

Privacy Notice

Access Mobility, Inc. ("Cellepathic", "We", "Us", "Our") values the privacy of our members, customers, advertisers and others (collectively or individually "Members", "You", "Users") who use our couponing and mobile applications, www.Cellepathic.com, and other web sites, services, and content (e.g., widgets, feeds, and applications) owned or operated by Access Mobility, Inc. (the "Cellepathic Services"). This Privacy Notice governs the Cellepathic Services.

Please manage your own mobile and profile privacy preferences on Cellepathic, on an ongoing basis.

GENERAL INFORMATION:

This Privacy Policy details important information regarding the use and disclosure of Member information collected through Cellepathic Services. Cellepathic provides this Privacy Notice to assist you in making an informed decision about whether to use or continue using Cellepathic Services.

This Privacy Policy and any personal information you provide to Cellepathic, is part of and subject to the Cellepathic Terms of Use.

IMPORTANT DISCLOSURES AND CONSENTS:

To use Cellepathic from a mobile device requires the Member to at least have SMS text messaging capabilities. Standard messaging charges, fees, and taxes from your carrier may apply.

Cellepathic matches your identified interests and preferences with corresponding and available coupons, advertising and information; then delivers those matches to your mobile device at your prescribed time(s) and location. These are primarily delivered to you through SMS text messages through your mobile device. This contact will be made based on the proximate vicinity of the offer and your indicated preferences of zip code and/or radius and/or address.

In order to subscribe to Cellepathic Services, you must agree and consent to: (a) receive text messages and (b) pay carrier messaging, & other fees resulting from Cellepathic usage.

Cellepathic defaults your privacy settings to provide the most conservative security settings. You may change the settings to suit your preferences; changing these settings is easy – manage your preferences through the Cellepathic.com Web site or your mobile device.

THE INFORMATION CELLEPATHIC COLLECTS:

"REGISTRATION INFORMATION": When you register as a member of Cellepathic, we ask you to provide us with specific personal information such as; your name, zip code, email address, mobile phone number, mobile phone carrier and date of birth. This is the minimum information requirement to become a member of Cellepathic.

"PREFERENCE INFORMATION" We ask you to provide various shopping, services and activity preferences as well as "time slots" and day(s) of the week to receive mobile coupons. This information, although helpful, is not required to obtain or maintain membership and you can add, edit or delete this information at any time.

MOBILE DEVICE IDENTIFICATION INFORMATION. When you activate and connect to Cellepathic using your mobile device, your service provider may identify the device; if so, Cellepathic will receive this information. Certain Cellepathic services will require that we automatically collect the phone number for your device. In addition, through the use of your mobile device, we may collect your phone number and/or name. We may associate that information to the mobile device identification information and to other information we have collected from you.

"COOKIES, PERSISTENT FILE INFORMATION": When you use Cellepathic on your computer, we may send one or more cookies (small text files containing a string of alphanumeric characters) to your computer. Cellepathic may use both session cookies and persistent cookies. A session cookie will disappear from your computer after you close your browser. A persistent cookie will remain after you close your web browser. We may use the persistent cookie during your subsequent visits to the Cellepathic Web site. Persistent cookies set by the Cellepathic Web site can be removed. Please review your web browser "Help" file to learn the proper way to modify your cookie settings.

USER COMMUNICATIONS – If you send an email or other communications to Cellepathic, we may keep those communications to process your inquiries or respond to your requests.

OTHER SITES – This Privacy Policy applies only to Cellepathic. We do not exercise control over sites that our links may take you. These other sites may place their own cookies or other files on your computer, collect data or solicit personal information from you. Please see their privacy policies.

THE WAY CELLEPATHIC USES INFORMATION:

Cellepathic uses the information you provide in your personal registration, profile and preferences to operate, maintain, and provide you and other Members all the features and functionality of Cellepathic.

Cellepathic uses your personal registration, profile, preferences, location, and certain non-personal information (such as anonymous log file information) to track and analyze trends in order to improve the quality, performance and design of Cellepathic as well as to create new features, promotions, functionality, and services.

Cellepathic uses cookies in conjunction with log file information to: (a) retain information minimizing your need to re-enter it during your visit or the next time you visit; (b) provide personalized content, advertisements, and information; (c) measure the success of marketing campaigns; and (d) monitor aggregate usage metrics.

Cellepathic will occasionally use your email address or mobile number for administrative and/or non-marketing purposes such as sending notices related to privacy and/or security, major Cellepathic services changes, and/or customer service purposes.

Cellepathic may share with third parties certain pieces of **aggregated, non-identifying information**, such as the number of times particular coupons/advertisements were clicked or the number of Members who have certain preferences. **This information does not identify you individually or any other member individually.**

Cellepathic will not use your personal information or location information to send unrequested commercial or marketing **SMS text messages or email messages** to you without your express consent unless you have opted-in to be part of a specific program, feature or functionality applicable to the Cellepathic Services consent procedures.

WHEN CELLEPATHIC DISCLOSES INFORMATION:

Cellepathic may disclose some personally identifiable, registration, profile, or location information to subsidiaries, affiliated companies, or other businesses or persons for the sole purpose of providing certain features and functionality of Cellepathic.

Cellepathic may disclose some personally identifiable, registration, profile, or location information to deliver relevant advertisements and for processing such information on our behalf. As an example, we may disclose information to a messaging aggregator for the purpose of delivering (serving) SMS text message to your mobile device with requested coupons, or we may disclose certain information for the purpose of revenue recognition. We require these parties agree to process such information complying with our privacy policy. We use reasonable efforts to limit their use of such information, and we require these parties to use any other appropriate confidentiality and security measures they deem appropriate.

Cellepathic discloses aggregated, anonymous log files and usage information in reports to interested third parties to assist those parties in understanding the usage patterns and performance results of certain advertisements, content, services, promotions, or features. For example, we may provide aggregate-level reports to an advertising partner for the purpose of showing delivery and performance statistics of a specific advertising campaign or offer.

Cellepathic may release personally identifiable, registration, profile, or location information if required to do so by law, or in the good-faith belief that such action is necessary to comply with state and federal laws or respond to a court order, subpoena, or search warrant.

Cellepathic also reserves the right to disclose personally identifiable, registration, profile, or location information that Cellepathic believes, in good faith, is appropriate or necessary to: enforce our Terms of Use; take precautions against liability; protect Members from fraudulent, abusive, or unlawful uses; investigate and defend ourselves against any third-party claims or allegations; assist government enforcement agencies; protect the security or integrity of the Cellepathic Services; or protect the rights, property, or personal safety of Cellepathic, Members, or others.

Cellepathic does not share your personally identifiable information or personally-identifiable location information with other, third-party companies for their commercial or marketing use without your express consent or unless you have opted-in to be part of a specific program or feature in accordance with the applicable Cellepathic Services consent procedures.

YOUR CHOICES:

You may update, correct, or disable your privacy settings and profile information at any time via the Cellepathic **Web site**. To protect your privacy and security, we take reasonable steps to verify your identity before granting you profile access or making corrections. You are responsible for maintaining the secrecy of your unique password and account information at all times.

OUR COMMITMENT TO DATA SECURITY:

Cellepathic uses commercially reasonable physical, managerial, and technical safeguards. We cannot, however, ensure or warrant the security of any information that Cellepathic receives on your behalf to operate the Cellepathic Services or that you transmit to Cellepathic and you do so at your own risk. We also cannot guarantee that such information may not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical, or managerial safeguards.

We restrict access of personal information to Cellepathic employees, contractors and agents who need to know that information in order to operate, develop or improve our services. These individuals are bound by confidentiality obligations and may be subject to discipline, including termination and criminal prosecution, if they fail to meet these obligations.

If Cellepathic learns of a security systems breach; we may attempt to notify you electronically so that you can take appropriate protective steps. Cellepathic may post a notice on the Cellepathic Services web site if a security breach occurs. Depending on where you live, you may have a legal right to receive notice of a security breach in writing.

OUR COMMITMENT TO CHILDREN'S PRIVACY:

Protecting the privacy of young children is particularly important to Cellepathic. For that reason, Cellepathic does not knowingly collect or maintain personally identifiable information on the Cellepathic Services from persons under 14 years-of-age, and no part of Cellepathic Services is directed to persons under 14. **IF YOU ARE UNDER 14 YEARS OF AGE, THEN PLEASE DO NOT USE OR ACCESS THE CELLEPATHIC SERVICES AT ANY TIME OR IN ANY MANNER.** If Cellepathic learns that personally-identifiable information of persons less than 14-years-of-age has been collected on the Cellepathic Services without verifiable parental consent, then Cellepathic will take the appropriate steps to delete this information. If you are a parent or guardian and discover that your child under the age of 14 has obtained a Cellepathic account, then you may alert Cellepathic at info@cellepathic.com and request that Cellepathic delete that child's personal information from our systems.

INTERNATIONAL VISITORS:

Cellepathic is hosted in the United States and is intended for United States residents and visitors. If you are using the Cellepathic Services from the European Union or other regions with laws governing data collection and use that may differ from U.S. law, then please note that you are transferring your personal data to the United States and by providing your personal data you consent to that transfer.

IN THE EVENT OF MERGER, SALE, OR BANKRUPTCY:

In the event that Cellepathic is acquired by or merged with a third party entity, we reserve the right, in any of these circumstances, to transfer or assign the information we have collected from our members as part of such merger, acquisition, sale, or other change of control so that Cellepathic can continue operations. In the unlikely event of our bankruptcy, insolvency, reorganization, receivership, or assignment for the benefit of creditors, or the application of laws or equitable principles affecting creditors' rights generally, we may not be able to control how your personal information is treated, transferred, or used. You will be notified via notice through the Cellepathic Services of any such change in ownership or control of your personally identifiable

information.

CHANGES AND UPDATES TO THIS PRIVACY NOTICE:

This Privacy Notice may be revised periodically without further notice to you and this will be reflected by the "last modified" notice below. Please revisit this page to be aware of any changes. In general, we only use your personal information in the manner described in the Privacy Notice in effect when we received that personal information. Your continued use of Cellepathic constitutes your agreement to this Privacy Notice and any future revisions. If we decide to change our privacy policies, then we will post those changes to this Privacy Notice, and other places we deem appropriate so that you are aware of what information we collect, how we use it, and under what circumstances, if any, we disclose it.

For revisions to this Privacy Notice that may be materially less restrictive on our use or disclosure of personal information you have provided to us, we will make reasonable efforts to notify you and obtain your consent before implementing such revisions with respect to such information. If we make such material changes to this policy, then we will notify you here in this Privacy Notice, by email, or by means of a notice on the Cellepathic home page.

EFFECTIVE DATE, DATE LAST MODIFIED:

Cellepathic Privacy Notice effective as of April 20, 2009.

Cellepathic Privacy Notice last modified:

CONTACT INFORMATION:

If you have questions or concerns regarding this statement, you should contact our Privacy Manager at info@cellepathic.com.

PLEASE CONTACT OUR PRIVACY MANAGER AT info@cellepathic.com OR BY POSTAL MAIL AT: Access Mobility, Inc., 6700 W. Snowville Rd. Brecksville, OH 44141 WITH ANY QUESTIONS OR COMMENTS ABOUT THIS PRIVACY NOTICE. WE WILL RESPOND TO YOUR INQUIRY WITHIN 30 DAYS OF ITS RECEIPT.

Your use of the Cellepathic Service is subject to [Terms of Use](#) & [Privacy Notice](#).