

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

** E-Filed 1/8/2010**

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,

Case No. C 09-05842 JF

19 Plaintiff,

**STIPULATED ORDER AND
 PRELIMINARY INJUNCTION**

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

26 **WHEREAS** Facebook commenced this action alleging that Defendants Jeremi Fisher,
 27 Philip Porembski, Ryan Shimeall, Choko Systems LLC, Harm, Inc., PP Web Services LLC, and
 28

1 iMedia Online Services LLC engaged in an unlawful spam campaign against Facebook users and
2 unauthorized access to Facebook's network and Facebook user profiles;

3 **WHEREAS** Philip Porembski and PP Web Services LLC do not admit any liability and
4 expressly deny any and all liability as to the claims raised by Facebook; and nothing in this
5 stipulation is or shall be construed as an admission of any liability or any wrongdoing on the part
6 of the defendants; and

7 **WHEREAS** Defendants Philip Porembski, PP Web Services LLC and Facebook consent
8 to the entry of a preliminary injunction for the pendency of this matter.

9 Now it is hereby **ORDERED** as follows:

10 1. Defendants Philip Porembski and PP Web Services LLC, and all of their officers,
11 agents, servants, and employees, and persons in active concert or participation with them who
12 receive actual notice of this order are hereby enjoined from:

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

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. Entering or accessing the physical premises or facilities of Facebook or its counsel; or
- i. 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. Notwithstanding the foregoing prohibitions, nothing in this Preliminary Injunction shall restrict Defendants Philip Porembski and PP Web Services LLC from engaging in lawful activities that are reasonably necessary for the lawful defense of this action, including activities reasonably necessary to conduct discovery relating to this action.

3. This Preliminary Injunction shall take effect immediately and shall remain in effect during the pendency of this matter.

DATED this 7th day of January, 2010.

* * * This Space Left Intentionally Blank * * *

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

PERKINS COIE LLP


By: /s/
Brian Hennessey

Attorneys for Plaintiff
FACEBOOK, INC

PHILIP POREMBSKI

By: 
Philip Porembski

PHILIP POREMBSKI

By: 
Philip Porembski

For: PP Web Services 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: January 8, 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

DOWNEY BRAND

By: /s/ Michael Thomas
Michael Thomas

621 Capitol Mall, 18th Floor
Sacramento, CA 95814
916.520.5310
mthomas@downeybrand.com

Attorneys for Defendants PHILIP
POREMBSKI, PP WEB SERVICES LLC,
AND HARM, INC.