

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-21787-CIV-GRAHAM/O'SULLIVAN

VIRGIN MOBILE USA, LLC,

Plaintiff,

vs.

EMYC USA, CORP.,

Defendant.

**CLOSED  
CIVIL  
CASE**

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**PERMANENT INJUNCTION ON CONSENT**

Plaintiff Virgin Mobile USA, LLC ("Virgin Mobile") and Defendant EMYC USA, Corp., ("EMYC") having entered into a settlement and having resolved all issues in this lawsuit (the "Lawsuit"), and having as part of their settlement stipulated to the entry of this Permanent Injunction on Consent, the Court enters the following Order:

**FINDINGS**

1. The Court has jurisdiction over this dispute and personal jurisdiction over EMYC, Gabriela Silva and Jose Aranha.
2. The Court refers to the Order dated July 21, 2006 as further reason for the entry of this Order.



**PERMANENT INJUNCTION**

EMYC, its agents, servants, employees, successors and assigns, all persons and entities acting in concert or participation with EMYC, and/or acting on their behalf or at their direction; Gabriela Silva; and Jose Aranha are permanently enjoined from purchasing, offering to purchase, reselling, offering to resell, shipping, and tampering with the software, of any Virgin Mobile wireless handset, including without limitation the Kyocera K10 wireless handset.

**OTHER MATTERS**

1. Each party shall bear its own costs.
2. This Permanent Injunction on Consent shall constitute the final judgment herein as against EMYC.
3. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, the Court dismisses this Lawsuit without prejudice as to EMYC.
4. The bond previously paid by Virgin Mobile pursuant to the Court's Order dated July 21, 2006 is hereby discharged.
5. This Lawsuit having been concluded in all respects, the Clerk is directed to mark this matter closed.

CONSENTED TO BY THE FOLLOWING PARTIES:

Dated: July 28, 2006

PROSKAUER ROSE LLP  
Attorneys for Plaintiff Virgin Mobile USA, LLC  
2255 Glades Road  
Suite 340 West  
Boca Raton, Florida 33431

EMYC USA, CORP.  
[insert current address]

By: /s/ Gabriela Silva

Telephone: (561)995-4736  
Facsimile: (561)241-7145

Its: President  
Print Name: Gabriela Silva

/s/ Stephanie Reed Traband  
Stephanie Reed Traband  
Florida Bar No. 0158471  
straband@proskauer.com

IT IS SO ORDERED:



Donald L. Graham  
United States District Judge

August  
~~July~~ 18, 2006