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AXANAR PRODUCTIONS, INC.,
8 and ALEC PETERS

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 PARAMOUNT PICTURES
CORPORATION, a Delaware
13 corporation; and CBS STUDIOS INC., a
Delaware corporation,

14 Plaintiffs,

15 vs.

16 AXANAR PRODUCTIONS, INC., a
17 California corporation; ALEC PETERS,
an individual; and DOES 1-20,

18 Defendants.
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Case No. 2:15-cv-09938-RGK-E

Assigned to: Hon. R. Gary Klausner

**DEFENDANTS AXANAR
PRODUCTIONS, INC., AND ALEC
PETERS' PROPOSED VERDICT
FORM AND RESPONSES TO
PLAINTIFFS' OBJECTIONS
THERE TO**

Hon. R. Gary Klausner

Pre-Trial Conference: January 9, 2017
Trial: January 31, 2017

1 Defendants Axanar Productions, Inc. and Alec Peters (“Defendants”) hereby
 2 submit their proposed verdict form and respond to Plaintiffs’ Objections to
 3 Defendants’ Proposed Verdict Form.

4
 5 **QUESTION 1 – Standing: Plaintiff’s Ownership or Exclusive License**

6 Answer this question for each Work listed on the chart below.

- 7
 8 • Did Plaintiffs prove by a preponderance of evidence that one of them owns a
 9 valid copyright to the listed Work, or has an exclusive license to the Work?

10
 11 For each Work listed below, under the “Proof of Ownership or Standing”
 12 heading:

- 13 - Check “PARAMOUNT” if you find that Plaintiffs have proven by a
 14 preponderance of the evidence that Plaintiff Paramount Pictures Corporation
 15 owns a valid copyright to the listed Work, or has an exclusive license to the
 16 Work.
 17 - Check “CBS” if you find that Plaintiffs have proven by a preponderance of
 18 the evidence that Plaintiff CBS Studios Inc. owns a valid copyright to the
 19 listed Work, or has an exclusive license to the Work.
 20 - Check “NOT PROVED” if you find that Plaintiffs have not proven by a
 21 preponderance of the evidence that either of them owns a valid copyright for
 22 the work.

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#	Work	Proof of Ownership or Standing
1.	Star Trek – The Motion Picture	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
2.	Star Trek II – The Wrath of Khan	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved

#	Work	Proof of Ownership or Standing
3.	Star Trek III The Search for Spock	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
4.	Star Trek IV: The Voyage Home	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
5.	Star Trek V: The Final Frontier	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
6.	Star Trek VI – The Undiscovered Country	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
7.	Star Trek Generations	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
8.	Star Trek: First Contact	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
9.	Star Trek: Insurrection	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
10.	Star Trek Nemesis	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
11.	Star Trek	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
12.	Star Trek Into Darkness	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
13.	Garth of Izar (book)	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
14.	The Original Series episode “Whom Gods Destroy”	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
15.	The Original Series episode “Patterns of Force”	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
16.	The Original Series episode “The Cage”	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved
17.	The Original Series episode “Errand of Mercy”	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input checked="" type="checkbox"/> Not proved

#	Work	Proof of Ownership or Standing
18.	The Original Series episode "Where No Man Has Gone Before"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
19.	The Original Series episode "The Savage Curtain"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
20.	The Original Series episode "The Man Trap"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
21.	The Original Series episode "Amok Time"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
22.	The Original Series episode "Space Seed"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
23.	The Original Series episode "Balance of Terror"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
24.	The Original Series episode "The Menagerie Part I"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
25.	The Original Series episode "The Menagerie Part II"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
26.	The Original Series episode "Court Martial"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
27.	The Original Series episode "Journey to Babel"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
28.	The Original Series episode "Day of the Dove"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
29.	The Original Series episode "Tomorrow is Yesterday"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
30.	The Original Series episode "The Doomsday Machine"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
31.	The Original Series episode "Elaan of Troyius"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
32.	The Original Series episode "The Lights of Zetar"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved

#	Work	Proof of Ownership or Standing
33.	The Original Series episode "The Alternative Factor"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
34.	The Original Series episode "And The Children Shall Lead"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
35.	The Original Series episode "A Taste of Armageddon"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
36.	Enterprise episode "Shockwave, Part II"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
37.	Enterprise pilot episode "Broken Bow"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
38.	Enterprise episode "The Expanse"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
39.	Enterprise episode "Kir'shara"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
40.	Enterprise episode "Two Days and Two Nights"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
41.	Enterprise episode "Bounty"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
42.	Enterprise episode "United"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
43.	Enterprise episode "Unexpected."	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
44.	Enterprise episode "Fortunate Son."	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
45.	Enterprise episode "The Aenar."	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
46.	Enterprise episode "Babel One"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
47.	Enterprise episode "These Are The Voyages..."	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved

#	Work	Proof of Ownership or Standing
48.	Star Trek: The Next Generation episode "Sarek"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
49.	Star Trek: The Next Generation episode "Unification, Part I"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
50.	Star Trek: The Next Generation episode "Sins of the Father"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
51.	Star Trek: The Next Generation episode "Samaritan Snare"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
52.	Star Trek: The Next Generation episode "The Naked Now"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
53.	Star Trek: The Next Generation episode "Conspiracy"	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
54.	The Animated Series episode "The Counter-Clock Incident."	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
55.	Deep Space Nine (entire series)	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
56.	Voyager (entire series)	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
57.	Strangers from the Sky (book)	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved
58.	Infinity's Prism (book)	<input type="checkbox"/> Paramount <input type="checkbox"/> CBS <input type="checkbox"/> Not proved

If you checked "NOT PROVED" for any Work, then you are finished with that Work.

If you checked "PARAMOUNT" or "CBS" for any work, then proceed to the next question on those works only.

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QUESTION 2 – Copying and Substantial Similarity by Defendants

Answer the following questions for each Work for which you answered “PARAMOUNT” or “CBS” to Question 1. DO NOT ANSWER the questions for a Work where you answered “NOT PROVED” to Question 1.

Mark your answers in the table provided on the page below.

“Prelude to Axanar”

- Did Plaintiffs prove by a preponderance of the evidence that “Prelude to Axanar” copies protectable expression from the Work, such that “Prelude to Axanar” is substantially similar to the Work? If so, check “YES” under the heading “Copying and substantial similarity – ‘Prelude to Axanar.’” Otherwise, check “NO.”
 - Proceed to the next question.

“Axanar”

- Did Plaintiffs prove by a preponderance of the evidence that “Axanar” copies protectable expression from the Work, such that “Axanar” is substantially similar to the Work? If so, check “YES” under the heading “Copying and substantial similarity – ‘Axanar.’” Otherwise, check “NO.”

#	Work	Copying and substantial similarity — “Prelude to Axanar”	Copying and substantial similarity — “Axanar”
1.	Star Trek – The Motion Picture	Yes: ___ No: ___	Yes: ___ No: ___
2.	Star Trek II – The Wrath of Khan	Yes: ___ No: ___	Yes: ___ No: ___
3.	Star Trek III The Search for Spock	Yes: ___ No: ___	Yes: ___ No: ___
4.	Star Trek IV: The Voyage Home	Yes: ___ No: ___	Yes: ___ No: ___
5.	Star Trek V: The Final Frontier	Yes: ___ No: ___	Yes: ___ No: ___
6.	Star Trek VI – The Undiscovered Country	Yes: ___ No: ___	Yes: ___ No: ___

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#	Work	Copying and substantial similarity — “Prelude to Axanar”	Copying and substantial similarity — “Axanar”
7.	Star Trek Generations	Yes: __ No: __	Yes: __ No: __
8.	Star Trek: First Contact	Yes: __ No: __	Yes: __ No: __
9.	Star Trek: Insurrection	Yes: __ No: __	Yes: __ No: __
10.	Star Trek Nemesis	Yes: __ No: __	Yes: __ No: __
11.	Star Trek	Yes: __ No: __	Yes: __ No: __
12.	Star Trek Into Darkness	Yes: __ No: __	Yes: __ No: __
13.	Garth of Izar (book)	Yes: __ No: __	Yes: __ No: __
14.	The Original Series episode “Whom Gods Destroy”	Yes: __ No: __	Yes: __ No: __
15.	The Original Series episode “Patterns of Force”	Yes: __ No: __	Yes: __ No: __
16.	The Original Series episode “The Cage”	Yes: __ No: __	Yes: __ No: __
17.	The Original Series episode “Errand of Mercy”	Yes: __ No: __	Yes: __ No: __
18.	The Original Series episode “Where No Man Has Gone Before”	Yes: __ No: __	Yes: __ No: __
19.	The Original Series episode “The Savage Curtain”	Yes: __ No: __	Yes: __ No: __
20.	The Original Series episode “The Man Trap”	Yes: __ No: __	Yes: __ No: __
21.	The Original Series episode “Amok Time”	Yes: __ No: __	Yes: __ No: __
22.	The Original Series episode “Space Seed”	Yes: __ No: __	Yes: __ No: __
23.	The Original Series episode “Balance of Terror”	Yes: __ No: __	Yes: __ No: __
24.	The Original Series episode “The Menagerie Part I”	Yes: __ No: __	Yes: __ No: __
25.	The Original Series episode “The Menagerie Part II”	Yes: __ No: __	Yes: __ No: __
26.	The Original Series episode “Court Martial”	Yes: __ No: __	Yes: __ No: __
27.	The Original Series episode “Journey to Babel”	Yes: __ No: __	Yes: __ No: __
28.	The Original Series episode “Day of the Dove”	Yes: __ No: __	Yes: __ No: __
	The Original Series episode “Tomorrow is Yesterday”	Yes: __ No: __	Yes: __ No: __

#	Work	Copying and substantial similarity — “Prelude to Axanar”	Copying and substantial similarity — “Axanar”
30.	The Original Series episode “The Doomsday Machine”	Yes: __ No: __	Yes: __ No: __
31.	The Original Series episode “Elaan of Troyius”	Yes: __ No: __	Yes: __ No: __
32.	The Original Series episode “The Lights of Zetar”	Yes: __ No: __	Yes: __ No: __
33.	The Original Series episode “The Alternative Factor”	Yes: __ No: __	Yes: __ No: __
34.	The Original Series episode “And The Children Shall Lead”	Yes: __ No: __	Yes: __ No: __
35.	The Original Series episode “A Taste of Armageddon”	Yes: __ No: __	Yes: __ No: __
36.	Enterprise episode “Shockwave, Part II”	Yes: __ No: __	Yes: __ No: __
37.	Enterprise pilot episode “Broken Bow”	Yes: __ No: __	Yes: __ No: __
38.	Enterprise episode “The Expanse”	Yes: __ No: __	Yes: __ No: __
39.	Enterprise episode “Kir’shara”	Yes: __ No: __	Yes: __ No: __
40.	Enterprise episode “Two Days and Two Nights”	Yes: __ No: __	Yes: __ No: __
41.	Enterprise episode “Bounty”	Yes: __ No: __	Yes: __ No: __
42.	Enterprise episode “United”	Yes: __ No: __	Yes: __ No: __
43.	Enterprise episode “Unexpected.”	Yes: __ No: __	Yes: __ No: __
44.	Enterprise episode “Fortunate Son.”	Yes: __ No: __	Yes: __ No: __
45.	Enterprise episode “The Aenar.”	Yes: __ No: __	Yes: __ No: __
46.	Enterprise episode “Babel One”	Yes: __ No: __	Yes: __ No: __
47.	Enterprise episode “These Are The Voyages...”	Yes: __ No: __	Yes: __ No: __
48.	Star Trek: The Next Generation episode “Sarek”	Yes: __ No: __	Yes: __ No: __
49.	Star Trek: The Next Generation episode “Unification, Part I”	Yes: __ No: __	Yes: __ No: __
50.	Star Trek: The Next Generation episode “Sins of the Father”	Yes: __ No: __	Yes: __ No: __
51.	Star Trek: The Next Generation episode “Samaritan Snare”	Yes: __ No: __	Yes: __ No: __
52.	Star Trek: The Next Generation episode “The Naked Now”	Yes: __ No: __	Yes: __ No: __
53.	Star Trek: The Next Generation episode “Conspiracy”	Yes: __ No: __	Yes: __ No: __

#	Work	Copying and substantial similarity — “Prelude to Axanar”	Copying and substantial similarity — “Axanar”
54.	The Animated Series episode “The Counter-Clock Incident.”	Yes: __ No: __	Yes: __ No: __
55.	Deep Space Nine (entire series)	Yes: __ No: __	Yes: __ No: __
56.	Voyager (entire series)	Yes: __ No: __	Yes: __ No: __
57.	Strangers from the Sky (book)	Yes: __ No: __	Yes: __ No: __
58.	Infinity’s Prism (book)	Yes: __ No: __	Yes: __ No: __

QUESTION 3 – Defendants’ Affirmative Defenses

Answer each of the following questions for each Work for which you answered “YES” about Proof of Ownership or Standing (Question 1), *and* you answered “YES” about Copying and Substantial Similarity.

Mark your answers in the table provided on the page below.

- Did Defendants prove by a preponderance of the evidence that they received consent, acquiescence, or acknowledgement and ratification from the Plaintiffs to use all or some of the Works?
 - Answer either “YES” or “NO” in the column labeled “Consent.”
- Did Defendants prove by a preponderance of the evidence that their use was authorized by the Plaintiffs or their agents?
 - Answer either “YES” or “NO” in the column labeled “Authorized Use.”
- Did Defendants prove by a preponderance of the evidence that Plaintiffs waived some or all of their claims, as to one or more Works?
 - Answer either “YES” or “NO” in the column labeled “Waiver.”
- Did Defendants prove by a preponderance of the evidence that the Plaintiffs should be estopped from bringing their copyright infringement claims?
 - Answer either “YES” or “NO” in the column labeled “Estoppel.”

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- Did Defendants prove by a preponderance of the evidence that Plaintiffs have unclean hands?
 - Answer either “YES” or “NO” in the column labeled “Unclean Hands.”
- Did Defendants prove by a preponderance of the evidence that Plaintiffs have misused their copyrights for improper purposes?
 - Answer either “YES” or “NO” in the column labeled “(c) Misuse.”

#	Work	Consent	Authorized Use	Waiver	Estoppel	Unclean Hands	(c) Misuse
1.	Star Trek – The Motion Picture	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Star Trek II – The Wrath of Khan	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Star Trek III The Search for Spock	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Star Trek IV: The Voyage Home	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	Star Trek V: The Final Frontier	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Star Trek VI – The Undiscovered Country	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Star Trek Generations	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	Star Trek: First Contact	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	Star Trek: Insurrection	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	Star Trek Nemesis	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
11.	Star Trek	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
12.	Star Trek Into Darkness	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
13.	Garth of Izar (book)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
14.	The Original Series episode “Whom Gods Destroy”	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

#	Work	Consent	Authorized Use	Waiver	Estoppel	Unclean Hands	(c) Misuse
15.	The Original Series episode "Patterns of Force"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
16.	The Original Series episode "The Cage"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
17.	The Original Series episode "Errand of Mercy"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
18.	The Original Series episode "Where No Man Has Gone Before"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
19.	The Original Series episode "The Savage Curtain"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
20.	The Original Series episode "The Man Trap"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
21.	The Original Series episode "Amok Time"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
22.	The Original Series episode "Space Seed"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
23.	The Original Series episode "Balance of Terror"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
24.	The Original Series episode "The Menagerie Part I"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
25.	The Original Series episode "The Menagerie Part II"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
26.	The Original Series episode "Court Martial"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
27.	The Original Series episode "Journey to Babel"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
28.	The Original Series episode "Day of the Dove"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
29.	The Original Series episode "Tomorrow is Yesterday"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

#	Work	Consent	Authorized Use	Waiver	Estoppel	Unclean Hands	(c) Misuse
30.	The Original Series episode "The Doomsday Machine"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
31.	The Original Series episode "Elaan of Troyius"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
32.	The Original Series episode "The Lights of Zetar"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
33.	The Original Series episode "The Alternative Factor"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
34.	The Original Series episode "And The Children Shall Lead"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
35.	The Original Series episode "A Taste of Armageddon"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
36.	Enterprise episode "Shockwave, Part II"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
37.	Enterprise pilot episode "Broken Bow"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
38.	Enterprise episode "The Expanse"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
39.	Enterprise episode "Kir'shara"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
40.	Enterprise episode "Two Days and Two Nights"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
41.	Enterprise episode "Bounty"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
42.	Enterprise episode "United"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
43.	Enterprise episode "Unexpected."	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
44.	Enterprise episode "Fortunate Son."	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
45.	Enterprise episode "The Aenar."	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
46.	Enterprise episode "Babel One"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

#	Work	Consent	Authorized Use	Waiver	Estoppel	Unclean Hands	(c) Misuse
47.	Enterprise episode "These Are The Voyages..."	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
48.	Star Trek: The Next Generation episode "Sarek"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
49.	Star Trek: The Next Generation episode "Unification, Part I"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
50.	Star Trek: The Next Generation episode "Sins of the Father"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
51.	Star Trek: The Next Generation episode "Samaritan Snare"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
52.	Star Trek: The Next Generation episode "The Naked Now"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
53.	Star Trek: The Next Generation episode "Conspiracy"	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
54.	The Animated Series episode "The Counter-Clock Incident."	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
55.	Deep Space Nine (entire series)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
56.	Voyager (entire series)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
57.	Strangers from the Sky (book)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
58.	Infinity's Prism (book)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

QUESTION 4 – LIABILITY

Plaintiffs have brought copyright claims against two defendants: Axanar Productions, Inc., which is a company, and Alec Peters, an individual. For each Work that you have determined is infringed, you must now determine which of the Defendants is liable for the infringement.

1 Answer the following questions for a Work if, and only if:

- 2 - You found that Plaintiffs have standing with respect to the Work (either
- 3 because they own the copyright for the work, or because they have an
- 4 exclusive license for the work); and
- 5 - You found that protectable expression from the Work was copied by one or
- 6 more of Defendants' works, *and* that Defendant's work is substantially
- 7 similar to the Work; and
- 8 - You answered "NO" to each question about the Work under Question 3.

9

10 Otherwise, DO NOT answer this question for any such Work.

11 ***Mark your answers in the table provided on the page below.***

12

- 13 • If you found that the Work was *directly* infringed, then:
 - 14 ○ Did Plaintiffs prove by a preponderance of the evidence that
 - 15 Defendant Axanar Productions, Inc. directly infringed the Work?
 - 16 ○ Did Plaintiffs prove by a preponderance of the evidence that
 - 17 Defendant Alec Peters directly infringed the Work?
- 18 • If you find that the Work was contributorily infringed, then:
 - 19 ○ Did Plaintiffs prove by a preponderance of the evidence that
 - 20 Defendant Axanar Productions, Inc. should be liable, as a
 - 21 contributorily infringer, for infringement of the Work?
 - 22 ○ Did Plaintiffs prove by a preponderance of the evidence that
 - 23 Defendant Alec Peters should be liable, as a contributorily infringer,
 - 24 for infringement of the Work?
- 25 • If you find that the Work was vicariously infringed, then:
 - 26 ○ Did Plaintiffs prove by a preponderance of the evidence that
 - 27 Defendant Axanar Productions, Inc. should be vicariously liable for
 - 28 infringement of the Work?

- o Did Plaintiffs prove by a preponderance of the evidence that Defendant Alec Peters should be vicariously liable for infringement of the Work?

#	Work	Party Liable for Direct Infringement	Contributorily liable?	Vicariously liable?
1.	Star Trek – The Motion Picture	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
2.	Star Trek II – The Wrath of Khan	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
3.	Star Trek III The Search for Spock	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
4.	Star Trek IV: The Voyage Home	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
5.	Star Trek V: The Final Frontier	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
6.	Star Trek VI – The Undiscovered Country	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
7.	Star Trek Generations	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
8.	Star Trek: First Contact	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
9.	Star Trek: Insurrection	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
10.	Star Trek Nemesis	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
11.	Star Trek	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters

#	Work	Party Liable for Direct Infringement	Contributorily liable?	Vicariously liable?
12.	Star Trek Into Darkness	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
13.	Garth of Izar (book)	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
14.	The Original Series episode "Whom Gods Destroy"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
15.	The Original Series episode "Patterns of Force"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
16.	The Original Series episode "The Cage"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
17.	The Original Series episode "Errand of Mercy"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
18.	The Original Series episode "Where No Man Has Gone Before"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
19.	The Original Series episode "The Savage Curtain"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
20.	The Original Series episode "The Man Trap"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
21.	The Original Series episode "Amok Time"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
22.	The Original Series episode "Space Seed"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
23.	The Original Series episode "Balance of Terror"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
24.	The Original Series episode "The Menagerie Part I"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters

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#	Work	Party Liable for Direct Infringement	Contributorily liable?	Vicariously liable?
25.	The Original Series episode "The Menagerie Part II"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
26.	The Original Series episode "Court Martial"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
27.	The Original Series episode "Journey to Babel"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
28.	The Original Series episode "Day of the Dove"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
29.	The Original Series episode "Tomorrow is Yesterday"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
30.	The Original Series episode "The Doomsday Machine"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
31.	The Original Series episode "Elaan of Troyius"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
32.	The Original Series episode "The Lights of Zetar"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
33.	The Original Series episode "The Alternative Factor"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
34.	The Original Series episode "And The Children Shall Lead"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
35.	The Original Series episode "A Taste of Armageddon"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
36.	Enterprise episode "Shockwave, Part II"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
37.	Enterprise pilot episode "Broken Bow"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters

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#	Work	Party Liable for Direct Infringement	Contributorily liable?	Vicariously liable?
38.	Enterprise episode "The Expanse"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
39.	Enterprise episode "Kir'shara"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
40.	Enterprise episode "Two Days and Two Nights"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
41.	Enterprise episode "Bounty"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
42.	Enterprise episode "United"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
43.	Enterprise episode "Unexpected."	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
44.	Enterprise episode "Fortunate Son."	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
45.	Enterprise episode "The Aenar."	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
46.	Enterprise episode "Babel One"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
47.	Enterprise episode "These Are The Voyages..."	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
48.	Star Trek: The Next Generation episode "Sarek"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
49.	Star Trek: The Next Generation episode "Unification, Part I"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
50.	Star Trek: The Next Generation episode "Sins of the Father"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters

#	Work	Party Liable for Direct Infringement	Contributorily liable?	Vicariously liable?
51.	Star Trek: The Next Generation episode "Samaritan Snare"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
52.	Star Trek: The Next Generation episode "The Naked Now"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
53.	Star Trek: The Next Generation episode "Conspiracy"	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
54.	The Animated Series episode "The Counter-Clock Incident."	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
55.	Deep Space Nine (entire series)	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
56.	Voyager (entire series)	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
57.	Strangers from the Sky (book)	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters
58.	Infinity's Prism (book)	<input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters <input type="checkbox"/> Not Infringed	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Axanar Prods <input type="checkbox"/> Alec Peters

QUESTION 5 – DAMAGES

For each Work that you have determined is infringed, you must award actual damages and, as an alternative, statutory damages.

Answer the following questions for a Work if, and only if:

- You found that Plaintiffs have standing with respect to the Work (either because they own the copyright for the work, or because they have an exclusive license for the work); and
- You found that protectable expression from the Work was copied by one or more of Defendants' works, *and* that Defendant's work is substantially

1 similar to the Work; and

2 - You answered “NO” to each question about the Work under Question 3.

3
4 Otherwise, DO NOT answer this question for any such Work.

5 ***Mark your answers in the table provided on the page below.***

- 6
- 7 • For each Work listed below, what were the actual damages suffered by each
8 of the Plaintiffs as a result of the infringement, together with any profits of
9 Defendants that are attributable to the infringement and are not taken into
10 account in computing the actual damages?
 - 11 ○ If you find that Defendants have proven by a preponderance of the
12 evidence that the Plaintiffs failed to mitigate their damages for any
13 Work, you may reduce any award of damages as you find appropriate.
 - 14
 - 15 • For each Work listed below, what statutory damages do you award Plaintiffs
16 for the infringed Work? You may award statutory damages not less than
17 \$750, nor more than \$30,000 for each copyrighted Work that was infringed.
18 However:
 - 19 ○ If you find that Defendants have proven by a preponderance of the
20 evidence that the infringement was innocent, you may award as little
21 as \$200 for each Work that was innocently infringed.
 - 22 ○ If you find that Plaintiffs have proven by a preponderance of the
23 evidence that the infringement was willful, you may award as much as
24 \$150,000 for each Work that was willfully infringed.
 - 25 ○ If you find that Defendants have proven by a preponderance of the
26 evidence that the Plaintiffs failed to mitigate their damages for any
27 Work, you may reduce any award of damages as you find appropriate.
 - 28

#	Work	Amount of Plaintiffs' Actual Damages	Amount of Statutory Damages Awarded
1.	Star Trek – The Motion Picture	\$ _____	\$ _____
2.	Star Trek II – The Wrath of Khan	\$ _____	\$ _____
3.	Star Trek III The Search for Spock	\$ _____	\$ _____
4.	Star Trek IV: The Voyage Home	\$ _____	\$ _____
5.	Star Trek V: The Final Frontier	\$ _____	\$ _____
6.	Star Trek VI – The Undiscovered Country	\$ _____	\$ _____
7.	Star Trek Generations	\$ _____	\$ _____
8.	Star Trek: First Contact	\$ _____	\$ _____
9.	Star Trek: Insurrection	\$ _____	\$ _____
10.	Star Trek Nemesis	\$ _____	\$ _____
11.	Star Trek	\$ _____	\$ _____
12.	Star Trek Into Darkness	\$ _____	\$ _____
13.	Garth of Izar (book)	\$ _____	\$ _____
14.	The Original Series episode “Whom Gods Destroy”	\$ _____	\$ _____
15.	The Original Series episode “Patterns of Force”	\$ _____	\$ _____
16.	The Original Series episode “The Cage”	\$ _____	\$ _____
17.	The Original Series episode “Errand of Mercy”	\$ _____	\$ _____
18.	The Original Series episode “Where No Man Has Gone Before”	\$ _____	\$ _____
19.	The Original Series episode “The Savage Curtain”	\$ _____	\$ _____
20.	The Original Series episode “The Man Trap”	\$ _____	\$ _____
21.	The Original Series episode “Amok Time”	\$ _____	\$ _____
22.	The Original Series episode “Space Seed”	\$ _____	\$ _____
23.	The Original Series episode “Balance of Terror”	\$ _____	\$ _____
24.	The Original Series episode “The Menagerie Part I”	\$ _____	\$ _____
25.	The Original Series episode “The Menagerie Part II”	\$ _____	\$ _____
26.	The Original Series episode “Court Martial”	\$ _____	\$ _____
27.	The Original Series episode “Journey to Babel”	\$ _____	\$ _____
28.	The Original Series episode “Day of the Dove”	\$ _____	\$ _____
29.	The Original Series episode “Tomorrow is Yesterday”	\$ _____	\$ _____

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#	Work	Amount of Plaintiffs' Actual Damages	Amount of Statutory Damages Awarded
30.	The Original Series episode "The Doomsday Machine"	\$ _____	\$ _____
31.	The Original Series episode "Elaan of Troyius"	\$ _____	\$ _____
32.	The Original Series episode "The Lights of Zetar"	\$ _____	\$ _____
33.	The Original Series episode "The Alternative Factor"	\$ _____	\$ _____
34.	The Original Series episode "And The Children Shall Lead"	\$ _____	\$ _____
35.	The Original Series episode "A Taste of Armageddon"	\$ _____	\$ _____
36.	Enterprise episode "Shockwave, Part II"	\$ _____	\$ _____
37.	Enterprise pilot episode "Broken Bow"	\$ _____	\$ _____
38.	Enterprise episode "The Expanse"	\$ _____	\$ _____
39.	Enterprise episode "Kir'shara"	\$ _____	\$ _____
40.	Enterprise episode "Two Days and Two Nights"	\$ _____	\$ _____
41.	Enterprise episode "Bounty"	\$ _____	\$ _____
42.	Enterprise episode "United"	\$ _____	\$ _____
43.	Enterprise episode "Unexpected."	\$ _____	\$ _____
44.	Enterprise episode "Fortunate Son."	\$ _____	\$ _____
45.	Enterprise episode "The Aenar."	\$ _____	\$ _____
46.	Enterprise episode "Babel One"	\$ _____	\$ _____
47.	Enterprise episode "These Are The Voyages..."	\$ _____	\$ _____
48.	Star Trek: The Next Generation episode "Sarek"	\$ _____	\$ _____
49.	Star Trek: The Next Generation episode "Unification, Part I"	\$ _____	\$ _____
50.	Star Trek: The Next Generation episode "Sins of the Father"	\$ _____	\$ _____
51.	Star Trek: The Next Generation episode "Samaritan Snare"	\$ _____	\$ _____
52.	Star Trek: The Next Generation episode "The Naked Now"	\$ _____	\$ _____
53.	Star Trek: The Next Generation episode "Conspiracy"	\$ _____	\$ _____
54.	The Animated Series episode "The Counter-Clock Incident."	\$ _____	\$ _____
55.	Deep Space Nine (entire series)	\$ _____	\$ _____
56.	Voyager (entire series)	\$ _____	\$ _____

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#	Work	Amount of Plaintiffs' Actual Damages	Amount of Statutory Damages Awarded
57.	Strangers from the Sky (book)	\$ _____	\$ _____
58.	Infinity's Prism (book)	\$ _____	\$ _____

1 **PLAINTIFFS’ OBJECTIONS TO DEFENDANTS’ PROPOSED VERDICT**
2 **FORM AND DEFENDANTS’ RESPONSES**

3 **Question 1 – Standing: Plaintiffs’ Ownership or Exclusive License**

4 **PLAINTIFFS’ OBJECTIONS (Question 1):**

5 Plaintiffs object to this question because Defendants have already agreed that
6 Plaintiffs are the owners of the works at issue. Further, the Court has ruled, consistent
7 with Defendants’ admissions, that the element of ownership has been established.

8 Inclusion of this question, which asks the jury to complete a chart occupying
9 over four pages, is confusing, time consuming, and legally irrelevant.

10 **DEFENDANTS’ RESPONSE (Question 1):**

11 Plaintiffs cite no authority or factual support for their objections. Defendants
12 have not agreed that Plaintiffs are the owners of the works they allege, nor has the
13 Court so ruled. ECF No. 163. Rather, the issue of ownership was not disputed for
14 purposes of summary judgment. *Id.* That does not absolve Plaintiffs of the
15 requirement to prove their ownership of a valid copyright to each work alleged in this
16 case. Indeed, the Court explicitly recognized as the pretrial conference the need for
17 Plaintiffs to put on evidence of ownership and copyright registrations. To establish a
18 copyright infringement claim, a plaintiff must show, *inter alia*, “ownership of a valid
19 copyright.” *Funky Films, Inc. v. Time Warner Entm’t Co., L.P.*, 462 F.3d 1072, 1076
20 (9th Cir. 2006) (quoting *Feist Pubs., Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361
21 (1991)). Moreover, because Plaintiffs have persistently refused either to conclusively
22 identify “the works at issue,” or limit this case to only the works they *have* identified,
23 it is nonsense to say that ownership of such works is undisputed. Plaintiffs’ complaint
24 that the chart “occup[ies] over four pages” is a red herring: providing the jury a clear,
25 authoritative chart of the works at issue will ensure that the jury is *not* confused about
26 the scope of this case, and will greatly simplify the jury’s task of rendering a just,
27 well-reasoned decision concerning the works and claims actually at issue in this
28 litigation.

1 **Question 2 – Copying and Substantial Similarity**

2 **PLAINTIFFS’ OBJECTIONS (Question 2):**

3 Plaintiffs object to this question because it is unnecessarily confusing, and
4 misstates the legal standard for substantial similarity under the subjective test. This
5 question also asks the jury to resolve matters already decided by the Court in its ruling
6 on Plaintiffs’ Motion for Summary Judgment, and omits without explanation the
7 *Vulcan Scene*.

8 The sole remaining responsibility of the jury is to decide if *Prelude to Axanar*,
9 the *Vulcan Scene*, and the script for the Axanar Motion Picture (collectively, the
10 “Axanar Works”), taken together and from the viewpoint of an ordinary reasonable
11 observer, are similar in concept and feel to Plaintiffs’ copyrighted Star Trek works.
12 See e.g. *Three Boys Music Corp. v. Bolton*, 212 F.3d 477, 485 (9th Cir. 2000).
13 Defendants’ proposed instruction does not refer to an ordinary reasonable observer, or
14 the concept and feel of the works, or define substantial similarity at all. Instead,
15 Defendants propose that the jury answer a complex, multi-part test, again in the form
16 of a chart spanning several pages, whereby they must determine substantial similarity
17 for each of dozens of Plaintiffs’ copyrighted works. The chart, despite its length,
18 omits reference to the *Vulcan Scene*, but demands a finding on fair use, which the
19 Court has already decided is not a viable defense.

20 This question is misleading regarding the remaining inquiry for substantial
21 similarity while also being excessive in length and complexity. Additionally, the form
22 of the question would require Plaintiffs to present dozens of individual Star Trek
23 works to the jury, a time consuming and unnecessary expenditure of court resources
24 when the jury make their finding based on the Star Trek works as a whole.

25 **DEFENDANTS’ RESPONSE (Question 2):**

26 Although Plaintiffs attempt to make much of the fact that the Court decided
27 extrinsic (or objective) substantial similarity and fair use on summary judgment, they
28 neglect to mention that the parties exchanged proposed verdict forms *before* the

1 Court’s ruling issued. Defendants have submitted proposed instructions on copying
 2 and substantial similarity that reflect the Court’s rulings, and will submit an amended
 3 proposed verdict form that reflects those rulings and omits the “fair use” column.

4 Notwithstanding, Plaintiffs’ objections are not well founded. As Plaintiffs’
 5 complaint, their pleadings throughout this case, and their proposed jury instructions
 6 make crystal clear, the “Vulcan Scene” is merely a part of, and thus subsumed by, the
 7 projected “*Axanar* Motion Picture.” And Plaintiffs’ objection to being “require[d] to
 8 present dozens of individual Star Trek works to the jury” is disingenuous: it would, of
 9 course, be impossible for the jury to “make their finding based on the Star Trek
 10 works” *without* being presented with the works. Furthermore, to the extent Plaintiffs
 11 intend to elect statutory damages pursuant to 17 U.S.C. § 504(c), Defendants note that
 12 Plaintiffs’ objections here would perforce limit them to seeking a single award of
 13 statutory damages. Any other damages theory would be foreclosed by the Copyright
 14 Act, which provides that statutory damages may be awarded *solely* “with respect to
 15 **any one work**, for which any ... infringer is liable.” 17 U.S.C. § 504(c)(1) (emphasis
 16 added). Plaintiffs thus may not present a *single* work (“the Star Trek works as a
 17 whole”) for purposes of the subjective substantial similarity analysis, while reserving
 18 the right to seek damages for *multiple* works.

19 Finally, Plaintiffs’ complaint about the chart provided is meritless for the
 20 reasons discussed above: providing the jury a clear, authoritative chart of the works at
 21 issue will ensure that the jury is *not* confused about the scope of this case, and will
 22 greatly simplify the jury’s task of rendering at a just, well-reasoned decision
 23 concerning the works and claims actually at issue in this litigation.

24 **Question 3 – Defendants’ Affirmative Defenses**

25 **PLAINTIFFS’ OBJECTIONS (Question 3):**

26 Plaintiffs object to this question because it is confusing and asks the jury make
 27 findings on inapplicable, or equitable, legal theories. Defendants ask that the jury
 28 find, as to each of dozens of Plaintiffs’ copyrighted works, whether the affirmative

1 defenses of consent, authorized use, waiver, estoppel, unclean hands, or copyright
2 misuse apply the Axanar Works (here lumped together with no explanation).

3 Regarding consent and authorized use, Defendants appear to be asking the jury
4 to decide if Defendants had an implied license in Plaintiffs' Star Trek works. Implied
5 license requires that Defendants present evidence that, among other things,
6 Defendants requested that Plaintiffs create Star Trek films and television shows, an
7 absurd position for which the jury will receive no evidence.

8 Regarding waiver (abandonment), Defendants must present evidence that
9 Plaintiffs intended to surrender their copyrights to the Star Trek works and performed
10 some act evidencing that intent. *Micro Star v. Formgen, Inc.*, 154 F.3d 1107, 1114
11 (9th Cir. 1998). Defendants have no such evidence. Therefore, this instruction will
12 only confuse the jury.

13 Unclean hands and copyright misuse are legally identical, and separating them
14 into unique categories is unnecessarily confusing. *Altera Corp. v. Clear Logic, Inc.*,
15 424 F.3d 1079, 1090 (9th Cir. 2005) (recognizing the 5th Circuit's discussion of
16 copyright misuse "as an unclean hands defense which forbids the use of the copyright
17 to secure an exclusive right or limited monopoly not granted by the Copyright Office
18 and which is contrary to the public policy to grant."). Furthermore, Defendants will
19 present no evidence that Plaintiffs abused their copyrights by gaining commercial
20 control over products they do not own, or otherwise.

21 Estoppel is an equitable defense for which there is no admissible evidence for
22 the jury to review. *See Paramount Pictures Corp. v. Carol Publ'g Grp.*, 11 F. Supp.
23 2d 329, 337 (S.D.N.Y. 1998) (in rejecting the "estoppel by transitivity," the court
24 noted that a copyright holder "is free to instigate legal action against whomever it
25 wishes.").

26 For each of the affirmative defenses listed, the use of a chart demanding that the
27 jury make findings on dozens of individual Star Trek works is confusing and wasteful
28 of the Court's resources. For the jury to fill in this chart, Plaintiffs would be required

1 to present each of the referenced Star Trek works one at a time, an unnecessary
2 expenditure of court resources. The jury may decide on any relevant affirmative
3 defenses with regard to the Star Trek works as a whole.

4 **DEFENDANTS’ RESPONSE (Question 3):**

5 Plaintiffs misstate the law concerning Defendants’ affirmative defenses:

6 • Plaintiffs egregiously misstate the law concerning implied license, which
7 does not require a showing that “Defendants requested that Plaintiffs create Star Trek
8 films and television shows.” Unsurprisingly, Plaintiffs provide no authority to support
9 this position. Rather, “[a] license is a defense to a claim of copyright infringement,”
10 *see Effects Assocs., Inc. v. Cohen*, 908 F.2d 555, 558–59 (9th Cir. 1990), and a
11 copyright owner may grant a nonexclusive license impliedly, through its conduct. *Id.*
12 (citing 3 Melville B. Nimmer & David Nimmer, *Nimmer On Copyright* § 10.03[A]
13 (1989)). An implied license can be found where the copyright holder engages in
14 conduct “from which the other party may properly infer that the owner consents to his
15 use.” *Field v. Google Inc.*, 412 F. Supp. 2d 1106, 1115–16 (D. Nev. 2006) (alterations
16 and quotation marks omitted); *see Keane Dealer Servs., Inc. v. Harts*, 968 F. Supp.
17 944, 947 (S.D.N.Y. 1997) (“consent given in the form of mere permission or lack of
18 objection is also equivalent to a nonexclusive license”). Moreover, Plaintiffs’
19 speculation that Defendant’s defense of consent is limited to an “implied license”
20 defense lacks foundation.

21 • Plaintiffs’ attempt to conflate “waiver” with “abandonment” lacks any
22 basis. Contrary to Plaintiffs’ contention, Defendants do not argue that Plaintiffs
23 “abandoned” their copyrights. Plaintiffs also fail to object to Defendants’ affirmative
24 defense of waiver, which is plainly viable here. “Generally, a ‘copyright owner who
25 grants a nonexclusive license to use his copyrighted material waives his right to sue
26 the licensee for copyright infringement.’” *Sun Microsystems, Inc. v. Microsoft Corp.*,
27 188 F.3d 1115, 1121 (9th Cir. 1999) (quoting *Graham v. James*, 144 F.3d 229, 236
28 (2d Cir. 1998)). A nonexclusive implied license may be implied from conduct or

1 granted orally. *Carson v. Dynege*, 344 F.3d 446, 451 n. 5 (5th Cir. 2003); *and see*
2 *supra*, response to Plaintiffs’ objection regarding Defendants’ license defense.

3 • Plaintiffs’ attempt to conflate the distinct doctrines of unclean hands and
4 copyright misuse is unpersuasive and lacks a legal basis. As defined by the Ninth
5 Circuit, the defense of copyright misuse “forbids the use of the copyright to secure an
6 exclusive right or limited monopoly not granted by the Copyright Office.” *Practice*
7 *Mgmt. Info. Corp. v. Am. Med. Ass’n*, 121 F.3d 516, 520 (9th Cir. 1997), *amended*,
8 133 F.3d 1140 (9th Cir. 1998) (citing and quoting *Lasercomb America, Inc. v.*
9 *Reynolds*, 911 F.2d 970, 977–79 (4th Cir. 1990)). The language Plaintiffs quote from
10 *Altera Corp. v. Clear Logic, Inc.*, 424 F.3d 1079, 1090 (9th Cir. 2005) is dicta, from a
11 case in which the court determined that the defense did not apply. Moreover,
12 Plaintiffs’ objection that copyright misuse hinges on an attempt to “gain commercial
13 control over products they do not own” has no basis, nor do Plaintiffs cite any
14 supporting authority.

15 • Plaintiffs’ objection to the defense of so-called “estoppel by transitivity”
16 is irrelevant, since that is not a defense in this case. And *estoppel* requires a factual
17 inquiry into “[f]our elements ... 1) the party to be estopped must know the facts; 2) he
18 must intend that his conduct shall be acted on or must so act that the party asserting
19 the estoppel has a right to believe it is so intended; 3) the latter must be ignorant of the
20 true facts; and 4) he must rely on the former's conduct to his injury.” *United States v.*
21 *King Features Entm't, Inc.*, 843 F.2d 394, 399 (9th Cir. 1988) (citation omitted).
22 Plaintiffs do not—and cannot—dispute that estoppel is a viable defense to copyright
23 infringement in the Ninth Circuit. *Id.*; *see also Kramer v. From The Heart Prods.,*
24 *Inc.*, 300 F. App'x 555, 557 (9th Cir. 2008) (finding “facts ... sufficient to establish an
25 estoppel defense” and upholding determination that plaintiffs were “estopped from
26 bringing any copyright claims against [defendants]” based on those facts).

27 As discussed above, providing the jury a clear, authoritative chart of the works
28 at issue will ensure that the jury is *not* confused about the scope of this case, and will

1 greatly simplify the jury’s task of rendering at a just, well-reasoned decision
2 concerning the works and claims actually at issue in this litigation.

3 **Question 4 – Liability**

4 **PLAINTIFFS’ OBJECTIONS (Question 4):**

5 Plaintiffs object to presenting this question to the jury because the Court has
6 already ruled that Peters is subject to liability (assuming the jury finds subjective
7 substantial similarity) under the doctrines of vicarious and contributory infringement.
8 Plaintiffs further object to the form of the question. Again, Defendants use a chart
9 demanding that the jury make findings on dozens of individual Star Trek works,
10 which would require Plaintiffs to present each of the referenced Star Trek works to the
11 jury one at a time. This process would be an unnecessary expenditure of court
12 resources considering that the jury may decide infringement of the Star Trek works as
13 a whole.

14 **DEFENDANTS’ RESPONSE (Question 4):**

15 Plaintiffs’ objection that “the Court has already ruled that Peters is subject to
16 liability (assuming the jury finds subjective substantial similarity) under the doctrines
17 of vicarious and contributory infringement” is unfounded: the Court did not find direct
18 infringement, nor did it find infringement with respect to any particular work.
19 Furthermore, the Court left unresolved the critical question of *which* particular alleged
20 works were the sources of Defendants’ purported copying, as well as *which* particular
21 alleged works were infringed by *Prelude to Axanar*, and which by the *Axanar* Motion
22 Picture. Again, Plaintiffs’ objection to being “require[d] to present dozens of
23 individual Star Trek works to the jury” is disingenuous: it would, of course, be
24 impossible for the jury to “make their finding based on the Star Trek works” *without*
25 being presented with the works. Furthermore, to the extent Plaintiffs’ intend to elect
26 statutory damages pursuant to 17 U.S.C. § 504(c), Defendants note that Plaintiffs’
27 objections here would perforce limit them to seeking a single award of statutory
28 damages. Any other damages theory would be foreclosed by the Copyright Act, which

1 provides that statutory damages may be awarded *solely* “with respect to **any one**
2 **work**, for which any ... infringer is liable.” 17 U.S.C. § 504(c)(1) (emphasis added).
3 Plaintiffs thus may not present a *single* work (“the Star Trek works as a whole”) for
4 purposes of the subjective substantial similarity analysis, while reserving the right to
5 seek damages for *multiple* works.

6 As discussed above, providing the jury a clear, authoritative chart of the works
7 at issue will ensure that the jury is *not* confused about the scope of this case, and will
8 greatly simplify the jury’s task of rendering at a just, well-reasoned decision
9 concerning the works and claims actually at issue in this litigation.

10 **Question 5 – Damages**

11 **PLAINTIFFS’ OBJECTIONS (Question 5):**

12 Plaintiffs object to presenting this question to the jury because it is confusing
13 and incorporates inapplicable affirmative defenses. In determining damages,
14 Defendants ask the jury to decide if Plaintiffs failed to mitigate their damages and to
15 find whether the infringement was innocent. Failure to mitigate damages is not a
16 defense to copyright infringement and its inclusion here will only mislead and confuse
17 the jury.

18 Innocent infringement is also inapplicable. Under 17 U.S.C. § 401(d), “[i]f a
19 notice of copyright in the form and position specified by this section appears on the
20 published copy or copies to which a defendant in a copyright Infringement suit had
21 access, then no weight shall be given to such a defendant’s interposition of a defense
22 based on innocent infringement in mitigation of actual or statutory damages, except as
23 provided in the last sentence of section 504(c)(2).” Therefore, because each of the
24 works Plaintiffs claim were infringed, to which the Court has decided Defendants had
25 access, featured a copyright notice, and because Defendants are not nonprofit
26 educational institutions, libraries, or archives (or employees/agents thereof), innocent
27 infringement is irrelevant to this case. *See* 17 U.S.C. § 504(c)(2). Asking the jury to
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1 make a finding regarding innocent infringement would be irrelevant and misleading in
2 their calculation of damages.

3 Plaintiffs also object to Defendants' inclusion of yet another chart requiring
4 findings on each of dozens of Plaintiffs' Star Trek works. Defendants presume that
5 the jury will award different damages for each of the Star Trek works that were
6 infringed. However, the jury will receive no evidence suggesting that Defendants'
7 infringement of certain of the Star Trek works was any more or less egregious than
8 any other. This question will only confuse the jury, and require Plaintiffs present
9 evidence of infringement in each work listed one by one that, as noted above, would
10 be waste of court resources. The jury should be asked to note the amount of damages
11 per infringed work, then simply multiply by the number of works infringed.

12 **DEFENDANTS' RESPONSE (Question 5):**

13 Plaintiffs' *non sequitur* statement that "[f]ailure to mitigate damages is not a
14 defense to copyright infringement" is irrelevant, since the instruction at issue is a
15 damages instruction, not a liability instruction. Plaintiffs' failure to mitigate their
16 alleged damages is clearly highly relevant to the calculation of damages.

17 Plaintiffs' objection that "[i]nnocent infringement is also inapplicable"
18 misstates the law and relies on a fundamental misreading of the Copyright Act.
19 Plaintiffs appear to have been misled by the term "innocent infringement"—which,
20 though it is used as a shorthand reference to the provisions of 17 U.S.C. § 504(c)(2),
21 appears nowhere in that section. Instead, the irrelevant language Plaintiffs cite from
22 17 U.S.C. § 401(d) addresses the "evidentiary weight of notice" applicable to one who
23 is *defined* as an "innocent infringer[]" under § 405(b). The Copyright Act's plain
24 language shows that § 502(c)(2) is *not* limited to the "innocent infringers" of §§ 401,
25 402, and 405. Rather, the statute unambiguously provides that "[i]n a case where the
26 infringer sustains the burden of proving... that [he] was not aware and had no reason
27 to believe that his... acts constituted an infringement of copyright, the court in its
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1 discretion may reduce the award of statutory damages to a sum of not less than \$200.”
2 *Id.*

3 Finally, Plaintiffs offer the astonishing proposal that “[t]he jury should be asked
4 to note the amount of damages ... then simply multiply by the number of works
5 [allegedly] infringed.” There is no basis for such a procedure, which is flatly
6 incompatible with the plain language of the Copyright Act. Statutory damages may be
7 awarded *solely* “with respect to **any one work**, for which any ... infringer is liable.”
8 17 U.S.C. § 504(c)(1) (emphasis added). Plaintiffs thus may not present a *single* work
9 (“the Star Trek works as a whole”) for purposes of the infringement analysis, while
10 reserving the right to seek damages for *multiple* works. Simply put, Plaintiffs must
11 show that any *particular* “one work” has actually been infringed, before they are
12 entitled to statutory damages for that work. And, as discussed above, such an approach
13 is also incompatible with Plaintiffs’ repeated assertion that need only prove
14 infringement of a single work, namely “the Star Trek works as a whole.”
15 As discussed above, providing the jury a clear, authoritative chart of the works at issue
16 will ensure that the jury is *not* confused about the scope of this case, and will greatly
17 simplify the jury’s task of rendering at a just, well-reasoned decision concerning the
18 works and claims actually at issue in this litigation.

19
20 Dated: January 13, 2017

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