

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SELLIFY LLC,  
Plaintiff,  
- against -  
AMAZON.COM, INC.,  
Defendant.  
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No. 09 CV 10268 (JSR)

**DECLARATION OF  
MUNEER MIRZA**

Muneer Mirza declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Software Development Manager for the Website Platform at Amazon.com, Inc. I have worked at Amazon.com since July 2009. Prior to that, I worked as a software tester and software test manager at Microsoft for four years.

2. I have a Bachelor of Mathematics for Computer Science from the University of Waterloo, Ontario, Canada.

3. I understand that this case concerns certain sponsored advertisements purchased on the Google search engine that displayed the messages “Don’t Buy from Scammers” and “Beware the SCAM Artists” when a user searched for the keywords onequality, onequality.com, and onequlaity.com (the “Cutting Edge Ads”). If users clicked on the links contained in those Sponsored Ads, they would be routed to the amazon.com website.

4. I also understand that the plaintiff in this matter has alleged that Amazon.com could have removed the Cutting Edge Ads from the Internet, or else created a filtering program that would have directed any Internet user clicking on the link embedded in the Cutting Edge Ads away from the amazon.com website to some alternate web page.

5. To begin with, the Cutting Edge Ads were hosted on Google's servers. Only Google could have removed them. Amazon.com had neither the right nor the ability to do so.

6. Although it would have been technically possible for Amazon.com to filter all web traffic coming to its site so as to divert web sessions originating from the links in the Cutting Edge Ads to an alternate page, that approach would have had a severe and disproportionate impact on Amazon.com's operations. Disabling every inappropriate link anyone creates to the amazon.com website by creating a filtering mechanism that must be applied to each of the hundreds of millions of web sessions initiated on the amazon.com website each day would not have been at all reasonable.

7. As Software Development Manager for the Website Platform at Amazon.com, Inc., I manage a team that is responsible for, among other things, a product called the "Online Proxy Fleet."

8. The Online Proxy Fleet is an internal system created by my team. It operates for one critical purpose: to protect the continued availability of the Amazon.com website in the face of threats from hackers and others trying to take down or overload the website.

9. Every time someone or, in the case of automated systems trying to access the website, something tries to access the Amazon.com website, it does so by requesting a web page from Amazon.com. There are hundreds of millions of such requests every single day.

10. The Online Proxy Fleet scans each request, and allows Amazon.com – specifically, my team – to create "rules" for blocking requests from hackers that threaten to

overwhelm the Amazon.com website and render it unavailable. Each “rule” is tailored to be specific to the particular type of request that we are trying to block.

11. Because each “rule” for the Online Proxy Fleet entails scanning each and every web page request that comes in to Amazon.com, every single “rule” results in additional processing time for the entire Amazon.com system, which in turn slows down Amazon.com’s operations across its entire platform. In our business, we refer to this phenomenon as increasing “latency,” which is essentially the period of time it takes for a web page to load.

12. As an Internet-based businesses, our success depends largely on our ability to deliver a quick and seamless Internet shopping experience to our potential clients. For that reason, our average loading time (latency) is between only 2 and 3 seconds. Even a slight increase in latency would have a severe impact on our business.

13. For that reason, we reserve the use of “rules” in the Online Proxy Fleet for only the most extreme cases – namely, those which threaten the availability of the entire Amazon.com website.

14. To implement a “rule” for every isolated, individual issue (such as for the Sponsored Ads at issue here) would have an adverse effect on Amazon.com that is wildly disproportionate to the nature of the issue. With tens of millions of links to the amazon.com website, creating a rule for every inappropriate link that turns up from time to time would greatly increase latency – an unacceptable outcome for addressing problems that do not threaten the basic viability and performance of the website.

15. And indeed, we are, from time to time, approached by business departments at Amazon.com seeking to add a “rule” in response to a specific problem. But

unless they can demonstrate that the problem would affect the availability of the website, we politely refuse to assist them.

16. I am not aware of any Internet retailers – let alone a major retailer – that addresses inappropriate links to its site with a filtering mechanism of the type plaintiff suggests. The latency problems created by such an approach are far greater than the problems of an isolated, inappropriate link, and using a filtration solution would therefore be commercially unreasonable and impractical.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 29, 2010



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MUNEER MIRZA