
5 declaration based upon my own personal knowledge and knowledge of the documents in this  
6 case. If called as a witness, I could and would competently testify to the facts stated herein. The  
7 bases for Plaintiffs' Opposition to ConnectU's Civil L.R. 6-3 Motion to Enlarge Time are as  
8 follows:

9 2. ConnectU's motion purports to be brought pursuant to Civil Local Rule 6-  
10 3, which permits modifications of existing deadlines, but does not meet any of the explicit  
11 requirements of that Rule. ConnectU's motion contains requests for relief and argument that are  
12 not authorized by Rule 6-3. For instance, ConnectU asks the Court to

- 13 a. strike the Second Amended Complaint or order Facebook to
- 14 withdraw it.
- 15 b. continue the July 11, 2007, Case Management Conference; and
- 16 c. prohibit Facebook from ever adding new parties to this action.

17 ConnectU also argues that the Second Amended Complaint violates this Court's May 21, 2007,  
18 Order granting Facebook leave to amend its Complaint.

19 3. ConnectU did not satisfy the requirements of Civil Local Rule 6-3. Rule 6-  
20 3 requires ConnectU to submit a declaration that: 1) sets forth with particularity, the reasons for  
21 the requested enlargement of time; 2) describes the efforts ConnectU has made to obtain a  
22 stipulation to the time change; 3) identifies the substantial harm or prejudice that would occur if  
23 the Court did not change the time; 4) discloses all previous time modifications in the case; and 5)  
24 describes the effect the requested time modification would have on the schedule for the case. The  
25 Declaration of Scott Mosko submitted in support of ConnectU's Motion to Enlarge Time does not  
26 include any of these factual statements.

27 4. ConnectU's Motion to Enlarge Time identifies no cognizable harm or  
28 prejudice that would occur if the Court denies its motion.

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5. ConnectU's motion and, more specifically, the declaration submitted in support thereof, fails to describe the efforts ConnectU made to obtain a stipulation to the time change it now seeks.

6. Facebook did not violate the Court's May 21, 2007, Order granting Facebook leave to amend its complaint. The Order is silent on the issue.

7. Plaintiffs granted all defendants an extension of time to respond until June 25, 2007.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of June, 2007, at Menlo Park, California.

/s/ Theresa A. Sutton /s/  
Theresa A. Sutton

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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 June 8, 2007.

Dated: June 8, 2007.

Respectfully submitted,

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/s/ Theresa A. Sutton /s/  
Theresa A. Sutton