

1 CHHABRA LAW FIRM, PC
2 ROHIT CHHABRA (SBN 278798)
3 Email: rohit@thelawfirm.io
4 257 Castro Street Suite 104
5 Mountain View, CA 94041
6 Telephone: (650) 564-7929

7 **Attorney for Plaintiffs**
8 Open Source Security Inc. and
9 Bradley Spengler

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 OPEN SOURCE SECURITY INC. and
14 BRADLEY SPENGLER

15 Plaintiffs,

16 v.

17 BRUCE PERENS, and Does 1-50,

18 Defendants.

) Case No.: 3:17-cv-04002-LB

) **Declaration of Bradley Spengler in Support**
) **of Plaintiffs Opposition to Perens' Special**
) **Motion to Strike and Motion to Dismiss**

) Location: Courtroom C, 15th Floor
) Judge: Hon. Laurel Beeler

Declaration of Bradley Spengler

I, Bradley Spengler, declare:

1. I am the CEO and lone share-holder of Open Source Security, Inc. (“OSS”).

2. I on behalf of OSS employ four part-time independent contractors.

3. Prior to July 11, 2017, except for having Internet presence at <http://www.grsecurity.net>, OSS has not engaged in advertising-related activities for its grsecurity product.

4. To the best of my knowledge, I have not undertaken any voluntary affirmative action through which I would have attempted to seek to influence the resolution of any public issue related to the GPL.

5. At or about September 2015, I established an Access Agreement with OSS’ customers who are primarily private entities.

6. As of June 28, 2017, OSS had approximately 45 customers who had access to the grsecurity product source code through its Internet resources.

7. If a customer does not require OSS’ service, they are free to modify, host, copy, redistribute, and even charge for their services for the patches in their possession, since such a right is granted within the GPL.

8. OSS does not engage in a discriminatory practice under any State or Federal law or regulation.


9. Prior to July 11, 2017, to the best of my knowledge, I have not conveyed any verbal statements about OSS’ Access Agreement or its redistribution policies to anyone.

10. I was mentally distressed by the blog posts and comments posted on slashdot.org; the negative publicity that it generated towards me, by implication of OSS, and the potential to limit my

1 ability to do business and loss of reputation in the community forced me to seek psychological help for
2 emotional distress.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct.

5
6 Executed this 2nd day of October 2017 in Lancaster, Pennsylvania.

7
8 
9

10 Bradley Spengler
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28