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10 Attorneys for Plaintiff
FACEBOOK, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15
16 FACEBOOK, INC.,
17 Plaintiff,
18 v.
19 ADAM GUERBUEZ; ATLANTIS BLUE
20 CAPITAL; AND DOES 1-25,
21 Defendants.

Case No. C08 03889 JF HRL

~~PROPOSED~~ ORDER GRANTING
FACEBOOK, INC.'S APPLICATION
FOR DEFAULT JUDGMENT BY
COURT AGAINST ADAM
GUERBUEZ AND ATLANTIS BLUE
CAPITAL

1 Plaintiff Facebook, Inc.'s ("Facebook") Application For Default Judgment Against
2 Defendants Adam Guerbuez and Atlantis Blue Capital came before the Court on
3 11/21/08, in Courtroom 3, the Honorable Jeremy Fogel presiding. Having
4 reviewed the moving and opposing papers and supporting declarations filed with the Court, and
5 having heard the arguments of counsel,

6 IT IS HEREBY ORDERED THAT:

7 Default judgments are entered against defendants Adam Guerbuez and Atlantis Blue
8 Capital as follows:

9 Statutory damages in the amount of \$ 436,638,600 against Adam Guerbuez and
10 Atlantis Blue Capital, jointly and severally, for violations of the CAN-SPAM Act.

11 Aggravated Statutory damages in the amount of \$ 436,638,600 against Adam
12 Guerbuez and Atlantis Blue Capital, jointly and severally, for aggravated violations of the CAN-
13 SPAM Act.

14 Reasonable attorneys fees pursuant to the CAN-SPAM Act, § 7706(g)(4) in an amount to
15 be established through declarations complying with Local Rule 54-6(b)(2) and (b)(3), to be filed
16 with the Court no later than 12/12/08; plus costs of suit.

17 A permanent injunction against defendants, as follows:

18 The Court ENJOINS defendants Adam Guerbuez and Atlantis Blue Capital and their
19 agents, servants, employees, attorneys, affiliates, distributors, successors and assigns, and any
20 other persons acting in concert or participation with them from:

21 a. Using or accessing, whether directly or indirectly, Facebook's data,
22 information, computers, computers systems, computer networks, or Facebook users' accounts,
23 information or profiles for any reason whatsoever;

24 b. assisting or inducing others to use or access, whether directly or indirectly,
25 Facebook's data, information, computers, computers systems, computer networks, or Facebook
26 users' accounts, information or profiles for commercial purposes or to send commercial
27 messages;

28 c. accessing the physical property, structures or buildings of Facebook or

1 Facebook's employees;

2 d. retaining, using, accessing, collecting, compiling, retrieving or disclosing,
3 whether directly or indirectly, Facebook's data or information, or Facebook users' accounts,
4 information or profiles;

5 e. assisting or inducing others to retain, use, access, collect, compile, retrieve,
6 or disclose, whether directly or indirectly, Facebook's data or information, or Facebook users'
7 accounts, information or profiles;

8 f. using Facebook's computers, computers systems, computer networks or
9 Facebook users' accounts, information or profiles to send, directly or indirectly, commercial
10 emails, Wall post bulletins, or messages of any kind;


11 g. creating, maintaining or using a Facebook account or profile;

12 h. using any Facebook trademark or logo, or any design or feature that is
13 intended to resemble a Facebook trademark or logo; and

14 i. violating, or assisting or inducing others to violate, Facebook's Terms of
15 Use.

16 IT IS SO ORDERED.

17 Dated: 11/21/08, 2008

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19
20 
21 Honorable Jeremy Fogel
22 United States District Judge
23 Northern District of California