

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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: 1:19-cv-00716-ABJ

**MICROSOFT’S STATUS REPORT**

Plaintiff Microsoft Corporation (“Microsoft”), by counsel, hereby submits a status report pursuant to this Court’s Order granting Microsoft’s motion to conduct discovery necessary to identify and serve Doe defendants. *See* 4/9/2019 Mot. for Discovery of Doe Defendants, Dkt. No. 17; 4/10/2019 Minute Order (permitting Plaintiff to conduct discovery to identify Doe defendants which closes on August 8, 2019); 5/22/2019 Minute Order (directing Plaintiff to file status report by August 8, 2019). Microsoft was permitted to serve discovery upon all third-party companies, such as, but not limited to, Internet service providers (“ISPs”), domain registrars, hosting companies, and payment providers, likely to have information that could aid in the identification of Doe defendants.

Microsoft hereby provides a status update to this Court on the status of Doe discovery. Microsoft has served six subpoenas which to date have not yielded information regarding the precise identity of Doe defendants. Microsoft has confirmed that registration and payment information associated with defendants at the relevant ISPs, domain registrars, and hosting

companies is fraudulent, stolen, or otherwise unable to be specifically associated with defendants. Defendants have accessed all resources investigated to date through anonymous VPN services, which are designed to obfuscate the source and location of users of the infrastructure, and there are no records from those services that would enable discovery of the source, location, or specific identity of such users. The information provided in discovery thus far in response to subpoenas has led only to intermediary infrastructure providers, but does not provide more specific identities of defendants.

Microsoft has two outstanding subpoenas with respect to which it has not yet received responses, but anticipates responses before the end of August. Microsoft requests an extension until August 30, 2019 to permit time to receive these responses and investigate any information provided and follow up if necessary.

If no further information about Doe defendants' specific identities is received by the end of August, Microsoft intends to file a request for entry of default against Doe defendants, as identified to date, and a motion for default judgment and permanent injunction against defendants as identified through their infrastructure. Defendants continue to put in place new infrastructure, as evidenced by Microsoft's numerous requests for supplemental preliminary injunctions filed to date, including the most recent, pending request to supplement the preliminary injunction. *See* Dkt. Nos. 19, 24. Microsoft expects defendants to continue to put in place new infrastructure in the future, which, like the previously addressed infrastructure, will have to be disabled to prevent harmful actions carried out by defendants. Thus, as part of its motion for default judgment and permanent injunction, Microsoft anticipates that it will seek an efficient, expedited process to enforce the permanent injunction in the future, either through the Court or a Court-appointed adjunct.

In particular, Microsoft plans to propose the process set forth in its recent request for a second supplemental preliminary injunction and appointment of a Special Master, to oversee the enforcement of any permanent injunction that might issue, in order to ensure continuing remediation of injury flowing from defendants' violations of the Court's injunctions. Given the speed and persistence with which defendants are able to put in place new harmful infrastructure, an equally expedited process will be required to ensure mitigation of injury and to minimize the ongoing burden to the Court that would be imposed by serial, conventional proceedings regarding enforcement of the Court's injunctions in the future. These goals are the purpose and rationale of the proposed procedural structure. *See* Dkt. No. 24.

Dated: August 5, 2019

Respectfully submitted,

/s/ Gabriel M. Ramsey

Gabriel M. Ramsey (*pro hac vice*)

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