

ESTTA Tracking number: **ESTTA119532**

Filing date: **01/12/2007**

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

Proceeding	91169414
Party	Plaintiff Carole S. Clarke, Ph.D
Correspondence Address	P. Jay Hines Baker & Hostetler, LLP Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W. Washington, DC 20036-5304  trademarks@bakerlaw.com
Submission	Motion for Summary Judgment
Filer's Name	P. Jay Hines
Filer's e-mail	jhines@bakerlaw.com
Signature	/P. Jay Hines/
Date	01/12/2007
Attachments	Clarke.pdf ( 43 pages )(2145768 bytes )

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

Carole S. Clarke,	)	
	)	
Opposer,	)	Opposition No. 91169414
	)	Application Serial No. 78/579,102
v.	)	Mark: SUPERPERFORMANCE
	)	Filed: March 3, 2005
	)	
	)	
Corpus Optima, Inc.	)	
	)	
Applicant.	)	
	)	

**OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

Opposer, Carole S. Clarke, hereby moves the Board for an order, pursuant to Rule 2.127(d) of the Trademark Rules of Practice and Rule 56(a) of the Federal Rules of Civil Procedure, granting summary judgment in its favor on the ground that no genuine issue as to any material fact exists and that the mark at issue is confusingly similar as a matter of law.

This motion is based upon the application file, the pleadings, Applicant's answers to written discovery (attached hereto as Exhibit A), the Declaration of Carole S. Clarke, made January 12, 2007, and the arguments presented herein.

In the event that a decision on the instant motion does not dispose of the proceedings, Opposer requests additional time for follow-up discovery.

I. **SUMMARY OF FACTS**

On March 3, 2005, Applicant, Corpus Optima, Inc., filed Application Serial No. 78/579,102 for the mark SUPERPERFORMANCE in connection with "Business consultation for organizational performance enhancement" and "Training services and instructional coaching services in the field of organization performance enhancement." Use in commerce is claimed since August 10, 2002. The application was published January 31, 2006. Further, Applicant admits that no search was conducted prior to its adoption and use of its SUPERPERFORMANCE mark. See Applicant's response to Interrogatory 6 of Opposer's First

Set of Interrogatories.

The opposition is based upon Opposer's common law rights in the mark SUPERPERFORMANCE.COM and its ownership of pending application Serial No. 78/763,936 for the mark SUPERPERFORMANCE.COM, filed on November 30, 2005, for the following goods and services: Printed publications, namely, books, articles in the nature of training handouts, journals, and training manuals in the field of organizational and individual performance improvement, and motivational posters, in International Class 16; business consultation in the field of organizational and individual performance improvement; providing on line business directories in the field of organization and individual performance improvement also featuring hyperlinks to other web sites, in International Class 35; and training and instructional coaching services, namely, performance improvement workshops, seminars and tutorials; on line publications in the nature of books, electronic downloadable books, journals, book reviews, product reviews and software reviews, on line publications featuring screen savers; and instructional materials in the field of organizational and individual performance improvement, in International Class 41.

As verified in the attached Declaration of Carole S. Clarke, (hereinafter Declaration) Opposer has been using the SUPERPERFORMANCE.COM mark in connection with business consultation services in the field of organizational and individual performance improvement and training and instructional coaching services in the field of organizational and individual performance improvement and related goods since at least as early October 9, 1997.

## II. SUMMARY OF ARGUMENT

There is no evidentiary conflict in this proceeding. Given the admissions of the Applicant, no genuine issue of material fact remains. The sole issue before the Board is the likelihood of confusion between the marks SUPERPERFORMANCE.COM and SUPERPERFORMANCE for identical or closely related goods and services. Given the similarity of the marks and the identity of the services, channels of trade and general class of consumers, it is submitted there is a likelihood of confusion as a matter of law.

## III. ARGUMENT

### A. Summary Judgment Is Appropriate In Likelihood Of Confusion Cases.

The Court of Appeals for the Federal Circuit has consistently reiterated that Summary Judgment is an appropriate procedural mechanism by which to decide the issue of likelihood of confusion in trademark cases. *Sweats Fashions Inc. v. Pannill Knitting Co. Inc.*, 4 U.S.P.Q.2d 1793, 1797 (Fed. Cir. 1987); *Octocom Systems, Inc. v. Houston Computer Services, Inc.*, 16 U.S.P.Q.2d 1783 (Fed. Cir. 1990); *Aries Systems Corp. v. World Book, Inc.*, 23 U.S.P.Q.2d 1742 (T.T.A.B. 1992). Accordingly, where the issue of likelihood of confusion is clear, summary judgment should be granted.

**B. The Marks are Confusingly Similar as a Matter of Law.**

Likelihood of confusion is determined by looking at the marks themselves for similarity in appearance, sound, connotation, and commercial impression, as well as comparing the goods or services to determine if they are related or if activities surrounding their marketing are such that confusion as to origin is likely. “The fundamental inquiry mandated by Sec. 2(d) goes to the cumulative effect of differences in the essential characteristics of the services and differences in the marks.” *Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 198 U.S.P.Q. 151, 153 (CCPA 1978). The overriding concern is to prevent buyer confusion as to the source of the goods. *Miss Universe, Inc. v. Miss Teen U.S.A., Inc.*, 209 U.S.P.Q. 698, 702-703 (N.D. GA. 1980).

The principal factual considerations pertinent to the issue of likelihood of confusion are collected in *re E.I. du Pont de Nemours & Co.*, 177 U.S.P.Q. 563 (CCPA 1973). In the instant case, there are no material facts in dispute as to the *du Pont* factors. Furthermore, although some of the *du Pont* factors are not relevant here, the significant factors support the finding of a likelihood of confusion as a matter of law.

**1. Applicant’s Mark and Opposer’s Mark are Nearly Identical.**

Both Opposer’s mark and Applicant’s mark contain SUPERPERFORMANCE. The only dissimilarity between the marks is the addition of the .COM designation to Opposer’s mark, which has no trademark significance. Further, in response to Opposer’s Request for Admission No. 1, Applicant admits that the mark SUPERPERFORMANCE differs from Opposer’s mark SUPERPERFORMANCE.COM by the addition of “.com” only. Thus, when viewed in their entirety, the similarities clearly outweigh the dissimilarities.

Similarity is based on an examination of the marks as a whole, including visual impression and sound. Where, as here, the goods and services of the parties are identical or in kind, and travel in the same channels of trade where they can be encountered by the same

purchasers, the degree of similarity between the marks under which the products or services are sold need not be as great as in the case of diverse or different goods or services. *INB National Bank v. Metrohost, Inc.*, 22 U.S.P.Q.2d 1585, 1588 (T.T.A.B. 1992); *ECI Division of E-Systems, Inc. v. Environmental Communications, Inc.*, 207 U.S.P.Q. 443, 449 (T.T.A.B. 1980). As stated above, the only difference between Opposer's mark and Applicant's mark is that Opposer's mark contains .COM, which has no trademark significance. Therefore, the respective marks are essentially identical.

2. The Services of the Applicant and the Services of the Opposer are Identical or Closely Related.

The identifications of goods and services in the Applicant's application as well as in Opposer's application are nearly identical. In response to Opposer's First Set of Interrogatories, Applicant admits that the services provided under the mark SUPERPERFORMANCE and those provided under the mark SUPERPERFORMANCE.COM are identical or closely related. See Applicant's response to Interrogatory 3. Both parties offer business consultation, training and instructional coaching services in the field of organizational performance. See the home pages from the respective websites attached as Exhibit B.

3. The Channels of Trade and the General Class of Customers are the Same.

Both parties offer performance enhancement services to businesses or organizations via the Internet. Both parties offer instructional coaching for the same purpose. The parties are direct competitors for these types of services.

4. Third-Party Use for Similar Goods and Services.

To the best of Opposer's knowledge, there is no third party use of the SUPERPERFORMANCE mark in connection with services identical or similar to Opposer's or Applicant's, thereby further increasing the likelihood of confusion between Opposer's and Applicant's marks.

5. The Extent of Potential Confusion is Substantial.

Given the near identity of the marks and the identity of the services, channels of trade, and general class of customers, the potential for confusion is extremely high.

C. Priority of Use is Not an Issue.

As verified in the Attached Declaration, Opposer began using the mark SUPERPERFORMANCE.COM in connection with business consultation services in the field of organizational and individual performance improvement and training and instructional coaching services in the field of organizational and individual performance improvement at least as early as October 9, 1997. Applicant admits that it did not decide to adopt its SUPERPERFORMANCE prior to 2001, and that Applicant made no use in commerce of the mark SUPERPERFORMANCE prior to August 10, 2002, the date of first use alleged in its application. See Applicant's responses to Interrogatories 2 and 3(a). Therefore, there is no genuine issue as to priority of use.

IV. CONCLUSION

The undisputed evidence of record supports Opposer's claim of a likelihood of confusion as a matter of law. There being no genuine issue as to any material fact, and it being unlikely that more evidence than is already available would reasonably be expected to change the result, Opposer's Motion for Summary Judgment should be granted and registration for Applicant's mark denied.

Respectfully submitted,  
Carole S. Clarke, Ph.D.

Date: January 12, 2007

By:   
P. Jay Hines  
**BAKER & HOSTETLER LLP**  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304  
(202) 861-1500 (Telephone)  
(202) 861-1783 (Facsimile)  
Attorney for Applicant



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

In the Matter of Application Serial No. 78579102  
For the Mark: SUPERPERFORMANCE  
Filed: March 3, 2005

Carole S. Clarke, Ph. D	)	
	)	
Opposer	)	Opposition No.: 91169414
	)	
V.	)	
	)	
Corpus Optima, Inc.	)	
	)	
Applicant	)	

**RESPONSE TO OPPOSER'S REQUEST FOR ADMISSIONS**

1. Admit that Applicant's mark, SUPERPERFORMANCE, differs from Opposer's mark, SUPERPERFORMANCE.COM, by the addition of ".com" only.

Answer: Admitted

2. Admit that the services covered by Applicant's application Serial No. 78/579,102 and the services covered by Opposer's application Serial No. 78/763,396 both include business consultation in the field of organizational performance.

Answer: Denied

3. Admit that the services covered by Applicant's application Serial No. 78/579,102 and the services covered by Opposer's application Serial No. 78/763,396 both include training and instructional services in the field of organizational performance.

Answer: Denied

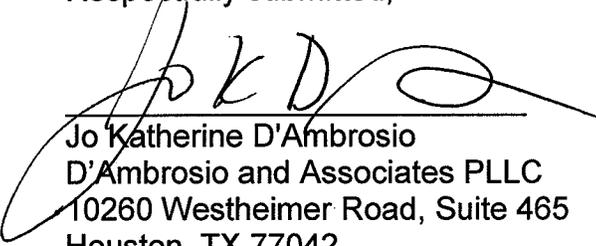
4. Admit that Applicant is unable to identify similar third-party marks for similar services.

Answer: Denied

5. Admit that the material facts in this matter are undisputed and the parties disagree only as to the likelihood of confusion:

Answer: Denied

Respectfully submitted,



Jo Katherine D'Ambrosio  
D'Ambrosio and Associates PLLC  
10260 Westheimer Road, Suite 465  
Houston, TX 77042  
Phone 713-975-0800  
Fax 713-975-0995  
Email: jokat@patents-trademark.com

Attorney for Applicant

Date 01/09/07

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the Applicant's Response to Opposer's First Request for Admissions has been served on P. Jay Hines of Baker Hostetler, Attorney for Opposer, by mailing said copy on January 9, 2007, via regular U.S. Mail, postage prepaid to:

P. Jay Hines, Esquire  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304



---

Patrick Traister

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

In the Matter of Application Serial No. 78579102  
For the Mark: SUPERPERFORMANCE  
Filed: March 3, 2005

Carole S. Clarke, Ph. D	)	
	)	Opposition No.: 91169414
Opposer	)	
	)	
V.	)	
	)	
Corpus Optima, Inc.	)	
	)	
Applicant	)	

**RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES**

1.

a) State the address and telephone number of each location at which Applicant has maintained or now maintains an office or other place of business in the U.S. and describe the functions carried out at each such place or other place of business.

**Answer:** 17287 Canyon Springs Drive, Houston, TX 77090. General management of Corpus Optima, Inc. affairs.

b) Briefly state the nature of Applicant's principal business and the period in which it has conducted such business; and

**Answer:** writes books and provides services.



c) List any and all trademarks, service marks and trade names used or adopted for use or intended to be used in connection with Applicant's business within the last two years.

**Answer:** none

2.

a) State the date Applicant decided to adopt the SUPERPERFORMANCE mark.

**Answer:** 2001

b) Identify the person(s) who first conceived of SUPERPERFORMANCE for use by Applicant and identify all documents referring or relating to such first conception.

**Answer:** David Guerra

3.

Identify by common commercial descriptive name each type of product sold, and/or service rendered, offered for sale, advertised and/or promoted or intended to be sold, rendered, advertised and/or promoted by Applicant in the United States which bears or will bear SUPERPERFORMANCE and for each type of goods and/or services:

**Answer:** Books and business consulting services in the field of organizational performance enhancement.

- a) State the date of first use in the United States in conjunction with the type of good and/or services and describe the circumstances surrounding such first use;

**Answer:** August 10, 2002

- b) Identify all documents relating to each such first use mentioned in response to subpart (a);

**Answer:** will supplement

- c) State the annual dollar volume of sales for the goods and/or services rendered or to be rendered under the mark SUPERPERFORMANCE from the date of first use to the present;

**Answer:** will supplement

- d) State the annual unit volume of sales for the goods and/or services rendered or to be rendered under the mark SUPERPERFORMANCE from the date of first use to the present;

**Answer:** will supplement

- e) State the annual dollar volume expended and to be expended by Applicant in the United States in advertising or promoting the goods and/or

services rendered or to be rendered under the mark  
SUPERPERFORMANCE; and

**Answer:** will supplement

- f) State the date or anticipated date of each first shipment of goods and/or services bearing the mark SUPERPERFORMANCE into any state into which Applicant has shipped or plans to ship such product or has rendered or plans to render such services.

**Answer:** will supplement

4.

Identify the person(s) most knowledgeable about Applicant's sales, marketing and channels of distribution for each of its products and/or services bearing or rendered under the mark SUPERPERFORMANCE.

**Answer:** David Guerra

5.

Identify representative copies of all tags, labels, packaging, posters, flyers, advertisements, catalogs, brochures and any other advertising or promotional materials used or being considered for use by Applicant in connection with its goods and/or services offered or to be offered under the mark SUPERPERFORMANCE.

**Answer:** Books covers, flyers, cover sheets of promotional materials

6.

State whether a trademark search or any other type of search was conducted by Applicant in connection with its decision to adopt or use SUPERPERFORMANCE. If so, identify all documents referring or relating to such search(es) and identify the person(s) most knowledgeable thereof. Furthermore, identify all registrations, applications or uses located by such search(es).

**Answer:** No search was conducted.

7.

Identify by publication, title, issue date and page number, all publications in which Applicant has or plans to advertise or otherwise refer to products to be offered for sale and/or services to be rendered in association with SUPERPERFORMANCE.

**Answer:** None

8.

Identify by name, date and location every trade show or fair (past or present) in the united States where Applicant has or plans to display, promote, advertise, offer for sale or sell its products and/or services in connection with SUPERPERFORMANCE.

**Answer:** will supplement

9.

State whether Applicant is aware of any instance in which any person, firm, corporation, association or any other entity has been confused or has indicated by correspondence, oral statement, telephone call or otherwise that he, she or it has been confused, deceived or mistaken as to the source or origin of Applicant's or Opposer's goods and/or services or other activities as a result of said parties' respective, concurrent use or planned use of SUPERPERFORMANCE and Opposer's mark; and

**Answer:** none

a) describe the circumstances surrounding each such instance, including all persons present;

**Answer:** none

b) state whether a record was made of any such instance and, if so, identify the records or any other documents relating to each such instance and the persons having knowledge and custody thereof.

**Answer:** none

10.

Identify all surveys conducted by Applicant, concerning SUPERPERFORMANCE and for each such survey, identify all documents embodying the results of each such survey and all other documents relating to search such survey.

**Answer:** none at this time

11.

Identify all objections made or received by Applicant and all legal proceedings instituted or defended by Applicant having to do with use of trade names, trademarks, service marks or other designations of third parties relating to Applicant's perceived rights in its mark SUPERPERFORMANCE and/or related marks and for each such objection or legal proceeding;

- a) State the name and address of third party;
- b) Identify all documents related to or pertaining to the objection or legal proceeding; and
- c) Identify each and every person with knowledge or information relating to Applicant's response to this interrogatory and briefly describe what relevant knowledge or information each identified person possesses.

**Answer:** None other than present proceeding.

12.

Identify all agreements, including but not limited to, licenses, permissions or consents entered into by Applicant and any other entities relating to

SUPERPERFORMANCE and/or related marks and identify all documents relating to or referring to each such agreement.

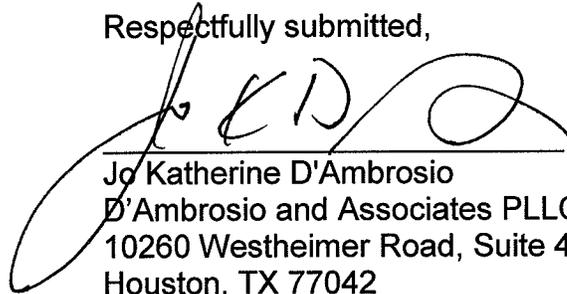
**Answer:** None at this time.

13.

Identify each and every person known by Applicant to have supplied information for or participated in responding to these interrogatories and Opposer's First Request for Production of Documents to Applicant.

**Answer:** David Guerra

Respectfully submitted,



Jo Katherine D'Ambrosio  
D'Ambrosio and Associates PLLC  
10260 Westheimer Road, Suite 465  
Houston, TX 77042  
Phone 713-975-0800  
Fax 713-975-0995  
Email: jokat@patents-trademark.com

Attorney for Applicant

Date: 02/09/07

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the Applicant's Response to Opposer's First Set of Interrogatories has been served on P. Jay Hines of Baker Hostetler, Attorney for Opposer, by mailing said copy on January 9, 2007, via regular U.S. Mail, postage prepaid to:

P. Jay Hines, Esquire  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304



---

Patrick Traister



**SUPERPERFORMANCE.COM: Human Performance & Achievement Resources**

**SUCCESS** This site provides human performance and self improvement articles, link directories, ebooks, book/products reviews and many improving human performance and productivity in business, career and for personal achievement. We help employers train and performing, more productive employees. We help employees improve performance and develop more satisfying jobs and career: businesses achieve high performance management. We help the self-employed improve performance and productivity and devel business. We provide resources to support the individual's motivation, growth and achievement that produce improved performa and personal life. To learn more [click here](#). To explore superperformance.com's content for improving human performance and | encouraging excellence in achievement, use the directory below.

**Website Main Directory**

**Articles&Publications Directory»**

Feature articles, Ebooks, Book Reviews, Product Reviews Tips, News, Screensavers, Posters...

**Link Directories »**

Business, career, education, growth, stress, wellness, training, jobs, experts/advice...

**Health & Fitness for Human Performance »**

Stress Management for Human Performance » (Coming Soon)

**Business & Professional Development »**

Management,HR,Employers, Small Business, Professionals

**Training »**

The Best Training Links »

**Education »**

**Work/Life Balance »**

Personal development, Motivation & Achievement. Work better, live better.

**BookSearch Page»**

**Career Development »**

Job search, training, promotion, contracting...

**JobSearch Page»**

Find Jobs. Get Hired.

**Human Resources »**

Specialized Interest Directory for HR professionals.

**Site & Contact Info »**

What is superperformance? Ask ?, submitURL/articles..

**Blogs, etc. for Performance**

**My Blogs:**

- Superperformance Selections. (Updated 12/24/2

**Recommended**

- CareerHub.
- Job Stuff.
- Business Innovation Insider
- Focused Performance
- Working Smart

**Terms & Conditions**

By using this website, you agree to the terms and conditions here: [Terms & Conditions](#)



Search



Web



SuperPerformance.com

**Goodies for Everyone**

**Free Inspirational Poster**



Click for this week's free 5"x7"

Print-a-Poster©

Give away free Posters on YOUR site - Click Here



**Features and Recommendations**

**Newest Book & Product Recommendations** (Click title to see review)

[My Reality](#)

[Check Bounced](#)



[The Little Black](#)

[Book of Connections](#)



[Dictation](#)

[Software:](#)

[Dragon](#)

[Naturally](#)

[Speaking](#)



[The Go Point](#)



**Newest Articles**

**Other**

[Do Good Works No Cost But](#)

(Click the tabs to go [The Hunger Site](#)

Click a button on Site and a hungry food.

[The Rainforest](#)

Click a button on Site and some la bought to preser

[Child Health Site](#)

Click a button on Health Site and l be provided for a

[The Literacy Site](#)

Click a button on Site and children books.

- [Improving Customer Service](#)
- [Don't Go Crazy -- Hire a Virtual Assistant](#)
- [The Cost Of Disorganization... Can You Afford It?](#)
- [Making Changes at Work: How To Create Lasting Change...](#)
- [What Should You Do If An Employee Gets Arrested?](#)
- [Health & Fitness for Human Performance](#)
- [Good Fitness Habits](#)
- [Leadership & Employee Performance - Build a Bon Fire with The Annual Reviews](#)
- [Survival Techniques for a Workplace that Just Won't Stop Changing](#)
- [Getting Along with Critical People](#)
- [Getting Control of Your Anger](#)

(The following two guest articles are directed to working mothers)

- [Commit to Your Wellness -- Part I](#)
- [Commit to Your Wellness -- Part II](#)

- [\[Time Management\] The Clock is Ticking](#)
- [End Of Year An Ideal Time To Perform A Thorough Career Check-Up](#)
- [Making Resolutions That Stick](#)
- [Magic Words -- What Words are Music to the Ears of Your Customers?](#)
- [I'll Never Forget What's-Her-Name! Winning the Name Game](#)
- [Integrating New Managers](#)
- [Jest Practices: Best Practices for Humor in the Workplace](#)
- [Laugh and the World Laughs With You](#)
- [On Walking the Talk](#)
- [Building Positive Attitudes: 4 Positive Employee Behaviors That Will Lead You To Guaranteed Success](#)
- [Asking the Right Questions](#)
- [Building Positive Attitudes In and Out Of The Office: The 4-Day Attitude Diet](#)
- [Go Pointer's Guide to Unforced Errors](#)
- [How to Improve Your Reading Skills](#)
- [A Roadmap For Successful Online Learning](#)
- [7 Steps to Living At the Speed of Life](#)
- [How to Negotiate From the Same Side of the Table](#)
- [Customer Satisfaction is a Reflection of Employee Satisfaction](#)

[The Animal Res](#)

Click a button on Rescue Site and shelter will receive

[The Breast Can](#)

Click a button on Cancer Site and to test women fo

### Continued from top of page:

This is a content site and mini-portal for human performance improvement.

#### **We cover three main areas for human performance improvement:**

- Career/Professional
- Educational
- Personal

#### **The content here is provided for three basic interest groups for human performance improvement:**

- Employers/Employees (includes professionals & entrepreneurs)
- Teachers (Trainers)/Students
- Individual Self-Development Seekers

#### **There are three basic kinds of content currently here or in development for this site:**

- Information (articles, link directories, reviews, blogs, other publications)
- Educational/Training Tools (online classes, tests, software, audio, video, etc.)
- Personal Development Tools (online classes, consulting, testing, audio, video, motivational/inspirational posters, software, devices, meditation devices, meditation accessories, etc.)

To explore the site, go back to the [main topics directory](#) at the top of the page.

## SuperPerformance.com Table of Contents:

Articles and Reviews	Links	Topic and Specialized Interest
<ul style="list-style-type: none"> <li>•<a href="#">Improving Customer Service</a></li> <li>•<a href="#">Don't Go Crazy -- Hire a Virtual Assistant</a></li> <li>•<a href="#">The Cost Of Disorganization...Can You Afford It?</a></li> <li>•<a href="#">Making Changes at Work: How To Create Lasting Change...</a></li> <li>•<a href="#">What Should You Do If An Employee Gets Arrested?</a></li> <li>•<a href="#">Health &amp; Fitness for Human Performance</a></li> <li>•<a href="#">Good Fitness Habits</a></li> <li>•<a href="#">My Reality Check Bounced</a></li> <li>•<a href="#">Leadership &amp; Employee Performance - Build a Bon Fire with The Annual Reviews</a></li> <li>•<a href="#">Survival Techniques for a Workplace that Just Won't Stop Changing</a></li> <li>•<a href="#">Getting Along with Critical People</a></li> <li>•<a href="#">Getting Control of Your Anger</a></li> <li>•<a href="#">[Time Management] The Clock is Ticking</a></li> <li>•<a href="#">End Of Year An Ideal Time To Perform A Thorough Career Check-Up</a></li> <li>•<a href="#">Making Resolutions That Stick</a></li> <li>•<a href="#">Magic Words -- What Words are Music to the Ears of Your Customers?</a></li> <li>•<a href="#">I'll Never Forget What's-Her-Name! Winning the Name Game</a></li> <li>•<a href="#">Integrating New Managers</a></li> <li>•<a href="#">Jest Practices: Best Practices for Humor in the Workplace</a></li> <li>•<a href="#">Laugh and the World Laughs With You</a></li> <li>•<a href="#">On Walking the Talk</a></li> <li>•<a href="#">Building Positive Attitudes: 4 Positive Employee Behaviors That Will Lead You To Guaranteed Success</a></li> <li>•<a href="#">Asking the Right Questions</a></li> <li>•<a href="#">Book Review: The Go Point -- When It's Time to Decide Knowing What to Do and When to Do It</a></li> <li>•<a href="#">Book Review: My Life as a Furry Red Monster</a></li> <li>•<a href="#">Book Review: Power -- The Modern Doctrine</a></li> <li>•<a href="#">Don't Let Yourself Go</a></li> <li>•<a href="#">Take The Heat Off HR -- Encourage Career Self-Management</a></li> <li>•<a href="#">Book Excerpt: The Right Words at the Right Time</a></li> <li>•<a href="#">Book Review: The Right Words at the Right Time</a></li> <li>•<a href="#">Book Review: The Why Cafe</a></li> <li>•<a href="#">Book Excerpt: Healing Our Wounds</a></li> <li>•<a href="#">Book Review: Letters To Sam</a></li> <li>•<a href="#">Book Review: Human Resource Champions</a></li> <li>•<a href="#">5 Cover Letter Mistakes</a></li> <li>•<a href="#">7 Power Skills that Build Strong Relationships</a></li> <li>•<a href="#">10 Ways To Maximize The Impact of Training</a></li> <li>•<a href="#">15 Tips To Getting Yourself Hired</a></li> <li>•<a href="#">Conquer Desktop Clutter with Action Files</a></li> <li>•<a href="#">Planning Ahead Makes Life Easier -- And Reduces Stress</a></li> <li>•<a href="#">Managing Your Boss</a></li> <li>•<a href="#">Why Do Good Employees Leave?</a></li> <li>•<a href="#">Change Management Checklist</a></li> <li>•<a href="#">5 Easy Ways To Get Out of the Rut</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Links for Business &amp; Management Development</a></li> <li><a href="#">Management Science</a></li> <li><a href="#">Management Training</a></li> <li><a href="#">Project and Program Management</a></li> <li><a href="#">Employee Relations</a></li> <li><a href="#">Organizational Development</a></li> <li><a href="#">Leadership</a></li> <li> </li> <li><a href="#">Links for Career Development</a></li> <li><a href="#">Career Development (general)</a></li> <li><a href="#">Career Change</a></li> <li><a href="#">Job Search</a></li> <li> </li> <li><a href="#">Links for Personal Growth &amp; Self-Improvement</a></li> <li><a href="#">General Psychology Information</a></li> <li><a href="#">Personal Growth/Humanistic</a></li> <li><a href="#">Motivation/Inspiration</a></li> <li> </li> <li><a href="#">Links for Education &amp; Training</a></li> <li><a href="#">Higher Education</a></li> <li><a href="#">CEU's For Mental Health Pros</a></li> <li><a href="#">Distance Education Portals</a></li> <li><a href="#">Experts &amp; Advice</a></li> <li> </li> <li><a href="#">Training</a></li> <li><a href="#">HR Training</a></li> <li><a href="#">Management Training</a></li> <li><a href="#">Free Tutorials &amp; Training</a></li> <li> </li> <li><a href="#">Specialized Interest Directories for Education &amp; Training</a></li> <li><a href="#">Human Resources/Management Pros</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Human Performance Resources Professional Development Direct</a></li> <li>• <a href="#">Human Performance Resources Training Directory.</a></li> <li>• <a href="#">Human Performance Resources Development Directory.</a></li> </ul>

- [Secret Job Search Tips To Help Separate You From the Pack](#)
- [Don't Fake Until You Make It](#)
- [Improve Employee Performance With Enthusiasm](#)
- [Actions Speak Louder Than Words: Part 1](#)
- [Actions Speak Louder Than Words: Part 2](#)
- [Critical Thinking Skills](#)
- [Lack of Employee Training Can Hurt Small Businesses](#)
- [Appreciate to Motivate \(Five Keys to Successful Team Building\)](#)
- [Managers, Do You Lie to Them?](#)
- [Survey Finds Only 28 Percent of Workers Actively Engaged At Work](#)
- [Five Powerful Lessons About Communication](#)
- [When is Negotiating Not Negotiating? 4 Tips for Improved Success](#)
- [5 Simple Steps To Turbo-Charge Your Executive Job Search](#)
- [7 Rules of Upward Communication](#)
- [Are Leaders Born or Made?](#)
- [Effective Performance Management](#)
- [Get Hired Faster By Changing Your Job Search Strategy](#)
- [6 Factors of Career Success](#)
- [7 Steps to Living At the Speed of Life](#)
- [10 Tips for Becoming a Great Boss.](#)
  
- [10 Commandments of Stress Management](#)
- [10 Easy-to-Learn Tips On Handling Interruptions](#)
- [10 Emotionally Intelligent Ways to Use Drive Time.](#)
- [10 Steps to Terrific Training](#)
- [10 Tips for Choosing a Facility for A Successful Meeting](#)
- [10 Tips for Effective Listening](#)
- [10 Ways For Entrepreneurs To Find More Time](#)
- [10 Ways to Feel Good About Your Life](#)
- [4 Keys to Super Achievement](#)
- [4 Steps to Teaching Your Family to Treat You Better](#)
- [5 Tips for Being Assertive With Your Boss](#)
- [13 Tips To Effective Upward Management](#)
- [A Beautiful Website Doesn't Produce More Sales](#)
- [Addiction to Worry](#)
- [A Lesson That Changed My Life](#)
- [A Question of Time](#)
- [An Awesome Tool For Researchers: The Library of Congress](#)
- [Article: 7 Leadership Strategies To Help You Handle Change](#)
- [Article: Beyond Manipulating and Motivating to Leading and Inspiring](#)
- [Article: Excerpt from the book Leadership Presence](#)
- [Article: The Five Key Facets of High Performance Leadership](#)
- [Article: Winning Habits -- Book Excerpt](#)
- [Best Ways to Advance in Your Career](#)
- [Big Rocks \(A time management article.\)](#)
- [Blazing Our Own Improvement Path](#)
- [Book Excerpt: Live Well on Less Than You](#)

Think

- [Book Review: Aquarius Now](#)
- [Book Review: Enlightened Power](#)
- [Book Review: Freakonomics](#)
- [Book Review: The Daily Six](#)
- [Book Review: Paradigm Found - Leading and Managing for Positive Change](#)
- [Book Review: The Enthusiastic Employee](#)
- [Book Review: The Zentrepreneur's Idea Log and Workbook](#)
- [Book Review When I Say No, I Feel Guilty](#)
- [Book Review: Parent Effectiveness Training](#)
- [Book Review: Growing the Distance](#)
- [Book Review: Leader's Digest](#)
- [Book Review: Leadership Presence](#)
- [Book Review: Pitch Like A Girl](#)
- [Book Review: Triumph from Failure](#)
- [Book Review: Unstoppable Women](#)
- [Brief Stress Assessment Form](#)
- [Bring Your Website To Life With PHP](#)
- [Building Positive Attitudes In and Out Of The Office: The 4-Day Attitude Diet](#)
- [Tips for Relighting After Burnout](#)
- [Career Change](#)
- [College Study Tips: Work Smarter, Not Harder](#)
- [Commit to Your Wellness -- Part I](#)
- [Commit to Your Wellness -- Part II](#)
- [Conduct an Informational Interview.](#)
- [Control/Power/Influence: Six Basic Ideas](#)
- [Customer Satisfaction is a Reflection of Employee Satisfaction](#)
- [How to Deal With Difficult People Part 2 --The Bully](#)
- [Double Your Reading Speed Now](#)
- [Dragon Naturally Speaking Review](#)
- [Dragon Spirit - A Book Review](#)
- [Effective Listening Tips](#)
- [Employer Employee Quiz](#)
- [Focus and Context: The Hub of Leadership](#)
- [Fully Alive From 9 to 5!](#)
- [Gender Communication Differences and Strategies](#)
- [Get 10 Times the Value from Calls to Your Coach](#)
- [Getting Back to Work After Traumatic Events](#)
- [Getting In Control](#)
- [Go Pointer's Guide to Unforced Errors](#)
- [Happy Employees Are Productive Employees](#)
- [Holiday Networking: 10 Ways to Job Hunt While You Party!](#)
- [How To Develop A Winning Attitude](#)
- [How To Get Professional and Trade Publications Free](#)
- [How to Implement Workplace Change Without Sending Your Staff to a Shrink](#)
- [How to Improve Your Reading Skills](#)
- [How to Negotiate From the Same Side of the Table](#)
- [How To Write Web Articles Quickly and Easily.](#)
- [Human Performance](#)
- [Human Performance Improvement Through Error Reduction. A website review.](#)
- [Inspirational Leadership](#)
- [Instinct To Heal - A Book Review](#)
- [Interview Questions -- Do's and D'onts.](#)

- [Job Stress](#)
- [Legal Options: A Brief Guide to Alternative Dispute Resolution](#)
- [Lessons for Zentpreneurs](#)
- [Lesson of Living Treasures](#)
- [The Little Black Book of Connections -- Book Review](#)
- [Make a One Decision Not Just a New Years Resolution](#)
- [Making A Career Change](#)
- [Manage & Lead.](#)
- [Manage Your Own Paper](#)
- [Managing Time to Accomplish More](#)
- [Motivation: A Simplified Consideration](#)
- [Motivation: How to Improve Performance](#)
- [No Fear](#)
- [One Breath At A Time - Book Excerpt](#)
- [Book Review: One Breath At A Time](#)
- [Organizations In Flux: Managing Employee Attitude and Allegiance During Reorganizations, Mergers, Downsizings, Spinoffs and Other Major Changes](#)
- [Overcoming Procrastination](#)
- [Packaging And Marketing Yourself - "Brand You"](#)
- [People Are Not Pegs](#)
- [Performance and Perfectionism](#)
- [Performance Benefits of Sports Psychology](#)
- [Performance Goals and Expectations](#)
- [Personal Time Management and Organization](#)
- [Professional Career Development: Get Trained, Get a Job](#)
- [Profit From Life's Losses](#)
- [Book Excerpt: Refuse To Choose!](#)
- [A Roadmap For Successful Online Learning](#)
- [Safety in the Workplace: Be Rigorous, Not Ruthless](#)
- [Sales Training Effectiveness: Increase Your Bottom Line With Sales Training That Sticks](#)
- [Should You Seek Temporary Or Contractual Employment While Searching?](#)
- [Simplify Your Life by Saying No](#)
- [6 Ways to Improve Your Office Organizing Skills](#)
- [Software Product Review: REALbasic](#)
- [Some Time Savers](#)
- [Soothing Ruffled Feathers](#)
- [Stress & Performance: How Much is Just Right?](#)
- [Submitting Your Site To The Open Directory](#)
- [Success at Life - A Book Review](#)
- [Summer Is A Good Time To Conduct Job Search](#)
- [Systems Thinking and Open Systems in Organizations](#)
- [Temporary Employment: How I Turned It Into A Fulltime Job](#)
- [The 10 Commandments of Stress Management](#)
- [The Feiner Points of Leadership](#)
- [The Five People You Meet in Heaven](#)
- [The Power of Keeping Lists](#)
- [The Stress Relief Prescription](#)
- [The Three Phases of Learning](#)
- [There Must Be More - A Book Review](#)
- [Tiger Heart, Tiger Mind - A Book Review](#)
- [Top 10 Job Interview Questions with Tips on How to Answer](#)

- [Time Management Memo: Putting Out Fires.](#)
  - [Top 10 Benefits HR Should Provide for Every Employee](#)
  - [Top 10 Secrets to Being HAPPY!](#)
  - [Top 10 Skills for Success in Business and Career](#)
  - [Top Techniques for Writing Really Fast](#)
  - [Trust in the Workplace](#)
  - [Website Review: Clemmer.Net -- Great Leadership Site](#)
  - [Why Most Training Fails](#)
  - [Winning Habits - A Book Review](#)
  - [Winning The Fight Between You and The Clock!](#)
  - [Working Woman's Best 100 Companies for Working Mothers](#)
  - [Worry -- And How Not To](#)
  - [Wowisms - A Book Review](#)
  - [Write Better Web Content](#)
  - [Write Headlines That Sell](#)
- 

Website and contents © 1997-2007 C.S. Clarke, Ph.D. (Except where otherwise noted.) All rights reserved.

Human Performance and Achievement Resources



[ABOUT US](#)

[PUBLICATIONS](#)

[SOLUTIONS](#)

[EXPERTISE](#)

[CONTACTS](#)

[home](#)

[Knowledge College login](#)



**Superperformance 2007**  
*Increasing Returns*  
 Get the Paper! >>

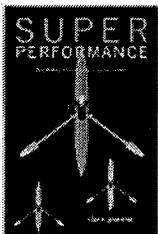
**UPCOMING EVENTS**

2007-01-14  
 Online Event  
**Corpus Optima Live Webinar Series**  
**Simple Rules Drive Global**  
**Emergence with Chris Welsh**  
 Online Presenter: Chris Welsh, Mastery of Learning [more](#)

2007-02-14  
 Houston, TX and Online  
**Being Super: The**  
**Superperformance Workshop**  
 Being Super: The Superperformance Workshop, February 2007 [more](#)

2007-04-01  
 Location TBA  
**Dale Carnegie hosts Dave Guerra**  
**on Superperformance**

**HOT TOPICS**



**1 Simple Formula.**  
**8 Simple Rules.**  
**1 Billion Great Results.**

In this groundbreaking new book, Dave Guerra proposes a stunningly

simple way through today's complex world of work, introducing us to a new management science, showing how Superperformance springs from the intersection of an organization's process and its passion. Guerra proposes a simple formula:

Process x Culture = Superperformance.

This book is about the phenomenal year-after-year success of companies who consistently apply this formula. It is about the simple rules that have enabled companies like Toyota, Southwest Airlines, Microsoft, Harley Davidson and others to achieve and sustain super results year after year.

[Buy the book now!](#)

**HOW WE HELP**



**Transformation to Superperformance**

Corpus Optima's transformation campaigns bring the best of the complexity and performance improvement sciences together so your organization can outperform others for years to come.



**Blended Learning Solutions**

Corpus Optima's Knowledge College and Application Station products provide an efficient blended approach for building process improvement and cultural skills in the workplace.



**SPC Institute**

Corpus Optima develops Superperformance Consultants (SPCs). SPCs are trained to work with active improvement projects within your organization to build superperforming organizations and people.

**NEW BOOK COMING SOON**

**Let the People Shine**

How Sterling Bank became a Superperformer

George Martinez, founder, former CEO and Chairman of SterlingBank shares the inside story of Sterling's sensational rise from a trailer in northwest Houston to a 'Supercommunity' banking system. In collaboration with Dave Guerra, Martinez explains the stunning success of Sterling Bank and distinguishes from any other bank in the world. [more](#)

**GET OUR NEWSLETTER**

Please enter your e-mail in the form below:



*Manage Process, Lead People.*

Copyright © 2002-2006, Corpus Optima, Inc., Houston, Texas, USA. All Rights Reserved

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

Carole S. Clarke,	)	
	)	
Opposer,	)	Opposition No. 91169414
	)	Application Serial No. 78/579,102
v.	)	Mark: SUPERPERFORMANCE
	)	Filed: March 3, 2005
	)	
	)	
Corpus Optima, Inc.	)	
	)	
Applicant.	)	

**DECLARATION OF CAROLE S. CLARKE, Ph.D.**

I, Carole S. Clarke (an individual citizen of the United States), hereby declare that:

1. I am the owner of Trademark Application Serial No. 78/763,936 for the mark SUPERPERFORMANCE.COM, filed on November 30, 2005, for the following goods and services: Printed publications, namely, books, articles in the nature of training handouts, journals, and training manuals in the field of organizational and individual performance improvement, and motivational posters, in International Class 16; business consultation in the field of organizational and individual performance improvement; providing on line business directories in the field of organization and individual performance improvement also featuring hyperlinks to other web sites, in International Class 35; and training and instructional coaching services, namely, performance improvement workshops, seminars and tutorials; on line publications in the nature of books, electronic downloadable books, journals, book reviews, product reviews and software reviews, on line publications featuring screen savers; and instructional materials in the field of organizational and individual performance improvement, in International Class 41.

2. I am the owner of the domain name SUPERPERFORMANCE.COM, registered on October 9, 1997.
3. I coined the term SUPERPERFORMANCE.COM from the combination of the words “super” and “performance” to create the idea of exceptional, extraordinary, excellent or superior ability, accomplishment, achievement, functioning, productivity, proficiency and/or skill.
4. I have offered business consultation in the field of organizational and individual performance improvement and training and instructional coaching services in the field of organizational and individual performance improvement and related goods in connection with the SUPERPERFORMANCE.COM mark within the United States since October 9, 1997.
5. I have used the SUPERPERFORMANCE.COM mark in connection with business consultation in the field of organizational and individual performance improvement and training and instructional coaching services in the field of organizational and individual performance improvement and related goods continuously since October 9, 1997. Evidence of such use is attached as Exhibit A and was generated by way of the “Way Back Machine” with dates posted in upper right-hand corner of the documents.
6. Since 1997, I have created an Internet presence based on the name and mark SUPERPERFORMANCE.COM. Applicant’s use of SUPERPERFORMANCE in its web site directly competes both with my services and for placement on the Internet.
7. On or about October 17, 2005, during a routine annual search for conflicting marks, I discovered the existence of pending application Serial No. 78/579,102 for the SUPERPERFORMANCE mark, owned by Applicant, Corpus Optima, Inc.
8. On March 3, 2005, Applicant, Corpus Optima, Inc., filed Application Serial No. 78/579,102 for the mark SUPERPERFORMANCE in connection with Business

consultation for organizational performance enhancement, in International Class 35, and Training services and instructional coaching services in the field of organization performance enhancement, in International Class 41, claiming first use dates of August 1, 2002.

9. On November 9, 2005, I instructed my counsel to send a cease and desist letter to Applicant, Corpus Optima, Inc., informing them of my priority rights in SUPERPERFORMANCE.COM, requesting that they cease all use of SUPERPERFORMANCE in connection with the relevant services, and that they expressly withdraw Application Serial No. 78/579,102 for the mark SUPERPERFORMANCE. See Exhibit B. Counsel for Applicant responded on January 3, 2006, but did not agree to cease use of SUPERPERFORMANCE.
10. After further correspondence between the parties, no agreement was reached, and I instructed my counsel to file a Notice of Opposition against Serial No. 78/579,102. Said Notice of Opposition was filed on February 24, 2006 and is currently pending before the Trademark Trial and Appeal Board.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in the application are true, all statements made of his/her own knowledge are true; and all statement made on information and belief are believed to be true.

1/12/2007  
Date



Name: Carole S. Clarke

Title: Owner





 Human Performance and Achievement Resources

[Click here for  
Text Only Version](#)

**Tools for Improving Human Performance**  
Clarke, Ph.D.

Web Site by C.S.

On this site are the following. Just click on the links at the right to speed to the references. Site is updated at least weekly. (New features added regularly.)

- (1) Articles relating to improving human abilities, skills and performance in a variety of areas including business and career, entrepreneurship, education, relationships and personal achievement. (New articles added irregularly.)
- (2) Large lists of links to the best self-improvement pages and link directories for business and career, training, education, entrepreneurship, relationships and personal achievement. Categorized on several pages for ease of search and faster downloading. **Single large list** without tables or graphics available for fast browsers. (Lists Regularly updated -- at least quarterly.)
- (3) Search for books & tapes related to human performance. (Get books recommend in articles right on site) and
- (4) On site search engines to let you search the site or the entire Net.
- (5) You may request that links be added for sites you recommend and you may suggest articles be added for topics of interest.
- (6) New: Starting 11/17/98. A "News Connections" page featuring headline links to major news stories related to business, entrepreneurship & career, internet developments, health and science. Those are the topics most connected to the interests of this site.

## Links



- [Article Collection](#)
- [Business/Career](#)
- [Education/Training](#)
- [Self-Improvement & Personal Achievement](#)
- [Business Presentations and Speaking](#)
- [News Connections](#)
- [Search This Site or the Net--for anything.](#)
- [Add URL](#)
- [Suggest an Article](#)
- [On site booksearch in Association With !\[\]\(8586849f337386da7d76c9228fb9ec53\_img.jpg\)](#)
- [About This Site](#)

## FORTHCOMING ON THIS SITE:

- (1) Special Interests link directories for specific professions' interests in performance improvement theories and technologies.
- (2) More articles. (Of course.)
- (3) Software & templates.
- (4) Online seminars & workshops.



Clicking on the banner below will open a new window to the linked site. Just close the window when finished and the Human Performance and Achievement Resources Page will reappear!



Get a great job today  
<http://www.careerdepot.com> [Click here](#)

## ARTICLES COLLECTION

Articles available on this site. A new article added regularly covering a specific issue affecting human performance in work, relationships, personal accomplishment, learning, motivation, sports/physical development, etc.

- [☐ Brief Stress Assessment Form](#)
- [☐ Top Techniques for Writing Really Fast NEW! 8/6/98](#)
- [☐ An Awesome Tool For Researchers: The Library of Congress NEW! 9/12/98](#)
- [☐ Job Stress](#)
- [☐ Organizations In Flux: Managing Employee Attitude and Allegiance During Reorganizations, Mergers, Downsizings, Spinoffs and Other Major Changes](#)
- [☐ Double Your Reading Speed Now!](#)
- [☐ Worry -- And How Not To](#)
- [☐ Time Management Memo: Putting Out Fires.](#)
- [☐ The Stress Relief Prescription](#)
- [☐ Motivation: A Simplified Consideration](#)
- [☐ Legal Options: A Brief Guide to Alternative Dispute Resolution](#)
- [☐ Control/Power/Influence: Six Basic Ideas](#)

---

## Other Interests

(coming soon)



About C. S. Clarke, Ph.D.

Dr. Clarke is a clinical psychologist currently involved in the development and delivery of seminars and training programs and materials for the Northern Virginia company PERFORMANCE IMPACT.  
Email: [cclarke@superperformance.com](mailto:cclarke@superperformance.com)

---

### Copyright Notice:

Regarding article text -- all rights reserved. No part of the electronic publications on this site may be reproduced or retransmitted in any form or by any means, electronic or mechanical, including photocopying of hard copy printouts, recording or by any information storage and retrieval system, without permission in writing from the author. Exceptions include any graphic elements borrowed from the public domain by the page author, any graphics created by the site author that are not marked with a copyright notice and the HTML code used in the design of the pages.

---

**Disclaimer:**

Any articles published on this web site are offered for informational and educational purposes only. Whenever a psychological subject is addressed, the article is NOT offered in lieu of consultation with appropriate professionals. Although the author may be a psychologist, the articles here will not be psychotherapy.

---

**Important Notice:** I make links to pages and sites I've explored and found useful. However, I have no connection with or control over the contents of those pages and sites and do not accept any responsibility for them. Also, I make recommendations of resources, people and products based solely upon my personal experience with them and I cannot know if my experience is typical. There is no so-called "adult-content" on this site or any I linked to, at the time I linked to them, But, I write my pages for adults and expect adults to be responsible for their own actions in exploring the Internet or following up on my recommendations. Recent developments in law affecting Internet communication make it regrettably necessary to place this disclaimer upon all web sites.

---

LE 20764

LE FastCounter

---

SuperPerformance.com

Human Performance and Achievement Resources

## TOOLS FOR IMPROVING HUMAN PERFORMANCE

### In Business and Career:

Perform Better. Achieve More. Improve Skills. Create Personal Excellence. Stress Less. Enjoy Your Work.

### In Training and Education:

Learn more. Learn Faster. Acquire The Skills and Ability to Learn Anything Or Teach Anything.

### In Relationships of Every Kind:

Communicate Effectively. Present Yourself Confidently. Be Respected. Negotiate Winningly.

#### Links Pages

[Business/Career](#)

[Education/Training](#)

[Self-Improvement &](#)

[Personal Achievement](#)

[Business Presentations and](#)

[Speaking](#)

[About This Site](#)

[News Connections](#)

[Search This Site or the 'Net--for anything.](#)

[Add URL](#)

[Suggest an Article](#)

[In Association With](#)

[amazon.com](#)

[Search for Any Book of Any Kind](#)

enter keywords...

search

Alibris

What's New

On this site are the following. Just click on the links at the left to speed to the references. Site is updated at least weekly. (New features added regularly.)

(1) **Articles** relating to improving human abilities, skills and performance in a variety of areas including business, profession and career, small business and entrepreneurship, education, relationships and personal achievement. (New articles added irregularly.)

**NEW AS OF APRIL 2000.** I have started reformatting the current article pages and am publishing new articles (my own and others) in a new format that makes further resources related to the subject matter of the article (links to other articles and other websites, book recommendations and links, software recommendations and links, etc) handy in a sidebar next to the article itself. Even if you've read the article before, see "Double Your Reading Speed Now!" as an example.

(2) Large lists of **links** to the best self-improvement pages and link directories for business and career, training, education, entrepreneurship, relationships and personal achievement. Categorized on several pages for ease of search and faster downloading. **Single large list** without tables or graphics available for fast browsers. Lists Regularly updated -- at least quarterly. When I do a regular update, I check each site to make sure it's still at the same place and is still offering good value. I also have started



#### ARTICLES COLLECTION

Articles available on this site. A new article added (ir)regularly covering a specific issue affecting human performance in work, relationships, personal accomplishment, learning, motivation, sports/physical development, etc.

- [Brief Stress Assessment Form](#)
- [Success in Business or Career: The 10 Top Skills.](#)
- [Career Development News and Views.](#)

(40 to 50 Articles to help you develop your career.)

- [Human Performance Psychology: What is it? How Does it Benefit You?](#)
- [Top Techniques for Writing Really Fast](#)
- [Book Reviews: Top Ten Self-Improvement Books](#)
- [How To Write Web Articles Quickly and Easily.](#)
- [An Awesome Tool](#)

to go back and annotate the content of each site so you'll know what's there before you connect. Also, since I'm adding new links to my own collection daily, I've started a "What's New" page to post items I've most recently discovered -- but haven't had time to categorize, annotate and merge into the larger list pages.

(3) Search for books & tapes related to human performance. (Get books recommend in articles right on site) and

(4) On site search engines to let you search the site or the entire Net.

(5) You may request that links be added for sites you recommend and you may suggest articles be added for topics of interest.

(6) A "News Connections" page featuring headline links to major news stories related to business, entrepreneurship & career, internet developments, health and science. Those are the topics most connected to the interests of this site. Please note that "News Connections" is a page with frames.

For Researchers: The Library of Congress

- Job Stress
- Organizations In Flux: Managing Employee Attitude and Allegiance During Reorganizations, Mergers, Downsizings, Spinoffs and Other Major Changes
- Double Your Reading Speed Now!
- Worry -- And How Not To
- Time Management Memo: Putting Out Fires.
- The Stress Relief Prescription
- Motivation: A Simplified Consideration
- Legal Options: A Brief Guide to Alternative Dispute Resolution
- Control/Power/Influence: Six Basic Ideas

**FORTHCOMING ON THIS SITE:**

- (1) Special Interests link directories for specific professions' interests in performance improvement theories and technologies.
- (2) More articles. (Of course.)
- (3) Software & templates.
- (4) Online seminars & workshops.



Clicking on the banner below will open a new window to the linked site. Just close the window when finished and the Human Performance and Achievement Resources Page will reappear!

	<p>Get a great job today</p> <p><a href="http://www.careerdepot.com">http://www.careerdepot.com</a></p> <p><a href="#">click here</a></p>
---	---



About C. S. Clarke, Ph.D.

**Dr. Clarke is a clinical psychologist currently involved in the development and delivery of seminars and training programs and materials for the Northern Virginia company PERFORMANCE IMPACT.**

**Email: [cclarke@superperformance.com](mailto:cclarke@superperformance.com)**

---

**Copyright Notice:**

**Regarding article text -- all rights reserved. No part of the electronic publications on this site may be reproduced or retransmitted in any form or by any means, electronic or mechanical, including photocopying of hard copy printouts, recording or by any information storage and retrieval system, without permission in writing from the author. Exceptions include any graphic elements borrowed from the public domain by the page author, any graphics created by the site author that are not marked with a copyright notice and the HTML code used in the design of the pages.**

---

**Disclaimer:**

**Any articles published on this web site are offered for informational and educational purposes only. Whenever a psychological subject is addressed, the article is NOT offered in lieu of consultation with appropriate professionals. Although the author may be a psychologist, the articles here will not be psychotherapy.**

---

**Important Notice: I make links to pages and sites I've explored and found useful. However, I have no connection with or control over the contents of those pages and sites and do not accept any responsibility for them. Also, I make recommendations of resources, people and products based solely upon my personal experience with them and I cannot know if my experience is typical. There is no so-called "adult-content" on this site or any I linked to, at the time I linked to them, But, I write my pages for adults and expect adults to be responsible for their own actions in exploring the Internet or following up on my recommendations. Recent developments in law affecting Internet communication make it regrettably necessary to place this disclaimer upon all web sites.**

---

---



**BAKER**  
&  
**HOSTETLER** LLP  
COUNSELLORS AT LAW

---

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500  
FAX (202) 861-1783

P. JAY HINES  
WRITER'S DIRECT DIAL NUMBER (202) 861-1670  
E-MAIL: JHINES@BAKERLAW.COM

November 9, 2005

Mr. David Guerra  
Chief Executive Officer  
Corpus Optima, Inc.  
17287 Canyon Springs  
Houston, Texas 77090

Re: Mark: SUPERPERFORMANCE  
Trademark Application Serial No. 78/579,102

Dear Mr. Guerra:

We are intellectual property counsel to Carole S. Clarke, Ph.D. on whose behalf we are monitoring the above referenced pending service mark application.

Our client is the owner of the domain name and corresponding website at [www.superperformance.com](http://www.superperformance.com). Our client has used the mark and domain name SUPERPERFORMANCE.COM since at least as early as December 1998 in connection with human performance and achievement resources goods and services. As you will see from the website, Dr. Clarke's services are nearly identical to those of Corpus Optima under an identical mark. In this regard, please note that the ".com" has no trademark significance.

Your company's use of the mark SUPERPERFORMANCE in connection with "consulting, coaching and training service for organization performance enhancement" is certain to cause confusion and mistake about the source, sponsorship or association of your company's services with the goods and services of Dr. Clarke. We are sure that you are as anxious as Dr. Clarke to avoid any confusion or misunderstanding about the services provided by Corpus Optima under the designation SUPERPERFORMANCE.

Since our client's use of the mark SUPERPERFORMANCE.COM antedates by many years your company's use of SUPERPERFORMANCE, we request, on our clients behalf, that Corpus Optima stop all use of SUPERPERFORMANCE in connection its goods or services. We also ask that pending Application Serial No. 78/579,102 be expressly withdrawn. We enclose a form for this purpose.

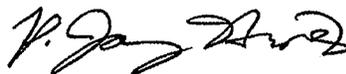
Mr. David Guerra,  
November 9, 2005  
Page 2

In the interest of reaching a quick and amicable resolution, our client would be willing to agree to a reasonable time to allow Corpus Optima to phase out all use of the mark SUPERPERFORMANCE on the website and in all promotional materials. Of course, our client would want to know how long you anticipate the period would be to completely phase out the use of SUPERPERFORMANCE.

This letter is going forward by certified mail, return receipt requested, and we request that we receive written confirmation that use of the mark will be discontinued and that pending Application Serial No. 78/579,102 will be expressly withdrawn, within ten days from the date of receipt of this letter, so that we can properly advise our client.

Sincerely yours,

**BAKER & HOSTETLER LLP**

A handwritten signature in black ink, appearing to read "P. Jay Hines", written in a cursive style.

P. Jay Hines

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have caused a copy of OPPOSER'S MOTION FOR SUMMARY JUDGMENT, in connection with Opposition No. 91169414, to be mailed via First Class Mail to:

Patrick Traister  
Intellectual Property Attorney  
D'Ambrosio & Associates, PLLC  
10268 Westheimer Road, Suite 465  
Houston, Texas 77042

this 12<sup>th</sup> day of January, 2007.

  
Sheryl S. Harris