

EXHIBIT 12

Webware

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Google finally sued by makers of Finally Fast

by Tom Krazit

Google has been sued again by a company mad over the use of its trademarks as keywords, but this one comes with a twist.

Ascentive, the company behind those incessant "Finally Fast!" PC support ads, became the latest Google advertiser to sue the company for allowing advertisers to purchase ads using trademarks they do not own as search keywords. It will have to get in line behind **Firepond**, **Rescuecom** and several other companies challenging Google's policy, recently expanded to allow some companies to use trademarks they don't own in the text of their ads.



Ascentive takes its suit a step farther, however, also claiming that Google has unfairly removed some of Ascentive's Web sites from its search index. Ascentive's **Finallyfast.com** Web site and related software are designed to examine your computer for registry errors and spyware that are ostensibly slowing its performance, and the company has battled with **StopBadware.org** this year over whether its products should be considered a scam for its dire warnings about benign security threats on your computer that lead to an upsell pitch for Ascentive's services.

According to Ascentive, Google dropped it from search results following two warnings from StopBadware.org about its products. Still, even after **StopBadware.org removed their warnings** about Ascentive's products following some changes, **a search for "finally fast" on Google** does not return any Ascentive Web site. That search does, however, return a result for a company called "Finallyfast.us" which appears to offer a very similar product but does not appear to have any relationship with Ascentive.