

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CROSS ATLANTIC CAPITAL PARTNERS, INC.,

Plaintiff,

v.

FACEBOOK, INC. and THEFACEBOOK, LLC,

Defendants.

CIVIL ACTION

NO. 07-CV- 02768-JP

ORAL ARGUMENT REQUESTED

FACEBOOK MOTION NO. 1

**DECLARATION OF BLAKE ROSS IN SUPPORT OF FACEBOOK'S MOTION FOR
PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT RE CURRENT
FACEBOOK SYSTEM**

[REDACTED VERSION FOR PUBLIC FILING]

(Unredacted version filed separately under seal pursuant to Protective Order)

I, Blake Ross, declare:

1. I am a lead product manager for Facebook, Inc. ("Facebook"), one of the defendants named in this lawsuit. I have been employed at Facebook since 2007. My job responsibilities as a lead product manager include overseeing development and changes to the Facebook website. I also created the Firefox web browser and served as one of its lead engineers. I have personal knowledge of the facts contained within this declaration, and if called as a witness, could testify competently to the matters contained in it.

2. Facebook is a social utility that connects people with the people around them. Facebook operates the website accessible at facebook.com. One of the features of Facebook is known as "Groups," which allows users to create, specialize, maintain and modify on-line gatherings within Facebook. Another feature known as "Events" was designed to allow Facebook users to create gatherings relating to a specific event or occurrence, such as a birthday party. Facebook users can interact in Groups or Events *via* messaging, photo-sharing and other functionality.

3. From time to time Facebook provides and organizes on-line products or services through its website, including but not limited to the Groups and Events features. The content of this section has been redacted for the purpose of this declaration.

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4. As of April 2, 2008, when a Facebook user logs onto the Facebook website, the user is taken to his Facebook "Home" page. An accurate example of a user Home page is depicted in Figure 1 below.

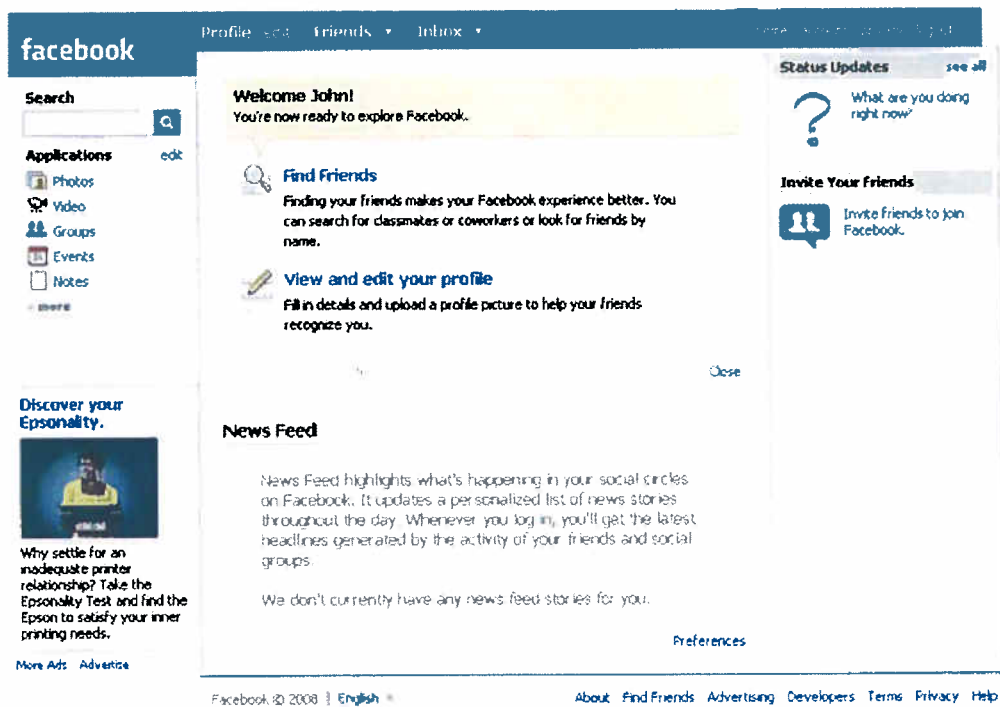


Figure 1 – Facebook User Home Page

5. From the user Home page, a user wishing to create a Group or otherwise access the Groups application may click on the “Groups” link in the Applications menu. Clicking on the “Groups” link takes the user to the main “Groups” page, an accurate example of which is shown in Figure 2, below.

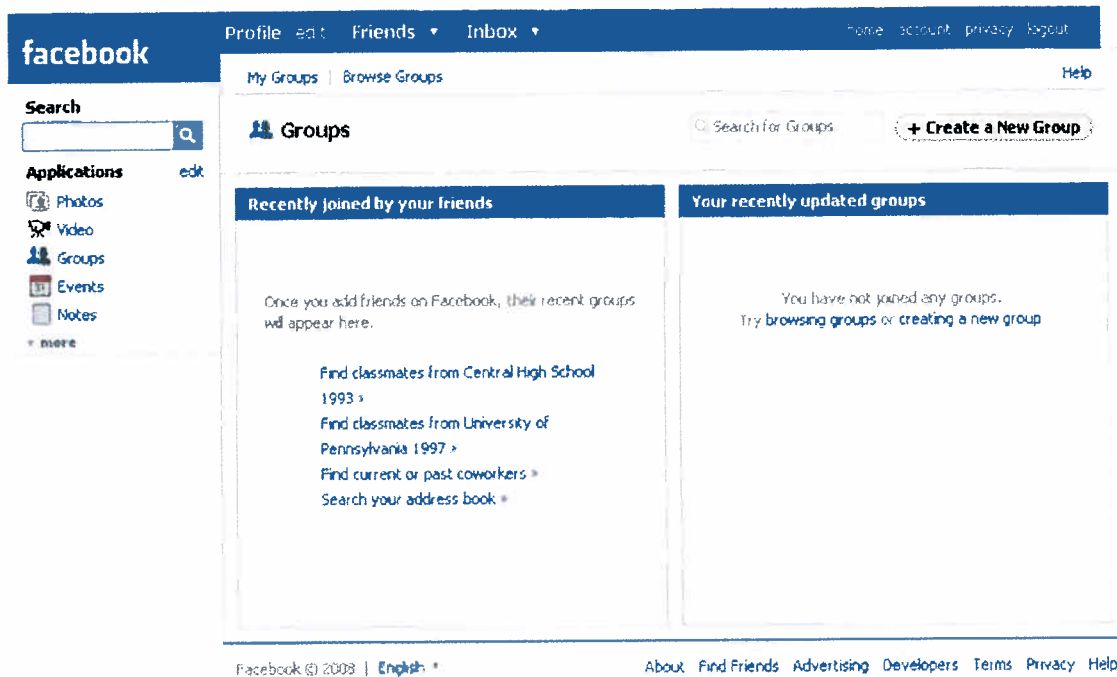


Figure 2 – Facebook Groups Page

6. From the “Groups” page, the user may conduct a variety of Groups-related activities, including creating a new group. To create a new group on Facebook, the user clicks on the button titled “+ Create a New Group” located on the upper right hand side of the main Groups application page (shown in Figure 2, above). Clicking on this button brings the user to the next page titled “Create a Group,” an accurate example, with emphasis added, is provided in Figure 3, below.

facebook Profile edit Friends • Inbox • Home account privacy logout

Search

Applications Photos Video Groups Events Notes

Get an iPod Shuffle

It's fast and easy. There are no surveys to fill out and there are no referrals needed. Just complete 1 offer and it's yours.

More Ads | Advertise

Create a Group

Step 1: Group Info

Group Name: (required) March Madness

Network: Global (Available to all of Facebook)

Description: (required) For college basketball fans.

Group Type: (required) Sports & Recreation College Sports

Recent News:

Office:

Email:

Street:

City/Town:

Create Group Cancel

Note: groups that attack a specific person or group of people (e.g. racist, sexist, or other hate groups) will not be tolerated. Creating such a group will result in the immediate termination of your Facebook account.

Facebook © 2008 Advertisers Businesses Developers About Facebook Terms Privacy Help

Figure 3 – Page for Creating a Group on Facebook (emphasis added)

7. The Groups creation page (Figure 3) prompts the user to input basic information that Facebook uses to create a group (shown by the red arrows). The user is required to enter the “Group Name,” “Description,” and “Group Type.” The user also has the option of changing the default Network, as well as providing “Recent News,” “Office,” “Email,” “Street,” and “City/Town” information. Once the user has provided the minimum required information in the form, the user can click on the “Create Group” button (circled in red) on the bottom of the group creation page.

8. When the user clicks on the “Create Group” button, Facebook creates the new Group on the Facebook system. At this point the group creation process is complete and the newly created Group is fully functional and can be located, used and interacted with by Facebook users without any further action. As a default, the Group is public and open and

includes all available features of the Groups application. The functionality available in the newly-created Group include the ability to invite other users to join plus other features such as “Discussion Board,” “the Wall,” “Photos,” “Video,” “Posted Items” and “Related Groups” applications.

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10. Once the Group has been created, a user can find and interact with the Group. For example, the creator can click on the “Groups” icon on the left bar from any of his Facebook pages to access his Groups. Figure 4 below, accurately shows the user Groups that exist and are ready for use (red square added).

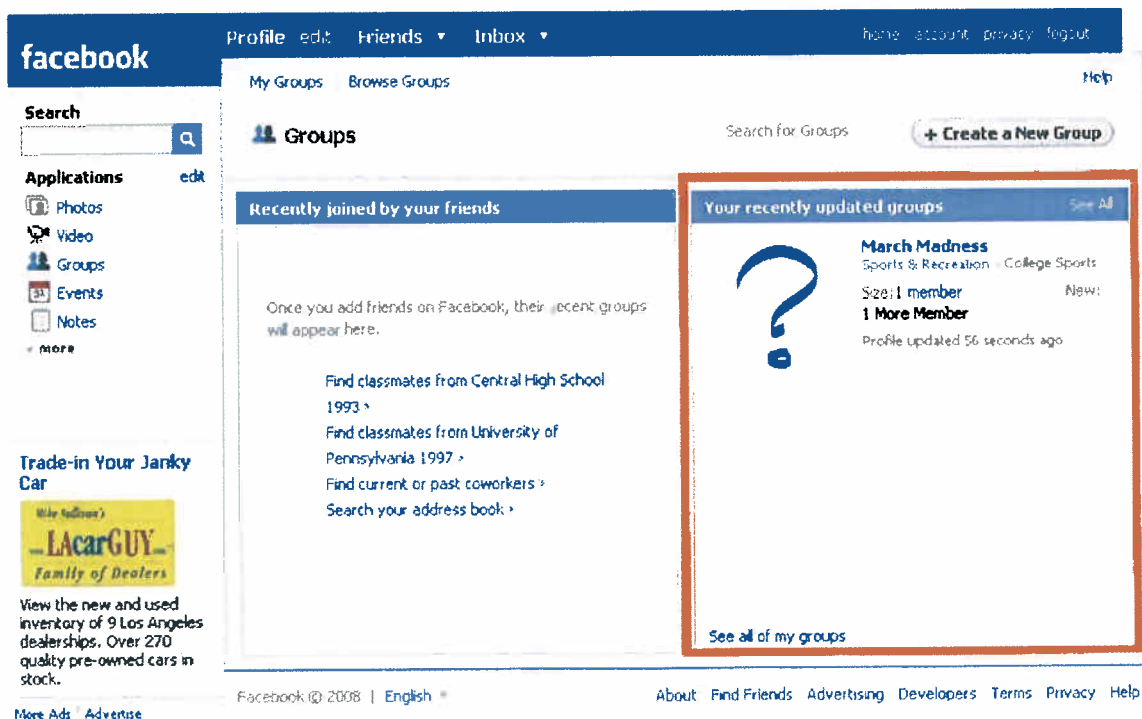


Figure 4 – Facebook Groups Page - Newly-Created Groups Shown (emphasis added)

11. Upon clicking on the newly-created Group (e.g. the “March Madness” group shown in Figure 4) from the Groups page, the user is taken to that Group. Figure 5, below, accurately depicts a fully-functional, open Group.

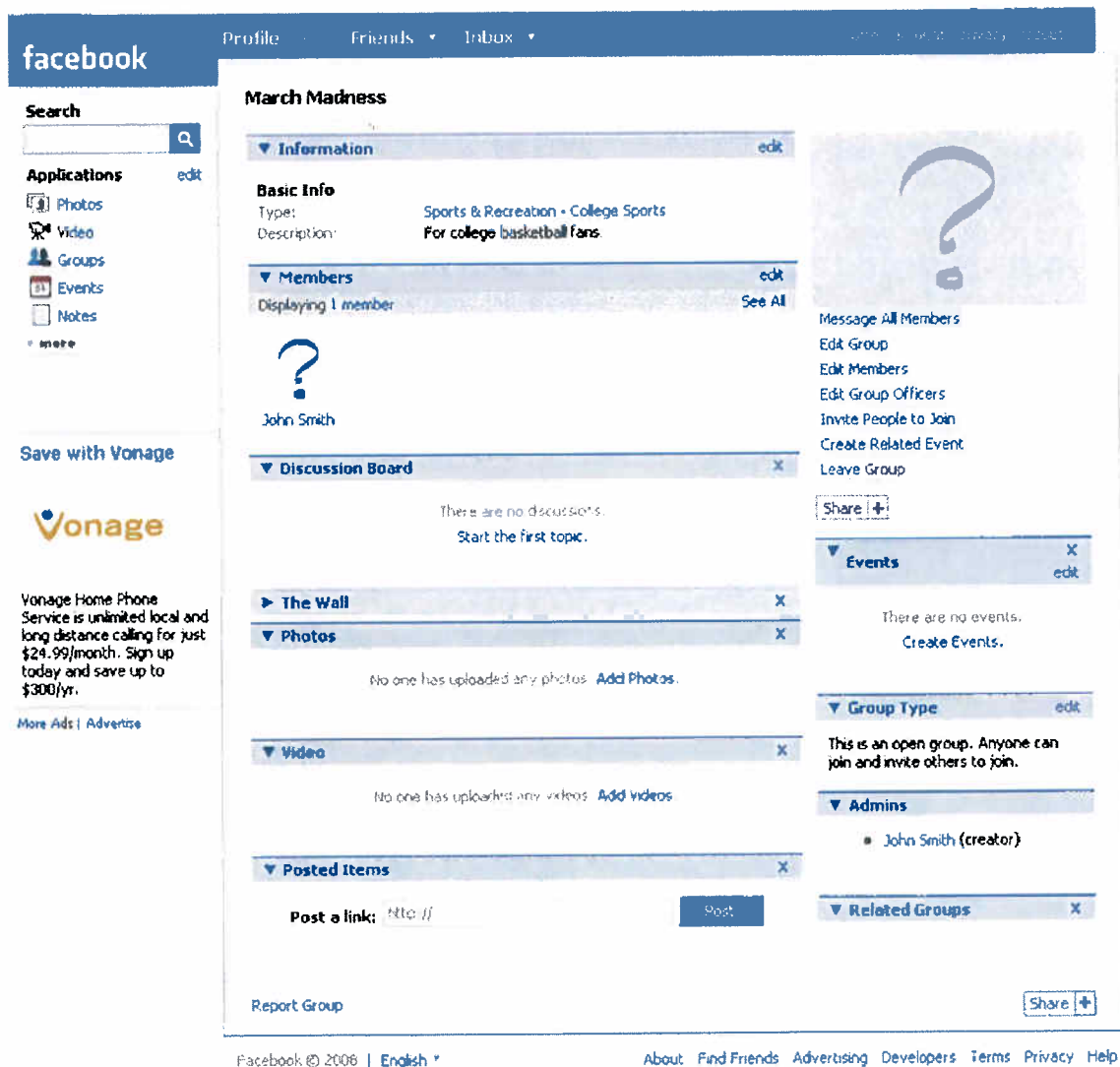


Figure 5 – “March Madness” Group Page

12. After a new Group has been created, the user has the option to customize the new Group. This is shown in Figure 6, below.

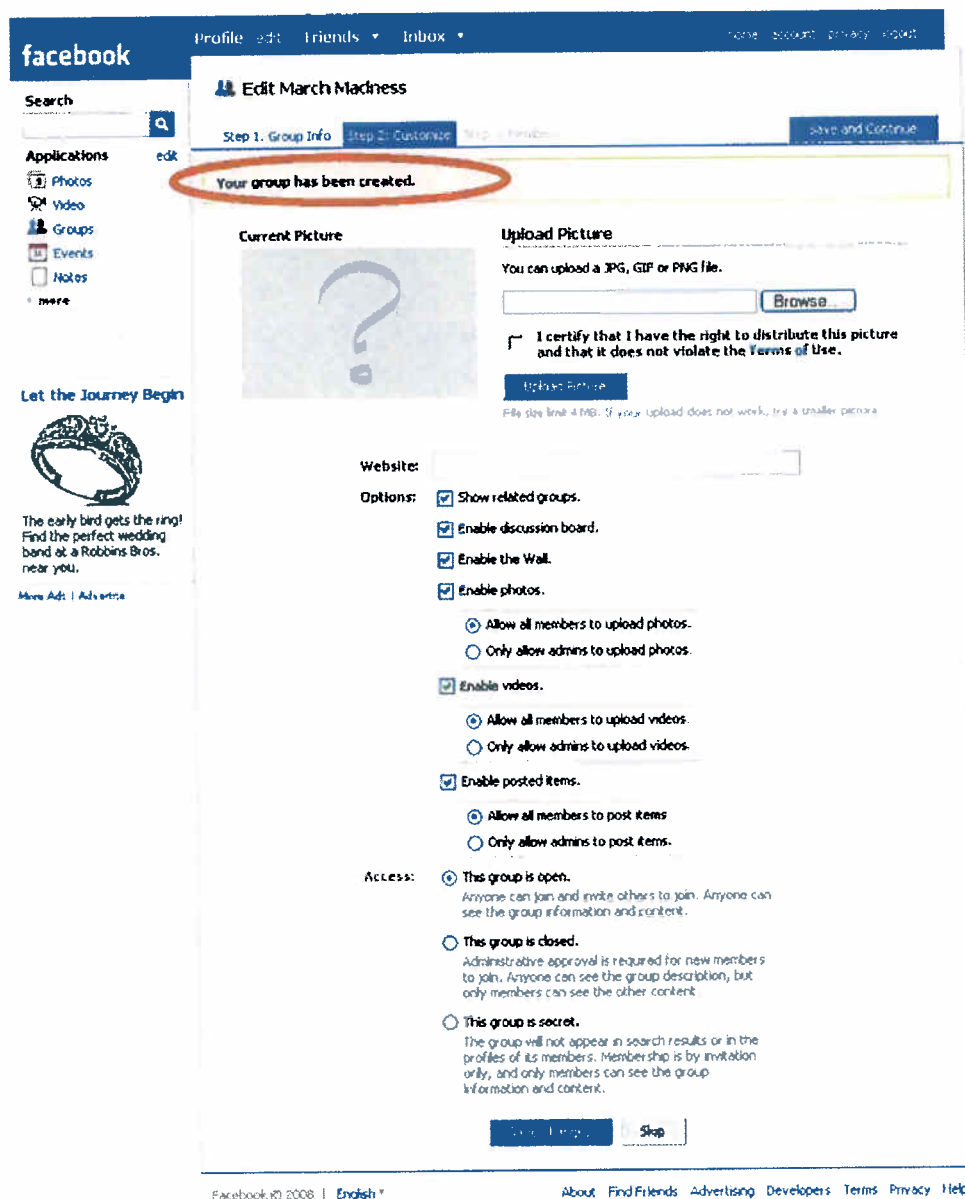


Figure 6 – Group Creation Confirmation Page (emphasis added)

13. Although this page also allows users to customize the newly-created Group, customization is purely optional. If users choose to customize the newly-created group, they may do so immediately after creation from this screen, or they may press the “Skip” button to bypass the customization process. A user may edit the functionality of any Group, at any time

after its creation, by using the edit feature of the Groups application. Any changes to functionality are applied when the user executes the “Save Changes” button.

14. The Group Creation Confirmation Page displays the legend “Your group has been created” (*see* text emphasized by a red circle in Figure 6). As mentioned above, this page presents the user with the first opportunity to edit a Group’s functionality. If the user does nothing at this point, the Group persists as public and open with all features/options of the Groups application enabled. The new Group has already been created by the time the user is presented with the option of customization.

15. The user may also invite others to join the Group immediately after the Group is created or at a later time. Inviting other users to join a Group is not required, however. The user may invite other users to join the newly-created Group without customizing it.

The Facebook Events Creation Process

16. From the user Home page (as shown in Figure 1), a user wishing to create an Event or otherwise access the Events application may click on the “Events” link in the Application menu. Clicking on the “Events” link takes the user to the main “Events” page, an accurate example of which is shown in Figure 7 below.

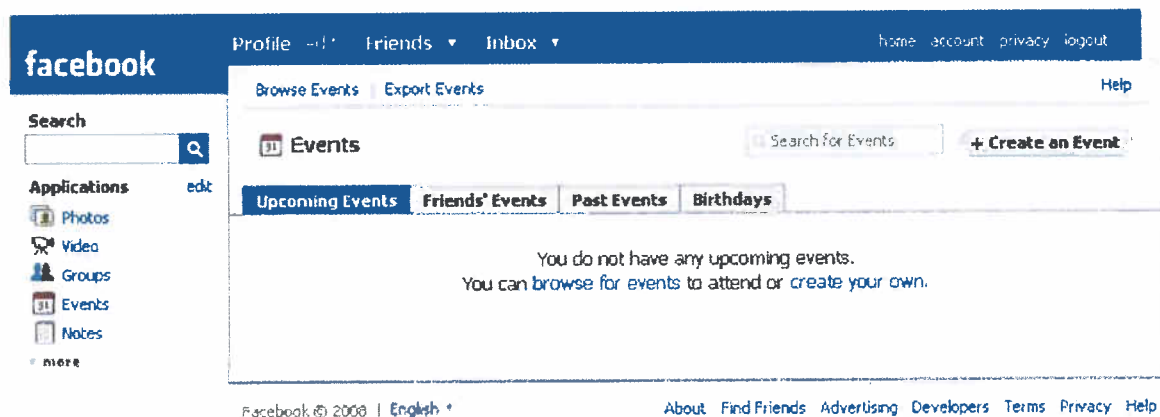


Figure 7 – Facebook Events Page

17. From the “Events” page, the user may conduct a variety of Events-related activities, including creating a new event. To create a new event on Facebook, the user clicks on

the button titled “+ Create an Event” located on the upper right hand side of the main Events application page (see Figure 7, above). As of April 2, 2008, clicking on this button brings the user to the next page entitled “Create an Event,” an accurate example of which is provided in Figure 8, below.

The screenshot shows the Facebook 'Create an Event' interface. At the top, there's a navigation bar with 'facebook' logo and links for Profile, edit, Friends, and Inbox. Below this, the page title 'Create an Event' is displayed. The left sidebar features a search bar, a list of applications (Photos, Video, Groups, Events, Notes), and an advertisement for 'Apartments w/cash back'. The main content area contains the event creation form with the following fields and values:

- Event Name:** John Smith's Birthday
- Tagline:** (empty)
- Network:** Philadelphia, PA
- Host:** John
- Event Type:** Party
- Description:** (empty)
- Start Time:** January 1, 7:00 pm
- End Time:** January 1, 10:00 pm
- Location:** John Smith's House
- City/Town:** Philadelphia, PA
- Phone:** (empty)
- Email:** (empty)

At the bottom of the form are two buttons: 'Create Event' and 'Cancel'. The footer of the page includes 'Facebook © 2008 | English' and links for About, Find Friends, Advertising, Developers, Terms, Privacy, and Help.

Figure 8 – Page for Creating an Event on Facebook

18. The Event creation page (Figure 8) prompts the user to input basic information that Facebook uses to create an Event. The user is required to enter the “Event Name,” “Host,” “Event Type,” and “Location,” and “City/Town.” The user also has the option of changing the

default Network as well as providing a Description, Event time and contact information. Once the user has provided the minimum required information in the form, the user can click the "Create Event" button on the bottom of the Event creation page.

19. When the user clicks the "Create Event" button, Facebook creates the new Event on the Facebook system. At this point, the event creation process is complete and the newly-created event is fully functional and can be located, used and interacted with by Facebook users without any further action. As a default, the event is public and open and includes all available features of the Events application. The creator has the ability to invite members to the event or to send messages to members to attend the Event.

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21. Once an Event has been created, a user can find and interact with the Event. For example, the creator can click on the "Events" icon on the left bar from any of his Facebook pages to access the Event. As accurately depicted in Figure 9, below (with red square added for emphasis), after the Event has been created, it appears on the user's Events page under "Upcoming Events."

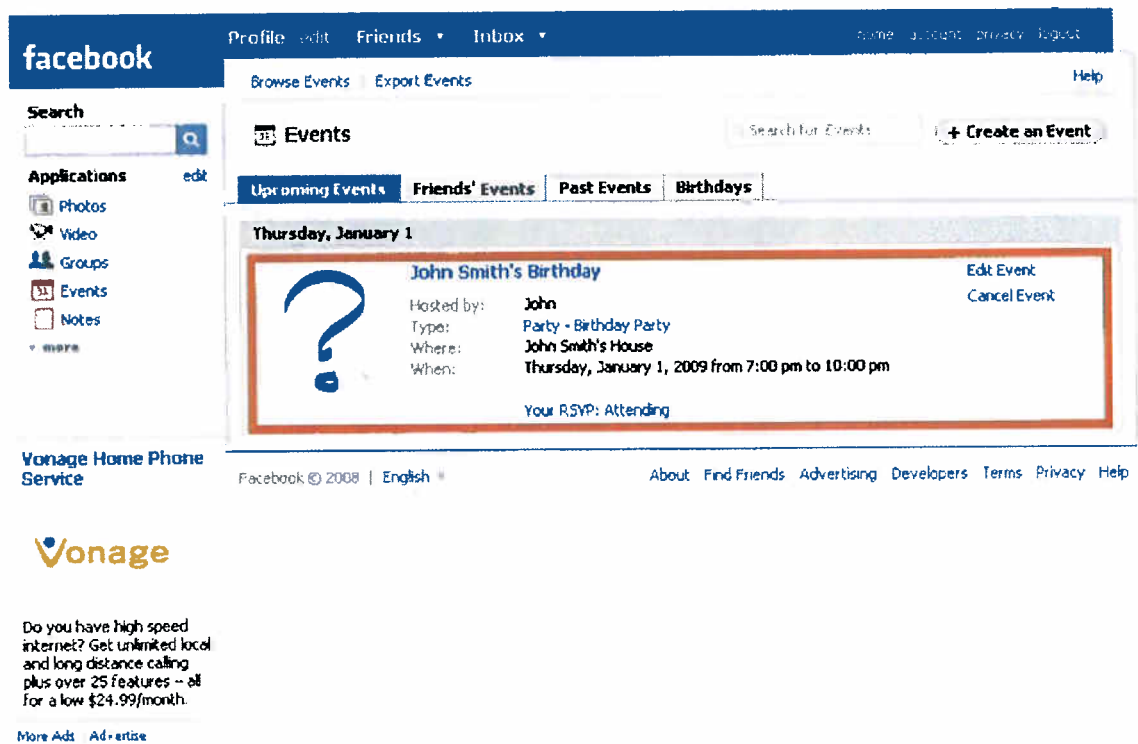


Figure 9 – Events Page

22. After creation of the Event, the user has the option to customize the new Event. An accurate example of the Customize Event page is shown in Figure 10, below.

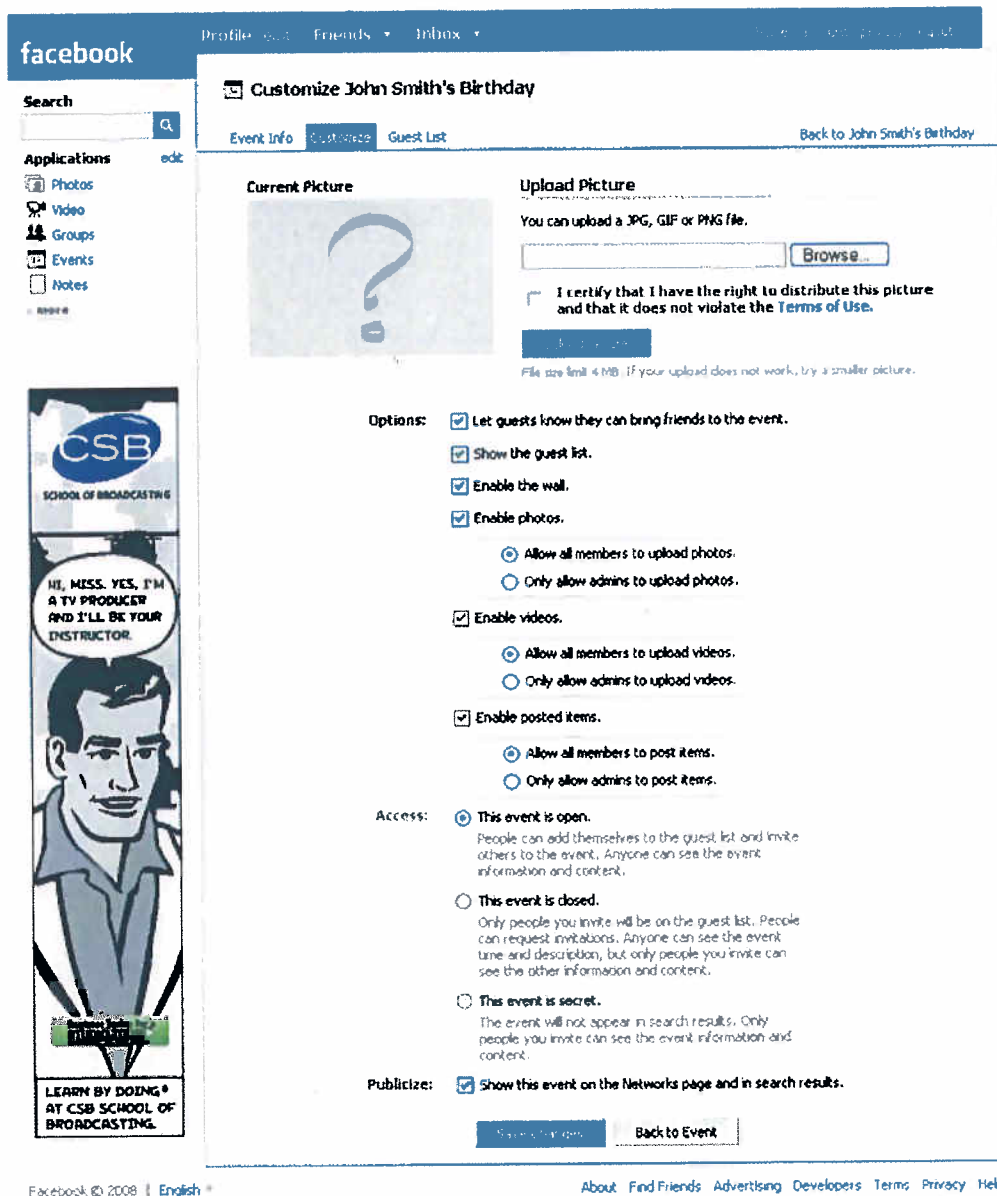


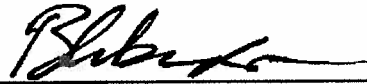
Figure 10 – Page for Customizing a Newly-Created Event

23. This page is the first opportunity that a user has to edit Event functionality. If the user does nothing at this point, the Event persists as public and open with all features of the Events application enabled. As with the Groups application, the new Event has already been created by the time the user is presented with the option of customization. The user may press “Back to Event” to bypass the customization process leaving the event public, open, and with all features of the Events application enabled. If the user desires to edit the functionality of any

existing Event, the user can do so through the Customize Event page. Any changes to functionality are applied when the user executes the "Save Changes" button.

24. Facebook does not require customization or invitation of other people to an event. If the user chooses, this can occur at any time after an event has been created.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 19, 2008 in Palo Alto, California.

A handwritten signature in black ink, appearing to read "Blake Ross", is written over a horizontal line.

Blake Ross

CERTIFICATE OF SERVICE

This is to hereby certify that on June 20, 2008, I caused a true and correct copy of the foregoing **Declaration of Blake Ross in Support of Facebook's Motion for Partial Summary Judgment of Non-Infringement re Current Facebook System** to be served *via* this Court's Electronic Filing ("ECF") System, upon the following:

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/s/ Heidi L. Keefe
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