

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

BEVERLY STAYART,  
a/k/a BEV STAYART,  
an individual,

Plaintiff,

v.

GOOGLE, INC.,  
a Delaware corporation,

Defendant.

2010 APR 20 A 10:29

JON W. SANFEL PRO  
CLERK

Case No.

**10-C-0336**

Jury Trial Demanded

**COMPLAINT**

Plaintiff Beverly Stayart, a/k/a Bev Stayart ("Plaintiff" or "Bev Stayart"), by and through her counsel, for her Complaint against Google, Inc. ("Defendant" or "Google"), alleges as follows:

**NATURE OF THE ACTION**

1. This lawsuit relates to the misappropriation of a personal name on the Internet for purposes of advertising and trade, and, particularly, the unauthorized and unreasonable use of Bev Stayart's name and likeness to sell male sexual dysfunction drugs, in violation of Wis. Stats. 995.50(2)(b) (right of privacy).

2. Some individuals and entities attempt to take advantage of consumers by marketing their products or services using the personal names of others. In effect, they seek to free ride on the fame, reputation and goodwill of another's name. Because of the low cost of setting up an Internet web site and the speed in which Internet transactions occur, this has become a far-reaching problem in connection with consumer products on the Internet, both in Wisconsin and elsewhere.

3. This lawsuit involves exactly such a situation – efforts by certain companies selling prescription drugs and other products to free ride on Bev Stayart’s name and likeness. Google knowingly encouraged these efforts and has willfully provided these companies with the technological tools to achieve such a result.

4. Google owns and operates the world’s largest “search engine,” commanding a significant share of the world’s search engine market. On information and belief, approximately two-thirds of all Internet searches in the United States are conducted on Google, and nearly 70% worldwide.

5. The scope of Google’s prominence is underscored by the fact that, for all people around the world, the process of conducting an online Internet search is commonly referred to as “googling.”

6. A “search engine” refers to the software tools that power the search process on the Internet.

7. A search engine, including the one owned and operated by Google, has the following elements: the search retrieval process (a web robot or spider); the database in which the robot puts its results, and against which search queries are run; and the search interface, which is what one sees on screen in using the site.

8. To use Google’s search engine, an Internet user types in a few descriptive words and presses the “enter” key to receive a list of web pages that Google identifies as relevant to the search request. The user can then visit any of these web pages by clicking on the hyperlinks (“links”) that Google also provides.<sup>1</sup>

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<sup>1</sup> A “link” is an electronic path that associates an object on a web page with another web page address. It allows the user to connect to the desired web page address immediately. See, Harvey L. Pitt & Dixie L. Johnson, *Avoiding Spiders on the Web: Rules of Thumb for Issuers Using Web Sites and E-Mail*, in Practising Law Institute, SECURITIES LAW & THE INTERNET, No. 1127 (1999), at 107-118, n.5.

9. Linking permits users to move quickly on the Internet without repeatedly having to type in web site addresses or search terms. The ability to “link” from one computer to another, from one document to another, across the Internet, regardless of status or physical location, makes the Internet unique. *See, American Civil Liberties Union v. Reno*, 31 F. Supp. 473, 483 (E.D. Pa. 1999).

10. After a searcher types “bev stayart” in the search box on the Google Tool Bar, the suggested search term “bev stayart levitra” immediately appears in the drop down menu beneath “bev stayart,” even before the searcher can press the “enter” key for “bev stayart.” After pressing the “enter” key, the following web site address appears:

[http://www.google.com/search?sourceid=navclient&aq=0h&oq=bev+stayart&ie=UTF-8&rlz=1T4ADBF\\_en\\_US374&q=bev+stayart](http://www.google.com/search?sourceid=navclient&aq=0h&oq=bev+stayart&ie=UTF-8&rlz=1T4ADBF_en_US374&q=bev+stayart).

11. Levitra® is the registered trademark of a nationally advertised oral treatment for sexual dysfunction, marketed and distributed by Schering Plough Corporation, Kenilworth, New Jersey.

12. Similarly, when a searcher types “bev stayart” in the search box on the [www.google.com](http://www.google.com) web site, the suggested search term “bev stayart levitra” immediately appears in the drop down menu beneath “bev stayart,” without *any* prompting by the searcher.

13. Clicking either of these “bev stayart levitra” results in the drop down menus cited in ¶¶ 10 and 12 leads to multitudinous results for “ bev stayart levitra,” and, ultimately, to almost 2,000 “sponsored links” ads for male sexual dysfunction drugs and other medicines and products. This initial finding of 2,000 “sponsored links” is *not* exhaustive. *See*, ¶¶ 111-112, *supra*.

14. Plaintiff is informed and believes, and, on the basis of such information and belief, alleges that Google conceived the phrase “bev stayart levitra” through its web robot or spider, which is the product of the algorithm Google has written.

15. Google is responsible for the actions of its agents, including its electronic agents. A web robot or spider is Google’s electronic agent, performing only the commands Google builds into its algorithm. An electronic agent exists only at the whim of its master and performs exactly as its master commands. Thus, Google is solely responsible for the actions of its electronic agent in what is displayed, or not displayed, on Google’s web site. Google has crossed the line, from a mere hosting site to an information content provider and/or information content developer, in displaying the suggested search “bev stayart levitra” in Google’s drop down menu.

16. Without authorization or permission from Bev Stayart, Google has sold to third parties the keyword phrase which Google conceived, “bev stayart levitra.” Advertisers bid on keyword phrases with words containing their products, such as levitra, to purchase “sponsored links” advertisements on Google, under Google’s keyword advertising program. The advertisers pay Google a fee to purchase the keyword phrase, in this case “bev stayart levitra,” to cause their advertisements to appear as “sponsored links” ads on Google’s the page “bev stayart levitra” on Google’s web site.

17. Without Google providing the *physical venue* for “bev stayart levitra” there would *not* be a physical page “bev stayart levitra” on Google’s web site on which to place these “sponsored links” ads. “Bev Stayart levitra” is *not* just a keyword phrase, but a *physical page on Google’s web site* created by Google as a profit generation center. “Bev Stayart levitra” is an Internet billboard on which Google is selling ad space.

18. In addition to an initial fee for purchasing the keyword phrase “bev stayart levitra,” advertisers pay Google an additional “pay-per-click” fee for *each click* by Internet viewers on *every one* of these “sponsored links” advertisements. On information and belief, discovery will show how many “sponsored links” advertisements there are and the number of clicks on these ads.

19. These “sponsored links” ads can appear in two locations: on the upper left-hand-side before the “natural” search results, and on the upper right-hand-side of the page. The phrase “sponsored links” appears in small letters on the upper right-hand-side. The invitation “See your ad here” sometimes appears below a “sponsored links” advertisement on the right-hand-side.

20. Thus, when an Internet user types “bev stayart” in either the Google toolbar or the search box on Google’s [www.google.com](http://www.google.com) web site, Google immediately suggests the search “bev stayart levitra” in its drop down menu. Clicking this suggested search “bev stayart levitra” opens the page “bev stayart levitra” on Google’s web site. On this “bev stayart levitra” page, Google has sold the keyword phrase “bev stayart levitra” to advertisers and is displaying “sponsored links” ads for male sexual dysfunction drugs, as well as other medicines and products, for which Google receives unlimited future revenue. This revenue is derived from selling the keyword phrase “bev stayart levitra” at auction to advertisers, and then enjoying incalculable revenue through these pay-per-click “sponsored links” ads.

21. Google is misleading consumers, in Wisconsin and throughout the world, by selling the keyword phrase “bev stayart levitra” and placing “sponsored links” advertisements for levitra, other male sexual dysfunction drugs, and other medicines and products on the page “bev stayart levitra” on Google’s web site. Google’s described misconduct improperly creates the impression that Plaintiff endorses, supports or promotes levitra, other male sexual dysfunction

drugs, and other medicines and products marketed through “sponsored links.” Bev Stayart is *not* a “sponsor” or spokesperson for male sexual dysfunction drugs. This constitutes an unreasonable invasion of privacy under Wisconsin law by improperly using her name for advertising purposes or for purposes of trade.

### **THE PARTIES**

22. Bev Stayart is an adult resident of the City of Elkhorn, County of Walworth, State of Wisconsin, within this judicial district.

23. She holds a Bachelor’s Degree from the University of Iowa. She also holds a Master’s Degree in Business Administration (M.B.A.) from the University of Chicago.

24. Prior to May, 2000, she lived in Chicago, Illinois, for many years.

25. She has been employed by several major financial institutions in Chicago, achieving the rank of Vice President. In graduate school at the University of Chicago, she majored in finance.

26. Today, Bev Stayart is involved in public advocacy for the humane treatment of animals throughout the world.

27. She is a member of many animal rights organizations, including the largest in the United States, the Humane Society of the United States.

28. For example, she is a leader in campaigns to save the baby seal population in eastern Canada; to save the wild horse population in the western United States; to prohibit the aerial shooting of wolves in the United States; to stop abusive practices in factory farms and slaughterhouses; to save threatened whale populations around the world; and to shut down puppy mills; among other campaigns.

29. As part of her campaign to save the baby seal population in eastern Canada, she was interviewed by an ABC affiliate television station, Channel 12, in Milwaukee, Wisconsin, on July 23, 2006.

30. She spearheads countless campaigns on behalf of animals, enlisting the support of animal rights activists throughout the world, as well as contacting governments in Europe and Canada to seek their support.

31. Two poems written and copyrighted by Plaintiff appear on three Danish websites supporting the preservation of the baby seal population in eastern Canada. These poems may be viewed at [www.bentbay.dk/seal\\_kils.htm](http://www.bentbay.dk/seal_kils.htm), [www.animallover.dk/seal/seal-hunt2htm](http://www.animallover.dk/seal/seal-hunt2htm), and [www.bentbay.dk/REDAK.HTM](http://www.bentbay.dk/REDAK.HTM).

32. Bev Stayart is also involved in genealogy research throughout the world.

33. She regularly uses the Internet to further her public advocacy of animal protection programs and her genealogy research. A substantial amount of her endeavors are conducted on the Internet.

34. Bev Stayart has an Internet presence. She regularly contributes to an online discussion forum for genealogical and historical research concerning the Siouan people (Saponi) at [www.saponitown.com](http://www.saponitown.com). This third-party website contains her photo, address and other personal information.

35. Bev Stayart's scholarly posts on this third-party website have generated over 20,000 views (online visitors) in the past four years.

36. Bev Stayart has a unique and distinctive personal name. Beverly Stayart has a unique and distinctive personal name. Plaintiff is the *only* "Bev Stayart" and the *only* "Beverly

Stayart” on the Internet. “Bev Stayart” refers to her, and only to her. “Beverly Stayart” refers to her, and only to her. She uses both her names in all of her endeavors.

37. Plaintiff’s names “Bev Stayart” and “Beverly Stayart” have commercial value for advertising purposes or for purposes of trade because of her public advocacy on behalf of the humane treatment of animals, her positive and wholesome image, and the popularity of her scholarly posts on the Internet at [www.saponitown.com](http://www.saponitown.com).

38. This commercial value in the names “Bev Stayart” and “Beverly Stayart” has been created solely by Plaintiff through her investment of substantial time, money and effort.

39. The commercial value of “Bev Stayart” and “Beverly Stayart” is further shown by the fact that her name has become a “keyword phrase” on the Internet.

40. According to Compete.com, an Internet analytics firm, Plaintiff’s name is a competitive keyword phrase. Between January 15 and April 15, 2009, at least five destination web sites have received traffic from Internet searchers using the search term “Beverly Stayart.” *See*, Exhibits 1 and 2, attached hereto.

41. The same is true with regard to the time period February 11 through May 12, 2009. *See*, Exhibit 3, attached hereto.

42. Plaintiff has never given Google any permission, authority or license to use or sell the right to use her names “Bev Stayart” or “Beverly Stayart” for purposes of advertising or for trade purposes, including in connection with the advertising, promotion or sale of prescription drugs on the Internet, or in any other media.

43. On information and belief, Google is a Delaware corporation with a principal place of business in Mountain View, California.



44. On information and belief, Google is the tenth largest United States company based on market capitalization of over \$180 million (as of June, 2008).

45. On information and belief, Google has registered as a foreign corporation doing business within the State of Wisconsin. Its registered agent for service of process is CSC Lawyer's Incorporating Service Company, 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717.

46. Google offers Internet functions and services to individuals and companies. Among other Internet services, Google provides a search engine, or Internet directory, at its main interactive website, [www.google.com](http://www.google.com).

47. This search engine is available on the Internet to the general public, worldwide, without limitation, and is owned by Google.

48. Google provides its Internet functions and services in all fifty states, including Wisconsin. On information and belief, Google has hundreds of thousands of users every year within Wisconsin alone.

### **JURISDICTION AND VENUE**

49. The court has subject matter jurisdiction over this action under 28 U.S.C § 1332(a), because there is complete diversity between the parties, and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

50. Google is subject to personal jurisdiction in the state of Wisconsin, pursuant to the Wisconsin long-arm statute, Wisconsin Statutes 801.05, because, on information and belief, Google practices the unlawful conduct complained of here, in part, within this judicial district; because the unlawful conduct complained of herein causes injury, in part, within this judicial district; because Google regularly does business or solicits business within this judicial district;

and because Google regularly and systematically directs electronic activity into the state of Wisconsin with the intent of engaging in business within this judicial district, including the creation, hosting, and offering of fully interactive web sites, advertising, and other Internet-related services and functions to users of the Internet within this judicial district, as well as the entry into contracts with residents of this judicial district.

51. Venue is proper within this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims herein occurred within this judicial district. The damage to Bev Stayart described herein occurred in this judicial district and elsewhere. Moreover, Google knowingly and intentionally directed, targeted, and inflicted injurious consequences upon Bev Stayart in this judicial district.

#### **THE INTERNET**

52. The Internet is a worldwide network of computers that enables individuals and businesses to access and share information by means of “web pages” and “web sites,” so called because the pages are reached by “links” from one to another, creating the “worldwide web” or “web.” When a user clicks on the link, the linked document is automatically displayed on the user’s computer screen.

53. A “web page” is a computer data file that is published or “served” to the Internet. It can include names, pictures, text, sound, and links to other web pages and web sites.

54. A “web site” is a collection of related web pages, published by the same owner, which is identified on the Internet by a unique address, similar to a street address, that is commonly referred to as a “domain name.”

55. Web pages and web sites can be accessed by a computer connected to the Internet (available through commercial Internet service providers), and viewed using a computer program called a browser.

### **GOOGLE'S SEARCH ENGINE**

56. Commercial search engines, such as Google's search engine, allow someone to find other web pages or web sites on the Internet that contain categories of information, or to search for keywords or keyword phrases which lead to web sites offering products and services. Many companies maintain web sites or web pages on the Internet to provide product information and to sell products and services online.

57. Among other kinds of searches, Google, on information and belief, encourages consumers to use its directory to find other web sites that offer particular products and services.

58. Most of Google's online content and services are provided for free. Google profits from these free services primarily by the sale of advertising that appears along with these free services.

59. The practice of paid placement advertisement, where an advertiser pays a fee to appear along with a particular search result, is now one of the largest and fastest growing revenue streams for commercial search engines. "Paid placement" involves payment for enhanced prominence at some specific place within search engine results.

### **GOOGLE'S SEARCH-ENGINE BASED KEYWORD ADVERTISING PROGRAM**

60. As an advertising-driven search engine, Google is inherently biased towards its advertisers, and away from the needs of the public.

61. Google offers a program called AdWords which displays advertising which is placed at the top of search results, on either the left-hand-side or right-hand-side, in the form of a “sponsored link.”

62. This program, introduced in 2000, has been called its “diamond mine.”<sup>2</sup>

63. By 2006, on information and belief, Google posted revenue of \$10 billion from AdWords-type sales, or over 99% of its total revenues.<sup>3</sup>

64. Google’s corporate home page explains how its AdWords program works:

As a business, Google generates the majority of its revenue by offering advertisers measurable, cost-effective and highly relevant advertising, so that the ads are useful to the people who see them as well as to the advertisers who run them.

Hundreds of thousands of advertisers worldwide use our Google AdWords program to promote their products and services on the web. Advertisers bid in an open and competitive auction to have their ads appear alongside the search results for particular keywords. They can specify the geographic location and time of day for their ads to appear. As a result, *people see ads that are so useful and relevant that they become a valuable form of information in their own right.*

*Since we believe you should know when someone has paid to put a message in front of you, we distinguish ads from search results or other content on a page by labeling them as “sponsored links” or “Ads by Google.” We don’t sell ad placement in our search results, nor do we allow people to pay for a higher ranking there. (Emphasis added.)*<sup>4</sup>

65. Advertisers participating in Google’s AdWords program purchase or bid on certain keywords or keyword phrases, paying Google for the right to have links to their web sites displayed in the “sponsored links” section of search results whenever an Internet user searches for that particular keyword or keyword phrase.

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<sup>2</sup> Greg Lastowka, *Google’s Law*, 73 BROOKLYN LAW REVIEW 1327, 1339 (Summer 2008).

<sup>3</sup> *Google’s Law*, at p. 1340.

<sup>4</sup> Google corporate information, found at <http://www.google.com/intl/en/corporate/index.html>.

66. Additionally, each time an Internet user “clicks” on a “sponsored link,” Google separately charges a fee to the AdWords participant associated with that linked web site (“pay-per-click”).

67. On information and belief, businesses often participate in Google’s AdWords program to generate more traffic to their web sites.

68. On information and belief, Google suggests or designates keywords or keyword phrases to AdWords participants that will help trigger a sponsored link to a particular web site. On information and belief, Google suggested the keyword phrase “bev stayart levitra” to numerous pharmaceutical and other companies, resulting in thousands of “sponsored links” ads appearing on the page “bev stayart levitra” and virtually unlimited “Related searches” on Google’s web site.

69. Google displays up to 11 “sponsored links” per page.<sup>5</sup>

70. On information and belief, the selection and placement of these “sponsored links” ads is substantially influenced by the amount of money the sponsors of these links offer to pay Google, rather than on any objective relevancy evaluation.

71. On information and belief, Google’s “sponsored links” are not meaningfully or conspicuously identified to Internet users as paid third-party advertisements. Google displays its “sponsored links” advertisements in a color, typeface, and font size that is not sufficiently different from the “natural” search results that Google’s search engine generates. On information and belief, even the designation of these keyword-triggered advertisements as

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<sup>5</sup> [http://www.seoza.com/adwords\\_postion.htm](http://www.seoza.com/adwords_postion.htm).

“sponsored links” is confusing to many Internet users, because Google does not inform users who has done the “sponsoring.”<sup>6</sup>

72. Google’s unauthorized use of the keyword phrase “bev stayart levitra” as a “keyword” trigger to generate paid advertisements in its search results for bev stayart generates revenues and profits for Google and its advertisers directly attributable to their unauthorized appropriation of the name and likeness of Bev Stayart. And this is without incurring the substantial effort, time and expense that Bev Stayart has incurred in building up her name recognition, reputation and goodwill.

73. On information and belief, in a substantial number of searches, Google’s AdWords Program makes at least three distinct uses of keywords or keyword phrases on behalf of an advertiser. First, Google uses the keywords or keyword phrases selected by advertisers to trigger the sponsored link advertisement. Second, Google suggests additional keywords or keyword phrases to advertisers that the advertiser had *not* previously chosen. Third, Google selects its own keywords or keyword phrases to trigger the sponsored link advertisements of its advertisers.

#### **GOOGLE’S UNWILLINGNESS TO REFRAIN FROM NAME MISAPPROPRIATION**

74. Despite several electronic communications by Bev Stayart and several letters by her legal counsel asking Google to cease and desist the misappropriation of her name and likeness for advertising purposes and purposes of trade, Google adamantly refused to stop its unlawful activities.

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<sup>6</sup> According to one study, five out of six search engine users cannot tell the difference between sponsored links and natural results, and roughly half are unaware that a difference exists. See, Deborah Fallows, *Search Engine Users*, PEW INTERNET & AM. LIFE PROJECT, Jan. 23, 2005, at 17-18, available at [http://www.pewinternet.org/PPF/r/146/report\\_display.asp](http://www.pewinternet.org/PPF/r/146/report_display.asp).

75. On February 26, 2010, Bev Stayart complained to Google electronically about the misappropriation of her name. *See*, Exhibit 4. She received no response other than an acknowledgement of receipt of her complaint. *See*, Exhibit 5.

76. On March 3, 2010, her counsel wrote to Google's Legal Department, by facsimile and Express Mail, guaranteed overnight delivery, concerning the unlawful misappropriation of her name and requested Google to stop its unlawful actions. *See*, Exhibit 6.

77. Stayart's legal counsel received only an e-mail response on March 3, 2010, from "The Google Team," indicating, "We're always working hard to help users easily find what they are looking for with Google. . . . [S]earch queries in the Google Suggest drop down menu are an objective reflection of query terms that are popular with our users and on the Internet." *See*, Exhibit 7.

78. On March 12, 2010, Stayart's legal counsel again wrote to Google's Legal Department, by facsimile and Express Mail, guaranteed overnight delivery, requesting that Google remove the page "bev stayart levitra" from Google's web site, and the associated "sponsored links" advertising. *See*, Exhibit 8.

79. Google sent another e-mail on March 12, 2010, in response to this March 12, 2010 letter, indicating it would continue to display all of the content which Stayart's counsel had asked be removed. *See*, Exhibit 9.

80. Google's abuse of Bev Stayart began earlier. On February 1, 2010, Plaintiff typed her name "Bev Stayart" in the search box in Google's [www.google.com](http://www.google.com) search engine. She found a false image result for her on the page "Bev Stayart" on Google's web site. This image is a picture ad for levitra. It displays a levitra "pill", the price of "\$1.67", and the scientific name

and dosage, “Vardenafil 20 mg”. This image appears *directly adjacent* to a picture of Bev Stayart’s face on the *first page* of Google’s search results for “Bev Stayart.”

81. On February 1, 2010, Bev Stayart’s counsel reported this incident, by facsimile and Express Mail, guaranteed overnight delivery, to Google’s Legal Department. This letter included confirmation from Google of Bev Stayart’s February 1, 2010 complaint, which she had previously submitted. *See*, Exhibit 10.

82. This “levitra pill” picture ad is displayed directly adjacent to Bev Stayart’s picture on the page “Bev Stayart” on Google’s web site, *not* on the web site of a third party. Google has crossed the line from a hosting site to an information content provider and/or information content developer. Google’s conduct is designed to increase Internet traffic by unlawfully associating Plaintiff’s likeness with a “levitra pill” picture ad for advertising or trade purposes.

83. Google has invaded Plaintiff’s privacy by associating both her name and likeness with levitra through displaying an ad for levitra directly adjacent to Plaintiff’s likeness on the page “Bev Stayart” on Google’s web site.

84. Google refused to take any remedial action regarding its violation of Plaintiff’s right of privacy. By an e-mail dated February 19, 2010, Google claimed that it did not control the “content” of web pages and suggested that Bev Stayart directly address the webmaster. *See*, Exhibit 11.

85. On information and belief, Google has adopted guidelines for its search-engine based keyword advertising program that, if enforced, should have prevented the continued abuse of Bev Stayart. Under Google’s Advertising Program Guidelines (*see*, Exhibit 12), a “[c]ustomer shall not . . . (a) generate automated fraudulent or otherwise invalid impressions . . . ; or (c) . . . engage in any illegal or fraudulent business practice.” Google’s advertising customers



also represent and warrant that they hold and grant to Google, “All rights (including without limitation any copyright, trademark, patent, publicity or other rights) in Creative Services and Targets needed for Google . . . to operate [Ad] Programs.”

86. Both Google and the drug companies and other companies buying these “sponsored links” are making money from the misappropriation of Bev Stayart’s name and likeness. Bev Stayart has never given Google or these companies any permission, authority or license to use or sell the right to use her name “Bev Stayart” and her likeness for purposes of advertising or for trade purposes, including in connection with the advertising, promotion or sale of prescription drugs on the Internet, or in any other media.

87. Under Google’s Advertising Program Guidelines, Google has the right and ability to control the content of its search results for “Bev Stayart” by simply refusing to run and be paid for the clearly improper keyword-linked advertising connecting “bev stayart levitra” with levitra, other male sexual dysfunction drugs, and other medicines and products. This is especially true after Google received *repeated electronic, facsimile, and Express Mail notice* from Stayart and her counsel of Google’s misappropriation of her name and likeness.

88. On information and belief, Google refuses to cease the continued abuse of Bev Stayart because of the revenues “bev stayart levitra” generates to Google and its advertisers from “sponsored links.” Its written guidelines are manifestly deficient and simply ignored by Google, as well as its advertisers.

#### **GOOGLE’S MISAPPROPRIATION OF BEV STAYART’S NAME**

89. Google’s misappropriation of Bev Stayart’s name and likeness began at least as early as February 1, 2010, and continues today.

90. For example, on April 8, 2008, Plaintiff typed “bev stayart” in the search box on the [www.google.com](http://www.google.com) web site. The suggested search term “bev stayart levitra” immediately appeared in the drop down menu beneath “bev stayart,” without any further prompting by her. Exhibit 13 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff typed “bev stayart” in the search box on [www.google.com](http://www.google.com).

91. Plaintiff then clicked Google’s suggested search term “bev stayart levitra” in Google’s drop down menu. This opened the page “bev stayart levitra” on Google’s web site, showing 4,630 results for “bev stayart levitra.” The first “result” on this page is a “sponsored link” on the left-hand-side titled “[LEVITRA® \(VARDENAFIL HCl\)](http://www.LEVITRA.com)”. The domain name is [www.LEVITRA.com](http://www.LEVITRA.com). Immediately after [www.LEVITRA.com](http://www.LEVITRA.com), the following appears: “Learn more about **LEVITRA**. Visit the Web Site for More info.” The Registrant of the domain name [www.LEVITRA.com](http://www.LEVITRA.com) is Schering Plough Corporation, Kenilworth, New Jersey. Exhibit 14 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff clicked the link “bev stayart levitra” in Google’s drop down menu.

92. Clicking “page 5” of the page “bev stayart levitra” on Google’s web site, displayed the same “sponsored link” for [www.LEVITRA.com](http://www.LEVITRA.com) described in ¶ 90. This time, the identical “sponsored link” appeared on the right-hand-side of the page, instead of as the first “result” on the left-hand-side. Exhibit 15 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff clicked “page 5.”

93. Clicking the link LEVITRA®(VARDENAFIL HCl) on the domain name www.LEVITRA.com displayed a 2-page advertisement titled “Erectile Dysfunction treatment at LEVITRA.com”. *See*, Exhibit 16.

94. Plaintiff next clicked the “Show options” link at the top of the page “bev stayart levitra” on Google’s web site. A list of additional options then appeared on the left-hand-side of the page. Under the heading “**Standard view**” appeared the option “Related searches.” Exhibit 17 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff clicked the link “Show options”.

95. On information and belief, Google’s algorithm also conceived these “Related searches” results.

96. On information and belief, discovery will show the total “Related searches” and related search options for “bev stayart levitra”; the number of “sponsored links” appearing on all of these “Related searches” and related search options; and the number of clicks on *each* of these “sponsored links.”

97. Clicking the option “Related searches” (shown on Exhibit 17) opened a *new* page “bev stayart levitra” on Google’s web site. This page listed two columns of “Related searches,” five “Related searches” per column, for a total of ten “Related searches for **bev stayart levitra**.” Exhibit 18 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff clicked the option “Related searches”.

98. Clicking the second “Related search for **bev stayart levitra**,” “bev stayart cialis”, opened the page “**bev stayart cialis**” on Google’s web site. Exhibit 19 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff clicked the option “bev stayart **cialis**.” Cialis® is the registered trademark of a

nationally advertised oral treatment for male sexual dysfunction, marketed and distributed by Eli Lilly and Company, Indianapolis, Indiana.

99. This Google web site page (Exhibit 19) displayed a “sponsored links” advertisement titled CIALIS®(tadalafil). The domain name is www.CIALIS.com. After this, the following appeared: “Official Site. Free Trial Voucher.” Clicking the link CIALIS®(tadalafil) opened a 2-page advertisement titled “With CIALIS for daily use, you can be ready anytime the moment is right. *Explore the area below to learn more.*” The Registrant of this domain name of www.CIALIS.com is Eli Lilly and Company, Indianapolis, Indiana. See, Exhibit 20.

100. Pressing the back button on the toolbar returned Plaintiff to the page “bev stayart cialis” on Google’s web site (Exhibit 19). Plaintiff then clicked the phrase “More like this” appearing after the highlighted phrase “**bev stayart cialis.**” This opened the page “bev stayart cialis” on Google’s web site. A new list of “Related searches” appeared. Exhibit 21 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff clicked the link “More like this.”

101. Plaintiff then clicked the second listed option “bev stayart **viagra**” appearing under the heading “Related searches for **bev stayart cialis.**” This opened the page “bev stayart viagra” on Google’s web site. Exhibit 22 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results when Plaintiff clicked the link “bev stayart **viagra.**”

102. This Google web site page (Exhibit 22) displayed a “sponsored links” advertisement titled VIAGRA®Official Site. Viagra® is the registered trademark of a nationally advertised oral treatment for male sexual dysfunction, marketed and distributed by

Pfizer, Inc., New York, N.Y. The Registrant of the domain name www.VIAGRA.com is Pfizer, Inc., New York, N.Y. The invitation “Visit the **VIAGRA** Site for More Info on **VIAGRA** (sildenafil citrate)” appeared directly following the domain name. Clicking the link “VIAGRA®Official Site” displayed a 2-page ad for Viagra, titled “Erectile Dysfunction (ED) Treatment -- VIAGRA®(sildenafil citrate).” This web site is owned by Pfizer, Inc. *See*, Exhibit 23.

103. Pressing the back button on the toolbar returned Plaintiff to Google’s web site page “bev stayart viagra” on Google’s web site (Exhibit 22). Below the heading “Related searches for bev stayart levitra,” Plaintiff then clicked the link “More like this” appearing after the highlighted phrase “**bev stayart viagra**.” This opened a new page “bev stayart viagra” on Google’s web site. A *new* list of “Related searches for **bev stayart viagra**” appeared. Exhibit 24 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff clicked the link “More like this.”

104. On this page (Exhibit 24), Plaintiff then clicked the option “bev stayart ed” under “Related searches for **bev stayart viagra**” (second column, fourth result) which appeared on Google’s web site page. This opened the page “bev stayart ed” on Google’s web site. Exhibit 25 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results page that appeared when Plaintiff clicked the option “bev stayart ed.”

105. This Google web site page (Exhibit 25) displayed three “sponsored links” advertisements on the left-hand-side before the “natural” search results, and four “sponsored links” advertisements on the right-hand-side of the page.

106. Clicking the link “More like this” after “**bev stayart ed**” (Exhibit 25) opened the page “bev stayart ed” on Google’s web site. A new list of “Related searches” appeared, a much

longer list containing three columns of five results per column, for a total of fifteen “Related searches.” This page contained *eleven “sponsored links” advertisements* which Google had sold to advertisers. Three of these “sponsored links” ads appeared on the left-hand-side before the “natural” search results, and eight appeared on the right-hand-side of the page. Exhibit 26 (attached) is a true and accurate screen shot of Google’s web site page, which shows the results that appeared when Plaintiff clicked the link “More like this” appearing after the highlighted phrase “**bev stayart ed.**”

107. The fourth “sponsored links” ad appearing in the right-hand-column in Exhibit 26 is the web site titled “Ed-Erectile Dysfunction.” The summary language beneath the web site title states, “Vacuum Theraphy [sic] is 90% effective & Covered by Medicare.” The domain name is www.tarheeldiabetic.com/prod. Clicking this “sponsored link” ad “Ed – Erectile Dysfunction” opened a 2-page advertisement for vacuum therapy pumps for erectile dysfunction. *See*, Exhibit 27.

108. The seventh “sponsored links” ad appearing in the right-hand-column in Exhibit 26 is the web site titled “E d’.” The summary language beneath the web site title states, “Get Thick and Long Erections Within Minutes. Buy 2 Get 1 Free.” The domain name is www.orviax.com. Clicking this “sponsored links” ad “E d’” opened an 8-page advertisement for the sexual dysfunction treatment “Orviax.” *See*, Exhibit 28.

109. The eighth “sponsored links” ad appearing in the right-hand-column in Exhibit 26 is the web site titled “Boost Your Erections.” The summary language beneath the web site title states, “Top Herbal Remedy For Impotence. Get Rock Hard Erections Today!” The domain name is www.ambrina.com. Clicking this “sponsored links” ad opened a 4-page advertisement

for “AMBRINA,” described on the web site as the “Best Herbal Remedy For Male Erectile Dysfunction.” *See*, Exhibit 29.

110. The results in ¶¶ 90-109 were all obtained on April 8, 2010.

111. On April 18, 2010, Plaintiff documented 1,970 “sponsored links” by first typing “bev stayart” in the search box on [www.google.com](http://www.google.com); then clicking “bev stayart levitra” in the drop down menu and searching for “sponsored links”; next clicking the link “[Show options](#)” at the top of the page; and then clicking the option “Related searches” on the left-hand-side of the page. She found the following fifteen “Related searches” for “**bev stayart levitra**”:

<a href="#">bev stayart</a>	<a href="#">bev stayart <b>how long does levitra last</b></a>	<a href="#">greg stayart</a>
<a href="#">bev stayart <b>cialis</b></a>	<a href="#">bev stayart levitra <b>sues</b></a>	<a href="#">bev stayart <b>lyrica</b></a>
<a href="#">bev stayart <b>viagra</b></a>	<a href="#">bev stayart levitra <b>automatically</b></a>	<a href="#">bev stayart <b>livitra</b></a>
<a href="#">bev stayart <b>lavitra</b></a>	<a href="#">bev stayart levitra <b>ago</b></a>	<a href="#">bev stayart <b>enzyte</b></a>
<a href="#">bev stayart <b>ed</b></a>	<a href="#">bev stayart levitra <b>search</b></a>	<a href="#">bev stayart levitra <b>news</b></a>

Plaintiff then clicked on *all* of the above fifteen results individually, excepting the two results [bev stayart](#) and [greg stayart](#). She searched for “sponsored links” on *all* of the above listed results, excepting these two. Then she clicked the link “[More like this](#)” which subsequently appeared after each of the thirteen results listed above. She again searched for “sponsored links,” through the second to the last result in column two, “[bev stayart levitra ago](#).” After clicking the “[More like this](#)” link appearing after the remaining five search results, she did “screen shots” of the pages that opened after clicking the link “[More like this](#).” She did not search for additional “sponsored links” on these five remaining search results. At this point, she had documented 1,970 “sponsored links.”

112. It is not unreasonable to suggest these “sponsored links” may number in the multiple thousands, based on Plaintiff’s initial findings on April 18, 2010, of 1,970 “sponsored links.” This is because the “Related searches” are incalculable in number. Every time Plaintiff

clicked the link “More like this,” a *new, completely different list* of “Related searches” was generated. For example, when the first list of “Related searches” appeared, Plaintiff clicked on each of the thirteen “Related searches” individually. Then, the “More like this” link appeared after *each* of the original thirteen “Related searches.” Each time the “More like this” link was subsequently clicked, a completely new list of “Related searches” appeared, *ad infinitum*. This went on continuously. All of these “Related searches” opened multiple pages upon which multiple “sponsored links” might appear, up to eleven “sponsored links” per page.

113. Google’s misappropriation of Bev Stayart’s name and likeness continues unabated today, as evidenced by the “levitra pill” picture ad which Google still displays directly adjacent to Plaintiff’s likeness on the page “bev stayart” on Google’s web site. *See*, Exhibit 30, dated April 16, 2010.

**CLAIM UNDER § 995, *Wisconsin Statutes***  
Violation of Right of Privacy

114. Plaintiff realleges and incorporates in this Complaint each preceding paragraph, and further alleges as follows:

115. Wisconsin Statutes 995.50(2)(b) prohibits the use, for advertising purposes or for purposes of trade, the name, or likeness of any living person, without having first obtained the written consent of the person.

116. Through its actions recited above, Google has used, and continues to use, the name and likeness of Plaintiff, who is a living person.

117. The use by Google of Plaintiff’s name and likeness has been, and continues to be, without the written consent or any other consent of Plaintiff.



118. The use by Google of Plaintiff's name and likeness, in connection with the promotion and sale of levitra, other male sexual dysfunction products, and other medicines and products on the Internet constitutes an unreasonable violation of her right of privacy.

119. Google's unauthorized use of Plaintiff's name to sell "sponsored links" ads to advertisers of levitra, other male sexual dysfunction drugs, and other medicines and products on the Internet, defrauds the public, and injures her professional prestige, standing, and reputation among her colleagues and the public by implying that she has a personal pecuniary interest in levitra, other male sexual dysfunction drugs, and other medicines and products. Google's conduct has caused her embarrassment, humiliation, anxiety, and other emotional distress, resulting in damages in a total to be established by proof at trial, but in excess of the jurisdictional minimum.

120. Google's unauthorized use of Plaintiff's likeness for purposes of advertising levitra on the Internet defrauds the public, and injures her professional prestige, standing, and reputation among her colleagues and the public by implying that she has a personal pecuniary interest in levitra. Google's conduct has caused her embarrassment, humiliation, anxiety, and other emotional distress, resulting in damages in a total to be established by proof at trial, but in excess of the jurisdictional minimum.

121. As a further direct and proximate result of Google's unauthorized use of Plaintiff's name and likeness, Plaintiff is entitled to compensatory damages in an amount equal to either her loss or Google's unjust enrichment, pursuant to Wisconsin Statutes 995.50(1)(b).

122. As a further and proximate result of Google's unauthorized use of Plaintiff's name and likeness, Plaintiff is entitled to a reasonable amount for attorney fees, pursuant to Wisconsin Statutes 995(1)(c).

123. Google's unauthorized use of Plaintiff's name to sell "sponsored links" to advertisers of levitra, other male sexual dysfunction drugs, and other medicines and products on the Internet, coupled with Google's knowledge, through its authorized agents and representatives, that Plaintiff has never endorsed, promoted or sponsored levitra, other male sexual dysfunction drugs, and other medicines and products, evidences intentional and deliberate conduct in disregard of Plaintiff's rights, for which she seeks an award of punitive damages, pursuant to Wisconsin Statutes 895.043(3).

124. Google's unauthorized use of Plaintiff's likeness for purposes of advertising levitra on the Internet, coupled with Google's knowledge, through its authorized agents and representatives, that Plaintiff has never endorsed, promoted or sponsored levitra, evidences intentional and deliberate conduct in disregard of Plaintiff's rights, for which she seeks an award of punitive damages, pursuant to Wisconsin Statutes 895.043(3).

125. If Google's activities are not enjoined, pursuant to Wisconsin Statutes 995.50(1)(a), Plaintiff will continue to suffer irreparable harm that cannot be adequately compensated for by a monetary award and Google will continue to free ride on Bev Stayart's name and likeness.

**CLAIM UNDER WISCONSIN COMMON LAW**  
Violation of Right of Publicity

126. Plaintiff realleges and incorporates in this Complaint each preceding paragraph, and further alleges as follows:

127 Wisconsin common law recognizes that a person has the right to control the commercial aspects of her identity. The right of publicity is infringed when a person uses another person's name or likeness for advertising or promotional purposes without the other person's consent.

128. Through its actions recited above, Google has used, and continues to use, the name and likeness of Plaintiff by placing Plaintiff's likeness immediately adjacent to the "levitra pill" ad.

129. Plaintiff's name has been, and continues to be, sold by Google, as part of the keyword phrase "bev stayart levitra," to advertisers and marketers of levitra, other male sexual dysfunction drugs, and other medicines and products.

130. The use by Google of Plaintiff's name and likeness has been, and continues to be, without the written or any other consent of Bev Stayart or Beverly Stayart.

131. The use by Google of Plaintiff's name and likeness as described above constitutes a violation of her right of publicity.

132. Google's unauthorized use of Plaintiff's name and likeness to sell "sponsored links" advertising to marketers of levitra, other male sexual dysfunction drugs, and other medicines and products on the Internet defrauds the public, and injures her professional prestige, standing and reputation among her colleagues and the public by implying that she has a personal pecuniary interest in levitra, other male sexual dysfunction drugs, and other medicines and products. Google's conduct has caused her embarrassment, humiliation, anxiety, and other emotional distress, resulting in damages to be established by proof at trial, but in excess of the jurisdictional minimum.

133. Google's unauthorized use of Plaintiff's name and likeness to sell "sponsored links" advertising to marketers of levitra, other male sexual dysfunction drugs, and other medicines and products on the Internet, coupled with Google's knowledge through its authorized agents and representatives, that Plaintiff has never endorsed, promoted or sponsored levitra, other male sexual dysfunction drugs, and other medicines and products, evidences intentional

and deliberate conduct in disregard of Plaintiff's rights, for which she seeks an award of punitive damages, pursuant to Wisconsin Statutes 895.043(3).

134. Plaintiff's name and likeness have been, and continue to be, used by Google for purposes of advertising levitra, other male sexually dysfunction drugs, and other medicines and products.

135. The use by Google of Plaintiff's name and likeness has been, and continues to be, without the consent of Bev Stayart or Beverly Stayart.

136. The use by Google of Plaintiff's name and likeness, as described above, constitutes a violation of her right of publicity.

137. As a direct result of Google's violation of Bev Stayart's right of publicity, without payment to her, Google has been unjustly enriched and Bev Stayart has been damaged. Google has obtained money from its advertisers by undue advantage, and holds that money which, in equity and good conscience, belongs to Bev Stayart.

138. If Google's activities are not enjoined, Plaintiff will continue to suffer irreparable harm that cannot be adequately compensated by a monetary award and Google will continue to free ride on Bev Stayart's name and likeness.

WHEREFORE, Plaintiff seeks the following relief from this Court:

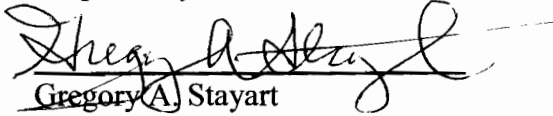
- A. Enjoin Google, its officers, agents, or employees, during the pendency of this action and permanently afterwards, from using Bev Stayart's and/or Beverly Stayart's name, or any combination or variation of these names, on the Internet in any manner for purposes of advertising or trade without the express written permission of Plaintiff;

- B. Require Google to remove the suggested search “bev stayart levitra” from Google’s drop down menu on [www.google.com](http://www.google.com) and on Google’s Toolbar, which now appears when a user searches for “bev stayart”;
- C. Require Google to remove the “Image Result” of a levitra pill directly adjacent to Plaintiff’s picture on the first page of Google search results for “bev stayart”;
- D. Enjoin Google, its officers, agents, or employees, during the pendency of this action and permanently thereafter, from using the likeness of Bev Stayart or Beverly Stayart on the Internet in any manner for purposes of advertising or trade without the express written permission of Plaintiff;
- E. Statutory damages as provided by Wisconsin Statutes 995.50(1)(b);
- F. General damages in excess of statutory damages according to proof;
- G. An award of Google’s profits as a penalty for its unjust enrichment stemming from its violation of Plaintiff’s right of privacy/publicity;
- H. Costs of suit and reasonable attorney fees as provided by Wisconsin Statutes 995.50(1)(c);
- I. Punitive damages as provided by Wisconsin Statutes 895.04(3); and
- J. Such other and further relief as this court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory A. Stayart", written over a horizontal line.

Gregory A. Stayart  
N5577 Cobblestone Road  
Elkhorn, Wisconsin 53121-3820  
(262)745-7395

ATTORNEY FOR PLAINTIFF  
BEVERLY STAYART

## INDEX OF EXHIBITS TO COMPLAINT

<u>Exhibit #</u>	<u>Description</u>	<u>Date</u>
1	<a href="http://www.compete.com">www.compete.com</a>	5/14/09
2	beverly stayart - Google search Websites getting traffic from keyword "beverly stayart"	4/17/09
3	beverly stayart - Google search Websites getting traffic from keyword "beverly stayart"	5/14/09
4	Google Apps Abuse Reporting Form	2/26/10
5	Response of Google/Google Apps Abuse Reporting Form	2/26/10
6	Letter to Google Legal Department (with exhibits)	3/3/10
7	Response of The Google Team/Letter of March 3, 2010	3/3/10
8	Letter to Google Legal Department (with exhibits)	3/12/10
9	Response of The Google AdWords Team/Letter of March 12, 2010	3/12/10
10	Letter to Google Legal Department (with attachments)	2/1/10
11	Response of The Google Team/Letter of February 1, 2010	2/19/10
12	Google Inc. Advertising Program Terms	3/15/10
13	Search for "bev stayart" on <a href="http://www.google.com">www.google.com</a>	4/8/10
14	Google result when click "bev stayart levitra" in drop down menu	4/8/10
15	Google result when click page 5 of result obtained in Exhibit #14	4/8/10
16	<u>LEVITRA®(VARDENAFIL HCl)</u> – 2-page advertisement	4/8/10
17	"Show options" link on Google web site page "bev stayart levitra"	4/8/10
18	"Related searches" option on Google web site page "bev stayart levitra"	4/8/10
19	<u>bev stayart cialis</u> under "Related searches"	4/8/10

<u>Exhibit #</u>	<u>Description</u>	<u>Date</u>
20	<u>CIALIS®(tadalafil)</u> – 2-page advertisement	4/8/10
21	Google web site page “bev stayart cialis” <u>More like this</u>	4/8/10
22	<u>bev stayart viagra</u> under “Related searches”	4/8/10
23	<u>VIAGRA®Official Site</u> – 2-page advertisement	4/8/10
24	Google web site page “bev stayart viagra” <u>More like this</u>	4/8/10
25	“Related searches” option on Google web site page “bev stayart ed”	4/8/10
26	Google web site page “bev stayart ed” <u>More like this</u>	4/8/10
27	<u>Ed – Erectile Dysfunction</u> 2-page advertisement for “Vacuum Theraphy [sic]”	4/8/10
28	<u>E d’</u> 8-page advertisement for the sexual dysfunction drug “Orviax”	4/8/10
29	<u>Boost Your Erections</u> 4-page advertisement for “AMBRINA”	4/8/10
30	“levitra pill” picture ad displayed directly adjacent to Plaintiff’s likeness	4/16/10



E X H I B I T 1



## About Compete.com

### About the Company

#### Management

- Careers
- Events

Compete is a new breed of web analytics company. We have a diverse sample of 2,000,000+ U.S. Internet users that have given us permission to analyze the web pages they visit and ask them questions via surveys. We're betting that the insights we create from consumers' online behavior, whether they're watching, searching, shopping or socializing, is valuable for companies who are looking to radically improve their marketing. And that's what web analytics means: analyzing what consumers do across the entire web, not just what they do within a particular site, and that marketers can use this rich information across the entire company, not just for online media planning or site design decisions.

Powered by the largest pool of online consumer behavior data in the industry, **Compete.com** is the only online competitive intelligence service that combines site and search analytics in one site to help you quickly master online marketing. With **Compete.com**, you can identify via search marketing strategies to take your SEM and SEO efforts to the next level, and stay on top of rivals with site trends and audience profiles.

Learn more about Compete's self-service tools by selecting a service from the list below.

#### Compete Site Profile™

Provides free information for every site on the Internet including site traffic history and competitive analytics, a list of available promotional codes across thousands of online retailers, and site-specific trust scores based on up-to-the-minute data from Compete and third-party security services.

#### Compete Search Analytics™

It's your starting point to build and optimize search marketing campaigns that create brand awareness, drive site traffic and increase sales. Use Compete Search Analytics to discover keywords driving traffic to any domain, identify gaps in your search strategy, invest in terms that drive the most engaged visitors, and track your performance against competitors and peers.

#### Compete Referral Analytics™

Provides powerful traffic referral and destination data that you can use to drive online marketing. Learn where visitors go when they leave your site, hone in on the best advertising and partnership opportunities, and identify new competitive threats with Compete Referral Analytics.

#### Compete Ranked Lists™

Provides lists of the most popular sites across the Internet, ranked by any metric available on Compete.com. Use Compete Ranked Lists to better judge your site's presence in the context of a peer's. Find new partners to partner with, and analyze Internet trends on a macro level.

#### Compete Blog™

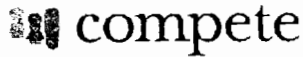
Highlights how people are using the Internet and where interesting, useful sites can be found. The Compete blog is one of the premier blogs on the web and has been recognized for its timely, entertaining and fun commentary across a wide range of topics.

#### Compete Tools™

A collection of tools that make it easier for users to bring the power of Compete Site Analytics to their desktops. Designed for both Internet Explorer and Firefox, the tools provide users real-time access to the same information found on Compete Site Analytics.

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## Where does Compete's data come from?

### Bigger, more diverse, more actionable online data

Since we started Compete, we have been continuously updating the quality and consistency of our data. With clickstream data available since 2002, and 10 terabytes of new data arriving monthly, we have amassed and organized hundreds of terabytes of daily consumer digital behavior from a dynamic panel of 2 million consumers. But for an industry overloaded with data, how do we make sure our clients' research investments generate a measurable impact on marketing ROI? How do we connect the dots from audience research and media planning to quantifiable engagement and sales outcomes?

### When it comes to online panels, size matters

Compete manages the largest panel of its kind in the industry, combining the online behaviors and attitudes from 2 million consumers across the United States. Our online panel is comprised of a statistically representative cross-section of consumers who have given permission to have their internet clickstream behaviors and opt-in survey responses analyzed anonymously as a new source of marketing research. The Compete panel is several times larger than traditional panels, which means that we help clients measure and benefit from more insights.

### Panel representativeness depends on panelist diversity

Compete has pioneered the use of "panel multi-sourcing" to create our panel. This approach is unique in the industry and enables Compete to maintain a large, highly diverse and representative consumer panel. Panel multi-sourcing involves integrating online consumer

### Frequently Asked Data Questions:

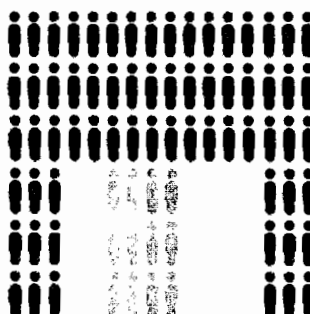
- What are the strengths of Compete's data?
- What is clickstream data?
- How does Compete protect the privacy of its panel members?
- Why is it important to have a large panel?
- How does Compete estimate site traffic?
- How are Compete metrics different from Alexa, comScore, Hitwise and Nielsen/NetRatings?
- Why are diverse panel sources important?
- What is the value of precise Unique Visitor estimates compared to rankings and shares?
- Why doesn't Compete's estimate of site visitors match my local analytics?
- How are Compete Unique Visitors counts different than Unique Visitors reported by log files and local web analytics tools?
- How does Compete normalize its data?
- Why do Compete data not include international Internet users?
- How does Compete measure the web sites it reports on, why can't I see my

behavior data from proprietary panels with the same data from licensed clickstream partnerships. Our sources differ by collection, geography, browser, target audiences, and other variables. Without diverse sources, source bias cannot be identified or remedied. Diverse panel sources also allow us to better represent the actual internet browser population with our sample. Compete recruits proprietary panelists directly by inviting consumers to install our clickstream collection software in order to participate in our panel. In addition, Compete has clickstream-sharing partnerships with Internet Service Providers and Application Service Providers, which provide additional granularity to Compete's base of proprietary panelists. Our panel methodology merges these two major sources of data into a single, statistically representative consumer panel. Compete's methodology uses the multiple individual sources that comprise our panel to normalize, calibrate, and project accurate audience and engagement metrics. No other panel can represent highly fragmented online audiences as effectively as the Compete panel.

### Not all data are created equal.

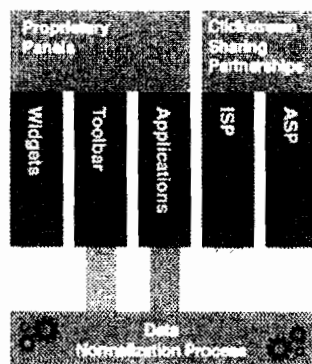
Compete is committed to providing marketers with the most actionable digital intelligence in the industry.

REAL USER ACTUAL BEHAVIOR



site?

COMPETE MASTER PANEL




COMPETE PRODUCT OFFERINGS

E X H I B I T   2

Websites getting traffic from keyword "**beverly stayart**" - Compete ... - 6.12am  
 Compete Search Analytics is a must have SEO and SEM tool that sheds light on your  
 competitors search and keyword strategy, and helps you optimize your ...  
 searchanalytics.compete.com/keyword\_destination/**beverly%20stayart** - 29k -  
 Cached - Similar pages -

1 2 3 4 5 6 7 8 9 10 **Next**

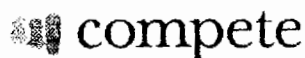
 Add a result - See all my SearchWiki notes - See all notes for this SearchWiki - Learn more

beverly stayart

Search

Search within results - Language Tools - Search Help - Dissatisfied? Help us improve - Try Google Experimental

Google Home - Advertising Programs - Business Solutions - Privacy - About Google

[register](#) [help](#) [login](#)[Site Referrals](#)[Keyword Destination](#)[Compare Sites](#)

Find out which websites get the most clicks from a keyword:

Term: **beverly stayart**[Go!](#)Broad Match ☒ Exact Match[Sample The Top Five Results Below](#)

-or-

[Unlock Full Access Now](#)

## Report Overview

Search term: **beverly stayart (exact match)**Time frame: **2009-01-15 to 2009-04-15**Available results: **8 domains**Displaying: **1 - 5 | Access: all 8 domains**

Volume Rank	Destination Website	% Total Keyword Volume	% of Site's Search Traffic	Average Monthly Search Referrals
1	facebook.com	28.58%	0.00%	190,195,333
2	domaintools.com	27.76%	0.02%	3,754,606
3	hyped.nl	12.17%	13.00%	1,126
4	searchenginewatch.com	9.31%	0.04%	522,741
5	nonotagain.com	9.31%	44.89%	428

Expecting more? There are 8 results available!

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E X H I B I T 3



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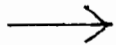
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Feb 16, 2009 ... Perhaps more remarkable is that Bev Stayart claims she is the only "Bev Stayart" and "Beverly Stayart" on the Internet (para. ...  
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Feb 5, 2009 ... February 5, 2009, 1, COMPLAINT (Summons' issued) filed by Beverly Stayart against all defendants. Consent Forms Distributed for Magistrate ...  
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May 1, 2009 ... There were 440 results for 'Beverly Stayart' ... Last Friday Demaio beat up another man in a Beverly, Massachusetts park causing him to ...  
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This affront to the fine and noble name of Beverly Stayart could not go ... There is no way any of this is attention whoring on the part of Beverly Stayart. ...  
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