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## JUDGE RULES IN FAVOR OF MEDIAWHIZ AND OTHER EMAIL MARKETERS

Decisive Victory Reaffirms Email Marketing Industry Best Practices

FORT LAUDERDALE, FL and NEW YORK, NY / November 27, 2006 – A California Superior Court judge has ruled in favor of MediaWhiz division WhiteDelivery (formerly Global Resource Systems) and four other defendants, rejecting all of the plaintiff's claims including an allegation that the defendants' practices constituted unsolicited email. The ruling underscores the commitment of the defendants to operate in accordance with email marketing industry best practices.

Judge Neal Cabrinha ruled against plaintiff Infinite Monkey, which purchased domain names, redirected email sent to those domain names to Infinite Monkey, and subsequently filed lawsuits for the alleged receipt of unsolicited emails. The judge found that the plaintiff is not a "recipient" under the California statute on unsolicited commercial email, because the emails "were not intended for plaintiff." The judge also ruled on October 30 that Infinite Monkey's business was not impeded, because its servers were set up for the sole purpose of capturing allegedly unsolicited email.

Finally and perhaps most importantly, the judge rejected Infinite Monkey's claims for unlawful business practices and unlawful advertising practices, finding that the company did not suffer any actual damage.

"As a leading email marketing company that is committed to following industry best practices and maintaining stringent compliance measures, we are very pleased that the court's decision found in favor of our business model," stated Yannick Tessier, co-president, MediaWhiz and founder of WhiteDelivery, a leading provider of interactive performance marketing solutions.

## **About WhiteDelivery**

WhiteDelivery (formerly Global Resource Systems) is a leader in performance based email marketing leveraging compliance, best practices and reputation to achieve measurable results. The company's List Management service helps clients grow and monetize their database while also providing important *transactional message delivery*. Furthermore, the Email Service Provider (ESP) service offers an email delivery platform featuring real-time reporting, delivery monitoring and targeting. The complete suite of WhiteDelivery email marketing services enables clients to find and retain profitable customer relationships.

## **About MediaWhiz**

MediaWhiz is a rapidly growing provider of performance-based online marketing services, offering an integrated suite of programs including affiliate marketing, lead generation, e-mail marketing and search marketing. Through acquisitions and organic growth, MediaWhiz is establishing a leading position in the highly fragmented online advertising business. Unlike traditional advertising agencies that profit from their clients' overall "spend," the MediaWhiz model is based on generating measurable results for advertisers, using proprietary best-of-breed technologies. MediaWhiz was founded in 2001. In April 2006, MediaWhiz merged with interactive marketing services company Global Resource Systems (GRS) to form one of the largest providers of online performance marketing services. Lake Capital, a private equity firm that invests in growing services companies, first invested in MediaWhiz in August 2005 and provided further growth capital for the GRS acquisition. More information about MediaWhiz is available at www.mediawhiz.com.