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10 *PRO SE* DEFENDANT

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15	TWITTER, INC., a Delaware corporation,)	CASE NO.: 3:12-CV-1721-LB
16	Plaintiff,)	
17	v.)	[PROPOSED] STIPULATED ORDER
)	OF DISMISSAL WITH PREJUDICE
)	AND CONSENT JUDGMENT
18	SKOOTLE CORP., a Tennessee corporation; JL4)	
	Web Solutions, a Philippines corporation;)	
19	JUSTIN CLARK, an individual, d/b/a)	
	TWEETBUDDY.COM; JAMES KESTER, an)	
20	individual; JAYSON YANUARIA, an)	
	individual; JAMES LUCERO, an individual; and)	
21	GARLAND E. HARRIS, an individual,)	
22	Defendants.)	

24 As a result of settlement of this action by virtue of a confidential settlement agreement
 25 between the parties, and as a result of the parties' agreement regarding the terms of this consent
 26 judgment, ~~judgment is hereby entered in this action~~, and it is hereby ORDERED, ADJUDGED,
 27 and DECREED that:

1 1) Plaintiff Twitter, Inc. filed this lawsuit against Defendant Justin Clark, d/b/a
2 TweetBuddy.com (“Clark”), in April 2012.

3 2) This Court has jurisdiction over the parties to this action and over the subject
4 matter of the complaint.

5 3) The Parties have agreed to resolve this dispute through a confidential settlement
6 agreement, entered into by both Parties on advice of counsel of their own choice, have consented
7 to this Stipulated Order of Dismissal with Prejudice and Consent Judgment, and hereby stipulate
8 as follows:

9 a) Defendant Clark, his agents, and all other parties acting in concert with
10 him, are permanently enjoined from directly or indirectly:

11 i) Creating or soliciting the creation of Twitter accounts for purposes
12 that violate Twitter’s Terms of Service (including the Twitter Rules);

13 ii) Accessing, searching, or attempting to access or search Twitter’s
14 website, computer systems, and services in order to engage in specific acts that violate Twitter’s
15 Terms of Service (including the Twitter Rules);

16 iii) Creating, developing, manufacturing, adapting, modifying, making
17 available, trafficking in, using, disclosing, selling, licensing, distributing (with or without
18 monetary charge), updating, providing customer support for, or offering for use, sale, license, or
19 distribution (with or without monetary charge), any software or technology designed for use in
20 connection with Twitter’s service, the use of which would violate Twitter’s Terms of Service
21 (including the Twitter Rules), including but not limited to TweetBuddy and TweetBuddy
22 Enterprise Edition;

23 iv) Transmitting, assisting with the transmission of, or procuring or
24 inducing the transmission of unsolicited commercial messages to users on Twitter’s service,
25 including but not limited to Tweets, @replies, and direct messages, to Twitter users;

26 v) Engaging in false representations or false advertising that would
27 misleadingly suggest to a reasonable consumer that a software or other technology conforms to
28

1 Twitter's Terms of Service (including the Twitter Rules) and/or will not result in a Twitter user's
2 account being suspended;

3 vi) Engaging in any activity that violates, or induces others to violate,
4 Twitter's Terms of Use, Rules, or Privacy Policy; and

5 vii) Operating a website at the domain tweetbuddy.com, except as set
6 forth in the parties' confidential Settlement Agreement.

7 4) Accordingly, Plaintiff's claims against Defendant Clark shall be, and hereby are,
8 DISMISSED WITH PREJUDICE.

9 5) This Court shall retain jurisdiction over this case for purposes of enforcing this
10 Stipulated Order of Dismissal and ~~Consent Judgment~~ and the confidential settlement agreement
11 between the parties.

12 6) Each party shall bear its own costs and attorneys' fees.

13 DATED: May 11, 2012

WILSON SONSINI GOODRICH & ROSATI

14 s/Charles T. Graves

15 By: Charles T. Graves

16 Attorneys for Plaintiff
17 TWITTER, INC.

18 DATED: May 5, 2012

JUSTIN CLARK

19 s/Justin Clark

20 By: Justin Clark

21 Defendant
22 Appearing *Pro Se*

23 IT IS SO ORDERED.

24
25 DATED: 6/11/12



26 Honorable Laurel Beeler
27 UNITED STATES ~~MAGISTRATE~~ JUDGE

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CERTIFICATION

I, Charles T. Graves, am the ECF User whose identification and password are being used to file the **[Proposed] Stipulated Order of Dismissal with Prejudice and Consent Judgment**. In compliance with General Order 45.X.B, I hereby attest that Justin Clark has concurred in this filing.

DATED: May 11, 2012

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: s/Charles T. Graves
Charles T. Graves

Attorneys for Plaintiff Twitter, Inc.