

**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 FOR SECOND SUPPLEMENTAL  
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 for a Second Supplemental Preliminary Injunction Order.

As discussed in Microsoft’s brief in support of this *Ex Parte* Motion for Second Supplemental 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 originally filed a list of domains on March 19, 2019, filed the first supplement to the list of domains on May 15, 2019, and requests that it be permitted to file this second supplemental list of domains and

subsequently transfer control to 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. As was the case with the majority of the domains addressed in the Court's TRO, the new domains also abuse Microsoft's trademarks and brands in order to disguise their illegal purpose. Microsoft also respectfully submits that a streamlined procedure is advisable to efficiently and quickly supplement the list of domains subject to the Court's order as soon as Defendants activate the new domains. As set forth more fully in Microsoft's brief, Microsoft requests that the Court appoint a Court Monitor, pursuant to Federal Rule of Civil Procedure 53, to manage this process and relieve the burden on the Court.

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: July 18, 2019

Respectfully submitted,

/s/ Gabriel M. Ramsey

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