

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)

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

District Judge Douglas P. Woodlock

Magistrate Judge Robert B. Collings

**CONNECTU'S OPPOSITION TO FACEBOOK DEFENDANTS' MOTION TO  
RESCHEDULE THE HEARING CONFERENCE SET FOR MAY 31, 2007**

Another Facebook Motion, another Facebook delay tactic. ConnectU rejected Facebook Defendants' request precisely because the Court's order was clear: "Counsel may be given a continuance only if actually engaged on trial." (Dkt. 32 at 2). Facebook Defendants lead counsel, Mr. Guy, will not actually be engaged in trial, but rather he will be in Delaware "preparing for trial." (Motion ¶ 1).

Facebook Defendants move to continue the May 31, 2007 case management conference on the basis that lead counsel, G. Hopkins Guy, III is unavailable "because he is scheduled to be on trial in another matter . . . ." (Motion ¶ 1). That trial, however, is not scheduled to begin until June 4, 2007 in Delaware, four full days before the hearing in this case. Thus, Mr. Guy is available to travel from Delaware to Boston and attend the hearing on May 31, 2007, but chooses not to. The motion is therefore inconsistent with the express statement of this Court that only actually being engaged in trial is sufficient to support a request for continuance.

Like Mr. Guy, ConnectU's lead counsel, Mr. John Hornick is also available May 31, 2007. Moreover, it appears that Defendant Saverin's lead counsel, is available May

31.<sup>1</sup> As all “senior lawyers ultimately responsible for the case” are available May 31 (even if that date is not the most convenient one) there is no reason, other than unnecessary delay, to adjourn the scheduling conference hearing. As explained to Facebook Defendants counsel, Mr. Hornick will be out of the country handling long-standing commitments until June 29, 2007. Mr. Hornick, did, however, cancel other professional commitments to make himself available May 31.

Facebook Defendants’ Motion further indicates that Facebook Defendants local counsel, Mr. Bauer, is unavailable May 31. (Motion ¶¶ 2). This is news to ConnectU, as the Motion is the first mention of Mr. Bauer’s availability. Nonetheless, as Mr. Chatterjee, Facebook Defendants’ counsel and Mr. Guy’s colleague, noted during the parties’ May 10, 2007 Local Rule 16.1 conference, Mr. Guy is Facebook Defendants’ lead counsel and the client requested Mr. Guy’s, not Mr. Bauer’s, presence at the hearing.

As no date will ever be equally convenient for everyone, and all lead counsel are available May 31, 2007, ConnectU respectfully requests that Facebook Defendants’ motion be denied and the case management hearing go forward as scheduled on May 31, 2007.

---

<sup>1</sup> Defendant Saverin’s counsel has not made any request to adjourn the hearing.

Dated: May 18, 2007

Respectfully submitted,

/s/ Margaret A. Esquenet  
John F. Hornick, *pro hac vice*  
Margaret A. Esquenet, *pro hac vice*  
Meredith H. Schoenfeld, *pro hac vice*  
Daniel P. Kaufman (BBO# 663535)  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Avenue, N.W.  
Washington, D.C. 20001  
Tel: (202) 408-4000  
Fax: (202) 408-4400

Daniel P. Tighe (BBO# 556583)  
Scott McConchie (BBO# 634127)  
GRIESINGER, TIGHE, & MAFFEI, L.L.P.  
Boston, MA 02110  
Telephone: (617) 603-0918  
Facsimile: (617) 542-0900  
dtighe@gtmllp.com  
smcconchie@gtmllp.com

Attorneys for Plaintiff  
ConnectU, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that this document 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 May 18, 2007.

/s/ Margaret A. Esquenet  
Margaret A. Esquenet