

**EXHIBIT 1**

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT OF  
THE TRIAL COURT

JENZABAR, INC., LING CHAI, and  
ROBERT A MAGINN, JR.,

Plaintiffs,

v.

LONG BOW GROUP, INC.,

Defendant.

CIVIL ACTION NO. 07-2075-H

**AFFIDAVIT OF RICHARD GORDON**

I, Richard Gordon, state and declare the following:

1. I am the President of Long Bow Group, Inc. ("Long Bow"), and I have been the President of Long Bow since I co-founded it in 1982. I make this affidavit on personal knowledge, in support of Long Bow's Motion for Summary Judgment.

2. Long Bow makes educational films and documentary films about Chinese history and culture. Long Bow does not sell complex enterprise software solutions or computer software of any kind. Long Bow has not ever sold complex enterprise software solutions or computer software of any kind.

3. Long Bow's most recognized work is a documentary titled *The Gate of Heavenly Peace* (the "Film"). The Film studied the 1989 Tiananmen Square student protests. The Film is banned in China, and the Chinese government has attempted to suppress the showing of the

Film. The Film also has been the subject of criticism from some of the leaders of the 1989 Tiananmen Square protests, including Ling Chai.

4. The Film is available for purchase for educational use only through Long Bow's North American distributor, the Center for Asian-American Media ("CAAM"), and through international distributors. Some museums, libraries, and schools have acquired the Film. Some schools show the Film to students. Some other films created by Long Bow are available through CAAM or other documentary film distributors.

5. Long Bow operates a website located at www.tsquare.tv (the "Website"). The Website provides interested viewers with a large amount of information about the Film, the principal characters from the Film, controversy and criticism concerning the Film, the 1989 Tiananmen Square protests, and other topics related to the Film and to Chinese history and culture. The Website is banned in China.

6. Chai is one of the most well-known and controversial figures from the 1989 Tiananmen Square student protests. She also is a key figure in the Film. As a result, the Website includes pages that provide publicly available information about her and her computer software company, Jenzabar, which has been reported by the news media and in other publications.

7. I have never received or heard of Long Bow receiving any inquiries from persons interested in computer software. I have never received or heard of Long Bow receiving any inquiries from persons looking for Jenzabar. I am not aware of any information that suggests anyone has ever been confused by anything on the Website that relates to Jenzabar.

Signed under penalties of perjury this 17<sup>th</sup> day of July, 2009.

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail/~~by hand~~

Richard Gordon  
Richard Gordon

Date: July 20, 2009 Richard B. J.

**EXHIBIT 2**

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT OF  
THE TRIAL COURT

JENZABAR, INC., LING CHAI, and  
ROBERT A MAGINN, JR.,

Plaintiffs,

v.

LONG BOW GROUP, INC.,

Defendant.

CIVIL ACTION NO. 07-2075-H

**AFFIDAVIT OF NORA CHANG<sup>1</sup>**

I, Nora Chang, state and declare the following:

1. I am an employee of Long Bow Group, Inc. ("Long Bow"), and I have been an employee since 1992. I make this affidavit on personal knowledge, in support of Long Bow's Motion for Summary Judgment.

2. Long Bow makes educational films and documentary films about Chinese history and culture. One such documentary is *The Gate of Heavenly Peace* ("the Film"). Long Bow does not sell complex enterprise software solutions or computer software of any kind. Long Bow has never sold complex enterprise software solutions or computer software of any kind.

3. I helped create the website at [www.tsquare.tv](http://www.tsquare.tv) (the "Web site") and its individual pages.

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<sup>1</sup> All exhibit numbers refer to exhibits in the Joint Appendix.

4. The Web site provides interested viewers with a large amount of information about the Film, the principal characters from the Film, controversy and criticism concerning the Film, the 1989 Tiananmen Square protests, and other topics related to the Film and to Chinese history and culture.

5. The Web site first went live in 1996.

6. The Web site contains over 2000 pages of text, in English and Chinese. Among other things, the Web site includes an interactive map of Tiananmen Square and a Media Library with posters, photographs, music, and over fifty video clips. The Website has been recognized by *The Washington Post*, *The Boston Globe*, *Wired*, *Yahoo* and *The Site* (MSNBC), among others, as one of the leading Internet resources on China. It is rated as an essential educational resource by the Internet Guide for China Studies at Heidelberg University and the Asian Studies WWW Monitor.

7. The Web site is banned in China.

8. The Web site provides extensive information about the key characters from the Film, including Ling Chai. The Web site includes pages that provide publicly available information about her and her computer software company, Jenzabar.

9. As of May 2007, when this lawsuit was filed, the Web site included four webpages that reported information about Jenzabar and, as a result, used the words “Jenzabar” or “Jenzabar.com” in metatags. These four pages are:

- [www.tsquare.tv/film/jenzabar.html](http://www.tsquare.tv/film/jenzabar.html) (the “Main Jenzabar-related Page” or “MJP”)
- [www.tsquare.tv/film/jenzabar\\_letters\\_2007.html](http://www.tsquare.tv/film/jenzabar_letters_2007.html)
- [www.tsquare.tv/film/harvard.html](http://www.tsquare.tv/film/harvard.html)
- [www.tsquare.tv/film/american\\_dream.html](http://www.tsquare.tv/film/american_dream.html)

10. **EXHIBIT 3** is a true and correct copy of the MJP as it existed at approximately the time when the suit was filed. **EXHIBIT 4** is a true and correct copy of the source code for the MJP as it existed at approximately the time of the suit.

11. **EXHIBIT 5** is a true and correct copy of the MJP as it existed from approximately 2004 to 2006.

12. **EXHIBIT 6** is a true and correct copy of the webpage at [www.tsquare.tv/film/jenzabar\\_letters\\_2007.html](http://www.tsquare.tv/film/jenzabar_letters_2007.html) as it existed at approximately the time of the suit.

13. **EXHIBIT 7** is a true and correct copy of the webpage at [www.tsquare.tv/film/harvard.html](http://www.tsquare.tv/film/harvard.html) as it existed at approximately the time of the suit.

14. **EXHIBIT 8** is a true and correct copy of the webpage at [www.tsquare.tv/film/american\\_dream.html](http://www.tsquare.tv/film/american_dream.html) as it existed at approximately the time of the suit.

15. All four of these web pages report information about Jenzabar. All four of these pages used the words “Jenzabar” and/or “Jenzabar.com” as meta tags in order to refer to Jenzabar and to index and describe the pages’ contents.

16. The MJP (Exhibit 3) was first created on or about September 27, 2001, the day after Long Bow purchased the domain name “tsquare.tv.” Since then, the meta tags have included the words “Jenzabar” and “Jenzabar.com,” among other terms. Prior to that date, Long Bow operated a precursor to the MJP at the web address [www.nmis.org/gate/film/jenzabar.html](http://www.nmis.org/gate/film/jenzabar.html), which also used the words “Jenzabar” and “Jenzabar.com” as meta tags.

17. Although the content has evolved since its creation, the MJP has always reported publicly available information about Jenzabar and Chai, much of which comes from major media news articles in *The Boston Globe*, *Forbes*, *The Chronicle of Higher Education*, and other

respected publications. In addition, much of the information on the MJP, or available through links found on the MJP, relates to news reports about lawsuits, disputes, controversies, and criticism concerning Jenzabar and its business practices.

18. In April 2007, after receiving a cease-and-desist letter from Jenzabar, Long Bow made several modifications to the MJP and to other pages that reported information about Jenzabar. Among these modifications was the addition of express disclaimers, which state: "These webpages are the sole responsibility of the Long Bow Group, and are in no way affiliated with or sponsored by Jenzabar, Inc."

19. The web page located at [www.tsquare.tv/film/jenzabar\\_letters\\_2007.html](http://www.tsquare.tv/film/jenzabar_letters_2007.html) (Exhibit 6) contains all of the cease-and-demand correspondence between Long Bow and Jenzabar prior to this lawsuit being filed in May 2007.

20. The web page at [www.tsquare.tv/film/harvard.html](http://www.tsquare.tv/film/harvard.html) (Exhibit 7) contains excerpts from a July 25, 1999 *Boston Globe* article that describes a dispute between Jenzabar and Harvard Business School, which quotes a business school official describing Jenzabar's own web site as "a collection of half-truths that ultimately portray something false and mislead the public."

21. The web page at [www.tsquare.tv/film/american\\_dream.html](http://www.tsquare.tv/film/american_dream.html) (Exhibit 8) contains quotes from and links to several news accounts of lawsuits, disputes, controversies, and criticism regarding Jenzabar's business ethics.

22. Currently, the Web site provides interested viewers with information about this lawsuit, including access to both parties' pleadings and briefing on various motions and the Court's rulings on those motions. The Web site includes an online "Appeal" published by Long Bow, as well as Jenzabar's "Response to the Appeal," which Long Bow posted to the Web site at Jenzabar's request.



23. The Web site also provides information about controversy and criticism generated by the Film, including criticism from the Chinese government and from Chai herself. **EXHIBIT 9** is a true and correct copy of this criticism and controversy page from the Web site. This page reports Chai as stating, in 1995, before the Film was even completed (and hence before Chai could have seen its contents):

Certain individuals have racked their brains for ways and means to gain the approval of the Chinese authorities. And a person with a pro-Communist history [i.e., Carma Hinton] has been hawking her documentary film for crass commercial gain by taking things out of context and trying to reveal something new, unreasonably turning history on its head and calling black white.

Exhibit 9 also reports the Chinese government providing the following reason for its demand that the film be withdrawn from a Washington, DC film festival:

As is well known, a very small number of people engaged themselves in anti-government violence in Beijing in June 1989 but failed. The film "The Gate of Heavenly Peace" sings praise of these people in total disregard of the facts. If this film is shown... it will mislead the audience and hurt the feelings of 1.2 billion Chinese people. Therefore, it is necessary and appropriate to withdraw this film from the festival.

24. I am the Long Bow employee who selected the meta tags for the pages within the Web site, including the meta tags for the MJP.

25. I used the words "Jenzabar" and "Jenzabar.com" as meta tags because the MJP reports information about Jenzabar and because I wanted to use meta tags that would accurately index and describe the contents of the MJP. Similarly, when choosing meta tags for other pages on the Web site, I tried to use terms that fairly reflected the contents of those pages. Therefore, only pages that have information about Jenzabar contain either "Jenzabar" or "Jenzabar.com" in their meta tags.

26. I did not use the words "Jenzabar" and "Jenzabar.com" as meta tags to cause confusion or to divert Internet traffic from Jenzabar. I did not use the words "Jenzabar" and "Jenzabar.com" as meta tags to boost the presence of the MJP, or any other pages of the Web site, among search engine results. In fact, I did not know where the MJP ranked among search engine results for the word "jenzabar" until Eric Russo from Jenzabar brought the MJP's rank to my attention in 2006, when he called to complain.

27. Long Bow does not use Jenzabar's logo, lettering, color scheme, tagline, or anything other than the words that comprise the Marks "Jenzabar" and "Jenzabar.com" on the Web site.

28. I have never received or heard of Long Bow receiving any inquiries from persons interested in computer software. I have never received or heard of Long Bow receiving any inquiries from persons looking for Jenzabar. I am not aware of any information that suggests anyone has ever been confused by anything on the Website that relates to Jenzabar.

29. There has never been any advertising for Jenzabar on the tsquare.tv web site, or on any other Long Bow web site.

30. I have examined each of the web pages linked from the search results listed in Exhibit 18. Several of them go to pages on web sites that appear to belong to Jenzabar itself or Jenzabar's foundation, including Jenzabar.net, theJenzabarFoundation.org, and myJenzabar.net, or pages on websites belonging to other companies but that appear to contain content posted by Jenzabar entities, including a Jenzabar Foundation press release on prweb.com and Jenzabar's page on the professional networking site LinkedIn. Because the URL's were incomplete, I was unable to reach the web pages for the ninth result, which appears to be an advertisement for Jenzabar on the web site of the Chronicle for Higher Education, or the tenth result, which

appears to be a job posting on the Monster web site. The third result leads to the MJP, and the seventh result leads to a page that describes this lawsuit and criticizes Jenzabar.

31. On October 8, 2009, I did a search on Google by entering the term Jenzabar as a search term. I did not find the Jenzabar-related web pages on tsquare.tv that are attached as Exhibits 6, 7, and 8 anywhere among the first one hundred search results.

32. On October 8, 2009, I visited a web page on Google's web site at <http://googlewebmastercentral.blogspot.com/2009/09/google-does-not-use-keywords-meta-tag.html>. **EXHIBIT 10** is a true and correct copy of that page. I watched the video shown at the top of the page, in which a Google representative stated that Google does not consider keyword meta tags in determining the ranking of search results, and that Google stopped considering such tags "many years ago."

33. The meta tags on the tsquare.tv web site that include Jenzabar and Jenzabar.com are all keyword meta tags.

34. On October 8, 2009, I visited the web site of the United States Patent and Trademark office, at [www.uspto.gov](http://www.uspto.gov), and conducted a search of the online trademark database (TESS) that is available there. I looked to see whether there were registered trademarks for the names set forth (from the former meta tags on the Jenzabar.com web site) in the listing that was read into the record at page 110 of the Chai deposition. I found that sixteen of the twenty names or initials of colleges or universities, were registered trademarks for institutions of higher learning with those names or initials, that three of them (UT Austin, Colorado and University of Illinois) were similar to trademarks registered by such universities, and that both NCAA and MCI were also registered trademarks for the organization and company, respectively.

Signed under penalties of perjury this 13<sup>th</sup> day of Oct, 2009.

Nora C. Cey  
Nora Chang

**EXHIBIT 3**

**EXHIBIT 3**

**EXHIBIT 3**

**EXHIBIT 3**

**EXHIBIT 3**



The information on these pages about Chai Ling and Jenzabar, the software company she runs with her husband, Robert Maginn, contains excerpts from and links to articles about Jenzabar in *The Boston Globe*, *Forbes*, *Business Week*, and other publications, and is intended to provide the reader with additional information about Chai Ling, one of the most well-known and controversial figures from the Tiananmen Square protests of 1989. These web pages are the sole responsibility of the Long Bow Group, and are in no way affiliated with or sponsored by Jenzabar, Inc.

■

In 1998, Chai Ling founded a software company, Jenzabar, of which she is President and COO; her husband, Robert Maginn, is the CEO. Jenzabar has received considerable publicity in part because of Chai Ling's role in the 1989 Tiananmen Square protests.

Jenzabar itself, according to *The Chronicle of Higher Education*, "plays up the past celebrity of its founder, Chai Ling. ...Company press releases, which invariably note that Ms. Chai was 'twice nominated for the Nobel Peace Prize,' breathlessly describe Jenzabar as a tool to 'create another kind of revolution,' fueled by communications technology." (Sept. 3, 1999, "Colleges Get Free Web Pages, but With a Catch: Advertising")

Chai Ling has also actively cultivated her public image and openly expressed her desire to use her connection to Tiananmen Square to promote her current activities. As stated in the *South China Morning Post* ("Seizing the Day All for Herself", written on the 10th anniversary of the June 4 massacre):

Ms Chai's publicist has been reminding the world that Ms Chai's job prior to being smuggled out of China to the United States was "leading thousands of students against a communist government more ruthless than Microsoft".

She also suggested that June 4 would be a good opportunity to write about Ms Chai's Internet start-up which runs a site called jenzabar.com.

"Ling is a dynamic personality who has found many similarities between running a revolution and an Internet start up," journalists have been told. "Ling used the techniques and charisma of a true revolutionary to impress the CEOs of Reebok, WebTV/Microsoft and Bain to back Jenzabar."

As a public persona, Chai Ling has attracted attention from multiple media sources. A number of stories published about Jenzabar begin with the saga of the student leader from China who became a successful entrepreneur in America. For example, a *Business Week* (June 23, 1999) headline reads, "Chai Ling: From Tiananmen Leader to Netpreneur." *Computerworld* (May 6, 1999) leads with: "Tiananmen activist turns software entrepreneur." Or as *Forbes* (May 10, 1999) puts it, "From Starting a Revolution to Starting

a Company."

Other articles from the international press present different perspectives on Chai Ling and her relationship with the 1989 Tiananmen Square protests. See, for example, *American Dream* (*The Boston Globe*, Aug. 8, 2003, byline: Steve Bailey), which concludes:

After Tiananmen, Chai detractors said her hero's image did not square with her hardball tactics. Now her critics are saying much the same again, this time about her corporate life. Meanwhile, Chai continues to sell her story of the Tiananmen heroine-turned-American-entrepreneur. "Today, I am living the American dream," Chai told Parade magazine in June.

With Ling Chai, distinguishing the dream from the reality has always been the hardest part of all.

Daniel Lyons, in Forbes.com (*Great Story, Bad Business*, Forbes.com, Feb. 17, 2003, byline: Daniel Lyons), notes:

Chai Ling would like total control over her biography. In her version, she risks her life leading student protests in Tiananmen Square in 1989, escapes China stowed in a crate and is twice nominated for the Nobel Peace Prize. Then she moves to America and marries a millionaire venture capitalist who bankrolls her promising internet startup. Alas, the market crashes before the company can go public, and it is unfairly besieged by lawsuits from former executives....

"You're not going to write about that, are you?" Chai says, when asked about the suits. "Do you really have to mention those things?" Chai's seeming naiveté is a little out of character. She has frequently scored points in the press by recalling her glory days as onetime 'commander-in-chief' of rebel students in Beijing.

Lyons may have been referring to an article written about Jenzabar by Chai Ling herself, which is headlined: "Revolution Has Its Price: In Tiananmen Square, she was a student leader who stood up to tanks. In the U.S., she became a software executive who had to deal with venture capitalists. Guess which one was the tougher opponent." In the article, Chai Ling notes that "the creation of a company is no less stressful than running a hunger strike in Tiananmen Square."

In other contexts, Chai Ling has appeared more reluctant to discuss her role in the 1989 events. In "Anatomy of a Massacre" (*Village Voice*, June 4, 1996), Richard Woodward made multiple attempts to interview Chai Ling for a cover story about *The Gate of Heavenly Peace* and her role in the student protest movement. "At first she was 'too busy.' When I offered to call at another time, she said with fatigue, 'It's over. I don't want to get involved.'"

Similarly, in his book *Bad Elements: Chinese Rebels from Los Angeles to Beijing*, Ian Buruma describes a meeting he had with Chai Ling in 1999:

We met for a cappuccino in a nice outdoor café in Cambridge, Massachusetts... Chai handed me a folder with promotional material. It contained references to

her career at the Harvard Business School and her "leadership skills" on Tiananmen Square. She spoke to me about her plans to liberate China via the Internet. She joked that she wanted to be rich enough to buy China, so she could "fix it." But although she was not shy to use her celebrity to promote her business, she was oddly reluctant to discuss the past. When I asked her to go over some of the events in 1989, she asked why I wanted to know "about all that old stuff, all that garbage." What was needed was to "find some space and build a beautiful new life." What was wanted was "closure" for Tiananmen. I felt the chilly presence of Henry Ford's ghost hovering over our cappuccinos in that nice outdoor café. From being an icon of history, Chai had moved into a world where all history is bunk.

[Ian Buruma, **Bad Elements: Chinese Rebels from Los Angeles to Beijing** (New York: Random House, 2001), pp. 9-10.]

Because of her status as a public figure, future media coverage will continue to throw light on Chai Ling for those who are interested in following her story.

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[Home](#) | [Film/Media](#) | [Tour](#) | [Themes](#) | [Chronology](#) | [Readings/Links](#) | [Site Map](#) | [Chinese Frontline](#) | [ITVS](#) | [Center for Asian American Media](#) | [PBS](#)

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**EXHIBIT 4**

**EXHIBIT 4**

**EXHIBIT 4**

**EXHIBIT 4**

**EXHIBIT 4**

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                                jenzabar[1]
<!DOCTYPE html PUBLIC "-//W3C//DTD XHTML 1.0 Transitional//EN"
    "http://www.w3.org/TR/xhtml1/DTD/xhtml1-transitional.dtd">
<html xmlns="http://www.w3.org/1999/xhtml">
  <head>
    <BASE HREF="http://www.tsquare.tv.wstub.archive.org/film/jenzabar.html">

    <meta name="generator"
      content="HTML Tidy for Mac OS, see www.w3.org" />

    <title>Jenzabar</title>

    <meta name="keywords"
      content="Chai Ling, Ling Chai, Jenzabar, Jenzabar.com, Jenzabar.net, Gate of
      Heavenly Peace, Tiananmen Square" />

    <style type="text/css">
      body {
        background-color: #ffffff;
      }
      :link { color: #CC0000 }
      :visited { color: #333333 }
      div.c171 {text-align: center}
      hr.c170 {text-align: left}
      blockquote.c169 {font-size: 100%}
      span.c168 {font-size: 100%}
      div.c167 {font-size: 100%; text-align: center}
      p.c166 {font-size: 100%}
    </style>
  </head>

  <body>
    <p class="c166"></p>

    <div class="c167">
      <a href="..">
        </a>
      </div>
    <p class="c166"> <br />
    <blockquote>
      <p>The information on these pages about Chai Ling and Jenzabar, the software
company she runs with her husband, Robert Maginn, contains excerpts from and
links to articles about Jenzabar in <em>The Boston Globe</em>, <em>Forbes</em>,
<em>Business
Week</em>, and other publications, and is intended to provide the reader with
additional information about Chai Ling, one of the most well-known and
controversial
figures from the Tiananmen Square protests of 1989. These web pages are the
sole responsibility of the Long Bow Group, and are in no way affiliated with
or sponsored by Jenzabar, Inc. </p>
      <hr width="5" size="7" noshade="noshade" />
      <br />
      In 1998, Chai Ling founded a software company, <a href="http://www.jenzabar.net/"
target="_blank">Jenzabar</a>,
      of which she is President and COO; her husband, Robert Maginn, is the CEO.
      Jenzabar
      has received considerable publicity in part because of Chai Ling's role in the
      1989 Tiananmen Square protests.
      <p>Jenzabar itself, according to <em>The Chronicle of Higher Education</em>,
      &quot;plays up the past celebrity of its founder, Chai Ling. ...Company press
      releases, which invariably note that Ms. Chai was 'twice nominated for the
      Nobel Peace Prize,' breathlessly describe Jenzabar as a tool to 'create another
      Page 1

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jenzabar[1]

kind of revolution,' fueled by communications technology.&quot; (Sept. 3, 1999, &quot;<a href="http://chronicle.com/weekly/v46/i02/02a04501.htm" target="\_blank">Colleges Get Free Web Pages, but with a Catch: Advertising</a>&quot;)</p>
<p>Chai Ling has also actively cultivated her public image and openly expressed her desire to use her connection to Tiananmen Square to promote her current activities. As stated in the <em>South China Morning Post</em> (&quot;Seizing the Day All for Herself&quot;, written on the 10th anniversary of the June 4 massacre):</p>
<blockquote>
<p>Ms Chai's publicist has been reminding the world that Ms Chai's job prior to being smuggled out of China to the United States was "leading thousands of students against a communist government more ruthless than Microsoft".<br />
<br />
She also suggested that June 4 would be a good opportunity to write about Ms Chai's Internet start-up which runs a site called jenzabar.com.<br />
<br />
"Ling is a dynamic personality who has found many similarities between running a revolution and an Internet start up," journalists have been told. "Ling used the techniques and charisma of a true revolutionary to impress the CEOs of Reebok, WebTV/Microsoft and Bain to back Jenzabar."</p>
</blockquote>
<p>As a public persona, Chai Ling has attracted attention from multiple media sources. A number of stories published about Jenzabar begin with the saga of the student leader from China who became a successful entrepreneur in America.<br />
For example, a <em>Business Week</em> (June 23, 1999) headline reads, &quot;Chai Ling: From Tiananmen Leader to Netpreneur.&quot; <em>Computerworld</em> (May 6, 1999) leads with: &quot;Tiananmen activist turns software entrepreneur.&quot; Or as <em>Forbes</em> (May 10, 1999) puts it, &quot;From Starting a Revolution to Starting a Company.&quot;<br />
<br />
<a href="american\_dream.html" target="\_blank">Other articles from the international press</a> present different perspectives on Chai Ling and her relationship with the 1989 Tiananmen Square protests. See, for example, <i><a href="american\_dream.html#ad" target="\_blank">American Dream</a></i> (<em>The Boston Globe</em>, Aug. 8, 2003, byline: Steve Bailey), which concludes:</p>
<blockquote>
After Tiananmen, Chai detractors said her hero's image did not square with her hardball tactics. Now her critics are saying much the same again, this time about her corporate life. Meanwhile, Chai continues to sell her story of the Tiananmen heroine-turned-American-entrepreneur. "Today, I am living the American dream," Chai told Parade magazine in June.<br>
<br>
With Ling Chai, distinguishing the dream from the reality has always been the hardest part of all.</blockquote>
Daniel Lyons, in Forbes.com (<a href="american\_dream.html#gs" target="\_blank">Great Story, Bad Business</a>, Forbes.com, Feb. 17, 2003, byline: Daniel Lyons), notes:<br />
<blockquote>
<p>Chai Ling would like total control over her biography. In her version, she risks her life leading student protests in Tiananmen Square in 1989, escapes China stowed in a crate and is twice nominated for the Nobel Peace Prize. Then she moves to America and marries a millionaire venture capitalist who bankrolls her promising internet startup. Alas, the market crashes before the company can go public, and it is unfairly besieged by lawsuits from former executives....<br />
<br />
</p>
</blockquote>

jenzabar[1]

"You're not going to write about that, are you?" Chai says, when asked about the suits. "Do you really have to mention those things?" Chai's seeming naiveté is a little out of character. She has frequently scored points in the press by recalling her glory days as onetime 'commander-in-chief' of rebel students in Beijing.</p>

</blockquote>

<p>Lyons may have been referring to an article written about Jenzabar by Chai Ling herself, which is headlined: &quot;<a href="http://www.jenzabar.net/news/pressroom/baseline.html" target="\_blank">Revolution

Has Its Price</a>: In Tiananmen Square, she was a student leader who stood up to tanks. In the U.S., she became a software executive who had to deal with venture capitalists. Guess which one was the tougher opponent.&quot;</p><p>In the article, Chai Ling notes that &quot;the creation of a company is no less stressful than running a hunger strike in Tiananmen Square.&quot;</p>

<p>In other contexts, Chai Ling has appeared more reluctant to discuss her role in the 1989 events. In &quot;<a href="voice.html#VVCL" target="\_blank">Anatomy of a Massacre</a>&quot; (<em>Village Voice</em>, June 4, 1996), Richard Woodward

made multiple attempts to interview Chai Ling for a cover story about <em>The Gate of Heavenly Peace</em> and her role in the student protest movement. &quot;At first she was 'too busy.' when I offered to call at another time, she said with fatigue, 'It's over. I don't want to get involved.'&quot;</p>Similarly, in his book <strong>Bad Elements: Chinese Rebels from Los Angeles to Beijing</strong>, Ian Buruma describes a meeting he had with Chai Ling in 1999:

<blockquote>

<p>We met for a cappuccino in a nice outdoor caf&eacute; in Cambridge, Massachusetts&#8230;

Chai handed me a folder with promotional material. It contained references to her career at the Harvard Business School and her &quot;leadership skills&quot;

on Tiananmen Square. She spoke to me about her plans to liberate China via the Internet. She joked that she wanted to be rich enough to buy China, so she could &quot;fix it.&quot; But although she was not shy to use her celebrity to promote her business, she was oddly reluctant to discuss the past. When I asked her to go over some of the events in 1989, she asked why I wanted to know &quot;about all that old stuff, all that garbage.&quot; What was needed was to &quot;find some space and build a beautiful new

life.&quot;

What was wanted was &quot;closure&quot; for Tiananmen. I felt the chilly presence of Henry Ford's ghost hovering over our cappuccinos in that nice outdoor caf&eacute;. From being an icon of history, Chai had moved into a world where all history is bunk.<br />

<br />

[Ian Buruma, <strong>Bad Elements: Chinese Rebels from Los Angeles to Beijing</strong>

(New York: Random House, 2001), pp. 9-10.]</p>

</blockquote>

<p>Because of her status as a public figure, future media coverage will continue to throw light on Chai Ling for those who are interested in following her story.<br />

<br />

</p>

</blockquote>

<hr class="c170" />

<div class="c171">

<a href="..">Home</a>

|

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jenzabar[1]
<a href="../film/">Film/Media</a>
|
<a href="../tour/">Tour</a>
|
<a href="../themes/">Themes</a>
|
<a href="../chronology/">Chronology</a>
|
<a href="../links/">Readings/Links</a>
|
<a href="../maps/">Site Map</a>
|
<a href="../chinese/">Chinese</a>
<br />
<a href="http://www2.pbs.org/frontline/">Frontline</a>
|
<a href="http://www.itvs.org/">ITVS</a>
|
<a href="http://asianamericanmedia.org/">Center for Asian American Media</a>
|
<a href="http://www.pbs.org/">PBS</a>
<br />
<br />
&copy;
<a href="../longbow.html">Long Bow Group, Inc</a>
. All Rights Reserved.</div>
</body>

<SCRIPT language="Javascript">
<!--

// FILE ARCHIVED ON 20070821182339 AND RETRIEVED FROM THE
// INTERNET ARCHIVE ON 20090717203454.
// JAVASCRIPT APPENDED BY WAYBACK MACHINE, COPYRIGHT INTERNET ARCHIVE.
// ALL OTHER CONTENT MAY ALSO BE PROTECTED BY COPYRIGHT (17 U.S.C.
// SECTION 108(a)(3)).

var swayBackCGI = "http://web.archive.org/web/20070821182339/";

function xResolveUrl(url) {
  var image = new Image();
  image.src = url;
  return image.src;
}
function xLateUrl(aCollection, sProp) {
  var i = 0;
  for(i = 0; i < aCollection.length; i++) {
    var url = aCollection[i][sProp];
    if (typeof(url) == "string") {

```

```

        jenzabar[1]
        if (url.indexOf("mailto:") == -1 &&
            url.indexOf("javascript:") == -1
            && url.length > 0) {
            if(url.indexOf("http") != 0) {
                url = xResolveUrl(url);
            }
            url = url.replace('.wstub.archive.org','');
            aCollection[i][sProp] = swayBackCGI + url;
        }
    }
}

```

```

xLateUrl(document.getElementsByTagName("IMG"),"src");
xLateUrl(document.getElementsByTagName("A"),"href");
xLateUrl(document.getElementsByTagName("AREA"),"href");
xLateUrl(document.getElementsByTagName("OBJECT"),"codebase");
xLateUrl(document.getElementsByTagName("OBJECT"),"data");
xLateUrl(document.getElementsByTagName("APPLET"),"codebase");
xLateUrl(document.getElementsByTagName("APPLET"),"archive");
xLateUrl(document.getElementsByTagName("EMBED"),"src");
xLateUrl(document.getElementsByTagName("BODY"),"background");
xLateUrl(document.getElementsByTagName("TD"),"background");
xLateUrl(document.getElementsByTagName("INPUT"),"src");
var forms = document.getElementsByTagName("FORM");
if (forms) {
    var j = 0;
    for (j = 0; j < forms.length; j++) {
        f = forms[j];
        if (typeof(f.action) == "string") {
            if(typeof(f.method) == "string") {
                if(typeof(f.method) != "post") {
                    f.action = swayBackCGI + f.action;
                }
            }
        }
    }
}

```

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//-->
</SCRIPT>
</html>

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**EXHIBIT 5**

**EXHIBIT 5**

**EXHIBIT 5**

**EXHIBIT 5**

**EXHIBIT 5**



Chai Ling is currently Founder, President, and CEO of Jenzabar, an internet company providing a Web-based intranet application for students and teachers.

According to an August 2003 *Boston Globe* column, "A lawsuit filed in March is the latest in a series of suits against the company. Five former executives have sued Jenzabar, including the former chief financial officer, who accused Chai and [her husband Robert] Maginn of 'a number of unethical, inappropriate, and/or illegal actions.' Jenzabar has denied the claims and resolved some of the disputes... After Tiananmen, Chai detractors said her hero's image did not square with her hardball tactics. Now her critics are saying much the same again, this time about her corporate life."

For more details, see also *Great Story. Bad Business*, from Forbes.com.

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A July 25, 1999 *Boston Globe* article ("Harvard Wars with Firm over Web Site") details a dispute between Jenzabar and the Harvard Business School, "with Harvard's lawyers contending that Jenzabar was trying to capitalize on the business school's blue-chip reputation. The business school's lawyers demanded that Jenzabar stop posting a claim on its Web site that the Cambridge-based company's main product had been designed by the same technowizards who designed the business school's intranet system... 'The Harvard Business School name stands for excellence and integrity,' said Loretto Crane, a business school spokeswoman. 'It's not surprising that people want to leverage some sort of relationship with it. It's also not surprising that the school is concerned when it's used inappropriately.'..."

The dispute has been embarrassing for Jenzabar's team, which includes many politically connected individuals, including former Massachusetts Treasurer Joe Malone, the company's director of development. Legal counsel is provided by former governor William F. Weld and his law firm, according to a Jenzabar spokesman. The company's chairman is Chai's fiance, millionaire Robert Maginn, who lost a race last year to succeed Malone as treasurer...

The controversy started in May. The business school received a call from an information technology manager at SUNY-Buffalo who said a Jenzabar sales representative had told her flatly that the company had developed its intranet system at the business school. When business school officials logged onto Jenzabar's Web site, they discovered that Jenzabar stated that its 'core application' was 'developed by the technology leaders who also developed the award-winning Harvard Business School intranet system.'

That's quite a stretch, business school officials say. 'It's a collection of half-truths that ultimately portray something false and mislead the public,' a business school source said...

A Jenzabar spokesman said the company acted promptly to correct any misimpressions, but business school officials said it was not until a few weeks ago - nearly two months after Harvard lawyers objected - that the questioned claims were removed from the company's Web site."

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Additional information about Jenzabar can be found in the article "Internet's Odd Couple" (Steve Bailey, *The Boston Globe*, 27 January 1999), which includes the following excerpts:

Chai and [former Massachusetts state Treasurer Joe] Malone have hooked their futures, at least for now, to the frenzied promise of the Internet. Start a company, put Net or .com in the name and get rich - it has become the American way, whether you grew up as the All-Everything kid from Waltham High or were smuggled out of China in a crate.

Malone, just days out of the treasurer's office, has signed on as the latest addition to Chai's CollegeNet Inc., a Cambridge Internet start-up with some big-name financial backers. Among them: Reebok president Paul Fireman and Steve Perlman, the founder of WebTV.

... Malone found his way to this newest of mediums in a very old-fashioned way: through a pal. The chairman of CollegeNet is Robert Maginn, the Bain & Co. partner who ran a losing campaign to replace Malone as treasurer. Malone supported Maginn in the race, won easily by Democrat Shannon O'Brien; Maginn didn't forget Malone.

... Chai has spent the last five years in Boston, working as a Bain consultant for three years and finishing her MBA at Harvard Business School last summer. She developed the idea for her company at Harvard, where her class was among the first to use the business school's new \$11 million intranet that allows students to conduct research and communicate with faculty and alumni.

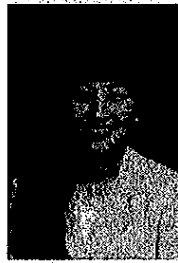
CollegeNet's product expands on Harvard's capabilities and is being offered free to colleges. Revenues will come from advertising and commissions on electronic commerce sales. Chai is stingy with details, but says she hopes to have "hundreds" of colleges signed up by year-end. New venture partners should be on board soon, she says.

In a Feb. 5, 1999 follow-up column, Steve Bailey notes an omission:

Last week I asked what could have brought together former state Treasurer Joe Malone and Chai Ling, the famed Tiananmen Square leader. The answer: the Internet.

Maybe I should have wondered what could have brought together Chai and Robert Maginn, the Bain & Co. partner who ran for Malone's spot last fall and then helped Malone land a job at CollegeNet Inc., where Chai is now chief executive. The answer is something even more powerful than the Net. It must be love.

As it turns out, Maginn, chairman of CollegeNet, and Chai are engaged and living together in Cambridge. I trust they have disclosed their relationship to their investors, even if they didn't to me.



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[Frontline](#) | [ITVS](#) | [NAATA](#) | [PBS](#)

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**EXHIBIT 6**

**EXHIBIT 6**

**EXHIBIT 6**

**EXHIBIT 6**

**EXHIBIT 6**



In February 2007, Jenzabar, Inc. sent the Long Bow Group the following letter concerning our website. [Below are copies of our first reply, a second letter from Jenzabar, and our subsequent reply.]

---

Jamison J. Barr, Esq.  
Assistant General Counsel  
(617) 492-9099 ext. 26  
jamison.barr@jenzabar.net

February 9, 2007

Attention: President  
Long Bow Group, Inc.  
55 Newton Street  
Brookline, MA 02445

Re: [www.tsquare.tv](http://www.tsquare.tv)

Dear Sir or Madam:

I represent Jenzabar, Inc. ("*Jenzabar*") as its Assistant General Counsel and am writing about the Web pages you maintain at <http://www.tsquare.tv/film/jenzabar.html>, [http://www.tsquare.tv/film/american dream.html](http://www.tsquare.tv/film/american_dream.html) and <http://www.tsquare.tv/film/forbes.html> (the "*Web pages*"). These Web pages make and publish numerous false and defamatory statements regarding Jenzabar, its current Chairman and Chief Executive Officer, Robert A. Maginn, Jr. and its founder, President and Chief Operating Officer, Ms. Ling Chai.

Specifically, your Web pages republish statements to the effect that "five former executives have sued Jenzabar, including the former chief financial officer, who accused Chai and Maginn of 'a number of unethical, inappropriate, and/or illegal actions.'" This statement is false, misleading, and defamatory. We are aware of four suits brought by former executives, not five, all of whom had been terminated, and several of whom had violated their noncompetition and confidentiality agreements. Only one suit, brought by Joseph DiLorenzo, the former CFO of Jenzabar, accused Ms. Chai and Mr. Maginn of illegal actions. Mr. DiLorenzo later voluntarily dropped his claims against Ms. Chai and Mr. Maginn without receiving any settlement payments to do so, admitted that he had no basis for them, and issued the attached apology, which is on file with the court.

Regardless of what the *Boston Globe* or *Forbes* might have published more than four years ago, it is irresponsible and defamatory to suggest or state now, as your Web pages do, that Jenzabar and its executives committed any illegal or inappropriate actions when the only person who made such an accusation has now admitted that the accusations were false and

unsupported. Given the information that we have now provided, you can no longer claim ignorance about the facts. Your republication of these statements is defamatory, and we insist that you remove the false and defamatory articles and statements on your Web pages.

Your republication of defamatory statements is wrongful in itself, but you compound this wrongdoing by repeatedly using Jenzabar's trademarks to attract traffic to the offending Web pages. Your Web page uses JENZABAR, JENZABAR.COM, and JENZABAR.NET, in addition to Ms. Chai's name, as metatags, in the title of the page, and in the URL. The marks JENZABAR and JENZABAR.COM have been registered with the U.S. Patent and Trademark Office and issued Registration Nos. 3108414 and 2557986 respectively. It's self-evident that you have designed these Web pages and used Jenzabar's marks to maximize the prominence of your Web pages on Internet search engines, in order to deliberately divert Internet users who are looking for the Jenzabar Web site. This unauthorized use of Jenzabar's federally registered marks to draw traffic to your Web pages constitutes trademark infringement under the Lanham Act and Massachusetts law.

Your calculated efforts to attract attention to the false and defamatory information on your Web pages have yielded the results that you've apparently intended: the reputations and goodwill associated with Jenzabar and its senior executives have suffered significant damage for which you are liable.

I applaud your organization for the critical acclaim its films have received and strongly believe that the story of the largest nonviolent protest in China's history must never be forgotten. However, Jenzabar cannot and will not tolerate your organization's seemingly deliberate efforts to smear the reputation of Jenzabar and to infringe on its intellectual property. Accordingly, Jenzabar demands that you take the following actions within *(7) seven days* of the date of this letter:

1. Cease and desist from using JENZABAR in the URL of any Web page you own or maintain;
2. Cease and desist from using JENZABAR, JENZABAR.NET, and JENZABAR.COM in the title, metatags and html code of any Web page you own or maintain;
3. Confirm that none of the principals, employees, or agents of your Long Bow Group, Inc. have contributed any of false and defamatory information that was posted to the wikipedia.org article about Ms. Chai;
4. Cease and desist from republishing any of the false and defamatory information regarding Jenzabar and its senior executives; and
5. Add the following disclaimer to your Web pages - "This Web page is not affiliated with or sponsored by Jenzabar, Inc."

If I do not receive written confirmation within *(7) seven days* that you've taken these remedial actions, Jenzabar will take whatever actions it deems appropriate to protect its interests and reputation. Such actions may include initiating litigation without any further notice. This letter is sent in an effort to avoid litigation, and nothing in it should be taken as a waiver of any claims, positions, rights, or remedies that may be available to Jenzabar, all of which Jenzabar expressly reserves.

Sincerely,  
Jamison J. Barr  
Assistant General Counsel

(Also available: [PDF file of Feb. 9, 2007 letter](#))

**Reply from the Long Bow Group, dated February 27, 2007:**

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February 27, 2007

Jamison J. Barr  
Jenzabar, Inc.  
5 Cambridge Center  
Cambridge, MA 02142

Re: Jenzabar, Inc.

Dear Jamison:

In response to your letter of February 9, 2007, please be advised that we took your allegations very seriously and accordingly consulted with both litigation and intellectual property counsel with respect to the same.

Their advice to us was that neither your defamation allegations nor your trademark infringement claims are valid.

With respect to the defamation allegations, please note that the articles posted on our webpage were posted over three years ago, that Long Bow is only citing articles which are a matter of public record, that the statute of limitations in Massachusetts is limited to 3 years and so (to the extent it had been relevant) has expired, and that the courts have rejected the theory that the statute of limitations is continually refreshed by the maintenance of the posting. Please further note that the articles cited on our webpage were from respected sources, published for informative and newsworthy purposes, and that our references to and citations of the same were likewise published for informative and newsworthy purposes.

That said, we were unaware of the September 22, 2006 letter from Joseph DiLorenzo which was attached to your letter, which appears to have been a private communication, and which purports to retract charges asserted by Mr. DiLorenzo over 3 years earlier. Please note that the date on the letter is over 3 years following The Boston Globe article cited on our webpage and does not itself refute the statements in that article. However, the letter from Mr. DiLorenzo does suggest that he no longer believes that the allegations in the complaint he had filed (and which were quoted, apparently accurately, by The Boston Globe) were valid.

Accordingly, we would be willing to take the following actions in order to address your stated concern and provided that it puts this matter to bed:

- Because the letter from Mr. DiLorenzo offers additional material information relating to the sentence in the 2003 article from The Boston Globe which you allege to have been defamatory, we will post a copy of the letter on our webpage. We will also add a sentence to the webpage indicating that Jenzabar has informed us that only 4 lawsuits were filed rather

than the 5 reported by The Boston Globe. We understand from your letter that you are not suggesting that any other material on our webpage was defamatory.

- We will revise certain elements of the language on the webpage to indicate that the positions taken by the authors in the referenced articles do not represent the opinions of all persons.
- We will add the disclaimer that you requested.
- We will forward your letter and its attachment to the authors of the Forbes and The Boston Globe articles cited on our webpage in order to alert them to your concerns about inaccuracies in their reporting.

With respect to the trademark violations you allege, we have been advised by counsel that our use of the name 'jenzabar' in the keywords and metadata related to the webpage is considered use for 'referential' purposes and accordingly is not in violation of any state, federal or common law. In fact, please note that our use of Jenzabar's name in the disclaimer you have requested us to insert on the webpage constitutes a similar 'referential' use.

Finally, with respect to the concerns you expressed regarding Wikipedia's coverage of Chai Ling, please be advised that I am not aware of anyone at Long Bow who has contributed to Wikipedia's entry on Chai Ling. Furthermore, no one in this company has any knowledge about anyone who has submitted material about Chai Ling to Wikipedia. My understanding is that Wikipedia does offer utilities which allow you to identify the names of the contributors to the encyclopedia and I suggest that, to the extent your concern remains, you pursue your concern through those utilities or with the staff of Wikipedia.

I appreciate your commendation of Long Bow's film making efforts. Please know that we strive very hard to maintain intellectual integrity as well as compliance with and respect for the legal and individual rights of the persons and companies with whom we work from time to time. Accordingly, if your legal counsel disagrees with the opinions we have received from our legal counsel, could you please forward to me the grounds for their disagreement (including citations to relevant caselaw where applicable), and we will assuredly re-examine the issues in light of the same.

Yours sincerely,  
Richard Gordon

(Also available: [PDF file of Feb. 27, 2007 letter](#))

**Letter dated March 22, 2007, from Jenzabar, Inc. to the Long Bow Group:**

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Jamison J. Barr, Esq.  
Assistant General Counsel  
(617) 492-9099 ext. 26  
[jamison.barr@jenzabar.net](mailto:jamison.barr@jenzabar.net)

March 22, 2007

Richard Gordon  
Long Bow Group, Inc.  
55 Newton Street  
Brookline, MA 02445

Re: [www.tsquare.tv](http://www.tsquare.tv)

Dear Richard:

Thank you for your letter dated February 27, 2007. I appreciated your thoughtful response, your offer to take certain corrective actions, your request for additional information and your willingness to re-examine your position in light of the additional information. I do take much comfort in your statement that the Long Bow Group ("*Long Bow*") strives "very hard to maintain intellectual integrity as well as compliance with and respect for the legal and individual rights of the persons and companies with whom" you work with.

Because your letter is based on some misunderstandings about the facts and the law, however, I'm taking you up on your offer to point out these errors - *having included citations to case law where applicable* - and to request that you take corrective action.

At the outset, while I appreciate that Long Bow is reproducing articles that first appeared in other publications, that fact does not insulate Long Bow from liability for defamation. Massachusetts courts treat republishers of defamatory statements as the original publisher for purposes of determining liability. *See Appleby v. Daily Hampshire Gazette*, 395 Mass. 32, 36 (Mass. 1985) ("Generally speaking, the republisher of a defamatory statement 'is subject to liability as if he had originally published it'"). Similarly, the fact that the original articles were from respected sources, a republisher will be liable for defamation if it is negligent in republishing it. *See Mac-Gray Services, Inc. v. Automatic Laundry Services, Co. Inc.*, 2005 WL 3739853, \*2 (Mass.Super. 2005), citing *Reilly v. Associated Press*, 59 Mass.App.Ct. 764, 769 (2003). A republisher is negligent if it knew or should have known of certain facts extraneous to the republished piece which would have raised doubts as to that piece's veracity. *See Appleby*, 395 Mass. at 40.

Here, we have provided Long Bow with documented evidence that the allegations reported in these articles are false. First, the letter from Mr. DiLorenzo that Jenzabar previously filed was not merely a private communication; it was filed with the Superior Court for Middlesex County, attached to Mr. DiLorenzo's stipulation of dismissal (see Exhibit 1). Mr. DiLorenzo was the former CFO of Jenzabar whose allegations were reported in the *Boston Globe* article and republished on your website. See [http://www.tsquare.tv/film/american\\_dream.html](http://www.tsquare.tv/film/american_dream.html) ("Five former executives have sued Jenzabar, including the former chief financial officer, who accused Chai and Maginn of 'a number of unethical, inappropriate, and/or illegal actions.'").

There were three other proceedings involving former executives, but the article falsely and misleadingly suggests that they had merit. In one case, John Pierce, the owner of a company that was purchased by Jenzabar, was found liable for making misrepresentations about the company; Jenzabar was awarded \$1.75 million in an arbitration proceeding, and Pierce was awarded nothing on his claims. I've attached a copy of the decision for your reference (see Exhibit 2).



In another case, Mahendran Jawaharlal, who had previously been CEO of Pierce's company, sued Jenzabar seeking to avoid his non-competition obligations. The court threw out his claims. I've attached a copy of the ruling (see Exhibit 3). Following that ruling, the company was awarded a judgment in its favor.

In the last case, Dwight Wyse was sued by Jenzabar for violating his fiduciary duties to the company. Mr. Wyse and his son then brought counterclaims, but *every one* was dismissed by the court. See the attached order (Exhibit 4). Dwight Wyse later agreed to a settlement with Jenzabar in which he agreed to forfeit considerable sums of money in payments that he would have received. That forfeiture was entered in open court and is part of the official court docket.

In view of this information, it is irresponsible and defamatory for your website to republish statements that Chai and Maginn were sued for allegedly committing "a number of illegal actions" without also stating that those allegations were later admitted to be false. It is similarly irresponsible and defamatory for your website to publish statements about lawsuits against Jenzabar, even suggesting that the claims had some truth, when a simple review of the public docket of the state and federal courts would show that all of the claims against Jenzabar were baseless. Regardless of what Long Bow might have known when it first republished the statements, it can no longer claim ignorance of their falsity.

Second, we've investigated your statute of limitations argument, and it fails on the facts. We have been able to determine, and have documentary evidence, that the defamatory statements that Long Bow republished on its website were posted on May 14, 2004. When a defendant has republished defamatory statements, a new cause of action for libel accrues for republications *from the date of the republication*. See *Vondra v. Crown Publ'g Co.*, 2002 WL 31379948, \*4 (Mass.Super. 2002); see also *Flynn v. Associated Press*, 401 Mass. 776, 780 n.5 ("Any future republication of the false statements complained of in this action could form the basis for a new cause of action against the republisher."). Consequently, the statute of limitations has not yet expired.

Finally, as to the use of Jenzabar's name as a metatag, there are countless cases - including cases in the District of Massachusetts - that hold that the use of another's trademark in a metatag creates initial interest confusion. See, for instance, *Eli Lilly & Co. v. Natural Answers, Inc.*, 233 F.3d 456, 464 (7th Cir. 2000) ("[u]sing another's trademark in one's metatags is much like posting a sign with another's trademark in front of one's store.' As such, it is significant evidence of intent to confuse and mislead."); accord *Australian Gold, Inc. v. Hatfield*, 2005 WL 3739862 (10th Cir. Feb. 7, 2006); *Brookfield Communications, Inc. v. West Coast Entertainment Corp.*, 174 F.3d 1036 (9th Cir. 1999); *Shainin II, LLC v. Allen*, 2006 WL 1319405 (W.D. Wash. May 15, 2006) (metatag use supports preliminary injunction); *Tdata Inc. v. Aircraft Technical Publishers*, 2006 WL 181991 (S.D. Ohio Jan 23, 2006); *Full House Productions, Inc. v. Showcase Productions, Inc.*, 2005 WL 3237729 (N.D. Ill. Nov 30, 2005); *Victoria's Secret Stores v. Artco Equip. Co.*, 194 F.Supp.2d 704, 725 (S.D. Ohio 2002); *J.K. Harris & Co. v. Kassel*, 62 U.S.P.Q.2d 1926 (N.D. Cal. 2002); *Aztar Corp. v. MGM Casino*, 59 U.S.P.Q.2d 1460 (E.D. Va. 2001); *New York State Soc. of Certified Public Accountants v. Eric Louis Assoc., Inc.*, 79 F. Supp.2d 331, 341 (S.D.N.Y. 1999); *Niton Corp. v. Radiation Monitoring Devices, Inc.*, 27 F.Supp.2d 102 (D. Mass. 1998). These courts have recognized that consumers who use a mark as a search term to look for a company experience confusion when their search results include web sites not sponsored by the owner of the mark. *Brookfield Communications*, 174 F.3d. at 1045; *Playboy Enterpr., Inc. v. Netscape Communications Corp.*, 55 F.Supp.2d 1070, 1083 (C.D.

Cal. 1999); *Key3 Media Events, Inc. v. Convention Connection, Inc.*, 2002 WL 385546 (D. Nev. Jan. 25, 2002). There is no exception for "referential" uses, and, in any event, your website's use of Jenzabar's registered trademark in its metatags is plainly intended to divert traffic to your site, to more widely disseminate the defamatory information I've identified above. This is a bad faith, infringing use, and it is also an unfair and deceptive trade practice.

Because of this, more is required of Long Bow to put "this matter to bed," and Jenzabar must insist that Long Bow takes the following actions immediately:

- Remove the name "Jenzabar" from any all domains used by your website;
- Remove the name "Jenzabar," "Jenzabar.net" and "Jenzabar.com" from the source code of your website;
- Remove all of the false and defamatory information identified in this letter, including but not limited to the statement that "Five former executives have sued Jenzabar, including the former chief financial officer, who accused Chai and Maginn of 'a number of unethical, inappropriate, and/or illegal actions.'"; and
- Add the following disclaimer - "This website is not in any way affiliated with Jenzabar, Inc."

Accordingly, please confirm by **no later than March 30th, 2007** that you've taken these remedial actions. If I don't hear from you by then, Jenzabar will be forced to start initiating legal proceedings without any further notice. Given your stated commitment to integrity and willingness to re-examine your position, I am confident however that, after you've reviewed the information (both the law and facts) provided and discussed them with your legal counsel, you will take the actions listed above.

Please note this letter is sent in an effort to avoid litigation, and nothing in it should be taken as a waiver of any claims, positions, rights, or remedies that may be available to Jenzabar, all of which Jenzabar expressly reserves.

Sincerely,  
Jamison J. Barr  
Assistant General Counsel

(Also available: [PDF file of March 22, 2007 letter.](#))

**Reply from the Long Bow Group, dated April 11, 2007:**

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April 11, 2007

Jamison J. Barr  
Jenzabar, Inc.  
800 Boylston St.  
Prudential Center, 35th Floor  
Boston, MA 02199

Dear Jamison:

In response to your letter dated March 22, 2007, please be advised that we asked our counsel to make a thorough examination of the information you provided. Our understanding continues to be that neither Jenzabar's defamation allegations nor Jenzabar's trademark infringement claims are valid.

That said, let me make two preliminary points. First, as I'm sure you know, truth is a defense against a defamation charge. The statement on the web site with which you take issue is, in fact, truthfully reporting that a Boston Globe article was published in 2003, which itself truthfully stated that lawsuits were filed, quotes accurately from Mr. DiLorenzo's complaint, and even says that the defendant denied the claims. To the extent that the Boston Globe article made an error on the number of executives involved in the action, that is hardly defamatory. As you know, not every false statement rises to the level of defamation. As to the rest of the article quote, it seems to be opinion at worst, truthful fact at best. Nonetheless, we are willing to clearly indicate on our website that Jenzabar has recently contested the accuracy of certain limited statements in the Boston Globe article and we will also post your letters to us which detail your concerns.

Second, I believe there has been some confusion around Jenzabar's claim of trademark violation. Specifically, the trademark cases you cite bear on situations where the intent of the user was to cause market confusion. In this case, there is no issue of market confusion; the use of the name 'jenzabar' is, in fact, solely for referential purposes and such use does not constitute a trademark violation. The website is identified as an historical website focusing on the 1989 Tiananmen Square demonstrations and the feature documentary "The Gate of Heavenly Peace." The copyright is explicitly held by the Long Bow Group, a non-profit educational corporation founded in 1982. Long Bow Group is not in the same (or even in a related) area of business as Jenzabar, and no visitor to our website would reasonably believe the website to be sponsored by or affiliated with Jenzabar. Please also know that your suggestion that there has been any intent on the part of Long Bow to defame your client is inaccurate, unfounded, and, quite frankly, inappropriate. As you know, the website contains information relating to many of the central characters in the film. The information provided with respect to Jenzabar is offered only because the company is so closely linked with Chai Ling, who by her own statements identifies herself as an important and controversial participant in the Tiananmen protests. Nonetheless, we are willing to add the following language to the webpage about Jenzabar: "These web pages are the sole responsibility of the Long Bow Group, and are in no way affiliated with or sponsored by Jenzabar, Inc."

Finally, the Long Bow Group remains committed to taking those actions which are both legally and ethically appropriate; but we are troubled by what seems a clear effort on Jenzabar's part to suppress our first amendment rights, censor the historical record, intimidate us with charges which are brought years after the fact, and which have been asserted in a hostile and threatening manner on unsupportable legal grounds.

Yours sincerely,  
Richard Gordon

(Also available: [PDF file of April 11, 2007 letter](#))

[Return to excerpts page.](#)

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**EXHIBIT 7**

**EXHIBIT 7**

**EXHIBIT 7**

**EXHIBIT 7**

**EXHIBIT 7**



**Harvard Wars with Firm over Web Site**  
Politics underlies spat on school ties

*The Boston Globe*, 25 July 1999, byline: James Bandler, Globe Correspondent

Not long after Chai Ling launched her Internet start-up venture, her publicist boasted that she was ready for the rough-and-tumble business world, having led "thousands of students against a communist government more ruthless than Microsoft." What the publicist didn't mention was that Jenzabar.com, the former Beijing student leader's company, was already under fire, this time from the legal guns at the Harvard Business School.

For months, the dispute was waged politely and quietly, with Harvard's lawyers contending that Jenzabar was trying to capitalize on the business school's blue-chip reputation. The business school's lawyers demanded that Jenzabar stop posting a claim on its Web site that the Cambridge-based company's main product had been designed by the same technowizards who designed the business school's intranet system. ... Now, the dispute is out in the open.

"The Harvard Business School name stands for excellence and integrity," said Loretto Crane, a business school spokeswoman. "It's not surprising that people want to leverage some sort of relationship with it. It's also not surprising that the school is concerned when it's used inappropriately."

... The dispute has been embarrassing for Jenzabar's team, which includes many politically connected individuals, including former Massachusetts Treasurer Joe Malone, the company's director of development. Legal counsel is provided by former governor William F. Weld and his law firm, according to a Jenzabar spokesman. The company's chairman is Chai's fiance, millionaire Robert Maginn, who lost a race last year to succeed Malone as treasurer.

... The controversy started in May. The business school received a call from an information technology manager at SUNY-Buffalo who said a Jenzabar sales representative had told her flatly that the company had developed its intranet system at the business school.

When business school officials logged onto Jenzabar's Web site, they discovered that Jenzabar stated that its "core application" was "developed by the technology leaders who also developed the award-winning Harvard Business School intranet system."

That's quite a stretch, business school officials say.

"It's a collection of half-truths that ultimately portray something false and mislead the public," a business school source said. Another business school official described the role of any Jenzabar team members in the development of the business school intranet as "very minor to peripheral."

But in a written statement, a spokesman for Jenzabar said three individuals who did substantial work on the \$11 million Harvard Business School intranet also worked on Jenzabar.com's "core

application."

One of them, a graphic designer, is currently working full time at Jenzabar.com, according to Jenzabar. But in an interview, the graphic designer described his role in the design of the business school intranet as small.

A Jenzabar spokesman said the company acted promptly to correct any misimpressions, but business school officials said it was not until a few weeks ago - nearly two months after Harvard lawyers objected - that the questioned claims were removed from the company's Web site.

The Web site now states that "Chai's experience as an MBA student with the Harvard Business School intranet convinced her to bring this technology to the higher-education community across the nation and around the world."

Today, Jenzabar has contracts with six schools using Jenzabar software, according to a Jenzabar spokesman.

Pat Suozzi, director of library and information services at St. Michael's College in Vermont, said Jenzabar representatives gave her the impression that the key people involved in the Jenzabar project were on "the team at the Harvard Business School that developed that whole [intranet] system." ... Told about the dispute between Harvard and Jenzabar, Suozzi said: "I'm certainly disappointed they would give the impression of a connection when there wasn't. That certainly makes us uncomfortable." ...

*The Boston Globe (page B1), 07/25/99. © Copyright 1999 Globe Newspaper Company.*

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**EXHIBIT 8**

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Much of the press attention given to Jenzabar focuses on Chai Ling's role in the 1989 Tiananmen Square protests, and how that experience has informed her new role in leading an internet company. The following are excerpts from a few articles that reported certain concerns third parties expressed with respect to Chai Ling and Jenzabar.

For example, a 1999 *Boston Globe* article details a dispute between Jenzabar and the Harvard Business School over a claim on Jenzabar's website that "its 'core application' was 'developed by the technology leaders who also developed the award-winning Harvard Business School intranet system.'"

That's quite a stretch, business school officials say.

'It's a collection of half-truths that ultimately portray something false and mislead the public,' a business school source said.

... A Jenzabar spokesman said the company acted promptly to correct any misimpressions, but business school officials said it was not until a few weeks ago - nearly two months after Harvard lawyers objected - that the questioned claims were removed from the company's Web site.

[Source: Harvard Wars with Firm over Web Site, *The Boston Globe*, 25 July 1999, James Bandler.]

Another Boston area school had a similar complaint about Jenzabar:

...Bernard Gleason, associate vice-president for information technology at Boston College, says he is irked that both Jenzabar and MascotNetwork have claimed ties to his institution, and that Jenzabar appears to be taking credit for technological innovations at the college, in which it played no role.

'If they're this out of control in their marketing,' he says, he can't help wondering how well they police matters such as their privacy policy.

[Source: Colleges Get Free Web Pages, but With a Catch: Advertising, *The Chronicle of Higher Education*, Sept. 3, 1999, Goldie Blumenstyk.]

Jenzabar was the focus of another article in *The Chronicle of Higher Education*:

Jenzabar, a company that sells software for higher education, gave \$300 cash cards to college presidents attending a dinner the company sponsored last month in San Diego. Although the company described the gifts as nothing unusual, some observers say it is uncommon and unethical for college presidents to accept such gifts.

Jenzabar invited 45 presidents to the January 5 dinner. All of them lead colleges that are

Jenzabar clients.... Michael Zastrocky, vice president for academic strategies at Gartner Inc., a technology-consulting firm, said it was highly unusual for college presidents to accept gifts worth hundreds of dollars from technology companies.

College presidents, he said, 'would put themselves in jeopardy' by accepting such gifts. 'You're on display at all times' as a college president, he said. 'You'd be in real trouble.'

[Source: College Presidents Received \$300 Gifts for Attending a Software Vendor's Dinner, *The Chronicle of Higher Education*, Feb. 13, 2004, Andrea Foster.]

*The Boston Globe's* business columnist, Steve Bailey, writes in a column from 2003:

Is there a trend here? In 1989 Ling Chai, an unknown 23-year-old graduate student in Beijing, became an international heroine overnight as the most visible leader of the Chinese student rebellion in Tiananmen Square. She was the face of the dissidents, the 'chief commander,' a small, frail young woman in a T-shirt and jeans who rallied the students and taunted the soldiers as the world held its breath and watched the historic standoff unfold day after day on television.

Over the years the image of Chai as heroine has become decidedly mixed as onetime allies have blamed her and other student leaders for the deadly end to the protests, painting them as power-hungry and willing to sacrifice others for their cause. The harshly critical documentary *The Gate of Heavenly Peace* captured that emerging view best in an interview that Chai gave in a Beijing hotel room: 'My students keep asking me, 'What should we do next? What can we accomplish?' I feel so sad, because how can I tell them that we actually are hoping for bloodshed, the moment when the government is ready to butcher the people brazenly. Only when the square is awash in blood will the people of China open their eyes.'

Bailey also describes some of the problems Jenzabar was facing at the time:

In its press releases Jenzabar, a private company, boasts of record financial results. '2002 was a break-out year for Jenzabar and 2003 is shaping up to be the most successful in the history of our company,' Maginn said in a release just this week.

Here is what Jenzabar does not want you to know. While the company was polishing its image in public, its chief financial backer was trying to oust Chai and Maginn and saying that Jenzabar had defaulted on its loan agreements. That backer, Pegasus Partners, a Greenwich, Conn., private equity firm, was also pushing to sell Jenzabar, according to court documents.

A lawsuit filed in March is the latest in a series of suits against the company... Jenzabar has denied the claims and resolved some of the disputes.

This *Globe* column was written in 2003, and goes on to state that "Five former executives have sued Jenzabar..." However, in two letters sent to the Long Bow Group in February and March 2007, the Assistant General Counsel of Jenzabar informed us that they "are aware of four suits brought by former executives, not five," and, "Only one suit, brought by Joseph DiLorenzo, the former CFO of Jenzabar, accused Ms. Chai and Mr. Maginn of illegal actions. Mr. DiLorenzo later voluntarily dropped his claims against Ms. Chai and Mr. Maginn without receiving any settlement payments to do so, admitted that he had no basis for them, and issued [an] apology." Furthermore, Jenzabar states

the *Globe* article "falsely and misleadingly suggests that [three other proceedings involving former executives] had merit."

In his letter to the Long Bow Group, Jenzabar's Assistant General Counsel also included a copy of Mr. DiLorenzo's letter of apology, which was dated September 22, 2006. In the interests of full disclosure, we are including copies of these letters and our responses in their entirety. We are unaware of any retractions or corrections printed by *The Boston Globe* with regard to their reporting about Jenzabar's legal problems.

The *Globe* column concludes:

After Tiananmen, Chai detractors said her hero's image did not square with her hardball tactics. Now her critics are saying much the same again, this time about her corporate life. Meanwhile, Chai continues to sell her story of the Tiananmen heroine-turned-American-entrepreneur. 'Today, I am living the American dream,' Chai told *Parade* magazine in June.

With Ling Chai, distinguishing the dream from the reality has always been the hardest part of all."

[Source: "American Dream," *The Boston Globe*, Aug. 8, 2003, Steve Bailey.]

A *Forbes.com* article reported:

Chai Ling has spent years trying to cash in on her heroism at Tiananmen Square. But so far her web company has brought in little money and lots of lousy karma.

Chai Ling would like total control over her biography. In her version, she risks her life leading student protests in Tiananmen Square in 1989, escapes China stowed in a crate and is twice nominated for the Nobel Peace Prize. Then she moves to America and marries a millionaire venture capitalist who bankrolls her promising internet startup. Alas, the market crashes before the company can go public, and it is unfairly besieged by lawsuits from former executives....

"You're not going to write about that, are you?" Chai says, when asked about the suits. "Do you really have to mention those things?" Chai's seeming naiveté is a little out of character. She has frequently scored points in the press by recalling her glory days as onetime "commander-in-chief" of rebel students in Beijing.

With respect to Jenzabar's launch in 1998 by Chai Ling, *Forbes* reported:

Jenzabar's mission was to develop internet-based portals that college students could use to register for courses and check homework assignments. By early 2000 a few colleges were testing its software, but nobody was paying for it.

So Maginn, 46, and Chai, 36, who were engaged in 1997 and married in 2001, cooked up a new plan in which Jenzabar would gain customers by acquiring them. In April 2000 Maginn quit his job at Bain and joined Jenzabar, raising \$40 million from investors, including his own New Media Investors. Jenzabar bought four barely profitable companies that made administrative software for colleges. Yoking them to Jenzabar's portal, Chai reckoned she could offer a single vehicle to handle all aspects of

campus life.

As the market for internet companies crashed, managers of the four acquired outfits bickered over which products would survive. "We had a lot of upheaval," says Chai.

... Where does this leave Jenzabar? Depends on whom you ask. "It's been a little chaotic," says Chai. "But 2002 was our turnaround year. In 2003 we have our house in order and will start to grow and take market share." Perhaps. But nabbing new clients isn't easy in the \$2.7 billion market for higher-ed software, which is growing at only 2.7% annually, reports IDC.

Recently Maginn and Chai hired an investment bank, a move that prompted rumors of a sale. "If a giant company were to come along and make a great offer," he says, "we would consider it." In 2000, Chai says, investment bankers told her that Jenzabar could be worth \$1 billion in a public offering. In those days a good story could go a long way. Today it might get you just enough money to pay off your debts.

[Source: "[Great Story, Bad Business](#)," Forbes.com, Feb. 17, 2003, by Daniel Lyons.]

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**EXHIBIT 9**

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## THE GATE OF HEAVENLY PEACE:

### Reviews, Commentary, and Controversy

THE GATE OF HEAVENLY PEACE premiered in October 1995 at the New York Film Festival. Since then, it has been widely and positively reviewed in magazines and newspapers such as The New York Times, Time, Newsweek, The Boston Globe, The Boston Phoenix, and The Village Voice.

But it has also elicited responses from both the Chinese government and leading members of the Chinese exiled dissident movement that are similar in colorful and strident tone of denunciation. In the spring of 1995, even before the film was finished, Chai Ling, the young woman student leader dubbed by some the "Goddess of Democracy," and who now lives in the U.S., railed against the film. In a piece published on April 27, 1995, in the *World Journal*, the leading North American Chinese daily, Chai wrote:

Certain individuals have racked their brains for ways and means to gain the approval of the Chinese authorities. And a person with a pro-Communist history [i.e., Carma Hinton] has been hawking her documentary film for crass commercial gain by taking things out of context and trying to reveal something new, unreasonably turning history on its head and calling black white.

Such criticisms, mostly published in Chinese, were generally couched in highly colored political language that brooked no opposition nor allowed room for discussion. It was the wooden language typical of ideological extremism and totalitarianism. When the Chinese government began making public statements about the film in mid-1996, their criticisms were expressed in similarly fanciful terms. In a letter to the Director of Filmfest DC dated 19 April, 1996, the Press Counsel of the Embassy of the People's Republic of China in Washington wrote:

As is well known, a very small number of people engaged themselves in anti-government violence in Beijing in June 1989 but failed. The film "The Gate of Heavenly Peace" sings praise of these people in total disregard of the facts. If this film is shown... it will mislead the audience and hurt the feelings of 1.2 billion Chinese people. Therefore, it is necessary and appropriate to withdraw this film from the festival.

The Director of Filmfest DC found it both unnecessary and inappropriate to satisfy this request.

For an extensive account of the controversy, see the excerpt from "Totalitarian Nostalgia" in Geremie Barmé's *In The Red: On Contemporary Chinese Culture* (New York: Columbia University Press, 1999). This chapter in part discusses elements of the language of denunciation used by political extremists (both pro- and anti-government) in reviewing GATE.

Other available readings include:

"6 Years After the Tiananmen Massacre, Survivors Clash Anew on Tactics," Patrick E. Tyler in *The New York*

*Times*, April 30, 1995.

Anatomy of a Massacre by Richard Woodward, in *The Village Voice*, 4 June 1996.

Excerpts from a review of GATE by Ian Buruma in *The New York Review of Books*.

An overview by Ye Ren of the Chinese dissident community's criticisms of GATE, which were made months before the film was completed. This article was published in Chinese in **The 90's**, a Hong Kong monthly magazine.

Squaring Off Over Tiananmen by Jerry White, in **The Independent**, January/February 1996.

Text of a press conference with Richard Gordon and Carma Hinton from the New York Film Festival, October 1995.

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In Hong Kong, THE GATE OF HEAVENLY PEACE generated intense interest and played to sell-out crowds. The film was first screened at the Hong Kong International Film Festival and the Hong Kong Arts Centre in 1996. Additional showings began in January 1997, and continued through the July handover of Hong Kong to China.

The following articles describe the Hong Kong screenings:

China Shuts the Gate: A Nettleome Film Annoys Beijing, but Hong Kong Loves It, *Newsweek* (May 19, 1997)  
In Hong Kong, Mainlanders See Way to View Banned Film on 1989 Protests, *Los Angeles Times* (April 18, 1997)

Gate Crashers: A Controversial Film Attracts Crowds from China, *Far Eastern Economic Review* (March 6, 1997)

There were also references to the film in more general stories about the July 1997 handover:

Hong Kong Students Learning the ABC's of Takeover, *The Washington Post* (May 19, 1997)  
China's Epic Exorcism, *The Guardian* (June 12, 1997)

In 1998, President Bill Clinton visited China. "Among the learned volumes and fat briefing books on China piled by President Clinton's bedside to prepare him for his trip ... is a videocassette of 'The Gate of Heavenly Peace,' a gripping three-hour documentary about the Tiananmen Square demonstrations of June 1989." [Preparation Builds for Clinton's Trip to China, *The New York Times* (June 20, 1998).]

A second article focused on the site of the welcoming ceremonies for President Clinton, Tiananmen Square, and also featured an interview with GATE's co-director, Carma Hinton: "Square's History Goes Beyond Killings," *Chicago Tribune* (June 27, 1998).

**EXHIBIT 10**

**EXHIBIT 10**

**EXHIBIT 10**

**EXHIBIT 10**

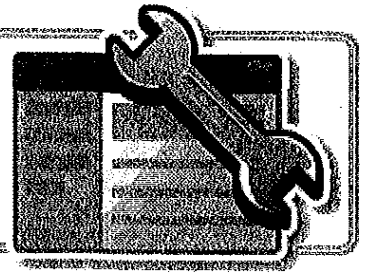
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# Google Webmaster Central Blog

Official news on crawling and indexing sites for the Google index



## Google does not use the keywords meta tag in web ranking

Monday, September 21, 2009 at 10:00 AM

Recently we received some questions about how Google uses (or more accurately, doesn't use) the "keywords" meta tag in ranking web search results. Suppose you have two website owners, Alice and Bob. Alice runs a company called AliceCo and Bob runs BobCo. One day while looking at Bob's site, Alice notices that Bob has copied some of the words that she uses in her "keywords" meta tag. Even more interesting, Bob has added the words "AliceCo" to his "keywords" meta tag. Should Alice be concerned?

At least for Google's web search results currently (September 2009), the answer is no. Google doesn't use the "keywords" meta tag in our web search ranking. This video explains more, or see the questions below.



**Q: Does Google ever use the "keywords" meta tag in its web search ranking?**

**A:** In a word, no. Google does sell a Google Search Appliance, and that product has the ability to match meta tags, which could include the keywords meta tag. But that's an enterprise search appliance that is completely separate from our main web search. Our web search (the well-known search at Google.com that hundreds of millions of people use each day) disregards keyword metatags completely. They simply don't have any effect in our search ranking at present.

**Q: Why doesn't Google use the keywords meta tag?**

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[crawling and indexing](#) (69)

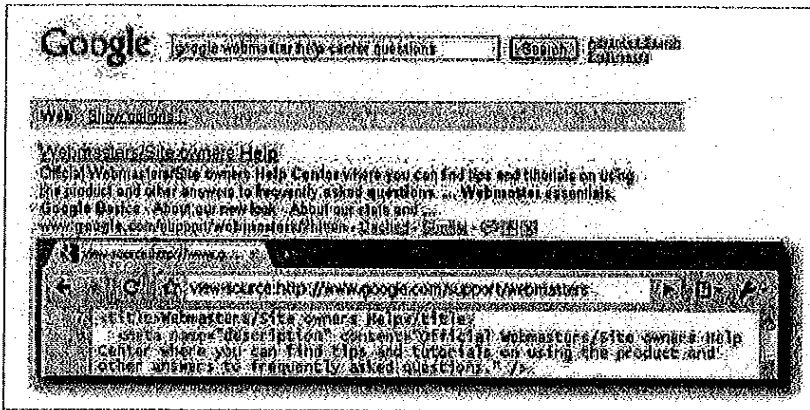
[events](#) (38)

[feedback and communication](#)

A: About a decade ago, search engines judged pages only on the content of web pages, not any so-called "off-page" factors such as the links pointing to a web page. In those days, keyword meta tags quickly became an area where someone could stuff often-irrelevant keywords without typical visitors ever seeing those keywords. Because the keywords meta tag was so often abused, many years ago Google began disregarding the keywords meta tag.

**Q: Does this mean that Google ignores all meta tags?**

A: No, Google does support several other meta tags. This [meta tags](#) page documents more info on several meta tags that we do use. For example, we do sometimes use the "description" meta tag as the text for our search results snippets, as this screenshot shows:



Even though we sometimes use the description meta tag for the snippets we show, we still don't use the description meta tag in our ranking.

**Q: Does this mean that Google will always ignore the keywords meta tag?**

A: It's possible that Google could use this information in the future, but it's unlikely. Google has ignored the keywords meta tag for years and currently we see no need to change that policy.

Posted by Matt Cutts, Search Quality Team

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The comments you read here belong only to the person who posted them. We do, however, reserve the right to remove off-topic comments.

**117 comments:**



**Michael Martinez** said...

I don't care to see the keywords tag influence Web search but it would be helpful to Webmasters if you used it in your Custom Search Engine solution and/or site-specific searches.

There are still people in the SEO community who wrongly say that none of the