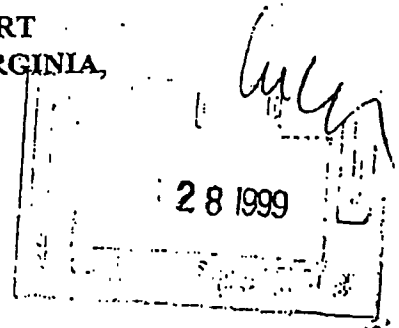


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA,
ALEXANDRIA DIVISION



AMERICA ONLINE, INC.,

Plaintiff,

v.

FORREST DAYTON, POWER PROMO, FIRST,
REPLY; and JOHN DOES 1-100,

Defendants.

Case No. 98-1815-A

**STIPULATED JUDGMENT FOR
MONETARY DAMAGES AND PERMANENT INJUNCTION**

America Online, Inc. ("AOL"), and Forrest R. Dayton ("Dayton") have entered into a binding settlement agreement resolving all issues between them. In exchange for the consideration set forth therein, and the parties agreeing to the entry of a Permanent Injunction;

it is hereby ORDERED that Dayton, his employees, agents and all persons acting in concert with him are hereby permanently enjoined from directly or indirectly engaging in any of the following activities:

- (1) using any images, designs, logos or marks which copy, imitate or simulate any trade or service mark of AOL for any purpose, and/or using "aol" in any Internet domain name or any Internet Web site for any purpose, including but not limited to any advertisement, promotion, sale or use of any products or services;
- (2) performing any action or using any images, designs, logos or marks that are likely to cause confusion, to cause mistake, to deceive, or to otherwise mislead the trade or public into believing that AOL and Defendants, or any of them, are in any way connected, or that AOL sponsors Defendants; or that Defendants are in any manner affiliated or associated with or under the supervision or control of AOL, or that Defendants and AOL or AOL's services are associated in any way;

- (3) sending or transmitting to any AOL Member or to any AOL e-mail address, or directing, aiding, or conspiring with others to send or transmit to any AOL Member or to any AOL e-mail address, any unsolicited e-mail or unsolicited electronic communication at any time;
- (4) sending or transmitting, or directing, aiding or conspiring with others to send or transmit any e-mail or electronic communication bearing any false, fraudulent, anonymous, inactive, deceptive, or invalid return information, or otherwise using any other artifice, scheme or method of transmission that would prevent the automatic return of undeliverable electronic mail to its original and true e-mail address or Internet protocol address of origin or that would cause the e-mail return address to be that of anyone other than the actual sender;
- (5) using, or directing, aiding, or conspiring with others to use AOL's computers or computer networks in any manner, directly or indirectly, in connection with the transmission or transfer of any form of unsolicited electronic communication across the Internet (including by routing such electronic communications through AOL);
- (6) opening, creating, obtaining access to, and/or using in any way, or directing, aiding, or conspiring with others to open, create, obtain access to, and/or use in any way, any AOL membership or account;
- (7) harvesting, acquiring, compiling, transferring or selling AOL Member e-mail addresses or e-mail addresses that contain "aol" or any other AOL trademark in the domain (or directing, aiding or conspiring with others to do the same);
- (8) manufacturing, selling licensing or transferring Stealth Mass Mailer or any other software program that contains features that allow the user to falsify header information or to falsely designate "aol.com" in the "from" line, or that facilitates the violation of AOL's policies, or the unauthorized use of, or access to, AOL's computers or computer networks; and
- (9) engaging in any activity that constitutes the unauthorized use of, or access to, AOL's computers or computer networks, or any other activity that constitutes a violation of AOL's policies.

It is also hereby ORDERED that the term "AOL" as used in paragraphs (1) – (9)

above includes America Online, Inc. and all of its past and future parents, subsidiaries and affiliates.

It is also hereby ORDERED that Forrest Dayton is deemed liable and responsible for the acts of: any employees of any entity in which Forrest Dayton directly or indirectly holds a majority interest, any independent contractors retained directly or indirectly by Forrest Dayton while acting within the scope of their contract, and any other persons acting directly or indirectly on Forrest Dayton's behalf.

It is also hereby ORDERED that Forrest Dayton is liable to AOL in the total amount of \$1,200,000.00.

SO ORDERED:

Claude M. Hilton
United States District Judge

Date: Dec. 28, 1999

We Stipulate To This:

Abid R. Qureshi
Abid R. Qureshi (VA Bar No. 41814)
Jon L. Praed (VA Bar No. 40678)
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004-2505
Attorney for Plaintiff America Online, Inc.

Forrest R. Dayton, Jr., Defendant
2930 Carrolton Court
Marietta, Georgia 30066
(770) 427-7790

Claude D. Convisser
Claude D. Convisser (VA Bar No. 33799)
Claude D. Convisser & Associates P.C.
922 King Street
Alexandria, VA 22314
Attorney for Defendant Forrest R. Dayton

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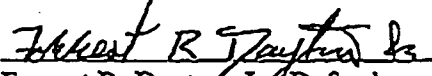
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Date: _____

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1001 Pennsylvania Avenue, N.W.
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