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Westminster "spam king" settles Microsoft suit

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Scott Richter, dubbed the "Spam King" by numerous publications, will pay \$7 million to **Microsoft Corp.** to settle a December 2003 lawsuit.

Richter is the owner of **OptInRealBig.com** LLC, a Westminster-based online marketing firm that once sent 100 million e-mail messages a day.

In addition to paying the fine, Richter has agreed to stop sending spam e-mail without permission of the recipients. Richter has said he serves 120 advertisers ranging from small- and medium-sized businesses to Fortune 500 companies.

In April 2004, Richter and OptInRealBig.com agreed to pay \$40,000 in penalties and \$10,000 in investigative costs to settle a suit filed by New York Attorney General Eliot Spitzer, who alleged that the company violated the Controlling the Assault of Non-Solicited Pornography and Marketing Act (or CAN-SPAM) for allegedly sending illegal and deceptive e-mail messages.

Microsoft's lawsuit alleged that Richter and his company sent e-mail while helping affiliates send e-mail that contained Internet domain names and IP addresses that used pseudonyms and aliases with subject lines such as "fwd: we have to talk" and "re: your home loan."

Richter and OptInRealBig.com have denied the allegations, but he said his company already has changed its e-mailing practices because of litigation from Spitzer and Microsoft.

The settlement is conditioned upon dismissal of the bankruptcy cases filed in March by Richter and OptInRealBig at the U.S. Bankruptcy Court in Denver. Richter and his company also have agreed to submit to three years of oversight under the settlement.

Microsoft says it will use \$5 million of the \$7 million settlement to increase Internet security.

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