

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

MICROSOFT CORPORATION, a Washington Corporation, FORTRA, LLC, a Delaware Limited Liability Company, and HEALTH-ISAC, INC., a Florida Corporation,

Plaintiffs,

v.

JOHN DOES 1-2, JOHN DOES 3-4 (AKA CONTI RANSOMWARE GROUP), JOHN DOES 5-6 (AKA LOCKBIT RANSOMWARE GROUP), JOHN DOES 7-8 (AKA DEV-0193), JOHN DOES 9-10 (AKA DEV-0206), JOHN DOES 11-12 (AKA DEV-0237), JOHN DOES 13-14 (AKA DEV-0243), JOHN DOES 15-16 (AKA DEV-0504), Controlling Computer Networks and Thereby Injuring Plaintiffs and Their Customers,

Defendants.

Case No.

FILED UNDER SEAL

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

Plaintiffs Microsoft Corporation (“Microsoft”), Fortra, LLC (“Fortra”), and Health-ISAC, Inc., (“H-ISAC”) (collectively “Plaintiffs”), by counsel, pursuant to Federal Rule of Civil Procedure 65(b) and (c), the Digital Millennium Copyright Act (17 U.S. § 1201), the Copyright Act (17 U.S.C. §§ 101 *et seq.*), Computer Fraud and Abuse Act, 18 U.S.C. § 1030, Trademark Infringement under the Lanham Act, 15 U.S.C. § 1114 *et seq.*, False Designation of Origin under the Lanham Act, 15 U.S.C. § 1125(a), Trademark Dilution under the Lanham Act, 15 U.S.C. § 1125(c), the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1962), Common Law Trespass to Chattels, Unjust Enrichment, and Conversion, 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 Plaintiffs' brief in support of this Application, Plaintiffs request an order disabling a number of Internet Domains through which John Does 1-16 ("Defendants") engage in a racketeering enterprise by using cracked versions of Cobalt Strike¹ to infect victims' computers, disseminate malware, and cripple computer and computer network systems. Defendants perpetrate their criminal activity by installing software on a victim's network that allows Defendants to achieve and maintain long-term and surreptitious access to that network, and exfiltrating sensitive information off of a victim's network

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 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 use to secretly establish themselves on a victim's network.

Plaintiffs' Application is based on: this Application; Plaintiffs' Brief in Support of this Application; the Declarations of Christopher Coy, Jason Lyons, Rodel Finones, Jonathan Gross, Robert Erdman, Errol Weiss, and Amanda (Anna) Saber in support of

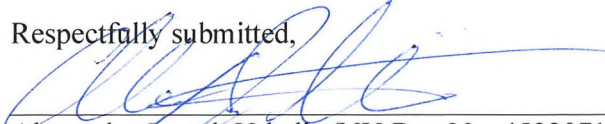
¹ As used in this action, "cracked versions of Cobalt Strike" refer to stolen, unlicensed, or otherwise unauthorized versions or copies of Cobalt Strike.

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 March 30, 2023 or as soon thereafter as the Court deems possible.

Dated: March 30, 2023

Respectfully submitted,



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