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7 Attorneys for Defendant FACEBOOK, INC.

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

13
14 In re: Facebook Internet Tracking Litigation

Case No. 12-md-02314 EJD

15 **DECLARATION OF NATALIE NAUGLE IN**
16 **SUPPORT OF DEFENDANT FACEBOOK,**
17 **INC.'S RESPONSE TO PLAINTIFFS'**
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL

18 **JUDGE:** Edward J. Davila
19 **COURTROOM:** 4
TRIAL DATE: Not Yet Set

20
21 I, Natalie Naugle, declare as follows:

22 1. I am Associate General Counsel for Litigation for Defendant Facebook, Inc.
23 ("Facebook"). I submit this declaration in response to Plaintiffs' Administrative Motion to File
24 Portions of Third Amended Consolidated Complaint Under Seal, filed on August 25, 2017 (Dkt.
25 No. 156-157) ("Plaintiffs' Administrative Motion"). Except as otherwise noted, I have personal
26 knowledge of the facts set forth below and, if called as a witness to testify, could and would
27 testify competently thereto.

1 **Plaintiffs' Amended Complaint, Exhibit 4 to the Straite Declaration**

2 2. Exhibit 4 to the Declaration of David A. Straite in Support of Plaintiffs'
3 Administrative Motion ("Straite Declaration") is an unredacted version of the Third Amended
4 Consolidated Class Action Complaint ("Amended Complaint"). Plaintiffs' Amended Complaint
5 contains non-public, confidential, proprietary Facebook business information that Facebook
6 designated as Highly Confidential pursuant to the parties' Stipulated Protective Order for
7 Litigation Involving Confidential Information and Trade Secrets entered by the Court on April
8 11, 2014 (Dkt. 75) (the "Protective Order"). Specifically, Plaintiffs' Amended Complaint (at
9 paragraphs 49-50, 53, 54, 68-72, 80-88, 94-95, 98-99, 102-106) includes information regarding
10 Facebook's internal discussions regarding Facebook's use of cookies. Facebook has spent
11 significant time and resources developing the operation of its website, including its use of
12 cookies, which are used to deliver, secure, and understand products, services, and ads, on and off
13 Facebook's website. The Amended Complaint contains information regarding Facebook's
14 strategic decisions with respect to how it uses cookies. Public disclosure of the identified
15 information would cause competitive harm to Facebook by allowing its competitors access to
16 sensitive information, which they could use to gain an unfair advantage against Facebook. The
17 Court previously held that similar discovery material in Plaintiffs' Second Amended Complaint
18 merited sealing. (ECF No. 150.)

19 3. The redactions at page i and paragraphs 6 and 135 are not necessary. A copy of
20 Exhibit 4 with proposed redactions narrowly tailored to redact only the information identified in
21 paragraph 2 above will be lodged with the Court under seal.

22 **Exhibit 2 to the Straite Declaration**

23 4. Exhibit 2 to the Straite Declaration includes Exhibits U through DD, FF through
24 II, and LL to the Amended Complaint. These documents have been marked Highly Confidential
25 under the Protective Order. Exhibits U through DD are identical to exhibits attached to Plaintiffs'
26 Second Amended Complaint, which Facebook also requested to have sealed for the same reasons
27 articulated here. (ECF No. 94.) The Court granted that request. (ECF No. 150.)

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5. Exhibits U through DD, FF through II, and LL all include non-public, confidential, proprietary information designated as Highly Confidential pursuant to the Protective Order regarding Facebook’s internal discussions regarding its use of cookies, as discussed above in paragraph 2. The public disclosure of this information would cause competitive harm to Facebook for the same reasons identified in paragraph 2.

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

Executed on August 29, 2017 in Menlo Park, California.

/s/ Natalie Naugle
Natalie Naugle

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

I, Matthew D. Brown, attest that concurrence in the filing of this **DECLARATION OF NATALIE NAUGLE IN SUPPORT OF FACEBOOK, INC.’S RESPONSE TO PLAINTIFFS’ ADMINISTRATIVE MOTION TO FILE UNDER SEAL** has been obtained from the signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 29th day of August, 2017, at San Francisco, California.

/s/ Matthew D. Brown

Matthew D. Brown

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REDACTED

Exhibit 2

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HIGHLIGHTED UNREDACTED

Exhibit 2