

## DECLARATION OF JUNE ANN MUNFORD

Netflix v. GoTV  
IPR2023-00758  
Netflix Ex. 1023

1. My name is June Ann Munford. I am over the age of 18, have personal knowledge of the facts set forth herein, and am competent to testify to the same.
2. I earned a Master of Library and Information Science (MLIS) from the University of Wisconsin-Milwaukee in 2009. I have over ten years of experience in the library/information science field. Beginning in 2004, I have served in various positions in the public library sector including Assistant Librarian, Youth Services Librarian and Library Director. I have attached my Curriculum Vitae as Appendix CV.
3. During my career in the library profession, I have been responsible for materials acquisition for multiple libraries. In that position, I have cataloged, purchased and processed incoming library works. That includes purchasing materials directly from vendors, recording publishing data from the material in question, creating detailed material records for library catalogs and physically preparing that material for circulation. In addition to my experience in acquisitions, I was also responsible for analyzing large collections of library materials, tailoring library records for optimal catalog

search performance and creating lending agreements between libraries during my time as a Library Director.

4. I am fully familiar with the catalog record creation process in the library sector. In preparing a material for public availability, a library catalog record describing that material would be created. These records are typically written in Machine Readable Catalog (herein referred to as “MARC”) code and contain information such as a physical description of the material, metadata from the material’s publisher, and date of library acquisition. In particular, the 008 field of the MARC record is reserved for denoting the date of creation of the library record itself. As this typically occurs during the process of preparing materials for public access, it is my experience that an item’s MARC record indicates the date of an item’s public availability.
  
5. Typically, in creating a MARC record, a librarian would gather various bits of metadata such as book title, publisher and subject headings among others and assign each value to a relevant numerical field. For example, a book’s physical description is tracked in field 300 while title/attribution is tracked in field 245. The 008 field of the MARC record is reserved for denoting the creation of the library record itself. As this is the only date reflecting the inclusion of said materials within the library’s collection, it is my experience

that an item's 008 field accurately indicates the date of an item's public availability.

6. I am familiar with the Internet Archive, a digital library formally certified by the State of California as a public library. Among other services that the Internet Archive makes available to the general public is the Wayback Machine, an online archive. The Internet Archive's Wayback Machine service archives webpages as of a certain capture date to track changes in the web over time. The Internet Archive has been in operation as a nonprofit library since 1996 and has hosted the Wayback Machine service since its inception in 2001. During my time as a librarian, I frequently used the Internet Archive's Wayback Machine for research and instruction purposes. This includes teaching instructional classes on using the Wayback Machine to library patrons and using the Wayback Machine to research reference inquiries that require hard-to-find online resources. I consider the Internet Archive's recordskeeping to be as rigorous and detailed as other formal library recordskeeping practices such as MARC records, OCLC records and Dublin Core.
  
7. I have reviewed Exhibit 1023, a webpage entitled *ZenZui: The ZenZui Experience* by ZenZui.

8. Attached hereto as Appendix ZENZUI01 is a screen capture of the Internet Archive Wayback Machine entry for <http://www.zenzui.com/products.html>.  
I secured these screen captures myself from  
<https://web.archive.org/web/20070406171650/http://www.zenzui.com/products.html>.
9. I have compared Netflix's copy of *ZenZui: The ZenZui Experience* (attached as Exhibit 1023) to this copy of *ZenZui: The ZenZui Experience* I secured myself from the Internet Archive (attached as Appendix ZENZUI01). It is my determination that Netflix's copy is a true and correct copy/the same etc. Considering Appendix ZENZUI01 indicates *ZenZui: The ZenZui Experience* was first preserved by the Internet Archive as of April 6, 2007, it is also my determination that *ZenZui: The ZenZui Experience* was first available to the public by the Internet Archive as of April 6, 2007 if not earlier by the webpage's publisher.
10. I have been retained on behalf of Netflix, Inc. to provide assistance in the legal dispute between GOTV Steaming, LLC and Netflix, Inc. in establishing the authenticity and public availability of the documents discussed in this declaration. I am being compensated for my services in this

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