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17 *Mullenweg*

                    UNITED STATES DISTRICT COURT
18
                    NORTHERN DISTRICT OF CALIFORNIA
19
                    SAN FRANCISCO DIVISION
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21 WPENGINE, INC.,   Case No. 3:24-cv-06917-AMO

22   Plaintiff,   **DECLARATION OF BARRY**
                                             ABRAHAMSON IN SUPPORT OF
23   v.   **DEFENDANTS' MOTION TO STRIKE**
                                             AND OPPOSITION TO PLAINTIFF'S
24 AUTOMATTIC INC. AND MATTHEW   **MOTION FOR PRELIMINARY**
    CHARLES MULLENWEG,   **INJUNCTION**
25
               Defendants.   Judge: Hon. Araceli Martinez-Olguin
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I, Barry Abrahamson, declare as follows:

1.   I make this declaration in support of Defendants Automattic Inc. ("**Automattic**") and Matthew Charles Mullenweg's Motion to Strike and Opposition to Motion for Preliminary Injunction. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to them under oath if called as a witness.

2.   I am currently the Chief Systems Wrangler at Automattic, where I am responsible for running the globally distributed infrastructure that powers WordPress.com, Jetpack, WooCommerce, WordPress.com VIP, WP Cloud, and Pressable, among others. I joined Automattic in April 2006 as a consultant and started full-time in May 2007. I have been with the company in a Systems Wrangler role for around seventeen years.

3.   As part of my role as Chief Systems Wrangler at Automattic, I regularly work with the WordPress software platform, and am also familiar with the website located at www.WordPress.org (the "**Website**"). Automattic contributes significant time and resources to the operation of the Website, in excess of 3500 hours weekly.

4.   WordPress is an open-source software platform, which was first developed in early 2003 and is licensed under the General Public License (GPL) v2.

5.   The WordPress software is available through various publicly accessible locations throughout the web, including at least (1) on the Website; and (2) at https://github.com/WordPress/WordPress (the "**GitHub Webpage**"). In particular, approximately 170 repositories of WordPress-related software can be found on GitHub, freely available to users for downloading. That software includes the most up-to-date version of WordPress, which is pushed to GitHub via an automated process from the Website and available on the GitHub Webpage.

6.   The Website and its servers host the WordPress software, as well as other resources, such as WordPress themes— which define the look and feel of WordPress websites, and WordPress plugins. A plugin for WordPress is a piece of software that adds specific functionality or features to a WordPress website. Plugins can improve the performance and extend the capabilities of

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WordPress beyond its core features, allowing users to add various tools, functions, or enhancements to their site without needing to revise the core WordPress software. WordPress plugins are necessarily based on the same GPL code as WordPress itself and are subject to the same GPL license as WordPress software.

7.   The themes and plugins on the Website are accessible to the public and available to users for free. The Website provides a directory (https://wordpress.org/plugins/) (the "Plugin Directory") for users to view and download plugins. Currently, there are over 60,000 plugins available in the Plugin Directory and hosted on the Website, and which have been contributed by thousands of developers.

8.   While developers may elect to submit plugins for publication on the Website Plugin Directory, this is not the only option for publishing or hosting the plugins they create. Developers can, for example, host their plugins on their own webpages or plugin directories, as well as through community repositories such as GitHub. Plugins may and often are hosted in more than one location.

9.   Plugins are regularly updated to implement improvements or patch discovered security vulnerabilities. With respect to plugins hosted on the Website, WordPress website users are able to update the plugins for their individual WordPress websites either manually or through automated options provided by certain hosting services for their convenience.

10.   For manual downloading and updating options, plugins, including updates, can be downloaded from the Website Plugin Directory by anyone, at any time. That Plugin Directory is publicly accessible, and does not require a Website account or login. Up-to-date plugins can be downloaded with a single click which provides the plugin in the form of a zip file. WordPress website users can then extract and upload that file to their individual WordPress websites.

11.   Alternatively, certain hosting services which assist users in supporting and optimizing their WordPress websites provide dashboards which allow users to manage and update their plugins from one centralized location. Rather than manually download and upload each desired plugin, they allow users to update their existing plugins with the click of a button. This is a

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matter of convenience for users.

12.   These third party dashboards can function by linking to up-to-date plugin repositories from which they pull updated plugins. Those repositories may include the Website Plugin Directory, or any other repository of such plugins. Based on my experience at Automattic, we have some plugins hosted on our own internal servers and others hosted on the Website Plugin Directory. We host some plugins on our internal servers for many purposes, including to proactively mitigate against any interruption in service to our customers and to enhance security.

13.   WPEngine, Inc. ("**WPE**") is one hosting company which I understand provides its users with dashboards, for their convenience, for their individual WordPress website(s). It is my understanding that prior to September 25, 2024, the dashboards on WPE customer's WordPress websites were linked to the Website Plugin Directory, for purposes of downloading and updating plugins.

14.   When WPE's servers were blocked from accessing the Website servers on September 25, 2024, I understand that block prevented WPE customer dashboards from continuing to link to updated plugins through the Website Plugin Directory. At no time, however, was WPE or its customers prevented from downloading plugins or associated updates from the Website via the manual process described above. As mentioned in WPE's October 3, 2024 post (https://wpengine.com/blog/ensuring-stability-and-security/), I understand that WPE modified its hosted WordPress websites to use its own servers to install and update plugins.

15.   I also understand that WPE has been blocked from accessing certain developer resources on the Website would allow it to update the software behind plugins residing on the Website Plugin Directory. That block, however, in no way impacted WPE's ability to update, modify or deploy those plugins from its own website or from other repositories where those plugins may reside.

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1   I declare under penalty of perjury under the laws of the United States of America and the

2   State of California that the foregoing is true and correct.

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4   Dated: October 30, 2024

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6   By: _____
                                                      Barry Abrahamson
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     DECLARATION OF BARRY ABRAHAMSON IN SUPPORT OF DEFENDANTS' MOTION TO
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