

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DISNEY ENTERPRISES, INC.;
LUCASFILM LTD. LLC;
TWENTIETH CENTURY FOX FILM
CORPORATION; WARNER BROS.
ENTERTAINMENT INC.; MVL FILM
FINANCE LLC; NEW LINE
PRODUCTIONS, INC.; and TURNER
ENTERTAINMENT CO.,

Plaintiffs,

vs.

VIDANGEL, INC.,

Defendant.

Case No. 2:16-cv-04109-AB (PLAx)

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PERMANENT INJUNCTION**

Judge: Hon. André Birotte Jr.

1 Upon reviewing the legal argument and evidence presented by Plaintiffs
2 Disney Enterprises, Inc., Lucasfilm Ltd. LLC, Twentieth Century Fox Film
3 Corporation, Warner Bros. Entertainment Inc., MVL Film Finance LLC, New Line
4 Productions, Inc., and Turner Entertainment Co. (collectively, “Plaintiffs”) in
5 support of their Motion for Permanent Injunction (“Motion”); and having reviewed
6 the opposition legal argument and evidence presented by Defendant VidAngel, Inc.
7 (“VidAngel”); and having considered (i) the irreparable injuries that Plaintiffs have
8 suffered as the result of VidAngel’s infringement of the works in which Plaintiffs
9 own or control the copyrights and VidAngel’s circumvention of technological
10 protection measures (“TPMs”) that control access to the Copyrighted Works; (ii) the
11 inadequacy of remedies available at law to compensate Plaintiffs for their injuries;
12 (iii) the balance of hardships; and (iv) the public interest, the Court HEREBY
13 FINDS AND ORDERS as follows:

14 “Copyrighted Work” shall mean any work, or portions thereof, whether in
15 existence as of the date hereof or later created, in which any Plaintiff (or parent,
16 subsidiary or affiliate of any Plaintiff) owns or controls an exclusive right under the
17 Copyright Act, 17 U.S.C. §§ 101 et seq., including, but not limited to, the 819
18 Copyrighted Works that were at issue in the statutory damages trial held before this
19 Court from June 11, 2019, to June 17, 2019.

20 VidAngel and all of its officers, agents, servants, employees, attorneys, and
21 all other persons in active concert or participation with any of them that receive
22 notice of the Permanent Injunction, ARE PERMANENTLY RESTRAINED AND
23 ENJOINED from:

24 (1) circumventing technological measures protecting Copyrighted Works on
25 DVDs, Blu-ray discs, or any other medium;

26 (2) copying Copyrighted Works, including but not limited to copying the
27 Copyrighted Works onto computers or servers;

28

1 (3) streaming, transmitting, or otherwise publicly performing or, facilitating
2 any third party in streaming, transmitting, or otherwise publicly performing, any
3 Copyrighted Works over the Internet (including without limitation through the
4 VidAngel.com website or any other website owned or controlled by VidAngel or
5 with which VidAngel or any person restrained by this Permanent Injunction acts in
6 concert); via web applications (including without limitation through platforms such
7 as the Windows App Store, Apple's App Store, the Amazon App Store, Facebook,
8 or Google Play); via portable devices (including without limitation through
9 applications on devices such as iPhones, iPads, Android devices, smart phones or
10 tablets); via media streaming devices (including without limitation the Roku,
11 Chromecast, or Apple TV devices); or by means of any other device or process; or

12 (4) engaging in any other activity that violates, directly or indirectly,
13 Plaintiffs' anti-circumvention right, 17 U.S.C. § 1201(a)(1)(A), or that infringes by
14 any means, directly or indirectly, any Plaintiff's exclusive rights in any Copyrighted
15 Work under Section 106 of the Copyright Act, 17 U.S.C. § 106.

16 This Permanent Injunction shall not apply to Defendant's use of a
17 Copyrighted Work as to which Defendant has obtained the relevant Plaintiff's (or
18 relevant parent's, subsidiary's, or affiliate's) express written authorization for such
19 use, during the period in which such authorization is valid.

20 The Permanent Injunction is effective immediately.

21 The Permanent Injunction replaces the Preliminary Injunction (Dkt. 144).
22 The Clerk of this Court shall return the Preliminary Injunction Bond (Dkt. 163) to
23 Plaintiffs forthwith.

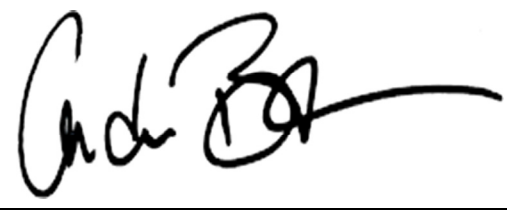
24 Defendant shall forthwith give notice of this Judgment and Permanent
25 Injunction to each of its officers, agents, servants, employees, attorneys, assigns,
26 partners, owners, affiliates, representatives, successors, licensees, and all those
27 acting in concert or participation with each or any of them.

28

1 This Court shall retain exclusive and continuing jurisdiction over the Parties
2 for purposes of interpreting or enforcing the Permanent Injunction.

3
4 IT IS SO ORDERED

5
6 DATED: September 5, 2019



The Honorable André Birotte Jr.
United States District Judge

10
11 CC: Fiscal

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28