UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CANON, INC., CANON U.S.A., INC. AND AXIS COMM. AB, *Plaintiffs,*	
v.	Civil Action No. 1:19-MC-91401-NMG-JCB
AVIGILON FORTRESS CORPORATION, *Defendant.*	

DECLARATION OF KATHERINE ZIMMERMAN

I, Katherine Zimmerman state and declare as follows:

1. I am a Scholarly Communications and Licensing Librarian at the Massachusetts Institute of Technology ("MIT") Libraries, 105 Broadway, Building NE36, Suite 6101, Cambridge, Massachusetts 02142.

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, based on conversations with other library staff, and based on the notes and records of Marilyn McSweeney who prepared Declarations until her retirement in 2016.

3. I have been employed at MIT since 2016.

4. Through the actions described in paragraph 2, I have become knowledgeable about 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 in standard format from the MIT Libraries' online catalog system (known as the Barton Catalog) for the thesis titled "Visual Memory" by Christopher James Kellogg (the "Kellogg 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 catalog record in MARC tags format from the Barton Catalog for the Kellogg Thesis. This is a record that MIT maintains in the ordinary course of its regular activities.

7. Attached as Exhibit C to this Declaration is a true and accurate copy of the Kellogg Thesis. The Kellogg Thesis, which is 92 pages in length, is available in its entirety from the MIT Libraries. It can also be viewed at the following URL: http://hdl.handle.net/1721.1/108869. The Kellogg Thesis is a record that MIT maintains in the ordinary course of its regular activities.

8. The cover page of the original printed copy of the Kellogg Thesis has an MIT Libraries date stamp of "JUL 09 1993" indicating that the MIT Libraries received this thesis on July 9, 1993.

9. Once a thesis has been received by the MIT Libraries, the original print copy is sent to the Archives of the MIT Libraries, at which point 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.

10. The Kellogg Thesis has a cataloging date of September 28, 1993 (shown as 930928 in line number 008 of Exhibit B), indicating it was entered into OCLC,

the national bibliographic utility in which MIT does its cataloging, on September 28, 1993.

11. 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.

12. 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.

13. Based on the practices in place at the time, the Kellogg Thesis would have appeared in a relevant Barton Catalog search conducted one to three business days after September 28, 1993.

14. From June 1987 through June 1995, the Barton Catalog allowed for keyword-in-title searching only. From June 1995 until July 2001, the Barton Catalog allowed for keyword searching for words in the thesis title and thesis notes (thesis notes consist of University, Department, and Program names). From July 2001 to the present, the Barton Catalog has allowed keyword searching for a number of fields, including author, title, thesis supervisor, degree, and department. Exact author and title searching has always been available.

15. 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.

16. 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 Kellogg Thesis would have been displayed on a shelf of the MIT Libraries no later than December 28, 1993.

17. 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.

18. On May 11, 2017 the entire Kellogg Thesis was made available for viewing on MIT's online database known as DSpace.

19. To the best of my knowledge and that of current MIT employees, unless stated otherwise, the above statements are descriptions of normal business practices at the MIT Libraries from at least 1993 and through the present.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 16, 2019, at Cambridge, Massachusetts.

KATHERINE ZIMMERMAN

EXHIBIT A

DOCKET ALARM

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 inter-face) 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.

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Smarter legal research.