

# EXHIBIT K

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DANIEL M. MILLER, )  
 )  
 )  
 Plaintiff, )  
 )  
 -vs- ) NO. CV-10-264 (WHA)  
 )  
 FACEBOOK, INC., and YAO WEI )  
 YEO, )  
 )  
 Defendants. )  
 )

NOTE: This transcript has been designated by Counsel as  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

DEPOSITION OF ALLISON GRABLER

Friday, February 4, 2011

Menlo Park, California

REPORTED BY: JANIS G. ANDERSEN, CM, CSR NO. 3333

1 institutes of higher learning?

2 A I have not.

3 Q And you are presently employed with Facebook.

4 A Yes.

5 Q What is your position?

6 A I am an Associate Manager in User Operations.

7 Q How long have you held that position?

8 A For about six months, but I've been with the company  
9 for longer than that. Just that specific position.

10 Q I pulled some information. I'm just going to try  
11 speed this up a little bit. Some information about your  
12 employment history, Ms. Grabler. I believe this is available  
13 on your Linked In page. I'll read this into the record and  
14 you tell me if any of this is incorrect. Okay?

15 A Okay.

16 Q You've been employed at Facebook as an Associate  
17 Manager for User Operations since August of 2010.

18 A Correct.

19 Q Before that, you were employed as a Team Leader in  
20 User Operations from June 2008 to August 2010?

21 A Correct.

22 Q And then before that you were employed as an Analyst  
23 Associate in User Operations from January 2006 to June 2008?

24 A Analyst to Associate. They were different roles.

25 Q Okay. Thank you. When were you employed as an

1 (WHEREUPON Statement of Rights & Responsibilities,  
2 Bates Nos. 057-060 was marked Plaintiff's Exhibit 1019  
3 for identification.)

4 Q (By Mr. Hancock) The document I've marked  
5 Plaintiff's Exhibit 1019, is that Facebook's Statement of  
6 Rights and Responsibilities?

7 A It appears to be Facebook's Statement of Rights and  
8 Responsibilities.

9 Q In your capacity as 30(b)(6) representative, does  
10 Facebook require every user to agree to these terms, these  
11 Statements of Rights and Responsibilities, before they can  
12 become a Facebook user?

13 MR. AVALOS: Objection.

14 THE WITNESS: Yes.

15 Q (By Mr. Hancock) So if someone wants to be a  
16 Facebook user, they go to the website, and before they can  
17 gain access they have to click a prompt that says "I agree to  
18 these terms."

19 MR. AVALOS: Objection.

20 Q (By Mr. Hancock) Essentially.

21 A Yes.

22 (WHEREUPON Developer Principles & Policies,  
23 Bates Nos. 024-027 were marked Plaintiff's Exhibit 1020  
24 for identification.)

25 Q (By Mr. Hancock) The document I've marked as

1 Plaintiff's Exhibit 1020, Ms. Grabler, does that appear to you  
2 to be Facebook's Developer Principles and Policies?

3 A Yes.

4 Q And in your capacity as a 30(b)(6) representative,  
5 does Facebook require anyone who wants to utilize Facebook's  
6 Platform to agree to the Developer Principles and Policies?

7 MR. AVALOS: Objection.

8 THE WITNESS: I don't know. I'm not sure.

9 Q (By Mr. Hancock) In your capacity as a 30(b)(6)  
10 representative or in your individual capacity, do you know  
11 whether or not there is a prompt or something that a person  
12 would have to click signifying their agreement to the  
13 Facebook's Developer Principles and Policies before they could  
14 utilize Facebook Platform?

15 MR. AVALOS: Objection.

16 THE WITNESS: Before they utilize the Platform?

17 Q (By Mr. Hancock) Yes, ma'am.

18 A I don't think they need to agree before they utilize  
19 the Platform. Maybe you can define "utilize."

20 Q Gain access to the Platform, use the Platform.

21 A Those are different things.

22 Q Okay. To gain access to the Platform. In your  
23 capacity as a 30(b)(6) representative, before that can take  
24 place --

25 A What do you mean by "gain access"?

1 Q Correct me if I'm wrong. A developer would use  
2 Platform to make a canvas page for an application; is that  
3 correct?

4 MR. AVALOS: Objection.

5 Q (By Mr. Hancock) Essentially. Do you know?

6 A I don't know.

7 Q And I'll ask you one more time, then let it go. If a  
8 developer wanted to use Platform in any way in connection with  
9 a gaming application, would that developer first have to  
10 signify some agreement to Facebook with the Developer  
11 Principles and Policies?

12 MR. AVALOS: Objection.

13 THE WITNESS: My point is "use" is a very broad  
14 term, so if you can be more specific.

15 Q (By Mr. Hancock) I'd like to, Ms. Grabler, but I  
16 don't know that I can. I'm simply trying to understand  
17 whether or not like a user, who has to agree to the Statement  
18 of Rights and Responsibilities on a page, on Facebook's  
19 website; correct?

20 A Okay.

21 MR. AVALOS: Objection.

22 Q (By Mr. Hancock) Is that correct?

23 A So a user has to agree -- go ahead.

24 Q No. I'm sorry. You go ahead.

25 A I guess if you could just rephrase your question.

1 Q I think you previously testified that anybody who  
2 wants to be a user on Facebook has to first signify their  
3 acceptance to the Statement of Rights and Responsibilities --  
4 correct -- before they can be a Facebook user and gain access  
5 to Facebook?

6 MR. AVALOS: Objection.

7 THE WITNESS: In order to sign up for Facebook, a  
8 user must agree to the Statement of Rights and  
9 Responsibilities.

10 Q (By Mr. Hancock) Okay. Is there any similar  
11 process in place for someone who wants to -- a developer who  
12 wants to use Platform or interact with Platform in connection  
13 with a --

14 A So those --

15 Q Interact with Platform.

16 A Interact with Platform. I don't know.

17 (WHEREUPON document Bates No. 034 was marked  
18 Plaintiff's Exhibit 1021 for identification.)

19 Q (By Mr. Hancock) Would you identify what I've  
20 marked as Plaintiff's Exhibit 1021, Ms. Grabler?

21 A This is a part of the Facebook website.

22 Q At the top it says "How to appeal claims of  
23 copyright infringement," does it not?

24 A It does.

25 Q In your capacity as Facebook's representative here

1 THE WITNESS: I don't know.

2 MR. HANCOCK: Let's go off the record.

3 (Recess taken.)

4 Q Back on the record. Ms. Grabler, you testified that  
5 you've been designated as the Facebook representative for Topics  
6 5 through 9 in the deposition notice; is that correct? And a  
7 copy of that notice is -- you see Topic Number 9, ma'am?

8 A Yes.

9 Q Topic Number 9 is about Facebook's damages resulting  
10 in any way from any action taken by Mr. Miller, the Plaintiff.

11 Tell me, as Facebook's 30(b)(6) representative,  
12 how has Facebook been damaged by anything that Mr. Miller  
13 has done?

14 MR. AVALOS: Objection; form, scope.

15 THE WITNESS: So the suit was originally filed in  
16 Atlanta and it cost money to be transferred over to  
17 California. So that was the first.

18 Q (By Mr. Hancock) How much money?

19 MR. AVALOS: Objection; form, scope.

20 THE WITNESS: I do not know.

21 Q (By Mr. Hancock) You don't know as a 30(b)(6)  
22 representative how much money?

23 MR. AVALOS: Asked and answered.

24 THE WITNESS: I don't.

25 Q (By Mr. Hancock) Please continue.

1           A     And the second thing is Mr. Miller developed another  
2 application, and he didn't agree to the terms of service, so  
3 we don't know yet what policies he may have violated.

4           Q     What application is that?

5           A     I don't recall the exact name.

6           Q     I didn't quite catch all that. So as 30(b)(6)  
7 representative, Ms. Grabler, Mr. Miller did what again?

8           MR. AVALOS: Objection; form.

9           THE WITNESS: So in developing a different  
10 application, we don't know which policies he may have violated  
11 with that other application.

12          Q     (By Mr. Hancock) Do you know of any policies that  
13 Mr. Miller would have violated with the other application that  
14 you don't know the identity of?

15          A     Sorry?

16          Q     Do you know of any policies that Mr. Miller violated  
17 in connection with this application you're referring to that  
18 you do not know the identity of the application? You  
19 testified you don't know what the name of the application is  
20 in question; Correct?

21          A     Correct.

22          Q     In connection with that application, Ms. Grabler, as  
23 30(b)(6) representative deponent, what policies did Mr. Miller  
24 violate?

25          MR. AVALOS: Objection; form and scope.

1 THE WITNESS: I said we don't know which policies he  
2 may have violated.

3 Q Do you know if he violated any policies?

4 MR. AVALOS: Objection; form and scope.

5 THE WITNESS: I believe he didn't list the link to  
6 the terms, so --

7 Q (By Mr. Hancock) What terms?

8 A All I know is we don't know what sort of damages  
9 there would have been for Facebook because we don't know which  
10 policies he may have violated.

11 Q Do you know anything more other than what you've  
12 testified to as a 30(b)(6) representative concerning actions  
13 taken by Mr. Miller that were damaging to Facebook in  
14 connection with this application you're referring to?

15 MR. AVALOS: Objection; form, scope.

16 THE WITNESS: I don't.

17 Q (By Mr. Hancock) In your personal capacity,  
18 Ms. Grabler, would you say that Facebook is an internet  
19 service provider?

20 MR. AVALOS: Objection.

21 THE WITNESS: Yes.

22 Q (By Mr. Hancock) It is. Okay. Why is that?

23 MR. AVALOS: Objection.

24 THE WITNESS: What do you mean?

25 Q (By Mr. Hancock) Well, why do you characterize