

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

**DEFENDANTS FACEBOOK, INC. AND THEFACEBOOK LLC'S
MOTION TO DISMISS PURSUANT TO FED.R.CIV.P. 12(B)(6), AND ANY OTHER
RULE OR POWER THE COURT DEEMS APPROPRIATE IN ITS SOUND
DISCRETION**

Pursuant to Rules 12(b)(6) of the Federal Rule of Civil Procedure, and any other rule or power the Court deems appropriate in its sound discretion, Defendants Facebook, Inc. and TheFacebook LLC move to dismiss ConnectU Inc.'s first through fifth (1-5) and seventh through ninth (7-9) claims for relief. Every claim asserted against the Facebook Entities relies on an unclear theory of successor liability and otherwise fail to state a claim. Dustin Moskovitz, Andrew McCollum and Mark Zuckerberg join in this Motion.

Plaintiffs' First Amended Complaint does not cure most, if any, of the defects described in the Defendants' April 23, 2007, motions to dismiss. Dkt. Nos. 16, 17, 18.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Counsel for Defendants certify that pursuant to Local Rule 7.1(a)(2) they met and conferred with counsel for Plaintiffs and Defendant Eduardo Saverin regarding this motion on August 27, 2007, via telephone conference.

Dated: August 29, 2007.

Respectfully submitted,

/s/ I. Neel Chatterjee /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 August 29, 2007.

Dated: August 29, 2007.

Respectfully submitted,

/s/ I. Neel Chatterjee /s/

I. Neel Chatterjee