

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

----- X

	:	MASTER FILE
IN RE: AIMSTER COPYRIGHT	:	No. 01 C 8933
LITIGATION	:	
	:	Judge Marvin E. Aspen

----- X

[PROPOSED] PRELIMINARY INJUNCTION ORDER

In accordance with the Memorandum Opinion and Order of this Court filed on September 4, 2002, granting Plaintiffs' motion for preliminary injunction in Case Nos. 01-C-8940, 01-C-8941, and 01-C-8942, it is hereby ORDERED, this ____ day of September, 2002, that during the pendency of this action and until final judgment is entered, Defendants John A. Deep, AbovePeer, Inc., and BuddyUSA, Inc. ("Defendants"), and as their respective agents, servants, employees, representatives, subsidiaries, shareholders, officers, directors, principals, successors, assigns, licensees, transferees (including, without limitation, any purchasers, assigns, licensees, or transferees of any software or file-copying technology owned or controlled by Defendants), and all those acting in concert with them or at their direction or control (collectively "Aimster"), are enjoined as follows:

1. Aimster is preliminarily enjoined from directly, indirectly, contributorily, or vicariously infringing in any manner any and all sound recordings and musical compositions (or portions thereof) protected by federal or state law, whether now in

existence or later created, in which Plaintiffs (and any parents, subsidiaries, or affiliates of Plaintiffs) own or control an exclusive right to reproduce, distribute, or transmit ("Plaintiffs' Copyrighted Works").

2. Aimster shall immediately disable and prevent any and all access by any person or entity ("User") to any of Plaintiffs' Copyrighted Works available on, over, through, or via any website, server, hardware, software, or any other system or service owned or controlled by Aimster (the "Aimster System and Service"), including, if necessary, preventing any and all access to the Aimster System and Service in its entirety, until such time that Aimster implements measures that prevent any and all copying, downloading, distributing, uploading, linking to, or transmitting of Plaintiffs' Copyrighted Works on, over, through, or via the Aimster System and Service.

3. Upon implementing measures to ensure that the Aimster System and Service prevents any and all copying, downloading, distributing, uploading, linking to, or transmitting of Plaintiffs' Copyrighted Works, Aimster may provide public access to the Aimster System and Service, except that Aimster shall be enjoined from the following:

- (a) copying, downloading, distributing, uploading, linking to, or transmitting Plaintiffs' Copyrighted Works;
- (b) enabling, facilitating, permitting, assisting, soliciting, or encouraging any User to make Plaintiffs' Copyrighted Works available for copying, downloading, distributing, uploading, linking to, or transmitting;
- (c) enabling, facilitating, permitting, assisting, soliciting, or encouraging any User to copy, download, distribute, upload, link to, or transmit, Plaintiffs' Copyrighted Works.

4. Aimster shall affirmatively monitor and patrol for, and preclude access to, Plaintiffs' Copyrighted Works on, over, through, or via the Aimster System and Service, including, without limitation, by employing such technological tools and measures that are reasonably available to carry out such obligations.

5. Within five (5) business days of entry of this Order, and thereafter on the first business day of each month, Aimster shall file with this Court, and serve on Plaintiffs via overnight mail, a Report of Compliance identifying all steps it has taken to comply with this Order.

6. Aimster shall maintain a complete list of any and all sound recordings and musical compositions made available on, over, through, or via its system, and upon five (5) business days' notice shall make such lists available to Plaintiffs for inspection and copying. Such lists shall include, without limitation, computer, website, and computer server logs delineating User search requests, download requests and upload attempts for any and all sound records and musical compositions.

7. This Order shall become effective upon the posting of a bond by Plaintiffs in the amount of Five Hundred Thousand Dollars (\$500,000).

DATED: September _____, 2002

HON. MARVIN E. ASPEN
Chief Judge
United States District Court
Northern District of Illinois