

EXHIBIT H

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

USA TECHNOLOGIES, INC.	:	
Plaintiff,	:	CIVIL ACTION NO.
	:	
v.	:	NO.: 09-3899
	:	
JOHN DOE AND JANE DOE	:	
ANONYMOUS INTERNET WEBSITE	:	
BLOGGERS OPERATING AS	:	
MICHAEL_MOORE_IS_FAT AND	:	
STOKKLERK	:	
Defendants.	:	

AFFIDAVIT OF MARGARET SHERRY LURIO IN SUPPORT OF USA
TECHNOLOGIES, INC.'S MOTION FOR ISSUANCE OF SUBPOENA DUCES
TECUM DIRECTED TO YAHOO!, INC. PRIOR TO F.R.C.P.26(F)
CONFERENCE

I, Margaret Sherry Lurio, Esquire, under oath, having been duly sworn, hereby deposes and says:

1. This Affidavit is submitted in support of USA Technologies, Inc.'s (hereinafter "USAT") Motion for Issuance of Subpoena *Duces Tecum* directed to Yahoo!, Inc. (hereinafter "Yahoo") prior to the F.R.C.P.26(f) conference.

2. I am an attorney licensed to practice in the Commonwealth of Pennsylvania and the State of New Jersey.

3. I am a shareholder with the law firm of Lurio & Associates, P.C. in Philadelphia, Pennsylvania.

4. In connection with my representation of USAT, I have attempted to learn the identity of the individuals posting the messages which are the subject of the complaint filed in the above referenced action.

5. I have contacted the legal department for Yahoo! to determine the procedure for obtaining the identity of individuals posting messages on Yahoo!'s website.

6. Yahoo's legal department advised me that absent a court order or subpoena, Yahoo! will not disclose any information about the identities of internet posters such as "Michael_moore_is_fat" and "stokklerk".

7. Yahoo!'s legal department advised me that once Yahoo! receives a subpoena requesting information about the identity of a anonymous poster on the Yahoo! website, Yahoo! provides an email notice to the individuals (as they have identified themselves to Yahoo! when setting up their account), and Yahoo! advises the users that they have fifteen days from service of the subpoena on Yahoo! to move to quash the subpoena or otherwise object to the subpoena. Yahoo! will not release any information during that fifteen day period, and will not release any information in response to the subpoena if a Motion to Quash is filed or objection is made, until the Motion or objection is resolved.

8. Yahoo!'s legal department advised me that if there is no objection to the Subpoena within fifteen days of Yahoo! providing notice of the Subpoena to the individuals posting the messages, Yahoo! will release information for the posters in response to the subpoena.

9. In order to establish an account with Yahoo!, the

individual must agree to Yahoo!'s Privacy Policy (see Exhibit "1" attached hereto) which provides in pertinent part as follows:

Yahoo! collects personal information when you register with Yahoo!, when you use Yahoo! products or services, when you visit Yahoo! pages or the pages of certain Yahoo! partners, and when you enter promotions or sweepstakes. Yahoo! may combine information about you that we have with information we obtain from business partners or other companies.

...

INFORMATION SHARING AND DISCLOSURE

Yahoo! does not rent, sell, or share personal information about you with other people or non-affiliated companies except to provide products or services you've requested, when we have your permission, or under the following circumstances:

...

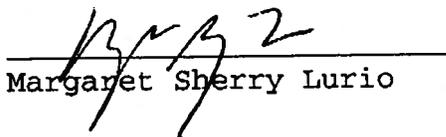
We respond to subpoenas, court orders, or legal process, or to establish or exercise our legal rights or defend against legal claims.

...

We believe it is necessary to share information in order to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of Yahoo!'s terms of use, or as otherwise required by law.

10. Absent issuance of a Subpoena, USAT is unable to determine the identity of the individual(s) posting the defamatory and actionable comments under the screen names "Michael_moore_is_fat" and "stokklerk".

Sworn to and subscribed
before me this 27th day
of August, 2009


Margaret Sherry Lurio

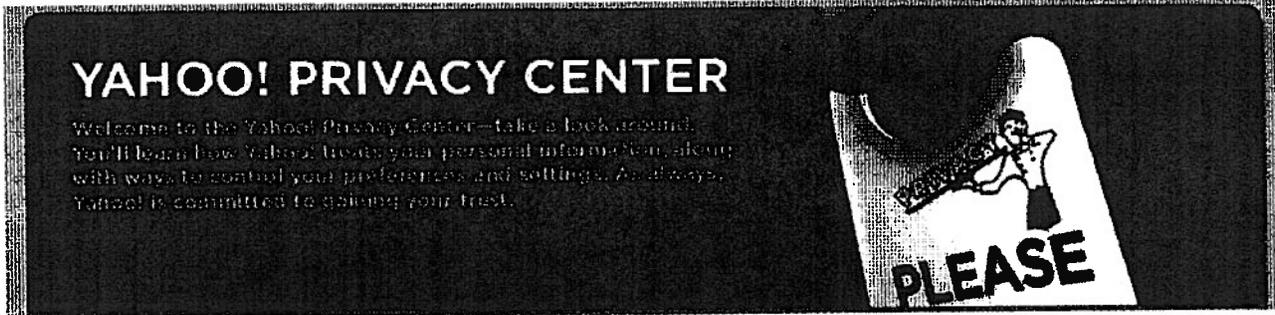

Tara M. Weldon

Notary Public
COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
TARA M. WELDON, Notary Public
City of Philadelphia, Phila. County
My Commission Expires March 24, 2011

EXHIBIT "1"

Home Products Topics Preferences Help



WHAT THIS PRIVACY POLICY COVERS

INFORMATION COLLECTION AND USE

INFORMATION SHARING AND DISCLOSURE

COOKIES

CONFIDENTIALITY AND SECURITY

QUESTIONS AND SUGGESTIONS

Email Print



WHAT THIS PRIVACY POLICY COVERS

Yahoo! takes your privacy seriously. Please read the following to learn more about our privacy policy.

The federal government and technology industry have developed [practical tips](#) to help you guard against Internet fraud, secure your computer and protect your personal information.

How Yahoo! Uses Your Personal Information

This policy covers how Yahoo! treats personal information that Yahoo! collects and receives, including information related to your past use of Yahoo! products and services. Personal information is information about you that is personally identifiable like your name, address, email address, or phone number, and that is not otherwise publicly available.

This privacy policy only applies to Yahoo!

This policy does not apply to the practices of companies that Yahoo! does not own or control, or to people that Yahoo! does not employ or manage. In addition, some companies that Yahoo! has acquired have their own, preexisting privacy policies which may be viewed on our [acquired companies page](#).

Yahoo!'s participation in the Safe Harbor program

Yahoo! participates in the Safe Harbor program developed by the U.S. Department of Commerce and the European Union. To view our certification, visit the U.S. Department of Commerce's [Safe Harbor Web site](#). For more information about Yahoo!'s participation in the Safe Harbor program, please visit our [Safe Harbor details page](#).

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INFORMATION COLLECTION AND USE

General

Yahoo! collects personal information when you register with Yahoo!, when you use [Yahoo! products or services](#), when you visit Yahoo! pages or the pages of certain Yahoo! partners, and when you enter [promotions or sweepstakes](#). Yahoo! may combine information about you that we have with information we obtain from business partners or other companies.

When you register we ask for information such as your name, email address, birth date, gender, ZIP code, occupation, industry, and personal interests. For some financial products and services we might also ask for your address, Social Security number, and information about your assets. When you register with Yahoo! and sign in to our services, you are not anonymous to us.

Yahoo! collects information about your transactions with us and with some of our business partners, including information about your use of financial products and services that we offer.

Yahoo! automatically receives and records information from your computer and browser, including your [IP address](#), Yahoo! [cookie](#) information, software and hardware attributes, and the page you request.

Yahoo! uses information for the following general purposes: to customize the advertising and content you see, fulfill your requests for products and services, improve our services, contact you, conduct research, and provide anonymous reporting for internal and external clients.

Highlights

OPT-OUT

Prefer not to receive advertising based on your interests? Learn about your ability to [opt out of interest-matched advertising served by Yahoo!](#)

RELEVANT ADVERTISING

By bringing content and advertising to you that is relevant and tailored to your interests, Yahoo! provides a more compelling online experience. Our customized "smart" services save you time and cut through the clutter. [Learn More about relevant advertising.](#)

LATEST NEWS

Y! Introduces our new [Policy Blog!](#)

More Yahoo! privacy news:

3/04 - [Yahoo! improves opt-out for interest-based customized advertising.](#) Signed-in users can choose persistent opt-out, even when users clear browser cookies.

2/24 - [Yahoo! announces new customized advertising products that will better match ads to your interests.](#)

12/17 - [Yahoo! announces industry leading approach to data retention.](#)

Children

When a child under age 13 attempts to register with Yahoo!, we ask the child to have a parent or guardian create a [Yahoo! Family Account](#) to obtain parental permission.

Yahoo! does not contact children under age 13 about special offers or for marketing purposes without a parent's permission.

Yahoo! does not ask a child under age 13 for more personal information, as a condition of participation, than is reasonably necessary to participate in a given activity or promotion.

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INFORMATION SHARING AND DISCLOSURE

Yahoo! does not rent, sell, or share personal information about you with other people or non-affiliated companies except to provide products or services you've requested, when we have your permission, or under the following circumstances:

- We provide the information to trusted partners who work on behalf of or with Yahoo! under confidentiality agreements. These companies may use your personal information to help Yahoo! communicate with you about offers from Yahoo! and our marketing partners. However, these companies do not have any independent right to share this information.
- We have a parent's permission to share the information if the user is a child under age 13. Parents have the option of allowing Yahoo! to collect and use their child's information without consenting to Yahoo! sharing of this information with people and companies who may use this information for their own purposes.
- We respond to subpoenas, court orders, or legal process, or to establish or exercise our legal rights or defend against legal claims.
- We believe it is necessary to share information in order to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of Yahoo!'s terms of use, or as otherwise required by law.
- We transfer information about you if Yahoo! is acquired by or merged with another company. In this event, Yahoo! will notify you before information about you is transferred and becomes subject to a different privacy policy.

Yahoo! displays targeted advertisements based on personal information. Advertisers (including ad serving companies) may assume that people who interact with, view, or click targeted ads meet the targeting criteria—for example, women ages 18-24 from a particular geographic area.

- Yahoo! does not provide any personal information to the advertiser when you interact with or view a targeted ad. However, by interacting with or viewing an ad you are consenting to the possibility that the advertiser will make the assumption that you meet the targeting criteria used to display the ad.
- Yahoo! advertisers include financial service providers (such as banks, insurance agents, stock brokers and mortgage lenders) and non-financial companies (such as stores, airlines, and software companies).

Yahoo! works with vendors, partners, advertisers, and other service providers in different industries and categories of business. For more information regarding providers of products or services that you've requested please read our detailed [reference links](#).

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COOKIES

Yahoo! may set and access Yahoo! [cookies](#) on your computer.

Yahoo! lets [other companies](#) that show advertisements on some of our pages set and access their cookies on your computer. Other companies' use of their cookies is subject to their own privacy policies, not this one. Advertisers or other companies do not have access to Yahoo!'s cookies.

Yahoo! uses [web beacons](#) to access Yahoo! cookies inside and outside our network of web sites and in connection with Yahoo! products and services.

[Your Ability to Edit and Delete Your Account](#)

Information and Preferences

General

You can edit your [Yahoo! Account Information](#), including your [marketing preferences](#), at any time.

New categories of marketing communications might be added to the Marketing Preferences page from time to time. Users who visit this page can opt out of receiving future marketing communications from these new categories or they can unsubscribe by following instructions contained in the messages they receive.

We reserve the right to send you certain communications relating to the Yahoo! service, such as service announcements, administrative messages and the Yahoo! Newsletter, that are considered part of your Yahoo! account, without offering you the opportunity to opt out of receiving them.

You can delete your Yahoo! account by visiting our [Account Deletion](#) page. Please [click here](#) to read about information that might possibly remain in our archived records after your account has been deleted.

Children

Parents can review, edit, and delete information relating to their child's Yahoo! account using tools offered by [Yahoo! Family Accounts](#).

If a parent chooses not to allow us to further collect or use a child's information, parents enrolled in Yahoo! Family Accounts can delete their child's account by signing into that child's account and then visiting our [Account Deletion](#) page. Please [click here](#) to read about information that might possibly remain in our archived records after your account has been deleted.

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CONFIDENTIALITY AND SECURITY

We limit access to personal information about you to employees who we believe reasonably need to come into contact with that information to provide products or services to you or in order to do their jobs.

We have physical, electronic, and procedural safeguards that comply with federal regulations to protect personal information about you.

To learn more about security, including the security steps we have taken and security steps you can take, please read [Security at Yahoo!](#).

CHANGES TO THIS PRIVACY POLICY

Yahoo! may update this policy. We will notify you about significant changes in the way we treat personal information by sending a notice to the primary email address specified in your Yahoo! account or by placing a prominent notice on our site.

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QUESTIONS AND SUGGESTIONS

[Yahoo! is TRUSTe-certified](#). This certification applies to all English-language sites under the Yahoo.com domain. If you feel that your inquiry has not been satisfactorily addressed, you should contact [TRUSTe](#), an independent privacy organization. TRUSTe serves as a liaison with Yahoo! to resolve your concern.

If you have questions or suggestions, please complete a [feedback form](#) or you can contact us at:

Yahoo! Inc.
Customer Care - Privacy Policy Issues
701 First Avenue
Sunnyvale, CA 94089
(408) 349-5070

Effective Date: November 22, 2005

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