



unauthorized access to Microsoft's services and software, hack into a target's computer network, and in particular Microsoft's software, install malware on those networks giving them long-term and surreptitious access to those networks, and then locate and exfiltrate sensitive information from them.

3. I am informed and believe that, for reasons explained in detail in the declaration of Jason L. Norton In Support Of Microsoft's Application For Temporary Restraining Order, And Order To Show Cause For Preliminary Injunction ("TRO Application"), Dkt. No. 14, permitting Defendants to learn of these proceedings prior to execution of the temporary *ex parte* relief sought in Microsoft's Motion To Supplement Preliminary Injunction Order—in particular the portion to disable the domains in Appendix A to that Order—would 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 perpetrate Defendants' unlawful conduct in order to overcome Microsoft's remediation efforts.

4. I am informed and believe that, absent a protective order, there is a substantial risk that Defendants will learn of these proceedings before the temporary *ex parte* relief to disable the domains in Appendix A to the Supplement Preliminary Injunction Order can be effected and will take steps to evade the relief sought. In fact, Defendants in this case have already defied this Court's injunctive orders by attempting to move their command and control infrastructure after the execution of the Temporary Restraining and Preliminary Injunction Order. Even after this Court's additional injunctive order, Dkt. No. 39, Defendants continue to try to maintain and reestablish new command and control infrastructure so that they can continue their illegal activities.

5. Over the past five years, Orrick has prosecuted nine similar cases on behalf of Microsoft. These cases all involved similar litigation strategies and claims and have involved John Doe defendants conducting illegal activities through identifiable but movable online command and control infrastructures similar to that used by Strontium. In three of those cases, I

personally observed that defendants also immediately took action to attempt to defy and evade the court's order as soon as they detected legal action being taken against them.

6. Thus, given Defendants' defiance of this Court's injunctive orders and my past experience with cases with very similar circumstance as those here, it is my belief that even disclosing that Microsoft has requested a Supplemental Preliminary Injunctive Order to disable the domains at Appendix A to that order gives Defendants the opportunity to adapt the command and control infrastructure so that they can continue to perpetrate their unlawful conduct. For this reason, Microsoft respectfully requests that all documents filed in this case be temporarily sealed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed on this 14th day of November 2016, in San Francisco, California.



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Gabriel M. Ramsey