

## EXHIBIT 5

UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE LODGED UNDER SEAL

1           IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2                   IN AND FOR THE COUNTY OF SAN MATEO  
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4       SIX4THREE, LLC, a Delaware  
5       limited liability company,  
6                   Plaintiff,  
7                   vs.                                   Case No. CIV. 533328  
8       FACEBOOK, INC., a Delaware  
9       corporation and DOES 1  
      through 50, inclusive,  
                  Defendant.

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14 \*\*\*CONFIDENTIAL\*\*\*

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16 VIDEOTAPED DEPOSITION OF  
17 KONSTANTINOS PAPAMILTIDIS

18

19 VOLUME 1; PAGES 1 - 263

20 FRIDAY, SEPTEMBER 1, 2017

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24 REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR

25 (BO-140738)

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| <p style="text-align: right;">Page 22</p> <p>1 partners in a conversation trying to identify what<br/>2 are the main priorities. Business priorities and<br/>3 product priorities, for the most part.<br/>4 And when we identify the opportunities or<br/>5 areas where we have a product offering that<br/>6 satisfies those needs, then we proceed to an<br/>7 integration.<br/>8 If, for example, a company is interested<br/>9 in a registration product, we would make them<br/>10 available -- we would make them aware that we have,<br/>11 like, two registration products in Facebook Login<br/>12 and account kit, and we would work with them to<br/>13 ensure that they integrate the product applying<br/>14 best practices each time to ensure that the user<br/>15 experience for people that use those products is<br/>16 actually optimized.<br/>17 <b>Q. And how are these -- is the end result of</b><br/>18 <b>these conversations some kind of an agreement?</b><br/>19 MS. MILLER: Objection. Vague, compound.<br/>20 BY MR. FTHENAKIS:<br/>21 <b>Q. Would you end up with some form of written</b><br/>22 <b>agreement with them?</b><br/>23 A. Developers on the Facebook Platform have<br/>24 to accept the Statement of Rights and<br/>25 Responsibilities, and they have to accept by</p> <p style="text-align: right;">Page 23</p> <p>1 default the platform policies. That's sufficient<br/>2 enough to proceed into this kind of integration.<br/>3 <b>Q. Is there then no other documentation</b><br/>4 <b>that's created as a part of your role?</b><br/>5 A. There may be documents like NDAs to be<br/>6 signed ahead of time, especially if there is<br/>7 something confidential to be discussed.<br/>8 Confidential from both sides. So we have to<br/>9 protect their right and our right to sell<br/>10 information that may not be in the public domain,<br/>11 in particular for products that are still in some<br/>12 kind of beta, B-E-T-A.<br/>13 <b>Q. When you were hired by Facebook in October</b><br/>14 <b>of 2012, to whom did you report?</b><br/>15 A. I report to the then head of international<br/>16 partnerships.<br/>17 <b>Q. And what was that person's name?</b><br/>18 A. Andy Mitchell.<br/>19 <b>Q. And for how long did you report to</b><br/>20 <b>Mr. Mitchell?</b><br/>21 A. For 6 months.<br/>22 <b>Q. And then to whom did you report?</b><br/>23 A. I moved to report to Ime Archibong.<br/>24 I-M-E, A-R-C-H-I-B-O-N-G.<br/>25 <b>Q. And is that a man or a woman?</b></p> | <p style="text-align: right;">Page 24</p> <p>1 A. Oh, it's a man.<br/>2 <b>Q. Okay. And for how long did you report to</b><br/>3 <b>Mr. Archibong?</b><br/>4 A. For as long as I have been at Facebook.<br/>5 Since then. So for the last 4 1/2 years.<br/>6 <b>Q. You still report to him?</b><br/>7 A. Yes.<br/>8 <b>Q. And what was his job title when you began</b><br/>9 <b>to report to him?</b><br/>10 A. Product Partnerships Lead. Or Head of<br/>11 Platform Partnerships or something like this. I<br/>12 can't remember. We have changed so many times.<br/>13 <b>Q. So I take it that that is not still his</b><br/>14 <b>job title.</b><br/>15 A. No.<br/>16 <b>Q. What is his job title today?</b><br/>17 A. He's a VP of Platform Partnerships.<br/>18 <b>Q. In 2012, how many people reported to you?</b><br/>19 A. No one.<br/>20 <b>Q. You were an individual contributor?</b><br/>21 A. Correct.<br/>22 <b>Q. Did that change at some point in time?</b><br/>23 A. Yes, it did change.<br/>24 <b>Q. When did that change?</b><br/>25 A. It changed in either September or October</p> <p style="text-align: right;">Page 25</p> <p>1 2015.<br/>2 <b>Q. And how did that change?</b><br/>3 A. I became a team lead.<br/>4 <b>Q. Is there a common name by which your team</b><br/>5 <b>goes?</b><br/>6 A. We used to call ourselves Core App<br/>7 Partnerships, or Platform -- Core App Platform<br/>8 Partnerships.<br/>9 <b>Q. And who are the members of the Core App</b><br/>10 <b>Partnerships team?</b><br/>11 A. At that stage, it was Chris Barbour, Jon<br/>12 Park, and Patrick Donohue. D-O-N-O-H-U-E.<br/>13 <b>Q. And the members of that team changed over</b><br/>14 <b>time?</b><br/>15 A. Yes.<br/>16 <b>Q. How have they changed?</b><br/>17 A. Jon Park and Patrick now report to another<br/>18 manager. Chris is still with me. But I have since<br/>19 then added a few more people in the team.<br/>20 <b>Q. So who's part of your team now?</b><br/>21 A. Do you want all the names? It's quite a<br/>22 big team now.<br/>23 <b>Q. Why don't we start with, approximately how</b><br/>24 <b>many people are there?</b><br/>25 A. 12, if I'm not mistaken.</p> |
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| <p style="text-align: right;">Page 26</p> <p>1 Q. And what is the function of the core app<br/>2 partnerships team?</p> <p>3 A. I can tell you what was the function back<br/>4 then, or I can tell you what is the current<br/>5 function --</p> <p>6 Q. Why don't we start with back then, and<br/>7 then I'll ask a different question.</p> <p>8 A. So the core app partnerships was<br/>9 effectively looking after the core platform. Core<br/>10 platform was a combination of products we made<br/>11 available to developers, such as Facebook Login,<br/>12 sharing, analytics. At that stage, I think we have<br/>13 a few more products as well available, like<br/>14 plug-ins.</p> <p>15 Q. And how has the purpose of the team<br/>16 changed since then?</p> <p>17 A. A couple of ways. We increased the scope<br/>18 of the number of products we support, and we also<br/>19 added programs.</p> <p>20 Q. What programs?</p> <p>21 A. We have at this point of time three<br/>22 programs that are specifically designed for<br/>23 developers. One is a global product -- program<br/>24 called FbStart, and this is for early startups, and<br/>25 it's a combination of services, mentorship, and</p>             | <p style="text-align: right;">Page 28</p> <p>1 Q. Okay.</p> <p>2 A. I wasn't at the company back then.</p> <p>3 Q. All right. I seem to recall I made a few<br/>4 presentations at Facebook during those years.</p> <p>5 Now, the very first of the three programs<br/>6 you mentioned was called what start?</p> <p>7 A. Fb.</p> <p>8 Q. FbStart. When did FbStart begin?</p> <p>9 A. We launched FbStart at the f8 in 2014. So<br/>10 it's been around for 3 years.</p> <p>11 Q. And when did Developer Circles start?</p> <p>12 A. We launched Developer Circles at f8 2017.<br/>13 F8 is our developer conference.</p> <p>14 Q. Just out of curiosity, do you know why the<br/>15 Facebook developer conference is called f8? This<br/>16 is my own personal curiosity.</p> <p>17 A. I don't know. There are different<br/>18 theories.</p> <p>19 Q. Is it the function key?</p> <p>20 A. No. It's nothing to do with the function<br/>21 key, as far as I know.</p> <p>22 Q. Okay.</p> <p>23 A. It has to do more, I think, with the<br/>24 purpose of this event.</p> <p>25 Q. And Tech Hubs were started when?</p>   |
| <p style="text-align: right;">Page 27</p> <p>1 community.</p> <p>2 The second program that we have is called<br/>3 Developer Circles. And this is a program designed<br/>4 for specifically individual developers, not<br/>5 companies. And our intent is to educate people<br/>6 about how to become better coders, better<br/>7 developers.</p> <p>8 And the third program that we have is<br/>9 called Tech Hubs. And we have to date launched two<br/>10 Tech Hubs: One in Paris, and we just announced one<br/>11 in São Paulo.</p> <p>12 And the idea is that we have real estate,<br/>13 basically physical space, where we invite a number<br/>14 of startups for a period of time, and we help them<br/>15 with mentorship and support. And it's a -- I<br/>16 wouldn't say it's a typical accelerator program,<br/>17 but it's a form of accelerator.</p> <p>18 Q. Is the Tech Hub the same thing that was<br/>19 down here on Hamilton Avenue in Palo Alto in the<br/>20 2008-2009 time frame? I forget what they called<br/>21 it.</p> <p>22 A. I don't know what you're talking about.</p> <p>23 Q. It may have been the Facebook Fund office.<br/>24 Is it --</p> <p>25 A. I don't know what you are talking about.</p> | <p style="text-align: right;">Page 29</p> <p>1 A. So we announced the one in Paris in<br/>2 February this year, and the one in São Paulo this<br/>3 week or last week. I think it was this week. In<br/>4 São Paulo, Brazil. F8 is our developer conference.</p> <p>5 Q. Did you review any materials to prepare<br/>6 for your deposition here today?</p> <p>7 A. So I met with my counsel yesterday, and we<br/>8 looked at some documents and email exchanges.</p> <p>9 Q. What documents did you look at?</p> <p>10 A. It was mostly email exchanges and some<br/>11 slides from presentations.</p> <p>12 Q. Can you recall any more specifically what<br/>13 emails you looked at?</p> <p>14 A. May have been exchanges between myself and<br/>15 a couple of team members.</p> <p>16 Q. Do you recall who those people were?</p> <p>17 A. I looked at several emails, so --</p> <p>18 Q. Do you recall any of the other people on<br/>19 those team threads?</p> <p>20 A. There may have been emails with Emi<br/>21 Archibong.</p> <p>22 Q. Anyone else?</p> <p>23 A. Partners.</p> <p>24 Q. Which partners?</p> <p>25 A. There were email exchanges with, you know,</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 for a legal conclusion.</p> <p>2 THE WITNESS: So it can't be my</p> <p>3 understanding, because the Graph API and Facebook</p> <p>4 Login was not launched in 2007. It was launched</p> <p>5 later.</p> <p>6 So as such, I cannot really, you know,</p> <p>7 make any further comments about it.</p> <p>8 BY MR. FTHENAKIS:</p> <p>9 Q. When was it launched?</p> <p>10 A. If, you know, my memory is not -- you</p> <p>11 know, and today it hasn't been great -- it's</p> <p>12 probably 2010 when we launched. It's either 2008</p> <p>13 or 2010. I can't remember.</p> <p>14 I wasn't at the company back then, so I</p> <p>15 don't have the exact dates.</p> <p>16 Q. Let me ask you the question this way:</p> <p>17 Is it your understanding that from the</p> <p>18 time that Login was announced, that Facebook</p> <p>19 represented to the public that developers had</p> <p>20 access to Graph API including the full friends</p> <p>21 list, friends permissions, and News Feed APIs?</p> <p>22 MS. MILLER: Objection. Compound and</p> <p>23 calls for a legal conclusion.</p> <p>24 THE WITNESS: So Graph API is a different</p> <p>25 product, and it's an API that is there to -- that</p>   | <p style="text-align: right;">Page 44</p> <p>1 they would have a level competitive playing field</p> <p>2 to build their businesses?</p> <p>3 MS. MILLER: Objection. Calls for a legal</p> <p>4 conclusion.</p> <p>5 THE WITNESS: I'm not sure what you mean</p> <p>6 by level competitive playing field.</p> <p>7 BY MR. FTHENAKIS:</p> <p>8 Q. Did you ever hear that phrase?</p> <p>9 A. No.</p> <p>10 Q. Did you ever hear Facebook representatives</p> <p>11 claim to developers that they would have access to</p> <p>12 all of the same APIs that Facebook developers had?</p> <p>13 A. So it's an open platform, so every --</p> <p>14 everybody has access to the same information. If</p> <p>15 that's what you mean, then ...</p> <p>16 Q. Is that the case today? That third-party</p> <p>17 developers --</p> <p>18 A. To the best of my knowledge, we still have</p> <p>19 an open platform. Publicly documented APIs that</p> <p>20 are available to anybody that has reason to believe</p> <p>21 that this information is specifically for Login</p> <p>22 creates a compelling user experience.</p> <p>23 We have an app review process in place,</p> <p>24 and every developer that wants to have access to</p> <p>25 specific user information needs to prove to us</p>   |
| <p style="text-align: right;">Page 43</p> <p>1 acts as an interface between an application and</p> <p>2 Facebook. The Graph API is not connected -- or</p> <p>3 directly connected to Facebook Login.</p> <p>4 So I wouldn't necessarily respond by --</p> <p>5 respond to your question by suggesting that</p> <p>6 Graph API and Facebook Login are one thing. They</p> <p>7 are two separate things.</p> <p>8 BY MR. FTHENAKIS:</p> <p>9 Q. Okay.</p> <p>10 A. So for Facebook Login in particular, when</p> <p>11 the first iteration of Facebook Login was out</p> <p>12 there, it gave, to the best of my, you know,</p> <p>13 recollection, the ability for any developer to ask</p> <p>14 a number of permissions, including friends list,</p> <p>15 that gave them access to the friends graph. That</p> <p>16 wasn't the only permission available. There were</p> <p>17 other things that were available.</p> <p>18 And again, just for completeness, it</p> <p>19 wasn't just a matter of developers asking for</p> <p>20 access to that information. Facebook Login</p> <p>21 required the user's consent for that information to</p> <p>22 be made available to the third party.</p> <p>23 Q. Is it your understanding that from the</p> <p>24 time you first became aware of Facebook in 2007 or</p> <p>25 2008, that Facebook represented to developers that</p> | <p style="text-align: right;">Page 45</p> <p>1 before they can prove to the users how they are</p> <p>2 going to be making user-specific certain</p> <p>3 information.</p> <p>4 Once they go through that app review</p> <p>5 process, they get approval to use certain</p> <p>6 permissions. Those permissions will be displayed</p> <p>7 to the user, and the user still has a right to</p> <p>8 decline access to that information to the extent</p> <p>9 that they don't believe that the application</p> <p>10 developer will make good use of that data.</p> <p>11 Q. When did Facebook begin an app review</p> <p>12 process?</p> <p>13 A. The app review process started in 2014.</p> <p>14 Q. What was the app review process?</p> <p>15 A. The app review process still is an</p> <p>16 application that is done actually by the developer</p> <p>17 to Facebook that basically documents how certain</p> <p>18 permissions that the developer requires access to</p> <p>19 are going to be used within the experience of the</p> <p>20 application itself.</p> <p>21 The way you can think about it is like a</p> <p>22 form where the developer will submit text,</p> <p>23 screenshots of the experience, as well as links to</p> <p>24 the actual application itself or a link to the</p> <p>25 website that our review team can actually go</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 download and test how those permissions are</p> <p>2 actually going to be used.</p> <p>3 And once they go through this review</p> <p>4 process, they can approve permissions that are</p> <p>5 fully justified within the context of this</p> <p>6 application.</p> <p>7 <b>Q. But there was no such process before 2014?</b></p> <p>8 A. No. There wasn't.</p> <p>9 <b>Q. Before 2014, did all third-party</b></p> <p>10 <b>developers have access to all the same information?</b></p> <p>11 MS. MILLER: Objection. Vague. Are you</p> <p>12 talking about specifically Platform information?</p> <p>13 BY MR. FTHENAKIS:</p> <p>14 <b>Q. Let's just -- your word was "permissions."</b></p> <p>15 A. So when we are talking about permissions,</p> <p>16 technically anybody could ask for the permissions</p> <p>17 that were available at that stage. I don't</p> <p>18 remember how many there were.</p> <p>19 But that doesn't mean that every developer</p> <p>20 asked for the same permissions. Developers for the</p> <p>21 most part care about the user experience, and they</p> <p>22 request it and actually acquired permissions from</p> <p>23 users to access the information that they were</p> <p>24 using to make a better -- or to develop a better</p> <p>25 app experience.</p>                       | <p style="text-align: right;">Page 48</p> <p>1 <b>access to all of the same Platform permissions that</b></p> <p>2 <b>Facebook employees had when developing software?</b></p> <p>3 A. I don't think I can remember that, but I</p> <p>4 can assume that they wouldn't again, because they</p> <p>5 were specific permissions that -- actually, they</p> <p>6 are not even permissions, because when you use the</p> <p>7 Facebook application, you don't go through</p> <p>8 permissions.</p> <p>9 <b>Q. So are we talking about access to APIs?</b></p> <p>10 A. We are talking about access to APIs, in</p> <p>11 the end. So my previous answer is still true.</p> <p>12 <b>Q. So let me rephrase the question yet again.</b></p> <p>13 <b>Prior to 2014, did third-party developers</b></p> <p>14 <b>have access to all of the same APIs that Facebook</b></p> <p>15 <b>employees had for Platform APIs?</b></p> <p>16 A. So the Platform APIs are a subset of the</p> <p>17 APIs that Facebook -- the Platform APIs are a</p> <p>18 subset of the Facebook APIs that employees have</p> <p>19 access to. The simple reason is that the Facebook</p> <p>20 app requires access to specific APIs for specific</p> <p>21 features of the app, and those APIs are not part of</p> <p>22 the platform, or they haven't been back then part</p> <p>23 of the platform.</p> <p>24 I think I gave an example with</p> <p>25 notifications earlier.</p> |
| <p style="text-align: right;">Page 47</p> <p>1 Different applications requested different</p> <p>2 permissions.</p> <p>3 <b>Q. Prior to 2014, did third-party developers</b></p> <p>4 <b>have access to all of the same permissions that</b></p> <p>5 <b>Facebook's internal developers had access to?</b></p> <p>6 A. I'm not sure I understand the definition</p> <p>7 of a Facebook internal developer.</p> <p>8 <b>Q. Let's just say, Facebook --</b></p> <p>9 A. Are you talking about --</p> <p>10 <b>Q. Facebook employees writing software.</b></p> <p>11 A. I don't believe that's true. Facebook</p> <p>12 employees have access to the same APIs that are</p> <p>13 available out in the public that -- they may have</p> <p>14 access to some other APIs that are specific for our</p> <p>15 own applications that are not necessarily part of</p> <p>16 the platform.</p> <p>17 I can think of at least one.</p> <p>18 <b>Q. What one is that?</b></p> <p>19 A. Like sending notifications when someone</p> <p>20 comments on your Facebook story is not an API that</p> <p>21 we make available to platform -- via the platform,</p> <p>22 because this is a service and feature unique to our</p> <p>23 own application.</p> <p>24 <b>Q. Prior to 2014, did third-party developers</b></p> <p>25 <b>have all of the same Platform permissions -- have</b></p> | <p style="text-align: right;">Page 49</p> <p>1 <b>Q. That notifications is not Platform API?</b></p> <p>2 A. No. Because the notifications is specific</p> <p>3 to the Facebook app itself.</p> <p>4 <b>Q. But I'm asking about Platform APIs.</b></p> <p>5 A. I don't think that the question was</p> <p>6 specific about Platform APIs. You asked me whether</p> <p>7 the Facebook employees have access to the same APIs</p> <p>8 as Platform developers. Unless I misunderstood the</p> <p>9 question.</p> <p>10 <b>Q. No, I'm asking whether the third-party</b></p> <p>11 <b>developers had access to all of the same Platform</b></p> <p>12 <b>APIs that Facebook developers -- that -- Platform</b></p> <p>13 <b>APIs that Facebook employees had access to.</b></p> <p>14 A. So like I said before, the Platform APIs</p> <p>15 are a subset of the APIs. So in that sense,</p> <p>16 external developers and internal developers have</p> <p>17 the same access to the same Platform APIs.</p> <p>18 <b>Q. Did Facebook require Platform developers</b></p> <p>19 <b>to have an end-user license for the developer's own</b></p> <p>20 <b>users that included Facebook terms?</b></p> <p>21 MS. MILLER: Objection. Vague as to time.</p> <p>22 Lacks foundation.</p> <p>23 THE WITNESS: According to the</p> <p>24 responsibilities that the developers agree to when</p> <p>25 they create the Facebook application with the</p>          |

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| <p style="text-align: right;">Page 50</p> <p>1 Statement of Rights and Responsibilities and the<br/>2 platform policies, they had to have their own<br/>3 privacy policy and their own Terms of Service.<br/>4 That's a thing that I think was true universally<br/>5 back then, and it's true probably now as well.<br/>6 BY MR. FTHENAKIS:<br/>7 <b>Q. Is it fair to say that from 2007 to 2014,</b><br/>8 <b>the number of developers on Facebook Platform</b><br/>9 <b>continued to increase?</b><br/>10 A. I don't have data, so I cannot really<br/>11 answer this question.<br/>12 <b>Q. Is it fair to say that, between 2007 and</b><br/>13 <b>2014, Platform continued to grow its developer</b><br/>14 <b>base?</b><br/>15 A. Sorry, from when?<br/>16 <b>Q. 2007 to 2014.</b><br/>17 A. I don't have the data, so I cannot answer<br/>18 that question.<br/>19 <b>Q. You have no understanding one way or the</b><br/>20 <b>other?</b><br/>21 A. I can imagine that that is probably true,<br/>22 but that would not be, you know, like a very<br/>23 credible answer, because I don't have access to the<br/>24 data. But this is probably based on publications<br/>25 and -- I do not have access to the data.</p>   | <p style="text-align: right;">Page 52</p> <p>1 the API is guaranteed to be stable for 2-plus<br/>2 years. For 2 years at the minimum.<br/>3 So that effectively means that the version<br/>4 of the API that is rolled out, for example, in<br/>5 October 2015 will be available until at least<br/>6 October 2017. And within that period, that version<br/>7 of the API will not change.<br/>8 <b>Q. And how is this commitment documented?</b><br/>9 A. This is part of the documentation that is<br/>10 available to the developers at facebook.com.<br/>11 <b>Q. Was it part of the SSR? Was it part of</b><br/>12 <b>some other document --</b><br/>13 A. No, this is not part of the SSR. This is<br/>14 not part of the privacy -- sorry, the platform<br/>15 policy. This is documented as a changelog. It's<br/>16 documented as a blog post where we announce that we<br/>17 made that change.<br/>18 <b>Q. Do you recall the title of that blog post?</b><br/>19 A. I think it may have been part of the f8<br/>20 2014 product announcement. Every time we have a<br/>21 new API released, we are going to have another blog<br/>22 post on Facebook about what's in that API version.<br/>23 <b>Q. But it is true that prior to that,</b><br/>24 <b>Facebook sent notices to developers about changes</b><br/>25 <b>to the platform. Right?</b></p> |
| <p style="text-align: right;">Page 51</p> <p>1 <b>Q. Well, do you have any understanding as to</b><br/>2 <b>how many developers were on the Facebook Platform</b><br/>3 <b>in early 2014?</b><br/>4 A. Approximately 1 to -- 1 million to<br/>5 a million and a half. But again, this is too long<br/>6 ago for me to remember exactly.<br/>7 <b>Q. Prior to f8 in 2014, did Facebook</b><br/>8 <b>periodically send notices to developers about</b><br/>9 <b>changes to the Facebook Platform that might affect</b><br/>10 <b>their apps?</b><br/>11 A. So before 2014, we haven't committed to<br/>12 the 2-year stability that we announced in 2014.<br/>13 And according to our platform policies, we could<br/>14 make changes with 90 days of notice period.<br/>15 So whenever we wanted to make changes, we<br/>16 would make those changes and send alerts of<br/>17 notifications to developers that they have 90 days<br/>18 to adjust their apps to comply with the new APIs or<br/>19 the changes that we made on the platform overall.<br/>20 <b>Q. You referred to a 2-year stability -- what</b><br/>21 <b>was it called? A 2-year stability --</b><br/>22 A. Period.<br/>23 <b>Q. -- period?</b><br/>24 A. So in 2014 at Facebook, we launched what<br/>25 we called versioning of the API. Each version of</p> | <p style="text-align: right;">Page 53</p> <p>1 A. I cannot remember specific notices, but I<br/>2 remember that we used to do blog posts, and I think<br/>3 we may have been sending developer alerts as well.<br/>4 And we would be communicating probably by email to<br/>5 developers about the changes that were happening on<br/>6 the platform.<br/>7 <b>Q. Did Facebook executives decide in 2012</b><br/>8 <b>that Facebook was going to remove access to the</b><br/>9 <b>full friends list in the Facebook Platform?</b><br/>10 A. I don't know.<br/>11 MS. MILLER: Objection. Lacks foundation.<br/>12 THE WITNESS: I couldn't possibly know<br/>13 that. Sorry.<br/>14 BY MR. FTHENAKIS:<br/>15 <b>Q. At some point in time, did you learn that</b><br/>16 <b>Facebook was going to remove access to the full</b><br/>17 <b>friends list in the Facebook Platform?</b><br/>18 A. I think at some point I became aware of<br/>19 ideas and considerations about how, you know, the<br/>20 platform should look like or what kind of functions<br/>21 the platform or API -- should be available to the<br/>22 platform.<br/>23 <b>Q. And when was that?</b><br/>24 A. I -- I can only imagine that this would<br/>25 have been either in early 2014 or late 2013.</p>  |

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| <p style="text-align: right;">Page 150</p> <p>1 that we are going to put into the audit in</p> <p>2 each category. For example, some apps I do</p> <p>3 want to review and keep an eye on include:</p> <p>4 LinkedIn, Sync.me, and Airbnb."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And then you responded to him about</p> <p>8 Airbnb, didn't you?</p> <p>9 A. Sorry. What about my response?</p> <p>10 Q. Don't you say that you wouldn't have</p> <p>11 considered Airbnb but agreed to include it?</p> <p>12 A. Yes. But I also acknowledge the fact that</p> <p>13 there is a reputation inside Airbnb, because it's a</p> <p>14 marketplace.</p> <p>15 Q. Does Facebook have any app that lets</p> <p>16 people pay someone to stay in another's home?</p> <p>17 A. As far as I know, no one would have ever</p> <p>18 built this. We're not in the business of home</p> <p>19 rentals.</p> <p>20 Q. Was there anything particular about Airbnb</p> <p>21 that was of concern to Facebook at this time?</p> <p>22 MS. MILLER: Objection. Lacks foundation,</p> <p>23 calls for speculation, and very broad.</p> <p>24 THE WITNESS: I don't think that we had</p> <p>25 concern about any of those apps that are listed on</p> | <p style="text-align: right;">Page 152</p> <p>1 him, "As for the process, I have set a reminder for</p> <p>2 myself to check the logs bi-weekly." That was the</p> <p>3 process me manually pulling the reports.</p> <p>4 BY MR. FTHENAKIS:</p> <p>5 Q. And what logs were you pulling?</p> <p>6 A. I suspect, based on what I see below, that</p> <p>7 I -- attached to this email is logs from API</p> <p>8 requests.</p> <p>9 Q. And what did you look for when you pulled</p> <p>10 those logs?</p> <p>11 A. The endpoints, probably, that they were</p> <p>12 calling.</p> <p>13 Q. You don't know?</p> <p>14 A. No. It doesn't say anywhere else, so I</p> <p>15 cannot tell. It's from platform stats, so I</p> <p>16 suspect number of API calls against specific</p> <p>17 endpoints. That would be my guess.</p> <p>18 Q. What's a DAU?</p> <p>19 A. Daily active user.</p> <p>20 Q. Was the purpose of the audit to identify</p> <p>21 apps which Facebook would ultimately restrict</p> <p>22 information to?</p> <p>23 A. As I mentioned before, I don't remember</p> <p>24 the specifics of this audit, but I don't believe</p> <p>25 there was any intention for us to restrict access</p> |
| <p style="text-align: right;">Page 151</p> <p>1 the email. I don't understand why you may be</p> <p>2 specifically calling Airbnb.</p> <p>3 BY MR. FTHENAKIS:</p> <p>4 Q. You see also that this -- Chris Daniels</p> <p>5 asks, "What is our standard process to see what</p> <p>6 competitors are accessing?"</p> <p>7 Do you see that?</p> <p>8 A. I don't necessarily have an exact</p> <p>9 understanding of what he's trying to say here, but</p> <p>10 I think he may be suggesting if we have any kind of</p> <p>11 reporting in place to see whether Google or YouTube</p> <p>12 or LinkedIn or what are accessing information that</p> <p>13 may be effectively information that I guess is</p> <p>14 related to the friends graph in the context of</p> <p>15 this.</p> <p>16 Q. Well, so what -- let me ask you. Was</p> <p>17 there any process to see what competitors are</p> <p>18 accessing?</p> <p>19 A. No, there was no process. Which I think</p> <p>20 is why I put -- this question was aimed at.</p> <p>21 Q. Was a process ever developed?</p> <p>22 MS. MILLER: Objection. Lacks foundation.</p> <p>23 THE WITNESS: Not to the best of my</p> <p>24 knowledge.</p> <p>25 To ask again, see an email that I sent to</p>    | <p style="text-align: right;">Page 153</p> <p>1 to any of those apps.</p> <p>2 And again, as far as I can see from the --</p> <p>3 from this email exchange, there is a suggestion</p> <p>4 that we may have a different time of applying those</p> <p>5 changes to those apps.</p> <p>6 I think my second bullet point, the one</p> <p>7 you read before, suggests that there is a</p> <p>8 recommendation about whether those should coincide</p> <p>9 with the rollout of Platform Simplification or</p> <p>10 whether they should -- we should act independently.</p> <p>11 (Deposition Exhibit 14 was marked for</p> <p>12 identification.)</p> <p>13 BY MR. FTHENAKIS:</p> <p>14 Q. You have in front of you a document that's</p> <p>15 been marked Exhibit 14. It's an email thread. The</p> <p>16 top email is from you, dated August 15, 2013.</p> <p>17 Have you seen this email thread before</p> <p>18 today?</p> <p>19 A. Are we looking at the same? August 15th.</p> <p>20 Right?</p> <p>21 MS. MILLER: Yeah.</p> <p>22 MR. FTHENAKIS: Did I say something --</p> <p>23 THE WITNESS: I think you said 13th. No?</p> <p>24 Okay, sorry.</p> <p>25 //</p>                                   |



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|---|---|
| <p style="text-align: right;">Page 154</p> <p>1 BY MR. FTHENAKIS:</p> <p>2 Q. You've seen that before today?</p> <p>3 A. I'm the author, so I suspect I've seen it</p> <p>4 before, yes.</p> <p>5 Q. If you would direct your attention to</p> <p>6 page -53.</p> <p>7 A. Yes.</p> <p>8 Q. Does this refresh your recollection that</p> <p>9 Mr. Archibong asked you and Mr. Cross for a</p> <p>10 comprehensive review of the Platform APIs and</p> <p>11 permissions that will be impacted by Platform 3.0,</p> <p>12 as he called it?</p> <p>13 A. Yes.</p> <p>14 Q. And then he also wanted all the private</p> <p>15 whitelisted APIs that will be impacted.</p> <p>16 A. This -- I guess the request after -- next</p> <p>17 to bullet point 1, yes.</p> <p>18 Q. He also tells you that Mr. Daniels wants</p> <p>19 to pull this together to share with Zuck.</p> <p>20 Is that Mark Zuckerberg, as far as you</p> <p>21 know?</p> <p>22 A. That's definitely the nickname used for</p> <p>23 Zuckerberg, so I suspect that's who they are</p> <p>24 referring to.</p> <p>25 Q. Do you have any understanding as to what</p>   | <p style="text-align: right;">Page 156</p> <p>1 the link below, this is a series of API endpoints</p> <p>2 that may or may not be used by applications that</p> <p>3 are building -- or by developers that are building</p> <p>4 Facebook-branded apps for their own platforms.</p> <p>5 Q. Describe for me what a Facebook-branded</p> <p>6 app for one's own platform is.</p> <p>7 A. So Facebook builds their own apps or iOS</p> <p>8 and Android.</p> <p>9 (Telephonic interruption.)</p> <p>10 So at Facebook, we build our own apps for</p> <p>11 certain platforms. For example, we built</p> <p>12 facebook.com; we built the native application for</p> <p>13 iOS; we built the native application for Android.</p> <p>14 Back then, there were a series of</p> <p>15 platforms that we didn't necessarily build the</p> <p>16 Facebook experience or the Facebook application</p> <p>17 ourselves, but we would be working with the</p> <p>18 platform owner -- for example, BlackBerry -- that</p> <p>19 they would be building the application on our</p> <p>20 behalf.</p> <p>21 So for them to be able to replicate the</p> <p>22 Facebook app experience, they had access to APIs</p> <p>23 that were not otherwise publicly available.</p> <p>24 Q. Was there some label used for this</p> <p>25 category of apps?</p> |
| <p style="text-align: right;">Page 155</p> <p>1 Mr. Archibong was referring to when he referred to</p> <p>2 whitelisted apps in this context?</p> <p>3 A. Can I read this?</p> <p>4 Q. Yes, you may.</p> <p>5 A. (Examining document.)</p> <p>6 Sorry. What was the question?</p> <p>7 Q. What was your understanding of</p> <p>8 Mr. Archibong's meaning of "whitelisted apps" in</p> <p>9 this context?</p> <p>10 Previously you told us that "whitelisted"</p> <p>11 could mean two different things. Right? So I'm</p> <p>12 asking you, what did you understand "whitelisted"</p> <p>13 to mean here?</p> <p>14 A. So I think he's referring to whitelisted</p> <p>15 APIs, and not apps.</p> <p>16 Q. What is a whitelisted API?</p> <p>17 A. An API that is meant to be for private</p> <p>18 consumption.</p> <p>19 Q. So does that mean that these are APIs that</p> <p>20 will no longer be available in Platform 2.0?</p> <p>21 A. That may be in reference to APIs that have</p> <p>22 been available even beyond 2.0 under contract.</p> <p>23 Q. Well, how did you interpret it? I mean,</p> <p>24 you responded to this. Right?</p> <p>25 A. So on this occasion, as far as I see from</p> | <p style="text-align: right;">Page 157</p> <p>1 A. I think Facebook-branded apps.</p> <p>2 Q. So they would be Facebook apps, but</p> <p>3 written by somebody else. Is that the idea?</p> <p>4 A. Written, owned -- I don't know what's the</p> <p>5 right word.</p> <p>6 Q. How many private APIs did Facebook have in</p> <p>7 August of 2013?</p> <p>8 MS. MILLER: Objection. Lacks foundation.</p> <p>9 THE WITNESS: I could not tell you.</p> <p>10 BY MR. FTHENAKIS:</p> <p>11 Q. You don't know?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you have a reasonable estimate of the</p> <p>14 number?</p> <p>15 A. No. I have no idea.</p> <p>16 Q. Was it a large number, a small number, as</p> <p>17 far as you know?</p> <p>18 A. I couldn't tell you.</p> <p>19 Q. Let me direct your attention to the</p> <p>20 next-later email further up the page on the 12th at</p> <p>21 2250.</p> <p>22 You see that Mr. Daniels says (as read):</p> <p>23 "I'll forward you an analysis that Vikas</p> <p>24 pulled together for mobile developers using</p> <p>25 the app -- I'd love to get the same for</p>   |

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| <p style="text-align: right;">Page 158</p> <p>1 nonmobile developers" -- or, excuse me,<br/>2 "non-mobile users and understand for each<br/>3 user the APIs, is their use case something<br/>4 that a) we get value from and/or b) we would<br/>5 be hurt by turning it off. My default stance<br/>6 will be, if we're not 'yes' for a) or b),<br/>7 then we should turn off access. Happy to<br/>8 chat and give you more context if needed<br/>9 before you get started."<br/>10 Do you see that?<br/>11 A. Yes, I see that.<br/>12 Q. What do you -- first of all, what -- what<br/>13 did -- what was this thing that Vikas pulled<br/>14 together, the analysis? Do you recall seeing that?<br/>15 A. I have no recollection ever this analysis,<br/>16 no.<br/>17 Q. Do you have any understanding of what<br/>18 criteria were used in this analysis to analyze<br/>19 what?<br/>20 A. I cannot tell. From the context of this<br/>21 email, I think someone, Vikas, on this occasion<br/>22 looked at read_stream API.<br/>23 MS. MILLER: For the record, a heat<br/>24 advisory was just issued. All of our phones<br/>25 started buzzing.</p>                                  | <p style="text-align: right;">Page 160</p> <p>1 conversation happened. Although there is a<br/>2 suggestion that now they are setting up a meeting,<br/>3 so -- I can't tell.<br/>4 Q. Well, do you recall a meeting?<br/>5 A. No, I don't recall a meeting.<br/>6 Q. Who was Vikas?<br/>7 A. Is that Vikas Gupta? Well, it doesn't<br/>8 say.<br/>9 I think that's probably Vikas Gupta, but I<br/>10 can only speculate, because it doesn't say who's<br/>11 Vikas.<br/>12 Q. Do you have any understanding what Vikas<br/>13 Gupta's role is in the company at this time?<br/>14 A. He was a partner engineer with the mobile<br/>15 team.<br/>16 Q. Let me ask you, was it your understanding<br/>17 that Daniels was suggesting that Facebook should<br/>18 shut off data to any app that either doesn't get<br/>19 value from it or doesn't have any consequence if it<br/>20 is shut off?<br/>21 MS. MILLER: Objection. Lacks foundation,<br/>22 asked and answered, and calls for speculation.<br/>23 THE WITNESS: As per my previous response,<br/>24 I think his recommendation is for us to establish<br/>25 whether there is any value for the users when, you</p> |
| <p style="text-align: right;">Page 159</p> <p>1 BY MR. FTHENAKIS:<br/>2 Q. Do you have a -- how did you interpret the<br/>3 statement, "My default stance will be if we're not<br/>4 'yes' and" -- "'yes' for a) and b), then we should<br/>5 turn off access"?<br/>6 What do you understand Mr. Daniels to be<br/>7 proposing there, or his default stance to be?<br/>8 A. I can, you know, guess that his<br/>9 recommendation is that if those apps have a good<br/>10 enough reason to use or to make use of read_stream<br/>11 in a way that benefits users, then we should<br/>12 maintain their access to read_stream. If not -- I<br/>13 guess, in a way that's abusive to users -- then we<br/>14 should take it down.<br/>15 Q. Did you have any further communications<br/>16 with Mr. Daniels about this topic?<br/>17 A. I can see probably other emails sent to<br/>18 him, so I suspect the answer to your question is<br/>19 yes.<br/>20 Q. Well, I mean, he says "I'd be happy to<br/>21 chat."<br/>22 Did you have a chat, or is it all this<br/>23 email?<br/>24 A. I think it's probably most the email. I<br/>25 was in London back then, so I don't think that</p> | <p style="text-align: right;">Page 161</p> <p>1 know, those apps request and get access to<br/>2 read_stream. And that's about it.<br/>3 BY MR. FTHENAKIS:<br/>4 Q. Can you describe generally what context<br/>5 Mr. Daniels gave you for this project?<br/>6 A. I cannot remember anything beyond what's<br/>7 in the email exchange. And this is coming from<br/>8 email about framing -- yeah.<br/>9 (Deposition Exhibit 15 was marked for<br/>10 identification.)<br/>11 BY MR. FTHENAKIS:<br/>12 Q. You have in front of you a document that<br/>13 has been marked as Exhibit 15. It is an email<br/>14 thread. The top email is from Mr. Archibong, dated<br/>15 September 9, 2013, addressed to you and others.<br/>16 Have you seen this document before today?<br/>17 A. I believe I have seen it, because I'm<br/>18 copied.<br/>19 Q. Do you understand that this email thread<br/>20 describes the Platform 3.0 risk assessment tabs in<br/>21 this spreadsheet that organizes developers into<br/>22 different buckets?<br/>23 And again, look at page -369, ending<br/>24 in -369.<br/>25 A. Yeah, there is a link to a document here.</p>                     |

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1 I can see that there is a description of a tab  
2 called "T0" and another description for a risk  
3 assessment tab.  
4 **Q. You see that one of the bullet points**  
5 **there is, "Competitive/Not Useful to FB"?**  
6 A. Yes, I see that.  
7 **Q. Do you have any recollection of this**  
8 **document?**  
9 A. No.  
10 **Q. The spreadsheet?**  
11 Did you ever see a risk assessment  
12 describing competitive and -- competitive apps and  
13 apps that were not useful to Facebook?  
14 A. I suspect that I have access to that  
15 document, so I suspect that I have seen this  
16 analysis.  
17 **Q. What did you understand the purpose of the**  
18 **analysis to be?**  
19 A. I think we are talking about the impact of  
20 the changes to the ecosystem, et cetera.  
21 **Q. Do you recall what the conclusion was**  
22 **regarding the risk assessment for apps that were**  
23 **competitive and not useful to Facebook?**  
24 A. No. I don't remember that.  
25 **Q. Did you participate in the actual**

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1 **preparation of the spreadsheet referenced here?**  
2 A. From what I can tell, that was probably my  
3 friend Jackie that did that, but I may have  
4 contributed somehow to this as well.  
5 Can I look at the whole thread?  
6 **Q. Yeah, you may.**  
7 A. Okay. So I think there is a reference on  
8 page -67 where I say I have provided additional  
9 information. But I don't know if that is in  
10 reference to that spreadsheet or that document that  
11 Jackie has linked or something else.  
12 So I suspect that I contributed to this,  
13 yes.  
14 **Q. Do you see at the very bottom of page -69**  
15 **it says, "Constantin" -- is that you?**  
16 A. No.  
17 **Q. Who is that?**  
18 A. This is -- what was Constantin doing these  
19 days? I think he was a product manager at that  
20 stage.  
21 **Q. So we have a Constantin with a C and a**  
22 **Konstantinos with a K.**  
23 A. Yes.  
24 **Q. Two different people.**  
25 A. Constantin with a C is a second- or

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1 third-generation Canadian Greek. I was born in  
2 Greece, and this is how we spell the name in  
3 Greece.  
4 Same as yours. Your Greek name is not  
5 Basil.  
6 **Q. Vasil.**  
7 A. Exactly. And you spell it with a V.  
8 **Q. Yeah. I said I know a little Greek.**  
9 A. That's what he said.  
10 **Q. My parents tell me it was actually my**  
11 **first language, but I've forgotten virtually all of**  
12 **it.**  
13 A. If you still like Greek food, you are  
14 Greek in your heart.  
15 **Q. Thank you. I like all food.**  
16 **Again, at that last paragraph, what's EOW?**  
17 A. End of week.  
18 **Q. There's a reference there -- again, on**  
19 **that last paragraph, reference to a discussion with**  
20 **Vernal.**  
21 A. Yes.  
22 **Q. Do you recall participating in any**  
23 **discussion with Mr. Vernal at approximately this**  
24 **time about this audit and assessment?**  
25 A. No. I haven't been part of this

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1 conversation, if there was ever a conversation.  
2 **Q. All right. Moving up the page -- well**  
3 **first, let me ask you, Jackie Chang, who is Jackie**  
4 **Chang?**  
5 A. She is one of my colleagues.  
6 **Q. Did she report to you?**  
7 A. She at some point reported to me. But no,  
8 she doesn't report to me anymore.  
9 **Q. Okay. At this time did she report to you?**  
10 A. No. She reported to me, I think, at that  
11 time.  
12 **Q. So about a quarter of the way down the**  
13 **page, it says, "Working with KP to further**  
14 **synthesize P3 impact by breaking out T0 partners**  
15 **with nonstandard agreements and specific categories**  
16 **of impact that we should address."**  
17 **Do you see that?**  
18 A. Yes.  
19 **Q. P3 refers to Platform 3.0?**  
20 A. There were different names. I guess  
21 that's a reference to the new platform, 2.0.  
22 **Q. Well, let me kind of ask you about the**  
23 **names.**  
24 I see references to Platform 2.0 and I see  
25 references to Platform 3.0 at the same time in this

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| <p style="text-align: right;">Page 166</p> <p>1 2013 time frame.</p> <p>2 Was there any difference between them?</p> <p>3 A. I don't think so. For the most part, you</p> <p>4 know, we didn't know how to call it. People</p> <p>5 referred to it in different ways.</p> <p>6 I think the other emails that you showed</p> <p>7 me may have referred to it as Simplification.</p> <p>8 Q. So it was referred to in -- by multiple</p> <p>9 terms during this time period.</p> <p>10 A. Yes. And I can only assume that the P3 is</p> <p>11 not really a typo. It may as well have been a PS.</p> <p>12 Q. Well, if it was PS, would it mean</p> <p>13 something different to you?</p> <p>14 A. I would imagine that it would be a</p> <p>15 Platform Simplification shortcut, although S and 3</p> <p>16 are not that close, but they are still close. But</p> <p>17 I cannot, you know, suggest that this may not be a</p> <p>18 typo.</p> <p>19 Q. And then there's a reference to "TO</p> <p>20 partners." What is a TO partner? Same sentence.</p> <p>21 A. I think that may have been in reference to</p> <p>22 partners that have nonstandard agreements. And a</p> <p>23 standard agreement is one that is publicly</p> <p>24 available, and it's on the website. The</p> <p>25 nonstandard agreement is probably the one that we</p> | <p style="text-align: right;">Page 168</p> <p>1 I'm looking at which apps give access to</p> <p>2 the data or make use of the data.</p> <p>3 Q. You're looking at something on --</p> <p>4 A. I'm looking at page -67 --</p> <p>5 Q. Yes.</p> <p>6 A. -- which I think is a summary of my</p> <p>7 analysis.</p> <p>8 Q. So this is your -- your analysis begins on</p> <p>9 page -67 and then goes over to page -68?</p> <p>10 A. I believe that's a summary of my analysis.</p> <p>11 Q. A summary.</p> <p>12 A. I don't believe that is the actual</p> <p>13 analysis. The actual analysis is probably</p> <p>14 somewhere attached, because I refer to an</p> <p>15 attachment here.</p> <p>16 Q. I don't see the reference to the</p> <p>17 attachment. Where is the reference to the</p> <p>18 attachment?</p> <p>19 A. So if you look at page -67 towards the</p> <p>20 middle of the page, it says "+Simon," and then I</p> <p>21 replied, "Thanks a lot, Jackie. This is great -- I</p> <p>22 have attached the additional info for the strategic</p> <p>23 partners in the attached spreadsheet as well."</p> <p>24 Q. Do you recall what the spreadsheet showed,</p> <p>25 what -- anything about it?</p>                           |
| <p style="text-align: right;">Page 167</p> <p>1 discussed before where BlackBerry has access to</p> <p>2 private APIs.</p> <p>3 Q. So what do the letters -- do the letters</p> <p>4 "TO" signify anything?</p> <p>5 MS. MILLER: And just for the record, I</p> <p>6 think it's "T zero."</p> <p>7 MR. FTHENAKIS: Is it?</p> <p>8 THE WITNESS: Yes. It is "T zero." I</p> <p>9 don't know what it means, no. I don't even know</p> <p>10 what "T" stands for in the context of this. I know</p> <p>11 what a P zero is.</p> <p>12 BY MR. FTHENAKIS:</p> <p>13 Q. What's a P zero then?</p> <p>14 A. Priority zero. It's a reference to bugs</p> <p>15 and tasks.</p> <p>16 Q. And then it says that "KP" -- that's you</p> <p>17 -- "is working on pulling the same analysis of the</p> <p>18 friend data."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. What were you doing with the friend data?</p> <p>22 A. I think down the line there is an analysis</p> <p>23 that I am referring to how apps that fall again to</p> <p>24 different verticals use different data -- or</p> <p>25 actually, let me reframe that.</p>  | <p style="text-align: right;">Page 169</p> <p>1 A. I don't know. I suspect it was probably a</p> <p>2 list of apps and how many API calls they make and</p> <p>3 stuff.</p> <p>4 Q. Was there anything else that you were</p> <p>5 looking for in your analysis besides the number of</p> <p>6 API calls particular apps were making?</p> <p>7 A. I think I was actually looking at how they</p> <p>8 use the apps differently.</p> <p>9 For example, if you look at Bullet Point</p> <p>10 No. 1, it says, "All games request access to</p> <p>11 friends lists and on top of this" --</p> <p>12 (Reporter requested clarification.)</p> <p>13 "All games request access to friends lists</p> <p>14 and on top of this friends_games_activity. The</p> <p>15 main reason is user acquisition through social</p> <p>16 referral."</p> <p>17 So that to me suggests that the purpose of</p> <p>18 this analysis is to also establish how apps make</p> <p>19 use of the data.</p> <p>20 Q. Okay.</p> <p>21 A. And not just the number of API calls.</p> <p>22 Q. Do you have a -- any recollection as to</p> <p>23 the number of apps that were the subject of your</p> <p>24 analysis?</p> <p>25 A. The number of apps? I think I say here</p> |

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| <p style="text-align: right;">Page 170</p> <p>1 that I looked at 250 apps. And then the</p> <p>2 percentages in the brackets are actually the apps'</p> <p>3 percentage that fall under each category within</p> <p>4 that 250 cohort.</p> <p>5 <b>Q. Okay. Do you recall that the attachment</b></p> <p>6 <b>actually included over 40,000 apps that would be</b></p> <p>7 <b>affected by removal of the friends permission?</b></p> <p>8 A. I guess what it says in the email, that</p> <p>9 the attachment included all those apps. And the</p> <p>10 previous sentence says, "Simon managed to pull a</p> <p>11 list of 40,000 apps that request and make use of</p> <p>12 the friends_permissions."</p> <p>13 So I suspect that the attachment included</p> <p>14 references to those 40,000 apps. But I think the</p> <p>15 analysis that follows in the main body of the email</p> <p>16 only applies to the top 250.</p> <p>17 <b>Q. Flipping back a page to document ID number</b></p> <p>18 <b>ending in -366, in the middle of the page,</b></p> <p>19 <b>Archibong writes that for the lifestyle app</b></p> <p>20 <b>category, you need to get Lessin's opinion to make</b></p> <p>21 <b>the right decisions.</b></p> <p>22 <b>Do you see that?</b></p> <p>23 A. -366.</p> <p>24 MS. MILLER: I think he might be on the</p> <p>25 wrong page. Where are you asking?</p> | <p style="text-align: right;">Page 172</p> <p>1 A. So beyond what we discussed already, no.</p> <p>2 That when I see that context, I think the idea was</p> <p>3 to talk to Sam Lessin about the recommendation that</p> <p>4 we made here, and we wanted to understand from his</p> <p>5 perspective how those apps or the use of this</p> <p>6 information in those apps was aligned with his</p> <p>7 thinking.</p> <p>8 <b>Q. Do you recall what Mr. Lessin's thinking</b></p> <p>9 <b>was regarding your recommendations?</b></p> <p>10 A. I think, based on the email that we have</p> <p>11 seen before, that the recommendation was to treat</p> <p>12 these categories of apps no different than anybody</p> <p>13 else.</p> <p>14 <b>Q. Well, let me direct your attention to</b></p> <p>15 <b>page -66 of the first paragraph. There's an email</b></p> <p>16 <b>up there at the top from Sam Lessin. Right?</b></p> <p>17 And he says, "my gut is pretty strongly</p> <p>18 that we should shut down access to friends on</p> <p>19 lifestyle apps ... because we are ultimately</p> <p>20 competitive with all of them and they leak data ...</p> <p>21 but let's talk more."</p> <p>22 <b>Do you see that?</b></p> <p>23 A. Yes, I do see that.</p> <p>24 <b>Q. Do you recall that, in fact, Mr. Lessin</b></p> <p>25 <b>wanted to categorically deny access to friends data</b></p> |
| <p style="text-align: right;">Page 171</p> <p>1 BY MR. FTHENAKIS:</p> <p>2 <b>Q. The middle of -66.</b></p> <p>3 A. I don't see that. Do you?</p> <p>4 I think there is a reference similar to</p> <p>5 what you are talking about in -367.</p> <p>6 MS. MILLER: And I'll just say for the</p> <p>7 record, the highlighting on page -67 is Six4Three's</p> <p>8 counsel's highlighting, not anything that was</p> <p>9 originally on the page as produced.</p> <p>10 MR. FTHENAKIS: Yeah, it looks like it</p> <p>11 rolls up to the top.</p> <p>12 <b>Q. It says that there's a -- do you see</b></p> <p>13 <b>there's a reference to a -- trying to have a</b></p> <p>14 <b>meeting this week with someone on your team to --</b></p> <p>15 <b>regarding this?</b></p> <p>16 <b>Do you recall any meeting to discuss</b></p> <p>17 <b>lifestyle -- identity lifestyle platform apps?</b></p> <p>18 A. Well, when I look at the dates, I think</p> <p>19 it's the meeting that we discussed from the</p> <p>20 previous exhibit. I don't remember whether it's</p> <p>21 Exhibit 12 or 13.</p> <p>22 I think we discussed about this meeting at</p> <p>23 some point back there.</p> <p>24 <b>Q. Well, does this refresh your recollection</b></p> <p>25 <b>any further about the meeting?</b></p>   | <p style="text-align: right;">Page 173</p> <p>1 <b>for lifestyle apps?</b></p> <p>2 A. I can only suspect that this response is</p> <p>3 in reference to what I have been suggesting on</p> <p>4 page -68, that for the lifestyle apps, the</p> <p>5 recommendation was to keep access, when for</p> <p>6 everything else my recommendation was to remove</p> <p>7 access.</p> <p>8 And Sam Lessin's gut was to basically</p> <p>9 treat those apps no different than anything else.</p> <p>10 <b>Q. Do you see he also uses the term here,</b></p> <p>11 <b>"leak data"?</b></p> <p>12 A. Yes, I do see that.</p> <p>13 <b>Q. Do you have any understanding as to what</b></p> <p>14 <b>he meant by leaking data?</b></p> <p>15 A. No, I don't.</p> <p>16 <b>Q. Do you recall any discussions with him</b></p> <p>17 <b>about leaking data through lifestyle apps?</b></p> <p>18 A. No, I don't.</p> <p>19 MS. MILLER: Is now a good time to take a</p> <p>20 quick break?</p> <p>21 MR. FTHENAKIS: Sure.</p> <p>22 MS. MILLER: Let's do that.</p> <p>23 THE VIDEO OPERATOR: Going off the record,</p> <p>24 the time now is 3:17.</p> <p>25 (Recess from 3:17 P.M. to 3:26 P.M.)</p>   |

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| <p style="text-align: right;">Page 174</p> <p>1 THE VIDEO OPERATOR: Video is rolling.</p> <p>2 The time now is 3:26.</p> <p>3 BY MR. FTHENAKIS:</p> <p>4 (Deposition Exhibit 16 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. FTHENAKIS:</p> <p>7 Q. Let me represent to you that the document</p> <p>8 you've just been handed that's been marked as</p> <p>9 Exhibit 16 is page 622 of an almost 2000-page</p> <p>10 spreadsheet that was the attachment to your</p> <p>11 exhibit.</p> <p>12 A. Okay.</p> <p>13 MS. MILLER: I'll just object for the</p> <p>14 record. This is an incomplete document, and it --</p> <p>15 which is very -- clearly indicated by</p> <p>16 Mr. Fthenakis's description of it, and so we object</p> <p>17 based on asking questions about it without the full</p> <p>18 context of the document.</p> <p>19 But please go ahead.</p> <p>20 BY MR. FTHENAKIS:</p> <p>21 Q. So let me direct your attention to, about</p> <p>22 two-thirds of the way down, there is a reference to</p> <p>23 an app called Pikinis.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>  | <p style="text-align: right;">Page 176</p> <p>1 2000-plus-page document.</p> <p>2 MS. MILLER: And I'll object again that it</p> <p>3 was actually produced in native form as an Excel</p> <p>4 spreadsheet, so I'm not sure what you mean by</p> <p>5 pages.</p> <p>6 And also, this column is cut off, and I</p> <p>7 believe there are additional columns to this</p> <p>8 spreadsheet. And I also think the "6" might be a</p> <p>9 separate column from the bracketed material, in the</p> <p>10 actual document, rather than the single page.</p> <p>11 THE WITNESS: And for the record, I think,</p> <p>12 again, that "6" is a separate column. This is</p> <p>13 probably the number of API calls. Originally it</p> <p>14 was listed -- based on your definition, page 600</p> <p>15 plus, is because I suspect that this spreadsheet</p> <p>16 was built based on the number of API requests made</p> <p>17 from these specific app IDs, and then the brackets</p> <p>18 basically signify the permissions requested by</p> <p>19 those apps.</p> <p>20 But those are truncated, so you definitely</p> <p>21 miss a lot of information here.</p> <p>22 BY MR. FTHENAKIS:</p> <p>23 Q. Okay. But in the process of making your</p> <p>24 recommendations, you did consider all of the apps</p> <p>25 on that spreadsheet. Right?</p> |
| <p style="text-align: right;">Page 175</p> <p>1 Q. Do you have any understanding as to what</p> <p>2 Pikinis is?</p> <p>3 A. No, I don't.</p> <p>4 Q. Okay. Again, let me represent to you that</p> <p>5 it is an app developed by Six4Three, LLC.</p> <p>6 A. Oh, okay.</p> <p>7 Q. Which is the subject of this lawsuit.</p> <p>8 A. Okay. Good to know. It's a very catchy</p> <p>9 name.</p> <p>10 Q. Thank you. Based on -- well, let me ask</p> <p>11 you -- and there's this number in the middle</p> <p>12 column.</p> <p>13 Do you have any understanding as to what</p> <p>14 that number represented for these apps?</p> <p>15 A. Without having seen the header, I can</p> <p>16 imagine that this is the application ID.</p> <p>17 Q. Application ID? Okay.</p> <p>18 And then over on the right, it says -- it</p> <p>19 has the number 6, and then in brackets,</p> <p>20 "friends_photos."</p> <p>21 What does that signify to you?</p> <p>22 A. Again, without having seen the header, I</p> <p>23 suspect that this is the number of API calls.</p> <p>24 You said it was page 210?</p> <p>25 Q. No, I believe it is page 622 of a</p> | <p style="text-align: right;">Page 177</p> <p>1 A. The analysis according to my previous</p> <p>2 email was only based on the 250 apps. I couldn't</p> <p>3 technically have seen all 40,000 apps in that</p> <p>4 spreadsheet.</p> <p>5 Q. But you were definitely aware of them all.</p> <p>6 Right?</p> <p>7 A. Aware of every one of those apps? Just</p> <p>8 the existence of the apps, yes. But aware of each</p> <p>9 one of those 40,000 apps, no.</p> <p>10 Q. Okay. Fair enough.</p> <p>11 A. And again, not having seen the full</p> <p>12 document, I take from the context of the previous</p> <p>13 email that there were, like, 40,000 apps listed in</p> <p>14 that spreadsheet.</p> <p>15 Q. But it would be no surprise to you that an</p> <p>16 app listed in that spreadsheet would be affected by</p> <p>17 the changes implemented in Platform 3.0. Right?</p> <p>18 A. I think that was the purpose of the</p> <p>19 analysis based on my understanding of that email</p> <p>20 exchange.</p> <p>21 Q. Yeah.</p> <p>22 (Deposition Exhibit 17 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. FTHENAKIS:</p> <p>25 Q. You have in front of you a document that's</p>   |

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| <p style="text-align: right;">Page 178</p> <p>1 been marked as Exhibit 17. It appears to be an<br/>2 email thread dated -- well, the top one is dated<br/>3 September 25, 2013, and it appears to be an email<br/>4 from you.</p> <p>5 Have you seen this email thread before?</p> <p>6 A. Having been part of that email thread, the<br/>7 answer is yes.</p> <p>8 Q. The subject is, "Proactive and Reactive<br/>9 removal of permissions."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. What was proactive and reactive removal of<br/>13 permissions?</p> <p>14 A. I don't have enough context. Can I read<br/>15 through that?</p> <p>16 Q. Yes.</p> <p>17 A. I may guess.<br/>18 (Examining document.)<br/>19 Okay. So what was the question?</p> <p>20 Q. Let me rephrase.<br/>21 Take a look at the top of page --22.</p> <p>22 A. Yep.</p> <p>23 Q. You write that, unlike Platform<br/>24 Simplification, where the objective is to get a<br/>25 manageable number of APIs and move API</p>   | <p style="text-align: right;">Page 180</p> <p>1 to those apps or restrict access to the data for<br/>2 those apps, we should be doing it at the same time<br/>3 that we made the overall changes in the platform.</p> <p>4 Q. Was someone suggesting to you that<br/>5 Facebook should enforce sooner against sensitive or<br/>6 competitive apps?</p> <p>7 A. No. Actually, that's not what I<br/>8 understand from reading that email thread.</p> <p>9 The purpose of this thread is to do an<br/>10 audit in order to identify whether we should or<br/>11 not.</p> <p>12 Q. Okay.</p> <p>13 A. It was an exercise. There was no<br/>14 decision.</p> <p>15 Q. Well, were there -- did people have<br/>16 differing views within Facebook as to whether there<br/>17 should be sooner enforcement action for<br/>18 competitive -- sensitive or competitive apps?</p> <p>19 A. I suspect that even just by reading that<br/>20 email there is a different perspective between<br/>21 myself and Ellen. It's not really clear.</p> <p>22 Q. What other enforcement efforts were<br/>23 underway at the time?</p> <p>24 A. I am not aware of anything specific.</p> <p>25 Q. Well, she references "other enforcement</p> |
| <p style="text-align: right;">Page 179</p> <p>1 decision-making to the product teams, your exercise<br/>2 was triggered by a review of apps in the identity<br/>3 space for Lessin's team.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 MS. MILLER: I'm going to object that<br/>7 you're not reading verbatim from the document. Go<br/>8 ahead.</p> <p>9 THE WITNESS: You skipped certain words,<br/>10 but that's -- yes.</p> <p>11 BY MR. F'THENAKIS:</p> <p>12 Q. I apologize. You mention killing two<br/>13 birds with one stone.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. What did you mean by killing two birds<br/>17 with one stone?</p> <p>18 A. I think the conversation we are having<br/>19 here is whether we should take any specific -- or<br/>20 if we should apply different policies towards<br/>21 identity apps versus the rest of the ecosystem.<br/>22 And the suggestion is that -- I guess from my<br/>23 understanding from reading Ellen's response, is to<br/>24 combine the two.</p> <p>25 So if we wanted to make any data available</p> | <p style="text-align: right;">Page 181</p> <p>1 efforts we have underway." Do you know what she's<br/>2 talking about?</p> <p>3 A. No, I don't.</p> <p>4 Q. Was it your understanding that Ellen<br/>5 wanted to undertake enforcement efforts<br/>6 immediately?</p> <p>7 A. No. Quite the opposite, actually.</p> <p>8 Q. Do you recall who on this thread you<br/>9 believed wanted to move more quickly on enforcement<br/>10 efforts?</p> <p>11 A. Myself.</p> <p>12 Q. Anyone else?</p> <p>13 A. As far as I can see from that thread, no.<br/>14 And I'm not necessarily strongly advocating for<br/>15 that. I'm just in the process of requesting that<br/>16 we do that audit to figure out what is the right<br/>17 strategy.</p> <p>18 Q. And this is a follow-up audit to the audit<br/>19 that was previously conducted that we've been<br/>20 previously talking about?</p> <p>21 A. I suspect so, because the date is later<br/>22 from the exchange that we have in the previous<br/>23 note.</p> <p>24 Q. I apologize for going back -- let me ask<br/>25 you, turning to the audit we were previously</p>  |