

Case Number:
7 O 2/21

Landgericht Mannheim (District Court of Mannheim)

Court Order

In the matter between

- 1) Pablo Neira **Ayuso**, [REDACTED]
- Plaintiff -
- 2) Harald **Welte**, [REDACTED]
- Plaintiff -
- 3) József **Kadlecsik**, [REDACTED]
- Plaintiff -

Counsel for the plaintiffs 1) – 3):
Attorneys **JBB**, Christinenstr. 18/19, 10119 Berlin, Gz.: 20-0073

and

Patrick **Mc Hardy**, [REDACTED]
- Respondent -

Counsel for the respondent:
[REDACTED]

concerning copyright information and damages

the Landgericht Mannheim (District Court of Mannheim) – 7. Civil Chamber – by the Presiding Judge at the District Court Dr. Tochtermann, the Judge at the District Court Dr. Alles and the Judge at the District Court Böttcher, on 12/27/2021 has ruled as follows:

- I. Pursuant to § 278 (6) ZPO (Code of Civil Procedure), it is hereby declared that the following settlement has been reached between the parties:

The parties are involved in the legal dispute before the District Court of Mannheim, Case No. 7 O 2/21. The parties are aware that the legal dispute is based on different opinions as to how the license conditions of the GNU General Public License should be enforced. The parties intend to resolve these differing views for the future through the following settlement provisions. The settlement applies to the Linux kernel (www.kernel.org) and all programs and program libraries published by the netfilter/iptables project on the website www.netfilter.org (hereinafter together referred to as the "Software").

1.

The parties mutually undertake not to enforce in the future the infringement of their copyrights (including copyrights in joint authorship and/or adaptations) in the Software and/or the infringement of

the license terms of the GNU General Public License in connection with the Software without the prior consent of the majority of the then active members of the Netfilter Core Team. This includes the enforcement of penalties by the parties based on past cease-and-desist letters with penalties. Active members of the Netfilter Core Team are those members who are considered to be members of the Netfilter Core Team according to the internal organization of the netfilter/iptables project and are therefore listed as Core Team Members on the website of the netfilter/iptables project (<https://www.netfilter.org/about.html>). As of the date of the settlement, these are:

- *Pablo Neira Ayuso*
- *Jozsef Kadlecsik*
- *Eric Leblond*
- *Florian Westphal*
- *Arturo Borrero González*
- *Phil Sutter*

Consent shall be regarded as granted as soon as the majority of the Netfilter Core Team members active at the time of the request agree to the enforcement of the rights in a specific case, whereby any abstentions and non-responses shall be disregarded. Unless a majority agrees within two weeks of the request, the request will be considered denied. Requests shall be made in text form to the e-mail address coreteam@netfilter.org. The consent requirement does not apply to passive proceedings of the parties.

2.

This settlement has effect in favor of third parties: licensees of the Software who find themselves exposed to the assertion of claims arising from the infringement of copyrights (including copyrights in joint authorship and/or adaptations) of a party may oppose to that party the lack of consent pursuant to Section 1 of this Agreement.

3.

Excluded from this settlement are the proceedings before the Hamburg Regional Court (Case No. 308 O 343/15) and the Hanseatic Higher Regional Court (Case No. 5 U 225/17).

4.

With this settlement, all claims of the plaintiffs against the defendant, irrespective of the legal grounds, due to the facts in dispute are settled and resolved.

5.

The plaintiffs shall bear the costs of the proceedings.

II. The amount in dispute is set at 20.000,00 €. There is no excess agreement value.

Legal Notice:

An appeal may be lodged against the decision setting the amount in dispute if the value of the subject matter of the appeal exceeds 200 Euros or if the court has allowed the appeal.

The appeal must be lodged with the

Landgericht Mannheim (Mannheim District Court)

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within six months.

The time period begins to run when the decision on the merits of the case becomes final or the case is otherwise disposed of. If the amount in dispute has been determined later than one month before the expiry of the six-month period, the appeal may still be lodged within one month after service or informal notification of the determination decision. In the case of informal notification, the resolution shall be deemed to have been published on the third day after posting.

The appeal shall be filed in writing or by declaration on the record at the office of the said court. It may also be declared on the record before the clerk's office of any Amtsgericht (local district court); however, the time period shall only be observed if the record is received by the aforementioned court in due time. The participation of a lawyer is not mandatory.

Appeals can also be filed as an electronic document. Filing by e-mail is not permitted. How to file with the court electronically is described at www.ejustice-bw.de.

Applications and declarations to be submitted in writing by a lawyer, by a public authority or by a legal entity under public law, including the associations formed by it to perform its public duties, shall be transmitted as an electronic document as of 01.01.2022. If this is temporarily impossible for technical reasons, transmission remains permissible in accordance with the general provisions. The temporary impossibility must be substantiated at the time of substitute or immediately thereafter; an electronic document must be submitted upon request.

Dr. Tochtermann
Presiding Judge
at the District Court

Dr. Alles
Judge
at the District Court

Böttcher
Judge
at the District Court