

# EXHIBIT R

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April 13, 2011

VIA EMAIL

Dennis C. Vacco, Esq.  
Lippes Mathias Wexler Friedman LLP  
665 Main Street, Suite 300  
Buffalo, New York 14203-1425

Re: Ceglia v. Zuckerberg, et al., Civil Action No. 10-569 (RJA) (W.D.N.Y.)

Dear Mr. Vacco:

I write in response to your letter of last evening.

Thank you for advising that your firm, as Mr. Ceglia's counsel, will be undertaking an investigation of the concerns set forth in my April 12 letter. We will cooperate to provide you promptly with the materials that you require from us. In this light, also attached to the email by which this letter is sent are (i) the March 3, 2004 email and the Retrieved Contract referenced in my April 12 letter and (ii) print-outs of emails that support that the Retrieved Contract was the operative contract between Mr. Ceglia and Mr. Zuckerberg. I can be available to answer questions that you may have about these materials.

The Capsicum Group possesses the images taken on March 29 of Mr. Ceglia's laptop computer, floppy disks and loose computer hard drive that are referenced in my April 12 letter. Mr. Ceglia's actual laptop computer, floppy disks and loose hard drive all remained in the possession and control of Mr. Ceglia as of March 29. We would be pleased to arrange for you to communicate with the Capsicum Group personnel regarding their work on this matter, and they can bill your firm accordingly for any further work they perform.

The Capsicum Group has not produced any written reports or opinions with respect to this matter. The Capsicum Group's involvement was limited to the imaging and collection of data on March 29 and communications to me on March 30, conveying the information upon which I based my communications to Mr. Argentieri on March 30 and April 4 and my April 12 letter. In fact, upon my review on March 30 of certain documents that the Capsicum Group had retrieved that established that page 1 of the Exhibit B Contract is fabricated, I directed the Capsicum Group to stop work on analyzing Mr. Ceglia's materials, but to preserve the images. My firm also immediately withdrew as counsel to Mr. Ceglia that evening.

Dennis C. Vacco, Esq.

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In light of your representation that your firm will undertake an investigation of the concerns set forth in my April 12 letter, we will, until 3 pm tomorrow, refrain from reporting to the District Court the misconduct that has occurred, provided that your investigation is commenced immediately and pursued with all speed and diligence. Upon your firm's reporting to me on the findings of your investigation and the steps that your firm will take as a result thereof, we will again assess our firm's professional obligations. Please note your firm's obligations to the District Court under NYPRC Rule 3.3, should your investigation demonstrate that the amended complaint contains false statements of material fact.

In response to your question regarding my law firm's relationship with Facebook, Mr. Zuckerberg or representatives of either: This firm has never been counsel to Mr. Zuckerberg, Facebook or any affiliate thereof. Further, in response to your question regarding communications over the past 60 days, neither I nor any other member of this law firm has had, to the best of my knowledge, any communications with Mr. Zuckerberg, Facebook or representatives of either regarding this matter during that period.

Sincerely,



Aaron H. Marks

cc: Paul Argentieri, Esq.  
Robert W. Brownlie, Esq.  
Gerard A. Trippitelli, Esq.  
Kevin J. Cross, Esq.