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 13 DSD SOLUTIONS INC. d/b/a DESTINED DESIGN and
 DUY L. PAN

14
 15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA
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18 MICROSOFT CORPORATION, a
 19 Washington corporation,

20 Plaintiff,

21 v.

22 DSD SOLUTIONS INC., a California
 corporation d/b/a DESTINED DESIGN; DUY
 23 L. PAN, an individual; and DOES 1-5,

24 Defendants.

Case No. 15-cv-01690-MCE-CKD

**STIPULATION FOR PERMANENT
 INJUNCTION; ORDER**

1 Plaintiff Microsoft Corporation (“Microsoft”), and Defendants DSD Solutions Inc., a
2 California corporation doing business as Destined Design, and Duy Pan, an individual
3 (collectively, “Defendants”), hereby stipulate that Defendants, along with their officers, agents,
4 servants, and employees, and all those persons or entities acting in concert or participation with
5 them, shall be and hereby are **PERMANENTLY ENJOINED** and restrained from:

6 (a) unauthorized imitating, copying, or making any other infringing use or infringing
7 distribution of software programs, components, end user license agreements (“EULA”),
8 certificates of authenticity (“COAs”), or things protected by Microsoft’s registered trademarks
9 and service mark, including, but not limited to, the following Trademark Registration Nos.:

- 10 (1) 1,200,236 (“MICROSOFT”);
- 11 (2) 1,256,083 (“MICROSOFT”);
- 12 (3) 3,625,391 (“MICROSOFT OFFICE”);
- 13 (4) 4,459,826 (OFFICE 2012 DESIGN);
- 14 (5) 3,238,869 (“ACCESS”);
- 15 (6) 4,365,955 (ACCESS LAUNCH ICON);
- 16 (7) 2,942,050 (“EXCEL”);
- 17 (8) 4,355,451 (EXCEL LAUNCH ICON);
- 18 (9) 2,890,260 (“INFOPATH”);
- 19 (10) 4,355,447 (INFOPATH LAUNCH ICON);
- 20 (11) 4,003,879 (“LYNC”);
- 21 (12) 4,433,545 (LYNC LAUNCH ICON);
- 22 (13) 2,844,710 (“ONENOTE”);
- 23 (14) 4,351,584 (ONENOTE LAUNCH ICON);
- 24 (15) 2,188,125 (“OUTLOOK”);
- 25 (16) 4,355,446 (OUTLOOK LAUNCH ICON);
- 26 (17) 1,475,795 (“POWERPOINT”);
- 27 (18) 4,385,388 (POWERPOINT LAUNCH ICON);
- 28 (19) 4,355,448 (PUBLISHER LAUNCH ICON); and

1 (20) 4,355,444 (WORD LAUNCH ICON);
2 or the software programs, components, EULAs, COAs, or things protected by following
3 Certificate of Copyright Registration Nos.:

- 4 (1) TX 7-649-882 (“Office 2013”);
- 5 (2) TX 7-674-730 (“Word 2013”);
- 6 (3) TX 7-751-917 (“Excel 2013”);
- 7 (4) TX 7-751-911 (“PowerPoint 2013”);
- 8 (5) TX 7-751-910 (“OneNote 2013”);
- 9 (6) TX 7-700-066 (“Outlook 2013”);
- 10 (7) TX 7-674-731 (“Publisher 2013”);
- 11 (8) TX 7-751-913 (“Access 2013”); and
- 12 (9) TX 7-206-468 (“InfoPath 2010”);

13 and any other works now or hereafter protected by any of Microsoft’s trademarks or copyrights;

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

20 (c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of
21 Microsoft’s registered trademarks or service mark including, but not limited to, the Trademark
22 and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the
23 manufacture, distribution, offering for distribution, sale, offering for sale, advertisement,
24 promotion, or display of any software program, component, EULA, COA, or thing not authorized
25 or licensed by Microsoft;

26 (d) using any false designation of origin or false description which can or is likely to
27 lead the trade or public or individuals erroneously to believe that any software program,
28 component, EULA, COA, or thing has been manufactured, produced, distributed, offered for

1 distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or
2 for Microsoft, when such is in fact not true;

3 (e) engaging in any other activity constituting an infringement of any of Microsoft's
4 trademarks, service mark and/or copyrights; and

5 (f) assisting, aiding, or abetting any other person or business entity in engaging in or
6 performing any of the activities referred to in paragraphs (a) through (e) above. This includes,
7 but is not limited to, designing, registering, maintaining, fulfilling orders for, providing customer
8 service for, or taking payments for websites that distribute infringing copies of Microsoft
9 software.

10 **IT IS SO STIPULATED.**

11
12 Dated: _____, 201__

DSD SOLUTIONS INC., a California corporation
d/b/a DESTINED DESIGN

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15 _____
By:

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17 Dated: _____, 201__

DUY L. PAN, an individual

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19 _____
By:

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21 Dated: _____, 201__

MICROSOFT CORPORATION, a Washington
corporation

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23
24 _____
By:

1 Approved as to form and submitted by:

2 Dated: January 24, 2017

PERKINS COIE LLP

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By: /s/ Audra Mori
Audra Mori
Attorneys for Plaintiff MICROSOFT
CORPORATION

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Dated: January 24, 2017

TINGLEY LAW GROUP, PC

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By: /s/ Stephen D. Collins (as authorized on 1/24/17)
Stephen D. Collins
Attorneys for Defendants DSD SOLUTIONS
INC., a California corporation d/b/a DESTINED
DESIGN and DUY L. PAN, an individual

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ORDER


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IT IS SO ORDERED.

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Dated: January 25, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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