

## Spyware Warrior

Waging the war against spyware.

<http://www.spywarewarrior.com>

20 March 2005

Sara Edelman  
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### **Re: DirectRevenue LLC**

Ms. Edelman:

I received a letter from you on Friday March 18 regarding the listing of MyPCTuneUp.com on the "Rogue/Suspect Anti-Spyware" page ([http://www.spywarewarrior.com/rogue\\_anti-spyware.htm](http://www.spywarewarrior.com/rogue_anti-spyware.htm)). That letter followed a previous letter to Andrew Clover of doxdesk.com, a copy of which I received on March 16. It has always been my policy to review requests from vendors to correct information and listings on the "Rogue/Suspect" page and to make corrections where good information suggests they are warranted. Indeed, a cursory review of the "Rogue/Suspect" page clearly demonstrates a documented history of making such corrections -- see:

De-Listed Applications

[http://www.spywarewarrior.com/rogue\\_anti-spyware.htm#de-listed](http://www.spywarewarrior.com/rogue_anti-spyware.htm#de-listed)

In your letter of March 18 you protested what you characterized as the "misrepresentation of DirectRevenue's software removal tool" by the "Rogue/Suspect" page. Further, you claimed that my web page's "statements misinform end users," though it should be noted that never once did you point to a specific statement on the "Rogue/Suspect" that supplied false, erroneous, or misleading information, nor did you ever provide evidence or reasons to establish that any particular statement misrepresented DirectRevenue's software removal tool or misinformed users in any way. Still worse, you failed to establish even that Andrew Clover had supplied false information on his web page at <http://www.doxdesk.com/parasite/rogues.html>.

Despite this serious failing, I have nonetheless conducted a standard review of the MyPCTuneUp software removal tool. My limited testing indicates that the MyPCTuneUp software removal tool does indeed remove DirectRevenue's software. Moreover, as it has never been the policy of the "Rogue/Suspect" page to list vendor-supplied uninstallers for advertising software programs, the MyPCTuneUp removal tool has been de-listed from the "Rogue/Suspect" page.

As explained in this discussion on Spyware Warrior...

De-listed Rogue Anti-spyware Apps  
<http://spywarewarrior.com/viewtopic.php?t=8084>

...we follow an established procedure for de-listing programs from the "Rogue/Suspect" list:

When we de-list an application, we add a note at the bottom of the main Rogue/Suspect list explaining the problems that originally caused us to list the application as well as the reasons for de-listing the application. An entry for the application is left in the main list itself, but that entry merely points to the explanatory note at the bottom of the list. We keep that entry with the pointer to the note so that visitors to the page won't miss the note and erroneously assume that we either don't know about the program or that we endorse its use.

We have followed that same procedure in this case as well. The entry for MyPCTuneUp now contains a pointer link to a note in the "De-Listed Applications" section:

Note on MyPCTuneUp  
[http://www.spywarewarrior.com/rogue\\_anti-spyware.htm#mypctuneup\\_note](http://www.spywarewarrior.com/rogue_anti-spyware.htm#mypctuneup_note)

In light of your apparent penchant for making unsubstantiated charges, let me review the particular statements and claims made in that note:

***"MyPCTuneUp.com offers an uninstaller utility"***

I trust you will have no objections to this statement, as it forms the very basis of your own letter to me.

***"for advertising software (i.e., 'adware')"***

The MyPCTuneUp.com home page describes the applications that its uninstaller removes as "Advertising Software programs" (<http://www.mypctuneup.com/>). The term "adware" is a widely accepted synonym for "advertising software."

***"installed by or from DirectRevenue."***

Again, this is the very basis of your letter to me. Further, the MyPCTuneUp.com home page clearly bills its uninstaller as a removal tool for "BestOffers, BetterInternet, Ceres, LocalNRD, MSView, MultiMPP, MXTarget, OfferOptimizer, Twaintec, and some others" (<http://www.mypctuneup.com/>).

***"MyPCTuneUp was originally listed on these pages because of concerns regarding its connection with DirectRevenue"***

The connection between DirectRevenue and MyPCTuneUp is asserted in the first paragraph of your letter to me, in which you point to "DirectRevenue's software removal tool located at [www.mypctuneup.com](http://www.mypctuneup.com/)."

***"— a company whose software is targeted by reputable anti-malware vendors —"***

That your client's software is targeted as "malware," "grayware," "spyware," or "adware" by major, respected anti-malware software providers cannot be doubted by any reasonable person, given that such vendors offer prominent, publicly accessible write-ups about your client's software on their research web sites. A few examples should suffice:

McAfee - Adware-BetterInet  
[http://vil.nai.com/vil/content/v\\_100829.htm](http://vil.nai.com/vil/content/v_100829.htm)

McAfee - Adware-abetterintrnt.dllr  
[http://vil.mcafeesecurity.com/vil/content/v\\_130246.htm](http://vil.mcafeesecurity.com/vil/content/v_130246.htm)

Computer Associates - ABetterInternet  
<http://www3.ca.com/securityadvisor/pest/pest.aspx?id=453076992>

Symantec - Adware.BetterInternet  
<http://securityresponse.symantec.com/avcenter/venc/data/adware.betterinternet.html>

TrendMicro - ADW\_ABET.ACC  
[http://www.trendmicro.com/vinfo/grayware/graywareDetails.asp?SNAME=ADW\\_ABET.ACC](http://www.trendmicro.com/vinfo/grayware/graywareDetails.asp?SNAME=ADW_ABET.ACC)

TrendMicro - ADW\_TRANSPOND.A  
[http://www.trendmicro.com/vinfo/grayware/graywareDetails.asp?SNAME=ADW\\_TRANSPOND.A](http://www.trendmicro.com/vinfo/grayware/graywareDetails.asp?SNAME=ADW_TRANSPOND.A)

Should you require more examples, I would be happy to offer them.

***"and because the MyPCTuneUp uninstaller uses a Transponder component program ('thinstaller'/'thunst.exe'),"***

The MyPCTuneUp program executes several programs, including a standard Wise uninstaller and a program ("thunst.exe") that is quite clearly a Transponder component peculiar to DirectRevenue.

***"which transmits a good deal of system information to its controlling server (thinstall.abetterinternet.com) when uninstalling DirectRevenue's advertising software."***

Although MyPCTuneUp's "Privacy Policy" claims that it "does not collect any personally identifiable information," it does admit that "MyPCTuneUp collects certain types of non-personally identifiable information about individuals who install the Software" (<http://www.mypctuneup.com/privacy.php>). Some of the information collected and transmitted includes system configuration information, presumably so that the MyPCTuneUp uninstaller can identify particular DirectRevenue components for removal. This behavior is documented by Ben Edelman (<http://www.benedelman.org/news/120704-1.html>).

***"Thinstaller' software is also capable of transmitting data about competing advertising programs and anti-malware programs that may be installed on the user's hard drive."***

Again, this functionality is clearly documented by Ben Edelman and others. Moreover, one of the MyPCTuneUp components ("thunst.exe") clearly contains XML data indicating that the program can detect and remove competing advertising programs as well as anti-malware utilities from such companies as Computer Associates and McAfee. I would be happy to supply you a copy of that XML data, should you need to verify this claim.

***"Indeed, DirectRevenue's software has been known to remove other software from users' PCs."***

Again, I see little chance that any serious thinking person could deny such a claim. Ben Edelman supplies a handy digest of news stories and related documents in his write-up of the legal dispute between your client and AvenueMedia (<http://www.benedelman.org/news/120704-1.html>). Moreover, I observed such behavior myself in my own software testing late last year.

***"Limited testing with the MyPCTuneUp uninstaller indicates that it does remove DirectRevenue's software."***

In my testing of the MyPCTuneUp uninstaller on March 20, 2005, I observed it remove the ceres.dll advertising Browser Helper Object (and related files) from a PC on which DirectRevenue's advertising software had been installed as part of a software package from ABetterInternet.com.

***"Moreover, as it has never been the policy of this page to list vendor-supplied uninstallers for advertising software programs,"***

Look carefully at the "Rogue/Suspect" page and you will notice that it does not list vendor-supplied uninstallers for any other advertising program.

***"we can no longer justify listing the MyPCTuneUp uninstaller in the main 'Rogue/Suspect' list."***

As noted earlier, when we de-list an application from the "Rogue/Suspect" page, we follow a standard procedure, and I trust that DirectRevenue would not ask to be treated in any different fashion from the other vendors with whom we have cooperated. As also noted above, we are happy to correct errors when they are pointed out. If you believe any of the information supplied in the "Note on MyPCTuneUp" to be erroneous, please specify the particular statements that you consider problematic and offer clear reasons and good evidence to support your claims.

Regarding your allegation that statements on the "Rogue/Suspect" page "significantly damage DirectRevenue and interfere with its relationships with business partners and end users," I can only respond that if truthful information (and you have not established any statement on

Ms. Sara Edelman  
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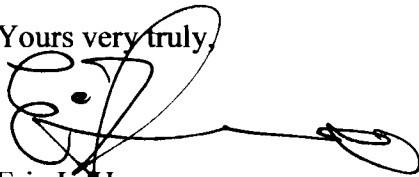
5

SpywareWarrior.com as false) interferes with your client's business, then your client needs to change its business practices, and it is your duty as counsel to inform your client of that.

Before closing, I would urge both you and your client to meditate seriously on the action taken just two years ago by the Attorney General of the State of New York against Network Associates (<http://www.oag.state.ny.us/internet/litigation/networkassoc.pdf>). In taking that action the Attorney General decried Network Associates' attempts to "to chill and censor public speech and debate about its products" ([http://www.oag.state.ny.us/press/2002/feb/feb07a\\_02.html](http://www.oag.state.ny.us/press/2002/feb/feb07a_02.html)).

Spyware Warrior seeks only to offer consumers and citizens useful information about advertising software and the "anti-spyware" products available to remove such programs. Although we are always happy to correct information that is proven to be in error, Spyware Warrior will not hesitate to avail itself of any and all legal remedies to defend its right to publish such information, including but not limited to the State of California's "anti-SLAPP" law (see "Code of Civil Procedure," Section 425.10-425.16 at <http://caselaw.lp.findlaw.com/cacodes/ccp/425.10-425.16.html>), a statute which provides for strong penalties against those who seek to intimidate critics into silence.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Eric L. Howes', with a long horizontal flourish extending to the right.

Eric L. Howes  
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