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MAR 15 2005  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY  
BY

The Honorable Marsha J. Pechman



04-CV-00515-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a  
Washington corporation,  
  
Plaintiff,  
  
v.  
  
JDO MEDIA, INC., a Florida corporation,  
TONY LAMPERT, an individual,  
TIMOTHY ROLAND, an individual, ERIK  
SUMMERS, an individual, JOHN  
MCLEOD, an individual, and JOHN DOES  
5-50,  
  
Defendants.

No. C04-0515P

ORDER GRANTING PLAINTIFF  
MICROSOFT AND DEFENDANT  
SUMMERS' STIPULATED  
PERMANENT INJUNCTION

Plaintiff Microsoft Corporation ("Microsoft") and defendant Erik Summers ("Summers") have entered into a binding Settlement Agreement resolving all claims against Summers arising out of the actions alleged in Microsoft's First Complaint for Damages and Injunction in this matter, and have stipulated to the entry of this Permanent Injunction in favor of Microsoft against Summers.

Based on the Stipulation of the parties, it is hereby ORDERED as follows:

ORDER GRANTING MICROSOFT AND  
SUMMERS' STIPULATED PERMANENT  
INJUNCTION - 1

CASE NO. C04-0515P

KVC0103102576URJ01RJD\_P2295

PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 1900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

1 ORDER

2 1. Pursuant to Civil Rule 65(d), Summers, his agents, assignees, and successors-  
3 in-interest, and those in active concert or participation with him, are permanently enjoined  
4 from:

5 a. sending, transmitting, or advertising in, or directing, aiding, facilitating  
6 or conspiring with others to send, transmit, or advertise in, any commercial electronic  
7 communication of any kind that is in violation of Washington's Commercial  
8 Electronic Mail Act, Washington's Consumer Protection Act, or the federal CAN-  
9 SPAM Act; and

10 b. using, or directing, aiding, facilitating, causing, or conspiring with  
11 others to use the computers or computer networks of Microsoft's communication  
12 services, including but not limited to MSN Internet Access or MSN Hotmail, in  
13 violation of or inconsistent with MSN Terms of Use located at  
14 <http://privacy.msn.com/tou/>; and

15 c. obtaining, compiling, selling, trafficking in, or trading, or directing,  
16 aiding, or conspiring with others to obtain, compile, sell, traffic in, or trade e-mail  
17 addresses for the sending or delivery of any unsolicited bulk or unsolicited  
18 commercial electronic communications in violation of any state or federal anti-spam  
19 law; and

20 d. opening, creating or accessing, or directing, aiding, facilitating or  
21 conspiring with others to open, create, or access any Microsoft Communication  
22 Services accounts, including but not limited to MSN Internet Access or MSN Hotmail  
23 e-mail accounts, inconsistent with MSN Terms of Use located at  
24 <http://privacy.msn.com/tou/>; and

25  
26 ORDER GRANTING MICROSOFT AND  
SUMMERS' STIPULATED PERMANENT  
INJUNCTION - 2

CASE NO. C04-0515P

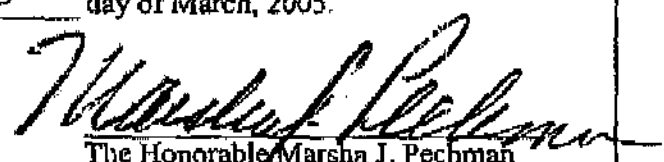
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1 e. selling, offering for sale or distributing, or directing, aiding, or  
2 conspiring with others to sell, offer for sale or distribute any software that allows the  
3 user to send unsolicited bulk or unsolicited commercial electronic communications to  
4 any MSN Communication Services, including MSN Internet Access or MSN Hotmail,  
5 or any other Internet subscriber.

6 2. Summers shall provide a copy of this Stipulated Permanent Injunction to each  
7 affiliate and successor-in-interest, acting on his behalf in regard to any e-mail, instant  
8 messaging, or internet marketing.

9  
10 ORDER GRANTED this 15<sup>th</sup> day of March, 2005.

11   
12 The Honorable Marsha J. Pechman

13 Presented by:  
14 PRESTON GATES & ELLIS LLP

15  
16 By /s/ Robert J. Dzielak  
17 David A. Bateman, WSBA # 14262  
18 Robert J. Dzielak, WSBA #26178  
19 Preston Gates & Ellis  
20 925 Fourth Ave., Suite 2900  
21 Seattle, WA 98104-1158  
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24 E-mail: robertd@prestongates.com  
25 Attorneys for Petitioners  
26 Microsoft Corporation

ORDER GRANTING MICROSOFT AND  
SUMMERS' STIPULATED PERMANENT  
INJUNCTION - 3  
CASE NO. C04-0515P  
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