

1 Brian Hennessy State Bar No. 226721
 bhennessy@perkinscoie.com
 2 PERKINS COIE LLP
 101 Jefferson Drive
 3 Menlo Park, California 94025
 Telephone: 650.838.4300
 4 Facsimile: 650.838.4350

5 James McCullagh, *pro hac vice application to follow*
 jmccullagh@perkinscoie.com
 6 Joseph Cutler, *pro hac vice application to follow*
 jcutler@perkinscoie.com
 7 PERKINS COIE LLP
 1201 Third Avenue, Suite 4800
 8 Seattle, Washington 98101
 Telephone: 206.359.8000
 9 Facsimile: 206.359.9000

10 Attorneys for Plaintiff
 11 FACEBOOK, INC.

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

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

19 Plaintiff,

20 v.

21 JEREMI FISHER; PHILIP POREMBSKI;
 RYAN SHIMEALL; and JOHN DOES 1-
 22 25, individuals; and CHOKO SYSTEMS
 LLC; HARM, INC.; PP WEB SERVICES
 23 LLC, iMEDIA ONLINE SERVICES LLC,
 and JOHN DOES 26-50, corporations,

24 Defendants.
 25

Case No. C 09-05842 JF

**STIPULATED ORDER AND PERMANENT
 INJUNCTION**

26
 27 **WHEREAS** Facebook commenced this action seeking, among other things, a permanent
 28 injunction enjoining Defendants Jeremi Fisher, Philip Porembski, Ryan Shimeall, Choko Systems

1 LLC, Harm, Inc., PPWeb Services LLC, and iMedia Online Services LLC (collectively
2 “Defendants”) and their officers, agents, servants, and employees, and those persons acting in
3 concert or participation with them from engaging in an unlawful spam campaign against
4 Facebook users, unauthorized access to Facebook’s network and Facebook user profiles, and
5 from otherwise breaching Facebook’s Statement of Rights and Responsibilities;

6 **WHEREAS** Defendants Jeremi Fisher and Choko Systems LLC and Facebook consent to
7 the entry of a permanent injunction, the terms of which are set forth below:

8 1. Defendants Jeremi Fisher, Choko Systems LLC, and all of their officers, agents,
9 servants, employees and attorneys, and persons in active concert or participation with him who
10 receive actual notice of this order are hereby enjoined from:

- 11 a. Initiating or procuring transmission of unsolicited commercial electronic
12 messages ("spam") on or through Facebook’s computers, Facebook’s
13 website, Facebook’s networks, or to Facebook users;
- 14 b. Accessing or attempting to access Facebook’s website, networks, data,
15 information, user information, profiles, computers, or computer systems;
- 16 c. Soliciting, requesting, or taking any action to induce Facebook users to
17 provide identifying information or representing that such solicitation,
18 request, or action is being done with Facebook’s authorization or approval;
- 19 d. Purchasing, using, distributing, trafficking in, or selling compromised
20 Facebook user account information;
- 21 e. Accessing or procuring the access of the accounts of other Facebook users;
- 22 f. Retaining any copies, electronic or otherwise, of any Facebook
23 information, including user login information or passwords, obtained
24 through illegitimate or unlawful actions;
- 25 g. Engaging in any activity that alters, damages, deletes, destroys, disrupts,
26 diminishes the quality of, interferes with the performance of, or impairs the
27 functionality of Facebook’s computers, computer system computer
28 network, data, website, or services;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- h. Engaging in any unlawful activities alleged in this action;
- i. Entering or accessing the physical premises or facilities of Facebook or its counsel; or
- j. Engaging in any activity that violates, or encourages, induces or facilitates violations of the Statement of Rights and Responsibilities, attached as Exhibit A to the Complaint in this action.


2. This Stipulated Order and Permanent Injunction is final and may not be appealed by either party.

DATED this 4th day of January, 2010.

PERKINS COIE LLP

JEREMI FISHER

By: s/ Brian Hennessey
Brian Hennessey

By: 
Jeremi Fisher

Attorneys for Plaintiff
FACEBOOK, INC

JEREMI FISHER

By: 
Jeremi Fisher

For: Choko Systems LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter Judgment pursuant to this Order.

Dated: _____, 2010

The Honorable Jeremy Fogel
United States District Judge

Approved as to form by:

PERKINS COIE LLP

By: /s/ Brian Hennessey
Brian Hennessey

Attorneys for Plaintiff
FACEBOOK, INC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that on January 4, 2010, I sent the foregoing STIPULATED ORDER AND PERMANENT INJUNCTION , which was filed with the Clerk of the Court using the CM/ECF system, via U.S. mail and electronic mail to the following Defendants:

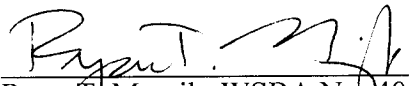
Jeremi Fisher
Choko Systems LLC
35 Jackson Street
Akron, New York 14001
chokosystems@gmail.com

Philip Poremsbki
Harm Inc.
PP Web Services LLC
12155 Tributary Point Drive
Apt. 170
Rancho Cordova, California 95670
phil420@gmail.com

Ryan Shimeall
iMedia Online Services LLC
10299 Julian Court
Westminster, Colorado 80031
ryanlinx@yahoo.com

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 4th day of January 2010.



Ryan T. Mrazik, WSBA No. 40526
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
RMrazik@perkinscoie.com

Attorneys for Defendant Facebook, Inc.