

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

<p>AMERICAN SOCIETY FOR TESTING AND MATERIALS d/b/a/ ASTM INTERNATIONAL;</p> <p>NATIONAL FIRE PROTECTION ASSOCIATION, INC.; and</p> <p>AMERICAN SOCIETY OF HEATING, REFRIGERATING, AND AIR CONDITIONING ENGINEERS,</p> <p style="text-align:right">Plaintiffs/ Counter-Defendants,</p> <p>v.</p> <p>PUBLIC.RESOURCE.ORG, INC.,</p> <p style="text-align:right">Defendant/ Counter-Plaintiff.</p>	Case No. 1:13-cv-01215-TSC
--	----------------------------

DECLARATION OF STEVEN CRAMER

Pursuant to 28 U.S.C. § 1746, I, Steven Cramer, declare the following statements to be true under the penalties of perjury:

1. I am over the age of 18 years and am fully competent to testify to the matters stated in this Declaration.
2. This declaration is based on my personal knowledge. If called to do so, I would and could testify to the matters stated herein.
3. I am the Vice-Provost for Teaching and Learning and Professor of Civil and Environmental Engineering at the University of Wisconsin-Madison. My research focuses on the mechanical behavior of wood and wood-based materials, the design and analysis of wood structures, and the performance of concrete construction materials.

4. I am a member of ASTM International (“ASTM”). I have been a member of ASTM since 1986.

5. From 2006-2009, I was the Chairman of ASTM’s Committee D07, which is the committee that develops standards related to wood. This committee has jurisdiction over 116 ASTM standards.

6. I understood since I joined ASTM that ASTM would own the copyright in any standards or materials I helped to develop.

7. I consider my contributions to the ASTM standard development process to be contributions to my profession and to the related industries. ASTM provides the framework that allows me to make this contribution.

8. ASTM plays a stewardship role in convening a diverse group of members, providing the infrastructure that makes it possible for members to contribute ideas, and ultimately creating a usable product that members will use and from which the entire industry will benefit.

9. The process of developing, publishing and distributing standards is expensive and someone has to pay for those costs.

10. I understood since I became a member of ASTM that ASTM sell copies of all ASTM standards and uses the revenue from its sales to support the standards development process.

11. I understood since I became a member of ASTM that if I wanted a copy of an ASTM standard, including a standard that I helped to develop, I or my institution would be required to purchase it from ASTM.

12. I have renewed my membership with ASTM using ASTM's online registration system since at least 2007. As part of that process, I indicated my agreement to the following statement: "I agree, by my participation in ASTM and enjoyment of the benefits of my annual membership, to have transferred and assigned any and all interest I possess or may possess, including copyright, in the development or creation of ASTM standards or ASTM IP to ASTM." A screen shot of the membership renewal form is attached as Exhibit 1. I understand this to mean that I have assigned any and all copyrights in standards I helped to develop from 1986 to the present to ASTM.

13. I renewed my membership in ASTM for 2016. As part of the renewal process, I agreed once again to a statement indicating that I had "transferred and assigned any and all interest I possess or may possess, including copyright, in the development or creation of ASTM standards or ASTM IP to ASTM." Attached as Exhibit 2 is a screen shot of this statement in my membership renewal.

14. I am not aware of any ASTM member who claims to own the copyright in any ASTM standard.

15. The context of ASTM's operations, including the membership forms, membership renewal forms, Intellectual Property policy, and the copyright notices on each of the ASTM standards makes it very clear to all members that ASTM owns the copyrights in all ASTM standards.

16. As the Chairman of Committee D07, I did not consider how much revenue sales of a potential standard would bring to ASTM when deciding whether to approve a work item to develop a new standard. I considered whether there was a need for the proposed standard and

whether there would be sufficient interest from a balanced group necessary to develop the standard.

17. A task group puts together the first draft of a new standard. I have participated in several task groups that have drafted proposed standards that were then revised and voted upon by ASTM subcommittees and committees. In my experience, developing a standard is an iterative process. The task group works collaboratively, with many people sharing ideas, suggesting wording and providing comments that contribute to the draft standard.

18. I have also participated in developing standards through the balloting process in subcommittees and committees. Members of the subcommittee and committee that submit ballots on a proposed standard also suggest wording and provide comments on the draft. The suggestions and comments are often incorporated into the draft.

19. The ASTM standards I have participated in developing were developed based on public demands, industry needs, and public safety concerns and advancements in technology. They address a technical issue or problem identified by a group of people in the relevant sector that can be addressed with a standard-based solution.

20. The ASTM standards I have participated in developing were not developed for the purpose of being incorporated into government regulations.

21. ASTM committees composed of technical experts make decisions about the appropriate content of the standards, including the relevant measurements, values, descriptions, and other specifications, as well as the language with which to express these standards.

22. Other standard development organizations, including the American Wood Council and the American National Standards Institute, develop standards that relate to wood.

The content, language and purpose of these SDO's standards differs from the content of the ASTM standards.

23. Since joining ASTM, I was aware that all contributions I made to the process of developing a standard would be merged with the contributions of others and would result in a single standard.

24. The task group, section, subcommittee and committee structure through which ASTM standards are developed makes it apparent to all participants that their contributions will be merged with the contributions of others and will result in a single standard.

25. ASTM staff members added certain language required by the Form and Style guide to each of the standards I helped to develop.

26. ASTM staff editors also proofread and edited each one of the standards I helped to develop prior to their publication.

Dated: November 16, 2015



Steven Cramer

EXHIBIT 1



Search ASTM

LANGUAGES CONTACT CART (0)

PRODUCTS AND SERVICES GET INVOLVED ABOUT NEWS

MyASTM

MyASTM

Welcome, Kara Laufer

It's time to renew your 2014 membership. [Renew My Membership](#)

Please Select:

- SEDL - Digital Library
- MyCommittees
- MyCollaboration Areas
- MyStandards Tracker
- ASTM Admin
- Training

- MyChoices
- MyCommittees
- Digital Library Home
- MyAccount
- Invite A Colleague
- Join Additional Committees
- Drop Subcommittees
- Help

Account ID: 1023
Kara Laufer
klausen@astm.org
ASTM International



Home About ASTM Site Map Support Contact Policies Copyright/Permissions
Copyright © 2006 - 2014 ASTM. All Rights Reserved. ASTM International, 100 Bar Harbor Drive, PO Box C700, West Conshohocken, PA, 19380-2900 USA



Search ASTM

LANGUAGES CONTACT CART (0)

PRODUCTS AND SERVICES GET INVOLVED ABOUT NEWS

MyASTM - MyCommittees

MyCommittees

Committee D20 on Plastics

Ballots	Minutes	Rosters	Meetings & Symposia	Agendas	Committee Documents	Standards Tracking
---------	---------	---------	---------------------	---------	---------------------	--------------------

Committee F17 on Plastic Piping Systems

Ballots	Minutes	Rosters	Meetings & Symposia	Agendas	Committee Documents	Standards Tracking
---------	---------	---------	---------------------	---------	---------------------	--------------------

- My Choices**
- Negatives & Comments
- My Next Meetings
 - My Work Items
 - My Collaboration Areas
 - Ballots & Resolutions
 - Meetings, Minutes, Agendas
 - Additional Resources

- MyChoices
- MyCommittees
- Digital Library Home
- MyAccount
- Invite A Colleague
- Join Additional Committees
- Drop Subcommittees
- Help

[Renew My Membership](#)

Account ID: 1023
ASTM Insider
AMC.D20@CHARLOTTEPEP.COM
Charlotte Pipe and Foundry



Home About ASTM Site Map Support Contact Policies Copyright/Permissions
Copyright © 2006 - 2014 ASTM. All Rights Reserved. ASTM International, 100 Bar Harbor Drive, PO Box C700, West Conshohocken, PA, 19380-2900 USA

PARTICIPATING MEMBER



Search ASTM

LANGUAGES CONTACT CART (0)

PRODUCTS AND SERVICES GET INVOLVED ABOUT NEWS

Get Involved / Membership / Membership Renewal

Digital Library Home

MyAccount

Help

Membership Renewal

Welcome, Kara Laufer

Thank you for renewing your Participating membership. Your 2014 Membership renewal fee is \$79 U.S.

You agree, by your participation in ASTM and enjoyment of the benefits of your annual membership, to have transferred and assigned any and all interest you possess or may possess, including copyright, in the development or creation of ASTM standards or ASTM IP to ASTM. For additional information, please see the [ASTM IP Policy](#).

Click "Continue" to place your membership renewal in the ASTM shopping cart.



Home About ASTM Site Map Support Contact Policies Copyright/Permissions
Copyright © 2006 - 2014 ASTM. All Rights Reserved. ASTM International, 100 Bar Harbor Drive, PO Box C700, West Conshohocken, PA 19380-2099 USA



Search ASTM

LANGUAGES CONTACT CART (0)

PRODUCTS AND SERVICES GET INVOLVED ABOUT NEWS

Get Involved / Membership / Membership Renewal

Digital Library Home

MyAccount

Help

Membership Renewal

Kara Laufer

Your membership entitles you to a free taste: Volume from the Annual Book of ASTM Standards.

1. Select Section of Interest:

Select Section of Interest

2. Select Volume:

Select Volume

Note: Volume titles have been truncated for display purposes. [Click here](#) for a list of full volume titles and publication dates for Print/CD-ROM versions.

3. Select Format:

Select Format

Click [here](#) to learn more about your Volume format options.


No, I do not want a member volume

Click "Continue" to place your free Volume in your ASTM shopping cart.



Home About ASTM Site Map Support Contact Policies Copyright/Permissions
Copyright © 2006 - 2014 ASTM. All Rights Reserved. ASTM International, 100 Bar Harbor Drive, PO Box C700, West Conshohocken, PA 19380-2099 USA

Note: Items will be added to the shopping cart after this screen.



Search:

▼ LANGUAGES CONTACT ▼ CART (2)

▼ PRODUCTS AND SERVICES ▼ GET INVOLVED ▼ ABOUT ▼ NEWS

Get involved / Membership / Membership Renewal

Membership Renewal

Kara Leifer


Member Volume 01.01 Online Basic (Click [here](#) to change your selection) has been added to your shopping cart.

For \$33 you can change your Member Online Basic Volume to the online premium Volume called Online Plus. This Online Plus Volume includes not only active standards, but also redefined, historical and withdrawn standards. Click [here](#) for more information on Online Plus.


Would you like to change your Online Basic Volume to the Online Plus Volume?

Yes, change my Basic Volume to the Plus Volume.

No, I prefer the Basic Volume.



Home About ASTM Site Map Support Contact Policies Copyright/Permissions
Copyright © 2006 - 2013 ASTM. All Rights Reserved. ASTM International, 100 Bar Harbor Drive, PO Box 1700, West Conshohocken, PA, 19380-1700 USA.



Search:

▼ LANGUAGES CONTACT ▼ CART (0)

▼ PRODUCTS AND SERVICES ▼ GET INVOLVED ▼ ABOUT ▼ NEWS

Get involved / Membership / Membership Renewal

Membership Renewal


Kara Leifer

Volume 01.01 (Click [here](#) to change your selection) has been added to your shopping cart.

Would you like to purchase any other Volumes from the Annual Book of ASTM Standards and add them to your cart?

Yes, please show me a list of available Volumes.

No, take me to my shopping cart.



Home About ASTM Site Map Support Contact Policies Copyright/Permissions
Copyright © 2006 - 2013 ASTM. All Rights Reserved. ASTM International, 100 Bar Harbor Drive, PO Box 1700, West Conshohocken, PA, 19380-1700 USA.



Home Search ASTM

LANGUAGES CONTACT CART (2)

PRODUCTS AND SERVICES GET INVOLVED ABOUT NEWS

You might also consider:



Standards Tracker

Free



Your Shopping Cart:

Description	Qty.	Price	Total	
Participating Membership	1	\$75.00	\$75.00	delete
Member Volume ROUN AND STEEL PRODUCTS 0101 Steel Piping, Tubing, Fittings-Online Book	1	\$0.00	\$0.00	delete

UPDATE CART

Subtotal: \$75.00

PROCEED TO CHECKOUT

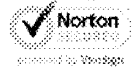


EXHIBIT 2

Membership Renewal

Welcome, Steven Cramer

Thank you for renewing your Participating membership. Your 2016 Membership renewal fee is \$75 U.S.

You agree, by your participation in ASTM and enjoyment of the benefits of your annual membership, to have transferred and assigned any and all interest you possess or may possess, including copyright, in the development or creation of ASTM standards or ASTM IP to ASTM. For additional information, please see the [ASTM IP Policy](#).

Click "Continue" to place your membership renewal in the ASTM shopping cart.

CONTINUE

Recommended



ASTM Meetings App

Download the ASTM Mobile App for the most up-to-date committee meeting information including access to full schedules, venue info and directions and local places to check out.

All

Search topic, title, ...

[Home](#) | [About ASTM](#) | [Site Map](#) | [Support](#) | [Contact](#) | [Policies](#) | [Copyright/Permissions](#)

Copyright © 1996 - 2015 ASTM. All Rights Reserved. ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA, 19428-2959 USA