

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

-----X MICROSOFT CORPORATION,	:		
	:		
Plaintiff,	:	Case No.	
-against-	:		
	:		
DUONG DINH TU,	:		
LINH VAN NGUYEN, and	:		
TAI VAN NGUYEN,	:	<u>REQUEST TO FILE UNDER SEAL</u>	
	:		
Defendants.	:		
-----X			

**PLAINTIFF MICROSOFT’S MOTION FOR AN EMERGENCY *EX PARTE*
TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

Pursuant to Federal Rule of Civil Procedure 65(b), Plaintiff Microsoft Corporation (“Microsoft”) files this emergency motion for an *ex parte* temporary restraining order and order to show cause as to why a preliminary injunction should not be entered in the above-captioned action (“TRO Motion”). Plaintiff’s TRO Motion seeks to enjoin Defendants from their ongoing (1) violations of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1962); (2) trademark infringement in violation of the Lanham Act (15 U.S.C. § 1114 *et seq.*); (3) false designation of origin, federal false advertising, and federal unfair competition in violation of the Lanham Act (15 U.S.C. § 1125(a)); (4) trademark dilution in violation of the Lanham Act (15 U.S.C. § 1125(c)); (5) tortious interference with Microsoft’s business relationships with its customers, (6) conversion of Microsoft’s property, (7) trespass to Microsoft’s chattels, and (8) unjust enrichment at Microsoft’s expense.

In support of the Motion and as grounds therefore, Microsoft relies upon: (1) the Complaint filed under seal by Plaintiff on December 5, 2023, and the appendices thereto; (2) Plaintiff’s

Memorandum of Law in support of the TRO Motion filed on December 7, 2023; (3) the supporting Declaration of Patrice Boffa filed on December 7, 2023, and the exhibits thereto; (4) the supporting Declaration of Shinesa Cambric filed on December 7, 2023, and the exhibits thereto; (5) the supporting Declaration of Jason Lyons filed on December 7, 2023, and the exhibits thereto; (6) the supporting Declaration of Maurice Mason filed on December 7, 2023, and the exhibits thereto; (7) the supporting Declaration of Jason Rozbruch filed on December 7, 2023, and the exhibits thereto; and (8) the supporting Declaration of Christopher Stangl filed on December 7, 2023, and the exhibit thereto.

As discussed in Plaintiff's Memorandum of Law in support of this Motion, Plaintiff requests an order directing several providers of the Internet infrastructure that Defendants use to operate their unlawful scheme (the "Fraudulent Enterprise") to take specific actions to disrupt the Enterprise. It is imperative that these actions be closely coordinated and be effectuated on an *ex parte* basis, shielded from anyone associated with the Fraudulent Enterprise, until the takedown of this infrastructure is complete. If Defendants are alerted to these efforts prior to their completion, there is substantial risk they will relocate the infrastructure to alternative domains, thwarting this effort to stop the Fraudulent Enterprise.

Microsoft respectfully requests that this Court grant its TRO Motion.

Dated: December 7, 2023
New York, New York

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