

CHANGES AND SIGNATURE

WITNESS NAME: DATE OF DEPOSITION:

Sandy Ginoza February 8, 2013

PAGE LINE CHANGE REASON

60 5 "rfc interest" to "rfc dist" The list name
is called "rfc dist"
& rfc distribution

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C.

In the Matter of)
)
CERTAIN DEVICES WITH)
SECURE COMMUNICATION) Investigation No. 337-TA-858
CAPABILITIES, COMPONENTS)
THEREOF, AND PRODUCTS)
CONTAINING THE SAME)
_____)

DEPOSITION OF INTERNET ENGINEERING TASK FORCE
THROUGH ITS DESIGNATED REPRESENTATIVE, SANDY GINOZA
FRIDAY, FEBRUARY 8, 2013
LOS ANGELES, CALIFORNIA

Reported By:

Lindsay Pinkham, CSR 3716, CCRR

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1	Deposition of INTERNET ENGINEERING TASK FORCE,	1	I N D E X
2	THROUGH ITS DESIGNATED REPRESENTATIVE SANDY GINOZA,	2	
3	taken on behalf of Respondent APPLE INC., commencing at	3	Examination Page
4	8:57 a.m., Friday, February 8, 2013, at 750 North Nash	4	By Ms. Peschel 8
5	Street, El Segundo, California 90245, before LINDSAY	5	By Ms. Greskowiak 50
6	PINKHAM, CSR 3716, CCRR.	6	
7		7	
8	APPEARANCES OF COUNSEL:	8	
9	For Complainant VIRNETX, INC.:	9	RESPONDENT'S EXHIBITS
10	MCKOOL SMITH P.C.	10	No. 1 Subpoena Ad Testificandum 14
11	BY: STACIE GRESKOWIAK, ESQ.	11	No. 2 Subpoena Duces Tecum 15
12	1999 K Street, N.W.	12	No. 3 Document entitled "Declaration of the 16
13	Suite 600	13	RFC Publisher for the Internet
14	Washington, D.C. 20006	14	Engineering Task Force, an Organized
15	(202) 370-8300	15	Activity of the Internet Society"
16	sgreskowiak@mckoolsmith.com	16	No. 4 Document entitled "The Tao of IETF: 18
17	(Via Speakerphone)	17	A Novice's Guide to the Internet
18		18	Engineering Task Force"
19	For Complainant SCIENCE APPLICATIONS INTERNATIONAL	19	No. 5 RFC 1034, 337-TA-858-IETF00022 thru 20
20	CORPORATION:	20	00073
21	URRABAZO LAW, P.C.	21	No. 6 RFC 1035, 337-TA-858-IETF00074 thru 22
22	BY: LARA PETREDIS, ESQ.	22	00125
23	2029 Century Park East	23	No. 7 RFC 1123, 337-TA-858-IETF00241 thru 23
24	14th Floor	24	00337
25	Los Angeles, California 90067	25	No. 8 RFC 1631, 337-TA-858-IETF00345 thru 25
	(310) 388-9099		00354
	lpetredis@ulawpc.com		No. 9 RFC 1889, 337-TA-858-IETF00541 thru 27
			00611
	For RESPONDENT APPLE INC.:		No. 10 RFC 2052, 337-TA-858-IETF00715 thru 29
	WILLIAMS, MORGAN & AMERSON, P.C.		00724
	BY: LEISA TALBERT PESCHEL, PH.D., ESQ.		
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	Suite 1100		
	Houston, Texas 77042		
	(713) 934-4096		
	lpeschel@wmalaw.com		
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1	APPEARANCES, CONTINUED:	1	INDEX, CONTINUED:
2		2	
3	For the Deponent INTERNET ENGINEERING TASK FORCE:	3	No. 11 RFC 2065, 337-TA-858-IETF00725 thru 30
4	THOMPSON HINE LLP	4	00763
5	BY: MATTHEW D. RIDINGS, ESQ.	5	No. 12 RFC 2131, 337-TA-858-IETF00764 thru 32
6	3900 Key Center	6	00806
7	127 Public Square	7	No. 13 RFC 2167, 337-TA-858-IETF02137 thru 34
8	Cleveland, Ohio 44114	8	02196
9	(216) 566-5561	9	No. 14 RFC 2230, 337-TA-858-IETF00880 thru 36
10	matt.ridings@thompsonhine.com	10	00890
11		11	No. 15 RFC 2246, 337-TA-858-IETF00891 thru 37
12	Also Present:	12	00965
13	PHIL MAZO, VIDEOGRAPHER	13	No. 16 RFC 2401, 337-TA-858-IETF01122 thru 3
14		14	01183
15		15	No. 17 RFC 2535, 337-TA-858-IETF01574 thru 40
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23		23	No. 21 RFC 883, 337-TA-858-IETF02064 thru 48
24		24	02136
25		25	
			INFORMATION REQUESTED
			(None)
			QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER
			(None)

2 (Pages 2 to 5)

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<p>1 EL SEGUNDO, CALIFORNIA; FRIDAY, FEBRUARY 8, 2013</p> <p>2 8:57 A.M.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: We are on the record at 8:57</p> <p>5 a.m. This is the videotaped deposition of Sandy Ginoza,</p> <p>6 representing the Internet Engineering Task Force in the</p> <p>7 matter of Certain Devices With Security Communication</p> <p>8 Capabilities, Components Thereof, and Products</p> <p>9 Containing the Same, in Investigation No. 337-TA-858.</p> <p>10 This deposition is being held at Hyatt Place, 750</p> <p>11 North Nash Street, El Segundo, California, 90245, on</p> <p>12 February 8, 2013.</p> <p>13 My name is Phil Mazo, and I am the</p> <p>14 videographer. I am present on behalf of Stratos Legal.</p> <p>15 The court reporter is Lindsay Pinkham, also present on</p> <p>16 behalf of the Stratos Legal.</p> <p>17 Counsel will now state their appearances and</p> <p>18 firm affiliation for the record.</p> <p>19 MS. PESCHEL: Leisa Talbert Peschel, Williams,</p> <p>20 Morgan & Amerson, on behalf of Apple Inc.</p> <p>21 MS. PETREDIS: Lara Petredis, Urrabazo Law,</p> <p>22 P.C., on behalf of SAIC.</p> <p>23 MR. RIDINGS: Matt Ridings from Thompson Hine</p> <p>24 on behalf of IETF.</p> <p>25 And I'd also like to note before we get started</p>	<p>1 EXAMINATION</p> <p>2 BY MS. PESCHEL:</p> <p>3 Q Ms. Ginoza, have you ever had your deposition</p> <p>4 taken before?</p> <p>5 A No.</p> <p>6 MS. GRESKOWIAK: I'm sorry. Could you speak</p> <p>7 up? It's hard to hear.</p> <p>8 MS. PESCHEL: Sure.</p> <p>9 Q Have you ever had your deposition taken before?</p> <p>10 A No.</p> <p>11 Q So in the beginning, I'm just going to go</p> <p>12 through a series of questions to kind of get us on the</p> <p>13 same page about the deposition.</p> <p>14 A Okay.</p> <p>15 Q You understand that the court reporter's here</p> <p>16 to take down what you say?</p> <p>17 A Yes.</p> <p>18 Q And that any answers that you give need to be</p> <p>19 spoken out loud rather than a nod?</p> <p>20 A Okay.</p> <p>21 Q So that she can take that down?</p> <p>22 A Yes.</p> <p>23 Q I'm going to try my best not to talk over you,</p> <p>24 and I would ask you to agree not to do the same.</p> <p>25 A Okay.</p>
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<p>1 for the record that about an hour ago I received a</p> <p>2 number of exhibits from counsel for VirnetX, including</p> <p>3 some exhibits that IETF has not produced in respond to</p> <p>4 the subpoena.</p> <p>5 I have not had a chance to review these</p> <p>6 exhibits, the deponent has not had a chance to review</p> <p>7 these exhibits, and frankly, as a matter of professional</p> <p>8 courtesy, I really don't appreciate receiving these an</p> <p>9 hour before the deposition. I don't think it's</p> <p>10 appropriate. And we'll deal with those when we get</p> <p>11 there. But I just want to note that for the record.</p> <p>12 THE VIDEOGRAPHER: Counsel on the phone?</p> <p>13 MS. GRESKOWIAK: This is Stacie Greskowiak on</p> <p>14 behalf of complainant VirnetX, Inc.</p> <p>15 THE VIDEOGRAPHER: Will the court reporter</p> <p>16 please swear in the witness.</p> <p>17</p> <p>18 INTERNET ENGINEERING TASK FORCE, THROUGH</p> <p>19 ITS DESIGNATED REPRESENTATIVE, SANDY GINOZA</p> <p>20 having been first duly sworn,</p> <p>21 was examined and testified as follows:</p> <p>22</p> <p>23 THE VIDEOGRAPHER: We may proceed.</p> <p>24 ///</p> <p>25 ///</p>	<p>1 Q I try to ask very clear questions, but</p> <p>2 sometimes I don't succeed. Will you agree to let me</p> <p>3 know if you don't understand what I'm asking?</p> <p>4 A Yes.</p> <p>5 Q Will you also agree to let me know if the</p> <p>6 answer you're giving is a guess or an estimate?</p> <p>7 A Yes.</p> <p>8 Q And can I assume that if you don't qualify your</p> <p>9 answer as a guess or an estimate, that it is not a guess</p> <p>10 or an estimate?</p> <p>11 A Yes.</p> <p>12 Q Will you agree to let me know if later in the</p> <p>13 deposition you need to change an answer you gave</p> <p>14 previously, if you think of something additional?</p> <p>15 A Sure.</p> <p>16 Q About every hour we'll probably take a short</p> <p>17 break. If for any reason you need a break sooner than</p> <p>18 that, will you just let me know?</p> <p>19 A Sure.</p> <p>20 Q And are you feeling okay today?</p> <p>21 A Yes.</p> <p>22 Q There's nothing physically that would prevent</p> <p>23 you from giving truthful and accurate testimony?</p> <p>24 A No.</p> <p>25 Q And you're not on any medication that would</p>

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<p>1 prevent you from giving truthful or accurate testimony?</p> <p>2 A No.</p> <p>3 Q Do you have any questions so far?</p> <p>4 A No.</p> <p>5 Q And you understand that you're here today</p> <p>6 testifying on behalf of the Internet Engineering Task</p> <p>7 Force?</p> <p>8 A Yes.</p> <p>9 Q And that your answers are given on behalf of</p> <p>10 the IETF?</p> <p>11 A Yes.</p> <p>12 Q And you understand when I refer to "IETF," that</p> <p>13 I'm referring to the Internet Engineering Task Force?</p> <p>14 A Yes.</p> <p>15 Q If you need to give an answer on a personal</p> <p>16 basis, please qualify your answer as such.</p> <p>17 A Okay.</p> <p>18 Q And you understand that if I ask a question,</p> <p>19 I'm really asking a question to the IETF and not to you</p> <p>20 personally, unless I specifically address it to you</p> <p>21 personally.</p> <p>22 A Okay.</p> <p>23 Q Now, I do want to talk a little bit with you</p> <p>24 about your personal background and history. What is</p> <p>25 your current relationship with the IETF?</p>	<p>1 the IETF. But I was a project assistant.</p> <p>2 Q And what was your next position?</p> <p>3 A I believe it was a -- weird titles --</p> <p>4 administrative assistant to the senior editor after</p> <p>5 that, and I left that, ISI, as senior editor.</p> <p>6 Q And when did you leave ISI?</p> <p>7 A January of 2010.</p> <p>8 Q And what happened in January of 2010?</p> <p>9 A The contract to provide the RFC Editor services</p> <p>10 was transferred over to AMS, and...</p> <p>11 Q Did you go with --</p> <p>12 A Yes, I did.</p> <p>13 Q You went with the functionality. So what are</p> <p>14 the current responsibilities that you have?</p> <p>15 A It's very similar to what I was doing</p> <p>16 previously. It's tracking the documents through the</p> <p>17 publication process once they've been approved for</p> <p>18 publication.</p> <p>19 Q And does that involve maintaining any of the</p> <p>20 records?</p> <p>21 A Yes.</p> <p>22 Q What functions would you -- do you perform for</p> <p>23 maintaining the records?</p> <p>24 A So once -- I don't personally input the initial</p> <p>25 information into our database, but one of our staff</p>
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<p>1 A I am responsible -- I'm the RFC Director, so</p> <p>2 the RFC Publication Director, and so we publish the IETF</p> <p>3 documents that come out as RFCs.</p> <p>4 Q And how long have you been involved in the</p> <p>5 IETF?</p> <p>6 A Thirteen-ish years.</p> <p>7 Q And what was your position when you started</p> <p>8 with the IETF?</p> <p>9 A Similar to what I am doing now, but I probably</p> <p>10 started as a project assistant.</p> <p>11 Q Okay. So what would have been your</p> <p>12 responsibilities at that time?</p> <p>13 A The documents that were approved for</p> <p>14 publication, it would be to enter them into a queue,</p> <p>15 track them through the process, format them, edit the</p> <p>16 documents, interact with the authors to make sure that</p> <p>17 the documents say what they wanted to say, and then</p> <p>18 publish the documents on the website.</p> <p>19 Q Okay. And have you been publishing the</p> <p>20 documents, the RFC documents, for that whole time</p> <p>21 period, the 13 years?</p> <p>22 A Yes.</p> <p>23 Q What was your first position with the IETF?</p> <p>24 A Well, I really worked for ISI, which is part of</p> <p>25 USC, but the contract included receiving documents from</p>	<p>1 people does. And we track the documents, make sure they</p> <p>2 get edited, interact with the authors, get author</p> <p>3 approval to publish the documents, and then when the</p> <p>4 authors sign off on it, I would then go input the</p> <p>5 correct -- any corrected data into the database, update</p> <p>6 the indexes, place the document online, and send out an</p> <p>7 announcement that the document is available.</p> <p>8 Q When is the document considered published by</p> <p>9 the IETF?</p> <p>10 A The IETF considers it published on the date the</p> <p>11 announcement is sent. It's possible that it may be in a</p> <p>12 public repository a day or two before that, but it's</p> <p>13 considered when the announcement is sent, because that's</p> <p>14 when people know it's there.</p> <p>15 Q And who has access to the repository?</p> <p>16 A Everyone. Anyone who has access to the</p> <p>17 Internet.</p> <p>18 Q So a member of the public could go on the</p> <p>19 Internet and search for a particular RFC and be able to</p> <p>20 see that?</p> <p>21 A Yes.</p> <p>22 Q Do you know how far back the records go?</p> <p>23 A Records for?</p> <p>24 Q The RFCs.</p> <p>25 A The records that are online?</p>

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<p>1 Q Uh-huh.</p> <p>2 A All of the RFCs -- all of the available RFCs</p> <p>3 are online. They don't change once they're published,</p> <p>4 so...</p> <p>5 Q Okay. What does RFC stand for?</p> <p>6 A "Request for comments."</p> <p>7 Q What did you do to prepare for today's</p> <p>8 deposition?</p> <p>9 A Basically was preparing to reply to the</p> <p>10 subpoena. So reviewed the subpoena, had talked to my</p> <p>11 lawyer about it a little bit, reviewed the documents,</p> <p>12 and looked at the database to see, make sure that the</p> <p>13 dates listed were the dates that I believe they were</p> <p>14 actually published.</p> <p>15 (Exhibit 1 was marked for</p> <p>16 identification.)</p> <p>17 Q BY MS. PESCHEL: I've just handed you a</p> <p>18 document that's titled "Subpoena Ad Testificandum." Did</p> <p>19 you review this document in preparing for the deposition</p> <p>20 today?</p> <p>21 MS. GRESKOWIAK: I'm sorry. Could you speak up</p> <p>22 and identify the document by the Bates numbers? Thank</p> <p>23 you.</p> <p>24 MS. PESCHEL: This is the subpoena to the IETF.</p> <p>25 MS. GRESKOWIAK: Thank you.</p>	<p>1 2 the subpoena duces tecum. This is the subpoena for</p> <p>2 documents. Did you review this subpoena?</p> <p>3 A Yes.</p> <p>4 Q Did the IETF produce documents pursuant to the</p> <p>5 subpoena? I believe that the topics are listed in the</p> <p>6 exhibit to the prior --</p> <p>7 A This one?</p> <p>8 Q Yeah.</p> <p>9 A So these are all the same. Yes, we did.</p> <p>10 Q Who collected those documents?</p> <p>11 A I did.</p> <p>12 Q And how did you do that?</p> <p>13 A I made copies of the documents from the RFC</p> <p>14 Editor website.</p> <p>15 (Exhibit 3 was marked for</p> <p>16 identification.)</p> <p>17 MS. GRESKOWIAK: I'm very sorry to interrupt.</p> <p>18 It might be helpful to move the phone closer to the</p> <p>19 witness. It's getting quiet. Thank you.</p> <p>20 MS. PESCHEL: Okay.</p> <p>21 Q BY MS. PESCHEL: You're being handed as</p> <p>22 Exhibit 3 your declaration in this investigation. Do</p> <p>23 you recognize this document?</p> <p>24 A Yes.</p> <p>25 Q And if you turn to the last page, is that your</p>
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<p>1 THE WITNESS: (Examining document) Yes, I</p> <p>2 believe so.</p> <p>3 Q BY MS. PESCHEL: Would you turn to page 4. Did</p> <p>4 you review the deposition topics listed on page 4?</p> <p>5 A Yes.</p> <p>6 Q Are you prepared to testify on those topics</p> <p>7 today?</p> <p>8 A Yes, except I'm not an expert on the process</p> <p>9 for or the procedures for how documents get posted on</p> <p>10 the IETF website or the tools of the IETF website. I'm</p> <p>11 responsible for posting them on the RFC Editor site.</p> <p>12 Q Okay. Do you know generally how they get</p> <p>13 transitioned from the RFC Editor site to the IETF</p> <p>14 website?</p> <p>15 A I could make a guess, but I don't know the</p> <p>16 technical -- I mean, I believe I know, but I don't know</p> <p>17 the technical back side of it.</p> <p>18 Q Why don't you just give us your guess of what</p> <p>19 happens.</p> <p>20 A I believe we put them on the website, an</p> <p>21 announcement is made, and the IETF website automatically</p> <p>22 picks up the documents.</p> <p>23 (Exhibit 2 was marked for</p> <p>24 identification.)</p> <p>25 Q BY MS. PESCHEL: You're being handed as Exhibit</p>	<p>1 signature on the document?</p> <p>2 A Yes.</p> <p>3 Q Do you stand behind the truth and accuracy of</p> <p>4 this declaration?</p> <p>5 A Yes.</p> <p>6 Q Do you have anything that you need to change in</p> <p>7 the declaration?</p> <p>8 A Not that I know of.</p> <p>9 Q If you look on paragraph 5, it says:</p> <p>10 "I make this Declaration based on my</p> <p>11 personal knowledge and information</p> <p>12 contained in the business records of the</p> <p>13 RFC Editor as they are currently housed</p> <p>14 at AMS or confirmation with other</p> <p>15 responsible RFC Editor personnel with</p> <p>16 such knowledge."</p> <p>17 Whom, if anyone, did you confirm such knowledge</p> <p>18 with?</p> <p>19 A Legal.</p> <p>20 Q The next sentence says:</p> <p>21 "If called as a witness in this</p> <p>22 Investigation, I could and would testify</p> <p>23 to the facts as stated in this</p> <p>24 Declaration."</p> <p>25 Does that remain to be true?</p>

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<p>1 A Yes.</p> <p>2 Q Do you now testify that the facts stated in</p> <p>3 this declaration are truthful?</p> <p>4 A Yes.</p> <p>5 Q And accurate?</p> <p>6 A Yes.</p> <p>7 (Exhibit 4 was marked for</p> <p>8 identification.)</p> <p>9 Q BY MS. PESCHEL: You've just been handed</p> <p>10 Exhibit 4, which is titled "The Tao of IETF: A Novice's</p> <p>11 Guide to the Internet Engineering Task Force." Do you</p> <p>12 recognize this document?</p> <p>13 MR. RIDINGS: And at this point I'll just</p> <p>14 object and say the witness is here to authenticate the</p> <p>15 documents that she produced in response to the subpoena,</p> <p>16 and this is not a document produced in response to the</p> <p>17 subpoena. And if she's able to testify, she's able to</p> <p>18 testify; but this is outside the scope of the deposition</p> <p>19 notice.</p> <p>20 Q BY MS. PESCHEL: Have you seen this document</p> <p>21 before?</p> <p>22 A Yes.</p> <p>23 Q Do you believe it's an accurate explanation of</p> <p>24 how the RFC process works?</p> <p>25 MR. RIDINGS: If you know.</p>	<p>1 guarantee that those are identical to what the original</p> <p>2 said. But it's what we have on our website.</p> <p>3 Q And what you have on your website, do you know</p> <p>4 how long that's been maintained?</p> <p>5 A Those documents in particular?</p> <p>6 Q Uh-huh.</p> <p>7 A I don't. They're all different. It was a</p> <p>8 volunteer effort, so people did certain documents when</p> <p>9 they had a chance to do them. And I wouldn't be able to</p> <p>10 tell you exactly when those documents were available.</p> <p>11 Q Do you have any responsibility with respect to</p> <p>12 Internet drafts?</p> <p>13 A No.</p> <p>14 Q Do you have an understanding of the difference</p> <p>15 between Internet drafts and RFCs?</p> <p>16 A Yes.</p> <p>17 Q And what is that?</p> <p>18 A Internet drafts are working documents. They're</p> <p>19 meant to expire. And RFCs are permanent archival</p> <p>20 publication series.</p> <p>21 (Exhibit 5 was marked for</p> <p>22 identification)</p> <p>23 Q BY MS. PESCHEL: You've just been handed a</p> <p>24 document that the court reporter has marked Exhibit 5.</p> <p>25 The Bates number is 337-TA-858-IETF00022, and the</p>
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<p>1 Q BY MS. PESCHEL: If you know.</p> <p>2 A I actually don't know. I haven't read this in</p> <p>3 quite some time.</p> <p>4 Q Okay. If you'll turn to section 2. It</p> <p>5 describes a little bit about the IETF process. And</p> <p>6 rather than focusing on the documents, it's just there</p> <p>7 for your reference if you need it.</p> <p>8 A Okay.</p> <p>9 Q Who can register for an IETF meeting? Do you</p> <p>10 know?</p> <p>11 A I think I know, but I'm not an IETF expert.</p> <p>12 I'm an expert in the production of the RFCs.</p> <p>13 Q Okay. What is your understanding?</p> <p>14 A My understanding is that anyone could register</p> <p>15 to attend an IETF meeting.</p> <p>16 Q I believe you stated this previously, but once</p> <p>17 an RFC is published, are there any changes?</p> <p>18 A No, they're not changed.</p> <p>19 Q Has that been true throughout the history of</p> <p>20 the publication of the RFCs?</p> <p>21 A There was -- I was not present during this</p> <p>22 time, but my understanding is there was a platform</p> <p>23 transition and some of the initial RFCs were lost in the</p> <p>24 electronic format, and there was an attempt to reproduce</p> <p>25 those documents and put those online. So I could not</p>	<p>1 document goes through 73. Is that correct?</p> <p>2 MS. GRESKOWIAK: Got it. Thanks.</p> <p>3 Q BY MS. PESCHEL: Did the IETF produce this in</p> <p>4 response to the subpoena?</p> <p>5 A Yes.</p> <p>6 Q And where did you locate RFC 1034?</p> <p>7 A On the RFC Editor website.</p> <p>8 Q And how did you do that?</p> <p>9 A I went to the RFC Editor website and searched</p> <p>10 using their search engine for RFC 1034 and made a copy</p> <p>11 of it.</p> <p>12 Q Does anyone have access to the RFC Editor</p> <p>13 search site?</p> <p>14 A Everyone has access.</p> <p>15 Q And is this document here a true and correct</p> <p>16 copy of the RFC 1034 that's present in the business</p> <p>17 records of IETF?</p> <p>18 A I believe so.</p> <p>19 Q Was it made at or near the time of the</p> <p>20 occurrence of the matters that are set forth in there?</p> <p>21 A Yes.</p> <p>22 Q By a person with knowledge of those matters?</p> <p>23 A Yes.</p> <p>24 Q Kept in the course of regularly conducted</p> <p>25 activity?</p>

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<p>1 A Yes.</p> <p>2 Q Made by the regularly conducted activity as a</p> <p>3 regular practice?</p> <p>4 A Yes.</p> <p>5 Q Was RFC 1034 publicly available as of the date</p> <p>6 listed on its face?</p> <p>7 A As far as I know, yes.</p> <p>8 Q And what was that date?</p> <p>9 A November 1987.</p> <p>10 (Exhibit 6 was marked for</p> <p>11 identification.)</p> <p>12 Q BY MS. PESCHEL: The court reporter's handing</p> <p>13 you what's been marked as Exhibit 6, Bates labeled</p> <p>14 337-TA-858-IETF00074, and it goes through 125. Is that</p> <p>15 correct?</p> <p>16 A Yes.</p> <p>17 Q And this is RFC 1035?</p> <p>18 A Yes.</p> <p>19 Q Did IETF produce this in response to the</p> <p>20 subpoena?</p> <p>21 A Yes.</p> <p>22 Q Where did you locate this document?</p> <p>23 A On the RFC Editor website.</p> <p>24 Q And how did you do that?</p> <p>25 A I went to the RFC Editor website, used the</p>	<p>1 identification.)</p> <p>2 Q BY MS. PESCHEL: The court reporter has just</p> <p>3 handed you Exhibit 7, which is titled "Request for</p> <p>4 Documents: 1123," with the Bates number</p> <p>5 337-TA-858-IETF00241 through 337. Is that correct?</p> <p>6 A Yes.</p> <p>7 Q Was this produced by the IETF in response to</p> <p>8 the subpoena?</p> <p>9 A Yes.</p> <p>10 Q Where did you locate this document?</p> <p>11 A On the RFC Editor website.</p> <p>12 Q How do you locate it?</p> <p>13 A I went to the RFC Editor website, searched for</p> <p>14 RFC 1123, and made a copy of the file.</p> <p>15 Q Is this copy of RFC 1123 a true and correct</p> <p>16 copy of the business record contained in the IETF files?</p> <p>17 A Yes.</p> <p>18 Q Does RFC 1123 constitute a record of regularly</p> <p>19 conducted business activity?</p> <p>20 A Yes.</p> <p>21 Q Was it made at or near the time of the</p> <p>22 occurrence of the matters set forth?</p> <p>23 A Yes.</p> <p>24 Q By a person with knowledge of those matters?</p> <p>25 A Yes.</p>
Page 23	Page 25
<p>1 search engine, and made a copy of RFC 1035.</p> <p>2 Q Is the document produced here as RFC 1035 a</p> <p>3 true and correct copy of the business record that's</p> <p>4 contained in the IETF files?</p> <p>5 A Yes.</p> <p>6 Q Does it constitute a record of regularly</p> <p>7 conducted business activity?</p> <p>8 A Yes.</p> <p>9 Q Was it made at or near the time of the</p> <p>10 occurrence of the matters set forth?</p> <p>11 A Yes.</p> <p>12 Q By a person with knowledge of those matters?</p> <p>13 A Yes.</p> <p>14 Q It's been kept in the course of regularly</p> <p>15 conducted activity?</p> <p>16 A Yes.</p> <p>17 Q Made by the regularly conducted activity as a</p> <p>18 regular practice?</p> <p>19 A Yes.</p> <p>20 Q Was RFC 1035 publicly available as of the date</p> <p>21 listed on its face?</p> <p>22 A Yes, I believe so.</p> <p>23 Q What date was RFC 1035 made publicly available?</p> <p>24 A November 1987.</p> <p>25 (Exhibit 7 was marked for</p>	<p>1 Q Kept in the course of regularly conducted</p> <p>2 activity?</p> <p>3 A Yes.</p> <p>4 Q Was RFC 1123 made by the regularly conducted</p> <p>5 activity as a regular practice?</p> <p>6 A Yes.</p> <p>7 Q Was RFC 1123 publicly available as of the date</p> <p>8 listed on its face?</p> <p>9 A Yes.</p> <p>10 Q What date was RFC 1123 made publicly available?</p> <p>11 A In October 1989.</p> <p>12 (Exhibit 8 was marked for</p> <p>13 identification.)</p> <p>14 Q BY MS. PESCHEL: The court reporter is handing</p> <p>15 you what's been marked as Exhibit 8. It's request for</p> <p>16 comments 1631, with a Bates number 337-TA-858-IETF00345</p> <p>17 through 354.</p> <p>18 Was RFC 1631 at this Bates range produced in</p> <p>19 response to the subpoena?</p> <p>20 A Yes.</p> <p>21 Q Where did you locate this document?</p> <p>22 A On the RFC Editor website.</p> <p>23 Q How did you locate it?</p> <p>24 A I represent to the RFC Editor website, used the</p> <p>25 search engine to find RFC 1631, and made a copy of the</p>

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<p>1 file. 2 Q Is the document that was produced at this Bates 3 range a true and correct copy of the business record of 4 RFC 1631 as it exists in the IETF files? 5 A As it exists on the RFC Editor website, yes. 6 Q Does this constitute a record of regularly 7 conducted business activity? 8 A Yes. 9 Q Made at or near the time of the occurrence of 10 the matters set forth? 11 A Yes. 12 Q By a person with knowledge of those matters? 13 A Yes. 14 Q Is it kept in the course of regularly conducted 15 activity? 16 A Yes. 17 Q Made by the regularly conducted activity as a 18 regular practice? 19 A Yes. 20 Q Was RFC 1631 publicly available as of the date 21 listed on its face? 22 A Yes. 23 MS. GRESKOWIAK: (Inaudible.) 24 MR. RIDINGS: We couldn't hear you, Stacie. 25 MS. GRESKOWIAK: Sorry. I said "objection."</p>	<p>1 Q Does this constitute a record of regularly 2 conducted business activity? 3 A Yes. 4 Q Was it made at or near the time of the 5 occurrence of the matters set forth? 6 A Yes. 7 Q By a person with knowledge of those matters? 8 A Yes. 9 Q Kept in the course of regularly conducted 10 activity? 11 A Yes. 12 Q Made by the regularly conducted activity as a 13 regular practice? 14 A Yes. 15 Q Was RFC 1889 publicly available as of the date 16 listed on its face? 17 A Yes. 18 MS. GRESKOWIAK: Objection. 19 Q BY MS. PESCHEL: What date was RFC 1889 made 20 publicly available? 21 A In January 1996. 22 Can I just clarify? So where you're saying the 23 "IETF records," for me it's the RFC Editor records. 24 Q Does -- what is the relationship between the 25 RFC Editor records and the IETF?</p>
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<p>1 Q BY MS. PESCHEL: What date was RFC 1631 made 2 publicly available? 3 A In May 1994. 4 (Exhibit 9 was marked for 5 identification.) 6 Q BY MS. PESCHEL: The court reporter's handing 7 you Exhibit 9, which is titled "Request for Comments: 8 1889" with a Bates range of 337-TA-858-IETF00541 through 9 611. Is that true? 10 A Yes. 11 Q Was this RFC 2052 produced in response to the 12 subpoena? I'm sorry. RFC 1889 produced in response to 13 the subpoena? 14 A Yes. 15 Q Where did you locate this document? 16 A On the RFC Editor website. 17 Q How do you locate it? 18 A I went to the RFC Editor website, searched for 19 RFC 1889, made a copy of the file. 20 Q Is the document produced at this Bates range a 21 true and correct copy of the file as it exists on the 22 RFC Editor website? 23 A Yes. 24 Q And in the business records of the IETF? 25 A As far as I know, yes.</p>	<p>1 A The RFC Editor is the official publication 2 series for the IETF. So we would be the official record 3 keeper of their RFCs. 4 Q Of their RFCs. 5 A Yes. 6 Q Okay, I understand. 7 (Exhibit 10 was marked for 8 identification.) 9 Q BY MS. PESCHEL: You've just been handed 10 Exhibit 10, which is titled "Request for Comments: 11 2052" with a Bates number of 337-TA-858-IETF00715 12 through 724. Is that correct? 13 A Yes. 14 Q Was RFC 2052 produced in response to the 15 subpoena? 16 A Yes. 17 Q Where did you locate this document? 18 A On the RFC Editor website. 19 Q How did you locate it? 20 A I went to the RFC Editor website, used the 21 search engine, and made a copy of RFC 2052. 22 Q Is the document produced at this Bates range a 23 true and correct copy of RFC 2052 as it exists in the 24 RFC Editor records? 25 A Yes.</p>

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<p>1 Q Does it constitute a record of regularly 2 conducted business activity? 3 A Yes. 4 Q Was it made at or near the time of the 5 occurrence of the matters set forth? 6 A Yes. 7 Q By a person with knowledge of those matters? 8 A Yes. 9 Q Kept in the course of regularly conducted 10 activity? 11 A Yes. 12 Q Made by the regularly conducted activity as a 13 regular practice? 14 A Yes. 15 Q Was RFC 2052 publicly available as of the date 16 listed on its face? 17 A Yes. 18 MS. GRESKOWIAK: Objection. 19 Q BY MS. PESCHEL: What date was RFC 2052 made 20 publicly available? 21 A In October 1996. 22 (Exhibit 11 was marked for 23 identification.) 24 Q BY MS. PESCHEL: The court reporter has just 25 handed you Exhibit 11, which is titled "Request for</p>	<p>1 activity? 2 A Yes. 3 Q Made by the regularly conducted activity as a 4 regular practice? 5 A Yes. 6 Q Was RFC 2065 publicly available as of the date 7 listed on its face? 8 A Yes. 9 Q What date was RFC 2065 made publicly available? 10 A January 1997. 11 MS. GRESKOWIAK: Objection. 12 (Exhibit 12 was marked for 13 identification.) 14 Q BY MS. PESCHEL: The court reporter's just 15 handed you what's been marked as Exhibit 12, which is 16 titled "Request for Comments: 2131," with a Bates 17 number of 337-TA-858-IETF00764 through 806. Is that 18 correct? 19 A Yes. 20 Q Was RFC 31 produced in response to the 21 subpoena? 22 A I'm sorry. RFC? 23 Q 2131. 24 A Yes. 25 Q Produced in response to the subpoena? Where</p>
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<p>1 Comments: 2065," with a Bates number of 2 337-TA-858-IETF00725 to 763. Is that correct? 3 A Yes. 4 Q Was RFC 2065 produced in response to the 5 subpoena? 6 A Yes. 7 Q Where did you locate this document? 8 A On the RFC Editor website. 9 Q How do you locate it? 10 A I went to the RFC Editor website, used the 11 search engine to find RFC 2065, and made a copy of the 12 file. 13 Q Is the document produced at this Bates range a 14 true and correct copy of the business record of 2065, 15 RFC 2065, as it exists in the records of the RFC Editor? 16 A Yes. 17 Q Does it constitute a record of regularly 18 conducted business activity? 19 A Yes. 20 Q Was it made at or near the time of the 21 occurrence of the matters set forth? 22 A Yes. 23 Q By a person with knowledge of those matters? 24 A Yes. 25 Q Kept in the course of regularly conducted</p>	<p>1 did you locate this document? 2 A On the RFC Editor website. 3 Q How do you locate it? 4 A I went to the RFC Editor website, searched for 5 RFC 2131, and made a copy of the file. 6 Q Is the document produced at this Bates range a 7 true and correct copy of the business records of RFC 8 2131 as it exists in the RFC Editor records? 9 A Yes. 10 Q Does it constitute a record of regularly 11 conducted business activity? 12 A Yes. 13 Q Made at or near the time of the occurrence of 14 the matters set forth? 15 A Yes. 16 Q By a person with knowledge of those matters? 17 A Yes. 18 Q Kept in the course of regularly conducted 19 activity? 20 A Yes. 21 Q Made by the regularly conducted activity as a 22 regular practice? 23 A Yes. 24 Q Was RFC 2131 publicly available as of the date 25 listed on its face?</p>

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<p>1 A Yes.</p> <p>2 Q What date was RFC 2131 made publicly available?</p> <p>3 A In March 1997.</p> <p>4 (Exhibit 13 was marked for</p> <p>5 identification.)</p> <p>6 Q BY MS. PESCHEL: The court reporter's just</p> <p>7 handed you what's been marked as Exhibit 13, which is</p> <p>8 titled "Request for Comments: 2167," and has a Bates</p> <p>9 range 337-TA-858-IETF02137 through 2196. Is that</p> <p>10 correct?</p> <p>11 A Yes.</p> <p>12 Q Where did you locate this document?</p> <p>13 A On the RFC Editor website.</p> <p>14 Q How do you locate it?</p> <p>15 A I went to the RFC Editor website, searched for</p> <p>16 RFC 2167, and made a copy of the file.</p> <p>17 Q Does this constitute a true and correct copy of</p> <p>18 RFC 2167 as it exists in the business records of the RFC</p> <p>19 Editor?</p> <p>20 A Yes.</p> <p>21 Q Does it constitute a record of regularly</p> <p>22 conducted business activity?</p> <p>23 A Yes.</p> <p>24 Q Was it made at or near the time of the</p> <p>25 occurrence of the matters set forth?</p>	<p>1 speak.</p> <p>2 MS. GRESKOWIAK: Counsel, I guess it might be</p> <p>3 helpful if we, or the witness, if you could give me just</p> <p>4 a pause before you answer so that any objection can be</p> <p>5 made. Thank you.</p> <p>6 THE WITNESS: Okay.</p> <p>7 (Exhibit 14 was marked for</p> <p>8 identification.)</p> <p>9 Q BY MS. PESCHEL: You've just been handed what's</p> <p>10 been marked as Exhibit 14, which is titled "Request for</p> <p>11 Comments: 2230," with a Bates number of</p> <p>12 337-TA-858-IETF00880 through 890. Is that correct?</p> <p>13 A Yes.</p> <p>14 Q Was RFC 2230 produced in response to the</p> <p>15 subpoena?</p> <p>16 A Yes.</p> <p>17 Q Where did you locate this document?</p> <p>18 A On the RFC Editor website.</p> <p>19 Q How did you locate it?</p> <p>20 A I went to the RFC Editor website, searched for</p> <p>21 RFC 2230, and made a copy of the file.</p> <p>22 Q Is the document produced at this Bates range a</p> <p>23 true and correct copy of the record of RFC 2230 as it</p> <p>24 exists in the RFC Editor records?</p> <p>25 A Yes.</p>
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<p>1 A Yes.</p> <p>2 Q By a person with knowledge of those matters?</p> <p>3 A Yes.</p> <p>4 Q Kept in the course of regularly conducted</p> <p>5 activity?</p> <p>6 A Yes.</p> <p>7 Q Made by the regularly conducted activity as a</p> <p>8 regular practice?</p> <p>9 A Yes.</p> <p>10 Q Was RFC 2167 publicly available as of the date</p> <p>11 listed on its face?</p> <p>12 A Yes.</p> <p>13 Q What date was RFC 2167 made publicly available?</p> <p>14 A In June 1997.</p> <p>15 MS. GRESKOWIAK: I'm sorry. I don't mean to</p> <p>16 cut you all off. Just want to be able to get in my</p> <p>17 objections.</p> <p>18 MS. PESCHEL: That's fine.</p> <p>19 THE REPORTER: Did you just make an objection?</p> <p>20 MS. GRESKOWIAK: I did.</p> <p>21 THE REPORTER: I didn't hear it at all. Okay.</p> <p>22 MS. GRESKOWIAK: Objection.</p> <p>23 THE REPORTER: You might want to say a few</p> <p>24 words before you say the word "objection," because I</p> <p>25 think it cuts off your first word when you begin to</p>	<p>1 Q Does it constitute a record of regularly</p> <p>2 conducted business activity?</p> <p>3 A Yes.</p> <p>4 Q Made at or near the time of the occurrence of</p> <p>5 the matters set forth?</p> <p>6 A Yes.</p> <p>7 Q By a person with knowledge of those matters?</p> <p>8 A Yes.</p> <p>9 Q Kept in the course of regularly conducted</p> <p>10 activity?</p> <p>11 A Yes.</p> <p>12 Q Was RFC 2230 made by the regularly conducted</p> <p>13 activity as a regular practice?</p> <p>14 A Yes.</p> <p>15 Q Was RFC 2230 publicly available as of the date</p> <p>16 listed on its face?</p> <p>17 A Yes.</p> <p>18 MS. GRESKOWIAK: Objection. Thank you.</p> <p>19 Q BY MS. PESCHEL: What date was RFC 2230 made</p> <p>20 publicly available?</p> <p>21 A November 1997.</p> <p>22 (Exhibit 15 was marked for</p> <p>23 identification.)</p> <p>24 Q BY MS. PESCHEL: You've just been handed what's</p> <p>25 been marked Exhibit 15, which is titled RFC 2246, with a</p>

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<p>1 Bates number of 337-TA-858-IETF00891 through 965. Is 2 that correct? 3 A Yes. 4 Q Was RFC 2246 produced in response to the 5 subpoena? 6 A Yes. 7 Q Where do you locate this document? 8 A On the RFC Editor website. 9 Q How do you locate it? 10 A I went to the RFC Editor website, searched for 11 RFC 2246, and made a copy of the file. 12 Q Is the document produced at this Bates range a 13 true and correct copy of the record of RFC 2246 as it 14 exists in the records of the RFC Editor? 15 A Yes. 16 Q Does it constitute a record of regularly 17 conducted business activity? 18 A Yes. 19 Q Made at or near the time of the occurrence of 20 the matters set forth? 21 A Yes. 22 Q By a person with knowledge of those matters? 23 A Yes. 24 Q Kept in the course of regularly conducted 25 activity?</p>	<p>1 RFC 2401, and made a copy of the file. 2 Q Is the document produced at this bits range a 3 true and correct copy of the record of RFC 2401 as it's 4 kept in the files of the RFC Editor? 5 A Yes. 6 Q Does it constitute a record of regularly 7 conducted business activity? 8 A Yes. 9 Q Was it made at or near the time of the 10 occurrence of the matters set forth? 11 A Yes. 12 Q By a person with knowledge of those matters? 13 A Yes. 14 Q Kept in the course of regularly conducted 15 activity? 16 A Yes. 17 Q Made by the regularly conducted activity as a 18 regular practice? 19 A Yes. 20 Q Was RFC 2401 publicly available as of the date 21 listed on its face? 22 A Yes. 23 Q What date was RFC 2401 made publicly available? 24 A November 1998. 25 (Exhibit 17 was marked for</p>
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<p>1 A Yes. 2 Q Made by the regularly conducted activity as a 3 regular practice? 4 A Yes. 5 Q Was RFC 2246 publicly available as of the date 6 listed on its face? 7 A Yes -- 8 MS. GRESKOWIAK: Objection. 9 Q BY MS. PESCHEL: What date was RFC 2246 made 10 publicly available? 11 A In January 1999. 12 (Exhibit 16 was marked for 13 identification.) 14 Q BY MS. PESCHEL: You've just been handed what's 15 been marked as Exhibit 16. It is titled "Request for 16 Comments: 2401" with a Bates number of 17 337-TA-858-IETF001122 through 1183. Is that correct? 18 A Yes. 19 Q Was RFC 2401 produced in response to the 20 subpoena? 21 A Yes. 22 Q Where did you locate this document? 23 A On the RFC Editor website. 24 Q How do you locate it? 25 A I went to the RFC Editor website, searched for</p>	<p>1 identification.) 2 Q BY MS. PESCHEL: You've just been handed what's 3 been marked Exhibit 17, titled "Request for Comments: 4 2459" with a Bates range -- 5 A Different document. 6 Q I'm sorry. 7 A I have 2535. 8 Q Let's do 2535. Okay. My apologies. 9 Okay, so you've been handed what has been 10 marked as Exhibit 17, titled RFC 2535. Was this 11 produced in response to the subpoena? 12 A Yes. 13 Q And the Bates range is 337-TA-858-IETF01574 14 through 1617? 15 A Yes. 16 Q Where did you locate this document? 17 A On the RFC Editor website. 18 Q How did you locate it? 19 A I went to the RFC Editor website, searched for 20 RFC 2535, and made a copy of the file. 21 Q Is the document produced at this Bates range a 22 true and correct copy of the record of RFC 2535 as it 23 exists in the files of the RFC Editor? 24 A Yes. 25 Q Does it constitute a record of regularly</p>

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<p>1 conducted business activity? 2 A Yes. 3 Q Was it made at or near the time of the 4 occurrence of the matters set forth? 5 A Yes. 6 Q By a person with knowledge of those matters? 7 A Yes. 8 Q Kept in the course of regularly conducted 9 activity as a regular practice? 10 A Yes. 11 Q Made by the regularly conducted activity as a 12 regular practice? 13 A Yes. 14 Q Was RFC 2535 publicly available as of the date 15 listed on its face? 16 MS. GRESKOWIAK: Objection. 17 THE WITNESS: Yes. 18 Q BY MS. PESCHEL: What date was RFC 2535 made 19 publicly available? 20 A March 1999. 21 (Exhibit 18 was marked for 22 identification.) 23 Q BY MS. PESCHEL: You've just been handed what's 24 been marked as Exhibit 18, which is titled "Request for 25 Comments: 2459," with Bates range of</p>	<p>1 computer, I don't know if this is just a printing error 2 or... 3 Q Does RFC 2459 constitute a record of regularly 4 conducted business activity? 5 A Yes. 6 Q Was it made at or near the time of the 7 occurrence of the matters set forth? 8 A Yes. 9 Q By a person with knowledge of those matters? 10 A Yes. 11 Q Kept in the course of regularly conducted 12 activity as a regular practice? 13 A Yes. 14 Q Made by the regularly conducted activity as a 15 regular practice? 16 A Yes. 17 Q Was RFC 2459 publicly available as of the date 18 listed on its face? 19 MS. GRESKOWIAK: Objection. 20 THE WITNESS: Yes. 21 Q BY MS. PESCHEL: What date was RFC 2459 made 22 publicly available? 23 A In January 1999. 24 Q And the squiggles that you're referring to, is 25 it just on that first page?</p>
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<p>1 337-TA-858-IETF01485 through 1557. Is that correct? 2 A I think so, but these squiggles are throwing 3 me off a little bit. But yeah, I think so. 4 Q But the Bates number on the bottom right -- 5 A Yeah, the Bates number is correct, yes. 6 Q Was RFC 2459 produced in response to the 7 subpoena? 8 A Yes. 9 Q Where did you locate this document? 10 A On the RFC Editor website. 11 Q How did you locate it? 12 A I went to the RFC Editor website page, used the 13 search engine and found RFC 2459 and made a copy of the 14 file. 15 Q Is the document produced at this Bates range a 16 true and correct copy of the record as it exists in the 17 files of the RFC Editor? 18 A I believe so, but I was saying, these 19 squiggles are throwing me off. 20 Q And you're referring to the squiggles on the 21 first page? 22 A Yes. 23 Q Do you have any explanation for what those 24 squiggles might be? 25 A I mean, without looking at the version on the</p>	<p>1 A Yeah, looks like it. 2 Q Okay. 3 (Exhibit 19 was marked for 4 identification.) 5 Q BY MS. PESCHEL: You've just been handed what's 6 been marked Exhibit 19, which is a document titled 7 "Request for Comments: 2543" with a Bates range of 8 337-TA-858-IETF01647 through 1789. Is that correct? 9 A Yes. 10 Q Was RFC 2543 produced in response to the 11 subpoena? 12 A Yes. 13 Q Where did you locate RFC 2543? 14 A On the RFC Editor website. 15 Q How did you locate it? 16 A I went to the RFC Editor website, searched for 17 RFC 2543, and made a copy of the file. 18 Q Is the document produced at this Bates range a 19 true and correct copy of the record as it exists in the 20 files of the RFC Editor? 21 A Yes. 22 Q Does it constitute a record of regularly 23 conducted business activity? 24 A Yes. 25 Q Made at or near the time of the occurrence of</p>

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<p>1 the matters set forth?</p> <p>2 A Yes.</p> <p>3 Q By a person with knowledge of those matters?</p> <p>4 A Yes.</p> <p>5 Q Kept in the course of regularly conducted</p> <p>6 activity as a regular practice?</p> <p>7 A Yes.</p> <p>8 Q Made by the regularly conducted activity as a</p> <p>9 regular practice?</p> <p>10 A Yes.</p> <p>11 Q Was RFC 2543 publicly available as of the date</p> <p>12 listed on its face?</p> <p>13 MS. GRESKOWIAK: Objection.</p> <p>14 THE WITNESS: Yes.</p> <p>15 Q BY MS. PESCHEL: What date was RFC 2543 made</p> <p>16 publicly available?</p> <p>17 A In March 1999.</p> <p>18 (Exhibit 20 was marked for</p> <p>19 identification.)</p> <p>20 Q BY MS. PESCHEL: You've just been handed a</p> <p>21 document that's been marked Exhibit 20, titled "Request</p> <p>22 for Comments: 882" with a Bates range of</p> <p>23 337-TA-858-IETF02034 through 2062. Is that correct?</p> <p>24 A 2063.</p> <p>25 Q I'm sorry. 2063. Is that correct?</p>	<p>1 regular practice?</p> <p>2 A Yes.</p> <p>3 Q Was RFC 882 publicly available as of the date</p> <p>4 listed on its face?</p> <p>5 A Yes.</p> <p>6 Q What date was --</p> <p>7 MS. GRESKOWIAK: Objection.</p> <p>8 Q BY MS. PESCHEL: What date was RFC 882 made</p> <p>9 publicly available?</p> <p>10 A November 1989. Sorry. 1983.</p> <p>11 (Exhibit 21 was marked for</p> <p>12 identification.)</p> <p>13 Q BY MS. PESCHEL: You've just been handed</p> <p>14 Exhibit 21, which is titled "Request for Comments:</p> <p>15 883," with a Bates number of 337-TA-858-IETF02064</p> <p>16 through 2136. Is that correct?</p> <p>17 A Yes.</p> <p>18 Q Was RFC 883 produced in response to the</p> <p>19 subpoena?</p> <p>20 A Yes.</p> <p>21 Q Where did you locate this document?</p> <p>22 A On the RFC Editor website.</p> <p>23 Q And how did you locate it?</p> <p>24 A I went to the RFC Editor website, searched for</p> <p>25 RFC 883, and made a copy of the file.</p>
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<p>1 A Yes.</p> <p>2 Q Was RFC 882 produced in response to the</p> <p>3 subpoena?</p> <p>4 A Yes.</p> <p>5 Q Where did you locate this document?</p> <p>6 A On the RFC Editor website.</p> <p>7 Q And how did you locate it?</p> <p>8 A I went to the RFC Editor website, searched for</p> <p>9 RFC 882, and made a copy of the file.</p> <p>10 Q Is the document produced at this Bates range a</p> <p>11 true and correct copy of the record as it exists in the</p> <p>12 files of the RFC Editor?</p> <p>13 A Yes.</p> <p>14 Q Does this constitute a record of regularly</p> <p>15 conducted business activity?</p> <p>16 A Yes.</p> <p>17 Q Made at or near the time of the occurrence of</p> <p>18 the matters set forth?</p> <p>19 A Yes.</p> <p>20 Q By a person with knowledge of those matters?</p> <p>21 A Yes.</p> <p>22 Q Kept in the course of regularly conducted</p> <p>23 activity as a regular practice?</p> <p>24 A Yes.</p> <p>25 Q Made by the regularly conducted activity as a</p>	<p>1 Q Is the document produced at this Bates range a</p> <p>2 true and correct copy of the record as it exists in the</p> <p>3 files of the RFC Editor?</p> <p>4 A Yes.</p> <p>5 Q Does it constitute a record of regularly</p> <p>6 conducted business activity?</p> <p>7 A Yes.</p> <p>8 Q Made at or near the time of the occurrence of</p> <p>9 the matters set forth?</p> <p>10 A Yes.</p> <p>11 Q By a person with knowledge of those matters?</p> <p>12 A Yes.</p> <p>13 Q Kept in the course of regularly conducted</p> <p>14 activity as a regular practice?</p> <p>15 A Yes.</p> <p>16 Q Made by the regularly conducted activity as a</p> <p>17 regular practice?</p> <p>18 A Yes.</p> <p>19 Q Was RFC 883 publicly available as of the date</p> <p>20 listed on its face?</p> <p>21 MS. GRESKOWIAK: Objection.</p> <p>22 THE WITNESS: Yes.</p> <p>23 Q BY MS. PESCHEL: What date was RFC 883 made</p> <p>24 publicly available?</p> <p>25 A November 1983.</p>

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<p>1 Q Who has responsibility for publishing the RFCs?</p> <p>2 A The RFC Editor.</p> <p>3 Q And what is your role with the RFC Editor</p> <p>4 again?</p> <p>5 A The director of the publication house.</p> <p>6 MS. PESCHEL: Pass the witness.</p> <p>7 MS. GRESKOWIAK: This might be a good time to</p> <p>8 take a break. We've been going for about an hour.</p> <p>9 THE VIDEOGRAPHER: We're going off the record</p> <p>10 at 9:52 a.m.</p> <p>11 (Recess)</p> <p>12 THE VIDEOGRAPHER: We're back on the record at</p> <p>13 10:07 a.m.</p> <p>14</p> <p>15 EXAMINATION</p> <p>16 BY MS. GRESKOWIAK:</p> <p>17 Q When did you -- when were you initially</p> <p>18 employed at the ISI?</p> <p>19 A In June of 1999.</p> <p>20 Q And then in January 2010, approximately, is</p> <p>21 when your position moved to AMS; is that right?</p> <p>22 A Yes.</p> <p>23 Q Did you have involvement with the RFC Publisher</p> <p>24 or the RFC Editor function prior to June 1999?</p> <p>25 A No.</p>	<p>1 at 10:10 a.m.</p> <p>2 (Off record)</p> <p>3 THE VIDEOGRAPHER: We're back on the record at</p> <p>4 10:13 a.m.</p> <p>5 Q BY MS. GRESKOWIAK: I think before we got</p> <p>6 disconnected, you were telling me about the RFC</p> <p>7 Publisher -- we were talking about what the RFC</p> <p>8 Publisher does with respect to the RFC Editor website.</p> <p>9 Is it a part of your specific job as director of the RFC</p> <p>10 Publisher to post the contents on the website? Is that</p> <p>11 something you do?</p> <p>12 A It is something that I do.</p> <p>13 Q Is that something that only the director of the</p> <p>14 RFC Publisher is authorized to do, or can other</p> <p>15 employees post content to the RFC Editor website?</p> <p>16 A Other staff can post things to the RFC Editor</p> <p>17 website.</p> <p>18 Q I'm going to take you back to look at one of</p> <p>19 the exhibits that you looked at this morning. I believe</p> <p>20 it was Exhibit 21, RFC 883, Bates</p> <p>21 No. 337-TA-858-IETF02064. Do you see that exhibit?</p> <p>22 A Yes.</p> <p>23 Q Did you personally post this content on the RFC</p> <p>24 Editor website in November 1983?</p> <p>25 A No.</p>
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<p>1 Q When -- you testified that for some of the</p> <p>2 exhibits, the RFC exhibits that counsel showed you</p> <p>3 earlier today, I believe you testified that you</p> <p>4 retrieved them from the RFC Editor website. Is my</p> <p>5 understanding correct?</p> <p>6 A Yes.</p> <p>7 Q Just to be very clear, you did not pull them</p> <p>8 from any internal database? You went to the same</p> <p>9 website we can all go to and retrieved the documents?</p> <p>10 A Yes.</p> <p>11 Q When did you go to the website to retrieve the</p> <p>12 documents produced at the Bates ranges we've looked at</p> <p>13 today?</p> <p>14 A I believe early January.</p> <p>15 Q As a part of your position, as RFC Publisher or</p> <p>16 director of the RFC Publisher, what is your involvement</p> <p>17 with the RFC Editor website?</p> <p>18 A The Publisher maintains the RFC Editor website,</p> <p>19 so we post the actual contents for the RFC Editor</p> <p>20 website, make updates as required, and also post the</p> <p>21 RFCs on the website when they're published.</p> <p>22 (Pause in proceedings)</p> <p>23 MS. PESCHEL: Stacie?</p> <p>24 Can we go off the record?</p> <p>25 THE VIDEOGRAPHER: We're going off the record</p>	<p>1 Q And on the front of this exhibit I see a box</p> <p>2 that says:</p> <p>3 "This RFC contains format</p> <p>4 specifications which are preliminary and</p> <p>5 are included for purposes of explanation</p> <p>6 only."</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q What does this indicate to you?</p> <p>10 A I can only verify what's -- that I published</p> <p>11 the documents. I can't verify the contents of the</p> <p>12 document or explain what it means.</p> <p>13 Q Okay. Does that warning box mean anything --</p> <p>14 does it signify anything to the RFC Publisher?</p> <p>15 A I do not know. It is not something that we use</p> <p>16 currently.</p> <p>17 Q Okay. Is it a part of the RFC Editor and RFC</p> <p>18 Publisher's job currently to include the authors of each</p> <p>19 RFC that it posts on its website?</p> <p>20 MS. PESCHEL: Objection.</p> <p>21 THE WITNESS: I'm sorry. Can you actually</p> <p>22 repeat that?</p> <p>23 Q BY MS. GRESKOWIAK: I'll say it more clearly.</p> <p>24 Is it a part of your responsibility as director of the</p> <p>25 RFC Publisher to include a list of the authors of each</p>

14 (Pages 50 to 53)

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<p>1 document?</p> <p>2 A Include a list where?</p> <p>3 Q Either within the document, somewhere in the</p> <p>4 document?</p> <p>5 A It's my job to make sure that the people listed</p> <p>6 when the document is submitted, that those same names</p> <p>7 remain on the document when it's published.</p> <p>8 Q With respect to all of the exhibits, the RFC</p> <p>9 exhibits that we looked at earlier in your deposition,</p> <p>10 did you personally post any of those to the RFC Editor</p> <p>11 website?</p> <p>12 MS. PESCHEL: Objection.</p> <p>13 THE WITNESS: I'm sure I posted some of them,</p> <p>14 the ones that were available after June of 1999.</p> <p>15 Q BY MS. GRESKOWIAK: Are you positive that</p> <p>16 someone else didn't do it? Strike that. I'll rephrase.</p> <p>17 Is it possible that another member of the RFC</p> <p>18 Editor staff published the RFC documents produced with</p> <p>19 Bates numbers dated after 1999?</p> <p>20 A No, I don't believe so.</p> <p>21 Q Looking at your declaration that was submitted</p> <p>22 in connection with this investigation -- just a brief</p> <p>23 side note, Counsel, has that been introduced as an</p> <p>24 exhibit yet?</p> <p>25 MS. PESCHEL: The declaration? Yes. I believe</p>	<p>1 you were preparing your declaration?</p> <p>2 A I talked to people associated with the legal</p> <p>3 staff for IETF.</p> <p>4 Q So I'm looking at page 3, paragraph 5 of your</p> <p>5 declaration. Should I understand your statement that:</p> <p>6 "I make this declaration based on my</p> <p>7 personal knowledge and information</p> <p>8 contained in the business records of RFC</p> <p>9 Editor as they are currently housed at</p> <p>10 AMS, or confirmation with other</p> <p>11 responsible RFC Editor personnel with</p> <p>12 such knowledge."</p> <p>13 Is that a true and accurate statement?</p> <p>14 A Yes.</p> <p>15 Q And I'm not trying to get into any privileged</p> <p>16 communications, so if you think that my question asks</p> <p>17 about that, that's not what I intend. Aside from legal</p> <p>18 staff or personnel, did you talk to any other</p> <p>19 responsible RFC Editor personnel in order to submit your</p> <p>20 declaration on Exhibit 3?</p> <p>21 A In preparation for this declaration?</p> <p>22 Q Yes.</p> <p>23 A No.</p> <p>24 Q Did you talk to any other personnel associated</p> <p>25 with AMS or the ISOC?</p>
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<p>1 it's 3.</p> <p>2 MS. GRESKOWIAK: Okay.</p> <p>3 Q So looking at Exhibit 3, is that your</p> <p>4 declaration submitted in connection with this</p> <p>5 investigation No. 337-TA-858?</p> <p>6 A Yes.</p> <p>7 Q And if you'll turn to page, I believe 34 of</p> <p>8 Exhibit 3, I'm just going to ask you a question about</p> <p>9 RFC 2845. You make some statement in paragraph 194 --</p> <p>10 actually, it's also on page 33 in paragraph 192 and 193.</p> <p>11 I'd like you to take a look for me at those paragraphs</p> <p>12 and point out to me where you stated that you personally</p> <p>13 published RFC 2845 on the RFC Editor website.</p> <p>14 MR. RIDINGS: Objection.</p> <p>15 THE WITNESS: I don't see where it says that I</p> <p>16 personally put the document on the website.</p> <p>17 Q BY MS. GRESKOWIAK: I wanted to ask you about,</p> <p>18 you mentioned earlier in your deposition, I think, that</p> <p>19 sometime ago when there was a transition to a new</p> <p>20 electronic platform, some RFCs were lost in the</p> <p>21 electronic form. Do you know when that happened?</p> <p>22 A No, I don't.</p> <p>23 Q Did it happen before June 1999?</p> <p>24 A Yes.</p> <p>25 Q Did you talk to other RFC Editor personnel when</p>	<p>1 MR. RIDINGS: Other than legal.</p> <p>2 Q BY MS. GRESKOWIAK: Yes.</p> <p>3 A I talked to -- well, can I ask you a question?</p> <p>4 MR. RIDINGS: Do you need to ask me a question</p> <p>5 about a privilege issue?</p> <p>6 THE WITNESS: Yes.</p> <p>7 MR. RIDINGS: Can we take a break? I need to</p> <p>8 confer with the client about an issue of privilege.</p> <p>9 MS. GRESKOWIAK: You know what? I'll strike</p> <p>10 the question and rephrase. Is that okay?</p> <p>11 MR. RIDINGS: Yeah, that's fine.</p> <p>12 Q BY MS. GRESKOWIAK: If you like, you can take</p> <p>13 as much time as you like to review Exhibit 3, your</p> <p>14 declaration, and just let me know if, within the text of</p> <p>15 the declaration, you can identify the name of any</p> <p>16 individual, other than yourself, that you talked to in</p> <p>17 preparing your declaration.</p> <p>18 MR. RIDINGS: Objection.</p> <p>19 THE WITNESS: (Examining document) No, I did</p> <p>20 not speak to anyone.</p> <p>21 Q BY MS. GRESKOWIAK: In your position as</p> <p>22 director of the RFC Publisher, how many employees or</p> <p>23 staff report to you on a daily basis?</p> <p>24 A Currently six.</p> <p>25 Q Is there anyone above you?</p>

15 (Pages 54 to 57)

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<p>1 A Well, the partners at AMS for which I work.</p> <p>2 Q Okay. But in terms of director of the RFC</p> <p>3 Publisher, you're kind of the top of the food chain?</p> <p>4 A Yes.</p> <p>5 Q Do you personally send out the announcement</p> <p>6 when an RFC is published?</p> <p>7 A I do, or my colleague does.</p> <p>8 Q What's the name of your colleague?</p> <p>9 A Alice Russo.</p> <p>10 Q Do you personally upload -- I'm sorry. Strike</p> <p>11 that.</p> <p>12 You were saying before you weren't super</p> <p>13 familiar with the process and the tools for putting a</p> <p>14 file on the website?</p> <p>15 MR. RIDINGS: Objection.</p> <p>16 MS. PESCHEL: Objection.</p> <p>17 Q BY MS. GRESKOWIAK: Is there someone at the RFC</p> <p>18 Publisher that is tasked with using the tools to put</p> <p>19 documents onto the website?</p> <p>20 MR. RIDINGS: Objection.</p> <p>21 THE WITNESS: I think you misunderstood me</p> <p>22 earlier. I'm familiar with putting the documents on the</p> <p>23 RFC Editor website. I am not completely familiar with</p> <p>24 how the documents are made available on the IETF</p> <p>25 website.</p>	<p>1 Q -- for the IETF?</p> <p>2 A Not for the IETF.</p> <p>3 Q What kind of e-mail distribution lists does the</p> <p>4 RFC Editor maintain?</p> <p>5 A There's one that's called the RFC interest</p> <p>6 list. That one is to announce the RFCs as they're</p> <p>7 published. And one is the RFC interest list, which is</p> <p>8 for discussion about anything related to the RFC Editor.</p> <p>9 Q As director of the RFC Publisher, are you</p> <p>10 involved with maintaining the two e-mail distribution</p> <p>11 lists you just identified?</p> <p>12 A Yes.</p> <p>13 Q Do you know whether anyone can be added to</p> <p>14 those two e-mail distribution lists you just identified?</p> <p>15 A I believe anyone can go to the website and</p> <p>16 subscribe themselves.</p> <p>17 Q Do you mean, by "subscribe themselves," kind of</p> <p>18 like a blog feed?</p> <p>19 MR. RIDINGS: Objection.</p> <p>20 MS. PESCHEL: Objection.</p> <p>21 MS. GRESKOWIAK: Okay.</p> <p>22 MS. PESCHEL: Stacie, I don't mean to interrupt</p> <p>23 you, but we only have five minutes left on the tape.</p> <p>24 MS. GRESKOWIAK: Okay. Let's take a -- we can</p> <p>25 break, and if you all want to change the tapes, and then</p>
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<p>1 Q BY MS. GRESKOWIAK: Okay. So your testimony</p> <p>2 today was talking about the RFC Editor website, not the</p> <p>3 IETF website.</p> <p>4 A Correct.</p> <p>5 Q Is that correct? Okay.</p> <p>6 Can anyone be a member of the IETF?</p> <p>7 MR. RIDINGS: Objection.</p> <p>8 THE WITNESS: I am not an expert on the</p> <p>9 processes or the membership of IETF, but yes, I believe</p> <p>10 that anyone can be a participant.</p> <p>11 Q BY MS. GRESKOWIAK: Do you know whether anyone</p> <p>12 can be a participant in a working group?</p> <p>13 MR. RIDINGS: Objection. Stacie, this is going</p> <p>14 pretty far beyond the scope of the subpoena. She's here</p> <p>15 to testify as to the authenticity of these documents,</p> <p>16 not about the IETF's inner workings and relationship</p> <p>17 with its members.</p> <p>18 You can answer if you know.</p> <p>19 MS. GRESKOWIAK: Understood.</p> <p>20 THE WITNESS: I believe that anyone can</p> <p>21 participate, but again, I'm not the expert on how the</p> <p>22 IETF works.</p> <p>23 Q BY MS. GRESKOWIAK: Okay. Does the RFC Editor</p> <p>24 maintain e-mail distribution lists --</p> <p>25 A Yes --</p>	<p>1 I don't anticipate going for much longer.</p> <p>2 MS. PESCHEL: Okay.</p> <p>3 THE VIDEOGRAPHER: We're ending tape No. 1 in</p> <p>4 the deposition of Sandy Ginoza, representing the</p> <p>5 Internet Engineering Task Force, and going off the</p> <p>6 record at 10:33 a.m.</p> <p>7 (Recess)</p> <p>8 THE VIDEOGRAPHER: This is tape No. 2 in the</p> <p>9 deposition of Sandy Ginoza, representing the Internet</p> <p>10 Engineering Task Force. We're back on the record at</p> <p>11 10:40 a.m.</p> <p>12 Q BY MS. GRESKOWIAK: Okay, I wanted to ask you a</p> <p>13 question about when you retrieved the exhibits produced</p> <p>14 at the Bates numbers that we talked about during this</p> <p>15 deposition today. Can you tell me where specifically on</p> <p>16 the RFC Editor website you retrieved these documents</p> <p>17 from?</p> <p>18 A So if you go to the main RFC Editor website</p> <p>19 page, there's a search button. I went to the search</p> <p>20 engine, typed in the RFC number. When the results were</p> <p>21 produced, I clicked the RFC number, which produces a</p> <p>22 text file, and I made a copy of the text file.</p> <p>23 Q Just to be absolutely clear, because I'm not as</p> <p>24 familiar with this process, you clicked on the RFC</p> <p>25 search, not the RFC database, on the RFC Editor website?</p>

16 (Pages 58 to 61)

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<p>1 A Correct. RFC search.</p> <p>2 Q Okay. Your testimony today is limited to the</p> <p>3 RFC search and not any other alternative RFC repository.</p> <p>4 Is that correct?</p> <p>5 MS. PESCHEL: Objection.</p> <p>6 THE WITNESS: What's an "alternate RFC</p> <p>7 repository"?</p> <p>8 Q BY MS. GRESKOWIAK: I'm just using the term the</p> <p>9 way that it's used on the RFC Editor website.</p> <p>10 A I don't really understand what you're asking</p> <p>11 me.</p> <p>12 Q I just want to know, for all these documents</p> <p>13 that we've been talking about today that you retrieved</p> <p>14 and produced, I just want to know whether you got them</p> <p>15 all from this search, or whether you got some of them</p> <p>16 from a different RFC repository somewhere else.</p> <p>17 A I got them using the search function.</p> <p>18 Q Does the director of the RFC Publisher have</p> <p>19 responsibilities related to maintaining RFCs on any</p> <p>20 other website?</p> <p>21 A No.</p> <p>22 Q I'd like to ask you a little bit about the</p> <p>23 difference between a draft RFC and a published RFC. Can</p> <p>24 you explain to me what makes a published RFC final,</p> <p>25 finalized?</p>	<p>1 A I actually don't know. I mean, the lifetimes</p> <p>2 of an Internet draft before it's approved for</p> <p>3 publication varies. I wouldn't even be able to</p> <p>4 guesstimate an average.</p> <p>5 Q Okay. So the timeline to finalization for</p> <p>6 Internet drafts is dependent on the specific draft. We</p> <p>7 can't make any rule of thumb?</p> <p>8 MR. RIDINGS: Objection.</p> <p>9 MS. PESCHEL: Objection.</p> <p>10 THE WITNESS: Again, I'm not an expert on the</p> <p>11 IETF and the IETF processes, which includes the Internet</p> <p>12 drafts. But my understanding is there are no rules</p> <p>13 about how long it takes the document to be approved for</p> <p>14 publication.</p> <p>15 Q BY MS. GRESKOWIAK: Okay. Is the process of</p> <p>16 approving an RFC for publication a part of the IETF?</p> <p>17 MR. RIDINGS: Objection.</p> <p>18 MS. GRESKOWIAK: Strike that.</p> <p>19 Q Is the RFC Publisher responsible for the</p> <p>20 approval process for a final RFC?</p> <p>21 A Can you define what you mean by "approval"?</p> <p>22 Whose approval?</p> <p>23 Q Well, you mentioned the author's approval</p> <p>24 before. But I guess any approval.</p> <p>25 A So for us, there's two approval stages.</p>
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<p>1 A The authors have approved the final version of</p> <p>2 the text for publication. The document goes into the</p> <p>3 public repository or the public -- it's available on the</p> <p>4 RFC Editor website, an announcement is sent, and it's</p> <p>5 considered officially published.</p> <p>6 Q Based on your experience with -- in the RFC</p> <p>7 Editor function, how long does it take approximately for</p> <p>8 a document to go from an initial draft to a</p> <p>9 published RFC?</p> <p>10 MR. RIDINGS: Objection.</p> <p>11 MS. PESCHEL: Objection.</p> <p>12 THE WITNESS: When you say "draft," you're</p> <p>13 referring to the document once it's been approved for</p> <p>14 publication, as opposed to an Internet draft?</p> <p>15 Q BY MS. GRESKOWIAK: That's a great question.</p> <p>16 So I will clarify. When a document is first -- strike</p> <p>17 that.</p> <p>18 Based on your experience as the RFC Editor</p> <p>19 function, how long does it take for a document to go</p> <p>20 from an Internet draft to an RFC document in the</p> <p>21 repository?</p> <p>22 MR. RIDINGS: Objection.</p> <p>23 THE WITNESS: When you say "repository," you</p> <p>24 mean the finished product, the finished RFC?</p> <p>25 Q BY MS. GRESKOWIAK: Yes.</p>	<p>1 There's one where the document, the internet draft, is</p> <p>2 approved for publication, and that's the point at which</p> <p>3 it enters the RFC Editor's queue. And there's a</p> <p>4 secondary approval, which is after the document's been</p> <p>5 edited, the authors approve the content to be published</p> <p>6 as an RFC.</p> <p>7 Q As director of the RFC Publisher, do you have</p> <p>8 final authority whether that Internet draft is approved</p> <p>9 so that it goes into the queue?</p> <p>10 A No, I have no say over whether an Internet</p> <p>11 draft is approved to enter the RFC Editor queue.</p> <p>12 Q Do you, as the director of the RFC Publisher,</p> <p>13 do you have authority as to whether a draft is approved</p> <p>14 for final publication? Strike that.</p> <p>15 You talked about the secondary approval</p> <p>16 process. Is that something that has to go through you</p> <p>17 as the director?</p> <p>18 MR. RIDINGS: Objection.</p> <p>19 MS. PESCHEL: Objection.</p> <p>20 THE WITNESS: No.</p> <p>21 Q BY MS. GRESKOWIAK: Can we look at the</p> <p>22 exhibits, I think 17, that we looked at earlier today?</p> <p>23 At the top it says "Request for Comment: 2459," and the</p> <p>24 Bates is 337-TA-858-IETF01485.</p> <p>25 A We have that listed as Exhibit 18.</p>

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Page 66	<p>1 Q 18? Okay. Thanks. So looking at Exhibit 18, 2 you mention that you see the squiggly lines? 3 A Yes. 4 Q Do the squiggly lines typically appear on final 5 RFC documents? 6 A Not typically. 7 Q Do you know why that's there? 8 A No, I don't. 9 Q Do you know the difference between a standards 10 track and a document that doesn't say "standards track" 11 on it? 12 MR. RIDINGS: Objection. 13 MS. PESCHEL: Objection. 14 THE WITNESS: I know it has a set of meanings 15 with regard to the work that we do or perform on the 16 document, but I would not be able to differentiate 17 between what it means to the community or the reader. 18 Q BY MS. GRESKOWIAK: What does it mean to you in 19 terms of the RFC Publisher function? 20 A For us it dictates what type of boilerplate 21 material gets placed on the document. 22 Q What kinds of boilerplate material would get 23 placed on a standards track document? 24 A The status of this memo, which is placed in 25 every document, that is different according to the</p>	Page 68	<p>1 When you say "change," do you mean before publication? 2 Q Yeah. 3 A Before publication, it could also be a message 4 from the area directors or the authors with approval of 5 the area directors. 6 Q Is an area director part of the RFC Publisher? 7 A No. 8 Q Is an area director part of the IETF? 9 A Yes. 10 Q Let me look through my notes here. 11 Is there any of your testimony today that you 12 may not have specifically said was in your personal 13 capacity, but thinking back, you were talking in your 14 personal capacity? 15 A I don't really -- 16 MR. RIDINGS: I'm sorry. I couldn't understand 17 your question, Stacie. Could you repeat that, please? 18 MS. GRESKOWIAK: Sure. I just wanted to make 19 sure that there wasn't anything that she didn't 20 specifically note today as being in her own personal 21 capacity rather than on behalf of the IETF publisher. 22 THE WITNESS: All the portions where I 23 mentioned I am not an IETF expert, those are my personal 24 capacity. 25 MS. GRESKOWIAK: Okay. I will pass the</p>
Page 67	<p>1 status or category of the document, and also the 2 forming, so the page footers change according to the 3 status of the document. 4 Q Is the RFC Publisher in charge of saying what 5 the status of the document is? 6 A No. 7 Q What are the different potential statuses that 8 a document could have? 9 A It could be standards track, it could be a BCP, 10 which is a best current practice, it could be 11 informational, experimental, historic. 12 Q Can you think of any others? 13 A There is an outdated category that was called 14 "for your information," FYI. And then within the 15 standards track there is three levels of standards 16 track. 17 Q What is that three levels? 18 A Internet standard, draft standard, and proposed 19 standard. 20 Q When the RFC Publisher received an Internet 21 draft, does it have a status on it? 22 A It usually has a status associated with it. 23 Q Who told the RFC Publisher that the status of a 24 document needs to change? 25 A We receive a message from the IETF secretariat.</p>	Page 69	<p>1 witness. 2 MS. PESCHEL: I have no further questions. 3 MS. PETREDIS: No questions. 4 MR. RIDINGS: No questions. 5 THE VIDEOGRAPHER: Stipulations? You don't do 6 that here in Texas? 7 MS. GRESKOWIAK: Anyone else? 8 MS. PESCHEL: No. 9 MS. GRESKOWIAK: Thank you very much. 10 THE VIDEOGRAPHER: This concludes today's 11 proceeding in the deposition of Sandy Ginoza 12 representing the Internet Engineering Task Force. We're 13 ending tape No. 2 and going off the record at 10:58 a.m. 14 (At 10:58 the deposition of INTERNET 15 ENGINEERING TASK FORCE, THROUGH ITS 16 DESIGNATED REPRESENTATIVE, SANDY GINOZA, 17 was concluded.) 18 -o0o- 19 20 21 22 23 24 25</p>

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I declare under penalty of perjury under the laws of the State of California that the foregoing testimony is true and correct.

In witness whereof, I have hereunto subscribed
my name this _____ day of _____,
20____, at _____,
_____.

SANDY GINOZA

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STATE OF CALIFORNIA)
) ss:

COUNTY OF LOS ANGELES)

I, Lindsay Pinkham, Certified Shorthand Reporter No. 3716, do hereby certify:

The witness named in the foregoing deposition,
prior to being examined, was by me first duly sworn;

Said deposition was taken before me at the time and place therein set forth and was taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

Said deposition is a true record of the testimony given by the witness and of all objections made at the time of the examination;

I further certify that I am neither counsel for nor related to any party to said action, nor in anywise interested in the outcome thereof.

Certification of this transcript does not apply to any of the same by any means unless under the direct control and direction of the certifying deposition reporter.

In witness whereof, I have subscribed my name
this 13th day of February, 2013.

Lindsay Pinkham, CSR 3716

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