

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**CURTIS J. NEELEY JR.,**

**PLAINTIFF**

**VS.**

**NAMEMEDIA, INC., NETWORK  
SOLUTIONS, INC., GOOGLE INC.**

**DEFENDANT**

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**CIVIL ACTION NO. 09-5151**

**STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF  
GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

1. NameMedia registered the eartheye.com domain name on July 2, 2003. Neeley List of Undisputed Facts With No Issue to Be Tried, Dkt. No. 52, ¶7.
2. NameMedia registered the SleepSpot.com domain name on October 15, 2003. Neeley List of Undisputed Facts With No Issue to Be Tried, Dkt. No. 52, ¶8.
3. Neeley has proffered no evidence of any communication, relationship, or agreement between Google and NameMedia that could support a claim of conspiracy.
4. NameMedia had no business relationship or other contact with Google prior to November 2006. Ex. 1, Declaration of Christine Lok, ¶¶ 2-4 & Ex. A.
5. NameMedia's first contract with Google began in March 2007. *Id.*, ¶ 2 & Exs. B, C.
6. No Google advertisements appeared on either eartheye.com or sleepspot.com prior to April 2006. *Id.*, ¶ 5 and Ex. D.

7. In response to Mr. Neeley's lawsuit, Google has placed both eartheye.com and sleepspot.com on its "fail list," which prevents any Google ads from being served to those domains. *Id.* at ¶ 6.
8. The last time any Google ads appeared on eartheye.com was April 1, 2009. *Id.*, Ex. D. The last time any Google ads appeared on sleepspot.com was January 15, 2010. *Id.*

Respectfully submitted,

/s/ Joshua R. Thane  
Jennifer H. Doan  
Arkansas Bar No. 96063  
Joshua R. Thane  
Arkansas Bar No. 2008075  
HALTOM & DOAN  
Crown Executive Center, Suite 100  
6500 Summerhill Road  
Texarkana, TX 75503  
Telephone: (903) 255-1000  
Facsimile: (903) 255-0800  
Email: [jdoan@haltomdoan.com](mailto:jdoan@haltomdoan.com)  
Email: [jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)

Michael H. Page  
Durie Tangri, LLP  
217 Leidesdorff Street  
San Francisco, CA 94111  
Telephone: 415-362-6666  
Email: [mpage@durietangri.com](mailto:mpage@durietangri.com)

**ATTORNEYS FOR DEFENDANT  
GOOGLE INC.**

**CERTIFICATE OF SERVICE**

I, Joshua R. Thane, hereby certify that on January 31, 2011, I electronically filed the foregoing STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF GOOGLE'S MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following list:

H. William Allen  
Brooks White  
Allen Law Firm, P.C.  
212 Center Street  
Ninth floor  
Little Rock, Arkansas 72201

and I hereby certify that I have mailed the document by the United States Postal Service to the following non-CM/ECF participants:

Curtis J. Neeley, Jr.  
2619 N. Quality Lane  
Apartment 123  
Fayetteville, AR 72703

/s/ Joshua R. Thane  
Joshua R. Thane