

No. 17-2

IN THE SUPREME COURT OF THE UNITED STATES

---

UNITED STATES OF AMERICA, PETITIONER

v.

MICROSOFT CORPORATION

---

**CERTIFICATE OF SERVICE**

It is hereby certified that all parties required to be served have been served with copies of the **MOTION TO VACATE THE JUDGMENT OF THE COURT OF APPEALS AND REMAND THE CASE WITH DIRECTIONS TO DISMISS AS MOOT**, via e-mail and first-class mail, postage prepaid, this **30th** day of **March 2018**.

**[See Attached Service List]**

As required by Supreme Court Rule 33.1(h), I certify that the document contain **3983** words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct. Executed on **March 30, 2018**.

---

Noel J. Francisco  
Solicitor General  
Counsel of Record  
Department of Justice  
Washington, D.C. 20530-0001  
(202) 514-2217

**March 30, 2018.**

Due to the continuing delay in receiving incoming mail at the Department of Justice, in addition to mailing your brief via first-class mail, we would appreciate a fax or email copy of your brief. If that is acceptable to you, please fax your brief to Charlene Goodwin, Case Management Supervisor, Office of the Solicitor General, at (202) 514-8844, or email at **SupremeCtBriefs@USDOJ.gov**. Ms. Goodwin's phone number is (202) 514-2217 or 2218. Thank you for your consideration of this request.

17-0002  
USA  
MICROSOFT CORPORATION

DONALD I. BAKER  
BAKER & MILLER PLLC  
2401 PENNSYLVANIA AVE., N.W.  
SUITE 300  
WASHINGTON, DC 20037  
202-663-7820  
DBAKER@BAKERANDMILLER.COM

NOWELL D. BAMBERGER  
CLEARY GOTTLIEB STEEN & HAMILTON LLP  
2000 PENNSYLVANIA AVE. NW  
WASHINGTON, DC 20006  
202-974-1500  
NBAMBERGER@CGSH.COM

BENJAMIN D. BATTLES (Mailed)  
SOLICITOR GENERAL  
109 STATE STREET  
MONTPELIER, VT 05609-1001  
802-828-5944  
BENJAMIN.BATTLES@VERMONT.GOV

ALEXANDER BERENGAUT (Mailed)  
JAMES MCMACKIN GARLAND  
COVINGTON & BURLING LLP  
1 CITYCENTER  
850 10TH STREET, NW  
WASHINGTON, DC 20001  
ABERGENGAUT@COV.COM

MICHAEL E. BERN  
LATHAM & WATKINS LLP  
555 11TH STREET, NW  
SUITE 1000  
WASHINGTON, DC 20004  
202-637-1021  
2020-637-1021

JONATHAN I. BLACKMAN  
CLEARY GOTTLIEB STEEN & HAMILTON LLP  
ONE LIBERTY PLAZA  
NEW YORK, NY 10006  
212-225-2000  
JBLACKMAN@CGSH.COM

BRUCE DAVID BROWN  
REPORTERS COMMITTEE FOR FREEDOM OF  
THE PRESS  
1156 15TH ST NW  
SUITE 1250  
WASHINGTON, DC 20005  
202-795-9300  
BBROWN@RCFP.ORG

J. CARL CECERE  
CECERE PC  
6035 MCCOMMAS BLVD.  
DALLAS , TX 75206  
429-600-9455  
CCECERE@CECEREPC.COM

ERIC CITRON  
GOLDSTEIN & RUSSELL, P.C.  
7475 WISCONSIN AVE.  
SUITE 850  
BETHESDA, MD 20814  
202-362-0636  
ECITRON@GOLDSTEINRUSSELL.COM

PAUL D. CLEMENT  
KIRKLAND & ELLIS LLP  
655 FIFTEENTH STREET, NW  
WASHINGTON, DC 20005  
202-879-5000  
PAUL.CLEMENT@KIRKLAND.COM

GUS P. COLDEBELLA  
FISH & RICHARDSON P.C.  
ONE MARINA PARK DRIVE  
BOSTON , MA 02210  
617-542-5070  
COLDEBELLA@FR.COM

ILANA H. EISENSTEIN  
DLA PIPER LLP  
ONE LIBERTY PLACE  
1650 MARKET STREET  
SUITE 4900  
PHILADELPHIA, PA 19103-7300  
215-656-3351  
ILANA.EISENSTEIN@DLAPIPER.COM

THOMAS J. GOODWIN  
MCCARTER & ENGLISH, LLP  
FOUR GATEWAY CENTER  
100 MULBERRY CENTER  
NEWARK , NJ 07102  
973-622-4444  
TGOODWIN2NCCARTER.COM

SAAD GUL  
POYNER SPRUILL, LLP  
POST OFFICE BOX 1801  
RALEIGH , NC 27602  
919-783-1170  
SGUL@PAYNERSPRIUILL.COM

JIM HARPER  
COMPETITIVE ENTERPRISE INSTITUTE  
1310 L. ST. N.W.  
7TH FLOOR  
WASHINGTON, DC 20005  
202-331-1010  
JIM.HARPER@CEI.ORG

ALLYSON N HO  
MORGAN LEWIS  
1717 MAIN STREET,  
SUITE 3200  
DALLAS , TX 75201-7347  
214-466-4180  
ALLYSON.HO@MORGANLEWIS.COM

DAVID KESSLER  
NORTON ROSE FULBRIGHT US LLP  
1301 AVENUE OF THE AMERICAS  
NEW YORK , NY 10019-6022  
212-318-3382  
DAVID.KESSLER@NORTONROSEFULBRIGHT,  
.COM

VIVEK KRISHNAMURTHY  
CYBERLAW CLINIC, HARVARD LAW SCHOOL  
WASSERSTEIN HALL  
SITE 5018  
1585 MASSACHUSETTS AVENUE  
CAMBRIDGE , MA 02138  
617-384-9125  
VKRISHNAMURTHY@LAW.HARVARD.EDU

AMY NEUHARDT  
BOIES SCHILLER FLEXNER LLP  
1401 NEW YORK AVENUE, NW  
WASHINGTON, DC 20005  
202-237-2727  
ANEUHARDT@BSFLLP.COM

OWEN C. PELL  
WHITE & CASE LLP  
1221 AVENUE OF THE AMERIDAS  
NEW YORK , NY 10020  
212-819-8200  
OPELL@WHITECASE.COM

GUY T. PETRILLO (Mailed)  
PETRILLO KLEIN & BOXER LLP  
655 3RD AVENUE  
22ND FLOOR  
NEW YORK, NY 10017  
GPETRILLO@PLBLLP.COM

ANDREW J. PINCUS  
MAYER BROWN LLP  
1999 K STREET, NW  
WASHINGTON, DC 20006-1101  
202-263-3220  
APINCUS@MAYERBROWN.COM

E. JOSHUA ROSENKRANZ (E-Mail)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
51 WEST 52ND STREET  
NEW YORK, NY 10019  
212-506-5000  
JROSENKRANZ@ORRICK.COM

MARC ROTHENBERG  
ELECTRONIC PRIVACY INFORMATION  
CENTER  
1718 CONNECTICUT AVE., N.W.  
SUITE 200  
WASHINGTON, DC 20009  
202-483-1140  
ROTENBERG@EPIC.ORG

RICHARD A. SAMP  
WASHINGTON LEGAL FOUNDATION  
2009 MASSACHUSETTS AVE., NW  
WASHINGTON, DC 20036  
202-588-0302  
RSAMP@WLF.ORG

DANIEL M. SULLIVAN  
HOLWELL SHUSTER & GOLDBERG LLP  
750 SEVENTH AVENUE  
NEW YORK, NY 10019  
646-837-5151  
DSULLIVAN@HSGLLP.COM

ADAM G. UNIKOWSKY  
JENNER & BLOCK LLP  
1099 NEW YORK AVE., NW  
SUITE 900  
WASHINGTON, DC 20001  
202-639-6000  
AUNIKOWSKY@JENNER.COM

JOHN D. VANDENBERG  
KLARQUIST SPARKMAN, LLP  
121 SW SALMON ST.  
STE., 1600  
PORTLAND , OR 97204  
503-595-5300  
JOHN.VANDENBERG@KLARQUIST.COM

MICHAEL VATIS  
STEPTOE & JOHNSON LLP  
1114 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036  
212-506-3900  
MVATIS@STETOE.COM

BRAIN M. WILLEN  
WILSON, SONSINI, GOODRIDH & ROSATI, P.C.  
1307 AVENUE OF THE AMERICAS,  
40TH FLOOR  
NEW YORK , NY 10019  
212-999-5800  
BWILLEN@WSGR.COM

BRETT J. WILLIAMSON  
O'MELVENY & MYERS LLP  
TIMES SQUARE TOWER  
SEVEN TIMES SQUARE  
NEW YORK , NY 10036  
212-326-2000  
BWILLIAMSON@OMM.COM

MARC J. ZWILLINGER  
ZWILLGEN PLLC  
1900 M STREET, NW  
WASHINGTON, DC 20036  
202-296-3585  
MARC@ZWILLGEN.COM