

registries were served with the Preliminary Injunction.

3. Since that time, Microsoft's counsel from Orrick, Herrington & Sutcliffe LLP has been in 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. Despite these communications and the communications describe later in this declaration, I have received no request from any of the Defendants to reinstate the command and control domains.

5. The operation and growth of the Bamital botnet at issue in this case have been frustrated by the temporary restraining order and preliminary injunction issued by the Court. Because the infrastructure controlling the botnet has been disabled since February 6, 2013, the botnet has not been able to grow or carry out the browser hijacking and click fraud that is its purpose. Given the obvious impact on the botnets and public reports of this action, Defendant Dmitry Chupakhin is 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.

6. As described more fully below, Defendant Dmitry Chupakhin has been properly served the Amended Complaint and summons in this matter, pursuant to the means authorized in the Court's temporary restraining order and preliminary injunction, and has failed to plead or otherwise defend the action.

II. SERVICE OF PROCESS AND NOTICE UPON DMITRY CHUPAKHIN

7. Through the discovery process and informal discovery efforts, Microsoft identified Defendant Dmitry Chupakhin, a resident of the Russian Federation.¹ Through

¹ Microsoft also identified, named and served Defendant Marat Mazynskij, a resident of the Republic of Lithuania, who permitted use of his PayPal account to purchase Bamital botnet infrastructure. Microsoft resolved the matter with Mr. Mazynskij and has dismissed him from this case.

this process Microsoft identified the physical address of Mr. Chupakhin in Chelyabinsk, Russian Federation and associated email addresses, at which to serve Mr. Chupakhin.

8. On June 19, 2013, Microsoft filed the Amended Complaint naming Mr. Chupakhin as a defendant. The clerk of the court issued the summons to Mr. Chupakhin on June 21, 2013.

9. Mr. Chupakhin is 28 years old and, from his sophisticated activities and all other information known about him, there is no evidence that he is an infant, in the U.S. military or an incompetent person.

1. Service By International Courier

10. On June 25, 2013, Microsoft initiated service of process to defendant Dmitry Chupakhin at his address (Barbyusa St., Bldg. 134, Apt. 24, Chelyabinsk, Russian Federation 454078), by registered delivery via international courier (UPS), requiring signature of the addressee upon receipt. The document was assigned tracking number 1ZF778R40496431956. Attached as Exhibit 1 is a true and correct copy of the tracking record showing the movement of the package from June 25, 2013 until it was "Delivered" on July 8, 2013.

11. On July 8, 2013, Mr. Chupakhin received delivery of the Amended Complaint, Summons and translations into Russian, and signed for receipt of such delivery. Attached as Exhibit 2 is a true and correct copy of the delivery notification and the delivery card bearing Mr. Chupakhin's signature. The signature card indicates that Mr. Chupakhin signed for and received the documents at 1:03 PM Chelyabinsk time on July 8, 2013.

12. Attached as Exhibit 3 is a true and correct copy of the executed summons and proof of service reflecting service by this means.

2. Service By Official Registered Delivery By Russian Post

13. On August 26, 2013, Microsoft initiated service of process to defendant Dmitry Chupakhin at his address in Chelyabinsk, Russian Federation, by registered delivery

by the Russian Post, in the same manner as if the instant lawsuit had been filed in court in the Russian Federation. More details regarding this manner of service of process under Russian law is set forth in the Declaration of Konstantin Kasyan, which is filed concurrently with this declaration.

3. Service By Electronic Mail

14. On August 19, 2013, Microsoft served Dmitry Chupakhin by sending copies of the Amended Complaint, Summons, translations into Russian and a link to all pleadings in this action, as well as the notice language approved by the Court in the temporary restraining order and preliminary injunction, to Mr. Chupakhin's email addresses pizdato77@gmail.com and serg.skorovod@gmail.com. On August 23, 2013, Microsoft served Dmitry Chupakhin by sending copies of the Amended Complaint, Summons, translations into Russian and a link to all pleadings in this action, as well as the notice language approved by the Court in the temporary restraining order and preliminary injunction, to Mr. Chupakhin's email address dmitry@chupahin.com. In these email communications, Microsoft also requested that Mr. Chupakhin respond and engage in discussion with Microsoft. Mr. Chupakhin has not responded to these communications. Attached as Exhibit 4 are true and correct copies of these communications.

15. Attached as Exhibit 5 are true and correct copies of the executed summons and proof of service reflecting service by this means.

16. On February 7, 2013, Microsoft served Defendant Dmitry Chupakhin by sending copies of the original Complaint, translations into Russian and a link to all pleadings in this action, as well as the notice language approved by the Court in the temporary restraining order to all email addresses known to be associated with the Bamital botnet command and control domains.

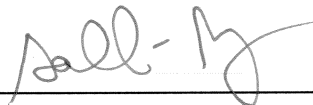
4. Service By Internet Publication

17. Beginning on February 7, 2013 and continuously thereafter, Microsoft

published the Complaint, Amended Complaint, summons and all orders and pleadings in this action on the publicly available website www.noticeofpleadings.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 and English on this website. A link to the website and the approved notice language was included in each service of process email sent to Mr. Chupakhin. Members of the public who have become aware of the case have reached out to me regarding the www.noticeofpleadings.com website. Further, defendant Marat Mazynskij, with whom Microsoft has resolved the case, repeatedly referenced documents located on www.noticeofpleadings.com in his responsive motion to dismiss the Amended Complaint (Docket No. 53). From these facts, I conclude that the website is effective at providing notice of this action and instructions on how to contact Microsoft's counsel or otherwise respond.

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 15th day of October, 2013.



Gabriel M. Ramsey

CERTIFICATE OF SERVICE

I hereby certify that the 15th day of October, 2013, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system. Copies of the foregoing were also served on the defendant listed below by registered international delivery and by electronic mail.

Dmitry Chupakhin aka "Sergey Skorovod"

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Chelyabinsk 454078
Russian Federation

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