Sugarman
p.2 "published a children's educational game" ...
p.3 "Accuracy was essential in order for the GeoPack to fulfill its educational mission -- to teach children about undersea life."

What makes a game educational?
One component is the exchange of factual information. If a product is just a game, then its basic use is for entertainment. It need not be factually correct. If a producer of games states it is educational, the product must meet a higher standard of truth in its information. The "GeoPack" educational game is based on a basic scientifically erroneous premise: that fishes and invertebrates from both the Indo-Pacific and Atlantic Oceans may be viewed simultaneously in one place. This would be analogous to showing an Indian elephant in the same forest scene as an Everglades alligator. The fishes shown on the "GeoPack" product, page 1, are identified as:

1. Fairy Basslet	Atlantic Ocean	
2. Butterfly Fish	Indo-Pacific	misspelled and incorrect name
3. Zebra Humbug	Indo-Pacific	Black-tail dascyllus
4. Yellow-edged Lyretail	Indo-Pacific	wrong name?
5. Clownfish	Indo-Pacific	a generic name
6. Moray eel	Atlantic Ocean	a generic name
7. Harlequin filefish	Indo-Pacific	
8. Parrot Fish	Atlantic Ocean	misspelled and a generic name
9. French Angelfish	Atlantic Ocean	
10. Blue Tang	Atlantic Ocean	
Fish on top, No number	Atlantic Ocean	no name given (redband parrotfish)

Common names are given, randomly specific or generic. No scientific Latin names, the only accurate identification, are given. Fishes shown with a generic name mislead the reader into believing they are a "typical" fish of that group. The Butterflyfish and Parrotfish families include a large variety of fishes, individual genus and species of which are found in many oceans. 2."Butterfly Fish" is actually a Beaked Coralfish found only in the Indo-Pacific. 8. "Parrot Fish" is specifically a supermale Stoplight Parrotfish, an Atlantic species.
These inconsistencies are in sharp contrast to the Greenberg book, "The Living Reef", where common and scientific names are given for each fish. Great care was taken in the Greenberg book for accuracy of information. Such world-renowned ichthyologists as C. Richard Robins, John Randall and James Bohlke receive credit at the back of the book for checking the accuracy of fish information and illustrations. The Greenberg's books, including "The Living Reef" were chosen to be catalogued by F. Walton Smith at the IOF (International Oceanographic Foundation). The Greenberg's publications have been used for course studies at many high schools and universities. They are used by SeaCamp, a marine environment to teach children about undersea life. The Greenberg publications have been sold in many stores featuring educational children's toys and games.
P.4 Caption beneath Sea Fan- wrong spelling of name, no © sign, no permission to use.
P.5 "to the Society's credit" a quote that is not substantiated on paper and Greenberg has no memory of stating. Hearsay?

P.5 "Accurate depiction of one unprotectable element of a photograph" Surely NGS would not allow us to take the face of the girl used on all ads for the 108 yrs and use it in an educational toy to accurately depict a nomad woman.

p. 6 "A redband parrotfish is a redband parrotfish." In fact, their product neither numbers nor names this fish. Since it is not Identified as a redband parrotfish, how can it be one unless it was copied from ours?

P.7 "---not nearly identical and therefore not substantially similar." HUH?

P. 8 The stoplight parrotfish is identified by them as a Parrot Fish. This is a relatively obscure choice for a "generic" parrotfish. It certainly doesn't look like any other more commonly seen parrotfish species.

Norm- there is a summary judgement by Judge Jose Gonzalez that answered Mendez's claim that "a fish is just a fish" and stated categorically it ain't so. (Case no. 87-1318-CIV) Can you get a copy and use it? Gonzalez is highly respected in this district.

P.9 Cutler never mentioned a girl. What would identify this diver as a girl?

P.10 IV. 1.This product was for profit and does not meet educational criteria.

2. Work is © and educational 3. Main focus of each photo is the fish

4. We are in the same market, educational publications

p.11 "Indeed, accuracy was <u>essential</u> in order for the GeoPack to fulfill its educational mission-- to teach children about undersea life." Rosbotham. They admit on p.8 that the fish scales Cutler painted were "impressionistic" so our photo must be more educational and accurate.

p.12 "It is a photographic catalogue which assists nature lovers in identifying the flora and fauna they are likely to encounter underwater". In other words, ecucational. "It is a purely commercial endeavor of Plaintiffs"

p.15 "suggestion that he traced or otherwise copied Plaintiffs' photographs." The fact that the Cutler illustration of the Stoplight Parrotfish is exactly the same size as the photograph in the Greenberg book presupposes tracing.