

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MICROSOFT CORPORATION, a)	
Washington corporation, and FS-)	
ISAC, INC., a Delaware corporation,)	
)	
Plaintiffs,)	Civil Action No: 1:15cv240
)	LMB/IDD
v.)	
)	
JOHN DOES 1-3, CONTROLLING)	
A COMPUTER BOTNET THEREBY)	
INJURING PLAINTIFFS AND)	
THEIR CUSTOMERS AND)	
MEMBERS,)	
)	
)	
Defendants.)	

**DECLARATION OF JACOB M. HEATH IN SUPPORT OF PLAINTIFFS' MOTION
FOR THIRTY-DAY EXTENSION OF TIME TO CONDUCT ADDITIONAL DOE DISCOVERY**

I, Jacob M. Heath, declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”), counsel of record for Plaintiffs Microsoft Corporation (“Microsoft”) and Financial Services-Information Sharing and Analysis Center, Inc. (“FS-ISAC”) (collectively “Plaintiffs”). I make this declaration in support of Plaintiffs’ Motion for Thirty-Day Extension of Time to Conduct Additional Doe Discovery. 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. Plaintiffs have diligently pursued discovery over the past several months. Among other things, Plaintiffs have issued nine subpoenas to third party registrars and email service providers. Plaintiffs have also conducted interviews and engaged in correspondence with persons in the United States and abroad in an attempt to locate information sufficient to identify John Does 1-3.

3. Based on information in Plaintiffs’ possession regarding the infrastructure John Does 1-3 have used to operate the Ramnit botnet, my firm has issued subpoenas to the following entities

since entry of the Court's order permitting doe discovery: Endurance International Group Holdings, Inc.; Mail.com Media Group; 1&1 Mail & Media, Inc.; Yahoo!; World Media Group; PDR, Ltd.; GoDaddy; and Domains by Proxy. In some instances, Plaintiffs have served multiple subpoenas to the same entity in an attempt to follow up on new information obtained via discovery.

4. Certain subpoenaed parties have provided responsive information such as IP addresses, email addresses, and names of their own foreign resellers who were more directly involved in selling services to the Defendants. Voluntary cooperation by, or local investigation of, these foreign resellers has provided still further leads related to Internet and payment services used by Defendants. Plaintiffs are currently conducting follow up investigation regarding such leads, including additional subpoenas and interviews of persons of interest. There are several infrastructure providers located abroad, including in the United Kingdom, Israel, and Russia with whom Plaintiffs are conducting negotiations, or that Plaintiffs are investigating more thoroughly, and that process will require an additional amount of time to complete. Plaintiffs anticipate the need to issue one or more additional subpoenas based on information obtained to date and the information that is being gathered from the pending discovery sources noted here.

5. Plaintiffs have been diligently pursuing discovery and require an additional thirty days of Doe discovery in order to have sufficient time to issue follow up subpoenas and take action, where required, to enforce certain outstanding subpoenas. Plaintiffs believe that the additional thirty days will either lead to more specific information identifying Defendants or will lead to additional contact information, including particularly email addresses, at which notice and service of Defendants may be carried out.

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

Executed this, the 29th day of June, 2015 in Menlo Park, California.



Jacob M. Heath