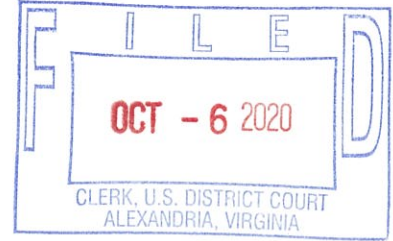


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



MICROSOFT CORPORATION, a  
Washington corporation, and FS-  
ISAC, INC., a Delaware corporation,

Plaintiffs,

v.

JOHN DOES 1-2, CONTROLLING  
A COMPUTER BOTNET AND  
THEREBY INJURING PLAINTIFFS,  
AND THEIR CUSTOMERS AND  
MEMBERS,

Defendants.

Civil Action No:

1:20cv1171

**FILED UNDER SEAL PURSUANT  
TO LOCAL CIVIL RULE 5**

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

Plaintiffs Microsoft Corporation (“Microsoft”) and FS-ISAC, Inc. (“FS-ISAC”), by counsel, pursuant to Federal Rule of Civil Procedure 65(b) and (c), the Copyright Act (17 U.S.C. § 101, *et seq.*), 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 move 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 Plaintiffs’ brief in support of this Application, Plaintiffs request an order disabling a number of IP addresses through which John Does 1-2 (“Defendants”) infect user computers with malicious software, including dangerous ransomware, that puts the infected computers under the command and control of individuals and organizations who use them for

illegal activities, including compromising their online accounts, infecting their computing devices, disabling the security of the devices, and stealing sensitive information, including banking credentials, from them. The Trickbot Defendants cause substantial harm by infringing Microsoft's copyrighted material and misusing Plaintiffs' trademarks to lull victims targeted by Defendants into believing that their malicious infrastructure is associated with Plaintiffs and other legitimate companies.

The requested relief is necessary to halt the growth of Defendants' unlawful activity. As discussed in Plaintiffs' 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 Trickbot activity and will significantly impede, if not preclude, Plaintiffs' 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.

Plaintiffs' Application is based on: this Application; Microsoft's Brief In Support Of This Application; the Declarations of Jason Lyons, Rodelio Fijones, Steven Silberstein, Vikram Thakur, Jean-Ian Boutin, Kevin Garlow, and Kayvan Ghaffari in support of Plaintiffs' 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.

Plaintiffs further respectfully request oral argument on this motion to be set for October 5, 2020, or as soon thereafter as the Court deems possible.

Dated: October 5, 2020

Respectfully submitted,

/s/ Julia Milewski

---

Julia Milewski (VA Bar No. 82426)  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue NW  
Washington DC 20004-2595  
Telephone: (202) 624-2500  
Fax: (202) 628-5116  
jmilewski@crowell.com

Gabriel M. Ramsey (*pro hac vice*)  
Kayvan Ghaffari (*pro hac vice*)  
Jacob Canter (*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  
kghaffari@crowell.com  
jcanter@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 Plaintiffs Microsoft Corp. and FS-  
ISAC, Inc.*