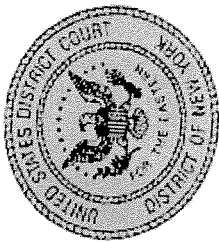


2012 MAR 23 PM 5:00

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Gabriel M. Ramsey
Admitted pro hac vice
ORRICK, HERRINGTON & SUTCLIFFE LLP
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Menlo Park, California 94025
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A) **If pursuant to a prior Court Order:**
Docket Number of Case in Which Entered: 12-cv-1335
Judge/Magistrate Judge: Hon. William F. Kuntz, II
Date Entered: 03/19/2012

B) **If a new application,** the statute, regulation, or other legal basis that authorizes filing under seal

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE, AND MAY NOT BE UNSEALED UNLESS ORDERED BY THE COURT.

DATED: _____, NEW YORK

U.S. DISTRICT JUDGE/U.S. MAGISTRATE JUDGE

ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 MARSH ROAD
MENLO PARK, CALIFORNIA 94025

Clerk's Office
**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**APPLICATION FOR LEAVE
TO FILE DOCUMENT
UNDER SEAL**

MICROSOFT CORP., et al.

-v.-

JOHN DOES 1-39, et al.

BY: Plaintiff X Defendant DOJ
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Attorneys for Plaintiffs
MICROSOFT CORPORATION,
FS-ISAC, INC. and NATIONAL AUTOMATED
CLEARING HOUSE ASSOCIATION

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

MICROSOFT CORP., FS-ISAC, INC., and
NATIONAL AUTOMATED CLEARING HOUSE
ASSOCIATION,

Plaintiffs

v.

JOHN DOES 1-39 D/B/A Slavik, Monstr, IOO,
Nu11, nvidiag, zebra7753, lexa_Mef, gss, iceIX,
Harderman, Gribodemon, Aqua, aquaSecond, it,
percent, cp01, hct, xman, Pepsi, miami, miamibc,
petr0vich, Mr. ICQ, Tank, tankist, Kusunagi,
Noname, Lucky, Bashorg, Indep, Mask, Enx,
Benny, Bentley, Denis Lubimov, MaDaGaSka,
Vkontake, rfcid, parik, reronic, Daniel, bx1, Daniel
Hamza, Danielbx1, jah, Jonni, jtk, Veggi Roma, D
frank, duo, Admin2010, h4x0rdz, Donsft,
mary.J555, susanneon, kainehave, virus_e_2003,
spaishp, sere.bro, muddem, mechanlzm,
vlad.dimitrov, jheto2002, sector.exploits AND
JabberZeus Crew CONTROLLING COMPUTER
BOTNETS THEREBY INJURING PLAINTIFFS,
AND THEIR CUSTOMERS AND MEMBERS,

Defendants.

Case No. 12-cv-1335

Hon. Carol Bagley Amon

FILED UNDER SEAL

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

On March 19, 2012, plaintiffs Microsoft Corp., FS-ISAC, Inc., and the National Automated Clearing House Association (collectively, the “Plaintiffs”) 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 William F. Kuntz, II, granted Plaintiffs Application For An Emergency 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 Plaintiffs’ Application By Order To Show Cause To Temporarily Seal Case 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;
2. Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction;
3. Brief In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction;
4. Declaration of Mark Debenham In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits;
5. Declaration of Pamela Moore In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction

and the Exhibits;

6. Declaration of William B. Nelson In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits;
7. Declaration of Jesse D. Kornblum In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits;
8. Declaration of William Johnson In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits; and
9. Declaration of Jacob M. Heath In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits.

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 Plaintiffs file 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, Plaintiffs hereby file this Notice Of Execution Of *Ex Parte* Temporary Restraining Order And Seizure Order and certify that, execution having been made pursuant to Paragraphs A through K of the *Ex Parte* Temporary Restraining Order, Seizure Order And Order

To Show Cause Re Preliminary Injunction dated March 19, 2012, 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: March 23, 2012
New York, New York

Respectfully Submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By:  _____

Gabriel M. Ramsey
Admitted pro hac vice

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