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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERT JACOBSEN, an individual,)	No. C-06-1905-JSW
)	
Plaintiff,)	[PROPOSED] PRELIMINARY
)	INJUNCTION
v.)	
)	Courtroom: 2, 17th Floor
MATTHEW KATZER, an individual, and)	Judge: Hon. Jeffrey S. White
KAMIND Associates, Inc., an Oregon)	
corporation, dba KAM Industries,)	
)	
Defendants.)	
)	
)	

On December 19, 2008, this matter came on regularly for hearing on Plaintiff's Motion for Preliminary Injunction. The Court, having considered the moving, opposition, and reply papers of the parties, the files and records of this case, and the evidence and argument presented at the hearing and at the January 19, 2007 and December 19, 2008 hearings, and the opinion of the U.S. Court of Appeal for the Federal Circuit, and being fully advised in the premises, finds that the Motion should be granted.

WHEREFORE, IT IS HEREBY ORDERED, in accordance with Rule 65(b) of the Federal Rules of Civil Procedure, that Defendants Matthew Katzer and KAMIND Associates, Inc., their officers, agents, servants, employees, attorneys, and all parties in active concert or participation

1 with them who receive actual notice of this order by personal service or otherwise, are enjoined
2 during the pendency of this action from (a) reproducing Plaintiff Robert Jacobsen’s copyrighted
3 works entitled JMRI Program and Decoder Definitions, or JMRI Decoder Definitions (“the JMRI
4 works”); (b) preparing derivative works based upon said copyrighted works; (c) distributing to the
5 public, by sale or other transfer of ownership, or by rental, lease, or lending, any software code or
6 displays that are substantially similar to said copyrighted works; (e) authorizing others to do any of
7 the above acts, unless Defendants Matthew Katzer and KAMIND Associates, Inc. demonstrate,
8 through software development contracts, development drafts of their code, emails, and other
9 evidence, but not through declarations alone, that they have complied with the terms of JMRI’s
10 licenses, the Artistic License and GPL 2.0, excepting paragraphs 2 and 3 of GPL.

11 IT IS FURTHER ORDERED in accordance with Rule 65(b) of the Federal Rules of Civil
12 Procedure, that Defendants Matthew Katzer and KAMIND Associates, Inc., their officers, agents,
13 servants, employees, attorneys, and all parties in active concert or participation with them who
14 receive actual notice of this order by personal service or otherwise, are, with respect to the JMRI
15 works, enjoined during the pendency of this action from (a) providing copyright management
16 information that is false, (b) distributing copyright management information that is false, (c)
17 intentionally removing or altering any copyright management information, (d) distributing
18 copyright management information knowing that the copyright management information has been
19 removed or altered, or (e) distributing works or copies of works knowing that copyright
20 management information has been removed or altered, or (f) authorizing others to do any of the
21 above acts.

22 IT IS FURTHER ORDERED that within 14 days Defendants Matthew Katzer and
23 KAMIND Associates, Inc. will provide Plaintiff Robert Jacobsen with a list of their officers,
24 agents, servants, employees, attorneys, and all parties in active concert or participation with them,
25 as well as their customers and distributors, and the addresses, phone numbers, email addresses of
26 said individuals and entities, and the KAMIND versions and build numbers sent to said individuals
27 and entities, so that Plaintiff may serve this Preliminary Injunction upon them.

28 IT IS FURTHER ORDERED that this preliminary injunction shall be effective upon

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Plaintiff Robert Jacobsen's giving security in the sum of \$1,000 for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined, such bond to be approved by the Court or the Clerk of the Court.

Dated: _____

Hon. Jeffrey S. White
United States District Judge