

**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: center;">Plaintiffs/ Counter-Defendants,</p> <p>v.</p> <p>PUBLIC.RESOURCE.ORG, INC.,</p> <p style="text-align: center;">Defendant/ Counter-Plaintiff.</p>	<p>Case No. 1:13-cv-01215-TSC</p>
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DECLARATION OF THOMAS B. O'BRIEN, JR.

Pursuant to 28 U.S.C. § 1746, I, Thomas B. O'Brien, Jr., declare under penalty of perjury the following statements are true and correct:

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 Vice President and General Counsel at ASTM International ("ASTM"). I have worked at ASTM since 2003.
4. My responsibilities include developing legal policies and procedures and addressing all legal matters for ASTM, including ASTM's intellectual property matters.

5. As part of my role as General Counsel, I would expect to be made aware of any challenge to ASTM's copyright ownership in the standards it develops and publishes.

6. I am not aware of any individual or other person who claims to own any copyright interest in any ASTM standard.

7. Since ASTM filed this lawsuit in 2013, I am not aware of any participant or volunteer in ASTM's standards development committees for any of the standards at issue in this lawsuit who has contacted ASTM to assert copyright ownership or otherwise challenge ASTM's copyright interest.

8. As part of my role as General Counsel, I have personal knowledge of ASTM's license agreements for its copyrighted works.

9. ASTM makes its standards available through third-party subscription services such as Techstreet and IHS Engineering. These services include full-text searching and navigation of ASTM's standards.

10. Additionally, ASTM's own subscription service, ASTM Compass, allows users to access any of ASTM's library of 12,000+ standards. Standards available through ASTM Compass are full-text searchable.

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Dated: December 20, 2019



Thomas O'Brien