

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

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)
In the Matter of)

680 Digital, Inc.)
a corporation, also d/b/a)
Nationwide Barcode,)

and)

Philip B. Peretz)
an individual.)
)
_____)

File No. 141 0036

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of 680 Digital, Inc., and Philip B. Peretz (hereinafter sometimes referred to as “Proposed Respondents”), and it now appearing that Proposed Respondents are willing to enter into an Agreement Containing Consent Order to Cease and Desist (“Consent Agreement”) from certain acts and practices, and providing for other relief,

IT IS HEREBY AGREED by and between Proposed Respondents and their attorneys, and counsel for the Commission that:

1. Proposed Respondent 680 Digital, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of Washington, with its business mailing address at PO Box 2750, Issaquah, WA 98027.
2. Proposed Respondent Philip B. Peretz is an individual living in Nevada and doing business in Nevada, with a mailing address of 3495 Lakeside Drive, # 144, Reno, NV 89509.
3. Proposed Respondents admit all the jurisdictional facts set forth in the draft of Complaint here attached.

4. Proposed Respondents waive:
 - a. any further procedural steps;
 - b. the requirement that the Commission's Decision and Order, attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
 - c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order entered pursuant to this Consent Agreement; and
 - d. any claim under the Equal Access to Justice Act.

5. Proposed Respondents shall submit an initial compliance report within twenty (20) days of the date they sign this Consent Agreement, pursuant to Commission Rule 2.33, 16 C.F.R. § 2.33, signed by Proposed Respondents setting forth in detail the manner in which the Proposed Respondents have to date complied, have prepared to comply, and will comply with the Decision and Order. Such report will not become part of the public record unless and until the Consent Agreement and Decision and Order are accepted by the Commission for public comment.

6. Each compliance report shall be either verified by a notarized signature or sworn statement, or self-verified in the manner set forth in 28 U.S.C. § 1746. Section 2.41(a) of the Commission's Rules of Practice requires that an original and two copies of all compliance reports be filed with the Commission. Proposed Respondents shall file the original report and one copy with the Secretary of the Commission, and shall send at least one copy directly to the Bureau of Competition's Compliance Division. The copy provided to the Compliance Division may be provided in electronic format.

7. This Consent Agreement, and any compliance reports filed pursuant to this Consent Agreement, shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission it, together with the draft of Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify the Proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Decision and Order, in disposition of the proceeding.

8. This Consent Agreement is for settlement purposes only and does not constitute an admission by Proposed Respondents that the law has been violated as alleged in the draft of Complaint here attached, or that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true.

9. This Consent Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, 16 C.F.R. § 2.34, the Commission may, without further notice to the Proposed Respondents: (1) issue and serve its Complaint corresponding in form and substance with the draft of Complaint here attached and its Decision and Order, and (2) make information public with respect thereto.

10. When final, the Decision and Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Decision and Order shall become final upon service. Delivery of the Complaint and the Decision and Order to Proposed Respondents by any means provided in Commission Rule 4.4(a), 16 C.F.R. § 4.4(a), shall constitute service. Proposed Respondents waive any right they may have to any other manner of service.

11. The Complaint may be used in construing the terms of the Decision and Order, and no agreement, understanding, representation, or interpretation not contained in the Decision and Order, or the Consent Agreement may be used to vary or contradict the terms of the Decision and Order.

12. Proposed Respondents have read the draft of the Complaint and the Decision and Order contemplated hereby. By signing this Consent Agreement, Proposed Respondents represent and warrant that the full relief contemplated by the attached Decision and Order can be accomplished, and that all parents, subsidiaries, affiliates, and successors necessary to effectuate the full relief contemplated by this Consent Agreement and the attached Decision and Order are parties to the Consent Agreement or within the control of parties to this Consent Agreement and are bound thereby as if they had signed this Consent Agreement and were made parties to this proceeding and to the Decision and Order.

13. Proposed Respondents understand that once the Decision and Order has been issued, they will be required to file one or more compliance reports showing how they have complied and are complying with the Decision and Order.

14. Proposed Respondents agree to comply with the draft Decision and Order from the date they sign this Consent Agreement. Proposed Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order after it becomes final.

<p>680 DIGITAL, INC.</p> <hr/> <p>Paul Bader, President and CEO</p> <p>Dated: _____</p> <p>PHILIP B. PERETZ</p> <hr/> <p>Philip B. Peretz</p> <p>Dated: _____</p> <hr/> <p>Douglas C. Ross Davis Wright Tremaine Counsel for 680 Digital, Inc. and Philip B. Peretz</p> <p>Dated: _____</p>	<p>FEDERAL TRADE COMMISSION</p> <hr/> <p>Matthew Accornero Dana Abrahamsen Attorneys Bureau of Competition</p> <p>Approved:</p> <hr/> <p>Geoffrey M. Green Assistant Director Bureau of Competition</p> <hr/> <p>Stephen Weissman Deputy Director Bureau of Competition</p> <hr/> <p>Deborah L. Feinstein Director Bureau of Competition</p>
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