APPEAL, COLE, REOPEN, TERMED

United States District Court Northern District of Illinois – CM/ECF LIVE, Ver 3.2.3 (Chicago) CIVIL DOCKET FOR CASE #: 1:07-cv-00385 Internal Use Only

Google Inc v. Central Mfg. Inc. et al Assigned to: Honorable Virginia M. Kendall

Case in other court: 07-01612

07–01651 09–03569

Cause: 18:1961 Racketeering (RICO) Act

Date Filed: 01/19/2007 Date Terminated: 10/16/2009

Jury Demand: None

Nature of Suit: 470 Racketeer/Corrupt

Organization

Jurisdiction: Federal Question

Date Filed	#	Page	Docket Text	
01/19/2007	1	3	COMPLAINT filed by Google Inc; (eav,) (Entered: 01/22/2007)	
01/19/2007	2	225	CIVIL Cover Sheet (eav,) (Entered: 01/22/2007)	
01/19/2007	<u>5</u>	226	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Google Inc (eav,) (Entered: 01/22/2007)	
01/30/2007	8	227	MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc. to interplead (Exhibits) (eav,) Additional attachment(s) added on 1/31/2007 (eav,). (Entered: 01/31/2007)	
01/30/2007	2	258	MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc. to suspend pending the Appeal to lift the automatic stay for Google to sue the debtor Leo Stoller (Exhibits) (eav,) (Entered: 01/31/2007)	
01/30/2007	10	264	MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc. to suspend pending the Trademark trial and Appeal Board's decision on the defendant's motion for summary judgment (eav,) (Entered: 01/31/2007)	
01/30/2007	<u>11</u>	268	MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc. to suspend (eav,) (Entered: 01/31/2007)	
01/30/2007	<u>13</u>	270	PRO SE Appearance by Leo Stolla (eav,) (Entered: 02/01/2007)	
02/05/2007	<u>15</u>	271	MINUTE entry before Judge Virginia M. Kendall :Motion hearing held. Motion to interplead 8; Motion to suspend pending the Appeal to lift the automatic stay for Google to sue the debtor Leo Stoller 9; Motion to suspend pending the Trademark trial and Appeal Board's decision on the defendant's motion for summary judgment 10; and Motion to suspend 11 are entered and continued to 2/20/2007 at 9:00 AM. Responses due by 2/12/2007. No replies are necessary.Mailed notice (gmr,) (Entered: 02/06/2007)	
02/06/2007	<u>16</u>	272	MOTION by Leo Stolla to intervene (eav,) (Entered: 02/07/2007)	
02/07/2007	18	279	MINUTE entry before Judge Virginia M. Kendall :Motion to intervene <u>16</u> is entered and continued to 2/20/2007 at 09:00 AM. Any response shall be filed by 2/12/2007. No reply is necessary. The presentment date of 2/12/2007 for said	

			motion is hereby stricken. Mailed notice (gmr,) (Entered: 02/07/2007)
02/12/2007	<u>19</u>	280	RESPONSE by Richard M. Fogel, not individually, but as chapter 7 trustee of the bankruptcy estate of Leo Stollerin Opposition to MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.suspend_10, MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.interplead_8, MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.to suspend_9, MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.to suspend_11, MOTION by Plaintiff Leo Stolla to intervene_16 and Joinder to Responses of Google Inc. (Alwin, Janice) (Entered: 02/12/2007)
02/12/2007	Industries, Inc., Central Mfg. Inc.interplead 8, MOTION Industries, Inc., Central Mfg. Inc.to suspend 9, MOTION Industries, Inc., Central Mfg. Inc.to suspend 11, MOTION Industries, Inc., Central Mfg. Inc.to suspend 11, MOTION Industries, Inc., Central Mfg. Inc. (10, 10, 10, 10, 10, 10, 10, 10, 10, 10,		RESPONSE by Google Incin Opposition to MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.interplead <u>8</u> , MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.to suspend <u>9</u> , MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.to suspend <u>11</u> , MOTION by Plaintiff Leo Stolla to intervene <u>16</u> (Barrett, William) (Entered: 02/12/2007)
02/12/2007	21	302	RESPONSE by Google Incin Opposition to MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.suspend_10 (Barrett, William) (Entered: 02/12/2007)

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Filed 01/19/2007

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

GOOGLE INC., 07CV385 JUDGE KENDALL Plaintiff, MAGISTRATE JUDGE COLE VS. CENTRAL MFG. INC. a/k/a CENTRAL MFG. CO., a/k/a CENTRAL MFG. CO. (INC.), a/k/a CENTRAL MANUFACTURING COMPANY, INC. and a/k/a CENTRAL MFG. CO. OF FILED ILLINOIS; and STEALTH INDUSTRIES, INC. a/k/a RENTAMARK and a/k/a NF RENTAMARK.COM, JAN 1 9 2007 JAN197007 Defendants. MICHAEL W. DUBBINS **ELERK, U.S. BISTRICT COURT**

COMPLAINT

Plaintiff Google Inc. ("Google"), by its attorneys and for its Complaint against Defendants, alleges as follows:

Nature of This Action

- As the Seventh Circuit, Courts in this District and the Trademark Trial and Appeal Board repeatedly have found, Defendants and their alleged principal, Leo Stoller ("Stoller"), are engaged in a scheme of falsely claiming trademark rights for the purpose of harassing and attempting to extort money out of legitimate commercial actors, both large and small. Indeed, the judicial decisions awarding fees and otherwise imposing sanctions against Defendants and Stoller for their fraudulent and other illegal conduct, their assertion of rights that they do not own, their pattern of bringing meritless lawsuits and even their fabrication of evidence are legion.
- 2. Despite the admonitions of Courts and others, Defendants and Stoller have not only continued with, but expanded the scope of, their fraudulent scheme. Among other things, Defendants have fabricated, and threaten to continue to fabricate, non-existent entities that they falsely represent to unsuspecting victims are actual business entities. Defendants further falsely

claim that these non-existent entities have been using a wide array of trademarks on goods or services and otherwise have ownership and licensing rights to thousands of trademarks -- when in reality they have no such rights -- for the purposes of extracting money and obtaining the transfer of property to which Defendants are not entitled. To create an aura of legitimacy for their deceptive enterprise, Defendants have engaged in a widespread pattern of fraudulent acts that have included (i) preparing and circulating fabricated letterhead and other commercial documents supposedly evidencing the existence of their phony entities; (ii) repeatedly publishing advertisements and promotional materials which falsely claim rights to, and the ability to license, marks in which Defendants have no lawful interest and which falsely represent that Courts or others have upheld their alleged rights; (iii) disseminating false statements which represent that Defendants own federal registrations for marks when no such registration exists; (iv) asserting the ownership of fraudulently procured or fraudulently maintained federal registrations; (v) soliciting and employing perjured testimony and other materially false statements made under oath; and (vi) filing materially false documents with U.S. government agencies. Defendants employ these and other unlawful devices as described below to deceive, induce and coerce innocent parties into paying them money or else surrendering to Defendants property rights which Defendants then, in turn, use to defraud others. To date, Defendants have made hundreds of such misrepresentations to hundreds of legitimate companies.

3. Unfortunately, Plaintiff Google's widely-publicized success has attracted the attention of Defendants. As part of their scheme to defraud, Defendants have falsely represented that they own a federal registration for the GOOGLE mark, that they are owners of common law rights in the GOOGLE mark and that they have the right to license the GOOGLE mark to third parties. In order to effectuate their fraud, Defendants further have prepared and circulated, and continue to circulate, bogus letterhead and other corporate documents supposedly evidencing an entity they variously call "GOOGLE™ BRAND TRADEMARK LICENSING," "GOOGLE LICENSNING [sic]" and "GOOGLE BRAND PRODUCTS AND SERVICES," even though by all indications no such entity exists. Defendants also have published, and continue to publish, promotional materials that falsely and deceptively represent that Defendants have rights to license the GOOGLE mark, that falsely claim that Defendants have successfully cancelled one or more of Plaintiff's federal trademark registrations for GOOGLE, and that otherwise misrepresent the nature of Defendant's goods, services and commercial activities.

- 4. Defendants' scheme is and has been with the intent to deceive. Defendants targeted Plaintiff Google, as well as hundreds of other legitimate companies, despite Defendants' knowledge that Defendants have no rights to the marks that they claim and no rights to license them to third parties. Defendants have falsely asserted, and continue to falsely assert, that they have such rights in order to defraud and extort their intended victims. After Plaintiff Google investigated Defendants' allegations of rights and refused Defendants' demands for money, Defendants not only persisted in their spurious demands for a pay-off, but also threatened to publicize their allegations which, they claimed, would bring about "the total destruction" of Plaintiff as a business.
- 5. Accordingly, Defendants have engaged in, and threaten in the future to engage in, acts of false advertising in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B), as well as acts of unfair competition. Furthermore, because Defendants constitute an enterprise engaged in a pattern of racketeering activity that has caused injury and damage to Plaintiff Google, they are liable under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq*. As a consequence of the foregoing, Google is entitled to monetary and injunctive relief against Defendants.

The Parties

- 6. Plaintiff Google Inc. is a Delaware corporation with its principal place of business in Mountain View, California. Plaintiff Google offers a variety of services and products, including a web site that provides the world's most popular Internet search engine and that is visited by more than 380 million users each month.
- 7. On information and belief, Defendant Central Mfg. Inc. is a Delaware corporation with its principal place of business in Oak Park, Illinois and operates under one or more aliases, including without limitation as Central Mfg. Co., Central Mfg. Co. (Inc.), Central Manufacturing Company, Inc. and/or Central Mfg. Co. of Illinois (collectively, "Central Mfg."). Defendant Central Mfg. has at all times relevant hereto conducted activities in interstate commerce.
- 8. On information and belief, Defendant Stealth Industries, Inc. ("Stealth") is a Delaware corporation with its principal place of business in Oak Park, Illinois. Defendant Stealth has at all times relevant hereto conducted activities in interstate commerce.
- 9. On information and belief, Rentamark, which is also known as Rentamark.com, is an unincorporated business entity with its principal place of business in Oak Park, Illinois.

According to sworn testimony by Stoller, Rentamark is operated by and a part of Defendant Stealth.

- 10. On information and belief, Stoller was CEO and shareholder of Defendant Central Mfg. and Defendant Stealth at all times relevant hereto. Stoller is also known by aliases that include Leo Reich. Stoller has at all times relevant hereto conducted the activities complained of herein in interstate commerce.
- 11. Defendant Stealth and Defendant Central Mfg. purport to be successors-in-interest of a defunct business named S Industries, Inc. Stoller was at all relevant times the President and a shareholder of S Industries, Inc.

Jurisdiction And Venue

- 12. This action arises under the Trademark Act of 1946, Title 15, United States Code, the Racketeer Influenced and Corrupt Organizations Act, Title 18, United States Code and the law of Illinois and other states. The Court therefore has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338, 18 U.S.C. § 1964(c) and principles of supplemental jurisdiction under 28 U.S.C. § 1367(a).
- 13. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1391(c) and 18 U.S.C. §§ 1965(b) and 1965(d). Defendants reside in, are found in, transact affairs in and are subject to personal jurisdiction in this District, and a substantial part of the events giving rise to the claims herein occurred in this District.

Facts

Defendants' Fraudulent Conduct Using SI

- 14. S Industries, Inc. ("SI"), the claimed predecessor of Defendant Central Mfg. and Defendant Stealth, was incorporated in or about 1985. Stoller acted as SI's principal. During that time in the 1980s, according to Stoller, SI engaged in the business of importing sporting goods such as tennis rackets from manufacturers in Taiwan and other Asian countries.
- 15. In or about January 1990, Stoller was evicted from the business premises of SI. By that point, while SI nominally moved to Stoller's house, it was defunct as a business. As Stoller subsequently admitted during a 2001 deposition, and contrary to his prior sworn statements otherwise to the Courts and the U.S. Trademark Office, SI had at best only "very nominal, or de minimis" sales by and throughout the 1990s.

- 16. No longer conducting legitimate operations by or in about 1990, SI and Stoller focused their energies on a new "business" model. This included, in particular, the implementation of a widespread scheme of asserting rights to trademarks, including by way of purported federal registrations, that SI and Stoller knew they had no rights to in order to fraudulently extract money from businesses and individuals.
- 17. Among other things, Stoller was well aware that common law trademark rights are acquired only through sufficient bona fide use in commerce and that such use is also required for the legitimate acquisition and maintenance of use-based federal trademark registrations. Even though SI was effectively dissolved and thus not using any marks in commerce in a manner and to an extent necessary for trademark rights, SI and Stoller nevertheless represented that they owned non-existent trademark rights and sought to assert them by demanding the payment of license fees and by threatening and filing sham litigation for the purpose of extorting money or property from their victims. Between 1995 and 1997 alone, SI and Stoller filed no fewer than 35 trademark lawsuits in the United States District Court for the Northern District of Illinois alone. A list of those cases is attached as Exhibit A hereto and is incorporated herein by this reference.
- 18. The Seventh Circuit and this Court found that the suits filed and prosecuted by SI and Stoller were part of a pattern of vexatious litigation that falsely claimed rights to marks they did not own and had no lawful right to assert. Those rulings included the following:
- (a) In *S Industries, Inc. v. Centra 2000, Inc.*, 249 F.3d 625, 627-29 (7th Cir. 2001), the Seventh Circuit found that SI and Stoller's assertion of trademark rights was groundless and affirmed an award of attorneys' fees against SI for filing "meritless claims" and engaging in other litigation misconduct, which the Seventh Circuit found was part of a "pattern of abusive and improper litigation with which the company and Lee Stoller, its sole shareholder, have burdened the courts of this circuit." Although this suit resulted in a fee award against SI and/or Stoller, upon information and belief such award has not been paid.
- (b) In S Indus., Inc. v. Stone Age Equip., Inc., 12 F. Supp. 2d 796, 798-99, 819 (N.D. Ill. 1998) (Castillo, J.), the Court awarded attorney's fees against SI for its "continuing pattern of bad faith litigation." The Court also found that the documentary evidence submitted by SI and Stoller was "highly questionable" and "perhaps fabricated" and that Stoller's sworn testimony was "inconsistent, uncorroborated, and in some cases, demonstrably false."

- (c) In S Industries, Inc. v. Diamond Multimedia Sys., Inc., 17 F. Supp. 2d 775, 779 (N.D. Ill. 1998) (Andersen, J.), the Court awarded fees against SI based on findings that its claims were "patently frivolous" and that it had "apparently taken a legitimate procedure designed to protect trademark rights and turned [it] into a means of judicial extortion."
- 19. In addition to filing and prosecuting numerous sham lawsuits in the Courts, SI and Stoller instituted and prosecuted a flurry of sham proceedings before the United States Trademark Trial and Appeal Board ("TTAB" or the "Board") based on their fraudulent claims of trademark rights. Those proceedings resulted in decisions that included the following findings by TTAB:
- (a) In S Indus., Inc. and Central Mfg. Co. v. JL Audio, Inc., Opposition No. 110,672, Order of May 13, 2003 (TTAB), the Board stated that "Mr. Stoller's and opposers' litigation strategy of delay, harassment and even falsifying documents in other cases is well documented" and further noted Stoller's history of being "sanctioned, individually, for making material misrepresentations."
- (b) In S Indus., Inc. and Central Mfg. Co. v. Casablanca Indus., Inc., Cancellation No. 92024330, Order of Oct. 3, 2002 (TTAB), the Board likewise observed that Defendant Central Mfg.'s and Stoller's "litigation strategy of delay, harassment, and falsifying documents in other cases is well documented."
- (c) In S Indus., Inc. v. S&W Sign Co., Inc., Opposition No. 91102907 (Dec. 16, 1999), the Board noted that "[t]he lack of credibility of Mr. Stoller is a matter of public record."
- (d) In S. Indus. Inc. v. Lamb-Weston Inc., 45 U.S.P.Q.2d 1293, 1295 (TTAB 1997), the Board found that SI and Stoller had made "fraudulent" statements under oath in order to backdate pleadings filed with the Board.

Defendants' Fraudulent Acquisition Of Federal Registrations From SI

20. SI, through Stoller, purported to assign several federal trademark registrations and applications to Defendant Central Mfg. Many of the alleged assignments were dated on or about June 5, 1994, but were not recorded with the U.S. Trademark Office until various times in or after 1998. The registrations and applications allegedly assigned by SI to Defendant Central Mfg. include those that are listed in Exhibit B hereto and are incorporated herein by this reference.

- 21. The assignments from SI to Defendant Central Mfg. for the registrations and applications listed in Exhibit B hereto were knowingly and deliberately fraudulent on the part of Stoller and Defendant Central Mfg. Defendant Central Mfg., Defendant Stealth and Stoller also utilized these purported registrations as vehicles to perpetrate an intentional pattern of fraud on a significant number of persons and companies, as well as on the Courts and TTAB. Among other things:
- (a) SI had ceased operating as an actual business years before the alleged assignments. Not only had SI's rights in the marks accordingly been abandoned (assuming they ever existed), but the subsequent purported assignments were not accompanied by any assets or existing, on-going business. Nor did the assignment agreements -- which recited that the transfers of the registrations were only for nominal consideration -- reflect any such transfer of any assets or existing, on-going business. As such, and as has been known to Defendants at all material times, because no existing good will accompanied them, the ostensible transfers were assignments-in-gross that rendered invalid both the registrations and any common law rights, even assuming any such rights ever once existed.
- (b) According to sworn testimony by Stoller, SI had allegedly transferred ownership of most or all of the registrations and applications set forth in Exhibit B to Defendant Central Mfg. in or about 1994. Nevertheless, after the alleged assignments, SI and Stoller continued to fraudulently hold out SI as the owner of intellectual property and to fraudulently file and prosecute, in the name of SI, lawsuits in the Courts and proceedings before TTAB. In the United States District Court for the Northern District of Illinois during the years 1996 and 1997, SI and Stoller initiated at least 35 suits in SI's name that misrepresented that SI was the owner of the registrations and applications asserted in those cases and that SI was the owner of the common law trademark rights asserted in those cases. See Exhibit A hereto.
- (c) Likewise, in TTAB, SI and Stoller initiated numerous proceedings in SI's name that alleged SI was the owner of the registrations, both after SI had ceased to effectively exist and after SI had purportedly transferred the registrations to Defendant Central Mfg. Examples of such fraudulently commenced and prosecuted proceedings in TTAB include without limitation each of the following:

Proceeding No.	Registration No.	Filing Date of Proceeding by SI and Stoller	Date of Alleged Assignment of Registration to	Other Party to Proceeding
91110672	1717010	05/29/1998	Central Mfg. 12/29/1997	JL AUDIO, INC.
91110659	2140524	03/23/1998	06/05/1997	ENTRA TECHNOLOGIES COMPANY
92027323	2057613	01/23/1998	11/01/1997	ROSE'S RESTAURANT'S INC.
91108615	1326765	11/17/1997	06/05/1997	INTRACO FOODS PTE LTD.
91107902	1623790	09/12/1997	06/05/1996	REALITY BYTES, INC.
91107648	2064576	09/03/1997	06/05/1997	GLOBAL UPHOLSTERY COMPANY
91107040	1326765	07/10/1997	06/05/1997	ST. JOSEPH LIGHT & POWER CO.
91106515	1326765	06/06/1997	06/05/1997	SENTRACHEM LIMITED
91110350	1615004	05/01/1998	09/01/1997	KAYDON CORPORATION
91109973	1615004	03/25/1998	09/01/1997	MANCO PRODUCTS, INC.
91108480	1615004	11/05/1997	09/01/1997	TERMINATOR TURTLE, LP

(d) Stoller and SI also filed knowingly fraudulent papers with the U.S. Trademark Office in order to unlawfully maintain the registrations that had allegedly been

transferred to Defendant Central Mfg. For example, SI, through Stoller, purported to assign Registration No. 1,564,751 for AEROSPACE to Defendant Central Mfg. on or about June 5, 1994. Nevertheless, on or about November 11, 1994, SI, through Stoller, filed a sworn statement with the U.S. Trademark Office to obtain supposed incontestability status for the registration that averred SI had continuously been using the mark on the goods listed in the registration, that it was still doing so and that SI was the owner of the purported registration. Even to this day, SI holds itself out as the purported owner of Registration No. 1,564,751.

- (e) The registrations and applications listed in Exhibit B attached hereto were, and are, invalid and fraudulent for the further, independent reason that the alleged assignments from SI were to a non-existent entity. The assignee named by SI and Stoller in their transfer documents and in their filings with the Courts and TTAB is listed as "Central Mfg. Co." Although a company named Central Mfg. Inc. apparently is a legal entity under the laws of Delaware, Central Mfg. Co. does not exist and never has existed. Nor was Stoller's misidentification inadvertent. Rather, as the Court found in *Central Mfg. Co. v. Pure Fishing. Inc.*, No. 05 C 725 (N.D. Ill) (Lindenberg, J.) as discussed further below, Stoller's misrepresentations about the corporate status of "Central Mfg. Co." were intentional so as to mislead and defraud those who dealt with the non-existent "Central Mfg. Co." and to perpetrate a fraud on the Courts by enabling and concealing Defendants' false assertions of trademark rights.
- by threatening and instituting sham litigation, the transfer of trademark applications and registrations previously held by third parties to Defendant Stealth and Defendant Central Mfg. These include without limitation U.S. Trademark Application Nos. 74-735,867, 74-735,868, 74-493,718, 74-475,481, 74-340,300, 74-476,028, 74-630,176, 74-734,680, and 74-534,766 as well as U.S. Trademark Registration Nos. 1,717,010, 1,766,806 and 2,269,113. Upon information and belief, these transfers were also invalid assignments-in-gross, including without limitation in that they were not accompanied by any assets or existing, on-going business, and furthermore were not validly maintained, including without limitation in that the alleged marks were not used in commerce in connection with the goods or services set forth in the applications and registrations. Nevertheless, Defendants have misused these applications and registrations to claim rights they do not own, to fraudulently demand licensing fees and to threaten sham

lawsuits against others, despite Defendants' knowledge that such applications and registrations are not, and were not, valid.

Defendants Continue, And Expand, Their Pattern Of Fraud

- 22. Since the time of the alleged assignment of the registrations and applications from SI, Defendant Central Mfg., Defendant Stealth and Stoller have engaged in, and continue to engage in, numerous fraudulent business practices as part of a scheme to extort money and property from innocent individuals and innocent companies, both large and small. As described further below, these practices include:
- (a) false claims, including through the creation and circulation of fraudulent commercial documents, that non-existent entities are actual, legitimate businesses and that such non-existent entities have ownership and/or licensing rights to trademarks;
- (b) false claims of right to intellectual property that Defendants know they do not own and have no colorable right to;
- (c) false claims to own federal trademark registrations that Defendants know they do not own and in some instances do not even exist;
 - (d) the filing of fraudulent documents with U.S. government agencies;
- (e) representations that Defendants offer or have offered goods or services that they have not, and in some cases never have, supplied;
- (f) false representations that they provide legal services, even though they are not admitted in any State to practice law;
- (g) unlawful threats to disseminate, and the unlawful dissemination of, false representations about targeted companies or individuals in the media or to the public if they do not pay money or surrender rights as demanded by Defendants; and
- (h) threatening and instituting sham trademark lawsuits and other frivolous legal proceedings.
- 23. This and other Courts repeatedly have confirmed that Defendants continue to engage in a pattern of falsely claiming rights to marks they do not own, including by the fabrication of evidence and the provision of false testimony, and continue to attempt to enforce those non-existent rights by threatening and filing frivolous litigation, including in some instances by the use of false names. In addition to the decisions involving Stoller, Defendant Central Mfg. and SI that are discussed above, such decisions include the following:

- In Central Mfg. Co. v. Brett, No. 04 C 3049 (N.D. III) (Coar, J.), the Court (a) ruled that Defendant Central Mfg. and Stoller lacked the trademark rights they had claimed and on that basis, among others, entered judgment against them. It further observed that "Stoller appears to be running an industry that produces often spurious, vexatious, and harassing federal litigation" and recited the findings by "several courts in this district" that Stoller and Defendant Central Mfg. are "engage[d] in a pattern and practice of harassing legitimate actors for the purpose extracting a settlement amount." The Court ordered them to pay an award of attorneys' fees based on findings that "Leo Stoller and his companies present paradigmatic examples of litigants in the business of bringing oppressive litigation designed to extract settlement" and that they had offered "questionable, and seemingly fantastical documents" and "inconsistent, uncorroborated, or arguably false testimony." As a further part of that decision, the Court reviewed and summarized the terms of the "settlement agreements" that Stoller and Defendant Central Mfg. alleged evidence their trademark rights and found that they, in fact, confirmed such Defendants had "engage[d] in a pattern and practice of harassing legitimate actors for the purpose of extracting a settlement amount. The judicial system is not to be used as an aid in such deliberate, malicious, and fraudulent conduct."
- In Central Mfg. Co. v. Pure Fishing, Inc., No. 05 C 725 (N.D. III) (b) (Lindenberg, J.), the Court entered judgment against Defendant Central Mfg. as a sanction for Defendant Central Mfg.'s and Stoller's abuse of the legal process. In doing so, the Court found that Stoller "has earned a reputation for initiating spurious and vexatious federal litigation." In the case before it, the Court found that Stoller, Defendant Central Mfg. Co. and their counsel had engaged in "gross misconduct" and "unethical conduct" which included Stoller's signing of pleadings with counsel's name even though Stoller is not a lawyer; had brought motions "that lacked any evidentiary support" and were otherwise "baseless"; and had evinced "flagrant contempt for this Court" and "an appalling lack of regard" for the judicial process. In particular, the Court ruled that "Central Mfg. Co., through Mr. Stoller," and their counsel violated Federal Rule of Civil Procedure 11(b) "by maintaining that Central Mfg. Co. was a Delaware corporation," even though it was not. As it explained:

Contrary to the statements in Central Mfg. Co.'s initial and amended complaints, it is not an independent legal entity and is not incorporated under the laws of Delaware. Central Mfg. Co. filed an amended complaint with this Court on May

26, 2005 stating that it was a Delaware corporation, while almost simultaneously filing a motion before Judge Hart stating that Central Mfg. Co. was a d/b/a for Central Mfg. Inc. See Columbia Pictures Industries, Inc. v. Stoller, et al., 05 C 2052. Plaintiff, through Mr. Stoller, filed this case under a false name. Since the inception of this case, and unquestionably prior to filing the amended complaint, Mr. Stoller knew that he had not incorporated Central Mfg. Co. However, Mr. Stoller likely attempted to conceal this fact from the Court because the trademark registrations that are the basis for the infringement claims, state that Central Mfg. Co., not Central Mfg. Inc., owns sole title to the disputed marks. The conduct of Central Mfg. Co., through Mr. Stoller, is akin to the conduct in Dotson. 321 F.3d 663. In Dotson, the Seventh Circuit upheld dismissal of a plaintiff's case with prejudice as a sanction for filing suit under a false name. Id. at 668. Accordingly, Central Mfg. Co. and Mr. Stoller deserve the same sanction for filing suit on Ibelhalf of a false corporation.

- (c) In Central Mfg. Co. v. Medtronic Sofamor Danek Inc., Opposition Nos. 9115485 and 91154617 (TTAB Feb. 19, 2004), the Board imposed Rule 11 sanctions against Defendant Central Mfg. for filing motions that were "without merit, constitute harassment, and can only be assumed to have been brought for purposes of delay."
- (d) In Central Mfg. Inc. v. Third Millenium Tech. Inc., 61 U.S.P.Q. 1210, 1214-15 (TTAB 2001), the Board found that Stoller and Defendant Central Mfg. had "engaged in a pattern" of submitting papers that were based on "false statements and material misrepresentations." It ruled, in particular, that Stoller and Defendant Central Mfg. had filed requests for extensions of time on the basis of non-existent settlement negotiations and had "acted in bad faith and for improper purposes, i.e., to obtain additional time to harass the applicant, to obtain unwarranted extension of the opposition period, and to waste resources of applicant and the Board."
- 24. Undeterred by these and similar rulings, Defendants to this day have continued, and even expanded, their fraudulent scheme by now falsely claiming that they own rights in, and have the right and ability to license, many thousands of trademarks. As described below, Defendants have repeatedly made these misrepresentations in commercial advertising and to hundreds of companies and individuals, including Plaintiff, targeted by Defendants for extortion.

- 25. Since November 2005 alone, Defendants filed more than 1800 requests for extensions of time to oppose applications for trademark registrations that had been published by the United States Trademark Office. Simultaneous with this proliferation of filings, Defendants have sought to extract money or property out of at least many hundreds of applicants by asserting that Defendants purportedly own rights to all of these many hundreds of marks which have been the subject of those applications.
- 26. Many of these extortionate demands and false representations directed to applicants for registration are evidenced in Defendants' sham filings with the Trademark Office itself. For example, Defendants' April 12, 2006 request for an extension of time to oppose Application Serial No. 78192386 for "VP VENTURES" includes the following:

Please contact (773-589-0915 FAX) VENTURE BRAND LICENSING to resolve this trademark controversy VENTURE v VP VENTURES and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your VENTURE BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

A true and correct copy of the April 12, 2006 request is attached hereto as Exhibit C.

- 27. Many of Defendants' more than 1800 filings included virtually identical language, except that they substitute a different alleged licensing entity that purports to have a name supposedly similar to the mark which was the subject of the application -- such as "ELLA BRAND LICENSING," "FINGO BRAND LICENSING," "SKILL BRAND LICENSING," "MERMAID BRAND LICENSING," "DIAMOND BRAND LICENSING," "STRA BRAND LICENSING," "WORKOUT BRAND LICENSING," "FRIENDS NETWORK BRAND LICENSING," "SIFI BRAND LICENSING," "PM BRAND LICENSING," "NANO BRAND LICENSING," "HAPPY BRAND LICENSING," "LAKE BRAND LICENSING" and "RUNNER BRAND LICENSING." True and correct copies of examples of these additional requests are attached hereto as Exhibit D.
- 28. The representations contained in Defendants' more than 1800 filings described above as well as their associated communications were, and are, knowingly false.
- (a) The multitude of licensing companies claimed by Defendants do not exist, nor did they own the purported rights to the marks claimed. Not only did Stoller's bankruptcy

filing in December 2005 make no mention that he has ownership interests in any of these hundreds of supposed entities, but by an Order dated July 14, 2006 TTAB ruled that neither Stoller nor his supposed entities owned the rights they proclaimed to have. In its July 14, 2006 Order, TTAB initially referenced the "pattern of misconduct and abuse of the TTAB's processes" over the course of "many years" by Stoller and the purported entities associated with him. Although TTAB had ordered Defendants to provide "for each of the marks for which you requested an extension of time to file an opposition, evidence that supports a claim that you may be damaged by registration of the mark" and to "demonstrate that the extension requests were not filed for improper purposes but, instead, were based on cognizable rights you may have arising under the Trademark Act," Defendants provided no such proof: "Your submissions do not substantiate your rights in any of the claimed marks, let alone support a colorable claim of damage. . . . You submitted no evidence of products or services bearing these alleged marks, no evidence that you have sold any products or services under these marks, and no evidence of your advertising of goods or services with these marks." As TTAB observed, the evidence Defendants did submit only served to "reinforce the conclusion that you are holding up thousands of applications in an attempt to coerce applicants to license, i.e., 'rent,' trademarks to which you have not demonstrated any proprietary right." TTAB thus found that Defendants had "filed the extension requests for improper purposes, namely, to harass the applicants to pay you to avoid litigation or to license one of the marks in which you assert a baseless claim of rights." For those violations, which were deemed to constitute "egregious" misconduct, the Board imposed an array of sanctions, including dismissal of the TTAB proceedings filed by Defendants which were the result of their frivolous requests for extension of time. A true and correct copy of TTAB's July 14, 2006 Order is attached hereto as Exhibit E.

(b) Furthermore, Defendants are not qualified to practice law in any state and are not entitled to engage in the practice of law. Nevertheless, in their abusive filings described above, Defendants have solicited payment for the provision of legal services such as "brief writing," "drafting pleadings" and "legal research." Not only do such acts constitute the unauthorized practice of law by Defendants, but Defendants tout these false representations in order to cause targeted victims to erroneously believe that Defendants are authorized to engage in the practice of law, including for its *in terrorrum* effect and to deceive victims into capitulating to their extortionate demands.

- 29. Defendants also have made fraudulent representations in advertising and promotions through commercial web sites that they have published and displayed, and continue to publish and display.
- 30. Defendant Stealth and Stoller have represented on the site located at www.rentamark.com, and continue to represent, that "RENTAMARK.COM is an independent, full service, international licensing and merchandising agency. RENTAMARK.COM owns and controls over 10,000 famous trademarks specializing in the trademark licensing business." Elsewhere on that site, Defendant Stealth and Stoller represent: "RENTAMARK.COM is able to license your company with any one of our famous trademarks that will allow your business to sell its products and services worldwide. Below are our Licensed Word Marks. To view our e-Marks, simply click on the button in the control panel." That page then links to other pages that list many thousands of terms that Defendants claim to own and have the right to license. True and correct hard copy excerpts from Defendants' web site pages are attached hereto as Exhibits F and G.
- 31. The foregoing representations contained on Defendants' site are false. As to all or virtually all of the marks to which Defendants claim rights, Defendants do not have, and never have had, subsisting federal registrations for such marks and have not used such terms as marks or trade names in interstate commerce. Furthermore, Stoller's bankruptcy filing in December 2005 made no mention that he has purported ownership interests in any of the thousands of marks listed on the rentamark.com web site.
- 32. Confirming the bad faith and extortionate purpose behind Defendants' ever-proliferating, false claims of right, Defendants' latest campaign also came on the heels of recent Court actions that raise the prospect of imposing substantial monetary liability for Defendants' frivolous legal proceedings and other misconduct. The Central Mfg. Co. v. Brett decision quoted above was issued on September 30, 2005. This was soon followed by the decision quoted above in Central Mfg. Co. v. Pure Fishing, Inc. on November 16, 2005. In both cases, the Court ruled that Defendant Central Mfg. and Stoller are liable to pay attorneys' fees and costs, and the parties in those cases are seeking more than \$700,000 in reimbursement from Defendant Central Mfg. and Stoller.

Defendants' Scheme To Defraud Targeting Plaintiff Google

- 33. It is in the context of Defendants' expanded scheme of making spurious claims of right to many thousands of marks, and their continuing pattern of unlawfully demanding licensing fees and threatening and filing sham legal proceedings, that Defendants targeted Plaintiff Google.
- 34. As one of the some 1800 requests for extension of time filed by Defendants with TTAB since November 2005, Defendant Central Mfg. and Stoller sought on November 27, 2005 a request for an extension of time to oppose an application for registration filed by Plaintiff Google. A true and correct copy of Defendants' November 27, 2005 request, which was sent by means of the U.S. mail and interstate wires on or about November 27, 2005 and at times thereafter, is attached hereto as Exhibit H.
- On or about November 29, 2005, by means of the U.S. mail and interstate wires, Defendants sent a letter that purported to be on the letterhead of an entity called "GOOGLE BRAND PRODUCTS & SERVICES," which claimed to have been in business "SINCE 1981." In it, Defendants alleged to "hold common law rights" in the mark GOOGLE and to "have been using the similar mark GOOGLE for many years." The letter was signed "Leo Stoller GOOGLE." A true and correct copy of Defendants' November 29, 2005 letter and its attachments is annexed hereto as Exhibit I.
- 36. The attachments to the November 29, 2005 letter were also sent by means of U.S. mail and the interstate wires. In the proposed "Agreement To Discontinue Use (Covenant Not To Sue)" and the proposed "Settlement Agreement" attached to the letter, Stoller and Defendant Stealth proclaimed their "ownership of the mark GOOGLE," and the signature block to the proposed agreement was signed by Stoller for "GOOGLE" and as a "[r]epresentative of GOOGLE." Furthermore, both documents purported to identify Defendant Stealth (under the alias "Rentamark") as "Google." Elsewhere in the attachments, Defendants purported to identify the entity preparing the attachments as an entity named "GOOGLE" and included an alleged notice that the materials were "© GOOGLE 2000."
- 37. In the attachments to the November 29, 2005 letter sent by U.S. mail and interstate wires, Defendants also repeatedly represented that they owned a federal trademark registration for "Google" by use of the "®" symbol, including in the attachments entitled: "Why

Obtain A GOOGLE® License . . .," "GOOGLE® Licensing Program Licensee Requirements," "GOOGLE® Licensing Program," and "Licensing GOOGLE® Enables You To . . . ".

- In or about April or May 2006, Defendants sent by U.S. mail to Plaintiff correspondence with a return address label which falsely represented that it had been sent by an entity called "GOOGLE LICENSNING [sic]" and which reflected Defendants' address in Oak Park, Illinois. (The exact day of this fraudulent mailing cannot be ascertained because, in violation of U.S. Postal Service Regulations, Defendants omitted the date from their postage meter stamp.) A true and correct copy of this mailing label is attached hereto as Exhibit J.
- On April 10, 2006, Stoller and Defendant Stealth transmitted to Plaintiff by the 39. interstate wires two documents that purported to be from an entity called "GOOGLE™ BRAND TRADEMARK LICENSING." True and correct copies of these faxes from Defendants are attached hereto as Exhibits K and L.
- Beginning on or about April 28, 2006, Stoller and Defendant Stealth also 40. represented on the rentamark.com web site that that "GOOGLE" was, and is, among the marks that they purport to "own and control" and that they offer for licensing to third parties. True and correct copies of the relevant web pages are attached hereto as Exhibit M.
- Each of the foregoing representations of fact by Defendants recited above in 41. paragraphs 35 through 40 above were, and are, false and made by Defendants with the intent to deceive. As Defendants have known at all relevant times, those statements were false in at least each of the following respects:
- Defendants knowingly misrepresented the existence of an entity or entities variously called by Defendants as "GOOGLE BRAND LICENSING AND PRODUCTS," "GOOGLE LICENSNING [sic]" and "GOOGLE™ BRAND TRADEMARK LICENSING." No such entities exist, but are a fabrication by Defendants, and the commercial letterhead, fax cover sheets, labels and other commercial documents allegedly reflecting their existence are fraudulent.
- Defendants' representations to have common law rights in or to "Google" (b) as a mark or trade name are fraudulent. Defendants own no right, title or interest of any kind in "Google" as a mark, trade name or designation of origin. Defendants have not used "Google" as a mark or trade name, whether directly or through any licensee, in connection with bona fide sale of goods or services. No segment of the consuming public associates "Google" with Defendants or with any goods or services originating from or associated with Defendants. Defendants have

no right to license "Google" as a mark or trade name to any person or entity. Indeed, because Defendants' claim of right to "Google" was part and parcel of their more than 1800 filings with TTAB since November 2005, TTAB already has found pursuant to the July 14, 2006 Order that Defendants' assertion of rights to the "Google" mark was "baseless" and made for the unlawful purpose of seeking to extort money from Plaintiff. For those reasons, TTAB dismissed outright Defendant Central Mfg.'s sham opposition proceeding against Plaintiff. A true and correct copy of TTAB's dismissal Order is attached hereto as Exhibit N. Nevertheless, to this day and as shown above, Defendants continue to hold themselves out as the owner of rights to the "Google" mark and offer to license "Google" as a mark to third parties.

- Defendants' further claims that they have a federal trademark registration for "Google," made through their repeated uses of the statutory federal registration notice "®" and elsewhere, are false. Neither Defendants nor Stoller own any federal registration for "Google."
- Defendants also have made materially false representations of fact regarding 42. Defendants' purported success in litigation and in TTAB proceedings for the purpose of deceiving and coercing their victims into paying money and bolstering their false claims of right to trademarks, including as to "Google." Examples of such misrepresentations include:
- In a March 31, 2006 email to Plaintiff sent by means of the interstate (a) wires, Defendants, through Stoller, falsely asserted that "99% of my opponents opt to settle" and that "Google is in the 1% category that refused to pay any deference to my early on trays [sic] for a quick settlement." A true and correct copy of the March 31, 2006 email is attached hereto as Exhibit O.
- According to claims on Defendants' rentmark.blogspot.com web site (b) beginning on or about April 20, 2006 and continuing through the present: "Stoller has thus far prevailed in over 90% of its [sic] police actions against third party infringers. Companies like Wal-Mart, K-Mart and hundreds of other well known American companies have acknowledged Stoller's superior rights to its [sic] marks as a result of trademark litigation." A true and correct hard copy printout of Defendants' relevant web pages is attached hereto as Exhibit P.
- Beginning on or about April 20, 2006 and continuing through the present, (c) Defendants claimed on the www.rentmark.blogspot.com web site that "STOLLER CANCELS THE GOOGLE TRADEMARK." See Exhibit P attached hereto.

- (d) Beginning on or about June 16, 2004 and continuing through the present, Defendants claimed on the www.rentmark.blogspot.com web site that "Leo Stoller has participated in over 200 inter party [sic] proceedings over 25 years prevailing in [sic] over 95% of the time and over 60 district court trademark cases." A true and correct hard copy printout of Defendants' relevant web pages is attached hereto as Exhibit Q.
- 43. The foregoing representations of fact by Defendants set forth in paragraph 42 above were, and are, false. Neither Defendants nor Stoller have cancelled any registration owned by Plaintiff. Moreover, Defendants' representations as to its "success" in litigation are fictional. Defendants have not prevailed in "over 90%" or "over 95%" of its legal actions or obtained settlements from "99%" of those companies and individuals Defendants have targeted. To the contrary, as the Court observed in the *Brett* decision discussed above: "no Court has ever found infringement of any trademark allegedly held by Stoller or his related companies in any reported opinion." Indeed, as described above, Courts have repeatedly found lawsuits brought by Defendants and Stoller to be part of a pattern of sham litigation and have repeatedly sanctioned them for their groundless claims of trademark rights, their fabrication of evidence, their provision of false testimony and their other abuses of the judicial system.
- 44. In addition to their repeated assertion and dissemination of materially false statements, Defendants also made repeated unlawful threats against Plaintiff. These include without limitation:
- (a) Defendants' November 29, 2005 letter attached as Exhibit I hereto contained threats to bring sham legal proceedings and to harass, including by threatening to conduct "extensive discovery" which included depositions of Applicant's "executive officers," and referenced the fact that the mere filing of a legal proceeding, regardless of its lack of merit, would cost Plaintiff at least \$150,000. In exchange for refraining from inflicting such damage, Defendants demanded that Plaintiff either pay them money in the amount of at least \$100,000 or else cease all use of GOOGLE in connection with Plaintiff's business.
- (b) Defendants' March 31, 2006 email attached as Exhibit O hereto threatened to "refe[r]" Plaintiff's executives "to the US Attorney for a perjury charge should they lie under oath."
- (c) In a February 9, 2006 email, Stoller and Defendant Stealth threatened to publicize their allegations, which they claimed would mean "Google's stock won't be worth

\$5.00 a share" and would result in "the total destruction" of Applicant. A true and correct copy of the February 9, 2006 email is attached hereto as Exhibit R.

(d) In a March 2, 2006 email, Stoller and Defendant Central Mfg. again threatened to publicize their allegations with the intention of "driv[ing] down Google stock price" and then concluded with the statement that "I would not be surpirsed [sic] if Google goes out of business by the conclusion of this proceeding." A true and correct copy of the March 2, 2006 email is attached hereto as Exhibit S.

COUNT I

(15 U.S.C. § 1125(a)(1)(B) -- Against All Defendants)

- 45. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 43 above, as though fully set forth at length.
- 46. Defendants have made and disseminated, and continue to make and disseminate, false statements of fact in commercial promotions and advertisements about their goods, services and commercial activities. Such misrepresentations by Defendants include without limitation those set forth in paragraphs 26(a) through 31, 40, 42(b)-(d) and 43 above. Such statements are literally false and have a tendency to deceive a substantial segment of their audience.
- 47. Defendants have caused and continue to cause their false and misleading statements to enter interstate commerce, including by means of the Internet.
- 48. By reason of the acts alleged herein, Defendants have misrepresented, in commercial advertising and promotion, the nature, characteristics and qualities of their goods, services and commercial activities in violation of 15 U.S.C. § 1125(a)(1)(B).
- 49. Defendants' acts complained of herein have damaged and will continue to damage Plaintiff irreparably. Plaintiff has no adequate remedy at law for these wrongs and injuries. The damage to Plaintiff includes harm to its reputation that money cannot compensate. Plaintiff is, therefore, entitled to an injunction restraining and enjoining Defendants and their agents, servants and employees, and all persons acting thereunder, in concert with, or on their behalf, from engaging in false advertising and from otherwise making or utilizing false and misleading statements in connection with the promotion, advertisement or sale of goods, services and commercial activities.

50. Plaintiff has been and is likely in the future to be injured as result of Defendants' false statements. Plaintiff is entitled to recover three times its damages, to an accounting of Defendants' profits and to disgorgement of Defendants' ill-gotten gains, together with Plaintiff's attorneys' fees and costs, pursuant to 15 U.S.C. § 1117.

COUNT II

(18 U.S.C. §§ 1962(c) and 1964(c) -- Against All Defendants)

- 51. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 44 above, as though fully set forth at length.
- 52. Stoller is a "person" within the meaning of 18 U.S.C. § 1961(3). Stoller, Defendant Central Mfg. and Defendant Stealth constitute an enterprise within the meaning of 18 U.S.C. § 1961(4) in that they constitute a union and group of individuals and entities associated in fact although not a legal entity. Said enterprise evinces a hierarchy and structure separate and apart from the pattern of racketeering alleged herein, including without limitation in that Defendant Central Mfg. and Defendant Stealth purport to engage in legitimate activities in addition to the unlawful activities alleged in this Complaint.
- 53. Defendant Central Mfg., Defendant Stealth and Stoller, directly and indirectly as stated in 18 U.S.C. § 1962(c), execute an enterprise in and affecting interstate commerce by fraudulent, deceitful and extortionate practices as the term "enterprise" is defined in 18 U.S.C. § 1961(4), including through without limitation the predicate acts of mail fraud and wire fraud and the predicate acts of extortion. In particular, these racketeering activities include:
- (a) Acts And Threats Involving Extortion: On or about the date indicated in and as described in paragraph 44(b) above, Defendant Central Mfg., Defendant Stealth and Stoller, without lawful authority and with an intent to cause another to perform or to omit the performance of any act, communicated a threat to accuse a person of an offense, in violation of 720 ILCS 5/12-6 and 720 ILCS 5/15-5, and furthermore to harm the business repute of another, in violation of 720 ILCS 5/15-5, all of which accordingly constitute acts and threats involving extortion which are chargeable under State law and punishable by a term of imprisonment of more than one year as set forth in 18 U.S.C. § 1961(1). In addition, on or about the dates indicated in and as described in paragraph 44 above, Defendant Central Mfg., Defendant Stealth and Stoller, with an intent to extort money and other property from Plaintiff, sent and delivered

letters and other writings that expressly and impliedly threatened to inflict unlawful injuries to property in violation of California Penal Code §§ 519 and 523, which pursuant to California Penal Code §§ 520 and 523 constitute acts and threats involving extortion which are chargeable under State law and punishable by a term of imprisonment of more than one year as set forth in 18 U.S.C. § 1961(1).

- (b) Mail Fraud: On or about the dates indicated in and as described in paragraphs 35 through 38 above, Defendant Central Mfg., Defendant Stealth and Stoller, having devised a scheme or artifice to defraud Plaintiff by false representations, did for the purpose of furthering and executing such scheme or artifice to defraud, transmit and cause to be transmitted by means of mail communications in interstate commerce, writing, signs, signals, pictures or sound, in violation of 18 U.S.C. § 1341 and 18 U.S.C. § 2.
- (c) Wire Fraud: On or about the dates indicated in and as described in paragraphs 35 through 43 above, Defendant Central Mfg., Defendant Stealth and Stoller, having devised a scheme or artifice to defraud Plaintiff by false representations, did for the purpose of furthering and executing such scheme or artifice to defraud, transmit and cause to be transmitted by means of wire communications in interstate commerce, writings, signs, signals, pictures or sound, in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2.
- Defendant Central Mfg., Defendant Stealth and Stoller have executed within the past six years, and continue to execute, a pattern of racketeering activity within the meaning of 18 U.S.C. § 1961(1). The pattern of racketeering activity, as defined by 18 U.S.C. §§ 1961(1) and (5), presents both a history of unlawful conduct and a distinct threat of continuing unlawful activity in the future. Such activity consists of multiple acts of racketeering, is interrelated, not isolated, and is perpetrated for the same or similar purposes. Such activity extends over a substantial period of time, up to and beyond the date of this Complaint, and threatens to continue and to project itself into the future, including without limitation in that the predicate acts and offenses alleged herein have been part of an ongoing entity's regular way of doing business. Such activities occurred after the effective date of 18 U.S.C. §§ 1961 *et seq.*, and the last such act occurred within 10 years after the commission of a prior act of racketeering activity. Defendant Central Mfg., Defendant Stealth and Stoller have done so by performing the acts set forth above, including but not limited to the acts set forth in paragraphs 35 through 43 above, which constitute repeated violations of 18 U.S.C. § 1342 relating to wire fraud and 18 U.S.C. § 1341

relating to mail fraud, and the acts set forth in paragraph 44 above, which constitute repeated violations of State laws prohibiting extortion within the meaning of 18 U.S.C. § 1961(1).

- 55. The enterprise as described herein is at all relevant times a continuing enterprise because, among obvious reasons, it is designed to unlawfully extract and has damaged legitimate businesses including Plaintiff based upon fraudulent statements and threats of extortion as alleged herein.
- 56. As a direct and proximate result of the racketeering activity alleged herein, including by reason of the predicate acts constituting such pattern of racketeering activity by said Defendants, Plaintiff has suffered, and will in the future suffer, injury in its business or property.
- 57. Pursuant to 18 U.S.C. § 1964(c), Plaintiff is entitled to recover damages, to be trebled in accordance with statute, plus interest, costs and attorneys' fees, by reason of the pattern of racketeering activity and violations of 18 U.S.C. § 1962(c) alleged herein.

COUNT III

(Unfair Competition -- Against All Defendants)

- 58. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 44 above, as though fully set forth at length.
- 59. Defendants are, and at all relevant times have been, perpetrating a scheme of fraudulently claiming trademark and other rights, including without limitation by means of false marketing materials, by the use and circulation of fraudulent letterhead and other documents, by threatening and filing sham legal proceedings and by other illegal means as described herein, for the purpose of extorting money and property from others, including Plaintiff.
- 60. Defendants' statements, misrepresentations, threats and conduct alleged herein were made not for the purpose of protecting or enforcing any legitimate, or even colorable, rights, but instead for the bad faith purpose of unlawfully extracting money from Plaintiff Google. Said statements, misrepresentations, threats and conduct by Defendants, made for such illegitimate reason, constitute unfair competition under the laws of this State and other jurisdictions.
- 61. Defendants' acts complained of herein have damaged and will in the future continue to damage Plaintiff Google irreparably. Plaintiff has no adequate remedy at law for these actual and threatened wrongs and injuries. The damage to Plaintiff includes harm to its

good will and reputation in the marketplace that money cannot compensate. Plaintiff is therefore entitled to injunctive relief restraining Defendants and their agents, servants, and employees, and all persons acting thereunder, in concert with them, or on their behalf, from further engaging in acts of unfair competition as against Plaintiff.

- 62. As consequence of the foregoing acts of unfair competition by Defendants, Plaintiff is also entitled to an award of its actual damages, together with its costs and attorney's fees, and to the disgorgement of Defendants' ill-gotten gains.
- 63. Defendants' acts were in bad faith, in conscious disregard of Plaintiff's rights and were performed with the intention of depriving Plaintiff of its rights. Accordingly, Defendants' conduct merits, and Plaintiff seeks, an award of punitive damages in an amount sufficient to punish Defendants and deter such conduct in the future.

Prayer for Relief

WHEREFORE, Plaintiff Google prays that this Court enter judgment as follows:

- A. Enter an injunction prohibiting Defendants from engaging in further acts of false advertising, further acts of racketeering activity and further acts of unfair competition as to Plaintiff, pursuant to 15 U.S.C. § 1116, 18 U.S.C. § 1964(a) and state law;
- B. Enter an order requiring the dissolution and/or reorganization of the enterprise and requiring the divestment of any interest, whether direct or indirect, therein, pursuant to 18 U.S.C. § 1964(a);
- C. Award Plaintiff three times its damages and Defendants' profits, together with Plaintiff's reasonable attorney's fees and costs, pursuant to 15 U.S.C. § 1117 and state law;
- D. Award Plaintiff treble damages and costs of suit, including reasonable attorneys' fees, pursuant to 15 U.S.C. § 1117 and 18 U.S.C. § 1964(c);
- E. Award Plaintiff punitive damages in an amount sufficient to punish Defendants and deter such misconduct in the future;
 - F. Award Plaintiff prejudgment interest, as appropriate; and

G. Grant Plaintiff such other and further relief as this Court deems just and proper.

DATED: January 18, 2007 Respectfully submitted,

GOOGLE INC.

By: Mima 7. 7—
One of Its Attorneys

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EXHIBIT LIST

EXHIBIT	DESCRIPTION	
A	Cases Filed In Name of S Industries, Inc. in N.D. Ill. In 1996 and 1997	
В	SI Registrations and Applications Purportedly Transferred to Defendant Cen Mfg.	
С	Defendants' April 12, 2006 request for an extension of time to oppose Application Serial No. 78192386	
D	Sample of Defendants' Filings With Trademark Office	
Е	July 14, 2006 Order of U.S. Trademark Trial and Appeal Board ("TTAB")	
F	Excerpts from Defendants' web site pages	
G	Excerpts from Defendants' web site pages	
Н	Defendants' November 27, 2005 request for extension of time filed with TTAB	
I	November 29, 2005 letter from Leo Stoller to Google Inc.	
J	Mailing label for mail sent by Defendants to Google Inc.	
K	April 10, 2006 fax from Defendants to Plaintiff	
L	April 10, 2006 fax from Defendants to Plaintiff	
М	Printout of relevant web pages from Defendants' rentmark.blogspot.com web site	
N	July 14, 2006 TTAB dismissal order	
О	March 31, 2006 e-mail to Leo Stoller to Google Inc.	
Р	Printout of relevant web pages from Defendants' rentmark.blogspot.com web site	
Q	Printout of relevant web pages from Defendants' rentmark.blogspot.com web site	
R	February 9, 2006 e-mail by Defendants to Plaintiff	
S	March 2, 2006 e-mail by Defendants to Plaintiff	

EXHIBIT A

Exhibit A Cases Filed In Name of S Industries, Inc. in N.D. Ill. in 1996 and 1997

1.	1:96-cv-01035	S Industries, Inc. v. Amer Soccer Co. Inc.	filed 02/23/96
2.	1:96-cv-01138	S Industries, Inc. v. Netti Export Corp., et al.	filed 02/27/96
3.	1:96-cv-01218	S Industries, Inc. v. Bard Wyers Sports, et al.	filed 03/01/96
4.	1:96-cv-01264	S Industries, Inc. v. HHA Sports, et al.	filed 03/04/96
5.	1:96-cv-01325	S Industries, Inc. v. ERO Ind Inc., et al.	filed 03/06/96
6.	1:96-ev-01776	S Industries, Inc. v. Fit Bearings, et al.	filed 03/27/96
7.	1:96-cv-02037	S Industries, Inc. v. World of Weapons, et al.	filed 04/08/96
8.	1:96-cv-02038	S Industries, Inc. v. Pelican Pro Inc., et al.	filed 04/08/96
9.	1:96-cv-02166	S Industries, Inc. v. Wonderwand, et al.	filed 04/12/96
10.	1:96-cv-02231	S Industries, Inc. v. Lane, et al.	filed 04/16/96
11.	1:96-cv-02232	S Industries, Inc. v. GMI Prof. Access Sys., et al.	filed 04/16/96
12.	1:96-cv-03389	S Industries, Inc. v. Diamond Multimedia, et al.	filed 06/05/96
13.	1:96-cv-03524	S Industries, Inc. v. Centra 2000 Inc., et al.	filed 06/11/96
14.	1:96-cv-03525	S Industries, Inc. v. NAAN Irrigation Sys., et al.	filed 06/11/96
15.	1:96-cv-03592	S Industries, Inc. v. Nat'l Baseball Hall	filed 06/13/96
16.	1:96-cv-03593	S Industries, Inc. v. Funline Mdse Co. Inc., et al.	filed 06/13/96
17.	1:96-cv-03916	S Industries, Inc. v. Kimberly-Clark Corp, et al.	filed 06/27/96
18.	1:96-cv-04140	S Industries, Inc. v. Ecolab Inc.	filed 07/09/96
19.	1:96-cv-04141	S Industries, Inc. v. Tru-Fit Mkg Corp.	filed 07/09/96
20.	1:96-cv-04149	S Industries, Inc v. Mitsushiba Int'l Inc., et al.	filed 07/09/96
21.	1:96-cv-04434	S Industries, Inc. v. Brodix Inc., et al.	filed 07/19/96

22.	1:96-cv-04659	S Industries, Inc. v. JL Audio Inc., et al.	filed 07/29/96
23.	1:96-cv-04951	S Industries, Inc. v. Stone Age Equip. Inc., et al.	filed 08/12/96
24.	1:96-cv-06047	S Industries, Inc. v. Tournament Grade, et al.	filed 09/19/96
25.	1:96-cv-06507	S Industries, Inc. v. Photostealth Fabric	filed 10/04/96
26.	1:96-cv-06509	S Industries, Inc. v. Hobbico Inc., et al.	filed 10/04/96
27.	1:96-cv-06538	S Industries, Inc. v. E-Force Sports, et al.	filed 10/07/96
28.	1:97-cv-01817	S Industries, Inc. v. Hobbico Inc., et al.	filed 03/17/97
29.	1:97-cv-02787	S Industries, Inc. v. Space-Age Tech, et al.	filed 04/21/97
30.	1:97-cv-03702	S Industries, Inc. v. Sunshine Golf	filed 05/20/97
31.	1:97-cv-03703	S Industries, Inc. v. Tour Advanced Int'l	filed 05/20/97
32.	1:97-cv-03704	S Industries, Inc. v. N GA Disc Golf	filed 05/20/97
33.	1:97-cv-03705	S Industries, Inc. v. S E Golf	filed 05/20/97
34.	1:97-cv-03706	S Industries, Inc. v. Proclub Golfing Co.	filed 05/20/97
35.	1:97-ev-03707	S Industries, Inc. v. M & M Golf Inc.	filed 05/20/97

EXHIBIT B

Exhibit B

SI Registrations and Applications Purportedly Transferred to Defendant Central Mfg.

Serial Number	Registration Number	<u>Mark</u>
75016560	N/A	STEALTH
75242656	2137218	AIR FRAME
75242655	2138806	AIR FRAME
75230338	2137059	AIR FRAME
75228505	2128940	AIR FRAME
75228497	2138609	AIR FRAME
75228010	2140524	SENTRA
75218045	2110838	DARK STAR
75203742	2097863	FIRE POWER
75203741	2439735	STEALTH
75180414	2126933	STAR LITE
75154346	2077635	DARK STAR
75154345	2057613	DARK STAR
75154344	2061586	DARK STAR
75152224	2081565	DARK STAR
75143090	2273229	SENTRA
75130222	2083721	DARK STAR
75129214	2081347	DARK STAR
75129210	2071763	DARK STAR
75121252	2063283	STRADIVARIUS
75036382	3038587	STEALTH
75019143	2478742	STEALTH
75006422	2064576	SENTRA
75000280	2330467	STEALTH
74327774	N/A	STEALTH
74415569	1867087	STEALTH

74735868	2325054	STEALTH 9MM SHADOW
74735867	2325053	STEALTH 9MM
74734680	2523745	STEALTH
74726073	2551385	STEALTH
74724048	1984329	SENTRA
74724047	2025156	STEALTH
74630176	2024889	THE STEALTH
74476028	2657452	STEALTH
74063127	1766806	STEALTH
74004936	1717010	STEALTH
73778877	1615004	TERMINATOR
73793505	1608361	S
73778875	1623790	HAVOC
73771877	1621365	COLLIDER
73778748	1602482	ANNIHILATOR
73778747	1589092	24 KARAT
73771242	1593157	HYPERSONIC
73771241	1584851	AQUILLA
73767454	1581051	TRILLIUM
73772953	1596600	NIGHT STALKER
73771240	1564755	PHALANX
73768507	1564751	AEROSPACE
73621586	1450972	CHESTNUT
73553786	1438152	FIRE POWER
73554850	1424951	PLAY THE ANGLE
73552025	1389167	WHITE LINE FEVER
73552024	1384193	SENTRA
73552023	1382504	TIRADE
73551893	1381612	STRADIVARIUS

73496994	1332378	STEALTH
73481745	1326765	SENTRA
73478410	1361523	SENTRA
73399116	1323733	CREATIVE TRAVEL

EXHIBIT C

ESTTA Tracking number:

ESTTA76008

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: V.P. Holding S.p.A.

Application Serial Number: 78192386

Application Filing Date: 12/09/2002

Mark: VP VENTURES

Date of Publication 03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) VENTURE BRAND LICENSING to resolve this trademark controversy VENTURE v VP VENTURES and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your VENTURE BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/ 04/12/2006

Leo Stoller

President

Stealth Industries, Inc.
7115 W. North Ave., #272
Oak Park, IL 60302
UNITED STATES
Idms4@hotmail.com
773-589-0340

EXHIBIT D

ESTTA Tracking number:

ESTTA76007

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

XELLA INTERNATIONAL GMBH

Application Serial Number:

78190546

Application Filing Date:

12/03/2002

Mark:

XELLA

Date of Publication

03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) ELLA BRAND LICENSING to resolve this trademark controversy ELLA v XELLA and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your ELLA BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/

04/12/2006

Leo Stoller

President

Stealth Industries, Inc.
7115 W. North Ave., #272
Oak Park, IL 60302
UNITED STATES
Idms4@hotmail.com
773-589-0340

ESTTA Tracking number:

ESTTA76009

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: INFINGO, LLC

Application Serial Number: 78195155 12/17/2002 Application Filing Date: Mark: **INFINGO Date of Publication** 03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) FINGO BRAND LICENSING to resolve this trademark controversy FINGO v INFINGO and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your FINGO BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted.

/Leo Stoller/ 04/12/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

ldms4@hotmail.com

ESTTA Tracking number:

ESTTA75758

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SKILLJAM TECHNOLOGIES CORPORATION Applicant:

Application Serial Number: 76633965 Application Filing Date: 03/22/2005 Mark: **\$KILLJAM Date of Publication** 03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) SKILL BRAND LICENSING to resolve this trademark controversy SKILL v SKILLJAM and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your SKILL BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/ 04/12/2006

Leo Stoller

President

Stealth Industries, Inc. 7115 W. North Ave., #272 Oak Park, IL 60302 **UNITED STATES** Idms4@hotmail.com 773-589-0340

ESTTA Tracking number:

ESTTA72955

Filing date:

03/27/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: MATTEL, INC.

Application Serial Number: 76641311 Application Filing Date: 06/21/2005 MERMAIDIA **Date of Publication** 02/28/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., P.O. Box 35189, Chicago, IL 60707-0189, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) MERMAID BRAND LICENSING to resolve this trademark controversy MERMAID v MERMAIDIA and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your MERMAID BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 03/30/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 06/28/2006. Respectfully submitted.

/Leo Stoller/ 03/27/2006

Leo Stoller

President

Stealth Industries, Inc. P.O. Box 35189 Chicago, IL 60707-0189 **UNITED STATES**

Idms4@hotmail.com

ESTTA Tracking number:

ESTTA76011

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

INDUSTRIAS ALEN, S.A. DE C.V.

Application Serial Number: Application Filing Date:

78201258 01/08/2003

Mark:

DIAMOND

Date of Publication

03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) DIAMOND BRAND LICENSING to resolve this trademark controversy DIAMOND v DIAMOND and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your DIAMOND BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/ 04/12/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

ldms4@hotmail.com

ESTTA Tracking number:

ESTTA76012

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

Telstra Corporation Limited

Application Serial Number: Application Filing Date:

78206995 01/24/2003

Date of Publication

Mark:

TELSTRA 03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) STRA BRAND LICENSING to resolve this trademark controversy STRA v TELSTRA and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your STRA BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/ 04/12/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

Idms4@hotmail.com

ESTTA Tracking number:

ESTTA76013

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

Lawn Tennis Association of Australia Limited

Application Serial Number:

78210957

Application Filing Date:

02/04/2003

Mark:

AUSTRALIAN OPEN TENNIS WORKOUT

Date of Publication

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) WORKOUT BRAND LICENSING to resolve this trademark controversy WORKOUT v AUSTRÁLIAN OPEN TENNIS WORKOUT and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your WORKOUT BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/ 04/12/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

ldms4@hotmail.com

ESTTA Tracking number:

ESTTA76025

Filing date:

04/13/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: WebPower, Inc.

Application Serial Number: 78288158
Application Filing Date: 08/15/2003

Mark: INTERNET FRIENDS NETWORK

Date of Publication 03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) FRIENDS NETWORK BRAND LICENSING to resolve this trademark controversy FRIENDS NETWORK v INTERNET FRIENDS NETWORK and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your FRIENDS NETWORK BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/

04/13/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

idms4@hotmail.com

ESTTA Tracking number:

ESTTA76018

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: S.I.F.I. S.p.a.

Application Serial Number: 78242527 Application Filing Date: 04/27/2003 Mark: SIFIMAV

Date of Publication 03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) SIFI BRAND LICENSING to resolve this trademark controversy SIFI v SIFIMAV and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your SIFI BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/ 04/12/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

Idms4@hotmail.com

ESTTA Tracking number:

ESTTA76017

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

PMC-Sierra, Inc.

Application Serial Number:

78240756

Application Filing Date:

04/22/2003

Mark:

PMC

Date of Publication

03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) PM BRAND LICENSING to resolve this trademark controversy PM v PMC and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your PM BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted.

/Leo Stoller/

04/12/2006

Leo Stoller

President

Stealth Industries, Inc. 7115 W. North Ave., #272 Oak Park, IL 60302

UNITED STATES

ldms4@hotmail.com

ESTTA Tracking number:

ESTTA76014

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

JSR CORPORATION

Application Serial Number:

78224030

Application Filing Date:

03/11/2003

Mark:

NANOSTAR

Date of Publication

03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) NANO BRAND LICENSING to resolve this trademark controversy NANO v NANOSTAR and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your NANO BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/ 04/12/2006

Leo Stoller

Leo Stolle

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

ldms4@hotmail.com

ESTTA Tracking number:

ESTTA75999

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

Young Shin Health Corp.

Application Serial Number:

76637477

Application Filing Date:

04/29/2005

Mark:

HAPPYWELL 03/14/2006

Date of Publication

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) HAPPY BRAND LICENSING to resolve this trademark controversy HAPPY v HAPPYWELL and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your HAPPY BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/

04/12/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272 Oak Park, IL 60302

UNITED STATES

Idms4@hotmail.com

ESTTA Tracking number:

ESTTA75936

Filing date:

04/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

NINETY LONGVIEW, INC.

Application Serial Number:

76635950

Application Filing Date:

04/13/2005

Mark:

LAKO THE KITTEN

Date of Publication 03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) LAKE BRAND LICENSING to resolve this trademark controversy LAKE v LAKO THE KITTEN and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your LAKE BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted.

/Leo Stoller/

04/12/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

Idms4@hotmail.com

ESTTA Tracking number:

ESTTA75752

Filing date:

04/11/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:

Renner Herrmann S/A

Application Serial Number:

76628432

Application Filing Date:

01/20/2005 RENNER

Mark: Date of Publication

03/14/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Stealth Industries, Inc., 7115 W. North Ave., #272, Oak Park, IL 60302, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- Please contact (773-589-0915 FAX) RUNNER BRAND LICENSING to resolve this trademark controversy RUNNER v RENNER and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your RUNNER BRAND LICENSING, trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

The time within which to file a notice of opposition is set to expire on 04/13/2006. Stealth Industries, Inc. respectfully requests that the time period within which to file an opposition be extended until 07/12/2006. Respectfully submitted,

/Leo Stoller/

04/11/2006

Leo Stoller

President

Stealth Industries, Inc.

7115 W. North Ave., #272

Oak Park, IL 60302

UNITED STATES

ldms4@hotmail.com

EXHIBIT E

Alexandria, VA 22313-1451

UNITED STATES PATENT AND TRADEMARK **OFFICE** Trademark Trial and Appeal Board P.O. Box 1451

July 14, 2006

Leo Stoller 7115 W. North Avenue #272 Oak Park, Illinois 60302

Dear Mr. Stoller:

By order dated March 28, 2006, you were informed that the United States Patent and Trademark Office (USPTO) was considering imposing sanctions against you under 37 C.F.R. §10.18(c), and you were allowed thirty days in which to show cause why sanctions should not be imposed. On April 26, 2006, after an extension of time to respond was granted, you filed your response to the order to show cause.

BACKGROUND

Summary of the March 28, 2006 show cause order

The show cause order noted that you and entities you control filed more than 1100 requests for extension of time to file notices of opposition between November 2005 and March 2006. order noted, further, that the sheer number of such filings by one person is unprecedented and raises serious questions about whether the filings were undertaken for an improper purpose in violation of 37 C.F.R. § 10.18(b)(2), such as for harassment or unnecessary delay of the targeted applications.

The show cause order made reference to the numerous sanctions imposed on you, over many years, in past TTAB proceedings as evidence of your pattern of misconduct and abuse of the TTAB's

¹ The authority to impose sanctions under 37 C.F.R. §10.18(c) has been delegated to the Chief Administrative Trademark Judge from the General Counsel under authority delegated to him by the Under Secretary of Commerce and Director of the United States Patent and Trademark Office.

processes.² The show cause order alluded also to your conduct in Federal court proceedings that resulted in negative comment, chastisement, and the imposition of sanctions. In light of your well-documented history, it was concluded that you most likely had an improper purpose in filing such an extraordinary number of extensions of time to oppose.

You were instructed specifically that your response to the show cause order include, for each of the marks for which you requested an extension of time to file an opposition, evidence

² In particular, the following cases were cited in the show cause order: S. Indus. v. Lamb-Weston, Inc., 45 USPQ2d 1293 (TTAB 1997) (submission of fraudulent certificate of mailing and certificate of service); S Indus. v. S&W Sign Co., Opp. No. 91102907 (Dec. 16, 1999) (fraudulent allegations of ongoing settlement negotiations; allegations of non-receipt of papers found not credible); Central Mfg. Inc. v. Third Millennium Technology, Inc., 61 USPQ2d 1210 (TTAB 2001) (submission of false statements in order to secure extension of time to oppose); S Indus., Inc. v. Casablanca Indus., Inc., Canc. No. 92024330 (Oct. 3, 2000) (dilatory tactics throughout proceeding); Central Mfg., Inc. v. Flex-Coil Ltd., Opp. No. 91117069 (Feb. 19, 2002) ("opposer's representative has filed ... numerous papers [for] the sole purpose of harassing applicant, apparently until it capitulates"); Bacu USA Safety, Inc. v. Central Mfg. Co., Canc. No. 92032631 (Jul 24, 2003) ("respondent has ... failed to show cause why sanctions should not be imposed on it for filing the groundless Rule 11 motion, [and] has ... compounded its wrong by filing a groundless motion for reconsideration"); S Indus. v. JL Audio, Inc., Opp. No. 91110672 (May 13, 2003) (finding opposers' claim "without exception, completely devoid of merit"; opposers engaged in "a pattern of voluminous and piece-meal motion practice against which [they] were warned"); Central Mfg. Co. V. Astec Indus., Inc., Opp. No. 91116821 (Sept. 3, 2003) (judgment entered against opposer for filing abusive Rule 11 motions); Central Mfg. Co. V. Medtronic Sofamor Danek, Inc., Opp. Nos. 91154585, 91154617 (Feb. 19, 2004) (sanctions imposed for filing meritless motions for the purpose of harassment and delay); Central Mfg. Co. v. Premium Prods. Co., Opp. No. 91159950 (Sep. 29, 2004) (sanctions granted for opposer's bad faith omission of date from metered mail); Leo Stoller v. Northern Telepresence Corp., Opp. No. 91162195 (Feb. 11, 2005) (Board found that opposer had submitted untimely extensions of time to oppose notwithstanding use of certificates of mailing and declarations to the contrary; opposition dismissed); Bacu USA Safety, Inc. v. S Indus., Inc., Opp. No. 91108769 (Aug. 14, 2002) ("applicant's pattern of behavior ... reveals a deliberate strategy of delay, evasion and harassment ..., implied threats to the Commissioner, and ... a direct violation of a Board order").

that supports a claim that you may be damaged by registration of the mark.

Finally, you were informed that the sanctions being considered included terminating or vacating any extension of time to oppose found to have been filed in violation of the applicable rules, restriction of your right to appear before the USPTO on your own behalf or as an officer, director, or partner of any entity you control, and/or restriction of your right to request extensions of time to oppose on behalf of yourself or any entity you control.

Summary of Response

Your four-page response, to which you attached many pages of exhibits, consists of quotations from the show cause order, citation to certain cases to which you were a party and in which no sanctions were imposed on you, coupled with a request that the USPTO not impose any sanctions based on your past practices before the TTAB and other tribunals, and general comments concerning your basis for filing the numerous reguests for extensions of time to oppose, without mention of any particular request.

References to Other Proceedings

In asking that the USPTO not sanction you for your past conduct in TTAB cases and the cases in other tribunals, you point out that the Executive Committee for the federal judicial district of the Northern District of Illinois issued you a citation on December 15, 2005, allowing you time to show cause why "reasonable and necessary restraints" should not be imposed upon you in view of your activities in the lawsuits brought by you or your wholly-owned companies, before the Court. The Executive Committee quoted Judge Coar in Central Mfg. Co. v. Brett, 3 78 USPQ2d 1662, 1664 (N.D. Ill. 2005) as follows:

Indeed, as several judges (including this one) have previously noted, Stoller appears to be running an industry that produces often spurious, vexatious, and harassing federal litigation ... Plaintiff and one or more of his corporate entities have been involved in at least 49 cases

³ The Executive Committee referenced the case as: Case No. 04 C 3049, Stealth Ind. Inc. v. George Brett & Brett.

in this district alone. Of these, at least 47 purport to involve trademark infringement ... No court has ever found infringement in any trademark allegedly held by Stoller or his related companies in any reported opinion.

You also noted that, after filing your response, the Executive Committee ruled, without further explanation, as follows:

The Executive Committee of the Northern District of Illinois has considered your response to the citation issued to you on December 15, 2005. After discussion, the Committee will take no further action in this matter.

You then referred to an order in Leo Stoller d/b/a Central Mfg. Co. v. WFJM Enterprises, Inc., Opposition No. 91155814 (TTAB May 5, 2004), in which the TTAB denied, as premature, a motion to impose sanctions on you.

Finally, in asking that the USPTO not sanction you for your past conduct, you refer to the "S Industries v. Genie Door" case wherein the now Chief Judge of the Northern District of Illinois declined, eight years ago, to impose sanctions stating, in part, "the court, however, cannot base its decision to award fees on the plaintiff's conduct in other cases with other defendants." 5

Comments Regarding Current Extension Requests

You assert that none of the extensions that you have filed on your own behalf or on behalf of entities you control was made for any improper purpose or for harassment or delay. The show cause order specifically required you to provide, for each of the marks for which you have requested an extension of time to oppose, evidence supporting a claim that you may be damaged by registration of the mark. In response, you assert that you have met the standard for filing an extension of time to oppose, because all such extension requests "are not based upon the potential opposer being damaged by a registration, but are based upon the potential opposer merely having an opportunity to

⁴ The copy of the order provided with your response did not include the caption of the case. It appears that the correct designation of the case is *S Industries, Inc. v. GMI Holdings, Inc.*, Case No. 96 C 2232 (N.D. Ill. 1998).

⁵ While the Court did not award fees to defendant (GMI), the Court did award costs to defendant.

investigate the facts, obtain documentation, and to enable the potential opposer to consider its position with regard to potential opposition of an application." You did not provide information regarding any specific steps you have taken with regard to any application for which you have obtained an extension of time to conduct such an investigation.

With respect to the requirement that you support your claim of damage, you state that, through entities which you control, you "hold rights to over 100 Federal Trademark Registrations" and hold "Common Law rights to several thousand trademarks and slogans which can be found at www.rentamark.com." You submitted, as exhibits, excerpts from the referenced website, including a "list of emarks" to which you claim rights. You state that, for each extension filed, you relied on common law rights to a trademark that was, in your opinion, confusingly similar to the applicant's mark.6

In requesting that you not be sanctioned, you ask that the USPTO merely give you "... some direction to keep Leo Stoller on a proper course...."

Activities Since Issuance of the Show Cause Order

Since the date of the show cause order, you have filed requests for extension of time to oppose against more than 400 additional applications, bringing the total since November 2005 to over 1800, as compared to only six you filed in the five-month period between June and October 2005. In particular, USPTO records show that during the past year you have filed requests for extension of time to oppose as follows:

> June 2005 September 2005 October 2005 2 November 2005 47 December 2005 238

⁶ "For each of the extensions that Leo Stoller filed, Leo Stoller held Common Law rights to a trademark that was in Leo Stoller's opinion, confusingly similar to the potential opposer's mark." (Emphasis added.) It is assumed that your reference to "potential opposer's mark" was intended, rather, as a reference to the marks against which you filed the extension requests.

In your response to the show cause order, you stated that you had ceased filing extensions of time to oppose in those cases in which you would have relied on your alleged common law rights. It appears that you have done so.

Since the issuance of the order to show cause, you have contacted directly at least some of the applicants whose applications are the subjects of your requests to extend time to oppose. The TTAB has received informal complaints, formal requests for reconsideration of certain, specific extension requests, and at least one objection to the granting of any more extension requests. The nature of your contact, according to the applicant for application Serial No. 76616350, was "a large package of materials requesting money" in exchange for settlement. Apart from their substantive content, your contact letters request that the receiving applicant consent to an additional 90-day extension of time to oppose, further informing the addressee that such consent will be assumed if you do not hear from the applicant by a date certain and that you will file a "stipulated" request for an additional 90-day extension.8

APPLICABLE RULES

^{&#}x27;Contacting your potential adversary is not per se prohibited conduct. Indeed, many potential opposers do so in order to explore the possibility of initiating good faith, bilateral settlement discussion. Inasmuch as the substance of your contact is being addressed separately in connection with the requests being filed by the applicants who have taken formal steps to seek redress, the USPTO will not discuss in detail the "large package of materials" and other features of the contact letter.

⁸ Under TTAB rules, you would not be permitted an additional 90-day extension after receiving a first 90-day extension. "After receiving one or two extensions of time totaling ninety days, a person may file one final request for an extension of time for an additional sixty days No further extensions of time to file an opposition will be granted under any circumstances." Trademark Rule 2.102(c)(3); 37 C.F.R. §2.102(c)(3).

Trademark Rule 2.102 provides, in relevant part, for the filing of requests to extend the time to oppose as follows:

- (a) Any person who believes that ... it would be damaged by the registration of a mark on the Principal Register may file ... a written request ... to extend the time for filing an opposition. ... Electronic signatures pursuant to § 2.193(c)(1)(iii) are required for electronically filed extension requests.
- (c) Requests to extend the time for filing an opposition must be filed as follows:
 - (1) A person may file a first request for either a thirty-day extension of time, which will be granted upon request, or a ninety-day extension of time, which will be granted only for good cause shown.

Trademark Rule 2.193(c)(2) provides in relevant part as follows:

The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any document by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter.

Patent and Trademark Office Rule 10.18 provides as follows:

- (b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that-
 - (2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that- (i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office; (ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal

of existing law or the establishment of new law; (iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and (iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

- (c) Violations of paragraph (b) (1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of-
 - (1) Holding certain facts to have been established;
 - (2) Returning papers;
 - (3) Precluding a party from filing a paper, or presenting or contesting an issue;
 - (4) Imposing a monetary sanction;

(6) Terminating the proceedings in the Patent and Trademark Office.

DISCUSSION

Your assertion that you have met the standard for filing requests for extension of time to oppose and that you need not submit evidence supporting a claim that you may be damaged by registration of the marks in the subject applications amounts to a failure to respond meaningfully to the show cause order. While an unchallenged request for extension of time to oppose, when accompanied by a minimal statement of good cause, is rarely

denied, your filing of more than 1100 requests for extension of time to oppose within the few months preceding the date of the show cause order suggested a serious violation of your responsibilities as a party before the USPTO. The show cause order thus required you to demonstrate more than what might have been required in the ordinary case to support a single request for extension of time. In particular, you were required to demonstrate that the extension requests were not filed for improper purposes but, instead, were based on cognizable rights you may have arising under the Trademark Act.

Addressing directly the issue of your belief that you will be damaged, you indicate that you own over 100 federal registrations for trademarks and that you have common law rights in several thousand trademarks and slogans, referring to your website and attaching pages from your website to your response. Your submissions do not substantiate your rights in any of the claimed marks, let alone support a colorable claim of damage. For example, you did not submit copies of the registration certificates of the registered trademarks you claim to own. did you even clearly identify your registered trademarks and the goods and services for which they are registered.

In support of your claim of damage to your purported common law trademarks, you provided a listing of your claimed trademarks, running to almost 150 pages (50 terms listed on each page). The listing was derived from your website and includes nothing more than the listing of the marks themselves. You submitted no evidence of products or services bearing these alleged marks, no evidence that you have sold any products or services under these marks, and no evidence of your advertising of goods or services with these marks.

At your website, you offer to "RENT-A-FAMOUS slogan" and offer "Famous Trademarks for Rent On-Line." Your website states that you "control over 10,000 famous trademarks...." Nonetheless, the exhibits from your website do not demonstrate your offering for sale any goods or services, other than the "rental" of the marks themselves, nor do the website exhibits demonstrate the use of any of the asserted terms as trademarks. These excerpts from your website, rather than evidencing support of any purported claim for damage, reinforce the conclusion that you are holding up thousands of applications in an attempt to coerce applicants

⁹ But see, TBMP § 210, 211 (2d ed. rev. 2004) (regarding requests by applicants that the TTAB reconsider granted requests for extensions of time to oppose or deny subsequent requests).

to license, i.e., "rent," trademarks to which you have not demonstrated any proprietary right. Cf. Central Mfg. Co. v. Brett, 78 USPQ2d 1662, 1675 (N.D. Ill. 2005) ("Leo Stoller and his companies present paradigmatic examples of litigants in the business of bringing oppressive litigation designed to extract settlement.")

Finally, in requesting that the USPTO not sanction you for your past conduct, you reference in your response two court cases and a single TTAB case in which sanctions were not imposed on you. Although these other tribunals have for various reasons declined to impose sanctions, their decisions also contain findings supporting the conclusion that your recent activities in the TTAB are not isolated or anomalous, but rather reflect a pattern of harassing behavior. The rationales used by those other tribunals for declining to impose sanctions do not apply here, where the behavior is of such a systematic nature as to raise the potential cost of seeking a trademark for the public generally.

DETERMINATION

Your filing of an extraordinary number of requests for extension of time to oppose, particularly in light of your past behavior before the TTAB and the courts, constitutes a violation of your responsibilities under Patent and Trademark Rule 10.18(b). That rule provides that, by filing a paper (including the extension requests at issue here), you represent, among other things, that "[t]he paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office" and that "[t]he claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law." Patent and Trademark Rule 10.18(b)(2).

Extensions of time to oppose are granted ex parte, typically upon a minimal showing of good cause. Nonetheless, the requirements for an extension of time to oppose are clear: "Any person who believes that he, she or it would be damaged by the registration of a mark ... may file in the Office a written request ... to extend the time for filing an opposition." Trademark Rule 2.102(a) (emphasis added). Thus, while the potential opposer's showing

need not be extensive and the TTAB's examination of extension requests is usually cursory, Trademark Rule 2.102 and Patent and Trademark Rule 10.18 require that all requests for extension of time be based on a good faith belief that the potential opposer would be damaged by the potential registration.

The show cause order invited you to demonstrate that your filing of each of the extraordinary number of requests for extension of time to oppose was not improper. ("Any such showing should include evidence that supports a claim that you may be damaged by the registration of each of the marks for which an extension of time to oppose has been filed.") While extensions of time to investigate potential claims are common, the potential opposer must still hold some reasonable belief that it would be damaged by registration of the mark in question. Notwithstanding the opportunity offered to you to demonstrate such a belief, you have declined to make any such showing.

Any impropriety with respect to the letters you have sent to applicants against whose applications you have filed requests to extend time to oppose is not now under review. Nonetheless, the manner in which you request "consent" for prospective further requests to extend time to oppose, such consent being necessary under Trademark Rule 2.102(c)(3), is indicative of your motivation in filing the requests to extend time to oppose that are now under scrutiny. Specifically, your intimation that the individual applicant's consent is presumed if you do not receive an objection is in contradiction of your actual knowledge that any such consent must be explicit. See Central Manufacturing, Inc. v. Third Millennium Technology, Inc., 61 USPQ2d 1210 (TTAB 2001) (misrepresenting that applicant has "agreed" to the third and fourth requests to extend time to oppose). Thus, your contact letters, providing misinformation as to the requirements for the final extension request permitted under Trademark Rule 2.102(c)(3), support the finding that the extension requests at issue here were filed for improper purposes, specifically "...to obtain additional time to harass applicant, to obtain unwarranted extensions of the opposition period, and to waste resources of applicant and the Board." Id. at 1216.

In view thereof, it is determined that you have not made a showing that you have a colorable claim of damage justifying the extension requests filed during the period in question and have failed to establish good cause for filing such requests. It is determined, further, that you filed the extension requests for improper purposes, namely, to harass the applicants to pay you to

avoid litigation or to license one of the marks in which you assert a baseless claim of rights. Your misuse of the TTAB's procedures dictates that the USPTO impose on you an appropriate sanction.

Sanctions Imposed

In deciding what sanctions to impose, the USPTO considered the egregious nature and extent of your recent misconduct, including the impact of the misconduct on TTAB proceedings. You have been granted 90-day extensions of time to oppose more than 1800 applications. The effect has been to delay by at least three months the issuance of trademark registrations for each of those applications. In addition, the TTAB has had to divert significant resources to answering telephone inquiries from applicants or their representatives concerning your numerous filings. And the applicants against whom you have filed requests for extension of time to oppose have begun to submit formal objections that the TTAB must decide.

Also, the USPTO found it reasonable and proper to consider your recent misconduct in the context of your well-documented pattern of misconduct during many years of litigation before the TTAB and the courts as set out in the show cause order, which included the sampling of TTAB cases in which sanctions were imposed against you¹⁰ and the case in the Northern District of Illinois.¹¹ Cf. C.

¹⁰ Indeed, irregularities with respect to your filing of requests to extend time to oppose have been considered previously. See, for example, Stoller v. Northern Telepresence Corp., 152 Fed. Appx. 923, 2005 WL 2813750 (Fed. Cir. 2005), affirming the TTAB's decision denying as untimely your request(s). See also Central Manufacturing, Inc. v. Third Millennium Technology, Inc., 61 USPQ2d 1210 (TTAB 2001), imposing a sanction, for a period of one year, which required the actual signature of the adverse party for any request to extend time to oppose filed by you in which it was alleged that such request was being sought on consent, or had been agreed to, or in which there was any allegation of any type of settlement discussion. This sanction was imposed because the TTAB found that the applicant had not "agreed" to the extension requests, that the parties were not engaged in bilateral settlement discussions, and that applicant had not invited opposer to proffer a settlement agreement, all determinations being contrary to your proffered reasons for seeking the extensions at issue therein. The TTAB further found that you "filed papers based on false statements and material misrepresentations and, moreover, ... engaged in a pattern of submitting such filings to this Board."

Wright & A. Miller, 5A Fed. Prac. & Pro. Civ.3d § 1336.1 (2006) (appropriate to consider prior behavior in other cases when exercising a court's inherent authority); Fed. R. Civ. P. 11, Advisory Committee's Note (1993) (same consideration appropriate under Rule 11). While the USPTO has considered findings made by other tribunals, the pattern of activities in the TTAB alone justify the sanctions imposed below.

The following sanctions are, therefore, hereby imposed:

Grant of Extension Requests Vacated

The approval of each request for extension of time to oppose that you have filed since November 2005 is hereby vacated. 12

Two-Year Prohibition On Filing Extension Requests

You are hereby prohibited for a period of TWO YEARS from the date of this order from filing, on your own behalf or as an officer, director, or partner of any entity you control, any request for extension of time to oppose under Trademark Rule 2.102. This two-year prohibition applies whether or not you are represented by an attorney.

Requirement Of Attorney Representation For Any Future Extension Requests

You are PERMANENTLY prohibited from appearing before the USPTO on your own behalf or as an officer, director, or partner of any

In contrast to the two cited orders of the Northern District of Illinois in which the Executive Committee and the Court <u>declined</u> to impose sanctions, that court has chastised and sanctioned you numerous times. See, e.g., S Industries, Inc. v. JL Audio, Inc., 29 F. Supp.2d 878 (N.D. Ill. 1998) ("This has not been a good year for Plaintiff in the Northern District of Illinois, but, then again, Plaintiff has not been a good litigant."), referencing several other cases before the Court that had been decided against you. See also Central Mfg. Co. v. Pure Fishing, Inc., 2005 WL 3090998 (N.D. Ill. 2005) (and cases cited therein), in which the court imposed the sanction of dismissing plaintiff's claim and granting defendant's counterclaims to cancel registrations you own and for declaratory and injunctive relief. (The Pure Fishing case is suspended pending resolution of your petition in bankruptcy.)

¹² Extension requests granted more than 90 days ago have now expired. This sanction is, thus, moot with respect to such requests. But, if you have filed a notice of opposition against any of the involved marks, such notice of opposition is rendered untimely by this sanction, and any such opposition shall be dismissed.

entity you control for the purpose of filing any request to extend time to file a notice of opposition or any paper associated therewith. Any such future request must be filed by an attorney, who will be bound to act in accordance with USPTO Rule 10.18(b).

Request For "Direction"

Finally, you requested "direction" in how to proceed before the TTAB. As a frequent party to proceedings before the TTAB during the past ten years, you have been informed repeatedly about how the TTAB expects proceedings to be conducted. In the past, you have often ignored the direction given you by the TTAB, in the form of information or reprimand, or have found a way to side step such direction with improper or bad faith conduct.

The USPTO provides information to parties and the public electronically in a user-friendly format. The Trademark Act, the rules of practice in matters before the TTAB, The Trademark Trial and Appeal Board Manual of Procedure (2d ed. rev. 2004), and answers to frequently asked questions are all available for viewing and downloading at www.uspto.gov. While an individual may represent himself or herself (or a business in which he or she is an officer or partner) before the USPTO, see Patent and Trademark Rule 10.14(e), the TTAB "strongly recommend[s]" that a party be represented by an "attorney familiar with trademark law." TBMP §114.01 (2d ed. rev. 2004). Those who choose to represent themselves occasionally call the TTAB with questions and are provided procedural information. Overall, after being directed to the TBMP, they abide by the rules. Thus, there is no reason for the USPTO to conclude that the explanations provided in the TBMP are too complicated for pro se litigants, particularly for ones with an extensive history of practice before the TTAB.

Consequently, the TTAB's "direction" to you will remain the same that it has been for many years and the same as that given to other litigants representing themselves: engage an experienced trademark lawyer. Failing that, read and follow the applicable statute, rules, and cases and consult the TBMP for guidance.

Potential for Imposition of Broader Sanctions

The applicable rules permit broader sanctions. For instance, the USPTO considered whether to bar you permanently from filing

extension requests or to require that you be represented by an attorney with respect to any future Board matter, not just requests for extensions of time to oppose. At this time, the USPTO has restricted the sanctions imposed herein to those closely related to your recent misconduct and, it believes, the minimum necessary to prevent such misconduct in the future. Nonetheless, the question of broader sanctions will be revisited if you commit further improprieties in proceedings before the TTAB.

So ordered.

/signed/

J. David Sams Chief Administrative Trademark Judge Trademark Trial and Appeal Board United States Patent and Trademark Office

EXHIBIT F





RENTAMARK.COM is an independent, full service, international licensing and merchandising agency. RENTAMARK.COM owns and controls over 10,000 famous trademarks specializing in the trademark licensing business.

With over 25 years of experience in licensing, manufacturing, product placement and promotion, RENTAMARK.COM has expertise in handling all aspects of your trademark licensing and merchandising.

RENTAMARK.COM is able to license to your company one of the following famous trademarks that will allow your business to sell its products and services worldwide.

To view graphic image versions of our e-marks, please click on the Sample Catalog button in the control panel. Below we have listed e-marks in word form:

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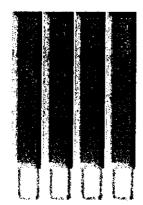


EXHIBIT G





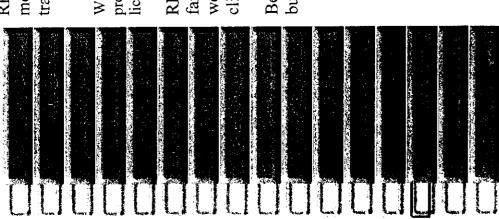
RENTAMARK.COM is an independent, full service international licensing and merchandising agency. RENTAMARK.COM owns and controls many famous trademarks specializing in the trademark licensing business.

promotion, RENTAMARK.COM has expertise in handling all aspects of your trademark With over 25 years of experience in licensing, manufacturing, product placement and icensing and merchandising.

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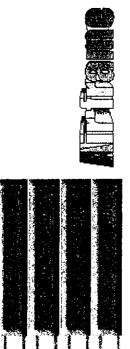
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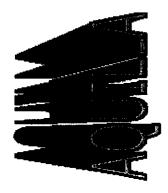


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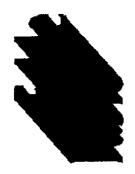
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8/14/2006

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KEYBOARD KISSABLE

JUMPSTART

INTERGALACTIC INTIMACY IRRESISTIBLE INTERACTIVE INGENIOUS INSTINCT



IMPACT INDOMITABLE

HOAX HOMECOMING

HONORS HYSTERIA

HITCHHIKING HIDEOUT

×

HEINOUS

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http://www.rentamark.com/Wordmarks/wordmarks.html

LAUNCHPAD LEATHER FACE

LEG WEAR

LIBATION

LANDSCAPE

LANDMARK

LIFEJACKET LOCKER ROOM

LUSCIOUS



MARKETPLACE MATCHMAKER MASTERPIECE MAKEOVER MANTRACK MATCHUP MAYDAY **MACHO**



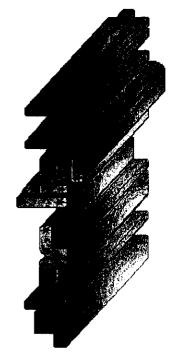
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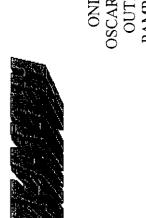


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NECTAR



ONLINE OSCARPADES PARADOX PAYCHECK **PAMPERING** OUTPOST



Lage IV ULLS



QUANDARY QUOTABLE RAIN FOREST



POKER POSTCARD PREY PROVOCATIVE **PUMP**

PIRANHA PIT FA EL PEAYBOOK PERISCOPE PERFECT

PLAYMOBILE

PEDIGREE

RAUNCH RECON REDEMPTION REMARKABLE REVENGE RIVERBOAT RELAX

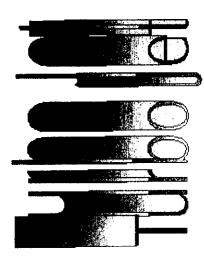


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SCORCH SCORPIONS SEAT POST SEDUCED S EN S UALISTS SHAKEDOWN SHIPSHAPE SHIPWRECK SALTWATER SCANDAL SCHMALTZ SHMOOZE SIDESHOW SAHARA

RIVERWALK ROAR ROOTLESS RUNAWAY ROUNDUP RULE





SONGWRJTER SPARKLE SMILE SMITTEN SNAFUS SNOOKUMS SOLUTIONS SIZZLE SMART SMARTRAK

SINFUL SINGLEWORLD

SPLASH SPOKESMAN SPOTLIGHT STARDOM STARTUP





VACATIONLAND VERDICT VOODOO

UNSURPASSED UNZIPPED

TAKEDOWN
TASTEFUL
TEASE
TECHNOLOGY
THREESOME
UNRIVALED
UPSIZING

STEAMY
STORYTELLER
STORYTELLING
STORYTELLING
SUBMISSION
SUBTERFUGE
SULTRY
SUMMERTIME

SUREFOOTED

SURRENDER

SURETRADE

SUREFIRE

SWEETHEART

SYNERGY

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WOODSHOCK WOW

WITCHCRAFT WINGSPAN WISEASS

WARNING WARRIOR WATERWAY WEEKEND WHIPLASH WILDLIFE

WANNABE

WALK

YIKES YOULOGON YUCKATION

ZESTY

STEALTH© TRANSPORTATION PREFERRED CLUB

×

Page 14 of 15

EXHIBIT H

Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov

ESTTA Tracking number: ESTTA55062

Filing date: 11/27/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: GOOGLE INC.

Application Serial Number: 76314811

Application Filing Date: 09/18/2001

Mark: GOOGLE

Date of Publication 11/01/2005

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Central Mfg. Co. (Inc), P.O. Box 35189, Chicago, IL60707-0189, UNITED STATES, a Corporation, organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good cause is established for this request by:

• The potential opposer needs additional time to investigate the claim

The time within which to file a notice of opposition is set to expire on 12/01/2005. Central Mfg. Co. (Inc) respectfully requests that the time period within which to file an opposition be extended until 03/01/2006.

Respectfully submitted, /Leo Stoller/

11/27/2005

Leo Stoller

President/CEO

Central Mfg. Co. (Inc)

P.O. Box 35189

Chicago, IL60707-0189

UNITED STATES

ldms4@hotmail.com

ldms4@hotmail.com

EXHIBIT I

GOOGLE

GOOGLE BRAND PRODUCTS & SERVICES SINCE 1981

P.O. Box 35189, Chicago, IL 60707-0189 VOICE 773/283-3880 * FAX 708/453-0083 * WEB PAGE: www.rentamark.com

November 29, 2005

Julia Anne Matheson ROSE HAGAN Google, Inc. Building 41 1600 Amphitheatre Parkway Mountain View, CA 94043

Re: **FOR SETTLEMENT PURPOSES ONLY - NOT DISCOVERABLE.**

<u>GOOGLE</u>

APP. S/N: 76-314,811

Dear Ms. Matheson:

We are serving notice on you that we have filed a request for an extension of time to oppose your client's pending trademark application SN: 76-314,811.

We hold common law rights have been using the similar mark GOOGLE for many years prior to your clients use of the said mark and we engage in an active, aggressive trademark licensing program. We thus invite your client to become a trademark licensee of ours.

We have standing pursuant to 37 CFR §2.101(b) to oppose your client's said trademark application and to conduct extensive discovery into your clients books and records, including depositions under oath of your client's executive officers.

THE BOARD PROVIDES A PERIOD OF TIME FOR PARTIES TO SETTLE

The Board encourages parties to settle registerability issues prior to filing of a Notice of Opposition. district Courts through out the land encourage parties to settle complex trademark litigation without getting into the actual merits of the claims, on the grounds that parties can will never settle a controversy outside of a court decision if the parties insist that their claims have to settled on the merits. In the case at bar, it will cost the parties at a minimum in excess of \$150,000.00 (one hundred and fifty thousand dollars an no/100) in fees and costs, and five years, to litigate this matter through to the Federal Circuit, without any party receiving a guaranteed positive result, not withstanding the merits of either parties claims. In view of the above the Board strongly encourage parties to settle register ability issues as between themselves rather than by TTAB decision. That is why the potential opposer is attempting to reach out to the Applicant in the extension period allowed by the Board to achieve an amicable settlement as between the parties.

It should be noted for the record that the potential opposer in this case has engaged in more oppositions and petitions to cancel over the last 30 years than any other entity currently practicing before the TTAB (over 300).

As well known to the Applicant, an Opposer in any opposition proceeding has the clear distinct procedural advantage in that there is an automatic "cloud" placed over the Applicant's title to its mark, which will not evaporate until the final court, the Federal Circuit speaks. After 4 or 5 new management, which loses interest in the said Application. In addition, the Applicant will not normally invest much of its time and funds promoting a mark which has a dark "cloud" over it. Consequently, an this Applicant would be well advised to merely file an express abandonment of the said application rather than continue to invest in an trademark application that may never register. That is what we encourage the applicant in this case to do. No money has to exchange hands, if the Applicant chooses to file a express abandonment with prejudice of its said application at issue within ten days.

This is an easy case to settle today.

Prior to our filing the Notice of Opposition, the potential opposer is placing on the table three reasonable settlement proposals, that when accepted by your client, will amicably resolve the registerability controversy. Number one is a Covenant Not To Sue where in your client agrees to abandon its trademark Application. The second is a 5% royalty based trademark licensing which will allow your client to use the said mark under license. The third agreement is a Consent To Register Agreement. Any of the said settlement agreements will avoid the need of a long and costly opposition proceeding and will allow the parties to resolve the said controversy registerability controversy amicably.

It should be noted that the potential opposer will <u>not</u> require the applicant, nor should be applicant require the potential Opposer to engage in any pretrial discovery whatsoever, as it has never been proven beneficial to resolving a registerably issue outside of a TTAB decision. The potential opposer will not participate in any pretrial discovery. If the Applicant is interested in settling this matter prior to the filing of a Notice of Opposition, the Opposer has given the Applicant three very easy methods upon which this case can be quickly settled.

The settlement offer(s) are valid until December 20, 2005.

If you have any questions please feel free to call me at 773-589-0340.

Most cordially,

Leo Stoller **GOOGLE**

P O Box 35189 Chicago, IL 60707

Tel: 773/283-3880

FAX: 708/453-0083

AGREEMENT TO DISCONTINUE USE

(Covenant Not To Sue)

AGREEMENT, is made and entered into as of this Vill day of NOV, 2005, by and between RENTAMARK.COM, P O Box 35189, Chicago, Illinois 60707-0189 (hereinafter referred to as "GOOGLE"), and GOOGLE INC., CORPORATION DELAWARE; 1600 Amphitheatre Parkway; Building 41; Mountain View, CA 94043 (hereinafter referred to as "GOOGLE INC.").

WHEREAS, GOOGLE and GOOGLE INC. desire to settle this dispute and future disputes regarding GOOGLE INC.'S use of the mark GOOGLE.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties agree to as follows:

- GOOGLE agrees not to sue GOOGLE INC. for any unauthorized use of selling 1. GOOGLE brand goods in the past and/or present use of the trademark GOOGLE.
- 1.1 GOOGLE INC. agrees to discontinue all use of the mark GOOGLE and any mark confusingly similar to the mark GOOGLE in the opinion of GOOGLE, by April 29, 2007.
- 2. The parties agree that this Agreement constitutes the entire agreement and understanding between the parties related to the subject matter hereof, superseding all previous communications, and that this Agreement can only be modified in writing signed by both parties.
- 3. GOOGLE INC. acknowledges GOOGLE's exclusive ownership of the mark GOOGLE and agrees not to oppose GOOGLE's applications or GOOGLE's use of its GOOGLE mark(s).
- 4. This Agreement shall be valid worldwide.
- 5. This agreement inures to the benefit of, and is binding upon, GOOGLE and GOOGLE INC., their parents, subsidiaries, sister companies, affiliates, entities which control the foregoing, entities which the foregoing control, and all of their successors and assigns.
- 6. The parties agree that this agreement will be maintained confidential.
- 7. This agreement becomes null and void on <u>December 20, 2005</u> if GOOGLE has not receive an executed copy from GOOGLE INC.
- 8. GOOGLE and GOOGLE INC. have caused this Agreement to be executed by their duly authorized legal representatives.

ACCEPTED AND AGREED:

C:\MARKS44\GOOGLE.TRO

GOOGLE	GOOGLE INC.
In Hour	
Representative of GOOGLE	Representative of:
	GOOGLE INC.
Date: NCY XI, CS	Date:
Lit Stouer	
Signing Representative of GOOGLE	Signing Representative of:
[PRINTED]	GOOGLE INC.
	[PRINTED]
Date: NCT St. CS	Date:

SETTLEMENT AGREEMENT (Consent to Register Application No. 76-362,450)

This Agreement, effective NOV 2005, is by and between RENTAMARK.COM, P.O. Box 35189, Chicago, Illinois 60707-0189 (hereinafter referred to as "GOOGLE") and GOOGLE INC., CORPORATION DELAWARE; 1600 Amphitheatre Parkway; Building 41; Mountain View, CA 94043 (hereinafter referred to as "GOOGLE INC.").

WHEREAS, GOOGLE INC. has filed Firs Use Application Serial No(s). 76-314,811 Int. Cl. No(s). 11, 12, 16, 18, 21, 25, 28, 35, 38 and 42, for See attachment.

WHEREAS, GOOGLE and GOOGLE INC. desire to settle this dispute and future disputes regarding GOOGLE INC.'s use of the mark GOOGLE as set forth in the trademark application 76-314,811.

WHEREAS, the parties desire to avoid the cost, expense and delay of litigation by amicably adjusting, compromising and settling any dispute, subject to the terms and conditions of this AGREEMENT.

NOW THEREFORE, in consideration \$100,000.00 (one hundred thousand dollars and no/100 cents) paid to RENTAMARK.COM by GOOGLE INC., for the foregoing promises, and the following mutual understandings, it is agreed as follows:

- 1. GOOGLE INC. agrees to limit its use of the mark GOOGLE to the goods identified in its Application Serial No. 76-314,811.
- 1.1 GOOGLE INC. agrees not to file for any other Trademark application containing the word GOOGLE.
- 2. GOOGLE shall not object to GOOGLE INC.'s use or registration of its mark GOOGLE listed in Application Serial No. 76-314,811.
- 3. GOOGLE agrees not to sue GOOGLE INC. for any past, or present or future <u>use</u> of the trademark identified in Application Serial No. 76-314,811.
- 4. GOOGLE INC. acknowledges GOOGLE's exclusive ownership of the mark GOOGLE and agrees not to oppose GOOGLE's applications or GOOGLE marks and agrees not to sue GOOGLE for use of it's GOOGLE mark(s).
- 5. This Agreement shall be valid worldwide.
- 6. This agreement inures to the benefit of, and is binding upon, GOOGLE and GOOGLE INC., their parents, subsidiaries, sister companies, affiliates, entities which control the foregoing, entities which the foregoing control, and all of their successors and assigns.

- 7. Neither party shall disclose the terms or conditions of this Agreement to any third party, nor issue any public statements relating to this Agreement without the written consent of the other party, unless such disclosure or statement is reasonably believed by the party to be compelled by governmental authority. A disclosing party shall furnish reasonable prior notice to the other party before making the statement or disclosure.
- 8. GOOGLE and GOOGLE INC. have caused this Agreement to be executed by their duly authorized legal representatives.
- 9. This Agreement can be executed in counterparts. If Rentamark.com, does not receive a signed copy by <u>December 20, 2005</u> this agreement is null and void.

Rentamark.com	GOOGLE INC.	
By Signal By Representative of GOOGLE	By	
Dated: MCY 91.05	Dated:	

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GOOGLE

GOOGLE BRAND PRODUCTS & SERVICES SINCE 1981

P.O. Box 35189, Chicago, IL 60707-0189 VOICE 773/283-3880 * FAX 708/453-0083 * WEB PAGE: www.rentamark.com

November 29, 2005

Julia Anne Matheson ROSE HAGAN Google, Inc. Building 41 1600 Amphitheatre Parkway Mountain View, CA 94043

FOR SETTLEMENT PURPOSES ONLY -- NOT DISCOVERABLE.

GOOGLE

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We have standing pursuant to 37 CFR §2.101(b) to oppose your client's said trademark application and to conduct extensive discovery into your clients books and records, including depositions under oath of your client's executive officers.

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As well known to the Applicant, an Opposer in any opposition proceeding has the clear distinct procedural advantage in that there is an automatic "cloud" placed over the Applicant's title to its mark, which will not evaporate until the final court, the Federal Circuit speaks. After 4 or 5 new management, which loses interest in the said Application. In addition, the Applicant will not normally invest much of its time and funds promoting a mark which has a dark "cloud" over it. Consequently, an this Applicant would be well advised to merely file an express abandonment of the said application rather than continue to invest in an trademark application that may never register. That is what we encourage the applicant in this case to do. No money has to exchange hands, if the Applicant chooses to file a express abandonment with prejudice of its said application at issue within ten days.

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If you have any questions please feel free to call me at 773-589-0340.

Most cordially,

Leo Stoller GOOGLE

P O Box 35189

Chicago, IL 60707 Tel: 773/283-3880

FAX: 708/453-0083

What is this Cease and Desist Letter

Success breeds imitation. The more popular and successful a Trademark and/or intellectual property becomes, the more probable the chances that infringing products, services or companies calling themselves the name of the successful trademark will appear.

The opportunity to take for free what others pay a royalty for is a strong incentive to some companies. Contrary to the mistaken notion, that any well known symbol and/or word that my be found in the dictionary is freely available to any company to adopt as their trade name, service mark or trademark, in the 21st Century, is simply false. There are no well known trademarks, service marks, trade names and/or domain names that have not already been adopted by some other company first, as in the case at bar. In the same manner that there are not any real property in the 21st Century that can be acquired for free or homesteaded. There are no free well known intellectual property left in the 21st Century. No free rides! However it is our obligation, as the Trademark owner to police and protect our intellectual property each and every day. Otherwise an intellectual property owner will not own it's property for long. Since there are no well known marks that have not been adopted by some company, there will always be a legal battle by companies to take those finite well known marks from their original owners without compensation.

Thus, once an infringer is identified, it is imperative that the infringer be stopped. However, filing a lawsuit immediately is neither suggested nor viable. The first step that must be taken is to alert the infringer. That you have been identified and it is demanded that you cease and desist from the sale and offering for sale of the infringing products or services or using our well known trademark as your company name, tradename, trademark, service mark and/or domain name. This warning included a recitation of all the actions required by you, the alleged infringer, such as identifying all profits made from the infringing products or services or the use of a confusingly similar corporate name. There can be grave consequences by continuing the alleged infringement. Furthermore, it is good business practice to put you on notice before litigation may is pursued. It always pays to first attempt to resolve trademark controversies outside of Court intervention. Please call us at 773-283-3880 to resolve this controversy.





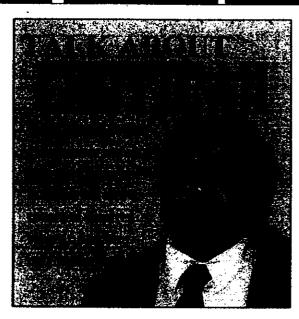
SEARCH ARCHIVES

CONDOLENCES

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COMMUNITY CALENDAR





TALK ABOUT CHUTZPAH: This Chicago Jewish entrepreneur 🛊 says he owns the rights to that word and a couple of hundred others. And he isn't kidding. **By** Pauline Dubkin Yearwood

From a cursory glance at Leo Stoller's Web site. you would think he

owns hundreds of common English words, from "adventure" to "zesty," and an equal number of phrases-"a bad dream," "bases loaded," "panic button," "sit back, relax, enjoy the ride.

That last one is one that wouldn't seem to apply to Stoller, a 59year-old,

trademark rights and threatening and bringing lawsuits that he has his own

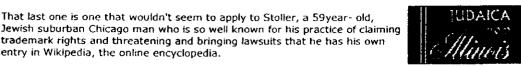
We are a partner in Virtual Jewish Chicago www.vjc.org **Bob Rohrman Auto** Group CompNet

> Supporting Community BE A SPONSOR

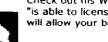
Virtual Jewish Chicago











Check out his Web site and you'll learn that Stoller's company, Rentamark.com, is able to license your company with any one of our famous trademarks that will allow your business to sell its products and services worldwide."

He is currently engaged in a high-profile legal dispute with Sony's Columbia Pictures over its movie about elite Navy pilots titled "Stealth," now playing in Chicago and elsewhere. Stoller attempted to force the studio to change the name of the movie and pay him royalties for use of the term "stealth," which he says he first registered as the trademark of a line of sporting goods in 1985.

Does that mean that Stoller owns the word "stealth"? Or, for that matter, "chutzpah," which is also on his list?

Can someone even own a word?

entry in Wikipedia, the online encyclopedia.

Another question: Is Leo Stoller an energetic entrepreneur or an "unscrupulous shyster," as a blogger, one of a number of online enemies, refers to him? A David who defends intellectual property rights or a Goliath who makes a living by sending frivolous cease-and-desist letters to companies and individuals who, as another blogger claims, "pay him off ... because it's cheaper to settle than

Ah, that is the question (a phrase Stoller has no doubt trademarked).



CONTACTOR

'Stealth' fighter: Chicago man says movie name belongs to him

Document 1

Battling Columbia Pictures over title, possible merchandise

> BY EMILY NGO Stuff Reporter

On billboards and in movie trailers everywhere, big, bold letters spell out "Stealth," a Columbia Pictures film opening Friday about Nevy pilots.

But those same big, bold letters also appear on Leo Stoller's list of federally registered trademarks, and he has hit the courts to make the case that "stealth" belongs to him.

"If a trademark owner doesn't potice his trademark, it gets diluted and watered down," said Stoller, a 59-year-old Owner Rentsmark.com, a Chicago company that licenses trademarks to others.

The legal battle over whether Colambia Pictures may use "Stealth" as the movie title and as the brand behind any marketed merchandise began with a cease-and-desist letter from Stoller in March, seeking to settle out of court.

Columbia Pictures then asked the federal court here to rule that Stolier did not have a trademarkinfringement case. Stoller has responded with a counterclaim.

Even Stoller says he doesn't exclusively own "stealth" as a word.



Leo Stoller has trademarked names such as "TERMINATOR," which he says he didn't police aggressively **enough.** -BOB BLACK/SUN-TIMES

He owns it only in relation to products he has registered under that name, said Clinton Francis, professor of intellectual property law at Northwestern University. Among these products: toy airplanes. Not among them: movies.

"He has a reduced prospect of bringing infringement action" if Columbia Pictures markets only the movie, Francis said. "But if they try to create derivative toys in the name

EBERT: "Stealth" a cross between "Top Gun" and "200t." Page 45

'Stealth' . . . that's classic infringement, there's going to create consumer confusion, and [Columbia Pictures] would have to obtain a license from [Stoller] to use 'stealth.'

'All our rights evaporated'

Stoller has licensed the name "STEALTH" for dozens of products and services. They include sporting goods, lawn sprinklers and "hunters' scent" spray. And orthodontic appliances.

Columbia Pictures refused comment because the matter is still in litigation.

Stoller said he wants to prevent the stealth matter from turning out the way "TERMINATOR". another trademark of his — did in the 1980c

"We didn't aggressively police our mark, and all the companies thought Carolco Pictures [the producer of the 'Terminator' films] was the primary user," Stoller said. "All our rights evaporated . . . there was a sucking sound from our company to theirs."

In years past, Stoller said, Rentamark has come to agreements with Northrop Grumman. contractor of the military's Stealth bomber, and with Nissan, manufacturer of the Sentra, another

Stoller trademark.

Fur flies in Uptown over dog-leash permits

BY LISA DONOVAN Staff Reporter

They growled about the cost, togic and bureaucracy of the \$35 fee for letting their pooches play in Chicago's dog-friendly spaces.

Those were the sentiments of some of the more than 100 dog owners and enthusiasts gathered Wednesday night in Uptown's Margate Park Fieldhouse to discass a new permit required for togs to play off-leash in Chicago Park District dog parks.

While most didn't mind the idea behind the measure - aimed at making sure dogs have checkups

lowed to mingle in such parks some balked at the fee, which they described as steep.

The \$35 permit required for the first dog in a home and \$15 for each additional pup covers administration fees and maintenance for the park district's 10 lots and beaches where dogs can run off-leash.

'Not in the money business'

Eric Miller, a lawyer and Uptown resident, said he wanted to know who came up with this Cook County mandate that the Park District must now enforce.

"Nobody seems to be taking reannnaihility for the most thin

several park district and county representatives, who explained the process and took questions.

Among them was Dan Parmer, an administrator with the Cook County Animal Control Unit. When Miller wasn't satisfied with the answer he got, he said, "It's been presented to us as a . . . requirement, but it looks like a grab for money."

An exasperated Parmer fired back, "I'm not in the money business; I'm not asking to be."

Parmer explained that other cities in the county already require such permits. In Chicago the Park District is making permit applica-

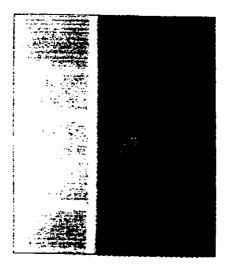


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S&P 500

Nasdag + 10.22 2.188.22 Russell 2000 + 2.99, 670,78

IN BRIEF



He protects 'stealth' with determination

Leo Stoller says he owns the trademark on the word "stealth." And businesses know he's not kidding. THE INSIDER, 3D

Trinsic gets extension on Nasdaq delisting

Trinsic Inc. said Wednesday its stock will remain listed on the Nasdaq SmallCap Market because of a temporary exemption it received from Nasdaq listing rules requiring a minimum market capitalization and bid price. To keep its shares listed on Nasdaq, the Tampa phone company must meet certain conditions, including raising its stock price to \$1 a share by Sept. 30 and keeping it that price or above for at least 10 straight trading days. Beginning Friday, Trinsic's stock will trade under the ticker symbol TRINC until it complies with all conditions. Trinsic released the Nasdag news after its stock closed unchanged Wednesday

Delta CEO:

BANKRUPTCY LOOMS: Employees are told that while aggressive cutting has helped, the airline is in a race to meet its goals.

BY STEVE HUETTEL Times Staff Writer

Delta Air Lines must take more steps to return to profitability as the carrier fights to stay out of bankruptcy court, chief executive Gerald Grinstein has warned employees.

While Delta's plan to save \$5-billion annually by the end of 2006 is paying off, high fuel prices and crushing debt me and be done quic memo distributed any new cost-cutt

Delta's shares 26 percent on the closing at \$2.95, cent.

The nation's tl 2 at Tampa Inter ported a \$382-mi quarter last week nounced modest

'EMPLOYEE-DI



Viewing Films, Taking a Call Marketing & Technology

A new service will play movies, sports and concerts on a cellphone. Oh, and it can still make a phone call. 66

Private War to Protect a Word Marketing

Leo Stoller has spent years defending his trademark to "stealth." The latest fight is with Columbia Pictures. CS



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Hands-On Readers

Why Newspapers Are Betting on Audience Participation

By KATHARINE Q. SEEL YE

ants a Piece

Big Media

DAVID CARR

Jf Your Pod

GREENSBORO, N.C. - "Get me rewrite!"

newspaper business, back when swashbuckling reporters else entirely, at least here where the people at The News & For years those words evoked the romanticism of the landed scoops with derring-do. Today they mean something Record, the local daily, are toiling to reinvent their newspa-

their own versions of articles they do not like. Their hope is convert the paper, through its Web site, www.newsrecord.com, into a virtual town square, where citizens have In this world, "Get me rewrite" will in effect be a menu option, a way for unhappy readers to go online and offer a say in the news and where every reader is a reporter. 9

cultural moment is under

orge on the same thing. d General Meters con-

us could probably agree

at any time Paris Hilton

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This feature, part of a planned overhaul of The News & Record's Web site that is to begin next week, is a potent where top-down, voice-of-God journalism is being chaisymbol of a transformation taking place across the country

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House of Wax," Ms. Hil-

ideast. On a podeast for

lenged by what is called participatory journalism, or civic or citizen journalism.

Under this model, readers contribute to the newspaper. And they are doing so in many forms, including blogs, phy ios, audio, video and podcasta.

publishers is an open question. But with gloomy financia orecasts and declines in circulation, some papers are startng to see participatory journalism as their hope for recon-Whether such efforts can revive revenue for newspap necting with their addlences.

an unedited Web site, in Bluffton, S.C., Blufftontoday.com is made up largely of reader contributibns, but some of the distributed free to residents. In Colorado, The Rocky Mouncontent is also published in a colorful tabloid newspaper and In some cases, like Backfence.com, in suburban Virginia, citizens are the only contributors, and the "newspaper" is

Continued on Page 4

WF 8 CON(

inetoric that might apply equally to the Litchine or Ma, Hitton: 'Its body

eatures with a spacious quiet inter-

ar " Notably, the carmaker used

high-level technology and luxury

suick Lucerne, which combines

WHY OBTAIN A GOOGLE® LICENSE...

Americans are brand conscious. More than 95 percent of all products sold in America are branded goods and more than \$120 billion is spent in advertising to create and maintain brand images for those products. The reason: Consumers' buying habits are tied to how they think and feel about a brand.

In today's competitive marketplace, the licensing of brand names for new products - essentially, borrowing an established brand name in order to sell more product - has become increasingly prevalent. Sales of licensed products in the U.S. now total more than \$151 billion a year and over 40% of all goods sold are licensed products.

The reasons are simple. Building a brand image for a new product is extremely costly. And there's no guarantee that an expensive brand image campaign will work. Licensing your products and services under an established trademark brings instant recognition and acceptance with your customers. Licensing endows your products and services with the power of the images carried by the brand name trademark, giving you the opportunity to:

- * Introduce products more easily and enter the market from a position of strength.
- * Achieve instant customer awareness and help increase market share without risking large marketing expenditures.
- * Create instant enthusiasm and interest among your customers.
- * Sell a greater volume of products or services due to your customers' increased interest.
- * Sell your products or services for a greater profit margin.
- * Avoid trademark litigation.

Licensing an established trademark for your products or services just makes good business sense. The enormous power of *GOOGLE*® trademarks can mean instant buyer appeal for your products and services. As a *GOOGLE*® licensee, you are part of a team company already marketing their products and services using *GOOGLE*® trademarks. Their success is proof of what a *GOOGLE*® license can do for you.

GOOGLE® LICENSING PROGRAM

Licensee Requirements

As a prerequisite for becoming a *GOOGLE*® licensee, a distributor, manufacturer or service company should consider the following requirements:

PRODUCT OR SERVICE CATEGORY:

An appropriate product category that would utilize and compliment the *GOOGLE*® image.

MARKETING: 1

A proven track record of marketing.

RESOURCES:

Adequate resources - production, financial and manpower to undertake such an expanded program.

STYLING AND QUALITY:

Ability to ensure good styling and consistent quality products or services.

PRODUCTION:

Efficient manufacturing and/or sourcing to ensure on-time delivery of value packed products.

OBJECTIVES:

Long-term objectives of continued growth in sales and profits.

To an increasing extent, all types of buyers, including buyers for mass market retail outlets, are demanding brand names with image. Their customers want established brand names as a guarantee of quality, value and good styling. More and more manufacturers are being encouraged to provide brand names in order to maintain and expand their market position. Some companies who already have one or more brand names are seeking additional identification programs due to their demonstrated success with branded goods and services. Others, who have no brands or the wrong brands, need a brand to survive.

For companies that qualify, the GOOGLE® brand could be the answer.

GOOGLE® LICENSING PROGRAM

See Rentamark famous brands available for licensing at www.rentamark.com

The nature of the major terms of the License Agreement are indicated hereunder.

ROYALTY RATE:

Royalty rates are a negotiable percent of the sale price charged by Licensee for each licensed product and/or service sold.

TERM OF AGREEMENT:

Basic life of agreement coordinated with requirements of product development; usually three or more contract years, with the first contract year being long enough to allow "start-up" time.

MINIMUM SALES:

Minimum sales target projections mutually determined.

MINIMUM ROYALTIES:

Annual guaranteed minimum royalty realistically assessed.

ADVANCE PAYMENT:

A reasonable portion of the Minimum Royalties (not an additional fee).

RENEWALS:

Renewal terms based on performance to capitalize upon success of the program.

© GOOGLE 2000

LICENSING GOOGLE® ENABLES YOU TO ...

- * DIFFERENTIATE AMONG PARTY PRODUCTS
- * ENJOY EASIER TRADE ACCEPTANCE
- * JUSTIFY A PREMIUM PRICE POINT
- * GENERATE QUICK CONSUMER TRIAL
- * ACHIEVE SIGNIFICANT MARKET SHARE QUICKLY
- * AVOID TRADEMARK LITIGATION

STEALTH®, SENTRA®, TERMINATOR®,
HYPERSONIC® & DARK STAR®
D/B/A
RENTAMARK.COM

P. O. Box 35189

Chicago, IL 60707-5189

Phone: (773) 283-3880 Fax: (708) 453-0083

Email: info@rentamark.com

See our list of other famous brands available for licensing at www.rentamark.com

Contact us about representing and licensing your brand

PROTECT YOUR COMPANY'S ASSETS WITH A RENTAMARK® BRAND TRADEMARK LICENSE

Pick the wrong name for your new product or service and you stand to LOSE BIG TIME! That's what lots of companies learn when they find themselves on the wrong side of a trademark infringement action. Over \$2 billion was spent last year in litigation and legal expenses due to misuse of trademarks. And it's not only the Fortune 500 firms who get hurt. It's the small to mid-size companies with little experience in trademark law, who often don't find out until an attorney sends a warning letter to "cease and desist" or you get served with a Federal Trademark infringement lawsuit.

Any company can pay hundreds of thousands of dollars in legal expenses fighting an infringement suit with no guarantee of success. If you lose, you'll not only have to rename your product, reprint all the sales literature, and redo the advertising, you'll also suffer a major loss of credibility with your customers and possibly owe treble damages to the winner and attorneys' fees. For many, the enormous legal expenses of defending a trademark dispute can literally mean the END OF YOUR BUSINESS.

Now you can protect your business with a RENTAMARK® famous brand trademark license agreement. Merely choose a RENTMARK® brand famous trademark for use on your product or service and allow **RENTAMARK®** to police and protect the trademark.

Some of our famous brand names include, but are not limited to:

SENTRA® STEALTH \circledR DARK STAR® TERMINATOR® *AIRFRAME® HYPERSONIC®* NIGHT STALKER® *STRADIVARIUS®* TRILLIUM®

Visit our website at: WWW.RENTAMARK.COM

AGREEMENT TO DISCONTINUE USE

(Covenant Not To Sue)

AGREEMENT, is made and entered into as of this \mathcal{N} day of $\mathcal{N}\mathcal{N}$, 2005, by and between RENTAMARK.COM, P O Box 35189, Chicago, Illinois 60707-0189 (hereinafter referred to as "GOOGLE"), and GOOGLE INC., CORPORATION DELAWARE; 1600 Amphitheatre Parkway; Building 41; Mountain View, CA 94043 (hereinafter referred to as "GOOGLE INC.").

WHEREAS, GOOGLE and GOOGLE INC. desire to settle this dispute and future disputes regarding GOOGLE INC.'S use of the mark GOOGLE.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties agree to as follows:

- GOOGLE agrees not to sue GOOGLE INC. for any unauthorized use of selling 1. GOOGLE brand goods in the past and/or present use of the trademark GOOGLE.
- 1.1 GOOGLE INC. agrees to discontinue all use of the mark GOOGLE and any mark confusingly similar to the mark GOOGLE in the opinion of GOOGLE, by April 29, 2007.
- 2. The parties agree that this Agreement constitutes the entire agreement and understanding between the parties related to the subject matter hereof, superseding all previous communications, and that this Agreement can only be modified in writing signed by both parties.
- 3. GOOGLE INC. acknowledges GOOGLE's exclusive ownership of the mark GOOGLE and agrees not to oppose GOOGLE's applications or GOOGLE's use of its GOOGLE mark(s).
- 4. This Agreement shall be valid worldwide.
- 5. This agreement inures to the benefit of, and is binding upon, GOOGLE and GOOGLE INC., their parents, subsidiaries, sister companies, affiliates, entities which control the foregoing, entities which the foregoing control, and all of their successors and assigns.
- 6. The parties agree that this agreement will be maintained confidential.
- 7. This agreement becomes null and void on December 20, 2005 if GOOGLE has not receive an executed copy from GOOGLE INC.
- GOOGLE and GOOGLE INC. have caused this Agreement to be executed by their duly 8. authorized legal representatives.

ACCEPTED AND AGREED:

C:\MARK\$44\GOOGLE.TRO

GOOGLE	GOOGLE INC.
Representative of GOOGLE	Representative of: GOOGLE INC.
Date: <u>N(V \$1,65</u>	Date:
(to Start	
Signing Representative of GOOGLE	Signing Representative of:
[PRINTED]	GOOGLE INC. [PRINTED]
Date: NCV 27, 05	Date:

1 1 1 1 1 1



Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 26 04:10:40 EST 2005

TESS HOME NEW USER STRUCTURED PREE FORM BROWNELDER SEARCH OG BOTTOM

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TARR Status

ASSIGN Status

TDR

TTAB Status

(Use the "Back" button or the Internet

Trowser to return to TESS)



Word Mark Goods and Services

GOOGLE

IC 009. US 021 023 026 036 038. G & S: Computer software for searching, compiling, indexing and organizing information on computer networks; computer hardware, computer software for searching, compiling, indexing, and organizing information within individual workstations and personal computers; computer software for creating indexes of information, indexes of web sites and indexes of other information resources; mouse pads. FIRST USE: 20001100. FIRST USE IN COMMERCE: 20001100

IC 011, US 013 021 023 031 034, G & S; lamps, FIRST USE; 20020600, FIRST USE IN COMMERCE: 20020600

IC 012, US 019 021 023 031 035 044, G & S: License plate frames and holders, FIRST USE: 20020600. FIRST USE IN COMMERCE: 20020600

IC 016. US 002 005 022 023 029 037 038 050. G & S: notebooks, pens, stickers, decals. FIRST USE: 20020600. FIRST USE IN COMMERCE: 20020600

IC 018. US 001 002 003 022 041. G & S: Bags, namely, tote bags, duffle bags, backpacks; umbrellas. FIRST USE: 20020600. FIRST USE IN COMMERCE: 20020600

IC 021, US 002 013 023 029 030 033 040 050, G & S: Mugs, tumblers, FIRST USE: 20020600. FIRST USE IN COMMERCE: 20020600

IC 025, US 022 039, G & S: Clothing, namely, shirts, t-shirts, vests, hats, caps, boxer shorts; children's clothing, namely, t-shirts. FIRST USE: 20010100. FIRST USE IN COMMERCE: 20010100

IC 028, US 022 023 038 050, G & S; Toys and sporting equipment, namely plastic exercise balls.

FIRST USE: 20010100. FIRST USE IN COMMERCE: 20010100

IC 035. US 100 101 102. G & S: Electronic retailing services via computer featuring mouse pads, lamps, license plate frames and holders, notebooks, pens, stickers, decals, tote bags, duffle bags, backpacks, umbrellas, mugs, tumblers, shirts, t-shirts, modern cords, toys, vests, caps, hats, and other clothing items. FIRST USE: 19990731. FIRST USE IN COMMERCE: 19990731

IC 038. US 100 101 104. G & S: providing multiple user access to proprietary collections of information by means of global computer information networks. FIRST USE: 19970900. FIRST USE IN COMMERCE: 19970900

IC 042. US 100 101. G & S: Computer services, namely, providing software interfaces available over a network in order to create personalized on-line information services; extraction and retrieval of information and data mining by means of global computer networks; creating indexes of information, indexes of web sites and indexes of other information sources in connection with global computer network; providing information from searchable indexes and databases of information, including text, electronic documents, databases, graphic and audio visual information, by means of global computer information networks. FIRST USE: 19970900. FIRST USE IN COMMERCE: 19970900

Mark **Drawing** Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Design

Search Code

Serial Number

76314811

Filing Date

September 18, 2001

Current

1A Filing Basis

Original

1A

Filing Basis Published for

November 1, 2005

Opposition

Owner

(APPLICANT) GOOGLE INC. CORPORATION DELAWARE 1600 Amphitheatre Parkway Building 41

Mountain View CALIFORNIA 94043

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of Record

Julia Anne Matheson

Description of Mark

The mark consists of The first letter "G" is blue; the second letter "O" is red; the third letter "O" is yellow; the fourth letter "G" is blue; the fifth letter "L" is green; and the sixth letter "E" is red. The

drawing is lined for the color(s) red, blue, green and yellow.

Type of Mark TRADEMARK, SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG

Case 1:07-cv-385 Document 1 Filed 01/19/2007 Page 113 of 222

Latest Status Info Page 1 of 6

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-11-29 00:20:05 ET

Serial Number: 76314811 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark



(words only): GOOGLE

Standard Character claim: No

Current Status: A request for an extension of time to file an opposition has been filed at the Trademark

Trial and Appeal Board.

Date of Status: 2005-11-27

Filing Date: 2001-09-18

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:

FIRST VIVIAN M Employee Location

Current Location: 650 - Publication And Issue Section

Date In Location: 2005-09-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GOOGLE INC.

Address:

GOOGLE INC.

Latest Status Info

Page 2 of 6

1600 Amphitheatre Parkway Building 41

Mountain View, CA 94043

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Computer software for searching, compiling, indexing and organizing information on computer networks; computer hardware, computer software for searching, compiling, indexing, and organizing information within individual workstations and personal computers; computer software for creating indexes of information, indexes of web sites and indexes of other information resources; mouse pads

First Use Date: 2000-11-00

First Use in Commerce Date: 2000-11-00

Basis: 1(a)

International Class: 011

lanips

First Use Date: 2002-06-00

First Use in Commerce Date: 2002-06-00

Basis: 1(a)

International Class: 012 License plate frames and holders First Use Date: 2002-06-00

First Use in Commerce Date: 2002-06-00

Basis: 1(a)

International Class: 016 notebooks, pens, stickers, decals First Use Date: 2002-06-00

First Use in Commerce Date: 2002-06-00

Basis: 1(a)

International Class: 018

Bags, namely, tote bags, duffle bags, backpacks: umbrellas

First Use Date: 2002-06-00

First Use in Commerce Date: 2002-06-00

Basis: 1(a)

International Class: 021

Mugs, tumblers

First Use Date: 2002-06-00

First Use in Commerce Date: 2002-06-00

Latest Status Info Page 3 of 6

Basis: 1(a)

International Class: 025

Clothing, namely, shirts, t-shirts, vests, hats, caps, boxer shorts; children's clothing, namely, t-shirts

First Use Date: 2001-01-00

First Use in Commerce Date: 2001-01-00

Basis: 1(a)

International Class: 028

Toys and sporting equipment, namely plastic exercise balls

First Use Date: 2001-01-00

First Use in Commerce Date: 2001-01-00

Basis: 1(a)

International Class: 035

Electronic retailing services via computer featuring mouse pads, lamps, license plate frames and holders, notebooks, pens, stickers, decals, tote bags, duffle bags, backpacks, umbrellas, mugs, tumblers, shirts, t-shirts, modem cords, toys, vests, caps, hats, and other clothing items

First Use Date: 1999-07-31

First Use in Commerce Date: 1999-07-31

Basis: 1(a)

International Class: 038

providing multiple user access to proprietary collections of information by means of global computer

information networks

First Use Date: 1997-09-00

First Use in Commerce Date: 1997-09-00

Basis: 1(a)

International Class: 042

Computer services, namely, providing software interfaces available over a network in order to create personalized on-line information services; extraction and retrieval of information and data mining by means of global computer networks; creating indexes of information, indexes of web sites and indexes of other information sources in connection with global computer network; providing information from searchable indexes and databases of information, including text. electronic documents, databases, graphic and audio visual information, by means of global computer information networks

First Use Date: 1997-09-00

First Use in Commerce Date: 1997-09-00

Basis: 1(a)

ADDITIONAL INFORMATION

Description of Mark: The mark consists of The first letter "G" is blue; the second letter "O" is red; the third letter "O" is yellow; the fourth letter "G" is blue; the fifth letter "L" is green; and the sixth letter

Latest Status Info Page 4 of 6

"E" is red.

Lining and Stippling: The drawing is lined for the color(s) red, blue, green and yellow.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-11-27 - Extension Of Time To Oppose Received

2005-11-01 - Published for opposition

2005-10-12 - Notice of publication

2005-09-06 - Law Office Publication Review Completed

2005-09-06 - Assigned To LIE

2005-08-26 - Assigned To LIE

2005-08-24 - Approved for Pub - Principal Register (Initial exam)

2005-08-24 - EXAMINERS AMENDMENT E-MAILED

2005-08-24 - Examiners Amendment - Written

2005-08-10 - Previous allowance count withdrawn

2005-07-29 - Withdrawn Before Publication

2005-04-22 - Law Office Publication Review Completed

2005-04-18 - Assigned To LIE

2005-04-15 - Assigned To LIE

2005-04-13 - Approved for Pub - Principal Register (Initial exam)

2005-03-22 - Amendment From Applicant Entered

2005-02-17 - Communication received from applicant

2005-02-17 - TEAS Response to Office Action Received

2005-02-17 - Pctition To Revive-Granted

2005-02-17 - TEAS Petition To Revive Received

Latest Status Info Page 5 of 6

2005-02-10 - TEAS Change Of Owner Address Received

2005-02-10 - TEAS Change of Correspondence Received

2005-01-06 - Abandonment Notice Mailed - Failure To Respond

2005-01-06 - Abandonment - Failure To Respond Or Late Response

2004-06-04 - Final refusal e-mailed

2003-10-08 - Case File in TICRS

2003-03-28 - Letter of suspension mailed

2003-01-03 - Case file assigned to examining attorney

2002-12-30 - Petition To Revive-Granted

2002-10-28 - Petition To Revive-Received

2002-10-28 - Communication received from applicant

2002-10-28 - PAPER RECEIVED

2002-11-04 - TEAS Change of Correspondence Received

2002-09-19 - Abandonment - Failure To Respond Or Late Response

2002-01-17 - Non-final action mailed

2002-01-15 - Case file assigned to examining attorney

2001-12-28 - Case file assigned to examining attorney

2001-12-04 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

Julia Anne Matheson (Attorney of record)

Rose Hagan Google Inc. Building 41 1600 Amphitheatre Parkway Mountain View CA 94043 **Phone Number:** 6506234560

Fax Number: 6506188571

EXHIBIT J

130 8160 \$ 00.630 PB 869668 E 2647 MAILED FROM CHICAGO 1. 60634

> Michael Zeller Quinn Emanuel 865 South Aifueroa Street, 10th Floor Los Angeles Ca 90017

GOOGLE LICENSNING 7115 W. North Avenue #272 Oak Park, IL 60302

EXHIBIT K

FOR SETTLMENT ONLY NOT DISCOVERABLE RULE 408

GOOGLETM BRAND TRADEMARK LICENSING 650-6/8-857/

Facsimile Transmittal

Date: 04/10/06

To: MS ROSE HAGAN ESQ

From: LEO STOILER

Subject: CENTRAL V. GOOCLE OPP. NO 91170256

No. of Pages: 1063 NoThe of Deposition

(including this one)

LARRY PAGE AND SERGEY BRIN

We ARPNUT, TYING GOOGLE That WE WILL TAKE THE SAID DEPOSITIONS ON APPRIL 28, 2006 AT YOUR OFFICE.
AT 10: AM LARRY PARE D'ON MR BRIN.

7115 W. North Avenue #272

NEW Address.

Oak Park, IL 60302

Fax: (773) 589-0915

Voice: (773) 589-0340

Email: info@rentamark.com

CAUTION: The information contained in this facsimile message is confidential and intended solely for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or unauthorized use of this communication is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately by telephone, and return the facsimile to the sender at the address above via the United States Postal Service. 7115 W. North Ave. #272, Oak Park, U. 60302



United States Patent and Trademark Office

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91170256

Filing Date: 03/01/2006

Status: Pending

Status Date: 04/08/2006

Interlocutory Attorney: CINDY B GREENBAUM

Defendant

Name: GOOGLE INC.

Correspondence: Rose Hagan

Google Inc.

Building 41 1600 Amphitheatre Parkway

Mountain View, CA 94043

Serial #: 76314811

Application Status: Opposition Pending

Mark: GOOGLE

Plaintiff

Name: CENTRAL MFG. CO. (INC.)

Correspondence: LEO STOLLER

CENTRAL MFG. CO. (INC.) TRADEMARK & LICENSING DEPT.

P.O. BOX 35189

CHICAGO, IL 60707-0189

Prosecution History

#	Date	History Text		Due Date
3	04/08/2006	PENDING, INSTITUTED		
2	04/08/2006	NOTICE AND TRIAL DATES SENT: ANS	SWER DUE:	05/18/2006
1	03/01/2006	FILED AND FEE		
Re	sults as of 04/09/2006 0	1:10 PM Back to search results	Search:	

! HOME! INDEX; SEARCH! @BUSINESS; CONTACT US | PRIVACY STATEMENT

United States Patent and Trademark Office Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451

Mailed: April 8, 2006

Opposition No 91170256 Serial No. 76314811

GOOGLE INC. ATTN: ROSE HAGAN 1600 AMPHITHEATRE PARKWAY, BLDG. 41 MOUNTAIN VIEW, CA 94043

CENTRAL MFG. CO. (INC.)

٧.

GOOGLE INC.

LEO STOLLER CENTRAL MFG. CO. (INC.) TRADEMARK & LICENSING DEPT. P.O. BOX 35189 CHICAGO, IL 60707-0189

Angela Campbell, Paralegal Specialist:

A notice of opposition to the registration sought in the aboveidentified application has been filed. The notice of opposition can be viewed and printed at http://ttabvue.uspto.gov/

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

¹ Opposer's request for extension of time to oppose filed November 27, 2005 is noted and approved.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:

April 28, 2006

Discovery period to close:

October 25, 2006

30-day testimony period for party in position of plaintiff to close:

January 23, 2007

30-day testimony period for party in position of defendant to close:

March 24, 2007

15-day rebuttal testimony period for plaintiff to close:

May 08, 2007

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the Official Gazette notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at http://www.uspto.gov. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at http://estta.uspto.gov. Images of TTAB proceeding files can be viewed using TTABVue at http://ttabvue.uspto.gov.

EXHIBIT L

FOR SETTLMENT ONE NOT DISCOVERABLE RULE 408

$GOOGLE^{\mathsf{TM}}$ BRAND TRADEMARK LICENSING

Facsimile Transmittal No. of Pages: (including this one) tess Abandon Mew

Fax: (773) 589-0915

Voice: (773) 589-0340 Email: info@rentamark.com

CAUTION: The information contained in this facsimile message is confidential and intended solely for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or unauthorized use of this communication is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately by telephone, and return the facsimile to the sender at the address above via the United States Postal Service. 7115 W. North Ave. #272, Oak Park, II. 60302

EXHIBIT M



Page 1 of 2

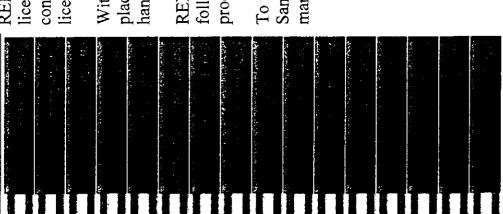


licensing and merchandising agency. RENTAMARK.COM owns and controls over 10,000 famous trademarks specializing in the trademark RENTAMARK.COM is an independent, full service, international licensing business.

With over 25 years of experience in licensing, manufacturing, product handling all aspects of your trademark licensing and merchandising. placement and promotion, RENTAMARK.COM has expertise in

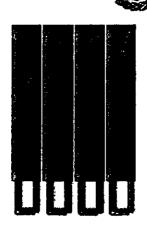
following famous trademarks that will allow your business to sell its RENTAMARK.COM is able to license to your company one of the products and services worldwide.

Sample Catalog button in the control panel. Below we have listed e-To view graphic image versions of our e-marks, please click on the WordMarks A-D WordMarks T-Z WordMarks P-S WordMarks J-O WordMarks E-I marks in word form:





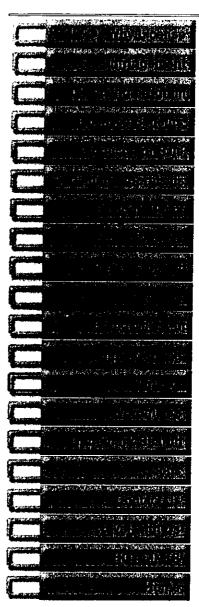




http://www.rentamark.com/e-marks/e-marks.html







55 1ST PET 4 WORK 4-LEAF CLOVER 4-PLAY

E YOUR BRAIN EACH IN HIS OWN WAY EACH SOLD SEPARATELY **EAGER EYES EARLY RETIREMENT EARLY SUMMER MONTHS** EARTH'S EYE **EASIER TO UNDERSTAND EASIER TO USE EASIEST SOLUTION** EASILY ACCESSIBLE **EASILY PENETRATED EAST COAST EAST MEETS WEST EAST WEST EASY ACCESS EASY BREEZY** EASY GUY, EASY GAL EASY SET UP **EASY TO ACHIEVE GOALS** EASY TO GET TO KNOW **EASY TO NAVIGATE EASY TO OWN EASYGREEN EAT MY DUST** EAT YOUR HEART OUT **EATEN BY RATS EATING RIGHT**

ECHOSEED
ECLIPSED EVERYTHING THAT HAS GONE BEFORE
ECOLOGICAL RESERVE
E-COMMERCE PARTNER
ECOST
ECOVAN

EDBE

EDGAR

EDGED IN STONE

EDITOR-IN - C HI E F

EDITOR'S DESK

EDITORS HAVE FANTASIES

EDY

EF

EFFECT ON YOUR LIFE

EGO IS A MASK

EGYPTIAN ARTIFACTS

EIGHTY TWENTY

ELECTRIFYING RESULTS

ELECTRON

ELEGANT JEWEL

ELEGANTLY WASTED

ELEVATOR SHAFT

ELEVATOR WITH NO DOWN BUTTON

ELIMINATE GUESSWORK

ELIMINATE THE SITUATION

ELLA

EMBRACING NEW TECHNOLOGY

EMERGENCY ROOM

EMERGENCY ROOM DUTY

EMERHAN

EMOTIONAL IMPACT

EMOTIONAL INTIMACY

EMOTIONALLY ACCESSIBLE

END GAME

END IN SIGHT

END OF THE WORLD

END OF THE WORLD

END OF TIME

END RESULT

ENDANGERED SPECIES

ENDINGS, BEGINNINGS

ENDLESS OPTIONS

ENDLESS SUNSETS

ENDLESS TOURNAMENT

ENDS SOON

END-TO-END SOLUTION

ENERGIZE THE SPIRIT

ENERGIZING BUSINESS

ENERGY

ENERGY BOOST

ENJOY THE DIFFERENCE

ENJOY THE LIMELIGHT

ENJOY YOURSELF

ENJOYED SPEAKING WITH YOU

ENJOYMENT IS UNAVOIDABLE

ENOUGH SAID

ENRICHING EXPERIENCE

ENTER SECRET PASSCODE

ENTER TO WIN

ENTERTAIN US

ENTERTAINING THE TROOPS

ENTERTAINMENT OPTIONS

ENTERTAINMENT PARADISE

ENTICING ATTENTION

ENTREPRENEUR

ENTRY REQUIREMENT

EONS OLD QUESTION

EPIC TRANSFORMATION

EQUESTRIAN CENTER

EQUITY

EROGENOUS ZONE

EROGENOUS ZONE

EROTIC DIALOGUE

EROTIC HANGOVER

EROTIC IMAGERY

ESCAPE FROM WINTER

ESCAPE ROUTE

ESCAPE TO VANILLA WORLD

ESP

ESPECIALLY WELCOME

ESSENCE OF EGOTISM

ESSENCE OF LIFE

ESSENCE OF THE CARIBBEAN

ETERNAL BEAUTY

ETHNIC FOOD

EUPHORIC MORNING

EVE OF BATTLE

EVENING WITH TWINS

EVENLY BALANCED

EVENT DRIVEN

EVER FEEL THIS GOOD

EVER SEEN

EVER SINCE

EVER THE SHREWD ONE

EVERLAND HAS A VILLAIN

EVERY BOY HAS A DREAM

EVERY CULTURE HAS A LEGEND

EVERY FANTASY I EVER HAD

EVERY MAN'S DREAM

EVERY NOW AND THEN I FALL APART

EVERY NOW AND THEN I GET A LITTLE BIT LONELY

EVERY PART OF THE EARTH'S SURFACE IS STOLEN

EVERY SECOND COUNTS

EVERY WORD IS TRUE

EVERYBODY'S CONNECTED

EVERYONE AND EVERYTHING WORKING TOGETHER

EVERYONE'S FANTASY

EVERYONE'S TASTES ARE DIFFERENT

EVERYONE'S TOGETHER

EVERYONE'S WIRED

EVERYTHING CHANGES

EVERYTHING YOU COULD WANT

EVERYTHING YOU HEARD IS TRUE

EVERYTHING YOU NEED

EVERYTHING YOU NEED TO KNOW

EVERYTHING YOU WANT

EVERYTHING YOU WANTED TO KNOW

EVERYWHERE

EXCEED EXPECTATIONS

EXCEED YOUR GOALS

EXCEED YOUR HIGHEST EXPECTATIONS

EXCEEDING YOUR EXPECTATIONS

EXCELLENT EDUCATION

EXCEPTIONAL BY DESIGN

EXCESS BAGGAGE

EXCITEMENT OVERLOAD

EXCITEMENT WITH ABANDON

EXCITING NIGHT LIFE

EXCLUSIVE INTERVIEW

EXCLUSIVE NEW BREED

EXECUTIVE EDUCATION

EXHILARATING SPORT

EX-NAVY SEAL

EXOTIC

EXOTIC BEACH

EXOTIC PLAYGROUND

EXOTIC SEEDS

EXPECT A SHAKEUP

EXPECT EXCELLENCE

EXPECT THE UNEXPECTED

EXPECTS MORE LOYALTY

EXPEDITION LEADER

EXPERIENCE MAKES THE BEST TEACHER

EXPLICIT LANGUAGE

EXPLORE AFRICA

EXPLORE THE POSSIBILITIES

EXPLORE THE WORLD

EXPLORING PERSONAL VISION

EXPLOSIVES ARE MY SPECIALTY

EXPRESS

EXPRESS YOURSELF

EXPRESSION

EXQUISITELY INTENSE

EXTRA BAGGAGE

EXTRA EDGE

EXTRA EFFORT

EXTRA LENGTH

EXTRA MILE

EXTRAMARITAL CRUSH

EXTRAORDINARY BY NATURE

EXTREME

EXTREME PERFORMANCE

EXTREME SPORT

EXTREMELY ADAPTABLE

EXTREMELY FLAMMABLE

EYE CATCHING

EYE CATCHING FETISH

EYE DEPT

EYE OF THE STORM

EYE OPENER

EYE WISE

EYES AS BIG AS SAUCERS

EYES LIKE FIRE IN THE NIGHT

EYES ON THE FUTURE

EYING YOUR TARGET

EZ

F & F

FRESH-FACED

FABULOUS PHYSICS

FACE

FACE IT

FACE OFF

FACE TIME

FACES

FACE-TO-FACE

FACON

FACTOR

FAILING ISN'T AN OPTION

FAIR WEATHER

FAIRIES

FAKE IT

FALL GUY

FALL IN LOVE

FALL IN LOVE AGAIN

FALSE ALARM

FAME AND FORTUNE

FAMILIAR ENDING

FAMILY

FAMILY BUSINESS

FAMILY ENTERTAINMENT

FAMILY FUN

FAMILY TREE

FAMILY VALUES

FAMOUS BODIES

FANCY FOOTWORK

FAR CRY

FAR FROM ANYTHING YOU'VE EVER EXPERIENCED

FAR SUPERIOR

FASHION CENTS

FASHION MANTRA

FASHION SHOW

FAST

FAST AND EASY

FAST AND HARD

FAST CONNECTION

FAST FACTS

FAST FINE

FAST FORWARD

FAST LANE

FAST LAP TIME

FAST TRACK

FAST TRACK TO NOWHERESVILLE

FAST, FURIOUS AND EXPENSIVE

FASTEST GUN ALIVE

FAST-PACED

FAT CHANCE

FATHER KNOWS BEST

FATHER'S DAY

FAVE STAR

FAVORITE HAUNT

FAVORITE SON

FEAR OF BEING ALONE

FEAR OF COMMITMENT

FEAR OF LOSS

FEARLESS FEMALE

FEATURE PRESENTATION

FEEDING FRENZY

FEEL AT HOME

FEEL FREE

FEEL GOOD

FEEL GOOD

FEEL LIKE GUESTS

FEEL THE HEAT

FEEL THE PASSION

FEEL THE TINGLE

FEEL UPBEAT ABOUT THE ECONOMY

FEEL WHAT IT DOES

FEELING LIKE A CHAMP, NOT A CHUMP

FEELING UP

FEELINGS OF DESIRE

FEELINGS OF LOVE

FEELS GOOD TOO

FELL IN LOVE YESTERDAY, FELL OUT TODAY

FEM

FEMALE BODY BUILDER

FEMALE EGO

FEMALE HIGH NOTES

FEMALE PERSUASION

FEMME FATALE

FEMME FATALE FROCKS

FESS UP

FESTIVAL SEEDLESS

FEW THINGS LAST

FIB

FIBER

FIELD TRIAL

FIERCE BATTLE

FIERCE FAMILY LOYALTY

FIERY GLOW

FIGHT CLUB

FIGHT THE PROBLEM AT ITS SOURCE

FILL 'ER UP

FILL HER VOID

FILM NOIR

FILM STAR

FILTHY AND FEMININE

FINAL ACT

FINAL ASSAULT

FINAL CUT

FINAL EFFORT

FINAL FAREWELL

FINAL NOTE

FINAL PHASE

FINAL WORD

FINANCIAL CONTROL

FIND A SEAT

FIND HER, KEEP HER

FIND IT HERE

FINDING OUT MORE ABOUT YOURSELF

FINDING SOMEONE YOU WANT A SECOND WITH

FINE ART

FINE TIME TO LEAVE ME

FINE TUNING

FINGER FOOD

FINGO

FIRE

FIRE CALL

FIRE GODDESS

FIRE HIS PASSION

FIRE THE CHAUFFEUR

FIREWORKS DISPLAY

FIRST CHAIR

FIRST CLASS

FIRST CLASS ONLY

FIRST GENERATION

FIRST IMPRESSION

FIRST KISS

FIRST LOOK

FIRST MISTRESS

FIRST NAME BASIS

FIRST OF TWO GOALS

FIRST OPPORTUNITY

FIRST PICK

FIRST PRINCIPLE

FIRST STRIKE

FIRST THE GOOD NEWS

FIRST TIME EVER

FIRST TRY

FISCALLY FIT

FISH OUT OF WATER

FISH TO CATCH

FIT A TOKER'S PROFILE

FIT FOR LIFE

FIT THE BILL

FITNESS AND FUN

FITNESS FIX

FITS LIKE A GLOVE

FITTING IN

FITTING TRIBUTE

FITVIE

FIX-IT

FL

FLAKE

FLASH OF GENIUS

FLASHBACK

FLAT OUT

FLAVOR OF THE MONTH

FLAWLESS OLIVE SKIN

FLED THE COUNTRY

FLEET

FLESH FEST

FLESH PEDDLER

FLESH-EATING MONSTER

FLEX TIME

FLICKER OF LOVE THAT STILL SHINES THROUGH

FLICKING TONGUE

FLIGHT

FLIGHT DECK

FLIRT WITH FANTASY

FLIRTING ON-LINE

FLOOD OF CHAOS

FLORIDA KEYS

FLOURISH

FLOWER

FLOWER POWER

FLY

FLY LEAF

FLY ME

FLYING HIGH

FOCUS GROUP

FOCUS ON THE PRICE

FOG CATCHER

FOG LAMP

FOLLOW THE RULES

FOLLOW YOUR HEART

FOLLOW YOUR INSTINCTS ALWAYS

FOND MEMORIES

FOOTPRINTS IN THE GOO

FOR A FLEETING MOMENT

FOR ADULTS

FOR ALL THE ACTION

FOR BEAUTIFUL CURVES

FOR CYCLES

FOR LIFE

FOR LOVE OR MONEY

FOR MEN

FOR MEN AND WOMEN

FOR REAL RESULTS

FOR RELIEF

FOR STARTERS

FOR THE BODY TYPE

FOR THE FIRST TIME

FOR THE FUN OF IT

FOR THE MAN IN YOUR LIFE

FOR THE NEXT MILLENNIUM

FOR THE REAL WORLD

FOR THE SAKE OF ART

FOR THE SPORTSMAN

FOR THE WORKOUT YOU GIV

FOR THINGS TO GET BETTER,

FOR THIS FREE GUIDE CALL

FOR WHEREVER LIFE TAKES YOU

FOR WOMEN

FOR WOMEN ON THE GO

FOR YOUR PLEASURE

FORBIDDEN SLOPES

FORCE OF NATURE

FORE MORE

FORECAST TRACK

FOREIGN SLOPES

FOREPLAY BEGINS

FOREST

FOREVER DIDN'T LAST LONG

FOREVER DOESN'T LAST FOREVER

FOREVER EXPLORING

FOREVER IS A COUPLE OF YEARS

FORGIVE AND FORGET

FORM

FORMIDABLE CONTENDER

FORQUIET

FORTUNE

FORTUNE COOKIES

FORTUNE SMILE

FOUND LOVE

FOUNTAIN

FOUNTAIN OF LIFE

FOUR HUNDRED

FOXEYE

FPR

FQ

FRAGMENTS OF TIME

FRANK'N FOOD

FRANKIE

FRAUD INVESTIGATION

FREAK OF NATURE

FREAKED OUT

FREE

FREE AT LAST

FREE ENTERPRISE

FREE FOR ALL

FREE LOVE

FREE POSTAGE

FREE SOUL

FREE SPEECH

FREE SUBSCRIPTION

FREE THE INNOCENT

FREE WITH ADMISSION

FREEDOM FROM THE JUNGLE

FREEDOM OF EXPRESSION

FREEDOM OF LOVE

FREEDOM TO CHARGE

FREEDOM TO CHOOSE

FREEDOM TO DO WHAT YOU WANT

FREEING PRISONERS

FREELANCE ILLUSTRATOR

FREELANCE WRITER

FRENCH BISTRO

FRENCH CREOLE

FRENCH IMPRESSION

FRENCH QUARTER

FRESCO

FRESH

FRESH AIR

FRESH BREATH

FRESH FACE

FRESH FLAVOR

FRESH IDEA

FRESH MOUNTAIN AIR

FRESH PERSPECTIVE

FRESH VISION

FRESH-BAKED PASTRIES

FRESHER LOOK

FRIDAY THE 13TH

FRIENDS AND FOES

FRIEND'S NETWORK

FRIENDSHIPS ARE PROFESSIONALLY BASED

FRITZ

FRIVOLOUS LAWSUIT

FROM ALL OF US

FROM THE BEACH

FROM THE EDITOR

FROM THE HEART

FROM THE INSIDE OUT

FROM THE SERENE TO THE EXTREME

FROM ZERO TO A HERO

FRONT OFFICE

FROSTEC

FRUIT DELICIOUS

FT

FUDGE A LITTLE

FUEL THAT BODY

FUGITIVE FINANCIER

FULL COMPLIANCE

FULL DISCLOSURE

FULL MOON

FULL OF LEGEND

FULL THROTTLE TEST

FULL WORKOUT

FULL-BODY DEBAUCHERY

FULL-BODY MASSAGE

FULLY EQUIPPED

FUN

FUN AND EASY

FUN AND FREE

FUN EXPLOSION

FUN FIX

FUN FOR ALL

FUN FOR BOYS & GIRLS

FUN 'N GAMES

FUN TO COOK

FUN TO WATCH

FUN, FASHION, FANTASY

FUNDAMENTALLY UNFAIR FUNNEL CLOUD **FUNNY BONE FUNNY LINES FUS FUSION FUTURE**

FUTURE SHOCK FUTURISTIC WOMAN

FX

G

GAB

GAILILEO

GAIN A COMPETITIVE EDGE

GAIN A WORKING KNOWLEDGE

GALA

GALACTIC

GAME FUEL

GAME PLAN

GAME PLAYING

GAME RESERVE

GAME STATION

GAME TIME

GAMES RAFT

GAMESO

GARAGE

GARDEN

GARDEN LOVERS

GARDEN OF THE DAY

GARDENER

GASPS OF AWE

GASSER

GEAR HEAD

GEARING UP

GELATO

GEM OF THE OCEAN

GEM STAR

GEMINI AND APOLLO

GEN

GENE

GENE THERAPY

GENERAL KNOWLEDGE

GENERAL RULE

GENERAL RULE OF THUMB

GENESIS

GENETIC SPECIMEN

GENETICALLY ALTERED

GENETICALLY PROGRAMMED TO BEHAVE

GENGUARD

GENTLEMEN ARE MAKING A COMEBACK

GEO

GEODIS

GET A GRIP

GET A LIFE

GET A LITTLE WILD

GET AROUND

GET AWAY FROM IT ALL

GET CLOSE

GET COMFORTABLE

GET CONNECTED

GET DOWN

GET GOOD

GET HER ATTENTION

GET HIP NOW

GET HOOKED

GET HOT AGAIN

GET IN

GET IN FOCUS

GET IN SHAPE

GET INSIDE

GET INTO IT

GET IT

GET IT FIXED

GET MORE THAN YOU EXPECT

GET MOVING

GET OFF

GET ON YOUR FEET

GET OUT

GET OVER IT

GET OVER THE HUMP

GET OVER YOURSELF

GET PAID WHAT YOU'RE WORTH

GET PAST WHAT YOU HAVE HEARD

GET PERSONAL

GET PERSONAL WITH ME

GET READY

GET REAL

GET RESULTS

GET RICH SCHEME

GET SAUCED

GET SET TO HIKE

GET SHINY

GET THE EDGE

GET THE HELL OUTTA THERE!

GET THE PICTURE

GET THEIR ATTENTION

GET THEM WHERE WE WANT THEM

GET THERE

GET THERE

GET TIGHT

GET TO THE GOAL

GET TOGETHER

GET USED TO WINNING

GET WEALTHY

GET YOUR KICKS

GET YOUR REAR IN GEAR

GET YOUR STORY STRAIGHT

GETTING BACK INTO IT

GETTING ENGAGED

GETTING INTIMATE

GETTING IT DONE

GETTING IT ON

GETTING NAKED

GETTING RESULTS

GETTING STARTED

GETTING THERE

GETTING TO KNOW YOU

GETTING TO PARADISE IS EASY

GHETTO

GIANT

GIFT OF LIFE

GINGER BREAD

GIRL NEXT DOOR

GIRL POWER

GIRL TALK

GIRLIE TO GO

GIRLIFE

GIRLS LIKE IT

GITI

GIVE

GIVE CREDIT WHERE CREDIT IS DUE

GIVE 'EM OUR BEST

GIVE IT

GIVE IT ALL ACCESS

GIVE IT AWAY

GIVE IT TO THEM

GIVE IT UP

GIVE ME A BREAK

GIVE ME THE CHILLS

GIVE ME TIME

GIVE ME YOUR HAND

GIVE THEM WHAT THEY REALLY

GIVE US A CLICK

GIVE YOU A JOLT

GIVING ME THE STRENGTH I NEED

GLANCING BLOW

GLEEFULLY PROFANE

GLITTER GALORE

GLITTERING RECEPTION

GLOBAL DRIVE

GLOBAL GUEST

GLOBE

GLOSSY FACADE

GLOWING PRAISE

GLOWING WITH PRIDE

GO "SITE" SEEING

GO AHEAD

GO FIGURE

GO FOR BROKE

GO FOR IT

GO GIRLIE

GO PACKING

GO PUBLIC

GO REMOTE

GO STEADY

GO TEAM

GO THE DISTANCE

GOAL LOVER

GOAL ORIENTED

GOALS CAN ALWAYS BE MET

GOATRIDER

GOD IS EVERY PLACE

GOD SPEED YOUR LOVE TO ME

GOIN' FISHIN'

GOING ALL OUT

GOING BACK TO

GOING DOWN

GOING FOR THE GOLD

GOING FURTHER

GOING GLOBAL

GOING GLOSSY

GOING LOCO

GOING OFF THE DEEP END

GOING PLACES

GOING SOMEWHERE?

GOING THROUGH A STAGE

GOING TO HOLD YOUR BODY CLOSE

GOING TO THE MOUNTAINS IS GOING HOME

GOING WHERE NO CRESCENT WRENCH HAS GONE

GOLD

GOLD RUSH

GOLD STANDARD

GOLD TOOL

GOLDEN GATE

GOLDEN OPPORTUNITY

GOLF IS THE GAME

GONE FOREVER

GOOD BALANCE IS ATTRIBUTABLE TO THE GRIP

GOOD CALL

GOOD CHARACTER

GOOD CLEAN FUN

GOOD FIT

GOOD FORTUNE

GOOD GAME

GOOD GIRL, BAD GIRL

GOOD GIRLS DON'T

GOOD GRADES

GOOD GUY

GOOD HEALTH

GOOD IDEA

GOOD LUCK

GOOD LUCK CHARM

GOOD MATCH

GOOD NATURED

GOOD NIGHT

GOOD OLD DAYS

GOOD SHOT

GOOD STUFF

GOOD THING

GOOD WITH A BUN

GOOGLE

GORGEOUS VIEW

GOT A MINUTE?

GOT AWAY WITH MURDER

GOT IT FIXED

GOT IT WRONG

GOT NAKED

GOT TO DO IT MY WAY

GOT TO FLY

GOT TO HAVE IT

GOTHAM FEST

GOTTA HAVE IT

GOTTA HAVE SWEET

GOTTA KEEP DANCING

GOURMET

GRAND SCALE

GRANDFATHER CLOCK

GRANDKID

GRANITE COAST

GRASS ROOTS CLOUT

GRASSLAND

GRAVY TRAIN

GREAT ADVENTURE

GREAT ATHLETE

GREAT BODIES WANTED

GREAT BUILDINGS

GREAT CHOICE

GREAT EXPECTATIONS

GREAT GAME

GREAT JOB!

GREAT LAKES

GREAT LAKES

GREAT MINDS WANTED

GREAT MOMENTS

GREAT PERFORMANCE

GREAT RESULTS

GREAT SHAPE

GREAT STRIDES

GREAT STUFF

GREAT TONE

GREATEST AMERICAN HERO

GREATEST HITS

GREEN HILLS

GREEN LIGHT

GREEN MEANIES

GREENSET

GREEWICH

GRID

GRIM

GRIN AND BEAR IT

GROUND BREAKING EFFORT

GROUND BREAKING WOMEN

GROUND TRANSPORTATION

GROUND ZERO

GROUND ZERO

GROUP WARE

GROW TOGETHER

GROW YOUR OWN TREE

GROWING PAINS

GROWING UP ISN'T EASY

GRUISIN

GS

GUANO

GUARANTEED BLISS

GUEST SHOT

GUETTO

GUIDED BY HISTORY

GUILT FREE

GUILTY PLEASURE'S

GUILTY VERDICT

GUMBO

GUN PLAY

GUNNED

GUS

GUTS AND GLORY

GUY'S GAL

GW

GYMNASTICS & DANCE

GYRO

HUNKIEST

HYPER-PENETRATION

HAD NO REAL EFFECT ON YOUR LIFE

HAIL TO THE CHIEF

HAIR HELP

HAIR PIN

HALL OF FAME

HALL ROLL CALL

HALLEY'S

HALTER TOP

HAND STORY

HAND-CRANK GENERATOR

HANDLE WITH CARE

HAND-ME-DOWNS

HANDS ON

HANDSHAKE

HANDS-ON-WAY

HANG IN THERE

HANG ON

HANG ON

HANG TIME

HANGING ON

HANGING OUT

HANGOUT GUY

HANGUP

HAPPENS EVERY DAY

HAPPY

HAPPY AT LAST

HAPPY BUT UNHAPPY

HAPPY HOUR

HARBOR

HARD ABS

HARD BODY

HARD LINE VIEW

HARD TO PULL OFF

HARD TO TOP

HARD-DRIVEN

HARDER, FASTER

HARD-TO - FIND

HARD-TO-REACH

HARDWARE

HARDY BEASTS

HARMONY

HAS BEFORE AND WILL AGAIN

HAUL-A-WAY

HAVE A BLAST

HAVE GREAT EXPECTATIONS

HAVE I EVER LET YOU DOWN

HAVE IT YOUR WAY

HAVE MORE FUN

HAVE WORTH TO ME ANYMORE

HAVE YOU NO DECENCY

HAVING A BAD DAY'?

HAVING A DREAM WHEN NO ONE HAS A HEART

HAVING FUN

HAVING IT ALL

HE ACTED ALONG

HE AIN'T BEEN OUT ALL DAY

HE CHOSE A COURSE ALL HIS OWN

HE INHALED, BUT HE DID NOT INHALE ENOUGH

HE IS SCIENCE FICTION

HE IS VERY GOOD AT WHAT HE DOES

HE MAY HAVE TO SETTLE ON THE BRONZE

HE MELTED

HE WAS A NATURAL

HEAD CASE

HEAD FOR THE FORT

HEAD HONCHO

HEAD PRO

HEAD TRIP

HEADLINE ENTERTAINMENT

HEAD-OVER-HEELS IN LOVE

HEAD-TO-HEAD

HEALTH

HEALTH AND FITNESS

HEALTH AND NUTRITION

HEALTH IS WEALTH

HEALTH NUT

HEALTH TIPS

HEALTHY AND BEAUTIFUL

HEALTHY LIFESTYLE

HEALTHY, SHINY AND STRONG

HEART HOME

HEART MAGIC

HEARTBREAKER

HEARTMAN

HEAT INDEX

HEAT WAVE

HEAVENLY HARDWARE

HEAVENLY SPIRIT

HEAVY DRINKER

HEAVY DRINKING

HEAVY DUTY

HEAVY DUTY ACTION

HEAVY LIFTING

HEAVY RAIN

HEDGE YOUR BETS

HEIGHT OF FASHION

HELD THE CROWD CAPTIVE

HELL ON WHEELS

HELLGATE

HELLO LEGS

HELLO, MY NAME IS

HELL'S OWN RENEGADE

HELP

HELP YOURSELF

HELPING OUT OTHERS

HENRY

HER ENERGY IS PHENOMENAL

HER PASSION

HER PRESENCE SCORCHED MY SKIN

HERB

HERB PLANET

HERE IT IS!

HERE TO HELP

HERE TO SERVE

HERE TO SOCIALIZE

HERE'S HOW IT WORKS

HERE'S LOOKING AT YOU

HERE'S THE FUTURE

HERO

HERO WANTED

HEROIN

HE'S A LECHER

HE'S HIS OWN GREATEST ASSET

HE'S IN CHARGE

HE'S THERE, YOU'RE BARE

HE'S TOUGH

HEY, DIDDLE DIDDLE

HEY, HO! LET'S GO!

HEY, WATCH THIS

HI POWER

HIA

HIBERNATION

HIDE AND SEEK

HIDE IT

HIDEAWAY

HIFLOW

HIGH ADVENTURE

HIGH ALTITUDE

HIGH DESERT

HIGH MAGIC

HIGH METABOLISM

HIGH NOON

HIGH PERFORMANCE

HIGH SCORER

HIGH SEAS

HIGH SPEED ACCESS

HIGH SPEED ACTRESS

HIGH STAKES

HIGH STAKES CHESS GAME

HIGH STAKES OFFER

HIGH STAKES RISK

HIGH TIDE

HIGHER INCOME

HIGHER LEARNING

HIGHEST LEVEL

HIGHEST STANDARDS

HIGHLY ACCLAIMED

HIGHLY INTELLIGENT

HIGH-PROFILE

HIGH-TECH WEAPON

HIKING AND BIKING

HILLSDALE

HINDU GODDESS

HINE

HIP TIP HOW-TO

HIPER

HIRED GUN

HIS DREAM GIRL

HIS LEGACY IS UNEQUALED

HIS MOST SECRET LOVE WISH

HIS POINT OF VIEW

HISTORIC AREA

HISTORY BUFFS

HISTORY IN BRONZE

HISTORY OF THE MONTH

HISTORY REPEATS ITSELF

HIT A NERVE

HIT AND RUN

HIT IT A MILE

HIT MAN

HIT ON

HIT OR MISS

HIT SERIES

HIT SONGS

HIT THE BEACH

HIT THE DECK

HIT THE GYM

HIT THE ROAD

HIT THE ROAD RUNNING

HIT THE SAUCE

HITTING THE LAST BALL

HITTING THE WALL

HOLD ME IN YOUR ARMS

HOLD ME SO YOU CAN'T LET GO

HOLD NOTHING BACK

HOLD ON TO YOUR SEAT

HOLD ON WITH BOTH HANDS

HOLD THE MUSTARD

HOLD TIGHT

HOLD YOU IN MY ARMS FOREVER

HOLD YOUR BODY CLOSE TO MINE

HOLIDAY SEASON

HOLIDAYS PAST

HOLLAND

HOLLOW WORDS

HOLLYWOOD ENIGMA

HOLLYWOOD IS FAKE

HOLLYWOOD WEAR

HOLLYWOOD'S OBSESSION

HOME FIELD ADVANTAGE

HOME GROWN TALENT

HOME LIFE

HOME OFFICE

HOME TEAM

HOME TO HOME

HONEY DO

HOOD

HOORAY FOR OUR SIDE

HOP N' POP

HOP, SKIP AND A JUMP

HOPE YOU ENJOYED YOUR DAY

HORMONE-INDUCED COMA

HORN

HORNER

HORSE LAUGH

HOSPITALITY

HOT AIR

HOT AIR DOCTORATE

HOT BEEF INJECTOR

HOT BODIED

HOT BODY

HOT BOX

HOT BUTTON

HOT DATE

HOT ENTRANCE

HOT HOLLYWOOD CAREER

HOT LEGS

HOT LINKS

HOT NEWS

HOT PROJECT

HOT SCOOP

HOT STUFF

HOT SUMMER ADVENTURE

HOT TICKET

HOT TIME

HOT TO TROT

HOT TUB

HOT WIRED

HOT YOUNG ACTRESS

HOTFOOTING IT

HOTSPOT

HOTTEST COLLECTION

HOTTEST TALENT

HOURGLASS BODY

HOUSE

HOUSE CAT KIND OF GUY

HOW ABOUT GIRLS

HOW ABOUT HERE?

HOW ARE YOU FEELING?

HOW CAN I GET STARTED?

HOW CAN YOU LOSE?

HOW CLOSE DO YOU GET?

HOW COME YOU NEVER CALL?

HOW COULD I HAVE KNOWN

HOW COULD IT BE A CRIME TO BUY EARTH IN SLIME?

HOW COULD YOU, I'M A WOMAN

HOW DO I GET TO THE AIRPORT?

HOW HOME IS MEANT TO BE

HOW IT'S ALWAYS BEEN

HOW MEAN CAN YOU BE?

HOW MUCH ARE YOU WORTH?

HOW MUCH DO YOU HAVE?

HOW RISKY

HOW THE WEST WAS WON

HOW THE WINNERS DO IT

HOW THINGS WERE

HOW TO

HOW TO BUILD A THERMONUCLEAR DEVICE

HOW TO COMPLY

HOW TO COPE

HOW TO CORRECT IT

HOW TO CREATE SPARKS

HOW TO DO EVERYTHING BETTER

HOW TO ENTER

HOW TO GET STARTED

HOW TO ORDER BY MALE

HOW TO STRESS LESS

HOW TO SURVIVE

HOW TO WORK YOUR BODY

HOW TO WRITE

HOW WE FEEL

HOW WE THINK

HOW YOU SEE IT

HPA

HSC

HUG THE SHORELINE

HUGGED THE CURVES

HUMAN ACHIEVEMENT

HUMAN RESOURCES

HUNDRED

HUNGER FOR GOD

HUNGER FOR YOUR TOUCH

HUNGRY FOR LIFE

HUNKY AUSSIE

HUNT

HUNTING AT DUSK

HURRICANE ALERT

HURTS SO GOOD

HUSK

HUTCHISON

HYBRID MONSTER

HYDE

HYPE R-ACTIV ITY

HYPER

HYPHEN

HYPNOTIC EYES

HYPNOTIZE THE ADDICTED

I AM A GOOD BOY

I AM A LITTLE WEIRD

I AM BEAUTIFUL

I AM CAESAR

I AM CONFIDENT

1 AM COUNTING ON YOU

I AM FOREVER YOURS

I AM GOING TO LEARN HOW TO FLY

I AM GOING TO SEE YOU THIS AT COST

I AM LOST IN MY EMOTION

I AM NOT EXACTLY STABLE

I AM SURE GOING TO MISS THAT GIRL

I ARE WASTED

I BELIEVE YOU KNOW MY CLIENT

I CAN BARELY RECALL BUT IT'S ALL COMING BACK

I CAN BECOME FAMOUS

I CAN CATCH THE MOON IN MY HAND

I CAN COUNT TO 100

I CAN DO ANYTHING I PUT MY

I CAN DO IT MYSELF

I CAN FEEL MY BODY ROCK EV

I CAN MAKE YOU GORGEOUS

I CAN TRAIN ANYONE

I CAN'T BELIEVE YOU'RE THAT STUPID

I CAN'T HELP BUT LOVE YOU

I CAN'T MEASURE MY LOVE

I CARE HOW I LOOK ON YOU

I CONFESS

I DON'T BELIEVE IN FEAR

I DON'T CARE WHO YOU ARE

I DON'T CONDONE IT

I DON'T DESERVE LETHAL INJECTION

I DON'T ENDORSE IT

I DON'T HAVE A PROBLEM

I DON'T KNOW

I DON'T KNOW HOW TO LEAVE

I DON'T KNOW WHAT TO SAY

I DON'T KNOW WHY

I DON'T MIND THE WORK

I DON'T RENT, I OWN

I DON'T RUN AWAY FROM BULLIES

I DON'T THINK SO

I DON'T WANT YOU TO SEE ME THIS WAY

I DON'T WHIP HER WHEN SHE DOES SOMETHING WRONG, JUS

SHE DOES SOMETHING RIGHT

I DREAD THE MORNING LIGHT

I DRIVE LIKE A STUNTMAN

I EARNED THAT

I FEEL GOOD

I FEEL THE NIGHT EXPLODE WHEN WE'RE TOGETHER

I FEEL TOTALLY REFRESHED

I FINALLY FOUND SOMEONE

1 FIT IN

I FOUND MR. RIGHT

1 GET PAID TO BREAK LEGS

I GOT INTO IT GOT IT

I GOT TO SEE YOU AGAIN

I GUESS I'M EARLY

I HAD IT ALL WHEN YOU WHERE HERE

I HATE MY BOSS

I HATE TO EXERCISE

I HAVE A GREAT IDEA

I HAVE A LICENSE TO WEAR THIS

I HAVE BEEN WAITING FOR YOU

I HAVE DEVISED A PLAN

I HAVE MORE BRAIN CELLS

I HAVE NO PROBLEM WITH THAT

I HAVE NOTHING TO HIDE

I HAVE NOWHERE ELSE TO GO

I HAVE WHAT YOU WANT

I HAVE YET TO BE DISAPPOINTED

I HAVEN'T HAD MUCH LUCK WITH WOMEN

I HEAR AND OBEY

I HEAR DADDY

I HEARD A CALL AND I TOOK A FALL

I HOPE THEY NEVER END THIS SONG

I HOPE YOU KNOW WHAT YOU'RE DOING

I HUNGER FOR YOUR TOUCH

I JUST BUSTED OUT

I JUST WANT TO CELEBRATE

I JUST WANT TO TELL YOU HOW I'M FEELING

I KNEW IT WAS LOVE

I KNOW JUST HOW TO FAKE IT

I KNOW JUST HOW TO WHISPER

I KNOW JUST WHERE TO TOUCH YOU

I KNOW THE NIGHT IS FADING

I KNOW THE WAY TO FAME

I KNOW WHAT'S ON YOUR MIND

I KNOW WHERE I'M GOING

I KNOW WHO I WAS

I LIKE A GOOD BACKSIDE

I LIKE A GUY WHO KNOWS HOW TO HAVE A GOOD TIME

I LIKE DRIVE-THRU

I LIKE IT

I LIKE TO COME WITH YOU

I LOVE IT

I LOVE WATCHING PEOPLE WATCH ART

I LOVE YOU

I MET SOMEONE

I MUST TAKE DRASTIC MEASURE

I NEED YOUR LOVE

I NEED YOUR LOVE TO NIGHT

I NEED YOUR LOVE TO SEE ME THROUGH

I NEVER DO IT BETTER THEN WHEN I DO IT WITH YOU

I NEVER DROP THE BALL

I NEVER FELT LIKE THIS BEFORE

I NEVER KNEW WHERE I CAME FROM

I ONLY WORK HERE

I PREFER THINGS A LITTLE LESS BORING

I PUT ANTS IN HIS FOOD AND WATCHED HIM EAT IT

I REALLY LIKE IT

I REINVENTED MYSELF

I RESCUE DAMSELS IN DISTRESS

I RUINED HER RUG AND SHE HAS GIVEN ME THE FINAL HUG

I SAW HER FIRST

I SAY IT ONCE AGAIN, I LOVE YOU

I SEE THE LIGHT

I SEND THE SIGNAL

I SET THE AGENDA

I SHOW YOU FUNNY

I STAYED OUT OF THAT ONE

I STILL NEED YOU NEAR ME

I TAKE YOU INTO THE NIGHT

I TAMED A BUCKING BULL

I TEACH ENGLISH AS A SECOND LANGUAGE

I THINK YOU NEED AN ATTITUDE ADJUSTMENT

I THOUGHT THEY WERE JUST GOOD FRIENDS

I TOOK ON A VOLCANO

I WANT ONE LIKE THAT WHEN I GROW UP

I WANT THE CORNER OFFICE

I WANT TO BATHE WITH YOU IN THE SEA

I WANT TO FEEL WHERE LOVE IS

I WANT TO FIND THE PERFECT WOMAN AS SOON AS POSSIBL

I WANT TO GET PHYSICAL

I WANT TO KNOW FOR SURE

I WANT TO KNOW WHERE LOVE IS

I WANT TO LIVE FOREVER

I WANT TO STAND WITH YOU ON A MOUNTAIN

I WANT YOU TO KNOW

I WANT YOU TO SHOW ME

I WAS AS WRONG AS I COULD BE

I WAS LOOKING FOR SOMETHING WITH MORE HORSEPOWER

I WAS NOT SUPPOSED TO FALL IN LOVE WITH YOU

I WAS NOT SUPPOSED TO LET THIS LOVE GET THROUGH

I WAS READY TO GIVE UP EVERYTHING

I WAS SAVING THAT FOR MY RETIREMENT

I WILL BE RIGHT HERE WAITING FOR YOU

I WILL GIVE YOU MY HEART UNTIL THE END OF TIME

I WILL NOT GO OUIETLY

I WILL SURVIVE

I WISH I COULD HAVE DONE MORE

I WISH I HAD MORE HELP

I WISH I HAD MORE TIME

I WISH THAT I HAD THAT GIRL

I WONDER HOW WE CAN SURVIVE

I WON'T DO ANYTHING YOU DON'T WANT ME TO DO

I WOULD BE NOTHING WITHOUT YOU

I WOULD DO ANYTHING FOR LOVE

I WRITE ALOT

I.D. CARD

I.D. CONFIRMED

ICE FISHING WINDOW

ICING ON THE CAKE

I'D LIKE MY LIFE BACK NOW, PLEASE

IDEA

IDEA LOCATION

IDEAS ARE POWER

IDOL CHATTER

IDYLLIC VIEW

IF BONES COULD TALK

IF HE IS SANE, HE'S DANGEROUS

IF I COULD

IF I COULD FLY, I'D PICK YOU UP

IF I WERE YOU

IF IT DOES NOT EXIST, CREATE IT

IF IT FEELS GOOD, DO IT

IF IT FEELS GOOD, KEEP DOING IT

IF THERE WERE NO WORDS

IF TIME IS MONEY, HOW MUCH MONEY DO YOU WASTE BY C LOST?

IF WE SEE ME WALKING BY

IF YOU CAN'T BEAT THEM, BUY THEM

IF YOU CAN'T GET IN, YOU CAN'T INTERACT

IF YOU COULD DREAM IT, YOU CAN LIVE IT

IF YOU DARE

IF YOU DO IT LIKE THIS

IF YOU DON'T PUSH BEYOND IT, THERE'LL NEVER BE A BEYC

IF YOU FORGIVE ME

IF YOU LOVE HIM, HE WILL COME BACK

IF YOU MESS UP, EVERYBODY PAYS

IF YOU MESS WITH THE BULL,

IF YOU MISS IT NOW, YOU WON'T HAVE IT LATER

IF YOU RUN AWAY, YOU'RE PREY

IF YOU THINK YOU CAN'T YOU NEVER EVER WILL

IF YOU WANT THEM TO SURRENDER

IF YOU'RE CALLING FROM A TOUCHTONE PHONE PRESS ONE

IF YOU'RE NOT CAREFUL

IF YOU'RE OVER 22, YOU'RE OVER THE HILL

IF YOU'VE GOT IT, FLAUNT IT

IGNITE

IGNITE YOUR IMAGINATION

IGNORANCE IS BLISS

IGNORE HER

ΙK

IKON

I'LL BE COMIN' HOME

I'LL BE LONELY WITHOUT YOU

I'LL BE RIGHT BACK

I'LL BE THE JUDGE

I'LL BE WAITING FOR YOU

I'LL BE YOUR FANTASY

I'LL DO ANYTHING

I'LL GET TO YOU SOMEHOW

I'LL GIVE YOU A HINT

I'LL HAVE YOUR LICENSE REVOKED

I'LL KEEP IT IN MIND

I'LL NEVER BREAK YOUR HEART

I'LL NEVER LET YOU GO

I'LL NEVER MAKE YOU CRY

I'LL SHOW YOU LOVE LIKE YOU'VE NEVER SEEN

I'LL TAKE WHAT'S INSIDE

I'LL TAKE YOU INTO THE NIGHT

I'M 10 I.Q. POINTS BELOW EINSTEIN

I'M A HERO

I'M A HOBO

I'M A LITTLE SHY

I'M A REDNECK

I'M AN EXCHANGE STUDENT

I'M EASY

I'M FLATTERED

I'M GLAD TO BE HERE

I'M GOING TO HOLD YOU IN MY ARMS FOREVER

I'M GOING TO MAKE IT TO HEAVEN

I'M HAPPY FOR YOU

I'M IN A BETTER MOOD ALREADY

I'M IN A HURRY

I'M IN LOVE AGAIN

I'M IN NO RUSH

I'M JUST LOOKING FOR A CHICK TO HANG OUT WITH

I'M JUST TRYING TO FIGURE IT ALL OUT

I'M KNOWN FOR BEING HANDS-ON

I'M LEAVING MY LIFE IN YOUR HANDS

I'M LEAVING, I MUST

I'M LIVING ON THE EDGE

I'M NEVER GOING TO LET YOU GO

I'M NOT AFRAID OF A FIGHT

I'M NOT ALL THERE

I'M NOT INTO DATING

I'M NOT LIKE OTHER PEOPLE, I CAN STAND PAIN

I'M NOT MAD

I'M READY

I'M THE BROAD SKETCHY OUTLINE

I'M THE ONE WHO LOVES YOU MORE

I'M THE ONE WHO LOVES YOU SO

I'M TOUGH

I'M UPSIDE DOWN

I'M VULNERABLE

IMAGE RESOURCE

IMAGEPOINT

IMAGINATION OVER BUDGET

IMAGINE GETTING MORE

IMIX

IMMERSE YOURSELF

IMPACT PLAYER

IMPERIAL

IMPETUOUS BEHAVIOR

IMPRESS HER FOREVER

IMPRESSION

IMPRESSIVE LANDMARKS

IMPROVE BODY ALIGNMENT

IMPROVE YOUR VIEW

IMPROVED TEXTURE

IMPROVES YOUR ODDS

IN 45 SECONDS IT WAS ALL OVER

IN A CLASS BY ITSELF

IN A JAM

IN A LEAGUE OF MY OWN

IN A MANNER OF SPEAKING

IN A NUTSHELL

IN A PAST LIFE

IN A PERFECT WORLD

IN AND OUT OF THE SACK

IN CAPSULE

IN CHARGE OF YOUR OWN FATE

IN DEMAND

IN DENIAL

IN DEVELOPMENT

IN FOR A SHOCK

IN GOOD HANDS

IN HIS OWN WORDS

IN JEST

IN JUST MOMENTS

IN LOVE WITH LIFE

IN MINT CONDITION

IN MORE WAYS THAN ONE

IN MY OPINION

IN NATURE THINGS MOVE FOR A REASON

IN NATURE THINGS MOVE FOR A REASON

IN PLAIN ENGLISH

IN PURSUIT OF PLEASURE

IN REALITY

IN SEARCH OF

IN SEARCH OF WATER

IN STYLE

IN THE BAG

IN THE CROWD

IN THE DARK

IN THE DEAD OF NIGHT

IN THE FLESH

IN THE FRONT ROLE

IN THE GAME

IN THE NIGHT

IN THE SPRING

IN THE SWIM

IN THE WORKS

IN TIME FOR ARMAGEDDON

IN TUNE WITH YOUR BENEFITS

IN YOUR EYES

IN-CHARGE GUY

INCRIMINATING EVIDENCE

IND

INDEPENDENT FILM SNOB

INDIA

INDOOR I OUTDOOR

INDULGE YOUR PASSION

INDULGE YOUR SENSES

INDULGE YOURSELF

INFINITE FUEL

INFLAME THE EVENING

INFLUENCED BY A HIGHER POWER

INFORM

INFORMATION NEVER SLEEPS

INFORMATION OVERLOAD

IN-HOME TRIAL

INK TO INTERNET

IN-LINE SKATING

INNER TURMOIL

INS AND OUTS

INSATIABLE APPETITE

INSIDE

INSIDE INFORMATION

INSIDE STORY

INSIDE YOUR LOCKER

INSIDERS SAY

INSIGHT

INSIGHTFUL, NAIVE, BUT INSIGHTFUL

INSPIRATION, NOT PERSPIRATION

INSPIRE SMILES

INSPIRED BY FANTASY

INSPIRED MADNESS

INSTANT ACCESS

INSTANT COOL

INSTANT ENERGY

INSTANT FUN

INSTANT GRATIFICATION

INTELLECTUAL CAPITOL

INTELLECTUAL HARVEST

INTELLIGENT

INTELLIGENT LIFE

INTENSITY GROWS

INTENSITY OF PLEASURE

INTERIM

INTERNAL DOCUMENT

INTERNAL FIGHTING

INTERNET

INTERNET ADDICTION

INTIMATE ALTERNATIVE

INTIMATE ENCOUNTERS

INTIMATE LUNCHEON

INTIMATE SPACE

INTIMATE STRANGERS

INTRIGUING POSSIBILITY

INTRUDE

INVESTIGATOR

INVITATION ONLY

IOSONO

IPOLAR

IPSEN

IQ

IRISH BEAUTY

IRON GIRL

IRON STOMACH

IRRATIONAL FEAR

IRRESISTIBLE FLAIR

IS ANYONE OUT THERE?

IS IN HIGH DEMAND

IS IT WORTH IT?

IS SHE REALLY GOING OUT WITH HIM?

IS THAT YOU?

IS THERE ANYTHING TO DO AT NITE?

IS THIS ANYWAY TO CONDUCT BUSINESS?

IS THIS REALLY ALL THERE IS?

ISLAND LEGEND

ISLAND RESORT

ISLES OF PARADISE

ISN'T AMERICA GREAT!

ISOTONIC

IT ALL GOES

IT ALL STARTS HERE

IT ALL STARTS WITH A PHONE CALL

IT ALWAYS BLOWS ME AWAY HOW LEAN AND TIGHT IT IS

IT BEGINS AT THE BOTTOM OF THE SEA

IT CAN'T BE BUT IT IS

IT CASTS

IT COULDN'T BE EASIER

IT HAPPENED

IT HAPPENS HERE!

IT HAS A PURPOSE

IT HAS PAID OFF

IT IS AN ILLUSION

IT IS NOT ENOUGH THAT I MUST SUCCEED EVERYONE ELSE! FAIL

IT IS NOW SIMPLER

IT IS SO DIFFICULT TO COMMUNICATE

IT ISN'T OVER UNTIL IT'S OVER

IT JUST DOESN'T GET ANY SWEETER

IT MAKES SENSE

IT NEVER TASTED SO GOOD

IT PAYS TO ASK

IT RULES YOUR LIFE

IT SATISFIES

IT SEEMS BIG

IT STIMULATES THE HEART

IT TASTES BETTER

IT TONES AND ELONGATES EVERY MUSCLE

IT WAS HIM OR ME

IT WAS SO LONG AGO BUT IT'S ALL COMING BACK

IT WILL NEVER BE ORDINARY AGAIN

IT WILL NEVER BE THE WAY IT USED TO BE

IT WILL STRIKE FEAR INTO THE HEART OF BOREDOM

IT WON'T BE THE FIRST TIME

IT WON'T BREAK THE BANK

IT WORKS

IT WORKS UNLIKE ANYTHING ELSE

IT'S A CALLING

IT'S A CLEAN SWEEP

IT'S A DOG'S LIFE

IT'S A FACT

IT'S A FAMILIAR STORY

IT'S A GREAT PLACE

IT'S A HORROR FILM

IT'S A KICK IN THE MOUTH

IT'S A LOT OF FUN

IT'S A PREDATORY WORLD

IT'S A PRIVILEGE TO SERVE YOU

IT'S A REAL SPORT

IT'S A TRAP!

IT'S A WHOLE NEW BALL GAME

IT'S A WHOPPER

IT'S ABOUT LOVE

IT'S ABOUT TIME

IT'S ALL HAPPENING OVERNIGHT

IT'S ALL IN THE WRISTS

IT'S AN EXPERIENCE TO REMEMBER

IT'S AS EASY AS 1, 2, 3

IT'S BACK

IT'S BIG TIME

IT'S BUYING TIME

IT'S COMPLETELY NAKED

IT'S DOABLE

IT'S EASIER TO GET WHERE IT'S SUPPOSED TO

IT'S EASY

IT'S FUN WATCHING

IT'S GOOD FOR BUSINESS

IT'S GOOD TO HAVE A MYSTERY GOING ON

IT'S GOT TO BE YOU

IT'S HAD TIME TO GROW

IT'S HARD TO BELIEVE

IT'S HEART-HEALTHY

IT'S HERE

IT'S IN THE BAG

IT'S JUST AS IMPORTANT TO TRAIN THE OWNER AS THE DOG

IT'S LIKE HAVING A DREAM

IT'S LIKE HAVING IT ALL

IT'S MILLENNIUM TIME!

IT'S MORE FUN AT THE TOP

IT'S MORE THAN FUN

IT'S MY PLAN

IT'S MY WORLD, YOU'RE WELCOME TO IT

IT'S NOBODY'S BUSINESS

IT'S NOT A BEEPER

IT'S NOT CODE, IT'S DRIBBLE

IT'S NOT COMING BACK

IT'S NOT JUST ABOUT SEX

IT'S NOT NATURAL

IT'S NOT ROCKET SCIENCE

IT'S NOT THE GUN, IT'S THE REASON WHY THE PERSON PICKS **GUN**

IT'S NOT THE SAME TO TALK OF BULLS, AS IT IS TO BE IN THI **RING**

IT'S NOT YOUR FAULT

IT'S ONLY

IT'S OVER IT'S PAYBACK TIME

IT'S PART OF HIM

IT'S PERFECTLY SAVE FOR DROIDS

IT'S REALLY NO BIG DEAL

IT'S REALLY YOUR CALL

IT'S SELDOM AS GOOD AS IT LOOKS

IT'S SEX, SPEED, ADVENTURE, MONEY AND FUN

IT'S SO HARD TO BELIEVE THAT IT'S ALL COMING BACK

IT'S SUPPOSED TO BE FUN

IT'S THE THOUGHT THAT COUNTS

IT'S TIME FOR BED

IT'S TIME TO BRING THE CUP BACK HOME

IT'S TIME TO GROW UP

IT'S TIME TO LET GO

IT'S TIME TO PUT THE TEACHER TO THE TEST

IT'S TIME TO SET SAIL

IT'S TIME TO TALK

IT'S TOO STRONG

IT'S UP, IT'S DOWN

IT'S WHAT'S INSIDE

IT'S YOU, BABE

IT'S YOUR CALL

ITSY BITSY

I'VE ALWAYS CAST AS A REBEL

I'VE BEEN BAD ALOT

I'VE DISCOVERED A CURE FOR ALL AILMENTS KNOWN TO M

I'VE DREAMED OF THIS A THOUSAND TIMES

I'VE NEVER BEEN TO A ROCK CONCERT

IVY





Webmaster

EXHIBIT N

UNITED STATES PATENT AND TRADEMARK OFFICE Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451

Baxley

Mailed: July 30, 2006 Opposition No. 91170256 Central Mfg. Co. (Inc.)

v.

Google Inc.

By the Trademark Trial and Appeal Board:

Involved application Serial No. 76314811 was published for opposition on November 1, 2005.

Opposer Central Mfg. Co. (Inc.) filed a request to extend time to oppose by ninety days on November 27, 2005, which the Board granted on November 28, 2005. By such extension, opposer was allowed until March 1, 2006 to file a notice of opposition. Opposer filed a notice of opposition on March 1, 2006, and the Board issued a notice instituting this proceeding on April 8, 2006.

In an order signed by the Chief Administrative Trademark Judge on July 14, 2006, all extensions of time filed during and since November 2005 by Leo Stoller and the entities controlled by him, including opposer, were vacated as a sanction. See attached Order.

Accordingly, the extension of time to oppose the involved application that the Board granted on November 28, 2005 is vacated, and the notice of opposition is thus untimely. Based on the foregoing, the above-captioned opposition is dismissed.

Application Serial No. 76314811 will proceed to issuance of a registration certificate in due course.

¹ All pending motions in this proceeding are moot.

UNITED STATES PATENT AND TRADEMARK OFFICE Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451

July 14, 2006

Leo Stoller 7115 W. North Avenue #272 Oak Park, Illinois 60302

Dear Mr. Stoller:

By order dated March 28, 2006, you were informed that the United States Patent and Trademark Office (USPTO) was considering imposing sanctions against you under 37 C.F.R. §10.18(c), 1 and you were allowed thirty days in which to show cause why sanctions should not be imposed. On April 26, 2006, after an extension of time to respond was granted, you filed your response to the order to show cause.

BACKGROUND

Summary of the March 28, 2006 show cause order

The show cause order noted that you and entities you control filed more than 1100 requests for extension of time to file notices of opposition between November 2005 and March 2006. The order noted, further, that the sheer number of such filings by one person is unprecedented and raises serious questions about whether the filings were undertaken for an improper purpose in violation of 37 C.F.R. § 10.18(b)(2), such as for harassment or unnecessary delay of the targeted applications.

The show cause order made reference to the numerous sanctions imposed on you, over many years, in past TTAB proceedings as evidence of your pattern of misconduct and abuse of the TTAB's

¹ The authority to impose sanctions under 37 C.F.R. §10.18(c) has been delegated to the Chief Administrative Trademark Judge from the General Counsel under authority delegated to him by the Under Secretary of Commerce and Director of the United States Patent and Trademark Office.

processes.² The show cause order alluded also to your conduct in Federal court proceedings that resulted in negative comment, chastisement, and the imposition of sanctions. In light of your well-documented history, it was concluded that you most likely had an improper purpose in filing such an extraordinary number of extensions of time to oppose.

You were instructed specifically that your response to the show cause order include, for each of the marks for which you requested an extension of time to file an opposition, evidence

² In particular, the following cases were cited in the show cause order: S. Indus. v. Lamb-Weston, Inc., 45 USPQ2d 1293 (TTAB 1997) (submission of fraudulent certificate of mailing and certificate of service); S Indus. v. S&W Sign Co., Opp. No. 91102907 (Dec. 16, 1999) (fraudulent allegations of ongoing settlement negotiations; allegations of non-receipt of papers found not credible); Central Mfq. Inc. v. Third Millennium Technology, Inc., 61 USPQ2d 1210 (TTAB 2001) (submission of false statements in order to secure extension of time to oppose); S Indus., Inc. v. Casablanca Indus., Inc., Canc. No. 92024330 (Oct. 3, 2000) (dilatory tactics throughout proceeding); Central Mfg., Inc. v. Flex-Coil Ltd., Opp. No. 91117069 (Feb. 19, 2002) ("opposer's representative has filed ... numerous papers [for] the sole purpose of harassing applicant, apparently until it capitulates"); Bacu USA Safety, Inc. v. Central Mfg. Co., Canc. No. 92032631 (Jul 24, 2003) ("respondent has ... failed to show cause why sanctions should not be imposed on it for filing the groundless Rule 11 motion, [and] has ... compounded its wrong by filing a groundless motion for reconsideration"); S Indus. v. JL Audio, Inc., Opp. No. 91110672 (May 13, 2003) (finding opposers' claim "without exception, completely devoid of merit"; opposers engaged in "a pattern of voluminous and piece-meal motion practice against which [they] were warned"); Central Mfg. Co. V. Astec Indus., Inc., Opp. No. 91116821 (Sept. 3, 2003) (judgment entered against opposer for filing abusive Rule 11 motions); Central Mfg. Co. V. Medtronic Sofamor Danek, Inc., Opp. Nos. 91154585, 91154617 (Feb. 19, 2004) (sanctions imposed for filing meritless motions for the purpose of harassment and delay); Central Mfg. Co. v. Premium Prods. Co., Opp. No. 91159950 (Sep. 29, 2004) (sanctions granted for opposer's bad faith omission of date from metered mail); Leo Stoller v. Northern Telepresence Corp., Opp. No. 91162195 (Feb. 11, 2005) (Board found that opposer had submitted untimely extensions of time to oppose notwithstanding use of certificates of mailing and declarations to the contrary; opposition dismissed); Bacu USA Safety, Inc. v. S Indus., Inc., Opp. No. 91108769 (Aug. 14, 2002) ("applicant's pattern of behavior ... reveals a deliberate strategy of delay, evasion and harassment ..., implied threats to the Commissioner, and ... a direct violation of a Board order").

that supports a claim that you may be damaged by registration of the mark.

Finally, you were informed that the sanctions being considered included terminating or vacating any extension of time to oppose found to have been filed in violation of the applicable rules, restriction of your right to appear before the USPTO on your own behalf or as an officer, director, or partner of any entity you control, and/or restriction of your right to request extensions of time to oppose on behalf of yourself or any entity you control.

Summary of Response

Your four-page response, to which you attached many pages of exhibits, consists of quotations from the show cause order, citation to certain cases to which you were a party and in which no sanctions were imposed on you, coupled with a request that the USPTO not impose any sanctions based on your past practices before the TTAB and other tribunals, and general comments concerning your basis for filing the numerous requests for extensions of time to oppose, without mention of any particular request.

References to Other Proceedings

In asking that the USPTO not sanction you for your past conduct in TTAB cases and the cases in other tribunals, you point out that the Executive Committee for the federal judicial district of the Northern District of Illinois issued you a citation on December 15, 2005, allowing you time to show cause why "reasonable and necessary restraints" should not be imposed upon you in view of your activities in the lawsuits brought by you or your wholly-owned companies, before the Court. The Executive Committee quoted Judge Coar in Central Mfg. Co. v. Brett, 78 USPQ2d 1662, 1664 (N.D. Ill. 2005) as follows:

Indeed, as several judges (including this one) have previously noted, Stoller appears to be running an industry that produces often spurious, vexatious, and harassing federal litigation ... Plaintiff and one or more of his corporate entities have been involved in at least 49 cases

³ The Executive Committee referenced the case as: Case No. 04 C 3049, Stealth Ind. Inc. v. George Brett & Brett.

in this district alone. Of these, at least 47 purport to involve trademark infringement ... No court has ever found infringement in any trademark allegedly held by Stoller or his related companies in any reported opinion.

You also noted that, after filing your response, the Executive Committee ruled, without further explanation, as follows:

The Executive Committee of the Northern District of Illinois has considered your response to the citation issued to you on December 15, 2005. After discussion, the Committee will take no further action in this matter.

You then referred to an order in Leo Stoller d/b/a Central Mfg. Co. v. WFJM Enterprises, Inc., Opposition No. 91155814 (TTAB May 5, 2004), in which the TTAB denied, as premature, a motion to impose sanctions on you.

Finally, in asking that the USPTO not sanction you for your past conduct, you refer to the "S Industries v. Genie Door" a case wherein the now Chief Judge of the Northern District of Illinois declined, eight years ago, to impose sanctions stating, in part, "the court, however, cannot base its decision to award fees on the plaintiff's conduct in other cases with other defendants."5

Comments Regarding Current Extension Requests

You assert that none of the extensions that you have filed on your own behalf or on behalf of entities you control was made for any improper purpose or for harassment or delay. cause order specifically required you to provide, for each of the marks for which you have requested an extension of time to oppose, evidence supporting a claim that you may be damaged by registration of the mark. In response, you assert that you have met the standard for filing an extension of time to oppose, because all such extension requests "are not based upon the potential opposer being damaged by a registration, but are based upon the potential opposer merely having an opportunity to

⁴ The copy of the order provided with your response did not include the caption of the case. It appears that the correct designation of the case is S Industries, Inc. v. GMI Holdings, Inc., Case No. 96 C 2232 (N.D. Ill. 1998).

⁵ While the Court did not award fees to defendant (GMI), the Court did award costs to defendant.

investigate the facts, obtain documentation, and to enable the potential opposer to consider its position with regard to potential opposition of an application." You did not provide information regarding any specific steps you have taken with regard to any application for which you have obtained an extension of time to conduct such an investigation.

With respect to the requirement that you support your claim of damage, you state that, through entities which you control, you "hold rights to over 100 Federal Trademark Registrations" and hold "Common Law rights to several thousand trademarks and slogans which can be found at www.rentamark.com." You submitted, as exhibits, excerpts from the referenced website, including a "list of emarks" to which you claim rights. You state that, for each extension filed, you relied on common law rights to a trademark that was, in your opinion, confusingly similar to the applicant's mark.6

In requesting that you not be sanctioned, you ask that the USPTO merely give you "... some direction to keep Leo Stoller on a proper course...."

Activities Since Issuance of the Show Cause Order

Since the date of the show cause order, you have filed requests for extension of time to oppose against more than 400 additional applications, bringing the total since November 2005 to over 1800, as compared to only six you filed in the five-month period between June and October 2005. In particular, USPTO records show that during the past year you have filed requests for extension of time to oppose as follows:

> June 2005 September 2005 October 2005 2 November 2005 47 December 2005 238

⁶ "For each of the extensions that Leo Stoller filed, Leo Stoller held Common Law rights to a trademark that was in Leo Stoller's opinion, confusingly similar to the potential opposer's mark." (Emphasis added.) It is assumed that your reference to "potential opposer's mark" was intended, rather, as a reference to the marks against which you filed the extension requests.

January 2006	188
February 2006	151
March 2006	717
April 2006	423
May 2006	63
Total	1.833

In your response to the show cause order, you stated that you had ceased filing extensions of time to oppose in those cases in which you would have relied on your alleged common law rights. It appears that you have done so.

Since the issuance of the order to show cause, you have contacted directly at least some of the applicants whose applications are the subjects of your requests to extend time to oppose. The TTAB has received informal complaints, formal requests for reconsideration of certain, specific extension requests, and at least one objection to the granting of any more extension requests. The nature of your contact, according to the applicant for application Serial No. 76616350, was "a large package of materials requesting money" in exchange for settlement. Apart from their substantive content, your contact letters request that the receiving applicant consent to an additional 90-day extension of time to oppose, further informing the addressee that such consent will be assumed if you do not hear from the applicant by a date certain and that you will file a "stipulated" request for an additional 90-day extension.8

APPLICABLE RULES

⁷ Contacting your potential adversary is not per se prohibited conduct. Indeed, many potential opposers do so in order to explore the possibility of initiating good faith, bilateral settlement discussion. Inasmuch as the substance of your contact is being addressed separately in connection with the requests being filed by the applicants who have taken formal steps to seek redress, the USPTO will not discuss in detail the "large package of materials" and other features of the contact letter.

⁸ Under TTAB rules, you would not be permitted an additional 90-day extension after receiving a first 90-day extension. "After receiving one or two extensions of time totaling ninety days, a person may file one final request for an extension of time for an additional sixty days ... No further extensions of time to file an opposition will be granted under any circumstances." Trademark Rule 2.102(c)(3); 37 $C.F.R. \S 2.102(c)(3).$

Trademark Rule 2.102 provides, in relevant part, for the filing of requests to extend the time to oppose as follows:

- (a) Any person who believes that ... it would be damaged by the registration of a mark on the Principal Register may file ... a written request ... to extend the time for filing an opposition. ... Electronic signatures pursuant to § 2.193(c)(1)(iii) are required for electronically filed extension requests.
- (c) Requests to extend the time for filing an opposition must be filed as follows:
 - (1) A person may file a first request for either a thirty-day extension of time, which will be granted upon request, or a ninety-day extension of time, which will be granted only for good cause shown.

Trademark Rule 2.193(c)(2) provides in relevant part as follows:

The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any document by a party, whether a practitioner or nonpractitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter.

Patent and Trademark Office Rule 10.18 provides as follows:

- (b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or nonpractitioner, is certifying that-
 - (2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that- (i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office; (ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal

of existing law or the establishment of new law; (iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and (iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

- (c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of-
 - (1) Holding certain facts to have been established;
 - (2) Returning papers;
 - (3) Precluding a party from filing a paper, or presenting or contesting an issue;
 - (4) Imposing a monetary sanction;
 - (6) Terminating the proceedings in the Patent and Trademark Office.

DISCUSSION

Your assertion that you have met the standard for filing requests for extension of time to oppose and that you need not submit evidence supporting a claim that you may be damaged by registration of the marks in the subject applications amounts to a failure to respond meaningfully to the show cause order. While an unchallenged request for extension of time to oppose, when accompanied by a minimal statement of good cause, is rarely

denied, 9 your filing of more than 1100 requests for extension of time to oppose within the few months preceding the date of the show cause order suggested a serious violation of your responsibilities as a party before the USPTO. The show cause order thus required you to demonstrate more than what might have been required in the ordinary case to support a single request for extension of time. In particular, you were required to demonstrate that the extension requests were not filed for improper purposes but, instead, were based on cognizable rights you may have arising under the Trademark Act.

Addressing directly the issue of your belief that you will be damaged, you indicate that you own over 100 federal registrations for trademarks and that you have common law rights in several thousand trademarks and slogans, referring to your website and attaching pages from your website to your response. Your submissions do not substantiate your rights in any of the claimed marks, let alone support a colorable claim of damage. example, you did not submit copies of the registration certificates of the registered trademarks you claim to own. did you even clearly identify your registered trademarks and the goods and services for which they are registered.

In support of your claim of damage to your purported common law trademarks, you provided a listing of your claimed trademarks, running to almost 150 pages (50 terms listed on each page). The listing was derived from your website and includes nothing more than the listing of the marks themselves. You submitted no evidence of products or services bearing these alleged marks, no evidence that you have sold any products or services under these marks, and no evidence of your advertising of goods or services with these marks.

At your website, you offer to "RENT-A-FAMOUS slogan" and offer "Famous Trademarks for Rent On-Line." Your website states that you "control over 10,000 famous trademarks...." Nonetheless, the exhibits from your website do not demonstrate your offering for sale any goods or services, other than the "rental" of the marks themselves, nor do the website exhibits demonstrate the use of any of the asserted terms as trademarks. These excerpts from your website, rather than evidencing support of any purported claim for damage, reinforce the conclusion that you are holding up thousands of applications in an attempt to coerce applicants

⁹ But see, TBMP § 210, 211 (2d ed. rev. 2004) (regarding requests by applicants that the TTAB reconsider granted requests for extensions of time to oppose or deny subsequent requests).

to license, i.e., "rent," trademarks to which you have not demonstrated any proprietary right. Cf. Central Mfg. Co. v. Brett, 78 USPQ2d 1662, 1675 (N.D. Ill. 2005) ("Leo Stoller and his companies present paradigmatic examples of litigants in the business of bringing oppressive litigation designed to extract settlement.")

Finally, in requesting that the USPTO not sanction you for your past conduct, you reference in your response two court cases and a single TTAB case in which sanctions were not imposed on you. Although these other tribunals have for various reasons declined to impose sanctions, their decisions also contain findings supporting the conclusion that your recent activities in the TTAB are not isolated or anomalous, but rather reflect a pattern of harassing behavior. The rationales used by those other tribunals for declining to impose sanctions do not apply here, where the behavior is of such a systematic nature as to raise the potential cost of seeking a trademark for the public generally.

DETERMINATION

Your filing of an extraordinary number of requests for extension of time to oppose, particularly in light of your past behavior before the TTAB and the courts, constitutes a violation of your responsibilities under Patent and Trademark Rule 10.18(b). That rule provides that, by filing a paper (including the extension requests at issue here), you represent, among other things, that "[t]he paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office" and that "[t]he claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law." Patent and Trademark Rule 10.18(b)(2).

Extensions of time to oppose are granted ex parte, typically upon a minimal showing of good cause. Nonetheless, the requirements for an extension of time to oppose are clear: "Any person who believes that he, she or it would be damaged by the registration of a mark ... may file in the Office a written request ... to extend the time for filing an opposition." Trademark Rule 2.102(a) (emphasis added). Thus, while the potential opposer's showing

need not be extensive and the TTAB's examination of extension requests is usually cursory, Trademark Rule 2.102 and Patent and Trademark Rule 10.18 require that all requests for extension of time be based on a good faith belief that the potential opposer would be damaged by the potential registration.

The show cause order invited you to demonstrate that your filing of each of the extraordinary number of requests for extension of time to oppose was not improper. ("Any such showing should include evidence that supports a claim that you may be damaged by the registration of each of the marks for which an extension of time to oppose has been filed.") While extensions of time to investigate potential claims are common, the potential opposer must still hold some reasonable belief that it would be damaged by registration of the mark in question. Notwithstanding the opportunity offered to you to demonstrate such a belief, you have declined to make any such showing.

Any impropriety with respect to the letters you have sent to applicants against whose applications you have filed requests to extend time to oppose is not now under review. Nonetheless, the manner in which you request "consent" for prospective further requests to extend time to oppose, such consent being necessary under Trademark Rule 2.102(c)(3), is indicative of your motivation in filing the requests to extend time to oppose that are now under scrutiny. Specifically, your intimation that the individual applicant's consent is presumed if you do not receive an objection is in contradiction of your actual knowledge that any such consent must be explicit. See Central Manufacturing, Inc. v. Third Millennium Technology, Inc., 61 USPQ2d 1210 (TTAB 2001) (misrepresenting that applicant has "agreed" to the third and fourth requests to extend time to oppose). Thus, your contact letters, providing misinformation as to the requirements for the final extension request permitted under Trademark Rule 2.102(c)(3), support the finding that the extension requests at issue here were filed for improper purposes, specifically "...to obtain additional time to harass applicant, to obtain unwarranted extensions of the opposition period, and to waste resources of applicant and the Board." Id. at 1216.

In view thereof, it is determined that you have not made a showing that you have a colorable claim of damage justifying the extension requests filed during the period in question and have failed to establish good cause for filing such requests. It is determined, further, that you filed the extension requests for improper purposes, namely, to harass the applicants to pay you to

avoid litigation or to license one of the marks in which you assert a baseless claim of rights. Your misuse of the TTAB's procedures dictates that the USPTO impose on you an appropriate sanction.

Sanctions Imposed

In deciding what sanctions to impose, the USPTO considered the egregious nature and extent of your recent misconduct, including the impact of the misconduct on TTAB proceedings. You have been granted 90-day extensions of time to oppose more than 1800 applications. The effect has been to delay by at least three months the issuance of trademark registrations for each of those applications. In addition, the TTAB has had to divert significant resources to answering telephone inquiries from applicants or their representatives concerning your numerous filings. And the applicants against whom you have filed requests for extension of time to oppose have begun to submit formal objections that the TTAB must decide.

Also, the USPTO found it reasonable and proper to consider your recent misconduct in the context of your well-documented pattern of misconduct during many years of litigation before the TTAB and the courts as set out in the show cause order, which included the sampling of TTAB cases in which sanctions were imposed against you¹⁰ and the case in the Northern District of Illinois.¹¹ Cf. C.

 $^{^{10}}$ Indeed, irregularities with respect to your filing of requests to extend time to oppose have been considered previously. See, for example, Stoller v. Northern Telepresence Corp., 152 Fed. Appx. 923, 2005 WL 2813750 (Fed. Cir. 2005), affirming the TTAB's decision denying as untimely your request(s). See also Central Manufacturing, Inc. v. Third Millennium Technology, Inc., 61 USPQ2d 1210 (TTAB 2001), imposing a sanction, for a period of one year, which required the actual signature of the adverse party for any request to extend time to oppose filed by you in which it was alleged that such request was being sought on consent, or had been agreed to, or in which there was any allegation of any type of settlement discussion. This sanction was imposed because the TTAB found that the applicant had not "agreed" to the extension requests, that the parties were not engaged in bilateral settlement discussions, and that applicant had not invited opposer to proffer a settlement agreement, all determinations being contrary to your proffered reasons for seeking the extensions at issue therein. The TTAB further found that you "filed papers based on false statements and material misrepresentations and, moreover, ... engaged in a pattern of submitting such filings to this Board."

Wright & A. Miller, 5A Fed. Prac. & Pro. Civ.3d § 1336.1 (2006) (appropriate to consider prior behavior in other cases when exercising a court's inherent authority); Fed. R. Civ. P. 11, Advisory Committee's Note (1993) (same consideration appropriate under Rule 11). While the USPTO has considered findings made by other tribunals, the pattern of activities in the TTAB alone justify the sanctions imposed below.

The following sanctions are, therefore, hereby imposed:

Grant of Extension Requests Vacated

The approval of each request for extension of time to oppose that you have filed since November 2005 is hereby vacated. 12

Two-Year Prohibition On Filing Extension Requests

You are hereby prohibited for a period of TWO YEARS from the date of this order from filing, on your own behalf or as an officer, director, or partner of any entity you control, any request for extension of time to oppose under Trademark Rule 2.102. This two-year prohibition applies whether or not you are represented by an attorney.

Requirement Of Attorney Representation For Any Future Extension Requests

You are PERMANENTLY prohibited from appearing before the USPTO on your own behalf or as an officer, director, or partner of any

In contrast to the two cited orders of the Northern District of Illinois in which the Executive Committee and the Court <u>declined</u> to impose sanctions, that court has chastised and sanctioned you numerous times. See, e.g., S Industries, Inc. v. JL Audio, Inc., 29 F. Supp.2d 878 (N.D. Ill. 1998) ("This has not been a good year for Plaintiff in the Northern District of Illinois, but, then again, Plaintiff has not been a good litigant."), referencing several other cases before the Court that had been decided against you. See also Central Mfg. Co. v. Pure Fishing, Inc., 2005 WL 3090998 (N.D. Ill. 2005) (and cases cited therein), in which the court imposed the sanction of dismissing plaintiff's claim and granting defendant's counterclaims to cancel registrations you own and for declaratory and injunctive relief. (The Pure Fishing case is suspended pending resolution of your petition in bankruptcy.)

¹² Extension requests granted more than 90 days ago have now expired. This sanction is, thus, moot with respect to such requests. But, if you have filed a notice of opposition against any of the involved marks, such notice of opposition is rendered untimely by this sanction, and any such opposition shall be dismissed.

entity you control for the purpose of filing any request to extend time to file a notice of opposition or any paper associated therewith. Any such future request must be filed by

an attorney, who will be bound to act in accordance with USPTO

Request For "Direction"

Rule 10.18(b).

Finally, you requested "direction" in how to proceed before the TTAB. As a frequent party to proceedings before the TTAB during the past ten years, you have been informed repeatedly about how the TTAB expects proceedings to be conducted. In the past, you have often ignored the direction given you by the TTAB, in the form of information or reprimand, or have found a way to side step such direction with improper or bad faith conduct.

The USPTO provides information to parties and the public electronically in a user-friendly format. The Trademark Act, the rules of practice in matters before the TTAB, The Trademark Trial and Appeal Board Manual of Procedure (2d ed. rev. 2004), and answers to frequently asked questions are all available for viewing and downloading at www.uspto.gov. While an individual may represent himself or herself (or a business in which he or she is an officer or partner) before the USPTO, see Patent and Trademark Rule 10.14(e), the TTAB "strongly recommend[s]" that a party be represented by an "attorney familiar with trademark law." TBMP §114.01 (2d ed. rev. 2004). Those who choose to represent themselves occasionally call the TTAB with questions and are provided procedural information. Overall, after being directed to the TBMP, they abide by the rules. Thus, there is no reason for the USPTO to conclude that the explanations provided in the TBMP are too complicated for pro se litigants, particularly for ones with an extensive history of practice before the TTAB.

Consequently, the TTAB's "direction" to you will remain the same that it has been for many years and the same as that given to other litigants representing themselves: engage an experienced trademark lawyer. Failing that, read and follow the applicable statute, rules, and cases and consult the TBMP for guidance.

Potential for Imposition of Broader Sanctions

The applicable rules permit broader sanctions. For instance, the USPTO considered whether to bar you permanently from filing

extension requests or to require that you be represented by an attorney with respect to any future Board matter, not just requests for extensions of time to oppose. At this time, the USPTO has restricted the sanctions imposed herein to those closely related to your recent misconduct and, it believes, the minimum necessary to prevent such misconduct in the future. Nonetheless, the question of broader sanctions will be revisited if you commit further improprieties in proceedings before the TTAB.

So ordered.

/signed/

J. David Sams Chief Administrative Trademark Judge Trademark Trial and Appeal Board United States Patent and Trademark Office

EXHIBIT O

Google Opposition and Petition to Cancel.txt

From: L Lee []dms4@hotmail.com]

Sent: Friday, March 31, 2006 10:12 PM To: Michael T Zeller

Subject: Google Opposition and Petition to Cancel

For Settlement purposes only not discoverable Rule 408 Cal. Evid.

Code 1152

Michael Zeller:

I will sent to you this week a copy of our Notice of Opposition and Petition to Cancel Google's Registrations Nos. 2806075 and 2884502 if the Board has not served them on you along with our discovery. I also will notice up Google two founders for their depositions, let us hope that they do not make any misstatements of material facts under oath, because I have no problem with referring them to the US Attorney for a perjury charge should they lie under oath.

There are good business reasons why most knowledgeable business leaders do not want to submit to depositions, but Google's management cannot weight to testify in this case, because their model is "do no evil"!

Friday Google stock went down again. In fact Google's stock has gone down more in the last 60 days than most stock is worth.

Mr. Zeller after 34 years of trademark litigation I can still never understand why your ilk prefer to engage in full blown litigation rather than recommend to your client to settle, when you can settle for only pennies on the dollar.

I have another opponent that has recently spent over \$1,000,000 to try to defeat me when they could have guaranteed themselves a early victory for 10 cents on the dollar, that which they have spent. That controversy has no end in sight. Maybe you will be able to explain to me why Google will risk their registrations, their reputation in the public market place than having offered to settle this case prior to this point for a few cents on the dollar.

Settling litigation is merely a cost of doing business, nothing more nothing less. Google's refusal to deal in good faith to resolve this registerability issue is going to lead to the cancellation of Google's flagship trademark Registrations 2,806075 and 2,884,502 because I am the one entity in the country that is being damated, has the motivation, time, money and experience to put before the Trademark Trial and Appeal Board what everyone else knows, but does not have the expertise to do, that Google's marks have become generic.

When I see Google marks I think of the story of the Emperor Clothes. Everyone know that the Emperor was not wearing any clothes but no one would tell him. Every one knows that Google's trademarks are not worth the paper that they are written on, but no one is willing to plead a proper cancellation before the Trademark Trial and Appeal Board in order for Google's marks to be properly canceled, except I am fortunate to find myself in a position to be damaged by the continued existence of Google's mark on the principle register.

The Registrations No. 2,806075 and 2,884,502 do not belong on the principle register. The only reason why they exist at all is because no one has plead a proper petition to cancel before the Board.

What is not reported in the press about me is that 99% of my opponents opt to settle. Google is in the 1% category that refused to pay any deference to my early on trays for a quick settlement.

Even at this late stage Google's only concern is to see the cards that I am holding in my hand before they offer to settle. See if I am capable of pleading a bullet Page 1

Google Opposition and Petition to Cancel.txt proof and deadly pleading. Mr. Zeller you never stop testing your opponents do you. Well it is a matter of public record that Leo Stoller has successfully opposed more Applications and canceled more Registrations than any other enitity in America. And I will cancel Google's marks, because we are being damaged by their existence and because Google refused to deal in good faith to resolve this controversy when they should have.

If you have nothing else to do this week end just go to the TTABblog and you can read all about me and how I make my living.

Have a pleasant week-end.

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Most Cordially,
/Leo Stoller/
Leo Stoller, President
Central Mfg. Inc.
7115 W. North Avenue #272
Oak Park, Illinois 60302
773-589-0340
FAX 773-589-0915
www.rentamark.com
>CONFIDENTIALITY NOTICE
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EXHIBIT P





6E) Nove Professional Bracket Sext Slogs:

RENTAMARK.COM

RENTAMARK IS A FULL SERVICE TRADEMARK LICENSING, TRADEMARK LITIGATION SUPPORT SERVICES, TRADEMARK VALUATIONS, EXPERT WITNESS TESTIMONY WITH OVER 30 YEARS EXPERIENCE IN TRADEMARK MATTERS: LITIGATION IS WAR WELCOME TO THE FRONT

WEDNESDAY, APRIL 19, 2006

CABELA'S SENT CEASE AND DESIST LETTERS



CABELA'S one of the largest sporting goods retailers and mail order company has been sent cease and desist letters by CENTRAL MFG, a company that hold rights to the

famous STEALTH trademark, for the unauthorized sale of STEALTH BRANDED GOODS.

CABELAS's has liability in the distributing process. Courts have extended the category of contributory infringer to include "all those who knowingly play a significant role in accomplishing the unlawful purpose. Courts have held that the contributory infringement doctrine is not limited merely to acts of designedly furnishing dealers

with a means for consummating fraud, but extends liability to acts with the defendant should have realized would create an opportunity for misuse of a trademark." See McCarthy On Trademarks Section 25:19.



CABELA'S has been put on notice of the allegation of participating in "contributory infringement" of CENTRAL'S famous STEALTH BRAND on numerous occasions and CABELA'S has refused to take

ABOUT ME

LEO STOLLER CHICAGO, ILLINOIS

Over 30 years in the field of trademarks, licensing and enforcement, expert witness testimony, trademark valuation Expert www.rentamark.com VIEW MY COMPLETE PROFILE

LINKS

Google News Edit-Me Edit-Me

PREVIOUS POSTS

CABELA'S SENT CEASE AND DESIST LETTERS ROBERT ULRICH CEO OF TARGET REFUSES TO TESTIFY CENTRAL FILES TODAY TO CANCEL GOOGLES FEDERAL TRADEMARK REGISTRATION 2,806,076

LONLY LIKE BIG GAMES! LITIGATION IS WAR WELCOME. TO THE FRONT WHO IS LEO STOLLER

the necessary remedial action to contact CENTRAL MFG to cure the situation.

POSTED BY RENTAMARK.COM AT 10:02 AM 0 COMMENTS

TRADEMARKS

ARCHIVES

April 2006

ROBERT ULRICH CEO OF TARGET REFUSES TO TESTIFY







CENTRAL MFG. CO. Filed depositions notices of TARGET'S executives Robert Ulrich, Timothy R. Baer Esq. Terrence J. Scully and Greg W. Steinhafel. In order to avoid a scene

reminiscence of the scene of the tobacco executives, TARGET has refused to produce the executives of TARGET to testify under oath on behalf of TARGET in an Opposition proceeding No. 91170274 before the Trademark Trial and Appeal Board of the United States Patent Office.

CENTRAL MFG. a small Delaware,

Trademark Licensing Firm, filed an Opposition to the Registration of TARGET's bulls eye mark at the Patent and Trademark Office, claiming superior rights in



a confusingly similar bulls eye mark. Due to TARGET's refusal to produce its executives to testify, CENTRAL is moving to compel Robert Ulrich, Timothy R. Baer Esq., Terraence J. Scully and Greg W. Steinhafel to testify before the Trademark Trial and Appeal Board.

POSTED BY RENTAMARK. COM AT 6:28 AM 2 COMMENTS

TULSDAY, APRIL 18, 2006

CENTRAL FILES TODAY TO CANCEL GOOGLES FEDERAL TRADEMARK REGISTRATION 2,806,076



CENTRAL MFG CO., filed today a Petition to cancel



GOOGLE's flagship Federal Trademark

Registration No. 2,806,075. Central has alleged numerous grounds for cancellation. Central alleges that the Trademark Trial and Appeal Board cancel GOOGLE's mark because it has become a "Generic" name for the goods or services for which it is registered 15 USC Section 1064(3). Central also alleges that GOOGLE has also perpetrated a fraud on the public by allowing its representatives to contact publishers of dictionaries in order to induce the publishers to change the "lexicon" of the 'google' meaning so as to avoid the Generic label. Central sites to a BBC NEWS report "Google calls in the 'language police". "Google is now a verb, meaning to search. It sounds like the ultimate compliment to the company, so why do its lawyers want to keep the word out of our dictionaries?"

Google's problem is one of the paradoxes of having a runaway successful brand. The bigger it gets, the more it becomes part of "everyday" English language and less a brand in its own right." Central also alleges that Google has abandoned its mark based on naked licensing. Google according to the Central complaint has stated that the Google mark fails to function as a mark and/or is purely ornamental. Central alleges that the "said statement of use" was false.

GOOGLE'S CORPORATE CULTURE

Google is particularly known for its relaxed corporate culture, reminiscent of the Dot-com boom, google's corporate philosophy is based on many casual principles including, "You can make money without doing evil!"

POSTED BY RENTAMARK.COM AT 6:55 PM 1 COMMENTS

SUNDAY, APRIL 16, 2006

I ONLY LIKE BIG GAMES!



Sports fans will recall, what the great Glen (Bo) Schembechler (194 wins 48 loses) the University of Michigan football coach said in his last year (1969-1989) at U of M, when the sports reporter said," Coach Schembechler you have only three games left to play, how do you feel about it?"

"I wish I had more games."

The reporter said, " who are the three teams?"

Schembechler replied, "Notre Dame, Stanford and Ohio State."

The reporter said, "those are all Big games".

Schembechfer replied, "those are the only ones I like to play."

POSTED BY RENTAMARK.COM AT 2:08 PM 1 COMMENTS

LITIGATION IS WAR WELCOME TO THE **FRONT**





Rentamark is still battling Columbia Pictures over



the mark

STEALTH. You will recall that SONY the owners of Columbia Pictures released a Movie last July 29, 2005 named STEALTH. The battle in involves clearly merchandise that was sold under the STEALTH MARK.

CENTRAL FILED APPEAL IN THE GEORGE BRETT CASE

On Good Friday Central Mfg Co. Filed an Notice of Appeal in the George Brett trademark litigation, which involved Brett's use of the mark STEALTH on bats and Central Mfg Co., use of the mark on bats. Central had plead 35 STEALTH Federal Trademark Registrations, 10 of which were in International class 28. Brett plead no Federal Trademark Registrations.

Central Mfg Co., licenses Easton Sport to use its STEALTH mark on a line of base ball products including bats. In the Northern District of Illinois, Judge Coar issued a decision of "first impression" in that case. Judge Coar ruled that there was no likelihood of confusion as between Central and Brett's use of the identical mark STEALTH on the identical goods, bats. then went on to cancel Central's STEALTH mark on baseball bats based upon "likelihood of confusion. Never in the history of the USPQ has there ever been such a decision rendered where a District court judge issued a finding of no likelihood of confusion and then proceeds to cancel a trademark based upon "likelihood" of confusion. We are looking forward to hear what the 7th circuit thinks of that opinion!

You remember the press that we received as a result of the Columbia Pictures case regarding the Release of the STEALTH movie, it made all of the papers in North America. Of course that trademark litigation is still going. But that trademark story will be nothing compared to the trademark story that is now unfolding...

STOLLER CANCELS THE GOOGLE TRADEMARK

STOLLER'S opposition to Google's Application SN 76-314811 has been finally initiated on April 8th, 2006 Opposition Number 91170256. STOLLER has move to Oppose based upon the legal theory that the GOOGLE mark has become generic. The Google mark is a "verb" Google has become nothing more than a generic term. Thus Google is not entitled to federal trademark registration of the Google trademark.

The company Google has been receiving a lot of press lately related to its stock price, its cooperation with the Chinese government etc. STOLLER is also moving to consulate the said opposition with a cancellation proceeding involving Google's flagship trademarks Registrations 2806075 and 2884502 all of which have become generic and not entitled to federal trademark registration.

STOLLER believe that this will be the biggest trademark story for 2006.

because, not only has the dictionaries now define Google as a verb but Google's attorneys have unlawfully attempted to write to these dictionaries to get them to remove Google's name from the lexicon as a generic term. STOLLER has canceled more trademarks off of the principle register than any one else he knows of, STOLLER stated that aside from being "shot at and missed" there is nothing more satisfying to STOLLER than for him to cancel a Federal Trademark mark off of the principle register that should not be there.

STOLLER states that this is an important trademark lesson that demonstrates the principle that GOOGLE's mark became a victim of its own success. And if you don't believe STOLLER just "google it!"

CENTRAL OPPOSES TARGETS APPLICATION FOR BULL EYE MARK

Central notified Target Stores of a potential Opposition regarding Targets newly filed Application for a bull eye mark. Target shot back and missed the bull eye, with a Petition to Cancel, Central's bulls eye mark, based upon likelihood of confusion and abandonment.

Central shot back and directed Target to Stealthcues.com which evidence use of STEALTH's bull eye mark.. Where upon Target withdrew its Petition to cancel, but not before Central filed its answer.

Thus the withdrawal was with prejudice,

The Opposition is going forward and Targets Executives have been invited to give their depositions under oath.

Target by filing its Petition to cancel has clearly established by judicial admission that they could be damaged by Central's bull eye mark and that there is a likelihood of confusion as between the respective marks. Central will be able to establish piority of use. Target's Application for sporting goods is a "history lesson".

However. Target is barred by the doctrine of Res Judica from attaching Central's bull eye federal trademark registration for a similar bull's eye mark. Target will never be able to receive a Federal Trademark Registration in International Class 28 for toys and sporting goods products.

POSTED BY RENTAMARK.COM AT 12:50 PM - 1 COMMENTS

WHO IS LEO STOLLER

WHY IS **EVERYONE** AFRAID OF LEO STOLLER AND



ATTEMPT TO VILIFY HIM IN THE PRESS

LEO STOLLER'S STORY

LEO STOLLER was born in Chicago, Illinois. Went to high school in Chicago, went to the same High School as Coach K. Stoller received a football scholar ship to go to North Dakota. Stoller graduated from Mayville State University in North Dakota BS and received a MA from North Dakota State university in Fargo.

Stoller is a Republican. Leo Stoller started his business in Chicago, Illinois in 1974. He began as an importer of general merchandise. Stoller invented a new tennis racket and holds a US Patent for his invention.

Stoller is the Executive Director of Americans for the Enforcement of Intellectual Property Rights www.rentamark.com/aeipr, Americans for the Enforcement of Attorney Ethics www.rentamark.com/aeae, American for the Enforcement of Judicial Ethics www.rentamark.com/aeje. Stoller is the Director of www.rentamark.com.

Stoller in the 70's and 80's created a large number of brands for his products and services including the now famous SENTRA, DARK STAR, AIR FRAME, HAVOC AND STEALTH BRANDS etc. His customers included all of the major retailers including Wal-Mart, K-Mart, Sears etc. In the eighties customers started coming to Stoller to obtain trademark licenses because the trademarks that Stoller had developed became famous. Stoller started licensing his famous trademarks on a broad range of products and services. In order to protect these trademarks it required a substantial amount of litigation. Because once a trademark become famous, there is a strong incentive for trademark squatters to attempt to obtain use of a famous mark without having to pay for it. In fact, Stoller would argue that trademark squatting is a very profitable business, because famous trademarks are very expensive to police and to protect. All a trademark squatter has to do is to affix a famous mark to its goods and services and that company can benefit from the "good will" obtained by the original owner and immediately gain access to markets that would not otherwise be available. Secondly, the

trademark squatter does not have to pay any royalty rates so it is very profitable to "trademark squat" with a strong likelihood of "getting away" with the trademark squatting before being caught.

NO ONE LIKES THE LANDLORD

Protecting Trademarks is import part of the trademark licensing business. Otherwise no will license a mark if the owner is not willing to protect it. Stoller's guiding principle for trademark protection is derived from the Bible of trademark law McCarthy on Trademarks Section 11:91 ASSERTIVE ENFORCEMENT OF MARKS.

"Trademarks are weak when they are merely one of a similar crow of marks. How does this happen? The only way a trademark owner can prevent the market from becoming crowded with similar marks is to undertake an assertive program of policing adjacent "territory" and suing those who edge too close. Judge Neather observed that:

Strength is primarily a question of degree, an amorphous concept with little shape or substance when divorced from the marks commercial context, including an appraisal of the owner's policing efforts to ensure that whatever distinctiveness or exclusivity has been achieved is not lost through neglect, inattention or consent to infringing use.

It has been observed that an active program of prosecution of infringer, resulting in elimination of others' uses of similar marks, enhances the distinctiveness and strength of a mark, since no one else uses a similar sounder name, plaintiff's name looks an sounds all the more unique. The Fifth Circuit said that the lack of vigilant enforcement of the mark **DOMINO** for sugar resulted in a narrowing of protection to only the sugar filed... Even when the plaintiff fights hard and loses its trademark suit this does not mean that there was bad faith enforcement. When Procter & Gamble lost a trademark suit, Judge level noted that:

Procter & Gamble cannot be faulted for zealously protecting its trademark interest. Indeed, the trademark law not only encourages but requires one to be vigilant on pain of losing exclusive rights...P&G was entitled to use all the ammunition it had".

As everyone knows in the Trademark community Leo Stoller engages in the Assertive Enforcement of its marks. Stoller does this pursuant to the rules and guide lines out lined in McCarthy on Trademarks.

Stoller has thus far prevailed in over 90% of its police actions against third party infringers. Companies like Wal-Mart, K-Mart and hundreds of other well known American companies have acknowledged Stoller's superior rights to its marks as a result of trademark litigation.

In the nineties, with the advent of the internet, this has allowed anyone with any grievance founded or unfounded a forum to publish their thoughts. This has lead to a fire storm of protest against litigants trademark holders such as Rentamark. Since the internet has allowed for the first time average consumers access to intellectual property. Prior to about 1995, the average consumer had no need to hold rights to trademarks, domain names etc. This was the dominion of corporations.

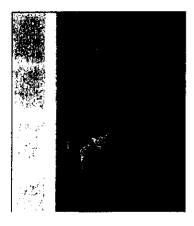
Now that consumer have attempted to join the intellectual property they are confronted with being subject to violating trademark infringement laws. Which they do all of the time. The press has vilified Leo Stoller merely because he engages in the Assertive Enforcement of its trademark rights.

POSTED BY RENTAMARK.COM AT 8:39 AM 0 COMMENTS

SATURDAY, APRIL 15, 2006

TRADEMARKS

Trademarks in the 21st Century have become more difficult to acquire and once acquired more difficult to police and protect. The unauthorized use of trademarks is pendemic. The government requires that the Trademark holder protect his own mark. Trademarks are source identifiers.



Because well known marks, like STEALTH, WINDOWS and others can be so easily infringed it requires the trademark holder to have a staff devoted to the full time

enforcement of the firms trademark rights and/or face the loss of

those rights to third party infringers.

In the English language dictionary there a about 250,000 words that are trademarkable. There are over 3,000,000 registered Federal Trademarks on the Principle Register. In the US today there are over 20 million business competing for about 250,000 words all of which have long since been trademarked. For that reason companies are going to trademark licensing firms to license well known trademarks, like rentamark.com in order to avoid trademark controversies.

POSTED BY RENTAMARK.COM AT 9:43 PM 0 COMMENTS

EXHIBIT Q

Rentamark.com

Case 1:07-cv-385

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RENTAMARK.COM

RENTAMARK IS A FULL SERVICE TRADEMARK LICENSING FIRM OFFERING TRADEMARK LITIGATION SUPPORT SERVICES, TRADEMARK VALUATIONS, AND EXPERT WITNESS TESTIMONY WITH OVER 30 YEARS EXPERIENCE IN TRADEMARK MATTERS: LITIGATION IS WAR * WELCOME TO THE FRONT

TUESDAY, JUNE 20, 2006

GOOGLE CANNOT BUY OFF LEO STOLLER





CHICAGO--GOOGLE CANNOT BUY OFF LEO STOLLER. Central Mfg Co., a Delaware Corporation that Stoller is the president petition to cancel GOOGLE INC Federal Trademark Registration on the

grounds that it has become 'generic' and/or 'descriptive' of the services covered under its Federal Trademark Registration. The overwhelming evidence of the mark GOOGLE becoming 'generic' and/or 'descriptive' also consists of the fact that the word 'google' can be found in the dictionary describing the services covered under GOOGLE'S Federal Trademark Registration

http://dictionary.reference.com/browse/google/

GOOGLES INC's Federal trademark Registration is doomed and will become a trivia question on game shows. "For 100 dollars what former famous trademark has become 'generic' and lost its Federal Trademark Registration?" "What is Google?" "Your right!"

GOOGLE INC'S founders Larry and Sergey are the 26th and

ABOUT ME



LEO STOLLER CHICAGO, ILLINOIS LICENSOR of numerous famous trademarks including STEALTH,

SENTRA, DARK STAR, AIR FRAME, STRADIVARIUS, HAVOC, TRIANA, TRAVELING NURSE, WHITE LINE FEVER, CHESTNUT, TRIADE etc.. see www.rentamark.com. Leo Stoller. graduated from Mayville State College with a BS Degree and North Dakota State University, MASTERS DEGREE. Leo Stoller is the nation's most renowned Intellectual Property Entrepreneur with over 30 years in the field of trademarks, licensing and enforcement, expert witness testimony, trademark valuation Expert and legal ethics expert, Leo Stoller has appeared on FOX NEWS, CBS and in numerous national news papers including the New York Times and on many radio talk shows Leo Stoller is ready to go to work for you: contact information: Leo Stoller, President/CEO Central Mfg. Co., Stealth Industries, Inc., Rentamark.com, 7115 W. North Avenue #272, Oak Park, Illinois 60302. Phone 773-283-3880, Fax.

27th richest people in American worth about 14 billion dollars each. Stoller will not accept any monetary settlement to resolve this trademark controversy. In other words GOOGLE does not have enough money to save their Federal Trademark Registration from being canceled on the grounds that it has become 'generic' and/or 'descriptive'.

The lesson here is that we are all equal under the law and that **no** amount of money can save a Federal Trademark Registration from being canceled if the law requires, as is the case at bar even if the owners are worth billions.

POSTED BY RENTAMARK, COM AT 12:06 AM

AEJE HONORS TTAB JUDGE PAULA T. HAIRSTON



CHICAGO--AMERICANS FOR THE ENFORCEMENT OF JUDICIAL ETHICS, a

group located in Chicago that has advocated the strick enforcement of judicial ethics www.rentamark.com/aeje/ today honors Trademark Trial and Appeal Court Judge (TTAB)

PAULA T. HAIRSTON.

Judge Hairston was a Interloctory Attorney, Assistant to the Assistant Commissioner for Trademarks. She was a was involved with Petitions and special projects for the Commissioner. Judge Hairston received her B.A. Degree with honors from the University of North Carolina at Greensboro. Judge Hairston received her J.D. Degree from Catholic University of America with the highest distinction. Judge Hairston has developed a reputation for making fair and impartial decisions. She remains a good student of law and renders well reasons opinions. AEJE honors Judge Paula T. Hairston today.

POSTED BY RENTAMARK, COM AT 12:01 AM 2 COMMENTS

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PREVIOUS POSTS

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OUINN EMANUEL ALLEGED TO VIOLATE TTAB ORDER

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LEO STOLLER WINS ANOTHER TEAR OPPOSITION PROCEEDING

MICHAEL MONDAY AND ISABEL MONDAY BRAND WINES

TERMS OF USE

OUINN EMANUEL- MICHAEL T. ZELLER ABOVE THE LAW

AEJE OFFERS KUDOS TO TTAB JUDGE DAVID E. BUCHER

MICHAEL T. ZELLER PANICS

QUINN EMANUEL ALLEGED TO VIOLATE TTAB ORDER



WASHINGTON--THE LAW FIRM OF QUINN EMANUEL URQUHART OLIVER & HEDGES that raked in over 193 million dollars last year is charged with violating a Trademark Trial and Appeal Court Board Order dated June 15, 2006 issued by Ms. Cindy B. Greenbaum. QUINN EMANUEL represents Google Inc., in a petition to cancel proceeding. Central Mfg. Co., a Delaware Corporation located in Chicago filed a Petition to Cancel Google Inc.'s GOOGLE Federal Trademark Registration No. 2806075 on the grounds that it is "generic" and/or "descriptive" of the services covered under Google's Federal Trademark Registration. The irrefutable evidence that the mark GOOGLE is generic and/or descriptive comes from the fact that the word "google" is now and has been in the dictionary

Central Mfg Co., filed a timely motion for summary judgment on May 15, 2006. There are no triable issues of fact. The mark 'google' is 'generic' and/or 'descriptive' case closed. However the famous law firm of QUINN EMANUEL does not want to submit to the authority of the Board (TTAB) and is now charged with violating a TTAB Order dated June 15, 2006.

http://dictionary.reference.com/browse/google/

Ms. Cindy B. Greenbaum TTAB attorney issued an order suspending the Petition to Cancel proceeding pending the disposition of out standing motions. Notwithstanding the said Board order dated June 15, 2006 suspending the proceeding, QUINN EMANUEL files another motion "to suspend Pending Disposition of Civil Action." QUINN EMANUEL have absolutely no defense to Central's motion for summary judgment. Thus QUINN EMANUEL choose to engage in classic dilatory tactics and filed an additional motion despite the Order of Ms. Greenbaum. In order to avoid having to respond to a motion for summary judgment in which there is "no" valid response likely.

ARCHIVES

April 2006

May 2006

Filed 01/19/2007

June 2006



POSTED BY RENTAMARK.COM AT 12:00 AM

MONDAY, JUNE 19, 2006

CINDY B. GREENBAUM ISSUED ORDER SUSPENDING GOOGLE OPPOSITION AND PETITION TO CANCEL PROCEEDINGS





WASHINGTON--CINDY B. **GREENBAUM** TRADEMARK TRIAL AND APPEAL ATTORNEY ISSUED AN ORDER ON

June 15, 2006 suspending the GOOGLE Opposition and Petition to Cancel Proceeding "pending the disposition of the pending motions. Any paper filed during thie pendency of these motions which is not relevant thereto will be give no consideration. See trademark Rule 2.127(d). Central Mfg. Co., (Inc) a Delaware corporation filed an Notice of Opposition and a Petition to Cancel GOOGLE INC's Federal Trademark Registration on the "grounds" that the mark GOOGLE has become "generic" and/or "descriptive" of the services covered under GOOGLE INC'S Federal Trademark Registration. There is no question that the mark GOOGLE is generic and/or descriptive because it is now in the dictionary

http://dictionary.reference.com/browse/google/ and the definition defines the services covered under the GOOGLE mark.

The Board suspended the said proceedings to deal with pending motion to compel and a motion for summary judgment.

If you have an opinion as to the mark Google becoming **generic** and/or descriptive please call Leo Stoller, the representative of Central Mfg Co., 773-589-0340 or email ldms4@hotmail.com/ Leo Stoller is a trademark expert who can provide, expert witness testimony, trademark valuations, trademark licensing

www.rentamark.com/ trademark litigation support services.

POSTED BY RENTAMARK.COM AT 12:08 AM

LEO STOLLER WINS ANOTHER TTAB OPPOSITION PROCEEDING

CHICAGO--LEO STOLLER WINS ANOTHER OPPOSITION RECEIVING JUDGMENT IN HIS FAVOR **DENYING REGISTRATION OF THE MARK STEALTH DUMP** TRUCKS.STEALTH DUMP TRUCKS, INC. filed a trademark application for the mark STEALTH DUMP TRUCKS for use on Dump Truck conversion kits consisting of sicissor-type powered operated bed lift that converts a stationary pickup truck bed into a Dump Truck. Leo Stoller filed a notice of opposition based upon holding prior rights to the famous mark STEALTH. Neither Stoller nor any of his companies hold a STEALTH mark for Dump Trucks per se. "Trademarks are weak when they are merely one of a similar crowd of marks. The only way a tademark owner can prevent the market from becoming crowded with similar marks is to undertake an assertive program of plicing adjacent territory and suing those who edge too close." See McCarthy on Trademarks Section 11:91 ASSERTIVE ENFORCEMENT OF MARKS.

"It has been observed that an active program of prosecution of infringers, resulting in elimination of others' uses of similar marks, enhances the distinctiveness and strength of a mark since no one else uses a similar sounding name, plaintiff's name looks and sounds all the more unique." id The Board granted judgment "against applicant, the opposition is sustained, registration to applicant is refused ". The TFAB decision against Stealth Dump Truck Inc., and in favor of Central Mfg. Co., was entered on June 15, 2006. Leo Stoller has participated in over 200 inter party proceedings over 25 years prevailing in over 95% of the time and over 60 district court trademark cases involving his famous STEALTH MARK. For trademark licensing opportunities for the famous mark AIRFRAME and other famous trademarks please contact Leo Stoller 773-589-

0340 email ldms4@hotmail.com/ 773-589-0340 fax see www.rentamark.com/ To obtain a trademark valuation, expert witness testimony, litigation support services, legal research, brief writing, appeals you have found your source, contact Leo Stoller today. Buy, sell, trade and/or license trademarks call Lco 773-589-0340

POSTED BY RENTAMARK.COM AT 12:00 AM 0 COMMENTS

SATURDAY, JUNE 17, 2006

MICHAEL MONDAY AND ISABEL MONDAY BRAND WINES



ILLINOIS--MICHAEL MONDAY and/or ISABEL MONDAY NON-alcoholic WINES TASTE LIKE THE REAL THING. The MICHAEL



MONDAY & ISABEL MONDAY BRAND for

wine(s) and for beverage products are available for trademark licensing opportunities. The use of the MICHAEL MONDAY and/or ISABEL MONDAY BRAND on your line of cheeses, crackers, beverages, vinegar products will assist your company in immediately obtaining market share. Please contact rentamark at 773-589-0340. Email ldms4@ hotmail.com www.rentamark.com

POSTED BY RENTAMARK, COM AT 10:04 AM

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POSTED BY RENTAMARK.COM AT 12:51 AM 0 COMMENTS

QUINN EMANUEL- MICHAELT, ZELLER ABOVE THE LAW



CHICAGO--MICHAEL T. ZELLER THE 1.6 MILLION



DOLLAR LAWYER FROM THE FAMOUS LAW FIRM OF QUIN EMANUEL, who racked in last year over**93** million dollars, claims to be above the law. The rentamark blog has "terms of use" like most every other web site on the net. MICHAEL T. ZELLER has written a letter to Leo Stoller dated June 16, 2006 stating, "Your alleged 'terms of Use"

are rejected'. Part of rentamark's terms of use is that no material can

be reproduced without permission of rentmark.

QUINN EMANUEL position, "It seems inconceivable that any court would hold such reproduction to constitute infringement either by the government or by the individual parties responsible for offering the work.. Obviously, your unilateral attempt to impose the supposed "terms of Use" on counsel representing an adverse party is only the latest episode in your long-standing campaign to conceal evidence of your wrongdoing from the Board and the Courts...It is no coincidence that your supposed "terms of use" come on the heels of Google's brief documenting the frivolousness of your previous attempts to thwart Board scrutiny of your misdeeds by invoking Federal Rule of Evidence 408 and the California Evidence Code. Apparently, having recognized that those rules will not shield your wrongdoing, you now seek to misuse copyright law to do so. This latest endeavor on your part to obstruct the truth is equally misplaced..."

It is obvious that if **QUINN EMANUEL MICHAEL T. ZELLER** dislike a web site owners "terms of use" they will breech them. As is the case at bar. There knowingly and willfull breech will not shield them from a copyright infringement lawsuit as well known to them. Who will altimately prevail would of course be left to the courts.



The question is, Is QUINN EMANUEL MICHAEL T. ZELLER ABOVE THE LAW?

POSTED BY RENTAMARK.COM AT 12:00 AM 0 COMMENTS

FRIDAY, JUNE 16, 2006

AEJE OFFERS KUDOS TO TTAB JUDGE DAVID E. BUCHER



CHICAGO--THE
AMERICANS FOR THE

ENFORCEMENT OF

JUDICIAL ETHICS, A CHICAGO BASED GROUP,

www.rentamark.com/aeje/ that for over 25 years advocates the strick enforcement of judicial ethics honors Trademark Trial and Appeal Court (TTAB) Judge David E. Bucher. Judge Bucher was appointed to the TTAB in 1998. Judge Bucher is well qualified for the issues raised before the TTAB for he was a Trademark Examining Attorney from 1981 until 1984. Judge Bucher became a senior examining Attorney from 1984 until 1985. Judge Bucher was a legistative Assistant to U.S. Senator Paul Simon who was from the great state of Illinois. He was the Director of the Trademark Examining Organization from 1987 until 1998. When he became Deputy Assistant Commissioner for Trademarks from 1996-98. He received his under graduate degree from Eastern Mennonite University in 1974 and his J.D. Degree from George Washington University in 1979 with honors. Considered by many, Judge David **E. Bucher** is one of the most qualified TTAB judges on the bench.

POSTED BY RENTAMARK, COM AT 12:11 AM 0 COMMENTS

MICHAEL T. ZELLER PANICS



LOST



ANGELES--MICHAEL T.

ZELLER Esq., an attorney

with the firm of Quinn Emanuel Urquhart Oliver & hedges, who made over 1.6 million dollars in 2005 is currently in a state of panic as he represents GOOGLE INC., in a Petition to Cancel Proceeding, where **GOOGLE's** Federal Trademark is on the verge of being canceled because it is in the dictionary,

http://dictionary.reference.com/brouse/google/ it describes the services that GOOGLE INC., Registration covers making google's Registration "generic" and/or descriptive. Google's Federal Trademark Registration is no longer entitled to federal trademark registration.

Central Mfg Co., (Inc) a Delaware Corporation located in Chicago filed the petition to cancel and filed a motion for summary judgment to dispose of the case because there are no triable issues of fact. Google is "generic" and/or descriptive, Case Closed. Now that the famous Michael T. Zeller is facing a Motion for Summary Judgment, he is refusing to respond to the said motion and is attempt to file some frivolous motions in order to avoid the inevitable cancellation of the said Google Trademark Registration. Zeller send a letter to Central Mfg Co., notifying them that "Google intends to file a combined motion to suspend Cancellation No. 92045778..." Zeller was seeking the consent of Central, which was denied.

If you have an opinion as to the Google trademark becoming "generic" for internet search engines please call Leo Stoller 773-589-0340 email ldms4@hotmail.com/ www.rentamark.com/

POSTED BY RENTAMARK.COM AT 12:08 AM 0 COMMENTS

AEAE RECONGNIZES PATRICK R. PETTITT



CHICAGO--AMERICANS FOR THE



ENFORCEMENT OF ATTORNEY

ETHICS, a Chicago based group www.rentamark.com/aeae/ that has for over 25 years advocated the strick enforcement of attorney ethics recongizes Patrick R. Pettitt Esq. An

attorney that is trust worthy. Patrick Pettitt is a partner in the Patten, Wornom, Hatten & Diamonstein www.pwhd.com/ Business and Real Estate Group. Mr. Pettitt focuses his practice on advising and guiding for-profit businesses and non-profit organizations on a broad range of day-to-day operational issues that face any growing business or organization. His clients range in size from new business start-ups to regional and national clients. He leads elients through complex business transactions, from business formation to mergers and acquisitions, business spin offs and

reincorporations, contract preparation and negotiation, landlordtenant law, criminal and traffic matters, as well as general civil litigation in Virginia's State Courts and sophisticated commercial real estate transactions, ranging from single asset acquisitions and sales to elaborate, multi-jurisdictional transactions using a broad variety of credit facilities.

Mr. Pettitt received his Juris Doctorate degree from William & Mary law school in Williamsburg, Virginia, where he was a studentmember of the Moot Court board and chaired the William B. Spong. Jr. Invitational Moot Court Tournament, Mr. Pettitt was also selected for the National Trial Team competition and was inducted into the Order of the Barristers. His email address is ppetitt@pwhd.com/

POSTED BY RENTAMARK.COM AT 12:04 AM 0 COMMENTS

LEO STOLLER WINS ANOTHER AIR FRAME **OPPOSITION**



CHICAGO--LEO STOLLER WINS ANOTHER OPPOSITION RECEIVING JUDGMENT IN HIS FAVOR DENYING REGISTRATION OF THE MARK AIRFRAME. Kenneth R. Ebert



President of Segway Concepts, filed a trademark application for the mark AIRFRAME for use on surfboards, skateboards, wakeboards, windsurfers, snowboards, skimmerboards. Leo Stoller filed a notice of opposition.

"Trademarks are weak when they are merely one of a similar crowd of marks. The only way a tademark owner can prevent the market from becoming crowded with similar marks is to undertake an assertive program of plicing adjacent territory and suing those who edge too close." See McCarthy on Trademarks Section 11:91 ASSERTIVE ENFORCEMENT OF MARKS.

"It has been observed that an active program of prosecution of infringers, resulting in elimination of others' uses of similar marks. enhances the distinctiveness and strength of a mark since no one else uses a similar sounding name, plaintiff's name looks and sounds all the more unique." id The Board granted judgment "against applicant, the opposition is sustained, registration to applicant is refused ". The decision was entered on May 30, 2006.

Leo Stoller has participated in over **200** inter party proceedings over 25 years prevailing in over 95% of the time and over 60 district court trademark cases. For trademark licensing opportunities for the famous mark AIRFRAME and other famous trademarks please contact Leo Stoller 773-589-0340 email ldms4@hotmail.com/ 773-589-0340 fax see www.rentamark.com/ To obtain a trademark valuation, expert witness testimony, litigation support services, legal research, brief writing, appeals you have found your source, contact Leo Stoller today. Buy, sell trade

POSTED BY RENTAMARK.COM AT 17:01 AM 0 COMMENTS

SENTRA INDUSTRIES FILES OPPOSITION TO MICHAEL MONDAVI TRADEMARK **APPLICATION**





CHICAGO--SENTRA INDUSTRIES, INC., FILED AN NOTICE OF OPPOSITION TO THE TRADEMARK APPLICATION FOR THE MARK MICHAEL MONDAVI. Former Mondavi CEO Michael Mondavi has just launched his own luxury wine business, with the aim of eventually setting us a new winery. The Frescobaldi family of Tuscany, which has long personal and business ties with the Mondavi family (Section 2(e)(4), has just named Folio as their exclusive agent and importer in the US.

Folio Wine Company was founded several months ago by Michael, eldest son of Robert Mondavi and co-founder of Napa's most celebrated winery, Robert Mondavi Corporation, which has been bought in its entirety by Constellation brands.

Michael's wife Isabella and their children Rob Jr and Dina are also

involved. The company will be involved in importing, distributing and marketing quality wines and eventually creating its own winery. In an exclusive interview yesterday Rob Mondavi told decanter.com that being part of a large corporation the Robert Mondavi Corporation was exciting and offered opportunities, but they 'wanted to get back to their fine wine roots.'

'We are also looking forward to a more hands-on approach, getting back into the winery and being directly involved in all the different aspects of the business.'

According to Rob, Folio will either acquire or build its own winery in the near future. 'While things are happening quickly since we started up the company several months ago, we want to move cautiously. Sentra Industries, Inc., has filed is Notice of Opposition to the mark MICHAEL MONDAVI based upon it rights held in the mark MICHAEL MONDAY for the same and/or related goods. Michael Mondavi attorney said that they would provide vigorousus defense. Stay tuned this promises to be a rather interesting Opposition controversy...

For trademark licensing opportunities for the famous mark MICHAEL MONDAY please call 773-589-0340 email ldms4@hotmail.com/ see www.rentamark.com/ for a list of other famous trademarks available for license. Contact Leo Stoller, President for trademark valuations, trademark licensing, trademark expert witness testimony and litigation support services, legal research, brief writing, appeals etc.

POSTED BY RENTAMARK.COM AT 12:00 AM 0 COMMENTS

THURSDAY, JUNE 15, 2006

IPL CONFERENCE TO BE HELD IN BOSTON JUNE 21













BOSTON--THE 2006 SUMMER IPL CONFERENCE WILL BE

HELD IN BOSTON THIS YEAR ON

JUNE 21. Boston is the home town of the blogger's blogger John L. Welch and he will be signing autographs at the "get acquainted" reception on Wednesday, June 21st from 6:00 to 7:00P.M. at the Marriott Copley Plaza. Four other well known IP Blogers Matt Buchanan, Dennis Crouch, ross Dannenberg and Lee Gesmer will also be signing autographs. All of the bloggers have a proclivity toward spiritus products which will be available. The following pictures of the alleged bloggers was supplied by the U.S. Postal Service for which credit should be paid. If you can identify any of them from the picture you will be entitled to a free spiritus product of your choice. Where is Marty?

POSTED BY RENTAMARK.COM AT 12:39 AM 0 COMMENTS

WING SUPPLY REMOVES OFFENDING STEALTH MERCHANDISE









MERCHANDISE. "Per your letted dated June 5, 2006 (Central Mfg Co.,) we have taken the following steps.

The offending item has been removed from our site www.wingsupply.com/ and all advertising material with the STEALTH name has been removed. This advertising is boxed and ready to be destroyed or sent to you, as you desire. Please find enclosed a sales report indicating the date we entered the item into the system and the sales since that date...I apologize for this.

Hopefully you (Central Mfg Co.,) will allow us this error and trust that we have gotten our act together."

Signed Lee Fauntleroy President, Fauntleroy Supply DBA Wing Supply.

Please advise us if you see anyone selling any goods baring the mark STEALTH. You can call Leo Stoller at 773-589-0340 Email ldms4@hotmail.com. For STEALTH trademark licensing opportunities you can contact Leo Stoller www.rentamark.com/

POSTED BY RENTAMARK.COM AT 12:00 AM 0 COMMENTS

WEDNESDAY, JUNE 14, 2006

COMMON INTEREST



CHICAGO--WHAT DOES QUINN EMANUEL URQUHART OLIVER, KNOBBE MARTENS OLSON & BEAR, NIXON & VANDERHYDE, COOLEY GODWARD, KENYON AND KENYON, US. PATENT AND TRADEMARK OFFICE, HASBRO, INC., FOLEY HOAG & ELIOT, WILLIAMS MULLEN, FINNEGAN HENDERSON, FARABOW GARREITA, BUTZEL LONG, ARNOLD &

PORTER, JUDGE DAVID SAMS et al., have in common?

POSTED BY RENTAMARK.COM AT 8:39 AM 1 COMMENTS

SUE THE BASTARDS!



CHICAGO--LEO STOLLER

RENTMARK ADVANCES ITS SUMMER OFFENSIVE WITH MORE LITIGATION. It a



ppears that infringers and companies who refuse to agree to move off of a rentamark brand trademark www.rentamark.com/ only under understand when the process server hands them a complaint. "It has been observed that an active program of prosecution of infringers, resulting in elimination of others' uses of similar marks, enhances the distinctiveness and strength of a mark since no one else uses a similar soundering name, plaintiff's name (STEALTH) looks and sounds all the more unique". Section 11:91 McCarthy on Trademarks.



Rentamark is going after more infringers, if anyone knows of any party using the mark STEALTH, DARK STAR, SENTRA, AIR FRAME et al., or any other rentamark brand mark see www.rentamark.com Please call 773-589-0340 email ldms4@hotmail.com/

For trademark valuations, trademark searches, trademark licensing, buying, selling and/or renting a famous mark, rentamark.com is your one stop trademark center on the net. Look forward to hearing from you--reasonable rates.

POSTED BY RENIAMARK.COM AT 12:06 AM 0 COMMENTS

LEO STOLLER RENTAMARK PROVIDES TRADEMARK SERVICES



CHICAGO--LEO STOLLER RENTMARK PROVIDE



TRADEMARK services. For

over 30 years experience in trademarks, trademark valuations, trademark damages, trademark licensing and trademark litigation. RENTAMARK provides a full service trademark litigation support services, trademark legal research, trademark policing. In order to protect your most valuable asset your trademark, Rentamark provides the most comprehensive trademark surveillance program on the net. Rentamark is experienced in locating infringers see www.rentamark.com/ that may be ready to ambush you. Please call Leo 773-589-0340 for all of your trademark needs including expert trademark witness testimony, trademark valuations, trademark searches Call today, see are reasonably rates. email ldms4@hotmail.com

POSTED BY RENTAMARK, COM AT 12:05 AM 0 COMMENTS

AEAE RECOGNIZES EUGENE J.A. GIERCZAK ESQ.



AMERICANS FOR THE ENFORCEMENT OF ATTORNEY ETHICS



(AEAE) RECOGNIZES Eugene J. A. Gierczak.

Eugene J. A. Gierczak, P. Eng.,

.Publications by Eugene J. A. Gierczak, P. Eng.

Eugene Gierczak's practice involves providing advice on all aspects on intellectual property law including litigation.

He is a registered Professional Engineer for the province of Ontario, and a registered Patent and Trade Mark Agent in both the Canadian and U.S. Patent and Trade Mark offices.

Eugene has a long established history of filing and

prosecuting complex trade mark and patent applications covering electrical, electronic and mechanical, chemical devices and methods in Canada, the United States, Europe, Japan and major countries around the world.

POSTED BY RENTAMARK.COM AT 12:00 AM 0 COMMENTS

TUESDAY, JUNE 13, 2006

MICHAEL ZELLER DENIES VIOLATING Fed. R. Evid 408



MICHAEL ZELLER DENIES VIOLATING

Federal Rules of Evidence 408. In an Opposition proceeding No. 91170256 regarding Google's trademark Application SN 76-314,811, where **Michael**

Zeller included documents

that were clearly mark "Confidential Fed. Rul. Evidence 408". Zeller, the brilliant trademark mind, claims that notwithstanding the Rule 408 disclaimer, the documents are not confidential and should not be stricken from his pleadings. Zeller represents Google.

POSTED BY RENTAMARK.COM AT 12:00 AM = 0 COMMENTS

2,305

EXHIBIT R

Case 1:07-cv-385 Document 1 Filed 01/19/2007 Page 218 of 222

Michael T Zeller

From: L Lee [ldms4@hotmail.com]

Sent: Thursday, February 09, 2006 2:14 PM

To: Michael T Zeller

Subject: Google's is mark is a verb, its Generic!

For Settlement purposes only not discoverable Rule 408 Cal. Evid. Code 1152

Michael Zeller:

Your client's silence is deafening. Feb. 3rd has come and gone and your client has not responded to our latest Settlement demand!

The Board gives us precious few days to attempt to resolve trademark issues prior to filing an Opposition. We are continuing to attempt to make a good faith effort to resolve this registerability issue outside of the TTAB and before the national press get a hold of this story.

The train has left the station and although your client is standing on the tracks and cannot see or hear the freight train, be assured its coming and it appears that your firm is encouraging this trademark registration collision to take place because you appear to be advising your client that there "is no freight train coming". You still have not discovered who your client is dealing with.

THIS IS AN EASY CASE TO SETTLE

Based upon your client capitalization, you cannot save your client a dime by advising your client not to settle with us, you can only cause your client to spend a great deal of money to save a mark "google" which has become "generic". Once Google shareholders learn that Google cannot even maintain a trademark because the name has become "generic", Google's stock won't be worth \$5.00 a share. Your law firm won't be the last firm to participate in the total destruction of its client based upon you bad legal advise.

Please provide us with a written Settlement proposal detailing the terms and conditions that would please your client and forward it to us by email and/or fax by Feb. 12, 2006.

If you have any questions please call me at 708-453-0080.

This is an easy case to settle. Just make us a reasonable monetary settlement offer and we will can resolve this matter for once and for all times.

We look forward to hearing from you.

Most cordially,

/Leo Stoller/
www.rentamark.com

>CONFIDENTIALITY NOTICE RULE 408 CAL. R. Evid 1152

- > >
- > >This message is intended solely for the use of the addressee(s) and
 > >is intended to be privileged and confidential, within the
- > >attorney-client privilege. If you have received this email in error,
- > >please immediately notify the sender and delete all copies of this
- > >email message along with all attachments. Thank you.

FREE pop-up blocking with the new MSN Toolbar - get it now! http://toolbar.msn.click-url.com/go/onm00200415ave/direct/01/

EXHIBIT S

Google's mark are Generic and will be canceled! .txt

From: L Lee [ldms4@hotmail.com]

Sent: Thursday, March 02, 2006 1:49 PM

To: Michael T Zeller

Subject: Google's mark are Generic and will be canceled!

sFor Settlement purposes only not discoverable Rule 408 cal.

Evid. Code 1152

Michael Zeller:

The freight train has arrived!

Until now your silence was deafening. But at least now your client will not any longer ignore us. You client will not be able to ignore my motions, my discovery requests, my notices of depositions etc my motion for summary judgment... neither will the press. I expect to be hearing from you shortly and regularly unless you plan on ignoring filing Google's answer....One lesson that Google is going to learn...you do not ignore STOLLER when he calls, especially when you invite him to the table...as in the case at bar. Please conduct your self according to the California Rules of Professional Conduct because I would not want to file any disciplinary complaints against each and every partner in every city where your firms practices, should you violate any rules of ethics. See www.rentamark.com/aeae

It does not surprise me that your client wanted to provoke this controversy into a full blown Trademark Trial and Appeal Board public proceeding and risk Google's most valuable asset, its trademark and Registration. Because Google loves to read about itself in the papers:

"RENTAMARK PETITIONS TO CANCEL GOOGLE'S TRADEMARKS

Today Google's stock took a turn for the worst as now its very mark is the subject of a Petition to Cancel Proceeding. Google's mark has become a verb and now is the subject of a Trademark Trial and Appeal Board Cancellation proceeding. Mr. Zeller, Google's attorney would not comment on the case until he sees the complaint."

Mr. Zeller you wanted this controversy, you provoked it, you refused to deal in good faith to reach an amicable settlement and now Google has the opportunity to defend it's mark in the public square and in a Petition to Cancel Proceeding and in an Opposition. Good Job! Just what you wanted, right! Now everyone will get to see exactly just how good a trademark lawyer are you. Right!

Congratulations, "let the game begin..." We have been practicing for this contest for 37 years, this will be our 389th inter party proceeding, we look forward to seeing just how good you are. May the best man win! Remember to play by the rules "nothing below the belt" otherwise you and all of your partners can spend their time at the appropriate disciplinary commissions defending their unethical actions. Remember Mr. Zeller I am also an Expert in attorney ethics issues for over 25 years.

Quite frankly the pocket change that we requested to settle this matter was not worth it. I would rather see a mark that does not belong on the principle register canceled than be bought off for such pocket change. Google's mark does not belong on the principle register any longer. And I am going to see that it is removed from the principle register!

Let's see how much farther you can drive down Google stock price! Then in the end we measure the cost of settling today with the actual cost to Google to defend itself....Then we can determine who is the actual winner in this controversy is....it won't be Google, because Google can't win as well known to you. Google can only loose....please mark the price of Google's stock today, remember that Page 1

Google's mark are Generic and will be canceled! .txt figure...and we will compare it with Google's stock price when the final court speaks...At the current rate of Google's collapsing stock price, I would not be surpirsed if Google goes out of business by the conclusion of this proceeding...Then Mr. Zeller you can continue to say, "We didn't give Stoller a dime!" And any one who may be left at Google will tell you Mr. Zeller "what a good job you did, are jobs are gone, but you did a real good job" even though the patient died...

Just remember Google lost the day they invited me to the table and refused to make a good faith effort to resolve this matter.....

Most Cordially, /Leo Stoller/ Leo Stoller, President Central Mfg. Inc. P.O. Box 35189 Chicago, Illinois 60707-0189 773-589-0340 FAX 773-589-0915 www.rentamark.com >CONFIDENTIALITY NOTICE RULE 408 CAL. R. Evid 1152 > > > >This message is intended solely for the use of the addressee(s) and is > >intended to be privileged and confidential, within the attorney-client > >privilege. If you have received this email in error, please immediately > >notify the sender and delete all copies of this email message along with > >all > >attachments. Thank you. > >

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CIVIL COVER SHEET

AC

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS GOOGLE INC.				DEFENDANTS CENTRAL MFG. INC. and STEALTH INDUSTRIES, INC.				
(b) County of Residence of First Listed Plaintiff SANTA CLARA (Cal. (EXCEPT IN U.S. PLAINTIFF CASES)					nce of First Listed Defendant (IN U.S. PLAINTIFF CASE D CONDEMNATION CASES, USINVELVED.			
(c) Attorney's (Firm Name, Address, and Telephone Number) Michael T. Zeller, Esq. Quinn Emanuel Urquhart Oliver & Hedges 865 S. Figueroa St., 10th Flr., Los Angeles, CA 90017; 213-44.				Attorneys (If Kno	9 2007 NF			
II. BASIS OF JURISDICTION (Place an "X" in One Box Only) 1 U.S. Government Plaintiff (U.S. Government Not a Party)			HI. CITIZEMSCHA DE REPORTATION PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For CLERK ares Cally Debut and One Box for Defendant) (For CLERK ares Cally Debut and One Box for Defendant) (For CLERK ares Cally Debut and One Box for Plaintiff and One Box for Defendant) Citizen of This State 1					
2 U.S. Government Defendant	4 Diversity (Indicate Citiz	Citizen	Citizen of Another State 2 2 Incorporated and Principal Place 5 5 Citizen or Subject of a 3 3 Foreign Nation 6 6					
IV. NATURE OF SUI	T (Place an "X" in	One Boy Only)	Forei	gn Country				
CONTRACT		RTS	FORF	EITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
195 Contract Frontier Islamics 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment	PERSONAL INJURY 310 Airplane 315 Airplane Product Takiling State Sta	PRISONER PETITI S10 Motions to Vacat Sentence Habeas Corpus:	G20	LABOR Fair Labor Standards Act Labor/Mgmt. Relations Labor/Mgmt.Reporting & Disclosure Act Railway Labor Act	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff	400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Satellite TV 810 Selective Service 850 Security/Commodity/Exch. 875 Customer Challenge 12 USC 3410 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice		
240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	Accommodations 444 Welfare 445 ADA—Employment 446 ADA — Other 440 Other Civil Rights	530 General 535 Death Penalty 540 Mandamus & Otl 550 Civil Rights 555 Prison Condition	her 791	Other Labor Litigation Empl. Ret. Inc. Security Act	or Defendant) 871 IRS—Third Party 26 USC 7609	950 Constitutionality of State Statutes 890 Other Statutory Actions		
V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY) 1 Original Proceeding Proceeding State Court Appellate Court Ap								
VI. CAUSE OF ACTI	(2	tute under which you ar	e filing and wi			MATTERS (For nature of		
a brief statement of cause.) False advertising under 15 U.S.C. section 1125(a)(1)(B) and RICO violations under 18 U.S.C. section 1961 et seq. suit 422 and 423, enter the case number and judge for any associated bankruptcy matter perviously adjudicated by a judge of this Court. Use a separate attachment if necessary)								
VIII. REQUESTED IN COMPLAINT:	CHECK IF THIS UNDER F.R.C.I	S IS A CLASS ACTIO	N DEM	AND \$	CHECK YES only i JURY DEMAND:	f demanded in complaint:		
IX. This case IX. This case								
DATE 19 1-8-07 M: Mar. 7. 3-								

AC

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

GOOGLE INC.,)
Plaintiff, vs.) 07CV385) JUDGE KENDALL) MAGISTRATE JUDGE COLE
CENTRAL MFG. INC. a/k/a CENTRAL MFG. CO., a/k/a CENTRAL MFG. CO. (INC.), a/k/a CENTRAL MANUFACTURING COMPANY, INC. and a/k/a CENTRAL MFG. CO. OF ILLINOIS; and STEALTH INDUSTRIES, INC. a/k/a RENTAMARK and a/k/a RENTAMARK.COM,	JAN 1 9 2007 NF. JAN 1 9 2007 NF. JAN 1 9 2007 MICHAEL W. DOBBINS CLERK; U.S. BINTRIOT COUNT
Defendants.	OURT

RULE L3.2 CERTIFICATE

Pursuant to Local Rule 3.2, Google Inc. through counsel certifies that Google Inc. has no parent corporation and that no public company owns 10% or more of Google Inc.'s stock.

Respectfully submitted,

GOOGLE INC.

January 19, 2007

William J. Barrett

Barack Ferrazzano Kirschbaum Perlman &

Nagelberg LLP

333 West Wacker Drive, Suite 2700

Chicago, IL 60606 Tel: (312) 984-3100

Michael T. Zeller

Quinn Emanuel Urquhart Oliver & Hedges 865 S. Figueroa Street, 10th Floor

Los Angeles, CA 90017

Tel: (213) 443-3000

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FILED

GOOGLE, INC.

Plaintiff,

VS.

CENTRAL MFG. INC. a/k/a
CENTRAL MFG. CO., a/k/a
CENTRAL MFG. CO.(INC).,
a/k/a CENTRAL MANUFACTURING
COMPANY, INC. and a/k/a
CENTRAL MFG. CO. OF ILLINOIS;
and STEALTH INDUSTRIES, INC.
a/k/a RENTAMARK and a/k/a
RENTAMARK.COM,

Defendants.

JAN 3 0 2007 /

MICHAEL W. DOBBINS GLERK, U.S. DISTRICT COURT

Case No: 07-cv-385

Judge Kendall

Magistrate Judge Cole

MOTION TO INTERPLEAD

NOW COMES Leo Stoller, the President of the Defendants in this case, and moves to interplead as a necessary party. The Defendants and Leo Stoller are intertwined and it is necessary that Leo Stoller become a party as a defendant in this case. See Plaintiff's Complaint, paragraph numbers 1, 2, 10, 14, 15, 16, 18, 20, 21, 22, 30, 39, 44, 52, 54, including sub-parts. Leo Stoller is an integral party and should be given an opportunity to interplead and to defend himself in this proceeding. Leo Stoller is the sole employee of the Defendant business entities.

The Plaintiff has moved before Judge Jack Schmetterer in Stoller's Chapter 7 bankruptcy, Case No. 05-64075, to lift the automatic stay and allow Stoller and his entities to be sued. Plaintiff has acknowledged that Stoller is a necessary party. See attached true and correct copy of Judge Schmetterer's order dated January 18, 2007.

WHEREFORE, Leo Stoller prays that this Court grant Stoller's motion to interplead in this case as a necessary party Defendant.

Leo Stoller

7115 W. North Avenue #272 Oak Park, Illinois 60302

312/ 545-4554

Email: ldms4@hotmail.com

Date: January 30, 2007

Certificate of Mailing

I hereby certify that this motion is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Clerk of the Court United States District Court 219 S. Dearborn

Chicago, Illinois 60607

Leo Stoller

Date: January 30, 2007

Certificate of Service

I hereby certify that the foregoing is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Michael T. Zeller Quinn, Emanuel, Urquhart, Oliver & Hedges, LLP. 865 S. Figueroa Street, 10th Floor Los Angeles, California 90017

William J. Barrett Barack, Ferrazzano, Kirschbaum, Perlman & Nagelberg, LLP. 333 W. Wacker Drive, Suite 2700 Chicago, Illinois 60606

Leo Stoller

Date:

C:\MARKS42\GOOGLE.MOT

> IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

07CV385 JUDGE KENDALL MAGISTRATE JUDGE COLE

Plaintiff,

vs.

CENTRAL MFG. INC. a/k/a CENTRAL

MFG. CO., a/k/a CENTRAL MFG. CO.

(INC.), a/k/a CENTRAL

MANUFACTURING COMPANY, INC.

and a/k/a CENTRAL MFG. CO. OF

ILLINOIS; and STEALTH INDUSTRIES,

INC. a/k/a RENTAMARK and a/k/a

RENTAMARK.COM,

Defendants.

FILED

JAN 1 9 2007 NF. JAN 19 700 7

MICHAEL W. DUBBINS BLERK, U.S. BISTRICT COURT

COMPLAINT

Plaintiff Google Inc. ("Google"), by its attorneys and for its Complaint against Defendants, alleges as follows:

Nature of This Action

- As the Seventh Circuit, Courts in this District and the Trademark Trial and Appeal Board repeatedly have found, Defendants and their alleged principal, Leo Stoller ("Stoller"), are engaged in a scheme of falsely claiming trademark rights for the purpose of harassing and attempting to extort money out of legitimate commercial actors, both large and small. Indeed, the judicial decisions awarding fees and otherwise imposing sanctions against Defendants and Stoller for their fraudulent and other illegal conduct, their assertion of rights that they do not own, their pattern of bringing meritless lawsuits and even their fabrication of evidence are legion.
- 2. Despite the admonitions of Courts and others, Defendants and Stoller have not only continued with, but expanded the scope of, their fraudulent scheme. Among other things, Defendants have fabricated, and threaten to continue to fabricate, non-existent entities that they falsely represent to unsuspecting victims are actual business entities. Defendants further falsely

claim that these non-existent entities have been using a wide array of trademarks on goods or services and otherwise have ownership and licensing rights to thousands of trademarks -- when in reality they have no such rights -- for the purposes of extracting money and obtaining the transfer of property to which Defendants are not entitled. To create an aura of legitimacy for their deceptive enterprise, Defendants have engaged in a widespread pattern of fraudulent acts that have included (i) preparing and circulating fabricated letterhead and other commercial documents supposedly evidencing the existence of their phony entities; (ii) repeatedly publishing advertisements and promotional materials which falsely claim rights to, and the ability to license. marks in which Defendants have no lawful interest and which falsely represent that Courts or others have upheld their alleged rights; (iii) disseminating false statements which represent that Defendants own federal registrations for marks when no such registration exists; (iv) asserting the ownership of fraudulently procured or fraudulently maintained federal registrations; (v) soliciting and employing perjured testimony and other materially false statements made under oath; and (vi) filing materially false documents with U.S. government agencies. Defendants employ these and other unlawful devices as described below to deceive, induce and coerce innocent parties into paying them money or else surrendering to Defendants property rights which Defendants then, in turn, use to defraud others. To date, Defendants have made hundreds of such misrepresentations to hundreds of legitimate companies.

3. Unfortunately, Plaintiff Google's widely-publicized success has attracted the attention of Defendants. As part of their scheme to defraud, Defendants have falsely represented that they own a federal registration for the GOOGLE mark, that they are owners of common law rights in the GOOGLE mark and that they have the right to license the GOOGLE mark to third parties. In order to effectuate their fraud, Defendants further have prepared and circulated, and continue to circulate, bogus letterhead and other corporate documents supposedly evidencing an entity they variously call "GOOGLE™ BRAND TRADEMARK LICENSING," "GOOGLE LICENSNING [sic]" and "GOOGLE BRAND PRODUCTS AND SERVICES," even though by all indications no such entity exists. Defendants also have published, and continue to publish, promotional materials that falsely and deceptively represent that Defendants have rights to license the GOOGLE mark, that falsely claim that Defendants have successfully cancelled one or more of Plaintiff's federal trademark registrations for GOOGLE, and that otherwise misrepresent the nature of Defendants's goods, services and commercial activities.

- 4. Defendants' scheme is and has been with the intent to deceive. Defendants targeted Plaintiff Google, as well as hundreds of other legitimate companies, despite Defendants' knowledge that Defendants have no rights to the marks that they claim and no rights to license them to third parties. Defendants have falsely asserted, and continue to falsely assert, that they have such rights in order to defraud and extort their intended victims. After Plaintiff Google investigated Defendants' allegations of rights and refused Defendants' demands for money. Defendants not only persisted in their spurious demands for a pay-off, but also threatened to publicize their allegations which, they claimed, would bring about "the total destruction" of Plaintiff as a business.
- 5. Accordingly, Defendants have engaged in, and threaten in the future to engage in, acts of false advertising in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B), as well as acts of unfair competition. Furthermore, because Defendants constitute an enterprise engaged in a pattern of racketeering activity that has caused injury and damage to Plaintiff Google, they are liable under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 et seq. As a consequence of the foregoing, Google is entitled to monetary and injunctive relief against Defendants.

The Parties

- 6. Plaintiff Google Inc. is a Delaware corporation with its principal place of business in Mountain View, California. Plaintiff Google offers a variety of services and products, including a web site that provides the world's most popular Internet search engine and that is visited by more than 380 million users each month.
- 7. On information and belief, Defendant Central Mfg. Inc. is a Delaware corporation with its principal place of business in Oak Park, Illinois and operates under one or more aliases, including without limitation as Central Mfg. Co., Central Mfg. Co. (Inc.), Central Manufacturing Company, Inc. and/or Central Mfg. Co. of Illinois (collectively, "Central Mfg."). Defendant Central Mfg. has at all times relevant hereto conducted activities in interstate commerce.
- 8. On information and belief, Defendant Stealth Industries, Inc. ("Stealth") is a Delaware corporation with its principal place of business in Oak Park, Illinois. Defendant Stealth has at all times relevant hereto conducted activities in interstate commerce.
- 9. On information and belief, Rentamark, which is also known as Rentamark.com, is an unincorporated business entity with its principal place of business in Oak Park, Illinois

According to sworn testimony by Stoller, Rentamark is operated by and a part of Defendant Stealth.

- 10. On information and belief, Stoller was CEO and shareholder of Defendant Central Mfg. and Defendant Stealth at all times relevant hereto. Stoller is also known by aliases that include Leo Reich. Stoller has at all times relevant hereto conducted the activities complained of herein in interstate commerce.
- 11. Defendant Stealth and Defendant Central Mfg. purport to be successors-in-interest of a defunct business named S Industries, Inc. Stoller was at all relevant times the President and a shareholder of S Industries, Inc.

Jurisdiction And Venue

- 12. This action arises under the Trademark Act of 1946, Title 15, United States Code the Racketeer Influenced and Corrupt Organizations Act, Title 18, United States Code and the law of Illinois and other states. The Court therefore has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338, 18 U.S.C. § 1964(c) and principles of supplemental jurisdiction under 28 U.S.C. § 1367(a).
- 13. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1391(c) and 18 U.S.C. §§ 1965(b) and 1965(d). Defendants reside in, are found in, transact affairs in and are subject to personal jurisdiction in this District, and a substantial part of the events giving rise to the claims herein occurred in this District.

Facts

Defendants' Fraudulent Conduct Using SI

- 14. S Industries, Inc. ("SI"), the claimed predecessor of Defendant Central Mfg. and Defendant Stealth, was incorporated in or about 1985. Stoller acted as SI's principal. During that time in the 1980s, according to Stoller, SI engaged in the business of importing sporting goods such as tennis rackets from manufacturers in Taiwan and other Asian countries.
- By that point, while SI nominally moved to Stoller's house, it was defunct as a business. As Stoller subsequently admitted during a 2001 deposition, and contrary to his prior sworn statements otherwise to the Courts and the U.S. Trademark Office, SI had at best only "very nominal, or de minimis" sales by and throughout the 1990s.

- 16. No longer conducting legitimate operations by or in about 1990, SI and Stoller focused their energies on a new "business" model. This included, in particular, the implementation of a widespread scheme of asserting rights to trademarks, including by way of purported federal registrations, that SI and Stoller knew they had no rights to in order to fraudulently extract money from businesses and individuals.
- 17. Among other things, Stoller was well aware that common law trademark rights are acquired only through sufficient bona fide use in commerce and that such use is also required for the legitimate acquisition and maintenance of use-based federal trademark registrations. Even though SI was effectively dissolved and thus not using any marks in commerce in a manner and to an extent necessary for trademark rights, SI and Stoller nevertheless represented that they owned non-existent trademark rights and sought to assert them by demanding the payment of license fees and by threatening and filing sham litigation for the purpose of extorting money or property from their victims. Between 1995 and 1997 alone, SI and Stoller filed no fewer than 35 trademark lawsuits in the United States District Court for the Northern District of Illinois alone. A list of those cases is attached as Exhibit A hereto and is incorporated herein by this reference.
- 18. The Seventh Circuit and this Court found that the suits filed and prosecuted by SI and Stoller were part of a pattern of vexatious litigation that falsely claimed rights to marks they did not own and had no lawful right to assert. Those rulings included the following:
- (a) In S Industries, Inc. v. Centra 2000, Inc., 249 F.3d 625, 627-29 (7th Cir 2001), the Seventh Circuit found that SI and Stoller's assertion of trademark rights was groundless and affirmed an award of attorneys' fees against SI for filing "meritless claims" and engaging in other litigation misconduct, which the Seventh Circuit found was part of a "pattern of abusive and improper litigation with which the company and Lee Stoller, its sole shareholder, have burdened the courts of this circuit." Although this suit resulted in a fee award against Si and/or Stoller, upon information and belief such award has not been paid.
- (N.D. III. 1998) (Castillo, J.), the Court awarded attorney's fees against SI for its "continuing pattern of bad faith litigation." The Court also found that the documentary evidence submitted by SI and Stoller was "highly questionable" and "perhaps fabricated" and that Stoller's sworn testimony was "inconsistent, uncorroborated, and in some cases, demonstrably false."

- (c) In S Industries, Inc. v. Diamond Multimedia Sys., Inc., 17 F. Supp. 2d 775. 779 (N.D. III. 1998) (Andersen, J.), the Court awarded fees against SI based on findings that its claims were "patently frivolous" and that it had "apparently taken a legitimate procedure designed to protect trademark rights and turned [it] into a means of judicial extortion."
- 19. In addition to filing and prosecuting numerous sham lawsuits in the Courts, SI and Stoller instituted and prosecuted a flurry of sham proceedings before the United States Trademark Trial and Appeal Board ("TTAB" or the "Board") based on their fraudulent claims of trademark rights. Those proceedings resulted in decisions that included the following findings by TTAB:
- (a) In S Indus., Inc. and Central Mfg. Co. v. JL Audio, Inc., Opposition No. 110,672, Order of May 13, 2003 (TTAB), the Board stated that "Mr. Stoller's and opposers' litigation strategy of delay, harassment and even falsifying documents in other cases is well documented" and further noted Stoller's history of being "sanctioned, individually, for making material misrepresentations."
- (b) In S Indus., Inc. and Central Mfg. Co. v. Casablanca Indus., Inc., Cancellation No. 92024330, Order of Oct. 3, 2002 (FFAB), the Board likewise observed that Defendant Central Mfg.'s and Stoller's "litigation strategy of delay, harassment, and falsifying documents in other cases is well documented."
- (c) In S Indus., Inc. v. S&W Sign Co., Inc., Opposition No. 91102907 (Dec. 16, 1999), the Board noted that "[1]he lack of credibility of Mr. Stoller is a matter of public record."
- (d) In S. Indus. Inc. v. Lamb-Weston Inc., 45 U.S.P.Q.2d 1293, 1295 (TTAB 1997), the Board found that SI and Stoller had made "fraudulent" statements under oath in order to backdate pleadings filed with the Board.

Defendants' Fraudulent Acquisition Of Federal Registrations From SI

20. SI, through Stoller, purported to assign several federal trademark registrations and applications to Defendant Central Mfg. Many of the alleged assignments were dated on or about June 5, 1994, but were not recorded with the U.S. Trademark Office until various times in or after 1998. The registrations and applications allegedly assigned by SI to Defendant Central Mfg. include those that are listed in Exhibit B hereto and are incorporated herein by this reference.

- 21. The assignments from SI to Defendant Central Mfg, for the registrations and applications listed in Exhibit B hereto were knowingly and deliberately fraudulent on the part of Stoller and Defendant Central Mfg. Defendant Central Mfg., Defendant Stealth and Stoller also utilized these purported registrations as vehicles to perpetrate an intentional pattern of fraud on a significant number of persons and companies, as well as on the Courts and TTAB. Among other things:
- (a) SI had ceased operating as an actual business years before the alleged assignments. Not only had SI's rights in the marks accordingly been abandoned (assuming they ever existed), but the subsequent purported assignments were not accompanied by any assets or existing, on-going business. Nor did the assignment agreements -- which recited that the transfers of the registrations were only for nominal consideration -- reflect any such transfer of any assets or existing, on-going business. As such, and as has been known to Defendants at all material times, because no existing good will accompanied them, the ostensible transfers were assignments-in-gross that rendered invalid both the registrations and any common law rights, even assuming any such rights ever once existed.
- (b) According to sworn testimony by Stoller, SI had allegedly transferred ownership of most or all of the registrations and applications set forth in Exhibit B to Defendant Central Mfg. in or about 1994. Nevertheless, after the alleged assignments, SI and Stoller continued to fraudulently hold out SI as the owner of intellectual property and to fraudulently file and prosecute, in the name of SI, lawsuits in the Courts and proceedings before TTAB. In the United States District Court for the Northern District of Illinois during the years 1996 and 1997. SI and Stoller initiated at least 35 suits in SI's name that misrepresented that SI was the owner of the registrations and applications asserted in those cases and that SI was the owner of the common law trademark rights asserted in those cases. See Exhibit A hereto.
- (c) Likewise, in TTAB, SI and Stoller initiated numerous proceedings in SI's name that alleged SI was the owner of the registrations, both after SI had ceased to effectively exist and after SI had purportedly transferred the registrations to Defendant Central Mfg. Examples of such fraudulently commenced and prosecuted proceedings in TTAB include without limitation each of the following:

Proceeding No.	Registration No.	Filing Date of Proceeding by SI and Stoller	Date of Alleged Assignment of Registration to Central Mfg.	Other Party to Proceeding
91110672	1717010	05/29/1998	12/29/1997	JL AUDIO, INC.
91110659	2140524	03/23/1998	06/05/1997	ENTRA TECHNOLOGIES COMPANY
92027323	2057613	01/23/1998	11/01/1997	ROSE'S RESTAURANT'S INC.
91108615	1326765	11/17/1997	06/05/1997	INTRACO FOODS PTE LTD.
91107902	1623790	09/12/1997	06/05/1996	REALITY BYTES, INC.
91107648	2064576	09/03/1997	06/05/1997	GLOBAL UPHOLSTERY COMPANY
91107040	1326765	07/10/1997	06/05/1997	ST. JOSEPH LIGHT & POWER CO.
91106515	1326765	06/06/1997	06/05/1997	SENTRACHEM LIMITED
91110350	1615004	05/01/1998	09/01/1997	KAYDON CORPORATION
91109973	1615004	03/25/1998	09/01/1997	MANCO PRODUCTS, INC
91108480	1615004	11/05/1997	09/01/1997	TERMINATOR TURTLE, LP

Stoller and SI also filed knowingly fraudulent papers with the US (d) Trademark Office in order to unlawfully maintain the registrations that had allegedly been transferred to Defendant Central Mfg. For example, SI, through Stoller, purported to assign Registration No. 1,564,751 for AEROSPACE to Defendant Central Mfg. on or about June 5, 1994. Nevertheless, on or about November 11, 1994, SI, through Stoller, filed a sworn statement with the U.S. Trademark Office to obtain supposed incontestability status for the registration that averred SI had continuously been using the mark on the goods listed in the registration, that it was still doing so and that SI was the owner of the purported registration. Even to this day, SI holds itself out as the purported owner of Registration No. 1,564,751.

- (e) The registrations and applications listed in Exhibit B attached hereto were, and are, invalid and fraudulent for the further, independent reason that the alleged assignments from SI were to a non-existent entity. The assignee named by SI and Stoller in their transfer documents and in their filings with the Courts and TTAB is listed as "Central Mfg. Co." Although a company named Central Mfg. Inc. apparently is a legal entity under the laws of Delaware, Central Mfg. Co. does not exist and never has existed. Nor was Stoller's misidentification inadvertent. Rather, as the Court found in Central Mfg. Co. v. Pure Fishing Inc., No. 05 C 725 (N.D. Ill) (Lindenberg, J.) as discussed further below, Stoller's misrepresentations about the corporate status of "Central Mfg. Co." were intentional so as to mislead and defraud those who dealt with the non-existent "Central Mfg. Co." and to perpetrate a fraud on the Courts by enabling and concealing Defendants' false assertions of trademark rights.
- by threatening and instituting sham litigation, the transfer of trademark applications and registrations previously held by third parties to Defendant Stealth and Defendant Central Mfg These include without limitation U.S. Trademark Application Nos. 74-735,867, 74-735,868, 74-493,718, 74-475,481, 74-340,300, 74-476,028, 74-630,176, 74-734,680, and 74-534,766 as well as U.S. Trademark Registration Nos. 1,717,010, 1,766,806 and 2,269,113. Upon information and belief, these transfers were also invalid assignments-in-gross, including without limitation in that they were not accompanied by any assets or existing, on-going business, and furthermore were not validly maintained, including without limitation in that the alleged marks were not used in commerce in connection with the goods or services set forth in the applications and registrations. Nevertheless, Defendants have misused these applications and registrations to claim rights they do not own, to fraudulently demand licensing fees and to threaten sham

lawsuits against others, despite Defendants' knowledge that such applications and registrations are not, and were not, valid.

Defendants Continue, And Expand, Their Pattern Of Fraud

- 22. Since the time of the alleged assignment of the registrations and applications from SI, Defendant Central Mfg., Defendant Stealth and Stoller have engaged in, and continue to engage in, numerous fraudulent business practices as part of a scheme to extort money and property from innocent individuals and innocent companies, both large and small. As described further below, these practices include:
- (a) false claims, including through the creation and circulation of fraudulent commercial documents, that non-existent entities are actual, legitimate businesses and that such non-existent entities have ownership and/or licensing rights to trademarks;
- (b) false claims of right to intellectual property that Defendants know they do not own and have no colorable right to;
- (c) false claims to own federal trademark registrations that Defendants know they do not own and in some instances do not even exist;
 - (d) the filing of fraudulent documents with U.S. government agencies;
- (e) representations that Defendants offer or have offered goods or services that they have not, and in some cases never have, supplied;
- (f) false representations that they provide legal services, even though they are not admitted in any State to practice law;
- (g) unlawful threats to disseminate, and the unlawful dissemination of, false representations about targeted companies or individuals in the media or to the public if they do not pay money or surrender rights as demanded by Defendants; and
- (h) threatening and instituting sham trademark lawsuits and other frivolous legal proceedings.
- 23. This and other Courts repeatedly have confirmed that Defendants continue to engage in a pattern of falsely claiming rights to marks they do not own, including by the fabrication of evidence and the provision of false testimony, and continue to attempt to enforce those non-existent rights by threatening and filing frivolous litigation, including in some instances by the use of false names. In addition to the decisions involving Stoller, Defendant Central Mfg. and SI that are discussed above, such decisions include the following:

- In Central Mfg. Co. v. Brett, No. 04 C 3049 (N.D. III) (Coar, J.), the Court (a) ruled that Defendant Central Mfg, and Stoller lacked the trademark rights they had claimed and on that basis, among others, entered judgment against them. It further observed that "Stoller appears to be running an industry that produces often spurious, vexatious, and harassing federal litigation" and recited the findings by "several courts in this district" that Stoller and Defendant Central Mfg. are "engage[d] in a pattern and practice of harassing legitimate actors for the purpose extracting a settlement amount." The Court ordered them to pay an award of attorneys' fees based on findings that "Leo Stoller and his companies present paradigmatic examples of litigants in the business of bringing oppressive litigation designed to extract settlement" and that they had offered "questionable, and seemingly fantastical documents" and "inconsistent, uncorroborated, or arguably false testimony." As a further part of that decision, the Court reviewed and summarized the terms of the "settlement agreements" that Stoller and Defendant Central Mfg. alleged evidence their trademark rights and found that they, in fact, confirmed such Defendants had "engage[d] in a pattern and practice of harassing legitimate actors for the purpose of extracting a settlement amount. The judicial system is not to be used as an aid in such deliberate, malicious, and fraudulent conduct."
- (b) In Central Mfg Co. v. Pure Fishing, Inc., No. 05 C 725 (N.D. III) (Lindenberg, J.), the Court entered judgment against Defendant Central Mfg, as a sanction for Defendant Central Mfg,'s and Stoller's abuse of the legal process. In doing so, the Court found that Stoller "has earned a reputation for initiating spurious and vexatious federal litigation." In the case before it, the Court found that Stoller, Defendant Central Mfg. Co. and their counsel had engaged in "gross misconduct" and "unethical conduct" which included Stoller's signing of pleadings with counsel's name even though Stoller is not a lawyer; had brought motions "that lacked any evidentiary support" and were otherwise "baseless"; and had evinced "flagrant contempt for this Court" and "an appalling lack of regard" for the judicial process. In particular, the Court ruled that "Central Mfg. Co., through Mr. Stoller," and their counsel violated Federal Rule of Civil Procedure 11(b) "by maintaining that Central Mfg. Co. was a Delaware corporation," even though it was not. As it explained:

Contrary to the statements in Central Mfg. Co.'s initial and amended complaints, it is not an independent legal entity and is not incorporated under the laws of Delaware. Central Mfg. Co. filed an amended complaint with this Court on May

26, 2005 stating that it was a Delaware corporation, while almost simultaneously filing a motion before Judge Hart stating that Central Mfg. Co. was a d/b/a for Central Mfg. Inc. See Columbia Pictures Industries, Inc. v. Stoller, et al., 05 C 2052. Plaintiff, through Mr. Stoller, filed this case under a false name. Since the inception of this case, and unquestionably prior to filing the amended complaint, Mr. Stoller knew that he had not incorporated Central Mfg. Co. However, Mr. Stoller likely attempted to conceal this fact from the Court because the trademark registrations that are the basis for the infringement claims, state that Central Mfg. Co., not Central Mfg. Inc., owns sole title to the disputed marks. The conduct of Central Mfg. Co., through Mr. Stoller, is akin to the conduct in Dotson. 321 F.3d 663. In Dotson, the Seventh Circuit upheld dismissal of a plaintiff's case with prejudice as a sanction for filing suit under a false name. Id. at 668. Accordingly, Central Mfg. Co. and Mr. Stoller deserve the same sanction for filing suit on [be]half of a false corporation.

- (c) In Central Mfg. Co. v. Medtronic Sofamor Danek Inc., Opposition Nos. 9115485 and 91154617 (TTAB Feb. 19, 2004), the Board imposed Rule 11 sanctions against Defendant Central Mfg. for filing motions that were "without merit, constitute harassment, and can only be assumed to have been brought for purposes of delay."
- (d) In Central Mfg. Inc. v. Third Millenium Tech. Inc., 61 U.S.P.Q. 1210, 1214-15 (TTAB 2001), the Board found that Stoller and Defendant Central Mfg. had "engaged in a pattern" of submitting papers that were based on "false statements and material misrepresentations." It ruled, in particular, that Stoller and Defendant Central Mfg. had filed requests for extensions of time on the basis of non-existent settlement negotiations and had "acted in bad faith and for improper purposes, i.e., to obtain additional time to harass the applicant, to obtain unwarranted extension of the opposition period, and to waste resources of applicant and the Board."
- 24. Undeterred by these and similar rulings, Defendants to this day have continued, and even expanded, their fraudulent scheme by now falsely claiming that they own rights in, and have the right and ability to license, many thousands of trademarks. As described below, Defendants have repeatedly made these misrepresentations in commercial advertising and to hundreds of companies and individuals, including Plaintiff, targeted by Defendants for extortion

- 25. Since November 2005 alone, Defendants filed more than 1800 requests for extensions of time to oppose applications for trademark registrations that had been published by the United States Trademark Office. Simultaneous with this proliferation of filings, Defendants have sought to extract money or property out of at least many hundreds of applicants by asserting that Defendants purportedly own rights to all of these many hundreds of marks which have been the subject of those applications.
- 26. Many of these extortionate demands and false representations directed to applicants for registration are evidenced in Defendants' sham filings with the Trademark Office itself. For example, Defendants' April 12, 2006 request for an extension of time to oppose Application Serial No. 78192386 for "VP VENTURES" includes the following:

Please contact (773-589-0915 FAX) VENTURE BRAND LICENSING to resolve this trademark controversy VENTURE v VP VENTURES and/or merely file an Express Abandonment! See rentamark.com, the nationally renowned trademark licensing and enforcement firm since 1974 for all of your VENTURE BRAND LICENSING. trademark valuations, expert witness testimony and trademark litigation support services, ie., brief writing, trademark searches, legal research, appeals, etc.

A true and correct copy of the April 12, 2006 request is attached hereto as Exhibit C.

- 27. Many of Defendants' more than 1800 filings included virtually identical language, except that they substitute a different alleged licensing entity that purports to have a name supposedly similar to the mark which was the subject of the application such as "FLLA BRAND LICENSING," "FINGO BRAND LICENSING," "SKILL BRAND LICENSING," "MERMAID BRAND LICENSING," "DIAMOND BRAND LICENSING," "STRA BRAND LICENSING," "WORKOUT BRAND LICENSING," "FRIENDS NETWORK BRAND LICENSING," "SIFI BRAND LICENSING," "PM BRAND LICENSING," "NANO BRAND LICENSING," "HAPPY BRAND LICENSING," "LAKE BRAND LICENSING" and "RUNNER BRAND LICENSING." True and correct copies of examples of these additional requests are attached hereto as Exhibit D.
- 28. The representations contained in Defendants' more than 1800 filings described above as well as their associated communications were, and are, knowingly false.
- (a) The multitude of licensing companies claimed by Defendants do not exist, nor did they own the purported rights to the marks claimed. Not only did Stoller's bankruptey

filing in December 2005 make no mention that he has ownership interests in any of these hundreds of supposed entities, but by an Order dated July 14, 2006 TTAB ruled that neither Stoller nor his supposed entities owned the rights they proclaimed to have. In its July 14, 2006 Order, TTAB initially referenced the "pattern of misconduct and abuse of the TTAB's processes" over the course of "many years" by Stoller and the purported entities associated with him. Although TTAB had ordered Defendants to provide "for each of the marks for which you requested an extension of time to file an opposition, evidence that supports a claim that you may be damaged by registration of the mark" and to "demonstrate that the extension requests were not filed for improper purposes but, instead, were based on cognizable rights you may have arising under the Trademark Act," Defendants provided no such proof: "Your submissions do not substantiate your rights in any of the claimed marks, let alone support a colorable claim of damage. . . . You submitted no evidence of products or services bearing these alleged marks, no evidence that you have sold any products or services under these marks, and no evidence of your advertising of goods or services with these marks." As TTAB observed, the evidence Defendants did submit only served to "reinforce the conclusion that you are holding up thousands of applications in an attempt to coerce applicants to license, i.e., 'rent,' trademarks to which you have not demonstrated any proprietary right." TTAB thus found that Defendants had "filed the extension requests for improper purposes, namely, to harass the applicants to pay you to avoid litigation or to license one of the marks in which you assert a baseless claim of rights." For those violations, which were deemed to constitute "egregious" misconduct, the Board imposed an array of sanctions, including dismissal of the TTAB proceedings filed by Defendants which were the result of their frivolous requests for extension of time. A true and correct copy of TTAB's July 14, 2006 Order is attached hereto as Exhibit E.

(b) Furthermore, Defendants are not qualified to practice law in any state and are not entitled to engage in the practice of law. Nevertheless, in their abusive filings described above, Defendants have solicited payment for the provision of legal services such as "brief writing," "drafting pleadings" and "legal research." Not only do such acts constitute the unauthorized practice of law by Defendants, but Defendants tout these false representations in order to cause targeted victims to erroneously believe that Defendants are authorized to engage in the practice of law, including for its *in terrorrum* effect and to deceive victims into capitulating to their extortionate demands.

- 29. Defendants also have made fraudulent representations in advertising and promotions through commercial web sites that they have published and displayed, and continue to publish and display.
- 30. Defendant Stealth and Stoller have represented on the site located at www.rentamark.com, and continue to represent, that "RENTAMARK.COM is an independent, full service, international licensing and merchandising agency. RENTAMARK.COM owns and controls over 10,000 famous trademarks specializing in the trademark licensing business." Elsewhere on that site, Defendant Stealth and Stoller represent: "RENTAMARK.COM is able to license your company with any one of our famous trademarks that will allow your business to sell its products and services worldwide. Below are our Licensed Word Marks. To view our e-Marks, simply click on the button in the control panel." That page then links to other pages that list many thousands of terms that Defendants claim to own and have the right to license. True and correct hard copy excerpts from Defendants' web site pages are attached hereto as Exhibits be and G.
- 31. The foregoing representations contained on Defendants' site are false. As to all or virtually all of the marks to which Defendants claim rights, Defendants do not have, and never have had, subsisting federal registrations for such marks and have not used such terms as marks or trade names in interstate commerce. Furthermore, Stoller's bankruptcy filing in December 2005 made no mention that he has purported ownership interests in any of the thousands of marks listed on the rentamark.com web site.
- 32. Confirming the bad faith and extortionate purpose behind Defendants' ever proliferating, false claims of right, Defendants' latest campaign also came on the heels of recent Court actions that raise the prospect of imposing substantial monetary liability for Defendants' frivolous legal proceedings and other misconduct. The Central Mfg. Co. v. Brett decision quoted above was issued on September 30, 2005. This was soon followed by the decision quoted above in Central Mfg. Co. v. Pure Fishing, Inc. on November 16, 2005. In both cases, the Court ruled that Defendant Central Mfg. and Stoller are liable to pay attorneys' fees and costs, and the parties in those cases are seeking more than \$700,000 in reimbursement from Defendant Central Mfg. and Stoller.

Defendants' Scheme To Defraud Targeting Plaintiff Google

- 33. It is in the context of Defendants' expanded scheme of making spurious claims of right to many thousands of marks, and their continuing pattern of unlawfully demanding licensing fees and threatening and filing sham legal proceedings, that Defendants targeted Plaintiff Google.
- 34. As one of the some 1800 requests for extension of time filed by Defendants with TTAB since November 2005, Defendant Central Mfg. and Stoller sought on November 27, 2008 a request for an extension of time to oppose an application for registration filed by Plaintiff Google. A true and correct copy of Defendants' November 27, 2005 request, which was sent by means of the U.S. mail and interstate wires on or about November 27, 2005 and at times thereafter, is attached hereto as Exhibit II.
- On or about November 29, 2005, by means of the U.S. mail and interstate wires, Defendants sent a letter that purported to be on the letterhead of an entity called "GOOGLE BRAND PRODUCTS & SERVICES," which claimed to have been in business "SINCE 1981." In it, Defendants alleged to "hold common law rights" in the mark GOOGLE and to "have been using the similar mark GOOGLE for many years." The letter was signed "Leo Stoller GOOGLE." A true and correct copy of Defendants' November 29, 2005 letter and its attachments is annexed hereto as Exhibit I.
- 36. The attachments to the November 29, 2005 letter were also sent by means of U.S. mail and the interstate wires. In the proposed "Agreement To Discontinue Use (Covenant Not To Sue)" and the proposed "Settlement Agreement" attached to the letter, Stoller and Defendant Stealth proclaimed their "ownership of the mark GOOGLE," and the signature block to the proposed agreement was signed by Stoller for "GOOGLE" and as a "[r]epresentative of GOOGLE." Furthermore, both documents purported to identify Defendant Stealth (under the alias "Rentamark") as "Google." Elsewhere in the attachments, Defendants purported to identify the entity preparing the attachments as an entity named "GOOGLE" and included an alleged notice that the materials were "© GOOGLE 2000."
- 37. In the attachments to the November 29, 2005 letter sent by U.S. mail and interstate wires, Defendants also repeatedly represented that they owned a federal trademark registration for "Google" by use of the "®" symbol, including in the attachments entitled: "Why

Obtain A GOOGLE® License . . .," "GOOGLE® Licensing Program Licensee Requirements," "GOOGLE® Licensing Program," and "Licensing GOOGLE® Enables You To".

- 38. In or about April or May 2006, Defendants sent by U.S. mail to Plaintiff correspondence with a return address label which falsely represented that it had been sent by an entity called "GOOGLE LICENSNING [sic]" and which reflected Defendants' address in Oak Park, Illinois. (The exact day of this fraudulent mailing cannot be ascertained because, in violation of U.S. Postal Service Regulations, Defendants omitted the date from their postage meter stamp.) A true and correct copy of this mailing label is attached hereto as Exhibit J.
- 39. On April 10, 2006, Stoller and Defendant Stealth transmitted to Plaintiff by the interstate wires two documents that purported to be from an entity called "GOOGLE™ BRAND TRADEMARK LICENSING." True and correct copies of these faxes from Defendants are attached hereto as Exhibits K and L.
- 40. Beginning on or about April 28, 2006, Stoller and Defendant Stealth also represented on the rentamark.com web site that that "GOOGLE" was, and is, among the marks that they purport to "own and control" and that they offer for licensing to third parties. True and correct copies of the relevant web pages are attached hereto as Exhibit M.
- 41. Each of the foregoing representations of fact by Defendants recited above in paragraphs 35 through 40 above were, and are, false and made by Defendants with the intent to deceive. As Defendants have known at all relevant times, those statements were false in at least each of the following respects:
- (a) Defendants knowingly misrepresented the existence of an entity or entities variously called by Defendants as "GOOGLE BRAND LICENSING AND PRODUCTS." "GOOGLE LICENSNING [sic]" and "GOOGLETM BRAND TRADEMARK LICENSING." No such entities exist, but are a fabrication by Defendants, and the commercial letterhead, fax cover sheets, labels and other commercial documents allegedly reflecting their existence are fraudulent
- (b) Defendants' representations to have common law rights in or to "Google" as a mark or trade name are fraudulent. Defendants own no right, title or interest of any kind in "Google" as a mark, trade name or designation of origin. Defendants have not used "Google" as a mark or trade name, whether directly or through any licensee, in connection with bona fide sale of goods or services. No segment of the consuming public associates "Google" with Defendants or with any goods or services originating from or associated with Defendants. Defendants have

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no right to license "Google" as a mark or trade name to any person or entity. Indeed, because Defendants' claim of right to "Google" was part and parcel of their more than 1800 filings with TTAB since November 2005, TTAB already has found pursuant to the July 14, 2006 Order that Defendants' assertion of rights to the "Google" mark was "baseless" and made for the unlawful purpose of seeking to extort money from Plaintiff. For those reasons, TTAB dismissed outright Defendant Central Mfg.'s sham opposition proceeding against Plaintiff. A true and correct copy of TTAB's dismissal Order is attached hereto as Exhibit N. Nevertheless, to this day and as shown above. Defendants continue to hold themselves out as the owner of rights to the "Google" mark and offer to license "Google" as a mark to third parties.

- Defendants' further claims that they have a federal trademark registration (c) for "Google," made through their repeated uses of the statutory federal registration notice "Re" and elsewhere, are false. Neither Defendants nor Stoller own any federal registration for "Google."
- Defendants also have made materially false representations of fact regarding 42. Defendants' purported success in litigation and in TTAB proceedings for the purpose of deceiving and coercing their victims into paying money and bolstering their false claims of right to trademarks, including as to "Google." Examples of such misrepresentations include:
- In a March 31, 2006 email to Plaintiff sent by means of the interstate (a) wires, Defendants, through Stoller, falsely asserted that "99% of my opponents opt to settle" and that "Google is in the 1% category that refused to pay any deference to my early on trays [sic] for a quick settlement." A true and correct copy of the March 31, 2006 email is attached hereto as Exhibit O.
- According to claims on Defendants' rentmark.blogspot.com web site (b) beginning on or about April 20, 2006 and continuing through the present: "Stoller has thus far prevailed in over 90% of its [sic] police actions against third party infringers. Companies like Wal-Mart, K-Mart and hundreds of other well known American companies have acknowledged Stoller's superior rights to its [sic] marks as a result of trademark litigation." A true and correct hard copy printout of Defendants' relevant web pages is attached hereto as Exhibit P.
- Beginning on or about April 20, 2006 and continuing through the present. Defendants claimed on the www.rentmark.blogspot.com web site that "STOLLER CANCELS THE GOOGLE TRADEMARK." See Exhibit P attached hereto.

- (d) Beginning on or about June 16, 2004 and continuing through the present. Defendants claimed on the www.rentmark.blogspot.com web site that "Leo Stoller has participated in over 200 inter party [sic] proceedings over 25 years prevailing in [sic] over 95% of the time and over 60 district court trademark cases." A true and correct hard copy printout of Defendants' relevant web pages is attached hereto as Exhibit Q.
- 43. The foregoing representations of fact by Defendants set forth in paragraph 42 above were, and are, false. Neither Defendants nor Stoller have cancelled any registration owned by Plaintiff. Moreover, Defendants' representations as to its "success" in litigation are fictional. Defendants have not prevailed in "over 90%" or "over 95%" of its legal actions or obtained settlements from "99%" of those companies and individuals Defendants have targeted. To the contrary, as the Court observed in the *Brett* decision discussed above: "no Court has ever found infringement of any trademark allegedly held by Stoller or his related companies in any reported opinion." Indeed, as described above, Courts have repeatedly found lawsuits brought by Defendants and Stoller to be part of a pattern of sham litigation and have repeatedly sanctioned them for their groundless claims of trademark rights, their fabrication of evidence, their provision of false testimony and their other abuses of the judicial system.
- 44. In addition to their repeated assertion and dissemination of materially false statements, Defendants also made repeated unlawful threats against Plaintiff. These include without limitation:
- (a) Defendants' November 29, 2005 letter attached as Exhibit 1 hereto contained threats to bring sham legal proceedings and to harass, including by threatening to conduct "extensive discovery" which included depositions of Applicant's "executive officers," and referenced the fact that the mere filing of a legal proceeding, regardless of its lack of merit, would cost Plaintiff at least \$150,000. In exchange for refraining from inflicting such damage. Defendants demanded that Plaintiff either pay them money in the amount of at least \$100,000 or else cease all use of GOOGLE in connection with Plaintiff's business.
- (b) Defendants' March 31, 2006 email attached as Exhibit O hereto threatened to "refe[r]" Plaintiff's executives "to the US Attorney for a perjury charge should they lie under oath."
- (c) In a February 9, 2006 email, Stoller and Defendant Stealth threatened to publicize their allegations, which they claimed would mean "Google's stock won't be worth

\$5.00 a share" and would result in "the total destruction" of Applicant. A true and correct copy of the February 9, 2006 email is attached hereto as Exhibit R.

(d) In a March 2, 2006 email, Stoller and Defendant Central Mfg. again threatened to publicize their allegations with the intention of "driv[ing] down Google stock price" and then concluded with the statement that "I would not be surpirsed [sic] if Google goes out of business by the conclusion of this proceeding." A true and correct copy of the March 2, 2006 email is attached hereto as Exhibit S.

COUNTI

(15 U.S.C. § 1125(a)(1)(B) -- Against All Defendants)

- 45. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 43 above, as though fully set forth at length.
- 46. Defendants have made and disseminated, and continue to make and disseminate, false statements of fact in commercial promotions and advertisements about their goods, services and commercial activities. Such misrepresentations by Defendants include without limitation those set forth in paragraphs 26(a) through 31, 40, 42(b)-(d) and 43 above. Such statements are literally false and have a tendency to deceive a substantial segment of their audience.
- 47. Defendants have caused and continue to cause their false and misleading statements to enter interstate commerce, including by means of the Internet.
- 48. By reason of the acts alleged herein, Defendants have misrepresented, in commercial advertising and promotion, the nature, characteristics and qualities of their goods, services and commercial activities in violation of 15 U.S.C. § 1125(a)(1)(B).
- Plaintiff irreparably. Plaintiff has no adequate remedy at law for these wrongs and injuries. The damage to Plaintiff includes harm to its reputation that money cannot compensate. Plaintiff is, therefore, entitled to an injunction restraining and enjoining Defendants and their agents, servants and employees, and all persons acting thereunder, in concert with, or on their behalf, from engaging in false advertising and from otherwise making or utilizing false and misleading statements in connection with the promotion, advertisement or sale of goods, services and commercial activities.

50. Plaintiff has been and is likely in the future to be injured as result of Defendants' false statements. Plaintiff is entitled to recover three times its damages, to an accounting of Defendants' profits and to disgorgement of Defendants' ill-gotten gains, together with Plaintiff's attorneys' fees and costs, pursuant to 15 U.S.C. § 1117.

COUNT II

(18 U.S.C. §§ 1962(c) and 1964(c) -- Against All Defendants)

- 51. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 44 above, as though fully set forth at length.
- 52. Stoller is a "person" within the meaning of 18 U.S.C. § 1961(3). Stoller, Defendant Central Mfg. and Defendant Stealth constitute an enterprise within the meaning of 18 U.S.C. § 1961(4) in that they constitute a union and group of individuals and entities associated in fact although not a legal entity. Said enterprise evinces a hierarchy and structure separate and apart from the pattern of racketeering alleged herein, including without limitation in that Defendant Central Mfg. and Defendant Stealth purport to engage in legitimate activities in addition to the unlawful activities alleged in this Complaint.
- 53. Defendant Central Mfg., Defendant Stealth and Stoller, directly and indirectly as stated in 18 U.S.C. § 1962(c), execute an enterprise in and affecting interstate commerce by fraudulent, deceitful and extortionate practices as the term "enterprise" is defined in 18 U.S.C. § 1961(4), including through without limitation the predicate acts of mail fraud and wire fraud and the predicate acts of extortion. In particular, these racketeering activities include:
- (a) Acts And Threats Involving Extortion: On or about the date indicated in and as described in paragraph 44(b) above. Defendant Central Mfg., Defendant Stealth and Stoller, without lawful authority and with an intent to cause another to perform or to omit the performance of any act, communicated a threat to accuse a person of an offense, in violation of 720 ILCS 5/12-6 and 720 ILCS 5/15-5, and furthermore to harm the business repute of another. in violation of 720 ILCS 5/15-5, all of which accordingly constitute acts and threats involving extortion which are chargeable under State law and punishable by a term of imprisonment of more than one year as set forth in 18 U.S.C. § 1961(1). In addition, on or about the dates indicated in and as described in paragraph 44 above, Defendant Central Mfg., Defendant Stealth and Stoller, with an intent to extort money and other property from Plaintiff, sent and delivered

letters and other writings that expressly and impliedly threatened to inflict unlawful injuries to property in violation of California Penal Code §§ 519 and 523, which pursuant to California Penal Code §§ 520 and 523 constitute acts and threats involving extortion which are chargeable under State law and punishable by a term of imprisonment of more than one year as set forth in 18 U.S.C. § 1961(1).

- (b) Mail Fraud: On or about the dates indicated in and as described in paragraphs 35 through 38 above, Defendant Central Mfg., Defendant Stealth and Stoller, having devised a scheme or artifice to defraud Plaintiff by false representations, did for the purpose of furthering and executing such scheme or artifice to defraud, transmit and cause to be transmitted by means of mail communications in interstate commerce, writing, signs, signals, pictures or sound, in violation of 18 U.S.C. § 1341 and 18 U.S.C. § 2.
- (c) Wire Fraud: On or about the dates indicated in and as described in paragraphs 35 through 43 above, Defendant Central Mfg., Defendant Stealth and Stoller, having devised a scheme or artifice to defraud Plaintiff by false representations, did for the purpose of furthering and executing such scheme or artifice to defraud, transmit and cause to be transmitted by means of wire communications in interstate commerce, writings, signs, signals, pictures or sound, in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2.
- Defendant Central Mfg., Defendant Stealth and Stoller have executed within the past six years, and continue to execute, a pattern of racketeering activity within the meaning of 18 U.S.C. § 1961(1). The pattern of racketeering activity, as defined by 18 U.S.C. §§ 1961(1) and (5), presents both a history of unlawful conduct and a distinct threat of continuing unlawful activity in the future. Such activity consists of multiple acts of racketeering, is interrelated, not isolated, and is perpetrated for the same or similar purposes. Such activity extends over a substantial period of time, up to and beyond the date of this Complaint, and threatens to continue and to project itself into the future, including without limitation in that the predicate acts and offenses alleged herein have been part of an ongoing entity's regular way of doing business. Such activities occurred after the effective date of 18 U.S.C. §§ 1961 et seq., and the last such act occurred within 10 years after the commission of a prior act of racketeering activity. Defendant Central Mfg., Defendant Stealth and Stoller have done so by performing the acts set forth above, including but not limited to the acts set forth in paragraphs 35 through 43 above, which constitute repeated violations of 18 U.S.C. § 1342 relating to wire fraud and 18 U.S.C. § 1341

relating to mail fraud, and the acts set forth in paragraph 44 above, which constitute repeated violations of State laws prohibiting extortion within the meaning of 18 U.S.C. § 1961(1).

- 55. The enterprise as described herein is at all relevant times a continuing enterprise because, among obvious reasons, it is designed to unlawfully extract and has damaged legitimate businesses including Plaintiff based upon fraudulent statements and threats of extortion as alleged herein.
- 56. As a direct and proximate result of the racketeering activity alleged herein, including by reason of the predicate acts constituting such pattern of racketeering activity by said Defendants, Plaintiff has suffered, and will in the future suffer, injury in its business or property.
- 57. Pursuant to 18 U.S.C. § 1964(c), Plaintiff is entitled to recover damages, to be trebled in accordance with statute, plus interest, costs and attorneys' fees, by reason of the pattern of racketeering activity and violations of 18 U.S.C. § 1962(c) alleged herein.

COUNT III

(Unfair Competition -- Against All Defendants)

- 58. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 44 above, as though fully set forth at length.
- 59. Defendants are, and at all relevant times have been, perpetrating a scheme of fraudulently claiming trademark and other rights, including without limitation by means of false marketing materials, by the use and circulation of fraudulent letterhead and other documents, by threatening and filing sham legal proceedings and by other illegal means as described herein, for the purpose of extorting money and property from others, including Plaintiff.
- 60. Defendants' statements, misrepresentations, threats and conduct alleged herein were made not for the purpose of protecting or enforcing any legitimate, or even colorable, rights, but instead for the bad faith purpose of unlawfully extracting money from Plaintiff Google. Said statements, misrepresentations, threats and conduct by Defendants, made for such illegitimate reason, constitute unfair competition under the laws of this State and other jurisdictions.
- 61. Defendants' acts complained of herein have damaged and will in the future continue to damage Plaintiff Google irreparably. Plaintiff has no adequate remedy at law for these actual and threatened wrongs and injuries. The damage to Plaintiff includes harm to its

good will and reputation in the marketplace that money cannot compensate. Plaintiff is therefore entitled to injunctive relief restraining Defendants and their agents, servants, and employees, and all persons acting thereunder, in concert with them, or on their behalf, from further engaging in acts of unfair competition as against Plaintiff.

- 62. As consequence of the foregoing acts of unfair competition by Defendants. Plaintiff is also entitled to an award of its actual damages, together with its costs and attorney's fees, and to the disgorgement of Defendants' ill-gotten gains.
- 63. Defendants' acts were in bad faith, in conscious disregard of Plaintiff's rights and were performed with the intention of depriving Plaintiff of its rights. Accordingly, Defendants' conduct merits, and Plaintiff seeks, an award of punitive damages in an amount sufficient to punish Defendants and deter such conduct in the future.

Prayer for Relief

WHEREFORE, Plaintiff Google prays that this Court enter judgment as follows:

- A. Enter an injunction prohibiting Defendants from engaging in further acts of false advertising, further acts of racketeering activity and further acts of unfair competition as to Plaintiff, pursuant to 15 U.S.C. § 1116, 18 U.S.C. § 1964(a) and state law:
- B. Enter an order requiring the dissolution and/or reorganization of the enterprise and requiring the divestment of any interest, whether direct or indirect, therein, pursuant to 18 U.S.C. § 1964(a);
- C. Award Plaintiff three times its damages and Defendants' profits, together with Plaintiff's reasonable attorney's fees and costs, pursuant to 15 U.S.C. § 1117 and state law;
- Award Plaintiff treble damages and costs of suit, including reasonable attorneys' fees, pursuant to 15 U.S.C. § 1117 and 18 U.S.C. § 1964(c);
- Award Plaintiff punitive damages in an amount sufficient to punish Defendants and deter such misconduct in the future;
 - F. Award Plaintiff prejudgment interest, as appropriate; and

G. Grant Plaintiff such other and further relief as this Court deems just and proper.

DATED: January 18, 2007

Respectfully submitted,

GOOGLE INC.

By: Mina ()
One of Its Attorneys

Michael T. Zeller (ARDC No. 6226433)
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PERLMAN & NAGELBERG, LLP
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(312) 984-3150 (fax)

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re

LEO STOLLER.

Debtor.

Chapter 7

Case No. 05-64075

Hon. Jack B. Schmetterer

Hearing Date: January 18, 2007

Hearing Time: 11:00 a.m.

ORDER GRANTING MOTION FOR ORDER DECLARING PROPOSED SUIT TO BE OUTSIDE SCOPE OF STAY OR, IN THE ALTERNATIVE, MODIFYING STAY [DOCKET NO. 113]

Google Inc. ("Google") having filed its Motion for Order Declaring Proposed Suit to be Outside Scope of Stay or, In the Alternative, Modifying Stay (the "Motion") on August 18, 2006, and hearings having been held on the Motion on August 23, 2006, August 31, 2006, September 14, 2006, October 5, 2006, October 19, 2006, November 9, 2006, December 5, 2006, December 12, 2006, December 19, 2006, and January 4, 2007 and Google having entered into a compromise with the Chapter 7 trustee appointed in this case concerning the relief sought in the Motion as to the estate and entities owned or controlled by the estate, which compromise has been approved by a separate Order of this Court entered on December 5, 2006 (such Order and the Settlement Agreement it approved being the "Settlement Order"), and the Debtor having objected to the Motion which objection the Court overruled in open court on January 4, 2007, and the Court having made, on the record at the January 4, 2007 hearing, findings of fact and conclusions of law, and the Court having found that there is cause to grant Google relief from the automatic stay,

IT IS HEREBY ORDERED that Google is granted relief from the automatic stay so that it may take the actions, including filing an action against the Debtor in the United States District Court, described in the Motion and any ancillary, necessary, or appropriate actions in connection

therewith is that fact on is the Therebeard This of My the Sound on bett of the Google shall take no action to collect a monetary

judgment against Leo Stoller personally without obtaining prior leave of this Court; provided however that if this case is dismissed or if Leo Stoller has been denied a discharge under 11 U.S.C. §727 then Google shall not have to obtain leave before collecting any judgment it obtains against Leo Stoller.

IT IS FURTHER ORDERED that the relief granted herein pertains only to Leo Stoller personally and nothing herein amends or supersedes the provisions of the Settlement Order.

ed States Bankruptcy Judge

JAN 18 2007

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

)) Chapter 7	
In Re:	ý	Case No: 05-64075	
LEO STOLLER,	,) Case No: 03-04073	,
,	De btor.	Hon. Jack B. Schmette	erer

NOTICE OF APPEAL

NOW COMES the Debtor and files a Notice of Appeal of the attached orders:

- 1) Motion to Dismiss A Case Under Chapter 7 (246)
- 2) Motion to Stay Court's Order Lifting Stay for Google, Inc. to Sue The Debtor () γς
- 3) Motion for Leave to Object to Claims

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Leo Stoller

7115 W. North Avenue Oak Park, Illinois 60302

(312) 545-4554

Email: ldms4@hotmail.com

Date: January 5, 2007

Certificate of Mailing

I hereby certify that the foregoing is being hand-delivered to the following address:

Clerk of the Court United States Bankruptcy Court 219 S. Dearborn Chicago, IL 60607

Leo Stoller

Date: January 5, 2007

Certificate of Service

I hereby certify that the foreging is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to:

Richard M. Fogel, Trustee
Janice A. Alwin, Esq.
Counsel for Trustee
Shaw, Gussis, Fishman, Glantx,
Wolfson & Tow
321 N. Clark Street, Suite 800
Chicago, Illinois 60610

Timothy C. Meece BANNER & WITCOFF, LTD. 10 South Wacker Drive, Suite 3000 Chicago Illinois 60606

Leo Stoller

Date: January 5, 2007

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINO EASTERN DIVISION

JAN 3 0 2007 / Q

GOOGLE, INC.

Plaintiff,

VS.

CENTRAL MFG. INC. a/k/a
CENTRAL MFG. CO., a/k/a
CENTRAL MFG. CO.(INC).,
a/k/a CENTRAL MANUFACTURING
COMPANY, INC. and a/k/a
CENTRAL MFG. CO. OF ILLINOIS;
and STEALTH INDUSTRIES, INC.
a/k/a RENTAMARK and a/k/a
RENTAMARK.COM,

Defendants.

MICHAEL W. DOBBINS GLERK, U.S. DISTRICT COURT

Case No: 07-cv-385

Judge Kendall

Magistrate Judge Cole

MOTION TO SUSPEND PENDING THE APPEAL TO LIFT THE AUTOMATIC STAY FOR GOOGLE TO SUE THE DEBTOR, LEO STOLLER

NOW COMES Leo Stoller and requests that this Court stay this proceeding pending Stoller's Appeal of Judge Schmetterer's order lifting the automatic stay in Stoller's Chapter 7 bankruptcy, Case No. 05-64075, for Google to sue the Debtor, Leo Stoller, and his companies.

See attached true and correct copies of Judge Schmetterer's order dated January 18, 2007 and Stoller's Notice of Appeal dated January 5, 2007.

WHEREFORE, Leo Stoller prays that this Court stay this proceeding pending the final outcome of Stoller's Appeal of Judge Schmetterer's order lifting the automatic stay of Stoller's bankruptcy, allowing the Debtor and his businesses to be sued by Google.

Leo Stoller, pro se

7115 W. North Avenue #272 Oak Park, Illinois 60302

312/ 545-4554

Email: ldms4@hotmail.com

Date: January 30, 2007

Certificate of Mailing

I hereby certify that this motion is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Clerk of the Court United States District Court

219 S. Dearborn Chicago, Illinois 69607

Leo Stoller

Date: January 30, 2007

Certificate of Service

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Michael T. Zeller Quinn, Emanuel, Urquhart, Oliver & Hedges, LLP. 865 S. Figueroa Street, 10th Floor Los Angeles, California 90017

William J. Barrett Barack, Ferrazzano, Kirschbaum, Perlman & Nagelberg, LLP. 333 W. Wacker Drive, Suite 2700 Chicago, Illinois 60606

Leo Stoller

Date:

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UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re

LEO STOLLER,

Debtor.

Chapter 7

Case No. 05-64075

Hon, Jack B. Schmetterer

Hearing Date: January 18, 2007

Hearing Time: 11:00 a.m.

ORDER GRANTING MOTION FOR ORDER DECLARING PROPOSED SUIT TO BE OUTSIDE SCOPE OF STAY OR, IN THE ALTERNATIVE, MODIFYING STAY [DOCKET NO. 113]

Google Inc. ("Google") having filed its Motion for Order Declaring Proposed Suit to be Outside Scope of Stay or, In the Alternative, Modifying Stay (the "Motion") on August 18, 2006, and hearings having been held on the Motion on August 23, 2006, August 31, 2006, September 14, 2006, October 5, 2006, October 19, 2006, November 9, 2006, December 5, 2006, December 12, 2006, December 19, 2006, and January 4, 2007 and Google having entered into a compromise with the Chapter 7 trustee appointed in this case concerning the relief sought in the Motion as to the estate and entities owned or controlled by the estate, which compromise has been approved by a separate Order of this Court entered on December 5, 2006 (such Order and the Settlement Agreement it approved being the "Settlement Order"), and the Debtor having objected to the Motion which objection the Court overruled in open court on January 4, 2007, and the Court having made, on the record at the January 4, 2007 hearing, findings of fact and conclusions of law, and the Court having found that there is cause to grant Google relief from the automatic stay.

IT IS HEREBY ORDERED that Google is granted relief from the automatic stay so that it may take the actions, including filing an action against the Debtor in the United States District

Court, described in the Motion and any ancillary, necessary, or appropriate actions in connection

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IT IS FURTHER ORDERED that Google shall take no action to collect a monetary judgment against Leo Stoller personally without obtaining prior leave of this Court; provided however that if this case is dismissed or if Leo Stoller has been denied a discharge under 11 U.S.C. §727 then Google shall not have to obtain leave before collecting any judgment it obtains against Leo Stoller.

IT IS FURTHER ORDERED that the relief granted herein pertains only to Leo Stoller personally and nothing herein amends or supersedes the provisions of the Settlement Order.

ed States Benkruptcy Judge

JAN 18 2007

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

in Re:) Chapter 7
LEO STOLLER,) Case No: 05-64075
Debtor.	Hon. Jack B. Schmetterer
E-40101	`

NOTICE OF APPEAL

NOW COMES the Debtor and files a Notice of Appeal of the attached orders:

- 1) Motion to Dismiss A Case Under Chapter 7 () 46
- 2) Motion to Stay Court's Order Lifting Stay for Google, Inc. to Sue The Debtor (345)
- 3) Motion for Leave to Object to Claims

deared

Leo Stoller

7115 W. North Avenue Oak Park, Illinois 60302

(312) 545-4554

Email: ldms4@hotmail.com

Date: January 5, 2007

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Clerk of the Court United States Bankruptcy Court 219 S. Dearborn Chicago, IL 60607

Leo Stoller

Date: January 5, 2007

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Richard M. Fogel, Trustee Janice A. Alwin, Esq. Counsel for Trustee Shaw, Gussis, Fishman, Glantx, Wolfson & Tow 321 N. Clark Street, Suite 800 Chicago, Illinois 60610

Timothy C. Meece

BANNER & WITCOFF, LTD.

10 South Wacker Drive, Suite 3000

Chicago Illinois 60606

Leo Stoller

Date: January 5, 2007

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FILED

JAN 3 0 2007 / a GOOGLE, INC. MICHAEL W. DOBBINS LERK, U.S. DISTRICT COURT Plaintiff. vs. Case No: 07-cv-385 CENTRAL MFG. INC. a/k/a CENTRAL MFG. CO., a/k/a Judge Kendall CENTRAL MFG. CO.(INC)., Magistrate Judge Cole a/k/a CENTRAL MANUFACTURING COMPANY, INC. and a/k/a CENTRAL MFG. CO. OF ILLINOIS; and STEALTH INDUSTRIES, INC. a/k/a RENTAMARK and a/k/a RENTAMARK.COM,

MOTION TO SUSPEND PENDING THE TRADEMARK TRIAL AND APPEAL BOARD'S DECISION ON THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendants.

NOW COMES Leo Stoller and requests that this Court suspend this proceeding pending the resolution of the Defendant's Motion for Summary Judgment which has been filed in the Trademark Trial & Appeal Board and has been pending for over a year and a half. The Plaintiff's entire case is predicated on its alleged rights in a Federal Trademark Registration for the trademark Google.

The District Court proceeding (Complaint) currently filed by the Plaintiff cannot be used to short-circuit established administrative procedures, such as those set up in the Patent and Trademark Office to determine the validity of federal trademark registrations. As the U.S. Supreme Court has stated:

[T]he declaratory judgment procedure will not be used to preempt and prejudge issues that are committed for initial decision to an administrative body or special tribunal any more than it will be used as a substitute for statutory methods of review . . . Responsibility for effective functioning of the administrative process cannot be thus transferred from the bodies in which Congress has

placed it to the courts¹.

Since Congress has granted the power to register trademarks to the United States Patent and Trademark Office (PTO), federal courts have no jurisdiction over administrative registration proceedings except the appellate jurisdiction expressly granted by statute. So an applicant whose mark is opposed before the Trademark Board, or a registrant who mark is attacked for cancellation before the Trademark Board, cannot short-circuit the administrative process by filing suit for declaratory judgment in the federal courts. Where an administrative proceeding is already under way, the courts should not short-cut the proceeding by way of entertaining a suit for declaratory judgment. As the Second Circuit said, "The Declaratory Judgment Act may not be used simply to remove a controversy from a forum where it properly belongs." Under this rule, it has been said: "The Court will not, by declaratory judgment, intercede gratuitously in the unfinished and pending administrative proceedings²."

Judge Schmetterer in the last hearing provided that Google must answer Stoller's motion for summary judgment at the Trademark Trial & Appeal Board by including in the order, attached hereto, the following language upon the request of Leo Stoller in open court,

^{1.} Public Service Comm'n v. Wycoff Co., 344 U.S> 237, 97 L. Ed. 291, 73 W. Ct. 236 (1952). See Englishtown Sportswear Ltd. v. Tuttle, 547 F. Supp. 700, 216 U.S.P.Q. 486 (S.D.N.Y. 1982)(a court that bypasses the administrative system of the PTO impairs expeditious resolution and forfeits administrative expertise.)

^{2.} Goya Foods, Inc. v. Tropicana Products, Inc., 666 F. Supp. 585, 4 U.S.P.Q.2d 1893 (S.D.N.Y. 1987), modified, LEXIS slip op. (S.D.N.Y. 1987), rev'd on other grounds, 846 F.2d 848, 6 U.S.P.O.2d 1950 (2d cir. 1988) (Applicant-defendant in previously-filed TTAB opposition proceeding in the PTO filed a declaratory judgment suit in federal court seeking a declaratory of non-Suit must be dismissed or stayed pending resoluinfringement. tion of the PTO opposition. Citing treatise, held that: (1) filing of an opposition does not per se create a reasonable apprehension of being sued for trademark infringement; (2) the Declaratory Judgment Act cannot be used to unnecessarily disrupt administrative proceedings pending in the PTO. The court of appeals reversed the denial of a motion to amend the complaint to state other acts giving rise to a reasonable apprehension of suit. The court of appeals held that if the amended complaint was sufficient, the suit should go forward and not be automatically dismissed because of deference to the pending opposition in the PTO.).

"that Google must take the necessary and appropriate action in the Trademark Trial and Appeal Board" referring to Google having to respond to Stoller's motion for summary judgment.

Google's entire District Court case is predicated on its trademark rights in and to the mark Google. When the TTAB cancels Google's trademark, this case before this Court collapses. It is for that reason that the Supreme Court has provided that District Court proceedings cannot short-circuit pending administrative remedies.

WHEREFORE, Leo Stoller prays that this Court suspend this case pending the resolution of Stoller's Motion for Summary Judgment pending at the Trademark Trial & Appeal Board.

Leo Stoller, pro se

7115 W. North Avenue #272 Oak Park, Illinois 60302

312/ 545-4554

Email: ldms4@hotmail.com

Date: January 30, 2007

Certificate of Mailing

I hereby certify that this motion is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Clerk of the Court United States District Court 219 S. Dearborn

Chicago, Illinois 60607

Leo Stoller

Date: January 30, 2007

Certificate of Service

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Michael T. Zeller Quinn, Emanuel, Urquhart, Oliver & Hedges, LLP. 865 S. Figueroa Street, 10th Floor Los Angeles, California 90017

William J. Barrett Barack, Ferrazzano, Kirschbaum, Perlman & Nagelberg, LLP. 333 W. Wacker Drive, Suite 2700 Chicago, Illinois 60606

Leo Stoller

Date:

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> IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FILED

JAN 3 0 200/ /Q

MICHAEL W. DOBBINS CLERK, U.S. DISTRICT COURT

GOOGLE, INC. Plaintiff, VS. Case No: 07-cv-385 CENTRAL MFG. INC. a/k/a Judge Kendall CENTRAL MFG. CO., a/k/a CENTRAL MFG. CO.(INC)., Magistrate Judge Cole a/k/a CENTRAL MANUFACTURING COMPANY, INC. and a/k/a CENTRAL MFG. CO. OF ILLINOIS; and STEALTH INDUSTRIES, INC. a/k/a RENTAMARK and a/k/a RENTAMARK.COM, Defendants.

MOTION TO SUSPEND

NOW COMES Leo Stoller and requests that this Court suspend this proceeding for sixty (60) days to give Stoller the opportunity to retain counsel to represent the corporations.

Leo Stoller, pro se

7115 W. North Avenue #272 Oak Park, Illinois 60302

312/ 545-4554

Email: ldms4@hotmail.com

Date: January 30, 2007

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William J. Barrett Barack, Ferrazzano, Kirschbaum, Perlman & Nagelberg, LLP. 333 W. Wacker Drive, Suite 2700 Chicago, Illinois 60606

Leo Stoller

Date

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Case 1:07-cv-385 Document 13 Filed 01/30/2007

JAN 3 0 2007 CO JAN 30 7007 MICHAEL W. DOGGINS

APPEARANCE FORM FOR PRO SE LITIGANTS DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

Information entered on this form is required for any person filing a case in this court as a pro se party (that is, without an attorney).

NAME:	LEO STOLLEN (Please print)
STREET ADDRESS:	7115 W. NORTH AUD
CITY/STATE/ZIP:	OKU PARK FI)
PHONE NUMBER:	312-545-4554
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UNITED STATES DISTRICT COURT FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0 Eastern Division

Google Inc, et al.

Plaintiff,

v.

Case No.: 1:07-cv-00385

Honorable Virginia M. Kendall

Central Mfg. Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, February 5, 2007:

MINUTE entry before Judge Virginia M. Kendall :Motion hearing held. Motion to interplead [8]; Motion to suspend pending the Appeal to lift the automatic stay for Google to sue the debtor Leo Stoller [9]; Motion to suspend pending the Trademark trial and Appeal Board's decision on the defendant's motion for summary judgment [10]; and Motion to suspend [11] are entered and continued to 2/20/2007 at 9:00 AM. Responses due by 2/12/2007. No replies are necessary.Mailed notice(gmr,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FILED

FEB 0 6 2007

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

GOOGLE, INC. Plaintiff, VS. Case No: 07-cv-385 CENTRAL MFG. INC. a/k/a Judge Kendall CENTRAL MFG. CO., a/k/a CENTRAL MFG. CO.(INC)., a/k/a CENTRAL MANUFACTURING Magistrate Judge Cole COMPANY, INC. and a/k/a CENTRAL MFG. CO. OF ILLINOIS; and STEALTH INDUSTRIES, INC. a/k/a RENTAMARK and a/k/a RENTAMARK.COM. Defendants.

MOTION TO INTERVENE

NOW COMES Leo Stoller and moves this Court for intervention as of right pursuant to Rule 24(a)(2), Fed. R. Civ. P and/or pursuant to Rule 24(b), Fed. R. Civ. P. See Rule 24, Fed. R. Civ. P.; *Grutter v. Bollinger*. 188 F.3d 394 (6th Cir. 1999); *Michigan State AFL-CIO v. Miller*, 103 F.3d 1240 (6th Cir. 1997).

BACKGROUND

Leo Stoller was the sole shareholder and sole employee of Central Mfg. Co., Inc., a Delaware corporation, and Stealth Industries, Inc., a Delaware corporation. The two named defendants in this case. Leo Stoller, on behalf of Central Mfg. Co., brought a petition to cancel Google Inc.'s Federal Trademark Registration, Google, on the grounds that it has become generic and/or descriptive of the services that are covered under Google, Inc.'s Federal Trademark Registration.

Leo Stoller engaged Google, Inc., pursuant to Federal Rules of Evidence 408, in an attempt to settle the registerability controversy that existed as between the parties. The email correspondence that was submitted to Google, Inc. in settlement negotiations, which was

clearly marked non-discoverable, submitted under Federal Rules of Evidence 408, is being used by the Plaintiffs as the predicate act for the civil RICO violations alleged in Google, Inc.'s Complaint.

In December of 2005, Leo Stoller filed a Chapter 13 bankruptcy which was converted to a Chapter 7 on August 31, 2006. Leo Stoller's corporations, Central Mfg. Co., Inc. and Stealth Industries, Inc.; the shares of which became part of Stoller's bankruptcy when the said bankruptcy was converted to a Chapter 7.

Google, Inc. had petitioned the Bankruptcy Court Judge Jack Schmetterer to Lift the Automatic Stay in order to sue Leo Stoller and Central Mfg. Co., Inc. and Stealth Industries, Inc. Judge Schmetterer issued an Order releasing the stay so that Google, Inc. could sue Leo Stoller. See attached true and correct copy of Judge Schmetterer's January 18, 2007 Order.

Google, Inc. considered Stoller an indispensable party¹, however, when Google filed its District Court action, it only sued Central Mfg. Co., Inc. and Stealth Industries, Inc.

Judge Schmetterer found in his September 1, 2006, converting Leo Stoller Chapter 13 to a Chapter 7 that Leo Stoller's corporate entities were so intertwined with Stoller as to be indistinguishable.

Movant, Leo Stoller, seeks to intervene pursuant to Rule 24, Fed. R. Civ. P.

ARGUMENT

Rule 24(a)(2), Fed. R. Civ. P. provides that upon timely application, anyone shall be permitted to intervene in an action as of right when the applicant claims as interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

^{1.} In the following hearings that took place in Case No. 05-6047 before Judge Schmetterer on August 23, 2006, August 31, 2006, September 14, 2006, October 5, 2006, October 19, 2006, November 9, 2006, December 5, 2006, December 12, 2006, December 19, 2006, and January 4, 2007, et al., Google, Inc.'s lawyers argued that Stoller was an indispensable party and that the stay of his bankruptcy had to be lifted in order to sue Stoller and his corporate entities.

Persons seeking to intervene as a matter of right under Rule 24(a)(2) must establish the following four elements: (1) that the motion to intervene was timely; (2) that they have a substantial legal interest in the subject matter of the case; (3) that their ability to protect that interest may be impaired in the absence of intervention; and (4) that the parties already before the court may not adequately represent their interest. *Grutter v. Bollinger*, 188 F.3d 394, 397-98 (6th Cir. 1999). Movants here can meet each of those four elements.

TIMELINESS

The Movant has met the timely standard, in that he moved for intervention within a few days after the filing of the Complaint. There has been no prejudice to the other parties.

SUBSTANTIAL INTEREST

Leo Stoller was the sole shareholder and was the party that Google, Inc. has alleged is responsible for all of the acts committed in Google's federal lawsuit. Stoller was the party that filed a petition for cancellation of the said Google registration. Leo Stoller was the party that communicated with Michael Zeller, lead counsel for Google, Inc. in an attempt to negotiate the settlement of the registerability issue. Leo Stoller is the party who claimed rights in and to the Google trademark.

There is no question that Leo Stoller has a specific legal or equitable interest, or the interest needed to establish standing in federal court. See generally, *Michigan State AFL-CIO* v. *Miller*, 103 F.3d 1240, 1245 (6th Cir. 1997).

IMPAIRMENT

To satisfy the "impairment" element, a would-be intervenor must show only that it is possible that his interest will be impaired if intervention is denied. *Grutter*, 188 F.3d at 399. This element is easily met here because without Leo Stoller as a party defendant, the corporate defendants will be unable to properly make their defense because Leo Stoller, who is the sole employee, is the corporate defendant's only witness. Judge Schmetterer stated that Leo Stoller and his two corporate entities are so intertwined as to be one.

ADEQUATE REPRESENTATION

To satisfy the element of inadequate representation, proposed intervenors need not show that the representation of their interests will be inadequate, only that there is a potential

for inadequate representation and/or that the existing parties will not make the same arguments as the proposed interveners. *Grutter*, 188 F.3d at 400. The showing required is minimal. *Id.*. Again, this element is easily met here. The corporate defendants, Central Mfg. Co., Inc. and Stealth Industries, Inc., cannot receive any adequate representation without Leo Stoller, the prime actor in this case. Again, Judge Schmetterer found that Leo Stoller and his corporations are intertwined.

ALTERNATIVELY, THIS COURT SHOULD GRANT PERMISSIVE INTERVENTION UNDER RULE 24(b)

Rule 24(b) states that upon timely application, anyone may be permitted to intervene in an action "when an applicant's claim or defense and the main action have a question of law or fact in common." As shown above, this motion is timely. Moreover, Movant's defense is that it does not violate any provision of the United States Constitution or federal law.

In a motion pursuant to Rule 24(b), the court may consider other equitable factors like undue delay, prejudice to the original parties, and other relevant factors. *Miller*, 103 F.3d at 1248. Here, this litigation is in an early stage, and the inclusion of those whose interests are in the law being upheld to its fullest extent will only sharpen and clarify the issues for the court. Accordingly, permissive intervention should be granted.

CONCLUSION

For the foregoing reasons, the Motion to Intervene should be granted.

Leo Stoller, pro se

7115 W. North Avenue #272 Oak Park, Illinois 60302

312/ 545-4554

Email: ldms4@hotmail.com

Date: February 6, 2007

Certificate of Mailing

I hereby certify that this motion is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Clerk of the Court United States District Court 219 S. Dearborn

Leo Stoller

Date: February 6, 2007

Chicago, Illinois 60607

Certificate of Service

I hereby certify that the foregoing is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Michael T. Zeller Quinn, Emanuel, Urquhart, Oliver & Hedges, LLP. 865 S. Figueroa Street, 10th Floor Los Angeles, California 90017

William J. Barrett Barack, Ferrazzano, Kirschbaum, Perlman & Nagelberg, LLP. 333 W. Wacker Drive, Suite 2700 Chicago, Illinois 60606

Leo Stoller

Date: 02-08-07

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UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

ln re

LEO STOLLER,

Debtor.

Chapter 7

Case No. 05-64075

Hon. Jack B. Schmetterer

Hearing Date: January 18, 2007

Hearing Time: 11:00 a.m.

ORDER GRANTING MOTION FOR ORDER DECLARING PROPOSED SUIT TO BE OUTSIDE SCOPE OF STAY OR, IN THE ALTERNATIVE, MODIFYING STAY [DOCKET NO. 113]

Google Inc. ("Google") having filed its Motion for Order Declaring Proposed Suit to be Outside Scope of Stay or, In the Alternative, Modifying Stay (the "Motion") on August 18, 2006, and hearings having been held on the Motion on August 23, 2006, August 31, 2006, September 14, 2006, October 5, 2006, October 19, 2006, November 9, 2006, December 5, 2006, December 12, 2006, December 19, 2006, and January 4, 2007 and Google having entered into a compromise with the Chapter 7 trustee appointed in this case concerning the relief sought in the Motion as to the estate and entities owned or controlled by the estate, which compromise has been approved by a separate Order of this Court entered on December 5, 2006 (such Order and the Settlement Agreement it approved being the "Settlement Order"), and the Debtor having objected to the Motion which objection the Court overruled in open court on January 4, 2007, and the Court having made, on the record at the January 4, 2007 hearing, findings of fact and conclusions of law, and the Court having found that there is cause to grant Google relief from the automatic stay,

IT IS HEREBY ORDERED that Google is granted relief from the automatic stay so that it may take the actions, including filing an action against the Debtor in the United States District

Court, described in the Motion and any ancillary, necessary, or appropriate actions in connection

therewith, in that four on in the Thinke hand Third Hyper bound of the Third Hyper bound of the Tries FURTHER ORDERED that Google shall take no action to collect a monetary judgment against Leo Stoller personally without obtaining prior leave of this Court; provided however that if this case is dismissed or if Leo Stoller has been denied a discharge under 11 U.S.C. §727 then Google shall not have to obtain leave before collecting any judgment it obtains

IT IS FURTHER ORDERED that the relief granted herein pertains only to Leo Stoller personally and nothing herein amends or supersedes the provisions of the Settlement Order.

against Leo Stoller.

nied States Bankruptcy Judge

JAN 18 2007

UNITED STATES DISTRICT COURT FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0 Eastern Division

Google Inc

Plaintiff,

v.

Case No.: 1:07-cv-00385

Honorable Virginia M. Kendall

Central Mfg. Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, February 7, 2007:

MINUTE entry before Judge Virginia M. Kendall :Motion to intervene [16] is entered and continued to 2/20/2007 at 09:00 AM. Any response shall be filed by 2/12/2007. No reply is necessary. The presentment date of 2/12/2007 for said motion is hereby stricken.Mailed notice(gmr,)

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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

GOOGLE INC.,

Civil Action No. 07 CV 385

Plaintiff,

Hon. Virginia M. Kendall

v.

CENTRAL MFG. INC. a/k/a CENTRAL MFG. CO., a/k/a CENTRAL MFG. CO. INC.), a/k/a CENTRAL MANUFACTURING COMPANY, INC. and a/k/a CENTRAL MFG. CO. OF ILLINOIS; and STEALTH INDUSTRIES, INC. a/k/a RENTAMARK and a/k/a RENTAMARK.COM,

Defendants.

Hearing Date: February 20, 2007

Hearing Time: 9:00 a.m.

TRUSTEE'S OMNIBUS RESPONSE IN OPPOSITION TO MOTIONS OF DEBTOR LEO STOLLER TO: (I) INTERVENE; (II) INTERPLEAD; (III) SUSPEND PROCEEDING FOR SIXTY DAYS TO RETAIN COUNSEL FOR DEFENDANTS; (IV) SUSPEND PENDING APPEAL TO LIFT AUTOMATIC STAY FOR GOOGLE TO SUE THE DEBTOR; AND (V) SUSPEND PENDING TRADEMARK TRIAL AND APPEAL BOARD'S DECISION FOR DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND JOINDER OF RESPONSES BY GOOGLE, INC.

Richard M. Fogel, not individually, but as chapter 7 trustee ("Trustee") of the bankruptcy estate of Leo Stoller ("Debtor"), joins in the responses of Google, Inc. to the five motions of the Debtor now pending before this Court in the captioned case and submits the following as his omnibus response in opposition to the Debtor's motions now pending before this Court in the captioned case:

BACKGROUND

On December 20, 2005 (the "Petition Date"), the Debtor filed a voluntary petition in this Court for relief under chapter 13 of title 11 of the U.S. Bankruptcy Code ("Bankruptcy Code") in the U.S. Bankruptcy Court for the Northern District of Illinois, Eastern Division ("Bankruptcy

Court"), styled *In re Stoller*, Case No. 05-64075. The Debtor's case was converted to a case under chapter 7 of the Bankruptcy Code on September 1, 2006. The Trustee was duly appointed on September 6, 2006 by the U.S. Trustee for Region 11 to administer the Debtor's estate (the "Estate").

The property of the Debtor's Estate includes, *inter alia*, the Debtor's "stock and interests incorporated and unincorporated businesses," including, but not limited to, the Debtor's whollyowned interest in: (a) Central Manufacturing, Co. (Inc.) a/k/a Central Mfg. Co. of Illinois; (b) Central Mfg. Inc. a/k/a Central Mfg. Co. (Inc.); (c) Stealth Industries, Inc. a/k/a Rentamark and a/k/a Rentamark.com; (d) USA Sports Co. Inc.; (e) Sentra Industries, Inc.; and (f) S Industries, Inc., as well as potential other businesses or assumed names (collectively, "Wholly-Owned Corporations").

To date, the Debtor, as sole shareholder of each of the Wholly-Owned Corporations, has failed to produce records that would support compliance with corporate formalities. The Debtor has advised the Trustee that, with the exception of Central Mfg Co. (Inc), the Wholly-Owned Corporations are Delaware Corporations for which he has paid annual franchise fees in order maintain good standing and for which the Debtor has no records. Upon information and belief, Central Mfg. Co. is either an assumed name for a wholly-owned corporation of the Debtor or the Debtor's sole proprietorship, on behalf of which the Trustee is authorized to act

The Debtor, individually, together with, or through one or more of the Wholly-Owned Corporations, has been and is party to multiple cases in various forums, including the U.S. District Court for the Northern District of Illinois and the U.S. Patent and Trademarks Office before the Trademark Trial and Appeal Board, as well as adversary proceedings in the Bankruptcy Court (collectively, "Litigation"). In certain instances, parties to the Litigation have

raised a question about the legitimacy of the corporate structure and veil in light of the Debtor's failure to maintain corporate formalities.

On or about September 26, 2006, the Bankruptcy Court entered its *Findings of Fact and Conclusions of Law on Motion of Pure Fishing to Convert to Chapter 7*, in which it, *inter alia*, concludes that the Debtor failed to properly maintain records related to his businesses, including financial records, corporate minutes and books, and any other documents that would evidence ownership or income.

On October 5, 2006, the Bankruptcy Court entered its *Order Authorizing the Trustee to Act on Behalf of Debtor's Wholly-Owned Corporations and Related Relief* ("10/5/06 Order"), which order granted the Trustee authority to act on behalf of each of the Debtor's Wholly-Owned Corporations solely in the Trustee's capacity of sole shareholder of each respective corporation. Since the entry of and pursuant to the 10/5/06 Order, the Trustee, in his capacity as sole shareholder of the Wholly-Owned Corporations, has entered into various settlement agreements with certain parties to the Litigation with the Debtor and/or the Wholly-Owned Corporations whereby the Trustee has negotiated a release of claims against the Debtor's Estate and cessation of the respective Litigation in exchange for the Wholly-Owned Corporations execution of covenants not to sue or other injunctive relief in favor of the parties to the Litigation.

Also since the entry of the 10/5/06 Order, the Debtor has, through written and oral motions, sought relief in the Bankruptcy Court for authorization to retain counsel for the purpose of representing certain of the Wholly-Owned Corporations in various Litigation and/or to declare that the Trustee has failed to properly administer the Debtor's Estate. On each occasion, the

Bankruptcy Court has denied the Debtor's requested relief and/or admonished the Debtor for his continued spurious litigation and unwillingness to cooperate with the Trustee.

ALL OF DEBTOR'S MOTIONS SHOULD BE DENIED

Effective as of his appointment, the Trustee is the authorized representative of the Debtor's Estate. 11 U.S.C. § 323. As such, the Trustee, in his capacity of sole shareholder of the Wholly-Owned Corporations, has standing, as well as express Bankruptcy Court authority, to act on behalf of the Defendants. It is the Debtor's duty and responsibility to cooperate with the Trustee in the administration of the Debtor's bankruptcy case. 11 U.S.C § 521 (3),(4). The Debtor's efforts to circumvent the Trustee's authority and administration of the Debtor's bankruptcy case through motions before this Court are improper. Further, only the Bankruptcy Court has jurisdiction over the Debtor's Estate and property of the Debtor's estate. 28 U.S.C. § 157. Because the Debtor's interests in the Wholly-Owned Corporations are property of the Debtor's estate, only the Trustee may take action on behalf of such Wholly-Owned Corporations, including the Defendants. As such, the Debtor's requests before this Court to intervene and/or interplead on behalf of the Defendants and to seek leave to retain counsel on behalf of the Defendants are not properly before this Court and should be denied accordingly.

With respect to the Debtor's motions to suspend the captioned case, the Trustee submits that such requested relief is moot and, as such, unnecessary. The Trustee and Google entered into a settlement agreement whereby Google has agreed to release its claims against the Trustee and the Debtor's estate in exchange for the Trustee's agreement to enter into a permanent injunction on behalf of the Defendants in favor of Google. The Bankruptcy Court has approved the terms of the settlement agreement. Google and the Trustee intend to file their joint motion

for entry of the permanent injunction with the Court this week. As such, any relief sought by the Debtor was mooted by the terms of the settlement agreement and should be denied accordingly.

Finally, it should be noted that the Trustee, among others, has on numerous occasions endeavored to explain to the Debtor his duties, responsibilities, and options with respect to the administration of his bankruptcy case and the Estate. Notwithstanding the Trustee's efforts, as well as numerous admonishments by the Bankruptcy Court and this Court, the Debtor has elected to continue his spurious motion and appellate practice in complete disregard for the rules of civil and bankruptcy procedure, as well as the rules of the various courts. The Debtor's tendency to seek repeated adjournments of court hearings and to file frivolous papers and requests for relief are a burden not only on this Court, but also the parties, the Trustee, the Debtor's creditors, the Estate, and justice.

For the reasons and authority cited herein, the Debtor's motions should be denied outright and without further hearing or briefing.

Respectfully submitted,

By: /s/ Janice A. Alwin

One of his attorneys

Richard M. Fogel, not individually, but as chapter 7 trustee for the bankruptcy estate of Leo Stoller

or Leo Stoner

Dated: February 12, 2007

Janice A. Alwin (IL ARDC 6277043) Shaw Gussis Fishman Glantz Wolfson & Towbin LLC 321 North Clark Street, Suite 800 Chicago, IL 60610

Tel: (312) 276-1323 Fax: (312) 275-0571

email: jalwin@shawgussis.com

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CERTIFICATE OF SERVICE

Janice A. Alwin certifies that service of the above and foregoing notice and attached pleadings was accomplished upon the following parties by U.S. Mail, proper postage pre-paid, and electronic mail on this 12th day of February, 2007.

/s/ Janice A. Alwin

Leo Stoller 7115 West North Ave #272 Oak Park, IL 60302

Email: Ldms4@hotmail.com

Michael T. Zeller QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP 865 South Figueroa Street, 10th Floor Los Angeles, California 90017

Email: michaelzeller@quinnemanuel.com

Steve Wolfe Office of the U.S. Trustee, Region 11 227 W. Monroe St.Suite 3350 Chicago, IL 60606

Email: Steve.G.Wolfe@usdoj.gov

William J. Barrett BARACK, FERRAZZANO, KIRSCHBAUM, PERLMAN & NAGELBERG, LLP 333 West Wacker Drive, Suite 2700 Chicago, Illinois 60606

Email: William.Barrett@bfkpn.com

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

GOOGLE INC.,	
Plaintiff,	Civil Action No. 07 CV 385
) Hon. Virginia M. Kendall
VS.	Hearing Date: February 20, 2007
CENTRAL MFG. INC. a/k/a CENTRAL) Hearing Time: 9 a.m.
MFG. CO., a/k/a CENTRAL MFG. CO.)
(INC.), a/k/a CENTRAL)
MANUFACTURING COMPANY, INC.)
and a/k/a CENTRAL MFG. CO. OF)
ILLINOIS; and STEALTH INDUSTRIES,)
INC. a/k/a RENTAMARK and a/k/a)
RENTAMARK.COM,)
Defendants.	

GOOGLE INC.'S COMBINED OPPOSITION TO DEBTOR LEO STOLLER'S MOTIONS (1) TO INTERVENE, (2) TO INTERPLEAD, (3) TO SUSPEND FOR SIXTY DAYS TO RETAIN COUNSEL FOR DEFENDANTS AND (4) TO SUSPEND PENDING APPEAL TO LIFT AUTOMATIC STAY FOR GOOGLE TO SUE THE DEBTOR

Plaintiff Google Inc. ("Google") respectfully submits this combined Opposition to Debtor Leo Stoller's ("Debtor") (1) Motion to Interplead; (2) Motion to Intervene; (3) Motion to Suspend, which seeks a sixty-day stay "to give Stoller the opportunity to retain counsel to represent the corporations"; and (4) Motion to Suspend Pending the Appeal To Lift the Automatic Stay For Google to Sue the Debtor, Leo Stoller. (The foregoing are, collectively, the "Debtor's Motions.")

Preliminary Statement

Debtor's Motions fail because Debtor lacks standing, whether to act on behalf of Defendants or to act on his own individual behalf. Debtor is a non-lawyer who is currently in bankruptcy. Without specifically identifying any interest he purportedly has that is the subject matter of this suit, Debtor claims to be a former "shareholder" and "employee" of Defendants. Neither that, nor anything else that Debtor mentions in his Motion, constitutes the direct, substantial and legally protectible interest necessary to confer standing. Defendants in this suit are corporate entities that are part of the bankruptcy estate and under the exclusive control of a Chapter 7 Bankruptcy Trustee (the "Trustee"). Indeed, the Bankruptcy Court specifically

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authorized the Chapter 7 Trustee to represent Defendants -- including by settling this suit with Google on Defendants' behalf -- and has rejected Debtor's repeated requests that he be allowed to act on Defendants' behalf in legal proceedings. Debtor has no interest in the corporate Defendants because, by Order by the Bankruptcy Court, the Trustee is their sole shareholder and representative. Under the law, the title to the property of the estate does not reside in the Chapter 7 Debtor, and Debtor here thus lacks an interest in the Trustee's disposition of it. Furthermore, although Debtor bears the burden of proving that he has the required interest for standing, he offers no evidence on this score. Debtor has produced nothing to show that he ever has had, or ever will have, a legally cognizable interest in Defendants or any of their alleged assets, including their supposed rights to the "Google" mark. To the contrary, as the Bankruptcy Court found, Debtor had no documents that could substantiate any claim of right. Debtor also refused to answer the Trustee's questions whether he had he had any records to prove any alleged interest in Defendants by invoking his Fifth Amendment rights against self-incrimination. In this civil action. Debtor's refusal to answer warrants an inference that he has no such proof.

Debtor's lack of standing alone is fatal to his Motions. They also fail for other fundamental reasons. For example, to intervene as of right, Debtor must prove that the Trustee is not an adequate representative. The Seventh Circuit has held that where, as here, a debtor seeks to intervene in a District Court action, he bears "a heavy burden" to prove inadequacy of representation by a trustee. In the present case, Debtor offers no evidence, but only bald assertions that do not even bear on the legal criteria required to show inadequate representation.

Debtor's Motions should be denied.

Argument

I. DEBTOR IS NOT ENTITLED TO INTERVENE AS OF RIGHT AND INDEED LACKS STANDING TO DO SO.

To intervene as of right under Rule 24(a), an applicant must satisfy four requirements: (1) the application must be timely; (2) the applicant must claim an interest relating to the property or transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest; and (4) existing parties must not be adequate representatives of the applicant's interest. Heartwood, Inc. v. U.S. Forest Service, Inc., 316 F. 3d 694, 700 (7th Cir. 2003). The burden is on the party seeking to intervene to show that all four criteria are met. If

20056/2056345.3 2 he does not, the Court must deny intervention as of right. Reid L. v. Illinois State Bd. of Educ., 289 F. 3d 1009, 1017 (7th Cir. 2002).

Debtor and putative intervenor here, Leo Stoller, is in Chapter 7 bankruptcy. Defendants to this suit are corporations that are part of the Chapter 7 bankruptcy estate that is under the exclusive control of the Trustee. The Bankruptcy Court authorized the Chapter 7 Trustee to represent Defendants and, furthermore, approved the Trustee's settlement of Google's claims in connection with this action. The Bankruptcy Court specifically has rejected, at least twice, Debtor's requests that he be allowed to act on Defendants' behalf in legal proceedings.

As shown in the following sections, Debtor's Motion to Intervene should be denied because he (1) lacks standing and (2) fails to meet the requirements for intervention.

A. <u>Debtor Cannot Show The Required Substantial, Legally Cognizable Interest.</u>

1. <u>Debtor Must Show He Himself Has A Significant, Protectible Interest</u> And Cannot Rely On The Alleged Interests Of Defendants.

"[I]ntervention under Rule 24(a)(2) requires a 'significantly protectible interest." Heyman v. Exchange Nat'l Bank of Chicago, 615 F.2d 1190, 1193 (7th Cir. 1980) (quoting Donaldson v. United States, 400 U.S. 517, 531 (1971)). This interest "must be direct, rather than contingent" (id.), as well as "significant" and "legally protectible." United States v. BDO Seidman, 337 F. 3d 802, 808 (7th Cir. 2003). As the Seventh Circuit has stated, "because intervention can impose substantial costs on the parties and the judiciary, not only by making the litigation more cumbersome but also (and more important) by blocking settlement, ... the wouldbe intervenor will not be permitted to push out the already wide boundaries of Article III standing," and the "interest" requirement serves to "kee[p] the scope of intervention of right within reasonable bounds". Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 101 F. 3d 503, 507-508 (7th Cir. 1996); see also Mausolf v. Babbitt, 85 F. 3d 1295, 1299-1300 (8th Cir. 1996); Rio Grande Pipeline v. F.E.R.C., 178 F. 3d 533, 538 (D.C. Cir. 1999).

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¹ Declaration of Michael T. Zeller, dated February 12, 2007 and filed concurrently herewith ("Zeller Dec."), Exh. 2.

² Zeller Dec., Exh. 1.

³ Zeller Dec., Exh. 6.

⁴ Zeller Dec., Exhs. 4, 5, 16, 17.

By its terms, Rule 24(a) permits intervention as of right to protect only *the applicant's* interest, not to protect the ostensible interests of existing parties or to supplant the representatives of existing parties. Thus, courts have held that the "interest" necessary to satisfy Rule 24(a)(2) "must be based on a right which belongs to the proposed intervenor rather than to an existing party." In re Penn Central Commercial Paper Litigation, 62 F.R.D. 341, 346 (S.D.N.Y. 1974), aff'd mem., 515 F.2d 505 (2d Cir. 1975). See also Vollmer v. Publishers Clearing House, 248 F. 3d 698, 705 (7th Cir. 2001) (intervenor required to prove he had an interest); Mt. Hawley Ins. Co. v. Sandy Lake Properties, Inc., 425 F. 3d 1308, 1311 (11th Cir. 2005) ("the interest [must] be one which the substantive law recognizes as belonging to or being owned by the applicant.") (quoting United States v. South Florida Water Management Dist., 922 F.2d 704, 710 (11th Cir. 1991)). A proposed intervenor needs to satisfy this requirement not only under the terms of Rule 24(a), but also to establish standing because "[o]rdinarily, of course, a litigant lacks standing to assert the rights of others." Paulos v. Breier, 507 F.2d 1383, 1386 (7th Cir. 1974). As one Court of Appeals has explained in analyzing the prerequisites for intervention:

What is required is that the interest be one which the substantive law recognizes as belonging to or being owned by the applicant. This is reflected by the requirement that the claim the applicant seeks intervention in order to assert be a claim as to which the applicant is the real party in interest. The real party in interest requirement of Rule 17(a), Fed. R. Civ. P., "applies to intervenors as well as plaintiffs," as does also the rule that "a party has not standing to assert a right if it is not his own."

New Orleans Public Service, Inc. v. United Gas Pipe Line Co., 732 F.2d 452, 464 (5th Cir. 1984) (quoting United States v. 936.71 Acres of Land, 418 F.2d 551, 556 (5th Cir. 1969)).

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See also Elk Grove Unified School District v. Newdow, 542 U.S. 1, 12 (2004) ("[S]tanding encompasses the general prohibition on a litigant's raising another person's legal rights") (quotation mark omitted); Davis v. United States, 411 U.S. 233, 253 (1973) (reciting "the general rule that no one has standing to assert the rights of others"); FMC Corp. v. Boesky, 852 F.2d 981, 993 n. 23 (7th Cir. 1988) (discussing the "well-recognized proposition that a litigant cannot have standing based upon his or her assertion of others' rights."). While Courts sometimes recognize exceptions to this prohibition, Debtor here does not argue, let alone prove, that there is some hindrance to Defendants' ability to protect their own interests, which is necessary for third-party or vicarious standing. Powers v. Ohio, 499 U.S. 400, 411 (1991). Nor can Debtor prove that he currently has such a close relationship to Defendants that he should be permitted to assert their interests, as is also required. Id. at 413.

2. **Debtor Has No Interest Because Defendants And Their Assets** Are Part Of The Chapter 7 Estate, And Debtor Has No Evidence **Showing An Interest In Any Event.**

Debtor here has not proven that he has the necessary interest to confer standing or to satisfy Rule 24(a)'s requirements. Debtor largely predicates his proposed intervention not on his own purported interest, but instead on the corporate Defendants' alleged rights and their supposed need for protection in this litigation. Thus, Debtor's Motion to Intervene claims (at pages 3-4) that if Debtor is not allowed to intervene, "the corporate defendants will be unable to properly make their defense" and "[t]he corporate defendants, Central Mfg. Co., Inc. [sic] and Stealth Industries, Inc., cannot receive any adequate representation." (Emphases added.)⁶

As shown, however, Debtor cannot obtain standing or satisfy Rule 24(a)'s interest prong by asserting the supposed interests of Defendants. Nor can Debtor prove he himself has any interest that could support standing or intervention -- whether on his own individual behalf or on behalf of the Defendants. Defendants and any assets they may own are part of a Chapter 7 bankruptcy estate. It is the Trustee, not Debtor, who has the authority to administer all aspects of Defendants and their business, including litigation. This is true both under federal statute⁷ and under the particular Orders of the Bankruptcy Court in Debtor's bankruptcy case.⁸ In Chapter 7 liquidation proceedings, "only the trustee has standing to prosecute or defend a claim belonging to the estate." Cable v. Ivy Tech State College, 200 F. 3d 467, 472 (7th Cir. 1999) (emphasis in original); see also In re New Era, Inc., 135 F. 3d 1206, 1209 (7th Cir. 1998) (holding that Chapter 7 trustee has exclusive right to represent debtor in court); In re Silverman, 37 B.R. 200, 2001 (S.D.N.Y. 1982) (debtor had no standing to object to claim against estate where a trustee had been appointed and where there was no proof of any surplus for the estate); In re Gulph Woods Corp., 116 B. R. 423, 428 (Bkrtcy. E.D. Pa. 1990) ("Once a trustee is appointed in a

⁶ Debtor's only argument suggesting that his own interests are at stake (as opposed to those of Defendants) is that he purportedly was the claimant of rights to the "Google" mark. As discussed below. Debtor offers no proof that he has any such rights, and Defendant Central Mfg. (not Debtor) asserted in prior pleadings that it was the owner of those alleged rights.

¹¹ U.S.C. § 363(c)(1) ("If the business of the debtor is authorized to be operated under section 721, 1108, 1203, 1204, or 1304 of this title and unless the court orders otherwise, the trustee may enter into transactions, including the sale or lease of property of the estate, in the ordinary course of business, without notice or a hearing, and may use property of the estate in the ordinary course of business without notice or a hearing.").

⁸ Zeller Dec., Exhs. 4, 5, 16, 17.

bankruptcy case, the trustee, not the debtor or the debtor's principal, has the capacity to represent the estate and to sue and be sued under 11 U.S.C. §§ 323(a) and (b) . . . The trustee is granted complete authority and discretion with respect to the prosecution and defense of any litigation of the Debtor's estate.").

Indeed, "[s]ince title to property of the estate no longer resides in the chapter 7 debtor, the debtor typically lacks any pecuniary interest in the chapter 7 trustee's disposition of that property." Spenlinhauer v. O'Donnell, 261 F.3d 113, 118 (1st Cir. 2001). Thus, the Seventh Circuit has rejected the proposition that shareholders in a company subject to Chapter 7 administration have sufficient interest to contest the Trustee's disposition of the company's assets. In re Schultz Manufacturing Fabricating Company, 956 F.2d 686, 690, 692 (7th Cir. 1991). In the context of holding that the company's shareholders lacked standing to appeal a Bankruptcy Court Order approving settlement, the Court ruled: "The Schultzes' efforts to object to the plan and its confirmation in their capacity as shareholders of SMFC must fail because they had no derivative right to object on behalf of the estate of their bankrupt company. That right rested exclusively with Ms. Robb, the standing trustee." Id. at 692. 10

Because the Trustee here is the only one with cognizable interests in Defendants and their assets, Debtor lacks standing to contest any action regarding Defendants, Defendants' alleged assets or anything else that is part of the Chapter 7 estate. Even apart from this, Debtor submits *no* evidence to discharge his burden of proving that he ever has had, or ever will have, a legally protectible interest in Defendants or their purported assets, including their purported rights to the "Google" name or mark. Nor could he. Here, Debtor merely claims that he *was* the sole shareholder of Defendants (Motion to Intervene, at page 1), but nowhere disputes that the Trustee is *now* their sole shareholder. The Bankruptcy Court also has found that Debtor had no

Although in some limited circumstances Courts have found debtors in certain types of bankruptcy proceedings to have standing to represent their own interests based upon a demonstrable, proven surplus that will revert to them, "Debtors, particularly Chapter 7 debtors, rarely have such a pecuniary interest because no matter how the estate's assets are disbursed by the trustee, no assets will revert to the debtor." <u>In re Cult Awareness Network, Inc.</u>, 151 F. 3d 605, 607 (7th Cir. 1998). Here, Debtor does not argue, let alone prove with evidence, that any interests in Defendants or their alleged assets will return to him.

Given that status as a shareholder is insufficient to confer standing, Debtor's unsupported claim to have been Defendants' "sole employee" is likewise unavailing. Moreover, Debtor had previously testified that he himself had hired three employees to work for Defendants. Zeller Dec., Exh. 2 at p. 15, \P 98.

records for Defendants, their business operations or their assets.¹¹ And, in the bankruptcy proceeding, Debtor refused to answer questions, based upon a claimed Fifth Amendment privilege, about whether Debtor had proof of ownership in Defendants, whether he had documents showing his alleged trademark rights and whether Defendants had ever provided any goods or services (which would be necessary for Defendants to establish trademark rights):

- Q. Mr. Stoller, in your schedules you have identified five corporate entities that you claim to be the sole shareholder of. *Do you have proof of ownership of any of those companies?*
- A. I'm going to decline to answer that question on my Fifth Amendment rights.
- Q. Mr. Stoller, you have indicated that you had trademarks worth \$36,000 on the day you filed your bankruptcy case. Do you have any documentation relating to those trademarks?
- A. I decline to answer that question on Fifth Amendment Rights.
- . . .
- Q. Have you ever owned or operated any a business that provided goods or services to any clients, customers or third parties?
- A. I decline to answer that question on the grounds of my Fifth Amendment Privilege. 12

Debtor's refusals to answer warrant the inference that he has no such proof, including to substantiate any cognizable interest in Defendants or in any trademarks. See Baxter v. Palmigiano, 425 U.S. 308, 318 (1976); National Acceptance Co. of America v. Bathalter, 705 F.2d 924, 929 (7th Cir. 1983) ("After Baxter there is no longer any doubt that at trial a civil defendant's silence may be used against him, even if that silence is an exercise of his constitutional privilege against self-incrimination."); Central States, Southeast and Southwest Areas Pension Fund v. Wintz Properties, Inc., 155 F. 3d 868, 871-872 (7th Cir. 1998); Daniels v. Pipefitters' Ass'n Local Union No. 597, 983 F. 2d 800, 802 (7th Cir. 1993).

B. <u>Debtor's Unsubstantiated Arguments Do Not Show That He Has A Legally</u> Cognizable Interest Required For Standing.

Instead of proving that he has a direct, significant and legally protectible interest as required, Debtor makes assertions that are not substantiated by evidence and, indeed, are demonstrably false. Debtor claims that "Leo Stoller is the party who claimed rights in and to the

¹¹ Zeller Dec., Exh. 2 at pp. 21-23.

¹² Zeller Dec., Exh. 11 at 8-11 (emphasis added).

Google trademark" and that "Stoller was the party that filed a petition for cancellation of the said Google registration." Motion to Intervene, at page 3. By this, Debtor presumably means to argue that he himself has a cognizable legal interest in this case (apart from those of Defendants) because Google's claims here rest, in part, on Defendants' fraudulent claims of ownership to the GOOGLE mark. Debtor, however, provides no evidence supporting his assertions that he is, or ever was, the owner of rights in "Google." Not only is the record thus devoid of evidence that Debtor has an actual interest in anything that is the subject of this litigation, but his particular suggestion is not consistent with the prior litigation positions of Defendants and Debtor. In proceedings before the Trademark Trial and Appeal Board ("TTAB"), Defendant Central Mfg. -not Debtor -- was the sole named Petitioner against Google and repeatedly alleged that it was the owner of all right, title and interest in "Google." As noted, Debtor also invoked the Fifth Amendment in refusing to answer questions about the trademark rights he allegedly owned, which gives rise to an inference he had none. Debtor accordingly cannot intervene on this alleged basis either. United Parcel Service of America, Inc. v. Net, Inc., 225 F.R.D. 416, 421-422 (E.D.N.Y. 2005) (alleged sole proprietor of Internet domain name registrant was not entitled to intervene in trademark owner's infringement action against registrant absent evidence supporting his claimed ownership interest; no documentary evidence supported his ownership claim).14

Debtor also contends that "Google, Inc. considered Stoller an indispensable party." Motion to Intervene, at page 2. While Debtor references several hearings before the Bankruptcy Court for that proposition, Debtor does not provide a single transcript for those hearings -- undoubtedly because Google never said what Debtor claims. Nor, in any event, could Debtor cure his glaring lack of standing through the alleged admissions of another party. See St. Paul Fire and Marine Ins. Co. v. PepsiCo, Inc., 884 F. 2d 688, 696 (2d Cir. 1989) (court must independently examine basis of standing despite plaintiff's concession of defendant's standing);

¹³ Zeller Dec., Exhs. 8, 9, 10.

The only authorities Debtor's Motion to Intervene cites, <u>Grutter v. Bollinger</u>, 188 F. 3d 394, 398-399 (6th Cir. 1999), and <u>Michigan State AFL-CIO v. Miller</u>, 103 F. 3d 1240 (6th Cir. 1997), only emphasize how inappropriate Debtor's Motion to Intervene is. Neither case addressed standing of a debtor in Chapter 7 bankruptcy proceedings to intervene in litigation involving assets in the hands of a bankruptcy trustee, much less the issue of that debtor attempting to intervene to "represent" defendants over which he has no authority.

¹⁵ See, e.g., Zeller Dec., Exhs. 11 (Oct. 19, 2006 hearing), 14 (Aug. 31, 2006 hearing).

<u>Barhold v. Rodriguez</u>, 863 F. 2d 233, 234 (2d Cir. 1988) ("[P]arties do not have the power to confer such jurisdiction upon the Court by conceding the standing of certain plaintiffs."); <u>Wilson v. Glenwood Intermountain Properties. Inc.</u>, 98 F. 3d 590, 593 (10th Cir. 1996) ("The district court's finding that defendant's conceded plaintiffs had standing to raise their . . . claims is not determinative; parties cannot confer subject matter jurisdiction on the courts by agreement.").

Debtor's reliance on his status as a witness is equally unavailing. Being a witness does not constitute a direct, substantial and legally protectible interest that precedent deems necessary to confer standing or to permit intervention. If it was, every witness in every federal suit could intervene. Debtor's contention further overlooks that a corporation's liability is separate and apart from whatever individual liability those acting on its behalf may also have and erroneously assumes that a corporation cannot have its own defenses separate and apart from individual defendants or potential individual defendants. For these same reasons, the fact that Debtor is identified in the Complaint as a natural person who carried out illegal activities for Defendants that gave rise to Defendants' liability does not establish that he has an interest in the subject matter of this suit and thus cannot confer Debtor with standing or support intervention here. ¹⁶

Nor is Debtor assisted by his argument that the Bankruptcy Court considered him and his former companies "intertwined." Motion to Intervene, at page 2. That finding was not for standing purposes, but rather a determination that Debtor's bankruptcy proceeding should be converted to Chapter 7. As discussed above, the *result* of that Chapter 7 conversion ruling by the Bankruptcy Court was to *divest* Debtor of any purported interests he had in Defendants and

Debtor argues, as a red herring, that "the predicate act for the civil RICO violations alleged" by Google are "Rule 408" settlement negotiations. Motion to Intervene, at page 2. As Google's Complaint shows on its face, the RICO claim relies on far more than that for predicate acts and, in any event, this correspondence was not protected by Rule 408. As one court has said: "The purpose of Rule 408 is to encourage dispute resolution, not to encourage threatening litigation by protecting admissions made in such threats." <u>Ullmann v. Olwine, Connelly, Chase, O'Donnell & Weyher,</u> 123 F.R.D. 237, 242 (S.D. Ohio 1987) (emphasis added); see <u>Liautaud v. GenerationXcellent, Inc.,</u> 2002 WL 230799, at *1 (N.D. Ill. 2002) ("Not only is it clear from the wording of the letter that it is not an offer to compromise, but it is further clear that it was not made in compromise negotiations. There were no negotiations. Defendants never responded to the letter. Compromise negotiations are not unilateral." (emphasis added)); <u>Commonwealth Aluminum Corp. v. Stanley Metal Ass'n,</u> 186 F. Supp. 2d 770, 773 (W.D. Ky. 2001) ("one-sided discussions which contain admissions of fact along with settlement demands and threats of litigation are not protected" as settlement communications under Rule 408).

their alleged assets and put them in the hands of the Trustee for liquidation.¹⁷ Accordingly, contrary to Debtor's contention that this finding shows he has an interest, the Bankruptcy Court's decision is what terminated any interest Debtor could conceivably claim and deprives him of standing here.

C. **Debtor Fails To Satisfy Other Requirements For Intervention.**

Debtor's Motion to Intervene must be rejected for two additional, and independent, reasons. First, because Debtor has no direct, legally protectable interest allowing him to intervene as a party, he likewise has no interest which could be impaired or impeded by the proceedings. American Nat. Bank and Trust Co. of Chicago v. City of Chicago, 865 F. 2d 144, 147-148 (7th Cir. 1989). Moreover, as his "proof" of "impairment," Debtor merely repeats that he is "the corporate defendant's only witness" and that he and his former corporate entities are "intertwined." Because Debtor does not claim "impairment" of any interest as to himself -- but only as to the entities -- he wholly fails to even argue the impairment of his interest needed for intervention as of right. Even if (contrary to law) impairment of *Defendants'* interest could support *Debtor's* intervention, however, Debtor's Motion to Intervene still fails. Defendants' interests are scarcely "impaired" if a "witness" does not intervene, since the Trustee is free to subpoena Debtor as a witness if need be. Likewise, Debtor's "intertwined" argument fails to address how Defendants' interests are, or could be, "impaired" if Debtor does not intervene. If anything, as discussed above, the Bankruptcy Court's Chapter 7 conversion only serves to prove that Debtor has no interest that confers standing or supports intervention because the Trustee, not Debtor, has sole control and ownership of Defendants and their assets.

Second, Debtor does not and cannot prove inadequacy of representation. In Heyman v. The Exchange National Bank of Chicago, 615 F.2d 1190, 1193-94 (7th Cir. 1980), the Court affirmed the denial of a Chapter 7 debtor's motion to intervene in litigation instituted by the Trustee. While doubting the debtor had any protectible interest in the litigation as well, the Seventh Circuit held that "one in [debtor's] position has a heavy burden to show inadequacy of representation by the Trustee in bankruptcy". Id. at 1194. On his Motion to Intervene, all Debtor says is that "[t]he corporate defendants . . . cannot receive any adequate representation without Leo Stoller, the prime actor in this case." Not only does Debtor fail to submit any supporting evidence, but his contention fails as a matter of law. As the Court noted in Heyman,

Zeller Dec., Exh. 2 at 30.

inadequacy of representation in this context requires evidence of (1) collusion between the representative and the opposing party, (2) an interest in the representative adverse to the applicant, and (3) failure of the representative to fulfill his duty. <u>Id.</u> Debtor's argument does not even allege, let alone prove, any of these circumstances, and his Motion fails on its face to establish inadequacy of representation.

Debtor Is Not And Cannot Be Authorized To Act For Defendants. D.

Debtor does not even have any right or capacity to act for Defendants. The Bankruptcy Court specifically authorized the Chapter 7 Trustee to represent Defendants, including in connection with settling this suit, and has specifically rejected Debtor's requests that he be allowed to act on Defendants' behalf in legal proceedings. Although that alone suffices to deprive Debtor of any capacity to act for Defendants, the law also bars him from representing Defendants. As an individual and non-lawyer, Debtor cannot represent Defendants, which are corporate entities, in litigation. Rowland v. California Men's Colony, 506 U.S. 194, 201-202 (1993) (corporations, partnerships or associations may appear in federal court only through licensed counsel); Muzikowski v. Paramount Pictures Corp., 322 F. 3d 918 (7th Cir. 2003) (same); see also 28 U.S.C. § 1654. Since Debtor has made it clear that he wants to intervene to act on Defendants' behalf, allowing Debtor to do so, even on a purportedly individual basis, would run afoul of this rule, and Debtor's motion should be denied for this further reason. Motionless Keyboard Co. v. Microsoft Corp., 184 Fed. Appx. 967, 968 (Fed. Cir. 2006) (inventor and controlling shareholder was not entitled to intervene in corporation's patent infringement action, where his motion to intervene was, in substance, a motion to substitute himself as counsel for corporation, and it appeared to be an attempt to avoid effects of statute requiring corporation to appear in federal court only through licensed counsel); Jacobs v. Patent Enforcement Fund, Inc., 230 F. 3d 565, 569 (2nd Cir. 2000) (reversing district court order allowing president, who was also sole officer and director of defendant corporation, and who conducted all corporate affairs and controlled voting power of corporation, to intervene in derivative action brought by shareholders of another corporation); United States v. High Country

Debtor conceded the point in other litigation. At an October 13, 2005 hearing in a case involving the same corporate Defendants as this case, Judge Lindberg and Debtor had the following exchange: "THE COURT: . . . And, Mr. Stoller, you're well aware that you have to be -- corporations have to be represented by counsel, not by individuals. MR. STOLLER: Yes, sir." Zeller Dec., Exh. 20.

Broadcasting Company, Inc., 3 F.3d 1244, 1245 (9th Cir. 1993) (affirming denial of president and sole shareholder's motion to intervene pro se to represent corporation where it appeared application to intervene was attempt to avoid effects of statute requiring corporation to appear in federal court only through licensed counsel since, as intervenor, president and sole shareholder sought to accomplish the exact same objectives that he did as corporation's counsel); see also Price v. Scott, 2006 WL 2361817, at *3 (N.D. Ind. Aug. 14, 2006) ("A litigant may bring his own claims to federal court without counsel, but not the claims of others. This is so because the competence of a layman is clearly too limited to allow him to risk the rights of others.").

II. DEBTOR SHOULD NOT BE GRANTED PERMISSIVE INTERVENTION.

For permissive intervention under Rule 24(b), the proposed intervener has to demonstrate that there is (1) a common question of law or fact and (2) independent jurisdiction. Security Ins. Co. of Hartford v. Schipporeit, Inc., 69 F. 3d 1377, 1381 (7th Cir. 1995); Keith v. Daley, 764 F. 2d 1265, 1272 (7th Cir. 1985). As shown, Debtor lacks standing and cannot show independent jurisdiction, which compels denial of the Motion.

Furthermore, the Court has complete discretion to refuse Debtor's intervention even if, unlike here, the requirements have been met. Security Ins. Co. of Hartford, 69 F.3d at 1381. The Trustee, who is Defendants' lawful representative, and Google are filing a Motion to bring this action to final judgment pursuant to a Settlement Agreement that was approved by the Bankruptcy Court because it was in the best interests of Defendants. The fairness to Defendants is obvious, considering the mountain of indisputable evidence that they had absolutely no rights to the "Google" mark that they fraudulently claimed. Debtor, meanwhile, professes that he wants to act for Defendants, even though he has declared under oath that he has no money 19 and thus does not appear to be in a position to hire a lawyer to represent Defendants, and even though he no longer has any rights in or control over Defendants. While that is certainly enough to reject Debtor's Motion, Debtor's long, documented history of frivolous litigation confirms that allowing him to intervene will prolong this case and result in prejudice. His intervention would threaten to interfere with or delay the parties' settlement and thereby simultaneously deny Defendants their release of Google's monetary claims that the settlement agreement will afford

Zeller Dec., Exh. 15. Less than two months ago, on January 4, 2007, Debtor again represented to the Bankruptcy Court that he "is not an attorney and does not even have the means to retain counsel for representation in the Google matter" and "is now a pauper . . . without the financial means to defend himself." Id., Exh. 30.

them if settlement is implemented, serve to expose Defendants to additional monetary exposure, sap the funds available to the Trustee for disbursement to creditors and permit further harassment of Google. As noted above, the Seventh Circuit has specifically expressed concerns about the "substantial costs on the parties and the judiciary" that intervention can impose, "not only by making the litigation more cumbersome but also (and more important) by blocking settlement." Solid Waste, 101 F. 3d at 507-508.

Also frivolous is Debtor's implicit and unproven assumption that, even if Debtor's intervention did not create these serious, practical problems, further litigation would assist the Defendants. To prevail on the merits, Defendants would have to prove that they, in fact, had rights to the "Google" mark. TTAB already found that Defendant Central Mfg.'s assertions of rights to the GOOGLE mark were "baseless" and were made for the improper purposes of coercing monetary payment for trademarks to which it demonstrated no proprietary right.²⁰ As the Bankruptcy Court further has found, Defendants have no books or records, so they necessarily have no documents that could support any claim to the "Google" mark. And for good measure, Debtor, who says he is Defendants' "only witness" in this case, has invoked the Fifth Amendment in refusing to testify about whether Defendants have sold any goods or services -- essential facts for Defendants to establish that their claims of rights in "Google" were not fraudulent. Debtor's and Defendants' ability to litigate in this Court is additionally hampered because Judge Lindberg has ruled they are a "vexatious" litigants and barred them from instituting any trademark claim without prior Court permission, 21 which naturally would preclude any counterclaims for relief by any of them here. Given these facts, along with the three separate stay motions that Debtor has already filed, Debtor's intent plainly is not to facilitate Defendants' pursuit of a legitimate defense on the merits, but more likely instead to harass Google as long as possible by prolonging litigation, as Debtor has done over the course of more than a decade to hundreds of other companies for the purpose of extorting money through frivolous claims of trademark rights. Debtor's request for permissive intervention should be denied.

Zeller Dec., Exh. 12 at pp. 8-15.

Zeller Dec., Exh. 13.

III. DEBTOR'S OTHER REQUESTS SHOULD BE DENIED.

Each of Debtor's Motions fails since, as shown, Debtor lacks standing and his Motions will become moot in the event that the Court grants Google's and the Trustee's concurrently filed motion to enter the Stipulated Permanent Injunction and Final Judgment that will resolve this case. Debtor's "Motion to Interplead" is also without substantive merit. Interpleader allows a person holding funds or property to which others are making conflicting claims to join them and require them to litigate who is entitled to the funds or property. See, e.g., Bradley v. Kochenash, 44 F.3d 166, 168 (2nd Cir. 1995). Here, Debtor does not identify any funds or property at issue, let alone prove that he holds any, and Google and Defendants are already in litigation, so there is no need to "require them" to do so.

There is likewise no substantive basis for Debtor's two Motions to Suspend.²² In one, Debtor summarily seeks, without explanation, a sixty-day stay "to give Stoller the opportunity to retain counsel to represent the corporations." Debtor makes no showing that he has the means to obtain counsel to represent Defendants, either within 60 days or at any time in the foreseeable future. To the contrary, Debtor has repeatedly told the Courts that he has no income, no assets and no likelihood of future income. Google respectfully submits that, if the Court ultimately entertains a request for such a lengthy delay, Debtor should be ordered to provide specific evidence establishing that he has the financial wherewithal to pay counsel to defend the corporations here.

Debtor separately asks for a stay pending his appeal of the Bankruptcy Court's Order granting Google's motion to modify the automatic stay as to Debtor individually. Debtor's motion is factually and legally meritless. His motion is factually nonsensical because Google has not sued Debtor in this action, and no ruling on that alleged appeal could have any bearing here. It is legally groundless because an Order lifting the automatic stay under 11 U.S.C. § 362(d) is unaffected by an appeal where, as here, the Debtor failed to obtain a stay of the Order pending appeal and failed to post a bond.²³ Indeed, the Bankruptcy Court specifically denied

Debtor's third Motion to Suspend, which is predicated on pending TTAB proceedings, is addressed in a separate Opposition.

To the extent the stay is terminated by the [bankruptcy] court as to a particular creditor, that creditor may proceed to collect on his or her debt. Even if an appeal is filed, the creditor may proceed. . . . The only way the debtor can avoid this situation is by obtaining a stay pending appeal. F.R.B.P. 8005." In re Strawberry Square Associates, 152 B.R. 699, 701 (E.D.N.Y. 1993). Accordingly, as one Court of Appeals put it, where a party merely appeals a Bankruptcy

Debtor's request to stay pending appeal of the Order lifting the automatic stay as to Debtor individually.²⁴ Thus, Debtor's cursory request for a *de facto* stay of that same Order in this proceeding is meritless and simply seeks to obtain through a collateral attack the relief that the Bankruptcy Court has already denied him.²⁵

Conclusion

For the foregoing reasons, plaintiff Google, Inc. respectfully requests that the Court deny Debtor's Motions.

DATED: February 12, 2007 Respectfully submitted,

GOOGLE INC.

By: s/ William J. Barrett
One of Its Attorneys

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Court order lifting the automatic stay without also obtaining a stay of that order pending appeal, the Bankruptcy Court's order becomes "final" and "returns the parties to the legal relationships that existed before the stay became operative." <u>In re Kahihikolo</u>, 807 F.2d 1540, 1543 (11th Cir. 1987) (quoting <u>In re Winslow</u>, 39 B.R. 869, 871 (Bankr. N.D. Ga. 1984)).

Zeller Dec., Exhs. 21, 30.

To the extent that Debtor's Motion intended to seek a stay based on his alleged appeal from the separate Bankruptcy Court Order approving the Settlement Agreement between the Trustee and Google, that issue is addressed in the Joint Motion for Entry of Stipulated Permanent Injunction and Final Judgment by Google and the Trustee.

CERTIFICATE OF SERVICE

I, William J. Barrett, certify that I caused to be served on the parties on the following Service List, manner of service and date as indicated below, a copy of the foregoing GOOGLE INC.'S COMBINED OPPOSITION TO DEBTOR LEO STOLLER'S MOTIONS (1) TO INTERVENE, (2) TO INTERPLEAD, (3) TO SUSPEND FOR SIXTY DAYS TO RETAIN COUNSEL FOR DEFENDANTS AND (4) TO SUSPEND PENDING APPEAL TO LIFT AUTOMATIC STAY FOR GOOGLE TO SUE THE DEBTOR.

/s/ William J. Barrett
William J. Barrett

SERVICE LIST

Mr. Leo Stoller
7115 W. North Ave., #272
Oak Park, IL 6030
Via email to ldms4@hotmail.com
(Served via email transmission and overnight delivery on February 12, 2007)

Richard M. Fogel Janice Alwin Shaw Gussis Fishman Glantz Wolfson & Towbin LLC 321 N. Clark St., Suite 800 Chicago, IL 60610 (Served via messenger delivery on February 13, 2007)

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

GOOGLE INC.,) Civil Action No. 07 CV 385
Plaintiff, vs.	Hon. Virginia M. Kendall
CENTRAL MFG. INC. a/k/a CENTRAL MFG. CO., a/k/a CENTRAL MFG. CO. (INC.), a/k/a CENTRAL MANUFACTURING COMPANY, INC. and a/k/a CENTRAL MFG. CO. OF ILLINOIS; and STEALTH INDUSTRIES, INC. a/k/a RENTAMARK and a/k/a RENTAMARK.COM,	Hearing Date: February 20, 2007 Hearing Time: 9 a.m.
Defendants.	ý

GOOGLE INC.'S OPPOSITION TO DEBTOR LEO STOLLER'S MOTION TO SUSPEND PENDING THE TRADEMARK TRIAL AND APPEAL BOARD'S DECISION ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Plaintiff Google Inc. ("Google"), by its attorneys, respectfully submits this Opposition to Debtor Leo Stoller's Motion to Suspend this suit pending the Trademark Trial and Appeal Board's ("TTAB") decision on Defendant's Motion For Summary Judgment.

Debtor's Motion fails for three separate reasons. <u>First</u>, Debtor is not a party to this action and thus has no right to seek a stay or any other relief. Nor, as shown in Google's combined Opposition to Debtor's other motions, can Debtor intervene because, among other things, he lacks standing. As a result, the Court should deny Debtor's stay motion for this reason alone.

Second, Debtor argues that Defendant Central Mfg.'s frivolous filings before TTAB warrant a stay here because, purportedly, "District Court proceedings cannot short-circuit pending administrative proceedings." . Mot. at 3. Even if the legal and factual issues were identical in the two proceedings -- which they are not as shown below -- Debtor's argument is contrary to law. It is TTAB that stays its proceedings pending the resolution of District Court actions, not the other way around. Townley Clothes, Inc. v. Goldring, Inc., 100 U.S.P.Q. 57, 58 (Comm'r of Patents 1953) ("it is deemed the sounder practice to suspend the [TTAB] proceedings pending termination of the Court action."); see also Farah v. Topiclear Beauty

Products, Inc., 2003 WL 22022077, at *4-5 (T.T.A.B. Aug. 21, 2003); The Other Telephone Co., 181 U.S.P.Q. 779 (Comm'r of Patents 1974), 781-82; 37 C.F.R. § 2.117(a) ("Ordinarily, the Board will suspend proceedings in the case before it if the final determination of the [District Court] proceeding will have a bearing on the issues before the Board.").

The reason for this practice is that District Court decisions are binding on the TTAB, but TTAB decisions are not binding on District Courts. The Other Telephone Co., 181 U.S.P.Q. at 781-82. District Courts, in fact, repeatedly have declined to dismiss or stay civil actions merely because a party¹ initiates proceedings in TTAB. TE-TA-MA Truth Foundation--Family of URI, Inc. v. World Church of the Creator, 297 F. 3d 662, 665-666 (7th Cir. 2002) (refusing to defer to the PTO on whether a mark was generic); see also Goya Foods, Inc. v. Tropicana Products, Inc., 846 F. 2d 848, 852 (2d Cir. 1988) (district courts review PTO determinations *de novo* under 15 U.S.C. § 1071(b)); Nancy Ann Storybook Dolls v. Dollcraft Co., 197 F. 2d 293, 295-296 (9th Cir. 1952) (no requirement that aggrieved party proceed before the PTO before suing in District Court); E. & J. Gallo Winery v. F. & P. S.p.A., 899 F. Supp. 465, 468 (E.D. Cal. 1994) (denying motion to stay judicial proceedings in deference to on-going TTAB proceedings because, among other things, TTAB record is "not binding on the district court"); Tuvache, Inc. v. Emilio Pucci Perfumes Internat'1, 263 F. Supp. 104, 106-07 (S.D.N.Y. 1967) (denying application for stay pending TTAB determination); 3 J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition, at § 32:48 (4th ed. 2003).

In arguing otherwise, Debtor relies on inapposite cases or else misstates their holdings. He misrepresents in the text of his motion that the District Court's opinion in <u>Goya Foods, Inc. v. Tropicana Products, Inc.</u>, 666 F. Supp. 585 (S.D.N.Y. 1987), is a "Second Circuit" decision and then, in a footnote, asserts that the Second Circuit reversed the District Court on grounds other than the District Court's refusal to hear a case pending resolution of a TTAB proceeding. Motion at 2 & n.2. In reality, the Second Circuit reversed the District Court precisely because the refusal to proceed with the action pending TTAB's disposition was improper. <u>Goya Foods</u>, 846 F. 2d at 854 ("[d]elaying consideration of Goya's claim pending the outcome of the TTAB proceedings

Debtor is neither a party to this action nor a party to the proceedings before TTAB. The TTAB proceeding was instituted solely in the name of Defendant Central Mfg. See Declaration of Michael T. Zeller, dated February 12, 2007 and filed concurrently herewith ("Zeller Decl."), Exhs. 9 & 10.

undercuts the purpose of declaratory relief by forcing Goya either to abandon use of trademarks it has used for more than a decade or to 'persist in piling up potential damages.").

Debtor's other citations to authority are even more spurious. Referencing <u>Public Service</u> Comm'n v. Wycoff Co., 344 U.S. 237 (1952), and Englishtown Sportswear Ltd. v. Tuttle, 547 F. Supp. 700 (S.D.N.Y. 1982), Debtor argues that parties "cannot short-circuit the administrative process by filing suit for declaratory judgment in the federal courts." Google's action in this Court is neither one for declaratory relief nor one seeking adjudication of Google's registrations, so Debtor's confused arguments are beside the point.² Moreover, Public Service Comm'n v. Wycoff Co. had nothing to do with TTAB proceedings. It instead involved an attempt to seek declaratory relief in federal court that was only to guard against the possibility that a state agency, the Utah Public Service Commission, would attempt to prevent complainant from operating under its certificate from the Interstate Commerce Commission. 344 U.S. at 244-246.³ Debtor sweepingly cites Englishtown Sportswear for the proposition that "a court that bypasses the administrative system of the PTO impairs expeditious resolution and forfeits administrative expertise." Motion at 2 n. 1. That case, however, only involved a petition to enjoin an adverse party's attorney from appearing before the PTO on behalf of the adverse party, which the court

Not only does the present suit seek no determination of registrability, but even if it did federal courts are statutorily vested with original jurisdiction to make such determinations (and not with just appellate jurisdiction over TTAB proceedings as Debtor erroneously suggests). 15 U.S.C. § 1119 (courts have concurrent authority with the Trademark Office to cancel or otherwise determine the rights of trademark registrations); Informix Software Inc. v. Oracle Corp., 927 F. Supp. 1283, 1285 (N.D. Cal. 1996) (Lanham Act "provides for concurrent jurisdiction in this Court and the Trademark Trial and Appeal Board over the cancellation of trademarks"); W & G Tennessee Imports, Inc. v. Esselte Pendaflex Corp., 769 F. Supp. 264, 266 (M.D. Tenn. 1991) ("This Court, along with the TTAB, has concurrent jurisdiction over registration and cancellation of trademarks under 15 U.S.C.A. § 1119.").

Furthermore, a party is required to exhaust its administrative remedies only when it is mandated by statute or agency rule; a plaintiff need not exhaust remedies that are merely optional. Darby v. Cisneros, 509 U.S. 137, 143 (1993). Courts have rejected the proposition that a plaintiff must exhaust its remedies in TTAB before proceeding with a civil action. See, e.g., Goya Foods, 846 F.2d at 851-52 ("[i]n significant respects th[e] basic framework of federal trademark registration differs from those in which the doctrine of primary jurisdiction applies."; "[W]e are not dealing here with a regulated industry in which policy determinations are calculated and rates are fixed in order to calibrate carefully an economic actor's position within a market under agency control, and the PTO's decision to permit, deny, or cancel registration is not the type of agency action that secures [u]niformity and consistency in the regulation of business entrusted to a particular agency." (quotation marks omitted)): E. & J. Gallo Winery, 899 F. Supp. at 467-68.

sensibly said was an issue that should be brought before the PTO. 547 F. Supp. at 703. The decision therefore does not assist Debtor's argument here.

Third, because this action involves issues which cannot, and will not, be resolved by TTAB, a decision by TTAB in Defendant's proceedings there could have no effect on this action. Debtor asserts that "[w]hen the TTAB cancels Google's trademark, this case before this Court collapses." Mot. at 3. Debtor offers no support for his assertion, and that is for good reason. Defendant Central Mfg.'s remaining proceeding in TTAB seeking to cancel one of Google's trademark registrations is wholly frivolous.⁴ But even if the TTAB proceedings resulted in cancellation, it would in no way affect Google's claims here. This suit is not predicated on Google's rights to its registrations, nor even a suit claiming infringement of Google's trademark rights. Rather, this suit is based on *Defendants'* fraudulent assertion of rights and their unlawful threats and acts of extortion against Google.⁵ Indeed, TTAB lacks jurisdiction to address matters other than whether a party has the right to maintain a federal trademark registration,⁶ so it is without authority to rule on Google's allegations of false advertising, racketeering and unfair competition in this suit. Moreover, even if (contrary to fact) this case depended in some way upon Google's own trademark rights, the existence or non-existence of a registration is not dispositive of whether a party has enforceable rights to a mark. Not only does Google have numerous other registrations that are not the subject of any TTAB proceeding by Defendants, but Google is always free to establish common law trademark rights in the absence of a registration. E. & J. Gallo Winery, 899 F. Supp. at 468.

Also false, and quite irrelevant, is Debtor's only other contention in his Motion. According to Debtor, the Bankruptcy Court supposedly required "that Google must answer Stoller's motion for summary judgment at the Trademark Trial & Appeal Board" by ordering

As discussed in Google's Combined Opposition to Debtor's other motions: (1) Debtor has *no* proof of Defendants' claimed rights to the "Google" mark; and (2) TTAB already found that Defendants' first proceeding which opposed a Google trademark application on the grounds that Defendant Central Mfg. allegedly had rights to the "Google" mark were "baseless" and dismissed the proceeding as a sanction. Zeller Dec., Exhs. 2 at pp.14-16; & 12 at pp. 8-15.

See Google's Complaint, ¶¶ 14-63, attached as Exhibit 22 to the Zeller Decl.

Goya Foods, 846 F. 2d at 852-853; see also Person's Co. v. Christman, 900 F.2d 1565, 1570-1571 (Fed. Cir. 1990) ("The Board's function is to determine whether there is a right to secure or maintain a registration."); Paramount Pictures Corp. v. White, 31 USPQ 2d 1768, 1771 n.5 (T.T.A.B. 1994) ("The Board has no jurisdiction over claims of trademark infringement and unfair competition. The proper forum for such claims is a civil action.").

"that Google *must* take the necessary and appropriate action in the Trademark Trial and Appeal Board' referring to Google having to respond to Stoller's motion for summary judgment." Motion at 2-3 (emphases added). The Orders of the Bankruptcy Court neither compel Google to file anything in TTAB nor even contain the quote fabricated by Debtor. As the Bankruptcy Court's Order of January 18, 2007 states on its face, Google was "granted relief from the automatic stay so that it may take the actions, including filing an action against the Debtor in the United States District Court, described in the Motion and any ancilliary, necessary, or appropriate actions in connection therewith in that Court or in the Trademark Trial and Appeal Board or both."⁷ Thus, far from containing the terms that Debtor claims to be quoting, the Bankruptcy Court's Order is permissive and does not mandate that Google undertake actions in TTAB. As is obvious, the Bankruptcy Court was making clear in granting Google's motion for relief from the automatic stay that, notwithstanding the bankruptcy stay, Google has the right to litigate, whether in the Courts or TTAB or both, as it considers appropriate. Debtor's argument is not only unsupported by the record, but is inexplicable. He understandably gives no explanation as to why a Bankruptcy Court adjudicating Debtor's insolvency would require Google to file papers with TTAB, let alone require Google to respond to a motion that Google had already responded to,8 in a TTAB proceeding that the Bankruptcy Court had authorized the Trustee to dismiss pursuant to the Settlement Agreement between Google and Defendants that was approved by Bankruptcy Court's December 5, 2006 Order. Indeed, because the Petitioner and the movant in the TTAB proceeding was Defendant Central Mfg., not Debtor, ¹⁰ Debtor is not a party to the TTAB proceedings and thus he has no motion for summary judgment pending there either.

⁷ Zeller Dec., Exh. 21 (Emphases added.).

Not only had Google responded to that summary judgment motion, including by seeking to have it stricken for violation of Federal Rule of Civil Procedure 56(a), but Google had moved to dismiss the TTAB proceeding based upon its prior findings in its July 14, 2006 Order that Defendant's claims of rights to the GOOGLE mark were "baseless" and made for the improper purpose of seeking to harass Google into paying money. Zeller Dec., Exh. 22.

⁹ Zeller Dec., Exh. 6.

¹⁰ Zeller Dec., Exh. 9.

Conclusion

For the foregoing reasons, Google respectfully requests that the Court deny Mr. Stoller's Motion to Suspend Pending The Trademark Trial And Appeal Board's Decision On The Defendant's Motion For Summary Judgment.

DATED: February 12, 2007 Respectfully submitted,

GOOGLE INC.

By: s/ William J. Barrett
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, William J. Barrett, certify that I caused to be served on the parties on the following Service List, manner of service and date as indicated below, a copy of the foregoing GOOGLE INC.'S OPPOSITION TO DEBTOR LEO STOLLER'S MOTION TO SUSPEND PENDING THE TRADEMARK TRIAL AND APPEAL BOARD'S DECISION ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT.

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