

# Buchalter Nemer Fields & Younger

A Professional Law Corporation

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June 11, 2004

Hypertouch, Inc.  
c/o James Wagner  
359 Port Royal Avenue  
Foster City, CA 94404

Re: Notification to Cease and Desist

Dear Mr. Wagner:

This firm is counsel to Discover Financial Services, Inc. Demand is hereby made that you and Hypertouch, Inc. (collectively, "Hypertouch") immediately cease and desist posting on Hypertouch's website the "Online Promotion Agreement" (or any other written agreements) entered into between Leapfrog Online Customer Acquisition, LLC ("Leapfrog") and Discover Financial Services, Inc. ("Discover"). Should you fail to comply with this requirement, Discover may seek injunctive relief, as well as any and all applicable legal and equitable remedies, including monetary damages, against you and Hypertouch based upon your misappropriation of Discover's confidential and proprietary information.

As you are well aware, the Online Promotion Agreement has a confidentiality clause which prohibits the dissemination of, among other things, Discover's financial information, trade secrets, business practices, and marketing information and material. Additionally, it prohibits the disclosure of the existence or nature of the relationship between Discover and Leapfrog. By posting this agreement on Hypertouch's website, you are continuously disseminating proprietary and confidential information to the public in violation of the agreement.

Discover hereby demands that you remove the Discover- Leapfrog Agreement from your website; that you destroy all copies of the agreement that are in your possession; that you obtain and destroy all copies of the agreement that you gave to third parties; and that you confirm in writing within ten (10) days from the date of this letter that you have done all of the foregoing.

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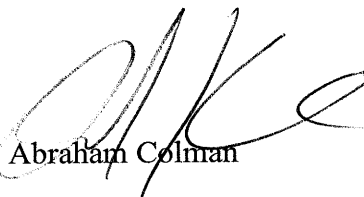
Hypertouch, Inc.  
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We trust that further communication with you will not be necessary. Rest assured, however, that if your improper conduct persists, it will be at your peril and appropriate legal action may be taken against you. We trust that you will use good judgment and guide yourself accordingly. Thank you for your attention to this matter.

Very truly yours,

BUCHALTER, NEMER, FIELDS & YOUNGER  
A Professional Corporation

By



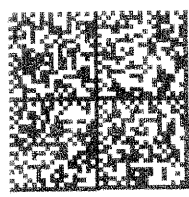
Abraham Colman

cc: Discover Financial Services, Inc.

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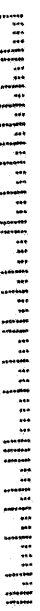


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