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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

DAILY TRADING a/k/a
DAILYTRONIC and GOLDENSOFTS,
a business of unknown classification;
NAVID MOHAMMADHASHEMI
a/k/a NAWID
MOHAMMADHASHEMY, an
individual d/b/a DAILY TRADING,
DAILYTRONIC, and
GOLDENSOFTS; and DOES 1-5,

Defendants.

Case No. 8:17-cv-00105-AG-JCG

**JUDGMENT AGAINST
DEFENDANTS DAILY TRADING
A/K/A DAILYTRONIC AND
GOLDENSOFTS; NAVID
MOHAMMADHASHEMI
A/K/A NAWID
MOHAMMADHASHEMY D/B/A
DAILY TRADING,
DAILYTRONIC, AND
GOLDENSOFTS**

This action came before the Court, the Honorable Andrew J. Guilford, United States District Judge presiding, on the motion of Plaintiff Microsoft Corporation (“Microsoft”) for default judgment and a permanent injunction against defendants Daily Trading aka Dailytronic and Goldensofts; Navid Mohammadhashemi aka Nawid Mohammadhashemy dba Daily Trading, Dailytronic and Goldensofts

1 (“Defendants”). The evidence presented having been fully considered and a
2 decision having been duly rendered,

3 **IT IS ORDERED AND ADJUDGED that,**

4 1. By its unauthorized distribution of Microsoft’s trademarks and service
5 mark in commerce and in connection with Microsoft Windows 7 software,
6 Defendants have infringed the following registered trademarks and service mark
7 owned by Microsoft:

- 8 a. 1,200,236 (“MICROSOFT”);
- 9 b. 1,872,264 (“WINDOWS”);
- 10 c. 2,744,843 (COLORED FLAG DESIGN); and
- 11 d. 3,361,017 (COLORED FLAG START BUTTON).

12 2. Defendants have also infringed Microsoft’s registered copyrights in
13 the following works:

- 14 a. TX 7-009-361 (“Windows 7”); and

15 3. Defendants’ use of Microsoft’s marks has resulted in the placement in
16 commerce of infringing items that are strikingly similar to genuine Microsoft, or
17 Microsoft-licensed, programs that are or were likely to cause confusion, mistake or
18 deception in the market as to the source of those items.

19 4. Defendants’ distribution of infringing Microsoft software also
20 constitutes federal false designation of origin, false description and false
21 representation (15 U.S.C. § 1125 et seq.), and unfair competition under California
22 common law.

23 5. The likelihood of confusion that existed in this instance by virtue of
24 Defendants’ distribution of counterfeit Microsoft software components in interstate
25 commerce is an appropriate predicate upon which to base permanent injunctive
26 relief against the unauthorized reproduction, replication and/or distribution by
27 Defendants of any unauthorized, illegal, and/or counterfeit Microsoft items. This
28 Court contemporaneously issues a separate permanent injunction.

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6. Microsoft is awarded \$30,000 in statutory damages against Defendants under the Copyright Act.

7. Microsoft is awarded \$400,000 in statutory damages against Defendants under the Lanham Act.

8. Microsoft is awarded \$12,200 in attorneys' fees and costs.

9. The total judgment against Defendants is \$442,000.

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

DATED: January 9, 2018



HONORABLE ANDREW J. GUILFORD
United States District Judge

1 Approved as to form and content.

2 **PERKINS COIE LLP**

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4 By: /s/ Katherine M. Dugdale
Katherine M. Dugdale

5 Attorneys for Plaintiff Microsoft
6 Corporation

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