

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

MILLENNIUM FUNDING, INC., *et al.*,

Plaintiffs,

v.

WICKED TECHNOLOGY LIMITED d/b/a
VPN.HT *et al.*,

Defendants.

Case No.: 1:21-cv-00282-RDA-TCB

**PROPOSED ORDER GRANTING
DEFAULT JUDGMENT**

The Court, having reviewed the Motion of MILLENNIUM FUNDING, INC., EVE NEVADA, LLC, HUNTER KILLER PRODUCTIONS, INC., BODYGUARD PRODUCTIONS, INC., GUNFIGHTER PRODUCTIONS, LLC, MILLENNIUM IP, INC., VOLTAGE HOLDINGS, LLC, KILLING LINK DISTRIBUTION, LLC, LHF PRODUCTIONS, INC., RAMBO V PRODUCTIONS, INC., NIKOLA PRODUCTIONS, INC., OUTPOST PRODUCTIONS, INC., and WONDER ONE, LLC (“Copyright Plaintiffs”), and 42 VENTURES, LLC (“42”) (collectively “Plaintiffs”) for Default Judgment against Defendant Doe d/b/a POPCORNTIME.APP (“Defendant”), and good cause appearing therefor,

Plaintiffs’ Motion is **GRANTED**. Accordingly, it is ORDERED, ADJUDGED, and DECREED as follows:

Defendant has willfully directly infringed and contributed to infringement of the Copyright Plaintiffs’ copyright protected motion pictures as outlined in Exhibit “1” to the FAC (“Works”) in violation of 17 U.S.C. §§ 106, 501, *et seq.*;

Defendant has willfully directly infringed Plaintiff 42's registered trademark "Popcorn Time" in violation of 15 U.S.C. §§ 1114;

Defendant knowingly and with the intent to induce, enable, facilitate, or conceal infringement of the copyright protected Works intentionally induced, enticed, persuaded, and caused its subscribers to commit DMCA violations pursuant to 17 U.S.C. § 1202;

Defendant has the right and ability to supervise and control the DMCA violations that occur through the use of its service, and at all relevant times have derived a direct financial benefit from the DMCA violations and infringements complained of in this action, but Defendant has refused to take any meaningful action to prevent its' subscribers' DMCA violations and infringements;

Defendant knowingly breached the contract between Defendant and Plaintiff 42 regarding their trademark dispute on Twitter;

Defendant was properly served by registered email at its respective email addresses;

Despite notice, Defendant failed to appear and defend in these proceedings;

Monetary Damages

Copyright Plaintiffs' request for statutory damages pursuant to 17 U.S.C. § 504(c) against Defendant in the amount of \$3,150,000.00 is **GRANTED**;

Copyright Plaintiffs' request for statutory damages pursuant to 17 U.S.C. § 1203(c)(3) for DMCA violations against Defendant in the amount of \$525,000.00 is **GRANTED**;

Plaintiff 42's request for statutory damages pursuant to 15 U.S.C. § 1117(c) against Defendant in the amount of \$2,000,000.00 is **GRANTED**;

Plaintiff 42's request for actual damages for breach of contract against Defendant in the amount of \$4,900.00 is **GRANTED**;

Reasonable attorney's fees may be awarded to the prevailing party as part of the costs. 17 U.S.C. §§ 505, 1203(b)(5). Accordingly, Plaintiffs' request for attorney's fees against Defendant in the amount of \$35,946.74 is **GRANTED**;

The recovery of full costs by or against a party may be awarded pursuant to 17 U.S.C. §§ 505, 1203(b)(4). Accordingly, Plaintiffs' request for taxable costs of \$627 against Defendant is **GRANTED**;

Permanent Injunction against Defendant

Copyright Plaintiffs' request for a permanent injunction against Defendant is **GRANTED**. Defendant is enjoined from, directly or indirectly, infringing Copyright Plaintiffs' rights in their motion pictures. Defendant shall not reproduce, copy, distribute, upload, or otherwise make the Works available for public distribution, whether through the Internet or otherwise, absent express written permission from Copyright Plaintiffs;

Plaintiff 42's request for a permanent injunction against Defendant is **GRANTED**. Defendant is enjoined from, directly or indirectly, infringing Plaintiff 42's trademark "Popcorn Time". Defendant shall not use Plaintiff 42's registered trademark, absent express written permission from Plaintiff 42;

Domain Name Transfer

It is **ORDERED** that Defendant shall transfer the domain name popcorn.time.app to Plaintiff 42 within five days of receipt of this Judgment. To the extent Defendant does not transfer the domain name popcorn.time.app to Plaintiff 42 within five days of receipt of this Judgment, Plaintiff 42 may serve this injunction on the registry of record with a request that the registry facilitate the transfer of the domain to the control of Plaintiff 42.

The Court will retain jurisdiction for the purpose of enforcing the Order.

The Clerk is instructed to enter this Final Default Judgment immediately.

SO ORDERED THIS ____ day of _____, 2021.

United States District Judge