

AMERICAN SOCIETY FOR TESTING AND MATERIALS d/b/a ASTM INTERNATIONAL; PUBLIC RESOURCE.ORG, INC.
Doc. 100 Att. 01

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>Plaintiffs/ Counter-Defendants,</p> <p>v.</p> <p>PUBLIC.RESOURCE.ORG, INC.,</p> <p>Defendant/ Counter-Plaintiff.</p>	<p>Case No. 1:13-cv-01215-TSC</p>
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DECLARATION OF CHRISTOPHER BUTLER

I, Christopher Butler, declare as follows:

1. I am Office Manager for Internet Archive. The following facts are based upon my own personal knowledge, and if called upon to do so, I could and would testify competently hereto.

2. Internet Archive as a regular practice creates and maintains records of its regular business activities. I am familiar with Internet Archive's record-keeping system and with the documents produced by Internet Archive in response to a subpoena in the case *American Society for Testing and Materials d/b/a ASTM International, et al. v. Public.Resource.Org, Inc.*, Case No. 1:13-cv-01215-TSC in the United States District Court for the District of Columbia.

3. The Internet Archive, a 501(c)(3) non-profit, is building a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, we provide free

access to researchers, historians, scholars, the print disabled, and the general public. Our mission is to provide Universal Access to All Knowledge.

4. The Internet Archive serves millions of people each day and is consistently ranked as one of the 300 most-visited web sites in the world by alexa.com. A single copy of the Internet Archive library collection occupies 45+ Petabytes of server space. We are funded through donations, grants, and by providing web archiving and book digitization services for our partners. As with most libraries we value the privacy of our patrons, so as a general matter we avoid keeping the IP (Internet Protocol) addresses of our readers, and offer our site in https (secure) protocol.

5. Internet Archive offers borrowing through its Open Library initiative, available through an internet browser or downloadable software including Adobe Digital Editions and apps compatible with Adobe Digital Editions. Registered users can borrow books for two weeks, after which the loaned item expires and is removed from the user's device.

6. Internet Archive offers access to the blind and print disabled in the Digital Accessible Information SYstem (DAISY) format. For certain content, the DAISY format is "protected" by encryption. Eligible individuals can obtain a decryption key issued by the Library of Congress National Library Service ("NLS") program. That program is available to residents of the United States or Americans citizens living abroad. The document bearing Bates Stamp IA-ASTM-2019-00045218 through IA-ASTM-2019-00045220 is Internet Archive's Qualifying Authority and Digital Lending Application Form.

7. The document bearing Bates Stamp IA-ASTM-2019-00000001 through IA-ASTM-2019-00000017 is a list of documents uploaded to the Internet Archive website by the user account listed under the email address carl@media.org with Internet Archive. Internet

Archive creates and maintains records of these uploads in the ordinary course of its regular business activities.

8. The documents bearing Bates Stamp IA-ASTM-2019-00000018 through IA-ASTM-2019-00044682 are system logs that show changes to the websites listed in Column D of the document bearing Bates Stamp IA-ASTM-2019-00000001 through IA-ASTM-2019-00000017. Internet Archive creates and maintains records of these uploads in the ordinary course of its regular business activities.

9. The native documents bearing Bates Stamp IA-ASTM-2019-00044683 through IA-ASTM-2019-00045178 show “view counts” per individual items, which are records of the number of times a particular item on archive.org was accessed, with multiple accesses by the same IP address in a day (delimited by UTC time zone) counted as one (1). These documents show the access by automated programs or humans using a browser. Internet Archive does not otherwise monitor how users view, access, download, or otherwise use the content posted on the websites listed in Column D of the document bearing Bates Stamp IA-ASTM-2019-00000001 through IA-ASTM-2019-00000017. These records are created, updated and maintained in the ordinary course of Internet Archive’s regular business activities.

10. The documents bearing Bates Stamp IA-ASTM-2019-00045182 through IA-ASTM-2019-00045209 are true and correct copies of business emails that were transmitted to or from Internet Archive and stored in Internet Archive’s files. Internet Archive maintains these records in the ordinary course of its regular business activities.

11. The documents bearing Bates Stamp IA-ASTM-2019-00045213 through IA-ASTM-2019-00045216 is a true and correct copy of Internet Archive’s terms of use and privacy policy for the Internet Archive user account associated with the email address carl@media.org.

Internet Archive creates and maintains these records in the ordinary course of its regular business activities.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in San Francisco, CA on September 6, 2019



Christopher Butler