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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 SACV11-00724

AG

(ANx)

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
21 PLAYDOM, INC., a subsidiary of Disney
Enterprises, Inc.,
22
23 and,
24 HOWARD MARKS, individually,
25 Defendants.

Case No. _____

26 **COMPLAINT FOR CIVIL
27 PENALTIES, INJUNCTION
28 AND OTHER RELIEF**

26 Plaintiff, the United States of America, acting upon notification and
27 authorization to the Attorney General by the Federal Trade Commission ("FTC" or
28 "Commission"), for its Complaint alleges:

Complaint

1 1. Plaintiff brings this action under Sections 1303(c) and 1306(d) of the
2 Children's Online Privacy Protection Act of 1998 ("COPPA"), 15 U.S.C. §§ 6501-
3 6506, 6502(c) and 6505(d), and Sections 5(a)(1), 5(m)(1)(A), 13(b), and 16(a) of
4 the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 41-58, 45(a)(1),
5 45(m)(1)(A), 53(b), and 56(a), to obtain monetary civil penalties, a permanent
6 injunction, and other equitable relief for Defendants' violations of the
7 Commission's Children's Online Privacy Protection Rule ("Rule" or "COPPA
8 Rule"), 16 C.F.R. Part 312, and Section 5 of the FTC Act.

9 **JURISDICTION AND VENUE**

10 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§
11 1331, 1337(a), 1345, and 1355, and under 15 U.S.C. §§ 45(m)(1)(A), 53(b), 56(a),
12 and 57b.

13 3. Venue is proper in the Central District of California under 15 U.S.C.
14 § 53(b) and 28 U.S.C. §§ 1391(b)-(c) and 1395(a).

15 **DEFINITIONS**

16 4. For purposes of this Complaint, the terms "child," "collects,"
17 "collection," "Commission," "delete," "disclosure," "Internet," "online contact
18 information," "operator," "parent," "person," "personal information," "third
19 party," "verifiable consent," and "website or online service directed to children,"
20 are defined as those terms are defined in Section 312.2 of the Rule, 16 C.F.R. §
21 312.2.

22 **THE CHILDREN'S ONLINE PRIVACY PROTECTION RULE**

23 5. Congress enacted COPPA in 1998 to protect the safety and privacy of
24 children online by prohibiting the unauthorized or unnecessary collection of
25 children's personal information online by operators of Internet websites or online
26 services. COPPA directed the Federal Trade Commission to promulgate a rule
27 implementing COPPA. The Commission promulgated the Children's Online
28 Privacy Protection Rule, 16 C.F.R. Part 312, on November 3, 1999 under Section

1 1303(b) of COPPA, 15 U.S.C. § 6502(b), and Section 553 of the Administrative
2 Procedure Act, 5 U.S.C. § 553. The Rule went into effect on April 21, 2000.

3 6. The Rule applies to any operator of a commercial website or online
4 service, or portion thereof, directed to children that collects, uses, and/or discloses
5 personal information from children, and to any operator of a commercial website
6 or online service that has actual knowledge that it collects, uses, and/or discloses
7 personal information from children. Among other things, the Rule requires a
8 subject website operator to meet specific requirements prior to collecting online,
9 using, or disclosing personal information from children, including, but not limited
10 to:

- 11 a. Posting a privacy policy on its website or online service
12 providing clear, understandable, and complete notice of its
13 information practices, including what information the website
14 operator collects from children online, how it uses such
15 information, its disclosure practices for such information, and
16 other specific disclosures set forth in the Rule;
- 17 b. Providing clear, understandable, and complete notice of its
18 information practices, including specific disclosures, directly to
19 parents when required by the Rule;
- 20 c. Obtaining verifiable parental consent prior to collecting, using,
21 and/or disclosing personal information from children;
- 22 d. Giving parents the option to consent to the collection and
23 internal use of their children's personal information without
24 consenting to the disclosure of that information to third parties;
- 25 e. Providing a reasonable means for parents to review the
26 personal information collected from their children and to refuse
27 to permit its further use or maintenance;

- 1 f. Not conditioning children's participation in an activity upon
2 the children disclosing more personal information than is
3 reasonably necessary to participate in that activity; and,
4 g. Establishing and maintaining reasonable procedures to protect
5 the confidentiality, security, and integrity of personal
6 information collected from children.

7 7. Pursuant to Section 1303(c) of COPPA, 15 U.S.C. § 6502(c), and
8 Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule
9 constitutes an unfair or deceptive act or practice in or affecting commerce, in
10 violation of Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1).

11 DEFENDANTS

12 8. Defendant Playdom, Inc. ("Playdom"), a Delaware corporation, is the
13 successor corporation to Acclaim Games, Inc., a now dissolved Delaware
14 corporation. Playdom acquired and assumed all obligations of Acclaim Games,
15 Inc. on May 18, 2010. On August 27, 2010, Playdom became a subsidiary of
16 Disney Enterprises, Inc., a subsidiary of The Walt Disney Company. Playdom,
17 which maintains offices in Los Angeles, California and other U.S. cities, transacts
18 or has transacted business in the Central District of California. From at least 2006,
19 Acclaim Games operated numerous Acclaim online virtual worlds that were
20 transmitted and accessible worldwide on the Internet. Following its acquisition of
21 Acclaim Games, Playdom continued to operate some or all of these websites and
22 online services.

23 9. Defendant Howard Marks was a director, shareholder, and the Chief
24 Executive Officer of Acclaim Games from at least 2006 through the date of
25 Defendant Playdom's acquisition of Acclaim on May 18, 2010. After May 18,
26 2010, Mr. Marks became the Senior Vice President – Strategic Planning and
27 Chairman for the Acclaim Studio Division of Playdom. At all times material to
28 this Complaint, acting alone or in concert with others, he formulated, directed,

1 controlled, had the authority to control, or participated in the acts or practices
2 alleged in this Complaint. Defendant Marks resides in this district and, in
3 connection with the matters alleged herein, transacts or has transacted business in
4 this district.

5 **COMMERCE**

6 10. The acts and practices of Defendants alleged in this Complaint have
7 been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC
8 Act, 15 U.S.C. § 44.

9 **DEFENDANTS’ COURSE OF CONDUCT**

10 11. Between 2006 and 2010, Defendants operated approximately twenty
11 online virtual worlds through which users accessed and played online games and
12 other activities. These included the 2 Moons, 9 Dragons, Age of Lore, Bots,
13 Dance Online, Knight’s Blood, Kogamu, Muniz Online, My Diva Doll, Ninja
14 Clans, Pony Stars, Prize Island, Ranch Stars, Rock Free, Rush Fighters, Spell
15 Born, Top Secret, Track Mania, and Tribal Nations games. At least one of
16 Defendants’ online virtual worlds, Pony Stars, launched in 2007, was a website or
17 online service directed to children. *See* Exhibit A (Pony Stars home page).
18 Defendants’ other online virtual worlds were intended for a general audience, but
19 also attracted a significant number of children.

20 12. Defendants required users to register in order to play in their online
21 virtual worlds. When a new user clicked on the registration icon or link displayed
22 on the home page of a particular online virtual world, that user was presented with
23 Defendants’ standard Acclaim registration window that required the user to
24 provide a user ID, a password, and an email address, and to select a birth year and
25 gender. *See* Exhibit B (registration forms for 2 Moons, 9 Dragons, and Pony
26 Stars).

27 13. Once a user entered a birth year indicating that the user was under age
28 13, the following text appeared:

1 You are under 13 years old and we cannot ask you for
2 your email address. In order to register, you must ask
3 your Parent or Guardian to fill out this screen. If we
4 find out that this information is false, you may loose
5 [sic] your Acclaim account. Parent or Legal Guardian:
6 You can change the email settings anytime by clicking
7 on the My Account button. After you click on the
8 Registration button, you will receive an email to
9 confirm your email address. You have 30 days to
10 activate this account.

11 Directly below this language was a field to enter a parent's email address and a
12 check box for the parent/guardian to authorize Defendants to send emails directly
13 to the child. In some instances, this page also included a field for entry of the
14 child's email address. *See Exhibit C* (registration forms for 2 Moons, 9 Dragons,
15 Ranch Stars, My Diva Doll, and Pony Stars).

16 14. Once a user entered a parent or guardian's email and clicked on the
17 "Register" button (with or without completing the "child's email address" field),
18 Defendants automatically registered and provided that child with full access to all
19 of the free areas within the particular online virtual world. At the same time,
20 Defendants sent an email, styled as a "welcome" to any email address(es) entered
21 on the pop-up registration page. *See Exhibit D* (welcoming emails for 2 Moons, 9
22 Dragons, Bots, My Diva Doll, and Pony Stars).

23 15. A child who registered in Defendants' online virtual worlds was able
24 to create a personal profile, play Defendants' online games, and participate in
25 community forums. Defendants' personal profile page contained fields for a
26 child's entry of user name, real name, location, website, email, and various instant
27 messenger IDs (*e.g.*, ICQ number, AIM, MSN Messenger, and Yahoo Messenger
28 IDs). The personal profile page also logged a child's "user activity," including all

1 of the child's posts and last posting date and time. Once a child entered a forum,
2 that child could post comments and upload these same categories of information to
3 the forum.

4 16. By August 26, 2010, Playdom had permanently shut down most of
5 the online virtual worlds that had previously been operated by Acclaim Games
6 and/or Playdom. However, prior to this shut down, Playdom transferred the
7 operation of certain of its online virtual worlds to non-U.S. based operators,
8 thereby allowing its users, including children, to continue to access the games.
9 For example, on or about August 3, 2010, Playdom transferred operation of the
10 Pony Stars and My Diva Doll online virtual worlds to Feerik Ltd., a French
11 company from whom Acclaim had previously licensed the right to operate English
12 language versions of these games. As a result of this arrangement, Defendants, in
13 violation of COPPA, enabled children who had previously registered on My Diva
14 Doll and Pony Stars to retain access to the games, their accounts, their online
15 personal profiles, and the game forums. Defendant Playdom retained the rights to
16 royalties on revenues earned from game players whose accounts were transferred
17 from Playdom to Feerik.

18 17. On or about November 30, 2010, by agreement between Playdom and
19 Feerik, Feerik shut down the Pony Stars and My Diva Doll virtual worlds and
20 transferred all user data back to Playdom.

21 18. Between 2006 and 2010, approximately 403,000 children registered
22 in Defendants' general audience online virtual worlds. In addition, approximately
23 821,000 users registered in Pony Stars, Defendants' online virtual world directed
24 to children. Defendants, therefore, were "operators" as defined in the Rule.

25 **DEFENDANTS' INFORMATION COLLECTION, USE,**
26 **AND DISCLOSURE PRACTICES**

27 19. Defendants' online privacy policy, covering each website at issue in
28 this complaint, stated in pertinent part:

1 3. When a child under 13 years of age signs up we not
2 [sic] collect the Email address without the permission of
3 the Parent or Legal Guardian and we will collect the
4 other items listed above. We do not collect anything
5 else. If a child under 13 years of age wants to post
6 information on our website or chat with other players, we
7 will require that they do not disclose any personal
8 information such as the real name, address, phone
9 number and anything that can be used to contact the
10 child.

11 Exhibit E (Privacy Policy).

12 20. Contrary to the statements made in Defendants' privacy policy, as set
13 forth in Paragraph 19 above, Defendants collected children's personal information
14 and enabled children to publicly disclose their personal information, including
15 online contact information, through Defendants' personal profile pages and in
16 community forums.

17 21. Defendants' online notice of their information practices did not
18 clearly, completely, or accurately disclose all of Defendants' information
19 collection, use, and disclosure practices for children, as required by the Rule.

20 22. Defendants did not take the steps required by the Rule to provide
21 parents with a direct notice of their information practices prior to collecting, using,
22 or disclosing children's personal information.

23 23. Defendants did not take the steps required by the Rule to obtain
24 verifiable consent from parents prior to collecting, using, or disclosing children's
25 personal information.

26 24. In approximately 1,224,000 instances, Defendants collected, used,
27 and/or disclosed personal information in violation of the Children's Online
28 Privacy Protection Rule.

1 **COUNT I**

2 **DEFENDANTS' VIOLATIONS OF THE CHILDREN'S**
3 **ONLINE PRIVACY PROTECTION RULE**

4 25. Since 2006, Defendants have operated numerous websites or online
5 services through which they collected, with actual knowledge, personal
6 information from children under age 13. In addition, since late 2007, Defendants
7 have operated at least one website or online service directed to children.

8 26. In numerous instances, in connection with the acts and practices
9 described above, Defendants collected, used, and/or disclosed personal
10 information from children in violation of the Rule, including by:

- 11 a. Failing to provide sufficient notice on Defendants' websites or
12 online services of what information they collect online from
13 children, how they use such information, their disclosure
14 practices, and all other required content, in violation of Section
15 312.4(b) of the Rule, 16 C.F.R. § 312.4(b);
- 16 b. Failing to provide direct notice to parents of what information
17 Defendants collect online from children, how they use such
18 information, their disclosure practices, notice of any material
19 change in the collection, use, and/or disclosure practices, and
20 all other required content, in violation of Section 312.4(c) of
21 the Rule, 16 C.F.R. § 312.4(c); and,
- 22 c. Failing to obtain verifiable parental consent before any
23 collection, use, and/or disclosure of personal information from
24 children, in violation of Section 312.5 of the Rule, 16 C.F.R. §
25 312.5(a)(1).

26 Therefore, Defendants have violated the Children's Online Privacy Protection
27 Rule, 16 C.F.R. Part 312.

28 ///

1 **COUNT II**

2 **DEFENDANTS' VIOLATIONS OF THE FTC ACT**

3 27. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or
4 deceptive acts or practices in or affecting commerce.” Misrepresentations
5 constitute deceptive acts or practices prohibited by Section 5(a) of the Act.

6 28. Through the statements made in the privacy policy referenced in
7 Paragraph 19 above, Defendants represented, expressly or by implication, that they
8 would prohibit children from posting personal information online, including
9 information that could be used to contact such children.

10 29. In truth and in fact, Defendants permitted children to disclose their
11 personal information online. Therefore, the representation set forth in Paragraph
12 28 was false and misleading.

13 30. Defendants’ false and misleading representation, as set forth in
14 Paragraph 28 above, constitutes a deceptive act or practice in violation of Section
15 5(a) of the FTC Act, 15 U.S.C. § 45(a).

16 **THE COURT’S POWER TO GRANT RELIEF**

17 31. Defendants violated the Rule as described above with the knowledge
18 required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

19 32. Each collection, use, or disclosure of a child’s personal information in
20 which Defendants violated the Rule in one or more of the ways described above,
21 constitutes a separate violation for which Plaintiff seeks monetary civil penalties.

22 33. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as
23 modified by Section 4 of the Federal Civil Penalties Inflation Adjustment Act of
24 1990, 28 U.S.C. § 2461, and Section 1.98(d) of the FTC’s Rules of Practice, 16
25 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties of not
26 more than \$11,000 for each such violation of the Rule prior to February 10, 2009
27 and not more than \$16,000 for each such violation of the Rule on or after February
28 10, 2009.

1 Respectfully submitted.

2
3 OF COUNSEL:

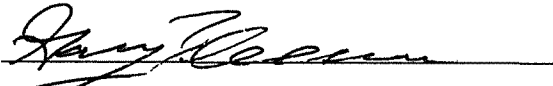
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THE UNITED STATES OF AMERICA:

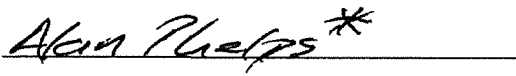
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**By AUSA Gary Plessman
for email authorization*

EXHIBIT A

Acclaim

Ponystars

MEMBERS SIGN IN

PONYSTARS IS THE ONLINE GAME FOR EVERYONE WHO LOVES PONIES!

BREED, RAISE AND TRAIN YOUR OWN HERD OF PONYSTARS.

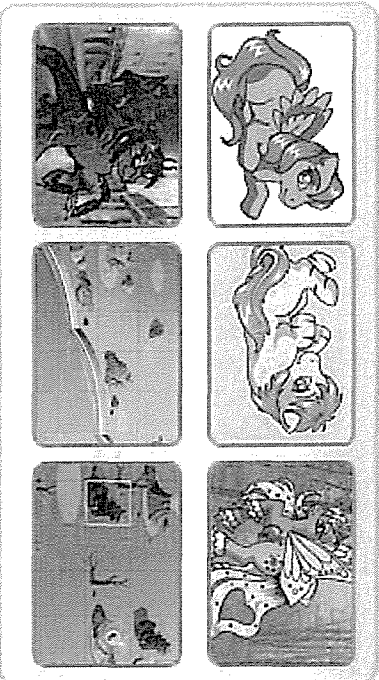


A PONYSTAR ADVENTURE AWAITS YOU!

IT'S FREE TO PLAY!

PLAY NOW

- 🌟 Collect, keep, train & care for up to 75 Ponystars in your own herd!
- 🌟 Add Special Traits! A wide assortment of Manes, Hooves, Brand Marks, Backgrounds, and exciting Coats are available.
- 🌟 Compete with other players in direct Challenges, in Tournaments, and in games, like Ponystar Blackjack.
- 🌟 Complete exciting and rewarding Quests.



Go to www.ponystars.com to get latest details. Stay tuned for more updates from Acclaim!

Check out: BOTS!! | 9Dragons | ZMoons | RockFREE | Rush Fighters | Spellborn | Knight's Blood | MyDivadoll | Ninja Clans

© 2008 Acclaim Games Inc.

EXHIBIT B

Download > Register > Play 2Moons!
2 Moons Recommended for Ages 17 + Parents. [Click Here](#)

REGISTER FOR FREE

(Good for all Acclaim games)

USER ID (3 to 12 characters)

PASSWORD (6 to 12 characters)

CONFIRM PASSWORD

BIRTHYEAR

GENDER Male Female

EMAIL CONTACT

Your email will never be sold, see our [Privacy Policy](#).

EMAIL ADDRESS

Valid Email Required
to play and retrieve
last password

CONFIRM EMAIL ADDRESS

[Privacy Policy](#)

- Send email only for the games I am playing
- Send email for all of Acclaim's games
- Please don't send me email

M V R B H W

ENTER ABOVE TEXT BELOW

I agree to the [Terms of Use](#) and
I have read Acclaim's [Privacy Policy](#)
and [Rules of Conduct](#)

Register Me Now >>

Acclaim

9DRAGONS

Member Sign In

9DRAGONS IS A FREE ONLINE GAME!

Registration

User ID (3 to 12 characters)

Password (6 to 12 characters)

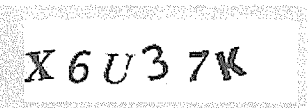
Email Address

Please select your Birth Year

Gender Male Female

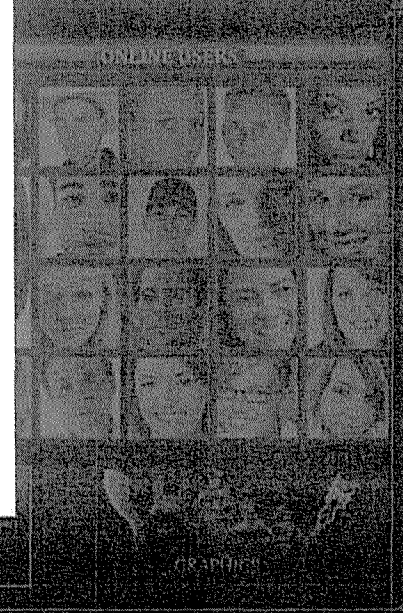
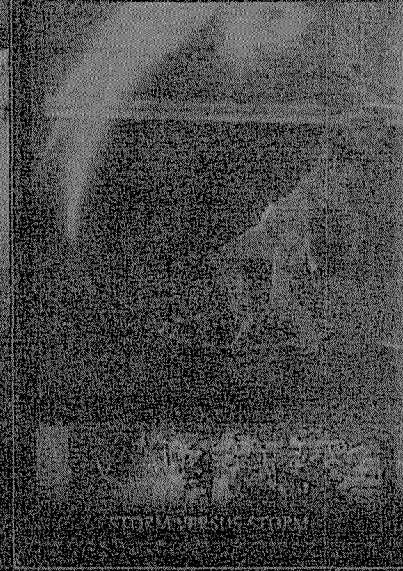
Send me email offers for Acclaim games and trusted partners.

Enter the Image Text in the space below:



By clicking the button below, I acknowledge that I am over 12 years old, and I have read and agreed to the Terms of Use, Privacy Policy and Rules of Conduct.

Register



Register

REGISTER FOR FREE
(Good for all Acclaim games)

USER ID (3 to 12 characters)

PASSWORD (6 to 12 characters)

CONFIRM PASSWORD

BIRTHYEAR ▼

GENDER Male Female

EMAIL CONTACT

Your email will never be sold, see our [Privacy Policy](#).

EMAIL ADDRESS

Valid Email Required
to play and retrieve
lost password

CONFIRM EMAIL ADDRESS

[Privacy Policy](#)

- Send email only for the games I am playing
- Send email for all of Acclaim's games
- Please don't send me email

7 1 C 9 L G

ENTER ABOVE TEXT BELOW

- I agree to the [Terms of Use](#) and I have read Acclaim's [Privacy Policy](#) and [Rules of Conduct](#)

Register Me Now

EXHIBIT C

Acclaim

Member Sign In

No mercy for the weak, but no mercy for the strong.

WELCOME TO 2MOONS FREE ONLINE GAME

Registration

You are under 13 years old and we cannot ask you for your email address. In order to register, you must ask your Parent or Guardian to fill out this screen. If we find out that this information is false, you may lose your Acclaim account. Parent or Legal Guardian: You can change the email settings anytime by clicking on the My Account button. After you click on the Registration button, you will receive an email to confirm your email address. You have 30 days to activate this account.

Parent / Guardian email address

- Send me emails about Acclaim's games and its partners
- I authorize you to send emails to my child.

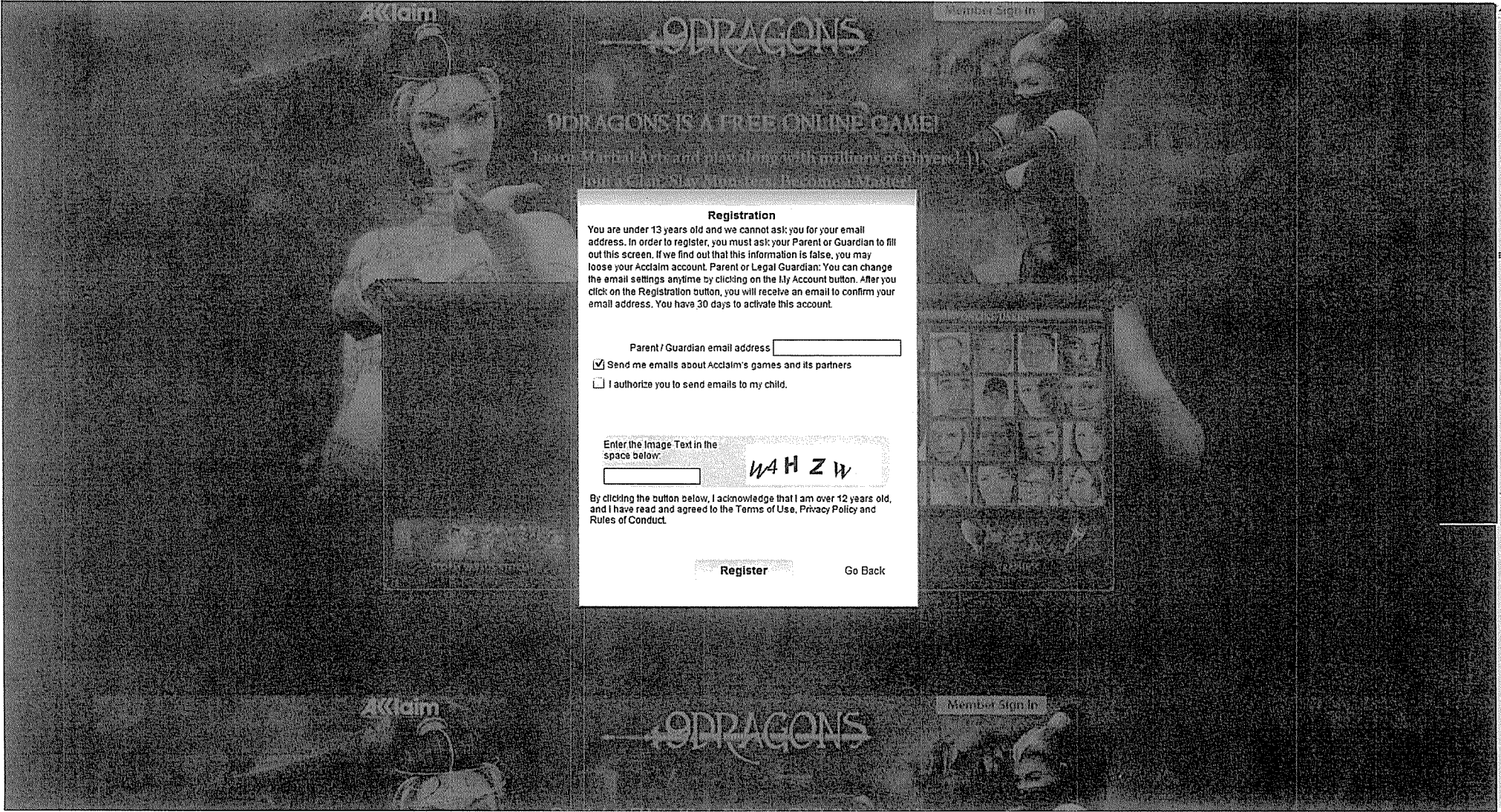
Enter the Image Text in the space below:

J N U G 1

By clicking the button below, I acknowledge that I am over 12 years old, and I have read and agreed to the Terms of Use, Privacy Policy and Rules of Conduct.

Register

[Go Back](#)



Registration

You are under 13 years old and we cannot ask you for your email address. In order to register, you must ask your Parent or Guardian to fill out this screen. If we find out that this information is false, you may lose your Acclaim account. Parent or Legal Guardian: You can change the email settings anytime by clicking on the My Account button. After you click on the Registration button, you will receive an email to confirm your email address. You have 30 days to activate this account.

Parent / Guardian email address:

Send me emails about Acclaim's games and its partners

I authorize you to send emails to my child.

Enter the Image Text in the space below:

W4 H Z W

By clicking the button below, I acknowledge that I am over 12 years old, and I have read and agreed to the Terms of Use, Privacy Policy and Rules of Conduct.

Register [Go Back](#)

18

Ranch Stars

My Account
Get Coins
Community

You are under 13 years old and we cannot ask you for your email address. In order to register, you must ask your Parent or Guardian to fill out this screen. If we find out that this information is false, you may lose your Acclaim account.

Close

Parent or Legal Guardian: You can change the email settings anytime by clicking on the My Account button. After you click on the Registration button, you will receive an email to confirm your email address. You have 30 days to activate this account.

Parent/ Guardian email address

Re-type email address

Tell us how you would like to receive emails from us:

- Email me news, updates, events and tournaments for the games I am playing
- Email me news, updates, events and tournaments for all Acclaim games
- Do not send me emails

I authorize you to send emails to my child

Child's email address

I agree to the [Terms Of Use](#) and I have read your [Privacy Policy](#) and [Rules of Conduct](#)

Previous

Register For Free

Important

You can close this Account anytime by sending us an email at contact@acclaim.com or by sending us a letter at:

Acclaim Games
9595 Wilshire Blvd, Suite 900
Beverly Hills, CA 90212
United States of America.

ENTER ABOVE TEXT BELOW

You are under 13 years old and we cannot ask you for your email address. In order to register, you must ask your Parent or Guardian to fill out this screen. If we find out that this information is false, you may lose your Acclaim account.

[Close](#)

Parent or Legal Guardian: You can change the email settings anytime by clicking on the My Account button. After you click on the Registration button, you will receive an email to confirm your email address. You have 30 days to activate this account.

Parent / Guardian email address

Re-type email address

Tell us how you would like to receive emails from us.

- Email me news, updates, events and tournaments for the games I am playing
- Email me news, updates, events and tournaments for all Acclaim games
- Do not send me emails

I authorize you to send emails to my child.

Child's email address

I agree to the [Terms Of Use](#) and I have read your [Privacy Policy](#) and [Rules of Conduct](#)

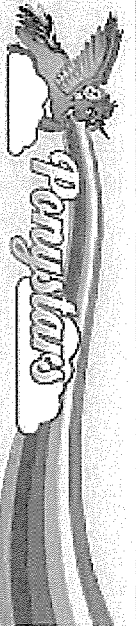
Important

You can close this Account anytime by sending us an email at contact@acclaim.com or by sending us a letter at:

Acclaim Games
9595 Wilshire Blvd, Suite 900
Beverly Hills, CA 90212
United States of America.

ENTER ABOVE TEXT BELOW

[Previous](#)[Register For Free](#)



My Account

COMMUNITY

You are under 13 years old and we cannot ask you for your email address. In order to register, you must ask your Parent or Guardian to fill out this screen. If we find out that this information is false, you may lose your Acclaim account.

Close

Parent or Legal Guardian: You can change the email settings anytime by clicking on the My Account button. After you click on the Registration button, you will receive an email to confirm your email address. You have 30 days to activate this account.

Parent / Guardian email address

Re-type email address

Tell us how you would like to receive emails from us.

- Email me: news, updates, events and announcements for the games I am playing
- Email me: news, updates, events and announcements for all Acclaim games
- Do not send me emails

I authorize you to send emails to my child.

Child's email address

I agree to the [Terms Of Use](#) and I have read your [Privacy Policy](#) and [Rules of Conduct](#)

Important

You can close this Account anytime by sending us an email at myaccount@acclaim.com or by sending us a letter at

Acclaim Games
9595 Wilshire Blvd, Suite 900
Beverly Hills, CA 90212
United States of America

SAV 7F1

ENTER ABOVE TEXT BELOW

Previous

Register For Free

EXHIBIT D

From: <welcome@acclaim.net>
Date: Sun, Jan 24, 2010 at 10:39 PM
Subject: Welcome to Acclaim Games
To: howard@acclaim.com

Dear jlkjlkj9999,

Thank you for registering to play 2Moons.

To download 2Moons, please go to: <http://2moons.acclaim.com/download.htm>

As a member of 2Moons, you can get a special powerful item by inviting your friends:

<http://2moons.acclaim.com/invite-friend.html>

If you need support, we are open 24/7. Please email contact@acclaim.com and specify your user id and the game you are playing.

As a member of the Acclaim community, it is important for everyone's enjoyment that you follow our code of conduct: http://www.acclaim.com/code_of_conduct.html

Your Acclaim account gives you access to all of our games and our community message boards. Check out 9Dragons, BOTS, DANCE! Online and PonyStars.

So welcome to the Acclaim community... now get ready to have some fun!

The Acclaim Team

www.acclaim.com is operated by
Acclaim Games Inc.
9595 Wilshire Blvd. Suite 900
Beverly Hills, CA 90212

If you do not wish to receive any more emails from Acclaim go to: [Unsubscribe](#)

From: <welcome@acclaim.net>
Date: Wed, Jan 27, 2010 at 9:33 PM
Subject: Welcome to Acclaim Games
To: howard@acclaim.com

Dear 78798787gg,

Thank you for registering to play 9Dragons. We hope you'll enjoy your adventures in The Land.

To download 9Dragons, please go to: <http://9dragons.acclaim.com/download.html>

As a member of 9Dragons, you can Invite a friend and get a bonus Lightfoot speed boost for 1 day:

http://www.acclaim.com/code_of_conduct.html

Your Acclaim account gives you access to all of our free games and our community message boards. Check out RockFREE, 2Moons, BOTS, DANCE! Online and PonyStars

Welcome to the Acclaim community... now go learn some Kung Fu, get yourself a weapon and get ready to have some fun!

Sincerely,

The Acclaim Team

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Beverly Hills, CA 90212

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From: <welcome@acclaim.net>
Date: Wed, Apr 15, 2009 at 8:38 PM
Subject: Welcome to Acclaim Games
To: howard@acclaim.com

Dear andreguy44,

Thank you for registering to play BOTS.

To download BOTS, please go to:
<http://bots.acclaim.com/download.htm>

As a member of BOTS, you can get a special powerful item by inviting your friends:
<http://bots.acclaim.com/invite-friend.html>

If you need support, we are open 24/7. Please email contact@acclaim.com and specify your user id and the game you are playing.

As a member of the Acclaim community, it is important for everyone's enjoyment that you follow our code of conduct: http://www.acclaim.com/code_of_conduct.html

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[Here](#)

From: <welcome@acclaim.net>
Date: Tue, Feb 2, 2010 at 4:34 PM
Subject: Welcome to Acclaim Games
To: howard@acclaim.com

Dear superkid3344,

Thank you for registering to MyDivaDoll.

As a member of MyDivaDoll, you can get a special powerful item by inviting your friends: <http://mydivadoll.acclaim.com/invite-friend.jsp?username=superkid3344>

If you need support, we are open 24/7. Please email contact@acclaim.com and specify your user id and the game you are playing.

As a member of the Acclaim community, it is important for everyone's enjoyment that you follow our code of conduct: http://www.acclaim.com/code_of_conduct.html

Your Acclaim account gives you access to all of our games and our community message boards: MyDivaDoll.

So welcome to the Acclaim community... now get ready to have some fun!

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Beverly Hills, CA 90212

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From: <welcome@acclaim.net>
Date: Thu, Jan 14, 2010 at 1:55 PM
Subject: Welcome to Acclaim Games
To: howard@acclaim.com

Dear superkid3333,

Thank you for registering to play PonyStars.

As a member of PonyStars, you can get a special powerful item by inviting your friends:
<http://ponystars.acclaim.com/invite-friend.jsp?username=superkid3333>

If you need support, we are open 24/7. Please email contact@acclaim.com and specify your user id and the game you are playing.

As a member of the Acclaim community, it is important for everyone's enjoyment that you follow our code of conduct: http://www.acclaim.com/code_of_conduct.html

Your Acclaim account gives you access to all of our games and our community message boards: PonyStars.

So welcome to the Acclaim community... now get ready to have some fun!

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EXHIBIT E



Privacy Policy

We take the privacy of our customers very seriously and as you will read, you are protected by our commitment to the following:

1. We will never sell or transfer your personal information to any other third party company.
2. We collect the following information:
 - User ID : To identify yourself and access your account
 - Password : To protect your account
 - ZIP Code : We provide the Zip Code to our advertising partners.
 - Country : Some of our games are not available in countries where other publishers own the distribution rights. We use the - Country to allow access to our games. We provide the Country to our advertising partners.
 - Gender: We provide the Gender to our advertising partners.
 - Birthday : To validate the age to comply with COPA rules and we provide the birthday to our advertising partners.
 - Valid Email address: We collect the email only for if you are 13 or older or we have received the permission of the Parent or Legal Guardian. You can use the email to retrieve your User ID if you have forgotten it. Based on your email selections, we will email you information about our games such as updates and new games. You will never receive emails from us with offerings on behalf of other companies.
 - Character name : Used in the DANCE! game to name the player's character.
 - IP Address : Each and every time you log on your IP address will be collected in order to protect you in case someone other than you is using your account. We provide the IP Address to our advertising partners.
 - Cookies : We store cookies on your PC to keep track of your Account and it is not shared with other companies.
3. When a child under 13 years of age signs up we not collect the Email address without the permission of the Parent or Legal Guardian and we will collect the other items listed above. We do not collect anything else. If a child under 13 years of age wants to post information on our website or chat with other players, we will require that they do not disclose any personal information such as the real name, address, phone number and anything that can be used to contact the child.
4. Once you've clicked on an advertisement and have left our Website, our Privacy Policy no longer applies and you must read the privacy policy of the advertiser to see how your personal information will be handled on their site.

When purchasing game items or subscriptions to our games, you will have the choice to pay by Paypal, Click&Buy, mobile phone, bill to your home phone or any other e-commerce available today or in the future. We will collect the required information for each payment method, however, this information will be kept confidential and is only shared under industry standard security methodologies to the billing partners. The billing partners have no right to use your information other than completing the billing process you have initiated.



Privacy Policy

We ask that you educate your child to never give out email, name, address, phone or pager information without parents consent. Tell them to always notify a parent OR guardians, when they feel threatened, or are asked for any personal information. The Parent needs to contact us immediately.

For complaints or to remove your Child's information, we can be reached via mail at:

You can send us mail at:

Acclaim Games Incorporated
9595 Wilshire Blvd.
Suite 900 Beverly Hills, CA 90212
United States of America
Phone: (310) 492-5188 Fax: (310) 943-2332

If we materially change our privacy policy, we will notify you when you sign on or send you an email if we have collected it. We will offer you the choice to agree to it or to delete your account should you refuse to agree to the new privacy policy.

You can change your information with the exception of the User ID anytime by visiting www.acclaim.com signing on and then choosing the My Account link on the upper right side of the website.

In the event that we sell a portion or our entire Company, we will include provisions in the selling contract requiring the purchaser to treat your personally identifiable information in the same manner required by this Privacy Policy.

We will disclose personal information when we believe in good faith that such disclosures are required by law, including, for example, to comply with a court order or subpoena, or will help to enforce our Terms of Use; enforce contest, sweepstakes, promotions, and/or game rules; protect your safety or security, including the safety and security of property that belongs to you; and/or, protect the safety and security of our Web sites.
