

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

CONNECTU LLC,

The CU Founders,

v.

MARK ZUCKERBERG, EDUARDO
SAVERIN, DUSTIN MOSKOVITZ, ANDREW
MCCOLLUM, CHRISTOPHER HUGHES, and
FACEBOOK, INC.,

Defendants.

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

MARK ZUCKERBERG, and FACEBOOK,
INC.,

Counterclaimants,

v.

CONNECTU LLC, Counterdefendant, and
CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,
Additional Counterdefendants.

**DECLARATION OF MONTE M.F. COOPER IN SUPPORT OF FACEBOOK
DEFENDANTS' CONSOLIDATED OPPOSITION TO PLAINTIFFS' MOTION FOR
DISCOVERY AND MOTION TO PRESERVE INFORMATION**

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, Eduardo Saverin, and TheFacebook, Inc. (collectively, the “Facebook Defendants”). I make this Declaration in support of the Facebook Defendants' Consolidated Opposition to Plaintiffs' Motion for Discovery and Motion to Preserve Information. 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 Facebook's production document Bates numbered FBMA0006102 produced on August 25, 2007. [**CONFIDENTIAL DOCUMENT LODGED SEPARATELY UNDER SEAL**]

3. Attached hereto as **Exhibit 2** is a true and correct copy of Facebook's production document Bates numbered FBMA0007150 produced on August 25, 2007. [**CONFIDENTIAL DOCUMENT LODGED SEPARATELY UNDER SEAL**].

4. Attached hereto as **Exhibit 3** is a true and correct copy of Facebook's production document Bates numbered FBMA0007212-FBMA0007214 produced on August 25, 2007. [**CONFIDENTIAL DOCUMENT LODGED SEPARATELY UNDER SEAL**]

5. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Howard Winklevoss dated February 6, 2008. [**CONFIDENTIAL DOCUMENT LODGED SEPARATELY UNDER SEAL**]

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the June 2, 2008 Hearing on the ConnectU Founder's Emergency Motion.

7. Attached hereto as **Exhibit 6** is a true and correct copy of this Court's Notice of Electronic Filing from June 11, 2008 indicating Mailed Memorandum and Opinion and transcripts to the Honorable James Ware, San Jopse California.

8. Attached hereto as **Exhibit 7** is a true and correct copy of ConnectU, Inc.'s Surreply in Opposition to Facebook, Inc. and Mark Zuckerberg's Confidential Motion Enforce Settlement Agreement filed on June 19, 2008. [**CONFIDENTIAL DOCUMENT LODGED SEPARATELY UNDER SEAL**]

9. Attached hereto as **Exhibit 8** is a true and correct copy of this Court's Order of Dismissal filed on July 22, 2011.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the Supreme Court of the State of New York Order from Judge Lowe dated January 6, 2010.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the District Court of California Judgment Enforcing Settlement Agreement from Judge Ware date July 2, 2008.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an email from Monte Cooper dated February 4, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 2nd day of September 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 September 2, 2011.

Dated: September 2, 2011

Respectfully submitted,

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

Monte M.F. Cooper