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6 **UNITED STATES DISTRICT COURT**  
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8 EASTERN DISTRICT OF CALIFORNIA

9 MICROSOFT CORPORATION,

CASE NO. 1:06-CV-1747 OWW GSA

10  
11 Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

12 v.

13 JOHN MARTURANO, an individual, d/b/a/  
J & T COMPUTERS & PARTS,

14 Defendant.  
15 \_\_\_\_\_/

16 On December 4, 2006, Microsoft Corporation (“Plaintiff”), filed a Complaint to recover  
17 damages arising from alleged infringement of Microsoft’s copyrights and trademarks of its software  
18 and related components by the Defendant, John Marturano (“Defendant”). On November 2, 2007,  
19 Plaintiff filed a motion to strike Defendant’s Answer and requested that the Court enter default. The  
20 matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and  
21 Local Rule 72-302.

22 On, December 27, 2007, the Magistrate Judge filed [Findings and Recommendations](#) herein  
23 which was served on Defendant and which contained notice to Defendant that any objections to the  
24 Findings and Recommendations were to be filed within thirty days. Defendant did not file a timely  
25 Objection to the Findings and Recommendations.

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 73-305, this  
27 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
28 Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed December 27, 2007, are adopted in full;
- 3 2. Plaintiff's motion to strike Defendant's Answer and enter default is GRANTED;
- 4 3. Defendant John Marturano, an individual d/b/a J & T Computers & Parts' Answer
- 5 is hereby STRICKEN; and
- 6 4. The Clerk of the Court is directed to enter default in favor of Microsoft Corporation
- 7 and against Defendant John Marturano an individual d/b/a J & T Computers & Parts.
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19 IT IS SO ORDERED.

20 **Dated: February 5, 2008**

**/s/ Oliver W. Wanger**  
**UNITED STATES DISTRICT JUDGE**