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 The visitor may select one of those dates, and then begin surfing on an archived version of the Web.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 If a visitor clicks on a link on an archived page, the Wayback Machine will serve the archived file with the closest available date to the page upon which the link appeared and was clicked.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]. 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 Thus images that appear on a page may not have been archived on the same date as the HTML file.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 copies of printouts of the Internet Archive's records of the HTML files for the URLs and the dates specified in the footer of the printout.

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

DATE: 11/16/15

Christopher Butler

Exhibit A

PictureWorks Technology's *PictureBay* Solves #1 Frustration of eBay Members, Adding Pictures to Auctions

***PictureBay* is The Fastest and Easiest Way to Add Pictures to eBay Auctions**

– http://www.*PictureBay*.com -

Spring Internet World 99 (booth #250)

DANVILLE, Calif., April 12, 1999. PictureWorks Technology Inc. today announced *PictureBay*, picture services for eBay members. Leveraging PictureWorks' expertise in digital imaging, the new *PictureBay* service makes including pictures in auctions as simple as drag and drop. As the number one auction site on the Internet, eBay is serving nearly two million auctions. Auctions with pictures result in more bids, higher sales price, and faster sales, reportedly up to 300% better than auctions without pictures. *PictureBay* makes it possible for every auction to include a picture.

A visit to the *PictureBay* website at http://www.*PictureBay*.com reveals how simple it is. Register, select a photo, preview the photo in the web page, click the send button, and you're finished. The image is automatically sized and formatted to eBay recommendations and stored on *PictureBay*'s *Rimfire* servers. A URL is provided to the auctioneer to include in their auction information and the photo is displayed inside their auction page viewed by every potential buyer.

'I have been auctioning product on eBay for over 6 months and getting pictures into my auctions use to be a real headache', said Markus Huber of Tourdirector.com. 'Using *PictureBay*, I am able to include pictures with all my auctions, faster and easier than ever. I don't have to resize my pictures, change the file format, ftp them to my server, or make sure my server is running at all times. *PictureBay* takes care of it all for me.

PictureBay picture services are available online at http://www.*PictureBay*.com/. The services now available in *PictureBay* include automatic image sizing, formatting to JPEG, 30 days of image storage on the *PictureBay* server, automatic URL generation for use in your auction, a personalized gallery with thumbnail views of all your auction pictures, full size image views, and one-click image submission for Netscape and Microsoft browsers plus drag and drop support for Microsoft Internet Explorer. With *PictureBay*, a user can drag a picture from their desktop onto the *PictureBay* 'photo box' on the website. *PictureBay* automatically resizes the image for optimum use in eBay auctions. A 2MB file from a scanner or digital camera is instantly turned into a 20KB file without the user having to do anything! The user then selects, "Send Photo" to send the picture screaming to the *PictureBay* server and confirmation comes with real-time display of the picture and the URL address where the picture is stored for 30 days. All the pictures sent to the *PictureBay* server can be viewed in a password protected gallery view that includes thumbnail images, URL links to the images, and expiration dates.

'*PictureBay* saves me at least 20 minutes for every auction I conduct', Andrew Hunter of Proficient Computer Consulting. 'There is no need for an image editing program to resize and reformat the image. I don't have to use an FTP program to put my pictures on some server on the Internet. And I do not have to pay for storage space on someone else's server or take up my personal webspace. I am Imaging savvy and comfortable with the Internet, but PictureBay makes it so simple, I don't need to be."

PictureBay's ease of use and functionality is built upon *Rimfire*, PictureWorks Technology, Inc.'s real-time integrated media solution also announced today. 'Using *Rimfire* as the backbone to *PictureBay*, we have automated nearly every user and Internet function required to put pictures in eBay auctions, stated Scott Lewis, Director of Product Strategy for PictureWorks. '*Rimfire* is a client/server imaging solution providing browser-based media acquisition, custom processing, and rapid distribution. *PictureBay* is a showcase Internet solution for *Rimfire*. All the capabilities you see in *PictureBay* could be directly integrated into any auction, classifieds, communities, or other photo intensive site in a few hours. Our objective is to see *PictureBay* functionality added to every auction site on the Internet", continued Lewis.

For a limited time, *PictureBay* is offering all its services FREE of charge. And as an added incentive, between

April 15 and May 15, 1999, PictureWorks has announced the '30-in-30 Digital Camera Give-Away!' All registered members of *PictureBay* during that period will be entered into a daily drawing to win a free digital camera. One winner will be chosen each day. Stop by for a test drive or register for your chance to win a digital camera at http://www.*PictureBay*.com.

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PictureWorks Technology, Inc. develops and markets pioneering software technologies in the field of digital imaging for the PC, corporate Intranets, and the Internet. PictureWorks has OEM relationships with nearly all of the top Digital Camera suppliers and has significant market share in Real Estate and other vertical markets. PictureWorks was founded in 1994 and is a privately held company in Danville, California.

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