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Internet Archive  
300 Funston Avenue  
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## 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 450 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 The visitor may select one of those dates, and then begin surfing on an archived version of the Web.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 If a visitor clicks on a link on an archived page, the Wayback Machine will serve the archived file with the closest available date to the page upon which the link appeared and was clicked.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: 8/22/17

Christopher Butler

# Exhibit A



# U.S. Food and Drug Administration



## CENTER FOR FOOD SAFETY AND APPLIED NUTRITION

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**CFSAN/Office of Food Additive Safety**  
**July 2007**

## Summary of All GRAS Notices

The summary tables that are immediately below provide the following information about GRAS notices received within each year since 1998, when FDA received its first GRAS notice:

- The name of the substance
- The file number (GRN No.) that FDA has assigned to the notice
- A hyperlink to the letter that FDA sent in response to the notice

Within the summary table for each year, the first row provides a hyperlink to a table that provides more details about the GRAS notices received in that year. That table lists the information in the notice corresponding to the proposed "GRAS exemption claim" (proposed 21 CFR 170.36(c)(1)), including the following information, which we proposed to make readily accessible to the public:

- The [name of the notifier and a hyperlink to the notifier's address](#)
- The intended conditions of use
- The basis for the GRAS determination

Persons interested in obtaining additional data and information in the notice may obtain a copy of those data and information that are disclosable by requesting the information under the Freedom of Information Act (see FDA's document entitled "[How to Request Information or Make a Freedom of Information Request](#)").

These tables are current as of June 29, 2007, and therefore, do not show any new notices filed by FDA, or response letters issued by FDA, after that date. These tables will be updated approximately monthly.

For further information about the GRAS notification program, telephone Dr. Paulette Gaynor at (301) 436-1192 or send a question by electronic mail to [premarkt@cfsan.fda.gov](mailto:premarkt@cfsan.fda.gov).

## List of the substances that are the subject of each GRAS Notice and the file number that FDA has assigned to the notice (GRN No.).

### GRAS Notices Received in 2007

<a href="#">Details about Notices Received in 2007</a> (GRN No. 219-227)		
GRN No.	Substance	FDA's Letter
227	Olestra	Pending
226	Krill-derived lecithin	Pending
225	Catechins from green tea extract	Pending
224	trans-Resveratrol	Pending
223	Phosphatidylserine	Pending



222	Citric acid esters of mono- and diglycerides	Pending
221	Lutein	Pending
220	alpha-Glycosyl isoquercitrin	Pending
219	Ammonium phosphatide	<a href="#">FDA has no questions</a>

## GRAS Notices Received in 2006

<a href="#">Details about Notices Received in 2006</a> <a href="#">(GRN No. 189-218)</a>		
GRN No.	Substance	FDA's Letter
218	Bacteriophage P100 preparation from <i>Listeria innocua</i>	<a href="#">FDA has no questions</a>
217	Tailored tryglycerides containing approximately 12 percent medium-chain fatty acids	Pending
216	Lipase enzyme preparation from <i>Rhizopus oryzae</i>	<a href="#">FDA has no questions</a>
215	<i>Actinidia arguta</i> extract	Pending
214	Asparaginase enzyme preparation from <i>Aspergillus niger</i> expressing the asparaginase gene from <i>A. niger</i>	<a href="#">FDA has no questions</a>
213	Hydroxypropyl methylcellulose - expanded substitution pattern (HPMC-ESP)	<a href="#">FDA has no questions</a>
212	Phospholipase A2 enzyme preparation from <i>Streptomyces violaceus</i> expressing a gene encoding phospholipase A2 from the same species	<a href="#">FDA has no questions</a>
211	Xanthan gum (reduced pyruvate)	<a href="#">FDA has no questions</a>
210	Water soluble tomato concentrate	<a href="#">FDA has no questions</a>
209	L-theanine	<a href="#">FDA has no questions</a>
208	Erythritol	<a href="#">FDA has no questions</a>
207	Barley fiber	<a href="#">FDA has no questions</a>
206	Phytosterol esters and diglycerides resulting from transesterification of vegetable oils/fats with soy phytosterols	<a href="#">FDA has no questions</a>
205	Pullulanase enzyme preparation from <i>Bacillus subtilis</i> expressing the pullulanase gene from <i>B. acidopullulyticus</i>	<a href="#">FDA has no questions</a>
204	Phospholipase C enzyme preparation from <i>Pichia pastoris</i> expressing a heterologous phospholipase C gene	<a href="#">FDA has no questions</a>
203	Erythritol fatty acid esters	<a href="#">At notifier's request, FDA ceased to evaluate the notice.</a>
202	Polyoxyethanyl-alpha-tocopheryl sebacate (PTS)	<a href="#">FDA has no questions</a>
201	Asparaginase enzyme preparation from <i>Aspergillus oryzae</i> expressing the asparaginase gene from <i>A. oryzae</i>	<a href="#">FDA has no questions</a>
200	Tailored triglycerides enriched in omega-3 fatty acids from fish oil	<a href="#">FDA has no questions</a>
199	Concentrated hydrolyzed milk protein	<a href="#">FDA has no questions</a>

198	Bacteriophage P100 Preparation from <i>Listeria innocua</i>	<a href="#">FDA has no questions</a>
197	Phosphatidylserine	<a href="#">FDA has no questions</a>
196	Bovine milk basic protein fraction	<a href="#">FDA has no questions</a>
195	Mixed beta-Glucanase and xylanase enzyme preparation from <i>Humicola insolens</i>	<a href="#">FDA has no questions</a>
194	Carbon monoxide	Pending
193	Fish oil (predominantly sardine and anchovy); tuna oil	<a href="#">FDA has no questions</a>
192	High 2-palmitic vegetable oil	<a href="#">FDA has no questions</a>
191	Lysozyme (human) purified from rice	Pending
190	Hydroxypropyl methylcellulose	<a href="#">At notifier's request, FDA ceased to evaluate the notice.</a> Resubmitted as GRN No. 213
189	Lactoferrin (human) purified from bovine milk	Pending

### GRAS Notices Received in 2005

<a href="#">Details about Notices Received in 2005</a> (GRN No. 163-188)		
GRN No.	Substance	FDA's Letter
188	Carbon monoxide	Pending
187	L(+) Tartaric acid (alternative method of manufacture)	<a href="#">FDA has no questions</a>
186	Soy lecithin enzymatically modified to have increased phosphatidylserine	<a href="#">FDA has no questions</a>
185	Concentrated tomato lycopene extract	<a href="#">FDA has no questions</a>
184	Isomaltulose	<a href="#">FDA has no questions</a>
183	Phospholipase A2 enzyme preparation from <i>Aspergillus niger</i> expressing a gene encoding a porcine phospholipase A2	<a href="#">FDA has no questions</a>
182	Hydrolyzed wheat gluten isolate; pea protein isolate	<a href="#">FDA has no questions</a>
181	Phytosterols	<a href="#">FDA has no questions</a>
180	Allyl isothiocyanate	<a href="#">FDA has no questions</a>
179	Polyglycerol polyricinoleic acid	<a href="#">FDA has no questions</a>
178	Sodium iron EDTA	<a href="#">FDA has no questions</a>
177	Plant sterol esters	<a href="#">FDA has no questions</a>
176	Plant sterols and plant sterol esters from vegetable oils or sterols/stanols from tall oil	<a href="#">FDA has no questions</a>
175	<i>Saccharomyces cerevisiae</i> strain ECMo01 with enhanced expression of urea amidolyase	<a href="#">FDA has no questions</a>
174	Lysozyme (human) enzyme preparation from rice	<a href="#">At notifier's request, FDA ceased to evaluate the notice.</a>



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