

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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

Plaintiffs,

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 THERESA A. SUTTON IN SUPPORT OF MEMORANDUM IN  
REPLY TO PLAINTIFFS' OPPOSITION TO 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**

I, Theresa A. Sutton, declare as follows:

1. I am an associate 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 make this declaration in support of Defendants Reply to Plaintiffs' Opposition to 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.

2. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the deposition of Maria Antonelli taken on October 4, 2006, in *ConnectU v. Zuckerberg et al.*, Case No. 1:04-cv-11923.

3. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from the deposition of ConnectU, by Cameron Winklevoss, pursuant to Fed.R.Civ.P. 30(b)(6) taken on August 9, 2005, in *ConnectU v. Zuckerberg et al.*, Case No. 1:04-cv-11923.

4. Attached hereto as **Exhibit 28** is a true and correct copy of Plaintiff and Counterclaim Defendant ConnectU LLC's Responses to Defendant and Counterclaim Plaintiff The Facebook, Inc.'s First Set of Interrogatories (Nos 1-17) dated August 22, 2005.

5. Attached hereto as **Exhibit 29** is a true and correct copy of the *Managing Discovery of Electronic Information: A Pocket Guide for Judges*, by Barbara J. Rothstein, Ronald J. Hedges, and Elizabeth C. Wiggins (Federal Judicial Center 2007).

6. Attached hereto as **Exhibit 30** is a true and correct copy of (1) Microsoft Office Online, Help and How – To, Delete Temporary Internet Files and Address History, <http://office.microsoft.com/en-us/help/HA011906921033.aspx> (last visited Nov. 13, 2007); (2) How Internet Explorer Cache Settings Affect Web Browsing,

<http://support.microsoft.com/kb/263070/EN-US/> (last visited Nov. 13, 2007); and (3) Wikipedia, Temporary Internet Files, [http://en.wikipedia.org/wiki/Temporary\\_Internet\\_Files](http://en.wikipedia.org/wiki/Temporary_Internet_Files) (last visited Nov. 13, 2007).

7. Attached hereto as **Exhibit 31** is a true and correct copy of excerpts from the deposition of Winston Williams taken on June 19, 2007, in *Facebook, Inc., et al. v. ConnectU Inc, et al.*, U.S.D.C., Northern District of California, Case No. 1:07-cv-01389.

**[CONFIDENTIAL DOCUMENT SUBMITTED UNDER SEAL]**

8. Attached hereto as **Exhibit 32** is a true and correct copy of an email from Marc Pierrat to Fred LeBlanc and Nick Grant dated June 11, 2004, identified as iMarc0000798.

9. Attached hereto as **Exhibit 33** is a true and correct copy of an email from Deva Mishra to David Tufts dated July 6, 2004, identified as iMarc000659.

10. Attached hereto as **Exhibit 34** is a true and correct copy of an email chain from Cameron Winklevoss to Howard Winklevoss dated May 3, 2004, identified as C003865-C003869. **[CONFIDENTIAL DOCUMENT SUBMITTED UNDER SEAL]**

11. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts from the October 17, 2007 hearing transcript.

12. Attached hereto as **Exhibit 36** is a true and correct copy of excerpts from the deposition of iMarc LLC, by David Tufts, pursuant to Fed.R.Civ.P. 30(b)(6) taken on October 5, 2007, in *Facebook, Inc., et al. v. ConnectU Inc, et al.*, U.S.D.C., Northern District of California, Case No. 1:07-cv-01389.

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/ Theresa S. Sutton/s/  
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Theresa S. Sutton

**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/ Theresa A. Sutton /s/

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Theresa A. Sutton