

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

INVENTION SUBMISSION CORPORATION
t/d/b/a INVENTHELP,

Plaintiff,

-vs-

Civil Action No. 5:10-CV-74 (FJS/DEP)

IP WATCHDOG INC., EUGENE R. QUINN,
JR., and RENEE QUINN,

Defendants.

**DECLARATION OF MICHAEL A. OROPALLO IN OPPOSITION
TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

MICHAEL A. OROPALLO hereby declares as follows:

1. I am an attorney duly licensed to practice law before this Court and the courts of the State of New York, and a partner at the law firm of Hiscock & Barclay, LLP, attorneys for defendants IPWatchdog, Inc., Eugene R. Quinn, Jr., and Renee Quinn. I am fully familiar with the facts and circumstances of this action.

2. I make this Declaration in opposition to plaintiff Invention Submission Corporation's Motion for a Preliminary Injunction.

3. The purpose of this Declaration is to place before the Court certain relevant documents and evidence.

4. Attached hereto as Exhibit 1 is a true and correct copy of a warning against the "Sweet-Sounding Promises of Fraudulent Invention Firms" issued by the Federal Trade Commission ("FTC") against the business practices of Plaintiff, located at <http://www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt020.shtm> and last accessed on March 4, 2010.

5. Attached hereto as Exhibit 2 is a true and correct copy of a document published by the FTC to provide inventors with information about the invention submission industry, located at <http://www.ftc.gov/bcp/edu/pubs/consumer/products/pro21.pdf> and last accessed on March 4, 2010.

6. Attached hereto as Exhibit 3 is a true and correct copy of a press release issued by the FTC explaining the charges it brought against Plaintiff prior to a settlement, located at <http://www.ftc.gov/opa/predawn/F93/invention4.htm> and last accessed on March 4, 2010.

7. Attached hereto as Exhibit 4 is a true and correct copy of a press release issued by the FTC announcing that Plaintiff agreed to pay a settlement of \$1.2 million to certain clients due to its misrepresenting “the nature, quality, and success rate of the invention promotion services it sold to consumers,” located at <http://web.archive.org/web/20070314185757/http://www.ftc.gov/opa/predawn/F95/invention-2.htm> and last accessed on March 4, 2010.

8. Attached hereto as Exhibit 5 are true and correct copies of complaints received by the FTC. The Electronic Freedom of Information Act Amendments of 1996 mandate that the FTC makes available on its website “frequently requested materials.” Plaintiff is listed as a company about which the FTC receives frequent requests for consumer complaints. The complaints attached hereto are by no means exhaustive. Rather, they represent a fair and accurate sample of the nature of complaints filed against Plaintiff with the FTC. A complete collection of these complaints is available at <http://www.ftc.gov/foia/frequentrequest.shtm>, last accessed on March 4, 2010.

9. Attached hereto as Exhibit 6 is a true and correct copy of a warning issued by the United States Patent and Trademark Office (“USPTO”) against invention submission scams,

located at <http://www.uspto.gov/inventorseye/scamAlert.htm> and last accessed on March 4, 2010.

10. Attached hereto as Exhibit 7 are true and correct copies of a number of complaints received by the USPTO regarding the business practices of Plaintiff. Similar to the FTC complaints, the complaints attached hereto represent a fair and accurate sample of the types of claims received by the USPTO regarding Plaintiff. A more expansive collection of these complaints is available at http://dcinventors.org/avoid_invention_scams.html, last accessed on March 4, 2010.

11. Attached hereto as Exhibit 8 is a true and correct copy of a screenshot of Plaintiff's website stating that of the 5,336 clients with whom Plaintiff signed Submission Agreements between 2007-2009, only 27 clients made more money than they paid Plaintiff, located at <http://www.inventhelp.com/inventhelp-client-invention-stories.asp> and last accessed on March 4, 2010.

12. Attached hereto as Exhibit 9 is a true and correct copy of an article published by KIRO TV, a local Seattle, Washington news channel, chronicling the business practices of Plaintiff, located at <http://www.kirotv.com/money/10283832/detail.html> and last accessed on March 4, 2010. The article represents the investigation of a reporter that desired to inform his local community of Plaintiff's typical business practices.

13. Attached hereto as Exhibit 10 is a true and correct copy of an article published by The Pittsburgh Channel, a local news channel, chronicling the business practices of Plaintiff, located at <http://www.thepittsburghchannel.com/team4/784972/detail.html> and last accessed on March 4, 2010.

14. Attached hereto as Exhibit 11 is a true and correct copy of an article published in Time Magazine warning inventors and consumers of the business practices of Plaintiff, located at <http://web.archive.org/web/20010413114117/www.time.com/time/magazine/articles/0,3266,90511,00.html> and last accessed on March 4, 2010.

15. Attached hereto as Exhibit 12 is a true and correct copy of a consumer complaint accompanied by corroborating experiences of other consumers, posted on a consumer affairs website, located at http://www.consumeraffairs.com/scam_alerts/inventhelp.html 3/ and last accessed on March 4, 2010

16. Attached hereto as Exhibit 13 is a true and correct copy of an article written by a former employee of Plaintiff, which explains the business practices of Plaintiff, located at <http://www.inventored.org/caution/muha/> and last accessed on March 4, 2010

17. Attached hereto as Exhibit 14 is a true and correct copy of a consumer complaint, located at <http://www.pissedconsumer.com/consumer-reviews/consumer/isc%10invent-help-scam-20071210108631.html> and last accessed on March 4, 2010.

18. Attached hereto as Exhibit 15 is a true and correct copy of an article explaining Plaintiff's practice of refunding money of its dissatisfied clients, in exchange for the client promising not to file a complaint against Plaintiff, located at <http://www.inventored.org/caution/isc/returns-money/> and last accessed on March 4, 2010.

19. Attached hereto as Exhibit 16 is a true and correct copy of a consumer complaint alleging that Plaintiff debited a consumer's bank account without authorization, located at <http://www.ripoffreport.com/questionable-activities/invention-home-jacob/invention-home-jacob-enterpris-64f79.htm> and last accessed on March 4, 2010.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 5, 2010

s/ Michael A. Oropallo
Michael A. Oropallo