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'Known Vulnerability'

PlayStation Network Hack Questions Linger Even After Long Sony Q-and-A

Unanswered questions about the PlayStation Network hack lingered even after Sony executives concluded an 80-minute Q-and-A with reporters during an extraordinary Sunday news conference in Tokyo. Nearly a week after finally coming clean with PSN users to say they had shut the network down a week earlier upon discovering that subscribers' personal data had been stolen, executives at the news conference said they still couldn't rule out the possibility that credit card information also had been taken.

Why Sony can't say for sure whether credit card data was breached was one of 13 questions that the U.S. House Commerce Manufacturing Subcommittee leadership posed to Sony Deputy President Kazuo Hirai in a letter late Friday that requested answers within a week. The subcommittee scheduled a hearing for Wednesday to probe the threat of data theft to U.S. consumers, including the PSN breach. "Given the amount and nature of the personal information known to have been taken" in the PSN hack, "the potential harm that could be caused if credit card information was also taken would be quite significant," said the letter, signed by Subcommittee Chair Mary Bono Mack, R-Calif., and its ranking member, G.K. Butterfield, D-N.C. The letter was addressed to Hirai at Sony Computer Entertainment America offices in Foster City, Calif.

At the news conference, which Sony streamed live in Japanese and translated into English, Hirai said he personally hadn't received the letter from Mack and Butterfield but that Sony had downloaded it and was reviewing it. "We're trying our best to respond to the questions in good faith and in the most sincerest manner," Hirai said. He didn't say at the time whether he or other Sony representatives planned to appear at the subcommittee's hearing.

But Sony refused to testify at the hearing because of the company's ongoing investigation, Bono Mack spokesman Ken Johnson told us. The subcommittee insisted instead that Sony respond to their Friday letter before the hearing, Johnson said, and Sony has agreed to cooperate and provide answers by close of business Tuesday. While the hearing will tackle data theft issues broadly, the emphasis will be the recent PSN and Epsilon data breaches, Johnson said.

While Sony won't appear, FTC and U.S. Secret Service officials are scheduled to testify at Wednesday's hearing, according to a subcommittee majority memo. Witnesses are David Vladeck, director of the FTC Consumer Protection Bureau, and Pablo Martinez, deputy special agent in charge of the Secret Service Criminal Investigative Division. Justin Brookman, director of the Center of Democracy and Technology's Consumer Privacy Project, and Purdue University Center for Education and Research in Information Assurance and Security (CERIAS) Executive Director Gene Spafford are scheduled to testify on a second panel at the hearing. Additional witnesses may be added, the memo said. The hearing is at 9:30 a.m. in Room 2322, Rayburn House Office Building.

A forthcoming data security bill announced last week by Bono Mack will be based on legislation introduced last year (HR-2221, 111th Congress) by Rep. Bobby Rush, D-Ill., the majority memo said. Before introducing, Bono Mack plans to collect "comments through Subcommittee oversight and a relevant stakeholder process," the memo said. Johnson said to expect some changes to the bill reflecting the PlayStation incident and what the subcommittee learns at Wednesday's hearing. Rush, the former chairman of the subcommittee, said last week he planned to reintroduce HR-2221. Bono Mack hopes Rush will work with her, and she also plans to work with Butterfield, the subcommittee's ranking Democrat, Johnson said. Rush and Bono Mack aren't currently working together on one bill, but it's likely "collaboration will take place as the work ensues to reconcile the House bills with the Senate side," a Rush spokeswoman told us.

The upcoming House data security bill dates back to the 109th Congress, when Rep. Cliff Stearns, R-Fla., introduced the Data Accountability and Trust Act. It was reported out of the committee, but didn't move to the House floor. Rush reintroduced the bill in the 110th Congress, but it saw no committee action. Rush revived it again, with amendments, in the 111th Congress. The House passed HR-2221 by voice vote but the measure stalled in the Senate.

Sony thinks credit card information may not have been stolen because there's "no trace that the hacker went to read that part of the database," Chief Information Officer Shinji Hasejima told reporters at the Tokyo news conference. Hirai again repeated that there's "no evidence" credit card information had been taken, but that Sony couldn't rule it out. However, Sony has confirmed that three- and four-digit credit card ID verification codes were "not compromised," Hirai said. Hirai, with prompting from Hasejima, said credit card data in Sony's possession were encrypted, so were less prone to hacking than passwords, which were not encrypted. Minutes later, Hasejima corrected himself to say passwords, though not encrypted, were cryptographically "hashed." There's "a difference between these two types of security measures, which is why we said the passwords had not been encrypted," spokesman Patrick Sey-

bold said Monday on a PlayStation Blog posting. "But I want to be very clear that the passwords were not stored in our database in cleartext form."

Of the 78 million PSN accounts in the system, only 10 million are linked to a credit card, Hirai said. The rest are paid for through prepaid "wallets," or through "e-money" transfers, he said. Sony knows of no reports of credit card fraud resulting from the PSN hack, he said. Sony will "consider" paying PSN customers' credit card reissue fees for those who "wish to" cancel their credit cards and get new ones, Hirai said. Later in the Q-and-A, he called possible PSN-related credit card fraud a "hypothetical" problem, saying Sony would try to help those "damaged" on a "case-by-case basis."

The breach occurred at an AT&T service center in San Diego, Hirai said. Sony Network Enterprises (SNE) leases space at the center and "manages the servers," he said. AT&T spokesman Mark Siegel confirmed the leasing arrangement, which means it supplies SNE with power and Internet connectivity at the facility, nothing more. "We had nothing to do with this situation," Siegel told us of the PSN hack. Hasejima said the "skillful" hacker entered the system through "a known vulnerability" in San Diego's "Web application server." But SNE officials knew nothing about the vulnerability before the attack, he said. Sony didn't respond right away for comment how the vulnerability was known, but not to SNE executives.

Sony reported the crime to the FBI because of the San Diego jurisdiction, Hirai said. When asked whether the company had contacted authorities in other countries, Hirai answered no, but that other countries had made "inquiries" of Sony, which Sony was responding to on a case by case basis. Later in the Q-and-A, Hasejima said the inquiries sought Sony's cooperation in hacking investigations being conducted in individual countries.

Hirai was asked if the PSN breach might delay introduction of the Sony Tablets and the "NGP," the codenamed successor to the PSP. "Those products hinge upon the security" of the PSN, he said. Sony's goal is to "regain the trust and confidence of users" in preparing to introduce products that make use of the PSN "roadmap," he said. "I plan to travel on that roadmap in the days ahead." When pressed to say whether that meant Sony Tablets and NGP would be delayed, Hirai said there was "no change in details" from what Sony previously has announced.

Sony has been victimized in the last month and a half by the Internet group called "Anonymous," Hirai said. Sony doesn't know whether those attacks are related to the PSN breach, he said. The attacks threatened to expose personal information about top Sony executives, including where their kids go to school, he said. The Anonymous attackers also have threatened "protest sit-ins at Sony stores across the world," he said. Anonymous has disavowed responsibility for the PSN hack but has said its attacks on Sony were to retaliate against the company for prosecuting a PS3 hacker. When asked by a reporter why he raised the subject of Anonymous, Hirai said he had mentioned it for "background" only and that he didn't mean to "imply" that Anonymous was behind the PSN breach.

Other Sony disclosures: (1) Sony estimates the company's offer of 30 days of free PSN downloads and other incentives to win back consumers' goodwill will cost an average of \$15-\$20 in free services, Hirai said. But Sony is "not in a position" to say what kind of financial hit it will take from the PSN breach because there are too many variables at play, including lost sales, he said. (2) In the past, users could leave PSN once their prepaid "wallets" were spent, Hirai said. Now, Sony "is looking into details" how to refund customers who want out of the PSN service if they still have cash balances on their wallets, he said. (3) Though Sony said it plans to begin restoring PSN services region by region in about a week,

full services, such as purchases through the PlayStation Store, may not be reactivated for a month, the company said. — *Paul Gluckman, Adam Bender*

Logo Program Eyed

TCO Releases 3D Viewing Study On Active, Passive 3D TV Viewing

Different performance characteristics of active-shutter and passive film-pattern retarder (FPR) glasses affect the overall 3D viewing experience, confirmed results from a study released Monday by international certification organization TCO Development. The study was the first step in TCO's investigation into the need for a TCO certification for 3D, said Niclas Rydell, product and certification director. "As a certification body with a long history in the field of visual ergonomics for displays, it is important for TCO Development to evaluate the visual ergonomics of these new technologies and to assess any possible impacts on the user experience."

Tilting function and correct placement are more important for TVs using passive eyewear 3D, the study said. It included a measurement of crosstalk, also known as image ghosting or doubling, where left and right image channels leak into each other when the screen is viewed from different angles. In the study, measurements were taken up to plus and minus 30 degrees in horizontal and vertical directions. Although horizontal crosstalk values were low for both types of glasses, passive glasses had higher crosstalk numbers when tilted above and below 15 degrees vertically, according to the study. A 3D TV placed at the correct height or tilted toward the viewer isn't likely to suffer crosstalk problems, it said. But tilting function and correct placement "are more important" for a passive 3D TV, and should be considered with wall mounts that have limited tilting capability, the study said.

In luminance testing, the report said white luminance is three times lower in active-shutter glass viewing than with passive 3D glasses. Viewers will adapt to the average luminance, according to the study. It also said higher luminance is considered better for image quality, but other factors including black level, resolution and crosstalk factor in to the overall 3D viewing experience.

In measuring resolution of the two 3D eyewear types, the report noted that passive glasses "must sacrifice vertical resolution" to show the images for each eye with different polarization. A passive 3DTV with native resolution of 1920 x 1080 will only be able to produce resolution of 1920 x 540 in 3D mode. Active-shutter 3DTV glasses will produce 1920 x 1080 resolution for each eye in 3D mode. As a result, perceived detail will be "slightly higher" in active-shutter viewing, the study said. It didn't cover potential health aspects or discomfort associated with viewing artificial 3D. — *Rebecca Day*

'Seinfeld' Strategy

Dish's \$500 Million TiVo Settlement a Win for Both Sides, Says Ergen

Dish Network and EchoStar's \$500 million settlement with TiVo marked a win for all sides involved, Dish CEO and EchoStar Chairman Charlie Ergen said during the DBS company's earnings call Monday. The settlement includes an initial payment of \$300 million to TiVo, with the last \$200 million

paid out in six equal annual payments between 2012 and 2017, the companies said in a press release Monday. The agreement ends all pending litigation between the companies "with prejudice" and dissolves all injunctions against Dish and EchoStar, the companies said. The settlement effectively ends several expensive years of litigation between the two companies over Dish's alleged infringement of TiVo's time-warp patent, which allows DVR recording of one program while watching another.

The settlement deal emerged when some of the risks and costs involved became clear, Ergen said. Ergen's companies and TiVo will work together in the future, including on the development of Dish's recently bought Blockbuster assets, he said. TiVo also granted Dish a license under its time-warp patent. During its seven-year legal battle with TiVo, Dish redesigned its satellite receiver/DVR to avoid infringing TiVo's time-warp patent. Further judicial decisions up the appeals ladder could have forced Dish to disable millions of DVRs if Dish didn't settle with TiVo. The financial settlement was much lower than expected, said analysts. Bernstein Research analyst Craig Moffett said the "modest price tag on the settlement" suggests that the number of boxes covered by the original disablement injunction was at the low end of estimates.

Ergen likened Dish's overall strategy, which has included the purchases of Blockbuster and the ongoing effort to buy DBSD out of bankruptcy, to the sitcom Seinfeld. Like Seinfeld, there are several story lines which observers won't know how they come together until the end, he said. The management knows "where we want to go," and each new asset opens doors to new opportunities, he said.

Having only briefly owned Blockbuster, many questions remain unanswered, he said. The number of physical stores to be retained will likely depend on agreements with movie studios and how much they would like to have presence in such stores, he said. Blockbuster probably won't be a direct online competitor to Netflix due to Netflix's "formidable" and possibly "insurmountable" lead in that space, said Ergen.

Ergen doesn't expect FCC approval of the DBSD purchase to include buildout conditions because DBSD remains in compliance with mobile satellite service/ancillary terrestrial component rules, he said. Dish isn't planning to build out a purely terrestrial company, though any future efforts to increase terrestrial services would likely include some kind of partnership with another entity with more "expertise" terrestrially, he said. Ergen said he's continuing to watch LightSquared closely and that Dish is experimenting with several uses for the company's 700 MHz spectrum holdings. The company reported \$3.22 billion in revenue for Q1, up 5.5 percent from the same quarter last year. Net income more than doubled to \$549 million in the quarter from \$231 in Q1 in 2010. Dish gained 58,000 net subscribers, ending Q1 with 14.19 million total subscribers, the company said. Dish shares closed up 19 percent Monday, ending the day at \$29.79. — *Tim Warren*

Bids Due June 8

EchoStar Won't Bid on TerreStar Assets, May Sell Stake

EchoStar won't bid to buy the rest of TerreStar Networks in an upcoming bankruptcy auction, but isn't ruling out selling its 50 percent stake in the company, EchoStar executives said Monday on a conference call.

While Dish Network has proposed buying DBSD and its 20 MHz of mobile satellite spectrum for \$1 billion, it also is said to be interested purchasing TerreStar to combine the companies' respective S-band spectrum. EchoStar, which scrapped its bid to buy TerreStar to focus acquiring Hughes Communications, was spun off from Dish in 2008 and Dish CEO Charles Ergen remains its chairman. EchoStar also invested \$50 million in TerreStar in 2008 and agreed last fall to provide the company with \$75 million in debtor-in-possession financing shortly after it filed for bankruptcy. TerreStar owed EchoStar \$46 million as of March 31 under the DIP financing agreement, EchoStar said in an SEC filing. Bids for TerreStar's assets are due in U.S. Bankruptcy Court, New York, on June 8.

EchoStar views its investment in TerreStar as "very valuable" because of the S-band spectrum involved, CEO Michael Dugan said. EchoStar's goal from "day one" has been to make money on the investment, and it wouldn't rule out selling its stake for the right price, he said. In response to an analyst question, Dugan wouldn't respond directly to whether EchoStar would consider selling the TerreStar stake to Dish.

In addition to providing financing, EchoStar also sold to TerreStar in 2008 its 1.4 GHz of spectrum in exchange for 30 million shares of common stock. EchoStar's debt investments in TerreStar were valued at \$647 million as of March 31, including \$17 million in accrued interest, the company said. EchoStar also had a \$3 million in equity in TerreStar and it recorded a \$3 million gain on its investments in the company in Q1, down from \$66 million a year earlier, the company said.

Meanwhile, Dish Network's \$500 million settlement of its seven-year patent infringement battle with TiVo (see related story this issue) removes an "overhang" that had hampered EchoStar's sales efforts, Dugan said. Some potential customers were reluctant to sign set-top box supply agreements while the lawsuits were pending. "We will see how much influence" the settlement has on the company's business, he said. EchoStar is responsible for about 5 percent of historical set-top boxes sales covered by the new licensing agreement with TiVo. EchoStar paid an initial \$10 million, including \$8 million related to prior periods and a \$2 million pre-payment, the company said in an SEC filing. EchoStar will have \$10 million in payments remaining that will be expensed through July 31, 2018, the company said. The U.S. Court of Appeals for the Federal Circuit's decision upholding a lower court ruling that barred the sale of infringing set-tops required EchoStar to disable 192,000 units deployed with customers, EchoStar said.

Meanwhile, the QuetzSat-1 satellite that will expand Dish Mexico will launch in August to 77 degrees west, company executives said. Dish Network is leasing 24 of the QuetzSat's 32 DBS transponders from EchoStar, potentially providing up to \$287 million in future payments, the company said. The satellite will operate under a 10-year service agreement EchoStar signed with SES Latin America in 2008. Dish Mexico, which operates under an agreement with MDS Communications, is said to have gained nearly 1 million subscribers using the EchoStar-8 satellite at 77 degrees west. EchoStar also expects construction of the EchoStar-16 satellite to be complete in the second half of 2012. Dish will lease all of the satellite's capacity at 61.5 degrees west and future payments are expected to be \$137 million, EchoStar said.

EchoStar had about \$10 million remaining on March 31 of a \$18 million credit line that was to be used by a joint venture with Asia Satellite Telecommunications (AsiaSat). The credit line was to fund purchase of STBs for a service in Taiwan. But EchoStar took a \$14 million charge in 2010 to "fully impair" its \$18 million investment in the joint venture, the company said.

EchoStar's Q1 profit fell to \$17.1 million from \$71.7 million a year earlier on a decline in revenue to \$479.8 million from \$627 million. The downturn in revenue was tied to a build up of customer inventory at the start of this year that has been "burned off" in recent months, EchoStar President Mark Jackson said. EchoStar's sales to Dish fell to \$393.3 million from \$500.9 million, while those to Bell Canada dropped to \$41.4 million from \$73.3 million, EchoStar said. Revenue tied to Dish Mexico declined to \$11.4 million from \$28.3 million. EchoStar's Q1 selling, general and administrative expenses rose to \$44.7 million from \$32.6 million due in part to legal expenses tied to EchoStar's proposed \$1.3 billion purchase of Hughes. — *Mark Seavy*

3D Notes

3net, the 3D network from Sony, Discovery and Imax, will premiere a "sportumentary" on bull riding beginning Thursday at 9 p.m. EDT and running for four weeks. Called *Bullproof*, the one-hour weekly series follows bullfighters Matt Baldwin, Cody Sosebee, Brandon Loden and Ray Clary on the Championship Bull Riding circuit, 3net said. The series was produced by Wild Eyes Productions and Digital Revolution Studios. 3net executives showed previews of the series at last month's NAB Show.

Retail

RadioShack is offering \$25 in trade-in value to customers who bring in select nonworking smartphones through May 31. RadioShack said its stores will accept phones with cracked screens, liquid damage, phones that power on but don't function properly or don't power on at all but won't accept phones in pieces. Covered products include Apple's iPhone 3G, 3GS and 4; the HTC Droid Incredible, Evo 4G, Evo Shift 4G, G2, HD7, MyTouch 4G and Thunderbolt; Samsung SCH-1500 Galaxy S, Nexus S, Galaxy S 4G, Galaxy S Vibrant and SPH-D700 Epic 4G; and the Motorola Atrix 4G.

Barnes & Noble entered into an amendment facility that it said Monday will extend its existing \$1 billion revolving credit agreement "on more favorable terms." The amended facility "has lower interest costs, greater financial flexibility and increases overall borrowing capacity throughout the year," it said. The amendment also extends the maturity date from Sept. 29, 2013, to April 29, 2016, it said. The transaction was led by Bank of America Merrill Lynch, J.P. Morgan Securities, Wells Fargo Capital Finance and SunTrust Robinson Humphrey. Bank of America is serving as administrative agent for the facility.

Formats

Total U.S. home entertainment spending took a 9.8 percent hit to \$4.2 billion for Q1 2011, led by drops in packaged and electronic sell-through media sales and brick-and-mortar rental business, according to Digital Entertainment Group data released Monday. DEG attributed an 18 percent decline in sell-through media for the quarter to lack of popular Blu-ray and DVD titles comparable with \$1 billion worth of box office titles released in Q1 last year. The Easter holiday, traditionally a "considerable buying season," occurred in the second quarter this year, also impacting Q1 revenue,

DEG said. While brick-and-mortar video rentals were down 36 percent in Q1 from 2010 to \$440 million, physical and streaming video subscriptions saw a 33 percent bump in the quarter to \$696 million, DEG said. Kiosk video rentals continued their climb in Q1 to \$367 million, up 31 percent year-over-year. Blu-ray software sales, up 10 percent over Q1 2010, are starting to show "material growth" and are forecast to reach \$100 million for the year, DEG said. Blu-ray Disc hardware sales — including set-top boxes, PS3 players and home theater systems — also grew 13 percent, bringing household penetration to 30 million, DEG said. Electronic sell-through spending increased 10 percent to \$140 million and video on demand nudged ahead 8.7 percent to \$473 million, DEG said. Despite macro-economic challenges, DEG expects "growth opportunities" over the rest of the year, fueled by blockbuster theatrical releases in Q3 and Q4 that will leave the industry flat or "up slightly" by year-end. Q2 2011 is off to a "strong start," up 20 percent in the first few weeks, DEG said.

Videogames

Interest in developing games for Android-based devices is growing among developers who use authoring tool supplier Unity, Nicholas Francis, its chief creative officer, told *Consumer Electronics Daily*. It's become an "important platform for us," he said. Unity's Android revenue is only about 15 percent of what the iPhone is for it, but Android is still a "relatively young" market and he predicted revenue "should pick up." The middleware company is also seeing "quite a bit" of interest among its customers for console games, Francis said. The first PS3 game it supplied middleware to was *Rochard*, launching this spring for the PlayStation Network, he said. The side-scrolling puzzle game was published by Sony Online Entertainment. Games for WiiWare or Xbox Live Arcade using Unity's platform haven't shipped despite it announcing plans to support the Wii a few years ago, and Francis said he was "not sure" if that will come this year. The company is "very careful" about which platforms it supports, he said. It's still "considering" support for the coming NGP handheld system from Sony, he said. "We like open platforms the best," he said. One of Unity's largest clients is Electronic Arts, but he said "the core of our business" is Web-based games. It said in February that it would support the new Sony Ericsson Xperia Play smartphone. — **JB**

The Entertainment Software Association applauded U.S. Trade Representative (USTR) Ron Kirk on Monday for "protecting American jobs and the creative works" of videogame makers by citing deficient countries in the latest "Special 301" Report. The annual report lists countries that deny adequate protection of intellectual property rights (IPR) or prohibit fair market access to U.S. businesses that rely on protection. The USTR identified 12 countries for placement on the "Priority Watch List," including Canada. The report said the U.S. "continues to urge Canada to implement its previous commitments to improve its legal framework for IPR protection and enforcement." China and Russia also remained on the Priority Watch List, while Brazil, Italy and Spain remained on the Watch List. Also on the PWL were Algeria, Argentina, Chile, India, Israel, Indonesia, Pakistan, Thailand and Venezuela. Twenty-nine countries were placed on the Watch List in all, including Egypt, Finland, Greece, Mexico, Norway, Poland, Saudi Arabia, Turkey and Ukraine. The report said Canada and Mexico, along with Australia, the European Union and its member states, Japan, South Korea, Morocco, New Zealand, Singapore, Switzerland and the U.S. all "worked cooperatively to finalize the text of" the Anti-Counterfeiting Trade Agreement. The USTR also praised Mexico for enacting legislation granting ex officio authority to its law enforcement officials to start criminal investigations against trademark counterfeiting and copyright piracy without requiring the rights holder to first file a complaint. Russia was commended by the USTR for enacting four pieces of IP rights legislation, while Spain was commended for taking "action to address the problem of

copyright piracy over the Internet by passing legislation that will provide a mechanism for rights holders to remove or block access to infringing content online." ESA President Michael Gallagher said "one of the fastest ways to get our economy back on track is to incent and reward high value intellectual property," including videogames.

Social gaming company Glu Mobile is collaborating with book publisher Full Fathom Five and author James Frey on a transmedia campaign, Glu said Monday. Frey and Full Fathom "will work closely with Glu on the creation of a minimum of four original story ideas during the initial two-year term" of the deal that will include action-adventure novels and mobile games, the companies said. Other terms weren't provided. Controversy has surrounded the author since it was discovered that at least some details in his popular book *A Million Little Pieces*, categorized as non-fiction, were made up.

The game Portal 2 from Electronic Arts and Valve for the PS3 and Xbox 360 moved up one to become the most popular title for GameFly, according to the U.S. online rental service's data through Sunday. Warner's *Mortal Kombat* for the same platforms, the prior week's No. 1 title, dipped to No. 2. Take-Two Interactive's *L.A. Noire* for the PS3 and 360 remained No. 3. Two more PS3 and 360 games made up the rest of the top five. *Brink* from Bethesda Softworks moved up one to No. 4, while EA's *Crysis 2* slipped one to No. 5.

Consumer Electronics People

Neil Astmann, ex-LG Electronics, named Verizon Wireless promotion manager ... **Michael Kelly**, Dish Network, takes over as Blockbuster president ... Booyah hires **Jason Willig**, ex-Electronic Arts, as chief operating officer.

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Send news materials to: pgluckman3@aol.com

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EDITORIAL & BUSINESS HEADQUARTERS
2115 Ward Court, N.W., Washington, DC 20037
Phone: 202-872-9200 Fax: 202-318-8984
www.warren-news.com
E-mail: info@warren-news.com

CONSUMER ELECTRONICS DAILY EDITORIAL HEADQUARTERS

276 Fifth Ave., Suite 1002, N.Y., N.Y. 10001
Phone: 212-686-5410 Fax: 212-889-5097

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Contributing Editor, Europe

Barry Fox
22 Holmfeld Court
Belsize Grove, London, NW3 4TT
Phone: (4 4-20) 7722-8295
Email: barryphox@aol.com

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