

January 30, 2006

By E-Mail

Kurt Opsahl, Esq.  
Staff Attorney  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110-1914

Re: EFF Open Letter to SunnComm/MediaMax

Dear Mr. Opsahl:

On behalf of SunnComm International, Inc., thank you for your letter of December 9, 2005, on behalf of the Electronic Frontier Foundation ("EFF") regarding a potential security vulnerability in Version 5 of SunnComm's MediaMax Software and related issues. SunnComm is committed to developing high-quality, secure, and consumer-friendly products. As a software company, SunnComm is also committed to promptly addressing any potential vulnerabilities.

Your letter identifies six points relating to notifying consumers of the potential vulnerability EFF identified and helping to protect against future potential vulnerabilities. As you know, SunnComm has acted promptly to address that potential vulnerability since it first received notice of it in late November 2005. By mid-December, SunnComm had released a software update designed to address that potential vulnerability and an uninstaller for all existing versions of MediaMax. SunnComm has continued to upgrade these software tools, both of which have been tested by independent testing firms and found to work without creating any security concerns. SunnComm has also posted notices on its website since early December 2005 advising consumers of this situation and the various steps SunnComm has taken to address the potential vulnerability. As EFF is aware from its own work in this area, it is common for software companies to be called upon from time to time to issue updates to their software. SunnComm understands and accepts this responsibility, and we are pleased to be working cooperatively with EFF to resolve this situation and help raise public awareness regarding these issues.

To respond more specifically to the points identified in your letter, the following summarizes what SunnComm has done, and is committed to doing:

1. SunnComm has compiled a complete list of every commercially available CD containing Version 3 or 5 of its software, including all such CDs released by Sony BMG Music

Kurt Opsahl, Esq.

January 30, 2006

Entertainment (“Sony BMG”) and all such releases by independent labels. SunnComm has received substantial assistance from those independent labels in completing the list of independently-released CDs, and the list of Sony BMG CDs has been available for some time. The complete lists are available at SunnComm’s website at [www.sunncomm.com/support](http://www.sunncomm.com/support).

2. Consistent with these efforts, over the last several weeks SunnComm has communicated with every independent label that has released a CD containing MediaMax software in order to notify those labels of the security concerns raised by EFF, of the iSEC report prepared for EFF that describes the potential vulnerability associated with MediaMax Version 5, and of the availability of the software update and uninstaller. SunnComm has also informed each independent label of the litigation against Sony BMG, and of SunnComm’s participation in the related program of notifying consumers of the potential vulnerability, the software update, and the uninstaller.

3. SunnComm is working with the record labels to notify all affected consumers of the potential security concerns and the availability of the software update and uninstaller. In addition to the consumer notification program relating to the Sony BMG litigation and the other steps outlined above, SunnComm is requesting all independent labels using MediaMax software to undertake substantial consumer notification efforts, including posting notifications on their websites informing customers of the security concerns and providing links to the software update and uninstaller, uploading notifications on CDs that include Perfect Placement banners, sending e-mails to potentially affected consumers, and persuading their artists to engage in similar efforts. SunnComm has also solicited input from each independent label regarding any additional steps that may be taken in this regard.

4. SunnComm commits to ensuring that all SunnComm products are disclosed to consumers, and that consumers consent to the use of those products before they are installed onto a user’s hard drive. In particular, SunnComm is committed to ensuring that its software will not be installed on the hard drive of a user’s computer unless and until the user has agreed to such installation by accepting an End User License Agreement (“EULA”) or otherwise affirmatively consenting to such installation.

5. SunnComm is committed to providing uninstallers for all versions of MediaMax software. There are a number of ways to ensure that consumers have an uninstaller readily available, including having the uninstaller located within the Add/Remove functionality on a Windows-based operating system, located on CDs or DVDs containing MediaMax software, or available from a website. SunnComm will work with its clients to ensure that purchasers of CDs containing SunnComm software have ready access to an uninstaller.

6. SunnComm commits to providing all future versions of MediaMax software to an independent security firm and to publicly releasing the results of such testing. SunnComm will publish such findings simultaneous with the release of each future version of MediaMax. Firms

Kurt Opsahl, Esq.

January 30, 2006

that SunnComm will utilize to perform such testing include NGS Software and MediaCloak, and SunnComm will consider using any additional firms suggested by EFF.

By undertaking each of the affirmative measures outlined in this letter, and in anticipation of its continuing cooperation with EFF, SunnComm is committed to helping to lead the software industry in the development of best practices for both quality and security. SunnComm appreciates EFF's role in raising consumer awareness regarding the potential vulnerability in Version 5 and, more generally, in helping to drive a robust public dialogue to help define industry best practices.

If you have further comments or concerns, feel free to contact me at any time.

Sincerely,



Andrew C. DeVore

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