

EXHIBIT 12

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 ANGEL FRALEY; PAUL WANG; SUSAN
15 MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
16 Litem; and WILLIAM TAIT, a minor, by and
through RUSSELL TAIT, as Guardian ad
17 Litem; individually and on behalf of all others
similarly situated,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC., a corporation; and DOES
21 1-100,

22 Defendants.
23

Case No. CV 11-01726 LHK (PSG)

**DEFENDANT FACEBOOK, INC.'S
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' INTERROGATORIES**

SET TWO

24 **PURSUANT TO THE PARTIES' STIPULATED PROTECTIVE ORDER**

25 **INTERROGATORIES NO. 16 AND 17 DESIGNATED:**

**HIGHLY CONFIDENTIAL –
ATTORNEYS' EYES ONLY**

1 **INTERROGATORY NO.16:**

2 As of the date of YOUR response to these interrogatories, how many MEMBERS have
3 had their NAME or LIKENESS appear in a SPONSORED STORY?

4 **RESPONSE TO INTERROGATORY NO. 16:**

5 Defendant objects to this Interrogatory on the grounds that Plaintiffs' defined terms
6 "MEMBERS" and "SPONSORED STORY" are overly broad, vague, and ambiguous for the
7 reasons set forth in General Objection Numbers 11 and 12, incorporated herein by reference as
8 though fully set forth herein. Defendant further objects to this Interrogatory on the grounds that
9 Plaintiffs' defined term "YOUR" is overly broad for the reasons set forth in General Objection
10 Number 14, incorporated herein by reference as though fully set forth herein. Defendant will
11 construe "MEMBERS," "SPONSORED STORIES," and "YOUR" as set forth in its General
12 Objections. Defendant further objects to this Interrogatory on the ground that the term
13 "LIKENESS" is vague and ambiguous, in that it is presented as a defined term, but is not actually
14 defined in these interrogatories. For the purpose of responding to this Interrogatory, Facebook
15 will interpret the term LIKENESS to mean profile picture. Subject to and without waiving the
16 General and Specific Objections, Defendant responds as follows:

17 *****

18 **HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY**

19 Based on a reasonable inquiry, Facebook estimates that the names and/or profile pictures
20 of approximately 71.1 million unique Facebook users that Facebook can reasonably ascertain are
21 located in the United States appeared in Sponsored Stories, for the period January 25, 2011 to
22 August 15, 2011. This number includes users that are also counted in the number provided in
23 response to Interrogatory No. 17. Facebook is not able to practicably determine whether a
24 Facebook user's profile picture contains a recognizable image of the user or whether the name
25 appearing in a story is the same as the user's given or real name. By providing this response,
26 Facebook does not concede, implicitly or otherwise, that this information is relevant to this
27 action.

28 **HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY**

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2 Facebook's investigation and discovery are ongoing. Facebook reserves the right to
3 supplement and amend this response, pursuant to Federal Rule of Civil Procedure 26(e) or
4 otherwise, and, if necessary, to assert additional objections arising from further investigation or
5 discovery.

6 **INTERROGATORY NO. 17:**

7 As of the date of YOUR response to these interrogatories, how many MEMBERS have
8 had their NAME or LIKENESS appear in a SPONSORED STORY, who were below the age of
9 18 at the time of that appearance?

10 **RESPONSE TO INTERROGATORY NO. 17:**

11 Defendant objects to this Interrogatory on the grounds that Plaintiffs' defined terms
12 "MEMBERS" and "SPONSORED STORY" are overly broad, vague, and ambiguous for the
13 reasons set forth in General Objection Numbers 11 and 12, incorporated herein by reference as
14 though fully set forth herein. Defendant further objects to this Interrogatory on the grounds that
15 Plaintiffs' defined term "YOUR" is overly broad for the reasons set forth in General Objection
16 Number 14, incorporated herein by reference as though fully set forth herein. Defendant will
17 construe "MEMBERS," "SPONSORED STORIES," and "YOUR" as set forth in its General
18 Objections. Defendant further objects to this Interrogatory on the ground that the term
19 "LIKENESS" is vague and ambiguous, in that it is presented as a defined term, but is not actually
20 defined in these interrogatories. For the purpose of responding to this Interrogatory, Facebook
21 will interpret the term LIKENESS to mean profile picture. Subject to and without waiving the
22 General and Specific Objections, Defendant responds as follows:

23 *****

24 **HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY**

25 Based on a reasonable inquiry, Facebook estimates that the names and/or profile pictures
26 of approximately 10.9 million unique Facebook users that Facebook can reasonably ascertain are
27 located in the United States and that Facebook can reasonably determine, based on the
28 information provided by the users, were under the age of 18 at the time the user's name and/or