

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)	FILE NO. 0923139
)	
ONYX GRAPHICS, INC.,)	AGREEMENT CONTAINING
a corporation.)	CONSENT ORDER

The Federal Trade Commission has conducted an investigation of certain acts and practices of Onyx Graphics, Inc. ("proposed respondent"). Proposed respondent, having been represented by counsel, is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

IT IS HEREBY AGREED by and between Onyx Graphics, Inc. and counsel for the Federal Trade Commission that:

1. Proposed respondent Onyx Graphics, Inc. ("Onyx") is a Delaware corporation with its principal office or place of business at 6915 HighTech Drive, Salt Lake City, Utah 84047.
2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint.
3. Proposed respondent waives:
 - A. any further procedural steps;
 - B. the requirement that the Commission's decision contain a state of findings of fact and conclusions of law; and
 - C. all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.
4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of thirty (30) days and information about it publicly released. The Commission thereafter

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft complaint, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true.
6. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with

II.

IT IS FURTHER ORDERED that respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying, a print or electronic copy of, for a period of five (5) years from the date of preparation or dissemination, whichever is later, all documents relating to compliance with this order including but not limited to:

- A. all advertisements, promotional materials, and other statements containing any representations covered by this order, with all materials relied upon in disseminating the representation; and
- B. any documents, whether prepared

report, in writing, setting forth in detail the manner and form in which it has complied with this order

VI.

This order will terminate twenty(20) years from the date of its issuance, ~~twenty(20) years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order whichever comes later; provided, however,~~ that the filing of such a complaint will not affect the duration of:

- A. any Part in this order that terminates in fewer than twenty (20) years;
- B. this order's application to any respondent that is not named as a defendant in such complaint; and
- C. this order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order as to such respondent will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling or the date such dismissal or ruling is upheld on appeal.

Signed this _____ day _____, 2009.

ONYX GRAPHICS, NC.

By: _____
Jeb Hufey
Chief Executive Officer
Onyx Gra

FEDERAL TRADE COMMISSION

By:

MOLLY K. CRAWFORD
KATHRYN D. RATTÉ
Counsel for the Federal Trade Commission

APPROVED:

JESSICA L. RICH	DAVID VLADECK
Acting Associate Director	Director
Division of Privacy and Identity Protection	Bureau of Consumer Protection