

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU, INC., CAMERON	)	
WINKLEVOSS, TYLER WINKLEVOSS,	)	
AND DIVYA NARENDRA,	)	CIVIL ACTION NO. 1:07-CV-
	)	10593-DPW
Plaintiffs,	)	
	)	
v.	)	
	)	
FACEBOOK, INC., MARK ZUCKERBERG,	)	
EDUARDO SAVERIN, DUSTIN	)	
MOSKOVITZ, ANDREW MCCOLLUM,	)	
AND THEFACEBOOK LLC,	)	
	)	
Defendants.	)	
	)	

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**DECLARATION OF CAMERON WINKLEVOSS**

I, Cameron Winklevoss, hereby declare as follows:

1. Throughout 2003 and into early 2004, Tyler Winklevoss, Divya Narendra and I (the “Founders”) developed a social networking website called Harvard Connection through the aid of various computer programmers. Their names were, in order, Sanjay Mavinkurve, Victor Gao, Joe Jackson and Mark Zuckerberg.

2. When the Founders began developing the Harvard Connection website, Mavinkurve wrote the code on his personal computer and kept the Founders updated of its progress. At some point prior to November 2003, the Founders had Mavinkurve move the Harvard Connection code to a server hosted by a company called Hurricane Electric.

3. Gao, as the next programmer to work on the Harvard Connection website after Mavinkurve, stored the code both on his personal computer and the Hurricane Electric server. Joe Jackson did the same.

4. In November 2003, the Founders, after taking on Zuckerberg as a member of the fledgling website business, gave him the username and password for the Hurricane Electric server. It was the Founders' understanding that Zuckerberg then downloaded the Harvard Connection code and began writing more code on his personal computer. As I understood it then, Zuckerberg's first goal was to complete the code so that the team had a working website, and he would upload the code to the server when complete.

5. At no point from the time Zuckerberg joined the Harvard Connection team to when he started thefacebook.com or afterward did he ever provide the Founders with the completed code he said he had written, or upload it from his personal computer to the Hurricane Electric server. Consequently, the only version of Harvard Connection code developed and possessed by the Founders was the incomplete version located on the Hurricane Electric server.

6. In December 2003, the Founders met with Zuckerberg in Zuckerberg's dorm room to discuss the Harvard Connection website. At this meeting, Zuckerberg claimed that the code was still unfinished.

7. After Zuckerberg stole the Founders' idea and started thefacebook.com, Victor Gao did several hours of additional coding on the Harvard Connection code in February 2004. The Founders copyrighted the code Gao finished in late 2004.

8. Throughout the entire development process for the Harvard Connection website and subsequent connectu.com site development, the Founders' standard practice was to keep the website code either on the programmers' computers or on an internet-accessible computer server.

I never kept any Harvard Connection or connectu.com code on my personal computers or other electronic storage devices.

9. The Founders, in response to document requests served by the Defendants in the original 2004 case, searched for all instances of Harvard Connection code known to exist. The Founders obtained copies of the various stages of the Harvard Connection code's development from Mavinkurve, Gao and iMarc.

10. In this original search, the Founders obtained the version of Harvard Connection code as it existed in its latest state on Mavinkurve's personal electronic storage device. Though Mavinkurve was not ever officially subpoenaed in the 2004 case, the Founders obtained the code he possessed for the sake of completeness. This was produced as Bates C011611-12.

11. The Founders also requested and obtained from Gao all code he possessed. The only instance of Harvard Connection code in Gao's possession was the form stored on the Hurricane Electric server in mid-to-late February 2004. Gao represented to the Founders he had downloaded the code from the Hurricane Electric server in February 2004 and possessed it on his personal electronic storage device. This code was produced to the Defendants as Bates C11143.

12. Prior to the Founders registering the Harvard Connection code with the United States Copyright Office, Gao furthered developed the code, the final version of which was provided to the Defendants as Bates C4851-5287.

13. Sometime in March 2004, the Founders hired a company called iMarc to finish the Harvard Connection website. The Founders provided iMarc with the username and password to the Hurricane Electric server, and iMarc downloaded all code as it existed onto their company servers. Between the time Gao downloaded the Harvard Connection code in February 2004 and

iMarc downloaded it in March 2004, the Founders did not change or delete any of the code on the Hurricane Electric server.

14. The Founders obtained from iMarc and produced the version of Harvard Connection code as it was downloaded from the Hurricane Electric server in March 2004. This version was produced to Defendants as Bates C011338. It is my understanding that this version of code is the absolute latest version of the Harvard Connection code and is identical to the version hosted on the Hurricane Electric server in March 2004; iMarc did not change it in any way. The Founders did not request, and are not aware of, any further work on the code as it existed on the Hurricane Electric server beyond iMarc's download in March 2004.

15. After iMarc downloaded and viewed the Harvard Connection code, it determined that completely rewriting the website would be a more efficient use of the Founders' money. The Founders agreed, and so iMarc began work on code that would later become the website connectu.com, a website that embodied all of the trade secrets Zuckerberg stole in February 2004. The Founders produced copies of the 2004 versions of this code as Bates C011338 and C011339. All work on the connectu.com code occurred at iMarc's offices and on iMarc's servers.

16. I never downloaded the code onto my personal computer or other electronic storage device. I only viewed the Harvard Connection and ConnectU.com websites through a web browser by accessing the url of the website. I never logged into any server to access, view, or download code files.

17. Though I dispute the ambiguous definitions given to the "Social Butterfly" and "Facebook Importer" subprograms by the Facebook Defendants in their instant motion, I am aware that any and all work on anything related to those names was conducted by a company in

the state of Washington called Pacific Northwest Software. I never viewed the actual program code or downloaded it onto my personal electronic storage devices, and only used versions of the program on the internet via a web browser.

18. The emails referenced on pages 12-14 of the Facebook Defendants' memorandum of law are instances in which I viewed the public and development versions of connectu.com and quoted visible lines of code as they appeared on my screen. These were errors that appeared when using the website in the normal course of business. At no time did I login directly to the server to view the website's underlying code or download anything to my computer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Declaration is executed on the 7th day of November 2007.

/s/ Cameron Winklevoss  
Cameron Winklevoss

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to any non-registered participants as of November 7, 2007.

/s/ Daniel P. Tighe  
Daniel P. Tighe