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File 94704

March 8, 2018

VIA EMAIL

Sandvine
408 Albert Street
Waterloo, ON
N2L 3V3

Attn: Lyndon Cantor, CEO

Dear Mr. Cantor:

Re: University of Toronto and Mr. Deibert

We have reviewed carefully your letter dated March 7, 2018.

The pending Citizen Lab report concerning the use of Sandvine's PacketLogic Devices ("Report") is a peer-reviewed, comprehensive research paper on a serious issue of significant public interest.

As is its standard protocol, Citizen Lab has engaged in best practices in conducting the research underlying the Report and in providing Sandvine with ample time and information to respond to the core findings of Citizen Lab's research.

Specifically, before finalizing the Report, by letter dated February 12, 2018 Citizen Lab provided Sandvine with a detailed synopsis of the research findings, including core technical findings, and sought Sandvine's comment or statement in response. Citizen Lab posed specific questions to Sandvine and committed to publishing, in full, any statement or clarification that Sandvine wished to provide. Citizen Lab remains committed to this position, and intends to publish the exchange of communication with Sandvine along-side the final report, including this letter.

However, by letter dated February 16, 2018, Sandvine:

- Did not respond to any of the questions posed by Citizen Lab;
- Instead responded to inferences Citizen Lab did not make;
- Questioned broadly the findings and conclusions arising from the Report, without any concrete basis for those objections; and

- Made a significant technical admission: the design of PacketLogic permits the end user to inject a payload of 1 packet.

Citizen Lab responded to Sandvine by letter dated March 1, 2018. On the latter point, Citizen Lab confirmed that Sandvine's admission is entirely consistent with Citizen Lab's research findings and its conclusions concerning the manner in which Sandvine's product is being used by operators. Your correspondence of March 7, 2018 again reiterates that PacketLogic does not permit the end user to inject a payload "larger than 1 packet". Citizen Lab's conclusion is that 1 packet is all that is required to enable the product to be used in the manner it describes.

As a result of correspondence from Sandvine, Citizen Lab has (now twice) delayed publication of the Report to conduct further due diligence and respond to Sandvine.

As Citizen Lab advised in its March 1, 2018 letter, this included obtaining two confidential, external, third-party peer reviews of the Report. One of the external experts stated: "The conclusions are very well developed. The evidence of traffic manipulation – including its specific nature, consequences, and localization – is ironclad".

Citizen Lab is committed to producing accurate and meaningful research based in fact and informed by expert analysis.

To the extent the Report includes commentary based on the technical research findings, these comments are a matter of significant public interest. Sandvine is welcome to review and freely criticize Citizen Lab's opinion as part of a robust public dialogue concerning these important issues. However, it would be an infringement on the principle of academic freedom and the right of freedom of expression to require Citizen Lab's comments on its research findings to be pre-screened by Sandvine.

You state, broadly, that Sandvine takes seriously its commitment to corporate social responsibility and ethical use of its products. However, you have not responded to any of the specific questions asked of Sandvine by Citizen Lab in letters dated February 16 and March 1, 2018.

Instead, your recent correspondence impugns the integrity and conduct of Citizen Lab, Mr. Deibert, and the University of Toronto, without any factual foundation whatsoever. Even the perception that the University's research agenda could be influenced or undermined by the interests or threats of a private corporation is a threat to its academic independence, credibility, and integrity.

Finally, Sandvine baldly alleges misappropriation of its technology through Citizen Lab's procurement of a second hand PacketLogic device. Citizen Lab has asked for full particulars in respect of this allegation so that it may respond in a meaningful manner. Sandvine has not yet provided any such particulars. If

such particulars are provided, Citizen Lab will review them carefully and provide a considered response, and welcomes the opportunity to do so.

Yours very truly,

PALIARE ROLAND ROSENBERG ROTHSTEIN LLP

A handwritten signature in black ink, appearing to read 'LRR', with a long, sweeping horizontal line extending to the right.

Linda R. Rothstein
LRR:nb

c. Odette Soriano

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