

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICROSOFT CORPORATION, a Washington corporation,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No: 1:19-cv-00716-ABJ
)	
JOHN DOES 1-2, CONTROLLING A COMPUTER NETWORK AND THEREBY INJURING PLAINTIFF AND ITS CUSTOMERS,)	
)	
Defendants.)	
)	

**DECLARATION OF GABRIEL M. RAMSEY IN SUPPORT OF MICROSOFT’S
REQUEST FOR ENTRY OF DEFAULT**

I, Gabriel M. Ramsey, declare as follow:

1. I am an attorney admitted to practice in the State of California. I am a partner at the law firm of Crowell & Moring LLP (“Crowell”), counsel of record for the plaintiff in this matter, Microsoft Corporation (“Microsoft”). I make this declaration in support of Microsoft’s Request for Entry of Default. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would testify to the following under oath.

A. Defendants Have Not Responded To This Action Or Otherwise Objected To The Relief Requested In This Action

2. As described more fully below, John Doe Defendants 1-2 (“Defendants”) have been properly served the Complaint, and all orders, pleadings and evidence in this action pursuant to the means authorized by the Court in the Temporary Restraining Order (Dkt. No. 11), Preliminary Injunction Order (Dkt. No. 18) and Supplemental Preliminary Injunction Order (Dkt. No. 21), and these Defendants have failed to plead or otherwise defend the action.

3. As of September 6, 2019, I have not been contacted by any of the Defendants

regarding this case or at all. I have also conferred with Richard Boscovich, Assistant General Counsel in Microsoft's Digital Crimes Unit, who confirms that neither Microsoft, nor any party associated with it, have been contacted by any of the Defendants regarding this case or at all. Defendants have not objected to the relief obtained in the Temporary Restraining Order, the Preliminary Injunction Order or the Supplemental Preliminary Injunction Order, or any order of the Court. Defendants have not objected to or disputed any pleading, declaration, fact, evidence or submission in this case.

4. The 21-day time for Defendants to respond to the complaint under Fed. R. Civ. P. 12 has expired, as Defendants were served on March 27, 2019 via publication and at numerous points between March 27, 2019 and September 3, 2019 via email. I have seen no indication that any exception that would excuse Defendants' default would apply in this case. In particular, upon information and belief, the Defendants against whom a notation of default is sought are not infants or incompetent persons. I base this conclusion on the fact that Defendants have engaged in sophisticated acts of computer intrusion and theft of sensitive information from computer networks and have operated and procured sophisticated cybercrime infrastructure. I have also seen no indication that Defendants are members of the U.S. military and are absent or have failed to file responsive pleadings due to commitments related to present U.S. military service.

B. Service Of Process And Notice Upon Defendants

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

5. I submit that it is most reasonable to conclude that Defendants are aware of this proceeding given the significant impact of the TRO and preliminary injunction orders on their operations, in combination with the steps Microsoft took to serve process by email and through publication, discussed below.

6. As attested in the Declaration of David Anselmi (Dkt. No. 19-2 ¶ 32), following execution of the TRO and preliminary injunction orders, traffic from the subject Internet domains that comprised the Defendants' command and control infrastructure to infected victim operating systems and devices, was redirected to Microsoft's secure servers. As attested in the Anselmi Declaration, this effectively interrupted Defendants' attacks by severing communications between the infected operating systems and devices of victims and the Defendants. (Dkt. No. 19-2 ¶ 32). As attested in the Anselmi Declaration, to attempt to recover from the loss of this infrastructure, Defendants continued to register and activate new domains for use in the same infrastructure and to target victims. (Dkt. 19-2 ¶ 9). This suggests that Defendants were aware of their loss of communications with the infected operating systems and devices and were taking steps to restore their command and control infrastructure. Microsoft blocked these attempts. Given the obvious impact on the infrastructure, I conclude that Defendants are very likely to be aware of that impact and to be aware of the fact that the instant proceeding is the cause of that impact.

C. Service By Internet Publication

7. Microsoft has served process by Internet publication, as authorized by the TRO, Preliminary Injunction Order and Supplemental Preliminary Injunction Order. The Court has authorized service by Internet publication, as follows: “[t]here is good cause to permit ... service of the Complaint by formal and alternative means... [t]he following means of service are authorized by law, satisfy Due Process, and satisfy Fed. R. Civ. P. 4(f)(3) and are reasonably calculated to notify Defendants ... of this action ...(2) publishing notice on a publicly available Internet website.” Dkt. No. 11, ¶ 15; Dkt. No. 18, ¶ 15. The Court directed that “the Complaint may be served by any means authorized by law, including... publishing notice on a publicly

available Internet website.” Dkt. No. 11, pp. 9-10; Dkt. No. 18, p. 8.

8. I personally oversaw service of process by publication, including each of the following actions, on behalf of Microsoft.

9. Beginning on March 27, 2019, I published the Complaint, TRO and all associated pleadings, declaration and evidence on the publicly available website www.noticeofpleadings.com/phosphorus. Thereafter, I published the Preliminary Injunction Order and Supplemental Preliminary Injunction Order, and all other pleadings, declarations, evidence, orders and other submissions filed with the Court in this action on the publicly available website www.noticeofpleadings.com/phosphorus. All pleadings and orders filed with the Court have been made available on that website throughout the case.

10. I also included prominently at the top of the website, the following text:

“Plaintiff Microsoft Corporation (“Microsoft”) has sued Defendants John Does 1-2 associated with the Internet domains listed below. Microsoft alleges that Defendants have violated Federal and state law by hosting a cybercriminal operation through these Internet domains, causing unlawful intrusion into Microsoft and Microsoft’s customers’ computers and computing devices; and intellectual property violations to the injury of Microsoft and Microsoft’s customers. Microsoft seeks a preliminary injunction directing the registries associated with these Internet domains to take all steps necessary to disable access to and operation of these Internet domains to ensure that changes or access to the Internet domains cannot be made absent a court order and that all content and material associated with these Internet domains are to be isolated and preserved pending resolution of the dispute. Microsoft seeks a permanent injunction, other equitable relief and damages. Full copies of the pleading documents are available at www.noticeofpleadings.com/phosphorus.

NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY! You must “appear” in this case or the other side will win automatically. To “appear” you must file with the court a legal document called a “motion” or “answer.” The “motion” or “answer” must be given to the court clerk or administrator within 21 days of the date of first publication specified herein. It must be in proper form and have proof of service on Microsoft attorney, Gabriel M. Ramsey at Crowell & Moring LLP, 3 Embarcadero Center, 26th Floor, San Francisco, California, 94111. If you have questions, you should consult with your own attorney immediately.”

11. A link to the foregoing website was included in each service of process email sent

to Defendants at the email addresses determined to be associated with the Defendants' domains used in the Phosphorus operations. Attached hereto as **Exhibit 1** is a true and correct copy of a screenshot of the publicly available website www.noticeofpleadings.com/phosphorus.

D. Service By Email

12. Microsoft has served process through email, as authorized by the TRO, Preliminary Injunction Order and Supplemental Preliminary Injunction Order. The Court has authorized service by email, as follows: “[t]here is good cause to permit ... service of the Complaint by formal and alternative means... [t]he following means of service are authorized by law, satisfy Due Process, and satisfy Fed. R. Civ. P. 4(f)(3) and are reasonably calculated to notify Defendants ... of this action ... (1) transmission by email...” Dkt. No. 11, ¶ 15; Dkt. No. 18, ¶ 15. The Court directed that “the Complaint may be served by any means authorized by law, including (1) transmission by email... to the contact information provided by Defendants to Defendants’ domain registrars and/or hosting companies.” Dkt. No. 11, pp. 9-10; Dkt. No. 18, p. 8.

13. Through Microsoft’s pre-filing investigation, its in-house investigators and attorneys at Crowell & Moring LLP gathered contact information, particularly email addresses, associated with the Defendants’ domains. Defendants had provided these email addresses to domain registrars when completing the registration process for the domains used in Defendants’ command and control infrastructure. I used this contact information to serve the Defendants by email.

14. In this case, the email addresses provided by Defendants to the domain registrars are the most accurate and viable contact information and means of notice and service. I have personally researched in detail the identifying information and mailing addresses used in the

registration of the domains used by Defendants, as discussed further below. In each case, my investigation has shown that Defendants provided to the domain registrars false or stolen names, addresses, facsimile numbers and telephone numbers. However, in each case Defendants provided an operational, active email address to the domain registrars, as has been described in the declarations of Microsoft investigator David Anselmi. Declaration of David Anselmi, Dkt. 3-4 ¶ 3; Dkt. No. 19-2 ¶ 3. In some instances the Defendants registered domains using privacy services that use only the names, addresses, facsimile numbers and telephone numbers of the privacy services. In these cases, an operative email address is provided for the domain privacy service, through which communications may be sent to and pass through to Defendants by the service providers. Defendants will have expected notice regarding their use of the domains by the email addresses that they provided to their domain registrars. ICANN domain registration policies require Defendants to provide accurate email contact information to registrars and the registrars use such information to provide notice of complaints and to send other account-related communications about the domain, including communications which result in suspension or cancellation of the domain registration.

15. Given that Defendants connected to the infected victim computers through these domains, it was crucial for them to remain vigilant as to any change of the domains' status, and the email addresses associated with the domains are the means by which they did so. For example, during the course of discovery in this action, I received subpoena responses from the email providers associated with Defendants' email addresses which show that the domain registrars often sent communications, including renewal and billing notices and other communications to Defendants at the email addresses they had provided in association with the domains. Since Defendants were able to maintain the domains active until the execution of this

Court's TRO, Preliminary Injunction Order and Supplemental Preliminary Injunction Order, it follows that Defendants monitored the email accounts to maintain use of the domain registrars' services.

16. I served copies of the Complaint, TRO, Preliminary Injunction Order, and Supplemental Preliminary Injunction Order, and all other pleadings, declarations, evidence, orders and other submissions in this action, by attaching those documents as PDF files to emails sent to the email addresses associated with the domains used by the Phosphorus Defendants. In each such email I included a link to the website www.noticeofpleadings.com/phosphorus, at which the pleadings, declarations, evidence and orders filed in this action could also be accessed.

17. I have served the Complaint, TRO, Preliminary Injunction Order, Supplemental Preliminary Injunction Order, and all other pleadings, declarations, evidence, orders and other submissions in this action, by sending them to the following email addresses used by the Defendants:

domainadmin@yahoo-verification.org
hashcrypt@protonmail.com
test9179@porotonmail.com
domain.seller2017@yandex.com
test9179@protonmail.com
meisam.bayat.sector@gmail.com
co5940551458104@domainidshield.com
whoisprivacy@domainidshield.com
test9179@yahoo.com
dnsadmin@verify-linkedin.com
domainadmin@yahoo-verify.net
supportiveemail@protonmail.com
co5806503530204@domainidshield.com
verdonew@protonmail.com
Bd04d6fleec84a9ba600d7c0c6f0325f.protect@whoisguard.com
chada.martini@yandex.com
documentsfilesharing.cloud@protecteddomainservices.com
onlinenic-enduser@onlinenic.com
williambrown.wl.br@gmail.com
cave.detector@yandex.com

be7e7649fbab44d5becff2c72e436f84@whoisguard.com
amanda.cristiani15@gmail.com

18. In particular, on March 27, 2019, I served the Defendants by sending an email to Defendants' attaching the Complaint, TRO and the foregoing link to all other pleadings, documents and orders in the case. In these initial emails, I included the following text:

“Plaintiff Microsoft Corporation (“Microsoft”) has sued Defendants John Does 1-2 associated with the Internet domains listed in the attached temporary restraining order. Microsoft alleges that Defendants have violated Federal and state law by hosting a cybercriminal operation through these Internet domains, causing unlawful intrusion into Microsoft and Microsoft’s customers’ computers and computing devices; and intellectual property violations to the injury of Microsoft and Microsoft’s customers. Microsoft seeks a preliminary injunction directing the registries associated with these Internet domains to take all steps necessary to disable access to and operation of these Internet domains to ensure that changes or access to the Internet domains cannot be made absent a court order and that all content and material associated with these Internet domains are to be isolated and preserved pending resolution of the dispute. Microsoft seeks a permanent injunction, other equitable relief and damages. Full copies of the pleading documents are available at noticeofpleadings.com/phosphorus

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19. On April 13, 2019, I served the Preliminary Injunction Order, by sending an email attaching that order to the Defendants. In this email, I included the following text:

“Additional documents, including the attached Preliminary Injunction and Order Granting Limited Discovery, have been filed in the above-referenced matter, and are attached and available at <http://www.noticeofpleadings.com/phosphorus/>

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with your own attorney immediately.”

20. On June 10, 2019, I served the Supplemental Preliminary Injunction Order, by sending an email attaching that order to the Defendants. In this email, I included the following text:

“Additional documents, including the attached Supplemental Injunction Order, have been filed in the above-referenced matter. The documents in this case are available at <http://www.noticeofpleadings.com/phosphorus/>

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21. In the case of some domains registered through the domain privacy services “Domain ID Shield” and “Domain Protection Services,” the domain registration information included general email addresses (i.e. whoisprivacy@domainidshield.com and onlinenic-enduser@onlinenic.com for Domain ID Shield, and abuse@name.com for Domain Protection Services). In these cases, I sent the documents, website link and notice text above in emails to the service providers, along with the list of domain names for which they provide privacy services and requested that they forward these materials to the Defendant domain registrants. The services also provided online portals through which I was able to submit directly to the Defendant domain registrants a communication containing the same link to the documents at www.noticeofpleadings.com/phosphorus and the notice text to Defendants set forth above.

22. Despite this robust notice and service, the Defendants have not contacted me, anyone at my firm, Microsoft, nor any other party associated with Microsoft. Despite notice and service, Defendants have not objected to the relief obtained in the Temporary Restraining Order,

the Preliminary Injunction Order or the Supplemental Preliminary Injunction Order. Despite notice and service, Defendants have not objected to or disputed any pleading, declaration, fact, evidence or submission in this case.

23. I used an email tracking service to monitor whether the service emails that I sent to Defendants were opened. The service reported that the emails were opened by Defendants on the following dates and times:

March 27, 2019 at 10:16:24am (UTC -7:00)	March 27, 2019 at 15:15:29pm (UTC -7:00)
April 6, 2019 at 14:58:20pm (UTC -7:00)	April 6, 2019 at 14:58:22pm (UTC -7:00)
April 6, 2019 at 14:58:46pm (UTC -7:00)	April 9, 2019 at 18:29:04pm (UTC -7:00)
April 9, 2019 at 18:29:12pm (UTC -7:00)	April 9, 2019 at 18:29:21pm (UTC -7:00)
April 9, 2019 at 18:29:42pm (UTC -7:00)	April 9, 2019 at 18:31:24pm (UTC -7:00)
April 9, 2019 at 18:32:44pm (UTC -7:00)	April 9, 2019 at 22:56:35pm (UTC -7:00)
April 9, 2019 at 22:57:23pm (UTC -7:00)	April 13, 2019 at 17:53:06pm (UTC -7:00)
April 13, 2019 at 17:52:52pm (UTC -7:00)	April 13, 2019 at 22:16:50pm (UTC -7:00)
April 18, 2019 at 21:06:23pm (UTC -7:00)	April 18, 2019 at 21:06:04pm (UTC -7:00)
June 10, 2019 at 18:23:24pm (UTC -7:00)	June 10, 2019 at 18:23:23pm (UTC -7:00)
June 10, 2019 at 18:22:45pm (UTC -7:00)	June 10, 2019 at 18:22:55pm (UTC -7:00)
June 10, 2019 at 18:22:56pm (UTC -7:00)	June 15, 2019 at 18:50:54pm (UTC -7:00)
August 29, 2019 at 19:21:21pm (UTC -7:00)	August 29, 2019 at 19:21:31pm (UTC -7:00)
August 29, 2019 at 19:21:38pm (UTC -7:00)	August 29, 2019 at 19:21:42pm (UTC -7:00)
August 29, 2019 at 19:21:44pm (UTC -7:00)	August 29, 2019 at 19:22:03pm (UTC -7:00)
August 29, 2019 at 19:22:05pm (UTC -7:00)	August 29, 2019 at 19:22:06pm (UTC -7:00)
August 29, 2019 at 19:22:09pm (UTC -7:00)	August 29, 2019 at 19:23:39pm (UTC -7:00)
August 29, 2019 at 19:23:52pm (UTC -7:00)	August 29, 2019 at 19:23:53pm (UTC -7:00)
August 29, 2019 at 19:23:55pm (UTC -7:00)	August 29, 2019 at 19:23:58pm (UTC -7:00)
August 29, 2019 at 23:39:06pm (UTC -7:00)	August 29, 2019 at 23:39:23pm (UTC -7:00)
August 29, 2019 at 23:39:30pm (UTC -7:00)	August 29, 2019 at 23:39:38pm (UTC -7:00)
August 29, 2019 at 23:39:48pm (UTC -7:00)	August 29, 2019 at 23:40:03pm (UTC -7:00)
August 29, 2019 at 23:40:15pm (UTC -7:00)	August 29, 2019 at 23:41:18pm (UTC -7:00)
August 29, 2019 at 23:41:38pm (UTC -7:00)	August 29, 2019 at 23:41:52pm (UTC -7:00)
August 29, 2019 at 23:42:04pm (UTC -7:00)	September 3, 2019 at 19:47:16pm (UTC -7:00)
September 3, 2019 at 19:47:55pm (UTC -7:00)	September 3, 2019 at 19:48:25pm (UTC -7:00)
September 3, 2019 at 19:49:47pm (UTC -7:00)	September 3, 2019 at 19:49:50pm (UTC -7:00)
September 3, 2019 at 19:50:16pm (UTC -7:00)	September 3, 2019 at 19:50:21pm (UTC -7:00)

E. Attempted Notice And Service By Mail Or Personal Delivery

24. I have investigated each physical mailing address listed in the public registration

information associated with the domains used by the Defendants. This information was fabricated by Defendants. The following chart represents falsified information associated with the domains. Each of these addresses reflects: (1) incomplete addresses, such as only the names of cities without further detail, (2) city names that are not properly correlated to the listed country, (3) addresses that are simply artificial and do not exist at all, or (4) addresses of privacy services, service providers or other innocent third parties:

Yahoo! Inc 109 First Sunnyvale, CA 94988 US	Hash crypt Nbcj hjf,m Losangles Alabama 35004 US
Domain Administrator Microsoft Corporation toranto toranto 64043 UM	Priview Service No 885, Azar st Dubai, Dubai 98120 AE
Domain ID Shield Service FLAT/RM A, 9/F SILVERCORP INTERNATIONAL TOWER, 707-713 NATHAN ROAD, MONGKOK, KOWLOON, HONG KONG Hong Kong, Hong Kong 999077 HK	mosa alnarjani baqdad, alqusair st, no 246 baqdad, baqdad 548996 IQ
Yahoo ! Inc 107 First Avenue Sunnyvale, CA 94989 US	Domain ID Shield Service Co., Limited FLAT/RM A, 9/F SILVERCORP INTERNATIONAL TOWER, 707-713 NATHAN ROAD, MONGKOK, KOWLOON, HONG KONG Hong Kong, Hong Kong, 999077 HK
Domain ID Shield Service Co., Limited FLAT/RM A, 9/F SILVERCORP INTERNATIONAL TOWER, 707-713 NATHAN ROAD, MONGKOK,	sora bara mara, nara 7482957439 BI

KOWLOON, HONG KONG Hong Kong, Hong Kong, 999077 HK	
Supper Services 1901 Amphitheatre Parkway Mountain View 64043 US	sora bara mara, nara 748295743 BI
Yahoo ! Inc 107 First Avenue Sunnyvale, CA 94989 US	Yahoo ! Inc 701 First Avenue Sunnyvale, CA 98089 US
Microsoft Corporation One Microsoft Way, Redmond, WA, 98052, US Washington Canada 7482957439 US	Domain ID Shield Service Co., Limited FLAT/RM A, 9/F SILVERCORP INTERNATIONAL TOWER, 707-713 NATHAN ROAD, MONGKOK, KOWLOON, HONG KONG Hong Kong, Hong Kong, 999077 HK
Domain ID Shield Service Co., Limited FLAT/RM A, 9/F SILVERCORP INTERNATIONAL TOWER, 707-713 NATHAN ROAD, MONGKOK, KOWLOON, HONG KONG Hong Kong, Hong Kong, 999077 HK	Domains By Proxy, LLC Arizona, Arizona 0056 US
Domain Protection Services, Inc. PO Box 1769 Denver, CO 80201 US	Chada Martini No 67 King st Tashkent, Tashkent 46543 UZ
Masqat Co No 64 Lion St Masqat, Masqat 85641 OM	WhoisGuard, Inc. P.O. Box 0823-03411 Panama, Panama PA
frederik hessen DE	delijapp hb AF
Schroeder co. NC	Jennifer J. Bradley 2811 Maple Avenue

AF	Modesto, CA 95354 US
Jennifer J. Bradley 2811 Maple Avenue Modesto, CA 95354 AF	William Brown 410 Coulter Lane Richmond, VA 23226 VA

25. From the foregoing, I conclude that the email addresses associated with the domains and, which are described further above, are the most viable way to communicate with the Defendants in this action. As noted above, Defendants provided these email addresses when registering the domains used in the command and control infrastructure of their cybercrime operations making it likely that Defendants at least monitor messages sent to those addresses.

F. Microsoft Has Made Substantial, But Unsuccessful, Efforts To Discover And Investigate The Defendants' Particular Identities, Thus The Foregoing Email Information Remains The Best Means To Serve Process In This Case

26. Microsoft endeavored to identify additional contact information through which Defendants could be served, as well as more specific identities. Over the course of its investigation, pursuant to the Court's discovery order, Microsoft has served subpoenas on entities based in the United States in multiple rounds of discovery. Additionally, Microsoft has made inquiries of entities outside of the United States.

27. However, given (a) Defendants' use of aliases and false information, (b) use of anonymous proxy computers or anonymization networks to create and maintain the infrastructure at issue in the case (c) the absence of or limitations on the ability to carry out U.S.-style civil discovery outside of the U.S., (d) the ease with which anonymous activities can be carried out through the Internet and (e) the sophistication of the Defendants in using tools to conceal more specific indicia of their identities or further contact information, I have been unable to specifically and definitively determine the "real" names and physical addresses of Defendants,

at which they might be served by personal service.

28. During my investigation of email addresses, I encountered a large number of instances in which Defendants had used free email services. To the extent that I was able to serve subpoenas upon such service providers in the United States, I did so, seeking registration and account information for the free email accounts used by Defendants. I also requested and obtained informal assistance from such service providers outside of the United States. I sent similar subpoenas and informal requests to the domain registrars and hosting companies at which the domains were hosted, and received responses. The responses revealed that when registering free email addresses, and in all records at the registrars and hosting companies, Defendants were able to sign up using fictitious names and contact information.

29. The Defendants also logged into these email accounts, domain registrar accounts and domain hosting accounts from IP addresses that were determined to be proxies. Based on my experience investigating cybercrime matters, I am aware that the sole purpose of such proxy services is to allow Internet users to anonymously use the Internet, without divulging the user's IP address. These proxy computers and services cycle Internet access through a large number of globally distributed IP addresses, thereby concealing the location of the user accessing the Internet through the service. For example, the Internet user's connection to the Internet may be through a first IP address and ordinarily that is what would be displayed when a legitimate user is accessing an email account. However, by using the proxy service, the Defendants' access will reflect the IP address of the proxy computer, rather than the user's actual connection. Often these services "chain" together multiple proxy computers, to make it nearly impossible to trace the original IP address of the user.

30. In particular, my investigation revealed that Defendants used anonymous VPN

services or networks and/or the “The Onion Router” (aka “Tor”) networks, which are collectively designed to and have the effect of concealing the source IP address by encrypting the traffic and routing it through multiple, random intermediate computers. I determined this by either looking up the IP addresses in publicly available repositories of known Tor nodes, or by sending subpoenas and informal requests to the operators of the IP addresses and receiving responses that they were such nodes. The result is that login IP addresses seen in email account, registrar and hosting company records are from random intermediate machines in scores of countries (and given the operation of anonymous VPN and Tor, those intermediate machines often have numerous other intermediate machines between the login IP and Defendants’ ultimate source IP). To the extent that I was able to reach operators of these nodes, it was determined that they do not maintain any logs or visibility into the ultimate source of activity connecting through those IP addresses. Thus, Defendants were able to conceal their identities, source IP addresses and physical locations.

31. During my investigation, I was able to obtain the data from some servers used by Defendants to send emails to register the Phosphorus domain names at issue. The data on these servers were only software tools, used to carry out Defendants’ domain registration activities, but did not contain any indicia of the Defendants’ specific identities, location or further contact information.

32. During my investigation I received from email service providers, in response to subpoenas, the email “header information” for emails in the Defendants’ account. An email “header” is the section of an email that precedes the message content. It contains the particular routing information of the message, including the sender, recipient, and date. However, it contains no information about the contents of the email message. In this instance, the email

headers showed that Defendants were obtaining services from certain other service providers, including hosting providers and companies that provide authentication certificates for domains. I sent subpoenas to these companies, but the information in their possession regarding Defendants was all falsified identities or IP addresses that did not reveal Defendants' actual identities or locations.

33. I also attempted to investigate Defendants' identities through the means of payment for the relevant domains. Defendants' means of payment did not reveal Defendants' actual identities or locations.

34. I have carried out every reasonable effort and have used every tool, technique and information source available to me to further specifically identify Defendants' true identities and physical locations. I conclude that I have exhausted my ability to investigate Defendants' true identities using civil discovery tools, despite my best efforts and the exercise of reasonable diligence to determine Defendants' identities.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed on this 11th day of September, 2019, in San Francisco, California.



Gabriel M. Ramsey

EXHIBIT 1

Date of First Publication: March 27, 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICROSOFT CORPORATION, a)	
Washington Corporation,)	
)	
Plaintiff,)	Civil Action No: 1:19-cv-00716-ABJ
v.)	
)	
JOHN DOES 1-2, CONTROLLING A)	
COMPUTER NETWORK AND THEREBY)	
INJURING PLAINTIFF AND ITS)	
CUSTOMERS,)	
)	
Defendants.)	
)	
)	

Plaintiff Microsoft Corporation (“Microsoft”) has sued Defendants John Does 1-2 associated with the Internet domains listed below. Microsoft alleges that Defendants have violated Federal and state law by hosting a cybercriminal operation through these Internet domains, causing unlawful intrusion into Microsoft and Microsoft’s customers’ computers and computing devices; and intellectual property violations to the injury of Microsoft and Microsoft’s customers. Microsoft seeks a preliminary injunction directing the registries associated with these Internet domains to take all steps necessary to disable access to and operation of these Internet domains to ensure that changes or access to the Internet domains cannot be made absent a court order and that all content and material associated with these Internet domains are to be isolated and preserved pending resolution of the dispute. Microsoft seeks a permanent injunction, other equitable relief and damages. Full copies of the pleading documents are available at www.noticeofpleadings.com/phosphorus (<http://www.noticeofpleadings.com/phosphorus>).

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COMPLAINT AND SUMMONS


Complaint (<http://noticeofpleadings.com/phosphorus/files/Complaint.pdf>) 


Summons 1 (<http://noticeofpleadings.com/phosphorus/files/Summons 1.pdf>) 

Summons 2 (<http://noticeofpleadings.com/phosphorus/files/Summons 2.pdf>) 

COURT ORDERS

Order Granting TRO and Order to Show Cause Re PI ([http://noticeofpleadings.com/phosphorus/files/2019-03-15 ECF No. 11_TRO and Order to Show Cause Re PI \(executed\) - Microsoft v Does 19-cv-00716-ABJ.pdf](http://noticeofpleadings.com/phosphorus/files/2019-03-15 ECF No. 11_TRO and Order to Show Cause Re PI (executed) - Microsoft v Does 19-cv-00716-ABJ.pdf)) 

Order Granting Motion to Seal (<http://noticeofpleadings.com/phosphorus/files/2019-03-14 Granting Order to Seal.pdf>) 


Order Granting Limited Discovery (<http://noticeofpleadings.com/phosphorus/files/Order Granting Limited Discovery.pdf>) 


Preliminary Injunction (<http://noticeofpleadings.com/phosphorus/files/Preliminary Injunction.pdf>) 


Supplemental Injunction Order (<http://noticeofpleadings.com/phosphorus/files/2019-05-22 ECF 21 Supplemental Injunction Order.pdf>) 


APPLICATION FOR EMERGENCY TEMPORARY RESTRAINING ORDER (TRO) AND PRELIMINARY INJUNCTION


Application for TRO and Preliminary Injunction (<http://noticeofpleadings.com/phosphorus/files/TRO.pdf>) 


Proposed Preliminary Injunction Order (<http://noticeofpleadings.com/phosphorus/files/Proposed Preliminary Injunction Order.pdf>) 


Ramsey Declaration in Support of Preliminary Injunction (<http://noticeofpleadings.com/phosphorus/files/Declaration of G. Ramsey ISO Motion for Ex Parte Emergency TRO and PI with exhibits.pdf>) 

Motion to Supplement Preliminary Injunction (<http://noticeofpleadings.com/phosphorus/files/Exhibit 5-Microsoft Ex Parte Motion to Supplement PI Order.pdf>) 


Brief In Support of Motion to Supplement Preliminary Injunction (http://noticeofpleadings.com/phosphorus/files/Exhibit 6-Exhibit to Motion to Supplement PI Order_Brief ISO Supp. PI.pdf) 


Anselmi Declaration in Support of Motion to Supplement Preliminary Injunction (http://noticeofpleadings.com/phosphorus/files/Exhibit 7-Declaration_Brief in Support of Motion for Supp. PI_Anselmi D....pdf) 


Motion for Hearing Re Motion to Supplement Preliminary Injunction (<http://noticeofpleadings.com/phosphorus/files/Exhibit 4-Microsoft Motion for Hearing re Ex Parte Motion to Supplementpdf>) 


Proposed Supplemental Injunction Order (http://noticeofpleadings.com/phosphorus/files/Exhibit 8-Text of Proposed Order_to Brief in Support of Supp. PI.pdf) 


MOTION FOR ORDER TEMPORARILY SEALING DOCUMENTS

Motion to Seal (<http://noticeofpleadings.com/phosphorus/files/Sealing.pdf>) 


Notice of Execution ([http://noticeofpleadings.com/phosphorus/files/2019-03-26 Ex Parte TRO and Notice of Execution re Unsealing of Case_Fil....pdf](http://noticeofpleadings.com/phosphorus/files/2019-03-26%20Ex%20Parte%20TRO%20and%20Notice%20of%20Execution%20re%20Unsealing%20of%20Case_Fil....pdf)) 


Brief in Support of Motion to Seal Documents ([http://noticeofpleadings.com/phosphorus/files/Exhibit 1-Brief ISO PO.pdf](http://noticeofpleadings.com/phosphorus/files/Exhibit%201-Brief%20ISO%20PO.pdf)) 

Anselmi Declaration in Support of Motion to Seal Documents ([http://noticeofpleadings.com/phosphorus/files/Exhibit 2-Exhibit to Brief in Support of Protective Order_Anselmi Declar....pdf](http://noticeofpleadings.com/phosphorus/files/Exhibit%202-Exhibit%20to%20Brief%20in%20Support%20of%20Protective%20Order_Anselmi%20Declar....pdf)) 

Ramsey Declaration in Support of Motion to Seal Documents ([http://noticeofpleadings.com/phosphorus/files/Exhibit 3-Exhibit to Brief in Support of PO_Ramsey Declaration\(Appendixpdf](http://noticeofpleadings.com/phosphorus/files/Exhibit%203-Exhibit%20to%20Brief%20in%20Support%20of%20PO_Ramsey%20Declaration(Appendix%20....pdf)) 


MOTION TO CONDUCT LIMITED DISCOVERY TO IDENTIFY DEFENDANTS

Proposed Order Re Motion to Conduct Limited Discovery to Identify Defendants ([http://noticeofpleadings.com/phosphorus/files/Proposed Order Re Motion to Conduct Limited Discovery to Identify Defendants.pdf](http://noticeofpleadings.com/phosphorus/files/Proposed%20Order%20Re%20Motion%20to%20Conduct%20Limited%20Discovery%20to%20Identify%20Defendants.pdf)) 

Motion to Conduct Limited Discovery to Identify Defendants ([http://noticeofpleadings.com/phosphorus/files/Motion to Conduct Limited Discovery to Identify Defendants.pdf](http://noticeofpleadings.com/phosphorus/files/Motion%20to%20Conduct%20Limited%20Discovery%20to%20Identify%20Defendants.pdf)) 

MISCELLANEOUS

Civil Cover Sheet ([http://noticeofpleadings.com/phosphorus/files/Civil Cover Sheet.pdf](http://noticeofpleadings.com/phosphorus/files/Civil%20Cover%20Sheet.pdf)) 

August 5, 2019 Status Report ([http://noticeofpleadings.com/phosphorus/files/2019-08-05 ECF 26 Microsoft Status Report.pdf](http://noticeofpleadings.com/phosphorus/files/2019-08-05%20ECF%2026%20Microsoft%20Status%20Report.pdf)) 

August 23, 2019 Status Report ([http://noticeofpleadings.com/phosphorus/files/Microsoft Phosphorus Status Report AS FILED.pdf](http://noticeofpleadings.com/phosphorus/files/Microsoft%20Phosphorus%20Status%20Report%20AS%20FILED.pdf)) 

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