

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**GATEHOUSE MEDIA MASSACHUSETTS I,
INC., DOING BUSINESS AS GATEHOUSE MEDIA NEW
ENGLAND,**

Plaintiff,

C.A. No. ____

-against-

**THE NEW YORK TIMES CO., DOING BUSINESS
AS BOSTON.COM,**

Defendant.

AFFIDAVIT OF WILLARD BLEVINS

I, Willard Blevins, do depose on oath and state as follows:

1. I am the Vice President of Online Operations for GateHouse Media, Inc. (the parent company of plaintiff GateHouse Media Massachusetts I, Inc., doing business as GateHouse Media New England (“GateHouse”)), a position I have held since 2006. I supervise the online editions of, *inter alia*, plaintiff’s newspapers the *Newton TAB* and *Daily News Tribune*.
2. On November 10, 2008, I became aware of defendant’s plan to roll-out a dedicated Newton community website as an adjunct to its existing website www.boston.com, which I understood at that point to be the online edition of *The Boston Globe*. I further learned that the new Boston.com site would include content that had been “scraped” – *i.e.*, electronically “cut and pasted” through the use of computer technology – from, among other sources, www.wickedlocal.com/newton (“wickedlocal.com”), including original headlines and ledes (the first sentence of a news article) from the *Newton TAB*, <http://blogs.townonline.com/newton> (“*Newton TAB* Blog”), *Daily News Tribune*, and, to a lesser extent, content original to wickedlocal.com.

3. On or about November 17, 2008, after Boston.com launched the “alpha” version of its Newton website (<http://www.boston.com/yourtown/newton>), I noticed that verbatim copies of several headlines and ledes from the *Newton TAB*, *wickedlocal.com*, *Newton TAB Blog*, and *Daily News Tribune* were in fact posted to Boston.com, presumably through the “scraping” practice described in the immediately preceding paragraph.¹

4. On December 3, 2008, we implemented a JavaScript code on *wickedlocal.com* and the *Newton TAB Blog* which was intended to prevent “cutting and pasting” by users linking into our website from the www.boston.com domain.

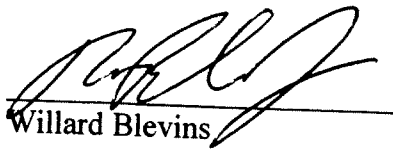
5. We were able to do so because when an Internet user visits any of our websites, we can determine where that individual is visiting from based on their unique IP (Internet Protocol) address, which is assigned to their Internet connection. If the incoming IP address matched that of Boston.com's office network, a JavaScript code embedded in the pages of *wickedlocal.com* and the *Newton TAB Blog* prevented users from that IP address from highlighting text on our webpage with their mouse clicker. More specifically, the JavaScript code placed (in essence) a layer over the text hindering the user's ability to highlight the text of the page, which in turn would make it difficult to "cut" the text in order to "paste" it into another program – *i.e.*, into www.boston.com/yourtown/newton.

6. It does not appear, however, that the Javascript code was effective. On or about December 4, 2008, defendant apparently resumed “scraping” material from the *Newton TAB*, *wickedlocal.com*, *Daily News Tribune*, and *Newton TAB Blog* because GateHouse's original content from those publications was again being copied on Boston.com's website on that date.

¹ On December 11, 2008, Boston.com publicly launched the “beta” version of its Newton community website.

7. The JavaScript code installed on December 3, 2008, is still in place. As explained above, however, it has apparently been intentionally circumvented.

The foregoing statements are made of my personal knowledge under the penalties of perjury this 21 day of December, 2008.


Willard Blevins