

Salters, Sydney A.

From: Curtin, Andrew <a.curtin@northeastern.edu>
Sent: Tuesday, May 7, 2024 3:19 PM
To: Salters, Sydney A.
Subject: FW: Questions about IRis
Attachments: Sweeney Declaration 5.3.docx; neu_376567.pdf

You don't often get email from a.curtin@northeastern.edu. [Learn why this is important](#)

Hello Attorney Salters,

Thank you for reaching out to Northeastern University's Office of the General Counsel regarding the *Integrated Smoke Detector Unit* paper, attached.

The process for having the library sign a declaration regarding date-of-publication is to subpoena the record so that the university can designate the appropriate person to sign on the university's behalf as a Keeper of Records.

I appreciate the urgency of this matter, however, we will not ask an employee sign such a declaration in their personal capacity. Once we receive a subpoena, we can designate the appropriate Keeper of Record for signature.

I hope this helps.

With best regards,

Andy Curtin

Andrew J. Curtin
Senior Counsel - Intellectual Property
Office of the General Counsel
Northeastern University
Mail address: 360 Huntington Ave., Suite 301CP
Street address: 716 Columbus Avenue Suite 301
Boston, MA 02115
a.curtin@northeastern.edu
Tel: 617.373.4598

From: The Office Of The General Counsel <office_of_the_general_counsel@northeastern.edu>
Sent: Tuesday, May 7, 2024 9:00 AM
To: Curtin, Andrew <a.curtin@northeastern.edu>
Subject: Fw: Questions about IRis

Good morning:

Please review email below for appropriate action.

Thank you,

Office of the General Counsel

Northeastern University

Mail address: 360 Huntington Ave., Suite 301CP

Street address: 716 Columbus Ave., Suite 301 (Columbus Place)

Boston, MA 02115

Hours of Operation: Monday - Friday 9:00 a.m. - 5:00 p.m.

Office: 617.373.2157 | Fax: 617.373.8090

Email: office_of_the_general_counsel@northeastern.edu

From: Salters, Sydney A. <Sydney.Salters@BlankRome.com>

Sent: Monday, May 6, 2024 5:53 PM

To: The Office Of The General Counsel <office_of_the_general_counsel@northeastern.edu>

Cc: Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Wood, Megan <megan.wood@blankrome.com>; LLagostera, Domingo M. <domingo.llagostera@blankrome.com>

Subject: FW: Questions about IRis

Good afternoon,

I'm an attorney with Blank Rome. As detailed in the below email chain, we have been communicating with Sarah Sweeney, from your library staff, about figuring out when an article (attached) was made publicly available. We need the information to prove that somebody else did not invent certain things in the article (because the article predates the alleged invention date). Sarah has been quite helpful, and we are now hoping to have her sign a declaration attesting to what she has told us. A draft of the declaration is attached. She mentioned that she reached out to you today for approval, but suggested that we contact you directly, since this is a time-sensitive matter. Our deadline for submitting the declaration is Wednesday, May 8.

In view of the rapidly approaching deadline, I wanted to reach out and see what the process for getting approval is, and if there was anything we could do to help. I'm available by email or by phone at [202.420.2206](tel:202.420.2206).

Best,

Sydney A. Salters | BLANKROME

1825 Eye Street NW | Washington, D.C. 20006

O: 202.420.2206 | F: 202.379.9232 | sydney.salters@blankrome.com

From: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>

Sent: Monday, May 6, 2024 4:02 PM

To: Salters, Sydney A. <Sydney.Salters@BlankRome.com>

Cc: Wood, Megan <megan.wood@blankrome.com>; Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; LLagostera, Domingo M. <domingo.llagostera@blankrome.com>

Subject: Re: Questions about IRis

Hi, Sydney –

I reached out today for guidance but I have not heard back from them. Unfortunately I'm not confident I will be able to meet your deadline, but I will let you know as soon as I can. You may have better luck getting a response if you contact them directly and mention I reached out to them earlier today:

office_of_the_general_counsel@northeastern.edu

[617-373-2157](tel:617-373-2157)

Best,

Sarah

(she/her/hers)
Head, Digital Production Services
(617) 373-5062
sj.sweeney@northeastern.edu

Northeastern University Library
360 Huntington Avenue
Boston, MA 02115

From: Salters, Sydney A. <Sydney.Salters@BlankRome.com>
Date: Monday, May 6, 2024 at 3:58 PM
To: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>
Cc: Wood, Megan <megan.wood@blankrome.com>, Davis Jr., Walter D. <Walter.Davis@BlankRome.com>, Llagostera, Domingo M. <domingo.llagostera@blankrome.com>
Subject: RE: Questions about IRis

Hi Sarah,

Hope you are doing well and had a good weekend. Thank you again for all of your help. I wanted to check in to see whether you contacted your General Counsel today, and if so, whether your General Counsel informed you how we need to proceed. Our deadline for serving any declaration is Wednesday (May 8). Please let us know if there's anything else we can provide to assist with the process.

Best,
Sydney A. Salters | BLANKROME
1825 Eye Street NW | Washington, D.C. 20006
O: 202.420.2206 | F: 202.379.9232 | sydney.salters@blankrome.com

From: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>
Sent: Friday, May 3, 2024 3:43 PM
To: Salters, Sydney A. <Sydney.Salters@BlankRome.com>
Cc: Wood, Megan <megan.wood@blankrome.com>; Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Llagostera, Domingo M. <domingo.llagostera@blankrome.com>
Subject: Re: Questions about IRis

Hi, Sydney –

I do feel comfortable signing the declaration, with a few small changes, but all requests of this kind must go through the university's Office of the General Counsel. I will contact them first thing on Monday morning to learn more about how to proceed.

Best,

Sarah

(she/her/hers)
Head, Digital Production Services
(617) 373-5062
sj.sweeney@northeastern.edu

Northeastern University Library
360 Huntington Avenue
Boston, MA 02115

From: Salters, Sydney A. <Sydney.Salters@BlankRome.com>
Date: Friday, May 3, 2024 at 3:28 PM
To: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>
Cc: Wood, Megan <megan.wood@blankrome.com>, Davis Jr., Walter D. <Walter.Davis@BlankRome.com>, Llagostera, Domingo M. <domingo.llagostera@blankrome.com>
Subject: RE: Questions about IRis

Hi Sarah,

Thank you again for all your help in this matter. We truly appreciate it. We have one more favor to ask. In order to support our argument that the ISDU article was publicly available no later than November 2013, it would be helpful to have a more formal declaration from you. We've put together a draft declaration based on the information contained in your email to us.

If you are comfortable doing so, we would very much appreciate you signing it. We are very open to tweaks to the declaration, so please do not hesitate to make any changes that you deem necessary or make you feel more comfortable.

In addition, would it be possible for you to share the metadata and email from Beepress that you mentioned in your email to us? The draft declaration lists those documents as attachments. If that is not possible, please let us know; in that case, we would modify the declaration accordingly.

Best,

Sydney A. Salters | BLANKROME
1825 Eye Street NW | Washington, D.C. 20006
O: 202.420.2206 | F: 202.379.9232 | sydney.salters@blankrome.com

From: Salters, Sydney A.
Sent: Wednesday, May 1, 2024 5:32 PM
To: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>
Cc: Wood, Megan <megan.wood@blankrome.com>; Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Llagostera, Domingo M. <domingo.llagostera@blankrome.com>
Subject: RE: Questions about IRis

Hi Sarah,

Thank you so much for all the information and the quick response. It's really helpful and much appreciated.

Best,

Sydney A. Salters | BLANKROME
1825 Eye Street NW | Washington, D.C. 20006
O: 202.420.2206 | F: 202.379.9232 | sydney.salters@blankrome.com

From: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>
Sent: Tuesday, April 30, 2024 4:20 PM
To: Salters, Sydney A. <Sydney.Salters@BlankRome.com>

Cc: Wood, Megan <megan.wood@blankrome.com>; Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Llagostera, Domingo M. <domingo.llagostera@blankrome.com>

Subject: Re: Questions about IRis

Hi, Sydney –

We migrated away from the IRis system in 2015, so unfortunately I can't confirm the exact date the paper was made available to the public, but I can narrow it down for you.

The original IRis metadata record included the date the paper was added to IRis by library staff: December 17, 2009. The fact that the publication date is two years earlier tells me that the paper was likely embargoed for two years after it was accepted in 2007. This was a few years before my time at Northeastern, so I can't say for certain that was the reason! But, I can tell you that the paper was not available in IRis before December 2009.

We did not keep any technical or administrative metadata in the migration, so I have no documentation that would indicate whether or not the file was public (and therefore indexed by Google and other major search engines) or private during the time it was in IRis. Students are allowed to renew embargos, so it's possible that the embargo was extended sometime after December 2009. If the embargo was extended, the ECE program administrator's may have a record of the request.

That being said, this paper did show up in a December 2013 email from Bepress, the company that runs Digital Commons (the platform IRis was built on), that included a summary of statistics for popular IRis items, including the ISDU paper. Here's a snippet from that email (the links no longer work, so please ignore them):

In November 2013, Electrical and Computer Engineering Undergraduate Capstone Projects had 93 full-text downloads and 0 new submissions posted.

The most popular papers were:

Remote controlled stroller (25 downloads)

http://iris.lib.neu.edu/elec_comp_capstone/11

ISDU: integrated smoke detector unit for commercial microwave ovens (24 downloads)

http://iris.lib.neu.edu/elec_comp_capstone/7

EEG brain-computer interface project (10 downloads)

http://iris.lib.neu.edu/elec_comp_capstone/2

It's been nearly 10 years since I worked in materials with IRis, so my memory of the workflows are quite fuzzy! But, if I recall correctly, there were very few private files in IRis, and private files would only have been available to library staff. There would be no reason for library staff to download the ISDU paper 24 times in a month, as indicated in the email, so I feel pretty confident saying that the file was public in IRis by December 2013.

I hope this information is helpful to you. Please let me know if you have any questions or if you need more information.

Best,

Sarah

(she/her/hers)

Head, Digital Production Services

(617) 373-5062

sj.sweeney@northeastern.edu

Northeastern University Library

360 Huntington Avenue

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From: Salters, Sydney A. <Sydney.Salters@BlankRome.com>
Date: Tuesday, April 30, 2024 at 2:18 PM
To: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>
Cc: Wood, Megan <megan.wood@blankrome.com>, Davis Jr., Walter D. <Walter.Davis@BlankRome.com>, Llagostera, Domingo M. <domingo.llagostera@blankrome.com>
Subject: RE: Questions about IRis

Hi Sarah,

Thank you so much for your help and your quick response. We'll need the information by the end of the week, if possible. Please feel free to reach out if we can clarify anything further or if you have any questions.

Best,

Sydney A. Salters | BLANKROME
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O: 202.420.2206 | F: 202.379.9232 | sydney.salters@blankrome.com

From: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>
Sent: Tuesday, April 30, 2024 1:55 PM
To: Salters, Sydney A. <Sydney.Salters@BlankRome.com>
Cc: Wood, Megan <megan.wood@blankrome.com>; Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Llagostera, Domingo M. <domingo.llagostera@blankrome.com>
Subject: Re: Questions about IRis

Hi, Sydney –

Thank you for getting in touch. I'm looking through our records to see if I can find the information you need. Do you need the information before a specific date?

Best,

Sarah

(she/her/hers)
Head, Digital Production Services
(617) 373-5062
sj.sweeney@northeastern.edu

Northeastern University Library
360 Huntington Avenue
Boston, MA 02115

From: Salters, Sydney A. <Sydney.Salters@BlankRome.com>
Date: Tuesday, April 30, 2024 at 1:52 PM
To: Sweeney, Sarah <SJ.Sweeney@northeastern.edu>
Cc: Wood, Megan <megan.wood@blankrome.com>, Davis Jr., Walter D. <Walter.Davis@BlankRome.com>, Llagostera, Domingo M. <domingo.llagostera@blankrome.com>
Subject: RE: Questions about IRis

We apologize for the intrusion and really appreciate any assistance you can provide. Another party is claiming to have invented material disclosed in the article, even though the date of the article predates the so-called invention date. We would like to demonstrate that the article was first.

Best,

Sydney A. Salters | BLANKROME

1825 Eye Street NW | Washington, D.C. 20006

O: 202.420.2206 | F: 202.379.9232 | sydney.salters@blankrome.com

From: Salters, Sydney A.

Sent: Tuesday, April 30, 2024 1:18 PM

To: 'sj.sweeney@northeastern.edu' <sj.sweeney@northeastern.edu>

Cc: Wood, Megan <megan.wood@blankrome.com>; Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Llagostera, Domingo M. <domingo.llagostera@blankrome.com>

Subject: Questions about IRis

Hi Sarah,

I'm an attorney at Blank Rome LLP, and we're looking for information relating to the IRis repository, as it was available in 2007. We are particularly interested in a reference currently available at <http://hdl.handle.net/2047/d20000833> and would like to confirm when it was first published and when it was available in the IRis system. We are also looking for information related to how documents were indexed, and how they could be located by members of the public in the IRis system.

This is a time sensitive request. I would appreciate if you could please give me a call at your earliest convenience at 202.420.2206 to discuss.

Best,

Sydney A. Salters | BLANKROME

1825 Eye Street NW | Washington, D.C. 20006

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