

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RENAISSANCE LEARNING, INC.,

Plaintiff,

JUDGMENT IN A CIVIL CASE

v.

Case No. 14-cv-738-jdp

INTRADATA, INC.,

Defendant.

This action came for consideration before the court with District Judge James D. Peterson presiding. The issues have been considered and a decision has been rendered.

The defendant, IntraData, Inc., having failed to appear, plead or otherwise defend in this action, and default having been entered on February 26, 2015, and counsel for plaintiff having requested judgment against defendant and having filed a proper motion and declaration in accordance with Fed. R. Civ. P. 55(a) and (b);

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff Renaissance Learning, Inc. against defendant IntraData, Inc. for damages in the amount of \$20,000.00 pursuant to 15 U.S.C. § 1117(a) and attorney fees and expenses in the amount of \$25,437.85 and \$1,478.32, respectively, pursuant to 15 U.S.C. § 1117(a)(3), with interest accruing at the legal rate until the judgment is satisfied.

IT IS FURTHER ORDERED AND ADJUDGED that defendant and its officers, agents, servants, employees and attorneys, and all persons in active concert and participation with defendant, are hereby enjoined:

- a. from using the ACCELERATED READER, ACCELERATED WRITER, ACCELERATED MATH, ACCELERATED VOCABULARY, AR and ATOS trademarks, or confusingly similar variants of those marks, to identify or promote defendant's products or services; and
- b. from making any unfair, untrue or misleading statements about defendant's own products and services, or the products and services of plaintiff, that:
 - i. are likely to cause confusion or mistake, or to deceive as to the affiliation, connection or association of defendant with plaintiff, or as to the origin, sponsorship or approval of defendant's goods, services or commercial activities by plaintiff; or

- ii. in commercial advertising or promotion, misrepresent the nature, characteristics, qualities or geographic origin of defendant's or plaintiff's goods, services or commercial activities; and
- c. Defendant is further ordered to:
- i. modify all public communication, such as signage, advertising, social media and promotional material, to eliminate any infringing use of any of plaintiff's trademarks; and
 - ii. remove from any public communication any and all unfair, untrue or misleading statements about defendant's own products or services and the products and services of plaintiff.

Approved as to form this 15TH day of May, 2015.



James D. Peterson
District Judge



Peter Oppeneer
Clerk of Court

5/15/15

Date