

ACCEPTABLE USE POLICY

This Acceptable Use Policy (“AUP”) describes actions that TEN DIGIT Communications LLC (“TEN DIGIT”) prohibits when a Customer uses its text message enabling services (“Services”). The Customer acknowledges and agrees that TEN DIGIT may revise this policy from time to time at its sole discretion, with any such modifications effective when the revised AUP is posted at www.tendigitcommunications.com. It is Customer’s responsibility to review this AUP frequently and remain informed about any changes to it. Our Standard Terms and Conditions of Service govern this AUP, and all undefined terms herein shall be as defined in that schedule. TEN DIGIT is not a telecommunications or information services provider. TEN DIGIT does not transmit or route Short Message Services (“SMS”) or text messages but does so through its valued vendor partners. TEN DIGIT allows the Customer to enable telephone numbers, for which it has sole authority to use or otherwise employ, for texting. Regardless, TEN DIGIT may, at its sole discretion, determine whether the Customer is in violation of this AUP. The Services may be used only for lawful purposes and may not be used for any illegal activities. As specified below, TEN DIGIT maintains the position that using the Services in an illegal, abusive or any other manner that interferes with or diminishes others' use and enjoyment of the Services is prohibited.

The following list gives examples of illegal, abusive, interfering or otherwise unacceptable or inappropriate behavior while using the Services. This list is provided by way of example and shall not be considered exhaustive.

- Adversely impacting the availability, reliability, or stability of TEN DIGIT's Services.
- Launching or facilitating, whether intentionally or unintentionally, a denial of service attack on any of TEN DIGIT's Services.
- Attempting to bypass or break any security mechanism on any of the Services or using the Services in any other manner that poses a security or service risk to TEN DIGIT, to any user of our Services, or to any of our, or their, respective customers or vendors.
- Using the Services in any manner that may subject us or any third party to liability, damages or danger.
- Using TEN DIGIT's Services with credentials that do not belong to the Customer or intentionally or unintentionally allowing others to use TEN DIGIT credentials.
- Engaging in fraud with respect to the Customer account.

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- Using the Customer account to engage in fraudulent activity with respect to third parties or otherwise using the Customer account to bypass phone identification systems such as those by classified advertising websites.
- Using any of the TEN DIGIT Properties or TEN DIGIT Marks other than as expressly permitted in the Standard Terms and Conditions of Service.
- Transmitting any material that may infringe the intellectual property rights or other rights of third parties, including but not limited to trademark, copyright or rights of publicity or otherwise violating, infringing, or misappropriating the rights of any third party.
- Engaging in spamming or other unsolicited advertising, marketing or other activities, including, without limitation, any activities that violate anti-spamming laws and regulations such as the Telecommunications Consumer Protection Act and the CAN-SPAM Act.
- Using the Services in connection with any unsolicited or harassing messages (commercial or otherwise) including but not limited to unsolicited or unwanted SMS or text messages.
- Use of TEN DIGIT Services in a manner that is not designed to enhance or augment the person-to-person nature of text communications.
- Promoting or engaging in illegal activities
- Engaging in activities or transmitting through the Services any information that may be libelous or defamatory or otherwise malicious or harmful to any person or entity, or discriminatory based on race, sex, religion, nationality, disability, sexual orientation, or age.
- Harvesting or otherwise collecting information about others, including email addresses or phone numbers, from TEN DIGIT's website without its express consent.
- Creating a false identity or forged email address or header, or phone number, or otherwise attempting to mislead others as to the identity of the sender or the origin of a message using the Customer account.

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- Transmitting any material that contains viruses, trojan horses, worms or any other malicious, harmful, or deleterious programs.
- Violating or facilitating the violation of any U.S. or foreign law regarding the transmission of technical data or software or interfering with or disrupting networks connected to the Services or violating the regulations, policies or procedures of such networks.

Violation of this AUP may result in the immediate suspension or termination of the Customer account, civil and/or criminal liability. TEN DIGIT may, in addition to any remedy that it may have at law or in equity, terminate permission for Customer to use the Services. In such event, the Customer is still liable for any and all outstanding charges accumulated through the Customer use of the Services, including uses in violation of this AUP or the laws of any jurisdiction. In addition, TEN DIGIT may investigate incidents that are contrary to this AUP and provide requested information to third parties who have provided notice to TEN DIGIT stating that they have been harmed by the Customer's failure to abide by this AUP. TEN DIGIT's failure to enforce this policy in each and every instance in which it might have application does not amount to a waiver of TEN DIGIT's rights hereunder.