

# **EXHIBIT 16**



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September 10, 2007

**VIA EMAIL AND FIRST CLASS MAIL**

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1000 Marsh Road  
Menlo Park, CA 94025-1015

ConnectU, Inc. v. Facebook, Inc.  
Civil Action No. 1:07-cv-10593 (DPW)

Dear Monte:

This letter clarifies some of the misstatements made in your September 6, 2007 letter, and explains why any motion to compel would be futile and unnecessary.

**Interrogatory Responses**

As previously stated, ConnectU will supplement its responses to the identified interrogatories. However, ConnectU will not be able to do so this week, but is willing to commit to a date certain for supplementing its interrogatory responses. Please provide us with your reasons for needing the interrogatory responses immediately. We note that Facebook Defendants waited 1-2 years before asserting that ConnectU's interrogatory responses were deficient.

**Harvard Connection/ConnectU Code**

Regarding Harvard Connection code, as we have previously stated all versions of the Harvard Connection code in ConnectU's possession, custody, or control were produced. Furthermore, ConnectU has never stated that it did not take efforts to preserve any code that it had obligations or ability to preserve. Further, there are no missing versions of the Harvard Connection code or the ConnectU code.

We reiterate that memory devices possessed or controlled by the Harvard Connection Founders never contained the Harvard Connection code before the lawsuit began. Therefore, ConnectU sees no need for electronic imaging and keyword extraction to locate code because such search would be completely futile.

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Regarding connectu.com code, ConnectU has never refused to produce all known versions of the code. To the contrary, all known versions of the connectu.com source code have been produced. Both PNS and Williams have produced all versions of the connectu.com code that they have in their possession, custody, or control. Further, Facebook Defendants have failed to justify their need for all versions of the connectu.com source code. The reasons given in your September 6 letter, with which we disagree, once again fail to explain why every version is needed.

### Requests For Production

Although ConnectU does not believe it will yield further responsive documents, ConnectU does not object to performing a keyword search of its electronic data, and will do so.

Documents concerning the financing of this litigation are not responsive to your production requests, and/or are privileged. Regardless, and without waiving privilege, no hedge fund or other financial institution is funding this litigation. Incidentally, please produce the December 20, 2006 email to which you refer.

If you have further questions, please let us know.

Sincerely,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Meredith H. Schoenfeld

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