

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

STELOR PRODUCTIONS, LLC,)
a Delaware corporation)
)
Plaintiff)

v.)

OOGLES N GOOGLES, an Indiana)
Corporation; KEVIN MENDELL,)
DANYA MENDELL, MICHELLE COTE;)
ROB LENDERMAN; STACEY LENDERMAN;)
BRENDA MURTY; MARGIE THOMAS;)
ROB SLYTER; ELIZABETH SLYTER;)
CORINNA; SPARKS; CHRISTINE)
WATERBURY; LEIGH SUNDLING;)
and TINA CARTAYA)
Defendants)

Case Number: 1:05-CV-0354-DFH-TAB

COUNTERCLAIM

Oogles n Googles Franchising LLC (incorrectly named as Oogles N Googles, an Indiana Corporation), for its Counterclaim against Stelor Productions, LLC, states as follows:

1. Plaintiff Stelor Productions, Inc. (now Stelor Productions, LLC) alleges that the Defendants have infringed Plaintiff's trademarks, more specifically, a Googles word and design mark, an Oogle word mark, and Oggle word mark, and an Iggle word mark. (See Plaintiff's Amended Complaint).

2. The Googles word and design mark was previously owned by The Googles Children's Workshop, Inc., a New Jersey corporation.

3. The Googles Children's Workshop went defunct and was dissolved.

Thereafter, The Googles Children's Workshop, no longer an existing corporation, filed a renewal for the federal registration of the Googles word and design mark asserting that the mark had been in continuous use in commerce for the previous five (5) years.

4. The renewal for the registration of the Googles word and design mark filed on behalf of The Googles Children's Workshop, a non-existent corporation, was a misrepresentation to the U. S. Patent and Trademark Office.

5. The filing of the trademark registration renewal for the Googles word and design mark was a fraud on the U.S. Patent and Trademark Office.

6. The Googles word and design mark was abandoned prior to this fraudulent filing.

7. Plaintiff also alleges infringement of the word marks Oogle, Oggle, and Iggle.

8. Plaintiff and other purported prior owners of the Oogle, Oggle, and Iggle word marks have not used and did not continuously use those words in commerce as identifiers of a source of goods or services.

9. The words Oogle, Oggle, and Iggle are not trademarks.

10. Alternatively, the Oogle, Iggle, and Oggle word marks have been abandoned by Stelor Productions, LLP and/or purported prior owners of these alleged trademarks.

Wherefore, Oogles n Googles Franchising LLC, by counsel, prays for a declaratory judgment that the Googles word and design mark, the Oogle word mark, the Oggle word mark, and the Iggle word mark are invalid, for an order directing the U. S. Patent and Trademark Office to revoke any registrations for these marks, for attorney's fees and costs pursuant to the Federal Trademark Act, and for all other just and proper relief.

Respectfully submitted by:

/s/ Stephen L. Vaughan

Stephen L. Vaughan, #2294-49

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties 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
Stephen L. Vaughan, #2294-49