



Subject Marc Etherington and his associates were involved in the sale of grey market DIRECTV programming to Canadian subscribers since 2000. Etherington was also involved in reverse grey market activity selling Bell ExpressVu and Star Choice programming to US residents. Etherington operated a store front in Markham, Canada, and used multiple websites (Mobiltechelectronics.com, Camamsatellite.com, and Satellitedishcanada.com) to sell illegal grey market and reverse grey market programming. In addition to Etherington's store front in Canada, he was also operating a business named Largo Communications out of Plantation, Florida.

Etherington sold premium DIRECTV packages to Canadian residents such as the NFL Sunday Ticket for less than DIRECTV charges. Etherington also sold Bell ExpressVu programming to US residents with approximately 80% of their customers' billing addresses being three Canadian post offices boxes owned by the Etherington, which clearly suggests "reverse grey market" activity.

On August 14, 2008, Etherington was served an Anton Piller order by DIRECTV and Bell ExpressVu. This is the first time that Bell ExpressVu has obtained an Anton Piller order and injunction in a pure "grey market" case, enjoining "grey market" as a whole - i.e., it enjoins the Etherington Defendants from selling DIRECTV in Canada. This is also the first time that either DIRECTV or ExpressVu has obtained orders in a "reverse grey market" case. Justice Campbell was satisfied that while the causes of action were different in a "reverse grey market" scenario (i.e. the Radiocommunication Act likely doesn't apply to decoding taking place in the US), these activities were nevertheless illegal and should be stopped.