

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)
 nchatterjee@orrick.com
 2 JULIO C. AVALOS (STATE BAR NO. 255350)
 javalos@orrick.com
 3 MORVARID METANAT (STATE BAR NO. 268228)
 mmetanat@orrick.com
 4 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 5 Menlo Park, CA 94025
 Telephone: 650-614-7400
 6 Facsimile: 650-614-7401

7 Attorneys for Defendant
 FACEBOOK, INC.

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

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 MORVARID
 METANAT IN SUPPORT OF
 PLAINTIFF'S MOTION FOR
 ADMINISTRATIVE RELIEF TO
 FILE UNDER SEAL PORTIONS OF
 THE EXPERT REPORT OF KRISTA
 HOLT, PORTIONS OF PLAINTIFF'S
 MOTION FOR SUMMARY
 JUDGMENT, AND EXHIBIT J
 THERETO PURSUANT TO
 GENERAL ORDER 62 AND CIVIL
 LOCAL RULE 79-5(B) AND (C)**

Court: Courtroom 9, 19th Floor
 Judge: Honorable William Alsup

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1 I, Morvarid Metanat, declare:

2 I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP and counsel for
3 Defendant Facebook, Inc. I make this declaration in support of Plaintiff's Administrative Motion,
4 pursuant to General Order 62 and Civil Local Rule 79-5(b) and 79-5(c), to file under seal portions
5 of the Expert Report of Krista Holt, dated February 14, 2011; portions of Plaintiff's Motion for
6 Summary Judgment; and a screenshot of a Facebook proprietary system, Bates numbered
7 FBMI000381. I make this Declaration based on facts made known to me, unless otherwise
8 stated.

9 **Expert Report of Krista Holt And Excerpts in Motion for Summary Judgment**

10 1. The Expert Report of Krista Holt is attached as Exhibit L to Plaintiff's Motion for
11 Summary Judgment (Dkt. No. 112). Portions of the Holt Report have been designated HIGHLY-
12 CONFIDENTIAL—ATTORNEYS EYES ONLY pursuant to the Parties' Protective Order, dated
13 November 23, 2010, and have recently been ordered sealed by this Court. Dkt. No. 128.

14 Plaintiff's Motion for Summary Judgment includes excerpts from the Holt Report that have been
15 designated HIGHLY-CONFIDENTIAL pursuant to the parties Protective Order and sealed by
16 this Court. *Id.*

17 2. Facebook seeks to seal portions of the Holt Report and portions of Plaintiff's Motion for
18 Summary Judgment, which incorporate excerpts from the Holt Report. These materials contain
19 both Facebook's and its outside counsel's confidential business information. Specifically, the
20 Holt Report (and excerpts therefrom) discuss confidential billing rates for Facebook's outside
21 counsel—Orrick, Herrington & Sutcliffe LLP. Orrick's billing rates for its attorneys and
22 paralegals are highly confidential financial information that are not generally known to the public.
23 Similarly, Facebook, a private company, does not disclose its attorneys' fees and expenses
24 publicly because it considers such information highly sensitive. Both portions of the Holt Report
25 and excerpts specifically refer to Orrick's private billing rates, fees and/or computations based on
26 such figures, as well as details of its work product. Harm to Facebook and Orrick could result if
27 this information is not protected from disclosure through public filing. Specifically, public
28 disclosure of Facebook's private financial matters could affect its ability to effectively negotiate

1 private financial and business deals. As for Orrick, it does not disclose its attorney rates,
2 expenses or work product publicly and, if forced to do so, its competitive advantage in the legal
3 market place could be adversely affected, including with respect to other clients and/or matters
4 for which it is or may be retained. For these reasons, Facebook respectfully requests that the
5 specific monetary and hourly figures contained on Pages 4, 5, and 6, as well as footnote 18 of the
6 Holt Report; and Pages 9 and 12, as well as footnote 3 of Plaintiff's Motion for Summary
7 Judgment be sealed from the public record.

8 3. On March 7, 2011, the Court granted Facebook's Motion to Seal this information
9 contained in the Declaration of Krista Holt in Support of Facebook's Motion for Summary
10 Judgment. *See* Dkt. Nos. 122, 128.

11 **Confidential Screenshot, Numbered FBMI000381**

12 4. A screenshot produced in this matter by Facebook, and Bates numbered FBMI000381, is
13 attached as Exhibit J to Plaintiff's Motion for Summary Judgment. This document has been
14 designated CONFIDENTIAL pursuant to the Parties' Protective Order.

15 5. Facebook seeks to seal this document because it depicts an internal tool and system that
16 are not publicly available. Document FBMI000381 is a screenshot taken from the output of a
17 proprietary, internal tool accessible only by Facebook employees. The document refers to
18 internal tools and metrics that are part of the larger system and tools that make Facebook
19 competitive. Public disclosure of the document would unnecessarily provide insight into
20 Facebook's proprietary systems, and could have adverse consequences for Facebook's business
21 and competitive practices.

22 6. Given that Facebook did not have a mechanism by which to file this declaration under
23 seal, it could not provide a more detailed description of FBMI000391. However, if the Court so
24 requires, Facebook will provide, under seal, additional details regarding the confidential nature of
25 the document.

26 I declare under penalty of perjury under the laws of the United States that the foregoing is
27 true and correct.

28 Executed this 10th day of March, 2011 at Menlo Park, California.

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/s/ Morvarid Metanat

Morvarid Metanat