

EXHIBIT A

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25 *Attorneys for Defendants Automattic Inc. and*
26 *Matthew Charles Mullenweg*

27 **IN THE UNITED STATES DISTRICT COURT**
28 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

WPENGINE, INC., a Delaware corporation,

Plaintiff,

vs.

AUTOMATTIC INC., a Delaware
corporation; and MATTHEW CHARLES
MULLENWEG, an individual,

Defendants.

Case No. 3:24-cv-06917-AMO

**STIPULATED PRELIMINARY
INJUNCTION PURSUANT TO ECF 58**

1 Defendants Automattic Inc. and Matthew Charles Mullenweg (together, “Defendants”) and
2 Plaintiff WPEngine, Inc. (“Plaintiff”) hereby submit this proposed stipulated preliminary
3 injunction as requested by the Court and pursuant to ECF 58. The Parties disagree about whether
4 Plaintiff has made the necessary showing for issuance of a preliminary injunction in this case.
5 *See, e.g., All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011) (requiring
6 plaintiff to prove likelihood of success on or serious questions regarding the merits, irreparable
7 harm in the absence of an injunction, that the balance of the equities weighs in favor of entry of
8 the requested relief and that such relief is in the public interest). As a result, the Parties
9 respectfully reserve all of their rights – including, specifically, Defendants’ reservation of their
10 appellate rights – with respect to any injunction and/or order the Court may enter that differs from
11 this stipulated preliminary injunction order.

12 Nevertheless, the Parties submit this proposed stipulated injunction to efficiently resolve
13 Plaintiff’s Motion for a Preliminary Injunction (ECF 17).

14 Defendants and Plaintiff agree to the following preliminary injunction:

15 (a) Defendants shall make available to Plaintiff all publicly available resources
16 on www.wordpress.org, including access to the WordPress code and WordPress plugin
17 repository made available on the www.wordpress.org site as such resources were
18 available on September 24, 2024.

19 (b) Defendants shall restore Plaintiff’s and its users’, customers,’ and partners’
20 access to api.wordpress.org and downloads.wordpress.org, as such resources were
21 available on September 24, 2024. Such restored access will allow those websites to
22 enjoy the same level of access and convenience as they did prior to September 25, 2024.
23 That access will also allow Plaintiff’s administrative panels for WPE-hosted websites to
24 function as they did prior to September 25, 2024, alleviating the need for Plaintiff’s
25 workaround solution identified in the Declaration of Ramadass Prabhakar at ECF 47
26 (“Prabhakar Reply Declaration”), ¶¶ 6-8;

27 (1) Once they have been restored access to api.wordpress.org,
28 Plaintiff and its users, customers and partners will cease using any workaround solution, including

1 the interim mirror described in the Prabhakar Reply Declaration at ¶ 6.

2 (c) Defendants shall restore (or where existing, maintain) Plaintiff's and its
3 users', customers,' and partners' unauthenticated access to the following wordpress.org
4 resources:

5 (i) Functionality and Development Resources:

6 (1) Plaintiff will be restored unauthenticated access to
7 core.svn.wordpress.org; plugins.svn.wordpress.org; i18n.svn.wordpress.org; make.wordpress.org;
8 and translate.wordpress.org, which will allow Plaintiff to access all historical and current source
9 code for WordPress Core; all current and historical source code for the plugins in the WordPress.org
10 plugin directory; all current and historical translation files for Core WordPress, as well as the plugins
11 and themes on WordPress.org; and the discussion hub for WordPress contributors.

12 (ii) Data resources:

13 (1) Plaintiff and its users, customers, and partners will have
14 unauthenticated access to WordPress Plugin, Theme, and Block Directories, repositories, and
15 listings. Through these resources, plugins and themes can be searched, viewed and downloaded,
16 and the ratings, reviews, and installation and download counts referenced in Prabhakar Reply
17 Declaration at ¶ 8 can be accessed;

18 (d) Defendants shall provide the following security and support services to
19 Plaintiff:

20 (i) Security resources: Defendants will provide Plaintiff with the
21 ability to contact security@wordpress.org to report any vulnerabilities, share any
22 patches, or identify any security concerns relating to themes or plugins hosted on
23 WordPress.org; and

24 (ii) Support resources: Plaintiff will have access to view all support
25 services and information provided through trac.wordpress.org, which include bug
26 reports, feature enhancements, and other information about WordPress Core
27 development, but nothing herein will require Defendants to provide support for any
28 questions submitted by Plaintiff or to allow Plaintiff to submit such questions.

1 For the avoidance of doubt, nothing herein shall require Defendants to provide WPE
2 access to any password protected resources on WordPress.org, including the ability to modify any
3 software, code, theme, or plugin hosted on WordPress.org, or to otherwise post to any
4 WordPress.org forum or Slack channel. Additionally, nothing herein shall be deemed to override
5 WordPress.org policies and review procedures and WordPress.org’s ability to ensure the security
6 and operability of its site.

7 (e) With respect to the “domains.csv” file linked to Defendants’
8 wordpressenginetracker.com website, Defendants shall remove any domains from that
9 file upon request from the owner of any domain who identifies that domain as
10 identifying a non-public site consistent with the general practice and custom associated
11 with companies who provide such lists of domain names. Specifically, Defendants shall
12 provide on wordpressenginetracker.com a means for owners of domain names to request
13 removal from that file, and shall remove any identified domains within two (2) business
14 days of such request.

15 Given the technical realities required to implement these measures, Defendants shall have
16 five (5) business days following this Order to comply with this Order’s terms with respect to those
17 measures.

18 Dated: December 2, 2024

Respectfully submitted,

19 By: /s/Michael M. Maddigan
20 Michael M. Maddigan

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