

MD

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Appeal No: 07-1569

FILED

MAR 21 2007 *10*

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

GOOGLE, INC.)
)
 Plaintiff,)
)
 vs.)
)
 CENTRAL MFG. INC. a/k/a)
 CENTRAL MFG. CO., a/k/a)
 CENTRAL MFG. CO.(INC).,)
 a/k/a CENTRAL MANUFACTURING)
 COMPANY, INC. and a/k/a)
 CENTRAL MFG. CO. OF ILLINOIS;)
 and STEALTH INDUSTRIES, INC.)
 a/k/a RENTAMARK and a/k/a)
 RENTAMARK.COM,)
)
 Defendants.)

Case No: 07-CV-385
 Judge Kendall
 Magistrate Judge Cole

NOTICE OF FILING

TO: Michael T. Zeller
 Quinn, Emanuel, Urquhart,
 Oliver & Hedges, LLP.
 865 S. Figueroa Street, 10th Floor
 Los Angeles, California 90017

Richard M. Fogel, Trustee
 Janice A. Alwin
 Shaw, Gussis, Fishman, Glantz,
 Wolfson & Towbin LLC.
 321 N. Clark Street, Suite 800
 Chicago, Illinois 60610

William J. Barrett
 Barack, Ferrazzano, Kirschbaum,
 Perlman & Nagelberg, LLP.
 333 W. Wacker Drive, Suite 2700
 Chicago, Illinois 60606

PLEASE TAKE NOTICE that on the **21st day of March, 2007**, there was filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, **Supplemental Notice of Appeal Of Order Issued By Judge Virginia M. Kendall On March 15, 2007**, a copy of which is attached hereto.

I certify that I served this Notice mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail on this *21st* day of March, 2007, with proper postage prepaid.

Leo Stoller

 Leo Stoller
 7115 W. North Avenue
 Oak Park, Illinois 60302
 (773) 551-4827
 Email: ldms4@hotmail.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Appeal No: 07-1569

FILED

MAR 21 2007 *10*

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

GOOGLE, INC.)
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Plaintiff,)
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vs.)
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CENTRAL MFG. INC. a/k/a)
CENTRAL MFG. CO., a/k/a)
CENTRAL MFG. CO.(INC).,)
a/k/a CENTRAL MANUFACTURING)
COMPANY, INC. and a/k/a)
CENTRAL MFG. CO. OF ILLINOIS;)
and STEALTH INDUSTRIES, INC.)
a/k/a RENTAMARK and a/k/a)
RENTAMARK.COM,)
)
Defendants.)

Case No: 07-CV-385

Hon. Virginia M. Kendall

Magistrate Judge Cole

Appeal from the U.S. District
Court for the Northern District
Eastern Division
Orders by Virginia M. Kendall
Dated 3/5/2007, 3/12/2007,
and 3/16/2007

**SUPPLEMENTAL NOTICE OF APPEAL OF ORDER ISSUED BY
JUDGE VIRGINIA M. KENDALL ON MARCH 15, 2007**

Leo Stoller, Appellant, filed a Notice of Appeal on March 15, 2007 of Judge Kendall's order dated March 12, 2007 denying Leo Stoller's Motion to Intervene, Motion To Interplead and Motions to Suspend.

Stoller is moving to supplement its Notice of Appeal with the Permanent Injunction And Final Judgment As To Defendants Central Mfg. Inc. and Stealth Industries, Inc. issued by Virginia M. Kendall on March 15, 2007, attached hereto.



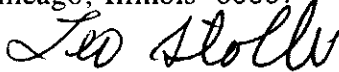
Leo Stoller, *pro se*
7115 W. North Avenue #272
Oak Park, Illinois 60302
312/ 545-4554
Email: ldms4@hotmail.com

Date: March 21, 2007

Certificate of Mailing

I hereby certify that this motion is being hand-delivered in an envelope addressed to:

Clerk of the Court
United States District Court
219 S. Dearborn
Chicago, Illinois 60607



Leo Stoller

Date: March 21, 2007

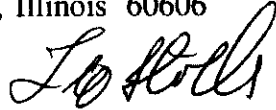
Certificate of Service

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, Gussis, Fishman, Glantx,
Wolfson & Towbin LLC.*
321 N. Clark Street, Suite 800
Chicago, Illinois 60610

Michael T. Zeller
Quinn, Emanuel, Urquhart,
Oliver & Hedges, LLP.
865 S. Figueroa Street, 10th Floor
Los Angeles, California 90017

William J. Barrett
Barack, Ferrazzano, Kirschbaum,
Perlman & Nagelberg, LLP.
333 W. Wacker Drive, Suite 2700
Chicago, Illinois 60606



Leo Stoller

Date: 3-21-07

2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GOOGLE INC.,)	
)	Civil Action No. 07 CV 385
Plaintiff,)	
)	Hon. Virginia M. Kendall
vs.)	
)	Hearing Date: February 20, 2007
CENTRAL MFG. INC. a/k/a CENTRAL)	Hearing Time: 9 a.m.
MFG. CO., a/k/a CENTRAL MFG. CO.)	
(INC.), a/k/a CENTRAL)	
MANUFACTURING COMPANY, INC.)	
and a/k/a CENTRAL MFG. CO. OF)	
ILLINOIS; and STEALTH INDUSTRIES,)	
INC. a/k/a RENTAMARK and a/k/a)	
RENTAMARK.COM,)	
)	
Defendants.)	

**PERMANENT INJUNCTION AND FINAL JUDGMENT AS TO
DEFENDANTS CENTRAL MFG. INC. AND STEALTH INDUSTRIES, INC.**

This Permanent Injunction and Final Judgment is entered into, on the one hand, by Plaintiff Google Inc. ("Google") and, on the other hand, by Defendant Central Mfg. Inc., also known without limitation as Central Mfg. Co., Central Mfg. Co. (Inc.), Central Manufacturing Company, Inc. and/or Central Mfg. Co. of Illinois (collectively, "Central Mfg."), and Defendant Stealth Industries, Inc., also known without limitation as Rentamark and/or Rentamark.com ("Stealth") (collectively, Central Mfg. and Stealth are the "Entity Defendants"). The parties, by and through their undersigned counsel of record having stipulated to the entry of the following Stipulated Permanent Injunction and Final Judgment, and good cause appearing for the entry thereof:

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338, 18 U.S.C. § 1964(c) and principles of supplemental jurisdiction under 28 U.S.C. § 1367(a), as well as personal jurisdiction over the Entity Defendants.

2. The Entity Defendants have been duly served with the summons and Complaint in this matter.

3. By Order dated October 5, 2006, the United States Bankruptcy Court for the Northern District of Illinois, the Honorable Jack B. Schmetterer presiding, duly granted Richard M. Fogel, not individually but as Chapter 7 Trustee of the bankruptcy estate of Leo Stoller (the "Trustee"), all right and authority to act on behalf of the Entity Defendants in connection with the matters that are the subject of this Stipulated Permanent Injunction and Final Judgment. By Order dated December 5, 2006, the United States Bankruptcy Court for the Northern District of Illinois, the Honorable Jack B. Schmetterer presiding, granted the Trustee's motion modifying the automatic stay and approving a Settlement Agreement by and between Google and the Entity Defendants, through the Trustee in his capacity as sole shareholder of the Entity Defendants, that included the terms of this Permanent Injunction and Final Judgment.

4. Judgment is hereby entered in favor of Plaintiff Google, and against each of the Entity Defendants, on Plaintiff Google's claims for false advertising in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B), for violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.* and for unfair competition.

5. The Entity Defendants admit each and every fact alleged in the Complaint. Without limiting the generality of the foregoing, each of the Entity Defendants admits and represents:

(a) None of the Entity Defendants has any right, title or interest of any kind in the GOOGLE mark or in any mark, trade name or designation that is confusingly similar to or dilutes the GOOGLE mark;

(b) None of the Entity Defendants has any right or lawful ability to license, or offer for licensing, the GOOGLE mark, or any mark or designation that is confusingly similar to or dilutes the GOOGLE mark, in connection with any goods, services or commercial activities; and

(c) None of the Entity Defendants has any right or lawful ability to hold themselves out as or to identify themselves as any business entity of any kind using, in whole or in part and regardless of what other terms may be included, the GOOGLE mark, or any mark or designation that is confusingly similar to or dilutes, the GOOGLE mark, including without limitation any of the following: "GOOGLE," "GOOGLE™ BRAND TRADEMARK LICENSING," "GOOGLE LICENSING" and/or "GOOGLE BRAND PRODUCTS & SERVICES."

6. Each of the Entity Defendants, as well as their officers, directors, principals, agents, servants, employees, successors, assigns, parents, subsidiaries and affiliates and all those acting on their behalf or in concert or participation with them, shall be and hereby is, effective immediately, permanently enjoined from engaging in any of the following acts:

(a) claiming in any advertising, promotion or other materials, including without limitation on any web site, any right, title or interest in GOOGLE, whether in whole or in part and regardless of what other terms may be included, or in any mark, trade name, term, word or designation that is confusingly similar to or dilutes the GOOGLE mark;

(b) instituting, filing or maintaining, or threatening to institute, file or maintain, any application, registration, suit, action, proceeding or any other matter with any Court, with the United States Trademark Office, with the United States Trademark Trial and Appeal Board or with any other judicial or administrative body that asserts any right, title or interest in GOOGLE, whether in whole or in part and regardless of what other terms may be included, or in any mark, trade name, term, word or designation that is confusingly similar to or dilutes the GOOGLE mark;

(c) holding themselves out as or identifying themselves in any manner as any business entity of any kind using, whether in whole or in part and regardless of what other terms

may be included, the GOOGLE mark or any mark, trade name, term, word or designation that is confusingly similar to or dilutes the GOOGLE mark, including without limitation any of the following: "GOOGLE," "GOOGLE™ BRAND TRADEMARK LICENSING," "GOOGLE LICENSING" and/or "GOOGLE BRAND PRODUCTS & SERVICES";

(d) licensing, offering to license, assigning or offering to assign or claiming the ability to license or assign any mark, term, word or designation that embodies, incorporates or uses, in whole or in part and regardless of what other terms may be included, the GOOGLE mark or any mark or designation that is confusingly similar to or dilutes the GOOGLE mark;

(e) interfering with, including without limitation by demanding in any manner any payment or other consideration of any kind for, Plaintiff's use, whether past, current or future, of any mark, name or designation embodying, incorporating or using GOOGLE, whether in whole or in part and regardless of what other terms may be included;

(f) using the GOOGLE mark, whether in whole or in part and regardless of what other terms may be included, or any mark, trade name, term, word or designation that is confusingly similar to or dilutes the GOOGLE mark, in connection with the sale, offering for sale, licensing, offering for license, importation, transfer, distribution, display, marketing, advertisement or promotion of any goods, services or commercial activity of any Defendant;

(g) engaging in acts of unfair competition or passing off with respect to Plaintiff Google;

(h) assisting, aiding or abetting any other person or entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (g) above.

7. Each party to this Permanent Injunction and Final Judgment shall bear its respective attorney's fees, costs and expenses incurred in this action; provided, however, that in any proceeding or on any motion to interpret and/or enforce this Permanent Injunction and Final Judgment the prevailing party shall be entitled to an award of reasonable attorney's fees and expenses, including any expert fees.

8. The Entity Defendants hereby waive any further findings of fact and conclusions of law in connection with this Permanent Injunction and Final Judgment and all right to appeal therefrom. It is the intention of the parties hereto that this Permanent Injunction and Final Judgment be afforded full collateral estoppel and res judicata effect as against the Entity Defendants and shall be enforceable as such. The Entity Defendants further hereby waive in this

10. This Court shall retain jurisdiction for the purposes of enforcing and/or interpreting this Permanent Injunction and Final Judgment to determine any issues which may arise concerning this Permanent Injunction and Final Judgment.

IT IS SO STIPULATED.

DATED: Feb. 13, 2007

GOOGLE INC.

By: Michael T. Zeller
One of Its Attorneys

Michael T. Zeller (ARDC No. 6226433)
QUINN EMANUEL URQUHART OLIVER
& HEDGES, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017
Tel.: (213) 443-3000/Fax: (213) 443-3100

William J. Barrett (ARDC No. 6206424)
BARACK, FERRAZZANO, KIRSCHBAUM,
PERLMAN & NAGELBERG, LLP
333 West Wacker Drive, Suite 2700
Chicago, Illinois 60606
Tel.: (312) 629-5170/Fax: (312) 984-3150

DATED: 2/13 2007

CENTRAL MFG. INC. and STEALTH
INDUSTRIES, INC., by and through Richard M.
Fogel, not individually but as Chapter 7 Trustee
acting as their Sole Shareholder

By: [Signature]
One of The Trustee's Attorneys

Janice Alwin (ARDC No. 6277043)
SHAW GUSSIS FISHMAN GLANTZ WOLFSON
& TOWBIN LLC
321 N. Clark Street, Suite 800
Chicago, Illinois 60610
Tel.: (312) 276-1323/Fax: (312) 275-0571

IT IS SO ORDERED.

DATED: 3-15, 2007

[Signature]
Hon. Virginia M. Kendall
United States District Judge

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 07 cv 385

PLAINTIFF (Petitioner)	v.	DEFENDANT (Respondent)
Google/appellee		Stroller/appellant

(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	William J. Barrett	Name	Leo Stroller
Firm	Barack, Ferrazzano, Kirschbaum, Perlman &	Firm	pro-se
Address	333 W. Wacker Drive Suite 2700 Chgo. IL 60606	Address	7115 W. Northe Ave. Oak Park, IL 60302
Phone	312)984-3100	Phone	

Other Information			
District Judge	Kendall	Date Filed in District Court	1/19/07
Court Reporter	C. Young X-5885	Date of Judgment	3/20/07
Nature of Suit Code	470	Date of Notice of Appeal	3/21/07

COUNSEL: Appointed Retained Pro Se

FEE STATUS: Paid Due IFP

IFP Pending U.S. Waived

Has Docketing Statement been filed with the District Court Clerk's Office? Yes No

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted Denied Pending

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

ef

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Virginia M. Kendall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 385	DATE	3/15/2007
CASE TITLE	Google Inc. Vs. Central Mfg. Inc., et al.		

DOCKET ENTRY TEXT

Joint Motion for Entry of Stipulated Permanent Injunction and Final Judgment [23] is granted. Enter Permanent Injunction and Final Judgment as to Defendants Central Mfg. Inc. and Stealth Industries, Inc.

■ [For further detail see separate order(s).]

Docketing to mail notices.

FILED
2007 MAR 15 AM 7:13
U.S. DISTRICT COURT

Courtroom Deputy Initials:	GR
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GOOGLE INC.,)	
)	Civil Action No. 07 CV 385
Plaintiff,)	
)	Hon. Virginia M. Kendall
vs.)	
)	Hearing Date: February 20, 2007
CENTRAL MFG. INC. a/k/a CENTRAL)	Hearing Time: 9 a.m.
MFG. CO., a/k/a CENTRAL MFG. CO.)	
(INC.), a/k/a CENTRAL)	
MANUFACTURING COMPANY, INC.)	
and a/k/a CENTRAL MFG. CO. OF)	
ILLINOIS; and STEALTH INDUSTRIES,)	
INC. a/k/a RENTAMARK and a/k/a)	
RENTAMARK.COM,)	
)	
Defendants.)	

PERMANENT INJUNCTION AND FINAL JUDGMENT AS TO
DEFENDANTS CENTRAL MFG. INC. AND STEALTH INDUSTRIES, INC.

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1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338, 18 U.S.C. § 1964(c) and principles of supplemental jurisdiction under 28 U.S.C. § 1367(a), as well as personal jurisdiction over the Entity Defendants.

2. The Entity Defendants have been duly served with the summons and Complaint in this matter.

3. By Order dated October 5, 2006, the United States Bankruptcy Court for the Northern District of Illinois, the Honorable Jack B. Schmetterer presiding, duly granted Richard M. Fogel, not individually but as Chapter 7 Trustee of the bankruptcy estate of Leo Stoller (the "Trustee"), all right and authority to act on behalf of the Entity Defendants in connection with the matters that are the subject of this Stipulated Permanent Injunction and Final Judgment. By Order dated December 5, 2006, the United States Bankruptcy Court for the Northern District of Illinois, the Honorable Jack B. Schmetterer presiding, granted the Trustee's motion modifying the automatic stay and approving a Settlement Agreement by and between Google and the Entity Defendants, through the Trustee in his capacity as sole shareholder of the Entity Defendants, that included the terms of this Permanent Injunction and Final Judgment.

4. Judgment is hereby entered in favor of Plaintiff Google, and against each of the Entity Defendants, on Plaintiff Google's claims for false advertising in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B), for violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.* and for unfair competition.

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(a) None of the Entity Defendants has any right, title or interest of any kind in the GOOGLE mark or in any mark, trade name or designation that is confusingly similar to or dilutes the GOOGLE mark;

(b) None of the Entity Defendants has any right or lawful ability to license, or offer for licensing, the GOOGLE mark, or any mark or designation that is confusingly similar to or dilutes the GOOGLE mark, in connection with any goods, services or commercial activities; and

(c) None of the Entity Defendants has any right or lawful ability to hold themselves out as or to identify themselves as any business entity of any kind using, in whole or in part and regardless of what other terms may be included, the GOOGLE mark, or any mark or designation that is confusingly similar to or dilutes, the GOOGLE mark, including without limitation any of the following: "GOOGLE," "GOOGLE™ BRAND TRADEMARK LICENSING," "GOOGLE LICENSING" and/or "GOOGLE BRAND PRODUCTS & SERVICES."

6. Each of the Entity Defendants, as well as their officers, directors, principals, agents, servants, employees, successors, assigns, parents, subsidiaries and affiliates and all those acting on their behalf or in concert or participation with them, shall be and hereby is, effective immediately, permanently enjoined from engaging in any of the following acts:

(a) claiming in any advertising, promotion or other materials, including without limitation on any web site, any right, title or interest in GOOGLE, whether in whole or in part and regardless of what other terms may be included, or in any mark, trade name, term, word or designation that is confusingly similar to or dilutes the GOOGLE mark;

(b) instituting, filing or maintaining, or threatening to institute, file or maintain, any application, registration, suit, action, proceeding or any other matter with any Court, with the United States Trademark Office, with the United States Trademark Trial and Appeal Board or with any other judicial or administrative body that asserts any right, title or interest in GOOGLE, whether in whole or in part and regardless of what other terms may be included, or in any mark, trade name, term, word or designation that is confusingly similar to or dilutes the GOOGLE mark;

(c) holding themselves out as or identifying themselves in any manner as any business entity of any kind using, whether in whole or in part and regardless of what other terms

may be included, the GOOGLE mark or any mark, trade name, term, word or designation that is confusingly similar to or dilutes the GOOGLE mark, including without limitation any of the following: "GOOGLE," "GOOGLE™ BRAND TRADEMARK LICENSING," "GOOGLE LICENSING" and/or "GOOGLE BRAND PRODUCTS & SERVICES";

(d) licensing, offering to license, assigning or offering to assign or claiming the ability to license or assign any mark, term, word or designation that embodies, incorporates or uses, in whole or in part and regardless of what other terms may be included, the GOOGLE mark or any mark or designation that is confusingly similar to or dilutes the GOOGLE mark;

(e) interfering with, including without limitation by demanding in any manner any payment or other consideration of any kind for, Plaintiff's use, whether past, current or future, of any mark, name or designation embodying, incorporating or using GOOGLE, whether in whole or in part and regardless of what other terms may be included;

(f) using the GOOGLE mark, whether in whole or in part and regardless of what other terms may be included, or any mark, trade name, term, word or designation that is confusingly similar to or dilutes the GOOGLE mark, in connection with the sale, offering for sale, licensing, offering for license, importation, transfer, distribution, display, marketing, advertisement or promotion of any goods, services or commercial activity of any Defendant;

(g) engaging in acts of unfair competition or passing off with respect to Plaintiff Google;

(h) assisting, aiding or abetting any other person or entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (g) above.

7. Each party to this Permanent Injunction and Final Judgment shall bear its respective attorney's fees, costs and expenses incurred in this action; provided, however, that in any proceeding or on any motion to interpret and/or enforce this Permanent Injunction and Final Judgment the prevailing party shall be entitled to an award of reasonable attorney's fees and expenses, including any expert fees.

8. The Entity Defendants hereby waive any further findings of fact and conclusions of law in connection with this Permanent Injunction and Final Judgment and all right to appeal therefrom. It is the intention of the parties hereto that this Permanent Injunction and Final Judgment be afforded full collateral estoppel and res judicata effect as against the Entity Defendants and shall be enforceable as such. The Entity Defendants further hereby waive in this

10. This Court shall retain jurisdiction for the purposes of enforcing and/or interpreting this Permanent Injunction and Final Judgment to determine any issues which may arise concerning this Permanent Injunction and Final Judgment.

IT IS SO STIPULATED.

DATED: Feb. 13, 2007

GOOGLE INC.

By: Michael T. Zeller
One of Its Attorneys

Michael T. Zeller (ARDC No. 6226433)
QUINN EMANUEL URQUHART OLIVER
& HEDGES, LLP
865 South Figueroa Street, 10th Floor
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William J. Barrett (ARDC No. 6206424)
BARACK, FERRAZZANO, KIRSCHBAUM,
PERLMAN & NAGELBERG, LLP
333 West Wacker Drive, Suite 2700
Chicago, Illinois 60606
Tel.: (312) 629-5170/Fax: (312) 984-3150

DATED: 2/13, 2007

CENTRAL MFG. INC. and STEALTH
INDUSTRIES, INC., by and through Richard M.
Fogel, not individually but as Chapter 7 Trustee
acting as their Sole Shareholder

By: [Signature]
One of The Trustee's Attorneys

Janice Alwin (ARDC No. 6277043)
SHAW GUSSIS FISHMAN GLANTZ WOLFSON
& TOWBIN LLC
321 N. Clark Street, Suite 800
Chicago, Illinois 60610
Tel.: (312) 276-1323/Fax: (312) 275-0571

IT IS SO ORDERED.

DATED: 3-15, 2007

[Signature]
Hon. Virginia M. Kendall
United States District Judge

APPEAL, COLE, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.0 (Chicago)
CIVIL DOCKET FOR CASE #: 1:07-cv-00385
Internal Use Only

Google Inc v. Central Mfg. Inc. et al
Assigned to: Honorable Virginia M. Kendall

Case in other court: 07-01612

Cause: 18:1961 Racketeering (RICO) Act

Date Filed: 01/19/2007

Date Terminated: 03/15/2007

Jury Demand: None

Nature of Suit: 470 Racketeer/Corrupt Organization

Jurisdiction: Federal Question

Plaintiff

Google Inc

represented by **Michael Thomas Zeller**
Quinn Emanuel Urquhart & Oliver,
LLP
865 South Figueroa Street
10th Floor
Los Angeles, CA 90017
(213) 443-3000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William John Barrett
Barack, Ferrazzano, Kirschbaum,
Perlman & Nagelberg
333 West Wacker Drive
Suite 2700
Chicago, IL 60606
(312) 984-3100
Email: william.barrett@bfkpn.com
ATTORNEY TO BE NOTICED

V.

Defendant

Central Mfg. Inc.
also known as

Central Mfg Co
also known as
 Central Mfg Co. (Inc.)
also known as
 Central Manufacturing Company, Inc.
also known as
 Central Mfg. Co. of Illinois

Defendant

Stealth Industries, Inc.
also known as
 Rentamark
also known as
 Rentamark.Com

Defendant

Central Mfg. Inc. and Stealth Industries, by and through Richard M. Fogel, not individually but as Chapter 7 Trustee

Movant

Leo Stoller

represented by **Leo Stoller**
 7115 W. North Avenue
 Oak Park, IL 60302
 PRO SE

V.

Trustee

Richard M. Fogel, not individually, but as chapter 7 trustee of the bankruptcy estate of Leo Stoller

Date Filed	#	Docket Text
01/19/2007	1	COMPLAINT filed by Google Inc; (eav,) (Entered: 01/22/2007)
01/19/2007	2	CIVIL Cover Sheet (eav,) (Entered: 01/22/2007)
01/19/2007	3	ATTORNEY Appearance for Plaintiff Google Inc by Michael Thomas

		Zeller (eav,) (Entered: 01/22/2007)
01/19/2007	4	ATTORNEY Appearance for Plaintiff Google Inc by William John Barrett (eav,) (Entered: 01/22/2007)
01/19/2007	5	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Google Inc (eav,) (Entered: 01/22/2007)
01/19/2007	6	(Court only) RECEIPT regarding payment of filing fee paid on 1/19/2007 in the amount of \$350.00, receipt number 10337772 (eav,) (Entered: 01/22/2007)
01/19/2007	7	SUMMONS Issued as to Defendant Central Mfg. Inc. (eav,) (Entered: 01/22/2007)
01/30/2007	8	MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc. to interplead (Exhibits) (eav,) Additional attachment(s) added on 1/31/2007 (eav,). (Entered: 01/31/2007)
01/30/2007	9	MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc. to suspend pending the Appeal to lift the automatic stay for Google to sue the debtor Leo Stoller (Exhibits) (eav,) (Entered: 01/31/2007)
01/30/2007	10	MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc. to suspend pending the Trademark trial and Appeal Board's decision on the defendant's motion for summary judgment (eav,) (Entered: 01/31/2007)
01/30/2007	11	MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc. to suspend (eav,) (Entered: 01/31/2007)
01/30/2007	12	NOTICE of Motion by Stealth Industries, Inc., Central Mfg. Inc. for presentment of motion to Interplead 9 , motion to Suspend 10 , motion to Suspend pending Appeal to lift automatic stay for Google to sue the Debtor, Leo Stoller, and 11 , motion to suspend pending the Trademark Trial and Appeal Board's Decision on the defendant's motion for summary judgment 8 before Honorable Virginia M. Kendall on 2/5/2007 at 9:00 AM. (eav,) (Entered: 01/31/2007)
01/30/2007	13	PRO SE Appearance by Leo Stolla (eav,) (Entered: 02/01/2007)
02/05/2007	15	MINUTE entry before Judge Virginia M. Kendall :Motion hearing held. Motion to interplead 8 ; Motion to suspend pending the Appeal to lift the automatic stay for Google to sue the debtor Leo Stoller 9 ; Motion to suspend pending the Trademark trial and Appeal Board's decision on the defendant's motion for summary judgment 10 ; and Motion to suspend 11 are entered and continued to 2/20/2007 at 9:00 AM. Responses due by 2/12/2007. No replies are necessary.Mailed notice (gmr,) (Entered: 02/06/2007)
02/06/2007	14	SUMMONS Returned Executed by Google Inc as to Stealth Industries, Inc. on 1/23/2007, answer due 2/12/2007; Central Mfg. Inc. on 1/23/2007, answer due 2/12/2007. (Barrett, William) (Entered: 02/06/2007)

		02/06/2007)
02/06/2007	16	MOTION by Leo Stolla to intervene (eav,) (Entered: 02/07/2007)
02/06/2007	17	NOTICE of Motion by Leo Stolla for motion to intervene 16 before Honorable Virginia M. Kendall on 2/12/2007 at 9:00 AM. (eav,) (Entered: 02/07/2007)
02/07/2007	18	MINUTE entry before Judge Virginia M. Kendall :Motion to intervene 16 is entered and continued to 2/20/2007 at 09:00 AM. Any response shall be filed by 2/12/2007. No reply is necessary. The presentment date of 2/12/2007 for said motion is hereby stricken.Mailed notice (gmr,) (Entered: 02/07/2007)
02/12/2007	19	RESPONSE by Richard M. Fogel, not individually, but as chapter 7 trustee of the bankruptcy estate of Leo Stollerin Opposition to MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.suspend 10 , MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.interplead 8 , MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.to suspend 9 , MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.to suspend 11 , MOTION by Plaintiff Leo Stolla to intervene 16 and Joinder to Responses of Google Inc. (Alwin, Janice) (Entered: 02/12/2007)
02/12/2007	20	RESPONSE by Google Incin Opposition to MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.interplead 8 , MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.to suspend 9 , MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.to suspend 11 , MOTION by Plaintiff Leo Stolla to intervene 16 (Barrett, William) (Entered: 02/12/2007)
02/12/2007	21	RESPONSE by Google Incin Opposition to MOTION by Defendants Stealth Industries, Inc., Central Mfg. Inc.suspend 10 (Barrett, William) (Entered: 02/12/2007)
02/12/2007	22	DECLARATION of Michael T. Zeller regarding response in opposition to motion 21 , response in opposition to motion, 20 by Google Inc (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10# 11 Exhibit 11# 12 Exhibit 12# 13 Exhibit 13# 14 Exhibit 14# 15 Exhibit 15# 16 Exhibit 16# 17 Exhibit 17# 18 Exhibit 18# 19 Exhibit 19# 20 Exhibit 20# 21 Exhibit 21# 22 Exhibit 22# 23 Exhibit 23# 24 Exhibit 24# 25 Exhibit 25# 26 Exhibit 26# 27 Exhibit 27# 28 Exhibit 28# 29 Exhibit 29# 30 Exhibit 30)(Barrett, William) (Entered: 02/12/2007)
02/12/2007	23	MOTION by Plaintiff Google Inc for permanent injunction (<i>Stipulated</i>), MOTION by Plaintiff Google Inc for judgment (<i>Final</i>) (Barrett, William) (Entered: 02/12/2007)
02/12/2007	24	NOTICE of Motion by William John Barrett for presentment of motion

		for permanent injunction, motion for judgment ²³ before Honorable Virginia M. Kendall on 2/20/2007 at 09:00 AM. (Barrett, William) (Entered: 02/12/2007)
02/13/2007	²⁵	SUPPLEMENT by Google Inc to declaration,, ²² <i>Supplemental Declaration of Michael T. Zeller</i> (Barrett, William) (Entered: 02/13/2007)
02/13/2007	²⁶	CERTIFICATE by Google Inc of Service of the Permanent Injunction and Final Judgment as to Defendants Central Mfg. Inc. and Stealth Industries, Inc.(Proposed Order) (Barrett, William) (Entered: 02/13/2007)
02/13/2007	²⁷	MEMORANDUM by Google Inc in support of motion for permanent injunction, motion for judgment ²³ <i>Google Inc.'s Separate Memorandum in Support of Joint Motion for Entry of Stipulated Permanent Injunction and Final Judgment</i> (Barrett, William) (Entered: 02/13/2007)
02/15/2007	²⁸	Notice of Filing Supplemental Authority by Leo Stolla ; Notice of filing (eav,) (Entered: 02/20/2007)
02/16/2007	³⁰	OBJECTION by Leo Stoller to Joint Moiton for Entry of Stipulated Permanent Inj8unction and Final Judgment; Notice of filing (Exhibits) (eav,) (Entered: 02/21/2007)
02/20/2007	²⁹	MINUTE entry before Judge Virginia M. Kendall :Motion hearing held. All pending motions are taken under advisement, with a ruling by mail. Status hearing set for 3/13/2007 at 09:00 AM.Mailed notice (gmr,) (Entered: 02/20/2007)
02/22/2007	³¹	REPLY by Defendant Leo Stolla to Trustee's Ominibus response in opposition to motions of debtor Leo Stoller to: (1) Intevene; (II) Interplead; (III) Suspend proceeding for sixty days to retain counsel, for defendants; (IV) Suspend pending appeal to lift automactic stay for Google to sue the debtor; and (V) Suspend pending trademark trial and appeal Board's decision for defendants' motion for summary judgment and joinder of responses by Google, Inc.; Notice of filing (eav,) (Entered: 02/26/2007)
03/02/2007	³²	MOTION by Defendant Leo Stolla to dismiss for failure to join a party under Rule F.R.C.P. 19 (eav,) (Entered: 03/05/2007)
03/02/2007	³³	NOTICE of Motion by Leo Stolla for presentment of motion to dismiss ³² before Honorable Virginia M. Kendall on 3/7/2007 at 09:00 AM. (eav,) (Entered: 03/05/2007)
03/02/2007	³⁵	REPLY by Defendant Leo Stolla to Google Inc.'s combined opposition to debtor Leo Stoller's motions (1) to intervene, (2) to interplead, (3) to suspend for sixty days to retain counsel for defendants and (4) to suspend pending appeal to lift automatic stay for Google to sue the debtor ; Notice of filing (eav,) (Entered: 03/06/2007)

03/02/2007	36	REPLY by Movant Leo Stoller to Google Inc.'s opposition to debtor Leo Stoller's motion to suspend pending the trademark trial and appeal board's decision on defendant's motion for summary judgment 21 (Exhibits); Notice. (smm) (Entered: 03/08/2007)
03/05/2007	34	MINUTE entry before Judge Virginia M. Kendall :On March 2, 2007, Leo Stoller ("Stoller") filed a Motion to Dismiss for failure to join a party -- himself -- pursuant to Fed. R. Civ. P. 19. Stoller previously filed a motion to intervene in this action on February 6, 2007. The Court has not yet ruled upon that motion. As such, Stoller remains a non-party and lacks standing to file a motion pursuant to Rule 19. See Arrow v. Gambler's Supply, Inc., 55 F.3d 407, 409 (8th Cir. 1995) ("only a party may make a Rule 19 motion") (citing Thompson v. Boggs, 33 F.3d 847, 858 n. 10 (7th Cir. 1994) (noting lack of any precedent for granting a non-party's motion for joinder)). Accordingly, Stoller's Motion to Dismiss 32 is stricken and the parties need not appear on March 7, 2007.Mailed notice (gmr,) (Entered: 03/05/2007)
03/12/2007	37	MINUTE entry before Judge Virginia M. Kendall :For the reasons set out in the Memorandum Opinion and Order, Motion to intervene 16 is denied; Motion to interplead 8 is denied; and Motions to suspend 9 , 10 , 11 are denied.Mailed notice (eav,) (Entered: 03/13/2007)
03/12/2007	38	MEMORANDUM Opinion and Order Signed by Judge Virginia M. Kendall on 3/12/2007:Mailed notice(eav,) (Entered: 03/13/2007)
03/13/2007	39	NOTICE of appeal by Leo Stoller regarding orders 37 , 38 ; Notice of Filing (Fee Due) (dj,) (Entered: 03/15/2007)
03/15/2007	40	TRANSMITTED to the 7th Circuit the short record on 3/15/07 notice of appeal 39 . Notified counsel (dj,) (Entered: 03/15/2007)
03/15/2007	41	MOTION by Movant Leo Stoller for leave to appeal in forma pauperis (eav,) (Entered: 03/16/2007)
03/15/2007	42	NOTICE of Motion by Leo Stoller for presentment of motion for leave to appeal in forma pauperis 41 before Honorable Virginia M. Kendall on 3/19/2007 at 09:00 AM. (eav,) (Entered: 03/16/2007)
03/15/2007	43	MOTION by Movant Leo Stoller under FRCP 59 and/or 60 (Exhibits) (eav,) (Entered: 03/16/2007)
03/15/2007	44	NOTICE of Motion by Leo Stoller for presentment of under FRCP 59 and/or 60 43 before Honorable Virginia M. Kendall on 3/19/2007 at 09:00 AM. (eav,) (Entered: 03/16/2007)
03/15/2007	45	NOTICE by Leo Stoller of filing motion for leave to appeal in forma pauperis 41 (eav,) (Entered: 03/16/2007)
03/15/2007	54	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal 39 ; USCA Case No. 07-1569. (smm) (Entered: 03/20/2007)

03/15/2007	55	CIRCUIT Rule 3(b) Notice. (smm) (Entered: 03/20/2007)
03/15/2007	57	MINUTE entry before Judge Virginia M. Kendall :Joint motion for entry of stipulated permanent injunction and final judgment 23 is granted. Enter permanent injunction and final judgment as to defendants Central Mfg., Inc. and Stealth Industries, Inc.Mailed notice Civil case terminated (eav,) (Entered: 03/20/2007)
03/15/2007	58	PERMANENT INJUNCTION and Final Judgment as to defendants Central Mfg., Inc. and Stealth Industries, Inc. Signed by Judge Virginia M. Kendall on 3/15/2007:Mailed notice(eav,) (Entered: 03/20/2007)
03/16/2007	46	MINUTE entry before Judge Virginia M. Kendall :For the reasons stated below, Movant Stoller's motion to reconsider 43 is denied. The presentment date of 3/19/2007 for said motion is hereby stricken.Mailed notice (gmr,) Additional attachment(s) added on 3/16/2007 (gmr,). (Entered: 03/16/2007)
03/16/2007	47	RESPONSE by Google Incin Opposition to MOTION by Movant Leo Stoller for leave to appeal in forma pauperis 41 (Barrett, William) (Entered: 03/16/2007)
03/16/2007	48	NOTICE by Google Inc re response in opposition to motion 47 <i>Notice of Filing</i> (Barrett, William) (Entered: 03/16/2007)
03/16/2007	49	DECLARATION of Michael T. Zeller regarding response in opposition to motion 47 by Google Inc (Attachments: # 1 Exhibit A-G# 2 Exhibit H-J)(Barrett, William) (Entered: 03/16/2007)
03/16/2007	50	NOTICE by Google Inc re declaration 49 <i>Notice of Filing</i> (Barrett, William) (Entered: 03/16/2007)
03/19/2007	51	SUPPLEMENTAL NOTICE of appeal by Leo Stoller regarding orders 46 , 34 ;(Fee Due) (dj,) (Entered: 03/20/2007)
03/19/2007	52	DESIGNATION by Leo Stoller of the content of the record on appeal : USCA Case No. 07-1569 (dj,) (Entered: 03/20/2007)
03/19/2007	56	MINUTE entry before Judge Virginia M. Kendall :Motion hearing held on 3/19/2007. For the reasons stated on the record in open court, movant Stoller's motion for permission to appeal in forma pauperis 41 is granted.Mailed notice (eav,) (Entered: 03/20/2007)
03/19/2007	60	REPLY by Movant Leo Stoller to Google's opposition to motion for permission to appeal in forma pauperis (eav,) (Entered: 03/22/2007)
03/20/2007	53	TRANSMITTED to the 7th Circuit the short record on 3/20/07 notice of appeal 51 . Notified counsel (dj,) (Entered: 03/20/2007)
03/20/2007	61	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal 39 ; USCA Case No. 07-1612. (rp,) (Entered: 03/23/2007)
03/20/2007	62	CIRCUIT Rule 3(b) Notice. (rp,) (Entered: 03/23/2007)

03/21/2007	59 TRANSCRIPT of proceedings for the following dates: 2/5/07, 3/13/07 and 3/19/07; Before the Honorable Virginia M. Kendall (3 volumes) (eav,) (Entered: 03/22/2007)
03/21/2007	63 NOTICE of appeal by Leo Stoller regarding orders 58 , 57 ; (Fee Due) (dj,) (Entered: 03/23/2007)