

Exhibit 9

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April 3, 2024

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1305
New York, NY 10007

Re: *Microsoft Corporation v. Duong Dinh Tu et al.*, Case No. 23-cv-10685

Dear Judge Engelmayer:

We represent Microsoft Corporation (“Microsoft”) in the above-captioned proceeding. We write in accordance with Your Honor’s instruction (ECF No. 27) to submit a status update every 90 days—the first being due April 3, 2024—detailing Microsoft’s progress in discovery and any other developments bearing on a potential motion for default judgment.

In our January 4, 2024 letter to Your Honor (ECF No. 25), we set forth that, although Defendants were, as of that day, in default under Federal Rule of Civil Procedure 12(a)(1)(A)(i), Microsoft did not intend to move for default judgment and instead intended to collect discovery from payment processors that would inform the scope of a default judgment in this proceeding. We stated that the collection and review of such discovery would likely take approximately six to nine months. Microsoft now provides the status of its discovery efforts in this action, which Microsoft expects will take approximately three to six more months.

First, on February 22, 2024, Microsoft served a Rule 45 subpoena on PayPal Holdings, Inc.¹ Microsoft seeks information from PayPal regarding the account known as @1stcptcha, which Defendants used to collect illicit proceeds.² Following a meet and confer with counsel for PayPal Holdings, Inc., Microsoft learned that the relevant account is located with PayPal PTE Ltd. (a Singaporean entity). At PayPal's request, on March 25, 2024, Microsoft re-served the Rule 45 subpoena directly on PayPal PTE Ltd.³ PayPal PTE Ltd. will serve Microsoft with responses and objections to the subpoena by April 8, 2024, and Microsoft expects that PayPal will begin producing relevant documents thereafter in due course. Microsoft intends to use such discovery to inform the amount of damages that it will seek in its forthcoming motion for default judgment.

Second, on February 22, 2024, Microsoft unsuccessfully attempted to serve a Rule 45 subpoena on Vietcombank. The subpoena sought information from Vietcombank regarding the account or accounts belonging to Defendant Nguyen Van Linh and the username tcroix2020, which Defendants used to collect illicit proceeds.⁴ Microsoft attempted to serve Vietcombank, through a process server, at its New York branch, which on information and belief is located at 1 Rockefeller Plaza, Suite 14P, New York, NY 10020. Service was unsuccessful and we understand from personnel at the premises that bank personnel have not been present there for many months. Given this development, as well as other difficulties already encountered with Vietnamese Hague processes (*see* ECF No. 26), Microsoft will cease attempting to effectuate service of the subpoena on Vietcombank. Microsoft had intended to use such discovery to inform the amount of damages that it will seek in its forthcoming motion for default judgment.

Third, Microsoft is preparing to engage in direct outreach to, and to seek cooperation from, international cryptocurrency payment processors Sellix (Italy-based) and Cryptomus (Canada-based), which Defendants used to collect illicit proceeds,⁵ for the purpose of obtaining documents that may further inform our damages analysis.

¹ Microsoft served the subpoena on Defendants that day through the same methods it used to effectuate service of the Preliminary Injunction Order (ECF No. 23)—namely, by (i) email and (ii) publication. *See* ECF No. 26 (detailing service on Defendants of the Preliminary Injunction Order).

² *See* Complaint ¶ 63, *Microsoft Corporation v. Duong Dinh Tu et al.*, No. 23-cv-10685 (S.D.N.Y. Dec. 13, 2023), ECF No. 10; Microsoft's Memorandum of Law in Support of its Motion for an Emergency *Ex Parte* TRO and Order to Show Cause at 17, *id.*, ECF No. 13; Declaration of Jason Lyons ¶ 27, *id.*, ECF No. 15; Declaration of Maurice Mason ¶ 20, *id.*, ECF No. 16.

³ Microsoft served the subpoena on Defendants that day through the aforementioned email and publication methods of service.

⁴ *See* Microsoft's Memorandum of Law in Support of its Motion for an Emergency *Ex Parte* TRO and Order to Show Cause at 18, *id.*, ECF No. 13; Declaration of Jason Lyons ¶¶ 17, 27, *id.*, ECF No. 15; Declaration of Maurice Mason ¶ 21, *id.*, ECF No. 16.

⁵ *See* Declaration of Jason Lyons ¶¶ 17, 27, *id.*, ECF No. 15; Declaration of Christopher Stangl ¶¶ 14, 19, 23, *id.*, ECF No. 17.

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We thank the Court for its consideration of this matter and we remain available to confer about it at the Court's convenience.

Respectfully submitted,

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