



IDiogenes' code base was under primary construction, my work was on a full-time basis from October 2004 through January 2006. Since the completion of IDiogenes' code's primary construction in January 2006, my work with IDiogenes has been on an as-needed basis. I have served as IDiogenes' Chief Technology Officer since 2007. Prior to my work with IDiogenes, I was employed as a Software Engineer at AOL Time Warner from 1997 to 2004. I hold a Bachelor of Science degree in Information Systems from the University of Phoenix, and am working toward a B.S. in Accounting/Finance from Northeastern University with an expected completion date of December 2010. In addition to my work with IDiogenes, I am also currently employed as Director of VOIP Services for Unified Communications/Teleblend, and have held that position since July 2007.

3. IDiogenes is a web intelligence company that provides web intelligence to law firms and others investigating acts of cyber fraud.
4. IDiogenes assists investigations into fraudulent websites by using automated tools to collect publicly available information about websites that are reported to be engaged in fraudulent activities. IDiogenes receives address feeds of allegedly fraudulent websites from clients, non-client proprietary sources and from public sources. IDiogenes receives millions of reports per month from all sources concerning websites allegedly engaging in fraudulent conduct.
5. IDiogenes uses web spider software to collect website source code and related files, and uses Internet Protocol (*i.e.*, TCP/IP) utility tools to collect certain

technical information about the Internet architecture supporting those websites, including: WHOIS, Start of Authority records (“SOA”), domain name servers (“DNS”), reverse DNS resolution (“rDNS”) and IP Block information.

6. For example, when a person registers a domain name, such as **lafinancenews.com**, the Internet Corporation for Assigned Names and Numbers (“ICANN”) requires the domain name registrar (*e.g.*, Go Daddy, Enom, Inc., Tucows, Inc., Network Solutions, LLC, etc.), to submit the domain name owner’s personal contact information to the WHOIS database, which is publicly available to anyone searching it with the WHOIS search tool (found at [www.whois.org](http://www.whois.org)).
7. Every domain name has a SOA record that includes, among other things, information about basic properties of the domain, such as the e-mail address of the person responsible for the domain.
8. Generally speaking, the DNS is a hierarchical naming system for computers connected to the Internet or a private network. The DNS correlates various information with domain names and acts as a type of “phone book” by mapping domain names (*e.g.*, **uscourts.gov**) to numerical Internet Protocol addresses (“IP addresses”). An IP address consists of four sets of numbers separated by periods (referred to as a “dot”) where each number ranges from 0 to 255 (*e.g.*, **123.45.67.89**). By mapping domain names to IP addresses, a web browser can find a particular webpage by requesting the file from the computer tied to the IP address corresponding to the domain name hosting the desired webpage.

9. Reverse DNS resolution is the opposite of the process described in Paragraph 8 above. Using rDNS, a user can determine the host name (such as server.uscourts.gov) that is associated with a given IP address.
10. Domain name owners are contractually required to provide truthful registration information when purchasing domain names, and ownership information is publicly reported via a database commonly referred to as the WHOIS database. Generally speaking, the registered name of a domain owner can be quickly changed in the WHOIS database by the domain owner on an as-needed basis. Domain name owners, however, are permitted to employ the services of companies to keep their personal contact information out of the WHOIS database. Companies like Domains by Proxy, Inc. and WhoIs Guard (which are typically affiliated with Registrars authorized to sell domain names), offer services whereby purchasers of domain names can have their personal contact information replaced in the WHOIS database with contact information of the proxy registration service.
11. IP addresses are assigned in large blocks through one of the Internet's governing bodies, the Internet Assigned Numbers Authority, which assigns IP addresses through regional Internet registries ("RIR"). Those assignments are publicly disclosed in an IP Block database, and any IP address can be located within the block in which it was assigned and tied to the entity to which it was assigned. For example, the Massachusetts Institute of Technology has been assigned a large IP block ranging from 18.0.0.0 to 18.255.255.255. Assigned IP addresses are then

made available to end-users in various ways. In some instances, one can identify the end-user of an IP address by contacting the entity assigned the IP block that contains the IP address of interest. Thus, by mapping a domain name to an IP address and contacting the entity controlling that IP address, it is sometimes possible to determine the domain name's true owner.

12. IDiogenes collects the foregoing information in the normal course of its business with respect to Uniform Resource Locators ("URLs"), such as <http://www.lafinancenews.com>, that are reported to IDiogenes by its clients.
13. IDiogenes stores the information it collects electronically and makes it available in a secure fashion to law firms and other clients. The information IDiogenes makes available is generally of three types: (1) the original source code of the websites, which preserves the code as it was collected by IDiogenes' tool set; (2) revised source code of the websites, which modifies the hyperlinks contained in the source code to permit a viewer to navigate through the collected web pages in the same manner that a viewer would have encountered the pages as they appeared at the time the source code was collected by IDiogenes' tool; and (3) technical information about the Internet architecture supporting those websites, including: WHOIS, SOA, DNS, rDNS and IP Block information.
14. Under the direction of the Internet Law Group and on behalf of Google Inc., IDiogenes was retained to collect the above-referenced information relating to certain websites offering what is believed to be fraudulent Google money-making

opportunities. In connection with its work, IDiogenes has received a feed of websites (*i.e.*, URLs).

15. Attached as **Exhibit A** to this declaration is a true and accurate list of the **2,650** unique URLs that IDiogenes has received, starting in August 2009 through the end of November (“Reported URLs”). In the last ten days of November alone, IDiogenes was asked to collect data on nearly 100 unique URLs relating to alleged Google money-making schemes. Reported URLs continue to be received on almost a daily basis.
16. Using IDiogenes’ data collection systems outlined above, IDiogenes collected publicly available information about these Reported URLs in the normal course of its business. Specifically, IDiogenes attempted to collect the website source code of the Reported URLs themselves, as well as the source code for the web pages linked to those Reported URLs, through several layers deep. IDiogenes also collected certain technical information with respect to the Reported URLs and the web pages linked to them, including: WHOIS, SOA, DNS, rDNS and IP Block information.
17. Of the 2,650 Reported URLs, the vast majority are hosted within domain names that are registered using a privacy protection service. For example, of the 688 registrations I have personally reviewed in connection with this matter, three well-known privacy protection service providers (Domains by Proxy, WhoIs Guard, and WhoIs Privacy Protection Service) accounted for nearly two-thirds of all the registrations.

18. Some of the Reported URLs represented credit card processing sites, at which the viewer could enter his/her payment information (“Credit Card Processing Sites”). However, the vast majority of Reported URLs (approximately 2,000) were introductory sales-pitch sites that discuss alleged Google money-making opportunities (“Affiliate Sites”). These Affiliate Sites, in turn, directed viewers to Credit Card Processing Sites through Cost-Per-Action hyperlinks (“CPA links”). Generally speaking, CPA links on the Affiliate Sites directed viewers through a CPA tracking website which then passes the traffic immediately on to a Credit Card Processing Site. The Credit Card Processing Site receiving traffic through a CPA link compensates the CPA link owner based on the volume of traffic or sales that pass through the CPA link to the Credit Card Processing Site. The CPA link owner in turn pays a portion of its proceeds to the Affiliate Site owner that originally generated the traffic.
19. Using standard database search tools, IDiogenes identified that many of the Reported URLs were connected (directly or indirectly via CPA links) to the following fifteen domain names, which were credit or debit card processing sites:

**bskytracking.com;**  
**googleworkstoday.com;**  
**processcartcenter.com;**  
**securecartcenter.com;**  
**sundaybikerides.com;**  
**safetrialoffers.com;**  
**selfprofitsmadeeasy.com;**  
**securesiteorders.com;**  
**yoursearchprofits.com;**  
**secureordersites.com;**  
**securesiteoffers.com;**  
**on1inetrack.com;**

**profitcenterlearning.com;**  
**s3curehost.com;** and  
**visualwebtools.com.**

20. According to the collected WHOIS information, onlinetrack.com, profitcenterlearning.com, s3curehost.com, and visualwebtools.com (collectively referred to as “PWW’s Credit Card Processing Sites”) are listed as being owned by Pacific WebWorks, Inc. (“PWW”) and Intellipay, Inc. (which is allegedly a subsidiary of PWW.). See true and correct copies of the WHOIS information for the domains of Paragraph 19 are attached hereto as **Exhibit B**. The vast majority of the remainder of the Credit Card Processing Sites listed in Paragraph 19 above have hidden their true ownership information behind a proxy registration service (e.g., Domains by Proxy, Inc.) as the registrant. See Exhibit B.
21. According to public records that were collected, PWW operates the DNS server that points to PWW’s Credit Card Processing Sites. Further, based on what is known as the publicly available “A-Record Host” data, Verizon Business is the IP Block owner of the IP address that is “hosting” PWW’s Credit Card Processing Sites on behalf of PWW.
22. Of the Reported URLs, 129 were URLs located within PWW’s own domain names. In addition, at least 78 other Affiliate Sites were also reported to IDiogenes that linked directly (or indirectly through a CPA link) to one or more of PWW’s Credit Card Processing Sites. Attached hereto as **Exhibit C** is a true and correct list of those URLs.

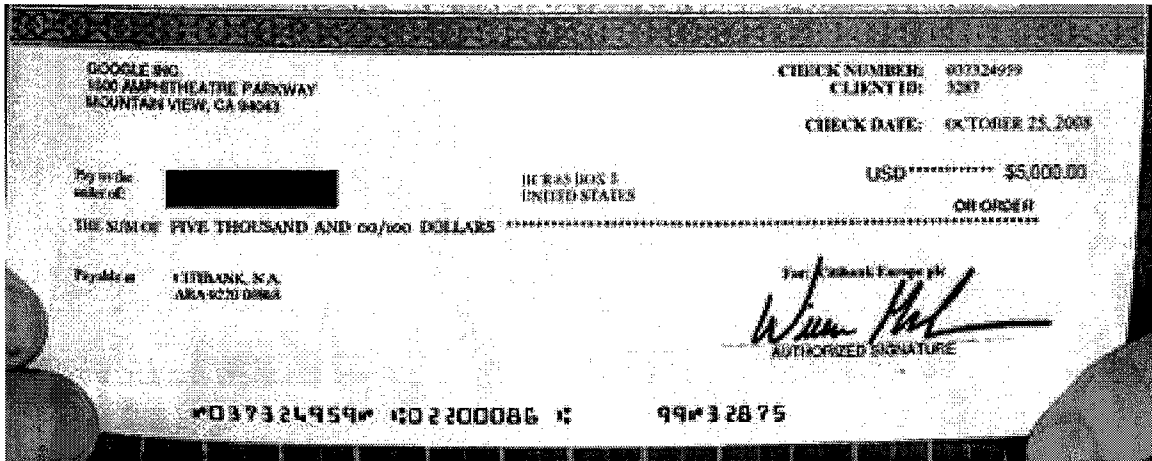


23. It is my understanding that credit card purchases made at PWW-controlled domain names were processed by Wells Fargo Bank and credited to a Merchant Account starting with the following seven digits: 3957000XXXXX.
24. Upon inspection, many Affiliate Sites contained the same information, which suggests that templates might have been used to create them. For example, various sites used the same picture and story for a recently married man that is known by many different aliases, such as Ben Connors, Dan Pellington, and Frank Anderson. See Exhibit D attached hereto, which contains true and correct copies of examples of the first pages of such sites. Other sites used a similar storyline and the same photo involving a different young man named Jacob Marcy or Adam Peters, depending on the site. Attached hereto as Exhibit E are true and correct copies of the relevant portions of the first pages of such sites. Further still, another persona, a mother-of-two was promoted under the names of Melissa Bennett, Kelly Steadman or Mary Steadman using the same photo of a young woman holding a small girl:



Attached hereto as **Exhibit F** are true and correct copies of the relevant portions of the first pages of such sites. Each of the foregoing sites led to a credit card processing site where consumers' credit and/or debit card information could be submitted.

25. Another pattern that became clear is that numerous Reported URLs for Affiliate Sites used the same image of what appears to be a \$5,000 check from Google in connection with their respective pitches.



Attached hereto as Exhibit G are true and correct copies of screenshots of the relevant portion of a small sample of Affiliate Sites that were all observed displaying this check image .

26. In addition, numerous Reported URLs included “google” as part of the domain name, including, but not limited to, domains such as googleworkstoday.com, googlefortunemembers.com, googleproffitree.com, googleprofitclub.com and easygooglecashkit.com. Attached hereto as **Exhibit H** is a list of examples of the “google” domain names that have hosted one or more of the Reported URLs.

27. Various Affiliate Sites promoted programs and/or kits using the name “Google,” including, but not limited to, Google Adwork, Google ATM, Google Biz Kit, Google Cash, Earn Google Cash Kit, Google Fortune, Google Income Library, Google Marketing Kit, Google Profits, The Home Business Kit for Google, Start-Up Kit using Google, Google Treasure Chest, and Google Works. Attached hereto as **Exhibit I** are true and correct copies of screenshots of the relevant portions of a small sample of these Affiliate Sites, showing their use of Google in this manner.

28. In addition, Affiliate Sites that display comments at the bottom of the site from apparent readers typically include a statement claiming that new comments are no longer able to be submitted for various reasons. For example, excuses like “View All Comments (bandwidth exceeded)” are provided. Attached hereto as **Exhibit J** are true and correct copies of examples of relevant portions of Affiliate Sites with this common characteristic. (For convenience, the top portion of each respective website has been provided and the statements have been reproduced in an enlarged format at the bottom of each pages.)
29. Another pattern that emerged from analyzing the Affiliate Sites from the Reported URLs was the use of legitimate-sounding news websites as domain names and at the top of the webpages themselves. For example, Affiliate Sites were captured that operated headings such as: Los Angeles Finance News, USA Job Journal, The Waco Herald, The New York Tribune News, News8 Chicago and Chicago Tribune News. Attached hereto as **Exhibit K** are true and correct copies of the relevant portions of the first pages of examples of such sites.
30. A pattern was also seen with regard to certain Credit Card Processing Sites of the Reported URLs having nearly identical graphic layouts (i.e., the same visual “look and feel”). For example, PWW’s onlinetrack.com Credit Card Processing Site mirrored the layout of five apparently independent Credit Card Processing Sites (processcartcenter.com, safetrialsoffers.com, sundaybikerides.com, selfprofitsmadeeasy.com and googleworkstoday.com), all of which happen to employ the privacy protection services of Domains by Proxy, Inc. in order to

shield their ownership data from public view. See Exhibit B. Like PWW's Credit Card Processing Site, all five of these other Credit Card Processing Sites use the same or similar coffee cup/computer keyboard graphics, with simulated post-it notes and scraps of paper used to display ad copy. Attached hereto as **Exhibit L** are true and correct copies of print outs of the first pages for each of these six sites. (For clarity, the relevant portion of each page has been reproduced in an enlarged format.) While these six sites are visually similar, the text at the bottom of the five sites not registered to PWW appear to attribute their ownership to various corporate entities. Three of the sites (googleworkstoday.com, processcartcenter.com and sundaybikerides.com), for example, all display the corporate name: "WebMoney Training View Marketing, Inc." The remaining two sites (selfprofitsmadeeasy.com and safetrialsoffers.com) display yet a third corporate name: "Search 4 Profit, LLC." Id.

31. As part of IDiogenes' above-described collection efforts, it collected information from the site, <http://losangeles-reporter.com/finance>, which directs viewers through a CPA link to a website, <https://secure1.profitcenterlearning.com/gosu/payment.asp>, which, according to WHOIS information set forth in Exhibit B, is owned by PWW's subsidiary, Intellipay, Inc. Attached hereto as **Exhibit M** are true and correct copies of print outs of relevant portions of the losangeles-reporter.com website and PWW's profitcenterlearning.com Credit Card Processing Site. Further, attached hereto as **Exhibit N** are true and correct copies of print outs of relevant portions of PWW's profitcenterlearning.com credit card

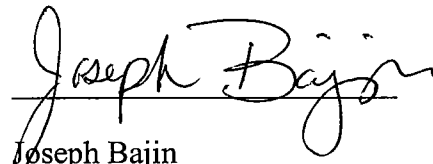
processing site and ensuing websites related thereto that are presented to a viewer in the course of making a purchase.

32. By revisiting websites collected as part of the above-referenced process, it was determined that various Affiliate Sites were disabled over time, while others were observed at different times with links driving traffic to different Credit Card Processing Sites.

33. Attached hereto as **Exhibit O** are true and correct copies of printouts of the relevant portions of a sampling of other Reported URLs that offered Google money-making schemes and for which IDiogenes collected information.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 06 day of December, 2009.

  
Joseph Bajin

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of December, 2009, I caused a true and correct copy of the **DECLARATION OF JOSEPH BAJIN** to be served via :

Christian Larsen  
President/Registered Agent  
Pacific Webworks, Inc.  
230 West 400 South  
Salt Lake City, UT 84101

U.S. Mail, postage prepaid  
 Hand Delivery  
 Facsimile  
 Overnight courier  
 E-Mail and/or CM/ECF

By: /s/ Sherice L. Atterton

## TABLE OF EXHIBITS

Exhibits	Description
Exhibit A	List of the 2,650 unique URLs that IDiogenes has received (August, 2009 – end of November, 2009)
Exhibit B	List of WHOIS information for domain names as being owned by PWW.
Exhibit C	List of URLs located within PWW’s own domain names.
Exhibit D	List of Examples of the first page of certain sites which contain the same information, which suggests that templates might have been used to create them.
Exhibit E	Copies of relevant portions of the first page of such sites, which contains sites that used a similar storyline and the same photo involving a different young man depending on the site.
Exhibit F	Copies of relevant portions of the first pages of such sites, which contain a similar story line of a mother-of-two who was promoted under three different names using the same photo of a young woman holding a small girl.
Exhibit G	Copies of screenshots of the relevant portion of a small sample of Affiliate Sites that were observed displaying the same image of a \$5,000 check from Google.
Exhibit H	List of examples of the “google” domain names that have hosted one or more of the reported URLs.
Exhibit I	Copies of screenshots of the relevant portions of a small sample of Affiliate Sites that promoted programs and/or kits using the name “Google”.
Exhibit J	Copies of examples of relevant portions of Affiliate Sites with comments at the bottom of the site from apparent readers that include a statement claiming that new comments are no longer able to be submitted for various reasons.
Exhibit K	Copies of the relevant portions of the first pages of examples of such sites that use legitimate-sounding news websites as domain names.
Exhibit L	Copies of print outs of the first pages of independent Credit Card Processing Sites (processcartcenter.com, safetriallaffers.com, sundaybikerides.com, selfprofitismadeeasy.com and googleworkstoday.com).
Exhibit M	Copies of print outs of relevant portions of the losangeles-reporter.com website and PWW’s proficenterlearning.com Credit Card Processing Site.



Exhibit N	Copies of relevant portions of PWW's profitcenterlearning.com Credit Card Processing site and ensuing websites related thereto that are presented to a viewer in the course of making a purchase.
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