

authorized by law, satisfying Due Process, satisfying Fed. R. Civ. P. 4 and reasonably calculated to provide Defendants with notice. Specifically, Defendants have been served via email at e-mail addresses associated with infrastructure used by Defendants to carry out the activity that is the subject of the complaint and by publication on the public website <http://www.noticeofpleadings.com/bohrium>.

2. Defendants failed to appear, plead, or otherwise defend against the action.

3. The time for responding to Microsoft's complaint was 21 days from service of the summons and complaint, and more than 21 days have elapsed since Microsoft effected service. The Clerk properly entered default pursuant to Rule 55(a) on May 16, 2023.

4. This Court has jurisdiction over the subject matter of the case and venue is proper in this judicial district.

5. Microsoft is entitled to entry of judgment and a permanent injunction against Defendants.

6. The evidence of record indicates that no Defendant is an infant or incompetent.

7. Defendants have engaged in and are likely to engage in acts or practices that violate the Computer Fraud and Abuse Act (18 U.S.C. § 1030), the Lanham Act (15 U.S.C. §§ 1114, 1125), and the common law of trespass to chattels, unjust enrichment and conversion.

8. Microsoft owns the following registered trademarks or brands: Microsoft[®], Windows[®], Outlook[®], Azure[®] and Office 365[®], Microsoft corporate logo, OneDrive, SharePoint and Office 365 and numerous other trademarks used in connection with its services, software and products.

9. Before issuance of the Preliminary Injunction and after receiving notice of the Preliminary Injunction, the Defendants have continued to engage in the conduct enjoined by the

Preliminary Injunction, and therefore continue to violate the Preliminary Injunction. In particular, using new domains which include Microsoft's trademarks and brands, the Defendants have continued:

a. intentionally accessing and sending malicious software, code, and instructions to the protected computers, operating systems, and computer networks of Microsoft and the customers of Microsoft, without authorization or exceeding authorization, in order to

i. infect those computers and computer networks with malicious code and thereby gain control over those computers and computer networks;

ii. attack and compromise the security of those computers and computer networks by conducting remote reconnaissance, stealing authentication credentials, monitoring the activities of users, and using other instrumentalities of theft; and

iii. steal and exfiltrate information from those computers and computer networks;

b. deploying computers and Internet domains to establish a command and control infrastructure by which means Defendants conduct illegal activities, including attacks on computers and networks, monitoring of the activities of users, and the theft of information; and

c. corrupting the Microsoft's operating system and applications on victims' computers and networks, thereby using them to monitor the activities of users and steal information from them.

10. There is good cause to believe that Defendants are likely to continue the foregoing conduct and to engage in the illegal conduct and purposes enjoined by the Preliminary Injunction, unless Defendants are permanently restrained and enjoined and unless final relief is ordered to expeditiously prevent Defendants from maintaining the registration of domains for such prohibited and unlawful purposes, on an ongoing basis.

11. There is good cause to permit notice of the instant Order, further orders of the court and service of the Complaint by formal and alternative means. The following means of service are authorized by law, satisfy Due Process, and satisfy Fed. R. Civ. P. 4(f)(3) and are reasonably calculated to notify Defendants of the instant order: (1) transmission by email, facsimile, mail and/or personal delivery to the contact information provided by Defendants to their domain registrars and hosting companies, and (2) publishing notice on the publicly available website <http://www.noticeofpleadings.com/bohrium>.

FINAL JUDGMENT AND PERMANENT INJUNCTION

IT IS THEREFORE ORDERED that, in accordance with Fed. R. Civ. P. 55(b) and the court's inherent equitable authority, good cause and the interests of justice, Microsoft's Motion for Default Judgment is hereby GRANTED.

IT IS FURTHER ORDERED that, Defendants are in default, and that judgment is awarded in favor of Microsoft and against Defendants.

IT IS FURTHER ORDERED that copies of this Order and all other pleadings and documents in this action, including orders, determinations, reports and recommendations of the Court Monitor, may be served by any means authorized by law, including (1) transmission by email, facsimile, mail and/or personal delivery to the contact information provided by Defendants to Defendants' domain registrars and/or hosting companies and as agreed to by Defendants in the domain registration or hosting agreements, (2) publishing notice on a publicly available Internet website, (3) by personal delivery upon Defendants, to the extent Defendants provided accurate contact information in the U.S.; (4) personal delivery through the Hague Convention on Service Abroad or similar treaties upon Defendants, to the extent Defendants provided accurate contact information in foreign countries that are signatory to such treaties.

IT IS SO ORDERED

Entered this ____ day of _____, 2023

Hon. William E. Fitzpatrick
United States Magistrate Judge