

IBM, Google, et. al,

The ad in question was running on www.Sleepspot.com. It is a site Google licenses from NameMedia Inc. d.b.a {Insert Alias HERE}. The domain never stopped resolving when it expired Oct 15, 2003. Network Solutions Inc. was the registrar and were the initial infringers who sold the domain that Mr Neeley felt should have expired while he was incapacitated from Sept 3, 2002 to early in 2006. IBM will not be held responsible for Google's action that resulted in the AdSense for Domains program displaying an IBM ad.

Mr Neeley clicked the ad to collect the advertiser's contact information for those who were running ads on the site. We are aware that it cost IBM and benefited both Google and NameMedia. Google might consider it click-fraud but we feel it was a click to both protest their fraudulent use of Mr Neeley's TM and study the site. Parked ad sites that Google licenses are simply frauds. In the AdWords interface you may exclude "parked pages" as a content type. This will remove your ad from www.sleepspot.com. This should be the default setting instead of being hidden so well in the [INSTRUCTIONS](#). It will be the default setting after our lawsuit. Google even discourages selecting parked page exclusion by hiding it so well and adding a search box on their parked page interface. Someone should sue them as an advertiser. We have a mission of redefining domain TM law and ending "parked" pages altogether. Sleepspot.com will be the initial site we use when we launch our click-protest movement.

A lawsuit has been filed, but it will not remove the fiscal attraction of cybersquatted sites for Google quick enough. Mr Neeley is extremely angry and has filed a Trademark Infringement Lawsuit in US Court 5:2009cv05151. Continuing to run ads on "parked" sites like sleepspot.com, after being alerted, will only be donating to Google and encouraging them by inflating their profits from our protest clicks.

The Curtis Neeley Foundation;
President: Curtis J Neeley Jr, MFA
www.CurtisNeeley.com

DISCLAIMER: Curtis Neeley suffered a severe traumatic brain injury that often very negatively impacts his communications. He is often perceived as blunt, tactless, self-centered and rude. Although Curtis has a severe disability, he is determined to continue performing meaningful art. The Curtis Neeley Foundation is created to preserve and promote his artistic photographic legacy.

Included message directly following was Google's cop out that will only increase the jury's award they must pay Re: [5:2009cv05151](#)

-----Original Message-----

From: AdSense for Domains: Trademarks
[mailto:adsense-domains-trademark@google.com]
Sent: Thursday, November 05, 2009 2:24 PM
To: Curtis@CurtisNeeley.com
Subject: Re: [#535961205] Google AdSense for Domains Trademark Complaint

Thank you for submitting your AdSense for Domains trademark complaint.
We have reviewed your complaint. Please note that we will not be able to investigate your complaint at this time because:

These domains are comprised of generic or descriptive terms. Descriptive and generic terms are free for all to use, and therefore we do not take action against domains comprised of descriptive or generic terms. In addition, please note that these terms are not actively registered in the country indicated. If you would like us to investigate further, please send us information showing that you own active registrations for these terms. Alternatively, if the country recognizes common law rights, please confirm that you own common law rights for your trademark, and send us proof that you are using that trademark in that country.

AdSense picked a terrible time to show their true intentions. Mr Neeley's domains were comprised of generic terms and were used with invoices to the largest company on Earth. He has art department staff from Wal-Mart as well as a multitude of smaller companies that will testify to support his use of the TM. The country that Mr Neeley claims the violation in is the United States. There are several publicly accessible proofs of his use of the TMs in this country and courts here have soundly recognized common-law trademarks. Consider yourself notified that Google will be added as a conspirator of NameMedia's cybersquatting.

My attendant was unable to get me to mail the notarized complaint. I received Google's semi-form reply [#535961205]

This is intended to be a polite and amicable attempt to resolve a circumstance where Google AdSense is aiding a malicious cybersquatter to profit at the expense of my TM. This is the second communication. One period on the page is a web beacon. It is the same web beacon that has already accessed the prior attempt to resolve this matter. I realize that someone read this and the IP resolved to La Jolla, CA? I have seen online in the Google AdSense Support forum that this email address is usually ignored and snail mail is preferred.

That seems to fly in the face of reason for an Internet company to ignore email complaints. I read very much of the motions that are online in the Vulcan Golf Case No. 07CV3371. I read in your AdSense policies that, "domains submitted for the AdSense for domains program may not violate any trademark (and related rights), copyright, trade secret, patent or other intellectual property right of any third party", and then I see that you go on to say, "domains may not be involved in litigation or under dispute". Excuse me but eartheye.com and sleepspot.com are each named in a US Western District of AR Court Case No. [5:2009cv05151](#). The prior notice had it linked. Google AdSense will be added along with Network Solutions when I figure out how to do it.

There is nothing that Google AdSense can do now besides halting the ad serving on the domain sleepspot to cease conspiring with NameMedia Inc. to inflict damages. This will only keep the intentional emotional distress infliction from resolving to co-conspirator Google. The domains were abused by NameMedia Inc. for six years and I will seek to recover all monies paid to NameMedia Inc. on each of them. I will also use Google's encouragement of AdSense websites to create the conspiratorial link. I will seek all Google's AdSense profit for the two domains. I will seek to recover for the unjust enrichment due to the fraudulent act AdSense conspired in.

I agree that Google currently has no duty to determine the validity of a domain before accepting it in AdSense. Your TM policy will suffice for most ad sites. However, Google AdSense should require a domain owner who is not the original domain owner to disclose that fact and state that it has never been used as anything but an ad site. Use only as an ad site does not risk any use of the mark in trade or TM.

I am sure that Google AdSense will pay Vulcan Golf LLC. at the close of the suit. The amount may be lower than the requested million, but I wager that Google AdSense will pay a lot. The typo that was registered should have been obvious and any reasonable juror will quickly agree. The allegedly ugly error page could have been income for Microsoft and I bet Google knows that. A plug-in that detects a parked page and instead runs ads based on the desired URL?

Interesting idea I thought so I googled it. "[Microsoft's decision to replace error pages with its own search tools has so far drawn a muted response from competitors. Representatives at Yahoo and AltaVista both declined to comment on the move, while Google did not return phone calls Tuesday.](#)" Google ignore a CNET call. No Way! Google's "[AdSense for domains](#)" is Google's "muted" answer. I do not use Explorer so I have no idea if Google "[licensing](#)" parked pages is similar, but it gets past AdBlockerPlus on FF 3,

Google is in an interesting situation with me. Google conspired with NameMedia to infringe on my trademark by not checking that the domain ownership had not recently changed and not asking NameMedia to report a domain non-origination. This was a grossly negligent failure. Google also profited when I paid for ads clicked while run on NameMedia's pages.

This is not a request. It is a friendly demand! Please advise me of the address for your registered agent for accepting service via registered mail.

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NameMedia dba BuyDomains 'cybersquatted' my domains while I was incompetent due to a severe TBI. I alerted them to my prior use and they asked that I submit a bid greater than 2,600 on Eartheye.com because they saw the TM had not been registered.

They ran ads on Eartheye.com for five years until they sold the domain in a blatant TM violation. They have run ads on SleepSpot.com for six years and are running them now. I used SleepSpot to serve hospitality reservation software. There was a history of it available on the Internet Archive until July or Sept of this year when they disabled the IA spider with a robots text file. I am extremely angry and have filed a Trademark Infringement Lawsuit in US Court [5:2009cv05151](#). I am seeking in excess of ten million dollars. I realize that seems excessive to many, but its only around one-sixth of one year's annual profit for a violation that spanned six years or about two percent of their profits for the times covered. They also intentionally created these emotional distress after being advised.

I plan to add Google to the suit or the next due to these TM issues when I find during discovery that Google paid NameMedia for ads to be run on either the sites since 2003. I think we can assume that Google will be added in some way. I am extremely angry and will seek that Google be required to perform a registration verification that requires a domain ad account to be the original registrar of the domain. That could be done automatically and instantly and a domain advertiser who is not the original registrar should be prevented from using a prior TM without demonstrating a license to use the TM and certifying that it is not a 'cybersquatted ad site'.

I am not sure of the damages I will seek, however, I know without a doubt that Google is aware that they make thousands each day while running ads on domain 'cybersquatters', as the system is now. You say that you are not in a position to arbitrate TM issues and use that as the excuse to mitigate a harmful action you encourage. You are in a position of profiting from these encouraged violations and I believe a jury will agree. They will also agree that Google encourages 'cybersquatters' as a pattern of business because of the income it produces.

In my next lawsuit, I will seek to end ALL Google parked domain ads. There should be no comparison between a "domain-portfolio" and a portfolio of billboards. Domains are intellectual properties only. A domain that is parked is nearly always 'cybersquatted'. Google is regularly conspiring with cybersquatters. A parked domain should never be allowed to run ads. Google is aware that a parked domain is nothing but an ad site and calling them editorial content. Allowing them is a demonstration of an intent to profit by sites and conspiring to deceive regular search users. With SleepSpot.com and other sites NameMedia Inc. tries to manipulate the Google search. Google knows the site has been a parked ad site for the last six years. Google and NameMedia are co-conspiring to deceive those searching for content and not searching for an ad site. Google ads are currently running on the domain so Google will be involved now for sure. I just checked SleepSpot and clicked a few ads to help give me standing or grounds.

The content network should have a parked site exemption! It will after my lawsuit for sure. I may have paid for ads at sites like sleepspot or ad sites run by NameMedia Inc.

This complaint is not a threat. This is simply an attempt to resolve this TM and deceptive ad content policy issue out of court. You may respond by email. I will send this in email and post it on my BLOG today.

Google is in a unique position to resolve this amicably without requiring a legal action. Create a parked site exclusion that is selected by default and cease and desist conspiring with NameMedia Inc. at sleepspot.com to profit from a TM violation that is involved in a current US Federal Lawsuit. Follow it online. [Neeley v. NameMedia, Inc. - 5:2009cv05151](#)

The period you can click on at the end of this notice is a 3x3 pix web beacon. You may click if you would like to see your IP that will also verify delivery of this notice. It will be simply a non-tracked period on my BLOG.

I will verify notice every day of Google's actions with sleepspot.com. I will visit by proxy IPs and verify the Google ads removal.

This would be a demonstration of the site being 'blacklisted for ads' sent to NameMedia with me as a CC. This is not a demonstration that might mitigate Google's cybersquatting conspiracy. It will not remove Google's liabilities for conspiring with NameMedia for the past six years. Continuing to conspire with NameMedia Inc. to profit at sleepspot.com beyond twenty-four hours of notification will be intentionally causing me additional distress.

Please advise me of the address for your registered agent for accepting service.

-----Original Message-----
From: Neha N Jain [On Behalf Of IBM Ask
Sent: Wednesday, November 04, 2009 11:56 PM
To: Curtis@CurtisNeeley.com
Subject: IBM's Reply...

Dear Mr. Neeley,

Thank you for contacting IBM.

We are in receipt of your e-mail regarding the violation of IBM Ads.

Please send us an e-mail with the additional information about the Ad for further assistance.

Thank you for visiting our site and contacting IBM.

Please respond to xxxx directly for your mails to be actioned.