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

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

[PROPOSED] ORDER GRANTING EX PARTE MOTION FOR ORDER TEMPORARILY SEALING DOCUMENTS

Before the Court is Plaintiff Microsoft Corp.'s ("Microsoft") Ex Parte Motion For Order

Temporarily Sealing Documents. Upon consideration of Microsoft's Motion and the entire

record herein, the Court finds as follows:

1. There is good cause to believe that absent the requested order temporarily sealing documents in this case, the Court will not be able to afford effective relief against Defendants in the event Microsoft establishes entitlement to a temporary restraining order.

2. The public and private interests served by preserving the Court's ability to fashion effective relief in this matter are compelling.

3. The order temporarily sealing documents requested by Microsoft is narrowly tailored so as to avoid impinging the public interests of discouraging misconduct among litigants; checking potential abuse of judicial power; and promoting public confidence in the judicial system.

1

Accordingly, sufficient cause having been shown, IT IS HEREBY ORDERED:

1. The documents filed by Microsoft in this case shall be maintained by the Clerk of Court under seal, and the matter shall be sealed with no entry in the public docket, pending execution of the *ex parte* temporary relief sought in Microsoft's Application for Temporary Restraining Order.

2. Upon execution of the *ex parte* relief requested by Microsoft, Microsoft shall file with the Clerk of the Court a Notice that the temporary restraining order has been executed. Upon filing of such Notice by Microsoft, the documents subject to this order shall be unsealed and placed on the public docket.

3. Upon execution of the *ex parte* relief requested by Microsoft, Microsoft shall undertake to serve all case documents on Defendants and to provide notice to Defendants in a manner consistent with Due Process and the laws of the United States.

4. Microsoft shall be permitted to make limited disclosures of sealed materials to third-parties as necessary to effectuate the *ex parte* relief requested by Microsoft.

5. In the event the Court denies the *ex parte* relief requested by Microsoft, Microsoft shall provide redacted versions of the documents subject to this order for public filing.

IT IS SO ORDERED.

DATED:

U.S. District Judge

2