

AMENDED Exhibit 437

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

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Case No. 4:22-MD-3047-YGR

MDL No. 3047

IN RE: SOCIAL MEDIA ADOLESCENT :
ADDICTION/PERSONAL INJURY :
PRODUCTS LIABILITY LITIGATION :
- - - - -X

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
UNLIMITED JURISDICTION

Coordination Proceeding : Judicial Council
Special Title (Rule 3.550) : No. 5255
:
SOCIAL MEDIA CASES :
- - - - -X

THIS DOCUMENT RELATES TO:
ALL ACTIONS
- - - - -X

Videotaped deposition of JORGE RUIZ taken at
the offices of King & Spalding, 1185 Avenue of the
Americas, New York, New York, before Clifford
Edwards, Certified Shorthand Reporter and Notary
Public, in and for the State of New York on March
10, 2025, at 9:45 a.m. ET.

1 JORGE RUIZ,
2 having first been duly sworn, deposed and testified
3 as follows:

4
5 DIRECT EXAMINATION

6
7 BY MS. COLOMBO:

8 Q Good morning, Mr. Ruiz.

9 A Good morning.

10 Q We met briefly off the record but for the
11 record, my name is Jessica Colombo and I'm with the
12 law firm Motley Rice and I represent the plaintiffs
13 in this case.

14 So -- so you just -- you just gave us
15 your -- your full name.

16 Would you mind stating your address for
17 the record, please?

18 A My business address or my home address?

19 Q Start with your business address, please.

20 A My business address is on 151 42nd
21 Street, New York, New York.

22 Q Okay. And -- and Mr. Ruiz, would you
23 mind just keeping your voice up a little bit?

24 A Okay.

25 Q Sorry. I know this is not natural to how

1 we normally have conversations.

2 A Okay.

3 Q So you are currently employed; correct?

4 A I'm currently employed.

5 Q Okay. And what's your current job title?

6 A My current job title is global head of
7 marketing science at TikTok.

8 Q Okay. And during the time that you've
9 been employed at TikTok, have you gone by any other
10 name other than Jorge Ruiz?

11 A With my name you can pronounce it as
12 "Jorge" in Spanish. I have been -- I go by Jorge.

13 Q Okay. Thank you.

14 Have you ever been deposed before,
15 Mr. Ruiz?

16 A No.

17 Q Okay. Have you ever testified at a
18 trial?

19 A No.

20 Q Okay. Given any form of testimony under
21 oath?

22 A No.

23 Q Okay. So I'm going to go over, just,
24 some kind of rules of the road for today that will
25 hopefully make the process go a bit smoother for us.

1 A I have.

2 Q Okay. Did -- did those documents refresh
3 your recollection about the events taking place at
4 TikTok that we are here to talk about today?

5 MR. VIVES: Object to the form.

6 A Could you repeat the question?

7 BY MS. COLOMBO:

8 Q Sure. Sure.

9 Did those documents refresh your
10 recollection about the events taking place at TikTok
11 that we are here to talk about today?

12 MR. VIVES: Same objection.

13 A Could you rephrase the question?

14 BY MS. COLOMBO:

15 Q Sure. Sure.

16 So did any of the documents that you
17 reviewed help you remember anything that you didn't
18 remember before?

19 A Generally -- generally speaking, like,
20 all the -- all this information is -- it's
21 consistent in -- in some things, but I can't recall
22 different topics specifically as well.

23 Q Okay. So, Mr. Ruiz, you have a work
24 e-mail address at TikTok; right?

25 A Yes, I do.

1 Q Okay. What is your work e-mail address?

2 A My work address is [REDACTED]@TikTok.com.

3 Q Okay. What about

4 [REDACTED] ByteDance.com? Is that also your e-mail
5 address?

6 A That was -- that is also an e-mail
7 address that was originally assigned. My primary
8 e-mail address is -- I use is @TikTok.com. Yes.

9 Q Okay. So have you ever used the
10 [REDACTED]@ByteDance.com e-mail address?

11 A I have in -- in the beginning where
12 the -- the system was set up. But primarily,
13 because I work for TikTok, I only focus on
14 TikTok-related matters. When I send e-mails I send
15 them as -- as TikTok.

16 But for me, they are -- they were
17 assigned synchronously -- synchronously in the
18 system.

19 Q Okay. So do you have the ability to send
20 an e-mail from one e-mail address or the other?

21 A In -- in concept, yes. In practice,
22 because I only focus on TikTok, I use the TikTok
23 address.

24 Q Okay. And have you ever sent e-mails
25 from the ByteDance e-mail address?

1 MR. VIVES: Object to the form.

2 A Could you rephrase the question?

3 BY MS. COLOMBO:

4 Q Sure. Sure.

5 Have you ever used the ByteDance e-mail
6 address to send e-mails for work purposes?

7 A I primarily use the TikTok e-mail
8 address.

9 When there's things that may be sent out
10 as ByteDance, it's either the -- when people send me
11 e-mails externally. But it is quite common that we
12 have the e-mail addresses that may be saying
13 ByteDance, but all -- but my team, and just in
14 general, using the TikTok address as -- as a primary
15 e-mail address for communications.

16 Q So I just want to make sure that I
17 understand what you just explained to me.

18 A Sure.

19 Q Were -- were you saying that you may send
20 e-mails using the ByteDance e-mail address
21 externally?

22 A It is common to start -- and when I
23 started five-plus years ago, you get the TikTok
24 e-mail address. And it's also you have a ByteDance
25 address.

Page 26

1 I primarily use the TikTok address. So
2 for me, they are consistent. I focus -- when I send
3 the e-mails, I focus on the -- on the TikTok e-mail
4 address. But for me, I focus only on TikTok
5 communications.

6 Q Got you. So when someone sends an e-mail
7 to the ByteDance e-mail address, does it come to the
8 same inbox as the TikTok --

9 A I only have one inbox.

10 Q Okay. And you testified that it was
11 common to have a ByteDance e-mail address assigned.

12 So do other of your colleagues also have
13 two e-mail addresses?

14 MR. VIVES: Object to the form.

15 A I can -- I can speak -- for my record, I
16 can speak for my -- my domain. I have those two
17 e-mail addresses, it is one inbox.

18 My understanding is that my colleagues
19 would have similar. I don't know it -- how the
20 system may have changed over the years, but when I
21 started, it was quite common to have those two, but
22 one -- one -- only one inbox.

23 BY MS. COLOMBO:

24 Q Okay. So I think you answered this
25 question, but you are employed by TikTok; correct?

1 A I am employed by TikTok today, yes.

2 Q Okay. So when you get a paycheck, it
3 comes from TikTok?

4 A Today that is correct, yes.

5 Q Okay. You said today that is correct.
6 Has that been different at any other
7 point?

8 A Yes. When I started in December 2019, my
9 contract was with ByteDance. And then a couple
10 years ago, my HR -- well, the HR team automatically
11 moved quite a few number of U.S. employees over to
12 TikTok. I don't recall the exact timing.

13 But I used to be -- my contract was
14 originally with ByteDance, even though I worked --
15 I've always worked a hundred percent TikTok-related
16 work. And a couple years ago it was changed to
17 TikTok specifically.

18 Q Okay. Do you remember when that was?

19 A Could be between one to two years ago,
20 but I don't recall the exact date.

21 Q Okay. And have you had the same two work
22 e-mail addresses throughout your tenure as an
23 employee at TikTok?

24 A Yes.

25 Q Okay.

1 A And I've had one inbox.

2 Q Okay. Now, as a regular part of your job
3 at TikTok, you use your company e-mail to
4 communicate with your colleagues; right?

5 A That is correct.

6 Q Okay. Does anyone else have access to
7 your TikTok e-mail?

8 A I suppose the IT admin team if they were
9 given instructions to -- to -- to access it.

10 Q Okay. So other than IT, does anyone else
11 have access to send e-mails from your TikTok e-mail
12 address?

13 A I don't believe so.

14 Q Okay. So is it -- is it safe to assume
15 that an e-mail that comes from your TikTok e-mail
16 address is in fact an e-mail from you?

17 A It -- it would be -- it would be
18 reasonable.

19 Q Okay. And what about your ByteDance
20 e-mail address? Does anyone else have access to
21 that?

22 A Same -- same -- same answer as before.

23 Q Okay. So is it the same answer to the
24 question it's safe to assume that if an e-mail comes
25 from your ByteDance e-mail address, it came from

1 you?

2 A It is -- it is reasonable -- it is
3 reasonable to say.

4 There are cases where marketing teams may
5 be sending out broad communications to -- to either
6 clients or -- like, there are -- I'll give you one
7 example where it would be an exception, is if there
8 are marketing materials or broad communications to
9 clients where the marketing CRMs -- the marketing
10 team's CRM system would be sending a batch e-mail,
11 but it would be under the specific department's
12 addresses as a function to reply to.

13 So if there's just, like, a wide e-mail
14 that says, Great new update, but then, the -- the
15 reply-to or the address change may look like it's
16 mine, it may be, like, a broad marketing
17 communication e-mail. But there may be a few
18 exceptions like that.

19 Q Okay. Thank you.

20 Do you have a personal e-mail address?

21 A I have my own personal communications.

22 Q Okay. Do you ever -- do you ever utilize
23 your personal e-mail for work purposes?

24 A I do not mix my personal from business.
25 I do not use my personal communications for -- for

1 work-related matters.

2 I do forward my own personal taxes or
3 administration paperwork for my own records.

4 Q So you forward those e-mails from your
5 TikTok e-mail to your personal e-mail?

6 MR. VIVES: Object to the form.

7 A Could you rephrase the question?

8 BY MS. COLOMBO:

9 Q Sure. So you said, I do forward my own
10 personal taxes or administration paperwork for my
11 own records.

12 You mean that you e-mailed those from
13 your TikTok e-mail address to your personal one?

14 A That would be reasonable for anybody
15 to -- to be able to have access to their own tax
16 records.

17 Q Okay. Thank you.

18 As a regular part of your job at TikTok,
19 you use Lark chat to communicate with your
20 colleagues; right?

21 A That is correct.

22 Q Okay. And your -- strike that. Let me
23 start over.

24 The name associated with your Lark
25 profile at TikTok is Jorge Ruiz; right?

1 A That is correct.

2 Q So safe to assume that a Lark chat that
3 comes from your name is in fact a Lark chat from
4 you?

5 A That would be reasonable.

6 Q No one else has access to your Lark
7 account?

8 A Again, the IT department would, but they
9 would need to have permission to access.

10 Q Okay. Thank you.

11 Do you have a work cell phone?

12 A I have a personal cell phone where I
13 have Lark installed and I only use Lark for my
14 corporate communications.

15 Q Do you have a work cell phone, though?

16 A I do not.

17 Q Okay. Thank you.

18 So you said you only use -- you only
19 use Lark for your work communications; right?

20 A That is correct.

21 Q Okay. So you don't send any text
22 messages from your personal phone related to your
23 work at TikTok?

24 A For work-related matters, I only use Lark
25 as a communication device.

1 Q Okay. So -- thank you.

2 For your work at TikTok, did you ever use
3 any other type of messaging service, like Slack, for
4 example?

5 A I have been assigned to some Slack groups
6 from industry groups, such as the Interactive
7 Advertising Bureau. But I don't really participate
8 in those specific working groups.

9 So it is -- for me, it is reasonable to
10 say that Lark remains and is the primary
11 communications channel that -- that I have for my
12 work duties.

13 Q Okay. Okay. Mr. Ruiz, I want to shift
14 gears and talk a little bit about your background.

15 MS. COLOMBO: And can we pull up
16 Tab 83, please?

17 Yes. And we are going to mark that
18 as Exhibit 2.

19 (Whereupon, Exhibit TikTok-Ruiz 2,
20 Jorge Ruiz' LinkedIn Profile, was
21 marked for identification.)

22 BY MS. COLOMBO:

23 Q Okay. Mr. -- Mr. Ruiz, do you use
24 LinkedIn?

25 A I do.

1 Q Okay. And do you have a profile on
2 LinkedIn?

3 A I do.

4 Q Okay. Exhibit 2, does that appear to be
5 a printout of your profile on LinkedIn?

6 A This looks like an amazing candidate.
7 Yes.

8 Q So is Exhibit 2 a fair and accurate
9 depiction of the information that you put into your
10 LinkedIn profile?

11 A This looks -- yeah. This looks like the
12 LinkedIn profile.

13 Q Okay. And is Exhibit 2 up to date?

14 A I have additional things that I haven't
15 updated on -- on LinkedIn. So I sit on some boards
16 and some industry groups. But those are all
17 specific to my duties within TikTok.

18 Q Okay. We'll -- we'll come back to the
19 board -- board and -- and industry -- industry
20 groups.

21 Let's -- let's start with your -- your
22 educational background.

23 A Uh-huh.

24 Q So you attended American University for
25 your undergraduate degree; right?

1 A That is correct.

2 Q Okay. You graduated with a degree in
3 1999?

4 A Uh-huh.

5 Q Okay. And what was your degree in?

6 A International affairs.

7 Q Okay. And you attended NYU for grad
8 school?

9 A That is correct.

10 Q And graduated with a degree in 2003?

11 A Uh-huh.

12 Q What is your graduate degree?

13 A My degree is -- it's masters in science
14 in direct and interactive marketing.

15 Q Okay. So looking at when you first
16 started working at TikTok, that was December 2019;
17 right? And I believe that's shown on page one of
18 this document right here.

19 A Yes.

20 Q Okay. When you started working at TikTok
21 in December 2019, what was your title?

22 A My title remains the same title since the
23 beginning, global head of marketing science
24 at TikTok.

25 Q Okay. So when you -- when you first

1 started working at TikTok, what were your job
2 responsibilities as the global head of marketing
3 science at TikTok?

4 A My -- I was hired to concept and build up
5 a marketing science organization within TikTok,
6 particularly within the early years as the business
7 was being built.

8 For marketing science, in essence,
9 what -- it is a common type of team that you would
10 structure in large advertising companies where you
11 have, essentially, measurement teams and research
12 teams that you're able to help advertisers and,
13 essentially, on -- on the -- on the business side to
14 answer questions of, Do the ads work and how do they
15 work, because it's focused on advertising
16 effectiveness.

17 So my world is advertising effectiveness
18 within the -- the realm of measurement and insights.

19 Q And thank you for that explanation.

20 When you refer to measurement, what are
21 you referring to?

22 A I -- I refer to it in terms of the
23 advertising.

24 So in terms of the advertising, sure, if
25 anybody were to say -- if somebody was my client and

1 they would say, I have "X" amount of money and I
2 want to understand the return on -- on advertising
3 based on my outcomes. So every client has different
4 business outcomes.

5 But the job of these kinds of team is to
6 help to understand, A, are there any insights as
7 to -- for -- for advertising; and then, B, once the
8 advertising happens, after the campaigns are run, to
9 understand the effectiveness of those campaigns
10 respective of the business outcomes that the client
11 seeks.

12 Q Okay. Now, have your job
13 responsibilities been the same since you've started
14 at TikTok?

15 A Responsibilities? Yes. The team has
16 grown. So it's one consistent mission for the last
17 five years.

18 Q Okay. So what department is -- is your
19 team -- well, strike that. Let me start over.

20 What department does your team operate in
21 at TikTok?

22 A My team operates within the -- within the
23 monetization side of the business. And I am
24 organized within the -- within the sales department
25 under Blake Chandlee, who is the president.

1 Q Okay. Blake Chandlee is the president of
2 the -- of the sales department?

3 A Yes.

4 Q Okay. And is the sales department
5 sometimes referred to as General [sic] Business
6 Solutions?

7 A That is correct. It is typically using
8 the GBS acronym.

9 Q Okay. Thank you.
10 And have you reported to Blake Chandlee
11 for the entire time you've been at TikTok?

12 A That is correct.

13 Q Okay. And do you know who Blake Chandlee
14 reports to?

15 A My understanding is that he reports up to
16 Shou, who is the CEO of TikTok.

17 Q Okay. And does anyone report to you?

18 A Yes. I have a reasonable sized
19 organization, so it's natural for me to have direct
20 reports.

21 Q Okay. And about how many people report
22 to you?

23 A I currently have about, I believe, ten
24 direct reports.

25 Q And what are the titles of the employees

1 who report to you?

2 A The titles of my directs would range as
3 they have different disciplines. But they would be
4 measurement leads if they're covering the -- the
5 measurement departments; research leads if they're
6 covering the -- the research team. And within the
7 research team, I also have data science leads.

8 So broadly, leads as the -- the title
9 that -- that we be -- would be after me.

10 Q And do those leads that you've described
11 also have people who report to them?

12 A Yes.

13 Q Okay. And what would the titles be of
14 the employees who reported to them?

15 A Well, it -- it would vary. I have a
16 decently sized organization, so if you could help me
17 be more specific.

18 Q Sure. Let me ask you this: About how
19 many employees would you say report to the
20 measurement leads that you directly supervise?

21 A My organization is somewhere between 180
22 to 200 people at this point. So reasonable to say
23 that my measurement team would be the largest and
24 then followed by my research team, which is probably
25 about a quarter the size.

1 Q Okay. So you said you have about 180
2 people to 200 people total in your marketing science
3 department?

4 A That's correct.

5 Q Okay. And that is split between
6 measurement, research, and data science employees?

7 A Yes.

8 Q Okay.

9 MS. COLOMBO: Okay. Can we pull up
10 Tab 85, please? And we're going to mark
11 that as Exhibit 3.

12 (Whereupon, Exhibit TikTok-Ruiz 3,
13 "The Art and Science of Marketing
14 Effectiveness," from TikTok for
15 Business Website, was marked for
16 identification.)

17 (Whereupon, there was a discussion
18 off the record.)

19 MS. COLOMBO: And for the record,
20 Exhibit 3 is a document that is a pull
21 from TikTok for Business website and it's
22 an article with the title "The art and
23 science of marketing effectiveness."

24 BY MS. COLOMBO:

25 Q Mr. Ruiz, do you on occasion contribute

1 to the TikTok for Business website?

2 A I do. There is a marketing team that is
3 assigned to my team in order to synthesize various
4 studies. And my organization is a frequent
5 contributor to the TikTok blog.

6 Q Okay. So do you sometimes author blog
7 posts for that website?

8 A Sometimes. This particular document is
9 the marketing team supporting my organization and
10 this is -- or you could say a co-contribution
11 together with the marketing team.

12 Q Okay. So you -- you and the marketing
13 team co-contributed to this blog post?

14 A Yes.

15 Q Okay. And you see the -- the title of
16 the article is "The art and science of marketing
17 effectiveness"?

18 A Yes.

19 Q Okay. And it's dated September 30th,
20 2024?

21 A Uh-huh.

22 Q And there is a picture of you; do you see
23 that?

24 A It's a very handsome picture.

25 Q And it says, "Jorge Ruiz -- Ruiz' POV."

1 Do you see that?

2 A Yes.

3 Q Okay. I want to turn to the second page
4 of the document.

5 Let me just actually ask you: Does
6 this -- does Exhibit 3 appear to be a fair and
7 accurate reflection of the blog post that you
8 post -- that you contributed to on the TikTok
9 website?

10 A Yes. Again, this is a -- this is a
11 co-authorship with the marketing team. But broadly
12 speaking, this is, like, a fairly recent document
13 that I do recall well.

14 Q Okay. And co-contributing to this
15 document with the marketing team, that is something
16 that you did within the course of your work as
17 global head of marketing sciences at TikTok; right?

18 A That is correct.

19 Q Okay. So I want to look at page two
20 of -- of Exhibit 3. And I want to look at that --
21 that second paragraph. Do you see that?

22 A Uh-huh.

23 Q Okay. It reads, "As TikTok's Global Head
24 of Marketing Science, I have the privilege and
25 fortune to lead a very talented team at the heart of

1 ensuring that every ad dollar spent on our platform
2 not only captures real business value, but also
3 helps to uncover insights and learning. Measurement
4 is a learning journey to prove and improve business
5 outcomes for advertisers, and our role is to help
6 clients navigate that journey so can maximize those
7 outcomes relative their -- to their efforts and
8 investments on TikTok."

9 Did I read that correctly?

10 A Yes, you did.

11 Q Okay. And that -- does that accurately
12 summarize what we've been discussing about what your
13 marketing science role at TikTok is?

14 MR. VIVES: Object to the form.

15 A Could you rephrase the question, please?

16 BY MS. COLOMBO:

17 Q Sure. Sure.

18 We've been discussing what your role in
19 the marketing science department at TikTok is.

20 And does that excerpt that I read from
21 this blog post accurately summarize what we've been
22 discussing about your responsibilities at TikTok?

23 A Broadly speaking. I think the best way
24 to reframe it is, This is the expectation of clients
25 for any major advertising entity to be able to --

1 for clients to be comfortable that there -- there
2 are teams that exist that can help them to
3 objectively understand that effectiveness.

4 Q Okay. Okay. I want to look at the
5 bottom of -- of page two, the page that we're on.

6 A Okay.

7 Q There's a heading, "The magic of
8 Marketing Science"; do you see that?

9 A I do.

10 Q Okay. And starting from the third
11 sentence that starts, "Our team comprises;" do you
12 see that?

13 A Uh-huh.

14 Q Okay. It says, "Our team comprises
15 measurement, research, and data science functions,
16 and we work closely with product and client teams to
17 delve into these questions and find a way to unlock
18 value."

19 Did I read that correctly?

20 A Yes.

21 Q Okay. And when you say your -- when you
22 refer to answering these questions, you are
23 referring to the questions that you said earlier, Do
24 the ads work and why and how do they work; right?

25 A That is correct.

1 Q Okay. So -- and we talked about how your
2 team involves functions that are
3 measurement-focused, research-focused, and data
4 science-focused; right?

5 A Uh-huh.

6 Q Okay.

7 A Correct.

8 Q But your team also works with the product
9 and client teams as well at TikTok?

10 A It is --

11 MR. VIVES: Object to the form.

12 A Can you help me rephrase the question?

13 BY MS. COLOMBO:

14 Q Sure. So your marketing science team
15 works with the product and client teams at TikTok;
16 right?

17 A Let me give you an example of why this is
18 important.

19 Clients come to us directly when they
20 really want to understand very specific questions
21 that are important to their business.

22 So it's important that my team is -- my
23 team essentially is a nexus where we partner, of
24 course, with the client teams because we want to
25 have consistent relationship. We bring them on

1 board.

2 But also, we are dependent on having a
3 plethora of tools -- first-party- or
4 third-party-related tools where we have to be able
5 to work with the -- with the product team for these
6 specific things.

7 So the mission is still the same on
8 the -- on the topics that we cover, but we do rely
9 on cross-functional partnerships internally.

10 Q Okay. That's very helpful. Thank you.

11 What about the work with the product
12 team, what type of -- what type of work with the
13 product team does your department do?

14 A If -- let me give you a concrete example.

15 If we move to page three of the document,
16 on page three of the document under one, two -- the
17 third paragraph, you would see that there's a couple
18 of bolded items.

19 So measurement solutions, such as
20 "Attribution Analytics," "Conversion Lift Studies,"
21 and "Post-Purchase Surveys." These tools are being
22 built by the product organization --

23 (Whereupon, the court reporter
24 requests clarification.)

25 A Let me give you an example.

1 On the third page, if we jump into
2 towards where it says, The journey of measurement
3 solutions, on -- under the third paragraph, there
4 are some products that are being announced and
5 launched in -- in this blog post, such as
6 attribution analytics, conversion lift studies, and
7 post-purchase surveys, also in unified lift.

8 Those are features and products that my
9 team uses for clients to use -- to understand
10 advertising effectiveness. There's more tools, but
11 these are some examples that we announced.

12 The product team builds the solutions and
13 then gives them to us to deploy for clients. This
14 would be a concrete example on how we partner with
15 the product organization.

16 BY MS. COLOMBO:

17 Q Okay. Thank you.

18 Any other teams at TikTok that you would
19 say your team works with?

20 A We've put -- well, as you can imagine,
21 the questions that client ask us are fairly
22 important and we have a very large number of
23 cross-functional partners that come to us, whether
24 it's the marketing team, whether product team,
25 obviously, the sales team.

1 But it is fair to say that we are often
2 one of the most sought-after, cross-functional
3 groups internally at TikTok for the specific topic
4 that we cover.

5 Q Okay. Any other departments you can
6 think of?

7 A Multiple departments have come across
8 or -- or -- or -- or teams.

9 Again, advertising effectiveness is a
10 very important topic. So teams that do come to
11 us -- I can't recall -- you know, I could say most
12 teams, but it depends on the situation, the topic,
13 the client need.

14 But when -- when -- I think the best way
15 to reframe is when it comes to advertising
16 effectiveness of insights, teams would come to us.

17 Q Okay. And when you referred to the sales
18 team, are the -- the sales employees the ones that
19 actually manage the relationship with the clients?

20 A It is reasonable to say that the sales
21 teams would manage the relationship with clients.

22 We work in parallel. And as the
23 relationships with clients expands, we will
24 independently have conversations with our own client
25 analytical teams because it's important that we have

1 objective trust. And so we will be able to do our
2 work to work with -- with the sales team.

3 So we work in partnership, but we make
4 sure that -- that -- that clients and the sales
5 teams see us as an objective party within TikTok to
6 be able to understand the answers to those
7 questions.

8 Q Okay. So part of your role at TikTok
9 does involve interfacing with clients, then?

10 A Yes.

11 Q Okay. And let me just clarify. And when
12 we are saying "clients," we are referring to
13 advertising clients for TikTok; right?

14 A That is correct.

15 Q Okay. Did TikTok have a marketing
16 science team before you joined?

17 A No. This is why I was brought in.

18 Q Okay. So fair to say, you built TikTok's
19 marketing science team from the ground up?

20 A That is correct.

21 Q Okay. And before you started at TikTok
22 in 2019, you worked at Facebook; right?

23 A That is correct.

24 Q Okay. Was that before the company was
25 renamed as Meta?

1 A That is correct.

2 Q Okay. So did you -- did you have
3 responsibility for any specific product in terms of
4 your work at Meta?

5 A Product? No. Typically, any marketing
6 organization doesn't own a product.

7 (Whereupon, the court reporter
8 requests clarification.)

9 THE WITNESS: Sorry.

10 A Typically, any marketing science
11 organization does not -- does not own a product.

12 So when -- when I was at Facebook, I was
13 specifically working on the marketing science
14 research team and I was also working on leading the
15 marketing science agency measurement team. So
16 I've -- I've worked in both departments.

17 BY MS. COLOMBO:

18 Q Okay. And you started at Meta in
19 May 2013?

20 A Yes, that sounds about right.

21 Q Okay. And you were there for about six
22 and a half years?

23 A About so.

24 Q Okay.

25 A Yes.

1 Q And your title was global ecosystem
2 measurement manager; does that sound right?

3 A That sounds about right, yes.

4 Q Okay. Did you have any other titles?

5 A Ecosystem manager when I was doing the
6 research work. And then, agency measurement lead or
7 agency measurement -- yeah, agency measurement lead
8 when I was doing the -- the -- the agency-related
9 measurement work.

10 Q Okay. Did your work at Facebook involve
11 similar responsibilities to the work you now do
12 at TikTok?

13 A Yes. I have been in my career very --
14 I -- I've followed a very consistent path in terms
15 of the world of research and measurement.

16 Q Okay. Now, we talked -- you mentioned
17 earlier some board and industry groups --

18 A Uh-huh.

19 Q -- boards and industry groups that you
20 are involved with; do you remember that?

21 A Yes.

22 Q Okay. Is one of those the Advertising
23 Research Foundation?

24 A That is correct.

25 Q Okay. And you sit on the board of

1 trustees for the Advertising Research Foundation;
2 right?

3 A The board of trust- -- that sounds about
4 right.

5 Q Okay. And you've sat on that board since
6 May 2021?

7 A That is correct.

8 Q Okay. What is the Advertising Research
9 Foundation?

10 A It -- it's a very -- it -- it -- it's an
11 organization that's been around for a very long time
12 and it's important to the advertising community,
13 particularly, in the United States, where it is
14 research experts across the industry, where they're
15 able to invest in doing -- they -- they nurture and
16 they foster the high-quality research for the
17 industry to better interactively help advertisers,
18 clients, and agencies understand foundational topics
19 on how advertising works and -- and why does it
20 work.

21 So you could consider that the
22 advertising equivalent of an academic review
23 literature board.

24 Q Okay.

25 A And they have great events.

1 Q That's good.

2 So is this an industry association?

3 A That's correct.

4 Q Okay. And is TikTok a member of this --

5 A Yes.

6 Q -- association?

7 Okay. And what does your work at the
8 Advertising Research Foundation entail?

9 A It's pretty -- it's pretty light touch.

10 We are -- we are participa- -- first, we
11 are members because we believe in the -- well, I
12 believe on the -- on the mission of -- of the ARF.
13 More clients and my clients do care about the ARF.
14 So it's important to -- to respond in kind. So
15 membership participation.

16 There's also event contributions. So
17 sometimes we will participate on the -- those
18 events.

19 So in the past, for example, my team
20 has -- we've sponsored and we -- we've partnered, as
21 part of things, like, the Creative Effectiveness
22 Awards.

23 So there are some things that -- that
24 bring the industry together when it comes to the
25 topic of advertising research.

1 Q Okay. Do you participate in any of the
2 research?

3 A I've handed out a few awards in my time.

4 Q You've --

5 A I've handed out a couple of awards --

6 Q You've handed --

7 A -- at those --

8 Q -- out a --

9 A -- events.

10 Q -- couple of awards.

11 A Yeah.

12 Q Okay. Have you ever received any awards?

13 A Years ago -- years ago, when I had a lot
14 more hair, I got one of the -- some -- some award --
15 actually, more like a certificate. I lost out to,
16 like, a very, very brilliant person. But I very
17 fondly remember that day.

18 Q Certificates still matter.

19 Do you remember what that certificate was
20 for?

21 A Something -- Great Minds Award or some --
22 it's been such a long time ago.

23 Definitely a certificate. Definitely,
24 like, a -- it was contribution for some of the work
25 that I had been doing as a internet contributor in

1 my days back at Ogilvy, or a -- an -- an advertising
2 agency.

3 But what I do remember is that to me --
4 that -- that was a very meaningful certificate
5 because the ARF is a very -- in the -- in the
6 advertising community, if -- if you care about
7 research and care about high-quality research,
8 getting recognition like that says that you're on
9 the right career trajectory.

10 Q Well, congratulations -- a belated
11 congratulations.

12 A Many years. Thank you.

13 Q Okay. Are there any other boards or
14 industry groups that you are -- that you hold
15 positions in?

16 A I am in the following industry groups
17 within the IAB, Interactive Advertising Bureau. I
18 am in their measurement board.

19 I am also in, like, a -- a -- active
20 participant with the WFA, the World Federation of
21 Advertisers, in their cross media measurement
22 initiative. That's global.

23 And as part of that initiative, there is
24 related work streams with ISBA, which is similar --
25 like organization in the UK and also in the U.S.,

1 there's the ANA, the Associat- -- Association of
2 National Advertisers, here in the U.S.

3 And those are all related as part of the
4 same cross media measurement initiative that the WFA
5 has started.

6 Q Okay. And you said ISBA, is that ISBA?

7 A ISBA, yes.

8 Q Okay. And the last one you said was the
9 ANA?

10 A That is correct.

11 Q And do you --

12 A Here in the U.S.

13 Q Do you -- other than the measurement
14 board for the IAB, do you hold any other board
15 positions?

16 A Those would be the main ones.

17 Q Okay. So you are involved on the boards
18 of those -- those four organizations?

19 A With -- within their specific work
20 streams. They are large organizations.

21 Q Uh-huh.

22 A So when it comes to measurement across
23 media, I tend to be in -- in those measurement
24 groups.

25 Q Okay. And does your work -- let me start

1 over.

2 Does your work with those organizations
3 involve similar work that you described for me with
4 the res- -- with respect to the Advertising Research
5 Foundation?

6 A They would be a little bit different.

7 The Advertising Research Foundation is
8 more of a contribution that they would lead on their
9 own research, and sometimes there are topics or
10 events. It's -- it's a very light-hearted -- it's a
11 very light touch.

12 With the other four groups I mentioned,
13 IAB, WFA, ANA, or ISBA, they're very specific
14 participation because clients are asking teams like
15 mine to think about beyond just TikTok, think about
16 how does TikTok belong in their media mix or the --
17 a broader way to understanding the measurement.

18 So in those groups, we sit as part --
19 we're -- we're part of a table among clients,
20 agencies, and other peers to understand how to
21 improve measurement. And that could be to
22 understand advertising effectiveness.

23 So there's -- there's -- in -- for many,
24 many, many, many years, there's been groups like
25 this.

1 Q Okay. And Q1, does that start in
2 November?

3 A Q1 would start in January.

4 Q Okay. Thank you for that clarification.
5 Okay. And looking at this document,
6 Exhibit 6, and having looked at the metadata that
7 lists you as the custodian for this document, do you
8 have any reason to dispute that this was produced
9 from your files?

10 A One important piece of context. I
11 started working in Q4 2019. I started in December.

12 Q Understood.

13 But do you have any reason to dispute if
14 TikTok has produced this from your files that it was
15 part of your files?

16 MR. VIVES: Counsel, can we let the
17 witness see the document? We've only
18 seen slide one so far.

19 MS. COLOMBO: Does the witness have
20 the ability to --

21 MR. VIVES: I don't think so.
22 Are we able to just kind of --

23 MS. COLOMBO: Okay.

24 MR. VIVES: -- scroll through
25 quickly?

Page 92

1 THE WITNESS: Next page. Next page.
2 Blank.
3 Next page.
4 MR. VIVES: It's a video.
5 THE WITNESS: Skip.
6 Next.
7 Next page.
8 Next.
9 Next.
10 Next.
11 Next.
12 Next.
13 Sorry.
14 Just keep going.
15 Okay. Next.
16 Next.
17 Okay. Next.
18 Okay. Next.
19 Okay. Next.
20 Okay.
21 Okay. Next.
22 Next.
23 Okay. Next.
24 Okay. Next.
25 Next.

Page 93

1 Okay. Next.
2 Next.
3 Next.
4 Next.
5 Next.
6 Next.
7 Next.
8 Next.
9 Next.
10 Next.
11 Next.
12 Next.
13 Looks to me --
14 MR. VIVES: Looks like the end.
15 THE WITNESS: Next.
16 It's all right. Just keep going.
17 Oh. Okay. Next.
18 Okay. Next.
19 Next.
20 Next.
21 Okay. Next.
22 Next.
23 Next.
24 Next.
25 Next.

1 Next.

2 Next.

3 Next.

4 Next.

5 Next.

6 Next.

7 Next.

8 Next.

9 Next.

10 Next.

11 Next.

12 Next.

13 Next.

14 Next.

15 Next.

16 Next.

17 Next.

18 Next.

19 Next.

20 Next.

21 Next.

22 MS. COLOMBO: Counsel, can we go off
23 the record for this?

24 MR. VIVES: I don't know if we
25 should go off the record, but...

Page 95

1 THE VIDEOGRAPHER: The time right --
2 oh, sorry.

3 MR. VIVES: -- if he's reviewing a
4 document to testify.

5 MS. COLOMBO: I understand, but this
6 is a little unique in the sense that he
7 doesn't have the ability to --

8 MR. VIVES: Yeah.

9 MS. COLOMBO: -- flip through it.

10 THE WITNESS: How about this, just
11 keep going. I'll tell you if -- to stop;
12 okay?

13 So just keep going. Scroll.
14 Scroll. Scroll.

15 Okay.

16 Keep going. Keep going.

17 Okay. Is that it?

18 MS. COLOMBO: Is that it?

19 THE WITNESS: All right. There we
20 go.

21 BY MS. COLOMBO:

22 Q All right. Thank you.

23 A Okay.

24 Q Okay. So I believe before we started
25 looking at that my question was: Do you have any

1 reason to dispute if TikTok has produced this from
2 your files, that this document was in fact produced
3 from your files?

4 MR. VIVES: Object to the form.

5 A Again, I started in Q4 of 2019, so it
6 looks like this document was produced before my
7 time. And it is reasonable to say this document was
8 probably shared and is probably archived in some
9 document that I have.

10 BY MS. COLOMBO:

11 Q Okay. So this would have been shared
12 with you within the scope of your work at TikTok?

13 A That's reasonable to say, yes.

14 Q Okay. Okay. And thinking about who the
15 intended audience for a slide deck like this one is,
16 this would have been a presentation that was given
17 to clients; right?

18 A You -- it is difficult for me to
19 ascertain the audience as this is before I started
20 at the company.

21 My assessment upon reviewing this
22 document is this -- it is reasonable to say that
23 this would be external for clients.

24 As to what kind of clients, whether they
25 belong on the sales team or on the -- on the -- the

1 content team, I do not know.

2 Q Okay. Fair enough.

3 Okay. Let's look at slide eight, please.

4 And the -- the title of this slide is, Massive
5 growth in 2018; do you see that?

6 A I see it.

7 Q Okay. And there is a line graph on the
8 left side of the page that shows the monthly
9 downloads of TikTok in the United States in 2018; do
10 you see that?

11 A I see it.

12 Q Okay. And the line graph plots data from
13 January 2018 through October 2018; right?

14 A Yes.

15 Q Okay. And this graph shows that in
16 January 2018, monthly downloads for TikTok in the
17 U.S. are at about 1.5 million; right?

18 MR. VIVES: Object to the form.

19 A It's reasonable to say that this chart
20 does show that there was an increase over the --
21 over those -- over those 12 months for the increase
22 in monthly downloads.

23 BY MS. COLOMBO:

24 Q Okay. So this chart starts out with
25 monthly downloads around 1.5 million and by

1 October 2018, that number increases to almost
2 4 million; right?

3 MR. VIVES: Object to the form.

4 A The chart does show the increase, the
5 consistent increase.

6 BY MS. COLOMBO:

7 Q Okay. And the -- this line graph also
8 shows that starting in October 2018, TikTok's
9 monthly downloads were more than other plotted video
10 platforms?

11 MR. VIVES: Object to the form.

12 MS. COLOMBO: I believe, actually --
13 can you exit the presentation mode and
14 just -- there we go.

15 BY MS. COLOMBO:

16 Q So if you see at the bottom of that line
17 graph, there's an asterisk that says, Topping all
18 other video platforms since October.

19 Do you see that?

20 A I see the sourcing from Sensor Tower and
21 that is the summary of the data that they have
22 provided, yes.

23 Q Okay. And that was going to be my next
24 question.

25 The source of this data is Sensor Tower;

1 right?

2 A Yes. That is a third-party app tracking
3 competitive analysis company.

4 Q Okay. Let's go to the next slide, which
5 is slide 13?

6 A Uh-huh.

7 Q And the title of this slide is, Our
8 global audience; do you see that?

9 A I see it.

10 Q Okay. And this slide reflects that at
11 this time, TikTok has 27 million monthly active
12 users in the U.S.; right?

13 MR. VIVES: Object to the form.
14 Lacks foundation.

15 A I'm able to see what you are showing me
16 here in the -- in the -- in -- in the graph.

17 BY MS. COLOMBO:

18 Q Okay. And that's what it says; right?

19 A That's what it says.

20 Q Okay. Okay. Let's go to the next slide,
21 slide 14.

22 This slide is titled, Our audience in the
23 U.S.; do you see that?

24 A I see it.

25 Q Okay. On the left side, the slide says,

1 Generation Z focused; do you see that?

2 A I see it.

3 Q Okay. And on the right side, there's a
4 pie chart that shows that 60 percent of TikTok's
5 audience in the United States is 16 to 24 years old;
6 do you see that?

7 A My understanding is this document is
8 reflective of 2018 data and produced in Q1 2019 and
9 I started the company in Q4 of -- of 2019.

10 And this is from another third-party
11 competitive company called App Annie. And this --
12 this is the data from App Annie's own data sets.

13 I don't see the sourcing for the time,
14 but it's reasonable to say it would be similar to
15 how they pulled it for Sensor Tower.

16 Q Okay. But the data that is presented
17 here does reflect that at this time, TikTok's
18 audience in the U.S. was 60 percent users aged 16 to
19 24, at least according to this slide; right?

20 A And according --

21 MR. VIVES: Object to the form.

22 Lacks foundation.

23 A According to App Annie's own estimates.

24 BY MS. COLOMBO:

25 Q Okay. And that is what's reflected on

1 this slide; right?

2 A Yes.

3 Q Okay. And this pie chart on the right
4 does not reflect users under the age of 16; right?

5 A I believe that App Annie has their own
6 governance on how they analyze the data.

7 I don't remember the details, but I -- I
8 don't know that I can speak to the mechanics of how
9 this data was pulled and what it did and didn't
10 include.

11 Q Uh-huh.

12 A Again, this is before I started and I'm
13 not familiar with this analysis.

14 Q And -- and I'm only asking about how the
15 data is presented here.

16 So this pie chart does not include users
17 under the age of 16; right?

18 A If we look at the pie chart at face
19 value, the pie chart would say there's only two
20 cohorts: 16 to 24; 25-plus. So 16-plus --

21 Q Okay.

22 A -- is what you would derive from looking
23 at this chart.

24 Q Okay. Thank you. And at this time,
25 TikTok did have users who were under the age of 16;

1 right?

2 MR. VIVES: Object to the form.

3 Lacks foundation.

4 A Again, I started in Q4 of 2019. I can
5 speak to items I'm familiar with after I started at
6 the company.

7 BY MS. COLOMBO:

8 Q Okay. TikTok, though, has always allowed
9 14- and 15-year-olds to use its platform, though;
10 right?

11 A I believe that there are processes and --
12 and controls in place. There is, I think, in the
13 app it's -- I -- I think -- I think it's 13-plus and
14 I believe in the app store, I think it's 12-plus.

15 Q Okay.

16 A But for advertising purposes, again, I
17 focus on primarily the 18-plus demographic.

18 Q Okay. Let's look at the next slide.
19 The slide is titled, Our engagement in
20 the U.S.; do you see that?

21 A I see it.

22 Q Okay. And on the left side of this slide
23 there are metrics about how users in the U.S. are
24 using TikTok; right?

25 A Yes.

1 Q Okay. And one of the figures on the left
2 side is that users in the U.S. spend 43 or more
3 minutes per day on TikTok; right?

4 A From what's in the chart.

5 Q Okay. And users in the U.S. open the app
6 more than eight times a day; do you see that?

7 A From what's in the chart.

8 Q Okay. Let's look at the next slide,
9 please, slide 16. This slide is titled, Comparison
10 average session duration.

11 Do you see that?

12 A I see it.

13 Q Okay. And on the left side of the slide,
14 there is a kind of cool looking bar graph that's
15 kind of slanted; do you see that?

16 A Yes, I see it.

17 Q Okay. But it would -- would it still be
18 a bar graph? Is that fair?

19 A Yes.

20 Q Okay. Just wanted to make sure I had the
21 right terminology there.

22 And that bar graph reflects the average
23 session duration on TikTok being 294 seconds; do you
24 see that?

25 MR. VIVES: Object to the form.

1 MS. COLOMBO: We've been on for a
2 while.

3 MR. VIVES: Sure.

4 THE VIDEOGRAPHER: The time right
5 now is 12:17 p.m. and we are off the
6 record.

7 (Whereupon, there was a lunch recess
8 taken from 12:17 p.m. to 1:01 p.m.)

9 THE VIDEOGRAPHER: The time right
10 now is 1:01 p.m. and we are back on the
11 record.

12 BY MS. COLOMBO:

13 Q Welcome back, Mr. Ruiz. I hope you had a
14 nice lunch.

15 A Thank you.

16 Q So I want to pull up Tab 43, please.
17 And this is going to be Exhibit 7.

18 (Whereupon, Exhibit TikTok-Ruiz 7,
19 Excel Spreadsheet, Bates-Labeled
20 TikTok3047 MDL/079/Lark/02217029, was
21 marked for identification.)

22 MS. COLOMBO: And Exhibit 7 is a
23 document that was produced by TikTok in
24 this litigation with the Bates number
25 TikTok3047 MDL/079/Lark/02217029.

1 BY MS. COLOMBO:

2 Q And this is an Excel spreadsheet that
3 TikTok produced to us out of your files.

4 Do you have any reason to dispute that
5 this came from your files?

6 A This does not look like a document that
7 my team owns, but this -- if this is 2019, I think
8 this would either be shared from either the sales
9 team or the core product team.

10 So this may be shared into me, but it's
11 not -- those -- those are not metrics that my team
12 focuses on.

13 Q Okay. And this is something that would
14 have been shared with you as part of your job --

15 A Yes.

16 Q -- working at TikTok?

17 A Correct.

18 Q Okay. And looking at -- so this -- as I
19 said, this was produced as a native Excel file. We
20 were able to print it out so that you can see it.

21 A Uh-huh.

22 Q But looking at page two of this document,
23 which is the document metadata sheet, do you see
24 yourself listed as the custodian there?

25 A I -- I see the file.

Page 127

1 Q Okay. And the do you see the create date
2 of this document is listed as 12/29/2019?

3 A I see it.

4 Q Okay. And let's turn back to the
5 printout of the spreadsheet here.

6 Okay. Now, do you -- I'm sorry. I'm
7 just having a hard time seeing this.

8 Okay. Do you see at -- if you are
9 looking at the first row there, if you go towards
10 the right side, there is a row that says EOY 2021;
11 do you see that?

12 A Yes.

13 Q Okay. And "EOY" generally means end of
14 year; right?

15 A Correct.

16 Q Okay. So that says end of year 2021;
17 right?

18 A Uh-huh.

19 Q Okay. So the data in this spreadsheet is
20 the end of year data for the year 2021?

21 MR. VIVES: Object to the form.

22 A Maybe. This document -- A, I don't
23 recognize this document; B, some of these metrics
24 tangentially look like things I hear about at the
25 company.

1 But if it says -- if the document has a
2 spread -- a column that says end of year 2021, but
3 it looks like if it was pulled -- pulled from my
4 records on 2019 December, I'm -- I'm not sure on --
5 on the timing, but I -- I can -- I -- I can confirm
6 what you are describing, that there's a column that
7 says end of year 2021.

8 BY MS. COLOMBO:

9 Q Okay. Fair enough.

10 So -- so I want to go back toward the
11 left side of this sheet.

12 Do you see the column that is labeled
13 "Top Level Metric"?

14 A Yes.

15 Q Okay. And the first -- the first row
16 under top level metric is DAU; right?

17 A Yes.

18 Q Okay. And DAU is daily active users;
19 right?

20 A Generally speaking, DAU would be defined
21 as that.

22 Q Okay. And -- and -- and going over in
23 this row, do you see that it says in the 11 to 12
24 bi-month, TikTok has 879.5 million daily active
25 users; right?

1 MR. VIVES: Object to form. Lacks
2 foundation.

3 A I -- I can see what you are referencing
4 in the document.

5 BY MS. COLOMBO:

6 Q Okay. And 11 to 12 bi-month, that would
7 generally refer to November and December of a given
8 year; correct?

9 A Generally speaking.

10 Q Okay. Thank you. Okay.

11 And there's an eight-week trend line
12 there showing -- showing how DAU has fluctuated over
13 that -- that eight month -- or that eight-week
14 period; do you see that?

15 A Yes.

16 Q Okay. Okay.

17 And do you see in the second row there
18 that the -- the second row under "top level metric"
19 is stay duration in minutes; do you see that?

20 A I see it.

21 Q Okay. And there is an eight-week trend
22 line there showing how the stay duration is
23 increasing over that eight-week period; right?

24 MR. VIVES: Object to the form.

25 A I can see what you are referencing in the

1 document.

2 BY MS. COLOMBO:

3 Q Okay. And this document shows that
4 between September and December, the amount of time
5 an average user is spending on TikTok rose from
6 84.41 minutes to 86.3 minutes every day?

7 MR. VIVES: Object to form. Lacks
8 foundation.

9 A I can see where you are referencing on
10 the -- on the page.

11 One important caveat that, A -- well, A,
12 those are not my metrics, so I don't have all the --
13 all the -- all the ownership or familiar with them;
14 and B, I'm not sure if this metric is tracked per
15 session or cumulative or across an average of --
16 whether per week or per month. So I don't know if
17 that 84 is for the single session or across multiple
18 sessions.

19 BY MS. COLOMBO:

20 Q Okay. And stay duration does not
21 indicate that it would be a -- a -- one session?

22 A Well, if it's -- again, I don't govern
23 these metrics, but it -- I think -- I think it's
24 important as you -- as you look through -- for those
25 documents, when it comes to stay duration it's

1 often -- often it's expressed -- for time series
2 purposes you would accumulate across multiple
3 sessions because users come back across multiple
4 sessions.

5 But I -- I can't -- this -- this
6 entail -- this 86 or this 84, for me I would need to
7 understand if this is, like, per session or
8 accumulated across "X" number of sessions.

9 Q Okay. And looking at the column in that
10 same stay duration row, the column labeled "EOY
11 target"; do you see that?

12 A Yes.

13 Q That's end of year target; do you see
14 that?

15 A Yes.

16 Q Okay. And it shows that the target for
17 this time was to increase stay duration to
18 89.7 minutes per day; right?

19 MR. VIVES: Object to the form.

20 Lacks foundation. Calls for speculation.

21 A It would be reasonable that if you are
22 leading teams that have all these metrics that you
23 would set some sort of a target.

24 BY MS. COLOMBO:

25 Q Uh-huh.

1 A So where and how those teams are
2 governing, what they're prioritizing, that's for
3 other teams to look at. I'm sure there's more than
4 just this.

5 But it's reasonable to say that as part
6 of normal business cadence, you have trending and
7 then you have some sort of a target and then
8 expectation and -- and -- and business context as to
9 why you want to, like, move those metrics.

10 Again, I don't govern those metrics.

11 Q Okay. But this document does reflect
12 that the EOY target for this metric was 89.7; right?

13 A My understanding of this page you are
14 showing me that every single metric has a target.

15 Q Okay. And the target for stay duration
16 is 89.7 on this -- as reflected on this document;
17 right?

18 A On this document.

19 Q Okay. Okay. And at the bottom of the
20 page, you'll see under the category heading there is
21 a section for revenue; do you see that?

22 A I see it.

23 Q Okay. And the revenue top-level metrics
24 are for live revenue and e-commerce GMV; do you see
25 that?

1 A I see it.

2 Q What is GMV?

3 A GMV would be more commonly known as gross
4 monetary value and that's more common for e-commerce
5 features.

6 Q Okay.

7 A So if you are, for example, having
8 transactions, it's the actual value of those
9 transactions -- of -- of those transactions.

10 Q Okay. And under this revenue section,
11 there's also a row for -- or within this revenue
12 section, there's also a row for ads revenue; do you
13 see that?

14 A I see ads revenue, yes.

15 Q Okay. And if we look at the row that
16 contains the top-level metrics for ads revenue -- or
17 excuse me, that contains the top-level metric ads
18 revenue, it says TikTok's ads revenue rose from
19 1.542 billion in September and October 2022 -- or
20 excuse me, let me start over there.

21 And for ads revenue, it says that
22 TikTok's ads revenue rose from 1.42 billion in
23 September and October to 1.899 billion in November
24 and December.

25 Do you see that?

1 MR. VIVES: Object to the form.

2 A I -- I -- I see -- I see what's in the
3 document.

4 BY MS. COLOMBO:

5 Q Okay. And if you look at the end of year
6 target for ads revenue, the -- the goal was to make
7 10.716 billion in ads revenue; right?

8 MR. VIVES: Object to the form.

9 A I see what's in the document, yes.

10 BY MS. COLOMBO:

11 Q Okay. And looking at the column that's
12 labeled bi-month OKR completion percent, do you see
13 that this document reflects that that goal was
14 90 percent of the way completed at this time?

15 A You mean -- yes, as -- 97 percent.

16 Q Okay. And this -- and looking at the
17 TikTok -- looking at the row that is labeled live
18 revenue, you'll see that the end of year goal was
19 \$4.9 billion in revenue from TikTok Live; do you see
20 that?

21 A I -- I see it.

22 Q Okay. And staying in that same target
23 column, the goal for e-commerce would be
24 \$3.649 billion; do you see it?

25 A I see it.

Page 200

1 A Yes.

2 Q Okay. So I want to look at the first
3 page of this presentation.

4 A Okay.

5 MS. COLOMBO: Let's go off the
6 record for a second because this is not
7 showing up correctly.

8 THE VIDEOGRAPHER: The time right
9 now is 2:44 p.m. and we are off the
10 record.

11 (Whereupon, there was a recess taken
12 from 2:44 p.m. to 2:47 p.m.)

13 THE VIDEOGRAPHER: The time right
14 now is 2:47 p.m. and we are back on the
15 record.

16 MS. COLOMBO: Okay. And we can mark
17 the -- the native file for this document
18 as Exhibit 17.

19 (Whereupon, Exhibit TikTok-Ruiz 17,
20 Native File, was marked for
21 identification.)

22 BY MS. COLOMBO:

23 Q And looking at this first slide, the --
24 the title of this presentation is, TikTok U.S.
25 audience insights; do you see that?

1 A I see it.

2 Q And it says, Comparison by age group; you
3 see that?

4 A I see it.

5 Q Okay. And then it says, Marketing
6 Science North America October 2020; do you see that?

7 A I see it.

8 Q Okay. So this was a presentation that
9 was prepared by your department; right?

10 A So maybe some clarification because this
11 is five years old. I don't immediately re- - recall
12 it.

13 But as I'm looking at the document
14 metadata, the author was [REDACTED] (phonetic) and
15 [REDACTED] was not in my organization. He was in the
16 marketing or product organization.

17 So it -- if -- what's labeled here is
18 what's labeled here, but I'm trying to recall this
19 document knowing that the author is somebody that
20 was not on my team.

21 Q Sure. You -- you don't dispute, though,
22 that Marketing Science North America was involved in
23 this -- the preparation of this document?

24 MR. VIVES: Object to the form.

25 A Again, this is a five-year-old document

1 and as I look at the author, the author sat outside
2 of my department.

3 So it would be more generous to say that
4 there may have been some shared presentation, but
5 this style -- this style looks definitely like an
6 internal document and not something that would be
7 prepared and vetted for external marketing purposes.

8 BY MS. COLOMBO:

9 Q Okay. But on the first page it does say,
10 Marketing Science North America; do you see that?

11 A It -- that -- that -- that's what you are
12 showing me.

13 Q Okay. So let's -- let's look at slide
14 two, please.

15 And then this slide is titled, TikTok
16 generation Snapchat.

17 Do you see that?

18 A I see it.

19 Q And it shows how users are categorized by
20 age in this -- in this data?

21 A I see it.

22 Q Okay. And you have all the way to the
23 left, late Gen Z, 13 to 17; do you see that?

24 A I see it.

25 Q Okay. And then, Early Gen Z, 18 to 24;

1 you see that?

2 A I see it.

3 Q Okay. Let's go to the next slide.

4 It's titled, User demographics; do you
5 see that?

6 A I see it.

7 Q Okay. And this is -- there's a bar graph
8 showing the breakdown of demographics based on the
9 age categories on slide two; you see that?

10 A I see it.

11 Q Okay. And the age group with the most
12 users on TikTok at this time is age 13 to 17; right?

13 A I just can't --

14 MR. VIVES: Object to the form.

15 A Oh.

16 BY MS. COLOMBO:

17 Q I'm sorry. What was that, Mr. Ruiz?

18 A What you are showing me here is
19 five years ago. It is reasonable to say that Gen Z
20 was a very -- a very common topic of conversation
21 with advertisers.

22 And this would be -- at least what this
23 is showing is the bar graph with the highest
24 proportion is the 13 to 17 cohort.

25 Q Okay. And this is -- the source of this

1 aside. I think that's all I have.

2 A Okay.

3 Q Okay. We are going to pull up Tab 33
4 next.

5 MS. COLOMBO: And for the record,
6 this is a document produced by TikTok in
7 this litigation with the Bates number
8 TikTok3047 MDL-085-03619367.

9 And we are going to mark this
10 Exhibit 19.

11 MS. BREAKELL: Yes.

12 MS. COLOMBO: Okay.

13 (Whereupon, Exhibit TikTok-Ruiz 19,
14 Document, Bates-Labeled TikTok3047
15 MDL-085-03619367, was marked for
16 identification.)

17 BY MS. COLOMBO:

18 Q And if -- and this is a document that was
19 produced from your custodial file.

20 And if we look at the metadata, which is
21 the second to last page -- and let me know when you
22 are there, Mr. Ruiz.

23 A Okay.

24 Q Okay. Do you see yourself listed as the
25 custodian?

1 A I see.

2 Q Okay. Okay. So we can turn back to the
3 beginning of the document.

4 This appears to be a slide deck with the
5 title, TikTok times -- or excuse me, TikTok X e.l.f.
6 Cosmetics.

7 Do you see that?

8 A I do.

9 Q Okay.

10 A And it's a very wonderful brand.

11 Q I agree.

12 So this appears to be a presentation for
13 e.l.f. Cosmetics; right?

14 A That is correct.

15 Q Okay. Okay. And if you look at page
16 ten --

17 MR. VIVES: And, Mr. Ruiz, if you
18 need more time to look at the document
19 before answering questions, feel free --

20 THE WITNESS: That would be good.
21 Just give me a minute.

22 MS. COLOMBO: Okay. Let me know
23 when you are ready, Mr. Ruiz.

24 THE WITNESS: Okay. Okay. I'm
25 good.

1 BY MS. COLOMBO:

2 Q Okay. Let's look at page ten, which ends
3 in the Bates number -9376.

4 A Okay.

5 Q Okay. And this slide is titled, Our
6 audience in the U.S.

7 Do you see that?

8 A I see it.

9 Q Okay. And there is a pie chart on the
10 left -- excuse me, the right side of the page that
11 shows that users aged 13 to 24 make up 69 percent of
12 TikTok's monthly active users; do you see that?

13 MR. VIVES: Object to the form.

14 A I see what's on the page and it may be
15 useful to reference the very beginning of the page
16 for e.l.f. where it looks like in the data here it
17 says, A 18 to 25. This would suggest that this
18 campaign was trying to target adults 18 to 25.

19 BY MS. COLOMBO:

20 Q Okay. I'm going to move to strike that
21 as nonresponsive to my question.

22 But I'm just asking here, this shows
23 69 percent of TikTok's audience in the U.S. is aged
24 13 to 24; right?

25 MR. VIVES: Object to the form.

1 A For this document and this slide, for
2 this particular time period, it says March 2019.
3 That's what it shows here.

4 I -- I would encourage you to look at
5 additional documents as this trends over time.

6 BY MS. COLOMBO:

7 Q Okay. And the source of this document,
8 it's a little small on the corner on the left side,
9 but is internal TikTok data for March 2019; right?
10 For the U.S. --

11 A Prior to when I started the company, if
12 it's indeed March 2019, that -- that's what the page
13 shows here.

14 Q Okay. And the speaker's notes say, We
15 skew female and Gen Z, A 13 to 24 is our sweet spot.
16 Do you see that?

17 A It's what's on the page here.

18 I am not sure I would agree with the way
19 they wrote the -- the commentary. But, again, this
20 is before I started at the company.

21 Q Okay. So looking back at the pie chart,
22 the pie chart does not break down how many users in
23 that 13 to 24 segment are under 18; right?

24 A It only shows percent.

25 Q Yes. It -- yes, it does not break that

Page 221

1 MS. COLOMBO: And we are going to
2 pull up next Tab 35, which is going to be
3 Exhibit 21.

4 (Whereupon, Exhibit TikTok-Ruiz 21,
5 Document, Bates-Labeled TikTok3047
6 MDL-081-02289041, was marked for
7 identification.)

8 MS. COLOMBO: And that's a document
9 that was produced in this litigation by
10 TikTok with the Bates number
11 TikTok3047 --

12 THE WITNESS: Okay.

13 MS. COLOMBO: -- MDL-081-02289041.

14 THE WITNESS: Okay.

15 BY MS. COLOMBO:

16 Q And we can look at the custodial file --
17 or the -- excuse me, the metadata first, which is
18 the second to last page.

19 Do you see yourself listed as the
20 custodian there?

21 A I see.

22 Q Okay.

23 A Do you have a date reference?

24 Q There is a -- I -- I can point you to in
25 the document --

1 A Okay.

2 Q -- where there's an indication of date.

3 Let me just ask you -- I'll ask you a
4 couple questions first and then you can have an
5 opportunity to look at the -- flip through the
6 document.

7 A Okay.

8 Q But looking at this first page, it says,
9 Party City X TikTok; right?

10 A It does.

11 Q Okay. Little bit of a different look,
12 but kind of the same idea of the two previous
13 documents we looked at, Exhibit 19 and 20; right?

14 A Yes. This looks like almost five-,
15 six-year-old documents.

16 Q Okay. So I want to look at page ten,
17 which ends in the Bates number -9050.

18 MR. VIVES: And again, Mr. Ruiz, if
19 you need time to --

20 MS. COLOMBO: I'm just going to give
21 him an indication of the date of the
22 document.

23 MR. VIVES: Oh, okay. Great.

24 BY MS. COLOMBO:

25 Q Okay. If you see on this slide under

1 the -- the big text on the left it says, Source:
2 internal data April 2020, U.S. audience?

3 A Okay.

4 Q So did -- that -- this document -- fair
5 to say this document was created after April 2020;
6 right?

7 A Okay. Thank you.

8 Q And you let me know when you've had an
9 opportunity to flip through --

10 A Okay.

11 Q -- the document.

12 A Okay. Okay.

13 Okay.

14 Q Okay. Let's look at page nine of the
15 document, which ends in the Bates number -9049.

16 A Okay.

17 Q And it says on the left side, Our U.S.
18 audience has doubled in the last year.

19 Do you see that?

20 A I see it.

21 Q Okay. And then underneath it says, Over
22 84 MAUs... double this time last year.

23 Do you see that?

24 A I see it.

25 Q And "MAU" is monthly active users?

1 A Yes.

2 Q Okay. And to the left -- excuse me -- to
3 the right side of the page, it says, 77 percent of
4 our audience is under 34, Gen Z/young
5 Millennial-driven.

6 Do you see that?

7 A I see it.

8 Q And it shows that 34 percent of TikTok's
9 U.S. audience is aged 13 to 17; right?

10 A I see it.

11 Q And that is the highest for any of the
12 other listed segments on there, age segments; right?

13 A What's listed there.

14 It is important to note that most of my
15 advertisers and the advertisers that I've worked
16 with, they primarily care about the 18 to 24
17 demographic -- I'm sorry -- the 18-plus demographic.

18 Q Okay. So let's look at the speaker's
19 notes, starting with the word "historically," do you
20 see that?

21 A Yes.

22 Q Okay. It says, Historically across all
23 channels the early adopters are a younger demo and
24 that was the case for TikTok as well. But we are
25 starting to see the ages shift and our fastest

1 80 minutes on it per day, which is one-third of the
2 time people spend on their phone per day.

3 Do you see that?

4 A I see it.

5 Q Okay. And then let's go to the next
6 page, please?

7 A Okay.

8 Q And the title of this slide is,
9 Engagement is off the charts; do you see that?

10 A It looks to be a similar one as -- as
11 we've seen before.

12 Q Yup. Okay.

13 And in the speaker's notes, it says, As
14 you can see, you get sucked in unlike any other
15 channel.

16 Did I read that correctly?

17 A Those look to be the speaker notes.

18 Q Yup, in the speaker notes?

19 A Yeah.

20 Q I read that correctly, yes?

21 A Those look to be the speaker notes.

22 Q Okay. You can set that document aside.

23 A Okay.

24 MS. COLOMBO: We can pull up Tab 77,
25 which is going to be Exhibit 22.

Page 227

1 (Whereupon, Exhibit TikTok-Ruiz 22,
2 Document, Bates-Labeled TikTok3047
3 MDL-016-00353331, was marked for
4 identification.)

5 MS. COLOMBO: And for the record,
6 this is a document that was produced by
7 TikTok in this litigation with the Bates
8 number TikTok3047 MDL-016-00353331.

9 A Okay.

10 BY MS. COLOMBO:

11 Q Okay. And let's start off with the --
12 the metadata, please, second page from the back.

13 Do you see yourself listed as the
14 custodian there?

15 A As a custodian.

16 Q Okay. And you see the file name is, it
17 starts on TikTok 101 with a bunch of numbers and
18 letters --

19 A Yup.

20 Q -- after it?

21 Okay.

22 A Yeah.

23 Q Okay.

24 A Okay. All right. Let me look at the
25 document.

1 Q Okay.

2 A Okay.

3 Q Okay. Let's look at the first page of
4 this document. There appears to be one of those
5 cover sheets that we looked at with a circle on the
6 left side that says, Remove this slide before client
7 presentation.

8 Do you see that?

9 A Yes.

10 Q Okay. And there's a circle on the right
11 side that says, Internal only. This slide is
12 internal only; right?

13 A I see it.

14 Q Okay. And it says the intended audience
15 is existing media agency advertise -- advertisers;
16 do you see that?

17 A Yes.

18 Q Okay. So this is -- if you look at the
19 bottom, it says, Use case: Closed-door meetings for
20 clients under NDA. Do not send or share as a
21 leave-behind to clients.

22 Do you see that?

23 A I see it.

24 Q Okay. So with the exception of this page
25 and the next page, which the -- which are supposed

1 to be removed before presentation, this is a slide
2 deck that was meant to be given to clients; right?

3 A That's reasonable to say.

4 Q Or prospective clients; right?

5 A That's reasonable.

6 Q Okay. Okay. Let's look at -- let's just
7 go quickly to slide 22, which does not have a Bates
8 number unfortunately, so the title is, Your audience
9 is on TikTok.

10 A Okay.

11 Q This is not the correct slide.

12 Okay. That's not the correct slide, so
13 let's just actually start with slide 19 and we'll
14 get to the --

15 A Which slide again?

16 MR. VIVES: Sorry, which one?

17 MS. COLOMBO: Slide 19, which is
18 titled, Relevant reach.

19 THE WITNESS: Okay. Okay.

20 MS. COLOMBO: Okay. That's not
21 correct.

22 This is the slide that we're -- that
23 we're looking for.

24 (Whereupon, there was a discussion
25 off the record.)

1 BY MS. COLOMBO:

2 Q Okay. Slide -- slide 20. Okay. Page 20
3 of the PDF, slide 20.

4 A Okay.

5 Q There is a blue text box in the middle
6 that says, We reach your current and future
7 customers at scale.

8 Do you see that?

9 A I see it.

10 Q Okay. And if you look at the information
11 contained on this slide, in the middle it says, Gen
12 Z driving trends, brand, and love -- excuse me --
13 driving -- let me start over.

14 Gen Z driving trends, brand love, and
15 44 billion in spending power.

16 Do you see that?

17 A I see it.

18 Q Okay. And if you look at the left side
19 of the page, it shows 14 percent of monthly active
20 users on TikTok are aged 13 to 17; right?

21 A I see it.

22 Q Okay. And then on the right side of the
23 page, it says, 37 percent of monthly active users on
24 TikTok are aged 18 to 24; right?

25 A I see it.

1 Q Okay. And at the bottom of this slide in
2 small writing you'll see that there's -- at least in
3 part, this data is based on TikTok internal data
4 from April 2021; right?

5 A I see it.

6 Q Okay. So fair to say that this
7 PowerPoint was created after April '21 -- 2021;
8 right?

9 A It's safe to say.

10 Q Okay.

11 A Safe to say that this also reflecting
12 back from previous documents, it shows that this 18
13 to 24 cohort is -- is becoming more prominent.

14 Q Yes. Okay.

15 Let's look at the speaker notes.

16 And the first bullet point says, You can
17 reach every age group on TikTok and our largest demo
18 is Gen Z. Gen Z is reshaping the power dynamic and
19 for brands, they're redefining how culture decides
20 what's important and who gets to take advantage.

21 Did I read that correctly?

22 A That's what's in the -- that's what's in
23 the speaker notes.

24 Q Okay. And looking at the last bullet
25 point, it says, For brands looking to connect with

1 Exhibit 24.

2 (Whereupon, Exhibit TikTok-Ruiz 24,
3 Document, Bates-Labeled TikTok3047
4 MDL-018-00364960, was marked for
5 identification.)

6 MS. COLOMBO: And it is a document
7 that TikTok produced in this litigation
8 with the Bates label TikTok3047
9 MDL-018-00364960.

10 THE WITNESS: Uh-huh.

11 MS. COLOMBO: And yes, that will be
12 Exhibit 24.

13 BY MS. COLOMBO:

14 Q And we can start by looking at the
15 metadata.

16 On the second to last page, do you see
17 yourself listed as the custodian there?

18 A Yes, I see.

19 Q Okay. And the file name is, QuickTok
20 back to school edited.

21 Do you see that?

22 A Yes, I see.

23 Q Okay. And so we can turn back to -- this
24 is just a one-page document.

25 Let me know when you have had a chance to

1 review it.

2 A It's a very small font, but yes.

3 Q Is it easier to look at it on the screen?

4 A It may be.

5 Q Okay.

6 A Can you scroll down?

7 This document is from 2021; right?

8 Q Have you had a chance to look at it,

9 Mr. Ruiz?

10 A I'm looking through it.

11 Q If you -- I'll ask you just a question.

12 If you look at the top right-hand corner,
13 you will see issue 10/22.

14 Do you see that?

15 A Oh, 10/22. Okay.

16 Q Okay. Does that indicate to you that
17 this issue might have been from October 20- --

18 A 2022.

19 Q -- 2022?

20 MR. VIVES: Object to the form.

21 BY MS. COLOMBO:

22 Q Okay. And the -- at the left side of the
23 top of the page it says, QuickTok.

24 Do you know what that is?

25 A If I recall, the marketing team would

1 create one-pagers where they would compile content
2 from across various teams, as they would norm- --
3 run in the normal course of business to
4 synthesize -- synthesize different campaign
5 promotions or different topic promotions.

6 Q Okay. So this is material that could
7 have been sent to advertising clients?

8 A It could have been.

9 Q Okay. Let's look at some of the content
10 here of the document.

11 The title of the document is, Make back
12 to school cool on TikTok.

13 Do you see that?

14 A Yes.

15 Q Okay. I want to start with the second
16 sentence of that first paragraph.

17 It says, With our audience creating,
18 consuming, and engaging more every day, the platform
19 can expect to see an influx of school supplies and
20 clothing hauls from students and parents alike, tips
21 from teachers on preparing for the new school year,
22 and hilarious content coming straight from the
23 hallways. And there are endless opportunities for
24 brands to join in on the playground fun.

25 Did I read that correctly?

1 A That's what's written on the -- on the
2 document here.

3 Q Okay. I want to look at the center of
4 the page. On the left-hand side, it says, On TikTok
5 everyone is in attendance.

6 Do you see that?

7 A I see that.

8 Q Okay. It says, Over July through
9 September of 2021, weekly views for hashtag back to
10 school skyrocketed by 32 times from 18.3 million in
11 July to 594 million in September. This massive jump
12 in viewership can be attributed to TikTok's diverse
13 audience of Gen Z students, "educreators," and
14 parents of children in grade school.

15 Did I read that correctly?

16 A I see it.

17 Q Okay. And then the next portion of this
18 document is entitled -- or has a heading, Class is
19 in session, and the topic is Gen Z shopping.

20 Do you see that?

21 A I see it.

22 Q Okay. And the black box below the text
23 there has some figures; do you see that?

24 A I see it.

25 Q Okay. And it says that Gen Z TikTok

1 users are 1.4 percent more likely -- or excuse me --
2 1.4 times more likely than other platform users to
3 discover new brands and products on the platform.

4 Do you see that?

5 A I see it.

6 Q Okay. And it says on the left side that,
7 Gen Z TikTok users are 1.2 times more likely than
8 other platform users to feel excited or euphoric
9 about retail purchases.

10 Do you see that?

11 A I see it.

12 Q Okay. And let's go down to the next
13 section, which is called -- the heading for that
14 is -- actually, we can skip over the middle one and
15 go to the group project TikTok.

16 It reads, Part of the fun of making an
17 original TikTok is getting friends to join in and
18 this is especially true for our Gen Z users with
19 40 percent of those creating original content on
20 TikTok doing so with someone else. Between classes,
21 during lunch, and after that final bell rings, Gen Z
22 users on TikTok are pulling the squad together to
23 dance, participate in trends, and create on TikTok.

24 Did I read that correctly?

25 A That's what you have in the document.

1 Q Okay. And there are some figures there.
2 The first one being, 54 percent of Gen Z
3 users who learn new dances from TikTok do so with
4 someone else.

5 Do you see that?

6 A I see it.

7 Q The second is, 60 percent of Gen Z users
8 who participate in trends or pranks do so with
9 someone else.

10 Do you see that?

11 A I see it.

12 Q And 63 percent of Gen Z users who
13 participate in hashtag challenges do so with someone
14 else.

15 Do you see that?

16 A I see it.

17 Q Okay. And the last section on the page
18 is titled -- or has a heading, The TikTok Study
19 Guide.

20 And it says, When it comes to creating
21 back-to-school content for TikTok, we have a few
22 A-plus study tips that will take your brand above
23 and beyond.

24 And the -- I want to look at the middle
25 one, which is, Meet your classmates.

1 It says, Niche communities thrive and
2 drive business on TikTok, tune into college life,
3 teacher -- or excuse me -- tune into hashtag college
4 life, hashtag teacher life, hashtag high school, and
5 more to understand our unique audiences' interests
6 and behaviors. You'll be the coolest kid in school
7 in no time.

8 Do you see that?

9 A I see it.

10 Q And looking at the language in here about
11 "your brand," does that give any indication to you
12 about whether this was an external-facing document
13 for advertising clients?

14 MR. VIVES: Object to form.

15 A Well, this looks -- this looks like it
16 would be an externally-facing document.

17 I don't recall -- like, I know that
18 back-to-school campaigns were pretty common -- they
19 are pretty common in -- in the retail vertical, but
20 I don't recall this specific campaign.

21 BY MS. COLOMBO:

22 Q Okay. And -- and addressing "your brand"
23 doesn't give you any indication?

24 MR. VIVES: Object to the form.

25 A As mentioned, this looks like it would

Page 382

C E R T I F I C A T E

I hereby certify that I am a Notary Public,
in and for the State of New York, duly commissioned
and qualified to administer oaths.

I further certify that the deponent named in
the foregoing deposition was by me duly sworn, and
thereupon testified as appears in the foregoing
deposition; that said deposition was taken by me
stenographically in the presence of counsel and
reduced to typewriting under my direction, and the
foregoing is a true and accurate transcript of the
testimony.

I further certify that I am neither of
counsel nor attorney to any of the parties to said
suit, nor am I an employee of any party to said
suit, nor of any counsel in said suit, nor am I
interested in the outcome of said cause.

Witness my hand and seal as Notary Public
this 25th day of March, 2025.



Clifford Edwards

New York Notary ID Number: 01ED6430906

Notary commission expires: 3/28/2026