



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Marketing Practices
David M. Torok
Staff Attorney
202-326-3075

September 9, 2004

VIA FAX AND FIRST CLASS MAIL

Stephane Touboul
Alyon Technologies, Inc.
One Harmon Plaza, Second Floor
Secaucus, NJ 07094
Fax: 201-865-0175 and 732-901-3901

Re: Apology Letter – FTC v. Alyon Technologies, Inc.

Dear Mr. Touboul:

On April 20, 2004, the Federal Trade Commission ("FTC") filed with the United States District Court for the Northern District of Georgia, in the above-referenced matter, the enclosed "Notice of Plaintiff's Communications With Consumers." In that pleading, then-counsel for the FTC notified the Court that an FTC employee distributed several dozen altered No-Call Affidavits to consumers, and set out the actions taken by the agency to rectify that unfortunate mistake. Among the actions taken, counsel for the FTC apologized to the Court and to your counsel that these altered affidavits were sent to consumers. In addition, the FTC issued a revised press release in this matter, noting that "[s]ome consumers may have misunderstood the [earlier] press release as permitting them to delay paying bills received from Alyon until the Commission's case is resolved." The revised press release clarified that the Court's Order did not prohibit the Defendants from billing, collecting, or attempting to collect from past consumers. Instead, the Order set forth the parameters under which the Defendants may continue to conduct these activities.

By this letter, in an effort to reach an appropriate settlement of the law enforcement action filed by the FTC against Alyon and you, I wish to extend to your company and to you personally the same apology as set forth in the enclosed pleading. I sincerely regret if the actions cited in the enclosed pleading caused you or you company any harm, and with all due respect I request that you accept this apology.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Torok".

David M. Torok
Staff Attorney

Enclosure
cc: Larry Fox, Esq.