

**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

**FILED UNDER SEAL PURSUANT TO
LOCAL RULE 5.1**

**MICROSOFT’S EX PARTE MOTION TO SUPPLEMENT PRELIMINARY
INJUNCTION ORDER**

Plaintiff Microsoft Corporation (“Microsoft”), by counsel, pursuant to Federal Rule of Civil Procedure 65(a) and (c), the Computer Fraud and Abuse Act (18 U.S.C. § 1030), the Electronic Communications Privacy Act (18 U.S.C. § 2701), the Lanham Act (15 U.S.C. §§ 1114, 1116, & 1125), the Anticybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)), the common law, and the All Writs Act, (28 U.S.C. § 1651), respectfully moves the Court to supplement the Preliminary Injunction Order.

As discussed in Microsoft’s brief in support of this Ex Parte Motion To Supplement Preliminary Injunction Order contemporaneously filed and for the same reasons set forth in Microsoft’s Application for an Ex Parte Temporary Restraining Order and Order To Show Cause Re Preliminary Injunction (“TRO Application”), Microsoft requests an order allowing it to supplement the list of domains filed on March 19, 2019, and subsequently transferred to the control of Microsoft, with the additional new domains being used by Defendants set forth in **Appendix A** to the Proposed Order filed concurrently with this Motion.

As set forth more fully in Microsoft's brief, recent evidence shows that Defendants are again rebuilding Phosphorus' command and control infrastructure in defiance of the Court's authority, by bringing on line new domains, which Defendants are using in the same illegal manner and for the same illegal purposes described in the TRO Application.

The requested relief is necessary to halt the Phosphorus operation that is causing irreparable injury to Microsoft and its customers. Microsoft respectfully requests that the Court grant this Motion.

Dated: May 14, 2019

Respectfully submitted,

/s/ Gabriel M. Ramsey

Gabriel M. Ramsey (*pro hac vice*)

CROWELL & MORING LLP

3 Embarcadero Center, 26th Floor

San Francisco, CA 94111

Telephone: (415) 986-2800

Fax: (415) 986-2827

gramsey@crowell.com

Julia R. Milewski (D.C. Bar No. 1008678)

Justin D. Kingsolver (D.C. Bar. No.
1033806)

Matthew B. Welling (*pro hac vice*)

CROWELL & MORING LLP

1001 Pennsylvania Avenue NW

Washington DC 20004-2595

Telephone: (202) 624-2500

Fax: (202) 628-5116

jmilewski@crowell.com

jkingsolver@crowell.com

mwelling@crowell.com

Richard Domingues Boscovich (*pro hac vice*)

MICROSOFT CORPORATION

One Microsoft Way

Redmond, WA 98052-6399

Telephone: (425) 704-0867

Fax: (425) 936-7329

rbosco@microsoft.com

Attorneys for Plaintiff Microsoft Corp.