

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SMARTPHONE TECHNOLOGIES LLC,

Plaintiff,

v.

HUAWEI DEVICE USA INC. AND
FUTUREWEI TECHNOLOGIES, INC.,

Defendants.

CIVIL ACTION NO. 6:12-CV-245

AFFIDAVIT OF SANDY GINOZA

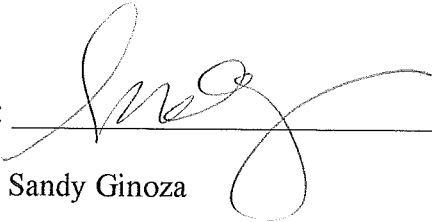
I, Sandy Ginoza, based on my personal knowledge and information, hereby declare as follows:

1. I am an employee of Association Management Solutions, LLC (AMS), which acts under contract to the Internet Society (ISOC) as the operator of the RFC Production Center. The RFC Production Center is part of the "RFC Editor" function, which prepares documents for publication and places them in an online repository for the authoritative Request for Comments (RFC) series of documents (RFC Series), and preserves records relating to these documents. The RFC Series includes, among other things, the series of Internet standards developed by the Internet Engineering Task Force (IETF), an organized activity of ISOC. I hold the position of Director of the RFC Production Center. I began employment with AMS in this capacity on 5 January 2010.
2. Among my responsibilities as Director of the RFC Production Center, I act as the custodian of records relating to the RFC Series of documents.

3. From June 1999 to 4 January 2010, I was an employee of the Information Sciences Institute at University of Southern California (ISI). I held various position titles with the RFC Editor project at ISI, ending with Senior Editor.
4. The RFC Editor function was conducted by ISI under contract to the United States government prior to 1998. In 1998, ISOC, in furtherance of its IETF activity, entered into the first in a series of contracts with ISI providing for ISI's performance of the RFC Editor function. Beginning in 2010, certain aspects of the RFC Editor function were assumed by the RFC Production Center operation of AMS under contract to ISOC (acting through its IETF function and, in particular, the IETF Administrative Oversight Committee). The business records of the RFC Editor function as it was conducted by ISI are currently housed on the computer systems of AMS, as contractor to ISOC.
5. 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.
6. Since approximately 1998, the RFC Editor's regular practice has been to publish RFCs and make them available to the public on its website at www.rfc-editor.org. The RFC Editor currently maintains authoritative versions of all RFCs in the ordinary course of its regularly conducted activities on its website at www.rfc-editor.org.
7. Prior to 1998, the RFC Editor's regular practice has been to publish RFCs and make them available to the public on the ISI website (www.isi.edu) and/or ISI ftp site ([ftp.isi.edu](ftp://ftp.isi.edu)). Those RFCs have now been moved to the RFC Editor website, www.rfc-editor.org. The RFC Editor currently maintains authoritative versions of all RFCs in the ordinary course of its regularly conducted activities on the RFC Editor website.

8. I personally reviewed the RFC documents listed in Exhibit A, each of which has been produced as an Attachment (numbered 1-7) on the accompanying DVD.
9. Each such Attachment is a true and correct copy of the document bearing the corresponding title set forth in Exhibit A.
10. I hereby certify that the Attachments hereto constitute a record of regularly conducted business activity which was (A) made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters; (B) kept in the course of the regularly conducted activity; and (C) made by the regularly conducted activity as a regular practice.
11. Based on a search of RFC Editor records, I have determined that the RFC Editor maintained a copy of each Attachment in the ordinary course of its regularly conducted activities.
12. Based on a search of RFC Editor records and the RFC Editor's course of conduct in publishing RFCs, I have also determined that the Attachments hereto were published on the RFC Editor website on or about the Publication Dates set forth in Exhibit A. At such times, each such document was reasonably accessible to the public, and was disseminated or otherwise available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence could have located it.
13. With respect to RFCs produced by the RFC Editor, since at least 1994, it has been the practice of the RFC-Editor to make such documents available to the public, without restriction, via one or more publicly accessible internet servers, on or about the date(s) printed on the face of such document(s).

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

Date: 2/21/2014 By: 
Sandy Ginoza

Notarized:

ATTACHED CALIF. ACKNOWLEDGEMENT 02/21/2014


CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On February 21st, 2014 before me, Jennifer Ann Zarate - NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared SANDY GINOZA
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: [Handwritten Signature]
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: AFIDAVIT of SANDY GINOZA

Document Date: February 21st, 2014 Number of Pages: 4 pages

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Individual Individual

Partner — Limited General Partner — Limited General

Attorney in Fact Attorney in Fact

Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

RIGHT THUMBPRINT OF SIGNER

Top of thumb here