

Exhibit A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 August 29, 2008, this matter came on regularly for hearing on Plaintiff's Motion for Preliminary Injunction. The Court, having consider 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 hearing, 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 with them who receive actual notice of this order by personal service or otherwise, are enjoined

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

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

16 IT IS FURTHER ORDERED that this preliminary injunction shall be effective upon
 17 Plaintiff Robert Jacobsen’s giving security in the sum of \$1,000 for the payment of such costs and
 18 damages as may be incurred or suffered by any party who is found to have been wrongfully
 19 enjoined, such bond to be approved by the Court or the Clerk of the Court.

20
 21 Dated: _____

 Hon. Jeffrey S. White
 United States District Judge

22
 23
 24
 25
 26
 27
 28