On behalf of the Claimant
Witness: J MacFarlane
Exhibits JM-6 – JM-7

18 February 2024

Claim No: IL-2021-000019

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND & WALES
INTELLECTUAL PROPERTY LIST (ChD)

B E T W E E N :

CRYPTO OPEN PATENT ALLIANCE

(for itself and as Representative Claimant on behalf of

Square, Inc., Payward Ventures, Inc. (DBA Kraken),

Microstrategy, Inc., and Coinbase, Inc.)   **Claimant**

-and-

DR CRAIG STEVEN WRIGHT

Defendant

SECOND WITNESS STATEMENT OF
PROFESSOR JOHN MACFARLANE

I, PROFESSOR JOHN MACFARLANE, of ███████████████████████ ███████████████ , will say as follows:

1. I am the same Professor John Macfarlane that made an earlier witness statement in these proceedings. I prepared this statement, with assistance from Bird & Bird to put it into an appropriate witness statement format. This statement uses my own words and sets out facts and matters that are within my own knowledge unless otherwise stated: where I refer to facts within my own knowledge, I believe them to be true. Where I refer to information from other sources, I have identified my sources and the information it is true to the best of my knowledge and belief. I have not referred to any other documents than those mentioned and exhibited in this statement.

2. Bird & Bird has made me aware of comments Dr. Wright made concerning pandoc during his testimony on Day 5 of the trial. I told Bird & Bird that I wished to address

one factual point raised at reference {5/107-15} – {5/108/1} where Dr. Wright testifies as follows:

15 Q. Would you accept that that also dates this document to

16 much later than 2006?

17 A. No, because that's a standard comment. But if you go

18 down to the bottom of the page again, "pdfcreator ...

19 LaTeX via pandoc", that isn't a Pandoc marker. When

20 using Pandoc, it doesn't add that. This is a manually

21 added comment. So the PDF creator has been updated not

22 by a program, but by a person. There is no Pandoc

23 version and no LaTeX compiler version that I know of in

24 existence, including my tech, including Overleaf,

25 including any of the main programs and any version of

1 Pandoc that adds that statement.

3. At {5/108/1}-{5/108/13} he says (referring to me as "he"):

2 Q. Well, Professor MacFarlane, who knows a little about

3 Pandoc, has considered the source commits to determine

4 the date of the template for this document and he dates

5 this to a template current between March and

6 October 2022. Do you disagree with that evidence from

7 him?

8 A. I do. And I also note that he hasn't looked at the PDF

9 creator label. The PDF creator label is manually added.

10 It's not added by Pandoc. And I would love to see him

11 explain which version. I've managed to copy every

12 single version now of Pandoc and check every one of

13 them.

The "pdfcreator ... LaTeX via pandoc" string

4. I did consider the PDF creator label string in my first statement. I mentioned that as the reference to pandoc in my first statement at paragraph 3, and I also included the PDF creator string itself in paragraph 5 of my first statement.

5. The same line can also be seen among pandoc's source code in the commit summaries shown at **Exhibit JM3** to my first statement.

6. The claim that the string "pdfcreator={LaTeX via pandoc}" is not added by pandoc is false. This string is part of pandoc's default LaTeX template, and has been since version 2.7.2 (released April 5, 2019). Versions of pandoc prior to 2.7.2 did not include it. Versions of pandoc after 2.7.2 automatically include this string when converting documents to LaTeX using the -s/--standalone option.

Dr Wright's request for an explanation

7. I understand that Dr Wright stated at {5/108/10-13} quoted above that he downloaded every version of pandoc and was unable to find the line in question, and asked for an explanation of where it appears. This can be demonstrated by downloading the source code of every pandoc version and using the rg utility to search for occurrences of the string in question. Here is a full explanation of how to do it.

8. First, download every pandoc version from the official Haskell package repository (called Hackage). A script that will do this automatically is at **Exhibit JM6.** This will produce one directory for each pandoc version, containing the source code for that version.

9. Next, search for the string "pdfcreator={LaTeX via pandoc}" within the default LaTeX template in all of these versions. **Exhibit JM7** shows a search and sort command that will do this, together with the output of that command.

10. The output obtained shows clearly that the string in question is part of the default LaTeX template in pandoc 2.7.2 and every later version, but does not appear in any version earlier than 2.7.2.

Declaration of Professor John Macfarlane

I understand that the purpose of this witness statement is to set out matters of fact of which I have personal knowledge. I understand that it is not my function to argue the case, either

generally or on particular points, or to take the court through the documents in the case. This witness statement sets out only my personal knowledge and recollection, in my own words.

On points that I understand to be important in the case, I have stated honestly (a) how well I recall matters and (b) whether my memory has been refreshed by considering documents, if so how and when.

I have not been asked or encouraged by anyone to include in this statement anything that is not my own account, to the best of my ability and recollection, of events I witnessed or matters of which I have personal knowledge. I believe the facts stated in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed by Professor John MacFarlane:

Date: