

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

JOHN DOES 1-2, CONTROLLING COMPUTER
BOTNETS AND THEREBY INJURING
PLAINTIFF AND ITS CUSTOMERS,

Defendants.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR - 5 2020 ★

Case No. BROOKLYN OFFICE

CV 20 - 1217

FILED UNDER SEAL

DeARCY HALL, J.

REYES, M.J.

**MICROSOFT'S APPLICATION
BY ORDER TO SHOW CAUSE TO TEMPORARILY SEAL CASE**

In connection with the *ex parte* Application For An Emergency Temporary Restraining Order And Order To Show Cause Re Preliminary Injunction (the "Application for TRO"), filed concurrently herewith, of Plaintiff Microsoft Corporation ("Microsoft") 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, 1125), the common law, and the All Writs Act (28 U.S.C. § 1651), Microsoft respectfully requests that, upon the Emergency Motion to Temporarily File Case Under Seal (the "Motion"), the Declaration of Gabriel M. Ramsey in Support of the Motion, the Declarations of Kayvan Ghaffari and Jason B. Lyons in support of Microsoft's Application for TRO, the Brief in Support of Microsoft's Application for TRO, and the exhibits attached thereto, this Court grant the Motion, such that it is hereby

1. ORDERED, that the above-named Defendants show cause before this Court, at room _____, United States District Court House, 225 Cadman Plaza East, Brooklyn, in the State of New York, _____, March _____, 2020, at _____ o'clock ____m., or as soon thereafter as

counsel may be heard, why an Order should not be issued temporarily sealing the case on Microsoft's Motion; and it is further

2. ORDERED, that, good and sufficient reason having been shown, therefore, pending the hearing of such Motion, that the instant case and specifically the following documents be filed and maintained UNDER SEAL, such that they are not accessible on the Public Access to Court Electronic Records ("PACER") website or otherwise appear on the public docket, in accordance with Federal Rule of Civil Procedure 26(c)(1), pending execution of the temporary restraining order sought in Microsoft's Application for Emergency Temporary Restraining Order And Order to Show Cause Re Preliminary Injunction concurrently filed by Microsoft in this matter on March 5, 2020:

1. The instant Emergency Motion To Temporarily File Case Under Seal and attachments hereto;
2. The Declaration of Gabriel M. Ramsey in Support of the instant Emergency Motion To Temporarily File Case Under Seal;
3. The Application by Order to Show Cause to Temporarily Seal Case;
4. Complaint and attachments thereto, including appendices and summonses;
5. Trademark Report;
6. Pro Hac Vice Applications of Gabriel Ramsey and Richard Boscovich and accompanying documents;
7. Application for Emergency *Ex Parte* Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and accompanying documents;
8. Brief in Support of Emergency *Ex Parte* Temporary Restraining Order and Order to Show Cause re Preliminary Injunction;

9. The Declaration of Jason B. Lyons in Support of Emergency *Ex Parte* Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto;
10. The Declaration of Kayvan Ghaffari in Support of Emergency *Ex Parte* Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto; and
11. [Proposed] *Ex Parte* Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction and Appendices thereto.

12. IT IS FURTHER ORDERED that, immediately upon execution of the temporary restraining order sought by Microsoft in the Application for TRO, the instant case shall be unsealed and the foregoing documents shall be filed in the public docket.

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13. IT IS FURTHER ORDERED that Microsoft, upon execution of the *ex parte* relief sought in the Application for TRO, shall file with the Clerk of the Court a Notice that the temporary restraining order has been executed, and shall be permitted to disclose such material as is deemed necessary, including in order to commence their efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint by publication and other means.

SO ORDERED

Signed this ____ day of March, 2020.

UNITED STATES DISTRICT COURT JUDGE