



**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

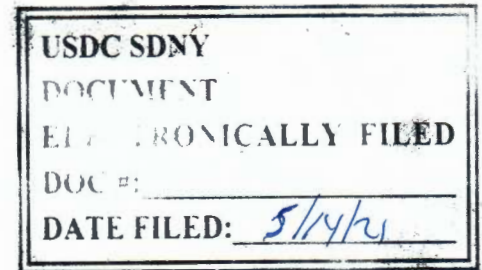
ELSEVIER INC., BEDFORD, FREEMAN & WORTH
PUBLISHING GROUP, LLC d/b/a MACMILLAN
LEARNING, CENGAGE LEARNING, INC.,
MCGRAW HILL LLC, and PEARSON EDUCATION,
INC.,

Plaintiffs,

v.

DOES 1 - 86 d/b/a 7YEC.COM,
ALIBABADOWNLOAD.COM,
APLUSTBSM.BLOGSPOT.COM,
BOOSTGRADE.INFO,
BUDDIEZ4U.MYSHOPIFY.COM, BUY-
SOLUTIONS-MANUAL.COM,
BUYTESTBANKONLINE.COM,
CANADIANTESTBANKSOLUTIONS.BLOGSPOT.C
OM, COLLEGESTUDENTTEXTBOOK.ORG,
CYBERTESTBANK.COM,
DIGITALTESTBANKS.COM, DIGTEXT.COM,
EBOOKAS.COM, EBOOKENTRY.COM,
ETESTBANKS.COM, FINDTESTBANKS.COM,
HOMETESTBANKS.COM, HWPREMIUM.COM,
INSTRUCTORACCESS.COM,
MAXIZZY.MYSHOPIFY.COM,
NURSINGSTUDENTSHELP.COM,
NURSINGTB.COM, NURSINGTESTBANK.INFO,
NURSINGTESTBANK0.INFO,
NURSINGTESTBANKS.CO,
NURSINGTESTBANKTANK.COM,
REALNURSINGTESTBANK.COM,
RHYIBLE.MYSHOPIFY.COM,
SOLUTIONSMANUAL888.WORDPRESS.COM,
SOLUTIONTESTBANK.COM,
SOLUTIONTESTBANK.NET, STUDENT-
SAVER.BLOGSPOT.COM, STUDENTPUSH.COM,
STUDENTS-EXAMS.COM, SWEETGRADES.COM,
TB-BOOK.COM, TBMIRATE.COM, TEST-BANK-

Civil Action No. 20-cv-8438-LLS



SOLUTION.BLOGSPOT.COM, TESTBANK.CC,
TESTBANK.CO.COM, TESTBANK.SOLUTIONS,
TESTBANK101.COM, TESTBANK2020.COM,
TESTBANKAIR.COM,
TESTBANKANDSOLUTIONS.BLOGSPOT.COM,
TESTBANKAREA.COM, TESTBANKBASE.COM,
TESTBANKBYTE.COM,
TESTBANKCLASSES.COM,
TESTBANKCLICK.COM, TESTBANKDATA.COM,
TESTBANKDB.COM, TESTBANKDEALS.COM,
TESTBANKDOC.COM, TESTBANKFILES.COM,
TESTBANKFIRE.COM, TESTBANKGRADE.COM,
TESTBANKGROUP.COM, TESTBANKHOST.COM,
TESTBANKHUT.COM, TESTBANKINC.COM,
TESTBANKKING.COM, TESTBANKLAB.COM,
TESTBANKLIB.COM, TESTBANKMANUALS.COM,
TESTBANKNSOLUTIONS.COM,
TESTBANKPAPER.COM, TESTBANKPASS.COM,
TESTBANKPLANET.COM,
TESTBANKQUESTIONS.COM,
TESTBANKREAL.COM, TESTBANKS-
SOLUTIONMANUAL.COM, TESTBANKS.NET,
TESTBANKSHOP.NET,
TESTBANKSLIST.WORDPRESS.COM,
TESTBANKSOLUTION01.COM,
TESTBANKSOLUTIONMANUAL.COM,
TESTBANKSTER.COM, TESTBANKTEAM.COM,
TESTBANKTOP.COM, TESTBANKTREE.COM,
TESTBANKWORLD.ORG, TESTBANKY.COM,
TESTMANGO.COM, TEXTBOOKSOLUTIONS.CC,
and UNIVERSALSTUDYGUIDES.COM,

Defendants.

**~~PROPOSED~~ FINAL JUDGMENT AND PERMANENT INJUNCTION
AS TO ISMEL PADRON AND CINTYA ALVES**

Plaintiffs Elsevier Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a
Macmillan Learning, Cengage Learning, Inc., McGraw Hill LLC, and Pearson Education, Inc.
(collectively, "Plaintiffs") filed a Complaint against Defendants Does 4, 21, 23, 24, and 27 d/b/a

boostgrade.info, nursingstudentshelp.com, nursingtestbank.info, nursingtestbank0.info, and realnursingtestbank.com, respectively (collectively, “Doe Defendants”), alleging claims of copyright infringement pursuant to the Copyright Act, 17 U.S.C. §§ 501 *et seq.*, and claims of trademark infringement pursuant to the Lanham Act, 15 U.S.C. § 1114 *et seq.* The Doe Defendants have since been identified as Ismel Padron a.k.a. Ismel Padron-Temprana and Cintya Alves a.k.a. Cintya C. Alves de Padron (collectively, “Defendants”). Plaintiffs and Defendants indicate that they have settled this matter. In connection therewith, the parties have jointly stipulated to entry of this Final Judgment and Permanent Injunction.

NOW, THEREFORE, it is hereby:

- I. **ORDERED** that final judgment is **ENTERED** for Plaintiffs against Defendants in the amount of \$211,000. Each party shall bear its own costs and expenses, including its attorneys’ fees.
- II. **FURTHER ORDERED** that a permanent injunction is **ENTERED** in this action as follows: Defendants, their personal representatives, heirs, executors, administrators, agents, assigns, and attorneys, and all those in active concert or participation with any of them who receive actual notice of this Permanent Injunction, are enjoined from:
 - a. Directly or indirectly infringing any of Plaintiffs’ Copyrighted Works¹;

¹ “Publishers’ Copyrighted Works” means any and all textbooks, test banks, instructor solutions manuals, or other copyrighted works, or portions thereof, whether now in existence or later created, regardless of media type, the copyrights to which are owned or exclusively controlled by any of the Publishers or their parents, subsidiaries, affiliates (excluding for Macmillan Learning, its affiliates and its parents other than its immediate parent company), predecessors, successors, or assigns, whether published in the United States or abroad.

- b. Directly or indirectly infringing any of Plaintiffs' Marks² ;
- c. Copying, reproducing, manufacturing, downloading, uploading, transmitting, distributing, selling, offering for sale, advertising, marketing, promoting, or otherwise exploiting any of Plaintiffs' Copyrighted Works or goods bearing Plaintiffs' Marks without Plaintiffs' express written authorization;
- d. Enabling, facilitating, permitting, assisting, soliciting, encouraging, or inducing the copying, reproduction, manufacture, download, upload, transmission, distribution, sale, offering for sale, advertisement, marketing, promotion, or other exploitation of any of Plaintiffs' Copyrighted Works or goods bearing Plaintiffs' Marks without Plaintiffs' express written authorization;
- e. Using, hosting, operating, maintaining, creating, providing, or registering any computer server, website, domain name, domain name server, cloud storage, e-commerce platform, online advertising service, social media platform, proxy service (including reverse and forwarding proxies), website optimization service (including website traffic management), caching service, content delivery network, payment processing service, or any other service similar to the above-listed services that supports, enables, facilitates, permits, assists, solicits, encourages, or induces the

² "Plaintiffs' Marks" means any and all trademarks that are owned or exclusively controlled by any of the Plaintiffs, including the trademarks which are owned or controlled by any of Plaintiffs' parents, subsidiaries, affiliates (excluding for Macmillan Learning, its affiliates and its parents other than its immediate parent company), predecessors, successors, or assigns, whether used in commerce in the United States or abroad.

infringement of Plaintiffs' Copyrighted Works or Plaintiffs' Marks as set forth in subparagraphs (a) through (d) above.

- III. FURTHER ORDERED** that Defendants, along with their personal representatives, heirs, executors, administrators, agents, assigns, and attorneys, shall, at Defendants' own expense, permanently delete and destroy each copy, including each digital copy, of Plaintiffs' Copyrighted Works within their possession, custody, or control. Defendants shall promptly certify to Plaintiffs in writing—no more than 10 days from the entry of this Order—that such deletion/destruction has been completed.
- IV. FURTHER ORDERED** that the funds in the following accounts listed below shall be disbursed to Plaintiffs through their counsel Oppenheim + Zembrak, LLP:
- a) Ally Bank (Account No. *****7607): \$ 219.59
 - b) Bank of America (Account No. *****2317): \$ 4,255.61
 - c) Capital One (Account No. *****0047): \$ 131,967.42
- V. FURTHER ORDERED** that, in addition the disbursement of funds pursuant to Section IV above, the Defendants shall pay \$74,557.38 to Plaintiffs, through their counsel Oppenheim + Zembrak, LLP, pursuant to the terms of the parties' settlement agreement.
- VI. FURTHER ORDERED** that Defendants shall turnover to Plaintiffs the following domain names: boostgrade.info, nursingschoollab.com, nursingstudentshelp.com, nursingtestbank.info, nursingtestbank0.info, and realnursingtestbank.

VII. FURTHER ORDERED that the Court retains jurisdiction for the purpose of enforcing this Order. Without limiting the foregoing, in the event Plaintiffs discover any new websites owned or operated by Defendants in violation of any of the terms of this Permanent Injunction, Plaintiffs may move the Court for a supplemental order as may be appropriate to effectuate the purposes of this Permanent Injunction.

VIII. FURTHER ORDERED that this Order replaces the Court's Preliminary Injunction issued in this matter as to the Doe Defendants as defined herein.

SO ORDERED this 14th day of May, 2021.

Louis L. Stanton
United States District Judge