

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4
5 BRIXHAM SOLUTIONS, LTD.

6 Plaintiff,

7
8 v.

9
10 JUNIPER NETWORKS, INC.

11 Defendants.
12

Civil Case No.: 13-CV-00616

**DECLARATION OF THE RFC
PUBLISHER FOR THE INTERNET
ENGINEERING TASK FORCE, AN
ORGANIZED ACTIVITY OF THE
INTERNET SOCIETY**

13 I, Sandy Ginoza, based on my personal knowledge and information,
14 hereby declare as follows:
15

16 1. I am an employee of Association Management Solutions, LLC
17 (AMS), which acts under contract to the Internet Society (ISOC) as the
18 operator of the RFC Publisher. The RFC Publisher is part of the “RFC
19 Editor” function, which provides online access to the authoritative Request
20 for Comments (RFC) series of documents (RFC Series), and provides
21 storage and preservation of records relating to these documents. The RFC
22 Series includes, among other things, the series of Internet standards
23 developed by the Internet Engineering Task Force (IETF), an organized
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1 activity of ISOC. I hold the position of Director of the RFC Publisher. I
2 began employment with AMS in this capacity on 5 January 2010.
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4 2. Among my responsibilities as Director of the RFC Publisher, I
5 act as the custodian of records relating to the RFC Series.
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7 3. From June 1999 to 4 January 2010, I was an employee of the
8 Information Sciences Institute at University of Southern California (ISI). I
9 held various position titles with the RFC Editor project at ISI, ending with
10 Senior Editor.
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12 4. The RFC Editor function was conducted by ISI under contract
13 to the United States government prior to 1998. In 1998, ISOC, in
14 furtherance of its IETF activity, entered into the first in a series of contracts
15 with ISI providing for ISI's performance of the RFC Editor function.
16 Beginning in 2010, certain aspects of the RFC Editor function were
17 assumed by the RFC Publisher operation of AMS under contract to ISOC
18 (acting through its IETF function and, in particular, the IETF
19 Administrative Oversight Committee). The business records of the RFC
20 Editor function as it was conducted by ISI are currently housed on the
21 computer systems of AMS, as contractor to ISOC.
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25 5. I make this declaration based on my personal knowledge and
26 information contained in the business records of the RFC Editor as they are
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1 currently housed at AMS, or confirmation with other responsible RFC
2 Editor personnel with such knowledge.

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4 6. Since approximately 1998, the RFC Editor's regular practice
5 has been to publish RFCs and make them available to the public on its
6 website at www.rfc-editor.org. The RFC Publisher currently maintains
7 authoritative versions of all RFCs in the ordinary course of its regularly
8 conducted activities on its website at www.rfc-editor.org.
9

10 7. The document identified as Exhibit 1 on the accompanying
11 DVD is a true and correct copy of **RFC 2401** titled "Security Architecture
12 for the Internet Protocol."
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14 8. I hereby certify, in accordance with the requirements of
15 Federal Rule of Evidence 902, that the attached Exhibit 1 constitutes a
16 record of regularly conducted business activity which was (A) made at or
17 near the time of the occurrence of the matters set forth by, or from
18 information transmitted by, a person with knowledge of those matters; (B)
19 kept in the course of the regularly conducted activity; and (C) made by the
20 regularly conducted activity as a regular practice.
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24 9. Based on a search of RFC Editor records, I have determined
25 that the RFC Editor maintained a copy of Exhibit 1 in the ordinary course of
26 its regularly conducted activities.
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1 10. Based on a search of RFC Editor records and the RFC Editor's
2 course of conduct in publishing RFCs, I have also determined that Exhibit 1
3 was published on or about **November 1998** on the RFC Editor website. At
4 such time, such document was reasonably accessible to the public, and was
5 disseminated or otherwise available to the extent that persons interested and
6 ordinarily skilled in the subject matter or art exercising reasonable diligence
7 could have located it.
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10 11. The document identified as Exhibit 2 on the accompanying
11 DVD is a true and correct copy of **RFC 2663** titled " IP Network Address
12 Translator (NAT) Terminology and Considerations."
13

14 12. I hereby certify, in accordance with the requirements of
15 Federal Rule of Evidence 902, that the attached Exhibit 2 constitutes a
16 record of regularly conducted business activity which was (A) made at or
17 near the time of the occurrence of the matters set forth by, or from
18 information transmitted by, a person with knowledge of those matters; (B)
19 kept in the course of the regularly conducted activity; and (C) made by the
20 regularly conducted activity as a regular practice.
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22 13. Based on a search of RFC Editor records, I have determined
23 that the RFC Editor maintained a copy of Exhibit 2 in the ordinary course of
24 its regularly conducted activities.
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1 14. Based on a search of RFC Editor records and the RFC Editor's
2 course of conduct in publishing RFCs, I have also determined that Exhibit 2
3 was published on or about **August 1999** on the RFC Editor website. At
4 such time, such document was reasonably accessible to the public, and was
5 disseminated or otherwise available to the extent that persons interested and
6 ordinarily skilled in the subject matter or art exercising reasonable diligence
7 could have located it.
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10 15. The document identified as Exhibit 3 on the accompanying
11 DVD is a true and correct copy of **RFC 3036** titled "LDP Specification."
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13 16. I hereby certify, in accordance with the requirements of
14 Federal Rule of Evidence 902, that the attached Exhibit 3 constitutes a
15 record of regularly conducted business activity which was (A) made at or
16 near the time of the occurrence of the matters set forth by, or from
17 information transmitted by, a person with knowledge of those matters; (B)
18 kept in the course of the regularly conducted activity; and (C) made by the
19 regularly conducted activity as a regular practice.
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22 17. Based on a search of RFC Editor records, I have determined
23 that the RFC Editor maintained a copy of Exhibit 3 in the ordinary course of
24 its regularly conducted activities.
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1 18. Based on a search of RFC Editor records and the RFC Editor's
2 course of conduct in publishing RFCs, I have also determined that Exhibit 3
3 was published on or about **January 2001** on the RFC Editor website. At
4 such time, such document was reasonably accessible to the public, and was
5 disseminated or otherwise available to the extent that persons interested and
6 ordinarily skilled in the subject matter or art exercising reasonable diligence
7 could have located it.
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9 19. The document identified as Exhibit 4 on the accompanying
10 DVD is a true and correct copy of **RFC 3209** titled "RSVP-TE: Extensions
11 to RSVP for LSP Tunnels."
12

13 20. I hereby certify, in accordance with the requirements of
14 Federal Rule of Evidence 902, that the attached Exhibit 4 constitutes a
15 record of regularly conducted business activity which was (A) made at or
16 near the time of the occurrence of the matters set forth by, or from
17 information transmitted by, a person with knowledge of those matters; (B)
18 kept in the course of the regularly conducted activity; and (C) made by the
19 regularly conducted activity as a regular practice.
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21 21. Based on a search of RFC Editor records, I have determined
22 that the RFC Editor maintained a copy of Exhibit 4 in the ordinary course of
23 its regularly conducted activities.
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1 22. Based on a search of RFC Editor records and the RFC Editor's
2 course of conduct in publishing RFCs, I have also determined that Exhibit 4
3 was published on or about **December 2001** on the RFC Editor website. At
4 such time, such document was reasonably accessible to the public, and was
5 disseminated or otherwise available to the extent that persons interested and
6 ordinarily skilled in the subject matter or art exercising reasonable diligence
7 could have located it.
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10 23. The document identified as Exhibit 5 on the accompanying
11 DVD is a true and correct copy of **RFC 3386** titled "Network Hierarchy and
12 Multilayer Survivability."
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14 24. I hereby certify, in accordance with the requirements of
15 Federal Rule of Evidence 902, that the attached Exhibit 5 constitutes a
16 record of regularly conducted business activity which was (A) made at or
17 near the time of the occurrence of the matters set forth by, or from
18 information transmitted by, a person with knowledge of those matters; (B)
19 kept in the course of the regularly conducted activity; and (C) made by the
20 regularly conducted activity as a regular practice.
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22 25. Based on a search of RFC Editor records, I have determined
23 that the RFC Editor maintained a copy of Exhibit 5 in the ordinary course of
24 its regularly conducted activities.
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1 26. Based on a search of RFC Editor records and the RFC Editor's
2 course of conduct in publishing RFCs, I have also determined that Exhibit 5
3 was published on or about **November 2002** on the RFC Editor website. At
4 such time, such document was reasonably accessible to the public, and was
5 disseminated or otherwise available to the extent that persons interested and
6 ordinarily skilled in the subject matter or art exercising reasonable diligence
7 could have located it.
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10 27. The document identified as Exhibit 6 on the accompanying
11 DVD is a true and correct copy of **RFC 4090** titled "Fast Reroute
12 Extensions to RSVP-TE for LSP Tunnels."
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14 28. I hereby certify, in accordance with the requirements of
15 Federal Rule of Evidence 902, that the attached Exhibit 6 constitutes a
16 record of regularly conducted business activity which was (A) made at or
17 near the time of the occurrence of the matters set forth by, or from
18 information transmitted by, a person with knowledge of those matters; (B)
19 kept in the course of the regularly conducted activity; and (C) made by the
20 regularly conducted activity as a regular practice.
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22 29. Based on a search of RFC Editor records, I have determined
23 that the RFC Editor maintained a copy of Exhibit 6 in the ordinary course of
24 its regularly conducted activities.
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1 30. Based on a search of RFC Editor records and the RFC Editor's
2 course of conduct in publishing RFCs, I have also determined that Exhibit 6
3 was published on or about **May 2005** on the RFC Editor website. At such
4 time, such document was reasonably accessible to the public, and was
5 disseminated or otherwise available to the extent that persons interested and
6 ordinarily skilled in the subject matter or art exercising reasonable diligence
7 could have located it.
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10 31. The document identified as Exhibit 7 on the accompanying
11 DVD is a true and correct copy of **RFC 4447** titled "Pseudowire Setup and
12 Maintenance Using the Label Distribution Protocol (LDP)."
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14 32. I hereby certify, in accordance with the requirements of
15 Federal Rule of Evidence 902, that the attached Exhibit 7 constitutes a
16 record of regularly conducted business activity which was (A) made at or
17 near the time of the occurrence of the matters set forth by, or from
18 information transmitted by, a person with knowledge of those matters; (B)
19 kept in the course of the regularly conducted activity; and (C) made by the
20 regularly conducted activity as a regular practice.
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22 33. Based on a search of RFC Editor records, I have determined
23 that the RFC Editor maintained a copy of Exhibit 7 in the ordinary course of
24 its regularly conducted activities.
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1 34. Based on a search of RFC Editor records and the RFC Editor's
2 course of conduct in publishing RFCs, I have also determined that Exhibit 7
3 was published on or about **April 2006** on the RFC Editor website. At such
4 time, such document was reasonably accessible to the public, and was
5 disseminated or otherwise available to the extent that persons interested and
6 ordinarily skilled in the subject matter or art exercising reasonable diligence
7 could have located it.
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10 35. The document identified as Exhibit 8 on the accompanying
11 DVD is a true and correct copy of **RFC 4762** titled "Virtual Private LAN
12 Service (VPLS) Using Label Distribution Protocol (LDP) Signaling."
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14 36. I hereby certify, in accordance with the requirements of
15 Federal Rule of Evidence 902, that the attached Exhibit 8 constitutes a
16 record of regularly conducted business activity which was (A) made at or
17 near the time of the occurrence of the matters set forth by, or from
18 information transmitted by, a person with knowledge of those matters; (B)
19 kept in the course of the regularly conducted activity; and (C) made by the
20 regularly conducted activity as a regular practice.
21

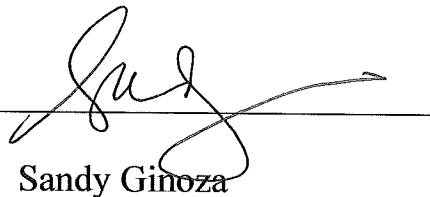
22 37. Based on a search of RFC Editor records, I have determined
23 that the RFC Editor maintained a copy of Exhibit 8 in the ordinary course of
24 its regularly conducted activities.
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1 38. Based on a search of RFC Editor records and the RFC Editor's
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3 course of conduct in publishing RFCs, I have also determined that Exhibit 8
4 was published on or about **January 2007** on the RFC Editor website. At
5 such time, such document was reasonably accessible to the public, and was
6 disseminated or otherwise available to the extent that persons interested and
7
8 ordinarily skilled in the subject matter or art exercising reasonable diligence
9 could have located it.

10
11 39. Pursuant to Section 1746 of Title 28 of United States Code, I
12 declare under penalty of perjury under the laws of the United States of
13 America that the foregoing is true and correct and that the foregoing is
14 based upon personal knowledge and information and is believed to be true.
15

16
17 Date: 2/6/2014

18 By: _____


Sandy Ginoza

19
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21 Notarized: 02/06/2014 GAZ

22 Please see attached CA Acknowledgment
23 Notary Public Form
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On February 6th, 2014 before me, Jennifer Ann Zarate - Notary Public

personally appeared Sandy Ginoza

Here Insert Name and Title of the Officer

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature: Jennifer Ann Zarate

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: DECLARATION OF THE RFC PUBLISHER FOR THE INTERNET ENGINEERING TASK FORCE, AN ORGANIZED ACTIVITY OF THE INTERNET SOCIETY

Document Date: February 6th, 2014 Number of Pages: 11 pages

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
- ☐ Individual
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
- ☐ Individual
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

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OF SIGNER
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