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26 UNITED STATES DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA
28 SAN JOSE DIVISION

29 FEDERAL TRADE COMMISSION,
30 Plaintiff,
31 v.
32 META PLATFORMS, INC., et al.,
33 Defendants.

Case No. 5:22-cv-04325-EJD

**DEFENDANTS META PLATFORMS,
INC.'S AND WITHIN UNLIMITED, INC.'S
FINAL PARTY FACT WITNESS LIST**

Dept.: Courtroom 4 – 5th Floor
Judge: Honorable Edward J. Davila

DEFENDANTS’ FINAL PARTY FACT WITNESS LIST

Pursuant to the Joint Stipulated Case Management Order at ¶ H.9.a (Dkt. 69) and Joint Stipulated Discovery Plan and Briefing Schedule at ¶ B.4 and Exh. A. (Dkt. 86), Defendants Meta Platforms, Inc. (“Meta”) and Within Unlimited, Inc. (“Within”) (collectively, “Defendants”) provide the below final list of party fact witnesses Defendants may call live at the preliminary injunction hearing (the “Hearing”) in this matter. Pursuant to ¶ B.4 of the Joint Stipulated Discovery Plan and Briefing Schedule, this list represents Defendants’ good faith effort to identify all party fact witnesses that Defendants may present at the Hearing, other than solely for impeachment. The witnesses identified below include the six (6) “most likely” party fact witnesses that the Defendants may call at the Hearing in this matter. The witnesses listed below also include eight (8) additional party fact witnesses whom the Defendants “may” call at the Hearing, depending on the witnesses and/or other evidence that Plaintiff Federal Trade Commission (the “FTC”) presents at the Hearing.

In addition to calling any of the below witnesses at the Hearing, Defendants also reserve the right to: (1) call any party fact witness at the Hearing who appears on the FTC’s final party fact witness list; (2) call any fact witness at the Hearing who has been deposed or who the parties had a reasonable opportunity to depose in this matter; (3) call any witness for impeachment, regardless of whether they are included on the below list; (4) call the custodian of records of any party or non-party from whom documents or records have been obtained to the extent necessary to demonstrate the authenticity or admissibility of documents, in the event a stipulation cannot be reached; (5) call any non-party witness who appears on Plaintiff’s or Defendants’ Final Non-Party Fact Witness List; and (6) supplement, correct, or modify this list in light of any discovery that has not yet been completed.

I. Defendants’ “Most Likely” Party Fact Witnesses

Name	Employer	Summary of General Topics of Anticipated Testimony
Andrew Bosworth	Meta	Meta’s proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content; Meta’s VR strategy, and developer strategies; Meta’s incentives to grow VR and support third-party developers; Meta’s ability to develop VR content, including VR fitness content; and development of VR

Name	Employer	Summary of General Topics of Anticipated Testimony
		content.
Aaron Koblin	Within	Meta's proposed acquisition of Within; the development of Supernatural; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content; development of fitness content, including for Supernatural; Supernatural characteristics, including demographics appealed to, marketing efforts, pricing, and users; Within's perception of Meta; Within's perception of VR content developers; Within's perception of fitness providers; and Supernatural's competitive landscape.
Chris Milk	Within	Meta's proposed acquisition of Within; the development of Supernatural; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content; development of fitness content, including for Supernatural; Supernatural characteristics, including demographics appealed to, marketing efforts, pricing, and users; Within's perception of Meta; Within's perception of VR content developers; Within's perception of fitness providers; and Supernatural's competitive landscape.
Mark Rabkin	Meta	Meta's proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Supernatural; Meta's VR strategy, including Meta's VR content and developer strategies; Meta's incentives to grow VR and support third-party developers; Meta's ability to develop VR content, including VR fitness content; and development of VR content.
Jason Rubin	Meta	Meta's proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Supernatural; Meta's VR strategy and developer strategies; Meta's incentives to grow VR and support third-party developers; Meta's ability to develop VR content, including VR fitness content; and development of VR content.
Mark Zuckerberg	Meta	Meta's proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Supernatural; Meta's VR strategy and developer strategies; Meta's incentives to

Name	Employer	Summary of General Topics of Anticipated Testimony
		grow VR and support third-party developers; and Meta's ability to develop VR content.

II. Additional Party Fact Witnesses Whom Defendants "May" Call

Name	Employer	Summary of General Topics of Anticipated Testimony
Jaroslav Beck	Meta	Meta's acquisition of Beat Games; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Beat Saber; Beat Games' ability to develop VR content, including VR fitness content; and development of VR content.
Deborah Guzman Barrios	Meta	Meta's acquisition of Beat Games; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Beat Saber; Beat Games' ability to develop VR content, including VR fitness content; and development of VR content.
Melissa Brown	Meta	Meta's proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Supernatural; Meta's VR strategy and developer strategies; Meta's incentives to grow VR and support third-party developers; Meta's ability to develop VR content, including VR fitness content; and development of VR content.
Anand Dass	Meta	Meta's proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Supernatural; Meta's VR strategy and developer strategies; Meta's incentives to grow VR and support third-party developers; Meta's ability to develop VR content, including VR fitness content; and development of VR content.
Chris Pruett	Meta	Meta's proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content; Meta's VR strategy, including Meta's VR content, fitness, Beat Saber, Supernatural, and developer

Name	Employer	Summary of General Topics of Anticipated Testimony
		strategies; Meta’s incentives to grow VR and support third-party developers; Meta’s ability to develop VR content, including VR fitness content; and development of VR content.
Rade Stojsalvjevic	Meta	Meta’s proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Supernatural; Meta’s VR strategy, including Meta’s VR content, fitness, Beat Saber, Supernatural, and developer strategies; Meta’s incentives to grow VR and support third-party developers; Meta’s ability to develop VR content, including VR fitness content; and development of VR content.
Michael Verdu ¹	Formerly Meta	Meta’s proposed acquisition of Within; industry dynamics, strategies, entry requirements, and features related to VR platforms, hardware, and/or content, including but not limited to Supernatural; Meta’s VR strategy and developer strategies; Meta’s incentives to grow VR and support third-party developers; Meta’s ability to develop VR content, including VR fitness content; and development of VR content.
FTC 30(b)(6) Designee	FTC	Topics addressed at corporate representative deposition.

Dated: October 28, 2022

By: /s/ Bambo Obaro

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¹ Defendants may rely on portions of Mr. Verdu’s deposition testimony in lieu of live testimony if he is unavailable to testify at the Hearing.

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CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Weil, Gotshal & Manges LLP, whose address is 201 Redwood Shores Parkway, Redwood Shores, California 94065 (hereinafter "WGM"). I am not a party to the within cause, I am over the age of eighteen years, and my email address is tricia.dresel@weil.com. I further declare that on October 28, 2022, I served a copy of the foregoing:

BY ELECTRONIC SERVICE by electronically mailing a true and correct copy through WGM's electronic mail system to the email address(es) set forth in the service list below.

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1 Executed on October 28, 2022, at San Jose, California. I declare under penalty of perjury under
2 the laws of the United States, that the foregoing is true and correct.

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