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MICROSOFT CORPORATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICROSOFT CORPORATION, Plaintiff, vs. NASER AL MUTAIRI, an individual; MOHAMED BENABDELLAH, an individual; VITALWERKS INTERNET SOLUTIONS, LLC, d/b/a NO-IP.com; and DOES 1-500, Defendants.	Case No. 2:14-cv-00987-GMN-GWF **DECLARATION OF RACHAEL M. SMITH IN SUPPORT OF MICROSOFT'S MOTION FOR ENTRY OF DEFAULT BY CLERK**

I, Rachael M. Smith, declare as follows:

1. I am an attorney with the law firm of Shook, Hardy & Bacon L.L.P. ("SHB"), located at One Montgomery, Suite 2700, San Francisco, California 94104, counsel of record for Plaintiff Microsoft Corporation in this case. This declaration is made in support of Microsoft's Motion for an Entry of Default by Clerk. This declaration is based on my own personal knowledge and, if called as a witness, I could and would competently testify to the truth of the matters set forth below.

2. The Complaint in this action was filed under seal on June 19, 2014 along with an *Ex Parte* Request for a Temporary Restraining Order against Defendants Mutairi and Benabdellah ("Defendants").[1]

3. On June 30, 2014, this Court issued a Second Amended Temporary Restraining Order ("TRO") authorizing Microsoft to serve Defendants by e-mail, Facebook, and by publishing notice on a publicly available Internet website. (*See* ECF Dkt. No. 12.) The Court ordered that this service be effected no later than July 1, 2014.

4. Pursuant to the TRO, I served Defendants by e-mail and by Facebook message on June 30, 2014, and I published the summons and Complaint on a publicly-available website, www.noticeoflawsuit.com, after the case was unsealed. I submitted the details of this service on Defendants to the Court in a declaration, filed on July 9, 2014 in support of Microsoft's request for a preliminary injunction against Defendants. (*See* ECF Dkt. No. 36.)

5. The Court granted Microsoft's request for a preliminary injunction against Defendants on July 10, 2014. (ECF Dkt. No. 38.) In this Order, the Court found that Microsoft had served Defendants on June 30, 2014 and that "Defendants have been given notice of the lawsuit." (*Id.* at p. 2.)

6. Defendants' deadline to respond or answer the Complaint was July 21, 2014.

7. Defendants have not answered the Complaint or filed any other responsive motion with the Court.

[1] The application also sought ex parte relief against Vitalwerks Internet Solutions, LLC, but this party has since been dismissed from this action.

8. As counsel for Microsoft, I request that the Default of Defendants Mutairi and Benabhellah be entered by the Clerk. To my knowledge, these defaulting Defendants are neither minors nor incompetent persons.

I declare under the 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 on 22nd day of July, 2014.

Rachael M. Smith