

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MILLENNIUM FUNDING, INC., *et al.*,)
)
Plaintiffs,)
)
v.)
)
WICKED TECHNOLOGY LIMITED d/b/a)
VPN.HT, VPN.HT LIMITED, MOHAMED)
AMINE FAOUANI, JOHN OR JANE DOE)
d/b/a POPCORNTIME.APP, and DOES)
1-100,)
)
Defendants.)

Civil Action No. 1:21-cv-282 (RDA/TCB)

ORDER

This matter comes before the Court on the Joint Motion for Entry of Consent Order for Dismissal and Injunction filed by Plaintiffs and Defendants Wicked Technology Limited d/b/a VPN.HT, VPN. HT Limited, and Mohamed Amine Faouani (collectively, the “Wicked Defendants”). Dkt. 59. Plaintiffs have filed a First Amended Complaint (Dkt. 7) alleging that that the Wicked Defendants are liable for direct copyright infringements in violation of 17 U.S.C. §§ 106 and 501, violations under the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 1202, secondarily liable for direct copyright infringements and violations under DMCA, injunctive relief pursuant to 17 U.S.C. §§ 512(j), trademark infringement in violation of Section 32(1) of the Lanham Act (15 U.S.C. § 1114(1)) and for unfair competition in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).

The parties, after conferral and investigation, have moved for entry of this Order and Injunction. Having considered the parties’ Joint Motion and stipulation, it is hereby ORDERED that:

1. Personal Jurisdiction: The Wicked Entities agree that the Court has personal jurisdiction solely for the purposes of this consent order.

2. Stipulated Injunction: Pursuant to stipulation of the parties, the below Injunction and Order is to be entered against the Wicked Entities.

PERMANENT INJUNCTION

3. Technical Measures: Within 30 days of entry of this order, the Wicked Entities are hereby ORDERED to use their best efforts to implement technological measures designed to prevent subscribers of the VPN.ht VPN service (“Wicked’s VPN”) from using the BitTorrent protocol with Wicked’s VPN servers in the United States.

4. Logs for US Servers: Within 30 days of entry of this order, the Wicked Entities are hereby ORDERED to store log records of the Internet Protocol (“IP”) addresses tied to servers in the United States under their control that subscribers of Wicked’s VPN use and to retain said log records for at least 12 months on a rolling basis. Said log records shall include the identification information of the subscriber as stored in the records for the Wicked Entities.

5. Disclosure of Log Entries: In the event that Plaintiffs have confirmed infringement of the copyright protected works set forth in Exhibit 1 to the Amended Complaint (Dkt. 7) by a subscriber to Wicked’s VPN, and upon request by Plaintiffs, the Wicked Entities shall provide to Plaintiffs the log entries pertaining to such subscriber in respect of the claimed infringement. For administrative efficiency, all such requests by Plaintiffs shall identified and combined in a single spreadsheet and submitted to the Wicked Entities not more than once per month.

6. Dissolution of TRO and Preliminary Injunction: The Court’s April 8, 2021 Order (“TRO”) and the Court’s April 21, 2021 Order (“Preliminary Injunction”) are hereby dissolved in

their entirety to the extent they pertain to Defendants Wicked Technology Limited, VPN.HT Limited, and Mohamed Amine Faouani.

7. Un-Freeze Paypal Account: Paypal is hereby ORDERED to remove all restrictions and un-freeze all funds and Paypal accounts associated with Defendants Wicked Technology Limited, VPN.HT Limited, and Mohamed Amine Faouani and nonparty Wicked Technology UAE.

8. Costs and Fees: Each party shall bear their own costs and fees.

9. Termination of Defendants: With entry of this Order, this matter is terminated with respect to Defendants Wicked Technology Limited, VPN.HT Limited, and Mohamed Amine Faouani.

CONCLUSION

It is hereby ORDERED that the parties' Joint Motion (Dkt. 59) is GRANTED;¹ and it is FURTHER ORDERED that the Court's stay imposed on August 31, 2021 (Dkt. 47) and extended on September 29, 2021 (Dkt. 50) is LIFTED; and it is

FURTHER ORDERED that Defendants' Motion to Dismiss (Dkt. 29) is DENIED as MOOT; and it is

FURTHER ORDERED that Plaintiffs' Motion for Return of Injunction Bond (Dkt. 52) is GRANTED. The Clerk is directed to return the injunction bond of \$50,000 to the Plaintiffs' care, through counsel, at the below address:


Kerry S. Culpepper
Culpepper IP, LLLC
75-170 Hualalai Road, Suite B204
Kailua-Kona, Hawai'i 96740

¹ This Order does not affect the Court's consideration and resolution of Plaintiffs' Motion for Default Judgment (Dkt. 42) against Defendant Doe d/b/a POPCORNTIME.APP.

The Clerk is DIRECTED to terminate Defendants Wicked Technology Limited, VPN.HT Limited, and Mohamed Amine Faouani as parties to this action and to forward a copy of this Order to counsel of record.

It is SO ORDERED.

Alexandria, Virginia
October 7, 2021

/s/ 

Rossie D. Alston, Jr.
United States District Judge