

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

MICROSOFT CORPORATION,  
a Washington corporation,

Plaintiff,

v.

JULIO FRANCO GONZALES, an individual,  
and d/b/a JFG TEK COMPUTERS,

Defendants.

Civil Action No. 06-cv-4331 (RBK) (JS)

**ORDER GRANTING PLAINTIFF'S MOTION FOR  
ENTRY OF DEFAULT JUDGMENT AND PERMANENT INJUNCTION  
AGAINST DEFENDANT JULIO FRANCO GONZALES,  
AN INDIVIDUAL AND d/b/a JFG TEK COMPUTERS**

This matter having been opened to the Court by plaintiff Microsoft Corporation, through its attorneys Montgomery, McCracken, Walker & Rhoads, LLP, for an Order for an entry of default judgment and permanent injunction against defendant Julio Franco Gonzales, an individual and d/b/a JFG Tek Computers ("Defendant"), and the Court having considered the papers submitted by the parties, and having heard argument, if any, and good cause having been shown;

IT IS, on this 13<sup>th</sup> day of July, 2007 **ORDERED**

that plaintiff Microsoft Corporation's motion is **GRANTED**; and

**IT IS FURTHER ORDERED** that Defendant is:

(a) liable to Microsoft for the willful infringement of the following copyrighted

works:

- (1) TX 5-407-055 ("Windows XP Professional");
- (2) TX 5-837-617 ("Office Professional 2003");
- (3) TX 5-837-636 ("Office Excel 2003");
- (4) TX 5-900-087 ("Office Outlook 2003");
- (5) TX 5-852-649 ("Office PowerPoint 2003");
- (6) TX 5-837-618 ("Publisher 2003");
- (7) TX 5-900-088 ("Office Word 2003"); and
- (8) TX 5-877-513 ("Business Contact Manager for Outlook 2003");

(b) liable to Microsoft for willful trademark infringement under federal law, 15

U.S.C. § 1114 et seq., resulting from their use in commerce of Microsoft's trade dress and use and imitation of the following Trademarks and/or Service Mark Registration Numbers:

- (1) 1,200,236 ("MICROSOFT");
- (2) 1,256,083 ("MICROSOFT");
- (3) 1,872,264 ("WINDOWS");
- (4) 2,744,843 (COLORED FLAG DESIGN);
- (5) 1,475,795 ("POWERPOINT");
- (6) 1,741,086 ("MICROSOFT ACCESS");
- (7) 2,188,125 ("OUTLOOK"); and

(c) liable to Microsoft for unfair competition under federal law, 15 U.S.C. § 1125,

and under the laws of the State of New Jersey.

**IT IS FURTHER ORDERED** that plaintiff Microsoft Corporation is hereby awarded judgment against Defendant, as follows:

a.	Statutory Damages .....	\$ 840,000.00
b.	Attorneys' Fees .....	\$ 4,093.35
c.	Costs .....	<u>\$ 649.50</u>
	<b>Total Judgment</b>	<b><u>\$ 844,742.85</u></b>

This judgment shall accrue interest, compounded annually, pursuant to 28 U.S.C. § 1961.

**IT IS FURTHER ORDERED** that the Defendant, his officers, agents, servants, employees, and attorneys, and all those acting in concert or participation with them shall be, and hereby are, **PERMANENTLY ENJOINED** and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements ("EULA"), certificates of authenticity ("COA"), or items protected by Microsoft's registered trademarks and service mark, including, but not limited to, the following Trademark and/or Service Mark Registration

Numbers:

- (1) 1,200,236 ("MICROSOFT");
- (2) 1,256,083 ("MICROSOFT");
- (3) 1,872,264 ("WINDOWS");
- (4) 2,744,843 (COLORED FLAG DESIGN);
- (5) 1,475,795 ("POWERPOINT");
- (6) 1,741,086 ("MICROSOFT ACCESS");

(7) 2,188,125 (“OUTLOOK”); and

or the software programs, components, EULA, items or things protected by the following

Certificate of Copyright Registration Numbers:

- (1) TX 5-407-055 (“Windows XP Professional”);
- (2) TX 5-837-617 (“Office Professional 2003”);
- (3) TX 5-837-636 (“Office Excel 2003”);
- (4) TX 5-900-087 (“Office Outlook 2003”);
- (5) TX 5-852-649 (“Office PowerPoint 2003”);
- (6) TX 5-837-618 (“Publisher 2003”);
- (7) TX 5-900-088 (“Office Word 2003”); and
- (8) TX 5-877-513 (“Business Contact Manager for Outlook 2003”);

or any other work now or hereafter protected by any of Microsoft’s trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software program, component, EULA, COA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft’s registered trademarks or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft’s registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement,

promotion, or display of any software, component, EULA, COA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, item, or thing that has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) using the names, logos, or other variations thereof of any of Microsoft's copyright and/or trademark-protected software programs in any of Defendant's trade or corporate names;

(f) engaging in any other activity constituting illegal distribution of any of Microsoft's software, component, EULA, COA, item, or thing and/or engaging in any other activity consisting of an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights, or constituting any dilution of Microsoft's name, reputation, or goodwill; and

(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

**IT IS SO ORDERED.**



The Honorable Robert B. Kugler  
UNITED STATES DISTRICT JUDGE