

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of

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**AGREEMENT CONTAINING
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respondents, in which event it will take such action as it may

4. “History sniffing” shall mean running software code on a webpage that determines whether a user has previously visited a webpage by checking how a user’s browser styles the display of a link to a specific URL or by accessing a user’s browser cache.

I.

IT IS ORDERED that respondents and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the online advertising, marketing, promotion, offering for sale, sale, or dissemination of any product or service, in or affecting commerce, shall not misrepresent in any manner, expressly or by implication: (A) the extent to which they maintain the privacy or confidentiality of data from or about a particular consumer, computer, or device, including but not limited to the extent to which that data is collected, used, disclosed, or shared; or (B) the extent to which software code on a webpage determines whether a user has previously visited a webpage.

II.

IT IS FURTHER ORDERED that respondents and their officers, agents,

IV.

IT IS FURTHER ORDERED that respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying a print or electronic copy of:

- A. For a period of three (3) years from the date of service of this order or from the date of preparation, whichever is later:
 - 1. Consumer complaints or inquiries directed to respondents or forwarded to respondents by a third party concerning: (a) any collection of data by respondents; (b) the use, disclosure, or sharing of such data by respondents; or (c) opt-out practices or any other mechanism to limit or prevent such collection of data or the use, disclosure, or sharing of data collected by respondents, as well as any responses to such complaints or inquiries;
 - 2. All records necessary to demonstrate full compliance with each provision of this order, including all submissions to the Commission; and
- B. For a period of three (3) years after the last public dissemination thereof by respondents, respondents' terms of use, form network contracts, marketing materials, frequently asked questions, privacy policies, and other documents publicly disseminated by respondents relating to: (a) collection of data by respondents; (b) the use, disclosure or sharing of such data by respondents; (c) opt-out practices and other mechanisms to limit or prevent such collection of data by respondents or the use, disclosure, or sharing of data collected by respondents; (d) respondents' membership in any self-regulatory body; and (e) respondents' participation in and compliance with any privacy, security, or other compliance program sponsored by the government or other third party.

V.

IT IS FURTHER ORDERED that, for three (3) years after the date of service of this order, respondents shall deliver a copy of this order to: (1) all current and future principals, officers, directors, and managers; and (2) all current and future managers, employees, agents and representatives who have responsibilities on behalf of respondents with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order, with any electronic signatures complying with the requirements of the E-Sign Act, 15 U.S.C. § 7001 *et seq.* Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of the order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

VI.

IT IS FURTHER ORDERED that respondents shall notify the Commission at least thirty (30) days prior to any change in respondents that may affect compliance obligations arising under this order, including but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor company; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in respondents' name or address. *Provided, however,* that with respect to any proposed change about which respondents learn less than thirty (30) days prior to the date such action is to take place, respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, with the subject line: In the Matter of Epic Marketplace, Inc. and Epic Media Group, LLC. *Provided, however,* that, in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of such notices is contemporaneously sent to the Commission at Debrief@ftc.gov.

VII.

IT IS FURTHER ORDERED that respondents shall, within ninety (90) days after the date of service of this order, file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form in which respondents have complied with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, respondents shall submit additional true and accurate written reports.

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

Dated: _____

EPIC MARKETPLACE, INC.

By: _____

David A. Graff, President

EPIC MEDIA GROUP, LLC

Dated: _____

By: _____

David A. Graff, President

Dated: _____

By: _____

Donald H. Mathis, CEO

Dated: _____

By: _____

Charulata B. Pagar
VLP Law Group LLP
Attorney for Respondents

FEDERAL TRADE COMMISSION

Dated: _____

By: _____

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