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*Of Attorneys for Plaintiff/Counterclaim
Defendant MEI, LLC*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MEI, LLC,
an Oregon company,

Plaintiff,

vs.

**INTEGRAL APPLIED TECHNOLOGY,
INC.**, a Pennsylvania Company, and
GUSTAVO MARTINEZ, an individual,

Defendants,
Counterclaim Plaintiffs,
and Third Party Plaintiffs,

vs.

MEI, LLC,

Counterclaim Defendant, and

SCOTT TICE, an individual,

Third Party Defendant.

Case No. 08-CV- 6046-AA

~~[PROPOSED]~~ FINAL JUDGMENT AND
INJUNCTION SUBMITTED
PURSUANT TO ORDER [DKT. NO. 87]

The Court having granted motions for summary judgment in favor of Plaintiff and Counterclaim Defendant MEI, LLC (“MEI”) and Third Party Defendant Scott Tice (“Tice”), and against Defendants, Counterclaim Plaintiffs and Third Party Plaintiffs Integral Applied Technology, Inc. and Gustavo Martinez (collectively “Defendants”), and good cause appearing therefore,

It is hereby Ordered and Adjudged:

1. That Defendants infringed MEI’s rights in its United States Copyright Registration No. TX 6-820-166.
2. That Defendants copied and made a derivative work of MEI’s IDX software in violation of 17 U.S.C. § 106.
3. That Defendants are liable for three violations of 17 U.S.C. § 1202(b) for intentionally removing copyright management information associated with MEI’s IDX software without authorization and to conceal copyright infringement.
4. That Defendants are liable for 12 violations of 17 U.S.C. § 1201(a)(1)(A) for circumvention of a technological measure that effectively controls access to MEI’s IDX software.
5. That Defendants violated 15 U.S.C. § 1125(a)(1) by deleting author and source information from the splash screens associated with MEI’s IDX software.
6. That Plaintiff MEI shall recover from Defendants, jointly and severally, a total damages award of \$116,900 plus pre-judgment and post-judgment interest, which includes
 - a. \$11,900 pursuant to 17 U.S.C. § 504(b),
 - b. Statutory damages pursuant to 17 U.S.C. § 1203(c)(3)(B) in the amount of \$25,000 for each violation of 17 U.S.C. § 1202(b),

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- c. Statutory damages pursuant to 17 U.S.C. § 1203(c)(3)(A) in the amount of \$2,500 for each violation of 17 U.S.C. § 1201(a)(1)(A), and
- d. Interest accruing at the rate of 7.5% per annum from the date this action commenced on February 8, 2008 until this judgment is entered and thereafter at the statutory rate set forth in 28 U.S.C. § 1961 until this judgment is satisfied.

- 7. That each of the Counterclaims against MEI is dismissed with prejudice.
- 8. That the Third Party Complaint against Tice is dismissed with prejudice.
- 9. That Defendants shall take nothing by way of the Counterclaims or Third Party

Complaint asserted in this action.

10. That GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that Defendants Integral Applied Technology, Inc. and Gustavo Martinez along with their directors, principals, officers, agents, servants, employees, representatives, successors and assigns, and all other persons or entities in active concert or participation with any Defendant who receive actual notice or knowledge of this ORDER by personal service or otherwise, be and hereby are PERMANENTLY ENJOINED, unless explicit written permission is first obtained from MEI, from without authority:

- a. selling, offering, licensing, leasing, renting, lending, copying, reproducing, installing, distributing, importing, exporting, providing, trafficking in, and making any other infringing use of any MEI or IDX Robotics software, or components thereof;
- b. selling, offering, licensing, leasing, renting, lending, copying, reproducing, installing, distributing, importing, exporting, providing, trafficking in, and making any derivative work based in whole or in part on MEI or IDX Robotics

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- software programs, or components thereof;
- c. assisting or requesting another to make a copy of any MEI or IDX Robotics software or derivative work based on any MEI or IDX Robotics software;
 - d. directly or indirectly distributing, using, licensing, selling, offering for sale, and otherwise exploiting any works created or derived from MEI or IDX Robotics software;
 - e. circumventing or assisting another to circumvent a technological measure that effectively controls access to any MEI or IDX Robotics software;
 - f. attempting to circumvent or assisting another's attempt to circumvent a technological measure that effectively controls access to any MEI or IDX Robotics software;
 - g. removing or altering any copyright management information associated with any MEI or IDX Robotics software;
 - h. distributing or importing MEI or IDX Robotics software or works knowing that copyright management information has been removed or altered;
 - i. providing, distributing and importing false copyright management information in connection with any MEI or IDX Robotics software;
 - j. manufacturing, importing, offering to the public, providing, using and trafficking in any (i) key, (ii) software designed to emulate or otherwise circumvent a key, (iii) technology, (iv) product, (v) service, (vi) device, (vii) component or part thereof that (A) is primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of MEI under Title 17, U.S.C., (B) has only limited

commercially significant purpose or use other than to circumvent protection afforded by a technological measure that effectively protects a right of MEI under Title 17, U.S.C., in a work or a portion thereof, or (C) is marketed or offered for use in circumventing protection afforded by a technological measure that effectively protects a right of MEI under Title 17, U.S.C., in a work or portion thereof;

- k. using any false designation of origin, false or misleading description, or false or misleading representation which is likely to cause confusion, mistake or deceive as to the origin of any software as authorized or approved by MEI when such is not true in fact;
- l. removing or altering any designation of origin, description, or representation if such is likely to cause confusion, mistake or deceive as to the origin of any MEI or IDX Robotics software; and
- m. assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (l) above.


11. That GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY FURTHER ORDERED that Defendants Integral Applied Technology, Inc. and Gustavo Martinez SHALL:

- a. DESTROY or RETURN to MEI by October 1, 2009 any devices, components, keys, dongles, hardlocks, emulation software, instructions or the like within their custody or control that can be used to access any MEI or IDX Robotics software or circumvent technological measures used to limit access to MEI or IDX Robotics software;

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- b. RETURN to MEI by October 1, 2009 all copies of MEI and IDX Robotics software, and any derivative works based thereon, on media of any kind within their custody or control; and
 - c. FILE with the Court by October 15, 2009 a written certification signed under penalty of perjury verifying that the foregoing materials were returned or destroyed as ordered and reporting in detail the manner and form in which Defendants have complied with this ORDER, including the disposition of all MEI and IDX Robotics software, and any derivative works based thereon.
12. The Court retains jurisdiction to enforce the orders and injunction contained herein.
13. Any remaining claims are hereby dismissed.
14. MEI and Tice shall recover their costs as prevailing parties.

IT IS SO ORDERED this 15 day of September, 2009.



The Honorable Ann Aiken
United States District Judge

Respectfully submitted and approved as to form,

Dated: September 10, 2009

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*Of Attorneys for Third Party Defendant
Scott Tice*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 10, 2009, a true copy of the foregoing **[PROPOSED] FINAL JUDGMENT AND INJUNCTION SUBMITTED PURSUANT TO ORDER [DKT. NO. 87]** was served in the following manner:

Via First Class Mail to:

Integral Applied Technology, Inc.
3440 Lehigh Street, #7
Allentown, PA 18103

Gustavo Martinez, *Pro Se*
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