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8 Attorneys for Defendant FACEBOOK, INC.

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

14
15 In re: Facebook Internet Tracking Litigation

Case No. 12-md-02314 EJD

16 **DECLARATION OF NATALIE NAUGLE IN**
17 **SUPPORT OF DEFENDANT FACEBOOK,**
INC.'S OPPOSITION TO PLAINTIFFS'
18 **MOTION TO COMPEL**

19 **DATE:** April 28, 2016
TIME: 9:00 a.m.
COURTROOM: 4
20 **JUDGE:** Edward J. Davila

21
22 I, Natalie Naugle, declare as follows:

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24 1. I am Associate General Counsel for Litigation for Defendant Facebook, Inc.
25 ("Facebook"). I submit this declaration in conjunction with Facebook's Opposition to Plaintiffs'
26 Motion to Compel. Except as otherwise noted, I have personal knowledge of the facts set forth
27 below and, if called as a witness to testify, could and would testify competently thereto.

1 2. **Redactions.** I understand that Plaintiffs have challenged certain limited redactions
2 that occur in a small portion of Facebook’s document production. These redactions concern code
3 words and descriptions of extremely sensitive Facebook projects. The existence and the scope of
4 these projects are so highly confidential that most Facebook employees are not even aware of
5 their development or existence. If competitors became aware of these projects, they might seek to
6 replicate them before such projects were publicly disclosed by Facebook or exploit the knowledge
7 in other ways, thus substantially decreasing Facebook’s competitive advantage and causing
8 potentially significant harm to the company. These projects do not concern any of the events or
9 technology at issue in this lawsuit.

10 3. **Confidentiality Designations.** I understand that Plaintiffs have challenged the
11 confidentiality designations of the documents Facebook has produced. I further understand that
12 Plaintiffs have not identified any specific documents they believe have been improperly
13 designated and am thus unable to describe with specificity the confidentiality designation as to
14 any of the 13,000 documents I understand Facebook produced. Nevertheless, I am familiar with a
15 number of the documents produced in this case and can comment generally on the sensitivity of
16 the information they contain. I am informed that the vast majority of the documents produced in
17 this case consist of certain categories of documents: 1) Facebook task troubleshooting emails, 2)
18 “Phabricator emails” regarding technical revisions to Facebook’s website or other code, 3)
19 weekly engineering team reports, 4) internal Facebook “wikis,” and 5) technical discussions
20 between Facebook engineers.

21 4. **Task Troubleshooting Emails.** Facebook’s platform is a dynamic and complex
22 system that involves constant development and maintenance. When technical issues on the
23 platform arise, Facebook engineers often track their troubleshooting efforts through the use of
24 internal task assignments. Each task may be assigned to a number of Facebook engineers, who
25 will update the task with relevant details as they proceed to resolve the technical issue. As the
26 task is updated, Facebook’s internal systems will generate email chains informing those assigned
27 to the task of the update. These updates commonly include discussions of Facebook’s proprietary
28 systems and code as well as what are called “trace logs,” which are records of information or data

1 generated during an application's operation and used by Facebook engineers to study and solve
2 technical issues with the application. The technical details provided by Facebook engineers in
3 these task updates include descriptions of technical issues or bugs in the Facebook code and the
4 techniques Facebook engineers employ to troubleshoot and resolve those bugs. Disclosure of the
5 detailed technical issues or bugs that Facebook engineers are addressing, trace logs, and the steps
6 Facebook engineers have taken to resolve those issues would cause potentially significant
7 competitive harm to Facebook in a number of ways. For instance, disclosure of such information
8 would allow Facebook competitors to learn about the technical and troubleshooting methods that
9 Facebook employs and to copy Facebook's technical strategies, gaining an unfair advantage
10 against Facebook. Disclosure would also allow Facebook competitors to learn of technical issues
11 or bugs in Facebook code and exploit them for their own competitive gain. To the extent the
12 information concerns security features on Facebook's platform, disclosure of that information
13 could potentially lead to security breaches that would harm both Facebook and its users.

14 **5. Phabricator Emails.** Every time Facebook code substantively changes, Facebook
15 engineers on a certain internal mailing list receive emails detailing the revision to Facebook code,
16 as presented and described on an internal Facebook server called "Phabricator." These emails
17 contain technical details of code revisions that pertain to the provision of Facebook services both
18 on and off its website. Facebook has spent significant time and resources developing its code,
19 techniques, and strategies. Public disclosure of the identified information would cause
20 competitive harm to Facebook by allowing its competitors access to potentially highly sensitive
21 information, which they could use to gain an unfair advantage against Facebook.

22 **6. Weekly Engineering Team Reports.** Weekly engineering team reports are
23 shared only within a specific engineering team and typically include technical descriptions of
24 projects that Facebook has recently completed, as well as projects the team is planning for the
25 future. These emails disclose the technical and often proprietary details of, among other things,
26 how Facebook tracks performance, grows Facebook's user base, and improves Facebook
27 services. Facebook has spent significant time and resources developing the operation of its
28 website and provision of services. Public disclosure of such information would cause competitive

1 harm to Facebook by allowing its competitors to learn about the technical and troubleshooting
2 methods that Facebook employs and to copy Facebook technical strategies, gaining an unfair
3 advantage against Facebook. Facebook competitors would also learn of technical issues or bugs
4 in Facebook code and exploit them for their own competitive gain. To the extent the information
5 is about security features on Facebook’s platform, disclosure of that information could potentially
6 lead to security breaches that would harm both Facebook and its users.

7 **7. Internal Facebook “Wikis.”** Facebook has internal webpages accessible to and
8 editable by its employees that Facebook calls “wikis.” The wikis are categorized by subject,
9 which allows Facebook employees to document Facebook’s projects and website functionality in
10 one location that various employees can access. The wikis in Facebook’s production in this
11 action contain discussions of Facebook’s cookies and website functionality that are highly
12 sensitive. Public disclosure of that information would cause competitive harm to Facebook by
13 allowing its competitors to understand Facebook’s technical and business strategies, gaining an
14 unfair advantage against Facebook.

15 **8. Technical Discussions Between Facebook Engineers.** Nearly all of the rest of
16 Facebook’s production consists of emails containing technical discussions between Facebook
17 engineers. These emails include discussions about how Facebook code accesses and processes
18 cookies and the function that each cookie serves in order to deliver, secure, and monitor products,
19 services, and ads on Facebook’s website and with Facebook partners. Facebook has spent
20 significant time and resources developing the operation of its website, including its use of
21 cookies. Public disclosure of the identified information would cause competitive harm to
22 Facebook by allowing its competitors access to sensitive information, which they could use to
23 gain an unfair advantage against Facebook.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on March 28, 2016 in Menlo Park, California.

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27 /s/ Natalie Naugle

28 Natalie Naugle

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ATTESTATION PURSUANT TO CIV. L.R. 5-1(i)(3)

In accordance with Northern District of California Civil Local Rule 5-1(i)(3), I hereby attest that I have obtained concurrence in the filing of this document from each of the other signatories.

/s/ Matthew D. Brown

Matthew D. Brown

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