



DataResults Corp

July 6, 2004

Google, Inc.

Attn: User Support, DMCA complaints

[REDACTED]
Mountain View, CA 94043

Dear Partner in Internet Services:

Thank you for your kind and measured response to our current frustration with a web site pirate that is copying our website and hiding their identity. While our biggest concern is that they are deliberately trying to hurt our web lead generation by de-ranking our website with Google, your and our biggest line of defense is likely to be their violation of the copyright on our web site.

Under the Digital Millennium Copyright Act of 1998, service providers, such as Google and ISPs, have Safe Harbor provisions that protect them if they follow the requirements outlined in the act. These provisions allow and require service providers to "expeditiously remove or disable access" to infringing material when they become aware of the violation without becoming liable to either the copyright holder or the infringer. The alleged infringer then has the right to contest the removal.

Thus we do not see Google as part of the problem and we do not desire to take any action against Google. Rather we see Google as part of the solution and are looking to continue the great relationship we have had with Google over the past three years. To do that we are requesting that Google:

1. Not penalize the ranking of DialResults or its parent DataResults due to what looks like search engine spamming by www.etopiagolf.com and/or www.vantagevoicesystems.com.
2. After reviewing the information below, remove links to www.etopiagolf.com and www.vantagevoicesystems.com that lead customers to their infringing web sites.

The remainder of this letter outlines the details of the infringement as your legal department requested.

1. Copyrighted Work Infringed

The www.DialResults.com web site and most of its navigation pages, including:

www.DialResults.com/solutions.html

www.DialResults.com/products.html

www.DialResults.com/difference.html

www.DialResults.com/features.html

www.DialResults.com/employment.html

www.DialResults.com/emerging.html

www.DialResults.com/partners.htm. (part)

The content is the same except that our logo has been pasted over with a pictures and our trade name DialResults has been replaced with either etopiagolf or vantagevoicesystems.

All of the navigation page URL names are the same if you replace DialResults with either etopiagolf or vantagevoicesystems.

2. Material that is Infringing

www.etopiagolf.com and www.vantagevoicesystems.com, both have copied our web pages and replaced our logo with a picture and our trade name DialResults has been replaced with either etopiagolf or vantagevoicesystems. They have kept the same URL names with their company name replacing ours for the pages in item 1 above (that is www.Dialresults.com/solutions.html becomes www.etopiagolf.com/solutions.html).

In terms of Google search names at least the following are of concern:

Search Query

www.etopiagolf.com
etopiagolf.com
www.vantagevoicesystems.com
vantagevoicesystems.com
predictive dialers

predictive dialers

predictive dialing

predictive dialing systems

predictive dialers voip

contact center software

contact center management

call center software

call center systems

call center management software

CTI software

Search Results

www.etopiagolf.com
www.etopiagolf.com
www.vantagevoicesystems.com
www.vantagevoicesystems.com
www.etopiagolf.com
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www.vantagevoicesystems.com

It is easy to see that our site is the original because:

- It is the only one where you have a way to contact the owner
- They have not removed our name in the image on the right of the Careers page
- They quote [REDACTED] who is our employee and has been placing adds in your advertising section, Ad Words for the past three years. His e-mail is [REDACTED]@dialresults.com and he states he never gave either of the offending companies permission to use or copy his name to promote their products.

3. Our Contact information

[REDACTED]
DataResults, Corp.

[REDACTED]
Mesa, AZ 85215

Phone: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]@dataresults.com

4. Owner of Infringing Material

While we are not certain, this is what we know and what we have done to track down the Infringers: We tracked the web sites www.etopiagolf.com and www.vantagevoicesystems.com through eNom.com and found both sites were registered to:

[REDACTED]
Perimeter East

Atlanta Georgia 30346

Phone: [REDACTED] (for billing and technical and administration information)

Fax: [REDACTED]

E-Mail: [REDACTED]@hpenterprises.com

Calls were made to the phone and fax listed and there was a message that they had been disconnected. We emailed the site and received no response.

Then we traced the IP address (64.62.167.92 and 64.62.172.39 to:

Hurricane Electric

[REDACTED]
Freemont, CA 94539

[REDACTED]@he.net

Hurricane Electric reassigned the IP addresses to:
Powersurge Technologies Inc.

[REDACTED]
Cedar Falls IA 50603

[REDACTED]@he.net

We called both of the above and found that Powersurge's IP block also contains a block owned by:

FastServers.Net

[REDACTED]
Cedar Falls, Iowa 50613

It also looks like the host server has an IP address of 64.62.167.82, which resolves back to the same hpenterprises.com that owns the URLs.

We are sending similar letters to all the above to see what they can do to remove the infringing sites even though we can not prove who owns them or how to contact them. In the interim we would appreciate it if you would remove the links as discussed at the top of this letter.

5. Good Faith Belief that Infringing Material is not Authorized

I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing web pages is not authorized by the copyright owner, its agent, or the law.

6. Affidavit of Truthfulness of this Complaint

I swear, under penalty of perjury consistent with United States Code Title 17, Section 512, that the information in this notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

7. Authorized Signature

Thank you for your support. We look forward to continuing our long standing relationship with Google in the future.

Yours truly,

