

**IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY**

No S 288 of 2011

**ON APPEAL FROM THE FULL COURT OF THE FEDERAL COURT OF
AUSTRALIA**

BETWEEN:

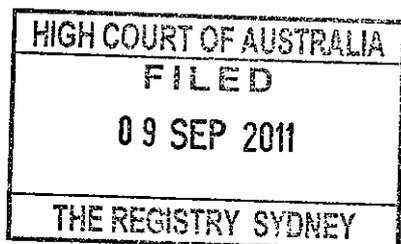
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ROADSHOW FILMS PTY LTD (ACN 100 746 870)
First Appellant

UNIVERSAL CITY STUDIOS LLLP
Second Appellant

PARAMOUNT PICTURES CORPORATION
Third Appellant

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WARNER BROS. ENTERTAINMENT INC
Fourth Appellant

INC DISNEY ENTERPRISES
Fifth Appellant

INC COLUMBIA PICTURES INDUSTRIES
Sixth Appellant

TWENTIETH CENTURY FOX FILM CORPORATION
Seventh Appellant

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PARAMOUNT HOME ENTERTAINMENT (AUSTRALASIA) PTY LTD
Eighth Appellant

BUENA VISTA HOME ENTERTAINMENT
Ninth Appellant

TWENTIETH CENTURY FOX FILM CORP (AUSTRALIA) PTY LTD
Tenth Appellant

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UNIVERSAL PICTURES (AUSTRALASIA) PTY LTD
Eleventh Appellant

VILLAGE ROADSHOW FILMS (BVI) LTD
Twelfth Appellant

UNIVERSAL PICTURES INTERNATIONAL
Thirteenth Appellant

UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP
Fourteenth Appellant

RINGERIKE GMBH & CO KG
Fifteenth Appellant

INTERNATIONALE FILMPRODUKTION BLACKBIRD VIERTE GMBH & CO KG
Sixteenth Appellant

10 **MDBF ZWEITE FILMGESELLSCHAFT MBH & CO KG**
Seventeenth Appellant

INTERNATIONALE FILMPRODUKTION RICHTER GMBH & CO KG
Eighteenth Appellant

INC NBC STUDIOS
Nineteenth Appellant

20 **DREAMWORKS FILMS LLC**
Twentieth Appellant

WARNER BROS INTERNATIONAL TELEVISION DISTRIBUTION INC
Twenty-first Appellant

**TWENTIETH CENTURY FOX HOME ENTERTAINMENT INTERNATIONAL
CORPORATION**
Twenty-second Appellant

30 **WARNER HOME VIDEO PTY LTD**
Twenty-third Appellant

PATALEX III PRODUCTIONS LTD
Twenty-fourth Appellant

LONELY FILM PRODUCTIONS GMBH & CO KG
Twenty-fifth Appellant

40 **SONY PICTURES ANIMATION INC**
Twenty-sixth Appellant

UNIVERSAL STUDIOS INTERNATIONAL B.V.
Twenty-seventh Appellant

SONY PICTURES HOME ENTERTAINMENT PTY LTD
Twenty-eighth Appellant

GH ONE LLC
Twenty-ninth Appellant

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GH THREE LLC
Thirtieth Appellant

BEVERLY BLVD LLC
Thirty-first Appellant

WARNER BROS ENTERTAINMENT AUSTRALIA PTY LTD
Thirty-second Appellant

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TWENTIETH CENTURY FOX HOME ENTERTAINMENT LLC
Thirty-third Appellant

SEVEN NETWORK (OPERATIONS) LTD
Thirty-fourth Appellant

- and -

IINET LIMITED (ACN 068 628 937)
Respondent

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APPELLANTS' CHRONOLOGY

Part I:

This chronology is in a form suitable for publication on the internet.

Part II:

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| Date | Event | AB reference |
|--------------|---|--------------|
| 2005 | iiNet's Customer Relationship Agreement amended to provide for the ability for iiNet to terminate subscriber accounts due to copyright infringement. | |
| Aug 2007 | Australian Federation Against Copyright Theft (AFACT) launched an investigation into copyright infringement by internet users in Australia and engages DtecNet Software APS to collect information concerning such infringement. | |
| June 2008 | AFACT instructed DtecNet to prepare reports regarding the copyright infringing actions of iiNet users using the BitTorrent system. | |
| 2 Jul 2008 - | AFACT served first notice of infringement on iiNet | |

| Date | Event | AB reference |
|---------------------------|--|--------------|
| 18 Aug 2009 | on 2 July 2008 and proceeds to serve notices on a weekly basis until 18 August 2009 | |
| 16 Jul 2008 – 18 Aug 2009 | From 16 July 2008 AFACT included DVD(s) with each weekly notice of infringement, containing the underlying data relating to that notice. | |
| 25 Jul 2008 – 20 Aug 2008 | Correspondence between AFACT and iiNet in relation to the notices of infringement, including an email from iiNet dated 12 August 2011 indicating that iiNet understood how AFACT had come to its allegations of infringement and would not act on the notices of infringement. | |
| 20 Nov 2008 | The appellants commenced proceedings in the Federal Court. | |
| 5 Feb 2009 | Appellants served a report from DtecNet, with details of the evidence collection process undertaken by the DtecNet Agent for the purposes of the AFACT Notices. | |
| | iiNet filed its defence; not admitting the allegations of primary infringement by its users, and denying authorisation. | |
| 4 Apr 2009 | iiNet filed its “Statement of the Nature of its Case” conceding that activities by users of its services involved infringements of the applicants’ copyright. | |
| 8 May 2009 | Appellants filed their amended application and further amended statement of claim. | |
| 18 Sep 2009 | Appellants filed their supplementary particulars to the further amended statement of claim, which particularised further infringements for the period 13 March 2009 – 6 September 2009. | |
| 6 Oct 2009 – 26 Nov 2009 | Hearing at first instance before Cowdroy J. | |
| 4 Feb 2010 | Judgment at first instance, reported as <i>Roadshow Films Pty Ltd v iiNet Ltd (No 3)</i> (2010) 263 ALR 215. | |
| 2 Aug 2010 - 5 Aug 2010 | Hearing of appeal before the Full Court of the Federal Court (Emmett, Jagot and Nicholas JJ). | |

| Date | Event | AB reference |
|-------------|---|--------------|
| 24 Feb 2011 | Judgment on appeal, reported as <i>Roadshow Films Pty Ltd v iiNet Ltd</i> (2011) 275 ALR 1. | |
| 12 Aug 2011 | High Court granted special leave to appeal. | |

Dated: 9 September 2011



D K Catterns QC

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