



counsel and Defendants are maliciously interfering with BMaddox by infringing upon its copyright protected works and making false and material misrepresentations on Defendants' infringing website such that consumers are led to believe, through various deceptions including a doctored copy of Plaintiff's federal firearms license, that Defendants have obtained a federal firearms license and are qualified to provide advice regarding the complex regulations governing the sale of firearms, and the Court, having reviewed Plaintiff's Verified Complaint, the many documents properly made of record on the docket, Plaintiff's Memorandum of Law and supporting declarations, and all exhibits submitted therewith, **GRANTS** Plaintiff's Motion in its entirety as described below. The Court hereby finds that:

1. Defendants unlawfully and willfully copied, displayed, and created derivative works from Plaintiff's works in violation of the Copyright Act of 1976;
2. Defendants willfully and intentionally filed fraudulent counter-notices to avoid having Plaintiff's copyright protected works removed from Defendants' infringing website in violation of the Digital Millennium Copyright Act; and
3. Defendants alleged unlawful actions caused irreparable harm to Plaintiff and will continue to cause immediate and irreparable injury to Plaintiff is the relief requested is not ordered.

THEREFORE, IT IS HEREBY ORDERED that Defendants Platinum Avenue Holdings Pty, Ltd and Osko M Ltd, their agents, servants, employees, attorneys, and all persons in active concert or participation with any of them, are permanently enjoined and restrained from:

1. Using without the authorization of Plaintiff any of Plaintiff's materials protected by copyright, including but not limited to Plaintiff's *Federal Firearms License Guide & Class 3*

*License Guide*, the HTML of Plaintiff's website at *ffl123.com*, and any content found at *ffl123.com* and protected by copyright; and;

2. Using without the authorization of Plaintiff any trademark, logo, or tradename that is confusingly similar to Plaintiff's federally registered trademark, FFL123, either alone or in conjunction with other words or symbols, as apart of any trademark, service mark, logo, trade name, corporate name, assumed name, domain name, on or in relation to any goods or services sold or provided by Plaintiff or Defendants, or in any other manner, including but not limited to use of FFLTRUST, which Defendants have used intending to confuse consumers.

IT IS FURTHER ORDERED that Defendants, their agents, servants, employees, successors, and assigns, and all those acting in concert or participation with them, or, alternatively, the domain registries acting on their behalf, shall transfer to a person or entity of Plaintiff's choosing the *ffltrust.com* domain and any other domain currently owned by them or acquired in the future containing *ffltrust*.

IT IS FURTHER ORDERED that, in accordance with this Court's inherent equitable powers and its power to enforce compliance with its lawful orders, in the event Defendants violate this Default Judgment and Permanent Injunction and/or Plaintiff discovers any new websites registered or operated by Defendants containing or offering for sale, distribution, or download any material infringing Plaintiff's Works or Plaintiff's trademarks or making use of Plaintiff's trade secret information ("Newly-Detected Domains"), Plaintiff may move the Court for a supplemental order ("Supplemental Order"), including to transfer to Plaintiff the Websites' domain names and/or the Newly-Detected Domains.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction over the parties and the subject matter of this litigation for the purpose of interpretation and enforcement of this Default Judgment and Permanent Injunction.

IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Decision and Order on Defendants and file a certificate of service with the Court by \_\_\_\_\_, 2020.

IT IS FURTHER ORDERED that Defendants file an affidavit with the Court by \_\_\_\_\_, 2020 setting forth in detail the manner and form in which Defendant has complied with this injunction.

IT IS FURTHER ORDERED that Plaintiff is awarded damages totaling \$523,500 based upon Defendants willful, intentional, and malicious:

1. copyright infringement, without Plaintiff's authorization, of one previously registered copyright (statutory damages of \$100,000) and two additional copyright registrations obtained related to Plaintiff's website at *ff1123.com* (\$202,500 in total compensatory damages);
2. false advertising in violation of the Lanham Act (enhanced damages of \$100,000);
3. violation of the Computer Fraud and Abuse Act (\$20,000 in compensatory damages);
4. theft of Plaintiff's trade secrets (\$50,000 in punitive damages and \$50,000 in compensatory damages); and
5. violation of New York Gen. Bus. Law § 349 (\$1,000).

IT IS FURTHER ORDERED that Plaintiff is awarded its reasonable attorneys' fees totaling \$247,350 based upon Defendants willful, intentional, and malicious acts described above.

IT IS FURTHER ORDERED that Plaintiff is awarded prejudgment interest in the amount of \_\_\_\_\_.

SO ORDERED

DATED this \_\_\_\_\_ day of \_\_\_\_\_

UNITED STATES DISTRICT COURT

Hour: \_\_\_\_\_ ET

By: \_\_\_\_\_

The Honorable Ronnie Abrams

UNITED STATES DISTRICT JUDGE