

AMENDED Exhibit 433

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:22-md-03047-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA) Case No. 4:22-MD-03047-YGR
ADOLESCENT ADDICTION/)
PERSONAL INJURY PRODUCTS) MDL No. 3047
LIABILITY LITIGATION)
_____)
THIS DOCUMENT RELATES TO)
ALL ACTIONS)

WEDNESDAY, MAY 21, 2025

CONFIDENTIAL - ATTORNEYS' EYES ONLY -
PURSUANT TO PROTECTIVE ORDER

— — —
Remote Videotaped Deposition of ADAM WANG,
taken pursuant to notice and conducted at the location of
the witness, commencing at 8:07 a.m., PDT, on the above
date, before Jennifer A. Dunn, Registered Merit Reporter,
Certified Realtime Reporter, California (#14461), Illinois &
Texas Certified Shorthand Reporter, and Missouri Certified
Court Reporter.

Job No. 7348697

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1 P R O C E E D I N G S

2 (Wednesday, May 21, 2025 at 8:07 a.m. PDT)

3 THE VIDEOGRAPHER: We are now on the record.

4 My name is David Kim. I'm a videographer for Golkow.

5 Today's date is May 21st, 2025. And the time
6 is 8:07 a.m.

7 This video deposition is being held in Los
8 Angeles, California, in the matter of Social Media
9 Adolescence Addiction, Personal Injury MDL 3047 for the
10 U.S. District Court, Northern District of California.

11 The deponent is Adam Wang.

12 Counsel on Zoom will be noted on the
13 stenographic record, and counsel in the room, will you
14 please identify yourself?

15 MR. DRAKE: Sure. Geoffrey Drake, along with
16 Brittany Litzinger, from King & Spalding, on behalf of
17 the TikTok Defendants. And we're here with one of our
18 clients, [REDACTED]

19 THE VIDEOGRAPHER: And since you're taking,
20 Mr. Weinkowitz, do you want to identify yourself?

21 MR. WEINKOWITZ: Sure. Mike Weinkowitz.

22 Can you all hear me? I thought you couldn't.

23 Mike Weinkowitz on behalf of the MDL School
24 District and Personal Injury Plaintiffs.

25 THE VIDEOGRAPHER: Great.

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1 And the court reporter is Jennifer Dunn,
2 California CSR 14461, and she will now swear in the
3 witness.

4 ADAM WANG,
5 of lawful age, having been first duly sworn to tell the
6 truth, the whole truth and nothing but the truth, deposes
7 and says on behalf of the Plaintiffs, as follows:

8 EXAMINATION

9 BY MR. WEINKOWITZ:

10 Q Good morning, Mr. Wang. We met before the
11 deposition started. My name is Mike Weinkowitz, and along
12 with Joseph VanZandt, who's here for another jurisdiction,
13 we'll be asking questions of you today.

14 A Nice to meet you.

15 A Nice to meet you.

16 Q All right. So we're here today to take your
17 deposition under oath. Do you understand that?

18 A Yes.

19 Q Can you please state your full name for the
20 record?

21 A Adam Wang.

22 Q Thank you. And what is your current address, sir?

23 A In the U.S., I now live in hotels, unfortunately,
24 so.

25 Q Okay. What hotel are you currently living in?

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1 that occurred to you and that you remembered as part of
2 those notes?

3 A No.

4 Q All right. The first thing I'd like to do is to
5 talk about your background and sort of establish that for
6 the jury.

7 Can we pull up tab 1?

8 MS. ARMSTRONG: Exhibit 1.

9 (TikTok-Wang-1 marked.)

10 MR. WEINKOWITZ: Thank you.

11 You should be -- they should be handing you
12 an exhibit, and can you just take a minute and review
13 that when you get it, and let me know when you're ready
14 to answer questions about it.

15 Okay?

16 THE WITNESS: I've finished reviewing this
17 document.

18 MR. WEINKOWITZ: Okay. Thank you.

19 BY MR. WEINKOWITZ:

20 Q This is a CV that TikTok and ByteDance produced to
21 us representing that it's your CV; is that accurate that it
22 is your CV?

23 A It is my CV.

24 Q It appears to be an older CV that hasn't been
25 updated in quite some time; is that accurate?

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1 A This is accurate, I haven't updated.

2 Q Okay. Right.

3 So for instance your employment at ByteDance and
4 TikTok is not on here, correct?

5 A Correct.

6 Q Is -- other than that, is the CV accurate?

7 A Yes.

8 Q And you studied and graduated with a BS in
9 computer science from Cornell, correct?

10 A Correct.

11 Q Now, I've heard of extra credit, but how does one
12 sort of achieve the impressive accomplishment of earning a
13 4.023 out of a 4.0. How do you get above a 4.0?

14 A So A plus is 4.3.

15 Q Excellent. Congratulations.

16 A Thank you.

17 Q What I'd like to do is just focus on your
18 employment at ByteDance and Tik -- the ByteDance companies.
19 Okay? If we could pull up tab 2.

20 MS. ARMSTRONG: Exhibit 2.

21 MR. WEINKOWITZ: Thank you.

22 (TikTok-Wang-2 marked.)

23 MR. WEINKOWITZ: And take your time reviewing
24 that, and let me know when you're ready to answer some
25 questions.

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1 THE WITNESS: I'm finished checking this
2 document.

3 MR. WEINKOWITZ: Great. Thank you.

4 BY MR. WEINKOWITZ:

5 Q I'll represent to you that TikTok and ByteDance
6 lawyers provided this to us as your HR information.

7 Have you ever seen this before?

8 A No, I have not seen this before.

9 Q Okay. So what I've done is I've taken -- can we
10 pull up tab 3?

11 MS. ARMSTRONG: Exhibit 3.

12 MR. WEINKOWITZ: Thank you.

13 (TikTok-Wang-3 marked.)

14 BY MR. WEINKOWITZ:

15 Q So let me just -- I'll let you review it. Let me
16 just tell you what this is, Mr. Wang.

17 We took the information from Exhibit 2, the HR
18 information, about the companies that you worked for during
19 the periods that you worked for them and we put them on this
20 demonstrative exhibit.

21 So what I'd like you to do is just review the
22 Exhibit 3 for accuracy, and just let me know when you're
23 ready to testify.

24 Okay?

25 A Yes. So I actually have a question for this one.

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1 From March 19th of 2018 to the present, have you
2 always been employed consistently during that period for a
3 ByteDance entity?

4 A Yes.

5 Q And during that entire time, have you always
6 worked on the TikTok platform?

7 A Yes.

8 Q All right. If you could look at Exhibit 2 for me.

9 A Okay.

10 Q Under "Employers," it lists all of your managers
11 and the dates that those individuals were your managers.

12 Do you see that?

13 A Yes.

14 Q Were all of those individuals your managers at one
15 point or another?

16 A Yes.

17 Q Okay. What is your current base salary?

18 A My base salary -- I don't remember exact amount,
19 but roughly [REDACTED] U.S. dollar.

20 Q And do you receive bonuses every year?

21 A I do receive bonus.

22 Q What was your bonus last year?

23 A Last year it was 15-month worth of my monthly
24 salary. So if my math is correct, it's over [REDACTED] [REDACTED]
25 [REDACTED]

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1 Q Got it. Do you currently have any form of equity
2 stake or ownership interest, like stock, stock options,
3 restricted stock units, or performance shares in any
4 ByteDance company or entity?

5 A I do receive RSUs.

6 Q And so your RSUs, the value of those is based on
7 how the companies do, correct?

8 MR. DRAKE: Object to form.

9 THE WITNESS: The company has a value, but I
10 do not know how they get this value.

11 BY MR. WEINKOWITZ:

12 Q Okay. And so if the value goes up, you make more
13 money. If the value goes down, you make less money, right?

14 A Correct.

15 Q Okay. All right.

16 So Mr. Wang, you worked at a ByteDance entity
17 since March of 2018.

18 So that means that ByteDance acquired musical.ly
19 before you began your employment, correct?

20 A Yes.

21 Q And musical.ly was a lip syncing app, right?

22 A I do not think musical.ly is a lip sync app.

23 Q Did ByteDance acquire musical.ly in about 2017,
24 about a year before you started?

25 A I don't know the exact dates of the acquisition.

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1 Q Okay. Fair to say that some of your early work
2 was preparing for the rebranding of musical.ly to TikTok?

3 A Correct.

4 Q In fact, you were part of what's called the
5 musical.ly core branding team; do you recall that?

6 A We had a musical.ly core branding group, if that's
7 what you're referring to.

8 Q That is what I'm referring to. I used the word
9 "team," I apologize.

10 In early August of 2018, the musical.ly app was
11 rebranded and became what is known today in the United
12 States as TikTok, correct?

13 MR. DRAKE: Object to form.

14 THE WITNESS: I don't remember exact date,
15 roughly.

16 BY MR. WEINKOWITZ:

17 Q Roughly the beginning of August 2018, correct?

18 A If I remember correctly, yes.

19 Q Okay. And before that rebranding, TikTok existed
20 outside of the United States, but it was not yet available
21 for download in the United States, correct, before August
22 '18 rebranding?

23 A I actually don't know whether they have list
24 TikTok in the App Store in the U.S. I don't have this
25 information.

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1 survey to be pushed to users shortly after the rebranding?

2 MR. DRAKE: Object to form.

3 THE WITNESS: I don't.

4 MR. WEINKOWITZ: Okay. Let's pull up tab 12.

5 MS. ARMSTRONG: Exhibit 18.

6 (TikTok-Wang-18 marked.)

7 BY MR. WEINKOWITZ:

8 Q And just take your time, review that, and you let
9 me know when you're ready to go.

10 A Okay.

11 Q Okay. Have I given you a fair and adequate time
12 to review Exhibit 18?

13 A Yes.

14 Q Okay. This appears to be a Lark chat produced by
15 TikTok and ByteDance, and if you look at the first message
16 in the chain, do you see that you are part of this group
17 chat?

18 A Yes.

19 Q All right. And the name of the group chat is "ISE
20 Product Strategy."

21 Do you see that?

22 A IES Product Strategy.

23 Q I'm sorry, you're right. IES Product Strategy.
24 What does "IES" stand for?

25 A It was the team's name. Interactive Entertainment

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1 and Social.

2 Q Thank you. And you were participating in this
3 company Lark chat on June 19, 2018 as part of your job,
4 correct, at TikTok and ByteDance?

5 A Yes.

6 Q Any reason to think that this document has been
7 altered in any way from how it was in your file?

8 A No.

9 Q Okay. You're chatting with your work colleagues,
10 including Alex Zhu, correct?

11 A That is correct.

12 Q Oh, did you hear me? Oh, I didn't hear you.
13 I'm sorry.

14 A I said correct.

15 Q All right. Thank you.

16 And Mr. Zhu, again, was co-founder in musical.ly
17 and was president of TikTok, correct?

18 A Correct.

19 Q And you're also participating in this chat with
20 [REDACTED] who we talked about earlier, correct?

21 A Yes.

22 Q All right.

23 MR. DRAKE: Hey, Mike. Just to clarify. You
24 keep saying [REDACTED] but it is [REDACTED]

25 MR. WEINKOWITZ: [REDACTED]

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1 And to be honest with you, I have it in my
2 head one way so it will be probably be hard to shift,
3 but I'll do my best.

4 MR. DRAKE: No problem.

5 BY MR. WEINKOWITZ:

6 Q If we go to page ending in Bates 300.

7 A Yeah.

8 Q All right. In the middle of the page, there's a
9 message to [REDACTED] on June 19, 2018 at 11:33:58.
10 Do you see that?

11 A Yeah.

12 Q And you propose pushing an in app survey, right?

13 MR. DRAKE: Object to form.

14 THE WITNESS: This is -- this is what I
15 wrote. Although I don't remember the time.

16 BY MR. WEINKOWITZ:

17 Q Understood.

18 A Yeah, that's right.

19 Q Understood.

20 So -- so you do, at this time, you did at this
21 time propose pushing an in app survey, correct?

22 MR. DRAKE: Object to form.

23 THE WITNESS: Based on this message.

24 BY MR. WEINKOWITZ:

25 Q Right. You write: "Pushing an in app" -- strike

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1 that.

2 "Pushing an in app survey," that means sending the
3 survey to certain users through the TikTok app, right?

4 A Correct.

5 Q And you write: "M plus T survey." That's
6 musical.ly and TikTok, right?

7 A In this context, M plus T means musical.ly and
8 TikTok.

9 Q Understood.

10 You suggested that the survey ask musical.ly and
11 TikTok users where they heard about musical.ly and that it
12 included an age proxy question, correct?

13 A Yeah. I -- I wrote that.

14 Q And next communicate chat -- strike that.
15 Next message down, Alex Zhu responds with a
16 question: "Elementary."

17 Correct?

18 A Yes.

19 Q And you respond to him by suggesting using school
20 level as a proxy for age, such as middle school, high
21 school, college, or working, correct?

22 A This is what I wrote.

23 Q Specifically, you suggested asking users whether
24 they were in middle school, high school, college, or working
25 as part of the survey. That's what you were suggesting?

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1 A Yeah, based on this.

2 Q And if TikTok identified users as being in middle
3 school, that could indicate that they were under 13,
4 necessitating that the account be banned, correct?

5 MR. DRAKE: Object to form.

6 THE WITNESS: So middle school, what's the
7 age for middle age?

8 Our policy is, if we know, if we learn
9 someone's below 13, we have to ban their account.

10 BY MR. WEINKOWITZ:

11 Q Right. TikTok doesn't want 9, 10, or
12 11-year-old's on the platform, does it?

13 A TikTok do not allow users under 13 to have an
14 account.

15 Q So the answer to my question was: Yes. TikTok
16 doesn't want 9, 10, or 11-year-old's on the platform.
17 Correct?

18 A I cannot speak on behalf of TikTok, but TikTok's
19 policy is we do not allow people under 13 to have an
20 account.

21 Q All right. So let's look at Mr. Zhu, the
22 president of TikTok's response, at 11:35:08 on June 19th,
23 2018.

24 He immediately tells you, and the others: "Having
25 elementary school is definitely violating COPPA."

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1 Do you see that?

2 A Yes.

3 Q And you understand back then what COPPA was,
4 right?

5 MR. DRAKE: Object to form.

6 THE WITNESS: I don't remember back then, but
7 now I know COPPA.

8 BY MR. WEINKOWITZ:

9 Q COPPA is a law in the United States, the
10 Children's Online Privacy Protection Act, that applies to
11 online services used by children under 13, correct?

12 MR. DRAKE: Object to form.

13 THE WITNESS: That largely align with my
14 understanding.

15 BY MR. WEINKOWITZ:

16 Q Under COPPA, companies aren't allowed to collect
17 personal information from children under 13 without the
18 parent's consent, correct?

19 A I don't -- I'm not familiar with the law enough to
20 tell.

21 Q So you don't know that -- strike that.

22 If a company knows that a user is under 13, it has
23 to get verified parental consent before collecting their
24 information, correct?

25 MR. DRAKE: Object to form. Lacks

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1 foundation.

2 THE WITNESS: We just discuss, if we learn
3 someone is below the minimal age to have an account on
4 TikTok, we will ban their account.

5 We do not allow people under 13 to have an
6 account.

7 BY MR. WEINKOWITZ:

8 Q Okay. Tell me what your understanding of COPPA
9 is.

10 MR. DRAKE: I'm going to object to the
11 question to the extent it's seeking to elicit
12 information protected by the attorney-client privilege.

13 So if you're able to answer the question
14 without revealing the substance of conversations you've
15 had with counsel, you can answer it. Otherwise, I
16 would instruct you not to.

17 BY MR. WEINKOWITZ:

18 Q Can you tell me your understanding of COPPA?

19 MR. DRAKE: I have the same objection that I
20 just lodged. And so if you're asking him to reveal the
21 contents of communications with counsel, I would
22 instruct him not to answer.

23 BY MR. WEINKOWITZ:

24 Q Can you answer the question without communicating
25 what you were told by lawyers?

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1 A I cannot.

2 Q Either way, Alex Zhu, back on June 19th, 2018,
3 says to you: "Having elementary school is definitely
4 violating COPPA."

5 Correct?

6 A Yes, he said that.

7 Q And 14 seconds later, after his last message to
8 you about potentially violating COPPA, he tells you that
9 having elementary school users would violate COPPA, correct?

10 MR. DRAKE: Object to form.

11 MR. WEINKOWITZ: Strike that. Strike that.

12 That was a bad question.

13 BY MR. WEINKOWITZ:

14 Q 14 seconds after he tells you that having
15 elementary users would violate COPPA, he says: "I don't
16 think we should do this survey anyway."

17 Correct?

18 A Yes. He said that.

19 Q And at that time he was your boss?

20 A Yes.

21 Q You don't get a chance to respond, and one minute
22 later he sends you a third message, right?

23 MR. DRAKE: Object to form.

24 THE WITNESS: He had another message on

25 11:36.

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1 BY MR. WEINKOWITZ:

2 Q So he tells you why the survey would violate
3 COPPA, correct?

4 MR. DRAKE: Object to form.

5 THE WITNESS: He wrote: "If FTC knows about
6 the survey, he might want us to submit the results and
7 I am not sure if it's good result."

8 BY MR. WEINKOWITZ:

9 Q He says -- he warns that if the FTC found out
10 about the survey, if it was done the way you wanted, TikTok
11 might have to submit the results to the FTC, correct?

12 MR. DRAKE: Object to form.

13 THE WITNESS: He said if FTC knows about this
14 survey, they might want us to submit the results, and I
15 am not sure if it's good result.

16 BY MR. WEINKOWITZ:

17 Q The FTC is the Federal Trade Commission?

18 MR. DRAKE: Objection. Lacks foundation.

19 THE WITNESS: I assume it's a government
20 agency.

21 BY MR. WEINKOWITZ:

22 Q The FTC is a government agency. It's like a
23 watchdog for the Internet, and one of its jobs is to make
24 sure that companies, including social media platforms like
25 TikTok, follow rules, including COPPA, right?

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1 MR. DRAKE: Object to form.

2 THE WITNESS: I -- I -- I don't know, but I
3 know it's a -- it's a government agency.

4 MR. WEINKOWITZ: Okay. Pull up tab 12A.

5 MS. ARMSTRONG: Exhibit 19.

6 (TikTok-Wang-19 marked.)

7 BY MR. WEINKOWITZ:

8 Q Exhibit 19 is a demonstrative of the hyperlink to
9 a page on the FTC's website, a COPPA page.
10 Do you see that?

11 A I see the link.

12 Q Do you see on the left-hand side is the logo for
13 the FTC and it says: "Federal Trade Commission. Protecting
14 America's Consumer."

15 Do you see that?

16 A I see the logo and the word.

17 Q And the reason Mr. Zhu is referring to COPPA and
18 the FTC is because the FTC is responsible for the --
19 applying COPPA, correct?

20 MR. DRAKE: Object to form.

21 THE WITNESS: Could you rephrase your
22 question, please?

23 BY MR. WEINKOWITZ:

24 Q Sure. The reason that Mr. Zhu is referring to
25 COPPA and the FTC is because the FTC has jurisdiction over

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1 COPPA, correct?

2 MR. DRAKE: Object to form. It lacks
3 foundation.

4 THE WITNESS: I mean, I cannot speak on
5 behalf of Mr. Zhu, and I don't know what he thought by
6 that point.

7 BY MR. WEINKOWITZ:

8 Q Two things are true, though. He was talking about
9 COPPA and he was talking about the FTC in his message to
10 you.

11 Correct?

12 MR. DRAKE: Objection. Asked and answered.

13 THE WITNESS: I think he wrote -- sorry.

14 Let me -- let me -- he mentioned FTC and --
15 in the chat, and COPPA on the previous chat.

16 BY MR. WEINKOWITZ:

17 Q So let's look at [REDACTED] message on
18 June 19th, 2018, at 11:38:10, right after Mr. Zhu says: "If
19 the FTC knows about the survey they might want to submit the
20 results, and I'm not sure if it's good results."

21 Let's look at what [REDACTED] does.

22 Okay?

23 A Mm-hmm.

24 Q He tags --

25 MR. DRAKE: Object to form.

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1 BY MR. WEINKOWITZ:

2 Q He tags you, right? Right?

3 A Yes.

4 Q And he says: "For MT, we must avoid any age
5 demographic questions."

6 Right?

7 A Yes.

8 Q What is MT?

9 A Based on this contact, it should be musical.ly and
10 TikTok.

11 Q "Doing school level proxy would still be
12 considered age demographics."

13 Right, that's what he wrote?

14 A Yes, that's what he wrote.

15 Q "We take the position in various cases and
16 regulatory matters that we do not collect such information."

17 Correct?

18 A Yes, that's what he wrote.

19 Q And then you reply: "Okay. We'll make sure none
20 of age-related questions will appear."

21 Correct?

22 A Correct.

23 Q Then [REDACTED] gives you more context in the
24 next message, correct?

25 A Correct.

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1 Q He says -- tags you again at Adam Wang.

2 "For your context, this would be the consequence.

3 A, we would immediately have to delete all users who say
4 they are elementary school."

5 Correct?

6 A Correct.

7 Q And it wouldn't be a bad thing, would it, to
8 delete all of the users who identified themselves as
9 elementary school, would it?

10 MR. DRAKE: Object to form.

11 THE WITNESS: TikTok's policy do not allow
12 users under 13.

13 BY MR. WEINKOWITZ:

14 Q And it would be a good thing if that's the policy,
15 to identify them and to delete them, correct?

16 MR. DRAKE: Object to form.

17 THE WITNESS: Our policy is to not allow
18 anyone who were under 13 to use our platform.

19 If we learn someone's below the minimal age
20 to have an account on TikTok, we'll ban their account.

21 BY MR. WEINKOWITZ:

22 Q He tells you why in the next sentence, correct?

23 He says: "The highest grade in that school level
24 is fifth grade, the average age is 10." Do you see that?

25 A Yes.

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1 active users, correct?

2 A I'm not recalling the specific dates, but I
3 have -- I'm sure at some point it strikes over that number.

4 MR. WEINKOWITZ: Okay. So let's pull up tab
5 32.

6 MS. ARMSTRONG: Exhibit 27.

7 (TikTok-Wang-27 marked.)

8 BY MR. WEINKOWITZ:

9 Q Take an opportunity, take your time reviewing it,
10 and let me know when you're ready.

11 A Please, go ahead.

12 Q Okay. This is a Google Alert e-mail from
13 September 28th, 2021, to you, produced by TikTok and
14 ByteDance, found in your file.

15 Any reason to dispute that?

16 A No.

17 Q Did you set up a Google Alert so you received
18 TikTok-related news as part of your job at TikTok/ByteDance?

19 A I did set up Google Alerts.

20 Q Any reason to think that this e-mail is altered
21 from how it was in your file?

22 A No, I don't think so.

23 Q Okay. And if you look at the second news item
24 down, it says: "TikTok says 1 billion people use the app
25 each month." And that was reported in CNBC.

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1 Do you see that?

2 A Yes, I read that.

3 Q Okay. And if you look at the last page of the
4 e-mail, which is Bates 320, for the metadata.

5 Do you see --

6 A Right.

7 Q Are you there, I'm sorry?

8 A Yes, I saw it.

9 Q Sorry, I ran over you.

10 Do you see that the last news item is from TikTok
11 newsroom?

12 A Yes.

13 Q And the TikTok newsroom is where TikTok issues
14 press releases and communicates to the public and the press
15 about the platform, right?

16 A I believe so.

17 Q And TikTok basically posted a press release in the
18 TikTok newsroom that says: "Thanks a billion."

19 Do you see that?

20 A Yes, I see this in this document.

21 Q All right. Can you pull up tab 33?

22 MS. ARMSTRONG: Exhibit 28.

23 (TikTok-Wang-28 marked.)

24 MR. WEINKOWITZ: Give you a chance to -- let
25 me know when you're ready.

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1 THE WITNESS: I'm ready.

2 BY MR. WEINKOWITZ:

3 Q Okay. Exhibit 28 is the press release. "Thanks a
4 billion," that we downloaded from the TikTok newsroom.

5 If you want us to take you to the live link, we
6 can, but the press release is dated September 27, 2021.

7 Do you see that?

8 A Yes.

9 Q And it says: "One billion people on TikTok.
10 Thank you to our global community."

11 Right?

12 A Correct.

13 Q And there's a person to the right.
14 Do you recognize her, they?

15 A Yes. Vanessa Pappas.

16 Q They were -- they were the chief operating officer
17 at TikTok in 2021, correct?

18 A I believe so.

19 Q Can you please play her video message -- their
20 video message?

21 (Video Clip of Vanessa Pappas played as
22 follows:)

23 MS. PAPPAS: "Hi everyone. I'm Vanessa, and
24 I'm beyond excited to share with you that our
25 global TikTok community is now more than a

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1 billion people strong. That means over a
2 billion people from around the world come to
3 TikTok to be entertained, inspired, or
4 discover something new, like sports, music,
5 arts and culture, fashion, DIY and more.
6 It's a billion people every month watching
7 and sharing each other's creativity.
8 So on behalf of the TikTok team, I want to
9 say thank you. Whether you've been with us
10 since the beginning or you are new to our
11 community, wherever you are in the world, we
12 definitely couldn't do this without you.
13 So thanks a billion for making TikTok a truly
14 special place."

15 (Video clip concluded.)

16 BY MR. WEINKOWITZ:

17 Q Does this help refresh your recollection that
18 around September 27, 2021, TikTok hit a billion people?

19 A Based on this newsroom article, it said it hit a
20 billion people using TikTok.

21 Q Okay. So by the middle of 2022 -- strike that.
22 Do you know that TikTok was actually the fastest
23 to reach 1 billion user mark compared to any other social
24 media company?

25 MR. DRAKE: Object to form.

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1 THE WITNESS: I don't know.

2 BY MR. WEINKOWITZ:

3 Q Okay. So TikTok reached a billion dollars by
4 September 2021.

5 By the middle of 2022, TikTok's growth rate in the
6 U.S. had started to slow, right? If we go back to the
7 timeline in Exhibit 22, slide 10.

8 MR. DRAKE: Object to form.

9 THE WITNESS: Sorry -- now it shows. Based
10 on what I read the chart.

11 BY MR. WEINKOWITZ:

12 Q Yeah. We're looking at the chart. Let me ask you
13 a better question. Try to fix the objections to the form.
14 We're now back in Exhibit 22, looking at slide 10.

15 A Correct.

16 Q Would you agree with me by the middle of 2022,
17 according to this chart, TikTok's growth rate in the U.S.
18 had started to slow?

19 A Based on this chart it was slower than the
20 previous period.

21 Q It was still growing but not as fast as 2021,
22 correct?

23 A Correct.

24 Q All right. So let's focus on the middle of 2022.
25 Okay. The middle of 2022 is almost four years

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1 after TikTok launched in the U.S.

2 Are you with me?

3 A Roughly four years.

4 Q And TikTok's growth started to slow down in 2022.

5 We just saw that in the chart, right?

6 A Yes, it slightly slow down.

7 Q And do you see Phase 4 is a slow growth period for
8 TikTok?

9 A This is what show in the deck.

10 Q And by the middle of 2022, TikTok's penetration
11 rate for teens age 13 to 17 was very high.

12 Do you remember that?

13 A I see someone in this -- I see the penetration
14 number somewhere in this deck.

15 Could you point it out?

16 Q Sure. Do you -- first, let me just ask you.

17 Without looking at the deck, do you recall how
18 high TikTok's penetration rate for teens was aged 13 to 17
19 in 2022?

20 A I do not recall.

21 Q Okay. Please turn to slide 6. And one of -- let
22 me know when you're ready.

23 A Yes.

24 Q This slide is titled: "TikTok has its greatest
25 potential in older user demographics."

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1 Right?

2 A Yes.

3 Q And there is a note to the slide that says:
4 "According to TikTok internal data, the data of smart phone
5 users by age from Emarketer, TikTok penetration rate by age
6 is" -- and then it says: "L1 plus 2, kids ages 13 to 17,
7 91 percent; L3, users age 18 to 24: 81 percent; L4:
8 84 percent; L5: 23 percent."

9 Correct?

10 A You read it correctly.

11 Q And MA -- and then it says: "MAU of 2022 0630 was
12 collected."

13 Right?

14 A You read it correctly.

15 Q So just so the jury is clear, according to this
16 document, by June of 2022, TikTok having 91 percentage --
17 strike that.

18 TikTok had a 91 percent penetration rate for kids
19 ages 13 to 17, correct?

20 A Are you speaking to me or the jury?

21 Q Oh, I was speaking -- I was speaking to you, but I
22 was trying to frame my question to clarify for the jury.

23 So let me start over. So this is a question for
24 you, and I'm hoping that we can be clear for the jury that's
25 listening.

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1 According to this document, by June of 2022,
2 TikTok had a 91 percent penetration rate in kids ages 13 to
3 17, correct?

4 MR. DRAKE: Object to form.

5 THE WITNESS: Based off what they wrote is L1
6 plus 2, 91 percent.

7 BY MR. WEINKOWITZ:

8 Q Correct.

9 A Sorry. Please, let me finish.

10 Q No. Yeah. That was my fault. Go ahead.

11 A So if like this L1, 2, 3, 4, 5. I believe is
12 coming from a classifier for estimation.

13 So I think a precise part of this based off the
14 classifier data, the classifier estimation, it's 91 percent.

15 Q Okay. But that -- just so I understand.

16 That classifier data and that classifier
17 estimation is TikTok's classifier data and TikTok's
18 classifier estimation, correct?

19 A It is TikTok's classifier, correct.

20 Q Okay. All right.

21 So with that, can we pull up tab 34?

22 MS. ARMSTRONG: Exhibit 29.

23 (TikTok-Wang-29 marked.)

24 BY MR. WEINKOWITZ:

25 Q By June of 2022 -- this is a demonstrative, for

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1 about the rationale here.

2 MR. WEINKOWITZ: That's fine.

3 THE WITNESS: Yeah. Given that I'm not
4 familiar with the exact data here, like, for example,
5 where does Emarketer data is coming from, using two
6 estimates, essentially like penetration in the previous
7 versions I use one number divided by the another number
8 to get penetration. You using one estimate divided by
9 another estimate, but there's two estimation method, I
10 don't know what is the same, which make it not fair to
11 say it is a penetration. That's my main rationale.

12 But other than this, I think this -- I don't
13 have further suggestions over this, as I don't know
14 that much about those data, nor do I create this
15 illustration, so I don't have much to add on from this
16 point.

17 MR. WEINKOWITZ: Okay. Thank you for that.

18 BY MR. WEINKOWITZ:

19 Q And what -- my one question is, is that the
20 penetration rate as reflected in Exhibit 6 -- I'm sorry --
21 in Exhibit 22, slide 6, in the note, that was a penetration
22 rate that appears in a TikTok internal document, correct?

23 A Yes. I read 70 percent.

24 Q Yeah. And that --

25 A I read those numbers.

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1 Q Go ahead. Yeah.

2 My question is, is simply: This is -- the slide
3 is in an internal company document from TikTok, correct?

4 A This -- yeah, this is from a TikTok document.

5 Q And -- and the penetration rate, as calculated in
6 this TikTok document, was calculated by somebody inside of
7 TikTok, correct?

8 A Somebody inside TikTok. I don't know who this
9 person is.

10 Q Okay. And this is a slide deck that's called:
11 "Break Through US Growth, TikTok U.S. Offsite July 2022."

12 Correct?

13 A Correct.

14 MR. DRAKE: Object to form.

15 BY MR. WEINKOWITZ:

16 Q And this document was -- and if you look at the
17 metadata -- indeed found in your custodial file, correct?

18 A Yes.

19 Q Okay. So with this, I've marked 29A, and we will
20 now move on.

21 Thank you. Okay. Let me figure out where we're
22 at.

23 So if we pull Exhibit 22, slide 6, back up.

24 And again, just focusing on the note on the slide,
25 TikTok, according to that note, according to the data,

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1 reached 91 percent of penetration rate of 91 percent for
2 users L1 plus L2, correct?

3 A Yeah. It's reflected in the document.

4 Q And just so that we're clear. L1 to L2 are users
5 ages 13 to 17, correct?

6 MR. DRAKE: Object to form.

7 THE WITNESS: I want to provide context that
8 this is based off a age classifier estimation.

9 BY MR. WEINKOWITZ:

10 Q But an age classifier estimation of users age 13
11 to 17, correct?

12 A Correct.

13 Q Okay. And a 91 percent penetration rate, even if
14 it's user classifiers, based on user classifications and
15 estimations, a 91 percent penetration rate of age 13 to 17,
16 that reflects near total market saturation among adolescents
17 in that age category, correct?

18 MR. DRAKE: Object to form. Lacks
19 foundation.

20 THE WITNESS: This is an estimation. I don't
21 know how accurate this really is.

22 BY MR. WEINKOWITZ:

23 Q Assuming it's accurate, a 91 percent penetration
24 rate among users of age 13 to 17, even if it's an
25 estimation, if that's true, that's near total market

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1 saturation among that age group, correct?

2 A Assuming -- based on your assumption, it's high
3 penetration.

4 Q Okay. And if it's a high penetration rate of
5 91 percent, then there aren't a lot more kids in that --
6 teens in that age group for TikTok to grow with, correct?

7 MR. DRAKE: Object to form.

8 THE WITNESS: I mean, our goal is to grow our
9 users. We don't really look at this particular
10 segment.

11 MR. WEINKOWITZ: Right.

12 THE WITNESS: But, in fact -- sorry.

13 MR. WEINKOWITZ: Go ahead. Yep.

14 THE WITNESS: In fact, our goal is to grow L5
15 user groups for what I see in this chart. US currently
16 has the largest potential in L5 user group.

17 BY MR. WEINKOWITZ:

18 Q And largest potential in the older group is
19 because you have a penetration rate of 91 percent in the
20 younger group, right?

21 You have to get the older users to grow if you
22 have 91 percent of the younger users, right?

23 MR. DRAKE: Object to form. Foundation.

24 THE WITNESS: Sorry. I find this -- I didn't
25 see the logical connection between the two. We want to

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1 grow our users. All our five users have potential, and
2 we want to grow them. That's our rationale.

3 BY MR. WEINKOWITZ:

4 Q Okay. Do you agree that aging up did not mean
5 eliminating or overlooking teen users aged 13 to 17, or what
6 was called L1 and L2?

7 MR. DRAKE: Object to form and foundation.

8 THE WITNESS: So age up means growing older
9 user. That's my interpretation.

10 MR. WEINKOWITZ: Okay. So can we pull up tab
11 38?

12 MS. ARMSTRONG: Exhibit 30.

13 (TikTok-Wang-30 marked.)

14 MR. WEINKOWITZ: Yeah. Take a second -- and
15 I'd like to go off the record because I actually can't
16 find my version of this document, and I've got to look
17 for it.

18 So can we go off the record for a second, you
19 review it, I'll find my document, and I'll come back?

20 THE WITNESS: Please, go ahead.

21 THE VIDEOGRAPHER: We are now going off the
22 record, and the time is 12:45.

23 (Off the record from 12:45 to 12:46 p.m.)

24 THE VIDEOGRAPHER: We are now going back on
25 the record, and the time is 12:46 p.m.

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1 MR. WEINKOWITZ: Keep reviewing, and let me
2 know when you're ready.

3 No rush.

4 THE WITNESS: I finished.

5 MR. WEINKOWITZ: Okay. Thank you.

6 BY MR. WEINKOWITZ:

7 Q Did I give you a fair and adequate opportunity to
8 review Exhibit 30?

9 A Yes.

10 Q Okay. This was a document that TikTok and
11 ByteDance produced from your file.

12 Is there any reason to dispute that?

13 A No.

14 Q Any reason to think that it was altered from how
15 it was in your file?

16 A No.

17 Q All right. The title of this document is:
18 "Content Programming Strategy TikTok US."

19 Do you see that?

20 A Yes.

21 Q All right. And if you turn to page 2, ending in
22 Bates 167, the first section on this page is about TikTok's
23 audience.

24 Do you see that?

25 A Yes.

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1 Q And it says: "What is our target audience?"
2 Correct?

3 A Yes.

4 Q And it says: "We are aging up with a target of
5 users that are 18-plus."

6 Do you see that?

7 A Yes.

8 Q And do you see -- so strike that.

9 Those 18-plus, those users are labeled L3 and L4
10 internally, correct?

11 A Based on this document, yes.

12 Q And the next sentence says -- and underline this
13 in red, Evan, do you have it?

14 A Oh, sorry, I don't --

15 MR. DRAKE: We don't see it on the screen.

16 TRIAL TECHNICIAN: My fault. Apologies.

17 BY MR. WEINKOWITZ:

18 Q And do you -- all right. Let's -- let's -- let me
19 just go back.

20 Do you see that this section is titled: "TikTok's
21 Audience," right?

22 MR. DRAKE: Object to form.

23 THE WITNESS: I see the wording, yes.

24 BY MR. WEINKOWITZ:

25 Q Okay. And it says: "We are aging up with a

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1 target of users that are 18-plus," right?

2 A You read it correctly.

3 Q And then it says -- and underline this in red.

4 "This does not mean eliminating or overlooking
5 users from L1 and L2."

6 Correct?

7 A Yes.

8 Q And L1 and L2 are users ages from 13 to 17,
9 correct?

10 A Correct.

11 Q All right. I'm done with that document.

12 I want to talk a little bit with you about
13 TikTok's new user activation process after signup.

14 Okay?

15 A Okay. I want to clarify. This is not part of my
16 work. I didn't specifically working on this part.

17 I haven't specifically worked on this part in the
18 past.

19 Q Understood. Do you have a TikTok account?

20 A I do.

21 Q So at some point in time you signed up for TikTok,
22 correct?

23 A Correct.

24 Q And you would have gone through registration and
25 activation process, right?

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1 Q Okay. Well, motion to strike everything after
2 "I've read through it."

3 Have I given you a fair and adequate opportunity
4 to review slides 28 and 29?

5 A Yes.

6 Q Okay. Do you see on the slide 28, it is labeled:
7 "Definitions of Different Moment."

8 Do you see that?

9 A I see that.

10 Q And if you look -- the first moment is the setup
11 moment.

12 The next moment listed is the aha moment.

13 And then if you look at slide 29, there's a habit
14 moment.

15 Do you see that?

16 A Yes.

17 Q Okay. Now, can we pull up slide 31, please?

18 No, no, no. I'm sorry, tab 31. That was my bad.

19 MS. ARMSTRONG: Exhibit 31.

20 (TikTok-Wang-31 marked.)

21 BY MR. WEINKOWITZ:

22 Q Mr. Wang, do you see that according
23 Merriam-Webster's Dictionary, under 2B, a synonym for habit
24 is addiction?

25 A I see.

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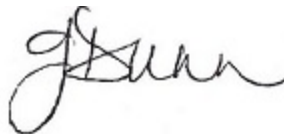
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CERTIFICATE

I, Jennifer A. Dunn, Certified Realtime Reporter, Registered Merit Reporter, California Certified Shorthand Reporter #14461, do hereby certify that prior to the commencement of the examination, ADAM WANG, was duly remotely sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place and on the date hereinbefore set forth, to the best of my ability via Remote Zoom teleconference technology.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



Certified Realtime Reporter

Registered Merit Reporter

CA Certified Shorthand Reporter #14461

Dated: May 23, 2025