

# **EXHIBIT 12**

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**From:** Walker, Joshua [jwalker@orrick.com]  
**Sent:** Thursday, November 17, 2005 12:04 PM  
**To:** Grabow, Troy; Hornick, John  
**Cc:** Facebook/Connectu - OHS and Co-Counsel; robert.hawk@hellerehrman.com; Bhanu.Sadasivan@hellerehrman.com; dan.hampton@hklaw.com  
**Subject:** Meet and Confer

Dear Troy and John:

This email confirms your discussion yesterday with Monte Cooper and Robert Nagel related to the numerous hard disk drives possessed by Defendants. Specifically, we indicated that we would attempt to identify the location of all hard drives identified in response to interrogatories, as well as their "custodians". Please also be advised that we have recently located additional electronic devices which may include data from early to mid 2004. We are currently attempting to ascertain the contents. We currently have no information that suggests whether or not the devices contain responsive documents or relevant information. If they do, and without prejudice to our present motions, we will supplement earlier responses and production as necessary, including those which you discussed with Monte Cooper and Rob Nagel on Wednesday, November 16.

Regards,

JHW

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From Orrick, Herrington & Sutcliffe LLP <orrick.com> on 11/17/2005 09:01:45 AM  
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