

company following careers in law enforcement, the intelligence community, consulting, and academia.

3. I am a Managing Director in Stroz Friedberg's New York Office, where I manage matters in the areas of digital forensics, eDiscovery, and cybercrime response and supervise digital forensic examiners and eDiscovery professionals in the performance of their jobs. Prior to joining Stroz Friedberg, I served as an Assistant United States Attorney in the Eastern District of New York and as an Assistant Attorney General in the State of Illinois. I also served as a law clerk for The Honorable Joel M. Flaum of the United States Court of Appeals for the Seventh Circuit. I am a graduate of the University of Virginia School of Law, where I was named a Hardy Cross Dillard Scholar and served as Editor-in-Chief of the *Virginia Law Review*. A copy of my C.V. is attached to this declaration as Exhibit A.

4. On April 15, 2011, at the direction of Gibson Dunn, Stroz Friedberg preserved the contents of a Harvard University email account assigned to and used by Mr. Zuckerberg. This preservation work involved making a complete and accurate copy of the entire contents of Mr. Zuckerberg's Harvard email account as it resided on Harvard's server at the time of collection, including both sent and received email (the "April 2011 Harvard Email Data").

5. In addition, Harvard University provided Stroz Friedberg with a copy of Mr. Zuckerberg's Harvard email account as it resided on Harvard's server in October 2010 (the "October 2010 Harvard Email Data"). Stroz Friedberg then analyzed this data and identified a small number of emails that were present in the October 2010 Harvard Email Data, but were not present in the April 2011 Harvard Email Data.

6. The April 2011 Harvard Email Data, along with the additional emails from the October 2010 Harvard Email Data, collectively referred to as the "Harvard Email Data," were

loaded into Stroz Review, Stroz Friedberg's secure, web-accessible review platform. Stroz Review provides users with robust search functionalities, including the ability to search by, among other things, the sender of an email, the recipient of email, the date on which an email was sent, or keywords.

7. I understand that the Amended Complaint filed by Mr. Ceglia in this case contains quotes from purported emails that Mr. Ceglia alleges were sent to or from Mr. Zuckerberg during a time when Mr. Zuckerberg was a Harvard University student (the "Purported Emails"). In Stroz Review, I searched all of the Harvard Email Data using terms designed to identify the Purported Emails (listed in Exhibit B). The results of these searches did not include the Purported Emails; thus, the Purported Emails are not contained in the Harvard Email Data.

8. I also ran searches in Stroz Review of all of the Harvard Email Data using email addresses of people affiliated with StreetFax (listed in Exhibit C) to identify email communications between any of those people and Mr. Zuckerberg. These searches resulted in the identification of over 140 email message files between Mr. Zuckerberg and people affiliated with StreetFax. While reviewing the results of these searches, I observed over 175 separate emails between Mr. Zuckerberg and people affiliated with StreetFax contained within the more than 140 email message files referred to above. All of those emails appear to relate to StreetFax, including multiple emails from the mid-February to March 2004 timeframe in which Mr. Ceglia apologizes for failing to pay Mr. Zuckerberg for his work on StreetFax and/or attempts to persuade Mr. Zuckerberg to accept equity in StreetFax in lieu of monetary payments. None of these more than 175 separate emails referred to "The Face Book," "The Page Book," "Thefacebook.com," or any website created by Mr. Zuckerberg. Among the emails I observed were the following:

- a. An email sent from Paul Ceglia to Mark Zuckerberg, dated February 16, 2004, a true and correct partially redacted copy of which is attached as Exhibit D.
- b. An email sent from Paul Ceglia to Mark Zuckerberg, dated March 20, 2004, a true and correct partially redacted copy of which is attached as Exhibit E.
- c. An email sent from Paul Ceglia to Mark Zuckerberg, dated March 31, 2004, a true and correct partially redacted copy of which is attached as Exhibit F.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of June, 2011 at New York, New York.



BRYAN J. ROSE