

AFFIDAVIT

I, Robert Cleary, under oath, hereby depose and state as follows:

1. I am the Head of Acquisitions and Cataloging at the Libraries at Syracuse University (“SU Library”). The SU Library consists of three main libraries on campus: the Bird Library, the Carnegie Library and the King & King Architecture Library.
2. All books and periodicals at SU Library are routinely cataloged and viewable by the public through a user-interface searchable catalog, and have been since 1983. The SU Library has employed three different cataloging systems in the recent past: SULIRS, a DOS-based interface system from 1983-1990; NOTIS, a DOS-based interface system from 1990-1997, and Voyager, a windows-based user interface which has been in use by the Library since 1997. The SU Library’s collection is also available through member-cooperative databases, including the Online Computer Library Catalog (“OCLC”), which uses a web-based interface to allow catalog searching of member libraries, including the SU Library.
3. A library customer interested in accessing a book or periodical in the SU Library’s collection would have searched either the SU Library’s windows-based catalogue or the web-based OCLC catalog (for example, through a browser search, such as Google) via title, keyword, date and author. The user could retrieve the book or periodical by providing the unique call number, as well as the title and date of the publication to the SU Library.
4. The Sigma Catalog is a publication that SU Library had received on an annual basis. Our collection currently includes copies from 1984-1988, 1990-1992 and 1994-1995. As part of our practice, we attach bar codes on the front cover for books and periodicals, which identifies the publication as originating from the SU Library collection. The bibliographic

data associated with the 1988 Sigma Catalog includes a cataloged date of May 14, 1997 (which reflects the migration from NOTIS to the Voyager catalog system in 1997), as well as a unique call number of TP202.S53. *See* Exhibit A (accessed on November 20, 2019) (screenshot of Voyager catalog information). This indicates that the 1988 Sigma Catalog was available for public viewing at least as of May 14, 1997.

5. I hereby declare that all statements made herein of my own knowledge are true and correct. I further declare that all of my statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: 11/21/19

By: Robert M. Cleary
Robert M. Cleary
Head of Acquisitions and Cataloging
Syracuse University Libraries

STATE OF NEW YORK)

SS:

COUNTY OF ONONDAGA)

On this 21st day of November, 2019, before me personally came Robert M. Cleary to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.



Notary Public

ALISON J. WATERS
Notary Public - State of New York
No. 01WA6247663
Qualified in Onondaga County
My Commission Expires 08/29/23

EXHIBIT

A

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