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24 Attorneys for Defendant,
 25 Steven Richter

26
 27 **UNITED STATES DISTRICT COURT**
 28 **NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION

29 FACEBOOK, INC., a Delaware
 30 corporation,

31 Plaintiff,

32 v.

33 Steven Richter,

34 Defendant.

35 **Case No. 5:10-cv-04710-LHK**

36 **[PROPOSED] CONSENT DECREE**

1 In accordance with a confidential Settlement Agreement and Mutual Release between
2 plaintiff, Facebook, Inc. ("Facebook"), and defendant, Steven Richter ("Richter"), Richter
3 consents and stipulates to this Consent Decree as follows:

4 1. Richter consents to this Court's jurisdiction over the subject matter at issue in this
5 action.

6 2. Richter consents to this Court's personal jurisdiction for the purposes of entry and
7 enforcement of this Consent Decree.

8 3. Richter consents to an entry of a permanent injunction enjoining him from:

- 9 a. Initiating or procuring transmission of unsolicited commercial electronic
10 messages ("spam") on or through Facebook's computers, Facebook's
11 website, Facebook's networks, or to Facebook users without Facebook's
12 express written consent;
- 13 b. Creating or maintaining any Facebook Pages without Facebook's express
14 written consent;
- 15 c. Creating or maintaining any Facebook applications without Facebook's
16 express written consent;
- 17 d. Creating, directing, maintaining, or profiting from any marketing campaign
18 targeted at Facebook users on facebook.com or targeting Facebook users
19 through the use of Facebook services, without Facebook's express written
20 consent;
- 21 c. Creating or maintaining any Facebook Profile without Facebook's express
22 written consent;
- 23 f. Creating, purchasing, using, distributing, trafficking in, or selling fake or
24 compromised Facebook user account information; and
- 25 g. Engaging in any activity that violates, or encourages, induces or facilitates
26 others to violate Facebook's Statement of Rights and Responsibilities,
27 Developer Policies and Principles; Advertising Guidelines or any other
28 applicable terms of use.

1 4. Richter agrees and stipulates that this Consent Decree is final and may not be
2 appealed by any party.

3

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5 **IT IS SO AGREED.**

6 DATED this 22 day of February, 2011.

7

Steven Richter

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9

Individually

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ASSENT BY PLAINTIFF

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Plaintiff, Facebook, Inc., assents to the entry of the above Consent Decree, as authorized by
14 defendant, Steven Richter.

15

DATED this 23 day of February, 2011.

16

17

FACEBOOK, INC.

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By 

19

Its Litigation Counsel

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22 Approved as to form by:

23 **PERKINS COIE LLP**

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25 By: /s/ Brian Hennessy
Brian Hennessy

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27 Attorneys for Plaintiff
FACEBOOK, INC.

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Business & Technology Law Group

By: /s/ Stephen N. Hollman
Stephen N. Hollman

Attorneys for Defendant
STEVEN RICHTER

PURSUANT TO AGREEMENT OF THE PARTIES, IT IS SO ORDERED.

DATED this _____ day of _____, 2011.

HONORABLE LUCY H. KOH