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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 In re: Facebook Internet Tracking Litigation

Case No. 5:12-md-02314 EJD

16 **EXHIBIT B TO DECLARATION OF KYLE C.**
 17 **WONG IN SUPPORT OF DEFENDANT**
FACEBOOK, INC.’S MOTION FOR
 18 **PROTECTIVE ORDER**

19 Date: April 28, 2016
 20 Time: 9:00 a.m.
 Courtroom: 4
 Judge: Edward J. Davila
 21 Trial Date: None Set

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 24 **EXHIBIT B**
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14 In re: FACEBOOK INTERNET TRACKING
15 LITIGATION

Case No. 5:12-md-02314 EJD

**DEFENDANT FACEBOOK, INC.'S
OBJECTIONS AND RESPONSES TO
PLAINTIFFS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

16 **PROPOUNDING PARTY: PLAINTIFFS**
17 **RESPONDING PARTY: FACEBOOK, INC.**
18 **SET: FIRST**

1 **DEFENDANT FACEBOOK, INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFFS'**
2 **FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

3 **PLEASE TAKE NOTICE** that, Pursuant to Federal Rule of Civil Procedure 34,
4 Defendant Facebook, Inc. ("Facebook" or "Defendant") responds as follows to Plaintiffs' First
5 Set of Requests for Production (the "Requests"):

6 **I. GENERAL RESPONSES.**

7 **1.** Facebook's response to Plaintiffs' Requests is made to the best of Facebook's
8 present knowledge, information, and belief. Facebook's response is at all times subject to such
9 additional or different information that discovery or further investigation may disclose and, while
10 based on the present state of Facebook's recollection, is subject to such refreshing of recollection,
11 and such additional knowledge of facts, as may result from Facebook's further discovery or
12 investigation.

13 **2.** Facebook reserves the right to make any use of, or to introduce at any hearing and
14 at trial, information and/or documents responsive to Plaintiffs' Requests but discovered
15 subsequent to the date of this response, including, but not limited to, any such information or
16 documents obtained in discovery herein.

17 **3.** Facebook reserves the right to decide whether the documents produced for
18 inspection shall be produced as they are kept in the usual course of business or shall be organized
19 and labeled to correspond with the categories in the Requests, in accordance with Federal Rule of
20 Civil Procedure 34(b).

21 **4.** By stating in these responses that Facebook will produce documents or is
22 searching for responsive documents, Facebook does not represent that any such documents
23 actually exist, but rather that Facebook will make a reasonable attempt to ascertain whether
24 documents responsive to the Requests do, in fact, exist, and to produce such documents if they are
25 found to exist, are not privileged, and are within Facebook's possession, custody, or control.

26 **5.** Facebook reserves all objections or other questions as to the competency,
27 relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or
28 trial of this or any other action for any purpose whatsoever of Facebook's responses herein and

1 any document or thing identified or provided in response to Plaintiffs' Requests.

2 6. Facebook reserves the right to object on any ground at any time to such other
3 Requests for production as Plaintiffs may at any time propound involving or relating to the
4 subject matter of these Requests.

5 **II. OBJECTIONS APPLICABLE TO ALL REQUESTS.**

6 Facebook makes the following objections to each Request, whether or not separately set
7 forth in response to each Request, and to each instruction and definition:

8 1. Facebook objects insofar as any such Request seeks information or production of
9 documents protected by the attorney-client privilege or the work product doctrine. Such
10 information or documents shall not be provided in response to Plaintiffs' Requests for production
11 and any inadvertent disclosure or production thereof shall not be deemed a waiver of any
12 privilege with respect to such information or documents or of any work product immunity which
13 may attach thereto.

14 2. Facebook objects to all definitions and Requests to the extent they seek
15 information protected from discovery by any right to privacy or any other applicable privilege or
16 protection, including the right to privacy of third parties, or by Facebook's obligations under
17 applicable law or contract to protect such confidential information. Facebook also objects to all
18 definitions, instructions, and Requests to the extent they seek disclosure of trade secrets or other
19 confidential or proprietary research, development, or commercial information off Facebook or
20 any third party. To the extent Facebook responds to the Requests by stating that Facebook will
21 provide information and/or documents that Facebook or any other party to this litigation deems to
22 embody material that is private, business confidential, proprietary, trade secret, or otherwise
23 protected from disclosure pursuant to Federal Rule of Civil Procedure 26(c)(7), Federal Rule of
24 Evidence 501, California Evidence Code section 1060, or California Constitution, Article I,
25 section 1, or otherwise, Facebook will do so only (1) upon the entry of an appropriate protective
26 order against the unauthorized use or disclosure of such information and (2) if it may do so
27 without violating its contractual or other obligations to the relevant third parties.

28 3. Facebook objects to all definitions and Requests to the extent they require

1 Facebook to restore and search inaccessible data sources on the grounds that such definitions and
2 Requests would subject Facebook to undue burden and expense.

3 4. Facebook objects to all definitions and Requests to the extent they seek
4 information that is available through or from public sources, records, or third parties, or that are
5 otherwise equally available to Plaintiffs, on the ground that such definitions and Requests
6 unreasonably subject Facebook to undue burden and expense.

7 5. Facebook objects to all definitions and Requests to the extent they seek to require
8 Facebook to search for information about documents no longer in existence or in Facebook's
9 possession, custody, or control, on the grounds that they are overly broad, would subject
10 Facebook to undue annoyance, oppression, burden, and expense, and seek to impose upon
11 Facebook an obligation to investigate, discover, or produce information or materials from third
12 parties or otherwise that are equally accessible to Plaintiffs or readily obtainable from public or
13 other sources.

14 6. Facebook objects to all definitions and Requests to the extent they are vague,
15 indefinite, overly broad, or seek information which is not reasonably related to any claim or
16 defense in this action.

17 7. Facebook objects to the Requests to the extent they seek information about
18 Facebook's use of cookies, or seek information about purported "tracking," beyond the use of
19 cookies described in the Complaint. Facebook construes such requests to refer only to the a_user,
20 c_user, and datr cookies, and any additional cookies that Facebook learns during discovery are
21 potentially relevant to Plaintiffs' claims regarding the alleged collection of Internet browsing
22 history while users are logged out of Facebook ("Relevant Cookies").

23 8. Facebook objects to all definitions and Requests to the extent they seek
24 information regarding Facebook users, advertisers, or activities outside of the United States as
25 overly broad and not relevant to the subject matter of this action or reasonably calculated to lead
26 to the discovery of admissible evidence. Facebook will only respond to each Request with
27 information regarding users, advertisers, and activities in the United States.

28 9. Facebook objects to Instruction No. 2 as imposing on Facebook an obligation in

1 excess of that required by the Federal Rules of Civil Procedure. Facebook will follow Federal
2 Rule of Civil Procedure 34.

3 **10.** Facebook objects to all definitions, instructions, and Requests to the extent they
4 seek to specify the format of production, on the grounds of undue burden and expense. Facebook
5 generally intends to produce documents as single-page TIFFs, but reserves the right to produce
6 documents in alternate form. Facebook reserves the right to decide whether the documents
7 produced for inspection shall be produced as they are kept in the usual course of business or shall
8 be organized and labeled to correspond with the categories in the Requests, in accordance with
9 Federal Rule of Civil Procedure 34(b).

10 **11.** Facebook objects to Instruction No. 4 as imposing on Facebook undue burden and
11 as being in excess of what is called for the by the Federal Rules of Civil Procedure.

12 **12.** Facebook objects to Instruction No. 5 to the extent it seeks to require Facebook to
13 identify anything other than the specific claim of privilege or work product being made and the
14 grounds for such claim. The instruction would subject Facebook to unreasonable and undue
15 annoyance, oppression, burden, and expense, seeks information protected from discovery by
16 privilege and as work product, and is in excess of the requirements of the Federal Rules of Civil
17 Procedure and the Local Rules of the Northern District of California.

18 **III. DEFINITIONAL OBJECTIONS**

19 **1.** Facebook objects to the definitions “you,” “your,” “your company,” and
20 “Facebook” and each Request containing those terms as overly broad to the extent that it purports
21 to define Facebook to include more than Facebook and its officers, directors, agents, and
22 employees. Without waiving these objections, Facebook construes the terms “you,” “your,” “your
23 company” and “Facebook” to refer only to Facebook and its officers, directors, agents, and
24 employees, and will respond to Requests containing that term accordingly.

25 **2.** Facebook objects to the definition of “document,” and to each Request containing
26 that term, to the extent that definition would impose on Facebook an obligation in excess of what
27 is called for by the Federal Rules of Civil Procedure. Facebook will construe “document” to be
28 synonymous in meaning and equal in scope to the terms “document,” “electronically stored

1 information,” and “tangible things” in Federal Rule of Civil Procedure 34.

2 3. Facebook objects to the definition of “PII,” and to each Request containing that
3 term, as overly broad and as including within its scope information that is irrelevant to the subject
4 matter of this litigation.

5 4. Facebook objects to the definitions of “concerning,” “relates to,” and “relating to,”
6 and to each Request containing any of those terms, as overly broad, vague, ambiguous, and
7 unintelligible, and to the extent that definition would impose on Facebook an obligation in excess
8 of what is called for by the Federal Rules of Civil Procedure.

9 5. Facebook objects to the definition of “policy” as overly broad and to the extent it
10 includes within its scope information that is no longer in existence or in Facebook’s possession,
11 custody, or control.

12 6. Facebook objects to the terms “user” and “users,” as used in the Requests as vague
13 and ambiguous, and objects to each Request containing either term. Facebook construes the
14 terms “user” and “users” to refer to any individual who has registered with Facebook and created
15 a Facebook account.

16 7. Facebook objects to the “Time Period” stated in the Requests as overly broad,
17 unduly burdensome, and not calculated to lead to the discovery of admissible evidence because
18 the “Time Period” includes two years of time before, and over one year after, the “Class Period”
19 alleged in the Complaint. Without waiving these objections, Facebook will search for responsive,
20 non-privileged documents for the period beginning on January 1, 2010, and ending on December
21 25, 2011 (the “Relevant Period”).

22 **IV. SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION.**

23 Without waiving or limiting in any manner any of the foregoing objections, but rather
24 incorporating them into each of the following responses to the extent applicable, Facebook
25 responds to Plaintiffs’ Requests as follows:

26 **REQUEST NO. 1:**

27 All documents relating to any tracking by Facebook of Facebook user internet activity
28 after those users had logged out of their Facebook session, as alleged in the Complaint at ¶¶ 71-84

1 and elsewhere, including information about websites visited by such users.

2 **RESPONSE TO REQUEST NO. 1:**

3 Facebook specifically incorporates the General Responses and objections above to the
4 extent applicable to this Request. Facebook further objects to this Request on the following
5 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
6 all documents “relating to” the referenced subject matter without specifying appropriate
7 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
8 be inspected; (3) it is not reasonably limited in time; and (4) to the extent it seeks information that
9 is protected by the attorney-client privilege and work product doctrine. Facebook further objects
10 to this Request as vague, ambiguous, and argumentative in its use of the term “tracking” and
11 vague and ambiguous in its use of the phrase “information about websites visited by such users.”

12 Subject to and without waiving any of its objections, after entry of an appropriate
13 protective order, Facebook will produce responsive, non-privileged documents sufficient to show
14 what types of information, if any, Facebook received from users who were logged out of their
15 Facebook accounts during the Relevant Period as a result of the operation of the Relevant
16 Cookies, to the extent such documents exist and can be located using good faith, reasonable
17 efforts.

18 **REQUEST NO. 2:**

19 All documents relating to any consent that Facebook contends the plaintiffs or other
20 putative class members gave Facebook for the tracking of user internet activity post-log-out.

21 **RESPONSE TO REQUEST NO. 2:**

22 Facebook specifically incorporates the General Responses and objections above to the
23 extent applicable to this Request. Facebook further objects to this Request on the following
24 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
25 all documents “relating to” the referenced subject matter without specifying appropriate
26 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
27 be inspected; (3) it calls for a legal conclusion; (4) it seeks information that is protected by the
28 attorney-client privilege and work product doctrine; and (5) it is premature, and cannot be fully

1 responded to at this time, because Facebook does not yet know which documents it may rely upon
2 in this litigation. Facebook further objects to this Request as vague, ambiguous, and
3 argumentative in its use of the term “tracking.”

4 Subject to and without waiving any of its objections, Facebook will produce responsive,
5 non-privileged copies of Facebook’s Statement of Rights and Responsibilities; Data Use Policy;
6 Privacy Policy; Terms of Service; and Help Center pages that appear to be related to this request,
7 including historical versions in place during the Relevant Period.

8 **REQUEST NO. 3:**

9 All documents describing or containing the names, descriptions, usage or identifying
10 features of the log entries (“Log Files”) that Facebook created, maintained, reviewed, analyzed or
11 used to organize data about Facebook users’ internet activity, as described in the Complaint at
12 ¶ 79 and elsewhere, inclusive of whether those users were logged-in or logged-out of Facebook.

13 **RESPONSE TO REQUEST NO. 3:**

14 Facebook specifically incorporates the General Responses and objections above to the
15 extent applicable to this Request. Facebook further objects to this Request on the following
16 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
17 all documents “describing or containing” the referenced subject matter without specifying
18 appropriate limitations; (2) it fails to describe with reasonable particularity each item or category
19 of items to be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is
20 irrelevant to Plaintiffs’ claims; and (5) to the extent it seeks information that is protected by the
21 attorney-client privilege and work product doctrine. Facebook further objects to this Request as
22 vague and ambiguous in its use of the terms “log entries (“Log Files”)” and “identifying features.”

23 Subject to and without waiving any of its objections, after entry of an appropriate
24 protective order, Facebook will produce responsive, non-privileged documents sufficient to show
25 what records Facebook created, if any, to organize or store data about Facebook users’ Internet
26 activity while those users were logged out from their Facebook accounts during the Relevant
27 Period, to the extent such documents exist and can be located using good faith, reasonable efforts.

28

1 **REQUEST NO. 4:**

2 All documents concerning all databases Facebook created, maintained, reviewed,
3 analyzed or used to store information about Facebook users, including internet activity for those
4 users, and including all documents identifying or describing any tables in any Facebook database
5 and the overall nature of Facebook's database structure.

6 **RESPONSE TO REQUEST NO. 4:**

7 Facebook specifically incorporates the General Responses and objections above to the
8 extent applicable to this Request. Facebook further objects to this Request on the following
9 grounds: (1) it is vague, ambiguous, unduly burdensome, and far overbroad in demanding all
10 documents "concerning" the referenced subject matter without specifying appropriate limitations;
11 (2) it fails to describe with reasonable particularity each item or category of items to be inspected;
12 (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to Plaintiffs'
13 claims; and (5) to the extent it seeks information that is protected by the attorney-client privilege
14 and work product doctrine. Facebook further objects to this Request as vague and ambiguous in
15 its use of the phrases "information about Facebook users," "any tables in any Facebook
16 database," and "the overall nature of Facebook's database structure."

17 **REQUEST NO. 5:**

18 All documents relating to the methods by which Facebook collects and stores data from
19 Facebook users, both while they are logged-in to and after log-out from Facebook.

20 **RESPONSE TO REQUEST NO. 5:**

21 Facebook specifically incorporates the General Responses and objections above to the
22 extent applicable to this Request. Facebook further objects to this Request on the following
23 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
24 all documents "relating to" the referenced subject matter without specifying appropriate
25 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
26 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
27 Plaintiffs' claims; and (5) to the extent it seeks information that is protected by the attorney-client
28 privilege and work product doctrine. Facebook further objects to this Request as vague and

1 ambiguous with regard to the “methods” about which information is sought and in its use of the
2 phrase “data from Facebook users.”

3 **REQUEST NO. 6:**

4 All documents constituting Facebook’s corporate organizational charts, including those
5 that describe or depict the “Data Science Team” however it might now be called (inclusively,
6 “Data Science Team”), as described in the July/August 2012 Technology Review article, “What
7 Facebook Knows,” by Tom Simonite.

8 **RESPONSE TO REQUEST NO. 6:**

9 Facebook specifically incorporates the General Responses and objections above to the
10 extent applicable to this Request. Facebook further objects to this Request on the following
11 grounds: (1) it is not reasonably limited in time; and (2) it seeks information that is irrelevant to
12 Plaintiffs’ claims.

13 Subject to and without waiving any of its objections, after entry of an appropriate
14 protective order, Facebook will produce documents sufficient to show its corporate organization,
15 including to the extent possible the “Data Science Team,” to the extent such documents exist and
16 can be located using good faith, reasonable efforts.

17 **REQUEST NO. 7:**

18 All documents relating to the Data Science Team’s analyses, studies or recommendations
19 of ways in which Facebook might directly or indirectly generate revenue from user data Facebook
20 obtains.

21 **RESPONSE TO REQUEST NO. 7:**

22 Facebook specifically incorporates the General Responses and objections above to the
23 extent applicable to this Request. Facebook further objects to this Request on the following
24 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
25 all documents “relating to” the referenced subject matter without specifying appropriate
26 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
27 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
28 Plaintiffs’ claims; and (5) to the extent it seeks information that is protected by the attorney-client

1 privilege and work product doctrine. Facebook further objects to this Request as vague and
2 ambiguous with regard to its use of the phrases “studies or recommendations,” “directly or
3 indirectly generate revenue,” and “user data.”

4 Subject to and without waiving any of its objections, Facebook is willing to meet and
5 confer with Plaintiffs’ counsel regarding what analyses, studies, or recommendations would be
6 relevant to Plaintiffs’ litigation of the claims in this action.

7 **REQUEST NO. 8:**

8 All documents relating to studies, analyses or evaluations of Facebook’s actual or
9 potential revenue or profits associated with personalized advertisements whereby Facebook users
10 or non-users are described as users of a particular product or service.

11 **RESPONSE TO REQUEST NO. 8:**

12 Facebook specifically incorporates the General Responses and objections above to the
13 extent applicable to this Request. Facebook further objects to this Request on the following
14 grounds: (1) it is vague, ambiguous, unduly burdensome, and far overbroad in demanding all
15 documents “relating to” the referenced subject matter without specifying appropriate limitations;
16 (2) it fails to describe with reasonable particularity each item or category of items to be inspected;
17 (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to Plaintiffs’
18 claims; and (5) to the extent it seeks information that is protected by the attorney-client privilege
19 and work product doctrine. Facebook further objects to this Request as vague and ambiguous
20 regarding “users or non-users” who “are described as users” Facebook further objects to this
21 Request as vague and ambiguous with regard to its use of the phrases “studies, analyses or
22 evaluations” and “personalized advertisements.”

23 **REQUEST NO. 9:**

24 All documents concerning studies, analyses or evaluations by Facebook of the value,
25 including monetary value, of PII.

26 **RESPONSE TO REQUEST NO. 9:**

27 Facebook specifically incorporates the General Responses and objections above to the
28 extent applicable to this Request. Facebook further objects to this Request on the following

1 grounds: (1) it is vague, ambiguous, unduly burdensome, and far overbroad in demanding all
2 documents “concerning” the referenced subject matter without specifying appropriate limitations;
3 (2) it fails to describe with reasonable particularity each item or category of items to be inspected;
4 (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to Plaintiffs’
5 claims; and (5) to the extent it seeks information that is protected by the attorney-client privilege
6 and work product doctrine. Facebook further objects to this Request on the ground that the term
7 “PII,” as defined in the Requests, is overbroad and consists almost entirely of information beyond
8 the scope of this litigation. Facebook further objects to this Request as vague and ambiguous
9 with regard to its use of the phrase “studies, analyses, or evaluations.”

10 **REQUEST NO. 10:**

11 All documents concerning studies, analyses or evaluations of the “key value” pairs
12 Facebook ascribed to cookies Facebook placed on user’s browsers or in user’s computers when
13 such users were either logged in to Facebook or logged out of Facebook.

14 **RESPONSE TO REQUEST NO. 10:**

15 Facebook specifically incorporates the General Responses and objections above to the
16 extent applicable to this Request. Facebook further objects to this Request on the following
17 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
18 all documents “concerning” the referenced subject matter without specifying appropriate
19 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
20 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
21 Plaintiffs’ claims; and (5) to the extent it seeks information that is protected by the attorney-client
22 privilege and work product doctrine. Facebook further objects to this Request as vague and
23 ambiguous with regard to the “key value’ pairs” about which information is sought, and with
24 regard to its use of the phrases “key value’ pairs”; “studies, analyses or evaluations”; and
25 “ascribed to cookies.”

26 Subject to and without waiving any of its objections, Facebook is willing to meet and
27 confer with Plaintiffs’ counsel regarding the information sought by this Request.

28

1 **REQUEST NO. 11:**

2 All documents, including but not limited to instructions, manuals, protocols or policies,
3 relating to Facebook's linking of PII to a particular user's computer and/or Facebook account.

4 **RESPONSE TO REQUEST NO. 11:**

5 Facebook specifically incorporates the General Responses and objections above to the
6 extent applicable to this Request. Facebook further objects to this Request on the following
7 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
8 all documents "relating to" the referenced subject matter without specifying appropriate
9 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
10 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
11 Plaintiffs' claims; and (5) to the extent it seeks information that is protected by the attorney-client
12 privilege and work product doctrine. Facebook further objects to this Request on the ground that
13 the term "PII," as defined in the Requests, is overbroad and consists almost entirely of
14 information beyond the scope of this litigation.

15 Subject to and without waiving any of its objections, after entry of an appropriate
16 protective order, Facebook will produce responsive, non-privileged formal instructions, manuals,
17 or statements of protocol or policy sufficient to show how information from the Relevant Cookies
18 may have been linked to a particular user's computer or Facebook account during the Relevant
19 Period, to the extent such documents exist and can be located using good faith, reasonable efforts.

20 **REQUEST NO. 12:**

21 All documents, including but not limited to measurements, studies, analyses or
22 evaluations, of the length of the time periods during which electronic communications between
23 Facebook and third party websites visited by a Facebook user who is logged in to Facebook (or
24 logged off of Facebook) reside in (a) registers in any central processing unit; (b) the random
25 access memory; or (c) the hard drive of any of the computers or servers involved in transmitting
26 such electronic communications.

27 **RESPONSE TO REQUEST NO. 12:**

28 Facebook specifically incorporates the General Responses and objections above to the

1 extent applicable to this Request. Facebook further objects to this Request on the following
2 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
3 all documents “including but not limited to” the referenced subject matter without specifying
4 appropriate limitations; (2) it fails to describe with reasonable particularity each item or category
5 of items to be inspected; (3) it is not reasonably limited in time; and (4) it seeks information that
6 is irrelevant to Plaintiffs’ claims. Facebook further objects to this Request as vague and
7 ambiguous with regard to the “registers,” “memory,” or “computers or servers” about which
8 information is sought. Facebook further objects to this Request on the ground that the Request
9 demands information not in Facebook’s possession, custody, or control.

10 Subject to and without waiving any of its objections, Facebook is willing to meet and
11 confer with Plaintiffs’ counsel regarding this Request.

12 **REQUEST NO. 13:**

13 All documents concerning the methods by which Facebook obtains PII through mobile
14 applications.

15 **RESPONSE TO REQUEST NO. 13:**

16 Facebook specifically incorporates the General Responses and objections above to the
17 extent applicable to this Request. Facebook further objects to this Request on the following
18 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
19 all documents “concerning” the referenced subject matter without specifying appropriate
20 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
21 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
22 Plaintiffs’ claims; and (5) to the extent it seeks information that is protected by the attorney-client
23 privilege and work product doctrine. Facebook further objects to this Request as vague and
24 ambiguous with regard to the “mobile applications” about which about which information is
25 sought. Facebook further objects to this Request on the ground that the term “PII,” as defined in
26 the Requests, is overbroad and consists almost entirely of information beyond the scope of this
27 litigation.

28

1 **REQUEST NO. 14:**

2 All documents concerning Facebook's retention of the user IDs of Facebook users after
3 logging out of Facebook.

4 **RESPONSE TO REQUEST NO. 14:**

5 Facebook specifically incorporates the General Responses and objections above to the
6 extent applicable to this Request. Facebook further objects to this Request on the following
7 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
8 all documents "concerning" the referenced subject matter without specifying appropriate
9 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
10 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
11 Plaintiffs' claims; and (5) to the extent it seeks information that is protected by the attorney-client
12 privilege and work product doctrine. Facebook further objects to this Request as vague and
13 ambiguous with regard to its use of the phrase "retention of the user IDs." Facebook further
14 objects to this Request to the extent it improperly assumes that "logging out of Facebook" would
15 cause Facebook not to "retain" the "user IDs" of Facebook users.

16 **REQUEST NO. 15:**

17 All documents concerning (a) Facebook's Statement of Rights and Responsibilities; (b)
18 Facebook's Data Use Policy; and/or (c) Facebook's Terms of Service, including all drafts and
19 revisions thereof, that were in effect during the Relevant Time Period.

20 **RESPONSE TO REQUEST NO. 15:**

21 Facebook specifically incorporates the General Responses and objections above to the
22 extent applicable to this Request. Facebook further objects to this Request on the following
23 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
24 all documents "concerning" the referenced subject matter without specifying appropriate
25 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
26 be inspected; and (3) it seeks information that is protected by the attorney-client privilege and
27 work product doctrine. Facebook further objects to this Request as vague and ambiguous
28 regarding its use of the term "Relevant Time Period," which is not defined in the Requests.

1 Subject to and without waiving any of its objections, Facebook will produce responsive,
2 non-privileged documents sufficient to show Facebook's Statement of Rights and
3 Responsibilities; Facebook's Data Use Policy; and Facebook's Terms of Service, that were
4 actually implemented and in effect during the Relevant Period.

5 **REQUEST NO. 16:**

6 All documents concerning the named Plaintiffs.

7 **RESPONSE TO REQUEST NO. 16:**

8 Facebook specifically incorporates the General Responses and objections above to the
9 extent applicable to this Request. Facebook further objects to this Request on the following
10 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
11 all documents "concerning" the referenced subject matter without specifying appropriate
12 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
13 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
14 Plaintiffs' claims; (5) it seeks information that is in Plaintiffs' custody or control; and (6) it seeks
15 information that is protected by the attorney-client privilege and work product doctrine.

16 Subject to and without waiving any of its objections, Facebook is willing to meet and
17 confer with Plaintiffs' counsel regarding what responsive, non-privileged documents could be
18 produced without undue burden that would be relevant to Plaintiffs' litigation of the claims in this
19 action.

20 **REQUEST NO. 17:**

21 All documents describing or constituting (a) the bases for; (b) any analyses, studies or
22 evaluations of; and/or (c) any modification to the following:

23 1. The statement that "[w]hen you log out of Facebook, we remove the cookies that
24 identify your particular account," which appeared on Facebook's online help center in response to
25 the question: "*Does Facebook use cookies if I don't have an account or have logged out of my*
26 *account?*"

27 2. The statement that "[w]e do not use cookies to create a profile of your browsing
28 behavior on third-party sites or to show you ads..." which appeared on Facebook's online help

1 center in response to the question: “*How does Facebook use cookies?*”

2 3. The statements that “we receive data whenever you visit a game, application, or
3 website that uses Facebook Platform or visit a site with a Facebook feature (such as a social plug-
4 in). This may include...if you are logged in to Facebook, your user ID,” which appeared in
5 Facebook’s data use policy.

6 4. The statement: “Pre-Approved Third-Party Websites and Applications – In order
7 to provide you useful social experiences off of Facebook, we occasionally need to provide
8 General Information about you to pre-approved third-party websites and applications that use
9 Platform at the time you visit them (if you are still logged in to Facebook)...In addition, if you log
10 out of Facebook before visiting a pre-approved application or website, it will not be able to access
11 your information,” which appeared in Facebook’s privacy policy (April, 22 2010) and is attached
12 as Exhibit C to Facebook’s response to Plaintiffs’ motion to dismiss the Complaint in this action
13 (Dkt. No. 44).

14 **RESPONSE TO REQUEST NO. 17:**

15 Facebook specifically incorporates the General Responses and objections above to the
16 extent applicable to this Request. Facebook further objects to this Request to the extent it seeks
17 information that is protected by the attorney-client privilege and work product doctrine.
18 Facebook further objects to this Request as vague and ambiguous with regard to its use of the
19 phrases “bases for” and “analyses, studies or evaluations.” Facebook further objects to subpart 4
20 of this Request as irrelevant to Plaintiffs’ claims.

21 Subject to and without waiving any of its objections, after entry of an appropriate
22 protective order, Facebook will produce responsive, non-privileged documents directly discussing
23 the contents of subparts 1-3 of this Request, to the extent such documents existed during the
24 Relevant Period and can be located using good faith, reasonable efforts.

25 **REQUEST NO. 18:**

26 All documents supporting any contention by Facebook that the post-log out tracking
27 alleged in the Complain [sic] was accidental and/or the result of a “bug.”

28

1 **RESPONSE TO REQUEST NO. 18:**

2 Facebook specifically incorporates the General Responses and objections above to the
3 extent applicable to this Request. Facebook further objects to this Request to the extent it seeks
4 information that is protected by the attorney-client privilege and work product doctrine.
5 Facebook further objects to this Request as vague, ambiguous, and argumentative in its use of the
6 term “tracking.”

7 Subject to and without waiving any of its objections, after entry of an appropriate
8 protective order, Facebook will produce responsive, non-privileged documents sufficient to show
9 whether Facebook’s alleged receipt of information through Relevant Cookies on the browsers of
10 Facebook users when they were not logged-in to Facebook during the Relevant Period was
11 accidental and/or the result of a “bug,” to the extent such documents exist and can be located
12 using good faith, reasonable efforts.

13 **REQUEST NO. 19:**

14 All documents relating to Facebook’s policies, protocols or procedures concerning the
15 maintenance and/or deletion of PII, including the length of time that PII is stored.

16 **RESPONSE TO REQUEST NO. 19:**

17 Facebook specifically incorporates the General Responses and objections above to the
18 extent applicable to this Request. Facebook further objects to this Request on the following
19 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
20 all documents “relating to” the referenced subject matter without specifying appropriate
21 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
22 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
23 Plaintiffs’ claims; and (5) to the extent it seeks information that is protected by the attorney-client
24 privilege and work product doctrine. Facebook further objects to this Request on the ground that
25 the term “PII,” as defined in the Requests, is overbroad and consists almost entirely of
26 information beyond the scope of this litigation.

27 Subject to and without waiving any of its objections, after entry of an appropriate
28 protective order, Facebook will produce responsive, non-privileged documents sufficient to show

1 Facebook's policies, protocols or procedures concerning the maintenance and/or deletion of
2 information from the Relevant Cookies during the Relevant Period, including the length of time
3 that such information was stored, to the extent such documents exist and can be located using
4 good faith, reasonable efforts.

5 **REQUEST NO. 20:**

6 All documents concerning Facebook's policies, procedures or protocols for deleting
7 Facebook-placed cookies from the computers or browsers of Facebook users.

8 **RESPONSE TO REQUEST NO. 20:**

9 Facebook specifically incorporates the General Responses and objections above to the
10 extent applicable to this Request. Facebook further objects to this Request on the following
11 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
12 all documents "concerning" the referenced subject matter without specifying appropriate
13 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
14 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
15 Plaintiffs' claims; and (5) to the extent it seeks information that is protected by the attorney-client
16 privilege and work product doctrine.

17 Subject to and without waiving any of its objections, after entry of an appropriate
18 protective order, Facebook will produce responsive, non-privileged documents sufficient to show
19 Facebook's policies, procedures or protocols for deleting the Relevant Cookies during from the
20 computers or browsers of Facebook users during the Relevant Period, to the extent such
21 documents exist and can be located using good faith, reasonable efforts.

22 **REQUEST NO. 21:**

23 All documents sufficient to identify the persons or entities involved in conceiving,
24 drafting, reviewing, editing and finalizing (a) Facebook's Statement of Rights and
25 Responsibilities; (b) Facebook's Data Use Policy; and/or (c) Facebook's Terms of Service.

26 **RESPONSE TO REQUEST NO. 21:**

27 Facebook specifically incorporates the General Responses and objections above to the
28 extent applicable to this Request. Facebook further objects to this Request on the following

1 grounds: (1) it is unduly burdensome and unreasonably broad in that a document request is an
2 inappropriate vehicle for requesting discovery of the identities of individual persons; (2) it fails to
3 describe with reasonable particularity each item or category of items to be inspected; (3) it is not
4 reasonably limited in time; (4) it seeks information that is irrelevant to Plaintiffs' claims; and (5)
5 to the extent it seeks information that is protected by the attorney-client privilege and work
6 product doctrine.

7 Subject to and without waiving any of its objections, Facebook is willing to meet and
8 confer with Plaintiffs' counsel regarding what information concerning the identities of persons
9 involved in creating Facebook's Statement of Rights and Responsibilities, Data Use Policy,
10 Privacy Policy, or Terms of Service would be relevant to Plaintiffs' litigation of the claims in this
11 action.

12 **REQUEST NO. 22:**

13 All documents relating to any user PII that Facebook scrubbed or deleted from any
14 Facebook database.

15 **RESPONSE TO REQUEST NO. 22:**

16 Facebook specifically incorporates the General Responses and objections above to the
17 extent applicable to this Request. Facebook further objects to this Request on the following
18 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
19 all documents "relating to" the referenced subject matter without specifying appropriate
20 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
21 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
22 Plaintiffs' claims; and (5) to the extent it seeks information that is protected by the attorney-client
23 privilege and work product doctrine. Facebook further objects to this Request as vague and
24 ambiguous with regard to its use of the term "scrubbed" and the phrase "any Facebook database."
25 Facebook further objects to this Request on the ground that the term "PII," as defined in the
26 Requests, is overbroad and consists almost entirely of information beyond the scope of this
27 litigation.

28 Subject to and without waiving any of its objections, after entry of an appropriate

1 protective order, Facebook will produce responsive, non-privileged documents sufficient to show
2 Facebook's policies concerning the deletion of information from the Relevant Cookies during the
3 Relevant Period, to the extent such documents exist and can be located using good faith,
4 reasonable efforts.

5 **REQUEST NO. 23:**

6 All documents concerning any agreement, whether formal or informal, between Facebook
7 and any third party, which permits Facebook to track the internet activity of Facebook users on
8 said third party's website.

9 **RESPONSE TO REQUEST NO. 23:**

10 Facebook specifically incorporates the General Responses and objections above to the
11 extent applicable to this Request. Facebook further objects to this Request on the following
12 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
13 all documents "concerning" the referenced subject matter without specifying appropriate
14 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
15 be inspected; (3) it is not reasonably limited in time; and (4) to the extent it seeks information that
16 is protected by the attorney-client privilege and work product doctrine. Facebook further objects
17 to this Request as vague, ambiguous, and argumentative in its use of the term "track." Facebook
18 further objects to this Request as vague and ambiguous with regard to its use of the phrase
19 "permits Facebook to track the internet activity of Facebook users."

20 Subject to and without waiving any of its objections, Facebook will produce responsive,
21 non-privileged documents sufficient to show Facebook's terms applicable to platform
22 applications and developers during the Relevant Period, to the extent such documents exist and
23 can be located using good faith, reasonable efforts.

24 **REQUEST NO. 24:**

25 All documents relating to U.S. Patent Application No. 20110231240, filed February 8,
26 2011 and published September 22, 2011.

27 **RESPONSE TO REQUEST NO. 24:**

28 Facebook specifically incorporates the General Responses and objections above to the

1 extent applicable to this Request. Facebook further objects to this Request on the following
2 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
3 all documents “relating to” the referenced subject matter without specifying appropriate
4 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
5 be inspected; (3) it seeks information that is irrelevant to Plaintiffs’ claims; and (4) to the extent it
6 seeks information that is protected by the attorney-client privilege and work product doctrine.
7 Facebook further objects to this Request to the extent it seeks information not within Facebook’s
8 possession, custody, or control.

9 Subject to and without waiving any of its objections, Facebook is willing to meet and
10 confer with Plaintiffs’ counsel regarding what information, if any, responsive to this Request
11 would be relevant to Plaintiffs’ litigation of the claims in this action.

12 **REQUEST NO. 25:**

13 All documents and communications between Facebook and any person, including but not
14 limited to Australian blogger Nik Cubrilovic, concerning any allegation that Facebook tracked the
15 internet activities of users post log-out.

16 **RESPONSE TO REQUEST NO. 25:**

17 Facebook specifically incorporates the General Responses and objections above to the
18 extent applicable to this Request. Facebook further objects to this Request on the following
19 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
20 all documents “concerning” the referenced subject matter without specifying appropriate
21 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
22 be inspected; (3) it is not reasonably limited in time; and (4) to the extent it seeks information that
23 is protected by the attorney-client privilege and work product doctrine. Facebook further objects
24 to this Request as vague, ambiguous, and argumentative in its use of the term “tracked.”

25 Subject to and without waiving any of its objections, after entry of an appropriate
26 protective order, Facebook will produce any communications with Nik Cubrilovic or with United
27 States government entities concerning any allegation that Facebook received information related
28 to the Internet activities of users after those users logged out from their Facebook accounts, to the

1 extent such documents exist and can be located using good faith, reasonable efforts. Facebook is
2 willing to meet and confer regarding with Plaintiffs' counsel regarding what additional
3 documents, if any, responsive to this Request and relevant to Plaintiffs' litigation of the claims in
4 this action could be located and produced without imposing an undue burden on Facebook.

5 **REQUEST NO. 26:**

6 All documents concerning the benefits of advertising to Facebook users based on PII.

7 **RESPONSE TO REQUEST NO. 26:**

8 Facebook specifically incorporates the General Responses and objections above to the
9 extent applicable to this Request. Facebook further objects to this Request on the following
10 grounds: (1) it is vague, ambiguous, unduly burdensome, and far overbroad in demanding all
11 documents "concerning" the referenced subject matter without specifying appropriate limitations;
12 (2) it fails to describe with reasonable particularity each item or category of items to be inspected;
13 (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to Plaintiffs'
14 claims; and (5) to the extent it seeks information that is protected by the attorney-client privilege
15 and work product doctrine. Facebook further objects to this Request as vague and ambiguous
16 with regard to its use of the phrases "advertising to Facebook users" and "based on PII."
17 Facebook further objects to this Request on the ground that the term "PII," as defined in the
18 Requests, is overbroad and consists almost entirely of information beyond the scope of this
19 litigation.

20 **REQUEST NO. 27:**

21 All documents concerning instructions, manuals, protocols, policies or methods by which
22 PII obtained from Facebook users when they were not logged-in to Facebook.

23 **RESPONSE TO REQUEST NO. 27:**

24 Facebook specifically incorporates the General Responses and objections above to the
25 extent applicable to this Request. Facebook further objects to this Request on the following
26 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
27 all documents "concerning" the referenced subject matter without specifying appropriate
28 limitations; (2) it fails to describe with reasonable particularity each item or category of items to

1 be inspected; (3) it is not reasonably limited in time; and (4) to the extent it seeks information that
2 is protected by the attorney-client privilege and work product doctrine. Facebook further objects
3 to this Request on the ground that the term "PII," as defined in the Requests, is overbroad and
4 consists almost entirely of information beyond the scope of this litigation. Facebook further
5 objects to this Request because the Request appears to be an incomplete sentence, rendering the
6 Request incomprehensible and making response impossible.

7 Subject to and without waiving any of its objections, Facebook is willing to meet and
8 confer with Plaintiffs' counsel regarding what information this Request is meant to seek, and
9 whether such information would be relevant to Plaintiffs' litigation of the claims in this action.

10 **REQUEST NO. 28:**

11 All documents concerning the methods used by Facebook to determine or record whether
12 a Facebook user is logged-in, logged-out, active or inactive.

13 **RESPONSE TO REQUEST NO. 28:**

14 Facebook specifically incorporates the General Responses and objections above to the
15 extent applicable to this Request. Facebook further objects to this Request on the following
16 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
17 all documents "concerning" the referenced subject matter without specifying appropriate
18 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
19 be inspected; (3) it is not reasonably limited in time; (4) it seeks information that is irrelevant to
20 Plaintiffs' claims; and (5) to the extent it seeks information that is protected by the attorney-client
21 privilege and work product doctrine. Facebook further objects to this Request on the ground that
22 it is vague, ambiguous, unduly burdensome and unreasonably broad with regard to the terms
23 "active" and "inactive," whose meaning is unclear and which bear no apparent relevance to
24 Plaintiffs' claims.

25 Subject to and without waiving any of its objections, after entry of an appropriate
26 protective order, Facebook will produce responsive, non-privileged documents sufficient to show
27 what methods, if any, were used by Facebook to determine or record whether Facebook users
28 were logged in or logged out during the Relevant Period, to the extent such documents exist and

1 can be located using good faith, reasonable efforts.

2 **REQUEST NO. 29:**

3 All documents concerning the creation, design, scope, monetization, or modification of
4 the following cookies: (a) the a_user cookie; (b) the c_user cookie; and (c) the datr cookie.

5 **RESPONSE TO REQUEST NO. 29:**

6 Facebook specifically incorporates the General Responses and objections above to the
7 extent applicable to this Request. Facebook further objects to this Request on the following
8 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
9 all documents “concerning” the referenced subject matter without specifying appropriate
10 limitations; (2) it fails to describe with reasonable particularity each item or category of items to
11 be inspected; (3) it is not reasonably limited in time; and (4) it seeks information that is irrelevant
12 to Plaintiffs’ claims. Facebook further objects to this Request as vague and ambiguous with
13 regard to its use of the terms “scope” and “monetization” in the context of the Request.

14 Subject to and without waiving any of its objections, after entry of an appropriate
15 protective order, Facebook will produce responsive, non-privileged documents sufficient to show
16 the design, function, and operation of the a_user, c_user, and datr cookies during the Relevant
17 Period, to the extent such documents exist and can be located using good faith, reasonable efforts.

18 **REQUEST NO. 30:**

19 All documents produced or provided to any governmental or regulatory agency or
20 authority, including but not limited to (a) the U.S. Congressional Bi-Partisan Privacy Caucus; (b)
21 the U.S. Senate Commerce Committee; (c) the Federal Trade Commission; (d) the Office of the
22 Data Protection Commission of Ireland; (e) the German data protection commission; (f) the
23 Information Commissioner’s Office; and (g) the European Commission, in connection with any
24 investigation or legal action concerning allegations that Facebook has tracked its users, collected,
25 stored and/or retained PII, or otherwise violated consumer protection and/or privacy laws,
26 directives or regulations.

27 **RESPONSE TO REQUEST NO. 30:**

28 Facebook specifically incorporates the General Responses and objections above to the

1 extent applicable to this Request. Facebook further objects to this Request on the following
2 grounds: (1) it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding
3 all documents “concerning” the referenced subject matter without specifying appropriate
4 limitations; (2) it is not reasonably limited in time; (3) it seeks information that is irrelevant to
5 Plaintiffs’ claims; (4) to the extent it seeks information that is available from public sources; and
6 (5) to the extent it seeks information related to governmental or regulatory agencies or authorities
7 outside the United States. Facebook further objects to this Request as vague and ambiguous with
8 regard to its use of the term “investigation” and the phrases “legal action” and “tracked its users,
9 collected, stored and/or retained PII.” Facebook further objects to this Request on the ground that
10 the term “PII,” as defined in the Requests, is overbroad and consists almost entirely of
11 information beyond the scope of this litigation. Facebook further objects to this Request on the
12 ground that it is vague, ambiguous, unduly burdensome, and unreasonably broad in demanding all
13 documents concerning any investigation or legal action related to Facebook’s alleged violation of
14 any “consumer protection and/or privacy laws, directives or regulations,” including laws,
15 directives, or regulations not at issue in this litigation. Facebook further objects to this Request to
16 the extent it seeks information protected by disclosure by statutory or other privileges and
17 protections. Facebook further objects to this Request as vague, ambiguous, and argumentative in
18 its use of the term “tracked.” Facebook further objects to this Request to the extent it seeks
19 information not within Facebook’s possession, custody, or control.

20 Subject to and without waiving any of its objections, after entry of an appropriate
21 protective order, Facebook will produce any responsive, non-privileged documents it provided to
22 any government entity concerning any allegation that Facebook received information related to
23 the Internet activities of users while those users were logged out from their Facebook accounts, to
24 the extent such documents exist and can be located using good faith, reasonable efforts.

25 **REQUEST NO. 31:**

26 All transcripts of any proceedings before any governmental or regulatory agency or
27 authority, including but not limited to (a) the U.S. Congressional Bi-Partisan Privacy Caucus; (b)
28 the U.S. Senate Commerce Committee; (c) the Federal Trade Commission; (d) the Office of the

1 Data Protection Commission of Ireland; (e) the German data protection commission; (f) the
2 Information Commissioner's Office; and (g) the European Commission, in connection with any
3 investigation or legal action concerning allegations that Facebook has tracked its users, collected,
4 stored and/or retained PII, or otherwise violated consumer protection and/or privacy laws,
5 directives or regulations.

6 **RESPONSE TO REQUEST NO. 31:**

7 Facebook specifically incorporates the General Responses and objections above to the
8 extent applicable to this Request. Facebook further objects to this Request on the following
9 grounds: (1) it is not reasonably limited in time; (2) it seeks information that is irrelevant to
10 Plaintiffs' claims; (3) to the extent it seeks information that is available from public sources; and
11 (4) to the extent it seeks information related to governmental or regulatory agencies or authorities
12 outside the United States. Facebook further objects to this Request as vague and ambiguous with
13 regard to its use of the term "investigation" and the phrases "legal action" and "tracked its users,
14 collected, stored and/or retained PII." Facebook further objects to this Request on the ground that
15 the term "PII," as defined in the Requests, is overbroad and consists almost entirely of
16 information beyond the scope of this litigation. Facebook further objects to this Request on the
17 ground that it is vague, ambiguous, unduly burdensome, and unreasonably broad in all transcripts
18 concerning any investigation or legal action related to Facebook's alleged violation of any
19 "consumer protection and/or privacy laws, directives or regulations," including laws, directives,
20 or regulations not at issue in this litigation. Facebook further objects to this Request to the extent
21 it seeks information protected by disclosure by statutory or other privileges and protections.
22 Facebook further objects to this Request as vague, ambiguous, and argumentative in its use of the
23 term "tracked." Facebook further objects to this Request to the extent it seeks information not
24 within Facebook's possession, custody, or control.

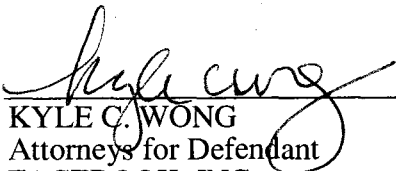
25 Subject to and without waiving any of its objections, after entry of an appropriate
26 protective order, Facebook will produce any responsive, non-privileged transcripts of proceedings
27 before any government entity concerning any allegation that Facebook received information
28 related to the Internet activities of users after those users logged out from their Facebook

1 accounts, to the extent such documents exist and can be located using good faith, reasonable
2 efforts.

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Dated: January 25, 2013

COOLEY LLP


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FACEBOOK, INC.

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