

APPENDIX B

**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

[PROPOSED] ORDER SUPPLEMENTING THE INJUNCTION

The Court Monitor, having considered the pleadings and declaration in support of Plaintiff Microsoft Corporation's ("Microsoft") Motion To Supplement The Injunction, orders that the terms of the Preliminary Injunction Order ("Preliminary Injunction Order"), Dkt. 18, shall apply to the domains set forth in Appendix A to this order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the papers, declarations, exhibits, memorandum, and all other pleadings and papers relevant to Microsoft's request to enforce and supplement the Injunction, the Court hereby makes the following findings of fact and conclusions of law:

1. The Defendants were served with notice of the Injunction.
2. After receiving notice of the Injunction, the Defendants have continued to engage in the conduct enjoined by the Injunction, and therefore continue to violate the Injunction. In particular, the Defendants have intentionally and without authorization, continued and attempted to access and send malicious software, code, and instructions to protected computers, operating systems, and networks of Microsoft and its customers, attacking such computers, systems and networks, and exfiltrating information from those computers, systems and networks, using new

domains, at Appendix A, which are (1) “using and infringing Microsoft’s trademarks,” (2) are “using in connection with Defendants’ activities, products, or services any false or deceptive designation, representation or description of Defendants or of their activities, whether by symbols, words, designs or statements, which would damage or injure Microsoft or give Defendants an unfair competitive advantage or result in deception of consumers,” (3) “suggest[] ... that Defendants’ activities, products or services come from or are somehow sponsored or affiliated with Microsoft, and/or (4) are “passing off Defendants’ activities, products or services as Microsoft’s.” This conduct is prohibited by the Permanent Injunction, Docket 18 at p. 7.

3. 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 Injunction, using the domains at Appendix A, unless further relief is ordered to expeditiously prevent Defendants from maintaining the registration of those domains for such prohibited and unlawful purposes.

4. There is good cause to believe that, unless further relief is ordered to expeditiously prevent Defendants from maintaining the registration of the domains at Appendix A for purposes enjoined by the Injunction, on an ongoing basis, immediate and irreparable harm will result to Microsoft, Microsoft’s customers and to the public, from the Defendants’ ongoing violations.

5. The domains at Appendix A have been shown by Microsoft to be “Phosphorus Domains,” pursuant to the terms of the Injunction.

6. Therefore, in accordance with Fed. R. Civ. P. 65(b) and 53(a)(1)(C), 15 U.S.C. § 1116(a) and 28 U.S.C. § 1651(a) and the court’s inherent equitable authority, good cause and the interests of justice require that this Order be Granted.

INJUNCTION

IT IS THEREFORE ORDERED that, the terms of the Injunction shall be supplemented and shall be enforced against the Defendants, Defendants’ representatives, and persons who are in active concert or participation with Defendants, as follows:

1. With respect to the Phosphorus Domains set forth at Appendix A, the domain registries listed in Appendix A. (the “domain registries”) shall take the following actions:

A. Within five (5) business days of receipt of this Order shall unlock and change the registrar of record for the domain to MarkMonitor or such other registrar specified by Microsoft. To the extent the registrar of record does not assist in changing the registrar of record for the domains under its control, the domain registries for the domains, or their administrators, including backend registry operators or administrators, within five (5) business days of receipt of this Order, shall change, or assist in changing, the registrar of record for the domains to MarkMonitor or such other registrar specified by Microsoft. The purpose of this paragraph is to ensure that Microsoft has permanent control over the hosting and administration of the domains in its registrar account at MarkMonitor or such other registrar specified by Microsoft. Microsoft shall provide to the domain registries or registrars of record any requested registrar information or account details necessary to effectuate the foregoing.

B. The domains shall be made active and shall resolve in the manner set forth in this order, or as otherwise specified by Microsoft, upon taking control of the domains;

C. The domains shall be redirected to secure servers by changing the authoritative name servers to NS151.microsoftinternetsafety.net and NS152.microsoftinternetsafety.net and, as may be necessary, the IP addresses associated with name servers or taking other reasonable steps to work with Microsoft to ensure the redirection of the domains and to ensure that Defendants cannot use them to make unauthorized access to computers, infect computers, compromise computers and computer networks, monitor the owners and users of computers and computer networks, steal information from them or engage in any other activities prohibited by the Injunction;

D. The WHOIS registrant, administrative, billing and technical contact and identifying information should be the following, or other information as may be specified by Microsoft:

Domain Administrator
Microsoft Corporation

One Microsoft Way
Redmond, WA 98052
United States
Phone: +1.4258828080
Facsimile: +1.4259367329
domains@microsoft.com

E. Prevent transfer, modification or deletion of the domains by Defendants and prevent transfer or control of the domains to the account of any party other than Microsoft;

F. Take all steps required to propagate to the foregoing changes through the Domain Name System (“DNS”), including domain registrars.

IT IS SO ORDERED

Entered this ____ day of _____, ____

Hon. Faith S. Hochberg
United States District Judge (Ret.)