

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2014 JUN 27 A 9:52

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

MICROSOFT CORPORATION, a
Washington corporation, and FS-ISAC, INC.,
a Delaware corporation,

Plaintiffs,

v.

JOHN DOES 1-8, CONTROLLING A
COMPUTER BOTNET THEREBY
INJURING PLAINTIFFS, AND THEIR
CUSTOMERS AND MEMBERS,

Defendants.

Civil Action No: 1:14 CV 811
LOG/TCB

FILED UNDER SEAL PURSUANT TO
LOCAL CIVIL RULE 5

**PLAINTIFFS' MOTION FOR A
PROTECTIVE ORDER SEALING DOCUMENTS**

Pursuant to Fed. R. Civ. P. 26(c)(1) and Local Civil Rule 5, Plaintiffs Microsoft Corp. ("Microsoft") and Financial Services–Information Sharing and Analysis Center, Inc. ("FS-ISAC"), hereby move for a protective order sealing the instant case in general, and the following documents in particular, filed by Plaintiffs in this action:

1. The instant Motion for Protective Order Sealing Documents and attachments hereto, including the Non-Confidential Brief in support of this Motion;
2. Plaintiffs' Complaint and attachments thereto;
3. Pro Hac Vice Applications of Gabriel Ramsey, Jacob Heath, and Robert Uriarte;
4. Motion to Exceed Page Limits and Attachments thereto;
5. Confidential Memorandum re: Protective Order to Seal Documents and attachments thereto;
6. *Ex Parte* Application for an Emergency Temporary Restraining Order and Order to

- Show Cause re Preliminary Injunction and accompanying documents;
7. Brief in Support of *Ex Parte* Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction;
 8. the Declaration of Vishant Patel in Support of *Ex Parte* Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto;
 9. the Declaration of Edgardo Diaz in Support of *Ex Parte* Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto;
 10. the Declaration of Jacob Heath in Support of *Ex Parte* Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto; and
 11. the Declaration of Eric Guerrino in Support of *Ex Parte* Application for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Exhibits thereto; and
 12. [Proposed] *Ex Parte* Temporary Restraining Order and Order To Show Cause Re Preliminary Injunction.

Plaintiffs respectfully request that the case and these materials be sealed pending execution of the *ex parte* temporary relief sought in Plaintiffs' Application for Temporary Restraining Order. Plaintiffs respectfully request that immediately upon the execution of the temporary restraining order and the instant case be unsealed and the foregoing documents be filed in the public docket. Upon execution of the *ex parte* relief and, Plaintiffs will file with the Clerk of the Court a Notice that the temporary restraining order and have been executed. Plaintiffs further request that upon execution of the temporary restraining order and order, Plaintiffs be permitted to disclose such materials as it deems necessary, including to commence their efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint.

Plaintiffs respectfully request that should the Court decide not to grant the *ex parte* temporary relief requested in Plaintiffs' Temporary Restraining Order that the materials be sealed indefinitely. Confidential and non-confidential memorandums in support of this motion are filed concurrently herewith.

Dated: June 27, 2014

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP



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