

FILED

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

2017 OCT 26 A 8:49

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

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

Defendants.

Civil Action No: 117-CV-1224

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

**MICROSOFT'S MOTION FOR
PROTECTIVE ORDER TEMPORARILY SEALING DOCUMENTS**

Pursuant to Fed. R. Civ. P. 26(c)(1) and Local Civil Rule 5, Plaintiff Microsoft Corp. ("Microsoft") hereby moves for a protective order temporarily sealing the instant case in general, and the following documents in particular, filed by Microsoft in this action:

1. The instant Motion for Protective Order 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 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.

Microsoft respectfully requests that the case in general and these materials be sealed pending execution of the *ex parte* temporary relief sought in Microsoft's Application for Temporary Restraining Order. Microsoft respectfully requests that upon the execution of the temporary restraining order, the instant case be unsealed and the foregoing documents be filed in the public docket. Upon execution of the *ex parte* relief, Microsoft will file with the Clerk of the Court a Notice that the temporary restraining order has been executed. Microsoft further requests that upon execution of the temporary restraining order, Microsoft be permitted to disclose such materials as it deems necessary to commence its efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint.

Microsoft respectfully requests that should the Court decide not to grant the *ex parte* temporary relief requested in Microsoft's Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction, that the materials be sealed indefinitely.

Dated: October 26, 2017

Respectfully submitted,

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Defendants.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil Action No: 1:17-cv-01224

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

**[PROPOSED] 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;
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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.

IT IS SO ORDERED.

Entered this _____ day of October 2017.

United States District Judge