12513117.1

| 1 | | |
|------------------------|--|---|
| 2 | | |
| 2 | | |
| 4 | | |
| 4 | | |
| 5 | | |
| 0 7 | | |
| 8 | | |
| o 9 | UNITED STATES DISTRICT COURT | |
| 9 10 | CENTRAL DISTRICT OF CALIFORNIA | |
| - | SOUTHERN DIVISION | |
| 11 | BLIZZARD ENTERTAINMENT, INC., | CASE NO. 8:19-cv-01582-JVS-DFM |
| 12 | Plaintiff, v. | Honorable James V. Selna |
| 13 | | STIPULATED JUDGMENT AND PERMANENT INJUNCTION |
| 14 | JOYFUN INC CO., LIMITED a/k/a SINA GAMES OVERSEAS (新浪游戏 海外), a company organized under the laws of Hong Kong; ZROAD | Trial Date: March 2, 2021 |
| 15 | (HUNGKUNG) CO., LIMITED d/b/a | That Date. March 2, 2021 |
| 16 | INSTANTFUNS, a company organized under the laws of Hong Kong; | |
| 17 | INTERNATIONAL LIMITED, a | |
| 18 | company organized under the laws of the British Virgin Islands; ZROAD, INC., a | |
| 19 20 | company organized under the laws of the British Virgin Islands; SHANGHAI ZHOUZHONG NETWORK | |
| 20 | TECHNOLOGY CO., LTD. (上海洲众 网络科技有限公司), a company | |
| 21 22 | organized under the laws of China; | |
| 22 | SHANGHAI YINFAN NETWORK TECHNOLOGY CO., LTD. (上海茵繁 网络科技有限公 | |
| 23 24 | 网络科汉有限公司), a company organized under the laws of China; WANG HAO (王昊) a/k/a | |
| 24 | HOWELL WANG, an individual; | |
| | LUTONG ZHOU a/k/a CARLY ŹHOU, an individual; DOE 1 a/k/a "simosimo 2018 sh@gmail.com:" DOE 2 | |
| 26 27 | "simosimo2018ab@gmail.com;" DOE 2 a/k/a SIMDEV; and DOES 3 through 10, inclusive | |
| Mitchell 28 | inclusive, Defendants. | |
| Silberberg & Knupp LLP | | |
| 2513117.1 | | |

Dockets.Justia.com

1 Pursuant to the Parties' Stipulation dated October 15, 2020, the Court hereby 2 orders that judgment is entered against Defendants ZRoad (Hong Kong) Co., Limited; ZRoad, Inc.; Wang Hao (王昊) a/k/a Howell Wang; and Lutong Zhou (周 3 璐彤) a/k/a Carly Zhou (the "Zroad Defendants") as follows. 4

- 5
- 6

1. The Zroad Defendants, all persons acting under their control 7 (including but not limited to their agents, representatives, and employees acting 8 within the scope of their employment), and those persons or companies in active 9 concert or participation with the Zroad Defendants who receive actual notice of this Order by personal service or otherwise, shall immediately and permanently 10 cease and/or desist from knowingly engaging in any of the following: 11

- 12
- 13 (a) taking any steps on the Zroad Defendants', or any of them, own behalf in creating, distributing, advertising, marketing or otherwise making 14 15 available (including via any web or mobile app portal, including the "Instantfuns" App) the game "Glorious Saga" and/or "Glorious World" and/or any substantially 16 17 similar variants thereof, whether for mobile devices, web browsers, game consoles, 18 or personal computers (collectively, the "Game");
- 19

20 (b) inducing, causing, encouraging, or materially contributing to others' reproducing, distributing, publicly performing, or publicly displaying 21 22 (including via any social media account, website, or video-sharing account) the 23 Game;

25

24

(c)

- 26 27
- 28 Mitchell Silberberg & Knupp LLP

selling, reselling, or processing payments for the Game;

(d) sharing, copying, transferring, or distributing the Game; (e) investing or holding any financial interest in any enterprise
 which the Zroad Defendants, or any of them, know or have reason to know is now,
 or intends in the future to be, engaged in any of the activities prohibited by this
 Permanent Injunction.

5

2. 6 The Zroad Defendants shall promptly shut down, and keep down, any 7 and all websites, servers, social media pages or communications, blog posts, 8 YouTube videos, file archives (including any GitHub archives), or web pages, if any, under the Zroad Defendants', or any of them, control that host, share, or 9 market/promote the Game, and shall promptly notify and cause all those acting in 10 concert with the Zroad Defendants, or any of them, to take down and keep down 11 12 any and all such websites, servers, social media, or web pages, if any, hosting, 13 sharing, or promoting/marketing the Game.

14

3. Any company or entity that the Zroad Defendants, or any of them,
controls in the future shall also comply with the provisions of this Permanent
Injunction.

18

4. The Zroad Defendants irrevocably and fully waive notice of entry of
 this Permanent Injunction and notice and service of the entered Permanent
 Injunction.

22

5. The Zroad Defendants irrevocably and fully waive any and all rights
to appeal this Permanent Injunction, to have it vacated or set aside, to seek or
obtain a new trial thereon or otherwise to attack in any way, directly or collaterally,
its validity or enforceability.

27

Mitchell 28 Silberberg & Knupp LLP

| 1 | 6. Nothing contained in this Permanent Injunction shall limit the right of | |
|----|--|--|
| 2 | Blizzard to seek any and all available relief for any and all infringements by the | |
| 3 | Zroad Defendants, or any of them, of Blizzard's Intellectual Property occurring | |
| 4 | after the date of this Permanent Injunction | |
| 5 | | |
| 6 | 7. The Court shall retain jurisdiction of this action to entertain such | |
| 7 | further proceedings and to enter such further orders as may be necessary or | |
| 8 | appropriate to implement and enforce the provisions of this Permanent Injunction. | |
| 9 | | |
| 10 | The Court finds there is no just reason for delay in entering this Judgment | |
| 11 | and Permanent Injunction and, pursuant to Federal Rule of Civil Procedure 54, the | |
| 12 | Court directs immediate entry of this Judgment and Permanent Injunction against | |
| 13 | Defendants ZRoad (Hong Kong) Co., Limited; ZRoad, Inc.; Wang Hao (王昊) | |
| 14 | a/k/a Howell Wang; and Lutong Zhou (周璐彤) a/k/a Carly Zhou. | |
| 15 | | |
| 16 | IT IS SO ORDERED. | |
| 17 | | |
| 18 | DATED: October 16, 2020 By: | |
| 19 | By: Honorable James V. Selna | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |

4

26

27

28

Mitchell Silberberg & Knupp LLP

12513117.1