

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

**DECLARATION OF MONTE M.F. COOPER IN SUPPORT OF ZUCKERBERG
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON PLAINTIFFS' CLAIMS
FOR BREACH OF CONTRACT, BREACH OF THE COVENANT OF GOOD FAITH
AND FAIR DEALING, AND PROMISSORY ESTOPPEL**

I, Monte Cooper, declare as follows:

1. I am Of Counsel at the law firm of Orrick, Herrington & Sutcliffe, counsel for Defendants Facebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and TheFacebook, LLC in this action. I make this declaration in support of Defendants' Motion for Summary Judgment on Plaintiffs' Claims for Breach of Contract, Breach of the Covenant of Good Faith and Fair Dealing, and Promissory Estoppel.

2. Attached hereto as **Exhibit 1** is a true a correct copy of excerpts from the transcript of the July 25, 2007, Hearing on Defendants' Motions to Dismiss.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the August 9, 2005, Deposition of ConnectU pursuant to Fed.R.Civ.P. 30(b)(6) taken in *ConnectU v. Zuckerberg et al.*, case no. 1:04-cv-11923.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Amended Notice of 30(b)(6) Deposition of ConnectU, served in the *ConnectU v. Zuckerberg et al.*, case no. 1:04-cv-11923 action on July 27, 2005.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Objections to Amended Notice of 30(b)(6) Deposition served in the *ConnectU v. Zuckerberg et al.*, case no. 1:04-cv-11923 action by ConnectU on August 3, 2005.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Plaintiff and Counterclaim Defendant ConnectU LLC's Response to Defendant and Counterclaim Plaintiff TheFacebook, Inc.'s First Set of Interrogatories, Nos. 16 and 17, served in the *ConnectU v. Zuckerberg et al.*, case no. 1:04-cv-11923 action on August 22, 2005. **CONFIDENTIAL DOCUMENT FILED UNDER SEAL.**

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of August 2007, at Menlo Park, California.

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

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 August 29, 2007.

Dated: August 29, 2007.

Respectfully submitted,

/s/ I. Neel Chatterjee /s/

I. Neel Chatterjee