

EXHIBIT 4

1 GIBSON, DUNN & CRUTCHER LLP
2 JOSHUA A. JESSEN, SBN 222831
3 JJessen@gibsondunn.com
4 JEANA BISNAR MAUTE, SBN 290573
5 JBisnarMaute@gibsondunn.com
6 ASHLEY M. ROGERS, SBN 286252
7 ARogers@gibsondunn.com
8 1881 Page Mill Road
9 Palo Alto, California 94304
10 Telephone: (650) 849-5300
11 Facsimile: (650) 849-5333

8 GIBSON, DUNN & CRUTCHER LLP
9 GAIL E. LEES, SBN 90363
10 GLees@gibsondunn.com
11 CHRISTOPHER CHORBA, SBN 216692
12 CChorba@gibsondunn.com
13 333 South Grand Avenue
14 Los Angeles, California 90071
15 Telephone: (213) 229-7000
16 Facsimile: (213) 229-7520

13 Attorneys for Defendant
14 FACEBOOK, INC.

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
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS**

1 Defendant Facebook, Inc. (“Defendant” or “Facebook”), by and through its attorneys, and
2 pursuant to Rules 26 and 34 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 responses and objections to Plaintiffs’ First Set of Requests for
5 Production of Documents (the “Requests”).

6 **PRELIMINARY STATEMENT**

7 1. Before the further production of information, Facebook will meet and confer with
8 Plaintiffs regarding the entry of a Confidentiality and Protective Order to protect confidential,
9 proprietary, and trade secret materials.

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

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

17 4. Facebook’s responses are premised on its understanding that Plaintiffs seek only that
18 information that is within Facebook’s possession, custody, and control.

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

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

26 **GENERAL OBJECTIONS**

27 1. Facebook objects to each Request, including the Definitions and Instructions, to the
28 extent that it purports to impose obligations beyond those imposed by the Federal Rules of Civil

1 Procedure, the Federal Rules of Evidence, the Local Civil Rules of the U.S. District Court for the
2 Northern District of California, and any agreements between the parties.

3 2. Facebook objects to each Request to the extent that it is not limited to the relevant
4 time period, thus making the Request overly broad, unduly burdensome, and not relevant to the
5 claims or defenses in this action. Unless otherwise specified in its responses, Facebook's response
6 will be limited to information generated between December 30, 2011 and October 31, 2012.

7 3. Facebook objects to each Request to the extent that it seeks information unrelated and
8 irrelevant to the claims or defenses in this litigation and not reasonably calculated to lead to the
9 discovery of admissible evidence.

10 4. Facebook objects to each Request as overly broad and unduly burdensome,
11 particularly in view of Facebook's disproportionate cost necessary to investigate as weighed against
12 Plaintiffs' need for the information. For example, many of the Requests seek broad and vaguely
13 defined categories of materials that are not reasonably tailored to the subject matter of this action.

14 5. Facebook objects to each Request to the extent that it purports to request the
15 identification and disclosure of information or documents that were prepared in anticipation of
16 litigation, constitute attorney work product, reveal privileged attorney-client communications, or are
17 otherwise protected from disclosure under any applicable privileges, laws, or rules. Facebook hereby
18 asserts all such applicable privileges and protections, and excludes privileged and protected
19 information from its responses to each Request. *See generally* Fed. R. Evid. 502; Cal. Code Evid.
20 § 954. Inadvertent production of any information or documents that are privileged or otherwise
21 immune from discovery shall not constitute a waiver of any privilege or of any other ground for
22 objecting to the discovery with respect to such information or documents or the subject matter
23 thereof, or the right of Facebook to object to the use of any such information or documents or the
24 subject matter thereof during these or any other proceedings. In the event of inadvertent disclosure
25 of any information or inadvertent production or identification of documents or communications that
26 are privileged or otherwise immune from discovery, Plaintiffs will return the information and
27 documents to Facebook and will be precluded from disclosing or relying upon such information or
28 documents in any way.

1 6. Facebook objects to each and every Request, Definition, and Instruction to the extent
2 that it seeks information outside of Facebook’s possession, custody, and control.

3 7. Facebook objects to each Request to the extent that it requests information protected
4 by the right of privacy of Facebook and/or third parties, or information that is confidential,
5 proprietary, or competitively sensitive.

6 8. Facebook objects to each Request to the extent that it seeks documents or information
7 already in Plaintiffs’ possession or available in the public domain. Such information is equally
8 available to Plaintiffs.

9 9. Facebook objects to each Request to the extent that it calls for the production of
10 “each,” “every,” “any,” or “all” documents in cases where such a demand is overly broad and/or
11 causes undue burden and expense.

12 10. Facebook objects to the production of Documents within thirty (30) days of service
13 and will produce Documents at a mutually agreed upon time after entry of a protective order.

14 11. Facebook objects to the production of source code and/or documents or information
15 related or relating to source code. Facebook’s source code is a closely guarded trade secret, and
16 production could compromise Facebook’s efforts to ensure site integrity and protect users. The
17 burden and risks on Facebook vastly exceed any alleged probative value to Plaintiffs, who may
18 obtain the information they need through less intrusive means (such as documents relating to the
19 practices challenged in this action). This is not a patent or other intellectual property dispute in
20 which Plaintiffs assert some ownership or proprietary interest in Facebook’s source code. Production
21 of source code would require extensive time and expense for Facebook—including the negotiation of
22 a source-code-specific protective order and the implementation of detailed and time-consuming
23 protocols for handling source code material, as well as limitations on the use of source code
24 materials, expert retention, disclosure, and going-forward restrictions on the conduct of individuals
25 exposed to source code materials. Because it is inappropriate to produce source code in this action, it
26 is also inappropriate to produce documents related or relating to source code.

27 **OBJECTIONS TO DEFINITIONS**

28 1. Facebook objects to Plaintiffs’ definition of “Active Likes” as vague, ambiguous,

1 overly broad, and unduly burdensome. Facebook further objects to the definition to the extent that
2 Plaintiffs purport to use this defined term to seek materials that are not relevant to the claims and
3 defenses in this action, particularly as a result of its reference to the undefined term, “Social Plugin.”
4 Facebook construes the term “Social Plugin” to have the meaning attributed to that term in the
5 operative versions of Facebook’s Data Use Policy.

6 2. Facebook objects to Plaintiffs’ definition of “Architecture” as vague, ambiguous,
7 overly broad, and unduly burdensome. Facebook further objects to the definition to the extent that
8 Plaintiffs purport to use this defined term to seek materials that are not relevant to the claims and
9 defenses in this action, particularly as a result of its use of the phrase “including but not limited to”
10 and the undefined term “Your services.”

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

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

23 5. Facebook objects to Plaintiffs’ definition of “Passive Likes” as vague, ambiguous,
24 overly broad, and unduly burdensome. Facebook further objects to the definition to the extent that
25 Plaintiffs purport to use this defined term to seek materials that are not relevant to the claims and
26 defenses in this action. Facebook construes the term “Passive Likes” as it relates to the practice
27 challenged in this action (the alleged increase in the Facebook “Like” count on a website when the
28

1 URL for that website was contained in a message transmitted through Facebook’s Messages product
2 during the class period (December 30, 2011 to October 31, 2012)).

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

7 7. Facebook objects to Plaintiffs’ definition of “Private Message(s)” to the extent that it
8 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.

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

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

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

25 11. Facebook objects to Plaintiffs’ definition of “Targeted Advertising” as vague,
26 ambiguous, overly broad, and unduly burdensome. Facebook further objects to the definition to the
27 extent that Plaintiffs purport to use this defined term to seek materials that are not relevant to the
28 claims and defenses in this action. Facebook construes the term “Targeted Advertising” to refer to

1 the service described under the heading “Personalized ads” on page 5 of Facebook’s Data Use Policy,
2 dated September 7, 2011, and page 11 of Facebook’s Data Use Policy, dated June 8, 2012 (*see*
3 FB000000015, FB000000027).

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

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

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

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

20 2. Facebook objects to Plaintiffs’ Instruction No. 2 to the extent that it is not limited to
21 the relevant time period, thus making the Instruction overly broad, unduly burdensome, and not
22 relevant to the claims or defenses in this action. Unless otherwise specified in its responses,
23 Facebook’s response will be limited to information generated between December 30, 2011 and
24 October 31, 2012.

25 3. Facebook objects to Plaintiffs’ Instruction No. 6 as ambiguous and unduly
26 burdensome. Facebook further objects to the Instruction to the extent it seeks the production of
27 irrelevant documents and exceeds the requirements of the Federal and Local Rules.

28

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

2 Facebook objects to Plaintiffs’ proposed “Relevant Time Period” (September 26, 2006, to the
3 present) because it substantially exceeds the proposed class period identified in Plaintiffs’
4 Consolidated Amended Complaint, does not reflect the time period that is relevant to Plaintiffs’
5 claims in this action, and renders the Requests overly broad, unduly burdensome, and irrelevant.
6 Unless otherwise specified, Facebook’s Responses to these Requests will be limited to information
7 generated between December 30, 2011 and October 31, 2012, which is the proposed class period
8 defined in Plaintiffs’ Consolidated Amended Complaint. (*See* Pls.’ Consol. Am. Compl. [Dkt. 25]
9 ¶ 59 & n.3.) Facebook otherwise objects to the remainder of Plaintiffs’ statement regarding the
10 “Relevant Time Period” to the extent that it purports to impose obligations beyond those imposed by
11 the Federal and Local Rules.

12 **SPECIFIC RESPONSES AND OBJECTIONS**

13 **REQUEST FOR PRODUCTION NO. 1:**

14 All Documents and ESI showing Facebook’s organizational structure that identify all current
15 or former Persons at Facebook (including directors, officers, employees, or contractors) who may
16 possess knowledge relevant to this Action.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

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

21 (A) Facebook objects to this Request to the extent that it seeks documents protected from
22 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
23 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
24 documents protected by these privileges and protections.

25 (B) The Request is vague and ambiguous in its use of the phrase “organizational
26 structure.”

27 (C) The Request is overly broad and unduly burdensome as to the time period and to the
28 extent it seeks “All Documents and ESI.”

1 (D) The Request is overly broad, unduly burdensome, and harassing in view of
2 Facebook's cost necessary to investigate as weighed against Plaintiffs' need for the information. This
3 Request purports to seek a wide range of documents related to Facebook's "organizational structure,"
4 regardless of the relevance of those documents to the claims or defenses in this action.

5 (E) The information sought by the Request is more appropriately pursued through an
6 Interrogatory.

7 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
8 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
9 for non-privileged documents sufficient to identify its current and former employees who may
10 possess knowledge relevant to the practice challenged in this action (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), to the extent such documents exist, are within Facebook's custody and control,
14 have not already been produced to Plaintiffs, and can be located using a reasonable search. Facebook
15 will also provide related information in response to Plaintiffs' Interrogatory No. 1.

16 **REQUEST FOR PRODUCTION NO. 2:**

17 Documents and ESI sufficient to identify all databases, networks, or any other repositories of
18 information under Your control that may contain Documents and ESI relevant to this Action.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

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 Request on the following additional grounds:

23 (A) Facebook objects to this Request to the extent that it seeks documents protected from
24 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
25 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
26 documents protected by these privileges and protections.

27 (B) The Request is vague and ambiguous in its use of the phrase "all databases, networks,
28 or any other repositories."

1 (C) The Request is overly broad and unduly burdensome as to the time period and to the
2 extent it seeks “Documents and ESI.”

3 (D) The Request is overly broad, unduly burdensome, and harassing in view of
4 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
5 Request seeks documents identifying data sources, regardless of the relevance of those documents to
6 the claims or defenses in this action.

7 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
8 proprietary company information.

9 (F) The Request seeks to impose obligations that go beyond the requirements of the
10 Federal and Local Rules.

11 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
12 discovery in this action, Facebook responds as follows: Facebook will meet and confer with
13 Plaintiffs’ counsel regarding appropriate sources for responsive, discoverable information consistent
14 with its obligations under the Federal and Local Rules.

15 **REQUEST FOR PRODUCTION NO. 3:**

16 Documents and ESI sufficient to identify all methods and media utilized by Your employees
17 for inter-office (internal) Communication in the course of their work, including but not limited to
18 inter-office mail (electronic and physical), reports (electronic and physical), chats, and video chats, as
19 well as how and where such Communications are stored.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

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

24 (A) Facebook objects to this Request to the extent that it seeks documents protected from
25 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
26 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
27 documents protected by these privileges and protections.

28

1 (B) The Request is vague and ambiguous in its use of the phrases “inter-office (internal)
2 Communication” and “in the course of their work.”

3 (C) The Request is overly broad and unduly burdensome as to the time period and to the
4 extent it seeks “Documents and ESI.”

5 (D) The Request is overly broad, unduly burdensome, and harassing in view of
6 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
7 Request seeks documents identifying all methods of communication and storage, regardless of the
8 relevance of those documents or those communications to the claims or defenses in this action.

9 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
10 proprietary company information.

11 (F) The Request seeks to impose obligations that go beyond the requirements of the
12 Federal and Local Rules.

13 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
14 discovery in this action, Facebook responds as follows: Facebook will meet and confer with
15 Plaintiffs’ counsel regarding appropriate sources for responsive, discoverable information consistent
16 with its obligations under the Federal and Local Rules.

17 **REQUEST FOR PRODUCTION NO. 4:**

18 All Documents and ESI sufficient to identify each Process and/or piece of Architecture
19 involved in Private Message Transmission.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

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

24 (A) Facebook objects to this Request to the extent that it seeks documents protected from
25 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
26 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
27 documents protected by these privileges and protections.

28

1 (B) The Request is vague and ambiguous in its use of the phrases “Process and/or piece of
2 Architecture” and “Private Message Transmission.”

3 (C) The Request is overly broad and unduly burdensome as to the time period and to the
4 extent it seeks “All Documents and ESI.”

5 (D) The Request is overly broad, unduly burdensome, and harassing in view of
6 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
7 Request seeks documents identifying processes, regardless of the relevance of those documents to the
8 claims or defenses in this action.

9 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
10 proprietary company information.

11 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
12 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
13 for non-privileged documents sufficient to identify the processes involved in the practice challenged
14 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
15 website was contained in a message transmitted through Facebook’s Messages product) during the
16 class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within
17 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
18 using a reasonable search.

19 **REQUEST FOR PRODUCTION NO. 5:**

20 All Documents and ESI related to each Process and/or piece of Architecture involved in the
21 scanning of Private Message Content for purposes of creating, augmenting, or otherwise maintaining
22 Facebook User Data Profiles.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

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

27 (A) Facebook objects to this Request to the extent that it seeks documents protected from
28 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other

1 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
2 documents protected by these privileges and protections.

3 (B) The request is vague and ambiguous with respect to its use of the phrases “Process
4 and/or piece of Architecture,” “Private Message Content,” and “Facebook User Data Profiles.”

5 (C) The Request is overly broad and unduly burdensome as to the time period and to the
6 extent it seeks “All Documents and ESI.”

7 (D) The Request is overly broad, unduly burdensome, and harassing in view of
8 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
9 Request seeks all documents “related to” certain processes, regardless of the relevance of those
10 documents to the claims or defenses in this action.

11 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
12 proprietary company information.

13 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
14 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
15 for non-privileged documents sufficient to identify the processes involved in the practice challenged
16 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
17 website was contained in a message transmitted through Facebook’s Messages product) during the
18 class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within
19 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
20 using a reasonable search.

21 **REQUEST FOR PRODUCTION NO. 6:**

22 All Documents and ESI related to each Process and/or piece of Architecture involved in the
23 acquisition of data, metadata, or other content from Private Messages, for purposes of creating,
24 augmenting, or otherwise maintaining Facebook User Data Profiles.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

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

1 (A) Facebook objects to this Request to the extent that it seeks documents protected from
2 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
3 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
4 documents protected by these privileges and protections.

5 (B) The Request is vague and ambiguous in its use of the terms and phrases “Process
6 and/or piece of Architecture,” “content,” “Private Messages,” and “Facebook User Data Profiles.”

7 (C) The Request is overly broad and unduly burdensome as to the time period and to the
8 extent it seeks “All Documents and ESI.”

9 (D) The Request is overly broad, unduly burdensome, and harassing in view of
10 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information.
11 This Request seeks all documents “related to” certain processes, regardless of the relevance of those
12 documents to the claims or defenses in this action.

13 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
14 proprietary company information.

15 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
16 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
17 for non-privileged documents sufficient to identify the processes involved in the practice challenged
18 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
19 website was contained in a message transmitted through Facebook’s Messages product) during the
20 class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within
21 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
22 using a reasonable search.

23 **REQUEST FOR PRODUCTION NO. 7:**

24 All Documents and ESI sufficient to identify each Process and/or piece of Architecture
25 involved in spam filtering.
26
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

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 Request on the following additional grounds:

5 (A) Facebook objects to this Request to the extent that it seeks documents protected from
6 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
7 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
8 documents protected by these privileges and protections.

9 (B) The Request is vague and ambiguous in its use of the phrases “Process and/or piece of
10 Architecture” and “spam filtering.”

11 (C) The Request is overly broad and unduly burdensome as to the time period and to the
12 extent it seeks “All Documents and ESI.”

13 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
14 proprietary company information.

15 (E) The burden and risks on Facebook in producing this information vastly exceed any
16 alleged probative value to Plaintiffs. Production of all documents sufficient to identify each “Process
17 and/or piece of Architecture involved in spam filtering” would require Facebook to disclose sensitive
18 company trade secrets that are necessary to protect Facebook users from spam, and to protect the
19 overall integrity and security of the site for users.

20 (F) The Request seeks documents that are not relevant to the claims or defenses in this
21 action and are not reasonably calculated to lead to the discovery of admissible evidence.

22 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
23 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
24 for non-privileged documents sufficient to show that Facebook used certain processes for spam
25 filtering in connection with Facebook’s Messages product during the class period (December 30,
26 2011 to October 31, 2012), to the extent such documents exist, are within Facebook’s custody and
27 control, have not already been produced to Plaintiffs, and can be located using a reasonable search.

28

1 **REQUEST FOR PRODUCTION NO. 8:**

2 All Documents and ESI sufficient to identify each Process and/or piece of Architecture
3 involved in malware filtering.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

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 Request on the following additional grounds:

8 (A) Facebook objects to this Request to the extent that it seeks documents protected from
9 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
10 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
11 documents protected by these privileges and protections.

12 (B) The Request is vague and ambiguous in its use of the phrases “Process and/or piece of
13 Architecture” and “malware filtering.”

14 (C) The Request is overly broad and unduly burdensome as to the time period and to the
15 extent it seeks “All Documents and ESI.”

16 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
17 proprietary company information.

18 (E) The burden and risks on Facebook in producing this information vastly exceed any
19 alleged probative value to Plaintiffs. Production of all documents sufficient to identify each “Process
20 and/or piece of Architecture involved in malware filtering” would require Facebook to disclose
21 sensitive company trade secrets that are necessary to protect Facebook users from malware, and to
22 protect the overall integrity and security of the site for users.

23 (F) The Request seeks documents that are not relevant to the claims or defenses in this
24 action and are not reasonably calculated to lead to the discovery of admissible evidence.

25 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
26 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
27 for non-privileged documents sufficient to show that Facebook used certain processes for combatting
28 malware in connection with Facebook’s Messages product during the class period (December 30,

1 2011 to October 31, 2012), to the extent such documents exist, are within Facebook’s custody and
2 control, have not already been produced to Plaintiffs, and can be located using a reasonable search.

3 **REQUEST FOR PRODUCTION NO. 9:**

4 All Documents and ESI sufficient to identify each Process and/or piece of Architecture
5 involved in generating thumbnail/URL previews.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

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

10 (A) Facebook objects to this Request to the extent that it seeks documents protected from
11 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
12 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
13 documents protected by these privileges and protections.

14 (B) The Request is vague and ambiguous in its use of the phrases “Process and/or piece of
15 Architecture” and “thumbnail/URL previews.”

16 (C) The Request is overly broad and unduly burdensome as to the time period and to the
17 extent it seeks “All Documents and ESI.”

18 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
19 proprietary company information.

20 (E) The Request seeks documents that are not relevant to the claims or defenses in this
21 action. This Request seeks documents identifying processes, regardless of the relevance of those
22 documents to the claims or defenses in this action.

23 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
24 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
25 for non-privileged documents sufficient to identify the processes involved in generating
26 thumbnail/URL previews in connection with Facebook’s Messages product during the class period
27 (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within Facebook’s
28

1 custody and control, have not already been produced to Plaintiffs, and can be located using a
2 reasonable search.

3 **REQUEST FOR PRODUCTION NO. 10:**

4 All Documents and ESI sufficient to identify each Process and/or piece of Architecture
5 involved in storing Private Messages for Facebook Users' future review, or for any other purpose.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

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

10 (A) Facebook objects to this Request to the extent that it seeks documents protected from
11 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
12 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
13 documents protected by these privileges and protections.

14 (B) The Request is vague and ambiguous in its use of the phrases "Process and/or piece of
15 Architecture" and "Private Messages."

16 (C) The Request is overly broad and unduly burdensome as to the time period and to the
17 extent it seeks "All Documents and ESI."

18 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
19 proprietary company information.

20 (E) The Request seeks documents that are not relevant to the claims or defenses in this
21 action. This Request seeks documents identifying processes, regardless of the relevance of those
22 documents to the claims or defenses in this action.

23 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
24 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
25 for non-privileged documents sufficient to show that Facebook used certain processes during the
26 class period (December 30, 2011 to October 31, 2012) to store messages for users' future review, to
27 the extent such documents exist, are within Facebook's custody and control, have not already been
28 produced to Plaintiffs, and can be located using a reasonable search.

1 **REQUEST FOR PRODUCTION NO. 11:**

2 All Documents and ESI sufficient to identify each Process and/or piece of Architecture
3 involved in “protect[ing] users, the product, and the site from threats and abusive behavior,” as
4 described on page 11 of Your Motion to Dismiss.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

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 Request on the following additional grounds:

9 (A) Facebook objects to this Request to the extent that it seeks documents protected from
10 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
11 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
12 documents protected by these privileges and protections.

13 (B) The Request is vague and ambiguous in its use of the phrase “Process and/or piece of
14 Architecture.”

15 (C) The Request is overly broad and unduly burdensome as to the time period and to the
16 extent it seeks “All Documents and ESI.” This Request seeks documents identifying certain
17 processes, regardless of the relevance of those documents to the claims or defenses in this action.

18 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
19 proprietary company information.

20 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
21 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
22 for non-privileged documents sufficient to show that Facebook used certain processes to protect users
23 in connection with their use of the Messages product during the class period (December 30, 2011 to
24 October 31, 2012), to the extent such documents exist, are within Facebook’s custody and control,
25 have not already been produced to Plaintiffs, and can be located using a reasonable search.

26 **REQUEST FOR PRODUCTION NO. 12:**

27 All Documents and ESI sufficient to identify each Process and/or piece of Architecture related
28 to the Like Social PlugIn.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

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 Request on the following additional grounds:

5 (A) Facebook objects to this Request to the extent that it seeks documents protected from
6 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
7 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
8 documents protected by these privileges and protections.

9 (B) The Request is vague and ambiguous in its use of the phrases “Process and/or piece of
10 Architecture” and “Like Social PlugIn.”

11 (C) The Request is overly broad and unduly burdensome as to the time period and to the
12 extent it seeks “All Documents and ESI.”

13 (D) The Request is overly broad, unduly burdensome, and harassing in view of
14 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
15 Request seeks all documents identifying processes “related to” a feature, regardless of the relevance
16 of those documents to the claims or defenses in this action.

17 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
18 proprietary company information.

19 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
20 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
21 for non-privileged documents sufficient to identify the processes involved in the practice challenged
22 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
23 website was contained in a message transmitted through Facebook’s Messages product) during the
24 class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within
25 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
26 using a reasonable search.

1 **REQUEST FOR PRODUCTION NO. 13:**

2 All Documents and ESI relating to each Process and/or piece of Architecture involved in
3 generating Passive Likes, including all Documents and ESI related to Your cessation of the practice
4 of generating Passive Likes.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

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 Request on the following additional grounds:

9 (A) Facebook objects to this Request to the extent that it seeks documents protected from
10 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
11 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
12 documents protected by these privileges and protections.

13 (B) The Request is vague and ambiguous in its use of the phrases “Process and/or piece of
14 Architecture” and “Passive Likes.”

15 (C) The Request is overly broad and unduly burdensome as to the time period and to the
16 extent it seeks “All Documents and ESI.”

17 (D) The Request is overly broad, unduly burdensome, and harassing in view of
18 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
19 Request seeks all documents “relating to” certain processes, regardless of the relevance of those
20 documents to the claims or defenses in this action.

21 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
22 proprietary company information.

23 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
24 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
25 for non-privileged documents sufficient to identify the processes involved in the practice challenged
26 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
27 website was contained in a message transmitted through Facebook’s Messages product) during the
28 class period (December 30, 2011 to October 31, 2012), and documents sufficient to show the

1 cessation of that practice, to the extent such documents exist, are within Facebook’s custody and
2 control, have not already been produced to Plaintiffs, and can be located using a reasonable search.

3 **REQUEST FOR PRODUCTION NO. 14:**

4 All Documents and ESI relating to the “bug...where at times the count for the Share or Like
5 goes up by two,” identified by You in Your statement quoted in the Wall Street Journal Article titled
6 “How Private Are Your Private Facebook Messages?” and published in October, 2012.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

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

11 (A) Facebook objects to this Request to the extent that it seeks documents protected from
12 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
13 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
14 documents protected by these privileges and protections.

15 (B) The Request is overly broad and unduly burdensome as to the time period and to the
16 extent it seeks “All Documents and ESI.”

17 (C) The Request is overly broad, unduly burdensome, and harassing in view of
18 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
19 Request seeks all documents “relating to” a statement in an article, regardless of the relevance of
20 those documents to the claims or defenses in this action.

21 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
22 proprietary company information.

23 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
24 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
25 for non-privileged documents sufficient to identify the nature of the “bug” referenced in the Wall
26 Street Journal’s “Digits” blog post titled “How Private Are Your Private Facebook Messages?”
27 published in October 2012, to the extent those documents relate to the practice challenged in this
28 action (the alleged increase in the Facebook “Like” count on a website when the URL for that

1 website was contained in a message transmitted through Facebook’s Messages product) during the
2 class period (December 30, 2011 to October 31, 2012), and to the extent such documents exist, are
3 within Facebook’s custody and control, have not already been produced to Plaintiffs, and can be
4 located using a reasonable search.

5 **REQUEST FOR PRODUCTION NO. 15:**

6 All Documents and ESI sufficient to identify each Process and/or piece of Architecture
7 involved in generating Active Likes.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

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

12 (A) Facebook objects to this Request to the extent that it seeks documents protected from
13 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
14 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
15 documents protected by these privileges and protections.

16 (B) The Request is vague and ambiguous in its use of the phrases “Process and/or piece of
17 Architecture” and “Active Likes.”

18 (C) The Request is overly broad and unduly burdensome as to the time period and to the
19 extent it seeks “All Documents and ESI.”

20 (D) The Request is overly broad, unduly burdensome, and harassing in view of
21 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
22 Request seeks documents identifying certain processes, regardless of the relevance of those
23 documents to the claims or defenses in this action.

24 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
25 proprietary company information.

26 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
27 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
28 for non-privileged documents sufficient to identify the processes involved in the practice challenged

1 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
2 website was contained in a message transmitted through Facebook’s Messages product) during the
3 class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within
4 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
5 using a reasonable search.

6 **REQUEST FOR PRODUCTION NO. 16:**

7 All Documents and ESI relating to how Third Parties acquire information related to Facebook
8 Users from the Like Social PlugIn, including information acquired by Third Parties when a Facebook
9 User engages the Like Social PlugIn either via Passive Likes or Active Likes.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

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

14 (A) Facebook objects to this Request to the extent that it seeks documents protected from
15 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
16 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
17 documents protected by these privileges and protections.

18 (B) The Request is vague and ambiguous in its use of the terms “Active Likes,” “Passive
19 Likes,” and “Like Social PlugIn.”

20 (C) The Request is overly broad and unduly burdensome as to the time period and to the
21 extent it seeks “All Documents and ESI.”

22 (D) The Request is overly broad, unduly burdensome, and harassing in view of
23 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
24 Request seeks documents “relating to how Third Parties acquire information related to Facebook
25 Users from the Like Social PlugIn,” regardless of the relevance of those documents to the claims or
26 defenses in this action.

27 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
28 proprietary company information.

1 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
2 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
3 for non-privileged documents sufficient to identify whether third parties received information about
4 Facebook users as a result of the challenged practice (the alleged increase in the Facebook “Like”
5 count on a website when the URL for that website was contained in a message transmitted through
6 Facebook’s Messages product) during the class period (December 30, 2011 to October 31, 2012), to
7 the extent such documents exist, are within Facebook’s custody and control, have not already been
8 produced to Plaintiffs, and can be located using a reasonable search.

9 **REQUEST FOR PRODUCTION NO. 17:**

10 All Documents and ESI relating to how Third Parties can use information related to Facebook
11 Users from the Like Social PlugIn, including Social Graph searches of data acquired through Passive
12 Likes or Active Likes.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

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

17 (A) Facebook objects to this Request to the extent that it seeks documents protected from
18 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
19 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
20 documents protected by these privileges and protections.

21 (B) The Request is vague and ambiguous in its use of the terms and phrases “Active
22 Likes,” “Passive Likes,” and “Like Social PlugIn,” “Social Graph,” and “can use information.”

23 (C) The Request is overly broad and unduly burdensome as to the time period and to the
24 extent it seeks “All Documents and ESI.”

25 (D) The Request is overly broad, unduly burdensome, and harassing in view of
26 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
27 Request seeks all documents “relating to how Third Parties can use information related to Facebook
28

1 Users from the Like Social PlugIn,” regardless of the relevance of those documents to the claims or
2 defenses in this action.

3 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
4 proprietary company information.

5 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
6 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
7 for non-privileged documents sufficient to identify the processes involved in the practice challenged
8 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
9 website was contained in a message transmitted through Facebook’s Messages product) during the
10 class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within
11 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
12 using a reasonable search.

13 **REQUEST FOR PRODUCTION NO. 18:**

14 All Documents and ESI sufficient to identify each Process and/or piece of Architecture
15 involved in the creation, augmentation, or maintenance of Facebook User Data Profiles.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

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

20 (A) Facebook objects to this Request to the extent that it seeks documents protected from
21 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
22 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
23 documents protected by these privileges and protections.

24 B) The Request is vague and ambiguous in its use of the phrases “Process and/or piece of
25 Architecture” and “Facebook User Data Profiles.”

26 (C) The Request is overly broad and unduly burdensome as to the time period and to the
27 extent it seeks “All Documents and ESI.”

28

1 (D) The Request is overly broad, unduly burdensome, and harassing in view of
2 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
3 Request seeks documents identifying certain processes, regardless of the relevance of those
4 documents to the claims or defenses in this action.

5 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
6 proprietary company information.

7 In particular, use of the vague, ambiguous, and overly broad phrase “Facebook User Data
8 Profiles” renders the entire request vague, ambiguous, and overly broad. Subject to and without
9 waiving the foregoing objections, and subject to the ongoing nature of discovery in this action,
10 Facebook responds as follows: Facebook will meet and confer with Plaintiffs’ counsel to determine
11 the proper scope of this overly broad and ambiguous Request.

12 **REQUEST FOR PRODUCTION NO. 19:**

13 All Documents and ESI relating to how You use any Private Message Content, including for
14 purposes related to Facebook User Profiles and/or Targeted Advertising.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

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

19 (A) Facebook objects to this Request to the extent that it seeks documents protected from
20 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
21 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
22 documents protected by these privileges and protections.

23 (B) The Request is vague and ambiguous in its use of the terms “use,” “Private Message
24 Content,” “Facebook User Profiles” and “Targeted Advertising.”

25 (C) The Request is overly broad and unduly burdensome as to the time period and to the
26 extent it seeks “All Documents and ESI.”

27 (D) The Request is overly broad, unduly burdensome, and harassing in view of
28 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This

1 Request seeks all documents “relating to how You use any Private Message Content,” regardless of
2 the relevance of those documents to the claims or defenses in this action.

3 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
4 proprietary company information.

5 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
6 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
7 for non-privileged documents sufficient to identify the available inputs for targeted advertising during
8 the class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are
9 within Facebook’s custody and control, have not already been produced to Plaintiffs, and can be
10 located using a reasonable search.

11 **REQUEST FOR PRODUCTION NO. 20:**

12 All Documents and ESI relating to the extent to which You allow Third Parties any access to
13 any Private Message Content.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

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 Request on the following additional grounds:

18 (A) Facebook objects to this Request to the extent that it seeks documents protected from
19 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
20 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
21 documents protected by these privileges and protections.

22 (B) The Request is vague and ambiguous in its use of the phrase “Private Message
23 Content.”

24 (C) The Request is overly broad and unduly burdensome as to the time period and to the
25 extent it seeks “All Documents and ESI.”

26 (D) The Request is overly broad, unduly burdensome, and harassing in view of
27 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
28 Request seeks all documents “relating to the extent to which You allow Third Parties any access to

1 any Private Message Content,” regardless of the relevance of those documents to the claims or
2 defenses in this action.

3 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
4 proprietary company information.

5 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
6 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
7 for non-privileged documents sufficient to identify whether third parties received information about
8 Facebook users as a result of the challenged practice (the alleged increase in the Facebook “Like”
9 count on a website when the URL for that website was contained in a message transmitted through
10 Facebook’s Messages product) during the class period (December 30, 2011 to October 31, 2012), to
11 the extent such documents exist, are within Facebook’s custody and control, have not already been
12 produced to Plaintiffs, and can be located using a reasonable search.

13 **REQUEST FOR PRODUCTION NO. 21:**

14 All Documents and ESI relating to the use of Passive Likes – or any data, metadata, or other
15 information generated therefrom – as data points in Facebook User Data Profiles.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

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

20 (A) Facebook objects to this Request to the extent that it seeks documents protected from
21 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
22 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
23 documents protected by these privileges and protections.

24 (B) The Request is vague and ambiguous in its use of the phrases “Passive Likes” and
25 “Facebook User Data Profiles.”

26 (C) The Request is overly broad and unduly burdensome as to the time period and to the
27 extent it seeks “All Documents and ESI.”

28

1 (D) The Request is overly broad, unduly burdensome, and harassing in view of
2 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
3 Request seeks all documents “relating to the use of Passive Likes . . . as data points in Facebook User
4 Data Profiles,” regardless of the relevance of those documents to the claims or defenses in this action.

5 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
6 proprietary company information.

7 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
8 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
9 for non-privileged documents sufficient to identify the available inputs for targeted advertising during
10 the class period (December 30, 2011 to October 31, 2012), including whether inclusion of a URL in a
11 message was an available input for targeted advertising, to the extent such documents exist, are
12 within Facebook’s custody and control, have not already been produced to Plaintiffs, and can be
13 located using a reasonable search.

14 **REQUEST FOR PRODUCTION NO. 22:**

15 All Documents and ESI relating to the use of Passive Likes – or any data, metadata, or other
16 information generated therefrom – for purposes related to Targeted Advertising.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

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

21 (A) Facebook objects to this Request to the extent that it seeks documents protected from
22 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
23 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
24 documents protected by these privileges and protections.

25 (B) The Request is vague and ambiguous in its use of the phrases “Passive Likes” and
26 “Targeted Advertising.”

27 (C) The Request is overly broad and unduly burdensome as to the time period and to the
28 extent it seeks “All Documents and ESI.”

1 (D) The Request is overly broad, unduly burdensome, and harassing in view of
2 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
3 Request seeks all documents “relating to the use of Passive Likes . . . for purposes related to Targeted
4 Advertising,” regardless of the relevance of those documents to the claims or defenses in this action.

5 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
6 proprietary company information.

7 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
8 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
9 for non-privileged documents sufficient to identify the available inputs for targeted advertising during
10 the class period (December 30, 2011 to October 31, 2012), including whether inclusion of a URL in a
11 message was an available input for targeted advertising, to the extent such documents exist, are
12 within Facebook’s custody and control, have not already been produced to Plaintiffs, and can be
13 located using a reasonable search.

14 **REQUEST FOR PRODUCTION NO. 23:**

15 All Documents and ESI relating to the use of Active Likes – or any data, metadata, or other
16 information generated therefrom – as data points in Facebook User Data Profiles.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

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

21 (A) Facebook objects to this Request to the extent that it seeks documents protected from
22 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
23 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
24 documents protected by these privileges and protections.

25 (B) The Request is vague and ambiguous in its use of the phrases “Active Likes” and
26 “Facebook User Data Profiles.”

27 (C) The Request is overly broad and unduly burdensome as to the time period and to the
28 extent it seeks “All Documents and ESI.”

1 (D) The Request is overly broad, unduly burdensome, and harassing in view of
2 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
3 Request seeks all documents “relating to the use of Active Likes . . . as data points in Facebook User
4 Data Profiles,” regardless of the relevance of those documents to the claims or defenses in this action.

5 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
6 proprietary company information.

7 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
8 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
9 for non-privileged documents sufficient to identify the available inputs for targeted advertising during
10 the class period (December 30, 2011 to October 31, 2012), including whether inclusion of a URL in a
11 message was an available input for targeted advertising, to the extent such documents exist, are
12 within Facebook’s custody and control, have not already been produced to Plaintiffs, and can be
13 located using a reasonable search.

14 **REQUEST FOR PRODUCTION NO. 24:**

15 All Documents and ESI relating to the use of Active Likes – or any data, metadata, or other
16 information generated therefrom – for purposes related to Targeted Advertising.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

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

21 (A) Facebook objects to this Request to the extent that it seeks documents protected from
22 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
23 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
24 documents protected by these privileges and protections.

25 (B) The Request is vague and ambiguous in its use of the phrases “Active Likes” and
26 “Targeted Advertising.”

27 (C) The Request is overly broad and unduly burdensome as to the time period and to the
28 extent it seeks “All Documents and ESI.”

1 (D) The Request is overly broad, unduly burdensome, and harassing in view of
2 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
3 Request seeks all documents “relating to the use of Active Likes . . . for purposes related to Targeted
4 Advertising,” regardless of the relevance of those documents to the claims or defenses in this action.

5 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
6 proprietary company information.

7 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
8 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
9 for non-privileged documents sufficient to identify the available inputs for targeted advertising during
10 the class period (December 30, 2011 to October 31, 2012), including whether inclusion of a URL in a
11 message was an available input for targeted advertising, to the extent such documents exist, are
12 within Facebook’s custody and control, have not already been produced to Plaintiffs, and can be
13 located using a reasonable search.

14 **REQUEST FOR PRODUCTION NO. 25:**

15 All Documents and ESI used by You to establish Facebook Users’ express consent to the
16 practices forming the basis for Plaintiffs’ Complaint.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

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

21 (A) Facebook objects to this Request to the extent that it seeks documents protected from
22 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
23 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
24 documents protected by these privileges and protections.

25 (B) The Request is vague and ambiguous in its use of the phrase “forming the basis for.”

26 (C) The Request is overly broad and unduly burdensome as to the time period and to the
27 extent it seeks “All Documents and ESI.”

28

1 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
2 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
3 for non-privileged documents that evidence Plaintiffs’ and the purported class members’ consent to
4 the practice challenged in this action (the alleged increase in the Facebook “Like” count on a website
5 when the URL for that website was contained in a message transmitted through Facebook’s Messages
6 product), to the extent such documents exist, are within Facebook’s custody and control, have not
7 already been produced to Plaintiffs, and can be located using a reasonable search.

8 **REQUEST FOR PRODUCTION NO. 26:**

9 All Documents and ESI supporting the position advanced in pages 18-19 of Your Motion to
10 Dismiss that Facebook Users impliedly consent to the practices forming the basis for Plaintiffs’
11 Complaint.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

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 Request on the following additional grounds:

16 (A) Facebook objects to this Request to the extent that it seeks documents protected from
17 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
18 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
19 documents protected by these privileges and protections.

20 (B) The Request is vague and ambiguous in its use of the phrase “forming the basis for.”

21 (C) The Request is overly broad and unduly burdensome as to the time period and to the
22 extent it seeks “All Documents and ESI.”

23 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
24 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
25 for non-privileged documents that evidence Plaintiffs’ and the purported class members’ consent to
26 the practice challenged in this action (the alleged increase in the Facebook “Like” count on a website
27 when the URL for that website was contained in a message transmitted through Facebook’s Messages
28

1 product), to the extent such documents exist, are within Facebook’s custody and control, have not
2 already been produced to Plaintiffs, and can be located using a reasonable search.

3 **REQUEST FOR PRODUCTION NO. 27:**

4 All Documents and ESI related to investigations of Facebook by any governmental agency (in
5 the United States or otherwise), regulatory agency, law enforcement agency, or advisory council
6 relating to user privacy issues, including investigations by United States Federal Trade Commission
7 and the Office of the Irish Data Protection Commissioner.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

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

12 (A) Facebook objects to this Request to the extent that it seeks documents protected from
13 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
14 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
15 documents protected by these privileges and protections.

16 (B) The Request is vague and ambiguous in its use of the terms and phrases
17 “investigations” and “user privacy issues.”

18 (C) The Request is overly broad and unduly burdensome as to the time period and to the
19 extent it seeks “All Documents and ESI.”

20 (D) The Request is overly broad, unduly burdensome, and harassing in view of
21 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
22 Request seeks all documents “related to investigations of Facebook by any governmental agency,”
23 regardless of the relevance of those documents to the claims or defenses in this action.

24 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
25 proprietary company information.

26 (F) The Request seeks documents that are not relevant to the claims or defenses in this
27 action and are not reasonably calculated to lead to the discovery of admissible evidence.

28

1 **REQUEST FOR PRODUCTION NO. 28:**

2 All Documents and ESI related to FTC MATTER/FILE NUMBER: 092 3184, In the Matter
3 of Facebook, Inc., a corporation, including all Documents and ESI related to implementation of the
4 business practice changes mandated by the FTC in its July 27, 2012 Decision and Order (“FTC
5 Order”), and including all Documents and ESI related to the Third Party, biennial assessments and
6 reports identified on pages 6 and 7 of the FTC Order.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

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

11 (A) Facebook objects to this Request to the extent that it seeks documents protected from
12 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
13 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
14 documents protected by these privileges and protections.

15 (B) The Request is vague and ambiguous in its use of the terms and phrases
16 “implementation” and “business practice changes mandated.”

17 (C) The Request is overly broad and unduly burdensome as to the time period and to the
18 extent it seeks “All Documents and ESI.”

19 (D) The Request is overly broad, unduly burdensome, and harassing in view of
20 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
21 Request seeks all documents “related to implementation of [certain] business practice[s],” regardless
22 of the relevance of those documents to the claims or defenses in this action.

23 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
24 proprietary company information.

25 (F) The Request seeks documents that are not relevant to the claims or defenses in this
26 action and are not reasonably calculated to lead to the discovery of admissible evidence.

27 **REQUEST FOR PRODUCTION NO. 29:**

28 All Documents and ESI related to – and sufficient to identify – the “dedicated team of privacy

1 professionals” identified on page 8 of Your Form 10-K for fiscal year ending December 31, 2013,
2 including any involvement such Persons had in matters related to (1) obtaining consent of Facebook
3 Users for Your practices implicating privacy and data use; (2) Private Messages; and (3) the acts and
4 practices described in the Complaint.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

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 Request on the following additional grounds:

9 (A) Facebook objects to this Request to the extent that it seeks documents protected from
10 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
11 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
12 documents protected by these privileges and protections.

13 (B) The Request is vague and ambiguous in its use of the phrases “involvement such
14 Persons had,” “practices implicating privacy and data use,” and “Private Messages.”

15 (C) The Request is overly broad and unduly burdensome as to the time period and to the
16 extent it seeks “All Documents and ESI.”

17 (D) The Request is overly broad, unduly burdensome, and harassing in view of
18 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
19 Request seeks all documents “related to” certain personnel, regardless of the relevance of those
20 documents to the claims or defenses in this action.

21 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
22 proprietary company information.

23 (F) The information sought by the Request is more appropriately pursued through an
24 Interrogatory.

25 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
26 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
27 for non-privileged documents sufficient to identify its current and former employees who may
28 possess knowledge relevant to the practice challenged in this action (the alleged increase in the

1 Facebook “Like” count on a website when the URL for that website was contained in a message
2 transmitted through Facebook’s Messages product) during the class period (December 30, 2011 to
3 October 31, 2012), to the extent such documents exist, are within Facebook’s custody and control,
4 have not already been produced to Plaintiffs, and can be located using a reasonable search. Facebook
5 will also provide related information in response to Plaintiffs’ Interrogatory No. 1.

6 **REQUEST FOR PRODUCTION NO. 30:**

7 All Documents and ESI related to all audits of Facebook conducted by the Office of the Irish
8 Data Protection Commissioner.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

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

13 (A) Facebook objects to this Request to the extent that it seeks documents protected from
14 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
15 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
16 documents protected by these privileges and protections.

17 (B) The Request is overly broad and unduly burdensome as to the time period and to the
18 extent it seeks “All Documents and ESI.”

19 (C) The Request is overly broad, unduly burdensome, and harassing in view of
20 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
21 Request seeks all documents “related to all audits” conducted by a certain entity, regardless of the
22 relevance of those documents to the claims or defenses in this action.

23 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
24 proprietary company information.

25 (E) The Request seeks documents that are not relevant to the claims or defenses in this
26 action, and are not reasonably calculated to lead to the discovery of admissible evidence.

27 (F) The Request seeks public and/or third party information that is equally available to
28 Plaintiffs.

1 **REQUEST FOR PRODUCTION NO. 31:**

2 All Documents and ESI related to Third Parties discussing Passive Likes, including the Wall
3 Street Journal article “How Private Are Your Private Facebook Messages,” the Digital Trends article
4 “Facebook Scans Private Messages for Brand Page Mentions, Admits a Bug is Boosting Likes,” and
5 the Hacker News post “Facebook Graph API exploit that let’s [sic] you pump up to 1800 ‘Likes’ in
6 an hour.”

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

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

11 (A) Facebook objects to this Request to the extent that it seeks documents protected from
12 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
13 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
14 documents protected by these privileges and protections.

15 (B) The Request is vague and ambiguous in its use of the phrase “Passive Likes.”

16 (C) The Request is overly broad and unduly burdensome as to the time period and to the
17 extent it seeks “All Documents and ESI.”

18 (D) The Request is overly broad, unduly burdensome, and harassing in view of
19 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
20 Request seeks all documents “related to Third Parties discussing Passive Likes,” regardless of the
21 relevance of those documents to the claims or defenses in this action.

22 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
23 proprietary company information.

24 (F) The Request seeks public and/or third party information that is equally available to
25 Plaintiffs.

26 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
27 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
28 for non-privileged documents sufficient to show the referenced news articles, to the extent such

1 documents exist, are within Facebook’s custody and control, have not already been produced to
2 Plaintiffs, and can be located using a reasonable search.

3 **REQUEST FOR PRODUCTION NO. 32:**

4 All Documents and ESI that You contend evidence or substantiate Your defenses in this
5 Action.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

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

10 (A) Facebook objects to this Request to the extent that it seeks documents protected from
11 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
12 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
13 documents protected by these privileges and protections.

14 (B) The Request is overly broad and unduly burdensome to the extent it seeks “All
15 Documents and ESI” regarding Facebook’s defenses. Facebook responds to this Request to the
16 extent it understands Plaintiffs’ claims asserted in this action.

17 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
18 discovery in this action, Facebook responds as follows: Facebook will produce documents
19 supporting its defenses to the claims that Facebook understands Plaintiffs assert in this action (the
20 alleged increase in the Facebook “Like” count on a website when the URL for that website was
21 contained in a message transmitted through Facebook’s Messages product during the class period
22 (December 30, 2011 to October 31, 2012)), to the extent those documents are within Facebook’s
23 custody and control, have not already been produced to Plaintiffs, and can be located using a
24 reasonable search.

25 **REQUEST FOR PRODUCTION NO. 33:**

26 All Documents and ESI related to Your policies, practices, or procedures, if any, regarding
27 the retention or destruction of Documents and files, including emails, email backup or archive tapes,
28

1 hard drives, and corporate storage, including, without limitation, any changes or modifications in
2 such policies or practices during the Relevant Time Period.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

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

7 (A) Facebook objects to this Request to the extent that it seeks documents protected from
8 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
9 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
10 documents protected by these privileges and protections.

11 (B) The Request is vague and ambiguous in its use of the phrase “policies, practices, or
12 procedures.”

13 (C) The Request is overly broad and unduly burdensome as to the time period and to the
14 extent it seeks “All Documents and ESI.”

15 (D) The Request is overly broad, unduly burdensome, and harassing in view of
16 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
17 Request seeks all documents “related to Your policies, practices, or procedures, if any, regarding the
18 retention or destruction” of documents, regardless of the relevance of those documents to the claims
19 or defenses in this action.

20 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
21 proprietary company information.

22 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
23 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
24 for non-privileged documents sufficient to identify policies regarding the retention or destruction of
25 documents relevant to the practice challenged in this action (the alleged increase in the Facebook
26 “Like” count on a website when the URL for that website was contained in a message transmitted
27 through Facebook’s Messages product) during the class period (December 30, 2011 to October 31,
28

1 2012), to the extent such documents exist, are within Facebook’s custody and control, have not
2 already been produced to Plaintiffs, and can be located using a reasonable search.

3 **REQUEST FOR PRODUCTION NO. 34:**

4 All insurance policies, including any declaration pages and riders, which could be used to
5 satisfy any claim in this action.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

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

10 (A) Facebook objects to this Request to the extent that it seeks documents protected from
11 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
12 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
13 documents protected by these privileges and protections.

14 (B) The Request is vague, ambiguous and overly broad in its use of the phrase “which
15 could be used to satisfy any claim in this action.”

16 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
17 discovery in this action, Facebook responds as follows: Facebook has conducted a reasonable search
18 and diligent inquiry, and it has no documents responsive to this Request because it is not aware of
19 any insurance policies that could be used to satisfy any claim in this action.

20 **REQUEST FOR PRODUCTION NO. 35:**

21 A plain-English description or glossary for any and all lists, legends, codes, abbreviations,
22 collector initials, or other non-obvious terms, words, or data contained in any of the Documents or
23 ESI produced in response to any of these Requests for Production, and to the extent applicable, with
24 any of the Interrogatories served herewith.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

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

1 (A) Facebook objects to this Request to the extent that it seeks documents protected from
2 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
3 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
4 documents protected by these privileges and protections.

5 (B) The Request is vague and ambiguous in its use of the terms and phrases “plain-
6 English,” “collector initials,” and “non-obvious.”

7 (C) The Request seeks public and/or third party information that is equally available to
8 Plaintiffs.

9 (D) The Request is overly broad, unduly burdensome, and harassing in view of
10 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
11 Request seeks a glossary “for any and all lists, legends, codes, abbreviations, collector initials, or
12 other non-obvious terms, words, or data contained in any” produced document or response,
13 regardless of the relevance of such a document or any given word it addresses to the claims or
14 defenses in this action.

15 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
16 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
17 for a glossary of key terms relating to the processes involved in the practice challenged in this action
18 (the alleged increase in the Facebook “Like” count on a website when the URL for that website was
19 contained in a message transmitted through Facebook’s Messages product) during the class period
20 (December 30, 2011 to October 31, 2012), to the extent such a glossary exists, is within Facebook’s
21 custody and control, has not already been produced to Plaintiffs, and can be located using a
22 reasonable search.

23 **REQUEST FOR PRODUCTION NO. 36:**

24 For any source code related to any of these Requests, Documents and ESI sufficient to
25 identify all code repositories for such source code.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

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 Request on the following additional grounds:

5 (A) Facebook objects to this Request to the extent that it seeks documents protected from
6 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
7 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
8 documents protected by these privileges and protections.

9 (B) The Request is vague, ambiguous, and overly broad in its use of the phrases “any
10 source code related to any of these Requests” and “code repositories.”

11 (C) The Request is overly broad and unduly burdensome as to the time period and to the
12 extent it seeks “Documents and ESI.”

13 (D) The Request is overly broad, unduly burdensome, and harassing in view of
14 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
15 Request seeks documents identifying “code repositories” for “any source code related to any of these
16 Requests,” regardless of the relevance of those Requests and/or those documents to the claims or
17 defenses in this action.

18 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
19 proprietary company information.

20 (F) The Request seeks documents that are not relevant to the claims or defenses in this
21 action and are not reasonably calculated to lead to the discovery of admissible evidence.

22 (G) Facebook’s source code is a closely guarded trade secret, and production could
23 compromise Facebook’s efforts to ensure site integrity and protect users. The burden and risks on
24 Facebook vastly exceed any alleged probative value to Plaintiffs, who may obtain the information
25 they need through less intrusive means (such as documents relating to the practices challenged in this
26 action). This is not a patent or other intellectual property dispute in which Plaintiffs assert some
27 ownership or proprietary interest in Facebook’s source code. Production of source code would
28 require extensive time and expense for Facebook—including the negotiation of a source-code-

1 specific protective order and the implementation of detailed and time-consuming protocols for
2 handling source code material, as well as limitations on the use of source code materials, expert
3 retention, disclosure, and going-forward restrictions on the conduct of individuals exposed to source
4 code materials.

5 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
6 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
7 for non-privileged documents sufficient to identify the processes involved in the practice challenged
8 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
9 website was contained in a message transmitted through Facebook’s Messages product) during the
10 class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within
11 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
12 using a reasonable search. Facebook maintains all of its objections to Plaintiffs’ requests seeking the
13 production of source code.

14 **REQUEST FOR PRODUCTION NO. 37:**

15 For any source code related to any of these Requests, check in/check out histories – including
16 timestamps, version numbers, and usernames – for such source code.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

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

21 (A) Facebook objects to this Request to the extent that it seeks documents protected from
22 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
23 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
24 documents protected by these privileges and protections.

25 (B) The Request is vague, ambiguous, and overly broad in its use of the terms and phrases
26 “any source code related to any of these Requests,” “check in/check out histories,” and “version
27 numbers.”

28

1 (C) The Request is overly broad, unduly burdensome, and harassing in view of
2 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
3 Request seeks “check in/check out histories – including timestamps, version numbers, and
4 usernames” for “any source code related to any of these Requests,” regardless of the relevance of
5 those Requests and/or those documents to the claims or defenses in this action.

6 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
7 proprietary company information.

8 (E) The Request seeks documents that are not relevant to the claims or defenses in this
9 action and are not reasonably calculated to lead to the discovery of admissible evidence.

10 (F) Facebook’s source code is a closely guarded trade secret, and production could
11 compromise Facebook’s efforts to ensure site integrity and protect users. The burden and risks on
12 Facebook vastly exceed any alleged probative value to Plaintiffs, who may obtain the information
13 they need through less intrusive means (such as documents relating to the practices challenged in this
14 action). This is not a patent or other intellectual property dispute in which Plaintiffs assert some
15 ownership or proprietary interest in Facebook’s source code. Production of source code would
16 require extensive time and expense for Facebook—including the negotiation of a source-code-
17 specific protective order and the implementation of detailed and time-consuming protocols for
18 handling source code material, as well as limitations on the use of source code materials, expert
19 retention, disclosure, and going-forward restrictions on the conduct of individuals exposed to source
20 code materials.

21 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
22 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
23 for non-privileged documents sufficient to identify the processes involved in the practice challenged
24 in this action (the alleged increase in the Facebook “Like” count on a website when the URL for that
25 website was contained in a message transmitted through Facebook’s Messages product) during the
26 class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are within
27 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
28

1 using a reasonable search. Facebook maintains all of its objections to Plaintiffs' requests seeking the
2 production of source code.

3 **REQUEST FOR PRODUCTION NO. 38:**

4 All Documents and ESI related to any Facebook User complaints related to the practices
5 alleged in Plaintiffs' Complaint, as well as all responses from Facebook thereto.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

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

10 (A) Facebook objects to this Request to the extent that it seeks documents protected from
11 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
12 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
13 documents protected by these privileges and protections.

14 (B) The Request is vague and ambiguous in its use of the phrase "Facebook User
15 complaints."

16 (C) The Request is overly broad and unduly burdensome as to the time period and to the
17 extent it seeks "All Documents and ESI."

18 (D) The Request is overly broad, unduly burdensome, and harassing in view of
19 Facebook's cost necessary to investigate as weighed against Plaintiffs' need for the information. This
20 Request seeks all documents "related to any Facebook User complaints related to the practices
21 alleged in Plaintiffs' Complaint, as well as all responses from Facebook thereto," regardless of the
22 relevance of those Requests and/or those documents to the claims or defenses in this action.

23 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
24 proprietary company information.

25 (F) The Request seeks documents that are not relevant to the claims or defenses in this
26 action and are not reasonably calculated to lead to the discovery of admissible evidence.

27
28

1 **REQUEST FOR PRODUCTION NO. 39:**

2 All Documents and ESI related to Your representations to Third Parties regarding the use of
3 Active and Passive Likes in marketing and/or Targeted Advertising, including but not limited to form
4 contracts, marketing materials, and internal memoranda describing the purported benefits of Active
5 and Passive Likes to Third Parties.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

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

10 (A) Facebook objects to this Request to the extent that it seeks documents protected from
11 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
12 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
13 documents protected by these privileges and protections.

14 (B) The Request is vague and ambiguous in its use of the phrases “Active and Passive
15 Likes,” “Targeted Advertising,” “form contracts,” “marketing,” “memoranda,” and “benefits.”

16 (C) The Request is overly broad and unduly burdensome as to the time period and to the
17 extent it seeks “All Documents and ESI.”

18 (D) The Request is overly broad, unduly burdensome, and harassing in view of
19 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
20 Request seeks all documents “related to Your representations to Third Parties regarding the use of
21 Active and Passive Likes in marketing and/or Targeted Advertising,” regardless of the relevance of
22 those Requests and/or those documents to the claims or defenses in this action.

23 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
24 proprietary company information.

25 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
26 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
27 for non-privileged documents sufficient to identify the available inputs for targeted advertising during
28 the class period (December 30, 2011 to October 31, 2012), to the extent such documents exist, are

1 within Facebook’s custody and control, have not already been produced to Plaintiffs, and can be
2 located using a reasonable search.

3 **REQUEST FOR PRODUCTION NO. 40:**

4 All Documents and ESI related to each Plaintiff.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

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 Request on the following additional grounds:

9 (A) Facebook objects to this Request to the extent that it seeks documents protected from
10 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
11 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
12 documents protected by these privileges and protections.

13 (B) The Request is vague and ambiguous in its use of the phrase “related to.”

14 (C) The Request is overly broad and unduly burdensome as to the time period and to the
15 extent it seeks “All Documents and ESI.”

16 (D) The Request is overly broad, unduly burdensome, and harassing in view of
17 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
18 Request seeks all documents “related to each Plaintiff,” regardless of the relevance of those Requests
19 and/or those documents to the claims or defenses in this action.

20 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
21 proprietary company information.

22 (F) The Request seeks documents or information already in Plaintiffs’ possession or
23 equally available to Plaintiffs.

24 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
25 discovery in this action, Facebook responds as follows: Facebook will meet and confer with
26 Plaintiffs’ counsel to determine the proper scope of this overly broad and ambiguous Request.

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DATED: March 9, 2015

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Joshua A. Jessen
 Joshua A. Jessen

Attorney for Defendant FACEBOOK, INC.

1 **PROOF OF SERVICE**

2 I, Jeana Bisnar Maute, 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 March 9, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S RESPONSES AND OBJECTIONS TO**
6 **PLAINTIFFS’ FIRST SET OF REQUESTS FOR PRODUCTION OF**
7 **DOCUMENTS**

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

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

16 Jeremy A. Lieberman
17 Pomerantz Grossman Hufford Dahlstrom & Gross LLP
18 jalieberman@pomlaw.com

19 Melissa Ann Gardner
20 mgardner@lchb.com
21 Nicholas Diamand
22 ndiamand@lchb.com
23 Rachel Geman
24 rgeman@lchb.com
25 Michael W. Sobol
26 Lieff Cabraser Heimann & Bernstein, LLP
27 msobol@lchb.com

28 Jon A Tostrud
Tostrud Law Group, P.C.
jtostrud@tostrudlaw.com

Lionel Z. Glancy
Glancy Binkow & Goldberg LLP
info@glancylaw.com

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

Executed on March 9, 2015.

/s/
Jeana Bisnar Maute