

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN SOCIETY FOR TESTING AND
MATERIALS d/b/a ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR CONDITIONING
ENGINEERS,

Plaintiffs-Counterdefendants,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant-Counterclaimant.

Case No. 1:13-cv-01215-TSC-DAR

**DECLARATION OF MATTHEW
BECKER IN SUPPORT OF
DEFENDANT-COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG, INC.'S
REPLY MEMORANDUM IN SUPPORT
OF ITS MOTION FOR SUMMARY
JUDGMENT**

Action Filed: August 6, 2013

REDACTED VERSION SOUGHT TO BE FILED UNDER SEAL

I, Matthew Becker, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney admitted to practice in the District of Columbia and am an associate with the law firm of Fenwick & West LLP, counsel of record for Defendant/Counterclaimant Plaintiff Public.Resource.Org, Inc. Except where otherwise indicated, I have personal knowledge of the facts herein and could and would testify competently hereto.

2. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 1** is a true and correct copy of excerpts of John Jarosz's deposition, Plaintiffs' designated expert witness, dated August 27, 2015.

3. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 2** is a

true and correct copy of excerpts of Steven Comstock's deposition, as the corporate designee for ASHRAE, dated March 5, 2015.

4. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 3** is a true and correct copy of excerpts of Donald Bliss's deposition, as the corporate designee for NFPA, dated March 3, 2015.

5. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 4** is a true and correct copy of excerpts of **Daniel Smith's deposition**, as the corporate designee of ASTM, dated July 24, 2015.

6. I requested that the Clerk of the Court of Appeals for the Fifth Circuit send me copies of the *amicus curiae* briefs filed in the case of *Veeck v. Southern Building Code Congress International, Inc.*, No. 99-40632. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 5** is a true and correct copy of the Brief of Amicus Curiae States of Ohio and Ten Other States and Territories Supporting Appellant Veeck Upon Rehearing En Banc, which I received in response to that request.

7. I requested that the Clerk of the Court of Appeals for the Fifth Circuit send me copies of the *amicus curiae* briefs filed in the case of *Veeck v. Southern Building Code Congress International, Inc.*, No. 99-40632. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 6** is a true and correct copy of the Brief of Amicus Curiae ASTM International in Support of Petition for a Writ of Certiorari, which I received in response to that request.

8. [REDACTED]

9. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 8** is a true and correct copy of a printout of the webpage *Membership Types and Benefits*, ASTM.org (accessed Feb. 4, 2016), <http://www.astm.org/MEMBERSHIP/MemTypes.htm>.

10. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 9** is a true and correct copy of a printout of the webpage *FAQs*, NFPA.org (accessed Feb. 4, 2016), <http://www.nfpa.org/about-nfpa/international/faqs>.

11. [REDACTED]

12. [REDACTED]

13. I requested that the Clerk of the Court of Appeals for the Fifth Circuit send me copies of the *amicus curiae* briefs filed in the case of *Veeck v. Southern Building Code Congress International, Inc.*, No. 99-40632. Attached to Public Resource's Index of Consolidated Exhibits as **Exhibit 17** is a true and correct copy of the Brief of Amicus Curiae Texas Municipal League, American National Standards Institute, National Fire Protection Association, American Society of Heating, Refrigerating, and Air-Conditioning Engineers, et al. in Support of Petition for a Writ of Certiorari, which I received in response to that request.

