**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**
**WEST PALM BEACH DIVISION**

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 Delaware limited liability company; and STEVEN ESRIG, an individual,

Counterdefendants.

# DEFENDANT GOOGLE INC.'S RESPONSES TO PLAINTIFF STELOR'S INTERROGATORIES

Defendant and Counterclaimant Google Inc. ("Google") responds to Plaintiff Stelor Productions, LLC f/k/a Stelor Productions, Inc. ("Stelor")'s Interrogatories as follows:

## I. GENERAL OBJECTIONS

Google interposes the following General Objections to each and every Interrogatory:

1. Google objects to the "definitions" and "instructions" to the extent they are interpreted by Plaintiff as imposing obligations beyond those imposed by the Federal Rules of Civil Procedure and the Local Rules of the Court.

2. Google objects to the extent that the interrogatories seek information protected by the attorney-client privilege, work product immunity or any other applicable privilege or immunity.

3. Google objects to the extent that the interrogatories seek information already in Plaintiff's possession or control, such as information that has been exchanged in the litigation.

4. Google objects to the extent that the interrogatories seek confidential business information, particularly to the extent that such information is irrelevant or immaterial.

5. Google objects to the interrogatories on the basis they are overly burdensome, particularly to the extent the interrogatories seek information that is more efficiently obtained through the review of documents or through deposition discovery.

6. Google objects to the definitions of "Google" and "You" as overly broad and unduly burdensome to the extent that they include individuals or entities who are not acting in their official capacities on behalf of Google, Inc. or under Google's authority or control.

7. Google objects to the definition of "Children's Categories" as overly broad, unduly burdensome, and as seeking information not reasonably calculated to lead to admissible evidence. Google will produce documents only relating to products or services offered by Google, not by its advertisers or customers. Google further objects to this definition as vague and ambiguous to the extent that it does not describe how a product or service is a "children's" product or service. For purposes of responding to these requests, Google will assume that

"children's" or "children" as used throughout the definition means "created for, targeted at, or marketed for children by Google."

## II. RESPONSES TO INTERROGATORIES

**INTERROGATORY NO. 1.** Identify all Goods and Services that Google has sold, offered, marketed, displayed or created for or to children, including but not limited to the Children's Categories.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by plaintiff (subject to Google's objections). Ms. Hagan will provide information responsive to this interrogatory, including information based on whether and to what extent Google has provided children's products or services.

**INTERROGATORY NO. 2.** Identify, specifically for each Goods and Services, all types, sources and amounts of revenue Google receives from any and all of the Goods and Services identified in response to Interrogatory No. 1 above.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by plaintiff (subject to Google's objections). Ms. Hagan will provide information responsive to this interrogatory, including information based on whether and to what extent Google has provided children's products or services.

**INTERROGATORY NO. 3.** Identify all licensing contracts and trademark licensing contracts and/or agreements, and for each such license the type and amount of revenue Google receives.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, and as seeking information not reasonably calculated to lead to admissible evidence. Google has numerous licensing and trademark agreements, none of which are relevant to this dispute.

**INTERROGATORY NO. 4.** Identify the section(s), division(s), segments(s), groups(s), or area(s) within Google that that handle the revenues and expenses for the Goods and Services identified in response to Interrogatory No. 1 above.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by plaintiff (subject to Google's objections). Ms. Hagan will provide information responsive to this interrogatory.

**INTERROGATORY NO. 5.** Explain any and all plans, including but not limited to business plans or marketing plans, pertaining to marketing, licensing, and development by you or any licensee for any Goods and Services within any and all of the Children's Categories.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google further objects to this interrogatory as seeking confidential business information. Google is

scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by plaintiff (subject to Google's objections). Ms. Hagan is expected to provide information responsive to this interrogatory.

**INTERROGATORY NO. 6.** Explain any and all plans pertaining to future development, both on the Internet and offline, in association with any entity other than Google, with respect to any Goods and Services within any and all of the Children's Categories.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google further objects to this interrogatory as seeking confidential business information. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by plaintiff (subject to Google's objections). Ms. Hagan is expected to provide information responsive to this interrogatory.

**INTERROGATORY NO. 7.** Identify all employees or other personnel involved in the planning, design, research, market research, creation, implementation, advertising, or tracking of any Goods and Services within any and all of the Children's Categories. For each employee or personnel member, specify each person's particular functions.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by plaintiff (subject to Google's objections). Ms. Hagan is expected to provide information responsive to this interrogatory.

**INTERROGATORY NO. 8.** Identify all consultants, contractors, sub-contractors, or other persons working under the direction of Google in connection with any Goods and Services within any and all of the Children's Categories. For each employee or personnel member, specify each person's particular functions.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by plaintiff (subject to Google's objections). Ms. Hagan is expected to provide information responsive to this interrogatory.

**INTERROGATORY NO. 9.** Identify all persons, either employees or personnel within Google, or outside persons affiliated with Google, who manufacture, ship, advertise, or store Goods and Services within any and all of the Children's Categories.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, and as seeking information not reasonably calculated to lead to admissible evidence.

**INTERROGATORY NO. 10.** Identify all person [sic], either employees or personnel within Google or outside persons affiliated with Google, involved in the planning, development, implementation, testing, or analysis of the research project that was at one time referred to as "Backrub" and which later came to be identified as the Google search engine.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, and as seeking information not reasonably calculated to lead to admissible evidence.

**INTERROGATORY NO. 11.** Identify all persons, either employees or personnel within Google or outside persons affiliated with Google, involved in the planning, marketing, development, implementation, or testing of Lively by Google. For each employee or personnel member, specify each person's particular functions.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, and as seeking information not reasonably calculated to lead to admissible evidence. Lively by Google allows users to create a custom avatar and to chat with friends in chat rooms designed by users. Lively by Google is not relevant to the present dispute. Google further objects to this interrogatory as overly broad and unduly burdensome because it seeks identification of all employees or personnel, regardless of the degree of involvement of such employees or personnel, in the planning, development, implementation, or testing of Lively by Google. Google further objects to this interrogatory as overly broad and unduly burdensome because it does not contain a reasonable limitation as to time.

**INTERROGATORY NO. 12.** Identify all contracts, agreements, licenses or affiliations entered into by Google for Goods and Services sold, offered, marketed, displayed or created for or to children, including but not limited to the Children's Categories on "Lively" by Google.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, and as seeking information not reasonably calculated to lead to admissible evidence. Lively by Google allows users to create a custom avatar and to chat with friends in chat rooms designed by users. Lively by Google is not relevant to the present dispute. Google further objects to this interrogatory as overly broad and unduly burdensome because it seeks identification of all employees or personnel, regardless of the degree of involvement of such employees or personnel, in the planning, development, implementation, or testing of Lively by

Google. Google further objects to this interrogatory as overly broad and unduly burdensome because it does not contain a reasonable limitation as to time.

**INTERROGATORY NO. 13.** Identify all domain names related to or owned by Google that are directed toward children or relate to any of the Children's Categories.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony or document review. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by plaintiff (subject to Google's objections). Ms. Hagan is expected to provide information responsive to this interrogatory.

**INTERROGATORY NO. 14.** Explain the facts and circumstances pertaining to Google's use of its trademarks or domain names for advertising or sales of goods, products, or services within any and all of the Children's Categories.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by Plaintiff (subject to Google's objections). Ms. Hagan is expected to provide information responsive to this interrogatory.

**INTERROGATORY NO. 15.** Identify and explain the details surrounding all prospective licensees or licensors with respect to any Goods and Services within any and all of the of the Children's Categories.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by Plaintiff (subject to Google's objections). Ms. Hagan is expected to provide information responsive to this interrogatory.

**INTERROGATORY NO. 16.** Identify all warehouses or storage facilities where you keep any Goods and Services within any and all of the Children's Categories.

**RESPONSE:** Google objects to this request as overly broad, unduly vague, and as seeking information not reasonably likely to lead to admissible evidence. The locations of Google's warehouses or storage facilities are not relevant to the present dispute.

**INTERROGATORY NO. 17.** Identify any and all programs sponsored, conducted, established, or hosted by Google that are targeted toward children.

**RESPONSE:** Google objects to this interrogatory as overly broad, unduly vague, unduly burdensome, as seeking information not reasonably calculated to lead to admissible evidence, and as seeking information more efficiently obtained through deposition testimony. Google is scheduled to produce Rose Hagan as a witness in response to the 30(b)(6) deposition topics identified by Plaintiff (subject to Google's objections). Ms. Hagan is expected to provide information responsive to this interrogatory.

**INTERROGATORY NO. 18.** Identify the name and location of any and all servers and/or systems, either owned or used by Google or any entity working in connection with Google, hosting any Goods and Services, programs, and/or offers to sell or provide Goods and Services or programs related to children.

**RESPONSE:** Google objects to this request as overly broad, unduly burdensome, unduly vague, and as seeking information not reasonably calculated to lead to admissible evidence.

OBJECTIONS DATED: September 2, 2008.

By: Ramsey M. Al-Salam by ESM

Ramsey M. Al-Salam
Washington Bar. No. 18822
ralsalam@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Telephone: (206) 359-6338
Facsimile: (206) 359-7338

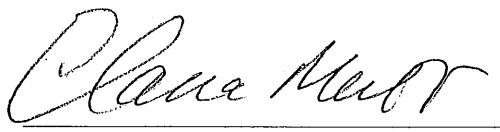
Jan Douglas Atlas
Florida Bar No. 226246
jda@adorno.com
Samantha Tesser Haimo
Florida Bar No. 0148016
stesser@adorno.com
ADORNO & YOSS LLP
350 East Las Olas Boulevard, Ste. 1700
Fort Lauderdale, FL 33301
Telephone: (954) 763-1200
Facsimile: (954) 766-7800

Attorneys for Defendant / Counterclaimant Google, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September, 2008, I served a copy of the foregoing Defendant Google Inc.'s Reply to Plaintiff Stelor's Interrogatories on the following persons, by United States mail, postage prepaid:

Kevin C. Kaplan
David J. Zack
Morgan L. Swing
Coffey Burlington
Office in the Grove, Penthouse
2699 S. Bayshore Drive, Penthouse A
Miami, FL 33133



Elana Matt