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 7 ADOBE SYSTEMS INCORPORATED,
 AUTODESK, INC., and MICROSOFT
 8 CORPORATION

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

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 14 ADOBE SYSTEMS INCORPORATED,
 a Delaware corporation, AUTODESK,
 15 INC., a Delaware corporation, and
 MICROSOFT CORPORATION, a
 16 Washington corporation,

17 Plaintiffs,

18 v.

19 MATTHEW MILLER, an individual, and
 DOES 1-10, inclusive,

20 Defendants.
 21

CASE NO. C08-04895-SI

**[PROPOSED] ORDER GRANTING
 MOTION FOR DEFAULT JUDGMENT
 AND PERMANENT INJUNCTION
 AGAINST DEFENDANT MATTHEW
 MILLER**

Date: May 15, 2009
 Time: 9:00 a.m.
 Dept.: Courtroom 10, 19th Floor
 Judge: Hon. Susan Illston

22
 23 The defendant Matthew Miller (“Defendant”) having failed to plead or otherwise appear
 24 in this action and Defendant’s default having been entered by the Clerk pursuant to FRCP 55(a);

25 Plaintiffs Adobe Systems Incorporated, Autodesk, Inc., and Microsoft Corporation
 26 (collectively, “Plaintiffs”) having filed their Motion For Entry Of Default Judgment And
 27 Permanent Injunction Against Defendant Matthew Miller (the “Motion”), supported by the
 28 Declarations of Paul Fournier and Julie E. Hofer (collectively, the “Declarations”), and having

1 served the Motion and the Declarations on Defendant; and

2 The Court having considered the Motion, the Declarations, the evidence and documents
3 on file herein, and the testimony and evidence presented at the hearing on the Motion, and good
4 cause appearing,

DECREED

5 IT IS HEREBY ORDERED, ADJUDGED, AND ~~DECRIED~~ THAT:

6 (1) The Court finds that Defendant willfully and intentionally infringed Plaintiffs'
7 copyrights in the following software products: Adobe® Acrobat® 8 Professional software;
8 Adobe® After Effects® CS3 Professional software; Adobe® Contribute® software; Adobe®
9 Dreamweaver® CS3 Professional software; Adobe® Encore® 3.0 software; Adobe® Fireworks®
10 CS3 software; Adobe® Flash® CS3 Professional software; Adobe® Illustrator® CS3 software;
11 Adobe® InDesign® CS3 software; Adobe® Photoshop® CS3 software; Adobe Premiere® Pro CS3
12 software; Adobe® Soundbooth™ CS3 software; Adobe® Ultra® CS3 software; AutoCAD® 2009
13 software; Microsoft® Office Access® 2007 software; Microsoft® Office Excel 2007 software;
14 Microsoft® Office Outlook® 2007 software; Microsoft® Office PowerPoint® 2007 software;
15 Microsoft® Office Publisher 2007 software; and Microsoft® Office Word 2007 software;

16 (2) Pursuant to 17 U.S.C. § 502(a), the Court hereby issues a permanent injunction
17 enjoining and restraining Defendant and Defendant's agents, servants, employees, successors, and
18 assigns, and any and all other persons acting in concert with or in conspiracy with or affiliated
19 with Defendant, from copying, reproducing, distributing, or using any unauthorized copies of any
20 of Plaintiffs' software products or otherwise infringing any of Plaintiffs' copyrights;

21 (3) Pursuant to 17 U.S.C. § 503(b), Defendant is hereby required to immediately
22 destroy any and all infringing copies of any of Plaintiffs' software products in Defendant's
23 possession or control, regardless of whether those copies are contained on optical discs such as
24 digital video discs or compact discs, installed on computer hard drives, or otherwise stored on
25 tangible media of any sort;

26 (4) Pursuant to 17 U.S.C. § 504, Plaintiff Adobe Systems Incorporated is awarded
27 statutory damages of \$65,000;

28 (5) Pursuant to 17 U.S.C. § 504, Plaintiff Autodesk, Inc. is awarded statutory damages

1 of \$10,000;

2 (6) Pursuant to 17 U.S.C. § 504, Plaintiff Microsoft Corporation is awarded statutory
3 damages of \$120,000;

4 (7) Pursuant to 17 U.S.C. § 505, Plaintiffs are awarded costs of suit in the combined
5 amount of \$415;

6 (8) Pursuant to 17 U.S.C. § 505, Plaintiffs are awarded their reasonable attorney's fees
7 in the combined amount of \$ 15,148.00; and

8 (9) Pursuant to 28 U.S.C. § 1961(a), Plaintiffs shall be entitled to post-judgment
9 interest on the sums described herein at the statutory rate.

10 **IT IS SO ORDERED.**

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12 Dated: 5/15/09



13 Hon. Susan Illston
14 United States District Court Judge
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