

1 James McCullagh, *pro hac vice*  
 2 jmcullagh@perkinscoie.com  
 3 Joseph Cutler, *pro hac vice*  
 4 jcutler@perkinscoie.com  
 5 PERKINS COIE LLP  
 1201 Third Avenue, Suite 4800  
 Seattle, WA 98101  
 Telephone: 206.359.8000  
 Facsimile: 206.359.9000

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6 David P. Chiappetta, Bar No. 172099  
 7 dchiappetta@perkinscoie.com  
 8 PERKINS COIE LLP  
 9 Four Embarcadero Center, Suite 2400  
 San Francisco, CA 94111-4131  
 Telephone: 415.344.7000  
 Facsimile: 415.344.7050

10 Attorneys for Plaintiff  
 11 FACEBOOK, INC.

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN JOSE DIVISION**

15  
 16 FACEBOOK, INC., a Delaware  
 17 corporation,

Case No. C-07-03404 HRL

18 Plaintiff,

**STIPULATED ORDER AND PERMANENT  
 INJUNCTION**

19 v.

20 Brian Fabian, Josh Raskin, Ming Wu, and  
 JOHN DOES 4-10, individuals; and Istra  
 Holdings Inc., Slickcash.com, 1564476  
 21 Ontario Limited, and JOHN DOES 14-20,  
 22 corporations,

23 Defendants.

24  
 25 **WHEREAS** Plaintiff Facebook, Inc. ("Facebook") has commenced this action seeking,  
 26 among other relief, a permanent injunction enjoining Defendants Istra Holdings, Inc. ("Istra  
 27 Holdings"), 1564476 Ontario Limited ("Ontario Limited"), Brian Fabian ("Fabian"), and Ming  
 28

1 Wu ("Wu") (the defendants hereafter to be referred to as the "Defendants"), and their officers,  
2 agents, servants, and employees, and those persons acting in concert or participation with them,  
3 from directly or indirectly from becoming members of, accessing, paying third parties to access,  
4 or introducing automated codes or scripts designed to access, Web sites owned or operated by  
5 Facebook ("Facebook.com"), or from attempting to contact members of Facebook.com using  
6 any information, including but not limited to names, email addresses, or screen names obtained  
7 from, or verified as valid by, access to Facebook.com;  
8

9 **WHEREAS** the parties have consented, pursuant to the Settlement Agreement between  
10 them, to the entry of a permanent injunction against Defendants, the terms of which are set forth  
11 below.

12 **THEREFORE** the parties stipulate as follows:

13  
14 1. The Court has jurisdiction over the subject matter at issue in this action. The  
15 Defendants consent to the jurisdiction of this Court for the purpose of entry and enforcement of  
16 this Stipulated Order and Permanent Injunction, but for no other purpose.

17 2. The Defendants, their officers, agents, servants, employees, successors, and  
18 assigns, and any persons acting in active concert or participation with them who receive actual  
19 notice of this Order by personal service or otherwise bc, and they are, hereby immediately and  
20 permanently and forever enjoined from:

21 a. Retaining or using any information that was obtained from  
22 Facebook.com, including but not limited to, the code used to introduce the automated script on  
23 Facebook.com, any programs and/or software code designed to obtain information from the  
24 Facebook.com, any and all information returned to the defendants as a result of the script's,  
25 program's, and/or software's operation, and any other information gathered from Facebook.com  
26  
27  
28

1 and/or about Facebook users as alleged in the Complaint in the above-captioned matter, and that  
2 they will not use such information for any purpose;

3           b.       Becoming members of, accessing, paying third parties to access, or  
4 introducing automated codes or scripts designed to access, Facebook.com for a period of ten  
5 (10) years from the effective date of the Settlement Agreement between the parties in this  
6 matter; and  
7

8           c.       Attempting to contact members of Facebook.com using any information  
9 obtained from Facebook.com as alleged in the above-captioned matter, including but not limited  
10 to names, email addresses, or screen names obtained from, or verified as valid by, access to  
11 Facebook.com;

12           d.       Participating, assisting, aiding, abetting, or engaging in any transaction  
13 with, any other person or entity engaging in or performing any of the activities in paragraphs a  
14 or b above;


15  
16       3.       This Stipulated Order and Permanent Injunction is final and may not be appealed  
17 by either party;


18       4.       The Court shall retain jurisdiction to enforce this Stipulated Order and Permanent  
19 Injunction and the settlement agreement between the Parties;

1 DATED this 10<sup>th</sup> day of April, 2008.

3 FACEBOOK, INC.

ISTRA HOLDINGS, INC.

4  
5 By:   
6 MARK Holwitz  
7 (print name)  
8 Its: Deputy General Counsel  
9 (title)

By:   
Brian Fabian  
(print name)  
Its: President  
(title)


9 1564476 ONTARIO LIMITED

10  
11 By:   
12 Brian Fabian  
13 (print name)  
14 Its: Director  
15 (title)

15 BRIAN FABIAN


MING WU

16  
17 By:   
18 Brian Fabian  
19 (print name)

By:   
Ming Wu  
(print name)

20 It is hereby ORDERED, ADJUDGED AND DECREED

21 DONE AND ORDERED this 30<sup>th</sup> day of April, 2008.

22  
23  
24  
25   
26 The Honorable Howard R. Lloyd  
27 United States Magistrate Judge  
28

1 Approved as to form by:

2 **PERKINS COIE LLP**

3

4

5 By: /s/ David Chiappetta  
David Chiappetta

6 Attorneys for Plaintiff  
7 FACEBOOK, INC.

7

8

9 *and*  
**Duane Morris LLP**

10 By: /s/ Gregory G. Iskander  
Gregory Iskander

11

12 Attorneys for Defendants Istra Holdings, Inc., 1564476 Ontario Limited, Brian Fabian, and Ming  
13 Wu

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