

referred to as the "domain part"), whether or not displayed, to which an electronic mail message can be sent or delivered.

5. "Electronic mail ('email') message" means a message sent to a unique electronic mail address.
6. "Initiate," when used with respect to a commercial electronic mail message, means to originate or transmit such message or to procure the origination or

conveyance of such message. For purposes of this Order, more than one person may be considered to have initiated a message.

7. "Person" means a natural person or a corporation, partnership, proprietorship, limited liability company, or other organization or legal entity, including an association, cooperative, or agency, or other group or combination acting as an entity.
8. "Procure," when used with respect to the initiation of a commercial electronic mail message, means intentionally to pay or provide other consideration to, or induce, another person to initiate such a message on one's behalf.
9. "Recipient," when used with respect to a commercial electronic mail message, means an authorized user of the electronic mail address to which the message was sent or delivered. If a recipient of a commercial electronic mail message has one or more electronic mail addresses in addition to the address to which the message was sent or delivered, the recipient shall be treated as a separate recipient with respect to each such address. If an electronic mail address is reassigned to a new

Associate Director for Marketing Practices
Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 238
Washington, DC 20580
Re: United States v. ICE.com, LLC
Civ. No. _____.

- D. For the purposes of this Order, Defendant shall, unless otherwise directed in writing by a representative of Plaintiff, identify all written notifications required to be sent to Plaintiff as in reference to DJ# 102-3343, and mail them to:

Director, Office of Consumer Litigation
U.S. Department of Justice - Civil Division
P.O. Box 386
Washington, DC 20044.

- E. For purposes of the compliance reporting and monitoring required by this Order, representatives of Plaintiff and the Commission are authorized to communicate directly with Defendant's officers.

IV. RECORD KEEPING PROVISIONS

~~IT IS FURTHER ORDERED~~ that, for a period of five (5) years from the date of entry of this Order, Defendant is hereby restrained and enjoined from failing to create and retain the following records in connection with the marketing, advertising, promotion, offering for sale, or sale of Defendant's goods or services, via commercial email messages, and from failing to make such records ~~(or reports concerning such records) available for inspection and copying within ten~~
~~(10) days of receipt of a written request from a representative of Plaintiff or Commission:~~

requirements, provisions or terms of this Order, copies of signed and dated acknowledgments of receipt of this Order and all other documents required pursuant to this Order.

V. DISTRIBUTION OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order, Defendant shall deliver copies of this Order as directed below.

- A. Defendant must deliver a copy of this Order to all its officers, directors, and managers. Defendant must also deliver a copy or summary (to be agreed upon by counsel for Defendant and Commission) of this Order to all its employees, agents, independent contractors, and persons who engage in conduct related to the subject matter of this Order. For current personnel, delivery shall be within five (5) days of service of this Order. For new personnel, delivery shall occur prior to them assuming their responsibilities.
- B. Defendant must secure a signed and dated statement acknowledging receipt of this Order, within thirty (30) days of delivery, from all persons receiving a copy or summary of this Order pursuant to this Section.

VI. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that Defendant, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

VII. FEES AND COSTS

IT IS FURTHER ORDERED that each party to this Order hereby agrees to bear its own costs and attorneys' fees incurred in connection with this action.

VIII. SEVERABILITY

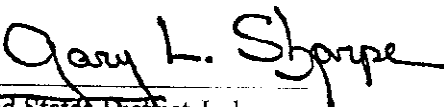
IT IS FURTHER ORDERED that the provisions of this Order are separate and severable from one another. If any provision is stayed or determined to be invalid, the remaining provisions shall remain in full force and effect.

IX. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for ~~purpose of construction, modification, or enforcement of this Order.~~

JUDGMENT IS THEREFORE ENTERED in favor of Plaintiff and against Defendant, pursuant to all the terms and conditions recited above.

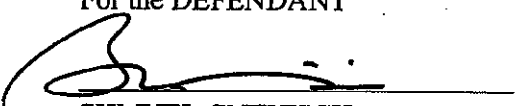
Dated this 16th day of May, 2006.

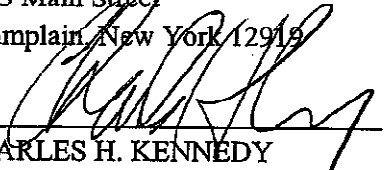

~~United States District Judge~~

The parties, by their respective counsel, hereby consent to the terms and conditions of this Stipulated Order as set forth above and consent to the entry thereof.

DATED: March 31/06

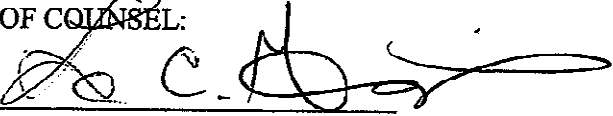
For the DEFENDANT



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Respectfully submitted,

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