

PX
5

**DECLARATION OF TRAVIS CRIST
PURSUANT TO 28 U.S.C. § 1746**

I, Travis Crist, hereby state that I have personal knowledge of the facts set forth below and am competent to testify about them. If called as a witness, I could and would testify as follows:

1. I am over 18 years old. I live in San Francisco, California
2. In or around January 2013, I purchased a 30 gigahertz Bitcoin mining machine from Butterfly Labs through PayPal for \$683. According to the Butterfly Labs website, the expected delivery date for this machine at the time of the purchase was April 1, 2013. True and correct copies of my order confirmation from Butterfly Labs, and my payment confirmation from PayPal are appended hereto as **Attachment A**.
3. I decided to purchase a machine from Butterfly Labs because Butterfly Labs had successfully shipped FPGA Bitcoin mining machines in the past, so I thought they would also successfully ship the newer ASIC machines.
4. On or around May 1, 2013, Butterfly Labs sent me an e-mail in which they stated that shipping had begun for their Bitcoin mining machines. In this e-mail, there was a link to Butterfly Labs' website. The e-mail directed me to click on the link and to log in to my Butterfly Labs account to confirm my order. Once I clicked the link, I had to agree to new terms and conditions as well as to different product specifications. This link stated that if I did not agree to these changes within approximately 30 days, Butterfly Labs would cancel my order. I agreed to these changes because the content of the e-mail and the content in this link convinced me that my order would be delivered before the end of July 2013. A true and correct copy of this e-mail from Butterfly Labs is appended hereto as **Attachment B**.

5. On or around July 18, 2013, Butterfly Labs sent me an e-mail with the subject "Shipping questions and answers." This e-mail made me worried that I would never actually receive my order. A true and correct copy of this e-mail is appended hereto as **Attachment C**.

6. On or around July 30, 2014, I sent an e-mail to Butterfly Labs in which I requested a refund of my order. A true and correct copy of this e-mail is appended hereto as **Attachment D**.

7. On or around August 1, 2013, a Butterfly Labs representative named Abbey sent me an e-mail in which she said I could not receive a refund because all sales are final. A true and correct copy of this e-mail is appended hereto as **Attachment E**.

8. I replied to Abbey's e-mail on August 1, 2013. In my response, I explained why I was entitled to a refund according to rules established by the Federal Trade Commission. A true and correct copy of this e-mail is appended hereto as **Attachment F**.

9. In or around November 2013, I had several other e-mail communications with Butterfly Labs. Among other things, Butterfly Labs employees quoted Federal Trade Commission guidelines in reference to their refund policies. True and correct copies of these e-mails are appended hereto as **Attachment G**.

10. From August to September 2013, I communicated with PayPal via e-mail several times about obtaining a refund for my Butterfly Labs order. A true and correct copy of one of these e-mails, dated September 16, 2013, is appended hereto as **Attachment H**.

11. On or around September 16, 2013, I received an e-mail from PayPal in which the PayPal representative said that my payments to Butterfly Labs had been refunded in full. This e-mail also states that PayPal takes situations like mine with Butterfly Labs very seriously. A true and correct copy of this e-mail is appended hereto as **Attachment I**.

12. Butterfly Labs made false claims regarding the delivery date for their product and repeatedly refused to issue me a refund. I requested refunds from Butterfly Labs for 3 months by contacting the company directly, but I was only able to get a refund by contacting PayPal.

13. Certain confidential information has been redacted from the attachments to this declaration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of November, 2014, in San Francisco, California

A handwritten signature in black ink, appearing to read "Travis Crist", written over a horizontal line.

Travis Crist

ATTACHMENT A

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 12:05 PM
To: Temkin, Daniel
Subject: Fwd: Your payment to BF Labs Inc.

----- Forwarded message -----

From: service@paypal.com <service@paypal.com>
Date: Mon, Jan 14, 2013 at 9:01 PM
Subject: Your payment to BF Labs Inc.
To: Travis Crist [REDACTED]



Jan 14, 2013 21:01:38 PST
Receipt No: 4426-7634-0379-9928

Hello Travis Crist,
You sent a payment of \$683.00 USD to BF Labs Inc..

Merchant information

BF Labs Inc.
office@butterflylabs.com
<http://www.butterflylabs.com>
913-271-6744

Instructions to merchant

None provided

This charge will appear on your credit card statement as payment to PAYPAL *BF LABS INC.

Shipping information

Travis Crist
[REDACTED]
[REDACTED]
San Francisco, CA [REDACTED]
United States

Shipping method

Not specified

Description	Unit price	Qty	Amount
'Little' Single SC (\$649)	\$649.00 USD	1	\$649.00 USD
Shipping and handling:			\$34.00 USD
Total:			\$683.00 USD

Receipt No: 4426-7634-0379-9928

Please keep this receipt number for future reference. You'll need it if you contact customer service at BF Labs Inc. or PayPal.

Use PayPal next time!

It looks as if you already have a PayPal account.

When you shop online, it's faster and easier to check out with PayPal. Your financial information is securely stored and never shared with merchants when you pay.

? Questions? Visit the Help Center at: www.paypal.com/help.

Thanks for using PayPal – the safer, easier way to pay and get paid online.

RIGHT TO REFUND

You, the customer, are entitled to a refund of the money to be transmitted as a result of this agreement if PayPal does not forward the money received from you within 10 days of the date of its receipt, or does not give instructions committing an equivalent amount of money to the person designated by you within 10 days of the date of the receipt of the funds from you unless otherwise instructed by you.

If your instructions as to when the money shall be forwarded or transmitted are not complied with, and the money has not yet been forwarded or transmitted, you have a right to a refund of your money.

If you want a refund, you must mail or deliver your written request to PayPal at P.O. Box 45950, Omaha, NE 68145-0950. If you do not receive your refund, you may be entitled to your money back plus a penalty of up to \$1,000.00 USD and attorney's fees pursuant to Section 2102 of the California Financial Code.

PAYPAL ACCOUNT HOLDERS

If you have a PayPal account, you have a preferred alternative to the Right to Refund process. You may be covered if you find a payment error. You also may be covered if you did not receive your item or the item is significantly different from the seller's description. To obtain help, log into your PayPal account and click Resolution Center at the top center of Account Overview.

Please do not reply to this email. This mailbox is not monitored and you will not receive a response.

PayPal Email ID PP1469

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 12:05 PM
To: Temkin, Daniel
Subject: Fwd: New submission from Pre-Order Form - 'Little' Single SC-16605

----- Forwarded message -----

From: **Butterfly Labs Inc** <office@butterflylabs.com>
Date: Tue, Jan 15, 2013 at 3:04 PM
Subject: Re: New submission from Pre-Order Form - 'Little' Single SC-16605
To: [REDACTED]

Hi Travis,

This is to confirm that your order no. 16605, pay-dated 1/14/2013, for 1 BitForce Little Single SC has been successfully entered into our system.

We will notify you with tracking information when your order ships.

For real-time updates on what is shipping now and news on projected SC products shipping schedule, please visit Jody's customer service blog at <https://forums.butterflylabs.com/blog.php/46-BFL_Jody>.

Thank you for your interest in Butterfly Labs, Inc. and for your order.

Kind regards,

Patti
BF Labs, Inc. Customer Service

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For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<<https://forums.butterflylabs.com/blogs/>>

On Mon, Jan 14, 2013 at 11:00 PM, Travis Crist <websitemessage@butterflylabs.com> wrote:

Preferred payment method	
	PayPal
Shipping information	
Name	
	Travis Crist
Email	

Phone

Shipping Address Information

San Francisco, CA

United States

[Map It](#)

Order

Product	Qty	Unit Price	Price
'Little' Single SC (\$649)	1	\$649.00	\$649.00
		Shipping (US / Canada Priority (\$34))	\$34.00
		Total:	\$683.00

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For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
 <<https://forums.butterflylabs.com/blogs/>>

ATTACHMENT B

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 12:06 PM
To: Temkin, Daniel
Subject: Fwd: Butterfly Labs Shipping Update

----- Forwarded message -----

From: BFL News <bfl_news@butterflylabs.com>
Date: Wed, May 1, 2013 at 2:13 PM
Subject: Butterfly Labs Shipping Update
To: Travis [REDACTED]

Shipping Update

[View this email in your browser](#)



[Products](#) [Support Forums](#) [Contact Us](#)

BFL Products Shipping Now

May 1, 2013



Dear Travis,

Shipping of our BitForce SC ASIC miners has begun!

You may have seen news reports of our ASIC miners in the wild and some of you may have already taken delivery. It's all true. We're finally shipping. You will receive your order as we work through the shipping queue .

If you didn't know, you can check your order status on our website. Log in by clicking [here](#). Use the same email and password you set up your account with.

If you don't have your password, use the Lost Password function to create a new one.

So what took so long?

This third generation of our SHA256 engine was a complex multi-year investment in bringing the latest semiconductor technology to bitcoin mining.

Developing a fully custom 65nm ASIC processor is not a casual undertaking. In fact, the new products have improved mining speed by a factor of 72. This much advancement doesn't come easy and it's fair to say that getting here has been eventful.

The key issue has been the engineering related to accommodating larger power draws than expected. A good example is the Jalapeno product. It was originally designed to be powered by USB but now consumes the power of a small light bulb (30w).

Consequently the power regulator, enclosure, airflow and PCB needed upgrading to suit. Although we are **very** aware of the undesirable dynamics of any delay, we were nonetheless obligated to make these updates in order to deliver a reliable product at the expected performance. The same adjustments have been made with all products in the lineup. You can see the adjusted product cases in our currently posted [product lineup](#). (The Mini Rig case will be double shipped to satisfy their orders which is why we've run out Mini Rig enclosure stock).

Final confirmation is required

Please be advised that due to the adjustments described above, we need your confirmation prior to release of your order into the final build queue and on to final delivery. It may also be a good time to review your purchase altogether relative to the bitcoin market as this is the last opportunity to do so. If your order is not confirmed, it will be canceled and your money will be refunded.

Thank you for your support and we wish you great satisfaction with your product!



Jalapenos Out the Door

Packaged for its adventure to a new home. Bye Jalapeno! Your owner eagerly awaits your arrival.



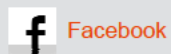
Easy Miner Beta Release

An easy way to mine with a GUI and real-time Bitcoin statistics, developed for Windows and Android. Linux version coming soon. Download and participate in the beta by clicking [here](#).



New Single Form Factor

The new form factor for the Single. The new body offers room for performance growth while keeping things ultra cool.



Copyright © 2013 Butterfly Labs, All rights reserved.

You are receiving this email because you have ordered or expressed interest in Butterfly Labs products.

Our mailing address is:

Butterfly Labs
PO Box 413671

Kansas City, MO 64141-3761

[Add us to your address book](#)

[unsubscribe from this list](#) [update subscription preferences](#)

MailChimp.

ATTACHMENT C

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 12:06 PM
To: Temkin, Daniel
Subject: Fwd: Butterfly Labs | Shipping & Customer Service

----- Forwarded message -----

From: BFL News <bfl_news@butterflylabs.com>
Date: Thu, Jul 18, 2013 at 8:53 PM
Subject: Butterfly Labs | Shipping & Customer Service
To: Travis [REDACTED]

Status Update

[View this email in your browser](#)



[Products](#) [Support Forums](#) [Contact Us](#)

BFL Shipping & Customer Service

July 18, 2013

Shipping questions and answers

Dear Travis,

As you know, all three product lines have entered into large-scale production and many of you have received your orders. With BFL products appearing in the wild at this rate, many customers are eager to know when their particular order will arrive as well. With this in mind, we thought it might be helpful to answer some of the most common questions here in our newsletter update.

Q: When is my order going to ship?

A: Orders are being shipped in the order of the date they were purchased. You

can see the purchase dates being served every day on [Jody's Customer Service blog](#).

Q: What's the status of my order?

A: You can check the status of your order by logging in to your [account dashboard](#). If your order is marked "processing", then that means your order is paid. If it's marked "production", it's on the assembly floor, and if it's marked "fulfilled", it's in a box headed your way.

Q: Has my order shipped already?

A: When your order ships, you will be notified by email which will include tracking information - tracking information is included no matter which shipping option you choose.

Q: Why are the Jalapeno purchase dates moving so fast while the Single purchase dates go slower?

A: We started shipping Jalapenos earlier and have already gotten through the initial large-volume order days. So even though lots of singles are going out every day, their served order date isn't moving as fast. Now that we're nearing the end of that initial surge of orders, the dates will begin to progress very quickly as we catch up to today.

Q: Can I have my Single shipped to me without a PSU included?

A: Yes. Our Singles are designed with PCIe power cable inputs, like those you'd find on a modern desktop computer GPU. You can use your preferred ATX PSU, but we recommend a minimum of 300watts deliverable by the PSU for every Single connected to it. Note that many ATX PSU's won't provide power unless they detect that they're connected to a motherboard, so for those you can get a power supply tester to get the PSU to power your Single when it's connected.

Q: What about my order I just placed; how long will I have to wait?

A: Daily production capacity will continue to increase until we have caught up with all back orders sometime in late September.

Q: Why does it take so long to answer all the emails I keep sending to

you?

A: Although we have built up a customer service staff of ten dedicated agents, our capacity is humbled every time our product cycle enters a phase of intense customer interest such as when a new product is announced or when we start shipping. This puts a lot of strain on our ability to respond. Even worse, some customers become frustrated by the delay, so they write more e-mails, but this only increases the load.

Q: But is it normal to wait more than a week to receive a response by email? Can I call you?

A: Yes. While we do our best to respond to your emails quickly, it may take over a week to respond right now. We welcome phone calls, too.



Easy Miner Beta Release

An easy way to mine with a GUI and real-time Bitcoin statistics, developed for Windows and Android. Linux version coming soon. ([download](#))



Singles

Stacked and ready.



The 500GH/s Mini Rig

A new [Mini Rig](#) fresh off the production line, tested and ready for some serious Bitcoin mining action.



Copyright © 2013 Butterfly Labs, All rights reserved.

You are receiving this email because you have ordered or expressed interest in Butterfly Labs products.

Our mailing address is:

Butterfly Labs

PO Box 413671

Kansas City, MO 64141-3761

[Add us to your address book](#)

[unsubscribe from this list](#) [update subscription preferences](#)

MailChimp.

ATTACHMENT D

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 12:07 PM
To: Temkin, Daniel
Subject: Fwd: New submission from Pre-Order Form - 'Little' Single SC-16605 - Refund Request

----- Forwarded message -----

From: Travis Crist <trav07al@gmail.com>
Date: Tue, Jul 30, 2013 at 9:08 PM
Subject: Re: New submission from Pre-Order Form - 'Little' Single SC-16605 - Refund Request
To: Butterfly Labs Inc [REDACTED]

Hello,

I would like to request a refund for order #16605 pay-dated 1/14/2013, for 1 BitForce Little Single SC. Please refund the funds to my PayPal account [REDACTED]

Sincerely,
Travis Crist

On Tuesday, January 15, 2013 at 3:04 PM, Butterfly Labs Inc wrote:

Hi Travis,

This is to confirm that your order no. 16605, pay-dated 1/14/2013, for 1 BitForce Little Single SC has been successfully entered into our system.

We will notify you with tracking information when your order ships.

For real-time updates on what is shipping now and news on projected SC products shipping schedule, please visit Jody's customer service blog at <https://forums.butterflylabs.com/blog.php/46-BFL_Jody>.

Thank you for your interest in Butterfly Labs, Inc. and for your order.

Kind regards,

Patti
BF Labs, Inc. Customer Service

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For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<<https://forums.butterflylabs.com/blogs/>>

On Mon, Jan 14, 2013 at 11:00 PM, Travis Crist <websitemessage@butterflylabs.com> wrote:

Preferred payment method																
PayPal																
Shipping information																
Name																
Travis Crist																
Email																
[REDACTED]																
Phone																
[REDACTED]																
Shipping Address Information																
[REDACTED] San Francisco, CA [REDACTED] United States Map It																
Order																
<table><tr><th>Product</th><th>Qty</th><th>Unit Price</th><th>Price</th></tr><tr><td>'Little' Single SC (\$649)</td><td>1</td><td>\$649.00</td><td>\$649.00</td></tr><tr><td colspan="2"></td><td>Shipping (US / Canada Priority (\$34))</td><td>\$34.00</td></tr><tr><td colspan="2"></td><td>Total:</td><td>\$683.00</td></tr></table>	Product	Qty	Unit Price	Price	'Little' Single SC (\$649)	1	\$649.00	\$649.00			Shipping (US / Canada Priority (\$34))	\$34.00			Total:	\$683.00
Product	Qty	Unit Price	Price													
'Little' Single SC (\$649)	1	\$649.00	\$649.00													
		Shipping (US / Canada Priority (\$34))	\$34.00													
		Total:	\$683.00													

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For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<<https://forums.butterflylabs.com/blogs/>>

ATTACHMENT E

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 5:20 PM
To: Temkin, Daniel
Subject: Fwd: New submission from Pre-Order Form - 'Little' Single SC-16605 - Refund Request

----- Forwarded message -----

From: **Butterfly Labs Inc** <office@butterflylabs.com>
Date: Thu, Aug 1, 2013 at 12:45 PM
Subject: Re: New submission from Pre-Order Form - 'Little' Single SC-16605 - Refund Request
To: Travis Crist [REDACTED]

Hi Travis,

Thank you for contacting Butterfly Labs. According to the terms you agreed to on checkout, all sales are final. Now that shipping of orders has begun, refunds will not be processed. Your order will be shipped per your position in the order queue.

For more information on our refund policy please visit our FAQ:
www.butterflylabs.com/faq

We are no longer able to make exceptions.

Thank you for your patience and understanding.

Sincerely,
Abbey
BF Labs, Inc.

For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<https://forums.butterflylabs.com/blogs/bfl_jody/>

On Tue, Jul 30, 2013 at 11:08 PM, Travis Crist [REDACTED] wrote:
Hello,

I would like to request a refund for order #16605 pay-dated 1/14/2013, for 1 BitForce Little Single SC. Please refund the funds to my PayPal account [REDACTED]

Sincerely,
Travis Crist

On Tuesday, January 15, 2013 at 3:04 PM, Butterfly Labs Inc wrote:

Hi Travis,

This is to confirm that your order no. 16605, pay-dated 1/14/2013, for 1 BitForce Little Single SC has been successfully entered into our system.

We will notify you with tracking information when your order ships.

For real-time updates on what is shipping now and news on projected SC products shipping schedule, please visit Jody's customer service blog at <https://forums.butterflylabs.com/blog.php/46-BFL_Jody>.

Thank you for your interest in Butterfly Labs, Inc. and for your order.

Kind regards,

Patti
BF Labs, Inc. Customer Service

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For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<<https://forums.butterflylabs.com/blogs/>>

On Mon, Jan 14, 2013 at 11:00 PM, Travis Crist <websitemessage@butterflylabs.com> wrote:

Preferred payment method								
PayPal								
Shipping information								
Name								
Travis Crist								
Email								
[REDACTED]								
Phone								
[REDACTED]								
Shipping Address Information								
[REDACTED] San Francisco, CA [REDACTED] United States Map It								
Order								
<table><tr><th>Product</th><th>Qty</th><th>Unit Price</th><th>Price</th></tr><tr><td>'Little' Single SC (\$649)</td><td>1</td><td>\$649.00</td><td>\$649.00</td></tr></table>	Product	Qty	Unit Price	Price	'Little' Single SC (\$649)	1	\$649.00	\$649.00
Product	Qty	Unit Price	Price					
'Little' Single SC (\$649)	1	\$649.00	\$649.00					

	Shipping (US / Canada Priority (\$34))	\$34.00
	Total:	\$683.00

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For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<<https://forums.butterflylabs.com/blogs/>>

ATTACHMENT F

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 5:21 PM
To: Temkin, Daniel
Subject: Fwd: New submission from Pre-Order Form - 'Little' Single SC-16605 - Refund Request

----- Forwarded message -----

From: Travis Crist [REDACTED]
Date: Thu, Aug 1, 2013 at 7:33 PM
Subject: Re: New submission from Pre-Order Form - 'Little' Single SC-16605 - Refund Request
To: Butterfly Labs Inc <office@butterflylabs.com>

Abbey,

I am very disappointed in this new policy. The shipping updates have been very deceiving and when I accepted the increased hashing power I expected production to actually ramp up. Instead its stayed at a pitifully slow level for the last 2 months. I placed a order for a product in January 2013 with the reasonable expectation it would ship in around 6 months time. At this point its been almost 8 months and production is still not ramping up.

According to the FTC: <http://business.ftc.gov/documents/bus02-business-guide-mail-and-telephone-order-merchandise-rule>

When You Must Cancel an Order

You *must* cancel an order and provide a prompt refund when:

- **the customer exercises any option to cancel before you ship the merchandise;**
- the customer does not respond to your first notice of a definite revised shipment date of 30 days or less and you have not shipped the merchandise or received the customer's consent to a further delay by the definite revised shipment date;
- **the customer does not respond to your notice of a definite revised shipment date of more than 30 days (or your notice that you are unable to provide a definite revised shipment date) and you have not shipped the merchandise within 30 days of the original shipment date;**
- the customer consents to a definite delay and you have not shipped or obtained the customer's consent to any additional delay by the shipment time the customer consented to;
- you have not shipped or provided the required delay or renewed option notices on time; or
- you determine that you will never be able to ship the merchandise.

The following is one example of a delayed order scenario:

1. You have a reasonable basis to be able to ship the merchandise in 30 days. That being the case, you make no shipment representation in your advertising. When your prospective customer calls to place the order on July 1, nothing has happened to change your belief that you can ship in 30 days, so in accepting the order you provide no updated shipment information. You plan to ship the order by July 31.
2. **On July 10, you realize you cannot ship by July 31. Within a few days (reasonably quickly so the customer has time to make a decision), you send a delay notice with a revised shipment date. Based on information such as customer demand for the merchandise and information you recently received from your suppliers, you reasonably believe that you will be able to ship 30 days from the original shipment date. The revised shipping date you provide in the delay notice is August 30, i.e., 30 days from July 31. Your delay notice explains that, unless the customer tells you otherwise, you will assume that the customer is willing to wait for the merchandise until then.**

3. Having heard nothing from the customer, on August 10 you realize that you will not be able to ship by August 30, so reasonably promptly you send a second delay option notice saying when you now reasonably believe you will be able to ship. The notice tells the customer that the order will be cancelled automatically on August 30 unless you have already shipped by then or the customer expressly tells you not to cancel.

I have bolded the parts that I believe apply to this situation. The first part is:

- **the customer exercises any option to cancel before you ship the merchandise;**

You have not shipped my merchandise and I requested you cancel the order.

The second part is:

- **the customer does not respond to your notice of a definite revised shipment date of more than 30 days (or your notice that you are unable to provide a definite revised shipment date) and you have not shipped the merchandise within 30 days of the original shipment date;**

You provided a revised shipment date on May 1st 2013, its now been 60 days since and you have not shipped merchandise and you have not provided a revised shipment date. You must notify your customers when there is a revised shipment date more than 30 days after the last shipment. Example #2 which I have bolded illustrates this point.

Please refund my order,
Travis Crist

On Thursday, August 1, 2013 at 12:45 PM, Butterfly Labs Inc wrote:

Hi Travis,

Thank you for contacting Butterfly Labs. According to the terms you agreed to on checkout, all sales are final. Now that shipping of orders has begun, refunds will not be processed. Your order will be shipped per your position in the order queue.

For more information on our refund policy please visit our FAQ:

www.butterflylabs.com/faq

We are no longer able to make exceptions.

Thank you for your patience and understanding.

Sincerely,
Abbey
BF Labs, Inc.

For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<https://forums.butterflylabs.com/blogs/bfl_jody/>

On Tue, Jul 30, 2013 at 11:08 PM, Travis Crist [REDACTED] wrote:

Hello,

ATTACHMENT G

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 5:21 PM
To: Temkin, Daniel
Subject: Fwd: New submission from Pre-Order Form - 'Little' Single SC-16605 - Refund Request

----- Forwarded message -----

From: Travis Crist [REDACTED]
Date: Thu, Sep 12, 2013 at 10:14 AM
Subject: Re: New submission from Pre-Order Form - 'Little' Single SC-16605 - Refund Request
To: Butterfly Labs Inc <office@butterflylabs.com>

Tamika,

Thanks for the response, but since you have not shipped the order then you need to refund my purchase since I have requested that the order be canceled.

When You Must Cancel an Order

You *must* cancel an order and provide a prompt refund when:

- the customer exercises any option to cancel before you ship the merchandise;

I will be speaking to my attorney today about filing a small claims court case. Honestly I don't care if it costs me thousands of dollars to win the case in order to get my \$683 back. It's about the principle of following the business guidelines of the country you are in. It's clear you are violating multiple sections of the FTC rules and are not giving refunds to people who would like to cancel the order and according to the FTC rules you must cancel it.

If you were based in China I would expect this kind of customer service but not from a US based company.

Please just refund my money it will be less costly in the long run for both of us.

Sincerely,
Travis Crist

On Thursday, September 12, 2013 at 8:40 AM, Butterfly Labs Inc wrote:

Hi Travis,

While we reserve the right to handle refund requests on a case by case basis, pre-ordered products are non-refundable as is clearly stated at the time of purchase. The reason for this is that pre-order funds are used in the build process which makes it impractical to reverse. It's also been observed that some small number of customers have placed orders as part of a bitcoin price hedging strategy which involves multiple requests to cancel and then re-enstate their orders as market conditions change. This has created an enormous customer service burden which is resolved by enforcing the all sales final policy. Some customers have asked why we've given order cancellation refunds to others, but they can't get one. The answer is that we had opted to process order cancellation requests during our long product development phase as a courtesy to

those who endured the stress of the unknown. However, once full production began, a notice was sent out advising that orders would be shipped as produced according to the order queue and that if anyone was unwilling to endure the wait, they had a final opportunity to cancel. Customers were required to positively confirm their desire to remain in the order queue and accept the order terms. Pre-Order terms for new orders were updated on the website on April 1, 2013. The terms state, "I accept the terms of the sale and understand that all sales are final and there is a backlog of orders and production & delivery of my order may take 2 months or longer."

As a Wyoming Corporation, we operate under the US Federal Trade Commission's business guide for mail or telephone ordered merchandise. The relevant guideline suggests that if no delivery terms are stated or agreed to, then 30 days should be assumed. In our case, we've gone to great length to ensure there is no ambiguity. Customers are/were notified of the back order situation, the inability to cancel their order and the multi month wait to be expected. However, we have added a new feature to your account dashboard. You have the option of selling your order. There are more details and instructions on how to do so on our facebook page.

Announcing a Pre-Order Marketplace

New customers frequently ask us how they can move up in the order queue, and at times offer us more money to do so. Of course, we refuse. We also have customers who decide to sell their orders on eBay or other venues. Unfortunately, doing so requires a secure form of transfer, and the trust factor simply makes it difficult for a seller to find buyers.

Butterfly Labs is excited to announce a platform that will help merge the needs of both parties. Starting today, a seller will be able to announce the sale of their pre-order position in our classifieds forum. They will establish the terms of sale and make the deal on their own. Once a deal has been made, they will use the transfer system in their account Dashboard to transfer an order to a new owner. When both parties verify and agree to the terms, the order will be moved to the buyer's account.

We expect the order transfer system to be in place by September 10, 2013. We are posting this information now so that you can get a head start posting and selling your order positions in preparation of the launch of this program.

Butterfly Labs will only provide the platform for the order transfer to take place. We are not responsible for any deals made between our customers. Use of the order transfer system is solely the risk of the parties making the order transfer deal. Buyer's must agree to the original terms of the sale, and specifically to the no refund policy.

Here is the relevant FTC guideline text:

"when you advertise merchandise, you must have a reasonable basis for stating or implying that you can ship within a certain time. If you make no shipment statement, you must have a reasonable basis for believing that you can ship within 30 days."

Kindest Regards,
Tamika
Butterfly Labs

For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<https://forums.butterflylabs.com/blogs/bfl_jody/>

On Sun, Sep 8, 2013 at 2:14 PM, Travis Crist [REDACTED] wrote:

Hello,

Thanks for your response. After waiting another 30days with no update and no product in hand I am writing to let you know I have filed a credit card chargeback for the order with Wells Fargo. I expect you will be hearing from them during the next week regarding resolving this dispute.

Please refund my order so we can all save some time, BFL, Wells Fargo, and myself included. I would rather not spend hours on the phone to get my refund but at this point there has been no revised shipping estimate and refunds are not being processed so I am left with no other recourse.

Thanks,
Travis Crist

On Thursday, August 1, 2013 at 12:45 PM, Butterfly Labs Inc wrote:

Hi Travis,

Thank you for contacting Butterfly Labs. According to the terms you agreed to on checkout, all sales are final. Now that shipping of orders has begun, refunds will not be processed. Your order will be shipped per your position in the order queue.

For more information on our refund policy please visit our FAQ:
www.butterflylabs.com/faq

We are no longer able to make exceptions.

Thank you for your patience and understanding.

Sincerely,
Abbey
BF Labs, Inc.

For Jody's Customer Service Blog, and more, please visit our new BFL Forums at <https://forums.butterflylabs.com/blogs/bfl_jody/>

On Tue, Jul 30, 2013 at 11:08 PM, Travis Crist [REDACTED] wrote:

Hello,

I would like to request a refund for order #16605 pay-dated 1/14/2013, for 1 BitForce Little Single SC. Please refund the funds to my PayPal account [REDACTED]

Sincerely,
Travis Crist

On Tuesday, January 15, 2013 at 3:04 PM, Butterfly Labs Inc wrote:

Hi Travis,

This is to confirm that your order no. 16605, pay-dated 1/14/2013, for 1 BitForce Little Single SC has been successfully entered into our system.

We will notify you with tracking information when your order ships.

For real-time updates on what is shipping now and news on projected SC products shipping schedule, please visit Jody's customer service blog at https://forums.butterflylabs.com/blog.php/46-BFL_Jody.

Thank you for your interest in Butterfly Labs, Inc. and for your order.

Kind regards,

Patti
BF Labs, Inc. Customer Service

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For Jody's Customer Service Blog, and more, please visit our new BFL Forums at <https://forums.butterflylabs.com/blogs/>

On Mon, Jan 14, 2013 at 11:00 PM, Travis Crist
<websitemessage@butterflylabs.com> wrote:

Preferred payment method

PayPal

Shipping information

Name

Travis Crist

Email

[REDACTED]

Phone

[REDACTED]

Shipping Address Information

[REDACTED]

San Francisco, CA [REDACTED]
United States
[Map It](#)

Order

Product	Qty	Unit Price	Price
'Little' Single SC (\$649)	1	\$649.00	\$649.00
		Shipping (US / Canada Priority (\$34))	\$34.00
		Total:	\$683.00

--

For Jody's Customer Service Blog, and more, please visit our new BFL
Forums at <<https://forums.butterflylabs.com/blogs/>>

ATTACHMENT H

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 12:07 PM
To: Temkin, Daniel
Subject: Fwd: BFL Refund Request, item not shipped in 8 months.

----- Forwarded message -----

From: Travis Crist [REDACTED]
Date: Mon, Sep 16, 2013 at 8:01 AM
Subject: BFL Refund Request, item not shipped in 8 months.
To: executiveoffice@paypal.com, david.marcus@paypal.com

Hello,

On January 14th 2013 I used Paypal to place a pre-order with Butterfly Labs for \$683 USD as outlined in the order receipt at the bottom of this email.

As of September 16th 2013 this order has not been filled.

I politely requested a refund on July 30th 2013 and was declined on August 1st 2013.
On August 16th 2013 I filed a disput with PayPal which was closed due to being outside the 45 day window.
The claim id for this dispute is: **KMM97965927V26566L0KM**

I politely requested another refund from BFL Labs on September 8th 2013 and was declined a refund on September 12th 2013. I have attempted to contact the seller by phone via the numbers [913-271-6744](tel:913-271-6744) & [1 800 809 6463](tel:18008096463). Using both numbers I have been unable to reach a person after numerous attempts.

I believe that the seller has violated your terms of service which clearly state that the seller "Guarantees shipment within 20 days from the date of purchase".

The seller is continuing to accept pre-orders for a product that they can not ship within any reasonable amount of time. In fact, they do not even pretend to be honoring your 20-day limit. They keep setting dates within 30 days and then miss the deadline. They then move the date back and tell everyone that the orders will be shipped by another date within 30 days, that deadline passes and then they move the deadline again. It has reached the point that I don't think they will ever ship and I will never get the product I ordered in a reasonable amount of time. I have requested a refund twice and been denied and they refuse to ship the product.

I have been a PayPal customer for many years. While I realize that this payment is beyond the 45-day limit, I would like to request that PayPal honor my request for a refund as the seller is committing fraud by promising ship dates that are never met. I would have requested this refund at a much sooner date had I been given an accurate shipping estimate by BF Labs. Any help with the matter would be much appreciated.

The details of my order are:

Jan 14, 2013 21:01:38 PST
Receipt No: 4426-7634-0379-9928

Hello Travis Crist,

You sent a payment of \$683.00 USD to BF Labs Inc..

This charge will appear on your credit card statement as payment to PAYPAL *BF LABS INC.

Merchant information

BF Labs Inc.

office@butterflylabs.com

<http://www.butterflylabs.com>

[913-271-6744](tel:913-271-6744) Instructions to merchant

None provided

Shipping information

Travis Crist

San Francisco, CA

United States

Shipping method

Not specified

Description	Unit price	Qty	Amount
-------------	------------	-----	--------

'Little' Single SC (\$649)			
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\$649.00 USD	1	\$649.00 USD
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Shipping and handling: \$34.00 USD

Total: \$683.00 USD

Receipt No: 4426-7634-0379-9928

Please keep this receipt number for future reference. You'll need it if you contact customer service at BF Labs Inc. or PayPal.

Use PayPal next time!

It looks as if you already have a PayPal account.

...

PayPal Email ID PP1469

My contact information is:

Travis Crist

Thanks for any help with this matter.

Sincerely,

Travis Crist

ATTACHMENT I

Temkin, Daniel

From: Travis Crist [REDACTED]
Sent: Friday, November 07, 2014 12:07 PM
To: Temkin, Daniel
Subject: Fwd: Refund for Transaction ID 9YN02844SA321124C (KMM98178520V58541L0KM) :ppNA

----- Forwarded message -----

From: <service@paypal.com>
Date: Mon, Sep 16, 2013 at 12:09 PM
Subject: Refund for Transaction ID 9YN02844SA321124C (KMM98178520V58541L0KM) :ppNA
To: Travis Crist [REDACTED]

Dear Travis Crist,

Thank you for reaching out to PayPal regarding your concerns with your Butterfly Lab transactions. We take situations like this very seriously and are pleased to inform you we have been in direct communication with Butterfly Labs and your payment(s) has been refunded.

If your original payment(s) was funded with a credit card, the refund(s) will be returned to your credit card. If you funded the payment(s) via your bank account or PayPal balance, the funds will be returned to your PayPal balance.

Thank you for being a valued customer!

Sincerely,
PayPal

Original Message Follows: -----
Hello,

On January ##th ##### I used Paypal to place a pre-order with Butterfly Labs for \#### USD as outlined in the order receipt at the bottom of this email.&####;

As of September ##th ##### this order has not been filled.&####;

I politely requested a refund on July ##th ##### and was declined on August #st #####.&####;
On August ##th ##### I filed a disput with PayPal which was closed due to being outside the ## day window. The claim id for this dispute is:&####;**KMM97965927V26566L0KM**

I politely requested another refund from BFL Labs on September #th ##### and was declined a refund on September ##th #####. I have attempted to contact the seller by phone via the numbers ###-###-#### & # ### ###-####. Using both numbers I have been unable to reach a person after numerous attempts.&####;

I believe that the seller has violated your terms of service which clearly state that the seller "Guarantees shipment within ## days from the date of purchase".

The seller is continuing to accept pre-orders for a product that they can not ship within any reasonable amount of time. In fact, they do not even pretend to be honoring your ##-day limit. They keep setting dates within ## days and then miss the deadline. They then move the date back and tell everyone that the orders will be shipped by another date within ## days, that deadline passes and then they move the deadline again. It has reached the point that I don't think they will ever ship and I will never get the product I ordered in a reasonable amount of time. I have requested a refund twice and been denied and they refuse to ship the product.&####;

I have been a PayPal customer for many years. While I realize that this payment is beyond the ##-day limit, I would like to request that &####;PayPal honor my request for a refund as the seller is committing fraud by promising ship dates that are never met. I would have requested this refund at a much sooner date had I been given an accurate shipping estimate by BF Labs. Any help with the matter would be much appreciated.&####;

The details of my order are:&####;

Jan ##, ##### #:##:## PST

Receipt No: #####-#####-#####-#####

Hello Travis Crist,

You sent a payment of \#####.## USD to BF Labs Inc..

This charge will appear on your credit card statement as payment to PAYPAL *BF LABS INC.

Merchant information

BF Labs Inc.

office@butterflylabs.com

<http://www.butterflylabs.com>

###-###-##### &####; &####;Instructions to merchant

None provided

Shipping information

Travis Crist

Golden Gate Ave

APT ###

San Francisco, CA #####

United States

Shipping method

Not specified

Description Unit price &####;Qty Amount

'Little' Single SC (\#####)

\#####.## USD # &####; \#####.## USD

Shipping and handling: &####;\###.## USD

Total: &####;\#####.## USD

Receipt No: #####-#####-#####-#####

Please keep this receipt number for future reference. You'll need it if you contact customer service at BF Labs Inc. or PayPal.

Use PayPal next time!

It looks as if you already have a PayPal account.

...

PayPal Email ID PP#####

My contact information is:&####;

Travis Crist

####



Thanks for any help with this matter.&####;

Sincerely,

Travis Crist

&####;