

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

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U.S.D.C. - Atlanta

**NOV 29 2017**

JAMES N. HATTEN, Clerk  
By: *[Signature]* Deputy Clerk

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**MICROSOFT CORPORATION**

**Plaintiff,**

**v.**

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

**Defendants.**

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) **CASE NO. 1:17-cv-4566**  
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) **FILED UNDER SEAL**  
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**MICROSOFT'S EMERGENCY MOTION RE: UNSEALING OF CASE**

**IN THE UNITED STATES DISTRICT COURT  
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**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**

**MICROSOFT'S EMERGENCY MOTION RE: UNSEALING OF CASE**

Microsoft's Plaintiff Microsoft Corp. ("Microsoft") submits the following memorandum in support of its emergency motion to unseal documents.

## BACKGROUND

On November 14, 2017, Microsoft moved *ex parte* for an emergency temporary restraining order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(d) (the “Lanham Act”) and 28 U.S.C. § 1651(a) (the “All Writs Act”), and an order to show cause why a preliminary injunction should not be granted. On November 15, 2017, the matter was heard and this Court

subsequently granted the Application Of Microsoft For An Emergency *Ex Parte* Temporary Restraining Order And Order To Show Cause Re: Preliminary Injunction (the “TRO Application”) on November 17, 2017. In connection with the TRO Application, this Court granted Microsoft’s Motion For Protective Order Temporarily Sealing Documents, directing that, the instant case and all documents sealed by the Court on November 14, 2017 shall remain under seal until November 30, 2017 or another date and time ordered by the Court upon a showing of good cause.

On November 29, 2017, Microsoft filed its Notice Of Execution Of Emergency *Ex Parte* Temporary Restraining Order And Notice of Emergency Motion Re: Unsealing Of Case.

Accordingly, Microsoft hereby files this Emergency Motion Re: Unsealing Of Case and certifies that, execution having been made pursuant to this Court’s Emergency *Ex Parte* Temporary Restraining Order And Order To Show Cause Re: Preliminary Injunction (the “Temporary Restraining Order”), the instant case may be immediately unsealed such that all case materials previously filed UNDER SEAL be accessible on the PACER website, appear on the public docket, and publicized and/or otherwise disseminated by Microsoft in connection with its efforts to provide Defendants with notice of the preliminary injunction

hearing and service of the Complaint.

### **ARGUMENT**

The Court's emergency unsealing of this case is essential to further Microsoft's efforts to halt the operation and growth of Gamarue. This case needs to be unsealed to provide ample notice to John Does 1-51 ("Defendants") of the upcoming hearing requiring Defendants to show cause, if there is any, why this court should not enter a Preliminary Injunction, pending final ruling on the Complaint against the Defendants. Microsoft intends to immediately commence its efforts to provide such notice to Defendants.

The emergency unsealing of this case is also essential to provide timely notice to the public and potential victims of Defendants' actions. Gamarue has infected computing devices and computer networks, and have stolen sensitive information from innocent victims. It is in the public's interest to be aware of the Defendants' tactics, and to further Microsoft's efforts to assist users whose computing devices and computer networks have been infected with and damaged by the Defendants. This is the same for Verisign, Inc. and Afilias, which complied with this Court's Temporary Restraining Order and must immediately notify the applicable registrars of the domain names at issue of the Temporary Restraining Order.

Accordingly, sealing is no longer necessary, and Microsoft respectfully requests that this Court unseal all documents in this case.

**CONCLUSION**

Therefore, for all the foregoing reasons, Microsoft requests that this case and the documents filed therein are unsealed.

*[Signature on next page]*

Dated: November 29, 2017

Respectfully submitted,



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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 Motion 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 29, 2017

Respectfully submitted,



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