

**From:** [REDACTED] </O=ITHAKA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=[REDACTED]>  
**Sent:** Thursday, July 7, 2011 1:21 PM  
**To:** 'Heymann, Stephen (USAMA)' <Stephen.Heymann@usdoj.gov>  
**Cc:** [REDACTED]@debevoise.com>; [REDACTED]@ithaka.org>  
**Subject:** RE: MIT Abuse Information  
**Attach:** T&C.msg; Current and former language on JSTOR T&C acceptance.msg

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Here you go. Note 2 layers: the acceptance of T&C, which pops up when someone tries to download an article (and we have noted that Swartz built a work around for this into his script) and the T&C themselves. Please be aware that the version of the T&C in effect during the time in question was the "former" version. For some reason that is a mystery – and rather infuriating -- to me, the "accept T&C" language—present in earlier versions -- was removed from that version, so that the link following the statement about usage indicating adherence to our T&C said simply "Proceed to PDF". It has since been reinstated. But, even without the explicit "Accept" language in the link, a user cannot miss the overarching statement about adhering to our T&C, and one still has to act (clicking the link to proceed to PDF) in order to get off the page boldly announcing our T&C. Please let me know if you have any questions.

[REDACTED]

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**From:** Heymann, Stephen (USAMA) [mailto:Stephen.Heymann@usdoj.gov]  
**Sent:** Thursday, July 07, 2011 11:59 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: MIT Abuse Information

[REDACTED]

Two things:

- (1) First, I wanted to confirm that the workflow which you sent to me earlier (attached) was the normal workflow throughout the time period 9/24/10-1/6/11.
- (2) Second, can you send me a copy of the JSTOR terms of service (which you acknowledge as you obtain an article), again as they would have appeared throughout the same time period.

Thank you. Steve

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**From:** [REDACTED]@ithaka.org]  
**Sent:** Wednesday, February 02, 2011 7:53 PM  
**To:** Heymann, Stephen (USAMA)  
**Cc:** [REDACTED]  
**Subject:** MIT Abuse Information

Dear Steve,

Attached are materials responsive to the subpoena, along with a signed Certificate of Authenticity.

We will forward additional materials (including internal communications) in due course.

Please let me know if you have any questions.

[REDACTED]

[REDACTED]

ITHAKA

[REDACTED]

[REDACTED]

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