

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

**DEFENDANTS MARK ZUCKERBERG, FACEBOOK, INC., DUSTIN MOSKOVITZ,  
ANDREW MCCOLLUM AND FACEBOOK LLC'S MOTION FOR SUMMARY  
JUDGMENT ON PLAINTIFFS' CLAIM OF COPYRIGHT INFRINGEMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, Defendants Mark Zuckerberg, Facebook, Inc., Dustin Moskovitz, Andrew McCollum, Facebook LLC<sup>1</sup> hereby move for summary judgment as to ConnectU Inc.'s Seventh Claim for Relief of Copyright Infringement. There exists no genuine issue of material fact to be tried which supports any claim of actionable copying by Defendants of any copyrighted material asserted by Plaintiffs in this action.

This motion is based on the accompanying Memorandum of Points and Authorities, the Declaration of Monte M.F. Cooper along with the supporting Exhibits, the Statement of Undisputed Facts, and the pleadings of record, all of which demonstrate that there is no material issue of disputed fact with regard to Plaintiffs' seventh claim for relief for copyright infringement. As a result, summary judgment on the copyright claim is appropriate.

#### **REQUEST FOR ORAL ARGUMENT**

Because Defendants wish to be heard and believe that oral argument may assist the Court, pursuant to D. Mass. L.R. 7.1(D), they hereby request that the Court grant oral argument on this motion.

#### **CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Counsel for the Individual Defendants certifies that pursuant to Local Rule 7.1(a)(2), on February 4, 2008 they met and conferred in good faith by telephonic conference with counsel for Plaintiffs concerning this Motion for Summary Judgment, in an attempt to narrow the issues. Counsel who were present included Monte Cooper and Theresa Sutton for Defendants Mark Zuckerberg, Facebook, Inc., Facebook LLC, Dustin Moskovitz, and Andrew McCollum, Robert Hawk for Defendant Eduardo Saverin, and David Azar, Renee Bea, and Adam Wolfson for the

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<sup>1</sup> Defendant Eduardo Saverin is represented by separate counsel.

Plaintiffs ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss and Divya Narendra. Despite the good faith efforts of all counsel, no agreement was reached regarding the motion or the narrowing of issues concerning the copyright claim.

Dated: February 12, 2008.

Respectfully submitted,

/s/ I. Neel Chatterjee /s/

I. Neel Chatterjee\*

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\* Admitted Pro Hac Vice

**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 February 12, 2008.

Dated: February 12, 2008.

Respectfully submitted,

/s/ I. Neel Chatterjee /s/

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I. Neel Chatterjee