

UNITED 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.

_____/

**DEFENDANT/COUNTERCLAIMANT GOOGLE INC.'S
NOTICE OF WITHDRAWAL OF TWO SEPARATE MOTIONS
FOR SUMMARY JUDGMENT DATED OCTOBER 16, 2006**

PLEASE TAKE NOTICE that Defendant/Counterclaimant GOOGLE INC. ("Google"), by its undersigned counsel, hereby provides its Notice of Withdrawal of its two (2) separate Motions for Summary Judgment filed on October 16, 2006, based upon the following grounds:

1. On or about October 12, 2006, Google filed its Motion for Leave to File Two Separate Motions for Summary Judgment [D.E. 135].

2. Thereafter, on October 16, 2006, Google filed two separate Motions for Summary Judgment, together with two separate Statements of Undisputed Facts and two Declarations with exhibits in support thereof. Specifically, the two separate Motions for Summary Judgment were entitled: (a) Google's Motion for Summary Judgment of Trademark Invalidity and (b) Google's Motion for Summary Judgment as to Monetary Relief.

3. On or about October 19, 2006, this Court denied Google's Motion for Leave to File Two Separate Motions for Summary Judgment [D.E. 156].

4. Accordingly, Google consolidated its two Motions for Summary Judgment and filed the following documents with the Court on October 27, 2006:

- a. Google's Motion for Summary Judgment;
- b. Google's Statement of Undisputed Facts in Support of Google's Motion for Summary Judgment; and
- c. Declaration of Ramsay M. Al-Salam in Support of Google's Motion for Summary Judgment.

5. Based upon the foregoing, Google hereby withdraws the two (2) separate Motions for Summary Judgment, entitled (a) Google's Motion for Summary Judgment of Trademark Invalidity and (b) Google's Motion for Summary Judgment as to Monetary Relief, together with supporting documents, filed on October 16, 2006.

DATED: November 1, 2006.
Fort Lauderdale, FL

Respectfully submitted,

By: /s/Samantha Tesser Haimo

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Google Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 1, 2006, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Samantha Tesser Haimo

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