

**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. 4

**DECLARATION OF BLAKE ROSS IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OF NON-INFRINGEMENT**

[REDACTED VERSION FOR PUBLIC FILING]

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

I, Blake Ross, declare as follows:

1. I am a lead product manager at Facebook, Inc. ("Facebook") and have worked there for one year. 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 herein.

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. Facebook users can interact in Groups *via* messaging, photo-sharing and other functionality.

Creation of Groups and Use of "gid" Information

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4. To create a Group, a registered user must log in to Facebook. Upon logging in the user is taken to its home page. An accurate example of a user home page is depicted in Figure 1, below.

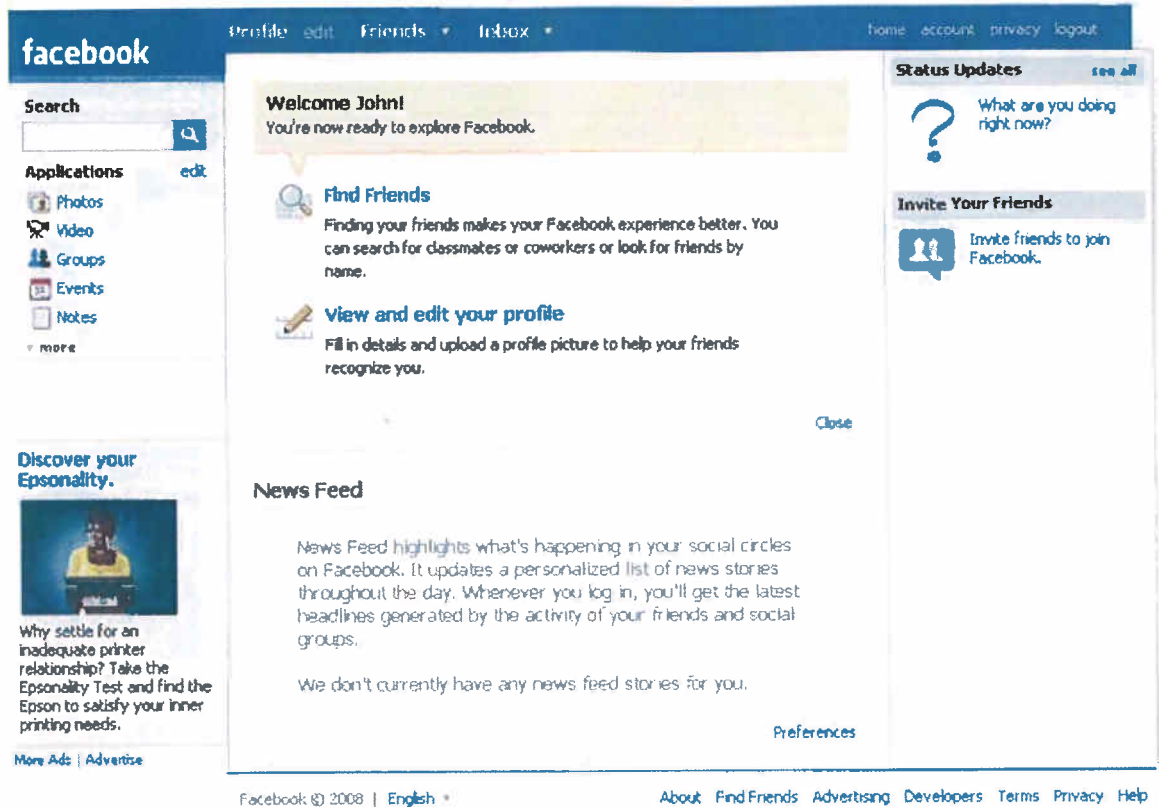


Figure 1 – Facebook User’s Home Page

5. From the home page, a user wishing to create a Group or otherwise access the Groups application clicks 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.

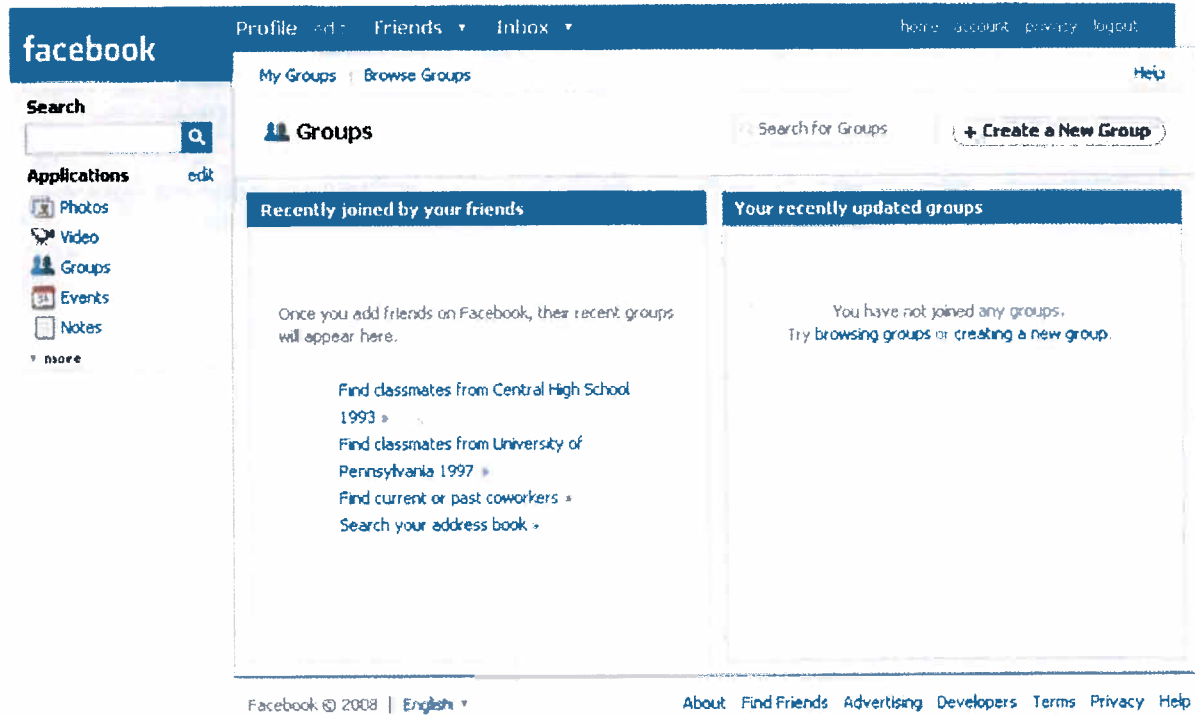


Figure 2 – Facebook Groups Page

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 entitled “Create a Group,” an accurate example of which is provided in Figure 3, below (emphasis added).

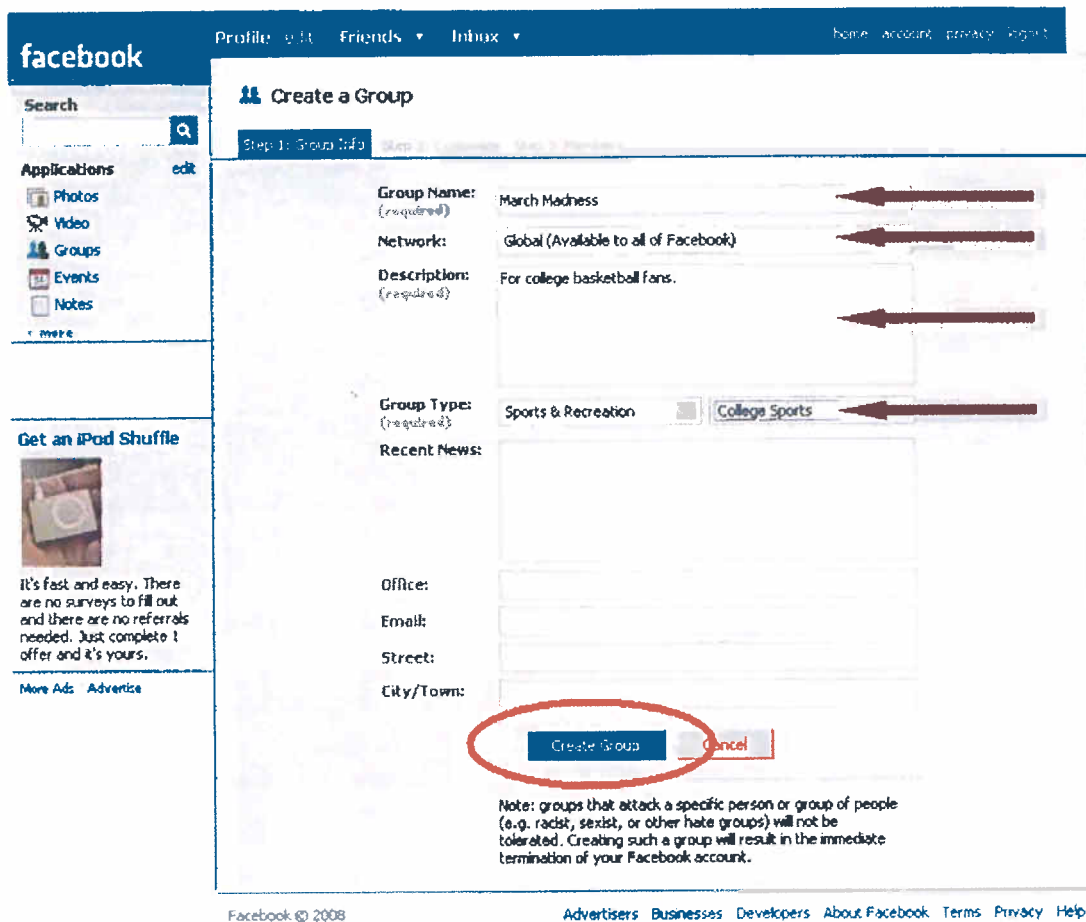


Figure 3 – Page for Creating a Group on Facebook

7. The Group creation page (as shown by Figure 3) prompts the user to input basic information about the Group they desire to create (indicated by red arrows). As shown, 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.

8. Once the user has provided the minimum required information in the form, the user can click on the “Create Group” button on the bottom of the group creation page (circled in red in Figure 3) and create the Group. At this point, Facebook receives the required information, as well as any optional information, the user has submitted. Facebook does not complete the forms on behalf of its users or dictate what information should be provided in a particular field.

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Figure 4, below, provides an example of how multiple Groups with identical Names, Networks, Descriptions and Group Types can be created.

The screenshot shows the Facebook Groups interface. On the left is a navigation sidebar with 'facebook' logo, search bar, and application icons (Photos, Video, Groups, Events, Notes). The main content area is titled 'My Groups' and 'Browse Groups'. It features a search bar and a '+ Create a New Group' button. Below this are two columns: 'Recently joined by your friends' and 'Your recently updated groups'. The 'Your recently updated groups' column lists three identical entries: 'John Smith's Work Group' (Business - Employment & Work), each with 'Size: 1 member' and '1 More Member'. To the right of each entry is a red gid value: 34292263168, 20269821477, and 48777055610. Each entry also has a large blue question mark icon next to it.

Figure 4 – Examples of Multiple Groups With Identical Names, Networks, Descriptions and Types

10. As shown in Figure 4, the three Groups depicted have the same Group Name, Network, Description and Group Type.

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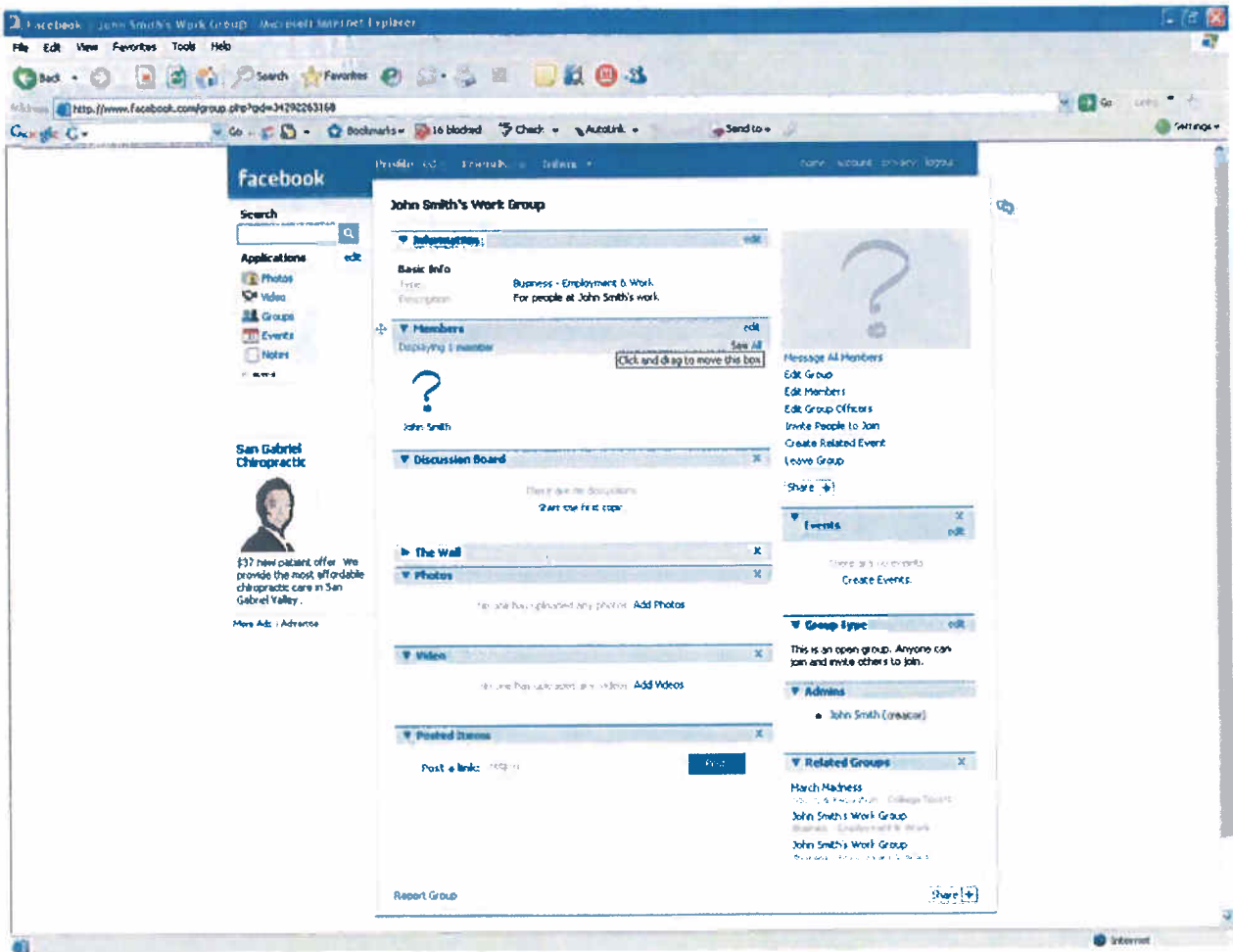


Figure 5 - "John Smith's Work Group" (gid = 34292263168)

11. As shown in Figure 5, above, the URL in the address bar of the user's browser is [http://www.facebook.com/group.php?gid = 34292263168,](http://www.facebook.com/group.php?gid=34292263168)

Redacted

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12. Facebook users do create multiple Groups with identical names and descriptions. As depicted in Figure 6 below, for example, Facebook users have created multiple Groups entitled “Lou Reed” with identical Group Types “Music – Rock.”

The screenshot shows the Facebook Groups interface. On the left is a navigation sidebar with 'Search', 'Applications' (Photos, Video, Groups, Events, Notes), and an advertisement for 'Drowning in Debt?'. The main content area is titled 'My Groups | Browse Groups' and features a search bar and a '+ Create a New Group' button. Below this, there are two columns: 'Recently joined by your friends' and 'Your recently updated groups'. The 'Your recently updated groups' column lists several groups, including three 'John Smith's Work Group' entries and three 'Lou Reed' entries. The 'Lou Reed' groups are highlighted with red text on the right side of the page, indicating their group IDs: 'gid = 931851764!', 'gid = 180962833:', and 'gid = 236683826'. The bottom of the page shows the Facebook copyright notice and various links like 'About', 'Find Friends', 'Advertising', 'Developers', 'Terms', 'Privacy', and 'Help'.

Group Name	Category	Size	Members	Profile Updated	Group ID
John Smith's Work Group	Business - Employment & Work	1 member	1 More Member	15 hours ago	
John Smith's Work Group	Business - Employment & Work	1 member	1 More Member	15 hours ago	
John Smith's Work Group	Business - Employment & Work	1 member	1 More Member	16 hours ago	
Lou Reed	Music - Rock	4 members	1 More Member	about 5 months ago	gid = 931851764!
Lou Reed	Music - Rock	28 members	1 More Member	about 8 months ago	gid = 180962833:
Lou Reed	Music - Rock	97 members	1 More Member	over a year ago	gid = 236683826'

Figure 6 – Identical User-Created “Lou Reed” Groups

Creation of Events and Use of “eid” Information

13. Facebook also has a feature known as “Events.” The feature was designed to allow Facebook users to create gatherings relating to a specific event or occurrence, such as a birthday party.

14. Facebook does not create an Event unless and until it receives a request from a registered user through the Events application.

15. To create an Event, a registered user must log in to Facebook and navigate to the Events application page, an example of which is provided below in Figure 7.

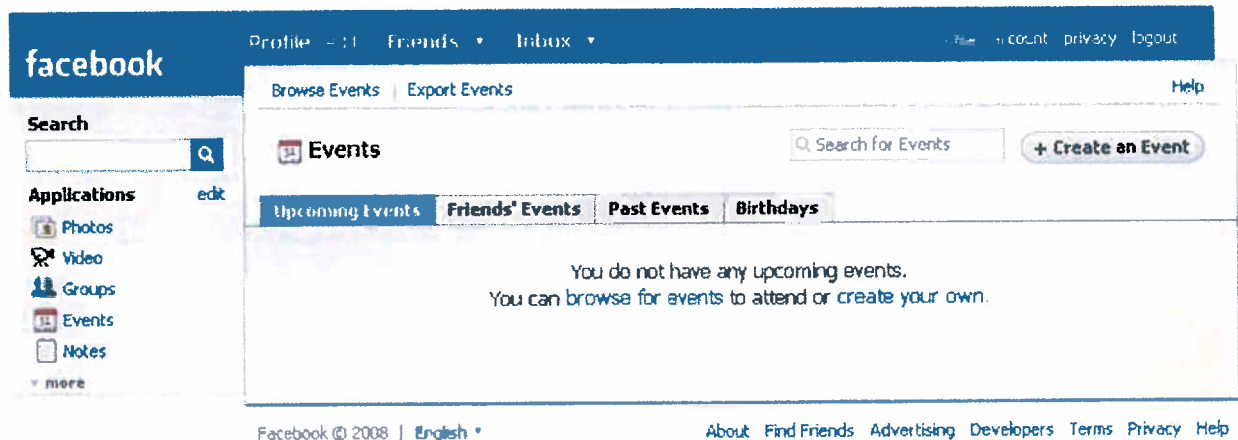


Figure 7 – Facebook Events Page


16. By choosing the “+Create an Event” option, users can create a new Event. Users provide specific information consisting of “Event Name,” “Host,” “Event Type,” “Location” and “City/Town.” Users may also provide additional information about the Event (*i.e.* “Tagline,” “Network,” “Description,” “Start Time,” “End Time,” “Street,” “Phone,” and “Email”). An accurate example of the Create Event page is depicted in Figure 8 below.

facebook Profile edit Friends ▾ Inbox ▾ Home account privacy logout

Search

Applications

- Photos
- Video
- Groups
- Events
- Notes
- more

Apartment w/cash back

 MyNewPlace has tons of great apartments for rent and gives you \$100 cash back. Start your search now!
[More Ads](#) | [Advertise](#)

Create an Event

Step 1: Event Info | Step 2: Customizer | Step 3: Invite List

Event Name: (required)

Tagline: eg: "One night only" or "Because she'll only turn 21 once..."

Network: (required)

Host: (required) or

Event Type: (required)

Description:

Start Time: (required)

End Time: (required)

Location: (required)

Street:

City/Town: (required)

Phone:

Email:

Facebook © 2008 | English ▾ [About](#) [Find Friends](#) [Advertising](#) [Developers](#) [Terms](#) [Privacy](#) [Help](#)

Figure 8 – Page for Creating an Event on Facebook

17. Once the user completes the form depicted above and clicks “Create Event”, Facebook receives the required information, as well as any optional information, the user has submitted. Facebook does not complete the form on behalf of its users or dictate what information should be provided in a particular field.

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At this point, the event exists on Facebook's servers and may be accessed by other users.

19. As shown above, the only information a user need provide when creating an event is the "Event Name," "Host," "Event Type," "Location" and "City/Town." Facebook does not use this information to identify the event.

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Invitations to Groups and Events

20. Facebook allows users to invite people to an Event and/or Group by, among other ways, sending an e-mail message asking them to join. These invitations contain uniform resource locators (URL) that direct the invitees to the appropriate web page at facebook.com where they may access the content and features of the respective Group or Event.

The URL and text of the invitation are the only information Facebook sends or transmits to invitees to a Group or Event.

Redacted

21. When a user actually connects to or accesses a Group or Event, the connection takes place through the user's web browser using a communications address known as an Internet Protocol (IP) address. This IP address provides a unique identifier of the user's computer and is used by Facebook's servers to send information to the user's web browser. The

IP address (and not the user's e-mail address) is the actual address used by Facebook to connect to and communicate with a Group or Event. This IP address is never provided by a registered user in connection with inviting other users to join a Group or Event.

Advertising Appearing On Groups and Events Pages

22. Facebook allows advertising to be placed on its website where it can appear, for example, on Groups and Events pages. Facebook provides a user interface that allows a potential advertiser to specify the parameters to a particular ad. Below in Figure 9 is an accurate depiction of one of the forms Facebook presents to potential advertisers wishing to place ads on Facebook:

facebook

Search

Applications: Photos, Video, Groups, Events, Notes

1. Get Started 2. Choose Audience 3. Create Ad 4. Set Budget Help

I want to reach people age 18 and older in the United States. $\approx 21,299,000$ people

Location: United States
 Everywhere By State/Province By City

Sex: Male Female

Age: 18 - Any

Keywords:
(interests, favorite music, movies, etc.)

Education Status: All College Grad In College In High School

Workplaces:

Relationship Status: Single In a Relationship Engaged Married

Interested In: Men Women

Back Continue

Facebook © 2008 Advertisers Businesses Developers About Facebook Terms Privacy Help

Figure 9 – Choose Audience Page

23. The form above asks the advertiser to identify characteristics about the user to whom the advertiser wishes to target. Ads can be targeted based on, for example, the user's

location, gender, age, educational status, keywords or other information that may be present in a user's profile, as shown above.

Redacted

Hardware Display Devices

24. Facebook provides an on-line service via a publicly-available website. In order for users to log onto and use the Facebook website, they must already have a computing device (such as a computer) that includes some kind of display hardware (such as a monitor or other suitable device). Facebook does not make, use, sell, offer to sell or import display hardware for its users. Facebook does not otherwise provide any display hardware to its users. Facebook plays no role in selecting display hardware for its users and does not encourage users to procure any particular display hardware.

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



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 Summary Judgment of Non-Infringement** to be served *via* this Court’s Electronic Filing (“ECF”) System, upon the following:

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