

Hon. Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AUTODESK, INC. a Delaware
corporation,

Plaintiff,

v.

OPEN DESIGN ALLIANCE, a
Washington corporation,

Defendant.

No. C06-1637-MJP

[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION OF A
PRELIMINARY INJUNCTION

THIS MATTER comes before the Court on Plaintiff Autodesk, Inc.'s motion for a preliminary injunction. Having reviewed the papers filed in support of and in opposition to this motion (if any), and being fully advised, the Court finds that Autodesk has demonstrated both a strong likelihood of success on the merits and the possibility that it faces immediate, irreparable injury from Defendant's conduct. Accordingly, Autodesk is entitled to provisional injunctive relief, and the Court GRANTS Autodesk's motion as follows:

1. Upon finding that plaintiff Autodesk has carried its burden of showing (a) the possibility of irreparable injury, and (b) a likelihood of success on the merits, this Preliminary Injunction is granted pursuant to Federal Rule of Civil Procedure 65, 15 U.S.C. § 1116(a), and the inherent equitable powers of the Court.

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1 2. The Court hereby preliminarily RESTRAINS AND ENJOINS Defendant,
 2 its agents, servants, employees, attorneys, and all others in active concert or participation with
 3 Defendant, from using or simulating Autodesk’s TrustedDWG technology, including but not
 4 limited to the Autodesk watermark and/or TrustedDWG code, without Autodesk’s
 5 authorization; from distributing DWGdirect libraries or any other software programs that use,
 6 incorporate or simulate Autodesk’s TrustedDWG technology or that otherwise insert or
 7 mimic the unauthorized Autodesk watermark and/or TrustedDWG code.

8 3. The Court hereby preliminarily ENJOINS Defendant, its agents, servants,
 9 employees, attorneys, and all others in active concert or participation with Defendant, to take
 10 corrective action as necessary to recall or otherwise replace any previously-distributed
 11 DWGdirect libraries that simulate Autodesk’s TrustedDWG technology, to identify to
 12 Autodesk any recipients of the infringing DWGdirect libraries, and to correct any DWG files
 13 that contain or mimic the unauthorized Autodesk watermarks or TrustedDWG code.

14 4.. This Preliminary Injunction shall take effect immediately and shall remain in
 15 effect pending trial in this action or further order of this Court.

16 5. Autodesk is directed to file proof of bond, in the amount of \$_____,
 17 within three court days of this Order. The bond shall serve as security for all claims with
 18 respect to this Preliminary Injunction, and any additional injunctive relief ordered by the
 19 Court in this action.

20 DATED this _____ day of _____, 2007 at _____ a.m./p.m.

21
 22 _____
 23 Hon. Marsha J. Pechman
 24 United States District Judge

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