

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

**ASSENTED-TO MOTION TO SEAL FACEBOOK'S REPLY MEMORANDUM IN  
SUPPORT OF MOTION TO ENJOIN INDIVIDUAL PLAINTIFFS AND THEIR  
COUNSEL AND THE DECLARATION OF THERESA A. SUTTON IN SUPPORT  
THEREOF**

Defendant Facebook, Inc., hereby moves to file under seal pursuant to the Stipulated Protective Order entered between the parties in the related case, *ConnectU v. Zuckerberg et al.*, Case No. 1:04-cv-11923-DPW, the following documents:

1. **FACEBOOK'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO ENJOIN INDIVIDUAL PLAINTIFFS AND THEIR COUNSEL; AND**
2. **THE DECLARATION OF THERESA A. SUTTON IN SUPPORT OF FACEBOOK'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO ENJOIN INDIVIDUAL PLAINTIFFS AND THEIR COUNSEL.**

Facebook respectfully requests permission to file these documents under seal because they contain information that has been designated by the parties as confidential under the Second Stipulated Protective Order, or that are similarly protected from disclosure under a Protective Order entered in a pending arbitration to which the Plaintiffs are a party. In accordance with the Local Rules, Facebook respectfully requests that this pleading and its supporting papers be impounded until the final resolution of this litigation between the parties, at which time it will be retrieved by counsel for Facebook.

WHEREFORE, it is respectfully requested that the Court grant this assented-to motion to file the above-described document under seal.

///

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

The undersigned counsel certifies that counsel for the parties have conferred in an attempt to resolve or narrow the issues presented by this motion, and that counsel for plaintiff has assented to the relief requested by this motion, pursuant to an agreement between the parties.

Dated: November 23, 2009.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

---

I. Neel Chatterjee\*

Monte Cooper\*

Theresa A. Sutton\*

ORRICK, HERRINGTON & SUTCLIFFE LLP

1000 Marsh Road

Menlo Park, California 94025

Telephone: (650) 614-7400

Facsimile: (650) 614-7401

[nchatterjee@orrick.com](mailto:nchatterjee@orrick.com)

[mcooper@orrick.com](mailto:mcooper@orrick.com)

[tsutton@orrick.com](mailto:tsutton@orrick.com)

Steven M. Bauer

Jeremy P. Oczek

PROSKAUER ROSE, LLP

One International Plaza, 14th Floor

Boston, MA 02110-2600

Telephone: (617) 526-9600

Facsimile: (617) 526-9899

[sbauer@proskauer.com](mailto:sbauer@proskauer.com)

[joczek@proskauer.com](mailto:joczek@proskauer.com)

\* 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 November 23, 2009.

Dated: November 23, 2009

Respectfully submitted,

/s/ Theresa A. Sutton /s/

---

Theresa A. Sutton

OHS West:260781624.1