

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, <i>et. al.</i>)
)
Defendants)

DEFENDANTS' SECOND REQUEST FOR PRODUCTION TO PLAINTIFF

Defendants, except those that have not been served with process by counsel, request that the following documents and things be produced, pursuant to F.R.C.P. 34, to the undersigned for inspection and copying at the office of Indiana Vaughan, LLP, One North Pennsylvania Street, Suite 1300, Indianapolis, IN 46204 within thirty (30) days of the date of service of this Second Request for Production:

Definitions

“Stelor” means Stelor Productions, Inc. and/or Stelor Productions, LLC.

“Oogles n Googles” means Oogles n Googles Franchising LLC.

Exhibit 4

“Googles logo” refers to the word and design federally registered as a trademark as Registration No. 2,087,590

“Stelor’s marks” means the Googles logo, the word Googles used as a word mark, the word mark Oogle, the word mark Oggie, and/or the word mark Iggle.

“Googles branded” means placed into the stream of commerce or offered for sale with the Googles logo, the word Googles, the word Oogle, the word Oggie, and/or the word Iggle used as a trademark to identify the source or origin of goods or services.

Interrogatories

120. Business plans of Stelor Productions I, LLC from 2002 to the present

RESPONSE:

121. Marketing plans of Stelor Productions I, LLC from 2002 to the present

RESPONSE:

122. Organizational charts for Stelor Productions I, LLC from 2002 to the present

RESPONSE:

123. All documents with information regarding the formation of Stelor Productions I, LLC

RESPONSE:

124. Documents that identify the names, addresses, and/or phone numbers of all past and present officers of Stelor Productions I, LLC

RESPONSE:

125. Business plans of Stelor Technologies, LLC from 2002 to the present

RESPONSE:

126. Marketing plans of Stelor Technologies, LLC from 2002 to the present

RESPONSE:

127. Organizational charts for Stelor Technologies, LLC from 2002 to the present

RESPONSE:

128. All documents with information regarding the formation of Stelor Technologies, LLC

RESPONSE:

129. Documents that identify the names, addresses, and/or phone numbers of all past and present officers of Stelor Technologies, LLC

RESPONSE:

130. All contracts or agreements between Stelor, LLC and Stelor that pertain to Stelor's marks, Googles branded goods or services, or lawsuits pertaining to Stelor's marks and/or Googles branded goods or services.

RESPONSE:

131 All contracts or agreements between Stelor Investors, LLC and Stelor that pertain to Stelor's marks, Googles branded goods or services, or lawsuits pertaining to Stelor's marks and/or Googles branded goods or services.

RESPONSE:

132. All contracts or agreements between Stelpro Investors, LLC and Stelor that pertain to Stelor's marks, Googles branded goods or services, or lawsuits pertaining to Stelor's marks and/or Googles branded goods or services.

RESPONSE:

133. All contracts or agreements between Stelor Group Limited, LLC and Stelor that pertain to Stelor's marks, Googles branded goods or services, or lawsuits pertaining to Stelor's marks and/or Googles branded goods or services.

RESPONSE:

134. All contracts or agreements between Stelor Productions I, LLC and Stelor that pertain to Stelor's marks, Googles branded goods or services, or lawsuits pertaining to Stelor's marks and/or Googles branded goods or services.

RESPONSE:

135. All contracts or agreements between Stelor Technologies, LLC and Stelor that pertain to Stelor's marks, Googles branded goods or services, or lawsuits pertaining to Stelor's marks and/or Googles branded goods or services.

RESPONSE:

136. All contracts or agreements between Goo Investments LLC and Stelor that pertain to Stelor's marks, Googles branded goods or services, or lawsuits pertaining to Stelor's marks and/or Googles branded goods or services.

RESPONSE:

137. All articles by Dr. Stephen Hubbell posted on the googles.com, auroracollections.com, and/or thefunwithscienceclub.com websites

RESPONSE:

138. Business plans of any company subsidiary or entity known as "The Googles" from 2002 to the present

RESPONSE:

139. Marketing plans of "The Googles" from 2002 to the present

RESPONSE:

140. Organizational charts for "The Googles" from 2002 to the present

RESPONSE:

141. All documents with information regarding the formation of “The Googles”.

RESPONSE:

142. Documents that identify the names, addresses, and/or phone numbers of all past and present officers of “The Googles”.

RESPONSE:

143. The personnel and/or human resources department files (with social security numbers redacted), including, but not limited to applications for employment, resumes, employee evaluations, reprimands, notices of resignation, and letter of termination, for the following Stelor current of former employees:

a. Mike Sagan

RESPONSE:

b. Paul DeShontae

RESPONSE:

c. Biju Pandit

RESPONSE:

- d. Rebecca Gardner

RESPONSE :

- e. Jeffrey A. Schecter, Director of Creative Development

RESPONSE:

- f. Jay Patel, C++ Programmer
Senior Software Programmer

RESPONSE:

- g. Joe Matos, Chief Creative Director

RESPONSE:

- h. Michael Bateman, Multimedia Designer

RESPONSE:

- i. Jason Gerber, Webmaster and Network Administrator

RESPONSE:

- j. Stephen Esrig, President

RESPONSE:

- k. Stephen Biro, Solution Architect

RESPONSE:

- l. Steve Hemstreet, System Administrator
Information Technology System Administrator

RESPONSE:

- m. John Huff, Research Administrator

RESPONSE:

- n. Riva Esrig, VP – Human Resources

RESPONSE:

- o. Riva Elaine

RESPONSE:

- p. Marty Jeffrey, Senior Vice President

RESPONSE:

- q. Steve Perrie, Multimedia Designer

RESPONSE:

- r. Edson Saenz, Artist/Animator

RESPONSE:

- s. John Pencola, Flash Software Engineer

RESPONSE:

t. Marieke Biers, Flash Program Developer

RESPONSE:

u. Ron Vazquez, Unix Administrator

RESPONSE:

v. Mark Silverman, Chief Operating Officer

RESPONSE:

w. Danny Friedman, Development Assistant

RESPONSE:

x. Greg Henle, PHP Programmer

RESPONSE:

y. Laura Warshauer, Events/Promotions Coordinator

RESPONSE:

z. Thomas Varghese, Programmer

RESPONSE:

aa. Jesse Voogt, Flash program Developer

RESPONSE:

bb. Rosemary Smith

RESPONSE:

cc. Marty Jeffries

RESPONSE:

dd. Julie DePue

RESPONSE:

ee. Dean DePue

RESPONSE:

144. The complaint and any amended complaints in the following cases:

- a. *Silvers v. Stelor Productions, LLC*, Circuit Court, Miami-Dade County, Florida Cause No. 05-18033 CA 03

RESPONSE:

- b. *Stelor Productions, LLC v. Lindsey R. Miller*, Circuit Court of Montgomery County Maryland, Case No. 272024-V

RESPONSE:

- c. *Stelor Productions, LLC v. Steve A. Silvers*, Circuit Court for Montgomery County, Maryland, Case No. 272023-V

RESPONSE:

145. All answers, amended answers, and answers to any amended complaints in the cases of:

- a. *Silvers v. Stelor Productions, LLC*, Circuit Court, Miami-Dade County, Florida
Cause No. 05-18033 CA 03

RESPONSE:

- b. *Stelor Productions, LLC v. Lindsey R. Miller*, Circuit Court of Montgomery
County Maryland, Case No. 272024-V

RESPONSE:

- c. *Stelor Productions, LLC v. Steve A. Silvers*, Circuit Court for Montgomery
County, Maryland, Case No. 272023-V

RESPONSE:

146. Resume or *curriculum vitae* for Steven A. Esrig

RESPONSE:

147. Resume or *curriculum vitae* for any experts Stelor may or will call to testify at trial

RESPONSE:

148. All articles by Dr. Patricia Adair Gowaty posted on the googles.com,
auroracollection.com, and/or thefunwithscienceclub.com websites

RESPONSE:

149. All documents with the names, e-mail addresses, physical addresses, and/or ages of
all persons that registered with and/or signed up for thefunwithscienceclub.com

RESPONSE:

150. All documents with the names, e-mail addresses, and/or physical addresses of the schools or organizations that signed up for fundraising activities of the Aurora Collection, Inc. or The Fun With Science Club.

RESPONSE:

151. A sample of each of the following goods sold or offered for sale on the auroracollection.com and/or thefunwithscienceclub.com websites

RESPONSE:

a. Pre-cambrian era rocks

RESPONSE:

b. Crystal growing kits

RESPONSE:

c. Dinosaur Excavation Kits

RESPONSE:

d. Marble Hop 2000 Computer Program

RESPONSE:

e. Terra Cotta Soldier Replica

RESPONSE:

f. Dab-A-Dino Painting Toy

RESPONSE:

152. All correspondence to and from NASA regarding any business relationship of NASA with The Aurora Collection, Inc., and/or The Fun With Science Club

RESPONSE:

153. All contracts or agreements between Stelor Productions, Inc. and Stelor Productions, LLC regarding Stelor's marks or Googles branded goods or services.

RESPONSE:

154. All contracts or agreements between Stelor, LLC and Stelor regarding the proceeds of the lawsuit against Google, Inc.

RESPONSE:

155. All Stelor correspondence to Google, Inc., or its attorneys

RESPONSE:

156. All documents and things that prove or tend to prove Plaintiff's allegation that Defendants' actions actually diluted the distinctive quality of Stelor's markets.

RESPONSE:

157. All documents that identify the local zoning authority with jurisdiction over

14701 Mockingbird Lane, Darnestown, Maryland, and the zoning designation and/or classification for that property

RESPONSE:

158. All business or retail licenses or permits for the operation of any business enterprise that has operated has or is operating at 14701 Mockingbird Lane, Darnestown, Maryland at anytime since 1998.

RESPONSE:

159. All documents, including electronic documents such as e-mails or web site pages, that show that The Googles Children's Workshop, Inc. offered for sale the book "Googles and the Planet of Goo" in the years from 1994 to 1997, and if so, describe all documents in sufficient detail for Defendants to prepare a Request for Production.

RESPONSE:

160. All documents in Stelor's custody or control with information regarding the number of copies of the book "Googles from the Planet of Go" sold by The Googles Children's Workshop, Inc. in the years 1994 through 1997.

RESPONSE:

161. All documents that show that The Googles Children's Workshop, Inc. was doing business for five years after August 12, 1997.

RESPONSE:

162. All documents that show that The Googles Children's Workshop, Inc. sold children's books in the five years succeeding August 12, 1997.

RESPONSE:

163. All documents, including electronic documents such as e-mails or website pages, that show that Steven A. Silvers, SAS Entertainment Group, and/or The Googles Children's Workshop (with mailing address 3741 N.E. 163rd Street, Suite 325, North Miami Beach, Florida 33160) offered for sale the book "Googles and the Planet of Goo" in the years from 1997 through 1999, inclusive.

RESPONSE:

164. All electronic copies or hard copies of the internet web pages for the googles.com website as it allegedly existed in 1997 and 1998.

RESPONSE:

165. All electronic or hard copies of the internet website pages for the googles.com website as it allegedly existed in 1999 and 2000.

RESPONSE:

166. All business records of The Googles Children's Workshop, Inc. in Stelor's custody or control.

RESPONSE:

167. All business records of Steven A. Silvers doing business as The Googles Children's Workshop, an unincorporated business, at 3741 N.E. 163rd Street, Suite 325, North Miami Beach, Florida 33160.

RESPONSE:

168. All business records of SAS Entertainment Group, Silvers Entertainment Group, Silvers, Silvers Entertainment Group, Inc. in Stelor's custody or control.

RESPONSE:

169. All documents with the names, addresses, and phone numbers of all directors of The Aurora Collection, Inc. known to Steven Esrig at the time Esrig first became aware of The Aurora Collection, Inc.

RESPONSE:

170. Any documents that show when and how Steven Esrig first came to know The Aurora Collection, Inc. directors identified in the previous interrogatory.

RESPONSE:

171. All documents, with information regarding Esrig's investment in the Aurora Collection, Inc.

RESPONSE:

172. All documents regarding the formation of E.G.G. International LLC

RESPONSE:

173. All documents that show the officers, managers, directors, members, and/or Employees of E.G.G. International LLC

RESPONSE:

174. All contracts between E.G.G. International LLC and The Aurora Collections, Inc.

RESPONSE:

175. All documents that describe fully all consulting or other services provided by Esrig and/or E. G. G. International, LLC to The Aurora Collection, Inc,

RESPONSE:

176. All electronic or hard copies of the internet web pages for theauroracollection.com website between 1999 and 2002 in Stelor's custody or control.

RESPONSE:

177. All electronic and hard copies of internet web pages for funwithscienceclub.com.

RESPONSE:

178. All documents with information regarding performances of the Googles characters and/or of the "Goosical Musical Revue" produced or sponsored by The Aurora Collection, Inc. from 1999-2002, including documents with information regarding:

- a. The name, address, and telephone number for the contact person at the venue of the performance.

RESPONSE:

- b. The number of tickets sold.

RESPONSE:

- c. The price and dollar amount of tickets sold.

RESPONSE:

- d. The type, quantity, and total dollar amount of merchandise sold.

RESPONSE:

179. The Asset Purchase agreement between Stelor and The Aurora Collection, Inc.

RESPONSE:

180. All correspondence between Stelor and any attorney for The Aurora Collection, Inc., including Carrie Fischer.

RESPONSE:

181. All documents pertaining to Steven A. Silvers, The Aurora Collection, Inc. and/or The Fun With Science Club that were reviewed or obtained by Stelor Production, Inc. and/or Steven Esrig prior to Stelor's agreement with Silvers dated June 1, 2002.

RESPONSE:

182. All documents with information regarding consulting or other services to The Aurora Collection, Inc., currently provided by Steven Esrig and the name of Esrig's contact person at The Aurora Collection, Inc.

RESPONSE:

183. Documents that identify the goods and/or services currently offered or sold by The Aurora Collection, Inc.

RESPONSE:

184. Documents that identify sales of the following products sold by The Aurora Collection, Inc."

- a. Pre-cambrium era rocks

RESPONSE:

- b. Crystal growing kits

RESPONSE:

- c. Dinosaur Excavation kits

RESPONSE:

- d. Marble Hop 2000 Computer programs

RESPONSE:

- e. Terra Cotta Soldier Replica

RESPONSE:

- f. Dab-A-Dino painting toy

RESPONSE:

185. Documents that identify sales of the following products sold by The Fun with Science Club:

- a. Pre-cambrium era rocks

RESPONSE:

- b. Crystal growing kits

RESPONSE:

- c. Dinosaur Excavation kits

RESPONSE:

- d. Marble Hop 2000 Computer programs

RESPONSE:

- e. Terra Cotta Soldier Replica

RESPONSE:

- f. Dab-A-Dino painting toy

RESPONSE:

186. Documents that identify school organizations that signed up for The Aurora Collection, Inc. fund-raising program it offered in or about 1999 and 2000.

RESPONSE:

187. Documents with information regarding Steven Esrig's involvement in setting up or operating The Auroras fund raising activity.

RESPONSE:

188. Documents with the names, addresses, and telephone numbers of its current officers, managers, employees and shareholders, and the address of its current principal of business.

RESPONSE:

189. Documents identifying Stelor Productions, Inc.'s current goods and services.

RESPONSE:

190. Documents with information regarding when Stelor Productions was converted from a corporation to a limited liability company, the reasons why Stelor Productions was converted from a corporation to a limited liability company, and the names, addresses, and telephone numbers of all individuals with personal knowledge of this conversion.

RESPONSE:

191. Documents showing the number of copies of the “Googles from the Planet of Goo” Stelor currently has in its possession.

RESPONSE:

192. Documents showing the number of copies of the book “Googles and the Return Flight to Goo” Stelor currently has in its possession.

RESPONSE:

193. Documents that show how many copies of the book “Googles from the planet of Goo” have been sold by Stelor, and the following information for each copy sold, the:

- a. The name of the purchaser

RESPONSE:

- b. The address of the purchaser

RESPONSE:

- c. The date of the sale

RESPONSE:

- d. The sale price of the book

RESPONSE:

194. Documents that show how many copies of the book “Return Flight to Goo” have been sold by Stelor, and the following information for each copy sold:

- a. The name of the purchaser

RESPONSE:

- b. The address of the purchaser

RESPONSE:

- c. The date of the sale

RESPONSE:

195. Documents that show the date that Stelor first offered goods for sale through Café Press.

RESPONSE:

196. Documents that show the name of the Stelor employee that was responsible for the sale of goods through Café Press.

RESPONSE:

197. Documents that show sales of Stelor goods through Café Press:

RESPONSE:

198. Documents that show the date that Stelor first offered Googles music for sale on I-Tunes.

RESPONSE:

199. Documents with information on each sale of Googles music on I-Tunes, including:

- a. The name of the song or CD sold.

RESPONSE:

- b. The date of the sale.

RESPONSE:

- c. The name and address of the purchaser.

RESPONSE:

200. Documents that show the total dollar amount of sales Stelor has made on I-Tunes since the date Stelor first offered music for sale on I-Tunes.

RESPONSE:

201. Documents that show the dates and locations of all performances of the Googles characters and/or of the “Goosical Musical Revue“ produced or sponsored by Stelor Productions, Inc. and/or Stelor Productions, LLC 2002 to the present, including documents that show:

- a. The name, address, and telephone number for the contact person at the venue of the performance.

RESPONSE:

- b. Whether any tickets were sold, and if so, how many.

RESPONSE:

- c. The total number and dollar amount of tickets sold.

RESPONSE:

- d. Whether any merchandise was sold at the performance, and if so, a description of the type, quantity, and total dollar amount of merchandise sold.

RESPONSE:

202. Any and all television programs or cartoons featuring any Googles characters produced by Stelor Productions, Inc., and/or Stelor Productions.

RESPONSE:

203. Documents that show the date, time, channel, and television station for each and every appearance on network or cable television of any Googles characters in cartoons, television programs, commercials, or promotions of the Googles characters.

RESPONSE:

204. All documents and agreements for all licensees and/or sub licensees of Googles trademarks, Googles merchandise, Googles services, and/or Googles television or internet programming, and or licensee, including that have the following information:

- a. The name, address, and telephone number of the licensee or sub-licensee

RESPONSE:

- b. The name and telephone number of the contact person for the licensee that dealt with Stelor

RESPONSE:

- c. A description of the Googles property that is or was licensed

RESPONSE:

- d. The terms and conditions of the license of sub-license agreement, including, but not limited to the amount of money and royalties paid or to be paid to Stelor

RESPONSE:

205. Documents that identify current employees of Stelor Productions, LLC, including their name, address, home address, phone number, job title, job description, and the date each such employee started work at Stelor Productions LLC..

RESPONSE:

206. Documents that identify each current officer and/or manager of Stelor Productions, LLC, including their name, home address, phone number, office, (i.e. president, general manager, vice president, etc.), and date each such officer or manager assumed the office or management position at Stelor Productions, LLC.

RESPONSE:

207. Documents that identify each current member, sub-member, and/or equity owner of Stelor Productions LLC, including their name, home address, phone number, and date each such person became a member, sub-member, and/or equity owner of Stelor Productions LLC, and the amount of money each such member, sub-member, and/or equity Owner has contributed to Stelor Productions, LLC.

RESPONSE:

208. Documents with information regarding Stelor's current inventory (number of units) Stelor has in it possession of the following goods:

- a. Google t-shirts

RESPONSE:

- b. Oogle dolls

RESPONSE:

- c. Oggie dolls

RESPONSE:

- d. Iggle dolls

RESPONSE:

- e. “One Goo World” compact disc

RESPONSE:

- f. “Un Goo Mundo” compact disc

RESPONSE:

- g. Google stickers

RESPONSE:

209. Documents that identify the name, address, and phone number of any vendor or manufacturer that makes Googles t-shirts for resale by Stelor.

RESPONSE:

210. Documents that identify the name, address, and phone number of any vendor or manufacturer that makes Oogle, Oggie, and Iggle dolls for resale by Stelor.

RESPONSE:

211. Documents that identify the name, address, and phone number of any vendor or manufacturer that makes “Goo World” compact discs for resale by Stelor.

RESPONSE:

212. Documents that identify the name, address, and phone number of any vendor or manufacturer that makes Googles stickers for resale by Stelor.

RESPONSE:

213. Documents with information regarding sales for the following goods from the Goo Shop:

- a. Book “Googles and the Planet of Goo”, Item No. GB 0001

RESPONSE :

- b. Google t-shirt, Item No. GB 001

RESPONSE :

- c. Oogle toy, Item No. PST 001

RESPONSE :

- d. Oggie toy, Item No. PST 002

RESPONSE :

- e. Iggle toy, Item No. PST 003

RESPONSE :

- f. Goo Boo toy, Item No. PST 004

RESPONSE :

- g. Goo Roo toy, Item No. PST 005

RESPONSE:

- h. “One Goo World” compact disc, Item No. GMCD 001

RESPONSE:

- i. “Un Goo Mundo” compact disc, Item No. GMCD 002

RESPONSE:

- j. Google stickers, Item No. GST 001

RESPONSE:

214. All electronic or hard copies of web pages for googles.com for the years 2002 to present

RESPONSE:

215. Documents that identify the names of any computer programmer, web designer, or web master that created or modified the googles.com website, any time in the year 2002 and in the months of January through the present of 2008.

RESPONSE:

216. Documents that identify the name, current address, and current phone number of the creator of “The Troodles from Troo”.

RESPONSE:

217. Documents with information regarding Robert Morse, the address, and telephone number of Robert Morse and Mr. Morse’s relationship to or involvement with Stelor.

RESPONSE:

218. Documents with information regarding the address, and telephone number of John Neubauer, and Mr. Neubauer's relationship to or involvement with Stelor.

RESPONSE:

219. Documents with information regarding the address, and telephone number of Creative Network Innovations ("CNI"), CNI's relationship to or involvement with Stelor, all disputes between CNI and Stelor and the case name, court name and cause number for any disputes with CNI involving litigation.

RESPONSE:

220. Documents with information regarding the names and dates of all industry trade show attended by a representative of Stelor to promote the Googles brand or Googles goods or services from 2002 to the present, including documents with the following information:

- a. The name, address, and telephone number of the Stelor employee(s) or representative(s) attending the industry trade show

RESPONSE:

- b. Whether Stelor had a booth and/or display at the trade show, and if so, the names(s) of the Stelor employee(s) and representative(s) that staffed the booth

or display

RESPONSE:

- c. Whether Stelor sold or licensed any goods or services at the trade show, and if so, the goods or services sold or licensed and state the name, address, and the telephone number of the purchaser or licensee of the goods or services

RESPONSE:

Respectfully submitted,

Stephen L. Vaughan, #2294-49
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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2008, a copy of the foregoing Second Request For Production to Plaintiff by Defendants was sent via US mail, postage prepaid, to the below listed counsel of record.

John David Hoover
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