

# EXHIBIT 6

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## Tyler Meade

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**From:** Chatterjee, Neel <nchatterjee@orrick.com>  
**Sent:** Friday, June 10, 2011 11:42 AM  
**To:** Michael Schrag; Tyler Meade  
**Cc:** Buchanan, Alison P.; Cooper, Monte; Sutton, Theresa A.; Steven Bauer  
**Subject:** Facebook/ConnectU Protective Orders  
**Attachments:** 2007.05.23 L.R. 16.1 Jnt Statement [54].pdf; 2005.05.26 Executed Protective Order & Ex. A.pdf; 2005.07.06 Executed Second Protective Order.pdf; 2006.01.23 - Executed Stipulated Protective Order (Judge Manoukian).pdf; 2007.09.13 Order for Disco on Computer Devices - PROTOCOL [103].pdf; 2009.09.30 [Court] Order Staying Case [275].pdf; 2009.09.30 [Court] Order Staying Case & Terminating Outstanding Mtns Pending 9th Cir Ruling [274].pdf

Tyler and Michael-

Thanks for your email the other day.

As you know, the Massachusetts actions have been settled for years, and Facebook will not consent to another firm's access to its confidential materials. As the case is stayed, we do not believe that any further access or counsel is warranted at this time unless and until the stay is lifted.

Our primary concern related to confidentiality is caused by the substantial leaks by your clients, including a significant transgression by your clients' forensic expert. We have had extraordinary problems with various counsel for your clients violating the protective orders restrictions as well, including Mr. O'Shea's repeated refusal to simply abide by the court-ordered confidentiality terms and instead chose to file protected documents in public records. This concern has been further exacerbated by your clients repeated public commentary in violation of the confidentiality provisions of the settlement agreement.

As to your question about protective order, your belief is incorrect as to the protective orders in place and highlight why we have concerns about confidentiality. I have included the various orders relating to confidentiality. I provide this merely for informational purposes. Providing this information should not be construed as agreement that your firm can access the discovery materials.

In any event, the proposed motion you seek to explore would not be properly raised in Massachusetts. I have attached Judge Woodlock's September 30, 2009, Orders staying the Massachusetts cases. In addition to staying those matters, Judge Woodlock wrote that the Massachusetts actions are "governed by the judgment of the Northern District of California to which [he is] obligated to give preclusive effect. . . ." As you know, the Ninth Circuit recently affirmed the California judgment. These matters are closed. Your clients were instructed to raise any issues in front of Judge Ware, they did, and they lost. They then did not raise any issue related to discovery issues on appeal and therefore waived any claim.

Nevertheless, we do not think there is any basis to engage in activities in this litigation such as the reviewing discovery materials to prepare some sort of motion. The Court in Massachusetts stayed the case and limited activity to filing status reports when certain events occur. Your firm, therefore, has no reason to have access to any materials Facebook designated under the any of the orders governing confidentiality. Consequently, Facebook will oppose any effort to gain access to protected materials at this time.

Neel

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