



www.archive.org
415.561.6767
415.840-0391 e-fax

Internet Archive
300 Funston Avenue
San Francisco, CA 94118

AFFIDAVIT OF CHRISTOPHER BUTLER

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 institutions, 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 400 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 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 The visitor may select one of those dates, and then begin surfing on an archived version of the Web.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 If a visitor clicks on a link on an archived page, the Wayback Machine will serve the archived file with the closest available date to the page upon which the link appeared and was clicked.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, which surf the Web and automatically store copies of web 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/\[Year in yyyy\]\[Month in mm\]\[Day in dd\]\[Time code in hh:mm:ss\]/\[Archived URL\]](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 a 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. Attached hereto as Exhibit A are true and accurate electronic copies of printouts of the Internet Archive's records of the HTML files or PDF files for the URLs and the dates specified in the footer of the printout (for HTML) or attached coversheet (for PDF).

7. Attached hereto as Exhibit B is a true and accurate electronic copy of a screenshot of the Wayback Machine's calendar page for the URL http://www.fda.gov/ohrms/dockets/ac/01/briefing/3754b1_02_section%203.pdf, which contains blue circles on a year calendar indicating the dates for which captures for that URL are available during the specified year. The calendar page also shows the available capture dates across all years on a horizontal timeline. The timeline is located above the yearly calendar and displays available dates as black vertical lines. If no black lines are listed for a given year, the Wayback Machine has located no available captures for that



year. In the instance of the record for Exhibit B, the first available capture located in the Wayback Machine has an archive date of November 21, 2011.

8. Attached hereto as Exhibit C is a true and accurate electronic copy of a screenshot of the Wayback Machine's calendar page for the URL http://www.fda.gov/ohrms/dockets/ac/01/briefing/3754b1_01_1-orphan-medical.pdf. The first available capture located in the Wayback Machine for this URL is dated September 13, 2011.

9. Attached hereto as Exhibit D is a true and accurate electronic copy of a screenshot of the Wayback Machine's calendar page for the URL [http://www.fda.gov/OHRMS/DOCKETS/ac/01/briefing/3754b1_01_2-orphan-medical-video-tape Revised Script.pdf](http://www.fda.gov/OHRMS/DOCKETS/ac/01/briefing/3754b1_01_2-orphan-medical-video-tape-Revised-Script.pdf). The first available capture located in the Wayback Machine for this URL is dated August 30, 2003.

10. As noted at the bottom of each calendar page, the capture dates are not indicative of when or whether a change was made on a webpage or in any file residing at the specified URL. Rather, they reflect the dates for which records are available for the specified URL. The dates that crawlers visited a URL may have been determined relatively independently of the dates of any changes made in that URL's file.

11. I declare under penalty of perjury that the foregoing is true and correct.

DATE: 11/4/15



Christopher Butler

CALIFORNIA JURAT

See Attached Document.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Francisco

Subscribed and sworn to (or affirmed) before me on this

4th day of NOVEMBER, 2015, by

Christopher Butler,

proved to me on the basis of satisfactory evidence to be the person who appeared before me.




Signature: 

Exhibit A

http://web.archive.org/web/20111121200908/http://www.fda.gov/ohrms/dockets/ac/01/briefing/3754b1_02_section%203.pdf

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.