

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

JOHN ZUCCARINI, individually and
d/b/a Cupcake Party, et al.,

Defendant.

Civil Action No. 2:01-cv-04854-BMS

STIPULATED ORDER FINDING JOHN ZUCCARINI IN CIVIL CONTEMPT AND
MODIFYING PERMANENT INJUNCTION

On April 9, 2002, this Court entered a Judgment and Permanent Injunction ("Permanent Injunction") against Defendant John Zuccarini. The Permanent Injunction prohibited Defendant Zuccarini from, among other things, engaging in any of the following conduct: (A) redirecting consumers on the Internet or World Wide Web; (B) representing, expressly or by implication, that any web pages, web sites, domain names, goods or services, are endorsed by, or affiliated or associated with, any third party or any entity, when in fact they are not; and (C) participating in any affiliate marketing programs. Permanent Injunction ("Perm. Inj.") § I. The Permanent Injunction also required Defendant, for a period of 5 years from the date of service of the Order, to notify the Federal Trade Commission ("Commission" or "FTC") in writing within 30 days of registering or re-registering a domain name with any domain name registrar, Perm. Inj. § V(D), or of any changes to his residential or mailing address or employment status. *Id.* § V(B)-(C). On December 21, 2006, the Commission filed a Motion seeking an Order to Show Cause Why Defendant Zuccarini Should Not Be Held In Civil Contempt based upon his violations of the

Permanent Injunction. The Commission sought disgorgement of the revenues that Defendant Zuccarini obtained as a result of his contumacious activities.

The FTC and Defendant Zuccarini hereby stipulate to the entry of this Order ("Stipulated Order") finding John Zuccarini in Civil Contempt and modifying the Permanent Injunction and further agree and stipulate to the following:

FINDINGS:

1. This Court entered a valid Permanent Injunction against Defendant Zuccarini on April 9, 2002.
2. Defendant Zuccarini was served with the Judgment and Permanent Injunction on September 3, 2003 and had knowledge of its contents.
3. Defendant Zuccarini disobeyed the ~~Permanent Injunction by engaging in activities~~ that violated Sections I and V of the Permanent Injunction.
4. Defendant Zuccarini violated Section I (A) of the Permanent Injunction by redirecting consumers away from their intended Internet destinations by registering and operating domain names that are misspellings or confusingly similar variations of other domain names relating to an array of products and services.
5. Defendant Zuccarini violated Section I (C) of the Permanent Injunction by representing by implication that his web pages and domain names were endorsed by, or affiliated or associated with, third parties or entities, when in fact they were not. Defendant Zuccarini made these implied representations by operating web sites with domain names that were deliberate variations of other well-known web sites.
6. Defendant Zuccarini violated Section I (D) of the Permanent Injunction by

