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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WPENGINE, INC., a Delaware corporation,	Case No. 3:24-cv-06917-AMO
Plaintiff,	**[PROPOSED] ORDER GRANTING PLAINTIFF WPENGINE, INC.'S MOTION FOR PRELIMINARY INJUNCTION**
vs.	
AUTOMATTIC INC., a Delaware corporation; and MATTHEW CHARLES MULLENWEG, an individual,	
Defendants.	

1   The Court, having considered Plaintiff WPEngine, Inc.'s Motion for Preliminary Injunction

2 (the "Motion"), and all briefing, evidence, and argument submitted in support and opposition

3 thereof, hereby finds that: (1) Plaintiff WPEngine, Inc. ("WPE") is likely to succeed on the merits

4 of its claims against Defendants Automattic Inc. and Matthew Charles Mullenweg (together,

5 "Defendants"); (2) absent a preliminary injunction, WPE is likely to suffer irreparable harm; (3) the

6 balance of equities tips in WPE's favor; and (4) it is in the public interest to issue a preliminary

7 injunction.

8   Accordingly, and for good cause shown, this Court hereby orders as follow:

9   1.   Plaintiff's Motion is **GRANTED**.

10   2.   Defendants, and Defendants' officers, agents, servants, employees, and attorneys,

11 and other persons or entities who are in active concert or participation with the foregoing individuals

12 and entities, are hereby **RESTRAINED AND ENJOINED**, from:

13   (a)   interfering with or causing others to interfere with WPE's and/or its free

14   users', customers', or partners' access to the WordPress community, including

15   wordpress.org and the WordPress Plugin Directory and repository, in any manner that would

16   affect, impede, or restrict access in a way different from how such access existed

17   immediately prior to September 20, 2024;

18   (b)   interfering with or causing others to interfere with WPE's control over, or

19   access to, plugins or extensions published by WPE (or that had been published by WPE as

20   of September 20, 2024) or the listing or functioning of plugins or extensions published by

21   WPE (or that had been published by WPE as of September 20, 2024);

22   (c)   interfering with or causing others to interfere with WPE's and/or its free

23   users', customers', or partners' access to any WordPress plugins, extensions, or WordPress

24   community-related resources, or interfering with or causing others to interfere with the

25   functioning of any WordPress plugins, extensions, or WordPress community-related

26   resources, based on whether the user is believed to be associated or affiliated with WPE or

27   not, in any way different from how these plugins, extensions, or resources operated

28   immediately prior to September 20, 2024; and

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1   (d)   engaging in any extortionate acts or tortious acts of interference with respect to WPE and its customers, partners, or free users, including with respect to any and all functionality and/or services WPE provides thereto.

3.   These restrictions shall extend not just to acts aimed at or impacting WPE itself, but also WPE's affiliates, partners, employees, users, or customers, and all systems, servers, or computers owned or operated by or for the benefit of the foregoing. For the sake of clarity, these protections apply even if the foregoing person or entity is acting in their personal capacity.

4.   If there is currently in place any restriction of access, alteration of a plugin, alteration of a plugin directory listing, or alteration of an extension that would have violated the above terms if those acts had been carried out as of the date of this order, Defendants shall immediately cause the operations to return to status quo as they existed immediately prior to September 20, 2024, or as agreed to in writing with WPE. For the sake of clarity, to the extent any plugin, extension, listing, software, or other code has been updated for other reasons since immediately prior to September 20, 2024, restoration to the status quo shall be done in good faith as to not undo the normal and legitimate updates that occurred since that time.

5.   This Preliminary Injunction shall become immediately effective upon its entry and shall remain in full force and effect through the date on which judgment is entered following the trial of this action.

6.   WPE shall not be required to provide security or post a bond for the issuance of this Preliminary Injunction.

IT IS SO ORDERED:

DATED: _____

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The Honorable Araceli Martínez-Olguín
UNITED STATES DISTRICT JUDGE

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