

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

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

JOHN DOES 1-2, CONTROLLING A
COMPUTER NETWORK AND THEREBY
INJURING PLAINTIFF AND ITS
CUSTOMERS,

Defendants.

Civil Action No:

**FILED UNDER SEAL PURSUANT TO
LOCAL RULE 5**

**MICROSOFT’S *EX PARTE* APPLICATION FOR AN EMERGENCY TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY
INJUNCTION**

Plaintiff Microsoft Corporation (“Microsoft”), by counsel, pursuant to Federal Rule of Civil Procedure 65(b) and (c), the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, Trademark Infringement under the Lanham Act, 15 U.S.C. § 1114 *et seq.*, False Designation of Origin under the Lanham Act, 15 U.S.C. § 1125(a), Trademark Dilution under the Lanham Act, 15 U.S.C. § 1125(c), Common Law Trespass to Chattels, Unjust Enrichment, and Conversion, respectfully moves the Court for an emergency *ex parte* temporary restraining order and an order to show cause why a preliminary injunction should not issue.

As discussed in Microsoft’s brief in support of this Application, Microsoft requests an order disabling a number of Internet Domains through which John Does 1-2 (“Defendants”) engage in spearphishing campaigns by using fictitious social media profiles to obtain personal information of the victims. This in turn is used to steal credentials and

break into the Microsoft accounts and computer networks of Microsoft's customers and steal highly sensitive information. Defendants compromise the online accounts, infecting the end user's computer devices, and compromise the security of their networks.

The requested relief is necessary to halt the growth of Defendants' unlawful activity. As discussed in Microsoft's brief in support of this Application, *ex parte* relief is essential because if Defendants are given prior notice, they will be able to destroy, move, conceal, or otherwise make inaccessible the facilities through which Defendants direct the harmful activity and will significantly impede, if not preclude, Microsoft's ability to obtain effective relief against Defendants. That is because Defendants are highly sophisticated cybercriminals capable of quickly adapting the command and control infrastructure use to secretly establish themselves on a victim's network.

Microsoft's Application is based on: this Application; Microsoft's Brief in Support of this Application; the Declarations of Christopher Coy and Garylene Javier in support of Microsoft's Application and the exhibits attached thereto; the pleadings on file in this action; and on such argument and evidence as may be presented at the hearing on this Application.

Microsoft further respectfully requests oral argument on this motion to be set for May 26, 2022 or as soon thereafter as the Court deems possible.

Dated: May 26, 2022

Respectfully submitted,

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