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Attorneys for Plaintiff
SYNOPSYS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNOPSYS, INC.,

Plaintiff,

v.

UNIVERSITY OF RHODE ISLAND, and
DOES 1-10, inclusive,

Defendants.

Case No. 5:21-cv-00581-BLF

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF SYNOPSYS, INC.'S EX
PARTE MOTION FOR (1)
TEMPORARY RESTRAINING
ORDER; (2) EXPEDITED
DISCOVERY; AND (3) SETTING
STATUS CONFERENCE**

1 The Court, having considered Plaintiff Synopsys, Inc.'s ("Synopsys") notice of motion
 2 and motion for entry of a temporary restraining order and order to show cause as to why a
 3 preliminary injunction should not be entered, and for an order granting expedited discovery, the
 4 "Motion"), the opposition thereto and having heard the oral argument of counsel and having
 5 found good cause to do so, hereby orders as follows:

6 1. Synopsys' Motion is GRANTED. The Court finds that Synopsys is likely to
 7 succeed on the merits of its claim that the University of Rhode Island ("URI") has violated the
 8 Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. §§ 1201 et seq. by circumventing
 9 Synopsys' technological measures to gain unauthorized access to Synopsys copyright protected
 10 software. *MDY Indus., LLC v. Blizzard Entm't, Inc.*, 629 F.3d 928, 952 (9th Cir. 2010), as
 11 amended on denial of reh'g (Feb. 17, 2011), opinion amended and superseded on denial of reh'g,
 12 No. 09-15932, 2011 WL 538748 (9th Cir. Feb. 17, 2011); *Apple, Inc. v. Psystar Corp.*, 673 F.
 13 Supp. 2d 931, 934, 942 (N.D. Cal. 2009), aff'd, 658 F.3d 1150 (9th Cir. 2011). Synopsys further
 14 establishes that diminution in market share, reputational harm, lost profits, and unfair competition
 15 with unlicensed services constitute irreparable harm. *eBay, Inc. v. Bidder's Edge, Inc.*, 100 F.
 16 Supp. 2d 1058, 1066 (N.D. Cal. 2000) (citing *People of California ex rel. Van De Kamp v. Tahoe*
 17 *Reg'l Planning Agency*, 766 F.2d 1316, 1319 (9th Cir. 1985)); *Disney Enterps, Inc. v. VidAngel,*
 18 *Inc.*, 869 F.3d 848, 866 (9th Cir. 2017); see also *A&M Records v. Napster, Inc.*, 239 F.3d 1004,
 19 1017 (9th Cir. 2001). The balance of equities similarly weighs in Synopsys' favor. Further, an
 20 injunction would not harm Defendant because an injunction would do no more than require
 21 Defendant to comply with federal and state anti-piracy laws. *Dish Network, L.L.C. v. SatFTA*,
 22 2011 WL 856268, at *8 (N.D. Cal. Mar. 9, 2011). Finally, public interest favors enforcement of
 23 the DMCA and preventing copyright infringement. *SatFTA*, 2011 WL 856268, at *8; *Flextronics*
 24 *Int'l, Ltd. v. Parametric Tech., Corp.*, 2013 WL 5200175, at *8 (N.D. Cal. Sept. 16, 2013).

25 2. The Court further finds that unless a temporary restraining order is granted,
 26 irreparable harm will result to Synopsys before the matter can be heard on noticed motion; *Disney*

27 ~~[PROPOSED]~~ ORDER GRANTING
 28 PLAINTIFF'S EX PARTE MOTION FOR
 TRO; ORDER FOR EXPEDITED
 DISCOVERY; AND ORDER SETTING
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1 *Enterprises, Inc.*, 869 F.3d 848; and

2 3. The Court further finds that there is good cause to allow expedited forensic
3 discovery of URI's devices associated with the following userIDs: yubi and jingyang as well as
4 the devices associated with the below Hostnames and Mac Addresses:

5 Hostname	MAC addresses
6 yubi-Workstation1	04:D4:C4:5D:40:A2, 04:D4:C4:5D:40:A3
7 jingyang-Workstation0	A4:BB:6D:44:79:74

8
9 *Apple Inc. v. Samsung Elecs. Co., Ltd.*, 2011 U.S. Dist. LEXIS 53233, at *4 (N.D. Cal.
10 May 18, 2011).

11 THEREFORE, and with good cause shown,

12 IT IS HEREBY ORDERED that defendant URI, its representatives, officers, agents,
13 directors, affiliates, servants, employees, students, and all persons acting in concert or
14 participation with it, including employees and independent contractors, are enjoined from directly
15 or indirectly accessing, using, transferring, or copying, in any way, any Synopsys software
16 without authorization from Synopsys.

17 IT IS FURTHER ORDERED that defendant URI, its representatives, officers, agents,
18 directors, affiliates, servants, employees, and all persons acting in concert or participation with it,
19 including employees and independent contractors, shall immediately preserve all evidence that
20 may relate to this matter, including all hard copy materials and all computer hard drives and other
21 electronic devices in their possession, custody, or control.

22 IT IS FURTHER ORDERED that the devices used by the individuals associated with the
23 identified userIDs yubi and jingyang as well as the devices associated with the below Hostnames
24 and Mac Addresses which directly or indirectly access any Synopsys software or products and are
25 in URI's possession, custody, or control, shall be immediately made accessible to a neutral third-
26 party forensic consultant, whether FTI Consulting, URI's third-party consultant, or both, and that

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such third-party consultants be permitted to participate or at least observe the imaging process, which shall occur at URI, where the devices are located. The images shall remain in URI's possession until the parties establish the forensic protocol, after which the applicable third-party consultant shall make available said images to FTI or URI's third-party consultant, as applicable. The parties shall enter a forensic protocol and Protective Order by Tuesday February 9, 2021 by 4:00 p.m. or notify the Court by that time if any issues with respect to the protocol remain.

Hostname	MAC addresses
yubi-Workstation1	04:D4:C4:5D:40:A2, 04:D4:C4:5D:40:A3
jingyang-Workstation0	A4:BB:6D:44:79:74

IT IS FURTHER ORDERED that pursuant to Federal Rule of Civil Procedure 65, the court enjoins URI for thirty (30) days. The parties shall appear before this Court on March 4, 2021 at 11:00 a.m. for a status conference.

IT IS SO ORDERED.

DATED: February 4, 2021


HONORABLE BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE

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