

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

SOLOCRON MEDIA, LLC,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC.,
CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS, AT&T MOBILITY LLC,
SPRINT SPECTRUM L.P., AND T-MOBILE
USA, INC.,

Defendants.

Civil Action No. 2:13-cv-1059-JRG

Jury Trial Demanded

DECLARATION OF CHRISTOPHER BUTLER

My name is Christopher Butler and I declare as follows:

1. I am the Office Manager at the Internet Archive, located in San Francisco, California. I make this declaration of my own personal knowledge.
2. The Internet Archive is a website that provides access to a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, we provide free access to researchers, historians, scholars, and the general public. The Internet Archive has partnered with and receives support from various well-known institutions and libraries, including the Library of Congress.
3. The Internet Archive has created a service known as the Wayback Machine. The Wayback Machine makes it possible to surf more than 240 billion pages stored in the Internet Archive's web archive. Visitors to the Wayback Machine can search archives by URL (i.e., a website address). If archived records for a URL are available, the visitor will be presented with a

IF "" = "1" "Error! Unknown document property name.

list of available dates. The visitor may select one of those dates, and then begin surfing on an archived version of the Web. The links on the archived files, when served by the Wayback Machine, point to other archived files (whether HTML pages or images). If a visitor clicks on a link on an archived page, the Wayback Machine will serve the archived file with the closest available date to the page upon which the link appeared and was clicked.

4. The archived data made viewable and browseable by the Wayback Machine is compiled using software programs known as crawlers that surf the Web and automatically store copies of website files, preserving these files as they exist at the point of time of capture.

5. The Internet Archive assigns a URL on its site to the archived files in the format `http://web.archive.org/web/[Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]/[Archived URL]`. Thus, the Internet Archive URL `http://web.archive.org/web/19970126045828/http://www.archive.org/` would be the URL for the record of the Internet Archive home page HTML file (`http://www.archive.org/`) archived on January 26, 1997 at 4:58 a.m. and 28 seconds (1997/01/26 at 04:58:28). A web browser may be set such that a printout from it will display the URL of a web page in the printout's footer. The date assigned by the Internet Archive applies to the HTML file but not to image files linked therein. Thus images that appear on the printed page may not have been archived on the same date as the HTML file. Likewise, if a website is designed with "frames," the date assigned by the Internet Archive applies to the frameset as a whole, and not the individual pages within each frame.

6. PDF files are supplied with the corresponding URL, including the file's date and time codes, on an attached cover sheet.

7. Attached hereto as Exhibit 1 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/19991127110634/http://www.my-nokia.co.uk/>, with an archive date and time of November 27, 1999 at 11:06:34.

8. Attached hereto as Exhibit 2 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/19991128215201/http://www.my-nokia.co.uk/personal-ringtones.html>, with an archive date and time of November 28, 1999 at 21:52:01.

9. Attached hereto as Exhibit 3 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/19991127213706/http://www.my-nokia.co.uk/frames.html>, with an archive date and time of November 27, 1999 at 21:37:06.

10. Attached hereto as Exhibit 4 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/19991128231647/http://www.my-nokia.co.uk/ringtones1.html>, with an archive date and time of November 28, 1999 at 23:16:47.

11. Attached hereto as Exhibit 5 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/19991129004722/http://www.my-nokia.co.uk/ringtones2.html>, with an archive date and time of November 29, 1999 at 0:47:22.

12. Attached hereto as Exhibit 6 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL

<https://web.archive.org/web/20000119104339/http://www.my-nokia.co.uk/ringtones4.html>, with an archive date and time of January 19, 2000 at 10:43:39.

13. Attached hereto as Exhibit 7 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL

<https://web.archive.org/web/19991128184730/http://www.my-nokia.co.uk/order.html>, with an archive date and time of November 28, 1999 at 18:47:30.

14. Attached hereto as Exhibit 8 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL

<https://web.archive.org/web/19991127184803/http://www.my-nokia.co.uk/continue.html>, with an archive date and time of November 27, 1999 at 18:48:03.

15. Attached hereto as Exhibit 9 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL

https://web.archive.org/web/19991012012650/http://www.smartmedia.nl/mobile_melodies.html, with an archive date and time of October 12, 1999 at 1:26:50.

16. Attached hereto as Exhibit 10 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL

https://web.archive.org/web/19991012064538/http://www.smartmedia.nl/mobile_melodies/logo_welcome.html, with an archive date and time of October 12, 1999 at 6:45:38.

17. Attached hereto as Exhibit 11 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL

https://web.archive.org/web/19990508180723/http://www.smartmedia.nl/mobile_melodies/melodie/a.html, with an archive date and time of May 8, 1999 at 18:07:23.

18. Attached hereto as Exhibit 12 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/20020628175342/http://www.modtones.com/verizon/index.jsp>, with an archive date and time of June 28, 2002 at 17:53:42.

19. Attached hereto as Exhibit 13 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/20020805202046/http://www.modtones.com/verizon/mainEntry.jsp?searchType=howitworks>, with an archive date and time of August 5, 2002 at 20:20:46.

20. Attached hereto as Exhibit 14 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/20020720235637/http://www.modtones.com/verizon/mainEntry.jsp?searchType=howitworksphones>, with an archive date and time of July 20, 2002 at 23:56:37.

21. Attached hereto as Exhibit 15 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/20020717063054/http://www.modtones.com/verizon/mainEntry.jsp?categoryId=8&searchType=searchByGenreDrill>, with an archive date and time of July 17, 2002 at 6:30:54.

22. Attached hereto as Exhibit 16 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL <https://web.archive.org/web/20000619101736/http://www.yourmobile.com/>, with an archive date and time of June 19, 2000 at 10:17:36.

23. Attached hereto as Exhibit 17 is a true and accurate copy of the printout of the Internet Archive's records of the HTML file for the URL

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