

**Interim Designation of Agent to Receive Notification
of Claimed Infringement**

Full Legal Name of Service Provider: Vista Broadband Networks Inc

Alternative Name(s) of Service Provider (including all names under which the service provider is doing business): Vista Vista Broadband

Address of Service Provider: 1301 Redwood Way Ste 225
Petaluma CA 94954

Name of Agent Designated to Receive Notification of Claimed Infringement: Scott Mindemann

Full Address of Designated Agent to which Notification Should be Sent (a P.O. Box or similar designation is not acceptable except where it is the only address that can be used in the geographic location):
1301 Redwood Way Ste 225
Petaluma Ca 94954

Telephone Number of Designated Agent: 707-792-3304

Facsimile Number of Designated Agent: 707-792-0900

Email Address of Designated Agent: legal@vbn.com

Signature of Officer or Representative of the Designating Service Provider: _____
Date: 7-Feb-2002

Typed or Printed Name and Title: Scott MINDEMANN, CEO

Note: This Interim Designation Must be Accompanied by a \$20 Filing Fee Made Payable to the Register of Copyrights.

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NOTICE AND PROCEDURE FOR MAKING CLAIMS OF COPYRIGHT INFRINGEMENT

Vista is committed to complying with U.S. copyright law and expects all of its customers and their users and customers to comply with the law. The Digital Millennium Copyright Act of 1998 ("DMCA") provides recourse for owners of copyrighted material who believe that their rights under U.S. copyright law have been infringed on the Internet. Under the DMCA, copyright owners may contact the authorized agent of an Internet service provider to report alleged infringements of their protected works appearing on Web pages hosted by a service provider. Upon receipt of a properly filed complaint satisfying the requirements of the DMCA, Vista will remove or block access to the allegedly infringing material. If a customer or other user of the Vista Service believes in good faith that a notice of copyright infringement has been wrongly filed, such person may submit a counter-notice to Vista. Vista will not be a party to disputes over alleged copyright infringement.

This information should not be construed as legal advice to anyone, including our customers or their respective customers or others using their services. If you believe that your copyrights have been infringed, or if a notice of copyright infringement has been filed against you, we advise that you seek legal counsel. We are providing the following information to you for informational purposes only.

Pursuant to Title 17, United States Code, Section 512(c)(2), all notifications of claimed copyright infringement on the Vista system or Web site should be sent ONLY to our Designated Agent.

NOTE: THE FOLLOWING INFORMATION IS PROVIDED SOLELY FOR NOTIFYING VISTA THAT YOUR COPYRIGHTED MATERIAL MAY HAVE BEEN INFRINGED.

WE CAUTION YOU THAT UNDER FEDERAL LAW, IF YOU KNOWINGLY MISREPRESENT THAT ONLINE MATERIAL IS INFRINGING, YOU MAY BE SUBJECT TO HEAVY CIVIL PENALTIES. THESE INCLUDE MONETARY DAMAGES, COURT COSTS, AND ATTORNEYS FEES INCURRED BY US, BY ANY COPYRIGHT OWNER, OR BY ANY COPYRIGHT OWNER'S LICENSEE THAT IS INJURED AS A RESULT OF OUR RELYING UPON YOUR MISREPRESENTATION. YOU MAY ALSO BE SUBJECT TO CRIMINAL PROSECUTION FOR PERJURY.

DO NOT SEND ANY INQUIRIES UNRELATED TO COPYRIGHT INFRINGEMENT (e.g., REQUESTS FOR TECHNICAL ASSISTANCE OR CUSTOMER SERVICE, REPORTS OF E-MAIL ABUSE, etc.) TO THE CONTACT LISTED BELOW. YOU WILL NOT RECEIVE A RESPONSE IF SENT TO THAT CONTACT.

Written notification must be submitted to the following Designated Agent:

Vista Broadband Networks, Inc.
Attn: Corporate Counsel
1301 Redwood Way, Suite 225
Petaluma, CA 94954
Telephone: (707) 792-3304
Fax: (707) 792-0900
Email: legal@vbbn.com

Under Title 17, United States Code, Section 512(c)(3)(A), the Notification of Claimed Infringement must include all of the following information:

1. Physical or electronic signature of a person authorized to act on behalf of the copyright owner.
2. Identification of the copyrighted work claimed to have been infringed or a representative list if multiple works are involved.
3. Identification of the material that is claimed to be infringing that should be removed or access to disabled and information reasonably sufficient to enable the online service provider to locate the material (usually a URL to the relevant page).
4. Information reasonably sufficient to allow the online service provider to contact the complaining party (address, phone number, e-mail address).
5. Statement that the complaining party has "a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent or the law."
6. Statement that the information in the notice is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner.

Counter-notification to Claimed Copyright Infringement

If a notice of copyright infringement has been filed against you with Vista's designated agent, you may file a counter-notification with Vista's designated agent at the address listed above. Such counter-notification must contain all of the following information:

1. Physical or electronic signature;
2. Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled;
3. A statement under penalty of perjury that you have a good faith belief that the material was removed or disabled as a result of mistake or misidentification;
4. Your name, address, and telephone number, and a statement that you consent to the jurisdiction of the federal district court for the federal district in which you are located, and that you will accept service of process from the complainant.

If Vista receives a valid counter-notification, the DMCA provides that the removed material will be restored, or access re-enabled.

Please be advised that U.S. copyright law provides substantial penalties for a false counter-notice filed in response to a notice of copyright infringement.