

EXHIBIT 4

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

- - -

AMERICAN SOCIETY FOR : Case No.
TESTING AND MATERIALS d/b/a: 1:13-cv-01215-PSC-DAR
ASTM INTERNATIONAL; :
:
NATIONAL FIRE PROTECTION :
ASSOCIATION, INC.; and :
:
AMERICAN SOCIETY OF :
HEATING, REFRIGERATING, :
AND AIR-CONDITIONING :
ENGINEERS, INC. :
Plaintiffs, :
:
vs. :
:
PUBLIC.RESOURCE.ORG, INC., :
Defendant. :
:

AND RELATED COUNTERCLAIMS. :

:

Videotaped 30(b)(6) deposition
of American Society for Testing & Materials,
through DANIEL SMITH, held in the offices of
Veritext Philadelphia, 1801 Market Street,
Ten Penn Center, Suite 1800, Philadelphia,
Pennsylvania 19103, commencing at 10:43 a.m.,
July 24, 2015, before Linda Rossi Rios, a
Federally Approved RPR, CCR and Notary
Public.

<p>1 giving your best testimony today?</p> <p>2 A. No.</p> <p>3 Q. Mr. Smith, what do you do for a</p> <p>4 living?</p> <p>5 A. I work for ASTM International.</p> <p>6 Q. And when you say you work for</p> <p>7 ASTM International, what do you mean?</p> <p>8 A. I'm the vice --</p> <p>9 MR. FEE: Objection. Vague.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: I'm the vice</p> <p>12 president of technical committee</p> <p>13 operations.</p> <p>14 BY MR. BECKER:</p> <p>15 Q. And what is technical committee</p> <p>16 operations?</p> <p>17 A. It's a division within ASTM.</p> <p>18 Q. What does technical committee</p> <p>19 mean?</p> <p>20 A. Technical committees develop</p> <p>21 standards.</p> <p>22 Q. When you say "standards," what</p> <p>23 do you mean by that?</p> <p>24 A. Consensus standards.</p> <p>25 Q. By "consensus standards," what</p> <p style="text-align: right;">Page 14</p>	<p>1 technical committee?</p> <p>2 A. A group of experts that develop</p> <p>3 standards.</p> <p>4 Q. And who are those experts?</p> <p>5 A. Volunteers.</p> <p>6 Q. And are they only volunteers?</p> <p>7 MR. FEE: Objection. Vague.</p> <p>8 THE WITNESS: For the most part</p> <p>9 from my knowledge, they're all</p> <p>10 volunteers.</p> <p>11 BY MR. BECKER:</p> <p>12 Q. How does a technical committee</p> <p>13 go about developing standards as you say?</p> <p>14 A. They use our consensus process.</p> <p>15 Q. What is the consensus process?</p> <p>16 A. It's two levels of voting</p> <p>17 starting with the subcommittee and then the</p> <p>18 main committee.</p> <p>19 Q. What's the difference between a</p> <p>20 subcommittee and a main committee?</p> <p>21 A. A subcommittee is typically</p> <p>22 smaller with a more narrow interest. A main</p> <p>23 committee has broader interest.</p> <p>24 Q. So within a technical</p> <p>25 committee, then, there is -- is there just</p> <p style="text-align: right;">Page 16</p>
<p>1 do you mean by that?</p> <p>2 A. Documents.</p> <p>3 Q. Any documents?</p> <p>4 A. Specifications, test methods,</p> <p>5 practices, guides, classifications and</p> <p>6 terminology.</p> <p>7 Q. Does the term "standards" have</p> <p>8 any specific meaning to you?</p> <p>9 MR. FEE: Objection. Vague.</p> <p>10 THE WITNESS: I'm not sure what</p> <p>11 you mean by that.</p> <p>12 BY MR. BECKER:</p> <p>13 Q. Can you define what a standard</p> <p>14 is?</p> <p>15 A. Just what I said previously,</p> <p>16 it's a test method, a specification, a</p> <p>17 practice, a guide, classification or</p> <p>18 terminology.</p> <p>19 Q. And you say that the technical</p> <p>20 committees develop standards. How do --</p> <p>21 actually, let me back up.</p> <p>22 What is a technical committee?</p> <p>23 A. I'm not sure how to answer</p> <p>24 that. I'm not sure what you mean by that.</p> <p>25 Q. How would you define a</p> <p style="text-align: right;">Page 15</p>	<p>1 one main committee?</p> <p>2 A. A main committee is a technical</p> <p>3 committee.</p> <p>4 Q. And are there numerous</p> <p>5 subcommittees?</p> <p>6 A. Yes.</p> <p>7 Q. And how many subcommittees on</p> <p>8 average?</p> <p>9 A. It varies.</p> <p>10 Q. Could you give me a range by</p> <p>11 which it might vary?</p> <p>12 A. The best of my knowledge, maybe</p> <p>13 from 3 to 40, 50.</p> <p>14 Q. When you say there is a</p> <p>15 consensus process that involves voting in the</p> <p>16 subcommittee and then voting at the main</p> <p>17 committee level, can you elaborate on that</p> <p>18 process?</p> <p>19 MR. FEE: Objection. Vague.</p> <p>20 THE WITNESS: They vote on</p> <p>21 standards so the folks on that</p> <p>22 committee will vote on whether or not</p> <p>23 they agree or not agree with the</p> <p>24 content of the standard.</p> <p>25 BY MR. BECKER:</p> <p style="text-align: right;">Page 17</p>

<p>1 document.</p> <p>2 Q. Well, this is the listing of</p> <p>3 standards that ASTM is asserting are</p> <p>4 infringed by Public.Resource.Org.</p> <p>5 - - -</p> <p>6 (Exhibit 1291, Certificates of</p> <p>7 Copyright Registration, Bates</p> <p>8 ASTM000001 - ASTM000168, was marked</p> <p>9 for identification.)</p> <p>10 - - -</p> <p>11 BY MR. BECKER:</p> <p>12 Q. I'm handing you what has been</p> <p>13 marked as Exhibit 1291. These are the</p> <p>14 documents produced as Bates number ASTM000001</p> <p>15 to ASTM000168. Do you recognize this</p> <p>16 document?</p> <p>17 MR. FEE: Objection.</p> <p>18 Mischaracterizes what has been marked</p> <p>19 as 1291 as one document.</p> <p>20 THE WITNESS: I think I saw an</p> <p>21 example of one yesterday.</p> <p>22 BY MR. BECKER:</p> <p>23 Q. What is Exhibit 1291?</p> <p>24 MR. FEE: Objection. Lack of</p> <p>25 foundation.</p> <p style="text-align: right;">Page 122</p>	<p>1 A. It was just in the materials</p> <p>2 along with other Bates numbered documents.</p> <p>3 Q. Do you recall which Certificate</p> <p>4 of Copyright Registration you viewed</p> <p>5 yesterday?</p> <p>6 A. No.</p> <p>7 Q. Was it only one Certificate of</p> <p>8 Copyright Registration that you looked at?</p> <p>9 A. I believe so.</p> <p>10 Q. Did you have any discussions</p> <p>11 with anyone in preparation for your</p> <p>12 deposition today concerning Certificates of</p> <p>13 Copyright Registration by ASTM?</p> <p>14 MR. FEE: You can answer it yes</p> <p>15 or no.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. BECKER:</p> <p>18 Q. And who did you have these</p> <p>19 discussions with?</p> <p>20 A. I had a discussion with Kathe</p> <p>21 Hooper.</p> <p>22 Q. Anybody else?</p> <p>23 A. Other than the legal team, I</p> <p>24 don't think so.</p> <p>25 Q. I don't believe that Kathe</p> <p style="text-align: right;">Page 124</p>
<p>1 THE WITNESS: They look like</p> <p>2 they're examples of Certificates of</p> <p>3 Copyright Registration.</p> <p>4 BY MR. BECKER:</p> <p>5 Q. I will represent to you that</p> <p>6 Exhibit 1291 is all of the Certificates of</p> <p>7 Copyright Registration that ASTM has produced</p> <p>8 to Public.Resource in this action.</p> <p>9 You said you saw an example of</p> <p>10 one of these Certificates of Copyright</p> <p>11 Registration yesterday?</p> <p>12 A. Yes.</p> <p>13 Q. Was that in preparation for</p> <p>14 your deposition?</p> <p>15 A. Yes.</p> <p>16 Q. And in what context did you see</p> <p>17 an example of the Certificate of Copyright</p> <p>18 Registration?</p> <p>19 MR. FEE: Objection. Vague.</p> <p>20 THE WITNESS: I'm not sure what</p> <p>21 you mean by "context."</p> <p>22 BY MR. BECKER:</p> <p>23 Q. Were you shown an example of</p> <p>24 the Certificate of Copyright Registration by</p> <p>25 anybody?</p> <p style="text-align: right;">Page 123</p>	<p>1 Hooper was one of the people that you listed</p> <p>2 as an individual that you spoke with in</p> <p>3 preparation for your deposition?</p> <p>4 A. Yeah, we -- I didn't -- we did</p> <p>5 not have a special meeting with her.</p> <p>6 Q. What did you discuss when you</p> <p>7 spoke with Kathe Hooper in preparation for</p> <p>8 your deposition today?</p> <p>9 A. We discussed why, when this</p> <p>10 form was filled out, why we had checked off</p> <p>11 the box yes to question 2a about "Was this</p> <p>12 contribution to the work a work made for</p> <p>13 hire."</p> <p>14 Q. And why is that, that box 2a</p> <p>15 was checked off on the copyright</p> <p>16 registrations?</p> <p>17 A. She said that the copyright</p> <p>18 office had told her to fill out the form that</p> <p>19 way.</p> <p>20 Q. Did she say why the copyright</p> <p>21 office told her to fill out the form that</p> <p>22 way?</p> <p>23 A. I don't believe so.</p> <p>24 Q. Was she the one who prepared</p> <p>25 the copyright registrations?</p> <p style="text-align: right;">Page 125</p>

1 A. I think she started back in
2 1984, I think she may have said.
3 Q. Do you know who was filling out
4 ASTM Certificate of Copyright Registration
5 forms prior to Kathe Hooper?
6 A. A name was mentioned yesterday,
7 but I don't recall the name.
8 Q. Was that individual Robert L.
9 Meltzer?
10 A. I recognize that name, but I
11 don't know if Robert Meltzer was the one that
12 was filling out this form.
13 Q. Do you know who Robert Meltzer
14 is?
15 A. He was a former vice president
16 of publications.
17 Q. Did Kathe Hooper say what
18 communications with the copyright office led
19 to her decision to check box 2a of the
20 copyright registrations?
21 A. What led her to fill out this
22 form that way?
23 Q. Did she say what communications
24 she had with the copyright office that led
25 her to fill out the forms to check box 2a?

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1 A. She had said that her
2 predecessor had a conversation with the
3 copyright office, and they had informed her
4 that it should be filled out that way.
5 Q. Do you know if Kathe Hooper had
6 any interactions with the copyright office in
7 which the copyright office told her to fill
8 out the registrations by checking box 2a?
9 A. I don't believe she did.
10 Q. What is Kathe Hooper's role at
11 ASTM?
12 A. She assists the vice president
13 of publications.
14 Q. How long has Kathe Hooper held
15 that role for at ASTM?
16 A. I can't say for certain, but I
17 think she said yesterday, since about 1984
18 she was in that role.
19 Q. And currently the vice
20 president of publications is John Pace.
21 Correct?
22 A. Correct.
23 Q. Do you know how long John Pace
24 has held that role for?
25 A. It's been about 11 years.

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1 Q. Do you know what had been the
2 discussion with the copyright office by Kathe
3 Hooper's predecessor concerning checking box
4 2a?
5 A. Do I know?
6 MR. FEE: Objection.
7 BY MR. BECKER:
8 Q. Yeah.
9 MR. FEE: Vague.
10 THE WITNESS: I only know what
11 Kathe Hooper told me.
12 BY MR. BECKER:
13 Q. And what precisely did Kathe
14 Hooper tell you about that?
15 MR. FEE: Objection. Asked and
16 answered.
17 THE WITNESS: That the copyright
18 office had informed Kathe Hooper's
19 predecessor to check box yes to the
20 answer -- to the question on 2a.
21 BY MR. BECKER:
22 Q. Did Kathe Hooper tell you any
23 information about what her predecessor had
24 said to the copyright office that led to the
25 copyright office telling her to check box 2a?

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1 A. No. My understanding is it was
2 just a question on how to fill out the form.
3 Q. Did ASTM ever have a lawyer
4 review the applications for copyright
5 registration?
6 A. I don't know.
7 Q. Do you have any knowledge about
8 what information the copyright office had
9 obtained from ASTM when it said to check box
10 2a?
11 A. No.
12 Q. If ASTM had provided different
13 facts concerning the material that was being
14 copyrighted, that might call for a different
15 answer to whether box 2a should be checked on
16 the copyright registration form. Correct?
17 MR. FEE: Objection. Calls for
18 speculation. Calls for a legal
19 conclusion. Calls for expert
20 testimony. You can answer if you
21 know.
22 THE WITNESS: I don't know.
23 BY MR. BECKER:
24 Q. Why is ASTM listed as the
25 author under section 2a?

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<p>1 A. I think the copyright office 2 told us to fill out the form in that manner. 3 Q. Did Kathe Hooper tell you that 4 the copyright office said to fill out the 5 copyright registration form by putting 6 American Society for Testing and Materials 7 under name of author, section 2a? 8 A. Yes. 9 Q. Did Kathe Hooper tell you 10 anything else about listing ASTM under the 11 name of author field in section 2a? 12 A. No. 13 Q. Are there any documents that 14 reflect ASTM's communication with the 15 copyright office concerning how to fill out 16 section 2a of the forms for copyright 17 registration? 18 MR. FEE: Objection. Calls for 19 speculation. This is beyond the 20 scope. You can answer. 21 THE WITNESS: Not that I'm aware 22 of. 23 BY MR. BECKER: 24 Q. Are there any letters that 25 reflect ASTM's communication with the</p> <p style="text-align: right;">Page 130</p>	<p>1 concerning how to fill out section 2a of the 2 forms for copyright registration? 3 MR. FEE: Objection. Calls for 4 speculation. Beyond the scope of his 5 designation. You can answer. 6 THE WITNESS: I don't know. 7 Maybe the people that worked in our 8 publications department at the time 9 that that question was -- at the time 10 that the copyright office had informed 11 us. 12 BY MR. BECKER: 13 Q. Do you know who was the 14 president of publications as of the time that 15 ASTM communicated with the copyright office 16 regarding how to fill out section 2a of the 17 copyright registration forms? 18 A. I believe it was Bob Meltzer, 19 Robert Meltzer. 20 Q. Do you know if Robert Meltzer 21 is still alive? 22 A. I don't know for sure. 23 MR. FEE: Matt, is now a good 24 time to take a break? 25 MR. BECKER: We can in just a</p> <p style="text-align: right;">Page 132</p>
<p>1 copyright office concerning how to fill out 2 section 2a of the forms for copyright 3 registration? 4 MR. FEE: Objection. Same 5 objections as before, plus you just 6 answered that question. You can 7 answer it again. 8 THE WITNESS: Not that I'm aware 9 of. 10 BY MR. BECKER: 11 Q. Are there any internal memos 12 that reflect ASTM's communication with the 13 copyright office concerning how to fill out 14 section 2a of the forms for copyright 15 registration? 16 MR. FEE: Objection. Calls for 17 speculation. It's beyond the scope of 18 his designation. You can answer if 19 you know. 20 THE WITNESS: Not that I'm aware 21 of. 22 BY MR. BECKER: 23 Q. Who would know whether any 24 documents exist that reflect ASTM's 25 communications with the copyright office</p> <p style="text-align: right;">Page 131</p>	<p>1 moment. 2 BY MR. BECKER: 3 Q. Please turn to page ASTM000107 4 of Exhibit 1291. I will represent to you 5 that this is the earliest copyright 6 registration that ASTM has provided to 7 Public.Resource in this action. Under 8 section 2-1, in the section that says, "NAME 9 OF AUTHOR," do you see that it lists 10 "American Society for Testing and Materials," 11 and then says, "Was this author's 12 contribution to the work a 'work made for 13 hire,'" and then checks the box yes? 14 A. Yes. 15 Q. And then on the next page, do 16 you see that under the "CERTIFICATION" near 17 the bottom of the page, it lists "Robert L. 18 Meltzer," and then has his -- what appears to 19 be his signature -- 20 A. Yes. 21 Q. -- with a date of January 31, 22 1980? 23 A. Yes. 24 Q. Is it your belief that as of at 25 least January 31, 1980, Kathe Hooper's</p> <p style="text-align: right;">Page 133</p>

<p>1 predecessor had had a conversation with the 2 copyright office in which they instructed her 3 to check the box saying that the -- scratch 4 that. 5 Is it your understanding that 6 as of at least January 31, 1980, someone at 7 ASTM had had a conversation with someone from 8 the copyright office in which that person 9 from ASTM was instructed to check the box 10 saying that the work was a "work made for 11 hire," and listing the name "American Society 12 for Testing and Materials" under the "NAME OF 13 AUTHOR" field? 14 MR. FEE: Objection to form. 15 THE WITNESS: I'm not sure I 16 understand the question. If you could 17 rephrase it, I'm a little lost. 18 BY MR. BECKER: 19 Q. Sure. Is it your -- after 20 looking at this document, page ASTM000107 to 21 108, is it your understanding that as of at 22 least January 31, 1980, someone at ASTM had a 23 conversation with someone from the copyright 24 office in which that person from ASTM was 25 instructed to check the box saying that the</p> <p style="text-align: right;">Page 134</p>	<p>1 Q. Mr. Smith, do you know which 2 standards at issue in this litigation each 3 copyright registration that ASTM has provided 4 corresponds to? 5 A. I'm not sure I get the 6 question. 7 Q. If you look at, we were just 8 discussing ASTM000107 in Exhibit 1291, that's 9 a standard, the title of the work is "1980 10 ANNUAL BOOK OF ASTM STANDARDS, Part 11 1:Steel-Piping, Tubing, Fittings." Is that 12 correct? 13 A. Correct. 14 Q. Do you know how many standards 15 are in the 1980 Annual Book of ASTM 16 Standards, Part 1:Steel-Piping, Tubing, 17 Fittings? 18 A. No. 19 MR. FEE: Objection. Beyond the 20 scope of his designation. 21 THE WITNESS: No, I don't. 22 MR. BECKER: I would disagree, I 23 don't think this is beyond the scope 24 of his designation. This has to do 25 with the -- with copyright ownership</p> <p style="text-align: right;">Page 136</p>
<p>1 work was a "work made for hire," and listing 2 the names "American Society for Testing and 3 Materials" under the "NAME OF AUTHOR" field? 4 MR. FEE: Objection. Form. Go 5 ahead. 6 THE WITNESS: Yeah, I believe 7 that's right, I just don't know 8 when that con -- I don't know when 9 that conversation exactly was made. 10 BY MR. BECKER: 11 Q. But you believe it was as of at 12 least January 31, 1980? 13 A. I don't know. It could have 14 been before that. I really don't know. 15 MR. BECKER: All right. We can 16 go off the record. 17 VIDEOGRAPHER: The time is now 18 3:08. We're going off the video 19 record. 20 - - - 21 (A recess was taken.) 22 - - - 23 VIDEOGRAPHER: The time is now 24 3:20. We're back on the video record. 25 BY MR. BECKER:</p> <p style="text-align: right;">Page 135</p>	<p>1 and the chain of title. This is -- 2 MR. FEE: You just asked him how 3 many chapters essentially there were 4 in a book. 5 MR. BECKER: Well, that's one of 6 the questions I have, is related to 7 this particular registration. It's a 8 registration for a work. 9 MR. FEE: We disagree for the 10 record. 11 BY MR. BECKER: 12 Q. Are there multiple standards 13 listed in the 1980 Annual Book of ASTM 14 Standards, Part 1:Steel-Piping, Tubing, 15 Fittings? 16 MR. FEE: Same objection. 17 THE WITNESS: Yes. 18 BY MR. BECKER: 19 Q. How do you know that? 20 A. Because it's our volume of 21 standards and volumes contain more than one 22 standard. 23 Q. Is there a way to confirm -- 24 excuse me, scratch that. 25 Do you know how to determine</p> <p style="text-align: right;">Page 137</p>

<p>1 Annual Book of ASTM Standards, Part 2 1:Steel-Piping, Tubing, Fittings? 3 A. I don't know specifically if 4 there would be -- you know, if it was called 5 the same thing, a Part 1 or -- because 6 sometimes we have to reshuffle our volumes 7 depending -- as they get bigger, we have to 8 manage the size of each volume. So I don't 9 know if it was -- would have been called Part 10 1 or something else, but I also don't know if 11 the same exact standards that were in there 12 in 1979 are not necessarily in there in 1980. 13 Q. Would ASTM A370 1977e2 have 14 been published in an Annual Book of ASTM 15 Standards prior to 1980? 16 A. Most -- yeah, most likely, yep. 17 Q. Do you know why ASTM has not 18 provided Public.Resource with the copyright 19 registrations for any such volumes prior to 20 1980? 21 MR. FEE: Objection. Calls for 22 speculation. Beyond the scope of his 23 designation. 24 THE WITNESS: I don't know. 25 BY MR. BECKER:</p> <p style="text-align: right;">Page 150</p>	<p>1 A. Yes. Nothing is technically 2 significant. 3 Q. Returning to ASTM000108, just 4 below where it lists the information under 5 "PREVIOUS REGISTRATION," it has a section 6 that says, "COMPILATION OR DERIVATIVE WORK" 7 which says, "PREEXISTING MATERIAL." And then 8 below that it says, "1979 Annual Book of ASTM 9 Standards, Part 1." And then below that, 10 "MATERIAL ADDED TO THIS WORK," it says, 11 "Compilation of previously published text 12 plus additional text." 13 Do you know what that 14 additional text is that was added to the 1979 15 Annual Book of ASTM Standards, Part 1 to 16 create the 1980 Annual Book of ASTM 17 Standards, Part 1? 18 A. I don't know exactly what that 19 text was, but it's -- my guess is that it 20 means revisions to the standards that were 21 included in the 1979 book that are also 22 included in the 1980 book, but there are also 23 revisions, and any new standards that were 24 approved that were not in the 1979 book but 25 made it to the 1980 book.</p> <p style="text-align: right;">Page 152</p>
<p>1 Q. Why are some standards 2 re-approved? 3 MR. FEE: Objection. Beyond the 4 scope of his designations. 5 THE WITNESS: The technical 6 committees make the decision as to 7 whether or not they want to re-approve 8 the standard through the consensus 9 process. 10 BY MR. BECKER: 11 Q. And in what situations are 12 standards re-approved? 13 MR. FEE: Same objection. 14 THE WITNESS: If the committees 15 want -- it's up to the committees. So 16 if there's -- if the committees are 17 happy with the current state of the 18 standard and they don't feel like 19 there's any revisions that are 20 necessary, then they can initiate a 21 ballot for a re-approval. 22 BY MR. BECKER: 23 Q. And does that re-approval mean 24 there are no changes from the previous 25 version?</p> <p style="text-align: right;">Page 151</p>	<p>1 Q. Is the basis of your previous 2 statement that typically the next years' 3 Annual Book of Standards includes standards 4 that had been recently approved or changed in 5 that past year? 6 MR. FEE: Objection. 7 Mischaracterizes his testimony. Vague 8 and confusing. 9 THE WITNESS: Can you restate 10 that? 11 BY MR. BECKER: 12 Q. Yeah. Maybe I'll just ask you, 13 what's the basis for your guess that the 14 revisions to the standards that were included 15 in the 1979 book are -- excuse me. 16 What is the basis for your 17 statement that your guess is that any 18 revisions to the 1979 book of standards that 19 resulted in the 1980 book of standards is 20 attributable to new standards or revised 21 standards within that past year? 22 MR. FEE: Objection. Vague. 23 Confusing. 24 THE WITNESS: I'm not sure I 25 completely understand what your</p> <p style="text-align: right;">Page 153</p>

<p>1 IP Policy or assignments?</p> <p>2 MR. BECKER: Object as to form.</p> <p>3 THE WITNESS: There is</p> <p>4 additional language. This document</p> <p>5 identifies membership renewal Web</p> <p>6 screenshots for different types of</p> <p>7 members. So I identified page 2, and</p> <p>8 then there's also additional language</p> <p>9 on page ASTM001796 as well as</p> <p>10 ASTM001798. And I believe that's it.</p> <p>11 MR. FEE: I have no other</p> <p>12 questions.</p> <p>13 Do you have any other questions</p> <p>14 or is he done?</p> <p>15 MR. BECKER: No, no redirect.</p> <p>16 MR. FEE: Great. Thank you.</p> <p>17 THE WITNESS: Thanks.</p> <p>18 VIDEOGRAPHER: The time is now</p> <p>19 7:57. This concludes the videotape</p> <p>20 deposition of Dan Smith.</p> <p>21 - - -</p> <p>22 (Witness excused.)</p> <p>23 - - -</p> <p>24 (Deposition concluded at 7:57</p> <p>25 p.m.)</p> <p style="text-align: right;">Page 290</p>	<p>1 I declare under penalty of perjury</p> <p>2 under the laws that the foregoing is</p> <p>3 true and correct.</p> <p>4</p> <p>5 Executed on _____, 20____,</p> <p>6 at _____, _____.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 DANIEL SMITH</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 292</p>
<p>1 C E R T I F I C A T E</p> <p>2</p> <p>3</p> <p>4 I do hereby certify that I am a Notary</p> <p>5 Public in good standing, that the aforesaid</p> <p>6 testimony was taken before me, pursuant to</p> <p>7 notice, at the time and place indicated; that</p> <p>8 said deponent was by me duly sworn to tell</p> <p>9 the truth, the whole truth, and nothing but</p> <p>10 the truth; that the testimony of said</p> <p>11 deponent was correctly recorded in machine</p> <p>12 shorthand by me and thereafter transcribed</p> <p>13 under my supervision with computer-aided</p> <p>14 transcription; that the deposition is a true</p> <p>15 and correct record of the testimony given by</p> <p>16 the witness; and that I am neither of counsel</p> <p>17 nor kin to any party in said action, nor</p> <p>18 interested in the outcome thereof.</p> <p>19</p> <p>20 WITNESS my hand and official seal this</p> <p>21 7th day of August, 2015.</p> <p>22</p> <p>23</p> <p>24</p> <p>25 _____</p> <p style="text-align: center;">Notary Public</p> <p style="text-align: right;">Page 291</p>	