

**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

Related Action No. 1:04-CV-11923 (DPW)

**DECLARATION OF MONTE M.F. COOPER IN SUPPORT OF FACEBOOK
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR ACCESS TO
PLEADINGS AND DISCOVERY FILES**

I, Monte M.F. Cooper, hereby declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and TheFacebook, Inc. (collectively, the “Facebook Defendants”). I make this Declaration in support of the Facebook Defendants' Opposition to Plaintiffs' Motion for Access to Pleadings and Discovery Files. I am an active member in good standing of both the California and Colorado State Bars, and I am admitted to appear *pro hac vice* before this court. I have personal knowledge of the facts stated therein and if called as a witness, could and would competently testify thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of portions of the transcript of the Motion Hearing held on November 18, 2005 before the Honorable Robert B. Collings in Civil Action No. 04-cv-11923-DPW (D. Mass.).

3. Attached hereto as **Exhibit 2** is a true and correct copy of portions of the transcript of the Motion Hearing held on March 3, 2006 before the Honorable Robert B. Collings in Civil Action No. 04-cv-11923-DPW (D. Mass.).

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Electronic Order entered by the Court on September 25, 2006 in Civil Action No. 04-cv-11923-DPW (D. Mass.) terminating various motions to compel “without prejudice pending the resolution of the [then] pending jurisdictional dispute.

5. Attached hereto as **Exhibit 4** is a true and correct copy of portions of the transcript of the Motion Hearing held on September 13, 2007 before the Honorable Robert B. Collings in Civil Action No. 07-cv-10593-DPW (D. Mass.).

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Electronic Order

entered by the Court on February 20, 2008 in Civil Action No. 07-cv-10593-DPW (D. Mass.) granting-in-part and denying-in-part Facebook's then pending Motion to Compel.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Case Management Scheduling Order entered by the District Court for the Northern District of California on January 22, 2008 in *Facebook, Inc., et al. v. ConnectU, Inc., et al.*, Civil Action No. 07-01389-RS (N.D. Cal.).

8. Attached hereto as **Exhibit 7** is a true and correct copy of portions of the transcript of the Case Management Conference held on January 16, 2008 before the Honorable Richard Seeborg in *Facebook, Inc., et al. v. ConnectU, Inc., et al.*, Civil Action No. 07-01389-RS (N.D. Cal.).

9. Attached hereto as **Exhibit 8** is a true and correct copy of portions of the unsealed transcript of the Motion Hearing held on June 2, 2008 before the Honorable Douglas P. Woodlock in Civil Action No. 07-cv-10593-DPW (D. Mass.).

10. Attached hereto as **Exhibit 9** is a true and correct copy of the Electronic Notice entered by the Court on June 11, 2008 in Civil Action No. 07-cv-10593-DPW (D. Mass.) indicating that the Court had “[m]ailed Memorandum and Opinion and transcripts to the Honorable James Ware”

11. Attached hereto as **Exhibit 10** is a true and correct copy of ConnectU, Inc.'s Administrative Request for Leave Under Civil L.R. 7-11 To File a Sur-Reply Brief and Supporting Declarations, with a copy of the Sur-Reply Brief, filed on June 19, 2008 in the District Court for the Northern District of California. [**CONFIDENTIAL – TO BE LODGED UNDER SEAL**]

12. Attached hereto as **Exhibit 11** is a true and correct copy of the Decision and

Order entered on March 11, 2010 by Justice Richard B. Lowe III in *ConnectU, Inc., et al. v. Quinn Emanuel Urquhart Oliver & Hedges*, Civil Index No. 602082/2008 (N.Y. County Supreme Ct.).

13. Attached hereto as **Exhibit 12** is a true and correct copy of the Electronic Order entered by the Court on November 19, 2007 in Civil Action No. 07-cv-10593-DPW (D. Mass.) granting Facebook's then pending Motion to Compel a "full and complete answer to Interrogatory #1 from all sources of information within their possession, custody and/or control...."

14. Attached hereto as **Exhibit 13** is a true and correct copy of the Electronic Clerk's Notes entered by the Court on November 30, 2007 in Civil Action No. 04-cv-11923-DPW (D. Mass.) concerning a Motion Hearing held on November 30, 2007 before the Honorable Douglas P. Woodlock.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 15th day of July 2011 at Menlo Park, California.

/s/ Monte M.F. Cooper /s/

Monte M.F. Cooper

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 July 15, 2011.

Dated: July 15, 2011

Respectfully submitted,

/s/ Monte M.F. Cooper /s/

Monte M.F. Cooper