

I, Brian Byrne, declare as follows:

1. I have personal knowledge of the facts set forth herein, and if called to testify, I could and would competently testify to the same.

2. I have been involved in the field of secure payment transactions standardization and publication services for almost twenty years. For nearly all of this time, I have participated in the activities of EMVCo, LLC (“EMVCo”), a global technical body that facilitates the worldwide interoperability and acceptance of secure payment transactions by creating and managing the “EMV” payment system specifications and related specification-compliance testing processes.

3. I was involved in the business operations of EMVCo from 2006 to 2023. I served as a board member on the Board of Managers (“Board”) of EMVCo from July 1st, 2006 to October 28th, 2011, and, within that period, as Chairman of the Board from July 1st, 2006 to June 30, 2007 and again from July 1st, 2009 to June 30, 2010. The Board is responsible for nearly all of the decision making of EMVCo, including approval and publication of the EMV specification documents.

4. From October 29th, 2011 to around April 10th, 2013, I worked as a Senior Director in Visa Inc.’s Global Products division. From April 22nd, 2013 to February 28th, 2023, I worked for EMVCo as a Director of Engagement and Operations.

5. Throughout the above-referenced periods in which I participated in EMVCo's activities, my responsibilities included presiding over or participating in the approval or publication process for standard specification documents of EMVCo. I was personally involved with the Board's approval to publish the specification documents attached hereto as Attachments A to M.

6. Since March 1st, 2023, I have been an independent consultant providing consultation services to EMVCo related to payment systems.

7. I am familiar with EMVCo's record-keeping and publication practices since July 2006, based on my personal recollection, my review of EMVCo's business records since that time, and my regular participation in EMVCo's daily operations and discussions with EMVCo members as Chairman and Board member over the years. In particular, I am familiar with the publication procedures used by EMVCo. Therefore, the statements in this declaration regarding the publication and public availability of the EMVCo's standard specification documents are based on personal knowledge.

8. Since July 2006 at the latest, when I began serving as a Board member of EMVCo, EMV specifications have been publicly available for download from the EMVCo website (<https://www.emvco.com/>), which is a publicly accessible website and commonly used by companies and professionals working in the secure payment transactions industry to access and download such specification documents.

9. The Board approves all specifications published by EMVCo. Upon approval of the Board, EMVCo operations secretariat prepares documents for publication, and the approved document is published on the EMVCo website typically within one or two days after the Board's approval. For the vast majority of EMV specification documents published by EMVCo, including specifically the specification documents attached hereto as Attachments A to M, at all times since at least July, 2006, a visitor to the EMVCo website is required only to agree to a terms of use by, e.g., clicking a link or button on the download webpage indicating acceptance of such terms of use, to download the specification documents in full and free of charge.

10. Since July 2006 at the latest, EMVCo has had a facility to let the public subscribe to EMVCo website updates and newsletters. Those who subscribe receive emails with updates on EMVCo website content, including specification publication, that are usually sent weekly and newsletters that provide more content on EMVCo activities are sent three or four times a year. Newsletters usually include notifications regarding publication of any specifications. It is my understanding from my participation in the EMVCo's activities that a vast community consisting of thousands of technicians, engineers, and businesspeople in the secure payment transactions industry would have received information about specification publication from EMVCo directly or indirectly, including through such emails and newsletters.

11. This declaration concerns the following EMV specification documents:
- a. EMV Integrated Circuit Card Specifications for Payment Systems, Book 1, version 4.2, June 2008 (Attachment A)
 - b. EMV Integrated Circuit Card Specifications for Payment Systems, Book 2, version 4.2, June 2008 (Attachment B)
 - c. EMV Integrated Circuit Card Specifications for Payment Systems, Book 3, version 4.2, June 2008 (Attachment C)
 - d. EMV Integrated Circuit Card Specifications for Payment Systems, Book 2, version 4.2, June 2008 (Attachment D)
 - e. EMV Contactless Specifications for Payment Systems, Book A, version 2.1, March 2011 (Attachment E)
 - f. EMV Contactless Specifications for Payment Systems, Book B version 2.1, March 2011 (Attachment F)
 - g. EMV Contactless Specifications for Payment Systems, Book C-1 version 2.1, March 2011 (Attachment G)
 - h. EMV Contactless Specifications for Payment Systems, Book C-2 version 2.1, March 2011 (Attachment H)
 - i. EMV Contactless Specifications for Payment Systems, Book C-3 version 2.1, March 2011 (Attachment I)

j. EMV Contactless Specifications for Payment Systems, Book C-4 version 2.1, March 2011 (Attachment J)

k. EMV Contactless Specifications for Payment Systems, Book D version 2.1, March 2011 (Attachment K)

12. For this declaration I shall refer to specification documents in Attachments A to D as “ICC Version 4.2 Specifications” and those in Attachments E to K as “Contactless Version 2.1 Specifications” and collectively, the “Specifications.”

13. All of the Specifications have been published by EMVCo on its website for download free of charge as I described in Paragraph 8 above. Based on my review of past snapshots of EMVCo’s website and my recollection of the ordinary course of business of EMVCo, the ICC Version 4.2 Specifications and the Contactless Version 2.1 Specifications were made publicly available no later than June 27th 2008 and April 6th, 2011, respectively, for free download from the EMVCo website (<https://www.emvco.com/>), consistent with the date notations at the first pages of the Specifications. I personally retrieved, from EMVCo’s backup files, the copies of Specifications in Attachments A to K, which were made publicly available on the aforementioned dates.

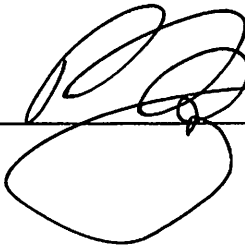
14. I also personally retrieved, from EMVCo’s backup files, attached copies of quarterly newsletters dated July 2008 and May 2011 (Attachments L, M) containing

references to publications of these Specifications, which were sent out via email and posted on EMVCo's website in July 2008, and May 2011, respectively.

15. My knowledge of the procedures surrounding the creation of the date notation and publication is in part based on EMVCo's policies and practices as I understand them through my work at EMVCo. I relied on these policies and practices for my work at EMVCo. I have no reason to believe that EMVCo's typical practice was not followed for the Specifications and newsletters attached. As stated above, I believe that EMVCo published the ICC Version 4.2 Specifications and the Contactless Version 2.1 Specifications on its website in June 2008 and April 2011, respectively, and published the newsletters dated July 2008 and May 2011 (Attachments L, M) in July 2008, May 2011, respectively, and have no reason to suspect to the contrary.

I, Brian Byrne, declare under penalty of perjury that the foregoing is true and correct.

Executed on Aug 3, 2023
in San Francisco, California, United States of America



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a solid horizontal line.

Brian Byrne