

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

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

**PLAINTIFF'S ANSWER TO THE COUNTERCLAIM OF
DEFENDANT/COUNTERCLAIMANT OOGLES N GOOGLES**

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, and 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, and 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.

4. The Defendants' claim fails because the Plaintiff has not abandoned the Oogle, Iggle or Oggle 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/John David Hoover

John David Hoover, Attorney No. 7945-49

HOOVER HULL LLP

Attorneys at Law

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

Of counsel:

Robert Merz (Admitted *Pro Hac Vice*)

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 March 27, 2008, a copy of the foregoing ***Plaintiff's Answer to Defendant's Counterclaim*** was filed electronically. 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/John David Hoover
John David Hoover
HOOVER HULL LLP
Attorneys at Law
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