

cc: Fiscal

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**

FOX TELEVISION STATIONS, INC.,
TWENTIETH CENTURY FOX FILM
CORP., and FOX BROADCASTING
COMPANY, INC.

Plaintiffs,

v.

AEREOKILLER, LLC, ALKIVIADES
"ALKI" DAVID, FILMON.TV
NETWORKS, INC., FILMON.TV,
INC. FILMON.COM, INC., and DOES
1 through 3, inclusive,

Defendants.

Case No. CV12-6921-GW-JC

**PRELIMINARY INJUNCTION
ORDER**

1 This Court, having considered all the submissions in support of, and in
2 opposition to, Plaintiffs Fox Television Stations, Inc., Twentieth Century Fox Film
3 Corp., and Fox Broadcasting Company, Inc.'s (collectively "Fox" or "Plaintiffs")
4 Motion for Preliminary Injunction ("Motion"), and having considered all matters
5 presented at the hearings on this Motion, including the hearings on December 6,
6 2012, December 20, 2012, and December 27, 2012 and good cause appearing as set
7 forth in the Court's written ruling of December 27, 2012, hereby **GRANTS IN**
8 **PART** the Motion and **ORDERS THAT:**

9 1. For purposes of this Preliminary Injunction, the following definitions
10 shall apply:

11 a. "Plaintiffs" shall mean Fox Television Stations, Inc., Twentieth
12 Century Fox Film Corp., and Fox Broadcasting Company, Inc.

13 b. "Defendants" shall mean Aereokiller, LLC, Alkiviades "Alki"
14 David, FilmOn.TV Networks, Inc., FilmOn.TV, Inc., and FilmOn.com, Inc.,
15 whether acting jointly or individually.

16 c. "Copyrighted Programming" shall mean each of those broadcast
17 television programming works, or portions thereof, whether now in existence
18 or later created, including but not limited to original programming, motion
19 pictures and newscasts, in which any of the Plaintiffs owns or controls an
20 exclusive right under the United States Copyright Act, 17 U.S.C. §§ 101 *et*
21 *seq.*

22 2. Pending a final resolution of this action, Defendants, and all of their
23 parents, subsidiaries, affiliates, officers, agents, servants, employees, attorneys, and
24 those persons in active concert or participation with them who receive actual notice
25 of this Order (the "Enjoined Parties") are preliminarily enjoined from
26 retransmitting, streaming, or otherwise publicly performing or displaying within the
27 geographic boundaries of the United States Court of Appeals for the Ninth Circuit,
28

1 directly or indirectly, over the Internet (through websites such as filmonx.com or
2 filmon.com), via web applications (available through platforms such as the
3 Windows App Store, Apple's App Store, the Amazon Appstore, Facebook or
4 Google Play), via portable devices (through applications on devices such as
5 iPhones, iPads, Android devices, smart phones, or tablets), or by means of any
6 device or process, the Copyrighted Programming.

7 3. Violation of this Preliminary Injunction shall expose Defendants and
8 all other persons bound by this Preliminary Injunction to all applicable penalties,
9 including contempt of Court.

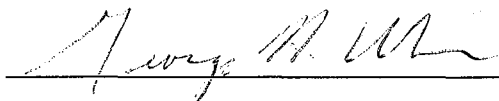
10 4. The injunction shall become effective two court days after Plaintiffs
11 file with the Court and serve through CM/ECF a notice that the required bond in the
12 amount of \$250,000.00 has been posted.

13 5. Within three court days of the effective date of the Preliminary
14 Injunction, Defendants shall file and serve a report in writing and under oath setting
15 forth in detail the manner and form with which Defendants have complied with the
16 Preliminary Injunction.

17 6. Nothing herein shall restrict Plaintiffs' ability to seek to amend this
18 injunction or to seek permanent injunctive relief with terms that are broader in
19 scope than those delineated herein.

20
21 IT IS SO ORDERED.

22
23 Dated: December 27, 2012

24
25 

26 Hon. George H. Wu
27 United States District Judge
28