IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MICROSOFT CORPORATION, a Washington Corporation,	§ § § § §	CASE NO:
Plaintiff	§ §	
v.	§ §	**FILED UNDER SEAL**
JOHN DOES 1-8 CONTROLLING A COMPUTER BOTNET THEREBY INJURING MICROSOFT AND ITS CUSTOMERS,	§ § § § § §	
Defendants.	§ §	

DECLARATION OF JEFFREY L. COX IN SUPPORT OF MICROSOFT CORP.'S MOTION FOR ORDER TEMPORARILY SEALING DOCUMENTS

I, Jeffrey L. Cox, declare as follows:

1.   I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP ("Orrick"), counsel of record for Plaintiff Microsoft Corporation ("Microsoft"). I make this declaration in support of Microsoft's Motion for Order Temporarily Sealing Documents. I make this declaration of my own personal knowledge, except as to statements made on information and belief, which I believe to be true. If called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2.   This case arises out of the harmful and malicious Internet activities of Defendants John Doe Defendants 1 through 8 (collectively "Defendants"). Defendants are sophisticated cybercriminals that currently propagate and control one of the most pervasive networks of hacked computers in the world.

3.   I am informed and believe that, for reasons explained in detail in the declarations

of Jacob M. Heath and David Anselmi in support of Microsoft's Application for Temporary Restraining Order and Order to Show Cause ("TRO Application"), permitting Defendants to learn of these proceedings prior to execution of the temporary *ex parte* relief sought in the TRO Application will significantly impede, if not preclude, Microsoft's ability to obtain effective relief against Defendants. This is so because Defendants are highly sophisticated cybercriminals capable of quickly adapting the computer programs and infrastructure that Defendants use to perpetrate their unlawful conduct in order to overcome remediation efforts such as the IP address blocking strategy Microsoft is pursuing in this case.

3.   I am informed and believe that, absent a sealing order, there is a substantial risk that Defendants will learn of these proceedings before the temporary ex parte relief sought in the TRO Application can be effected and will take steps to evade the relief sought by Microsoft. Over the past three years, Orrick has prosecuted over a half-dozen cases such as this instant action on behalf of Microsoft. These cases all involved similar litigation strategies and claims. Thus, it is my belief that even disclosure of the fact that Orrick and Microsoft have initiated this case risks tipping Defendants off regarding the relief sought in the TRO Application. For this reason, Microsoft respectfully requests that all documents filed in this case be sealed until the Court has an opportunity to rule on the merits of Microsoft's TRO Application.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 25th day of November, 2013.

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Jeffrey L. Cox

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