

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BEENVERIFIED, INC.;

Plaintiff,

vs.

PLATINUM DATA VERIFI LLC d/b/a
SEEK VERIFY, SEEKVERIFY LLC, MR.
JAROSLAV HEVERY, MR. JUSTIN
DEWOLF,

Defendants.

Case No. 18-2145 (ER)

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

THIS MATTER (the “Civil Action”) having been commenced by plaintiff BeenVerified, Inc. (“Plaintiff” or “BeenVerified”) by filing a complaint on March 9, 2018 against defendants Platinum Data Verifi LLC, SeekVerify LLC, Jaroslav Hevery and Justin DeWolf (“Defendants”);

Defendants having agreed and acknowledged service for the purposes of consenting to jurisdiction and enforcement by this Court;

Plaintiff and Defendants having consulted independent legal counsel in connection with this Civil Action; and

Plaintiff and Defendants having agreed to the entry of this Consent Judgment and Permanent Injunction (the “Consent Judgment”);

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, and ORDERED AND ADJUDGED, and made effective as of this 23rd day of July, 2018 as follows:

1. The Court has personal jurisdiction over each of the parties to this action. The Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, and 1338 over the copyright and Lanham Act claims because the action alleges *inter alia* violations of federal statutes; and the Court has jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367 over the state law claims because they arise out of the same nucleus of operative fact and are so related to the federal cause of action that they form the same case or controversy. Venue is proper in this judicial district under 28 U.S.C. § 1391.

2. Defendants consent to the jurisdiction of this Court to enter and enforce the Order against them, their officers, employees, servants, agents, licensees, attorneys, successors-in-title, affiliates, subsidiaries and assigns, all those in active concert and participation with any of them, and the parties hereby consent to the entry of this Consent Judgment.

3. The Court hereby directs final judgment in favor of Plaintiff and against Defendants in accordance with the terms herein. As used herein, the term “End Date” means September 1, 2018 and “Effective Date” means the last date of signature by the parties or their counsel hereto.

4. BeenVerified owns the trademark BEENVERIFIED under U.S. Trademark Registration Nos. 3,810,610 and 3,810,615 registered on June 29, 2010 under Federal Trademark Reg. No. 3,788,369.

5. Along with the BEENVERIFIED (and BEEN VERIFIED) trademarks, BeenVerified also claims copyright in the entire site at www.beenverified.com including all copyrighted work, including images, text, designs, flow and source code (collectively “BeenVerified’s IP”) including the platforms and software used at www.beenverified.com and associated apps (“Software”).

6. BeenVerified and Defendants have agreed to the terms of a Confidential Settlement Agreement pursuant to which the parties have agreed to entry of this Consent Judgment. Therefore, Defendants, including their respective parents, subsidiaries, affiliates, officers, agents, servants, employees, and those persons in active concert or participation with them are hereby enjoined and directed as follows:

- (a) Defendants are enjoined and restrained from using any of BeenVerified’s website code, HTML, CSS, source code, website flows and any other portions of BeenVerified’s website or pages, websites or code derived from BeenVerified’s website for any purpose whatsoever and shall, within three (3) days of the date of entry of this Consent Judgment, make changes to the seekverify.com website so that its organization, arrangement, and flow does not use the same or substantially similar photographs, color, text, or non-functional design or source code or HTML code to that used by BeenVerified and disable all portions of SeekVerify.com or any other website owned or controlled by Defendants using BeenVerified’s IP or code derived from BeenVerified’s IP and all apps and social media accounts using BeenVerified’s IP ,

- (b) Within three (3) days of entry of this Judgment, Defendants shall destroy all of BeenVerified's IP it may have in its possession and are enjoined and restrained from selling BeenVerified's IP to third parties;
- (c) Defendants are enjoined and restrained from using BEENVERIFIED or BEEN VERIFIED alone, or in combination with any other word(s), or any derivation or phonetic equivalent or typo or misspelling or colorable imitation thereof, including but not limited to all use of BEENVERIFIED and BEEN VERIFIED in marketing including on-line marketing campaigns, pay-per click advertising, banner ads, and any other marketing efforts including meta-tags, keywords, Google AdWords,
- (d) Beginning September 1, 2018, Defendants are enjoined and restrained from using SeekVerify or Seek Verify, except for the purpose of redirecting existing customers to another website owned or controlled by Defendants. Defendants shall terminate all use of SeekVerify and SeekVerify.com including but not limited to all use of SeekVerify in marketing including on-line marketing campaigns, pay-per click advertising, banner ads, and any other marketing efforts including meta-tags, keywords, Google AdWords, and shall make commercially reasonable efforts to request the removal, of Seek Verify by third party sites including YellowPages and LinkedIn, all social media pages including Facebook, Twitter, Instagram, and the like. Defendants are not prohibited from using the term SEEK alone or in combination with other terms except as set forth herein;

- (e) Defendants are enjoined and restrained from using websites or social media accounts established by Defendants to access the BeenVerified.com or PeopleLooker.com websites by any link, including hyperlinks or any multi-link access, pop-up advertisement, or the like. Defendants shall not use any advertising of websites, including any marketing or other promotional materials, such as pop up banners, internet links or any other internet advertising or marketing which illustrate or depict the use and/or intended use of “BEENVERIFIED” or the BeenVerified IP. Defendant are enjoined and restrained from using the same customer reviews from the SeekVerify.Com website on any future websites and any future reviews must be from bona fide customers.
- (f) Within (60) days of the entry of this Consent Judgement, defendant Platinum Data Verifi LLC shall file with the U.S. Patent and Trademark Office a voluntary cancellation of U.S. Trademark Registration No. 5,262,272 for SEEKVERIFY. Defendants agree that Court has jurisdiction under 28 U.S.C. § 1338 to direct the U.S. Patent and Trademark Office to issue a cancellation of U.S. Trademark Registration No. 5,262,272 for SEEKVERIFY.
- (g) Within three (3) days of the entry of this Consent Judgment, Defendants shall cancel all memberships that were purchased by customers who obtained such memberships or account by way of any use of BeenVerified’s IP.

7. This Court shall retain jurisdiction of this matter for the purpose of enforcing the terms and provisions of this Consent Judgment.

8. The parties shall bear their own costs and fees.

9. Any remaining claims as between BeenVerified and Defendants as well as any claim or request for costs or fees by or between the parties, their parents, subsidiaries, affiliates, officers, agents, servants, employees, and those persons in active concert or participation with it whether past, present, known or unknown not otherwise addressed by this Consent Judgment which were raised in the Civil Action, are hereby dismissed with prejudice.

SO ORDERED.

Dated: 7/23/2018



Hon. Edgardo Ramos
United States District Court Judge

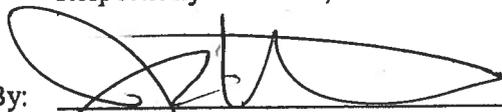
CONSENT

The foregoing Consent Judgment and Permanent Injunction is approved as to form and substance, and the entry thereof without further notice is hereby consented to, and the respective parties have agreed to waive, and do hereby waive, all rights of appeal which they, or any of them, may have from said Consent Judgment and Permanent Injunction.

Dated: July 20, 2018

Respectfully submitted,

By:



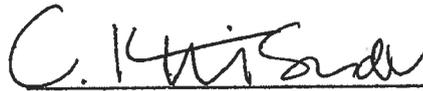
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Dated: July 20, 2018

Respectfully submitted,

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