

EXHIBIT D

Website sues Google over 'death penalty'

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A child-care website has sued Google, alleging that the internet search giant choked off its online traffic, its lawyer said on Monday.

KinderStart.com said Google punitively or arbitrarily stopped pointing internet searchers in its direction. The suit was filed in a San Jose, California federal court.

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"It's akin to cutting off the flow of oil, communication or oxygen. This is very serious," said KinderStart lawyer, Gregory Yu.

KinderStart, a website containing child-care information of potential interest to parents or teachers, had its ranking (called a PageRank) on Google dropped to zero in March of last year, according to Yu.

Zero rankings, which equate to being ignored by a search engine, are referred to in online jargon as being "sent to the sandbox" and can result from suspicions that a website used sneaky tactics to raise its ranking.

"It is one thing to put a numerical value on a website, it is another to carve away 60 to 70 per cent of the traffic," Yu said.

"We never got into playing tricks in order to boost the traffic," Yu said of the website. "It was organic growth. All of a sudden the traffic and the page rank dropped way down. There was no notice or warning."

Yu referred to the action by Google as "blocking" online traffic to KinderStart, which has been online for almost six years.

The sanction - known colloquially as the "Google death penalty" - means that a Google search for terms related to the company's business will not return a direct link to the affected company.

The higher a website's PageRank, the more likely it is to feature at the top of the page of a Google search. Sites boost their PageRank by virtue of being linked to by other highly ranked sites.

The suit charged Google with having a monopoly in online search and contended Google was denying KinderStart its First Amendment right to free speech under the US Constitution.

"We believe the lawsuit is without merit and we will defend against it vigorously," Google said in a written response to a request for comment on the case.

Google is the dominant US Internet search engine, commanding more than half the market.

Earlier this year the German website of car maker BMW had its Page Rank reset to zero after it used so-called black hat tactics to boost its PageRank.

BMW was accused of setting up so-called doorway pages that trick search bots like Google's into boosting the PageRank of a site or a page and directing searchers there.

This trick is called search engine optimisation (SEO) and while most professional sites will use SEO methods to improve their search appeal, some methods are deemed to be unethical. These are commonly used by gambling or pornography sites.

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The sanction was lifted after BMW dropped the doorway pages.