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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a  
Delaware corporation,

Plaintiff,

vs.

JOHN BROSANAN, MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC., a California corporation

Defendants.

Case No. C 09-3600 SBA

**STIPULATED PERMANENT  
INJUNCTION AND JUDGMENT  
AGAINST COMPANY DEFENDANT AND  
[PROPOSED] ORDER**

Plaintiff Mortgage Electronic Registration Systems, Inc. (“MERS”), Defendant John Brosnan (“Mr. Brosnan”) and Defendant XZVR, Inc., formerly known as Mortgage Electronic Registration Systems, Inc. (“Company Defendant”) (collectively the “Parties”) have entered into an agreement to resolve this action (hereinafter the “Settlement Agreement”), with reference to the following facts:

A. Plaintiff Mortgage Electronic Registration Systems, Inc. (“MERS”) filed an *ex parte* motion for temporary restraining order and order to show cause on August 6, 2009. On

1 August 12, 2009, the Court entered a temporary restraining order prohibiting defendants from  
2 using MERS' name and accepting service of process of documents intended for MERS, and  
3 requiring defendants to forward any documents in their possession intended for MERS to MERS'  
4 counsel (hereinafter the "TRO"). The TRO required the defendants to show cause on August 26,  
5 2009, why a preliminary injunction should not be entered against them. The Court conducted a  
6 hearing on MERS' motion for a preliminary injunction on August 26, 2009. The Court issued a  
7 Preliminary Injunction on September 4, 2009 ("PI Order").

8 B. The Court issued a Contempt Order on November 5, 2009, against Mr. Brosnan  
9 and Company Defendant for their failure to comply with the PI Order. Mr. Brosnan is the sole  
10 owner of Company Defendant. Company Defendant changed its name to XZVR, Inc., effective  
11 on March 1, 2010, as shown in the document attached as Exhibit A hereto.

12 C. Default was entered as to Company Defendant on November 19, 2009.

13 D. MERS and Company Defendant have entered into a Settlement Agreement and,  
14 pursuant to the Settlement Agreement, they have agreed to the terms of this Stipulated Permanent  
15 Injunction and Default Judgment. Pursuant to the same Settlement Agreement, MERS and  
16 Mr. Brosnan will stipulate to dismissal of the remaining claims in this action upon Mr. Brosnan's  
17 satisfaction of the obligations in Paragraph 1 of the Settlement Agreement.

18 MERS and Company Defendant stipulate, and the Court hereby orders, as follows:

19 (1) Company Defendant, together with any entity under its control or anyone acting on  
20 its behalf in any capacity, shall not engage in, commit or perform, directly or indirectly, any of  
21 the following acts:

22 (a) Using or applying to register MORTGAGE ELECTRONIC  
23 REGISTRATION SYSTEMS (with or without an "S"), MERS or any confusingly similar  
24 designations, as a mark, business name, domain name, email address, meta-tag, keyword, or  
25 otherwise except for what strictly qualifies as nominative fair use, using either names or marks  
26 only to refer specifically to the Delaware entity that is a plaintiff in this action, and only as much  
27 as is required to convey that identification and only in such manner so as not to cause likelihood  
28 of confusion; Company Defendant cannot claim any ownership rights in either designation; and

1 (b) Accepting service of process or other documents intended for MERS,  
2 including summonses, complaints, subpoenas, or any other legally-required notices naming or  
3 involving mortgage liens held by Mortgage Electronic Registration Systems, Inc., a Delaware  
4 corporation.

5 (2) Company Defendant shall deliver or cause to be delivered to MERS all documents  
6 and things that it, or any person or entity under its control or anyone acting on its behalf in any  
7 capacity, receives that were addressed to or otherwise intended for MERS. Such documents shall  
8 be sent within three business days of receipt, and shall be sent directly to MERS' in-house  
9 counsel, by first-class mail or other mutually agreeable method, addressed as follows:

10 Mortgage Electronic Registration Systems, Inc.  
11 c/o Joseph J. Patry, Counsel  
12 1818 Library Street, Suite 300  
13 Reston, VA 20190

14 (3) This Court, or a magistrate designated by the Court, shall retain jurisdiction with  
15 respect to enforcement of this Stipulated Permanent Injunction and the Settlement Agreement, the  
16 terms of which are incorporated herein by reference. The Court retains broad discretion to  
17 impose sanctions, including fines, an award of attorneys' fees, issue sanctions, and/or  
18 imprisonment, in the event that Company Defendant fails to comply any of the terms of this  
19 Order.

20 (4) The above terms shall supersede the terms of the Preliminary Injunction with  
21 respect to Company Defendant.

22 (5) The Parties hereby stipulate that judgment shall be entered against Company  
23 Defendant pursuant to the terms herein.

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Each Party shall bear its or his own costs and attorneys' fees.

Dated: March \_\_\_\_, 2010

MORGAN, LEWIS & BOCKIUS LLP

By \_\_\_\_\_  
Carla B. Oakley  
Attorneys for Plaintiff  
**MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.**

Dated: March \_\_\_\_, 2010

DUANE TUCKER, ESQ.

By \_\_\_\_\_  
Duane Tucker  
Attorney for Company Defendant  
XZVR, Inc., a California corporation

Dated: March \_\_\_\_, 2010

**John Brosnan**, as sole owner of defendant  
XZVR, Inc., a California corporation

\_\_\_\_\_

Having considered the Stipulated Permanent Injunction and Judgment, the Court finds no just reason for delay in entering a permanent injunction and judgment against defendant Mortgage Electronic Registration Systems, Inc., a California corporation.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: July 27, 2010

*Saundra B. Armstrong*  
\_\_\_\_\_  
The Honorable Saundra Brown Armstrong  
United States District Judge

1 UNITED STATES DISTRICT COURT  
FOR THE  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS INC.,

5 Plaintiff,

6 v.

7 JOHN BROSNAN et al,

8 Defendant.  
\_\_\_\_\_ /

9  
10 Case Number: CV09-03600 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on July 27, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
16 receptacle located in the Clerk's office.

17  
18 John Brosnan  
19 848 North Rainbow Boulevard  
#1643  
20 Las Vegas, NV 89107

21 Robert Edwin Jacobsen  
22 P.O. Box 1386  
Lafayette, CA 94549

23 Dated: July 27, 2010

24 Richard W. Wieking, Clerk

25 By: LISA R CLARK, Deputy Clerk