

The Honorable Marsha J. Pechman

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
ROLAND’S STIPULATED
PERMANENT INJUNCTION

Plaintiff Microsoft Corporation (“Microsoft) and defendant Timothy Roland (“Roland”) have entered into a binding Settlement Agreement resolving all claims against Roland 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 Roland.

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

ORDER GRANTING MICROSOFT AND
ROLAND’S STIPULATED PERMANENT
INJUNCTION - 1
CASE NO. C04-0515P

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1 ORDER

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

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

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

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

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

24 e. selling, offering for sale or distributing, or directing, aiding, or
25 conspiring with others to sell, offer for sale or distribute any software that allows the
26

1 user to send unsolicited bulk or unsolicited commercial electronic communications to
2 any MSN Communication Services, including MSN Internet Access or MSN Hotmail,
3 or any other Internet subscriber.

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

7
8 **ORDER GRANTED** this _____ day of _____, _____.

9
10 _____
11 The Honorable Marsha J. Pechman

12 Presented by:

13 PRESTON GATES & ELLIS LLP

14 By /s/ Robert J. Dzielak
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16 Robert J. Dzielak, WSBA #26178
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25
26

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

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