

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

MOTION TO ENLARGE TIME TO RESPOND TO FIRST AMENDED COMPLAINT

Pursuant to Fed.R.Civ.P. 6(b), Defendants respectfully request that the Court provide a one-week extension of time for them to answer Plaintiffs' First Amended Complaint. Docket No. 71. On August 9, 2007, — a day *after* the amended complaint was to be filed — Defendants received Plaintiffs' 100-page, 337-paragraph First Amended Complaint, with 93 exhibits comprising 900 pages of material. *Compare* ConnectU's 19-page, 104-paragraph original complaint, with six exhibits comprising 21 pages of material. Docket No. 1. This amended complaint appears to contain extensive argument and allegations irrelevant to this case.

Rather than simplify and focus the case, Plaintiffs have added new parties and new causes of action. The First Amended Complaint adds three Plaintiffs who were not named in any of the prior three versions of ConnectU's complaint. Plaintiffs have added Promissory Estoppel and Breach of Express Contract causes of action, neither of which was alleged in any of the three prior versions of the complaint. Plaintiffs also have added new theories of successor liability and

assert all claims against the Facebook entities, which none of the three prior versions offered.

Anticipating the defendants' revised motions to dismiss, the Court set a briefing schedule calling for the Defendants to file their motion(s) to dismiss on August 22, 2007. See Clerk's Notes dated July 26, 2007 at 10:07 A.M. Certainly when setting that schedule, no one expected the new complaint to be 100 pages long with 900 pages of exhibits. Parsing the relevant factual allegations for each claim, to the extent any exist, will take some time. Indeed, it appears that plaintiff's strategy is to dump as many claims with as many theories as possible into a complaint with extensive irrelevant factual allegations in order to make a motion to dismiss in the time frames presented more challenging.

Given the scope of the revised complaint and the number of exhibits, Defendants request that the Court provide them one additional week to respond. Defendants will need at least this amount of time to parse through the new allegations, argument and exhibits contained in the complaint. Because there is no hearing scheduled, this one week extension will not affect any calendared events. All other deadlines associated with the other briefs can either be unchanged or enlarged by one week.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2) AND F.R.C.P. 37(A)(2)(B)

Counsel for the Facebook Defendants certifies that pursuant to Local Rule 7.1(a)(2) and F.R.C.P. 37(a)(2)(B) they met and conferred with counsel for ConnectU regarding this motion. On August 10, 2007, Theresa Sutton (on behalf of The Facebook Defendants) sought a stipulation from John F. Hornick, Margaret Esquenet and Meredith Schoenfeld (on behalf of Plaintiffs) to extend the time for Defendants to file their motion(s) to dismiss.

Plaintiffs would not agree to any extension of time.

Dated: August 10, 2007

Respectfully submitted,

/s/ Theresa A. Sutton /s/

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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 _____, 2007.

Dated: _____, 2007.

Respectfully submitted,

/s/ Name Here /s/

Name of Attorney