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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

JOHN DOES 1-5, CONTROLLING
COMPUTER BOTNETS AND THEREBY
INJURING PLAINTIFF AND ITS
CUSTOMERS,

Defendants.

CV 15 - 6565
In ex No.

FILED UNDER SEAL

GLEESON, J.

BLOOM, M.J.

**MICROSOFT'S APPLICATION
BY ORDER TO SHOW CAUSE TO TEMPORARILY SEAL CASE**

In connection with the *ex parte* Application For An Emergency Temporary Restraining

FILED
CLERK

2015 NOV 23 AM 9: 01

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Order, Seizure Order And Order To Show Cause Re Preliminary Injunction (the "Application for TRO"), filed concurrently herewith, of Plaintiff Microsoft Corporation ("Microsoft") pursuant to Federal Rule of Civil Procedure 65(b) and (c), the Computer Fraud and Abuse Act (18 U.S.C. § 1030), the Electronic Communications Privacy Act (18 U.S.C. § 2701), the Lanham Act (15 U.S.C. § 1125), the Racketeer Influenced And Corrupt Organizations Act (18 U.S.C. § 1962(c)), the common law, and the All Writs Act (28 U.S.C. §1651), Microsoft respectfully requests that, upon the Emergency Motion to Temporarily File Case Under Seal (the "Motion"), the Declarations of Rodelio G. Fíñones, Jason B. Lyons, and Jeffrey L. Cox in support of Microsoft's Application for TRO, the Brief in Support of Microsoft's Application for TRO, and the exhibits attached thereto, this Court grant the Motion, such that it is hereby

1. ORDERED, that the above-named Defendants show cause before this Court, at room _____, United States District Court House, Cadman Plaza East, Brooklyn, in the State of New York, _____, March _____, 2015, at _____ o'clock __.m., or as soon thereafter as counsel may be heard, why an Order should not be issued temporarily sealing the case on Microsoft's Motion; and it is further

2. ORDERED, that, good and sufficient reason having been shown, therefore, pending the hearing of such Motion, that the instant case and specifically the following documents be filed and maintained UNDER SEAL, such that they are not accessible on the Public Access to Court Electronic Records ("PACER") website or otherwise appear on the public docket, in accordance with Federal Rule of Civil Procedure 26(c)(1), pending execution of both the temporary restraining order and seizure order sought in Microsoft's Application for Emergency Temporary Restraining Order, Seizure Order And Order to Show Cause Re Preliminary Injunction concurrently filed by Microsoft in this matter on November 23, 2015:

- a. The Emergency Motion To Temporarily File Case Under Seal and attachments hereto;
- b. The instant Application By Order To Show Cause To Temporarily Seal Case;
- c. Complaint and attachments thereto, including appendices and summonses;
- d. Trademark Report;
- e. Pro Hac Vice Applications of Gabriel Ramsey, Jeffery Cox, and Elena Garcia;
- f. Ex Parte Application for an Emergency Temporary Restraining Order, Seizure Order and Order to Show Cause re Preliminary Injunction and accompanying documents;
- g. Brief in Support of Ex Parte Application for an Emergency Temporary Restraining Order, Seizure Order and Order to Show Cause re Preliminary Injunction;
- h. The Declaration of Rodelio G. Fiñones in Support of Ex Parte Application for an Emergency Temporary Restraining Order, Seizure Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto;
- i. The Declaration of Jason B. Lyons in Support of Ex Parte Application for an Emergency Temporary Restraining Order, Seizure Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto;
- j. The Declaration Jeffrey L. Cox in Support of Ex Parte Application for an Emergency Temporary Restraining Order, Seizure Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto; and
- k. [Proposed] Ex Parte Temporary Restraining Order and Order To Show Cause Re Preliminary Injunction.

3. IT IS FURTHER ORDERED that, immediately upon execution of the temporary restraining order and seizure order sought by Microsoft in the Application for TRO, the instant case shall be unsealed and the foregoing documents shall be filed in the public docket.

4. IT IS FURTHER ORDERED that Microsoft, upon execution of the *ex parte* relief and seizure sought in the Application for TRO, shall file with the Clerk of the Court a Notice that the temporary restraining order and seizure order have been executed, and shall be permitted to disclose such material as is deemed necessary, including in order to commence their efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint by publication and other means.

SO ORDERED

Signed this ____ day of November, 2015.

UNITED STATES DISTRICT COURT JUDGE