

TWENTIETH CENTURY FOX FILM CORPORATION, et al., Plaintiffs, v. ICRAVETV, et al., Defendants.
NATIONAL FOOTBALL LEAGUE, et al., Plaintiffs, v. TVRADIONOW CORPORATION, d/b/a
ICRAVETV.COM, d/b/a TVRADIONOW.COM, et al., Defendants.

Civil Action No. 00-121 Consolidated with Civil Action No. 00-120

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

2000 WL 255989, 2000 U.S. Dist. LEXIS 11670;
53 U.S.P.Q.2D (BNA) 1831; Copy. L. Rep. (CCH) P28,030

February 8, 2000, Decided

OPINION BY: Donald E. Ziegler, UNITED STATES DISTRICT JUDGE.

ORDER OF COURT

AND NOW, to wit, this 8th day of February, 2000, having previously considered and granted on January 28, 2000 Plaintiffs' Motion for Temporary Restraining Order and having now further [*4] considered the evidence and heard the parties on Plaintiffs' Motion for Preliminary Injunction, it is ORDERED that Plaintiff's Motion is GRANTED. It is, therefore, ADJUDGED and DECREED that:

1. Defendants, their officers, agents, servants and employees and those persons in active concert or participation with them, are preliminarily enjoined from:
 - a. infringing by any means, directly or indirectly, any of plaintiffs' exclusive rights under Section 106(1)-(5) of the Copyright Act, including but not limited to through the transmission (whether through "streaming" or otherwise) of plaintiffs' copyrighted programming into the United States via the iCraveTV.com site or any other Internet site or any online facility of any kind; and
 - b. infringing any of plaintiffs' trademarks or trade names, or otherwise making any false designation of origin or false representation with regard to sponsorship or authorization of iCraveTV by the plaintiffs.
2. If, after the date of this Preliminary Injunction, defendants again engage in any Internet or other online transmission of plaintiffs' copyrighted programming, they shall:
 - a. file and serve within five (5) days of first again engaging in such activity, [*5] and on the fifteenth day of each month thereafter, a compliance report setting forth a detailed update about the manner in which defendants are complying with this Preliminary Injunction; and
 - b. provide plaintiffs, on request, on a weekly basis with copies of all of their server logs in a readily usable format specified by plaintiffs.
3. The Findings of Fact and Conclusions of Law made by the Court in issuance of this Preliminary Injunction are being entered separately by the Court contemporaneously with entry of the Preliminary Injunction.
4. The bond of \$ 25,000 posted by plaintiffs on Monday, January 31, 2000, after the Temporary Restraining Hearing shall continue.
5. The Order shall be effective as of 11:45 A.M. E.S.T. on Tuesday, February 8, 2000.

Donald E. Ziegler
UNITED STATES DISTRICT JUDGE

COUNSEL: For TWENTIETH CENTURY FOX FILM CORPORATION, DISNEY ENTERPRISES, INC., COLUMBIA TRISTAR TELEVISION, INC., COLUMBIA PICTURES TELEVISION, INC., COLUMBIA PICTURES INDUSTRIES, INC., METRO-GOLDWYN-MAYER STUDIOS, INC., ORION PICTURES CORPORATION, PARAMOUNT PICTURES CORP., UNIVERSAL CITY STUDIOS, INC., plaintiffs (00-CV-121): Gregory B. Jordan, Frederick H. Colen, Maria N. Rullo, Christopher J. Soller, Reed, Smith, Shaw & McClay, Pittsburgh, PA.

For TIME WARNER ENTERTAINMENT COMPANY, L.P., CBS BROADCASTING INC, FOX BROADCASTING COMPANY, plaintiffs (00-CV-121): Frederick N. Egler, Jr., Egler, Garrett & Egler, Pittsburgh, PA.

For TVRADIO NOW, CORP., WILLIAM R. CRAIG, defendants (00-CV-121), (00-CV-120): Robert M. Linn, Christine Wettach, Cohen & Grigsby, Pittsburgh, PA.; For TVRADIO NOW, CORP., WILLIAM R. CRAIG, defendants (00-CV-121): Andrew Z. Schwartz, Marc K. Temin, Foley, Hoag & Eliot, Boston, MA.

For GEORGE SIMONS, defendant (00-CV-121), (00-CV-120): Paul W. Roman, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For NATIONAL FOOTBALL LEAGUE, NATIONAL BASKETBALL ASSOCIATION, NBA PROPERTIES, INC., plaintiffs (00-CV-120): Charles B. Gibbons, [*2] Arthur J. Rooney, II, Klett, Lieber, Rooney & Schorling, Pittsburgh, PA.; For NATIONAL FOOTBALL LEAGUE, NATIONAL BASKETBALL ASSOCIATION, NBA PROPERTIES, INC., plaintiffs (00-CV-120): Bruce P. Keller, Michael R. Potenza, Debevoise & Plimpton, New York, NY.; For NATIONAL FOOTBALL LEAGUE, NATIONAL BASKETBALL ASSOCIATION, NBA PROPERTIES, INC., plaintiffs (00-CV-120): William D. Iverson, Neil K. Roman, Ronald G. Dove, Jr., Covington & Burling, Washington, DC.

For TWENTIETH CENTURY FOX FILM CORPORATION, DISNEY ENTERPRISES, INC., COLUMBIA TRISTAR TELEVISION, INC., COLUMBIA PICTURES TELEVISION, INC., COLUMBIA PICTURES INDUSTRIES, INC., METRO-GOLDWYN-MAYER STUDIOS, INC., ORION PICTURES CORPORATION, PARAMOUNT PICTURES CORP., UNIVERSAL CITY STUDIOS, INC., consolidated plaintiffs (00-CV-120): Gregory B. Jordan, Frederick H. Colen, Maria N. Rullo, Christopher J. Soller, Reed, Smith, Shaw & McClay, Pittsburgh, PA.

For TIME WARNER ENTERTAINMENT COMPANY, L.P., CBS BROADCASTING, INC, FOX BROADCASTING COMPANY, consolidated plaintiffs (00-CV-120): Frederick N. Egler, Jr., Egler, Garrett & Egler, Pittsburgh, PA.

For ABC, INC., CBS BROADCASTING, INC, FOX BROADCASTING COMPANY, consolidated [*3] plaintiffs (00-CV-120): Thomas P. Olson, Wilmer, Cutler & Pickering, Washington, DC.

For TVRADIONOW CORPORATION, WILLIAM R. CRAIG CONSULTING, WILLIAM R. CRAIG, defendants (00-CV-120): Andrew Z. Schwartz, Marc K. Temin, Richard W. Benka, Foley, Hoag & Eliot, Boston, MA.; For TVRADIONOW CORPORATION, WILLIAM R. CRAIG, intervenor-defendants (00-CV-120): Robert M. Linn, Christine Wettach, Cohen & Grigsby, Pittsburgh, PA.; For TVRADIONOW CORPORATION, WILLIAM R. CRAIG CONSULTING, WILLIAM R. CRAIG, intervenor-defendants (00-CV-120): Andrew Z. Schwartz, Marc K. Temin, Richard W. Benka, Foley, Hoag & Eliot, Boston, MA.

For GEORGE SIMONS, intervenor-defendant (00-CV-120): Paul W. Roman, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For NATIONAL BROADCASTING COMPANY, INC., intervenor-plaintiff (00-CV-120): Paul H. Titus, John K. Gisleson, Schnader, Harrison, Segal & Lewis, Pittsburgh, PA.