

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

CURTIS J. NEELEY, Jr.

PLAINTIFF

VS.

CASE NO. 5:09-cv-05151-JLH

**NAMEMEDIA, INC.
and GOOGLE, INC.**

DEFENDANTS

DECLARATION OF JASON MINER

I, Jason Miner, state and declare as follows:

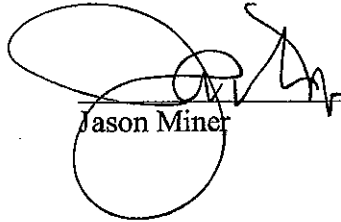
1. I am, and at all times relevant herein was Vice President of Sales for BuyDomains, which is the advertising division of NameMedia.

2. On January 26, 2009, BuyDomains sent out a mass email advertisement bearing my name and email address to thousands of email addresses in its database advertising a "Winter Sales Event"; based upon my knowledge of BuyDomains' email advertisement system, this email would have been sent to Mr. Neeley because he had on February 7, 2008 used our Web-based price request interface to contact BuyDomains with regard to the domain eartheye.com and because the form cannot be submitted without the "I have read and agree to the Terms of Use" checkbox being checked, in so doing, must have agreed to the Terms of Use of BuyDomains as well as left checked the box for receiving future BuyDomains emails. A true and correct copy of our record of Mr. Neeley's price request of February 7, 2008 appears as Exhibit "K" to the Brief in Support of Motion for Summary Judgment. Additionally, a true and correct copy of an example of our Web-based price request interface for sleepspot.com appears as Exhibit "L" to the Brief in Support of Motion for Summary Judgment. A true and correct copy of the email advertisement and Mr. Neeley's response thereto appears as Exhibit "D" to the Brief in Support



of Motion for Summary Judgment.

3. This was a system-generated email; I did not personally send this email to Mr. Neeley as I did not even know of Mr. Neeley's existence at the time this email was sent on January 26, 2009, or of any trademarks claimed or owned by him.


Jason Miner 4/26/2011