

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

INVENTION SUBMISSION CORPORATION)
t/d/b/a INVENTHELP, a Pennsylvania)
corporation,)

Plaintiff,)

v.)

IP WATCHDOG INC., a New York corporation,)
Eugene R. Quinn Jr. an individual, and)
Renee Quinn, an individual.)

Defendants.)

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

SUPPLEMENTAL AFFIDAVIT OF
JOSEPH R. LININGER
IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION

COMMONWEALTH OF PENNSYLVANIA)

) SS.:

COUNTY OF ALLEGHENY)

JOSEPH R. LININGER, being duly sworn, deposes and says:

1. I am the Director of Marketing of Invention Submission Corporation (hereinafter "InventHelp") and make this Affidavit supplementing my Affidavit of January 25, 2010, filed with the Court in Support of Plaintiff's Motion for a Preliminary Injunction.

2. I have reviewed the Declaration of Defendant Eugene R. Quinn, Jr., in Opposition to Plaintiff's Motion for a Preliminary Injunction dated March 5, 2010, and state that Mr. Quinn makes numerous misleading statements regarding the overall website traffic of IPWatchdog.com, especially concerning the importance (or lack thereof) of the pages that mention InventHelp.

3. Below follows some of the misleading statements made by Mr. Quinn in his

Declaration and my response to his statements:

Paragraph #18 – *Indeed, according to the IPWatchdog.com server statistics (attached hereto as Exhibit 1) there were approximately 80,583 different pages on IPWatchdog.com having distinct Uniform Resource Locator (“URL”) addresses that received traffic in 2009.*

Response: The figure given of 80,583 is drastically exaggerated. A simple Google “site” search reveals that Google has indexed only 3,130 URLs from the domain IPWatchdog.com, a far cry from the 80,583 that Mr. Quinn claims. The inflated number comes from the Defendant’s mistaken inclusion of files that never receive traffic/views from actual website visitors.

For example, the most “viewed” page on IPWatchdog.com – according to Exhibit 1 – is http://www.ipwatchdog.com/patent_blog.xml. Mr. Quinn claims that this URL has received 33,292,213 “views” (Paragraph #19) – or an astounding 63 times as many views as the IPWatchdog.com homepage. However, this XML file is merely an RSS feed, which actual human visitors rarely, if ever, see. The vast majority of “views” on that page are the result of RSS aggregators, which are automated programs that collect the most recent data from website RSS feeds for syndication. Similarly, the second most viewed page, according to Exhibit 1, is <http://www.ipwatchdog.com/wp-content/plugins/postratings/postratings-js.php>. Again, this is not a real page built for human visitors. Entering the URL into a browser does not even return a legitimate page. Rather, this file is merely a script that runs on every page throughout the site, probably related to enabling visitors to vote upon posts. I must stress that it is literally impossible for a human user to visit the above URL via a web browser.

Indeed, of the top 10 “most visited” URLs Mr. Quinn lists in Exhibit 1, only four are actual web pages that a human would normally visit. The remainder of this exhaustive list is similarly littered with non-navigable URLs and other files not intended for human users, such as:

- Administrative/internal-only (as in <http://www.ipwatchdog.com/wp-admin/admin-ajax.php>)
- RSS feeds (as in <http://www.ipwatchdog.com/feed/atom/>)
- Include and plugin files, which are served as part of a larger web page and do not constitute an individual “page view” (as in <http://www.ipwatchdog.com/wp-includes/wlwmanifest.xml> and <http://www.ipwatchdog.com/wp-content/plugins/si-captchafor-wordpress/captcha-secureimage...>)
-

Paragraph #20 – *During 2009, the majority of traffic on IPWatchdog.com was to the IPWatchdog.com blog article pages. Blog articles on IPWatchdog.com can be easily identified by “id=” within the URL. The most popular article during 2009 was entitled “Obama Wants Open Source IT Solutions for US” (viewed 35,500 times). The top 8 articles each received over 10,000 page views, 18 articles received over 5,000 page views, 33 articles over 4,000 page views, 62 articles over 2,500 page views and a staggering 304 articles were viewed over 1,000 times during 2009 (See Exhibit 2 attached hereto).*

--and--

Paragraph #21 – *[T]he only page on IPWatchdog.com relating to invention promoters that is among in the top 50 URLs in terms of traffic for 2009 is a generic page warning inventors of the dangers of working with invention promoters (sometimes referred to as “invention submission companies”) . . . and even this page is in the bottom half of the top 50.*

Response: These claims are demonstrably false. Declaration Of Eugene R. Quinn, Exhibit #2 (Document 20-3) lists all of the IPWatchdog blog posts that received traffic in 2009 in descending order. Both <http://www.ipwatchdog.com/2008/12/12/avoiding-invent-help-other-invention-scams/id=974/> (5,485 views, ranked #15, Lininger Aff. exhibit C) and <http://www.ipwatchdog.com/2008/01/10/beware-invent-help-press-releases/id=53/> (5,002 views, ranked #18, Lininger Aff exhibit A) pertain directly to InventHelp. These articles are not only in the top 50, but also appear in the top 20 posts with the most views. Furthermore, the “Advertise on IPWatchdog.com” page (<http://www.ipwatchdog.com/about/advertise-on-ipwatchdog/>) touts the blog’s “Top 25 Articles,” where Defendant lists the two aforementioned InventHelp-related posts as 15th and 18th, respectively, among the most viewed blog articles.

Paragraph #22 – *Based on IPWatchdog.com server statistics, the aforementioned page concerning invention promoters generally, and other pages where Plaintiff is mentioned, accounted for 33,928 views during 2009. According to those same statistics, IPWatchdog.com as a whole had 38,908,157 pages viewed. This means that only .0872% of traffic to IPWatchdog.com related to pages concerning Plaintiff in 2009.*

Response: Again, the “38,908,157 pages viewed” claim is dramatically overstated. As indicated above, the 33,292,213 “views” of the RSS file (http://www.ipwatchdog.com/patent_blog.xml) can be, for all intents and purposes, wholly ignored; likewise for thousands of other views attributed to admin/include/plugin files. For a more accurate representation of these statistics, I would reference the unbiased, market-leading website profiling service, Compete.com. According to Compete.com data, IPWatchdog.com received a total

of 798,579 actual page views for 2009. This number is strikingly lower than the 38,908,157 “views” that Defendant claims in paragraph #22.

Furthermore, Compete.com data (12/9/2009-3/9/2010) suggests that 3.51% of IPWatchdog.com’s search engine referral traffic results from the search phrase “invent help” (two words), 2.34% coming from the keyword phrase “inventhelp scam” and an additional 1.24% coming from the keyword “inventhelp” (one word). Thus, a total of 7.09% of all traffic to IPWatchdog.com from search engines can be attributed to keywords relating to the Plaintiff’s business. Compete.com’s aggregated and normalized data estimates ipwatchdog.com receives a monthly average of 14,245 search referrals or click-through visitors from search engines. This means during an average month 1010 search engine users whose intent was searching for “inventhelp”, “invent Help” or “inventhelp scam” were referred to the ipwatchdog.com website from search engine results. A quick search of the Google search engine shows that the blog post “Beware InventHelp Press Releases” <http://www.ipwatchdog.com/2008/01/10/beware-invent-help-press-releases/id=53/> (Lininger Aff. exhibit A) ranks at or around the third position for the keywords “inventhelp” and “invent help”. Another point I would like to make is that based on Mr. Quinn’s exhibit 2, the 33,928 views that pages mentioning InventHelp or Invention Promoters generally is significant based on the fact that the number one article in 2009, “Obama Wants Open Source IT Solutions for Us” received 35,500 views. This means that the aforementioned articles received close to the same amount of traffic as the number one article in 2009.

Paragraph #103 – *No outsider knows the ranking algorithms utilized by the search engines, and what is known is that ranking algorithms change and evolve over time to prevent gaming.*

Response: While this statement is generally true, the fact remains that there are well-established “best practices” in the search engine optimization (SEO) field that can significantly improve a website’s chances of ranking for a key term or group of terms. The booming SEO industry is a testament to that fact.

Paragraph #104 – *Published articles and pages on IPWatchdog.com are only written for original content and without an eye toward engaging in search engine optimization or writing for any particular ranking.*

Response: On the contrary, Defendant has actually admitted to employing SEO tactics on IPWatchdog.com. See the blog post entitled “Yahoo! Search Engine Optimization Patent Application” (<http://www.ipwatchdog.com/2009/02/06/yahoo-search-engine-optimization-patent-application/id=1943/>, posted 2/6/09). A true and correct copy is attached as

Supp. Lininger Exhibit A. Among the most relevant excerpts:

- “Search Engine Optimization, or SEO as it is typically referred to, refers to actions by a web site to improve its presence and positioning for relevant search queries. With the amount of information available online being so large engaging in SEO activities to make it more likely that a search engine will highly rank your website or web page is vital.”
- “SEO needs to be a big part of any strategy to deliver traffic to a website, so tried and true methods are employed by those serious about obtaining more traffic. Such tried and true methods include creating original content that relates to popular search terms and phrases.”
- “Have you ever noticed how on websites the language sometimes seems a bit contrived? Have you noticed how similar, but different, terms are used to convey the point? All of this relates to search engine optimization and you probably never even knew that, right? **For example, take a look at this article. Notice how I keep going back and forth between ‘SEO’ and ‘search engine optimization’? Notice how sometimes I refer to ‘websites’ and other times to ‘web sites’? These are subtle examples of search engine optimization.**”
- “I don’t know for sure that using all these varying terms really works, but I know that IPWatchdog.com ranking for various search terms does vary with very subtle differences in the term searched, **so I am trying my own hand at SEO.**”

Thus, by Mr. Quinn’s own admission, he is not only aware of SEO strategy, but he also actively employs it when writing IPWatchdog.com articles. Please note that Mr. Quinn frequently alternates between using “InventHelp” (one word) and “Invent Help” (two words) when referencing Plaintiff. Defendant specifically outlines this tactic in the third bullet-point above, and describes how he has himself used it to his advantage.

Paragraph #105 – *“Additionally, according to Google Webmaster Tools, a page which is attached hereto as Exhibit 17, the 20 most common keywords Google found when it last crawled IPWatchdog.com. While the picture painted of IPWatchdog.com by Plaintiff makes it seem like IPWatchdog.com targets Plaintiff and is little more, the reality is the overwhelming majority of IPWatchdog.com has nothing to do with Plaintiff or invention promoters, does not mention Plaintiff, and the Google bot crawl of IPWatchdog.com confirms this fact. Far and away the most common keyword is “patent.” The remainder of the list is not at all surprising given its focus on everything patents, invention and innovation, with a clear focus on software, as evidenced by the term “software” and “bilski” being on the list.”*

Response: Clearly, IPWatchdog.com has much content unrelated to

Plaintiff or invention promoters in general. Yet even within the articles referencing Plaintiff, the keywords “patent,” “invention” and “inventors” appear at least as many times as the keyword “InventHelp.” It is therefore obvious that a Google crawl would turn up numerous keywords with more relevance than “InventHelp” for the domain IPWatchdog.com. However, that fact in no way indicates that IPWatchdog does not receive significant traffic from InventHelp-related keywords (i.e. it is merely a measure of the most commonly used terms on the site).

(Exhibit 17) The Google Webmaster Tools report shows the most common keywords Googlebot found while crawling the ipwatchdog.com website. The generic terms on this list; “bar”, “blog” , “gene”, “law”, “search” which are used very frequently throughout the website are too vague to drive traffic to the site. This report does not illustrate keywords which are generating traffic but merely commonly occurring keywords on the site and should not be used to demonstrate keyword importance in driving traffic to the site. As stated above, Compete.com indicates that IPWatchdog.com receives, on average, 7.09% of its search engine referrals from the keywords “inventhelp”, “invent help” and “inventhelp scam.”

Paragraph #107 – *With respect to impressions, the following queries related to Plaintiff resulted in less than 1% of searches returning an IPWatchdog.com page:*

- “inventhelp”
- “invent help”
- “inventhelp.com”
- “inventhelp scam”
- “inventhelp corporate headquarters”

--and--

Paragraph #108 – *With respect to clickthroughs, the only queries related to Plaintiff that actually translated into traffic for IPWatchdog.com during February 2010 were the following and they each contributed less than 1% of the traffic to IPWatchdog.com as a result of Google Search:*

- “inventhelp”
- “invent help”
- “inventhelp reviews”
- “inventhelp scam”

Response: The Google Webmaster Tools data in Quinn Decl. Exhibit 18

is distorted by a number of factors. For one, it includes data not only from *web searches*, but also from *image*, *mobile* and *video* searches across *all* Google properties (including foreign search engines) – not just google.com. Defendant could have narrowed his scope to “Web Searches” only, but the dropdown box at the bottom of page two in Exhibit 18 indicates that the “All Searches” option was selected. The data is also confined to the month of February 2010. To illustrate, Exhibit 18 suggests that the term “Benjamin Franklin” resulted in 45% of all IPWatchdog.com’s impressions, and 11% of all its clickthroughs. A simple Google web search conducted from various Internet Protocol addresses will show that defendant’s domain does not appear for the term “Benjamin Franklin” in *at least* the top 200 results (or top 20 results pages). However, a Google **image search** does in fact return an image of Franklin, from the IPWatchdog.com domain, which is ranked fairly high in the results. Thus, it is likely (if not certain) that the vast majority of “Benjamin Franklin” hits – which constitute 45% of impressions and 11% of clickthroughs for IPWatchdog.com – resulted from image searches, and not web searches. This fact alone is enough to significantly skew the data and make InventHelp-related keywords (as well as all other keywords) appear less relevant for web searches. Ask yourself this: is “Benjamin Franklin” logically one of the (if not *the*) most relevant term for the IPWatchdog.com site? Clearly, it is not.

It is my professional opinion that the **web search** data from Compete.com provides a far more accurate representation of the referral share for InventHelp-related terms. As stated above, Compete.com indicates that IPWatchdog.com receives, on average, 7.09% of its search engine referrals from the keywords “inventhelp”, “invent help” and “inventhelp scam.”

Still, even if we were to assume that the Google Webmaster Tools data is highly relevant and targeted, the “inventhelp” and “invent help” searches are not insignificant. These terms constitute the 14th, 26th, 38th, 43rd and 61st most impressions for IPWatchdog.com, as well as the 27th, 32nd, 55th and 58th most clickthroughs. Those numbers add up to a large amount of traffic.

The bottom line is that Defendant is greatly underestimating the referrals he receives from keywords relating to the Plaintiff’s business.

4. In further support of the above responses I have attached as Supp. Lininger Exhibit B true and correct copies of the search results for “InventHelp” and “Invent Help” which I performed using the google search engine. The search results demonstrate that IPWatchdog’s “Beware Invent Help Press Releases” ranks around the third position for

the keywords “inventhelp” and invent help.”

5. In further support of the above responses I have also attached as Supp. Lininger Exhibit C true and correct copies of the Compete.com data which I refer to in my responses.

6. I have attached as Supp. Lininger Exhibit D a true and correct copy of a blog posting authored by Gene Quinn titled “The Business of Blogging: A Tutorial for Would-be Bloggers. Mr. Quinn states in the blog as follows:

“Since 1999 I have been an internet entrepreneur, and a full time internet entrepreneur since 2005”

At comment #10 Mr. Quinn States:

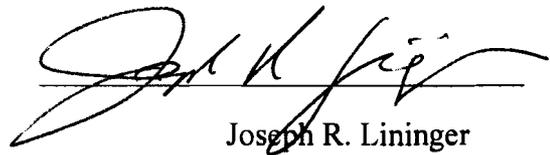
“For me blogging has become a revenue stream, thanks to advertising and attracting clients. For example, when I write about software I typically get a client, so I view a lot of my blogging as professional development...”

7. Renee Quinn claims to have special expertise in the area of internet marketing. For example, attached as Supp. Lininger Exhibit E is a copy of IPWatchdog’s web page about Renee Quinn wherein she states that her “MBA course work focused on e-Commerce and e-Business, with an emphasis on marketing via the World Wide Web.” As discussed above Gene Quinn also claims to have special expertise in the area of search engine optimization.

8. I have reviewed the web sites for IPWatchdog and Lambert & Lambert and

based on my review it appears that neither IPWatchdog nor Lambert & Lambert publically disclose the consumer information mandated by the American Inventors Protection Act. 35 U.S.C. § 297.

9. I can affirm based on my personal knowledge that Exhibits A through L of my Affidavit, as corrected, and Exhibits A and E of my Supplemental Affidavit are screen shots from IPWatchdog.com dated January 13, 2010. Exhibit B of my Supplemental Affidavit are screen shots from Google Search results dated March 12, 2010. Exhibit C of my Supplemental Affidavit are screen shots from Compete.com dated March 11, 2010. Exhibit D of my Supplemental Affidavit is a screen shot from IPWatchdog.com dated February 19, 2010.


Joseph R. Lininger

Sworn to before me this 15th day
of March, 2010



Notary Public

