

1 KARIN G. PAGNANELLI (SBN 174763)
 kgp@msk.com
 2 MARC E. MAYER (SBN 190969)
 mem@msk.com
 3 MITCHELL SILBERBERG & KNUPP LLP
 11377 West Olympic Boulevard
 4 Los Angeles, California 90064-1683
 Telephone: (310) 312-2000
 5 Facsimile: (310) 312-3100

6 Attorneys for Plaintiff
 ACTIVISION PUBLISHING, INC.

7

8

9

UNITED STATES DISTRICT COURT

10

CENTRAL DISTRICT OF CALIFORNIA

11

12 ACTIVISION PUBLISHING, INC.,

13

Plaintiff,

14

v.

15

SHAWN E. GUSE,

16

Defendant.

17

18

19

20

21

22

23

24

25

26

27

28

CASE NO. CV08-3756 FMC (JTLx)

The Honorable Florence-Marie Cooper

**STIPULATION TO JUDGMENT
AND PERMANENT INJUNCTION**

1 Plaintiff and Defendant hereby stipulate to the following terms, and that the
2 Court may enter a final Judgment and Permanent Injunction in favor of Plaintiff
3 and against Defendant without further notice or appearance by the parties, as
4 follows:

5
6 1. Defendant shall pay to Plaintiff in settlement of this action the sum of
7 \$100,000.00.

8
9 2. Plaintiff alleges that Defendant distributed and/or reproduced a
10 copyrighted video game owned or controlled by the Plaintiff, without Plaintiff's
11 authorization, in violation of 17 U.S.C. § 501. Defendant does not contest
12 Plaintiff's allegations, and acknowledges that such conduct is wrongful.

13
14 3. Defendant shall be and hereby is enjoined from directly or indirectly
15 infringing Plaintiff's rights under federal or state law with respect to any
16 copyrighted video games, whether now in existence or later created, that is owned
17 or controlled by, or exclusively licensed to, Plaintiff (or any parent, subsidiary, or
18 affiliate of Plaintiff). Defendant also shall destroy all copies of any copyrighted
19 video game that Defendant has, without the permission of Plaintiff, in his or her
20 possession, custody or control.

21
22 4. Defendant has been properly and validly served with the Summons
23 and Complaint in this action, and is subject to the jurisdiction of the Court.

24
25 5. Defendant irrevocably and fully waives notice of entry of the
26 Judgment and Permanent Injunction, and understands and agrees that violation of
27 the Judgment and Permanent Injunction will expose Defendant to significant
28 penalties, including for contempt of Court. Defendant understands and agrees that

1 if he violates the Judgment and Permanent Injunction, Defendant must pay to
2 Plaintiff not less than \$300,000 for each violation, in addition to any attorneys'
3 fees incurred by Plaintiff to enforce this Judgment and Permanent Injunction.

4
5 6. Defendant irrevocably and fully waives any and all right to appeal the
6 Judgment and Permanent Injunction, to have it vacated or set aside, to seek or
7 obtain a new trial thereon, or otherwise to attack in any way, directly or
8 collaterally, its validity or enforceability.

9
10 7. Nothing contained in the Judgment and Permanent Injunction shall
11 limit the right of Plaintiff to recover damages for any and all infringements by
12 Defendant of any right under federal copyright law or state law occurring after the
13 date Defendant executes this Stipulation to Judgment and Permanent Injunction.

14
15 8. Defendant shall not make any public statements that are inconsistent
16 with any term of this Stipulation to Judgment and Permanent Injunction.

17
18 9. Defendant acknowledges that Defendant has read this Stipulation to
19 Judgment and Permanent Injunction, and the attached [Proposed] Judgment and
20 Permanent Injunction, has had the opportunity to have them explained by counsel
21 of Defendant's choosing, fully understands them and agrees to be bound thereby,
22 and will not deny the truth or accuracy of any term or provision herein. Defendant
23 is at least 18 years old and is otherwise legally competent to enter into this
24 Stipulation to Judgment and Permanent Injunction.

25
26 //

27 //

28 //

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

10. The Court shall maintain continuing jurisdiction over this action for the purpose of enforcing this final Judgment and Permanent Injunction.

DATED: 7/31/08

KARIN G. PAGNANELLI
MARC E. MAYER
MITCHELL SILBERBERG & KNUPP LLP

By: Karin Pagnanelli
Karin G. Pagnanelli
Attorneys for Plaintiff
ACTIVISION PUBLISHING, INC.

DATED: 7/25/08

Shawn E. Guse
Shawn E. Guse
In Pro Per