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INTERROGATORY NO. 3:

Identify each and every product or service that any of the Plaintiffs have offered for sale, sold, licensed or distributed in association with the ANDROID DATA trademark, at any time, and for each product or service, further identify each and every consummated sale, license or distribution of such product or service, including:

- a) the method and date of the sale, license or distribution;
- b) the identity of the person who purchased, licensed or received the product or service;
- c) the amount of revenue received by any of the Plaintiffs in association with that sale, license or distribution; and
- d) all persons having relevant knowledge of those sales, licenses or distribution.

THIRD SUPPLEMENTAL ANSWER:

Plaintiffs hereby incorporate the answer to this Interrogatory contained in the Initial Answer, the Supplemental Answer and the Second Supplemental Answer.

Answering further, Plaintiffs state that they have offered for sale, sold, licensed or distributed the following products and services in association with the ANDROID DATA trademark:

- (1) A proprietary e-commerce software suite that was licensed to clients;
- (2) Web site design services;
- (3) Web site hosting services;
- (4) Web site registration services;
- (5) Custom programming services, including custom database and/or e-commerce application development;
- (6) Computer consulting services;
- (7) An application to be licensed to towing companies for managing inventory;
and
- (8) Real estate services.

Answering further, Plaintiffs state that the products and/or services Plaintiffs provided include:

Customer: Artistry In Printing

Product or service: License for proprietary e-commerce software suite and web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
8/31/2000	\$847.50	Android Data Corporation
9/15/2000	\$847.50	Android Data Corporation
11/1/2000	\$175.00	Android Data Corporation
12/1/2000	\$175.00	Android Data Corporation
1/1/2001	\$175.00	Android Data Corporation
2/2/2001	\$100.00	Android Data Corporation
3/1/2001	\$100.00	Android Data Corporation
4/1/2001	\$100.00	Android Data Corporation
5/1/2001	\$100.00	Android Data Corporation
7/1/2001	\$100.00	Android Data Corporation
8/1/2001	\$100.00	Android Data Corporation
9/1/2001	\$100.00	Android Data Corporation
10/1/2001	\$225.00	Android Data Corporation
11/1/2001	\$100.00	Android Data Corporation
12/3/2001	\$25.00	Android Data Corporation
1/1/2002	\$100.00	Android Data Corporation
2/1/2002	\$50.00	Android Data Corporation
3/1/2002	\$50.00	Android Data Corporation
4/1/2002	\$100.00	Android Data Corporation
5/1/2002	\$35.00	Android Data Corporation
6/1/2002	\$10.00	Android Data Corporation
7/1/2002	\$0.00	Android Data Corporation

Individuals with knowledge:

Jim Emily, Kevin Delaney and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Artistry In Printing

1424 Lee Street

Unit B

Des Plaines, IL 60018

Customer: Basil Street Gallery of London

Product or service: Web site registration services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
2/2/2000	\$125.00	Android Data Corporation

Product or service: License for proprietary e-commerce software suite and web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
5/11/2000	\$2,579.78	Android Data Corporation

6/5/2000	\$1,744.23	Android Data Corporation
7/1/2000	\$1,041.38	Android Data Corporation
8/1/2000	\$1,297.79	Android Data Corporation
9/1/2000	\$918.32	Android Data Corporation
10/2/2000	\$2,959.12	Android Data Corporation
11/1/2000	\$2,000.00	Android Data Corporation
12/1/2000	\$2,000.00	Android Data Corporation
1/1/2001	\$1,850.00	Android Data Corporation
2/2/2001	\$2,306.00	Android Data Corporation
3/1/2001	\$2,374.94	Android Data Corporation
4/1/2001	\$2,000.00	Android Data Corporation
5/1/2001	\$2,000.00	Android Data Corporation
6/1/2001	\$2,000.00	Android Data Corporation
7/1/2001	\$2,000.00	Android Data Corporation
8/1/2001	\$3,485.43	Android Data Corporation
9/1/2001	\$1,900.00	Android Data Corporation
10/1/2001	\$2,000.00	Android Data Corporation
11/1/2001	\$2,000.00	Android Data Corporation
12/3/2001	\$3,014.66	Android Data Corporation
1/1/2002	\$2,063.00	Android Data Corporation
2/1/2002	\$2,000.00	Android Data Corporation
3/1/2002	\$2,100.00	Android Data Corporation
4/1/2002	\$2,000.00	Android Data Corporation
5/1/2002	\$2,000.00	Android Data Corporation
6/1/2002	\$2,000.00	Android Data Corporation
7/1/2002	\$2,000.00	Android Data Corporation
8/1/2002	\$2,000.00	Android Data Corporation
9/1/2002	\$3,650.00	Android Data Corporation
10/1/2002	\$2,720.89	Android Data Corporation
11/4/2002	\$2,000.00	Android Data Corporation
12/4/2002	\$2,000.00	Android Data Corporation

Individuals with knowledge:

Mark McSweeney, Chief Financial Officer, Erik Martinez, Director of Marketing, Maria Jong, Mike Stopka, President, and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Basil Street Gallery of London
1400 Morse Avenue
Elk Grove Village, IL 60007

Customer: Bonaparte Corporation

Product or service: Computer consulting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
1/19/1999	\$600.00	Android Data Corporation

Product or service: Web site design services
Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
2/28/1999	\$647.74	Android Data Corporation

Product or service: Web site hosting services
Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
4/1/1999	\$60.00	Android Data Corporation
5/26/1999	\$60.00	Android Data Corporation
5/27/1999	\$60.00	Android Data Corporation
7/1/1999	\$67.74	Android Data Corporation
8/4/1999	\$60.00	Android Data Corporation
9/1/1999	\$60.00	Android Data Corporation
10/1/1999	\$60.00	Android Data Corporation
11/1/1999	\$60.00	Android Data Corporation
12/1/1999	\$60.00	Android Data Corporation
1/3/2000	\$60.00	Android Data Corporation
2/1/2000	\$60.00	Android Data Corporation

Individuals with knowledge:

Michelle Johnson and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Bonaparte Corporation
1455 S. Michigan Avenue
Chicago, IL 60605

Customer: Daily Herald

Product or service: Computer consulting services
Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
2/14/2002	\$562.50	Android Data Corporation

Individuals with knowledge:

Richard Battin
New Media 4th Floor
155 E. Algonquin Road
Arlington Heights, IL 60005

Customer: David Finn

Product or service: Computer consulting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
7/11/2003	\$200.00	The Android's Dungeon Incorporated

Individuals with knowledge:

David Finn
113 S. Arlington Heights Road
Arlington Heights, IL 60005

Customer: Design Toscano

Product or service: Custom programming services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
11/12/1999	\$925.00	Android Data Corporation
11/18/1999	\$225.00	Android Data Corporation
12/1/1999	\$200.00	Android Data Corporation
1/8/2000	\$3,600.00	Android Data Corporation
4/9/2001	\$320.00	Android Data Corporation
4/25/2001	\$560.00	Android Data Corporation
6/20/2001	\$160.00	Android Data Corporation

Product or service: Web site registration services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
7/19/1999	\$70.00	Android Data Corporation

Product or service: License for proprietary e-commerce software suite, web site hosting services and web site design services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from:</u>
2/3/1999	\$1,850.00	Android Data Corporation
4/15/1999	\$1,850.00	Android Data Corporation
5/31/1999	\$1,903.21	Android Data Corporation
7/1/1999	\$2,067.60	Android Data Corporation
8/4/1999	\$2,509.34	Android Data Corporation
9/1/1999	\$1,900.42	Android Data Corporation
10/1/1999	\$3,817.10	Android Data Corporation
11/1/1999	\$2,910.27	Android Data Corporation
12/1/1999	\$8,329.22	Android Data Corporation

12/29/1999	\$9,738.36	Android Data Corporation
2/1/2000	\$9,452.87	Android Data Corporation
3/1/2000	\$6,481.38	Android Data Corporation
4/1/2000	\$7,482.78	Android Data Corporation
5/1/2000	\$9,751.21	Android Data Corporation
6/5/2000	\$3,838.73	Android Data Corporation
7/1/2000	\$9,296.30	Android Data Corporation
8/1/2000	\$9,500.10	Android Data Corporation
9/1/2000	\$10,527.46	Android Data Corporation
10/2/2000	\$12,782.20	Android Data Corporation
11/1/2000	\$6,730.44	Android Data Corporation
12/1/2000	\$12,147.81	Android Data Corporation
1/1/2001	\$14,356.40	Android Data Corporation
2/5/2001	\$15,212.78	Android Data Corporation
3/1/2001	\$11,913.53	Android Data Corporation
4/1/2001	\$15,029.47	Android Data Corporation
5/1/2001	\$20,581.61	Android Data Corporation
6/1/2001	\$14,000.00	Android Data Corporation
7/1/2001	\$14,000.00	Android Data Corporation
8/1/2001	\$14,035.00	Android Data Corporation
9/1/2001	\$13,750.00	Android Data Corporation
10/1/2001	\$14,000.00	Android Data Corporation
11/1/2001	\$14,460.00	Android Data Corporation
12/3/2001	\$15,504.44	Android Data Corporation
1/1/2002	\$14,063.00	Android Data Corporation
2/1/2002	\$14,000.00	Android Data Corporation
3/1/2002	\$14,256.60	Android Data Corporation
4/1/2002	\$15,043.52	Android Data Corporation
5/1/2002	\$14,000.00	Android Data Corporation
6/1/2002	\$16,000.00	Android Data Corporation
7/1/2002	\$14,000.00	Android Data Corporation
8/1/2002	\$14,160.00	Android Data Corporation
9/1/2002	\$14,000.00	Android Data Corporation
10/1/2002	\$14,000.00	Android Data Corporation
10/22/2002	\$10,500.00	Android Data Corporation

Individuals with knowledge:

Mark McSweeney, Chief Financial Officer, Erik Martinez, Director of Marketing, Maria Jong, Mike Stopka, President, and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Design Toscano

1400 Morse Avenue

Elk Grove Village, IL 60007

Customer: Edge Consulting

Product or service: Web site development services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced From</u>
7/6/1999	\$1,400.00	Android Data Corporation

Individuals with knowledge:

John DeAno, President, Dennis Ignacek, Sales Manager, and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Edge Consulting

1097 W Hawthorn Drive

Itasca, IL 60143

Customer: Eide & Eide CPA

Product or service: Complimentary web site hosting services

Method of sale: None, not invoiced

Date Services Provided

1/2000-2/2003

Product or service: Complimentary computer consulting services

Method of sale: None, not invoiced

Date Services Provided

Reference¹

9/3/2001	See email from Roger Eide to E. Specht re "FW: FrontPage 2000 (3.0) Extensions."
9/3/2001	See email from Roger Eide to E. Specht re "ISDN Line."
7/29/2002	See email from Roger Eide to E. Specht re "FW: [rogereide.com] Renewal Notification."
2/23/2003	See email from E. Specht to Roger Eide re "android data."
12/9/2009	See email from E. Specht to Tory Eide re "rogereide.com domain name about to expire."

Individuals with knowledge:

Roger Eide, Tory Eide and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Eide & Eide CPA

Greenleaf Center

3 S Greenleaf Street

Suite G

Gurnee, IL 60031

¹ To the extent that these documents have not yet been produced, they will be produced by Plaintiffs in due course.

Customer: Fat Dog Vintage Salvage

Product or service: Complimentary web site hosting services

Method of sale: None, not invoiced

Date Services Provided

Through 11/2002

Individuals with knowledge:

Bill Rodencal and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Fat Dog Vintage Salvage

21525 Belgren Rd.

Waukesha, WI 53186

Customer: HuTech Resources

Product or service: Computer consulting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced From</u>
11/9/1998	\$1,200.00	Android Data Corporation
11/4/1999	\$80.00	Android Data Corporation

Product or service: Web site design services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced From</u>
3/10/1999	\$3,700.00	Android Data Corporation

Individuals with knowledge: Jordan May and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

HuTech Resources, LLC

650 East Devon Avenue, Suite 165

Itasca, IL 60143

Customer: Hutech and The Physician's Coalition of America

Product or service: Custom e-commerce application development and web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
7/1/1999	\$333.38	Android Data Corporation
8/4/1999	\$195.00	Android Data Corporation
9/1/1999	\$195.00	Android Data Corporation
10/1/1999	\$195.00	Android Data Corporation
11/1/1999	\$195.00	Android Data Corporation

12/1/1999	\$195.00	Android Data Corporation
1/3/2000	\$195.00	Android Data Corporation
2/1/2000	\$195.00	Android Data Corporation
3/1/2000	\$195.00	Android Data Corporation

Individuals with knowledge:

Jordan May and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

HuTech Resources, LLC
650 East Devon Avenue, Suite 165
Itasca, IL 60143

Customer: MagnaMedia Training Solutions

Product or service: Custom e-commerce application development and web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
4/22/1999	\$150.00	Android Data Corporation
7/1/1999	\$207.96	Android Data Corporation
8/4/1999	\$150.00	Android Data Corporation
9/1/1999	\$150.00	Android Data Corporation
10/1/1999	\$150.00	Android Data Corporation
11/1/1999	\$100.00	Android Data Corporation
12/1/1999	\$275.00	Android Data Corporation
1/3/2000	\$150.00	Android Data Corporation
2/1/2000	\$150.00	Android Data Corporation
3/1/2000	\$150.00	Android Data Corporation
4/1/2000	\$150.00	Android Data Corporation
5/1/2000	\$150.00	Android Data Corporation
6/5/2000	\$150.00	Android Data Corporation
7/1/2000	\$150.00	Android Data Corporation
8/1/2000	\$150.00	Android Data Corporation
9/1/2000	\$150.00	Android Data Corporation
10/2/2000	\$150.00	Android Data Corporation
11/1/2000	\$150.00	Android Data Corporation
12/1/2000	\$150.00	Android Data Corporation
1/1/2001	\$150.00	Android Data Corporation
2/2/2001	\$150.00	Android Data Corporation
3/1/2001	\$150.00	Android Data Corporation
4/1/2001	\$150.00	Android Data Corporation
5/1/2001	\$150.00	Android Data Corporation
6/1/2001	\$150.00	Android Data Corporation
7/1/2001	\$150.00	Android Data Corporation
8/1/2001	\$150.00	Android Data Corporation
9/1/2001	\$150.00	Android Data Corporation

10/1/2001	\$150.00	Android Data Corporation
11/1/2001	\$48.36	Android Data Corporation

Individuals with knowledge: John DeAno, President, Dennis Ignacek, Sales Manager, and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

MagnaMedia Training Solutions
 1835A Rohlwing Road
 Arlington Heights, IL 60008

Customer: Motorola GPS Products

Product or service: Web site design services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
11/9/1999	\$2,550.00	Android Data Corporation

Individuals with knowledge:

Jennie Wilson and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

GPS Products - Integrated Electronic Systems Sctr.
 Motolola
 4000 Commercial Avenue
 Northbrook, IL 60062-1840

Customer: Wendy Murphy

Product or service: Complimentary web site hosting services, web site design services

Method of sale: None, not invoiced

<u>Date Services Provided</u>	<u>Reference</u>
6/2000-3/2005, 7/2009-present	WM 3-39, 55

Individuals with knowledge:

Wendy Murphy
 2811 RFD
 Long Grove, IL 60047

Customer: NCR Customer Education (billed to O/S Services)

Product or service: Web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
4/22/1999	\$100.00	Android Data Corporation

7/1/1999	\$207.96	Android Data Corporation
8/4/1999	\$150.00	Android Data Corporation
9/1/1999	\$150.00	Android Data Corporation
10/1/1999	\$150.00	Android Data Corporation
11/1/1999	\$150.00	Android Data Corporation
12/1/1999	\$150.00	Android Data Corporation
1/3/2000	\$150.00	Android Data Corporation
2/1/2000	\$150.00	Android Data Corporation
3/1/2000	\$150.00	Android Data Corporation
4/1/2000	\$150.00	Android Data Corporation
5/1/2000	\$150.00	Android Data Corporation
6/5/2000	\$150.00	Android Data Corporation
7/1/2000	\$150.00	Android Data Corporation
8/1/2000	\$150.00	Android Data Corporation
9/1/2000	\$150.00	Android Data Corporation
10/2/2000	\$150.00	Android Data Corporation
11/1/2000	\$150.00	Android Data Corporation
12/1/2000	\$150.00	Android Data Corporation
1/1/2001	\$150.00	Android Data Corporation
2/2/2001	\$150.00	Android Data Corporation
3/1/2001	\$150.00	Android Data Corporation
4/1/2001	\$250.00	Android Data Corporation
5/1/2001	\$150.00	Android Data Corporation
6/1/2001	\$150.00	Android Data Corporation
7/1/2001	\$150.00	Android Data Corporation
8/1/2001	\$150.00	Android Data Corporation
9/1/2001	\$150.00	Android Data Corporation
10/1/2001	\$150.00	Android Data Corporation
11/1/2001	\$150.00	Android Data Corporation
12/3/2001	\$150.00	Android Data Corporation
1/1/2002	\$150.00	Android Data Corporation
2/1/2002	\$150.00	Android Data Corporation

Individuals with knowledge:

John DeAno, President, Dennis Ignacek, Sales Manager, and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

O/S Services

1835A Rohlwing Road

Arlington Heights, IL 60008

Customer: Northwest Repossession

Product or service: Custom database application development

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
5/19/2009	\$1,000.00	The Android's Dungeon Incorporated

Individuals with knowledge:

Warren Crum and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Northwest Recovery / Northwest Repossession

4000 Industrial Avenue

Rolling Meadows, IL 60008

Customer: O/S Services

Product or service: Custom database application development, custom e-commerce application development

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
6/11/1999	\$2,000.00	Android Data Corporation

Product or service: Web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
4/22/1999	\$150.00	Android Data Corporation
7/1/1999	\$207.96	Android Data Corporation
8/4/1999	\$150.00	Android Data Corporation
9/1/1999	\$150.00	Android Data Corporation
10/1/1999	\$150.00	Android Data Corporation
11/1/1999	\$150.00	Android Data Corporation
12/1/1999	\$150.00	Android Data Corporation
1/3/2000	\$150.00	Android Data Corporation
2/1/2000	\$150.00	Android Data Corporation
3/1/2000	\$150.00	Android Data Corporation
4/1/2000	\$150.00	Android Data Corporation
5/1/2000	\$150.00	Android Data Corporation
6/5/2000	\$150.00	Android Data Corporation
7/1/2000	\$150.00	Android Data Corporation
8/1/2000	\$150.00	Android Data Corporation
9/1/2000	\$150.00	Android Data Corporation
10/2/2000	\$150.00	Android Data Corporation
11/1/2000	\$116.12	Android Data Corporation

Product or service: Custom database application development

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
12/28/2000	\$360.00	Android Data Corporation

Individuals with knowledge: John DeAno, President, Dennis Ignacek, Sales Manager, and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

O/S Services
1835A Rohlwing Road
Arlington Heights, IL 60008

Customer: Picket Fence Realty

Product or service: Computer consulting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
7/25/2003	\$280.00	The Android's Dungeon Incorporated

Product or service: Complimentary computer consulting services

Method of sale: None, not invoiced

<u>Date Services Provided</u>	<u>Reference</u> ²
7/14/2004	See email from E. Specht to Tom Zander re "PFRMP - 2 New Agents."
12/13/2004	See email from Tom Zander to E. Specht re "MP Historic Postcards."
1/11/2005	See email from E. Specht to Tom Zander re "website contract."
1/16/2005	See email from E. Specht to Tom Zander re "New M.P. Agent."
1/19/2005	See email from E. Specht to Andrew Sapp re "picket fence."
9/18/2006	See email from E. Specht to Megan Specht re "Search Engine Optimization."
1/31/2007	See email from E. Specht to Megan Specht re "Quick Question."
7/24/2007	See email from Megan Specht to E. Specht re "Question."
11/11/2009	See email from E. Specht to Paul Duchek re "info."
1/20/2010	See email from E. Specht to Megan Specht re "Question."
1/24/2010	See email from E. Specht to Megan Specht and Paul Duchek re "printer."
2/2/2010	See email from Megan Specht to E. Specht re "Computer."
2/2/2010	See email from Megan Specht to E. Specht re "D-Fence."

Product or service: Custom web application development, web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
7/7/1999	\$925.00	Android Data Corporation
8/16/1999	\$800.00	Android Data Corporation
9/1/1999	\$41.13	Android Data Corporation

² See Note 1.

10/1/1999	\$150.00	Android Data Corporation
11/1/1999	\$75.00	Android Data Corporation
12/1/1999	\$75.00	Android Data Corporation
1/3/2000	\$45.00	Android Data Corporation
2/1/2000	\$45.00	Android Data Corporation
3/1/2000	\$45.00	Android Data Corporation
4/1/2000	\$45.00	Android Data Corporation
5/1/2000	\$45.00	Android Data Corporation
6/5/2000	\$45.00	Android Data Corporation
7/1/2000	\$45.00	Android Data Corporation
8/1/2000	\$45.00	Android Data Corporation
8/1/2000	\$125.00	Android Data Corporation
9/1/2000	\$45.00	Android Data Corporation
10/2/2000	\$45.00	Android Data Corporation
11/1/2000	\$45.00	Android Data Corporation
12/1/2000	\$45.00	Android Data Corporation
1/1/2001	\$45.00	Android Data Corporation
2/2/2001	\$45.00	Android Data Corporation
3/1/2001	\$45.00	Android Data Corporation
4/1/2001	\$45.00	Android Data Corporation
5/1/2001	\$45.00	Android Data Corporation
6/1/2001	\$45.00	Android Data Corporation
7/1/2001	\$45.00	Android Data Corporation
8/1/2001	\$45.00	Android Data Corporation
9/1/2001	\$145.00	Android Data Corporation
10/1/2001	\$0.00	Android Data Corporation
11/1/2001	\$45.00	Android Data Corporation
12/3/2001	\$45.00	Android Data Corporation
1/1/2002	\$45.00	Android Data Corporation
7/22/2002	\$180.00	Android Data Corporation
1/3/2003	\$100.00	The Android's Dungeon Incorporated
2/1/2003	\$100.00	The Android's Dungeon Incorporated
3/5/2003	\$100.00	The Android's Dungeon Incorporated
3/7/2003	\$2,140.00	The Android's Dungeon Incorporated
4/2/2003	\$100.00	The Android's Dungeon Incorporated
5/1/2003	\$100.00	The Android's Dungeon Incorporated
5/1/2003	\$80.00	The Android's Dungeon Incorporated
6/1/2003	\$100.00	The Android's Dungeon Incorporated
7/1/2003	\$100.00	The Android's Dungeon Incorporated
8/1/2003	\$320.00	The Android's Dungeon Incorporated
9/15/2003	\$100.00	The Android's Dungeon Incorporated
10/6/2003	\$380.00	The Android's Dungeon Incorporated
12/1/2003	\$100.00	The Android's Dungeon Incorporated
1/19/2004	\$100.00	The Android's Dungeon Incorporated
3/14/2004	\$100.00	The Android's Dungeon Incorporated
5/9/2004	\$100.00	The Android's Dungeon Incorporated

7/12/2004	\$100.00	The Android's Dungeon Incorporated
8/19/2004	\$100.00	The Android's Dungeon Incorporated
9/2/2004	\$100.00	The Android's Dungeon Incorporated
10/14/2004	\$100.00	The Android's Dungeon Incorporated
11/9/2004	\$100.00	The Android's Dungeon Incorporated
2/27/2005	\$100.00	Erich Specht
2/27/2005	\$100.00	Erich Specht
2/27/2005	\$100.00	Erich Specht
5/19/2009	\$40.00	The Android's Dungeon Incorporated

Product or service: Real estate services

Method of sale: Paid by check

<u>Date Received</u>	<u>Amount</u>	<u>Received By</u>
7/22/2005	\$6,125.88	The Android's Dungeon Incorporated
8/03/2005	\$7,192.50	The Android's Dungeon Incorporated
9/20/2005	\$2,590.00	The Android's Dungeon Incorporated
10/03/2005	\$7,743.75	The Android's Dungeon Incorporated
11/22/2005	\$103.75	The Android's Dungeon Incorporated
12/22/2005	\$15,060.00	The Android's Dungeon Incorporated
3/06/2006	\$7,903.13	The Android's Dungeon Incorporated
3/24/2006	\$3,975.00	The Android's Dungeon Incorporated
5/26/2006	\$6,993.75	The Android's Dungeon Incorporated
6/05/2006	\$23,827.90	The Android's Dungeon Incorporated
6/20/2006	\$6,993.75	The Android's Dungeon Incorporated
6/23/2006	\$3,534.38	The Android's Dungeon Incorporated
7/12/2006	\$3,956.25	The Android's Dungeon Incorporated
7/31/2006	\$2,671.88	The Android's Dungeon Incorporated
9/14/2006	\$2,581.25	The Android's Dungeon Incorporated
10/06/2006	\$6,025.50	The Android's Dungeon Incorporated
11/2006	\$2,048.44	The Android's Dungeon Incorporated
12/2006	\$7,875.00	The Android's Dungeon Incorporated
7/20/2007	\$7,194.25	The Android's Dungeon Incorporated
12/04/2007	\$4,355.98	The Android's Dungeon Incorporated
5/05/2008	\$3,336.00	The Android's Dungeon Incorporated
6/09/2008	\$4,049.15	The Android's Dungeon Incorporated
7/02/2008	\$5,544.00	The Android's Dungeon Incorporated
7/03/2008	\$9,960.00	The Android's Dungeon Incorporated
9/26/2008	\$1,000.00	The Android's Dungeon Incorporated
10/02/2008	\$4,548.38	The Android's Dungeon Incorporated
10/20/2008	\$3,470.00	The Android's Dungeon Incorporated
11/07/2008	\$1,875.00	The Android's Dungeon Incorporated

1/12/2009	\$1,387.38	The Android's Dungeon Incorporated
3/2009	\$1,870.00	The Android's Dungeon Incorporated
4/7/2009	\$2,160.00	The Android's Dungeon Incorporated
5/22/2009	\$3,680.00	The Android's Dungeon Incorporated
6/2009	\$2,108.48	The Android's Dungeon Incorporated
6/26/2009	\$1,220.00	The Android's Dungeon Incorporated
9/2009	\$4,046.09	The Android's Dungeon Incorporated
9/4/2009	\$2,160.00	The Android's Dungeon Incorporated
9/14/2009	\$2,610.00	The Android's Dungeon Incorporated
11/20/2009	\$2,040.00	The Android's Dungeon Incorporated
11/30/2009	\$2,771.50	The Android's Dungeon Incorporated
12/2009	\$2,675.00	The Android's Dungeon Incorporated

Individuals with knowledge:

Paul Duchek, Sue Duchek, Megan Specht, Tom Zander and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Picket Fence Realty
113 S. Arlington Heights Road
Arlington Heights, IL 60005

Customer: Jonathan Sazonoff

Product or service: Complimentary web site hosting services

Method of sale: None, not invoiced

<u>Date Services Provided</u>	<u>Reference³</u>
7/2001-1/2005	See 1/21/2002 email from J. Sazonoff to E. Specht re "saztv update"; 1/20/2005 email from J. Sazonoff to E. Specht re "saztv January 2005 update"; 1/17/2005 email from E. Specht to J. Sazonoff re "site."

Individuals with knowledge:

Jonathan Sazonoff and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Saz Productions, Inc.
PO Box 5222
Chicago, IL 60680-5222

Customer: SS Syntec / DA Syntec

Product or service: Custom e-commerce application development

Method of sale: Invoiced, paid by check

³ See Note 1.

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
9/25/1999	\$6,937.50	Android Data Corporation
1/13/2000	\$125.00	Android Data Corporation
4/1/2000	\$2,312.50	Android Data Corporation
5/3/2000	\$160.00	Android Data Corporation
10/2/2000	\$160.00	Android Data Corporation
2/28/2001	\$60.00	Android Data Corporation

Product or service: Web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
7/1/2000	\$175.00	Android Data Corporation
8/1/2000	\$200.00	Android Data Corporation
9/1/2000	\$200.00	Android Data Corporation
10/2/2000	\$200.00	Android Data Corporation
11/1/2000	\$200.00	Android Data Corporation
12/1/2000	\$200.00	Android Data Corporation
1/1/2001	\$200.00	Android Data Corporation
2/2/2001	\$200.00	Android Data Corporation
3/1/2001	\$200.00	Android Data Corporation
4/1/2001	\$354.84	Android Data Corporation
4/1/2001	\$45.16	Android Data Corporation

Individuals with knowledge:

Steve Salzman and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

SS Syntec / DA Syntec

4426 N. Winchester

Suite 1N

Chicago, IL 60640

Customer: Summit Recruiting

Product or service: Computer consulting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced From</u>
4/5/1999	\$416.25	Android Data Corporation
4/21/1999	\$341.25	Android Data Corporation
7/8/1999	\$677.50	Android Data Corporation
7/23/1999	\$558.75	Android Data Corporation
8/3/1999	\$333.75	Android Data Corporation
8/24/1999	\$307.50	Android Data Corporation
9/20/1999	\$67.50	Android Data Corporation
10/25/1999	\$300.00	Android Data Corporation

1/3/2000	\$165.00	Android Data Corporation
1/3/2000	\$476.25	Android Data Corporation
2/18/2000	\$180.00	Android Data Corporation
4/1/2000	\$45.00	Android Data Corporation
4/19/2000	\$22.50	Android Data Corporation
5/26/2000	\$60.00	Android Data Corporation
6/8/2000	\$15.00	Android Data Corporation
9/20/2000	\$105.00	Android Data Corporation
10/31/2000	\$45.00	Android Data Corporation
11/1/2000	\$210.00	Android Data Corporation
2/1/2001	\$15.00	Android Data Corporation
7/30/2001	\$60.00	The Android's Dungeon Incorporated

Product or service: Web site design services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
8/4/1999	\$1,400.00	Android Data Corporation

Product or service: Web site hosting services

Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
9/1/1999	\$130.65	Android Data Corporation
10/1/1999	\$150.00	Android Data Corporation
11/1/1999	\$150.00	Android Data Corporation
12/1/1999	\$150.00	Android Data Corporation
1/3/2000	\$150.00	Android Data Corporation
2/1/2000	\$150.00	Android Data Corporation
3/1/2000	\$150.00	Android Data Corporation
4/1/2000	\$150.00	Android Data Corporation
5/1/2000	\$150.00	Android Data Corporation
6/5/2000	\$150.00	Android Data Corporation
7/1/2000	\$150.00	Android Data Corporation
8/1/2000	\$150.00	Android Data Corporation
9/1/2000	\$150.00	Android Data Corporation
10/2/2000	\$150.00	Android Data Corporation
11/1/2000	\$150.00	Android Data Corporation
12/1/2000	\$150.00	Android Data Corporation
1/1/2001	\$150.00	Android Data Corporation
2/2/2001	\$150.00	Android Data Corporation
3/1/2001	\$150.00	Android Data Corporation
4/1/2001	\$150.00	Android Data Corporation
5/1/2001	\$150.00	Android Data Corporation
6/1/2001	\$150.00	Android Data Corporation
7/1/2001	\$150.00	Android Data Corporation

8/1/2001	\$150.00	Android Data Corporation
9/1/2001	\$150.00	Android Data Corporation
10/1/2001	\$150.00	Android Data Corporation
1/1/2002	\$150.00	Android Data Corporation
2/1/2002	\$150.00	Android Data Corporation

Product or service: Custom database application development
Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced from</u>
9/28/2001	\$3,000.00	The Android's Dungeon Incorporated ⁴

Individuals with knowledge:

John DeAno, President, Dennis Ignacek, Sales Manager, and other unknown individuals who may have come in contact with the software, invoices, marketing or other materials.

Summit Recruiting
1835A Rohlwing Road
Arlington Heights, IL 60008

Customer: UniSource Energy

Product or service: Custom database application development
Method of sale: Invoiced, paid by check

<u>Invoice date</u>	<u>Amount</u>	<u>Invoiced From</u>
2/7/1998	\$1,880.00	Erich Specht
4/6/1998	\$1,040.00	Erich Specht
11/9/1998	\$2,500.00	Erich Specht
1/16/1999	\$1,470.00	Android Data Corporation
7/8/1999	\$420.00	Android Data Corporation
9/27/1999	\$80.00	Android Data Corporation

Individuals with knowledge:

Ken Gansmann
UniSource Energy
245 W. Roosevelt Road
Building 15, Suite 123
West Chicago, IL 60185

Customer: Village Investments

Product or service: Complimentary web site hosting services
Method of sale: None, not invoiced

⁴ The actual value of the services provided relating to this project was \$10,545. The total amount paid on this invoice was \$1,000.

Date Services Provided

3/2001-2/2005

Individuals with knowledge:

Martin J. Murphy
2811 RFD
Long Grove, IL 60047

Answering further, in addition to the above products and/or services provided, Plaintiffs state that their offers of products and/or services included:

<u>Date of Offer</u>	<u>Offeree</u>	<u>Product Offered</u>	<u>Reference</u>⁵
2000	Various brochure recipients	All computer related products and services	PL-E 0004716
7/18/2000	Greg Panjian	All computer related products and services	Specht D 77
2002	Various brochure recipients	All computer related products and services	PL-E 0004716
8/24/2002-6/10/2003	Various ad respondents	Asset sale	Letters marked 10397-10440, 12231-34, 18195-228, Specht F 1-32.
8/10/2002-12/3/2003	Various online ad respondents	Asset sale	Emails marked 12165-12311, 12235-57, 12262-83, 12285-12303, 12305-06, 12311.
9/3/2002	Chuck Rothstein	Asset sale	Email marked 12230.
10/21/2002	Rochae Holly	All computer related products and services	PL 16948
11/25/2002	Gil Chavez and Keith Searls	Custom web application design services	Specht D 213-20
12/30/2002	Various email contacts	Asset sale	Specht E 19, 12165
2007	Various brochure recipients	All computer related products and services	PL-E 00099548
2/6/2008	Jordan May, HuTech Resources	Android Content Manager	Specht E 44
5/27/2009	Dennis Ignacek	Android Data Software	Specht E 70
6/9/2009	Sue and Paul Duchek	License for proprietary e-commerce software suite, web site design services	Specht E 71-73

⁵ See Note 1.

10/3/2009	Mike Stopka, Design Toscano	License for proprietary e-commerce software suite	Email sent by Erich Specht October 3, 2009.
11/10/2009	Henry Blaufeld, Surgimesh	Web site design services	Email sent by Erich Specht November 10, 2009.

Plaintiffs further state that document discovery in this case is ongoing, and Plaintiffs are continuing to review and produce electronic documents. Plaintiffs expect that additional information responsive to this Interrogatory will be ascertainable from electronic documents that have not yet been produced. Accordingly, Plaintiffs reserve their right to supplement this Response.

INTERROGATORY NO. 5:

Identify, by month and year, the total dollar amount of goods and/or services sold, licensed and/or distributed by each respective Plaintiff in association with the ANDROID DATA trademark.

THIRD SUPPLEMENTAL ANSWER:

Plaintiffs hereby incorporate the answer to this Interrogatory contained in the Initial Answer, the Supplemental Answer and the Second Supplemental Answer and also the Third Supplemental Answer to Interrogatory No. 3.

Erich Specht

<u>Date</u>	<u>Amount Invoiced</u>
2/2005	\$ 300.00
2/1998	\$ 1,880.00
4/1998	\$ 1,040.00
11/1998	\$ 3,700.00

Android Data Corporation

<u>Date</u>	<u>Amount Invoiced</u>
1/1999	\$ 2,070.00
2/1999	\$ 2,497.74
3/1999	\$ 3,700.00
4/1999	\$ 3,067.50
5/1999	\$ 2,023.21

6/1999	\$	2,000.00
7/1999	\$	7,143.85
8/1999	\$	6,055.59
9/1999	\$	9,862.20
10/1999	\$	5,122.10
11/1999	\$	7,570.27
12/1999	\$	19,322.58
1/2000	\$	5,266.25
2/2000	\$	10,657.87
3/2000	\$	7,321.38
4/2000	\$	10,507.78
5/2000	\$	13,195.99
6/2000	\$	6,242.96
7/2000	\$	11,157.68
8/2000	\$	12,615.39
9/2000	\$	13,243.28
10/2000	\$	16,791.32
11/2000	\$	9,926.56
12/2000	\$	15,377.81
1/2001	\$	17,076.40
2/2001	\$	18,388.78
3/2001	\$	15,083.47
4/2001	\$	19,004.47
5/2001	\$	23,176.61
6/2001	\$	16,655.00
7/2001	\$	16,595.00
8/2001	\$	18,115.43
9/2001	\$	16,345.00
10/2001	\$	16,675.00
11/2001	\$	16,803.36
12/2001	\$	18,739.10
1/2002	\$	16,571.00
2/2002	\$	16,912.50
3/2002	\$	16,406.60
4/2002	\$	17,143.52
5/2002	\$	16,035.00
6/2002	\$	18,010.00

7/2002	\$	16,180.00
8/2002	\$	16,160.00
9/2002	\$	17,650.00
10/2002	\$	27,220.89
11/2002	\$	2,000.00
12/2002	\$	2,000.00

The Android's Dungeon Incorporated

<u>Date</u>		<u>Amount Invoiced</u>
7/2001	\$	60.00
9/2001	\$	1,000.00 ⁶
1/2003	\$	100.00
2/2003	\$	100.00
3/2003	\$	2,240.00
4/2003	\$	100.00
5/2003	\$	180.00
6/2003	\$	100.00
7/2003	\$	580.00
8/2003	\$	320.00
9/2003	\$	100.00
10/2003	\$	380.00
12/2003	\$	100.00
1/2004	\$	100.00
3/2004	\$	100.00
5/2004	\$	100.00
7/2004	\$	100.00
8/2004	\$	100.00
9/2004	\$	100.00
10/2004	\$	100.00
11/2004	\$	100.00
7/2005	\$	6,125.88
8/2005	\$	7,192.50
9/2005	\$	2,590.00
10/2005	\$	7,743.75

⁶ See Note 4.

11/2005	\$	103.75
12/2005	\$	15,060.00
3/2006	\$	11,878.13
5/2006	\$	6,993.75
6/2006	\$	34,356.03
7/2006	\$	6,628.13
9/2006	\$	2,581.25
10/2006	\$	6,025.50
11/2006	\$	2,048.44
12/2006	\$	7,875.00
7/2007	\$	7,194.25
12/2007	\$	4,355.98
5/2008	\$	3,336.00
6/2008	\$	4,049.15
7/2008	\$	15,504.00
9/2008	\$	1,000.00
10/2008	\$	8,018.38
11/2008	\$	1,875.00
1/2009	\$	1,387.38
3/2009	\$	1,870.00
4/2009	\$	2,160.00
5/2009	\$	4,720.00
6/2009	\$	3,328.48
9/2009	\$	8,816.09
11/2009	\$	4,811.50
12/2009	\$	2,675.00

Plaintiffs further state that document discovery in this case is ongoing, and Plaintiffs are continuing to review and produce electronic documents. Plaintiffs expect that additional information responsive to this Interrogatory will be ascertainable from electronic documents that have not yet been produced. Accordingly, Plaintiffs reserve their right to supplement this Response.

INTERROGATORY NO. 9:

Identify, by year, all customers for, vendors of and/or suppliers for any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID DATA trademark.

THIRD SUPPLEMENTAL ANSWER:

Plaintiffs hereby incorporate the answer to this Interrogatory contained in the Initial Answer, the Supplemental Answer and the Second Supplemental Answer.

With respect to customers for any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID DATA trademark, Plaintiffs refer to the Third Supplemental Answer to Interrogatory No. 3.

With respect to “vendors of” any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID DATA trademark, Plaintiffs interpret “vendors of Plaintiffs’ products and/or services” to mean individuals and/or entities that sold Plaintiffs’ products and/or services other than Plaintiffs and state that there are no such individuals and/or entities.

With respect to suppliers for any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID DATA trademark, Plaintiffs state that their suppliers include:

<u>Supplier</u>	<u>Year(s)</u>
3C Consulting Corp.	1999
Actionscript.org	2006-2008
Altec Data	2002
Amazon.com	1999-2002, 2008-2009
Ameritech	1999-2002
Artistry In Printing	2000-2002
AT&T	1999-2002
AT&T Business Services	2003-2005
Barnes & Noble	2000
Best Buy	1999-2002, 2009
Blue Cross Blue Shield	1999-2004

Borders Books & Music	1999
Brad Thomas	2000
Brandt Financial Concepts	1999-2004
Celtic Life Insurance Co.	1999-2002
Chicat Software	2009
ComEd	1999-2002
Comcast	2003
Comp U Time	2000
Comp USA	2000
Computer Discount Warehouse	1999-2001
Crown Books	2000
Cyber Exchange	1999
Deluxe Business Forms & Supplies	1999-2001
Desaware Software	2001
Dwight & MH Jackson Inc.	1999
EnterAct, LLC	1999-2000
FedEx	2000-2003
Fileburst	2007-2008
Flashkit.com	2008
Fort Dearborn Life Insurance Co.	2002
Fortiss	2001
Genuity	2000-2002
GoDaddy.com	2007-2008
GTE Internetworking	1999-2000
Hinckley Springs	2001-2002
Image Systems	2000
Interland	2005-2007
International Computer Concepts	2001
iStockPhoto.com	2007-2010
Kirupa.com	2008
KOI Computers	1999-2000
Mabry Software	2002
Mailboxes Etc.	2003
Martin, Craig, Chester & Sonnenschein	2000-2002
Microsoft	1999
Myoda Computer Center	2000
Network Solutions	1999-2002
NiCor	1999-2002
Office Depot	2009
OfficeMax	1999
Paddock Publications	2002
Pair Networks	2009-2010
Polyline	2002
Prisca Tibbetts	2000
Quill Corporation	1999

RCM	2000-2002
RCN	2000-2001
Radio Shack	2002
Richard Moore	1999-2000
Roger Eide, CPA	1999-2009
rvDavid.net	2008
Sam's Club	1999
Scott Westgard	2002
Sonix Media Systems	2000-2001
Sprint PCS	1999-2002
Target	2010
T-Mobile	2002
Thawte	1999-2002
Trader's Self-Park	1999-2002
Tri-State Digital	1999
tummy.com	1999-2003
US Postal Service	1998-2010
Verisign	2001-2003
VoiceStream	2002
Walgreen's	2002-2005, 2009
Web.com	2005-2007
Woodbury Financial	2002
Worldwide Fulfillment	1999
Xpedx Paper Store	2003
Zenicom	2002

Plaintiffs further state that document discovery in this case is ongoing, and Plaintiffs are continuing to review and produce electronic documents. Plaintiffs expect that additional information responsive to this Interrogatory will be ascertainable from electronic documents that have not yet been produced. Accordingly, Plaintiffs reserve their right to supplement this Response.

ERICH SPECHT, an individual, and doing
business as ANDROID DATA
CORPORATION, and THE ANDROID'S
DUNGEON INCORPORATED

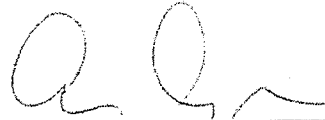
By: P. Andrew Hennings
One of Their Attorneys

P. Andrew Fleming
John F. Shonkwiler
John Haarlow, Jr.
NOVACK AND MACEY LLP
100 North Riverside Plaza
Chicago, IL 60606
(312) 419-6900
Doc. #333996

Martin Murphy
2811 RFD
Long Grove, IL 60047
(312) 933-3200

VERIFICATION OF ERICH SPECHT

I, Erich Specht, state that I have answered the foregoing Plaintiffs' Third Supplemental Answers to First Set of Interrogatories Propounded by Google, Inc. on behalf of myself individually and as the authorized agent of Android Data Corporation and The Android's Dungeon, Inc., and I declare under penalty of perjury that the foregoing is true and correct.



Erich Specht

2/3/10

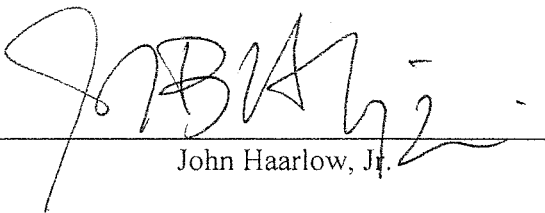
Date

CERTIFICATE OF SERVICE

John Haarlow, Jr., an attorney, certifies that he caused copies of the foregoing Plaintiffs' Third Supplemental Answers to First Set of Interrogatories Propounded by Google, Inc. to be served by electronic mail to:

Herbert H. Finn (finnh@gtlaw.com)
Jeffrey P. Dunning (dunning@gtlaw.com)
GREENBERG TRAURIG, LLP
77 West Wacker Drive, Suite 3100
Chicago, IL 60660

this 4th day of February, 2010.



John Haarlow, Jr.

F

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

ERICH SPECHT, an individual and doing business)	
as ANDROID DATA CORPORATION, and THE)	
ANDROID'S DUNGEON INCORPORATED,)	
)	Civil Action No. 09-cv-2572
Plaintiffs-Counterdefendants,)	
v.)	Judge Harry D. Leinenweber
)	
GOOGLE INC.,)	Magistrate Judge Jeffrey Cole
)	
Defendant-Counterclaimant.)	

**SUPPLEMENTAL ANSWERS AND OBJECTIONS TO
GOOGLE, INC.'S SECOND SET OF INTERROGATORIES TO PLAINTIFFS**

Erich Specht, an individual and doing business as Android Data Corporation, and The Android's Dungeon Incorporated, by their attorneys, Novack and Macey LLP, as and for their Supplemental Answers and Objections to Google, Inc.'s Second Set of Interrogatories state as follows.

SUPPLEMENTAL ANSWERS

Each Supplemental Answer incorporates, and is subject to, the general and specific objections set forth in Plaintiffs' Answers and Objections to Google, Inc.'s Second Set of Interrogatories to Plaintiffs dated March 1, 2010, which are not waived.

Interrogatory No. 13

Identify each instance of which Plaintiffs are aware in which any person was confused, mistaken or deceived as to the affiliation, connection or association of Google with any of the Plaintiffs and/or any of the Plaintiffs with Google due to Google's use of the mark ANDROID.

SUPPLEMENTAL ANSWER:

Plaintiffs object to this Interrogatory as vague and ambiguous, as the phrase "any person who was confused, mistaken, or deceived" is undefined. Plaintiffs further object to this

Interrogatory as it asks Plaintiffs to be “aware” of other people’s subjective feelings towards Google’s use of the mark ANDROID, which is not something Plaintiffs are capable of knowing. Finally, Plaintiffs object to this Interrogatory as premature, as the issue of likelihood of confusion is a subject for expert discovery that has not yet been conducted.

Plaintiffs further state that discovery in this case is ongoing, and Plaintiffs expect that additional information responsive to this Interrogatory will be ascertained. Accordingly, Plaintiffs reserve their right to supplement this Answer.

Interrogatory No. 14

Identify the complete factual and legal basis for Plaintiffs’ claim that they are entitled to recover damages from Google as a result of the conduct alleged in Plaintiffs’ Second Amended Complaint, including the nature of the injury to Plaintiffs caused by the alleged conduct, the amount of damages each Plaintiff has suffered, the method by which those damages were calculated, and the evidence on which Plaintiffs intend to rely at trial to establish their claim for damages.

SUPPLEMENTAL ANSWER:

Plaintiffs object to this Interrogatory as a premature contention interrogatory. A contention interrogatory requires an answering party to “commit to a position and give factual specifics supporting its claim.” Ziemack v. Centel Corp., No. 92 C 3551, 1995 WL 72925, at *2 (N.D. Ill. Dec. 7, 1995). Federal Rule 33(c) provides that a court can order that a contention interrogatory “need not be answered until after designated discovery has been completed or until a pre-trial conference or other later time.” Indeed, the “general policy is to defer contention interrogatories until discovery is near an end, in order to promote efficiency and fairness.” Ziemack, 1995 WL 72925, at *2 (denying motion to compel certain premature contention interrogatories because there was no end date set for discovery at the time and there had been insufficient discovery to answer those interrogatories); see also Gregg v. Local 205 IBEW, No. 1:08-cv-160, 2009 WL 1325103, at *6 (N.D. Ind. May 13, 2009) (denying motion to compel

premature contention interrogatories); Stepan Co. v. Oxid L.P., No. 02 C 9064, 2003 WL 22742451, at *2 (N.D. Ill. Nov. 19, 2003) (denying motion to compel premature contention interrogatory because “the case is still well within the discovery period”). Further, in light of the dual purposes of efficiency and fairness, before ordering a party to answer early contention interrogatories, a court will consider “whether those early answers are likely to require supplemental answers or prematurely commit Plaintiffs to positions and artificially narrow the issues.” Ziemack, 1995 WL 72925, at *2. As such, a court will usually not require a party to answer damages contention interrogatories prematurely. See United States ex rel. Tyson v. Amerigroup Ill., Inc., 230 F.R.D. 538, 542 (N.D. Ill. 2005) (denying motion to compel damages contention interrogatories because the answers would require supplementation following the exchange of expert reports and so prematurely answering would be an “exercise[] in futility”); In re eBay Seller Antitrust Litig., No. C 07-1882 JF, 2008 WL 5212170, at *2 (N.D. Cal. Dec. 11, 2008) (denying motion to compel premature damages contention interrogatories); In re H&R Block Mortgage Corp., Prescreening Litig., No. 2:06-MD-230, 2006 WL 3692431, at *5 (N.D. Ind. Dec. 13, 2006) (holding that contention interrogatories need not be answered until after expert discovery ends). In addition, a court will not order a party to prematurely answer a contention interrogatory when the reason the party cannot answer the interrogatory is because the other party withholds relevant information. See In re Well Fargo Residential Mortgage Lending Discrimination Litig., No. C-08-1930 MMC, 2009 WL 1771368, at *6 (N.D. Cal. Jun. 19, 2009) (denying motion to compel answers to contention interrogatories because the defendant was withholding relevant information necessary for the plaintiffs to answer the interrogatories).

Plaintiffs further object to this Interrogatory as seeking information that is protected by the attorney-client privilege, the attorney work-product doctrine, any other applicable privilege, or otherwise protected from disclosure. Moreover, Plaintiffs object to this Interrogatory as seeking information outside their possession, custody or control. Specifically, Google has failed to complete discovery upon which Plaintiffs' Answer to this interrogatory necessarily depends.

Subject to the foregoing objections and the General Objections, Plaintiffs state that a sufficient factual basis for Plaintiffs' claim that they are entitled to recover damages from Google is set forth in the Second Amended Complaint. Plaintiffs further state in general terms that the legal basis for Plaintiffs' claim that they are entitled to recover damages from Google is provided for by, among other things: (1) the Lanham Act, including 15 U.S.C. §§ 1114, 1117, 1125; (2) federal case law concerning trademark infringement and common law trademark infringement; (3) federal case law concerning unfair competition; (4) Illinois statutes, including 815 ILCS 510/2; (5) Illinois case law concerning unfair competition; (6) federal case law concerning contributory trademark infringement; and (7) federal case law concerning reverse confusion.

Plaintiffs state that their damages will be calculated by an expert or experts under several theories. Plaintiffs' expert or experts will, among other things: (1) examine Google's financial information already produced and yet to be produced in order to determine Google's sales related to its use of the ANDROID mark pursuant to 15 U.S.C. § 1117; (2) calculate a reasonable royalty rate to compensate Plaintiffs for Google's unauthorized use of the mark ANDROID; and (3) determine the loss of business opportunities, good will, reputation and other damages caused to Plaintiff by Google's and others' saturation of the marketplace with a mark that is confusingly similar to Plaintiffs' trademarks.

Plaintiffs state that because discovery is not yet complete, they cannot state with certainty what evidence they will rely on at trial to establish damages, but state that such evidence will include expert testimony, Plaintiffs' testimony and discovery provided by Google.

Plaintiffs further state that discovery in this case is ongoing, and Plaintiffs expect that additional information responsive to this Interrogatory will be ascertained. Accordingly, Plaintiffs reserve their right to supplement this Answer.

Interrogatory No. 15

Identify, by year, the total dollar amount of revenue received by each Plaintiff that was not due to the sale or license of products or provision of services related to "computer hardware and software services" as those terms are used in ¶10 of Plaintiffs' Second Amended Complaint.

SUPPLEMENTAL ANSWER:

Plaintiffs object to this Interrogatory as duplicative of Interrogatory No. 3. Subject to the foregoing objection and the General Objections, Plaintiffs state that the total dollar amount, by year, of revenue received by each Plaintiff that was not due to the sale or license of products or provision of services related to "computer hardware and software services" as those terms are used in ¶10 of Plaintiffs' Second Amended Complaint is as follows:

The Android's Dungeon, Inc.

2005	\$38,815.88
2006	\$78,386.23
2008	\$33,782.53
2009	\$30,228.45

Plaintiffs further state that discovery in this case is ongoing, and Plaintiffs expect that additional information responsive to this Interrogatory will be ascertained. Accordingly, Plaintiffs reserve their right to supplement this Answer.

Interrogatory No. 16

Identify by date, customer and products and/or services offered or sold, all purchases by third parties from 2004 to the present for products and/or services offered, sold or provided by any of the Plaintiffs in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks.

SUPPLEMENTAL ANSWER:

Plaintiffs object to this Interrogatory as duplicative of Interrogatory Nos. 17 and 18. Plaintiffs further object to this Interrogatory because the phrase “purchases” is vague, ambiguous and undefined by Google, particularly as it relates to the phrase “products and/or services offered or sold.” Moreover, Plaintiffs object to this Interrogatory because the phrase “sold . . . in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks” is vague, ambiguous and undefined by Google. Among other things, software products are not normally “sold” in any traditional sense of the word. Finally, Plaintiffs cannot state with precision in all cases which of Plaintiffs’ marks were “associated” with any given offer, sale or purchase of their products and/or services.

Subject to the foregoing objections and the General Objections, Plaintiffs refer to the Supplemental Answer to Interrogatory No. 18.

Plaintiffs further state that discovery in this case is ongoing, and Plaintiffs expect that additional information responsive to this Interrogatory will be ascertained. Accordingly, Plaintiffs reserve their right to supplement this Answer.

Interrogatory No. 17

Identify by date, licensee and nature of license, all licenses offered to or entered into with third parties from 2004 to the present for any products and/or services offered, sold or provided by any of the Plaintiffs in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks.

SUPPLEMENTAL ANSWER:

Plaintiffs object to this Interrogatory as duplicative of Interrogatory Nos. 16 and 18. Plaintiffs further object to this Interrogatory as vague and ambiguous, as the phrases “nature of license,” “licenses offered to” and “licenses . . . entered into” are undefined. Among other things, there are many different ways that a software developer like Plaintiffs can grant a right to use software which may or may not involve Plaintiffs licensing their products. Moreover, Plaintiffs object to this Request because the phrase “in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks” is vague, ambiguous and undefined by Google. Among other things, Plaintiffs cannot state with precision in all cases which of Plaintiffs’ marks were “associated” with any given offer, sale, or provision of their products and/or services.

Subject to the foregoing objections and the General Objections, Plaintiffs refer to the Supplemental Answer to Interrogatory No. 18.

Plaintiffs further state that discovery in this case is ongoing, and Plaintiffs expect that additional information responsive to this Interrogatory will be ascertained. Accordingly, Plaintiffs reserve their right to supplement this Answer.

Interrogatory No. 18

Identify, by year, all customers for, vendors of and/or suppliers for any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks.

SUPPLEMENTAL ANSWER:

Plaintiffs object to this Interrogatory as duplicative of Interrogatory Nos. 16 and 17. Plaintiffs further object to this Interrogatory as vague and ambiguous, as the phrase “vendors of” is undefined. Moreover, Plaintiffs object to this Interrogatory because the phrase “in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks” is as vague,

ambiguous and undefined by Google. Among other things, Plaintiffs cannot state with precision in all cases which of Plaintiffs' marks were associated with any given offer sale, license or distribution of their products and/or services.

Subject to the foregoing objections and the General Objections, with respect to customers for any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks, Plaintiffs state that the following customers held licenses in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks during the following years:

Customer	Date
Artistry in Printing	September 1, 2000 to 2002.
Basil Street Gallery of London	October 1, 2000 until approximately March 2002.
Design Toscano	February 3, 1999 until approximately October 2002.

Subject to the foregoing objections and the General Objections, with respect to customers for any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks, Plaintiffs state that the following customers were offered, among other things, licenses and/or products in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks on or about the following dates:

Offeree	Date(s)
<u>Various marketing brochure recipients:</u> Nine West Adams Headwear Coldwater Creek Corral West Ranchwear Desantis Collection Delias Dexter Shoe Company Girlfriends LA Junonia Nordstrom	2000, 2002, 2007

Offeree	Date(s)
Title 9 Sports Urban Outfitters Alpha Memory CaseLogic Club Mac Cyberguys Egghead GTSI Mcglen Micro Micro Warehouse Outpost Programmer's Paradise Sound City Tredex Thortek Ethel M. Chocolates Hickory Farms Melitta Republic Of Tea Wine Country Gift Baskets America's Hobby Center Baseball Express Big Toe Sports Bravanta Catalog Ventures Claire's Accessories Daniel Smith Mystical Planet Expendol Fire Mountain Gems Gaiam Hammacher Schlemmer Idea Forest Johnson Smith KB Kids Levenger Company Life Sketch Master Grip Miami Dolphins Pro Shop Miles Kimball Co. Model Expo Odimo Old Glory On Campus Marketing Outer Banks Outfitters	

<u>Offeree</u>	<u>Date(s)</u>
Paper Direct Peachtree Business Products Personal Creations Price Point QVC Red Envelope Retail Source Stumps Taylor Gifts That Pet Place Susquehanna Pfaltzgraff Co. The Golf Warehouse Turn Off The TV U.S. Mint Western Athletic Ave. A.M. Leonard Ben Meadows Bob Drake Carlton Industries Country Home Products Country Supply Galls Inc. Gemplers McFeely's Mustangs Unlimited Childcraft Northern Safety Pinch-A-Penny The Bureau of At-Risk Youth Classroom Direct Coffee Table Books.Com Global Video Insect Lore Library Video Co. Malaco Music Group American Musical Supply Musician's Friend Pro Sound & Stage Lighting Shar Products Co. Tom Snyder Productions Upstairs Records World Almanac Indiana Botanic Gardens NVE Pharmaceuticals Rexall Sundown	

<u>Offeree</u>	<u>Date(s)</u>
Maritz Inc. Marketing Concepts Sure Source TCIM Services USCO Distribution Zomax One Step Ahead.com Fahrney's Pens Jim Brant Randy Scott, My Twinn Lashun Dickson, Dickson Enterprise Liz Wagner, Sona Joao Dasilda Traditions Esther White, New England Serum Company	
Greg Panjian, Denunzio, Inc.	7/18/2000
Dennis Ignacek	2/14/2002, 5/29/2009
<u>Various ad respondents:</u> Aki Hashmi Narinder Kocher, CDIL Daniel Heuertz, Hirize Ventures Jack Marshak Chuck Rothstein, Securities Acquisition Corp. Raymond Stevens, TTLIC IT Solutions Prateek Chhabra Alvaro Albarracin Oke Okaro Kuanie Huang, KYH International Co. Peyton Anderson, SciQuest, Inc. Michael Scoby Sam Cinquegrani, ObjectWave Corporation Greg Brown, Versatile Metals Mitul Patel Ben Childers Mike Mitchell Dave Maden Larry Wu Ken Gay Nick Kairinos Siby Joseph Bob Hudgens Steven Robb Anil Kapuria Marc Levin Evelyn Mitchell	8/10/2002 8/24/2002 and subsequent communications 8/24/2002 9/3/2002 9/4/2002 9/5/2002 9/5/2002 9/9/2002 9/10/2002 9/12/2002 9/12/2002 9/15/2002 9/15/2002 9/16/2002 9/16/2002 9/17/2002 9/17/2002 9/17/2002 9/19/2002 9/20/2002 9/21/2002 9/20/2002 9/27/2002 10/2/2002 and subsequent meetings 10/14/2002 10/14/2002 10/23/2002

Offeree	Date(s)
William Lawrence	10/23/2002
Alon Altman	11/13/2002
Rick Feliciano	11/21/2002
Ron Reed	1/2/2003
Ed Randolph	1/8/2003
Nubert Boubeka	1/8/2003
Dan Drechsel	1/30/2003
Bruce Howard	2/20/2003
Michael King, Quadra Network Group	3/7/2003 and subsequent meetings
Darwin Airola	6/5/2003
Steve Aakhus	6/10/2003
Eric Chang	10/27/2003
Walter Borden	10/30/2003
Craig Reed	11/24/2003
Vic Patel	12/3/2003
Rochae Holly	10/21/2002
Gil Chavez and Keith Searls, Mindwave	11/25/2002
Various email contacts	12/30/2002
Jordan May, Hutech Resources	2/6/2008
Sue and Paul Duchek, Picket Fence Realty	6/9/2009
David Banks, Verimind	7/12/2009
Mike Stopka, Design Toscano	10/3/2009
Henry Blaufeld, Surgimesh	11/10/2009
Brad Thomas, Mobile Cellutions	1/19/2010
Arthur Mika, Mika Engineering	3/23/2010

With respect to “vendors of” any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID SERVER and/or ANDROID WEB EDITOR marks, Plaintiffs interpret “vendors of Plaintiffs’ products and/or services” to mean individuals and/or entities that sold Plaintiffs’ products and/or services other than Plaintiffs and state that there are no such individuals and/or entities.

With respect to suppliers for any product or service offered, sold, licensed or distributed by each Plaintiff in association with the ANDROID SERVER and/or ANDROID DATA WEB EDITOR marks, Plaintiffs state that their suppliers include:

<u>Supplier</u>	<u>Year(s)</u>
Actionscript.org	2006-2008
Altec Data	2002
Amazon.com	1999-2002, 2008-2009
AT&T Business Services	2003-2005
Barnes & Noble	2000
Borders Books & Music	1999
Chilcat Software	2009
Computer Discount Warehouse	1999-2001
Crown Books	2000
Desaware Software	2001
Flashkit.com	2008
Genuity	2000-2002
GTE Internetworking	1999-2000
Image Systems	2000
International Computer Concepts	2001
Kirupa.com	2008
KOI Computers	1999-2000
Mabry Software	2002
Mailboxes Etc.	2003
Martin, Craig, Chester & Sonnenschein	2000-2002
Microsoft	1999
Myoda Computer Center	2000
Pair Networks	2009-2010
Polyline	2002
Prisca Tibbetts	2000
Richard Moore	1999-2000
Scott Westgard	2002
Sonix Media Systems	2000-2001
Trader's Self-Park	1999-2002
US Postal Service	1998-2010
Walgreen's	2002-2005, 2009
Zenicom	2002

Plaintiffs further state that discovery in this case is ongoing, and Plaintiffs expect that additional information responsive to this Interrogatory will be ascertained. Accordingly, Plaintiffs reserve their right to supplement this Answer.

ERICH SPECHT, an individual and doing business
as ANDROID DATA CORPORATION, and
THE ANDROID'S DUNGEON INCORPORATED


By: P. Andrew Fleming
One of Their Attorneys

P. Andrew Fleming
John F. Shonkwiler
John B. Haarlow
NOVACK AND MACEY LLP
100 North Riverside Plaza
Chicago, IL 60606
(312) 419-6900

Martin J. Murphy
Law Offices of Martin J. Murphy
2811 RFD
Long Grove, IL 60047
(312) 933-3200
#338913

VERIFICATION OF ERICH SPECHT

I, Erich Specht, state that I have answered the foregoing Plaintiffs' Supplemental Answers And Objections To Google Inc's Second Set Of Interrogatories on behalf of myself individually and as the authorized agent of Android Data Corporation and The Android's Dungeon, Inc., and I declare under penalty of perjury that the foregoing is true and correct.



Erich Specht

4/15/2010

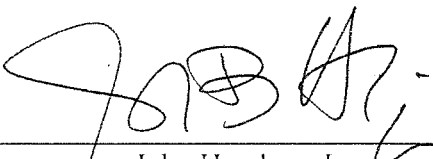
Date

CERTIFICATE OF SERVICE

John Haarlow, Jr., an attorney, certifies that he served the foregoing Plaintiffs' Supplemental Answers And Objections To Google Inc's Second Set Of Interrogatories, by causing a true and correct copy to be delivered by electronic mail to:

Herbert F. Finn
Jeffrey P. Dunning
GREENBERG TRAUIG, LLP
77 West Wacker Drive
Suite 3100
Chicago, IL 60601
finnh@gtlaw.com
dunningj@gtlaw.com

on this 20th day of April, 2010.



John Haarlow, Jr.

G

Greenberg Traurig

Herbert H. Finn
Tel (312) 456-8427
Finnh@gtlaw.com

May 20, 2010

VIA EMAIL and U.S. MAIL

P. Andrew Fleming, Esq.
NOVACK & MACEY
100 North Riverside Plaza
Chicago, IL 60606

Re: **Specht/Google**
N.D. Ill. Civil Action No. 09-cv-2572
Our File No. 073794.010900

Andrew:

Pursuant to Judge Leinenweber's April 22, 2010 Order and the parties' agreement, Google identifies the following individuals who it may call or otherwise rely on to provide fact testimony at trial:

<u>Google Affiliates</u>	<u>Plaintiffs Affiliates</u>	<u>Third Parties</u>
Terri Chen	Martin Murphy	Representative(s) of Eide CPA
Jennifer Flannery	Wendy Murphy	Representative(s) of Picket Fence Realty
Representative(s) of Investigative Network, Inc.	Erich Specht	Kenneth Robblee
Sung Hu Kim	Megan Specht	
Richard Miner		
Thomas Moss		
Andrew Rubin		
Nickolas Sears		
David Sobota		
Linda Tong		
Erick Tseng		

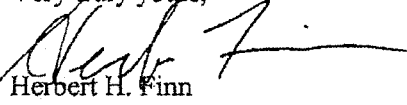
The individuals identified as "Google Affiliates" may be contacted through our offices.

ALBANY
AMSTERDAM
ATLANTA
BOCA RATON
BOSTON
BRUSSELS
CHICAGO
DALLAS
DELAWARE
DENVER
FORT LAUDERDALE
HOUSTON
LAS VEGAS
LONDON*
LOS ANGELES
MIAMI
MILAN*
NEW JERSEY
NEW YORK
ORANGE COUNTY
ORLANDO
PHILADELPHIA
PHOENIX
ROME*
SACRAMENTO
SILICON VALLEY
TALLAHASSEE
TAMPA
TOKYO*
TYSONS CORNER
WASHINGTON, D.C.
WEST PALM BEACH
ZURICH
* Strategic Alliance
** Legal Alliance/Strategic Alliance

P. Andrew Fleming
May 20, 2010
Page 2

As fact discovery is ongoing, and expert discovery has yet to commence, Google expressly reserves the right to supplement this list to the extent that additional issues or individuals having relevant information are identified through discovery.

Very truly yours,



Herbert H. Finn

HHF/jpd

cc: John Shonkwiler
John Haarlow