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

MICROSOFT CORPORATION, a Washington corporation,	))))	
Plaintiff,	)))	
v.	))	Civil Action No:
JOHN DOES 1-2, CONTROLLING A COMPUTER NETWORK AND THEREBY INJURING PLAINTIFF AND ITS CUSTOMERS,	))))))	**FILED UNDER SEAL PURSUANT TO LOCAL RULE 5**
Defendants.	))))	

DECLARATION OF GABRIEL M. RAMSEY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER TEMPORARILY SEALING DOCUMENTS

I, Gabriel M. Ramsey, declare as follow:

1.   I am an attorney admitted to practice in the State of California and the District of Columbia. I am a partner at the law firm of Crowell & Moring LLP ("Crowell"), counsel of record for the Plaintiff in this matter, Microsoft Corporation ("Microsoft"). I make this declaration in support of Microsoft's Motion for a Protective Order Temporarily Sealing Documents. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would testify to the following under oath.

2.   This case arises out of the harmful and malicious Internet activities of Defendants John Does 1 and 2 (collectively "Defendants"). I am informed and on that basis believe that Defendants are sophisticated cybercriminals who specialize in stealing sensitive information from computer networks. I am informed and on that basis believe that Defendants conduct spearphishing operations causing cause victims to download malware that allows

Defendants to gain accses to and hack the target's computer networ. This gives Bohrium

operators long-term and surreptitious access to those networks, and allows them to then locate

and exfiltrate sensitive information from them.

3.   I am informed and believe that, for reasons explained in detail in the declaration

of Christopher Coy In Support Of Microsoft's *Ex Parte* Motion for Preliminary Injunction Order,

filed contemporaneously herewith, permitting Defendants to learn of these proceedings prior to

execution of the temporary *ex parte* relief sought in Microsoft's Motion For Preliminary

Injunction Order—in particular the portion to disable the domains in **Appendix A** to the

Complaint—would preclude Microsoft's ability to obtain effective relief against Defendants.

This is because Defendants are highly sophisticated cybercriminals capable of quickly adapting

the command and control infrastructure used to perpetrate Defendants' unlawful conduct in order

to overcome Microsoft's remediation efforts.

4.   I am informed and believe that, absent a protective order, there is a substantial

risk that Defendants will learn of these proceedings before the temporary *ex parte* relief to

disable the domains in **Appendix A** to the Complaint can be effected and will take steps to evade

the relief sought.

5.   Over the past twelve years, I, on behalf of Microsoft, have been involved with

prosecuting dozens of similar cases. These cases all involved similar litigation strategies and

claims and have involved John Doe defendants conducting illegal activities through identifiable

but movable online command and control infrastructures similar to that used by Bohrium. In

several of those cases, I personally observed that Defendants also immediately took action to

attempt to defy and evade the court's order as soon as they detected legal action being taken

against them.

6.   Thus, given Defendants' defiance of this Court's injunctive orders and my past experience with cases with very similar circumstance as those here, it is my belief that even disclosing that Microsoft has requested a Preliminary Injunctive Order to disable the domains at **Appendix A** to the Complaint gives Defendants the opportunity to adapt the command and control infrastructure so that they can continue to perpetrate their unlawful conduct. For this reason, Microsoft respectfully requests that all documents filed in this case be temporarily sealed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed on this 26th day of May 2022, in San Francisco, California.

Gabriel M. Ramsey