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12 HARTFORD HOUSE, LTD.,
13 d.b.a. BLUE MOUNTAIN ARTS

14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF SANTA CLARA

16 HARTFORD HOUSE, LTD., d.b.a. BLUE)
17 MOUNTAIN ARTS, a Colorado corporation,)

18 Plaintiff,)

19 v.)

20 MICROSOFT CORPORATION, a)
21 Washington corporation, and WEBTV)
22 NETWORKS, INC., a California corporation,)

23 Defendants.)
24)
25)
26)
27)
28)

(ENDORSED)
FILED

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JUDITH A. LOVE
COUNTY CLERK
SANTA CLARA COUNTY
DEPUTY

CASE NO.: CV778550

~~PROPOSED~~
PRELIMINARY INJUNCTION

Date: January 28, 1999
Dept: 13
Time: 2:00 p.m.

JUDGE BAINES

1 On January 28, 1999, the Motion for Preliminary Injunction of plaintiff Hartford House,
2 Ltd. d.b.a. Blue Mountain Arts ("Blue Mountain") came on hearing before this Court. The Court,
3 having reviewed and considered the papers and argument of the parties, finds that Blue Mountain
4 has established a likelihood of success on the merits of its claims brought under Business &
5 Professions Code Section 17200 et seq. against defendant Microsoft Corporation. Blue Mountain
6 has further established that Microsoft Corporation's conduct is causing Blue Mountain irreparable
7 injury, and that it would be extremely difficult to ascertain the amount of Blue Mountain's harm
8 with certainty. Good cause appearing therefore, the Court HEREBY ORDERS AS FOLLOWS:

9 1. Pursuant to Business & Professions Code Section 17203 and California Code of
10 Civil Procedure Section 526(a)(1-5), Microsoft Corporation and its agents, officers, employees,
11 servants, assigns, subsidiaries, affiliates, and all persons in active concert and participating with
12 any of them who receive actual notice of this Order, are and shall be enjoined and restrained from
13 distributing, licensing and/or selling, directly or indirectly, any product (including any and all types
14 of software), including, without limitation, any commercial, public, trial or beta versions of
15 software that include any electronic mail "filter" which impedes in any manner the delivery of Blue
16 Mountain greeting cards or notification messages to the intended recipient's standard electronic
17 mail in-box.

18 2. Notwithstanding the foregoing, nothing in this Order shall prohibit or interfere with
19 Microsoft Corporation's ability to enable any consumer to specifically and knowingly block receipt
20 of electronic mail through the current "Mail Rules" or "Block Sender" features of Outlook
21 Express, or similar Microsoft product, from any source, including Blue Mountain.

22 3. Blue Mountain shall post an undertaking in the amount of \$25,000.

23 4. This Order is without prejudice to Microsoft Corporation's right to have the Court
24 revisit the propriety of this preliminary injunction should Blue Mountain in any substantial way
25 change the nature of its business.

26 5. Paragraphs 1 and 2 of this Order become effective on February 27, 1999, and shall
27 remain in effect until the conclusion of the trial of this matter. The Temporary Restraining Order
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1 entered by the Court on December 21, 1998, and amended by the Court on January 15, 1999, shall
2 remain in effect until the preliminary injunction becomes effective.

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Dated: February 2, 1999

By: ROBERT A. BAINES
Judge Robert A. Baines
Judge of the Superior Court