

I, Kelley Hayes Greenhill state and declare as follows:

**I. Introduction**

1. I am currently the Manager of Research & Information Services at Finnegan, Henderson, Farabow, Garrett & Dunner LLP, 901 New York Avenue NW, Washington, DC 20001-4413.

2. I am over 18 years of age and am competent to make this Declaration. I make this Declaration based on my knowledge of library science practices and my own personal knowledge.

3. I earned a Master of Science in Library Science (“MSLS”) from the Catholic University of America in 1995, and a Bachelor of Arts in Political Science from Duquesne University in 1989. I have worked as a librarian for over twenty-five years. I have been employed in the Research & Information Services Department at Finnegan, Henderson, Farabow, Garrett & Dunner since 2019. Before that, from 1995-2015, I was employed in the Library Department of Sterne Kessler Goldstein & Fox. And from 2015-2019, I was employed in the Knowledge and Research Services Group (formerly, Information Research Service) at Northrop Grumman Corporation.

4. I am a member of the American Association of Law Libraries and a member of the Law Librarians’ Society of Washington, DC.

**II. Standard Library Practice for Receiving, Cataloging, and Shelving Materials**

5. I have knowledge of and experience with standard library practices regarding receiving, cataloging, and shelving of materials. For example, I have knowledge of and experience with the Machine-Readable Cataloging (MARC) system, an industry-wide standard that libraries use to catalogue materials.

6. Under standard library practice, when a library receives an item, it stamps the item with the library name and often with a date that is within a few days or weeks of receipt. The library will catalogue the item within a matter of a few days or weeks of receiving it.

7. By the mid-1970s, standard library practice involved cataloguing items using the MARC system. The MARC system was developed in the 1960s to standardize bibliographic records so they could be read by computers and shared among libraries. By the mid-1970s, MARC had become the international standard for bibliographic data, and it is still used today.

8. After an item is catalogued, the public may access the item by searching the catalogue and requesting the item from the library. Standard library practice is to then shelve the item within a matter of a few days or weeks of cataloging it.

9. Given the matter of a few days or weeks between receiving an item and cataloging it, and the matter of a few days or weeks between cataloging an item and shelving it, the total time between receiving an item and shelving it is a matter of a couple of weeks or months.

### **III. MARC Records**

10. Many libraries provide public access to their MARC records via the Internet and/or their electronic cataloguing system at the library.

11. A MARC record contains several standard fields, each of which contains specific information about the catalogued item. Each field is identified by a unique three-digit “tag” (from 001-999) that identifies the kind of information that follows.

12. For example, field 245 lists the title of the work, field 260 lists the publisher information, field 020 lists the ISBN information, and field 050 lists the corresponding Library of Congress call number.

13. The date on which an item is first catalogued is contained in field 008 (i.e., date entered on file). The first six characters of field 008 are always in the “YYMMDD” format. As discussed above, the public may access an item after it is catalogued by searching the catalogue and requesting the item from the library, and standard library practice is to then shelve the item within a matter of a few days or weeks of cataloging it.

14. The date and time of latest transaction to the MARC record is reflected in field 005. For example, when a library acquires a new item, it automatically populates field 005 of the MARC record with the initial date of creation in the “YYYYMMDD” and “HHMMSS” format. The date in field 005 is then automatically updated by the library’s computer system every time the library updates the MARC record, for example, to reflect that an item has been moved to a different shelving location within the library. Thus, the date reflected in field 005 of the MARC record is necessarily on or after the date that the item was first acquired and catalogued by the library.

15. Field 955 contains local tracking information.

#### **IV. Library Record for *Grossman***

16. *David A. Grossman*, “Information Retrieval: Algorithms and Heuristics,” Kluwer International Series in Engineering and Computer Science (Kluwer Academic Publishers 1998) was published by Kluwer Academic Publishers in 1998.

17. Attached hereto as Exhibit A to this Declaration is a true and correct copy of the MARC record from the University of California – Berkley for its copy of *Grossman*.

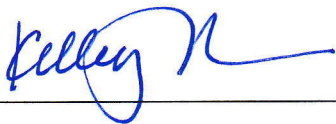
18. As shown in Exhibit A, the date field 008 lists the first six characters “981117” in typical “YYMMDD” format, indicating that *Grossman* was first catalogued by the University of California – Berkley on November 17, 1998.

19. The information available from the University of California - Berkley is consistent with the book being publicly available in 1998.

**V. Conclusion**

20. I declare under penalty of perjury that the foregoing is true and correct. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were 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.

Executed on March 26, 2020

  
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# Exhibit A

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