FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2019 DEC 18 A 8: 46

CLERK U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

MICROSOFT CORPORATION, a Washington corporation,	)))	
Plaintiff,	)))	Civil Action No: 1.19CV1582
v.	)))	
JOHN DOES 1-2, CONTROLLING A COMPUTER BOTNET THEREBY INJURING PLAINTIFFS AND THEIR CUSTOMERS AND MEMBERS,	)))))))	**FILED UNDER SEAL PURSUANT TO LOCAL CIVIL RULE 5**
Defendants.	)))	

MICROSOFT'S *EX PARTE* APPLICATION FOR AN EMERGENCY TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

Plaintiff Microsoft Corporation ("Microsoft"), by counsel, pursuant to Federal Rule of Civil Procedure 65(b) 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 common law, and the All Writs Act (28 U.S.C. § 1651), respectfully moves the Court for an emergency *ex parte* temporary restraining order and an order to show cause why a preliminary injunction should not issue.

As discussed in Microsoft's brief in support of this Application, Microsoft requests an order disabling a number of Internet Domains through which John Does 1-2 ("Defendants") infect user computers with malicious software that puts the infected computers under the control of individuals and organizations who use them for illegal activities, including "click-fraud," the theft of end-user's personal identifying information, and infringing companies' trademarks.

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The requested relief is necessary to halt the growth of Defendants' unlawful activity. As discussed in Microsoft's brief in support of this Application, *ex parte* relief is essential because if Defendants are given prior notice, they will be able to destroy, move, conceal, or otherwise make inaccessible the facilities through which Defendants direct the harmful Thallium activity and will significantly impede, if not preclude, Microsoft's ability to obtain effective relief against Defendants. That is because Defendants are highly-sophisticated cybercriminals capable of quickly adapting the command and control infrastructure used to secretly establish themselves on a victim's network.

Microsoft's Application is based on: this Application; Microsoft's Brief In Support Of This Application; the Declarations of David Anselmi and Kayvan Ghaffari in support of Microsoft's Application and the exhibits attached thereto; the pleadings on file in this action; and on such argument and evidence as may be presented at the hearing on this Application.

Microsoft further respectfully requests oral argument on this motion to be set for December 18, 2019 or as soon thereafter as the Court deems possible.

Dated: December 18, 2019   Respectfully submitted,

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