EXHIBIT OO

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISON

MATTHEW CAMPBELL, MICHAEL HURLEY, and DAVID SHADPOUR, Plaintiffs, v. FACEBOOK, INC., Defendant.	Case No. C 13-05996 PJH (MEJ) **PUTATIVE CLASS ACTION** **DECLARATION OF ALEX HIMEL ON BEHALF OF DEFENDANT FACEBOOK, INC.**

HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY

I, Alex Himel, declare as follows:

1. I have been employed as a software engineer at Facebook since April 2009, and my current title is Engineering Director. From 2009-2014, I worked on Facebook's Developer Platform, and my work encompassed Facebook's "Share" button, Facebook's "Like" button, and the code that keeps track of the "count" features associated with "Share" and "Like." I have personal knowledge of the matters stated herein and, if called as a witness, could and would testify competently thereto. I provide this Declaration to explain certain facts regarding Facebook's software code as it relates to detecting uniform resource locators ("URLs") in messages sent and received through the Facebook platform and the relationship of any such URLs to certain social plugins served by Facebook and visible on third-party websites. In particular, I refer below to the count associated with a Facebook "Like" social plugin on third-party websites (the "Like" count). I also explain the termination of related practices in October and December 2012.

2. I understand the purported class in this action to consist of Facebook users located within the United States who have sent or received messages that included URLs in the body of the message from December 30, 2011 until in or around late 2012, when the practice of including URL shares in messages in the count on third-party websites ceased ("the Relevant Period").

Facebook's Source Code

3. Attached as Exhibits A through G are true and correct copies of documents from an internal Facebook system [redacted]. These documents, [redacted] include the date o[redacted], a description [redacted], and the [redacted]. The relevant [redacted] is on the left, and the relevant [redacted] is on the right. [redacted].

4. To the extent that the above-mentioned documents contain source code, this code has been redacted for several reasons.

5. First, Facebook's source code is a closely guarded trade secret of enormous economic value. Providing it to outside parties increases the risk of further disclosure and therefore poses a risk of substantial competitive harm. Disclosure of source code outside of Facebook erodes Facebook's efforts to protect the code in which Facebook has invested significant resources and which comprises a significant part of Facebook's product offering and competitive advantage. Indeed, the code reflected in [redacted] is the product of thousands of engineering hours. Revealing the code that generates Facebook's proprietary design and functionalities could cause catastrophic competitive harm by allowing others to replicate that design and functionality without making the same investment of time, money, and personnel.

6. Second, disclosing portions of Facebook's source code would reveal the methods used to protect Facebook's users and the integrity of the Facebook platform, and could undermine both of these efforts. Facebook's source code includes complex safety and security features that detect spam, detect and prevent abuse of the system, and protect users from malware, among other things. These features not only provide for a better and more enjoyable product (another competitive advantage for Facebook), but also protect Facebook and its users from harm and loss associated with unsolicited and dangerous content and activities by third parties. The effectiveness of these systems depends in part on their secrecy. Disclosure of Facebook's security methods would potentially allow hackers and abusers to threaten users and the system.

7. In the context of certain types of litigation (such as patent litigation) where there may be a legitimate need for source code inspection, I am aware that Facebook negotiates specific protections for source code and implements detailed and time-consuming protocols for handling source code, as well as extensive limitations on the use of source code materials, disclosure, and future restrictions on the conduct of individuals exposed to source code materials.

8. In the present case, evidence other than source code is available to demonstrate the processes and functionality at issue. In particular, the non-code information embodied in [redacted] —effectively demonstrates the processes and functionality at issue. Additionally, the source code for the processes and functionality at issue is not

limited or contained in any discrete way; that is, it is interconnected with other source code at Facebook. Therefore, if Facebook were required to make source code available in this matter, it would have little choice but to grant access to a significant amount of source code that has nothing to do with the allegations in this case.

Share and Like Functionality

9. During the Relevant Period, Facebook offered websites "social plugins," or units of embeddable code that allow users to share information using Facebook directly from third-party websites. A third-party website may have embedded code for the Facebook "Like" button plugin on its website, enabling Facebook users to directly "Like" the website and to share that action with their Facebook connections (without having to return to https://www.facebook.com or the Facebook mobile app to share the content). The "Like" button plugin also may have displayed an anonymous and aggregate count of all "Likes" for that particular website (the above-referenced "Like" count). Facebook also offered a "Share" button, which also may have displayed an anonymous and aggregate count of all "Shares" for that particular website (the "Share" count).

10. In September 2009, Facebook enabled functionality that would ultimately allow third-party website developers to provide a count associated with a "Share" button on their websites. Attached as Exhibit A is a [redacted]

[redacted] Ex. A at 5, 7-8. In addition to the overall "Share count," third-party website developers also could view the public API statistics indicating how many times a particular URL was shared. The public API statistics did not include statistics indicating (specifically or by inference) how many times a given URL was shared using the "Share" button and choosing "in a private message."

11. In October 2009, Facebook [redacted] Ex. B at 3-5.

12. At our F8 Developer Conference on April 21, 2010, Facebook announced the public launch of the "Like" button, which also included a count feature reflecting the number of times a user had clicked or commented on the "Like" button on that third-party website. The [redacted].

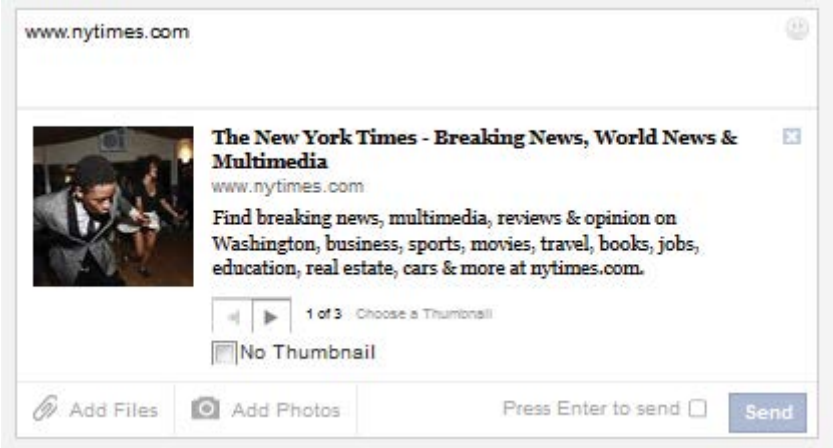
13. In May 2010, Facebook [redacted]. Attached as Exhibit C is a [redacted]

[redacted] Ex. C at 5.

URL Preview

14. During the Relevant Period, Facebook's service included a Messages product, which allowed users to exchange messages that could be viewed in the recipient user's Messages folder. Beginning in August 2010, Facebook's source code included functionality supporting a feature [redacted]

15. [redacted]—including a brief description of the URL and, if available, a relevant image from the website, as illustrated by the example below:



16. [redacted]

[redacted].

17. If a user proceeded to send a message, [redacted]. [redacted].[1] [redacted]

18. Attached as Exhibit D is the [redacted].[2] As described [redacted]

[1] [redacted]

[2] Titan was the internal name for the Facebook Messages product.

Modification of the Like and Share Counts

19. "Like" and "Share" counts visible on third-party websites that embedded those social plugins.

20. On or around October 4, 2012, I was made aware of a bug that resulted in an increase of the "Like" count by 2 for each URL attachment sent with a message. I then Exhibit E is a I wrote, ' ' Ex. E at 1-2. Revised lines 32-45 show that

21. A few days later, I Attached as Exhibit F is a reflecting ' Ex. F at 3-4. For instance, revised lines 16-27 demonstrate that

Ex. E at 4.

22. My However, I later learned that my and, in December 2012, Facebook Revised lines 131-132 demonstrate the Ex. G at 7. Revised lines 293-299 likewise demonstrate that

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on June 1, 2015 in Menlo Park, California.

Alex Himel

EXHIBIT A