

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

MICROSOFT CORPORATION, a)	
Washington corporation,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No: 1:13cv139 (LMB/TCB)
)	
JOHN DOES 1-18, CONTROLLING A)	
COMPUTER BOTNET THEREBY)	
INJURING MICROSOFT AND ITS)	
CUSTOMERS)	
)	
Defendants.)	
)	
)	
)	
)	
)	

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE AMENDED
COMPLAINT NAMING DOE DEFENDANTS**

By this motion, Plaintiff Microsoft Corp. (“Microsoft”) respectfully requests leave to amend its Complaint pursuant to Fed. R. Civ. P. 15(a)(2), and states as follows:

1. By Order dated February 13, 2013, this Court granted Microsoft 120 days to conduct discovery into the identity of the Doe Defendants against whom Microsoft brings this action.
2. Pursuant to that Order, Microsoft has conducted discovery and identified Doe Defendants procuring and controlling the “Bamital” botnet infrastructure as Marat Mazynskij and Dmitry Chupakhin. Microsoft now seeks leave to amend its Complaint to name those defendants and to serve them with the Amended Complaint.
3. Fed. R. Civ. P. 15(a)(2) provides that the Court should freely give leave when justice so requires.

4. A copy of the proposed Amended Complaint is attached hereto as Exhibit 1.

WHEREFORE, Plaintiff Microsoft Corp. respectfully requests leave to file an Amended Complaint in this matter.

Dated: June 13, 2013

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ LAUREN PARKER

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CERTIFICATE OF SERVICE

I hereby certify that the 13th day of June, 2013, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system. Copies of the foregoing were also served on the defendants listed below by electronic mail:

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Kosmoso 16-11
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Lithuania

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