

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
LEXINGTON DIVISION**

**iLOR, LLC**

**Plaintiff,**

**v.**

**GOOGLE, INC.**

**Defendant.**

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**Case No. 5:07 – CV – 00109 - JM  
Chief Judge Joseph M. Hood**

**AFFIDAVIT OF STEPHEN MANSFIELD**

STEVEN MANSFIELD, being duly cautioned and sworn, hereby attests as follows:

1. I am Stephen Mansfield.
2. I have over 20 years of real world experience in the world of IT and entrepreneurship. I have experience with virtually all technical operating systems, including UNIX, AIX, LINUX, X-Windows, Windows, MacOS and others, on hardware platforms ranging from IBM Mainframes, Mini's (AS-400), workstations, PC and Mac. I have over 15 years of experience in all matters of related to the operation of technology companies, including executive management, Intellectual Property matters, marketing, sales, product design, site design, interface design, etc. I have completed three years of post-secondary education at the University of Kentucky, Morehead State University and the Lexington Technical Institute.
3. I am the co-founder and CEO of iLOR, LLC, the developers of PreFound.com, the Social Search Engine. I am currently employed by Prefound.com. My current job title is Chief Executive Officer. Functionally, my responsibilities include all aspects of the operation and management of PreFound.com. Beyond the operation and management, my responsibilities also encompass the marketing of the site and company, making public appearances representing the company, speaking engagements, being the subject of interviews and writing articles that are published regarding the site. I am also responsible for all editorial content posted in the primary PreFound.com blog.



4. I took a position with iLOR in 2000. It is my understanding that iLOR owns Prefound.com as well as the patent which is the subject of the present lawsuit.
5. iLOR is in the business of developing a human-indexed Internet through specialized tools, such as PFfinder, utilized by communities of knowledgeable, interested people who can identify relevant sites with greater accuracy than a search engine that depends on computer programs. I have been personally involved in the development of PFfinder, and am familiar with its features and functions, as well as with the business of iLOR.
6. iLOR applied for a patent in May 2006 which issued on April 17, 2007, as U.S. Patent 7,206,839. I am a co-inventor of the technology covered by that patent and I was involved in all aspects of the process from conception of the invention to fielding questions from the patent attorneys involved in the prosecution of the patent application.
7. Without users, a social search site is virtually useless. A social site must draw a very large traffic base to build a network of users that participate on the social site. In order for a social site that is dependent on users aggregating data to really become successful, it must offer users easily accessible online tools to assist them in aggregating the data. Further, it is critical that the tools that are offered are so easy to use and helpful to these users that the tools become intrinsic to the browsing process itself for these users. Without tools like these, not enough users will work to aggregate data, and that is the death knell for the service.
8. iLOR planned a media strategy to establish enough momentum to achieve a self-sustaining critical mass of users. In this strategy, iLOR committed funds, starting in March 2006, to promote iLOR as an industry leader via various mechanisms including iLOR's hosting of the Kentucky Derby Social Networks/Social Search Roundtable which was attended by representatives of Six Apart, Wall Street Journal, MarketWatch, and Search Engine Lowdown. In the course of this media campaign (May 2006), Google released the Google Notebook. In spite of this media strategy, users were not visiting iLOR's website as anticipated. I believe that the reason for this was the availability of the competing Google Notebook. By June 2006, iLOR was forced to redirect its marketing efforts from presenting itself as an

industry leader to convincing the public that iLOR was still a viable entity. The focus of the marketing budget since then has been on countering the effects of the infringing Google Notebook on iLOR's business.

9. iLOR, if granted an injunction, plans to engage in a nationwide public relations campaign to repair the damage caused by Google's infringement including blog posts, magazine articles, newspaper articles, interviews, speaking tours, brand building and more.
10. Google's unlawful usurpation of iLOR's potential user base, through the offering of its Google Notebook, has so damaged iLOR that, at present, the website is not generating enough advertising revenue to maintain the company. iLOR is currently being maintained through investment dollars. However, if iLOR is not granted an injunction, it will find it nearly impossible to attract the additional investment necessary to continue to make the Prefound.com social search site a going concern. Without investment, iLOR will have no recourse except to go out of business.
11. Exhibit A is a true copy of US Patent 7,206,839.
12. Exhibit B is a true copy of WIKIPEDIA, *Social Software*, available at [http://en.wikipedia.org/wiki/Social\\_software](http://en.wikipedia.org/wiki/Social_software) (accessed August 24, 2007).
13. Exhibit C is a true copy of Tim O'Reilly, *What Is Web 2.0 - Design Patterns and Business Models for the Next Generation of Software*, 9/30/2005, <http://www.oreillynet.com/lpt/a/6228> (visited August 24, 2007).
14. Exhibit D is a true copy of WIKIPEDIA, *Danny Sullivan* available at [http://en.wikipedia.org/wiki/Danny\\_Sullivan\\_\(technologist\)](http://en.wikipedia.org/wiki/Danny_Sullivan_(technologist)) (accessed August 24, 2007).
15. Exhibit E is a true copy of *About Search Engine Watch* available at <http://searchenginewatch.com/showPage.html?page=about> (accessed August 24, 2007).
16. Exhibit F is a true copy of About Incisive Media available at <http://www.incisivemedia.com/public/showPage.html?page=11338> (accessed August 24, 2007).

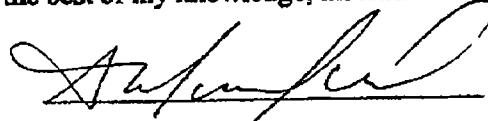
17. Exhibit G is a true copy of Danny Sullivan, *iLOR Makes Google Even Better*, SEARCH ENGINE WATCH (April 19, 2001) available at <http://searchenginewatch.com/2163651/print> (accessed August 24, 2007).
18. Exhibit H is a true copy of About MarketWatch available at <http://www3.marketwatch.com/siteinfo/> (accessed August 24, 2007).
19. Exhibit I is a true copy of Bambi Francisco, *Google Going Vertical*, MARKETWATCH (May 11, 2006) available at <http://www.marketwatch.com/News/Story/Story.aspx?guid=%7B174948FE-E62F-40F5-846A-4C0948CC45B3%7D> (accessed 8/24/2007).
20. Exhibit J is a true copy of Answers.com, *beta: Definition and Much More from Answers.com*, June 7, 2004, available at <http://www.answers.com/topic/beta-definition?cat=technology&print=true> (accessed August 24, 2007).
21. Exhibit K is a true copy of *Google Notebook FAQ* available at <http://www.google.com/googlenotebook/faq.html> (August 24, 2007).
22. Exhibit L is a true copy of *Google Notebook Tour* available at <http://www.google.com/googlenotebook/tour1.html> (accessed August 24, 2007).
23. Exhibit M is a true copy of *Google Notebook from Google Labs*, (May 10, 2006) available at [http://www.google.com/intl/en/press/pressrel/new\\_tech.html](http://www.google.com/intl/en/press/pressrel/new_tech.html) (accessed August 24, 2007).
24. Exhibit N is a true copy of Whatis.com, *Browser* (September 25, 2006) available at [http://searchvb.techtarget.com/sDefinition/0,,sid8\\_gci211708,00.html](http://searchvb.techtarget.com/sDefinition/0,,sid8_gci211708,00.html) (accessed August 24, 2007).
25. Exhibit O is a true copy of Burt Helm, *Google's Desktop Offensive*, BUSINESS WEEK (May 11, 2006) available at [http://www.businessweek.com/print/technology/content/may2006/tc20060511\\_493243.htm](http://www.businessweek.com/print/technology/content/may2006/tc20060511_493243.htm) (accessed August 24, 2007).
26. EXHIBIT P is a true copy of *About the Motley Fool* available at <http://www.fool.com/Server/printarticle.aspx&file=/press/about.htm> (accessed August 24, 2007).
27. EXHIBIT Q is a true copy of Rick Aristotle Munarriz, *Google's Sticky Little Fingers*, THE MOTLEY FOOL (May 11, 2006) available at

- <http://www.fool.com/server/printarticle.aspx?file=/investing/value/2006/05/11/googles-sticky-little-fingers.aspx> (accessed August 24, 2007).
28. Exhibit S is a true copy of *5 Questions with PreFound.com CEO Steve Mansfield*, REPRISE MEDIA (May 24, 2006) available at <http://www.searchviews.com/index.php/archives/2006/05/5-questions-with-prefoundcom-ceo-steve-mansfield.phpprint/> (accessed August 24, 2007).
29. EXHIBIT T is a true copy of *About Reprise Media*, <http://www.reprisemedia.com/about.aspx> (accessed August 24, 2007).
30. Exhibit U is a true copy of *About Susan Kuchinkas*, available at <http://www.kuchinkas.com/aboutus.html> (accessed August 24, 2007).
31. Exhibit V is a true copy of *About Us [CMP]*, available at <http://www.cmp.com/about/index.jhtml> (accessed August 24, 2007).
32. Exhibit W is a true copy of Susan Kuchinkas, *Prefound on Competing with Google*, THE 360 (Oct. 27, 2006) available at <http://360techblog.com/prefound-on-competing-with-google/2006/10/27/> (accessed August 24, 2007).
33. Exhibit X is a true copy of *Google Goes Multi-Lingual*, THE OFFICIAL GOOGLE BLOG (March 29, 2007) available at <http://googleblog.blogspot.com/2007/03/google-notebook-goes-multi-lingual.html> (accessed August 24, 2007).
34. Exhibit Y is a true copy of *Manual of Patent Examining Procedure* §719 (USPTO, 8th Edition Revision 5, August 2006) available at [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_719.htm#sect719](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_719.htm#sect719) (accessed August 24, 2007) (Exhibit Y).
35. Exhibit Z is a true copy of THE 360, *About the 360*, available at <http://360techblog.com/about/> (accessed August 24, 2007).
36. Exhibit AA is a true copy of *American Heritage Dictionary* (2000) available at <http://www.bartleby.com/61/26/A0542600.html> (accessed August 24, 2007).
37. Exhibit BB is a true copy of WHATIS.COM, *URL*, November 27, 1999, <http://web.archive.org/web/20000407183835/http://www.whatis.com/> (visited August 24, 2007).


38. Exhibit CC is a true copy of Office Action mailed January 28, 2004 (rejecting application 09/594,786).
39. Exhibit DD is a true copy of Response to January 28, 2004, Office Action regarding 09/594,786.
40. Exhibit EE is a true copy of US Patent 6,567,830.
41. Exhibit FF is a true copy of WHATIS.COM; *Plug-in* (May 12, 2003) available at [http://searchsmb.techtarget.com/sDefinition/0,,sid44\\_gci212800,00.html](http://searchsmb.techtarget.com/sDefinition/0,,sid44_gci212800,00.html) (accessed August 24, 2007).
42. Exhibit GG is a true copy of WHATIS.COM, *Screen Shot* (July 31, 2001), [http://whatis.techtarget.com/definition/0,,sid9\\_gci497372,00.html](http://whatis.techtarget.com/definition/0,,sid9_gci497372,00.html) (accessed August 24, 2007).
43. Exhibit HH is a true copy of *Michael Kanellos Bio* available at [http://www.idema.org/\\_smartsite/modules/news/show\\_news.php?cmd=display&news\\_id=1393](http://www.idema.org/_smartsite/modules/news/show_news.php?cmd=display&news_id=1393) (accessed August 24, 2007).
44. Exhibit II is a true copy of Michael Kanellos, *The Scary Math Behind Web 2.0* (April 17, 2007) available at [http://news.com.com/8301-10784\\_3-9710510-7.html?part=rss&subj=news&tag=2547-1\\_3-0-20](http://news.com.com/8301-10784_3-9710510-7.html?part=rss&subj=news&tag=2547-1_3-0-20) (accessed August 24, 2007)
45. Exhibit JJ is a true copy of Rich Mieslen, *The New York Times Newsroom Navigator*, NEW YORK Times (February 25, 2007) available at <http://tech.nytimes.com/top/news/technology/cybertimesnavigator/index.html> (accessed August 24, 2007).
46. Exhibit KK is a true copy of Search of the Google Blog for occurrences of the term "Google Notebook" from April 17, 2007 through August 17, 2007 at [http://blogsearch.google.com/blogsearch?as\\_q=&num=10&hl=en&c2coff=1&as\\_oq=&as\\_eq=&lr=&safe=active&q=%22google+notebook%22&ie=UTF-8&as\\_mind=17&as\\_minm=4&as\\_miny=2007&as\\_maxd=17&as\\_maxm=8&as\\_maxy=2007&as\\_drrb=b&ct\\_z=240&c1cr=4%2F17%2F2007&c2cr=8%2F17%2F2007&btnD=Go](http://blogsearch.google.com/blogsearch?as_q=&num=10&hl=en&c2coff=1&as_oq=&as_eq=&lr=&safe=active&q=%22google+notebook%22&ie=UTF-8&as_mind=17&as_minm=4&as_miny=2007&as_maxd=17&as_maxm=8&as_maxy=2007&as_drrb=b&ct_z=240&c1cr=4%2F17%2F2007&c2cr=8%2F17%2F2007&btnD=Go) (accessed August 24, 2007).
47. Exhibit LL is a true copy of Tom Eid and Nikos Drakos, *The Emerging Enterprise Social Software Marketplace* (abstract) (July 23, 2007) (search for articles

- pertaining to social software in <http://www.gartner.com/> (search run August 24, 2007).
48. Exhibit MM is a true copy of WIKIPEDIA, *Gartner* (August 3, 2007) available at <http://en.wikipedia.org/wiki/Gartner> (accessed August 24, 2007).
  49. Exhibit NN is a true copy of The Kentucky Derby Roundtable (May 5-6, 2006) available at <http://www.pfound.com/roundtable> (accessed August 24, 2007).
  50. Exhibit OO is a true copy of WIKIPEDIA, *InfoWorld* (April 30, 2007) available at <http://en.wikipedia.org/wiki/InfoWorld> (accessed August 24, 2007).
  51. Exhibit PP is a true copy of Elizabeth Montalbano, *Pfound.com to Wed Social Networks, Search*, INFO WORLD (April 12, 2006) available at [http://www.infoworld.com/archives/emailPrint.jsp?R=printThis&A=/article/06/04/12/77379\\_HNpfound\\_1.html](http://www.infoworld.com/archives/emailPrint.jsp?R=printThis&A=/article/06/04/12/77379_HNpfound_1.html) (accessed August 24, 2007).
  52. Exhibit QQ is a true copy of Nasdaq Summary Quotes, *Google*, August 24, 2007, available at <http://quotes.nasdaq.com/asp/SummaryQuote.asp?symbol=GOOG&selected=GOOG> (accessed August 24, 2007).
  53. Exhibit RR is a true copy of Ari Levy, *Google Isn't Threatened by Slowdown, Economist Says (Update2)*, BLOOMBERG (August 24, 2007) available at <http://www.bloomberg.com/apps/news?pid=conewsstory&refer=conews&tkr=GOOG:US&sid=awY5Vfh7.dXM> (accessed August 27, 2007).
  54. Exhibit SS is a true copy of WIKIPEDIA, *Bloomberg L.P.* (August 19, 2007) available at [http://en.wikipedia.org/wiki/Bloomberg\\_L.P.](http://en.wikipedia.org/wiki/Bloomberg_L.P.) (accessed August 27, 2007).
  55. Exhibit TT is a true copy of Paul R. LaMonica, *What Google should do with its \$10 billion war chest*, CNN MONEY (April 11, 2006) available at [http://money.cnn.com/2006/04/11/news/companies/google\\_cash/index.htm](http://money.cnn.com/2006/04/11/news/companies/google_cash/index.htm) (accessed August 27, 2007).
  56. Exhibit UU is a true copy of WIKIPEDIA, *CNN* (August 23, 2007) available at <http://en.wikipedia.org/wiki/Cnn> (accessed August 27, 2007).

I declare the foregoing to be true and accurate to the best of my knowledge, information and belief.

  
Stephen Mansfield

Sworn to and subscribed before me, notary public, this 27 day of August, 2007.

  
Notary Public  
My Commission  
expires 9/3/07

