

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MICROSOFT CORPORATION,)
)
Plaintiff,)
)
v.)
)
JOHN DOES 1-2 CONTROLLING A)
COMPUTER NETWORK THEREBY)
INJURING PLAINTIFF AND ITS)
CUSTOMERS,)
)
Defendants.)

Civil Action No. 1:21-cv-822 (RDA/IDD)

ORDER

This matter comes before the Court upon the Report and Recommendation (“Recommendation”) issued by Magistrate Judge Ivan D. Davis on December 27, 2022. Dkt. 51. In its Complaint, Plaintiff brought claims for (1) the Computer Fraud and Abuse Act (“CFAA”), 18 U.S.C. § 1030, (2) the Stored Communications Act (“SCA”), 18 U.S.C. § 2701, (3) the Virginia Computer Crimes Act, Virginia Code Ann. § 18.2-152.1, (4) common law trespass to chattels, and (5) conversion against Defendants John Does 1-2 (“Defendants”). Judge Davis recommends that default judgment be entered against Defendants on Count I of the Complaint for violation of the CFAA and that the remaining counts of the Complaint be dismissed without prejudice. He further recommends that the Court enter an injunction restraining and enjoining Defendants from infringing Plaintiff’s trademarks and acting in any manner that suggests in any way that Defendants’ activities, products, or services are conducted by or are affiliated with Plaintiff. Pursuant to Federal Rule of Civil Procedure 72(b)(2), the deadline for submitting objections to Judge Davis’ Recommendation was January 10, 2023. To date, no objections have been filed.

After reviewing the record and Judge Davis' Recommendation, and finding no clear error,¹ the Court hereby APPROVES and ADOPTS the Recommendation. Dkt. 51. Accordingly, it is hereby ORDERED that Plaintiff's Motion for Default Judgment (Dkt. 36) is GRANTED as to Count I of the Complaint; and it is


FURTHER ORDERED that the remaining counts of the Complaint are DISMISSED WITHOUT PREJUDICE; and it is

FURTHER ORDERED that Defendants are enjoined from infringing Plaintiff's trademarks and acting in any manner that suggests in any way that Defendants' activities, products, or services are conducted by or are affiliated with Plaintiff.

The Clerk is directed to enter judgment in this matter pursuant to Federal Rule of Civil Procedure 55 and to forward copies of this Order to counsel of record.

It is SO ORDERED.

Alexandria, Virginia
January 18, 2023

/s/ 

Rossie D. Alston, Jr.
United States District Judge

¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a Magistrate Judge's Recommendation, the Court "need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'").