

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TRACFONE WIRELESS, INC.,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. 3:07-CV-2033-L
	§	
VICKI S. BROOKS a/k/a Vicki Brooks	§	
Al Khatib a/k/a Vicki Alkhatib a/k/a	§	
Vicki S. Fraga, individually, and d/b/a	§	
BrooksCom, et al.,	§	
	§	
Defendants.	§	

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

This judgment is issued in accordance with the court’s order dated August 13, 2008, in which the court determined that Plaintiff TracFone Wireless, Inc. had satisfied the requirements of Rule 55 of the Federal Rules of Civil Procedure related to entry of a default judgment.

It is therefore ORDERED, ADJUDGED, and DECREED that a default judgment be entered against defaulting Defendant Vicki S. Brooks a/k/a Vicki Brooks Al Khatib a/k/a Vicki Alkhatib a/k/a Vicki S. Fraga, individually, and d/b/a BrooksCom (“Defendant” or “Brooks”).

It is also ORDERED, ADJUDGED, and DECREED that Plaintiff is entitled to and shall recover \$434,200 from Defendant; postjudgment interest at the applicable federal rate from the date judgment is entered until it is paid in full; and reasonable attorney’s fees, which will be determined in accordance with Fed. R. Civ. P. 54.

It is further ORDERED, ADJUDGED, and DECREED that Defendant, and each and all of her past, present and future respective officers, directors, successors, assigns, parents, subsidiaries, affiliates, related companies, predecessors in interest, agents, employees, attorneys, accountants,

investigators, consultants, heirs, personal representatives, beneficiaries, relatives, and all other persons or entities acting or purporting to act for him/her/it or on his/her/its behalf, including but not limited to any corporation, partnership, proprietorship or entity of any type that is in any way affiliated or associated with any Defendant, or any Defendant's representatives, agents, assigns, parent entities, employees, independent contractors, accountants, attorneys, associates, servants, affiliated entities, and any and all persons and entities in active concert and participation with any Defendant who receive notice of this Order, shall be and hereby are PERMANENTLY ENJOINED and PROHIBITED from:

- a. purchasing or selling any wireless mobile phone that they know or should know bears any TracFone Trademark, any other trademark owned or used by TracFone, or any other model of wireless mobile phone sold or marketed by TracFone ("TracFone/NET10 Handsets"). Specifically, the Defendants are enjoined from purchasing or selling all models of TracFone/NET10 Handsets currently offered for sale by TracFone, or that may be offered for sale in the future, as listed and updated from time to time on TracFone's and NET10's websites, http://tracfone.com/activation_pick_brand.jsp and www.net10.com, including without limitation the following TracFone/NET10 handsets:

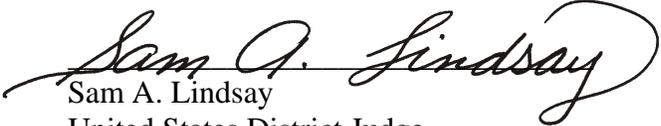
Motorola W370	Nokia 2126	LG 3280
Motorola C261	Nokia 2126i	LG CG225
Motorola C139	Nokia 2600	LG 1500
Motorola V176	Nokia 1100	
Motorola V170	Nokia 1112	
Motorola V171	Nokia 1600	
Motorola C155	Nokia 2285	
Motorola C343		

- b. reflashing or unlocking of any TracFone/NET10 Handset;
- c. accessing, altering, erasing, tampering with, deleting or otherwise disabling TracFone's proprietary prepaid cellular software contained within any and all models of TracFone/NET10 Handsets;
- d. facilitating or in any way assisting other persons or entities who Defendants know or should know are engaged in reflashing and/or unlocking TracFone/NET10 Handsets or hacking, altering, erasing, tampering with, deleting or otherwise disabling the software installed in TracFone/NET10 Handsets;
- e. facilitating or in any way assisting other persons or entities who Defendants know or should know are engaged in any of the acts prohibited under this permanent injunction including, without limitation, the buying or selling of unlocked TracFone/NET10 Handsets; and
- f. knowingly using the TracFone Trademarks or any other trademark owned or used by TracFone, or that is likely to cause confusion with TracFone's Trademarks, without TracFone's prior written authorization.

It is further ORDERED, ADJUDGED, and DECREED that all relief not expressly granted herein is **denied**; and that all allowable and reasonable costs are taxed against Defendant.

This case remains pending against other defendants named in TracFone's pleadings. The court expressly **determines** that there is no just reason for delay of the entry of judgment against Defendant Brooks, and therefore **directs** the clerk of the court to enter a final judgment against Defendant Brooks. *See* Fed. R. Civ. P. 54(b).

Signed this 13th day of August, 2008.


Sam A. Lindsay
United States District Judge