

1 DAVID H. KRAMER, SBN 168452
 CHARLES T. GRAVES, SBN 197923
 2 RIANA S. PFEFFERKORN, SBN 266817
 WILSON SONSINI GOODRICH & ROSATI
 3 Professional Corporation
 650 Page Mill Road
 4 Palo Alto, CA 94304-1050
 Telephone: (650) 493-9300
 5 Facsimile: (650) 565-5100
 Email: dkramer@wsgr.com

6 Attorneys for Plaintiff
 7 TWITTER, INC.

8 DOUG COLT, SBN 210915
 THOMAS E. WALLERSTEIN, SBN 232086
 9 NICOLE M. NORRIS, SBN 222785
 COLT / WALLERSTEIN LLP
 10 Shorebreeze II
 255 Shoreline Drive, Suite 540
 11 Redwood Shores, CA 94065
 Telephone: (650) 453-1980
 12 Facsimile: (650) 453-2411
 Email: dcolt@coltwallerstein.com

13 Attorneys for Defendants
 14 SKOOTLE CORP., JAMES KESTER,
 and TROY FALES

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19 TWITTER, INC., a Delaware corporation,
 20

21 Plaintiff,

22 v.

23 SKOOTLE CORP., a Tennessee corporation;
 JAMES KESTER, an individual; and TROY
 24 FALES, an individual,

25 Defendants.
 26

Case No. 3:12-cv-1721 JST

**[PROPOSED] STIPULATED CONSENT
 ORDER**

Judge: Hon. Jon S. Tigar

1 As a result of the parties' agreement regarding the terms of this consent judgment,
2 judgment is hereby entered in this action, and it is hereby ORDERED, ADJUDGED, and
3 DECREED that:

4 a) Defendants Skootle Corporation, James Kester, and Troy Fales, their
5 agents, employees, and other persons who are in active concert or participation with anyone
6 described in this subsection, are permanently enjoined from directly or indirectly:

7 i) Creating or soliciting the creation of Twitter accounts for
8 purposes that violate Twitter's Terms of Service (this term, or "TOS", includes Twitter's Terms
9 of Service, the Twitter Rules, API Terms/Developer Rules of the Road, Automation Rules and
10 Best Practices, Following Rules and Best Practices, and other user and developer terms);

11 ii) Accessing, searching, or attempting to access or search Twitter's
12 website, computer systems, and services in order to engage in specific acts that violate
13 Twitter's Terms of Service;

14 iii) Creating, developing, manufacturing, adapting, modifying,
15 making available, trafficking in, using, disclosing, selling, licensing, distributing (with or
16 without monetary charge), updating, providing customer support for, or offering for use, sale,
17 license, or distribution (with or without monetary charge), any software or technology designed
18 for use in connection with Twitter's service, the use of which would violate Twitter's Terms of
19 Service, including but not limited to TweetAdder version 3.0 and all prior versions of the
20 TweetAdder software;

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

24 v) Engaging in false representations or false advertising that would
25 misleadingly suggest to a reasonable consumer that a software or other technology conforms to
26 Twitter's Terms of Service and/or will not result in a Twitter user's account being suspended;
27 and

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vi) Engaging in any activity that violates, or induces others to violate, Twitter's Terms of Service and/or Privacy Policy.

Dated: June 4, 2013 WILSON SONSINI GOODRICH & ROSATI P.C.

By: /s Charles T. Graves
Charles T. Graves
tgraves@wsgr.com

Attorneys for Plaintiff
TWITTER, INC.

Dated: June 4, 2013 COLT / WALLERSTEIN LLP

By: /s Doug Colt
Doug Colt
dcolt@coltwallerstein.com

Attorneys for Defendants
SKOOTLE CORP., JAMES KESTER, and TROY
FALES

IT IS SO ORDERED.

DATED: _____
Honorable Jon S. Tigar
United States District 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 Consent Order**. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Doug Colt has concurred in this filing.

Dated: June 4, 2013

WILSON SONSINI GOODRICH & ROSATI

By: /s Charles T. Graves
Charles T. Graves
tgraves@wsgr.com

Attorneys for Plaintiff
TWITTER, INC.