

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE LLC,
Plaintiff,
v.
NGUYEN VAN DUC, et al.,
Defendants.

Case No. [5:23-cv-05824-EJD](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION; GRANTING
DEFAULT JUDGMENT**

Re: ECF Nos. 29, 30

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the entire record in this action, as well as Magistrate Judge Kim’s Report and Recommendation on Default Judgment (“Report”), ECF No. 30.

Plaintiff Google LLC initiated this action against Defendants Nguyen Van Duc and Pham Van Thien seeking in part to enjoin them from submitting fraudulent copyright takedown requests. ECF No. 1. After Judge Kim authorized alternative service, ECF No. 19, and Google served the required process upon Defendants, ECF No. 23, Defendants failed to appear or otherwise defend themselves from suit. Google then requested, and the Clerk entered, default. ECF Nos. 24, 25. Subsequently, Google moved for default judgment, ECF No. 26, which Judge Kim denied without prejudice. ECF No. 28. Google then filed a second motion for default judgment. ECF No. 29. Upon reviewing this second motion, Judge Kim issued her Report recommending that default judgment be granted. ECF No. 29. Following the issuance of Judge Kim’s Report, this case was assigned to the undersigned. ECF No. 31. The undersigned ordered Google to serve Judge Kim’s Report upon Defendants to give them an opportunity to reject to the Report. ECF No. 34. Google did so, ECF No. 35, but Defendants did not timely object.

Case No.: [5:23-cv-05824-EJD](#)
ORDER ADOPTING R&R; GRANTING DEFAULT J.

United States District Court
Northern District of California

1 Having closely reviewed the Report, the Court finds it to be correct, well-reasoned, and
2 thorough. Therefore, the Court ADOPTS the Report in every respect and GRANTS default
3 judgment in favor of Google.

4 **IT IS ORDERED** that Defendants and their agents, employees, successors, and assigns,
5 and all other persons acting in concert with or at the discretion of Defendants, are hereby
6 permanently enjoined from the following:

- 7 1. Submitting any notifications of copyright infringement or takedown requests to
8 Google based on false assertions of right of copyright ownership.
- 9 2. Creating or attempting to create any Google accounts.
- 10 3. Using any Google products or services to promote any of Defendants' websites or
11 products.
- 12 4. Using any Google products or services to harm or attempt to harm any third parties,
13 including without limitation Google's Search Ads customers.
- 14 5. Assisting, aiding, or abetting any other person or entity in engaging or performing
15 any of the activities described in subparagraphs (1) through (4) above.

16 **IT IS FURTHER ORDERED** that the Court retains jurisdiction of this action to enforce
17 this Order.

18 **IT IS FURTHER ORDERED** that a separate Judgment shall issue, and Google shall
19 serve this Order and the Judgment upon Defendants, in accordance with the service procedures
20 approved in this case, within **fourteen (14) days** of this Order.

21 **IT IS SO ORDERED.**

22 Dated: September 27, 2024

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25 EDWARD J. DAVILA
26 United States District Judge