

DECLARATION OF JUNE ANN MUNFORD

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 have reviewed Exhibit 2008, "Multitarget Stool DNA Testing for Colorectal-Cancer Screening" by Thomas F. Imperiale, et al as published in *The New England Journal of Medicine* April 3, 2014.
7. Attached hereto as Appendix IMPERIALE01 is a true and correct copy of the MARC record for *The New England Journal of Medicine* as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix IMPERIALE01 accurately describes the title, publisher and ISSN number of *The New England Journal of Medicine*. The Dates of Publication field present on page 3 of this record indicates the library's collection includes the April 3, 2014 issue of *The New England Journal of Medicine* containing "Multitarget Stool DNA Testing for Colorectal-Cancer Screening".
8. Attached hereto as Appendix IMPERIALE02 is a true and correct copy of "Multitarget Stool DNA Testing for Colorectal-Cancer Screening" as published in *The New England Journal of Medicine* as held by the Penn State University Library. These scans were secured from the library's

collection. In comparing Exhibit 2008 to Appendix IMPERIALE02, it is my determination that Exhibit 2008 is a true and correct copy of "Multitarget Stool DNA Testing for Colorectal-Cancer Screening" by Thomas F. Imperiale, et al as published in *The New England Journal of Medicine*.

9. The 008 field of the MARC record in Appendix IMPERIALE01 indicates the date of record creation. The 008 field of Appendix IMPERIALE01 indicates the Penn State University Library first acquired *The New England Journal of Medicine* as of June 18, 1996 and held the journal in perpetuity until the publication of "Multitarget Stool DNA Testing for Colorectal-Cancer Screening". Considering this information, it is my determination that *The New England Journal of Medicine* April 3, 2014 and therefore "Multitarget Stool DNA Testing for Colorectal-Cancer Screening" was made available to the public shortly after its initial publication in April 3, 2014.
10. I have reviewed Exhibit 2009, "The Advanced Adenoma as the Primary Target of Screening" by Sidney J. Winawer and Ann G. Zauber as published in *Gastrointestinal Endoscopy Clinics of North America* January 2002.
11. Attached hereto as Appendix WINAWER01 is a true and correct copy of the MARC record for *Gastrointestinal Endoscopy Clinics of North America* as

held by the University of Madison-Wisconsin Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix WINAWER01 accurately describes the title, publisher and ISSN number of *Gastrointestinal Endoscopy Clinics of North America*. The 'This Location Has' field present on page 3 of this record indicates the library's collection includes the January 2002 issue of *Gastrointestinal Endoscopy Clinics of North America* containing "The Advanced Adenoma as the Primary Target of Screening". In comparing Exhibit 2009 to Appendix WINAWER01, it is my determination that Exhibit 2009 is a true and correct copy of "The Advanced Adenoma as the Primary Target of Screening" by Sidney J. Winawer and Ann G. Zauber as published in *Gastrointestinal Endoscopy Clinics of North America*.

12. The 008 field of the MARC record in Appendix WINAWER01 indicates the date of record creation. The 008 field of Appendix WINAWER01 indicates the University of Madison-Wisconsin Library first acquired *Gastrointestinal Endoscopy Clinics of North America* as of August 30, 1990 and held the journal in perpetuity until the publication of "The Advanced Adenoma as the Primary Target of Screening". Considering this information, it is my determination that *Gastrointestinal Endoscopy Clinics of North America* January 2002 and therefore "The Advanced Adenoma as the Primary Target

of Screening" was made available to the public shortly after its initial publication in January 2002.

13.I have reviewed Exhibit 2010, "The Genetic Basis of Colorectal Cancer: Insights into Critical Pathways of Tumorigenesis" by Daniel C. Chung as published in *Gastroenterology* September 2000.

14.Attached hereto as Appendix CHUNG01 is a true and correct copy of the MARC record for *Gastroenterology* as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix CHUNG01 accurately describes the title, publisher and ISSN number of *Gastroenterology*. The Availability field present on page 10 of this record indicates the library's collection includes the September 2000 issue of *Gastroenterology* containing "The Genetic Basis of Colorectal Cancer: Insights into Critical Pathways of Tumorigenesis".

15.Attached hereto as Appendix CHUNG02 is a true and correct copy of "The Genetic Basis of Colorectal Cancer: Insights into Critical Pathways of Tumorigenesis" as published in *Gastroenterology* as held by the Penn State University Library. These scans were secured from the library's collection.

In comparing Exhibit 2010 to Appendix CHUNG02, it is my determination that Exhibit 2010 is a true and correct copy of "The Genetic Basis of Colorectal Cancer: Insights into Critical Pathways of Tumorigenesis" by Daniel C. Chung as published in *Gastroenterology*.

16. The 008 field of the MARC record in Appendix CHUNG01 indicates the date of record creation. The 008 field of Appendix CHUNG01 indicates the Penn State University Library first acquired *Gastroenterology* as of May 3, 1982 and held the journal in perpetuity until the publication of "The Genetic Basis of Colorectal Cancer: Insights into Critical Pathways of Tumorigenesis". Considering this information, it is my determination that *Gastroenterology* September 2000 and therefore "The Genetic Basis of Colorectal Cancer: Insights into Critical Pathways of Tumorigenesis" was made available to the public shortly after its initial publication in September 2000.

17. I have reviewed Exhibit 2011, "Risk of Progression of Advanced Adenomas to Colorectal Cancer by Age and Sex: Estimates Based on 840 149 Screening Colonoscopies" by Hermann Brenner, et al as published in *Gut* June 2007.

18. Attached hereto as Appendix BRENNER01 is a true and correct copy of the MARC record for *Gut* as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix BRENNER01 accurately describes the title, publisher and ISSN number of *Gut*. The Dates of Publication field present on page 3 of this record indicates the library's collection includes the June 2007 issue of *Gut* containing "Risk of Progression of Advanced Adenomas to Colorectal Cancer by Age and Sex: Estimates Based on 840 149 Screening Colonoscopies".

19. Attached hereto as Appendix BRENNER02 is a true and correct copy of "Risk of Progression of Advanced Adenomas to Colorectal Cancer by Age and Sex: Estimates Based on 840 149 Screening Colonoscopies" as published in *Gut* as held by the Penn State University Library. These scans were secured from the library's collection. In comparing Exhibit 2011 to Appendix BRENNER02, it is my determination that Exhibit 2011 is a true and correct copy of "Risk of Progression of Advanced Adenomas to Colorectal Cancer by Age and Sex: Estimates Based on 840 149 Screening Colonoscopies" by Hermann Brenner, et al as published in *Gut*.

20. The 008 field of the MARC record in Appendix BRENNER01 indicates the date of record creation. The 008 field of Appendix BRENNER01 indicates the Penn State University Library first acquired *Gut* as of March 12, 1998 and held the journal in perpetuity until the publication of "Risk of Progression of Advanced Adenomas to Colorectal Cancer by Age and Sex: Estimates Based on 840 149 Screening Colonoscopies". Considering this information, it is my determination that *Gut* June 2007 and therefore "Risk of Progression of Advanced Adenomas to Colorectal Cancer by Age and Sex: Estimates Based on 840 149 Screening Colonoscopies" was made available to the public shortly after its initial publication in June 2007.

21. I have reviewed Exhibit 2012, "Colorectal Cancer Screening Compliance by Medicine Resident: Perceived and Actual" by David L. Zack, et al as published in *The American Journal of Gastroenterology* October 2001.

22. Attached hereto as Appendix ZACK01 is a true and correct copy of the MARC record for *The American Journal of Gastroenterology* as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix ZACK01 accurately describes the title, publisher and ISSN number of *The American Journal of Gastroenterology*. The Dates of Publication field

present on page 3 of this record indicates the library's collection includes the October 2001 issue of *The American Journal of Gastroenterology* containing "Colorectal Cancer Screening Compliance by Medicine Resident: Perceived and Actual".

23. Attached hereto as Appendix ZACK02 is a true and correct copy of

"Colorectal Cancer Screening Compliance by Medicine Resident: Perceived and Actual" as published in *The American Journal of Gastroenterology* as held by the Penn State University Library. These scans were secured from the library's collection. In comparing Exhibit 2012 to Appendix ZACK02, it is my determination that Exhibit 2012 is a true and correct copy of "Colorectal Cancer Screening Compliance by Medicine Resident: Perceived and Actual" by David L. Zack, et al as published in *The American Journal of Gastroenterology*.

24. The 008 field of the MARC record in Appendix ZACK01 indicates the date of record creation. The 008 field of Appendix ZACK01 indicates the Penn State University Library first acquired *The American Journal of Gastroenterology* as of March 12, 1998 and held the journal in perpetuity until the publication of "Colorectal Cancer Screening Compliance by Medicine Resident: Perceived and Actual". Considering this information, it

is my determination that *The American Journal of Gastroenterology* October 2001 and therefore "Colorectal Cancer Screening Compliance by Medicine Resident: Perceived and Actual" was made available to the public shortly after its initial publication in October 2001.

25.I have reviewed Exhibit 2013, "Cost-effectiveness of a Single Colonoscopy in Screening for Colorectal Cancer" by Amnon Sonnenberg, et al as published in *Archives of Internal Medicine* January 2002.

26.Attached hereto as Appendix SONNENBERG01 is a true and correct copy of the MARC record for *Archives of Internal Medicine* as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix SONNENBERG01 accurately describes the title, publisher and ISSN number of *Archives of Internal Medicine*. The Availability field present on page 7 of this record indicates the library's collection includes the January 2002 issue of *Archives of Internal Medicine* containing "Cost-effectiveness of a Single Colonoscopy in Screening for Colorectal Cancer".

27.Attached hereto as Appendix SONNENBERG02 is a true and correct copy of "Cost-effectiveness of a Single Colonoscopy in Screening for Colorectal

Cancer" as published in *Archives of Internal Medicine* as held by the Penn State University Library. These scans were secured from the library's collection. In comparing Exhibit 2013 to Appendix SONNENBERG02, it is my determination that Exhibit 2013 is a true and correct copy of "Cost-effectiveness of a Single Colonoscopy in Screening for Colorectal Cancer" by Amnon Sonnenberg, et al as published in *Archives of Internal Medicine*.

28. The 008 field of the MARC record in Appendix SONNENBERG01 indicates the date of record creation. The 008 field of Appendix SONNENBERG01 indicates the Penn State University Library first acquired *Archives of Internal Medicine* as of February 16, 1982 and held the journal in perpetuity until the publication of "Cost-effectiveness of a Single Colonoscopy in Screening for Colorectal Cancer". Considering this information, it is my determination that *Archives of Internal Medicine* January 2002 and therefore "Cost-effectiveness of a Single Colonoscopy in Screening for Colorectal Cancer" was made available to the public shortly after its initial publication in January 2002.

29. I have reviewed Exhibit 2014, "Computed Tomographic Colonography (Virtual Colonoscopy): A Multicenter Comparison With Standard Colonoscopy for Detection of Colorectal Neoplasia" by Peter B. Cotton, et

al as published in *JAMA: The Journal of the American Medical Association* April 14, 2004.

30. Attached hereto as Appendix COTTON01 is a true and correct copy of the MARC record for *JAMA: The Journal of the American Medical Association* as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix COTTON01 accurately describes the title, publisher and ISSN number of *JAMA: The Journal of the American Medical Association*. The Availability field present on page 18 of this record indicates the library's collection includes the April 14, 2004 issue of *JAMA: The Journal of the American Medical Association* containing "Computed Tomographic Colonography (Virtual Colonoscopy): A Multicenter Comparison With Standard Colonoscopy for Detection of Colorectal Neoplasia".

31. Attached hereto as Appendix COTTON02 is a true and correct copy of "Computed Tomographic Colonography (Virtual Colonoscopy): A Multicenter Comparison With Standard Colonoscopy for Detection of Colorectal Neoplasia" as published in *JAMA: The Journal of the American Medical Association* as held by the Penn State University Library. These scans were secured from the library's collection. In comparing Exhibit 2014

to Appendix COTTON02, it is my determination that Exhibit 2014 is a true and correct copy of "Computed Tomographic Colonography (Virtual Colonoscopy): A Multicenter Comparison With Standard Colonoscopy for Detection of Colorectal Neoplasia" by Peter B. Cotton, et al as published in *JAMA: The Journal of the American Medical Association*.

32.The 008 field of the MARC record in Appendix COTTON01 indicates the date of record creation. The 008 field of Appendix COTTON01 indicates the Penn State University Library first acquired *JAMA: The Journal of the American Medical Association* as of February 5, 1982 and held the journal in perpetuity until the publication of "Computed Tomographic Colonography (Virtual Colonoscopy): A Multicenter Comparison With Standard Colonoscopy for Detection of Colorectal Neoplasia". Considering this information, it is my determination that *JAMA: The Journal of the American Medical Association* April 14, 2004 and therefore "Computed Tomographic Colonography (Virtual Colonoscopy): A Multicenter Comparison With Standard Colonoscopy for Detection of Colorectal Neoplasia" was made available to the public shortly after its initial publication in April 14, 2004.

33.I have reviewed Exhibit 2015, "PillCam Colon Capsule Endoscopy Compared with Colonoscopy for Colorectal Tumor Diagnosis: A

Prospective Pilot Study" by N. Schoofs, et al as published in *Endoscopy* October 2006.

34. Attached hereto as Appendix SCHOOFS01 is a true and correct copy of the MARC record for *Endoscopy* as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix SCHOOFS01 accurately describes the title, publisher and ISSN number of *Endoscopy*. The Dates of Publication field present on page 2 of this record indicates the library's collection includes the October 2006 issue of *Endoscopy* containing "PillCam Colon Capsule Endoscopy Compared with Colonoscopy for Colorectal Tumor Diagnosis: A Prospective Pilot Study".

35. Attached hereto as Appendix SCHOOFS02 is a true and correct copy of "PillCam Colon Capsule Endoscopy Compared with Colonoscopy for Colorectal Tumor Diagnosis: A Prospective Pilot Study" as published in *Endoscopy* as held by the Penn State University Library. These scans were secured from the library's collection. In comparing Exhibit 2015 to Appendix SCHOOFS02, it is my determination that Exhibit 2015 is a true and correct copy of "PillCam Colon Capsule Endoscopy Compared with

Colonoscopy for Colorectal Tumor Diagnosis: A Prospective Pilot Study"
by N. Schoofs, et al as published in *Endoscopy*.

36.The 008 field of the MARC record in Appendix SCHOOFS01 indicates the date of record creation. The 008 field of Appendix SCHOOFS01 indicates the Penn State University Library first acquired *Endoscopy* as of February 19, 2001 and held the journal in perpetuity until the publication of "PillCam Colon Capsule Endoscopy Compared with Colonoscopy for Colorectal Tumor Diagnosis: A Prospective Pilot Study". Considering this information, it is my determination that *Endoscopy* October 2006 and therefore "PillCam Colon Capsule Endoscopy Compared with Colonoscopy for Colorectal Tumor Diagnosis: A Prospective Pilot Study" was made available to the public shortly after its initial publication in October 2006.

37.I have reviewed Exhibit 2017, a document entitled "FDA Approves Exact Sciences Cologuard; First and Only Stool DNA Noninvasive Colorectal Cancer Screening Test".

38.Attached hereto as Appendix EXACT01 is a screen capture of the Internet Archive Wayback Machine entry for
<http://www.exactsciences.com/about/latest-news/fda-approves-exact->

sciences%E2%80%99-cologuard-colon-cancer-screening-test. I secured these screen captures myself from <https://web.archive.org/web/20160604182130/http://www.exactsciences.com/about/latest-news/fda-approves-exact-sciences%E2%80%99-cologuard-colon-cancer-screening-test>. This record was captured as of August 25, 2014.

39. Appendix EXACT01 is an Internet Archive capture of a web page entitled "FDA Approves Exact Sciences Cologuard; First and Only Stool DNA Noninvasive Colorectal Cancer Screening Test" as hosted on the Exact Sciences website. In comparing Appendix EXACT01 to Exhibit 2017, it is my determination that Exhibit 2017 is a true and correct copy of "FDA Approves Exact Sciences Cologuard; First and Only Stool DNA Noninvasive Colorectal Cancer Screening Test". Given the August 25, 2014 capture date of Appendix EXACT01, it is my determination that "FDA Approves Exact Sciences Cologuard; First and Only Stool DNA Noninvasive Colorectal Cancer Screening Test" was first made available to the public via the Internet Archive as of August 25, 2014 and likely before this date from this record's website of origin.

40. I have reviewed Exhibit 2018, a document entitled "Get Off the Bench: Hoops-Themed Campaign Urges Colorectal Cancer Screening".

41. Attached hereto as Appendix EXACT02 is a screen capture of the Internet Archive Wayback Machine entry for

<https://www.exactsciences.com/newsroom/news-and-stories/get-off-the-bench-hoops-themed-campaign-urges-colorectal-cancer-screening->. I

secured these screen captures myself from

<https://web.archive.org/web/20240412184627/https://www.exactsciences.com/newsroom/news-and-stories/get-off-the-bench-hoops-themed-campaign-urges-colorectal-cancer-screening->. This record was captured as of April 12, 2024.

42. Appendix EXACT02 is an Internet Archive capture of a web page entitled "Get Off the Bench: Hoops-Themed Campaign Urges Colorectal Cancer Screening" as hosted on the Exact Sciences website. In comparing Appendix EXACT02 to Exhibit 2018, it is my determination that Exhibit 2018 is a true and correct copy of "Get Off the Bench: Hoops-Themed Campaign Urges Colorectal Cancer Screening". Given the April 12, 2024 capture date of Appendix EXACT02, it is my determination that "Get Off the Bench: Hoops-Themed Campaign Urges Colorectal Cancer Screening" was first

made available to the public via the Internet Archive as of April 12, 2024 and likely before this date from this record's website of origin.

43.I have reviewed Exhibit 2019, a document entitled "Geneoscopy Submits Premarket Approval Application to U.S. Food and Drug Administration for its Noninvasive Colorectal Cancer RNA Biomarker Screening Test".

44.Attached hereto as Appendix GENEOSCOPY01 is a screen capture of the Internet Archive Wayback Machine entry for <https://www.geneoscopy.com/geneoscopy-submits-premarket-approval-application-to-fda-for-its-noninvasive-colorectal-cancer-rna-biomarker-screening-test/>. I secured these screen captures myself from <https://web.archive.org/web/20230128190750/https://www.geneoscopy.com/geneoscopy-submits-premarket-approval-application-to-fda-for-its-noninvasive-colorectal-cancer-rna-biomarker-screening-test/>. This record was captured as of January 28, 2023.

45.Appendix GENEOSCOPY01 is an Internet Archive capture of a web page entitled "Geneoscopy Submits Premarket Approval Application to U.S. Food and Drug Administration for its Noninvasive Colorectal Cancer RNA Biomarker Screening Test" as hosted on the Geneoscopy website. In

comparing Appendix GENEOSCOPY01 to Exhibit 2019, it is my determination that Exhibit 2019 is a true and correct copy of "Geneoscopy Submits Premarket Approval Application to U.S. Food and Drug Administration for its Noninvasive Colorectal Cancer RNA Biomarker Screening Test". Given the January 28, 2023 capture date of Appendix GENEOSCOPY01, it is my determination that "Geneoscopy Submits Premarket Approval Application to U.S. Food and Drug Administration for its Noninvasive Colorectal Cancer RNA Biomarker Screening Test" was first made available to the public via the Internet Archive as of January 28, 2023 and likely before this date from this record's website of origin.

46. I have reviewed Exhibit 2020, a document entitled "Increase the Proportion of Adults Who Get Screened for Colorectal Cancer - C-07".

47. Attached hereto as Appendix HEALTH01 is a screen capture of the Internet Archive Wayback Machine entry for

[https://health.gov/healthypeople/objectives-and-data/browse-](https://health.gov/healthypeople/objectives-and-data/browse-objectives/cancer/increase-proportion-adults-who-get-screened-colorectal-cancer-c-07)

[objectives/cancer/increase-proportion-adults-who-get-screened-colorectal-cancer-c-07](https://health.gov/healthypeople/objectives-and-data/browse-objectives/cancer/increase-proportion-adults-who-get-screened-colorectal-cancer-c-07). I secured these screen captures myself from

[https://web.archive.org/web/20201020222908/https://health.gov/healthypeople/objectives-and-data/browse-objectives/cancer/increase-proportion-adults-](https://web.archive.org/web/20201020222908/https://health.gov/healthypeople/objectives-and-data/browse-objectives/cancer/increase-proportion-adults-who-get-screened-colorectal-cancer-c-07)

who-get-screened-colorectal-cancer-c-07. This record was captured as of October 20, 2020.

48. Appendix HEALTH01 is an Internet Archive capture of a web page entitled "Increase the Proportion of Adults Who Get Screened for Colorectal Cancer - C-07" as hosted on the U.S. Department of Health and Human Services website. In comparing Appendix HEALTH01 to Exhibit 2020, it is my determination that Exhibit 2020 is a true and correct copy of "Increase the Proportion of Adults Who Get Screened for Colorectal Cancer - C-07". Given the October 20, 2020 capture date of Appendix HEALTH01, it is my determination that "Increase the Proportion of Adults Who Get Screened for Colorectal Cancer - C-07" was first made available to the public via the Internet Archive as of October 20, 2020 and likely before this date from this record's website of origin.

49. I have reviewed Exhibit 2031, a document entitled "Colorectal Cancer Tests Save Lives".

50. Attached hereto as Appendix CDC01 is a screen capture of the Internet Archive Wayback Machine entry for <http://www.cdc.gov:80/vitalsigns/colorectalcancerscreening/index.html>. I

secured these screen captures myself from

<https://web.archive.org/web/20131212104920/http://www.cdc.gov:80/vitalsigns/colorectalcancerscreening/index.html>. This record was captured as of December 12, 2013.

51. Appendix CDC01 is an Internet Archive capture of a web page entitled "Colorectal Cancer Tests Save Lives" as hosted on the Center for Disease Control and Prevention website. In comparing Appendix CDC01 to Exhibit 2031, it is my determination that Exhibit 2031 is a true and correct copy of "Colorectal Cancer Tests Save Lives". Given the December 12, 2013 capture date of Appendix CDC01, it is my determination that "Colorectal Cancer Tests Save Lives" was first made available to the public via the Internet Archive as of December 12, 2013 and likely before this date from this record's website of origin.

52. I have reviewed Exhibit 2042, a document entitled "Exact Sciences' Cologuard Wins Prestigious Prix Galien Award for Best Medical Technology Product".

53. Attached hereto as Appendix EXACT03 is a screen capture of the Internet Archive Wayback Machine entry for

http://www.exactsciences.com/about/latest-news/exact_sciences_cologuard_wins_prestigious_prix-galien_award. I secured these screen captures myself from https://web.archive.org/web/20170709184054/http://www.exactsciences.com/about/latest-news/exact_sciences_cologuard_wins_prestigious_prix-galien_award. This record was captured as of July 9, 2017.

54. Appendix EXACT03 is an Internet Archive capture of a web page entitled "Exact Sciences' Cologuard Wins Prestigious Prix Galien Award for Best Medical Technology Product" as hosted on the Exact Sciences website. In comparing Appendix EXACT03 to Exhibit 2042, it is my determination that Exhibit 2042 is a true and correct copy of "Exact Sciences' Cologuard Wins Prestigious Prix Galien Award for Best Medical Technology Product". Given the July 9, 2017 capture date of Appendix EXACT03, it is my determination that "Exact Sciences' Cologuard Wins Prestigious Prix Galien Award for Best Medical Technology Product" was first made available to the public via the Internet Archive as of July 9, 2017 and likely before this date from this record's website of origin.

55. I have reviewed Exhibit 2043, a document entitled "Cologuard Wins Popular Science Magazine's 2014 'Best of What's New' Award".

56. Attached hereto as Appendix EXACT06 is a screen capture of the Internet Archive Wayback Machine entry for <http://www.exactsciences.com:80/about/latest-news/cologuard-wins-popular-science-magazines-2014-best-of-whats-new-award>. I secured these screen captures myself from <https://web.archive.org/web/20141116070931/http://www.exactsciences.com:80/about/latest-news/cologuard-wins-popular-science-magazines-2014-best-of-whats-new-award>. This record was captured as of November 16, 2014.

57. Appendix EXACT06 is an Internet Archive capture of a web page entitled "Cologuard Wins Popular Science Magazine's 2014 'Best of What's New' Award" as hosted on the Exact Sciences website. In comparing Appendix EXACT06 to Exhibit 2043, it is my determination that Exhibit 2043 is a true and correct copy of "Cologuard Wins Popular Science Magazine's 2014 'Best of What's New' Award". Given the November 16, 2014 capture date of Appendix EXACT06, it is my determination that "Cologuard Wins Popular Science Magazine's 2014 'Best of What's New' Award" was first made available to the public via the Internet Archive as of November 16, 2014 and likely before this date from this record's website of origin.

58. I have reviewed Exhibit 2044, a document entitled "Everyday Health Awards for Innovation Winners Announced at the 2015 International CES".
59. Attached hereto as Appendix PRNEWS01 is a screen capture of the Internet Archive Wayback Machine entry for <http://www.prnewswire.com/news-releases/everyday-health-awards-for-innovation-winners-announced-at-2015-international-ces-300017454.html>. I secured these screen captures myself from <https://web.archive.org/web/20150110193011/http://www.prnewswire.com/news-releases/everyday-health-awards-for-innovation-winners-announced-at-2015-international-ces-300017454.html>. This record was captured as of January 10, 2015.
60. Appendix PRNEWS01 is an Internet Archive capture of a web page entitled "Everyday Health Awards for Innovation Winners Announced at the 2015 International CES" as hosted on the PR Newswire website. In comparing Appendix PRNEWS01 to Exhibit 2044, it is my determination that Exhibit 2044 is a true and correct copy of "Everyday Health Awards for Innovation Winners Announced at the 2015 International CES". Given the January 10, 2015 capture date of Appendix PRNEWS01, it is my determination that

"Everyday Health Awards for Innovation Winners Announced at the 2015 International CES" was first made available to the public via the Internet Archive as of January 10, 2015 and likely before this date from this record's website of origin.

61. I have reviewed Exhibit 2045, a document entitled "Exact Sciences Wins Wisconsin Innovation Award".

62. Attached hereto as Appendix EXACT04 is a screen capture of the Internet Archive Wayback Machine entry for

<http://www.exactsciences.com/about/latest-news/wisconsin-innovation-award-2015>. I secured these screen captures myself from

<https://web.archive.org/web/20160429124101/http://www.exactsciences.com/about/latest-news/wisconsin-innovation-award-2015>. This record was captured as of April 29, 2016.

63. Appendix EXACT04 is an Internet Archive capture of a web page entitled "Exact Sciences Wins Wisconsin Innovation Award" as hosted on the Exact Sciences website. In comparing Appendix EXACT04 to Exhibit 2045, it is my determination that Exhibit 2045 is a true and correct copy of "Exact Sciences Wins Wisconsin Innovation Award". Given the April 29, 2016

capture date of Appendix EXACT04, it is my determination that "Exact Sciences Wins Wisconsin Innovation Award" was first made available to the public via the Internet Archive as of April 29, 2016 and likely before this date from this record's website of origin.

64. I have reviewed Exhibit 2046, a document entitled "Exact Sciences Honored as 2016 Big Award Company of the Year in Health Care".

65. Attached hereto as Appendix EXACT05 is a screen capture of the Internet Archive Wayback Machine entry for <http://www.exactsciences.com:80/about/latest-news/2-years-since-cologuards-fda-approval-0>. I secured these screen captures myself from <https://web.archive.org/web/20161010080715/http://www.exactsciences.com:80/about/latest-news/2-years-since-cologuards-fda-approval-0>. This record was captured as of October 10, 2016.

66. Appendix EXACT05 is an Internet Archive capture of a web page entitled "Exact Sciences Honored as 2016 Big Award Company of the Year in Health Care" as hosted on the Exact Sciences website. In comparing Appendix EXACT05 to Exhibit 2046, it is my determination that Exhibit 2046 is a true and correct copy of "Exact Sciences Honored as 2016 Big

Award Company of the Year in Health Care". Given the October 10, 2016 capture date of Appendix EXACT05, it is my determination that "Exact Sciences Honored as 2016 Big Award Company of the Year in Health Care" was first made available to the public via the Internet Archive as of October 10, 2016 and likely before this date from this record's website of origin.

67.I have reviewed Exhibit 2048, "Patient Perceptions of Stool-Based DNA Testing for Colorectal Cancer Screening" by Paul C. Schroy III and Timothy C. Heeren as published in *American Journal of Preventative Medicine* February 2005.

68.Attached hereto as Appendix SCHROY01 is a true and correct copy of the MARC record for *American Journal of Preventative Medicine* as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix SCHROY01 accurately describes the title, publisher and ISSN number of *American Journal of Preventative Medicine*. The Availability field present on page 3 of this record indicates the library's collection includes the February 2005 issue of *American Journal of Preventative Medicine* containing "Patient Perceptions of Stool-Based DNA Testing for Colorectal Cancer Screening".

69. Attached hereto as Appendix SCHROY02 is a true and correct copy of "Patient Perceptions of Stool-Based DNA Testing for Colorectal Cancer Screening" as published in *American Journal of Preventative Medicine* as held by the Penn State University Library. These scans were secured from the library's collection. In comparing Exhibit 2048 to Appendix SCHROY02, it is my determination that Exhibit 2048 is a true and correct copy of "Patient Perceptions of Stool-Based DNA Testing for Colorectal Cancer Screening" by Paul C. Schroy III and Timothy C. Heeren as published in *American Journal of Preventative Medicine*.

70. The 008 field of the MARC record in Appendix SCHROY01 indicates the date of record creation. The 008 field of Appendix SCHROY01 indicates the Penn State University Library first acquired *American Journal of Preventative Medicine* as of July 2, 1986 and held the journal in perpetuity until the publication of "Patient Perceptions of Stool-Based DNA Testing for Colorectal Cancer Screening". Considering this information, it is my determination that *American Journal of Preventative Medicine* February 2005 and therefore "Patient Perceptions of Stool-Based DNA Testing for Colorectal Cancer Screening" was made available to the public shortly after its initial publication in February 2005.

71.I have reviewed Exhibit 2049, "Cross-Sectional Adherence with the Multi-Target Stool DNA Test for Colorectal Cancer Screening in a Large, Nationally Insured Cohort" by Lesley-Ann Miller-Wilson, et al as published in International Journal of Colorectal Disease November 2021.

72.Attached hereto as Appendix MILLER01 is a true and correct copy of the MARC record for International Journal of Colorectal Disease as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix MILLER01 accurately describes the title, publisher and ISSN number of International Journal of Colorectal Disease. The Dates of Publication field present on page 2 of this record indicates the library's collection includes the November 2021 issue of International Journal of Colorectal Disease containing "Cross-Sectional Adherence with the Multi-Target Stool DNA Test for Colorectal Cancer Screening in a Large, Nationally Insured Cohort".

73.Attached hereto as Appendix MILLER02 is a true and correct copy of "Cross-Sectional Adherence with the Multi-Target Stool DNA Test for Colorectal Cancer Screening in a Large, Nationally Insured Cohort" as published in International Journal of Colorectal Disease as held by the Penn

State University Library. These scans were secured from the library's collection. In comparing Exhibit 2049 to Appendix MILLER02, it is my determination that Exhibit 2049 is a true and correct copy of "Cross-Sectional Adherence with the Multi-Target Stool DNA Test for Colorectal Cancer Screening in a Large, Nationally Insured Cohort" by Lesley-Ann Miller-Wilson, et al as published in International Journal of Colorectal Disease.

74. The 008 field of the MARC record in Appendix MILLER01 indicates the date of record creation. The 008 field of Appendix MILLER01 indicates the Penn State University Library first acquired International Journal of Colorectal Disease as of June 15, 2005 and held the journal in perpetuity until the publication of "Cross-Sectional Adherence with the Multi-Target Stool DNA Test for Colorectal Cancer Screening in a Large, Nationally Insured Cohort". Considering this information, it is my determination that International Journal of Colorectal Disease November 2021 and therefore "Cross-Sectional Adherence with the Multi-Target Stool DNA Test for Colorectal Cancer Screening in a Large, Nationally Insured Cohort" was made available to the public shortly after its initial publication in November 2021.

75.I have reviewed Exhibit 2050, "Multitarget Stool DNA Average Risk Colorectal Cancer Screening: Major Achievements and Future Directions" by John B. Kisiel, et al as published in Gastroenterology Endoscopy Clinics of North America July 2020.

76.Attached hereto as Appendix KISIEL01 is a true and correct copy of the MARC record for Gastroenterology Endoscopy Clinics of North America as held by the University of Wisconsin-Madison Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix KISIEL01 accurately describes the title, publisher and ISSN number of Gastroenterology Endoscopy Clinics of North America. The View Online field present on page 5 of this record indicates the library's collection includes the July 2020 issue of Gastroenterology Endoscopy Clinics of North America containing "Multitarget Stool DNA Average Risk Colorectal Cancer Screening: Major Achievements and Future Directions". In comparing Exhibit 2050 to Appendix KISIEL01, it is my determination that Exhibit 2050 is a true and correct copy of "Multitarget Stool DNA Average Risk Colorectal Cancer Screening: Major Achievements and Future Directions" by John B. Kisiel, et al as published in Gastroenterology Endoscopy Clinics of North America.

77.The 008 field of the MARC record in Appendix KISIEL01 indicates the date of record creation. The 008 field of Appendix KISIEL01 indicates the University of Wisconsin-Madison Library first acquired Gastroenterology Endoscopy Clinics of North America as of August 30, 1990 and held the journal in perpetuity until the publication of "Multitarget Stool DNA Average Risk Colorectal Cancer Screening: Major Achievements and Future Directions". Considering this information, it is my determination that Gastroenterology Endoscopy Clinics of North America July 2020 and therefore "Multitarget Stool DNA Average Risk Colorectal Cancer Screening: Major Achievements and Future Directions" was made available to the public shortly after its initial publication in July 2020.

78.I have reviewed Exhibit 2051, "Colorectal Cancer Screening: Compliance with Multi-Target Stool DNA Testing Among Medicare Beneficiaries" by Rebecca Swartz, et al as published in Gastroenterology January 2020.

79.Attached hereto as Appendix SWARTZ01 is a true and correct copy of the MARC record for Gastroenterology as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix SWARTZ01 accurately describes the title, publisher and ISSN number of Gastroenterology. The Dates of

Publication field present on page 3 of this record indicates the library's collection includes the January 2020 issue of Gastroenterology containing "Colorectal Cancer Screening: Compliance with Multi-Target Stool DNA Testing Among Medicare Beneficiaries".

80. Attached hereto as Appendix SWARTZ02 is a true and correct copy of "Colorectal Cancer Screening: Compliance with Multi-Target Stool DNA Testing Among Medicare Beneficiaries" as published in Gastroenterology as held by the Penn State University Library. These scans were secured from the library's collection. In comparing Exhibit 2051 to Appendix SWARTZ02, it is my determination that Exhibit 2051 is a true and correct copy of "Colorectal Cancer Screening: Compliance with Multi-Target Stool DNA Testing Among Medicare Beneficiaries" by Rebecca Swartz, et al as published in Gastroenterology.

81. The 008 field of the MARC record in Appendix SWARTZ01 indicates the date of record creation. The 008 field of Appendix SWARTZ01 indicates the Penn State University Library first acquired Gastroenterology as of January 6, 2000 and held the journal in perpetuity until the publication of "Colorectal Cancer Screening: Compliance with Multi-Target Stool DNA Testing Among Medicare Beneficiaries". Considering this information, it is my

determination that Gastroenterology January 2020 and therefore "Colorectal Cancer Screening: Compliance with Multi-Target Stool DNA Testing Among Medicare Beneficiaries" was made available to the public shortly after its initial publication in January 2020.

82.I have reviewed Exhibit 2052, "Multi-Target Stool DNA Testing for Colorectal Cancer Screening: Emerging Learning on Real-world Performance" by Jason D. Eckmann, et al as published in Current Treatment Options in Gastroenterology January 2020.

83.Attached hereto as Appendix ECKMANN01 is a true and correct copy of the MARC record for Current Treatment Options in Gastroenterology as held by the Penn State University Library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix ECKMANN01 accurately describes the title, publisher and ISSN number of Current Treatment Options in Gastroenterology. The Dates of Publication field present on page 2 of this record indicates the library's collection includes the January 2020 issue of Current Treatment Options in Gastroenterology containing "Multi-Target Stool DNA Testing for Colorectal Cancer Screening: Emerging Learning on Real-world Performance".

84. Attached hereto as Appendix ECKMANN02 is a true and correct copy of "Multi-Target Stool DNA Testing for Colorectal Cancer Screening: Emerging Learning on Real-world Performance" as published in Current Treatment Options in Gastroenterology as held by the Penn State University Library. These scans were secured from the library's collection. In comparing Exhibit 2052 to Appendix ECKMANN02, it is my determination that Exhibit 2052 is a true and correct copy of "Multi-Target Stool DNA Testing for Colorectal Cancer Screening: Emerging Learning on Real-world Performance" by Jason D. Eckmann, et al as published in Current Treatment Options in Gastroenterology.

85. The 008 field of the MARC record in Appendix ECKMANN01 indicates the date of record creation. The 008 field of Appendix ECKMANN01 indicates the Penn State University Library first acquired Current Treatment Options in Gastroenterology as of March 16, 2001 and held the journal in perpetuity until the publication of "Multi-Target Stool DNA Testing for Colorectal Cancer Screening: Emerging Learning on Real-world Performance". Considering this information, it is my determination that Current Treatment Options in Gastroenterology January 2020 and therefore "Multi-Target Stool DNA Testing for Colorectal Cancer Screening: Emerging Learning on Real-

world Performance" was made available to the public shortly after its initial publication in January 2020.

86.I have been retained on behalf of the Patent Owner to provide assistance in the above-illustrated matter in establishing the authenticity and public availability of the documents discussed in this declaration. I am being compensated for my services in this matter at the rate of \$200.00 per hour plus reasonable expenses. My statements are objective, and my compensation does not depend on the outcome of this matter.

87.I declare under penalty of perjury that the foregoing is true and correct. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made 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: 10/23/2024

A handwritten signature in black ink, appearing to read 'June Ann Munford', with a stylized flourish at the end.

June Ann Munford