

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  
McCULLUM, AND THEFACEBOOK  
LLC,

Defendants.

CIVIL ACTION NO. 1:07-cv-10593-DPW  
(CONSOLIDATED WITH CIVIL ACTION  
NO. 1:04-cv-11923-DPW)

**STATUS REPORT OF  
CAMERON WINKLEVOSS, TYLER WINKLEVOSS AND DIVYA NARENDRA**

Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra (“Founders”) provide this further status report pursuant to the Court’s September 30, 2009 Order:

The Ninth Circuit denied the Founders’ Petition for Rehearing *En Banc* on May 16, 2011. 9<sup>th</sup> Cir. Case No. 08-16745, Dkt. 201.<sup>1</sup> The Founders intend to file a petition for certiorari in the Supreme Court.

<sup>1</sup> The Ninth Circuit also amended the original opinion in a manner that does not affect the outcome. *Id.* (docket entry reads in pertinent part: “The opinion is amended as follows: Page 4909, Lines 20-24 Replace <The district court excluded this evidence under its Alternative Dispute Resolution (ADR) Local Rule 6-11, which it read to create a “privilege” for “evidence regarding the details of the parties’ negotiations in their mediation.”> with <The district court excluded this evidence under its Alternative Dispute Resolution (ADR) local rule on “confidential information,” which it read to create a “privilege” for “evidence regarding the details of the parties’ negotiations in their mediation.” A local rule, like any court order, can impose a duty of confidentiality as to any aspect of litigation, including mediation. See N.D. Cal. ADR L.R. 6-12(a); see also 28 U.S.C. § 652(d).>”)

Absent a new stay Order, the Ninth Circuit will issue the mandate shortly and there will be further proceedings in this Court before the Supreme Court acts on the Founders' certiorari petition. This Court's September 30, 2009 stay Order provides that all motions terminated by that Order must be "reassert[ed] . . . no later than 30 days after the issuance of any mandate of the United States Court of Appeals for the Ninth Circuit . . ." Dkt. 274, pp. 2-3.

On May 27, 2011, the Founders filed a Motion to Stay Issuance of the Mandate, a copy of which is attached as Exhibit 1. 9<sup>th</sup> Cir. Case No. 08-16745, Dkt. 206. As stated in this motion, the Founders "believe that it is sensible for the Massachusetts proceedings to remain on hold until the Supreme Court rules on their anticipated petition for certiorari." *Id.* at p. 2. The Facebook defendants have indicated that they intend to oppose this motion. *Id.* at p. 1, n. 1.

The Founders will advise the Court of the Ninth Circuit's ruling on the Founders' stay motion.

Dated: June 1, 2011

Respectfully submitted,

CAMERON WINKLEVOSS, TYLER WINKLEVOSS and  
DIVYA NARENDRA,

By their attorneys,

/s/ Tyler Meade

Tyler Meade, Cal. State Bar No. 160838 (*Pro Hac Vice*)  
*tyler@meadeschrag.com*

Michael Schrag, Cal. State Bar No. 185832 (*Pro Hac Vice*)  
*michael@meadeschrag.com*

MEADE & SCHRAG, LLP

1816 Fifth Street  
Berkeley, CA 94710  
(510) 843-3670  
(510) 843-3679 (fax)

CERTIFICATE OF SERVICE

I, Tyler Meade, hereby certify that this document 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 nonregistered participants on or before June 1, 2011.

*/s/ Tyler Meade*

\_\_\_\_\_  
Tyler Meade