

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

<p>CAMPMOR, INC., <i>Plaintiff,</i> - vs. - BRULANT, LLC <i>Defendant.</i></p>	<p>CIVIL ACTION NO. 19-CV-5465 (WHW)</p> <p>CERTIFICATION OF BRIAN COOPER</p>
<p>BRULANT, LLC, <i>Counterclaim Plaintiff,</i> - vs. - CAMPMOR, INC., <i>Counterclaim Defendant.</i></p>	

Brian Cooper, of full age, certifies and says:

1. I have been retained on behalf of plaintiff as an expert in the area of Search Engine Optimization (“SEO”) in the above-referenced matter. I have personal knowledge of the facts set forth herein, which are known to me to be true and correct. I could and would testify competently about the matters set forth herein if called upon to do so.

2. I am currently a consultant with OpenMoves.com, an email and online marketing company, I advise OpenMoves.com’s clients on SEO. I am also contributor to the Open Moves blog located at www.openmoves.com/blog, for which I author articles on SEO-related topics. See Exhibit 1.

3. I have read the Memorandum of Law submitted by Brulant, LLC (“Brulant”) in support of its motion to exclude my expert’s report and proposed testimony (hereinafter “MOL”). I also reviewed my own report entitled “Report of Brian Cooper on Search Engine Optimization (SEO)” dated November 9, 2010 (hereinafter the “Report”) as well as the transcript of my deposition taken January 19, 2011 (hereinafter “Cooper Tr.”). A copy of my Report and of the Cooper Tr. are attached as Exhibits A and B to the Declaration of Barry L. Cohen in Support of Defendant’s Motion In Limine to Preclude the Testimony of Brian Cooper, dated March 30, 2011 (hereinafter “Cohen Decl.”).

4. Brulant contends that I am not qualified to provide expert testimony on the subject of SEO; and that my Report is essentially unreliable. The concepts of “qualification” as an expert and the “reliability” of an expert report are legal ones, and I am not an attorney. Therefore I do not purport to address the legal standards or the application of the facts to those standards. Nonetheless, I submit this Certification because the presentation by Brulant of many facts that appear to bear on these determinations is either erroneous or gravely misleading, and these are facts about which I have first-hand knowledge and regarding which there is no rebuttal in the record before the Court.

5. I have a diploma in software engineering from Hadassah College of Technology located in Jerusalem, Israel and have been an Internet professional since 1998. My expertise in the field of SEO is acknowledged by my peers and is demonstrated in part by my consistent ability to attract and retain clients seeking my services.

6. I receive numerous unsolicited inquiries per month via my LinkedIn profile available at <http://www.linkedin.com/in/brianscooper> and attached hereto as Exhibit 2. The significance of this can only be appreciated by one familiar with the vast number of IT

professionals, including SEO specialists, from all around the world whose profiles are posted on LinkedIn. In fact, as of the date of this submission I have been contacted by over a half- dozen companies in 2011 inquiring about my availability and/or interest in various SEO-related consulting projects.

7. Brulant claims that I am not “formally trained” in SEO. In fact, finding an SEO professional who is “formally trained” in the field would itself be a novelty, as I discuss more below. The Internet is a relatively new phenomenon. It was not used commercially prior to the mid-1990s, and did not even begin to become the popular, cultural and commercial phenomenon it is until the turn of the 21st century. Search engines did not move from the computer laboratories and startup garages to the world of commerce until the late 1990’s. By then I had already been working in computing, networking and the nascent Internet field for many years.

8. This career path is typical of SEO industry leaders, most of whom were already established technologists before becoming involved with SEO and who never received “formal training.” For example, Matt Cutts of Google, Inc. is revered as an SEO guru, and was referred to in a 2008 article in *Wired* magazine as an “Internet god”. “Q&A With Google’s Matt Cutts About SEO and the Future of Search,” dated March 4, 2008, available at <http://www.wired.com/epicenter/2008/03/qa-with-googles/>, last visited May 8, 2011 (attached hereto as Exhibit 3). Mr. Cutts, however, has no “formal training in SEO”. “About Me” webpage from weblog, “Matt Cutts: Gadgets, Google, and SEO” available at, <http://www.mattcutts.com/blog/about-me/>, last visited May 8, 2011 (attached hereto as Exhibit 4).

9. Indeed, “the truth is that there are currently no industry-recognized standards or certifications that qualify an individual or entity as an ‘SEO Certified Professional.’” “ZDNet:

SEO Whistleblower Blog: SEO Certification and Standards: Do They Exist?,” September 16, 2010, available at <http://www.zdnet.com/blog/seo/seo-certification-and-standards-do-they-exist/233>, last visited May 8, 2011 (attached hereto as Exhibit 5). “The main conundrum is that — because there are no standards — there is no real way to qualify someone to teach SEO to the extent that they can certify others in a manner recognized by one industry-governing body.” *Id.*

10. Brulant understands this well. Indeed, Srikar Nagubandi and Marios Alexandrou, both identified as Directors of SEO for Brulant, also appear to lack any formal training in SEO, according to their LinkedIn profiles (attached hereto as Exhibit 6).

11. In fact, Mr. Nagubandi and Mr. Alexandrou and I have crossed paths professionally before, and the circumstances under which that happened may be of some interest to the Court regarding the issue of my qualifications. In 2006, Mr. Nagubandi interviewed me for an SEO-related position while he was with a company called DigitalGrit, Inc. At that time Mr. Nagubandi expressed his interest in having me join his team, though ultimately it did not work out. I have attached as Exhibit 7 an email between Mr. Nagubandi and me dated November 9, 2006 discussing proposed employment terms; it is partially redacted to protect confidential information that is not relevant to this Certification. Mr. Nagubandi obviously thought enough of my qualifications, however, such that a few years later we again discussed his hiring me for an SEO-related position for another company, Vertrue, Inc.

12. I also met, in 2007, with Mr. Alexandrou, to discuss an SEO-related position with the company he was then with, Acronym Media. My interview arose from, in part, our common acquaintance with Mr. Nagubandi. Printouts of email exchanges between Mr. Alexandrou and myself in December, 2007 are attached as Exhibit 8.

13. Neither of these two present-day Brulant Directors for SEO was considering

engaging me as an expert witness, of course. But we were discussing positions where my work would have put their professional reputations, and the outcome of their clients' projects, on the line. One thing is very clear: At no time during my interviews with Mr. Nagubandi and Mr. Alexandrou was any concern ever raised over my lack of "formal" SEO training. Such an issue would simply never be discussed among SEO professionals because for all practical purposes no one – and certainly no senior people with 15 or more years of computing, networking and Internet experience – has such academic training.

14. And indeed I have been involved with various projects concerning interfacing with the Internet since my employment with the Lightstone Group which began in 1994. Contrary to Brulant's claims, the opinions contained within my Report are not based on "limited work experience." (MOL at 9.) My experience with SEO is not limited, but quite extensive.

15. Contrary to Brulant's claim in its MOL, I was first introduced to SEO concepts and practices in the mid-to-late 1990s while working at Lightstone. I remained employed by Lightstone and later its successor, Descartes Systems of Canada, for approximately six years. Once Descartes acquired Lightstone, I was global web development manager until the "dot-com" crash in 2000. For the last three years while I was with Lightstone/Descartes, SEO fell under the auspices of my team, which consisted of approximately five individuals, two of whom reported to me directly.

16. In 2002, I joined Independent Living Aids ("ILA") where, among other things, I was responsible for SEO for ILA's website.

17. It is commonplace to outsource many of the daily programming tasks associated with SEO, and is often done as an alternative to hiring and training onsite employees in an effort to keep down unnecessary overhead costs. The outsourcing of many aspects of SEO projects

differs little from managing an in-house team except, in some circumstances – not all – in-house SEO staff works at a firm’s central location. Under either scenario, the SEO staff members work to my specifications and requirements and under my management.

18. In the case of ILA, we determined to utilize an outside SEO agency, Prime Visibility, to support the SEO work ILA needed. That agency was vetted and selected by me.

19. I hired Prime Visibility based in part on my personal and professional relationship with Prime Visibility’s principal. We first met as participants in a forum on search technologies that had been organized by the Long Island Web Development Guild, where I was, and remain, a member.

20. ILA’s agreement with Prime Visibility was that they would do the SEO analysis and I would do all the implementation. In this way, I was involved in all the day-to-day activities of SEO development and management for ILA.

21. My working with Prime Visibility amounted to more than any course could offer because at the same time I was recoding the www.independentliving.com website to be accessible for the vision impaired. The principles behind website accessibility for the vision impaired are very similar to SEO methods. This is because vision impaired Internet users make use of “screen-reading” software which works very much like Internet indexing search software, known as a “spider,” which “crawls” websites scanning them for text elements only.

22. Once I completed the recoding of www.independentliving.com, it was one of the few websites at the time to receive a certificate of accessibility from the National Federation of the Blind.

23. Furthermore, thereafter ILA’s search engine rankings for relevant terms such as, for example, a “talking watch” did extremely well relative to its competition, a position it

continues to enjoy today. Attached hereto as Exhibit 9 is a printout dated May 9, 2011 from Google.com using the search term "TALKING WATCH." ILA's listing is in the second position, below only RadioShack®, which evidently offers a product described by the same words.

24. Ultimately, as a direct result of my SEO efforts while at ILA, online sales doubled during my first year of employment.

25. I also demonstrated the ability to directly and immediately grow sales utilizing SEO when I joined Artisanal Premium Cheese, where, once again, through my implementation of particularized SEO strategies I was able to double online revenues during my first year of employment.

26. Following my time at Artisanal in 2008, I was an independent SEO consultant for two well-known New York retailers Murray's Cheese Shop and J&R Electronics.

27. Murray's Cheese Shop is the oldest and certainly best-known cheese store in New York City, and has a dynamic Internet presence. According to its website, Murray's "New York's Best Cheese Shop" has been named the best cheese shop in the City by *The Village Voice*, *Time Out New York* and *New York Press*. As the website explains, "The demanding readers of Zagat's 2008 Guide to New York City Gourmet Shopping & Entertaining declared us the 'gold standard of cheese in NY.' *The New York Times* calls Murray's a 'local landmark' and 'a mecca for New Yorkers' while Forbes.com declares us the 'world's best cheese shop.'" Available at Murray's Cheese Shop website, http://www.murrayscheese.com/press_main.asp, last visited May 8, 2011. I include this information not because the Court is interested in cheese, but to demonstrate the substantial business and reputational interest of a business that put its SEO in my hands for this period.

28. Similarly, J&R Electronics is one of the leading online electronics retailers in the world. According to Hoovers.com, an online business reporting website, “The company is a leading electronics retailer with 10 specialty electronics shops in the same New York City block. The stores make up one retail megastore, J&R Music and Computer World, which measures more than 300,000 sq. ft. and is known for discounted prices and good customer service. It also operates J&R Express, an in-store shop at Macy’s in Herald Square, and peddles products through its website. J & R's merchandise includes audio and video products, computers, cameras, software, office products, music, movies, and games.” “Hoovers.com: J&R Electronics Inc.,” available at http://www.hoovers.com/company/J_R_Electronics_Inc/cycfyi-1.html, last visited May 8, 2011. J&R offered me full-time employment, which I turned down in favor of full-time employment with another business, Kosher.com, where I had already been working for a number of months, and where I would remain until January 2011, when the company could no longer afford a full-time SEO director.

29. Kosher.com is the world’s largest online supermarket. While at Kosher.com I headed the website’s SEO and managed a staff of five, and organized and gave lectures to the technical staff on the basics of SEO.

30. Since the beginning of 2011, I have been involved in a number of smaller SEO consulting roles for other organizations and firms, including Ameinu, an Israel advocacy organization; the Habonim-Dror Camping Association; Sidekick Magazine, and others.

31. Brulant also claims that I was “spoon fed” materials or merely “summarized” third party publications. This is an inaccurate characterization. It is true that my Report relies heavily on one of the single most authoritative publications on practical SEO, Google’s Search Engine Optimization Starter Guide, for the identification of SEO “best practices.” Google uses

to support its counterintuitive premise that ranking should plummet after a major technical change, following which the client is to be left to wait nervously in the hope that rankings return to their prior level before even improving. I know of no one in the SEO field who would try to “sell” a client on such a strategy and have seen nothing in the record that suggests that Brulant told Campmor that this would or should happen prior to going live with the new site.

38. My position on this matter is not only commonsensical but set out in Internet articles such as one called “SEO Guide To Launching A New Website,” dated August 12, 2010, available at <http://www.webprofits.com.au/blog/seo-guide-launching-website>, last visited May 8, 2011 and attached as Exhibit 12 hereto. It states that while a dip in rankings after a makeover is possible, it is to be avoided, and sets forth numerous tools and approaches to be utilized to avoid such slippage: “With all the time, effort and money that goes into getting top SEO rankings and building a stream of consistent organic traffic, great care must be taken when developing and launching a new website that replaces an existing one. . . . It can take months or even years to get top SEO rankings but you can lose these rankings in a matter of hours. With this in mind, here are a set of guidelines to help maintain your website’s SEO value and minimize any negative impact on your rankings.” Brulant’s approach to this matter – that losing years of SEO “equity” is inevitable and unavoidable – simply cannot be sustained.

39. Brulant also takes issue with my assessment of the impact of its work on Campmor’s “404” page is lacking. (*Compare* Report at 11-12 *with* MOL at 12-13.) While I am not aware of any data relating to the Campmor website that would permit a retroactive empirical demonstration of whether the mishandling of Campmor’s 404 page had any impact on its potential customers or revenue, it is fundamental SEO technique – i.e., a best practice – to give the issue of 404 pages due consideration when planning the launch or relaunch of a website. The

subject of properly configuring a 404 page is so important that Google has published an article on the topic, suggesting ways in which “webmasters” may create an “effective 404 page,” and which states, “If you have access to your server, we recommend that you create a custom 404 page. A good custom 404 page will help people find the information they're looking for, as well as providing other helpful content and encouraging them to explore your site further.” This is, of course, nothing but a description of the function of SEO. “Google Webmaster Central: Creating useful 404 page,” last updated March 20, 2011, available at <http://www.google.com/support/webmasters/bin/answer.py?answer=93641>, last visited May 8, 2011 and attached hereto as Exhibit 13.

40. In fact, Brulant’s own Chris Boggs has written an article on the importance of sound 404 page implementation called “Common Problems with 404 Error Pages,” dated September 6, 2008, available at <http://searchenginewatch.com/3631002>, last visited May 8, 2011, attached as Exhibit 14 hereto. “It may surprise you,” he writes, “to learn that the way a Web site handles 404 error pages can affect search engine rankings.” Evidently it is still a surprise to his employer. In the same article, Craig Geis, also formerly of Rosetta, states:

Without a custom 404 error page, the visitor -- human or robot -- is left with only two courses of action: to abandon their search or click the back button. Search engines can reduce rankings due to server errors and broken pages. Simple errors such as “404 page not found” in large quantities can make the search engines believe that a site isn’t complete or is under construction and, as a result, they may determine that the site isn't worthy of strong search engine rankings.

41. In light of these statements, and the lack of any contrary authority brought to the Court’s attention on the matter of the importance of 404 pages to SEO, I am at a loss to understand how Brulant can question my identification of these very same conditions in my Report as a “shortfall” in my approach or an omission in considering whether web users may

have been impacted negatively by Brulant's failure to address the issue. (See MOL at 12-13.)

~~There is nothing controversial or counter-intuitive about my opinion on the matter; it is shared by~~
Brulant's own employees; and it is not a matter of speculation by me as to how or how much
Brulant's neglect of this issue affected Campmor's traffic or sales – it is, rather, simply my
opinion that Brulant's conduct fell short of best practices in the field of SEO, to say the least.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true
and correct to the best of my knowledge.



BRIAN COOPER

Dated: May 9, 2011