IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
COMMERCIAL COURT (QBD)

BEFORE THE HONOURABLE MR JUSTICE ROBIN KNOWLES CBE
ON 21 DECEMBER 2018

SITTING IN PRIVATE

B E T W E E N:-

WORLD PROGRAMMING LIMITED

Defendant/Applicant

and

SAS INSTITUTE INC.

Claimant/Respondent

INJUNCTION AND ORDER

TO:

SAS INSTITUTE INC., 100 SAS Campus Drive, Cary, 27513, North Carolina, United States.

PENAL NOTICE

IF YOU, SAS INSTITUTE INC., DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND YOU MAY BE FINED AND HAVE YOUR ASSETS SEIZED AND ANY OF YOUR DIRECTORS, OFFICERS, EMPLOYEES, REPRESENTATIVES OR AGENTS MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

1

UPON the application of World Programming Limited ("**WPL**") dated 19 December 2018 for an interim anti-suit injunction (the "**Anti-Suit Injunction Application**") made without notice to the Defendant, and heard in private

AND UPON reading the Second and Third witness statements of Alexander Carter-Silk dated 19 and 21 December 2018 and Joel Miliband dated 18 December 2018

AND UPON reading WPL's skeleton argument dated 19 December 2018 (as revised on that date) and WPL's supplemental note dated 21 December 2018 and WPL's table of points of full and frank disclosure and fair presentation dated 21 December 2018 (the **"F&F Table"**).

AND UPON hearing Leading Counsel (Paul Lowenstein QC and Thomas Raphael QC) for WPL on 21 December 2018

AND UPON the court having decided to sit in private and having made an order preserving the confidentiality of certain materials

AND WHEREAS the SAS Institute Inc. ("**SAS**") has not yet been served with this Application and this order was made in SAS's absence

AND WHEREAS WPL envisages that it may seek further or amended anti-suit relief at the Return Date (defined below)

AND WHEREAS WPL contends that paragraphs 12 and 151 of the Second Witness Statement of Alexander Carter-Silk and paragraph 5(b) of the third Witness Statement of Alexander Carter-Silk contain sensitive commercial information which should be protected as confidential information and is defined as the **"Confidential Information"**.

AND UPON WPL giving the undertakings to the Court set out in Schedule A hereto

AND WHEREAS certain terms in this Order are defined in Schedule B hereto

IT **IS HEREBY ORDERED** that:

This Order and Further Hearings

1. This order was made at a hearing without notice to SAS. SAS has a right to apply to the Court to vary or discharge the order (see paragraph 11 below).

2. There shall be a further hearing in relation to this application for the purpose of directions, to be listed on 18 January 2019 with a time estimate of 2 hours (**"the Directions Hearing"**). There shall also be a subsequent hearing of the application on a later date (**"the Return Date"**) as provided for more fully in paragraph 13 below.

Injunctions

3. Until further order of the Court, SAS shall not, whether by itself, its directors, officers, employees, legal representatives, or agents:

   a. Pursue, continue or take any further steps in: (i) the Assignment Order Motion so far as it is pursued for the purposes of seeking the *in personam* relief identified in the Indicative Assignment Order Ruling, (ii) the Turnover Order Application, and (iii) the First and Second Limited Remand Motions (save for the purposes of withdrawing those motions/applications, moving to stay them or otherwise seeking to have action on such application held in abeyance). (For the avoidance of doubt, this order shall not prevent the pursuit of the Assignment Order Motion so far as it is confined to *in rem* relief as granted by the In Rem Assignment Order.)

   b. Seek to obtain from the USDC, or any other court of the USA (state or federal), the orders foreshadowed by and/or contemplated in (i) the Indicative Assignment Order Ruling and (ii) the Indicative Turnover Order Ruling, or any similar orders.

3

c. Commence, bring, continue, pursue or take any steps in, any claims, proceedings, applications, or motions before any court of the USA (state or federal), which seek any relief, remedy, judgment, decree or order (hereinafter "**relief**") of any the following kinds:

  i. Relief of similar nature and/or effect to that referred to in 3(a) and/or (b) above;

  ii. Relief which imposes (or purports to impose) requirement or requirements on WPL to assign or transfer to SAS (or its agents or representatives or any other person) any assets and/or receivables of WPL and/or any debts owed to WPL, and/or any assets, receivables or debts that may in the future be owed to WPL. For the avoidance of doubt, the aforesaid shall cover any requirement(s) imposed indirectly on WPL by means of requirements imposed on any officer, employee, agent, legal representative or other person who has, or is said to have, authority to act on behalf of WPL.

  iii. Relief which expands or amends or varies the In Rem Assignment Order to have *in personam* effects of the kinds identified in paragraph 3(c)(ii) above. This encompasses adjustments or modifications to any prior order or ruling to impose such a requirement.

d. File its final brief in the Second Limited Remand Motion, due to be filed on 21 December 2018 unless, by the time this order is communicated to SAS or its agents by the means identified in paragraph 8 below, SAS's brief has already been filed.

4

4. SAS shall, as soon as reasonably practical, and in any event by no later than 4.00 pm Pacific Standard Time on Friday 28 December 2018 take all reasonable steps to procure before the USDC and/or the USCA 9th (as appropriate) a stay or stays of the following applications / motions:

   a. The Assignment Order Motion (or any application or motion in respect thereof) so far as it is pursued for the purposes of seeking the *in personam* relief identified in the Indicative Assignment Order Ruling;
   b. Any motion or request to the USDC to make the order contemplated in the Indicative Assignment Order Ruling;
   c. The Turnover Order Application;
   d. Any motion or request to the USDC to make the order contemplated in the Indicative Turnover Order Ruling;
   e. The First and Second Limited Remand Motions.

   The stay or stays to be sought pursuant to this paragraph 4 shall be sought so as to remain in effect until on or after such time as the finalisation of this Court's order made upon the hearing of the Return Date (see paragraphs 2 above and 13 below).

5. SAS shall take all reasonable steps to procure that the orders foreshadowed by and/or contemplated in (i) the Indicative Assignment Order Ruling and (ii) the Indicative Turnover Order Ruling, or any similar orders, shall not be made between the date of this order and the Return Date.

6. Until further order of the Court, SAS shall not (whether by itself, its directors, officers, employees, legal representatives, or agents) commence, bring, continue, pursue or take any steps in, any claims, proceedings, applications, or motions before any court of the USA (state or federal) which:

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