

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

**DECLARATION OF MONTE M.F. COOPER IN SUPPORT OF THE FACEBOOK
DEFENDANTS' MOTION TO COMPEL RESPONSE TO INTERROGATORY NO. 1**

I, Monte Cooper, declare as follows:

1. I am Of Counsel at the law firm of Orrick, Herrington & Sutcliffe, counsel for Defendants Facebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and TheFacebook, LLC in this action. I am an active member in good standing of the Bar of the States of California and Colorado, and am admitted to appear *pro hac vice* before this Court. I make this declaration in support of The Facebook Defendants' Motion to Compel Response to Interrogatory No. 1. I have personal knowledge of the facts stated herein and, if called as a witness, could and would competently testify thereto.
2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from Plaintiff and Counterclaim Defendant ConnectU LLC's Responses to Defendant and Counterclaim Plaintiff Thefacebook, Inc.'s First Set of Interrogatories (Nos. 1-17), submitted in the related action *ConnectU v. Zuckerberg et al.*, Case No. 1:04-cv-11923-DPW (D. Mass.), served August 22, 2005.
3. Attached hereto as **Exhibit 2** is a true and correct copy of a letter from I. Neel Chatterjee to Margaret Esquenet, dated July 12, 2007.
4. Attached hereto as **Exhibit 3** is a true and correct copy of an e-mail message from Meredith Schoenfeld to I. Neel Chatterjee, Theresa A. Sutton, Hopkins Guy and Monte Cooper, dated July 23, 2007.
5. Attached hereto as **Exhibit 4** is a true and correct copy of an e-mail message from Monte Cooper to John Hornick, Pat Hart, Daniel Kaufman, Margaret Esquenet and Meredith Schoenfeld, dated July 31, 2007.
6. Attached hereto as **Exhibit 5** is a true and correct copy of an e-mail message from Monte Cooper to Meredith Schoenfeld, John Hornick, Pat Hart, Daniel Kaufman and Margaret Esquenet, dated August 8, 2007.
7. Attached hereto as **Exhibit 6** is a true and correct copy of a letter from Meredith Schoenfeld to Monte Cooper, dated August 13, 2007.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a letter from Monte Cooper to Meredith Schoenfeld, dated August 23, 2007.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a letter from Monte Cooper to Meredith Schoenfeld, dated September 6, 2007.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a letter from Meredith Schoenfeld to Monte Cooper, dated September 10, 2007.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an e-mail message from Meredith Schoenfeld to Monte Cooper, John Hornick, Margaret Esquenet, Pat Hart and Daniel Kaufman, dated September 11, 2007.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an e-mail message from Theresa A. Sutton to Meredith Schoenfeld, Monte Cooper, John Hornick, Margaret Esquenet, Pat Hart, Daniel Kaufman and Adam Wolfson, dated October 12, 2007.

13. Attached hereto as **Exhibit 12** is a true and correct copy of an e-mail message from Adam Wolfson to Theresa Sutton, dated October 14, 2007 and sent at 7:11 a.m.

14. Attached hereto as **Exhibit 13** is a true and correct copy of an e-mail from Monte Cooper to Adam Wolfson and Theresa Sutton, dated October 14, 2007 and sent at 8:21 a.m.

15. Attached hereto as **Exhibit 14** is a true and correct copy of an e-mail message from Adam Wolfson to Monte Cooper and Theresa Sutton, dated October 14, 2007 and sent at 7:07 p.m.

16. Attached hereto as **Exhibit 15** is a true and correct copy of an e-mail message from Monte Cooper to Adam Wolfson and Theresa Sutton, dated October 14, 2007 and sent at 7:21 p.m.

17. Attached hereto as **Exhibit 16** is a true and correct copy of an Order Granting In Part IMB's Motion To Limit SCO's Claims, entered June 28, 2006 in *The SCO Group, Inc. v. International Business Machines Corp.*, Case No. 2:03-cv-00294-DAK (D. Utah) ("SCO Action").

18. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from the hearing regarding Defendants' Motions to Dismiss held in this action on July 25, 2007.

19. I am unaware of any supplemental discovery received by the Facebook Defendants from Plaintiffs since July 28, 2007, other than an unverified supplementation on August 13, 2007 of Interrogatory No. 2 from Counterclaim Defendant ConnectU LLC's Responses to Defendant and Counterclaim Plaintiff Thefacebook, Inc.'s First Set of Interrogatories (Nos. 1-17), previously submitted in the related action *ConnectU v. Zuckerberg et al.*, Case No. 1:04-cv-11923-DPW (D. Mass.), and served August 22, 2005. Supplementation of Interrogatory No. 2 was never requested in any of the earlier correspondence from the Facebook Defendants or during subsequent meet-and-confers between the parties. On the other hand, Defendants did request supplementation of ConnectU LLC's prior responses to Interrogatories Nos. 1, 3-8, 10-11, and 13-14. Plaintiffs agreed to supplement all of these responses during a meet-and-confer held on August 15, 2007 pursuant to L.R. 7.1(a)(2) and FRCP 37(a)(2).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of November 2007, at Menlo Park, California.

/s/ Monte M.F. Cooper /s/

Monte M.F. Cooper

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 November 14, 2007.

Dated: November 14, 2007.

Respectfully submitted,

/s/ Monte M.F. Cooper /s/

Monte M.F. Cooper