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PACIFIC INFORMATION RESOURCES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PACIFIC INFORMATION RESOURCES, INC. Plaintiff, v. SIMPLE COMMUNICATIONS, et al., Defendants.	}	CASE NO. C07-4131 MMC PROPOSED DEFAULT JUDGMENT
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The Court has considered Plaintiff Pacific’s Information Resources, Inc.’s (“Pacific”) Application for Default Judgement against Simple Communications and William Travis Sullivan, and the Memorandum of Law and Declarations in support thereof. The Court, in its Order of November 26, 2008, Dkt. No. 46, having found that:

- (1) Pacific owns and operates the website located at www.searchsystems.net (the “WEBSITE”);

- 1 (2) Pacific has registered two valid copyright concerning the **WEBSITE**. One
2 registration, bearing Registration N. TX 6-275-368 protects the text of the
3 **WEBSITE**, bearing the URL www.searchsystems.net. Plaintiff's other
4 valid copyright registration at issue, bears Registration No. TX 6-275-367
5 which protects PHP Hyper Text Processor source code of the **WEBSITE**.
- 6 (3) Pacific also has a valid registration from the United States Patent and
7 Trademark Office for its service mark consisting of the work mark "search
8 systems" within a design or drawing bearing USPTO Trademark
9 Registration No. 2109094 (the "**SERVICE MARK**") and
- 10 (4) Pacific has continuously, for the preceding five years, at the very least,
11 continuously and openly used variations of its registered **SERVICE**
12 **MARK**, but such variations, while not registered, acquired secondary
13 meaning and thus are fully protected under applicable federal and state law
14 as described in Pacific's Complaint on file with the court; that Pacific's
15 registered **SERVICE MARK** and unregistered service marks are
16 collectively herein after referred to as the "**SERVICE MARKS**" and that
17 the unregistered but legally valid and protected **SERVICE MARKS** of
18 Pacific include, but are not limited to, the terms: "searchsystems,"
19 "searchsystems.net."

20 THEREFORE, IT IS ORDERED that judgment be entered on behalf of Pacific
21 Information Resources and against Defendants Simple Communications and William
22 Travis Sullivan as follows:

23 Defendant Simple Communications, its agents, servants, employees, attorneys,
24 successors, licensees, partners and all persons acting in concert with each or any of
25 them and Defendant William Travis Sullivan, his agents, servants, employees,
26 officers, attorneys, successors, licensees, partners and assigns, and all persons acting
27 in concert with each or any of them, are permanently enjoined from inducing, aiding,
28 assisting, encouraging, enabling, engaging in, causing, materially contributing to or

1 otherwise facilitating through any means, whether in existence or later created, the
2 unauthorized and/or unlicensed user reproduction, downloading, uploading,
3 distribution of copies of Pacific's copyrighted works, including but not limited to
4 any and all content, material and information contracted in, derived from or
5 otherwise, whether now in existence or later created. The conduct hereby enjoined
6 includes, but is not limited to:

- 7 a. directly, indirectly, vicariously or contributorily infringing Pacific's
8 registered SERVICE MARKS;
- 9 b. directly, indirectly, vicariously or contributorily infringing Pacific's
10 unregistered SERVICE MARK which have become distinctive in the
11 public's mind and caused the public to associate Pacific's services and
12 Website with the SERVICE MARKS;
- 13 c. directly, indirectly, vicariously or contributorily infringing Pacific's
14 unregistered TRADE NAMES which have become distinctive in the
15 public's mind and cause the public to associate Pacific's services and
16 Website with the TRADE NAMES;
- 17 d. directly, indirectly, vicariously or contributorily selling or marketing
18 services in any way that tends to deceive, mislead, or confuse the public
19 into believing that the Defendants' service is in any way sanctioned by or
20 affiliated with Pacific's Website;
- 21 e. directly, indirectly, vicariously or contributorily diluting the distinctive
22 quality of Pacific's SERVICE MARKS, TRADE NAMES, TRADE
23 DRESS and Website;
- 24 f. directly, indirectly, vicariously or contributorily otherwise competing
25 unfairly with Pacific; and
- 26 g. directly, indirectly, vicariously, or contributorily infringing Pacific's
27 copyrights relating to or concerning its Website and Source Code.

28 The Court further orders that Defendant Simple Communications, its agents,

1 servants, employees, officers, attorneys, successors, licensees, partners and all
2 persons acting in concert with each or any of them and Defendant William Travis
3 Sullivan, his agents, servants, employees, officers, attorneys, successors, licensees,
4 partners and assigns, and all persons acting in concert with each or any of them, are
5 permanently enjoined from directly, indirectly, vicariously, or contributorily
6 reproducing, copying, manufacturing, importing, using, promoting, selling, renting,
7 leasing, distributing, or displaying:

- 8 (1) any part of the **WEBSITE** or any website substantially similar to the
9 copyright protected **WEBSITE**;
- 10 (2) any part of the **SERVICE MARKS**; or
- 11 (3) from authorizing anyone to do the same, or from exercising any other
12 of the exclusive rights of a copyright owner and service mark owner under
13 the various federal and state statutes listed in Pacific's Complaint; or
- 14 (4) selling or marketing services in any way that tend to deceive, mislead,
15 or confuse the public into believing that any of the web sites or other
16 activities were or are in any way sanctioned by or affiliated with Pacific's
17 **WEBSITE**;
- 18 (5) diluting the distinctive quality of Pacific's **SERVICE MARKS**; or
- 19 (6) otherwise competing unfairly with Pacific or its **WEBSITE**; or
- 20 (7) from authorizing anyone to do the same, or from exercising any other
21 of the exclusive rights of a copyright owner and a service mark owner
22 under the various federal and state statutes listed in Pacific's Complaint.

23 It is further ORDERED that pursuant to this Court's Order of ^{December 3}~~November 26~~, 2008,
24 Dkt. No. ⁴⁹~~47~~, JUDGMENT of statutory damages in the amount of \$250,000 is

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1 ENTERED against Defendants Simple Communications, an Alabama corporation,
2 and William Travis Sullivan, jointly and severally.

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5 Dated: December 3, 2008


6 Honorable MAXINE M. CHESNEY
7 United States District Judge
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