



3. Lawriter has informed Plaintiff it “does not intend to commence, institute and/or file any litigation regarding any use of the Electronic Files by Plaintiff prior to April 7, 2016.” Harriman Aff., at 5, ¶¶10-11, Ex. C.

4. Lawriter currently has no counterclaims asserted against Plaintiff. Doc. 14, Amended Answer to Amended Complaint for Declaratory Judgment and Counterclaim, at 1-8, ¶¶ 1-37; Harriman Aff., at 5, ¶10.

5. Lawriter engages in a sophisticated and complex publication process in order to create and maintain its electronic files relating to the Georgia Rules and Regulations. Lawriter usually receive approximately six to eight agency updates per month from the State of Georgia. These updates are received in Microsoft Word format and must be converted to Hypertext Markup Language (HTML) by Lawriter’s proprietary software, and this process is monitored by a programmer. These files are then converted to Extensible Markup Language (XML) using another proprietary program and monitored by a programmer for accuracy. The XML files must then be manually checked by three to four trained editors, taking four to six hours, and then checked by a senior programmer. After this extensive process, the data is then sent to senior editors in Virginia who review all changes for accuracy. Finally, the data is uploaded to the website by a senior programmer and another program is utilized to ensure there are no errors. Harriman Aff., at 1-2, ¶ 5.

6. This conversion process takes approximately twelve hours of senior programmer time, up to twenty-four hours of editor time, approximately four hours of senior editor time, approximately three to four hours of editor time once the files are in Virginia, and approximately two hours of programmer time to publish the data for Georgia on the website. After publishing, the data is again checked against Lawriter's published version to ensure no conflict exists between the Georgia reporter and the Lawriter website. This process takes another approximately thirty-six to thirty-eight hours of specially trained editors and programmers time once per month. Harriman Aff., at 2, ¶6.

7. Lawriter typically receives three (3) to seven (7) agency updates on monthly basis from the State of Georgia. Once the updates are received in Microsoft Word format they have to be converted in Hypertext Markup Language ("HTML") by Lawriter's proprietary software, which is monitored by a programmer for any errors. The data is then converted to Extensible Markup Language ("XML") using another proprietary program. The process is again monitored by a programmer to assure accuracy. The converted XML files are then manually checked and "tagged" by three (3) to four (4) trained editors, which takes about four (4) to six (6) hours each depending on the data. A "tag" is a non-hierarchical keyword, term, or symbol placed in a document to identify it or assign placement to a piece of information, such as titles, chapters, section, sub-section, or

footnote. This kind of metadata tagging helps describe an item and allows it to be found again by browsing or searching. A senior editor then checks the XML data for accuracy. Data is then published by another specially-written program, which is monitored by a senior programmer to assure accuracy. After all these processes the data is ready for publishing and sent to senior editors in Charlottesville, Virginia, who review the changes in the data from previous versions including verification of effective dates and accuracy of all affected sections due to change. After the review, the data is ready to be published on the website. Data on the Georgia website is uploaded by a senior programmer before proprietary software is run to assure all the hyperlinks are proper and accuracy is maintained after publication. Thus, every time revised data is received from Georgia, it takes total of approximately twelve (12) hours of senior programmer, up to twenty-four (24) hours of editor time, approximately four (4) hours of senior editor time and approximately three (3) to four (4) hours of editor time in Charlottesville, Virginia and approximately two (2) hours of programmer time for publishing the Georgia data on the website. This process repeats three (3) to seven (7) hours each month. Harriman Aff. at 2-3, ¶7.

8. The Georgia Bulletin, the companion publication to the Georgia Rules and Regulations, is published once a month to show what data is newly effective in the Rules and Regulations each month. Preparation of the Georgia Bulletin

includes coordination between the Georgia Secretary of State's office and Lawriter personnel to assure all of the effective changes are in our published version and that no conflict exists between the Georgia Bulletin and the Rules and Regulations. This process takes another approximately thirty-six (36) to thirty-eight (38) hours of specially trained editors and programmers time each month. Harriman Aff. at 4, ¶8.

9. On or about April 7, 2016, Lawriter modified its website link to the Georgia Rules and Regulations to require users enter a private contract in order to obtain access to these materials obtained and posted by Lawriter. Harriman Aff. at 4, ¶9.

10. Due to the express contract created by the updated Terms of Use, Lawriter withdrew its counterclaims against Plaintiff regarding any copying of material from any version of the website in existence prior to April 7, 2015. Harriman Aff., at 4, ¶ 10.

11. Lawriter has provided Plaintiff with a covenant not to sue as to the abandoned counterclaims. Harriman Aff., at 4, ¶ 11, Ex. C.

Respectfully submitted this 9th day of June 2016.

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