

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

**CONNECTU, INC., CAMERON
WINKELVOSS, TYLER WINKELVOSS,
and DIVYA NARENDRA,**

Plaintiffs,

v.

Case No. 1:07-CV-10593-DPW

**FACEBOOK, INC., MARK ZUCKERBERG,
EDUARDO SAVERIN, DUSTIN
MOSKOVITZ, ANDREW MCCOLLUM, and
FACEBOOK, LLC,**

Defendants.

DECLARATION OF BOM KIM

1. I am the founder and President of the magazine *02138*, published by Vintage Media LLC. I make this declaration on the basis of my personal knowledge and understanding after having interviewed various members of my staff.

2. *02138* hired freelance reporter Luke O’Brien to research and write an article about the origins of Facebook and the litigation between Facebook and ConnectU.

3. After he wrote the article, Luke O’Brien provided *02138*, at the request of our managing editor, with the documents he obtained from the court file during his research of this story. We posted eight of those documents on our website at <http://www.02138mag.com/magazine/article/1764.html>, entitled “The Facebook Files,” beginning late in the evening on Monday, November 26, 2007.

4. The document entitled “Mark Zuckerberg’s online diary” is a re-creation of a document that Luke O’Brien obtained from the court file and provided to us. Because the copy

quality of the document was poor, we decided not to scan the document. Instead, a 02138 intern re-created the online diary document by typing the exact text into a Word file and reproducing the header and footer as they appeared on the copy. He did not reproduce the line numbers that appeared on the left hand side of the original online diary document. Lindsay Branch, an 02138 employee, then converted that Word document into a PDF file that was then posted online.

5. Luke O'Brien also provided us with the document entitled "Mark Zuckerberg's Harvard Application" which he obtained from the court file. The document Mr. O'Brien provided had his handwritten notes on the document. When we first posted Mr. Zuckerberg's Harvard application on our website, we neglected to remove Mr. O'Brien's handwritten notations. After we were contacted by counsel for the Facebook defendants on or about Wednesday, November 28, we posted a second version of Mr. Zuckerberg's Harvard application in which we redacted certain personal identifying information (specifically, Mr. Zuckerberg's social security number and his parents' home address and telephone number), and at the same time removed the handwritten notations of Mr. O'Brien that were inadvertently left on Mr. Zuckerberg's Harvard application the first time it was posted on our website. Later, after we realized that we had neglected to redact one remaining mention of Mr. Zuckerberg's social security number that still appeared in the application, we posted a third version of Mr. Zuckerberg's Harvard application on Thursday, November 29, currently available on our website, in which we redacted the remaining reference to Mr. Zuckerberg's social security number. All of the handwritten notations that we removed from Mr. Zuckerberg's Harvard application are, to the best of my knowledge and belief, those of Luke O'Brien.

6. On November 30, 2007, following the court hearing, at approximately 5:30 p.m., we redacted the name of the woman identified in the first line of the document identified as "Mark Zuckerberg's online diary" as a matter of editorial discretion.

7. Also on November 30, 2007, following the court hearing, at approximately 5:30 p.m., we redacted the name of the woman identified in the document entitled "Mark Zuckerberg's testimony #2" at p. 219, lines 9, 11, and 19 as a matter of editorial discretion.

8. In addition to the documents posted on 02138's website, 02138 possesses some additional documents obtained from the court file by Mr. O'Brien and used as source materials for the article "Poking Facebook." 02138 has not posted these documents online.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 4, 2007.

/s/ Bom Kim
Bom Kim

CERTIFICATE OF SERVICE

I hereby certify that a copy of the following document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties of record by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Elizabeth A. Ritvo

Elizabeth A. Ritvo

Dated: December 4, 2007