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DECLARATION OF HUGH HUETTNER

PURSUANT TO 28 U.S.C. § 1746

I, Hugh Huettner, hereby state that I have personal knowledge of the facts and matters set forth below, and if called as a witness, would testify competently thereto:

I am a U.S. citizen over the age of eighteen years old.

2. I am a Technical Computer Forensic Examiner for the U.S. Federal Trade Commission (FTC) in Washington, DC. My duties include managing the collection, preservation, examination, and analysis of evidentiary electronically stored information (“ESI”), which the FTC collects through voluntary submissions, discovery, and legal proceedings.

3. Prior to working for the FTC, I was employed by the Department of Commerce (DOC), Office of Export Enforcement (OEE), in Washington DC as a Computer Forensic Analyst. As a Computer Forensic Analyst, my duties included providing support, advice and investigative guidance to DOC OEE criminal investigators and managers. Additionally, my duties included preserving, collecting, and analyzing digital evidence.

4. I have a Bachelor of Arts degree in Business Administration from the University of Maryland University College and an Associates degree in Criminal Justice from Lassen Community College.

5. I am a graduate of the Apprentice Special Agent’s Course (ASAC) sponsored by the U.S. Army Criminal Investigation Command and the Criminal Investigator Training Program

1 (CITP) sponsored by the U.S. Department of Homeland Security, Federal Law Enforcement  
2 Training Center (FLETC).

3  
4 6. I am certified by the U.S. Department of Homeland Security as a Seized Computer  
5 Evidence Recovery Specialist (SCERS) and Computer Network Investigations Training Program  
6 (CNITP).

7 7. I have completed formal classroom training in the use of forensic software programs  
8 from Guidance Software (Encase) and the Access Data Corporation Forensic Toolkit (FTK).  
9 Encase and FTK are two computer forensic software packages that are generally accepted by the  
10 scientific community for use in acquiring, processing and analyzing ESI. I have met the  
11 requirements for the EnCase Certified Examiner (EnCE) program and was awarded the  
12 certification.

13  
14 8. I have earned the following Information Technology certifications as well: Comp TIA  
15 A+ and Comp TIA Network+. Additionally, I took the Multi Certificate course from  
16 Georgetown University in Arlington, VA which focused in A+, Network+, Security+, Microsoft  
17 Certified Professional (MCP), and CCNA.

18  
19 9. As a forensic examiner for the FTC, my job duties include providing computer  
20 forensic support to FTC attorneys and FTC investigators. In the course of my duties, I was  
21 assigned to work on the case of *FTC v. Butterfly Labs* (the "BFL Matter").

22  
23 10. As part of my duties in this case, on September 19, 2014, I sent two FTC contract  
24 computer forensic examiners to Defendants' premises in Overland Park, Kansas, pursuant to the  
25 Court's Temporary Restraining Order ("TRO"), dated September 18, 2014, which granted the

1 Commission immediate access to such premises. Jason Sweeney and Joe Carbon, CACI  
2 Forensic Examiners, went to the business premises located at 10770 El Monte Street, Suite 101,  
3 Overland Park, KS 66211. I was the Digital Evidence Manager for all the forensic acquisitions  
4 in the execution of this TRO.

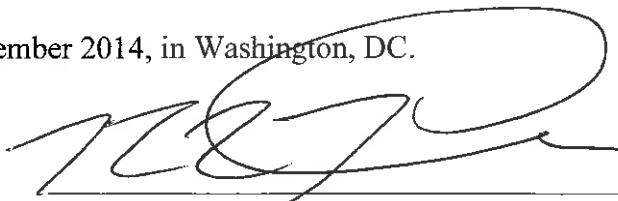
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6 11. Jason Sweeney and Joe Carbon created either a logical copy or a forensic image of  
7 servers and computers designated by the FTC case team and the receiver. Put simply, a logical  
8 copy of a computer is a copy of certain selected files within a hard drive, while a forensic image  
9 is a full copy of the physical hard drive.

10  
11 12. After all the forensic images were created of the designated computers, Sweeney  
12 returned to Washington, DC hand carrying the evidence and signed them over to me.

13  
14 13. On or about September 20, 2014, the forensic images were verified that the ESI on  
15 the images had not been altered since the time the forensic examiner had obtained them by  
16 verifying on an FTC forensic computer that the hash value (a unique numerical representation of  
17 a piece of data), for each image was the same as when the forensic examiner copied the data.

18  
19 14. A forensic working copy of each image was made, user created files were exported;  
20 and the files were provided to the FTC eDiscovery section who made specific files available to  
21 the case team for them to conduct a review.

22 Executed on this 25<sup>th</sup> day of September 2014, in Washington, DC.

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24 

25 Hugh Huettner