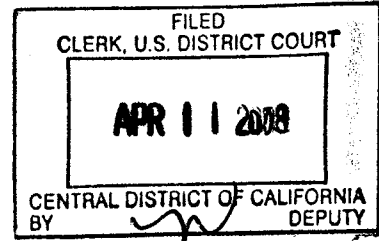


2005 SCAN SEND  
JSL

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.

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ACTIVISION PUBLISHING, INC.,  
Plaintiff,  
v.  
KENNETH W. MADDEN,  
Defendant.

CASE NO. CV08-1056 JSL (SSx)

The Honorable J. Spencer Letts

~~PROPOSED~~ JUDGMENT AND  
PERMANENT INJUNCTION

1 The Court, having considered the Stipulation to Judgment and Permanent  
2 Injunction executed by the parties,

3  
4 IT IS ORDERED AND ADJUDGED THAT:

5  
6 1. Plaintiff has alleged that Defendant distributed and/or reproduced a  
7 copyrighted video game owned or controlled by the Plaintiff, without Plaintiff's  
8 authorization, in violation of 17 U.S.C. § 501. Defendant has not contested  
9 Plaintiff's allegations, and has acknowledged that such conduct is wrongful.

10  
11 2. Defendant shall pay to Plaintiff in settlement of this action the total  
12 sum of \$100,000.00.

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 irrevocably and fully waives notice of entry of the  
23 Judgment and Permanent Injunction, and understands and agrees that violation of  
24 the Judgment and Permanent Injunction will expose Defendant to significant  
25 penalties, including contempt of Court. Defendant understands and agrees that if  
26 he violates the Judgment and Permanent Injunction, Defendant must pay to  
27 Plaintiff not less than \$300,000 for each violation, in addition to any attorneys'  
28 fees incurred by Plaintiff to enforce this Judgment and Permanent Injunction.

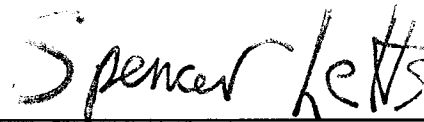
1           5. Defendant irrevocably and fully waives any and all right to appeal this  
2 Judgment and Permanent Injunction, to have it vacated or set aside, to seek or  
3 obtain a new trial thereon, or otherwise to attack in any way, directly or  
4 collaterally, its validity or enforceability.

5  
6           6. Nothing contained in the Judgment and Permanent Injunction shall  
7 limit the right of Plaintiff to recover damages for any and all infringements by  
8 Defendant of any right under federal copyright law or state law occurring after the  
9 date Defendant executes the Stipulation to Judgment and Permanent Injunction.

10  
11           7. Defendant shall not make any public statements that are inconsistent  
12 with any term of the Stipulation to Judgment and Permanent Injunction.

13  
14           8. The Court shall maintain continuing jurisdiction over this action for  
15 the purpose of enforcing this final Judgment and Permanent Injunction.

16  
17 DATED: 4/11/08

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19 

20 The Honorable J. Spencer Letts  
21 United States District Judge  
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