EXHIBIT 49

REDACTED VERSION OF DOCUMENT(S) SOUGHT TO BE SEALED

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISON

MATTHEW CAMPBELL and MICHAEL HURLEY, Plaintiffs, v. FACEBOOK, INC., Defendant.	Case No. C 13-05996 PJH (MEJ) **PUTATIVE CLASS ACTION** **DECLARATION OF DAN FECHETE IN SUPPORT OF DEFENDANT FACEBOOK, INC.'S OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

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DECLARATION OF DAN FECHETE IN SUPPORT OF DEFENDANT FACEBOOK, INC.'S OPPOSITION TO PLAINTIFFS'
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Case No. C 13-05996 PJH (MEJ)
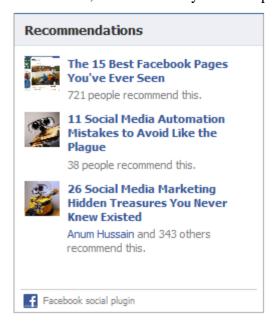
I, Dan Fechete, declare as follows:

1.   I have been employed as a software engineer at Facebook since October 2011, and my current title is Engineering Manager. I am over the age of 18. Since I joined Facebook, I have worked on Facebook's Developer Platform, and, until they were deprecated, my work encompassed Facebook's "Recommendations" and "Activity Feed" plugins and certain Facebook services related to those plugins. The following facts reflecting functionality prior to October 2011 are based on my review of the cited documents and related source code. The following facts reflecting functionality after October 2011 are based on my review of the cited documents and related source code, as well as my personal knowledge. If called and sworn as a witness, I could and would testify competently to these facts.

2.   I provide this Declaration to explain certain facts regarding Facebook's software code as it relates to Facebook's "Recommendations" and "Activity Feed" plugins and certain Facebook services related to those plugins, particularly as they related to uniform resource locators ("URLs") in messages sent and received through the Facebook platform.

3.   I understand that on November 13, 2015, Plaintiffs filed a Motion for Certification of the following proposed class:

> All natural-person Facebook users located within the United States who have sent, or received from a Facebook user, private messages that included URLs in their content (and from which Facebook generated a URL attachment), from within two years before the filing of this action up through the date of the certification of the class.

I understand that Plaintiffs filed their action on December 30, 2013, and that therefore the relevant period for Plaintiffs' new purported class is December 30, 2011 to present (the "Class Period").

4.   I understand that Plaintiffs have submitted an expert report from Dr. Jennifer Golbeck in support of their Motion for Certification, which purports to describe Facebook's "interception and acquisition of the URL attachments in Private Messages," as well as purported "uses" of that data—including use in "External Recommendations," "Taste," and "Activity Feed." I also understand that her report (as well as her deposition testimony) included the statements cited herein.

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Overview of Recommendations Plugin and "Taste"

8.   Facebook's Recommendations Feed[1] was a social plugin offered to developers that displayed a list of URLs representing the most recommended webpages on that developer's site.   If someone was logged into Facebook when he or she visited the developer's website, Recommendations Feed prioritized information that was subject to certain actions by that person's Facebook friends, including friends' clicking on a "Like" button on a given webpage. For example, a site that publishes articles might display the most recommended articles and those articles recommended by a friend of the viewer, as illustrated by the example below:

9.   The general purpose of the Recommendations Feed was to help people discover web information that they were likely to want to view, enjoy, and interact with. It was part of a set of social plugins announced at the same time (April 2010), all of which were designed to personalize non-Facebook webpages with information that a particular person would find valuable, in order to personalize the internet at large with social context in order to facilitate information discovery and encourage social interaction.

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[1] Dr. Golbeck refers to this as the "Recommendations widget." (Golbeck Report ¶ 60.)

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10.   Facebook's Recommendations Feed was announced to the public at Facebook's F8 conference in April 2010 (a conference where Facebook announces new products and features). In addition to the Recommendations Feed, the Recommendations "API" was an interface on or from a Facebook webpage that allowed people to write queries to display the same information presented by the Feed.[2] Likewise, the Recommendations "Bar" was a later implementation of the same Recommendations Feed, but also added the ability for the viewer to "Like" or "Share" the Recommended information. It was introduced on July 26, 2012. Unless otherwise indicated below, the Recommendations API and Recommendations Bar reflected the same information displayed by the Recommendations Feed at a given time for a given URL viewed by a given person. The Recommendations Feed (and related Bar and API) were discontinued on June 23, 2015.

[2] Dr. Golbeck refers to this as "an API call in RecommendationsGetAPI.php." (*Id.*)

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16   30.   From June 23, 2015, when the Recommendations Feed was discontinued, to present,

17   the Recommendations Feed has not existed.

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Activity Feed Plugin

38.   Facebook's Activity Feed was a social plugin offered to developers that displayed a list of recent activity taken on that developer's site. If someone was logged into Facebook when she visited the developer's site, Activity Feed prioritized actions by that person's Facebook friends, particularly friends' clicking on a "Like" button on a given webpage. If the person was not logged in, or there was not enough activity to fill the Activity Feed, the Activity Feed would have reflected URLs from the Recommendations Feed. Developers also could have configured the plugin to show both the Activity Feed and Recommendations Feed.

39.   The general purpose of the Activity Feed was similar to the Recommendations Feed, to help people discover web information that they were likely to want to view, enjoy, and interact with.

40.   Facebook's Activity Feed was announced to the public at Facebook's F8 conference in April 2010. The Activity Feed was discontinued on June 23, 2015.

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19   I declare under penalty of perjury under the laws of the United States of America that the

20   foregoing is true and correct and that this declaration was executed on January 15, 2016 in Menlo

21   Park, California.

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23   /s/ Dan Fechete
                                                                      Dan Fechete

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ATTORNEY ATTESTATION

I, Christopher Chorba, attest that concurrence in the filing of this Declaration of Dan Fechete 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 15th day of January, 2016, in Los Angeles, California.

Dated: January 15, 2016

/s/ Christopher Chorba
Christopher Chorba

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