EXHIBIT 1

1 UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF COLUMBIA 3 AMERICAN SOCIETY FOR : NO. TESTING AND MATERIALS : 1:13-cv-01215-TSC-4 5 d/b/a ASTM : DAR 6 INTERNATIONAL; : 7 NATIONAL FIRE : PROTECTION : 8 ASSOCIATION, INC.; : 9 and AMERICAN SOCIETY : 10 : OF HEATING, REFRIGERATION, AND 11 : 12 AIR CONDITIONING : 13 ENGINEERS, • Plaintiffs ٠ 14 vs. : PUBLIC.RESOURCE.ORG, : 15 INC., : Defendant 16 : 17 Videotaped deposition of JOHN C. JAROSZ taken at the law offices of Veritext 18 Legal Solutions, 1250 I Street NW, 19 20 Washington, DC, commencing at 10:09 a.m. 21 THURSDAY, AUGUST 27, 2015, before Debbie 22 Leonard, Registered Diplomate Reporter, 23 Certified Realtime Reporter. 24 25 PAGES 1 - 260 Page 1

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Page 239 Page 241	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to that. Q. Do you know with which of these plaintiffs it do you do you know what field it's in? A. I don't recall, sitting here right now, no. Q. Are you familiar with NFRC? A. I may have seen reference to that acronym. Q. Do you know what field it's in? A. Not sitting here right now. Q. Are you familiar with ICC? A. I have seen reference to that. I don't recall what it is, sitting here now. Q. Do you know whether other standards developments organizations would be in a position to step forward and to continue the maintenance and preservation and further development of the standards of plaintiffs here if plaintiffs lose this case? MR. FEE: Objection to form. THE WITNESS: I don't know.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Vague. THE WITNESS: I don't recall seeing reference to that, but my memory is not perfect. BY MR. BRIDGES: Q. The in paragraph 131, you say, "Simply put, freely-distributed, unrestricted versions of Plaintiffs' standards that are or could be incorporated by reference can be expected to adversely impact the market for Plaintiffs' standards that are incorporated by reference and to displace sales of these standards by the Plaintiffs - which can be expected to have a material adverse effect on Plaintiffs' revenues." Do you see that? A. Yes. Q. By "expected," do you mean more than 50 percent likely? A. Not necessarily. I don't have a quantitative assessment of what I mean by
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^{61 (}Pages 238 - 241)

1	likely?	1	Q. Do you consider \$100,000 to be
2	A. I haven't quantified that, but	2	material as an adverse effect on plaintiffs'
3	I would expect that it's more than	3	revenues?
4	5 percent would be a reasonable definition of	4	MR. FEE: Objection to form.
5	"expected."	5	Compound.
6	Q. More than 10 percent?	6	THE WITNESS: I haven't
7	A. I don't know. I've not	7	considered that question. I don't
8	quantified that number.	8	know the answer to it.
9	Q. And what amount of an effect on	9	BY MR. BRIDGES:
10	plaintiffs' revenues have you identified as	10	Q. Have you considered whether
11	"material"?	11	50,000 is a material amount as an adverse
12	A. I haven't	12	effect on plaintiffs' revenues?
13	MR. FEE: Objection to form.	13	MR. FEE: Same objections.
14	THE WITNESS: been able to	14	THE WITNESS: Same answer.
15	quantify the specific effects, so I	15	BY MR. BRIDGES:
16	don't know the amount.	16	Q. Starting at page sorry.
17	BY MR. BRIDGES:	17	Strike that.
18	Q. Well, what I'm not asking	18	Starting at paragraph 139, you
19	for your quantification of a specific effect,	19	make several references to Mr. Malamud's
20	but how large would an effect have to be for	20	theory.
21	to you consider it "a material adverse effect	21	A. I'm sorry. To I missed a
22	on Plaintiffs' remedies"?	22	word that you said. References to his what?
23	MR. FEE: Objection to form.	23	Q. To Mr. Malamud's theory
24	THE WITNESS: I don't know that	24	A. Okay.
25	I have a particular quantitative	25	Q T-H-E-O-R-Y. You refer to
	Page 242		Page 244
1	guideline in mind.	1	it in paragraph 139: 140: 144, with the word
$\begin{vmatrix} 1\\2 \end{vmatrix}$	guideline in mind. BY MR. BRIDGES:	$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	
$\begin{vmatrix} 1 \\ 2 \\ 3 \end{vmatrix}$	BY MR. BRIDGES:	$\begin{array}{c} 1\\ 2\\ 3\end{array}$	"theorized"; 145, "theory"; 146, "theory."
2 3	BY MR. BRIDGES: Q. Have you ever are you	2	"theorized"; 145, "theory"; 146, "theory." What facts do you have that
2 3 4	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding	2 3	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139?
2 3	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation?	2 3 4	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the
2 3 4 5 6	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation? A. Generally, yes.	2 3 4	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the revealed preference information. If the
2 3 4 5 6 7	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation? A. Generally, yes. Q. And you're familiar with the	2 3 4 5 6 7	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the revealed preference information. If the plaintiffs believed they were better off by
2 3 4 5 6 7 8	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation? A. Generally, yes. Q. And you're familiar with the fact that auditors will often specify to	2 3 4 5 6 7 8	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the revealed preference information. If the plaintiffs believed they were better off by lack of copyright protection, they would have
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2 3 4 5 6 7 8 9 10	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation? A. Generally, yes. Q. And you're familiar with the fact that auditors will often specify to those they send the letters to what amounts would be material for purposes of the audit	2 3 4 5 6 7 8 9 10	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the revealed preference information. If the plaintiffs believed they were better off by lack of copyright protection, they would have pursued such a model. They don't believe they're
2 3 4 5 6 7 8 9 10 11	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation? A. Generally, yes. Q. And you're familiar with the fact that auditors will often specify to those they send the letters to what amounts would be material for purposes of the audit response?	2 3 4 5 6 7 8 9 10 11	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the revealed preference information. If the plaintiffs believed they were better off by lack of copyright protection, they would have pursued such a model. They don't believe they're better off. Moreover, they're expending
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation? A. Generally, yes. Q. And you're familiar with the fact that auditors will often specify to those they send the letters to what amounts would be material for purposes of the audit response? A. Yes. Q. So you understand the concept of certain amounts being material to certain companies or entities?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the revealed preference information. If the plaintiffs believed they were better off by lack of copyright protection, they would have pursued such a model. They don't believe they're better off. Moreover, they're expending tremendous resources in bringing and pursuing this litigation to halt the activity at issue. Q. What other facts, if any, do
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$\begin{array}{c} 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ \end{array}$	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation? A. Generally, yes. Q. And you're familiar with the fact that auditors will often specify to those they send the letters to what amounts would be material for purposes of the audit response? A. Yes. Q. So you understand the concept of certain amounts being material to certain companies or entities? A. Yes, for certain purposes. Q. So I'd like to know what amount you have identified as being material as an adverse effect on plaintiffs' revenues for each of the three plaintiffs, please. MR. FEE: Objection. Compound. Asked and answered. THE WITNESS: I have not considered a particular amount.	$2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 10 \\ 11 \\ 12 \\ 13 \\ 14 \\ 15 \\ 16 \\ 17 \\ 18 \\ 19 \\ 20 \\ 21 \\ 22 \\ 23 \\ 24 $	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the revealed preference information. If the plaintiffs believed they were better off by lack of copyright protection, they would have pursued such a model. They don't believe they're better off. Moreover, they're expending tremendous resources in bringing and pursuing this litigation to halt the activity at issue. Q. What other facts, if any, do you have that have disproved Mr. Malamud's theory in paragraph 139? A. That's what comes to mind right now. Q. What facts do you have or are you aware of that have disproved Mr. Malamud's theory as you refer to it in paragraph 140? A. That's the same theory that's
23 45 67 89 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. BRIDGES: Q. Have you ever are you familiar with audit inquiry letters regarding litigation? A. Generally, yes. Q. And you're familiar with the fact that auditors will often specify to those they send the letters to what amounts would be material for purposes of the audit response? A. Yes. Q. So you understand the concept of certain amounts being material to certain companies or entities? A. Yes, for certain purposes. Q. So I'd like to know what amount you have identified as being material as an adverse effect on plaintiffs' revenues for each of the three plaintiffs, please. MR. FEE: Objection. Compound. Asked and answered. THE WITNESS: I have not	$\begin{array}{c} 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 10 \\ 11 \\ 12 \\ 13 \\ 14 \\ 15 \\ 16 \\ 17 \\ 18 \\ 19 \\ 20 \\ 21 \\ 22 \\ 23 \end{array}$	"theorized"; 145, "theory"; 146, "theory." What facts do you have that have disproved the theory in paragraph 139? A. Perhaps most important is the revealed preference information. If the plaintiffs believed they were better off by lack of copyright protection, they would have pursued such a model. They don't believe they're better off. Moreover, they're expending tremendous resources in bringing and pursuing this litigation to halt the activity at issue. Q. What other facts, if any, do you have that have disproved Mr. Malamud's theory in paragraph 139? A. That's what comes to mind right now. Q. What facts do you have or are you aware of that have disproved Mr. Malamud's theory as you refer to it in paragraph 140?

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		1
1	not thought about that particular	1 CERTIFICATE 2
2	topic.	I do hereby certify that I am a Notary
3	MR. BRIDGES: Okay. I think	3 Public in good standing, that the aforesaid
4	we'll pause here and reserve the rest	testimony was taken before me, pursuant to 4 notice, at the time and place indicated; that
5	of the time for a later visit with	said deponent was by me duly sworn to tell
6	you, Mr. Jarosz.	5 the truth, the whole truth, and nothing but the truth; that the testimony of said
7	Kevin, this is in reliance on	6 deponent was correctly recorded in machine
8	an exchange of correspondence between	shorthand by me and thereafter transcribed
9	Matt and you, I believe. If, for some	7 under my supervision with computer-aided transcription; that the deposition is a true
10	reason well, no. I think that's	8 and correct record of the testimony given by
11	all.	9 nor kin to any party in said action, nor
12	Anything else?	interested in the outcome thereof.
13	MR. FEE: Well, I don't have	10 WITNESS my hand and official seal this
14	any questions.	11 11th day of September, 2015.
15	Do you guys have any questions?	12 13
16	MR. REHN: Not at this time.	15
17	MR. CUNNINGHAM: No.	<% signature%>
18	MR. BRIDGES: Great. Thank	15 October Conau, ADR, CRR Notary Public
19	you.	16
20	THE WITNESS: Thank you.	17 18
21	THE VIDEOGRAPHER: All right.	19
22	Off the record at 4:31. This ends	20 21
23	media unit number 3 and ends testimony	22
24	for August 27th, 2015.	23
25	* * *	24 25
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1	(Witness excused.)	
2	* * *	
3	(Off the record at 4:31 p.m.)	
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