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SIX4THREE, LLC, a Delaware
12 limited liability company

13 SUPERIOR COURT OF CALIFORNIA

14 COUNTY OF SAN MATEO

15 SIX4THREE, LLC, a Delaware limited
liability company,

16 Plaintiff,

17 v.

18 FACEBOOK, INC., a Delaware corporation;
MARK ZUCKERBERG, an individual;
19 CHRISTOPHER COX, an individual;
JAVIER OLIVAN, an individual;
20 SAMUEL LESSIN, an individual;
MICHAEL VERNAL, an individual;
21 ILYA SUKHAR, an individual; and
DOES 1 through 50, inclusive,

22 Defendants.
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) Case No. CIV 533328
)
)

) **Assigned For All Purposes To Hon. V.**
) **Richard Swope**
)

) **DECLARATION OF DAVID S.**
) **GODKIN IN OPPOSITION TO**
) **DEFENDANTS' SPECIAL MOTIONS**
) **TO STRIKE (ANTI-SLAPP)**
)

UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE LODGED UNDER SEAL

HEARING DATE: July 2, 2018

HEARING TIME: 9:00 a.m.

DEPARTMENT 23

JUDGE: Hon. V. Raymond Swope

FILING DATE: April 10, 2015

TRIAL DATE: April 25, 2019

1 I, David S. Godkin, declare:

2 1. I am an attorney at law and a member of the Law Offices of Birnbaum & Godkin,
3 LLP, counsel for plaintiff Six4Three, LLC (“643”) in the above-captioned action.

4 2. True and correct copies of the relevant portions of the testimony of Michael Vernal
5 are attached hereto as Exhibit 1, including 52:9-53:12 (admits Facebook used a VPN app called
6 Onavo that it purchased in 2013 to track the downloads and popularity of competitive apps, like
7 WhatsApp, without notifying users that their data would be used in this way), 64:22-76:10 (admits
8 that a December 2013 privacy update shows that Olivan and Cox were tracking call and text logs
9 of Facebook users without obtaining approval from Facebook’s legal or privacy teams or the
10 consent of Facebook’s users and admits there was an ongoing debate about this topic between the
11 privacy team and Olivan and Cox’s organizations through 2015), 73:17-74:13 (authenticates that a
12 December 2013 privacy update states that Facebook deliberately ignored user privacy settings by
13 displaying relationships in its “People You May Know” feature that users wanted hidden), 82:7-
14 83:4 (admits Facebook invited developers to use Facebook Platform to develop applications and
15 businesses), 84:10-18 (admits Facebook made the full friend list available in 2007 subject to user
16 consent and developer entering into contract with Facebook), 84:19-85:10 (admits Facebook made
17 friends permissions like friends photos available in 2009 or 2010 subject to user consent and
18 developer entering into contract with Facebook), 85:11-20 (admits that Facebook made its
19 newsfeed API available to developers in 2008 or 2009), 120:23-121:18 (admits that before April
20 2015 “there were many ways for users to prevent access to apps accessing their data”), 125:7-13
21 (admits Facebook benefited from Facebook Platform), 126:16-130:14 (authenticates Exhibit 15),
22 136:18-144:7 (admits he sent an email in November 2012 regarding the API restrictions to
23 Zuckerberg, presenting him with three potential options on restricting the APIs and notifying him
24 that “I think the ball is in your court, but let us know if you need any more data from us”), 140:25-

1 143:19 (defines categorical reciprocity as giving back same category of data, e.g. movies for
2 movies, versus full reciprocity as needing to give back all data a user could access if the developer
3 access *any* data at all), 148:11-149:16 (admits Zuckerberg responds on November 19, 2012
4 (Exhibit 47) with a decision that is “closest to the first option” but not identical to any of the
5 three), 151:6-153:10 (admits Zuckerberg wrote in the November 19, 2012 email (Exhibit 47) that
6 he wants to explicitly tie his final decision to implement “full reciprocity” to the API restrictions
7 (“I want to make sure this is explicitly tied to pulling non-app friends out of friends.get”), which is
8 the decision that shut down 643’s business), 168:5-169:1 (authenticates Exhibit 63, admitting he
9 described Zuckerberg’s full reciprocity as “kind of crazy”), 177:14-181:20 (admits he wrote an
10 email in November 2012 following up on Zuckerberg’s decision regarding full reciprocity that
11 Olivan “routinely beats us up” about not shutting down competitors more aggressively and that
12 Zuckerberg echoed the same concerns), 195:18-199:7 (admits that employees who work directly
13 for him were seeking final approval from Olivan and not him as to whether to shut down particular
14 companies’ access to public Platform APIs), 204:12-209:16 (admits Platform 3.0 included
15 removing the full friends list API and all the friends permissions APIs and that they had been
16 preparing a blog post to announce these API restrictions in November and December 2012 but
17 Zuckerberg provided feedback that advised against this), 214:13-217:11 (admits Zuckerberg’s
18 concept of full reciprocity was unworkable, citing an email by Charles Jolley that under
19 Zuckerberg’s full reciprocity “the developer is no longer in control except that they could opt
20 completely out of the graph. There’s no sense of investment matching reward” because a
21 developer has to give all its data to Facebook, which Facebook could then use to gain an unfair
22 competitive advantage against the developer), 226:2-228:3 (admits Purdy writes in 2013 that
23 Facebook made the decision to remove the friends list API and friends permissions APIs in 2012
24 (“As we work towards implementing the decisions that we made last year which are now known

1 as Platform 3.0..." (FB-01220345)), 228:9-232:5 (admits Facebook was implementing
2 "reciprocity" by April 2013 as a way to shut down competitors), 231:25-233:18 (admits Facebook
3 maintained a blacklist of competitors that Zuckerberg "personally reviewed" that specified their
4 level of access to Platform APIs and that any changes to the blacklist were "not permitted without
5 Mark level sign-off"), 252:2-254:13 (authenticates Exhibit 60 and admits he was upset when a
6 Facebook employee told Netflix their ability to share a movie recommendation with a friend was
7 going to break because they hadn't announced it yet and that Purdy told the entire Platform team
8 they are all fired if they share the upcoming changes and Vernal has to apologize again to Netflix),
9 257:20-258:14 (admits Zuckerberg made a host of decisions regarding competitive data
10 restrictions, including writing in January 2013 "Yup, go for it" when a Facebook employee asked
11 Zuckerberg if he should shut down access to the friends API to Vine, a popular video-sharing
12 application), 268:6-272:4 (admits Facebook needed developers to make money from their
13 applications if Facebook was going to convince developers to rely on Facebook Platform to help
14 accelerate Facebook's growth).

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17 3. True and correct copies of the relevant portions of the testimony of Ali Partovi are
18 attached hereto as Exhibit 2, including 45:16-56:08, 75:21-79:20 (admits Facebook explicitly
19 promised it would manage and operate Platform as a level competitive playing field and that
20 developers would be able to rely on Platform to build businesses), 90:6-92:14 (Partovi felt at the
21 time that it was better to build a business on Facebook Platform than building a business from
22 scratch on your own or using another platform), 99:11-120:4 (admits Facebook made explicit
23 promises with respect to Platform being a level playing field to induce reliance and then privately
24 and repeatedly violated those promises to give its own products an unfair competitive advantage,
25 which "significantly harmed" iLike's business' because it could no longer make money; admits
26 that Zuckerberg violated his own explicit promises and contradicted representations made in
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1 private meetings with iLike), 121:5-123:11 (admits Facebook's conduct caused an employee
2 exodus and made it impossible for iLike to recruit staff, business forecasts were slashed, and iLike
3 was forced to sell below its market valuation), 125:19-131:20 (Facebook threatens to shut iLike
4 down unless it sells to Facebook for "not very much"), 167:9-168:20 (authenticates Facebook
5 Platform FAQ (Exhibit 10) and admits Facebook's statements in the FAQ cohere with his
6 understanding of Facebook's affirmative representations of Platform), 188:23-189:15 (admits he
7 helped Facebook grow Platform at Facebook's request by encouraging other companies to build
8 businesses on Facebook Platform).

10 4. True and correct copies of the relevant portions of the testimony of Simon Cross
11 are attached hereto as Exhibit 3, including 14:25-15:14, 65:3-25, 70:2-71:13 (admits he hosted 20-
12 30 conferences around the world where he "help[ed] developers understand how the Facebook
13 Platform worked and the types of applications they could build on that platform" and that there
14 were anywhere from 5 to 20 events in 2012 and 2013, which trained developers how to build
15 businesses using the APIs Zuckerberg already decided to shut down), 21:1-22 (admits "there was a
16 lot of talk...in the media and in the tech community about Facebook's Platform"), 21:23-22:2
17 (admits Facebook encouraged software companies to build their businesses on Facebook
18 Platform), 28:8-22 (admits he was part of an organization within Facebook the purpose of which
19 was to convince companies to build their businesses on Facebook Platform), 32:2-22 (admits he
20 represented to software companies that they should build their businesses using Graph APIs,
21 including the full friends list, friends permissions and newsfeed APIs that were documented on the
22 Facebook website), 35:2-23 (admits developers were required to enter into contract with Facebook
23 to access the APIs Facebook made available on its platform), 40:14-41:14 (admits the purpose of
24 enticing third party developers is that "people would use Facebook more"), 53:15-21 (admits the
25 APIs were not in fact rarely used ("I wouldn't count them as rarely used")), 53:22-54:17 (admits it
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1 is possible that more than 100,000 companies used the Graph APIs Facebook shut down), 55:21-
2 56:3 (“We would have, at the time, done some analysis to determine the impact, the scale of the
3 impact of these changes”), 56:14-17 (confirms aware that “some applications would be affected by
4 the removal of these permissions”), 57:21-58:4 (admits to whitelisting companies), 59:2-61:4
5 (admits Facebook managed a program called “Operation Developer Love” focused on inducing
6 developers to build on Facebook Platform, and that Facebook published many blog posts on its
7 website to induce companies to build businesses on Facebook Platform dating back at least to
8 2011), 61:11-62:13 (admits Facebook’s developer blog never announced shutting down friends
9 list, friends permissions and newsfeed APIs until April 30, 2015), 73:7-74:20, 78:25-81:25.
10 (admits Facebook induced developers to build applications on Facebook Platform by representing
11 that Facebook’s graph would drive organic user growth without any requirement to purchase
12 advertisements), 82:8-94:1, 96:15-108:16 (admits Facebook published training videos on multiple
13 occasions throughout 2013 showing companies how to build apps using the full friends list API,
14 photos API, newsfeed APIs and other APIs that Zuckerberg already decided to shut down), 94:3-
15 95:12 (admits that as early as 2011 and 2012 a Facebook user could prevent an application from
16 accessing their data through their friends even if they hadn’t downloaded the app), 122:14-123:06
17 (“It is possible that application developers may have built applications that relied on access -- that
18 expected access to information from a person -- an app user's friends. It is a developer's decision
19 whether or not they perceive that application to be viable in a world where they don't have --
20 where they cannot expect access to that information. We at Facebook knew that there would be
21 some applications -- some developers who would make the determination themselves that their
22 apps were no longer viable.”), 123:20-125:08 (authenticates the “Apps Others Use” privacy screen
23 from 2011 demonstrating that a user can control what information their friends may or may not
24 make available to an application), 127:02-127:25 (admits “users have a way to control who sees

1 what information on Facebook”), 128:01-128:10 (“My understanding is that people have control,
2 varying levels of control, over who can see what, and those settings, as I understand it, would also
3 affect the ability of an app to access that information”), 129:06-131:23 (admits that an app could
4 only access a user’s photos if that user gave the app permission to access them), 134:13-135:20
5 (admits the list of developers he was asked to compile was for Zuckerberg), 145:03-145:17
6 (admits they categorized apps in the audit by PR risk, strategic value, competitive/not useful to
7 Facebook, major business disruption/kill, but not for spam, offensive content or privacy
8 violations), 147:21-148:12 (admits he identified over 40,000 apps that rely on the restricted APIs),
9 148:20-149:11 (admits they performed a more detailed analysis of the top 250 apps), 149:12-
10 150:12 (admits the audit began in August 2013 and entailed recommending to restrict the APIs
11 from entire categories of popular applications), 160:06-162:18 (admits Facebook had a number of
12 technical mechanisms to make “non-public api behaviors available to certain app developers,” and
13 confirmed he used these technical mechanisms to grant whitelist access to certain companies after
14 the April 30, 2015 Graph API 2.0 launch), 167:25-178:05 (admits they found a way for Tinder and
15 other whitelisted apps to continue to work by creating new private APIs as well as whitelisting
16 them to the privatized full friends list API), 187:13-188:16 (admits he is the author of an internal
17 engineering task from September 2013 noting that Facebook is going to have many more private
18 APIs after Graph API 2.0), 196:14-199:8 (admits Hootsuite was whitelisted to access the full
19 friends list API, photos API and newsfeed APIs, among others), 201:10-203:13 (admits Venmo
20 was whitelisted to access the full friends list API and that he oversaw a task to permit the full
21 friends list API to be accessed on a privatized basis), 207:21-209:12 (admits “deprecate” does not
22 mean “privatize” but instead “means a process by which you begin – you tell people that
23 something is no longer going to be available to them over time”), 218:8-219:18 (admits Nissan
24 was whitelisted in March 2015 for the friends photos API and other restricted APIs), 231:18-

1 233:24 (admitting Facebook “knew its conduct was going to affect applications and developers in
2 some way and that some of those applications, as I mentioned earlier, developers would consider
3 that -- that developers wouldn't consider viable after these changes were made”).

4 5. True and correct copies of the relevant portions of the testimony of Facebook’s
5 PMQ Allison Hendrix are attached hereto as Exhibit 4, including 17:15-21, 19:1-20:8, 23:15-25:5,
6 37:19-25 (admits Plaintiff never violated any Facebook policies; Facebook never communicated
7 any issues to Plaintiff about its app; Facebook never received any complaints about Plaintiff or its
8 app; Facebook never took action specifically against Plaintiff and that the actions that broke
9 Plaintiff’s app were part of data restrictions implemented under Graph API 2.0, which was known
10 internally at various times as Platform 3.0, P3.0, Platform Simplification, PS12N), 25:6-28:25;
11 119:7-16, 151:21-152:18 (admits Facebook stated the APIs being restricted were “rarely used,”
12 but also admits Vernal stated “the majority of the API surface” was deprecated and that the
13 Facebook engineer who tracked the usage of these APIs listed them as among the most widely
14 used), 38:13-40:21 (admits Facebook’s SRR never reserves rights to provide Platform APIs on an
15 unequal, privatized or special basis), 60:9-61:25 (authenticates Exhibit 10, Facebook Platform
16 FAQ, and admits Facebook affirmatively represented that it would not remove data access for
17 competitive reasons and would provide a level competitive playing field), 79:14-84:17 (admits
18 Zuckerberg and Olivan oversaw blacklisting of Twitter and YouTube from the same public
19 Facebook Platform APIs the removal of which shut down 643’s business), 86:4-93:16 (admits
20 Vernal wrote an email on October 30, 2012 stating that after months of discussion with
21 Zuckerberg, Facebook has decided to restrict access to the friends list API, friends permissions
22 APIs, and newsfeed APIs in order to stymie competitors), 102:7-103:14 (admits the APIs Vernal
23 states Facebook decided to restrict in his email of October 30, 2012 (Exhibit 45) are the very same
24 APIs that broke Plaintiff’s app and shut down its business and that Vernal does not mention any of

1 the privacy reasons Facebook announced in 2014 and 2015 as justification for shutting down these
2 APIs), 139:13-145:13 (admits Zuckerberg, Olivan, Lessin and Vernal pressured the Platform
3 policy team to shut down the Amazon Gifts application in June 2013 on the exclusive basis that
4 Facebook was hoping to launch its own gifting application and notwithstanding that Facebook had
5 approved the application and induced Amazon to invest in it only a few months prior, and Amazon
6 had in fact invested in developing the application in partnership with Facebook), 163:1-167:19
7 (admits that Doug Purdy, Director of Engineering for Facebook Platform, wrote to Facebook
8 employees in August 2013 that because of pressure from Zuckerberg, Olivan and Vernal “the truth
9 is that we are going to be under pressure to pull more and more user data from competitors
10 overtime,” particularly since Olivan “hates that we even give profile pics to competitive apps,” so
11 ultimately Facebook will land at a place where “no user data [is] given to competitors”), 183:11-
12 184:16 (admits Facebook employees understood whitelist access to require a strategic relationship
13 or nonstandard contract with Facebook, which could require purchasing advertising or other
14 financial consideration to Facebook), 191:22-193:14 (admits Lessin instructed employees to shut
15 down lifestyle apps because Facebook “is ultimately competitive with all of them”), 218:22-
16 219:19 (admits Lessin instructed employees in September 2013 to require that apps purchase
17 \$250,000 per year in mobile app install (NEKO) advertisements in order to avoid having their API
18 access restricted), 222:23-224:25 (admits Zuckerberg, Cox and Lessin directed employees to shut
19 down Xobni, a contact management application that Facebook employees did not consider to be
20 competitive with Facebook), 225:1-226:16 (admits Lessin provided instructions to shut down
21 other types of applications, like contact management applications, because Facebook considers
22 itself to be competitive with them), 227:13-230:22 (admits Facebook maintained “many, many,
23 many” private API agreements and that a private API “would be understood to be, like, a
24 whitelisted API, meaning it’s not, like, publicly available to everyone” and requires a Private
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1 Extended API Agreement, which is provided under the Facebook Platform policies and contract
2 and states that it “enables a developer to retrieve data or functionality...that is not generally
3 available under the platform”), 238:2-242:17 (admits that Royal Bank of Canada was given
4 whitelisted access to restricted APIs only after Facebook concluded that the bank had agreed
5 contractually to purchase “one of the biggest NEKO campaigns ever run in Canada”), 243:7-252:5
6 (admits that Facebook gave popular dating app Tinder whitelisted access to restricted APIs in
7 2015 and that Facebook attempted to use this whitelisted access to transfer a trademark Tinder
8 owned in the name “Moments,” as Facebook planned to and did in fact launch a photo sharing app
9 under that name in June 2015), 298:10-306:7 (states that Facebook only blacklisted Twitter and
10 YouTube but, once confronted with evidence of numerous other blacklisted companies, admits
11 that Snapchat, Amazon, Line, numerous messaging apps and other companies were also
12 blacklisted for competitive reasons but refuses to name them).

15 6. True and correct copies of the relevant portions of the testimony of Konstantinos
16 Papamiltiadis are attached hereto as Exhibit 5, including 22:17-23:12 (admits developers were
17 required to enter into contract with Facebook to access the APIs Facebook made available on its
18 platform), 26:1-29:4 (admits his job to this day encourages developers to build on Facebook
19 Platform, for instance, by hosting various events for developers), 42:17-45:10 (admits Facebook
20 still represents it manages an “open platform, so everybody has access to the same
21 information...To the best of my knowledge, we still have an open platform”), 49:18-50:5 (admits
22 developers were required to have contracts with their end-users under the terms of Facebook’s
23 SRR), 153:14-154:24 (admits the audit was prepared for the benefit of Zuckerberg and Lessin, and
24 that Lessin instructed him to shut down entire categories of apps because “we are ultimately
25 competitive with all of them”), 161:12-177:20 (admits he was tasked in August 2013 with auditing
26 40,000 apps that would break as a result of Facebook’s API restrictions), 174:7-177:20 (admits

1 643's app was included in the ongoing competitive audits of the 40,000 apps that would break and
2 that the app appears on page 622 of an almost 2,000 page spreadsheet including the name of the
3 app, its application ID, and select APIs the app accessed).

4 7. True and correct copies of the relevant portions of the testimony of Bernard Hogan
5 are attached hereto as Exhibit 6, including 45:4-21 (admits it was reasonable to interpret Section
6 9.8 of the SRR giving "all rights to APIs, data, code you receive from us" to mean that "if they
7 had offered it for me to use as a developer, then I could use it as a developer"), 57:4-63:5 (admits
8 that the SRR's "limit access to data" provision reasonably refers to limiting the volume or rate of
9 data transferred via the APIs – and not that Facebook could shut down entire categories of critical
10 APIs – and that if you abide by the rules "developers would be treated fairly, that they would be
11 able to access the data that is stipulated by Facebook as being accessible") 67:8-83:3 (describes at
12 length how Facebook's Graph API 2.0 harmed his applications and research and many other
13 developers), 98:10-99:4 (estimates the total monetary value of the harm caused to him by
14 Facebook at \$200,000), 103:10-107:24 (admits that because of Graph API 2.0 his applications
15 "just couldn't work"), 108:1-111:13 (admits that in conversations with a Facebook employee, the
16 employee "well understood that these changes would inhibit my applications from working" and
17 the employee suggested he seek employment at Facebook to continue his work), 121:3-127:1,
18 172:18-176:4 (admits it is evident to an informed developer that some applications were
19 whitelisted to continue to access this data, citing Tinder as an example, because the applications
20 still function as they had before Graph API 2.0), 219:23-222:1 ("I had a pretty strong
21 understanding that the social network data would be consistently available for a long period of
22 time, and I certainly acted under the expectations that such core functionality – so core that it's in
23 the basic permissions – would still be available for a long time"), 360:2-25 (admits "most of what
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1 was in [the complaint] was public knowledge,” including “claims that were advanced by Mark
2 Zuckerberg”).

3 8. True and correct copies of the relevant portions of the testimony of Ted Kramer are
4 attached hereto as Exhibit 7, including 162:13-163:16, 223:6-15 (643 did not receive notice from
5 Facebook until January 2015 that the app would no longer function), 205:17-25 (643 had raised
6 approximately \$250,000 in seed capital, which was lost entirely as a result of Facebook’s bait and
7 switch scheme), 181:23-183:9, 195:25-196:16 (643 had contracts with 4,481 end users who had
8 downloaded its app during a trial period).

10 9. True and correct copies of the relevant portions of the testimony of Tim Gildea are
11 attached hereto as Exhibit 8, including 115-117 (admits he was aware of Facebook Platform for
12 many years before co-founding 643, likely first became aware of Facebook Platform in 2007, had
13 knowledge of various Facebook Platform APIs, including the friends APIs, and that Facebook
14 Platform was a “pretty common thing in the developer community, so it was something that just
15 about everyone who was developing applications was aware of”).

17 10. True and correct copies of the relevant portions of the testimony of Tom
18 Scaramellino are attached hereto as Exhibit 9, including 199:1-206:18 (admits 643’s entire
19 business plan relied upon Facebook Platform and Facebook’s representations regarding how it
20 would manage it, including the prior five years of Facebook’s conduct; admits he contacted
21 Facebook employee Michael Huang in person and over email and was refused any discussion
22 regarding how 643 could continue to operate after Graph API 2.0), 252 (admits he was aware of
23 and relied on the Facebook Platform announcement, the Facebook Platform FAQ, various
24 Facebook blog posts, Facebook’s Graph API 2010 announcement, various news articles regarding
25 speeches and public representations by Zuckerberg and others, and similar public materials when
26 determining whether 643 was a sound investment); 269:5-272:2 (admits 643’s last established
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1 valuation was approximately \$4 million and that this valuation was comparable to other startups at
2 this stage of development).

3 11. A true and correct copy of Exhibit 1 to Plaintiff's Fourth Amended Complaint,
4 Facebook's official Facebook Platform FAQ, is attached hereto as Exhibit 10.

5 12. A true and correct copy of FB-00845980 - FB-00845983 (May 2007 internal
6 Facebook email describing the launch of Facebook Platform as "providing access to a new kind of
7 data – social data, which enables you to build applications that are relevant to users" (FB-
8 00845981)) is attached hereto as Exhibit 11.

9 13. A true and correct copy of FB-00846041 - FB-00846042 (Facebook Platform
10 keynote "Foundational Message" includes Facebook's commitment to developers that "You are on
11 a level playing field with us... You can build robust apps, not just widgets... Complete integration
12 into the Facebook site.") is attached hereto as Exhibit 12.

13 14. A true and correct copy of FB-01054694-FB-01054697 (July 2011 internal email in
14 which Vernal states that because Facebook Platform is a "social platform" it would be "weird" if
15 friends permissions were not available, implying this API is part of the definition of a social
16 platform) is attached hereto as Exhibit 13.

17 15. A true and correct copy of FB-00846005 - FB-00846011 (senior Facebook
18 executive Dan Rose emails Amazon in May 2007 that with Facebook Platform "[w]e believe we
19 are going to attract tens of thousands of small to medium-sized developers to build
20 applications/widgets for Facebook" (FB-00846006)) is attached hereto as Exhibit 14.

21 16. A true and correct copy of FB-00927553 - FB-00927556 (Vernal emails Purdy in
22 February 2013 stating: "When we started Facebook Platform, we were small and wanted to make
23 sure we were an essential part of the fabric of the Internet. We've done that – we're now the
24 biggest service on Earth. When we were small, apps helped drive our ubiquity. Now that we are
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1 big, (many) apps are looking to siphon off our users to competitive services. We need to be more
2 thoughtful about what integrations we allow and we need to make sure that we have sustainable,
3 long-term value exchanges” (FB-00927553)) is attached hereto as Exhibit 15.

4 17. A true and correct copy of FB-01215536 - FB-01215539 (Zuckerberg emails
5 Vernal in February 2008 stating: “Platform is key to our strategy because we believe that there
6 will be a lot of different social applications...and we believe we can’t develop all of them
7 ourselves. Therefore...it’s important for us to focus on it because the company that defines this
8 social platform will be in the best position to offer the most good ways for people to communicate
9 and succeed in the long term” (FB-01215536)) is attached hereto as Exhibit 16.

10 18. A true and correct copy of FB-00905310 - FB-00905313 (Facebook employee
11 David Weekly emails superiors in June 2013 that what Facebook Platform requires of companies
12 “is not the same as almost any other API or Platform on the planet” because of “evident
13 favoritism” and “private access to APIs,” noting that Facebook employees were discouraged not to
14 give their emails out to smaller developers for fear of being contacted about this special treatment
15 (FB-00905312)) is attached hereto as Exhibit 17.

16 19. A true and correct copy of FB-01174454 - FB-01174462 (March 2011 email in
17 which Olivan requests that the Platform policy team, which reports to Vernal, shut down 20 apps
18 that the policy team argues are not violating any Facebook policies because “we can’t expect [the
19 developer] to know that profile links aren’t acceptable,” which would require “changing the
20 Platform policies.” Olivan then complains four weeks later that the apps still haven’t been shut
21 down and the policy team again responds that “they are meeting our policy requirements.” Vernal
22 then chimes in to carry Olivan’s water by disingenuously stating that the apps are “violating the
23 spirit of our policy.” The policy team then apologizes to Vernal, and Vernal emails back the
24 following, admitting that the policy team did nothing wrong but simply had to give in to the
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1 pressure from Olivan, one of Zuckerberg's most powerful lieutenants: "[O]ne of the arguments I
2 often have to have w/ folks is about keeping platform both open (accessible to all, not a whitelist
3 model) and powerful (being able to do interesting things with it). Pretty much everyone is always
4 asking us to turn off APIs (Zuck & photo tagging) or whitelist APIs (Add Friend) or worse" (FB-
5 01174454)) is attached hereto as Exhibit 18.

7 20. A true and correct copy of FB-01062011 - FB-01062014 (Vernal emails Facebook
8 employees in June 2011 stating: "[I]t's very bad when we disable a legitimate application. It
9 erodes trust in the platform, because it makes developers think that their entire business could
10 disappear at any second. I've seen a little bit of cheerleading about the aggressiveness of the action
11 on Thursday/Friday – it's really not appropriate. Some of these apps were malicious, but a lot of
12 them were developers trying to build apps within the rules we set out" (FB-01062011)) is attached
13 hereto as Exhibit 19.

15 21. A true and correct copy of FB-00439054 - FB-00439068 (Facebook employee Matt
16 Wyndowe asks another Facebook employee in September 2011 if he can "make sure we restrict
17 twitter API to block out friend lists" and the other employee responds: "I've never heard of us
18 blacklisting certain APIs, so I'm not even sure where to start" (FB-00439054). This timeframe is
19 when blacklisting begins to expand beyond pure social networks) is attached hereto as Exhibit 20.

21 22. A true and correct copy of FB-01223017 - FB-01223018 (May 2012 engineering
22 task entitled "APPS-BLACKLISTED-TO-GET-FRIENDS" to fix a bug in the blacklisting tool,
23 which is a tool that prevents certain companies from accessing the full friends list API, which
24 Facebook claimed from 2007 to 2014 was available to all companies free of charge) is attached
25 hereto as Exhibit 21.

27 23. A true and correct copy of FB-00235809 - FB-00235814 (June 2013 email
28 exchange in which Facebook revises its "core functionality litmus test" in order to provide cover

1 to shut down API access to the Amazon Gifts application, which Facebook had approved only a
2 few months prior, in order to “stymie Amazon’s ability to grow the gifting app” and make room
3 for the launch of Facebook’s own gifting app (FB-00235809 - FB-00235810)) is attached hereto
4 as Exhibit 22.

5
6 24. A true and correct copy of FB-00433779 - FB-00433783 (Doug Purdy, Director of
7 Engineering for Facebook Platform, writes to Facebook employees in August 2013 that because of
8 pressure from Zuckerberg, Olivan and Vernal “the truth is that we are going to be under pressure
9 to pull more and more user data from competitors overtime,” particularly since Olivan “hates that
10 we even give profile pics to competitive apps,” so ultimately Facebook will land at a place where
11 “no user data [is] given to competitors” (FB-00433779)) is attached hereto as Exhibit 23.

12
13 25. A true and correct copy of FB-00598434 - FB-00598436 (December 2014 internal
14 Facebook email where employees confirm the blacklisting of various applications, including Path,
15 Kakao and Line) is attached hereto as Exhibit 24.

16
17 26. A true and correct copy of FB-01364327 (September 2013 email in which a
18 Facebook employee asks Sukhar about restricting friends API access to sync.me for competitive
19 reasons and Sukhar replies to “wrap this up with PS12N” to provide cover for breaking the app) is
20 attached hereto as Exhibit 25.

21
22 27. A true and correct copy of FB-00986265 - FB-00986266 (May 2012 note from
23 Vernal to a Facebook employee stating: “We don’t have a platform business model on mobile
24 yet... More broadly, we don’t have any business model on mobile yet, and that’s a big issue. We
25 think it has to be advertising-based, but we haven’t figured it out yet”) is attached hereto as
26 Exhibit 26.

27
28 28. A true and correct copy of FB-01381966-FB-01381989 (internal email quoting
Bloomberg article reporting that Facebook disclosed in February 2012 as part of its S1 filing for

1 its initial public offering that “mobile usage didn’t generate meaningful revenue” (FB-01381971))
2 is attached hereto as Exhibit 27.

3 29. A true and correct of FB-01382308-FB-0132334 (internal email quoting Facebook
4 COO Sheryl Sandberg stating to CNBC that “we’re obviously disappointed and really surprised by
5 what happened in the IPO” and that Facebook is “really focusing on proving to the world that we
6 can continue to grow our business” (FB-01382310)) is attached hereto as Exhibit 28.

8 30. A true and correct copy of FB-01389741-FB-01389752 (Lessin emails Zuckerberg
9 in February 2012 that “We are primarily a web company & the desktop web is clearly not the
10 future...Native apps [on phones] will dominate over mobile-web for a long time....” (FB-
11 01389743)) is attached hereto as Exhibit 29.

13 31. A true and correct copy of FB-00495737 - FB-00495739 (Zuckerberg states in
14 Q&A with employees in March 2012 that Facebook’s product strategy is “building towards social
15 Facebook versions where you can use the individual app or the Facebook version...to replace
16 whole parts of your phone with these Facebook apps and will be a whole package for people,”
17 indicating that Facebook’s goal is to control all the apps you use on your phone ranging from
18 texting to photos (FB-00495737)) is attached hereto as Exhibit 30.

20 32. A true and correct copy of FB-01203441 - FB-01203443 (Zuckerberg directs
21 Facebook employees to enforce Zuckerberg’s reciprocity policy in May 2012 against Twitter,
22 Instagram, Pinterest, Foursquare, noting that if any of these developers “doesn’t want to work with
23 us on this but still wants to be able to pull friends and other data from us, we should be clear that
24 this reciprocity is important to us” (FB-01203441)) is attached hereto as Exhibit 31.

26 33. A true and correct copy of FB-00986079 - FB-00986085 (Vernal directs his chief
27 lieutenants Purdy and Osofsky in May 2012 that Facebook is going to build “our own hacky
28 scraper” and already has a “bunch of scrapers” for “crawling all these sites” of competitors,

1 including Twitter and Instagram, in case they do not agree to Zuckerberg's reciprocity policy,
2 which would require them to voluntarily feed all of their data to Facebook (FB-00986079)) is
3 attached hereto as Exhibit 32.

4 34. A true and correct copy of FB-01368413 - FB-01368440 (August 2012 internal
5 presentation modeling the revenues of different approaches to restricting Platform API access,
6 including charging per company, per application, per users, and per API call) is attached hereto as
7 Exhibit 33.

8 35. A true and correct copy of FB-01368446 - FB-01368448 (August 2012 discussion
9 where Lessin prepares a presentation for the Facebook Board of Directors demonstrating that
10 various models for restricting the friends list, friends permissions and newsfeed APIs were
11 presented to the Board) is attached hereto as Exhibit 34.

12 36. A true and correct copy of FB-01389634-FB-01389639 (August 2012 discussion in
13 which Lessin confirms that Facebook will present to its Board of Directors four options for
14 restricting public Platform APIs, including charging to join Platform, charging for API calls, and
15 "charging for distribution") is attached hereto as Exhibit 35.

16 37. A true and correct copy of FB-01370841- FB-01370845 (August 2012 internal
17 discussion in which Vernal describes to Lessin and Purdy the various API restrictions under
18 discussion, including removing user IDs (which makes it impossible for developers to manage
19 multiple applications), privatizing the full friends list, and removing friends permissions, noting
20 that Facebook will "not allow things which are at all competitive to 'buy' this data from us" (FB-
21 01370841 - FB-01370843)) is attached hereto as Exhibit 36.

22 38. A true and correct copy of FB-01389002 - FB-01389007 (November 2012
23 discussion between Lessin and Zuckerberg in which Lessin writes that he will speak with Olivan
24 to enforce API restrictions against competitors, notes that he thinks Facebook is moving too
25

1 slowly to stymie competition, and suggests unified permissions review, which Facebook
2 eventually launched in its new Login product on April 30, 2014, as a solution to stymie
3 competition once and for all: “every week I am hearing more stories of apps we didn’t realize
4 were doing XYZ, and we are just so incredibly slow to define and enforce competition. I might
5 suggest that if we are going down this route for platform we should move towards a world where
6 we ask developers for detailed descriptions of what they are doing up-front and pre-approve all
7 apps – I know that sounds distasteful, (I don’t much like it myself).” (FB-01389002 - FB-
8 01389003). This competitive motivation was the impetus behind Login Review announced on
9 April 30, 2014) is attached hereto as Exhibit 37.

11 39. A true and correct copy of FB-01389021- FB-01389038 (October 2012 discussion
12 between Lessin and Zuckerberg in which Zuckerberg recognizes that holding companies who
13 relied on his representations hostage enables Facebook to avoid having to compete with other
14 services on a level playing field: “[W]ithout limiting distribution or access to friends who use this
15 app, I don’t think we have any way to get developers to pay us at all besides offering payments
16 and ad networks which can stand by themselves and compete with other companies’ services”
17 (FB-01389029)) is attached hereto as Exhibit 38.

20 40. A true and correct copy of FB-01368198- FB-01368210 (August and September
21 2012 presentation circulated among Lessin, Vernal and other Facebook employees discussing that
22 Facebook will not make enough money if it simply charges for access to public Platform APIs and
23 that Facebook would be better off using its leverage to force companies to pay up and give all their
24 data to Facebook if they wish to avoid being shut down, describing the reciprocity policy and the
25 exact API restrictions that were implemented on April 30, 2015) is attached hereto as Exhibit 39.

27 41. A true and correct copy of FB-00943406 - FB-00943407 (Bosworth, Facebook’s
28 Vice President of Advertising, writes in December 2012 that Facebook should leverage its

1 Platform to build a mobile advertising business: “Platform advantage. Our developer ecosystem
2 could be leveraged to fortify both inventory (with an ad network) and data (with Neko or
3 equivalent install focused product). While we have an advantage today it is relatively latent as
4 those products aren’t real or being developed” (FB-00943406)) is attached hereto as Exhibit 40.

5
6 42. A true and correct copy of FB-01369059 - FB-01369087 (November 2012 email
7 discussion and attached presentation in which Osofsky, the Head of Facebook Platform: (1)
8 summarizes the policy changes required by the decision: “Policy changes: define competitive
9 networks + require they have a deal with us, regardless of size. Maintain size-based thresholds for
10 all other developers to force business deals. Require data reciprocity for user extended info to
11 ensure we have richest identity” (FB-01369071); (2) describes the type of value Facebook can
12 extract from different partners by holding data hostage, e.g. user data from Twitter and Path,
13 forcing Spotify to use Facebook’s payments service, forcing Pandora to use Facebook’s ad
14 network, forcing Dropbox to integrate its file storage service with Facebook so Facebook can
15 access Dropbox files, and forcing Skype to buy ads to grow its user base, noting that “photo/social
16 needs data reciprocity, other categories like games, online video, music, commerce must agree to
17 deals with FB’s ad networks, payments products” (FB-01369074); (3) describes all of the API
18 restrictions implemented on April 30, 2015, noting that the impact of these restrictions is that it
19 eliminates the “growth channel used by 23% of all Facebook apps” and that 89% of the top 1,000
20 iPhone apps rely on the full friends list API and 75% of the top 1,000 iPhone apps rely on the
21 friends permissions APIs, both of which Zuckerberg decided to privatize under this reciprocity
22 policy framework (FB-01369082- FB-01369085); and (4) lists popular apps widely used by
23 millions of consumers that would break as a result of Zuckerberg’s decision, including Farmville,
24 Cheville, Cityville, Castleville, Skype, Spotify, Xobni, Texas Holdem, Yahoo, Trip Advisor,
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1 Microsoft Birthday Reminders, Samsung, Glassdoor and over 20 others (FB-01369082- FB-
2 01369084)) is attached hereto as Exhibit 41.

3 43. A true and correct copy of FB-01218365- FB-01218366 (September 2013 email in
4 which Platform employees discuss seeking approval from Olivan for their plan regarding API
5 restrictions even though Platform's most senior executive is Vernal, not Olivan) is attached hereto
6 as Exhibit 42.

7 44. A true and correct copy of FB-01220345-FB-01220350 (internal plan to implement
8 the API restrictions that states: "We maintain a small list of strategic competitors that Mark
9 personally reviewed. Apps produced by the companies on the list are subject to a number of
10 restrictions outlined below. Any usage beyond that specified is not permitted without Mark level
11 sign-off" (FB-01220348)) is attached hereto as Exhibit 43.

12 45. A true and correct copy of FB-00934373 (January 2013 email in which Zuckerberg
13 directs Osofsky to "shut down" Vine, the popular video-sharing app) is attached hereto as Exhibit
14 44.

15 46. A true and correct copy of FB-00423235 - FB-00423237 (October 30, 2012 email
16 discussion in which Vernal notifies a limited group of Facebook employees of decisions he and
17 Zuckerberg had made: "We're going to dramatically reduce the data we expose via the Read
18 API... We are going to change friends.get to only return friends that are also using the app....
19 Since friends.get will only return other TOSed users' data, that means we no longer need the
20 friend_* permissions. We are going to remove/whitelist access to the Stream APIs [Newsfeed
21 API].... We are going to limit the ability for competitive networks to use our platform without a
22 formal deal in place.... We are going to require that all platform partners agree to data reciprocity"
23 (FB-00423235 - FB-00423236)) is attached hereto as Exhibit 45.

1 47. A true and correct copy of FB-00948764-FB-00948765 (November 2012 email
2 from Vernal to Zuckerberg in which he proposes three options for implementing the API
3 restrictions and tells Zuckerberg “I think the ball is in your court on this one, but let me know if
4 you need any more data from us” (FB-00948765)) is attached hereto as Exhibit 46.

5 48. A true and correct copy of FB-00917791 - FB-00917797 (November 19, 2012
6 email from Zuckerberg to his entire executive management team in which he announces that
7 Facebook will implement “full reciprocity” because although the current Platform model is “good
8 for the world,” it’s not “good for us” unless Facebook controls all the data shared by users on all
9 the apps and websites that rely on Facebook Platform: “I think we should go with full reciprocity
10 and access to app friends for no charge. Full reciprocity means that apps are required to give any
11 user who connects to FB a prominent option to share all of their social content within that service
12 (ie all content that is visible to more than a few people, but excluding 1:1 or small group
13 messages) back to Facebook.... The answer I came to is that we’re trying to enable people to share
14 everything they want, and to do it on Facebook. Sometimes the best way to enable people to share
15 something is to have a developer build a special purpose app or network for that type of content
16 and to make that app social by having Facebook plug into it. However, that may be good for the
17 world but it’s not good for us unless people also share back to Facebook and that content increases
18 the value of our network” (FB-00917792 - FB-00917793)) is attached hereto as Exhibit 47.

19 49. A true and correct copy of FB-01155756 - FB-01155759 (Sandberg ratifies
20 Zuckerberg’s decision to implement “full reciprocity” by writing to the entire Facebook executive
21 management team: “I think the observation that we are trying to maximize sharing on facebook,
22 not just sharing in the world, is a critical one. I like full reciprocity and this is the heart of why”
23 (FB-01155756)) is attached hereto as Exhibit 48.

1 50. A true and correct copy of FB-01368932 - FB-01368967 (November 2012
2 presentation stating Facebook's 2013 plan ("Launch the new platform business model (platform
3 3.0). Complete the transition from desktop to mobile. Become the leader in mobile app
4 advertising" (FB-01368941)) and that as part of Platform 3.0, in order to become the leader in
5 mobile app advertising, Facebook will "Deprecate/Restrict existing APIs to support new business
6 model" (FB-01368946)) is attached hereto as Exhibit 49.

8 51. A true and correct copy of FB-01368113- FB-01368121 (November 2012 email
9 discussion where Vernal buckets all of the API restrictions, including reciprocity, under the
10 internal project name "Platform 3.0," which includes "removing a bunch of APIs (e.g. all the
11 friend ones)" based on Zuckerberg's reciprocity note (Exhibit 47)) is attached hereto as Exhibit
12 50.

14 52. A true and correct copy of FB-01370735 - FB-01370736 (December 2012 email
15 from Rose to Facebook's executive management team noting that "[a]fter months of discussion we
16 ultimately decided not to charge for access to our standard APIs, though we will make a number of
17 changes to our read side of platform which Vernal is packaging as Platform 3.0," including
18 reciprocity and restricting the full friends list (FB-01370735)) is attached hereto as Exhibit 51.

20 53. A true and correct copy of FB-00095704 - FB-00095717 (January 2013 email in
21 which Osofsky communicates internally that Facebook has publicly announced its reciprocity
22 policy and links to the public blog post at
23 <https://developers.facebook.com/blog/post/2013/01/25/clarifying-our-platform-policies/> where
24 Facebook states: "For the vast majority of developers building social apps and games, keep doing
25 what you're doing.... For a much smaller number of apps that are using Facebook to either
26 replicate our functionality or bootstrap their growth in a way that creates little value for people on
27 Facebook...we've had policies against this that we are further clarifying today, which links to
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1 Facebook's Developer Platform Policies stating that a developer cannot replicate "core
2 functionality" without ever defining what core functionality actually entails (FB-00095711)) is
3 attached hereto as Exhibit 52.

4 54. A true and correct copy of FB-00947909 - FB-00947911 (November 2012 email
5 discussion enforcing the reciprocity policy to shut down gifting app Rang.com notwithstanding
6 that Purdy admits the app "is not violating any existing policy" so they consider gifting apps to be
7 "core functionality" even though the public announcement never defines gifting apps as being a
8 core Facebook feature; they do this in order to shut down the startup and force it to "pivot" by
9 creating a "clear bootstrapping problem" with the removal of the full friends list API, one of the
10 APIs 643 relied upon and the removal of which shut down 643's business (FB-00947909)) is
11 attached hereto as Exhibit 53.

12 55. A true and correct copy of FB-00949066 - FB-00949067 (November 2012 email
13 discussion in which Facebook Platform employees prepare to announce Platform 3.0 publicly ("It
14 seems like we're going to have just a major set of changes that we're going to want to announce
15 soon-ish," including "deprecating a ton of APIs" (FB-00949066)) is attached hereto as Exhibit 54.

16 56. A true and correct copy of FB-00943408 (December 2012 email discussion in
17 which Vernal communicates to Lessin and others that Zuckerberg provided feedback that
18 Facebook would not announce Platform 3.0 stuff in the next six months and they should instead
19 start enforcing Platform 3.0 as one-off, blacklist enforcements) is attached hereto as Exhibit 55.

20 57. A true and correct copy of FB-01368870 - FB-013688702 (January 2013 email
21 discussion in which Osofsky requests that the reciprocity policy they announce provides a "clear
22 signal" to developers, but Vernal responds that Zuckerberg was not comfortable announcing
23 Platform 3.0 because he did not want to bear the "very real cost" of "changing rules," including
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1 the “PR cost,” and that instead Zuckerberg wanted the Platform team to focus on spending 2013
2 “getting data or money from developers” (FB-01368870)) is attached hereto as Exhibit 56.

3 58. A true and correct copy of FB-01366036 - FB-01366070 (senior Platform
4 employee Ime Archibong makes clear in April 2015 that the PS12N project was decided upon in
5 2012 and took three years to implement (“Three years coming, but the ‘Platform Simplification’
6 initiative finally lands this week”) (FB-01366036)) is attached hereto as Exhibit 57.

7 59. A true and correct copy of FB-01373378 - FB-01373380 (May 2013 email from
8 Jonny Thaw, Zuckerberg’s communications manager, noting that Purdy and Vernal briefed Wired
9 Magazine reporter Steve Levy on the API restrictions under embargo, demonstrating that
10 Facebook had made a decision at least by May 2013 since senior executives were telling reporters
11 of the decision under embargo) is attached hereto as Exhibit 58.

12 60. A true and correct copy of FB-00567344 (October 2013 email in which Facebook
13 employees discuss a document that “our team shares with [developers] frequently,” noting that
14 “the language in here around friend permissions is very counter to our upcoming platform
15 simplification efforts” because it promises access to the full friends list API and so “feels against
16 the spirit of where we are headed,” demonstrating clearly that Facebook continued to induce
17 developers to invest capital and labor building businesses around APIs Facebook already decided
18 to shut down) is attached hereto as Exhibit 59.

19 61. A true and correct copy of FB-00858137 - FB-00858140 (January 2014 email
20 discussion in which Facebook employee George Lee writes to Purdy and Vernal that Facebook’s
21 “partner managers are still selling products that we ask them to sell, so when it comes to feed
22 integration we’re still telling people to use [Open Graph]. The last f8 was all about implicit [Open
23 Graph], so while we may have decided amongst ourselves that this is no longer the future without
24 an alternative we don’t have anything to tell current [developers] (so partners continue to tell them
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1 to use [Open Graph] and they continue to integrate it)” (FB-00858139 - FB-00858140)) is
2 attached hereto as Exhibit 60.

3 62. A true and correct copy of FB-01312769 - FB-01312773 (August 2013 discussion
4 between Vernal and Purdy where Vernal notes that the “Netflix thing seems completely fucked
5 up” because lower level Facebook employees communicated to Netflix that it “might not be a
6 good idea” to rely on certain APIs because they were being restricted, and Purdy writes that he just
7 showed Vernal’s message to “the entire core platform PM team and said we are all fired if you
8 have to send another one of these emails” (FB-01312772)) is attached hereto as Exhibit 61.

10 63. A true and correct copy of FB-01150813 - FB-01150820 (April 2013 email from
11 Vernal to Purdy in which Vernal communicates to Purdy that he is 100% certain that in late 2012
12 Zuckerberg decided on full reciprocity and not the more limited, categorical reciprocity that
13 Vernal had advocated (FB-01150813)) is attached hereto as Exhibit 62.

15 64. A true and correct copy of FB-00948246 - FB-00948251 (November 2012 email in
16 which Vernal notes that Zuckerberg defines total or full reciprocity as requiring that a company
17 share “every piece of content *by that user* that can be seen by another user. What Mark is saying is
18 he wants certain partners (I assume not all) to give us news feeds on behalf of their users, which is
19 kind of crazy” (FB-00948246), meaning that if a company wants to access public APIs from
20 Facebook, it has to feed all the data it has about users back to Facebook) is attached hereto as
21 Exhibit 63.

23 65. A true and correct copy of FB-00948264 - FB-00948268 (November 2012 email in
24 which Vernal responds to Zuckerberg’s full reciprocity decision by stating that he is “not really
25 sure why Pinterest or others would allow us” to “import everything they can *see* from another app
26 onto Facebook, e.g. all your friends’ pins” (FB-00948264), demonstrating how unworkable the
27 full reciprocity policy was, since it required a developer to give Facebook its most valuable data
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1 and Facebook could feed all of that data to the developer's competitors or use the data itself to
2 crush the developer's business) is attached hereto as Exhibit 64.

3 66. A true and correct copy of FB-00908514 - FB-00908519 (June 2013 email in which
4 Facebook employee Chris Daniels points out that full reciprocity is not a workable policy because
5 Facebook will serve as a broker to share data across competitors, e.g. Company A gives all its data
6 to Facebook, Facebook then passes it to Company A's competitor, Company B, and vice versa,
7 such that the only company that wins at the end of the day is Facebook ("I think we should
8 consider dropping our requirement on data portability so that one developer doesn't fear FB being
9 a data passthrough to a competitor" (FB-00908517)) is attached hereto as Exhibit 65.

10 67. A true and correct copy of FB-00954660 - FB-00954663 (October 2012 email
11 discussion involving Zuckerberg, Vernal, Rose, Osofsky, Purdy, Lessin and Sandberg in which
12 Zuckerberg directs them to start enforcing reciprocity and reach out to the "top 5 companies" to
13 extract data or money if they want their apps to keep working; Purdy notes: "I am not a fan of per
14 partner opaque deals as this is counter to the notion of a platform that treats developers equally"
15 (FB-00954662)) is attached hereto as Exhibit 66.

16 68. A true and correct copy of FB-00963936 - FB-00963937 (September 2012 email
17 discussion in which Olivan and Lessin use the yet-to-be-announced reciprocity and core
18 functionality policy to direct the Platform team to shut down the startup SmartSynch; Purdy
19 retorts: "[W]e did create Platform to enable these apps. But things can change" (FB-00963937)) is
20 attached hereto as Exhibit 67.

21 69. A true and correct copy of FB-00899292 - FB-00899306 (July 2013 Olivan
22 presentation showing that data from 30 million Onavo users is being commingled with Facebook
23 data to compare the downloads of WhatsApp, Facebook Messenger and the main Facebook app
24 across different countries (FB-00899306) prior to any update to the Onavo Terms of Service that

1 disclosed to the 30 million Onavo users that Facebook was accessing detailed information about
2 the apps they download and open on their phones) is attached hereto as Exhibit 68.

3 70. A true and correct copy of FB-01367812 - FB-01367818 (April 2013 Olivan
4 presentation tracking Snapchat, Pinterest, WhatsApp, tumblr, Foursquare, Google, Path, Vine,
5 Kik, Viber, MessageMe, Viber, GroupMe, Kik, Skype, Line, and Tango using Onavo data from
6 August 2012 to March 2013, prior to any update to the Onavo terms of service and privacy policy)
7 is attached hereto as Exhibit 69.

8 71. A true and correct copy of FB-01370641 - FB-01370643 (March 2013 comparison
9 of Facebook, Instagram, Twitter, Facebook Messenger, Snapchat, Pinterest, WhatsApp,
10 Foursquare, Google, and Vine using Onavo data prior to any update to the Onavo Terms of
11 Service) is attached hereto as Exhibit 70.

12 72. A true and correct copy of FB-01388109 - FB-01388112 (September 2013 email
13 linking to the Facebook Early Identifier Dashboard
14 (https://tableau.thefacebook.com/views/Corp_Dev_Dashv6/FBenabled-Leaderboard), which
15 tracked apps that “have already exemplified the ability to perform well,” such as Sync.me, which
16 Lessin writes Facebook does not need to worry about because it “will get shutoff under Platform
17 3.0”) is attached hereto as Exhibit 71.

18 73. A true and correct copy of FB-00921658 - FB-00921659 (March 2013 email
19 discussion in which Olivan directs the Platform team to shut down MessageMe under cover of the
20 reciprocity policy) is attached hereto as Exhibit 72.

21 74. A true and correct copy of FB-00061221- FB-00061224 (September 2013 email
22 discussion planning an audit of apps in the contact, dating and photo markets because they
23 “present a significant overlap with our product roadmap, access sensitive data from the graph
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1 without reciprocating and last but not least a few of them are competitive in nature, like LinkedIn”
2 (FB-00061222)) is attached hereto as Exhibit 73.

3 75. A true and correct copy of FB-00061650 - FB-00061654 (August 2013 email in
4 which Archibong requests that Cross and Papamiltiadis “get a comprehensive review of the
5 Platform APIs...and permissions that will be impacted by Platform 3.0 and, more generally, by
6 our evolved thinking on what data to expose to our developers/partners” to “share with Zuck and
7 others” (FB-00061654)) is attached hereto as Exhibit 74.

9 76. A true and correct copy of FB-00061365- FB-00061369 (August 2013 email
10 discussion in which Papamiltiadis reveals that over 40,000 apps use the APIs being restricted,
11 noting that 7% of those apps are photo or video sharing apps like 643’s app that require the
12 restricted APIs to function (FB-00061367 - FB-00061368); Chang and Papamiltiadis bucket the
13 apps into those that “may cause negative press,” those that provide “strategic value,” those that are
14 “competitive/not useful to FB,” and those that would experience a “Major Business
15 Disruption/Kill” as a result of the changes and should have a “PR flag” (FB-00061369); Lessin
16 directs subordinates to “shut down access to friends on lifestyle apps...because we are ultimately
17 competitive with all of them” (FB-00061366)) is attached hereto as Exhibit 75.

20 77. A true and correct copy of FB-00061233 - FB-00061236 (September 2013 email in
21 which Papamiltiadis notes that the apps they are auditing “are not spammy or crap, but apps users
22 like a lot” (FB-00061236); Daniels directs Papamiltiadis to include AirBnB as a competitive app
23 and Papamiltiadis is surprised by that decision (FB-00061233 - FB-00061234)) is attached hereto
24 as Exhibit 76.

26 78. A true and correct copy of FB-01363526 – FB-01363532 (email and presentation
27 from Papamiltiadis in the second half of 2013 describing the audit process and admitting that apps
28 like Sunrise, Yahoo, IFTT, Friendcaster, Mylife, Synch.me, YouTube, Contacts+, Bitly “overlap

1 with Facebook products” and “could compromise our success in those areas” (FB-01363528- FB-
2 01363529)) is attached hereto as Exhibit 77.

3 79. A true and correct copy of FB-01352115- FB-01352154 (January 2014 presentation
4 titled “slides for mark” summarizing the ongoing audit as making apps “impossible to build
5 [without contract],” (FB-01352125), listing apps that will receive special treatment because of
6 their relationship with Zuckerberg or Sandberg or the amount of NEKO (smartphone)
7 advertisements they purchase (FB-01352122), and noting that 41,191 apps request “high value
8 permissions” (FB-01352144) and that a “contract” is now required to access the full friends list
9 API) is attached hereto as Exhibit 78.

10
11 80. A true and correct copy of FB-00061249 - FB-00061252 (Papamiltiadis and
12 Archibong discuss a September 17, 2013 meeting with Lessin, who instructed them to
13 “communicate in one-go to all apps that don’t spend that those permission will be revoked” and to
14 “communicate to the rest that they need to spend on NEKO at least \$250k a year to maintain
15 access to the data,” noting that the output of the meeting was that they should be “a bit more
16 aggressive with our data restrictions, to protect our strategic goals”) is attached hereto as Exhibit
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18 79.

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20 81. A true and correct copy of FB-00061437 - FB-00061440 (Papamiltiadis
21 demonstrates how the bucketing of apps in the audit works based on how competitive Facebook
22 believes the company is, noting that Twitter will be shut down in advance, Amazon will be shut
23 down with PS12N, Samsung will get an extension past PS12N and HTC will get a full exception,
24 and further noting that removing access to the APIs seems “like an indirect way to drive NEKO
25 adoption”; Cross notes that there are “three whitelisting mechanisms” where apps that pay for
26 unrelated mobile ads can continue to access APIs that Facebook has stated publicly were removed
27 to all developers) is attached hereto as Exhibit 80.

1 82. A true and correct copy of FB-00494539 - FB-00494544 (Purdy summarizes an
2 April 2013 meeting in which the “key thing” Zuckerberg communicated was that Facebook
3 Platform is now primarily about NEKO adoption (FB-00494539)) is attached hereto as Exhibit 81.

4 83. A true and correct copy of FB-01352696 - FB-01352748 (December 2013
5 presentation describing early NEKO tests and showing that the new contract structure requires a
6 \$1,000,000 commitment (FB-01352747) for Facebook to help “pick winners” (FB-01352717)) is
7 attached hereto as Exhibit 82.

8 84. A true and correct copy of FB-00427400 - FB-00427406 (October 2013 email
9 discussion among Facebook employees agreeing to enter into a Private Extended API Agreement
10 with Royal Bank of Canada so they can continue to access the full friends list API only after
11 determining that the bank had agreed contractually to purchase “one of the biggest NEKO
12 campaigns ever run in Canada” (FB-00427404)) is attached hereto as Exhibit 83.

13 85. A true and correct copy of FB-00046266 - FB-00046271 (September 2014 email
14 from Michelle Kennedy, General Counsel of Badoo, requesting that Badoo and its popular dating
15 app Hot or Not continue to access the restricted APIs because these APIs are in fact “vital to the
16 integrity, trust and engagement of a product, and it is for these reasons alone that we use the friend
17 social graph in our application; Papamiltiadis requests whitelist approval and, after various
18 concessions, grants Badoo whitelisted access in February 2015 (FB-00046269 - FB-00046270)) is
19 attached hereto as Exhibit 84.

20 86. A true and correct copy of FB-00031245 - FB-00031262 (April 2015 email
21 discussion whitelisting Hootsuite) is attached hereto as Exhibit 85.

22 87. A true and correct copy of FB-00042856 - FB-00042857 (March 2015 email
23 whitelisting Nissan) is attached hereto as Exhibit 86.

1 88. A true and correct copy of FB-00042899 - FB-00042910 (March 2015 email
2 whitelisting Lyft) is attached hereto as Exhibit 87.

3 89. A true and correct copy of FB-00042763 - FB-00042769 (April 2015 email
4 discussion whitelisting Microsoft) is attached hereto as Exhibit 88.

5 90. A true and correct copy of FB-00042722 (April 2015 email declining to whitelist
6 Ticketmaster) is attached hereto as Exhibit 89.

7 91. A true and correct copy of FB-00042373 - FB-00042378 (April 2015 email
8 whitelisting GoDaddy in exchange for its places-of-interest data) is attached hereto as Exhibit 90.

9 92. A true and correct copy of FB-00043830 - FB-00043835 (March 2015 email
10 whitelisting AirBnB) is attached hereto as Exhibit 91.

11 93. A true and correct copy of FB-00045735 - FB-00045738 (February 2015 email
12 discussion of Netflix's whitelist agreement) is attached hereto as Exhibit 92.

13 94. A true and correct copy of FB-00043884 - FB-00043889 (Private Extended API
14 Addendum between Facebook and a developer from January 2015. This is a copy of Facebook's
15 standard whitelist agreement. Section 4 reads: "Access to the Private Extended APIs. Subject to
16 the terms of the Agreement, FB may, in its sole discretion, make specific Private Extended APIs
17 available to Developer for use in connection with Developer Applications. FB may terminate such
18 access for convenience at any time. The Private Extended APIs and the Private Extended API
19 Guidelines will be deemed to be a part of the Platform and the Platform Policies, respectively, for
20 purposes of the Agreement" (FB-00043885); Exhibit A reads: "'Private Extended APIs' means a
21 set of APIs and services provided by FB to Developer that enables Developer to retrieve data or
22 functionality relating to Facebook that is not generally available under Platform, which may
23 include persistent authentication, photo upload, video upload, messaging and phonebook
24 connectivity" (FB-00043886); Exhibit B of the Agreement specifies the specific private APIs a
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1 developer has the right to access under the Agreement and varies based on the developer) is
2 attached hereto as Exhibit 93.

3 95. A true and correct copy of FB-00046047 - FB-00046058 (February 2015 email
4 declining to whitelist Airbiquity on the ground that the API in question “won’t be available to
5 anyone post 04.30, so inevitably all similar integrations will be subject to the same
6 deprecations/restrictions,” even though Exhibit 93 shows that a developer at the same time was
7 granted whitelist access to continue to access this very same API) is attached hereto as Exhibit 94.

8 96. A true and correct copy of FB-00046279 - FB-00046283 (February 2015 email
9 discussing whitelisting Walgreens) is attached hereto as Exhibit 95.

10 97. A true and correct copy of FB-00277665 - FB-00277674 (February 2014 email
11 discussion in which Facebook decides to whitelist Lulu but to decline to whitelist Chicklopedia
12 even though the apps do the same thing, noting that if Chicklopedia “points out Lulu or other apps,
13 we can respond with our boilerplate message” and not communicate information about
14 enforcement against other apps (FB-00277665)) is attached hereto as Exhibit 96.

15 98. A true and correct copy of FB-00044220 - FB-00044227 (March 2015 email
16 discussion between Papamiltiadis and the two top executives at Tinder where Papamiltiadis
17 attempts to trade whitelisted access to restricted APIs for Tinder transferring over its trademark
18 rights in the brand “Moments,” which is the name Facebook gave to a new photo sharing
19 application it launched less than two months after eliminating competition in the photo sharing
20 category, including eliminating 643’s app) is attached hereto as Exhibit 97.

21 99. A true and correct copy of FB-00454582 - FB-00454584 (October 2014 email
22 discussion in which Facebook employees discuss whitelisting Netflix to access the full friends list
23 API, but agree to reject Pinterest’s access to the same API) is attached hereto as Exhibit 98.

1 100. A true and correct copy of FB-01219463 (July 2013 discussion in which Facebook
2 whitelists Amazon for access to the full friends list API) is attached hereto as Exhibit 99.

3 101. A true and correct copy of FB-00521468 - FB-00521484 (November 2013 email
4 discussion in which Chang notes that Cross and Papamiltiadis are auditing 5,200 whitelisted apps
5 and “finalizing with product (Eddie [O’Neil]) a set of 54 apis to become privatized,” and that they
6 are “working on the first cut of top tier apps to be evaluated for extension/exemption” (FB-
7 00521473)) is attached hereto as Exhibit 100.

9 102. A true and correct copy of FB-00456587 - FB-00456588 (February 2014
10 engineering task to use Facebook’s internal capabilities tool to provide whitelist access to the full
11 friends list API after it is shut down publicly; Cross writes: “Apps which have enabled the
12 platform simplification migration won’t get access to non-app friends. That means calls to
13 /me/friends will only return the subset of the user’s friends who have also TOS’d the app. Some
14 apps have a valid use case to access non-app friends. Examples: -Venmo allow you to send a
15 payment to a non-app friend – Bing needs this to display public data from your friends which they
16 acquired via the firehose. As such, we will need a new capability: “can_read_non_app_friends”.
17 When apps with this capability request /me/friends AND where the user has granted the
18 user_friends permissions, the API will return the full set of the users friends, including friends
19 who have not TOS’d this app” (FB-00456587)) is attached hereto as Exhibit 101.

22 103. A true and correct copy of FB-00047444 - FB-00047451 (In December 2014,
23 Facebook employee Michael Huang, who refused to discuss the API restrictions with Plaintiff
24 during this time, seeks whitelist agreements for Hinge and Firefly, two popular dating apps) is
25 attached hereto as Exhibit 102.

27 104. A true and correct copy of FB-00045920 - FB-00045927 (A Facebook employee
28 asks “Are there any legal implications if we whitelist some apps and not the others?” and another

1 employee responds, "There shouldn't be any; we've done this kind of stuff before," with Cross
2 following up that "there's potential for blowback here as we're clearly refocusing on our own
3 clients, and affecting other folk's business in the process" (FB-00045923 - FB-00045924)) is
4 attached hereto as Exhibit 103.

5 105. A true and correct copy of FB-00433628 - FB-00433629 (October 2013 email
6 discussion between Sukhar and O'Neil in which Sukhar notes that "I just spoke to
7 [Papamiltiadis]... He is livid about this whole thing. Thinks "Protect the Graph" is flawed. Thinks
8 we will just whitelist all of our friends and that'll alienate general devs.... I would say his take is
9 like mine 3 months ago, certainly less informed but fundamentally correct. We are eroding the
10 value of platform for unclear reasons") is attached hereto as Exhibit 104.

11 106. A true and correct copy of FB-00551862 - FB-00551864 (August 2013 email
12 discussion where Lacker writes to Purdy, Sukhar, Vernal, O'Neil and Federov that "[g]iving out
13 private API access annoys everyone else when they see some app that competes with them doing
14 something that they can't do. I would rather we do that as little as possible, and in a way where
15 being friends with someone in Platform does not help you" (FB-00551862)) is attached hereto as
16 Exhibit 105.

17 107. A true and correct copy of FB-00575243 - FB-00575248 (Facebook employee TR
18 Vishwanath writes to other employees that his understanding of the purpose of restricting the user
19 ID API is to make it harder for any developer to grow a new app ("I understand we want to make
20 it hard for a developer to grow a new app") (FB-00575243)) is attached hereto as Exhibit 106.

21 108. A true and correct copy of FB-00576265 - FB-00576268 (October 2013 email
22 discussion in which Sukhar writes to O'Neil, Purdy and Federov that he has "spent more time with
23 partner managers [Facebook employees] than ever before on this trip and the feedback on Platform
24 Simplification is universally negative," noting that the reasons for PS12N have not been clearly
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1 communicated even to him, and that he has heard two separate justifications, which he calls
2 “protect against WhatsApp” [competition] and “protect advertising platform” [transition to mobile
3 ads]; Sukhar notes that October 2013 was the first time it had been revealed to him that the real
4 reason for PS12N was to “protect advertising platform”) is attached hereto as Exhibit 107.

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6 109. A true and correct copy of FB-00549032 - FB-00549033 (March 2014 email
7 discussion where a Facebook employee Sriram Krishnan writes that it “seems a bit odd that we
8 block other developers from doing things on our platform that we’re ok with doing ourselves. Do
9 we consider ourselves exempted?... that seems a little...unfair especially when our stance on
10 some of these policies is that they’re about ensuring trust and a great experience. My mental
11 model on how platform is a level playing field could be way off though”; Hendrix responds that
12 “We strive to have parity with our policies, but there are times where we make decisions like these
13 that will help our products gain distribution”) is attached hereto as Exhibit 108.

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15 110. A true and correct copy of FB-01363612 - FB-01363614 (December 2013 internal
16 email discussion where Bryan Klimt writes to Sukhar, David Poll and Kevin Lacker: “So we are
17 literally going to group apps into buckets based on how scared we are of them and give them
18 different APIs? How do we ever hope to document this? Put a link at the top of the page that says
19 “Going to be building a messenger app? Click here to filter out the APIs we won’t let you use!”
20 And what if an app adds a feature that moves them from 2 to 1? Shit just breaks? And a messaging
21 app can’t use Facebook login? So the message is, “if you’re going to compete with us at all, make
22 sure you don’t integrate with us at all.”? I am just dumbfounded.” Poll responds that the
23 competitive bucketing Facebook is attempting to achieve with its Platform is “more than
24 complicated, it’s sort of unethical”; Klimt agrees, “that feels unethical somehow.... It just makes
25 me feel like a bad person”) is attached hereto as Exhibit 109.

1 111. A true and correct copy of FB-01363618 - FB-01363619 (December 2013 internal
2 email discussion where Purdy and Sukhar discuss how to appease employees who are “upset about
3 the final proposal” and that they need to deliver “the cynical message to them,” which is an
4 explanation of the political landscape around competitive apps and a more straightforward take of
5 ‘yeah this isn’t great that we’re taking a step back but it’ll allow us to take two steps forward’”) is
6 attached hereto as Exhibit 110.

8 112. A true and correct copy of FB-00528042 - FB-00528043 (Facebook employee
9 George Lee writes a note to other employees stating that “We sold developers a bill of goods
10 around implicit OG 2 years ago and have been telling them ever since that one of the best things
11 they could do is to a/b/ test and optimize the content and creative. Now that we have
12 successes...we’re talking about taking it away.... [Developers] have invested a lot of time to
13 establish that traffic in our system.... The more I think about this, the more concern I have over
14 the pile of asks we’re making of our developers this year. PS12N is going to require them to alter
15 how they deal with APIs (and for limited value), removing implicit sharing reverses a storyline
16 that we’ve been pushing for 2 years now.... [W]e’re reaching a poignant moment here where it
17 should be clear to everyone that this could be a very very painful transition” (FB-00528042)) is
18 attached hereto as Exhibit 111.

21 113. A true and correct copy of FB-00061393 - FB-00061395 (September 2011 email
22 from David Poll to all Platform engineers at Facebook in which Poll writes: “I was thinking about
23 the Platform 3.0 friend_list change a bit as I was using my Android phone tonight and realized that
24 two of the apps that most impact my day-to-day mobile experience will be completely, irrevocably
25 broken by this change.... In both of these cases, the apps are adding real value to my experience,
26 and in both of those cases, I have zero expectation that any of my friends will be using the app.
27 The fundamental problem I’m having with this change is that my friend list is *my* information –
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1 it's part of who I am, and for Facebook to shut down this access primarily comes across to me as
2 FB intruding upon and shutting down my own access to my own information. No matter how you
3 slice it, this change is going to have a significant negative impact on my day-to-day smartphone
4 experience" (FB-00061395); a Facebook employee responds by suggesting they whitelist the two
5 apps Poll describes, but other employees then respond that based on feedback from Zuckerberg,
6 Lessin and Olivan and the "challenge of monitoring which 3rd party apps become competitors vs.
7 are ok," they need to "keep this pretty tied down," noting that Zuckerberg instructed them to shut
8 off Xobni and, given that, it is likely he would give the same instructions for these two apps (FB-
9 00061393 - FB-00061394)) is attached hereto as Exhibit 112.

11 114. A true and correct copy of FB-01353432 - FB-01353439 (October 2013 email
12 discussion between Sukhar, Purdy, O'Neil and Federov where Purdy describes bucketing all of the
13 audited apps into "three buckets: existing competitors, possible future competitors, developers that
14 we have alignment with on business models"; O'Neil responds that the "separation between those
15 categories doesn't feel clean to me – e.g. apps can transition from aligned to competitive and will
16 ultimately make us sad that we leaked a bunch of data to them when they were aligned.... Do you
17 consider Dropbox aligned? Or competitive?" Purdy responds: "Possibly competitive, could move
18 to aligned with a big deal between us"; Sukhar writes that he "feels like he is the only one taking a
19 principled stand" and that he just "spent the day talking to many dozens of [developers] who will
20 get totally fucked by this and it won't even be for the right reason.... Sorry to bring this up but my
21 engineers think this plan is insane and I'm not going to support an all hands [meeting] to convince
22 them otherwise") is attached hereto as Exhibit 113.

26 115. A true and correct copy of FB-01364691 - FB-01364694 (August 2013 email from
27 Bryan Klimt to Sukhar, Kevin Lackner and James Yu in which he writes: "I'm trying to write a post
28 about how bad an idea it would be to remove the api that lets you get a list of the user's friends

1 from Facebook Platform. In order to illustrate my point, I'd like to satirically suggest removing
2 some API that is so core to the developer experience that removing it would be ridiculous on its
3 face. For example, removing the Windows API method that lets you create a new window. Or
4 removing the Twilio API method that lets you send a text message. Both suggestions are utterly
5 insane. The problem is, for Facebook Platform, removing the method to let you get a list of friends
6 literally is already that ridiculous. I can't think of an example more ridiculous to parody it with.
7 Before we discuss it in more detail, I'd like to clear up some misconceptions about the
8 deprecation. I've heard some rumors floating around about why we are doing this. But many of
9 them are clearly pabulum designed to make engineers think this decision has solid technical
10 reasons. It does not. 1/ This API can be abused so we should remove it. False. That is a non-
11 sequitur. Lots of our APIs can be abused. Our whole product can be abused. That's why we have
12 one of the best teams in the industry at detecting and stemming abuse. That team, plus Unified
13 Review, is more than sufficient to deal with any theoretical abuse coming from this API. Even if
14 this were true, who wants to be in that classroom where the whole class is punished for the
15 transgressions of a few? 2/ It's okay to remove because we've provided alternatives for the
16 common uses. False. If you think that's true, then I don't think you realize why developer
17 platforms exist. If we wanted to limit Facebook to the set of use cases we've already imagined, we
18 could just do that ourselves, and not even have a Platform. The purpose of a Platform is to let
19 people build new things on top of it. It's to enable the whole universe of ideas that anyone in the
20 world could think of. Developers out there will have all sorts of crazy ideas. We want them to
21 build those crazy ideas on top of Facebook. Do you know why Facebook was originally built for
22 the WWW instead of being part of CompuServe or AOL's proprietary networks? It's because the
23 web is an open and extensible platform. It lets developers make their craziest dreams become
24 reality.... So, if neither of those reasons explains why we are doing this, what's driving it? The

1 only reason I've heard that makes sense is that we are worried about people "stealing the graph".
2 We are doing this as a protectionist grab to make sure no one else can make a competing social
3 network by bootstrapping with our social graph. Okay, so let's assume for a minute that the social
4 graph does belong to us, and not to our users. And let's even go so far as to assume that this is a
5 real problem, although I'm not convinced it is. I mean, concerns that other companies will steal
6 our friend graph may just be paranoia. But for the sake of argument, let's say it's not. Then what?
7 We're removing the core API in our developer platform. Out of concerns that someone will steal
8 our social network product. That sends a clear message to developers: Facebook Platform comes
9 second to Facebook the Social Networking Product. This has been a criticism all along with our
10 Platform. When you go read the blog posts critical of our Platform, they all hit on this same point.
11 When our APIs are subjugated to the whims of our other products, they can't be stable. And an
12 unstable platform isn't really a platform at all. So then you are left with 2 big problems. 1/ How do
13 you convince external developers to build on a platform where the most basic core APIs may be
14 removed at any time? I mean, the only big value we bring to the table right now is in distribution
15 and discovery, and that's going to encourage developers to do only the most superficial integration
16 with Facebook. Basically, they're going to do just enough to be able to use Neko ads. 2/ How do
17 you convince internal developers to work on Platform knowing it's only ever going to play second
18 fiddle to the rest of the company? I mean why should any of us work on a product that could be
19 crippled at any time to benefit another team? If I worked on Platform, I would be seriously
20 reconsidering my options if this API gets deprecated" (FB-01364693 - FB-01364694); Lacker
21 responds to Klimt that he agrees with him but that his rant is not going to change the decision and
22 that "platform has been losing engineers for some time" (FB-01364691 - FB-01364692); Sukhar
23 agrees with Lacker and Klimt, stating he shares Klimt's concerns and notes that he talks "about
24 this in every single meeting" he has with Vernal, Purdy and Zuckerberg but that "lobbying to

1 reverse this particular decision is not the most productive thing we can do here” (FB-01364691))
2 is attached hereto as Exhibit 114.

3 116. A true and correct copy of FB-01364306 - FB-01364312 (September 2013 email
4 discussion between Sukhar and Kevin Lacker where Sukhar notes that Purdy is attempting to
5 enlist him to take over PS12N, and Lacker writes: “Oh by the way I was in some ps12n meeting
6 with eddie where someone asked, why are we revoking these apis anyway and he was like oh I
7 think we all agree. I’m like, do we? And he’s like yeah. It’s all because of trust. I’m like what. No
8 it’s not, it’s all for competitive reasons. And he’s like no. it’s trust. I’m like eddie you should talk
9 with vernal” (FB-01364309)) is attached hereto as Exhibit 115.

11 117. A true and correct copy of FB-01363717 - FB-01363724 (November 2013 email
12 discussion between Sukhar and Lacker in which Lacker notes that Facebook is pre-planning to
13 structure the PS12N changes in a manner that makes it easier to blame developers and not
14 Facebook: “The dialog won’t be FB-branded, to prevent user frustration with the Facebook brand.
15 That sucks!.... The rollout plan is also scary because this does seem like it’ll break apps. Basically,
16 if you do anything besides login, sharing through dialogs this update will fuck you over somehow.
17 We’ve even pre-planned that developers will hate it by making some of the UI non-facebook-
18 branded...sheesh...this way, user hatred will be directed at our developers, not at us” (FB-
19 01363719 - FB-01363720)) is attached hereto as Exhibit 116.

22 118. A true and correct copy of FB-01365361 - FB-01365375 (August 2013 email
23 discussion between Sukhar and Kevin Lacker in which Sukhar writes that the “friends API is
24 getting totally fucked. We should talk about it. I have a proposal to at least make it less painful,”
25 noting that they “are just ratcheting down the openness of the platform and all these things are
26 small tactics in the overall goal”; Lacker responds that “the contract with [developers] is so far
27 from working,” and Sukhar agrees with him and suggests they try to find a path to get more
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1 involved to mitigate the harm caused by the scheme (FB-01365364 - FB-01365375)) is attached
2 hereto as Exhibit 117.

3 119. A true and correct copy of FB-01355841- FB-01355842 (December 2013 email in
4 which Sukhar writes that they “seem to be losing the battle to get required permissions into Login
5 v4,” indicating that he has not been successful in getting a commitment from Zuckerberg and
6 Vernal that Facebook will agree to offer certain APIs regardless of whether Facebook perceives
7 that company to compete with it) is attached hereto as Exhibit 118.

9 120. A true and correct copy of FB-01364897 - FB-01364900 (August 2013 email
10 discussion in which Sukhar notes that certain people want him to drive the PS12N
11 implementation, and he and Lacker express concern over getting involved because “some parts of
12 it are clearly bad” and it’s a “mess” that “just seems fucked,” noting that Facebook’s new position
13 on user data that was announced in April 2014 represented an abrupt reversal of a position
14 Facebook held for seven years (“you mean, our philosophy as of right now, not for the past seven
15 years when it was different”)) is attached hereto as Exhibit 119.

17 121. A true and correct copy of FB-01364161 (October 2013 email discussion in which
18 Purdy makes a push to get Sukhar to take over PS12N as the new head of developer services at
19 Facebook) is attached hereto as Exhibit 120.

21 122. A true and correct copy of FB-01353339 - FB-01353340 (October 2013 email
22 discussion in which Sukhar notifies O’Neil: “I’m done fighting the graph protection stuff”) is
23 attached hereto as Exhibit 121.

25 123. A true and correct copy of FB-01193401 (February 2014 email discussion in which
26 Sukhar announces: “I put together a plan for f8 that everyone finally agrees on. The big difference
27 is that we’re going to hold the ‘bad stuff’ of ps12n until after. <https://quip.com/HOQABAHBBzp> -
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1 details there. Can you take a look and see if you agree and see if you think we need Mark to sign
2 off?") is attached hereto as Exhibit 122.

3 124. A true and correct copy of FB-00517457 (February 2014 email discussion in which
4 Sukhar invites Purdy, Federov and O'Neil to review the "switcharoo plan" and notes that "it is a
5 good compromise given all the constraints and we'll be able to tell a story that makes sense") is
6 attached hereto as Exhibit 123.

8 125. A true and correct copy of FB-01352766 - FB-01352768 (January 2014 email
9 discussion in which Sukhar states: "I think the switcharoo plan is reasonable but I worry that
10 we're adding another two months of potential scope creep and risking an H2 launch which
11 probably would not go over well internally" (FB-01352766)) is attached hereto as Exhibit 124.

13 126. A true and correct copy of FB-00921983 - FB-00921984 (March 2013 email
14 discussion in which Osofsky writes that the "narrative" for Unified Review of the new Facebook
15 Login "will focus on quality and the user experience which will potentially provide a good
16 umbrella to fold in some of the API deprecations;" Purdy notes that unified review is just another
17 product feature to improve quality and is not related to the API restrictions but agrees with
18 Osofsky) is attached hereto as Exhibit 125.

20 127. A true and correct copy of FB-00422927 - FB-00422928 (November 2013 email
21 discussion in which Purdy notifies Sukhar that they have decided to use the Login revamp to
22 announce PS12N ("I think we are closed on using login v4 as the launch vector for most of
23 PS12N"); Sukhar asks: "What does it actually mean to tie PS12N to login besides synchronized
24 timing? Is it just the messaging? What's the bullshit that you refer to?" Purdy replies: "Mainly
25 messaging." Sukhar, still confused, asks: "What problem are we solving by conjoining the two?"
26 Purdy then replies with a rhetorical question: "What product is PS12N?" Sukhar answers:
27 "None?") is attached hereto as Exhibit 126.

1 128. A true and correct copy of FB-00556670 - FB-00556672 (January 2014 email
2 discussion in which Purdy admits to Sukhar that the only way they can get away with stating that
3 user trust and privacy are the reasons for PS12N is if they tie it to the Login revamp: “The above
4 user trust message only really hangs together if [we] introduce the user model changes with the
5 developer changes. They don’t need to ship together, but I think we need to outline our plan here
6 to people and the ecosystem in one fell swoop” (FB-00556671)) is attached hereto as Exhibit 127.

8 129. A true and correct copy of FB-00454708 - FB-00454714 (February 2014 email
9 discussion in which Facebook employee TR Vishwanath recognizes that Login v4 now includes
10 PS12N: “Want to make sure we’re all on the same page wrt what ‘login v4’ means, since it has
11 also been overloaded as an uber term for all ps12n work”) is attached hereto as Exhibit 128.

13 130. A true and correct copy of FB-00058030 - FB-00058033 (February 2014 email
14 discussion in which Sukhar notifies the entire Platform team that based on many discussions with
15 Zuckerberg, they have decided to make user trust the core theme of their announcement and roll
16 out the Login revamp and the PS12N API restrictions at the same time, noting that they did not
17 plan on mentioning the API restrictions but would have a workshop about them later in the day:
18 “After discussing a bunch with Zuck, we landed on making user trust a core theme of F8 and
19 rolling things out simultaneously. After all, this is a big change to put the power in the hands of
20 people and we need to do it the justice of a thorough announcement. Who better to do it than
21 Zuck? Now that doesn’t mean we’ll be enumerating specific deprecations on stage or anything. It
22 probably means we announce the new Login and have a workshop about the changes later in the
23 day”) is attached hereto as Exhibit 129.

26 131. A true and correct copy of FB-00434425 - FB-00434431 (January 2014 email
27 discussion in which Sukhar writes: “Yeah, I think these are things I’d like to get from Mark
28 [Zuckerberg]: 1/ is he comfortable with the broad devaluation of Login? Is he comfortable killing

1 the prospects of a lot of startups (some of which are good like Venmo and Tinder and I think we
2 should emphasize that more)? 3/ Can we guarantee Login to any app? 4/ Are we willing to roll this
3 out with a huge exception for iOS Login? 6/ Does he foresee any issues with the scope of the
4 current 2 year SLA commitment?" He explains: "My concern is around the perception that we
5 can't hold our story together" (FB-00434427 - FB-00434428)) is attached hereto as Exhibit 130.

7 132. A true and correct copy of FB-00854672 - FB-00854673 (April 2014 discussion in
8 which Sukhar asks Vernal if Facebook can commit in its April 30, 2014 announcement that at
9 least some APIs won't be subject to enforcement based on competitive considerations, and Vernal
10 responds that if they mention anything about competitive considerations in the announcement,
11 there is "a high likelihood of breaking into jail") is attached hereto as Exhibit 131.

13 133. A true and correct copy of FB-0000075 - FB-0000096 (Facebook's official
14 announcement of "The New Facebook Login and Graph API 2.0" published on the Facebook
15 website on April 30, 2014, stating that the new Facebook Login changes give people more control
16 over the information they share with the apps they download, and announcing PS12N, the most
17 significant change to Platform in its seven-year history, with a single sentence five pages down
18 from the top of the announcement: "In addition to the above, we are removing several rarely used
19 API endpoints; visit our changelog for details" (FB-0000078)) is attached hereto as Exhibit 132.

21 134. A true and correct copy of FB-00429152 - FB-00429169 (Facebook engineer Ling
22 Bao provides a database output in a December 2012 email discussion showing that at least 5 of the
23 10 most popular APIs used by developers were privatized under PS12N, undermining entirely the
24 notion that the APIs were "rarely used" (FB-00429159)) is attached hereto as Exhibit 133.

26 135. A true and correct copy of FB-00433791 - FB-00433799 (August 2013 email
27 discussion among the Platform team in which Vernal notes that the "majority of the API surface"
28

1 is “deprecated” under PS12N, contradicting Facebook’s public announcement that the APIs were
2 “rarely used” (FB-00433793)) is attached hereto as Exhibit 134.

3 136. A true and correct copy of FB-01391357 (March 2014 email discussion between
4 Cross and Sukhar in which Cross complains that across 20 developer training sessions, not a
5 single session explains to developers that their apps will break and helps them with the transition;
6 Sukhar replies that the reason for this is because he hasn’t been able to think of a high level
7 description that “isn’t totally negative”; Cross retorts that they can find “positive stuff” and it’s
8 “insane” that they have no space to talk about the API restrictions) is attached hereto as Exhibit
9 135.

10
11 137. A true and correct copy of FB-01353100 (February 2014 email discussion in which
12 Vernal tells Rose that they are still deprecating one of the newsfeed APIs (stream.get) and have
13 not changed their minds but that Zuckerberg directed them to delay the announcement to avoid the
14 perception of “strategery”) is attached hereto as Exhibit 136.

15
16 138. A true and correct copy of FB-01373066 - FB-01373073 (March 2015 email update
17 to the Platform team in which Facebook employee Mary Ku notes that the newsfeed APIs were
18 still technically available to developers under Login Review but that “for almost a year, DevOps
19 reviewed requests to access these APIs and approved virtually zero apps,” demonstrating that
20 Facebook had effectively privatized these APIs with the Graph API 2.0 announcement, but
21 nonetheless represented they would still be available (FB-01373066)) is attached hereto as Exhibit
22 137.

23
24 139. A true and correct copy of FB-00089734 - FB-00089742 (December 2013
25 summary of Facebook projects with privacy implications, including a project the privacy team
26 uncovered where Cox’s and Olivan’s teams tracked Facebook user’s phone calls and read text
27 messages on their phones without their consent (“Call log data was being collected, used, for this
28

1 purpose, and stored in the past, but once we became aware of this, product agreed to stop doing
2 this until they receive advice from Legal and Policy”) (FB-00089740)) is attached hereto as
3 Exhibit 138.

4 140. A true and correct copy of FB-00061671 - FB-00061674 (August 2013 email
5 where Purdy raises the idea of “requiring our ads to be displayed” if companies want to access the
6 restricted APIs (FB-00061674)) is attached hereto as Exhibit 139.

7 141. A true and correct copy of FB-00417662 - FB-00417673 (Purdy admits that
8 because Facebook blocked WeChat, the popular text messaging app, from accessing restricted
9 Platform APIs, it also prevented WeChat from buying Neko ads (FB-00417670)) is attached
10 hereto as Exhibit 140.

11 142. A true and correct copy of FB-01335815 - FB-01335822 (January 2013 email
12 discussion in which a Facebook employee Jud Hoffman asks Zuckerberg if Facebook should
13 prevent WeChat, Kakao and Line from purchasing Neko ads because they restrict them from
14 Platform APIs; senior Facebook executives state that tying the two together is a bad idea, but
15 Zuckerberg disagrees and directs his subordinates to “block WeChat, Kakao and Line ads” (FB-
16 01335815 - FB-01335819)) is attached hereto as Exhibit 141.

17 143. A true and correct copy of FB-01370694 - FB-01370701 (January 2013 email
18 discussion in which one of Facebook’s most senior advertising executives, David Fischer
19 continues to express concern that Facebook is tying access to Platform APIs to its Neko
20 advertising product, both in terms of permitting companies access to the APIs only if they buy
21 Neko ads and also in terms of denying companies access to purchasing Neko ads if Facebook also
22 denies them access to Platform APIs: “I continue to believe we should allow ads from competitors
23 for several reasons: We should be secure enough in the quality of our products to enable them to
24 compete effectively in the open marketplace.... It looks weak to be so defensive. This will be a
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1 challenge to enforce. We have many competitors and the list will grow in time. How will we judge
2 retailers and e-commerce sites as we grow Gifts, since they arguably are competitors too?”
3 Facebook’s most senior engineering executive, Mike Schroepfer, says he agrees with Fischer (FB-
4 01370695 - FB-01370700)) is attached hereto as Exhibit 142.

5
6 144. A true and correct copy of FB-01368044 - FB-01368045 (December 2012 email
7 discussion in which Facebook employee, Deborah Liu, writes that WeChat is spending \$50,000 or
8 more regularly on Neko ads, “but we also have no policy in place so we cannot take action of any
9 type for now.” Facebook executives decide that “if we prohibit API access, prohibit[ing] ads
10 seems right,” at which point another executive urges them to move the conversation to an
11 attorney-client privileged thread with Colin Stretch, Facebook’s General Counsel) is attached
12 hereto as Exhibit 143.

13
14 145. A true and correct copy of FB-01354549 - FB-01354571 (October 2013
15 presentation expanding Platform to Facebook Messenger in order to apply the same bait-and-
16 switch strategy to grow Facebook Messenger more quickly by leveraging “the characteristics of a
17 multi-sided platform” that “drivers more users” and allows Facebook to “compete
18 asymmetrically” and capitalize on the “innovation leverage of 3rd parties” because “we won’t need
19 to predict everything worth building”) is attached hereto as Exhibit 144.

20
21 146. A true and correct copy of FB-0000017 - FB-0000026 (December 2012 SRR, the
22 operative contract between Plaintiff and Facebook) is attached hereto as Exhibit 145.

23
24 147. A true and correct copy of the relevant portions of FB-00046731 (the spreadsheet
25 entitled “Onavo Top 2500 List” ranking the popularity of 2,500 apps based on Onavo data) is
26 attached hereto as Exhibit 146.

27
28 148. A true and correct copy of the relevant portions of FB-00047811 (December 2014
spreadsheet ranking 82,000 apps based on engagement and reach tracked from Onavo users

1 without their consent, showing WhatsApp ranked first, YouTube second, Facebook third, and
2 Chrome fourth. These 82,000 apps had no knowledge Facebook was accessing sensitive, non-
3 public competitive information about their download and open rates) is attached hereto as Exhibit
4 147.

5
6 149. A true and correct copy of the relevant portions of FB-00051800 (spreadsheet
7 listing all applicants to the FBStart startup program managed by Facebook and indicating in a
8 column entitled “app_decision” that the app is either “Missing Onavo info,” “competitive,”
9 “bootstrap” or “accelerate” in determining whether the app is accepted into FBStart, Facebook’s
10 startup program. This sheet shows Facebook was actively tracking early stage startups using
11 improperly obtained Onavo data in order to determine which companies might become either
12 acquisition targets or threats that Facebook would need to shut down) is attached hereto as Exhibit
13 148.

14
15 150. A true and correct copy of FB-01251951 - FB-01251953 (spreadsheet listing the
16 “iOS Top 100 Lifestyle Apps” based on “Onavo Rankings Based On 30-Day Reach” from 5/27/13
17 to 8/25/13 prior to any update to the Onavo Terms of Service) is attached hereto as Exhibit 149.

18
19 151. A true and correct copy of FB-00605188 - FB-00605190 (November 10, 2013
20 email in which Papamiltiadis asks O’Neil how PS12N impacts LinkedIn’s access to data and
21 whether Facebook views LinkedIn as competitive; having received no response, Papamiltiadis
22 asks again on November 12; having still received no response, Papamiltiadis asks again on
23 November 15 and copies Cross; having still received no response, Papamiltiadis asks Cross
24 directly on November 18 and describes the PS12N audit framework as bucketing apps into
25 “competitive, potentially competitive, aligned, partner (contract) (FB-00605189); Cross responds
26 on November 18 that he and Monica Walsh (Bickert), now Facebook’s global head of policy
27 management, have been working on a “clear framework for making decisions about whitelisting
28

1 apps for the newly privatized APIs, and specifies that “read_stream” and “friends_* perms” are
2 newly privatized APIs) is attached hereto as Exhibit 150.

3 152. True and correct copies of FB-01235610 (March 2014 email discussion attaching
4 presentation entitled “Content Production,” which Facebook employee Ram Srinivasam notes was
5 reviewed “with Chris Cox and co”) and FB-01235646 - FB-01235723 (“Content Production”
6 presentation noting that in late 2012 Facebook “did some extreme stuff to push re-shares –
7 significantly changing the composition of content and feed. We undid a bunch (but not all) of our
8 work in the first half of 2013 but YoY re-shares numbers are still very funky. To avoid being
9 misled by this funk, we’re going to use 2012 as our reference point” (FB-01235648); “Wall posts
10 declined by 63% since 2012,” a “terminal decline” due to “fewer profile visits and wall posts per
11 visit due to mobile migration and Timeline” (FB-01235657); undirected text posts “tanking” since
12 2012, down 26% because “hurt by migration to phones with cameras” (FB-012358); bulk photo
13 uploads “falling fast,” down 29% since 2012 because “mobile migration means fewer photo
14 albums” (FB-01235659); “Before phones, people would take their digital cameras out for special
15 events, vacations, etc. Then, they would post a bunch of photos at once – after uploading them to
16 their computer. With phones, people take and share more photos more often. They share them
17 individually (rather than waiting to upload a bunch at once)” (FB-01235714)) are attached hereto
18 as Exhibit 151 and Exhibit 152.

19 153. A true and correct copy of FB-00600167 - FB-00600169 (October 8, 2014 email in
20 which Facebook engineer Alberto Tretti emails Archibong and Papamiltiadis notifying them that
21 entities with Russian IP addresses have been using the Pinterest API access token to pull over 3
22 billion data points per day through the Ordered Friends API, a private API offered by Facebook to
23 certain companies who made extravagant ads purchases to give them a competitive advantage
24 against all other companies. Tretti sends the email because he is clearly concerned that Russian

1 entities have somehow obtained Pinterest's access token to obtain immense amounts of consumer
2 data. Merely an hour later Tretti, after meeting with Facebook's top security personnel, retracts his
3 statement without explanation, calling it only a "series of unfortunate coincidences" without
4 further explanation. It is highly unlikely that in only an hour Facebook engineers were able to
5 determine definitively that Russia had not engaged in foul play, particularly in light of Tretti's
6 clear statement that 3 billion API calls were made per day from Pinterest and that most of these
7 calls were made from Russian IP addresses when Pinterest does not maintain servers or offices in
8 Russia) is attached hereto as Exhibit 153.

10 154. A true and correct copy of FB-00454582 - FB-00454584 (October 9, 2014
11 engineering task in which Papamiltiadis, Cross and O'Neil remove Pinterest's access to the
12 Ordered Friends API the day after Tretti informs Papamiltiadis that Russian entities are using
13 Pinterest's access token to obtain billions of data points per day about consumers without their
14 permission. The task notes admit that the Ordered Friends API is a "whitelist only API" and
15 "returns non app friends" after Facebook announced publicly that access to non-app friends had
16 been removed to *all* developers. Employees note that Netflix is also accessing the Ordered Friends
17 API and ask why Netflix can still access it, but not Pinterest. No explanation is given and the
18 Russian IP issue raised by Tretti the day before is not mentioned. It is highly reasonable to
19 conclude from this sequence of events that Tretti was correct when he stated that Russian IP
20 addresses were accessing billions of data points about consumers directly from Facebook and that
21 Facebook did not want employees to become aware of this fact and so cut off Pinterest's access
22 without notice but also without revealing the explanation for doing so. Otherwise, why would
23 Facebook shut off Pinterest's access the very next day without any notice to Pinterest and further
24 without any explanation to Facebook's own employees?) is attached hereto as Exhibit 154.

1 155. A true and correct copy of FB-00494207 - FB-00494213 (April 2012 chat string for
2 a task entitled “URGENT: Diageo / Alcohol Gating on Apps,” in which Facebook employees note
3 that a developer, Diageo, one of the largest global alcohol suppliers, launched a cocktail
4 recommendation app and has no ability to prevent users who are under the age of 21 from seeing
5 the cocktail recommendations because Facebook is failing to pass age and other privacy
6 information to Diageo via the Platform APIs. A Facebook employee, Arthur Rudolph, who helped
7 implement the developer APIs, explains that Facebook architected the APIs so as *not* to provide
8 this information and that it has been this way for five to six years. Rudolph digs up a note from
9 approximately five years prior and quotes it in the task chat string: “As a wise man once said, ‘for
10 better or for worse, age restrictions only apply to who can load canvas, not API visibility... Yes, I
11 completely forgot this and just found the above (terrifically wise) quote while investigating why
12 we weren’t doing this). This has been the implementation from day 1 of app restrictions, probably
13 5-6 years ago. I assume someone from legal knows about this, and I think they’ll be required to
14 get us to actually change anything here.” This comment from Rudolph demonstrates that
15 Facebook’s failure to provide privacy and age settings in its developer APIs was not a technical
16 bug or oversight due to negligence. The failure to respect privacy and age settings in developer
17 APIs was part of the initial design and persisted for many years. That engineers wishing to address
18 this glaring privacy violation would need to do so with Facebook’s legal department demonstrates
19 clearly that this was not a bug. In other words, Diageo showed tips on how to make alcoholic
20 beverages to minors because Facebook intentionally refused to adhere to even the most basic
21 privacy requirements in designing its Platform) is attached hereto as Exhibit 155.

26 156. A true and correct copy of FB-00552036 (August 2012 email in which a Facebook
27 employee, Philip Su, notes that one of his friends, a non-Facebook employee, attempted to use a
28 custom privacy setting for photos she uploaded but changing the setting did not work. Su attempts

1 to get to the bottom of the issue around why custom privacy settings for photos do not seem to
2 work) is attached hereto as Exhibit 156.

3 157. A true and correct copy of FB-00552033 (December 2014 email in which a
4 Facebook employee, Rohan Dhruva, notes that one of his friends, a non-Facebook employee,
5 attempted to set custom privacy on a photo and it did not work. Dhruva asks if this failure in
6 custom privacy settings is a bug more than 28 months after Philip Su first reported this same issue
7 and asked the same question (Exhibit 156). That 28 months elapsed without any effort to address a
8 significant privacy violation in the way Facebook architected its Platform demonstrates clearly
9 that this desire to make it more difficult for users to restrict and control content they upload was
10 not an unintentional bug, but rather part of the design of the Platform) is attached hereto as Exhibit
11 157.

12 158. A true and correct copy of FB-01368843 - FB-01368856 (January 20, 2013 email
13 in which Deborah Liu writes that “Neko grew another 50% this week! Hit a high of \$725k Friday
14 (see chart below). We are now 5% of total Ads revenue and 21% of mobile ads revenues.” Lessin
15 responds: “The neko growth is just freaking awesome. Completely exceeding my expectation re
16 what is possible re ramping up paid products.” Liu also notes that “Wechat and other competitive
17 networks are no longer advertising on Neko based on policy. (Please contact me if you have any
18 questions).” This confirms that the agreement executives reached in Exhibit 143 to restrict the
19 advertising market to any companies blacklisted on Facebook Platform was in fact implemented as
20 an official Facebook policy and that companies were in fact prevented from participating in
21 Facebook’s advertising market if they failed to meet Facebook’s arbitrary requirements to access
22 its Platform APIs) is attached hereto as Exhibit 158.

23 159. A true and correct copy of FB-01368452 - FB-01368453 (August 15, 2012 email
24 among Rose, Lessin, Purdy, Vernal, Rait and Ebersman preparing slides for the Board of Directors
25

1 meeting and describing various options for re-architecting Facebook Platform that include
2 platform models similar to those managed by Twitter, Apple and Google) is attached hereto as
3 Exhibit 159.

4 160. A true and correct copy of FB-00534487 (March 2013 email demonstrating that
5 even the revamp of Facebook Login was not made purely out of a commitment to user privacy but
6 instead was a pretext to ensure that Facebook could enforce the reciprocity policy up front to
7 ensure Facebook extracted business value from a company prior to permitting it to access APIs
8 Facebook claimed to have fully removed to all other developers. Purdy writes to Hagman,
9 Koumouzelis, O'Neil and Federov: "I have been thinking about the challenges around reciprocity
10 and competitive enforcement (friends.get, etc.) and fact that it is all post facto. The way we are
11 structured today, you build an app on FB and then launch and then we may just shut you down,
12 harming users and the developer. I wonder if we should move as quickly as possible to a model in
13 the product where all you get from platform is login (basic info) and sharing without approval. All
14 other APIs are available in development, but have to be approved before the app launches to real
15 users (basically all apps using friends.get have to have that capability approved). We are roughly
16 on course to deliver this as part of unified review, save for the more granular approval for things
17 like friends.get? What I love about this too is we could make our whitelists so much cleaner by
18 making each capability an approval thing. Marie: I think makes your "deprecations" much easier.
19 Thoughts?") is attached hereto as Exhibit 160.

20 161. A true and correct copy of FB-00430057 - FB-00430063 (March 2013 email
21 among Purdy, Osofsky, Archibong and others discussing pre-enforcement of canvas policy on
22 Amazon apps that were approved six months prior. Facebook approves three Amazon apps and
23 then six months later claims a policy change that shuts them down right when they launch and
24 after Amazon has invested significant capital and labor in building these products. Amazon

1 employees Jeetendra Mirchandani and Cory Toedebusch complain that “This will break 3 of our
2 live integrations.”) is attached hereto as Exhibit 161.

3 162. A true and correct copy of FB-00510070 - FB-00510071 (February 2014
4 engineering task entitled “PS12n Let apps request access to non-app friends via a helpcenter
5 form,” demonstrating that friend data was not removed but instead privatized so certain companies
6 could continue to access the data. O’Neil writes: “With PS12n, Apps won’t get access to non-app
7 friends when calling /me/friends. However, Games on Canvas with Credits will automatically get
8 this. The other main use case for non-app-friends (NAF) is tagging, but we’re building a tagging
9 API to satisfy this case. Given that, there are VERY few cases where we want an app to have non-
10 app friends. This ability will be gated by the capability. However, we still want apps to be able to
11 request access to NAF, but not make this a core part of the developer experience”) is attached
12 hereto as Exhibit 162.

15 163. A true and correct copy of FB-00510419 - FB-00510420 (March 2014 engineering
16 task entitled “only return app-friends via v2.0 by default, unless the app has various capabilities
17 which bypass that restriction” is an engineering task related to the one in Exhibit 162 that permits
18 certain apps to continue to access friend data after the date Facebook claims publicly to have
19 removed it to *all* companies) is attached hereto as Exhibit 163.

21 164. A true and correct copy of FB-00899163 - FB-00899168 (July 2013 email from
22 Vernal in which he writes: “For years, the Platform team has built tools for developers. And the
23 Ads team has built tools for advertisers. And we didn’t really talk. Most of our developers were
24 also advertisers, but internally we were just focused on our silos – we weren’t thinking about how
25 all this worked, end-to-end. A year ago, we started on this project called Neko. The idea was to
26 combine our developer tools and our Ads system into a single product to help developers become
27 successful advertisers on mobile. It was hard. Most people thought it would fail. In December of
28

1 last year, we spent hours in that room (point to the Aquarium) debating whether to shut the whole
2 thing down. We almost did. Why throw good money after bad, people kept asking? Then
3 something happened. We hit a tipping point. We fixed that one last bug, and suddenly the entire
4 system start working. And it's been growing ever since.... It's grown from nothing to \$1.75M/day
5 in nine months. That's a \$600M business in less than a year. That's insane! And it didn't cost us
6 \$600M to build it.... It was a small team working across platform + ads to build an end-to-end
7 solution") is attached hereto as Exhibit 164.

9 165. A true and correct copy of FB-00917804 - FB-00917810 (April 2013 email in
10 which Purdy summarizes the decisions Zuckerberg communicated in October and November
11 2012, writing: "The fundamental principle that governs Platform usage is a simple concept:
12 reciprocity. Reciprocity involves a equalible [sic] value exchange between a 3rd party developer
13 and Facebook. This value exchange involves one of the following from developers: high-quality
14 experiences that FB users can use to tell great stories to their friends and family on FB and/or
15 monetary value in the form of revenue sharing or direct payment. In return, Facebook offers a
16 developers [sic] access to our Platform. When considering the implications of reciprocity it is
17 important to note that a second order principle quickly emerges: competitive access. There are a
18 small number of developers whom no amount of sharing to FB or monetary value can justify
19 giving them access to Platform.... We maintain a small list of strategic competitors that Mark
20 personally reviewed. Apps produced by the companies on this list are subject to a number of
21 restrictions outlined below. Any usage beyond that specified is not permitted without Mark level
22 sign-off") is attached hereto as Exhibit 165.

26 166. A true and correct copy of FB-00920691 - FB-00920693 (March 2013 email from
27 Dave Wehner, who at the time was VP Finance and is currently CFO of Facebook, describing how
28 Facebook is seeking to "lock in" developers who use Neko by combining Neko with access to

1 “social features” in order, according to another Facebook employee, “to get a bigger % of
2 developer budgets”) is attached hereto as Exhibit 166.

3 167. A true and correct copy of FB-00926250 - FB-00926257 (February 2013 email
4 string in which Sandberg emails Marissa Mayer, CEO of Yahoo, regarding a missed call due to
5 some confusion around Yahoo!’s redesign of its website, which relies heavily on Facebook APIs,
6 including friend data. Facebook employees note that Yahoo! has special access to data that Apple
7 had requested and ask why Apple was prohibited from accessing this data while Yahoo! could.
8 Purdy writes that they are putting together a plan to expand the API privatizations in the first half
9 of 2013. Rose suggests they communicate this first internally. Vernal raises the issue of how to
10 communicate the end-state of PS12N to employees and the broader public and offers to draft a
11 strawman over email. Rose requests that they take the discussion off email) is attached hereto as
12 Exhibit 167.

13 168. A true and correct copy of FB-00948130 - FB-00948136 (November 2012 email in
14 which Jolley, Vernal, Yao, Purdy and Federov discuss Zuckerberg’s reciprocity decision, which
15 includes the ability for Facebook to scrape data from any developer’s website in order to address a
16 “leverage imbalance” between Facebook and the developer, without mentioning that Facebook
17 itself created this leverage imbalance in how it designed its Platform in order to become the
18 world’s largest online service. Yao describes the data scraping aspect of reciprocity as follows:
19 “We also reserve the right to crawl the partner website for the user’s data. Partners cannot blacklist
20 or block Facebook from crawling your site or using the API. If they do, Facebook reserves the
21 right to block the partner from using our APIs.... The theory behind Action Importers was that we
22 needed to balance the leverage. You can call our APIs and access our data, as long as we can call
23 your APIs (if you have them) or crawl your web site (if not) and access your data. It’s one thing to
24 drag your heels, but if we’re the ones doing the work then we force you to make a decision –

1 either you allow us access to your data, or you block us. If you block us, then it's really
2 easy/straightforward for us to decide to block you.... What's Changed? When we first started
3 discussing this, we were talking about doing this only for top partners. I think a lot of folks
4 interpreted this as just a negotiation tactic – we'd just threaten to do this if they didn't
5 cooperate.... What's changed between then and now is that this is now very clearly not a
6 negotiation tactic – this is *literally* the strategy for the read-side of our platform”) is attached
7 hereto as Exhibit 168.

9 169. A true and correct copy of FB-00968688 - FB-00968701 (September 2012 email
10 from Vernal describing the core motivations of reciprocity policy to avoid enabling competitors
11 and admitting that Facebook puts “developers through a lot of shit today, but it's somewhat
12 defensible that it's a ‘free platform’ (even though people are building multi-\$100M businesses on
13 it”) is attached hereto as Exhibit 169.

15 170. A true and correct copy of FB-01156203 - FB-01156204 (October 7, 2012 chat
16 from Zuckerberg to Vernal, Daniels, Rose and Purdy showing Zuckerberg transitioning from
17 deciding to charge for APIs like fair and neutral platforms such as Twitter to using the APIs as a
18 way of forcing neko purchases under reciprocity, which he announces in November 2012) is
19 attached hereto as Exhibit 170.

21 171. A true and correct copy of FB-01156760 - FB-01156764 (August 2012 email in
22 which Vernal writes to Lessin that “I really think we're wasting our time talking about charging
23 for APIs. I don't think it's a scalable business model and is, frankly, a waste of our time. That's
24 not where the real money is, and it will have weird downstream effects”) is attached hereto as
25 Exhibit 171.

27 172. A true and correct copy of FB-01188663 (February 2015 in which Facebook
28 employees Michael LeBeau and Yul Kwon update Vernal and others on Growth team's (Olivan)

1 plan to re-introduce tracking the text messages and calls of Android users. Michael LeBeau writes
2 that he is worried about headlines in the press “that say ‘Facebook uses new Android update to pry
3 into your private life in ever more terrifying ways – reading your call logs, tracking you in
4 businesses with beacon, etc.’” Yul Kwon then responds to alleviate that concern in writing: “Also
5 the Growth team is now exploring a path where we only request Read Call Log permission, and
6 hold off on requesting any other permissions for now. Based on their initial testing, it seems that
7 this would allow us to upgrade users without subjecting them to an Android permissions dialog at
8 all.” In other words, Kwon states that Facebook need not worry about negative press from spying
9 on Android users calls and texts because those users will not know Facebook is in fact spying on
10 them since Facebook will not need to disclose this fact to users when it updates its Android app) is
11 attached hereto as Exhibit 172.

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14 173. A true and correct copy of FB-01221432 - FB-01221433 (October 31, 2012 email
15 discussion in which Vernal, Purdy, Lessin, Rose and Osofsky prepare for a meeting with
16 Zuckerberg in which they will present to him the “Top 5-10 Partner Deals” for beginning to
17 enforce the reciprocity policy, asking “who would we try to strike a deal with, and what would we
18 try to get”) is attached hereto as Exhibit 173.

19
20 174. A true and correct copy of FB-01252038 - FB-01252039 (October 2013 email
21 where due to the inherent privacy flaws of Facebook’s Platform design, Vernal writes that a
22 platform app almost “accidentally disclosed earnings ahead of time,” which would have “been
23 fatal for Login / Open Graph . etc.” Vernal exhorts employees “DO NOT REPEAT THIS STORY
24 OFF OF THIS THREAD. I’m super super serious here” and “do not want this story spreading
25 inside of Facebook or off of this thread at all. I can’t tell you how terrible this would have been for
26 all of us had this not been caught quickly. Ling – when you ask Platform Ops about this, please
27
28

1 don't reference the story – just say someone got screwed by this and you want to follow-up”) is
2 attached hereto as Exhibit 174.

3 175. A true and correct copy of FB-00947595 - FB-00947606 (November 2012 email in
4 which Vernal summarizes for Purdy, Rose, Lessin and Osofsky that Platform 3.0 includes
5 “Removing a bunch of APIs (e.g. all the friend ones)” and the “data reciprocity policy” and
6 suggests they announce these changes publicly very soon. Osofsky responds that he and Purdy are
7 already working on a blog post announcing that friend data will be removed to all developers with
8 Jen Taylor and David Swain from Facebook’s public relations team) is attached hereto as Exhibit
9 175.

11 176. A true and correct copy of FB-01151043 - FB-01151044 (March 2013 email
12 discussion in which Archibong, Bickert, Lessin, Osofsky and Purdy agree that in discussions with
13 Refresh.io, a startup developer Facebook is seeking to acquire, that Facebook staff should
14 communicate to Refresh.io staff during the acquisition discussions that Refresh is violating
15 Facebook policies and therefore, if they do not sell to Facebook, Refresh will likely be shut down
16 in the future. The group further agrees that if the acquisition discussions do not work out, then
17 Facebook will wait until after its earnings calls to shut down Refresh.io in order to avoid the
18 perception that the failed acquisition discussions and the decision to shut down the app are related)
19 is attached hereto as Exhibit 176.

22 177. A true and correct copy of FB-00947652 (November 2012 email in which
23 Zuckerberg gives Vernal the “green light” to provide games with “special treatment in exchange
24 for a 30% net (21% gross) rev share” such that games will not be affected by PS12N to avoid
25 Facebook losing revenues from game developers) is attached hereto as Exhibit 177.

27 178. A true and correct copy of FB-00433723 - FB-00433728 (May 2014 chat among
28 Facebook employees in which engineer Sean Kinsey writes regarding Zuckerberg’s decision to

1 exempt games from PS12N: “we hold developers to different standards – it’s pretty amazing that
2 no-one has called us out on this already. We let games get away with things we publicly document
3 we don’t allow regular apps to do.” Eddie O’Neil responds: “I see the inconsistency, we just
4 decided that it was worth it.” Kinsey then responds: “It’s ironic that we’re exempting the one
5 category where trust is paramount (money is involved) from taking part in building that trust ☺”
6 is attached hereto as Exhibit 178.
7

8 179. A true and correct copy of FB-00109950 - FB-00109957 (August 2012 internal
9 email in which a Growth team (Olivan) project in which Facebook seeks to secretly collect
10 additional information from Android users, including the default camera app, messaging app, and
11 whether the Android user has a non-Google app store downloaded, such as an app store from
12 messaging and gaming platforms like Kakao or Line with whom Facebook competes (FB-
13 00109952)) is attached hereto as Exhibit 179.
14

15 180. A true and correct copy of FB-00089881 - FB-00089884 (November 2013 email in
16 which privacy team employee Matt Scutari notes that Zuckerberg requested the product team
17 explore making the “Only Me” audience setting unsticky, meaning that when a user uploads a
18 photo or other data to Facebook that only she wants to see, Facebook would lapse that strict
19 privacy control after a period of time) is attached hereto as Exhibit 180.
20

21 181. A true and correct copy of Exhibit 9 to the testimony of Facebook’s PMQ, Allison
22 Hendrix (a document published by Facebook in 2007 entitled “f8 Event and Facebook Platform
23 FAQ”) is attached hereto as Exhibit 181.
24

25 182. A true and correct copy of FB-01351861 - FB-01351866 (October 2013 chat string
26 in which O’Neil asks Sukhar which changes he perceives as “most fuck-ing to developers,” and
27 Sukhar attempts to understand Zuckerberg’s motivations for the PS12N changes, oscillating
28 between whether Olivan is driving PS12N from the perspective of shutting down competition or

1 whether Lessin is doing so from the perspective of reciprocity and forcing companies to purchase
2 ads or otherwise reciprocate) is attached hereto as Exhibit 182.

3 183. A true and correct copy of FB-01352632 - FB-01352642 (December 2013 email in
4 which Zuckerberg proposes launching Messenger Platform, asking: “[T]he next question is, how
5 can a platform of some sort help out there. The thing that comes to mind for me is it can scale
6 things in a way a team our size can’t do internally.” Zuckerberg directs his team to build a two-
7 sided platform for Facebook Messenger in which Facebook baits companies into building their
8 own Messenger bots to expand the number of users on Facebook Messenger, which are
9 subsequently replaced by or subordinated to Facebook’s own meta-bot that takes over the
10 interaction. This note demonstrates that Zuckerberg’s playbook remains the same today: make
11 false representations to bait companies into participating in a platform, and then launch
12 Facebook’s own products while simultaneously shutting down those built by other companies in
13 order to unjustly reap all the rewards for Facebook) is attached hereto as Exhibit 183.

14 184. A true and correct copy of FB-01366934 - FB-01366948 (May 2014 email
15 discussion in which Sandberg and Bosworth respond in support to Zuckerberg’s note regarding
16 Facebook Messenger Platform and further discuss Facebook’s meta-assistant bot) is attached
17 hereto as Exhibit 184.

18 185. A true and correct copy of FB-00889856 - FB-00889861 (August 2013 note in
19 which Vernal and Sukhar discuss the future prospect of a Messenger Platform and Vernal writes:
20 “Messenger is existential threat for us. Making our messaging app de facto web standard by
21 integrating with all other apps out there”) is attached hereto as Exhibit 185.

22 186. A true and correct copy of FB-01217108 - FB-01217112 (January 2014 email
23 discussion in which Vernal, Olivan and Archibong discuss Messenger Platform and messaging
24 competitors) is attached hereto as Exhibit 186.

1 187. A true and correct copy of FB-01353037 - FB-01353039 (October 2013 chat string
2 in which Sukhar writes that the “case is just not very convincing right now” for PS12N because at
3 first O’Neil, Purdy and Vernal told Sukhar they were restricting API access for competitive
4 reasons, and then later Sukhar finds out it is to boost the mobile ads business. He writes: “That we
5 changed both the problem statement (whatsapp -> ads) and the solution (app friends -> third party
6 ids) sniffs to me like we’re justifying a roadmap instead of doing the right thing. Kevin is right in
7 that it will hurt morale for our team because they’ll see that the Platform is moving in a direction
8 that Parse leadership doesn’t believe in. At best, I can just go along with this and our tight knit
9 team knows it when they see it”) is attached hereto as Exhibit 187.

11 188. A true and correct copy of FB-00080931 - FB-00080943 (April 2015 email and
12 attachment summarizing various privacy-related launches and demonstrating clearly that
13 Facebook is collecting data from non-users (FB-00080937) and is acquiring through data brokers
14 information that users explicitly chose not to share with Facebook (FB-00080939)) is attached
15 hereto as Exhibit 188.

17 189. A true and correct copy of FB-01363061 - FB-01363113 (December 2013
18 presentation on “Mobile Publishing” prepared by Facebook employee David Engelberg on how
19 Facebook expects to “prove that we can pick winners,” which are defined as “healthy NEKO
20 spenders,” demonstrating that the apps who win a market will be those who buy lots of Neko ads,
21 not the ones that people like and use the most as a fair and neutral platform would require) is
22 attached hereto as Exhibit 189.

23 190. A true and correct copy of FB-01363526 – FB-01363535 (December 2013 email
24 and attached presentation entitled “Identity apps: more than just friends” in which Papamiltiadis
25 notes that “dating apps are among the bigger spender on NEKO” and that other apps that provide
26 contact management, productivity, or calendar software have overlap significantly with “our own
27
28

1 Product roadmap that could compromise our success in those areas,” and explains to Sukhar and
2 Lacker that they are auditing all these apps to get them to meet the \$250k spending requirement) is
3 attached hereto as Exhibit 190.

4 191. A true and correct copy of FB-01369295 (August 2012 email discussion in which
5 Facebook employee Matt Trainer notifies his superior Lessin that “our policies say that Platform
6 data can only be used ‘to improve the application experience’ but we don’t have a good definition
7 of what the boundaries on ‘application experience’ are.” Lessin commits to working with Purdy,
8 Vernal and Osofsky to fix this issue but never does) is attached hereto as Exhibit 191.

9 192. A true and correct copy of FB-01373074 (February 2015 email from Facebook
10 employee Mary Ku confirming that seven dating apps (e.g. Tinder) received special API access to
11 APIs so PS12N would not break their apps, effectively carving up the entire dating market for 7
12 companies that made exorbitant neko ad purchases since 2012) is attached hereto as Exhibit 192.

13 193. A true and correct copy of FB-01389969 (May 2012 email discussion in which Yao
14 tells Lessin, Rait, Selekman, Osofsky and Purdy that she “just got off a call with foursquare about
15 giving us all their data,” noting that “their biggest concern here is that we will use their data to
16 bootstrap our local product especially local offers or ads. Clearly this is part of their roadmap and
17 they have doomsday scenarios around us using their data to put them out of business. This goes
18 back to the idea around who owns the data, the user or the developer.” Rait responds: “I think we
19 should be as vague as we possibly can and not commit to anything. I’m pretty wary of
20 guaranteeing (even verbally) revshare if we monetize local as we’re clearly going to do this....”) is
21 attached hereto as Exhibit 193.

22 194. A true and correct copy of FB-00454612 - FB-00454614 (January 2015
23 engineering task with the subject “‘Apps Others Use’ privacy permissions do not persist after
24 turning Platform off/on.’” The task was created in October 2014, identifying an issue that at first
25

1 appears to be a bug but then Facebook employees note that the Platform team may have had “good
2 reasons” for architecting the Apps Others Use system this way. The issue was never addressed in
3 more than 18 months) is attached hereto as Exhibit 194.

4 195. A true and correct copy of FB-00580073 - FB-00580074 (April 2015 chat string in
5 which Facebook employee Connie Yang notes that when she sets a photo to “Only Me,” meaning
6 that only Yang is supposed to be able to view the photo, Facebook does not send that information
7 to developers and so Yang’s photo is visible by others in the developers’ app, violating her stated
8 privacy preference that others should not be able to see the photo. Yang asks: “isn’t this directly
9 violating what we tell users is ‘Only Me’?” O’Neil responds that the privacy settings were
10 designed in this manner because it benefits apps like Tinder, and that this is not in fact a bug) is
11 attached hereto as Exhibit 195.

12 196. A true and correct copy of FB-00574447 - FB-00574448 (October 2011 email
13 discussion in which Cross writes to O’Neil that the same issue described in April 2015 in Exhibit
14 195 regarding the failure to pass privacy settings to developers existed as far back as October
15 2011. Cross writes: “If I use The Guardian’s app, in the GDP I can set my reads to be visible to
16 only me. However, the app can’t see this setting and makes my reads visible to my other friends
17 who use the app within the app’s UI. They’re getting complaints about this – users expect the
18 privacy setting they set in the GDP to be respected in the app. Do we plan to make an action’s
19 privacy settings visible via the API? How should partners deal with this case?” From at least 2011
20 through 2015 Facebook deliberately managed its Apps Others Use privacy settings in a manner
21 that made it impossible for developers to respect user privacy; senior Facebook employees were
22 aware of this issue for at least 4 years and deliberately failed to correct it) is attached hereto as
23 Exhibit 196.

1 197. A true and correct copy of FB-01215116 - FB-01215118 (February 2009 email
2 from Hadi Partovi, the founder of the popular music application iLike, complaining that Facebook
3 is manipulating the newsfeed to benefit its own products over those of developers, which was
4 contrary to “the philosophy of newsfeed parity [which] was very specifically agreed to by
5 Facebook.” In an internal email discussion, Facebook employee Ruchi Sanghvi writes that “Hadi
6 has a right to be mad” because Facebook has “gone back on that goal” of promising parity
7 between developer apps and Facebook apps, copying Cox to the note. Vernal then responds: “I
8 think we should back down on a promise of ‘parity’,” and yet at no time did Facebook officially
9 announce that it had backed down on its promise of parity between Facebook and developer apps)
10 is attached hereto as Exhibit 197.

13 198. A true and correct copy of FB-00194154 - FB-00194155 (December 2013 email in
14 which Tera Randall, a Facebook public relations employee, emails David Swain and Jonny Thaw:
15 “In prep for Platform Simplification, we’re putting together a list of developers who we think
16 could be noisy and negative in press about the changes we’re making. Primarily we think it will be
17 a list of the usual suspects from past policy enforcements. We’d love to pull from your historic
18 knowledge on the topic. Is there anybody you’d add to the list below? We’re going to build plans
19 around how we manage and communicate with each of these developers. There are also comms
20 plans in the works for working with developers who are high ad spenders and friends of
21 Mark/Sheryl.” The list includes: iLike, Rock You, Zynga, Path, Flipboard, Slide, Social Fixer,
22 SocialCam, Viddy, BranchOut, Vince, Voxer, Message Me, Lulu, Anil Dash, Super Cell, Kabam,
23 Wash Post, Guardian WSJ, Jason Calacanis, Circle, Bang with friends, Tinder, Social Roullete,
24 App Wonder, Ark, Vintage Camera, Girls Around Me) is attached hereto as Exhibit 198.

27 199. A true and correct copy of FB-01193711 (January 2014 email from Zuckerberg to
28 Vernal and Stocky in which he writes: “I’ve been thinking a lot about Tinder and other people

1 recommendation apps since about 10% of people in many countries are using a Tinder now.
2 People recommendations seems like something that should be right up our alley, but it's currently
3 something we're not very good at. Tinder's growth is especially alarming to me because their
4 product is built completely on Facebook data, and it's much better than anything we've built for
5 recommendations using the same corpus.... I think this is a big and important space and it's
6 something we should have a team working on – probably to develop people recommendation
7 Hunch sections for now”) is attached hereto as Exhibit 199.

9 200. A true and correct copy of FB-00043600 (January 2015 email in which Vernal
10 directs O'Neil to add CoffeeMeetsBagel to the dating app list getting special API access along
11 with Tinder, Hinge, and others because they are getting high profile, e.g. they “turned down \$30M
12 from Mark Cuban”) is attached hereto as Exhibit 200.

14 201. A true and correct copy of FB-01217135 - FB-01217135 (a January 2014 email
15 from Greg Badros introducing Sean Rad (Tinder CEO) to Vernal so they can get together for a
16 drink so Rad can give Vernal advance notice on a big product announcement) is attached hereto as
17 Exhibit 201.

19 202. A true and correct copy of FB-00477297 - FB-00477299 (February 2012 email
20 from Vernal to O'Neil, Sjogreen, Federov and Mosseri prior to Vernal being looped into the
21 discussions between Zuckerberg, Sandberg, Rose, Olivan, Lessin, Bosworth and others around the
22 Platform Business Model. Vernal writes: “I think we should allow some friends_* permissions
23 here. It seems strange to have a social platform and not allow some friends_permissions.
24 Personally, I think we should make this include [list of a variety of friends_* permissions]”) is
25 attached hereto as Exhibit 202.

27 203. A true and correct copy of FB-00483662 - FB-00483665 (June 2012 chat string
28 between O'Neil and Vernal prior to them being made aware of the Platform Business Model

1 changes in which O'Neil writes: "I think apps in the ecosystem are better if we let them read data
2 from us." O'Neil then discusses with Vernal a meeting with Apple, noting that Apple is "willing
3 to let us whitelist read+write," and we would "grant basic / friends / email / birthday, they would
4 like to list those explicitly") is attached hereto as Exhibit 203.

5
6 204. A true and correct copy of FB-00569937 - FB-00569938 (August 2012 email from
7 O'Neil to Federov and another Facebook employee, Jennifer Taylor, prior to O'Neil being made
8 aware of the Platform Business Model changes. O'Neil writes: "The API improvements include:
9 1/ adding "field expansion" to the Graph API. This makes it easier for developers to read
10 properties from objects and connections in the graph. For example, developers building mobile
11 apps can read properties from a user, their friends, and their friends' photo albums in a single
12 request to the Graph API. This makes it much easier for developers to get exactly the data they
13 need for their mobile apps." Federov clarifies: "The privacy check is a NOP for these as it is just a
14 new way to access existing data. There is no new data exposed") is attached hereto as Exhibit 204.

15
16 205. A true and correct copy of FB-00190690 - FB-00190692 (February 2014 email
17 from public relations firm, The Outcast Agency, confirming that Facebook is paying them \$45,000
18 per month strictly for public relations work associated with the changes to Facebook Platform and
19 Graph API) is attached hereto as Exhibit 205.

20
21 206. A true and correct copy of FB-00189010 - FB-00189020 (April 2014 internal news
22 summary circulated among Facebook employees listing articles Facebook helped place in the
23 media to cement its fraudulent narrative, including an article published on April 7, 2014 by *The*
24 *Information*, a media outlet owned by Jessica Lessin, the wife of defendant Sam Lessin, entitled
25 "Facebook Courts Developers with New Approach to Platform," arguing that Facebook's changes
26 will "draw software makers closer to its booming mobile business") is attached hereto as Exhibit
27 206.

1 207. A true and correct copy of FB-00026998 - FB-00027002 (February 2015 email in
2 which Facebook works with The Outcast Agency to develop proactive and reactive messaging to
3 control the news cycle ahead of shutting down Graph API with the goal, as communicated by
4 Facebook public relations manager Johanna Peace, of making this a “non-news item when April
5 30 comes” and tens of thousands of apps break) is attached hereto as Exhibit 207.

7 208. A true and correct copy of FB-00025985 - FB-00025992 (April 2015 email from
8 Facebook public relations manager Johanna Peace to The Outcast Agency in which Peace writes:
9 “As you know, April 30 is the Login/API migration date and we’ve already started seeing one-off
10 inquiries from press spurred by developers who are communicating to their users about the
11 upcoming changes (e.g. the Fusion story about the Tobii app, etc.). We’d like to do some proactive
12 press activities early next week, with the goal of (1) reminding and educating reporters on what’s
13 going to happen, (2) telling the big-picture story of why we’re making the changes (protecting
14 people’s information), and (3) generating some neutral/positive coverage that hits on our
15 messaging, giving us something to point back to after April 30 in case reporters notice apps
16 breaking, etc.”) is attached hereto as Exhibit 208.

19 209. A true and correct copy of FB-00025853 - FB-00025857 (April 27, 2015 email
20 from Facebook public relations manager Johanna Peace to the Outcast Agency in which she edits
21 substantially the draft language on the announcement shutting down the Graph “to focus more on
22 the people-first and control messages and...slightly less on the scary ‘things are changing’ aspect
23 ☺”) is attached hereto as Exhibit 209.

25 210. A true and correct copy of FB-00025847 - FB-00025848 (April 29, 2015 email
26 from one day before the Graph API closing went into effect from Kacie Thomas, a public relations
27 professional at The Outcast Agency to Johanna Peace, noting that “in preparation of a backlash
28 from developers who are negatively impacted by the change, recommend having a few

1 positive/happy developers (Runtastic) in our back pocket who can neutralize this for the media...if
2 this starts to bubble up.” Peace responds: “We definitely do expect some further complaints from
3 vocal developers in the next few days/weeks as the migration rolls out – we’re not out of the
4 woods yet!”) is attached hereto as Exhibit 210.

5
6 211. A true and correct copy of FB-00026028 - FB-00026036 (email discussion from
7 November 2014 to April 2015 between Kacie Thomas (The Outcast Agency) and Facebook public
8 relations managers, Johanna Peace and Eliza Kern, in which they prepare positive news coverage
9 in advance of shutting down tens of thousands of software applications, including in November
10 2014 obtaining and substantially editing a draft of articles for Entrepreneur.com, the online
11 affiliate of *Entrepreneur Magazine*. The edited article copies and pastes various statements
12 directly from Facebook’s primer to reporters, such as: “Facebook is a developer’s best friend
13 because you can build and monetize your apps” (FB-00026034 - FB-00026036)) is attached hereto
14 as Exhibit 211.

15
16 212. A true and correct copy of FB-01312032 (August 2013 chat string between Purdy
17 and Vernal in which they discuss Purdy’s decision to leave the company due to platform
18 mismanagement. Purdy laments that he was not able to work on the original developer platform
19 vision with Bret Taylor (FB-01312054); complains he has spent his time at Facebook “shutting off
20 developers” (FB-01312051); notes that when his team tried to build tools that helped developers,
21 Vernal told him it was “all wrong” and shut it down (FB-01312054); and describes the many
22 strategy meetings with Zuckerberg on the bait and switch scheme known internally as “PS12N” as
23 “a joke.” (FB-01312048) Vernal describes how he battled for “the past year fighting for space so
24 that we could make sane decisions about the future of platform without external randomizing
25 influences” (FB-01312049). Purdy describes Zuckerberg as “a master of leverage” that he could
26 have learned more from; Purdy and Vernal repeatedly point fingers at one another for the chaos
27
28

1 and complete lack of morale in the platform team because of PS12N; Vernal gives Purdy his
2 performance review in which the first reason listed for his bonus is “Neko + Payments doing
3 really well” (FB-01312063)) is attached hereto as Exhibit 212.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on May 17, 2018 in Boston, Massachusetts.

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7
8 /s/ David S. Godkin
9 David S. Godkin, Esq.
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1 **PROOF OF SERVICE**

2 I, Cheryl A. McDuffee, declare:

3 I am a citizen of the United States and employed in Suffolk County, Massachusetts. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address is
5 280 Summer Street, Boston, MA 02210. On May 17, 2018, I served a copy of the within
6 document(s):

7 **DECLARATION OF DAVID S. GODKIN IN OPPOSITION TO DEFENDANTS'**
8 **SPECIAL MOTIONS TO STRIKE (ANTI-SLAPP)**

9 ☒ by electronic service, per the agreement of the parties, by emailing a true and
10 correct copy through counsel's email address to Defendant's counsel of record at
the email addresses set forth below.

11 Joshua H. Lerner (jlerner@durietangri.com)
12 Sonal N. Mehta (smehta@durietangri.com)
13 Laura Miller (lmiller@durietangri.com)
14 Catherine Kim (ckim@durietangri.com)
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217 Leidesdorff Street
16 San Francisco, CA 94111
P (415) 376 - 6427
17 Attorney for Defendant
FACEBOOK, INC.

18 and

19 Judge V. Raymond Swope (By hand)
20 Department 23
Complex Civil Litigation

21 I declare under penalty of perjury under the laws of the State of California that the above is
22 true and correct.

23 Executed May 17, 2018, at Boston, Massachusetts.

24
25
26 /s/ Cheryl A. McDuffee
Cheryl A. McDuffee
27
28