

Six4Three, LLC vs. Facebook, Inc., et al.

	iothy Glide				JIAT	Filliee, LLC vs. Facebook, inc	
1	SUPE	RIOR COURT OF THE STATE OF CALIFO	Page 1	1		APPEARANCES	Page :
2		COUNTY OF SAN MATEO		2	1 -1		
4	SIX4THREE,	LLC, a Delaware :		3	For the Pla	intiffs:	
5	limited lia	oility company, : Case No. C	TV 533328			James Kruzer	
5		Plaintiff,	2, 222220	4		BIRNBAUM & GODKIN, LLP 280 Summer Street	
6		:		5		Boston, Massachusetts 02210	
7	-A-	:				617.307.6100	
	FACEBOOK, II	NC., a Delaware		6	For the Defe	Kruzer@birnbaumgodkin.com	
8	corporation inclusive,	and DOES 1-50, :		8	ror the ber	Laura E. Miller	
9	inclusive,	:				DURIE TANGRI, LLP	
		Defendant.		9		217 Leidesdorff Street San Francisco, California 94111	
10 11		CONFIDENTIAL		10		415.362.6666	
12		COM IDENTITE				Lmiller@durietangri.com	
13		Videotaped Deposition of:		11			
L 4		TIMOTHY GILDEA		12	Also Present	t:	
		REGUS PLC				Lance Harrison, videographer	
15		136 East South Temple Suite 1400		13			
16		Suite 1400 Salt Lake City, Utah 84111		14 15		-000-	
L 7		January 10, 2017		16		-000-	
L8		9:07 a.m.		17			
. 9				18			
20				19 20			
21				21			
23				22			
	Reported By			23			
24 25	Vickie Larse Job No.: 10			25			
			Page 3				Page
1				1		Scaramellino to Tim Gildea and	
2		INDEX		2		Ted Kramer dated June 18,	
3				3		2013, with attachment	
4	TIMOTHY GIL	DEA	Page	4	Exhibit 6	E-mail string	66
5	Ms. Miller		7	5	Exhibit 7	E-mail from Thomas	70
6	Mr. Kruzer		140	6		Scaramellino to Ryan Rogalski	
7	Ms. Miller		142	7		dated July 19, 2013, with	
8				8		attachment	
9				9	Exhibit 8	E-mail from Tim Gildea to	71
10		-000-		10		Thomas Scaramellino dated July	
L1				11		20, 2013	
L2				12	Exhibit 9	E-mail string	74
13		EXHIBITS		13	Exhibit 10	E-mail from Thomas	78
L4		-		14		Scaramellino to Tim Gildea	-
15	No.	Description	Page	15		dated August 12, 2013	
16	Exhibit 1	E-mail from Facebook to Tim	40	16	Exhibit 11	Pikinis screen shot	85
L7		Gildea dated December 11, 2012	10	17	Exhibit 12	E-mail from Ted Kramer dated	91
	Ewhihi+ 0		A 17		באוודאדר דק		ク⊥
L8	Exhibit 2	E-mail string	47	18	Erchibit 10	April 21, 2014	0.3
10	Exhibit 3	E-mail from Thomas	52	19	Exhibit 13	E-mail from Pikinis to Ted	93
		Scaramellino to Ted Kramer and		20		Kramer dated July 17, 2014	
20		Tim Gildea dated June 18, 2013		21	Exhibit 14	E-mail string	95
20					T 1-11-11-11	Campus Marketing Ambassador	100
20 21	Exhibit 4	E-mail from Tim Gildea to	61	22	Exhibit 15	campus Markeering Ambassador	
20 21 22	Exhibit 4	E-mail from Tim Gildea to Thomas Scaramellino dated June	61	22	Exhibit 16	Six4Three User and Revenue	100
19 20 21 22 23 24	Exhibit 4		61				

Tiı	nothy Gildea	Six4Three, LLC vs. Facebook, Inc., et al.			
Γ.	Page 113				
1	average, you probably exchanged two to three e-mails	-			
2	with Mr. Kramer a week; is that right?	2 hour and a half. The first meeting was maybe a little			
3	A. I I really don't know, but that seems	3 yeah, about an hour. And our meeting yesterday was			
4	right.	4 about an hour and a half.			
5	Q. How about with Mr. Scaramellino related	5 Q. Did you talk to anybody else about			
6	to Six4Three and Pikinis?	6 have you talked to anybody else about this case?			
7	A. Similar. Maybe one or two e-mails a	7 A. There were for our first meeting,			
8	week.	8 there were other individuals present at the meeting.			
9	Q. Did you stay in fairly consistent contact	9 Q. Who was present?			
10	5 5	10 A. Mr Mr. Kramer, Mr. Scaramellino,			
11	December 12th through July 2014?	11 Mr. Godkin, I believe. And I think that was everyone.			
12	3 ,,,,	12 Q. And that was the meeting on Friday			
13		13 A. That's right.			
14	3	14 Q last Friday?			
15	, 3	15 Was that an in-person meeting?			
16	3 1 1	16 A. It was a telephone meeting.			
17	•	17 Q. Before last Friday had you talked to			
18	•	18 Mr. Kramer about this case?			
19		19 A. Yeah, we we've discussed the case.			
20		20 Q. And I don't want you to tell me anything			
21	•	21 that you discussed in the presence of attorneys, but			
22		22 did you ever have conversations about this case			
23	•	23 outside the presence of attorneys?			
24	.	24 A. I don't believe so.			
25	Mr. Kruzer?	25 Q. What about with Mr. Scaramellino?			
	Page 115				
1	A. No, I don't think so.	1 A. It is the Facebook developer conference.			
2	Q. Did you review any documents in	2 Q. Have you ever attended F8?			
3	preparation for this deposition?	3 A. No, I haven't.			
4	A. I reviewed the the documents that I	4 Q. Have you ever watched any of the online			
5	had turned over so that I was familiar with them.	5 videos of an F8 presentation?			
6	Q. Anything else?	6 A. I don't believe so. I may have watched			
7	A. No.	7 the the video of the I think it was the 2014 F8,			
8	Q. Are you being compensated for your time	8 the Graph API 2.0 changes. Didn't watch it live and			
9	today?	9 I'm not sure at what time I might have watched it. So			
10	A. I'm not.	10 I can't say that I definitively did or didn't.			
11		11 Q. I guess what's your best guess in terms			
12		1 40 (1 11			
	,				
13		13 MR. KRUZER: Objection.			
	Platform? A. I was aware of it for many years prior to	13 MR. KRUZER: Objection.14 THE WITNESS: I would guess that I have			
13	Platform? A. I was aware of it for many years prior to	13 MR. KRUZER: Objection. 14 THE WITNESS: I would guess that I have 15 have not watched it in its entirety. I did read			
13 14	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say	13 MR. KRUZER: Objection.14 THE WITNESS: I would guess that I have			
13 14 15	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say when I first became aware of it.	13 MR. KRUZER: Objection. 14 THE WITNESS: I would guess that I have 15 have not watched it in its entirety. I did read			
13 14 15 16	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say when I first became aware of it. Q. Do you think you would have heard about	13 MR. KRUZER: Objection. 14 THE WITNESS: I would guess that I have 15 have not watched it in its entirety. I did read 16 materials related to the announcements.			
13 14 15 16 17	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say when I first became aware of it. Q. Do you think you would have heard about it in 2007 when it first launched?	13 MR. KRUZER: Objection. 14 THE WITNESS: I would guess that I have 15 have not watched it in its entirety. I did read 16 materials related to the announcements. 17 Q. BY MS. MILLER: When did you read those			
13 14 15 16 17 18	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say when I first became aware of it. Q. Do you think you would have heard about it in 2007 when it first launched? A. It's very likely, yeah.	13 MR. KRUZER: Objection. 14 THE WITNESS: I would guess that I have 15 have not watched it in its entirety. I did read 16 materials related to the announcements. 17 Q. BY MS. MILLER: When did you read those 18 materials?			
13 14 15 16 17 18	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say when I first became aware of it. Q. Do you think you would have heard about it in 2007 when it first launched? A. It's very likely, yeah. Q. That was the year that you graduated from	MR. KRUZER: Objection. THE WITNESS: I would guess that I have have not watched it in its entirety. I did read materials related to the announcements. Q. BY MS. MILLER: When did you read those materials? A. I believe I read them in late May of that			
13 14 15 16 17 18 19 20	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say when I first became aware of it. Q. Do you think you would have heard about it in 2007 when it first launched? A. It's very likely, yeah. Q. That was the year that you graduated from college?	MR. KRUZER: Objection. THE WITNESS: I would guess that I have have not watched it in its entirety. I did read materials related to the announcements. Read the materials? A. I believe I read them in late May of that year.			
13 14 15 16 17 18 19 20 21	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say when I first became aware of it. Q. Do you think you would have heard about it in 2007 when it first launched? A. It's very likely, yeah. Q. That was the year that you graduated from college? A. That's right.	MR. KRUZER: Objection. THE WITNESS: I would guess that I have have not watched it in its entirety. I did read materials related to the announcements. Q. BY MS. MILLER: When did you read those materials? A. I believe I read them in late May of that year. Q. And what materials were those?			
13 14 15 16 17 18 19 20 21 22	Platform? A. I was aware of it for many years prior to my involvement with Six4Three. I really can't say when I first became aware of it. Q. Do you think you would have heard about it in 2007 when it first launched? A. It's very likely, yeah. Q. That was the year that you graduated from college? A. That's right. Q. Do you know what F8 is?	MR. KRUZER: Objection. THE WITNESS: I would guess that I have have not watched it in its entirety. I did read materials related to the announcements. Q. BY MS. MILLER: When did you read those materials? A. I believe I read them in late May of that year. Q. And what materials were those? A. I recall a a blog post that was posted			

25 development.

Page 118 Page 117 about the Facebook Graph API? I believe the first time I used that --1 2 I'm not sure. well, it -- it may have been in, you know, December of 3 Q. You're not sure? 3 2012 with my work on -- with Six4Three. I can't 4 Do you recall when you were first aware remember specifically using it prior to that, but I --5 that Facebook had opened up certain data endpoints, I can't rule it out. 6 including the friends data endpoints? 6 Q. And that was the IOS version of the SDK? 7 7 No, I don't know, you know, specifically Α. I believe at that time I was working when I became aware of that. I know it was prior to specifically with the -- the rest API, and my work my involvement in Six4Three, but I don't have an exact 9 with the IOS SDK began later. 9 10 date. 10 Q. And what is the rest SDK? 11 I don't know that there's specifically an 11 Do you know why you might have become Α. 12 aware of Graph API? 12 SDK, but there's an API --It was a pretty common thing in the 13 13 Q. I'm sorry --14 A. -- available that you can interact with developer community, so it was something that just about everyone who was developing applications was 15 via HEP. 16 When you were developing the Pikinis app, 16 aware of. Q. 17 When you heard about Facebook Graph API, how did you stay informed regarding changes to the 17 did you understand that it would be periodically **Facebook Platform?** 18 updated? 19 19 I received messages periodically about 20 Α. 20 breaking changes to the API, none of which affected 21 And as with virtually all software, that our application during the time I was developing it 22 update would involve a new version number? until, you know, after the application had been 23 23 launched. Α. 24 Q. When did you first use the Facebook 24 Q. Other than receiving messages, did you do 25 Platform SDK? anything else, such as go to the developer's website? Page 119 Page 120 1 I did. When I learned of the changes to 1 Q. How often? the log-in process, I went to the developer website to 2 It would depend on the nature of the work familiarize myself with those changes. 3 I was doing. You know, during times that I was 3 4 And those log-in changes -working directly with the Facebook API I would refer to it frequently. You know, maybe every day. But 5 A. That's right. 6 Q. -- were part of the Graph API Version 2; once I had become aware and comfortable with the 7 correct? 7 functionality, I no longer needed to look at the site. 8 Did you ever speak with other developers 8 A. That's right, yeah. 9 And that -- that change was announced in about the Facebook Platform from -- let's cabin this -- on April 30, 2014? to December 2012 through July 2014. 10 10 11 Α. Yes. 11 I recall reading information from other 12 12 developers. I'm not sure that I had actual MR. KRUZER: Objection. 13 THE WITNESS: That's my understanding. 13 conversations with -- with other developers. 14 It was sometime after that that I actually 14 And since July of 2014 have you had any familiarized myself with the change that had been conversations with other Facebook developers about the Facebook Platform? announced. 16 16 17 BY MS. MILLER: Do you know how you 17 Not personally, no. became aware that changes had been announced? 18 And in the -- I think you said May 2014 time period when you went to the developer's website 19 I don't remember. to read about Graph API Version 2, what did you find 20 Other than following this announcement, 21 had you otherwise reviewed the Facebook developer's 21 out about Graph API? 22 web page? 22 As I recall, the -- the announcement 23 I would look at the documentation 23 focused on the changes to log in, which I knew would 24 regularly in the course of my work in software require some updates to our application. I didn't see

25 anything that was very serious. It looked like it