

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

STELOR PRODUCTIONS, INC.,)
v.)
Plaintiff,)
v.) Case No. 1:05-cv-0354-DFH-TAB
OOGLES N GOOGLES FRANCHISING, LLC,)
an Indiana Limited Liability Company, et al.)
Defendants.)

PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIM

The Plaintiff/Counter Defendant, by counsel, for its Answer to Defendant's Counterclaim states the following:

1. The Plaintiff admits that on March 11, 2005 the Plaintiff filed a complaint alleging Trademark Infringement, Unfair Competition and Trademark Dilution against Defendants, the Plaintiff further admits that the complaint speaks for itself. The Plaintiff denies all remaining allegations as set forth in paragraph 1 of the Defendant's counterclaim.

2. The Plaintiff admits that the Googles word & design mark was at one time owned by the Googles Children's Workshop, a New Jersey corporation. The Plaintiff denies all remaining allegations as set forth in paragraph 2 of the Defendant's counterclaim.

3. The Plaintiff admits that the Googles Children's workshop was dissolved on October 22, 1997. The Plaintiff denies the remaining allegations as set forth in paragraph 3 of the Defendant's counterclaim.

4. The Plaintiff denies the allegations as set forth in paragraph 4 of the Defendant's counterclaim.

5. The Plaintiff denies the allegations as set forth in paragraph 5 of the Defendant's counterclaim.

6. The Plaintiff denies the allegations as set forth in paragraph 6 of the Defendant's counterclaim.

7. The Plaintiff admits that on March 11, 2005 the Plaintiff filed a complaint alleging Trademark Infringement, Unfair Competition and Trademark Dilution against Defendants, the Plaintiff further admits that the complaint speaks for itself. The Plaintiff denies all remaining allegations as set forth in paragraph 7 of the Defendant's counterclaim.

8. The Plaintiff denies the allegations as set forth in paragraph 8 of the Defendant's counterclaim.

9. The Plaintiff denies the allegations as set forth in paragraph 9 of the Defendant's counterclaim.

10. The Plaintiff denies the allegations as set forth in paragraph 10 of the Defendant's counterclaim.

AFFIRMATIVE DEFENSES

1. The Defendants' claim fails because there has been no misrepresentation made to the U.S. Patent & Trademark Office by the Plaintiff.

2. The Defendants' claims fail because there has been no fraud perpetrated upon the U.S. Patent & Trademark Office by the Plaintiff.

3. The Defendants' claim fails because the Plaintiff has not abandoned the Googles word and design mark has not been abandoned.

4. The Defendants' claim fails because the Plaintiff has not abandoned the Oogle, Iggle or Oggie marks.

WHEREFORE, the Plaintiff respectfully requests this Court enter judgment in favor of the Plaintiff and against the Defendants, and all other relief just and proper.

Respectfully submitted,

s/ Michael A. Dorelli

John David Hoover, Attorney No. 7945-49

Michael A. Dorelli, Attorney No. 20862-49

HOOVER HULL LLP

111 Monument Circle, Ste. 4400

P.O. Box 44989

Indianapolis, IN 46244-0989

Phone: (317) 822-4400

Fax: (317) 822-0234

E-mail: jdhoover@hooverhull.com

mdorelli@hooverhull.com

Of counsel:

Robert Merz

Stelor Productions, LLC

19110 Montgomery Village Avenue, #320,

Montgomery Village, MD 20886

Tel: (301) 963-0000

Fax: (301) 740-7552

Email: b.merz@stelorproductions.com

Attorneys for Plaintiff, Stelor Productions, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2008, a copy of the foregoing was filed electronically, and that notice of this filing will be sent to the following party by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Stephen L. Vaughan
Steve@IPLawIndiana.com

s/ Michael A. Dorelli