

**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 FOURTH 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 Fourth Supplemental Preliminary Injunction Order.

As discussed in Microsoft’s brief in support of this *Ex Parte* Motion for Fourth 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, filed the second supplement to the list of domains on July 18, 2019, filed the third supplement to the list of domains on February 27, 2020, and requests that it be permitted to file this fourth

supplemental list of domains and subsequently transfer control to Microsoft all of 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 prior orders, by bringing online 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 domains addressed in the Court's TRO, the new domains also target Microsoft's customers and accounts, and abuse Microsoft's trademarks and brands in content presented through those domains, in order to disguise their illegal purpose.

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 17, 2020

Respectfully submitted,

/s/ Gabriel M. Ramsey

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