



Writer's Direct Contact:
marks@new.net
(626) 405-2085

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Bill Webb
WebbInternet
6 S. 6th Avenue, Suite 101
LaGrange, IL 60525
bill-nn@cexx.org
bill@cexx.org

Dear Mr. Webb:

We are writing to address the improper characterizations of New.net, Inc. ("New.net") and its software (the "New.net Software") on your website (www.cexx.org) (the "Website"). We hope this letter will ultimately lead to a decision on your part to remove the offending content about New.net and the New.net Software on your Website.

New.net's proprietary software performs two valuable Internet navigational functions for the end-user: (a) resolving New.net domain names and (b) providing Internet search results or a navigational assistance page when an end-user enters a keyword or keywords into the browser address bar or attempts to resolve a mistaken or non-existent URL. As you can expect, considerable time, expense, and capital has been expended in developing and distributing the New.net Software.

New.net conducts its business transparently and with a tremendous amount of concern for the privacy, security, and preferences of its end-users. Moreover, New.net also enables its end-users to control whether they wish to download the New.net Software and, ultimately, whether they wish to remove it from their computers. To these ends, the New.net Software (a) does not collect any personally identifiable information from its end-users; (b) does not monitor the Internet browsing habits of its end-users; (c) does not serve so-called "pop up" or "pop under" advertisements to its end-users; (d) does not disrupt the functioning of end-users' computers or Internet browsers; (e) does not permit end-users to install the New.net Software without their explicit consent to the installation and acceptance of New.net's industry-standard software use agreement; (f) conspicuously provides end-users with simple instructions on how to deactivate or uninstall the New.net Software; (g) allows end-users to completely and easily uninstall the New.net Software by using the standard Add/Remove Programs function provided in the Windows operating system or by running the Uninstaller file provided with all copies of the

New.net Software; (h) is updated in a highly secure manner; and (g) prominently provides end-users with contact information for New.net's Customer Support Department. Please refer to the PricewaterhouseCoopers in the *PricewaterhouseCoopers Report of Independent Auditors*, dated June 30, 2003, attached hereto as Exhibit A, for PricewaterhouseCoopers' verification and attestation to many of these assertions.

Your Website contains many false and misleading statements about New.net and the New.net Software. As a result, many end-users are being led to believe that the New.net Software is a harmful and pernicious software program. The following are a few examples of some of the falsehoods being propagated by your Website:

- Under a web page entitled "More NewDotNet BS," your Website contains a copy of a purported letter from a user, dated July 6, 2001, that attributes the disappearance of the user's hard drive to the presence of version 2.91 of the New.net Software on the user's machine. New.net doubts the veracity of this letter, given that (a) the user claimed to have lost his hard drive but yet acknowledges that he thereafter searched his hard drive and found the New.net file (it is simply not possible to search a hard drive that has disappeared) and (b) neither New.net's 2-person Customer Support department, nor New.net's 7-person Quality Assurance department, has ever encountered such a problem with the New.net Software. Moreover, this user letter is entirely outdated, as version 2.91 of the New.net Software was released on May 30, 2001 and New.net has released twenty-three (23) new versions of its software since then.
- Under a web page entitled "Foistware: New Net, Inc. (NewDotNet) DLL":
 - Your Website accuses New.net of lying to potential domain name subscribers about the nature of the domain names that we sell ("kind of like if I were to sell you 'yoursite.free.cexx.org' and tell you you're getting your very own domain name 'yoursite.free'"). You refer to New.net's business practices as "sleight of hand." There is nothing underhanded about the way we market our domain names. We are very clear about the fact that users must either have the New.net Software on their computers or be connecting to the Internet through one of New.net's partner-ISPs to access New.net's domain names. New.net domain names that are queried using the New.net Software do, in fact, resolve as fourth-level subdomains;¹ however, those subdomains are the property of the user and cannot be taken away.
 - Your Website also accuses New.net of banning users from New.net's discussion forum and deleting their posts for merely discussing the New.net "sleight of hand." New.net has never banned any user for such frivolous reasons.

¹ However, domain names queried through one of New.net's ISP partners resolve in the same manner as any other top-level domain.

- Your Website maintains that the “NewDotNet software is surreptitiously bundled with unrelated software in typical Foistware fashion.” There is nothing “surreptitious” about New.net’s distribution practices. New.net provides very detailed download disclosures to all potential users and does not install without the explicit consent of the user. (See section below entitled “Foistware” for a more detailed discussion of the foistware misconception.)
- Your Website states that “New.net now offers an uninstaller from their Web site. For some reason their lawyers don’t want anyone linking to it, so shh!” On the contrary, New.net is extremely forthcoming about how to uninstall its software. The Uninstaller is prominently included with the New.net Software in the Program File. In addition, the New.net Software may be easily uninstalled using the Microsoft Add/Remove Programs utility. Finally, the New.net Software comes with a ReadMe file that includes detailed instructions for uninstalling the software using any 1 of 4 different methods, as well as the phone number and email address for New.net’s Customer Support department. (See section below entitled “Uninstallation” for a more detailed discussion of uninstallation.)
- Your Website claims that the New.net Software has compatibility problems with several third-party applications. These claims are not true. To the extent there may have been compatibility issues in the past with any of the programs listed, those issues were addressed long ago.
- Under a web page entitled “Manual NewDotNet foistware removal,” your Website provides improper instructions to users who wish to uninstall the New.net software. Using the instructions provided on your Website can lead to computer malfunction. The proper uninstallation instructions may be found in New.net’s ReadMe file.

In view of the foregoing, we address some of the misconceptions you may have about the New.net Software in more detail below:

Spyware/Data Mining

As set forth above, the functionality of the New.net Software is strictly limited to (a) resolving New.net domain names and (b) providing Internet search results or a navigational assistance page when an end-user enters a keyword or keywords into the browser address bar or attempts to resolve a mistaken or non-existent URL. The New.net Software does not capture keystrokes, a history of websites visited, personally identifiable information, screenshots, or passwords. New.net does provide each end-user with a unique User ID for the sole purpose of counting the total number of downloaded and active copies of the New.net Software.² In addition, New.net collects certain

² New.net detects the total number of downloaded and active copies of the New.net software so that it can market the broad adoption rate for its domain name resolution service to potential purchasers of New.net domain names.

standard, non-personally identifiable information from end-users who use New.net's Quick! Search service or the New.net website (www.new.net) through the http protocol; however, that information is no different than the information collected by almost all websites or web services providers.³ Neither the User ID, nor the standard non-personally identifiable information collected from Quick! Search users, is used for data mining purposes to profile or market to our end-users, as attested to by PricewaterhouseCoopers.

Adware

The New.net Software does not serve any type of advertisements to its end-users, whether through a pop-up browser, pop-under browser, or otherwise, other than advertisements served on or via our Quick! Search results pages.

Foistware

One of the ways that New.net distributes its software to end-users is through bundling arrangements with other software providers. This is a widely-accepted method of distributing software utilized by hundreds of software providers, including many prominent and well-respected companies such as Microsoft, AOL, Google, Real Networks, Adobe, Terra Lycos, Macromedia, and Yahoo. As a prerequisite to any download of the New.net Software, New.net contractually requires all of its distribution partners to disclose to users the offer of the New.net Software and the full text of New.net's standard Software Use Agreement (which is attached hereto as Exhibit B). Only upon an explicit acceptance of such terms does New.net initiate a download of the New.net Software. Our firm commitment to end-user disclosures is evidenced by (a) our general guidelines for download disclosures (attached as Exhibit C) and (b) our forms of download implementations (attached as Exhibit D), both of which are periodically reviewed as standards evolve to ensure that New.net maintains the highest level of disclosure and user privacy in the industry.

Furthermore, New.net maintains a comprehensive, ongoing review process for all of our distribution partners' download implementations to ensure full compliance with New.net's strict standards (as outlined in the documents provided as Exhibits C and D). In fact, upon completion of our most recent round of reviews, we (a) terminated our relationship with two major distribution partners who refused to meet our newest set of disclosure standards and (b) improved the download disclosures of several of our other partners. We have attached as Exhibit E screen shots of the actual download implementations for each of our distribution partners. As you can see, New.net's download implementation conditions meet the highest standards for software distribution.

³ The standard information received from end-users of the Quick! Search function via the http protocol includes IP address, type of browser and operating system, and other standard environmental parameters available via the http protocol.

Uninstallation

It is also extremely easy to uninstall the New.net Software. In fact, Craig Rashad, an Internet privacy expert and a former member of the Lavasoft team, concluded from his comprehensive test of the New.net Software that “[New.net] probably ha[s] one of the best uninstalls I’ve seen in any commercial application.” End-users have *always* been able to uninstall the New.net Software by either using the standard Add/Remove Programs function provided in the Windows OS (and familiar to most end-users) or running the Uninstaller file provided with all copies of the New.net Software. End-users who use either of these methods will have no problems uninstalling the New.net Software. End-users may also consult the Read Me file provided with the New.net Software, which sets forth four simple procedures (including the procedures referenced above) for removing the New.net Software and provides a contact phone number and email address for New.net customer support.

Some end-users have reported difficulties uninstalling the New.net Software or with connectivity or other problems relating to an uninstall attempt. Those difficulties, however, are typically caused by the end-user having used an incorrect procedure to uninstall the New.net Software or one of its components.⁴ The problems that have arisen with respect to uninstallation of the New.net Software are no different than the standard problems that can arise when an end-user improperly attempts to uninstall virtually any software application. Nevertheless, New.net has consistently worked to modify and improve the New.net Software to further safeguard our end-users from even improper uninstallations. If the New.net Software is uninstalled properly (in accordance with the clear, standard instructions provided with the software), the end-user should not experience any difficulties whatsoever with the uninstall process, Internet connectivity, registry settings, or otherwise.

Updates of the New.net Software

New.net periodically updates the New.net Software on its end-users’ computers. All updates are performed in an extremely secure manner.⁵ Moreover, as PricewaterhouseCoopers has attested, New.net only provides software updates that are related to its core domain name and search functionalities and that are designed to improve the end-user experience. Other than New.net’s Firstlook program, which was only offered to end-users on an explicit *opt-in* basis for a period of approximately one month in 2002, New.net has never updated any end-user with a feature that is not related to its core domain name and search functionality, and New.net has no intention of doing so in the future. We are determined to maintain the trust of our end-users, both because it

⁴ Examples of incorrect uninstall procedures that can cause problems include (a) deleting the New.net folder in the Program Files folder and (b) deleting Winsock2 file references to New.net in the registry.

⁵ As of July 2, 2003, New.net began distributing an updated version of the New.net Software that verifies the integrity and the publisher of any updates to the New.net Software using Verisign’s secure certificate service and Microsoft’s authenticode technology.

is the right thing to do and because it is a sound business practice.

Technical Problems

Like any software publisher, New.net has encountered occasional technical problems with its product. However, as a result of New.net's high standards and extensive quality assurance practices, the few bugs that have been discovered have always been promptly fixed. For example, we realized in October 2001 that end-users who had downloaded both Microsoft's Internet Security and Acceleration (ISA) Server Firewall and the New.net Software were experiencing problems. New.net responded immediately by releasing a version of the New.net Software that was capable of detecting ISA on an end-user's personal computer before installation and not installing itself on those PCs. For its part, Microsoft acknowledged that the incompatibility problem was a bug in ISA, not the New.net Software, and created a hot fix to restore the compatibility of ISA with the New.net Software. In addition, when New.net recently determined that a bug in a beta version of a McAfee software product was preventing the McAfee product from downloading on any end-user's PC that contained the New.net Software, New.net immediately notified McAfee and worked with them to fix the bug in their software. Thus, New.net's rigorous quality assurance procedures often enables New.net to identify bugs in the software of even the most established software vendors and proactively work with those vendors to fix such problems.

In addition, in an effort to provide end-users with more stability than almost any other LSP-based application, New.net has designed the New.net Software to not install, or to automatically remove, any LSP component of the New.net Software on an end-user's PC if the PC already contains, or has just downloaded, a third-party LSP-based software application.⁶

With respect to technical criticisms of the New.net Software that are contained in the Microsoft Knowledge Base, or that are otherwise propagated on the Internet by third parties who rely largely on hearsay and anecdotal user complaints, we believe that all of these criticisms are related either to (a) historical bugs fixed long ago; (b) standard problems that occur with virtually every software application; or (c) problems that arose for reasons that have nothing to do with the existence of the New.net Software on an end-user's PC. We would be happy to respond further to any questions you may have about the technical aspects of the New.net Software.

The proliferation of harmful software programs is a problem facing the Internet community, but the New.net Software is not such a program. New.net believes that the Internet community would be best served by companies and websites addressing this

⁶ Unfortunately, other LSP-based applications often do not contain the same protections as the New.net Software and can sometimes cause problems when they are installed on a computer that already contains the New.net Software. New.net is always willing to troubleshoot these problems with end-users, but New.net cannot be held responsible for what the installation of a third-party software application does to an end-user's PC.

problem within a well-defined framework that provides a clear, standards-based approach to determining which programs are harmful.

Unfortunately, the inaccurate information that cexx.org is providing to the Internet community about New.net and the New.net Software is causing substantial harm to New.net's business by impugning our business and product reputation, and disrupting business relations with our users and business partners. Many customers, angered by what they read about New.net on your Website, have contacted our Customer Support department because they are either confused about the removal instructions on your Website or their computers have been disabled as result of trying to use those removal instructions. We trust that the foregoing information concerning the functionality of the New.net Software, and our privacy and disclosure practices, together with the attached PricewaterhouseCoopers report and sample disclosure standards, will cause you to immediately review and remove much, if not all, of the information about New.net on your Website. We have also attached as Exhibit F a copy of a presentation we recently made to COAST (Consortium of Anti-Spyware Technology Vendors) in connection with our application for membership to that organization (which was recently approved). The presentation contains additional information about the New.net Software and New.net's business practices.

As you may know, New.net is currently involved in litigation with an anti-spyware software publisher. New.net will not tolerate the continued propagation and publication of erroneous, outdated and false information about the New.net Software and New.net's business on your Website. However, New.net's strong preference is to resolve potential issues through constructive means rather than litigation. Thus, we would like to enter into good faith, direct discussions with you as soon as possible to identify a mutually-agreeable resolution to the current problem of misinformation on your Website.

Please contact me at the phone number or email address provided on page 1 of this letter. We would be happy to answer any questions that you may have. We look forward to beginning a dialogue with you and resolving this matter quickly and amicably.

Sincerely,

Mark J. Sonnenklar
Business Affairs

cc: Mr. Steve Yi (Vice President of Strategy and Corporate Development)
Mr. Leonard Amabile (Director of Customer Support)