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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 RESPONSE TO PLAINTIFFS'
 18 **ADMINISTRATIVE MOTION TO FILE**
UNDER SEAL

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

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 22 I, Natalie Naugle, declare as follows:

23 1. I am Associate General Counsel for Litigation for Defendant Facebook, Inc.
 24 (“Facebook”). I submit this declaration in response to Plaintiffs’ Administrative Motion to File
 25 Portions of Second Amended Consolidated Complaint Under Seal, filed on November 30, 2015
 26 (Dkt. No. 90) and Plaintiffs’ Corrected Administrative Motion to File Portions of Second
 27 Amended Consolidated Complaint Under Seal, filed on December 1, 2015 (Dkt. No. 92)
 28 (together, “Plaintiffs’ Administrative Motion”). Except as otherwise noted, I have personal

1 knowledge of the facts set forth below and, if called as a witness to testify, could and would
2 testify competently thereto.

3 **Plaintiffs' Amended Complaint, Exhibit 3 to the Straite Declaration**

4 2. Exhibit 3 to the Declaration of David A. Straite in Support of Plaintiffs'
5 Administrative Motion and the Corrected Declaration of David A. Straite in Support of Plaintiffs'
6 Administrative Motion (together, "Straite Declaration") is an unredacted version of the Second
7 Amended Consolidated Class Action Complaint and the Corrected Second Amended
8 Consolidated Class Action Complaint (together, "Amended Complaint"). Plaintiffs' Amended
9 Complaint contains non-public, confidential, proprietary Facebook business information that
10 Facebook designated as Highly Confidential pursuant to the parties' Stipulated Protective Order
11 for Litigation Involving Confidential Information and Trade Secrets entered by the Court on April
12 11, 2014 (Dkt. 75) (the "Protective Order"). Specifically, Plaintiffs' Amended Complaint (at
13 paragraphs 4, 45, 48, 49, 59, 66-69, 72-78, 103-105) includes information regarding Facebook's
14 internal discussions regarding Facebook's use of cookies. Facebook has spent significant time
15 and resources developing the operation of its website, including its use of cookies, which are used
16 to deliver, secure, and understand products, services, and ads, on and off Facebook's website.
17 The Amended Complaint contains information regarding Facebook's strategic decisions with
18 respect to how it uses cookies. Public disclosure of the identified information would cause
19 competitive harm to Facebook by allowing its competitors access to sensitive information, which
20 they could use to gain an unfair advantage against Facebook.

21 3. The redaction at paragraph 71 is not necessary. A copy of Exhibit 3 with proposed
22 redactions narrowly tailored to redact only the information identified in ¶ 2 above will be lodged
23 with the Court under seal.

24 **Exhibit 2 to the Straite Declaration**

25 4. Exhibit 2 to the Straite Declaration includes Exhibits M through Y and AA to the
26 Amended Complaint. These documents have been marked Highly Confidential under the
27 Protective Order.

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