

EXHIBIT 7

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MATTHEW CAMPBELL, MICHAEL HURLEY,)
and DAVID SHADPOUR,)
Plaintiffs,)
Case No.)
vs.) C 13-05996 PJH
FACEBOOK, INC.,)
Defendant.)
_____)

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VIDEOTAPED 30(b)(6) DEPOSITION OF ALEX HIMEL
Palo Alto, California
February 5, 2016
Volume II

Reported by:
KELLI COMBS, CSR No. 7705
Job No. 2225105
Pages 267 - 400

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<p>1 grounds that I'm not sure what topic you're on at 11:55:50AM 2 the moment. 3 MR. RUDOLPH: Well, this is -- I think 4 it's within the scope of 6 as well as 5. 5 Let's take a break. This guy has got to 11:56:15AM 6 go. 7 THE VIDEOGRAPHER: We're going off the 8 record at 11:56. 9 (Lunch Recess taken.) 10 (Whereupon, Mr. Bates and 11:56:20AM 11 Mr. Slade left the conference 12 room for the day.) 13 THE VIDEOGRAPHER: We're now going back on 14 the record. The time is 12:48. 15 BY MR. RUDOLPH: 12:49:04PM 16 Q Mr. Himel, earlier you testified that 17 there were three examples of instances which would 18 prevent Facebook from being able to keep metrics on 19 the total number of "Like" plug-ins appearing on 20 third-party websites. 12:49:23PM 21 Do you recall that? 22 A I do recall talking about cases in 23 which -- three cases in which Facebook would be 24 unable to know the presence of a social plug-in. 25 Q But in an instance where an impression of 12:49:38PM Page 336</p>	<p>1 to denote the -- the Referrer page. 12:51:11PM 2 Q And if that was not present in the Web 3 page, an impression would have been recorded but not 4 the associated URL? 5 A If the Referrer parameter was not sent as 12:51:33PM 6 part of the request for the "Like" button social 7 plug-in, we would have recorded that there was an 8 impression of the "Like" button social plug-in, but 9 we would not have been able to record the URL on 10 which the "Like" button was located. 12:51:50PM 11 Q But if the Referrer Request Header 12 parameter was present, the URL would have been 13 recorded, correct? 14 A If the -- we -- we would have -- in the 15 cases where we received a request for the "Like" 12:52:07PM 16 button social plug-in and there was a Referrer 17 parameter present, we would have attempted to log 18 the Referrer parameter as part of the log for that 19 impression event. 20 Q And another instance you gave was with 12:52:28PM 21 respect to an example that you gave, such as Yelp 22 having their "Like" plug-in set so that Facebook 23 could not track impressions; is that correct? 24 A The way -- what I said was that some 25 websites would implement their own version of a 12:52:56PM Page 338</p>
<p>1 a "Like" button plug-in was recorded, the URL 12:49:42PM 2 associated with that plug-in would have been 3 recorded, correct? 4 MR. JESSEN: Objection; misstates the 5 testimony. 12:49:54PM 6 THE WITNESS: Can you define what you mean 7 by the URL associated with that plug-in? 8 BY MR. RUDOLPH: 9 Q So the URL on which the "Like" button 10 appeared. 12:50:05PM 11 A That would not have always been recorded. 12 Q In what instances would it not have been 13 recorded? 14 A Knowing -- knowing the page on which a -- 15 so -- on which a "Like" button social plug-in was 12:50:18PM 16 found requires the Referrer Request Header 17 parameter, which is not always present. 18 Q What is a Referrer Request Header 19 parameter? 20 A On the Internet, whenever a Web browser 12:50:44PM 21 attempts to load a Web page, the browser sends a 22 series of request headers to the server from which 23 it is requesting that page. One of these standard 24 request parameters that it sent is the Referrer 25 parameter. The purpose of the Referrer parameter is 12:51:08PM Page 337</p>	<p>1 "Like" button, and so, for example, Yelp rendered 12:53:00PM 2 their own "Like," which meant that no data was sent 3 to our servers at the time that their Web page was 4 loaded with their version of a "Like" button social 5 plug-in on it. 12:53:19PM 6 Q Did Yelp require permission from Facebook 7 to render their own "Like" which didn't send data 8 back to Facebook servers? 9 MR. JESSEN: Object to the form. 10 THE WITNESS: Any developer could have 12:53:40PM 11 implemented their own button, let's say blue, maybe 12 not, that said the word "Like" on it and put it on 13 their own website. There's nothing that would 14 technically prohibit any -- any developer or website 15 from doing that. 12:54:01PM 16 BY MR. RUDOLPH: 17 Q Well, first, can you answer my previous 18 question, which was: Did Yelp require permission to 19 do that? 20 MR. JESSEN: Object to the form. 12:54:13PM 21 THE WITNESS: The act of -- permission was 22 not required for the sake of implementing a button 23 of a certain color with a certain word on it on a 24 given website. 25 Page 339</p>

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<p>1 incremented. 2:03:37PM</p> <p>2 "When the new Insight system</p> <p>3 was introduced in 2011, URLs shared</p> <p>4 in messages were included in the</p> <p>5 new counters in the new Insights 2:03:46PM</p> <p>6 architecture. However, URL shares</p> <p>7 in messages were never listed</p> <p>8 separately and were only included</p> <p>9 in a larger aggregate count of</p> <p>10 shares across the site. However, 2:03:58PM</p> <p>11 on October 11th, 2012, I changed</p> <p>12 the code to no longer include URL</p> <p>13 shares in messages in the</p> <p>14 aggregated, anonymous counters</p> <p>15 visible to domain owners through 2:04:12PM</p> <p>16 Insights."</p> <p>17 BY MR. RUDOLPH:</p> <p>18 Q Other than what you discussed in the two</p> <p>19 paragraphs you just read into the record, what</p> <p>20 information did third parties have related to -- 2:04:28PM</p> <p>21 what information did third parties have access to</p> <p>22 related to Likes created from URLs within private</p> <p>23 messages?</p> <p>24 MR. JESSEN: Objection; vague as to</p> <p>25 "Like." 2:04:44PM</p> <p style="text-align: right;">Page 368</p>	<p>1 shares in messages and in posts. 2:06:16PM</p> <p>2 However, if no share object was</p> <p>3 created, which could have occurred</p> <p>4 for a variety of reasons described</p> <p>5 above in the declaration, including 2:06:26PM</p> <p>6 certain race conditions, site</p> <p>7 integrity functionality blocking</p> <p>8 the message or the URL attachment</p> <p>9 and so forth, the URL share shared</p> <p>10 in that message would not have been 2:06:41PM</p> <p>11 included in counters that could be</p> <p>12 queried through link_stats or the</p> <p>13 graph API. Further, to the extent</p> <p>14 that URL shares in messages were</p> <p>15 included in the anonymous count 2:06:55PM</p> <p>16 made available to developers</p> <p>17 through the link_stats or graph</p> <p>18 API, the number of URL shares sent</p> <p>19 through messages as opposed to</p> <p>20 generated through profile posts, 2:07:05PM</p> <p>21 comments, Like clicks, et cetera,</p> <p>22 was never publicly available. It</p> <p>23 was only ever included as part of a</p> <p>24 larger aggregate counts such as the</p> <p>25 'share_count' which was included -- 2:07:20PM</p> <p style="text-align: right;">Page 370</p>
<p>1 THE WITNESS: What do you mean by "Like" 2:04:48PM</p> <p>2 in your sentence? Can you clarify?</p> <p>3 BY MR. RUDOLPH:</p> <p>4 Q The increment in the share_count counter</p> <p>5 within the EntGlobalShare object. 2:05:04PM</p> <p>6 MR. JESSEN: Object on the grounds that</p> <p>7 that's never how you previously defined a Like</p> <p>8 before, but you can answer, if you understand.</p> <p>9 THE WITNESS: The best answer to your</p> <p>10 question would, again, be in the same exhibit, 2:05:31PM</p> <p>11 Exhibit 3. If you turn to page 20, paragraph --</p> <p>12 starting with paragraph 69, there's a section that</p> <p>13 I'll read that relates to this.</p> <p>14 "For a limited period of time</p> <p>15 between August 2010 and 2:05:49PM</p> <p>16 October 2012, if a share object was</p> <p>17 created from the URL share</p> <p>18 attachment sent with a message, the</p> <p>19 internal link_stats table may have</p> <p>20 recorded that fact in anonymous, 2:06:01PM</p> <p>21 aggregate counts and thus, the</p> <p>22 externally-facing link_stats APIs</p> <p>23 would have, likewise, shown an</p> <p>24 increment in the anonymous count</p> <p>25 for URL shares, which included both 2:06:13PM</p> <p style="text-align: right;">Page 369</p>	<p>1 which also included posts during 2:07:23PM</p> <p>2 certain periods of times. Facebook</p> <p>3 stopped including URL shares in</p> <p>4 messages in any public counters in</p> <p>5 the link_stats and graph API after 2:07:32PM</p> <p>6 October 16th, 2012."</p> <p>7 BY MR. RUDOLPH:</p> <p>8 Q So, again, other than the material that</p> <p>9 you just read into the record from your declaration,</p> <p>10 what other information did third parties have access 2:07:57PM</p> <p>11 to related to Likes created from URLs within private</p> <p>12 messages?</p> <p>13 MR. JESSEN: Same objection as before;</p> <p>14 vague.</p> <p>15 THE WITNESS: Insights and the link_stats 2:08:14PM</p> <p>16 API were the two means by which third-party</p> <p>17 developers could have access to statistics that are</p> <p>18 aggregate, anonymous and included increments from</p> <p>19 EntShares that were generated from URLs included in</p> <p>20 private messages. 2:08:40PM</p> <p>21 BY MR. RUDOLPH:</p> <p>22 Q Where was the data related to statistics,</p> <p>23 including increments from EntShares that are</p> <p>24 generated from URLs included in private messages,</p> <p>25 pulled from for the Insights platform? 2:09:03PM</p> <p style="text-align: right;">Page 371</p>

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q What is the source code related to the

23 processes effectuating third parties' access to

24 information related to Likes created from URLs

25 within private messages? 2:11:28PM

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1 MR. JESSEN: Object to the form; 2:11:35PM

2 ambiguous, also outside the scope of what we agreed

3 to produce him on.

4 You can answer, if you understand.

5 THE WITNESS: I don't understand the 2:11:41PM

6 question.

7 BY MR. RUDOLPH:

8 Q Well, so Topic 6, the last clause states:

9 "Including the identification

10 of all relevant source code related 2:11:48PM

11 to processes effectuating access to

12 such information."

13 Do you see that?

14 A I see that.

15 Q Okay. 2:11:56PM

16 And are you prepared to testify on that

17 portion of the topic today?

18 MR. JESSEN: Counsel, again, I note for

19 the record that in our responses, which we served on

20 September 22nd, 2015, we indicated that the witness 2:12:09PM

21 we would be producing would not cover the

22 identification of source code.

23 If he knows, I'll let him answer but,

24 again, that's not within the scope of what we agreed

25 to produce him on. And obviously, you weren't 2:12:24PM

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1 contemplating that or you would have suggested we 2:12:27PM

2 have the deposition by the source code computer.

3 BY MR. RUDOLPH:

4 Q Are you -- are you prepared to testify on

5 that topic? 2:12:38PM

6 MR. JESSEN: Same objections. If he has

7 knowledge, he can answer.

8 THE WITNESS: I wrote a bunch of this

9 code, but it would be testing my memory.

10 BY MR. RUDOLPH: 2:12:54PM

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

2:14:06PM

Page 374

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q Okay. 2:14:39PM

11 So I'm not asking whether they're separate

12 topics. I'm asking for an answer to the question

13 that I've asked twice now.

14 MR. JESSEN: You're asking for something

15 that's not even within the scope of your topic, not 2:14:53PM

16 to mention our -- what we agreed to produce a

17 witness on. But at a minimum, I think you'd agree

18 you're limited to your topic, which, as the witness

19 notes, does refer to source code related to the

20 process effectuating access to such information. 2:15:04PM

21 MR. RUDOLPH: We don't need a speaking

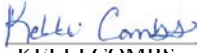
22 objection.

23 MR. JESSEN: It's not a speaking

24 objection, Counsel. You're wasting so much time.

25 MR. RUDOLPH: Sir, either answer the 2:15:12PM

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<p>1 I, the undersigned, a Certified Shorthand 2 Reporter of the State of California, do hereby certify: 3 That the foregoing proceedings were taken 4 before me at the time and place herein set forth; that 5 any witnesses in the foregoing proceedings, prior to 6 testifying, were administered an oath; that a record of 7 the proceedings was made by me using machine shorthand 8 which was thereafter transcribed under my direction; 9 that the foregoing transcript is a true record of the 10 testimony given. 11 Further, that the foregoing pertains to the 12 original transcript of a deposition in a Federal Case, 13 before completion of the proceedings, a review of the 14 transcript [] was [] was not requested. 15 I further certify I am neither financially 16 interested in the action nor a relative or employee of 17 any attorney or any party to this action. 18 IN WITNESS WHEREOF, I have this date 19 subscribed my name. 20 21 Dated: 2/8/16 22 23 24  KELLI COMBS 25 CSR No. 7705</p>	<p>Page 400</p>