

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU, INC,

Plaintiff,

v.

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

Defendants.

Civil Action No. 1:07-CV-10593-DPW

**FACEBOOK DEFENDANTS' MOTION TO
RESCHEDULE THE SCHEDULING CONFERENCE SET
FOR MAY 31, 2007 DUE TO UNAVAILABILITY OF TRIAL COUNSEL**

Defendants Facebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and TheFacebook, LLC (collectively, "Facebook Defendants") respectfully move this Court to reschedule the May 31, 2007 scheduling conference due to the unavailability on that date of Facebook Defendants' senior lawyers, G. Hopkins Guy, III, lead trial counsel at Orrick, Herrington, and Steven M. Bauer, lead local counsel at Proskauer Rose, both of whom believe they should attend the scheduling conference in accordance with this Court's Notice of Scheduling Conference. (Docket 32).

Counsel for Facebook Defendants respectfully request that the scheduling conference be reset to June 12, 2007, or, given plaintiff's statement (set out below) that it's counsel is unavailable after June 10 for the month of June, the first available date that plaintiff might suggest in the month of July..

In support of this motion, Facebook Defendants state as follows:

1. Facebook Defendants' lead trial counsel, G. Hopkins Guy, III, is unavailable on May 31, 2007, because he is scheduled to be on trial in another matter, *Power Integrations, Inc. v. Fairchild Semiconductor Corp.*, Civil No. 1:04-cv-01371-JJF, in the U.S. District Court for the District of Delaware, starting Monday, June 4, 2007, before the Honorable Joseph J. Farnan, Jr. Mr. Guy will be in Delaware preparing for trial on May 31st.

2. Facebook Defendants' lead lawyer in Boston, Steven M. Bauer, is also unavailable on May 31, 2007, because he is scheduled to argue a summary judgment hearing in another matter, *Digital Angel Corporation v. Datamars Inc.*, Civil No. 0:04-cv-04544-ADM-JSM, in the U.S. District Court for the District of Minnesota, on May 31, 2007, at 9:00 AM before the Honorable Ann D. Montgomery.

3. The Facebook Defendants' counsel spoke with the court's clerk, and understand that June 11 and June 12 are available dates for rescheduling the present scheduling conference. Given that "[t]he court considers attendance of the senior lawyers ultimately responsible for the case and compliance with sections (B), (C), and (D) of Local Rule 16.1 to be of the utmost importance," Facebook Defendants respectfully request that the scheduling conference be rescheduled to June 12, so that at least one of its two most senior lawyers can be available.

4. Facebook Defendants' explained the above scheduling conflicts to counsel for plaintiff ConnectU. ConnectU's counsel has indicated a refusal to assent to any motion for continuance, and has refused to provide alternative dates. ConnectU's counsel has merely stated that ConnectU's lead counsel has "long standing professional commitments outside the United States until the end of June," but has not indicated what those commitments are, whether they are

for every single day between June 11 and June 29, whether the trip can be delayed a day or so, or whether other senior counsel might be available to cover for any of these dates.

WHEREFORE, it respectfully requested that the Court reschedule the scheduling conference to June 12, 2007, or, given plaintiff's statement that it's counsel is unavailable after June 10 for the month of June, the first available date that plaintiff might suggest in the month of July.

Certification Pursuant to Local Rule 7.1

The undersigned attorney hereby certifies that counsel for the parties have conferred in an attempt to resolve or narrow the issues presented by this motion, and that counsel for plaintiff ConnectU, Inc. refused to assent to this motion.

Dated: May 18, 2007

Respectfully submitted,

/S/ STEVEN M. BAUER

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Court's 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 May 18, 2007.

Dated: May 18, 2007

/S/ STEVEN M. BAUER
Steven M. Bauer