

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

C.A. No. 04-1923 (DPW)

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW McCOLLUM,
CHRISTOPHER HUGHES and THE FACEBOOK,
INC.,

Defendants.

CERTIFIED
COPY

VOLUME 1

VIDEOTAPED DEPOSITION OF CONNECTU LLC

BY CAMERON H. WINKLEVOSS

Boston, Massachusetts

Tuesday, August 9, 2005

9:44 a.m. to 5:27 p.m.

Reported by:

Jessica L. Williamson, RMR, RPR, CRR
Notary Public, CSR No. 138795

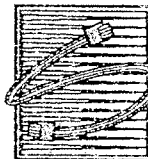
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VIDEOTAPED DEPOSITION OF CONNECTU LLC
by CAMERON H. WINKLEVOSS, a witness called
on behalf of the Defendant Mark Zuckerberg,
Dustin Moskovitz, Andrew McCollum,
Christopher Hughes and The Facebook, Inc.,
pursuant to Rule 30(b)(6) of the Federal
Rules of Civil Procedure, before Jessica L.
Williamson, Registered Merit Reporter,
Certified Realtime Reporter and Notary
Public in and for the Commonwealth of
Massachusetts, at the Offices of Proskauer
Rose, LLP, One International Place, Boston,
Massachusetts, on Tuesday, August 9, 2005,
commencing at 9:44 a.m.

A P P E A R A N C E S
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A P P E A R A N C E S, Continued

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Counsel for the Defendant Eduardo Saverin

ALSO PRESENT:

George Dobrentey, Videographer

P R O C E E D I N G S

THE VIDEOGRAPHER: We are recording

and are now on the record. Today's date is

August the 9th, 2005, and the time is 9:44

a.m. My name is George Dobrentey. I'm a

legal videographer for G & M Court

Reporters, Ltd. Our business address is 42

Chauncy Street, Suite 1A, Boston,

Massachusetts 02111.

This is the deposition of Cameron

Winklevoss in the matter of ConnectU vs.

Zuckerberg in the United States District

Court for the District of Massachusetts,

Civil Action No. 04-1923(DPW).

This deposition is being taken at One

International Place in Boston,

Massachusetts, on behalf of the defendant.

The court reporter is Jessica Williamson.

Counsel will state their appearances, and

the court reporter will administer the oath.

MR. CHATTERJEE: Neel Chatterjee

and Joshua Walker for all of the defendants

except for Eduardo Saverin.

MR. WALKER: Robert Hawk from

Heller Ehrman for Defendant Saverin.

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MR. HORNICK: John Hornick and Troy
Grabow for the plaintiff, ConnectU.

CAMERON H. WINKLEVOSS,
a witness called on behalf of the Defendants
Mark Zuckerberg, Dustin Moskovitz, Andrew
McCollum, Christopher Hughes and The
Facebook, Inc., having first been duly
sworn, was deposed and testifies as follows:

DIRECT EXAMINATION

BY MR. CHATTERJEE:

- Q. Mr. Winklevoss, thank you for coming today.
Do you understand that your deposition today
is you're testifying on behalf of ConnectU
LLC?
- A. Yes.
- Q. Have you ever had your deposition taken
before?
- A. No.
- Q. I'm going to go over some ground rules with
you, and I'm just going to ask you to make
sure you understand them. You may have gone
over them with your counsel before.

04:14:02 1 Mark on the server, aside from him poking
04:14:05 2 around in files and duplicating code that
04:14:08 3 Mr. Gao had already written.

04:14:10 4 Now, if you want to call that a
04:14:11 5 version, I'm not sure what you mean by a
04:14:14 6 version. You're talking about multiple
04:14:15 7 versions of the code.

04:14:16 8 Q. Well, you're not answering my question.

04:14:16 9 MR. HORNICK: Yes, he has answered
04:14:16 10 your question.

04:14:18 11 Q. Let me ask you this. Let me ask you this.

04:14:19 12 MR. HORNICK: You showed him the
04:14:21 13 code --

04:14:21 14 MR. CHATTERJEE: Counsel, lodge an
04:14:23 15 objection. You don't need to instruct the
04:14:24 16 witness, and you don't need to argue.

04:14:25 17 MR. HORNICK: I'm not instructing
04:14:27 18 the witness.

04:14:27 19 MR. HAWK: Yeah, you're --

04:14:28 20 MR. HORNICK: You're asking unfair
04:14:29 21 questions.

04:14:29 22 MR. CHATTERJEE: I'm looking
04:14:30 23 forward to bringing this in front of the
04:14:32 24 Court.

04:14:33 25 BY MR. HAWK:

04:14:33 1 Q. Did Mr. Gao strip out any code from the
04:14:36 2 version that he gave you which you gave to
04:14:38 3 your lawyers to deposit with the copyright
04:14:39 4 office?

04:14:39 5 A. I am -- I can't answer that. I don't know
04:14:42 6 the answer to that. I know that the code
04:14:44 7 given to the copyright office has none of
04:14:47 8 Mark Zuckerberg's code.

04:14:48 9 Q. And how do you know that? Is that because
04:14:49 10 Mr. Gao told you that?

04:14:50 11 A. Because we wouldn't have filed code that he
04:14:55 12 written -- wrote for copyright because it's
04:14:57 13 not our code.

04:14:58 14 Q. Right. And I know you didn't intend to do
04:15:02 15 that, but you've made an unequivocal
04:15:05 16 statement that you did not file code with
04:15:06 17 the copyright office that contained
04:15:08 18 contributions by Mr. Zuckerberg. Now, hold
04:15:11 19 on, let me finish the question. And so I
04:15:13 20 want to know what is your factual basis for
04:15:15 21 that statement, not what you intended to do,
04:15:17 22 but what your factual basis for that
04:15:19 23 statement is?

04:15:19 24 A. Simply based on the fact that it was not --
04:15:27 25 you know, it would not be our intent to file

04:15:31 1 such code.

04:15:32 2 Q. Okay. Did you ever have any discussion with

04:15:34 3 Mr. Gao about whether or not he stripped out

04:15:38 4 any code that was done by Mr. Zuckerberg?

04:15:40 5 A. To be quite honest, I don't remember if -- I

04:15:44 6 remember that the contribution -- Mark's

04:15:46 7 contribution was nil, okay? He went onto

04:15:49 8 the server, and there was no contribution.

04:15:50 9 Q. That wasn't my question. My question was,

04:15:52 10 did you ever have any conversation with Mr.

04:15:55 11 Gao about whether he stripped out any code?

04:15:58 12 A. I believe that I asked Mr. Gao at the time,

04:16:08 13 is there any code -- is any of Mr.

04:16:12 14 Zuckerberg's code in this? And his response

04:16:14 15 was that -- I believe that there was no code

04:16:20 16 from Mr. Zuckerberg in that piece of code.

04:16:24 17 Q. And that there never had been?

04:16:27 18 A. Well, see, the thing is, like, you know, if

04:16:32 19 you want to contin -- if you want to -- I'm

04:16:34 20 not a programmer, I'm not an expert, but are

04:16:36 21 you -- would you consider -- you know, are

04:16:39 22 you considering code that Mark Zuckerberg

04:16:40 23 copied and renamed from -- that Victor Gao

04:16:45 24 wrote? Because that code is Victor Gao's

04:16:48 25 code. Do you see what I'm getting at? And

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I, CAMERON H. WINKLEVOSS, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 12 day of September,
 2005, at Queque, NY
 (City) (State)



 CAMERON H. WINKLEVOSS

1 In the United States District Court
2 For the District of Massachusetts
3 I, Jessica L. Williamson, Registered,
4 Merit Reporter, Certified Realtime Reporter
5 and Notary Public in and for the
6 Commonwealth of Massachusetts, do hereby
7 certify that CAMERON H. WINKLEVOSS, the
8 witness whose deposition is hereinbefore set
9 forth, was duly sworn by me and that such
10 deposition is a true record of the testimony
11 given by the witness.

12 I further certify that I am neither
13 related to or employed by any of the parties
14 in or counsel to this action, nor am I
15 financially interested in the outcome of
16 this action.

17 In witness whereof, I have hereunto set
18 my hand and seal this 11th day of August,
19 2005.

20
21 *Jessie L. Williamson*

22
23 _____
24 Jessica L. Williamson, RMR, RPR, CRR
25 Notary Public, CSR No. 138795
My commission expires: 12/18/2009