

JUN 06 2013

US District Court  
Western District of NC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

MICROSOFT CORPORATION,

Plaintiff,

v.

JOHN DOES 1-82, CONTROLLING A  
COMPUTER BOTNET THEREBY  
INJURING MICROSOFT AND ITS  
CUSTOMERS,

Defendants.

Civil Action No. 3:13cv319

**NOTICE OF EXECUTION OF EX PARTE  
TEMPORARY RESTRAINING ORDER  
AND SEIZURE ORDER**

On May 29, 2013, plaintiff Microsoft Corp. (“Microsoft”) moved ex parte for an emergency temporary restraining order and seizure 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 order to show cause why a preliminary injunction should not be granted. That same day, the Honorable Graham C. Mullen, granted Microsoft’s Application For An Emergency *Ex Parte* Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction (the “TRO Application”). In connection with the TRO Application, the Court concurrently granted Microsoft’s Motion for a Protective Order Temporarily Sealing Documents and ordered that, pending the execution of the temporary restraining order and seizure order, the instant case and the following documents be filed UNDER SEAL pursuant to Federal Rule of Civil Procedure 26(c)(1) such that they are not accessible on the Public Access to Court Electronic Records (“PACER”) website or otherwise appear on the public docket:

1. Complaint and the Appendices attached thereto;
2. Motion for a Protective Order Temporarily Sealing Documents;
3. Brief In Support Of Motion for a Protective Order Temporarily Sealing Documents and Exhibits thereto;
4. [Proposed] Protective Order Temporarily Sealing Documents;
5. Notice of Hearing for Motion for a Protective Order Temporarily Sealing Documents;
6. Motion for Leave to Exceed Page Limits for Brief In Support Of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order to Show Cause Re Preliminary Injunction;
7. Brief In Support Of Motion for Leave to Exceed Page Limits for Brief In Support Of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order to Show Cause Re Preliminary Injunction;
8. *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order To Show Cause Re Preliminary Injunction;
9. Brief in Support of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order To Show Cause Re Preliminary Injunction and Exhibits thereto;
10. Declaration of Vishant Patel in Support of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order To Show Cause Re Preliminary Injunction and Exhibits thereto;
11. Declaration of David Anselmi in Support of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order To

- Show Cause Re Preliminary Injunction and Exhibits thereto;
12. Declaration of Eric Guerrino in Support of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order To Show Cause Re Preliminary Injunction and Exhibits thereto;
  13. Declaration of Pamela Moore in Support of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order To Show Cause Re Preliminary Injunction and Exhibits thereto;
  14. Declaration of John Wilson in Support of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order, Seizure Order, and Order To Show Cause Re Preliminary Injunction and Exhibits thereto;
  15. Declaration of Jeffrey L. Cox in Support of *Ex Parte* Application of Microsoft for an Emergency Temporary Restraining Order and Order To Show Cause Re Preliminary Injunction and Exhibits thereto;
  16. [Proposed] *Ex Parte* Temporary Restraining Order, Seizure Order, And Order To Show Cause Re Preliminary Injunction; and
  17. Notice of Hearing for *Ex Parte* Temporary Restraining Order, Seizure Order, And Order To Show Cause Re Preliminary Injunction.

The Court further ordered that the instant case and the above-listed documents be unsealed immediately upon execution of the temporary restraining order and seizure order and, to that end, ordered that Microsoft files with the Clerk of Court a Notice that the temporary restraining order and seizure order have been executed such that the case may appear on the public docket and Plaintiffs be permitted to disclose the case materials in their efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint by

publication and other means.

Accordingly, Microsoft hereby files this Notice Of Execution Of *Ex Parte* Temporary Restraining Order And Seizure Order and certify that, execution having been made of the *Ex Parte* Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction dated May 29, 2013, 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 be publicized and/or otherwise disseminated by Plaintiffs in connection with their efforts to provide Defendants with notice of the preliminary injunction hearing and service of the Complaint.

Dated: June 5, 2013

By: s/ Neil T. Bloomfield

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