

AMENDED Exhibit 805

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

OCTOBER 1, 2013

11% of cell phone owners use Snapchat

The photo-sharing app is particularly popular among young adults - 29% of cell owners ages 18-29 use the app. Focus groups show early enthusiasm among teens.

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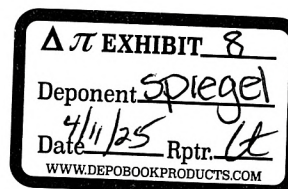
<http://pewinternet.org/Reports/2013/Snapchat>

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Main Findings: 11% of cell phone owners use Snapchat

Some 11% of adult cell phone owners use Snapchat, the photo-sharing app that automatically deletes photos and messages soon after they are received. Since 91% of adults own a cell phone, this means that 10% of all adults use Snapchat. Among smartphone owners, 15% use the app.

The Pew Research Center's Internet Project asked cell phone owners about the app for the first time in a survey in late July. The results show Snapchat is particularly popular among young adults: 29% of cell owners ages 18-29 use the app.

Who uses Snapchat

Among cell phone owners, the % who use Snapchat on their phones

		Snapchat users
All cell phone owners (n=903)		11%
a	Men (n=428)	11
b	Women (n=475)	12
Race/ethnicity*		
a	White, Non-Hispanic (n=656)	9
b	Black, Non-Hispanic (n=101)	11
Age		
a	18-29 (n=156)	29 ^{bcd}
b	30-49 (n=219)	5
c	50-64 (n=268)	8 ^d
d	65+ (n=232)	3
Education attainment		
a	High school or less (n=331)	10
b	Some College (n=255)	17 ^{ac}
c	College + (n=302)	8
Household income		
a	Less than \$30,000/yr (n=246)	12 ^b
b	\$30,000-\$49,999 (n=186)	6
c	\$50,000-\$74,999 (n=117)	11
d	\$75,000+ (n=213)	14 ^b
Urbanity		
a	Urban (n=265)	13
b	Suburban (n=454)	12
c	Rural (n=184)	7

*There were not enough Hispanic respondents in the survey to perform separate statistical analysis of their answers. Their answers *are* included in the overall results.

Source: Pew Research Center's Internet & American Life Project Omnibus Survey, July 25 – July 28, 2013. N=903 cell phone owners ages 18+. Interviews were conducted in English and on landline and cell phones. The margin of error for results based on cell phone owners is +/- 3.8 percentage points.

Note: Percentages marked with a superscript letter (e.g., ^a) indicate a statistically significant difference between that row and the row designated by that superscript letter, among categories of each demographic characteristic (e.g. age).

Cell owners who have attended some college but have not yet graduated are also particularly likely to use Snapchat (17% do so).

Snapchat Background

Snapchat is a photo-sharing app that allows users to send pictures and videos to one another that are automatically deleted from the recipient's phone after a pre-set number of seconds. Users can also add text or finger-draw material on top of the image before it is sent.

When Snapchat first launched in late 2011, the app quickly gained a reputation as a sexting platform, in part because messages automatically disappear from the recipient's phone. Some parent advocates argue there should be special concern over teens sharing inappropriate content.

As the app's popularity has grown, some users have made the case that it is not just for suggestive pictures. They say they enjoy sending funny content that vanishes quickly from the recipient's screen.

The ephemeral aspect of the app, however, has been called into question. Some message recipients take screenshots that capture messages and pictures before they are deleted. Hackers have demonstrated that photos can still be accessed from a user's phone. Rival apps like Snap Save allow users to save and store Snapchat material they receive.

Trying to address these concerns, Snapchat notifies the sender if a screenshot has been taken of his or her photo. With each round of phone updates, however, come new workarounds to take secret screenshots. As for hacking, the Snapchat team warns, "if you've ever tried to recover lost data after accidentally deleting a drive or maybe watched an episode of CSI, you might know that with the right forensic tools, it's sometimes possible to retrieve data after it has been deleted. So... you know... keep that in mind before putting any state secrets in your selfies :)"

As the most prominent of ephemeral messaging services, Snapchat has become part of debates over privacy. The Electronic Privacy Information Center recently filed a complaint with the Federal Trade Commission, suggesting the company used "unfair and deceptive acts and practices," leading on users with a false sense of security that their photos were inaccessible.¹ Snapchat insists its privacy statement warns users that deletion is not guaranteed in every instance.

Still, Snapchat is popular. The company recently announced that users share 350 million pictures a day. And it has attracted competition. Most notably, Facebook has released a copycat application, Poke. Other businesses are beginning to embrace the app to promote their products and engage with customers. Snapchat itself is now focusing on how to monetize its loyal and engaged user-base.

Focus on teens

Focus groups conducted by Harvard's Berkman Center for Internet & Society earlier in the year suggest teens are avid early adopters of Snapchat.

One of the primary attractions of Snapchat to teens in the focus groups was as an outlet for goofy pictures. Unlike Facebook or Instagram where user's material is available to a broad audience and there are some social pressures to create content for self-presentation, teens said they mainly used Snapchat with their closest friends and could have fun being silly.

Male (age 13): *"Well it's just a thing between me and my friends. We just do a funny face like that, and send them back and forth. And sometimes you write things on them."*

¹ To read the full complaint, visit <http://epic.org/privacy/ftc/EPIC-Snapchat-Complaint.pdf>

Male (age 13): *"I mostly take a stupid face photo."*

Female (age 17): *"I only Snapchat with people I'm really close to. Because I do make those stupid faces. I don't just send them to the whole school. That'd be weird."*

Male (age 14): *"I like it because it's basically just like texting each other, but you get to see each other, too. So it's kind of like the best of both worlds."*

Female (age 13): *"I mean, it helps because people don't have to look pretty – it keeps people from focusing so much about how they looked in that specific photo."*

Female (age 13): *"Yeah, exactly. And also, no one's liking it, no one's commenting on it. It's literally just a close friend. It's more entertaining than texting".*

Teens in the focus group also liked the rapid creation of content and quick ability to share photos and video. Moreover, their messages did not have to be of high quality.

Interviewer: *"So why Snapchat instead of Facebook or Instagram or something else?"*

Female (age 15): *"It's just so much faster."*

Female (age 16): *"Snapchat's just there. It's just on my phone, and it's like, I'm sitting at dinner, and I'm bored, so I'll just Snapchat my friend and it'll be quick and easy."*

Female (age 15): *"On Snapchat, it's usually just like, for me personally, like selfies, something really quick. I don't usually look very good in them."*

Addressing concerns that younger teens were sharing inappropriate content through the app, Snapchat released a version called SnapKidz. The service allows those under age 13 to take pictures, add text and drawings, and save the images to their device. They cannot, however, share pictures through the app. Critics argue Snapchat's age restrictions can be circumvented simply by entering a false birthdate when prompted.

Focus group participants were aware that some people share questionable content over Snapchat, but most said they avoided sending anything inappropriate.

Male (age 16): *"Yeah. Just nothing that can incriminate me. But just like, goofy faces that you might not want everyone to see."*

Female (age 15): *"I mean, I don't care if anybody sees my pictures, because I'm not taking inappropriate pictures anyway, so I mean it's just a picture and a funny face. I don't care."*

But teens can be a fickle group, and some participants suggested that Snapchat's popularity may already be dwindling.

Female (age 17): *"It's just like one of those new apps that it's already fading out. Not a lot of people use it anymore. But when it first came out, everyone was Snapchat frenzy."*

Male (age 18): *"It's already in decline."*

Female (age 17): *"Yeah, it's going down".*

Male (age 18): *It's going down. It was there for about a week."*

Methods

The PSRAI July 2013 Omnibus Week 4 obtained telephone interviews with a nationally representative sample of 1,003 adults living in the continental United States. Telephone interviews were conducted by landline (501) and cell phone (502, including 230 without a landline phone). The survey was conducted by Princeton Survey Research Associates International (PSRAI). Interviews were done in English by Princeton Data Source from July 25 to 28, 2013. Statistical results are weighted to correct known demographic discrepancies. The margin of sampling error for the complete set of weighted data is ± 3.6 percentage points.

Omnibus surveys typically include about half as many completed interviews as a full tracking surveys conducted by the Pew Internet Project. The question on Snapchat was asked only of cell phone owners. While Snapchat is an app available only on smartphones, we reported data based on all cell phone owners to provide a slightly larger base for demographic analysis – and also because we have found in previous surveys that some people who do not think they have smartphones actually do have phones on which apps can be used and the internet can be accessed.

Survey Questions

Administered July 25-28, 2013 to 1,003 adults age 18 and older in the continental United States. Margin of error for full sample is plus or minus 3.4 percentage points. The sample included 903 cell phone owners. For that sample the margin of error is plus or minus 3.8 percentage points.

Asked of all adults (n=1,003)

Do you have a cell phone?

Yes – 91%

No – 9%

Asked of cell phone owners (n=903)

Please tell me if you ever use your cell phone to do any of the following things. Do you ever use your cell phone to...use Snapchat?

Yes – 11%

No – 87%

Don't know – 2%

Focus Groups

This report includes quotes gathered through a series of in-person focus groups conducted by the Youth and Media team at the Berkman Center for Internet & Society at Harvard University beginning in February 2013. The team conducted 24 focus group interviews with a total of 156 participants across the greater Boston area, Los Angeles, Santa Barbara (California), and Greensboro (North Carolina) beginning in February 2013. Each focus group interview lasted 90 minutes, including a 15-minute questionnaire completed prior to starting the interview, consisting of 20 multiple-choice questions and 1 open-ended response.

Although the research sample was not designed to constitute representative cross-sections of particular population(s), the sample includes participants from diverse ethnic, racial and economic backgrounds. Participants ranged in age from 11 to 19. The mean age of participants is 14.5. Groups of three to eight participants were divided into age cohorts of 11-14, 14-16, and 16-19 for interviews. Females comprised 55% of participants, males 41%, and 4% chose not to reply. Half of the focus group participants (50%) were Hispanic, Latino, or of Spanish origin; 33% were white; 13% were black or African-American; 2% were Asian or Asian-American; 1% were American Indian or Alaskan Native; and 1% self-identified as other. Although we tried to assess participants' socioeconomic status based on self-identification of

their parents' highest educational achievement, too many participants indicated uncertainty or no knowledge of this to allow for confidence in this metric. However, as we recruited from schools serving students primarily of lower socio-economic status in Los Angeles and Boston, we estimate that at least half of our sample draws from underserved populations.

DOCUMENT SLIPSHEET

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