IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF NORTH CAROLINA

CHARLOTTE DIVISION

MICROSOFT CORPORATION,
 	
   Plaintiff,
 	
  v.
 	
JOHN DOES 1-82, CONTROLLING A COMPUTER BOTNET THEREBY INJURING MICROSOFT AND ITS CUSTOMERS,
 	
   Defendants.
	Civil Action No. 3:13-CV-00319-GCM
	
	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 Plaintiff Microsoft Corp. ("Microsoft" or "Plaintiff"). I make this declaration in support of Microsoft's 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.

2. On June 5, 2013, I served **John Doe 1** ("Aquabox") with the notice language approved in the Court's temporary restraining order, in both the English and Russian language, and a link to www.botnetlegalnotice.com/citadel, a website containing the Complaint, summons and all documents in this action, to the Jabber messaging address aquabox@jabber.org. I then sent a request to the Jabber messaging address, requesting to be notified if and when the user logged on or off.

3. On August 2, 2013, John Doe 1 contacted me from his Jabber messaging address by sending me a "subscribe" request. After I accepted the request, John Doe 1 then promptly

offered to sell me the Citadel botnet software for $500.

4.   Replying in both Russian and English, I informed John Doe 1 that I was counsel for Microsoft and requested that he confirmed receipt of the Complaint, summons, and other materials in this matter.
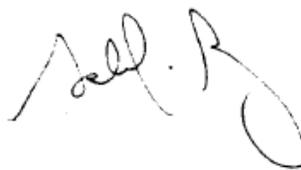
5.   John Doe 1 asked me to install remote viewing software and offered to show me how the Citadel malware and botnet work. After I installed the remote viewing software, John Doe 1 provided me with a session ID that I was able to use to connect to a computer controlled by John Doe 1.

6.   Through the remote viewing software, John Doe 1 proceeded to demonstrate the Citadel botnet software, showing me how one creates a bot using the Citadel botnet software. I asked John Doe 1 to confirm what he had just shown me. John Doe 1 explained that Citadel can be used to "steal banking info" and had other functionality as well, such as taking all information from a victim's browser and installing remote-control software on a victim's computer.

7.   After informing John Doe 1 that Citadel is illegal, I reiterated that I was communicating with him in order to inform him that he is a defendant in the present matter. At this point, John Doe 1 "unsubscribed" and ended the conversation. There has been no further response from John Doe 1 since August 2, 2013 in this action.

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 21st day of October, 2013.

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Gabriel M. Ramsey