

# PRIVACY POLICY

Effective: December 21, 2006

## PRIVACY POLICY

### Information Gathered by skyrocket

This is skyrocket's ("skyrocket" or "We") online privacy policy for all websites owned or controlled by skyrocket (except as otherwise provided on such site), including [www.modtones.com](http://www.modtones.com), [www.skyrocket.com](http://www.skyrocket.com), [www.modtones.com.au](http://www.modtones.com.au), [playatmcd.modtones.com](http://playatmcd.modtones.com), [www.mobilefaker.com](http://www.mobilefaker.com) and for the Modtones and Mobile Faker mobile applications and related services, and other applications provided by skyrocket (except as otherwise indicated in such applications) (collectively the "skyrocket Services"). This policy applies only to transactions entered and information gathered through the skyrocket Services, including the download of ringtones via cellular telephones and other mobile devices, and does not apply to skyrocket activities that are "offline" or unrelated to the skyrocket Services. By using the skyrocket Services, including by downloading ringtones, you agree to accept the practices and terms set forth in this privacy policy.

### Children

skyrocket does not knowingly collect personal information from children under the age of 13. skyrocket requests that children under the age of 13 not use the skyrocket Services nor submit any personal information to the skyrocket Services. Since information regarding children under the age of 13 is not collected, skyrocket does not knowingly use or distribute personal information regarding children under the age of 13. If skyrocket obtains actual knowledge that it has collected personal information about a child under the age of 13, that information will be immediately deleted from our database.

### Non-Personally Identifiable and Aggregate Information

The non-personally identifiable information we may gather includes the type of browser that you use, your gender, age, and IP address, the content that you access and the length of your visit to the skyrocket Services. skyrocket uses this information, typically in aggregate form, to enhance the operation of the skyrocket Services, analyze interest in the areas of the skyrocket Services and to tailor advertising and content display to users and to inform our advertisers about the number of users that have viewed their advertising. We may also release aggregate demographic information about user trends to partners and other third parties, including third-party advertisers on the skyrocket Services. An example of this type of information would be patterns of use of the skyrocket Services based on zip code or age group. We also retain aggregated log files of requested content in order to report overall product usage to content partners and to evaluate user trends.

### Personally Identifiable Information

You may also be asked to provide personally identifiable information in order to use certain skyrocket Services and to obtain maintenance and support from skyrocket. This information may include your name, address, telephone number, cellular telephone number, credit card number, and e-mail address. The Modtones mobile applications may automatically gather and report to skyrocket your mobile phone number in order to enable certain skyrocket Services. If you do not want to provide skyrocket with any personally identifiable information, you should cease using the skyrocket Services.

### Use and Disclosure of Information

skyrocket does not sell personally identifiable information, such as your name or e-mail address to advertisers. skyrocket may use personally identifying information: To send you notices related to your account and necessary updates. To send you news, our newsletter, updates and special offers from us and our partners, only if you request to receive them. You may remove yourself from this list at any time by clicking on the appropriate unsubscribe button on the skyrocket Services. To manage your account and

account access, provide you with software downloads, purchase confirmations, support and customer service and to keep track of support and customer service requests. To provide you with promotions and sweepstakes (see below for more details) To determine the technical capabilities of your mobile device and the appropriate content to deliver to you. To deliver you ringtones and content sent to you by your contacts and friends. skyrocket does disclose personally identifiable information to third parties to resolve service problems and correct errors in the skyrocket Services (including customer inquiries, billing and credit corrections) and to enhance your experience on the skyrocket Services. skyrocket also shares personally identifiable information with our partners that provide us with content and technology, and our agents, representatives, contractors, and service providers in order to provide the skyrocket Services. By using the skyrocket Services, including by downloading ringtones, you consent to our sharing your personally identifiable information with third parties in connection with delivering the skyrocket Services, including without limitation, Qualcomm and our messaging and billing service providers, your wireless service provider and skyrocket's content providers. Due to our contractual obligations with these third parties and the need to share personally identifiable information to deliver and support the skyrocket Services, we cannot provide you with the opportunity to opt-out of sharing personally identifiable information with these third parties.

Your personally identifiable information may be provided to a third party if skyrocket files for bankruptcy, or there is a transfer of the assets or ownership of skyrocket. skyrocket may also disclose personally identifiable information in order to respond to a subpoena, court order or other such request. skyrocket may also provide such personally identifiable information order to comply with law or in response to a law enforcement agency's request, to enforce our privacy policy and end user agreements or to protect the rights, property or safety of the skyrocket Services, users of the services and others.

#### Cookies & Web Beacons

Cookies are small bits of data that are deposited on a user's hard drive. The skyrocket Services utilize Cookies and IP addresses for certain functions. Cookies permit users to store their password and other user information without having to constantly re-enter this data. Cookies also permit skyrocket and our advertisers to tailor the skyrocket Services and advertising to your needs. Some of the advertising served through the skyrocket Services may be supplied by one or more third parties which may also use cookies. Most browsers permit users to decline to accept Cookies, although the default setting is typically to accept them. You may choose to decline the Cookies, but certain functions of the skyrocket Services may not be accessible to you. skyrocket may also use third party advertising companies to serve ads on our behalf across the Internet. They may also use cookies and action tags (also called web beacons or clear GIFs) to collect anonymous information about your visits to our website and other websites in order to measure and improve the effectiveness of ads. They do not collect personally identifiable information.

#### Other Websites and Services

skyrocket is not responsible for the privacy policies of websites and services to which the skyrocket Services link, or of which the skyrocket Services are a part (e.g. the skyrocket Services are part of the total services offered by your wireless service provider). If you provide any information to such third parties different rules regarding the collection and use of your personal information may apply. We strongly suggest you review such third party's privacy policies before providing any data to them.

#### Security

skyrocket takes appropriate steps to ensure data privacy and security including through various hardware and software methodologies, though it does not in every case physically segregate your data from that of other users of skyrocket's Services or other services. However, due to the open communication nature of the Internet, we cannot guarantee that communications between you and the skyrocket Services, and the skyrocket Services and you, will be free from unauthorized access by third parties. Users of the skyrocket Services do so at their own risk. skyrocket cannot guarantee the security of any information that is disclosed online.

## Promotions and Sweepstakes

If you chose to enter a promotion, sweepstakes, or contest hosted by skyrocket or sponsored by skyrocket and/or one of our partners, we may ask for your name, address, and email address. You may be asked to provide additional information or to answer certain questions, some of which may be optional, in order to participate. We may contact you in connection with a particular promotion, such as a sweepstakes or contest, in order to update you of your status, administer the promotion, let you know that a promotion has ended, and for other purposes. Promotions that are hosted on the skyrocket Services may be sponsored by skyrocket, may be co-sponsored by skyrocket and another company, or may be sponsored by companies other than skyrocket. Some or all of the data collected during a promotion may be shared with the sponsor(s) or companies indicated on the entry form. We use third-party advertising companies to generate and manage some of our e-mail promotional campaigns. We may share with these companies web site usage information about those visitors to our web site who have received an e-mail as part of such promotional campaigns. This sharing is for the purpose of targeting future campaigns and upgrading visitor information used in reporting statistics. For this purpose, we and our advertising companies may record the pages you visit on our web site through the use of pixel tags (also called clear gifs).

## Reasonable Efforts

We will use reasonable efforts to comply with this privacy policy and will take prompt corrective action when we learn of any failure to comply with our privacy policy. We sometimes release beta versions of our products and services, which are further refined before the release of the final version. Because these products and services are still in a test phase, we may not always catch an unintended privacy issue, despite our efforts to do so. As such, we welcome user feedback on any privacy concerns you may have. In light of the above and because of the complex and constantly changing nature of our technology and business, skyrocket does not guarantee error-free performance under this privacy policy. To the extent permissible under law, skyrocket shall not be liable for any incidental, consequential or punitive damages relating to this privacy policy.

## Corrections and Updates

If you have any questions or comments about this policy, or wish to delete, modify or update any information skyrocket has received, please contact [help@modtones.com](mailto:help@modtones.com).

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## Modifications of the Privacy Policy