UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

STELOR PRODUCTIONS, LLC	)	
	)	
	)	
Plaintiff	)	
	)	
	)	Case Number: 1:05-CV-0354-DFH-TAB
v.	)	
	)	
	)	
OOGLES N GOOGLES FRANCHISING LLC	)	
et. al.	)	Jury Demanded
	)	
Defendants.	)	

CORRINA SPARKS' ANSWER TO PLAINTIFF'S THIRD AMENDED COMPLAINT

Corinna Sparks (now Corinna Hamm), by counsel, for her Answer to Plaintiff's Third Amended Complaint states as follows:

FIRST DEFENSE

1. Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 1.

2. Paragraph 2 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 2.

3. Paragraph 3 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks denies said allegations.

4. Paragraph 4 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 4.

5. Paragraph 5 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 5.

6. Corinna Sparks denies paragraph 6.

7. Corinna Sparks admits that she resides in Terre Haute, Indiana, but denies any remaining allegations of paragraph 7.

8. Paragraph 8 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 8.

9. Corinna Sparks denies paragraph 9.

10. Corinna Sparks admits that Plaintiff makes claims for trademark infringement, unfair competition, and dilution, but denies liability for such claims of paragraph 10.

11. Corinna Sparks admits this Court has subject matter jurisdiction but denies the remaining allegations in paragraph 11.

12. Corinna Sparks admits that venue is proper in this district, but denies any remaining allegations of paragraph 12.

13. Paragraph 13 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 13.

14. Corinna Sparks denies the allegations of paragraph 14.

15. Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 15.

16. Corinna Sparks denies the allegations of paragraph 16.

17. Corinna Sparks is without sufficient knowledge to form a belief as to the truth of,

and therefore denies the allegations of paragraph 17.

18. Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 18.

19. Corinna Sparks denies the allegations of paragraph 19.

20. Paragraph 20 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 20.

21. Corinna Sparks denies paragraph 21.

22. Corinna Sparks denies paragraph 22.

23. Corinna Sparks denies the allegations of paragraph 23.

24. Paragraph 24 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 24.

25. Paragraph 25 makes no allegations against Corinna Sparks. To the extent an answer is required to this paragraph, Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 25.

26. Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 26.

27. Corinna Sparks denies the allegations of paragraph 27.

28. Corinna Sparks denies paragraph 28.

29. Corinna Sparks denies paragraph 29.

30. Corinna Sparks denies paragraph 30.

31. Corinna Sparks is without sufficient knowledge to form a belief as to the truth of, and therefore denies the allegations of paragraph 31.

32. Corinna Sparks denies paragraph 32.

33. Corinna Sparks denies paragraph 33.

34 - 43. Corinna Sparks denies paragraphs 34 through 43.

44 – 49. Corinna Sparks denies paragraphs 44 through 49.

50 – 54. Corinna Sparks denies paragraphs 50 through 54.

55 – 57. Corinna Sparks denies paragraphs 55 through 57.

58 – 69. Paragraphs 58 through 69 comprise a prayer for judgment by the Plaintiff. To the extent that Corinna Sparks is required to admit or deny such a prayer for judgment, she denies paragraphs 58 through 69.

SECOND DEFENSE

Plaintiff's Third Amended Complaint fails to state claim upon which relief can be granted.

THIRD DEFENSE

The Oogles n Googles name and trademark do not infringe Plaintiff's alleged trademarks because there is no likelihood of confusion between the Oogles n Googles name and Plaintiff's alleged trademarks or between Oogles n Googles services and any goods or services allegedly offered for sale by Plaintiff.

FOURTH DEFENSE

Corinna Sparks has made no representations whatsoever regarding Plaintiff's alleged goods and services, nor has she falsely represented any facts pertaining the origin, sponsorship, approval, quality, characteristics, or geographic origin of Oogles n Googles services.

FIFTH DEFENSE

Plaintiff's claims are barred because Plaintiff and prior alleged owners of the alleged trademarks have not used such marks in commerce as trademarks to identify the source or origin of its alleged goods or services.

SIXTH DEFENSE

Plaintiff's claims are barred because Corinna Sparks has done nothing to mislead, deceive or confuse consumers or to generate likelihood of confusion as to the source or origin of Oogles n Googles' services, or the source or origin of Plaintiff's alleged goods and services.

SEVENTH DEFENSE

Subject to discovery, Plaintiff's claims are barred by doctrine of unclean hands.

EIGHTH DEFENSE

Subject to discovery, Plaintiff's claims are barred by fair use.

NINTH DEFENSE

. Subject to discovery, Plaintiff's claims are barred by laches and/or statutes of limitations.

TENTH DEFENSE

Plaintiff's alleged trademarks are not famous except to the extent the Google, Inc., has made the word "Google" famous; Plaintiff has no right to make claims based upon the

fame of Google, Inc.'s trademarks.

ELEVENTH DEFENSE

Oogles n Googles use of its name and trademark in commerce preceded any alleged fame of Plaintiff's alleged trademarks.

TWELFTH DEFENSE

Plaintiff's alleged trademarks are not distinctive or famous and in any case no dilution has occurred to Plaintiff's alleged trademarks irrespective of their lack of distinctiveness or fame.

THIRTEENTH DEFENSE

Plaintiff's claims are barred because Plaintiff has incurred no damages.

FOURTEENTH DEFENSE

Subject to discovery, Plaintiff's claims are barred because of waiver, acquiescence and/or estoppel.

FIFTEENTH DEFENSE

Plaintiff and/or other alleged predecessor owners of the alleged trademarks have abandoned the alleged trademarks.

SIXTEENTH DEFENSE

Subject to discovery, Plaintiff has failed to mitigate its damages.

SEVENTEENTH DEFENSE

Plaintiff and/or the prior alleged owner(s) of the alleged trademarks committed fraud on the U.S. Patent and Trademark Office.

EIGHTEENTH DEFENSE

Plaintiff does not have a federal registration for the word "googles" as a trademark, nor does Plaintiff have any common law or other trademark rights to the word "googles".

NINETEENTH DEFENSE

Corinna Sparks had no knowledge or notice of Plaintiff, Plaintiff's alleged goods and services, or Plaintiff's alleged trademarks prior to being notified of Plaintiff's lawsuit.

Wherefore, Corinna Sparks prays for judgment in her favor, costs of this action including attorney fees, and all other just and proper relief.

JURY DEMAND

Corinna Sparks demands trial by jury.

Respectfully submitted by:

/s/ Stephen L. Vaughan
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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2008, a copy of the foregoing Corinna Sparks' Answer to Counterclaim to Plaintiff's Third Amended Complaint was filed electronically on all counsel of record. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Stephen L. Vaughan
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