

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

3  
4 ADVANCED MEDIA NETWORKS,  
5 LLC,

6 Plaintiff,

7  
8 v.

9  
10 VIASAT, INC., ET AL,  
11 Defendants.

Case No.: 3:15-cv-00143-BEN-MDD

**DECLARATION OF THE RFC EDITOR  
ON BEHALF OF THE INTERNET  
ENGINEERING TASK FORCE, AN  
ORGANIZED ACTIVITY OF THE  
INTERNET SOCIETY**

\_\_\_\_\_

12  
13 I, Sandy Ginoza, based on my personal knowledge and information,  
14 hereby declare as follows:

15 1. I am an employee of Association Management Solutions, LLC  
16 (AMS), which acts under contract to the Internet Society (ISOC) as the  
17 operator of the RFC Production Center. The RFC Production Center is  
18 part of the "RFC Editor" function, which prepares documents for  
19 publication and places files in an online repository for the authoritative  
20 Request for Comments (RFC) series of documents (RFC Series), and  
21 preserves records relating to these documents. The RFC Series includes,  
22 among other things, the series of Internet standards developed by the  
23 Internet Engineering Task Force (IETF), an organized activity of ISOC. I  
24 hold the position of Director of the RFC Production Center. I began  
25 employment with AMS in this capacity on 6 January 2010.

26 2. Among my responsibilities as Director of the RFC Production  
27 Center, I act as the custodian of records relating to the RFC Series, and I  
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1 am familiar with the record keeping practices relating to the RFC Series,  
2 including the creation and maintenance of such records.

3 3. From June 1999 to 5 January 2010, I was an employee of the  
4 Information Sciences Institute at University of Southern California (ISI). I  
5 held various position titles with the RFC Editor project at ISI, ending with  
6 Senior Editor.

7 4. The RFC Editor function was conducted by ISI under contract  
8 to the United States government prior to 1998. In 1998, ISOC, in  
9 furtherance of its IETF activity, entered into the first in a series of contracts  
10 with ISI providing for ISI's performance of the RFC Editor function.  
11 Beginning in 2010, certain aspects of the RFC Editor function were  
12 assumed by the RFC Production Center operation of AMS under contract  
13 to ISOC (acting through its IETF function and, in particular, the IETF  
14 Administrative Oversight Committee). The business records of the RFC  
15 Editor function as it was conducted by ISI are currently housed on the  
16 computer systems of AMS, as contractor to ISOC.

17 5. I make this declaration based on my personal knowledge and  
18 information contained in the business records of the RFC Editor as they  
19 are currently housed at AMS, or confirmation with other responsible RFC  
20 Editor personnel with such knowledge.

21 6. Prior to 1998, the RFC Editor's regular practice was to publish  
22 RFCs, making them available from a repository via FTP. When a new  
23 RFC was published, an announcement of its publication, with information  
24 on how to access the RFC, would be typically sent out within 24 hours of  
25 the publication. A contemporaneous electronic record of the  
26 announcement was made and kept in the IETF mail archive.

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7. Any RFC published via FTP 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. In particular, the RFCs were indexed and placed in a public repository.

8. The RFCs are kept in an online repository in the course of the RFC Editor’s regularly conducted activity and ordinary course of business. The records are made pursuant to established procedures and are relied upon by the RFC Editor in the performance of its functions.

9. It is the regular practice of the RFC Editor to make and keep the RFC records.

10. Exhibit VIASAT 1008 attached hereto is a true and correct copy of RFC 1459.

11. Based on my review of the RFC Editor’s business records, I have determined that RFC 1459 was published on or about \_\_\_\_\_ via FTP.

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: \_\_\_\_\_ By: \_\_\_\_\_

Sandy Ginoza