

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

FILED

2011 SEP 22 A 9 26

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

MICROSOFT CORPORATION, a )  
Washington corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DOMINIQUE ALEXANDER PIATTI, an )  
individual, DOTFREE GROUP S.R.O., a )  
Czech limited liability company and JOHN )  
DOES 1-22, CONTROLLING A )  
COMPUTER BOTNET THEREBY )  
INJURING MICROSOFT AND ITS )  
CUSTOMERS )  
 )  
 )  
Defendants. )

Civil Action No: 1:11 CV 1017

FILED UNDER SEAL

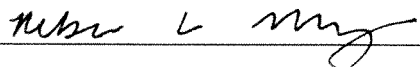
**APPLICATION OF MICROSOFT CORPORATION FOR AN EMERGENCY  
TEMPORARY RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

Plaintiff Microsoft Corp. (“Microsoft”), by counsel, pursuant to Federal Rule of Civil Procedure 65(b) and (c), the Computer Fraud and Abuse Act (18 U.S.C. § 1030), the CAN-SPAM Act (15 U.S.C. § 7704), the Electronic Communications Privacy Act (18 U.S.C. § 2701), the Lanham Act (15 U.S.C. § 1125) and the common law, and the All Writs Act, 28 U.S.C. § 1651, respectfully moves the Court for an emergency *ex parte* temporary restraining order and order to show cause why a preliminary injunction should not issue. As discussed in Microsoft’s brief in support of this motion, Microsoft requests and order turning off two (2) Internet Protocol (IP) addresses and twenty one (21) Internet domains operated by Defendants, which control a computer “botnet.” The requested relief is necessary to halt the growth of the botnet that is causing irreparable injury to Microsoft, its customers, and the public. Therefore, Microsoft respectfully requests that the Court grant this motion.

Microsoft further respectfully requests oral argument on this motion to be set for Thursday, September 22, 2011.

Dated: September 22, 2011      Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP



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