

# **EXHIBIT 5**

**Hanhan, Melinda**

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**From:** Cooper, Monte  
**Sent:** Wednesday, August 08, 2007 10:05 AM  
**To:** 'Schoenfeld, Meredith'; Hornick, John; Hart, Pat; Kaufman, Daniel; Esquenet, Margaret  
**Cc:** Dan Hampton; Robert Hawk; Annette Hurst; Gordon Katz; Sbauer; Joczek; Boutin, Anne; Chatterjee, I. Neel; Sutton, Theresa A.; Guy, Hopkins; Dalton, Amy; Trinh, Michael; Hanhan, Melinda; Mudurian, Karen; Hart, Stephanie; Sagmit, Magnolia "Mimi"  
**Subject:** RE: ConnectU v. Facebook, Case No. 07-10593 DPW

Meredith:

We are available at 10:00 a.m. PDT, 1:00 p.m. EDT for the meet-and-confer. However, I note that in several earlier communications, we were promised letters responding to Neel's prior correspondence setting forth what the defendants view as deficiencies in the Plaintiff's responses to requests for production and interrogatory responses. We originally were informed we would receive responses by August 1, but still have seen no such response. Do you plan to respond prior to August 15, as promised?

Monte

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**From:** Schoenfeld, Meredith [mailto:Meredith.Schoenfeld@finnegan.com]  
**Sent:** Thursday, August 02, 2007 5:51 AM  
**To:** Cooper, Monte; Hornick, John; Hart, Pat; Kaufman, Daniel; Esquenet, Margaret  
**Cc:** Dan Hampton; Robert Hawk; Annette Hurst; Gordon Katz; Sbauer; Joczek; Boutin, Anne; Chatterjee, I. Neel; Sutton, Theresa A.; Guy, Hopkins; Dalton, Amy; Trinh, Michael; Hanhan, Melinda; Mudurian, Karen; Hart, Stephanie; Sagmit, Magnolia "Mimi"  
**Subject:** RE: ConnectU v. Facebook, Case No. 07-10593 DPW

Monte: We are available to meet and confer on August 15, 2007. Please suggest a time.

Sincerely, Meredith

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**From:** Cooper, Monte [mailto:mcooper@orrick.com]  
**Sent:** Wednesday, August 01, 2007 12:39 AM  
**To:** Hornick, John; Hart, Pat; Kaufman, Daniel; Esquenet, Margaret; Schoenfeld, Meredith  
**Cc:** Dan Hampton; Robert Hawk; Annette Hurst; Gordon Katz; Sbauer; Joczek; Boutin, Anne; Chatterjee, I. Neel; Sutton, Theresa A.; Guy, Hopkins; Dalton, Amy; Trinh, Michael; Hanhan, Melinda; Mudurian, Karen; Hart, Stephanie; Sagmit, Magnolia "Mimi"  
**Subject:** RE: ConnectU v. Facebook, Case No. 07-10593 DPW

John, et al.:

It has now been almost a month since we sent our letters re plaintiff's discovery deficiencies from the earlier case; and it has been three weeks since we received the email response below, which promised a response pending discussion with the Winklevoss twins. As you know, we have made multiple requests regarding this matter, requesting such a response.

We have not, however, received any type of written response to our multiple written inquiries, notwithstanding that the Pan Am games are long complete and the Winklevoss twins have been back in the United States for some time and even offered press conferences regarding the present litigation. Therefore, please provide a date and time in accordance with the Local Rules of the District of Massachusetts when you will meet and confer on the motion to compel contemplated by the letters previously forwarded to you. Please note, this request is made formally per Local Rule 37.1. Thank you for your attention to this issue.

Monte

10/23/2007

**From:** Schoenfeld, Meredith [mailto:Meredith.Schoenfeld@finnegan.com]  
**Sent:** Thursday, July 12, 2007 11:03 AM  
**To:** Chatterjee, I. Neel; Sutton, Theresa A.; Guy, Hopkins; Cooper, Monte  
**Cc:** Dan Hampton; Robert Hawk; Annette Hurst; Gordon Katz; Kaufman, Daniel; Hornick, John; Sbauer; Joczek; Boutin, Anne; Esquenet, Margaret; Hart, Pat  
**Subject:** RE: ConnectU v. Facebook, Case No. 07-10593 DPW

Dear Neel:

We are currently considering the requests in your letter of July 2, 2007 (attached for your convenience). Your letter raises many issues we would like to discuss with our clients, but the Winklevoss brothers are out of the country, competing in the Pan America Games in Brazil. We do not expect to be able to have meaningful conversations with them until they return to the US late this month. Although we are willing to meet and confer before they return, our positions with respect to many of the production requests will be contingent on discussing them with our clients. Thus, we suggest waiting to meet and confer until after they return. Once we have discussed the issues raised by your letter with our clients, we will provide you with a letter detailing our position. If any issues remain which need further resolution, we can set up a discovery conference at that time. Please let us know if this is acceptable.

Sincerely, Meredith

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