

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU, INC., CAMERON
WINKLEVOSS, TYLER WINKLEVOSS,
AND DIVYA NARENDRA,

Plaintiff,

v.

FACEBOOK, INC., MARK ZUCKERBERG,
EDUARDO SAVERIN, DUSTIN
MOSKOVITZ, ANDREW MCCOLLUM, and
FACEBOOK, LLC,

Defendants.

Civil Action No. 1:07-CV-10593-DPW

**THE FACEBOOK DEFENDANTS' MOTION TO COMPEL PLAINTIFFS TO IMAGE
AND SEARCH THEIR MEMORY DEVICES FOR SOURCE CODE, AND TO COMPLY
WITH REQUESTS FOR PRODUCTION NOS. 1-2, 67-68 AND 117**

Defendants Facebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and TheFacebook, LLC (collectively, the "Facebook Defendants") request that the Court order plaintiffs ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss and Divya Narendra (collectively, "Plaintiffs") (a) to produce all Harvard Connection and ConnectU.com source code pursuant to Requests for Production Nos. 1-2 and 67-68; and (b) to provide in accordance with Request for Production No. 117 all electronic memory devices in Plaintiffs' possession, custody or control to Plaintiffs' expert, to be imaged and searched for computer program source code files and database definitions pursuant to the protocol already specified in the Court's Order For Discovery Of Computer Memory Devices [Dkt. 103].

As part of such compliance, the Court should order that Plaintiffs' experts image and analyze all of their memory devices, including all computer hard drives, zip drives, USB drives and other portable memory devices, and servers in the possession, custody or control of the Plaintiff from January 1, 2003, to the present. The devices should include all servers and other electronic memory devices in the possession, custody and/or control of any Plaintiff, including the devices used by Cameron and Tyler Winklevoss at home, school and work (even if on the premises of a Winklevoss company such as Winklevoss Consultants), the devices used by Divya Narendra at home, school and work, Howard Winklevoss' devices at home and work, and any other devices used by any Harvard Connection, ConnectU or Winklevoss company employees. Plaintiffs should also identify each device presently in their possession, custody and/or control, and the custodian(s) thereof over time.

The Facebook Defendants further request that the Court enter an order identical to the Imaging Order entered September 13, 2007, specifying devices to be produced for imaging, guidelines for imaging and analysis, and calendar deadlines for each step in the protocol. The

protocol should specify that the search is targeted to identifying source code relevant to Harvard Connection, ConnectU.com, Social Butterfly, Facebook Importer and any related source code and database definitions.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

Counsel for the Facebook Defendants certifies that, pursuant to Local Rule 7.1(a)(2), they met and conferred with counsel for Plaintiffs and Defendant Eduardo Saverin regarding this motion on August 15, 2007, via telephone conference. Monte M.F. Cooper, Theresa Sutton and Chester Day participated on behalf of the Facebook Defendants, Daniel Hampton on behalf of Defendant Eduardo Saverin, and Meredith Schoenfeld and Daniel Kaufman on behalf of Plaintiffs. The length of the teleconference was approximately one and one-half hours.

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Dated: October 24, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

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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 October 24, 2007.

Dated: October 24, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

Theresa A. Sutton