

AMENDED Exhibit 800

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



Snapchat Media Prep

Questions & Answers

BACKGROUND

- Tell me a little bit about yourself. (Evan)
 - Well, I grew up Los Angeles, and went to school in Santa Monica for K-12. I've always been really passionate about technology and design. In 6th grade I built my first computer, and in high school I took a bunch of graphic design courses. In fact, I used to get up at 6am and drive an hour out to Art Center in Pasadena to take classes. When my friends were out partying on Friday nights, I was at Kinko's doing graphic design. So when it came time to choose a college, Stanford was a natural fit – they have one of the best computer science programs and one of the best design schools in the country. I felt really lucky when I got in, and I loved my experience there.
- Tell me a little bit about yourself. (Bobby)
 - [Bobby, let's talk and figure out the story you want to tell.]
- Who else is on the team?
 - Bobby and I are the cofounders, and then we also have Daniel and David working on Android and Dena as our community manager.
- How did you meet Bobby? When was that?
 - Bobby and I were in the same fraternity at Stanford. He was a junior when I was a freshman. We bonded over our computer science classes – mostly because I would always need his help figuring that stuff out. Bobby is a genius.
- What role did Stanford play in supporting you, if any?
 - Stanford is such a special place. Many of my best friends are from Stanford, and Stanford connected me with incredible mentors, like Peter Wendell, Bill Burnett, and David Kelley. Stanford really creates a unique environment that supports entrepreneurship and innovation.
- How did you come up with the idea for Snapchat? What inspired you to create this product?
 - When we started Snapchat, it was before the whole mobile photo-sharing craze really got big. We started noticing that a lot of the content on social networks was boring – a lot of people make the same expression in every photo. Our friends were worried about what people would think of the photos they posted online. Permanence was kind of taking the fun out of photo sharing and I thought there was an opportunity to do more, to do something different.
 - [Also tell the story of ME115C...]

- TechCrunch has reported that the app was partially inspired by the infamous Anthony Weiner picture scandal – is that true? And *The New Yorker* reported that it was the result of a friend of yours who wanted the photos he was sending some girl to disappear. Is that true?
 - It's hard to pinpoint one exact thing that "inspired" Snapchat. It definitely wasn't Anthony Weiner. It just happened that his scandal broke around the time we finished building a prototype of our app. We really just wanted to make a more fun way to share photos. It was an experiment. We didn't know if it would work, but we've been thrilled with the response we've gotten.
- When did you start Snapchat? When did it first go live on the app store?
 - The original iteration of Snapchat was actually called Picaboo, which went live in July 2011. We updated the app a few months later and renamed it Snapchat. It went live September 26, 2011.
- Why leave Silicon Valley and go to LA?
 - There are a lot of really smart people in Silicon Valley, but I think the Valley sometimes suffers from group think. We wanted to be somewhere that we could hear something different in the coffee shops. Snapchat is such a different kind of company, that being outside of the Valley bubble just feels really right for us. Plus, I grew up in LA, and both Bobby and I really like it here. LA's tech scene is actually really starting to take off too, so we're excited to be a part of that.

PRODUCT

- What is Snapchat?
 - It's a new way to share moments with friends and family. We're making "social media" fun again.
- Who uses Snapchat?
 - We don't collect much data about our users, so it's hard to say. But from what we know it's about an even split between men and women, and primarily a younger demographic – middle school to college students. That said, we've been happily surprised by the number of adults using the app, especially parents using it as an easy, fun way to communicate with their kids, and to keep in touch while their kids are away at college.
- Why do people use Snapchat?
 - Honestly, they do it because it's really fun. For senders, it really takes the pressure off. There's not the expectation on Snapchat that this is the best picture ever. It's more of fun "hello."
 - And for the people receiving the photos, it's really exciting. Every snap is a fun surprise that only lasts a few seconds.

- Snapchat is much more personal. It's very different when you receive a snap meant specifically for you, rather than viewing a picture that's just been put up online for hundreds of your friends to see.
- Why does it matter if a picture is fleeting?
 - It's all about expectations. Because of the fleeting nature of the media on Snapchat, our users don't expect perfect photos. It stops being about the aesthetic appeal of the photo or video itself, and is more about an authentic human expression. I love that about Snapchat.
 - We've spent a lot of time thinking about our user interface and as a result, we've developed the fastest way to share with friends. Combine the ease of capture, with the fact that the content itself is only displayed for a few seconds, and what you are left with isn't really a beautiful photo or awesome video – it's an authentic human moment. I think that's what our users are connecting with in Snapchat. That's certainly what we're trying to enable.
 - So when it's just a fleeting moment – when you capture it, share and then it disappears, it's more like the person you sent it to was there with you. It's the closest thing we have to teleporting a friend into our lives for a few seconds, so that we can both share this memory. Instead of saying "wish you were here," it's more like they are.
 - There's real power in face to face communication. Just look at the success of Skype, Facetime, Tango, etc. Sometimes people can't get away from what they are doing long enough for real-time video chat to make sense, but they still want to communicate that way. I often think of Snapchat as asynchronous video chat, and it's connecting people like never before.
- What if I want to remember something forever? Isn't there value in keeping things?
 - Of course there is. And we give users that option. If you take a picture or video and you really like it, you can always save it to your gallery. And if you want to share it, you can post it to Facebook, or Twitter, or whatever. But there is also value in having it be temporary, and letting that moment happen and then pass. That's why our users love Snapchat.
- How does it work?
 - For photos, you take a picture, set the timer from 1-10 seconds, and then you decide who you want to send it to. When your friend views the picture, the timer automatically begins counting down. When it gets to zero, the picture is gone forever.
 - Videos are basically the same, but I'll mention the video capture button, because I'm actually really proud of it. It's really elegant and we've received super positive feedback from our users. It's also the first and only app to capture video like this.

Instead of toggling between a picture and video setting, we have a single button. You tap it if you want to take a picture, and you hold it down if you want to take a video. My hope is that Snapchat will be known, in addition to having innovative products, as a company that takes design really seriously.

- Are you the next Steve Jobs?
 - <Chuckle> I'm honored by the question, but no. I don't think there will ever be another Steve Jobs. He was an incredible man.
- Why a max of 10 seconds?
 - It would probably still work if it were 8 seconds, or 15 seconds. It's an arbitrary max, but we've tested and actually, for most of our users 10 seconds feels like an eternity on Snapchat. Most media is set for between 3 and 6 seconds.
- What stops someone from taking a screenshot?
 - Nothing. Someone can take a screenshot if they want to. They won't always capture it in time, but they can try. The real innovation isn't in blocking the screenshot, it's in providing transparency. Users are notified if someone takes a screenshot. That's very different than other apps, where you never know. And it allows our users to talk about expectations around whether the pictures they share with their friends will be stored or not.
- What's the point of the drawing feature?
 - It's just another way to allow our users to be creative, express themselves and have fun. I'm always impressed with the funny stuff our users come up with. We actually had a photo drawing contest and got some amazing submissions. We posted the finalists on our blog if you are interested.
- Can you include a text message too?
 - Yeah. You can send a caption with any picture or video. The length depends on your screen size, and whether you write it vertically or horizontally, but it's short -- we're a picture messaging service first. Not the other way around. We like to think a picture is worth a thousand words, so a few extra in the caption doesn't make a huge difference 😊.
 - Also, it's worth noting that today's students are much more visual than ever before. They would rather communicate with pictures than text messages.
- Is it available on Android? iPad?
 - Yeah! We actually just launched on a bunch of Android devices (any device running Android 2.2 or higher), which made the app available to over 500 million new users. And while we don't have a native iPad app, the iPhone app works on iPads that have cameras.
- What about Blackberry? Windows? Etc.?

- As a startup with limited resources, we're focusing on Android and iPhone. That's where the vast majority of our users are.
- But will you develop for Blackberry and Windows phones in the future?
 - I can't say for sure, but probably not. There just aren't enough users on those devices for that to make sense. I'd rather spend our engineering resources developing cool new stuff.
- You claim to be "the fastest way to share a moment." How much faster are you?
 - When we say that we're the fastest way to share a moment, we mean that in two ways. First, the user interface of our app makes it really easy – far fewer clicks to capture and share. Also, we process the pictures faster than anyone else. We have an incredible engineering team, and Bobby has really innovated on this stuff. We process and deliver pictures about 10 times faster than MMS.

COMMENTARY ON OTHERS

- Who are your competitors?
 - It really depends how you define competitors. Right now, we're thinking about competition very broadly – basically as anyone who competes for time and attention on mobile devices. In that regard, I would say that Facebook and Twitter are two of our main competitors.
 - If you narrow it to picture and video sharing, we still compete with Facebook and Twitter, but you might add in Instagram, for example. Honestly though, we're so different from them that we don't view them as competition. In fact, a lot of our users use both.
- What makes you different?
 - Well, I'm a bit biased, but I think we're a lot more fun. We're also a mobile-first app, which gave us the opportunity to really rethink how content sharing should work.
- What makes you better?
 - Same answer as above, but start off with "We're not better, just different."
- Why is Snapchat better than Instagram?
 - We're not better than Instagram, just different. Instagram is great, and I have a tremendous amount of respect for the company and service that they've built. I think the main difference is in the expectations within our user communities. Instagram makes pictures special by making them beautiful, and there's an expectation that the pictures you share there are somehow "worthy." On Snapchat, we think any picture can be special and we try to focus more on the emotion. As a result, we're seeing users share pictures at a much higher rate on our service than we expected.
- Oh, what's that rate?

- At some point we'll release that, but I can't give out any numbers right now. Intuitively though, I'm sure you can see how much bigger that picture set is.
- What do you think about Facebook? Instagram? Viddy?
 - They're all great companies providing useful services. I guess I'll need you to be a bit more specific.
- What do you think about Facebook?
 - It's a great company. Mark Zuckerberg has done a tremendous job growing the platform and continually innovating around their core product.
- What do you think about the fact that Facebook is kind of the opposite of you guys, in that they keep pictures forever and display them to hundreds of friends.
 - Facebook is very different than Snapchat, and there's nothing inherently wrong with that. I think it's great that they recently announced that they would delete things from their servers when users ask them to.
- Recently though, you took Facebook Connect out of your app, why is that?
 - The removal of Facebook Connect that was purely a design choice. We tested it, and found that most of our users weren't using that option to connect with friends on Snapchat. As we continue to build new features, it's important to me that we also remove that ones that aren't working, so that the app doesn't become unnecessarily cluttered.
- You say you are the fastest way to send a picture. What's wrong with MMS?
 - MMS was born from SMS. Pictures are basically an attachment to a text message. With Snapchat, we were built specifically for picture sharing. Text is the attachment. As a result, we were able to find a much faster way to process pictures. Again, I've got to give credit to Bobby and the engineering team. They are brilliant. We process pictures about 10 times faster than MMS.
 - That may not sound like it matters, but I can tell you that it makes a big difference when I'm at a big concert or other crowded event, and I'm trying to send a picture. A lot of times my snaps are the only things that get through.
- What services would you like to see change over the next few years to support your view of the ephemeral internet?
 - I'm not really the kind of guy to tell other people they should or shouldn't change. I guess we take a more "be the change you want to see in the world" kind of view. And that's why we built Snapchat.

NUMBERS

- How many users do you have now?
 - We're not releasing any usage metrics right now.
- How often are they sending pictures?

- Sorry, we're just not releasing any of that right now.
- It was reported that your users have sent more than 100M pictures earlier this year. What is the latest number?
 - <Chuckle>. [Reporter Name], let's move on from this number stuff. I don't have any updates for you.

INVESTORS

- How much funding have you raised?
 - We raised \$485K from Lightspeed Ventures in April, 2011. We've raised a bit more since then just to bridge us to our A-round, which will probably be in a few months.
- From who? Why did you choose them?
 - Lightspeed has been an amazing partner. Really supportive, and we're glad to have them on board. How we met is actually a funny story. One of the partners there, Barry Eggers, was talking to his daughter about the apps she and her friends from high school were using. It turns out her answer was Angry Birds, Instagram and Snapchat. A few days later we got an email from Barry's partner, Jeremy Liew, and the rest is history.
- What were the terms of the investment?
 - We're not disclosing the terms.

SEXTING

*One option here to consider is to just write a blog post on the topic and then tell reporters that you're app really isn't about sexting, so you don't answer questions about it, but they are welcome to quote the blog post.

- Why did you really create Snapchat?
 - Picture messaging didn't make sense to me. I thought we could make it more fun. That's the truth.
- Is there a minimum age requirement for your app?
 - No. Snapchat is such a simple and amazing way for people to communicate, we didn't see any reason to limit the age of our users. We do ask that minors get their parents' permission before installing the app though. And we recommend to parents that they use the setting that only accepts pictures from pre-approved friends.
- In addition to the benefits you've described, it's a better way to sext, isn't it?
 - Honestly, It's really not. I know that's sometimes the first place someone's mind goes when they hear that the pictures disappear, but from what we can tell, that's

- just not how our users are using it. They're mostly using it to send silly selfies, to let their friends know they are thinking of them, and to make one another laugh.
- Come on though, if you someone were going to sext though, it's better if it disappears right?
 - I guess that would depend on your personal preferences.
 - Are you enabling child pornography?
 - We're not aware of any, and that's certainly not our intent. It's illegal and gross. Every communication platform, including email and MMS, is susceptible to abuse, but we would help any law enforcement agency investigate any such abuse. But again, it really just hasn't come up.
 - What are you doing to prevent misuse of your app?
 - Every communication platform is susceptible to abuse, whether it's Gmail or Pinterest, MMS or Twitter. We've built tools to protect our users and to help us identify and remove people who abuse our service.
 - For example, users always have the option to block another user or contact us to report abuse.
 - Any idea what percent of texts are sexual?
 - I don't know, because we never view our users' private communications, but I'd say not many. To be honest, that's just not what Snapchat is about. Mostly people are sending silly selfies and trying to make one another laugh.
 - Why do you need pictures to disappear if they are just normal pictures?
 - See "advantages of fleeting" answer
 - If my kid wants to use your disappearing picture app, does that mean the pictures they want to send are "bad"?
 - Not at all. Our users are sending snaps because it's fun. It's a way to connect with friends and be themselves.
 - Don't you think the pictures of scantily clad women on the site promote sexting?
 - At the time I didn't think so at all. The beach is such a normal part of life in LA, and that seemed like a fun place to do a photoshoot. In retrospect though, that's not true for most of the world, and it probably wasn't conveying the right message. We've since changed the photos.
 - Why does Apple rate you as 12+ and say that there is "sexual content and nudity"?
 - It's unfortunate that we've gotten criticism for that. We were trying to be conservative. Since we're a platform that enables user-generated content, we never know what our users will send. This is the same as Instagram, and many other communication apps.
 - Do you have any advice for parents who are concerned that their child might be using this app for sexting?

- I think every parent should have a conversation with their kids about what it means to be a good digital citizen, and how the digital decisions they make today may affect them in the future. I'm not really a parenting expert, but I think the work they are doing at Common Sense Media is really fantastic, and I would probably point parents there.
- Thoughts on how social apps are struggling to find ways to protect children from predators?
 - Could you please be more specific?
- For example, Facebook over the years has garnered a lot of criticism for not protecting children enough, and Twitter is known for being a place where a lot of cyberbullying happens. Why can't social platforms figure this stuff out? What's the right answer?
 - These are really hard questions, but the good news is that some of the brightest minds in the world are working on them. And we've already seen tremendous improvements. For example, Facebook has a much more sophisticated system for reporting abuse today than it did even a year ago. Also, there is only so much that platforms can do – the other side of the coin is educating children about the responsible use of social media. Again, I think Common Sense Media is doing amazing work in that area.
- You've been quoted by TechCrunch as saying that you don't understand why anyone would sext when they could have real in-person sex. Are you suggesting that teens should be having sex instead of sexting? Do you actually think that people don't sext – that the research is wrong?
 - I gave that answer after a bunch of media reports called Snapchat a sexting app. That was never our intention, and caught us by surprise, so it was kind of frustrating. In retrospect though, I probably shouldn't have been so cavalier. In a world where the default has been permanent for so long online, I understand why sexting is a real concern for some people, and we respect that.

PRIVACY

- Do you have all these pictures on your server somewhere? (Even if you don't look at them)
 - No, once the pictures are viewed, we delete them from our servers.
- It seems like privacy is a really important to you and your users. Would you say that Snapchat is a more private picture messaging service?
 - I wouldn't say more private, I would say more authentic. It frees users to be themselves, and more closely mirrors real-world interactions, in the sense that they occur, and then we move on.
- What can you tell me about your privacy policy?
 - We take user privacy seriously, like any picture messaging service should. We don't look at the pictures, and we delete them from our servers once they are viewed.

- What kinds of PII (personally identifiable information) do you hold?
 - I'm going to have to just refer you to our privacy policy on this one.
- Did you encounter any obstacles that made it hard to keep personal data secure?
 - We use industry-standard security precautions, and haven't had any problems.
- Thoughts on pictures and video we appear in or are tagged in and how we can protect them?
 - I'm probably not the right person to ask. Of course, if anyone is worried about pictures being tagged, they are welcome to start using Snapchat!
- Any advice you want to give to youngsters and adults to help them protect pictures and videos in which they appear?
 - The best advice I can give is for parents to have regular conversations with their kids about responsible use of social media.
- Your privacy policy says "Although we attempt to delete image data as soon as possible after the message is transmitted, we cannot guarantee that the message contents will be deleted in every case." Why don't you always delete pictures from your servers?
 - We've updated that language to clarify, you can check it out at www.snapchat.com/privacy
- Does your team have access to view pictures that your users send?
 - The pictures sit on our servers until they are viewed, but as a matter of policy we don't look at users' pictures. That said, we love when users snapchat us. Our username is teamsnapchat.
- Do you believe that an algorithm will be developed that will allow us to find every picture a person has ever been in, whether or not they were "tagged" just based on facial recognition?
 - I'm pretty sure that already exists.
- What do you think of that?
 - I'm very impressed by the technology.
- What are the risks of having your pictures up online everywhere for anyone to see?
 - There are a lot of benefits to an ephemeral app like ours. Most importantly, it allows our users to share more frequently, more authentically, and to have more fun.

MONETIZATION

- How does Snapchat make money?
 - At the moment we're completely focused on making the user experience as good as possible. There is so much more that we want to do with this app. Snapchat will always be available as a free app, but at some point we will probably serve ads or charge for premium services.

- Will it always be free?
 - Yes, absolutely.

FUTURE

- What's next for Snapchat?
 - We've got some incredible stuff in the works, but nothing that we're ready to announce just yet. Broadly though, we're listening to our users and working to improve the service.
- Will you be raising more money?
 - At some point we probably will, but right now we're focusing on making a great product.
- Are you hoping to get bought, like Instagram?
 - Haha. Well, I think most technology companies would be pretty thrilled to get bought for a billion dollars. But right now, we're just focusing on making sure our users have a great experience. Plus, Bobby and I love working on Snapchat, so it would be pretty tough to sell. We'd have to find a partner that shares our unique vision, and the culture we're building among our users. Anyhow, we're not planning to sell anytime soon.
- Are you taking it global?
 - We're already global. We've got users all around world. At the moment, the app is only available in the English language, but we're working on localizing it for different countries and languages.
- Are you planning to integrate with Facebook? Disappearing status updates?
 - At this time we don't have any plans to develop an app for Facebook.
- Have you had any offers from interested buyers?
 - We have had a lot of interest from companies we really respect, but we haven't taken any meetings. There is a lot more that we want to do with the product, and we're having too much fun right now.
- New features in the works?
 - Lots of cool stuff in the works, but nothing we're ready to announce right now.
- Any other products coming out?
 - Snapchat is the only thing we're working on right now. We're adding features, making it available on more devices, and really trying to listen to our users so that we continue to have a product that they really love. So no, we've got our hands full with Snapchat right now.

MISCELLANEOUS

- Who else should I talk to?
 - Need to develop this list, get consent, and brief before giving out names/contact info.
 - Michael Lynton
 - Raymond Nasr
 - Peter Wendell
 - Homepage photo mom
 - Ardie the kid
 - Barry Eggers
 - Jeremy Liew

Alternatives to “No Comment”

- Answer an adjacent question instead
- “I wouldn't describe it that way, but I would say that... ”
- "It's important to remember that... ”
- "That question points out a common misconception. The real issue is ..."
- "My concern is... ”
- "I don't have anything to add about that, but I'm happy to talk about ..."
- ***Notice that you are never repeating their words back to them, as that gives them a quote that you might not want used