

TTAB

Marshall  
Edward  
USA  
11-24-2014

**NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014**

November 24, 2014

**From:**

Bio Corp's Authorized Representative Marshall-Edward: Mikels,  
BIO CORP, A CORPORATION ORGANIZED AND EX  
3053 WEST CRAIG ROAD, SUITE E-124  
NORTH LAS VEGAS, NV 89032

*Delivered by respond to*

Stacey L Mack [Notary Public]  
205 Mount Shasta Blvd.,  
Suite 400,  
Mount Shasta CA 96067

**To:**

**TOBY ELLEN BULLOFF, Esquire, Official**  
**Capacity** Examining Attorney for the United States  
Patent and trademark Office  
Law Office 119, 600 Dulany Street  
Alexandria, VA 22314  
(571) 270-1531  
[toby.bulloff@uspto.gov](mailto:toby.bulloff@uspto.gov)

**Dawnmarie D. Sanok**

Attorney Advisor  
Office of the Deputy Commissioner  
for Trademark Examination Policy  
[dawn-marie.sanok@uspto.gov](mailto:dawn-marie.sanok@uspto.gov)  
571-272-9577 (O)

**Re: Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER:  
85/819575, NOTICE: APPLICATION ABANDONED BY: Toby E.  
Bulloff DATED 11-21-2014. AND,**

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575



12-01-2014

**PETITION TO DIRECTOR, DISMISSED, and REMANDED TO  
APPEAL BY: Dawnmarie D. Sanok DATED 11/21/2014**

**Re: NOTICE OF NON-CONSENT TO "NOTICE: APPLICATION  
ABANDONED" VOIDING AND WITHOUT EFFECT "PETITION  
TO DIRECTOR DISMISSED" dated 11/21/2014**

**AFFIDAVIT**

"Indeed, no more than affidavits are necessary to make the prima facie case." United States v. Kis, 658 F.2d, 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982

1. TO ALL CONCERNED the undersigned Affiant, Marshall-Edward: Mikels, does solemnly swear, declare and state as follows:
2. Affiant is competent to state the matters set forth herein.
3. Affiant has personal knowledge of the facts stated herein.
4. Those matters not within the personal knowledge of Affiant or law are based upon information, belief and public record.
5. All the facts herein are true, correct and complete, admissible as evidence and if called upon as a witness, Affiant will testify to their veracity.
6. The Respondent(s)/Debtor(s) agree with Marshall-Edward: Mikels' aforementioned claims and the following
7. I Marshall-Edward: Mikels have indefeasible title to my land and I am the lawful owner of the landed estate known as MARSHALL EDWARD MIKELS, including all versions/combinations of the all cap entity and owner of its trusts, bonds, real property

NOTICE OF NON-CONSENT  
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and interest and is the Authorized Representative for MARSHALL MIKELS \*\*\*-\*\*-8951, for Bio Corp, a Delaware corporation and a real party in interest.

8. In any matter in state or federal court, Marshall-Edward: Mikels will appear as an officer and the Authorized Representative for BIO CORP/Bio Corp under FRCP, Rule 17, and under Delaware Supreme Court Rule 57 as referenced below.

9. I make this Affidavit in support of this Presentment.

10. In any matter in State or Federal Court, Department, Office or Agency Marshall-Edward: Mikels will make a Special Attendance Rogatory as one of the sovereign people of the United States of America with all power and authority inherently retained and is the Authorized Representative for Bio Corp and MARSHALL EDWARD MIKELS and will respond for the claimant(s) without relinquishing any unalienable private sovereignty Right hereby and previously exercised and claimed by the Affiant. Affiant will not assume any obligation for MARSHALL EDWARD MIKELS or any combination of the all CAP entity without the right to setoff from its assets claimed and owned by Marshall-Edward: Mikels. In addition, the Respondent(s)/Debtor(s) agree Affiant shall have the authority and power to issue a Writ of Mandamus as a Superior Court of Record to compel action or performance of the lower state and federal courts referenced previously and herein in this or any matter in connection therewith.

11. All of the filings, applications and registrations in this matter are incorporated herein for all purposes by this reference.

NOTICE OF NON-CONSENT  
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12. TO ALL CONCERNED, On 11/21/2014 Affiant received a office action by TOBY ELLEN BULLOFF, Esquire, examining attorney in the above referenced U.S. Trademark Application No. 85/819575 entitled "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014. The "NOTICE: "APPLICATION ABANDONED" Is hereby returned with Affiant's and Bio Corp's non-consent to contract offer of "NOTICE:APPLICATION ABANDONED", which voids it and renders it unlawful and without effect. The returned "NOTICE:APPLICATION ABANDONED" is returned with the following handwritten Notice:

"AFFIDAVIT"  
APPLICABLE TO PAGES 1 THROUGH 5  
RECEIVED ON 11-21-2014 AND RETURNED ON 11-23-14

NON-CONSENT TO CONTRACT OFFER OF:

"UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)" "OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION" "NOTICE: APPLICATION ABANDONED" ISSUE MAILING DATE: 11/21/2014" "U.S. APPLICATION SERIAL NO. 85819575" "BY: Toby E. Bulloff/ Trademark Examining Attorney Law Office 119". APPEAL IS PENDING PER THE 11/21/2014 Dawnmarie D. Sanok Attorney Advisor Office of the Deputy Commissioner:

1. "The file will be remanded to the TTAB to consider the October 4, 2014 paperwork as a timely filed notice of appeal to the final Office action issued on April 4, 2014. In accordance with TTAB normal procedures, the TTAB will institute the appeal and process it in accordance with the TTAB practices and procedures."

2. THE BIO CORP/Mikels' PETITION WAS FILED ON 10-04-2014,

3. THE PARTIES ARE SUBJECT TO "DEFAULT JUDGMENT NOTICE OF FINAL DEFAULT IN DISHONOR AFFIDAVIT OF ENTRY INTO COMMERCIAL

NOTICE OF NON-CONSENT  
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VOIDING "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014 in  
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CONTRACT, LIABILITY AND SECURITY AGREEMENT CLAIM #0296, dated May 27, 2014.

**4. THE PETITION AND APPEAL ARE OFFERS TO REDUCE THE PARTIES LIABILITIES UNDER THE SECURITY AGREEMENT. CLAIM #0296.**

**5. THE APPEAL AND PETITION DO NOT RE-OPEN THE DEFAULT JUDGMENT CONTRACT SECURITY AGREEMENT CLAIM #0296.**

ALL RIGHTS RESERVED U.C.C.

Marshall-Edward: Mikels  
Authorized Representative for  
Bio Corp

See, the hand written returned "*NOTICE: APPLICATION ABANDONED*" incorporated herein by this reference and attached hereto as **Exhibit 1**.

13. On 10/04/2014 Bio Corp and Marshall-Edward: Mikels filed online with the USPTO a 2.146 Petition to the Director to reverse the final refusal office action by the examiner dated April 4, 2014 and on 11/21/2014 the USPTO issued a "PETITION DISMISSED" by Dawnmarie D. Sanok Attorney Advisor, Office of the Deputy Commissioner. The Dismissal remanded the Petition with the following decision to refer to Appeal and timely filing:

*"The petition is DISMISSED. [2] The file will be remanded to the TTAB to consider the October 4, 2014 paperwork as a timely filed notice of appeal to the final Office action issued on April 4, 2014. In accordance with TTAB normal procedures, the TTAB will institute the appeal and process it in accordance with the TTAB practices and procedures."*

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VOIDING "*NOTICE: APPLICATION ABANDONED*" DATED 11/21/2014 in  
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The office action by Toby Ellen Bulloff entitled "*NOTICE: APPLICATION ABANDONED*" dated 11-21-14 recites a late filing of the Bio Corp Petition/Appeal on 10/06/2013: "*In addition, the USPTO has not received a timely filed notice of appeal and there is no time remaining in the response period.*" However, the above referenced decision by the Deputy Commissioner acknowledges the timely filing of the Mikels' Petition that reserved the option for an Appeal which was acknowledged and remanded for a timely Appeal as referenced above. Therefore, the "*NOTICE: ABANDONED APPLICATION*" DATED 11/21/14" by Bulloff is in error and returned void, unlawful and without the consent of Affiant/Bio Corp/BIO CORP and without effect.

14. Also, the reasoning by Bulloff for issuing the office action of 11/21/14 is: "*Applicant's response is incomplete because it failed to resolve all outstanding issues in the final Office action, it did not raise a new issue or provide any new or compelling evidence with regard to the outstanding issues, and applicant's analysis and arguments were not persuasive nor did they shed new light on the issues.*" Bio Corp and Affiant do not consent to Bulloff's reasons referenced above and by the timely non-consent recorded with the 72 hour period the Bulloff office action is void, unlawful and without effect.

15. In addition, Bio Corp and Affiant Mikels have relied on the Supreme Law of the U.S. Constitution and a contract agreement to protect the property Rights of the Bio Corp Trademark(s) which supersede any U.S. Code including the U.S. Codes cited by Bulloff and Sanok. These U.S. Codes only have the force of law if they are agreed to by

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Bio Corp/Mikels and no agreement has been made expressly or otherwise by Mikels or Bio Corp to give these Codes the fore of law. The supremacy clause of the Constitution nullifies any law made by Congress that conflicts with the Constitution. Therefore, Article 1, Section 10 of the Constitution prohibits any impairment of contract: "*No State shall ...pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility*". And, the parties are subject to the Security Agreement Contract Claim #0296, dated May 27, 2014, referenced herein and the U.S. Constitution which is another binding contract. Also, the original 13<sup>th</sup> Amendment prohibits any Esquire attorney from holding public office, which would include any contract to represent the USPTO as an examining attorney of behalf of the USPTO or a Deputy Commissioner of the USPTO. These established facts will be expanded upon in the Appeal.

16. The other issue that provides a factual basis for approval of the Bio Corp Application No. 85/819575 and Registration is the fact that the Mir Innovations Inc./Alpha Men's Edge Nutrition Application/Registration Number 4332952 conflicts and has a likelihood of confusion with a preexisting Trademark of Bio Corp Registration No. 2068276 currently active in use since 1991-1992. So, the Mir Innovations Inc. Registration Number 4332952 should have never been approved for registration in the first place. Therefore, it appears that the USPTO does not want to correct a mistake it made in the approval of the Mir Innovations Inc. Registration Number 4332952 at the

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detriment and damage to Bio Corp and Affiant. Therefore, any reasoning or U.S. Codes used by the USPTO as a basis for the denial of Bio Corp's Application because it has a likelihood of confusion with the Mir Innovations Inc. Registration is obviously wrong and cannot withstand any reasonable analysis.

17. The Affiant went online to respond and none of the available forms for an online response would allow filing of this response, therefore this response is delivered by FAX and U.S. Mail to the above referenced parties and the USPTO.

THEREFORE, for the above stated reasons the Bulloff "*NOTICE: APPLICATION ABANDONED*" dated 11-21-2014 and the . Sanok "*PETITION DISMISSED*" DATED 11-21-2014 are returned with no consent to contract offer, void and without effect. And, Affiant will anticipate some USPTO communication in regards to the Appeal time schedule and date for filing. The Affiant and Bio Corp do not relinquish any Rights by filing any Appeal and any filing of an Appeal does not affect the existing obligations of the parties under the Default Judgment and Security Agreement CLAIM #0296, dated May 27, 2014. The Appeal is made in a good faith effort to correct the mistake of the USPTO and to curtail damages to Bio Corp and Affiant.

Thank you for you time and attention.

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Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575



# **EXHIBIT 1**





PAGE 3.

To: Bio Corp, a corporation organized and ex ETC. (biocorp@nctv.com)  
Subject: U.S. TRADEMARK APPLICATION NO. 85819575 - N/A  
Sent: 11/21/2014 11:57:55 AM  
Sent As: ECOM1@USPTO.GOV  
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85819575 MARK:	*85819575*
<b>CORRESPONDENT ADDRESS:</b> Marshall-Edward Wikels BIO CORP, A CORPORATION ORGANIZED AND EX 3053 WEST CLARK ROAD, SUITE 124 NORTH LAS VEGAS, NV 89002	<b>CLICK HERE TO RESPOND TO THIS</b> <a href="http://www.uspto.gov/trademarks/index.js">http://www.uspto.gov/trademarks/index.js</a>  <u>VIEW YOUR APPLICATION FILE</u>
<b>APPLICANT:</b> Bio Corp, a corporation organized and ex ETC.	
<b>CORRESPONDENT REFERENCE/DOCKET NO :</b> N/A <b>CORRESPONDENT E-MAIL ADDRESS:</b> biocorp@nctv.com	

**NOTICE: APPLICATION ABANDONED**

ISSUE/MAILING DATE: 11/21/2014

The above-referenced application is abandoned because applicant failed to file a complete response to the final Office action dated April 4, 2014. See 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a); TMEP §§718.02, 718.03, (b). That is, applicant's October 6, 2014 response was not legally sufficient for the reason(s) specified below.

Applicant's response is incomplete because it failed to resolve all outstanding issues in the final Office action, it did not raise a new issue or provide any new or compelling evidence with regard to the outstanding issues, and applicant's analysis and arguments were not persuasive nor did they shed new light on the issues. In addition, the USPTO has not received a timely filed notice of appeal and there is no time remaining in the response period.

Applicant may respond by filing a petition to the Director to request a reversal of the decision to abandon the application. TMEP §§715.03(a)(2)(D), 718.03(b), 1713.01-.02; see 37 C.F.R. §2.146(a)(3). The

PAGE 1 & 2 THIS APPLICATION  
APPLY TO TRADEMARK  
"NOTICE ABANDONED"  
VOID WITHOUT EFFECT

Page 4,  
2010

~~Petition must be filed within two months of the date of issuance of this letter and may be filed online at [http://www.uspto.gov/trademarks/teas/petition\\_forms.jsp](http://www.uspto.gov/trademarks/teas/petition_forms.jsp). See 37 C.F.R. §§2.66(a)(1), 2.146(d); TMEP §§1705.04, 1714.01(a), (d). A \$100 fee for such a petition is required. See 37 C.F.R. §2.6(a)(15).~~

~~/Toby E. Bulloff/  
Trademark Examining Attorney  
Law Office 119  
(571) 270-1531  
toby.bulloff@uspto.gov~~

**5.**  
**PAGE**

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To: Bio Corp, a corporation organized and ex ETC. ([biocorp@nctv.com](mailto:biocorp@nctv.com))  
Subject: U.S. TRADEMARK APPLICATION NO. 85819575 - N/A  
Sent: 11/21/2014 11:55:56 AM  
Sent As: ECOM119@USPTO.GOV  
Attachments:

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON 11/21/2014 FOR U.S. APPLICATION SERIAL NO. 85819575

Please follow the instructions below:

(1) **TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents".

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies not associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

1 Marshall-Edward: Mikels, Secured  
2 Party/Creditor/Owner of the Claim and  
3 Trademark(s) by Contract and Secured Party  
4 Interest in Bio Corp, and, Authorized  
5 Representative For: MARSHALL E. MIKELS,  
6 Under FRCP 17 (a)(F) and Bio Corp.  
7 **Mailing Address:** Bio Corp,  
8 3053 West Craig Road, Suite E-124  
9 North Las Vegas, NV 89032 without U.S.  
10 530-918-4162 [biocorp@nctv.com](mailto:biocorp@nctv.com)

8 **PROOF OF SERVICE**

9 **UNITED STATES PATENT AND TRADEMARK OFFICE**

11 BIO CORP and MARSHALL E. MIKELS

**APPLICATION SERIAL NO. 85819575**

12 Petitioner/Appellant  
13 v.

**NOTICE OF NON-CONSENT TO THE  
EXAMINING ATTORNEY'S OFFICE  
ACTION "NOTICE APPLICATION  
ABANDONED" DATED 11/21/14. AND,  
"DISMISSAL" OF PETITION 11/21/14  
FOR REVERSAL OF FINAL REFUSAL  
OFFICE ACTION AND  
REGISTRATION OF U.S. APPLICATION  
SERIAL NO. 85819575.**

14 UNITED STATES PATENT AND  
15 TRADEMARK OFFICE,  
16 MIR INNOVATIONS INC., GREG CLARK  
17 And. ALPHA MEN'S EDGE NUTRITION, INC.

18 Respondent

- 19 1. At the time of service I was over eighteen (18) years of age and not a party to this action.  
20 2. My residence or business address is: 205 Mount Shasta Blvd., Suite 400, Mount Shasta CA  
21 96067.  
22 3. On November 24 , 2014, I served the following documents by mail:

23 **IN REFERENCE TO:**



**Bio Corp's Trademark used since 1991 and claimed in use since April 15, 1992 in**

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575

1 Registration Number 2964648. **Renewal Application 85819575 filed on January 9<sup>th</sup> 2013**, suspended by  
2 USPTO April 29<sup>th</sup> 2013, refused on May 13, 2013 on the basis of "likelihood of confusion" with Mir  
3 Innovations Inc.'s mark shown below in Exhibit 3. See, a copy of the Bio Corp prior trademark design used in  
4 its application **85819575** and the USPTO acknowledgement response attached to the 1<sup>st</sup> Presentment dated  
5 February 8, 2014 as **Exhibit 2**.

6 **DOCUMENT(S) SERVED**

7 **NOTICE OF NON-CONSENT**  
8 **TO THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
9 **VOIDING OFFICE ACTION OF "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014**  
10 **AND THE PETITION "DISMISSAL" DATED 11/21/14**  
11 **IN PETITION/APEAL FOR REVERSAL OF FINAL REFUSAL OFFICE ACTION AND**  
12 **REGISTRATION OF U.S. APPLICATION SERIAL NO. 85819575**

13 **From: APPLICANT**  
14 **BIO CORP. a Delaware Corporation**  
15 Bio Corp's Authorized Representative Marshall-Edward: Mikels, Bio Corp,  
16 3053 West Craig Road, Suite E-124  
17 North Las Vegas, NV 89032 without U.S.  
18 *Delivered by respond to*  
19 Stacey L Mack [Notary Public]  
20 205 Mount Shasta Blvd.,  
21 Suite 400,  
22 Mount Shasta CA 96067

23 **To: USPTO ATTORNEY(s):**  
24 **TOBY ELLEN BULLOFF, Esquire, Official Capacity**  
25 Examining Attorney for the United States  
26 Patent and trademark Office  
27 Law Office 119, 600 Dulany Street  
Alexandria, VA 22314  
[toby.bulloff@uspto.gov](mailto:toby.bulloff@uspto.gov)  
**Service by U.S. Mail and FAX**

**Dawnmarie D. Sanok**  
Attorney Advisor  
Office of the Deputy Commissioner  
for Trademark Examination Policy  
[dawn-marie.sanok@uspto.gov](mailto:dawn-marie.sanok@uspto.gov)  
**Service by U.S. Mail and FAX**

**DEBORAH COHN, Esquire, Official Capacity**  
Commissioner of Trademarks United States  
Patent and Trademark Office  
600 Dulany Street  
Alexandria, VA 22314  
**Service by U.S. Mail**

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- 4. I served the documents on the person or persons above, as follows:  
Name of person served Respondent(s) referenced above:
- 5. Business or residence addresses where the person or persons were served as indicated above to the party, opposing parties, their attorney, or other.
- 6. By first class U.S. Mail delivery as shown above. I enclosed the documents in a sealed envelope or package addressed to the persons shown above, or in care of their attorney/agent above by depositing the sealed envelope or package with the U. S Postal Service, with the postage fully prepaid and/or by FAX.

I declare under the penalty of perjury that the foregoing is true and correct on this 24<sup>th</sup> day of November 2014.

Declarant: By \_\_\_\_/Stacey L. Mack/\_\_\_\_ (Seal)  
Print Name Stacey L. Mack

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2013  
Marshall-Edward Mikels  
USA  
11-24-2014

November 24, 2014

**From:**

Bio Corp's Authorized Representative Marshall-Edward: Mikels,  
BIO CORP, A CORPORATION ORGANIZED AND EX  
3053 WEST CRAIG ROAD, SUITE E-124  
NORTH LAS VEGAS, NV 89032

*Delivered by respond to*  
Stacey L Mack [Notary Public]  
205 Mount Shasta Blvd.,  
Suite 400,  
Mount Shasta CA 96067

**To:**

**TOBY ELLEN BULLOFF, Esquire, Official**  
**Capacity** Examining Attorney for the United States  
Patent and trademark Office  
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Alexandria, VA 22314  
(571) 270-1531  
[toby.bulloff@uspto.gov](mailto:toby.bulloff@uspto.gov)

**Dawnmarie D. Sanok**

Attorney Advisor  
Office of the Deputy Commissioner  
for Trademark Examination Policy  
[dawn-marie.sanok@uspto.gov](mailto:dawn-marie.sanok@uspto.gov)  
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**AFFIDAVIT**

"Indeed, no more than affidavits are necessary to make the prima facie case." United States v. Kis, 658 F.2d, 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982

1. TO ALL CONCERNED the undersigned Affiant, Marshall-Edward: Mikels, does solemnly swear, declare and state as follows:
2. Affiant is competent to state the matters set forth herein.
3. Affiant has personal knowledge of the facts stated herein.
4. Those matters not within the personal knowledge of Affiant or law are based upon information, belief and public record.
5. All the facts herein are true, correct and complete, admissible as evidence and if called upon as a witness, Affiant will testify to their veracity.
6. The Respondent(s)/Debtor(s) agree with Marshall-Edward: Mikels' aforementioned claims and the following
7. I Marshall-Edward: Mikels have indefeasible title to my land and I am the lawful owner of the landed estate known as MARSHALL EDWARD MIKELS, including all versions/combinations of the all cap entity and owner of its trusts, bonds, real property

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and interest and is the Authorized Representative for MARSHALL MIKELS \*\*\*-\*\*-8951, for Bio Corp, a Delaware corporation and a real party in interest.

8. In any matter in state or federal court, Marshall-Edward: Mikels will appear as an officer and the Authorized Representative for BIO CORP/Bio Corp under FRCP, Rule 17, and under Delaware Supreme Court Rule 57 as referenced below.

9. I make this Affidavit in support of this Presentment.

10. In any matter in State or Federal Court, Department, Office or Agency Marshall-Edward: Mikels will make a Special Attendance Rogatory as one of the sovereign people of the United States of America with all power and authority inherently retained and is the Authorized Representative for Bio Corp and MARSHALL EDWARD MIKELS and will respond for the claimant(s) without relinquishing any unalienable private sovereignty Right hereby and previously exercised and claimed by the Affiant. Affiant will not assume any obligation for MARSHALL EDWARD MIKELS or any combination of the all CAP entity without the right to setoff from its assets claimed and owned by Marshall-Edward: Mikels. In addition, the Respondent(s)/Debtor(s) agree Affiant shall have the authority and power to issue a Writ of Mandamus as a Superior Court of Record to compel action or performance of the lower state and federal courts referenced previously and herein in this or any matter in connection therewith.

11. All of the filings, applications and registrations in this matter are incorporated herein for all purposes by this reference.

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575

12. TO ALL CONCERNED, On 11/21/2014 Affiant received a office action by TOBY ELLEN BULLOFF, Esquire, examining attorney in the above referenced U.S. Trademark Application No. 85/819575 entitled "*NOTICE: APPLICATION ABANDONED*" DATED 11/21/2014. The "*NOTICE: APPLICATION ABANDONED*" Is hereby returned with Affiant's and Bio Corp's non-consent to contract offer of "*NOTICE:APPLICATION ABANDONED*", which voids it and renders it unlawful and without effect. The returned "*NOTICE:APPLICATION ABANDONED*" is returned with the following handwritten Notice:

"AFFIDAVIT"  
APPLICABLE TO PAGES 1 THROUGH 5  
RECEIVED ON 11-21-2014 AND RETURNED ON 11-23-14

NON-CONSENT TO CONTRACT OFFER OF:

*"UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)" "OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION" "NOTICE: APPLICATION ABANDONED" ISSUE MAILING DATE: 11/21/2014" "U.S. APPLICATION SERIAL NO. 85819575" "BY: Toby E. Bulloff/ Trademark Examining Attorney Law Office 119". APPEAL IS PENDING PER THE 11/21/2014 Dawnmarie D. Sanok Attorney Advisor Office of the Deputy Commissioner:*

- 1. "The file will be remanded to the TTAB to consider the October 4, 2014 paperwork as a timely filed notice of appeal to the final Office action issued on April 4, 2014. In accordance with TTAB normal procedures, the TTAB will institute the appeal and process it in accordance with the TTAB practices and procedures."*
2. THE BIO CORP/Mikels' PETITION WAS FILED ON 10-04-2014,
3. THE PARTIES ARE SUBJECT TO "DEFAULT JUDGMENT NOTICE OF FINAL DEFAULT IN DISHONOR AFFIDAVIT OF ENTRY INTO COMMERCIAL

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "*NOTICE: APPLICATION ABANDONED*" DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575

CONTRACT, LIABILITY AND SECURITY AGREEMENT CLAIM #0296, dated May 27, 2014.

4. THE PETITION AND APPEAL ARE OFFERS TO REDUCE THE PARTIES LIABILITIES UNDER THE SECURITY AGREEMENT. CLAIM #0296.

5. THE APPEAL AND PETITION DO NOT RE-OPEN THE DEFAULT JUDGMENT CONTRACT SECURITY AGREEMENT CLAIM #0296.

ALL RIGHTS RESERVED U.C.C.

Marshall-Edward: Mikels  
Authorized Representative for  
Bio Corp

See, the hand written returned “*NOTICE: APPLICATION ABANDONED*” incorporated herein by this reference and attached hereto as **Exhibit 1**.

13. On 10/04/2014 Bio Corp and Marshall-Edward: Mikels filed online with the USPTO a 2.146 Petition to the Director to reverse the final refusal office action by the examiner dated April 4, 2014 and on 11/21/2014 the USPTO issued a “PETITION DISMISSED” by Dawnmarie D. Sanok Attorney Advisor, Office of the Deputy Commissioner. The Dismissal remanded the Petition with the following decision to refer to Appeal and timely filing:

*“The petition is DISMISSED.[2] The file will be remanded to the TTAB to consider the October 4, 2014 paperwork as a timely filed notice of appeal to the final Office action issued on April 4, 2014. In accordance with TTAB normal procedures, the TTAB will institute the appeal and process it in accordance with the TTAB practices and procedures.”*

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING “*NOTICE: APPLICATION ABANDONED*” DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575

The office action by Toby Ellen Bulloff entitled "*NOTICE: APPLICATION ABANDONED*" dated 11-21-14 recites a late filing of the Bio Corp Petition/Appeal on 10/06/2013: "*In addition, the USPTO has not received a timely filed notice of appeal and there is no time remaining in the response period.*" However, the above referenced decision by the Deputy Commissioner acknowledges the timely filing of the Mikels' Petition that reserved the option for an Appeal which was acknowledged and remanded for a timely Appeal as referenced above. Therefore, the "*NOTICE: ABANDONED APPLICATION*" DATED 11/21/14" by Bulloff is in error and returned void, unlawful and without the consent of Affiant/Bio Corp/BIO CORP and without effect.

14. Also, the reasoning by Bulloff for issuing the office action of 11/21/14 is: "*Applicant's response is incomplete because it failed to resolve all outstanding issues in the final Office action, it did not raise a new issue or provide any new or compelling evidence with regard to the outstanding issues, and applicant's analysis and arguments were not persuasive nor did they shed new light on the issues.*" Bio Corp and Affiant do not consent to Bulloff's reasons referenced above and by the timely non-consent recorded with the 72 hour period the Bulloff office action is void, unlawful and without effect.

15. In addition, Bio Corp and Affiant Mikels have relied on the Supreme Law of the U.S. Constitution and a contract agreement to protect the property Rights of the Bio Corp Trademark(s) which supersede any U.S. Code including the U.S. Codes cited by Bulloff and Sanok. These U.S. Codes only have the force of law if they are agreed to by

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "*NOTICE: APPLICATION ABANDONED*" DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575

Bio Corp/Mikels and no agreement has been made expressly or otherwise by Mikels or Bio Corp to give these Codes the fore of law. The supremacy clause of the Constitution nullifies any law made by Congress that conflicts with the Constitution. Therefore, Article 1, Section 10 of the Constitution prohibits any impairment of contract: “*No State shall ...pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.*” And, the parties are subject to the Security Agreement Contract Claim #0296, dated May 27, 2014. referenced herein and the U.S. Constitution which is another binding contract. Also, the original 13<sup>th</sup> Amendment prohibits any Esquire attorney from holding public office, which would include any contract to represent the USPTO as an examining attorney of behalf of the USPTO or a Deputy Commissioner of the USPTO. These established facts will be expanded upon in the Appeal.

16. The other issue that provides a factual basis for approval of the Bio Corp Application No. 85/819575 and Registration is the fact that the Mir Innovations Inc./Alpha Men’s Edge Nutrition Application/Registration Number 4332952 conflicts and has a likelihood of confusion with a preexisting Trademark of Bio Corp Registration No. 2068276 currently active in use since 1991-1992. So, the Mir Innovations Inc. Registration Number 4332952 should have never been approved for registration in the first place. Therefore, it appears that the USPTO does not want to correct a mistake it made in the approval of the Mir Innovations Inc. Registration Number 4332952 at the

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING “NOTICE: APPLICATION ABANDONED” DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575

detriment and damage to Bio Corp and Affiant. Therefore, any reasoning or U.S. Codes used by the USPTO as a basis for the denial of Bio Corp's Application because it has a likelihood of confusion with the Mir Innovations Inc. Registration is obviously wrong and cannot withstand any reasonable analysis.

17. The Affiant went online to respond and none of the available forms for an online response would allow filing of this response, therefore this response is delivered by FAX and U.S. Mail to the above referenced parties and the USPTO.

THEREFORE, for the above stated reasons the Bulloff "*NOTICE: APPLICATION ABANDONED*" dated 11-21-2014 and the . Sanok "*PETITION DISMISSED*" DATED 11-21-2014 are returned with no consent to contract offer, void and without effect. And, Affiant will anticipate some USPTO communication in regards to the Appeal time schedule and date for filing. The Affiant and Bio Corp do not relinquish any Rights by filing any Appeal and any filing of an Appeal does not affect the existing obligations of the parties under the Default Judgment and Security Agreement CLAIM #0296, dated May 27, 2014. The Appeal is made in a good faith effort to correct the mistake of the USPTO and to curtail damages to Bio Corp and Affiant.

Thank you for you time and attention.

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NOTICE OF NON-CONSENT  
FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "*NOTICE: APPLICATION ABANDONED*" DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575



# **EXHIBIT 1**





PAGE 3.

To: Bio Corp, a corporation organized and ex ETC. (biocorp@nctv.com)  
Subject: U.S. TRADEMARK APPLICATION NO. 85819575 - N/A  
Sent: 11/21/2014 11:57:55 AM  
Sent As: ECOM1@USPTO.GOV  
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) RE BUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85819575 MARK:	*85819575*
<b>CORRESPONDENT ADDRESS:</b> Marshall-Edward Winkels BIO CORP, A CORPORATION ORGANIZED AND EX 3053 WEST CLAIRO ROAD, SUITE 124 NORTH LAS VEGAS, NV 89002	<b>CLICK HERE TO RESPOND TO THIS</b> <a href="http://www.uspto.gov/trademarks/index.js">http://www.uspto.gov/trademarks/index.js</a>  <u>VIEW YOUR APPLICATION FILE</u>
<b>APPLICANT:</b> Bio Corp, a corporation organized and ex ETC.	
<b>CORRESPONDENT REFERENCE/DOCKET NO :</b> N/A <b>CORRESPONDENT E-MAIL ADDRESS:</b> biocorp@nctv.com	

**NOTICE: APPLICATION ABANDONED**

ISSUE/MAILING DATE: 11/21/2014

The above-referenced application is abandoned because applicant failed to file a complete response to the final Office action dated April 4, 2014. See 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a); TMEP §§718.02, 718.03, (b). That is, applicant's October 6, 2014 response was not legally sufficient for the reason(s) specified below.

Applicant's response is incomplete because it failed to resolve all outstanding issues in the final Office action, it did not raise a new issue or provide any new or compelling evidence with regard to the outstanding issues, and applicant's analysis and arguments were not persuasive nor did they shed new light on the issues. In addition, the USPTO has not received a timely filed notice of appeal and there is no time remaining in the response period.

Applicant may respond by filing a petition to the Director to request a reversal of the decision to abandon the application. TMEP §§715.03(a)(2)(D), 718.03(b), 1713.01-.02; see 37 C.F.R. §2.146(a)(3). The

PAGE 1 & 2  
APPLY TO THIS APPLICATION  
"NOTICE ABANDONED"  
VOID WITHOUT EFFECT

Page 4,  
2010

~~Petition must be filed within two months of the date of issuance of this letter and may be filed online at [http://www.uspto.gov/trademarks/teas/petition\\_forms.jsp](http://www.uspto.gov/trademarks/teas/petition_forms.jsp). See 37 C.F.R. §§2.66(a)(1), 2.146(d); TMEP §§1705.04, 1714.01(a), (d). A \$100 fee for such a petition is required. See 37 C.F.R. §2.6(a)(15).~~

~~/Toby E. Bulloff/  
Trademark Examining Attorney  
Law Office 119  
(571) 270-1531  
toby.bulloff@uspto.gov~~

**TO:** Bio Corp, a corporation organized and ex ETC. ([biocorp@nctv.com](mailto:biocorp@nctv.com))  
**SUBJECT:** U.S. TRADEMARK APPLICATION NO. 85819575 - N/A  
**SENT:** 11/21/2014 11:55:56 AM  
**SENT AS:** ECOM119@USPTO.GOV  
**ATTACHMENTS:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON 11/21/2014 FOR U.S. APPLICATION SERIAL NO. 85819575**

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies not associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

1 Marshall-Edward: Mikels, Secured  
2 Party/Creditor/Owner of the Claim and  
3 Trademark(s) by Contract and Secured Party  
4 Interest in Bio Corp, and, Authorized  
5 Representative For: MARSHALL E. MIKELS,  
6 Under FRCP 17 (a)(F) and Bio Corp.  
7 **Mailing Address:** Bio Corp,  
8 3053 West Craig Road, Suite E-124  
9 North Las Vegas, NV 89032 without U.S.  
10 530-918-4162 [biocorp@nctv.com](mailto:biocorp@nctv.com)

11 **PROOF OF SERVICE**

12 **UNITED STATES PATENT AND TRADEMARK OFFICE**

13 BIO CORP and MARSHALL E. MIKELS

14 **APPLICATION SERIAL NO. 85819575**

15 Petitioner/Appellant

16 **NOTICE OF NON-CONSENT TO THE  
17 EXAMINING ATTORNEY'S OFFICE  
18 ACTION "NOTICE APPLICATION  
19 ABANDONED" DATED 11/21/14. AND,  
20 "DISMISSAL" OF PETITION 11/21/14  
21 FOR REVERSAL OF FINAL REFUSAL  
22 OFFICE ACTION AND  
23 REGISTRATION OF U.S. APPLICATION  
24 SERIAL NO. 85819575.**

25 v.

26 UNITED STATES PATENT AND  
27 TRADEMARK OFFICE,  
MIR INNOVATIONS INC., GREG CLARK  
And. ALPHA MEN'S EDGE NUTRITION, INC.

Respondent

1. At the time of service I was over eighteen (18) years of age and not a party to this action.
2. My residence or business address is: 205 Mount Shasta Blvd., Suite 400, Mount Shasta CA 96067.
3. On November 24 , 2014, I served the following documents by mail:

**IN REFERENCE TO:**



**Bio Corp's Trademark used since 1991 and claimed in use since April 15, 1992 in**

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575

1 Registration Number 2964648. **Renewal Application 85819575** filed on January 9<sup>th</sup> 2013, suspended by  
2 USPTO April 29<sup>th</sup> 2013, refused on May 13, 2013 on the basis of "likelihood of confusion" with Mir  
3 Innovations Inc.'s mark shown below in Exhibit 3. See, a copy of the Bio Corp prior trademark design used in  
4 its application **85819575** and the USPTO acknowledgement response attached to the 1<sup>st</sup> Presentment dated  
5 February 8, 2014 as **Exhibit 2**.

6 **DOCUMENT(S) SERVED**

7 **NOTICE OF NON-CONSENT**  
8 **TO THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
9 **VOIDING OFFICE ACTION OF "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014**  
10 **AND THE PETITION "DISMISSAL" DATED 11/21/14**  
11 **IN PETITION/APPEAL FOR REVERSAL OF FINAL REFUSAL OFFICE ACTION AND**  
12 **REGISTRATION OF U.S. APPLICATION SERIAL NO. 85819575**

13 **From: APPLICANT**

14 **BIO CORP. a Delaware Corporation**

15 Bio Corp's Authorized Representative Marshall-Edward: Mikels, Bio Corp,  
16 3053 West Craig Road, Suite E-124

17 North Las Vegas, NV 89032 without U.S.

18 *Delivered by respond to*

19 Stacey L Mack [Notary Public]

20 205 Mount Shasta Blvd.,

21 Suite 400,

22 Mount Shasta CA 96067

23 **To: USPTO ATTORNEY(s):**

24 **TOBY ELLEN BULLOFF, Esquire, Official Capacity**

25 Examining Attorney for the United States

26 Patent and trademark Office

27 Law Office 119, 600 Dulany Street

Alexandria, VA 22314

[toby.bulloff@uspto.gov](mailto:toby.bulloff@uspto.gov)

**Service by U.S. Mail and FAX**

**Dawnmarie D. Sanok**

Attorney Advisor

Office of the Deputy Commissioner

for Trademark Examination Policy

[dawn-marie.sanok@uspto.gov](mailto:dawn-marie.sanok@uspto.gov)

**Service by U.S. Mail and FAX**

**DEBORAH COHN, Esquire, Official Capacity**

Commissioner of Trademarks United States

Patent and Trademark Office

600 Dulany Street

Alexandria, VA 22314

**Service by U.S. Mail**

NOTICE OF NON-CONSENT  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VOIDING "NOTICE: APPLICATION ABANDONED" DATED 11/21/2014 in  
Bio Corp Trademark U. S. APPLICATION SERIAL NUMBER: 85/819575

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- 4. I served the documents on the person or persons above, as follows:  
Name of person served Respondent(s) referenced above:
- 5. Business or residence addresses where the person or persons were served as indicated above to the party, opposing parties, their attorney, or other.
- 6. By first class U.S. Mail delivery as shown above. I enclosed the documents in a sealed envelope or package addressed to the persons shown above, or in care of their attorney/agent above by depositing the sealed envelope or package with the U. S Postal Service, with the postage fully prepaid and/or by FAX.

I declare under the penalty of perjury that the foregoing is true and correct on this 24<sup>th</sup> day of November 2014.

Declarant: By \_\_\_\_/Stacey L. Mack/\_\_\_\_ (Seal)  
Print Name Stacey L. Mack