

CroTTY, J

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PARAMOUNT PICTURES CORPORATION; WARNER BROS. ENTERTAINMENT INC.; TWENTIETH CENTURY FOX FILM CORPORATION; COLUMBIA PICTURES INDUSTRIES, INC.; UNIVERSAL CITY STUDIOS LLC; UNIVERSAL STUDIOS HOME ENTERTAINMENT LLC; and DISNEY ENTERPRISES, INC.;

Plaintiffs

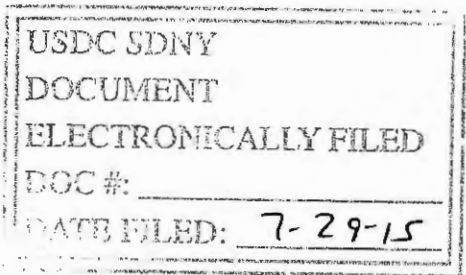
v.

JOHN DOES, JANE DOES and/or XYZ CORPORATIONS d/b/a MOVIE TUBE; and JOHN DOES, JANE DOES and/or XYZ CORPORATIONS 2-100.

Defendants.

CIVIL ACTION NO. 15-CV-5819 (CPAC) (PCG)

~~[PROPOSED]~~ ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION *pac*



Upon the accompanying Declaration of Farnaz M. Alemi sworn to the 23rd day of July, 2015, Declaration of Kevin Suh sworn to the 23rd day of July, 2015, Declaration of David Phillip Kaplan sworn to the 14th day of July, 2015, Declaration of Daniel Kim sworn to the 16th day of July, 2015, Declaration of Michael Stanton sworn to the 16th day of July, 2015, Declaration of Karen Garver sworn to the 21st day of July, 2015, Declaration of Marsha L. Reed sworn to the 15th day of July, 2015 and the exhibits annexed thereto, and the accompanying memorandum of law, it is hereby

ORDERED that defendants John Does, Jane Does and/or XYZ Corporations d/b/a MovieTube; and John Does, Jane Does and/or XYZ Corporations 2-100 (collectively, "Defendants") show cause before the Honorable Paul A. CroTTY, located at United

States Courthouse, 500 Pearl St, in the City, County and State of New York, Court ^{Courtroom} Room 14-C, on Tuesday, August 18, 2015, at 3:30^{PM} ~~o'clock a.m./p.m.~~, or as soon thereafter as counsel may be heard, why a Preliminary Injunction Order pursuant to (i) 17 U.S.C. §§ 501 *et seq.* (the "Copyright Act"), specifically 17 U.S.C. § 502; (ii) the Trademark Act of 1946, 15 U.S.C. §§ 1051 *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the "Lanham Act"), specifically 15 U.S.C. § 1116; (iii) Federal Rule of Civil Procedure 65; (iv) 28 U.S.C. § 1651 (the "All Writs Act"); and/or (v) the inherent equitable powers of this Court, should not be entered granting plaintiffs Paramount Pictures Corporation, Warner Bros. Entertainment Inc., Twentieth Century Fox Film Corporation, Columbia Pictures Industries, Inc., Universal City Studios LLC, Universal Studios Home Entertainment LLC, and Disney Enterprises, Inc. (collectively, "Plaintiffs") a preliminary injunction as follows:

1. Preliminarily enjoining and restraining Defendants, including their agents, servants, employees, confederates and any persons acting in concert or participation or in privity with any of them, and third parties providing services used in connection with Defendants' operations, including without limitation, persons and entities providing any services to or in connection with the domain names listed in Exhibit A to the accompanying Proposed Preliminary Injunction Order or the websites to which any of the domain names resolve from:

- a. Hosting, linking to, distributing, reproducing, copying, uploading, making available for download, indexing, displaying, exhibiting, publicly performing, communicating to the public, streaming, transmitting, or otherwise exploiting or making any use of any Infringing Copy of any of Plaintiffs' Works or any portion(s) thereof in any form;
- b. Taking any action that directly or indirectly enables, facilitates, permits, assists, solicits, encourages or induces any user or other third party (i) to

copy, host, index, reproduce, download, stream, exhibit distribute, communicate to the public, upload, link to, transmit, publicly perform, or otherwise use or exploit in any manner any of Plaintiffs' Works or portion(s) thereof; or (ii) to make available any of Plaintiffs' Works for copying, hosting, indexing, reproducing, downloading, streaming, exhibiting, distributing, communicating to the public, uploading, linking to, transmitting, publicly performing, or for any other use or means of exploitation;

- c. Using Plaintiffs' Marks or any reproduction, counterfeit, copy or colorable imitation of Plaintiffs' Marks in connection with the distribution or advertising of any unauthorized copies of Plaintiffs' Works;
- d. Committing any acts calculated to cause users to believe that the Infringing Copies are authorized copies distributed, sponsored by, approved by, connected with, guaranteed by, or distributed under the control and/or supervision of Plaintiffs;
- e. Otherwise infringing Plaintiffs' Works, Plaintiffs' Marks, and/or damaging Plaintiffs' goodwill;
- f. Transferring or performing any function that results in the transfer of the registration of the domain names of the MovieTube Websites (listed in Exhibit A to the accompanying Proposed Preliminary Injunction Order) to any other registrant or registrar; and
- g. Assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a)-(f).

2. Ordering the domain name registries, including but not limited to VeriSign, Inc., NeuStar, Inc., Afilias Limited, Nominet UK, and Public Interest Registry, and/or the registrars holding or listing one or more of the domain names used in conjunction with the MovieTube Websites to, within three (3) days of receipt of this Order, temporarily disable these domain names, or any subset of these domain names specified by Plaintiffs, through a registry hold or otherwise, and make them inactive and non-transferable pending further order from this Court, unless Plaintiffs request in writing that particular domain names be released from such restraints.

3. Ordering the content delivery networks and domain name server systems, within three (3) days of receipt of this Order, to cease services to the MovieTube Websites and/or

domains identified with the MovieTube Websites, through a hold or otherwise and disable any access to caches they maintain for the MovieTube Websites pending further order from this Court.

4. Ordering that third parties providing services used in connection with any of the MovieTube Websites and/or domain names for MovieTube Websites, including without limitation, web hosting providers, back-end service providers, digital advertising service providers, search-based online advertising services (such as through paid inclusion, paid search results, sponsored search results, sponsored links, and Internet keyword advertising), domain name registration privacy protection services, providers of social media services (*e.g.*, Facebook and Twitter) and user generated and online content services (*e.g.*, YouTube, Flickr and Tumblr), who receive actual notice of this Order, shall within three (3) days of receipt of this Order, cease providing or disable provision of such services to (i) Defendants in relation to the Infringing Copies; and/or (ii) any and all of the MovieTube Websites.

5. Ordering that in accordance with 15 U.S.C. § 1116(a), 17 U.S.C. § 504(b) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, servants, employees, agents and any persons in active concert or participation with them, and banks, savings and loan associations, payment processors or other financial institutions, payment providers, third-party processors and advertising service providers (including but not limited to AdCash, Propeller Ads Media, MGID and Matomy Media Group), who receive actual notice of this Preliminary Injunction Order, shall immediately locate and restrain any accounts connected to Defendants' operations or the MovieTube Websites; and shall not allow such funds to be transferred or withdrawn or allow any

diminutions to be made by Defendants from such accounts, pending further order of this Court or notification otherwise by Plaintiffs.

6. Ordering that limited document discovery by Plaintiffs may begin immediately by providing actual notice, pursuant to subpoena or otherwise, of this Order to Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them; third-party vendors providing services to Defendants as listed in paragraphs 2 through 4, *supra*. Defendants and nonparty service providers shall within five (5) business days after receipt of such notice, provide copies of all documents and records in such person's or entity's possession or control relating to the identities and addresses (physical and email) of Defendants, their agents, servants, employees, confederates, and any persons acting in concert or participation with them, the locations and identities of Defendants' operations of the MovieTube Websites, including without limitation, identifying information associated with the MovieTube Websites listed herein, financial accounts, and any information relevant to Defendants' hosting, linking to or otherwise providing access to enable users to locate or access any copy or copies of the Infringing Copies or any portions thereof are being distributed, reproduced, performed or otherwise exploited in any form.

7. Ordering that Plaintiffs shall not be required to post any bond prior to the issuance of this preliminary injunction order.

Entered this 29th day of July, 2015.

8. Security in the amount of \$ 25,000 shall be posted by Plaintiffs.

Paul A. Crotty, Paul A. Crotty

JUDGE OF THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

9. Papers and supporting affidavits must be served by 5 PM, July 24, 2015
10. Responses from any party or entity desiring to do so must response by Friday August 7, 2015 at 12 noon E.D.T.

9. Papers and supporting affidavits must be served by 5 PM, July 29, 2015
10 Responses from any party or entity desiring to do so must response by Friday, August 7, 2015 at NOON E.D.T.

Exhibit A – MovieTube Websites

MovieTube.tw	KissDrama.net
MovieTube.ph	MovieTube.so
TVStreaming.cc	MovieTube.click
MovieTube.sx	MovieTubeHD.co
MovieTube.pw	MovieTubeHD.net
MovieTubeNow.com	MovieTubeHD.org
MovieTube.tf	MovieTubeHD.tv
MovieTube.co	MovieTubeHD.us
MovieOnDrive.com	MovieTubeNow.in
MovieTube.vc	TuneMovie.me
TuneVideo.net	
MovieTube.mn	
MovieTube.cc	
Watch33.tv	
MovieTube.cz	
Anime1.tv	
MovieTube.pm	
FunTube.co	
MovieTube.la	