1	WYLY~ROMMEL, PLLC	
2	Sean F. Rommel ( <i>Pro Hac Vice</i> )	
	Email: srommel@wylyrommel.com 4004 Texas Boulevard	
3	Texarkana, Texas 75503 Telephone: (903) 334-8646	
4	Facsimile: (903) 334-8645	
5	CORY WATSON CROWDER & DEGARIS, P. F. Jerome Tapley ( <i>Pro Hac Vice</i> )	C.
6	Email: jtapley@cwcd.com 2131 Magnolia Avenue	
7	Birmingham, Alabama 35205 Telephone: (205) 328-2200	
8	Facsimile: (205) 324-7896	
9	Plaintiffs' Co-Lead Counsel	
10	CARTER WOLDEN CURTIS, LLP Kirk J. Wolden (SBN 138902)	
11	Email: kirk@cwclawfirm.com 1111 Exposition Boulevard, Suite 602	
12	Sacramento, California 95815 Telephone: (916) 567-1111	
13	Facsimile: (916) 567-1112	
14	Plaintiffs' Liaison Counsel	
15	UNITED STATES	DISTRICT COURT
16	NORTHERN DISTRI	CT OF CALIFORNIA
17	SAN JOSE	DIVISION
18	IN RE GOOGLE INC. GMAIL LITIGATION	Master Docket No.: 13-MD-02430-LHK
19	THIS DOCUMENT RELATES TO:	DECLARATION OF MATTHEW D.
20	ALL ACTIONS	GREEN, PH.D., IN REPLY AND IN SUPPORT OF THE CONSOLIDATED
21		MOTION FOR CLASS CERTIFICATION
22		Date: January 16, 2014
23		Time: 1:30 p.m. Judge: Hon. Lucy H. Koh Place: Courtroom 8—4 <sup>th</sup> Floor
24		
25		Trial Date: October 20, 2014
26		
27	Exhib	oit "B"
28	[DOCUMENT FIL	ED UNDER SEAL]
	1	

DECLARATION OF MATTHEW D. GREEN, Ph.D., IN REPLY AND IN SUPPORT OF THE CONSOLIDATED MOTION FOR CLASS CERTIFICATION 5:13-MD-002430-LHK

	1	
1	Clifford L. Carter, SBN 149621 Kirk J. Wolden, SBN 138902	
2	CARTER WOLDEN CURTIS 1111 Exposition Boulevard, Suite 602	
3	Sacramento, California 95815 Telephone: (916) 467-9488	
4	Email: cliff@cwclawfirm.com, kirk@cwclaw	/firm.com
5	Sean F. Rommel ( <i>Pro Hac Vice</i> ) James C. Wyly ( <i>Pro Hac Vice</i> )	
6	WYLY~ROMMEL, PLLC 4004 Texas Boulevard	
7 8	Texarkana, Texas 75503 Telephone: (903) 334-8646, Facsimile: (903) Email: srommel@wylyrommel.com, jwyly@	
9	F. Jerome Tapley ( <i>Pro Hac Vice</i> ) Hirlye R. "Ryan" Lutz, III ( <i>Pro Hac Vice</i> )	
10	CORY WATSON CROWDER & DEGARIS 2131 Magnolia Avenue	, P.C.
11	Birmingham, Alabama 35205 Telephone: (205) 328-2200; Facsimile: (205)	324-7896
12	Email: jtapley@cwcd.com, rlutz@cwcd.com	
13	Attorneys for Plaintiff and the Class	
14 15	NORTHERN DIST	ES DISTRICT COURT TRICT OF CALIFORNIA SE DIVISION
16	KEITH DUNBAR, individually and on	Case No.: 5:12-cv-03305-LHK
17	behalf of those similarly situated,	DECLARATION OF MATTHEW D.
18	Plaintiff, vs.	GREEN, Ph.D., IN SUPPORT OF PLAINTIFF'S REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS
19	GOOGLE, INC.,	CERTIFICATION  CERTIFICATION
20	Defendant.	Date: April 18, 2013 Time: 1:30 p.m.
21		Judge: Hon. Lucy H. Koh Location: Courtroom 5, 4 <sup>th</sup> Floor
22		Location. Courtroom 3, 4 11001
23		
24		
25	I, Matthew D. Green, Ph.D., under p	penalty of perjury pursuant to 28 U.S.C. § 1746,
26	hereby make the following Supplemental D	eclaration in support of Plaintiff's Notice of and
27	Memorandum of Points and Authorities	in Support of Plaintiff's Motion for Class
28	Certification, and state as follows:	
	01127572-1 SUPPLEMENTAL DECLARATION PLAINTIFF'S NOTICE OF AND MEMORA SUPPORT OF PLAINTIFF'S MOTION FOR	ANDUM OF POINTS AND AUTHORITIES IN

Case No. 5:12-cv-003305-LHK

1	1. On January 28, 2013, I submitted a declaration in support of Mr. Dunbar's
2	Motion for Class Certification. Since that time, I have read Google's Opposition papers and
3	believe the papers mischaracterize my findings from 2011 and from my recent Declaration. Ir
4	addition, I am writing in response to some of the other assertions about the data flow and
5	Gmail infrastructure at issue.
6	2. I base my analysis on a review of several documents. These include all of the
7	documents mentioned in all of my previous Declarations, as well as the following:
8	Declaration of Sean Rommel in Support of Motion for Class Certification and Exhibits;
9	Excerpts from Deposition of Thompson Gawley, attached as Exhibit C to Declaration o
10	Sean Rommel in Support of Motion for Class Certification;
11	Google's Response to Plaintiff's Motion for Class Certification;
12	Declaration of Deepak Jindal in Support of Google's Response to Plaintiff's Motion for
13	Class Certification;
14	The following pages produced by Keith Dunbar:
15	Exemplar pages from DUNBAR000215-464;
16	DUNBAR000447-463;
17	The following pages produced by Google:
18	GOOG000732639-641;
19	GOOG000733365;
20	GOOG000733009-011;
21	GOOG000000562-568;
22	GOOG000733356-357;
23	GOOG000000033-44;
24	GOOG000000263;
25	GOOG000000419;
26	GOOG000707879-893;
27	GOOG000707760;
28	GOOG000707717;

Oli 27572-1 SUPPLEMENTAL DECLARATION OF MATTHEW D. GREEN, Ph.D., TO PLAINTIFF'S NOTICE OF AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION Case No. 5:12-cv-003305-LHK 2

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          GOOG000725256-279;
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          GOOG000749541;
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          GOOG000749529;
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          GOOG000749459-462;
          GOOG000751365-372;
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          GOOG000746292-315;
28
          GOOG000765823-860;
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o1127572-1 SUPPLEMENTAL DECLARATION OF MATTHEW D. GREEN, Ph.D., TO PLAINTIFF'S NOTICE OF AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION Case No. 5:12-cv-003305-LHK 3

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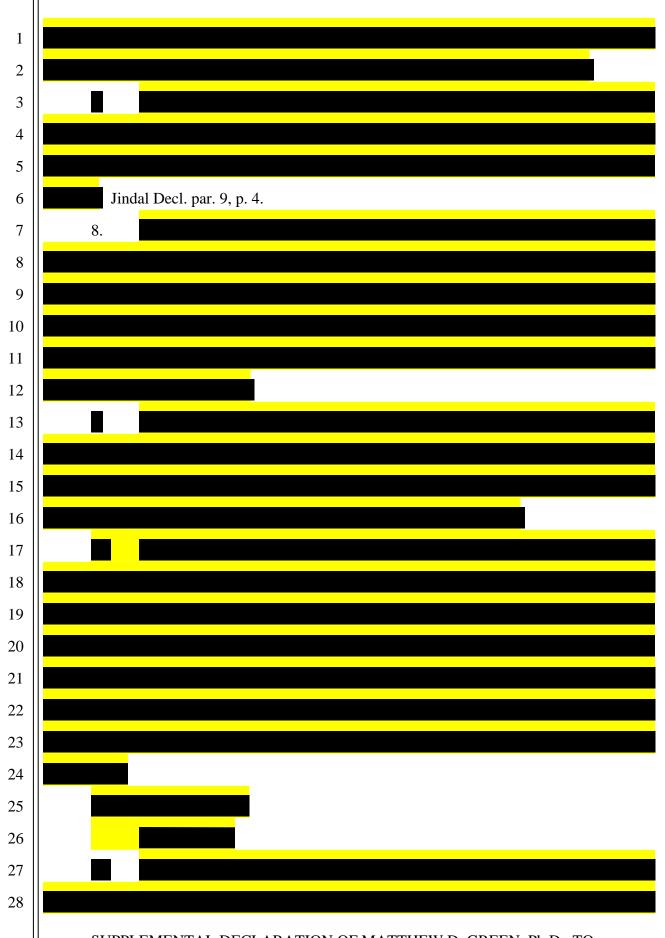
27 28 GOOG000752120-156; and

GOOG000319256-260.

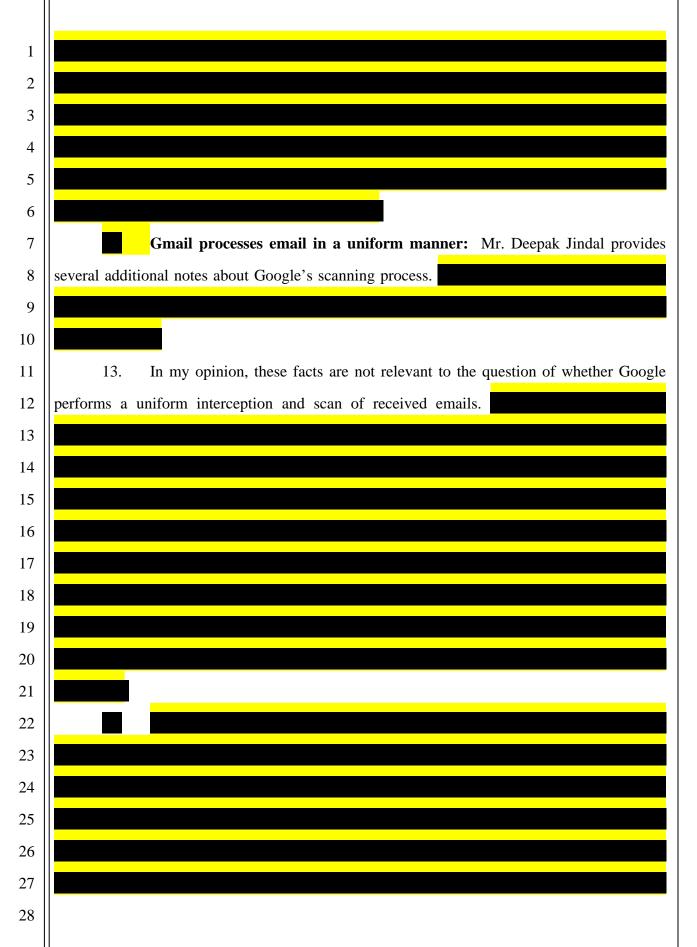
- I have been asked to provide my opinion on several matters related to the Motion for Class Certification and the Opposition. Specifically, the questions I have been asked to consider are:
  - Does internal Gmail email meta-data contain sufficient information to indicate that an interception or 'delivery scan' was performed on a specific email?
  - Does Gmail provide a uniform scanning process, despite the fact that some portions of the email (e.g., email attachments) are not scanned?
  - Do Google documents indicate the possibility of multiple interceptions and/or scans on a single email?
- 4. My opinions on these matters are informed by internal documents provided by Google, as well as the interrogatory responses Google provided in the *Marquis* matter.

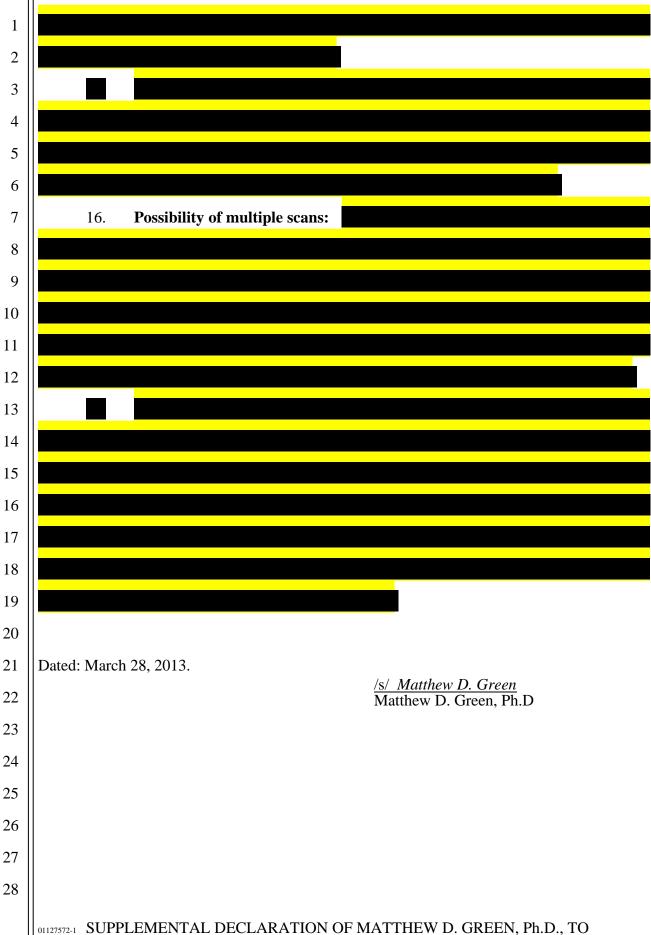
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<sup>&</sup>lt;sup>1</sup>Protocol buffers are a form of data structure developed by Google in order to handle mixed data. They are used extensively throughout the Gmail system.



O1127572-1 SUPPLEMENTAL DECLARATION OF MATTHEW D. GREEN, Ph.D., TO PLAINTIFF'S NOTICE OF AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION Case No. 5:12-cv-003305-LHK 5





PLAINTIFF'S NOTICE OF AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

Case No. 5:12-cv-003305-LHK

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