

(ENDORSED)

**FILED**

MAR - 8 2012

**DAVID H. YAMASAKI**

Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara

BY \_\_\_\_\_ DEPUTY

**Felicia Samoy**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA  
(UNLIMITED JURISDICTION)

DVD COPY CONTROL ASSOCIATION,  
INC., a Delaware corporation,

Plaintiff,

v.

KALEIDESCAPE, INC., a Delaware  
corporation,

Defendant.

Case No. 1-04-CV-031829

**PERMANENT INJUNCTION ORDER**

Complaint Filed: December 7, 2004  
Trial Date: November 14, 2011  
Dept.: 16  
Judge: Hon. William J. Monahan

1 The above-captioned Action between Plaintiff DVD Copy Control Association, Inc. and  
2 Defendant Kaleidescape, Inc. ("Kaleidescape") (collectively "the Parties") having been tried to the  
3 Court, and having determined that Kaleidescape is in breach of the CSS License Agreement, the Court  
4 hereby enters the following Permanent Injunction pursuant to its Statement of Decision dated April 8,  
5 2012, and Judgment entered April 8, 2012:

6 IT IS ORDERED THAT:

7 1. Capitalized terms in this Order shall be defined in accordance with the CSS Procedural  
8 Specifications (PRX 9) unless otherwise defined herein.

9 a. The term "DVD Playback Product" means any device or combination of  
10 components, or software that is capable of decrypting a Disc Key, decrypting a Title  
11 Key or descrambling a Title using CSS, including without limitation any such  
12 device or combination of components or software that also performs Authentication.

13 b. The term "Authentication" means any application of CSS that utilizes the CSS  
14 Authentication Algorithm and Authentication Key.

15 c. The term "persistent copy" (of a Disc Key or Title Key(s)) means a copy that  
16 remains when playback of the Title(s) associated with such Disc Key or Title Key(s)  
17 is not occurring.

18 d. The term "persistent copy" (of a Title) means a copy of a Title that remains when  
19 playback of the Title is not occurring.

20 e. The term "playable copy" means a copy of a Title from a DVD Disc made for  
21 purposes of allowing playback of the Title without obtaining the Title from the DVD  
22 Disc.

23 2. Pursuant to California Code of Civil Procedure Section 526, and California Civil Code Section  
24 3384, to prevent casual users from making unauthorized copies of copyrighted materials recorded on  
25 CSS-protected DVD Discs, Kaleidescape, its subsidiaries and affiliated companies, including but not  
26 limited to Kaleidescape Canada, Inc., and their agents, servants, directors, officers, principals,  
27 employees, representatives, assigns, franchisees, and those acting in concert with them or at their  
28 direction, are hereby permanently restrained and enjoined from directly or indirectly making, having

1 made, selling, offering to sell, marketing, importing or otherwise transferring any DVD Playback  
2 Product unless such DVD Playback Product:

- 3 a. obtains the Disc Key and Title Key(s) from a DVD Disc each time one or more  
4 Titles is to be played back;
- 5 b. ensures that the DVD Disc is physically present in the DVD Playback Product when  
6 playback of one or more Titles from such DVD Disc is occurring;
- 7 c. does not make a persistent copy of any encrypted or unencrypted Disc Key or Title  
8 Key(s); and
- 9 d. does not make any persistent playable copy of any Title.

10 Any DVD Playback Product that does not satisfy subsections 2(a) - (d) is referred to herein as  
11 "Prohibited Technology."

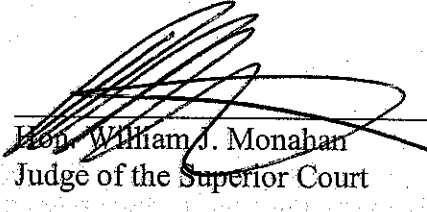
12 3. IT IS FURTHER ORDERED that Kaleidescape is enjoined from:

- 13 a. directly or indirectly transferring to third parties any intellectual property or know-  
14 how incorporating Prohibited Technology;
- 15 b. facilitating third parties in developing, designing, manufacturing, distributing,  
16 importing, selling, or offering to sell any Prohibited Technology;
- 17 c. using or implementing CSS to develop, design, manufacture, distribute, import, sell,  
18 or offer to sell products that make persistent playable copies of CSS-protected  
19 Titles; and
- 20 d. directly or indirectly providing any support services that include Prohibited  
21 Technology to third parties, including but not limited to the provision of updates and  
22 upgrades to software and hardware.

23 4. This Court retains continuing jurisdiction over the Parties and the Action for purposes of  
24 enforcing this Permanent Injunction.

25 IT IS SO ORDERED.

26 Dated: April 8, 2012

27   
28 Hon. William J. Monahan  
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
191 N. First Street  
San Jose, CA 95113-1090

TO: FILE COPY

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RE: DVD Copy Vs Kaleidescape  
Case Nbr: 1-04-CV-031829

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk  
Superior Court of Cal. County of Santa Clara  
BY Felicia Samoy DEPUTY

**PROOF OF SERVICE**

Judgment and Permanent Injunction Order

was delivered to the parties listed below in the above entitled case as set forth in the sworn declaration below.

Parties/Attorneys of Record:

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If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408)882-2700, or use the Court's TDD line, (408)882-2690 or the Voice/TDD California Relay Service, (800)735-2922.

DECLARATION OF SERVICE BY MAIL: I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown above, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on 030812. DAVID H. YAMASAKI, Chief Executive Officer/Clerk by Felicia F Samoy, Deputy