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Via Email & U.S. Mail

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Re: Shoemoney Media Group, Inc. v. Farrell;
<http://searchengineland.com/google-clears-employee-in-shoemoney-case-19481>

Dear Pat:

I presume you are aware of your client's ongoing efforts to keep the internet updated regularly about the events of this case. Nevertheless, I wanted to make sure that he shared with you the comment that recently Google released to the blog *From Search Engine Land*. Here is the post from that website that contains Google's comment:

"The privacy and security of our users and advertisers' account information is a top priority for us, and our internal policies prohibit any use of non-public advertiser data for personal gain. After a thorough investigation, we found no indication that any employee purposefully tampered with or circumvented any of those policies, processes or procedures, including our trademark filtering process. Due to an unrelated human error, however, some ads with the "Shoemoney" trademark in the text were unintentionally allowed to run. The error has since been corrected, and the ads ran only for a short time."

The author of the website comment also stated:

"Talking with the company a bit further, it stressed that the human error was on the part of another AdWords employee, not Keyen Farrell, who is the defendant in the case Jeremy "ShoeMoney" Schoemaker has filed involving the use of his trademarks in AdWords copy."

I believe this is Google's comment and is consistent with what I have been telling you.

After the filing of this lawsuit, your client has admitted in a statement made on his website that he lacked knowledge about how the display of his unauthorized trademark

occurred, yet that did not stop him from making the unfounded assumption that Google's procedures were "bypassed" by Keyen Farrell, stating:

"It is not yet known how Mr. Farrell bypassed Google policy preventing advertisers from displaying trademarked terms in the text of their ads, nor is it known whether this was an isolated act of infringement or part of a larger pattern of infringing conduct."

Google's response should assure you that neither Keyen or John Farrell breached any statutory or common law duties to Shoemoney, much less caused any damage to your client.

Equally troubling, however, is your client's use of defamatory remarks when referring to the Farrells and in particular Keyen Farrell. For example, another website: *searchengineland.com*, quoted your client as referring to Keyen Farrell as a "corrupt employee":

"Talking with Schoemaker, he stressed that he assumes Google itself had no knowledge of Farrell's actions, nor is he filing suit against Google itself.

Our goal in this is not for financial gain but to defend our trademark that we have spent many years building trust with. People [commenting on] the TechCrunch story talk like Google is going to write me a big check, but that is just silly. This is not going to be a cash flow positive thing for us I am pretty sure. And I do not honestly think nor do we have any evidence that Google was involved or had knowledge of this corrupt employee."

Keyen Farrell has been subjected to public scorn and ridicule as a result of your client's public comments. Bloggers such as *The Next Corner* have stated:

"Keyen Farrell needs a new reputation

April 8, 2009

Wow, how can you destroy your early career in no time. Just ask Keyen Farrell, a young, just started Google employee on the Adwords department. The big story is about Keyen Farrell & his website or company or himself buying ads with a trademarked term in it.

If you look at the top 10 in Google on his name, 6 of the 10 are about this story."

Additionally on the website *John Chow dot com*, John Chow commented on your client's lawsuit stating:

"If Mr. Farrell does indeed work for Google, I have a feeling he won't be working there much longer. That will be the least of his worries once Shoe gets done with him."

The statement from Google should now clarify what occurred. Accordingly we call on you to immediately dismiss your client's lawsuit against the Farrells. To avoid further damage to the Farrell's reputation, we also demand that your client acknowledge that the trademark terms

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were displayed through no fault of Keyen or John Farrell and we ask that your client publicly apologize to them on his website for the slanderous comments he has made over the internet and in the press and disseminate this apology using the same mailing lists and media channels that he previously used to publicize his complaint against Keyen Farrell.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Paul", written in a cursive style.

J. Scott Paul

JSP/tao