

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

FOX TELEVISION STATIONS, INC., et al.

Plaintiffs,

v.

FILMON X, LLC, et al.

Defendants.

Civil Action No. 1:13-cv-00758-RMC  
Hon. Rosemary M. Collyer

**JOINT MOTION TO STAY THE LITIGATION PENDING APPEAL**

The parties jointly move the Court for an order to stay all proceedings in this matter pending resolution of the appeals filed on September 16, 2013. A stay is requested for the reasons set forth below.<sup>1</sup>

This is a copyright infringement case. On September 5, 2013, this Court issued a Memorandum and Opinion in which it granted Plaintiffs'<sup>2</sup> motion for a preliminary injunction, and issued a Preliminary Injunction (the "Order"). (Dkt. 33 & 34.) It subsequently denied

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<sup>1</sup> This Court previously vacated a status conference that had been scheduled for September 20, 2013 and stated that it "will consider an additional joint motion to stay" the litigation in the event of a timely appeal. (September 16, 2013 Minute Order.)

<sup>2</sup> The Plaintiffs are Fox Television Stations, Inc., Twentieth Century Fox Film Corp., Fox Broadcasting Company, NBC Subsidiary (WRC-TV) LLC, NBC Studios LLC, Universal Network Television LLC, Open 4 Business Productions LLC, Telemundo Network Group LLC, American Broadcasting Companies, Inc., Disney Enterprises, Inc., Allbritton Communications Company, CBS Broadcasting Inc., CBS Studios Inc., and Gannett Co., Inc. (collectively "Plaintiffs").

Defendants’<sup>3</sup> motion for reconsideration. (Dkt. 42.) On September 16, 2013, Defendants appealed those orders to the United States Court of Appeals for the District of Columbia Circuit. (Dkt. 46, 47.)

In light of the pending appeals, the parties met and conferred regarding a stay. The parties agree that staying the litigation pending the District of Columbia Circuit’s decision on Defendants’ appeal would promote judicial efficiency and economy and would be in the best interests of the parties and the Court. Additionally, the parties agreed that such a stay: (1) could not be raised by either party as having any effect on the issue of irreparable harm, (2) would not preclude any of the parties from bringing changes in the pertinent law to this Court’s attention, (3) would not preclude the Court from modifying the scope of the injunctive relief granted pursuant to the Order, and (4) would not preclude Plaintiffs from enforcing the existing Order or from seeking relief for any new infringements by Defendants that are not the subject of this Court’s Order. The parties will file a report on the status of the appeal in six months (or later) so that this Court may evaluate when to set a new date for a status conference.

Therefore, the parties respectfully request that the case be stayed until the District of Columbia Circuit has issued a decision on Defendants’ appeal of this Court’s order. A proposed order is submitted concurrently herewith consistent with the agreements reached by the parties.

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<sup>3</sup> Defendants are FilmOn X, LLC (f/k/a Aereokiller, LLC), FilmOn.TV Networks, Inc., FilmOn.TV, Inc., and FilmOn.com, Inc. (collectively “Defendants”).

Dated: September 27, 2013

s/ Paul Smith

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Dated: September 27, 2013

s/ Robert Alan Garrett

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Dated: September 27, 2013

s/ Ryan G. Baker

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