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19 Attorneys for Defendants,
ONLINENIC, INC. and DOMAIN ID SHIELD
20 SERVICES CO., LIMITED

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**

23 FACEBOOK, INC. and INSTAGRAM, LLC,

24 Plaintiffs,

25 v.

26 ONLINENIC, INC., DOMAIN ID SHIELD
SERVICE CO., LIMITED, and XIAMEN
27 35.COM INTERNET TECHNOLOGY CO.,
LTD.,

28 Defendants.

Case No. 5:19-cv-07071-SVK

**STIPULATION AND [PROPOSED] ORDER
CONCERNING DEFENDANTS'
PAYMENTS OWED TO SPECIAL MASTER**

Hon. Susan van Keulen

1 Plaintiffs Facebook, Inc. and Instagram, LLC (collectively, “Plaintiffs”) and Defendants
2 OnlineNIC, Inc. and Domain ID Shield Service Co., Limited (collectively, “Defendants”), through their
3 respective counsel of record, hereby stipulate and request that the Court enter an order as follows:

4 1. Defendants own certain domain names (“Defendants’ Domain Names”). Attached as
5 Exhibit 1 to this Stipulation is a list of identified domain names owned by Defendants.

6 2. Defendants will immediately investigate whether they own any additional domain names.
7 They will disclose any such additional names to Plaintiffs within two business days, and the parties shall
8 revise Exhibit 1 accordingly and lodge an updated version of that exhibit with the Court.

9 3. Defendants will assign the registration of all of Defendants’ Domain Names, free and clear
10 of any liens or encumbrances, to Plaintiffs as follows:

11 a. To facilitate the assignment:

12 i. the registry operator of record for each of Defendants’ Domain Names shall
13 change the registrar of record to a registrar selected by Facebook;

14 ii. the registrar of record selected by Plaintiffs shall place Defendants’ Domain
15 Names into a user account controlled by Plaintiffs’ counsel (or an agent
16 designated by Plaintiffs);

17 iii. the registrar of record shall update the listed registrant to Plaintiffs’ counsel
18 (or an agent designated by Plaintiffs);

19 iv. Plaintiffs’ counsel may serve a copy of this Stipulated Order on the
20 appropriate registry operators and registrars as necessary to facilitate the
21 transfer of Defendants’ Domain Names; and

22 v. Defendants shall cooperate and assist as necessary to facilitate the
23 assignment and transfer of Defendants’ Domain Names;

24 b. Defendants represent and warrant that they own all of Defendants’ Domain Names;

25 c. Defendants represent and warrant that they have the rights and authority to transfer
26 all of Defendants’ Domain Names;

27 d. Defendants will indemnify Plaintiffs for any claims made by any third parties
28 regarding any of Defendants’ Domain Names;

1 4. Following the transfer of Defendants’ Domain Names listed on Exhibit 1, as stated in
2 Paragraph 3, above, and as consideration for the transfer of all of Defendants’ Domain Names, Plaintiffs
3 will pay, within five business days, \$74,812 to the Special Master on behalf of Defendants such that
4 Defendants’ balance due to the Special Master will be discharged;

5 5. Upon full payment of the Special Master’s fees as stated in Paragraph 4, above, Plaintiffs
6 shall file a statement informing the Court that payment has been made;

7 6. Once Plaintiffs have paid the Special Master as stated in Paragraph 4, above, Plaintiffs will
8 not later seek to claw any such payment back from the Special Master, leaving a motion to enforce the
9 terms of this stipulation as Plaintiffs’ sole remedy for any of Defendants’ non-compliance with this
10 stipulation’s terms;

11 7. With respect to the Temporary Restraining Order Freezing Assets, ECF No. 132 (“TRO”),
12 Plaintiffs and Defendants stipulate to the conversion of the TRO into a preliminary injunction that contains
13 identical terms as stated in the TRO and that shall remain in effect until entry of Defendants’ default
14 judgment, except that:

15 a. Defendants can pay to their current counsel of record reasonable fees for legal
16 services and associated support costs (e.g., third-party discovery vendor fees),
17 provided that Defendants first provide to Plaintiffs copies of all invoices, redacted
18 for privilege only, demonstrating the need for payment of those services, and
19 Defendants shall pay those invoices from the proceeds from registration and
20 renewal of domain names; and

21 b. Defendants shall not challenge or seek to dissolve the TRO or Preliminary
22 Injunction (or any permanent injunction later issued in this action), or any portions
23 thereof, for any reason, except upon stipulation of the parties;

24 8. Nothing in this stipulation relates to, excuses, or satisfies any judgment the Court may later
25 issue in this action; and

26 9. The terms of this stipulation are contingent on the Court approving the stipulation and
27 entering an order embracing all of the stipulation’s terms and conditions.
28

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1 **SO STIPULATED THROUGH COUNSEL OF RECORD:**

2 DATED: July 27, 2021 Tucker Ellis LLP

3
4 By: /s/David J. Steele
5 David J. Steele
6 Howard A. Kroll
7 Steven E. Lauridsen

8 Davis Polk & Wardwell, LLP
9 Ashok Ramani
10 Micah G. Block
11 Cristina M. Rincon
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13 FACEBOOK, INC. and INSTAGRAM, LLC

14 DATED: July 27, 2021 LexAnalytica, PC

15 By: /s/Perry J. Narancic
16 Perry J. Narancic
17 Attorneys for Defendants,
18 ONLINENIC, INC. and DOMAIN ID
19 SHIELD SERVICES CO., LIMITED

20 **ATTESTATION**

21 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that all other signatories
22 listed and on whose behalf this filing is made concur in the filing of this document and have granted
23 permission to use an electronic signature.

24 /s/David J. Steele

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: _____
27 _____
28 Susan van Keulen
United States Magistrate Judge