

ORIGINAL

Hon. \_\_\_\_\_

06-CV-01637-ORD

FILED ENTERED  
LODGED RECEIVED  
NOV 13 2006 LX  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AUTODESK, INC. a Delaware corporation,

Plaintiff,

v.

OPEN DESIGN ALLIANCE, a Washington corporation,

Defendant.

No. **06-1637 MJP**

[PROPOSED] ORDER GRANTING  
AUTODESK'S APPLICATION  
FOR A TEMPORARY  
RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE

THIS MATTER comes before the Court on Plaintiff Autodesk, Inc.'s application for a temporary restraining order and order to show cause. Having reviewed the papers filed in support of and in opposition to this application (if any), and being fully advised, the Court finds that Autodesk has demonstrated both a strong likelihood of success on the merits and the possibility that it faces immediate, irreparable injury from Defendant's unauthorized simulation of Autodesk's "TrustedDWG" technology, which is subject to protection under, *inter alia*, the Lanham Act. Accordingly, Autodesk is entitled to provisional injunctive relief, and the Court GRANTS Autodesk's application as follows:

1. Upon finding that plaintiff Autodesk has carried its burden of showing (a) the possibility of irreparable injury, and (b) a likelihood of success on the merits, this

[PROPOSED] ORDER GRANTING  
AUTODESK'S APPLICATION FOR A TRO  
AND ORDER TO SHOW CAUSE  
NO. - Page 1

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1 Temporary Restraining Order is granted pursuant to Federal Rule of Civil Procedure 65, 15  
2 U.S.C. § 1116(a), and the inherent equitable powers of the Court.

3 2. The Court hereby temporarily RESTRAINS AND ENJOINS Defendant, its  
4 agents, servants, employees, attorneys, and all others in active concert or participation with  
5 Defendant, from using or simulating Autodesk's TrustedDWG technology, including but not  
6 limited to the Autodesk watermark and/or TrustedDWG code, without Autodesk's  
7 authorization; from distributing DWGdirect libraries that use, incorporate or simulate  
8 Autodesk's TrustedDWG technology or that otherwise insert or mimic the unauthorized  
9 Autodesk watermark and/or TrustedDWG code.

10 3. This Temporary Restraining Order shall take effect immediately and shall  
11 remain in effect pending the Show Cause Hearing in Paragraph 5, or further order of this  
12 Court.

13 4. Autodesk is directed to file proof of bond, in the amount of \$10,000,  
14 within three court days of this Order. The bond shall serve as security for all claims with  
15 respect to this Temporary Restraining Order, and any additional injunctive relief ordered by  
16 the Court in this action.

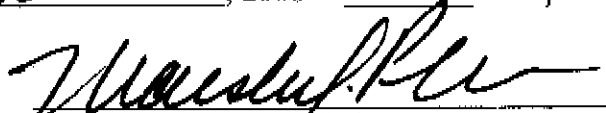
17 5. The Court shall conduct a Show Cause Hearing at the United States District  
18 Court in Seattle, Courtroom \_\_\_\_\_, on Nov 18, 2006, at 1:30  
19 a.m./p.m., at which Defendant must appear and show cause why the Temporary Restraining  
20 Order should not be converted to a preliminary injunction to remain in effect pending the  
21 trial in this action.

22 6. Defendant shall serve and file any papers in opposition to the continued  
23 restraint not less than three court days before the Show Cause Hearing. Plaintiff Autodesk

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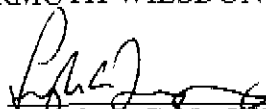
1 shall serve and file any reply papers not less than one court day before the hearing. *used*

2 DATED this 22 day of Nov, 2006 at 3:46 a.m./p.m.

3   
4 United States District Judge

5  
6 Presented by:

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8  
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