

March 7, 2018

Claire M.C. Kennedy
University of Toronto – Chair of the Governing Council
Office of the Governing Council
University of Toronto
27 King's College Circle, Room 106
Toronto, ON Canada M5S 1A1

Michael H. Wilson
University of Toronto – Chancellor
Office of the Chancellor
University of Toronto
27 King's College Circle, Room 206
Toronto, ON Canada M5S1A1

Meric Gertler
University of Toronto – President
Office of the President
University of Toronto
27 King's College Circle, Room 206
Toronto, ON Canada M5S1A1

Dear Ms. Kennedy and Messrs. Wilson and Gertler:

I am writing in response to Professor Deibert's letter on behalf of Citizen Lab at the University of Toronto dated March 1, 2018 and attached hereto. As I outlined in my previous correspondence, we take our commitment to corporate social responsibility and the ethical use of our products seriously, and we maintain a comprehensive business ethics program that applies best practices to identify and address risks relating to the sales and use of our products. However, based on our correspondence with Mr. Deibert to date, we are very concerned that the report that Citizen Lab intends to release on March 8 will contain false, inaccurate and misleading information that has the potential to do significant harm to the company, its shareholders and its customers.

Notwithstanding numerous correspondence regarding his analysis and his acknowledgement of material errors in his original letter dated February 12, 2018, Mr. Deibert's most recent correspondence continues to assert claims based on technical inaccuracies, intentionally misleading statements and speculation. Furthermore, Mr. Deibert's unwillingness to share any specific evidence or data to support his assertions makes it impossible for us to provide a substantive fact-based response to his conclusions. We do not understand the ethical standing or position the University of Toronto is demonstrating with this report.

On March 2, 2018, Mr. Deibert denied our request for a copy of the report, which allegedly contains evidence of the assertions in his letters to us. Mr. Deibert attempted to justify the denial of our request to review the facts saying "for practical and ethical reasons, it is not our practice to provide advance copies of draft research publications to any third party (except members of the press, under strict embargo)." As part of our own ethics policy, Sandvine investigates all allegations of misuse. However, it is impossible to do so without the report or any of the evidence you claim to have.

Furthermore, the outrageous suggestion that it is more ethical to provide this alleged evidence to the press rather than to the affected company demonstrates that Mr. Deibert, and therefore the University, clearly prioritize publicity over an actual commitment to the rigorous research standards and the truth as practiced by all other well-respected

universities. Finally, we notified Mr. Deibert he was using our product without a license, and he still has not returned the product. We again ask that Mr. Deibert returns the product that he has misappropriated and used in violation of our EULA.

Based on our correspondence to date, we believe Mr. Deibert's report contains false or intentionally misleading information regarding Sandvine and its products, and we intend to hold the University of Toronto fully responsible for any harm suffered by the company, its shareholders or its customers as a result of such report. Given the significant errors in the limited information shared with us thus far and the lack of any specific evidence, we request a meeting with you in person or by conference call to discuss the specific facts being relied on to support the assertions made in the report as well as the process Citizen Lab has followed in anticipation of releasing the report publicly without adequate opportunity for our review and investigation. Furthermore, we respectfully request that Citizen Lab: (i) provide us with a copy of the report and all underlying data to substantiate the claims made in the report so that we may conduct a full fact-based investigation; (ii) defer publication of the report until such time as we can accomplish the investigation described above; and (iii) take all steps reasonably appropriate in accordance with generally accepted research standards to ensure that any final, publicly-released report is accurate and not misleading.

More specifically, we demand that the report not be released publicly at this time based on the following:

- **Allegations are technically inaccurate and not feasible:** As we stated in our February 16, 2018 response, our product PacketLogic is not capable of any form of payload injection, malicious or not. The design of PacketLogic does not permit the end user to inject a payload larger than 1 packet, thereby it does not allow for any payload injection at all. Mr. Deibert's allegations that PacketLogic was used "to inject traffic on a mass scale" are technically inaccurate and not feasible, and are not sanitized by the statement that PacketLogic is capable of "spyware injection and advertising injection ... carried out by injecting HTTP 307 redirects."
- **Statements are intentionally misleading:** HTTP redirection is a commodity-like technology that is present across a wide variety of networking elements that a user's traffic would traverse and is widely deployed and used every day by corporations, security products and telecom providers (just to name a few) for legitimate and lawful purposes. Sandvine enables these functions through PacketLogic, as do dozens of other technology vendors' products. Mr. Deibert has not provided evidence of the alleged operators' actions to redirect a target's browser "to automatically fetch malicious code." In fact, Mr. Deibert's statement that "Turk Telecom and Telecom Egypt are the likely operators in in question" [emphasis added] concedes that he does not have actual evidence to support his assertions. Mr. Deibert's statements are artfully worded but intentionally misleading, and are based on speculation in the absence of providing any evidentiary support for his claims.
- **Refusal to provide report and data:** As part of our own ethics policy, Sandvine investigates all allegations of misuse, and we provide multiple avenues to alert the company of any such concern. However, it is impossible to investigate Mr. Deibert's allegations regarding our products attribution to the alleged activities and its alleged unlawful use without seeing the report or any of the evidence Citizen Lab claims to have. Mr. Deibert denied our request to review the report saying, "for practical and ethical reasons, it is not our practice to provide advance copies of draft research publications to any third party (except members of the press, under strict embargo)."
- **Unethical research methods:** Mr. Deibert's claim that for ethical reasons, he can't share data supporting his allegations in advance of making those allegations public flies in the face of every standard university research practice and methodology we are aware of and undermines the credibility of both his report and the University of Toronto as a research institution.
- **Our technology has been misappropriated:** As indicated in Mr. Deibert's original letter, Citizen Lab procured a "second-hand PacketLogic device" and we have no record of the University of Toronto or any of its affiliates directly licensing our technology. Thus, any use of the product by Citizen Lab violates our End

User License Agreement (EULA) which clearly states that our product is non-transferable and may not be sold, sublicensed, or distributed. Given Citizen Lab's focus on ethical use issues, we find it ironic that the University of Toronto would willingly violate our legal rights to conduct its research. This misuse by Citizen Lab not only violates the terms of the contract with the original licensee, but also constitutes the misuse of our trade secrets by the University of Toronto and a violation of other applicable laws.

The above points demonstrate even further that there is less focus on ensuring the analysis is factually correct and more interest in the media attention at the expense of Sandvine, its shareholders, its customers, and the public who otherwise benefit from our product.

Contrary to the allegations made in Mr. Diebert's correspondence, we have robust practices, procedures, and contractual requirements concerning social responsibility, human rights, and privacy rights, and we would welcome the opportunity to engage in a constructive dialog in the interest of continually improving our policies and procedures. I have and will continue to encourage transparent, fact-based collaboration with interested stakeholders.

For these reasons, we request a meeting with you or engagement by conference call to discuss the matters described above and demand the report not be released publicly at this time. We will wait to communicate with the media, with whom Mr. Deibert has already been in contact, about the errors in methods and findings in the report if you can confirm that the report's release will be deferred and that you will agree to schedule a meeting. We will refrain from responding to media inquiries until 4:00 pm EST on March 7 to allow you time to respond to this request.

Respectfully,



Lyndon Cantor
CEO
Sandvine
e: lcantor@sandvine.com

cc:

Steve Moate
Senior Legal Counsel
University of Toronto / Simcoe Hall
27 King's College Circle, Room 112
Toronto ON Canada M5S1A1
c/o: Stacie.Ozdemir@utoronto.ca

Professor Randall Hansen
Interim Director, Munk School of Global Affairs
University of Toronto
315 Bloor Street West
Toronto, ON Canada M5S 0A3

Professor Ronald Deibert
Director, The Citizen Lab
Munk School of Global Affairs
University of Toronto
315 Bloor Street West
Toronto, ON Canada M5S 0A3