

April 7, 2010

Bart W. Huffman

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Registered Patent Attorney

Jake Kouns, Chairman/CEO-CFO
Brian Martin, President/COO
Open Security Foundation
5518 Olde Hartley Way
Glen Allen, VA 23060

Via email and U.S. certified mail

Re: False and Misleading Incident Report on www.datalossdb.org (the "Website")

Dear Messrs. Kouns and Martin:

This firm and I represent Frost Bank with respect to a false and misleading incident report concerning it on the Website (the "Erroneous Incident Report", located at <http://datalossdb.org/organizations/293-frost-bank> and <http://datalossdb.org/incidents/288-about-100-customers-debit-card-information-stolen-from-the-database-of-an-unnamed-national-retailer>). The Erroneous Incident Report falsely indicates that Frost Bank was the subject of a "HACK" of customer data. In actuality, Frost Bank did not experience the "hack" nor did Frost Bank experience any other form of data theft in connection with the subject incident.

The actual incident involved the theft of records from an unrelated credit card processor's system. Visa notified Frost Bank that a number of its customer cards were affected, and Frost publicly addressed the situation to protect its customers. Contrary to the portrayal on the Website, the data breach had absolutely nothing to do with any of Frost Bank's computer systems or any data in Frost Bank's possession, custody, or control. It is my understanding that this error has previously been brought to your attention, yet you failed to respond or to remove the Erroneous Incident Report from the Website.

The Erroneous Incident Report has damaged and continues to damage Frost Bank's goodwill and business relations. Among other things, Frost Bank has received and been required to address multiple inquiries from customers and potential customers who have expressed concern based on their review of the Erroneous Incident Report on the Website.

The Erroneous Incident Report constitutes libel *per se*, not subject to any privilege or immunity, and may give rise to other causes of action and legal rights and remedies.

COX SMITH MATTHEWS INCORPORATED

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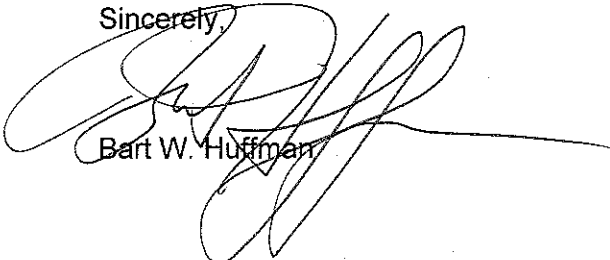
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We hope that the failure to respond to Frost Bank's prior notification is not a result of willful behavior, but if so, such behavior may give rise to heightened damages and/or penalties under the law.

Please remove the Erroneous Incident Report from the Website immediately, and provide written confirmation of the same to the undersigned. Any failure to respond appropriately may result in legal action without further notice. If you have any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bart W. Huffman', is written over the word 'Sincerely,'. The signature is stylized and cursive.

Bart W. Huffman

cc: Louis Barton – Frost Bank
Meagan Gillette – Firm