

EXHIBIT

23

DVD

BATES NO.

FB-TL

00000734

EXHIBIT

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DVD

BATES NO.

FB-TL

00011913

EXHIBIT

25

Email or Phone

Password

Log In

Keep me logged in

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[Sign Up](#)

Facebook helps you connect and share with the people in your life.

Facebook Community Standards

Facebook gives people around the world the power to publish their own stories, see the world through the eyes of many other people, and connect and share wherever they go. The conversation that happens on Facebook – and the opinions expressed here – mirror the diversity of the people using Facebook.

To balance the needs and interests of a global population, Facebook protects expression that meets the community standards outlined on this page.

Please review these standards. They will help you understand what type of expression is acceptable, and what type of content may be reported and removed.

Violence and Threats

Safety is Facebook's top priority. You may not credibly threaten to harm others, or organize acts of real-world violence. We remove content and may escalate to law enforcement when we perceive a genuine risk of physical harm, or a direct threat to public safety. We also prohibit promoting, planning or celebrating any of your actions if they have, or could, result in financial harm to others, including theft and vandalism.

Self-Harm

Facebook takes threats of self-harm very seriously. We remove any promotion or encouragement of self-mutilation, eating disorders or hard drug abuse. We also work with suicide prevention agencies around the world to provide assistance for people in distress.

Bullying and Harassment

Facebook does not tolerate bullying or harassment. We allow users to speak freely on matters and people of public interest, but take action on all reports of abusive behavior directed at private individuals. Repeatedly targeting other users with unwanted friend requests or messages is a form of harassment.

Hate Speech

Facebook does not permit hate speech. While we encourage you to challenge ideas, institutions, events, and practices, it is a serious violation to attack a person based on their race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability or medical condition.

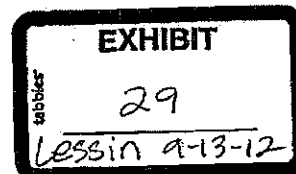
Graphic Content

People use Facebook to share events through photos and videos. We understand that graphic imagery is a regular component of current events, but must balance the needs of a diverse community. Sharing any graphic content for sadistic pleasure is prohibited.

Nudity and Pornography

Facebook has a strict policy against the sharing of pornographic content and imposes limitations on the display of nudity. At the same time, we aspire to respect people's right to share content of personal importance, whether those are photos of a sculpture like Michelangelo's David or family photos of a child breastfeeding.

Identity and Privacy



Intellectual Property

On Facebook people connect and share using their real identities. This culture creates accountability and builds trust and safety for everyone. Claiming to be another person, creating multiple accounts, or falsely representing an organization undermines community and violates Facebook's. Finally, you may not publish other people's personal information. Before sharing content on Facebook, please be sure you have the right to do so. We ask that you respect copyrights, trademarks, and other legal rights.

Phishing and Spam

We take the safety of our members seriously and work to prevent attempts to compromise their privacy or security. We also ask that you respect our members by not contacting them for commercial purposes without their consent.

Reporting Abuse

If you see something on Facebook that you believe violates our terms, you should report it to us. Please keep in mind that reporting a piece of content does not guarantee that it will be removed from the site.

Because of the diversity of our community, it's possible that something could be disagreeable or disturbing to you without meeting the criteria for being removed or blocked. For this reason, we also offer personal controls over what you see, such as the ability to hide or quietly cut ties with people, Pages, or applications that offend you.

EXHIBIT

26

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH

CERTIFIED COPY

-oOo-

TIMELINES, INC.,

:

Civil Action No. 11-6867

Plaintiff,

:

-vs-

:

FACEBOOK, INC.,

:

Defendant.

:

-oOo-

TELEPHONIC DEPOSITION OF RANDY CASSIDY

Location: 175 South Main Street, Suite 710
Salt Lake City, Utah

Date: September 18, 2012
9:41 a.m.

Reporter: Denise Kirk, CSR/RPR

Job No. 53166

1 And so when I saw it -- I mean, it's not
2 like we talk every day or every month or every six
3 months, frankly.

4 It's one of those things that we pick up
5 wherever we happened to leave off in life. And I saw
6 that and I was excited for Brian.

7 And, you know, it's certainly not the
8 first successful thing he's done in his life and it's
9 not the last, but it's another success and I picked
10 the phone up to congratulate him.

11 Q. Congratulate him on what?

12 A. On the fact that Facebook had picked up
13 his Timelines software -- or whatever you call it.

14 Q. Okay, thank you.

15 After you learned of Facebook's use of the
16 term "Timeline", did you log into your Facebook
17 account more frequently than you did before?

18 A. No.

19 Q. Now, if we refer back to deposition
20 Exhibit 5, this is the e-mail that you wrote to Brian
21 Hand January 2012; correct?

22 A. That's correct.

23 Q. When you wrote the second sentence which
24 says: "I truly believed that they were using your
25 Timelines software"?

1 they were using your Timelines software", were you
2 concerned about the functionality of Facebook's
3 Timeline?

4 MR. WELTMAN: Object to form.

5 A. I have no clue what you are asking me.

6 Q. Well, so what did you mean by -- can you
7 explain what you meant by the sentence that: "I truly
8 believed that they were using your Timelines
9 software"?

10 A. I truly believed that whatever Timelines
11 that Facebook was offering was the same product that
12 Brian had invented himself; obviously, with the help
13 of his staff.

14 Q. Understood.

15 So you believed that Facebook's software
16 was the same as Brian's software?

17 A. I did.

18 Q. Is there any reason why you underlined the
19 word "Timelines"?

20 A. Yeah. Isn't that the name of his
21 software?

22 Q. I'm just wondering why you underlined the
23 word.

24 A. I just, obviously, was trying to emphasize
25 that word.

Reporter's Certificate

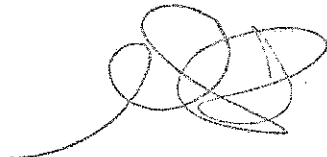
State of Utah)
County of Salt Lake)

I, Denise Kirk, Certified
Shorthand Reporter and Registered Professional
Reporter for the State of Utah, do hereby certify:

THAT the foregoing proceedings were taken
before me at the time and place set forth herein; that
the witness was duly sworn to tell the truth, the
whole truth, and nothing but the truth; and that the
proceedings were taken down by me in shorthand and
thereafter transcribed into typewriting under my
direction and supervision;

THAT the foregoing pages contain a true
and correct transcription of my said shorthand notes
so taken.

IN WITNESS WHEREOF, I have subscribed my
name this 19th day of September, 2012.



Denise Kirk, CSR/RPR

EXHIBIT

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K. KOENEMAN
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMELINES, INC.,)
)
Plaintiff,)
)
vs.)
)
FACEBOOK, INC.,)
)
Defendant.)
-----)

CERTIFIED COPY

Civil Action
No. 11-cv-06867

DEPOSITION OF KEITH KOENEMAN

Chicago, Illinois

September 19, 2012

Reported by:
JANICE M. KOCEK, CSR, CLR
JOB NO. 53903

1 K. KOENEMAN

2 do you want it. And I thought I always said
3 no, but my page still changed.

4 Q. And when I say the word timeline
5 feature of the Facebook page, what, what does
6 that mean to you?

7 A. Well, so here -- here is -- I
8 immediately think of Brian's company,
9 Timelines, Inc., and, and LifeSnapz --

10 MS. REPORTER: And Life --

11 THE WITNESS: So there's, there's
12 Timelines, Inc., and then there's a Web
13 site LifeSnapz and there's a Web site
14 timelines.com.

15 So I coached basketball with Brian,
16 fourth grade basketball three years ago.
17 Basketball is a fall and winter sport. So
18 it was -- you know, we started in the fall
19 of 2009, went through the winter of 2010.
20 So, so roughly from, like, October of 2009
21 to -- I'm not sure when exactly the season
22 ended, like, April, May 2010.

23 So Brian coached basketball. It was
24 a pretty big commitment actually. We'd
25 have practices two days a week and then

1 K. KOENEMAN

2 A. It was definitely after, so, so, as
3 I was saying before, I coached -- I signed up
4 for LifeSnapz, which is owned by Timelines,
5 Inc., in October of 2008. I coached basketball
6 with Brian Hand, who's the founder of
7 Timelines, Inc., from October 2009 to roughly
8 April or May of 2010, about a year ago, so that
9 would be about September, October of 2011 I was
10 offered timeline by Facebook. So it was
11 definitely afterwards. It was about a year-
12 and-a-half to two years afterwards.

13 And my immediate reaction was, was
14 actually positive. Brian must have either sold
15 his company to Facebook or did some sort of
16 business deal with Facebook because that's how
17 they have his feature.

18 But then I went to a cocktail party
19 or whatever. Brian told me it wasn't good
20 news. The conversation sort of died because he
21 was, like, uncomfortable. So it was definitely
22 a year-and-a-half to two years after I had had
23 conversations with Brian about his timeline and
24 had even looked at photos and used the timeline
25 that Facebook offered me a feature called

1 K. KOENEMAN

2 it was your neighbor? No, I haven't.

3 Q. Have you ever mistakenly logged in
4 to LifeSnapz, you know, thinking that it
5 somehow was associated with Facebook?

6 MR. WELTMAN: Same objection.

7 THE WITNESS: No. And, again, it's
8 like -- my last comment was obviously a
9 joke. But, like, no, I know the history.
10 It's like, you know, I got updates from my
11 friend all the time, and, like, how he
12 started this company. He's all excited.

13 No. I mean, it's, like, I'm
14 familiar with the story. I'm familiar with
15 the history. It's not like I've forgotten
16 it. So no. The only time I was confused
17 about this was the story I told you
18 already, was when about a year ago I logged
19 in to Facebook. I got a message right at
20 the top, very prominently. I think it
21 might have even been a box at the top of
22 Facebook sort of saying we have this great
23 new feature, it's a timeline, do you want
24 to join.

25 And my first reaction was that's

1 K. KOENEMAN

2 great. Brian either sold his company to
3 Facebook or he did some deal with Facebook.

4 So if, if you're asking me if I was
5 confused, I was definitely confused. And
6 then a couple days later when I saw him at
7 the party and I brought this up and he said
8 there's no good news, I was even confused
9 again because he didn't want to talk about
10 it.

11 So I thought how does Facebook have
12 a timeline feature if Brian didn't either
13 sell his company to them or do a deal with
14 them. So I was confused then. But those
15 are the instances.

16 Q. And subsequent to that encounter,
17 you have not experienced any confusion with
18 respect to sponsorship or endorsement or any
19 sort of affiliation between Facebook and
20 Timelines, Inc., or LifeSnapz; is that a
21 correct statement?

22 A. No, that's not correct. So the
23 confusion is I've been -- you know, I was in
24 business for a fair amount of time, more than
25 ten years, depending on how you're cutting it,

1 K. KOENEMAN

2 between ten and fifteen years. And I have a
3 background in finance and I have a background
4 in law.

5 And I was very confused about how
6 Facebook could have a timeline feature without
7 either buying Timelines, Inc., or doing a
8 legitimate business transaction with Timelines,
9 Inc. So for the last year I've been
10 consistently confused about that every time I
11 thought about it.

12 Q. At any point have you ever logged in
13 to LifeSnapz or timelines.com or used any
14 services offered by Timelines, Inc., and
15 experienced confusion as to any sort of
16 associations, sponsorship, or endorsement by
17 Facebook?

18 MR. WELTMAN: Object to the form.

19 THE WITNESS: I just answered that
20 question.

21 Q. I'm specifically asking about the
22 logging in aspect of it, whether or not there's
23 been any confusion as a result of --

24 A. No. So I'll give you the same
25 answer. No. But it's like I've never walked

1 K. KOENEMAN

2 prepare for this deposition?

3 A. That's correct. Because I, I sort
4 of -- you know, it's sort of like -- you know,
5 as a consumer of anything in life, you know,
6 it's like you figure out if something is
7 relevant to you.

8 So, like, I'm not wearing a tie
9 today so I don't go to tie stores shopping for
10 ties. So at that time I thought this is a
11 great site for kids and teachers. It's
12 probably not good for me. So I'm happy to sort
13 of tell people about it and refer them to it,
14 but, like, I didn't need to, like, to revisit
15 that decision for myself personally.

16 Q. Just to go back to your Facebook
17 page.

18 A. Sure.

19 Q. At the time in which you first
20 recall your Facebook page implementing the
21 timeline feature, at that point did you believe
22 that Timelines, Inc., had -- was somehow
23 associated or responsible or otherwise
24 connected to that implementation on Facebook?

25 A. Yes. I thought Time -- I thought

1 K. KOENEMAN

2 Facebook either bought Timelines, Inc., or they
3 did some sort of legitimate business
4 transaction with Timelines, Inc., and that
5 that's how they had the capability.

6 Q. And that was at the, at the time of
7 the announcement of Facebook's unveiling of the
8 timeline feature?

9 A. Yes, about a year ago.

10 Q. But at the time in which your
11 Facebook page was updated with this timeline
12 feature, did you believe that Timelines, Inc.,
13 was in any way involved with the implementation
14 of the timeline feature, endorsement of it, or
15 somehow affiliated with it?

16 MR. WELTMAN: Object to form and
17 foundation.

18 THE WITNESS: I thought they copied
19 it. I thought they copied it. You know,
20 like Samsung copied Apple's iPhone, I
21 thought they copied it.

22 Q. But when the timeline feature first
23 came out on Facebook, that was after your
24 conversation with Mr. Hand; is that correct?

25 A. Which conversation? I talk to him

1 K. KOENEMAN

2 all the time.

3 Q. Your initial conversation with
4 Mr. Hand in which you stated that you had --
5 you understood that Facebook was launching a
6 new timeline feature?

7 MR. WELTMAN: Object to the form.

8 THE WITNESS: Okay. I don't
9 understand your question. So -- I'm not
10 sure what you're asking me.

11 Q. So what I'm asking is, when your
12 Facebook page itself was updated with the
13 timeline feature, at that point earlier this
14 year, did you believe that Timelines, Inc., had
15 any hand in that implementation?

16 MR. WELTMAN: Same objection.

17 THE WITNESS: No, I -- no, no. I
18 thought that Facebook had ripped off
19 Timelines, Inc.'s, concept, just like, you
20 know, Samsung ripped off Apple's concept.

21 I mean, it's like put an Apple phone
22 and a Samsung phone next to each other.
23 Did I think the Apple engineers went over
24 to Samsung and designed the phone? No, I
25 thought Samsung ripped off Apple's phone.

1 K. KOENEMAN

2 C E R T I F I C A T E

3 STATE OF ILLINOIS)

4) SS.:

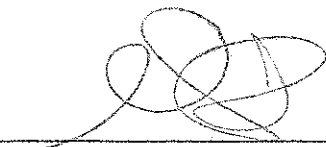
5 COUNTY OF COOK)

6
7 I, JANICE M. KOCEK, a Notary Public
8 within and for the State of Illinois, do
9 hereby certify:

10 That KEITH KOENEMAN, the witness
11 whose deposition is hereinbefore set forth,
12 was duly sworn by me and that such
13 deposition is a true record of the
14 testimony given by such witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or marriage; and that I am
18 in no way interested in the outcome of this
19 matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 21st day of September,
22 2012.

23 
24 _____

25 JANICE M. KOCEK, CSR, CLR.

EXHIBIT

28

ESTHER BARRON
IN THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CERTIFIED COPY

TIMELINES, INC.,

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Plaintiff,

) Civil Action

) No.

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) 11-CV-06867

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vs.

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FACEBOOK, INC.,

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Defendant.

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DEPOSITION OF ESTHER BARRON
Friday, September 21, 2012
Chicago, Illinois

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Reported By:

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TRICIA J. FLASKA, CSR, RPR

25

JOB NO. 53625

ESTHER BARRON

1
2 2010 or 2011?

3 A I don't recall the date of the
4 conversation.

5 Q And what was the nature of the
6 conversation?

7 A The general nature was that I mentioned to
8 Brian Hand that when I learned of Facebook's
9 Timeline update or application, that I wondered
10 whether it was connected to his company in some way.

11 Q And what did Mr. -- how did Mr. Hand
12 respond?

13 A He responded -- actually, I don't remember
14 his response. I remember coming away from the
15 conversation with the understanding that it was not
16 part of his company.

17 Q And now that we've discussed this
18 conversation, is your memory refreshed at all as to
19 when this conversation with Mr. Hand would have
20 occurred?

21 A No.

22 Q Do you recall ever seeing Facebook use the
23 term "Timeline"?

24 A A specific occurrence or just generally?

25 Q Just generally.

1 ESTHER BARRON

2 I further certify that this certificate
3 applies to the original signed IN BLUE and certified
4 transcripts only. I assume no responsibility for
5 the accuracy of any reproduced copies not made under
6 my control or direction.

7 *Tricia Flaska*

8
9 TRICIA J. FLASKA, CSR, RPR

10
11 My Commission Expires
12 August 11, 2015

EXHIBIT

29

DON JENKINS
IN THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CERTIFIED COPY

TIMELINES, INC.,)

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Plaintiff,)

Civil Action

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) No.

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vs.)

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FACEBOOK, INC.,)

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Defendant.)

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DEPOSITION OF DON JENKINS

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Friday, September 21, 2012

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Chicago, Illinois

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Reported By:

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TRICIA J. FLASKA, CSR, RPR

25

JOB NO. 53625

DON JENKINS

1
2 website?

3 A Yeah. I already stated that I've been on
4 there in the past several weeks.

5 Q Did you ever visit the Timelines.com
6 website believing that it was offered by Facebook?

7 A Only after the discovery of the report in
8 the media that they had offered something similar.
9 I was assuming that it was purchased by Facebook.

10 Q And when you visited the Timelines website
11 did you believe that it was offered by Facebook at
12 that time? When you visited the website.

13 A No. What happened was I saw information
14 that led me to believe that the company had been
15 purchased by Facebook. At least that was my
16 assumption. And then looked on the website to find
17 a press release that would say, hey, we've just
18 purchased this company for so many X of millions of
19 dollars or what have you and none of that
20 information was available, which wouldn't be
21 necessarily uncommon, and was just under the
22 impression that, you know, Brian had, once again,
23 successfully built a company and had sold it off to
24 a very large company, which he's got a track record
25 of doing.

DON JENKINS

I further certify that this certificate applies to the original signed IN BLUE and certified transcripts only. I assume no responsibility for the accuracy of any reproduced copies not made under my control or direction.

Date: 9/25/12

Tricia Flaska

TRICIA J. FLASKA, CSR, RPR

My Commission Expires

August 11, 2015

EXHIBIT

30

PAM COLE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CERTIFIED COPY

Timelines, Inc.,

Plaintiff,

vs.

Facebook, Inc.,

Defendant.

:
:
:
:
: Case No.
: 11-CV-06867

DEPOSITION OF PAM COLE

Tuesday, September 18, 2012

9:40 a.m.

3242 West Henderson Road, Suite A
Columbus, Ohio 43220

SHAYNA M. GRIFFIN

REGISTERED PROFESSIONAL REPORTER

CERTIFIED REALTIME REPORTER

Job No: 53167

1 PAM COLE

2 that they were trying to -- he told me they were
3 trying to find ways to use it, trying to find ways
4 to monetize it, the product they had made.

5 Q. So that being the case, did you think that
6 Timelines -- were you thinking Timelines, Inc., had
7 sold a timeline to Facebook?

8 A. Well, I didn't know. That's why I asked
9 him. I didn't know if he had sold it to Facebook or
10 if they had some sort of software that you could use
11 on Facebook or what it was. And this is before the
12 Facebook timeline was actually out there and in use.
13 So I couldn't -- you know, I couldn't look at it.

14 Q. Right.

15 Did your brother respond to your question
16 in this e-mail?

17 A. He did not.

18 Q. Did you ever follow up with him about the
19 question?

20 A. I think that I talked to him on the phone
21 as opposed to e-mail.

22 Q. Do you remember what he said?

23 A. I don't remember what he said, but he did
24 say that it was not their Timelines product that
25 Facebook was doing.

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PAM COLE
CERTIFICATE

State of Ohio :

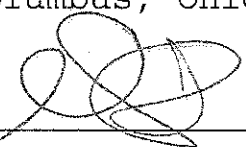
SS:

County of Franklin:

I, Shayna M. Griffin, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named PAM COLE was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotypy in the presence of said witness, afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified.

I certify that I am not a relative, employee, or attorney of any of the parties hereto, or of any attorney or counsel employed by the parties, or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand and affixed my seal of office at Columbus, Ohio, on this 28th day of September, 2012.



SHAYNA M. GRIFFIN, Notary Public
in and for the State of Ohio
and Registered Professional
Reporter, Certified Realtime
Reporter.

My Commission expires June 12, 2013.