

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

MICROSOFT CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>1:25-CV-2695-MHC</u>
)	
DOES 1-10,)	<u>FILED UNDER SEAL</u>
)	
Defendants.)	
)	
)	
)	

**DECLARATION OF ROBERT L. URIARTE IN SUPPORT OF MOTION
FOR PROTECTIVE ORDER TEMPORARILY SEALING DOCUMENTS**

I, Robert L. Uriarte, declare as follows:

1. I am an attorney admitted to practice in the State of California. I am a partner at the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”), counsel of record for the plaintiff in this matter, Microsoft Corporation (“Microsoft”). My pro hac vice application is forthcoming. I make this declaration in support of Plaintiff’s Motion for a Protective Order Temporarily Sealing Documents. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would testify to the following under oath.

2. This case arises out of the harmful and malicious Internet activities of Defendants Does 1-10. I am informed and believe that Defendants are

sophisticated cybercriminals who specialize in stealing sensitive information from computer networks.

3. I am informed and believe that Defendants make unauthorized access to victim computers, and in particular Microsoft's software, install malware on those computers giving them long-term and surreptitious access to those computers, and then locate and exfiltrate sensitive information from them. I am informed and believe, for reasons explained in detail in the declarations of Derek Richardson, that permitting Defendants to learn of these proceedings prior to execution of the temporary *ex parte* relief sought in the TRO Application will significantly impede, if not preclude, Plaintiff'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 sought in the TRO Application can be effected and will take steps to evade the relief sought. Over the past decade, Microsoft has prosecuted many similar cases. These cases all involved similar litigation strategies and claims and have involved Doe defendants conducting illegal activities through

identifiable but movable online command and control infrastructures similar to that used by Defendants. I am informed and believe that in three of those cases, the Doe defendants immediately took action to attempt to defy and evade the court's order as soon as they detected legal action being taken against them.

5. For example, in a case against operators of a botnet known as "Rustock," (*Microsoft v. John Does, 1-11*, Case No. 2:11-cv-00222 (W.D. Wa. 2011) (Robart, J)), the defendants attempted to destroy evidence on a server using remote means very shortly after Microsoft began execution of the seizure order and literally while forensic investigators were examining the server.

6. In cases against operators of two other botnets, "ZeroAccess" (*Microsoft Corporation v. John Does 1-8 et al.*, Case No. A13-cv-1014-SS (W.D. Tex. 2013) (Sparks, J.)) and "Dorkbot" (*Microsoft v. John Does 1-5*, Case No. 1:15-cv-06565-JBW-LB (E.D.N.Y. 2015)), the defendants in each case attempted to defy the court's injunctive order by attempting to move their command and control infrastructure as soon as they detected legal action being taken against them.

7. In another recent case, *Microsoft Corp. v Yadegarnia et al*, E.D.VA Case No. 1:24-cv-2323, Defendants and other actors using their services learned of the pendency of the action and were able to identify the attorneys involved in the case before pleadings were served on Defendants.

8. It is my belief that even disclosing that Microsoft has initiated this case will give 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 May 14, 2025.

/s/ Robert L. Uriarte
Robert L. Uriarte