

Memo

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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PEARSON EDUCATION, INC., :
CENGAGE LEARNING INC. AND :
THE MCGRAW-HILL COMPANIES, INC., :

Plaintiffs, :

-against- :

HADI ABDEL-QADER AND JAMILAH :
MABRUK BOTH D/B/A ACCT-2004 :
D/B/A CPA-2005 AND JOHN DOES :
NOS. 1-5, :

Defendants. :

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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/8/08

08 Civ. 3574 (CM)

FINAL JUDGMENT AND PERMANENT INJUNCTION
BY CONSENT

IT IS HEREBY STIPULATED and agreed by and between
the parties through their undersigned attorneys,
conditional upon the approval of the Court, that it is

ORDERED, ADJUDGED AND DECREED that defendants
Hadi Abdel-Qader ("Abdel-Qader") and Jamilah Mabruk
("Mabruk"), doing business as ACCT-2004 and CPA-2005, and
their agents, servants, and employees, and all those acting
in concert with them, are hereby PERMANENTLY ENJOINED from
(i) infringing the registered copyrights and trademarks of
plaintiff Pearson Education, Inc. ("Pearson"), identified
on Schedules A and D hereto, the registered copyrights of
plaintiff Cengage Learning Inc. ("Cengage"), identified on

schedule B hereto, and the registered copyrights and trademarks of plaintiff The McGraw-Hill Companies, Inc. ("McGraw-Hill"), identified on schedules C and E hereto, in violation of 17 U.S.C. § 501 or 15 U.S.C. § 1114(a); (ii) falsely designating the origin of their products or services in violation of the rights of Pearson, and McGraw-Hill under 15 U.S.C. § 1125(a), and (ii) infringing any copyright or trademark of Pearson, Cengage or McGraw-Hill through the sale in the United States of any instructor's solutions manual; and it is further

ORDERED, ADJUDGED and DECREED that judgment shall be entered in favor of Pearson, Cengage and McGraw-Hill, jointly and severally, and against Abdel-Qader and Mabruk, jointly and severally, in the amount of \$1,000,000; and it is further

ORDERED, ADJUDGED and DECREED that the judgment entered herein is in satisfaction of valid claims of Pearson, Cengage and McGraw-Hill against Abdel-Qader and Mabruk for acts that constitute (i) willful copyright infringement within the meaning of 17 U.S.C. § 504(c), (ii) willful trademark infringement within the meaning of 15 U.S.C. § 1117(a), and (iii) "injury" by Abdel-Qader and Mabruk to Pearson, Cengage and McGraw-Hill within the meaning of 11 U.S.C. § 523(a)(6), such that the obligations

of Abdel-Qader and Mabruk under this judgment shall not be dischargeable as a result of any petition or application that either or both of them may file under the laws of the United States relating to bankruptcy; and it is further

ORDERED, ADJUDGED and DECREED that claims of Pearson, Cengage and McGraw-Hill against Abdel-Qader and Mabruk in this action be, and hereby are, dismissed with prejudice, except that the Court shall retain jurisdiction to enforce this final judgment and permanent injunction.

Dated: New York, New York

~~July 1, 2008~~

August 8, 2008



U.S.D.J.

Consent to Entry

The parties, through their undersigned counsel hereby consent to the entry of the foregoing final judgment and permanent injunction.

Dated: New York, New York

~~July~~ __, 2008

August 8,

DUNNEGAN LLC

By William Dunnegan
William Dunnegan (WD 9316)
Megan L. Martin (MM 4396)
Attorneys for Plaintiffs
Pearson Education, Inc.
Cengage Learning Inc. and
The McGraw-Hill Companies, Inc.
350 Fifth Avenue
New York, New York 10118
(212) 332-8300

LAW OFFICES OF CLIFFORD JAMES

By [Signature]
Clifford James (CJ5037)
Attorney for Defendants
Hadi Abdel-Qader and
Jamilah Mabruk
270 Madison Avenue
New York, New York 10016
(212) 532-6333

[Signature] 07/31/2008
Hadi Abdel-Qader
1113 Abrams Road, Apt. 239
Richardson, TX 75081-5564

[Signature] 07/31/2008
Jamilah Mabruk
1113 Abrams Road, Apt. 239
Richardson, TX 75081-5564

Schedule A
"Pearson Copyrights"

<u>Title</u>	<u>(Date of Registration)</u>	<u>(Registration #)</u>
1. Accounting Information Systems,	TX-0005887164,	January 9, 2004.
2. Accounting Information Systems,	TX-0006201168,	July 12, 2005.
3. Advanced Accounting,	TX-0006346581,	April 10, 2006.
4. American Government,	TX-0006404031,	August 27, 2006.
5. Auditing and Assurance Services: An Integrated Approach,	TX-0006193974,	July 12, 2005.
6. Auditing and Assurance Services: An Integrated Approach,	TX-0006548957,	April 13, 2007.
7. Auditing Cases,	TX-0006339732,	April 10, 2006.
8. Cases in Financial Reporting,	TX-0006228028,	September 2, 2005.
9. Cases in Management Accounting and Control Systems,	TX-0006038440,	October 1, 2004
10. Cost Accounting,	TX-0006311827,	January 13, 2006.
11. Financial Reporting and Analysis,	TX-0006004370,	July 22, 2004.
12. Governmental and Nonprofit Accounting: Theory and Practice,	TX-0005539709,	June 3, 2002.
13. Industrial Safety and Health Management,	TX-0005824450,	October 15, 2003.
14. International Economics,	TX-0005958374,	June 7, 2004.
15. Introduction to Management Science,	TX-0005922035,	February 27, 2004.
16. Management Information Systems: Managing the Digital Firm,	TX-0006522788,	February 2, 2007.

17. Operations Management, TX-0006229082, September 1, 2005.
18. Operations Management: Process and Value Chains, TX-0006355040, May 8, 2006.
19. Organizational Behavior, TX-0006597569, June 7, 2007.
20. Principles of Managerial Finance, TX-0005607060, August 29, 2002.
21. Principles of Operations Management, TX-0006357719, May 25, 2006.
22. Strategic Management and Business Policy, TX-0006349367, April 10, 2006.
23. Strategic Management: Concepts and Cases, TX-0006017663, August 27, 2004.
24. Tax Research, TX-0006344310, April 10, 2006.

Schedule B
"Cengage Copyrights"

<u>Title</u>	<u>(Date of Registration)</u>	<u>(Registration #)</u>
1. Accounting Information Systems: A Business Process Approach,	TX-0006310112, January 3, 2006.	
2. Advanced Accounting: Concepts and Practice,	TX-0006340628, May 14, 2006.	
3. Auditing: Assurance and Risks,	TX-0006485237, December 8, 2006.	
4. Concepts in Federal Taxation,	TX-0006459281, November 17, 2006.	
5. Contemporary Auditing: Real Issues and Cases,	TX-0006434547, September 29, 2006.	
6. Financial Management: Theory and Practice,	TX-0005388574, July 31, 2001.	
7. Financial Reporting, Financial Statement Analysis, and Valuation,	TX-0006493714, November 3, 2006.	
8. Fraud Examination,	TX-0006358871, January 3, 2006.	
9. Fundamentals of Advanced Accounting,	TX-0006567556, April 20, 2007.	
10. Intermediate Accounting,	TX-0003128717, July 18, 1991.	
11. Marketing,	TX-0006577246, May 9, 2007.	
12. West Federal Taxation 2007: Corporations, Partnerships, Estates and Trusts,	TX-0006466907, November 17, 2006.	
13. West Federal Taxation: Individual Income Tax,	TX-0006595832, June 11, 2007.	
14. West Federal Taxation: Taxation of Business Entities,	TX0006595828, June 11, 2007.	

Schedule C
 "McGraw-Hill Copyrights"

<u>Title</u>	<u>(Date of Registration)</u>	<u>(Registration #)</u>
1. Accounting for Governmental and Nonprofit Entities,	TX-0005728820, May 7, 2003.	
2. Advanced Accounting,	TX-0006008187, August 6, 2004.	
3. Advanced Financial Accounting,	TX-0005490591, December 27, 2001.	
4. Corporate Finance,	TX-0005653746, December 20, 2002.	
5. Cost Management: A Strategic Emphasis,	TX-0005466754, October 17, 2001.	
6. Cost management: Strategies For Business Decisions,	TX-0005619210, October 9, 2002.	
7. Essentials of Accounting for Governmental and Non-for-Profit Organizations,	TX-0005715935, May 7, 2003.	
8. Essentials of Investments,	TX-0005668741, January 16, 2003.	
9. Fundamentals of Advanced Accounting,	TX-0006346584, April 14, 2006.	
10. Intermediate Accounting,	TX-0005329300, July 2, 2001.	
11. Managerial Accounting,	TX-0005001610, August 3, 1999.	
12. Modern Advanced Accounting,	TX-0005617712, September 24, 2002.	
13. Operations Management for Competitive Advantage,	TX-0005203757, November 22, 2000.	
14. Principles of Auditing and Other Assurance Services,	TX-0005816375, October 14, 2003.	
15. Principles of Corporate Finance,	TX-0005597896, September 10, 2002.	

16. Principles of Taxation for Business and Investment
Planning, TX-0005986568.

Schedule D
"Pearson Trademarks"

<u>U.S. Trademark</u>	<u>Registration Number</u>	<u>Class</u>
1. "Pearson"	2,599,724	009, 016, 035, 042
2. "Pearson"	2,600,081	041
3. "Pearson"	2,652,792	009, 016
4. "Pearson"	2,679,355	016
5. "Pearson"	2,691,830	041
6. "Pearson"	2,694,359	009
7. "Prentice-Hall"	1,332,044	016
8. "Prentice-Hall"	1,332,639	042
9. "Prentice-Hall"	1,375,654	009
10. "Addison Wesley"	2,188,798	016
11. "Addison-Wesley"	2,400,130	016
12. "Benjamin Cummings"	2,674,589	016
13. "Benjamin Cummings"	2,671,773	041
14. "Benjamin Cummings"	2,671,772	041
15. "Benjamin Cummings"	2,621,299	016
16. "Benjamin Cummings"	1,189,279	016

Schedule E
"McGraw-Hill Trademarks"

<u>U.S. Trademark</u>	<u>Registration Number</u>	<u>Class</u>
1. "McGraw-Hill"	1,350,345	16
2. "McGraw-Hill"	2,899,528	16, 41
3. "The McGraw-Hill Companies"	3,103,212	9, 16, 35, 36, 37, 38, 39, 40, 41, 42
4. "Irwin"	1,718,118	16

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

Date:

In Re:

-v-

Case #:

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Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

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NOTICE OF APPEAL

civ. ()

Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

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**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

civ. ()

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____ () _____
(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

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NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME

civ. ()

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time
_____ respectfully requests the court to grant an extension of time in
(party)
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

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AFFIRMATION OF SERVICE

civ. ()

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

(Signature)

(Address)

(City, State and Zip Code)