

## Objection to Settlement

I believe the settlement is unfair and that Netflix has done nothing wrong. Anyone who has used Netflix knows that one of its primary benefits is its recommendation engine. How does one expect to provide recommendations without knowing viewing history? It is also well known that Netflix has a public API. This API is what has allowed hundreds of other individual developers and companies to enhance the Netflix experience by writing plug-ins, extensions and other utilities that make use of Netflix. These third party tools/programs have greatly increased my enjoyment of Netflix. They have enabled me to update my queue from my phone, from my television, via email, and directly through the browser. They have also enabled me to utilize Netflix on devices for which Netflix has no official support. Additionally, the availability of Netflix's API has created a wealth of innovation around entertainment, being able to rate/rank movies based on my own personal tastes on completely independent third party websites. It is precisely because of the openness and forward thinking of companies like Netflix that spawns such innovation. Laws like the Video Privacy Act do nothing but hamper growth of undiscovered ideas and markets. I fully support Netflix and their usage of my information. It was well known what they would do with my information and I continued to use Netflix not in spite of it, but partly *because* of it. If anyone disagreed with how Netflix operates, then they should have forgone the use of Netflix and given up the great benefits that come with Netflix and its API.

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## **In re Netflix Privacy Litigation, No. 5:11-cv-00379-EJD**

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The Northern District of California (San Jose Division)

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