

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

APR 01 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

JAMES W. McCORMACK, CLERK
By: 
DEP CLERK

MICROSOFT CORPORATION

PLAINTIFF

v.

CIVIL ACTION No. 08-CV-0168

**DELTA COMPUTER EXPERTS,
LLC, an Arkansas Limited
Liability Company d/b/a DELTA
COMPUTERS; and LLOYD A.
FRANKLIN, II, an individual and
d/b/a DELTA COMPUTERS**

DEFENDANTS

[PROPOSED] PERMANENT INJUNCTION

GOOD CAUSE HAVING BEEN SHOWN THEREFORE, IT IS HEREBY ORDERED that Defendants Delta Computer Experts, LLC, an Arkansas limited liability company d/b/a Delta Computers; and Lloyd A. Franklin, II, individually and d/b/a Delta Computers, their directors, principals, officers, agents, servants, employees, representatives, successors and assigns, 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") 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

(8) 2,999,281 (COLOR FOUR SQUARE LOGO;

or the software programs, components, EULAs, items or things protected by the following Certificate of Copyright Registration Numbers:

- (1) TX 5-407-055 ("Windows XP Pro");
- (2) TX 5-837-617 ("Office 2003 Pro");
- (3) TX 5-837-636 ("Excel 2003");
- (4) TX 5-900-087 ("Outlook 2003");
- (5) TX 5-852-649 ("PowerPoint 2003");
- (6) TX 5-900-088 ("Word 2003");
- (7) TX 5-837-618 ("Publisher 2003");
- (8) TX 5-877-513 ("Business Contact Manager for Office Outlook 2003"); and
- (9) TX 5-901-713 ("Access 2003");

or any other works 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, 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, 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 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 Defendants' trade or corporate names;

(f) engaging in any other activity constituting 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 this 1st day of ~~March~~^{April}, 2009.



U.S. DISTRICT JUDGE