

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) SEARCH KING, INC. an Oklahoma Corporation,

Plaintiff,

vs.

(1) GOOGLE, INC., a California Corporation,

Defendant.

CIV - 02 - 1457M

Case No.

FILED

OCT 17 2002

ROBERT L. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY _____ DEPUTY

COMPLAINT

Plaintiff, Search King, Inc. ("Search King") by and through its undersigned counsel, hereby bring their Complaint against the Defendant, Google, Inc., a California Corporation, ("Google") hereinafter sometimes referred to as Defendant, on the grounds and in the amounts hereinafter set forth, and allege and state as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is an Oklahoma corporation duly authorized and incorporated in accordance with the laws of the state of Oklahoma having a place of business located in Oklahoma City, Oklahoma.

2. Defendant is a California corporation doing business in Oklahoma via an Internet search engine maintained on its active web site and commercial endeavors as a part thereof.

3. The Court has jurisdiction over the action pursuant to the provisions of 28 U.S.C. Section 1332(a)(1), on the basis that the matter in controversy exceeds, exclusive of interest, the sum of seventy-five thousand dollars (\$75,000.00), and the parties are citizens of different states; therefore, complete diversity exists.

4. Venue is proper before this Court pursuant to 28 U.S.C. §1391 and otherwise as the situs of the wrongful acts performed by Defendant while doing business in the state of Oklahoma.

5. Plaintiff has retained the undersigned counsel to enforce its rights herein and is obligated to pay such counsel a reasonable fee.

6. All conditions precedent to the bringing of the claims herein have occurred, been waived, or have otherwise been satisfied.

FIRST CAUSE OF ACTION INJUNCTIVE RELIEF

7. Plaintiff hereby realleges, as if fully set forth herein, the allegations of paragraphs 1 through 6.

8. In 1997, Search King began business as an Internet search engine and web hosting company, approximately one (1) year prior to Google's inception. As Google expanded, it developed an algorithm to determine the "value" of a particular web site. This value is referred to as a "page ranking" produced by a source code that combines factors such as key words, content credibility, popularity, number and popularity of linked sites, etc. The range of page ranking is from one (1) to ten (10), with ten (10) being the highest ranking. Defendant's page ranking is valuable to the web sites with high rankings as it increases the commercial value, including advertising demand and demand by other web sites for link placement. The source code is Google's "formula" for the ranking and includes the value Google places on each element of the "formula".

9. Thousands of people everyday use Google's page ranking system by downloading the Google "tool bar", which allows a person to view web site rankings while surfing the web. There is no cost to download the "tool bar". The Page rank is displayed on each web site visited by the

person using the tool bar. Google does not get the permission of the web site owners and bills itself as determining "important web sites" *vis a-vis* its page rank system. The page ranking of a web site has become the identifiable measure of credibility and is highly coveted in the Internet community.

10. Search King's page rank was seven (7) out of ten (10) from approximately February of 2001, until July, 2002 when it was raised to eight (8). In August of 2002, Search King began PR Ad Network, a branch of its operations in the business of placing advertising and links on highly ranked web sites, thus competing with Google. Once Google became aware of the fact Search King was competing with it and profiting from Google's page ranking system it purposefully devalued Search King, PR Ad Network and the web sites it hosts, within its source code or "formula". This resulted in Search King's page rank dropping to four (4) out of ten (10). Further, PR Ad Network, the branch selling page rank ads, was not ranked, which in the Internet community is recognized as a manually determined penalty.

11. Due to the high value associated with page rank, the purposeful reduction of Search King and its related web sites' page rankings has damaged Search King's reputation and diminished its value.

12. Google, as a provider of a ranking system upon which the Internet community relies, must apply the system in a manner that is not arbitrary, nor aimed at restraint of trade.

13. By reason of Defendant's acts alleged herein, Plaintiff has and will continue to suffer damage to its business, reputation and goodwill.

14. Defendant continues to wrongfully reduce Search King's page rank and unless restrained and enjoined, will continue to do so, which will cause Plaintiff irreparable harm in the future which cannot be quantified, and for which there is no adequate remedy at law.

WHEREFORE, Plaintiff demands the following relief:

- a. The Court grant preliminary and permanent injunctions pursuant to Rule 65 of Federal Rule of Civil Procedure enjoining and restraining Defendant and its agents, servants and employees, or any other person acting through or on behalf of Defendant from purposefully devaluing Search King's rating within the Google source code and restoring it to its previous rank..
- b. The Court order Google to produce its source code in effect August and September of 2002.
- c. The Court award Plaintiff the costs of this action;

d. This is an exceptional case and that Plaintiff should be awarded a penalty of \$100,000 as not ranked, which in the internet community is recognized as the branch selling page rank ads, with a manually determined penalty.

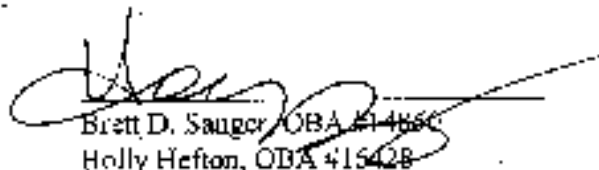
is associated with page rank, the purposeful reduction of Search rankings has damaged Search King's reputation and diminished

11. Due to the high value King and its related web sites' page its value.

WHEREFORE, Plaintiff demands the following relief:

- a. Judgment in its favor for damages in excess of \$75,000;
- b. Punitive damages in an amount appropriate to set an example and deter future wrongful conduct;
- c. The Court award Search King attorneys' fees and costs of this action;
- d. The Court grant such other and further relief as it shall deem just

Respectfully submitted,



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Attorneys for Plaintiffs

JURY TRIAL DEMANDED.
ATTORNEYS LIEN CLAIMED.

VERIFICATION

Robert Massa, , having been first duly sworn under oath, states that I have read the foregoing Complaint and do hereby declare that the matters contained therein are true and correct to the best of my information, knowledge and belief.

Search King, Inc.

By: *Robert Massa*
Robert Massa, President

Subscribed and sworn to before me this 17th day of October, 2002.

Stephanie M. Mammola
Notary Public

My Commission Expires:

12-1-04 _____

My Commission No:
00019854

