

EXHIBIT 11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Certified Copy

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

Plaintiffs,

vs.

NO. 1:07-CV-10593-DPW

FACEBOOK, INC., MARK
ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MASKOVITZ, ANDREW
MCCOLLUM AND FACEBOOK, LLC,
Defendants.

-----/

---oOo---

VIDEOTAPED DEPOSITION OF

JOE JACKSON

Thursday, September 27, 2007

(Pages 1 - 178)

---oOo---

SHEILA CHASE & ASSOCIATES
REPORTING FOR:
LiveNote World Service
221 Main Street, Suite 1250
San Francisco, California 94105
Phone: (415) 321-2311
Fax: (415) 321-2301

Reported by:
KATHLEEN A. WILKINS, CSR, RPR, CRR
CSR No. 10068

1 BE IT REMEMBERED that on Thursday, September 27,
2 2007, commencing at the hour of 10:35 a.m. thereof,
3 at 405 Howard Street, San Francisco, California,
4 before me, KATHLEEN A. WILKINS, RPR, CRR, a
5 Certified Shorthand Reporter in and for the State of
6 California, personally appeared

7 JOE JACKSON,

8 called as a witness by the defendants herein, who,
9 being by me first duly sworn, was thereupon examined
10 and testified as hereinafter set forth.

11 ---oOo---

12 Appearing as counsel on behalf of Plaintiff Connectu:

13 MARGARET A. ESQUENET, Esq.
14 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
15 901 New York Avenue, NW
16 Washington, DC 20001-4414
17 Telephone: (202) 408-4000
18 Fax: (202) 408-4400
19 Margaret.esquenet@finnegan.com

20
21 Appearing as counsel on behalf of Defendants
22 Facebook, Inc.; Mark Zuckerberg; Dustin Moskovitz;
23 Andrew McCollum and Facebook, LLP:

24 MONTE COOPER, Esq.
25 ORRICK, HERRINGTON & SUTCLIFFE, LLP
1000 Marsh Road
Menlo Park, California 94025
Telephone: (650) 614-7400
Fax: (650) 614-7401
Mcooper@orrick.com

1 APPEARANCES (Continued)

2 Appearing as counsel on behalf of Defendant Eduardo
3 Saverin:

4 NATHAN SHAFROTH, Esq.
5 HELLER, EHRMAN LLP
6 333 Bush Street
7 San Francisco, California 94104
8 Telephone: (415) 772-6182
9 Fax: (415) 772-6266

10 Nathan.shafroth@hellerehrman.com

11 Appearing as counsel on behalf of witness

12 Lorraine Ocheltree, Esq.

13 Duane Morris, LLP

14 One Market, Spear Tower Suite 2000

15 San Francisco, Ca 94105

16 Telephone: (415) 957-3234

17 Fax: (415) 957-3001

18 LPOcheltree@duanemorris.com

19 Also appearing as counsel on behalf of ConnectU

20 Emily Kalanithi, Esq.

21 Quinn Emanuel Urquhart Oliver & Hedges

22 50 California Street, 22nd Floor

23 San Francisco, Ca 94111

24 Telephone: (415) 875-6600 Fax: (415) 875-6700

25 emilykalanithi@quinnemanuel.com

1 SEPTEMBER 27, 2007

10:36 A.M.

2 P R O C E E D I N G S

3 THE VIDEOGRAPHER: This begins the
4 videotaped deposition of Joe Jackson, Tape 1, Volume
5 1, in the matter of ConnectU, Incorporated, et al.
6 versus Facebook, Incorporated, et al., as filed in
7 the United States District Court for the District of
8 Massachusetts, Civil Action No. 1:07-CV-10593 DPW.

9 Today's date is September 27, 2007. The
10 time on the video monitor is 10:35. The video
11 operator today is James Terrell, representing
12 LiveNote World Service, located at 221 Main Street,
13 Suite 1250, San Francisco, California, 94105. The
14 phone number is (415) 321-2300.

15 The court reporter is Kathleen Wilkins
16 with Sheila Chase & Associates, reporting on behalf
17 of LiveNote World Service. Today's deposition is
18 being taken on behalf of defendants and is taking
19 place at 405 Howard Street in San Francisco,
20 California.

21 And if counsel will now please introduce
22 yourselves and state whom you represent.

23 MR. COOPER: This is Monte Cooper of the
24 law firm Orrick, Herrington & Sutcliffe. I
25 represent all defendants in this action except for

1 Eduardo Saverin, and that can be classified as the
2 "Facebook defendants."

3 MR. SHAFROTH: I'm Nathan Shafroth from
4 Heller, Ehrman, LLP. We represent defendant
5 Saverin.

6 MS. KALANITHI: Emily Kalanithi from Quinn
7 Emanuel Urquhart Oliver & Hedges representing
8 plaintiff ConnectU.

9 MS. ESQUENET: Margaret Esquenet,
10 Finnegan, Henderson, Farabow, Garrett & Dunner
11 representing plaintiffs ConnectU, Inc., Cameron and
12 Tyler Winklevoss and Divya Narendra.

13 MS. OCHELTREE: Lorraine Ocheltree of
14 Duane Morris representing the witness, Joe Jackson.

15 THE VIDEOGRAPHER: Thank you.

16 You may swear the witness and begin.

17 JOE JACKSON,

18 having been duly sworn,

19 was examined and testified as follows:

20 --oOo--

21 EXAMINATION BY MR. COOPER

22 MR. COOPER: Q. Mr. Jackson, have you
23 ever had your deposition taken before today?

24 A. No.

25 Q. Okay. I'm sure your counsel probably has

1 Q. Were you already familiar with Mr. Gao
2 then by the time you were asked to work on Harvard
3 Connection?

4 A. Yes.

5 Q. And that was because either he was in
6 Pforzheimer House or because you knew him from CS
7 courses?

8 A. Yes.

9 Q. Okay. What was the context in which you
10 were approached by Mr. Gao to do work on Harvard
11 Connection?

12 A. I don't remember.

13 Q. All right. Do you know if it was in early
14 fall of 2003 or late fall?

15 A. I don't remember the specific date.

16 Q. But it was definitely after the fall term
17 had started?

18 A. Yes.

19 Q. All right. When at Harvard does that
20 typically begin?

21 A. Beginning of September.

22 Q. All right. In your fall 2003 year, do you
23 have any recollection if Mr. Gao was in any of your
24 computer science courses at that time?

25 A. I don't remember.

1 Q. All right. Do you recall if Mr. Gao
2 asked -- or at the time Mr. Gao approached you to
3 work on Harvard Connection, was any coding already
4 accomplished on that project?

5 A. Yes.

6 Q. All right. Can you give me, to the best
7 of your recollection, a general overview of what the
8 site was like at the time you were asked to help
9 with it?

10 A. I -- can you be more specific?

11 Q. Well, to the best of your recollection,
12 what was Harvard Connection?

13 A. It was a web site where students would
14 create profiles for themselves.

15 Q. Was there a dating component to the site?

16 A. Yes.

17 Q. All right. What was the dating component?

18 A. A user would create a profile that
19 contained personal information, and that profile
20 would be searchable in a directory.

21 Q. Now, since you say the students would
22 create a profile on the site, that would be an
23 example of a client application, correct?

24 A. Creating a profile actually --

25 Q. Well, if a user is to enter profile

1 information, some information must be prevented --
2 presented to the users through a user interface,
3 correct?

4 A. Yes.

5 Q. The presentation of a user interface is a
6 browser function, correct?

7 A. Yes.

8 Q. That would be an example of what we were
9 describing earlier as a front end function, correct?

10 A. Yes.

11 Q. And then you said they would enter
12 information into the database field -- or into the
13 profile, information presented to the user?

14 A. Yes.

15 Q. All right. And that information then
16 would be placed into a database?

17 A. Yes.

18 Q. And the database, that would be -- the
19 scripting that would present that information to the
20 database would be a back end function, correct?

21 A. Yes.

22 Q. All right. At the time you first
23 joined -- or were first told about Harvard
24 Connection, had the database been created?

25 A. I -- I don't -- I don't remember.

1 Q. Did you do any of the coding of the -- or
2 did you do any back end coding yourself?

3 A. Yes.

4 Q. All right. Of the Harvard Connection?

5 A. Yes.

6 Q. All right. Did you help create any of the
7 database fields?

8 A. Yes.

9 Q. All right. And that would be helping
10 establish the database schema, correct?

11 A. Yes.

12 Q. And were those fields associated with
13 dating functions?

14 A. Yes.

15 Q. And that -- by that I mean like, say,
16 physical attributes?

17 A. Yes.

18 Q. Would it include, like -- did the fields
19 include information like hair color, eye color, et
20 cetera?

21 A. Yes.

22 Q. All right. These fields, were they
23 designed to present information about -- that would
24 be useful in a dating context about Harvard
25 students?

1 A. Yes.

2 Q. Did you help create any of the front end
3 functions to help create the user interface that was
4 presented to the student?

5 A. Yes.

6 Q. All right. Can you tell me what
7 functions, to the best of your recollection, you
8 worked on? Front end first.

9 A. Profile entry.

10 Q. Okay.

11 A. And I believe I also worked on the
12 searching functionality, the searching interface.

13 Q. And what would the searching interface be?

14 A. A way to search for profiles that matched
15 certain attributes.

16 Q. Okay. And did you work on any of -- you
17 said you worked on some of the back end scripting
18 too, correct?

19 A. Yes.

20 Q. Would that be the back end functions that
21 took the profile information you worked on and put
22 it into the database?

23 A. Yes.

24 Q. And were those also the fields you helped
25 create?

1 A. Yes.

2 Q. In the schema?

3 A. Yes.

4 Q. Okay. How long did you work on Harvard
5 Connection?

6 A. I don't remember exactly.

7 Q. Did you work into your second term of your
8 junior year?

9 A. No.

10 Q. So it was sometime beginning in the fall
11 and sometime ended before the second term, correct?

12 A. Yes.

13 Q. And second term at Harvard actually begins
14 in January; is that correct?

15 A. Usually end of January or beginning of
16 February.

17 Q. Because Harvard is one of the few schools
18 in the -- the Christmas break is not the end of the
19 term, correct?

20 A. Yes.

21 Q. Do you know if you stopped before
22 Christmas, though, of 2003?

23 A. Yes.

24 Q. Okay. Were you paid for your work?

25 A. Yes.

1 Q. All right. Can you recall approximately
2 how much you were paid?

3 A. I would say it was more than \$100 and less
4 than \$500, but I don't remember exactly.

5 Q. How -- how was it determined what you
6 would be paid?

7 A. I don't -- I think we agreed up front a
8 dollar amount for the work that I was asked to do.

9 Q. By that you mean like an hourly rate or a
10 flat fee?

11 A. I don't remember if we -- which it was.

12 Q. Did you have an understanding whether or
13 not you were a partner?

14 A. I -- no. I didn't believe I was a
15 partner.

16 Q. By that I mean a partner of the people
17 creating the Harvard Connection web site.

18 A. You mean like a part owner?

19 Q. Yeah.

20 A. No. I didn't -- I didn't think I was a
21 part owner.

22 Q. Were you ever asked to be?

23 A. I don't -- I don't think so.

24 Q. Okay. To the best of your recollection,
25 it was Victor Gao who approached you initially,

1 dorm room in the evening, I thought I understood.

2 A. I don't remember what time of day it was.

3 Q. That's the -- here there was an indication
4 Victor wanted whatever meeting was described in
5 these e-mails as occurring at 1:30 p.m.

6 A. Yes.

7 Q. You don't have -- do you have any
8 recollection whether there was one or more meetings?

9 A. No. I just had one meeting with Nathan.
10 I don't know if there were others or not.

11 Q. All right. The reason I ask is because if
12 you look right below it, Cameron's original idea was
13 to meet in Pforzheimer dining hall?

14 A. Yes.

15 Q. But you say you recall meeting in a -- in
16 a dorm room?

17 A. Yeah. I do remember meeting in a dorm
18 room.

19 Q. All right. Did you ever recall meeting in
20 the cafeteria?

21 A. I remember -- I mean, I recall meeting in
22 the cafeteria with Cameron and Tyler, but I don't
23 remember whether Nate was there or not.

24 Q. But you did have meetings with Cameron,
25 Tyler, and possibly Divya in the dorm room at some

1 point to discuss Harvard Connection?

2 A. Yes.

3 Q. And there was no concern about whether or
4 not other students were also in the dorm or in the
5 dining room?

6 A. In the dining hall? No, not that I
7 remember.

8 Q. As you said, you testified earlier, you
9 were encouraged to tell people about the site?

10 A. Yes.

11 Q. Are you familiar with what a social
12 network is?

13 A. Yes.

14 Q. Did you consider Harvard Connection to be
15 a social network?

16 A. I -- well, there's really no -- I mean, to
17 me a social network requires that there -- there
18 be -- there's connections between people. In order
19 for it to be a network, there must be, you know,
20 connections. And Harvard Connection actually didn't
21 have a mechanism to connect with other people.

22 So you could search through a database of
23 profiles, but you couldn't connect with -- with a --
24 I mean, you could -- we had ways to do, like,
25 messaging and stuff, apparently. And, again, I

1 don't remember how we handled the e-mail privacy.
2 But there was no -- at least when I worked on it,
3 there was no way to really connect with somebody
4 else and -- yeah. So ...

5 Q. Was there any consideration of a network
6 to -- was there any consideration of allowing the
7 user to list friends or friends of friends?

8 A. I -- I don't remember that. I mean, it
9 was very focused on -- on dating. So it wasn't --
10 the focus wasn't on friendship.

11 Q. When you worked on -- on the -- on the
12 code, was there even any function to input friends
13 into a profile?

14 A. No.

15 Q. All right. So that actually wasn't even a
16 field amongst the many fields that existed in the
17 database?

18 A. Right.

19 Q. Okay. Now, you say that -- that you all
20 would work on Harvard Connection in the Harvard
21 Connection lab?

22 A. In the Harvard --

23 Q. Computer -- I'm sorry. Harvard computer
24 science lab?

25 A. Yes.

1 Q. Would you characterize the Harvard
2 computer science lab as private?

3 A. Well, I -- the Harvard computer science
4 lab was really a section of the -- of a much bigger
5 computer lab that was not just specifically for use
6 by computer science students.

7 So -- so anybody could -- you know, who
8 had a log-in. So anybody who was a student or
9 faculty of Harvard could use the computer lab.

10 Q. Would you -- would anybody who worked in
11 the lab be able to see what you were working on?

12 A. Yes.

13 Q. Was it common to have students come over
14 and see what you were programming?

15 A. Yeah. I mean, in the -- especially in the
16 area where the computer science students worked,
17 there's always a lot of discussion and
18 collaboration.

19 Q. Did that include while you were working on
20 Harvard Connection?

21 A. Yeah. I believe so, yes.

22 Q. All right. So to the best of your
23 recollection, other students in the computer science
24 lab behaved as they frequently did and were
25 observing your work on Harvard Connection?

1 Q. Were you ever a member yourself?

2 A. No.

3 Q. All right. If you look on page 2, there's
4 a proposal.

5 A. Yes.

6 Q. And it's a school-wide online Facebook
7 proposal by A. Stillman, correct?

8 A. Yes.

9 Q. And then it actually says it's -- it's
10 presented by Andrew Stillman?

11 A. Yes.

12 Q. This is your roommate, correct?

13 A. He was my roommate senior year. After all
14 of this, yeah.

15 Q. And to clarify, you had three roommates,
16 as I understood it, your junior year?

17 A. Yes.

18 Q. They all knew about Harvard Connection?

19 A. Yes. I definitely mentioned it to all of
20 them.

21 Q. What was the first time you heard about
22 the online Facebook proposal?

23 A. I probably read about it in the Crimson.

24 Q. So it wasn't from your own involvement
25 with HASCS?

1 A. I don't -- I don't think so.

2 Q. Would you take just a quick minute to look
3 at the online Facebook proposal and tell me if it
4 sounds like the proposal as you recalled it when you
5 first heard about it?

6 A. Yeah. I don't -- yeah, I don't remember
7 the details of the proposal, but this is -- this
8 pretty accurately describes the online Facebook that
9 was eventually launched.

10 Q. Okay. When you say "eventually launched,"
11 when -- when was the online Facebook eventually
12 launched?

13 A. After -- after Facebook -- after
14 facebook.com. But I don't remember what date.

15 Q. All right. So you're aware that at some
16 point the web site facebook.com launched?

17 A. Yes.

18 Q. And then at some later point the online
19 facebook at Harvard launched?

20 A. The official Harvard dorm, yeah.

21 Q. When did you first become aware of the
22 www.Facebook web site?

23 A. Pretty much as soon as it launched.
24 Everyone was signing up on campus.

25 Q. Did that include you?

1 A. Yep. Yes.

2 Q. Did you consider it to be similar to the
3 Harvard Connection site you had worked on?

4 A. I don't remember thinking that. No. I
5 thought it was similar to Friendster.

6 Q. Why did you think it was similar to
7 Friendster?

8 A. I was also a member of Friendster, and
9 it -- I mean, the interface was very, very similar.

10 Q. Friendster allows you to identify friends,
11 correct?

12 A. Yes.

13 Q. And it also gives minimal information like
14 new messages, correct?

15 A. I think -- I believe so.

16 Q. And e-mail, if you permit the person to
17 become a friend?

18 A. Yeah. I believe so.

19 Q. All right. Were those the similar types
20 of features you saw in Facebook when it launched?

21 A. You could definitely say who your friends
22 were. You could indicate who your friends were. I
23 don't remember how they handled the display of
24 e-mail addresses and messaging and stuff like that.

25 Q. But to your mind, Facebook looked more

1 like Friendster than Harvard Connection?

2 A. Yeah. Yeah. I mean, at least Harvard
3 Connection as it was when I was working on it, yes.

4 Q. All right. And you were working on it as
5 late as October 2003?

6 A. Yes.

7 Q. Okay. Just very quickly some sites I
8 wanted to know if you were aware of.

9 Have you ever heard of harvardparties.com?

10 A. Yes. I've heard of that one.

11 Q. Did you ever go to the site?

12 A. Yes.

13 Q. And could you describe it?

14 A. I only vaguely remember it, but I think it
15 had a list of parties that were happening --
16 happening on campus, and it was always updated. It
17 was like a party calendar, basically.

18 Q. Did it have a link to the Harvard
19 facebook?

20 A. I don't -- I don't remember.

21 Q. All right. Did you know Darren Morris?

22 A. No.

23 Q. Or Zachary Corker?

24 A. Yeah. I know Zac Corker.

25 Q. Were you aware if he was involved with

1 harvardparties.com?

2 A. Yeah. Now that you mention that, I
3 think -- I think he was, yeah.

4 Q. All right. Was Zachary Corker someone
5 with a CS background?

6 A. I don't think so.

7 Q. How did you know him?

8 A. He was kind of a well known campus figure.

9 Q. Okay. Why is that?

10 A. He was the -- he was appointed -- the
11 president -- or the dean of Harvard created a new
12 appointed position called the Friends Czar because
13 he didn't think that Harvard students had enough
14 fun, and Zac was the Fun Czar after he graduated.

15 Q. Did you talk with Zac much?

16 A. Not -- actually, I went skiing -- I went
17 skiing with him this year, but I hadn't really
18 talked to him that much before that.

19 Q. When you were at Harvard, you didn't know
20 him very well?

21 A. Not really.

22 Q. Did you know a Paul Hirsh?

23 A. No.

24 Q. All right. Did you consider
25 harvardparties.com to be a social network?

1 CERTIFICATE OF DEPOSITION OFFICER

2 I, KATHLEEN A. WILKINS, RPR, CSR NO. 10068,
3 duly authorized to administer oaths pursuant to
4 Section 8211 of the California Code of Civil
5 Procedure, hereby certify that the witness in the
6 foregoing deposition was by me sworn to testify to
7 the truth, the whole truth and nothing but the truth
8 in the within-entitled cause; that said deposition
9 was taken at the time and place therein stated; that
10 the testimony of said witness was reported by me and
11 was thereafter transcribed by me or under my
12 direction by means of computer-aided
13 transcription; that the foregoing is a full,
14 complete and true record of said testimony; and that
15 the witness was given an opportunity to read and
16 correct said deposition and to subscribe same.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties in the
19 foregoing deposition and caption named, nor in any
20 way interested in the outcome of the cause named in
21 said caption.

22 IN WITNESS WHEREOF, I have hereunto subscribed
23 by my hand this 2nd day of October, 2007.

24 Kathleen Wilkins
25 KATHLEEN A. WILKINS, RPR, CSR NO. 10068