CHANGES AND SIGNATURE

WITNESS NAME: Sandy Ginoza

DATE OF DEPOSITION: February 8, 2013

PAGE	LINE	CHANGE	REASON
60	5	"rfc interest" to "RFC dist"	The list name is called "RFC dist" (RFC distribution)

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C.

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

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

Deposition of INTERNET ENGINEERING TASK FORCE, THROUGH ITS DESIGNATED REPRESENTATIVE SANDY GINOZA, taken on behalf of Respondent APPLE INC., commencing at 8:57 a.m., Friday, February 8, 2013, at 750 North Nash Street, El Segundo, California 90245, before LINDSAY PINKHAM, CSR 3716, CCRR.

APPEARANCES OF COUNSEL:

For Complainant VIRNETX, INC.:
MCKOOL SMITH P.C.
BY: STACIE GRESKOWIAK, ESQ.
1999 K Street, N.W.
Suite 600
Washington, D.C. 20006
(202) 370-8300
sgreskowiak@mckoolsmith.com
(Via Speakerphone)

For Complainant SCIENCE APPLICATIONS INTERNATIONAL CORPORATION:

URRABAZO LAW, P.C.
BY: LARA PETREDIS, ESQ.
2029 Century Park East
14th Floor
Los Angeles, California 90067
(310) 388-9099
lpetredis@ulawpc.com

For RESPONDENT APPLE INC.:
WILLIAMS, MORGAN & AMERSON, P.C.
BY: LEISA TALBERT PESCHEL, PH.D., ESQ.
10333 Richmond
Suite 1100
Houston, Texas 77042
(713) 934-4096
lpeschel@wmalaw.com

APPEARANCES, CONTINUED:

For the Deponent INTERNET ENGINEERING TASK FORCE:

THOMPSON HINE LLP
BY: MATTHEW D. RIDINGS, ESQ.
3900 Key Center
127 Public Square
Cleveland, Ohio 44114
(216) 566-5561
matt.ridings@thompsonhine.com

Also Present:
PHIL MAZO, VIDEOGRAPHER

I N D E X

INDEX, CONTINUED:

INFORMATION REQUESTED
(None)

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER
(None)

Page 6

EL SEGUNDO, CALIFORNIA; FRIDAY, FEBRUARY 8, 2013
8:57 A.M.

THE VIDEOGRAPHER: We are on the record at 8:57 a.m. This is the videotaped deposition of Sandy Ginoza, representing the Internet Engineering Task Force in the matter of Certain Devices With Security Communication Capabilities, Components Thereof, and Products Containing the Same, in Investigation No. 337-TA-858.

This deposition is being held at Hyatt Place, 750 North Nash Street, El Segundo, California, 90245, on February 8, 2013.

My name is Phil Mazo, and I am the videographer. I am present on behalf of Stratos Legal. The court reporter is Lindsay Pinkham, also present on behalf of the Stratos Legal.

Counsel will now state their appearances and firm affiliation for the record.

MS. PESCHEL: Leisa Talbert Peschel, Williams, Morgan & Amerson, on behalf of Apple Inc.

MS. PETREDIS: Lara Petredis, Urrabazo Law, P.C., on behalf of SAIC.

MR. RIDINGS: Matt Ridings from Thompson Hine on behalf of IETF.

And I'd also like to note before we get started

Page 7

for the record that about an hour ago I received a number of exhibits from counsel for VirnetX, including some exhibits that IETF has not produced in respond to the subpoena.

I have not had a chance to review these exhibits, the deponent has not had a chance to review these exhibits, and frankly, as a matter of professional courtesy, I really don't appreciate receiving these an hour before the deposition. I don't think it's appropriate. And we'll deal with those when we get there. But I just want to note that for the record.

THE VIDEOGRAPHER: Counsel on the phone?

MS. GRESKOWIAK: This is Stacie Greskowiak on behalf of complainant VirnetX, Inc.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

INTERNET ENGINEERING TASK FORCE, THROUGH ITS DESIGNATED REPRESENTATIVE, SANDY GINOZA, having been first duly sworn, was examined and testified as follows:

THE VIDEOGRAPHER: We may proceed.

///

///

Page 8

EXAMINATION

BY MS. PESCHEL:

Q Ms. Ginoza, have you ever had your deposition taken before?

A No.

MS. GRESKOWIAK: I'm sorry. Could you speak up? It's hard to hear.

MS. PESCHEL: Sure.

Q Have you ever had your deposition taken before?

A No.

Q So in the beginning, I'm just going to go through a series of questions to kind of get us on the same page about the deposition.

A Okay.

Q You understand that the court reporter's here to take down what you say?

A Yes.

Q And that any answers that you give need to be spoken out loud rather than a nod?

A Okay.

Q So that she can take that down?

A Yes.

Q I'm going to try my best not to talk over you, and I would ask you to agree not to do the same.

A Okay.

Page 9

Q I try to ask very clear questions, but sometimes I don't succeed. Will you agree to let me know if you don't understand what I'm asking?

A Yes.

Q Will you also agree to let me know if the answer you're giving is a guess or an estimate?

A Yes.

Q And can I assume that if you don't qualify your answer as a guess or an estimate, that it is not a guess or an estimate?

A Yes.

Q Will you agree to let me know if later in the deposition you need to change an answer you gave previously, if you think of something additional?

A Sure.

Q About every hour we'll probably take a short break. If for any reason you need a break sooner than that, will you just let me know?

A Sure.

Q And are you feeling okay today?

A Yes.

Q There's nothing physically that would prevent you from giving truthful and accurate testimony?

A No.

Q And you're not on any medication that would

Page 10

prevent you from giving truthful or accurate testimony?
A No.
Q Do you have any questions so far?
A No.
Q And you understand that you're here today testifying on behalf of the Internet Engineering Task Force?
A Yes.
Q And that your answers are given on behalf of the IETF?
A Yes.
Q And you understand when I refer to "IETF," that I'm referring to the Internet Engineering Task Force?
A Yes.
Q If you need to give an answer on a personal basis, please qualify your answer as such.
A Okay.
Q And you understand that if I ask a question, I'm really asking a question to the IETF and not to you personally, unless I specifically address it to you personally.
A Okay.
Q Now, I do want to talk a little bit with you about your personal background and history. What is your current relationship with the IETF?

Page 11

A I am responsible -- I'm the RFC Director, so the RFC Publication Director, and so we publish the IETF documents that come out as RFCs.
Q And how long have you been involved in the IETF?
A Thirteen-ish years.
Q And what was your position when you started with the IETF?
A Similar to what I am doing now, but I probably started as a project assistant.
Q Okay. So what would have been your responsibilities at that time?
A The documents that were approved for publication, it would be to enter them into a queue, track them through the process, format them, edit the documents, interact with the authors to make sure that the documents say what they wanted to say, and then publish the documents on the website.
Q Okay. And have you been publishing the documents, the RFC documents, for that whole time period, the 13 years?
A Yes.
Q What was your first position with the IETF?
A Well, I really worked for ISI, which is part of USC, but the contract included receiving documents from

Page 12

the IETF. But I was a project assistant.
Q And what was your next position?
A I believe it was a -- weird titles -- administrative assistant to the senior editor after that, and I left that, ISI, as senior editor.
Q And when did you leave ISI?
A January of 2010.
Q And what happened in January of 2010?
A The contract to provide the RFC Editor services was transferred over to AMS, and...
Q Did you go with --
A Yes, I did.
Q You went with the functionality. So what are the current responsibilities that you have?
A It's very similar to what I was doing previously. It's tracking the documents through the publication process once they've been approved for publication.
Q And does that involve maintaining any of the records?
A Yes.
Q What functions would you -- do you perform for maintaining the records?
A So once -- I don't personally input the initial information into our database, but one of our staff

Page 13

people does. And we track the documents, make sure they get edited, interact with the authors, get author approval to publish the documents, and then when the authors sign off on it, I would then go input the correct -- any corrected data into the database, update the indexes, place the document online, and send out an announcement that the document is available.
Q When is the document considered published by the IETF?
A The IETF considers it published on the date the announcement is sent. It's possible that it may be in a public repository a day or two before that, but it's considered when the announcement is sent, because that's when people know it's there.
Q And who has access to the repository?
A Everyone. Anyone who has access to the Internet.
Q So a member of the public could go on the Internet and search for a particular RFC and be able to see that?
A Yes.
Q Do you know how far back the records go?
A Records for?
Q The RFCs.
A The records that are online?

Page 14

Q Uh-huh.
A All of the RFCs -- all of the available RFCs are online. They don't change once they're published, so...
Q Okay. What does RFC stand for?
A "Request for comments."
Q What did you do to prepare for today's deposition?
A Basically was preparing to reply to the subpoena. So reviewed the subpoena, had talked to my lawyer about it a little bit, reviewed the documents, and looked at the database to see, make sure that the dates listed were the dates that I believe they were actually published.
(Exhibit 1 was marked for identification.)
Q BY MS. PESCHEL: I've just handed you a document that's titled "Subpoena Ad Testificandum." Did you review this document in preparing for the deposition today?
MS. GRESKOWIAK: I'm sorry. Could you speak up and identify the document by the Bates numbers? Thank you.
MS. PESCHEL: This is the subpoena to the IETF.
MS. GRESKOWIAK: Thank you.

Page 15

THE WITNESS: (Examining document) Yes, I believe so.
Q BY MS. PESCHEL: Would you turn to page 4. Did you review the deposition topics listed on page 4?
A Yes.
Q Are you prepared to testify on those topics today?
A Yes, except I'm not an expert on the process for or the procedures for how documents get posted on the IETF website or the tools of the IETF website. I'm responsible for posting them on the RFC Editor site.
Q Okay. Do you know generally how they get transitioned from the RFC Editor site to the IETF website?
A I could make a guess, but I don't know the technical -- I mean, I believe I know, but I don't know the technical back side of it.
Q Why don't you just give us your guess of what happens.
A I believe we put them on the website, an announcement is made, and the IETF website automatically picks up the documents.
(Exhibit 2 was marked for identification.)
Q BY MS. PESCHEL: You're being handed as Exhibit 2 the subpoena duces tecum. This is the subpoena for documents. Did you review this subpoena?

Page 16

A Yes.
Q Did the IETF produce documents pursuant to the subpoena? I believe that the topics are listed in the exhibit to the prior --
A This one?
Q Yeah.
A So these are all the same. Yes, we did.
Q Who collected those documents?
A I did.
Q And how did you do that?
A I made copies of the documents from the RFC Editor website.
(Exhibit 3 was marked for identification.)
MS. GRESKOWIAK: I'm very sorry to interrupt. It might be helpful to move the phone closer to the witness. It's getting quiet. Thank you.
MS. PESCHEL: Okay.
Q BY MS. PESCHEL: You're being handed as Exhibit 3 your declaration in this investigation. Do you recognize this document?
A Yes.
Q And if you turn to the last page, is that your

Page 17

signature on the document?
A Yes.
Q Do you stand behind the truth and accuracy of this declaration?
A Yes.
Q Do you have anything that you need to change in the declaration?
A Not that I know of.
Q If you look on paragraph 5, it says:
"I make this Declaration based on my personal knowledge and information contained in the business records of the RFC Editor as they are currently housed at AMS or confirmation with other responsible RFC Editor personnel with such knowledge."
Whom, if anyone, did you confirm such knowledge with?
A Legal.
Q The next sentence says:
"If called as a witness in this Investigation, I could and would testify to the facts as stated in this Declaration."
Does that remain to be true?

Page 18

A Yes.
Q Do you now testify that the facts stated in this declaration are truthful?
A Yes.
Q And accurate?
A Yes.
(Exhibit 4 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed Exhibit 4, which is titled "The Tao of IETF: A Novice's Guide to the Internet Engineering Task Force." Do you recognize this document?
MR. RIDINGS: And at this point I'll just object and say the witness is here to authenticate the documents that she produced in response to the subpoena, and this is not a document produced in response to the subpoena. And if she's able to testify, she's able to testify; but this is outside the scope of the deposition notice.
Q BY MS. PESCHEL: Have you seen this document before?
A Yes.
Q Do you believe it's an accurate explanation of how the RFC process works?
MR. RIDINGS: If you know.

Page 19

Q BY MS. PESCHEL: If you know.
A I actually don't know. I haven't read this in quite some time.
Q Okay. If you'll turn to section 2. It describes a little bit about the IETF process. And rather than focusing on the documents, it's just there for your reference if you need it.
A Okay.
Q Who can register for an IETF meeting? Do you know?
A I think I know, but I'm not an IETF expert. I'm an expert in the production of the RFCs.
Q Okay. What is your understanding?
A My understanding is that anyone could register to attend an IETF meeting.
Q I believe you stated this previously, but once an RFC is published, are there any changes?
A No, they're not changed.
Q Has that been true throughout the history of the publication of the RFCs?
A There was -- I was not present during this time, but my understanding is there was a platform transition and some of the initial RFCs were lost in the electronic format, and there was an attempt to reproduce those documents and put those online. So I could not

Page 20

guarantee that those are identical to what the original said. But it's what we have on our website.
Q And what you have on your website, do you know how long that's been maintained?
A Those documents in particular?
Q Uh-huh.
A I don't. They're all different. It was a volunteer effort, so people did certain documents when they had a chance to do them. And I wouldn't be able to tell you exactly when those documents were available.
Q Do you have any responsibility with respect to Internet drafts?
A No.
Q Do you have an understanding of the difference between Internet drafts and RFCs?
A Yes.
Q And what is that?
A Internet drafts are working documents. They're meant to expire. And RFCs are permanent archival publication series.
(Exhibit 5 was marked for identification)
Q BY MS. PESCHEL: You've just been handed a document that the court reporter has marked Exhibit 5. The Bates number is 337-TA-858-IETF00022, and the

Page 21

document goes through 73. Is that correct?
MS. GRESKOWIAK: Got it. Thanks.
Q BY MS. PESCHEL: Did the IETF produce this in response to the subpoena?
A Yes.
Q And where did you locate RFC 1034?
A On the RFC Editor website.
Q And how did you do that?
A I went to the RFC Editor website and searched using their search engine for RFC 1034 and made a copy of it.
Q Does anyone have access to the RFC Editor search site?
A Everyone has access.
Q And is this document here a true and correct copy of the RFC 1034 that's present in the business records of IETF?
A I believe so.
Q Was it made at or near the time of the occurrence of the matters that are set forth in there?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity?

Page 22

A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 1034 publicly available as of the date listed on its face?
A As far as I know, yes.
Q And what was that date?
A November 1987.
(Exhibit 6 was marked for identification.)
Q BY MS. PESCHEL: The court reporter's handing you what's been marked as Exhibit 6, Bates labeled 337-TA-858-IETF00074, and it goes through 125. Is that correct?
A Yes.
Q And this is RFC 1035?
A Yes.
Q Did IETF produce this in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q And how did you do that?
A I went to the RFC Editor website, used the

Page 23

search engine, and made a copy of RFC 1035.
Q Is the document produced here as RFC 1035 a true and correct copy of the business record that's contained in the IETF files?
A Yes.
Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q It's been kept in the course of regularly conducted activity?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 1035 publicly available as of the date listed on its face?
A Yes, I believe so.
Q What date was RFC 1035 made publicly available?
A November 1987.
(Exhibit 7 was marked for

Page 24

identification.)
Q BY MS. PESCHEL: The court reporter has just handed you Exhibit 7, which is titled "Request for Documents: 1123," with the Bates number 337-TA-858-IETF00241 through 337. Is that correct?
A Yes.
Q Was this produced by the IETF in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How do you locate it?
A I went to the RFC Editor website, searched for RFC 1123, and made a copy of the file.
Q Is this copy of RFC 1123 a true and correct copy of the business record contained in the IETF files?
A Yes.
Q Does RFC 1123 constitute a record of regularly conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.

Page 25

Q Kept in the course of regularly conducted activity?
A Yes.
Q Was RFC 1123 made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 1123 publicly available as of the date listed on its face?
A Yes.
Q What date was RFC 1123 made publicly available?
A In October 1989.
(Exhibit 8 was marked for identification.)
Q BY MS. PESCHEL: The court reporter is handing you what's been marked as Exhibit 8. It's request for comments 1631, with a Bates number 337-TA-858-IETF00345 through 354.
Was RFC 1631 at this Bates range produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How did you locate it?
A I represent to the RFC Editor website, used the search engine to find RFC 1631, and made a copy of the

Page 26

file.
Q Is the document that was produced at this Bates range a true and correct copy of the business record of RFC 1631 as it exists in the IETF files?
A As it exists on the RFC Editor website, yes.
Q Does this constitute a record of regularly conducted business activity?
A Yes.
Q Made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Is it kept in the course of regularly conducted activity?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 1631 publicly available as of the date listed on its face?
A Yes.
MS. GRESKOWIAK: (Inaudible.)
MR. RIDINGS: We couldn't hear you, Stacie.
MS. GRESKOWIAK: Sorry. I said "objection."

Page 27

Q BY MS. PESCHEL: What date was RFC 1631 made publicly available?
A In May 1994.
(Exhibit 9 was marked for identification.)
Q BY MS. PESCHEL: The court reporter's handing you Exhibit 9, which is titled "Request for Comments: 1889" with a Bates range of 337-TA-858-IETF00541 through 611. Is that true?
A Yes.
Q Was this RFC 2052 produced in response to the subpoena? I'm sorry. RFC 1889 produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How do you locate it?
A I went to the RFC Editor website, searched for RFC 1889, made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the file as it exists on the RFC Editor website?
A Yes.
Q And in the business records of the IETF?
A As far as I know, yes.

Page 28

Q Does this constitute a record of regularly conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 1889 publicly available as of the date listed on its face?
A Yes.
MS. GRESKOWIAK: Objection.
Q BY MS. PESCHEL: What date was RFC 1889 made publicly available?
A In January 1996.
Can I just clarify? So where you're saying the "IETF records," for me it's the RFC Editor records.
Q Does -- what is the relationship between the RFC Editor records and the IETF?

Page 29

A The RFC Editor is the official publication series for the IETF. So we would be the official record keeper of their RFCs.
Q Of their RFCs.
A Yes.
Q Okay, I understand.
(Exhibit 10 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed Exhibit 10, which is titled "Request for Comments: 2052" with a Bates number of 337-TA-858-IETF00715 through 724. Is that correct?
A Yes.
Q Was RFC 2052 produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How did you locate it?
A I went to the RFC Editor website, used the search engine, and made a copy of RFC 2052.
Q Is the document produced at this Bates range a true and correct copy of RFC 2052 as it exists in the RFC Editor records?
A Yes.

Page 30

Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2052 publicly available as of the date listed on its face?
A Yes.
MS. GRESKOWIAK: Objection.
Q BY MS. PESCHEL: What date was RFC 2052 made publicly available?
A In October 1996.
(Exhibit 11 was marked for identification.)
Q BY MS. PESCHEL: The court reporter has just handed you Exhibit 11, which is titled "Request for

Page 31

Comments: 2065," with a Bates number of 337-TA-858-IETF00725 to 763. Is that correct?
A Yes.
Q Was RFC 2065 produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How do you locate it?
A I went to the RFC Editor website, used the search engine to find RFC 2065, and made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the business record of 2065, RFC 2065, as it exists in the records of the RFC Editor?
A Yes.
Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted

Page 32

activity?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2065 publicly available as of the date listed on its face?
A Yes.
Q What date was RFC 2065 made publicly available?
A January 1997.
MS. GRESKOWIAK: Objection.
(Exhibit 12 was marked for identification.)
Q BY MS. PESCHEL: The court reporter's just handed you what's been marked as Exhibit 12, which is titled "Request for Comments: 2131," with a Bates number of 337-TA-858-IETF00764 through 806. Is that correct?
A Yes.
Q Was RFC 31 produced in response to the subpoena?
A I'm sorry. RFC?
Q 2131.
A Yes.
Q Produced in response to the subpoena? Where

Page 33

did you locate this document?
A On the RFC Editor website.
Q How do you locate it?
A I went to the RFC Editor website, searched for RFC 2131, and made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the business records of RFC 2131 as it exists in the RFC Editor records?
A Yes.
Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2131 publicly available as of the date listed on its face?

Page 34

A Yes.
Q What date was RFC 2131 made publicly available?
A In March 1997.
(Exhibit 13 was marked for identification.)
Q BY MS. PESCHEL: The court reporter's just handed you what's been marked as Exhibit 13, which is titled "Request for Comments: 2167," and has a Bates range 337-TA-858-IETF02137 through 2196. Is that correct?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How do you locate it?
A I went to the RFC Editor website, searched for RFC 2167, and made a copy of the file.
Q Does this constitute a true and correct copy of RFC 2167 as it exists in the business records of the RFC Editor?
A Yes.
Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?

Page 35

A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2167 publicly available as of the date listed on its face?
A Yes.
Q What date was RFC 2167 made publicly available?
A In June 1997.
MS. GRESKOWIAK: I'm sorry. I don't mean to cut you all off. Just want to be able to get in my objections.
MS. PESCHEL: That's fine.
THE REPORTER: Did you just make an objection?
MS. GRESKOWIAK: I did.
THE REPORTER: I didn't hear it at all. Okay.
MS. GRESKOWIAK: Objection.
THE REPORTER: You might want to say a few words before you say the word "objection," because I think it cuts off your first word when you begin to

Page 36

speak.
MS. GRESKOWIAK: Counsel, I guess it might be helpful if we, or the witness, if you could give me just a pause before you answer so that any objection can be made. Thank you.
THE WITNESS: Okay.
(Exhibit 14 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed what's been marked as Exhibit 14, which is titled "Request for Comments: 2230," with a Bates number of 337-TA-858-IETF00880 through 890. Is that correct?
A Yes.
Q Was RFC 2230 produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How did you locate it?
A I went to the RFC Editor website, searched for RFC 2230, and made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the record of RFC 2230 as it exists in the RFC Editor records?
A Yes.

Page 37

Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity?
A Yes.
Q Was RFC 2230 made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2230 publicly available as of the date listed on its face?
A Yes.
MS. GRESKOWIAK: Objection. Thank you.
Q BY MS. PESCHEL: What date was RFC 2230 made publicly available?
A November 1997.
(Exhibit 15 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed what's been marked Exhibit 15, which is titled RFC 2246, with a

Page 38

Bates number of 337-TA-858-IETF00891 through 965. Is that correct?
A Yes.
Q Was RFC 2246 produced in response to the subpoena?
A Yes.
Q Where do you locate this document?
A On the RFC Editor website.
Q How do you locate it?
A I went to the RFC Editor website, searched for RFC 2246, and made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the record of RFC 2246 as it exists in the records of the RFC Editor?
A Yes.
Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity?

Page 39

A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2246 publicly available as of the date listed on its face?
A Yes --
MS. GRESKOWIAK: Objection.
Q BY MS. PESCHEL: What date was RFC 2246 made publicly available?
A In January 1999.
(Exhibit 16 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed what's been marked as Exhibit 16. It is titled "Request for Comments: 2401" with a Bates number of 337-TA-858-IETF001122 through 1183. Is that correct?
A Yes.
Q Was RFC 2401 produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How do you locate it?
A I went to the RFC Editor website, searched for

Page 40

RFC 2401, and made a copy of the file.
Q Is the document produced at this bits range a true and correct copy of the record of RFC 2401 as it's kept in the files of the RFC Editor?
A Yes.
Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2401 publicly available as of the date listed on its face?
A Yes.
Q What date was RFC 2401 made publicly available?
A November 1998.
(Exhibit 17 was marked for

Page 41

identification.)
Q BY MS. PESCHEL: You've just been handed what's been marked Exhibit 17, titled "Request for Comments: 2459" with a Bates range --
A Different document.
Q I'm sorry.
A I have 2535.
Q Let's do 2535. Okay. My apologies.
Okay, so you've been handed what has been marked as Exhibit 17, titled RFC 2535. Was this produced in response to the subpoena?
A Yes.
Q And the Bates range is 337-TA-858-IETF01574 through 1617?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How did you locate it?
A I went to the RFC Editor website, searched for RFC 2535, and made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the record of RFC 2535 as it exists in the files of the RFC Editor?
A Yes.
Q Does it constitute a record of regularly

Page 42

conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity as a regular practice?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2535 publicly available as of the date listed on its face?
MS. GRESKOWIAK: Objection.
THE WITNESS: Yes.
Q BY MS. PESCHEL: What date was RFC 2535 made publicly available?
A March 1999.
(Exhibit 18 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed what's been marked as Exhibit 18, which is titled "Request for Comments: 2459," with Bates range of

Page 43

337-TA-858-IETF01485 through 1557. Is that correct?
A I think so, but these squigglies are throwing me off a little bit. But yeah, I think so.
Q But the Bates number on the bottom right --
A Yeah, the Bates number is correct, yes.
Q Was RFC 2459 produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q How did you locate it?
A I went to the RFC Editor website page, used the search engine and found RFC 2459 and made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the record as it exists in the files of the RFC Editor?
A I believe so, but I was saying, these squigglies are throwing me off.
Q And you're referring to the squigglies on the first page?
A Yes.
Q Do you have any explanation for what those squigglies might be?
A I mean, without looking at the version on the

Page 44

computer, I don't know if this is just a printing error or...
Q Does RFC 2459 constitute a record of regularly conducted business activity?
A Yes.
Q Was it made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity as a regular practice?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2459 publicly available as of the date listed on its face?
MS. GRESKOWIAK: Objection.
THE WITNESS: Yes.
Q BY MS. PESCHEL: What date was RFC 2459 made publicly available?
A In January 1999.
Q And the squigglies that you're referring to, is it just on that first page?

Page 45

A Yeah, looks like it.
Q Okay.
(Exhibit 19 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed what's been marked Exhibit 19, which is a document titled "Request for Comments: 2543" with a Bates range of 337-TA-858-IETF01647 through 1789. Is that correct?
A Yes.
Q Was RFC 2543 produced in response to the subpoena?
A Yes.
Q Where did you locate RFC 2543?
A On the RFC Editor website.
Q How did you locate it?
A I went to the RFC Editor website, searched for RFC 2543, and made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the record as it exists in the files of the RFC Editor?
A Yes.
Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Made at or near the time of the occurrence of

Page 46

the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity as a regular practice?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 2543 publicly available as of the date listed on its face?
MS. GRESKOWIAK: Objection.
THE WITNESS: Yes.
Q BY MS. PESCHEL: What date was RFC 2543 made publicly available?
A In March 1999.
(Exhibit 20 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed a document that's been marked Exhibit 20, titled "Request for Comments: 882" with a Bates range of 337-TA-858-IETF02034 through 2062. Is that correct?
A 2063.
Q I'm sorry. 2063. Is that correct?

Page 47

A Yes.
Q Was RFC 882 produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q And how did you locate it?
A I went to the RFC Editor website, searched for RFC 882, and made a copy of the file.
Q Is the document produced at this Bates range a true and correct copy of the record as it exists in the files of the RFC Editor?
A Yes.
Q Does this constitute a record of regularly conducted business activity?
A Yes.
Q Made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity as a regular practice?
A Yes.
Q Made by the regularly conducted activity as a

Page 48

regular practice?
A Yes.
Q Was RFC 882 publicly available as of the date listed on its face?
A Yes.
Q What date was --
MS. GRESKOWIAK: Objection.
Q BY MS. PESCHEL: What date was RFC 882 made publicly available?
A November 1989. Sorry. 1983.
(Exhibit 21 was marked for identification.)
Q BY MS. PESCHEL: You've just been handed Exhibit 21, which is titled "Request for Comments: 883," with a Bates number of 337-TA-858-IETF02064 through 2136. Is that correct?
A Yes.
Q Was RFC 883 produced in response to the subpoena?
A Yes.
Q Where did you locate this document?
A On the RFC Editor website.
Q And how did you locate it?
A I went to the RFC Editor website, searched for RFC 883, and made a copy of the file.

Page 49

Q Is the document produced at this Bates range a true and correct copy of the record as it exists in the files of the RFC Editor?
A Yes.
Q Does it constitute a record of regularly conducted business activity?
A Yes.
Q Made at or near the time of the occurrence of the matters set forth?
A Yes.
Q By a person with knowledge of those matters?
A Yes.
Q Kept in the course of regularly conducted activity as a regular practice?
A Yes.
Q Made by the regularly conducted activity as a regular practice?
A Yes.
Q Was RFC 883 publicly available as of the date listed on its face?
MS. GRESKOWIAK: Objection.
THE WITNESS: Yes.
Q BY MS. PESCHEL: What date was RFC 883 made publicly available?
A November 1983.

Page 50

Q Who has responsibility for publishing the RFCs?
A The RFC Editor.
Q And what is your role with the RFC Editor again?
A The director of the publication house.
MS. PESCHEL: Pass the witness.
MS. GRESKOWIAK: This might be a good time to take a break. We've been going for about an hour.
THE VIDEOGRAPHER: We're going off the record at 9:52 a.m.
(Recess)
THE VIDEOGRAPHER: We're back on the record at 10:07 a.m.

EXAMINATION

BY MS. GRESKOWIAK:
Q When did you -- when were you initially employed at the ISI?
A In June of 1999.
Q And then in January 2010, approximately, is when your position moved to AMS; is that right?
A Yes.
Q Did you have involvement with the RFC Publisher or the RFC Editor function prior to June 1999?
A No.

Page 51

Q When -- you testified that for some of the exhibits, the RFC exhibits that counsel showed you earlier today, I believe you testified that you retrieved them from the RFC Editor website. Is my understanding correct?
A Yes.
Q Just to be very clear, you did not pull them from any internal database? You went to the same website we can all go to and retrieved the documents?
A Yes.
Q When did you go to the website to retrieve the documents produced at the Bates ranges we've looked at today?
A I believe early January.
Q As a part of your position, as RFC Publisher or director of the RFC Publisher, what is your involvement with the RFC Editor website?
A The Publisher maintains the RFC Editor website, so we post the actual contents for the RFC Editor website, make updates as required, and also post the RFCs on the website when they're published.
(Pause in proceedings)
MS. PESCHEL: Stacie?
Can we go off the record?
THE VIDEOGRAPHER: We're going off the record

Page 52

at 10:10 a.m.
(Off record)
THE VIDEOGRAPHER: We're back on the record at 10:13 a.m.
Q BY MS. GRESKOWIAK: I think before we got disconnected, you were telling me about the RFC Publisher -- we were talking about what the RFC Publisher does with respect to the RFC Editor website. Is it a part of your specific job as director of the RFC Publisher to post the contents on the website? Is that something you do?
A It is something that I do.
Q Is that something that only the director of the RFC Publisher is authorized to do, or can other employees post content to the RFC Editor website?
A Other staff can post things to the RFC Editor website.
Q I'm going to take you back to look at one of the exhibits that you looked at this morning. I believe it was Exhibit 21, RFC 883, Bates No. 337-TA-858-IETF02064. Do you see that exhibit?
A Yes.
Q Did you personally post this content on the RFC Editor website in November 1983?
A No.

Page 53

Q And on the front of this exhibit I see a box that says:
"This RFC contains format specifications which are preliminary and are included for purposes of explanation only."
Do you see that?
A Yes.
Q What does this indicate to you?
A I can only verify what's -- that I published the documents. I can't verify the contents of the document or explain what it means.
Q Okay. Does that warning box mean anything -- does it signify anything to the RFC Publisher?
A I do not know. It is not something that we use currently.
Q Okay. Is it a part of the RFC Editor and RFC Publisher's job currently to include the authors of each RFC that it posts on its website?
MS. PESCHEL: Objection.
THE WITNESS: I'm sorry. Can you actually repeat that?
Q BY MS. GRESKOWIAK: I'll say it more clearly. Is it a part of your responsibility as director of the RFC Publisher to include a list of the authors of each

Page 54

document?
A Include a list where?
Q Either within the document, somewhere in the document?
A It's my job to make sure that the people listed when the document is submitted, that those same names remain on the document when it's published.
Q With respect to all of the exhibits, the RFC exhibits that we looked at earlier in your deposition, did you personally post any of those to the RFC Editor website?
MS. PESCHEL: Objection.
THE WITNESS: I'm sure I posted some of them, the ones that were available after June of 1999.
Q BY MS. GRESKOWIAK: Are you positive that someone else didn't do it? Strike that. I'll rephrase.
Is it possible that another member of the RFC Editor staff published the RFC documents produced with Bates numbers dated after 1999?
A No, I don't believe so.
Q Looking at your declaration that was submitted in connection with this investigation -- just a brief side note, Counsel, has that been introduced as an exhibit yet?
MS. PESCHEL: The declaration? Yes. I believe

Page 55

it's 3.
MS. GRESKOWIAK: Okay.
Q So looking at Exhibit 3, is that your declaration submitted in connection with this investigation No. 337-TA-858?
A Yes.
Q And if you'll turn to page, I believe 34 of Exhibit 3, I'm just going to ask you a question about RFC 2845. You make some statement in paragraph 194 -- actually, it's also on page 33 in paragraph 192 and 193. I'd like you to take a look for me at those paragraphs and point out to me where you stated that you personally published RFC 2845 on the RFC Editor website.
MR. RIDINGS: Objection.
THE WITNESS: I don't see where it says that I personally put the document on the website.
Q BY MS. GRESKOWIAK: I wanted to ask you about, you mentioned earlier in your deposition, I think, that sometime ago when there was a transition to a new electronic platform, some RFCs were lost in the electronic form. Do you know when that happened?
A No, I don't.
Q Did it happen before June 1999?
A Yes.
Q Did you talk to other RFC Editor personnel when

Page 56

you were preparing your declaration?
A I talked to people associated with the legal staff for IETF.
Q So I'm looking at page 3, paragraph 5 of your declaration. Should I understand your statement that:
"I make this declaration based on my personal knowledge and information contained in the business records of RFC Editor as they are currently housed at AMS, or confirmation with other responsible RFC Editor personnel with such knowledge."
Is that a true and accurate statement?
A Yes.
Q And I'm not trying to get into any privileged communications, so if you think that my question asks about that, that's not what I intend. Aside from legal staff or personnel, did you talk to any other responsible RFC Editor personnel in order to submit your declaration on Exhibit 3?
A In preparation for this declaration?
Q Yes.
A No.
Q Did you talk to any other personnel associated with AMS or the ISOC?

Page 57

MR. RIDINGS: Other than legal.
Q BY MS. GRESKOWIAK: Yes.
A I talked to -- well, can I ask you a question?
MR. RIDINGS: Do you need to ask me a question about a privilege issue?
THE WITNESS: Yes.
MR. RIDINGS: Can we take a break? I need to confer with the client about an issue of privilege.
MS. GRESKOWIAK: You know what? I'll strike the question and rephrase. Is that okay?
MR. RIDINGS: Yeah, that's fine.
Q BY MS. GRESKOWIAK: If you like, you can take as much time as you like to review Exhibit 3, your declaration, and just let me know if, within the text of the declaration, you can identify the name of any individual, other than yourself, that you talked to in preparing your declaration.
MR. RIDINGS: Objection.
THE WITNESS: (Examining document) No, I did not speak to anyone.
Q BY MS. GRESKOWIAK: In your position as director of the RFC Publisher, how many employees or staff report to you on a daily basis?
A Currently six.
Q Is there anyone above you?

Page 58

A Well, the partners at AMS for which I work.
Q Okay. But in terms of director of the RFC Publisher, you're kind of the top of the food chain?
A Yes.
Q Do you personally send out the announcement when an RFC is published?
A I do, or my colleague does.
Q What's the name of your colleague?
A Alice Russo.
Q Do you personally upload -- I'm sorry. Strike that.
You were saying before you weren't super familiar with the process and the tools for putting a file on the website?
MR. RIDINGS: Objection.
MS. PESCHEL: Objection.
Q BY MS. GRESKOWIAK: Is there someone at the RFC Publisher that is tasked with using the tools to put documents onto the website?
MR. RIDINGS: Objection.
THE WITNESS: I think you misunderstood me earlier. I'm familiar with putting the documents on the RFC Editor website. I am not completely familiar with how the documents are made available on the IETF website.

Page 59

Q BY MS. GRESKOWIAK: Okay. So your testimony today was talking about the RFC Editor website, not the IETF website.
A Correct.
Q Is that correct? Okay.
Can anyone be a member of the IETF?
MR. RIDINGS: Objection.
THE WITNESS: I am not an expert on the processes or the membership of IETF, but yes, I believe that anyone can be a participant.
Q BY MS. GRESKOWIAK: Do you know whether anyone can be a participant in a working group?
MR. RIDINGS: Objection. Stacie, this is going pretty far beyond the scope of the subpoena. She's here to testify as to the authenticity of these documents, not about the IETF's inner workings and relationship with its members.
You can answer if you know.
MS. GRESKOWIAK: Understood.
THE WITNESS: I believe that anyone can participate, but again, I'm not the expert on how the IETF works.
Q BY MS. GRESKOWIAK: Okay. Does the RFC Editor maintain e-mail distribution lists --
A Yes --

Page 60

Q -- for the IETF?
A Not for the IETF.
Q What kind of e-mail distribution lists does the RFC Editor maintain?
A There's one that's called the RFC interest list. That one is to announce the RFCs as they're published. And one is the RFC interest list, which is for discussion about anything related to the RFC Editor.
Q As director of the RFC Publisher, are you involved with maintaining the two e-mail distribution lists you just identified?
A Yes.
Q Do you know whether anyone can be added to those two e-mail distribution lists you just identified?
A I believe anyone can go to the website and subscribe themselves.
Q Do you mean, by "subscribe themselves," kind of like a blog feed?
MR. RIDINGS: Objection.
MS. PESCHEL: Objection.
MS. GRESKOWIAK: Okay.
MS. PESCHEL: Stacie, I don't mean to interrupt you, but we only have five minutes left on the tape.
MS. GRESKOWIAK: Okay. Let's take a -- we can break, and if you all want to change the tapes, and then

Page 61

I don't anticipate going for much longer.
MS. PESCHEL: Okay.
THE VIDEOGRAPHER: We're ending tape No. 1 in the deposition of Sandy Ginoza, representing the Internet Engineering Task Force, and going off the record at 10:33 a.m.
(Recess)
THE VIDEOGRAPHER: This is tape No. 2 in the deposition of Sandy Ginoza, representing the Internet Engineering Task Force. We're back on the record at 10:40 a.m.
Q BY MS. GRESKOWIAK: Okay, I wanted to ask you a question about when you retrieved the exhibits produced at the Bates numbers that we talked about during this deposition today. Can you tell me where specifically on the RFC Editor website you retrieved these documents from?
A So if you go to the main RFC Editor website page, there's a search button. I went to the search engine, typed in the RFC number. When the results were produced, I clicked the RFC number, which produces a text file, and I made a copy of the text file.
Q Just to be absolutely clear, because I'm not as familiar with this process, you clicked on the RFC search, not the RFC database, on the RFC Editor website?

Page 62

A Correct. RFC search.
Q Okay. Your testimony today is limited to the RFC search and not any other alternative RFC repository. Is that correct?
MS. PESCHEL: Objection.
THE WITNESS: What's an "alternate RFC repository"?
Q BY MS. GRESKOWIAK: I'm just using the term the way that it's used on the RFC Editor website.
A I don't really understand what you're asking me.
Q I just want to know, for all these documents that we've been talking about today that you retrieved and produced, I just want to know whether you got them all from this search, or whether you got some of them from a different RFC repository somewhere else.
A I got them using the search function.
Q Does the director of the RFC Publisher have responsibilities related to maintaining RFCs on any other website?
A No.
Q I'd like to ask you a little bit about the difference between a draft RFC and a published RFC. Can you explain to me what makes a published RFC final, finalized?

Page 63

A The authors have approved the final version of the text for publication. The document goes into the public repository or the public -- it's available on the RFC Editor website, an announcement is sent, and it's considered officially published.
Q Based on your experience with -- in the RFC Editor function, how long does it take approximately for a document to go from an initial draft to a published RFC?
MR. RIDINGS: Objection.
MS. PESCHEL: Objection.
THE WITNESS: When you say "draft," you're referring to the document once it's been approved for publication, as opposed to an Internet draft?
Q BY MS. GRESKOWIAK: That's a great question. So I will clarify. When a document is first -- strike that.
Based on your experience as the RFC Editor function, how long does it take for a document to go from an Internet draft to an RFC document in the repository?
MR. RIDINGS: Objection.
THE WITNESS: When you say "repository," you mean the finished product, the finished RFC?
Q BY MS. GRESKOWIAK: Yes.

Page 64

A I actually don't know. I mean, the lifetimes of an Internet draft before it's approved for publication varies. I wouldn't even be able to guesstimate an average.
Q Okay. So the timeline to finalization for Internet drafts is dependent on the specific draft. We can't make any rule of thumb?
MR. RIDINGS: Objection.
MS. PESCHEL: Objection.
THE WITNESS: Again, I'm not an expert on the IETF and the IETF processes, which includes the Internet drafts. But my understanding is there are no rules about how long it takes the document to be approved for publication.
Q BY MS. GRESKOWIAK: Okay. Is the process of approving an RFC for publication a part of the IETF?
MR. RIDINGS: Objection.
MS. GRESKOWIAK: Strike that.
Q Is the RFC Publisher responsible for the approval process for a final RFC?
A Can you define what you mean by "approval"? Whose approval?
Q Well, you mentioned the author's approval before. But I guess any approval.
A So for us, there's two approval stages.

Page 65

There's one where the document, the internet draft, is approved for publication, and that's the point at which it enters the RFC Editor's queue. And there's a secondary approval, which is after the document's been edited, the authors approve the content to be published as an RFC.
Q As director of the RFC Publisher, do you have final authority whether that Internet draft is approved so that it goes into the queue?
A No, I have no say over whether an Internet draft is approved to enter the RFC Editor queue.
Q Do you, as the director of the RFC Publisher, do you have authority as to whether a draft is approved for final publication? Strike that.
You talked about the secondary approval process. Is that something that has to go through you as the director?
MR. RIDINGS: Objection.
MS. PESCHEL: Objection.
THE WITNESS: No.
Q BY MS. GRESKOWIAK: Can we look at the exhibits, I think 17, that we looked at earlier today? At the top it says "Request for Comment: 2459," and the Bates is 337-TA-858-IETF01485.
A We have that listed as Exhibit 18.

Q 18? Okay. Thanks. So looking at Exhibit 18, you mention that you see the squiggly lines?
A Yes.
Q Do the squiggly lines typically appear on final RFC documents?
A Not typically.
Q Do you know why that's there?
A No, I don't.
Q Do you know the difference between a standards track and a document that doesn't say "standards track" on it?
MR. RIDINGS: Objection.
MS. PESCHEL: Objection.
THE WITNESS: I know it has a set of meanings with regard to the work that we do or perform on the document, but I would not be able to differentiate between what it means to the community or the reader.
Q BY MS. GRESKOWIAK: What does it mean to you in terms of the RFC Publisher function?
A For us it dictates what type of boilerplate material gets placed on the document.
Q What kinds of boilerplate material would get placed on a standards track document?
A The status of this memo, which is placed in every document, that is different according to the

status or category of the document, and also the formating, so the page footers change according to the status of the document.
Q Is the RFC Publisher in charge of saying what the status of the document is?
A No.
Q What are the different potential statuses that a document could have?
A It could be standards track, it could be a BCP, which is a best current practice, it could be informational, experimental, historic.
Q Can you think of any others?
A There is an outdated category that was called "for your information," FYI. And then within the standards track there is three levels of standards track.
Q What is that three levels?
A Internet standard, draft standard, and proposed standard.
Q When the RFC Publisher received an Internet draft, does it have a status on it?
A It usually has a status associated with it.
Q Who told the RFC Publisher that the status of a document needs to change?
A We receive a message from the IETF secretariat.

When you say "change," do you mean before publication?
Q Yeah.
A Before publication, it could also be a message from the area directors or the authors with approval of the area directors.
Q Is an area director part of the RFC Publisher?
A No.
Q Is an area director part of the IETF?
A Yes.
Q Let me look through my notes here.
Is there any of your testimony today that you may not have specifically said was in your personal capacity, but thinking back, you were talking in your personal capacity?
A I don't really --
MR. RIDINGS: I'm sorry. I couldn't understand your question, Stacie. Could you repeat that, please?
MS. GRESKOWIAK: Sure. I just wanted to make sure that there wasn't anything that she didn't specifically note today as being in her own personal capacity rather than on behalf of the IETF publisher.
THE WITNESS: All the portions where I mentioned I am not an IETF expert, those are my personal capacity.
MS. GRESKOWIAK: Okay. I will pass the

witness.
MS. PESCHEL: I have no further questions.
MS. PETREDIS: No questions.
MR. RIDINGS: No questions.
THE VIDEOGRAPHER: Stipulations? You don't do that here in Texas?
MS. GRESKOWIAK: Anyone else?
MS. PESCHEL: No.
MS. GRESKOWIAK: Thank you very much.
THE VIDEOGRAPHER: This concludes today's proceeding in the deposition of Sandy Ginoza representing the Internet Engineering Task Force. We're ending tape No. 2 and going off the record at 10:58 a.m.
(At 10:58 the deposition of INTERNET ENGINEERING TASK FORCE, THROUGH ITS DESIGNATED REPRESENTATIVE, SANDY GINOZA, was concluded.)
-o0o-

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

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