

Exhibit 174

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR TESTING AND
MATERIALS d/b/a/ ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR-CONDITIONING
ENGINEERS, INC.

Plaintiffs,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant.

PUBLIC.RESOURCE.ORG, INC.,

Counterclaimant,

v.

AMERICAN SOCIETY FOR TESTING AND
MATERIALS d/b/a/ ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR-CONDITIONING
ENGINEERS, INC.

Counterdefendants.

Case No. 1:13-cv-01215-EGS

**DEFENDANT-COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG, INC.'S
RESPONSE TO PLAINTIFF-
COUNTERDEFENDANT AMERICAN
SOCIETY FOR TESTING AND
MATERIALS d/b/a ASTM
INTERNATIONAL'S FIRST SET OF
INTERROGATORIES (NOS. 1-15)**

Filed: August 6, 2013

RESPONSES AND SPECIFIC OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 1:

Describe with specificity how Public Resource obtained copies of the Standards at Issue, including whether it entered into any licenses (including but not limited to shrinkwrap or clickwrap licenses) that govern the use of any of the Standards at Issue.

RESPONSE TO INTERROGATORY NO. 1:

Public Resource incorporates its general objections as if fully set forth herein. Public Resource objects to this interrogatory to the extent it would require Public Resource to come to a legal conclusion to respond, particularly with respect to the terms “licenses” and “govern.”

Subject to and without waiving the foregoing objections, Public Resource responds as follows:

Public Resource purchases printed copies from, depending on availability and price, the NFPA online store, the ASHRAE online store, the ASTM online store, Amazon, Bookmark, Techstreet, IHS, and various used bookstores. Pursuant to Federal Rule of Civil Procedure 33(d), Public Resource will produce the invoices for such orders that are in its custody, possession, or control. Public Resource believes that to the extent details such as dates, payment amounts, and product names are available, they may be derived from these invoices. For Plaintiffs’ convenience, a partial index and PDF files of some invoices are already available at <https://law.resource.org/pub/table05.html>.

Public Resource is not aware of entering into any licenses, including “clickwrap” or “shrinkwrap” licenses that govern the use of any of the Standards at Issue.

INTERROGATORY NO. 2:

Describe with specificity the process Public Resource used to rekey text, convert graphics, reset mathematical formulas, and/or add metadata to the document headers of any of the Standards at Issue, including any quality control measures Public Resource used to prevent the content of the Standards at Issue from being altered.

RESPONSE TO INTERROGATORY NO. 2:

Public Resource incorporates its general objections as if fully set forth herein. Public Resource objects to this interrogatory and to the term “rekey” as vague and ambiguous.

Subject to and without waiving the foregoing objections, Public Resource responds as follows:

Public Resource procures all the Standards at Issue as paper documents. It then disassembles them, removing any spines, stuffing, staples, or other extraneous materials. If necessary, it trims the documents to give them an even border. It then scans the documents on a Xerox 4250 scanner at 300 or 400 dots per inch. It names each file in a standard manner, including the standard setting organization, the standard number, and the date. For example, nfpa.70.2008.pdf.

Public Resource appends a cover sheet to each file consisting of the name of the standard setting organization, the date, the title, and (most importantly) the specific section of law that incorporates this specific standard into law. This is an important quality check. If Public Resource is unable to find a specific incorporation, it does nothing further with the standard and does not publish it.

The scanning process produces files in PDF format with OCR text. Subject to the quality check, Public Resource publishes these files on its website.

In some instances, the files undergo a further rekeying process. The first portion involves a standard industry process known as double-key compare. This consists of each standard being independently rekeyed by different people and then the results compared to find any discrepancies. Public Resource uses a vendor called HTC Global Services. The next part of the rekeying process is cutting each diagram into a separate .jpg file and giving the file a name consisting of the page number and the image number. This allows the diagram portion(s) of the law to remain the same while converting the text portion into HTML format. Public Resource aims for .jpg files with the highest quality possible to maintain accuracy. Next in the process is encoding the documents into HTML. This involves putting rudimentary metadata in the headers

and properly encodes tables, headers, special characters, bulleted lists, and numbered lists. The purpose of this encoding is to ensure accuracy in the process of replicating each particular law.

After receiving the files back from HTC, Public Resource does a number of post-processing steps. They include checking the HTML code for typographical errors and renaming all image and html files to Public Resource's standard naming scheme. With the standard naming scheme, one may readily associate any image file with the master HTML file simply by looking at the file name, reducing the likelihood of error. Public Resource then runs each master HTML file through a link check to make sure images are not missing, a HTML validity check to make sure that all the code is valid, and a final quality check to look for any discrepancies.

At this point, Public Resource publishes the valid HTML files.

Not all documents go to the next step. Documents that do tend to have important graphic content or are considered critical to the public safety. Public Resource sends the HTML and image files to its graphic and formula contractor, Point.B Studio in Oregon. Point.B is under strict instructions to replicate any formula or graphic exactly as in the original. If that is not possible, it leaves the image as-is.

Point.B Studio then returns to Public Resource a set of files, including a master HTML file properly encoded to use SVG graphics. This new HTML file includes code referencing any new SVG graphics. If there is not a new SVG file, that portion of the code in the master HTML files does not change. The SVG files that are suitable for publication are in a file format of the SVG standard that works on most browsers and mobile devices. Public Resource also receives a source directory with SVG master files that are suitable for editing in a graphics program such as Adobe Illustrator.

Once Public Resource receives the files back, it validates the .svg.html files to make sure they are valid HTML and that all links are valid. Public Resource also reviews the graphics directory in "very large icon" mode. In this mode, it can view a thumbnail of every JPG file and every SVG file at 512x512 pixels size. By reviewing the two files side by side, Public Resource checks to see if the images match. In the case of more complicated graphics, Public Resource

conducts spot checks by viewing the files in a larger size.

Public Resource then publishes the SVG HTML file and master SVG files on its website.

To the best of Public Resource's knowledge, this process is highly accurate and has not resulted in alteration to any of the Standards at Issue which are incorporated by reference into law. Nevertheless, Public Resource stands ready to make corrections if any member of the public, including any of the Plaintiffs, alerts Public Resource to any error.

INTERROGATORY NO. 3:

Identify all persons who assisted in rekeying text, converting graphics, resetting mathematical formulas and/or adding metadata to document headers of any of the Standards at Issue.

RESPONSE TO INTERROGATORY NO. 3:

Public Resource incorporates its general objections as if fully set forth herein. Public Resource objects to this interrogatory and to the term "rekey" as vague and ambiguous. Public Resource objects to this interrogatory as outside the scope of discovery to the extent it calls for information that is not within Public Resource's knowledge. Public Resource objects to this interrogatory as overly broad and unduly burdensome to the extent it seeks information about entities other than Public Resource. Public Resource objects to this interrogatory to the extent it calls for the disclosure of information that is protected by any individual's right of privacy.

Subject to and without waiving the foregoing objections, Public Resource responds as follows:

Public Resource incorporates by reference its response to Interrogatory No. 2.

Public Resource further responds that it is aware of the following persons:

Public Resource employee Carl Malamud directed and supervised HTC Global Services, Inc. in the rekeying of text and HTML conversion, where applicable, to some of the Standards at Issue. Mr. Malamud also directed and supervised Point.B Studio in the conversion of graphics and resetting of mathematical formulas, where applicable, to some of the Standards at Issue. Mr. Malamud also personally performed HTML conversion and publication activities, where