

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL CODE COUNCIL, INC.,

Plaintiff,

v.

UPCODES, INC.;  
GARRETT REYNOLDS; and  
SCOTT REYNOLDS,

Defendants.

Civil Action No.: 1:17-cv-6261-JFK-DCF

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**NOTICE OF MOTION FOR SUMMARY JUDGMENT AND PERMANENT  
INJUNCTIVE RELIEF**

Pursuant to Federal Rules of Procedure 56 and 65, Plaintiff International Code Council, Inc. (“ICC”) respectfully moves for summary judgment that Defendants UpCodes, Inc., Garrett Reynolds, and Scott Reynolds (collectively, “Defendants”) copying, display, and distribution of ICC’s codes and state codes incorporating portions of ICC’s codes constitutes willful copyright infringement and for a permanent injunction. ICC seeks summary judgment on its claims for all works listed in Exhibit A to ICC’s Complaint except International Zoning Code 2015.

As detailed in the attached Memorandum of Law, there are no disputed issues of fact that prevent the court from entering summary judgment. ICC owns valid copyrights in the works at issue and it is undisputed that Defendants copied, displayed, and distributed its copies on the internet where the public can print, download and copy them without restriction. The defenses Defendants assert are not supported by the undisputed facts or by the relevant case law. Thus, the Court should enter summary judgment in favor of ICC.

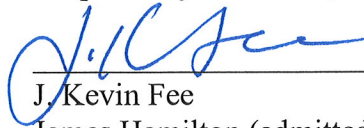
Additionally, ICC moves for entry of a permanent injunction restraining and enjoining Defendants and those in active concert or participation with them from all further unauthorized

reproduction, distribution and/or display of versions of ICC's codes or any state codes incorporating portions of ICC's codes to address the irreparable harm ICC has suffered based on Defendants' infringement and will continue to suffer absent an injunction.

In support of its Motion, ICC submits the attached Memorandum of Law along with a Statement of Undisputed Material Facts as prescribed by Local Rule 56.1 and supporting declarations. ICC also attaches a Proposed Order and Permanent Injunction.

Dated: May 31, 2019

Respectfully submitted,



J. Kevin Fee

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