

# EXHIBIT C

MUNGER, TOLLES & OLSON LLP

560 MISSION STREET  
TWENTY-SEVENTH FLOOR  
SAN FRANCISCO, CALIFORNIA 94105-2907  
TELEPHONE (415) 512-4000  
FACSIMILE (415) 512-4077

355 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071-1560  
TELEPHONE (213) 683-9100  
FACSIMILE (213) 687-3702

December 30, 2014

RONALD L. OLSON<sup>1</sup>  
ROBERT E. DENHAM  
JEFFREY I. WEINBERGER  
CARY B. LERMAN  
GREGORY P. STONE  
BRAD D. BRIAN  
BRADLEY S. PHILLIPS  
GEORGE M. GARVEY  
WILLIAM D. TEMKO  
STEPHEN M. KRISTOVICH  
JOHN W. SPIEGEL  
TERRY E. SANCHEZ  
STEVEN M. PERRY  
MARK B. HELM  
JOSEPH D. LEE  
MICHAEL R. DOYEN  
MICHAEL E. SOLOFF  
GREGORY D. PHILLIPS  
KATHLEEN M. McDOWELL  
GLENN D. POMERANTZ  
THOMAS B. WALPER  
PATRICK J. CAFFERTY, JR.  
JAY M. FUJITANI  
O'MALLEY M. MILLER  
SANDRA A. SEVILLE-JONES  
MARK H. EPSTEIN  
HENRY WEISSMANN  
KEVIN S. ALLRED  
BART H. WILLIAMS  
JEFFREY A. HEINTZ  
JUDITH T. KITANO  
KRISTIN LINSLEY MYLES  
MARC T.G. DWORSKY  
JEROME C. ROTH  
STEPHEN D. ROSE  
JEFFREY L. BLEICH  
GARTH T. VINCENT  
TED DANE  
STUART N. SENATOR  
MARTIN D. BERN  
DANIEL P. COLLINS  
ROBERT L. DELL ANGELO  
BRUCE A. ABBOTT  
JONATHAN E. ALTMAN  
MARY ANN TODD  
MICHAEL J. O'SULLIVAN  
KELLY M. KLAUS  
DAVID B. GOLDMAN  
KEVIN S. HASUDA  
HOJJOON HWANG

PETER A. DETRE  
DAVID H. FRY  
LISA J. DEMSKY  
MALCOLM A. HEINICKE  
GREGORY J. WEINGART  
TAMERLIN J. GODLEY  
JAMES C. RUTTEN  
RICHARD ST. JOHN  
ROHIT K. SINGLA  
LUIS LI  
CAROLYN HOECKER LUEDTKE  
C. DAVID LEE  
MARK H. KIM  
BRETT J. RODDA  
SEAN ESKOVITZ  
FRED A. ROWLEY, JR.  
KATHERINE M. FORSTER  
BLANCA FROMM YOUNG  
RANDALL G. SOMMER  
MARIA SEFERIAN  
MANUEL F. CACHAN  
ROSEMARIE T. RING  
TODD J. ROSEN  
TRUC T. DO  
MELINDA EADES LEMOINE  
SETH GOLDMAN  
GRANT A. DAVIS-DENNY  
JONATHAN H. BLAVIN  
DANIEL B. LEVIN  
MIRIAM KIM  
MISTY M. SANFORD  
KATHERINE KU  
HAILYN J. CHEN  
BETHANY W. KRISTOVICH  
SUSAN R. SZABO  
KIMBERLY A. CHI  
JACOB S. KREILKAMP  
ERIC P. TUTTLE  
HEATHER E. TAKAHASHI  
KEITH R.D. HAMILTON, II  
SORAYA C. KELLY  
JEFFREY Y. WU  
ALISSA BRANHAM  
ADAM R. LAWTON  
JENNY H. HONG  
AARON SEIJI LOWENSTEIN  
LAURA D. SMOLOWE  
MATTHEW A. MACDONALD  
MARGARET G. MARASCHINO

<sup>1</sup>A PROFESSIONAL CORPORATION

ESTHER H. SUNG  
BENJAMIN J. MARO  
MICHAEL J. MONGAN  
KYLE A. CASAZZA  
ERIN J. COX  
CLAIRE YAN  
ALLISON S. WOODS  
JESLYN A. MILLER  
MARK R. SAYSON  
CHRISTIAN K. WREDE  
PETER E. GRATZINGER  
ANJAN CHOUDHURY  
JEREMY A. LAWRENCE  
BENJAMIN E. FRIEDMAN  
CHRISTOPHER M. LYNCH  
RAY S. SEILIE  
NICHOLAS C. SOLTMAN  
ADAM I. KAPLAN  
AMELIA L.B. SARGENT  
KENNETH M. TRUJILLO-JAMISON  
BRYAN H. HECKENLIVELY  
LAURA WIRTH  
JASMINE M. ROBERTS  
JENNIFER A. JONES  
LAURA K. LIN  
KYLE W. MACH  
JEFFREY M. OSOFSKY  
GREGORY M. SERGI  
ACHYUT J. PHADKE  
DAVID A. TAYLOR  
TINA W. ARROYO  
MARI OVERBECK  
JESSE MAX CREED  
JOHN M. GILDERSLEEVE  
ERIC K. CHIU  
SARAH L. GRAHAM  
JESSICA BARCLAY-STROBEL  
ZACHARY M. BRIERS  
JENNIFER M. BRODER  
CHRISTINA P. MONIODIS  
JOHN P. MITTELBACH  
SARAH GARNER  
SAMUEL T. GREENBERG  
CAROLINE M. MCKAY  
EMILY B. VIGLIETTA  
WILLIAM J. EDELMAN  
KEVIN L. BRADY  
EMILY R.D. MURPHY  
ELLEN MEDLIN RICHMOND

NICOLE S. PHILLIS  
JORDAN D. SEGALL  
DANIEL J. HARRIS  
VICTORIA A. DEGTYAREVA  
WESLEY T.L. BURRELL  
CHRISTA L. CULVER  
ANYA J. GOLDSTEIN  
KAREN A. LORANG  
KURUVILLA J. OLASA  
KEVIN H. SCOTT  
JUSTIN P. RAPHAEL  
HANNAH E. SHEARER  
ELIA HERRERA  
ROBERT W. GRAY, JR.  
THOMAS P. CLANCY  
JOSHUA PATASHNIK  
ERIC C. TUNG  
GUHA KRISHNAMURTHI  
JOSHUA S. MELTZER  
SARA E. CROLL  
ANDREW G. PROUT  
THANE REHN  
ADAM B. WEISS  
ROSE LEDA EHLE  
AMY L. GREYWITT  
ANDREW Z. WOLSTAN  
NASSIM NAZEMI

OF COUNSEL  
RICHARD D. ESBENSHADE<sup>1</sup>  
ROBERT K. JOHNSON<sup>1</sup>  
ALAN V. FRIEDMAN<sup>1</sup>  
RONALD K. MEYER  
ALLISON B. STEIN  
SUSAN E. NASH  
WILLIANA CHANG  
MIRANDA KANE  
BRAD SCHNEIDER

E. LEROY TOLLES  
(1922-2008)

WRITER'S DIRECT LINE  
(415) 512-4073  
(415) 644-6973 FAX  
Thane.Rehn@mto.com

Andrew P. Bridges, Esq.  
Fenwick & West LLP  
555 California Street, 12th Floor  
San Francisco, California 94104  
[abridges@fenwick.com](mailto:abridges@fenwick.com)

*Via E-mail*

Re: ASTM, et al. v. Public.Resource.Org – 30(b)(6) Topics

Dear Mr. Bridges:

This letter responds to the issues raised in your letter of December 26. As we stated in our December 23 telephone call with you, NFPA's position is that the topics proposed by Public Resource are overly broad. Nonetheless, NFPA has agreed to provide a witness to testify about most of these topics insofar as it is practicable for a single corporate representative to do so, subject to the objections served by NFPA. We provide more specific replies below to your inquiries regarding some of the topics.

Please confirm this week that the individual deposition of Jim Pauley and the 30(b)(6) depositions of Bruce Mullen, Chris Dubay and Don Bliss will go forward in Boston on the dates proposed in our December 19 email.

### Physical Inspection of Assignment Forms

Your December 26 letter raises several questions about the physical inspection of NFPA records containing assignment forms for the standards at issue in this case. I provided some

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preliminary answers to those questions in an email to you on December 23, but I have some further information available now. NFPA has expended significant effort to gather these records and make them available for inspection at its headquarters. There are approximately 120 boxes of records, and there are approximately 20 rolls of microfilm. In addition, we have figured out a way to identify which boxes do not contain assignment forms, so fewer than half of the boxes would need to be inspected. NFPA is not willing to have the records taken offsite, but NFPA can provide copying services at a rate of \$0.25 per page and \$100 per hour, which is the standard rate charged in NFPA's library.

Due to holiday schedules and office closures, there are no days this week that we can make the records available. We can make the records available on January 5, or any business day thereafter. To ensure that we can have them accessible for you when you come to inspect them, please provide us with two business days' notice.

### **30(b)(6) notice topics**

Topic 1: As we discussed, NFPA will designate Chris Dubay to testify on the topic of the standards development process for the standards at issue. Mr. Dubay is familiar with NFPA's standards development process for the standards at issue, and has served on multiple standards development committees.

Topic 2: NFPA will designate Chris Dubay to testify on the topic of NFPA's ownership of copyright in the standards at issue. Mr. Dubay will be prepared to answer questions about how NFPA receives and assures completeness of copyright assignments. We do not agree with the legal assertions in your December 26 letter regarding what evidence is necessary or sufficient to show copyright ownership.

Topic 3: This topic asks NFPA to designate a witness to provide legal opinions regarding the authority of persons outside NFPA to assign copyrights. We do not believe it is an appropriate topic.

Topic 4: NFPA will designate a witness to testify about the ways in which it makes the standards available to the general public, subject to the objections served by NFPA.

Topic 5: NFPA has produced the terms of access to its standards, and will designate a witness to testify regarding these terms, subject to the objections served by NFPA. In particular, NFPA objects that the terms of access are legal documents and NFPA will not designate a witness to provide legal opinions regarding the meaning of these terms.

Topic 7: NFPA will designate Bruce Mullen to testify regarding its revenues from the standards at issue in this case. NFPA has taken the position throughout this litigation that it will not produce sales data beyond its audited financial statements, and Public Resource has accepted that this production is sufficient. Accordingly, Mr. Mullen will be prepared to testify generally about NFPA revenues from sales of the standards at issue, but not about the precise amount of sales to each individual government agency.

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Topic 13: As we said in response to Topic 7, NFPA has taken the position throughout this litigation that it will not produce sales data beyond the information in NFPA's audited financial statements, and Public Resource has accepted this production as sufficient. Mr. Mullen will be prepared to testify in general about NFPA's revenues from sales of the standards at issue, but it would be unduly burdensome to prepare at this late date monthly or quarterly sales data for each standard, as you request for the first time in your December 26 letter.

Topic 15: NFPA will designate a witness to testify regarding whether NFPA has made any changes to the standards development processes because of the activities of Public Resource at issue in this case, subject to the objections served by NFPA.

Topics 16-17: To the extent these topics go beyond Topic 1, they seek testimony as to legal propositions and conclusions, which is not a proper subject for a 30(b)(6) deposition. NFPA will designate a witness to testify regarding the standards development process, as called for in Topic 1.

Topic 18: NFPA will designate a witness to testify regarding this topic, subject to the objections served by NFPA.

Topic 19: NFPA's organizational communications regarding this lawsuit are generally privileged. Your letter proposes that NFPA designate a witness to gather information about whether any individual NFPA employees had any nonprivileged communications about this lawsuit in their individual capacity, and that the witness be prepared to testify regarding any such individual communications. This proposal would be unduly burdensome and not a fit subject for a single corporate representative.

Sincerely,

/s/ Thane Rehn

Thane Rehn