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UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Edith Ramirez, Chairwoman**
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright
Terrell McSweeny

In the Matter of	)	
	)	**DOCKET NO. C-**
680 Digital, Inc..	)	
a corporation, also d/b/a	)	
Nationwide Barcode,	)	
	)	
and	)	
	)	
Philip B. Peretz,	)	
an individual.	)	
	)	
	)	

DECISION AND ORDER

The Federal Trade Commission ("Commission") having initiated an investigation of certain acts and practices of 680 Digital, Inc., a corporation, and Phillip B. Peretz an individual, (hereinafter referred to as "Respondents"), and Respondents having been furnished thereafter with a copy of the draft of Complaint that counsel for the Commission proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge Respondents with violations of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45; and

Respondents, their attorneys, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order ("Consent Agreement"), containing an admission by Respondents of all the jurisdictional facts set forth in the aforesaid draft of Complaint, a statement that the signing of said Consent Agreement is for settlement purposes only and does not constitute an admission by Respondents that the law has been violated as alleged in such Complaint, or that the facts as alleged in such Complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that Respondents have violated the said Act, and that a Complaint should issue stating its charges in that respect, and having accepted the executed Consent Agreement and placed such Consent Agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, now in further conformity with the procedure described in Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission hereby makes the following jurisdictional findings and issues the following Order:

1. 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. Respondent Philip B. Peretz, who operates 680 Digital, Inc. d/b/a NationwideBarcode.com, is an individual living in Nevada and doing business in Nevada, with a mailing address of 3495 Lakeside Drive, # 144, Reno, NV 89509.

3. The Federal Trade Commission has jurisdiction over the subject matter of this proceeding and of Respondents, and this proceeding is in the public interest.

ORDER

I.

IT IS ORDERED that, as used in this Order, the following definitions shall apply:

A. "Respondent 680 Digital, Inc." means 680 Digital Inc., its members, directors, officers, trustees, employees, attorneys, agents, consultants, and representatives; its divisions, subsidiaries, affiliates, partnerships, and joint ventures, including, without limitation, Nationwide Barcode and NationwideBarcode.com; and the directors, officers, trustees, employees, attorneys, agents, consultants, and representatives, successors, and assigns of each.

B. "Respondent Philip B. Peretz" means Philip Bernard Peretz; all businesses, partnerships, joint ventures, subsidiaries, divisions, groups, and affiliates controlled by Philip B. Peretz; and the respective partners, directors, officers, agents, employees, attorneys, representatives, consultants, representatives, successors, and assigns of each.

C. Respondents means Respondent 680 Digital, Inc. and Respondent Philip B. Peretz, individually and collectively.

D. "Barcode" means a machine-readable code in the form of numbers and a pattern of parallel lines of varying widths, used to identify a product; Barcode includes machine-readable codes commonly referred to as "Universal Product Codes" or "UPCs."

E. "Commission" means the Federal Trade Commission.

F. "Communicating" means any transfer or dissemination of information, regardless of the means by which it is accomplished, including orally, by letter, e-mail, notice, or memorandum.

G. "Competitor" means any Person engaged in the business of selling, leasing, renting, or licensing Barcodes, including, but not limited to, firms such as InstantUPCCodes.com.

H. "Person" means both natural persons and artificial persons, including, but not limited to, corporations, partnerships, and unincorporated entities.

II.

IT IS FURTHER ORDERED that in connection with the sale, leasing, renting or licensing of any Barcode in or affecting commerce, as "commerce" is defined by the Federal Trade Commission Act, Respondents shall cease and desist from, either directly or indirectly, or through any corporate or other device:

A. Communicating with any Competitor regarding prices or rates, or prospective prices or rates, of Respondents or any Competitor; *provided, however,* that for purposes of this Paragraph II.A, Communicating does not include the transfer or dissemination of information to the public through websites or other widely accessible methods of advertising such as newspapers, television, signage, direct mail or online and social media; *provided, further, however,* that it shall not, of itself, constitute a violation of Paragraph II .A. of this Order for Respondent to Communicate, or enter into an agreement, with a Competitor regarding prices or rates at which Respondent will buy Barcodes from, or sell Barcodes to, such Competitor.

B. Entering into, attempting to enter into, adhering to, participating in, maintaining, organizing, implementing, enforcing, inviting, encouraging, offering or soliciting any agreement or understanding, express or implied, between or among Respondents and any Competitor:

1. To raise, fix, maintain, or stabilize prices or price levels, rates or rate levels, or payment terms, or to engage in any other pricing action;

2. To allocate or divide markets, customers, contracts, transactions, business opportunities, lines of commerce, or territories; or

3. To set, change, limit or reduce service terms or service levels.

C. Exhorting, requesting, suggesting, urging, advocating, encouraging, advising, or recommending to any Competitor, either publicly or privately, that it:

1. Set, change, raise, fix, stabilize or maintain its prices or price levels, rates or rate levels, or payment terms, or engage in any other pricing action; or

2. Set, change, reduce, limit, maintain, or reduce its service terms or service levels.

III.

IT IS FURTHER ORDERED that Respondents shall:

A. Within thirty (30) days after the date on which this Order becomes final, provide to each of Respondents' officers, directors and employees a copy of this Order and the Complaint.

B. For a period of four (4) years from the date this Order becomes final, provide a copy of this Order and the Complaint to any person who becomes a director, officer, or employee of Respondents, and shall provide such copies within thirty (30) days of the commencement of such Person's employment or term as an officer or director.

C. Require each person to whom a copy of this Order is furnished pursuant to Paragraph III.A. and III.B. above to sign and submit to Respondents within thirty (30) days of the receipt thereof a statement that (1) represents that the undersigned has read and understands the Order, and (2) acknowledges that the undersigned has been advised and understands that non-compliance with the Order may subject Respondents to penalties for violation of the Order.

D. Retain documents and records sufficient to record Respondents' compliance with its obligations under Paragraph III of this Order.

IV.

IT IS FURTHER ORDERED that Respondents shall file verified written reports within sixty (60) days from the date this Order becomes final, annually thereafter for four (4) years on the anniversary of the date this Order becomes final, and at such other times as the Commission may by written notice require. Each report shall include, among other information that may be necessary:

A. A copy of the acknowledgement(s) required by III.D. of the Order; and

B. A detailed description of the manner and form in which Respondents have complied and are complying with this Order.

V.

IT IS FURTHER ORDERED that each Respondents shall notify the Commission:

A. Of any change in its principal address within twenty (20) days of such change in address; and

B. At least thirty (30) days prior to:

1. Any proposed dissolution of Respondents;

2. Any proposed acquisition, merger, or consolidation of Respondents; or

3. Any other change in Respondents including, but not limited to, assignment and the creation or dissolution of subsidiaries, if such change might affect compliance obligations arising out of this Order.

VI.

IT IS FURTHER ORDERED that, for the purpose of determining or securing compliance with this order, upon written request and upon five (5) days notice to the applicable Respondent, such Respondent shall, without restraint or interference, permit any duly authorized representative of the Commission:

A. Access, during office hours and in the presence of counsel, to all facilities and access to inspect and obtain copies of relevant books, ledgers, accounts, correspondence, memoranda and all other records and documents in the possession or under the control of Respondents relating to compliance with this Order, which copying services shall be provided by such Respondent at the request of the authorized representative(s) of the Commission and at the expense of such Respondent; and

B. The opportunity to interview officers, directors, or employees of such Respondent, who may have counsel present, related to compliance with this Order.

VII.

IT IS FURTHER ORDERED that this Order shall terminate twenty (20) years from the date this Order is issued.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: