

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,
Plaintiff,

No. C 10-03561 WHA

v.

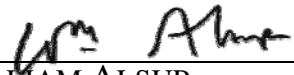
GOOGLE INC.,
Defendant.

**REQUEST FOR
FURTHER CLARIFICATION**

Oracle has not answered the question. Oracle is correct that Facebook permits users to configure their privacy settings so that individual *posts* are accessible to Internet users without logging on to Facebook (*i.e.*, entering a password). Nevertheless, as stated, the collection of a Facebook user’s posts (called a “timeline”), is *only* accessible to other Facebook users, regardless of the user’s privacy settings. The only way to view a Facebook post that a user has classified as “public” without logging on is if an investigator somehow discovers the URL for that particular post, which is virtually impossible without logging onto Facebook. By **MIDNIGHT TONIGHT, MARCH 23**, Oracle will please explain with specificity how it intends to view any juror’s “public” Facebook posts and how that procedure squares with its statement that its investigators will not log onto Facebook.

IT IS SO ORDERED.

Dated: March 23, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE