DEBRA W. YANG 1 United States Attorney LEON W. WEIDMAŃ Assistant United States Attorney Chief, Civil Division GARY PLESSMAN sistant United States Attorney 4 Chief, Civil Fraud Section Califórnia Bar Number 101233 5 Room 7516, Federal Building 300 North Los Angeles Street Los Angeles, California 90012 Telephone: (213) 894-2474 6 7 Facsimile: (213) 894-2380 8 Attorneys for Plaintiff United States of America 9 10

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

UNITED STATES OF AMERICA.

Plaintiff,

v.

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BONZI SOFTWARE, INC., a Delaware corporation,

Defendant.

CIVIL NO. CV-04-1048 RJK (Ex)

CONSENT DECREE FOR CIVIL, INJUNCTIVE, AND OTHER RELIEF

WHEREAS the plaintiff, the United States of America, has commenced this action by filing the Complaint herein; defendant has waived service of the Summons and Complaint; the parties have been represented by the attorneys whose names appears hereafter; and the parties have agreed to settlement of this action upon the following terms and conditions, without adjudication of any issue of fact or law and without defendant admitting liability for any of the matters alleged in the Complaint or that the facts as alleged in the Complaint, other than the jurisdictional facts, are true;

THEREFORE, on the joint motion of plaintiff and defendant, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

Consent Decree

- 1. This Court has jurisdiction of the subject matter and of the parties.
- 2. The Complaint states a claim upon which relief may be granted against the defendant under Sections 1303(c) and 1306(d) of the Children's Online Privacy Protection Act of 1998 ("COPPA"), 15 U.S.C. §§ 6501-6506, 6502(c), and 6505(d), and Sections 5(a)(1), 5(m)(1)(A), 13(b), and 16(a) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 41-58, 45(a)(1), 45(m)(1)(A), 53(b), and 56(a).

DEFINITIONS

3. For the purposes of this Consent Decree, the term "Rule" means the

Consent Decree

7. For a period of five (5) years from the date of the entry of this Consent Decree, defendant, and its successors and assigns, in connection with the operation of any online service or Web site directed in whole or in part to children, or other online service or Web site through which defendant knowingly collects personal information from children, shall place a clear and conspicuous notice (1) within the privacy policy required to be posted on its online service(s) or Web site(s) by Section 3.124(b) of the Rule, 16 C.F.R. § 312.4(b); (2) within the direct notice required to be sent to parents by Section 312.4(c); and (3) at each location on its online service(s) or Web site(s) where personal information is collected from children, which states as follows in bold typeface:

NOTICE: Visit www.ftc.gov/kidzprivacy for information from the Federal Trade Commission about protecting children's information online

Where the above notice is posted on an online service or Web site or delivered via e-mail or other electronic service, it shall be in the form of a hyperlink to www.ftc.gov/kidzprivacy. The Federal Trade Commission may change the hyperlink/URL upon thirty (30) days prior written notice to defendant, its successors and assigns.

CIVIL PENALTY

- 8. Defendant, and its successors and assigns shall pay to plaintiff a civil penalty, pursuant to Section 5(m)(1)(A) of the Federal Trade Commission Act, 15 U.S.C. § 45(m)(1)(A), in the amount of seventy-five thousand dollars \$75,000.
- 9. Defendant shall make the payment required by Paragraph 8 within thirty (30) days from the date of entry of this Consent Decree by certified or cashier's check made payable to the Treasurer of the United States and delivered to: The Officer of Consumer Litigation, Civil Division, U.S. Department of Justice, Washington, D.C. 20530, for appropriate disposition.

1	19.	This Court shall retain jurisdiction of this matter for the purposes of	
2	enabling an	ny of the parties to this Conseny be necessarythr paropriate3(a)2.8(purpos5.3	3004n T J
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	Consent Decr	ree Page 8 of 11	

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1	The parties, by their counsel, hereby consent to the terms and conditions of				
2	the Consent Decree as set forth above and consent to the entry thereof. Defendar				
3	waives any rights that may arise under the Equal Access to Justice Act, 28 U.S.C.				
4 5	§ 2412, concerning the investigation and prosecution of this action.				
6	6 , , , , , , , , , , , , , , , , , , ,				
7	FOR THE UNITED STATES OF AMERICA:				
8	PETER D. KEISLER				
9	Assistant Attorney General				
10	Civil Division U.S. Department of Justice				
11	C.S. Department of Justice				
12	DEBRA W. YANG				
13	United States Attorney				
14					
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22	EUGENE M. THIROLF Director				
23	Office of Consumer Litigation				
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1	FOR THE DEFENDANT:
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