EXHIBIT A

EXHIBIT A FILED UNDER SEAL

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CROSS ATLANTIC CAPITAL

PARTNERS, INC.

Plaintiff, :

vs. : CIVIL ACTION

: NO.: 07-CV-2768

FACEBOOK, INC.

and : HON. JOHN R. PADOVA

THEFACEBOOK, LLC:

:

Defendants.

NOTICE UNDER FEDERAL RULE 30(b)(1) OF DEPOSITION UPON ORAL EXAMINATION

TO: Heidi L. Keefe, Esquire

WHITE & CASE, LLP

3000 El Camino Real

5 Palo Alto Square

9th Floor

Palo Alto, California 94306

Dennis P. McCooe, Esquire

Blank Rome

One Logan Square

130 North 18th Street

Philadelphia, Pennsylvania 19103

You are hereby notified that on February 19, 2008, beginning at 10:00 a.m., at the offices of Duffy & Keenan, One Liberty Place, 1650 Market Street, 55th Floor, Philadelphia, Pennsylvania, the undersigned will take the videotaped deposition of MARK ZUCKERBERG, in his capacity as an officer, director, and/or managing agent of defendant FACEBOOK, INCORPORATED, with respect to the above-captioned matter pursuant to 30(b)(1) of the Federal Rules of Civil Procedure. The deposition will be conducted before an officer authorized by law to administer oaths and shall continue from day to day thereafter until completed.

You are invited to attend and examine the witness if you so desire.

Respectfully submitted,

PATRICK J. KEENAN, ESQ.

Duffy & Keenan

One Liberty Place

1650 Market Street, 55th Floor

Philadelphia, Pennsylvania 19103

(215) 238-8700

(215) 238-8710 (Fax)

FREDERICK A. TECCE, ESQ.

McShea\Tecce, P.C.

The Bell Atlantic Tower - 28th Floor

1717 Arch Street

Philadelphia, Pennsylvania 19103

(215) 599-0800

(215) 599-0888 (Fax)

Counsel for plaintiff

Cross Atlantic Capital Partners, Inc.

Dated: February 4, 2008

CERTIFICATE OF SERVICE

This is to certify that on this 4th day of February, 2008, I caused a true and correct copy of the foregoing Notice under Federal Rule 30(b)(1) of Deposition Upon Oral Examination to be served by facsimile and first class, regular mail upon the following:

Alfred W. Zaher, Esquire Dennis P. McCooe, Esquire Joel L. Dion, Esquire Blank Rome One Logan Square 130 North 18th Street Philadelphia, PA 19103

Heidi L. Keefe, Esquire Mark R. Weinstein, Esquire Sam C. O'Rourke, Esquire WHITE & CASE, LLP 3000 El Camino Real 5 Palo Alto Square 9th Floor Palo Alto, California 94306

Counsel for defendants
Facebook, Inc. and Thefacebook, LLC

PATRICK J. KEENAN, ESQ.

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CROSS ATLANTIC CAPITAL

VS.

PARTNERS, INC., : CIVIL ACTION

Plaintiff, : NO.: 07-CV-02768

:

FACEBOOK, INC. and THEFACEBOOK,

LLC.,

Defendants.

DECLARATION OF PATRICK J. KEENAN IN OPPOSITION TO DEFENDANTS' MOTION FOR PROTECTIVE ORDER

I, Patrick J. Keenan, make the following statements under penalty of perjury:

- A. I am counsel of record for plaintiff Cross Atlantic Capital Partners, Inc. ("XACP") in connection with the above-captioned matter. I make this Declaration in support of XACP's opposition to Defendants' Motion for Protective Order (D.E. # 84).
- B. On September 14, 2007, plaintiff XACP served defendants with Plaintiff Cross Atlantic Capital Partners, Inc.'s First Set of Interrogatories Directed to Defendants.
- C. On October 17, 2007, defendants served XACP with Defendants' Response to Plaintiff Cross Atlantic Capital Partners, Inc.'s First Set of Interrogatories, a copy of which is attached to XACP's accompanying brief as Exhibit A.
- D. Facebook's interrogatory answer identified Mark Zuckerberg as the original creator of the accused website and Groups application.
- E. Based on the important knowledge Mr. Zuckerberg has regarding the Groups application and the overall website, XACP issued a Notice under Federal Rule

30(b)(1) of Deposition Upon Oral examination of Mr. Zuckerberg on February 4, 2008, a copy of which to the accompanying brief as Exhibit B. The deposition was noticed to take place on February 19, 2008.

- F. On February 8, 2008, Facebook objected to the deposition of Mr.

 Zuckerberg on the sole basis that he allegedly lacks "unique or extraordinary knowledge" concerning any issue relevant to this case.
- G. On February 11, 2008, XACP' advised Facebook in writing that Mr. Zuckerberg's deposition was permitted under the Federal Rules of Civil Procedure and applicable case law.
- H. Subsequently, I spoke on more than one occasion to Facebook's counsel, Sam O'Rourke, Esquire, about the scheduling of Mr. Zuckerberg's deposition I told Mr. O'Rourke that XACP was agreeable to conducting the deposition in California.
- I. Mr. O'Rourke told me that Facebook was considering producing Mr.

 Zuckerberg for deposition, and that he would advise me of their final decision as soon as possible.
- J. Without any additional notice, Facebook filed the present motion for protective order.
- K. On March 4, 2008, XACP deposed Victor Valdez as a corporate designee of Facebook on issues relating to the infringing website. On March 7, 2008, Gideon Yu was deposed as a corporate designee of Facebook regarding its finances. On March 6, XACP deposed Dustin Moskovitz of Facebook. These depositions were conducted in California.

L. Mr. Valdez was not employed by Facebook when the accused website and Groups application were originally developed. Additionally, Mr. Valdez claimed to lack knowledge about even basic aspects of Facebook's website that are relevant to XACP's infringement claims, such as Facebook's processes for user registration and enabling user's to create targeted advertisements.

The above statements are true and correct to the best of my knowledge, information and belief and are made under penalty of perjury.

Dated: March 17, 2008

Patrick J. Keenan, Esquire

EXHIBIT D

PATRICK J. KEENAN DIRECT DIAL 215.238.8707

February 11, 2008

Via Facsimile and Regular Mail

Sam O'Rourke, Esquire White & Case 3000 El Camino Real 5 Palo Alto Square, 9th Floor Palo Alto, CA 94306

RE: Cross Atlantic Capital Partners, Inc. v. Facebook, Inc. and Thefacebook, LLC

U.S.D.C., E.D.Pa. 2:07-cv-02768-JP

Dear Sam:

I am in receipt of your letter dated February 8, 2008 regarding the deposition of Mark Zuckerberg. In the United States District Court for the Eastern District of Pennsylvania, and elsewhere, "the party seeking discovery ... may name a specific officer, director, or managing agent to give deposition testimony on behalf of a party corporation pursuant to Fed. R.C.P. 30(b)(1)." Triple Crown America, Inc. v. Biosynth AG, 1998 U.S. Dist. LEXIS 6117 (E.D. Pa. April 30, 1998); United States v. Afram Lines, 159 F.R.D. 408, 413 (S.D.N.Y. 1994). There is no "unique or extraordinary knowledge" requirement. Additionally, in response to our client's Interrogatory No. 7, Facebook has identified only four individuals "who significantly contributed to the creation, development and design of Facebook's Groups application," one of whom is Mark Zuckerberg. Mr. Zuckerberg has also publicly taken credit for the founding of Facebook and the infringing website. Therefore, we cannot accept your position that Mr. Zuckerberg may not be deposed and expect to proceed with his deposition as noticed.

If you have any questions, please feel free to contact me.

Sincerely,

PATRICK J. KEENAN

PJK/mk

cc: Frederick A. Tecce, Esquire

One Liberty Place 1650 Market Street, 55th Floor Philadelphia PA 19103-7301 215.238.8700 tel 215.238.8710 fax