ESTTA Tracking number: **ESTTA177049**

Filing date: **11/27/2007**

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

Proceeding	91167151
Party	Defendant Independent Marketing Alliance LP
Correspondence Address	Bartt G. Thompson Pagel, Davis & Hill, P.C. 1415 Louisiana, 22nd Floor Houston, TX 77002 UNITED STATES mbh@pdhlaw.com, bgt@pdhlaw.com, lrd@pdhlaw.com
Submission	Defendant's Notice of Taking Testimony
Filer's Name	Martyn
Filer's e-mail	mbh@pdhlaw.com, bgt@pdhlaw.com, svh@pdhlaw.com
Signature	/s/Martyn B. Hill
Date	11/27/2007
Attachments	DIS1.20070920.Signed Oral Depo of Planck.pdf (89 pages)(2935975 bytes)

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

FLOWERS BAKERIES BRANDS, INC.	§	OPPOSITION NO. 91167151
	§	
OPPOSER	§	
	§	
	§	
VS.	§	IN THE MATTER OF
	§	APPLICATION NO. 78/432642
	§	MARK: COBBLESTONE MARKET
	§	
INDEPENDENT MARKETING ALLIANCE LP,	§	FILING DATE: DECEMBER 6, 2005
APPLICANT	§	PUBLISHED: SEPTEMBER 30, 2005

ORAL DEPOSITION TRIAL TESTIMONY OF

ROBERT PLANCK
VOLUME TWO

SEPTEMBER 20, 2007

COPY

Compex Legal Services

Houston San Antonio Dallas Austin

(800) 899-3282

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FLOWERS BAKERIES BRANDS, INC.,	)	Opposition No. 91167151
Opposer	)	
V.	)	In the Matter of Application Serial No. 78/432642
	)	Mark: COBBLESTONE MARKET
INDEPENDENT MARKETING ALLIANCE LP,	)	
	)	Filing Date: December 6, 2005
Applicant.	)	Published: September 30, 2005

ORAL DEPOSITION TRIAL TESTIMONY OF

ROBERT PLANCK

SEPTEMBER 20TH, 2007

VOLUME 2

ORAL DEPOSITION TRIAL TESTIMONY of Robert Planck, produced as a witness at the instance of the Opposer, and duly sworn was taken in the above-styled and numbered cause on the 20th of September, 2007, from 1:45 p.m. to 3:48 p.m., before SUSAN L. GRAHAM, CSR in and for the State of Texas, reported by machine shorthand, in the office of Pagel, Davis & Hill, P.C., 1415 Louisiana, 22nd Floor, Houston, Texas, 77002, pursuant to the Federal Rules of Civil Procedure and the Trademark Rules of Practice, Notice, and the provisions stated on the record or attached hereto.

I N D E X

ORAL DEPOSITION OF ROBERT PLANCK

SEPTEMBER 20TH, 2007

VOLUME 2

	Page
Appearances.....	3
Examination-Mr. Hill.....	4
Examination-Mr. Davis.....	33
Witness's Correction Page.....	63
Witness's Signature Page.....	64
Reporter's Certificate.....	65

EXHIBIT INDEX

Planck

Exhibit No.	Description	Marked
16	Google Web search for cobblestone food	30
17	Google Web search for cobblestone	30

A P P E A R A N C E S

FOR THE OPPOSER:

Theodore H. Davis, Jr.
Olivia Maria Baratta
Kilpatrick Stockton, L.L.P.
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530

FOR THE APPLICANT:

Martyn B. Hill
Pagel, Davis & Hill, P.C.
1415 Louisiana, 22nd Floor
Houston, Texas 77002

ALSO PRESENT:

Holland C. Kirbo, Flowers Foods
Robert Fontana, Independent Marketing Alliance

(Taken pursuant to the FRCP & the TRP; Witness to read and sign.)

ROBERT PLANCK

having been first duly sworn, testified as follows:

EXAMINATION

QUESTIONS BY MR. HILL:

Q. Mr. Planck, how are you currently employed?

A. I am working for Independent Marketing Alliance.

Q. What is your position with Independent Marketing Alliance?

A. President.

Q. Okay. Prior to coming to work at what we're going to refer to as IMA, is that fair?

A. Mh-mh.

Q. That has to be a yes or a no.

A. Yes, that's correct.

Q. Could you briefly describe your education?

A. Yes. I hold a bachelor's degree from the Conrad N. Hilton College of Hotel and Restaurant Management at the University of Houston. I completed approximately 12 hours of MBA work at Chapman College and I also completed a one year graduate dietetic internship.

Q. And after you completed your education did you work somewhere relating to food service?

A. Yes. Actually during my education, and afterwards,

I worked any number of food service environments from mom and pop family restaurants to managing fast food restaurants to working in fine white tablecloth restaurants as a server and maitre' de to managing areas at a country club and then during my Army service I was in Army food service for a number of years and was also corporate director of food service for Humana Hospital Corporation before moving to the marketing side.

Q. When you moved to the marketing side what was your first employment?

A. I joined Sysco Corporation in about 1978 or 9.

Q. And when you first went to work for Sysco what was your position?

A. The director of training for the corporation.

Q. And in that capacity what did you do?

A. I designed, developed, and implemented in those days sales training programs, sales management training programs, and ultimately executive training programs for Sysco.

Q. And did part of the training consist of selling the various brands that were private label Sysco brands?

A. Yes, it did.

Q. Was that an important part of Sysco's business to develop strong brands?

A. Yes, it was and remains today.

Q. Was that basically the same position you held

throughout your time with Sysco?

A. No, I held a number of positions during my time at Sysco, actually some of them congruent with others. The next thing I did at Sysco was to become director of quality assurance for their products and develop their programs for food technology and quality assurance and management of the products. I also was marketing director of the company and subsequently vice-president of marketing of their product division Compton Foods. I left the corporate office for two years and was vice-president of marketing of their largest -- then their largest operating company here in Houston, Texas and then went back to the corporate office and served for eight years as corporate vice-president of marketing.

Q. And what did you generally do as vice-president of marketing for Sysco?

A. Well, as you can imagine there were a number of responsibilities, including some product management areas in the chemical and beverage businesses. I also was involved in our advertising and promotion and marketing our sales contests for our sales force primarily built around selling our brands and actually was responsible for managing the brands of Sysco, including all of the trademark filings and regular trademark reviews with our attorneys.

Q. When did you leave Sysco?

A. I left Sysco in 1995.

Q. And where did you go next?

A. I left Sysco and I went to Australia where I was -- the title, I'm trying to remember what it was. It was -- I was in charge of the food service for a large retail company that also ran -- I wanted to entered the food service business. It was a separate company called John Lewis and my title was director. The job would be similar to vice-president or executive vice-president of a U.S. food service distribution business.

Q. And how long were you there?

A. Two years.

Q. And what did you do next?

A. Next I returned to the United States and spent a year as a professor, a visiting professor of marketing and executive in residents, teaching at the University of Houston, teaching marketing and management courses.

Q. Did the marketing involve branding?

A. Absolutely. It involved deploying all aspects of the marketing mix.

Q. And after your teaching or what did you do next? I should just say.

A. Well, I did some consulting along with teaching for various manufacturers in the U.S. and Australia in the food service business. Excuse me. Immediately left the teaching stint I was general manager of Damon & Associates running their

food service division, which was a food service sales brokering organization that was 100 percent in support of Sysco's brands and the sale of the brands.

Q. So when you came to Damon then you continued to be involved with some of the same brands that you had been involved with previously?

A. Yes but a third-party company.

Q. And how long were you with Damon & Associates?

A. Approximately two and a half years.

Q. And what did you do next?

A. I joined a company called AmeriServe, which at the time was the world's largest fast food distribution company in the capacity of senior vice-president of purchasing and marketing.

Q. With regard to the areas of marketing and brand development, did you continue to be -- working in managing those areas when you were with --

A. Yes, we developed brands and I managed those brands there as well.

Q. And is part of the development of brands to select a brand or a trademark?

A. Yes, it is.

Q. And try to see if it's available and then pursue the registration?

A. Yes, that's very important because if you're going

to develop a brand you want to make sure you build equity in that brand and you want to make sure it's a good and solid and protectible brand.

Q. And where did you go next?

A. Next I actually did some consulting work in start-up companies and was -- among those I was vice-president of marketing of Comersha, which is a high-tech wireless instrument product and helped start up two other start-up businesses, one a food service distribution brokerage company in Australia. I was an investor in each of these, and the other one a labeling and packaging application company, so there were three basic activities during that time.

Q. And next?

A. I was recruited by -- well, essentially to start up Independent Marketing Alliance as a functional business unit.

Q. And conceptually what does IMA do?

A. IMA is a facilitator for branding and product development and marketing support for our member owner companies. There are six independent food service distributors that are dominant, are very large in their marketplace, their combined sales is well over eight billion dollars and each of them find themselves in markets competing with corporate giants such as Sysco and U.S. Food Service. At the end of the day our job is about leveling the playing field so that they can compete on both a purchasing and a brand development and

marketing basis with the corporate giants, so we're a shared service company serving six independent companies.

Q. I'm not going to go into the complete repetition of what Mr. Fontana testified to, but just in general what's the process for determining the need for a brand or for a mark that's associated with certain goods?

A. Yes. Well, the need for a brand really comes from the need in the marketplace, in our case the food service marketplace, and it also relates to our competitors and what our competitors are doing in the marketplace. So generally because we're a facilitative organization managed by our companies, it would come up from the field that there was a need for a bread line, which we talked about a bread line earlier, and we would assess that with our marketing advisory council and our procurement advisory council. Once they determine that they wanted to pursue such a project -- and we're looking at another one right now in the healthcare market. Once they determine they would want to pursue that the MAC would begin an ideation process utilizing our ad agency. Our ad agency record is Newhall Klein and they would suggest numerous names for us to consider on a top-of-the-line basis. The MAC would then begin to narrow that down to the names that they thought were the strongest contenders and the most appropriate for the target that we're trying to hit in terms of the products and systems. At that point Newhall Klein and

their ad agency would conduct searches using various engines to determine the names that we were focusing on were not registered by somebody else in conflict with our desires and based on clearing those items we would then take it to a further developmental process and then we would -- we -- since we've been in business we've worked with Bartt Thompson. We would go to Bartt. He would go to various outside search companies. Usually two I believe. Thompson & Thompson is one that's used at times. I think there's another one called Ebert or Egbert and they would conduct those searches. So we would have the benefit before we launched a product of having usually three sets of attorneys -- four sets of attorneys' eyes on a project before we would opt to go forward with that project.

Q. When the MAC tries to come up with a brand or a mark that's associated with a particular product, is it sort of like a group of products? Like, for example, you said bread products. Is that kind of a category?

A. It's almost always a category. The product category or a market segmentation. For example, we have a Mexican products brand. We actually have two Italian products brands, one aimed at upscale white-cloth restaurants, another one at Tartaria pizzeria type restaurants and there are a series of different brands, different products that fit that marketplace's needs.

Q. Does IMA have a bread product related product brand

name?

A. Yes, we do.

Q. And what is that?

A. Brickfire Bakery is that brand and, in fact, we have some 25 different brands that we've sought. Approximately 25. It may be 24 or 26. I kind of lose track of that but we have some around 25 brands that we've taken through this process and registered or in a few cases we've adopted brands from our members and they've been licensed to us but those are kind of exceptions.

Q. Okay. Have you ever had the same kind of difficulty in any of these other brands as you've had with this current opposition proceeding?

A. No. We've had some questions raised on some of our brands. We've always been able to resolve them far before this kind of a process or procedure.

Q. And been successful in those?

A. Yes. In each case we've been sustained and moved forward with those brands.

Q. What was the category of foods that the MAC was interested in developing a brand for that ultimately became the Cobblestone Market brand?

A. Well, essentially they focus around building deli products imaged around an old-fashioned neighborhood stand-alone deli. When I think of New York City the Carnagie

Deli, there's those in every city and the reason for that was the perceived image of quality and consistency and high-quality product that's serving those delis. However, despite that image, our primary target is the whole gamut of food service operators that would like to have a deli quality that evokes that old-fashioned corner or home-style market deli.

Q. And if you look at Exhibit 8 for a moment, I see you were copied on that exhibit; is that correct?

A. Let me look at it. Yes, I was copied.

Q. Go ahead and take a second to look at it.

A. Yes, sir, I have seen it.

Q. Do you recall receiving that at or about the time it was marked, which was April 14th, 2004?

A. I recall seeing it and that's about the right time line. I'm not certain of the time.

Q. Okay. If I look towards the bottom of the first page, which is Bates stamped 119 of Exhibit 8, I see a -- several different names, Oakwood, a word called market, and Oakwood Market, Cobblestone, and Cobblestone Corners. Do you see that?

A. Yes.

Q. And then the next page I see some more possible names counter classics --

A. Mh-mh.

Q. -- Counter Classics, right?

A. Yes.

Q. Are those names that were -- I mean how were those names originated?

A. These were names that came out of the process between Newhall Klein and the MAC as sort of favorite choices from among dozens or maybe even hundreds of possible word combinations or words that were considered by them.

Q. Okay. And it looks like the first word that I see is Oakwood and it says 62 hits. Do you see that?

A. Yes, I do.

Q. Is it -- what does that mean to you looking at -- if you know, what this is in reference to, this word Oakwood?

A. I believe it was a mark that we were checking out called Oakwood Market. I believe that was a search that we did was Oakwood Market and that's the result of that.

Q. Does that mean that your advertising agency was considering Oakwood Market as a potential brand name or mark for the product line, this deli meat and cheese product line you talked about?

A. Yes, that's my recollection.

Q. So that was one of your choices, right?

A. Yes, that was a sort of a finalist choice.

Q. And then the next one I see here is Cobblestone?

A. Correct.

Q. And it says 68 hits. Do you see that?

A. Yes, sir, I do.

Q. Do you know what that means, the 68?

A. Well, my understanding of that would be that during the search they found some 68 trademarks that contained the word Cobblestone.

Q. Okay. And then the next one down corners, is that the same thing where it says 503?

A. Yes, that's correct.

Q. Okay. So the process of your interaction with the advertising agency is what? To come up with a preliminary brand name that might work and you might be able to get a mark associated with it?

A. Well, I think there's two phases. We're looking for a strong mark that expresses what our desires are for that brand and we're also looking for a mark that we can protect and market because we invest heavily in not only money but in manpower with something over a thousand salesmen out there. We want to make sure that if we start down a path we can stay on that path. So those are the two issues, the appropriateness in the name for what we're trying to do and the fact that it's secure and we can go forward with it.

Q. Now underneath the Cobblestone 68 hits there's two names listed. One it says "Cobblestone Kitchen Foods" out of Canada. Do you know what that means or refers to when it says foods that way?

A. No, that was a company that was listed for foods category that used the name Cobblestone Kitchens and they were located in Canada.

Q. Okay. And you also see a reference to Cobblestone Mill and that describes them as a bakery out of Georgia?

A. Yes, that's correct.

Q. So after this process you went through with the advertising agency, what sort of came out of that or what's the next step in developing this brand?

A. Well, we looked at other words like counter and classics and other things and we really focused on Cobblestone sort of taking parts of both of these searches, Oakwood Market and Cobblestone Corners, and the feeling was that market, Cobblestone Market more accurately expressed what our target was, which was to create a market concept, the old neighborhood free-standing deli business, and then we associated the Cobblestone with that because it's sort of a warm feeling to Cobblestone but the main thing was market hit the right target.

Q. If you look at Exhibit 9, sort of kind of following the chronology here, you may have jumped ahead for a moment, was there a time before you focused just on market though I do market in Exhibit 8 as being one possibility, it appears that there's an interest in coming up with Cobblestone Corner?

A. Yes.

Q. That's Exhibit 9; is that right?

A. Yes.

Q. Would you explain was the concept of a Cobblestone Corner consistent with a Cobblestone Market, a place where you buy things?

A. It was consistent with it but it wasn't as strong a connotation as market in our view.

Q. Okay. So just to follow the sort of typical process you go through, is to have then after the advertising agency and their lawyers sort of do the preliminary clearance then it goes back to you and your group and you make a decision as to whether you want to proceed with a particular mark. Is that the general way it works?

A. That is correct.

Q. And then you and Mr. Thompson work together to try to sort of take it to the next level?

A. Yes, we do a -- we want to make sure that in addition to what Newhall Klein has done that we do a thorough search or searches on our own through Bartt Thompson.

Q. And is that what Exhibit 9 references sort of --

A. Yes, it references that precise process.

Q. And was it your understanding that Mr. Thompson ran one or more searches, either through Thompson & Thompson or through Mr. Egbert's search service that he utilizes?

A. Yes, it's my understanding that one or two searches with those mediums were conducted on this brand.

Q. And that would be Cobblestone Corner? 14
A. Yes, that's correct. 14
Q. As well as Cobblestone Market? 14
A. I believe the search was not on Cobblestone Market because we'd already done a search on Oakwood Market, which gave us the hits on the word market. 14
Q. So then you had to -- 14
A. We already knew what that would turn up so there was no point in doing that search. 14
Q: You also had a Thompson & Thompson search on Cobblestone Corner, right? 14
A. That's correct. 14
Q. Okay. So as a result of those discussion points back and forth analyses, if you look at Exhibit 10 -- take a moment to look at Exhibit 10, if you would. 14
A. Yes, sir. 14
Q. Was Exhibit 10 representative of the decision to move forward with the Cobblestone Market in trying to obtain a registered trademark? 14
A. Well, in -- there's a lot to absorb but it is the trademark service mark application and it is for Cobblestone Market so I believe the answer to that would be correct. 14
Q. Okay. And then the second page you see the description -- you see the class being 29? 14
A. Yes. 14

Q. For most of the products and you see a description of deli meats where it starts and ends with and entrees, right?

A. Yes, sir, I see that.

Q. And then there's also a second class which shows deli mustard, right?

A. That's correct.

Q. Okay. Were those representative of your or IMA's bona fide intent to use those -- to market those products under the Cobblestone Market at some point in the future when you filed this intent to use application?

A. Yes, sir, absolutely.

Q. Okay. Then if you look at Exhibit No. 11, if you need to take a moment to look at it, especially the third page, it has some blanks in it and there may have been some confusion in the past.

A. Excuse me, I haven't gotten to the third page yet. In fact, I'm really scanning pretty quickly.

Q. I cheated. I jumped to it.

A. Okay. Under "Identification of Goods"?

Q. Right.

A. Yes.

Q. Go ahead. If you need to look at whatever part you need to look at go ahead and do it.

A. Am I correct that those are the PTO's reaction back to us? Is that correct?

Q. Correct. 14
A. Yeah. Okay. 14
Q. Let me jump around. Now that I've got you where I 14
wanted you to I'll take you to a different page. 14
A. Oh, thanks. 14
Q. Go back to the top of page two and you've seen 14
these before, right? 14
A. Yes, I have seen these before. 14
Q. How would you generally describe your understanding 14
of this document? And I mean just in general when you get 14
these types of office actions. 14
A. Well, I think this is fairly typical trying to make 14
sure that we zero in and avoid any confusion as we go forward 14
with a mark application. 14
Q. Did you have an understanding, if you look at the 14
top of page two, that there might be three marks out there that 14
could potentially have had some kind of issues? 14
A. Yes, there was some marks identified that might 14
have issues. 14
Q. And what were those marks? 14
A. Boston Cobblestone, Cobblestone Kitchens, and 14
Cobblestone Restaurant and Bar were identified as possible 14
worries. 14
Q. And even if you remember at the time or thereafter, 14
do you remember anything in the office actions from the PTO or 14

anything else was in the PTO that suggested that Cobblestone Mill would be a problem?

A. No.

Q. If you look at the bottom of page 3 now.

A. Let me see. They're not numbered. This is the bottom of page 3. Yes, sir.

Q. The one that has the blanks lines in it?

A. Mh-mh.

Q. This is sort of an amended description of the list of products that would be --

A. Mh-mh.

Q. -- associated with the market mark Cobblestone Market, correct?

A. Yes, sir.

Q. As you mentioned a moment ago, there may have been some issues regarding the adding of the word sandwiches or whether the sandwiches was in it to begin with or not now, do you remember that?

A. Yes, sir.

Q. Now if you look back at Exhibit No. 10 and you look at the description on the second page --

A. Mh-mh. Yes, sir.

Q. -- you don't see anything about sandwiches specifically, right?

A. No, sir, it is not on that page.

Q. Okay. But then if you go to Exhibit 11.
A. Which I'm looking at.
Q. The third page --
A. Okay.
Q. -- there are some blanks. What was your understanding of what was going on with regard to needing to fill in this blank?
A. The PTO had concern about further defining what cooked deli items were and I believe the suggestion was that that -- that sandwiches would be a descriptive term that would describe that.
Q. And so did you -- was there anything else going on at the time or in your mind that would say Okay, we can go ahead and add it?
A. Yes.
Q. Maybe not add cause add's not a good word in that sentence but --
A. Clarify.
Q. -- clarify that sandwiches could be descriptive?
A. Yes, I recently had a presentation from a company that made prepared sandwiches, and although it hadn't occurred to me in an earlier phase I determined then and discussed with several people that we ought to go ahead and modify this as was suggested in the PTO to include sandwiches so that we'd have the opportunity to introduce those in the future, which was our

intent.

Q. So is it fair to say that originally you didn't intend to include sandwiches within the description?

A. That's correct.

Q. And then based on whatever your other marketing presentation review was, plus the comments from the office action, you decided to go ahead and clarify --

A. Yes.

Q. -- by adding the word sandwiches to the description?

MR. DAVIS: Objection. I'll object to that leading question.

Q. (By Mr. Hill) Okay. Did -- were those two -- were those the two factors that went into your decision?

A. That's correct.

Q. And did you have a -- once you agreed to go ahead and add the clarifying word sandwich, did you have a bona fide intent at that point to go ahead with sandwiches?

A. Yes.

Q. Then at some point are you aware of whether there was an additional -- actually, sorry, wait, an amendment, Exhibit 12, which suggests -- that asking you to disclaim the word market. Do you see that?

A. Yes, I do August 2, 2005.

Q. Did that bother you to disclaim the fact that you

were not claiming a mark in the word market standing alone?

A. Would you repeat the question?

Q. Did that bother you the -- this examiner's amendment being suggested here to disclaim the word market?

A. No, it did not.

Q. You didn't intend on -- or I'll ask it this way. Did you intend on having any rights to the word market by itself because we're not using it in conjunction with the word cobblestone?

A. A word like market or Joe or Bob or mill probably can't be used by itself anyway so, no, we did not.

Q. And then at the time were you aware of also a lot of use of the word Cobblestone?

A. Yes, we were aware there were many uses of the word Cobblestone.

Q. But was your mark focused then on the combination of those two words and only the combination, Cobblestone Market?

A. Yes. Yes.

Q. What image were you trying to evoke with the word Cobblestone Market?

A. Our primary image focused on market as you probably will see in our logo. It has a old-fashioned free-standing neighborhood deli market and our main concern was evoking that quality image of a market and that was the main reason for

market. Cobblestone added sort of a soft and traditional feel to it but the center core was market.

Q. And does -- Exhibit 12 shows the word by itself, market by itself. Did you feel that would be trademarkable anyway?

A. Based on my experience with words like that in my experience are never trademarkable.

Q. So you added the word Cobblestone to make it into a --

A. -- a phrase that could be trademarked.

Q. You were at Ms. Anderson's deposition, right?

A. Yes, I was.

Q. And you had the opportunity to review Anderson Exhibit 12 when you were at her deposition?

A. Yes, I did.

Q. What image is evoked when you look at the mark that had been in -- the use or the logo that Flowers Bakeries utilized in connection with their mark Cobblestone Mill, which is depicted on the left side of Exhibit 12?

A. Well, they --

Q. What image in your mind was evoked?

A. Okay. The imagery is around an old-fashioned mill that produces flour which is an ingredient that is used to bake bread. The old building -- this isn't a great rendition of it but it seems to be a stone building, a cobblestone type

building. There's some sort of base there that looks like cobblestones but as she described it as a pretty busy trademark but it clearly focuses on a old-fashioned mill with stone and cobblestone associated with it.

Q. Was it suggestive to you of producing flour which would be used for bakery products?

A. Absolutely. The mill gives you that connotation instantly, at least it does me.

Q. And in your experience when you looked at that mark, especially as it was used, and compared it with the image that IMA was trying to evoke by utilization of the mark Cobblestone Market, did you see any possibility of being confused?

A. No.

Q. You also attended Ms. Anderson's trial deposition where she talked about -- I won't try to completely characterize her testimony but in general the number or percentage of people who recognized the Cobblestone Mill mark. Do you remember that testimony?

A. Yes, I do.

Q. And at some point there was a discussion as to whether there really was any research to support any particular statement as to what percentage of people that actually recognized the Flowers Cobblestone Mill mark. Do you remember that?

A. Yes.

Q. And I gather from that -- and I don't want to argue about it one way or the other, but she retracted the statement that everybody knew it from her research but she said Well, we do have some focus groups. Do you remember that?

A. Yes, I do.

Q. Okay. In your experience what was the focus group? What does that mean to say a focus group found one use of a logo better than another or one brand?

A. Mh-mh. Well, first of all, I'll say I've conducted many focus groups and moderated focus groups. Focus groups are a tool, a marketing tool. They're not a directional tool. They're not considered quantifiable research. Focus groups tend to give you reactions of people sort of intuity sorts of things, what marketers like to call hot buttons. If you do a focus group and you ask people about how they feel about the color red and blue you'll get a lot of feelings about that. If you really want to know about a population you need to survey them or use some other methodology that tells you that 42 percent of people like blue and 15 percent like red by a certain demographics, age groups, incomes, etcetera. So focus groups are not directional and aren't research on which directional decisions can be based.

Q. Okay. Also there was testimony by Ms. Anderson regarding the possibility that in a grocery store there would

be delis operating which might utilize Cobblestone Mill brand bread, at least the possibility existed in Ms. Anderson's mind, and there might be a deli manager who would buy the bread and the other products. Do you remember that?

A. Yes, I do.

Q. Okay. Do you remember my question to her about who is the person in the deli who makes the decision as to what products they buy?

A. Yes, I do.

Q. And do you remember what her answer was?

A. I believe it was something to the effect that she had no idea.

Q. Okay. Do you know who in the delicatessen or what at least category of people make the decisions have been your experience?

A. Well, of course it may vary from company to company but generally it's the deli manager and, in fact, in most retail environments there's both a service deli which sells meats and cheeses and a restaurant component that makes sandwiches and sells other products and more often than not there are two departments. So it might be actually two different decision makers, a deli manager and the restaurant manager depending upon the retail outlet.

Q. In the period of time that cobble -- that IMA and its member owners have been utilizing the Cobblestone Market

brand, have you run across any actual confusion? 14

A. Absolutely none. 14

Q. Would you have expected any? 14

A. Absolutely not. 14

Q. If you had thought that there would be confusion, let's just say -- ignore for a moment any problems Flowers might have. Ignore for a moment whether the brand is registerable or not. Just from a pure business marketing standpoint, would you and IMA have wanted to go forward with a brand that would be confused with somebody else's brand? 14

A. Absolutely not and I would expand on that. Even though the MAC gives us guidelines, it's been in -- on a number of cases I made it clear that if I believed that it's a conflict or it's not a strong brand that we can protect I retain the authority to overrule the MAC at any time and have on a couple of occasions. It's very important to us. We have well over a thousand salespeople. We have over 80 thousand customers out there, our companies do, and we are building credibility day in and day out with our food service customers and, in fact, in the short period of two years we've built a 80 million dollar plus annualized business so protecting that brand and that equity is extremely important to us. 14

Q. Let's take just a moment and then we'll finish up with the direct. Is that fair? 14

MR. DAVIS: Okay. That's fine. 14

(Brief recess from 2:22 p.m. to 2:31 p.m..)

(Planck Exhibits Nos. 16 and 17 marked.)

Q. (By Mr. Hill) Mr. Planck, if you look back at what was marked as Fontana Exhibit No. 8, do you see toward the bottom a reference to Cobblestone having 68 hits, right?

A. Yes, sir.

Q. And could you clarify again what your understanding of that reference is?

A. My understanding is that meant 68 different trademarks that contained the name Cobblestone.

Q. Okay. Now, in addition to actually looking to see how a word is used in a registered trademark, do you understand that a lot of people use words in connection with goods and services and they don't bother to register?

A. Yes, probably more than not.

Q. Okay. Is it typical for you to also do what I refer to as a Google search, use some search engine to see how many uses of a word may be out there?

A. I often do so.

Q. Do you remember if you did that with regard to Cobblestone?

A. Yes, I did.

Q. Okay. That document was done like a long time ago?

A. Long time ago.

Q. You just did it on the computer?

A. There was a lot of them. I don't remember how many. There was hundreds of thousands I think.

Q. I'm going to hand you what's marked as Exhibit 16 and 17 and talk to you about them in reverse order just to confuse things.

MR. HILL: Here's yours, Ted, 17.

Q. (By Mr. Hill) This is 16. Did I give you 16? Here's 16. I'll ask you about 17 first. Does Exhibit 17 represent a recent search of the word Cobblestone?

A. Yes, it does.

Q. And how many uses of the word Cobblestone by itself do you see in your search result?

A. Three thousand five -- 3,580,000.

Q. Uses of the word Cobblestone?

A. Yes.

Q. That's -- what did that suggest to you with regard to the tradmarkability of such a word of the word Cobblestone by itself?

A. I think it's extraordinarily unlikely the word Cobblestone by itself could ever be trademarked.

Q. You never know but it wouldn't be a very strong brand, would it?

A. No, it would not. There's Cobblestone Golf Course, Cobblestone Granite, lots of companies with Cobblestone.

Q. Well, let's assume we just limit it to foods, so we

do a search, Exhibit 16. That is just Cobblestone including the word food. How many Googles come up with the word Cobblestone in connection with some kind of food item?

A. 1,290,000 including Cobblestone Bread from Eagle Supermarkets.

Q. Now you're not part of Cobblestone Bread, are you?

A. No, I have no interest. I don't own any stock in any supermarket so.

Q. Are you aware of whether Flowers sued Cobblestone whatever it is? I guess they're still on the Internet and still marketing and advertising their bread under the name cobblestone?

A. I'm not aware that they have. I believe Ms. Anderson told us they only had had one action and that was Cobblestone Market Bread but I don't believe it was Eagle Supermarkets.

Q. It was Cobblestone Mill Bread, right?

A. Cobblestone Mill Bread, yes, their brand. This is Cobblestone Bread.

Q. Okay. Based on your review of your -- first of all, let me ask you this. With the Google search you come up today, you don't know if they're exactly the same as they were several years ago when you did this same --

A. No, I'm sure not. I'm sure they've changed over time. There's more now than there were then.

Q. Well, is that similar in nature to what your --

A. Yes, it was, as I said, at least in the hundreds of thousands now.

Q. So did you think it would be possible, for example, to trademark the word Cobblestone in connection with your deli meats by itself just the word Cobblestone?

A. No.

Q. Well, what about the word market by itself without the word --

A. No.

Q. Okay. So was it only the combination of the two words?

A. Only the combination of two words in association with one another they could be -- in my opinion be trademarked.

Q. At least to develop a brand that would be worth you developing?

A. Yes. Yes.

Q. Okay.

MR. HILL: With that I will pass the witness.

EXAMINATION

QUESTIONS BY MR. DAVIS:

Q. Mr. Planck, as you know, my name's Ted Davis and I represent Flowers in this proceeding and you recall having given a discovery deposition earlier in this case?

A. Yes.

Q. And are you aware that the parties have agreed to allow the use of discovery depositions taken by both parties at this stage of the proceedings?

A. Yes.

Q. I'd like to ask you some questions on the basis of your earlier discovery deposition. I will refer to you specific pages.

MR. HILL: Okay. I have his but I don't have it with me so. Okay. Is this going to be somehow relating to the course of the direct?

MR. DAVIS: Yes.

MR. HILL: Okay.

Q. (By Mr. Davis) Let me start with Exhibits 17 and 16, that we were just discussing. When were these searches run?

A. These were run today.

Q. And who ran them?

A. We ran them here in this office at my request.

Q. When you say we who do you mean?

A. Bartt Thompson.

Q. And are you familiar with the methodology used by Google to generate search results?

A. No, I'm not.

Q. You have no familiarity with the algorithm that Google uses?

A. I use Google regularly for all sorts of purposes but I don't know their -- the technicalities of their search engine or their technology behind that. I'm not an engineer.

Q. Fair enough. Let's take a look at Exhibit 17 first. You mentioned when discussing Exhibit 17 I think there was a Cobblestone Golf Course; is that correct?

A. Yes, it's listed here.

Q. And you concluded on the basis of these search results that the word Cobblestone is not capable of being protected as a trademark standing alone?

A. That would be my opinion.

Q. Were you asked to disclaim the word Cobblestone as part of your application?

A. No, we were not.

Q. To the best of your knowledge was Flowers asked to disclaim the word Cobblestone as part of its claim?

A. I have no knowledge of that.

Q. As a result of your familiarity with the searches run by IMA but prior to the adoption of the Cobblestone Market mark, do you recall seeing any other situations in which the word cobble -- excuse me, in which the word Cobblestone was required to be disclaimed by an applicant for registration?

A. I never saw any documents pro or con on that.

Q. Did you review the trademark availability search that was run for Cobblestone Corner?

A. I did see that and review it at one time, yes.
Q. So your opinion that the word Cobblestone is not capable of being protected as a trademark is based on the fact that there are lots of uses out there?
A. Yes, as a stand-alone word.
Q. I'll use a term of art here that you may or may not know. Is it your opinion that the word Cobblestone is generic and unprotectible under any circumstances?
MR. HILL: Object to the extent it calls for a legal conclusion using legal terminology but if you can put that in layman's terms he can answer it.
Q. (By Mr. Davis) Do you believe that Cobblestone is an ordinary descriptive word that --
A. I believe it's -- go ahead and finish your question.
Q. Do you believe it is used in your industry as a common descriptive word?
A. No, not in our industry as a common descriptive word.
Q. So in your industry, if I were to use the word Cobblestone would people know what I meant by that?
A. I -- I don't know the answer to what people would know. I do know there's a Cobblestone Restaurant so Cobblestone has been used in our industry but it's not a common term.

Q. Do you believe the Cobblestone Restaurant would be able to protect its name if a competing Cobblestone Restaurant set up shop across the street?

A. Well, again, that calls for a legal opinion. I don't know what the laws are in York County, Pennsylvania. They may have registered it locally as a trade name and not registered it as a trademark. I don't know what their protection capability would be.

Q. You've opined that it's unprotectible, that's the reason for the line of questions.

A. Mh-mh.

Q. Have you ever heard or seen a judicial decision holding that the word Cobblestone is unprotectible as a trademark?

A. No, not to my knowledge.

Q. So again, with respect to Exhibit 17 your conclusion is based only on the large number of results?

A. It's based on the large number of results and my over 25 years experience in managing trademarks for public and private companies.

Q. Now these search results, and you indicated in the exhibit, reflects that there are apparently about, as the exhibit says, about 3,580,000 results. Is that an accurate characterization of what's at the top of Exhibit 17?

A. Yes.

Q. And I gather that during the break you did not review all of those 3,580,000 search results?

A. If that's a question, no, we did not.

Q. Do you know if any of the entities disclosed by these search results are using the word Cobblestone as a trademark?

MR. HILL: Object just for clarification. Based on that document or other documents?

MR. DAVIS: I'll move on to the other documents. This document right now.

MR. HILL: Just based on that document.

A. Based on the ones that are listed in these first few pages I do not know that.

Q. (By Mr. Davis) So no additional research into these entities beyond simply conducting the search and printing off two pages worth of results?

A. Primary research into Cobblestone was done in our three searches, which turned up I think 68 hits on Cobblestone, so I've done no further research on these documents besides presenting them.

MR. HILL: Just for reference, he switched to Exhibit 8 so I just want to -- Fontana 8 is what he's referring to, just for clarification.

Q. (By Mr. Davis) Okay. I will try and limit it to individual documents. Right now it's Exhibit 17. We'll

probably hit the others to which you're referring. Let's take a look at Exhibit 16. This document on its face reflects at the top of page one, excuse me, it reflects as Google characterizes about 1,290,000 search results; is that correct?

A. Yes, it is.

Q. And this is a search for the words Cobblestone and food?

A. Yes, it is.

Q. I think it might be fair to say that no one in this room truly understands the Google algorithm but again --

MR. HILL: We'll stipulate on that.

Q. (By Mr. Davis) For you personally, do you understand how Google would have taken a search for those two words and turned it into these results?

A. In general terms, yes.

Q. What are those general terms?

A. The combination of any appearance of the word food and the appearance of the word Cobblestone and either the name or textural material related to it.

Q. So you believe this is a bouillon type search? Are you familiar with that word?

A. No, I'm not familiar with that word.

Q. Of the search results, again, I take it during the break there was no additional investigation into these 1,29 million users that might be reflected in any search results?

A. I would agree with your statement.

Q. So you don't know one way or another whether any entity that might be reflected in these results actually is using Cobblestone as a trademark?

MR. HILL: Object. Again, just for clarification, you're limiting them to this document? You tried to reference the other one.

MR. DAVIS: That's correct, this document Exhibit 16.

A. Based on this document I have no evidence one way or the other about that, as to whether they're registered or have been sought to be registered.

Q. (By Mr. Davis) My question was a little broader. It related to whether they -- any of these entities are using Cobblestone as a trademark.

A. I -- well, did I --

Q. I'm sorry --

A. I don't have evidence one way or the other to that question either.

Q. Has there been research into any entities with these research results other than printing off the first two pages of the search result?

A. I -- this is an assumption. I would assume that the items turned up in previous searches would appear somewhere in this 1.29 or 3.58 million hits but other than that I cannot

answer affirmatively or negatively.

Q. But there's no guarantee that the word is being used as trademark just because it's in these search results?

A. There is no guarantee that it's being used as a trademark cause they're in the search results. Likewise, there's guarantee it's not being used in that way.

Q. Let me ask you about an exhibit that previously has been marked as Planck Exhibit 6. Do you recognize this document?

A. Yes, I recognize it.

Q. Do you know what it is?

A. It's a report from one of the search firms, trademark search firms called Thompson & Thompson and it's regarding Cobblestone Corner.

Q. It's my understanding from your previous testimony that no separate search was done for the trademark Cobblestone Market; is that correct?

A. That is correct to my knowledge.

Q. And no separate search was run for the word market standing alone; is that correct?

A. Only in the context of Oakwood Market but not standing alone.

Q. And you've testified today that the reason no search was run for Cobblestone Market was in part because of the search for Oakwood Market; is that correct?

A. That's correct.

Q. If you could take a look at the deposition transcript and specifically towards the bottom of page 36 and extending on to page 37, if you may recall at the top of page 37 I was asking you about a separate search run for Cobblestone Market and you responded that you didn't feel that one was necessary; is that correct?

A. That is correct.

Q. I then asked you what the reason for that decision was and do you see your response?

A. Yes.

Q. Is there any mention of the Oakwood Market search in that response?

A. No, I didn't deny an Oakwood Market search but I didn't mention it.

Q. But you responded on lines 16 and 17 on page 37 that "Cobblestone Market would have been covered in our view by the Cobblestone Corner search."

A. That is correct because of my firm belief that market alone cannot be registered.

Q. And in referring you to a document that's been marked as Fontana Exhibit 8, you previously have characterized this document as reporting on some initial search results; is that correct?

A. That is correct.

Q. And towards the bottom of the page there is a line that consists of the word market with a hyphen and 2000 plus. What was your understanding at the time that particular reference meant?

A. That there was some trademark somewhere with over 2000 uses of the word market.

Q. You've just testified that you don't believe that word is protectible; is that correct?

A. As a freestanding word, that is correct.

Q. And as a result of that were you concerned about that particular result of the search?

A. Not regarding the word market.

Q. Okay. Let me refer you to Fontana Exhibit No. 16. I introduced this to Fontana. This is a document that was produced by IMA. You're free to take a look at it. I'm interested in the page that's been tabbed whenever you familiarize yourself with it.

A. Well, I don't believe it was produced by IMA. I believe it was produced by our attorneys on our behalf. Is that correct?

Q. I'm sorry, that is a more accurate characterization, yes.

A. You want to go to the tab here? Is that the question?

Q. Yes, when you're familiar with the document.

A. Mh-mh. Well, let's say I'm not taking time to memorize the document. It's a voluminous document.

Q. I understand.

A. Okay. I'm at the tab now.

Q. This is essentially the same question I asked Mr. Fontana. There is a reference in there on -- numbered page 42 in the lower right-hand corner. In the fourth sentence of the last full paragraph there is a reference to "credible probative evidence of widespread significant unrestrained use by third parties." Do you see that language?

A. Fourth sentence. I see the sentence.

Q. Okay. This is a document that I'll represent to you was filed by your counsel. It does have an attachment that is a Patent and Trademark Office Web site printout. My question is is there any other evidence within IMA's possession that might be considered, and again I'll quote the response, "credible probative evidence of widespread significant unrestrained use by third parties"?

A. Well, first of all, I'm not used to the terminology. It may have some legalistic meaning in court cases of which I'm not aware. Credible and probative, I don't know what that means in this sense, so I'm unsure as to how to answer it because of the lack of clarity in the verbiage.

Q. I will try and tell you if I'm referring to a term of art --

A. Okay.

Q. -- such as generic in this. In here this isn't one. Why don't we strip it down to "unrestrained use by third parties of marks containing elements in common."

A. Unrestrained uses of any elements in Cobblestone Market, is that the question? "Unrestrained use by third parties of marks containing elements in common, demonstrating confusion is not in fact likely," and it cites a case following the full sentence. You know, I don't mean to be argumentative but I don't know how to respond to your question.

Q. That's fine. Let me try and rephrase it. Are you aware of -- with the exception of any material that may be attached to this document, and you're free to refer to it if you'd like --

A. What are the -- what's the rest of the question?

Q. With the exception of that attachment, does IMA have within its possession any evidence of use by other parties of Cobblestone as a trademark?

A. Not to my knowledge.

Q. So to your knowledge the company has not produced any such evidence?

A. That's correct.

Q. And with respect to that particular document and understanding that it may have been assembled by your counsel, do you know whether the company has done any research into the

applicants who are registrants reflected in Exhibit A to determine if they actually are using the trademarks in that printout?

A. I'm uncertain. I believe that some of the search processes are currently used to determine whether it's in use or not in use. That's normally part of their reporting or due diligence.

Q. That's fair enough. Well, with respect to Planck Exhibit No. 6, which again is the search result, and again it's my understanding that this is the only search run for a trademark including the word Cobblestone?

MR. HILL: I object but you mean by Thompson & Thompson or what?

MR. DAVIS: I'll withdraw the question.

Q. (By Mr. Davis) Did IMA conduct any other search through Thompson & Thompson, or a similar vendor, for a trademark including the word Cobblestone other than Planck Exhibit No. 6?

A. Newhall Klein did a search and I think they used an attorney named Walker, so they did a screening search before they recommended the name for it and I believe that there's a second Ebert or Egbert or there's another company that Thompson -- that the law firm uses here to confirm results. So I believe there were two other reports but they weren't Thompson & Thompson searches.

Q. Okay. That's fine.

A. But that's my understanding.

Q. Okay. And I think we had testimony earlier that there are competitors of Thompson & Thompson that put out very similar products and you're not aware of any run through them?

A. Well, similar -- I -- I'm not familiar of a document that appears like the Thompson & Thompson document. I am aware that searches were done with other sources without production of a document of this nature to my -- that I've seen.

Q. Okay. Did the company commission any research on any of the companies disclosed by this search report?

A. No.

Q. So no attempts to buy product?

A. No.

Q. No ordering, say, of Dun & Bradstreet reports?

A. No.

Q. No use of any third-party vendors to conduct research?

A. No.

Q. I'd like to have you take a look again at Planck number -- excuse me, it may be Fontana No. 11. Let me see if I can find it.

MR. HILL: I'm sorry, did I take it?

MR. DAVIS: I don't think so. I've got a

unmarked one if you want to use that. I think the official one's somewhere.

Q. (By Mr. Davis) Mr. Hill asked you some questions about that earlier and the process by which the identification of goods was modified?

A. Yes.

Q. And he asked you specifically about sandwiches and I believe your response included a reference to another company that was in the sandwich business?

A. Yes.

Q. What company was that?

A. I honestly don't remember the name of the company. They made prepared sandwiches probably for vending or something else.

Q. Do you have any correspondence from that company that might identify it?

A. I don't think so.

Q. And just some questions to make sure I understand the timetable here, that company approached IMA after the filing of the original application but before it was amended with this document?

A. I believe that's correct.

Q. And it was as a result of that contact that IMA developed an interest in sandwiches?

A. Yes, it was a result of that contact and also

seeing things at food shows but additionally it was a result of the PTO's request. So they all kind of happened in conjunction one with the other.

Q. I can certainly relate to a dealing with PTO and identification of goods issues. So had the PTO never asked for a modification would you have directed your counsel to go in and make that change?

A. I would have to ask advice of counsel. I believe that -- that modifying these requests is a whole another process but this was a clarification at the request of the PTO so I believe that's what led us there.

Q. Okay. During the -- during the time the company had an interest in sandwiches, did it generate any documentary evidence of that interest?

A. No, not to my knowledge. We did discuss the desire and interest in prepared sandwiches in both our MAC and pack and their conclusion was it was a small category and they didn't have a lot of interest in it so that's why the interest later on subsided and we were willing to make the changes as requested by Flowers.

Q. No marketing studies?

A. No marketing studies.

Q. No advertising?

A. Well, we didn't do any advertising, no. We don't do advertising per se at IMA.

Q. I'm sorry. Did any of your member companies generate any advertising materials?

A. On products? On that product line?

Q. For sandwiches in particular.

A. No.

Q. Mr. Planck, I'd like to show you a document that's been marked as Fontana No. 15. This is the document that worked the amendment to the identification of goods.

MR. HILL: Okay. The latest one I think.

MR. DAVIS: The latest amendment.

Q. (By Mr. Davis) Is it at the point of Exhibit No. 11 that the word vegetables was added to that identification of goods as well?

A. Which is 11?

Q. I'm sorry.

A. I don't remember. I do know that vegetables were always intended as a component of salads.

Q. And vegetables --

A. And/or entrees or soups, etcetera.

Q. What about vegetables standing alone?

A. I don't -- I believe our intention was always those were components of other products.

Q. So to the extent that the word -- to the extent that a vegetable would appear in an IMA product, it would be a component of soup, for example?

A. Yes, it could be.

Q. Or a component of the frozen entrees?

A. Could be.

Q. Okay. But not, for example, a bag of broccoli?

A. That was never -- no, that was never our intent.

Q. The most recent amendment to the application deletes deli mustard, and again, I believe that this may have been a good that was added during the process?

A. That's not my recollection. I believe it's been there from the first.

Q. Okay. I'm sorry, I may be wrong about that. What has the company done with mustard in particular? I'm sorry, let me back up.

MR. HILL: All right. Here's the original --

MR. DAVIS: Thank you.

Q. (By Mr. Davis) Mr. Planck, you're absolutely correct, deli mustard, was originally in there. Does the company sell deli mustard now?

A. Not under our brands currently.

Q. And by that, your member companies would sell branded mustard from another trademark owner?

A. That is correct.

Q. At the time the application was filed what were the company's plans for deli mustard?

A. Our intention was to introduce deli mustard, which

was in category 30 I think. I guess between 29 and 30 I get confused but category 30 and I think we dropped it the same time we dropped sandwiches. I still frankly would prefer to put deli mustard in our line but we cleaned up category three and dropped the sandwiches and hoped that that would solve Flowers concerns of our being category 30. Unfortunately, the company did not respond to our gesture of good faith.

Q. Has IMA ever sold deli mustard under one of its other brands?

A. I -- we -- not to my knowledge. I'll only comment that we have almost five thousand skews under our brand. It's possible that we might have deli mustard under other Katy's Kitchen or some other brand and I might not recall that but not to my knowledge we're not selling deli mustard under our brand.

Q. That's fair enough.

A. We're selling lots of yellow mustard by the way.

Q. As a layperson I will confess I don't know the difference. Is there?

A. There's a major difference, yeah. Yellow mustard would be like your French's, Gulden's. Gulden's would be more like a deli mustard, pop your little seeds and things in it.

Q. Let me ask you a cleanup question that may have been more appropriately directed to Mr. Fontana. We introduced a handwritten sheet of paper which I believe he's introduced as the Cobblestone Market Mission Statement?

A. It's a brand positioning statement. He may have called it a mission statement. It's a brand positioning statement.

Q. Okay. And I understand he may have gotten that over the phone from somebody at the company and -- but is this consistent, generally consistent with what your understanding that the brand positioning statement of this particular brand is?

A. First of all, for every brand we have we have a brand positioning statement and this appears to be the proper -- I can't speak for every comma and -- but it seems to be correct, yes.

Q. Okay. I hate to bring up a subject that I think we beat to death the first go around but I'm not sure we got an absolute resolution on it. You initially testified in your discovery deposition that the company had hired an expert witness in this proceeding. An expert witness the way Mr. Hill and I use it is an outside party, not a lawyer, retained by the company, and your testimony suggested to me that the company had hired such a witness to talk about likelihood of confusion in this case. Did the company in fact hire such a witness?

MR. HILL: Wait a minute. What part of this -- in good fairness --

MR. DAVIS: I think that's fair enough.

A. Near the back somewhere.

Q. (By Mr. Davis) It occupies a pretty big chunk of the transcripts actually. Mr. Planck, I refer you to page 68 of the transcript.

A. Yes.

Q. Specifically a question beginning on line 11.

A. Yes.

Q. I inquired "Have you retained any expert witnesses for this case?" Your response "there is an expert witness retained, yes." At the time you didn't know what that person's name was and we went on for awhile as to who that would be?

A. Right.

Q. And just to reintroduce my question, the way I use an ex -- the term expert witness there, and I believe Mr. Hill uses the term, is an outside party not a lawyer generally but retained to come and give an opinion in a case.

A. Mh-mh.

Q. Did IMA ever hire such a person?

A. No. And to clarify that, I was under the misunderstanding that our attorneys -- to my knowledge our attorneys haven't. I haven't hired anybody. We haven't paid anybody. We haven't even gotten a bill from anybody. My understanding at that point was that there was an expert witness that counsel had retained. I believe that I misspoke and it was perhaps the outside search firm or something else that was referred to but that is an error in my original

testimony.

Q. The test is whether you've gotten a bill?

A. I haven't gotten a bill.

MR. HILL: And I don't have a problem clarifying that for you if you want to, because there was my depo and you asked me but I didn't want to answer until I knew for sure what was going on and I didn't and it was a surprise.

MR. DAVIS: I'm finally glad to put that issue to rest.

Q. (By Mr. Davis) And, Mr. Planck, I would like to show you another document that we discussed in your original deposition. It's the answer that IMA filed to our notice of opposition.

MR. HILL: Okay.

A. Mh-mh. Yes.

Q. (By Mr. Davis) And again, this will be revisiting the subject that we talked about before, but if you could turn to the second to the last page, you'll see towards the bottom that IMA has asserted something called an affirmative defense. This would be paragraph 14.

A. Mh-mh.

Q. I will tell that you this paragraph 14 uses all sorts of terms of art in the legal sense and if your answer is you don't know that's perfectly fine but I need to ask anyway. This affirmative defense asserts that the notice of opposition

fails to state a claim upon which relief can be granted, yet should be dismissed under the Federal Rules of Civil Procedure 12(b)(6). Does IMA have any evidence of which you are aware supporting that affirmative defense?

A. My political science class has never led to a law degree. I really can't react to the technical descriptions that are there and any documents that we would have would be in the possession of our attorneys.

Q. Okay. Let me qualify that question then. To the best of your knowledge, are you aware of any evidence that bears on that first affirmative defense?

A. I -- again, I'm not trying to be difficult but I'm not sure I understand the legal term. We've talked about tons of evidence but I'm not sure what precisely this term means in a legal procedure so I can't answer that question with any skill.

Q. That's fine but, again, you're not aware of any evidence that's particularly targeting in -- to the best of your knowledge that goes to this?

MR. HILL: Objection, asked and answered but you can answer again.

A. Yeah, I think I've already answered the best I can on that question.

Q. (By Mr. Davis) You understand if Marty hadn't thrown it in I wouldn't be asking this question?

A. Tit for tat, huh. I think you might need this back.

Q. I'm not sure we're done but why don't we take a few minutes.

MR. HILL: Okay.

(Brief recess from 3:16 p.m. to 3:39 p.m..)

Q. (By Mr. Davis) Mr. Planck, we are very close to finishing. I just have a couple of questions, follow-up questions on I believe Planck Exhibit 16 and 17 there.

MR. HILL: That's Columbo's famous last lines.

MR. DAVIS: For the record I wish.

Q. (By Mr. Davis) Mr. Planck, it's my understanding that these searches have been conducted today during the pendency of this deposition; is that correct?

A. That is correct.

Q. What is the purpose -- let me back up. To the best of your knowledge, what is the purpose for having done those searches this afternoon?

A. Well, it confirms the recollection and actually amplifies the recollection I had from actually having done Cobblestone and Cobblestone food search way back when that there were a whole lot of uses of Cobblestone in and out of trademark connotations and it was a term very broadly in use in the marketplace.

Q. I refer you again to Planck No. 6.

A. Mh-mh.

Q. This I believe we established as the trademark availability search commission through Thompson & Thompson for Cobblestone Corner?

A. Yes, that's correct.

Q. And the goods and services reflected on that first page towards the middle generally refer to food items; is that correct?

A. All those items are food items.

Q. I will have to admit I don't know the answer to this question myself, but do you believe that the number of results in Planck Exhibit No. 6 is less than the 1,290,000 results reflected in Planck No. 16?

A. Well, I think I quoted that it was something like 61 in here and there's 1,290,000 in the Google search. So the answer is, yes, there are fewer uses of Cobblestone in Thompson & Thompson's search than there were in the Google search.

Q. And would the same be true for Planck Exhibit No. 17 which reflects, as Google puts it, about 3,580,000 search results?

A. I'm not that math challenged. Yes, that would be correct.

Q. If I knew how to add I would have gone to medical school. Now, have you ever run a similar search for the three words making up your company's name?

A. I don't recall doing that. The name of the company Independent Marketing Alliance was in use for five to ten years before I ever came around so I never had a reason to do that.

Q. I'm sorry, I should have clarified that. Have you ever run a search using the Google search engine for those three words?

A. No, I have not.

Q. We have a computer with the Google Web page up. Would you be willing to do one now?

A. Certainly.

MR. HILL: Okay. I recognize Google.

A. And I will comment that three such common words can have a lot of hits before I ever do it.

(Witness complies.)

Not quite as many as you but 2,350 and luckily number one is us.

MR. HILL: You want to print that off so we can make it an exhibit or just describe it?

Q. (By Mr. Davis) I'm sorry, did you say 2,000?

A. No, I said 2,350,000 which is less than three million whatever it was on those other combinations of two words but a lot as I stipulated before I ever did this.

Q. But more than the 1,290,000 search results reflected in Planck Exhibit No. 6?

A. More than that number, yes, you're correct.

Q. Do you believe that all of those results reflected on the computer screen are references to IMA? And you should feel free to scroll down just for --

A. Oh, I would think not although several of the -- three of the first four are. However, I'd stipulate Independent Marketing Alliance is not a registered trademark and, you know, nor is it the legal name of a company. It's a d/b/a.

Q. Do you believe as a result of what you see on the screen that the name Independent Marketing Alliance is unprotectible?

MR. HILL: Object to a legal conclusion and ask for clarification. You mean as a trademark or as a corporate name or what?

Q. (By Mr. Davis) You've testified that it's a d/b/a; is that correct?

A. Yes, it is.

Q. I'm not asking you for a legal conclusion. I'm merely seeking some clarification of your testimony about Planck Exhibits 16 and 17 and their significance to this litigation.

A. And the question?

Q. Do you believe that as a result -- let me withdraw that question. Based on the search results that you see up on the screen, would it be your conclusion that the word

independent is not capable of protection as either a trademark or a corporate name?

A. Well, I haven't reviewed 2,000,350 (sic) of these and I'm not an attorney. However, it's my opinion that neither the word independent, the word marketing, or the word alliance independently could be a registered trademark. However, we're not marketing products under a brand name of Independent Marketing Alliance, so we haven't sought trademark protection for either that or our corporate name. So I have no experience in order to really answer that with any kind of clarity.

Q. I understand the name is a d/b/a. I understand also it's not federally registered but if, for example, Sysco were suddenly to change its name to Independent Marketing Association would you want to do something about that?

A. If we don't have an registered trademark I would want to do something about that. One of them would be celebrate. However, I'd have to discuss our attorneys to see what kind of legal procedures we could take. I don't know that we could or couldn't.

THE WITNESS: Whose computer by the way? This is yours? You want this back now?

MS. KIRBO: I definitely want it back. I don't have to have it back now but thank you.

MR. HILL: The quid pro quo is we let you use our wireless, you get to leave your computer here.

MS. KIRBO: And fortunately it's not my line.

(Discussion off the record.)

MR. DAVIS: I believe we're done. Your witness.

MR. HILL: I think we're done. Is that it? We're done.

ORAL DEPOSITION OF ROBERT PLANCK

CORRECTION PAGE

VOLUME 2

Please indicate changes on this Signature and Correction Page giving the page and line number, the change, and the reason for the change. Reasons for change are: (1) to clarify the record; (2) to conform to the facts; (3) to correct transcription errors.

PAGE/LINE	CORRECTION	REASON
9/7	Commerciant Corp	spelling
49/15	PAC (not pack)	Error
52/13	SKUs (not skews)	"

WITNESS SIGNATURE PAGE

I, Robert Planck, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted on the above Correction Page.

ROBERT PLANCK

THE STATE OF TEXAS)

COUNTY OF Harris

Before me, Cheryl J. Martin, on this day personally appeared Robert D. Planck known to me (or proved to me under oath or through) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER my hand and seal of office this 26th day of November 2007.

Notary Public in and for
The State of Texas
My Commission Expires: 10-28-2011

CHERYL J. MARTIN
Notary Public, State of Texas
My Commission Expires
October 28, 2011

THE STATE OF TEXAS

I, Susan L. Graham, Certified Shorthand Reporter in and for the State of Texas, hereby certify that at the time and place stated the witness, Robert Planck, personally appeared before me and after being by me first duly sworn to tell the truth, was examined by counsel for the respective parties hereto; that the testimony of said witness was taken in shorthand by me, later reduced to typewriting under my direction, and the foregoing pages are a true and correct transcript of said testimony; that the transcript was submitted to the witness to read and sign.

GIVEN under my hand and seal of office on this the 20th day of October, 2007.

Susan L. Graham
Texas CSR No. 2534
Firm Registration No. 60
Expires: December 31, 2007
2040 North Loop West, Suite 200
Houston, Texas 77018
(713) 861-3900

WORD INDEX

A
able (3) 12:15 15:11 37:2
above-styled (1) 1:18
absolute (1) 53:15
absolutely (7) 7:18 19:11 26:7 29:2,4,11 51:16
absorb (1) 18:20
accurate (2) 37:23 43:21
accurately (1) 16:14
acknowledged... 64:12
action (2) 23:7 32:14
actions (2) 20:11,25
activities (1) 9:12
actual (1) 29:1
ad (3) 10:19,20 11:1
add (4) 22:14,16 23:17 58:23
added (4) 25:1,8 50:12 51:8
adding (2) 21:16 23:9
addition (2) 17:17 30:11
additional (3) 23:21 38:14 39:24
additionally (1) 49:1
add's (1) 22:16
admit (1) 58:10
adopted (1) 12:8
adoption (1) 35:19
advertising (10) 6:19 14:16 15:10 16:8 17:8 32:11 49:23,24,25 50:2
advice (1) 49:8
advisory (2) 10:14,15
affirmative (4) 55:19,25 56:4 56:11
affirmatively (... 41:1
affix (1) 64:4
afternoon (1) 57:18
age (1) 27:21
agency (7) 10:19,20 11:1 14:16 15:10 16:8 17:9
ago (4) 21:15 30:23,24 32:23
agree (1) 40:1
agreed (2) 23:16 34:1
ahead (10) 13:10 16:20 19:22,23 22:14 22:23 23:7,16 23:18 36:14
aimed (1) 11:21
algorithm (2) 34:24 39:10
alliance (10) 1:7 3:10 4:8,10 9:15 59:2 60:6 60:10 61:5,8
allow (1) 34:2
amended (2) 21:9 48:20
amendment (5) 23:21 24:4 50:8 50:10 51:6
AmeriServe (1) 8:11
amplifies (1) 57:20
analyses (1) 18:14
Anderson (3) 25:13 27:24 32:14
Anderson's (3) 25:11 26:15 28:2
And/or (1) 50:19
annualized (1) 29:21
answer (14) 18:22 28:10 36:11,22 41:1 44:23 55:6,12 55:23 56:15,21 58:10,16 61:10
answered (2) 56:20,22
anybody (3) 54:20,21,21
anyway (3) 24:11 25:5 55:24
apparently (1) 37:22
APPEAL (1) 1:1
appear (2) 40:24 50:24
appearance (2) 39:17,18
Appearances (... 2:8
appeared (2) 64:11 65:6
appears (3) 16:22 47:7 53:10
applicant (3) 1:8 3:6 35:22
applicants (1) 46:1
application (9) 1:5 9:11 18:21 19:10 20:14 35:13 48:20 51:6,23
approached (1) 48:19
appropriate (1) 10:24
appropriately ... 52:23
appropriatene... 15:19
approximatel... 4:20 8:9 12:5
April (1) 13:13
areas (4) 5:4 6:17 8:15,17
argue (1) 27:2
argumentativ... 45:9
Army (2) 5:5,5
art (3) 36:6 44:25 55:23
asked (9) 35:12,15 42:9 44:5 48:3,7 49:5 55:6 56:20
asking (4) 23:22 42:5 56:25 60:18
aspects (1) 7:18
assembled (1) 45:24
asserted (1) 55:19
asserts (1) 55:25
assess (1) 10:14
associated (6) 10:6 11:15 15:12 16:16 21:12 26:4
Associates (2) 7:25 8:8
association (2) 33:13 61:14
assume (2) 31:25 40:23
assumption (1) 40:23
assurance (2) 6:5,6
Atlanta (1) 3:4
attached (2) 1:25 45:13
attachment (2) 44:13 45:16
attempts (1) 47:14
attended (1) 26:15
attorney (2) 46:20 61:4
attorneys (8) 6:23 11:12,12 43:19 54:19,20 56:8 61:17
August (1) 23:24
Australia (3) 7:2,23 9:10
authority (1)

29:15
availability (2)
35:24 58:3
available (1)
8:23
avoid (1)
20:13
aware (13)
23:20 24:12,14
32:9,13 34:1
44:21 45:12
47:5,8 56:3,10
56:17
awhile (1)
54:10

B

B (1)
3:6
bachelor's (1)
4:18
back (15)
6:12 17:10
18:14 19:24
20:6 21:20
30:3 51:13
53:25 57:2,16
57:21 61:21,22
61:23
bag (1)
51:4
bake (1)
25:23
Bakeries (2)
1:2 25:17
bakery (3)
12:4 16:5 26:6
Bar (1)
20:22
Baratta (1)
3:3
Bartt (4)
11:6,7 17:18
34:20
base (1)
26:1
based (13)
11:4 23:5 25:6
27:23 32:20
36:3 37:17,18
38:8,11,12
40:10 60:24
basic (1)
9:12
basically (1)
5:25
basis (4)
10:1,21 34:5
35:8
Bates (1)
13:17
bears (1)
56:11
beat (1)
53:14
beginning (1)
54:5
behalf (1)
43:19
belief (1)
42:19
believe (37)
11:8 14:13,14
18:4,22 22:9
28:11 32:13,15
36:12,14,16
37:1 39:20
43:7,18,19
46:4,21,24
48:8,22 49:8
49:11 50:21
51:7,9 52:24
54:13,23 57:9
58:2,11 60:1,9
60:23 62:3
believed (1)
29:13
benefit (1)
11:11
best (5)
35:15 56:10,18
56:22 57:16
better (1)
27:9
beverage (1)
6:18
beyond (1)
38:15
big (1)
54:1
bill (3)
54:21 55:2,3
billion (1)
9:21
blank (1)
22:7
blanks (3)
19:14 21:7 22:5
blue (2)
27:17,20
BOARD (1)
1:1
Bob (1)
24:10
bona (2)
19:8 23:17
Boston (1)
20:21
bother (3)
23:25 24:3
30:14
bottom (7)
13:16 21:4,6
30:5 42:3 43:1
55:18
bouillon (1)
39:20
Bradstreet (1)
47:16
brand (40)
8:15,21 9:1,2,3
9:25 10:5,7
11:14,20,25
12:4,21,22
14:17 15:11,15
16:9 17:25
27:9 28:1 29:1
29:7,10,10,14
29:22 31:22
32:18 33:15
52:11,13,14
53:1,2,7,7,9,10
61:7
branded (1)
51:21
branding (2)
7:17 9:17
brands (22)
1:3 5:20,20,23
6:20,21 8:2,3,5
8:18,18,20
11:21,23 12:5
12:7,8,12,15
12:19 51:19
52:9
bread (14)
10:13,13 11:16
11:25 25:24
28:2,3 32:4,6
32:11,15,17,18
32:19
break (2)
38:1 39:24
Brickfire (1)
12:4
Brief (2)
30:1 57:6
briefly (1)
4:17
bring (1)
53:13
broader (1)
40:13
broadly (1)
57:23
broccoli (1)
51:4
brokerage (1)
9:9
brokering (1)
8:1
build (1)
9:1
building (5)
12:23 25:24,25
26:1 29:18
built (2)
6:20 29:20
business (10)
5:22 7:5,9,24
9:15 11:6
16:16 29:8,21
48:9
businesses (2)
6:18 9:9
busy (1)
26:2
buttons (1)
27:15
buy (4)
17:4 28:3,8
47:14

C

C (2)
3:1,10
call (1)
27:15
called (8)
7:6 8:11 11:9
13:18 14:14
41:13 53:2
55:19
calls (2)
36:9 37:4
Canada (2)
15:24 16:3
capability (1)
37:8
capable (3)
35:9 36:3 61:1
capacity (2)
5:15 8:13
card (1)
64:11
Carnagie (1)
12:25
case (7)
10:8 12:18
33:24 45:8
53:21 54:8,15
cases (3)
12:8 29:13
44:21
category (11)

11:17,18,19 12:20 16:2 28:14 49:17 52:1,2,4,6
cause (3) 1:18 22:16 41:5
celebrate (1) 61:17
center (1) 25:2
certain (3) 10:6 13:15 27:21
certainly (2) 49:4 59:10
Certificate (1) 2:13
Certified (1) 65:4
certify (1) 65:5
challenged (1) 58:21
change (5) 49:7 61:13 63:6 63:7,7
changed (1) 32:24
changes (2) 49:19 63:5
Chapman (1) 4:21
characterizati... (1) 37:24 43:22
characterize (1) 26:17
characterized ... (1) 42:22
characterizes ... (1) 39:4
charge (1) 7:4
cheated (1) 19:18
checking (1) 14:13
cheese (1) 14:18
cheeses (1) 28:19
chemical (1) 6:18
choice (1) 14:22
choices (2) 14:5,21
chronology (1) 16:20
chunk (1) 54:1
circumstances... (1) 36:8
cites (1) 45:8
city (2) 12:25 13:1
Civil (2) 1:23 56:2
claim (2) 35:16 56:1
claiming (1) 24:1
clarification (6) 38:7,23 40:6 49:10 60:13,19
clarified (1) 59:4
clarify (6) 22:18,19 23:7 30:7 54:18 63:7
clarifying (2) 23:17 55:5
clarity (2) 44:23 61:10
class (3) 18:24 19:4 56:5
classics (3) 13:23,25 16:11
cleaned (1) 52:4
cleanup (1) 52:22
clear (1) 29:13
clearance (1) 17:9
clearing (1) 11:4
clearly (1) 26:3
close (1) 57:7
club (1) 5:4
cobble (2) 28:24 35:21
cobblestone (1... (1) 1:6 2:17,18 12:22 13:19,19 14:23 15:5,22 15:23 16:2,4 16:11,13,14,17 16:18,23 17:2 17:3 18:1,3,4 18:11,18,21 19:9 20:21,21 20:22 21:1,12 24:9,13,15,17 24:21 25:1,8 25:18,25 26:4 26:12,18,24 28:1,25 30:5 30:10,21 31:9 31:11,14,17,20 31:23,24,24 32:1,3,4,6,9,12 32:15,17,18,19 33:5,6 35:6,9 35:12,16,19,21 35:25 36:2,7 36:12,21,23,24 37:1,2,13 38:5 38:17,18 39:6 39:18 40:4,15 41:14,16,24 42:5,17,18 45:5,18 46:11 46:17 52:25 57:21,21,22 58:4,16
cobblestones (1) 26:2
College (2) 4:19,21
color (1) 27:17
Columbo's (1) 57:10
combination (5) 24:16,17 33:11 33:13 39:17
combinations ... (1) 14:7 59:21
combined (1) 9:21
come (6) 10:12 11:14 15:10 32:2,21 54:15
Comersha (1) 9:7
comes (1) 10:7
coming (2) 4:12 16:23
comma (1) 53:11
comment (2) 52:10 59:12
comments (1) 23:6
commission (3) 47:11 58:3 64:18
common (6) 36:17,18,24 45:4,7 59:12
companies (11) 9:6,19 10:2,12 11:8 29:18 31:24 37:20 47:12 50:1 51:20
company (34) 6:7,11 7:4,6 8:7 8:11,12 9:9,11 10:2 16:1 22:20 28:16,16 45:20,25 46:22 47:11 48:8,11 48:12,15,19 49:12 51:12,18 52:7 53:5,16 53:19,19,21 59:1 60:7
company's (2) 51:24 58:25
compared (1) 26:10
compete (1) 9:25
competing (2) 9:22 37:2
competitors (3) 10:9,10 47:4
complete (1) 10:3
completed (3) 4:20,21,23
completely (1) 26:16
complies (1) 59:14
component (4) 28:19 50:17,25 51:2
components (1) 50:22
Compton (1) 6:9
computer (5) 30:25 59:8 60:2 61:20,25
con (1) 35:23
concept (2) 16:15 17:2
conceptually (1) 9:16
concern (2) 22:8 24:24
concerned (1) 43:10
concerns (1)

concerns (1)
52:6
concluded (1)
35:8
conclusion (6)
36:10 37:17 49:17 60:12,18 60:25
conduct (4)
11:1,10 46:15 47:18
conducted (3)
17:25 27:10 57:13
conducting (1)
38:15
confess (1)
52:17
confirm (1)
46:23
confirms (1)
57:19
conflict (2)
11:3 29:14
conform (1)
63:8
confuse (1)
31:5
confused (3)
26:13 29:10 52:2
confusion (6)
19:14 20:13 29:1,5 45:8 53:20
congruent (1)
6:3
conjunction (2)
24:8 49:2
connection (4)
25:18 30:13 32:3 33:5
connotation (2)
17:6 26:7
connotations (1)
57:23
Conrad (1)
4:18
consider (1)
10:21
consideration ...
64:13
considered (3)
14:7 27:13 44:16
considering (1)
14:17
consist (1)
5:19
consistency (1)
13:2
consistent (4)
17:3,5 53:6,6
consists (1)
43:2
consulting (2)
7:22 9:5
contact (2)
48:23,25
contained (2)
15:4 30:10
containing (2)
45:4,7
contenders (1)
10:23
contests (1)
6:19
context (1)
41:21
continue (1)
8:16
continued (1)
8:4
cooked (1)
22:9
copied (2)
13:8,9
core (1)
25:2
corner (10)
13:6 16:23 17:3 18:1,11 35:25 41:14 42:18 44:7 58:4
corners (3)
13:19 15:6 16:13
corporate (9)
5:6 6:9,12,13 9:22 10:1 60:13 61:2,9
corporation (3)
5:7,11,14
correct (47)
4:16 13:8 14:24 15:8 16:6 17:13 18:2,12 18:22 19:6,24 19:25 20:1 21:13 23:4,15 35:6 39:4 40:8 41:17,18,20,25 42:1,7,8,19,24 42:25 43:8,9 43:20 45:22 48:22 51:17,22 53:12 57:14,15 58:5,8,22 59:25 60:16 63:8 64:4 65:11
Correction (5)
2:11 63:2,5,11 64:5
corresponden...
48:15
council (2)
10:15,15
counsel (6)
44:13 45:24 49:6,8 54:23 65:8
counter (3)
13:23,25 16:10
country (1)
5:4
County (2)
37:5 64:9
couple (2)
29:16 57:8
course (4)
28:16 31:23 34:10 35:6
courses (1)
7:16
court (1)
44:20
covered (1)
42:17
create (1)
16:15
credibility (1)
29:19
credible (3)
44:8,17,21
CSR (2)
1:20 65:21
current (1)
12:13
currently (3)
4:7 46:5 51:19
customers (2)
29:18,19

D

D (1)
2:1
Damon (3)
7:25 8:4,8
Date (1)
1:7
Davis (37)
1:21 2:10 3:2,7 23:11 29:25 33:21,22 34:11 34:13 36:12 38:9,14,24 39:12 40:8,13 46:14,15 47:25 48:3 50:10,11 51:15,16 53:24 54:1 55:8,10 55:16 56:24 57:7,11,12 59:19 60:15 62:3
day (6)
9:23 29:19,19 64:10,14 65:15
days (1)
5:17
de (1)
5:4
dealing (1)
49:4
death (1)
53:14
December (2)
1:7 65:22
decided (1)
23:7
decision (7)
17:10 18:17 23:14 28:7,22 37:12 42:9
decisions (2)
27:23 28:14
defense (4)
55:19,25 56:4 56:11
defining (1)
22:8
definitely (1)
61:22
degree (2)
4:18 56:6
deletes (1)
51:7
deli (27)
12:23,25 13:1,5 13:6 14:18 16:16 19:2,5 22:9 24:24 28:3,7,17,18 28:22 33:5 51:7,17,18,24 51:25 52:4,8 52:12,14,21
delicatessen (1)
28:13
delis (2)
13:3 28:1
demographics...
27:21
demonstratin...

45:7
deny (1)
42:14
departments (1)
28:21
depending (1)
28:23
depicted (1)
25:19
deploying (1)
7:18
depo (1)
55:6
deposition (14)
1:12,16 2:3 25:11,14 26:15 33:24 34:6 42:2 53:16 55:12 57:14 63:1 64:4
depositions (1)
34:2
describe (4)
4:17 20:9 22:11 59:18
described (1)
26:2
describes (1)
16:5
description (8)
2:16 18:24 19:1 21:9,21 23:3 23:10 64:11
descriptions (1)
56:6
descriptive (5)
22:10,19 36:13 36:17,18
designed (1)
5:16
desire (1)
49:15
desires (2)
11:3 15:14
despite (1)
13:3
determine (5)
10:16,18 11:2 46:2,5
determined (1)
22:22
determining (1)
10:5
develop (4)
5:23 6:5 9:1 33:15
developed (3)
5:16 8:18 48:24
developing (3)
12:21 16:9 33:16
development (4)
8:16,20 9:18,25
developmenta...
11:5
dietetic (1)
4:22
difference (2)
52:18,19
different (7)
11:23,23 12:5 13:18 20:4 28:22 30:9
difficult (1)
56:12
difficulty (1)
12:12
diligence (1)
46:7
direct (2)
29:24 34:10
directed (2)
49:6 52:23
direction (1)
65:11
directional (3)
27:12,22,23
director (5)
5:6,14 6:4,7 7:7
disclaim (5)
23:22,25 24:4 35:12,16
disclaimed (1)
35:22
disclosed (2)
38:4 47:12
discovery (4)
33:24 34:2,6 53:16
discuss (2)
49:15 61:17
discussed (2)
22:22 55:11
discussing (2)
34:14 35:5
discussion (3)
18:13 26:21 62:2
dismissed (1)
56:2
distribution (3)
7:8 8:12 9:9
distributors (1)
9:19
division (2)
6:9 8:1
document (27)
20:10 30:23 38:8,10,11 39:2 40:6,8,10 41:9 42:21,23 43:14,25 44:2 44:2,12 45:13 45:23 47:7,7,9 48:21 50:6,7 55:11 64:12
documentary ...
49:13
documents (6)
35:23 38:8,10 38:19,25 56:7
doing (3)
10:10 18:9 59:1
dollar (1)
29:21
dollars (1)
9:21
dominant (1)
9:20
dozens (1)
14:6
dropped (3)
52:2,3,5
due (1)
46:6
duly (3)
1:17 4:4 65:7
Dun (1)
47:16
d/b/a (3)
60:8,15 61:11

E

E (3)
2:1 3:1,1
Eagle (2)
32:4,15
earlier (6)
10:14 22:22 33:24 34:6 47:3 48:4
Ebert (2)
11:9 46:22
education (3)
4:17,23,25
effect (1)
28:11
Egbert (2)
11:10 46:22
Egbert's (1)
17:23
eight (2)
6:12 9:21
either (5)
17:22 39:18 40:19 61:1,9
elements (3)
45:4,5,7
else's (1)
29:10
employed (1)
4:7
employment (1)
5:10
ends (1)
19:2
engine (3)
30:17 35:3 59:5
engineer (1)
35:3
engines (1)
11:1
entered (1)
7:5
entities (4)
38:4,15 40:14 40:20
entity (1)
40:3
entrees (3)
19:2 50:19 51:2
environments ...
5:1 28:18
equity (2)
9:1 29:22
error (1)
54:25
errors (1)
63:9
especially (2)
19:13 26:10
essentially (3)
9:14 12:23 44:5
established (1)
58:2
etcetera (2)
27:21 50:19
everybody (1)
27:4
evidence (12)
40:10,18 44:9 44:15,17 45:17 45:21 49:14 56:3,10,14,18
evoke (2)
24:20 26:11
evoked (2)
25:16,21
evokes (1)
13:5
evoking (1)
24:24
ex (1)
54:13
exactly (1)

32:22
EXAMINATI... 4:5 33:20
Examination-... 2:9,10
examined (1) 65:8
examiner's (1) 24:3
example (6) 11:16,19 33:4 50:25 51:4 61:12
exception (2) 45:12,16
exceptions (1) 12:10
excuse (5) 7:24 19:16 35:21 39:3 47:22
executed (1) 64:13
executive (3) 5:18 7:8,15
exhibit (46) 2:15,16 13:7,8 13:17 16:19,22 16:25 17:19 18:14,15,17 19:12 21:20 22:1 23:22 25:3,14,19 30:4 31:3,8 32:1 35:4,5 37:16,22,23,24 38:22,25 39:2 40:9 41:7,8 42:22 43:13 46:1,9,18 50:11 57:9 58:12,18 59:18 59:24
Exhibits (3) 30:2 34:13 60:20
existed (1) 28:2
expand (1) 29:11
expected (1) 29:3
experience (7) 25:6,7 26:9 27:7 28:15 37:19 61:9
expert (6) 53:16,17 54:7,8 54:13,22
Expires (2) 64:18 65:22
explain (1) 17:2
expressed (2) 16:14 64:13
expresses (1) 15:14
extending (1) 42:4
extent (3) 36:9 50:23,23
extraordinaril... 31:19
extremely (1) 29:22
eyes (1) 11:12

F

face (1) 39:2
facilitative (1) 10:11
facilitator (1) 9:17
fact (9) 12:4 15:20 19:17 23:25 28:17 29:20 36:3 45:8 53:21
factors (1) 23:14
facts (1) 63:8
fails (1) 56:1
fair (8) 4:13 23:2 29:24 35:4 39:9 46:8 52:15 53:24
fairly (1) 20:12
fairness (1) 53:23
faith (1) 52:7
familiar (5) 34:21 39:21,22 43:25 47:6
familiarity (2) 34:24 35:18
familiarize (1) 43:17
family (1) 5:2
famous (1) 57:10
far (1) 12:15
fast (2) 5:2 8:12
favorite (1) 14:5
Federal (2) 1:23 56:2
federally (1) 61:12
feel (5) 25:1,4 27:16 42:6 60:3
feeling (2) 16:13,17
feelings (1) 27:17
fewer (1) 58:16
fide (2) 19:8 23:17
field (2) 9:24 10:12
filed (4) 19:10 44:13 51:23 55:12
filing (2) 1:7 48:20
filings (1) 6:22
fill (1) 22:7
finalist (1) 14:22
finally (1) 55:8
find (2) 9:22 47:23
fine (6) 5:3 29:25 45:11 47:1 55:24 56:17
finish (2) 29:23 36:14
finishing (1) 57:8
firm (4) 42:19 46:23 54:24 65:21
firms (2) 41:12,13
first (19) 4:4 5:10,12 13:16 14:8 27:10 31:8 32:20 35:5 38:12 40:21 44:19 51:10 53:9,14 56:11 58:6 60:5 65:7
fit (1) 11:23
five (3) 31:13 52:11 59:2
Floor (2) 1:22 3:7
flour (2) 25:23 26:5
Flowers (10) 1:2 3:10 25:17 26:24 29:6 32:9 33:23 35:15 49:20 52:6
focus (10) 12:23 27:5,7,8 27:11,11,11,13 27:16,21
focused (4) 16:11,21 24:16 24:22
focuses (1) 26:3
focusing (1) 11:2
follow (1) 17:7
following (2) 16:19 45:8
follows (1) 4:4
follow-up (1) 57:8
Fontana (11) 3:10 10:4 30:4 38:22 42:22 43:13,14 44:6 47:22 50:7 52:23
food (28) 2:17 4:24 5:1,2 5:5,6 6:6 7:4,5 7:8,23 8:1,1,12 9:9,19,23 10:8 13:4 29:19 32:2,3 39:7,17 49:1 57:21 58:7,9
foods (7) 3:10 6:9 12:20 15:23,25 16:1 31:25
force (1) 6:20
foregoing (3) 64:4,12 65:11

forth (1)
18:14
fortunately (1)
62:1
forward (6)
11:13 12:19 15:21 18:18 20:13 29:9
found (2)
15:4 27:8
four (2)
11:12 60:5
fourth (2)
44:7,11
frankly (1)
52:3
FRCP (1)
4:1
free (3)
43:15 45:13 60:3
freestanding (1)
43:9
free-standing ... (1)
16:16 24:23
French's (1)
52:20
frozen (1)
51:2
full (2)
44:8 45:9
functional (1)
9:15
further (3)
11:5 22:8 38:19
future (2)
19:9 22:25

G

gamut (1)
13:4
gather (2)
27:2 38:1
general (7)
7:25 10:4 17:12 20:10 26:17 39:15,16
generally (7)
6:14 10:10 20:9 28:17 53:6 54:14 58:7
generate (3)
34:22 49:13 50:2
generic (2)
36:7 45:2
Georgia (2)
3:4 16:5
gesture (1)
52:7
giants (2)
9:22 10:1
give (3)
27:14 31:7 54:15
given (3)
33:24 64:14 65:14
gives (2)
26:7 29:12
giving (1)
63:6
glad (1)
55:8
go (24)
7:1 9:4 10:3 11:7,7,13 13:10 15:21 17:8 19:22,23 20:6,13 22:1 22:13,23 23:7 23:16,18 29:9 36:14 43:23 49:6 53:14
goes (2)
17:10 56:19
going (8)
4:12 8:25 10:3 22:6,12 31:3 34:9 55:7
Golf (2)
31:23 35:6
good (5)
9:2 22:16 51:8 52:7 53:23
goods (8)
10:6 19:19 30:13 48:5 49:5 50:8,13 58:6
Google (16)
2:17,18 30:17 32:21 34:22,25 35:1 39:3,10 39:13 58:15,17 58:19 59:5,8 59:11
Googles (1)
32:2
gotten (5)
19:16 53:4 54:21 55:2,3
graduate (1)
4:22
Graham (3)
1:20 65:4,20
Granite (1)
31:24
granted (1)
56:1
great (1)
25:24
grocery (1)
27:25
group (5)
11:16 17:10 27:7,8,16
groups (7)
27:5,11,11,11 27:13,21,22
guarantee (3)
41:2,4,6
guess (2)
32:10 52:1
guidelines (1)
29:12
Gulden's (2)
52:20,20

H

H (1)
3:2
half (1)
8:9
hand (3)
31:3 64:14 65:14
handwritten (1)
52:24
happened (1)
49:2
hate (1)
53:13
healthcare (1)
10:17
heard (1)
37:12
heavily (1)
15:16
held (2)
5:25 6:2
helped (1)
9:8
hereto (2)
1:25 65:9
high-quality (1)
13:2
high-tech (1)
9:7
Hill (36)
1:21 2:9 3:6,7 4:6 23:13 30:3 31:6,7 33:19 34:8,12 36:9 38:7,11,21 39:11 40:5 46:12 47:24 48:3 50:9 51:14 53:17,22 54:13 55:4,14 56:20 57:5,10 59:11,17 60:12 61:24 62:5
Hilton (1)
4:19
hire (2)
53:21 54:17
hired (3)
53:16,20 54:20
hit (3)
10:24 16:18 39:1
hits (8)
14:9,25 15:22 18:6 30:5 38:18 40:25 59:13
hold (1)
4:18
holding (1)
37:13
Holland (1)
3:10
home-style (1)
13:6
honestly (1)
48:12
hoped (1)
52:5
Hospital (1)
5:7
hot (1)
27:15
Hotel (1)
4:19
hours (1)
4:20
Houston (6)
1:22 3:8 4:20 6:11 7:15 65:23
huh (1)
57:1
Humana (1)
5:7
hundreds (3)
14:6 31:2 33:2
hyphen (1)
43:2

I

idea (1)
28:12
ideation (1)
10:19

identification ... 19:19 48:4 49:5 50:8,12
identified (2) 20:18,22
identify (1) 48:16
identity (1) 64:11
ignore (2) 29:6,7
IMA (22) 4:13 9:16,17 11:25 26:11 28:24 29:9 35:19 43:15,18 45:16 46:15 48:19,23 49:25 50:24 52:8 54:17 55:12,19 56:3 60:2
image (8) 13:2,4 24:20,22 24:25 25:16,21 26:10
imaged (1) 12:24
imagery (1) 25:22
imagine (1) 6:16
IMA's (2) 19:7 44:15
Immediately (1) 7:24
implemented (... 5:16
important (4) 5:22 8:25 29:16 29:22
include (2) 22:24 23:3
included (1) 48:8
including (6) 6:17,22 32:1,4 46:11,17
incomes (1) 27:21
independent (... 1:6 3:10 4:8,9 9:15,19 10:2 59:2 60:6,10 61:1,5,7,13
independently... 61:6
INDEX (1) 2:15
indicate (1) 63:5
indicated (1) 37:21
individual (1) 38:25
industry (4) 36:16,18,20,24
ingredient (1) 25:23
initial (1) 42:23
initially (1) 53:15
inquired (1) 54:7
instance (1) 1:17
instantly (1) 26:8
instrument (2) 9:8 64:12
intend (3) 23:3 24:6,7
intended (1) 50:17
intent (5) 19:8,10 23:1,18 51:5
intention (2) 50:21 51:25
interaction (1) 15:9
interest (8) 16:23 32:7 48:24 49:13,14 49:16,18,18
interested (2) 12:21 43:16
Internet (1) 32:10
internship (1) 4:22
introduce (2) 22:25 51:25
introduced (3) 43:14 52:23,24
intuity (1) 27:14
invest (1) 15:16
investigation (1) 39:24
investor (1) 9:10
involve (1) 7:17
involved (4) 6:18 7:18 8:5,6
issue (1) 55:8
issues (5) 15:19 20:17,19 21:16 49:5
Italian (1) 11:20
item (1) 32:3
items (6) 11:4 22:9 40:24 58:7,9,9

J

job (2) 7:7 9:24
Joe (1) 24:10
John (1) 7:6
joined (2) 5:11 8:11
Jr (1) 3:2
judicial (1) 37:12
jump (1) 20:3
jumped (2) 16:20 19:18

K

Katy's (1) 52:12
Kilpatrick (1) 3:3
kind (11) 11:17 12:6,10 12:11,16 16:19 20:17 32:3 49:2 61:10,18
Kirbo (3) 3:10 61:22 62:1
Kitchen (2) 15:23 52:13
Kitchens (2) 16:2 20:21
Klein (5) 10:20,25 14:5 17:17 46:19
knew (4) 18:8 27:4 55:6 58:23
know (31) 14:12 15:2,24 27:18 28:13 31:21 32:22 33:22 35:2 36:7,21,22,23 36:23 37:5,7 38:4,13 40:2 41:11 44:22 45:9,10,25 50:16 52:17 54:9 55:24 58:10 60:7 61:18
knowledge (13) 35:15,17 37:15 41:18 45:19,20 49:15 52:10,14 54:19 56:10,19 57:17
known (1) 64:11

L

L (3) 1:19 65:4,20
label (1) 5:20
labeling (1) 9:11
lack (1) 44:23
language (1) 44:10
large (4) 7:4 9:20 37:17 37:18
largest (3) 6:10,11 8:12
latest (2) 50:9,10
launched (1) 11:11
law (2) 46:23 56:5
laws (1) 37:5
lawyer (2) 53:18 54:14
lawyers (1) 17:9
layman's (1) 36:11
layperson (1) 52:17
leading (1) 23:12
leave (2) 6:24 61:25
led (2) 49:11 56:5
left (5) 6:9,25 7:2,24 25:19
legal (10)

36:10,10 37:4 55:23 56:13,15 60:7,12,18 61:18
legalistic (1)
44:20
let's (6)
29:6,23 31:25 35:4 39:1 44:1
level (1)
17:15
leveling (1)
9:24
Lewis (1)
7:6
licensed (1)
12:9
likelihood (1)
53:20
Likewise (1)
41:5
limit (2)
31:25 38:24
limiting (1)
40:6
line (12)
10:13,13 13:15 14:18,18 37:10 43:1 50:3 52:4 54:5 62:1 63:6
lines (3)
21:7 42:16 57:10
list (1)
21:9
listed (4)
15:23 16:1 35:7 38:12
litigation (1)
60:21
little (2)
40:13 52:21
locally (1)
37:6
located (1)
16:3
logo (3)
24:23 25:17 27:9
long (4)
7:10 8:8 30:23 30:24
look (22)
13:7,9,10,16 16:19 18:14,15 19:12,13,22,23 20:15 21:4,20 21:20 25:16 30:3 35:4 39:2 42:2 43:15 47:21
looked (2)
16:10 26:9
looking (6)
10:17 14:11 15:13,15 22:2 30:11
looks (2)
14:8 26:1
Loop (1)
65:22
lose (1)
12:6
lot (9)
18:20 24:12 27:17 30:13 31:1 49:18 57:22 59:13,22
lots (3)
31:24 36:4 52:16
Louisiana (2)
1:22 3:7
lower (1)
44:7
LP (1)
1:7
luckily (1)
59:15
L.L.P (1)
3:3

M

MAC (8)
10:19,22 11:14 12:20 14:5 29:12,15 49:16
machine (1)
1:20
main (3)
16:18 24:24,25
maitre (1)
5:4
major (1)
52:19
makers (1)
28:22
making (1)
58:25
managed (2)
8:18 10:11
management (5)
4:19 5:17 6:6,17 7:16
manager (5)
7:25 28:3,17,22 28:23
managing (5)
5:2,4 6:21 8:16 37:19
manpower (1)
15:17
manufacturer...
7:23
Maria (1)
3:3
mark (21)
1:6 10:5 11:15 14:13,17 15:11 15:14,15 17:11 18:21 20:14 21:12 24:1,16 25:16,18 26:10 26:11,18,24 35:20
marked (8)
2:16 13:13 30:2 30:4 31:3 41:8 42:22 50:7
market (63)
1:6 10:18 11:19 12:22 13:6,18 13:19 14:14,15 14:17 15:16 16:12,13,14,15 16:18,21,22 17:3,6 18:3,4,5 18:6,18,22 19:8,9 21:12 21:13 23:23 24:1,4,7,10,18 24:21,22,24,25 25:1,2,4 26:12 28:25 32:15 33:8 35:19 41:17,19,21,24 41:25 42:6,12 42:14,17,20 43:2,6,12 45:6 52:25
marketers (1)
27:15
marketing (36)
1:6 3:10 4:8,9 5:7,9 6:7,8,10 6:13,15,19 7:14,16,17,19 8:14,15 9:7,15 9:18 10:1,14 23:5 27:12 29:8 32:11 49:21,22 59:2 60:6,10 61:5,7 61:8,13
marketplace (5)
9:20 10:8,9,10 57:24
marketplace's...
11:24
markets (1)
9:22
marks (5)
20:16,18,20 45:4,7
Marty (1)
56:24
Martyn (1)
3:6
material (2)
39:19 45:12
materials (1)
50:2
math (1)
58:21
Matter (1)
1:5
MBA (1)
4:21
mean (9)
14:2,11,16 20:10 27:8 34:19 45:9 46:12 60:13
meaning (1)
44:20
means (4)
15:2,24 44:22 56:14
meant (3)
30:9 36:21 43:4
meat (1)
14:18
meats (3)
19:2 28:19 33:6
medical (1)
58:23
mediums (1)
17:25
member (4)
9:18 28:25 50:1 51:20
members (1)
12:9
memorize (1)
44:2
mention (2)
42:12,15
mentioned (2)
21:15 35:5
merely (1)
60:19
methodology (2)
27:19 34:21
Mexican (1)
11:20

Mh-mh (12)
4:14 13:24 21:8 21:11,22 27:10 37:11 44:1 54:16 55:15,21 58:1
middle (1)
58:7
mill (12)
16:5 21:2 24:10 25:18,22 26:3 26:7,18,24 28:1 32:17,18
million (4)
29:21 39:25 40:25 59:21
mind (3)
22:13 25:21 28:2
minute (1)
53:22
minutes (1)
57:4
mission (2)
52:25 53:2
misspoke (1)
54:23
misunderstan...
54:19
mix (1)
7:19
moderated (1)
27:11
modification (1)
49:6
modified (1)
48:5
modify (1)
22:23
modifying (1)
49:9
mom (1)
5:1
moment (8)
13:7 16:20 18:15 19:13 21:15 29:6,7 29:23
money (1)
15:16
move (2)
18:18 38:9
moved (2)
5:9 12:18
moving (1)
5:7
mustard (15)
19:5 51:7,12,17 51:18,21,24,25 52:4,8,12,14 52:16,19,21

N

N (3)
2:1 3:1 4:18
name (24)
12:1 14:17 15:11,20 16:2 30:10 32:11 37:2,6 39:18 46:21 48:12 54:10 58:25 59:1 60:7,10 60:14 61:2,7,9 61:11,13 64:12
named (1)
46:20
names (9)
10:21,22 11:2 13:18,23 14:2 14:3,4 15:23
name's (1)
33:22
narrow (1)
10:22
nature (2)
33:1 47:9
Near (1)
53:25
necessary (1)
42:7
need (10)
10:5,7,8,13 19:13,22,23 27:18 55:24 57:1
needing (1)
22:6
needs (1)
11:24
negatively (1)
41:1
neighborhood...
12:24 16:15 24:24
neither (1)
61:4
never (8)
25:7 31:21 35:23 49:5 51:5,5 56:5 59:3
New (1)
12:25
Newhall (5)
10:20,25 14:5 17:17 46:19
normally (1)
46:6
North (1)
65:22
Nos (1)
30:2
Notary (1)
64:17
noted (1)
64:5
notice (3)
1:24 55:12,25
number (13)
5:1,5 6:2,16 26:17 29:12 37:17,18 47:22 58:11 59:16,25 63:6
numbered (3)
1:18 21:5 44:6
numerous (1)
10:21

O

Oakwood (13)
13:18,19 14:9 14:12,14,15,17 16:12 18:5 41:21,25 42:12 42:14
oath (1)
64:11
object (6)
23:11 36:9 38:7 40:5 46:12 60:12
Objection (2)
23:11 56:20
obtain (1)
18:18
occasions (1)
29:16
occupies (1)
54:1
occurred (1)
22:21
October (1)
65:15
office (11)
1:1,21 6:9,12 20:11,25 23:6 34:18 44:14 64:14 65:14
official (1)
48:1
Oh (2)
20:5 60:4
Okay (51)
4:12 12:11 13:16 14:8 15:6,9 16:4 17:7 18:13,23 19:7,12,19 20:2 22:1,4,13 23:13 25:22 27:7,24 28:6 28:13 29:25 30:11,16,23 32:20 33:11,18 34:8,9,12 38:24 43:13 44:4,12 45:1 47:1,3,11 49:12 50:9 51:4,11 53:4 53:13 55:14 56:9 57:5 59:11
old (2)
16:15 25:24
old-fashioned ...
12:24 13:6 24:23 25:22 26:3
Olivia (1)
3:3
once (3)
10:15,18 23:16
ones (1)
38:12
one's (1)
48:2
operating (2)
6:11 28:1
operators (1)
13:5
opined (1)
37:9
opinion (7)
33:14 35:11 36:2,7 37:4 54:15 61:4
opportunity (2)
22:25 25:13
Opposer (3)
1:4,17 3:2
opposition (4)
1:3 12:13 55:13 55:25
opt (1)
11:13
ORAL (4)
1:12,16 2:3 63:1
order (2)
31:4 61:10
ordering (1)
47:16
ordinary (1)

36:13
organization (2)
8:2 10:11
original (4)
48:20 51:14
54:25 55:11
originally (2)
23:2 51:17
originated (1)
14:3
ought (1)
22:23
outlet (1)
28:23
outside (4)
11:7 53:18
54:14,24
overrule (1)
29:15
owner (2)
9:18 51:21
owners (1)
28:25

P

P (2)
3:1,1
pack (1)
49:16
packaging (1)
9:11
page (33)
2:7,11,12 13:17
13:22 18:23
19:13,16 20:4
20:6,16 21:4,6
21:21,25 22:3
39:3 42:3,4,4
42:16 43:1,16
44:6 54:2
55:18 58:7
59:8 63:2,6,6
64:1,5
Pagel (2)
1:21 3:7
pages (5)
34:7 38:13,16
40:22 65:11
PAGE/LINE (1)
63:11
paid (1)
54:20
paper (1)
52:24
paragraph (3)
44:8 55:20,22
part (10)
5:19,22 8:20
19:22 32:6
35:13,16 41:24
46:6 53:22
particular (9)
11:15 17:11
26:22 43:3,11
45:23 50:4
51:12 53:7
particularly (1)
56:18
parties (8)
34:1,2 44:10,18
45:4,7,17 65:8
parts (1)
16:12
party (2)
53:18 54:14
pass (1)
33:19
Patent (2)
1:1 44:14
path (2)
15:18,19
Peachtree (1)
3:4
pendency (1)
57:14
Pennsylvania ...
37:5
people (10)
22:23 26:18,23
27:14,16,20
28:14 30:13
36:21,22
perceived (1)
13:2
percent (3)
8:2 27:20,20
percentage (2)
26:18,23
perfectly (1)
55:24
period (2)
28:24 29:20
person (3)
28:7 54:17
64:12
personally (3)
39:12 64:10
65:6
person's (1)
54:9
phase (1)
22:22
phases (1)
15:13
phone (1)
53:5
phrase (1)
25:10
pizzeria (1)
11:22
place (2)
17:3 65:6
Planck (30)
1:13,16 2:3,16
4:3,7 30:2,3
33:22 41:8
46:8,17 47:21
50:6 51:16
54:2 55:10
57:7,9,12,25
58:12,13,18
59:24 60:20
63:1 64:4,7
65:6
plans (1)
51:24
playing (1)
9:24
Please (1)
63:5
plus (3)
23:6 29:21 43:2
point (8)
10:25 18:9 19:9
23:18,20 26:21
50:11 54:22
points (1)
18:13
political (1)
56:5
pop (2)
5:2 52:21
population (1)
27:18
position (3)
4:9 5:13,25
positioning (4)
53:1,2,7,10
positions (1)
6:2
possession (3)
44:15 45:17
56:8
possibility (4)
16:22 26:12
27:25 28:2
possible (5)
13:22 14:6
20:22 33:4
52:12
potential (1)
14:17
potentially (1)
20:17
Practice (1)
1:24
precise (1)
17:20
precisely (1)
56:14
prefer (1)
52:3
preliminary (2)
15:10 17:9
prepared (3)
22:21 48:13
49:16
PRESENT (1)
3:9
presentation (2)
22:20 23:6
presenting (1)
38:20
President (1)
4:11
pretty (3)
19:17 26:2 54:1
previous (2)
40:24 41:15
previously (3)
8:6 41:7 42:22
primarily (1)
6:20
primary (3)
13:4 24:22
38:17
print (1)
59:17
printing (2)
38:15 40:21
printout (2)
44:14 46:3
prior (2)
4:12 35:19
private (2)
5:20 37:20
pro (2)
35:23 61:24
probably (5)
24:10,22 30:15
39:1 48:13
probative (3)
44:8,17,21
problem (2)
21:2 55:4
problems (1)
29:6
procedure (4)
1:23 12:16 56:2
56:15
procedures (1)
61:18
proceed (1)
17:11
proceeding (3)

12:13 33:23 53:17
proceedings (1) 34:3
process (13) 10:5,19 11:5 12:8,16 14:4 15:9 16:7 17:8 17:20 48:4 49:10 51:8
processes (1) 46:5
procurement (... 10:15
produced (5) 1:16 43:15,18 43:19 45:20
produces (1) 25:23
producing (1) 26:5
product (15) 6:8,17 9:8,17 11:11,15,18,25 11:25 13:3 14:18,18 47:14 50:3,24
production (1) 47:9
products (20) 6:5,7 10:25 11:16,17,20,20 11:23 12:24 19:1,8 21:10 26:6 28:4,8,20 47:5 50:3,22 61:7
professor (2) 7:14,14
programs (4) 5:17,18,18 6:5
project (3) 10:16 11:13,13
promotion (1) 6:19
proper (1) 53:11
protect (3) 15:15 29:14 37:2
protected (2) 35:10 36:3
protectible (2) 9:3 43:8
protecting (1) 29:21
protection (3) 37:8 61:1,8
proved (1) 64:11
provisions (1) 1:24
PTO (7) 20:25 21:1 22:8 22:24 49:4,5 49:10
PTO's (2) 19:24 49:2
public (2) 37:19 64:17
Published (1) 1:8
purchasing (2) 8:13 9:25
pure (1) 29:8
purpose (2) 57:16,17
purposes (2) 35:1 64:13
pursuant (2) 1:22 4:1
pursue (3) 8:23 10:16,18
put (4) 36:10 47:4 52:4 55:8
puts (1) 58:19
P.C (2) 1:21 3:7
p.m (6) 1:19,19 30:1,1 57:6,6

Q

qualify (1) 56:9
quality (5) 6:4,6 13:2,5 24:25
quantifiable (1) 27:13
question (24) 23:12 24:2 28:6 36:15 38:3 40:13,19 43:24 44:5,15 45:6 45:10,15 46:14 52:22 54:5,12 56:9,15,23,25 58:11 60:22,24
questions (9) 4:6 12:14 33:21 34:5 37:10 48:3,18 57:8,9
quickly (1) 19:17
quid (1) 61:24
quite (1) 59:15
quo (1) 61:24
quote (1) 44:16
quoted (1) 58:14

R

R (1) 3:1
raised (1) 12:14
ran (4) 7:5 17:21 34:17 34:18
react (1) 56:6
reaction (1) 19:24
reactions (1) 27:14
read (3) 4:2 64:4 65:13
really (7) 10:7 16:11 19:17 26:22 27:18 56:6 61:10
reason (8) 13:1 24:25 37:10 41:23 42:9 59:3 63:7 63:11
Reasons (1) 63:7
recall (7) 13:12,14 33:23 35:20 42:4 52:13 59:1
receiving (1) 13:12
recess (2) 30:1 57:6
recognize (3) 41:8,10 59:11
recognized (2) 26:18,24
recollection (4) 14:20 51:9 57:19,20
recommended... 46:21
record (5) 1:24 10:20 57:11 62:2 63:8
recruited (1) 9:14
red (2) 27:17,20
reduced (1) 65:10
refer (8) 4:13 30:17 34:6 43:13 45:13 54:2 57:25 58:7
reference (10) 14:12 16:4 30:5 30:8 38:21 40:7 43:4 44:6 44:8 48:8
references (3) 17:19,20 60:2
referred (1) 54:25
referring (4) 38:22 39:1 42:21 44:24
refers (1) 15:24
reflected (7) 39:25 40:3 46:1 58:6,13 59:24 60:1
reflects (4) 37:22 39:2,3 58:19
regard (4) 8:15 22:6 30:20 31:16
regarding (4) 21:16 27:25 41:14 43:12
register (1) 30:14
registerable (1) 29:8
registered (13) 11:3 12:8 18:19 30:12 37:6,7 40:11,12 42:20 60:6 61:6,12 61:15
registrants (1) 46:1
registration (3) 8:24 35:22 65:21
regular (1) 6:22
regularly (1) 35:1
reintroduce (1)

54:12
relate (1)
49:4
related (3)
11:25 39:19 40:14
relates (1)
10:9
relating (2)
4:24 34:9
relief (1)
56:1
remains (1)
5:24
remember (14)
7:3 20:24,25 21:18 26:19,24 27:5 28:4,6,10 30:20 31:1 48:12 50:16
rendition (1)
25:24
repeat (1)
24:2
repetition (1)
10:3
rephrase (1)
45:11
report (2)
41:12 47:12
reported (1)
1:20
Reporter (1)
65:4
Reporter's (1)
2:13
reporting (2)
42:23 46:6
reports (2)
46:24 47:16
represent (3)
31:9 33:23 44:12
representative...
18:17 19:7
request (3)
34:18 49:2,10
requested (1)
49:20
requests (1)
49:9
required (1)
35:22
research (12)
26:22 27:4,13 27:22 38:14,17 38:19 40:20,21 45:25 47:11,19
residents (1)
7:15
resolution (1)
53:15
resolve (1)
12:15
respect (3)
37:16 45:23 46:8
respective (1)
65:8
respond (2)
45:10 52:7
responded (2)
42:6,16
response (5)
42:10,13 44:16 48:8 54:8
responsibilitie...
6:17
responsible (1)
6:21
rest (2)
45:15 55:9
restaurant (7)
4:19 20:22 28:19,22 36:23 37:1,2
restaurants (5)
5:2,2,3 11:21,22
result (13)
14:15 18:13 31:12 35:18 40:22 43:10,11 46:9 48:23,25 49:1 60:9,23
results (25)
34:22 35:9 37:17,18,21,23 38:2,5,16 39:4 39:14,23,25 40:3,21 41:3,5 42:23 46:23 58:12,13,20 59:23 60:1,24
retail (3)
7:4 28:18,23
retain (1)
29:15
retained (5)
53:18 54:7,9,15 54:23
retracted (1)
27:3
returned (1)
7:13
reverse (1)
31:4
review (6)
23:6 25:13 32:20 35:24 36:1 38:2
reviewed (1)
61:3
reviews (1)
6:23
revisiting (1)
55:16
right (19)
10:17 13:14,25 14:21 16:18,25 18:11 19:2,5 19:20 20:7 21:24 25:11 30:5 32:17 38:10,25 51:14 54:11
rights (1)
24:7
right-hand (1)
44:7
Robert (9)
1:13,16 2:3 3:10 4:3 63:1 64:4,7 65:6
room (1)
39:10
Rules (3)
1:23,23 56:2
run (12)
29:1 34:15,16 35:19,25 41:19 41:24 42:5 46:10 47:5 58:24 59:5
running (1)
7:25

S

S (1)
3:1
salads (1)
50:17
sale (1)
8:3
sales (6)
5:17,17 6:19,20 8:1 9:21
salesmen (1)
15:17
salespeople (1)
29:17
sandwich (2)
23:17 48:9
sandwiches (19)
21:16,17,23 22:10,19,21,24 23:3,9,18 28:20 48:7,13 48:24 49:13,16 50:4 52:3,5
saw (1)
35:23
says (6)
14:9,25 15:7,23 15:24 37:23
scanning (1)
19:17
school (1)
58:24
science (1)
56:5
screen (3)
60:2,10,25
screening (1)
46:20
scroll (1)
60:3
se (1)
49:25
seal (2)
64:14 65:14
search (65)
2:17,18 11:7 14:14 15:4 17:18,23 18:4 18:5,9,10 30:17,17 31:9 31:12 32:1,21 34:22 35:2,8 35:24 37:21 38:2,5,15 39:4 39:6,13,20,23 39:25 40:22 41:3,5,12,13 41:16,19,24,25 42:5,12,14,18 42:23 43:11 46:4,9,10,15 46:19,20 47:12 54:24 57:21 58:3,15,17,17 58:19,24 59:5 59:5,23 60:24
searches (14)
11:1,10 16:12 17:18,22,24 34:14 35:18 38:18 40:24 46:25 47:8 57:13,18
second (6)
13:10 18:23 19:4 21:21 46:22 55:18
secure (1)
15:21

see (32)
8:23 13:7,17,20 13:22 14:8,9 14:23,25 16:4 18:23,24 19:1 19:3 21:5,23 23:23 24:23 26:12 30:4,11 30:17 31:12 36:1 42:10 44:10,11 47:22 55:18 60:9,24 61:17
seeds (1)
52:21
seeing (3)
13:14 35:20 49:1
seeking (1)
60:19
seen (5)
13:11 20:6,8 37:12 47:10
segmentation ... (1)
11:19
select (1)
8:20
sell (2)
51:18,20
selling (4)
5:19 6:20 52:14 52:16
sells (2)
28:18,20
senior (1)
8:13
sense (2)
44:22 55:23
sentence (5)
22:17 44:7,11 44:11 45:9
separate (4)
7:6 41:16,19 42:5
September (4)
1:8,13,19 2:4
Serial (1)
1:5
series (1)
11:23
served (1)
6:12
server (1)
5:3
service (21)
4:24 5:1,5,5,6 7:4,5,8,24 8:1 8:1 9:9,19,23 10:2,8 13:4 17:23 18:21 28:18 29:19
services (2)
30:14 58:6
serving (2)
10:2 13:3
set (1)
37:3
sets (2)
11:12,12
shared (1)
10:1
sheet (1)
52:24
shop (1)
37:3
short (1)
29:20
shorthand (3)
1:21 65:4,10
show (2)
50:6 55:11
shows (3)
19:4 25:3 49:1
sic (1)
61:3
side (3)
5:8,9 25:19
sign (2)
4:2 65:13
signature (4)
2:12 63:5 64:1,4
significance (1)
60:20
significant (2)
44:9,17
similar (6)
7:7 33:1 46:16 47:5,6 58:24
simply (1)
38:15
sir (11)
13:11 15:1 18:16 19:3,11 21:6,14,19,22 21:25 30:6
site (1)
44:14
situations (1)
35:20
six (2)
9:19 10:2
skews (1)
52:11
skill (1)
56:16
small (1)
49:17
soft (1)
25:1
sold (1)
52:8
solid (1)
9:2
solve (1)
52:5
somebody (3)
11:3 29:10 53:5
sorry (10)
23:21 40:17 43:21 47:24 50:1,15 51:11 51:12 59:4,19
sort (15)
11:15 14:5,22 16:8,12,17,19 17:7,9,15,19 21:9 25:1 26:1 27:14
sorts (3)
27:14 35:1 55:23
sought (3)
12:5 40:12 61:8
soup (1)
50:25
soups (1)
50:19
sources (1)
47:8
speak (1)
53:11
specific (1)
34:7
specifically (4)
21:24 42:3 48:7 54:5
spent (1)
7:13
stage (1)
34:3
stamped (1)
13:17
standing (5)
24:1 35:10 41:20,22 50:20
standpoint (1)
29:9
stand-alone (2)
12:25 36:5
start (4)
9:8,14 15:18 34:13
starts (1)
19:2
start-up (2)
9:6,8
state (6)
1:20 56:1 64:8 64:17 65:1,5
stated (2)
1:24 65:6
statement (9)
26:23 27:3 40:1 52:25 53:1,2,3 53:7,10
States (2)
1:1 7:13
stay (1)
15:18
step (1)
16:9
stint (1)
7:25
stipulate (2)
39:11 60:5
stipulated (1)
59:22
stock (1)
32:7
Stockton (1)
3:3
stone (2)
25:25 26:3
store (1)
27:25
street (2)
3:4 37:3
strip (1)
45:3
strong (5)
5:23 15:14 17:5 29:14 31:21
strongest (1)
10:23
studies (2)
49:21,22
subject (2)
53:13 55:17
submitted (1)
65:12
subscribed (1)
64:12
subsequently (... (1)
6:8
subsided (1)
49:19
successful (1)
12:17
suddenly (1)
61:13
sued (1)
32:9
suggest (2)
10:20 31:16
suggested (4)

21:1 22:24
24:4 53:19
suggestion (1)
22:9
suggestive (1)
26:5
suggests (1)
23:22
Suite (2)
3:4 65:22
supermarket (1)
32:8
Supermarkets...
32:5,16
support (3)
8:2 9:18 26:22
supporting (1)
56:4
sure (13)
9:1,2 15:18
17:16 20:13
32:24,24 48:18
53:14 55:7
56:13,14 57:3
surprise (1)
55:7
survey (1)
27:18
Susan (3)
1:19 65:4,20
sustained (1)
12:18
switched (1)
38:21
sworn (3)
1:17 4:4 65:7
Sysco (14)
5:11,12,18,20
6:1,3,4,15,21
6:24,25 7:2
9:23 61:12
Sysco's (2)
5:22 8:2
systems (1)
10:25

T

tab (2)
43:23 44:4
tabbed (1)
43:16
tablecloth (1)
5:3
take (16)
11:4 13:10
17:15 18:14
19:13 20:4
29:23 35:4
39:1,23 42:2
43:15 47:21,24
57:3 61:18
taken (6)
1:18 4:1 12:7
34:2 39:13
65:9
talk (2)
31:4 53:20
talked (5)
10:13 14:19
26:16 55:17
56:13
target (4)
10:24 13:4
16:14,18
targeting (1)
56:18
Tartaria (1)
11:22
tat (1)
57:1
teaching (5)
7:15,16,20,22
7:24
technical (1)
56:6
technicalities (...
35:2
technology (2)
6:6 35:3
Ted (2)
31:6 33:22
tell (3)
44:24 55:22
65:7
tells (1)
27:19
ten (1)
59:2
tend (1)
27:14
term (9)
22:10 36:6,25
44:24 54:13,14
56:13,14 57:23
terminology (2)
36:10 44:20
terms (5)
10:24 36:11
39:15,16 55:23
test (1)
55:2
testified (6)
4:4 10:4 41:23
43:7 53:15
60:15
testimony (12)
1:12,16 26:17
26:19 27:24
41:15 47:3
53:19 55:1
60:19 65:9,12
Texas (10)
1:20,22 3:8 6:11
64:8,17 65:1,5
65:21,23
textural (1)
39:19
thank (2)
51:15 61:23
thanks (1)
20:5
Theodore (1)
3:2
thing (3)
6:4 15:7 16:18
things (6)
16:11 17:4
27:15 31:5
49:1 52:21
think (25)
11:9 12:25
15:13 20:12
31:2,19 33:4
35:5 38:18
39:9 46:19
47:3,25 48:1
48:17 50:9
52:1,2 53:13
53:24 56:22
57:1 58:14
60:4 62:5
third (7)
19:13,16 22:3
44:9,18 45:3,6
third-party (2)
8:7 47:18
Thompson (27)
11:6,8,8 17:14
17:18,21,22,22
18:10,10 34:20
41:13,13 46:12
46:13,16,16,23
46:25,25 47:4
47:4,7,7 58:3,3
58:16
Thompson's (1)
58:17
thorough (1)
17:17
thought (2)
10:23 29:5
thousand (5)
15:17 29:17,17
31:13 52:11
thousands (2)
31:2 33:3
three (11)
9:12 11:12
20:16 31:13
38:18 52:4
58:24 59:6,12
59:20 60:5
thrown (1)
56:25
time (24)
6:1,2 8:12 9:12
13:12,14,15
16:21 20:24
22:13 24:12
28:24 29:15
30:23,24 32:25
36:1 43:3 44:1
49:12 51:23
52:3 54:9 65:5
times (1)
11:9
timetable (1)
48:19
Tit (1)
57:1
title (2)
7:3,6
today (5)
5:24 32:22
34:16 41:23
57:13
told (1)
32:14
tons (1)
56:13
tool (3)
27:12,12,12
top (5)
20:6,16 37:24
39:3 42:4
top-of-the-line...
10:21
track (1)
12:6
trade (1)
37:6
trademark (37)
1:1,1,23 6:22,22
8:21 18:19,21
26:2 30:12
33:5 35:10,24
36:3 37:7,14
38:6 40:4,15
41:3,5,13,16
43:5 44:14
45:18 46:11,17
51:21 57:23
58:2 60:6,13
61:1,6,8,15
trademarkabl...

25:4,7
trademarked ... 25:10 31:20 33:14
trademarks (4) 15:4 30:10 37:19 46:2
traditional (1) 25:1
tradmarkabili... 31:17
training (5) 5:14,17,17,18 5:19
transcript (4) 42:3 54:3 65:12 65:12
transcription ... 63:9
transcripts (1) 54:2
trial (4) 1:1,12,16 26:15
tried (1) 40:7
tries (1) 11:14
TRP (1) 4:1
true (3) 58:18 64:4 65:11
truly (1) 39:10
truth (1) 65:8
try (6) 8:23 17:14 26:16 38:24 44:24 45:11
trying (8) 7:3 10:24 15:20 18:18 20:12 24:20 26:11 56:12
turn (2) 18:8 55:17
turned (3) 38:18 39:14 40:24
two (25) 6:9 7:11 8:9 9:8 11:8,20 15:13 15:19,22 17:24 20:6,16 23:13 23:14 24:17 28:21,21 29:20 33:11,13 38:16 39:13 40:21 46:24 59:21
type (3) 11:22 25:25 39:20
types (1) 20:11
typewriting (1) 65:10
typical (3) 17:7 20:12 30:16

U

ultimately (2) 5:18 12:21
uncertain (1) 46:4
underneath (1) 15:22
understand (9) 30:12 39:13 44:3 48:18 53:4 56:13,24 61:11,11
understandin... 15:3 17:21,24 20:9,15 22:6 30:7,9 41:15 43:3 45:24 46:10 47:2 53:6 54:22 57:12
understands (1) 39:10
Unfortunately... 52:6
unit (1) 9:15
United (2) 1:1 7:13
University (2) 4:20 7:15
unmarked (1) 48:1
unprotectible ... 36:8 37:9,13 60:11
unrestrained (5) 44:9,18 45:3,5,6
unsure (1) 44:22
upscale (1) 11:21
use (26) 19:8,10 24:13 25:17 27:8,19 30:13,17 34:2 35:1 36:6,20 44:9,18 45:3,6 45:17 46:5,6 47:18 48:1 53:18 54:12 57:23 59:2 61:24
users (1) 39:25
uses (13) 24:14 30:18 31:11,14 34:25 36:4 43:6 45:5 46:23 54:14 55:22 57:22 58:16
usually (2) 11:8,11
utilization (1) 26:11
utilize (1) 28:1
utilized (1) 25:18
utilizes (1) 17:23
utilizing (2) 10:19 28:25
U.S (3) 7:8,23 9:23

V

V (1) 1:5
various (4) 5:20 7:23 11:1,7
vary (1) 28:16
vegetable (1) 50:24
vegetables (4) 50:12,16,18,20
vending (1) 48:13
vendor (1) 46:16
vendors (1) 47:18
verbiage (1) 44:23
vice-president... 6:8,10,13,14 7:7 7:8 8:13 9:6
view (2) 17:6 42:17
visiting (1) 7:14
VOLUME (3) 1:14 2:5 63:3
voluminous (1) 44:2

W

wait (2) 23:21 53:22
Walker (1) 46:20
want (18) 9:1,2 10:18 15:18 17:11,16 27:2,18 38:22 43:23 48:1 55:5,6 59:17 61:14,16,21,22
wanted (4) 7:5 10:16 20:4 29:9
warm (1) 16:17
wasn't (1) 17:5
way (13) 15:25 17:12 24:6 27:3 40:2 40:10,18 41:6 52:16 53:17 54:12 57:21 61:20
Web (4) 2:17,18 44:14 59:8
went (6) 5:12 6:12 7:2 16:7 23:14 54:10
weren't (1) 46:24
West (1) 65:22
we'll (3) 29:23 38:25 39:11
we're (16) 4:12 10:1,11,17 10:24 15:13,15 15:20 24:8 52:14,16 57:3 61:6 62:3,5,6
we've (10) 11:6,6 12:5,7,8 12:14,15,18 29:20 56:13
white (1) 5:3
white-cloth (1) 11:21
widespread (2) 44:9,17
willing (2)

49:19 59:9
wireless (2)
9:7 61:25
wish (1)
57:11
withdraw (2)
46:14 60:23
witness (17)
1:17 4:1 33:19 53:17,17,20,21 54:8,13,23 59:14 61:20 62:4 64:1 65:6 65:9,13
witnesses (1)
54:7
Witness's (2)
2:11,12
word (68)
13:18 14:6,8,12 15:5 18:6 21:16 22:16 23:9,17,23 24:1,4,7,8,10 24:13,14,20 25:3,8 30:12 30:18 31:9,11 31:14,17,17,19 32:2,2 33:5,6,8 33:9 35:9,12 35:16,21,21 36:2,5,7,13,17 36:19,20 37:13 38:5 39:17,18 39:21,22 41:2 41:19 43:2,6,8 43:9,12 46:11 46:17 50:12,23 60:25 61:5,5,5
words (13)
14:7 16:10 24:17 25:6 30:13 33:12,13 39:6,14 58:25 59:6,12,22
work (7)
4:12,21,23 5:12 9:5 15:11 17:14
worked (3)
5:1 11:6 50:8
working (3)
4:8 5:3 8:16
works (1)
17:12
world's (1)
8:12
worries (1)
20:23
worth (2)
33:15 38:16
wouldn't (2)
31:21 56:25
wrong (1)
51:11

X

X (1)
2:1

Y

yeah (3)
20:2 52:19 56:22
year (2)
4:21 7:14
years (9)
5:6 6:10,13 7:11 8:9 29:20 32:23 37:19 59:2
yellow (2)
52:16,19
York (2)
12:25 37:5

Z

zero (1)
20:13

1

1 (1)
63:7
1,29 (1)
39:24
1,290,000 (5)
32:4 39:4 58:12 58:15 59:23
1.29 (1)
40:25
1:45 (1)
1:19
10 (4)
18:14,15,17 21:20
100 (1)
8:2
11 (6)
19:12 22:1 47:22 50:12,14 54:5
1100 (1)
3:4
119 (1)
13:17
12 (5)
4:20 23:22 25:3 25:14,19
12(b)(6) (1)
56:3
14 (2)
55:20,22
14th (1)
13:13
1415 (2)
1:21 3:7
15 (2)
27:20 50:7
16 (15)
2:17 30:2 31:3,7 31:7,8 32:1 34:14 39:2 40:9 42:16 43:13 57:9 58:13 60:20
17 (16)
2:18 30:2 31:4,6 31:8,8 34:13 35:4,5 37:16 37:24 38:25 42:16 57:9 58:19 60:20
1978 (1)
5:11
1995 (1)
6:25

2

2 (5)
1:14 2:5 23:24 63:3,8
2,000 (1)
59:19
2,000,350 (1)
61:3
2,350 (1)
59:15
2,350,000 (1)
59:20
2:22 (1)
30:1
2:31 (1)
30:1
20th (4)
1:13,18 2:4 65:15
200 (1)
65:22
2000 (2)
43:2,6
2004 (1)
13:13
2005 (3)
1:7,8 23:24
2007 (6)
1:13,19 2:4 64:15 65:15,22
2040 (1)
65:22
22nd (2)
1:22 3:7
24 (1)
12:6
25 (4)
12:5,6,7 37:19
2534 (1)
65:21
26 (1)
12:6
2800 (1)
3:4
29 (2)
18:24 52:1

3

3 (4)
2:8 21:4,6 63:8
3,580,000 (4)
31:13 37:23 38:2 58:19
3.58 (1)
40:25
3:16 (1)
57:6
3:39 (1)
57:6
3:48 (1)
1:19
30 (7)
1:8 2:17,18 52:1 52:1,2,6
30309-4530 (1)
3:4
31 (1)
65:22
33 (1)
2:10
36 (1)
42:3
37 (3)
42:4,5,16

4

4 (1)
2:9
42 (2)
27:19 44:6

5

503 (1)
15:7

6

6 (7)
1:7 41:8 46:9,18

57:25 58:12
59:24
60 (1)
65:21
61 (1)
58:15
62 (1)
14:9
63 (1)
2:11
64 (1)
2:12
65 (1)
2:13
68 (8)
14:25 15:2,4,22
30:5,9 38:18
54:2

7

713 (1)
65:23
77002 (2)
1:22 3:8
77018 (1)
65:23
78/432642 (1)
1:5

8

8 (7)
13:7,17 16:22
30:4 38:22,22
42:22
80 (2)
29:17,20
861-3900 (1)
65:23

9

9 (4)
5:11 16:19,25
17:19
91167151 (1)
1:3

Google

Web Images Video News Maps more »

cobblestone food Search Advanced Search Preferences

Sign in

New! View and manage your web history

Web

Results 1 - 10 of about 1,290,000 for **cobblestone food**. (0.11 seconds)

Cobblestone Foods--where's the chow? - Outer Boroughs - Chowhound
Walked into the new **Cobblestone** Foods (what used to be Tuller's). It looks just like Tuller's, only...without the **food**! It is maybe 1/3 stocked, ...
www.chowhound.com/topics/335130 - 71k - Cached - Similar pages

[PDF] eb issue 5.qxp
File Format: PDF/Adobe Acrobat - View as HTML
Tuller Premium **Food** becomes. **Cobblestone Food**, 718-222-9191. Bedford Cheese Shop expands to. 229 Bedford Avenue, 888-484-3242. ...
ediblebrooklyn.net/pages/articles/spring2007/pdfs/eaterAtLarge2.pdf - Similar pages

Cobblestones Bar & Grill - Metromix Chicago Bars & Clubs
Home > Bars & Clubs > Bar **Food** > **Cobblestones** Bar & Grill ... Nondescript from the outside, **Cobblestone's** interior is a comfortable, quiet place to catch ...
chicago.metromix.com/bars-and-clubs/bar_**food**/**cobblestones**-bar-and-grill-back-of-the-yards/133730/content - 36k - Cached - Similar pages

Food for All Seasons, caterers in Ann Arbor, MI, for the best ...
Food For All Seasons understands that a successful meal delights all of the senses equally-- taste, smell, vision-- and caters parties at **Cobblestone** Farms, ...
www.**food**forallseasons.com/**cobblestone**.htm - 7k - Cached - Similar pages

Cobblestone & Cricket: Teacher's Guide for **Food**: from Field to
Teacher's Guide for APPLESEEDS **Food**: from Field to Table.
www.**cobblestone**pub.com/resources/app0111t.html - 15k - Cached - Similar pages

Eagle using cheaper method to make its **cobblestone** bread. (Eagle ...
MILAN, Ill. -- Eagle **Food** Centers here is changing the way it produces its store-made "**cobblestone**" bread to reduce labor costs. The bread has vegetables, ...
findarticles.com/p/articles/mi_hb4331/is_199303/ai_n15105000 - 24k - Cached - Similar pages

OMG **Food**!: The **Cobblestone** Cove
Food-wise, Alcove has a solid menu - lots of organic goodies, salads to die for, and decent sandwiches. The burgers look so-so, the brunch is above average, ...
omg**food**.blogspot.com/2006/07/**cobblestone**-cove.html - 20k - Cached - Similar pages

Food and Wine Trails - **Cobblestone** Lane
New **Food** & Wine Finds **Cobblestone** Lane Posted bydeb on Monday, April 03 @ 09:09:03 EST Contributed by Anonymous The historic Webb chambers situated in ...
www.**food**andwinetrails.com.au/modules.php?name=News&file=article&sid=710 - 30k - Cached - Similar pages

Restaurant Reviews for **Cobblestone** Cafe in Tuscaloosa and ...
If your ever in T-Town roll over to Timerson square and come on down to the **Cobblestone**. Great **Food**, Service, and Atmosphere. The fried green tomato BLT is ...
www.tuscaloosarestaurant.com/Restaurant-Reviews/26.html - 33k - Cached - Similar pages

Cobblestone Foods - Brooklyn, NY, 11201 - Citysearch
Come to Citysearch to get information, directions, and reviews on **Cobblestone** Foods and other Catering, Grocery Stores, Ethnic & Specialty, **Food** & Dining, ...
⊞Map of 199 Court St, Brooklyn, NY 11201
newyork.citysearch.com/profile/44655106/brooklyn_ny/**cobblestone_foods**.html - 69k - Cached - Similar pages

PLANCK
EXHIBIT NO. 16
S. GRAHAM

Try Google Desktop: search your computer as easily as you search the web.

cobblestone food Search

Search within results | Language Tools | Search Tips | Dissatisfied? Help us improve

©2007 Google - Google Home - Advertising Programs - Business Solutions - About Google

Sign in

Google

Web Images Video News Maps more »

cobblestone Search Advanced Search Preferences

New! View and manage your web history

Web Images

Results 1 - 10 of about 3,580,000 for **cobblestone** [definition]. (0.05 seconds)

Sponsored Links

Bellaire Pavers
www.bellairepavers.com
Houston
Paver patios, porches, walkways, and driveways. In Greater

Granite Cobblestone
www.HistoricalBricks.com
Large quantities of authentic antique **cobblestone** available.

Cobblestone & Cricket: Quality Reading Materials for Children

We at **Cobblestone** & Cricket are committed to producing the highest-quality reading materials across a variety of subjects and age levels.
www.**cobblestone**pub.com/ - 14k - Cached - Similar pages

Cobblestone: A U.S. History magazine for kids ages 9-14

Cobblestone: THE WAR. **Cobblestone** Magazine is an educational US History publication for children ages 9-14.
www.**cobblestone**pub.com/magazine/COB/ - 16k - Cached - Similar pages

Cobblestones Activewear

Cobblestones Activewear, Call Us Today Ph. 1-800-592-7195. search:. home page | products | uniform builder | about us | where to buy | contact us | track ...
www.**cobblestones**.com/ - 38k - Cached - Similar pages

Cobblestone Golf Course

Cobblestone a "Top 100 Golf Course" and qualifier for the Bellsouth PGA Classic offers 18 Championship Public Holes, Club Rentals: Mizuno, Calloway, Ping, ...
Map of 4200 Nance Rd NW, Acworth, GA 30101
www.**cobblestone**golf.com/ - 20k - Cached - Similar pages

Cobblestone - Wikipedia, the free encyclopedia

Cobblestones are stones that were frequently used in the pavement of early streets. **"Cobblestone"** is derived from the very old English word "cob," which had ...
en.wikipedia.org/wiki/**Cobblestone** - 31k - Cached - Similar pages

CobblestoneOnline.net - History, Social Studies and Science for ...

CobblestoneOnline.net is a unique database of thousands of articles from the award-winning magazines of **Cobblestone** Publishing. Now with just a few clicks ...
www.**cobblestone**online.net/ - 10k - Cached - Similar pages

Historical Bricks : Antique brick pavers : Cobblestone pavers

Antique brick pavers, reclaimed brick and **cobblestones** shipped direct nationwide. Unique historic brick for new construction and renovation projects.
www.historicalbricks.com/ - 8k - Cached - Similar pages

(Cobblestones Restaurant & Sports Emporium - York, PA) Welcome to ...

Cobblestone's Restaurant & Sports Emporium - the only place for great food, folks and fun! Located in York, PA.
Map of 205 S George St, York, PA 17401
www.**cobblestone**syork.com/ - 37k - Cached - Similar pages

Cobblestones

HOME | LAMPS | SUBWAYS & TRAINS | ADS | TROLLEYS | SIGNS | **COBBLESTONES** | STREET SCENES | YOU'D NEVER BELIEVE YOU'RE IN NYC | LINKS | ALLEYS | NECROLOGY ...
www.forgotten-ny.com/**COBBLESTONES**/**Cobblestones**%20home%20page/cobble.html -

Sponsored Links

Exotic Custom Patios
Slate with the Durability of Cement
Custom Driveways-Patios Installed
texas.concreteforever.com
Google Checkout
Houston, TX

Stone for the architects
Construction, facade, street paving indoor decoration, and sculpture.
www.pierre-bourgogne.fr

Granite Cobblestones
When "real" quality counts for your private road, driveway or courtyard
www.e**cobblestone**.com

Landscape Services
Brick & interlocking concrete paver design/install, patios, driveways.
www.avantgardenlandscape.com

Mangrove River Stones
product: river **stone cobblestone** potsherd **stone** carpet color
www.hslriver**stone**.com

Paving Stone Installation
We use modern paving systems for driveways, patios, ponds & more.
www.ortegacustommasonry.com

Houston Cobblestone
Find **cobblestone** here.
We offer local search in your city.
houston.local.com
Houston, TX

Cobblestone
Shop & Save - **Cobblestone**
Read Reviews on **Cobblestone**.
www.Shopping.com

More Sponsored Links »

PLanck
EXHIBIT NO. 17
S. GRAHAM

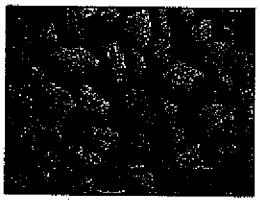
6k - Cached - Similar pages

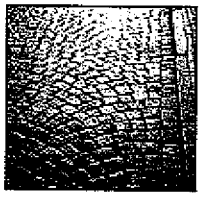
Amazon.com: **Cobblestone**: Magazines
Cobblestone is the award-winning American history magazine for kids ages 9 to above (grades 4 and up). Future historian will enjoy reading about many events ...
www.amazon.com/**Cobblestone**/dp/B00006K99Y - 153k - Cached - Similar pages

Searches related to: **cobblestone**

cobblestone **car wash**	cobblestone **pavers**	cobblestone **driveway**	cobblestone **auto spa**
cobblestone **theater**	cobblestone **school**	cobblestone **shoe repair**	**overhill lake**

Image results for **cobblestone**





1 2 3 4 5 6 7 8 9 10 **Next**

Try Google Desktop: search your computer as easily as you search the web.

cobblestone Search

Search within results | Language Tools | Search Tips | Dissatisfied? Help us improve

©2007 Google - Google Home - Advertising Programs - Business Solutions - About Google

Google Checkout Learn more