

July 27, 2010

BY FAX AND MAIL

Lisa T. Simpson, Esq.
Orrick, Herrington and Sutcliffe, LLP
51 West 52nd Street
New York, New York 10019-6142

Re: Paul D. Ceglia v. Mark Elliot Zuckerberg and Facebook, Inc.

Dear Ms. Simpson:

As you know, we represent Paul D. Ceglia in this matter. Please accept this letter as a formal request that the defendants, Mark Elliot Zuckerberg and Facebook, Inc. ("Facebook"), preserve all physical materials that reasonably could be expected to contain or lead to evidence relating to the claims that plaintiff has set forth. While this request encompasses any physical recording of relevant information, our client specifies that the following electronic information should be included in the preserved data:

- Electronic mail, instant messenger communications, text messages, or other electronic messages or communications, both sent and received;
- Word processing documents, spreadsheets, or other electronic files;
- Computer-aided presentations, such as Microsoft PowerPoint;
- Databases;
- Calendars, and personal information management systems (such as Microsoft Outlook or Lotus Notes);

- Voicemail, and electronic telephone or message logs;
- Computer-aided design (CAD) files;
- Internet usage files, including cache and cookie files;
- Electronically stored facsimile communications for the last five years;
- Any other electronic information.

Please note:

- Electronic records may be easily deleted or destroyed, and all reasonable steps should be taken immediately and henceforth to prevent such records from being destroyed. This includes the immediate cessation of all data destruction, including deletion, defragmentation, or overwriting of data, as well as immediately ceasing any recycling of backup tapes or other backup or storage media.
- The duty to preserve electronic records extends not only to data stored on hard discs—such as computer hard drives, CD-ROMs, diskettes, USB drives, backup drives, and digital computer tapes—but also to data stored on any media. This includes, among other things, such media as floppy discs, optical media, cell phones, voice mail, answering machines, PDAs, digital audio recorders, thumb drives, and any other devices containing electronic memory, as well as to data stored off-site or online.
- The preservation obligation also encompasses all paper print-outs of electronic records. This includes printouts containing handwriting, drawings, calculations, highlighting, and so forth.
- Defendants, or any agent of defendants who is required or able to preserve electronic records, should immediately be informed of the duty to preserve, and should take all reasonable steps to make certain that relevant data is not destroyed. A copy of this letter should be

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forwarded to Mr. Zuckerberg and Facebook, as well as to any agent who is the custodian of any electronic records, or who is responsible for Mr. Zuckerberg's or Facebook's computer systems, to make certain that electronic records are, in fact, preserved.

- The above requests apply not only to the preservation of existing information, but also to the preservation of information devices *in their current state*, to ensure that any relevant information that may already have been deleted can be restored.
- If any aspects of the duties set forth in this letter are unclear, please contact us for clarifications.

Please confirm that electronic records and information, as identified above, will in fact be preserved in accordance with these requests.

Thank you for your anticipated cooperation in connection with our effort to preserve this evidence.

Very truly yours,

Terrence M. Connors

cc: Michael B. Powers, Esq.

bcc: Mr. Paul Argentieri
Mr. Paul D. Ceglia