

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

CASE NO. 4:14-cv-00815-BCW

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

BF LABS, INC., *et al.*

Defendants.

**PLAINTIFF'S MOTION TO PRESENT LIVE TESTIMONY AT PRELIMINARY  
INJUNCTION HEARING AND SUGGESTIONS IN SUPPORT**

Pursuant to Section XXIII.B of the Court's Ex Parte Order [DE # 9], Plaintiff Federal Trade Commission respectfully requests leave to present the live testimony of the following witness at the preliminary injunction hearing scheduled for September 29, 2014:

Anthony Fast  
608 Saratoga Place  
Lawrence, KS 66046

The FTC first learned of and obtained contact information for Mr. Fast, a former BF Labs, Inc. ("Butterfly Labs") employee, on September 23, 2014. Mr. Fast worked at Butterfly Labs from February to July 2013. He served as its marketing manager and now works as a bitcoin consultant. In that capacity, Mr. Fast has conducted research and analysis regarding the bitcoin industry. He graduated cum laude from Washburn University, served as a computer and network administrator in the U.S. Army, and has held various management positions throughout his career. He will describe his role at the company and its management structure. Additionally,

Mr. Fast would provide testimony on Butterfly Labs' marketing strategy and advertisements, its refund policy, production practices and schedule, and its bitcoin mining operations. (Anticipated duration of testimony: 1 hour and 30 minutes on direct).

Mr. Fast's testimony would serve several purposes. First, it would rebut the testimony of certain of Butterfly Labs' proposed witnesses and provide the Court with a perspective different from that Defendant Drake and Jeff Ownby, both of whom still work for Butterfly Labs and therefore possess pecuniary interest in its continued operation. Further, in its motion to present live testimony [DE # 15], and its opposition papers [DE # 14], Butterfly Labs portrays itself as a well-intentioned start-up company and attributes the challenged conduct to growing pains. Mr. Fast's testimony would provide a counterpoint to that portrayal. Finally, Mr. Fast possesses knowledge that would be helpful to the Court regarding bitcoin, bitcoin mining, and the industry in general. For these reasons, Mr. Fast's testimony would be helpful to this Court in determining whether a preliminary injunction should issue.

Respectfully submitted,

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Dated: September 23, 2014

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I certify that the foregoing document is being served this day on all counsel of record and *pro se* parties identified on the attached Service List in the manner specified.

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