

**EXHIBIT 30**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS

In Re:

LEO STOLLER,

Debtor.

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Case No: 05-B-64075  
Honorable Jack B. Schmetterer

NOTICE OF MOTION

The Debtor, Leo Stoller ("Stoller"), will present its motion for hearing in Judge Schmetterer's court room for hearing on the following date: JAN. 4, 2007

*Leo Stoller*

Leo Stoller, pro se  
7115 W. North Avenue  
Oak Park, Illinois 60302  
(312) 545-4554  
Email: ldms4@hotmail.com

Date: December 24, 2006

Certificate of Mailing

I hereby certify that the foregoing is being mailed first class mail to the following address:

Clerk of the Court  
United States Bankruptcy Court  
219 N. Dearborn  
Chicago, IL 60607

*Leo Stoller*

Leo Stoller  
Date: December 24, 2006

**FILED**  
UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS

JAN 03 2007

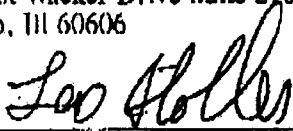
**KENNETH S. GARDNER, CLERK**  
**PS REP. - AJ**

Certificate of Service

I hereby certify that the foregoing is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to:

Richard M. Fogel, Trustee  
Janice A. Alwin, Esq.  
Counsel for Trustee  
Shaw, Cussis, Fishman, Glantz,  
Wolfson & Tow  
321 N. Clark Street, Suite 800  
Chicago, Illinois 60610

William J. Barrett  
Barack, Ferrazzano, Kirschbaum  
333 West Wacker Drive Suite 2700  
Chicago, Ill 60606



Leo Stoiler

Date: December 24, 2006

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**MOTION TO STAY COURT'S ORDER LIFTING OF STAY FOR GOOGLE INC. TO  
SUE THE DEBTOR**

NOW COMES the Debtor, Leo Stoller ("Stoller"), and moves the court to stay its order to lift stay for Google to sue the debtor in Federal Court for civil Rico and other claims. The Debtor has appealed this court's order lifting the stay for Google to sue the Debtor. The Debtor is requesting that the court stay its order and all orders pending the resolution of the Debtor Appeal(s).

The Debtor asserts that it would be an undue hardship on the Debtor to have to defend a Civil Rico lawsuit during the pending of the Debtor's said appeal. The Debtor is not an attorney and does not even have the means to retain counsel for representation in the Google matter. Secondly, the alleged conduct that Google is complaining of has ceased on or about August 31, 2006 when this court converted the Debtor's case to a Chapter 7 and the Trustee took control all of the assets and corporations of the Debtor. The Debtor who is now a pauper is without the financial means to defend himself from what the Debtor asserts is a frivolous Rico action that has grown out of a Petition to Cancel proceeding and several non discoverable letters directed to Google pursuant to Federal Rules of Evidence 408. Although there is no "actual controversy" as between Google and the Debtor that would give rise to any Civil Rico or trademark infringement action the Debtor is without the means to properly defend himself. In patent and trademark cases an "actual controversy" is found if defendant has charged plaintiff with infringement or has threatened plaintiff with infringement litigation, either

directly or indirectly.<sup>1</sup> The threat or actual filing of an opposition or cancellation proceeding against plaintiff's trademark registration in the Patent and Trademark Office is not, per se, regarded as sufficient to create an "actual controversy". *Merrick v. Sharp & Dohme, Inc.*, 185 F.2d 713, 88 U.S.P.Q. 145 (7th. Cir. 1950), cert. denied. See also §32:52 Threat of filing of PTO inter partes challenge McCarthy on Trademarks 3/03 at page 32-104 and cases cited therein and relied upon as if fully copied and attached. Further, when in negotiations, as was the case at bar, when the Debtor directed several confidential Rule 408 letters to Google's counsel Mr. Zeller which are the predicate acts for Google's Civil Rico allegation. The case law supports the premise that when in negotiations, an adversary does not threaten directly or indirectly, to sue for trademark infringement, there is no reasonable apprehension of being sued and no basis for a declaratory judgment (and/or Rico action). This is so even though the adversary threatened to and did file a petition to cancel with the Trademark Board. See *American Pioneer Tours Inc., v. Suntek Tours Ltd.*, 46 U.S.P.Q.2d 1779, 1998 WL 60944 (S.D.N.Y. 1998). Furthermore, Google's Civil Rico action is an unlawful attempt to "short-circuit administrative remedies before the Trademark Board. See McCarthy on Trademarks page 32-106 3/2003.

Google's Civil Rico/declaratory judgment procedure cannot be used to short-circuit established administrative procedures, such as those set up in the Patent and Trademark Office to determine the validity of federal trademark registration. Remember Google is facing a Motion for Summary Judgment at the Patent and Trademark Office. Google has no valid defense to ward off the cancellation of its "generic" and/or "descriptive" google trademark. The U.S. Supreme Court has stated:

The declaratory judgment procedure will not be used to preempt and prejudice issues that are committed for initial decision to an administrative body or special tribunal any more than it will be used as a substitute for statutory methods of review...Responsibility for effective functioning of the administrative process cannot be thus transferred from the bodies in which

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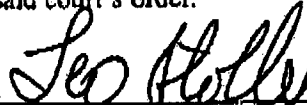
1. See Section §32:51 "Actual controversy" requirement --reasonable apprehension of being sued McCarthy on Trademarks at pages 32-99 3/03

Congress has placed it to the courts. Public Service Comm'n v. Wycoff Co., 344 U.S. 237, 97 I.Ed 291, 73 S. Ct. 236 (1952). See pages 32-106 McCarthy on Trademarks §32:52 (3/2003).

**SUMMARY**

The Debtor is requesting for the reasons stated that the court stay its order allowing Google Inc., to bring a Civil Rico Action against the Debtor in District Court pending the Debtor's appeal of this court's order setting aside the automatic stay permitting Google Inc., to sue the debtor.

**WHEREFORE**, the Debtor prays that the Court grant its motion to stay the court's order setting aside the Automatic Stay permitting Google Inc., to sue the debtor in District Court pending resolution of the Debtor's appeal of the said court's order.



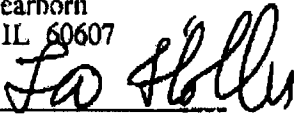
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In Re:	)	
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*LEO STOLLER,	)	Honorable Jack B. Schmetterer
	)	
Debtor.	)	
	)	

**ORDER**

This matter coming before the Court upon Debtor's MOTION TO STAY COURT'S ORDER LIFTING OF STAY FOR GOOGLE INC. TO SUE THE DEBTOR all Parties given notice and the court being fully advised in the premises:

**IT IS ORDERED**

1. This court stays its order to lift the automatic permitting Google Inc., to sue the debtor in the District Court.
2. The court further finds that it stays all of the court's orders pending the Appeals of the Debtor.

**GRANTED/DENIED**

ENTERED: January \_\_, 2007

JUDGE JACK SCHMETTERER

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