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NOV 14 2017

JAMES K. HARTEN, Clerk  
By:  Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**MICROSOFT CORPORATION**

**Plaintiff,**

**v.**

**JOHN DOES 1-51,  
CONTROLLING MULTIPLE  
COMPUTER BOTNETS  
THEREBY INJURING  
MICROSOFT AND ITS  
CUSTOMERS**

**Defendants.**

**CASE NO.**

**1:17-CV-4566**

**FILED UNDER SEAL**

**APPLICATION OF MICROSOFT FOR AN EMERGENCY *EX PARTE*  
TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE  
RE: PRELIMINARY INJUNCTION**

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**MICROSOFT CORPORATION**

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RE: PRELIMINARY INJUNCTION**

Plaintiff Microsoft Corporation ("Microsoft"), by counsel, pursuant to Federal Rule of Civil Procedure 65(b) and (c), (1) The Computer Fraud and Abuse Act (18 U.S.C. § 1030), (2) The Georgia Computer Systems Protection Act (O.C.G.A. § 16-9-93), (3) The Lanham Act (15 U.S.C. § 1114 et seq.), (4) The Uniform Deceptive Trade Practices Act (O.C.G.A. § 10-1-372), (5) The Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1962), (6) conversion and trespass (O.C.G.A. § 51-10-1 et seq.), (7) the common law of tortious interference with

contractual or business relations, (8) unjust enrichment, and (9) 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 1-51 ("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 information off of a victim's network.

*Ex parte* relief – and expedited consideration under Local Rule 7.2(B) – is necessary and essential to halt Defendants' unlawful activity. 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 Jean-Ian Boutin, Rodelio G. Fiñones, Vishant Patel, and Michael Zweiback 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 November 14, 2017 or as soon thereafter as the Court deems possible.

Dated: November 14, 2017

Respectfully submitted,



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Andrew J. Tuck (GA No. 402306)

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Attorneys for Plaintiff Microsoft Corp.

**CERTIFICATION OF COMPLIANCE**

Pursuant to L.R. 7.1(D), N.D. Ga., counsel for Plaintiff hereby certifies that this Application has been prepared with one of the font and point selections approved by the Court in L.R. 5.1, N.D. Ga.

Dated: November 14, 2017

Respectfully submitted,



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