ESTTA Tracking number: **ESTTA334514**

Filing date: **02/26/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91183905
Party	Plaintiff Google Inc.
Correspondence Address	William C. Rava Pekins Coie LLP 1201 Third Avenue, 40th Floor Seattle, WA 98101-3099 UNITED STATES wrava@perkinscoie.com, pctrademarks@perkinscoie.com, rronald@perkinscoie.com, rgregory@perkinscoie.com
Submission	Motion for Sanctions
Filer's Name	Richard R. Ronald
Filer's e-mail	rronald@perkinscoie.com, pctrademarks@perkinscoie.com, wrava@perkinscoie.com, aedwards@perkinscoie.com
Signature	/Richard R. Ronald/
Date	02/26/2010
Attachments	GOOTUBE.COM Motion for Sanctions A.pdf (72 pages)(4529105 bytes) GOOTUBE.COM Motion for Sanctions B.pdf (74 pages)(3570403 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC.,

Opposer,

v.

Eric Watson,

Applicant.

Motion for Sanctions

Opposition No.: 91183905

Pursuant to 37 C.F.R. § 2.120(g), TBMP § 527.01, TBMP § 527.03 and Fed. R. Civ. P. 37(b)(2), Google Inc. ("Opposer") brings this motion for sanctions against Applicant Eric Watson ("Applicant"). Specifically, as discussed in more detail below, Opposer requests that the Board enter judgment in favor of Opposer based on Applicant's failure to comply with his discovery obligations, Applicant's failure to obey a Board order compelling compliance with his discovery obligations, and Applicant's evident bad faith and lack of interest in genuinely prosecuting this matter.

Procedural Background[1]

On October 9, 2006, Opposer announced it would acquire YouTube. *See* Attachment 1. On October 12, 2006—three days following Opposer's announcement—Applicant applied for federal registration for the mark GOOTUBE.COM. On October 16, 2006, when asked about the GOOTUBE.COM mark and domain name, Applicant's e-mailed response was quoted in an on-line interview as stating "Hell yeah i [sic] want to sell . . . If Google, Yahoo!, MSN, or some other forward-thinking investor wanted to dig deep enough and purchase this name to hedge their bet, i [sic] would certainly consider

[1] Portions of this procedural background were recited in Opposer's Motion to Compel Discovery Answers (Dkt. #18) and are repeated here for the convenience of the Board.

offers. I am also considering putting the name up for sale at live auction towards the end of the month, in hopes of a record-high sale." *See* Attachment 2. Applicant has also admitted he was aware of Opposer's YOUTUBE and GOOGLE marks prior to his adoption of and application for the GOOTUBE.COM mark. *See* Attachment 3, Requests Nos. 33-36.[2]

While Applicant's application for the GOOTUBE.COM covers "hosting of digital media content for infants, children, and the parents of small children" services in Class 42, Applicant has admitted he has never used the mark for such services or in commerce at all. *See* Applicant's Answer to Amended Opposition of July 25, 2008 at No. 18 (Dkt. #7); *see also* Attachment 3, Requests Nos. 1, 5, and 9. Contrary to Applicant's assertions that he intended to use the GOOTUBE.COM mark in connection with digital content for children and parents, Applicant has maintained—and currently maintains—a pay-per-click site at the www.gootube.com domain. *See* Attachment 4. Notably, a number of the links at Applicant's site are for adult- and pornography-related sites, while family-oriented content is noticeably lacking. *See* Attachment 4.

On March 3, 2008, Opposer contacted Applicant's counsel, Mike Hughes, regarding Opposer's intent to oppose Application Serial No. 77020099 for GOOTUBE.COM in Class 42 (the "GOOTUBE Application") and proposed that the parties work towards an amiable settlement. *See* Attachment 5. In light of the parties' settlement negotiations, at the parties' request, the Board extended Opposer's deadline to file an opposition until May 5, 2008. The parties failed to reach a settlement prior to the May 5, 2008 opposition deadline. Opposer timely filed this Opposition on May 5, 2008 and filed an Amended Opposition on July 25, 2008 (Dkt. # 5). Applicant filed an Answer to the Amended Opposition on August 28, 2008 (Dkt. #7).

---

[2] These facts are deemed admitted by Applicant by virtue of his failure to file a response to Opposer's First Set of Requests for Admission (Nos. 1-37). F.R.C.P. 36(a)(3); *see* Attachment 3, Requests Nos. 28-32.

On December 1, 2008, Applicant declined a proposal from Opposer to settle the Opposition for $2,500. *See* Attachment 6. Applicant made no counteroffer at the time or in the three months thereafter. During a March 17, 2009 conversation between Applicant and an in-house attorney at Opposer, Applicant represented that he would shortly thereafter make a concrete settlement proposal. Thus, between approximately March and August 2009, the parties stipulated to several extensions of the discovery deadlines so that they could discuss possible settlement of this matter. *See* Attachment 7. Applicant himself never made the promised concrete settlement proposal.

On September 23, 2009, Opposer timely served Opposer's First Set of Requests for Production of Documents and Things and Opposer's First Set of Interrogatories (collectively, "Opposer's Discovery Requests") on Applicant via first-class mail addressed to Applicant's counsel. *See* Attachment 8. Under TBMP 403.03, Applicant's responses to Opposer's Discovery Requests were due on October 28, 2009. Applicant failed to respond to Opposer's Discovery Requests by the October 28, 2009 deadline.

On November 2, 2009, Opposer notified Applicant that his discovery responses were delinquent and proposed a meet-and-confer to discuss the matter. *See* Attachment 9. On November 5, 2009, Applicant requested a telephonic conference on November 6, but provided no further substantive information or explanations. *See* Attachment 10. On November 6, 2009, and as requested by Applicant's November 5 email, Opposer left a voicemail message for Applicant to discuss this matter. On November 9, 2009, Opposer sent Applicant yet another email seeking to confer about the delinquent discovery responses. *See* Attachment 11. As of this filing, Applicant has not returned the call or responded regarding the delinquent discovery responses.

On November 18, 2009, Opposer filed a Motion to Compel Discovery with the Board, requesting that the Board compel Applicant to file responses to Opposer's Discovery Requests. *See* Attachment 12. Applicant did not oppose or otherwise respond to this motion. On November 25, 2009, Applicant's attorney proposed to settle the

opposition for $90,000, a figure thirty-six (36) times the settlement figure originally proposed by Opposer. Opposer acknowledged the offer. *See* Attachment 13.

On December 30, 2009, the Board issued an Order granting Opposer's Motion to Compel Discovery. Pursuant to the Order, Applicant was given thirty (30) days – by January 29, 2010 – to serve full and complete responses to Opposer's Discovery Requests. *See* Attachment 14. Applicant failed to serve upon Opposer any responses to Opposer's Discovery Requests by the Board-imposed deadline, and has yet to serve upon Opposer any responses. Indeed, notwithstanding Opposer's efforts and the Board activity, Applicant has not had any communications of any kind with Opposer or the Board for almost 3 months. In fact, Applicant's last communication with Opposer was his attorney's November 25, 2009 email—made after Opposer's attempts to confer about Applicant's delinquent discovery responses and after the filing of Opposer's Motion to Compel Discovery—an email which did not acknowledge the delinquent discovery responses, and which merely proposed an unacceptable settlement agreement. *See* Attachment 13.

ARGUMENT

Applicant's failure to serve responses to Opposer's Discovery Requests is a clear violation of the Board's December 30, 2009 order. The law is clear that if a party fails to comply with an order of the Board relating to discovery, including an order compelling discovery, the Board may order appropriate sanctions as defined in 37 C.F.R. 2.120(g)(1) and Fed.R.Civ.P. 37(b)(2), including entry of judgment. *MHW Ltd. v. Simex, Aussenhandelsgesellschaft Savelsberg KG*, 59 U.S.P.Q. 2d 1477; TBMP Section 527.01. Here, because Applicant failed to comply with his discovery obligations then failed to comply with an order compelling discovery, sanctions are warranted.

Moreover, the facts and procedural history of this matter, and especially the recent history, clearly demonstrate that Applicant applied for the GOOTUBE.COM mark in bad faith and has not sincerely pursued this matter since. Applicant has admitted (1) he was aware of Opposer's GOOGLE and YOUTUBE marks at the time of his application; (2) that the popular press was referring to Opposer as GOOTUBE at the time of his application; and (3) that he has not used the mark in connection for the purported child media-related services covered by the application. Further, Applicant is on record as stating he hoped for a "record-high sale" of the gootube.com domain and has used the site in the meantime to host click-through ads, many related to adult- and pornography-related sites.

To the extent Applicant has even engaged in this matter, it has been for the purpose of delaying progress. Among other things, Applicant has repeatedly sought or necessitated various extensions; failed to respond to email and return phone calls; failed to oppose or respond to motions; and promised but not delivered settlement proposals on a number of occasions. Applicant's November 25, 2009 settlement offer, which did not acknowledge Applicant's delinquent discovery responses, and which Applicant has not pursued, does not demonstrate Applicant's interest in this case, but rather represents both Applicant's dilatory approach to this Opposition and his goal to use the application to extract a windfall settlement from Opposer.

Considered with his willful noncompliance with the Rules and an express Board order, the only reasonable conclusion is that Applicant does not intend to genuinely defend this matter and is acting in bad faith. Under the circumstances – and in furtherance of efficiencies for the Board and the parties – the Board should now enter judgment in favor of Opposer. 37 C.F.R. § 2.120(g)(2) and TBMP §527.03.

Because this motion is potentially dispositive, Opposer requests that the case be suspended with respect to all matters not germane to the motion. 37 C.F.R. § 2.127(d).

In addition, should the Board not enter judgment in deciding this motion, Opposer requests that the remaining dates in this opposition be appropriately reset.

Dated: February 26, 2010

CERTIFICATE OF SERVICE

I hereby certify that this, Motion for Discovery Sanctions, is being deposited with the United States Postal Service with sufficient postage as first class mail on February 26, 2010 in an envelope addressed to counsel for Applicant: Michael F. Hughes, Hughes Law Firm, PLLC, 5160 Industrial Place #107, Ferndale, WA 98248, as well as to counsel's address as reflected in the TTABVUE Record for this opposition which is: 4164 Meridian Street, Suite 302 Bellingham, WA 98226-5583.

Signature: _____

Printed Name: Karen Chekerian

Respectfully submitted,

PERKINS COIE LLP

_____

William C. Rava
Richard R. Ronald
Perkins Coie LLP
1201 Third Avenue, 40th Floor
Seattle, Washington 98101-3099
(206) 359-3036
Attorneys for Google Inc.

ATTACHMENT 1

Google **Press Center**

Home

About Google

Press Center

Resources
News from Google
Google Channel
Google Podium
Media Room
Awards
Permissions

Products & Technology
Product Descriptions
Reviewer's Guides

Related Product Info
Google Labs
Software Principles

Related Corporate Info
Milestones
Executive Bios
Governance
Privacy Policy

Investor Relations

Find on this site:
Search

Google To Acquire YouTube for $1.65 Billion in Stock

Combination Will Create New Opportunities for Users and Content Owners Everywhere

MOUNTAIN VIEW, Calif., October 9, 2006 - Google Inc. (NASDAQ: GOOG) announced today that it has agreed to acquire YouTube, the consumer media company for people to watch and share original videos through a Web experience, for $1.65 billion in a stock-for-stock transaction. Following the acquisition, YouTube will operate independently to preserve its successful brand and passionate community.

The acquisition combines one of the largest and fastest growing online video entertainment communities with Google's expertise in organizing information and creating new models for advertising on the Internet. The combined companies will focus on providing a better, more comprehensive experience for users interested in uploading, watching and sharing videos, and will offer new opportunities for professional content owners to distribute their work to reach a vast new audience.

"The YouTube team has built an exciting and powerful media platform that complements Google's mission to organize the world's information and make it universally accessible and useful," said Eric Schmidt, Chief Executive Officer of Google. "Our companies share similar values; we both always put our users first and are committed to innovating to improve their experience. Together, we are natural partners to offer a compelling media entertainment service to users, content owners and advertisers."

"Our community has played a vital role in changing the way that people consume media, creating a new clip culture. By joining forces with Google, we can benefit from its global reach and technology leadership to deliver a more comprehensive entertainment experience for our users and to create new opportunities for our partners," said Chad Hurley, CEO and Co-Founder of YouTube. "I'm confident that with this partnership we'll have the flexibility and resources needed to pursue our goal of building the next-generation platform for serving media worldwide."

When the acquisition is complete, YouTube will retain its distinct brand identity, strengthening and complementing Google's own fast-growing video business. YouTube will continue to be based in San Bruno, CA, and all YouTube employees will remain with the company. With Google's technology, advertiser relationships and global reach, YouTube will continue to build on its success as one of the world's most popular services for video entertainment.

The number of Google shares to be issued in the transaction will be determined based on the 30-

day average closing price two trading days prior to the completion of the acquisition. Both companies have approved the transaction, which is subject to customary closing conditions and is expected to close in the fourth quarter of 2006.

Webcast and Conference Call Information

The company will host a conference call and webcast at 1:30 p.m. Pacific Time (4:30 p.m. Eastern Time) today to discuss the acquisition. To access the conference call, please dial 800-289-0572 domestic and 913-981-5543 internationally. A replay of the call will be available until midnight Monday, October 16 at 888-203-1112 domestically and 719-457-0820 internationally. Confirmation code for the replay is 2260624.

A live audio webcast of the conference call will be available at http://investor.google.com/webcast.html.

About Google Inc.
Google's innovative search technologies connect millions of people around the world with information every day. Founded in 1998 by Stanford Ph.D. students Larry Page and Sergey Brin, Google today is a top web property in all major global markets. Google's targeted advertising program provides businesses of all sizes with measurable results, while enhancing the overall web experience for users. Google is headquartered in Silicon Valley with offices throughout the Americas, Europe and Asia. For more information, visit www.google.com.

About YouTube
Founded in February 2005, YouTube is a consumer media company for people to watch and share original videos worldwide through a Web experience. YouTube allows people to easily upload and share video clips on www.YouTube.com and across the Internet through websites, blogs, and e-mail. YouTube currently delivers more than 100 million video views every day with 65,000 new videos uploaded daily and it has quickly become the leading destination on the Internet for video entertainment.

Caution Concerning Forward-Looking Statements

This document includes certain forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995, including statements regarding Google's and YouTube's ability to improve their services, create new business models and content-owner opportunities, integration plans, the expected timing for the closing of the acquisition and the plans to operate YouTube independently. These statements are based on the current expectations or beliefs of management of Google Inc., and are subject to uncertainty and changes in circumstances. Actual results may vary materially from those expressed or implied by the statements herein due to (1) changes in economic, business, competitive, technological and/or regulatory factors, (2) failure to receive regulatory approval for the acquisition, (3) failure to retain the levels of traffic on the YouTube site, (4) failure to compete successfully in this highly competitive and rapidly changing

marketplace, (5) failure to retain key employees, (6) other factors affecting the operation of the respective businesses of Google and YouTube, and (7) the failure of YouTube and Google to work together effectively. More detailed information about these factors may be found in filings by Google, as applicable, with the Securities and Exchange Commission, including their respective most recent Annual Report on Form 10-K and Quarterly Report on Form 10-Q. Google is under no obligation to, and expressly disclaims any such obligation to, update or alter their respective forward-looking statements, whether as a result of new information, future events, or otherwise.

Press Contacts:

Google Media:	Investors:	YouTube Media:
Jon Murchinson	Maria Shim	Julie Supan
650.253.4437	650.253.7663	650.685.6401
jonm@google.com	marias@google.com	press@youtube.com

©2006 Google - Home - About Google - We're Hiring - Site Map

ATTACHMENT 2

IP Telephony
Russell Shaw

Make the most of your biggest asset — your earning power Go to MoneyWatch.com, where life and money intersect. Click to Expand and learn more

October 16th, 2006

EXCLUSIVE: GooTube domain owner speaks to me, and I'm impressed

Posted by Russell Shaw @ 8:01 am

Last week, as the "GooTube" moniker began to be applied to Google's acquisition of YouTube, I posted that there actually is a "GooTube."

Founded a year ago by Internet marketer Eric Watson, it provides a search engine for glue-related tube type products. Keep in mind that Eric secured the gootube domain a year ago, before hardly anyone had heard of YouTube and probably no one ever thought the video site would be so popular that it would be courted by Google and others.

Given the GooTube meme, I was curious to find out what Watson thought about this.

Now, I know, for Eric emailed me back the other day.

"Hell yeah i want to sell! My original concept when I bought the domain a year or so ago, was similar in scope, but of course I did not, and still do not, have the resources or finances to do what i would like with it," he writes.

"If Google, Yahoo!, MSN, or some other forward-thinking investor wanted to dig deep enough and purchase this name to hedge their bet, i would certainly consider offers. I am also considering putting the name up for sale at live auction towards the end of the month, in hopes of a record-high sale."

Eric also notes that the parked page which advertises "tube products" is just a way to make a few pennies while he figures out where he is going with all this.

But guess what. Eric has some well-informed opinions on this Google YouTube deal. I suppose his thoughts are as valid as anyone's, and more cogent than many:

"The 'Big Three' have so saturated the media, that they have all but lost the ability to consistently draw the YouTube demographic," he points out in his email to me. "Let's face it, there is only one way to reach so many people or potential "content-consumers" that fast. It is through viral marketing and social networking, which starts and ends with the

consumer. The giants are learning that content and advertising cannot be force-fed, and that the only way to accomplish these goals is to providethe vehicle (e.g. YouTube, Myspace) so that the consumers can do it themselves, and on their own terms.

"When you have deep pockets, why re-invent the wheel?," he asks. "Google Video will always be just another service provided by one of the "giants," and simply by default could not be as cool as something created by and ultimately for, the demographic they are trying to reach. This is not the first, nor will it be the last buyout from Google."

GooTube or no, Eric has some valid points.

Russell Shaw is an enterprise computing journalist, analyst and author based in Portland, Oregon. See his full profile and disclosure of his industry affiliations.

Popular on CBS sites: College Signing Day | March Madness | Lost | iPhone | Cell Phones | Video Game Reviews | Free Music

About CBS Interactive | Jobs | Advertise

© 2010 CBS Interactive Inc. All rights reserved. | Privacy Policy (updated) | Terms of Use

ATTACHMENT 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC., Opposer, v. Eric Watson, Applicant.	Opposition No.: 91183905 OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION (NOS. 1- 37) Application Serial No.: 77/020,099 Filing Date: October 12, 2006 Publication Date: November 6, 2007

TO: Eric Watson ("Applicant")

Opposer Google Inc. ("Opposer"), through its counsel Perkins Coie LLP, hereby serves Opposer's First Set Of Requests For Admission (each, a "Request" and together, the "Requests"). These Requests incorporate the Instructions and Definitions from Opposer's First Set of Interrogatories.

Requests for Admission

1. Admit that You have never provided Your Services in interstate commerce under the GOOTUBE Mark.

2. Admit that You have provided Your Services in interstate commerce under the GOOTUBE Mark.

3. Admit that You have never provided any goods in interstate commerce under the GOOTUBE Mark.

4. Admit that You have provided any goods in interstate commerce under the GOOTUBE Mark.

5. Admit that You have never provided services in interstate commerce under the GOOTUBE Mark.

6. Admit that You have provided services in interstate commerce under the GOOTUBE Mark.

7. Admit that You have never provided any goods under the GOOTUBE Mark.

8. Admit that You have provided goods under the GOOTUBE Mark.

9. Admit that You have never provided services under the GOOTUBE Mark.

10. Admit that You have provided services under the GOOTUBE Mark.

11. Admit that You took no steps toward offering Your Services under the GOOTUBE Mark prior to filing Applicant's Application.

12. Admit that You have taken no steps toward offering Your Services under the GOOTUBE Mark since filing Applicant's Application.

13. Admit that Your Services are or will be provided, at least in part, over the Internet.

14. Admit that Your Services are or will be provided, at least in part, over the Internet via the website at http://www.gootube.com.

15. Admit that Opposer's YOUTUBE Goods and Services are provided, at least in part, over the Internet.

16. Admit that Opposer's YOUTUBE Goods and Services are provided, at least in part, over the Internet at Opposer's YouTube Website.

17. Admit that Opposer's GOOGLE Goods and Services are provided, at least in part, over the Internet.

18. Admit that Opposer's GOOGLE Goods and Services are provided, at least in part, over the Internet at Opposer's Google Website.

19. Admit that Your Services include hosting digital media on the Internet.

20. Admit that Opposer's YOUTUBE Goods and Services include hosting digital media on the Internet.

21. Admit that Opposer's GOOGLE Goods and Services include hosting digital media on the Internet.

22. Admit that individuals looking for online digital content are among the actual or potential customers of Your Services under the GOOTUBE Mark.

23. Admit that individuals looking for online digital content are among the actual or potential customers of Opposer's GOOGLE Goods and Services under Opposer's GOOGLE Mark.

24. Admit that individuals looking for online digital content are among the actual or potential customers of Opposer's YOUTUBE Goods and Services under Opposer's YOUTUBE Marks.

25. Admit that Your Services are encompassed by the YOUTUBE Services.

26. Admit that Your Services are encompassed by the GOOGLE Services.

27. Admit that the letters "goo" have no meaning related to Your Services.

28. Admit that You were aware of the YouTube Purchase before Applicant's Application was filed on October 12, 2006.

29. Admit that the YouTube Purchase was announced on October 9, 2006, as shown in Exhibit D of the Amended Notice of Opposition.

30. Admit that Exhibit E of the Amended Notice of Opposition includes press and other media accounts referring to Opposer as "GooTube."

31. Admit that the document attached hereto as Exhibit 1 is a true, accurate, and complete copy of the web page found at http://blogs.zdnet.com/ip-telephony/?p=1274.

32. Admit that You made the statements attributed to you in Exhibit 1.

33. Admit You were aware of Opposer's YOUTUBE Marks, Opposer's YOUTUBE Applications and/or the website at http://www.youtube.com prior to adopting the GOOTUBE Mark.

34. Admit You were aware of Opposer's YOUTUBE Marks, Opposer's YOUTUBE Applications and/or the website at http://www.youtube.com prior to filing for Applicant's Application.

35. Admit You were aware of Opposer's GOOGLE Mark, Opposer's GOOGLE Registrations, Opposer's GOOGLE Applications and/or the website at http://www.google.com prior to adopting the GOOTUBE Mark.

36. Admit You were aware of Opposer's GOOGLE Mark, Opposer's GOOGLE Registrations, Opposer's GOOGLE Applications and/or the website at http://www.google.com prior to filing for Applicant's Application.

37. Admit that all documents and things produced in connection with Opposer's First Set of Requests for Production of Documents and Things are true, accurate, and complete copies of those documents and things.

DATED: September 23, 2009.

CERTIFICATE OF SERVICE

I hereby certify that this, OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION, is being deposited with the United States Postal Service with sufficient postage as first class mail on September 23 2009 in an envelope addressed to Applicant's counsel: Michael F. Hughes, Hughes Law Firm PLLC, 4164 Meridian Street, Suite 302, Bellingham, Washington 98266-5583.

Signature:

Printed Name: Karen Chekanian

PERKINS COIE LLP

By

William C. Rava
Richard R. Ronald
Perkins Coie LLP
1201 Third Avenue, 40th Floor
Seattle, Washington 98101-3099
(206) 359-3036
Attorneys for Google Inc.

EXHIBIT 1

October 16th, 2006

EXCLUSIVE: GooTube domain owner speaks to me, and I'm impressed

Posted by Russell Shaw @ 8:01 am

Categories: General, Google, News, YouTube

Tags:

TalkBack ADD YOUR OPINION | SHARE | PRINT | E-MAIL | WORTHWHILE? +0 0 VOTES

Download This Video

SIMPLICITY IS POWER
The power of desktop virtualization.
CITRIX
Roll over to simplify.

Sponsored Links

Complete VoIP eBook
Free eBook: 11 Chapters on VoIP. Guide to Enterprise Deployment.
shoretel.com

The HOT Spot

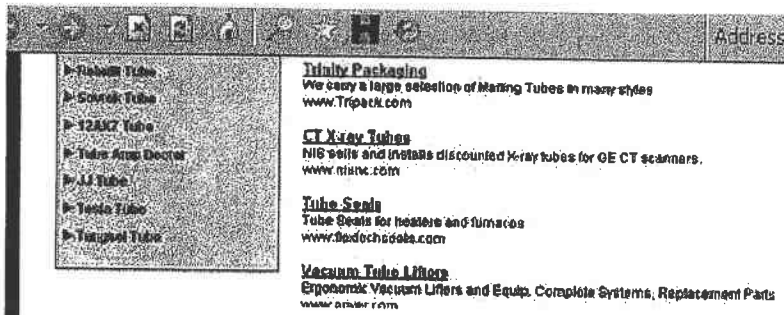
SmartPlanet

Thought-provoking progressive ideas on diverse topics that intersect with technology, business, and life, and matter to the world at large. Visit SmartPlanet

More from IBM

IBM

Innovate your business' process



Last week, as the "GooTube" moniker began to be applied to Google's acquisition of YouTube, I posted that there actually is a "GooTube."

Founded a year ago by Internet marketer Eric Watson, it provides a search engine for glue-related tube type products. Keep in mind that Eric secured the gootube domain a year ago, before hardly anyone had heard of YouTube and probably no one ever thought the video site would be so popular that it would be courted by Google and others.

Given the GooTube meme, I was curious to find out what Watson thought about this.

Now, I know, for Eric emailed me back the other day.

"Hell yeah i want to sell! My original concept when I bought the domain a year or so ago, was similar in scope, but of course I did not, and still do not, have the resources or finances to do what i would like with it," he writes.

"If Google, Yahoo!, MSN, or some other forward-thinking investor wanted to dig deep enough and purchase this name to hedge their bet, i would certainly consider offers. I am also considering putting the name up for sale at live auction towards the end of the month, in hopes of a record-high sale."

Eric also notes that the parked page which advertises "tube products" is just a way to make a few pennies while he figures out where he is going with all this.

But guess what. Eric has some well-informed opinions on this Google YouTube deal. I suppose his thoughts are as valid as anyone's, and more cogent than many:

You suck at VoIP support?
ShoreTel CISCO MSFT Asterisk Get voip engineers who can do IT!
www.drvoip.com

Recent Entries

- Russell Shaw, rest in peace
- Sorry, Gizmodo, VoIP over iPhone isn't going to be "huge"
- Over WiFi at DIA, free speech is DOA
- Exclusive: iPhone DevCamp's Raven on iPhone SDK and what it means
- Is proprietary iPhone video player on the way?

Blogs From Our Sponsors

- Help your company, help the earth
- If JFK's doing it, you should too
- Welcome to The DocuMentor
- 8 Things Small Businesses Need to Know about Document Management

RICOH

Top Rated

- eBay to investors: Skype will be part of the 'power of 3'+1 vote
- Until this happens, VoIP E911 will be an

model, play against the market, compete against others on our scoreboards and WIN!
Try INNOV8 2.0: A BPM Simulator

Enabling Real-World Business Transformation through IBM Service Management
Read the EMA Analyst Report

ADVERTISEMENT
Get industry & company information from the inside:

"The 'Big Three' have so saturated the media, that they have all but lost the ability to consistently draw the YouTube demographic," he points out in his email to me. "Let's face it, there is only one way to reach so many people or potential "content-consumers" that fast. It is through viral marketing and social networking, which starts and ends with the consumer. The giants are learning that content and advertising cannot be force-fed, and that the only way to accomplish these goals is to providethe vehicle (e.g. YouTube, Myspace) so that the consumers can do it themselves, and on their own terms.

"When you have deep pockets, why re-invent the wheel?," he asks. "Google Video will always be just another service provided by one of the "giants," and simply by default could not be as cool as something created by and ultimately for, the demographic they are trying to reach. This is not the first, nor will it be the last buyout from Google."

GooTube or no, Eric has some valid points.

Russell Shaw is an enterprise computing journalist, analyst and author based in Portland, Oregon. See his full profile and disclosure of his industry affiliations.

« Previous post

Next post »

People who read this, also read...

- Could the News Corp/NBC partnership turn out to be a sideshow?
- The end (of DLL hell) is nigh
- GooTube and engines of monetization
- Actually, there already IS a GooTube
- GooTube: Chad Hurley says business as usual

Talkback

- Until this happens, VoIP E911 will be an illusion+1 vote
- I explain 15 common Skype error messages+1 vote
- Vonage over Comcast user: here's my proof there are problems+1 vote

Follow ZDNet on twitter

ZDNet
POWERCenter
Useful content from our premier sponsors

The more you simplify, the more you save
Learn more >>

The best support in the Linux business
Learn more >>

The best support in the Linux business
Learn more >>

Reduce risk. Reduce complexity. Increase reliability.
Learn more >>

News, Insights, Guidance
Visit CBSMoneyWatch.com Today
Learn more >>

Add your opinion

Sponsored

White Papers, Webcasts, and Downloads

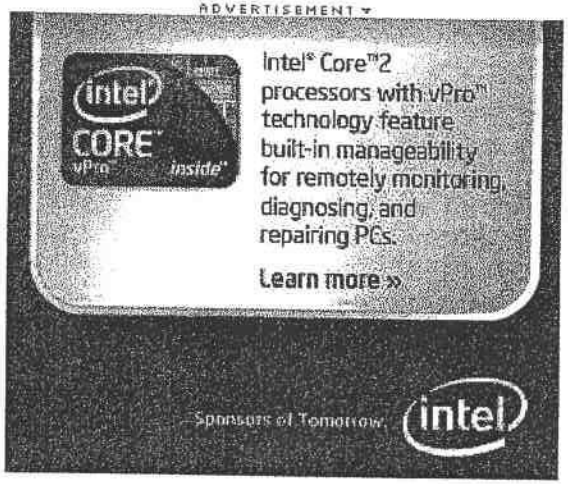
SOA for Dummies 2nd IBM Limited Edition Mini eBook
IBM
In this ebook, you'll learn how to work smarter and optimize cost using ...
Download Now

Trend Micro Email Encryption
Trend Micro
Take this tour of our Email Encryption demo, and learn: Why you ...
Download Now

Five Steps to Determine When to Virtualize YourServers
VMware
Server virtualization isn't just for big companies. Entry-level ...
Download Now

Novell.

ADVERTISEMENT



Archives

- March 2008
- February 2008
- January 2008
- December 2007
- November 2007
- October 2007

All "IP Telephony, VoIP, Broadband" talkbacks

ZDNet Blogs

All About Microsoft → The Mobile

- All About Microsoft
- The Apple Core
- Between the Lines
- BriefingsDirect
- Collaboration 2.0
- Dev Connection
- Digital Cameras & Camcorders
- Ed Bott's Microsoft Report
- Emerging Tech
- Enterprise Web 2.0
- Forrester Research
- Googling Google
- GreenTech Pastures
- Hardware 2.0
- Home Theater
- iGeneration
- Irregular Enterprise
- IT Project Failures
- Laptops & Desktops
- Lawgarithms
- Linux and Open Source
- Managing L'unix
- The Mobile Gadgeteer
- On Sustainability
- Rational Rants
- The Semantic Web
- Service Oriented
- Smartphones and Cell Phones
- Social Business
- Social CRM: The Conversation
- Software & Services Safari
- Software as Services
- Storage Bits
- Team Think
- Tech Broiler
- Technology and the Global Supply Chain
- Tom Foremski: IMHO
- The ToyBox
- Virtually Speaking
- The Web Life
- ZDNet Education
- ZDNet Government
- ZDNet Healthcare
- Zero Day

White Papers, Webcasts, and Downloads

Integrating OpenNMS with OpenManage Server Agent to Manage Dell PowerEdge Servers Running Linux
Dell
Enterprises that adopt the Red Hat Linux operating system (OS) and run it ...
Download Now

CASCADIA LABS URL FILTERING AND WEB RESULTS
Trend Micro
More and more companies now rely on web security products to protect their ...
Download Now

Open Standards Technologies Provide the Ingredients for Delivering Security Across the Papa Gino's Enterprise
Dell
Papa Gino's Holdings Corporation founded by the entrepreneur operates one ... ***Download Now***

ZDNet

ZDNet News & Blogs

Hardware, IT Management, Networking, Operating Systems, Photo Galleries, Security, Software, Web Technology, All News, Dev Connection, Emerging Technology, Enterprise Alley, Googling Google, GreenTech Pastures, IT Project Failures, Linux and Open Source, Managing Linux, The Social Web, Storage Bits, Virtually Speaking, The Web Life, Podcasts

Product Reviews

A/V Receivers, Cell Phones & Accessories, Desktop Monitors, Desktops, Digital Cameras, Digital Camcorders, Flat-panel TVs, Laptops, Portable Video Players (PVPs), PDAs, Smartphones, Software, Storage

Product Blogs

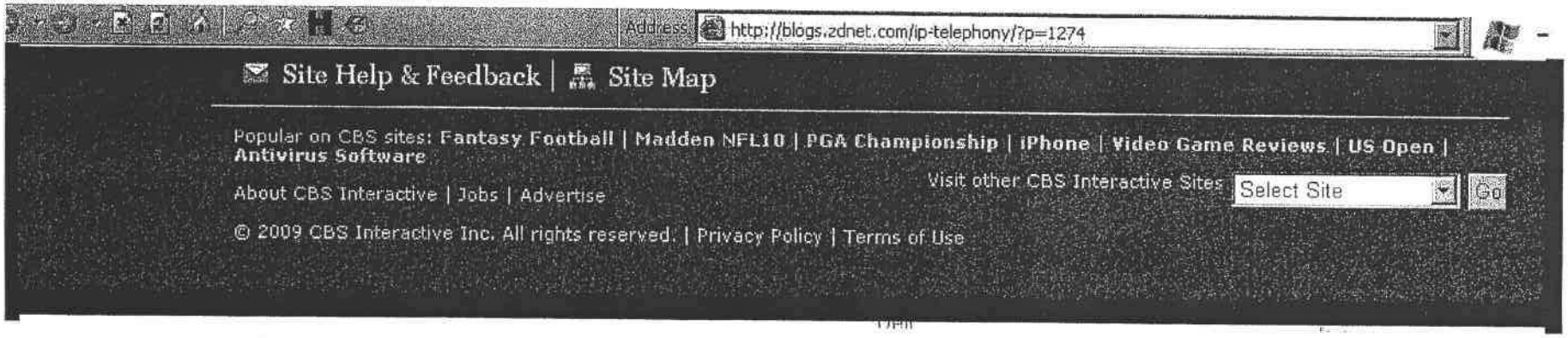
The Toybox, Digital Cameras, Laptops and Desktops, Mobile Gadgeteer, SOHO Networking, Smartphones and Cell Phones, Home Theater

White Papers & Webcasts

Cost Control / Risk Management, Customer Support Services, IT HR / Staffing / Training, Resources Management, Strategic Planning, Webcasts

Downloads

Antivirus Software, File and Disk Management Utilities, Image Editing, Privacy Software, Shell and Desktop Management Enhancements

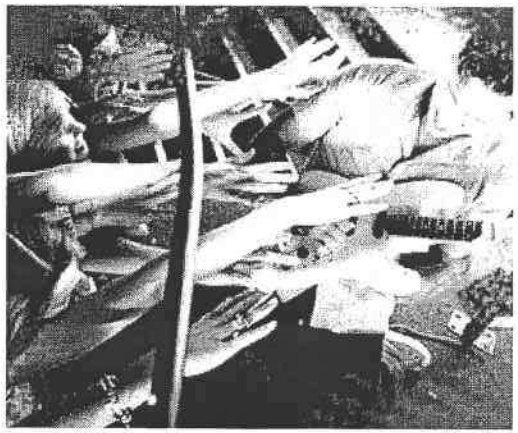

Address
http://blogs.zdnet.com/ip-telephony/?p=1274
Site Help & Feedback | Site Map
Popular on CBS sites: Fantasy Football | Madden NFL10 | PGA Championship | iPhone | Video Game Reviews | US Open | Antivirus Software
About CBS Interactive | Jobs | Advertise
Visit other CBS Interactive Sites
Select Site
Go
© 2009 CBS Interactive Inc. All rights reserved. | Privacy Policy | Terms of Use

ATTACHMENT 4

GOOTUBE.COM

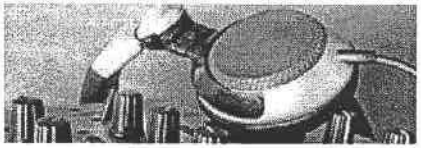
Gootube.com

- Video Footage
- Music Video
- New Movies
- Movie Trailers
- Watch Videos



- For Adults
- Tube Video
- Streaming Video Clips

Online Video

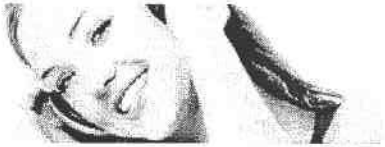


- Twilight Movie
- Online Movie Trailer
- Homemade Videos

Video On Demand

- Stupid Videos
- Taylor Swift
- Online Commercials

Tv Shows



- Flash Streaming Video
- Family Guy
- Prison Break

- Naruto Videos
- Michael Jackson's Thriller
- The Fast And The Furious

Explore More:

Search

Music Video | Video Footage | Movie Trailers | Watch Videos | New Movies

WINNER

YOU ARE THE 1,000,000 VISITOR

WINNER WINNER WINNER

YOU HAVE WON A FREE $1000 WALMART GIFTCARD!

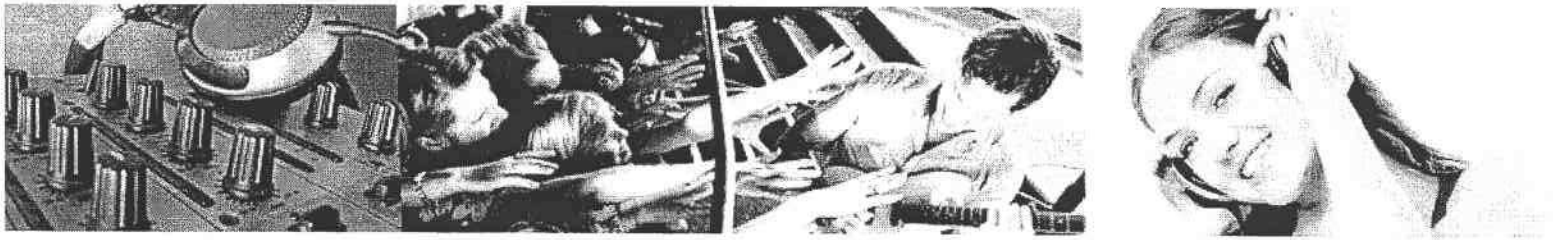
WINNER

CLICK HERE TO CLAIM

WINNER

GOOTUBE.COM Gootube.com

Search



Sponsored Links

Adult XXX Content

Join now and get acess to real **adult** hardcore content
AdultFriendFinder.com

"Facebook" of Sex @ Sexbook.com

"Facebook' Of Sex. Free **Adult** Local Dating find Horny People today. Get Laid Tonight
www.SexBook.com

Fuckbook - The **Adult** Social Network

Find horny sluts in your city to fuck tonight - 100% Free.
FuckBookDating.com

Free Real Ex-Girlfriend **Adult** Videos

Stream or download hardcore ex-girlfriend **adult** movies - 100% Free.
RaunchyGFs.com

- Live Girls Chat -

Chat with Local Singles - 100% Free.
ChatLove.info

Adult Sex Dating - Passion.com®

Adult sex ads **for** singles seeking fun and exciting single like you
Passion.com

Recommended Links
S A S
Adult Schools
Pottery Barn For Kids
Sports Illustrated For Kids
Gift For Kids

Recommended Links
Tube Video
For Adults
Streaming Video Clips
Music Video
Watch Videos

Horny Mature **Adult** Singles

Meet sex veterans that know how to tease and please. Join now, free.
SeniorSizzle.com

Adult Dating Ads - Casual Sex Dating

Adult dating personals **for** sexy singles who love to casually fuck.
HotMatch.com

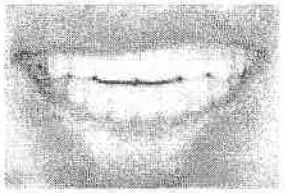
Adam & Eve Sex Toys

Huge Selection of Adam & Eve Toys On Sale! Discreet & Secure Shipping
www.AdamEve.com/

Find Local **Adult** Day Care

Search **for adult** day care in your area. Free and Easy.
www.SeniorAdvice.com

I "CURED" my Yellow Teeth

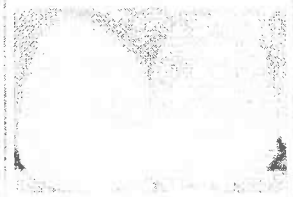


Learn the trick discovered by a mom, to turn yellow teeth white from home.

DON'T Pay for White Teeth

Learn the trick discovered by a mom, to turn yellow teeth white from home.

CURE Yellow Teeth



Learn the trick discovered by a mom.

New Movies Movie Trailers Video Footage Online Video Video On Demand

ATTACHMENT 5

Ronald, Richard R. (Perkins Coie)

From: Vana, James L. (Perkins Coie)
Sent: Monday, March 03, 2008 4:37 PM
To: 'mhughes@inventionlaw.com'
Cc: Ronald, Richard R. (Perkins Coie)
Subject: FW: DRAFT: GOOTUBE.COM: Consent to 60 Day Extension of Time to Oppose

Mike -

I am following up on our conversation this afternoon, providing my contact information (below) and confirming your consent to file a 60-day extension of the current March 5, 2008 opposition deadline for your client's GOOTUBE.COM trademark application (Serial No. 77020099).

As I mentioned during our conversation, Google would prefer to explore an amicable resolution before filing a formal opposition. I look forward to hearing from you once you have discussed the issue with your client.

Jim Vana
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101
Direct: (206) 359-3036
Fax (206) 359-4036
www.perkinscoie.com

ATTACHMENT 6

Ronald, Richard R. (Perkins Coie)

From: Mike Hughes [mhughes@inventionlaw.com]
Sent: Monday, December 01, 2008 2:22 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: gootube matter

Hello Rich,

I spoke with my client and he respectfully declines the offer from your client of $2,500.00 to terminate the opposition and cancel his federal registration application.

Talk to you soon.
*

Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
Pacific Meridian Plaza
4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 8.0 Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication

ATTACHMENT 7

Ronald, Richard R. (Perkins Coie)

From: Mike Hughes [mhughes@inventionlaw.com]
Sent: Wednesday, March 18, 2009 10:57 AM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: GOOTUBE.COM - Request for Extension of Discovery Deadlines (Our Ref. 41063-7016.0000.PX001)

I consent to the extension. Thank you Richard.
*

Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
Pacific Meridian Plaza
4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 8.0 Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication

----- Original Message -----
From: Ronald, Richard R. (Perkins Coie)
To: Mike Hughes
Cc: Rava, William C. (Perkins Coie) ; Edwards, Aimee J. (Perkins Coie)
Sent: Wednesday, March 18, 2009 8:39 AM
Subject: GOOTUBE.COM - Request for Extension of Discovery Deadlines (Our Ref. 41063-7016.0000.PX001)

Dear Mike:

Good afternoon. It is my understanding that our respective clients spoke yesterday morning and that there still appears to be some room to arrive at a settlement. We look forward to hearing your client's proposal. In the meantime, we suggest obtaining a 60 day extension of the **March 27, 2008** close of discovery to give us more room to negotiate. Please let me know if I have your consent and if I can serve the request by email.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
🖷: 206.359.9255

: rcha@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Ronald, Richard R. (Perkins Coie)

From: Mike Hughes [mhughes@inventionlaw.com]
Sent: Friday, May 15, 2009 2:58 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: Eric Watson
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Hi Richard,

I agree to the extension. Sorry for not getting back to you sooner. I will be in contact soon.
*

Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
Pacific Meridian Plaza
4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 8.0 Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication

----- Original Message -----
From: Ronald, Richard R. (Perkins Coie)
To: Mike Hughes
Cc: Eric Watson ; Rava, William C. (Perkins Coie)
Sent: Friday, May 15, 2009 9:29 AM
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Mike:

Good morning. Following up on my voicemail from earlier this week, our client remains interested in an amicable settlement to this matter and looks forward to your revised proposal. In the meantime, please advise if we can for a 30-day extension of the discovery deadline for this above-mentioned Opposition and serve the same by email. The current deadline is 5/26/09.

I look forward to hearing from you.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP

1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
🖷: 206.359.9255
✉: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Thursday, April 23, 2009 12:10 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: Eric Watson
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Hi Ron I will call Eric and keep this plate spinning. Talk to you soon.
Mike Hughes

----- Original Message -----
From: Ronald, Richard R. (Perkins Coie)
To: Mike Hughes
Cc: Rava, William C. (Perkins Coie)
Sent: Thursday, April 23, 2009 9:49 AM
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mr. Hughes:

We have yet to receive a reply from your client to our requests for further negotiations in the GOOTUBE Opposition matter. Can you please verify that your client is still interested in trying to settle this matter amiably? If your client is still interested in a settlement possibility, please provide us with a proposed settlement offer which we can take to our client for consideration.

I appreciate your attention to this matter.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
🖷: 206.359.9255
✉: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)

Sent: Friday, April 17, 2009 4:05 PM
To: 'etg@cortland.com'
Cc: 'Mike Hughes'; Rava, William C. (Perkins Coie)
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mr. Watson:

Good afternoon. It appears that we are still pending a response to our email below. Please do us the kindness of providing us with your new settlement proposal at your earliest convenience. I would be happy to discuss this with you and Mr. Hughes at any time.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
🖷: 206.359.9255
✉: ronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)
Sent: Monday, April 13, 2009 9:56 AM
To: 'etg@cortland.com'
Cc: 'Mike Hughes'; Rava, William C. (Perkins Coie)
Subject: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mr. Watson:

Good morning. I am wondering if you have had the opportunity to formulate a new settlement proposal based on your conversation with Ms. Daniel Varda. Currently, we have a discovery deadline of **May 26, 2009**. If possible, we would like to arrive at a resolution to this matter before having to serve discovery.

I look forward to your response.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

☎: 206.359.8255
🖷: 206.359.9255
✉: ronak@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Ronald, Richard R. (Perkins Coie)

From: Mike Hughes [mhughes@inventionlaw.com]
Sent: Tuesday, June 23, 2009 12:28 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: Eric Watson
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Sounds good I will circle back with Eric and we can push this forward.

Mike Hughes

----- Original Message -----
From: Ronald, Richard R. (Perkins Coie)
To: Mike Hughes
Cc: Rava, William C. (Perkins Coie)
Sent: Tuesday, June 23, 2009 11:01 AM
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mike:

Based on our conversation earlier this month, I will be filing a 60-day extension of the June 25, 2009 discovery deadline for the above matter and serving you via email at the close of business today. If you have any concerns, please let me know this afternoon.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206 359 8255
🖷: 206 359 9255
✉: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)
Sent: Friday, June 19, 2009 9:37 AM
To: 'Mike Hughes'
Cc: Rava, William C. (Perkins Coie)
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Mike:

Thanks again for speaking with me last week. I look forward to hearing from you soon regarding your client's settlement proposal. In light of the upcoming discovery deadline, I want to confirm we have your consent to a 60-day extension to the discovery deadline and that I can serve you by email.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
: 206.359.9255
: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Friday, May 15, 2009 2:58 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: Eric Watson
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Hi Richard,

I agree to the extension. Sorry for not getting back to you sooner. I will be in contact soon.
*

Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
Pacific Meridian Plaza
4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 8.0 Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication

----- Original Message -----
From: Ronald, Richard R. (Perkins Coie)
To: Mike Hughes
Cc: Eric Watson ; Rava, William C. (Perkins Coie)
Sent: Friday, May 15, 2009 9:29 AM
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Mike:

Good morning. Following up on my voicemail from earlier this week, our client remains interested in an amicable settlement to this matter and looks forward to your revised proposal. In the meantime, please advise if we can for a 30-day extension of the discovery deadline for this above-mentioned Opposition and serve the same by email. The current deadline is 5/26/09.

I look forward to hearing from you.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
: 206.359.9255
✉: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Thursday, April 23, 2009 12:10 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: Eric Watson
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Hi Ron I will call Eric and keep this plate spinning. Talk to you soon.
Mike Hughes

> ----- Original Message -----
> **From:** Ronald, Richard R. (Perkins Coie)
> **To:** Mike Hughes
> **Cc:** Rava, William C. (Perkins Coie)
> **Sent:** Thursday, April 23, 2009 9:49 AM
> **Subject:** RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)
>
> Dear Mr. Hughes:
>
> We have yet to receive a reply from your client to our requests for further negotiations in the GOOTUBE Opposition matter. Can you please verify that your client is still interested in trying to settle this matter amiably? If your client is still interested in a settlement possibility, please provide us with a proposed settlement offer which we can take to our client for consideration.
>
> I appreciate your attention to this matter.
>
> Sincerely,
>
> -Richard
>
> Richard R. Ronald | **Perkins Coie** LLP
> 1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099
☎: 206.359.8255
: 206.359.9255
: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)
Sent: Friday, April 17, 2009 4:05 PM
To: 'etg@cortland.com'
Cc: 'Mike Hughes'; Rava, William C. (Perkins Coie)
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mr. Watson:

Good afternoon. It appears that we are still pending a response to our email below. Please do us the kindness of providing us with your new settlement proposal at your earliest convenience. I would be happy to discuss this with you and Mr. Hughes at any time.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
: 206.359.9255
: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)
Sent: Monday, April 13, 2009 9:56 AM
To: 'etg@cortland.com'
Cc: 'Mike Hughes'; Rava, William C. (Perkins Coie)
Subject: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mr. Watson:

Good morning. I am wondering if you have had the opportunity to formulate a new settlement proposal based on your conversation with Ms. Daniel Varda. Currently, we have a discovery deadline of **May 26, 2009**. If possible, we would like to arrive at a resolution to this matter before having to serve discovery.

I look forward to your response.

Sincerely,

-Richard

Richard R. Ronald | **Perkins Coie** LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
: 206.359.9255
: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Ronald, Richard R. (Perkins Coie)

From: Mike Hughes [mhughes@inventionlaw.com]
Sent: Monday, August 17, 2009 5:11 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Yes I consent. The client and I have had a very difficult time getting in contact with one another. I have been traveling quite a bit recently.

Ronald, Richard R. (Perkins Coie) wrote:

> Mike,
>
> Please advise if we have your consent to a further 30-day extension of the discovery deadline.
>
> Sincerely,
>
> -Rich

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3090
☎: 206.359.8255
[illegible]: 206.359.9255
✉: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)
Sent: Tuesday, August 11, 2009 1:53 PM
To: 'Mike Hughes'
Cc: Rava, William C. (Perkins Coie)
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mike:

Good afternoon. I wanted to follow up on the status of the GOOTUBE.COM opposition. Currently, there is a deadline of August 24, 2009 for serving discovery. We would like to request your consent to another 30-day extension of the deadline, in the hope that we can reach a settlement in the near future.

Our client is eager to resolve this and looks forward to your client's settlement proposal. As you know, this matter is now more than a year and a half old and while we appreciate that you client has needed time to consider the issues, we believe there has been sufficient opportunity for deliberation. As a result, we would greatly appreciate a proposal by the end of next week.

Please feel free to call me any time to discuss this further.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
[illegible]: 206.359.9255
✉: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Thursday, July 16, 2009 10:54 AM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Yes, I will get something Richard, thank you. mh

Ronald, Richard R. (Perkins Coie) wrote:

> Mike:
>
> Good morning. Can you please update us on where we stand regarding the GOOTUBE matter? I am hoping to be able to report on recent developments to Google next week; it would be ideal if I could put your client's proposal in front of them at that time, as well.
>
> I am happy to discuss this further at any time.
>
> Sincerely,
>
> -Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎ 206.359.8255
206.359.9255
rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Tuesday, June 23, 2009 12:28 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: Eric Watson
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Sounds good I will circle back with Eric and we can push this forward.

Mike Hughes

---- Original Message ----
From: Ronald, Richard R. (Perkins Coie)
To: Mike Hughes
Cc: Rava, William C. (Perkins Coie)
Sent: Tuesday, June 23, 2009 11:01 AM
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mike:

Based on our conversation earlier this month, I will be filing a 60-day extension of the June 25, 2009 discovery deadline for the above matter and serving you via email at the close of business today. If you have any concerns, please let me know this afternoon.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎ 206.359.8255
206.359.9255
rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)
Sent: Friday, June 19, 2009 9:37 AM
To: 'Mike Hughes'
Cc: Rava, William C. (Perkins Coie)
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Mike

Thanks again for speaking with me last week. I look forward to hearing from you soon regarding your client's settlement proposal. In light of the upcoming discovery deadline, I want to confirm we have your consent to a 60-day extension to the discovery deadline and that I can serve you by email.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
206.359.9255
rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Friday, May 15, 2009 2:58 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: Eric Watson
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Hi Richard,

I agree to the extension. Sorry for not getting back to you sooner. I will be in contact soon.

Mike Hughes
Patent Attorney

Mechanical Engineer B.S.
Hughes Law Firm, PLLC
Pacific Meridian Plaza
4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 8.0 Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication

----- Original Message -----
From: Ronald, Richard R. (Perkins Coie)
To: Mike Hughes
Cc: Eric Watson ; Rava, William C. (Perkins Coie)
Sent: Friday, May 15, 2009 9:29 AM
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Mike:

Good morning. Following up on my voicemail from earlier this week, our client remains interested in an amicable settlement to this matter and looks forward to your revised proposal. In the meantime, please advise if we can for a 30-day extension of the discovery deadline for this above-mentioned Opposition and serve the same by email. The current deadline is 5/26/09.

I look forward to hearing from you.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎ 206.359.8000
206.359.9000
rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Thursday, April 23, 2009 12:10 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: Eric Watson
Subject: Re: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Hi Ron I will call Eric and keep this plate spinning. Talk to you soon.
Mike Hughes

----- Original Message -----
From: Ronald, Richard R. (Perkins Coie)
To: Mike Hughes
Cc: Rava, William C. (Perkins Coie)
Sent: Thursday, April 23, 2009 9:49 AM
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mr. Hughes:

We have yet to receive a reply from your client to our requests for further negotiations in the GOOTUBE Opposition matter. Can you please verify that your client is still interested in trying to settle this matter amiably? If your client is still interested in a settlement possibility, please provide us with a proposed settlement offer which we can take to our client for consideration.

I appreciate your attention to this matter.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎ 206.359.8000
206.359.9000
rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)

Sent: Friday, April 17, 2009 4:05 PM
To: 'etg@cortland.com'
Cc: 'Mike Hughes'; Rava, William C. (Perkins Coie)
Subject: RE: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mr. Watson:

Good afternoon. It appears that we are still pending a response to our email below. Please do us the kindness of providing us with your new settlement proposal at your earliest convenience. I would be happy to discuss this with you and Mr. Hughes at any time.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
: 206.359.9255
: ronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

From: Ronald, Richard R. (Perkins Coie)
Sent: Monday, April 13, 2009 9:56 AM
To: 'etg@cortland.com'
Cc: 'Mike Hughes'; Rava, William C. (Perkins Coie)
Subject: GOOTUBE.COM Opposition (41063-7016.0000.PX001)

Dear Mr. Watson:

Good morning. I am wondering if you have had the opportunity to formulate a new settlement proposal based on your conversation with Ms. Daniel Varda. Currently, we have a discovery deadline of **May 26, 2009**. If possible, we would like to arrive at a resolution to this matter before having to serve discovery.

I look forward to your response.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
☎: 206.359.8255
: 206.359.9255
: ronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

****

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--

Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon
NaturallySpeaking 10.0Professional.
Some voice to text misrecognition
errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information tha

****

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

****

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--

Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon
NaturallySpeaking 10.0Professional.
Some voice to text misrecognition
errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is

ATTACHMENT 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC., Opposer, v. Eric Watson, Applicant.	Opposition No.: 91183905 OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1- 34) Application Serial No.: 77/020,099 Filing Date: October 12, 2006 Publication Date: November 6, 2007

TO: Eric Watson ("Applicant")

Opposer Google Inc. ("Opposer"), through its counsel Perkins Coie LLP, hereby serves Opposer's First Set of Requests for Production of Documents and Things (each, a "Request" and together, the "Requests"). These Requests incorporate the Instructions and Definitions from Opposer's First Set of Interrogatories.

Requests for Production

1. All documents forming the basis for each denial (not including denials based on a lack of sufficient information) in Applicant's Answer or in response to any Request for Admission, whether served previously or contemporaneously herewith.

2. Documents sufficient to fully show Your employment history over the past five years.

3. Documents sufficient to fully describe the organizational structure or reporting responsibilities of any entity which You have been employed by, served as an officer of, or served as a director of, in connection with the GOOTUBE Mark or which claims the right to use the GOOTUBE Mark or any variation thereof for any goods or services.

4. All documents relating to the selection of the GOOTUBE Mark.

5. All documents relating to the meaning of the GOOTUBE Mark.

6. All documents relating to the meaning of any part of the GOOTUBE Mark.

7. All documents which record, refer to, or relate to Applicant's decision to adopt and use the GOOTUBE Mark including, without limitation, samples of any names, designations and/or marks considered, rejected, used, or considered in the alternative.

8. All documents, reports or records concerning any search or investigation conducted by, for or on behalf of Applicant in connection with or as a result of any use by Applicant, Opposer or any third party of the term "GOOTUBE", including but not limited to, the United States Patent Office records, state trademark records, trademark or trade publications, business directories, or the records of any trademark service search firm, and showing the following:

a. The date it was made;

b. The name address, occupation and qualifications of each person by whom it was made;

c. The name and address of the person who requested it;

d. The name and location of each set of records searched; and

e. Whether any report was made, and if so, the name and address of the person who has custody of such report.

9. All documents which refer to, relate to, or are in any way concerned with the preparation, filing and/or prosecution by, for or on behalf of Applicant of any applications for registration, state or federal, of any mark consisting of or containing the term "GOOTUBE".

10. All documents relating to any study (including surveys, pilot tests, market research, consumer research, focus groups, or any other type of study) conducted by or on behalf of Applicant related in any way to the GOOTUBE Mark.

11. Documents sufficient to show any provision of Your Services by You.

12. All documents referring or relating to Applicant's first use of the GOOTUBE Mark.

13. All documents referring or relating to Applicant's first use of the GOOTUBE Mark in connection with the offer, sale, advertisement or promotion of any goods or services.

14. All documents referring or relating to any actual or planned use by You of the GOOTUBE Mark.

15. All documents referring or relating to any actual or planned use of the GOOTUBE Mark by You in connection with the offer, sale, advertisement or promotion of any goods or services.

16. All documents referring or relating to the marketing of the goods or services Applicant offers or intends to offer under the GOOTUBE Mark.

17. All documents which record, refer or relate to the target audience, intended market and/or channels of trade for any goods or services marketed or to be marketed by Applicant under the GOOTUBE Mark.

18. Representative copies of all labels, tags, decals, imprints, packaging, package inserts, wrappers, containers, displays, manuals, warranty cards, specifications or instruction sheets, or any other documentation accompanying goods or services on which the GOOTUBE Mark has been, is being or will be used on or in connection with any goods or services provided by Applicant.

19. All documents establishing the total annual revenue received by Applicant as a result of sales of goods or services under the GOOTUBE Mark, for each of the last five years (or since the date on which Applicant began using the GOOTUBE Mark, if that date is more recent).

20. All documents establishing the total annual amount spent by Applicant for or in connection with the advertising or promotion of goods or services under The GOOTUBE Mark, for each of the last five years (or since the date on which Applicant began using The GOOTUBE Mark, if that date is more recent).

21. All documents referring or relating to any use by Applicant of the wording "gootube" or "gootube.com" other than as a trademark or service mark.

22. All documents relating to the domain name www.gootube.com.

23. Documents reflecting the current appearance, and all preceding versions, of the web page located at www.gootube.com.

24. All documents constituting or relating to communications between Applicant and any person regarding Applicant's Application, or regarding the GOOTUBE Mark.

25. All documents which record, refer or relate to any encumbrance, assignment, transfer, license, consent or other agreement to which Applicant is a party or of which Applicant is aware involving the GOOTUBE Mark.

26. All documents related to any actual or planned use of the GOOTUBE Mark by an actual or potential assignee, licensee or other third party.

27. All documents referring or relating to the circumstances under which Applicant became aware of Opposer, Opposer's GOOGLE Mark, Opposer's YOUTUBE Marks, Opposer's YOUTUBE Applications, Opposer's GOOGLE Applications, Opposer's GOOGLE Registrations or the YouTube Purchase.

28. All documents referring to Opposer, Opposer's GOOGLE Mark, Opposer's YOUTUBE Marks, or the YouTube Purchase.

29. All documents referring or relating to the web page located at http://blogs.zdnet.com/ip-telephony/?p=1274.

30. All documents which record, refer or relate to any actual or alleged instance of confusion between the GOOTUBE Mark and any third party name or mark.

31. All documents which record, refer or relate to any dispute identified in response to Interrogatory 28, served contemporaneously herewith.

32. All documents identified in response to Opposer's First Set of Interrogatories to Applicant not provided in response to the above requests.

33. All documents that Applicant intends to offer as exhibits in this Opposition.

34. All documents identifying, describing or relating to Applicant's document retention policy and system.

DATED: September 23, 2009.

CERTIFICATE OF SERVICE I hereby certify that this, OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, is being deposited with the United States Postal Service with sufficient postage as first class mail on September 23, 2009 in an envelope addressed to Applicant's counsel: Michael F. Hughes, Hughes Law Firm PLLC, 4164 Meridian Street, Suite 302, Bellingham, Washington 98266-5583. Signature: Printed Name: Karen Chakerian	**PERKINS COIE LLP** By William C. Rava Richard R. Ronald Perkins Coie LLP 1201 Third Avenue, 40th Floor Seattle, Washington 98101-3099 (206) 359-3036 Attorneys for Google Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC.,

Opposer,

v.

Eric Watson,

Applicant.

Opposition No.: 91183905

OPPOSER'S FIRST SET OF INTERROGATORIES (NOS. 1-29)

Application Serial No.: 77/020,099
Filing Date: October 12, 2006
Publication Date: November 6, 2007

TO: Eric Watson ("Applicant")

Opposer Google Inc. ("Opposer"), through its counsel Perkins Coie LLP, hereby serves Opposer's First Set of Interrogatories (each, an "Interrogatory" and together, the "Interrogatories"):

Instructions

A. These Interrogatories are to be answered separately and fully, in writing and under oath within thirty (30) days of the date of service on you.

B. If you object to or fail to answer any of these Interrogatories, in whole or in part, state your objections and/or reasons for not responding and state all factual and legal justifications that you believe support your objection or failure to answer.

C. If you deem that any Interrogatory calls for privileged information, and such privilege is asserted to avoid providing such information, provide a description of the information withheld and the privilege relied upon in sufficient detail to provide a basis for ruling on a motion to compel.

D. If you object to answering only part of an Interrogatory, specify the part to which you object and answer the remainder.

E. If you previously had information responsive to an Interrogatory, but no longer have it, please provide what information you do have and explain what led to the loss of the information (e.g., departure of knowledgeable employee, destruction or loss of documents). Where the loss of the information was due to departure of an employee, identify the employee, and identify the nature of the responsive information the employee is likely to have.

F. You must reasonably and promptly supplement Your answers to these Interrogatories to the full extent required by FRCP 26(e) (as modified by the Trademark Rules).

Definitions

As used in these Interrogatories, the following terms have the meanings described below:

i. The singular includes the plural and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

ii. "And" and "or" shall be given their ordinary meanings as well as mean "and/or."

iii. "Person" means any natural person, marital community, partnership, corporation, joint venture, business entity or government entity.

iv. "You," "Your" or any similar word or phrase includes each individual or entity responding to these discovery requests and, where applicable, each subsidiary, parent or affiliated entity of each such person or entity and all persons acting on its or their behalf.

v. "Applicant" refers to Eric Watson and shall include without limitation any related entities, and any predecessors, parents, subsidiaries, successors, affiliates, divisions and subdivisions of such entity, and/or all the present and former employees, agents, managers, directors, licensees, distributors, representatives, including legal counsel and private investigators and any other persons or entities acting for or on behalf of such entity.

vi. "Identify," when used with respect to a person, means to state with respect to each such person:

a. Name;

b. Last-known residence address;

c. Occupation, employer and business address at the date of the event or transaction to which the discovery requests refer; and

d. Present occupation, employer and business address (if different than c.).

vii. "Identify," when used with respect to a fact or event, means to:

a. Describe the fact or event with reasonable particularity, including any relevant dates;

b. Identify each person believed to have knowledge with respect to the fact or event; and

c. Identify each document that refers or relates to the fact or event.

viii. "Identify," when used with respect to a document, means to describe the document with sufficient particularity so as to provide the basis for a request for production pursuant to FRCP 34. In lieu of identifying a document in this manner, it will be sufficient to produce copies of the document.

ix. "Explain," when used with respect to a fact or event, means to provide detailed reasons for or descriptions of the fact or event, including any relevant dates.

x. "Document" means any kind of handwritten, typewritten, printed or recorded material whatsoever, including, without limitation, all drafts, copies, data compilations in computer-readable form, web sites, email, all foreign language documents and all translations of foreign language documents.

xi. "Applicant's Application" means Application Serial No. 77/020,099, filed with the U.S. Patent and Trademark Office.

xii. "GOOTUBE Mark" means the mark GOOTUBE.COM as shown in Applicant's Application, or as used by Applicant, or any variation thereof such as GOOTUBE

or GOO-TUBE.COM, in any case whether in all upper case lettering, all lower case lettering, or any combination thereof.

xiii. "Your Services" means those services identified in Applicant's Application, namely "hosting of digital content on the internet, namely, hosting of digital media content for infants, children, and the parents of small children."

xiv. "Amended Notice of Opposition" means the amended notice of opposition filed by Opposer with the U.S. Patent & Trademark Office in the instant case on July 25, 2008.

xv. "Applicant's Answer" means Applicant's answer filed by Applicant with the U.S. Patent & Trademark Office on August 28, 2008 in response to the Amended Notice of Opposition.

xvi. "Opposer's YOUTUBE Applications," "Opposer's YOUTUBE Marks," "Opposer's YOUTUBE Goods and Services," "Opposer's Search Engine Services," "Opposer's GOOGLE Mark," "Opposer's GOOGLE Registrations," "Opposer's GOOGLE Applications," and "Opposer's GOOGLE Goods and Services" have the meanings defined in the Amended Notice of Opposition.

xvii. "Applicant's Website" means the website to which the domain name "gootube.com" resolves.

xviii. "Opposer's Google Website" means the website to which the domain name "google.com" resolves.

xix. "Opposer's YouTube Website" means the website to which the domain name "youtube.com" resolves.

xx. "YouTube" means YouTube, an independent subsidiary of Google Inc.

xxi. "The YouTube Purchase" means Google Inc.'s purchase of YouTube, announced on October 9, 2006, as shown in Exhibit D of the Amended Notice of Opposition.

Interrogatories

1. Identify the person or persons answering or who assisted or were consulted in answering these Interrogatories and Requests for Admission served contemporaneously herewith on behalf of Applicant, including their current employment positions and/or relationships with Applicant and their current business and residence addresses.

2. For each denial (not including denials based on a lack of sufficient information) in Applicant's Answer or in response to the Requests for Admission, state all facts and identify all documents forming the basis for said denial.

3. Identify the date on which Applicant first became aware of Opposer's YOUTUBE Marks and/or Opposer's YOUTUBE Applications, and state all facts and identify all documents relevant thereto.

4. Identify the date on which Applicant first became aware of Opposer's YOUTUBE Marks used in connection with any of Opposer's YOUTUBE Goods and Services, and state all facts and identify all documents relevant thereto.

5. Identify the date on which Applicant first used Opposer's YouTube Website.

6. Identify the date on which Applicant first became aware of Opposer's GOOGLE Mark, Opposer's GOOGLE Applications and/or Opposer's GOOGLE Registrations, and state all facts and identify all documents relevant thereto.

7. Identify the date on which Applicant first became aware of Opposer's GOOGLE Mark used in connection with Opposer's Search Engine Services or with any of Opposer's GOOGLE Goods and Services and state all facts and identify all documents relevant thereto.

8. Identify the date on which Applicant first used Opposer's Google Website.

9. Identify the date on which Applicant first became aware of the YouTube Purchase, and state all facts and identify all documents relevant thereto.

10. Identify the date on which Applicant first became aware of the use of the GOOTUBE Mark by anyone other than Applicant, and state all facts and identify all documents relevant thereto.

11. Identify the reasons and explain why Applicant selected the GOOTUBE Mark.

12. Identify and explain the meaning of "GOO" as a portion of the GOOTUBE Mark.

13. Identify and explain the meaning of "TUBE" as a portion of the GOOTUBE Mark.

14. Identify any use of the GOOTUBE Mark, and state all facts and identify all documents relevant thereto.

15. Identify any use of the GOOTUBE Mark for Your Services, and state all facts and identify all documents relevant thereto.

16. Identify the dates on which Applicant first used the GOOTUBE Mark, or any variation thereof.

17. Identify the dates on which Applicant first used the GOOTUBE Mark, or any variation thereof, in connection with the offer, sale, advertisement or promotion of any goods or services, and identify those goods or services.

18. Identify the dates on which Applicant first sold any goods and/or rendered any service under the GOOTUBE Mark, or any variation thereof, and identify those goods or services.

19. Identify and describe the manner in which Applicant renders, sells, advertises and promotes, or intends to render, sell, advertise and promote, any goods or services offered under the GOOTUBE Mark, including all web pages, advertisements, or other printed or electronic documents or material on which the GOOTUBE Mark or any variation thereof has been, is being, or will be used on or in connection with any goods or services provided by Applicant.

20. Identify and describe any materials used by Applicant in connection with the rendering, sale, advertising, marketing or promotion of any goods or services under the GOOTUBE Mark or any variation thereof.

21. Identify any use that You (or Your licensees) intend to make of the GOOTUBE Mark in the future, and describe all steps taken towards offering good or services under the GOOTUBE Mark.

22. Identify any agreements between You and any other party, including but not limited to any employment agreement and any authorization, consent or license to use or to seek to register the GOOTUBE Mark.

23. Identify and describe any documents, press releases, news stories, interviews, or any other public statements—including any in-print, online, or broadcast statements—in which Applicant comments on, discusses, or otherwise mentions the GOOTUBE Mark.

24. Identify and describe any documents, press releases, news stories, interviews, and any public statements—including any in-print, online, or broadcast statements—in which Applicant comments on, discusses, or otherwise mentions Opposer, YouTube, or the YouTube Purchase.

25. Identify and describe any documents, press releases, news stories, interviews, and any public statements—including any in-print, online, or broadcast statements—in which Applicant comments on, discusses, or otherwise mentions Opposer's YOUTUBE Marks or Opposer's GOOGLE Mark.

26. Identify the reasons and explain why Applicant filed Applicant's Application on October 12, 2006.

27. Identify Your employment history (including officerships or directorships) for the past five years, and any planned future employment.

28. Identify and describe any current or previous dispute (including administrative and district court litigation and cease and desist correspondence) in which Applicant has been involved relating to the GOOTUBE Mark, and for each such dispute list the names of the parties, the date of and forum for the dispute, and a description of the dispute, including any outcome and the mark or term at issue.

29. Identify all searches of any trademark, service mark or business name conducted by, for or on behalf of Applicant for the GOOTUBE Mark or any variation thereof.

DATED: September 23, 2009.

CERTIFICATE OF SERVICE I hereby certify that this, Opposer's First Set of Interrogatories, is being deposited with the United States Postal Service with sufficient postage as first class mail on September 23, 2009 in an envelope addressed to Applicant's counsel: Michael F. Hughes, Hughes Law Firm PLLC, 4164 Meridian Street, Suite 302, Bellingham, Washington 98266-5583. Signature: Printed Name: Karen Chekenian	**PERKINS COIE LLP** By William C. Rava Richard R. Ronald Perkins Coie LLP 1201 Third Avenue, 40th Floor Seattle, Washington 98101-3099 (206) 359-3036 Attorneys for Google Inc.

ATTACHMENT 9

Ronald, Richard R. (Perkins Coie)

From: Ronald, Richard R. (Perkins Coie)
Sent: Monday, November 02, 2009 10:07 PM
To: Mike Hughes
Cc: Rava, William C. (Perkins Coie)
Subject: FW: gootube (41063-7016.0000.PX001)

Dear Mike:

It does not appear that we have received either a response to my email below or timely responses to our discovery requests. Accordingly, your responses are delinquent and you have waived any right to object to answering any of the interrogatories or from producing any documents requested. Additionally, you are deemed to have admitted each of the propounded requests for admission, absent a showing of excusable neglect or a successful motion to withdraw or amend the admissions.

It is our hope that we can keep these proceedings moving along in an amiable manner, and that a motion to compel responses will not be needed. We would like to schedule a brief meet-and-confer to discuss these issues. Please let us know of a good time to call you tomorrow or Wednesday.

Sincerely,

-Richard

> -----Original Message-----
> From: Ronald, Richard R. (Perkins Coie)
> Sent: Wednesday, October 28, 2009 2:23 PM
> To: 'Mike Hughes'
> Cc: Rava, William C. (Perkins Coie)
> Subject: RE: gootube (41063-7016.0000.PX001)
>
> Mike:
>
> I do not believe the client will agree to such a lengthy extension this late in the process, especially with the possibility of a change in counsel and the delays that such a move would entail. Please note that our client spoke directly to your client regarding a possible settlement in March and has waited for a good faith response since then. We also delayed the filing of discovery on a number of occasions to give your client more time to make a counterproposal, which has not been forthcoming.
>
> The client might agree to a shorter time frame--along the lines of 14 days--provided you can guarantee we would receive actual and complete responses to our requests.
>
> Sincerely,
>
> -Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8255
Fax: 206.359.9255
Email: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----
From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Tuesday, October 27, 2009 4:00 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: gootube

Hi Ron,

Could we have a 45 day extension. We might transfer this file to another attorney that handles oppositions on a more regular basis.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Mike:
>
> How long do you need to prepare the responses?
>
> Sincerely,
>
> -Richard
>
> Richard R. Ronald | Perkins Coie LLP
>
> 1201 Third Avenue, Suite 4800
>
> Seattle, WA 98101-3099

*: 206.359.8255

7: 206.359.9255

*: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----

From: Mike Hughes [mailto:mhughes@inventionlaw.com]

Sent: Friday, October 23, 2009 12:17 PM

To: Ronald, Richard R. (Perkins Coie)

Subject: gootube

Hi Ron,

Would you agree to an extension to the discovery request regarding the

GOOTUBE matter.

Thank you.

--

*

Mike Hughes

Patent Attorney

Mechanical Engineer B.S.

Hughes Law Firm, PLLC

5160 Industrial Place, Suite 107

Ferndale, WA 98248

(360) 647-1296

fax (360) 671-2489

www.inventionlaw.com

*Text Produced by ScanSoft Dragon

NaturallySpeaking 10.0Professional.

Some voice to text misrecognition

errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury

Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other

confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure

under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

ATTACHMENT 10

Chekenian, Karen (Perkins Coie)

From: Mike Hughes [mhughes@inventionlaw.com]
Sent: Thursday, November 05, 2009 2:46 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: FW: gootube (41063-7016.0000.PX001)

Hi Richard,

I would like to discuss this matter further tomorrow if possible.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Dear Mike:
>
> It does not appear that we have received either a response to my email below or timely responses to our discovery requests. Accordingly, your responses are delinquent and you have waived any right to object to answering any of the interrogatories or from producing any documents requested. Additionally, you are deemed to have admitted each of the propounded requests for admission, absent a showing of excusable neglect or a successful motion to withdraw or amend the admissions.
>
> It is our hope that we can keep these proceedings moving along in an amiable manner, and that a motion to compel responses will not be needed. We would like to schedule a brief meet-and-confer to discuss these issues. Please let us know of a good time to call you tomorrow or Wednesday.
>
> Sincerely,
>
> -Richard
>
> -----Original Message-----
> From: Ronald, Richard R. (Perkins Coie)
> Sent: Wednesday, October 28, 2009 2:23 PM
> To: 'Mike Hughes'
> Cc: Rava, William C. (Perkins Coie)
> Subject: RE: gootube (41063-7016.0000.PX001)
>
> Mike:
>
> I do not believe the client will agree to such a lengthy extension this late in the process, especially with the possibility of a change in counsel and the delays that such a move would entail. Please note that our client spoke directly to your client regarding a possible settlement in March and has waited for a good faith response since then. We also delayed the filing of discovery on a number of occasions to give your client more time to make a counterproposal, which has not been forthcoming.

The client might agree to a shorter time frame--along the lines of 14 days--provided you can guarantee we would receive actual and complete responses to our requests.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8255
Fax: 206.359.9255
Email: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----
From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Tuesday, October 27, 2009 4:00 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: gootube

Hi Ron,

Could we have a 45 day extension. We might transfer this file to another attorney that handles oppositions on a more regular basis.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Mike:
>
> How long do you need to prepare the responses?
>
> Sincerely,
>
> -Richard

Richard R. Ronald | Perkins Coie LLP

1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

*: 206.359.8255

7: 206.359.9255

*: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or

written by Perkins Coie LLP to be used, and cannot be used by the

taxpayer, for the purpose of avoiding penalties that may be imposed on

the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----

From: Mike Hughes [mailto:mhughes@inventionlaw.com]

Sent: Friday, October 23, 2009 12:17 PM

To: Ronald, Richard R. (Perkins Coie)

Subject: gootube

Hi Ron,

Would you agree to an extension to the discovery request regarding the

GOOTUBE matter.

Thank you.

*

Mike Hughes

Patent Attorney

Mechanical Engineer B.S.

Hughes Law Firm, PLLC

5160 Industrial Place, Suite 107

Ferndale, WA 98248

(360) 647-1296

fax (360) 671-2489

www.inventionlaw.com

*Text Produced by ScanSoft Dragon

NaturallySpeaking 10.0Professional.

Some voice to text misrecognition

errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the

individual or entity to which it is addressed, and may contain

information that is privileged, confidential and exempt from

disclosure

under applicable law. If the reader of this message is not the

intended

recipient, or the employee or agent responsible for delivering the

message to the intended recipient, you are hereby notified that any

dissemination, distribution or copying of this communication.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury

Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other

confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296

fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or ent

ATTACHMENT 11

Rava, William C. (Perkins Coie)

From: Rava, William C. (Perkins Coie)
Sent: Monday, November 09, 2009 10:26 AM
To: 'mhughes@inventionlaw.com'
Cc: Ronald, Richard R. (Perkins Coie)
Subject: RE: gootube (41063-7016.0000.PX001)
Attachments: GOOTUBE Motion to Suspend.pdf

Mike,

Following up on this email string and my vmail from Friday. Relatedly, we filed the attached motion on Thursday.

Please let me know a good time to discuss. I'm generally in the office this week. Thanks,

Will

William C. Rava | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
PHONE: 206.359.6338
FAX: 206.359.7338
E-MAIL: wrava@perkinscoie.com

From: "Mike Hughes" <mhughes@inventionlaw.com>
Date: November 5, 2009 2:45:55 PM PST
To: "Ronald, Richard R. (Perkins Coie)" <RRonald@perkinscoie.com>
Subject: Re: FW: gootube (41063-7016.0000.PX001)

> Hi Richard,
>
> I would like to discuss this matter further tomorrow if possible.
>
> Thank you.
> Mike Hughes
>
> Ronald, Richard R. (Perkins Coie) wrote:
>
> > Dear Mike:
> >
> > It does not appear that we have received either a response to my email below or timely responses to our discovery requests. Accordingly, your responses are delinquent and you have waived any right to object to answering any of the interrogatories or from producing any documents requested. Additionally, you are deemed to have admitted each of the propounded requests for admission, absent a showing of excusable neglect or a successful motion to withdraw or amend the admissions.

It is our hope that we can keep these proceedings moving along in an amiable manner, and that a motion to compel responses will not be needed. We would like to schedule a brief meet-and-confer to discuss these issues. Please let us know of a good time to call you tomorrow or Wednesday.

Sincerely,

-Richard

-----Original Message-----
From: Ronald, Richard R. (Perkins Coie)
Sent: Wednesday, October 28, 2009 2:23 PM
To: 'Mike Hughes'
Cc: Rava, William C. (Perkins Coie)
Subject: RE: gootube (41063-7016.0000.PX001)

Mike:

I do not believe the client will agree to such a lengthy extension this
late in the process, especially with the possibility of a change in counsel and the delays that such a move would entail. Please note that
our client spoke directly to your client regarding a possible settlement
in March and has waited for a good faith response since then. We also
delayed the filing of discovery on a number of occasions to give your
client more time to make a counterproposal, which has not been forthcoming.

The client might agree to a shorter time frame--along the lines of 14
days--provided you can guarantee we would receive actual and complete
responses to our requests.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

Phone: 206.359.8255
Fax: 206.359.9255
Email: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or
written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on
the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----
From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Tuesday, October 27, 2009 4:00 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: gootube

Hi Ron,

Could we have a 45 day extension. We might transfer this file to another attorney that handles oppositions on a more regular basis.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Mike:
>
> How long do you need to prepare the responses?
>
> Sincerely,
>
> -Richard
>
> Richard R. Ronald | Perkins Coie LLP
>
> 1201 Third Avenue, Suite 4800
>
> Seattle, WA 98101-3099

*: 206.359.8255

7: 206.359.9255

*: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or

written by Perkins Coie LLP to be used, and cannot be used by the

taxpayer, for the purpose of avoiding penalties that may be imposed on

the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----

From: Mike Hughes [mailto:mhughes@inventionlaw.com]

Sent: Friday, October 23, 2009 12:17 PM

To: Ronald, Richard R. (Perkins Coie)

Subject: gootube

Hi Ron,

Would you agree to an extension to the discovery request regarding the

GOOTUBE matter.

Thank you.

--

*

Mike Hughes

Patent Attorney

Mechanical Engineer B.S.

Hughes Law Firm, PLLC

5160 Industrial Place, Suite 107

Ferndale, WA 98248

(360) 647-1296

fax (360) 671-2489

www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional.

Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may

contain

information that is privileged, confidential and exempt from

disclosure

under applicable law. If the reader of this message is not the

intended

recipient, or the employee or agent responsible for delivering the

message to the intended recipient, you are hereby notified that any

dissemination, distribution or copying of this communication.

* * * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury

Department and IRS regulations, we inform you that, unless expressly
indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by
Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the
purpose of (i) avoiding penalties that may be imposed on the taxpayer
under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein
(or any attachments).

* * * * * * * * * * *

NOTICE: This communication may contain

privileged or other

confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and
any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the
individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure
under applicable law. If the reader of this message is not the intended
recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding

penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual o

ATTACHMENT 12

Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov

ESTTA Tracking number: **ESTTA317540**

Filing date: **11/18/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91183905
Party	Plaintiff Google Inc.
Correspondence Address	James L. Vana Pekins Coie LLP 1201 Third Avenue40th Floor Seattle, WA 98101-3099 UNITED STATES pctrademarks@perkinscoie.com, rronald@perkinscoie.com
Submission	Motion to Compel Discovery
Filer's Name	William C. Rava
Filer's e-mail	wrava@perkinscoie.com, rgregory@perkinscoie.com
Signature	/wrava/
Date	11/18/2009
Attachments	motion to compel.pdf (49 pages)(1480787 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC., Opposer, v. ERIC WATSON, Applicant.	Opposition No.: 91183905 OPPOSER'S MOTION TO COMPEL DISCOVERY ANSWERS

Pursuant to Rules 2.120(e), Google Inc. ("Opposer"), a Delaware corporation having its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043, hereby respectfully moves to compel Eric Watson ("Applicant") to respond to Opposer's First Set of Requests for Production of Documents and Things and Opposer's First Set of Interrogatories (collectively, "Opposer's Discovery Requests")[1].

The following facts and law support this Motion to Compel:

1. During a March 17, 2009 conversation between Applicant and an in-house attorney at Opposer, Applicant represented that he would shortly thereafter make a concrete settlement proposal. Thus, between approximately March and August 2009, Opposer and Applicant stipulated to several extensions of the discovery deadlines so that the parties could discuss possible settlement of this matter. Despite Opposer's repeated requests and persistent follow-up with Applicant and his attorney, Applicant has still not provided the promised settlement proposal. *See* Attachment 7.

2. On September 23, 2009, Opposer timely served Opposer's Discovery Requests on Applicant via first-class mail addressed to Applicant's counsel, Michael F. Hughes, Hughes Law

[1] Applicant also failed to respond to Opposer's First Set of Requests for Admission, which are now deemed admitted. FRCP 36(a)(3).

Firm PLLC, 4164 Meridian Street, Suite 302, Bellingham, Washington 98266-5583. *See* Attachment 1.

3. Under TBMP 403.03, Applicant's responses to Opposer's Discovery Requests were due on October 28, 2009.

4. On October 23, 2009, Applicant's counsel requested an extension of unspecified length of the October 28, 2009 deadline to provide responses to Opposer's Discovery Requests. *See* Attachment 2.

5. Between October 26, 2009 and October 28, 2009, Applicant and Opposer corresponded via email regarding Applicant's request without reaching a resolution. *See* Attachment 3. As of this filing, Applicant has not substantively responded to Opposer's email of October 28.

6. Applicant failed to respond to Opposer's Discovery Requests by the October 28, 2009 deadline.

7. On November 2, 2009, Opposer notified Applicant that his discovery responses were delinquent and proposed a meet-and-confer to discuss the matter. *See* Attachment 4.

8. On November 5, 2009, Applicant requested a telephonic conference on November 6, but provided no further substantive information or explanations. *See* Attachment 5.

9. On November 6, 2009, and as requested by Applicant's November 5 email, Opposer left a voicemail message for Applicant to discuss this matter. As of this filing, Applicant has not returned the call.

10. On November 9, 2009, Opposer sent Applicant yet another email seeking to confer about the delinquent discovery responses. *See* Attachment 6. As of this filing, Applicant has not responded to that email.

11. Thus, Opposer timely and properly served Opposer's Discovery Requests; Applicant has not timely answered or otherwise responded to Opposer's Discovery Requests; Applicant has therefore waived all objections to Opposer's Discovery Requests; and, pursuant to

Rules 2.120(e), Opposer is therefore entitled to an order compelling Applicant to provide complete and accurate answers Opposer's Discovery Requests. Opposer has made a good faith effort, by conference and correspondence, to resolve the issues presented in this Motion and has been unable to reach an agreement. *See* Attachment 7.

WHEREFORE, Opposer requests an order compelling Applicant to answer Opposer's Discovery Requests and that this matter be suspended pursuant to Rule 2.120(e)(2) pending disposition of this Motion.

Dated: November 18, 2009

CERTIFICATE OF SERVICE

I hereby certify that this, OPPOSER'S MOTION TO SUSPEND, is being deposited with the United States Postal Service with sufficient postage as first class mail on November 18, 2009 in an envelope addressed to counsel for Applicant: Michael F. Hughes, Hughes Law Firm, PLLC, 5160 Industrial Place #107, Ferndale, WA 98248

Signature: Rebecca J. Gregory

Printed Name: Rebecca J. Gregory

Respectfully submitted,

PERKINS COIE LLP

William C. Rava 11/18/09

William C. Rava
Richard R. Ronald
Perkins Coie LLP
1201 Third Avenue, 40th Floor
Seattle, Washington 98101-3099
(206) 359-3036
Attorneys for Google Inc.

Attachment 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC.,

Opposer,

v.

Eric Watson,

Applicant.

Opposition No.: 91183905

OPPOSER'S FIRST SET OF INTERROGATORIES (NOS. 1-29)

Application Serial No.:	77/020,099
Filing Date:	October 12, 2006
Publication Date:	November 6, 2007

TO: Eric Watson ("Applicant")

Opposer Google Inc. ("Opposer"), through its counsel Perkins Coie LLP, hereby serves Opposer's First Set of Interrogatories (each, an "Interrogatory" and together, the "Interrogatories"):

Instructions

A. These Interrogatories are to be answered separately and fully, in writing and under oath within thirty (30) days of the date of service on you.

B. If you object to or fail to answer any of these Interrogatories, in whole or in part, state your objections and/or reasons for not responding and state all factual and legal justifications that you believe support your objection or failure to answer.

C. If you deem that any Interrogatory calls for privileged information, and such privilege is asserted to avoid providing such information, provide a description of the information withheld and the privilege relied upon in sufficient detail to provide a basis for ruling on a motion to compel.

D. If you object to answering only part of an Interrogatory, specify the part to which you object and answer the remainder.

E. If you previously had information responsive to an Interrogatory, but no longer have it, please provide what information you do have and explain what led to the loss of the information (e.g., departure of knowledgeable employee, destruction or loss of documents). Where the loss of the information was due to departure of an employee, identify the employee, and identify the nature of the responsive information the employee is likely to have.

F. You must reasonably and promptly supplement Your answers to these Interrogatories to the full extent required by FRCP 26(e) (as modified by the Trademark Rules).

Definitions

As used in these Interrogatories, the following terms have the meanings described below:

i. The singular includes the plural and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

ii. "And" and "or" shall be given their ordinary meanings as well as mean "and/or."

iii. "Person" means any natural person, marital community, partnership, corporation, joint venture, business entity or government entity.

iv. "You," "Your" or any similar word or phrase includes each individual or entity responding to these discovery requests and, where applicable, each subsidiary, parent or affiliated entity of each such person or entity and all persons acting on its or their behalf.

v. "Applicant" refers to Eric Watson and shall include without limitation any related entities, and any predecessors, parents, subsidiaries, successors, affiliates, divisions and subdivisions of such entity, and/or all the present and former employees, agents, managers, directors, licensees, distributors, representatives, including legal counsel and private investigators and any other persons or entities acting for or on behalf of such entity.

vi. "Identify," when used with respect to a person, means to state with respect to each such person:

a. Name;

b. Last-known residence address;

c. Occupation, employer and business address at the date of the event or transaction to which the discovery requests refer; and

d. Present occupation, employer and business address (if different than c.).

vii. "Identify," when used with respect to a fact or event, means to:

a. Describe the fact or event with reasonable particularity, including any relevant dates;

b. Identify each person believed to have knowledge with respect to the fact or event; and

c. Identify each document that refers or relates to the fact or event.

viii. "Identify," when used with respect to a document, means to describe the document with sufficient particularity so as to provide the basis for a request for production pursuant to FRCP 34. In lieu of identifying a document in this manner, it will be sufficient to produce copies of the document.

ix. "Explain," when used with respect to a fact or event, means to provide detailed reasons for or descriptions of the fact or event, including any relevant dates.

x. "Document" means any kind of handwritten, typewritten, printed or recorded material whatsoever, including, without limitation, all drafts, copies, data compilations in computer-readable form, web sites, email, all foreign language documents and all translations of foreign language documents.

xi. "Applicant's Application" means Application Serial No. 77/020,099, filed with the U.S. Patent and Trademark Office.

xii. "GOOTUBE Mark" means the mark GOOTUBE.COM as shown in Applicant's Application, or as used by Applicant, or any variation thereof such as GOOTUBE

or GOO-TUBE.COM, in any case whether in all upper case lettering, all lower case lettering, or any combination thereof.

xiii. "Your Services" means those services identified in Applicant's Application, namely "hosting of digital content on the internet, namely, hosting of digital media content for infants, children, and the parents of small children."

xiv. "Amended Notice of Opposition" means the amended notice of opposition filed by Opposer with the U.S. Patent & Trademark Office in the instant case on July 25, 2008.

xv. "Applicant's Answer" means Applicant's answer filed by Applicant with the U.S. Patent & Trademark Office on August 28, 2008 in response to the Amended Notice of Opposition.

xvi. "Opposer's YOUTUBE Applications," "Opposer's YOUTUBE Marks," "Opposer's YOUTUBE Goods and Services," "Opposer's Search Engine Services," "Opposer's GOOGLE Mark," "Opposer's GOOGLE Registrations," "Opposer's GOOGLE Applications," and "Opposer's GOOGLE Goods and Services" have the meanings defined in the Amended Notice of Opposition.

xvii. "Applicant's Website" means the website to which the domain name "gootube.com" resolves.

xviii. "Opposer's Google Website" means the website to which the domain name "google.com" resolves.

xix. "Opposer's YouTube Website" means the website to which the domain name "youtube.com" resolves.

xx. "YouTube" means YouTube, an independent subsidiary of Google Inc.

xxi. "The YouTube Purchase" means Google Inc.'s purchase of YouTube, announced on October 9, 2006, as shown in Exhibit D of the Amended Notice of Opposition.

Interrogatories

1. Identify the person or persons answering or who assisted or were consulted in answering these Interrogatories and Requests for Admission served contemporaneously herewith on behalf of Applicant, including their current employment positions and/or relationships with Applicant and their current business and residence addresses.

2. For each denial (not including denials based on a lack of sufficient information) in Applicant's Answer or in response to the Requests for Admission, state all facts and identify all documents forming the basis for said denial.

3. Identify the date on which Applicant first became aware of Opposer's YOUTUBE Marks and/or Opposer's YOUTUBE Applications, and state all facts and identify all documents relevant thereto.

4. Identify the date on which Applicant first became aware of Opposer's YOUTUBE Marks used in connection with any of Opposer's YOUTUBE Goods and Services, and state all facts and identify all documents relevant thereto.

5. Identify the date on which Applicant first used Opposer's YouTube Website.

6. Identify the date on which Applicant first became aware of Opposer's GOOGLE Mark, Opposer's GOOGLE Applications and/or Opposer's GOOGLE Registrations, and state all facts and identify all documents relevant thereto.

7. Identify the date on which Applicant first became aware of Opposer's GOOGLE Mark used in connection with Opposer's Search Engine Services or with any of Opposer's GOOGLE Goods and Services and state all facts and identify all documents relevant thereto.

8. Identify the date on which Applicant first used Opposer's Google Website.

9. Identify the date on which Applicant first became aware of the YouTube Purchase, and state all facts and identify all documents relevant thereto.

10. Identify the date on which Applicant first became aware of the use of the GOOTUBE Mark by anyone other than Applicant, and state all facts and identify all documents relevant thereto.

11. Identify the reasons and explain why Applicant selected the GOOTUBE Mark.

12. Identify and explain the meaning of "GOO" as a portion of the GOOTUBE Mark.

13. Identify and explain the meaning of "TUBE" as a portion of the GOOTUBE Mark.

14. Identify any use of the GOOTUBE Mark, and state all facts and identify all documents relevant thereto.

15. Identify any use of the GOOTUBE Mark for Your Services, and state all facts and identify all documents relevant thereto.

16. Identify the dates on which Applicant first used the GOOTUBE Mark, or any variation thereof.

17. Identify the dates on which Applicant first used the GOOTUBE Mark, or any variation thereof, in connection with the offer, sale, advertisement or promotion of any goods or services, and identify those goods or services.

18. Identify the dates on which Applicant first sold any goods and/or rendered any service under the GOOTUBE Mark, or any variation thereof, and identify those goods or services.

19. Identify and describe the manner in which Applicant renders, sells, advertises and promotes, or intends to render, sell, advertise and promote, any goods or services offered under the GOOTUBE Mark, including all web pages, advertisements, or other printed or electronic documents or material on which the GOOTUBE Mark or any variation thereof has been, is being, or will be used on or in connection with any goods or services provided by Applicant.

20. Identify and describe any materials used by Applicant in connection with the rendering, sale, advertising, marketing or promotion of any goods or services under the GOOTUBE Mark or any variation thereof.

21. Identify any use that You (or Your licensees) intend to make of the GOOTUBE Mark in the future, and describe all steps taken towards offering good or services under the GOOTUBE Mark.

22. Identify any agreements between You and any other party, including but not limited to any employment agreement and any authorization, consent or license to use or to seek to register the GOOTUBE Mark.

23. Identify and describe any documents, press releases, news stories, interviews, or any other public statements—including any in-print, online, or broadcast statements—in which Applicant comments on, discusses, or otherwise mentions the GOOTUBE Mark.

24. Identify and describe any documents, press releases, news stories, interviews, and any public statements—including any in-print, online, or broadcast statements—in which Applicant comments on, discusses, or otherwise mentions Opposer, YouTube, or the YouTube Purchase.

25. Identify and describe any documents, press releases, news stories, interviews, and any public statements—including any in-print, online, or broadcast statements—in which Applicant comments on, discusses, or otherwise mentions Opposer's YOUTUBE Marks or Opposer's GOOGLE Mark.

26. Identify the reasons and explain why Applicant filed Applicant's Application on October 12, 2006.

27. Identify Your employment history (including officerships or directorships) for the past five years, and any planned future employment.

28. Identify and describe any current or previous dispute (including administrative and district court litigation and cease and desist correspondence) in which Applicant has been involved relating to the GOOTUBE Mark, and for each such dispute list the names of the parties, the date of and forum for the dispute, and a description of the dispute, including any outcome and the mark or term at issue.

29. Identify all searches of any trademark, service mark or business name conducted by, for or on behalf of Applicant for the GOOTUBE Mark or any variation thereof.

DATED: September 23, 2009.

CERTIFICATE OF SERVICE I hereby certify that this, Opposer's First Set of Interrogatories, is being deposited with the United States Postal Service with sufficient postage as first class mail on September 23, 2009 in an envelope addressed to Applicant's counsel: Michael F. Hughes, Hughes Law Firm PLLC, 4164 Meridian Street, Suite 302, Bellingham, Washington 98266-5583. Signature: Printed Name:	**PERKINS COIE LLP** By William C. Rava Richard R. Ronald Perkins Coie LLP 1201 Third Avenue, 40th Floor Seattle, Washington 98101-3099 (206) 359-3036 Attorneys for Google Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC., Opposer, v. Eric Watson, Applicant.	Opposition No.: 91183905 OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1- 34) Application Serial No.: 77/020,099 Filing Date: October 12, 2006 Publication Date: November 6, 2007

TO: Eric Watson ("Applicant")

Opposer Google Inc. ("Opposer"), through its counsel Perkins Coie LLP, hereby serves Opposer's First Set of Requests for Production of Documents and Things (each, a "Request" and together, the "Requests"). These Requests incorporate the Instructions and Definitions from Opposer's First Set of Interrogatories.

Requests for Production

1. All documents forming the basis for each denial (not including denials based on a lack of sufficient information) in Applicant's Answer or in response to any Request for Admission, whether served previously or contemporaneously herewith.

2. Documents sufficient to fully show Your employment history over the past five years.

3. Documents sufficient to fully describe the organizational structure or reporting responsibilities of any entity which You have been employed by, served as an officer of, or served as a director of, in connection with the GOOTUBE Mark or which claims the right to use the GOOTUBE Mark or any variation thereof for any goods or services.

4. All documents relating to the selection of the GOOTUBE Mark.

5. All documents relating to the meaning of the GOOTUBE Mark.

6. All documents relating to the meaning of any part of the GOOTUBE Mark.

7. All documents which record, refer to, or relate to Applicant's decision to adopt and use the GOOTUBE Mark including, without limitation, samples of any names, designations and/or marks considered, rejected, used, or considered in the alternative.

8. All documents, reports or records concerning any search or investigation conducted by, for or on behalf of Applicant in connection with or as a result of any use by Applicant, Opposer or any third party of the term "GOOTUBE", including but not limited to, the United States Patent Office records, state trademark records, trademark or trade publications, business directories, or the records of any trademark service search firm, and showing the following:

a. The date it was made;

b. The name address, occupation and qualifications of each person by whom it was made;

c. The name and address of the person who requested it;

d. The name and location of each set of records searched; and

e. Whether any report was made, and if so, the name and address of the person who has custody of such report.

9. All documents which refer to, relate to, or are in any way concerned with the preparation, filing and/or prosecution by, for or on behalf of Applicant of any applications for registration, state or federal, of any mark consisting of or containing the term "GOOTUBE".

10. All documents relating to any study (including surveys, pilot tests, market research, consumer research, focus groups, or any other type of study) conducted by or on behalf of Applicant related in any way to the GOOTUBE Mark.

11. Documents sufficient to show any provision of Your Services by You.

12. All documents referring or relating to Applicant's first use of the GOOTUBE Mark.

13. All documents referring or relating to Applicant's first use of the GOOTUBE Mark in connection with the offer, sale, advertisement or promotion of any goods or services.

14. All documents referring or relating to any actual or planned use by You of the GOOTUBE Mark.

15. All documents referring or relating to any actual or planned use of the GOOTUBE Mark by You in connection with the offer, sale, advertisement or promotion of any goods or services.

16. All documents referring or relating to the marketing of the goods or services Applicant offers or intends to offer under the GOOTUBE Mark.

17. All documents which record, refer or relate to the target audience, intended market and/or channels of trade for any goods or services marketed or to be marketed by Applicant under the GOOTUBE Mark.

18. Representative copies of all labels, tags, decals, imprints, packaging, package inserts, wrappers, containers, displays, manuals, warranty cards, specifications or instruction sheets, or any other documentation accompanying goods or services on which the GOOTUBE Mark has been, is being or will be used on or in connection with any goods or services provided by Applicant.

19. All documents establishing the total annual revenue received by Applicant as a result of sales of goods or services under the GOOTUBE Mark, for each of the last five years (or since the date on which Applicant began using the GOOTUBE Mark, if that date is more recent).

20. All documents establishing the total annual amount spent by Applicant for or in connection with the advertising or promotion of goods or services under The GOOTUBE Mark, for each of the last five years (or since the date on which Applicant began using The GOOTUBE Mark, if that date is more recent).

21. All documents referring or relating to any use by Applicant of the wording "gootube" or "gootube.com" other than as a trademark or service mark.

22. All documents relating to the domain name www.gootube.com.

23. Documents reflecting the current appearance, and all preceding versions, of the web page located at www.gootube.com.

24. All documents constituting or relating to communications between Applicant and any person regarding Applicant's Application, or regarding the GOOTUBE Mark.

25. All documents which record, refer or relate to any encumbrance, assignment, transfer, license, consent or other agreement to which Applicant is a party or of which Applicant is aware involving the GOOTUBE Mark.

26. All documents related to any actual or planned use of the GOOTUBE Mark by an actual or potential assignee, licensee or other third party.

27. All documents referring or relating to the circumstances under which Applicant became aware of Opposer, Opposer's GOOGLE Mark, Opposer's YOUTUBE Marks, Opposer's YOUTUBE Applications, Opposer's GOOGLE Applications, Opposer's GOOGLE Registrations or the YouTube Purchase.

28. All documents referring to Opposer, Opposer's GOOGLE Mark, Opposer's YOUTUBE Marks, or the YouTube Purchase.

29. All documents referring or relating to the web page located at http://blogs.zdnet.com/ip-telephony/?p=1274.

30. All documents which record, refer or relate to any actual or alleged instance of confusion between the GOOTUBE Mark and any third party name or mark.

31. All documents which record, refer or relate to any dispute identified in response to Interrogatory 28, served contemporaneously herewith.

32. All documents identified in response to Opposer's First Set of Interrogatories to Applicant not provided in response to the above requests.

33. All documents that Applicant intends to offer as exhibits in this Opposition.

34. All documents identifying, describing or relating to Applicant's document retention policy and system.

DATED: September 23, 2009.

CERTIFICATE OF SERVICE I hereby certify that this, OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS, is being deposited with the United States Postal Service with sufficient postage as first class mail on September 23, 2009 in an envelope addressed to Applicant's counsel: Michael F. Hughes, Hughes Law Firm PLLC, 4164 Meridian Street, Suite 302, Bellingham, Washington 98266-5583. Signature: Printed Name: Karen Chakerian	**PERKINS COIE LLP** By William C. Rava Richard R. Ronald Perkins Coie LLP 1201 Third Avenue, 40th Floor Seattle, Washington 98101-3099 (206) 359-3036 Attorneys for Google Inc.

Attachment 2

Ronald, Richard R. (Perkins Coie)

From: Mike Hughes [mhughes@inventionlaw.com]
Sent: Friday, October 23, 2009 12:17 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: gootube

Hi Ron,

Would you agree to an extension to the discovery request regarding the GOOTUBE matter.

Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

Attachment 3

Ronald, Richard R. (Perkins Coie)

From:	Ronald, Richard R. (Perkins Coie)
Sent:	Wednesday, October 28, 2009 2:23 PM
To:	'Mike Hughes'
Cc:	Rava, William C. (Perkins Coie)
Subject:	RE: gootube (41063-7016.0000.PX001)

Mike:

I do not believe the client will agree to such a lengthy extension this late in the process, especially with the possibility of a change in counsel and the delays that such a move would entail. Please note that our client spoke directly to your client regarding a possible settlement in March and has waited for a good faith response since then. We also delayed the filing of discovery on a number of occasions to give your client more time to make a counterproposal, which has not been forthcoming.

The client might agree to a shorter time frame--along the lines of 14 days--provided you can guarantee we would receive actual and complete responses to our requests.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8255
Fax: 206.359.9255
Email: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----
From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Tuesday, October 27, 2009 4:00 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: gootube

Hi Ron,

Could we have a 45 day extension. We might transfer this file to another attorney that handles oppositions on a more regular basis.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:
> Mike:
>
> How long do you need to prepare the responses?
>
> Sincerely,
>
>
> -Richard
>
>

> Richard R. Ronald | Perkins Coie LLP
> 1201 Third Avenue, Suite 4800
> Seattle, WA 98101-3099
> *: 206.359.8255
> 7: 206.359.9255
> *: rronald@perkinscoie.com
>
> IMPORTANT TAX INFORMATION: This communication is not intended or
> written by Perkins Coie LLP to be used, and cannot be used by the
> taxpayer, for the purpose of avoiding penalties that may be imposed on
> the taxpayer under the Internal Revenue Code of 1986, as amended.
>
> -----Original Message-----
> From: Mike Hughes [mailto:mhughes@inventionlaw.com]
>
> Sent: Friday, October 23, 2009 12:17 PM
> To: Ronald, Richard R. (Perkins Coie)
> Subject: gootube
>
> Hi Ron,
>
> Would you agree to an extension to the discovery request regarding the
>
> GOOTUBE matter.
>
> Thank you.
>
> --
>
> *
> Mike Hughes
> Patent Attorney
> Mechanical Engineer B.S.
> Hughes Law Firm, PLLC
> 5160 Industrial Place, Suite 107
> Ferndale, WA 98248
> (360) 647-1296
> fax (360) 671-2489
> www.inventionlaw.com
>
>
>
>
> *Text Produced by ScanSoft Dragon
>
> NaturallySpeaking 10.0Professional.
>
> Some voice to text misrecognition
>
> errors may have occurred.
>
>
>
>
>
>
>
> IMPORTANT NOTICE: This message is intended only for the use of the
> individual or entity to which it is addressed, and may contain
> information that is privileged, confidential and exempt from disclosure
> under applicable law. If the reader of this message is not the intended
> recipient, or the employee or agent responsible for delivering the
> message to the intended recipient, you are hereby notified that any
> dissemination, distribution or copying of this communication.
>
>
> * * * * * * * * * *

>
>
> IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).
>
> * * * * * * * * * * *
>
>
> NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.
>
>

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

Attachment 4

Ronald, Richard R. (Perkins Coie)

From: Ronald, Richard R. (Perkins Coie)
Sent: Monday, November 02, 2009 10:07 PM
To: Mike Hughes
Cc: Rava, William C. (Perkins Coie)
Subject: FW: gootube (41063-7016.0000.PX001)

Dear Mike:

It does not appear that we have received either a response to my email below or timely responses to our discovery requests. Accordingly, your responses are delinquent and you have waived any right to object to answering any of the interrogatories or from producing any documents requested. Additionally, you are deemed to have admitted each of the propounded requests for admission, absent a showing of excusable neglect or a successful motion to withdraw or amend the admissions.

It is our hope that we can keep these proceedings moving along in an amiable manner, and that a motion to compel responses will not be needed. We would like to schedule a brief meet-and-confer to discuss these issues. Please let us know of a good time to call you tomorrow or Wednesday.

Sincerely,

-Richard

-----Original Message-----
From: Ronald, Richard R. (Perkins Coie)
Sent: Wednesday, October 28, 2009 2:23 PM
To: 'Mike Hughes'
Cc: Rava, William C. (Perkins Coie)
Subject: RE: gootube (41063-7016.0000.PX001)

Mike:

I do not believe the client will agree to such a lengthy extension this late in the process, especially with the possibility of a change in counsel and the delays that such a move would entail. Please note that our client spoke directly to your client regarding a possible settlement in March and has waited for a good faith response since then. We also delayed the filing of discovery on a number of occasions to give your client more time to make a counterproposal, which has not been forthcoming.

The client might agree to a shorter time frame--along the lines of 14 days--provided you can guarantee we would receive actual and complete responses to our requests.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8255
Fax: 206.359.9255
Email: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----
From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Tuesday, October 27, 2009 4:00 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: gootube

Hi Ron,

Could we have a 45 day extension. We might transfer this file to another attorney that handles oppositions on a more regular basis.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Mike:
>
> How long do you need to prepare the responses?
>
> Sincerely,
>
> -Richard
>
> Richard R. Ronald | Perkins Coie LLP
>
> 1201 Third Avenue, Suite 4800
>
> Seattle, WA 98101-3099

*: 206.359.8255

7: 206.359.9255

*: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----

From: Mike Hughes [mailto:mhughes@inventionlaw.com]

Sent: Friday, October 23, 2009 12:17 PM

To: Ronald, Richard R. (Perkins Coie)

Subject: gootube

Hi Ron,

Would you agree to an extension to the discovery request regarding the GOOTUBE matter.

Thank you.

--

*

Mike Hughes

Patent Attorney

Mechanical Engineer B.S.

Hughes Law Firm, PLLC

5160 Industrial Place, Suite 107

Ferndale, WA 98248

(360) 647-1296

fax (360) 671-2489

www.inventionlaw.com

*Text Produced by ScanSoft Dragon

NaturallySpeaking 10.0Professional.

Some voice to text misrecognition

errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

****

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury

Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

****

NOTICE: This communication may contain privileged or other

confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain

Attachment 5

Chekenian, Karen (Perkins Coie)

From: Mike Hughes [mhughes@inventionlaw.com]
Sent: Thursday, November 05, 2009 2:46 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: FW: gootube (41063-7016.0000.PX001)

Hi Richard,

I would like to discuss this matter further tomorrow if possible.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Dear Mike:
>
> It does not appear that we have received either a response to my email below or timely responses to our discovery requests. Accordingly, your responses are delinquent and you have waived any right to object to answering any of the interrogatories or from producing any documents requested. Additionally, you are deemed to have admitted each of the propounded requests for admission, absent a showing of excusable neglect or a successful motion to withdraw or amend the admissions.
>
> It is our hope that we can keep these proceedings moving along in an amiable manner, and that a motion to compel responses will not be needed. We would like to schedule a brief meet-and-confer to discuss these issues. Please let us know of a good time to call you tomorrow or Wednesday.
>
> Sincerely,
>
> -Richard
>
> -----Original Message-----
> From: Ronald, Richard R. (Perkins Coie)
> Sent: Wednesday, October 28, 2009 2:23 PM
> To: 'Mike Hughes'
> Cc: Rava, William C. (Perkins Coie)
> Subject: RE: gootube (41063-7016.0000.PX001)
>
> Mike:
>
> I do not believe the client will agree to such a lengthy extension this late in the process, especially with the possibility of a change in counsel and the delays that such a move would entail. Please note that our client spoke directly to your client regarding a possible settlement in March and has waited for a good faith response since then. We also delayed the filing of discovery on a number of occasions to give your client more time to make a counterproposal, which has not been forthcoming.

The client might agree to a shorter time frame--along the lines of 14 days--provided you can guarantee we would receive actual and complete responses to our requests.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8255
Fax: 206.359.9255
Email: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----
From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Tuesday, October 27, 2009 4:00 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: gootube

Hi Ron,

Could we have a 45 day extension. We might transfer this file to another attorney that handles oppositions on a more regular basis.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Mike:
>
> How long do you need to prepare the responses?
>
> Sincerely,
>
> -Richard

Richard R. Ronald | Perkins Coie LLP

1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

*: 206.359.8255

7: 206.359.9255

*: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or

written by Perkins Coie LLP to be used, and cannot be used by the

taxpayer, for the purpose of avoiding penalties that may be imposed on

the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----

From: Mike Hughes [mailto:mhughes@inventionlaw.com]

Sent: Friday, October 23, 2009 12:17 PM

To: Ronald, Richard R. (Perkins Coie)

Subject: gootube

Hi Ron,

Would you agree to an extension to the discovery request regarding the

GOOTUBE matter.

Thank you.

--

*

Mike Hughes

Patent Attorney

Mechanical Engineer B.S.

Hughes Law Firm, PLLC

5160 Industrial Place, Suite 107

Ferndale, WA 98248

(360) 647-1296

fax (360) 671-2489

www.inventionlaw.com

*Text Produced by ScanSoft Dragon

NaturallySpeaking 10.0Professional.

Some voice to text misrecognition

errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the

individual or entity to which it is addressed, and may contain

information that is privileged, confidential and exempt from

disclosure

under applicable law. If the reader of this message is not the

intended

recipient, or the employee or agent responsible for delivering the

message to the intended recipient, you are hereby notified that any

dissemination, distribution or copying of this communication.

* * * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury

Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * * * * * * * *

NOTICE: This communication may contain privileged or other

confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

—
*

Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296

fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

****

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

****

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or ent

Attachment 6

Rava, William C. (Perkins Coie)

From: Rava, William C. (Perkins Coie)
Sent: Monday, November 09, 2009 10:26 AM
To: 'mhughes@inventionlaw.com'
Cc: Ronald, Richard R. (Perkins Coie)
Subject: RE: gootube (41063-7016.0000.PX001)
Attachments: GOOTUBE Motion to Suspend.pdf

Mike,

Following up on this email string and my vmail from Friday. Relatedly, we filed the attached motion on Thursday.

Please let me know a good time to discuss. I'm generally in the office this week. Thanks,

Will

William C. Rava | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
PHONE: 206.359.6338
FAX: 206.359.7338
E-MAIL: wrava@perkinscoie.com

From: "Mike Hughes" <mhughes@inventionlaw.com>
Date: November 5, 2009 2:45:55 PM PST
To: "Ronald, Richard R. (Perkins Coie)" <RRonald@perkinscoie.com>
Subject: Re: FW: gootube (41063-7016.0000.PX001)

Hi Richard,

I would like to discuss this matter further tomorrow if possible.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Dear Mike:
>
> It does not appear that we have received either a response to my email below or timely responses to our discovery requests. Accordingly, your responses are delinquent and you have waived any right to object to answering any of the interrogatories or from producing any documents requested. Additionally, you are deemed to have admitted each of the propounded requests for admission, absent a showing of excusable neglect or a successful motion to withdraw or amend the admissions.

It is our hope that we can keep these proceedings moving along in an amiable manner, and that a motion to compel responses will not be needed. We would like to schedule a brief meet-and-confer to discuss these issues. Please let us know of a good time to call you tomorrow or Wednesday.

Sincerely,

-Richard

-----Original Message-----
From: Ronald, Richard R. (Perkins Coie)
Sent: Wednesday, October 28, 2009 2:23 PM
To: 'Mike Hughes'
Cc: Rava, William C. (Perkins Coie)
Subject: RE: gootube (41063-7016.0000.PX001)

Mike:

I do not believe the client will agree to such a lengthy extension this late in the process, especially with the possibility of a change in counsel and the delays that such a move would entail. Please note that our client spoke directly to your client regarding a possible settlement in March and has waited for a good faith response since then. We also delayed the filing of discovery on a number of occasions to give your client more time to make a counterproposal, which has not been forthcoming.

The client might agree to a shorter time frame--along the lines of 14 days--provided you can guarantee we would receive actual and complete responses to our requests.

Sincerely,

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

Phone: 206.359.8255
Fax: 206.359.9255
Email: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or
written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on
the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----
From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Tuesday, October 27, 2009 4:00 PM
To: Ronald, Richard R. (Perkins Coie)
Subject: Re: gootube

Hi Ron,

Could we have a 45 day extension. We might transfer this file to another attorney that handles oppositions on a more regular basis.

Thank you.
Mike Hughes

Ronald, Richard R. (Perkins Coie) wrote:

> Mike:
>
> How long do you need to prepare the responses?
>
> Sincerely,
>
> -Richard
>
> Richard R. Ronald | Perkins Coie LLP
>
> 1201 Third Avenue, Suite 4800
>
> Seattle, WA 98101-3099

*: 206.359.8255

7: 206.359.9255

*: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or

written by Perkins Coie LLP to be used, and cannot be used by the

taxpayer, for the purpose of avoiding penalties that may be imposed on

the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----

From: Mike Hughes [mailto:mhughes@inventionlaw.com]

Sent: Friday, October 23, 2009 12:17 PM

To: Ronald, Richard R. (Perkins Coie)

Subject: gootube

Hi Ron,

Would you agree to an extension to the discovery request regarding the

GOOTUBE matter.

Thank you.

--

*

Mike Hughes

Patent Attorney

Mechanical Engineer B.S.

Hughes Law Firm, PLLC

5160 Industrial Place, Suite 107

Ferndale, WA 98248

(360) 647-1296

fax (360) 671-2489

www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional.

Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may

contain

information that is privileged, confidential and exempt from

disclosure

under applicable law. If the reader of this message is not the

intended

recipient, or the employee or agent responsible for delivering the

message to the intended recipient, you are hereby notified that any

dissemination, distribution or copying of this communication.

* * * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury

Department and IRS regulations, we inform you that, unless expressly
indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by
Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the
purpose of (i) avoiding penalties that may be imposed on the taxpayer
under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein
(or any attachments).

* * * * * * * * * * *

NOTICE: This communication may contain

privileged or other

confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and
any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the
individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure
under applicable law. If the reader of this message is not the intended
recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

* * * * * * * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding

penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

****

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon NaturallySpeaking 10.0Professional. Some voice to text misrecognition errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual o

Attachment 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC.,

Opposer,

v.

ERIC WATSON,

Applicant.

Opposition No.: 91183905

DECLARATION OF WILLIAM C. RAVA IN SUPPORT OF MOTION TO COMPEL DISCOVERY ANSWERS

William C. Rava, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, declares that:

1. I am a partner with the law firm of Perkins Coie LLP, and am one of the attorneys representing Opposer Google Inc. ("Opposer") in this case. I have personal knowledge of the facts set forth in this declaration and am competent to testify to its contents.

2. During a March 17, 2009 conversation between Applicant Eric Watson ("Applicant") and an in-house attorney at Opposer, Applicant represented that he would shortly thereafter make a concrete settlement proposal. Thereafter, between approximately March and August 2009, Opposer and Applicant stipulated to several extensions of the discovery deadlines so that the parties could discuss possible settlement of this matter. During this time, we made repeated requests and persistently followed-up with Applicant and his attorney, but Applicant never provided the promised settlement proposal. We therefore served the discovery requests that are the subject of this Motion.

3. Opposer has made a good faith effort, by conference and correspondence, to resolve the issues presented in this Motion and has been unable to reach an agreement. In particular, as indicated in the Motion and attached documents, we have sent Applicant's counsel

numerous emails and left him voicemail messages seeking to discuss and resolve the issues. As of this filing, Applicant's counsel has not responded to these communications.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 18th day of November, 2009, at Seattle, Washington.

William C. Rava

William C. Rava

1201 Third Avenue, 48th Floor
Seattle, Washington 98101-3099
(206) 359-8000

CERTIFICATE OF SERVICE

I hereby certify that this, OPPOSER'S MOTION TO SUSPEND, is being deposited with the United States Postal Service with sufficient postage as first class mail on November 18, 2009 in an envelope addressed to counsel for Applicant: Michael F. Hughes, Hughes Law Firm, PLLC, 5160 Industrial Place #107, Ferndale, WA 98248

Signature: Rebecca J. Gregory

Printed Name: Rebecca J. Gregory

ATTACHMENT 13

Ronald, Richard R. (Perkins Coie)

From: Ronald, Richard R. (Perkins Coie)
Sent: Wednesday, November 25, 2009 2:45 PM
To: 'Mike Hughes'
Cc: First Last; Rava, William C. (Perkins Coie); Edwards, Aimee J. (Perkins Coie)
Subject: RE: Gootube (Our Ref. 41063-7016.0000.PX001)

Dear Mike:

Thank you for your email. I will notify my client about the offer.

Hope you have a marvelous Thanksgiving.

-Richard

Richard R. Ronald | Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8255
Fax: 206.359.9255
E-Mail: rronald@perkinscoie.com

IMPORTANT TAX INFORMATION: This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.

-----Original Message-----
From: Mike Hughes [mailto:mhughes@inventionlaw.com]
Sent: Wednesday, November 25, 2009 2:24 PM
To: Ronald, Richard R. (Perkins Coie)
Cc: First Last
Subject: RE: Gootube

Ron,

If you are not handling this matter could you forward it to the appropriate individual handling this matter.

My client has come back to me with a settlement offer requesting $90,000 USD for settling this matter and dropping his Federal Registration which includes a combination of his attorneys' fees incurred and the revenues he would have generated from exploiting the underlying website while this dispute was pending. The site garnered substantial traffic over the past several years, and given the pendency of this dispute he held off from exploiting it.

Thanks for your consideration of this offer, and feel free to email or call with questions.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon

NaturallySpeaking 10.0Professional.
Some voice to text misrecognition
errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

--
*
Mike Hughes
Patent Attorney
Mechanical Engineer B.S.
Hughes Law Firm, PLLC
5160 Industrial Place, Suite 107
Ferndale, WA 98248
(360) 647-1296
fax (360) 671-2489
www.inventionlaw.com

*Text Produced by ScanSoft Dragon
NaturallySpeaking 10.0Professional.
Some voice to text misrecognition
errors may have occurred.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication.

ATTACHMENT 14

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

MBA/vw

Mailed: December 30, 2009

Opposition No. 91183905

Google Inc.

v.

Eric Watson

Opposer's motion to compel discovery (filed November 18, 2009) is hereby granted as conceded.[1] Trademark Rule 2.127(a); *Central Mfg., Inc. v. Third Millenium Technology, Inc.*, 61 USPQ2d 1210 (TTAB 2001); *Boston Chicken, Inc. v. Boston Pizza Int'l, Inc.*, 53 USPQ2d 1053 (TTAB 1999).

Applicant is hereby ordered to serve no later than **THIRTY DAYS** from the mailing date of this order his responses, without objection on the merits, to opposer's first sets of interrogatories and requests for production. *See, No Fear, Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000.

In the event applicant fails to respond to opposer's discovery requests as ordered herein, applicant may be subject to sanctions, potentially including entry of

[1] Opposer's change of correspondence address (filed November 30, 2009) is noted.

judgment against him. Fed. R. Civ. P. 37(b)(2); Trademark Rule 2.120(g). Trial and other dates are reset as follows:

Plaintiff's Pretrial Disclosures	**March 1, 2010**
Plaintiff's 30-day Trial Period Ends	**April 15, 2010**
Defendant's Pretrial Disclosures	**April 30, 2010**
Defendant's 30-day Trial Period Ends	**June 14, 2010**
Plaintiff's Rebuttal Disclosures	**June 29, 2010**
Plaintiff's 15-day Rebuttal Period Ends	**July 29, 2010**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

***