

AMENDED Exhibit 964

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

Snapstreaks

Helpful Pushback Narratives

Millions of users are engaging with Snapchat's features every day

Publically Available Internal Stats:

- **10+ billion videos are viewed everyday on Snapchat.**
- **Geofilters are used over 1 billion times a day**
- **Over 100 Million Snapchatters view Discovery every month**
- **Live Stories are watched by 10M to 20M Snapchatters a day.**
- **We have 150 million daily active Snapchatters.**

Snap Ads Are An Effective Tool For Advertisers

6/2016: Media Science Labs found Snapchat Ads Attracted 2x the Visual Attention of Facebook Ads; 1.5x of Instagram Ads and 1.3 x of Youtube Ads. "Snapchat video ads and TV ads - the two ad formats with 100% share of screen - were statistically similar to each other and able to command significantly more visual attention than Facebook in-feed, Instagram in-feed and YouTube TrueView. In fact, Snapchat commanded over twice the visual attention of Facebook, over 1.5x the visual attention of Instagram and 1.3x the visual attention of YouTube" [Media Science Labs, [6/2016](#)]

6/2016: An Oracle Study Found That 92 Percent Of Snapchat Ad Campaigns Drove A Life In In-Store Sales. Oracle Data Cloud also released new research analyzing the in-store sales lift from 12 CPG campaigns run on Snapchat for leading cosmetic, personal care, cleaning, packaged food, and beverage brands. Among the findings: 92 percent of the Snapchat ad campaigns drove a positive lift in in-store sales [Oracle, [7/15/16](#)]

1/17/2017: Martin Sorrell, CEO of WPP, Said Snapchat Could Become A Threat To Facebook Based On Its Advertising Strength. The WPP boss said that Snapchat could become a threat to Facebook in the ad market. "It does become a threatening alternative to Facebook and I think that's the big opportunity for them. We know Facebook have tried to buy Snapchat a couple of times, we know that they've made product changes as a result of Snapchat's products," Sorrell told CNBC. "I think Facebook is concerned about the potential opposition." [CNBC, [1/17/17](#)]

Unhelpful Lines:

1/20/17: Kevin Newby, Strategist at EVB LLC, Claimed The Behavior Of Snapchat's Streakers Detracts From The Effectiveness Of Ads On The Platform. [Bloomberg, [1/20/17](#)]

1/20/17: Emily Weinstein, Doctoral Candidate At Harvard: "For Those That Have Streaks, They Provide A Validation For The Relationship" [Bloomberg, [1/20/17](#)]

1/20/17: Nancy Colier, Pshycotherapist And Author Of The Power Of Off: “The Makers Built Into The App A System So You Have To Check Constantly Or Risk Missing Out” [Bloomberg, [1/20/17](#)]

12/20/16: Tristan Harris, Ex-Google Design Ethicist, Called Snapstreaks An Unethical Design That Serves Only One Purpose, To Get Users To Use The App More Often. [The Insider, [12/14/16](#)]

Anecdotal Evidence Cited About Snapstreaks:

1/20/17: Abby Rogers, 15-year-old from CA, Who Checks Her Snapchat Every 15 Minutes, Asks Friends To Send Snaps For Her While Her Phone Is Confiscated And Pays No Attention To Ads. [Bloomberg, [1/20/17](#)]

1/20/17: Isaiah Figueroa, 18-year-old from Wichita State University, Who Has 27 Streaks Going With Friends Admits He Hates When People Send Meaningless Snaps To Keep A Streak Going But Admits To Doing So Himself. [Bloomberg, [1/20/17](#)]

1/20/17: Chase Haverick, 30-Year-Old From Oklahoma City, Set Hitting A 100-Snap Streak As A Goal For His Year In 2016. [Bloomberg, [1/20/17](#)]

12/14/16: Eve, A Freshman In High School, Claims Her Friends Constantly Measure Their Relationships By Citing Snapscores. [The Insider, [12/14/16](#)]

12/14/16: Joselyn, a high school junior, Says The Only Reason To Have Snapchat Is To Keep Streaks Going [The Insider, [12/14/16](#)]

Headlines And Clips

1/20/17: Bloomberg Headline: Inside The Mind Of A Snapchat Streaker: The Photo Sharing App Is Dangerously Addicting, And That’s By Design. Abby Rogers, a 15 year-old from California’s Bay Area, recently took extreme measures to help a buddy in Michigan. The friend had her phone confiscated by parents and biked to a local library where she got on a computer, sent Rogers her Snapchat user name and password, and begged for a big favor. Every day for two weeks, Rogers would need to log on to the messaging app and send short picture messages back and forth between her friend’s account and her own. It didn’t matter the subject. It could be pictures of walls, ceilings—anything, really—so long as it kept alive a continuous, daily volley of missives known as a Snapstreak. Thanks to Rogers’ intervention, the girls’ Snapstreak has been running for more than 270 days. Keeping streaks alive has grown so urgent that Rogers checks the Snapchat app on her phone roughly every 15 minutes. She had 12 running at last check. If friends don’t ‘snap’ back and forth for 24 hours, streaks die, breaking one of the digital ties that bind America’s teens. ‘Sometimes I’ll end up going through a streak in the middle of class. I’ll just leave the phone face up and take a picture of the ceiling,’ said Rogers, who feels ‘guilty’ if she doesn’t respond to her friends’ snaps immediately. ‘I don’t want to leave them hanging.’ That kind of digital obsession has made Snap Inc. the social media darling of the

moment. An initial public offering as soon as March could put a price tag of at least \$20 billion on the business. Snap plans to file paperwork publicly late this week, Bloomberg reported Jan. 27. To lure investors, Snap plans to emphasize how important its app is to the lives of its more than 150 million daily users. But the digital habits of this California teen also show a potential vulnerability in the startup as it prepares what's likely to be the biggest technology IPO since 2014. If some heavy Snapchat users just log on to keep streaks alive, they're less likely to see ads or interact with other sponsored content such as branded photo filters. They also may get sick of the daily chore. Not exactly what advertisers—or IPO investors—want to hear. Parents and child-development professionals are unnerved by the streak phenomenon, too, but for different reasons. 'If you're sending a picture of a wall or just sending 'hello,' how legitimate is it?' said Rob Romero, parent of teen snapper as well as head of technology investment firm Connective Capital Management. 'Companies gamify this to get people more engaged in their platforms.' Snapchat's whimsical, varied filters promote user engagement. . The company shows numbers that appear next to each friend's name and tracks the days they've gone continuously sending and receiving messages. Long streaks are rewarded with colored hearts, fire, and other emojis on users' profiles. Messages on Snapchat can be personal videos and amusing comments. But they can just as easily be photos of ceilings. 'Some people Snapchat just for the streak,' said Isaiah Figueroa, an 18-year-old student at Wichita State University. Figueroa has 27 streaks with friends, including one of more than 250 days. He gets irritated when people snap a meaningless picture with a generic message, such as 'keep the streak going.' He tries to avoid this but admits he's guilty of the practice when he gets busy and is afraid he'll lose a streak. Graphic: Stephanie Davidson It's not just teenagers. Chase Haverick, a 30-year-old development communications manager from Oklahoma City, has seven streaks and recently hit 100 days with one friend. Special '100' and 'fire' emojis now hover next to a digital representation of their relationship on Snapchat. Hitting the 100 mark was a 'bucket list' goal for 2016, Haverick said, only half joking. Snapstreaks began in April 2015 as part of a wider app update that introduced Friend Emojis. These symbolize a hierarchy of relationships: At the top is the person you send snaps to the most and who also sends you the most snaps. They get a gold heart emoji. Lower down, a smirk emoji means a person messages you more than anyone, but you snap more with others. The rankings provide clarity in what adolescent development experts said is a messy period of social growth for young adults. 'For those that have streaks, they provide a validation for the relationship,' said Emily Weinstein, a doctoral candidate at Harvard University studying the intersection of adolescent behavior and social media. 'Attention to your streaks each day is a way of saying 'we're OK.' Snap adds urgency by putting an hourglass emoji next to a friend's name if a streak is about to end. 'The makers built into the app a system so you have to check constantly or risk missing out,' said Nancy Colier, a psychotherapist and author of *The Power of Off*. 'It taps into the primal fear of exclusion, of being out of the tribe and not able to survive.' Snap's ability to inspire such obsession—especially from famously fickle teenagers—has ignited the envy of other social media companies, such as Facebook Inc., along with early interest from some advertisers. Movie maker DreamWorks Animation, bourbon brand Jim Beam, and fast-food chain Taco Bell have run Snapchat campaigns, helping ad revenue reach \$367 million in 2016, according to EMarketer. That could hit \$1.76 billion by 2018, the research firm estimated last year. Others in the ad industry aren't convinced of Snapchat's value yet. Kevin Newby, a strategist at digital advertising company EVB LLC, said most marketers want their campaigns to persuade people to buy things, and Snapchat's streakers aren't around long enough for that. Jeff

Nicholson, a senior vice president of paid media at agency VaynerMedia, is a Snapchat fan, but even he warns that successful advertising on the app means ‘understanding you might get one second or three seconds of their time.’ IPO investors will be closely watching user numbers to ensure there are enough people on Snapchat to see the ads that will generate most of the company’s revenue. They’re unforgiving when data like this is unreliable. Before Twitter Inc.’s 2013 IPO, it touted monthly active user growth and timeline views, but backed off those numbers later. The shares have fallen by more than a third since the company’s public market debut. Snap recently told analysts at IPO underwriters about daily active users, the number of daily snaps, and time spent on the app, people familiar with the matter told Bloomberg this month. Users spend an average of 25 to 30 minutes a day on the app, a number that hasn’t changed in 11 months, the company said. It declined to provide statistics on streaks. Lucy Dendinger, a former marketing executive in the Bay Area, has her own data on this phenomenon. Her daughter takes over the Snapchat account—and streaks—of a 13-year-old relative when he goes on vacation with his parents. Dendinger said her kids snack on Snapchat throughout the day but spend little time looking at posts before moving on to the next message. Rogers, the teenager from Moraga, California, says she ignores ads during the three or four hours a day she spends in the app. Her focus is on maintaining streaks with her friends. ‘It’s how we stay in contact,’ she said.” [Bloomberg, [1/20/17](#)]

12/14/16: The Insider: Teens Are Obsessed With This One Snapchat Score That Can Make Or Break Friendships. “When it comes to maintaining friendships, teens don’t text. Snapchat is the most popular platform among teenagers. It’s a place to post pictures and videos, but teens mainly use it as a communication tool. One of the ways that Snapchat keeps its users engaged is by assigning each conversation a Snapstreak. It’s a number that appears next to a friend’s name, and it indicates how many consecutive days you two have sent snaps to each other. So if you and someone else sent snaps to each other for 226 consecutive days, the 226 number next to that person’s name is that conversation’s Snapstreak. When your Snapstreak starts, a fire emoji shows up next to the number, and other emojis are added based on the length of the conversation. And when it’s about to end, Snapchat warns you with an hourglass emoji. These Snapstreaks keep score of teenagers’ friendships. Because teenagers use Snapchat so much, Snapstreaks are emerging as a way of quantifying a friendship. If you’re friends with someone, you want that reflected in a high Snapstreak. ‘I wouldn’t want to have a Snapchat streak with someone I didn’t know,’ Eve, a freshman at The New School, told INSIDER (over Facebook, not Snapchat). ‘At the same time I would want to have a streak with my friend, I guess because that means that you’re in semi-constant communication with them.’ Snapstreaks aren’t the only number Snapchat offers. Users also get a Snapchat score, which is roughly the sum total of all snaps sent and received, and you can also see how many people viewed each snap in your story. But of the dozen or so teens INSIDER heard from, the most important number — by far — is your Snapstreak with someone else. Eve said that friends bother her about keeping up a streak. In a sense, the Snapstreak has become a tool that evaluates teens’ friendships. ‘I’ve definitely heard people use Snapchat streaks as a kind of measurement for how close they are with someone,’ Eve said. ‘For example: if someone’s name comes up in a conversation, I’ve heard people say things like ‘oh yeah, I love her, we have a 200 day Snapchat streak.’ There’s a lot of social pressure to keep up a Snapstreak. If someone doesn’t respond to a snap within a 24 hour period, the streak is broken. For some teens, that’s a mortal sin. ‘I wanna raise my streaks,’ Joselyn, a high school junior, told INSIDER via text message. ‘It’s a big deal when a friend breaks a streak

[...] whenever a person breaks a streak I get mad because it actually takes time [to] get the numbers.’ Meanwhile, other teenagers find the emphasis on Snapstreaks so annoying that they want to swear off the app altogether — if only they weren’t obligated to use it. ‘I hate streaks because it forces you to be on your phone every day,’ Sam, a high school freshman, said at Business Insider’s IGNITION conference. ‘Say you have a 100-day streak. There’s a lot of obligation to continue. So if you lose your streak, it’s like the world’s over.’ Chatting with friends and keeping up Snapstreaks are sometimes the main reason people use Snapchat in the first place, comparing their scores with other friends. It’s much more important than having a Story on Snapchat. But paradoxically, it can also lead to sending and getting more pointless, spammy messages to each other. ‘In my opinion, it’s the main reason for Snapchat,’ Jayleen, a high school junior, wrote an in email. ‘Sometimes it could get annoying when people send you pointless snaps.’ Are Snapstreaks unethical? Snapstreaks are a good example of what ex-Google design ethicist Tristan Harris calls unethical app design. Unethical designs, according to Harris, exploit psychological vulnerabilities to influence what users do without realizing it. My colleague Kif Leswing offered another Snapchat feature, the Snapchat score, as an example of unethical app design. It quantifies your Snapchat use into a single number. The feature serves only one purpose: to get you to use Snapchat more. It has no other use. And it’s particularly pernicious because young people are Snapchat’s main demographic. For whatever reason, the teenagers I talked to don’t seem to care about Snapchat scores. But they do care about Snapstreaks, which are similarly useless. They don’t do anything other than get you to use Snapchat more. Like Jayleen said, it’s ‘the main reason for Snapchat.’ In some ways, these Snapstreaks are meaningless internet points that users can accumulate. But when teenagers feel forced to use the app every day to keep up with friendships, or when they get upset at friends for breaking Snapstreaks, maybe that’s a problem.” [The Insider, [12/14/16](#)]

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