

# EXHIBIT 5



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December 22, 2014

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**VIA E-MAIL**

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Re: *American Education Research Association, Inc., et al. v. Public.Resource.Org, Inc.*, Case No.: 1:14-cv-00857-TSC (D.D.C.)

Dear Jonathan and Kathleen:

I respond to your letter of December 18, 2014. I enclose amended responses with corrected numbering.

As to your query about method of calculation, the amended response to Interrogatory No. 5 explained:

In calculating the number of HTTP requests, Public Resource counted each successful full retrieval request ("status code 200") as one request and all partial retrieval requests ("status code 206") within the same hour as one request (under the assumption that each set was one device making a series of partial retrieval requests that added up to one full retrieval).

Please let us know what part of this explanation confused you.

Public Resource objected to RFP No. 7 on the grounds of burden and privacy. Public Resource has not withdrawn these objections and it will not produce its server logs because of the considerable burden, non-existent relevance in light of the report that we have produced, and significant concerns regarding user privacy.

As for statistics before April 2013, Public Resource does not have any server logs for that period.

Jonathan Hudis  
Kathleen Cooney-Porter  
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Your letter also calls rather broadly for production of materials that the interrogatory responses identified. The only documents the responses identified were an original book, which Public Resource scanned, and an invoice. If Plaintiffs wish to inspect the remains of the original book, we will attempt to locate it. We will include the invoice in our earliest production, which we anticipate will be in the next couple of weeks.

Yours very truly,

FENWICK & WEST LLP

*s/ Andrew P. Bridges*

Andrew P. Bridges

APB:cr