

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA,
ALEXANDRIA DIVISION

Civil Action No. 03-465-A

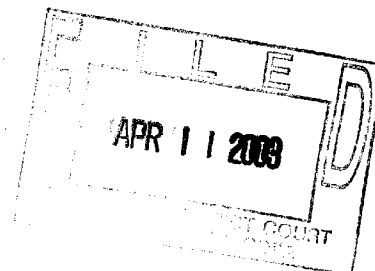
AMERICA ONLINE, INC.

Plaintiff,

v.

BYTE NIGHT, LLC; MICHAEL LEVESQUE; and
JOHN DOES 1-10;

Defendants.



**AOL'S COMPLAINT
FOR VIOLATIONS OF THE VIRGINIA COMPUTER CRIMES ACT,
THE WASHINGTON COMMERCIAL ELECTRONIC MAIL ACT,
THE WASHINGTON CONSUMER PROTECTION ACT,
THE FEDERAL COMPUTER FRAUD & ABUSE ACT,
AND THE COMMON LAW**

Unsolicited bulk e-mail ("UBE") – known popularly as "spam" – has become a public epidemic. At little or no cost to themselves, on a daily basis, senders of UBE – known as "spammers" – bombard the private computer networks of Internet service providers ("ISPs") with billions of messages peddling adult websites, "get rich quick" schemes, mortgage offers, pharmaceuticals, and other products. ISPs must process, sort, block, or deliver these e-mails. UBE imposes daily burdens and costs on ISP customers as well, exposing them to unwanted communications, frequently of a vulgar or offensive nature.

1. Acting in concert with one another and with third parties, Defendants Michael Levesque, Byte Night, LLC, and John Does 1-10 have transmitted hundreds of thousands of UBE messages advertising a variety of pornographic websites to America Online, Inc. ("AOL") and its Members. The UBE messages claim to offer thirty minutes of free access to adult websites, and

encourage the viewer to “click here now for free porn.” The messages also contain hypertext links that take the viewer from the e-mail message itself to Internet websites, at domain names like lotsofnudeslutz.net, that seek to entice the viewer to purchase access to various pornographic websites. An example of one of Defendants' UBE messages and the advertised website are attached as Exhibit A to this Complaint.

PUBLICLY POSTED PROHIBITION OF TRANSMISSION OF UBE TO AOL MEMBERS

2. At all times relevant to this Complaint, AOL has prohibited the transmission of unsolicited bulk e-mail (“UBE”) through its system to its Members:

America Online, Inc. (“AOL”) does not authorize the use of its proprietary computers and computer network (the “AOL Network”) to accept, transmit or distribute unsolicited bulk e-mail sent from the Internet to AOL members.

AOL’s UBE policy is publicly available on the Internet at <http://www.aol.com/info/bulkemail.adp> and is attached hereto as Exhibit B.

UBE IMPOSES COSTS ON AOL

3. AOL’s computer system located in Virginia includes equipment that receive, process, store and deliver e-mail transmitted to AOL Members. AOL’s e-mail system presently receives nearly 2 billion e-mail messages per day. Since 1999, AOL has installed and implemented proprietary e-mail filters for identifying and blocking messages that appear to be UBE. On average, these filtering systems currently block in excess of 1 billion messages per day. This figure is ten times higher than the average daily volume that was being blocked as recently as 1999.

4. On information and belief, Defendants used a number of fraudulent and deceptive methods to evade AOL’s e-mail filters and to hide their true identities and thereby make it more difficult to discover who was responsible. These methods include: the use of multiple and false identities to register for e-mail accounts and domain names and to acquire other Internet-related

services; and the use of multiple e-mail accounts, domain names, and IP addresses to transmit messages and host websites.

5. AOL's mail servers and UBE filters have a finite processing speed and memory storage capacity that limit AOL's ability to receive, sort, deliver and store e-mail and thus limit the rate at which e-mail can be processed. AOL's e-mail system must spend time processing e-mails to distinguish legitimate e-mail from UBE. UBE impairs the delivery of legitimate e-mail and the functioning of AOL's computer network.

**UBE GENERATES AOL MEMBER COMPLAINTS &
UNFAIRLY SHIFTS THE COST OF ADVERTISING ONTO AOL**

6. Defendants' UBE messages further harm AOL by triggering Member complaints, thus damaging AOL's business reputation and goodwill.

7. By advertising through UBE, Defendants have also shifted their advertising costs onto AOL. Having shifted those costs, Defendants have indiscriminately targeted as many recipients as they can possibly reach. Targeting vast numbers of Internet users through UBE is facilitated because e-mail addresses can be purchased or "harvested" using automated "trolling" programs.

THE PARTIES

Plaintiff America Online, Inc. (AOL)

8. AOL is a Delaware corporation with its principal place of business at 22000 AOL Way, Dulles, Virginia 20166. AOL provides a proprietary, content-based online service, which enables Members to pursue a variety of online activities, such as use of e-mail and access to the Internet. AOL's central computer system, which includes specialized computers (called "servers") that process e-mail messages, is located in Northern Virginia, within the United States Eastern District of Virginia. E-mail sent to and from AOL Members is processed through and stored on these computers. Moreover, AOL's computers in Virginia provide the functionality and content for the AOL service provided throughout the United States and abroad.

The Defendants

Michael Levesque

9. On information and belief, Michael Levesque is a resident of Washington State and resides at 4542 246th Ct. SE, Issaquah, Washington 98029. On information and belief, Michael Levesque is an officer and/or director of Byte Night, LLC.

Byte Night, LLC

10. On information and belief, Byte Night, LLC is a limited liability company incorporated under the laws of the State of Washington, and with its principal place of business in the State of Washington. On information and belief, the registered agent for Byte Night LLC is Newman Ltd. Corporate Services at 1001 Fourth Ave., Ste. 2560, Seattle, Washington 98154.

John Does 1-10

11. The identities of Defendants John Does 1-10 are currently unknown to AOL. On information and belief, John Does 1-10 have conspired with Michael Levesque and Byte Night, LLC to commit the acts alleged herein.

JURISDICTION AND VENUE

12. This action arises out of, among other things, Defendants' violation of the Federal Computer Fraud and Abuse Act, 18 U.S.C. § 1030 *et seq.* The Court has subject matter jurisdiction of this action based on 28 U.S.C. §§ 1331 and 1332, and has supplemental jurisdiction of AOL's state law claims based on 28 U.S.C. § 1367.

13. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this judicial district. A substantial part of the events or omissions giving rise to AOL's claims occurred in this judicial district, and a substantial part of the property that is the subject of AOL's claims is situated in this judicial district. The federal District Court for the Eastern District of Virginia has personal jurisdiction over Defendants because, by transmitting UBE messages to AOL Members through AOL's computers and computer system, they have used a computer network located in the Eastern District and have caused tortious injury in this judicial district.

COUNT I
AGAINST MICHAEL LEVESQUE AND BYTE NIGHT, LLC
COMPUTER FRAUD
IN VIOLATION OF § 18.2-152.3 OF THE VIRGINIA COMPUTER CRIMES ACT

14. AOL repeats and re-alleges the allegations of paragraphs 1 through 13 of the Complaint.

15. In connection with its provision of online and Internet services to its Members who are citizens of the Commonwealth of Virginia and other States, AOL maintains computers and a computer network in the Commonwealth of Virginia.

16. Defendants have used AOL's computers and computer network "without authority," as that term is defined in Virginia Code § 18.2-152.2, by transmitting UBE messages in contravention of the authority granted by AOL and in violation of AOL's Unsolicited Bulk E-Mail Policy.

17. Without authority, Defendants have obtained access to and used AOL's computers and computer network with the intent to obtain the use of AOL's property and services by false pretenses, in violation of Virginia Code § 18.2-152.3, and have thus committed computer fraud.

18. Defendants' acts have caused injury to AOL, AOL's computers and computer network, and to AOL's business relations, reputation, and goodwill.

COUNT II
AGAINST MICHAEL LEVESQUE AND BYTE NIGHT, LLC
COMPUTER TRESPASS
IN VIOLATION OF § 18.2-152.4 OF THE VIRGINIA COMPUTER CRIMES ACT

19. AOL repeats and re-alleges the allegations of paragraphs 1 through 18 of the Complaint.

20. AOL maintains computers and computer network in the Commonwealth of Virginia through which it: (i) acts as an intermediary in sending or receiving e-mail, and (ii) provides its Members the ability to send or receive e-mail, and as such is an "electronic mail service provider" as defined in Virginia Code § 18.2-152.2.

21. Defendants have falsified or forged electronic mail transmission information or other routing information in connection with the transmission of their UBE messages through AOL's

computers and computer network. By transmitting UBE messages to AOL and its Members using such false and deceptive tactics, Defendants have committed computer trespass in violation of Virginia Code § 18.2-152.4(A)(7).

22. Defendants' acts have caused injury to AOL, AOL's computers and computer network, and to AOL's business relations, reputation, and goodwill.

COUNT III
AGAINST MICHAEL LEVESQUE AND BYTE NIGHT, LLC
THEFT OF COMPUTER SERVICES
IN VIOLATION OF § 18.2-152.6 OF THE VIRGINIA COMPUTER CRIMES ACT

23. AOL repeats and re-alleges the allegations of paragraphs 1 through 22 of the Complaint.

24. The e-mail and electronic message services AOL provides constitute "computer services" pursuant to Virginia Code § 18.2-152.2.

25. Defendants have willfully used AOL's computers and computer network with intent to obtain computer services without authority. Defendants' conduct constitutes theft of computer services in violation of Virginia Code § 18.2-152.6.

26. Defendants' acts have caused injury to AOL, AOL's computers and computer network, and to AOL's business relations, reputation, and goodwill.

COUNT IV
AGAINST ALL DEFENDANTS
TRANSMISSION OF UNSOLICITED OR MISLEADING ELECTRONIC MAIL
IN VIOLATION OF § 19.190.020 OF THE WASHINGTON COMMERCIAL ELECTRONIC MAIL ACT

27. AOL repeats and re-alleges the allegations of paragraphs 1 through 26 of the Complaint.

28. Defendants initiated the transmission, conspired with others to initiate the transmission or assisted in the transmission of commercial e-mail messages from a computer located in Washington or to an e-mail address that they knew, or should have known, was held by a Washington resident. Those commercial e-mail messages used a third party's Internet domain name without permission; or misrepresented or obscured information in identifying the true point of origin

and transmission path of the e-mail message; or contained false or misleading information in the subject line.

29. Defendants' acts have caused injury to AOL, AOL's computers and computer network, and to AOL's business relations, reputation, and goodwill.

COUNT V
AGAINST ALL DEFENDANTS
TRANSMISSION OF UNSOLICITED OR MISLEADING ELECTRONIC MAIL
IN VIOLATION OF § 19.190.030(1) OF WASHINGTON COMMERCIAL ELECTRONIC MAIL ACT
AND IN VIOLATION OF § 19.86.020 OF THE WASHINGTON CONSUMER PROTECTION ACT

30. AOL repeats and re-alleges the allegations of paragraphs 1 through 29 of the Complaint.

31. Defendants conspired to initiate the transmission of commercial electronic mail that used a third party's Internet domain name without permission; or misrepresented or obscured information in identifying the true point of origin and transmission path of the e-mail message; or contained false or misleading information in the subject line.

32. Defendants have engaged in unfair or deceptive acts in trade or commerce and unfair methods of competition, thereby affecting the public interest. By their actions, Defendants have violated Washington Statute § 19.86.020.

COUNT VI
AGAINST ALL DEFENDANTS
TRANSMISSION OF UNSOLICITED OR MISLEADING ELECTRONIC MAIL
IN VIOLATION OF § 19.190.030(2) OF WASHINGTON COMMERCIAL ELECTRONIC MAIL ACT
AND IN VIOLATION OF § 19.86.020 OF THE WASHINGTON CONSUMER PROTECTION ACT

33. AOL repeats and re-alleges the allegations of paragraphs 1 through 32 of the Complaint.

34. Defendants assisted in the transmission of commercial electronic mail messages knowingly or consciously avoiding knowing that the initiator of the commercial electronic mail messages was engaged, or intended to engage in acts or practices that used a third party's Internet domain name without permission; or misrepresented or obscured information in identifying the true

point of origin and transmission path of the e-mail message; or contained false or misleading information in the subject line

35. Defendants have engaged in unfair or deceptive acts in trade or commerce and unfair methods of competition, thereby affecting the public interest. By their actions, Defendants have violated Washington Statute § 19.86.020.

COUNT VII
AGAINST MICHAEL LEVESQUE AND BYTE NIGHT, LLC
ACCESSING PROTECTED COMPUTERS WITHOUT, OR IN EXCESS OF, AUTHORIZATION,
IN VIOLATION OF § 1030(a)(2)(C) OF THE FEDERAL COMPUTER FRAUD & ABUSE ACT

36. AOL repeats and re-alleges the allegations of paragraphs 1 through 35 of the Complaint.

37. In connection with the provision of online and Internet services to its Members, AOL owns and maintains one or more “protected computers” as the term is defined in the Computer Fraud and Abuse Act, 18 U.S.C. § 1030(e)(2)(B). AOL’s protected computers engage in two-way communication with mail transfer agents seeking to transmit e-mail to AOL Members, and then receive, store and disseminate e-mail transmissions through interstate and/or foreign commerce or communication.

38. AOL’s UBE Policy expressly prohibits the transmission of *any* type of UBE message to or from AOL Members. On information and belief, Defendants have obtained information from AOL’s protected computers.

39. By their actions, Defendants have intentionally accessed a computer without authorization, or in excess of authorization, and have thereby obtained information from a protected computer via an interstate or foreign communication, in violation of 18 U.S.C. § 1030(a)(2)(C). The damages suffered by AOL as a result of Defendants’ conduct include the impairment of the integrity and/or availability of data, programs, systems, and/or information in AOL’s protected computers, and aggregate to at least \$5,000 in value in the year preceding the date of filing of this Complaint.

40. Defendants threaten to continue to engage in the unlawful actions alleged herein, and unless restrained and enjoined will continue to do so, causing irreparable harm to AOL. It is

difficult to ascertain the amount of compensation that could afford AOL adequate relief for Defendants' continuing unlawful acts. AOL's remedy at law is, therefore, inadequate to compensate for the injuries threatened.

COUNT VIII
AGAINST MICHAEL LEVESQUE AND BYTE NIGHT, LLC
IMPAIRING COMPUTER FACILITIES
IN VIOLATION OF § 1030(a)(5) OF THE FEDERAL COMPUTER FRAUD & ABUSE ACT

41. AOL repeats and re-alleges the allegations of paragraphs 1 through 40 of the Complaint.

42. Defendants knowingly caused to be transmitted UBE messages to and through AOL's protected computers without authorization. As a result of such conduct, Defendants caused damage to AOL's protected computers in violation of 18 U.S.C. § 1030(a)(5).

43. On information and belief, the damages suffered by AOL as a result of Defendants' conduct include the impairment of the integrity and/or availability of data, programs, systems, and/or information in AOL's protected computers, and aggregate to at least \$5,000 in value in the year preceding the date of filing of this Complaint.

COUNT IX
AGAINST MICHAEL LEVESQUE AND BYTE NIGHT, LLC
TRESPASS TO CHATTELS
IN VIOLATION OF THE COMMON LAW

44. AOL repeats and re-alleges the allegations of paragraphs 1 through 43 of the Complaint.

45. The computers and computer network that constitute AOL's e-mail system are the personal property of AOL. Without authorization, Defendants have intentionally and repeatedly obtained access to, and made use of, AOL's computers and computer network to transmit UBE messages to AOL Members for their own economic benefit.

46. Through their practice and pattern of repeatedly transmitting UBE messages through AOL's computers and computer network, Defendants have wrongfully exercised dominion over AOL's computers and computer network in denial of AOL's rights to that property.

Defendants' wrongful exercise of dominion over AOL's computers and computer network has deprived AOL and its Members of the legitimate use of this commercially valuable system.

47. Under the common law, Defendants' conduct constitutes trespass to AOL's chattels.

48. Defendants' acts have caused injury to AOL, AOL's computers and computer network, and to AOL's business relations, reputation, and goodwill.

49. Defendants' acts of trespass have been undertaken intentionally with malice, oppression and fraud, justifying the imposition of punitive damages in an amount sufficient to punish Defendants and deter Defendants and others from engaging in similar conduct.

**COUNT X
AGAINST ALL DEFENDANTS
COMMON LAW CONSPIRACY
TO VIOLATE FEDERAL, VIRGINIA & WASHINGTON STATUTES & THE COMMON LAW**

50. AOL repeats and re-alleges the allegations of paragraphs 1 through 49 of the Complaint.

51. Defendants have conspired and combined with one another and third parties to send UBE messages to and through AOL's computers and computer system to AOL Members and to commit the other acts alleged throughout this Complaint, in violation of Federal and Virginia statutes and Virginia common law as alleged in Counts I through IX.

52. On information and belief, Defendants' acts of conspiracy have been undertaken intentionally with malice, oppression and fraud, justifying the imposition of punitive damages in amount sufficient to punish Defendants and deter Defendants and others from engaging in similar conduct.

53. Defendants' acts have caused injury to AOL, AOL's computers and computer network, and to AOL's business relations, reputation and goodwill.

COUNT XI
AGAINST ALL DEFENDANTS
UNJUST ENRICHMENT AND
THE IMPOSITION OF A CONSTRUCTIVE TRUST IN FAVOR OF AOL

54. AOL repeats and re-alleges the allegations of paragraphs 1 through 53 of the Complaint.

55. By transmitting UBE messages through AOL to AOL Members, Defendants have knowingly obtained, conferred, or retained advertising-related benefits acquired at AOL's expense. Defendants' knowing acquisition of these benefits has occurred under circumstances that render it inequitable for Defendants to retain the benefits without paying for their value.

56. As a result of Defendants' unjust enrichment, Defendants should be ordered to compensate AOL for the value of the services it unwillingly provided and ordered to disgorge all profits derived from all bulk e-mailing activities. A constructive trust should also be imposed in favor of AOL on all moneys received by or due Defendants and on all profits generated by Defendants' illegal activities as a result of their bulk e-mail activities and on all real property, motor vehicles, and other personal property purchased with moneys received by Defendants as a result of their bulk e-mail activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AOL requests entry of judgment in its favor and against Defendants:

a. Granting preliminary and permanent injunctive relief against Defendants, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, enjoining them from directly or indirectly:

(1) Sending or transmitting to any destination, or directing, aiding, or conspiring with others to send or transmit to any destination, electronic mail or electronic communication bearing any false, fraudulent, anonymous, inactive, deceptive, or invalid source, routing, or return information;

(2) Using, or directing, aiding, or conspiring with others to use AOL's computers or computer networks, or the computers or computer networks of any of AOL's parents, subsidiaries or affiliates, in any manner, directly or indirectly, in connection with the transmission or transfer of any form of electronic information across the Internet;

(3) Opening, creating, obtaining access to, and/or using in any way, or directing, aiding, or conspiring with others to open, create, obtain access to, and/or use in any way, any AOL membership or account;

(4) Acquiring, compiling or transferring AOL Member e-mail addresses or e-mail addresses that contain an AOL domain;

(5) Sending or transmitting, or directing, aiding, facilitating or conspiring with others to send or transmit, any electronic mail message, or any electronic communication of any kind, to or through AOL or its Members;

(6) Creating, registering, or maintaining any Internet services by providing false information;

(7) Participating in or operating any Internet Website which offers any "click-through" or referral-revenue sharing compensation program; and

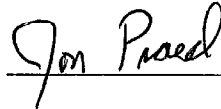
(8) Hiring or retaining any employee or contractor to advertise any products or services without first obtaining and retaining on file: (i) information adequate to effect service of a legal complaint filed in a United States district court on such employee or contractor; and (ii) that employee's or contractor's signed acknowledgement that the employee or contractor has received notice of this Order, agrees to be bound by it, and agrees to submit to the jurisdiction of this Court for any alleged violations of this Order.

b. Awarding AOL statutory, compensatory, and punitive damages, and restitution, in an amount to be proven at trial, caused by Defendants' violation of the Computer Fraud and Abuse Act, the Virginia Computer Crimes Act, Washington Commercial Email Act, the Washington Consumer Protection Act, and common law;

- c. Awarding AOL its attorneys' fees and costs associated with prosecuting this action; and
- d. Granting AOL such other or additional relief as this Court deems just and proper under the circumstances.

April 11, 2003

Respectfully submitted,



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EXHIBIT

A

**Sample UBE message and advertised website
(Contains sexually explicit content)**

<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.0 Transitional//EN">
<HTML><HEAD>
<META http-equiv=Content-Type content="text/html; charset=windows-1252">
<META content="MSHTML 6.00.2715.400" name=GENERATOR></HEAD>
<BODY bgColor=#ffffff><PRE>From ██████████@aol.com Sat Nov 30 06:53:11 EST 2002
Received: from scmp-m02.mail.aol.com (scmp-m02.mail.aol.com [172.20.75.170]) by
spam1op.ops.aol.com with ESMTP (8.9.3 (PHNE_18546)/8.7.1) id GAA26080 for
<JUNKMAIL@SPAM1OP.OPS.AOL.COM>; Sat, 30 Nov 2002 06:53:11 -0500 (EST)
From: ██████████@aol.com
Received: from imo-r10.mx.aol.com (imo-r10.mail.aol.com [172.31.37.10])
by scmp-m02.mail.aol.com (8.8.8/8.8.8/AOL-5.0.0)
with ESMTP id GAA02466 for undisclosed@undisclosed.com;
Sat, 30 Nov 2002 06:49:56 -0500 (EST)
Received: from ██████████@aol.com
by imo-r10.mx.aol.com (mail_out_v34.13.) id f.120.1a2984cf(25508)
for undisclosed@undisclosed.com; Sat, 30 Nov 2002 06:53:05 -0500 (EST)
Message-ID: <120.1a2984cf.2b1a00a1@aol.com>
Date: Sat, 30 Nov 2002 06:53:05 EST
Subject: Client TOS Notification
To: notifyaol@scomp.mail.aol.com
MIME-Version: 1.0
Content-Type: multipart/mixed; boundary="part1_120.1a2984cf.2b1a00a1_boundary"
X-Mailer: AOL 8.0 for Windows US sub 230
X-AOL-COUNTRY-CODE: US
X-Loop: scomp

--part1_120.1a2984cf.2b1a00a1_boundary
Content-Type: text/plain; charset="US-ASCII"
Content-Transfer-Encoding: 7bit

--part1_120.1a2984cf.2b1a00a1_boundary
Content-Type: message/rfc822
Content-Disposition: inline

Return-Path: <IJONES690@NETSCAPE.NET>
Received: from rly-zd04.mx.aol.com (rly-zd04.mail.aol.com [172.31.33.228]) by air-
zd04.mail.aol.com (v90.10) with ESMTP id MAILINZD43-1130065227; Sat, 30 Nov 2002
06:52:27 -0500
Received: from imo-m09.mx.aol.com (imo-m09.mail.aol.com [172.20.114.198]) by rly-
zd04.mx.aol.com (v90.10) with ESMTP id MAILRELAYINZD410-1130065221; Sat, 30 Nov
2002 06:52:21 1900
Received: from IJones690@netscape.net
by imo-m09.mx.aol.com (mail_out_v34.13.) id g.3.5c22b88 (16238)
for <██████████@AOL.COM>; Sat, 30 Nov 2002 06:52:16 -0500 (EST)
Received: from netscape.net (mow-m14.webmail.aol.com [64.12.180.130]) by air-
in03.mx.aol.com (v89.21) with ESMTP id MAILININ32-1130065216; Sat, 30 Nov 2002
06:52:16 -0500

Date: Sat, 30 Nov 2002 06:51:15 -0500
From: IJones690@netscape.net
To: [REDACTED]@aol.com
Subject: 30 MINUTES AMAZING
MIME-Version: 1.0
Message-ID: <7F0FFC49.3501DE36.022C3F27@netscape.net>
X-Mailer: Atlas Mailer 2.0
Content-Type: text/plain; charset=iso-8859-1
Content-Transfer-Encoding: 8bit

<HTML><P align=center>If your tired of boring SO SO Porn Sites
...

These Great Sites are
FREE FOR 30 Minutes for you to try ...

That's right. We
offer an unprecedented 30 Minute Free Trial TO THE BEST PORN SITES ON THE NET.

You have NOTHING TO LOSE...

<P align=center>Free Pictures,
Free Movies, NO JOKE!!!

You owe it to yourself...

CLICK HERE NOW FOR FREE
PORN

to be removed from our list, click
here

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color=#ffffff>^%0.62781153107062%^
233472669835

The NEW Netscape 7.0 browser is now available. Upgrade now!
<http://channels.netscape.com/ns/browsers/download.jsp>

Get your own FREE, personal Netscape Mail account today at <http://webmail.netscape.com/>

--part1_120.1a2984cf.2b1a00a1_boundary--

</P></PRE></BODY></HTML>



EXHIBIT

B

AOL's Unsolicited Bulk Email Policy

Unsolicited Bulk E-mail

America Online, Inc. ("AOL") does not authorize the use of its proprietary computers and computer network (the AOL Network") to accept, transmit or distribute unsolicited bulk e-mail sent from the Internet to AOL members. In addition, Internet e-mail sent, or caused to be sent, to or through the AOL Network that makes use of or contains invalid or forged headers, invalid or non-existent domain names or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the AOL Network is unauthorized. Similarly, e-mail that is relayed from any third party's mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the AOL Network. AOL does not authorize anyone to send e-mail or cause e-mail to be sent to the AOL Network that violates AOL's Terms of Service. AOL does not authorize the harvesting or collection of screen names from the AOL service for the purpose of sending unsolicited e-mail. AOL reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing or remaining within the AOL Network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the AOL Network. AOL's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of AOL's rights.

Unauthorized use of the AOL Network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender, including those provided by the Computer Fraud and Abuse Act (18 U.S.C. § 1030 et seq.); the Virginia Computer Crimes Act (Va. Code Ann. § 18.2-152.2 et seq.) (amended effective July 1, 1999); and the Washington Commercial Electronic Mail Act (Wash. Rev. Code Chapter 19.190 et seq.).