

**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.

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI, FLORIDA
JUL 10 2006
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NOTICE OF TAKING VIDEOTAPED DEPOSITION

TO: ALL ATTORNEYS LISTED ON THE ATTACHED SCHEDULE:

PLEASE TAKE NOTICE that the undersigned attorneys will take the following videotaped deposition, pursuant to Fed. R. Civ. P. 30(b)(6), at Adorno & Yoss LLP, 2525 Ponce de Leon Blvd., Suite 400, Miami, FL 33134-6012:

g/ck

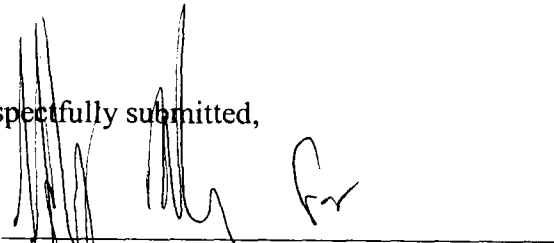
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<u>NAME</u>	<u>DATE</u>	<u>TIME</u>
P/W/M/K Stelor Productions, LLC ¹	July 12, 2006	9:00 a.m.

upon oral examination before a court reporter, notary public, or any other officer authorized by law to take depositions. The oral examinations will continue from day to day until completed. The deposition is being taken for purpose of discovery, for use at trial, or for such other purposes as are permitted under the rules of Court. The video deposition will be taken by Downtown Reporting & Videography, Inc., whose address is 337 East Las Olas Boulevard, Fort Lauderdale, Florida 33301.

Respectfully submitted,

By:



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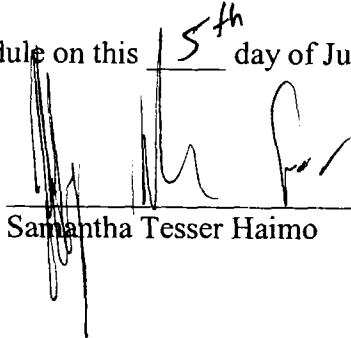
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 Google, Inc.

¹ Pursuant to Fed. R. Civ. P. 30(b)(6), Stelor Productions, LLC shall designate one or more officers, directors, or managing agents, or other persons with information regarding the subjects of testimony listed on the attached Schedule "A".

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Google, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail on the addressee(s) listed on the attached schedule on this 5th day of July, 2006.



Samantha Tesser Haimo

cc: Downtown Reporting, Inc.
Downtown Reporting & Videography, Inc.

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SERVICE LIST

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EXHIBIT A

DEFINITIONS

1. The terms “you” or “your” refer to counterdefendant Stelor Productions, LLC and includes any persons or entities controlled by or acting on behalf of you, including without limitation Steven Esrig, Stelor Productions, Inc., and all past and present licensees, agents, attorneys, predecessors, subsidiaries, parent companies, or affiliated companies and their agents, officers, directors, employees, representatives and attorneys.

2. The term “Google” refers to Defendant and Counterclaimant Google Inc. as well as its officers, directors, employees, and authorized representatives.

3. The term “crossclaim” refers to the crossclaim filed by Stelor Productions, LLC against Steven Silvers in this action on September 9, 2005.

4. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34 and its interpretation by the courts, including originals, copies, drafts or other productions of any written, graphic or otherwise recorded matter, however produced or reproduced, whether inscribed by hand, by computer or by mechanical, electronic, or photographic means.

5. The term “concerning” means relating to, referring to, describing, reflecting, evidencing or constituting.

6. the terms “all” and “each” shall be construed to include all and each.

7. The term “and” shall be construed to include “or” and vice versa and shall be the logical equivalent of “and/or.”

8. The term “amended complaint” refers to the first amended complaint filed in this action.

9. The use of the singular form of any word also includes the plural and vice versa.

10. The term MARKS refers to the GOOGLES and GOOGLES AND DESIGN marks as well as any other marks incorporating the letter string “GOOGLES.”

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SUBJECTS OF TESTIMONY

1. The License, Distribution, and Manufacturing Agreement dated June 1, 2002 between you and Steven A. Silvers, including circumstances and communications leading to that agreement.
2. The Letter Agreement dated June 1, 2002 between you and Steven A. Silvers, including circumstances and communications leading to that agreement.
3. Any other agreements between you and Steven A. Silvers or his representatives relating to the promotion and use of the MARKS.
4. Your business dealings with Steven A. Silvers or Silvers Entertainment Group, Inc., including but not limited to:
 - a. Communications between you and Steven A. Silvers or Silvers Entertainment Group, Inc., or anyone acting on his/its behalf concerning the MARKS.
 - b. Communications between you and Steven A. Silvers or Silvers Entertainment Group, Inc., or anyone acting on his/its behalf concerning Google or this lawsuit.
 - c. Communications with any attorney for Steven A. Silvers or Silvers Entertainment Group, Inc.
 - d. Payments by you to Steven A. Silvers, or Silvers Entertainment Group, Inc., including but not limited to any royalties, advance on royalties, or consultancy fees.
 - e. Certain facts alleged in your crossclaim:
 - i. in paragraph 10 of the crossclaim that despite “efforts to preserve, expand and promote the GOOGLES IP, Silvers’ venture made little impact in a marketplace crowded with children’s materials from bigger and better financed providers.”

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- ii. in paragraph 10 that “[a]n initial effort between Silvers and Aurora Collection, Inc. failed.”
- iii. in paragraph 10 that “Silvers was in no position to move forward alone, as he had many personal and business hurdles to overcome,” including Testimony reflecting or evidencing “a lack of capital, a lack of connections, a lack of experience, a lack of access to financing, and increasingly adverse relationship with Aurora, and negative aspects of Silvers’ background that made him unsuited to serve as figurehead or spokesman for an enterprise aimed at providing wholesome and enriching entertainment to an audience of impressionable children.”
- iv. in paragraph 11 that “Stelor was formed to develop Silvers’ concept into a reality.”
- v. in paragraph 13 that “Stelor has spent millions of dollars, and its principals and employees have devoted themselves tirelessly to making Stelor and the ‘Googles’ successful and profitable, both for themselves and for the benefit of Silvers.”
- vi. in paragraph 14 that Silvers “held himself out as a Stelor representative at crucial industry trade shows.”
- vii. in paragraph 14 that Silvers “threatened to communicate directly with the trade and press concerning the GOOGLES IP.”
- viii. in paragraph 14 that Silvers “withheld information vital to Stelor’s ability to carry out the business of transforming the basic Googles ideas into a thriving and profitable business and denied it access to Googles domain names.”

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- ix. in paragraph 14 that Silvers “subverted Stelor’s intellectual property rights by diverting communications from the USPTO from Stelor to himself.”
 - x. in paragraph 14 that Silvers “interfered with litigation undertaken by Stelor against third parties.”
 - xi. in paragraph 19 that Silvers failed to cooperate in pending and future trademark and domain name dispute proceedings, failed to provide evidence of paid insurance premiums, and “schemed to undo Stelor’s business activities and steal its work.”
5. Your business dealings with Michael Silvers, including but not limited to:
- a. the MARKS
 - b. the Googles Children’s Workshop, Inc.
 - c. any allegations contained in the amended complaint or crossclaims.
6. Your business dealings with The Googles Children’s Workshop, Inc., including but not limited to:
- a. Communications between you and The Googles Children’s Workshop, Inc. or anyone acting on its behalf concerning the MARKS.
 - b. Communications between you and The Googles Children’s Workshop, Inc., or anyone acting on its behalf concerning Google or this lawsuit.
 - c. Communications with any attorney for The Googles Children’s Workshop, Inc.
 - d. Payments by you to The Googles Children’s Workshop, Inc. including but not limited to any royalties, advance on royalties, or consultancy fees.
 - e. Your belief that, as of March 25, 2003 (or at any time between January 1 and March 25, 2003) The Googles Children’s Workshop, Inc. was doing business.

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- f. Your belief that, as of March 25, 2003 (or at any time between January 1 and March 25, 2003) The Googles Children's Workshop, Inc. was the owner of Registration No. 2,087,590 dated August 12, 1997, as shown by the records in the United States Patent and Trademark Office.
 - g. Your knowledge concerning the dissolution of The Googles Children's Workshop, Inc.
7. Your business dealings with The Aurora Collection, Inc. including but not limited to:
- a. the MARKS;
 - b. The Asset Purchase Agreement between you and The Aurora Collection, Inc.
 - c. Communications between you and The Aurora Collection, Inc., or anyone acting on its behalf concerning the MARKS.
 - d. Communications between you and The Aurora Collection, Inc., or anyone acting on its behalf concerning Google or this lawsuit.
 - e. Communications with any attorney for The Aurora Collection, Inc.
 - f. Payments by you to The Aurora Collection, Inc. including but not limited to any asset purchase.
 - g. any allegations contained in the amended complaint or crossclaims.
8. Assignments or licenses of the MARKS or other agreements concerning the MARKS, including the decision to enter into the assignments, licenses, or agreements.
9. Testimony concerning your company charters; operating or management agreements; by-laws; investor agreements; qualifications to do business; incorporations or registrations; annual reports or returns required by law; other business filings required by law; officers, board of directors, management committee, or executive committees; and minutes relating to the conduct of your business.

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10. Advertising, marketing, and promotion and use of the MARKS, including but not limited to:

- a. the products and services associated with any such use;
- b. the nature, manner, and extent of such promotion and use;
- c. your commercialization of intellectual property related to the MARKS, including the manufacture, distribution, sale, or offer of sale of any service or product bearing or otherwise associated with the MARKS.

11. Use of the MARKS by you or any other person or entity in connection with the conduct of business operations, including but not limited to Steven A. Silvers; Stelor Productions, Inc.; Stelor Productions, LLC; The Googles Children's Workshop, Inc.; Silvers Entertainment Group, Inc.; The Aurora Collection, Inc.; and Goo Investments LLC.

12. Your plans to develop or enforce rights in the MARKS, including business plans concerning the MARKS or products or services bearing or otherwise associated with the MARKS, including but not limited to the business plans of Steven A. Silvers; Silvers Entertainment Group, Inc.; Stelor Productions, Inc.; Stelor Productions, LLC; The Googles Children's Workshop, Inc.; The Aurora Collection, Inc.; and Goo Investments LLC.

13. Any domain name registrations you filed or your efforts to secure domain names incorporating the letter string GOOGLE or GOO.

14. The conceptualization, design, creation, launch, publication, plans or modification of Web sites designed by or for you, established by or for you, or designed or established by or for Steven A. Silvers, The Googles Children's Workshop, or Silvers Entertainment Group, Inc., used in connection with the MARKS, including but not limited to:

- a. stelor.com
- b. stelorproductions.com
- c. googles.com
- d. a Googles Web site

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e. a Gootopia Web site

15. Revenues, costs, and profits related to use and license of the MARKS by product or service, including by SKU (stock keeping unit).

16. Projection of sales, revenue, or profits for any products or services bearing or otherwise associated with the MARKS.

17. Actual or potential investors in Stelor Productions, Inc.; Stelor Productions, LLC; The Googles Children's Workshop, Inc.; The Aurora Collection, Inc.; Goo Investments LLC; or other businesses that have developed, marketed or delivered products or services that bear or are otherwise associated with the MARKS.

18. Actual or potential investment in, the MARKS, products or services that bear or are otherwise associated with the MARKS, or businesses associated with the MARKS, including but not limited to business plans, valuation of intellectual property assets, valuation of potential litigation, or valuation of potential settlement of litigation.

19. Testimony concerning financial transactions between you and any party claiming an interest in the MARKS or any party to domain name disputes, trademark opposition or cancellation proceedings, or litigation to which Google Inc. is or has been a party.

20. Testimony concerning Google Inc., communications with Google, Inc. and the rights you claim in this dispute.

21. Communications to persons or entities other than Google in which you have made allegations (against any person or entity) of trademark infringement of the MARKS.

22. Testimony concerning litigation between you and Steven A. Silvers, Silvers Entertainment Group, Inc. or The Googles Children's Workshop, Inc., including but not limited to pending or threatened litigation.

23. Testimony concerning the business experience, business background, reputation, and criminal background (if any) of Steven A. Silvers, Steven Esrig, or of other officers or

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management personnel of The Googles Children's Workshop, Inc.; Silvers Entertainment Group, Inc.; Stelor Productions, Inc.; Stelor Productions, LLC; or The Aurora Collection.

24. Trademark research, investigations, and searches relating to the MARKS.

25. Your knowledge concerning applications to register the MARKS with the United States Patent and Trademark Office, whether filed by you or someone else or sent on your behalf or someone else's behalf, including:

- a. any registrations issued as a result thereof;
- b. any efforts to secure or maintain registrations or to secure "incontestable" status.

26. Your knowledge, information, belief, inquiries, and investigations concerning the facts alleged in declarations filed with the United States Patent and Trademark Office regarding Registration No. 2,087,590 dated August 12, 1997 and its underlying application, including:

- a. Testimony concerning your belief that, as of March 25, 2003 (or at any time between January 1 and March 25, 2003) the mark described in Registration No. 2,087,590 dated August 12, 1997 in the United States Patent and Trademark Office was still in use by The Googles Children's Workshop or by a licensee of The Googles Children's Workshop on or in connection with the goods identified in the Certificate of Registration.
- b. Testimony concerning your belief that, as of March 25, 2003 (or at any time between January 1 and March 25, 2003) the mark described in Registration No. 2,087,590 dated August 12, 1997 in the United States Patent and Trademark Office had been in continuous use for more than five (5) years from June 1996, subsequent to the date of the registration, through to March 25, 2003, on or in connection with the goods identified in the Certificate of Registration.

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27. Your knowledge, information, belief, inquiries, and investigations concerning the facts alleged in declarations filed with the United States Patent and Trademark Office regarding Application Serial No. 76/591,386 dated May 7, 2004.

- a. Your knowledge, information, belief, inquiries, and investigations regarding the facts alleged in the declaration executed by Ira C. Edell filed with the United States Patent and Trademark Office regarding Application Serial No. 76/591,386.
- b. Your knowledge of Steven A. Silvers' or your intent (or your knowledge of any person, company or licensee's intent) to use the mark GOOGLES EDUTAINMENT at the time the declaration executed by Ira C. Edell regarding Application Serial No. 76/591,386 was filed with the United States Patent and Trademark Office.
- c. The appointment of Ira C. Edell or other attorneys with the firm of Edell, Shapiro & Finnan, LLC, as the attorneys to file a declaration and to transact all business in connection with Registration No. 2,087,590 and Application Serial No. 76/591,386 in the United States Patent and Trademark Office.

28. Your knowledge, information, belief, inquiries, and investigations concerning the facts alleged in declarations filed with the United States Patent and Trademark Office regarding Application Serial No. 78/420,234 dated May 17, 2004, including:

- a. Your knowledge, information, belief, inquiries, and investigations regarding the facts alleged in the declaration executed by Laurence Hefter filed with the United States Patent and Trademark Office regarding Application Serial No. 78/420,234.
- b. Your knowledge of Steven A. Silvers' or your intent (or your knowledge of any person, company or licensee's intent) to use the mark GOOGLES at

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the time the declaration executed by Laurence Hefter regarding Application Serial No. 78/420,234 filed with the United States Patent and Trademark Office.

- c. The appointment of Laurence Hefter or other attorneys with the firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. as the attorneys to file a declaration and to transact all business in connection with Application Serial No. 78/420,234.