

Aug 4 2006

CLARENCE MADDOX
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S. D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 05-80387-CIV (Ryskamp/Vitunac)

STEVEN A. SILVERS, an individual,

Plaintiff,

v.

GOOGLE INC., a Delaware corporation,

Defendant.

GOOGLE INC., a Delaware corporation,

Counterclaimant,

v.

STEVEN A. SILVERS, an individual; STELOR
PRODUCTIONS, INC., a Delaware
corporation; STELOR PRODUCTIONS, LLC,
a business entity of unknown form; and
STEVEN ESRIG, an individual,

Counter-Defendants.

**GOOGLE INC.'S OPPOSITION TO
SILVERS' MOTION FOR PROTECTIVE ORDER**

Google Inc. ("Google") opposes Steven A. Silvers' ("Silvers") Motion for Protective Order filed July 18, 2006 (DE #102). In its Order denying Silvers' Motion to Dismiss Stelor Productions, LLC's ("Stelor") Amended Cross-Claim (DE #71), the Court considered and decided that the Silvers' and Stelor's contract claims should be tried in Phase I. In its Order, the Court noted that Silvers' and Stelor's contractual claims "are relatively straightforward and need to be addressed before the Court can reach the trademark infringement claims." (DE #71 at 10.)

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Google agrees. Proceeding in this fashion promotes efficiency and judicial economy because, otherwise, it is unclear who is the proper litigant. Mr. Silvers and Stelor each claim to have the sole right to enforce the alleged rights in "Googles." Perhaps more importantly, resolving this issue promotes the possibilities of settlement because it will eliminate an alleged rights holder.

Dated: August 4, 2006

Respectfully submitted,

By: /s/ Jeffrey A. Backman
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Attorneys for Defendant/Counterclaimant
Google, Inc.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email and mail on the addressee(s) listed on the attached schedule on this 4th day of August, 2006.

/s/ Jeffrey A. Backman
Jeffrey A. Backman

SERVICE LIST

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