

There are two classes of victims in the present case. First, there are those entities whose computer systems were compromised by the defendant: the Massachusetts Institute of Technology (“MIT”) and JSTOR (owned by ITHAKA). Second, there are the numerous publishers for whom JSTOR facilitated the sale of individual articles stored in JSTOR’s archive.

The government does not seek a complete waiver of the notice provision of the Act. Rather, the United States proposes that the Court authorize that notification be made to victims in the following manner:

- a. Department of Justice Victim Notification System: The government will utilize the Victim Notification System (VNS) to notify JSTOR and MIT. The VNS enables the government to inform victims entered in the system of scheduled court dates and significant court event outcomes.
- b. Website: The government will place links on its website (www.usdoj.gov/usao/ma) to provide information to interested publishers and the public regarding this case.

In this case, the number of publishers affected was large, and as noted above, it is impracticable to provide individualized notice to all of them. The procedure described above is a reasonable one that will give effect to the Act without unduly complicating or prolonging the proceedings.

WHEREFORE, the United States respectfully requests that the Court authorize the government to enact the proposed plan for notifying victims of this crime, and that the Court find that the proposed plan is a reasonable procedure to satisfy the government's obligations under 18 U.S.C. § 3771.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Stephen P. Heymann
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Stephen P. Heymann
STEPHEN P. HEYMANN
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