

# **Exhibit 10**

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July 3, 2024

The Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 1305  
New York, NY 10007

Re: *Microsoft Corporation v. Duong Dinh Tu et al.*, Case No.  
23-cv-10685

Dear Judge Engelmayer:

We represent Microsoft Corporation (“Microsoft”) in the above-captioned proceeding. We write in accordance with Your Honor’s instruction (Dkt. Nos. 27, 31) to submit a status update detailing Microsoft’s progress in discovery and other developments bearing on a forthcoming motion for default judgment.

In our January 4, 2024 letter to Your Honor (Dkt. No. 25), we stated that, although Defendants were in default under Federal Rule of Civil Procedure 12(a)(1)(A)(i), Microsoft did not intend to move for default judgment at that time, as it first intended to collect discovery from certain payment processors. We stated that the collection and review of such discovery would likely take approximately six to nine months. Subsequently, in our April 3, 2024 letter to Your Honor (Dkt. No. 30), we explained that, to date, Microsoft (i) had served PayPal PTE Ltd. (“PayPal”) with a Rule 45 subpoena, and expected that PayPal would begin producing relevant documents in due course; (ii) had attempted unsuccessfully to serve a Rule 45 subpoena on Vietcombank; and (iii) was considering options for obtaining documents and information from international cryptocurrency payment processors Sellix and Cryptomus.

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PayPal produced responses and objections to Microsoft's subpoena on April 8, 2024, and produced responsive information on May 13, 2024. Microsoft has determined that it will move forward without discovery from the international entities, Vietcombank, Sellix and Cryptomus, and we are thus currently preparing to file a motion for default judgment and a permanent injunction.

\* \* \*

We thank the Court for its consideration of this matter, we remain available to confer about it at the Court's convenience, and we will provide the Court with any material updates as they arise.

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Respectfully submitted,

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/s/ Brian T. Markley

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