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MICROSOFT CORPORATION,
FS-ISAC, INC. and NATIONAL AUTOMATED
CLEARING HOUSE ASSOCIATION

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MICROSOFT CORP., FS-ISAC, INC., and
NATIONAL AUTOMATED CLEARING HOUSE
ASSOCIATION,

Plaintiffs

v.

JOHN DOES 1-39 D/B/A Slavik, Monstr, IOO,
Null, nvidiag, zebra7753, lexa_Mef, gss, iceIX,
Harderman, Gribodemon, Aqua, aquaSecond, it,
percent, cp01, hct, xman, Pepsi, miami, miamibc,
petr0vich, Mr. ICQ, Tank, tankist, Kusunagi,
Noname, Lucky, Bashorg, Indep, Mask, Enx,
Benny, Bentley, Denis Lubimov, MaDaGaSka,
Vkontake, rfcid, parik, reronic, Daniel, bx1, Daniel
Hamza, Danielbx1, jah, Jonni, jtk, D frank, duo,
Admin2010, h4x0rdz, Donsft, mary.J555,
susanneon, kainehabe, virus_e_2003, spanishp,
sere.bro, muddem, mechan1zm, vlad.dimitrov,
jheto2002, sector.exploits AND JabberZeus Crew,
AND YEVHEN KULIBABA AND YURIY
KONOVALENKO, CONTROLLING COMPUTER
BOTNETS THEREBY INJURING PLAINTIFFS,
AND THEIR CUSTOMERS AND MEMBERS,

Defendants.

Hon. Sterling Johnson, Jr.

Case No. 12-cv-01335 (SJ/RLM)

**DECLARATION OF GABRIEL M. RAMSEY
IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT**

I, Gabriel M. Ramsey, declare as follows:

1. I am a partner of the law firm of Orrick, Herrington & Sutcliffe LLP ("Orrick"), counsel of record for Plaintiffs Microsoft Corp., FS-ISAC, Inc., and the National Automated Clearing House Association (collectively, "Plaintiffs"). I make this declaration in support of Plaintiffs Motion for Entry of Default. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

I. DEFENDANTS HAVE NOT RESPONDED OR OTHERWISE REQUESTED THAT THE DOMAINS AT ISSUE IN THIS CASE BE REINSTATED

2. On March 23, 2012, Plaintiffs' counsel at Orrick, Herrington & Sutcliffe served copies of the Complaint, TRO and all associated pleadings to the U.S. domain registries which have control over the Internet namespace associated with the Zeus botnet command and control domains. Subsequently, on March 29, 2012, the registries were served with the Preliminary Injunction. These documents were also delivered to the attention of non-U.S. domain registries, with an informal request for their assistance in preventing Defendants from accessing the command and control domains.

3. Since that time, Plaintiffs' counsel from Orrick, Herrington & Sutcliffe LLP have been in continuous contact with the foregoing domain registries. The domain registries, and the ultimate domain registrars which sold the domains to the defendants, were provided my contact information. These parties were asked to inform me if any of the Defendants requested reinstatement of the domains and were asked to have Defendants contact me about the case if any communication was received from them.

4. As of August 2, 2012, I have received no request from any of the Defendants to reinstate the command and control domains.

5. As described more fully below, John Doe Defendants 1-21, 25-35, 37-39 have been properly served the Complaint, Amended Complaint and summons in this matter

pursuant to the means authorized in the Court's temporary restraining order and preliminary injunction, and these Defendants have failed to plead or otherwise defend the action.

II. INVESTIGATION REGARDING DEFENDANTS' CONTACT AND IDENTIFYING INFORMATION

6. Through the discovery process and informal discovery efforts, Plaintiffs have gathered further contact information—particularly email addresses—at which to serve Defendants.

7. Based upon their operation of a sophisticated group of botnets, previously available information and information developed in discovery, upon information and belief, the Defendants against whom a notation of default is sought are not infants, in the military or incompetent persons.

8. Given (a) Defendants' usage of aliases and false information, (b) limitations in the ability to carry out non-U.S. discovery, (c) the ease with which anonymous activities can be carried out through the Internet and (d) the sophistication of the Defendants, we have been unable to specifically and definitively determine the "real" names and physical addresses of Defendants, at which they might be served by personal delivery or treaty-based means.

9. Notwithstanding these limitations, the investigation has yielded multiple pieces of contact information, particularly email addresses associated with the domains at issue in the case and email and messaging addresses otherwise associated with the Defendants. It is Plaintiffs' position that service of process directed to Defendants at their known electronic messaging and email addresses and such contact information associated with the Zeus botnet control domains will convey notice to the parties responsible for the Zeus botnets.

III. SERVICE OF PROCESS AND NOTICE UPON DEFENDANTS

1. Defendants Are Likely Aware Of This Proceeding Given The Impact Of The TRO And Preliminary Injunction

10. The operation and growth of the Zeus botnets at issue in this case has been frustrated by the temporary restraining order and preliminary injunction issued by the Court. Because the IP addresses and domains controlling the botnets have been disabled since March 23, Defendants have not been able to access their software which was operating through those IP addresses and domains, and have not been able to communicate with Zeus-infected end-user machines using those IP addresses and domains. This has impeded these Zeus botnets' ability to grow and significantly disrupted the ability to steal credentials. I am informed by Microsoft, based on control of the botnet domains during the pendency of the case, that the number of detected infected computers dropped from 779,816 as of March 25, to 336,393 as of June 17. I am informed by NACHA that, since the issuance of the TRO and preliminary injunction, its measurement of spam email infringing the NACHA trademarks indicates that such infringing email has dropped 90%. Given the obvious impact on the botnets and public reports of this action, Defendants are very likely to be aware of the impact on the botnet and to be aware that the instant proceeding is the cause of that impact. Third-party observers of the Zeus botnets have widely reported about this action and I have confirmed that the action has been reported in public media, including in Russia, Ukraine and the United States. Defendants are likewise also very likely to be aware of the impact on the botnet and to be aware that the instant proceeding is the cause of that impact.

2. Service By Internet Publication

11. Beginning on March 24, 2012, Plaintiffs published the Complaint, copies of each summons and all orders and pleadings in this action on the publicly available website www.zeuslegalnotice.com. The Amended Complaint and all subsequent pleadings and orders have been made available on that website throughout the case. The Court-approved notice language was provided in Russian, Ukrainian, Romanian and English on this website. A link to the website and the approved notice language was sent in each service

of process email and messaging communication sent to Defendants at the over 2,700 email and messaging addresses to which service was effected. Members of the public who have become aware of the case have reached out to me regarding the www.zeuslegalnotice.com website, from which I conclude that the website is effective at providing notice of this action and instructions on how to contact Plaintiffs' counsel or otherwise respond.

3. Service By Email

12. Plaintiffs served by email copies of the Complaint, Amended Complaint, summons and a link to all pleadings in this action, as well as the Court approved notice language, through those means as described further below. Between the messaging and email addresses known to be associated with the Defendants, the email addresses associated with the botnet domains and the additional email addresses of Defendants developed during discovery, the Defendants have been served at over 2,700 email and messaging addresses. Despite this robust notice and service, the Defendants have not come forward in this action to defend or seek reinstatement of the Zeus botnet domains.

13. **John Doe 1** ("Slavik" or "Monstr") was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the messaging address bashorg@talking.cc on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 1 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 1 to date in this action.

14. **John Doe 2** ("zebra7753," "lexa_mef," "gss," and "iceIX") was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address

iceix@secure-jabber.biz and the ICQ messaging address 610875708 on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 2 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 2 to date in this action.

15. **John Doe 3** (“Harderman” or “Gribodemon”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging addresses glazgo-update-notifier@gajim.org, and gribo-demon@jabber.ru on March 24, 2012. The Complaint and summons were also attached to, and a link to www.zeuslegalnotice.com sent in emails to John Doe 3’s email addresses shwark.power.andrew@gmail.com, johnlecun@gmail.com, gribodemon@pochta.ru on March 24, 2012. During discovery, four additional email accounts of John Doe 3 were identified and the foregoing materials were sent to those addresses in June 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 3 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 3 to date in this action.

16. **John Doe 4** (“Aqua,” “aquaSecond,” “it,” “percent,” “cp01,” “hct,” “xman,” and “Pepsi”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address aqua@incomeet.com and the ICQ messaging address 637760688 on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. On April 7, 2012, John Doe 4 responded by instant messenger

demanding that I cease communication with him. John Doe 4 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no further response from John Doe 4 since that point in this action.

17. **John Doe 5** (“miami” and “miamibc”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging addresses miami@jabbluisa.com, um@jabbim.com, and hof@headcounter.org on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 5 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 5 to date in this action.

18. **John Doe 6** (“petr0vich”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address petr0vich@incomeet.com and the ICQ messaging address 802122 on March 24, 2012. The Complaint and summons were also attached to, and a link to www.zeuslegalnotice.com sent in emails to John Doe 6’s email addresses theklutch@gmail.com, niko@grad.com, Johnny@guru.bearin.donetsk.ua on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 6 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There

has been no response from John Doe 6 to date in this action.

19. **John Doe 7** (“Mr ICQ”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address mrircq@incomeet.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 7 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 7 to date in this action.

20. **John Doe 8** (“Tank” and “tankist”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address tank@incomeet.com and ICQ messaging address 366666 on March 24, 2012. The Complaint and summons were also attached to, and a link to www.zeuslegalnotice.com sent in emails to John Doe 8’s email address T4ank@ua.fm on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 8 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 8 to date in this action.

21. **John Doe 9** (“Kusunagi”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address tank@incomeet.com and ICQ messaging address 366666 on March 24, 2012. The Complaint and summons were also attached to, and a link to www.zeuslegalnotice.com sent in emails to the email address T4ank@ua.fm on March 24, 2012. The Amended Complaint was served in this manner on

June 30, 2012. John Doe 9 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 9 to date in this action.

22. **John Doe 10** (“Noname”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address aqua@incomeet.com and ICQ messaging address 637760688 on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 10 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 10 to date in this action.

23. **John Doe 11** (“Lucky” and “Bashorg”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the ICQ messaging address 647709019 on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 11 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 11 to date in this action.

24. **John Doe 12** (“Indep”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address tank@incomeet.com and ICQ messaging addresses 366666 and 647709019 on March 24, 2012. The Complaint and summons were

also attached to, and a link to www.zeuslegalnotice.com sent in emails to the email address T4ank@ua.fm on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 12 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 12 to date in this action.

25. **John Doe 13** (“Mask”) was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 13 to date in this action.

26. **John Doe 14** (“Enx”) was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 14 to date in this action.

27. **John Doe 15** (“Benny,” “Bentley,” “Denis Lubimov,” “MaDaGaSkA,” and “Vkontake”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address benny@jabber.cz and ICQ messaging addresses 77677776, 76777776, 173094207, and 45677777 on March 24, 2012. The Complaint and summons were also attached to, and a link to www.zeuslegalnotice.com sent in emails to the email addresses getready@safebox.ru, john.mikle@ymail.com, alexeysafin@yahoo.com, moscow.berlin@yahoo.com, cruelintention@email.ru, bind@email.ru, firstmen17@rambler.ru on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 15 was served at the email addresses

used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 15 to date in this action.

28. **John Doe 16** (“rfcid”) was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 16 to date in this action.

29. **John Doe 17** (“parik”) was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 17 to date in this action.

30. **John Doe 18** (“reronic”) was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 18 to date in this action.

31. **John Doe 19/20** (“Daniel,” “bx1,” “Daniel Hamza” and “Danielbx1”) was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging address Deja-vu@jabber.org and ICQ messaging address 565359703 on March 24, 2012. The Complaint and summons were also attached to, and a link to www.zeuslegalnotice.com sent in emails to the email addresses airlord1988@gmail.com, bx1@hotmail.com, i_amhere@hotmail.fr, bx_1@hotmail.fr, daniel.h.b@universityofsutton.com,

princedelune@hotmail.fr, bx1_@msn.com, danibx1@hotmail.fr, and danieldelcore@hotmail.com on March 24, 2012. During discovery, two additional email accounts of John Doe 19/20 were identified and the foregoing materials were sent to those addresses in June 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 19/20 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. On March 25, 2012 John Doe 19/20 responded by instant messenger that the "Eastern District of New York is so far..." After the initial exchanges, this defendant stopped responding to communications.

32. **John Doe 21** ("jah") was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 21 to date in this action.

33. **John Doe 25** ("D frank") was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in this action, to the Jabber messaging addresses d.frank@jabber.jp and d.frank@0n11ne.at on March 24, 2012. John Doe 25 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 25 to date in this action.

34. **John Doe 26** ("duo") was served the court-approved notice language and link to www.zeuslegalnotice.com containing the Complaint, summons and all documents in

this action, to the Jabber messaging address duo@jabber.cn on March 24, 2012. John Doe 26 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 26 to date in this action.

35. **John Doe 27** ("Admin2010") was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email addresses fering99@yahoo.com and secustar@mail.ru on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 27 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 27 to date in this action.

36. **John Doe 28** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address h4x0rdz@hotmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 28 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 28 to date in this action.

37. **John Doe 29** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address Donsft@hotmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 29 was served at the email addresses used to register

the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 29 to date in this action.

38. **John Doe 30** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address mary.j555@hotmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 30 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 30 to date in this action.

39. **John Doe 31** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address susanneon@gmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 31 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 31 to date in this action.

40. **John Doe 32** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address kaine habe@hotmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 32 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012

and June 30, 2012. There has been no response from John Doe 32 to date in this action.

41. **John Doe 33** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address virus_e_2003@hotmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 33 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 33 to date in this action.

42. **John Doe 34** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address spanishp@hotmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 34 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 34 to date in this action.

43. **John Doe 35** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address sere.bro@hotmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 35 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 35 to date in this action.

44. **John Doe 37** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address

vlad.dimitrov@hotmail.com on March 24, 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 37 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 37 to date in this action.

45. **John Doe 38** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address jheto2002@gmail.com on March 24, 2012. During discovery, an additional email account of John Doe 38 was identified and the foregoing materials were sent to that addresses in June 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 38 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 38 to date in this action.

46. **John Doe 39** was served the Complaint and summons which were attached to, and a link to www.zeuslegalnotice.com was sent in, emails to the email address sector.exploits@gmail.com on March 24, 2012. During discovery, an additional email account of John Doe 39 was identified and the foregoing materials were sent to that address in June 2012. The Amended Complaint was served in this manner on June 30, 2012. John Doe 39 was served at the email addresses used to register the malicious internet domains that control the Zeus botnets, set forth at Appendix A to the Complaint and Amended Complaint. The complaint, summons and a link to www.zeuslegalnotice.com were included in emails to those addresses March 24-26, 2012 and June 30, 2012. There has been no response from John Doe 39 to date in this action.

Attempted Notice And Service By Mail and Facsimile

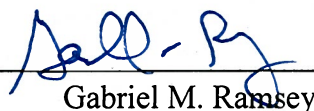
47. Investigation was carried out of the mailing addresses and facsimile numbers associated with the Zeus botnet domains. This information appears to have been falsified. For example, I verified many instances in which the name and address information used to register domains had been stolen from victims whose credentials had been stolen by Defendants and used to purchase the domains for illicit purposes. It is likely that Defendants used the Zeus software to steal these credentials. I communicated directly with a number of such victims, who confirmed that the names and addresses used to purchase botnet domains were their own. Some confirmed that their accounts had been used to purchase such domains. In each such instance, however, the victims confirmed that none of the email addresses used to register the domains were the victims' actual email addresses. From this, I conclude that the email addresses associated with the domains and described above are the most viable way to communicate with the Defendants in this action.

Notice And Personal Service To Defendants Pursuant To The Hague Convention

48. No valid physical addresses of John Doe Defendants 1-21, 25-35, 37-39 were identified, thus, to the extent that the Hague Convention on Service of Process is recognized by the relevant countries, service by this means was not possible.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 2nd day of August, 2012.



Gabriel M. Ramsey