

EXHIBIT 45

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EXHIBIT NN

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 MATTHEW CAMPBELL, MICHAEL
19 HURLEY, and DAVID SHADPOUR,

20 Plaintiffs,

21 v.

22 FACEBOOK, INC.,

23 Defendant.

Case No. C 13-05996 PJH

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S
SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO PLAINTIFFS' FIRST
SET OF INTERROGATORIES**

24
25 **HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY**
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1 Defendant Facebook, Inc. (“Defendant” or “Facebook”), by and through its attorneys, and
2 pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Local Civil Rules of the U.S.
3 District Court for the Northern District of California, the Court orders in this action, and the parties’
4 agreements, provides the following supplemental responses and objections to Plaintiffs’ First Set of
5 Interrogatories (the “Interrogatories”).

6 These responses are designated Highly Confidential – Attorney’s Eyes Only under the
7 Amended Stipulated Protective Order entered by the Court on July 1, 2015.

8 **PRELIMINARY STATEMENT**

9 1. Facebook’s responses to the Interrogatories are made to the best of Facebook’s current
10 knowledge, information and belief. Facebook reserves the right to supplement or amend any of its
11 responses should future investigation indicate that such supplementation or amendment is necessary.

12 2. Facebook’s responses to the Interrogatories are made solely for the purpose of and in
13 relation to this action. Each response is given subject to all appropriate objections (including, but not
14 limited to, objections concerning privilege, competency, relevancy, materiality, propriety and
15 admissibility). All objections are reserved and may be interposed at any time.

16 3. Facebook’s responses are based on its understanding that Plaintiffs seek only that
17 information that is within Facebook’s possession, custody, and control.

18 4. Facebook incorporates by reference each and every general objection set forth into
19 each and every specific response. From time to time, a specific response may repeat a general
20 objection for emphasis or some other reason. The failure to include any general objection in any
21 specific response shall not be interpreted as a waiver of any general objection to that response.

22 5. Nothing contained in these Responses and Objections or provided in response to the
23 Interrogatories consists of, or should be construed as, an admission relating to the accuracy,
24 relevance, existence, or nonexistence of any alleged facts or information referenced in any
25 Interrogatory.

1 **GENERAL OBJECTIONS**

2 1. Facebook objects to each Interrogatory, including the Definitions and Instructions, to
3 the extent that it purports to impose obligations beyond those imposed by the Federal Rules of Civil
4 Procedure, the Federal Rules of Evidence, the Local Civil Rules of the U.S. District Court for the
5 Northern District of California, and any agreements between the parties.

6 2. Facebook objects to each Interrogatory to the extent that it is not limited to the
7 relevant time period, thus making the Interrogatory overly broad, unduly burdensome, and not
8 relevant to the claims or defenses in this action. Unless otherwise specified in its responses,
9 Facebook's response will be limited to information generated between December 30, 2011 and
10 December 20, 2012.

11 3. Facebook objects to each Interrogatory to the extent that it seeks information unrelated
12 and irrelevant to the claims or defenses in this litigation and not reasonably calculated to lead to the
13 discovery of admissible evidence.

14 4. Facebook objects to each Interrogatory as overly broad and unduly burdensome,
15 particularly in view of Facebook's disproportionate cost necessary to investigate as weighed against
16 Plaintiffs' need for the information. For example, many of the Interrogatories seek broad and
17 vaguely defined categories of materials that are not reasonably tailored to the subject matter of this
18 action.

19 5. Facebook objects to each Interrogatory to the extent that it purports to request the
20 identification and disclosure of information or documents that were prepared in anticipation of
21 litigation, constitute attorney work product, reveal privileged attorney-client communications, or are
22 otherwise protected from disclosure under any applicable privileges, laws, or rules. Facebook hereby
23 asserts all such applicable privileges and protections, and excludes privileged and protected
24 information from its responses to each Interrogatory. *See generally* Fed. R. Evid. 502; Cal. Code
25 Evid. § 954. Inadvertent production of any information or documents that are privileged or otherwise
26 immune from discovery shall not constitute a waiver of any privilege or of any other ground for
27 objecting to the discovery with respect to such information or documents or the subject matter

1 thereof, or the right of Facebook to object to the use of any such information or documents or the
2 subject matter thereof during these or any other proceedings. In the event of inadvertent disclosure
3 of any information or inadvertent production or identification of documents or communications that
4 are privileged or otherwise immune from discovery, Plaintiffs will return the information and
5 documents to Facebook and will be precluded from disclosing or relying upon such information or
6 documents in any way.

7 6. Facebook objects to each and every Interrogatory to the extent that the information
8 sought by the Interrogatory is more appropriately pursued through another means of discovery, such
9 as a request for production or deposition.

10 7. Facebook objects to each and every Interrogatory, Definition, and Instruction to the
11 extent that it seeks information outside of Facebook's possession, custody, and control.

12 8. Facebook objects to each Interrogatory to the extent that it requests information
13 protected by the right of privacy of Facebook and/or third parties, or information that is confidential,
14 proprietary, or competitively sensitive.

15 9. Facebook objects to each Interrogatory to the extent that it seeks documents or
16 information already in Plaintiffs' possession or available in the public domain. Such information is
17 equally available to Plaintiffs.

18 **OBJECTIONS TO DEFINITIONS**

19 1. Facebook objects to Plaintiffs' definition of "Active Likes" as vague, ambiguous,
20 overly broad, and unduly burdensome. Facebook further objects to the definition to the extent that
21 Plaintiffs purport to use this defined term to seek materials that are not relevant to the claims and
22 defenses in this action, particularly as a result of its reference to the undefined term, "Social Plugin."

23 [REDACTED]

24 [REDACTED]

25 2. Facebook objects to Plaintiffs' definition of "Architecture" as vague, ambiguous,
26 overly broad, and unduly burdensome. Facebook further objects to the definition to the extent that
27 Plaintiffs purport to use this defined term to seek materials that are not relevant to the claims and

1 defenses in this action, particularly as a result of its use of the phrase “including but not limited to”
2 and the undefined term “Your services.”

3 3. Facebook generally objects to Plaintiffs’ definitions of “Communication,”
4 “Document(s),” “Electronic Media,” “ESI,” “Electronically Stored Information,” “Identify,” and
5 “Metadata” to the extent that Plaintiffs purport to use these defined terms to request the identification
6 and disclosure of documents that: (a) were prepared in anticipation of litigation; (b) constitute
7 attorney work product; (c) reveal privileged attorney-client communications; or (d) are otherwise
8 protected from disclosure under any applicable privileges, laws, and/or rules. Facebook further
9 objects to the extent that these definitions purport to impose obligations that go beyond the
10 requirements of the Federal and Local Rules.

11 4. Facebook objects to Plaintiffs’ definition of “Facebook User Data Profile(s)” as vague,
12 ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition to the
13 extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to the
14 claims and defenses in this action.

15 5. Facebook objects to Plaintiffs’ definition of “Passive Likes” as vague, ambiguous,
16 overly broad, and unduly burdensome. Facebook further objects to the definition to the extent that
17 Plaintiffs purport to use this defined term to seek materials that are not relevant to the claims and
18 defenses in this action. Facebook construes the term “Passive Likes” as it relates to the practice
19 challenged in this action (the alleged increase in the Facebook “Like” count on a website when the
20 URL for that website was contained in a message transmitted through Facebook’s Messages product
21 during the class period (December 30, 2011 to approximately December 20, 2012)). Specifically,
22 Facebook construes “Passive Likes” to refer to an increase in the “Like” count on a third-party
23 website resulting from inclusion of that website’s URL in a Facebook message during the class
24 period.

25 6. Facebook objects to Plaintiffs’ definition and use of the term “Person” as vague,
26 ambiguous, overly broad, and unduly burdensome to the extent that Plaintiffs intend to use this term
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1 to include “any natural person or any business, legal or governmental entity or association” over
2 which Facebook exercises no control.

3 7. Facebook objects to Plaintiffs’ definition of “Private Message(s)” to the extent that it
4 is vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects to the
5 definition to the extent that Plaintiffs purport to use this defined term to seek materials that are not
6 relevant to the claims and defenses in this action.

7 8. Facebook objects to Plaintiffs’ definition of “Private Message Content” to the extent
8 that it is vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects to the
9 definition to the extent that Plaintiffs purport to use this defined term to seek materials that are not
10 relevant to the claims and defenses in this action. Facebook further objects to this definition on the
11 ground and to the extent it is inconsistent with applicable law.

12 9. Facebook objects to Plaintiffs’ definition of “Private Message Transmission” as vague,
13 ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition to the
14 extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to the
15 claims and defenses in this action. Facebook further objects to this definition on the ground and to
16 the extent it is inconsistent with relevant law.

17 10. Facebook objects to Plaintiffs’ definitions of “Relate(s) to,” “Related to” and
18 “Relating to” on the ground that the definitions make the Interrogatories overly broad and unduly
19 burdensome and impose obligations that go beyond the requirements of the Federal and Local Rules.
20 Facebook shall construe these terms as commonly and ordinarily understood.

21 11. Facebook objects to Plaintiffs’ definition of “Targeted Advertising” as vague,
22 ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition to the
23 extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to the
24 claims and defenses in this action. [REDACTED]

25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

1 12. Facebook objects to Plaintiffs’ definition of “Transmission,” “Transmit,” and
2 “Transmitting” as vague, ambiguous, overly broad, and unduly burdensome. Facebook further
3 objects to the definition to the extent that Plaintiffs purport to use these terms to seek materials that
4 are not relevant to the claims and defenses in this action.

5 13. Facebook objects to Plaintiffs’ definition and use of the terms “You” or “Your” as
6 vague, ambiguous, overly broad, and unduly burdensome to the extent the terms are meant to include
7 “directors, officers, employees, partners, members, representatives, agents (including attorneys,
8 accountants, consultants, investment advisors or bankers), and any other person purporting to act on
9 [Facebook, Inc.’s] behalf. . . . parents, subsidiaries, affiliates, predecessor entities, successor entities,
10 divisions, departments, groups, acquired entities and/or related entities or any other entity acting or
11 purporting to act on its behalf” over which Facebook exercises no control, and to the extent that
12 Plaintiffs purport to use these terms to impose obligations that go beyond the requirements of the
13 Federal and Local Rules.

14 **OBJECTIONS TO “RULES OF CONSTRUCTION” AND INSTRUCTIONS**

15 1. Facebook objects to Plaintiffs’ “Rules of Construction” and “Instructions” to the
16 extent they impose obligations that go beyond the requirements of the Federal and Local Rules.

17 2. Facebook objects to Plaintiffs’ Instruction No. 2 to the extent that it is not limited to
18 the relevant time period, thus making the Instruction overly broad, unduly burdensome, and not
19 relevant to the claims or defenses in this action. Unless otherwise specified in its responses,
20 Facebook’s response will be limited to information generated between December 30, 2011 and
21 December 20, 2012.

22 3. Facebook objects to Plaintiffs’ Instruction No. 6 as ambiguous and unduly
23 burdensome. Facebook further objects to the instruction to the extent it exceeds the requirements of
24 the Federal and Local Rules.

25 **OBJECTION TO PURPORTED “RELEVANT TIME PERIOD”**

26 Facebook objects to Plaintiffs’ proposed “Relevant Time Period” (September 26, 2006
27 through the present) because it substantially exceeds the proposed class period identified in Plaintiffs’
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1 Consolidated Amended Complaint, does not reflect the time period that is relevant to Plaintiffs'
2 claims in this action, and renders the Interrogatories overly broad, unduly burdensome, and irrelevant.
3 Unless otherwise specified, Facebook's Responses to these Interrogatories will be limited to
4 information generated between December 30, 2011 and December 20, 2012, which is the proposed
5 class period defined in Plaintiffs' Consolidated Amended Complaint. (See Pls.' Consol. Am. Compl.
6 [Dkt. 25] ¶ 59 & n.3.) Facebook otherwise objects to the remainder of Plaintiffs' statement regarding
7 the "Relevant Time Period" to the extent that it purports to impose obligations beyond those imposed
8 by the Federal and Local Rules.

9 **SPECIFIC RESPONSES AND OBJECTIONS**

10 **INTERROGATORY NO. 1:**

11 Identify all persons, including Third Parties and Your current and former employees, known
12 by You to have personal knowledge of any facts or issues involved in this lawsuit, and for each
13 person please identify

14 (A) the party's first and last name;

15 (B) the party's employer, if not You;

16 (C) the party's job title(s); and

17 (D) the nature of the party's personal knowledge of the facts or issues involved in this
18 lawsuit.

19 **RESPONSE TO INTERROGATORY NO. 1:**

20 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
21 to "Rules of Construction," Instructions, and Purported "Relevant Time Period" as though fully set
22 forth in this Response. Facebook further objects to this Interrogatory on the following additional
23 grounds:

24 (A) The Interrogatory is vague and ambiguous in its use of the terms and phrases "Third
25 Parties"; "any facts or issues involved in this lawsuit"; and "nature of the party's personal knowledge
26 of the facts or issues involved in this lawsuit."

27 (B) The Interrogatory is compound.

1 (C) The Interrogatory is overly broad in that it purports to seek information regarding each
2 Facebook employee’s “personal knowledge” of “facts or issues involved in this lawsuit,” over an
3 extended time period. Facebook will respond to the best of its ability and based on the information
4 known and identified to date.

5 (D) The Interrogatory purports to request employment information that is not relevant to the
6 claims or defenses in this action.

7 Subject to and without waiving the foregoing general and specific objections, and subject to
8 the ongoing nature of discovery in this action, Facebook responds as follows:

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

2 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
3 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
4 forth in this Response. Facebook further objects to this Interrogatory on the following additional
5 grounds:

6 (A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Third
7 Parties”; “any facts or issues involved in this lawsuit”; and “nature of the party’s personal knowledge
8 of the facts or issues involved in this lawsuit.”

9 (B) The Interrogatory is compound.

10 (C) The Interrogatory is overly broad in that it purports to seek information regarding each
11 Facebook employee’s “personal knowledge” of “facts or issues involved in this lawsuit,” over an
12 extended time period. Facebook will respond to the best of its ability and based on the information
13 known and identified to date.

14 (D) The Interrogatory purports to request employment information that is not relevant to the
15 claims or defenses in this action.

16 Subject to and without waiving the foregoing general and specific objections, and subject to
17 the ongoing nature of discovery in this action, Facebook responds as follows:

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
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[REDACTED]

Facebook reserves the right to supplement its response to this Interrogatory as its investigation continues.

1 **INTERROGATORY NO. 2:**

2 Identify by name, purpose, sequence, function and physical location each Process and/or piece
3 of Architecture involved in Private Message Transmission.

4 **RESPONSE TO INTERROGATORY NO. 2:**

5 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
6 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
7 forth in this Response. Facebook further objects to this Interrogatory on the following additional
8 grounds:

9 (A) The Interrogatory is vague and ambiguous in its use of the phrases “Process and/or
10 piece of Architecture” and “Private Message Transmission.”

11 (B) The Interrogatory is compound.

12 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
13 this action to the extent it concerns practices other than those challenged in this action (the alleged
14 increase in the Facebook “Like” count on a website when the URL for that website was contained in
15 a message transmitted through Facebook’s Messages product during the Class Period (December 30,
16 2011 to October 31, 2012)).

17 (D) The Interrogatory is overly broad in that it purports to seek information regarding each
18 “Process and/or piece of Architecture involved in” the transmission of Facebook messages over an
19 extended time period. Facebook will respond to the best of its ability and based on the information
20 known and identified to date, and as limited by the practice challenged in this action (as defined
21 above).

22 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
23 proprietary company information.

24 Subject to and without waiving the foregoing general and specific objections, and subject to
25 the ongoing nature of discovery in this action, Facebook responds as follows:

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[REDACTED]

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3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

15 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
16 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
17 forth in this Response. Facebook further objects to this Interrogatory on the following additional
18 grounds:

- 19 (A) The Interrogatory is vague and ambiguous in its use of the phrases “Process and/or
20 piece of Architecture” and “Private Message Transmission.”
- 21 (B) The Interrogatory is compound.
- 22 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
23 this action to the extent it concerns practices other than those challenged in this action (the alleged
24 increase in the Facebook “Like” count on a website when the URL for that website was contained in
25 a message transmitted through Facebook’s Messages product during the Class Period (December 30,
26 2011 to approximately December 20, 2012)).
- 27 (D) The Interrogatory is overly broad in that it purports to seek information regarding each
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1 “Process and/or piece of Architecture involved in” the transmission of Facebook messages over an
2 extended time period. Facebook will respond to the best of its ability and based on the information
3 known and identified to date, and as limited by the practice challenged in this action (as defined
4 above).

5 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
6 proprietary company information.

7 Subject to and without waiving the foregoing general and specific objections, and subject to
8 the ongoing nature of discovery in this action, Facebook responds as follows:

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
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[REDACTED]

INTERROGATORY NO. 3:

For each Process and/or piece of Architecture identified in Interrogatory No. 2, identify whether – and the manner in which – such Process and/or piece of Architecture scans, analyzes, or

1 extracts Private Message Content.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
4 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
5 forth in this Response. Facebook further objects to this Interrogatory on the following additional
6 grounds:

7 (A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Process
8 and/or piece of Architecture,” “Private Message Content,” “scans,” “analyzes,” and “extracts.”

9 (B) The Interrogatory is compound.

10 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
11 this action to the extent it concerns practices other than those challenged (the alleged increase in the
12 Facebook “Like” count on a website when the URL for that website was contained in a message
13 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
14 October 31, 2012)).

15 (D) The Interrogatory is overly broad in that it purports to seek additional information
16 regarding each “Process and/or piece of Architecture involved in” the transmission of Facebook
17 messages over an extended time period. Facebook will respond to the best of its ability and based on
18 the information known and identified to date, and as limited by the practice challenged in this action
19 (as defined above).

20 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
21 proprietary company information.

22 Subject to and without waiving the foregoing general and specific objections, and subject to
23 the ongoing nature of discovery in this action, Facebook responds as follows:

24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

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[REDACTED]

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9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

13 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
14 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
15 forth in this Response. Facebook further objects to this Interrogatory on the following additional
16 grounds:

17 (A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Process
18 and/or piece of Architecture,” “Private Message Content,” “scans,” “analyzes,” and “extracts.”

19 (B) The Interrogatory is compound.

20 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
21 this action to the extent it concerns practices other than those challenged (the alleged increase in the
22 Facebook “Like” count on a website when the URL for that website was contained in a message
23 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
24 approximately December 20, 2012).

25 (D) The Interrogatory is overly broad in that it purports to seek additional information
26 regarding each “Process and/or piece of Architecture involved in” the transmission of Facebook
27 messages over an extended time period. Facebook will respond to the best of its ability and based on
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1 the information known and identified to date, and as limited by the practice challenged in this action
2 (as defined above).

3 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
4 proprietary company information.

5 Subject to and without waiving the foregoing general and specific objections, and subject to
6 the ongoing nature of discovery in this action, Facebook responds as follows:

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
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14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 **INTERROGATORY NO. 4:**

24 For each Process and/or piece of Architecture identified in Interrogatory No. 3, identify all
25 uses to which the scanned/analyzed/extracted Private Message Content – as well as any additional
26 data, metadata or other content generated therefrom – are put.

1 **RESPONSE TO INTERROGATORY NO. 4:**

2 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
3 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
4 forth in this Response. Facebook further objects to this Interrogatory on the following additional
5 grounds:

6 (A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Process
7 and/or piece of Architecture,” “Private Message Content,” “scanned,” “analyzed,” and “extracted.”

8 (B) The Interrogatory is compound.

9 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
10 this action to the extent it concerns practices other than those challenged (the alleged increase in the
11 Facebook “Like” count on a website when the URL for that website was contained in a message
12 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
13 October 31, 2012)).

14 (D) The Interrogatory is overly broad in that it purports to seek additional information
15 regarding each “Process and/or piece of Architecture involved in” the transmission of Facebook
16 messages over an extended time period. Facebook will respond to the best of its ability and based on
17 the information known and identified to date, and as limited by the practice challenged in this action
18 (as defined above).

19 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
20 proprietary company information.

21 Subject to and without waiving the foregoing general and specific objections, and subject to
22 the ongoing nature of discovery in this action, Facebook responds as follows:

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

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[REDACTED]

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[REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

6 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
7 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
8 forth in this Response. Facebook further objects to this Interrogatory on the following additional
9 grounds:

10 (A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Process
11 and/or piece of Architecture,” “Private Message Content,” “scanned,” “analyzed,” and “extracted.”

12 (B) The Interrogatory is compound.

13 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
14 this action to the extent it concerns practices other than those challenged (the alleged increase in the
15 Facebook “Like” count on a website when the URL for that website was contained in a message
16 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
17 approximately December 20, 2012)).

18 (D) The Interrogatory is overly broad in that it purports to seek additional information
19 regarding each “Process and/or piece of Architecture involved in” the transmission of Facebook
20 messages over an extended time period. Facebook will respond to the best of its ability and based on
21 the information known and identified to date, and as limited by the practice challenged in this action
22 (as defined above).

23 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
24 proprietary company information.

25 Subject to and without waiving the foregoing general and specific objections, and subject to
26 the ongoing nature of discovery in this action, Facebook responds as follows:

27 [REDACTED]

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[REDACTED]

INTERROGATORY NO. 5:

Identify by name, purpose, sequence, function and physical location each Process and/or piece of Architecture involved in the creation, development, or maintenance of Facebook User Profiles.

RESPONSE TO INTERROGATORY NO. 5:

Facebook restates and incorporates its Preliminary Statement, General Objections, Objections to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set forth in this Response. Facebook further objects to this Interrogatory on the following additional grounds:

(A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Process and/or piece of Architecture,” “Facebook User Profiles,” “purpose,” “sequence,” “function,” and “physical location.”

(B) The Interrogatory is compound.

1 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
2 this action to the extent it concerns practices other than those challenged (the alleged increase in the
3 Facebook “Like” count on a website when the URL for that website was contained in a message
4 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
5 October 31, 2012)).

6 (D) The Interrogatory is overly broad in that it purports to seek information regarding each
7 “Process and/or piece of Architecture involved in the creation, development, or maintenance of
8 Facebook User Profiles” over an extended time period. Facebook will respond to the best of its
9 ability and based on the information known and identified to date, and as limited by the practice
10 challenged in this action (as defined above).

11 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
12 proprietary company information.

13 Subject to and without waiving the foregoing general and specific objections, and subject to
14 the ongoing nature of discovery in this action, Facebook responds as follows:

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

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[REDACTED]

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:

Facebook restates and incorporates its Preliminary Statement, General Objections, Objections to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set forth in this Response. Facebook further objects to this Interrogatory on the following additional grounds:

(A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Process and/or piece of Architecture,” “Facebook User Profiles,” “purpose,” “sequence,” “function,” and “physical location.”

(B) The Interrogatory is compound.

1 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
2 this action to the extent it concerns practices other than those challenged (the alleged increase in the
3 Facebook “Like” count on a website when the URL for that website was contained in a message
4 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
5 approximately December 20, 2012)).

6 (D) The Interrogatory is overly broad in that it purports to seek information regarding each
7 “Process and/or piece of Architecture involved in the creation, development, or maintenance of
8 Facebook User Profiles” over an extended time period. Facebook will respond to the best of its
9 ability and based on the information known and identified to date, and as limited by the practice
10 challenged in this action (as defined above).

11 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
12 proprietary company information.

13 Subject to and without waiving the foregoing general and specific objections, and subject to
14 the ongoing nature of discovery in this action, Facebook responds as follows:

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
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25 [REDACTED]
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INTERROGATORY NO. 6:

Identify all possible fields or data points that can comprise a Facebook User Profile.

RESPONSE TO INTERROGATORY NO. 6:

Facebook restates and incorporates its Preliminary Statement, General Objections, Objections to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set forth in this Response. Facebook further objects to this Interrogatory on the following additional grounds:

(A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Facebook User Profile” and “all possible fields or data points.”

1 (B) The Interrogatory is compound.

2 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
3 this action to the extent it concerns practices other than those challenged (the alleged increase in the
4 Facebook “Like” count on a website when the URL for that website was contained in a message
5 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
6 October 31, 2012)).

7 (D) The Interrogatory is overly broad in that it purports to seek information regarding “all
8 possible fields or data points that can comprise a Facebook User Profile” over an extended time
9 period. Facebook will respond to the best of its ability and based on the information known and
10 identified to date, and as limited by the practice challenged in this action (as defined above).

11 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
12 proprietary company information.

13 Subject to and without waiving the foregoing general and specific objections, and subject to
14 the ongoing nature of discovery in this action, Facebook responds as follows:

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

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[REDACTED]

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

Facebook restates and incorporates its Preliminary Statement, General Objections, Objections to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set forth in this Response. Facebook further objects to this Interrogatory on the following additional grounds:

- (A) The Interrogatory is vague and ambiguous in its use of the terms and phrases “Facebook User Profile” and “all possible fields or data points.”
- (B) The Interrogatory is compound.
- (C) The Interrogatory seeks information that is not relevant to the claims or defenses in

1 this action to the extent it concerns practices other than those challenged (the alleged increase in the
2 Facebook “Like” count on a website when the URL for that website was contained in a message
3 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
4 approximately December 20, 2012)).

5 (D) The Interrogatory is overly broad in that it purports to seek information regarding “all
6 possible fields or data points that can comprise a Facebook User Profile” over an extended time
7 period. Facebook will respond to the best of its ability and based on the information known and
8 identified to date, and as limited by the practice challenged in this action (as defined above).

9 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
10 proprietary company information.

11 Subject to and without waiving the foregoing general and specific objections, and subject to
12 the ongoing nature of discovery in this action, Facebook responds as follows:

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
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[REDACTED]

INTERROGATORY NO. 7:

For each field or data point identified in Interrogatory No. 6, identify whether – and the manner in which – such field or data point can be accessed, in any form, by Third Parties, including but not limited to Developers, Third Party websites, and Facebook Users.

RESPONSE TO INTERROGATORY NO. 7:

Facebook restates and incorporates its Preliminary Statement, General Objections, Objections to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set forth in this Response. Facebook further objects to this Interrogatory on the following additional grounds:

(A) The Interrogatory is vague and ambiguous in its use of the terms “field,” “data point,” “Developers,” and “Third Party websites.”

1 (B) The Interrogatory is compound.

2 (C) The Interrogatory seeks information that is not relevant to the claims or defenses in
3 this action to the extent it concerns practices other than those challenged (the alleged increase in the
4 Facebook “Like” count on a website when the URL for that website was contained in a message
5 transmitted through Facebook’s Messages product during the Class Period (December 30, 2011 to
6 October 31, 2012)). Facebook interprets this Interrogatory as limited to the practice challenged in
7 this action.

8 (D) The Interrogatory is overly broad in that it purports to seek information regarding
9 “each field or data point identified in Interrogatory No. 6” over an extended time period. Facebook
10 will respond to the best of its ability and based on the information known and identified to date, and
11 as limited by the practice challenged in this action (as defined above).

12 (E) The Interrogatory seeks information that reflects trade secrets, confidential, and/or
13 proprietary company information.

14 Subject to and without waiving the foregoing general and specific objections, and subject to
15 the ongoing nature of discovery in this action, Facebook responds as follows:

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:**

23 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
24 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
25 forth in this Response. Facebook further objects to this Interrogatory on the following additional
26 grounds:

1 VERIFICATION

2 I, Alex Himel, declare as follows:

3 I am an Engineering Director at Defendant Facebook, Inc. ("Facebook") and am authorized to
4 execute this Verification on behalf of Facebook. I have read the foregoing DEFENDANT
5 FACEBOOK, INC.'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO PLAINTIFFS'
6 FIRST SET OF INTERROGATORIES. I understand that the facts stated in Facebook's Responses
7 were assembled by authorized employees, agents, and/or legal representatives of Facebook and am
8 informed and believed that, subject to any inadvertent errors or omissions, the information contained
9 in those Responses is true and correct based on the records of Facebook and information reasonably
10 available to its employees, agents, and/or legal representatives. Facebook reserves the right to correct
11 any inadvertent errors or omissions in this document that may come to its attention.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct and that this Verification was executed on September __, 2015 in Menlo
14 Park, California.

15 
16 _____
17 Alex Himel

1 **PROOF OF SERVICE**

2 I, Ashley M. Rogers, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On September 8, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S SUPPLEMENTAL RESPONSES AND**
6 **OBJECTIONS TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

7 on the parties stated below, by the following means of service:

8 David F. Slade
9 dslade@cbplaw.com
10 James Allen Carney
11 acarney@cbplaw.com
12 Joseph Henry Bates, III
13 Carney Bates & Pulliam, PLLC
14 hbates@cbplaw.com

15 Melissa Ann Gardner
16 mgardner@lchb.com
17 Nicholas Diamand
18 ndiamand@lchb.com
19 Rachel Geman
20 rgeman@lchb.com
21 Michael W. Sobol
22 Lieff Cabraser Heimann & Bernstein, LLP
23 msobol@lchb.com

- 24 **BY ELECTRONIC SERVICE:** On the above-mentioned date based on an agreement of
25 the parties to accept service by electronic transmission, I caused the document to be sent to
26 the persons at the electronic notification addresses as shown above.
- 27 I am employed in the office of Joshua A. Jessen and am a member of the bar of this court.
- 28 I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 8, 2015.

/s/
Ashley M. Rogers