

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Entry of this Order is in the public interest.

DEFINITIONS

1. **"Affirmative consent"** with respect to a commercial email message, means that the recipient expressly consented to receive the message, either in response to a clear and conspicuous request for such consent or at the recipient's own initiative; and if the message is

from a party other than the party to which the recipient communicated such consent, the recipient

was given clear and conspicuous notice at the time the consent was communicated that the

recipient's electronic mail address could be transferred to such other party for the purposes of

A (Commercial electronic mail (or "commercial email") message" means any

electronic mail message the primary purpose of which is the commercial advertisement or

9. "Initiate," when used with respect to a commercial email message, means to

originate or transmit such message or to ensure the origination or transmission of such message

1.

but the definition includes actions that constitute routing, conveyance, or delivery of such message. (More than

14. **“Sender,”** when used with respect to a commercial electronic mail message, means a person who initiates such a message and whose product, service, or Internet web site is advertised or promoted by the message. 15 U.S.C. § 7702(16).

15. **“Valid physical postal address”** means a sender’s current street address, a Post

B. Contains, or is accompanied by, subject headings that would be likely to mislead a recipient, acting reasonably under the circumstances, about a material fact regarding the contents

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 7704(a)(2);

C. Fails to include a clear and conspicuous notice of the recipient's opportunity to

Provided, however, in the event that Congress amends or modifies CAN-SPAM, or the

[REDACTED]

Defendants shall comply fully and consistently with all applicable requirements thereof, as and

[REDACTED]

to challenge the Commission's choice of remedy or the manner of distribution under this

Section. The Commission, in its sole discretion, reserves a designated asset to administer

Order entered by the Court. Defendant shall submit to the Commission a truthful sworn

[REDACTED]

Provided, however, that nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to

[REDACTED]

dispositive acts or omissions in an effective manner (within the meaning of 15 U.S.C.

[REDACTED]

[REDACTED]

[REDACTED]

Defendant shall notify the Commission of any changes in the corporate structure

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

of any business opportunity that Defendant discloses in the future, as long as such business interest

[REDACTED]

4. a copy of each acknowledgment of receipt of this Order, obtained pursuant to Section VIII of this Order;

5. a list of all names under which Defendant did or currently does business under since entry of this Order; and

registered or used since entry of this Order.

successors, and assigns, and those in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from failing to create and retain the following records:

A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;

B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work;



occurrences that are the subject of the Complaint, shall cooperate in good faith with the Commission's reasonable requests for documents and testimony. Upon written notice,

Defendant shall: (1) appear at such places and times as the Commission reasonably requests for

~~interviews, conferences, material discovery, review of documents, and for such other matters after~~

XI.

SEVERABILITY

IT IS FURTHER ORDERED that the provisions of this Order are separate and

THE COURT SHALL BE ADVISED OF ANY CHANGES TO THE ABOVE INFORMATION.

