

DECLARATION

I, Noah Kravitz, declare as follows:

1. My name is Noah Kravitz. I am over the age of 21 years and am competent to make this declaration. All the statements set forth herein are true and correct and are based on my personal knowledge.

2. I am a technology journalist who has built a YouTube Science and Technology channel, served as a regular tech expert on cable and local TV outlets, and has written about society-changing technologies for media outlets including *WIRED*, *Business Insider*, and *Entrepreneur*.

3. From January 2011 through August 2012, I was Editor-at-Large for TechnoBuffalo, a consumer technology website. Both the TechnoBuffalo company and its YouTube channel were owned/managed by a person named Jon Rettinger, whose name is on the company's YouTube channel.

4. I created the videos available at <https://www.youtube.com/watch?v=MnjqA2IQHG8> and <https://www.youtube.com/watch?v=S9oVDVDHVBM> as part of my work with TechnoBuffalo and I am the person and voice in those videos.

5. On or about January 19, 2011, I uploaded and published the video available at <https://www.youtube.com/watch?v=S9oVDVDHVBM> to YouTube

under the title “Connected TV: Vizio LED HDTV with VIA Apps Part 2 of 2.” I uploaded the video so it would be publicly available.

6. On or about January 20, 2011, I uploaded and published the video available at <https://www.youtube.com/watch?v=MnjqA2IQHG8> to YouTube under the title “Connected TV: Vizio LED HDTV with VIA Apps Part 1 of 2.” I uploaded the video so it would be publicly available.

7. On or about January 20, 2011, I checked and confirmed that my videos were published, publicly available on YouTube, and searchable by the words of the videos’ titles.

8. Except for the advertisement that YouTube includes prior to playing my videos, the videos that are currently available at <https://www.youtube.com/watch?v=MnjqA2IQHG8> and <https://www.youtube.com/watch?v=S9oVDVDHVBM> (as of February 12, 2024) are the same as the videos that I uploaded and published on January 19, 2011, and January 20, 2011.

9. To the best of my knowledge, the two videos currently available at <https://www.youtube.com/watch?v=MnjqA2IQHG8> and <https://www.youtube.com/watch?v=S9oVDVDHVBM> have continuously been publicly available on YouTube since January of 2011 to the date of this declaration.

10. Based on my review, the video currently publicly available at <https://www.youtube.com/watch?v=MnjqA2IQHG8> indicates that it has had approximately 95,690 views as of February 12, 2024.

11. Based on my review, the video currently publicly available at <https://www.youtube.com/watch?v=S9oVDVDHVBM> indicates that it has had approximately 25,042 views as of February 12, 2024.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

February 12, 2024



Noah Kravitz