

EXHIBIT 12

**REDACTED VERSION OF DOCUMENT(S)
SOUGHT TO BE SEALED**

EXHIBIT CC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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)
 MATTHEW CAMPBELL, MICHAEL)
 HURLEY, and DAVID SHADPOUR, on)
 behalf of themselves and all)
 others similarly situated,)
)
 Plaintiffs,)
)
 vs.) Case No.
) C 13-05996 PJH
)
 FACEBOOK, INC.,)
)
 Defendant.)
 -----)

VIDEOTAPED DEPOSITION OF RAY HE
Palo Alto, California
Friday, September 25, 2015
Volume I

Reported by:
CHRIS TE SELLE
CSR No. 10836
Job No. 2144894

PAGES 1 - 273

1 describe as a [REDACTED]. 10:19:23

2 Q. Between [REDACTED] and what?

3 A. And [REDACTED]

4 Q. What's a [REDACTED]

5 A. [REDACTED] 10:19:37

6 [REDACTED].

7 Q. What's a [REDACTED]

8 A. [REDACTED]

9 [REDACTED]

10 [REDACTED]. 10:19:58

11 Q. What is a [REDACTED]?

12 A. [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED] 10:20:32

16 Q. [REDACTED]

17 [REDACTED]

18 [REDACTED]?

19 MR. CHORBA: Objection. Vague as to time.

20 THE WITNESS: [REDACTED] 10:20:56

21 [REDACTED].

22 BY MR. CARNEY:

23 Q. Okay. 2009 to 2012.

24 A. I believe so, yes.

25 Q. At what time period was that different? 10:21:09

1 MR. CHORBA: Objection. Vague as to 11:04:44
2 share_count.

3 THE WITNESS: Depends on what you mean by
4 [REDACTED].

5 BY MR. CARNEY: 11:04:48

6 Q. What did you mean by [REDACTED] when you
7 used that term in this e-mail?

8 A. I couldn't, I don't remember what I meant,
9 because [REDACTED] means two different things.

10 Q. Okay. What are the two things [REDACTED] 11:05:01
11 means?

12 A. [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] 11:05:21
16 [REDACTED].

17 Q. What did you mean by, [REDACTED]?

18 A. Not all [REDACTED] created are
19 accounted for in the [REDACTED].

20 Q. Which ones are not? 11:05:59

21 A. [REDACTED],
22 [REDACTED]
23 [REDACTED].

24 Q. And what is a [REDACTED]?

25 A. [REDACTED] 11:06:17

1 [REDACTED] 11:06:23
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED] 11:06:36
6 [REDACTED]
7 [REDACTED]
8 [REDACTED].
9 Q. Okay.
10 A. Also, there have been periods of time 11:06:51
11 [REDACTED].
12 Q. What does that mean?
13 A. [REDACTED]
14 [REDACTED]
15 Q. When -- strike that. 11:07:10
16 Did you [REDACTED] at any time
17 between 2009 and 2012?
18 A. Yes, for [REDACTED]
19 [REDACTED].
20 Q. But it's just for [REDACTED], 11:07:22
21 [REDACTED]
22 A. [REDACTED]
23 [REDACTED].
24 Q. When did that occur?
25 A. I can't say for sure, but I believe in 11:07:39

1 A. I believe the [REDACTED] 11:37:12

2 [REDACTED].

3 Q. Did you work on the [REDACTED]

4 [REDACTED]?

5 A. Yes. 11:37:32

6 Q. Who was that information made available --
7 strike that question.

8 [REDACTED]

9 [REDACTED], who was that

10 information made available to? Facebook employees 11:37:46

11 only, or third parties?

12 A. It [REDACTED]

13 [REDACTED]

14 Q. Did you ever [REDACTED]

15 [REDACTED] 11:38:04

16 A. Yes.

17 Q. And what was it?

18 A. [REDACTED]

19 [REDACTED]

20 [REDACTED]. 11:38:22

21 Q. What were the other reasons?

22 A. [REDACTED].

23 Q. And was that functionality [REDACTED]

24 [REDACTED]

25 [REDACTED] 11:38:44

1 A. No. 11:38:44

2 Q. Do you see the term, [REDACTED], that's in the

3 comments section?

4 A. Yes.

5 Q. What is [REDACTED], as that term is used there? 11:39:05

6 A. [REDACTED].

7 Q. And in 2009, [REDACTED]

8 A. It depends on what you mean. [REDACTED]

9 [REDACTED]

10 [REDACTED] 11:39:35

11 Q. [REDACTED]

12 [REDACTED]?

13 A. [REDACTED].

14 Q. [REDACTED]

15 [REDACTED] 11:39:43

16 A. I would not be able to make a list of

17 those from memory.

18 Q. Do you know any?

19 A. At, depending on time, I might be able to

20 remember a few. 11:40:00

21 Q. Okay. Do you see down at the bottom of

22 the page, the heading, summary?

23 A. Yes.

24 Q. Do you know whether you drafted that

25 summary? 11:40:10

1 Facebook server stored as a [REDACTED]? 02:22:01

2 MR. CHORBA: Objection. Vague as to time.

3 THE WITNESS: It depends on the time period.

4 BY MR. CARNEY:

5 Q. '09 through 12. 02:22:16

6 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

13 Q. You said --

14 A. Sometimes.

15 Q. You said that on what occasions would that 02:23:09

16 happen. I'm trying to tackle your use of the word,

17 sometimes.

18 A. [REDACTED]

[REDACTED]

20 Q. What occasions? 02:23:22

21 A. If, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 02:23:38

1 value, or not at all. 02:23:42

2 Q. Are there any other circumstances, other
3 than [REDACTED], that a [REDACTED] would not
4 be created following the creation of a [REDACTED] ic
5 [REDACTED]?

02:23:55

6 A. So, you mentioned that the [REDACTED]
7 was created. The [REDACTED] is not always
8 created. It's [REDACTED].

9 Q. Oh.

10 A. It can be [REDACTED]

02:24:07

11 Q. In what circumstances is it [REDACTED]?

12 A. In the general case, [REDACTED]

13 [REDACTED].

14 Q. And you testified a moment ago that a
15 [REDACTED], correct?

02:24:31

16 A. [REDACTED].

17 Q. [REDACTED] [REDACTED]?

18 A. This is the [REDACTED].

19 Q. And what document are you looking at?

20 A. I'm looking at Exhibit 14.

02:24:47

21 Q. And the, I'm sorry, the [REDACTED]
22 [REDACTED]; is that what you said?

23 A. Yes. If you look from, on the left, it's
24 maybe the, halfway down the page.

25 Q. I see it. And there is a string of 17

02:25:04

1 Q. And what are the circumstances that may 03:33:06
2 have caused -- strike that question.

3 If the user did not have JavaScript
4 enabled, would a [REDACTED] have been created?

5 A. No. 03:33:30

6 Q. Does that mean that no [REDACTED] would
7 have been created?

8 A. Yes.

9 Q. Does a [REDACTED] have to come before
10 the [REDACTED]? 03:33:44

11 MR. CHORBA: Objection. Vague as to time.

12 THE WITNESS: Do you mean a [REDACTED] would
13 never have, would not have to exist for a [REDACTED]
14 to exist?

15 BY MR. CARNEY: 03:34:09

16 Q. In the context of URLs embedded in private
17 messages between 2010 and 2012, would a [REDACTED],
18 would an [REDACTED] have to exist prior to the
19 creation of an [REDACTED]?

20 A. If, are we still under the premise that 03:34:26
21 the user has JavaScript enabled?

22 Q. JavaScript is enabled.

23 A. Okay. There must be an [REDACTED]
24 before there is an [REDACTED], at any stage.

25 Q. At any stage. 03:34:41

1 A. Yes. 05:56:21

2 Q. What is it?

3 A. It is the [REDACTED]

4 [REDACTED].

5 Q. What is in the [REDACTED] on a 05:56:43

6 [REDACTED] And I'm looking at the second line
7 there of the second paragraph.

8 MR. CHORBA: Objection. Vague as to time.

9 THE WITNESS: It does depend on time.

10 BY MR. CARNEY: 05:57:02

11 Q. Let's start with January 24, 2012.

12 A. The [REDACTED] on a [REDACTED] here
13 refers to the [REDACTED], and that was the
14 [REDACTED] we previously talked

15 about, so, Exhibit 14? 05:57:17

16 Q. Uh-huh. Who is the best person to talk to
17 about the creation of source code for [REDACTED]

18 MR. CHORBA: Objection. Vague as to, best.

19 BY MR. CARNEY:

20 Q. Most knowledgeable. 05:58:14

21 MR. CHORBA: Answer, if you know.

22 THE WITNESS: It depends on the time period in
23 question.

24 BY MR. CARNEY:

25 Q. How about 2010 through 2012? 05:58:21

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed
20 my name.

21
22 Dated:10/9/15

23
24 <%signature>

CHRIS TE SELLE

25 CSR No. 10836

In the Matter of: *Campbell et al. v. Facebook, Inc.*
Case No. 13-CV-05996-PJH

Date of deposition: September 25, 2015

Witness: Ray He

Reason codes:

1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

| Page | Line | Reads | Should Read | Reason Code |
|------|------|---|---|-------------|
| 13 | 1 | A. Master of engineering, and computer science and electrical engineering. | A. Master of Engineering of Computer Science and Electrical Engineering. | 3 |
| 28 | 12 | Q. Is [REDACTED]? A. No. | Q. Is [REDACTED]? A. [REDACTED] | 1 |
| 29 | 5 | Q. And is the [REDACTED]? A. I don't know for sure. | Q. And is the [REDACTED]y? A. [REDACTED] | 1 |
| 30 | 7 | [REDACTED] | [REDACTED] | 3 |
| 32 | 7 | A. A synonym for [REDACTED]. | A. A browser for the [REDACTED]. | 1 |
| 39 | 22 | I don't believe I worked directly on messages product ever. | I don't believe I worked directly on the messages product ever. | 3 |
| 42 | 13 | A. Is either a, I think he may have been an interim product manager. Q. Do you know what project he was the interim product manager for? | A. Is either a, I think he may have been an Intern Product manager. Q. Do you know what project he was the Intern Product manager for? | 3 |
| 52 | 25 | A. I think, I believe I referred to it as [REDACTED], with a space. | A. I think, I believe I referred to it as [REDACTED], with a space. | 3 |

| | | | | |
|-----|----|---|--|---|
| 53 | 1 | Q. And does [REDACTED] or some successor to that product exist today? A. Yes. | Q. And does [REDACTED] or some successor to that product exist today? A. Yes. | 3 |
| 53 | 9 | Q. And is [REDACTED] reflected in the [REDACTED] today? A. I don't believe so. | Q. And is [REDACTED] reflected in the [REDACTED] today? A. I don't believe so. | 3 |
| 65 | 19 | A: An [REDACTED] | A: An [REDACTED] | 3 |
| 70 | 25 | A. If I said Mark Kinsey was an engineer, I believe he was the interim product manager. | A. If I said Mark Kinsey was an engineer, I believe he was the Intern Product manager. | 3 |
| 72 | 1 | A. It's -- acronym? | A. It's an acronym. | 3 |
| 79 | 19 | Q. And then you said, [REDACTED], correct? A. Yes. | Q. And then you said, [REDACTED], correct? A. [REDACTED] | 1 |
| 92 | 16 | Q. [REDACTED] A. [REDACTED] | Q. [REDACTED] A. [REDACTED] | 1 |
| 93 | 21 | Q. Is M. Kinsey, Mark Kinsey? A. Yes. | Q. Is mkinsey, Mark Kinsey? A. Yes. | 3 |
| 97 | 17 | although we may have had an interim name of [REDACTED]. | although we may have had an internal name of [REDACTED]. | 3 |
| 101 | 8 | A. It is not a tool in the same sense that it is not [REDACTED] | A. It is not a tool in the same sense that it is not an [REDACTED] | 3 |
| 102 | 2 | [REDACTED] that we have been talking about for the last five minutes? | [REDACTED] that we have been talking about for the last five minutes? | 3 |
| 120 | 25 | to avoid risk of identifiable information per, I think, I. Shepard or M. Vernal. | to avoid risk of identifiable information per, I think, IShepard or mvernal. | 3 |
| 128 | 21 | Q. What is [REDACTED]? | Q. What is [REDACTED]? | 3 |
| 129 | 11 | A. That would be the [REDACTED] | A. That would be the [REDACTED] | 3 |

| | | | | | | | |
|------------|------|----|---|--|--|--|---|
| | | | | | | | |
| throughout | | | | | | | 3 |
| throughout | | | | | | | 3 |
| 163 | 4 | A. | | | | | 3 |
| 174 | 24 | A. | If, for instance, this was posted by a page on behalf of a page, I believe it would be different. | | | | 3 |
| 178 | 23 | Q. | Is it [redacted]? | | | | 3 |
| | | A. | No. | | | | |
| 179 | 12 | A. | Facebook has, with the introduction of [redacted] | | | | 3 |
| 197 | 14 | Q. | And what if the user never hits send? Does the [redacted]? | | | | 1 |
| | | A. | No. | | | | |
| 212 | 3 | A. | It's just a, I believe, literally, in the code, it's, [redacted] | | | | 3 |
| 221 | 12 | A. | Appears to be a copy of an e-mail sent from C. Mishra to myself. | | | | 3 |
| 223 | 9 | Q. | In June of 2010, was there a [redacted] And I'm just reading that next bullet point there. | | | | 1 |
| | | A. | That is, if you and I shared the same URL, the [redacted] would be the same. | | | | |
| 241 | 13 | | I believe he worked on it or he had input on the project leading up to FA 2011. | | | | 3 |
| 247 | 8 | A. | Without checking the code that this pulled it's information out of. | | | | 3 |
| 251 | 2, 4 | Q. | And what is [redacted]? It's on the second line of the middle paragraph. | | | | 3 |

| | | | | |
|-----|----|--|--|---|
| | | A. [REDACTED] | A. [REDACTED] | |
| 262 | 23 | Q. And are you familiar with the term, [REDACTED]? | Q. And are you familiar with the term, [REDACTED]? | 3 |
| | | A. Yes. | A. Yes. | |

Date: November __11__, 2015

Ray He

 Ray He