

April 16, 2015

**VIA CERTIFIED MAIL**

New Hampshire Department of Justice  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301  
Attn: Joseph Foster

Re: Notification of Security Incident

Dear Attorney General Foster:

On behalf of our client, Sweaty Bands, LLC, we are writing to notify you that on March 18, 2015, Sweaty Bands learned that an unidentified criminal not employed by or affiliated with Sweaty Bands obtained unauthorized access to the servers hosting the payment processing software for its website at [www.sweatybands.com](http://www.sweatybands.com) and was able to use malicious code to acquire personal information about certain customers of Sweaty Bands, including three residents of New Hampshire. The personal information acquired by the criminal for each customer was the name, address, telephone number, credit card number, expiration date, and verification code. Sweaty Bands does not store credit card information, but the criminal was able to capture the information during the transaction processing. On or about April 17, 2015, Sweaty Bands will send a notification in the form of Exhibit A to affected customers.

The malicious code was operating on the servers from March 14 through March 18, 2015. An investigation has been ongoing since March 18, 2015 to understand the scope and details of the attack.

Upon learning of this incident, Sweaty Bands worked with a third-party information technology company to remove the malicious software and implement software solutions that will remedy the vulnerability. Furthermore, Sweaty Bands is implementing two-factor authentication in portions of its network and other controls that will reduce an attacker's ability to exploit any portion of Sweaty Bands' network.

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Please contact me with any questions or concerns.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Frances Floriano Goins".

Frances Floriano Goins

562/39753.009/1161568.v1

Enclosure

CERTIFIED MAIL RETURN  
RECEIPT REQUEST NO. 7005 1160 0004 5871 9471

**Exhibit A**

Sweaty Bands, LLC  
621 Wilmer Avenue  
Cincinnati, Ohio 45226

April \_\_, 2015

Dear [Mr. / Mrs. \_\_\_\_\_]:

Over the past seven years we have worked hard to create a great business that creates great products that make people happy, and that is why it disappoints us to notify you that a computer incident on [www.sweatybands.com](http://www.sweatybands.com) has compromised your personal information. We are taking this incident very seriously.

On March 18, 2015, we learned that an unauthorized person gained access to the servers hosting our website's payment processing software and installed malicious code on our systems that was able to access customers' personal information. That information was your name, address, telephone number, credit card number, expiration date, and verification code. We do not store credit card information, but the criminal was able to capture the information during the transaction processing. The malicious code was operating on the servers from March 14 through March 18, 2015. There has been a continuing investigation since March 18, 2015 to understand the scope and details of the attack. Note that this notification was not the result of any law enforcement investigation.

Upon learning of this incident, we worked with a third-party information technology company to remove the malicious software and implement software solutions that would remedy the vulnerability. Furthermore, we are implementing two-factor authentication in portions of our network and other controls that will reduce an attacker's ability to exploit our network.

We are contacting you to make you aware of this event and advise as to how you can reduce the risk that your information may be misused. Please review the attachment to help protect your information against misuse.

We are sorry that this happened and will continue to implement changes for protecting your information. If you have any questions about this notice, please contact Sweaty Bands at (513) 871-1222 or toll-free at 1-800-282-3078.

Sincerely,

Douglas Browning  
CEO

## **Information about Identity Theft Prevention**

It is recommended that you remain vigilant for any incidents of fraud or identity theft by regularly reviewing credit card account statements, financial statements, and your credit report for unauthorized activity. You may obtain a free copy of your credit report every twelve months from each of the following national consumer reporting agencies or from the Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281, 1-877-322-8228, [www.annualcreditreport.com](http://www.annualcreditreport.com):

**Equifax:** P.O. Box 105139, Atlanta, Georgia 30348, 1-800-685-1111, [www.equifax.com](http://www.equifax.com)

**Experian:** P.O. Box 2002, Allen, TX 75013, 1-888-397-3742, [www.experian.com](http://www.experian.com)

**TransUnion:** P.O. Box 6790, Fullerton, CA 92834-6790, 1-800-916-8800, [www.transunion.com](http://www.transunion.com)

You can obtain information from the consumer reporting agencies, the **Federal Trade Commission (FTC)**, or your respective state Attorney General about steps you can take toward preventing identity theft. You may report suspected identity theft to local law enforcement, the FTC, or your respective Attorney General. The FTC may be contacted at FTC, **Consumer Response Center**, 600 Pennsylvania Avenue, NW, Washington, DC 20580, 1-877-438-4338, [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft).

**For residents of Maryland:** You may also obtain information about preventing and avoiding identity theft from the Maryland Office of the Attorney General, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, 1-410-528-8662 (Consumer Protection Division) or 1-888-743-0023 (Main Number), [www.oag.state.md.us](http://www.oag.state.md.us).

**For residents of North Carolina:** You may also obtain information about preventing and avoiding identity theft from the North Carolina Attorney General's Office, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-566-7226, [www.ncdoj.gov](http://www.ncdoj.gov).

**Fraud Alerts:** There are also two types of fraud alerts that you can place on your credit report to put your creditors on notice that you may be a victim of fraud: an initial alert and an extended alert. You may ask that an initial fraud alert be placed on your credit report if you suspect you have been, or are about to be, a victim of identity theft. An initial fraud alert stays on your credit report for at least 90 days. You may have an extended alert placed on your credit report if you have already been a victim of identity theft with the appropriate documentary proof. An extended fraud alert stays on your credit report for seven years. You can place a fraud alert on your credit report by calling the toll-free fraud number of any of the three national consumer reporting agencies listed below.

**Equifax:** 1-800-525-6285, [www.equifax.com](http://www.equifax.com)

**Experian:** 1-888-397-3742, [www.experian.com](http://www.experian.com)

**TransUnion:** 1-800-680-7289, [www.transunion.com](http://www.transunion.com)

**Credit Freezes:** You may have the right to put a credit freeze, also known as a security freeze, on your credit file, so that no new credit can be opened in your name without the use of a PIN number that is issued to you when you initiate a freeze. A credit freeze is designed to prevent

potential credit grantors from accessing your credit report without your consent. If you place a credit freeze, potential creditors and other third parties will not be able to get access to your credit report unless you temporarily lift the freeze. Therefore, using a credit freeze may delay your ability to obtain credit. In addition, you may incur fees to place, lift and/or remove a credit freeze. Credit freeze laws vary from state to state. The cost of placing, temporarily lifting, and removing a credit freeze also varies by state, generally \$5 to \$20 per action at each credit reporting agency. *Unlike a fraud alert, you must separately place a credit freeze on your credit file at each credit reporting agency.* Since the instructions for how to establish a credit freeze differ from state to state, please contact the three major consumer reporting agencies as specified below to find out more information:

**Equifax:** P.O. Box 105788, Atlanta, GA 30348,

[https://www.freeze.equifax.com/Freeze/jsp/SFF\\_PersonalIDInfo.jsp](https://www.freeze.equifax.com/Freeze/jsp/SFF_PersonalIDInfo.jsp)

**Experian:** P.O. Box 9554, Allen, TX 75013, [http://www.experian.com/consumer/security\\_freeze.html](http://www.experian.com/consumer/security_freeze.html)

**TransUnion:** P.O. Box 2000, Chester, PA, 19022-2000, <http://www.transunion.com/securityfreeze>

You can obtain more information about fraud alerts and credit freezes by contacting the FTC or one of the national consumer reporting agencies listed above.