

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

Microsoft Corporation, a Washington State Corporation and LF Projects, LLC, a Delaware State Series Limited Liability Company,

Plaintiffs,

v.

Abanoub Nady (also known as MRxCODER),

and

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

Defendants.

Civil Action No.: 1:24-cv-2013-RDA

PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT

Plaintiffs Microsoft Corporation (“Microsoft”) and LF Projects, LLC (“LF Projects”) (collectively, “Plaintiffs”), by their attorneys, respectfully request the Clerk of the Court to enter default against Defendants Abanoub Nady and John Does 1-4 (the “Fake ONNX Defendants”).

As detailed below, Plaintiffs served the Fake ONNX Defendants with the Complaint, summons, and related material through Court-ordered methods pursuant to Fed. R. Civ. P. 4(f)(3) that were reasonably calculated to provide the Fake ONNX Defendants with notice of the proceedings. Dkt Nos. 16 at 11 and Dkt. 31 at 9 (TRO and Preliminary Injunction authorizing alternative methods of service, including by e-mail and Internet publication). The Fake ONNX Defendants received notice and are very likely aware of these proceedings yet have not appeared in this action. The time for the Fake ONNX Defendants to appear and respond to Plaintiffs’ Complaint has now expired. Upon the Court’s entry of default pursuant to this request, Plaintiffs

intend to file a motion for default judgment and permanent injunction pursuant to Fed. R. Civ. P. 55(b)(2) and Fed. R. Civ. P. 65.

I. STATEMENT OF FACTS

This action arises out of violations of federal and state law caused by the Fake ONNX Defendants' relentless and persistent phishing attacks conducted and facilitated by a foreign cybercrime organization designated as "Fake ONNX" against Microsoft and its customers, including LF Projects, seeking to steal personal and business information for use in perpetrating cybercrimes. The Fake ONNX Defendants manufacture, sell, and facilitate the deployment of pre-packaged sets of tools ("phishing kits") that enable other cybercriminals to launch phishing attacks with relative ease. This business model of selling phishing kits and services for use by other cybercriminals is also referred to as "Phishing-as-a-Service" or "PhaaS." These phishing kits include email templates, fake website templates, domain registration services, and customer support features designed to evade detection and lead victims to believe they are dealing with legitimate products. The kits are essentially "how to" manuals for cybercriminals to develop and execute attacks on email systems through phishing campaigns. This action brought by Microsoft and LF Projects focuses on the ONNX-branded phishing kits that are used to target Microsoft's systems, products, and users.

On November 13, 2024, the Court entered a Temporary Restraining Order ("TRO") that disabled much of the Fake ONNX Defendants' technical infrastructure used to conduct spear phishing attacks and to steal confidential and personal information in furtherance of Russian interests. Dkt. No. 16. On December 12, 2024, the Court converted the TRO into a Preliminary Injunction to ensure that the Fake ONNX Defendants' infrastructure cannot cause further harm. Dkt. No. 31.

When the Court issued the TRO and Preliminary Injunction, the Court found good cause to permit service of Plaintiffs' Complaint and related materials by alternative means pursuant to Rule 4(f)(3). Dkt. Nos. 16 at 11 and 31 at 9. The Court has directed that, under the circumstances, appropriate means of service sufficient to satisfy Due Process include emails to email accounts associated with the Fake ONNX Defendants and publication on a publicly available Internet website. *Id.* Both have been done in this case.

The Court further granted Plaintiffs' Motion for Limited Authority to Conduct Discovery Necessary to Identify and Serve Doe Defendants (Dkt. No. 37), which authorized Plaintiffs to pursue discovery regarding the Fake ONNX Defendants. Doe discovery is now complete. Because the Fake ONNX Defendants used fake contact information and sophisticated technical means to conceal their identities when setting up and using the relevant Internet domains, the Fake ONNX Defendants' true identities remain unknown despite extensive discovery efforts. *See* Declaration of Anna Z. Saber ("Saber Decl.") ¶¶ 22-25.

A. Plaintiffs' Doe Discovery Efforts

Following the Order authorizing limited discovery, Plaintiffs served subpoenas on Internet service providers ("ISPs"), domain registrars, and hosting companies seeking account information, identifying information, payment information, device information, and communications with the account holders in an effort to obtain additional information regarding the Fake ONNX Defendants' identities. Saber Decl. ¶ 23. Investigation of the records produced by the registrars and hosting companies revealed that the information provided by the Fake ONNX Defendants was likely fictitious. *Id.* ¶ 24. Plaintiffs have exhausted their ability to investigate the Fake ONNX Defendants' true identities using civil discovery tools, despite their best efforts and the exercise of reasonable diligence to determine the Fake ONNX Defendants' identities. *Id.* ¶ 25.

B. Service of Process on the Fake ONNX Defendants

The Court authorized service by email and publication on November 13, 2024. Dkt. No. 16 at 10. On December 1, 2024, Plaintiffs served copies of the Complaint, TRO, Preliminary Injunction Order, and all other pleadings, declarations, evidence, orders, and other submissions in this action, by attaching those documents to the emails sent to the email addresses associated with the domain names used by the Fake ONNX Defendants (the email addresses listed as “registrant emails” on Appendix A to the Complaint, Dkt. No. 1-1). Saber Decl. ¶¶ 4, 13-24. Plaintiffs used an email tracking service to monitor whether service emails were received and opened. *Id.* ¶ 15. The service of process emails were repeatedly opened and viewed by the Fake ONNX Defendants between December 1, 2024 and the present. *Id.* Plaintiffs also provided notice of this action by publication beginning on November 21, 2024. *Id.* ¶¶ 17-21.

The time for the Fake ONNX Defendants to answer or respond to the complaint expired on December 23, 2024 (22 days after email service, effected on December 1, 2024).¹ Saber Decl. ¶ 4. The Fake ONNX Defendants have not contacted Microsoft or counsel about this case. *Id.* ¶¶ 8, 16. Nor have the Fake ONNX Defendants appeared in this case or responded in any way to the Complaint. *Id.* ¶ 4. To the best of Plaintiffs’ information and belief, no Defendant is a minor or incompetent person, or unable to respond due to absence caused by military service. *Id.* ¶ 5.

II. LEGAL AUTHORITY

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Fed. R. Civ. P. 55(a). Plaintiff has served the Complaint, summons, and all orders

¹ The service email was sent on a Sunday. Accordingly, Plaintiffs have added 22 days to the service date to calculate the time to respond.

and pleadings on the Fake ONNX Defendants using the methods ordered by the Court under Rule 4(f)(3), including service by email and mail publication. These methods of service satisfy Due Process and were reasonably calculated to notify the Fake ONNX Defendants of this action, particularly given the nature of the Fake ONNX Defendants' conduct. *See e.g., FMAC Loan Receivables v. Dagra*, 228 F.R.D. 531, 535-36 (E.D. Va. 2005) (authorizing service via nontraditional means under Rule 4(f)(3)); *AllscriptsMisys, LLC v. Am. Dig. Networks, LLC*, No. 10-cv-00111-MJG, 2010 U.S. Dist. LEXIS 4450, at *3 (D. Md. 2010) (allowing notice of TRO via telephone, electronic means, or by mail or delivery service); *Rio Props., Inc. v. Rio Int'l Interlink*, 284 F.3d 1007, 1014-15 (9th Cir. 2002) (in matter involving Internet-based misconduct, finding "[Defendant] had neither an office nor a door; it had only a computer terminal. If any method of communication is reasonably calculated to provide [Defendant] with notice, surely it is email"); *BP Prods. N. Am., Inc. v. Dagra*, 236 F.R.D. 270, 271-273 (E.D. Va. 2005) (approving notice by publication in two Pakistani newspapers circulated in the defendant's last-known location); *Microsoft Corp. v. John Does 1-27*, Case No. 1:10-cv-156 (E.D. Va. 2010), Dkt. No. 38 (Brinkema, J.) (authorizing service by email and publication in similar action).

As explained above, Plaintiffs successfully sent service emails to the email addresses associated with the Fake ONNX Defendants and their domains used to conduct cybercrime, unauthorized intrusion, hacking, and theft of sensitive information and intellectual property. Saber Decl. ¶¶ 9-16. Given that the Fake ONNX Defendants' preferred mode of communication regarding the domains was via electronic means, the direct association between the email addresses and the domains, and that the pleadings were successfully sent to these addresses, it is appropriate to find that the Complaint and other filings were served on the Fake ONNX Defendants pursuant to this Court's Order. *Id.*

While the Fake ONNX Defendants' specific physical addresses are unknown, the evidence indicates that the Fake ONNX Defendants carry out business through email addresses. *Id.* ¶¶ 11-12. Moreover, it is likely that the Fake ONNX Defendants are aware of the notice website, which has been publicly available since October 3, 2024, and was included in all the emails sent to the Fake ONNX Defendants. Saber Decl. ¶¶ 13, 17-21.

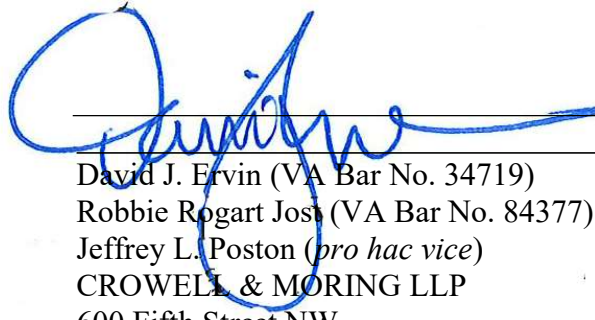
The Fake ONNX Defendants are also undoubtedly aware that they have lost control of much of their harmful infrastructure, pursuant to the Court's injunctions, and any cursory investigation would reveal that Plaintiffs have initiated this lawsuit. *Id.* ¶¶ 6-8.

Therefore, pursuant to Fed. R. Civ. P. 55(a), entry of default against the nonresponsive the Fake ONNX Defendants is appropriate here. *See 3M Co. v. Christian Invs. LLC*, No. 1:11-cv-627, 2011 WL 3678144, at *4 (E.D. Va. Aug. 19, 2011) (default entered against non-responsive international defendant served pursuant to Rule 4(f)).

III. CONCLUSION

For the foregoing reasons, entry of default against Defendants Abanoub Nady and John Does 1-4 is appropriate. Plaintiffs respectfully request entry of default pursuant to Rule 55(a) so Plaintiffs can proceed with filing a motion for default judgment and seeking a permanent injunction.

Dated: June 4, 2026

A handwritten signature in blue ink, appearing to read 'David J. Ervin', is written over a horizontal line. The signature is stylized and cursive.

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