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

MICROSOFT CORPORATION, a Washington corporation,)))
Plaintiff, v.) Civil Action No: 1:17-cv-01224
JOHN DOES 1-2, CONTROLLING A COMPUTER NETWORK AND THEREBY INJURING PLAINTIFF AND ITS CUSTOMERS)) FILED UNDER SEAL PURSUANT TO LOCAL RULE 5
Defendants.)))
)))

ORDER GRANTING MICROSOFT'S MOTION FOR A PROTECTIVE ORDER TEMPORARILY SEALING DOCUMENTS

Before the Court is Microsoft's Motion for a Protective Order Temporarily Sealing Documents. Upon consideration of the Motion, the pleadings filed herein and the arguments of counsel, the Court finding that the arguments of applicable rules and Fourth Circuit precedent are satisfied, that the requested order is the least restrictive means available to protect the interests of Microsoft and the public, and that there is a compelling need to enter a temporary sealing order, THEREFORE it is hereby ORDERED that the instant case and the following documents be filed and maintained UNDER SEAL in accordance with Fed. R. Civ. P. 26(c)(1) and Local Civil Rule 5, pending execution of the temporary restraining order requested in Microsoft's *Ex Parte* Application for Emergency Temporary Restraining Order And Order To Show Cause Re Preliminary Injunction ("TRO Application") concurrently filed in this matter on October 26, 2017.

- 1. The instant Motion for Protection Order Temporarily Sealing Documents and accompanying documents, including the brief in support of this Motion;
- 2. Microsoft's Complaint and accompanying documents;
- 3. *Pro Hac Vice* Applications of Richard Boscovich, Michael Zweiback, Kimberly K. Peretti, and Erin Coleman;
- 4. Motion to Exceed Page Limits and accompanying documents;
- 5. Ex Parte Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and accompany documents;
- 6. Brief in Support of Ex Parte Application for an Emergency Temporary Restraining Order and Order to Show cause re Preliminary Injunction and accompanying documents;
- 7. The Declaration of Jason L. Norton in Support of *Ex Parte* Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto;
- 8. The Declaration of Michael Zweiback in Support of *Ex Parte* Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto;
- 9. [Proposed] *Ex Parte* Temporary Restraining Order and Order To Show Cause Re Preliminary Injunction.

IT IS FURTHER ORDERED that, immediately upon execution of the temporary restraining order sought by Microsoft in the TRO Application, the instant case shall be unsealed and the foregoing documents shall be filed in the public docket.

IT IS FURTHER ORDERED that upon execution of the *ex parte* relief sought in the TRO Application, Microsoft shall file with the Clerk of the Court a Notice that the temporary restraining order has been executed, and Microsoft shall be permitted to disclose such material as

deemed necessary, including in order to commence its efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint by publication and other means.

IT IS FURTHER ORDERED that in the event the Court elects not to grant Microsoft's TRO Application, these materials shall remain sealed until such a time when the public filing of these materials will no longer present a risk of preventing Microsoft from obtaining effective relief on its claims.

T. S. Ellis, III

United States District Judge

IT IS SO ORDERED.

Entered this day of October 2017.