

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Microsoft Corporation, a Washington State
Corporation and Health-ISAC, Inc., a Florida
non-profit organization,

Plaintiffs,

v.

Joshua Ogundipe,

and

John Does 1-4, Controlling A Computer
Network and Thereby Injuring Plaintiffs and
Their Customers,

Defendants.

Civil Action No.

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

**PLAINTIFFS' EX PARTE APPLICATION FOR AN EMERGENCY TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY
INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(b) and (c), Plaintiffs Microsoft Corporation ("Microsoft") and Health-ISAC, Inc. by counsel, respectfully move the Court for an emergency *ex parte* temporary restraining order and an order to show cause why a preliminary injunction should not issue against Defendants Joshua Ogundipe and John Does 1-4 ("RaccoonO365 Defendants").

As discussed in Plaintiffs' Memorandum in Support of this Application, RaccoonO365 Defendants developed phishing kits deceptively branded as "RaccoonO365" and are engaged in an ongoing, illegal Internet-based phishing operation that sells, distributes, and implements these phishing kits. These RaccoonO365-branded phishing kits are designed to steal sensitive information from Microsoft customers that is then used to perpetrate additional cybercrimes including compromising business email, ransomware, malware, and financial fraud. RaccoonO365

Defendants leverage Internet domains as part of an Internet infrastructure for the phishing operation.

Plaintiffs assert the Defendants are liable under and have violated (1) the Computer Fraud and Abuse Act, 18 U.S.C. § 1030; (2) the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 and 18 U.S.C. § 1962(d); (3) the Electronic Communications Privacy Act, 18 U.S.C. § 2701; (4) False Designation of Origin under the Lanham Act, 15 U.S.C. § 1125(a); (5) Trademark Infringement under the Lanham Act, 15 U.S.C. § 1114 et seq.; (6) Trademark Dilution under the Lanham Act, 15 U.S.C. § 1125(c); (7) common law trespass to chattels; (8) common law conversion; and (9) common law unjust enrichment,

The requested relief is necessary to halt the growth of RaccoonO365 Defendants' unlawful activity by disabling Internet domains associated with RaccoonO365 Defendants' Internet infrastructure. As discussed in Plaintiffs' Memorandum in support of this Application, *ex parte* relief is essential because if RaccoonO365 Defendants are given prior notice, they will be able to destroy, move, conceal, or otherwise make inaccessible the facilities through which RaccoonO365 Defendants direct the harmful activity and will significantly impede, if not preclude, Plaintiffs' ability to obtain effective relief against RaccoonO365 Defendants. That is because RaccoonO365 Defendants are highly sophisticated cybercriminals capable of quickly adapting the Internet infrastructure use to secretly establish themselves on a victim's network.

Plaintiffs' Application is based on this Application; Plaintiffs' Memorandum in Support of this Application; the Declarations of Jason Lyons, Nick Monaco, and Errol Weiss, and Jeffrey L. Poston, in support of Plaintiffs' 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.

Plaintiffs further respectfully request oral argument on this motion to be set for August 26, 2025 or as soon thereafter as the Court deems possible.

Dated: August 26, 2025

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