

Richard A. Jacobsen (RJ5136)
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, New York 10019
Telephone: (212) 506-5000
Facsimile: (212) 506-5151

Gabriel M. Ramsey
(admitted *pro hac vice*)
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, California 94025
Telephone: (650) 614-7400
Facsimile: (650) 614-7401

Attorneys for Plaintiffs
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 1-21, 35-35 and 37-39,

Defendants.

Hon. Sterling Johnson, Jr.

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

**DECLARATION OF GABRIEL M. RAMSEY
IN SUPPORT OF MOTION TO AMEND PERMANENT INJUNCTION**

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 to Amend Permanent Injunction. 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.

2. On December 5, 2012, the Court entered a permanent injunction against the Defendants’ malicious operation of the Zeus botnets. (Dkt. 40, pp. 6-7) The permanent injunction also ordered third party domain registries, with administrative authority over the Internet domains used by Defendants to control the Zeus botnets, to redirect those domains to Microsoft’s secure servers for two years. (Dkt. 40, p. 7)

3. Since the entry of the permanent injunction, none of the Defendants, nor any third-party domains registry or domain registrar, nor any other party has objected to or otherwise taken issue with Microsoft’s control of the Zeus botnet domains.

4. I have conferred with the U.S.-based domain registries with administrative responsibility for the Zeus botnet domains. None of the domain registries have objected to Microsoft’s permanent ownership of the Zeus domains, as requested in the Plaintiff’s Motion to Amend Permanent Injunction.

5. One domain registry, Verisign, has indicated that it has no objection to transferring permanent ownership of the malicious Zeus domains to Microsoft, so that mitigation steps can continue, but takes the position that in the absence of a court order expressly authorizing it to do so, it can only comply with the terms of the original injunction (which ordered that the domains be redirected for two years and then released). Verisign has indicated that it can only act pursuant to an amended permanent injunction, that it is amenable to so acting should the Court issue an amended injunction and that it

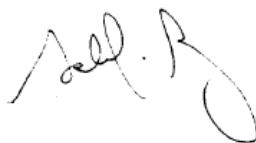
does not oppose the motion to Amend the Permanent Injunction.

6. Microsoft will pay for the administration and registration of the domains, once transferred to its control.

7. A proposed amended permanent injunction is submitted with this motion and Plaintiffs seek entry of that amended permanent injunction. The only change from the prior permanent injunction is that the amended injunction specifically directs that the registries are authorized to transfer the domains to Microsoft's ownership. The amended provisions are set forth at pages 6 and 7 of the proposed amended permanent injunction.

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 20th day of May, 2015.



Gabriel M. Ramsey