

# EXHIBIT 9

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW CAMPBELL, MICHAEL )  
HURLEY, and DAVID SHADPOUR, )  
on behalf of themselves and )  
all others similarly situated, )  
Plaintiffs, )  
vs. ) No. 4:13-cv-05996-PJH  
FACEBOOK, INC., )  
Defendants. )

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF MIKE VERNAL  
Palo Alto, California  
Wednesday, September 30, 2015

Reported by:  
JANIS JENNINGS, CSR, CLR, CCRR  
Job No. 2144892


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ATTORNEYS EYES ONLY

<p>1 BY MR. CARNEY: 13:28                  2 Q. Yeah, I'm not asking about the system. 13:28                  3 A. Sure. 13:28                  4 Q. I'm simply asking the question, and "I don't                  5 know" is certainly an appropriate answer. But is an 13:28                  6 object created by Facebook when a URL attachment is 13:28                  7 successfully created? 13:28                  8 MR. JESSEN: Same objections. Asked and 13:28                  9 answered. 13:28                  10 THE WITNESS: Yeah. I would have to guess. 13:28                  11 BY MR. CARNEY: 13:28                  12 Q. When a URL attachment is successfully 13:28                  13 created, is any representation of that act logged on 13:29                  14 the Open Graph? 13:29                  15 MR. JESSEN: Object to the form. 13:29                  16 THE WITNESS: I would have to guess as to 13:29                  17 how the system works. 13:29                  18 BY MR. CARNEY: 13:29                  19 Q. What system are you referring to? 13:29                  20 A. The software. 13:29                  21 Q. Which software? 13:29                  22 A. Presumably the software that processes that 13:29                  23 is in question here. 13:29                  24 Q. And which -- when you use the term "here," 13:29                  25 what are you referring to? 13:29</p> <p style="text-align: right;">Page 126</p>	<p>1 running the product. 13:31                  2 Q. Is there a name for that software? 13:31                  3 A. I would probably call it Facebook. 13:31                  4 Q. And appreciating that you -- and I don't 13:31                  5 want you speculating about how the software or 13:31                  6 system works with respect to the URL attachment. 13:31                  7 A. Okay. 13:31                  8 Q. I'm asking specifically about the software 13:31                  9 system, that is, the Open Graph. Is there any 13:31                  10 notation, record, logging, et cetera, made in the 13:31                  11 Open Graph when a URL attachment is successfully 13:31                  12 created? 13:31                  13 A. I would have to speculate. I don't know. 13:31                  14 Q. How would you go about discovering the 13:31                  15 answer to that question? What information would you 13:31                  16 need? 13:31                  17 A. I would presumably have to read a lot of 13:31                  18 source code. 13:31                  19 Q. Is it fair to say that you oversee 13:31                  20 Facebook's Open Graph? 13:32                  21 MR. JESSEN: Objection. Vague. 13:32                  22 THE WITNESS: It would be fair to say that I 13:32                  23 oversaw the Open Graph team at some point. 13:32                  24 BY MR. CARNEY: 13:32                  25 Q. At what point? 13:32</p> <p style="text-align: right;">Page 128</p>
<p>1 A. I believe -- pardon me. I believe you're 13:29                  2 asking me about lines 20 to 25 and that seems to 13:29                  3 describe -- that seems to describe some interaction 13:29                  4 around how messages work and I presume that is a 13:30                  5 piece of software, and I don't know how that piece 13:30                  6 of software works. 13:30                  7 Q. And I'm asking about -- what software runs 13:30                  8 the Open Graph? 13:30                  9 MR. JESSEN: Object to the form. 13:30                  10 THE WITNESS: Yeah. That's -- that's not -- 13:30                  11 we -- we spoke earlier about different 13:30                  12 manifestations of the Open Graph. Which -- which 13:30                  13 manifestation are you referring to? 13:30                  14 BY MR. CARNEY: 13:30                  15 Q. Any. 13:30                  16 A. Well, so no software -- so one of the 13:30                  17 manifestations was the Open Graph team so I don't 13:30                  18 know what software runs the team. Another 13:30                  19 manifestation was the protocol, and I don't know -- 13:30                  20 like many pieces of software could run the protocol. 13:30                  21 Q. Okay. What was the third one? What was 13:30                  22 number one? 13:30                  23 A. The product. 13:30                  24 Q. Uh-huh.                  25 A. And I would describe Facebook software as 13:30</p> <p style="text-align: right;">Page 127</p>	<p>1 A. From its inception until we stopped 13:32                  2 referring to it as like its own thing. 13:32                  3 Q. Okay. So what is the date of inception? 13:32                  4 A. I'm not certain. 13:32                  5 Q. Can you give me a rough estimate? 13:32                  6 A. I would -- somewhere in the -- I -- if I had 13:32                  7 to guess, I would guess somewhere in the 2009 to 13:32                  8 2010 range. 13:32                  9 Q. And when did you stop referring to it as 13:32                  10 "its own thing"? 13:33                  11 A. Again, I would have to guess, but I think 13:33                  12 sometime in, say, 2014. 13:33                  13 Q. And why did you stop referring to it as "its 13:33                  14 own thing"? 13:33                  15 A. The team evolved. 13:33                  16 Q. How did it evolve? 13:33                  17 A. We -- as I recall, we merged that team with 13:33                  18 another team and then the combined team took on a 13:33                  19 new name. 13:33                  20 Q. And what's the new name? 13:33                  21 A. People, Places, and Things. 13:33                  22 Q. What team did the Open Graph team combine 13:33                  23 with? 13:33                  24 A. The Identity team. 13:33                  25 Q. Who runs the People, Places, and Things team 13:34</p> <p style="text-align: right;">Page 129</p>

1 Q. All right. I'll expand the question. How 17:10  
2 about any of the addressees there, do you recall any 17:10  
3 response to this email? 17:10  
4 A. I have no recollection. 17:10  
5 MR. CARNEY: Okay. Thanks. That's it. 17:10  
6 MR. JESSEN: Okay. 17:10  
7 MR. CARNEY: All right. 17:10  
8 THE VIDEOGRAPHER: We are off the record. 17:10  
9 The time is 5:11, and this concludes today's 17:10  
10 testimony given by Mike Vernal. The total number of 17:10  
11 media used is four and will be retained by Veritext 17:10  
12 Legal Solutions. Thank you. 17:11  
13 (Ending time: 5:11 p.m.) 17:11  
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1 I, JANIS JENNINGS, CSR No. 3942, Certified  
2 Shorthand Reporter, certify:  
3 That the foregoing proceedings were taken  
4 before me at the time and place therein set forth, at  
5 which time the witness was duly sworn by me;  
6 That the testimony of the witness, the  
7 questions propounded, and all objections and statements  
8 made at the time of the examination were recorded  
9 stenographically by me and were thereafter transcribed;  
10 That the foregoing pages contain a full, true  
11 and accurate record of all proceedings and testimony.  
12 Pursuant to F.R.C.P. 30(e)(2) before  
13 completion of the proceedings, review of the transcript  
14 [ ] was [X] was not requested.  
15 I further certify that I am not a relative or  
16 employee of any attorney of the parties, nor financially  
17 interested in the action.  
18 I declare under penalty of perjury under the  
19 laws of California that the foregoing is true and  
20 correct.  
21 Dated this 13th day of October 2015.  
22  
23   
24 JANIS JENNINGS, CSR NO. 3942  
25 CLR, CCRR

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