# EXHIBIT 5

EXHIBIT 5

ZUCKERMAN SPAEDER LLP

1800 M STREET, NW SUITE 1000
WASHINGTON, DC 20036-5807
202.778.1800 202.822.8106 fax www.zuckerman.com

Thomas B. Mason
(202) 778-1844
tmason@zuckerman.com

June 13, 2011

***Via Electronic Mail & Regular Mail***

Alison P. Buchanan, Esquire
Hoge Fenton Jones & Appel
60 South Market Street, Suite 1400
San Jose, California 95113-2396

Dear Ms. Buchanan:

I write in response to your letter of June 8, 2011, on behalf of Messrs. Mosko and Hornick and the firm of Finnegan Henderson Farabow Garrett & Dunner LLP ("Finnegan").

The allegations stated in your letter are without legal basis. Finnegan represented Cameron and Tyler Winklevoss and Divya Narendra (the "Founders") for a number of years in *ConnectU LLC v. Zuckerberg, et al.*, 1:04-cv-11923-DPW and *ConnectU, Inc. v. Facebook, Inc.*, 1:07-cv-10593-DPW. As you note, the Founders are now represented by new counsel in these matters, even though Finnegan's motion to withdraw has yet to be granted. Finnegan did not participate in the recent filings by new counsel. To the extent that ConnectU wishes to challenge the rights or conduct of new counsel, it should do so directly. For its part, Finnegan still has duties to the Founders with respect to its files and its work on their behalf. *E.g.,* Mass. Rule of Prof. Conduct 1.4(a) and 1.16(d). ConnectU itself cited and relied upon such principles when it argued to Judge Ware that Finnegan and others should be compelled to turn over their litigation files to ConnectU, even though ConnectU had effectively switched sides and was (and remains) entirely controlled by the Founders' litigation adversary, Facebook.[1]

In your letter, you repeat yet again the claim that the disqualification order in California has "preclusive effect" in the above-cited Massachusetts actions. This assertion has been addressed before, first in my letter to Mr. Towery of your firm dated November 19, 2009, and then by Judge Ware in his December 18, 2009, Order. The latter, issued in response to a filing made by your firm, is quite clear that the disqualification order has no effect in the Massachusetts actions:

---

[1] Judge Ware found that Facebook's control of ConnectU distinguished ConnectU's request as a former client from the rules that typically govern a request by a former client for its files: "[T]o order Finnegan and Boies to turn over all ConnectU files would be anathema to the principles underlying the policy of fostering unfettered attorney-client communication. . . .To require a handover of ConnectU files would be to expose to the Founders' adversary all of the [sic] their relevant litigation documents." September 2, 2009 Order at 18.

> Plaintiffs move for a telephonic conference to schedule a show cause hearing with respect to allegations that Finnegan's continued representation of the Founders in a parallel action in Massachusetts state [sic] court is in contempt of this Court's disqualification order. (Motion at 3.)
>
> The Court has previously found that the parties to a settlement agreement agreed to the jurisdiction of this Court to enforce the settlement agreement. In enforcing the settlement agreement, the Court ordered the parties to take certain actions, including the dismissal of the Massachusetts action. However, the parties have not agreed to vest this Court with jurisdiction to decide all matters with respect to the Massachusetts action. Consequently, the Order disqualifying Finnegan from representing the Founders was made in and with respect to the matters pending in this District and before the Ninth Circuit.

Order 12/18/09, at 1-2. With respect to activities in the Northern District of California and Ninth Circuit proceedings, Finnegan has complied with Judge Ware's disqualification order and has not participated on behalf of the Founders in such proceedings.

The issue of what communications and exchanges of documents, if any, have occurred between Finnegan and new counsel for the Founders is not an issue for Facebook or its alter ego, ConnectU. Such matters are privileged and subject only to the obligation that Finnegan comply with protective orders and other court-imposed restrictions, all of which Finnegan has observed in full.

Sincerely yours,

Thomas B. Mason

TBM:gbh

cc: John F. Hornick, Esquire
Scott R. Mosko, Esquire
Tyler Meade, Esquire
Daniel P. Tighe, Esquire
D. Michael Underhill, Esquire