

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN EDUCATIONAL RESEARCH
ASSOCIATION, INC., AMERICAN
PSYCHOLOGICAL ASSOCIATION, INC., and
NATIONAL COUNCIL ON MEASUREMENT IN
EDUCATION, INC.,

Plaintiffs,

v.

PUBLIC.RESOURCE.ORG,

Defendant.

Case No. 1:14-CV-00857-TSC-DAR

**DECLARATION OF MATTHEW
BECKER IN SUPPORT OF
DEFENDANT-COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG, INC.'S
MOTION TO STRIKE ECF NO. 60-88,
THE DECLARATION OF KURT F.
GEISINGER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND
PERMANENT INJUNCTION**

Action Filed: May 23, 2014

[PUBLIC VERSION]

I, Matthew Becker, declare pursuant to 28 U.S.C. § 1746 as follows:

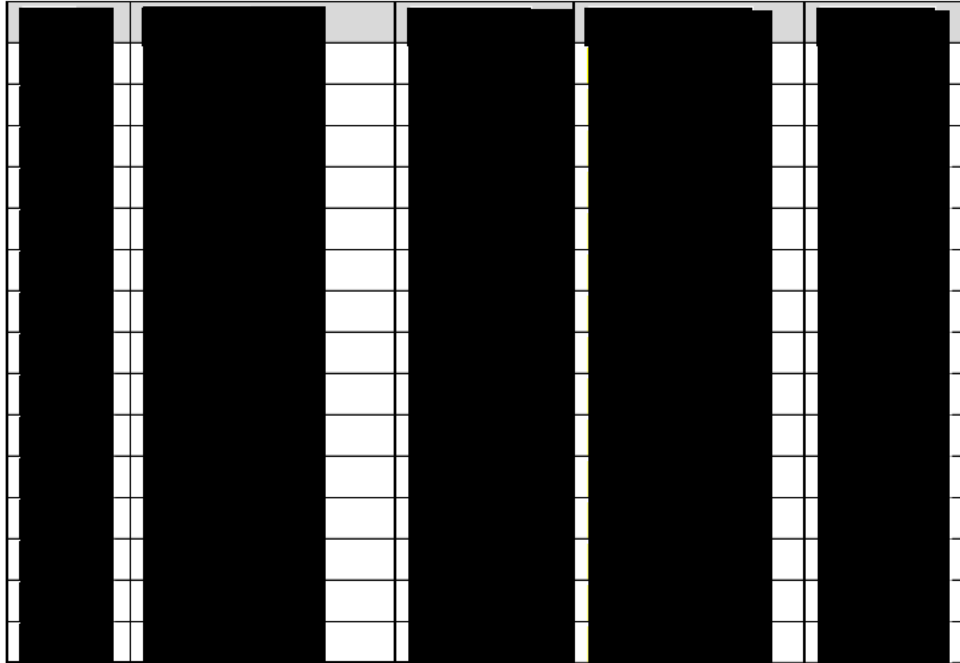
1. I am an attorney admitted to practice in the District of Columbia and am an associate with the law firm of Fenwick & West LLP, counsel of record for Defendant-Counterclaimant Public.Resource.Org, Inc. ("Public Resource"). Except where otherwise indicated, I have personal knowledge of the facts herein and could and would testify competently hereto.

2. Attached as **Exhibit 1** is a true and correct copy of excerpts of the deposition of Kurt F. Geisinger, dated September 10, 2015.

3. Attached as **Exhibit 2** is a true and correct copy of excerpts of the deposition of Felice Levine's deposition, dated May 4, 2015.

4. Attached as **Exhibit 3** is a true and correct copy of Kurt F. Geisinger's Expert Report in this matter, dated June 10, 2015.

10. I created the following table based on data in Exhibits 5 and 6. I calculated the average price of the Standards by dividing the Standards' annual sales revenue by the annual units sold. I calculated the numbers in the "% change" column by taking the value in the left-adjacent cell with the value in the cell above it, and then dividing that value by the same number above it. The following table shows the results:



11. [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

PUBLICLY AVAILABLE DOCUMENTS

12. Attached as **Exhibit 8** is a true and correct copy of the website

<http://www.apa.org/about/apa/archives/membership.aspx> (last visited January 21, 2015).

13. Attached as **Exhibit 9** is a true and correct copy of the website [http://www.aera.net/Publications/Books/StandardsforEducationalPsychologicalTesting\(2014Edition\)/tabid/15578/Default.aspx](http://www.aera.net/Publications/Books/StandardsforEducationalPsychologicalTesting(2014Edition)/tabid/15578/Default.aspx) (last visited January 21, 2015).
14. Attached as **Exhibit 10** is a true and correct copy of the website containing the text of the 2012 State of the Union Address at <https://www.whitehouse.gov/the-press-office/2012/01/24/remarks-president-state-union-address> (last visited January 21, 2015).
15. Attached as **Exhibit 11** is a true and correct copy of the website containing a White House announcement concerning State waivers to the No Child Left Behind law at <https://www.whitehouse.gov/blog/2012/02/09/everything-you-need-know-waivers-flexibility-and-reforming-no-child-left-behind> (last visited January 21, 2015).
16. Attached as **Exhibit 12** is a true and correct copy of a Washington Post article concerning criticism of high-stakes testing, at https://www.washingtonpost.com/blogs/answer-sheet/post/national-resolution-against-high-stakes-tests-released/2012/04/23/gIQApRnNdT_blog.html (last visited January 21, 2015).
17. Attached as **Exhibit 13** is a true and correct copy of an article from FairTest.org concerning resistance to high-stakes testing, at <http://www.fairtest.org/resistance-high-stakes-testing-spreads> (last visited January 21, 2015).
18. Attached as **Exhibit 14** is a true and correct copy of an online order form of a compilation of California Statutes sold by Lexis Nexis, at <http://www.lexisnexis.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&prodId=10291> (last visited January 21, 2015).
19. Attached as **Exhibit 15** is a true and correct copy of the amazon.com listing for Code of Federal Regulations, Title 38, Pensions, Bonuses, and Veterans' Relief, Pt. 0-17,

Revised as of July 1, 2015 http://www.amazon.com/Federal-Regulations-Pensions-Bonuses-Veterans/dp/0160929229/ref=sr_1_15?s=books&ie=UTF8&qid=1453340653&sr=1-15 (last visited January 21, 2015).

20. Attached as **Exhibit 16** is a true and correct copy of a website listing prices for books in Barnes & Noble Classics series, at http://www.barnesandnoble.com/b/barnes-noble-classics/fiction-literature-classics/american-fiction-literature-classics/_/N-rqvZ11hj (last visited January 21, 2015).

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

Executed this 21st day of January, 2016 at San Francisco, California.

/s/ Matthew Becker
Matthew Becker

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