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

FILED 2013 NOV 25 AM 8: 54

MICROSOFT CORPORATION, a Washington Corporation,

Plaintiff

V.

JOHN DOES 1-8 CONTROLLING A COMPUTER BOTNET THEREBY INJURING MICROSOFT AND ITS CUSTOMERS,

Defendants.

CASE NO:
A 1 3 CV 1 O 1 4
FILED UNDER SEAL

COMPLAINT

Plaintiff MICROSOFT CORP. ("Microsoft") hereby complains and alleges against JOHN DOES 1-8 ("Doe Defendants") (referred to collectively herein as "Defendants"), controlling the "ZeroAccess" botnet using the Internet Protocol (IP) addresses and Internet domains set forth at Appendix A this Complaint ("the ZeroAccess Fraud Control IP Addresses and Fraud Control Domains"), as follows:

NATURE OF ACTION

This is an action based upon: (1) The Computer Fraud and Abuse Act, 18 U.S.C. § 1030; (2) Electronic Communications Privacy Act, 18 U.S.C. § 2701; (3) Trademark
 Infringement under the Lanham Act, 15 U.S.C. § 1114 et seq. (4) False Designation of Origin under The Lanham Act, 15 U.S.C. § 1125(a); (5) Trademark Dilution under The Lanham Act, 15 U.S.C. § 1125(c); (6) Common Law Trespass to Chattels; (7) Unjust Enrichment; and (8)

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FTC Approves Final Consent Order Requiring Sears to Disclose the Installation of Tracking Software Placed on Consumers Computers According to the FTC's administrative complaint, Sears represented to consumers that software it was placing on their computers would track their "online browsing." The FTC charged, however, that the software also monitored consumers' online secure sessions – including sessions on third parties' Web sites – and collected consumers' personal information transmitted in those sessions, such as the contents of shopping carts, online bank statements, drug prescription records, video rental records, library borrowing histories, and the sender, recipient, subject, and size for Web-based e-mails.

According to the Commission, the software also tracked some computer activities that were not related to the Internet. Only in a lengthy user license agreement, available to consumers at the end of a multi-step registration process, did Sears disclose the full extent of the information the software tracked. The complaint charged that Sears's failure to adequately disclose the scope of the tracking software's data collection was deceptive and violates the FTC Act.