

FILED

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

2015 AUG -3 A 8:51

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,

v.

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

Defendants.

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Civil Action No: 1:15-cv-00993

FILED UNDER SEAL PURSUANT TO  
LOCAL RULE 5

**APPLICATION OF MICROSOFT FOR AN EMERGENCY *EX PARTE* 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 Anticybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)), 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 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”) perpetuate the unlawful behavior of hacking into a victim’s computer network; 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 documents off of a victim's network.

The requested relief is necessary to halt 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 significantly impede, if not preclude, Microsoft's ability to obtain effective relief against Defendants. This 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 Jason L. Norton and Jeffrey L. Cox in support of Microsoft's Application and the exhibits attached thereto; the pleadings on file in this action; and on such arguments 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 August 2, 2016 or as soon thereafter as the Court deems possible.

Dated: August 2, 2016

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE  
LLP



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