

[THE WITNESS is Mark Zuckerberg; MR. GUY is an attorney for Facebook; MR. MOSKO is an attorney for ConnectU; Endnotes: Sources.]

Page number of the Zuckerberg deposition transcript > 33

35

1 Q. Has somebody done this on your behalf?
 2 A. I think so.
 3 Q. Who would have done this on your behalf,
 4 if you recall?
 5 MR. GUY: Objection, calls for speculation.
 6 Answer if you know.
 7 THE WITNESS: I believe the same person
 8 does mine as does Dustin's.
 9 BY MR. MOSKO:
 10 Q. And who is that person, please?
 11 A. I don't know.
 12 Q. Who engaged this person for the purpose of
 13 filling out tax returns?
 14 MR. GUY: Objection, vague as to time.
 15 Calls for speculation.
 16 THE WITNESS: I don't know.
 17 BY MR. MOSKO:
 18 Q. Do you know if Dustin did?
 19 BY MR. GUY: Same objection.
 20 THE WITNESS: I think he did.
 21 BY MR. MOSKO:
 22 Q. Prior to your work with TheFacebook, do
 23 you know if anyone was ever engaged for the purpose
 24 of completing a tax return on your behalf?
 25 A. I don't know.

1 A. That depends on how you define cofounder.
 2 Q. What's your definition of cofounder since
 3 you used the word initially?
 4 A. So I called it people who are there very
 5 early. So whenever we refer to that we say that I
 6 am the founder because I made the site initially and
 7 the other people who joined me very quickly after
 8 that were cofounders.
 9 Q. And who joined you very quickly
 10 afterwards, to use your phrase?
 11 A. Dustin. Chris, and Eduardo.
 12 Q. The idea for Facebook was 100 percent
 13 yours; is that correct?
 14 MR. GUY: Objection, vague. Answer if you
 15 can.
 16 THE WITNESS: I mean to the extent that
 17 something can be, yes.
 18 BY MR. MOSKO:
 19 Q. What does that mean?
 20 MR. GUY: Objection, vague and ambiguous.
 21 THE WITNESS: Like the idea for this chair,
 22 the person who made this chair.
 23 BY MR. MOSKO:
 24 Q. Well where did you get the idea for
 25 Facebook?

34

36

1 Q. Do you know if a tax return at any time
 2 has been filed in any of the United States for you
 3 during the past four years?
 4 A. Yes.
 5 Q. What year to the best of your knowledge is
 6 the first year in a tax return was filed on your
 7 behalf?
 8 MR. GUY: Objection, vague and ambiguous,
 9 calls for speculation.
 10 THE WITNESS: I don't know.
 11 BY MR. MOSKO:
 12 Q. Was it after you started with Facebook?
 13 MR. GUY: Same objections.
 14 THE WITNESS: I don't know. I don't think
 15 so.
 16 MR. MOSKO:
 17 Q. Do you recall what state your first tax
 18 return was filed in?
 19 MR. GUY: Same objection.
 20 THE WITNESS: No.
 21 BY MR. MOSKO:
 22 Q. I believe you told me the
 23 cofounders -- well, let me just ask this question.
 24 Who do you believe the cofounders of
 25 Facebook were?

1 MR. GUY: Objection, assumes facts. Answer
 2 if you can.
 3 THE WITNESS: It seemed like a good thing
 4 to me.
 5 BY MR. MOSKO:
 6 Q. Okay
 7 A. And it was a combination of other things
 8 that I had made in the past.
 9 Q. A combination of what other things?
 10 A. Things like Course Match, Face Mash, other
 11 web sites I had made.
 12 Q. Anything else?
 13 A. Just sorts of combined a lot of interests
 14 I had. I thought that crunching a lot of
 15 information was useful. I mean that goes back in
 16 the day to Synapse when I made that.
 17 Q. Anything else that you believe you pulled
 18 from in order to come up with Facebook?
 19 MR. GUY: Objection, vague and ambiguous.
 20 Answer if you can.
 21 THE WITNESS: I don't think so but I'm sure
 22 there are other things.
 23 BY MR. MOSKO:
 24 Q. All right. And how soon after you founded
 25 Facebook did Dustin, Chris, and Eduardo join you?

37

1 A. Eduardo was there pretty much immediately.
 2 Q. And what does that mean?
 3 A. He helped me financed it originally.
 4 Q. How far along was Facebook before Eduardo
 5 came along?
 6 A. In terms of what?
 7 Q. In terms of its design, it's conception?
 8 MR. GUY: Objection, vague and ambiguous.
 9 calls for speculation. Answer if you can.
 10 THE WITNESS: I already thought I was going
 11 to make it, and then – we didn't have a company at
 12 that time formally.
 13 BY MR. MOSKO:
 14 Q. Had you began writing – strike that.
 15 Were you the initial code writer of the
 16 initial code for Facebook?
 17 A. Yes
 18 Q. Was there anybody else who assisted in
 19 writing the initial code for Facebook?
 20 A. No.
 21 Q. Did Eduardo join you in your efforts
 22 before you started writing code for Facebook?
 23 MR. GUY: I'm sorry, can I have the
 24 question read back.
 25 BY MR. MOSKO:

38

1 Q. Did Eduardo join your efforts with respect
 2 to The Facebook web site before you started writing
 3 code for it?
 4 A. I don't remember. But I mean that depends
 5 on your definition of joined efforts.
 6 Q. Well, what was Eduardo's initial
 7 responsibilities or duties?
 8 A. To I guess –
 9 MR. GUY: I'm sorry. Wait for the
 10 objections. Objection, assumes facts, calls for
 11 speculation. Answer if you can.
 12 THE WITNESS: I mean I think it was to help
 13 set up the company initially and get financed and
 14 help figure out some of the business stuff.
 15 BY MR. MOSKO:
 16 Q. Did he have any involvement in the web
 17 site's content?
 18 MR. GUY: Objection, vague. Answer if you
 19 can.
 20 THE WITNESS: What do you mean?
 21 BY MR. MOSKO:
 22 Q. Did Eduardo have any involvement in
 23 deciding what was actually going to go on the site?
 24 MR. GUY: Same objection.
 25 THE WITNESS: At what point?

39

1 BY MR. MOSKO:
 2 Q. Initially.
 3 A. I don't think so.
 4 Q. Has he ever had any responsibility or
 5 involvement in what goes on to the Facebook web site?
 6 MR. GUY: Objection, compound, calls for
 7 speculation. Answer if you can.
 8 THE WITNESS: Advertisements.
 9 BY MR. MOSKO:
 10 Q. Anything else.
 11 A. Perhaps he like floated ideas. But I
 12 don't remember.
 13 Q. How soon after Eduardo began assisting you
 14 with Facebook did Dustin join you?
 15 A. That depends on when exactly you define
 16 Eduardo beginning to assist me but Dustin started, I
 17 think it was like around the middle of February
 18 perhaps.
 19 Q. Well, how do you define Eduardo's
 20 beginning, with respect to Facebook?
 21 A. I don't. I mean it's never been relevant.
 22 Q. Well, whether it's relevant or not, can
 23 you pinpoint any particular pint in time in which
 24 Dustin began – strike that.
 25 That Eduardo began working with you on

40

1 Facebook?
 2 MR. GUY: Can we -- you want to rephrase?
 3 BY MR. MOSKO:
 4 Q. With respect to Eduardo can you pinpoint
 5 any particular point in time in which he began
 6 working with you?
 7 A. We set up the web site and I guess the
 8 company began when the site was launched on February
 9 4th, 2004 so that date I would say it's safe to say
 10 that he was working with me.
 11 Q. When did you initially begin writing code
 12 for the website?
 13 A. Sometime in January.
 14 Q. Was Eduardo working with you at the time
 15 you began writing code?
 16 A. I don't remember.
 17 Q. Was Dustin working with you at the time
 18 you began writing code?
 19 A. No.
 20 Q. Can you be more specific as to when in
 21 January you began writing code for the web site?
 22 A. I don't remember.
 23 Q. How much time did you devote in order to
 24 write code in January for a February 4th launch?
 25 MR. GUY: Objection. Assumes facts, calls

41

1 for speculation, vague and ambiguous. Answer if you
 2 can.
 3 THE WITNESS: I don't know exactly. I had
 4 problem sets and other stuff going on then. My
 5 finals. So I mean the amount of time that I had
 6 would have been capped by that. I think it was
 7 somewhere between a week and two weeks or so.
 8 BY MR. MOSKO:
 9 Q. So you wrote the code for Facebook in a
 10 period of one to two weeks before it was launched;
 11 is that right?
 12 A. The original version, I think so.
 13 Q. And when you say "problem sets," what do
 14 you mean?
 15 A. Assignments for classes.
 16 Q. What kind of load did you have at Harvard
 17 during the fall semester of 2003?
 18 MR. GUY: Objection, vague. Answer if you
 19 can.
 20 THE WITNESS: What do you mean?
 21 BY MR. MOSKO:
 22 Q. Was it full load? Were you taking
 23 classes, a sufficient number of classes and units to
 24 qualify as a full student at Harvard during the fall
 25 of 2003?

42

1 A. Yes
 2 Q. Same question with respect to the spring
 3 of 2004.
 4 A. Yes.
 5 Q. So in January you began writing code for a
 6 February 4th launch; correct?
 7 MR. GUY: Objection, misstates --
 8 mischaracterizations his prior testimony. Vague and
 9 ambiguous. Answer if you can.
 10 THE WITNESS: You're asking me if I began
 11 in January?
 12 BY MR. MOSKO:
 13 Q. Yes
 14 A. And if it launched on February 4th?
 15 Q. Yes
 16 A. I think both of those are true.
 17 Q. And it took you somewhere between one and
 18 two weeks to write the initial code that you
 19 launched with; correct?
 20 A. Yeah, I believe so.
 21 Q. And Eduardo during that time was doing
 22 what for you while you were writing code?
 23 A. I'm not sure he was doing much during that
 24 time. I think he may have been beginning to think
 25 about how he would potentially monetize the site or

43

1 how to set it up as a corporation.
 2 BY MR. MOSKO:
 3 Q. What about Dustin, what was he doing for
 4 you during that time you were writing code
 5 February 4th launch?
 6 MR. GUY: Objection, same objections
 7 regarding assume facts, calls for speculation.
 8 Answer if you can.
 9 THE WITNESS: He wasn't working with me at
 10 that time.
 11 BY MR. MOSKO:
 12 Q. Was Chris working for you at the time
 13 during the writing of the initial code?
 14 A. No.
 15 Q. We're talking about Chris Hughes?
 16 A. Yeah.
 17 Q. Prior to February 4th, 2004, when the web
 18 site launched, had you discussed with Eduardo any
 19 arrangement or idea of how the site would be owned?
 20 A. What do you mean?
 21 Q. As to who owned the web site?
 22 A. Yeah. We both did.
 23 Q. And what discussions had you had with him
 24 prior to February 4th, 2004?
 25 A. I guess we had an internal agreement over

44

1 who did what.
 2 Q. And did you have any informal agreement as
 3 to what percentage of the web site you would own, as
 4 opposed to what percentage of the web site he would
 5 own?
 6 MR. GUY: Objection.
 7 BY MR. MOSKO:
 8 Q. And again, prior to February 4th, 2004?
 9 MR. GUY: Objection, mischaracterizes his
 10 testimony. Answer if you can.
 11 THE WITNESS: Yes, but I don't think the
 12 ownership was over the web site as much as the
 13 business or the company.
 14 BY MR. MOSKO:
 15 Q. So you're talking about you would take
 16 care of certain duties and he would take care of
 17 different duties?
 18 A. What do you mean?
 19 MR. GUY: Objection, vague, yeah.
 20 BY MR. MOSKO:
 21 Q. Well, your response was -- previous
 22 response was I don't think the ownership was over
 23 the web site as much as the business or the company.
 24 What did you mean by that?
 25 A. I mean the web site is part of -- like an

[THE WITNESS is Mark Zuckerberg; MR. GUY is an attorney for Facebook; MR. MOSKO is an attorney for ConnectU; Endnotes: Sources.]

45

1 an asset of the company that owns it –
 2 Q. And what –
 3 A. – assuming that we were building a
 4 business. There would be other assets there
 5 besides.
 6 Q. What company owned the web site at the
 7 time of its launch?
 8 MR. GUY: Objection. Assumes facts calls
 9 for speculation, lacks foundation.
 10 THE WITNESS: We hadn't set up the company
 11 yet. That's why this was an informal agreement.
 12 But we figured that we would set up a company and
 13 that company would own the web site.
 14 BY MR. MOSKO:
 15 Q. An had you talked about ownership in the
 16 company with Eduardo prior to the February 4th
 17 launch?
 18 A. What do you mean by ownership?
 19 Q. Well, you said you expected that a company
 20 would own the web site; correct?
 21 A. Yeah
 22 Q. And did you – did you talk about or have
 23 any ideas about whether any individuals would
 24 actually own the company?
 25 A. Yes.

46

1 Q. What were your discussions along those
 2 lines, please?
 3 A. We spoke about how much each of us would
 4 own.
 5 Q. And this is before the February 4th
 6 launch; is that correct?
 7 A. I believe so.
 8 Q. And what was that discussion?
 9 A. What do you mean?
 10 Q. You said you spoke about how much each of
 11 us would own. Specifically, what did you talk
 12 about?
 13 A. Besides that?
 14 Q. Yes.
 15 A. Like what else we spoke about at that
 16 discussion?
 17 Q. No. I want to know if you spoke about how
 18 much each of you would own. How much did you talk
 19 about would be your share of the company?
 20 THE WITNESS: Am I answering that?
 21 MR. GUY: Objection -- I'm sorry.
 22 Objection, assumes facts, mischaracterizes
 23 his testimony.
 24 THE WITNESS: Do you want me to answering
 25 that?

47

1 MR. GUY: Yes, in terms of whether you had
 2 such a discussion.
 3 BY MR. MOSKO:
 4 Q. That's not the question. He's already
 5 admitted to he had that discussion. My questions is
 6 how much did you and Eduardo agree would be your
 7 share?
 8 MR. GUY: The objection is that assumes
 9 facts, calls for speculation.
 10 MR. MOSKO: Okay.
 11 BY MR. MOSKO:
 12 Q. You can answer the question.
 13 MR. GUY: And the question is, you know --
 14 he'd ask you to lay a foundation. You're assuming
 15 --
 16 THE WITNESS: The reason why I'm asking is
 17 you're instructing me not to talk about percentage
 18 ownership. It was two-thirds, one-third, mean to
 19 him.
 20 MR. MOSKO:
 21 Q. So you would own two-thirds of this
 22 company you expected to set up and Eduardo would own
 23 the other third?
 24 A. Yes
 25 Q. And that discussion occurred prior to the

48

1 February 4th launch. Is that correct?
 2 A.I believe so.
 3 Q. Was there any specific discussion as to
 4 the form of the company that's what form the company
 5 would take?
 6 A. I don't remember.
 7 Q. Did you discuss it being a partnership?
 8 A. I don't remember.
 9 Q. Did you discuss it being a corporation?
 10 A. I don't remember.
 11 Q. Did you discuss it being some kind of
 12 other entity that would hold the interest of
 13 The Facebook?
 14 A. I don't remember.
 15 Q. What prompted this discussion between you
 16 and Eduardo about percentage ownership?
 17 A. We were starting a company. It seemed
 18 like we should talk about that.
 19 Q. Did you discuss this with Eduardo on more
 20 than one occasion? And I'm talking about prior to
 21 February 4th, 2004.
 22 A. I don't remember
 23 Q. Other than talking about who would own the
 24 company and in what percentage. Do you have any
 25 other recollection of any discussion with Eduardo

[THE WITNESS is Mark Zuckerberg; MR. GUY is an attorney for Facebook; MR. MOSKO is an attorney for ConnectU; Endnotes: Sources.]

49

51

1 about how this entity would be set up?
 2 A. I don't remember the specifics of that.
 3 Q. Did you have any discussion with anyone
 4 besides Eduardo about how the ownership interest of
 5 TheFacebook would be held?
 6 MR. GUY: Objection, vague as to time.
 7 BY MR. MOSKO:
 8 Q. Prior to February 4th, 2004.
 9 A. I don't understand who else I would have
 10 spoken with.
 11 Q. That's my question. Did you talk to
 12 somebody else besides Eduardo prior to February 4th,
 13 2004, about the form of interest that each of you
 14 would take in Facebook?
 15 A. I don't think so.
 16 Q. When Dustin entered the picture with
 17 respect to Facebook what were his initial
 18 responsibilities?
 19 A. Launching more schools.
 20 Q. Anything else?
 21 A. Not immediately.
 22 Q. And how soon after the February 4th launch
 23 did Dustin get involved?
 24 A. I don't know the exact date.
 25 Q. Approximately.

1 have anything to do with the school's admission.
 2 Q. What information did you need to launch a
 3 school?
 4 A. The house list for that school.
 5 Q. What does that mean?
 6 A. The list of houses that people could live
 7 at that school or list of dormitories and some
 8 other information about the school.
 9 Q. For example?
 10 A. The e-mail domain from that school. So
 11 like one of the schools that we launched then was
 12 Yale. In fact that people at Yale have a
 13 yale.edu, you know, addresses was important. When
 14 people signed up with the e-mail address we would
 15 know they were from Yale and we could put them in
 16 the Yale network.
 17 BY MR. MOSKO:
 18 Q. Anything else besides school list or
 19 e-mail address list?
 20 A. I think there were some other things but
 21 it has changed as time has gone on. I don't
 22 remember exactly what was there.
 23 Q. What was Dustin's responsibility
 24 initially? You initially told me it was adding more
 25 schools, I believe?

50

52

1 A. Probably sometime around or after the
 2 middle of February. What I can tell you is that we
 3 launched the first set of schools after Harvard by
 4 the end of February, so it was definitely sometimes
 5 before that.
 6 Q. Harvard was the only school that you
 7 launched Facebook is that right?
 8 MR. GUY: Objection. Go ahead and answer
 9 it.
 10 THE WITNESS: Originally.
 11 BY MR. MOSKO:
 12 Q. And then at the end of February you added
 13 additional schools; is that right?
 14 A. Yes, we started.
 15 Q. And it was Dustin's responsibility to
 16 engage the new schools for the purpose of joining
 17 the web site; is that right?
 18 MR. GUY: Objection, assumes facts, calls
 19 for speculation, answer if you can.
 20 THE WITNESS: That was not really what was
 21 involved in launching a school.
 22 Q. Explain to me what was suppose -
 23 A. It was mostly like getting the information
 24 that we needed to launch that school. It didn't

1 A. Yeah
 2 Q. What did that entail?
 3 Setting up the databases for that.
 4 Q. What kind of database do you need to set
 5 up when you launch a new school?
 6 A. It's running on my SQL database
 7 Q. What does that mean?
 8 A. That's the database engine for organizing
 9 the information.
 10 Q. So what did Dustin do with respect to that
 11 database?
 12 MR. GUY: Objection, calls for speculation,
 13 lacks foundation.
 14 THE WITNESS: He set it up. We have a
 15 different database set for each school on the
 16 network. So we had one for Harvard and we needed to
 17 get them up for the other schools that we were
 18 launching at.
 19 BY MR. MOSKO:
 20 Q. Did you ever have any discussion with
 21 either Eduardo or Dustin about Dustin's becoming an
 22 owner of the company you expected to set up?
 23 A. Sorry, I don't quite understand.
 24 Q. By the time you launched Facebook you were
 25 going to be a two-thirds owner and Eduardo was going

53

1 to be a third owner of a company you expected would
 2 eventually owned the web site; correct?
 3 A. Yes
 4 Q. At some point was – did you consider
 5 adding Dustin as an owner?
 6 A. Yes, but after he started.
 7 Q. Okay. So was that sometime in February?
 8 A. Yeah
 9 Q. Did you reach an agreement or an
 10 arrangement among yourselves, that is, between or
 11 among you. Dustin and Eduardo as to what Dustin’s
 12 interest would be?
 13 A. Yes
 14 Q. Do you recall when you reached that
 15 arrangement?
 16 A. No.
 17 Q. Was it sometime in February?
 18 MR. GUY: Objection, call for speculation.
 19 Answer if you can.
 20 THE WITNESS: I think so but I’m not sure.
 21 BY MR. MOSKO:
 22 Q. What was that arrangement?
 23 A. So we changed the ownership percentages of
 24 that. I own 65 percent. Eduardo owned 30 and
 25 Dustin owned 5.

54

1 Q. Did you prepare any writings memorializing
 2 these rates as to who were to own the company that
 3 would hold Facebook?
 4 MR. GUY: Objection, vague and ambiguous
 5 answer if you can.
 6 THE WITNESS: I don’t think so. I think
 7 that there are written records but mostly as a
 8 byproduct, not as like to formally memorialize it.
 9 BY MR. MOSKO:
 10 Q. When do you recall the first written
 11 record?
 12 A. I don’t
 13 Q. Was it sometime in February?
 14 MR. GUY: Objection, calls for speculation.
 15 THE WITNESS: I don’t know.
 16 BY MR. MOSKO:
 17 Q. Did anyone else become an owner of this
 18 entity that would hold Facebook?
 19 MR. GUY: Objection, vague, calls for
 20 speculation.
 21 THE WITNESS: At what time?
 22 BY MR. MOSKO:
 23 Q. Prior to the end of the school year in
 24 2004.
 25 MR. GUY: Same objection.

55

1 THE WITNESS: Chris Hughes.
 2 BY MR. MOSKO:
 3 Q. Okay. And when did Chris get involved?
 4 A. I think slightly after Dustin.
 5 Q. What were Chris’ responsibilities?
 6 A. He was Spokesperson.
 7 Q. That’s what your told me before. Did he
 8 hold any other initial responsibilities when he
 9 joined you and Dustin and Eduardo?
 10 A. I don’t think so.
 11 Q. Was there ever any arrangement as to what
 12 his ownership interest would be?
 13 A. I think so. I’m not sure exactly what it
 14 was, though.
 15 Q. Give me your best recollection.
 16 A. I think that at the time we had negotiated
 17 both a percentage ownership and some revenue share
 18 agreement and I’m not sure if he had a percentage
 19 ownership or just a revenue share. So I’m really
 20 not sure.
 21 Q. His responsibilities never changed, that
 22 is, he was the original spokesperson and stayed the
 23 spokesperson; is that correct?
 24 A. His title hasn’t changed.
 25 Q. And has his job responsibilities?

56

1 changed –
 2 MR. GUY: Objections, calls for speculation.
 3 THE WITNESS: I’d say that it’s evolved.
 4 BY MR. MOSKO:
 5 Q. And do you recall what the revenue sharing
 6 arrangement was with Chris Hughes initially?
 7 A. No
 8 Q. Do you know what it is today?
 9 MR. GUY: Objection. Assumes facts. Answer
 10 if you can.
 11 THE WITNESS: There is none today. Now we
 12 own the stock or options.
 13 BY MR. MOSKO:
 14 Q. Is he an employee?
 15 MR. GUY: Calls for a legal conclusion,
 16 answer if you can.
 17 THE WITNESS: I’m really not sure.
 18 BY MR. MOSKO:
 19 Q. Is Eduardo an employee?
 20 MR. GUY: Same objection.
 21 THE WITNESS: No.
 22 BY MR. MOSKO:
 23 Q. Dustin, is he an employee?
 24 MR. GUY: Same objection.
 25 THE WITNESS: Yes.

[Break (to 71) in the publicly available pages.]

[THE WITNESS is Mark Zuckerberg; MR. GUY is an attorney for Facebook; MR. MOSKO is an attorney for ConnectU; Endnotes: Sources.]

71

1 Q. Yes.
 2 A. I don't think so. I mean I may – like
 3 reporters from the newspaper may have asked me. I
 4 don't know if you count that but not like the
 5 administration.
 6 Q. No. I'm talking about somebody with the
 7 administration?
 8 A. That's what I figured but I just wanted to
 9 make sure.
 10 Q. Is it your understanding that you can
 11 return to Harvard at any future time?
 12 A. Yes.
 13 Q. And that would be without having to apply
 14 to Harvard to get reinstated?
 15 A. That's my understanding.
 16 MR. GUY: Objection, vague. Answer if you
 17 can.
 18 THE WITNESS: It's my understanding that
 19 you can take indefinite leaves at Harvard and then
 20 return whenever you like.
 21 BY MR. MOSKO.
 22 Q. Now, physically, what state were you in
 23 when you conceived of the idea for TheFacebook?
 24 A. When like the original idea came to me?
 25 Q. Yes

74

1 A. I don't know. I was probably at Harvard.
 2 Q. Well, if you began writing code for it
 3 sometime in January, did you have the original idea
 4 for TheFacebook sometime in the fall – sometime in
 5 2003?
 6 A. I don't know. I mean it was like a lot of
 7 the stuff in Facebook was combined from Course Match
 8 and thing likes that that was written in 2003.
 9 Q. Okay, and did your – did the idea that
 10 you originally had with respect to TheFacebook, did
 11 it change in any way to the point, up until the
 12 point in time when it launched on February 4th?
 13 A. Sorry. I don't understand.
 14 Q. Well, you have the idea of Facebook at
 15 sometime perhaps 2003; is that right?
 16 A. Maybe, yeah.
 17 Q. And was there a difference between the
 18 initial idea and the form in which it took when it
 19 launched in 2004, February 2004?
 20 A. Yeah. Of course.
 21 Q. What changes occurred between the initial
 22 idea and the launch in 2004?
 23 A. Probably a lot of little ones.
 24 Q. As you sit here today can you tell me what
 25 they are?

75

1 A. No.
 2 Q. Did you share your idea with anyone about
 3 TheFacebook in 2003 when you apparently had?
 4 MR. GUY: Objection, vague and ambiguous.
 5 THE WITNESS: I don't remember and I also
 6 never said that I had the idea in 2003. Really,
 7 unsure of like when the moment was that it
 8 crystallized and I said I'm going to make Facebook.
 9 BY MR. MOSKO:
 10 Q. All right. Whenever that was did you
 11 share your ideas with anyone?
 12 MR. GUY: Again, vague and ambiguous.
 13 THE WITNESS: I must have eventually told
 14 Eduardo, right?
 15 BY MR. MOSKO:
 16 Q. When you initially had the idea whenever
 17 it was, did you tell Eduardo both idea?
 18 MR. GUY: Still vague and ambiguous, calls
 19 for speculation. Answer if you can.
 20 THE WITNESS: By initially, do you mean
 21 like within seconds or like within what period of
 22 time or – I'm just like not sure I understand.
 23 BY MR. MOSKO:
 24 Q. Can you tell me how much time passed
 25 between when you initially had the idea and when you

76

1 told Eduardo?
 2 MR. GUY: Again, assumes facts, calls for
 3 speculation. Answer if you can.
 4 THE WITNESS: No. Instead of making –
 5 you're asking me question not very useful.
 6 BY MR. MOSKO:
 7 Q. Was Eduardo the first person you told
 8 about your idea that eventually became TheFacebook?
 9 MR. GUY: Objection, assumes facts. Answer
 10 if you can.
 11 THE WITNESS: I'm not sure if he was
 12 absolutely the first but he was one of the people I
 13 told early on about it.
 14 BY MR. MOSKO:
 15 Q. Who early on did you tell about your ideas
 16 that eventually became thefacebook.com?
 17 A. I don't know everyone. I assume I
 18 discussed it with people who I typically discuss
 19 things that I was making.
 20 Q. As you sit here today tell me who you
 21 recall discussing the ideas that eventually became
 22 TheFacebook, "early on," to use your phrase?
 23 MR. GUY: Calls for speculation. Answer if
 24 you can.
 25 THE WITNESS: I really like don't remember

[THE WITNESS is Mark Zuckerberg; MR. GUY is an attorney for Facebook; MR. MOSKO is an attorney for ConnectU; *Endnotes*: Sources.]

81

1 Q. Do you know where Arie Hasit is today?
 2 A. I think he's in Israel.
 3 Q. Has he completed his studies at Harvard,
 4 if you know?
 5 A. Yes
 6 Q. Who else were Joe Green's roommates?
 7 A. He had one other. Joey Seisolts.
 8 Q. Can you spell that?
 9 A. I don't know if I can. I didn't have much
 10 to do with him. I could try to spell it if you
 11 want.
 12 Q. Give us your best shot, please.
 13 A. S-e-i-s-o-l-t-s.
 14 Q. And you don't know where Joey Seisolts is
 15 today, do you?
 16 A. No. but I think he graduated.
 17 Q. Now, you were the one who wrote the
 18 initial code that was used to launch the web site on
 19 February 4th 2004; is that right?
 20 A. Yes.
 21 Q. Do you know how many lines of code you
 22 wrote?
 23 A. No. sorry.
 24 Q. Approximately?
 25 MR. GUY: It calls for speculation.

82

1 THE WITNESS: Yeah.
 2 BY MR. MOSKO:
 3 Q. And your testimony earlier was that it
 4 took you approximately one to two weeks to write
 5 that code; is that correct?
 6 A. I think so. I mean it was definitely like
 7 on and off.
 8 Q. Did you – before actually starting to
 9 write the code did you prepare any diagrams or
 10 outlines or other precode writings?
 11 A. I don't remember. I mean sometimes I put
 12 stuff on the white board but if I did, then I don't
 13 have that anymore.
 14 Q. You had a white board in your dorm room;
 15 is that right?
 16 A. Yeah.
 17 Q. Did you debug the code before you launched
 18 it on February 4th?
 19 MR. GUY: Objection, vague and ambiguous,
 20 calls for speculation. Answer if you can.
 21 THE WITNESS: Somewhat.
 22 BY MR. MOSKO:
 23 Q. Well, what tests if you recall did you run
 24 on the code before it launched on February 4th of
 25 2004?

83

1 A. I tried to make sure that it worked in as
 2 many cases as I could test that you could register
 3 for an account, that you could build your profile,
 4 that you could search, and those were the important
 5 things.
 6 Q. What did the original February 4th, 2004,
 7 web site allow a user to do? Register, build a
 8 profile, search, anything else?
 9 A. Set your privacy settings so you could
 10 determine who would get to see what on the site.
 11 You could add menus. You could add courses. I
 12 mean that was part of building your profile.
 13 Q. At some point after the code launched –
 14 strike that.
 15 At some point after the web site launched
 16 on February 4th, 2004, did you get others to assist
 17 in writing changes to the code?
 18 A. Sorry, at some point after it launched?
 19 Q. Yes
 20 A. At any point after it launched?
 21 Q. Let's say within the first couple of
 22 months after it launched?
 23 A. So Dustin originally came on to set up
 24 databases and launch schools. That's part of it.
 25 Soon after that he started helping out with fixing

84

1 some bugs and things, developing new things.
 2 Q. Anybody else besides Dustin involved in
 3 writing codes or fixing things is the first several
 4 months, let's say three or four months after it
 5 launched on February 4th, 2004?
 6 A. I don't think so.
 7 Q. Did you spend any out-of-pocket money in
 8 order to – prior to the launch of the code on
 9 February 4th, 2004?
 10 MR. GUY: Objection, vague. Answer if you
 11 can.
 12 THE WITNESS: What do you mean by
 13 out-of-pocket?
 14 BY MR. MOSKO:
 15 Q. Did it cost you anything to launch your
 16 web site?
 17 MR. GUY: Same objection.
 18 THE WITNESS: We were renting servers that
 19 cost around \$85 a month, I think.
 20 BY MR. MOSKO:
 21 Q. And that's – you had to rent the servers
 22 in order to launch the web site; is that right?
 23 A. Yes.
 24 Q. From whom were you renting the servers?
 25 A. Managed.com

[THE WITNESS is Mark Zuckerberg; MR. GUY is an attorney for Facebook; MR. MOSKO is an attorney for ConnectU; Endnotes: Sources.]

85

1 Q. Did you enter into a written agreement
 2 with managed.com for the services?
 3 A. I believe so but it was a form agreement.
 4 It wasn't like we negotiated with them specifically
 5 or anything.
 6 Q. You said a form agreement?
 7 A. I mean you just basically went to their
 8 web site and ordered rental servers there and then
 9 they sent you the password and user name to log into
 10 those servers. It wasn't like I negotiated with
 11 anyone there.
 12 Q. Had you used managed prior to your use of
 13 it with Facebook?
 14 A. I don't think so.
 15 Q. Who actually filled out these forms off
 16 managed.com?
 17 MR. GUY: Objection, vague. Answer if you
 18 can.
 19 THE WITNESS: I believe I did.
 20 MR. MOSKO:
 21 Q. And then what do you give them, a credit
 22 card for the \$85 a month?
 23 A. Yeah.
 24 Q. Did you run the web site for the first
 25 couple of months by yourself?

87

1 volume 1, tape1 in the deposition of Mark
 2 Zuckerberg. The time is 12:07 p.m. We are off the
 3 record.
 4 (Off the record.)
 5 THE VIDEOGRAPHER: This marks the beginning
 6 of volume 1, tape 2 in the deposition of Mark
 7 Zuckerberg. The time is 12:11 p.m. we are back on
 8 the record.
 9 BY MR. MOSKO:
 10 Q. For first four months after the site went
 11 up on February 4th of 2004, who was responsible for
 12 fixing the bugs that arose?
 13 MR. GUY: Objection, assumes facts, answer
 14 if you can.
 15 THE WITNESS: The first four months?
 16 BY MR. MOSKO:
 17 Q. Yes
 18 A. So February, March, April, and May.
 19 Q. What I'm trying is before left school.
 20 A. All right.
 21 Q. That's the time frame, if that's easier
 22 for you?
 23 A. Okay. So during that time I don't believe
 24 anybody worked on it besides me and Dustin. I don't
 25 think it was our sole responsibility to do it but I

86

1 MR. GUY: Objection, vague. Answer if you
 2 can.
 3 THE WITNESS: What do you mean by run the
 4 web site?
 5 BY MR. MOSKO:
 6 Q. Well, let me ask you, what occurred, what
 7 did you need to do after it launched on February
 8 4th, 2004, in order to keep it running?
 9 A. A lot of things.
 10 Q. Tell me.
 11 A. I can tell you as many as I can remember.
 12 Q. Please.
 13 A. But like we had to fix bugs that came up.
 14 We had to be constantly rearchitecting the site to
 15 make it more scalable and more efficient so it can
 16 handle more users at the same time. We had to
 17 manage the servers so – by that I mean the software
 18 servers like to my SQL database and the Apache web
 19 server, as opposed to the physical hardware server
 20 which we also had to make sure kept working. All
 21 these things required constant work.
 22 MR. MOSKO: My videographer has told me we
 23 need to change the tape. So let's go off the record
 24 and allow her to do that.
 25 THE VIDEOGRAPHER: This marks the end of

88

1 was definitely making sure that it got done.
 2 Q. So Dustin has access to the code that was
 3 running the sight during that time frame; is that
 4 correct?
 5 A. Yes.
 6 Q. Same question with respect to
 7 the rearchitecting the sight prior to your leaving school
 8 in May, who had responsibility for doing that?
 9 A. I --
 10 MR. GUY: Same objection. Sorry. Answer
 11 if you can.
 12 THE WITNESS: I typically did that just
 13 because I was more experienced at doing stuff like
 14 that.
 15 MR. MOSKO:
 16 Q. And then you also referenced taking care
 17 of the servers. What did you mean by that?
 18 A. Different things break.
 19 Q. And who was responsible for that between
 20 the time it launched and the time you left school in
 21 May?
 22 MR. GUY: Objection, assumes facts. Answer
 23 if you can.
 24 THE WITNESS: We tried to keep the site
 25 running as much as possible so that it wasn't – I guess

[THE WITNESS is Mark Zuckerberg; MR. GUY is an attorney for Facebook; MR. MOSKO is an attorney for ConnectU; Endnotes: Sources.]

89

1 I had the responsibility.
 2 BY MR. MOSKO:
 3 Q. Did anybody else have access to the code
 4 besides you and Dustin prior in May, the end of May
 5 2004?
 6 A. I may have given access to some people who
 7 were going to work over the summer on it before
 8 that. I may have also given access to a friend or
 9 two to like help fixing things randomly but they
 10 weren't employed.
 11 Q. Do you recall actually giving access to
 12 friends to TheFacebook code prior to the end of May
 13 2004?
 14 A. I'm not sure during that time frame.
 15 Q. What arrangements did you make to
 16 the end of May 2004 regarding how the site would be
 17 operated during the summer?
 18 A. What do you mean?
 19 Q. Well, you're response earlier was I may have
 20 given access to some people who were going to work
 21 over the summer on it.
 22 Do you have any specific recollection of
 23 doing that?
 24 A. So we had --
 25 MR. GUY: Objection, vague. Go ahead.

91

1 summer we went from about 30 schools to I think over
 2 100 but I'm not sure of the exact number off the top
 3 of my head. So we had a lot of stuff to configure.
 4 I knew Steve is good with operating system level
 5 stuff, so he helped us configure with Linux on a lot
 6 of the new machines and that kind of stuff. I think
 7 Steve also wrote the group speech on the site, which
 8 is there now. Eric did a handful of things
 9 as well.
 10 Q. Can you tell me again what Steve wrote,
 11 please? I didn't understand what you said.
 12 A. I mean they each wrote a branch of things
 13 and they didn't have just one task. Steve is good
 14 at very low level system stuff, so he's pretty
 15 skilled with operating systems and he helped us
 16 configure Linux and a bunch of the servers and
 17 hardware we purchased when we were out there. He
 18 also wrote the groups functionality on the site.
 19 Q. Physically, where were they located when
 20 they performed these responsibilities?
 21 A. In California with us over the summer.
 22 Q. When did you discuss with Erik and Steve
 23 the idea of joining you in California?
 24 A. Sometime during the previous school year,
 25 so the spring of '04.

90

1 THE WITNESS: We had summer interns during
 2 the summer of 2004, and came out to California
 3 and worked on stuff.
 4 BY MR. MOSKO:
 5 Q. Who were they.
 6 A. Erik Scheltink.
 7 Q. Spell that last name, please.
 8 A. S-c-h-e-l-t-i-n-k, and his first name is
 9 E-r-i-k.
 10 Q. Who else?
 11 A. Steven Dawson Haggerty.
 12 Q. H-a-g-g-e-r-t-y?
 13 A. Yes.
 14 Q. Any other summer interns?
 15 A. No.
 16 Q. Do you know where Mr. Scheltink is today?
 17 A. I think both of them are at school.
 18 Q. At Harvard?
 19 A. Yeah.
 20 Q. Okay. What arrangements did you make with
 21 Erik and Steven regarding work on Facebook during
 22 the summer of 2004.
 23 A. What do you mean by arrangements?
 24 Q. What did you ask them to do?
 25 A. So they helped launch more schools. That

92

1 Q. When did you make the decision to go to
 2 California?
 3 A. Probably around the time frame. I
 4 actually think it was before we got interns.
 5 Q. Before you got the interns you made the
 6 decision to go to California?
 7 A. For the summer, just to spend the summer
 8 in California.
 9 Q. Was your decision to go to California made
 10 say, before the reading period in Harvard?
 11 A. I really don't remember but I mean - I
 12 don't remember.
 13 Q. You also made reference to your
 14 girlfriend. Who is that?
 15 A. Priscilla Chan.
 16 Q. Spell her name for me, please.
 17 A. C-h-a-n.
 18 Q. How long has Priscilla Chan been your
 19 girlfriend?
 20 A. I started dating her I think sometime in
 21 November of '03.
 22 Q. And where is she located today?
 23 A. She's at Harvard.
 24 Q. Did she have access to the code that ran
 25 the web site prior to the end of May 2004?

Endnotes

Sources:

1. "Judge says, like, Facebook documents can stay online, okay?" GAWKER, Dec. 1, 2007. Accessed Dec. 8, 2007 <<http://gawker.com/valleywag/tech/mark-zuckerberg/judge-says-like-facebook-documents-can-stay-online-okay-329190.php>>.
2. Kara Swisher. "A Well-Deserved Court Loss for Facebook." ALL THINGS DIGITAL, THE WALL STREET JOURNAL, Dec. 1, 2007. Accessed Dec. 12, 2008 <<http://allthingsd.com/20071201/a-well-deserved-court-loss-for-facebook/>>.
3. "Facebook CEO Mark Zuckerberg's Dirty Secrets." CORNELL BLOG: AN UNOFFICIAL BLOG ABOUT CORNELL UNIVERSITY, Dec. 1, 2007. Accessed Dec. 2, 2008 <<http://cornell.elliottback.com/facebook-ceo-mark-zuckerbergs-dirty-secrets/>>.
4. Mark Hopkins, "Mark Zuckerberg's Tragic Irony." MASHABLE, Nov. 29, 2007. Accessed Dec. 4, 2008 <<http://mashable.com/2007/11/29/mark-zuckerbergs-tragic-irony/>>.
5. "Facebook to Settle Lawsuit." HYAKUTAKE1957.WORDPRESS.COM. Accessed Dec. 2, 2008 <<http://mashable.com/2007/11/29/mark-zuckerbergs-tragic-irony/>>.
6. Matt Marshall. "Poking Facebook--missing code, disagreements still hang over the company." VENTUREBEAT, Nov. 26, 2007. Last accessed Dec. 15, 2008 <<http://venturebeat.com/2007/11/26/poking-facebook-missing-code-disagreements-still-hang-over-the-company/>>.
7. "The Dirty Secrets of Facebook." COLLEGES BARS, Apr. 7, 2007. Accessed Dec. 20, 2008 <<http://blog.collegebars.net/the-dirty-secrets-of-facebook/>>.
8. Bonnie Goldstein. "The Diaries of Facebook's Founder." SLATE, Nov. 30, 2007. Accessed Dec. 21, 2008 <<http://www.slate.com/id/2178939/>>.
9. rizzn, "Mark Zuckerberg's Testimony #2." SCRIBD, Nov. 30, 2007. Accessed Jul. 31, 2011 <<http://www.scribd.com/doc/538700/Mark-Zuckerbergs-testimony-2>>.