

EXHIBIT 3

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FACEBOOK, INC.

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

13 In re: Facebook Internet Tracking Litigation

Case No. 5:12-md-02314 EJD

**DEFENDANT FACEBOOK, INC.'S INITIAL
DISCLOSURES (FED. R. CIV. P. 26(a)(1))**

JUDGE: Edward J. Davila
TRIAL DATE: Not Set

18
19 Defendant Facebook, Inc. ("Facebook") makes the following initial disclosures, as
20 required by Federal Rule of Civil Procedure 26(a)(1). These disclosures are based on information
21 reasonably available to Facebook at this time. Facebook reserves the right to clarify, supplement,
22 alter, or amend its initial disclosures as discovery progresses and as additional information
23 becomes available through further investigation or discovery. Facebook reserves its right to
24 object to any discovery propounded by Plaintiffs.

25 By making these initial disclosures, Facebook does not concede the relevance of any of
26 the information provided, and Facebook does not represent that these disclosures identify every
27 document, tangible thing, or witness relevant to the claims and/or defenses of any party to this
28 action. Facebook reserves the right to call any witness or present any exhibit or item at trial not

1 listed here, but identified through discovery or investigation during this action. In addition to the
2 individuals listed below, Facebook also incorporates by reference the disclosures made by any
3 other party in this action.

4 Facebook makes the following disclosures without waiving any applicable privilege,
5 doctrine, or right, including without limitation the attorney-client privilege, the work product
6 doctrine, and all other rights and privileges recognized under the laws of the United States, the
7 State of California, and all relevant jurisdictions. By these disclosures, Facebook does not
8 represent or agree that any witness or document identified below has relevant or admissible
9 information.

10 **I. DISCLOSURE OF INDIVIDUALS (RULE 26(a)(1)(A)(i))**

11 Subject to the above qualifications, and without prejudice to Facebook's right to offer
12 testimony at trial or elsewhere from any of the following individuals on topics other than
13 specified below, Facebook discloses the following individuals under Rule 26(a)(1)(A)(i):
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| | Individual | Contact Information | Subject Matter | |
|----|-------------------|---|---|--|
| 15 | | | | |
| 16 | 1. | Alex Himel, Manager, Engineering | Facebook, Inc. c/o Cooley LLP 101 California Street, 5th Floor San Francisco, CA 94111-5800 Tel: (415) 693-2000 | Data that Facebook receives when users visit a third party website with a Facebook feature (such as a social plugin), including through cookies. |
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| 19 | 2. | Gregg Stefancik, Manager, Engineering | Facebook, Inc. c/o Cooley LLP 101 California Street, 5th Floor San Francisco, CA 94111-5800 Tel: (415) 693-2000 | Data that Facebook receives when users visit a third party website with a Facebook feature (such as a social plugin), including through cookies; Facebook's use of cookies; and Facebook's Platform for Privacy Preferences (P3P) compact policy. |
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| | Individual | Contact Information | Subject Matter |
|-------|--|---|---|
| 3. | Scott Renfro, Software Engineer | Facebook, Inc. c/o Cooley LLP 101 California Street, 5th Floor San Francisco, CA 94111-5800 Tel: (415) 693-2000 | Data that Facebook receives when users visit a third party website with a Facebook feature (such as a social plugin), including through cookies; Facebook's use of cookies; and Facebook's Platform for Privacy Preferences (P3P) compact policy. |
| 4.-7. | Perrin Davis, Cynthia Quinn, Brian Lentz, and Matthew Vickery | (Plaintiffs) | Information concerning (among other things) their: use of the Internet; disclosures or notices they viewed regarding the same; terms they agreed to regarding the same; knowledge of the operation of the Internet; knowledge of social plugins and cookies; claims of injury and damage resulting from the conduct alleged in the complaint; and relationships with counsel for Plaintiffs, including how each Plaintiff became involved in this action. |

| | Individual | Contact Information | Subject Matter |
|--------|--|---------------------|---|
| 8.-30. | Sharon Beatty, Lana Brkic, Jacqueline Burdick, Stephanie Campbell, Julian Carroll, John Graham, Petersen Gross, David M. Hoffman, Dana Howard, Tommasina Iannuzzi, Joon Khang, Patrick K. Maloney, Alexandria Parrish, Jane Peddicord, Brooke Rutledge, Tracy Sauro, Jennifer Sauro, Lisa Sabato, Janet Seamon, Christopher Simon, Edward Stravato, Chandra L. Thompson, and Jeanne M. Walker | (Plaintiffs) | Information concerning (among other things) their: use of the Internet; disclosures or notices they viewed regarding the same; terms they agreed to regarding the same; knowledge of the operation of the Internet; knowledge of social plugins and cookies; claims of injury and damage resulting from the conduct alleged in the complaint; and relationships with counsel for Plaintiffs, including how each Plaintiff became involved in this action. |

II. DESCRIPTION OF DOCUMENTS IN FACEBOOK’S POSSESSION, CUSTODY, OR CONTROL (RULE 26(a)(1)(A)(ii))

Based on presently available information and subject to its continuing investigation, Facebook submits the following descriptions of documents that it may use in support of its claims or defenses in this action that are within its possession, custody, or control. Facebook reserves the right to identify additional categories and locations of documents as the case proceeds.

1. Documents relating to data that Facebook receives when users visit a third party website with a Facebook feature (such as a social plugin), including through cookies.
2. Documents related to Facebook’s use of cookies.
3. Documents relating to Facebook’s data use policies and terms of service, including Facebook’s Statement of Rights and Responsibilities, Privacy Policy, and Data Use Policy.

1 **4.** Documents relating to data that websites other than Facebook receive when users
2 visit a third party website with a Facebook feature (such as a social plugin), including through
3 cookies.

4 **5.** Documents relating to the data use policies and terms of service of third party
5 websites that use Facebook features such as social plugins.

6 **6.** Documents relating to any disclosures to the Plaintiffs and putative class members
7 of information regarding the collection or use of data on Facebook and other websites.

8 **7.** Documents relating to the Plaintiffs' use of Facebook.

9 **8.** Documents related to Facebook's Platform for Privacy Preferences compact
10 policy.

11 **9.** Documents identified by any other party to this action.

12 **III. COMPUTATION OF DAMAGES (RULE 26(a)(1)(A)(iii))**

13 Facebook contends that Plaintiffs have not sustained any damages caused by any act or
14 omission attributable to Facebook. At present, Facebook reserves the right to seek recovery of
15 costs and attorneys' fees. Facebook also reserves the right to assert a claim for damages in the
16 future if doing so is warranted by information revealed or counterclaims asserted during the
17 litigation.

18 **IV. INSURANCE AGREEMENTS (RULE 26(a)(1)(A)(iv))**

19 Facebook has no applicable insurance policies to disclose at this time.

21 Dated: July 27, 2012

COOLEY LLP

23 /s/ Matthew D. Brown

24 Matthew D. Brown (196972)
25 Attorneys for Defendant
26 Facebook, Inc.

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PROOF OF SERVICE
(FRCP 5)

I hereby certify that on July 27, 2012, I served **FACEBOOK INC.'S INITIAL DISCLOSURES** via Email on the following counsel of record:

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Executed on July 27, 2012, at San Francisco, California.

/s/ Matthew D. Brown
Matthew D. Brown

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