

DECLARATION OF MARILYN MCSWEENEY

I, Marilyn McSweeney, state and declare as follows:

1. I am the Program Manager for Acquisitions and Discovery Enhancement at the Massachusetts Institute of Technology (“MIT”) Libraries, 77 Massachusetts Avenue, Building 14E-210, Cambridge, Massachusetts 02139.
2. I am over 18 years of age and am competent to make this Declaration. I make this Declaration based on my own personal knowledge, based on my knowledge and review of the business records and practices of the MIT Libraries, and based on conversations with employees on my staff.
3. I have been employed at MIT since 1971, and have held many different positions in several different units of the MIT Libraries.
4. I have knowledge of the MIT Libraries’ normal business practices with respect to how MIT receives, catalogs, indexes, shelves, and makes available to the public student theses.
5. Attached as Exhibit A to this Declaration is a true and accurate copy of the catalog record from the MIT Libraries’ online catalog system (known as the Barton Catalog) for the thesis titled “Automating the Design of Packaging Families Using *PackIT*, The Packager’s Inferencing Tool” by Thomas R. Amari (the “Amari Thesis”). This is a record that MIT maintains in the ordinary course of its regular activities.
6. Attached as Exhibit B to this Declaration is a true and accurate copy of the Amari Thesis. The Amari Thesis, which is 130 pages in length, is available in its entirety from the MIT Libraries. It can also be viewed at the following URL:

206713.1

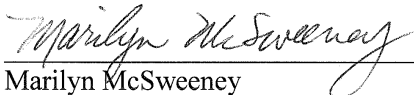
<http://dspace.mit.edu/handle/1721.1/14786>. The Amari Thesis is a record that MIT maintains in the ordinary course of its regular activities.

7. The Amari Thesis has an MIT Libraries date stamp of “JUN 25 1987,” indicating that the MIT Libraries received this thesis on June 25, 1987.
8. After a thesis has been received by the MIT Libraries, any member of the public may, if they know of the existence of the specific thesis by name, request to view a copy of it in the MIT Libraries.
9. The Amari Thesis has a cataloging date of December 21, 1987 (shown as 871221 in line number 008 of Exhibit A), indicating it was entered into OCLC, the national bibliographic utility in which MIT does its cataloging, on December 21, 1987.
10. One to three business days after a thesis receives a cataloging date in the MIT Libraries, a record of its existence will appear in the list of results of a relevant search of the MIT Libraries’ collections via the Barton Catalog. The Barton Catalog is available online to any user of the World Wide Web. Prior to the creation of the Web, access to the records in the Barton Catalog was limited to people who were on the MIT campus or otherwise had access to the OCLC database.
11. Based on the practices in place at the time, the Amari Thesis would have appeared in a relevant Barton Catalog search conducted one to three business days after December 21, 1987.
12. From at least June 1987 until July 2001, the Barton Catalog allowed keyword searching only for words in the thesis title. From July 2001 to the present, the

Barton Catalog allowed keyword searching for a number of additional fields, including author, title, thesis supervisor, degree, and department.

13. After a thesis receives a cataloging date in the MIT Libraries, any member of the public may request and purchase a copy of it from MIT.
14. After being cataloged in OCLC, a thesis undergoes a process of being labeled and moved to a shelf of the MIT Libraries. This process typically takes two to four weeks. According to MIT's normal business practice at the time, the Amari Thesis would have been displayed on a shelf of the MIT Libraries no later than January 18, 1988.
15. Once shelved in the MIT Libraries, a thesis can be borrowed by a member of the MIT community, and a copy can be purchased by any member of the public.
16. On August 8, 2005, the entire Amari Thesis was made available for viewing on MIT's online database known as DSpace.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 26, 2013, at Cambridge, Massachusetts.


Marilyn McSweeney