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The Institute of Electrical and Electronics Engineers, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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RAJESH KUMAR,	:	Case No. 2:12-cv-06870-KSH-
	:	CLW
Plaintiff,	:	
	:	
- v. -	:	
	:	
THE INSTITUTE OF ELECTRICAL	:	<b>DECLARATION OF</b>
AND ELECTRONICS ENGINEERS,	:	<b>ANTHONY DURNIK IN</b>
INC.,	:	<b>SUPPORT OF MOTION TO</b>
	:	<b>SEAL</b>
Defendant.	:	
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ANTHONY DURNIK, declares, under penalty of perjury under the laws of the United States, as follows:

- I am the Staff Executive, Publications of defendant The Institute of Electrical and Electronics Engineers, Inc. ("IEEE"). I submit this Declaration on behalf of IEEE in order to explain why the Court should seal certain documents produced by IEEE in this proceeding that were filed by Plaintiff in connection with

his motion for summary judgment. I am fully familiar with the facts set forth below.

2. IEEE is a non-profit publisher of scientific texts whose roots date back to 1884, when a group of leading scientists – including Thomas Edison and Alexander Graham Bell – came together to form a technical organization whose mission is dedicated to serving professionals in all aspects of the electrical, electronic and computing fields and related areas of science and technology, primarily through educational initiatives that take place through print and electronic publications and conferences.

3. In a given year, IEEE publishes thousands of journal articles, papers and other materials. Most of that publishing work is conducted through volunteers who dedicate countless hours every year to foster scientific progress. Without the participation of these volunteers, IEEE could not function.

4. One service IEEE volunteers perform is to review scientific journal articles and papers that are submitted by researchers to IEEE for publication consideration. The review of such articles is time intensive and requires significant thought. An IEEE volunteer tasked with reviewing a proposed journal article or conference paper is encouraged by IEEE to be candid and clear in their evaluation of a proposed publication, and volunteers are assured that both their names and

their views concerning the materials they are evaluating will be held in strict confidence. Confidentiality is essential to a fair and frank evaluation process.

5. Exhibit Z to the Declaration of Eric Stahl submitted by plaintiff in support of his summary judgment motion contains reviews of the article published by IEEE at a conference in 2003 that plaintiff contends violates his copyright. These reviews were provided by IEEE volunteers to the organizer of the 2003 conference in strict confidence, with no expectation that they would ever be disclosed publicly. The public disclosure of confidential editorial reviews would seriously hinder IEEE's ability to secure volunteers to help review articles and papers proposed for publication, and dampen the willingness of reviewers to offer candid evaluations of the materials they have been asked to review.

6. Exhibits U, V and W to the Stahl Declaration are email communications concerning IEEE's evaluation of the complaint plaintiff lodged with IEEE in 2012, in which he contended that the 2003 IEEE article in question plagiarized his doctoral thesis.

7. Given the breadth of IEEE's publishing operations and the nature of its publications, it regularly receives claims of plagiarism asserted by various authors. Given this steady volume of plagiarism allegations, IEEE decided many years ago to implement a policy to evaluate such complaints with the aim of assuring that they be assessed fairly. That policy provides for an initial review of a

complaint of plagiarism by an IEEE volunteer responsible for the publication about which the claim has been asserted. After that initial review, the responsible person is supposed to “appoint an independent ad-hoc committee of experts in the topic to *confidentially* investigate and make a recommendation on the allegation to the responsible person.” Thereafter, the responsible person can either accept or reject the recommendations of the ad-hoc committee. Once that determination by the responsible person is made, both the claimant and the author(s) of the allegedly plagiarized article are notified of the determination, and either side can appeal that determination to other IEEE volunteers who sit on the Publications Conduct Committee of the IEEE Publication Services and Products Board. The decision by those Committee members is final.

8. As IEEE’s plagiarism policy makes clear, confidentiality is an essential part of the review process because it ensures candor on the part of the reviewers, who would otherwise be reluctant to air their views frankly. The entire review process would be compromised if confidential communications among reviewers, IEEE administrative personnel, and IEEE society officers like the three exhibits at issue were to be disclosed publicly.

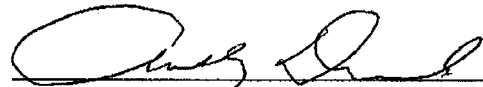
9. Exhibit U to the Stahl Declaration is an email from the IEEE employee tasked with coordinating the review of Plaintiff’s plagiarism complaint, Anthony Vengraitis, to Dr. Alessandro De Luca, an IEEE volunteer who was then

serving as Vice President for Publication Activities of the IEEE Robotics and Automation Society, and who is also a professor at the University of Rome. Dr. DeLuca was the relevant IEEE Society officer in charge of putting together the review committee and making sure their work was completed in a timely manner. Exhibits V and W are emails between and among Dr. DeLuca and these reviewers, whose names I understand the Court previously allowed IEEE to refrain from disclosing.

10. All of these emails concern confidential details of the plagiarism review evaluation and process. In order for that process to function effectively, it is imperative that IEEE employees and volunteers be allowed to communicate frankly and confidentially with one another. If disaffected plagiarism complainants could gain access to such communications during discovery in a case like this and then disseminate them publicly, the integrity of our review process would be severely undermined.

11. To the extent that Exhibits T and Y to the Stahl Declaration consist of deposition testimony concerning the preceding four exhibits to the Stahl Declaration, I respectfully submit that they too should be sealed, along with relevant sections of Plaintiff's Memorandum of Law in Support of Motion for Summary Judgment and his accompanying Local Civil Rule 56.1 Statement of Undisputed Material Facts.

Dated: March 5, 2015



Anthony Dunriak