

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

AMERICAN CHEMICAL SOCIETY,

Plaintiff,

v.

SCI-HUB d/b/a WWW.SCI-HUB.CC,
JOHN DOES 1-99,

Defendants.

No. 1:17-cv-00726-LMB-JFA

PLAINTIFF’S REQUEST FOR CLERK’S ENTRY OF DEFAULT

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff American Chemical Society (“Plaintiff” or “ACS”), by counsel, respectfully requests that the Clerk of the Court enter default against Defendants Sci-Hub d/b/a www.sci-hub.cc (Sci-Hub) and John Does 1-99 for failure to defend the lawsuit. In support of this request, ACS states as follows:

1. ACS filed its Verified Complaint (“Compl.”) against Defendants on June 23, 2017, *see* ECF No. 1, and its First Amended Verified Complaint (the “FAVC”) to, *inter alia*, name Sci-Hub as a Defendant on July 7, 2017, *see* ECF No. 4.
2. Defendant Sci-Hub is an individual or organization engaged in the operation of a website promoted under the name “Sci-Hub” that is engaged in intellectual property piracy on a massive scale. *See* FAVC ¶ 8.
3. According to records in the WHOIS database of domain name registrations, the sci-hub.cc domain name, which is being used by Defendants to operate a website promoted under the name “Sci-Hub” and two sub-websites nearly identical in form and content to ACS’s website, on June 26, 2015, to Zhuhai Yingxun Keji Limited under the contact mailing address

Zhuhai 5190000 (CN) and the contact email address service@todaynic.com. See FAVC ¶ 11 & Ex. A.

4. Defendants' webpage at vk.com/sci_hub lists a contact email address of admin@sci-hub.io. *Id.* ¶ 14 & Ex. D.

5. On June 18, 2015, the United States District Court for the Southern District of New York issued an order permitting the plaintiff in a similar case against Sci-Hub to serve the complaint "by any means authorized by law and this Order, including by email transmission to the email addresses available for Defendants on their website or to the email addresses of their domain registrants . . . For sci-hub.org, to support@sci-hub.org, sci-hub.org@gmail.com, 522ab14bo3mfc7dy@5225b4d0pi3627q9@private.whois.net." *Elsevier Inc. v. www.sci-hub.org*, No. 1:15-cv-04282-RWS [Dkt. No. 15] (S.D.N.Y. June 18, 2015).

6. Service via the aforementioned email addresses appears to have provided actual notice of the Southern District of New York action in that the Defendants subsequently participated in the litigation. See Transcript of July 7, 2015 Telephonic Conference 7:8-8:17, *Elsevier Inc. v. www.sci-hub.org*, No. 1:15-cv-04282-RWS [Dkt. No. 38] (S.D.N.Y. filed July 14, 2015) (confirming defendants "receive[d] all of the papers submitted by the plaintiff"); Letter, *Elsevier Inc. v. www.sci-hub.org*, No. 1:15-cv-04282-RWS [Dkt. No. 50] (S.D.N.Y. filed Sept. 15, 2015) (letter to court from "main operator of sci-hub.org website").

7. On July 17, 2017, ACS filed a Motion for Service By Email and Publication. See ECF Nos. 5-7. That day, the Court granted ACS's Motion and ordered ACS to provide notice to Defendants by: (1) publishing the Order in *The Washington Post* or *The Washington Times* once within fourteen (14) days after the entry of the Order; and (2) serving a copy of the Order on Defendants via the e-mail addresses service@todaynic.com, admin@sci-hub.io, [2](mailto:support@sci-</p></div><div data-bbox=)

hub.org, sci-hub.org@gmail.com, 522ab14bo3mfc7dy@5225b4d0pi3627q9@private.whois.net.

See ECF No. 8. The Order further directed ACS to file a declaration within twenty (20) days after the entry of the Order describing the steps that ACS had taken to comply with the Order.

Id.

8. ACS caused the Order of Service By Publication to be published in *The Washington Times* on July 27, 2017 and to be served by electronic mail on July 17, 2017, via the e-mail addresses service@todaynic.com, admin@sci-hub.io, support@sci-hub.org, sci-hub.org@gmail.com, 522ab14bo3mfc7dy@5225b4d0pi3627q9.private.whois.net. See Declaration of Ari Meltzer (ECF No. 7).¹ ACS filed its declaration describing compliance with the Order on August 1, 2017. *Id.*

9. Defendants also appear to have received actual knowledge of the lawsuit, as evidenced by a June 28, 2017 “tweet” from the @Sci_Hub Twitter account stating: “American Chemical Society files suit against Sci-Hub . . . “ See Weslow Decl. ¶ 6 & Attach. 1.

10. In accordance with the Order of Service By Email and Publication, Defendants’ answer or other response was due no later than August 17, 2017. No such answer or other response has been filed or served. See Weslow Decl. ¶ 7.

¹ When attempting to serve the Order on the e-mail address 522ab14bo3mfc7dy@5225b4d0pi3627q9@private.whois.net, Plaintiff discovered that the e-mail address listed in the June 18, 2015 order from the U.S. District Court for the Southern District of New York was incorrect and that the actual e-mail address previously associated with Defendant Sci-Hub was 522ab14bo3mfc7dy@5225b4d0pi3627q9.private.whois.net. See Declaration of David E. Weslow ¶ 5 (Aug. 17, 2017), attached as **Exhibit A** hereto (“Weslow Decl.”).

WHEREFORE, for the reasons set forth above, ACS respectfully requests that the Clerk enter default against Defendants as to all claims asserted by ACS.

Dated: August 18, 2017

By: /s/ Attison L. Barnes, III /s/
Attison L. Barnes, III (VA Bar No. 30458)
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American Chemical Society*

CERTIFICATE OF SERVICE

I, Attison L. Barnes, III, hereby certify that on August 18, 2017, I electronically filed the foregoing by using the CM/ECF system. I also sent a copy to the following postal and email addresses associated with Defendant Sci-Hub:

Zhuhai Yingxun Keji Limited
Zhuhai 5190000 (CN)

service@todaynic.com
admin@sci-hub.io
support@sci-hub.org
sci-hub.org@gmail.com
5438063a3qami6zo@5225b4d0pi3627q9@whoisprivacycorp.com.

/s/ Attison L. Barnes, III /s/

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