

Attorney for Plaintiff,
DANIEL JURIN

DANIEL JURIN,
Plaintiff,
vs.
GOOGLE, INC.,
Defendant

Case No.: No. 2:09 civ 03065-MCE KJM

DECLARATION OF DANIEL JURIN IN
SUPPORT OF OPPOSITION TO
MOTION FOR STAY

5. I presently am unable to comply with the court's order in this matter.

1 6. In 2004 I began a new company based on building a brand name for a
2 line of foam trim and moulding products.

3 7. My first steps were to research a trade mark and apply with the United States
4 Patent and Trade Mark Office. I was formally awarded the trademark Styrotrim in July
5 2006.

6 8. I put together a website StyroTrim.com using the name Stryotrim™ identity
7 and began to market through Google AdWords and Google TV.

8 9. During this time of waiting a direct competitor of mine began purchasing
9 my name as a keyword to trigger Adwords ads.

10 10. Upon receipt of my Trade Mark Certificate I notified Google that I properly
11 owned the mark StyroTrim, they acknowledge receipt of my complaint in an email.

12 11. I tried for some time to get Google to stop allowing advertisers to purchase
13 Styrotrim as a keyword from Google's Adwords program, to no avail, despite my having
14 notified Google of my ownership of the Styrotrim mark.

15 12. I then researched and asked around as to what my legal options were.

16 13. The least expensive legal fee quote I received was to start with a 1 million
17 dollar retainer, because it was Google I would need to go after. I am a small business
18 man. I had never sued anyone before, let alone be faced with a potential lawsuit
19 against Google. I did not have 1 million dollars. I finally just threw up my hands and
20 moved on.

21 14. I personally appeared for Styrotrim on the HGTV's *Curb Appeal* show at
22 their request. I also launched a limited national television ad campaign on EchoStar
23 network on HGTV. This was my strategy, to market the Styrotrim brand on a broader
24 basis.

25 15. Over the next years I attempted several more times to get Google's
26 attention over the continuing issue of Styrotrim mark still being purchased as
27 an Adwords keyword triggering ads which have no association with Styrotrim. No
28 resolution was made.

1 16. I then noticed that more and more advertisers began to appear offering
2 Styrotrim purchase directly in their ad headline and text content. I became curious as to
3 how these new advertisers came upon the keyword Styrotrim. These advertisers have
4 no association with Styrotrim, so even when their ad is clicked and followed, the
5 landing page is a retail shopping site or search site with nothing to do with Styrotrim
6 products.

7 17. That is when I discovered Styrotrim in Google's keyword suggestion tool. It
8 clearly stated to the purchaser of the keyword, the cost they would pay Google and
9 number of times per month the purchasers ad would be shown using
10 my trademarked StyroTrim as a keyword.

11 18. Google was suggesting Styrotrim to advertisers with their keyword tool,
12 allowing these advertisers to use the Adwords system to create ad content
13 using the Styrotrim mark in both the headline and display text. Google then sold ad
14 positioning when someone searches for Styrotrim.

15 19. This now this brings me to my first attempt through legal channels by finding
16 a law firm to represent me in protecting my trademark. Doniger Burroughs assembled
17 the complaint and filed it in Los Angeles where their office is located. While I waited for
18 an answer, Google requested an extension for a couple weeks. My legal
19 counsel informed me it was appropriate conduct to agree as courtesy, so we did.

20 20. Then Google filed another extension request because their legal team takes
21 a one month holiday during the summer period. Again I agreed, though reluctantly.
22 Finally while waiting for a response, another extension was requested, this time so
23 Google's counsel could attend another out of town trial or hearing.

24 21. It was at this time my counsel informed me that he felt we needed a Search
25 Engine Optimization (SEO) expert to testify. I disagreed because this matter has
26 nothing to do with organic search listings or SEO, because this is purely an advertising
27 and Pay Per Click (PPC) matter. The top advertising spots are being sold by Google to
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1 advertisers. I asked my counsel several times to reconsider not needing an SEO
2 expert. Doniger Burroughs then wanted to be relieved as counsel.

3 22. I would not have been able to deal with the case personally because it was
4 filed in Southern California, especially considering a federal courthouse is located in
5 my own hometown Sacramento.

6 23. The case was dismissed without prejudice, and I was given permission from
7 the Doniger Burroughs firm to use the complaint they had already constructed to file in
8 Sacramento.

9 24. Regarding the most recent order for payment within 20 days of more
10 than \$6000 Google claims as costs, these costs consist of them several filing motions
11 to extend their response. I believe this is an unreasonable demand.

12 25. What I want to make clear is first, this is by no means vexatious litigation.
13 And secondly, the core of my original problem still occurs to this day. Google
14 continues to sell the trademark Styrotrim keyword to advertisers who use
15 Google's Adwords system to create and display text like "Buy StyroTrim for 50% off."

16 26. After numerous attempts to contact one advertiser (located in
17 Germany) with no success, their ads and others like them still remain. I made no
18 attempts at this time to request another advertiser Ask.com to stop on purpose, to
19 show you, since it is merely another search engine directing people to a more focused
20 search for my brand.

21 27. Now, since Google had first added the arbitrary term trademark Styrotrim to
22 their keyword suggestion tool the mark has made its way into all these other keyword
23 databases forcing me to continue to go after all these numerous other entities.

24 28. At one time I had nearly 8 other advertisers buying my name as a keyword
25 to trigger their ads.

26 29. Google is still selling the keyword Styrotrim.

27 The above is stated under penalty of perjury and is executed at Carmichael, CA
28 on June 10, 2010 .

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/s/ Daniel Jurin

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Plaintiff, DANIEL JURIN

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