

AMENDED Exhibit 639

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

Christina Crimmins 2022-08-10 16:33:16

@Claire Gartland Oh that's a great point that I may not have the full lens on. **@Lanlan Sang**, thoughts on product's perspective on 13+ v. 16+? It felt like 16+ wasn't on the table, but that this group felt like it could be worth continued discussion if we really can't hold the line at 18+ (and that moving down to 16+ is *heavily* contingent on age assurance / 16+ age gate enforcement strategy).

吴琼 2022-08-10 17:03:07

I fully understand your concern on this MS issue. However, currently the policy, model, moderation are all aligned with 13+. if the age line changed to 18+, a new process need to be built, which will definitely delay to project timeline. Is there an alternative way, we can keep the 13-18 safe in a lower cost way plz?

@卢正伟 @David @桑兰兰

桑兰兰 2022-08-10 17:04:47

POST

Title:

Text:

@Christina Crimmins From Core product perspective, 13+ is the admission age requirement they are pushing for.

From a TnS perspective, I believe that what we would need to focus on is:

1. Based on the current risk identified from a Minor Safety perspective, do we have strong mitigation strategies that can help to minimize those risks?
2. Which are the outstanding areas not covered yet, and do we have additional age-appropriate design that we can leverage to decrease those risks?

Having a higher age line (i.e. 16) but with less strong mitigation strategies would be higher risk than having 13+ but with a dedicated comprehensive stronger risk mitigation strategies.

EXHIBIT

12

TIKTOK-GROVER 2/27/25

System Message 2022-08-10 17:05:34

吴琼 2022-08-10 17:11:18

@所有人 FYI, there is a new adding feature of TTN today. Allow the users to use front and back cameras to take videos at the same time and post as one video. Please include this feature in your evaluation, thx.

 Julie de Baillencourt  桑兰兰  Christina Crimmins  Kevin Morgan, Tracy Elizabeth, Katy McCabe, Claire Gartland

XBLUSH Christina Crimmins, Ratnaditya Jonnalagadda

Christina Crimmins 2022-08-10 17:15:53

POST

Title:

Text:

@Évelyne Woo Thanks for the heads up!

Is there flexibility on the EOW alignment deadline? For context, core to the MS perspective in creating a consistent stance. This was a unique feature whereby we've got two consierations:

- 18+ -- real-time visual content generation, e.g. LIVE
- 16+ -- direct sharing with network, e.g. DM

This a super interesting problem because of it's relatedness to both, and the evolution of the product ideas. With the latest being video, I'm definitely hoping to have more time for xfn discussion.

(I'll share in full disclosure that 13+ is extremely concerning as it breaks the consistency in either of these stances above.)

 Claire Gartland

Tracy Elizabeth 2022-08-10 17:25:05

Évelyne Woo These are the types of product decisions that empower ByteDance to differentiate itself from places like Meta. What is the business priority: Authentic safety to minors' wellbeing OR avoiding delays to a project timeline? This is the tradeoff we are facing for this feature.

Kevin Morgan 2022-08-10 17:25:15

POST

Title:

Text:

Thanks for the add and appreciate this is a challenging balancing act. I would like to add some principled thoughts and facts to the conversation as this will impact brand risk in different ways on top of creating additional risks for minors. I fully agree on 13+ being both very high risk and inconsistent as we need to think about closed spaces (DM) as higher risk than open spaces (Live, Video, Comment)

1. Ability to control harmful interactions: As we expect risks for minors and other at risk groups (such as those at risk of being recruited to terrorism) Do we feel we have a consistent strategy to detect and remove bad actors. If the answer is no (which I think is true) because of limits to DM access and human review, this creates significant risk to our community and brand and a lack of ability to actually prevent real world harm

2. Risk to our trusted brand image: No image sharing is seen as an industry leading pro trust/safety and minor protection decision. We often talk about this externally and its one of the things that sets us apart from all other platforms. Also worth noting just how much scrutiny tech is under for DM due to the Meta encryption debate which is a super hot topic in the US and EU. This decision may force us further into that discussion?

✦ Tracy Elizabeth ✦ Cindy Quah

Sandeep Grover 2022-08-10 17:30:16

Hi all. Appreciate all the rigor on this project. I met with **Gill Tan** yesterday to understand the urgency of this project. Per her, she has been asked to pause all her existing projects and move resources into this project and this project is overseen by Alex Zhu and Yiming himself and they want to launch by end of the month. This definitely puts pressure on us to move fast along with all the other teams. Of course we should not tradeoff our quality of decision but let's find the right balance. I will be heavily involved on this project as well .

✦ 吳琮

Ratnaditya Jonnalagadda 2022-08-10 17:35:13

@Kevin Morgan Thanks for channeling my thoughts (even without us discussing this!). **@All** From a standpoint of risks to minors, there is a well established perspective of heightened risk to minors in private communication channels. (Point 1 that Kevin mentioned). And this has been in the past used (very effectively) in our external comms about how TikTok is leading the industry in this aspect. (Point 2 that Kevin mentioned). I hope we consider these risks in the discussions while I am OOO. **@Sandeep Grover** Agree. Everything at the end of the day is about balancing between tradeoffs. The MS team is working on where we can get the best balance.

 Tracy Elizabeth  Sandeep Grover, Kevin Morgan

System Message 2022-08-10 17:51:11

桑兰兰 invited **Casey O'Connor, Cindy Quah** to this chat. New members can see all chat history

Sandeep Grover 2022-08-10 18:03:32

Agree with the risks that are called out here .

桑兰兰 2022-08-10 18:26:06

Just a clarification note on product design: I've seen the conversation has been mentioning on DM, and focused on the risk deriving from a 1 on 1 interaction, and interaction in private space. I would like to clarify that per product design, TTN is creating a "friend"-based environment (MUF+MAF), but not private. While DMs due to its private nature are not proactively moderated, TTNNow would have a comprehensive proactive and reactive moderation strategy in place. There is no way for a user to distribute his TTN post to a single friend only, except in the single and very rare scenario that the user has only a single mutual friend, and no matched friend.

 Kevin Morgan  Sandeep Grover, Katy McCabe, 吴琼, 刘叶, 郑雷, 张皓

吴琼 2022-08-11 02:41:24

POST

Title:

Text:

@All Here i want to clarify the product design again based.

the mechanism is actually reducing the minor safety risk.

1. posts only visible to friends, "explore" can be hidden to minors, which ensures that users' message are within the comfort zone.

2. reduce the pressure of post, every day only 1 push notification, 1 post based on the push, recommendation friends list is purification

3. all the post is under TNS moderation

c.c @Zhengwei Lu feel free to correct here

刘叶 2022-08-11 04:02:40

POST

Title:

Text: [消息已撤回, 无法查看内容]

刘叶 2022-08-11 04:03:45

POST

Title:

Text:

@所有人 Also want to add more to the last two messages shared by @桑兰兰 and @吴琼

1. TTN is not a strictly private space as DM

- DM

- 1 to 1 communication

- TTN

- Public post is available to all tt users

- Friends only post is available to "mutual following friends" and "matched friends (Facebook mutual following friends, etc)". In GB, ES, DK, NL, NP, KH, NG, QA, AE

- >40% of users have more than 10 mutual following friends

- >30% of user have more than 30 mutual following friends

- ~10% of users have more than 90 mutual following friends

2. Unlike DM, all TTN posts are covered by moderation

- DM

- Limited countries have proactive moderation, mostly rely on reactive moderation (review based on report)

- JP, IT, FR don't allow any type of moderation at all

- TTN

- All posts go through machine moderation, enqueue the posts for human review if models find potential risks

- Review based on report

 郭露, 卢正伟, 张晗

Christina Crimmins 2022-08-11 04:28:33

I can't begin to describe how appreciative I am of this team being so thoughtful and thorough [送心] And I know the timezones present challenges as things move so quickly, and this has been so helpful as we coalesce a shared perspective. As many of you have seen, this one-pager (<https://bytedance.feishu.cn/docx/doxcnSF3TAZjnZzkDdgpUVIgiub>) is in draft as we bring together TnS considerations. I'm back online to incorporate the additional perspectives I'm hearing, and I will do my best to tag folks in directly to ensure we have the full perspective. For some added context on the one-pager, **@Sandeep Grover** will be leading (can I say fearlessly here? [玫瑰]) equipped with the perspective we pull into this doc. I know it's a work in progress, and it's quite a feat - but I so appreciate the progress and continued discussion. I think our stated goals here are for this doc to feel like one collective TnS voice and to feel aligned to the best interest of the child. I know, that's HARD. I feel we have all the right people here to get there [爱心]

 Ratnaditya Jonnalagadda  Claire Gartland  Ratnaditya Jonnalagadda

Christina Crimmins 2022-08-11 05:12:48

POST

Title:

Text:

As one point to surface to this group, I attempted to better contextualize the parallel initially drawn to DM -- that it is not a matter of feature similarity so much as developmental maturity of our minor users.

Argument for 18+: Strict adherence to age-appropriate design principles and aligning to LIVE, treating this as a consistent stance on real-time visual content creation, especially video

versus

Argument for 16+: Loose adherence to age-appropriate design principles and aligning to Duet/Stitch and DM, treating this as a consistent stance that late teens, not early teens, are developmentally mature enough (with support) to exercise some level of discretion to private/public nuances

I hope my Policy colleagues can validate this perspective and improve my language [送心]

System Message 2022-08-11 06:13:26

桑兰兰 invited 张晗, 车钦仪 to this chat. New members can see all chat history

Julie de Baillencourt 2022-08-11 14:05:45

I may be a dissenting voice here, but I do feel the need to speak up. Please know that I am a MS person by nature, however I feel we don't have the line right on RealTok. We can make this safer, and I don't mean by limiting the use to adults. The whole point of launching this feature is that it is attractive to U18. Make it adult only, and most of the incentive to launch disappears. I shared with **@Katy McCabe** and **@Tracy Elizabeth** a few ideas to limit the impact on minors (ie, dont solicit content from minors when we have a reasonable expectation they could be in bed/in their PJs, post 8pm etc), and I am sure that the combination of clever privacy limitations (which you have already highlighted), user education, proactive detection and review can make it safe. Closely monitoring violations and abuse trends from the get go will help us plug the gaps. We have lots of great minds in this group to make this a fun AND safe feature. I am far more concerned with other products touching on DMs and our external commitments to MS (group DM, extended features in DMs etc): this - we cannot make it safe or eliminate the risk. **@Ratnaditya Jonnalagadda** and **@Tracy Elizabeth** and I had meetings in the past for other confidential apps/features that were poorly put together and created the perfect storm for minors, and should absolutely get stopped in their tracks. I know which hill I prefer to die on, and thats not RealTok. But let's be clear that as a Product Policy team in particular we have to be creative to enable the business to thrive. This is not an either/or situation, but our job is not to cockblock every attempt from Product to launch something.

 桑兰兰, Sandeep Grover, 刘叶, David  Claire Gartland, Tracy Elizabeth  Katy McCabe, 桑兰兰, 卢正伟, 吴琼, 郭露, 刘叶, Tracy Elizabeth

 YES Tracy Elizabeth  Katy McCabe, 卢正伟, 郭露, 刘叶, 张晗  吴琼, 卢正伟, Cindy Quah, 刘叶

Katy McCabe 2022-08-11 14:18:16

[消息已撤回, 无法查看内容]

Katy McCabe 2022-08-11 14:18:42

I was just writing something on similar lines. Can we reframe around what mitigations we would need to see to make this work for 13+ beyond what has already been drafted/ an assessment on what we have already suggested as mitigation? That way we can say to product - If you want to allow for 13+ these are the changes we require.

 Tracy Elizabeth  吴琼, 卢正伟, 郭雷, Julie de Baillencourt, 刘叶, 张皓

Kristelle Lavallee Collins 2022-08-11 14:31:39

Hi! I'm very concerned that we have a communication breakdown here. We're on the same team and serving the same goal when it comes to minors -protecting their safety and wellbeing. There's no interest in cockblocking product, and I'm dismayed that is how pure MS efforts are being perceived[流泪]. MS is trying to work with product to ensure that every feature/experience/product launched is done with our user's wellbeing and safety in mind. The risk assessment and mitigation strategies proposed are to do just that. It's also important to remember that just because an app/feature/experience is attractive to adolescents and will garner their use, doesn't mean that it is healthy for them and that we should do it -- > we have seen this bear out time and time again in research, in pediatric psychiatry and medicine, i.e., the real world where these children exist. Let's work together on this, understanding that we all want the same thing- for adolescents to find joy on the platform in ways that aren't at the expense of their health and wellbeing. **Katy McCabe** - to your astute point, the mitigation strategies outlined here:<https://bytedance.us.feishu.cn/docx/doxusziWW177Rlt2RX3iZOYDShcfor> 13+ is a good start, and includes a robust education plan (please know that this is WIP) Curious to know the product assessment/feasibility of these as we try to reach a better understanding when it comes to this product.

 Tracy Elizabeth  Ratnaditya Jonnalagadda, Cindy Quah

Christina Crimmins 2022-08-11 14:39:34

I really really appreciate these perspectives, and I struggled a lot with how to coalesce all the viewpoints into the one-pager doc (while keeping it one page [奸笑]). I wholeheartedly appreciate that it needs to be reframed if it's meant to serve it's stated purpose, as it's not doing it as is. As a potential proposal here, I'd like to: * Remove the recommendation and just list the 3 options at the top (for now) * Summarize outcomes of XFN input in the Top Four Risks section, allowing an expertise-based assessment/ownership of risk level -- i.e. CSAM risk level assessed by Issue (PnP+Policy) and CST, Regulatory risk level assessed by Legal+CST+GR, Reputational risk level assessed by PnP+Policy+GR+PR, Wellbeing risk level assessed by Issue+Feature. My feeling is that the gap here is that I created this doc to take a first pass and hope to coalesce input, and I think the doc is interpreted as more finalized than it is. I apologize I'm typing from my phone while at a conference, but does this feel like a good starting place? I know it's incomplete, but looking for incremental progress on seeing all of our expertise in one concise place. Wholeheartedly

 Julie de Baillencourt, 栗兰兰

Christina Crimmins 2022-08-11 14:44:51

I realize what I'm envisioning might be hard to picture through my description. I'll be back in the doc in 10 min and can rework to demonstrate what I mean. (Can always revert/abandon if it doesn't seem to be adding value to this highly complex convo across teams.)

 Julie de Baillencourt  Kristelle Lavallee Collins

Julie de Baillencourt 2022-08-11 15:26:16

@Kristelle Lavallee Collins I don't think we do - and i am sorry if my comment made it sound this way, that was not my intention. There are many things to align as part as a product launch for all audiences including U18, and I know our team is trying to do the best job possible. I was just reflecting on many conversations, via Lark or face to face, and the tsunami of requests our teams have had to review and input on.

 Claire Gartland  Kristelle Lavallee Collins, Tracy Elizabeth

Christina Crimmins 2022-08-11 16:50:52

POST

Title:

Text:

Update here in terms of coalescing perspectives:

1. Mitigation Strategies + Folding in Feature Perspective

@Évelyne Woo and I hopped on a quick call earlier though very late for her, and me soon off to the airport. We started to rework the Mitigation Strategies section. Current state is a rework so that "Base" aligns to what Feature has proposed, and "Enhanced" aligns to what MS Issue is recommending is needed. You'll see a new table that outlines where we are aligned and where there is dissenting opinions according to our four risk areas.



2. Risk Assessment by Expertise

This is much less far along, but I had mentioned it as an idea earlier. And I think it would help contextualize the dissenting points of view. And where mitigation strategies may not cover. Here is the table, where I put, for instance, my assessment. But with every pertinent team's assessment, we can more objectively and collectively assign an overall risk level. Do folks think this is valuable? Would you mind updating your rows if so? (And suggest missing teams if needed?)



	A	B	C	D	E
1			Option 1: 18+	Option 2: 16+	Option 3: 13+
2	Base	CSAM	Dissonance	Dissonance	Dissonance
3	Protections	Reputational	Dissonance	Dissonance	Dissonance
4	(proposed by	Regulatory	Dissonance	Dissonance	Dissonance
5	Feature)	Wellbeing	Dissonance	Dissonance	Dissonance
6	Enhanced	CSAM	Sufficient	Sufficient	Dissonance
7	Protections	Reputational	Sufficient	Sufficient	Insufficient
8	(proposed by	Regulatory	Sufficient	Sufficient	Insufficient
9	Issue)	Wellbeing	Sufficient	Sufficient	Dissonance

Detailed Risk Assessment by Team

	A	B	C	D	E
1	Age Gate		Option 1: 18+	Option 2: 16+	Option 3: 13+
2	Overall Risk Level		LOW	MEDIUM	HIGH
3	CSAM Risk		LOW-MEDIUM	MEDIUM-HIGH	HIGH
4	Pop MS Issue	@Christina Crimmins	MEDIUM	MEDIUM	HIGH
5	MS Issue Policy	@Caitie Gerland			
6	US MS Policy	@Kristalle Lavallee Calkins			
7	Feature Policy	@Larian Sang			
8	Pop Feature	@Evelyn Woo			
9	Global CST	@Chi Nguyen			
10	US CST	@James Gattin			
11	Reputational Risk		LOW	MEDIUM	HIGH (S)
12	Pop Issue	@Kevin Morgan@Ratrac			
13	Issue Policy	@Tracy Elizabeth			
14	Pop Feature	@Evelyn Woo@Chamot			
15	Feature Policy	@Larian Sang@Katy Mc			
16	EU GR	@Don Green			
17	LATAM GR	@Priscilla de Silva Lator			

Sandeep Grover 2022-08-11 16:59:47

Appreciate everyone moving on this so fast. I agree with the broader sentiment here.. To me this is a high risk but also very high reward initiative and I would love to see what mitigations are possible in the short and mid term should we take high risk . This is not at all an easy one and the additional intense timelines only makes it worse. Please accept my thanks as we all try to evaluate the best tradeoffs here.

OK Tracy Elizabeth Katy McCabe, Julie de Baillencourt

Christina Crimmins 2022-08-11 22:57:54

Not requiring immediate feedback, as we're meeting with a group later, but I wanted to throw a somewhat radical idea out there for folks to mull on prior. I'm excited to see if there's an additional way to tighten our already-shrinking chasm in pursuit of 13+. What if we watermarked each RealTok with the follower/viewer's username when it's displayed/unblurred to them? (Similar to the feature Lark has for us as employees.) This could be a deterrent for the follower/viewer to do something nefarious (take a screenshot). And, on the RealTok creator side, it enables some opportunity for us to really lean into privacy + safety by design - for instance, we could include in their preview screen before publish a sample "followerusername" watermark (I wouldn't recommend using the creator's own username in this preview, so as to avoid any confusion and to reduce privacy risk). We can include messaging, a little (?) tooltip: "This watermark intends to deter inappropriate reuse of your imagery". This helps provide transparency while also providing an extra moment for the creator to think before they send. It could also be a huge differentiator to BeReal. That we care to be a part of the fun, but we are MS experts and thoroughly considered what they haven't.

Ratnaditya Jonnalagadda 2022-08-12 05:44:58

@Christina Crimmins That's a brilliant suggestion. To make it effective, we'd have to keep a copy of the screenshot for moderation; or disable screenshots? - not fool proof, but better than not having it at all. Regarding watermark would it be help having both the creators id as well as the viewer at the viewer end (taking the screenshot/snapping a picture from another mobile)?

DOCUMENT METADATA

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