

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
NOMI TECHNOLOGIES, INC.,)	FILE NO.
a corporation.)	AGREEMENT CONTAINING
)	CONSENT ORDER
)	

The Federal Trade Commission (“Commission”) has conducted an investigation of certain acts and practices of Nomi Technologies, Inc. (“Nomi” or “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 Nomi Technologies, Inc., by its duly authorized officers, and counsel for the Federal Trade Commission that:

1. Proposed respondent Nomi Technologies, Inc. is a Delaware corporation with its principal office or place of business at 26 West 17th Street, 2nd

4. Proposed respondent neither admits nor denies any of the allegations in the draft complaint, except as specifically stated in this order. Only for purposes of this action, proposed respondent admits the facts necessary to establish jurisdiction.
5. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1)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 the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed respondent's address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order. No agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.
6. Proposed respondent has read the draft complaint and consent order. Proposed respondent understands that it may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, "respondent" shall mean Nomi Technologies, Inc., and its successors and assigns.
2. "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15. U.S.C. § 44.

I.

IT IS ORDERED that respondent and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, website, other device, or an affiliate owned or controlled by respondent, in connection with the advertising, 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 options through which, or the extent to which, consumers can exercise control over the collection, use, disclosure, or sharing of information collected from or about them or their computers or devices, or (B) the

Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *In the Matter of Nomi Technologies, Inc.*, File No. 132 3251.

V.

NOMI TECHNOLOGIES, INC.

Dated: _____

By: _____
SANDEEP GILL, Vice President for Finance
Nomi Technologies, Inc.

Dated: _____

By: _____
LYDIA B. PARNES
Wilson, Sonsini, Goodrich & Rosati
Attorney for Respondent

FEDERAL TRADE COMMISSION

Dated: _____

By: _____
AMANDA KOULOUSIAS
JACQUELINE CONNOR
Counsel for the Federal Trade Commission

APPROVED:

MANEESHA MITHAL
Associate Director
Division of Privacy and Identity Protection

ROBERT SCHOSHINSKI
Assistant Director
Division of Privacy and Identity Protection

CONCUR:

JESSICA L. RICH
Director
Bureau of Consumer Protection