

**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 TED OLSON

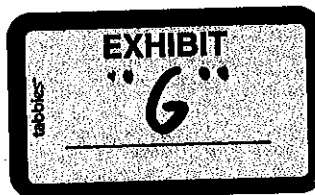
I, Ted Olson, state and declare as follows:

1. I am, and at all times relevant herein was a Domain Name Consultant in NameMedia's advertising division, which is known as BuyDomains.

2. I first became aware of Curtis Neeley's existence when I spoke with him by phone on or about November 26, 2007; in this conversation, Mr. Neeley told me that he once had a registration of the domain eartheye.com and that he claimed he was entitled to transfer of it by NameMedia to him; however, the only basis Mr. Neeley stated for his claim of right to the domain was that he had registered and owned the domain in the past and that his registration of the domain had expired while he was in a coma.

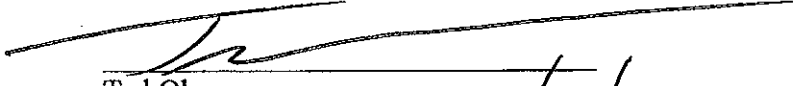
3. As a follow-up to the phone conversation, I sent an email to Mr. Neeley on November 26, 2007 directing him to submit all documents supporting his claim to NameMedia's legal department; in this email I also told Mr. Neeley that if he changed his mind and wanted to just purchase the domain, to let me know. A true and correct copy of the email appears as Exhibit "H" to the Brief in Support of Motion for Summary Judgment.

4. At the time I wrote and sent the November 29, 2007 letter, I was unaware of any trademark claimed or owned by Mr. Neeley which he claimed to be violated by NameMedia with



regard to the domain.

5. I received no further communication from Mr. Neeley subsequent to my phone conversation with him on or around November 29, 2007.



Ted Olson

4/26/2011