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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

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EDWARD W. FELTEN; BEDE LIU; SCOTT A. CRAVER; MIN WU; DAN S. WALLACH; BEN SWARTZLANDER; ADAM STUBBLEFIELD; RICHARD DREWS DEAN; and USENIX ASSOCIATION, a Delaware non-profit non-stock corporation,

Plaintiffs,

VS.

OF AMERICA, INC.; SECURE DIGITAL MUSIC INITIATIVE FOUNDATION; VERANCE CORPORATION; JOHN ASHCROFT, in his official capacity as ATTORNEY GENERAL OF THE UNITED STATES; DOES 1 through 4, inclusive, Defendants.

RECORDING INDUSTRY ASSOCIATION

Hon. Garrett E. Brown Case No. CV-01-2669 (GEB) Civil Action

SUPPLEMENTAL DECLARATION OF BEDE LIU

## BEDE LIU, of full age, hereby declares:

1. I am a named plaintiff in this action. This declaration supplements my declaration of August 13, 2001.

- 2. Dr. Min Wu and I have signed a contract with the academic publisher, Springer-Verlag, to publish Dr. Wu's dissertation as a book. A copy of the contract is attached to this declaration. If we go forward with the book, our manuscript would be due on February 15, 2002. The book would include a section based on Chapter 10 of Dr. Wu's dissertation, entitled "Attacks on Unknown Data Hiding Algorithms," which was filed under seal as Exhibit F to the complaint (June 6, 2001).
- 3. Ordinarily, in preparing a dissertation for subsequent publication as a book, the authors will revise the dissertation. Before submitting a manuscript to Springer-Verlag, Dr. Wu and I expect to make changes to Chapter 10 of her dissertation that will be more than the "immaterial, grammatical" kind permitted by RIAA, SDMI and Verance. Some of these changes may include substantive, new material. But we will not submit a manuscript that includes any substantive changes if our exposure to liability under the DMCA is not resolved.
- I will be in Paris, France the weeks of October 22 and 29, 2001, to visit some universities and give academic presentations. I would like to talk about our work on the SDMI Challenge. However, I am concerned that I may be exposed to liability if I speak outside the confines of the "approved" papers. Therefore, I plan to confine my presentations to the materials that were filed under seal with the complaint, and to which the defendants have no objections. Because my talks will be given to technical audiences, I expect to be asked questions about different kinds of attacks (or remedies) that could be employed against watermarking in general and the SDMI technologies in particular, and about how our results might be generalized. I am not sure how to answer such questions other than to limit my answers to the material we submitted with the complaint. I, therefore, have to be very cautious about answering.

5. The problems I face with the manuscript and my talk in Paris show how the DMCA affects my work as a scientist. I have never felt as constrained in my career as I do now and, I think, this feeling must be shared by many others in the scientific community too. In over 40 years of experience as a scientist, I can say that many advances in science come about unexpectedly, sometimes through informal conversations with colleagues and students, sometimes by reading an article that contains an observation or point that the author considered minor. Science often progresses in ways that are unexpected. If I were able to converse freely with my French colleagues, for example, they may say something that gives me an insight into a new line of research, perhaps a new countermeasure of watermarking attack, or a new line of attack that needs to be protected against, or some idea that is totally unrelated to watermarking. Or I may say something that triggers a research idea in one of them. Dr. Wu or I may have an insight that leads to an interesting problem or solution that we would want to include in our manuscript. We cannot, as scientists, predict when, or explain how, that happens. But constraints placed on work, like those imposed on us by the DMCA, hurt the best process we have for giving birth to new insights and understandings, a free and open exchange of information and ideas. Thus, the DMCA not only negatively affects how I, Dr. Wu and my student Scott Craver go about our profession as scientists, but advancements in science in general. And I fear that it will affect our work even more so in the future.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 21, 2001, in Princeton, NJ.

Bede Liu		