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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 DANIEL M. MILLER,
14 Plaintiff,
15 v.
16 FACEBOOK, INC. and YAO WEI YEO,
17 Defendants.

Case No. 3:10-CV-00264 (WHA)

**DECLARATION OF JULIE TUNG IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT RE
CONTRIBUTORY COPYRIGHT
INFRINGEMENT**

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I, Julie Tung, declare as follows:

1. I am an employee of Facebook, Inc. ("Facebook"), where I work as an Engineering Manager in Facebook's Platform API department. I make this declaration in support of Facebook's Motion for Summary Judgment re Contributory Copyright Infringement. Except as otherwise noted, I have personal knowledge of the facts stated herein and if called as a witness, could and would competently testify thereto.

2. I have extensive personal knowledge of how Facebook Platform works. Specifically, I began working at Facebook in October 2007 as a Software Engineer in Facebook's Platform API team. I wrote code, performed tests and fixed bugs associated with Facebook Platform. I held this position until three months ago, when I was promoted to Engineering Manager for the Platform API team. I still perform the functions of a Software Engineer, but also manage a group of engineers on the API team.

3. As part of its website services, Facebook offers the Facebook Platform – a set of Application Programming Interfaces ("API") and tools that may be used by third party developers of independent applications to connect those applications with users through the Facebook website. These independent applications include games, information, resources, or any number of other purposes.

4. These applications are designed and operated entirely at the developers' discretion.

5. Facebook Platform supports applications independently built by third party developers using any language or tool chain that supports web programming. For example, a developer might independently create an Adobe Flash application. Such an application would never reside on Facebook's servers or computer networks. The application file would reside entirely on a third party website location specified by the developer.

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6. Currently, there are hundreds of thousands of independent third party applications available through the Facebook Platform.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd day of March 2011, at Palo Alto, California.



Julie Tung