

August 31, 1984

To Whom It May Concern:

Be it known to all parties that I, Steven A Silvers, have developed a children's record concept utilizing three characters called THE GOOGLES FROM THE PLANET GOO. The names of these characters are GOOGLES, GIGGLES, and GOGGLES. During their inception in 1979, the characters were originally intended to act as an educational tool through audio and visual means in teaching children, preferable pre-school, various concepts such as counting numbers, coping with the loss of a pet or family member, divorce and other experiences of life.

The configurations of these three characters are, to date, first being finalized since they have gone through many figure changes. As best as can be described verbally, and for the sake of brevity and legality in protecting my concept, they will appear as little furry gremlin-like characters with no mouth, no ears, no limbs; only an expressive pair of eyes. They will host different colors, to be decided on prior to manufacture.

Due to the tremendous competition in the children's records market and my involvement and interest moving toward the pop record market, I thought it best to temporarily abandon the idea. Since then, the following events have occurred:

Among my hobbies, one of my favorite past-times and means of sanity in this insane world we live in is to, from time to time, invent gadgets and items to make life a little easier and a little more fun to live in. Some of them have already been patented, and others I am waiting to patent.

Several months ago I met a gentlemen by the name of Barry Ober, who is a state of the arts recording studio owner, from time to time, through an organization Barry works for by the name of Harris Audio Systems, Barry had visited by company called Import Studios, Inc. located at 7326 Biscayne Boulevard, Miami, Florida 33138, and he and I befriended each other. During the next several social meetings Barry and I discussed various issues pertaining to our lives ambitions, goals, concepts and found out that a good many of them were quite similar. One of the issues at hand, in specific, was an invention that Barry had claimed he had worked on for quite a number of years. As best as he could describe it, he called it similar to the Pet Rock and at the beginning he gave me no name. It was described as a little pet animal very similar in character and design to my Googles character. I then asked him if he would be willing to enter into an agreement and exploit the concepts that we both shared jointly since I, for some time, had been thinking about turning the Googles into a combination toy doll/puppet and television series. Barry's reply was that he had to give it some thought.

Several more weeks passed, many more phone conversations and personal meetings ensued, but to date nother has transpired, not even a simple written agreement to collaborate. He liked my idea very much and took somewhat of an offense to criticisms I had made about his verbal explanation of his design and configuration.

Exhibit 9

When I asked him for specifics such as his patent attorney's name, his utility and design patent numbers, his trademark registration number, and other pertinent information to substantiate his claims, he constantly gave me excuses, at which time I decided to go forth and protent myself through this diary/letter and the eventual follow-up which I plan to do immedeately, before the end of September 1984 with my patent attorney and legal advisors.

The very last conversation which was with Barry on or about August 28, 1984 was with specific reference to informing him that I was going through with my concept full force, with or without him involved. He then informed me that he sent away for the necessary parts for a prototype that he was going to have made as soon as possible; and that in fact he had received the parts and was about to start assembling them. However, again, as of this writing some five days later, I have seen neither the parts or a finished prototype, which he claimed he could have for me within one or two days after he received all the parts, which he claimed to have received.

Being the entrepeneaur that I am, I decided to go forth and acquire a professional commercial artist, an electronic engineer, a professional carpenter to put together my prototypes which I am calling THE GOOGLES, The Perfect Pet. I will patent, trademark, and whatever else I need to do to legally protect my idea the aforementioned name and product.

The first of the configurations to be manufactured will be called Googles. An artist's rendition is in the workds, as per the above, and it will be manufactured in a cage-like configuration (material to be decided upon, as well as size). The character will be, as described above, libless with LED, possibly blinking, colored eyes, operated off a micro chip solid state transistorized circuit board, utilizing a hearing-aid type battery or, if need be, a larger type battery to give a longevity of approximately two years use of constant illumination. A motor movement of lift to right by the head is also in the works, but more than likely this will be incorporated in a later model.

I am plannling to make one last attempt, over the Labor Day 1984 weekend, to contact Barry and see what, if anything we can do to merge and jointly prusue this endeavor. If unsuccessful, I will immediately, as described above, pursue the matter on my own and would like it to go on record as such that every opportunity according to this letter of facts was granted to Barry to participate in this joint venture and that due to circumstances beyond my control, and his lack of initiative and response to my many pleas to do so, I have been left no alternative but to go it alone.

Respectfully submitted by me, Steven A. Silvers, on this 31st day of August, 1984.



Rochelle S. Matza
Notary
State of Florida



Steven A. Silvers

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JULY 4, 1988
NONREC. THRU GENERAL INS. UND.