

# EXHIBIT 6

UNITED STATES DISTRICT COURT  
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 THEFACEBOOK LLC,

Defendants.

1:07-CV-10593 (DPW)

Related Action: Civil Action No. 04-CV-  
11923 (DPW)

District Judge Douglas P. Woodlock

Magistrate Judge Robert B. Collings

**PLAINTIFFS CONNECTU, INC., CAMERON WINKLEVOSS, TYLER WINKLEVOSS  
AND DIVYA NARENDRA'S FIRST SUPPLEMENTAL RESPONSES TO THE  
FACEBOOK DEFENDANTS' INTERROGATORY NO. 1**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure ("FRCP"),  
Magistrate Judge Collings' November 19, 2007 Order, and various communications with the  
Defendants, Plaintiffs ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss and Divya  
Narendra (the "Plaintiffs") make this First Supplemental Response to Defendants Facebook, Inc.,  
Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum and TheFacebook LLC's (the  
"Facebook Defendants") First Set of Interrogatories No. 1 ("First Supplemental Response").  
Plaintiffs hereby object and respond as follows:

**GENERAL OBJECTIONS**

Plaintiffs hereby incorporate as if set forth herein the General Objections stated in  
Plaintiff and Counterclaim Defendant ConnectU LLC's Responses to Defendant and

Counterclaim Plaintiff TheFacebook, Inc.'s First Set of Interrogatories (Nos. 1-17) ("Original Responses"), dated August 22, 2005.

### **SPECIFIC OBJECTIONS AND RESPONSES**

Subject to and without waiving the General Objections, Plaintiffs object and supplementally respond to the Facebook Defendants' interrogatories as follows:

#### **INTERROGATORY NO. 1:**

Identify with precision and specificity all facts in support of Your contention that any Harvard Connection Code or ConnectU Code is infringed.

#### **RESPONSE TO INTERROGATORY NO. 1:**

Plaintiffs incorporate as if set forth herein the objections and answer stated in their original Response to Interrogatory No. 1. Plaintiffs further object to this interrogatory as premature to the extent it calls for facts within the control of the Defendants and not yet made available to Plaintiffs, including the results of the analysis governed by the September 13, 2007 Imaging Protocol; to the extent the terms "with precision and specificity" too narrowly define the scope of infringing materials; to the extent it calls for documents and information that are within Defendants' (or their agents') knowledge, possession, custody or control and/or can be determined by referring to documents within Defendants' possession, custody or control; and to the extent it requires information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, common interest or any other applicable privileges or immunities.

Without waiving the general or specific objections, Plaintiffs hereby supplement their Response to Interrogatory No. 1 as follows: Starting in November 2003 and continuing through at least February 4, 2004, Mark Zuckerberg entered into and maintained a relationship with the Plaintiffs in which any computer code he created for a social networking website inured to the

benefit of the Plaintiffs and/or the Plaintiffs' partnership. Before speaking with the Plaintiffs or their agents in early November 2003, Zuckerberg had not conceived of or taken any steps to create a social networking website. After speaking with Divya Narendra, meeting with Victor Gao and meeting with Cameron and Tyler Winklevoss, all in early November 2003, Zuckerberg began creating social networking website code for the plaintiffs. Throughout this time period, Zuckerberg confirmed that he was working on their social networking website and repeatedly stated to the Plaintiffs (both in the relevant time period and throughout litigation between the parties) that he completed the work they requested him to do for their then fledgling business.

As Victor Gao told Zuckerberg at their November 2003 meeting, and as it was confirmed to him afterward in his meeting with Cameron and Tyler Winklevoss, Zuckerberg's goal was to "finish" the website. At that time, Harvard Connection was divided into a "Date" side and "Connect" side, both of which were meant to operate and interoperate in a coordinated and unified fashion. Still a work-in-progress, the "Date" site was nearing completion when the Plaintiffs first approached Zuckerberg, though the number of previous programmers on that site meant that it was necessarily a mix of different programming styles and approaches to the project goal. In asking Zuckerberg to join the Harvard Connection team, the Plaintiffs specifically requested that he create new and integrated code for the work-in-progress and expected that he would exercise his judgment as a skilled programmer in making the website ready for launch.

After meeting with Victor Gao, Plaintiffs gave Mark Zuckerberg the username and password for the Hurricane Electric server where Plaintiffs stored the Harvard Connection website code. Beginning in November 2003, Mark Zuckerberg copied the Harvard Connection website and underlying code as it existed on the Hurricane Electric server and was in possession of the Harvard Connection code as he wrote the code for the [www.thefacebook.com](http://www.thefacebook.com) website in

the time period preceding its launch on February 4, 2004. In conversations and emails with the Plaintiffs, Zuckerberg confirmed that he downloaded the code from the Hurricane Electric server to his personal computer. The Facebook Defendants have not yet produced the February 4, 2004 version of www.thefacebook.com website or underlying code, so Plaintiffs are unable to detail which specific aspects of its user interface and which sections of such code literally and non-literally infringe the copyrights covering the Harvard Connection website and underlying code.

Plaintiffs own any and all social networking website code Zuckerberg wrote from November 2003 through at least February 2004 for several reasons. First, Mark Zuckerberg wrote social networking website code for the Harvard Connection website project development team as a partner, employee or agent of the project, and therefore the copyrights covering such code are owned by Harvard Connection. Facebook Defendants have not yet produced the code Mark Zuckerberg stated several times that he wrote for the Harvard Connection project. For this reason, as with the February 4, 2004 version of www.thefacebook.com website and underlying code, Plaintiffs have been unable to analyze this code for literal and non-literal copyright infringement purposes.

At all points from November 2003 through at least February 4, 2004, Mark Zuckerberg was a partner, employee or agent of the Harvard Connection development project and wrote social networking website code for the Harvard Connection business. These relationships are supported by, but are not limited to, the following facts: (a) Zuckerberg began work on a social networking website directly at the request of the Plaintiffs in November 2003; (b) Plaintiffs would not allow Zuckerberg to work on the social networking website until he confirmed that he was interested in the business and would undertake and conduct the work in tandem with them; (c) Zuckerberg undertook and conducted this creative work on the basis of conversations and

emails by and between him and the Plaintiffs in which the Plaintiffs had explained they would either pay him on a rolling basis or as part of the Harvard Connection partnership; (d) Mark Zuckerberg's and Facebook Defendants' own statements regarding Zuckerberg's relationship with the Plaintiffs demonstrate Zuckerberg believed Plaintiffs breached their employment, partnership or agent relationship with him; (e) email correspondence detailing Mark Zuckerberg's working environment is indicative of an employment, partnership or agent relationship; (f) Mark Zuckerberg's admissions regarding his working environment demonstrate an employment, partnership or agent relationship; (g) the nature of the social networking website code Mark Zuckerberg wrote in this time frame is exactly that requested by the Plaintiffs in their written and oral communications; and (h) all relevant evidence cited in the complaint and in declarations and exhibits in opposition to defendants' motions to dismiss and for summary judgment.

Second, and alternatively, Zuckerberg created any and all social networking website code in the relevant time period at the special behest of the Plaintiffs, written confirmation of which is demonstrated by various emails by and between Zuckerberg and the Plaintiffs, as well as oral conversations. Emails and oral conversations to this effect are cited in the First Amended Complaint.

In light of either of these two relationships, Zuckerberg cannot claim ownership over the February 4, 2004 code or any later [www.thefacebook.com](http://www.thefacebook.com) code derived from the launch version of the [www.thefacebook.com](http://www.thefacebook.com) website. Plaintiffs own this code as well as any and all derivatives of this work. They also are owed any and all profits derived from this work.

Third, and alternatively, Zuckerberg wrote social networking website code specifically with the intent of completing a collaborative project with the Plaintiffs. He obtained a work-in-

progress authored by the Plaintiffs and wrote social networking website code to add to, integrate with and complete that creative work. As a co-owner, Zuckerberg and the other Defendants must account to the Plaintiffs for the Plaintiffs' share of profits derived from the exploitation of the co-owned work

Defendants' use of the February 4, 2004 version of the [www.thefacebook.com](http://www.thefacebook.com) website, which is either identical to or derived from the [www.thefacebook.com](http://www.thefacebook.com) code as it existed in late January 2004 (as produced by Facebook Defendants, Bates No. FBMA0059471), literally and non-literally infringes Plaintiffs' copyrights because the Plaintiffs own or, alternatively, co-own the copyrights covering the late January 2004 code underlying the [www.thefacebook.com](http://www.thefacebook.com) website and the February 4, 2004 code underlying the [www.thefacebook.com](http://www.thefacebook.com) website. As stated above, the Facebook Defendants have not yet produced the February 4, 2004 code underlying the [www.thefacebook.com](http://www.thefacebook.com) or the code Mark Zuckerberg stated several times that he wrote for the Harvard Connection project. Thus, Plaintiffs have been unable to compare the launch version of the [www.thefacebook.com](http://www.thefacebook.com) website or the late January 2004 version of the [www.thefacebook.com](http://www.thefacebook.com) website to the Harvard Connection code written by Zuckerberg.

Independently of the literal and non-literal copyright infringement described above, based on a comparison of the Harvard Connection website and underlying code to the pre-launch, "late January 2004" version of code underlying the [www.thefacebook.com](http://www.thefacebook.com) website, Plaintiffs contend that the [www.thefacebook.com](http://www.thefacebook.com) user interface is substantially similar to and thus infringes the copyright covering the Harvard Connection website user interface. The substantially similar user interfaces include, without limitation: the user interface by which a user registers to use the websites; the user interface by which a user creates his/her profile; the user interface in which a user requests to be added to another user's "friend" (or, in the case of Harvard Connection,

“connection” or “date”) list; and the user interface by which a user searches for details contained in other user’s profiles.

### **Registration**

The late-January 2004 user interface for the www.thefacebook.com website infringes the copyright covering the Harvard Connection user interface in at least the following ways:

#### **Registration – User Interface Similarities Comparison**

<b>Step</b>	<b>Harvard Connection</b>	<b>Facebook (Jan 2004)</b>
1.	User clicks register button (from connect home or date home page)	User clicks register button (from site entry page)
2.	User is shown registration page with form to enter information, including: <ul style="list-style-type: none"> <li>• Name</li> <li>• Email</li> <li>• Status (e.g., Student or Graduate)</li> </ul>	User is shown registration page with form to enter information, including: <ul style="list-style-type: none"> <li>• Name</li> <li>• Email</li> <li>• Status (e.g., Student or Graduate)</li> </ul>
3.	User enters information into form fields	User enters information into form fields
4.	User clicks register button	User clicks register button
5.	Email address is checked for presence of "harvard.edu"	Email address is checked for presence of "harvard.edu"
6.	if required information is not entered or if email already exists in database then page is re-displayed with error message	if required information is not entered or if email already exists in database then page is re-displayed with error message
7.	Information in Step 2 is inserted into database	Information in Step 2 is inserted into database
8.	Confirmation email is sent to user	Confirmation email is sent to user
9.	System displays "Thank you" message to user	System displays "Thanks" message to user
10.	User receives email that includes username and password to log into the site and confirm valid email address	User receives email that includes confirmation link to site to confirm valid email address
11.	User logs into website with username and password from email	User logs into website by clicking on link in email and entering login information
12.	User lands at page that suggests user enter personal profile information	User lands at page that suggests user enter personal profile information



## Profile Creation

The late-January 2004 user interface for the www.thefacebook.com website infringes the copyright covering the Harvard Connection user interface in at least the following ways:

### **Profile Creation – User Interface Similarities Comparison**

<b>Step</b>	<b>Harvard Connection</b>	<b>Facebook (Jan 2004)</b>
1.	After completing the registration process and logging into the site, the system displays text suggesting the user fills out a personal profile along with a button to click in order to begin the process.	After completing the registration process and logging into the site, the system displays text suggesting the user fills out a personal profile along with links to click in order to begin the process.
2.	User clicks the 'continue' button	User clicks the enter 'contact info' link
3.	User is redirected to the first step of the profile creation process	User is redirected to the first step of the profile creation process
4.	User enters personal information into form fields	User enters personal information into form fields
5.	User clicks 'continue' button	User clicks 'save' button
6.	User is redirected to the next step of the profile creation process	User is redirected to the next step of the profile creation process
7.	User enters more personal information into form fields	User enters more personal information into form fields
8.	User clicks 'finish' button	User clicks 'save' button
9.	User clicks the 'my pictures' link and is redirected to the picture upload page	User is redirected to the picture upload page
10.	System displays form for uploading image file	System displays form for uploading image file
11.	User selects image file from local hard drive and clicks the 'Add' button	User selects image file from local hard drive and clicks the 'Upload Picture' button
12.	System displays picture along with link to optionally delete picture	System displays picture along with link to optionally delete picture
13.	System displays, below the picture, a form for uploading another image file	System displays, below the picture, a form for uploading another image file
14.	'My Pictures' link on the left-side navigation bar provides ability to add or delete picture at any time	'My Picture' link on the left-side navigation bar provides ability to add or delete picture at any time
15.	The completed Profile contains such information as: <ul style="list-style-type: none"> <li>• Name</li> <li>• Gender</li> </ul>	The completed Profile contains such information as: <ul style="list-style-type: none"> <li>• Name</li> <li>• Gender</li> </ul>

<ul style="list-style-type: none"> <li>• Status (Student, Alumni)</li> <li>• Dorm/Residence</li> <li>• Major/Concentration</li> <li>• Graduation Year (Actual or Expected)</li> <li>• Interests (e.g., sports, music, books, politics)</li> <li>• Interested in meeting for (e.g., dating)</li> <li>• Gender interested in</li> <li>• Picture</li> </ul>	<ul style="list-style-type: none"> <li>• Status (Student, Alumni)</li> <li>• Dorm/Residence</li> <li>• Major/Concentration</li> <li>• Graduation Year (Actual or Expected)</li> <li>• Interests (e.g., sports, music, books, politics)</li> <li>• Interested in meeting for (e.g., dating)</li> <li>• Gender interested in</li> <li>• Picture</li> </ul>
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### Requests to be Added to Another User's Profile

The late-January 2004 user interface for the [www.thefacebook.com](http://www.thefacebook.com) website infringes the copyright covering the Harvard Connection user interface in at least the following ways:

#### **Email Brokering – User Interface Similarities Comparison**

<b>Step</b>	<b>Harvard Connection</b>	<b>Facebook (Jan 2004)</b>
1.	Logged in user (requester) accesses profile of another user (requestee) who may or may not be logged in at the time	Logged in user (requester) accesses profile of another user (requestee) who may or may not be logged in at the time
2.	Requester clicks button on profile page to initiate a “connection” or “date” request	Requester clicks link on profile page to initiate a “friend” request
3.	System displays specifications page of the request, which includes requestee's name	System displays specifications page of the request, which includes requestee's name
4.	Requester clicks button to confirm request	Requester clicks button to confirm request
5.	System displays confirmation page with message indicating that request has been sent to requestee for approval	System displays confirmation page with message indicating that request has been sent to requestee for approval
6.	System stores requester's and requestee's user id pair together with a one-digit status indicator in a database table. Status indicators are as follows: <ul style="list-style-type: none"> <li>• request pending – 0</li> <li>• request accepted – 1</li> <li>• request rejected – 2</li> </ul>	System stores requester's and requestee's user id pair together with a one-digit status indicator in a database table. Status indicators are as follows: <ul style="list-style-type: none"> <li>• request pending – 0</li> <li>• request rejected – 1</li> <li>• request accepted – user id pair</li> </ul>

		moved to 'friends' table
7.	System stores request in database pending requestee action to retrieve pending requests	System stores request in database pending requestee action to retrieve pending requests
8.	Confirmation page includes link to return Requester to home page	Confirmation page includes link to return Requester to home page
9.	Requester cannot view his/her pending outbound requests	Requester cannot view his/her pending outbound requests
10.	When a user logs in, a link is provided to view pending requests	When a user logs in, if there are pending requests, a link is provided to view them
11.	Request page includes name and photo of requester for each pending request	Pending request page includes name and photo of requester for each pending request
12.	For each request, requestee has two options: <ul style="list-style-type: none"> <li>• Accept ("Accept and trade email")</li> <li>• Reject ("Reject forever")</li> </ul>	For each request, requestee has two options: <ul style="list-style-type: none"> <li>• Accept ("Confirm")</li> <li>• Reject ("Reject")</li> </ul>
13.	If requestee chooses to accept, system sends requestee's email to requester and vice versa	If requestee chooses to accept, users are granted access to each other's profile, which includes their email addresses
14.	If requestee chooses to accept, system retains requester and requestee pairing in database	If requestee chooses to accept, system retains requester and requestee pairing in database
15.	If requestee chooses to reject request, system removes request from view	If requestee chooses to reject request, system removes request from view
16.	If requestee chooses to reject request, system does not notify requester of rejection	If requestee chooses to reject request, system does not notify requester of rejection
17.	If requester who has been rejected submits a new request, system notifies requester that a request is pending so as not to inform requester of previous rejection	If requester who has been rejected submits a new request, system notifies requester that a request is pending so as not to inform requester of previous rejection

### **Profile Search Process**

The late-January 2004 user interface for the www.thefacebook.com website infringes the copyright covering the Harvard Connection user interface in at least the following ways:

### Profile Search – User Interface Similarities Comparison

Step	Harvard Connection	Facebook (Jan 2004)
1.	Provide “Quick Search” capability	Provide “Quick Search” capability
2.	User clicks advanced search button to initiate search process	User clicks advanced search link to initiate search process
3.	User enters information in search fields, including: <ul style="list-style-type: none"> <li>• Employment Status</li> <li>• Major</li> <li>• House</li> </ul>	User enters information in search fields, including: <ul style="list-style-type: none"> <li>• Employment Status</li> <li>• Concentration</li> <li>• House</li> </ul>
4.	User clicks search button to submit fields to system	User clicks search button to submit fields to system
5.	System takes field values and searches database to create a result set	System takes field values and searches database to create a result set
6.	System generates a web page consisting of summaries of the profiles and displays it back to user	System generates a web page consisting of summaries of the profiles and displays it back to user
7.	User clicks on profile image to view the profile of a user in the search results	User clicks on profile image to view the profile of a user in the search results

\* \* \*

Plaintiffs answer this interrogatory with the express reservation that further facts may arise through discovery derived from methods including, but not limited to, the analysis resulting from the September 13, 2007 Imaging Protocol, depositions of the Defendants and other parties, and code that Plaintiffs have requested in discovery but that Defendants have not yet produced. Plaintiffs thus expressly reserve their right to further supplement this First Supplemental Response as such discovery becomes available.

DATED: January 21, 2008

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VERIFICATION

ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra depose and say that they are the Plaintiffs in the above-captioned action; that they have read the foregoing First Supplemental Responses to the Facebook Defendants' Interrogatory No. 1 and know the contents thereof; and the same are true to the best of his knowledge, except as to those matters therein stated upon information and belief, and as to those matters, he believes them to be true; and that each response separately and fully answers each interrogatory, except those to which objections are made.

Date: January 21, 2008

Cameron Winklevoss  
Cameron Winklevoss, on behalf of ConnectU, Inc.

Cameron Winklevoss  
Cameron Winklevoss

Tyler Winklevoss  
Tyler Winklevoss

Divya Narendra  
Divya Narendra

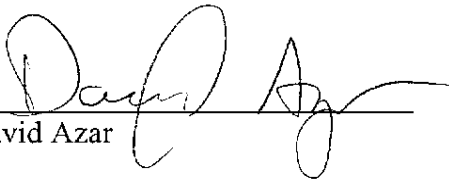
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing discovery response was served on this day by fax (as requested) and was left to be mailed first thing in the morning (given that today is a national holiday) following our typical procedures, to be sent by regular mail, postage prepaid, addressed as follows:

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This the 21st day of January, 2008.

  
\_\_\_\_\_  
David Azar