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BLAKE DAWSON WALDRON

L A W Y E R S

Date 16 December 2004

Our reference
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From Susan Gray/David Wenck
Lawyer/Partner
Tel: (07) 3259 7051/7219

To David Hinitt
Australian Competition and Consumer Commission
SYDNEY NSW 5
Fax: (02) 9231 5682

Third line forcing notification – Telstra Corporation Limited and Netgear Pty Limited

We refer to your conversation with Janine Gillen on 9 December 2004.

1. What is the nature of the offer?

Netgear proposes to offer \$50 cash back to Netgear customers who:

- purchase a specified Netgear modem (**Netgear Modem**) and who enter a BigPond BYO Modem Broadband ADSL plan on a 12 month contract (**Netgear Modem offer**); or
- purchase any other Netgear product (**Netgear Product**) and enter any BigPond Broadband ADSL or Cable offer or plan on a 12 month contract (**Netgear Product Offer**).

Customers will also be entitled to take advantage of any BigPond discount offer that is generally available in the market to all customers who acquire the same products from Telstra. In other words, customers are not compelled to take a Netgear Modem or Netgear Product before being eligible for the BigPond discounts.

The cash back offer can be redeemed via the Netgear website using a BigPond personalised email address and account number. Customers will receive the

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cash rebate in the form of a cheque. Please note that Netgear is also a BigPond Dealer.

2. **What period will the offer which is subject to the third line forcing notification be available?**

The Netgear Product Offer and the Netgear Modem Offer will be available from 6 December 2004 to close of business on 31 January 2005 or a later date to which both parties agree, depending on the offers' success, it is hoped the offers will continue until at least 31 July 2005. The Offers are available to customers who enter a BigPond ADSL plan and, in the case of the Netgear Product Offer, Cable plan, prior to 31 October 2005. The Netgear Product Offer will also be available to those Netgear customers who purchase a Netgear Product at any time prior to the commencement of the Netgear Product Offer. Customers who purchased a specified Netgear Modem in the two months before 6 December 2004 will also be eligible for the Netgear Modem Offer.

3. **Please describe the specified Netgear products.**

The specified Netgear products include the following:

(a) Netgear Modems

- DG632 ADSL Modem Router;
- DG834 version 1 and version 2 ADSL Firewall Router; and
- DG834G version 1 and version 2 54Mbps Wireless ADSL Firewall Router.

(b) Netgear Products

All of Netgear's Home Networking Products

4. **What is the anticipated uptake of the offer?**

It is difficult to be specific about the likely take up of the offer the expected uptake of the offer is more than 50 but less than 1000.

Please disregard the confidentiality notice set out in this facsimile for the purpose of including information on a public register. Netgear and Telstra consent to the publication of information contained in this facsimile.

Yours faithfully

