

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DISH NETWORK L.L.C.,

Plaintiff,

v.

HUNG TRAN and THI NGA NGUYEN,
d/b/a Easybox IPTV,

Defendants.

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Civil Action No. 4:19-cv-2994

Final Judgment and Permanent Injunction

This matter came before the Court on the Motion for Default Judgment filed by Plaintiff DISH Network L.L.C. (“DISH”) against Defendants Hung Tran and Thi Nga Nguyen (collectively, “Defendants”).

Having considered the submissions in support of DISH’s Motion, and the pleadings on file, the Court Grants the Motion and finds:

DISH owns copyrights in the works that air on the following channels: Al Arabiya, Al Hayah 1, Al Jazeera Arabic News, Al Jazeera Mubasher, ART Cima, ARY Digital, B4U Music, CBC, CBC Drama, Dream 2, Future TV, Geo News, Geo TV, Hekayat, Hum TV, Hum World, LBC, LDC, MBC1, MBC Drama, MBC Kids (a/k/a MBC3), MBC Masr, Melody Classic, SAB, and SET Max (collectively, the “Protected Channels”).

Defendants own and operate the Easybox streaming television service. Defendants profit by selling Easybox set-top boxes, smart IPTV subscriptions, and subscription renewals that provide access to the Easybox service including the Protected Channels.

Defendants, without authorization from DISH, transmitted the Protected Channels and the copyrighted works that air on those channels to users of their Easybox set-top boxes, smart IPTV subscriptions, and subscription renewals in the United States. In doing so, Defendants directly

infringed DISH's exclusive rights to distribute and publicly perform the works that air on the Protected Channels. Judgment is hereby directed to be entered against Defendants on Count I of DISH's First Amended Complaint (Dkt. 12) for direct copyright infringement.

Based on these findings, the Court Orders:

1. DISH Network L.L.C. shall have judgment against Hung Tran and Thi Nga Nguyen, jointly and severally, in the total amount of \$9,900,000, with interest on this principal amount according to the statutory rate pursuant to 28 U.S.C. § 1961(a). This amount consists of \$150,000 for each the 66 registered, copyrighted works that DISH owns and that Defendants willfully and maliciously infringed by transmitting without authorization on the Easybox service;

2. Defendants and any of their officers, agents, servants, employees, attorneys, or other persons, including all dealers, distributors, and retailers of Easybox set-top boxes, smart IPTV subscriptions, and subscription renewals, acting in active concert or participation with any of the foregoing that receives actual notice of the order, are permanently enjoined from:

a. transmitting, streaming, distributing, or publicly performing in the United States, with any Easybox set-top box, smart IPTV subscription, subscription renewal, or any other device, application, service, or process, any of the Protected Channels or any of the programming that comprises any of the Protected Channels;

b. distributing, selling, providing, or promoting any product or service in the United States, including any Easybox set-top box, smart IPTV subscription, or subscription renewal, that comprises the whole or part of a network or service for the distribution and public performance of the Protected Channels or any of the programming that comprises any of the Protected Channels;

c. advertising, displaying, or marketing any Easybox set-top box, smart IPTV subscription, subscription renewal, or service in connection with the Protected Channels or the programming that comprises the Protected Channels; and

d. inducing or contributing to another's conduct that is prohibited by a-c above.

3. Non-parties providing any form of electronic storage, computer server, website hosting, file hosting (including data center and colocation, primary and backup storage, back-end), domain hosting, domain name registration, privacy protection for domain registration, anonymization for domain registration, proxy, content delivery network services, content acceleration (including traffic routing, bandwidth, content delivery networks ("CDN"), web content optimization, website/data security), advertising (including search based online advertising), and social media services used in connection with any of the activities enjoined under Paragraph 2, and who receive actual notice of this Order, are enjoined from providing such services in connection with any of the activities enjoined under Paragraph 2. This includes but is not limited to Global Layer B.V. disabling IP addresses 134.19.180.26, 134.19.180.30, 134.19.191.194, and 213.152.173.38 and all future service providers disabling all IP addresses used to transmit any of the Protected Channels on the Easybox service. The IP addresses may be reassigned to other customers after they have been disabled and are no longer being used in connection with any of the activities enjoined under Paragraph 2.

4. VeriSign, Inc. and any other registry and registrars of the domain names *easybox.tv*, *e900x.com*, and *k2442.com*, within 48 hours of receiving this Order, shall (i) make the websites and any other content located at the domain names inaccessible to the public; (ii) transfer the domain names to DISH, including changing the registrar of record to the registrar selected by

DISH at DISH's reasonable expense; and (iii) after the transfer, reenable the domain names so that DISH may fully control and use the domain names.

5. Registries and registrars shall disable all future domain names used by Defendants (1) in the course of transmitting the Protected Channels on the Easybox service in the United States, or (2) to distribute, provide, sell, or promote the Easybox service in the United States, by making the websites and any other content located at the domain names inaccessible to the public within 48 hours of receiving this Order and a declaration from DISH or its agent stating that the domain names are being used in such a manner. Such domain names shall remain disabled so that the websites and content located at the domain names are inaccessible to the public until further order of this Court, or until DISH provides written notice to the registry or registrar that the domain names shall be reenabled.

6. Violation of this Order shall subject Defendants and all other persons bound by this Order to all applicable penalties, including contempt of Court.

7. The Court shall retain jurisdiction over this action for the purpose of enforcing this final judgment and permanent injunction.

It is so Ordered.

Signed on this ____ day of _____, 2020.

Lynn N. Hughes
United States District Judge