

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

e360 INSIGHT, LLC, an Illinois Limited Liability Company, and DAVID LINHARDT, an individual,)	
)	06 CV 3958
)	
Plaintiffs,)	Judge Kocoras
v.)	Magistrate Judge Brown
THE SPAMHAUS PROJECT, a company limited by guarantee and organized under the laws of England, a/k/a THE SPAMHAUS PROJECT, LTD.,)	
)	
Defendant.)	

DECLARATION OF STEVE LINFORD¹

I, Steve Linford, not individually but solely in my capacity as sole Director of the Spamhaus Project, Ltd, declare and state as follows:

1. I am the sole Director of The Spamhaus Project, Ltd. I either have personal knowledge as Spamhaus Project’s Director as to the facts and matters set forth in this affidavit or I have determined that such facts and matters are true and correct on the basis of information obtained from various sources, including my own personal experience, in the regular course of business, as Officer/Director of The Spamhaus Project, Ltd.
2. I make this Affidavit in support of the Supplemental Memorandum in Opposition to Plaintiffs’ Motion to Compel filed under the Citation to Discover Assets.
3. The Spamhaus Project is not an officer, director or shareholder of any other entity, including Spamhaus Technology, Ltd or Ultradesign, Ltd.

¹ Defendant expressly objects to this Court’s jurisdiction over The Spamhaus Project because Defendant is based solely in the United Kingdom and does not conduct or transact business in Illinois. Moreover, Defendant reserves its arguments based on Plaintiffs’ failure to properly effect service of process.

4. I, Steve Linford, in my individual capacity or as a Director of The Spamhaus Project am not a named party in this lawsuit.

5. Contrary to Plaintiffs claim that “Spamhaus” is a unique name, the word “Spamhaus” is a common internet jargon word defined as a “[p]ejorative term for an internet service provider that permits or even encourages spam mailings from its systems.” (<http://dictionary.reference.com/browse/spamhaus>).

6. For security purposes, Spamhaus Technology, Ltd. uses a mail forwarding company located in London - W1 Office Ltd. This particular mail forwarding company is used by thousands of other British companies, including The Spamhaus Project, Ltd.

7. Spamhaus Technology is not a reseller of Spamhaus Project data. Hundreds of companies, including Cisco, Symantec, Microsoft, the United States Courts, and Spamhaus Technology obtain free data supplied to the public by The Spamhaus Project.

8. All data published by The Spamhaus Project is free to the internet public. The Spamhaus Project has no agreements for “resale.”

9. Specifically, The Spamhaus Project has no agreements for resale with Spamhaus Technology, Ltd. Nor does the Spamhaus Project have any arrangements, contracts, or administrative dealings whatsoever with Spamhaus Technology, Ltd.

10. Spamhaus Technology, Ltd. does not sell the SBL list. Rather, it obtains the free data supplied by The Spamhaus Project to the internet public and merges that data, along with data from approximately three (3) other open-source spam filter organizations, into a data format and synchronization service it provides to large internet networks.

11. The Spamhaus Project, Ltd. is not involved in arms length transactions with any company for the resale of its data. The Spamhaus Project, Ltd. is not involved in any arms

length transactions with Spamhaus Technology, Ltd. based on its use of the free data, anymore than The Spamhaus Project, Ltd. is involved in any arms length transactions with the United States Court based on the use by uscourts.gov of the free data.


12. The small Spamhaus Project logo on the bottom-right corner of Spamhaus Technology, Ltd.'s invoice was placed there as a quality mark similar to placing "Microsoft Certified" on stationary.

13. Until earlier this year, Spamhaus Technology, Ltd. used an email address handled by the spamhaus.org mail server because the company server is constantly under Distributed Denial of Service (DDoS) attacks. These DDoS attacks knock out web and email servers. Because the spamhaus.org email server has anti-DDoS defenses, it handles email (at no charge) from a number of other vulnerable domains. Spamhaus Technology used a forwarding address in the spamhaus.org domain to have incoming mail routed through the DDoS-protected server that protects spamhaus.org. Thus, for a period of 15 months, datafeed-accounts@spamhaus.org forwarded to datafeed-accounts@spamteq.com

14. Ultradesign, Ltd. is not a reseller of Spamhaus Project data. The Spamhaus Project has no agreements for resale with Ultradesign, Ltd. Nor does the Spamhaus Project have any arrangements, contracts, or administrative dealings whatsoever with Ultradesign, Ltd.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 28th day of June, 2007.



Steve Linford