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

In the Matter of Application Serial No. 76/295,724
Filed: August 6, 2001
For the Mark **BLUEMAN**
Published in the Official Gazette of August 20, 2002

TTAB

BLUE MAN PRODUCTIONS, INC.,	:	
Opposer,	:	
v.	:	Opposition No. 91 154,055
ERICH TARMANN,	:	
Applicant.	:	

Box TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

08-10-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

OPPOSER'S NOTICE OF FILING TRIAL TESTIMONY

PLEASE TAKE NOTICE that pursuant to Trademark Rule 2.125, Opposer Blue Man Productions, Inc. is filing the trial testimony of Laura Camien, marketing director, Blue Man

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8/10/04 — (Date of Deposit)

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(Signature)

21749/003/641534.1

Productions, Inc., taken on July 15, 2004, and Opposer's Exhibits 1 through 11 as part of its trial testimony.

Dated: New York, New York
August 10 , 2004

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CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing OPPOSER'S NOTICE OF FILING TRIAL TESTIMONY to be served on August 10, 2004 upon Applicant by first class mail, postage prepaid to Applicant's counsel of record at the following address:

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Antonio Borrelli

ORIGINAL

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2 TRADEMARK TRIAL AND APPEAL BOARD
----------x
3 BLUE MAN PRODUCTIONS, INC.
-against-
4 ERICH TARMANN

5 OPP NO.: 154,055
6 ----------x

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9 1133 Avenue of the Americas
New York, New York
10
July 15, 2004
11 3:15 p.m.

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14 TELEPHONE DEPOSITION of LAURA CAMIEN,
a witness in behalf of Blue Man Productions,
15 Inc., pursuant to Notice, before Ronald A. Marx,
a Notary Public of the State of New York.

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22 ELLEN GRAUER COURT REPORTING CO.
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2 A P P E A R A N C E S:

3

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5 1133 Avenue of the Americas
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6 BY: ROBERT CLARIDA, ESQ.

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L A U R A C A M I E N, a witness in behalf of Blue Man Productions, Inc., having been duly sworn by a Notary Public of the State of New York, upon being examined, testified as follows:

MR. CLARIDA: I'll show you what I marked as Opposer's Exhibit 10. This is a notice of deposition that we served on our adversary, and this actually called for a deposition for July 7th, 2004, which was a little over a week ago.

Just on the record I'd like to note that at our adversary's request we pushed it back to today so he could be here, and he is not here.

He had something to do in Washington, DC, so he is not with us today.

DIRECT EXAMINATION BY MR. CLARIDA:

Q So I would like to ask you to state your name for the record, please.

A Laura Camien.

Q And are you presently employed?

A Yes, I am.

Q And where are you employed?

A Blue Man Productions.

Q What is your job title or job description?

A Marketing director, and I oversee the marketing day-to-day functions for all of our domestic productions.

Q All right. And as part of your job, are you familiar with the ways in which records are kept at Blue Man Productions?

A Yes, I am.

Q And particularly are you familiar with the way in which records of press clippings and promotional materials are kept?

A Yes.

Q Could you describe briefly how that's done?

A Yes. It's different per media, but we employ companies to send us press clippings. For in-print publications, when we get the clippings, we paste them up, which is a process of simply putting them on our letterhead, and we file them in a notebook in chronological order.

Camien

For television we have a service called VMS, which is Video Monitoring Service, and they send us weekly reports of where and when any mention of the Blue Man has occurred on television.

Q Okay. I'd like to show you what I have marked as Opposer's Exhibit 1, and I can identify that for us.

These are photocopies of video cassette boxes, and these are video cassettes indicating various television programs.

How would you come to have these videotapes?

A It could be two different ways. One is that we can order them from VMS. That is the same Video Monitoring Service we spoke of.

We can order a tape from them, or we have Dennis Diamond, who is the head of Video D Studios, make a tape.

We will alert him of when we're going to do an appearance on television, and he will release on the VSC and tape it.

And in either case we often make duplicates of the appearances, and Video D is

our duplication house. They make our copies, and they print out the labels.

Q All right. And the programs that are on the cassette boxes, about how long after the program airs would you get a videotape copy of it?

A It depends. If it's Video D, I may have the tape the next day by messenger. If we order it from VMS, it could be a week later.

Q All right. I'll keep that Exhibit 1 in front of you, and I'll show you what I've marked as Opposer's Exhibit 11.

I'll identify that as a letter dated September 22nd, 1992, and it's signed by Jay Leno, and it's on stationery from the Tonight Show with Jay Leno.

And I just ask you to look at Page 8 of the exhibit, and it's a series of Tonight Show appearances.

A Yes.

Q And there's one reference, 9/21/92.

A Yes.

Q And is this letter in connection with that television appearance?

A Yes, it is. Jay wrote this to thank -- it's a letter the day after the performance, thanking Chris, Matt and Phil for coming on the show and performing.

Q And how would this letter have been kept in your file?

A The press files of our company. They have files of all correspondence that comes to them.

Q So this is something that's kept in the regular course of your business?

A Yes.

Q And these videotapes that -- that we've been looking at, Opposer's Exhibit 1, is something you kept in the regular course of your business?

A Absolutely.

Q Looking at Page 11 of Opposer's Exhibit 1, which is the next to the last page, there are a number of titles here. What do those titles refer to?

A These are commercials that were created for Intel.

Q Okay. And these are all commercials

for Intel?

A Yes, they are.

Q I'm going to ask some questions about the Intel commercials, and if you don't know the answer, perhaps I have something here that can refresh your recollection.

Which campaigns -- which products were these ads placed in connection with?

A Some of them were made for Pentium 3 and others were for Pentium 4.

Q All right. And do you know which ones were which?

A Not all of them. I know the Raising 4 was definitely Pentium 4, and I believe that first three -- the first four are Pentium 3, but I'm not sure.

Q Let me show you something that might refresh your recollection.

Looking at this now, having looked at this, do you know which were for Pentium 3 and which were for Pentium 4?

A Yes. The first four spots are for Pentium 3, and the Raising 4 are for Pentium 4.

Q Okay. And I'm going to ask you, do

you know what the total media buy budget was for the Pentium 3 campaign?

A It was around 275 million.

Q And for the Pentium 4 campaign?

A Approximately 300 million.

Q Okay. Were there any particularly notable ad placements for either the Pentium 3 or Pentium 4 campaign?

A Yes. They bought the Super Bowl XXXIV and other popular shows like Friends and X Files, Drew Carey, Who Wants to Be a Millionaire.

Q So these were on pretty much all the major networks?

A Yes.

Q And also were there any online spots for advertising for the Pentium chips online?

A Yes. They created a series of online advertising.

Q Okay. I'm going to show you now what I've marked as Opposer's Exhibit 2, and I can identify this as Blue Man Group television and radio coverage 2000 to 2003.

Are these notations of television

appearances kept in the regular course of your business?

A Yes, they are.

Q And how would these be kept generally?

A This is a confirmation of the weekly reports that we get from the Video Monitoring Service, so that's everything that -- they tell us everywhere we have run. We just put it all in one data base.

Q So these would be pretty much daily or weekly reports that you get from the Video Monitoring Service?

A Yes.

Q Those then get into some data base that you have on your own computers?

A Yes.

Q All right. I would like to show you what I marked as a Opposer's Exhibit 3, and I'll identify this as a one-page press clipping on Blue Man Group letterhead, with a tag or slag with -- with a bar code indicating that it's from Burrelle's Information Services. Could you tell me what Burrelle is?

A Burrelle's is a clipping service. They monitor hundreds of publications on a daily basis and clippings, whatever you got from the clip.

Q And what do you do when they send you a clipping?

A We take them and paste them up on our letterhead and file them chronologically.

Q You keep those in the regular course of your business?

A Yes, we do.

Q And are there any other services that you subscribe to?

A We also subscribe to Lexis-Nexus, which is an online clipping, so we get them faster via Internet. And VMS, which I've already spoken of, which is the Video Monitoring Service.

Q Do you have any foreign service clippings service?

A Burrelle's has a foreign branch, so we use Burrelle's for our foreign clippings as well.

Q Let me show what I've marked as

Opposer's Exhibit 4, and I'll identify this as a one-page printout from a web site, newsbank.com, and the heading at the top is Dayton Daily News, Dayton, Ohio.

Do you have any regular process within Blue Man Productions to keep track of web items?

A Yes, we do. We have two processes. One is Burrelle's. We also have an Internet clipping service which we use, and they will send us clippings from the Internet.

Lexis-Nexus, which I mentioned previously, will send us at the beginning of a day immediately that there's something online about Blue Man.

This particular exhibit was something that we researched, because we found out from Lexis-Nexus that this article existed, and we wanted to look at the actual site, so we printed this out from their site, the article.

Q And how are these kept at Blue Man Productions?

A Same concept as filing chronologically.

Q Let me show you what I marked as Opposer's Exhibit 5, and I'll identify this as a one-page story.

The top says University wire, Champlain, Illinois, October 24th, 2003, and it appears printed on Blue Man Group letterhead.

Let me just ask you how this document was put together.

A This was the text copy that we would get from Lexis-Nexus, saying that we -- that this article ran.

And if we weren't able to find it on a web site, like we do the Dayton Daily News, we would simply print out the text and paste it on -- on the letterhead for presentation purposes, so they are consistent.

Q And is this something that you do in the regular course of your business with Lexis-Nexus material?

A Yes.

Q Let me show what I marked as Opposer's Exhibit 6, which is a two-page exhibit, two photographs of an advertisement on a billboard in Times Square.

Do you know when that Times Square advertisement ran?

A Yes. It began running at the end of 2002, beginning of 2003. We're in our second year. It's still running. It runs three times per hour every day from approximately 9:00 a.m. to 1:00 a.m..

Q Okay. And do you have any other billboard ads that you do anywhere else in the country?

A Oh, yes. We have billboards -- several billboards in Las Vegas, Boston, Chicago. And that's the only one in New York.

Q All right. And do you regularly -- do you have an archive of photos of other billboard ads that you have?

A Yes, we do.

Q And this would be something that -- that you would keep in the regular course of your business?

A Yes.

Q Let me show you what I marked as Opposer's Exhibit 7. That's marked, "Blue Man Group invites you to be part of a funeral for

the '80s." Let me ask you what that is, please.

A This is a flier notice created by Chris Lynch (phonetic) when they performed in Central Park in 1998 -- I'm sorry. 1988.

Q And is this a document that was prepared internally at Blue Man?

A Internally at that time, yes.

Q And where would it have been circulated?

A I believe it was circulated on the streets of New York, Central Park, and they sent it to several publications in New York. The Village Voice ran something about the event, and MTV covered the event.

Q All right. And I'm going to show you what I marked as Opposer's Exhibit 8, which is on Blue Man Group stationery, marked at the top, "For immediate release." Could you tell me what that is, please?

A This is a press release announcing our -- our coming to Las Vegas and opening a show at the Las Vegas property.

Q How do these press releases get generated?

A They typically get generated by Manny Gracious (phonetic). He's our PR director. Sometimes our partners will generate a press release which we will approve, but for the most part we write them ourselves.

Q And what happens with the press release when you send it out?

Where do you send it and what do they do with it?

A We will send it to -- it depends on the project, because there are press lists of, you know, hundreds or thousands of press people across the country, depending on what we're publicizing at the time.

Q What do they do with it?

A Oh. They run stories about it, if they're interested in it, and then we clip that story.

Q All right. And we'll come full circle and show the last exhibit I have, Opposer's Exhibit 9. This is also on Blue Man Group letterhead.

There is an article on the right-hand side. It's a press clipping, I should say, and

on the left-hand side of the page is a handwritten identification, "Gaming Today," identifying the publication.

How would that handwritten notation have been put there?

A My knowledge, I think this is something -- simply a mistake by Burrelle's. Sometimes they cut off or they don't have it printed, and it looks to me like someone just handwrote the source material for that.

(Continued on following page)

Camien

Q And this is something you would keep in the regular course of your business, these small press clippings, photocopied on to a sheet of Blue Man Group letterhead?

A Yes.

MR. CLARIDA: I have nothing further. We're off the record.

(At 3:38 p.m., the examination of this witness was concluded.)

LAURA CAMIEN

Subscribed and sworn to
before me this day
of , 2004.

Notary Public

1
2 C E R T I F I C A T E
3 I, RONALD A. MARX, hereby certify
4 that the Deposition of LAURA CAMIEN was
5 held before me via telephone on the 15th
6 day of July, 2004;
7 That said witness was duly sworn
8 before the commencement of her testimony;
9 that the testimony was taken
10 stenographically by myself and then
11 transcribed by myself; that the party was
12 represented by counsel as appears herein;
13 That the within transcript is a true
14 record of said witness;
15 That I am not connected by blood or
16 marriage with any of the parties. I am not
17 interested directly or indirectly in the
18 matter in controversy, nor am I in the
19 employ of any of the counsel;
20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 16th day of July, 2004.
22
23 Ronald A. Marx
24 RONALD A. MARX
25

Concordance Report
- - -
Unique Words: **466**
Total Occurrences: **963**
Noise Words: **384**
Total Words In File: **2,543**
- - -
Single File Concordance
- - -
Case Insensitive
- - -
Noise Word List(s):
NOISE.NOI
- - -
Cover Pages = **0**
- - -
Includes **ALL** Text Occurrences
- - -
Dates **ON**
- - -
Includes Pure Numbers
- - -
Possessive Forms **ON**

* * DATES * *

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*** ERRATA SHEET ***

ELLEN GRAUER COURT REPORTING
133 East 58th Street, Suite 1201
NEW YORK, NEW YORK 10022
212-750-6434

NAME OF CASE:
DATE OF DEPOSITION:
NAME OF WITNESS:

PAGE	LINE	FROM	TO	REASON
5	23	"release on the VSC and tape it"	"record it"	the sentence is incorrect and makes no sense.
11	4-5	"clippings... clip"	"create clippings from whatever man"	"
15	4	"Lynch"	"Wink"	last name of founder is incorrect
16	3	"Gracious"	"Ignejas"	last name of press director is incorrect

Subscribed and sworn before me
this 9 day of August, 2004.

LYDIA CHEUK
Notary Public, State of New York
No. 02CH6063678
Qualified in New York County
Commission Expires September 4, 2005

(Notary Public)

My Commission Expires: September 4, 2005

BLUE MAN GROUP

Today Show
12/22/02

Press Agent: Manuel Igrejas
Blue Man Group
599 Broadway (5 floor)
New York, NY 10012
phone: (212) 226-6366
fax: (212) 226-6609

VIDEO D STUDIOS, INC.
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(212) 242-3345 • www.videod.com

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DREW CAREY SHOW (11/29/01)

Promo Spots (1:min)
Eastern Time (complete)
Mountain Time (complete)
Pacific Time (complete)

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Tonight Show Appearance

8/8/2003

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Tonight Show With

Gavin Rossdale

6/13/2003

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"Las Vegas"
Television Show
1/6/04

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TONIGHT SHOW 9/22/03
(California Governors)

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Greatest Hits
Simpsons Clip

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Paint US :30	INPP – 0563
Keys US :30	INPP 0553
Pentium US :30	INPP 0573
Treadmill :30	
Tubes :30	INPP 2043
Bulbs :30	INPP 2243
Raising 4 :30	INPP 2383
Raising 4 :20	INPP 2412
Raising 4 :15	INPP 2455

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VIDEO D™

BLUE MAN GROUP (Feb 2000)
INTEL NEWS SEGMENTS

NEWS AT FOUR 2/21/01
KVBC-TV (NBC) LAS VEGAS

MORNINGS ON TWO 2/21/01
KYVU-TV (FOX) SAN FRANCISO

TECH NOW 2/24/01
KBWB-TV (WB) SAN FRANCISCO

"Extra" National Syn 2/15/01

CNBC "Business Wrap" 2/16/01

NBC "Early Today" 2/19/01

KNTV-TV (IND) San Jose 2/19/01

KGW-TV (IND) Portland 2/19/01

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GRAMMY AWARDS

(2001)
(Compilation 23 minutes)
includes
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Post Day show

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Appearing on

The Tonight Show
W/ Jay Leno

4/22/03, 6/28/00, 12/99,
11/13/97, 5/20/94, 11/8/93,
9/21/92, 6/1/92

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BLUE MAN GROUP

History Video

MTV Funeral For the 80's
Las Vegas Recoupment Party
NBC a Closer Look 1991
CBS Ch. 2 News 11/5/91
Regis & Cathy Lee
Entertainment Tonight 11/93
CBS Sunday Morning
Tonight Show 11/97
E! News Weekend 3/2000
Grammy Award 3/2001

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Blue Man Group
Television & Radio Coverage 2000-2003

Show Title	Network/Channel	Date
Vegas	NBC	2/4/04
Cold Pizza	ESPN	12/17/03
U-Pick Live	Nickelodeon	12/11/03
Entertainment Tonight	National Syndicated TV	12/4/03
KTLA Morning News First Edition	KTLA CH 5 (WB) Los Angeles	11/10/03
News 4 New York at 11:00	WNBC CH 4 (NBC) New York	10/23/03
CNN Headline News	CNN	9/24/03
KCAL 9 News at 12:00 Noon	KCAL CH 9 (IND) Los Angeles	9/23/03
CNN Headline News	CNN	9/23/03
CBS Early Show	CBS	9/23/03
Good Day New York	WNYW CH 5 (FOX) New York	9/23/03
News at Ten	KTLA CH 5 (WB) Los Angeles	9/22/03
Fox 11 News	KTTV CH 11 (FOX) Los Angeles	9/22/03
The Tonight Show with Jay Leno (APPEARANCE)	NBC	9/22/03
Business Class	Travel Channel	8/10/03
The Tonight Show with Jay Leno (APPEARANCE)	NBC	8/8/03
The Late Late Show with Craig Kilborn	CBS	8/8/03
Jimmy Kimmel Live	ABC	8/8/03
UPN News 13	KCOP CH 13 (UPN) Los Angeles	8/6/03
KTLA Morning News	KTLA CH 5 (WB) Los Angeles	8/5/03
Mark and Brian Show	KLOS FM 95.5 (ABC) Los Angeles	7/28/03
TV Guide Entertainment Programming	TV Guide Channel	7/10/03
Last Call with Carson Daly (APPEARANCE)	NBC	7/4/03
The Tom Green Show (APPEARANCE)	MTV	7/2/03
Best Damn Sports Show Period	Fox Sports Network	7/2/03
Fox Midday News	WNYW CH 5 (FOX) New York	7/2/03
TV Guide Entertainment Programming	TV Guide Channel Los Angeles	7/2/03
Extra (T3)	NBC	7/1/03
Access Hollywood (T3)	National	7/1/03
E! News Live (T3)	E!	7/1/03
TV Guide Entertainment Programming	TV Guide Channel Los Angeles	7/1/03
Channel 4 News Nightside	KNBC CH4 (NBC) Los Angeles	6/30/03
Eyewitness News Tonight	KABC CH 7 (ABC) Los Angeles	6/30/03
UPN News 13	KCOP CH13 (UPN) Los Angeles	6/30/03
TV Guide Entertainment Programming	TV Guide Channel Los Angeles	6/30/03
E! News Weekend	E!	6/28/03
News from CNN	CNN National	6/28/03
E! News Weekend	E!	6/28/03
The Late Late Show with Craig Kilborn (APPEARANCE)	CBS National	6/17/03
TV Guide Entertainment Programming	TV Guide Channel Los Angeles	6/13/03
News 4 New York	WNBC CH 4 (NBC) New York	6/13/03
Access Hollywood	National Syndicated TV	6/8/03
Call For Help (repeat)	Tech TV	6/6/03
Eyewitness News Tonight	KABC CH 7 (ABC) Los Angeles	5/28/03
Kevin and Bean Show	KROQ FM 106.7 (IND) Los Angeles	5/27/03
KTLA Morning News	KTLA CH 5 (WB) Los Angeles	5/23/03
Last Call with Carson Daly	NBC	5/22/03
KTLA Morning News	KTLA CH 5 (WB) Los Angeles	5/22/03
KTLA Morning News	KTLA CH 5 (WB) Los Angeles	5/21/03
TV Guide Entertainment Programming	TV Guide Channel Los Angeles	5/21/03
Mancow's Morning Madhouse	National Syndicated Radio	5/21/03
KTLA Morning News	KTLA CH 5 (WB) Los Angeles	5/20/03
KTLA Morning News	KTLA CH 5 (WB) Los Angeles	5/19/03
Fox & Friends	Fox News Channel	5/16/03
Eyewitness News	KABC CH 7 (ABC) Los Angeles	5/11/03
Big Boy in The Morning	KPWR FM 105.9 (IND) Los Angeles	4/28/03
Action News Team	KCBS CH 2 (CBS) Los Angeles	4/28/03

Blue Man Productions, Inc. v. Erich Tarmann
Opposition No. 91 154,055
Opposer's Exhibit 2

Blue Man Group
Television & Radio Coverage 2000-2003

Show Title	Network/Channel	Date
ll For Help	**Tech TV**	**4/28/03**
ancow's Morning Madhouse	**National Syndicated Radio**	**4/28/03**
ews	WABC CH 7 (ABC) New York	4/25/03
g Boy in The Morning	KPWR FM 105.9 (IND) Los Angeles	4/25/03
ction News Team	KCBS CH 2 (CBS) Los Angeles	4/25/03
V Guide Entertainment Programming	TV Guide Channel Los Angeles	4/24/03
evin and Bean Show	KROQ FM 106.7 (IND) Los Angeles	4/24/03
ick Dees In The Morning	KIIS FM 102.7 (IND) Los Angeles	4/23/03
he Wayne Brady Show (APPEARANCE)	**National Syndicated TV**	**4/23/03**
ews 4 New York at 11	WNBC CH4 (NBC) New York	4/22/03
he Tonight Show (APPEARANCE)	**NBC**	**4/22/03**
BS Early Show	**CBS**	**4/22/03**
oday	**NBC**	**4/22/03**
V Guide Entertainment Programming	TV Guide Channel Los Angeles	4/22/03
evin and Bean Show	KROQ FM 106.7 (IND) Los Angeles	4/22/03
V Guide Entertainment Programming	TV Guide Channel Los Angeles	4/21/03
News Weekend	**E!**	**4/19/03**
News Live	**E!**	**4/18/03**
V Guide Entertainment Programming	TV Guide Channel Los Angeles	4/18/03
evin and Bean Show	KROQ FM 106.7 (IND) Los Angeles	4/17/03
V Guide Entertainment Programming	TV Guide Channel Los Angeles	4/14/03
ox News at 6	WNYW CH 5 (FOX) New York	3/24/03
ark and Brian Show	KLOS FM 95.5 (ABC) Los Angeles	3/18/03
ick Dees In The Morning	KIIS FM 102.7 (IND) Los Angeles	3/5/03
ark and Brian Show	KLOS FM 95.5 (ABC) Los Angeles	2/24/03
resh Gear	**Tech TV**	**2/19/03**
reat Chefs of The World	**Discovery**	**1/30/03**
reat Chefs of The World	**Discovery**	**1/20/03**
ark and Brian Show	KLOS FM 95.5 (ABC) Los Angeles	1/10/03
ark and Brian Show	KLOS FM 95.5 (ABC) Los Angeles	1/9/03
annel 11 News at Ten	WPIX CH 11 (WB) New York	12/27/02
he Screen Savers	**Tech TV**	**12/27/02**
portscenter	**ESPN**	**12/26/02**
yewitness News Tonight	KABC CH 7 (ABC) Los Angeles	12/24/02
annel 4 News at Five	KNBC CH 4 (NBC) Los Angeles	12/23/02
yewitness News at Five	KABC CH 7 (ABC) Los Angeles	12/23/02
oday (character bit)	**NBC**	**12/22/02**
ccess Hollywood (Syndicated TV)	**National**	**11/17/02**
ox & Friends	**Fox News Channel**	**11/15/02**
NET Radio Morning Show	**CNET Radio Network**	**11/12/02**
Eyewitness News	KABC CH 7 (ABC) Los Angeles	11/12/02
ngel	**WB**	**10/20/02**
elebrity Justice (Syndicated TV)	**National**	**9/19/02**
News at 4	KCAL CH 9 (IND) Los Angeles	9/19/02
ark and Brian Show	KLOS 95.5 (ABC) Los Angeles	9/19/02
he Screen Savers	**Tech TV**	**9/17/02**
ontinental Airlines Journeys	**In-Flight Video**	**Sept-Oct/02**
uch Music USA	**Much Music Channel**	**9/11/02**
ox News Live	**Fox News Channel**	**9/11/02**
Eyewitness News	KABC CH 7 (ABC) Los Angeles	9/10/02
Wild On	**E!**	**9/3/02**
xtra	**NBC**	**8/23/02**
NN Music Room	**CNN**	**8/15/02**
yewitness News Tonight	KABC CH 7 (ABC) Los Angeles	8/12/02
ark and Brian Show	KLOS 95.5 (ABC) Los Angeles	8/12/02
ports Extra	WNYW CH 5 (FOX) New York	8/4/02
ood Day LA	KTTV CH 11 (FOX) Los Angeles	7/17/02

Blue Man Group
Feeder Market Television Coverage 2000-2003

Show Title	Network/Channel	Date
HO 6 Morning News	KPHO CH 5 (CBS) Phoenix	5/15/01
3.11 Eyewitness News	WTVD CH 11 (ABC) Raleigh/Dunham	5/15/01
ws 6 at Noon	WTVR CH 6 (CBS) Richmond	5/15/01
ews at Noon	KUTV CH 2 (CBS) Salt Lake City	5/15/01
ews Daybreak	WIXT CH 9 (ABC) Syracuse	5/15/01
Tampa Bay News	WFTS CH 28 (ABC) Tampa	5/15/01
29 Morning News	WFLX CH 29 (FOX) West Palm Bh.	5/15/01
on News	WKBN CH 27 (CBS) Youngstown	5/15/01
ewitness News Nightbeat	WBRE CH 28 (NBC) Wilkes-Barre	5/14/01
me Time News	KQCA CH 58 (WB) Sacramento	5/14/01
ewitness at 10:00	KOAA CH 5/30 (NBC) Colorado Springs	5/14/01
ws 3 at Nine	KVBC CH 3 (NBC) Las Vegas	5/12/01
ws 3 Nightside	KVBC CH 3 (NBC) Las Vegas	5/11/01
wsradio 779	WBBM-AM 780 (CBS) Chicago	4/30/01
yline	WCVB CH 5 (ABC) Boston	4/29/01
annel 3 Reports	KCRA CH 3 (NBC) Sacramento	4/26/01
annel 3 Reports	KCRA CH 3 (NBC) Sacramento	4/25/01
ws 13 Inside Las Vegas	KTNV CH 13 (ABC) Las Vegas	4/23/01
od Morning Las Vegas	KTNV CH 13 (ABC) Las Vegas	4/23/01
ws 13 Inside Las Vegas	KTNV CH 13 (ABC) Las Vegas	4/22/01
wscenter 40 Nightsdie	WMGM CH 40 (NBC) Atlantic City	4/21/01
ewitness News at 4:00	KLAS CH 8 (CBS) Las Vegas	4/20/01
MG at Illinois vs. Iowa big 10 game news clips	WGN AM News CH 2	3/11/01
BC 5 News Today	WMAQ CH 5 (NBC) Chicago	2/25/01
ws 2 Chicago	WBBM CH 2 (CBS) Chicago	2/24/01
ch Now!	KBWB CH 20 (WB) San Francisco	2/24/01
MG at Theatre Fever (Chicago)	WGN AM News CH 2	2/23-24/01
GN Morning News	WGN CH 9 (IND) Chicago	2/23/01
GN News At Noon	WGN CH 9 (IND) Chicago	2/23/01
BZ 4 News	WBZ CH 4 (CBS) Boston	2/22/01
LTV News	CLTV CH 51 (IND) Chicago	2/22/01
ws 2 Chicago	WBBM CH 2 (CBS) Chicago	2/22/01
x News in The Morning	WFLD CH 32 (FOX) Chicago	2/22/01
x News At Noon	WFLD CH 32 (FOX) Chicago	2/22/01
GN Morning News	WGN CH 9 (IND) Chicago	2/22/01
ewschannel 5 Midday	WEWS CH 5 (ABC) Chicago	2/22/01
ght is News At Noon	WJW CH 8 (FOX) Cleveland	2/22/01
annel 19 News In The Morning	WOIO CH 19 (CBS) Cleveland	2/22/01
orning Connect	Texas Cable News Network Dallas/Ft Wth	2/22/01
olorado's Morning News	KOA AM 850 (ABC) Denver	2/22/01
ewitness News	KLAS CH 8 (CBS) Las Vegas	2/22/01
ood Day Orlando	WOFL (FOX) Orlando/Daytona	2/22/01
ox 35 News at 10:00	WOFL (FOX) Orlando/Daytona	2/22/01
ood Day Sacramento	KMAX CH 31 (UPN) Sacramento	2/22/01
ox 6 News in the Morning	XETV CH 6 (FOX) San Diego	2/22/01
ornings On Two	KTVU CH 2 (FOX) San Francisco	2/22/01
At Five	KMOV CH 4 (CBS) St. Louis	2/21/01
ornings On Two	KTVU CH 2 (FOX) San Francisco	2/21/01
yewitness News	KLAS CH 8 (CBS) Las Vegas	2/21/01
VBZ 4 News	WBZ CH 4 (CBS) Boston	2/21/01
LTV News	CLTV CH 51 (IND) Chicago	2/21/01
ews 2 Chicago	WBBM CH 2 (CBS) Chicago	2/21/01
ox News at Noon	WFLD CH 32 (FOX) Chicago	2/21/01
VGN Morning News	WGN CH 9 (IND) Chicago	2/21/01
ews 3 Sunrise	KVBC CH 3 (NBC) Las Vegas	2/21/01
yewitness News At Four	KABC CH 7 (ABC) Las Vegas	2/21/01
BS 4 News At 5:00	WFOR CH 4 (CBS) Miami/Ft Lauderdale	2/21/01

Blue Man Group
Feeder Market Television Coverage 2000-2003

Show Title	Network/Channel	Date
News	KLAS CH 8 (CBS) Las Vegas	2/20/01
Four	KVBC CH 3 (NBC) Las Vegas	2/20/01
Nightside	KVBC CH 3 (NBC) Las Vegas	2/20/01
News	KYW CH 3 (CBS) Philadelphia	2/20/01
Eyewitness Noon News	KPIX CH 5 (CBS) San Francisco	2/20/01
Award Nomination Coverage	News 2 Chicago	1/4/01
Award Nomination Coverage	FOX News at 5:00	1/4/01
Award Nomination Coverage	ABC News 5:00 & 6:00	1/3/01
Award Nomination Coverage	News 2 Chicago	1/3/01
Las Vegas	KABC Las Vegas	11/28/00
ventivo y Lanzamiento Mexico	Televisa , Mexico City, Mexico	Nov-00
pm Newscast	Las Vegas CH 3	10/13/00

BLUE MAN PRODUCTIONS 599 BROADWAY 5TH FLOOR NYC 10012 TEL 212 226 6366 FAX 212

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Concert review

Blue Man is silent but entertaining

JEFF SPEVAK
STAFF MUSIC CRITIC

What is Blue Man Group? It is David Byrne's id in his blue period, times three. The Blue Men are alien, curious, wryly funny, groovy, anthropological, and probably white-wine drinkers.

And their Complex Rock Tour was probably the most amazing, wildly entertaining, challenging show to be seen in this city for a long, long time. Tied together by voiceovers and video displays that introduced each segment as though it were a chapter in a how-to manual for rock stars ("Concert Movement No. 2, the One-Hand Fist Pump"), the 2,400 people in the sold-out Auditorium Center will never again be able to sit through a Journey concert without laughing hysterically.

From three blue, mute guys who combined percussive music with performance art and comedy in New York City in the '80s, the Blue Men have escalated into a full-blown rock show, complete with video screens, screaming guitars and Jefferson Airplane's "White Rabbit."

Since they are mute, "White Rabbit" was sung by Tracy Bonham, one of two excellent opening acts chosen for their charmingly exotic nature. The other was Venus Hum, a trippy pop band that was later brought back so that lead singer Annette Strean could sing the '70s disco hit "I Feel Love" while wearing an electric-rainbow dress.

The Blue Men had help in pulling off this rock-concert commentary on rock concerts, with a real eight-piece rock band. But the Blue Men are best when left to their own devices, mainly a set of ungainly percussion instruments constructed from PVC pipe. Two of these instruments were worn like deep-sea breathing apparatus during the Who's "Baba O'Reilly."

The encores opened with "Exhibit 13." A subtitle on the video screen introduced it simply as paper that had fallen into a garden in Brooklyn. The Blue Men settled into a simple percussive groove on their PVCs as the big screen behind them and smaller ones all over the stage showed scraps of paper tumbling down against a dark background, some pausing in midscreen so that they could be read. They were mundane items, some scorched, but it slowly began to dawn on the audience – perhaps it was the one with the Cantor Fitzgerald letterhead – that this was paper that had fallen into a Brooklyn garden as the twin towers fell. It was very simple, but very powerful.

But mostly it was a night of amusing satire, highlighted by one of the Blue Men walking to the front of the stage to hold his lighter aloft, in a time-honored tradition. Just a few in the crowd responded with the own lighters: Western New Yorkers are woefully unprepared to defy the state ban on smoking in public places. But at that moment, someone in the back of the theater shouted "Freebird!" So at least one guy got the joke. ☐

JSpevak@DemocratandChronicle.com

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BLUE MAN GROUP COLORFULLY TAKES ON CONCERT CLICHES

BYLINE: Carol Simmons csimmons@DaytonDailyNews.com
DATE: October 28, 2003
PUBLICATION: Dayton Daily News (OH)
EDITION: CITY
SECTION: LIFE
PAGE: E5

FAIRBORN - The **Blue Man Group** phenomenon is a real head-scratcher. How something that began on the streets and rarified performance-art spaces of New York City's East Village became an entertainment juggernaut with multiple ongoing theater productions across the country, including a big Las Vegas Show and an arena-style rock tour, would be unimaginable if it weren't true. This kind of stuff - a trio of **blue**-painted fellows pounding out rhythms on a variety of found objects - isn't supposed to appeal to the masses.

But what's more surprising is that the story of the **Blue Man Group** isn't one of an artistic enterprise turned sell-out, but rather a successful merging of the oil-and-water tastes of a cliquish downtown hipster scene and the general-admission amusement park crowd.

Having traveled through the region this summer with stops in Cincinnati and Columbus, **Blue Man** Productions brought its Complex Rock Tour to the Dayton area for the first time Sunday night with a performance at Wright State University's Ervin J. Nutter Center.

The show, which was put together in tandem with the release earlier this year of the Complex rock album, is a parody of sorts about the rock-concert experience, while at the same time offering that experience in its full glory - complete with an eight-piece band and guest appearances by singer-songwriter Tracy Bonham and the electronic-trio Venus Hum (who also had opening sets).

The **blue** men are as much observers of the endeavor as they are

Blue Man Productions, Inc. v. Erich Tarmann
Opposition No. 91 154,055
Opposer's Exhibit 4

BLUE MAN PRODUCTIONS 599 BROADWAY 5TH FLOOR NYC 10012 TEL 212 226 6366 FAX 212 226 6609

University Wire (Champaign, IL)
OCTOBER 24, 2003

Blue Man Group take art, rock to new level

by Kevin Borgia

If surrealistic artists Salvador Dali and M.C. Escher used PVC pipe, boat anntenas and broken pianos to make music, they would have been Blue Men.

Simultaneously a quintessential rock show and parody of all things rock, the Blue Man Group performed Saturday at Assembly Hall Star Theater in Champaigne, Ill., where they took the audience on a multi-sensory journey.

Packed with innovative instrumentation, pounding yet melodic drumming, a top-notch backing band and theatrics peppered with social commentary, the Blue Man Group's show was nothing short of mind-blowing.

The experience began with one Blue Man silhouetted behind a giant tapestry, hammering out a sharp melody on an auto-harp. The two other Blue men soon added echoing percussion.

In true rock fashion, the band kicked in as the tapestry fell, revealing the Blue Men in all their percussive glory, flanked by their eight-member backing band.

Instantly, the power was on. They launched into their first song with energy unparalleled in any rock show, beating on their classic tube instruments with incredible precision.

Afterward, the Blue Men wandered stage innocently and childlike, puzzling over the presence of the band and the crowd, and filming them with a fiber-optic camera that projected the image on an enormous screen behind the band.

With the second song: "Time to Start," the show's overall theme revealed itself as the "Rock Concert Manual."

Classic rock movements like "The basic head bob" and the "One-hand fist pump" were portrayed in the song, and the hysterical theatrics of the Blue Men melded perfectly with the fierce rhythms.

Next, "Up on the Roof" was the first appearance of opening act Tracy Bonham, who dazzled the crowd with her searing vocals.

In "Persona," the Blue Men exhibited their first bit of social commentary with a comedic skit featuring ringing cell phones -- first from one Blue Man, then the other two and finally the entire band.

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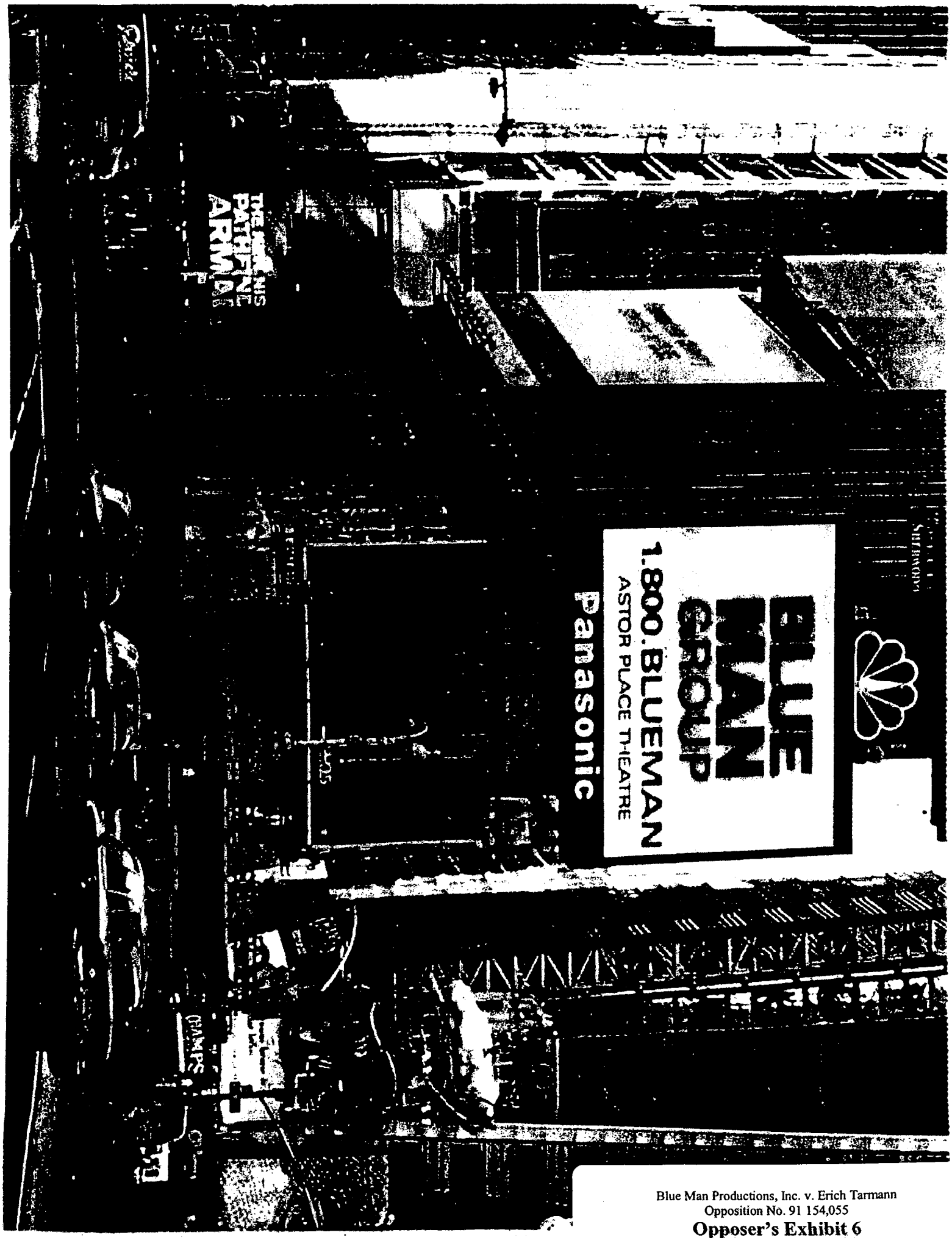
Opposer's Exhibit 5



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Opposer's Exhibit 6

NEW ALBUM IN STORES NOW!
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THE BLUE MAN GROUP

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NORTH END OF CENTRAL PARK'S GREAT LAWN

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AND MUCH MORE...

"WHO WOULD BE BORN MUST FIRST DESTROY A WORLD."

-HERMAN HESSE

"CREATION IS THE DESTRUCTION OF THE KNOWN."

-PABLO PICASSO

"IT'S TIME TO RENEW, TO REINVENT OURSELVES, TO RECOMBINE CULTURAL INFLUENCES AND LEAVE THIS DECADE BEHIND."

-BLUEMAN

FOR FURTHER INFORMATION CALL (212) 874-1095

BLUE MAN GROUP

For immediate release, please
Contact: Manuel Igrejas
Blue Man Group
(212) 387-9415
Paul Speirs
Luxor Las Vegas
(702) 597-7118

OFF-BROADWAY SENSATION BLUE MAN GROUP TO HEADLINE AT LUXOR LAS VEGAS

LAS VEGAS, June 10, 1999— Circus Circus Enterprises Inc. has entered into agreement with one of the world's most sought-after theatrical productions, Blue Man Group, to debut at Luxor in March 2000. Blue Man Group currently has long-running sold-out shows in New York, Boston, and Chicago.

The opening will mark the first full-scale Blue Man production mounted west of the Mississippi, despite being heavily recruited in the west, particularly in Los Angeles and San Francisco.

"The one-of-a-kind, innovative feel of Blue Man is a perfect fit with Luxor, a one-of-a-kind property," said Glenn Schaeffer, president and CFO of Circus Circus Enterprises Inc. "Their arrival in Las Vegas will be a huge step forward for entertainment in Las Vegas."

Created by Matt Goldman, Chris Wink and Phil Stanton, Blue Man Group set the theatrical world on fire in 1991 when their first production opened Off-Broadway in New York City. The off-beat humor, tribal music and stunning visual effects performed by the three non-speaking blue-headed men sparked a revolution in the theatrical community and won Blue Man Group numerous honors including an Obie Award and a Drama Desk Award. Their success led to the creation of an entirely new genre in theater, paving the way for the creation of other non-conventional productions, such as "Stomp," "Tap Dogs," and "De LaGuarda."

"The success of the musical *Chicago* at Mandalay Bay proved Las Vegas is ready for legit theater, and now Blue Man Group will prove Las Vegas is ready for illegitimate theater," said Wink jokingly.

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Opposer's Exhibit 8

Luxor's state of the art theater will be the largest permanent home to a Blue Man Group production. "We are excited about the possibilities the larger venue presents," said Stanton, "We now have the space to accommodate more musicians and larger instruments. We will be custom-fitting some of our favorite pieces to Luxor proportions, as well as creating new visual effects and comedic character work specifically for this show."

Goldman, Stanton and Wink will also produce the Luxor show. Goldman said, "We have an unusual situation in that we are the authors, directors and the producers. Circus Circus has been nothing but supportive to our unique creative process and the results are already showing up in the quality of the planned production."

Blue Man Group's current productions continue to enjoy unprecedented success. Blue Man Group recently celebrated its 3500th performance in New York City, and has sold out more than 2,000 performances between their Boston and Chicago productions.

Blue Man Group's television credits include six appearances on the "Tonight Show with Jay Leno," six appearances on "Live with Regis and Kathy Lee," and performances and profiles on various television shows including "CBS Sunday Morning," NBC's "Today Show," and "Entertainment Tonight."

For more information on Blue Man Group, visit www.blueman.com. For information on Luxor Las Vegas, visit www.luxor.com.

###

BLUE MAN GROUP

"GAMING TODAY" JUNE 22, 1999

More Producer Juicies

And the news is mixed for some other local producers.

One of the classiest guys in the Las Vegas production business, **Dick Foster**, almost lost both of his shows here in one fell swoop.

Fortunately, he was granted a last-minute reprieve and the final curtain did not ring down on "***Spellbound***" at **Harrah's** in February as expected. It has, quite the contrary, been granted an extension to the millennium.

And though the **Luxor** folks have already announced they will replace "***Imagine***" with "***Blue Man Group***" next March, the cast of real troupers plays on.

Mark Callas and **Donny Moore**'s **Springtime Productions** ("***American Superstars***") is casting for a production set to open soon in Greece.

ORANGE COUNTY REGISTER

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Blue Man Group

Blue Man Group — the award-winning, off-Broadway entertainment phenomenon currently playing to sold-out houses in New York, Boston and Chicago — is scheduled to open a Las Vegas show in March 2000. The new show, tentatively titled "Blue Man Group: Live at Luxor," will mark the first full-scale Blue Man production west of the Mississippi.

Auditions are being held July 15 and 16. Interested male and female performers must have solid acting and drumming skills, be between 5' 10" and 6' 1" with weight proportionate to height, and be willing to relocate. For more information, call (212) 849-2799.

Blue Man Group is a trio of cult figures who blend offbeat deadpan humor, tribal drumming and a karaoke sing-along amid the visual hanging of industrial tubes. You can learn more about the group on its Web site: www.blueman.com.

Blue Man Productions, Inc. v. Erich Tarmann
Opposition No. 91 154,055
Opposer's Exhibit 9

Docket No. 21749.003 TRADEMARK

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

In The Matter of Application Serial No. 76/295,724
Filed: August 6, 2001
For the Mark **BLUEMAN**
Published in the Official Gazette of August 20, 2002

BLUE MAN PRODUCTIONS, INC.,	:	
Opposer,	:	
v.	:	Opposition No. 154,055
ERICH TARMANN,	:	
Applicant.	:	

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2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF DEPOSITION

Please take notice that Opposer, pursuant to Fed. R. Civ. P. Rule 30(b)(6), will take the deposition of Laura Camien, an employee of Blue Man Productions, Inc., concerning the evidence submitted in connection with Opposer's Notice of Reliance in this proceeding, on July 7th 2004, commencing at 3:00 p.m., at the offices of Cowan, Liebowitz and Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036, before a notary public or

other person duly authorized to administer oaths. The deposition will conclude at 6:00 p.m.

You are invited to attend to exercise your rights under the Federal Rules.

Dated: New York, New York
June 22, 2004

COWAN, LIEBOWITZ & LATMAN, P.C.

By _____

Robert W. Clarida
Antonio Borrelli
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200

Attorneys for Opposer

619510.1

21749/003/637125.1

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing NOTICE OF DEPOSITION was served on Applicant on June 23, 2004 by mailing a copy thereof via first-class mail, postage prepaid, addressed as follows:

Lawrence Harbin, Esq.
McIntyre, Harbin & King LLP
500 Ninth Street SE
Washington, DC 20003

Robert W. Clarida

619510.1

21749/003/637125.1

THE Tonight SHOW WITH JAY LENO

September 22, 1992

Mr. Phil Stanton
Mr. Matt Goldman
Mr. Chris Wink
BLUE MAN GROUP
c/o Mr. Frier McAllister
Maria Productions
165 West 46th Street
Suite 1104
New York, NY 10036

Dear Phil, Matt & Chris:

Thank you for being on our show last night.

We enjoyed having you all back and look forward to seeing you again on New Year's Eve.

Best wishes,

Jay Leno

NBC • 3000 West Alameda Avenue • Burbank, CA 91523 • (818) 840-2222

Blue Man Productions, Inc. v. Erich Tarmann
Opposition No. 91 154,055
Opposer's Exhibit 11