

EXHIBIT B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EROS, LLC, : CIVIL ACTION NO.: 8:07-CV-01158-5CB-TEW
 :
 Plaintiff, :
 :
 v. : JURY TRIAL DEMANDED
 :
 JOHN DOE, a/k/a VOLKOV CATTENEO, :
 a/k/a AARON LONG, :
 :
 Defendant. :
 :

SECOND DECLARATION OF KEVIN ALDERMAN

Pursuant to 28 U.S.C. § 1746, I, Kevin Alderman, declare as follows:

1. I am the Chief Executive Officer of Eros, LLC.
2. I submit this declaration in support of Eros's Second *Ex Parte* Motion for Leave to Issue Subpoenas and Conduct Related Discovery.
3. On July 3, 2007, Eros filed an *ex parte* motion for leave to issue subpoenas, which the Court granted on July 5, 2007. On July 6, 2007 Eros served subpoenas on Linden Research, Inc. ("Linden") and PayPal, Inc. ("PayPal"), both with return dates of July 20, 2007. Linden requested and Eros granted an extension of time until August 3, 2007 to respond to the subpoena. Linden eventually produced certain information responsive to the subpoena on August 3 and 7, 2007. PayPal produced certain information responsive to the subpoena on July 18 and 26, 2007.
4. On or about July 3, 2007, defendant apparently gave an interview to a Reuters reporter within Second Life (i.e. "in world") and in the course of these in world interviews claimed that he had provided false identifying information to both Linden and PayPal and that he had no permanent address in real life. Defendant also admitted to selling 50 copies of the Items,

and claimed to have given the proceeds to another person. A true and correct copy of the Reuters article is attached as Exhibit 1.

5. In connection with its ongoing investigation into defendant's identity, Eros has obtained information relating to defendant's purported real name from various sources. Nevertheless, Eros is not yet certain whether this information is correct, especially in light of defendant's comments. Eros therefore seeks additional information, described below, that is calculated to enable Eros to determine defendant's identity.

6. In connection with this investigation, Eros has also obtained a number of internet protocol or "IP" addresses associated with defendant's internet activity.

7. I have determined that the Internet Service Providers or "ISPs" associated with these IP addresses are Southwest Bell, now part of AT&T, Inc. ("AT&T") and Charter Communications, Inc. ("Charter").

8. I am aware that AT&T and Charter typically require prospective account holders to submit identifying information, including a name, address, telephone number, email address and payment information.

9. I also understand that AT&T and Charter are likely to possess Media Access Control ("MAC") and/or Ethernet Hardware Address ("EHA") numbers relating to defendant's use of IP addresses associated with defendant's internet activity. MAC and EHA numbers allow identification of the actual computer or other computer hardware associated with the use of a particular IP address.

10. AT&T's Privacy Policy, currently at <http://www.att.com/gen/privacy-policy?pid=2506>, provides in pertinent part that AT&T may disclose customer information in

order to comply with court orders, subpoenas or other legal or regulatory requirements. I have attached a true and correct copy of AT&T's Privacy Policy as Exhibit 2.

11. Charter Communications' privacy policies for high speed internet customers, currently at <http://www.charter.com/Visitors/YourPrivacyRights.aspx?PrivacyRight=3> state in pertinent part that Charter may disclose customer information to third parties as required by law or legal process. I have attached a true and correct copy of the policy as Exhibit 3.

12. I have asked AT&T and Charter Communications to provide the identifying information associated with the account holders associated with the IP addresses at issue, and AT&T and Charter Communications declined to do so in the absence of a subpoena.

13. I have directed my attorney to prepare proposed forms of subpoenas addressed to AT&T and Communications, copies of which are attached as Exhibits 1 and 2 to Eros's proposed form of Order in connection with this Motion, seeking the information described in this Declaration.

14. Eros would use the information sought by the subpoenas to determine Defendant's true identity and address, amend the Complaint to include this information, and effect service of process on Defendant.

I hereby declare under the penalty of perjury under the laws of the United States of America that the foregoing statements made by me are true and correct.

Executed in Lutz, Florida
on September 9, 2007

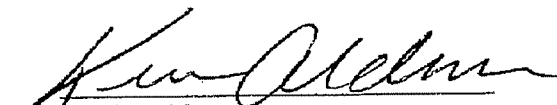

Kevin Alderman

EXHIBIT 1

SL business sues for copyright infringement

Tue Jul 3, 2007 12:07pm PDT

By *Eric Reuters*

SECOND LIFE, July 3 (Reuters) - Second Life entrepreneur Kevin Alderman filed a copyright infringement lawsuit on Tuesday against Second Life resident Volkov Catteneo, and Alderman's lawyer said he plans to subpoena Linden Lab to force it to disclose Catteneo's real-world identity.

Alderman (Second Life name: Stroker Serpentine) runs the adult-content company Eros LLC. One of the company's most popular products is the SexGen bed, virtual furniture that contains more than 150 sex animations and retails for L\$12,000 (US\$45.11).

In "Eros LLC vs John Doe," filed in the U.S. District Court in Tampa, Alderman accuses Catteneo of illicitly copying and selling the SexGen bed for as little as L\$4,000, sharply cutting into Eros' sales.

Filing a copyright infringement case against "John Doe" is an established practice in Internet cases where the defendant's identity is not initially apparent, said Alderman's lawyer, Francis Taney of Buchanan, Ingersoll & Rooney. For example, the music industry has filed thousands of "John Doe" lawsuits against people it alleges have illicitly shared music online.

Taney said he will seek Catteneo's identity, chat histories, and financial records from Linden Lab and PayPal.

"Despite reasonable efforts, Eros does not presently know Defendant's true identity or address but intends to obtain this information by way of subpoenas directed to one or more internet service providers that are likely to have obtained said information from Defendant," the lawsuit states.

Catteneo told Reuters in a Second Life interview that Alderman had never been in touch with him. Catteneo said he had sold about 50 of the beds on behalf of a third party who pocketed the proceeds.

Catteneo, who declined to provide his real name, said he doesn't fear the subpoena. "I'm not some kind of noob," Catteneo said. "My name isn't on [Linden Lab's] file. I don't even have a permanent address [in real life] either."

Alderman estimated that Eros has sold 100,000 of the beds. Earlier this month the Amsterdam sims, another Alderman creation, were sold to Dutch media firm Boom BV for US\$50,000.

The SexGen beds are sold as "no-copy" objects, normally prohibiting their replication. Alderman said he doesn't know how a copyable version of his product began to circulate in Second Life.

Alderman said he tried to report the copyright violation to Linden Lab in accordance with its Digital Millennium Copyright Act compliance policy, but that he was told to use the in-world "abuse reporting" system.

Linden Lab was not immediately available for comment.

The lawsuit seeks damages equal to three times the damages sustained by Eros or three times the defendant's profits. But Alderman said he's less interested in winning damages than stopping the theft of his property.

"We're not going to sue him for a million dollars," he said. "I don't want to crucify the guy. I'm trying to protect my income and my family."

A copy of the legal filing is available by clicking [here](#) (7.5 MB PDF file).

EXHIBIT 2



Copyright and Privacy Policy

AT&T Privacy Notice

Effective 06/16/06



OUR COMMITMENT: RESPECTING AND PROTECTING YOUR PRIVACY

THE SCOPE OF THIS PRIVACY POLICY

WHAT PERSONAL IDENTIFYING INFORMATION WE COLLECT, HOW WE USE IT AND HOW YOU CAN CONTROL ITS USE

- Personal identifying information we collect and use
- Personal identifying information we disclose to third parties
- Information included in our directories and directory assistance service
- Obtaining non-published and non-listed numbers
- Our "Do Not Call" lists
- Customer Proprietary Network Information



WHAT ONLINE INFORMATION WE COLLECT, HOW WE USE IT AND HOW YOU CAN CONTROL ITS USE

- Web usage information we collect and use
- How we use cookies, Web beacons, etc.
- Our e-mail marketing practices
- Our policy on online access by children
- Linking to other sites
- Online privacy education

HOW WE PROTECT YOUR INFORMATION

PRIVACY POLICY UPDATES

CONTACTING US: QUESTIONS, COMMENTS, CONCERNS

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OUR COMMITMENT: RESPECTING AND PROTECTING YOUR PRIVACY

The AT&T family of companies ("AT&T") recognizes that the trust of our customers and Web visitors requires vigilant, responsible privacy protections

- We respect and protect the privacy of our customers As a provider of telecommunications and related services and products we recognize that we must maintain the confidentiality of every customer's telephone calling and other account information
- We also respect and protect the privacy of our Web visitors The expansion of online services and changing technologies continues to create unique privacy concerns and we recognize the need to maintain the confidentiality of information that Web visitors reasonably expect to remain private
- We have a long history of vigorously protecting customer and web visitor privacy Our customers and web visitors expect, deserve and receive nothing less than our fullest commitment to their privacy. We also have an obligation to assist law enforcement and other government agencies responsible for protecting the public welfare, whether it be an individual or the security interests of the entire nation

If and when we are asked to help, we do so strictly within the law and under the most stringent conditions

* AT&T Inc was created on Nov 18, 2005, through a merger of SBC Communications Inc and AT&T Corp We continue to undergo branding changes to bring together all former SBC and AT&T brands and this privacy policy applies irrespective of AT&T or SBC branding

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THE SCOPE OF THIS PRIVACY POLICY

This privacy policy addresses the privacy of AT&T retail customers and Web visitors in the United States Where applicable, AT&T will comply with the laws of other countries that contain mandatory requirements that differ from this policy In selected jurisdictions outside the United States, a member of the AT&T family of companies may adopt a separate privacy policy to reflect the requirements of applicable local laws

This policy identifies the types of data and information we collect, how we use it, how you can control its use and the steps we take to protect it The primary focus of this policy is non-public information that identifies or that is linked to the identity of a customer or Web visitor ("personal identifying information") In this policy, the AT&T family of companies means AT&T Inc and its subsidiary and affiliated entities Members of the AT&T family of companies have agreed to the privacy practices in this policy - except for Cingular@ Wireless and YELLOWPAGES.COM, both of which are joint ventures between AT&T and Bell South and operate under their own privacy policies Personal identifying information shared between Cingular@ Wireless or YELLOWPAGES.com and other AT&T family of company members will be used and protected as set forth in this policy

This policy does not apply where non-members of the AT&T family of companies ("third parties") have licensed the AT&T brand for use with their own products or services For example, the policy does not apply to Advanced American Telephones, which licenses the AT&T Brand to sell telephone equipment, or to Citibank, which licenses the AT&T Brand to offer its AT&T Universal Card When you sign up for certain AT&T-offered services, you may agree to additional privacy policies that address service-specific privacy practices For example, certain AT&T Internet services - AT&T Yahoo! Dial, AT&T Yahoo! DSL, AT&T Yahoo! Small Business and AT&T Yahoo! Geocities - and AT&T U-verse TV and Homezone services are subject to an additional privacy policy View a copy of the AT&T Yahoo! and Video Services policy, Similarly, AT&T I.DISH network service is subject to an additional privacy policy

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WHAT PERSONAL IDENTIFYING INFORMATION WE COLLECT, HOW WE USE IT AND HOW YOU CAN CONTROL ITS USE

Personal identifying information we collect and use

We collect personal identifying information regarding our customers, including information customers give us, information collected as a result of the customer's relationship with us and information we obtain from other sources Examples include name; address; e-mail address; telephone number; billing, payment, usage, credit and transaction information (including credit card numbers, account numbers and/or social security number); and demographic information

We also collect personal identifying information that our Web visitors choose to provide to us (e.g., name, address, telephone number, e-mail address) when registering on our Web sites; ordering AT&T-offered products or services; sending us e-mail; responding to our surveys; entering contests or sweepstakes; or in connection with online ordering or billing functions

We use the personal identifying information of a customer to provide, confirm, change, bill, monitor and resolve problems with the quality of AT&T-offered products and services We also use the personal identifying information of a customer or Web visitor to develop, market and sell our products and services We may aggregate the personal identifying information of different customers or Web visitors to produce data about a group or category of services, customers or Web visitors For example, we might use aggregate data about the types of services our customers have generally purchased at the same time in order to develop attractive bundled service offerings Such aggregate data, however, will not reflect any personal identifying information of any specific customer or Web visitor

Personal identifying information we disclose to third parties

We do not provide personal identifying information (other than information included in our directories and directory assistance service) to third parties for the marketing of their products and services without your consent

We may provide personal identifying information to third parties where required to provide certain AT&T-offered products and services. For example, we disclose certain AT&T | DISH Network-related personal identifying information to Echostar Satellite Corporation, L.L.C. and its affiliates solely in order to provide AT&T | DISH Network services

We may also provide personal identifying information to third parties who perform functions or services on our behalf. Examples include shipping companies who deliver AT&T products; AT&T-authorized agents who market and sell AT&T-offered products and services on our behalf; and Web site development or advertising companies, who provide Web design, analysis and advertising services

When we provide such personal identifying information to third parties to perform such functions or services on our behalf, we require that they protect personal identifying information consistent with this policy and do not allow them to use such information for other purposes

We may, where permitted or required by law, provide personal identifying information to third parties (including credit bureaus or collection agencies) without your consent:

- To obtain payment for AT&T-offered products and services, enforce or apply our customer agreements, and/or protect our rights or property

- To comply with court orders, subpoenas, or other legal or regulatory requirements

- To prevent unlawful use of communications or other services, to assist in repairing network outages, and when a call is made to 911 from a customer phone and information regarding the caller's location is transmitted to a public safety agency

- To notify a responsible governmental entity if we reasonably believe that an emergency involving immediate danger of death or serious physical injury to any person requires or justifies disclosure without delay

A customer's name and telephone number may also be transmitted and displayed on a Caller ID device unless the customer has elected to block such information. Caller ID Blocking does not prevent the display of the number when you dial certain business numbers, 911, 900 numbers or toll-free 800, 888, 877 or 866 numbers

Information included in our directories and directory assistance service

We publish and distribute directories in print, on the Internet, and on CDs and/or other electronic media (some complimentary and some for a fee). These directories include limited personal identifying information about our customers - i.e., published customer names, addresses and telephone numbers - without restriction to their use. Our directories may also include information obtained from third parties. We also make that information available through directory assistance operators and through the Internet. For more information on controlling the disclosure of this information, see Obtaining non-published and non-listed numbers below

We are required by law to provide published customer names, addresses and telephone numbers (or non-published status) to unaffiliated directory publishers and directory assistance providers, over whom AT&T has no control, for their use in creating directories and offering directory assistance services

This directory information is not legally protected by copyrights and may be sorted, packaged, repackaged and made available again in different formats by anyone, including AT&T

Obtaining non-published and non-listed numbers

Except as described below, telephone listings of AT&T local telephone customers are made available in our directories and through directory assistance

When a customer subscribes to AT&T local telephone service, we offer the opportunity to request that the customer's name, number, and address not be published in our directories or made available through our directory assistance

The names, numbers and addresses of customers who choose to have a "non-published" number will not be available in our directories or through our directory assistance. Likewise, we do not make non-published numbers available to others to include in directories or to provide directory assistance services

The names, numbers and addresses of customers who choose to have a "non-

listed" number will not be available in AT&T directories, but the information will be publicly available through directory assistance and will be provided to unaffiliated directory assistance providers over whom AT&T exercises no control

There is a fee for customers who choose to have non-published or non-listed telephone numbers

Customers may choose to exclude partial or all address information from their listings

Customers in Nevada do not have the option of a non-listed number

For more information, contact an AT&T service representative

Our "Do Not Call" lists

We comply with all applicable laws and regulations regarding "Do Not Call" lists. These laws generally permit companies to contact their own customers even though such customers are listed on the federal and, in some instances, state "Do Not Call" lists.

Residential consumers may request that they be removed from AT&T's telemarketing lists at any time, including when an AT&T marketing and promotional call is received or by contacting an AT&T service representative.

Where required by state laws and/or regulations, we also honor requests from business customers to be removed from our telemarketing lists.

Cingular® Wireless maintains its own "Do Not Call" policy and lists. Please contact Cingular Wireless directly at 1-866-CINGULAR if you wish to be placed on its "Do Not Call" list.

Customer Proprietary Network Information

In the normal course of providing telecommunications services to our customers, we collect and maintain certain customer proprietary network information, also known as "CPNI." Your CPNI includes the types of telecommunications services you currently purchase, how you use them and related billing information for those services. Your telephone number, name and address are not CPNI. Protecting the confidentiality of your CPNI is your right and our duty under federal law. We do not sell, trade or share your CPNI - including your calling records - with anyone outside of the AT&T family of companies or with anyone not authorized to represent us to offer our products or services, or to perform functions on our behalf except as may be required by law or authorized by you. As a general rule, we are permitted to use CPNI in our provision of telecommunications services you purchase, including billing and collections for those services. We are permitted to use or disclose CPNI to offer telecommunications services of the same type that you already purchase from us. We may also use or disclose your CPNI for legal or regulatory reasons such as a court order, to investigate fraud or to protect against the unlawful use of our telecommunications network and services and to protect other users. Click here for [more information](#) on the use of CPNI.

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WHAT ONLINE INFORMATION WE COLLECT, HOW WE USE IT AND HOW YOU CAN CONTROL ITS USE

Web usage information we collect and use

When Web visitors access our Web sites we automatically receive certain "Web usage" information. For example, our Web servers automatically collect the visitor's IP address, the visitor's Web browser and operating system types, and the identity of the Web page from which the visitor's browser entered our Web site. In addition, primarily through the use of [cookies](#) or [Web beacons](#), we may collect other Web usage information, such as the Web pages the browser visits on our Web sites, the amount of time spent on such Web pages and whether the browser re-visits our Web sites/pages.

We use Web usage information to facilitate and enable the functioning of our Web sites and to expand and improve our Web visitors' online experience. We may also aggregate such Web usage information with other visitors' Web usage information to assess trends and better design, monitor and otherwise improve our Web sites, as well as to focus our marketing efforts.

In some cases we may combine Web usage information related to your access to our Web sites with personal identifying information. We use the combined information to provide our customers and Web visitors with a better online

experience by providing customized features and services and to market and provide advertising about goods and services that may be of particular interest. Once combined, the resulting data is protected as personal identifying information as described in this policy.

How we use cookies, Web beacons, etc.

Cookies are alphanumeric identifiers that a Web server sends to your computer when you visit a Web site. Cookies can contain a variety of information, such as a simple count of how often you visit a Web site or information that allows us to customize our Web site for your use. Web beacons (also known as "clear gifs" or "one-pixel gifs") are small graphic images on a Web page or in an e-mail that allow us to monitor the activity on our Web sites or to make cookies more effective.

We, or a third party acting on our behalf, may use "cookies" to tailor and improve the content we deliver to our Web visitors, to improve our Web sites by assessing which areas, features, and products are most popular, and to personalize our Web sites and make recommendations based on information, including product choices, a particular visitor has previously provided. For example, we may use a cookie to identify your state so we do not ask you to enter it more than once. We also use cookies to store user preferences, complete online order activity and keep track of transactions.

We, or a third party acting on our behalf, may use Web beacons in certain of our Web pages and e-mails to gauge the effectiveness of our marketing campaigns and e-mail correspondence. For example, we may use Web beacons in our HTML-based e-mails to let us know which e-mails have been opened by the recipients. You can configure your Web browser to alert you when a Web site is attempting to send a cookie to your computer and allow you to accept or refuse the cookie. You can also set your browser to disable the capacity to receive cookies or you can delete cookies previously accepted. Some AT&T Web pages (and other Web pages) may not work correctly if you have cookies disabled.

We may use advertising companies to deliver ads for AT&T-offered services and products on our Web sites or on third party Web sites. These Internet ads are often called "banner ads" and may contain third-party cookies or Web beacons that allow tracking of visitors' responses to our advertisements. Although these third parties may receive anonymous Web usage information about ad viewing on such Web sites, we prohibit them from using this information for any purpose other than to assist us in measuring the effectiveness of our ads.

We may also accept third party advertisements on our Web sites. You should refer to the privacy policy of these advertisers for information regarding their use of cookies and collection of information. You can visit the [Network Advertising Initiative](#) Web site to opt out of certain network advertisers' cookies.

Our e-mail marketing practices

- We periodically send customers news and updates via e-mail regarding AT&T-offered services, products, and special promotions. Every marketing e-mail we send contains instructions and an opt-out link that will allow you to stop additional AT&T marketing e-mails based on line of business. We do not provide your e-mail address to third parties for the marketing of third-party products without your consent.

Our policy on online access by children

AT&T Web sites are not designed to attract children under the age of 13. We do not target children for the collection of information online and do not knowingly collect personal identifying information from anyone under the age of 18. Ordering online products and services from AT&T is limited to adults (age 18 or over or as otherwise legally defined).

We comply with all applicable laws and regulations, including the Children's Online Privacy Protection Act (COPPA), which requires the consent of a parent or guardian for the collection of personally identifiable information from children under 13.

Linking to other sites

Our Web sites may provide links to third party sites. We are not responsible for the privacy, security or content of such sites. If you are asked to provide information on one of these Web sites, we encourage you carefully to review their privacy policy before sharing your information.

Online privacy education

We care about the privacy of our customers and Web visitors and strive to provide you with relevant information to help you learn how better to protect your privacy and security while online. Please visit the [AT&T Internet Safety Web site](#) and the [AT&T Worldnet Security Center](#).

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HOW WE PROTECT YOUR INFORMATION

- All AT&T employees are subject to the AT&T Code of Business Conduct and certain state-mandated codes of conduct. The AT&T Code requires all our employees to follow every law, rule, regulation, court and/or commission order that applies to our business at all times. In addition, the Code specifically requires compliance with legal requirements and company policies related to the privacy of communications and the security and privacy of customer records. Employees who fail to meet any of the standards embodied in the Code of Business Conduct may be subject to disciplinary action, up to and including dismissal. We employ security measures designed to protect against unauthorized access to or unauthorized alteration, disclosure or destruction of data, including personal identifying information. We have implemented technology and security features and strict policy guidelines to safeguard the privacy of your personal identifying information, and we will continue to enhance our security procedures as new technology becomes available. For example:
 - We maintain and protect the security of our servers and we typically require user names and passwords to access sensitive data.
 - We use industry standard encryption methods to protect your data transmission unless you authorize unencrypted transmission.
 - We limit access to personal identifying information to those employees, contractors, and agents who need access to such information to operate, develop, or improve our services and products.If we determine that a security breach has occurred and that such breach creates a risk of identity theft or service disruption, we will make reasonable attempts to notify you.

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PRIVACY POLICY UPDATES

- This privacy policy supersedes and replaces all previously posted privacy policies. We want you to be aware of the information we collect, how we use it and under what circumstances, if any, we disclose it. We reserve the right to update this privacy policy to reflect any changes we make in order to continue to serve the best interests of our customers and Web visitors and will timely post those changes. If we make a material change to this privacy policy, we will post a prominent notice on our Web sites.
 - If we intend, however, to use personal identifying information in a manner materially different from that stated at the time of collection, we will attempt to notify you at least 30 days in advance using an address or e-mail address, if you have provided one, and by posting a prominent notice on our Web sites, and you will be given a choice as to whether or not we use your information in this different manner.Please periodically check our Web sites for changes to this privacy policy.

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CONTACTING US: QUESTIONS, COMMENTS, CONCERNS

- AT&T honors requests from customers and Web visitors to review their personal identifying information that we maintain in reasonably retrievable form and we will gladly correct any such information that is inaccurate. You may verify that appropriate corrections have been made. Please contact an [AT&T service representative](#). If you are receiving unwanted e-mails at or from an SBC Yahoo! e-mail address (e.g., @sbcglobal.net, @yahoo.com) please visit the [AT&T Yahoo! Anti-Spam Resource Center](#). For AT&T Worldnet unwanted e-mails, please visit the [AT&T Worldnet Spam Center](#). We are happy to address any concerns you may have about our privacy practices and policies. You may e-mail us at privacypolicy@ATT.com or write to us at AT&T Privacy Policy, 175 E. Houston St., San Antonio, TX 78205.
 - AT&T is a TRUSTe licensee. TRUSTe is an independent, non-profit organization.

whose mission is to build user's trust and confidence in the Internet by promoting the use of fair information practices. Because AT&T wants to demonstrate its commitment to your privacy, it has agreed to disclose its information practices and have its privacy practices reviewed for compliance by TRUSTe. The TRUSTe program covers only information collected through AT&T Web sites, and does not cover information that may be collected through software downloaded from such sites.

AT&T's privacy policy and practices also meet the requirements of the Better Business Bureau's Online Privacy Program, and we proudly display the BBBOnline Privacy Seal. Further information about this program is available at <http://www.bbbonline.org>

If you have questions or concerns regarding this policy, you should first contact us via e-mail at privacypolicy@att.com. If you do not receive acknowledgment of your inquiry or your inquiry is not satisfactorily addressed, you should then contact TRUSTe through the TRUSTe Watchdog Dispute Resolution Process and TRUSTe will serve as a liaison to resolve your concerns. You may also contact BBBOnline at <http://www.bbbonline.org>.

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EXHIBIT 3



[About Charter](#) [Careers](#) [Contact Us](#) [Locations](#) [My Account](#)

Search this site:

[Cable TV](#) [High-Speed Internet](#) [Telephone](#) [Business Services](#) [Support](#) [Charter.net](#)

Your Privacy Rights

Charter Communications values your privacy rights. Below is information about the privacy policies for our services.

- [Cable Television Privacy Policy](#)
- [High-Speed Internet Privacy Policy](#)
- [Telephone Privacy Policy](#)
- [Privacy Preferences](#)

[Charter High-Speed Internet Privacy Statement](#)

[Charter Internet Service Privacy Statement](#)

[What type of information does Charter collect?](#)

[Why does Charter collect personally identifiable information?](#)

[Who sees the information collected by Charter?](#)

[Note to California customers regarding your privacy rights.](#)

[Can I prohibit or limit Charter's use and disclosure of my personally identifiable information?](#)

[Does Charter use cookies?](#)

[Does Charter protect children's privacy?](#)

How long does Charter maintain personally identifiable information?

How does Charter protect customer information?

Can I see the information that Charter collects about me?

What Can I do if I believe Charter has violated my rights?

What if I have any questions?

Charter Internet Privacy Statement

Charter takes protection of its subscribers' ("You" or "Customer(s)") privacy seriously and as a subscriber to its high-speed Internet service, You are entitled to know Charter's information practices. Charter considers the personally identifiable information contained in our business records to be confidential. The following statement applies to Customer as a subscriber to Charter Internet services and informs Customer of the information that Charter collects, how Charter uses it, protects it and the limited cases where Charter may disclose some of that information. Please review this privacy statement in conjunction with our Customer Agreement. This Internet service privacy policy does not apply to Charter cable television services or voice services customers. Those policies and updates to this privacy policy can be found at www.charter.com. Charter will provide You with copies of this privacy statement annually, whether or not we have revised the statement. We may modify this privacy statement at any time. A revised privacy statement will be posted at www.charter.com. If you find the changes unacceptable, you have the right to cancel service. If you continue to use the service following the posting of a revised privacy statement, we will consider that to be your acceptance of and express consent to the changes.

What type of information does Charter collect?

Charter uses its cable system to collect information about You only when: (a) it is necessary to provide our services to You; and (b) to prevent unauthorized reception of services. Charter will not use the cable system to collect Your personally identifiable information for other purposes

without Your prior written or electronic consent. Charter also collects information about You when You voluntarily provide information to Charter, as may be required under applicable law and from third parties, as described in this Policy. This information includes both personally identifiable information and non-personal information.

Personally identifiable information - Personally identifiable information may include Your name; address; telephone numbers; e-mail addresses; social security number; driver's license number; bank account number; credit card number; billing records; service records; payment and deposit history; customer correspondence; and the services You subscribe to and use. Charter also collects customer-provided customization settings and preferences. By using Charter's Internet service, Customer consents to our collection of this information and other information communicated to Charter such as e-mails, responses to surveys or e-mails, information provided in chat sessions with us, registration information, or participation in promotions or contests. In addition, if You rent Your residence, we may have a record of whether landlord permission was required prior to installation of our cable facilities and Your landlord's name and address.

Non-personal information - Non-personal information, including aggregate information about our Customers obtained from other sources, does not identify individual Customers. Charter may combine this data with our business records as necessary to better serve our Customers. Examples of non-personal information are log files, which include IP addresses, MAC addresses or other equipment identifiers, among other data. These are used by Charter's website servers to record aggregate information about site usage for network administration and for aggregate tracking of site usage and to gather broad demographic information. Only anonymous and aggregated Internet usage data, which may be combined with aggregate demographic data, is provided to third parties. However, Charter may provide site usage information linked to your PII to Law Enforcement or others in compliance with valid legal process or in other situations as stated in the "Who Sees the Information Collected by Charter?" paragraphs below. Charter, or our contractors or agents, may from time to time share aggregate (non-personally identifiable) information such as the number of Service subscribers who match certain statistical profiles (for example, the number of subscribers in various parts of the country) with our advertisers, content providers, or other third parties with whom we have a relationship.

We may use aggregate and/or personally identifiable information to better understand how the Service is being used, to improve it, and for network management, bandwidth usage, maintenance, performance measurement, and security purposes, including to determine whether there are violations of any applicable policies and terms of service.

Charter transmits personally identifiable and non-personally identifiable information about You over the Service when You send and receive e-mail, video mail, and instant messages, transfer and share files, make files accessible, visit Websites, or otherwise use the Service and its features. Our transmission of this information is necessary to render the Service and allow You to use the Service as You have chosen.

Why does Charter collect personally identifiable information?

Charter collects personally identifiable information to provide You with accurate and high quality customer service, properly deliver Your services, for billing, invoicing and collections, to better understand how the service is being used, to improve the service, to protect the security of the system, to determine whether there are violations of any applicable policies and terms of service, for fraud prevention, to manage the Service network, and to configure, maintain and/or repair cable modems and/or other cable and Internet service-related devices. Charter also retains the right to monitor its Internet service for these purposes. We also collect this information so we may provide updates, upgrades, repairs or replacements for any of the Internet service-related devices or software used in providing or receiving high-speed Internet services. Additional information also allows Charter to tailor our services, as well as develop and market new services, to better fit Customer's needs. Charter also uses Customers' personally identifiable information to maintain our accounting and tax records and to otherwise comply with law.

Charter may also collect personally identifiable information from third parties to enhance our customer database for use in marketing and other activities. Charter also collects personally identifiable information from third parties to verify information You have provided us and collects personally identifiable information from credit reporting agencies to, for example, determine your creditworthiness, credit score, and credit usage. Charter also may maintain research records containing information obtained through voluntary subscriber interviews or surveys.

Who sees the information collected by Charter?

Charter will only disclose personally identifiable information to others if: (a) Customer provides written or electronic consent in advance, or (b) it is permitted or required under applicable federal or state law. Specifically, federal law allows Charter to disclose personally identifiable information to third parties (a) when it is necessary to provide Charter's services or to carry out Charter's business activities, (b) as required by law or legal process, or (c) for mailing list or other purposes subject to Your ability to limit this last type of disclosure.

To provide its services and carry out our business activities, certain people have authorized access to Your information. These People include our employees, entities affiliated through common ownership or control with Charter, and third parties that provide and/or include: billing and collection services; installation, repair and customer service subcontractors or agents; program guide distributors; software vendors; program and other service suppliers for audit purposes; marketers of Charter's products and services; our attorneys and accountants; and strategic partners offering or providing products or services jointly or on behalf of Charter. For example, Charter may use third parties to deliver some features and functions of the Service, such as support, e-mail, video mail, instant messaging, and web hosting, and those third parties may collect or transmit personally identifiable and non-personally identifiable information about You. These third parties may also have access to preferences You provide to Charter to personalize Your service. The frequency of disclosures varies according to business needs, and may involve access on a regular basis. Charter restricts third parties' use of Your information to the purposes for which it is disclosed and prohibits third parties from further disclosure or use of Your personally identifiable information obtained from us whether for that third party's own marketing purposes or otherwise.

However, some of the third parties that Charter contracts with provide particular services, such as Internet content or software, and when You use such services, You may be providing Your name, specific service-related information and other personally identifiable information directly to the third party service provider. In such instances, You become a customer of a third party directly and You will be subject to the third party's terms of service and privacy policies, and Charter will

have no control of such third party's use of Your personally identifiable information. An example of this occurring is with links to other websites from our website. Although some of these other sites may be co-branded with Charter and look like Charter's service offerings, Charter is not responsible for the privacy practices of these other sites. We encourage You to be aware when You leave our website and read the privacy policies of every Website that collects personally identifiable information about You, whether the site is co-branded with Charter or not.

As part of its business activities, if Charter enters into a merger, acquisition, or sale of all or a portion of our assets, Charter may transfer Customers' personally identifiable information as part of the transaction.

If allowed by and after complying with any federal law requirements, Charter may disclose personally identifiable information about Customer to representatives of government or to comply with valid legal process. Disclosures to representatives of government may be made pursuant to an administrative subpoena, warrant, court order, our reasonable discretion in cases of emergency or serious physical injury, or other permitted means. In these situations, Charter may be required to disclose personally identifiable information about a Customer without Customer's consent and without notice to the Customer. In response to a subpoena, we may be required to disclose to the government the following records: Your name and address, records of Your Internet sessions (including session times and duration); how long You have subscribed to our service(s) (including start date and the type(s) of service utilized); Your telephone number or other subscriber account identifying number(s), including any Internet or network address(es) assigned to You by our network; and the means and source of Your payment(s) including any credit card or bank account number. In addition, if we receive a Federal or State search warrant or court order, we may be required to disclose to law enforcement agencies the content of, and other records relating to, e-mail messages (including attachments to e-mail messages and records relating to Your e-mail and Internet use), without notice to You. Law enforcement agencies may, by Federal or State court order, and without notice to You, obtain the right to install a device that monitors Your Internet and e-mail use, including addresses of mail sent and received. Charter may also use or disclose personally identifiable information about You without Your consent to protect our customers, employees, or property, in emergency situations, to

enforce our rights in court or elsewhere or directly with You, and for detection of and enforcement against violations of the Service's terms of service and policies (including our Acceptable Use Policy).

Charter may also disclose personal information about You and/or Your account at its sole discretion in order to comply with the Digital Millennium Copyright Act or any other laws, to enforce the Acceptable Use Policy, to protect the integrity of Charter's network, or to protect our other Customers. In such circumstances, Charter may disclose Your personal information to private individuals or to government entities. In some instances where there are valid legal requests for or orders for disclosure of Your information, we may notify You of the requests or orders and then it may be up to You to object or take specific action to prevent such disclosures.

Unless Customer objects in advance, federal law also allows Charter to disclose personally identifiable information, such as Customer's name, address and the level of Customer's service subscription (i.e., 1.5 Meg Service, 3 Meg Service, etc.), to non-affiliated entities, including advertisers and marketing entities, for non-service related purposes, including product advertisement, direct marketing and research. Under no circumstances will Charter disclose to these entities the extent of Customer's television viewing practices if Customer is a cable television subscriber, or Customer's use of the service or the transactions Customer makes over the cable system.

Except as described above, we will not provide our advertisers, content providers, or these other third parties with personally identifiable information about You, or where specifically You are located within Your community, unless we have received Your consent first. Likewise, Charter will not share personally identifiable information about where You go on the Service or on the Web, what sites You regularly visit, or what information You download or upload, unless we have received Your consent first, except as required by law.

Note to California Customers Regarding Your Privacy Rights: California law requires that Charter provide to Customers, upon request, certain information regarding the sharing of personally identifiable information to third parties for their direct marketing purposes. As mentioned above, Charter does not share information with unaffiliated third parties for their own

direct marketing purposes. However, Charter may share personally identifiable information with some same-branded affiliates for those affiliates' direct marketing purposes. If You make a request by phone or on-line, Charter will provide You with the number of its same-branded affiliates in California and a list of personal information that it may have shared with some or all such same branded affiliates.

IMPORTANT NOTE:

If You subscribe to Charter's cable video or telephony service, You should review the privacy policies applicable to those services, which are available at www.charter.com.

Can I prohibit or limit Charter's use and disclosure of my personally identifiable information?

If You do not want Your name, address or level of service disclosed to unaffiliated third parties as explained above, please register this preference at <http://unsubscribe.charter.com> or contacting us by telephone at 1-888-GET-CHARTER.

Also, if You do not want to receive telemarketing calls from Charter, You may call 1-888-GET-CHARTER and request to be placed on Charter's Do Not Call list. Please note that a Do Not Call request will not eliminate all telephone calls to You from Charter as Charter may still continue to make non-telemarketing account-related calls to You.

Does Charter use cookies?

Cookies are small files stored on a computer's hard drive to simplify and improve a user's Web experience. A website may store information in a cookie about Your computer configuration, or Your browser may save a cookie with Your user name and password. These allow for more efficient provision of information to You when You revisit a site and easier access to a website's contents. Charter also uses cookies to ensure the efficient use of its network. Some of our business relationships are with vendors who may use cookies (for example, search engines) or in connection with their own advertisers and other business partners; however, we have no access to or control over these cookies. Please refer to each of the vendors' websites to determine how they utilize cookies. You may access or delete cookies that may be on Your individual computer system. You may also be able to prevent or disable any new cookies on Your computer, but

certain websites may not let You visit or perform other functions if cookies are disabled or prevented. Charter has no control over those websites or that process.

Does Charter protect children's privacy?

Charter is concerned about Children's privacy and does not knowingly collect personally identifiable information from anyone under the age of 13 over its Internet service unless expressly identified on specific pages of its website. At those specific web pages, Charter will provide a special notice or other information describing the additional privacy protections that may apply. Charter urges children to always obtain a parent or legal guardian's permission before sending any information about themselves over the Internet and urges parents and legal guardian's to be vigilant regarding children's Internet usage. Other services or web pages accessed through Charter's Service may have different policies on collection of information pertaining to children and You should consult their privacy policies and read their notices if You have any concerns about the collection or use of such information by those entities.

How long does Charter maintain personally identifiable information?

Charter will maintain personally identifiable information about Customer only as long as Customer is a subscriber to Charter's services, or as long as necessary for the purpose for which it was collected. If Customer is no longer a subscriber to Charter's services and the information is no longer necessary for the purpose for which it was collected, Charter will only keep personally identifiable information as long as necessary to comply with laws governing our business. These laws include, but are not limited to, tax and accounting requirements that require record retention. Charter will also maintain personally identifiable information to satisfy pending requests or orders for access by a subscriber to his/her information or pursuant to a court order. Charter will destroy Customers' personally identifiable information when the information is no longer necessary for the purpose for which it was collected, when there are no longer pending requests for such information, and when it is no longer necessary to retain the information under applicable laws.

How does Charter protect customer information?

Charter takes the security of our Customers' personally identifiable information seriously. Charter takes such actions as are reasonably necessary to prevent unauthorized access by entities other than Charter to personally identifiable information. Charter uses security and/or encryption

technology to secure certain sensitive personally identifiable information when it collects such information over the system. Charter restricts access to its customer database and secures the content by use of firewalls and other security methods. Charter limits access to databases containing Customers' personally identifiable information to authorized employees and agents of Charter and other parties identified in the disclosure section above. However, we cannot guarantee that these practices will prevent every unauthorized attempt to access, use, or disclose personally identifiable information.

IMPORTANT NOTE: You need to help protect the privacy of Your own information. You and others who use Your equipment must not give identifying information to strangers or others whom You are not certain have a right or need to the information. You also must take precautions to protect the security of any personally identifiable information that You may transmit over any home networks, wireless routers, wireless fidelity (WiFi) networks or similar devices by using encryption and other techniques to prevent unauthorized persons from intercepting or receiving any of Your personally identifiable information. You are responsible for the security of Your information when using unencrypted, open access or otherwise unsecured networks in Your home. Charter will never ask you to provide account sign-in passwords, credit card numbers, or other sensitive information through unsolicited email. If we request such information from you, we will always direct you to Charter's website. You should, however, be aware of imposter websites pretending to be Charter's. If you have received email requesting that you sign in or provide information that you suspect was not sent by Charter, DO NOT CLICK ON THE LINK IN THE EMAIL but use your own browser to go to Charter's site. If you are directed to a website that you do not believe is Charter's, please contact Charter at 1-888-GET-CHARTER. Charter will also not ask for your Internet account password over the telephone.

Can I see the information that Charter collects about me?

You have a right under the Cable Act to see Your personally identifiable information that Charter collects and maintains. The information Charter has about its Customers is maintained at the local office where service is provided and at our corporate headquarters. If You would like to see Your information, please send a written request to Your local Charter Office. Charter will be glad to make an appointment for You to come in to Your local office during regular business hours. If

Your review reveals an error in our records, Charter will correct it. You may also be able to access certain information about You or Your account over the system, depending upon the information You have provided (i.e., information Customer has provided to process an order made via the system, etc.).

What can I do if I believe Charter has violated my rights?

The Cable Act provides You with a civil cause of action for damages, attorneys' fees and costs in Federal District Court should You believe that Charter has violated any of the Cable Act's limitations on the collection, disclosure, and retention of personally identifiable information. You may have recourse under other applicable laws as well.

What if I have any questions?

If You have any questions about our privacy protections and policies, please contact Your local customer service office. You can find the phone number for Your local customer service office on Your monthly bill statement or by visiting Charter's website at www.Charter.com.

Effective Date of Policy: January 30, 2007