

FILED

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

2016 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: 1:16-cv-0093

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

**BRIEF IN SUPPORT OF MICROSOFT'S MOTION FOR LEAVE TO EXCEED PAGE  
LIMITS RE: MICROSOFT'S TRO APPLICATION**

Pursuant to Fed. R. Civ. P. 7 and Local Civil Rule 7(f)(3), Microsoft hereby moves for leave to exceed the page limits for its Brief In Support of Application for an Emergency Ex Parte Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction.

Contemporaneously with the filing of this Motion, Microsoft is filing an Application for an Emergency Ex Parte Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction (the "TRO Application"). Microsoft's brief in support of the TRO Application is 34 pages.

Under Local Rule 7(f)(3), briefs are generally limited to 30 pages. Because of the complexity of the issue presented in this case, however, Microsoft cannot fully explain the factual and legal bases for its TRO Application within the 30-page limit. Accordingly, Microsoft

respectfully requests that this Court grant leave to exceed the page limits imposed by Local Civil Rule 7. Microsoft is filing this Motion for Leave to Exceed Page Limits contemporaneously with the filing of their case-initiating documents and TRO Application because of the urgent nature of these proceedings, the need for emergency relief, and the importance of maintaining confidentiality regarding the relief Microsoft requests from the Court.

The Court may, in its discretion, grant leave to a party to exceed the page limit set forth in Local Civil Rule 7 and consider the party's brief in its entirety. *See, e.g., Harrison v. Prince William County Police Dep't*, 640 F. Supp. 2d 688, 700 (E.D. Va. 2009) (enlarging page limit given unusual procedural posture of the case). Here, because of the substantial public interest involved, the nature of the relief requested, and the complexity of Defendants' unlawful conduct, enlargement of the page limitation is critical to permitting Microsoft a full opportunity to describe the extensive technical factual predicate for its TRO Application.

Microsoft is submitting extensive evidence in support of its TRO Application that must be set forth in detail in the supporting brief. In particular, Microsoft is submitting detailed technical declarations and other evidence related to the following: (1) the tactics used by Defendants for cybercriminal operations; (2) the complex methodology for infecting and remotely interfering with the victim's computers; (3) the harmful effects of Defendants' behavior on Microsoft, its customers, and the general public; and (4) the irreparable harm suffered by Microsoft and its customers as a result of Defendants' actions. In order to fully explain the significance of this evidence, Microsoft requires more than 30 pages of briefing.

Accordingly, given the technical issues presented in this case and the *ex parte* nature of the TRO Application, Microsoft respectfully requests relief from Local Civil Rule 7's page

limitation so that Microsoft can provide the Court with the information it needs to rule on the merits of the TRO Application.

**CONCLUSION**

For the reasons stated, Microsoft requests leave to exceed the page limits set forth in Local Civil Rule 7 and asks that the Court consider Microsoft's brief in support of its TRO Application in its entirety.

Dated: August 2, 2016

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE  
LLP



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