

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78980002
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION (no change)	
ARGUMENT(S)	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
Law Office:	107)
Trademark Attorney:	Steven Jackson)
Applicant:	Kuvata, Inc.)
Serial No.:	78/980,002)
Filed:	April 19, 2005)
For:	MEDIACAST)
<p>Commissioner for Trademarks P.O. Box 1451 Alexandria, Virginia 22313-1451</p>	
<p><u>REQUEST FOR RECONSIDERATION</u></p>	
<p>Dear Examining Attorney Jackson:</p> <p>This is a full and timely response to the final Office Action dated April 3, 2008, issued in connection with the above-referenced trademark application. The undersigned attorney presents the following arguments for review and consideration regarding the present rejections under 15 U.S.C. §1052(d).</p>	

LIKELIHOOD OF CONFUSION UNDER 15 U.S.C. 1052(d)

For purposes of the present response, Applicant wishes to further discuss the distinctions between the goods offered by the Applicant under the proposed MEDIACAST mark and those services provided by the Registrant in the '346 Registration. In addition, the Applicant also draws the Trademark Examining Attorney's attention to the attached file history for Application Serial No. 77/001,237 (hereinafter "the '237 Application") (attached at Exhibit A) for the mark MEDIACAST for use on "computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; computer software for organizing, storing, transmission and control of live and pre-recorded audio and video, electronic documents and presentations, text, digital images and data files among and between users on global computer networks in the field of education." In this third party application, the Examining Attorney of record has cited only Application Serial No. 78/611,807 (the parent application to the present application) against the '237 Application and has not cited the '346 Registration (see Exhibit A). Applicant submits that this is further evidence of the premise that Applicant's computer programs are fundamentally different from Registrant's digital signage and that the Examining Attorney for the '237 Application was clearly aware of such a distinction. While the decision of the Examining Attorney for the '237 Application not cite the '346 Registration is not necessarily dispositive on the issue of the differences between the goods offered by the Applicant and the services offered by the Registrant, it is certainly supportive of the present Applicant's position that given the ever-broadening range of computer related goods and services available on the market, it is only natural that some of these goods and services may be offered by unrelated parties under similar marks, with confusion-free results. Applicant respectfully submits that such a position is arguably supported by TMRP 1207.01(d)(iii) discussed herein.

Further, the Trademark Trial and Appeal Board has previously discussed the importance of such differences in the context of a section 2(d) claim in Electronic Data Systems Corp. v. EDSA Micro Corp., 23 USPQ2d 1460 (TTAB 1992) (comparing opposer's use of the mark to identify data processing services to applicant's use of the mark to identify computer software programs). Applicant

submits that the TTAB's previous decision in Electronic Data Systems is highly instructive and remarkably similar to the goods clauses found in the present application as compared to the specific goods clauses set forth and registered in the '346 Registration.

In Electronic Data Systems, the TTAB explicitly acknowledged that "[a]ll computer software programs process data, but it does not necessarily follow that all computer programs are related." Id. The TTAB expressly dismissed "the view that a relationship exists between goods and services simply because each involves the use of computers." Id. The Board found that, simply because "both parties provide computer programs does not establish a relationship between the goods or services, such that consumers would believe that all computer software programs emanate from the same source...." Id. Moreover, the TTAB further reasoned that "the issue of whether or not two products are related does not revolve around the question of whether ... both can be classified under the same general category." [emphasis added].

Still further, it is clear that the Federal Circuit's predecessor court, the CCPA, has likewise embraced this reasoning. In Denney v. Elizabeth Arden Sales Corp., the CCPA, in evaluating two closely related cosmetic products, face powder and vanishing liquid cream, stated "even though both products come within the category of cosmetics, they are applied to the skin for entirely different purposes." Similarly, in Colgate-Palmolive, the CCPA expressly held that "[a]lthough the respective goods of the parties may be encompassed by the broad characterization of 'toilet preparations', they are nevertheless essentially different and noncompetitive in that their application and utility serve different objectives." Colgate-Palmolive, 432 F.2d at 1402.

Applying this controlling case precedent to the present application, Applicant respectfully submits that, while its goods are arguably directed to a computer related product, the Applicant's goods clearly and unambiguously function to provide very specific computer programs which are not only directed to an extremely discerning class of purchasers (i.e. large corporations seeking information technology support based upon their specialized needs and knowledge), but which are wholly unrelated, and quite distinguishable from, the separate and distinct registered services set forth in the '346 Registration for digital signage services.

In addition and as previously discussed, the Applicant also respectfully submits that given the nature of the terms MEDIA and CAST in regards to digital signs, Registrant's mark is not arbitrary and should therefore be accorded a more narrow scope of protection. The non-arbitrary nature of Registrant's mark, and the distinction between the goods offered by Applicant and the services offered by the Registrant are all significant in applying the courts' decisions in In re General Motors Corp., 23 USPQ2d 1465 (TTAB 1992), as previously discussed.

Furthermore, Applicant also submits that the number of third party registrations and

applications including the words "MEDIA" and "CAST" and referring to computer related goods or services are evidence that Registrant's marks should be afforded a more narrow scope of protection. While third party marks cannot usually justify registration of a mark, they can be used to show that the mark or a portion of the mark is descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source of the goods or services. TMEP §1207.01(d)(iii). See, e.g., *AMF, Inc. v. American Leisure Products, Inc.* 177 USPQ 268 (C.C.P.A. 1973); *Plus Products v. Star-Kist Foods, Inc.*, 220 USPQ 541, 1983 WL 51884 (TTAB 1983). Properly used, third party registrations are similar to dictionaries showing how language is generally used. See, e.g., *Specialty Brands, Inc. v. Coffee Bean Distributors, Inc.*, 748 F.2d 669, 223 USPQ 1281 (Fed. Cir. 1984); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 914, 189 USPQ 693 (CCPA 1976). Marks or applied-for marks including the words "MEDIA" and the word "CAST" include TARGETCAST MEDIA for a myriad of computer related goods and services (77/374,777), MEDIACAST for computer software and hardware (77/001,237), LIGHT CAST MEDIA for streaming of audio material on the internet (77/130,616) and a number of other previously registered or applied-for marks. Prospective purchasers encounter the terms MEDIA and CAST on many products and are obviously able to differentiate one from the next. Applicant submits that the number of registrations and applied-for marks that contain the words MEDIA and CAST indicates both the suggestive nature of the Registrant's mark and the ability of consumers to easily identify the many MEDIA and CAST products with their respective sources.

CONCLUSION

Applicant respectfully requests that the outstanding rejections be reconsidered in light of the remarks above and that the mark be allowed to pass to publication. If the Examining Attorney intends to maintain the present objections, the undersigned attorney courteously requests a personal hearing to attempt to resolve, or at least narrow, any remaining issues.

If further questions should arise, or if the Examining Attorney wishes to discuss this application in more detail, he is courteously requested to telephone the undersigned attorney at (248) 292-2920.

Respectfully submitted,

Date: October 1, 2008

By: /jeffrey p. thennisch/
Jeffrey P. Thennisch
Dobrusin & Thennisch PC
29 W. Lawrence Street, Suite 210
Pontiac, MI 48342
(248) 292-2920

EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2008/10/01/20081001115115185510-78980002-001_001/evi_671097853-113613706_._DOC090.PDF
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DESCRIPTION OF EVIDENCE FILE	file history for: application serial no. 77/001,237
SIGNATURE SECTION	
RESPONSE SIGNATURE	/jeffrey p thennisch/
SIGNATORY'S NAME	Jeffrey P Thennisch
SIGNATORY'S POSITION	attorney of record
DATE SIGNED	10/01/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Oct 01 11:51:15 EDT 2008
TEAS STAMP	USPTO/RFR-67.109.78.53-20 081001115115185510-789800 02-430dcce21f5115b1aebc2f caea6458f919-N/A-N/A-2008 1001113613706642

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **78980002** has been amended as follows:

ARGUMENT(S)In response to the substantive refusal(s), please note the following:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Law Office: 107)
 Trademark Attorney: Steven Jackson)
 Applicant: Kuvata, Inc.)
 Serial No.: 78/980,002)
 Filed: April 19, 2005)
 For: MEDIACAST)
 _____)

Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, Virginia 22313-1451

REQUEST FOR RECONSIDERATION

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remarks above and that the mark be allowed to pass to publication. If the Examining Attorney intends to maintain the present objections, the undersigned attorney courteously requests a personal hearing to attempt to resolve, or at least narrow, any remaining issues.

If further questions should arise, or if the Examining Attorney wishes to discuss this application in more detail, he is courteously requested to telephone the undersigned attorney at (248) 292-2920.

Respectfully submitted,

Date: October 1, 2008

By: /jeffrey p. thennisch/
Jeffrey P. Thennisch
Dobrusin & Thennisch PC
29 W. Lawrence Street, Suite 210
Pontiac, MI 48342
(248) 292-2920

EVIDENCE

Evidence in the nature of file history for: application serial no. 77/001,237 has been attached.

Original PDF file:

http://tgate/PDF/RFR/2008/10/01/20081001115115185510-78980002-001_001/evi_671097853-113613706_.DOC090.PDF

Converted PDF file(s) (38 pages)

- [Evidence-1](#)
- [Evidence-2](#)
- [Evidence-3](#)
- [Evidence-4](#)
- [Evidence-5](#)
- [Evidence-6](#)
- [Evidence-7](#)
- [Evidence-8](#)
- [Evidence-9](#)
- [Evidence-10](#)
- [Evidence-11](#)
- [Evidence-12](#)
- [Evidence-13](#)
- [Evidence-14](#)
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- [Evidence-32](#)
- [Evidence-33](#)
- [Evidence-34](#)
- [Evidence-35](#)
- [Evidence-36](#)
- [Evidence-37](#)
- [Evidence-38](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /jeffrey p themmisch/ Date: 10/01/2008

Signatory's Name: Jeffrey P Thennisch
Signatory's Position: attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 78980002
Internet Transmission Date: Wed Oct 01 11:51:15 EDT 2008
TEAS Stamp: USPTO/RFR-67.109.78.53-20081001115115185
510-78980002-430dcce21f5115b1aebc2fcaea6
458f919-N/A-N/A-20081001113613706642

EXHIBIT A

Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77001237	FILING DATE	09/18/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GARTNER, JOHN M	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	09/08/2007		
PUB DATE	N/A		
STATUS	653-SUSPENSION LETTER - MAILED		
STATUS DATE	09/07/2007		
LITERAL MARK ELEMENT	MEDIACAST		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	MEDIACAST
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Inventive Technology, Inc.
ADDRESS	Suite 425-4102 10955 Westmoor Drive Westminster, CO 80021
ENTITY	03-CORPORATION
CITIZENSHIP	Colorado

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; Computer software for organizing, storing, transmission and control of live and pre-recorded audio and video, electronic documents and presentations, text, digital images and data files among and between users on global

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	09/00/1999	FIRST USE IN COMMERCE DATE	09/00/1999	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION NO

PSEUDO MARK MEDIA CAST

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/07/2007	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	013
09/07/2007	GNSL	S	LETTER OF SUSPENSION E-MAILED	012
09/07/2007	CNSL	R	SUSPENSION LETTER WRITTEN	011
09/07/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
08/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
09/07/2007	ALIE	A	ASSIGNED TO LIE	008
08/01/2007	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	007
08/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
02/08/2007	GNRT	F	NON-FINAL ACTION E-MAILED	005
02/08/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
02/08/2007	DOCK	D	ASSIGNED TO EXAMINER	003
09/22/2006	MPMK	O	NOTICE OF PSEUDO MARK MAILED	002
09/21/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	DEAN MYERS INVENTIVE TECHNOLOGY, INC. 10955 WESTMOOR DR STE 400 WESTMINSTER, CO 80021-2704
DOMESTIC REPRESENTATIVE	NONE

MediaCAST

To: Inventive Technology, Inc. (deanm@inventivetec.com)
Subject: TRADEMARK APPLICATION NO. 77001237 - MEDIACAST - N/A
Sent: 9/7/2007 10:38:17 AM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/001237

MARK: MEDIACAST

77001237

CORRESPONDENT ADDRESS:
DEAN MYERS
INVENTIVE TECHNOLOGY, INC.
10955 WESTMOOR DR
STE 400
WESTMINSTER, CO 80021-2704

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Inventive Technology, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A

CORRESPONDENT E-MAIL ADDRESS:
deanm@inventivetec.com

NOTICE OF SUSPENSION

ISSUE/MAILING DATE: 9/7/2007

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. 37 C.F.R. §2.67. However, periodic status checks will be conducted and the examining attorney may issue inquiries at 6 month intervals from the mailing date of this notice. TMEP §716.05. If a status inquiry Office action issues, applicant will have 6 months from the mailing of the status inquiry to respond. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **78611807**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) was sent previously.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

The substitute specimen is acceptable.

The claim of acquired distinctiveness has been withdrawn.

/John M. Gartner/
Trademark Examining Attorney
Law Office 102
(571) 272-9255

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: Inventive Technology, Inc. (deanm@inventivetec.com)
Subject: TRADEMARK APPLICATION NO. 77001237 - MEDIACAST - N/A
Sent: 9/7/2007 10:38:24 AM
Sent As: ECOM102@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 9/7/2007 FOR
APPLICATION SERIAL NO. 77001237

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link <http://portal.uspto.gov/external/portal/tow?DDA=Y&serial number=77001237&doc type=SUL&mail date=20070907> (or copy and paste this URL into the address field of your browser), or visit <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable response time period. Your response deadline will be calculated from 9/7/2007.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.
2. Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77001237
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
MARK	MEDIACAST
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	INVENTIVE TECHNOLOGY, INC. 10955 WESTMOOR DR STE 425-4102 WESTMINSTER, CO 80021-2704
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	Dean Myers Inventive Technology, Inc. 10955 Westmoor Dr Ste 400 Westminster Colorado United States 80021-2704 303-726-9095 deanm@inventivetec.com
SIGNATURE SECTION	
SIGNATURE	/Dean Myers/
SIGNATORY NAME	Dean Myers
SIGNATORY DATE	08/01/2007
SIGNATORY POSITION	President
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Aug 01 16:22:50 EDT 2007
TEAS STAMP	USPTO/ROA-12.41.171.57-20 070801162250588037-770012 37-3806a9145c5c6aa17ef45a d5edf1f7ac2e-N/A-N/A-2007 0801155706754645

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77001237
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	<p>RESPONSE TO OFFICE ACTION DATED FEBRUARY 8, 2007 Dear Examining Attorney: In response to the Office Action dated February 8, 2007 we submit and provide the following responses to the Office Action. Prior Pending Application - We are not presenting arguments or evidence at this time regarding the suspended application number 78611807 of Kuvata, Inc. but would like to reserve the right to later submit depending on the outcome of their suspension. Request for Substitute Specimen - With respect to submittal of a substitute specimen showing the mark used in commerce please note that our product consists of software that is pre-installed on hardware and is not shrink wrapped or packaged separately for purchase which could normally be used to show packaging of the goods. Thus, we are providing the additional specimens as evidence of MEDIACAST and the use of the goods. We have included two specimens including the first being an excerpt from the MEDIACAST user instructional and operation manual and second a photograph of the labeled product. The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares that the substitute specimens were in use in commerce at least as early as the filing date of the application; all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true. Claim of Distinctiveness As per the advice of this Office Action stating it is not necessary to claim "acquired distinctiveness" we request the claim of "acquired distinctiveness" be deleted from the application record. Applicant respectfully requests that these items be considered based on the submissions herein. If further questions should arise you may telephone me directly at (303) 726-9095.</p>
MISCELLANEOUS FILE NAME(S)	
ORIGINAL PDF FILE	M-124117157-155706754_ _Exhibit27-OperationManual.pdf
CONVERTED PDF FILE(S) (8 pages)	\\TICRS2\EXPORT13\770\012\77001237\xml1\ROA0002.JPG
	\\TICRS2\EXPORT13\770\012\77001237\xml1\ROA0003.JPG
	\\TICRS2\EXPORT13\770\012\77001237\xml1\ROA0004.JPG
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	\\TICRS2\EXPORT13\770\012\77001237\xml1\ROA0008.JPG
	\\TICRS2\EXPORT13\770\012\77001237\xml1\ROA0009.JPG
ORIGINAL PDF FILE	M-124117157-155706754_ _Exhibit28-MediaCAST-TagSpecimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS2\EXPORT13\770\012\77001237\xml1\ROA0010.JPG
CORRESPONDENCE SECTION	
NAME	Dean Myers
FIRM NAME	Inventive Technology, Inc.
STREET	10955 Westmoor Dr Ste 400

CITY	Westminster
STATE	Colorado
ZIP/POSTAL CODE	80021-2704
COUNTRY	United States
PHONE	303-726-9095
EMAIL	deanm@inventivetec.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Dean Myers/
SIGNATORY'S NAME	Dean Myers
SIGNATORY'S POSITION	President
DATE SIGNED	08/01/2007
RESPONSE SIGNATURE	/Dean Myers/
SIGNATORY'S NAME	Dean Myers
SIGNATORY'S POSITION	President
DATE SIGNED	08/01/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Aug 01 16:22:50 EDT 2007
TEAS STAMP	USPTO/ROA-12.41.171.57-20 070801162250588037-770012 37-3806a9145c5c6aa17ef45a d5edf1f7ac2e-N/A-N/A-2007 0801155706754645

PTO Form 1537 (Rev. 1/2005)
OM 3 No. 0261-0260 (E-P) (4/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 77001237 has been amended as follows:

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current: INVENTIVE TECHNOLOGY, INC. 10955 WESTMOOR DR STE 425-4102 WESTMINSTER, CO 80021-2704

Proposed: Dean Myers of Inventive Technology, Inc., having an address of 10955 Westmoor Dr Ste 400 Westminster, Colorado United States 80021-2704, whose e-mail address is deanm@inventivetec.com, whose phone number is 303-726-9095.

ADDITIONAL STATEMENTS

RESPONSE TO OFFICE ACTION DATED FEBRUARY 8, 2007 Dear Examining Attorney: In response to the Office Action dated February 8, 2007 we submit and provide the following responses to the Office Action. Prior Pending Application - We are not presenting arguments or evidence at this time regarding the suspended application number 78611807 of Kuvata, Inc. but would like to reserve the right to later submit depending on the outcome of their suspension. Request for Substitute Specimen - With respect to submittal of a substitute specimen showing the mark used in commerce please note that our product consists of software that is pre-installed on hardware and is not shrink wrapped or packaged separately for purchase which could normally be used to show packaging of the goods. Thus, we are providing the additional specimens as evidence of MEDIACAST and the use of the goods. We have included two specimens including the first being an excerpt from the MEDIACAST user instructional and operation manual and second a photograph of the labeled product. The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares that the substitute specimens were in use in commerce at least as early as the filing date of the application; all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true. Claim of Distinctiveness As per the advice of this Office Action stating it is not necessary to claim "acquired distinctiveness" we request the claim of "acquired distinctiveness" be deleted from the application record. Applicant respectfully requests that these items be considered based on the submissions herein. If further questions should arise you may telephone me directly at (303) 726-9095.

Original PDF file:

M-124117157-155706754_ _Exhibit27-OperationManual.pdf

Converted PDF file(s) (8 pages)

Micellaneous File1

Micellaneous File2

Micellaneous File3

Micellaneous File4

Micellaneous File5

Micellaneous File6

Micellaneous File7

Micellaneous File8

Original PDF file:

M-124117157-155706754_ _Exhibit28-MediaCAST-TagSpecimen.pdf

Converted PDF file(s) (1 page)

Micellaneous File1

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Dean Myers/ Date: 08/01/2007

Signatory's Name: Dean Myers

Signatory's Position: President

Response Signature

Signature: /Dean Myers/ Date: 08/01/2007

Signatory's Name: Dean Myers

Signatory's Position: President

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Mailing Address: Dean Myers

Inventive Technology, Inc.

10955 Westmoor Dr Ste 400

Westminster, Colorado 80021-2704

Serial Number: 77001237

Internet Transmission Date: Wed Aug 01 16:22:50 EDT 2007

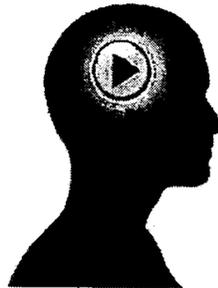
TEAS Stamp: USPTO/ROA-12.41.171.57-20070801162250588

017-77001237-3806a9145c5c6aa17ef45ad5edf

117ac2e-N/A-N/A-20070801155706754645

 **MediaCAST™**

**On-Demand
Learning
Platform**



User Manual

 **Inventive**
Inventive Technology, Inc.

800 474-5128 | <http://inventivetec.com> | help@inventivetec.com

 **MediaC AT™**

**On-Demand
Learning
Platform**

User Manual



800 474-5128 | <http://inventivetec.com> | help@inventivetec.com

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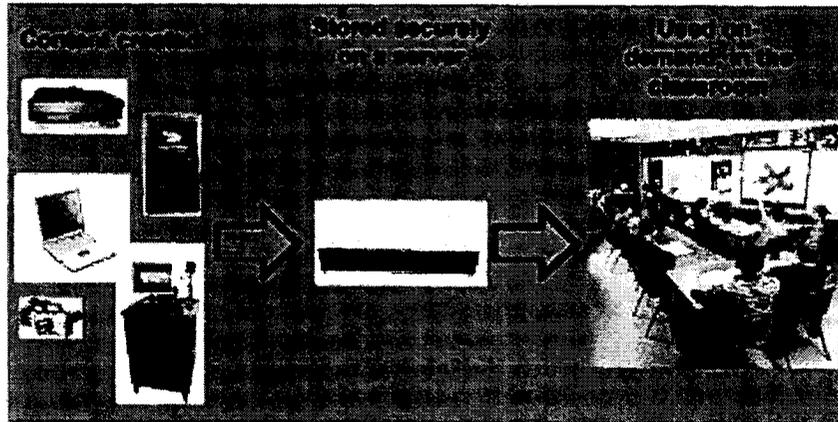
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Introduction to MediaCAST™ On-Demand Learning Platform

Welcome to **MediaCAST™**, an integrated platform for creating and managing multimedia content and delivering on-demand learning services. This browser-based suite of easy-to-use digital tools and Web services is combined with a centralized repository for managing files, metadata and copyrights. The system delivers all video formats, other multimedia formats and PC or Mac files to classrooms, common spaces and off-site locations. The **MediaCAST™** platform creates new collaborative opportunities for enhancing learning and staff development.

Both Windows and Mac digital formats are supported: digital images, photos, live multicast or unicast broadcasts, animations, text, documents, multimedia presentations, Web pages, website links, Intranet sites and video and audio formats, Windows Media Streaming, Flash, Apple Darwin (QuickTime), Real Helix, MPEG1, 2 and 4.



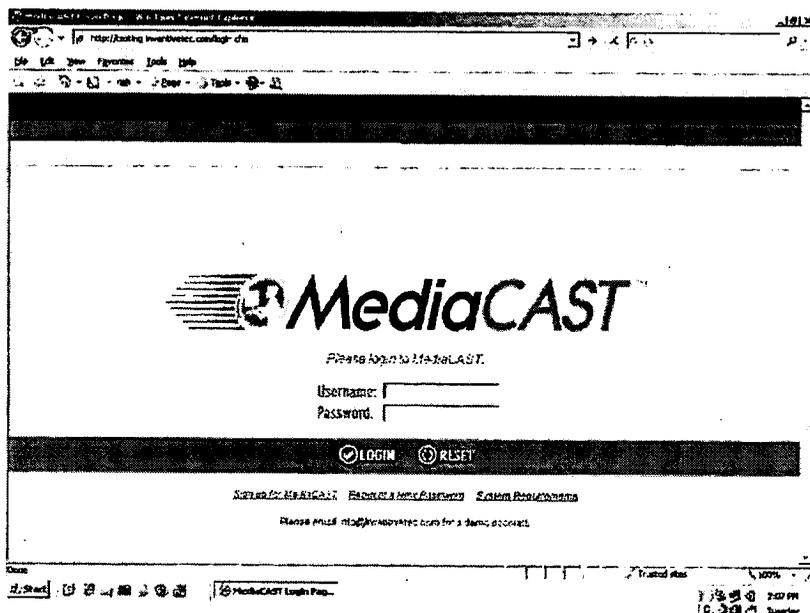
Functions of the Main MediaCAST™ Platform

The **MediaCAST™** platform provides the benefits of a content management system, a digital rights management system and a media delivery system merged into one familiar, browser-based interface.

- ▶ Content repository for digital storage and retrieval
- ▶ On-demand digital library
- ▶ Metadata management to enable relational data driven search
- ▶ Media production tools: *Snag-A-Segment™*, *External URLBuilder™*, *Link Builder™*
- ▶ Copyright management tools to ensure and document compliance (*Fair Use Manager™*)
- ▶ Standards correlation to integrate learning and assessment

Log in to MediaCAST™

1. Open a Web browser and enter your organization's *MediaCAST™* address (e.g., <http://mediacast.yourschooldomain.edu>, replacing "yourschooldomain.edu" with your own organization's domain name)
2. At the *MediaCAST™* login screen, enter your Username and Password. (NOTE: This may be your usual work login (from Active Directory/ LDAP network) or a specifically assigned *MediaCAST™* login.)
3. Click *LOGIN* or the *Enter* key on your keyboard. You will next see the *MediaCAST™* home page.



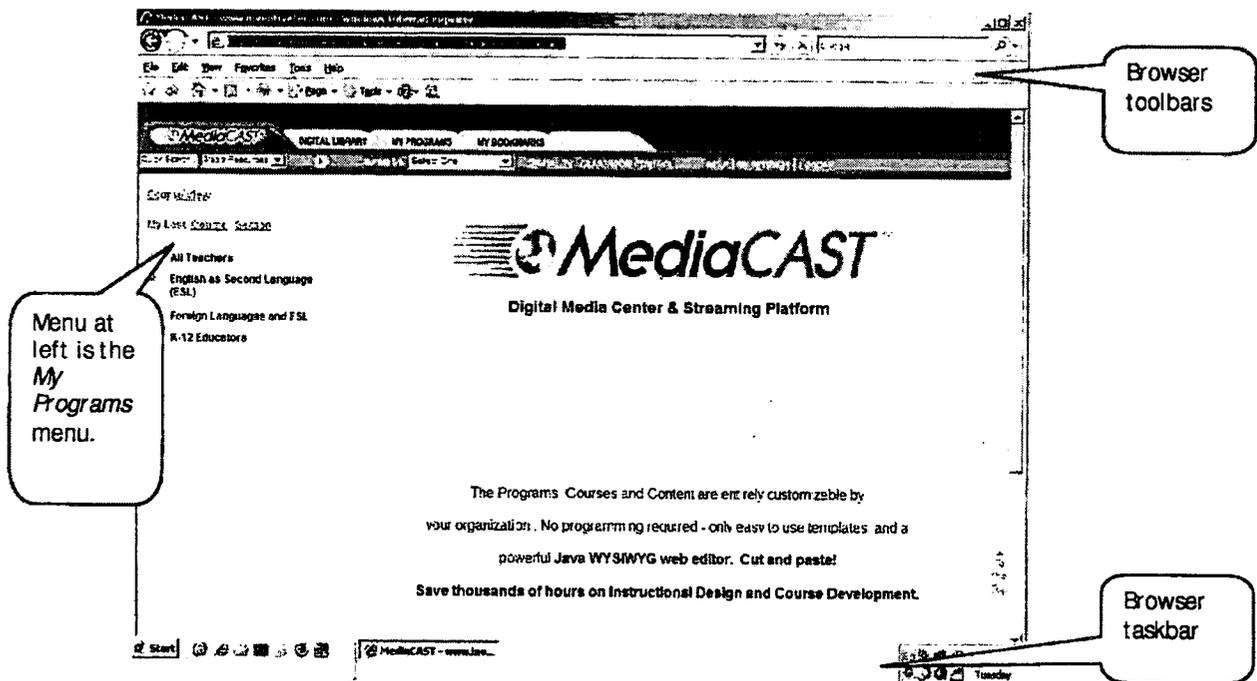
The *MediaCAST™* login screen.

Navigate in MediaCAST™

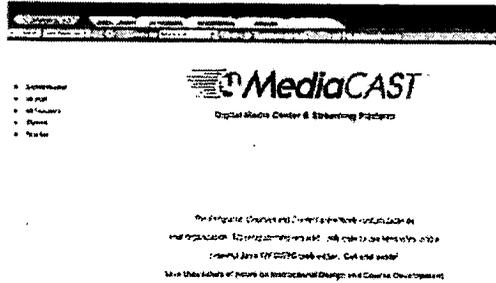
What Users See When They Log in to MediaCAST™

The MediaCAST™ home page has tabs at the top that look like the tabs on file folders and that take you to the system's main functions. Different users see different sets of tabs, depending on their account's permission to access various functions. See the chapter "User Accounts in MediaCAST™" for details on the types of accounts and their privileges.

This version of the MediaCAST™ home page is the one that an instructor sees:

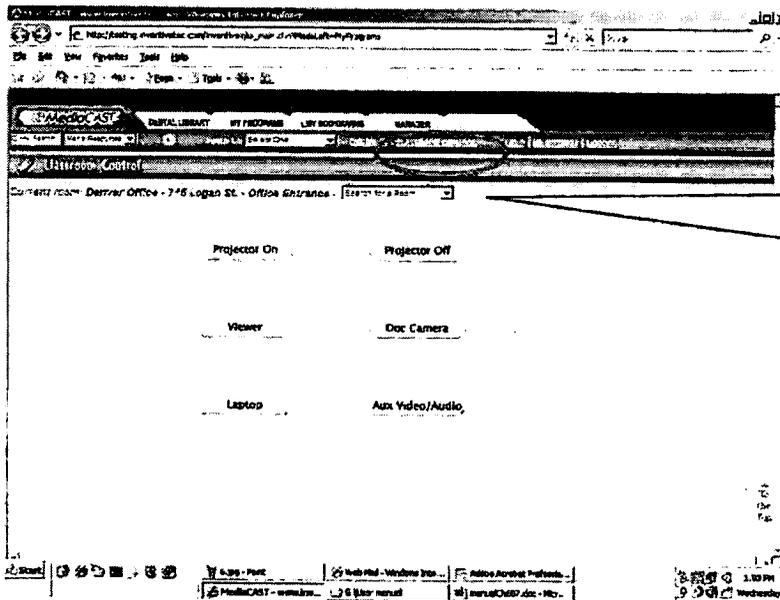


Notice that the browser toolbars show at top and the taskbar shows at the bottom of the screen. Use the F11 key on your keyboard to toggle back and forth between views with and without the browser bars. When the browser bars do not show, your display looks like this:



Classroom Control

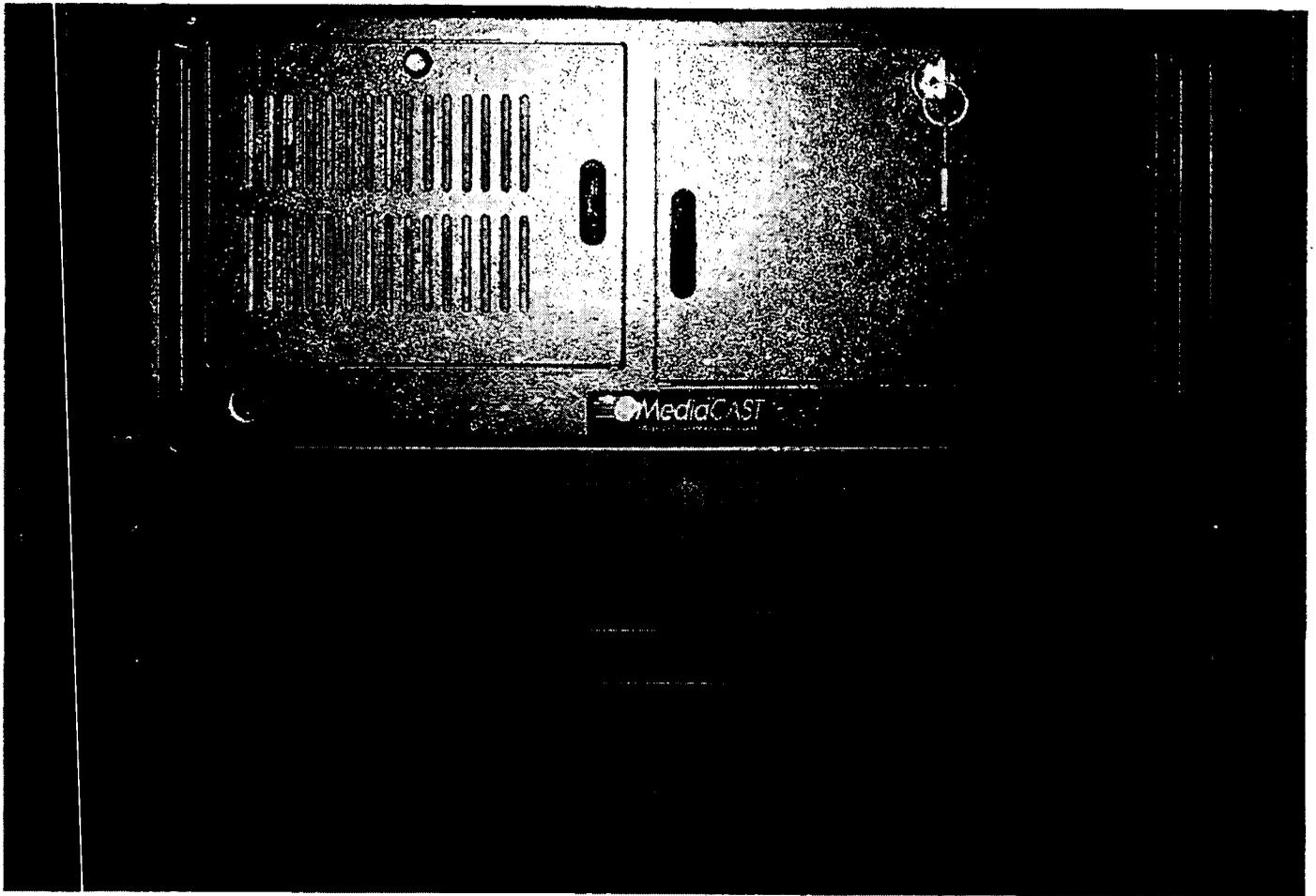
In organizations that have this option, *Classroom Control* allows users to switch among the various systems for displaying resources. When you select *Viewer*, you use the wireless keyboard and set-top box to find and show resources (see the section titled "Operate the MediaCAST Viewer™ with a Keyboard and Mouse"). When you select *Laptop*, you use your usual computer.



Be sure that the correct room is selected before you work with *Classroom Control*.

Link to Digital TV

One click in the toolbar brings up the menu of Channel Groups and channels.



To: Inventive Technology, Inc. (dearm@inventivetec.com)
Subject: TRADEMARK APPLICATION NO. 77001237 - MEDIACAST - N/A
Sent: 2/8/2007 9:08:01 AM
Sent As: ECOM102@USPTO.GOV
Attachments: Attachment - 1
Attachment - 2
Attachment - 3

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/001237

APPLICANT: Inventive Technology, Inc.

77001237

CORRESPONDENT ADDRESS:
INVENTIVE TECHNOLOGY, INC.
10955 WESTMOOR DR STE 425-4102
WESTMINSTER, CO 80021-2704

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: MEDIACAST

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:
dearm@inventivetec.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/001237

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: TEAS Plus applicants should submit the following documents using the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a \$50 per class fee. 37 C.F.R. §§2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

No Conflicting Registered Marks

The Office records have been searched and no similar *registered* mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, please be advised that a potentially conflicting mark in a prior-filed pending application may present a bar to registration.

Prior Pending Application

Information regarding pending Application Serial No. 78611807 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.*

Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed application.

If applicant believes there is no potential conflict between this application and the earlier-filed application, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

Specimen Unacceptable

The current specimens of record comprise what appear to be an on-line log-in screen, a letter from a customer and advertisement for the goods, and are unacceptable as evidence of actual trademark use because none show use of the mark on the goods themselves, or their packaging. Invoices, announcements, order forms, bills of lading, leaflets, brochures, publicity releases and other printed advertising material, while normally acceptable for showing use in connection with services, generally are not acceptable specimens for showing trademark use in connection with goods. *In re Bright of America, Inc.*, 205 USPQ 63 (TTAB 1979); *See In re Ultraflight Inc.*, 221 USPQ 903 (TTAB 1984); TMEP §§904.05 and 904.07.

Examples of acceptable specimens for goods are tags, labels, instruction manuals, containers, photographs that show the mark on the goods or packaging, or displays associated with the goods at their point of sale. TMEP §§904.04 *et seq.*

Applicant must submit (1) a substitute specimen showing the mark as it is used in commerce on the goods or on packaging for the goods, and (2) a statement that "the substitute specimen was in use in commerce at least as early as the filing date of the application," verified with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §§2.56 and 2.59(a); TMEP §904.09.

The following is a sample declaration under 37 C.F.R. §2.20 with a supporting statement for a substitute specimen:

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares that *the substitute specimen was in use in commerce at least as early as the filing date of the application*; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

(Signature)

(Print or Type Name and Position)

(Date)

If applicant cannot comply with the requirement for substitute specimens for the Section 1(a) basis asserted, then applicant may substitute a different basis for filing if applicant can meet the requirements for the new basis. *See* TMEP §§806.03 *et seq.* In this case, applicant may wish to amend the application to assert a Section 1(b) basis. If applicant does choose to amend the basis, applicant must submit the following statement in order to satisfy the application requirements for asserting a basis for registration under Section 1(b) of the Trademark Act:

Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.

Trademark Act Section 1(b), 15 U.S.C. § 1051(b). This statement must be verified with an affidavit or a signed declaration under 37 C.F.R. §2.20. Trademark Act Section 1(b), 15 U.S.C. §1051(b); 37 C.F.R. §2.34(a)(2); TMEP §§806.01(b) and 804.02.

Claim of Distinctiveness Should be Deleted or Explained

Applicant states that the applied-for mark has acquired distinctiveness under Section 2(f) of the Trademark Act. However, this statement is unnecessary because the mark appears to be inherently distinctive. 15 U.S.C. §1052(f); TMEP §1212.02(d). Applicant can withdraw the claim of acquired distinctiveness by instructing the trademark examining attorney to delete it from the application record.

Questions

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/John M. Gartner/
Trademark Examining Attorney
Law Office 102
(571) 272-9255

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

Print: Feb 8, 2007

78611807

DESIGN MARK

Serial Number
78611807

Status
REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED

Word Mark
MEDIACAST

Standard Character Mark
Yes

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Kuvata, Inc. CORPORATION DELAWARE 5 3rd Street, Suite 717 San
Francisco CALIFORNIA 94103

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer Programs For Delivering And Displaying Audiovisual Content
For Others, Database Management, Operating Systems, User Interfaces,
Electronic Mail, Network Browsing, Presentations, And Entertainment,
Namely, Video On Demand, Audiovisual Content On Demand, Music On
Demand, And Text And Graphics On Demand In The Fields Of Business,
Entertainment, Scientific, Technical, Commercial, Educational, Media
Presentation, And Personal Computing, And Instructional Manuals
Distributed Therewith. First Use: 2004/05/13. First Use In Commerce:
2004/05/13.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer
Services, Namely, Consultation And Application Development In The
Field Of Computer Software And Delivering And Displaying Audiovisual
Content For Others; Programming, Design, Development, Analysis,
Implementation, Management, Integration, Deployment, Maintenance,
Updating And Repair Of Computer Software; Service Provider, Namely
Hosting, Managing And Administering Computer Software And Audiovisual
Content For Others; Technical Assistance And Consultation Services,
Namely, Troubleshooting, Managing, And Maintaining Computer Software;
Production Of Computer Software, Namely, Software Platform Enabling
Enterprise Applications For Digital Signage, Video Podcasts, Video On

Print: Feb 8, 2007

78611807

Demand, Internet Streaming, And Broadcast Television; Leasing And Rental Of Computer Software; Hosting Audiovisual Content Of Others On Computer Servers For Local Area Networks, Cable Infrastructure, Intranets, And The Internet; And Providing Information In The Fields Of Computers And Computer Software. First Use: 2004/05/13. First Use In Commerce: 2004/05/13.

Filing Date

2005/04/19

Examining Attorney

JACKSON, STEVEN

Attorney of Record

Jeffrey P. Thennisch

MEDIACAST

*** User:jgartner ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	7	6	1	1	0:02	"inventive technology"[on]
02	4353	N/A	0	0	0:04	*m{V}d{"iye"}{v}*[bi,ti] and live[ld] not 1
03	8298	N/A	0	0	0:05	*{"cqk"}{v}{sz}*[bi,ti] and live[ld] not 1
04	26	0	26	21	0:01	2 and 3

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Session finished 2/8/2007 8:55:56 AM

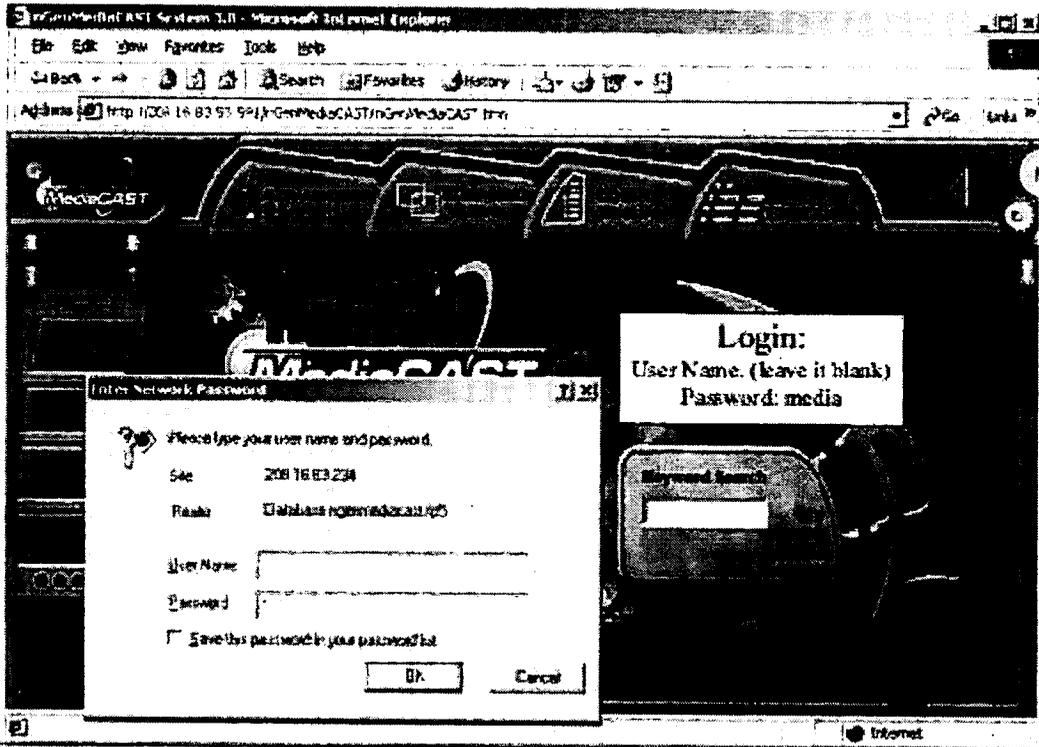
Total search duration 0 minutes 12 seconds

Session duration 8 minutes 51 seconds

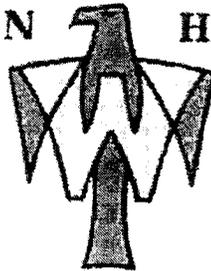
Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77001237

MediaCAST



ROY J. WASSON HIGH SCHOOL



January 15, 2003

Mr. Dean Myers, President
Inventive Technology, Inc.
420 E. 120th Ave.
Suite B-2 #404
Northglenn, CO 80233-1100

Dear Dean,

It is with pleasure that I write this letter of recommendation for the MediaCast system that you installed for Wasson High School in Colorado Springs. We have been using the MediaCast systems for 3 years, and in October converted to MediaCast v2.5.3. The newer system allows for greater flexibility in that the user can add documents, web sites, and Adobe PDF files to the video component. This allows students to further their learning without direct teacher intervention and provides for individualized learning experiences.

The MediaCast system is extremely flexible in that it uses a static IP address, so that it can be accessed by any computer in a building, as well as, by the World Wide Web.

The administrative section of the MediaCast System easily allows teachers to add any media they wish to enhance their student's learning. It's a great learning tool.

Dennis Caruana
Lab Supervisor
caruada@d11.org
719-328-3136

MediaCAST™
Digital Media Management System

Bring Learning to Life in Your School!

MediaCAST is an integrated software and hardware package that gives your school everything it needs to create, manage, store and deliver powerful media resources to all computers and TVs throughout the organization. It utilizes the latest streaming technology to deliver stunning, broadcast quality learning content to hundreds of students simultaneously. Anytime, Anywhere your network reaches.

MediaCAST provides the ideal platform for presenting dynamic student learning experiences, enhanced by rich digital video and audio content. All at your teachers' and students' fingertips.

"Cost-effectively deliver digital video, audio, lessons, tutorials, documents and much more straight to every classroom, student computer and even to your community's homes."

Easy to Use

MediaCAST digital media management software makes finding the right information a snap. No complicated database queries, just a simple program that lets you tell it what you want and then delivers it where you need it. Need to view a film on the "Civil War"? MediaCAST finds what you need and delivers it instantly. MediaCAST will store thousands of hours of audio and video, and it's all just seconds away with the user-friendly menu.

Scalable, Powerful Solution

Centrally manage and make available your entire school's audio, video and graphics libraries to every classroom and student. In addition to the data stored on your MediaCAST system, allow your students to access the world of information on the World Wide Web. MediaCAST software allows each teacher to create and maintain a centralized index of resources from the Internet, instantly available to every student.



On-Demand Learning Content

- Digital video and audio streaming
- Adobe Acrobat PDF files
- Microsoft Office documents
- Graphics and images
- Copyrighted Web resources
- Web-enabled your lessons

Support New Learning Methods

- Implement Integrated Thematic Instruction (ITI)
- Support content, self-paced learning
- Interdisciplinary studies

Easy Integration

- Learning resources linked with specific courses
- All media types in one location
- Update pre-packaged content (PMS) material
- Internet content easily linked to your lesson
- Incorporate your standards into lesson plans

Empower Teachers & Students

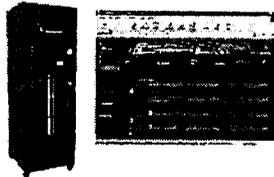
- Web-browser access to content
- Manage lessons without programming
- Easy web-based content creation

Find out more about MediaCAST >

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- Increase accessibility to learning materials for ALL students.
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- Assist your teachers in meeting the needs of today's student.
- Control usage, licensing and copyright of video and audio.
- Centralize all your learning material for easy management.
- Create a knowledge base aligned with your goals.
- Support research and creativity throughout your curriculum.



What learning material does MediaCAST handle?

We can provide libraries of educational content from leading publishers supporting many subject areas and pre-load it on your MediaCAST. In addition, your staff or ours can add content the school already owns to your system. Teachers have the freedom to create, modify lessons and incorporate any media resource that resides on your school's MediaCAST into their instruction.

Icons make resource identification a snap

- Video Clips & Movies
- Audio Files
- Adobe Acrobat (PDF)
- Graphics & Images
- Microsoft Word, Excel, Powerpoint
- HTML, Intranet Sites
- Live broadcast morning announcements or lecture via IP
- Activities & Lessons
- Links to Live Web Sites

and more...

Choose the perfect configuration to support your district, school or department needs.

- MediaCAST Lite
- MediaCAST Professional
- MediaCAST Enterprise



Inventive Technology, Inc.
email: info@inventivetec.com
www.inventivetec.com

Technical Specifications

- Copyright tracking and protection of content
- Supports many file formats including: .wmv, .wma, .mp3, .pdf, .jpg, .gif, .flv, .doc, .xls, .ppt, .html, .txt, .http // and more
- Scalable, modular architecture for easy increases in storage size or media streams
- Configurations from 50 hours to 1,000s of hours of video content
- Support from 20 users to hundreds of simultaneous users
- Takes advantage of multi-bit rate streaming technology providing automatic bandwidth sensitivity
- Video streaming rates from 50kbps to 5Mbps
- RAID & redundancy design protects data
- Cross platform solution that utilizes the client station's web-browser (IE or Netscape)

Technical Requirements

- TCP/IP Network
- LAN, WAN and/or Wireless
- Client Stations: Windows or Macintosh PCs, IE or Netscape browser
- Minimum requirement for video streaming is 266MHz and 64MB RAM.

Options

- MediaCreator, encoding and digital content conversion station
- Digital Content Library: pre-loaded, licensed and copyrighted educational videos of your choosing

Available from:

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77001237
 Filing Date: 09/18/2006

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	MediaCAST
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MediaCAST
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Inventive Technology, Inc.
*STREET	10955 Westmoor Drive
INTERNAL ADDRESS	Suite 425-4102
*CITY	Westminster
*STATE (Required for U.S. applicants)	Colorado
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	80021
PHONE	303-726-9095
FAX	815-301-8269
EMAIL ADDRESS	deanm@inventivetec.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Colorado
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	009
*FIRST USE ANYWHERE DATE	At least as early as 09/00/1999
*FIRST USE IN COMMERCE DATE	At least as early as 09/00/1999
*DESCRIPTION	Computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 09/00/1999

*FIRST USE IN COMMERCE DATE	At least as early as 09/00/1999
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT3\IMAGEOUT3 \770\012\77001237\xml1\FT K0003.JPG
	\\TICRS\EXPORT3\IMAGEOUT3 \770\012\77001237\xml1\FT K0004.JPG
	\\TICRS\EXPORT3\IMAGEOUT3 \770\012\77001237\xml1\FT K0005.JPG
SPECIMEN DESCRIPTION	Exhibit 1 -Software User Interface Exhibit 2 -Client Letter of Use Exhibit 3 -Product Display
*DESCRIPTION	Computer software for organizing, storing, transmission and control of live and pre-recorded audio and video, electronic documents and presentations, text, digital images and data files among and between users on global computer networks in the field of education.
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 09/00/1999
*FIRST USE IN COMMERCE DATE	At least as early as 09/00/1999
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT3\IMAGEOUT3 \770\012\77001237\xml1\FT K0003.JPG
	\\TICRS\EXPORT3\IMAGEOUT3 \770\012\77001237\xml1\FT K0004.JPG
	\\TICRS\EXPORT3\IMAGEOUT3 \770\012\77001237\xml1\FT K0005.JPG
SPECIMEN DESCRIPTION	Exhibit 1 -Software User Interface Exhibit 2 -Client Letter of Use Exhibit 3 -Product Display
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
SECTION 2(f)	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.
CORRESPONDENCE INFORMATION	
*NAME	Inventive Technology, Inc.
FIRM NAME	Inventive Technology, Inc.
*STREET	10955 Westmoor Drive
INTERNAL ADDRESS	Suite 425-4102
* CITY	Westminster
* STATE (Required for U.S. applicants)	Colorado
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	80021
PHONE	303-726-9095
FAX	815-301-8269

* EMAIL ADDRESS	deanm@inventivetec.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275
SIGNATURE INFORMATION	
* SIGNATURE	/dm/
* SIGNATORY'S NAME	Dean Myers
SIGNATORY'S POSITION	President
* DATE SIGNED	09/17/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Sep 18 00:34:59 EDT 2006
TEAS STAMP	USPTO/FTK-66.35.58.150-20 060918003459022808-770012 37-3503e20ab1d3416c81f2cb f199b7f7615-CC-1170-20060 917234555514561

FTO Form 1475 (Rev. 02/2006)
CMB No. 0651-0309 (Exp. 09/30/2008)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77001237

Filing Date: 09/18/2006

To the Commissioner for Trademarks:

MARK: MediaCAST (Standard Characters, see mark)

The literal element of the mark consists of MediaCAST. The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Inventive Technology, Inc., a corporation of Colorado, having an address of Suite 425-4102, 10955 Westmoor Drive, Westminster, Colorado, United States, 80021, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 009: Computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; Computer software for organizing, storing, transmission and control of live and pre-recorded audio and video, electronic documents and presentations, text, digital images and data files among and between users on global computer networks in the field of education.

If the applicant is filing under Section 1(b), intent to use, the applicant declares that it has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(b), as amended.

If the applicant is filing under Section 1(a), actual use in commerce, the applicant declares that it is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

If the applicant is filing under Section 44(d), priority based on foreign application, the applicant declares that it has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on a specified foreign application(s). 15 U.S.C. Section 1126(d), as amended.

If the applicant is filing under Section 44(e), foreign registration, the applicant declares that it has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and submits a copy of the supporting foreign registration(s), and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

Correspondence Information: Inventive Technology, Inc.
Suite 425-4102
10955 Westmoor Drive
Westminster, Colorado 80021
303-726-9095(phone)
815-301-8269(fax)
deanm@inventivetec.com (authorized)

A fee payment in the amount of \$275 will be submitted with the application, representing payment for 1 class(es).

Declaration

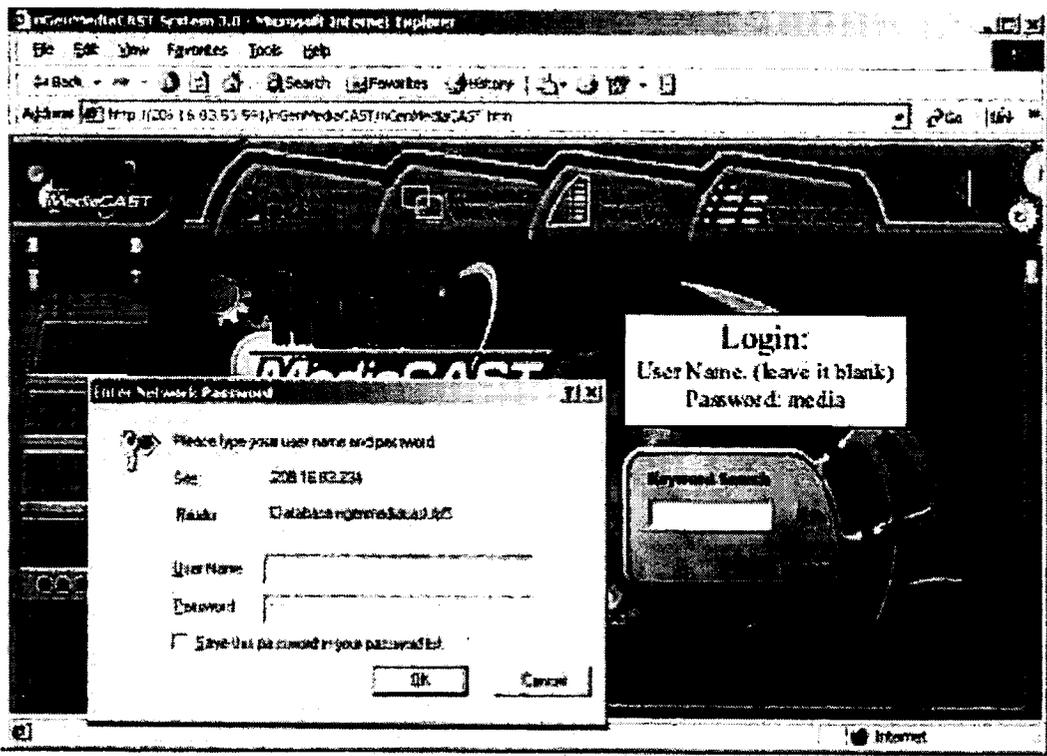
The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /dm/ Date: 09/17/2006
Signatory's Name: Dean Myers
Signatory's Position: President

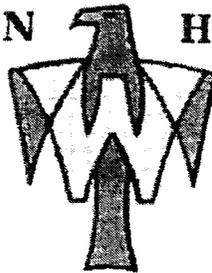
FAM Sale Number: 1170
RAM Accounting Date: 09/18/2006

Serial Number: 77001237
Internet Transmission Date: Mon Sep 18 00:34:59 EDT 2006
TEAS Stamp: USPTO/FTK-66.35.58.150-20060918003459022
808-77001237-3503e20abd3416c81f2cbf199b
717615-CC-1170-20060917234555514561

MediaCAST



ROY J. WASSON HIGH SCHOOL



January 15, 2003

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Inventive Technology, Inc.
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Suite B-2 #404
Northglenn, CO 80233-1100

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Dennis Caruana
Lab Supervisor
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Powered by
Inventive
technology, inc.

Bring Learning to Life in Your School!



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- Digital video and all file streaming
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- Microsoft Office documents
- Graphics and images
- Catalogs Web resources
- Web-enabled your lessons

Support New Learning Methods

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- Student centered, self-paced learning
- Interdisciplinary studies

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- Learning resources linked into specific courses
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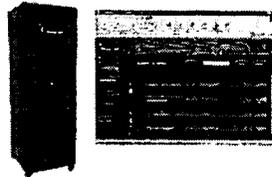
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- Easy web-based administration

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- MediaCAST Professional
- MediaCAST Enterprise

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technology, inc.

Inventive Technology, Inc.
email: info@inventivetec.com
www.inventivetec.com

Technical Specifications

- Copyright tracking and protection of content
- Supports many file formats including:
.wmv, wma, mp3, pdl, jpg, gif, doc, xls, ppt, htm, txt, http.2 and more
- Scalable, modular architecture for easy increases in storage size or media streams
- Configurations from 30 hours to 1,000s of hours of video content
- Support from 20 users to hundreds of simultaneous users
- Takes advantage of multi-bit rate streaming technology providing automatic bandwidth sensitivity
- Video streaming rates from 50kops to 5Mbps
- RAID & redundancy design protects data
- Cross platform solution that utilizes the client station's web-browser (IE or Netscape)

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Windows or Macintosh PCs
IE or Netscape browser
Minimum requirement for video streaming is 256MHz and 64MB RAM.
- Options
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- Digital Content Library: pre-installed, licensed and copyrighted educational videos of your choosing

Available from: