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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

ABS-CBN CORPORATION, a Philippine corporation; **ABS-CBN FILM PRODUCTIONS, INC.** d/b/a Star Cinema, a Philippine corporation; and **ABS-CBN INTERNATIONAL**, a California corporation,

Plaintiffs,

vs.

JEFFREY ASHBY, an individual; **LENIE ASHBY**, an individual; jointly d/b/a **WEBPINOYTAMBAYAN.COM**; **WATCHFILIPINOTV.COM**; **WATCHFILIPINOMOVIES.COM**; **PINOY-TVKO.COM**; **PINOYTVKO.BIZ**; **PINOY-TUBE.COM**;

Case No.: 3-14-CV-1275 BR

**STIPULATION FOR ENTRY OF
CONSENT FINAL JUDGMENT AND
PERMANENT INJUNCTION**

**MYPINOYTUBETV.COM;
PINOYTALAGA.COM;
PINOYSTREAMING.COM;
PINOYMOVIEFAN.COM;
PINOYTVEPISODES.NET;
PINOYTVEPISODES.INFO; and DOES 1-
100,**

Defendants.

Plaintiffs, ABS-CBN Corporation, ABS-CBN Film Productions, Inc. d/b/a Star Cinema, and ABS-CBN International, and Defendant Jeffrey Ashby d/b/a WatchFilipinoTV.com; WatchFilipinoMovies.com; PinoyTalaga.com; PinoyStreaming.com; and PinoyMovieFan.com (hereinafter, "Mr. Ashby"), by and through the undersigned counsel, hereby stipulates to entry of the proposed Stipulated Consent Final Judgment and Permanent Injunction in the form attached hereto as Exhibit "A."

Dated this 9th day of October, 2014.

Respectfully submitted,

MARKOWITZ, HERBOLD, GLADE
& MEHLHAF, P.C.

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Plaintiffs,

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JEFFREY ASHBY, an individual; **LENIE ASHBY**, an individual; jointly d/b/a **WEBPINOYTAMBAYAN.COM**; **WATCHFILIPINOTV.COM**;


Case No.: 3-14-CV-1275 BR

**CONSENT FINAL JUDGMENT AND
PERMANENT INJUNCTION**

WATCHFILIPINOMOVIES.COM;
PINOY-TVKO.COM; PINOYTVKO.BIZ;
PINOY-TUBE.COM;
MYPINOYTUBETV.COM;
PINOYTALAGA.COM;
PINOYSTREAMING.COM;
PINOYMOVIEFAN.COM;
PINOYTVEPISODES.NET;
PINOYTVEPISODES.INFO; and DOES 1-
100,

Defendants.

Plaintiffs, ABS-CBN Corporation, ABS-CBN Film Productions, Inc. d/b/a Star Cinema, and ABS-CBN International (hereinafter collectively, "Plaintiffs" or "ABS-CBN") and Defendant Jeffrey Ashby ("Mr. Ashby") d/b/a WatchFilipinoTV.com; WatchFilipinoMovies.com; PinoyTalaga.com; PinoyStreaming.com; and PinoyMovieFan.com (collectively, the "Subject Domain Names") stipulate and consent to the following:

WHEREAS, ABS-CBN owns the registered trademarks: **ABS-CBN** and **THE FILIPINO CHANNEL** as well as all common law rights associated with the trademark  as identified in Paragraphs 14 and 19 of the Complaint, and is also the owner of shows and broadcasts identified on Exhibit "1" attached to the Complaint (collectively, the "ABS-CBN Intellectual Property");

WHEREAS, the parties have amicably resolved their dispute to each of their satisfaction; and

WHEREAS, based upon ABS-CBN's good faith prior use of the ABS-CBN Intellectual Property, ABS-CBN has superior and exclusive rights in and to the ABS-CBN Intellectual Property in the United States and any confusingly similar names, marks or copyrights.

IT IS STIPULATED, ORDERED, ADJUDGED AND DECREED that:

1. Mr. Ashby and any of the Subject Domain Names' officers, agents, servants,

employees and attorneys, and all persons in active concert and participation with them are hereby permanently restrained and enjoined from intentionally and/or knowingly:

- a. broadcasting, performing, and/or distributing any ABS-CBN content or copyrighted works;
- b. infringing, counterfeiting, or diluting the ABS-CBN Intellectual Property, or using any similar marks;
- c. falsely representing or implying that Mr. Ashby and/or the Subject Domain Names are connected with Plaintiffs;
- d. engaging in search engine optimization strategies using ABS-CBN name or trademarks (or colorable variations);
- e. unfairly competing with Plaintiffs;
- f. using the ABS-CBN Intellectual Property or any confusingly similar trademarks and copyrighted works or other broadcast content on or in connection with all Internet websites, and/or domain names owned, operated, or controlled by them;
- g. using the ABS-CBN Intellectual Property, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), from any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms; and
- h. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (g).

2. Mr. Ashby, on behalf of himself and the Subject Domain Names, stipulates to the immediate transfer to Plaintiff of all ownership, right, title and interest in and to all of the Subject Domain Names and associated websites. Mr. Ashby will assist Plaintiffs as necessary to complete the immediate transfer of the Subject Domain Names and associated websites.

3. Should Mr. Ashby fail to voluntarily transfer the appropriate Subject Domain Names as required by Paragraph 2 herein within ten (10) days of entry of this Order, the Subject Domain Names are hereby ordered to be immediately transferred by the Registrar to Plaintiffs' control. To the extent the then current Registrar does not transfer the Subject Domain Names to Plaintiffs' control within seven (7) days of receipt of a copy of this Judgment, the Registry shall, within thirty (30) days of receipt of a copy of this Judgment, transfer the Subject Domain Names to a Registrar of Plaintiffs' choosing, and that Registrar shall transfer the Subject Domain Names to Plaintiffs.

4. The JP Morgan Chase bank accounts ending in '7021, '1378, '6972, and '5006, as well as all funds currently restrained in connection with this matter are hereby released back to the custody and control of Mr. Ashby.

5. ABS-CBN is awarded damages in the amount of \$10,000,000.00 against Mr. Ashby.

6. Due to the circumstances giving rise to the filing of this action, the settlement amount due from Mr. Ashby to ABS-CBN under the parties' settlement agreement and the damage award detailed in Paragraph 5 above are deemed non-dischargeable debts under Section 523(a)(6) of the United States Bankruptcy Code, Title 11 U.S.C. § 101, *et seq.*

7. The causes of action between Plaintiffs and Jeffrey and Lenie Ashby and the domains (and only those domains) to which Jeffrey Ashby has admitted ownership (i.e. the


Subject Domain Names) are hereby dismissed, subject to the terms of the Settlement Agreement between the parties. This Consent Final Judgment shall be conclusive for purposes of collateral estoppel regarding all issues that have been or could have been brought on the same operative facts against Jeffrey or Lenie Ashby. The Settlement Agreement and this Consent Final Judgment apply only to Defendants, d/b/a the Subject Domain Names, and do not apply to any owner or operator of any website that is not one of the Subject Domain Names. To the extent that this Consent Final Judgment operates as a dismissal of claims against WEBPINOYTAMBAYAN.COM; PINOY-TVKO.COM; PINOYTVKO.BIZ; PINOY-TUBE.COM; MYPINOYTUBETV.COM; PINOYTVEPIISODES.NET; PINOYTVEPIISODES.INFO or DOES 1-100, said dismissal is without prejudice.

8. No party shall be awarded attorney's fees and/or costs in connection with this Consent Final Judgment.

9. This Court will retain continuing jurisdiction over this cause to enforce the terms of this Consent Final Judgment and the Settlement Agreement between the parties.

IT IS SO ORDERED.

Dated this 10th day of October, 2014.


ANNA J. BROWN
United States District Judge

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