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 FACEBOOK, INC.

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17 MATTHEW CAMPBELL, MICHAEL
 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DECLARATION OF NIKKI STITT
 SOKOL IN SUPPORT OF PLAINTIFFS’
 ADMINISTRATIVE MOTION TO FILE
 DOCUMENTS UNDER SEAL – DKT. NO.
 121**

1 I, Nikki Stitt Sokol, declare as follows:

2 1. I am Associate General Counsel for Litigation for Defendant Facebook, Inc.
3 (“Facebook”). Pursuant to Civil Local Rule 79-5(d) and the Amended Stipulated Protective Order
4 entered by the Court on July 1, 2015 (the “Protective Order”) (Dkt. No. 93), I submit this Declaration
5 in support of Plaintiffs’ Administrative Motion to file under seal (1) Exhibits A-D to the parties’ Joint
6 Letter Brief Regarding Topics One and Two of Plaintiffs’ 30(b)(6) Notice of Deposition (“Joint
7 Letter Brief”), and (2) portions of the Joint Letter Brief (Dkt. No. 121). Except as otherwise noted, I
8 have personal knowledge of the facts set forth in this Declaration and, if called and sworn as a
9 witness, could and would testify competently to them.

10 2. The requested relief is necessary to protect the confidentiality of Facebook
11 information in Exhibits A-D of the Joint Letter Brief and certain Facebook information relied upon in
12 portions of the Joint Letter Brief. Exhibits A-D of the Joint Letter Brief and portions of the Joint
13 Letter Brief contain non-public, confidential, and proprietary Facebook business information that
14 Facebook designated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the
15 Protective Order.

16 3. Exhibit A to the Joint Letter Brief is Plaintiffs’ Notice of Deposition Pursuant to
17 Federal Rule of Civil Procedure 30(b)(6), served on September 18, 2015, and designated by Plaintiffs
18 as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective Order.
19 Exhibit A contains non-public, confidential, and proprietary information from Facebook’s Responses
20 and Objections to Plaintiffs’ First Set of Interrogatories, served on April 1, 2015 and designated by
21 Facebook as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective
22 Order. The information in Facebook’s interrogatory responses concerns the processes and
23 functionality of Facebook’s messages technology that is protectable as a trade secret or otherwise
24 entitled to protection under the law. Public disclosure of this information would cause competitive
25 harm to Facebook by allowing its competitors to access sensitive information, which they could use
26 to gain an unfair advantage against Facebook. Such information could also be used by individuals or
27

1 companies that might seek to compromise the security of Facebook’s messages technology, causing
2 harm to Facebook and users of Facebook’s products.

3 4. Exhibit B to the Joint Letter Brief is Facebook’s Responses and Objections to
4 Plaintiffs’ Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6), served on
5 September 22, 2015 and designated by Facebook as HIGHLY CONFIDENTIAL – ATTORNEYS’
6 EYES ONLY pursuant to the Protective Order. Exhibit B contains non-public, confidential, and
7 proprietary information from Facebook’s Responses and Objections to Plaintiffs’ First Set of
8 Interrogatories, served on April 1, 2015 and designated by Facebook as HIGHLY CONFIDENTIAL
9 – ATTORNEYS’ EYES ONLY pursuant to the Protective Order. The information in Facebook’s
10 interrogatory responses concerns the processes and functionality of Facebook’s messages technology
11 that is protectable as a trade secret or otherwise entitled to protection under the law. Public
12 disclosure of this information would cause competitive harm to Facebook by allowing its competitors
13 to access sensitive information, which they could use to gain an unfair advantage against Facebook.
14 Such information could also be used by individuals or companies that might seek to compromise the
15 security of Facebook’s messages technology, causing harm to Facebook and users of Facebook’s
16 products.

17 5. Exhibit C to the Joint Letter Brief is Facebook’s Responses and Objections to
18 Plaintiffs’ First Set of Interrogatories, served on April 1, 2015 and designated by Facebook as
19 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective Order. The
20 non-public, confidential, and proprietary information in Facebook’s interrogatory responses concerns
21 the processes and functionality of Facebook’s messages technology that is protectable as a trade
22 secret or otherwise entitled to protection under the law. Public disclosure of this information would
23 cause competitive harm to Facebook by allowing its competitors to access sensitive information,
24 which they could use to gain an unfair advantage against Facebook. Such information could also be
25 used by individuals or companies that might seek to compromise the security of Facebook’s
26 messages technology, causing harm to Facebook and users of Facebook’s products.

1 6. Exhibit D to the Joint Letter Brief is Facebook’s Supplemental Responses and
 2 Objections to Plaintiffs’ First Set of Interrogatories, served on September 8, 2015 and designated by
 3 Facebook as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective
 4 Order. The non-public, confidential, and proprietary information in Facebook’s supplemental
 5 interrogatory responses concerns the processes and functionality of Facebook’s messages technology
 6 that is protectable as a trade secret or otherwise entitled to protection under the law. Public
 7 disclosure of this information would cause competitive harm to Facebook by allowing its competitors
 8 to access sensitive information, which they could use to gain an unfair advantage against Facebook.
 9 Such information could also be used by individuals or companies that might seek to compromise the
 10 security of Facebook’s messages technology, causing harm to Facebook and users of Facebook’s
 11 products.

12 7. The following chart explains which portions of the Joint Letter Brief contain the
 13 confidential information that should remain under seal:

Page	Text	Reason for Confidentiality
2	Text between “Facebook provides its characterization of how and when it scanned its users’ private messages for URL content . . .” and “ . . . Likes associated with those URLs on third party websites”	This includes non-public, confidential, and proprietary information from Facebook’s Responses and Objections to Plaintiffs’ First Set of Interrogatories (Exhibit C above), which Facebook designated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective Order. This information concerns the processes and functionality of Facebook’s messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law. Public disclosure of this information would cause competitive harm to Facebook by allowing its competitors to access sensitive information, which they could use to gain an unfair advantage against Facebook. Such information could also be used by individuals or companies that might seek to compromise the security of Facebook’s messages technology, causing harm to Facebook and users of Facebook’s products.
2	Text between “ . . . stating that these practices . . . ” and “ . . . (<i>Id.</i> at 11:5-8)”	This includes non-public, confidential, and proprietary information from Facebook’s Responses and Objections to Plaintiffs’ First Set of Interrogatories (Exhibit C above), which Facebook designated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective Order. This information

Page	Text	Reason for Confidentiality
		<p>concerns the processes and functionality of Facebook’s messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law. Public disclosure of this information would cause competitive harm to Facebook by allowing its competitors to access sensitive information, which they could use to gain an unfair advantage against Facebook. Such information could also be used by individuals or companies that might seek to compromise the security of Facebook’s messages technology, causing harm to Facebook and users of Facebook’s products.</p>
2	<p>Text between “. . . and occurred for purposes . . . ” and “. . . (<i>Id.</i> at 11:8-10)”</p>	<p>This includes non-public, confidential, and proprietary information from Facebook’s Responses and Objections to Plaintiffs’ First Set of Interrogatories (Exhibit C above), which Facebook designated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective Order. This information concerns the processes and functionality of Facebook’s messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law. Public disclosure of this information would cause competitive harm to Facebook by allowing its competitors to access sensitive information, which they could use to gain an unfair advantage against Facebook. Such information could also be used by individuals or companies that might seek to compromise the security of Facebook’s messages technology, causing harm to Facebook and users of Facebook’s products.</p>
2, fn. 2	<p>Text between “Specifically, Facebook’s responses discuss . . . ” and “. . . <i>See, generally</i>, Ex, C”</p>	<p>This includes non-public, confidential, and proprietary information from Facebook’s Responses and Objections to Plaintiffs’ First Set of Interrogatories (Exhibit C above), which Facebook designated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective Order. This information concerns the processes and functionality of Facebook’s messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law. Public disclosure of this information would cause competitive harm to Facebook by allowing its competitors to access sensitive information, which they could use to gain an unfair advantage against Facebook. Such information could also be used by individuals or companies that might seek to compromise the security of Facebook’s messages technology, causing harm to Facebook and users of Facebook’s products.</p>

1 I declare under penalty of perjury under the laws of the United States of America and the
2 State of California that the foregoing is true and correct, and that I executed this Declaration in Menlo
3 Park, California on October 5, 2015.

4 /s/ Nikki Stitt Sokol

5 Nikki Stitt Sokol

ATTORNEY ATTESTATION

1 I, Joshua A. Jessen, attest that concurrence in the filing of this Declaration of Nikki Stitt Sokol
2 has been obtained from the signatory. I declare under penalty of perjury under the laws of the United
3 States of American that the foregoing is true and correct. Executed this 5th day of October, 2015, in
4 Irvine, California.

/s/ Joshua A. Jessen
Joshua A. Jessen