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The Untold Story of the \$11.3M Verdict
That Changed the Way We Use the Internet

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With Expert Solutions to
Protect Yourself or Your Business from:

- Viral Internet Attacks and Privacy Invasion
- Defamation and Cyberstalking
- Hacking and Spam Impersonations
- Copyright Infringement and Trademark Theft

John W. Dozier Jr. and Sue Scheff

Search

Foreword by Michael Fertik
CEO and Founder, Reputation Defender

PRAISE FOR GOOGLE BOMB

“*Google Bomb* is a great book! The Constitution protects free speech, but slander is not free speech. Only cowards use slander as a means of expression; we should be able to know who the cowards of this world are and hold them accountable, and *Google Bomb* helps readers do that.”

—**Senator Walter G. “Skip” Campbell Jr.**

“I haven't been this affected by a book in a long time. I went from a shaking rage to knots in my stomach to tears and finally to cheers. What happened to Sue could happen to any of us, and *Google Bomb's* practical guidance makes this a highly profound and useful book that the world needs to read.”

—**Michele Borba, Ed.D., parenting expert, author of *The Big Book of Parenting Solutions*, and *Today Show* contributor**

“The Internet is a wonderful informational tool with the focus being on *informational*—not *character assassination*, which is cyber bullying. As a result of Sue Scheff's being cyber bullied, *Google Bomb* has been written to educate people about the Internet, cyber bullying, and the horrifying effects that cyber bullying can have on a person. Some children are so tormented that they use suicide as an alternative to ease their pain. There are some adults whose lives have been turned upside down and businesses that have faced financial ruin. *Google Bomb* offers solutions to virtual threats and character assassinations

and is a wake-up call as to why we need tough legislation to protect the innocent—whether they be children, adults, or businesses. Bravo to Sue Scheff and John W. Dozier Jr. for writing this much-needed book.”

—**Ross Ellis, founder and chief executive officer,
Love Our Children USA**

"The Internet can be a wonderful resource for adults and students alike. But as Sue Scheff's story illustrates, it can also be the perfect platform for a bully. Parents need to teach their kids to be safe online, just as they teach them to be safe in the "real" world, and *Google Bomb* offers a game plan that even a technophobe can execute. A must read for anyone who's ever posted their name on the Internet, but especially for those whose kids are doing so every day."

—**Danielle Wood, editor-in-chief, education.com**

“*Google Bomb* is an instructive and timely book that will only become increasingly relevant as our laws catch up to the realities of today's evolving technology. Sue's triumph over her attacker underscores the principle that there is no constitutionally protected right to defame others online.”

—**Fatima R. Fahmy, attorney-at-law**

Google™ BOMB

John W. Dozier Jr.
and Sue Scheff



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All Rise

The day is September 19th, 2006, a Tuesday. It's a little before 2:30 in the afternoon and the weather is sunny, breezy, and beautiful in Fort Lauderdale, Florida. The surf is up just down the street and my stomach is riding a wild wave as the jury of six somberly files into the nearly empty courtroom.

I have no idea what to expect. My lawyer, David Pollack, leans a little closer and whispers, "Well, this is it. . . ." I wish there was something I could hold onto besides his words since my legs aren't feeling very steady as the bailiff, a very kindly looking older man, intones, "All rise."

This is a landmark case for Internet defamation, as no precedent has ever been set. My organization has been all but destroyed. My personal reputation dragged through such muck it makes a pig sty seem clean by comparison. David has prepared me as best he can for what the verdict might be. I'm already out over \$100,000 with a second mortgage on my house to get this far, but if the jury finds in my favor and grants us even a tenth of that I'll feel vindicated.

The Honorable Judge John Luzzo, in flowing black robe and wearing his duties with appropriate dignity, takes his elevated seat on the bench and asks the foreman, "Has the jury reached a verdict?"

"We have, Your Honor." Perhaps in her midthirties, dark haired and pretty, she hands their verdict to the bailiff, who hands it to the judge—he nods in seeming approval—then back it goes from the judge to the bailiff to the foreman. The air is trapped in my lungs. I can't breathe. And then she begins to read, line by line, the jury's unanimous decision:

"For Parents' Universal Resource Experts . . ." (PURE, that's the organization I set up to help parents of troubled teens) ". . . we award \$1,170,000 in compensatory damages as well as punitive damages of \$2,000,000." Punitive, meaning to punish the defendant for what they've done, am I hearing this right? "And for Sue Scheff we award . . ."

Tears are streaming down my face while I watch David scribbling the numbers as the foreman keeps reading . . . and reading. David circles the final rough math and mutters in disbelief: "What? Over *ten million!*"

"Court is adjourned!" The loud thud of wood on wood as Judge Luzzo slams down his gavel reverberates in my ears. Nothing seems real. Even the jurors asking the judge for permission to personally speak with me, then approaching with open arms, seem like a waking dream. My unflappable attorney, so steady in court, is giddy as a kid with a mile-high cone of cotton candy on his first carousel ride once we're outside, fist punching the air and whooping, "I don't believe it! I don't believe it! This could be the biggest Internet defamation jury award in history!"

Being awarded a staggering amount of money for standing your ground when you've been deeply wronged is a wonderful thing. Having one's faith restored in the goodness of humanity after witnessing the underbelly of it is even more priceless.

I've been a victim of Internet defamation. I understand too well the sense of powerlessness, isolation, and unadulterated fear that if you

tell someone your name and they decide to Google search you (it happens), you've suddenly gone from acquaintance to some *Fatal Attraction* monster who makes Hitler seem like a saint—a pariah to be avoided at all costs. It's a fate much worse than getting dissed by someone you thought was a friend only for another to clue you in on the latest mean gossip making the rounds. Internet defamation is another animal entirely—a cruel and vicious animal that often lacks a face and hides behind the computer screen in cowardly anonymity. Or so the “anonymous” think.

It is my sincere hope that by exposing my own ordeal, as well as the mistakes I made when trying to confront unfounded attacks on my character and business practices, that you might benefit from them both.

My name is Sue Scheff. This is my story.



Unfortunately, there are too many Sue Scheffs out there. The victim of an online defamation attack can be a Fortune 500 company, a soccer coach, a Girl Scout leader, the singer in a boy band, your local dentist, a world famous plastic surgeon, a professional athlete, a college professor, that ex-lover, a government official, your minister, your spouse, or your children. I'm John W. Dozier Jr., founder of the Dozier Internet Law firm . . . and I fix problems. One such problem? Not content to sucker punch the elderly lady on a street corner and snatch her purse, miscreants have taken their activities indoors. Understandable, I guess. Winters can get a bit nippy and with global warming and all, summers are way too hot. So they now ply their trade on the Internet, carefully searching out “marks” in air-conditioned comfort while reclining in an overstuffed lounge swigging microbrews. But they aren't the only

problems. The defamation predators of the web look like that friendly paper-boy, the church choir director, your child's best friend, or the guy or gal next door because, well, how should I say this . . . they are.

Sue has a great story to tell, but I have others to draw from as well. This is a very different kind of book, one that I hope you'll find both fascinating and enlightening as Sue speaks from her personal experience and I offer my professional expertise. At the beginning of each chapter, you will meet Sue and read in her words the intricate and intimate details of her landmark \$11.3 million court victory and the malicious deeds that led up to it. Following Sue's personal accounts, I will interject my sections (which are prompted by a change in typeface as has occurred here), and take you on a guided tour of the underworld of the web, show you the inside tricks of the trade, tell you how to know when you are a defamation target, walk you through the early warning signs, and train you on how to deal with the attack while maintaining your sanity and recovering your good name. From passive defense to high-powered offense, from rallying the troops to counterinsurgent maneuvers, you'll learn how to fight back and win. Of course, we'll cover what to do, and what not to do, when under attack. And you'll learn ready-made steps you can take immediately to turn back attacks on your name before they even start.

The cyberdefamation scourge sweeping the web today is destroying lives, careers, and businesses with no advance warning. The devastation is shocking and immediate. The risk is too high for you to ignore this new form of online personal terrorism. But you have to help yourself. There are no white knights and no one is going to come to your rescue. So take our stories, advice, and guidance as a wake-up call. You have the power to gain control of your good name and reputation before the nice boy who lives next door, who seems to always be sitting in his overstuffed recliner drinking a beer, decides to pay you and yours a little cybervisit. Strange things can happen on the web. Those under attack will at times feel out of touch with reality. Sue will tell you that she was no exception.

Monsters of the Web

Scofflaw Personas

Someone's first vanity search on Google is all too often followed by the panic of seeing something unpleasant, and Sue wasn't facing just a little snark or criticism or statement of opinion. I'm not a psychiatrist, and I don't play one on TV, but I'd like to offer you some guidance as to who it is you need to protect yourself from on the web.

Today I'm a trial lawyer intent upon studying the body language and characteristics of jurors, witnesses, lawyers, and judges. I'm comfortable with reading people and images. But what is behind mere words is harder to figure out. How do you understand someone's personality, their tendencies, their idiosyncratic dispositions, their emotional stability, and even their motivation by simply studying words and sentences? Dealing daily with the "monsters of the web," you learn to identify the hot buttons, the angles, the finesse moves, and the brute force tactics that might just turn back an attack and make everything normal again. I'm a trial lawyer. Sometimes what I do is pretty. Sometimes the process is pretty ugly. That's just the way it is.

I've consulted with and worked for the city council member attacked in the midst of a race, the professional athlete fighting fake social network profiles, the high-profile reporter getting nailed by just about everyone, a lead singer battling a fake video, a "convicted child predator" who is anything but, the star high school quarterback attacked as he is being recruited, the actress constantly abused in forums by a jealous woman, the Silicon Valley

entrepreneur who made enemies on the way up and is now the target of their rage, the Wall Street bigwig whose name is used in porn websites, the venture capitalist who can't raise money because of a relative's online rant, a high profile TV commentator fending off a "sucks" website, a lobbyist being dragged through the mud by opposing political operatives, and enough lawyers, doctors, realtors, and Indian chiefs to last a lifetime.

I've represented the honest CEO who was the subject of an online assassination discussion, complete with photos of his house and close-ups of his front porch. I've represented the business whose former employee gratuitously decided to send spam e-mail "on behalf" of his former employer to over 10 million people and ask for them to call its offices. I've helped the monastery and monks turn back attacks by a former parishioner, a Fortune 500 company that had a convicted sexual predator prominently and convincingly publicize his "appointment" to its board of directors, and I've helped moms protect their sons, dads protect their daughters, children protect their parents, and friends protect their friends.

Through all of these situations, and many more too numerous to list, I tend to always try and discern the motivation of the parties involved. That, of course, involves trying to figure out what kind of monster of the web lurks behind the smoke. There are often clues to the identity and persona of the source of an attack. Some really thorough research up front is needed to develop enough facts to make a good, educated guess. And over time as we have unmasked these attackers, one not only develops a sense as to the motivation, but, more importantly, an instinct as to what is coming next, which can lead to clues as to how the problem might be solved.

I've come up with short descriptions for the monsters of the web. They often employ anonymity by attacking from behind a virtual smoke screen. Envision them behind a curtain, pulling levers and emitting smoke and fire to disguise their humanity. They revel in their own corrupted belief of

omnipotence and strike terror in the hearts of others. My job is to pull back the curtain, clear the smoke, end the wizardry, and send them back to Kansas on a balloon filled with their own hot air.

1. Pickpocket

This is the guy who used to wait on street corners for elderly ladies to pass. He enjoys attacking defenseless people and stealing covertly using deception. This type of blogger will steal your copyright-protected content, have the search engines push your prospective clients to his site, and then run ads and otherwise direct the traffic to your competitors. He could be an affiliate marketer for a competitor getting a share of the revenue, or he could simply be running Google or Yahoo ads on his site. Pickpockets also take great pleasure in stealing your trademarks . . . surreptitiously using your mark in hidden tags, meta tags, hidden redirect pages, or through a myriad of search engine optimization techniques you can easily learn more about by looking online, all in the hopes of redirecting your prospects to a competitor and taking money from you.

2. Wacko

We usually identify a wacko situation quickly. There are distinctive characteristics of his communications. The wacko is usually a “follower,” someone looking to gain attention and recognition, but escalates what may have started as fair criticism into more and more outrageous claims. Most sophisticated business people immediately view the poster as a “nut case,” particularly when an excessive amount of time or energy disproportionate to the merits of the subject is expended. But it is not easy for the typical browser on the web to see the pattern, usually spread over multiple web properties.

3. Druggie

Or, maybe “liquid courage” would be more appropriate. This guy is exactly what comes to mind. During the day this blogger is a normal guy, but at night

he returns to the sanctity of his home, gets drunk or high, and goes out on the web looking for “hookups” and blogging on his “hang-ups.” This guy is hard to detect as a fraudster, and sometimes won’t recall the next day what he said online while under the influence. He posts aggressive, false, and arbitrary attacks on whatever issue of the day (or night) catches his fancy.

4. Alien

No, not from another world. But from overseas. In a far, far away place, without any treaty with the United States, in a country without an effective legal system and no notion of business or personal property ownership rights. Many of these types operate out of certain Russian provinces, but the blogs, postings, and communications appear to be from the customer down the street. This individual usually has an ulterior motive, often working with the criminal discussed below. He has no fear, until he takes a vacation to Turkey and U.S. federal agents grab him for extradition, which is exactly what happened on a case in the not-so-distant past.

5. Nerd

This is the guy who is scared to talk with a girl, but behind the keyboard, all alone, morphs into a Casanova. This empowerment of anonymity creates an omnipotent persona, and for the first time the nerd feels the effect of power and control, gets an adrenaline buzz when he exercises it, and he exercises it often, usually creating or perpetuating a volatile situation in which he feels he can outsmart the “opposition.” There is no principle involved. His blog postings are all about the adrenaline. It is hard to know if you are dealing with this type online . . . his posts are intelligent and on their face credible. But, once you identify the nerd blogger, he cowers and goes away, usually forever.

6. Rookie

Enjoy debating a thirteen-year-old? They are out on the net acting like adults, posting statements, and playacting like a grown-up. The challenge, of course, is that most people reading the posts have no idea these are coming from a kid.

The tip-off can be the utter immaturity of the posts, but most often the kids can sound credible criticizing, for instance, a CPA's method of calculating ROI for REIT holdings, because they can mimic earlier posts. There is no insidious motive here; just kids having fun as the hormones kick in. But the readers of the blog posting don't know that.

7. Sadist

This person attacks others, causes pain, and revels in the results in ways not worthy of mention. He loves to create, direct, control, and unleash a firestorm of criticism about you or your company just to create pain and damage. This type of person may often be the prime instigator of the online attacks, and tightens the noose by escalating the attack rapidly, almost as if in an obsessive state. You will find a sadist going to many sites and blogging, and he usually lets you know it was him because he uses his real moniker. He has characteristics of a stalker, and he is most likely to be the one that starts recommending direct physical violence against individuals. This person is not motivated by money, but by the pure enjoyment of pain being visited upon innocent parties.

8. Bankrupt

No, not morally bankrupt. Actually bankrupt . . . no money, no assets, no prospects for work, and nothing to lose. This blogger posts without fear of the consequences or any regard for the truth because "you can't get blood out of a turnip," "you can't get water from a rock," and all those other sayings handed down, I surmise, through generations of his family. This is usually not a smart guy, but his postings are damaging and inflammatory. Many will own and control blogs without any concern about the consequences of liabilities that might arise through the perpetuation and "enhancement" of posts, and sometimes will post to their own blog and act like it was from a third party.

9. Criminal

Career criminals, no less. Like the convicted felon running a sophisticated extortion scheme against a very prominent business. Or the owner of an

open blog avoiding service of process with guard dogs protecting his compound. The thieves and crooks of the world are online today, and the criminals often have both an organization and a highly effective and surprisingly coordinated operational plan in place to target a business. Rumors of \$500,000-a-year payoffs seem to promote this problem, which emanates from more of a “mobosphere” (the mob effect arising from a blogger attack) than the blogosphere.

10. Mis-Leader

This person is in no manner a leader. This blogger has a hidden agenda, but he just makes it sound like he is a totally objective commentator. He can create an appearance of authority and the casual visitor to his blog does not question the legitimacy. This type of persona is hard to figure out. One of the most pervasive practices is to control a blog and allow negative posts against all except his generous advertisers. Another common technique involves omission: not disclosing conflicts of interest or the existence of a business or personal relationship because the readers of the blog will totally discount the commentator’s posts as unreliable and biased.

These are the types of characters who are serious risks to you and yours. You’ll hear about some of their exploits from Sue and about others from me. For now, just know that there are dangerous strangers in your online neighborhood.

Don’t get me wrong about this book. While you get a good sense of the characters out there, we are addressing unlawful and illegal conduct. We aren’t focused on “semi-libel” or some snark problem. We aren’t offering guidance on how to manage public relations when faced with a legitimate disgruntled customer’s comments. And we aren’t offering spin-control guidance.

We are addressing the damage that can be caused by bad conduct. We’re focused on that .0001 percent of the online world that hides behind complexities (technical, societal, and legal) to attack the very fabric of our society by

redefining truth via mob opinion. My thoughts focus on the tainting of truth through illegal or unlawful means. Attacks that threaten your reputation, your good name, and your right to enjoy life and protect your family and livelihood from miscreants and scofflaws. The good news is that a lot of our advice is proactive in nature; guidance you can start using today to build up defenses in case you become a victim.

Free speech today allows one to ignore civility and spout profane, uncouth, rude, and outrageous comments online within certain parameters. But the line between protected online speech and yelling “fire” in a virtual theatre is yet to be fleshed out. In a more concrete sense, free-speechers argue that labeling a competing business a “scam” is an opinion, not defamatory, and therefore protected free speech. On the other hand, I believe it very much depends upon the context of the speech. But this book is not a one-sided debate about the nuances of free speech, fair use, privacy laws, the First Amendment, and defamation. I’ll leave debates like whether it is proper to publish photos of underage child abuse victims as they leave the courthouse to others for now. On the other hand, I’d be pleased to discuss the mob waiting outside a virtual courthouse ready to take the law into its own hands and conduct a very public offline and online lynching of a wrongfully-charged defendant.

We write all about the scofflaws of the web, those that act unlawfully, those who often support the tools they use, and what can be done to stop them. Scofflaws are the characters that not only violate laws, but do so with contempt. You’ve probably seen the type on those cable TV police shows . . . fighting the police and claiming discrimination and brutality and innocence as crack pipes are falling from their britches. The legality of their misconduct would only be debatable in the minds of the most jaded free-speech expansionists and privacy fanatics.

I don’t understand lawyers who appear as talking heads on TV and decry the lack of laws governing online misconduct. They should be using their

voices to inform you about the laws we do have, and what they mean. It strikes me that it is actually worse to ignore laws already in place than to suggest that no such laws exist. The web is the Wild West. But anyone who would suggest that no laws existed when the forces of law and order faced off with open banditry at the O.K. Corral in Tombstone, Arizona, would be wrong. Are our laws problematic, ambiguous, ill-advised, shortsighted, incomplete, outdated, and symptomatic of a level of inexactness and misunderstanding? Yes. But Congress and state legislatures and judges have not outright ignored the legal issues confronting our society. They just haven't got them right yet. Lawyers, judges, and legislators need to do a better job embracing the laws as they exist today rather than being intimidated by the subject matter and denying their existence. And each of you can play a mighty role in forcing real reform and change through the legislative process. We'll be discussing needed changes and how you can make a difference in the pages to come.

We hope to empower everyone to understand the risks, develop a healthy appetite for caution, and address the oncoming fears head-on. So, what exactly is there to fear? The loss of your good name and reputation, to start. But that's just for starters. Sue describes the online world as an "octopus that flows in many directions and has a sweeping reach." I agree. And it is called Google.

The tentacles of a web presence are inextricably managed, and indeed controlled, by this mighty online commerce platform best known for its search engine. Today, everyone seems to be using Google searches to replace the old way of checking up on people and businesses. Gone are the days of personal references and credit reports. Today, the real valuable stuff, at least for inquiring minds, is in the bowels of the online world, and a search is seemingly unbiased, revealing the good with the bad. You'll hear more about the inherent bias in Google's search engine results later. For now, understand that attacks focus on adding bad results, and getting rid of good results, when someone searches for you on Google.

In fact, the monsters of the web owe their existence to Google. They measure their worth to society by the Google page rank (a relative measurement used by Google to indicate the importance of a page in its eyes) of their latest attacks, tracking search results like a college football poll. There must be a real sense of power in being able to decide who you will ruin today as you arise each morning. Skip the caffeine and go straight to the jugular. And the monsters of the web are thieves in the worst way. They steal your name and your reputation, strip from your grasp the opportunities our America offers, convert your pride to embarrassment and your honor to shame. The sword they wield is Google, playing the role of the powerful aircraft, laden with misery soon to come and without rival as a delivery mechanism. And the major package to be delivered is the Google Bomb.

When the Road Forks, Take It

Google Bomb

Why is Google so important? Because everyone is coming to the Google party. If you want to visit, you don't need directions to Mountain View, California. You don't need directions from the San Francisco airport. I bet you could go up to a good ole country boy on some back road in Georgia, listen intently to his directions to take the fork in the road when you get to it, and still easily find Google with no further assistance. Searching online is becoming synonymous with Google. "Googling" is becoming a coined verb for searching online, much to Google's consternation. But have you ever stopped to consider who is really searching for you?

That prospective employer.

And your boss.

The bank.

Your child's teacher.

"I haven't been this affected by a book in a long time. I went from a shaking rage to knots in my stomach to tears and finally to cheers. What happened to Sue could happen to any of us and *Google Bomb's* practical guidance makes this a highly profound and useful book that the world needs to read."

—MICHELE BORBA, Ed.D., parenting expert, author of *The Big Book of Parenting Solutions*, and *Today Show* contributor



When Revenge Turns to E-venge . . . **TAKE COVER** with *Google™ Bomb!*

Google Bomb (n) or "link bomb": Internet slang for a certain kind of attempt to raise the ranking of a given page in results from a Google search. (Wikipedia)

In today's technology-dependent world, the Internet has become a legal lethal weapon against the privacy and reputations of its users. Based on Sue Scheff's landmark Internet defamation case that gave face to online harassment, cyberbullying, privacy invasion, and Google bombs, and stirred Internet regulation and free-speech debates, *Google Bomb* arms readers with information, legal advice, and reputation defense tips from one of the country's top cyber abuse attorneys, John W. Dozier Jr.

Dozier, who specializes in legal matters involving online defamation, copyright and trademark infringement, and hacking, uses Scheff's story as a backdrop to lay the groundwork for a personal plan for reputation defense that anyone from business owners and students to job seekers and employers to parents and bloggers can implement easily and immediately to help them maintain a searchable online image.

John W. Dozier Jr. has been practicing law since 1981. His firm, Dozier Internet Law, protects the reputations and intellectual property of businesses. For more information, visit www.cybertriallawyer.com. **Sue Scheff** became a noted expert on Internet defamation after winning \$11.3M in a 2006 lawsuit against her attacker. Scheff is also the author of *Wit's End: Advice and Resources for Saving Your Out-of-Control Teen*. Visit the author at www.suescheff.com and www.googlebombbook.com.

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