

Jun 24 2005

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDASTELOR PRODUCTIONS, L.L.C., a
Delaware corporation, f/k/a STELOR
PRODUCTIONS, INC.,CASE NO. 05-80393-CIV-HURLEY
Magistrate Hopkins

Plaintiff,

v.

STEVEN A. SILVERS, a Florida resident,

Defendant.

**DEFENDANT'S SUPPLEMENT TO MOTION
TO STRIKE DECLARATION OF STEVEN A. ESRIG,
AND OBJECTION TO MAGISTRATE'S
REPORT AND RECOMMENDATION**

Defendant, Steven A. Silvers ("Silvers") respectfully files this Supplement to Motion To Strike Declaration of Steven A. Esrig, and Objection to the Magistrate's Report and Recommendation. We obtained some of the materials used by Stelor at the trade show. *See* Exhibits A, B and C. These materials show that Stelor never intended to use or needed the googles.com domain name for this trade show, and that in fact, Stelor has barely promoted that domain name in association with the "Gootopia" website. Further, Stelor never even intended to "launch" the Gootopia website before or on the day of the trade show as Esrig testified. Bottom line: Stelor intentionally misled the Court regarding the harm it would suffer unless injunctive relief was granted.

Esrig testified in his Declaration that Stelor planned to "launch" the Gootopia website on June 21, 2005, the first day of the International Licensing Show in New York City, and it needed control and use of Silvers' googles.com website to do that. Esrig went on to say that absent an injunction compelling Silvers to give Stelor that control, Stelor could not "demonstrate" the website at the trade show, and was essentially out of business. After the Magistrate Judge recommended injunctive relief

in a Report and Recommendation to this Court, upon Stelor's motion, the Court entered a TRO implanting the injunctive relief, which essentially consisted of Silvers directing his domain name registrar to point the googles.com domain name back to Stelor's server.¹

In support of our Motion to Strike Steven Esrig's Declaration (on grounds of perjured testimony among others), and Objection to the R&R, we submitted testimony from Russell Tewksbury, a recognized Internet expert. Mr. Tewksbury testified that Stelor does not need the googles.com domain to operate, demonstrate or launch the Gootopia website because it could do that using any other domain name it wants, and hence the harm to Stelor was illusionary.

The materials we obtained from the Stelor Productions booth at the trade show this week confirms that Esrig misled the Court. Stelor planned all along to use the domain name www.stelor.net to demonstrate and promote the "Gootopia" website. *See* Exhibit A. In fact, on this promotional website, there is no mention of the googles.com domain name in connection with the "Gootopia" website. *See* Exhibit B. Further, in other promotional materials given out by Stelor at the trade show, there is not one word associating the "googles.com" domain name with the "Gootopia website. *See* Exhibit B.

And, there was no big "launch" of anything on June 21. In fact, Stelor was promoting a "Gootopia launch and huge promotion . . . planned for Fall 2005!" (exclamation original).² *See* Exhibit C. Moreover, the "Gootopia" website demo tour featured within the stelor.net website is exactly the same demo tour that was available through Stelor Productions website well before the trade

1 The Court adopted the proposed order submitted by Stelor. That order was over broad and directed Silvers to do much more than point the googles.com domain name to Stelor's server. Silvers, however, complied the best he could and instructed his registrar to point the googles.com domain name to the server IP address Stelor provided.

2 A review of Stelor's archived websites reveals that since 2003, this "launch" has been promised every few months but never materializes.

show, and at the time Stelor requested injunctive relief. Stelor has not made a single change to that demo.

The Court should consider this evidence in connection with the Motion To Strike Steven Esrig's Declaration, and our Objection to the Magistrate's R&R.

Respectfully submitted,

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s/ Gail A. McQuilkin
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(305) 372-1800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail this 24th day of June, 2005, to: Kevin C. Kaplan, Daniel F. Blonsky and David Zack of Burlington Weil Schwiep Kaplan & Blonsky, P.A., 2699 S. Bayshore Drive, Penthouse A, Miami, FL 33133.

s/ Gail A. McQuilkin

3339/101/254575.1

Exhibit A



Your personal passport to:
**Information on the
Biggest Kid's
Event Ever!**

This passport is your chance to participate in the **Kid's promo of the year!** You will find details and information on ways for your company to benefit. Plus! Great family discount packages, specials for your friends, business and much, much more.

Keep this card and then go to: www.stelor.net.
This is a limited offer and available only to:

Enter this
Password



Your personal passport to:
**Information on the
Biggest Kid's
Event Ever!**

This passport is your chance to participate in the **Kid's promo of the year!** You will find details and information on ways for your company to benefit. Plus! Great family discount packages, specials for your friends, business and much, much more.

Keep this card and then go to: www.stelor.net.
This is a limited offer and available only to:

Enter this
Password



5 of JUN 21 11:00 AM



Your personal passport to:
**Information on the
Biggest Kid's
Event Ever!**

This passport is your chance to participate in the **Kid's promo of the year!** You will find details and information on ways for your company to benefit. Plus! Great family discount packages, specials for your friends, business and much, much more.

Keep this card and then go to: www.stelor.net.
This is a limited offer and available only to:

Enter this
Password



Your personal passport to:
**Information on the
Biggest Kid's
Event Ever!**

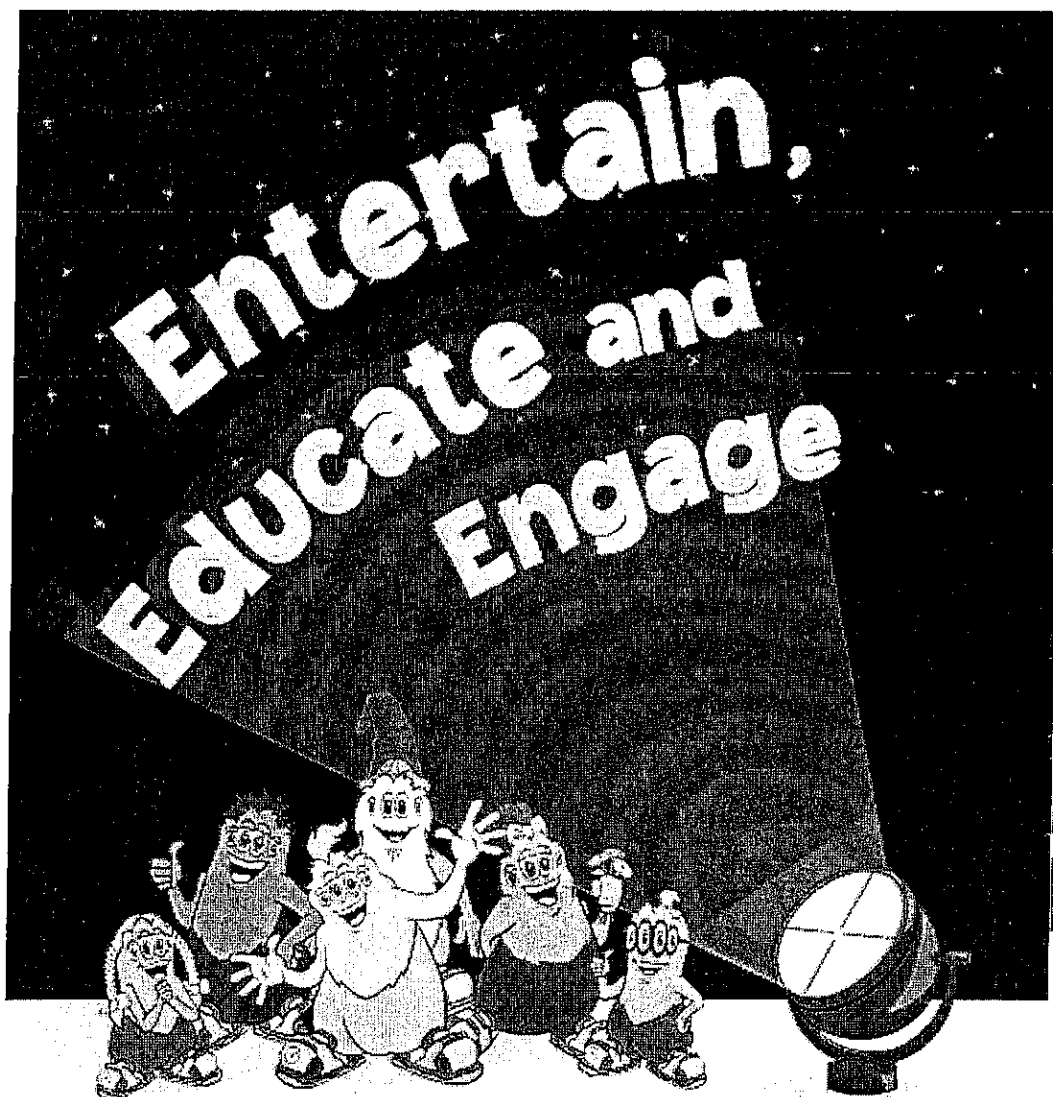
This passport is your chance to participate in the **Kid's promo of the year!** You will find details and information on ways for your company to benefit. Plus! Great family discount packages, specials for your friends, business and much, much more.

Keep this card and then go to: www.stelor.net.
This is a limited offer and available only to:

Enter this
Password



Exhibit B



Welcome to Ste

We are glad to see you interested in Stelor and from Goo™. To answer your most important questions on the buttons below. You can find information about our characters, special offers, licensing opportunities.

What do you want to

[Content](#)

[Licensing](#)

[About St](#)

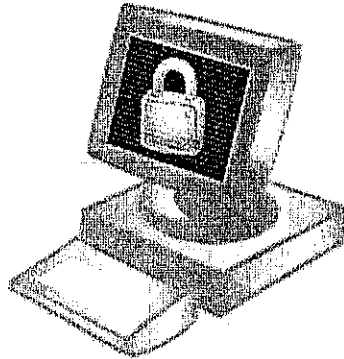
[Pre-regis](#)



[Content](#) | [Licensing News](#) | [About Stelor](#) | [Pre-register](#) | [Log Out](#)

Stelor Productions © 2005
The Googles from Goo™ are a creation of Steven A. Silvers

Content



Security

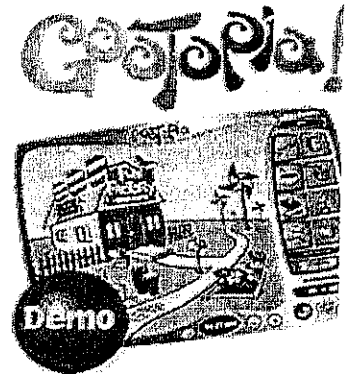
Until Stelor Productions introduces its patent-pending security technology, PixKey™, safety on the Internet is just a marketing concept. Real security requires a *real* password. Click the computer to find out more.



Music

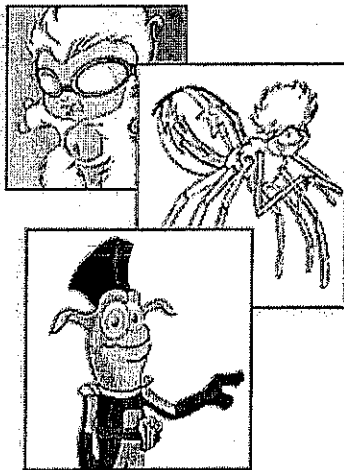
GooKids learn basic concepts about science, the Earth, and kindness through our original music. There are song samples for you to hear by clicking on Jingles the Jukebox™ above. You can also purchase the Googles™ first album, *One GooWorld*, at iTunes by clicking the 'Buy' link below.

[Listen \(Flash Player 7 required\)](#)
[Buy \(Download iTunes\)](#)



Content

The grownups' version of the Gootopia™ tour is available clicking on the 'Demo' button above. Please take a moment to hear and see the basics of this wonderful program. Gootopia launch and the huge promotion are planned for Fall 2005! Googles™ activities, including television, live shows, or web content will be interactive with Gootopia™.



Characters

Stelor Productions has a universe of characters (over 160 to date) that brighten this world! Each personality is created to enlighten and enrich children with a smile on their faces. In the spirit of good will and family, you can trust our characters to teach the basics of science, self-esteem, and how to preserve our Earth. Stories operate on several levels with age targets 6-9, and 9-12 years. Any character is capable of song, but The Googles™ personalities Oogle, Oggle, and Iggle are the main voices, with albums of original music already produced and ready for market. More stories and music are designed to carry a quality message; for example, our first song has the Googles™ singing about their love of fruit.

As Stelor is a licensing company, we are always looking for other good properties. If you have an idea or a creative property you would like to be represented by Stelor, submit an outline to:
information@stelorproductions.com.



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Stelor Productions © 2005
The Googles from Goo™ are a creation of Steven A. Silvers

About Stelor

Legally we are Stelor Productions, LLC. We have spent the last four years preparing for the introduction of a 'trusted-brand' concept of edutainment. Our first property, The Googles from Goo™, was selected because it fit perfectly with our objective: conveying positive messages currently missing in most children's entertainment.

"Bringing children to their **best selves**," says our founder and CEO Steve Esrig, "is what we are really about. Everything else is just the means to that end."

To really 'be there' for kids, Stelor had to take on the very difficult challenges of Internet Security. This has been accomplished through a very creative method that uses pictures to create extremely complex passwords that are easy for kids to use. And it's fun!

The Pixkey™ concept will ensure the use of a password. "It's just the beginning of the state-of-the-art security measures being implemented," says CEO Esrig. "We and our partners are committed to protecting childhood children. It has meant stepping up to the expense and time commitment required to do it right."

Stelor currently employs over 20 people in Darnestown, MD. With the move to our new offices (summer 2005) we will staff-up to the first operating level of approximately 100 employees.

"As a licensing company, most of our work will involve creating great relationships," says Senior VP Marty J. "We are committed to maintaining quality products, and we are looking for licensees with the same objective."

Stelor expects these creative relationships to develop and produce a positive shift in children's entertainment.

Stelor Productions, LLC
P.O. Box 8000
Gaithersburg, MD 20883

Phone: 301 963 0000
Fax: 301 990 3636
Email: info@stelorproductions.com
Visit us at: www.stelorproductions.com



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Stelor Productions © 2005
The Googles from Goo™ are a creation of Steven A. Silvers

Exhibit C

Our mission is to bring kids to their 'best selves'!

It's the 21st Century. Kids are smarter. Technically smarter, and so are the people who would harm them.

1 out of 5
Child Abductions
begins on
the Internet

With the onslaught of action heroes and violence, too many young minds are focused on getting their own way at any cost. The Internet can be alluring too, pornography and gambling sites had well over 1 million hits from children aged 3 to 12 in just the last quarter.

Taking responsibility for what we say and how we present the information is just a beginning. To keep our children safe is an ongoing task that will require true leadership and the willing involvement of many great companies and interested individuals.

Stelor Productions is convinced that the long-term good that comes from taking the high road with our children's programing is both profitable and personally rewarding.

The children of the world are this planet's last hope.
It is compensation beyond commerce.



serious
We are ^ about
having fun!

BRAND OPPORTUNITY

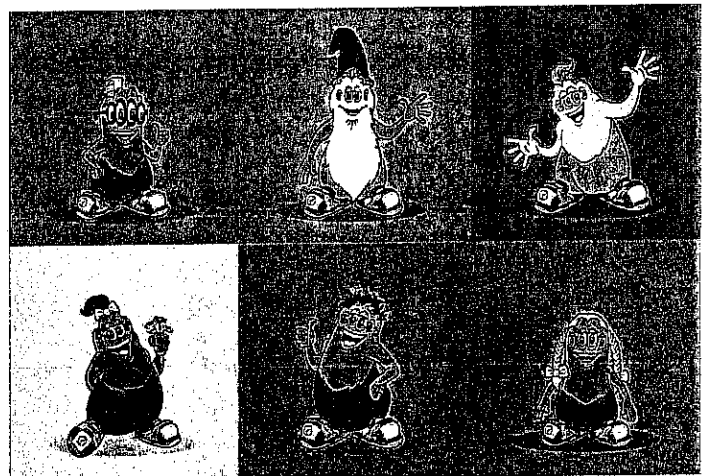
What makes the Stelor Brand so different is our commitment to preserving and enriching childhood. Everyone at Stelor is dedicated to the idea of providing only top quality content.

The Stelor Brand is managed to provide a reliable source of children's edutainment.

If you agree with our goal of encouraging kids to be their best selves. Contact us:

Stelor Productions, LLC
Post Office Box 8000
Gaithersburg, Maryland 20883

Ph: 301-963-0000 Fax: 301-990-3636
www.stelorproductions.com



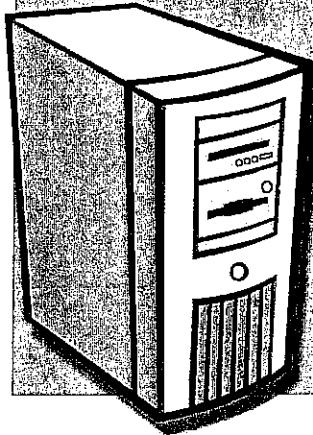
SECURITY

The hard part was developing a system that kids could access while keeping them safe. Our state-of-the-art equipment and security system is of no use unless children (and adults) can go on the Internet with minimum hassle & maximum security.

Stelcor Productions has developed proprietary, patent pending software to make security a reality not just a marketing ploy.

Take the Cyber-Shuttle

The everyday Internet our kids have grown accustomed to is like a taxi. They get in and it takes them anywhere they desire. Gootopia is more like a Cyber-shuttle. It will only stop at sites you have approved for your child. Our IAgree statement means we will keep it safe, just as you wish.



CONTENT



What would you call a place that is fun, truly safe, has your own personal mail and instant messaging as well as the tools to teach you most anything you might like to learn?

We call it Gootopia.

MUSIC

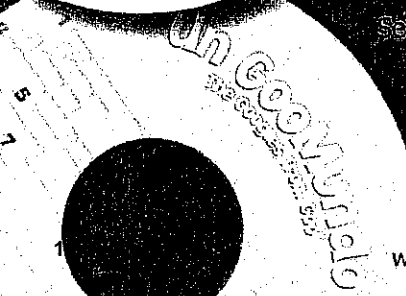


It's called the universal language. Since music is understood around the world (by kids of all ages) it's a perfect way to teach science, nature, and efficacy.

Our first release 'One GeoWorld' has charted well the world over. In fact, our top three downloads have been in Spanish!

Several albums of new music are ready for release and the lessons they contain are truly top notch.

Hear a sample at: www.stelcorproductions.com



CHARACTERS

Currently there are 150 characters making their home at Stelcor Productions. Below are the lovable Googles from Geo™.

Other properties include a group from the frozen planet Brr™, a bugle-faced bunch called the Zonklings™ and the craziest group ever to arrive on earth ... the Jabblies™.

Every member of the Stelcor Stable is non-violent, non-ethnic, non-political & fun!

The Googles from Geo™ are based on an original concept by Steven A. Silvers

