

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

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

Plaintiffs,

v.

FACEBOOK, INC., MARK ZUCKERBERG,  
EDUARDO SAVERIN, DUSTIN MOSKOVITZ,  
ANDREW MCCOLLUM, CHRISTOPHER  
HUGHES, AND THEFACEBOOK LLC,

Defendants.

Civil Action No. 1:04-cv-11923 (DPW) ✓

Related Action No. 1:07-cv-10593 (DPW)

FILED  
IN CLERKS OFFICE  
2008 DEC 15 A 11: 56  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**NOTICE OF APPEARANCE BY JAMES P. HARRINGTON, SOLELY TO ASSIST  
MASTER GEORGE C. FISHER TO COMPLY WITH ORDER AND  
JUDGMENT IN ACTION BEFORE THE HON. JAMES WARE IN UNITES STATES  
DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA  
("CALIFORNIA ACTION") INVOLVING CLAIMS IN AND PARTIES TO THIS  
ACTION ("MASSACHUSETTS ACTION")**

James P. Harrington, hereby submits the Dismissal of this Action pursuant to Court Order, Ware, J., in the related California Action pending in the Northern District of California on behalf of George C. Fisher, Master ("California Master").

This action is one of three separate actions between the parties in various federal courts. The parties engaged in private mediation and subsequently signed a written "Term Sheet and Settlement Agreement." Although the parties were unable to reach a consensus on all written terms of the final written settlement agreement, the California Federal District Court found that

the agreement was enforceable and ordered its enforcement. The Order, dated June 25, 2008 is attached herein as Exhibit "A".

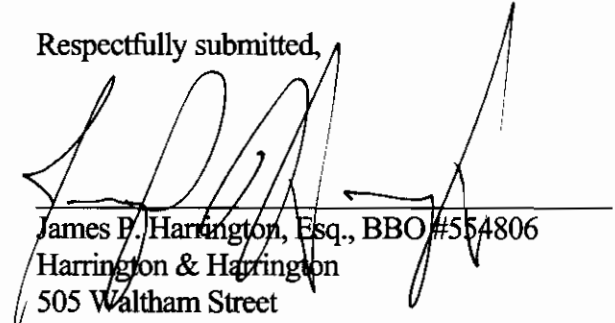
George C. Fisher was then appointed as Master by the Honorable James Ware, United States District Court for the Northern District of California, in *Facebook, Inc. and Mark Zuckerberg v. ConnectU, Inc., et al.*, Case No. 5:07-cv-01389-JW ("California Action") on July 2, 2008 to receive and then file herein copies of motions to dismiss deposited by the parties herein pursuant to a Judgment Enforcing Settlement Agreement. A copy of the order appointing Mr. Fisher as California Master is attached hereto as Exhibit "B". That Order provides that the Master accept deposits of documents including motions of dismissal of this case (Exhibit "B", ¶ A(2)) and Upon Order of the Court file or deliver documents deposited with the Master (Exhibit "B", ¶ A(7)).

On July 2, 2008 a Judgment was entered in the California Action Enforcing Settlement Agreement, Exhibit "C" hereto, ordering the Facebook, Inc, Mark Zuckerberg, ConnectU Inc., Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra to deposit with the California Master "a legally sufficient dismissal with prejudice of all cases by and between the parties pending as of the date of the [Settlement] Agreement" Exhibit "C", ¶ (1)(c) and (2) (c).

Plaintiffs herein, ConnectU, Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra, plaintiffs herein, in accordance with a Judgment Enforcing Settlement Agreement in the California Action, deposited with the Master a Motion to Dismiss this Action ("ConnectU Plaintiffs Massachusetts Action Dismissal") and Defendants herein, Facebook Inc., and Mark Zuckerberg deposited Defendants' Motion for Order of Dismissal of this action and a proposed order. On November 24, 2008 Judge Ware entered an Amended Judgment in the California Action, which is attached hereto as Exhibit "D", ordering the California Master to "file in the appropriate courts the motions being held by the Master."

By and through James Harrington, the California Master now appears herein to file pursuant to the Amended Judgment in the California action, Exhibit "D", the motions being held by him deposited by the parties in this action, and in connection with this Notice of Appearance now files those motions.

Respectfully submitted,



James F. Harrington, Esq., BBO #554806  
Harrington & Harrington  
505 Waltham Street  
West Newton, MA 02465  
617-558-7722

DATED: December 15, 2008

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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- D. Michael Underhill MUnderhill@BSFLLP.com
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By: 