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Filing date: **10/27/2008**

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

Proceeding	91173105
Party	Plaintiff Honda Motor Co., Ltd.
Correspondence Address	Mark G. Matuschak Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 UNITED STATES mark.matuschak@wilmerhale.com, cora.han@wilmerhale.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Dyan Finguerra-DuCharme
Filer's e-mail	dyan.finguerra@wilmerhale.com
Signature	/dyan finguerra-ducharme/
Date	10/27/2008
Attachments	Notice of reliance ex A cont exhibits.pdf ( 98 pages )(10747291 bytes )

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

In the Matter of Application Serial No. 78/339,571  
Published: May 30, 2006 at TM 674  
Mark: DEALERDASHBOARD

HONDA MOTOR CO., LTD.,	)	Opposition No. 91/173,105
	)	
Opposer,	)	
	)	NOTICE OF RELIANCE
v.	)	
	)	
MICHAEL DALTON,	)	
	)	
Applicant	)	
	)	

**TAB A**  
**continued**

**ORIGINAL**

**IN RE: HONDA MOTOR CO., LTD.**

**v.**

**MICHAEL DALTON**

**Witness: MICHAEL E. DALTON**

**Date: 5/5/2008**

**EXHIBITS 1 - 37**

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**Gas Mileage:** 25 mpg city / 36 mpg highway

**Engine:** 4 Cylinder, SOHC, 1.8 Liter

**Horsepower:** 140 @6300

**Trans:** Automatic

**Fuel Capacity:** 13.20 gallons

**Torque:** 128 @4300 ft-lbs

**Drive:** FWD

**Fuel Type:** Unleaded

### NEW FOR 2008

The 2008 Civic Coupe is a 2-door, 5-passenger family coupe, available in 12 trims, ranging from the DX 5-Spd MT to the EX-L 5-Spd AT w/ Navigation System. Upon introduction, the DX 5-Spd MT is equipped with a standard 1.8-liter, I4, 140-horsepower engine that achieves 26-mpg in the city and 34-mpg on the highway. A 5-speed manual transmission with overdrive is standard. The EX-L 5-Spd AT w/ Navigation System is equipped with a standard 1.8-liter, I4, 140-horsepower engine that achieves 25-mpg in the city and 36-mpg on the highway. A 5-speed automatic transmission with overdrive is standard. The 2008 Civic Coupe is a carryover from 2007.

### ENGINE INFORMATION

1.8-Liter i-VTEC(R), I4, 16-Valve, SOHC, MPFI Engine; Front Mounted With Horsepower Of 140@6300, Torque Of 128@4300, Alloy Block and Alloy Cylinder Head

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# Trademark/Service Mark Application, Principal Register

Serial Number: 78339571

Filing Date: 12/11/2003

The table below presents the data as entered.

Input field	Entered
<b>MARK SECTION</b>	
MARK	DealerDashboard
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	DealerDashboard
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>OWNER SECTION</b>	
NAME	Michael Dalton
INTERNAL ADDRESS	Box 18137
STREET	670 Northland Blvd Box 18137
CITY	Cincinnati
STATE	OH
ZIP/POSTAL CODE	45218-0137
COUNTRY	USA
PHONE	(513) 557-2901
EMAIL	DALTONME@hotmail.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>LEGAL ENTITY SECTION</b>	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	USA
<b>GOODS AND/OR SERVICES SECTION</b>	
DESCRIPTION	automotive related goods and services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/1999
FIRST USE IN COMMERCE DATE	At least as early as 01/01/1999
SPECIMEN FILE NAME(S)	\\ttrs\EXPORT8\IMAGEOUT8\783\395\78339571\xml1\AP P0003.JPG
SPECIMEN DESCRIPTION	words and letters





**MARK:** (Standard Characters, see mark)

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

The literal element of the mark consists of DealerDashboard.

The applicant, Michael Dalton, a citizen of USA, residing at Box 18137, 670 Northland Blvd Box 18137, Cincinnati, OH, USA, 45218-0137, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class \_\_\_\_\_: automotive related goods and services

In International Class \_\_\_\_\_, the mark was first used at least as early as 01/01/1999, and first used in commerce at least as early as 01/01/1999, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) words and letters.

Specimen - 1

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class \_\_\_\_\_: automtoive goods and services

The USPTO is authorized to communicate with the applicant or its representative at the following email address: DALTONME@hotmail.com. A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

#### **Declaration**

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

Signature: / Michael Dalton / Date: 12/11/2003

Signatory's Name: Michael Dalton

Signatory's Position: owner

Mailing Address:

Michael Dalton

Box 18137

670 Northland Blvd Box 18137

Cincinnati, OH 45218-0137

RAM Sale Number: 258

RAM Accounting Date: 12/12/2003

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO: 78/339571

APPLICANT: Michael Dalton



**CORRESPONDENT ADDRESS:**  
Michael Dalton  
Box 18137  
670 Northland Blvd Box 18137  
Cincinnati, OH 45218-0137

**RETURN ADDRESS:**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

MARK: DEALERDASHBOARD

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

**CORRESPONDENT EMAIL ADDRESS:**  
DALTONME@hotmail.com

Please provide in all correspondence:

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

**OFFICE ACTION**

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/339571

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

**Search Results**

Although the examining attorney has searched the Office records and has found no similar *registered* mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), the examining attorney encloses information regarding pending Application Serial No. 76530706. 37 C.F.R. §2.83.

There may be a likelihood of confusion between the applicant's mark and the mark in the above noted application under Section 2(d) of the Act. The filing date of the referenced application precedes the applicant's filing date. If the earlier-filed application matures into a registration, the examining attorney may refuse registration under Section 2(d).

**Identification of Goods/Services**

The identification of goods/services is unacceptable as indefinite because it is too broad and identifies goods and services that fall into many international classes. The applicant must amend the identification to specify the common commercial names of the goods and services. TMEP §1402 Due to the vague nature of the identification, the applicant is encouraged to consult the online manual of acceptable identifications for suggested wording, which can be found at [www.uspto.gov](http://www.uspto.gov). However, the following are examples of acceptable wording:

Class 3: automobile cleaners and wax.

Class 4: automotive greases and lubricants.

Class 12: automobiles and structural parts therefore.

Class 35: providing information about automobiles for sale via the Internet; retail auto parts and accessories stores; and dealerships in the field of automobiles.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within the scope of goods and services set forth in the present identification.

**Requirements for Multiple Class Applications**

If the applicant prosecutes this application as a combined, or multiple-class, application based on use in commerce under Trademark Act Section 1(a), 15 U.S.C. §1051(a), the applicant must comply with each of the following:

- (1) The applicant must specifically identify the goods and services in each class and list the goods and services by international class with the classes listed in ascending numerical order. TMEP §1403.01.
- (2) The applicant must submit a filing fee for each international class of goods/services not covered by the fee already paid. 37 C.F.R. §§2.6(a)(1) and 2.86(b); TMEP §§810.01 and 1403.01. Effective January 1, 2003, the fee for filing a trademark application is \$335 for each class. This applies to classes added to pending applications as well as to new applications filed on or after that date.
- (3) The applicant must submit:
  - (a) dates of first use and first use in commerce and one specimen for each class that includes goods or services based on use in commerce under Trademark Act Section 1(a). The dates of use must be at least as early as the filing date of this application, 37 C.F.R. §§2.34(a)(1) and 2.86(a), and the specimen(s) must have been in use in commerce at least as early as the filing date of the application, and/or
  - (b) a statement of a bona fide intention to use the mark in commerce on or in connection

with all the goods or services specified in each class that includes goods or services based on a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), where such statement was not included for the goods or services in the original application.

- (4) The applicant must submit an affidavit or a declaration under 37 C.F.R. §2.20 signed by the applicant to verify (3) above. 37 C.F.R. §§2.59(a) and 2.71(c).

#### **Basis for Filing**

The applicant asserts use of the mark in commerce and a bona fide intent to use the mark in commerce for the same goods/services. An applicant may not assert both use of the mark in commerce, under Trademark Act Section 1(a), 15 U.S.C. §1051(a), and intent to use the mark in commerce, under Trademark Act Section 1(b), 15 U.S.C. §1051(b), for the same goods or services. 37 C.F.R. §2.34(b) (1); TMEP §806.02(b). The applicant must delete one basis or divide the goods/services between the two bases, as appropriate.

#### **Specimen**

If the applicant maintains the Section 1(a) filing basis, the applicant must comply with the requirement for an acceptable specimen showing use of the mark for each class of goods and services set forth in the application. 37 C.F.R. §2.56; TMEP §904.

Examples of acceptable specimens for goods are tags, labels, instruction manuals, containers or photographs that show the mark on the goods or packaging. TMEP §904.04 *et seq.* Examples of acceptable specimens for services are signs, photographs, brochures or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq.*

The applicant must verify, with an affidavit or a declaration under 37 C.F.R. §2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application. *Jim Dandy Co. v. Siler City Mills, Inc.*, 209 USPQ 764 (TTAB 1981); 37 C.F.R. §2.59(a); TMEP §904.09.

A sample declaration is set forth below for the applicant's convenience.

The following is a properly worded declaration under 37 C.F.R. §2.20. At the end of your response, please insert the declaration signed by someone authorized to sign under 37 C.F.R. §2.33(a):

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 this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature \_\_\_\_\_

Name and Position \_\_\_\_\_

Date \_\_\_\_\_

NOTE: For the signature above, use the same format as the electronic signature on the original e-TEAS application, e.g., /john doe/ or /jd/. 37 CFR §2.193(c)(1)(iii); TMEP §§304.08 and 804.05.

Patty Evanko  
Trademark Attorney  
Law Office 112  
703-308-9112, ext. 163  
patty.evanko@uspto.gov (questions only)

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For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

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

Print: Jun 29, 2004

76530706

Issue: 0000/00/00

**DESIGN MARK**

**Serial Number**

76530706

**Status**

PUBLISHED FOR OPPOSITION

**Word Mark**

DEALER DASHBOARD

**Standard Character Mark**

No

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Nowcom Corporation CORPORATION CALIFORNIA 7451 Wilshire Blvd., Suite  
115 Los Angeles CALIFORNIA 90010

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Preparing  
business reports in a secure on-line environment to automobile  
dealerships. First Use: 2003/01/01. First Use In Commerce:  
2003/01/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE DEALER APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2003/07/10

**Examining Attorney**

OH, WON TEAK

**Attorney of Record**

Natu J. Patel

# DEALER DASHBOARD

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	78339571
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (class deleted)</b>	
INTERNATIONAL CLASS	012
DESCRIPTION	automotive related goods and services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	01/01/1999
FIRST USE IN COMMERCE DATE	01/01/1999
<b>GOODS AND/OR SERVICES SECTION (class added)</b>	
INTERNATIONAL CLASS	035
DESCRIPTION	providing online management tools and information regarding automobiles for sale via the internet, parts and accessories; and dealerships in the field of automobiles.
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	10/05/1999
FIRST USE IN COMMERCE DATE	10/05/1999
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Michael Dalton/
SIGNATORY NAME	Michael Dalton
SIGNATORY POSITION	Principal
SIGNATORY DATE	12/30/2004
SIGNATURE	/Michael Dalton/
SIGNATORY NAME	Michael Dalton
SIGNATORY POSITION	Principal
SIGNATORY DATE	12/30/2004
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Dec 30 15:45:05 EST 2004
TEAS STAMP	USPTO/OA-672419120-200412 30154505176116-78339571-2 001e7e13a03b678884c183346 d5d28fcde-N-N-20041230154 406868588



## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **78339571** is amended as follows:

#### Classification and Listing of Goods/Services

**Applicant hereby deletes the following class of goods/services from the application.**

Class 012 for automotive related goods and services

**Applicant hereby adds the following class of goods/services to the application:**

New:

Class 035 for providing online management tools and information regarding automobiles for sale via the internet, parts and accessories; and dealerships in the field of automobiles.

**Section 1(a), Use in Commerce:** Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used on 10/05/1999 and first used in commerce on 10/05/1999, and is now in use in such commerce.

#### Declaration Signature

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

Signature: /Michael Dalton/ Date: 12/30/2004

Signatory's Name: Michael Dalton

Signatory's Position: Principal

#### Response Signature

Signature: /Michael Dalton/ Date: 12/30/2004

Signatory's Name: Michael Dalton

Signatory's Position: Principal

Serial Number: 78339571

Internet Transmission Date: Thu Dec 30 15:45:05 EST 2004

TEAS Stamp: USPTO/OA-672419120-20041230154505176116-

78339571-2001e7e13a03b678884c183346d5d28

fcde-N-N-20041230154406868588

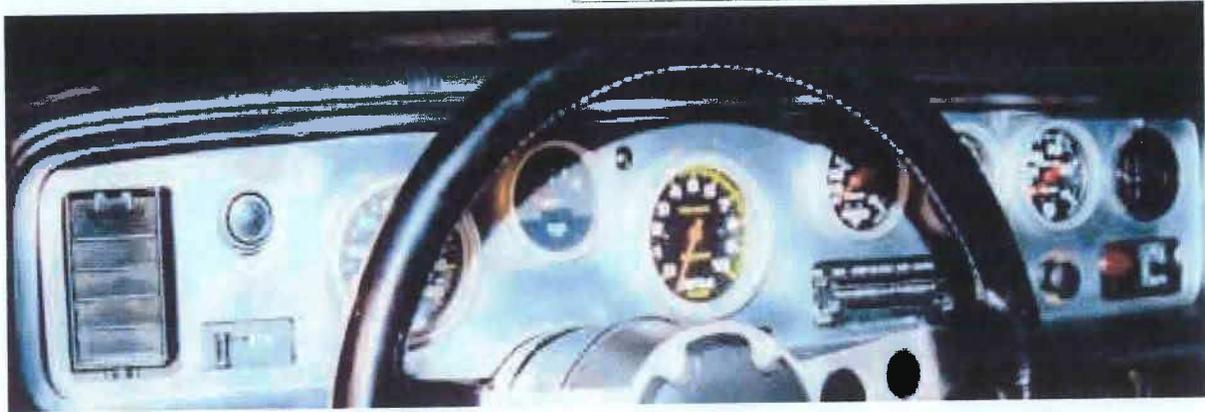
Exhibit (u)



"Behind The Wheel - We Deliver"

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- Auto Mail.
- D2D Auction.
- Desktop
- Company
- Press
- Reseller

Desktop Dealer Web Site Development



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DEPOSITION EXHIBIT  
Datten 5  
02-5508

Exhibit (V)

dealerDashboard.com



Company

## Company



- ◆ [Auction](#)
- ◆ [Auto Mall Showroom](#)
- ◆ [Hardware](#)
- ◆ [Hosting](#)
- ◆ [Dial up](#)
- ◆ [Sales Dept.](#)
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- ◆ [Used Cars](#)
- ◆ [Aftermarket](#)
- ◆ [Parts](#)
- ◆ [Service](#)
- ◆ [Facilities](#)
- ◆ [Management Services](#)
- ◆ [Personnel / Jobs](#)
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[Vendor Programs](#)

[Dealer Programs](#)

[Press Releases](#)

**dealerDashboard.com** is an organization formed to enable the automotive consumer and retail dealer the opportunity to communicate without third party intervention. The company will remain mission focused providing quality products and services to aid the efficient e-commerce community. Our current offering implements an international online, commission free, *Dealer to Dealer*, wholesale auction. Retailers can now participate across NAFTA borders. Forward thinking participants in the program will receive a free homepage on a leading consumers auto shopping mall. Our proven online and traditional training programs increase sales transactions with reduced lead acquisition cost and improved customer satisfaction indices. Our site provides a one-stop resource center for the automotive industry.

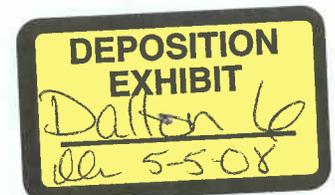
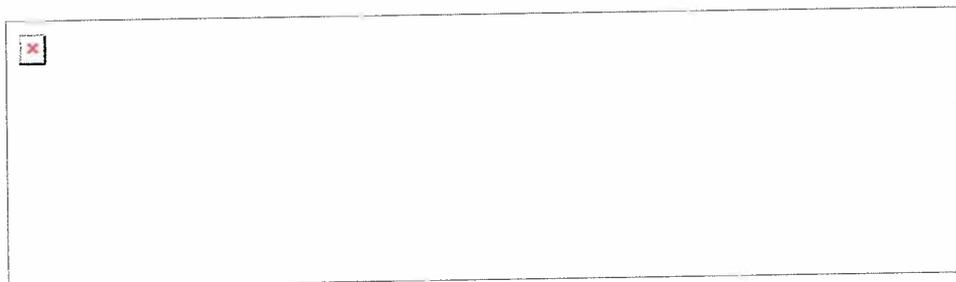
We know that today's automotive industry have confused the commitment to the independent businessperson; therefore, we provide guerrilla marketing solutions. The company founder has over 25 years automotive industry experience including dealership, manufacture, tier one, aftermarket, advertising, and e-commerce development. Our philosophy is supportive and dedicated to the automotive retailer.

Our progressive technology solutions allow retailers the opportunity to receive options from several industry vendors with just a mousewheel click. Our design, hosting and dial up services permit the dealer to recapture the consumer and remain competitively independent.

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The independent used and new car franchise retailer will find *dealerDashboard.com* a valuable resource as we visualize "The Future View of the Automotive Professional". We offer unparalleled solutions and now we are: .....  
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# dashboard - Definitions from Dictionary.com

Exhibit (W)

*Dictionary.com Unabridged (v 1.1) - Cite This Source - Share This*

dash · board  [Audio Help](#) [**dash**-bawrd, -bohrrd] [Pronunciation Key](#) - [Show](#)

*-noun*

1. (in an automobile or similar vehicle) a panel beneath the front window containing gauges and accessories for the use of the driver; instrument panel
2. a board or panel at the front of an open carriage or the like to protect from mud or dirt cast up by the hoofs of the animals drawing the carriage

[Origin: 1840-50; [DASH](#)<sup>1</sup> + [BOARD](#)]

*Dictionary.com Unabridged (v 1.1)*

*Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006*



# honda - Definitions from Dictionary.com

Exhibit (x)

*Dictionary.com Unabridged (v 1.1) – Cite This Source – Share This*

hon·da  [Audio Help](#) [**hon-duh**] [Pronunciation Key](#) – [Show IPA Pronunciation](#)

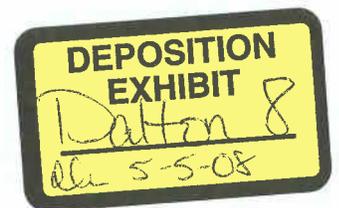
*-noun*

an eye at one end of a lariat through which the other end is passed to form a lasso, noose, etc.

[Origin: 1885-90, *Americanism*; < Sp: sling < L *funda*, perh. akin to Gk *sphendóné*]

*Dictionary.com Unabridged (v 1.1)*

*Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006.*





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**Facsimile Transmission**

**TO:**           **Name:**           **Michael Dalton**  
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                  **Fax Number:**       **309-215-9770**  
                  **Voice Phone:**

**FROM:**       **Name:**           **Patty Evanko**  
                  **Fax Number:**       **703-746-8112**  
                  **Voice Phone:**       **703-308-9112 ext 163**

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1 2004 07 30 08 22 38 AM 01 03 2005

01-03-2005

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Date and time of transmission: Friday, July 30, 2004 8:22:38 AM  
Number of pages including this cover sheet: 07

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TRADEMARK APPLICATION NO. 78339571 - DEALERDASHBOARD - N/A

Page 1 of 4

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To: Michael Dalton (DALTONME@hotmail.com)  
Subject: TRADEMARK APPLICATION NO. 78339571 -  
DEALERDASHBOARD - N/A  
Sent: 6/29/04 1:03:54 PM  
Sent As: ECom112  
Attachments: [Attachment - 1](#)  
[Attachment - 2](#)

---

**UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO: 78/339571

APPLICANT: Michael Dalton

CORRESPONDENT ADDRESS:  
Michael Dalton  
Box 18137  
670 Northland Blvd Box 18137  
Cincinnati, OH 45218-0137

**RETURN ADDRESS:**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

MARK: DEALERDASHBOARD

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:  
DALTONME@hotmail.com

Please provide in all correspondence:

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

**OFFICE ACTION**

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/339571

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

**Search Results**

Although the examining attorney has searched the Office records and has found no similar registered mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), the examining attorney encloses information regarding pending Application Serial No. 76530706. 37 C.F.R. §2.83.

TRADEMARK APPLICATION NO. 78339571 - DEALERDASHBOARD - N/A

Page 2 of 4

There may be a likelihood of confusion between the applicant's mark and the mark in the above noted application under Section 2(d) of the Act. The filing date of the referenced application precedes the applicant's filing date. If the earlier-filed application matures into a registration, the examining attorney may refuse registration under Section 2(d).

**Identification of Goods/Services**

The identification of goods/services is unacceptable as indefinite because it is too broad and identifies goods and services that fall into many international classes. The applicant must amend the identification to specify the common commercial names of the goods and services. TMEP §1402 Due to the vague nature of the identification, the applicant is encouraged to consult the online manual of acceptable identifications for suggested wording, which can be found at [www.uspto.gov](http://www.uspto.gov). However, the following are examples of acceptable wording:

Class 3: automobile cleaners and wax.

Class 4: automotive greases and lubricants.

Class 12: automobiles and structural parts therefor.

Class 35: providing information about automobiles for sale via the Internet; retail auto parts and accessories stores; and dealerships in the field of automobiles.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within the scope of goods and services set forth in the present identification.

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If the applicant prosecutes this application as a combined, or multiple-class, application based on use in commerce under Trademark Act Section 1(a), 15 U.S.C. §1051(a), the applicant must comply with each of the following:

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  - (b) a statement of a bona fide intention to use the mark in commerce on or in connection

TRADEMARK APPLICATION NO. 78339571 - DEALERDASHBOARD - N/A

Page 3 of 4

with all the goods or services specified in each class that includes goods or services based on a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), where such statement was not included for the goods or services in the original application.

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**Basis for Filing**

The applicant asserts use of the mark in commerce and a bona fide intent to use the mark in commerce for the same goods/services. An applicant may not assert both use of the mark in commerce, under Trademark Act Section 1(a), 15 U.S.C. §1051(a), and intent to use the mark in commerce, under Trademark Act Section 1(b), 15 U.S.C. §1051(b), for the same goods or services. 37 C.F.R. §2.34(b) (1); TMEP §906.02(b). The applicant must delete one basis or divide the goods/services between the two bases, as appropriate.

**Specimens**

If the applicant maintains the Section 1(a) filing basis, the applicant must comply with the requirement for an acceptable specimen showing use of the mark for each class of goods and services set forth in the application. 37 C.F.R. §2.56; TMEP §904.

Examples of acceptable specimens for goods are tags, labels, instruction manuals, containers or photographs that show the mark on the goods or packaging. TMEP §904.04 *et seq.* Examples of acceptable specimens for services are signs, photographs, brochures or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq.*

The applicant must verify, with an affidavit or a declaration under 37 C.F.R. §2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application. *Jim Dandy Co. v. Siler City Mills, Inc.*, 209 USPQ 764 (TTAB 1981); 37 C.F.R. §2.59(a); TMEP §904.09.

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Signature \_\_\_\_\_  
Name and Position \_\_\_\_\_  
Date \_\_\_\_\_

NOTE: For the signature above, use the same format as the electronic signature on the original e-TEAS application, e.g., /john doe/ or /jd/. 37 CFR §2.193(c)(1)(iii); TMEP §§304.03 and 304.05.

TRADEMARK APPLICATION NO. 78339571 - DEALERDASHBOARD - N/A

Page 4 of 4

Patty Evanko  
Trademark Attorney  
Law Office 112  
703-308-9112, ext. 163  
patty.evanko@uspto.gov (questions only)

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

Print: Jul 28, 2004

70030706

Issue: 08/02/04

**DESIGN MARK**

Serial Number  
15530105

**STATUS**  
PUBLISHED FOR OPPOSITION

**Word Mark**  
DEALER DASHBOARD

**Standard Character Mark**  
No

**Type of Mark**  
SERVICE MARK

**Priority**  
PRIORITY

**Mark Drawing Code**  
(1) REGISTER DRAWING

**Owner**  
Kosco Corporation CORPORATION CALIFORNIA 7401 Wilshire Blvd., Suite  
115 Los Angeles CALIFORNIA 90048

**Description**  
Class Status -- ACTIVE. TO 035. US 100 101 102. S & B: Preparing  
business reports in a secure on-line environment to automobile  
dealerships. First Use: 2003/01/01. First Use In Commerce:  
2003/01/01.

**Disclaimer Statement**  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE DEALER APART FROM THE  
MARK AS SHOWN.

**Filing Date**  
2003/07/16

**Examining Attorney**  
OLY VON TEAK

**Attorney of Record**  
Beth J. Patel

# DEALER DASHBOARD

**DALTONME**

---

**From:** <TEAS@uspto.gov>  
**To:** <DALTONME@hotmail.com>  
**Sent:** Thursday, December 30, 2004 3:45 PM  
**Subject:** Received your Response to Office Action Form for 78339571

We have received your Response to Office Action Form below.  
Please amend application serial no. **78339571** as follows:

**Classification and Listing of Goods/Services**

**Applicant hereby deletes the following class of goods/services from the application.**

Class 012 for automotive related goods and services

**Applicant hereby adds the following class of goods/services to the application:**

New:

Class 035 for providing online management tools and information regarding automobiles for sale via the internet, parts and accessories; and dealerships in the field of automobiles.

**Section 1(a), Use in Commerce:** Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used on 10/05/1999 and first used in commerce on 10/05/1999, and is now in use in such commerce.

**Declaration Signature**

Signature: /Michael Dalton/ Date: 12/30/2004

Signatory's Name: Michael Dalton

Signatory's Position: Principal

**Response Signature**

Signature: /Michael Dalton/ Date: 12/30/2004

Signatory's Name: Michael Dalton

Signatory's Position: Principal

=====TEAS XML RESPONSE=====

78339571

12/30/04

### iDomain Account Manager

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This search will allow you to find out who has registered a particular domain name as well as other information about that domain name.

Enter a domain name:

**DEALERDASHBOARD.COM WHOIS results:**

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 However, you can backorder this domain for just \$18.95.

**BACKORDER NOW!**

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**Registrant:**  
 DEALERDASHBOARD (DEALERDASHBOARD-DOM)  
 PO BOX 18137  
 CINCINNATI, OH 45218  
 US  
 Domain Name: DEALERDASHBOARD.COM  
 Administrative Contact, Technical Contact:  
 DALTON, MICHAEL (280431081) DealerDashboard@hotmail.com  
 DEALERDASHBOARD  
 PO BOX 18137  
 CINCINNATI, OH 45218  
 US  
 (513) 557-2901 fax: (309) 215-9770  
 Record expires on 05-Oct-2005.  
 Record created on 05-Oct-1999.  
 Database last updated on 30-Dec-2004 00:39:26 EST.  
 Domain servers in listed order:  
 NS1.BRAVEHOST.COM 65.39.211.4  
 NS2.BRAVEHOST.COM 65.39.211.5

*← FIRST USE DATE*

The data contained in iDomain.com WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of iDomain.com. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.



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73 Results

Note some duplicates are not shown. [See all](#).  
\* denotes when site was updated.

**Search Results for Jan 01, 1996 - Dec 29, 2004**

1996	1997	1998	1999	2000	2001	2002	2003	2004
0 pages	0 pages	0 pages	0 pages	21 pages	19 pages	6 pages	18 pages	3 pages
			<a href="#">Feb 29, 2000</a> *	<a href="#">Feb 01, 2001</a> *	<a href="#">Jan 23, 2002</a>	<a href="#">Feb 01, 2003</a>	<a href="#">Jan 24, 2004</a> *	
			<a href="#">Mar 01, 2000</a>	<a href="#">Feb 04, 2001</a>	<a href="#">Oct 02, 2002</a> *	<a href="#">Feb 08, 2003</a> *	<a href="#">Jan 25, 2004</a>	
			<a href="#">May 10, 2000</a> *	<a href="#">Feb 08, 2001</a>	<a href="#">Oct 03, 2002</a>	<a href="#">Feb 20, 2003</a> *	<a href="#">Feb 02, 2004</a> *	
			<a href="#">May 18, 2000</a> *	<a href="#">Feb 24, 2001</a> *	<a href="#">Nov 26, 2002</a> *	<a href="#">Mar 23, 2003</a>		
			<a href="#">May 20, 2000</a>	<a href="#">Feb 26, 2001</a> *	<a href="#">Nov 28, 2002</a> *	<a href="#">Mar 25, 2003</a> *		
			<a href="#">Jun 17, 2000</a> *	<a href="#">Mar 01, 2001</a>	<a href="#">Nov 30, 2002</a> *	<a href="#">Apr 08, 2003</a>		
			<a href="#">Jun 19, 2000</a>	<a href="#">Mar 02, 2001</a>		<a href="#">Apr 11, 2003</a> *		
			<a href="#">Jun 20, 2000</a>	<a href="#">Mar 09, 2001</a> *		<a href="#">May 24, 2003</a>		
			<a href="#">Aug 15, 2000</a> *	<a href="#">Mar 31, 2001</a> *		<a href="#">May 25, 2003</a> *		
			<a href="#">Aug 22, 2000</a>	<a href="#">Apr 09, 2001</a>		<a href="#">Jun 02, 2003</a> *		
			<a href="#">Aug 23, 2000</a>	<a href="#">May 16, 2001</a>		<a href="#">Jul 17, 2003</a> *		
			<a href="#">Sep 29, 2000</a>	<a href="#">May 18, 2001</a> *		<a href="#">Jul 23, 2003</a> *		
			<a href="#">Oct 09, 2000</a> *	<a href="#">Jun 19, 2001</a> *		<a href="#">Oct 03, 2003</a> *		
			<a href="#">Oct 17, 2000</a> *	<a href="#">Jul 02, 2001</a>		<a href="#">Nov 18, 2003</a>		
			<a href="#">Oct 18, 2000</a>	<a href="#">Jul 10, 2001</a>		<a href="#">Nov 26, 2003</a> *		
			<a href="#">Oct 19, 2000</a>	<a href="#">Jul 11, 2001</a>		<a href="#">Nov 29, 2003</a>		
			<a href="#">Nov 09, 2000</a>	<a href="#">Aug 04, 2001</a>		<a href="#">Dec 15, 2003</a> *		
			<a href="#">Nov 10, 2000</a>	<a href="#">Nov 30, 2001</a> *		<a href="#">Dec 16, 2003</a> *		
			<a href="#">Dec 02, 2000</a> *	<a href="#">Dec 11, 2001</a>				
			<a href="#">Dec 03, 2000</a>					
			<a href="#">Dec 04, 2000</a>					

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12/29/04





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**Automotive Industry News**

[DriverLoan's Easy Auto Loan Application...](#)  
 Ad - http://www.driverloans.com;nbsp;Wed Dec 29 22:20:00 EST 2004  
 ;nbsp;  
[Porsche recall could cost up to 10m euros...](#)  
 Business Day Newspaper;nbsp;Wed Dec 29 22:20:00 EST 2004  
 ;nbsp;  
[Grammer Wins Volkswagen Best Supplier Award...](#)  
 PR Newswire via Wards;nbsp;Wed Dec 29 21:40:00 EST 2004  
 ;nbsp;  
[Jaguar running on oil...](#)  
 CarsGuide;nbsp;Wed Dec 29 21:34:00 EST 2004  
 ;nbsp;  
[Nikkei Firmer Led by Banks, Carmakers...](#)  
 AP via ABCNEWS.com;nbsp;Wed Dec 29 21:19:00 EST 2004  
 ;nbsp;  
[Asian Stocks: Japan's Honda, Full Photo Gain; South Korean Shares Advance...](#)  
 Bloomberg;nbsp;Wed Dec 29 21:07:00 EST 2004  
 ;nbsp;

**Sports: Motor Sports News**

[New Balance Shoes and Accessories...](#)  
 Ad - http://www.newbalancecatalog.com;nbsp;Wed Dec 29 22:20:00 EST 2004  
 ;nbsp;  
[Atkinson flies out today...](#)  
 Rallysport News;nbsp;Wed Dec 29 22:20:00 EST 2004  
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[More Hot Sports Opinions Free Video Bites of the Year FOXSports.com brings you some of the best soundbites of...](#)  
 FOXSports.com;nbsp;Wed Dec 29 22:07:00 EST 2004  
 ;nbsp;  
[Purnell: Schumacher is easily the best driver in F1...](#)  
 Pitpass;nbsp;Wed Dec 29 21:43:00 EST 2004  
 ;nbsp;  
[F1: Purnell: Schumacher is easily the best driver in F1...](#)  
 Pitpass;nbsp;Wed Dec 29 21:42:00 EST 2004  
 ;nbsp;  
[Montoya stable a week after shooting...](#)  
 thestar.com.my;nbsp;Wed Dec 29 20:31:00 EST 2004  
 ;nbsp;



- Top 10 Vehicles**
1. [Honda Accord](#)
  2. [Honda Civic](#)
  3. [Honda Odyssey](#)
  4. [Toyota Highlander](#)
  5. [Toyota Camry](#)
  6. [Nissan Altima](#)
  7. [BMW 3 Series](#)
  8. [Acura TL](#)
  9. [Saturn VUE](#)
  10. [Lexus RX](#)

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**To:** Michael Dalton (DALTONME@hotmail.com)  
**Subject:** TRADEMARK APPLICATION NO. 78339571 - DEALERDASHBOARD - N/A  
**Sent:** 1/22/2005 10:21:33 AM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/339571

**APPLICANT:** Michael Dalton

**\*78339571\***

**CORRESPONDENT ADDRESS:**

Michael Dalton  
Box 18137  
670 Northland Blvd Box 18137  
Cincinnati, OH 45218-0137

**RETURN ADDRESS:**

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

If no fees are enclosed, the address should include the words  
"Box Responses - No Fee."

**MARK:** DEALERDASHBOARD

**CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A

**CORRESPONDENT EMAIL ADDRESS:**  
DALTONME@hotmail.com

Please provide in all correspondence:

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

Serial Number 78/339571

**NOTICE OF SUSPENSION**

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **76530706**



Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant to this pending application(s) **was sent previously**. The applicant may request that the application be removed from suspension by presenting arguments related to the potential conflict between the relevant applications or other arguments related to the ground for suspension. The applicant's election to present or not to present arguments at this time will not affect the applicant's right to present arguments later.

The following requirements are CONTINUED:

Identification and Classification of Services

1

The proposed amendment to the identification of services reads as follows: providing online management tools and information regarding automobiles for sale via the internet, parts and accessories; and dealerships in the field of automobiles. This wording is not acceptable because "providing online management tools" is too broad and must be clarified to identify the common commercial name of the services. The applicant may adopt the following wording if accurate: providing information about automobiles and automotive parts and accessories for sale via the Internet; and providing a web site featuring information about automobile dealerships, automobiles, automotive parts and accessories, at which users can link to the retail web sites of others.

2. Basis for Registration

In its response, the applicant refers to Section 1(a) as the basis, and includes specimens. However, the applicant does not address the dual basis (intent-to-use) currently of record. Inasmuch as the applicant cannot proceed under both bases for the same services, the applicant must confirm that it intends to proceed under use only.

3. Specimen

The substitute specimens appear to be acceptable for Class 35. However, the applicant did not submit the required averment. Therefore, the applicant must verify with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application.

A sample declaration is set forth below for the applicant's convenience.

The following is a properly worded declaration under 37 C.F.R. §2.20. At the end of your response, please insert the declaration signed by someone authorized to sign under 37 C.F.R. §2.33(a):

The substitute specimen was in use in commerce at least as early as the filing date of the application.

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 this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature \_\_\_\_\_

Name and Position \_\_\_\_\_

Date \_\_\_\_\_

NOTE: For the signature above, use the same format as the electronic signature on the original e-TEAS application, e.g., /john doe/ or /jd/. 37 CFR §2.193(c)(1)(iii); TMEP §§304.08 and 804.05.

#### **NOTICE: FEE CHANGE**

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

(1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS);  
or

(2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

#### **NOTICE: TRADEMARK OPERATION RELOCATION**

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

/Patty Evanko/

Trademark Attorney

Law Office 112

571-272-9404

patty.evanko@uspto.gov (questions only)

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	78339571
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 112
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
INTERNATIONAL CLASS	035
DESCRIPTION	
providing online management tools and information regarding automobiles for sale via the internet, parts and accessories; and dealerships in the field of automobiles.	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/05/1999
FIRST USE IN COMMERCE DATE	At least as early as 10/05/1999
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
INTERNATIONAL CLASS	035
DESCRIPTION	
providing automotive dealerships managerial information concerning their Sales, Service, and Parts departments key financial indicators of how their dealership is performing via the Internet; and providing a web site featuring information about automobile dealerships, automobiles, automotive parts and accessories, at which users can link to the retail or wholesale web sites of others. .	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/05/1999
FIRST USE IN COMMERCE DATE	At least as early as 10/05/1999
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/Michael Dalton/
SIGNATORY NAME	Michael Dalton
SIGNATORY POSITION	owner
SIGNATURE DATE	02/14/2006
RESPONSE SIGNATURE	/Michael Dalton/
SIGNATORY NAME	Michael Dalton
SIGNATORY POSITION	owner
SIGNATURE DATE	02/14/2006
<b>FILING INFORMATION SECTION</b>	

DEPOSITION  
EXHIBIT

*Dalton II*

*ll 5-3-08*

SUBMIT DATE	Tue Feb 14 20:36:49 EST 2006
TEAS STAMP	USPTO/ROA-72.49.56.140-20 060214203649405756-783395 71-320ceb124438dbfd5b053b 0717d857b9cc-N/A-N/A-2006 0214200216905482

PTO Form 0937 (Rev. 03/05)  
OMB No. 0631-0030 (Exp. 06/2009)

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **78339571** has been amended as follows:

#### Classification and Listing of Goods/Services

**Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 035 for providing online management tools and information regarding automobiles for sale via the internet, parts and accessories; and dealerships in the field of automobiles.

Original Filing Basis: 1(b); and/or 1(a).

Proposed: Class 035 for providing automotive dealerships managerial information concerning their Sales, Service, and Parts departments key financial indicators of how their dealership is performing via the Internet; and providing a web site featuring information about automobile dealerships, automobiles, automotive parts and accessories, at which users can link to the retail or wholesale web sites of others.

Deleted Filing Basis: 1(b)

#### Declaration Signature

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

Signature: /Michael Dalton/ Date: 02/14/2006

Signatory's Name: Michael Dalton

Signatory's Position: owner

#### Response Signature

Signature: /Michael Dalton/ Date: 02/14/2006

Signatory's Name: Michael Dalton

Signatory's Position: owner

Serial Number: 78339571

Internet Transmission Date: Tue Feb 14 20:36:49 EST 2006

TEAS Stamp: USPTO/ROA-72.49.56.140-20060214203649405

756-78339571-320ceb124438dbfd5b053b0717d

857b9cc-N/A-N/A-20060214200216905482

**To:** Michael Dalton (DALTONME@hotmail.com).  
**Subject:** TRADEMARK APPLICATION NO. 78339571 - DEALERDASHBOARD - N/A  
**Sent:** 2/28/2006 11:09:33 AM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/339571

**APPLICANT:** Michael Dalton

**\*78339571\***

**CORRESPONDENT ADDRESS:**

Michael Dalton  
Box 18137  
670 Northland Blvd Box 18137  
Cincinnati, OH 45218-0137

**RETURN ADDRESS:**

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

**MARK:** DEALERDASHBOARD

**CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A

**CORRESPONDENT EMAIL ADDRESS:**

DALTONME@hotmail.com

Please provide in all correspondence:

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

**OFFICE ACTION**

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

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



Serial Number 78/339571

This letter responds to the applicant's communication filed on February 14, 2006.

The identification of services has been accepted and made of record. Moreover, the basis issue has been satisfactorily resolved. However, the requirement that the applicant submit a declaration attesting to the use of the substitute specimen in use in commerce at least as early as the filing date of the application is maintained and made FINAL.

The applicant must verify with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application.

A sample declaration is set forth below for the applicant's convenience.

The following is a properly worded declaration under 37 C.F.R. §2.20. At the end of your response, please insert the declaration signed by someone authorized to sign under 37 C.F.R. §2.33(a):

The substitute specimen was in use in commerce at least as early as the filing date of the application.

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 this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature \_\_\_\_\_

Name and Position \_\_\_\_\_

Date \_\_\_\_\_

NOTE: For the signature above, use the same format as the electronic signature on the original e-TEAS application, e.g., /john doe/ or /jd/. 37 CFR §2.193(c)(1)(iii); TMEP §§304.08 and 804.05.

### **PROPER RESPONSE TO A FINAL REFUSAL**

If the applicant fails to respond to this final action within six months of the mailing date, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). The applicant may respond to this final action by:

- (1) submitting a response that fully satisfies all outstanding requirements, if feasible (37 C.F.R. §2.64(a)); and/or
- (2) filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class (37 C.F.R. §2.6(a)(18) and 2.64(a); TMEP §§715.01 and 1501 *et seq.*; TBMP Chapter 1200).

In certain circumstances, a petition to the Director may be filed to review a final action that is limited to procedural issues, pursuant to 37 C.F.R. §2.63(b)(2). 37 C.F.R. §2.64(a). *See* 37 C.F.R. §2.146(b), TMEP §1704, and TBMP Chapter

1201.05 for an explanation of petitionable matter. The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

/Patty Evanko/

Trademark Attorney

Law Office 112

571-272-9404

patty.evanko@uspto.gov (questions only)

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United States Patent and Trademark Office

Serial No: 78339571

78339571

Applicant: Michael Dalton  
PO Box 18137  
Cincinnati, Ohio 45218-0137  
(513) 557-2901

Mark: DealerDashboard

The substitute specimen was in use in commerce at least as early as the filing date of the application.

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 this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature \_\_\_/Michael Dalton/



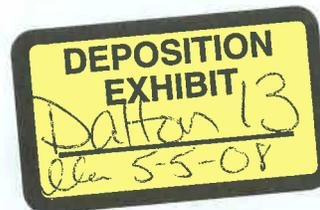
Name and Position \_\_\_ owner \_\_\_\_\_

Date \_\_\_ 02//2006



03-03-2006

U.S. Patent & TMO/TM Mail Rept Dt. #30



ESTTA Tracking number: **ESTTA118306**

Filing date: **01/06/2007**

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

Proceeding	91173105
Party	Defendant Dalton, Michael Dalton, Michael Box 18137 670 Northland Blvd Cincinnati, OH 452180137
Correspondence Address	Michael Dalton Box 18137 670 Northland Blvd Box 18137 Cincinnati, OH 45218-0137
Submission	Answer
Filer's Name	Michael Dalton
Filer's e-mail	DALTONME@hotmail.com, DealerDashboard@hotmail.com
Signature	/ Michael Dalton /
Date	01/06/2007
Attachments	AnswerTrademark001.pdf ( 5 pages )(221697 bytes )



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

Honda Motor co., Ltd

Plaintiff

Opposition no. **91173105**

Application no. **78339571**

v.

Michael Dalton

**ANSWER**

Defendant

**ANSWER**  
**TO**  
**OPPOSER, HONDA MOTOR CO., LTD**  
**NOTICE OF OPPOSITION**

Now comes applicant, Michael Dalton, pursuant to 337 C.F.R PART 2.106 and hereby presents his answer to opposer, Honda Motor Co., LTD, notice of opposition to applicant's trademark / servicemark **DealerDashboard**.

1. Applicant, as to 1, admits that he has filed an application for registration of the mark **DealerDashboard** and states that the application was made some three years ago on December 11, 2003 after exclusive and continuous use of the source identifier and organizational servicemark **DealerDashboard** beginning October 5, 1999. Since October 5, 1999 the applicant has acquired the domain name **DealerDashboard** and **Dealer-Dashboard** with TLD extension's **.com, .net, .org, .biz, .info, .us, .ws, .co.uk**, (see exhibit A).

2. Admits, as to 2, that application was published for opposition, but denies that opposer has timely filed an opposition as the Board lacks jurisdiction over the opposer. The opposer, an alleged corporation organized under the laws of Japan, located and doing business at 1-1, 2-Crome, Minami-Aoyama, Minato-Ku, Tokyo 107-8556 JAPAN is not within the districts for which this board has jurisdiction, nor, has the opposer claimed protection under Title XII – The MADRID PROTOCOL. The applicant further states that the applicant is prejudice as the board is without jurisdiction to compel discovery or subpoena witness from opposer and hereby moves to dismiss opposer’s opposition for lack of jurisdiction.

3. Applicant, as to 3, is without sufficient knowledge to admit or deny.

4. Applicant, as to 4, admits that opposer attempted to use the terms dealer dashboard some six years after applicant’s exclusive use. The applicant further states, through extra-judicial measures, he succeeded in a cease and desist demand on the infringement of applicants service mark by opposer. The opposer attempted to confuse the consumer, and exploit the brand recognition of applicant’s service mark by publishing and appearing in search engines at a non-secure web page under the term dealer dashboard.

5. Applicant, as to 5, admits that opposer attempted to use the terms dealer dashboard. The applicant further states, through extra-judicial measures, he

succeeded in a cease and desist demand on the infringement of applicants service mark, DealerDashboard, by opposer. The opposer attempted to confuse the consumer, and exploit the brand recognition of applicant's service mark by publishing and appearing in search engines at a non-secure web page under the term dealer dashboard.

6. Applicant is without sufficient knowledge regarding the method or tools for which opposer attempted to confuse the consumer by the utilization of applicants service mark. Applicant denies the mark DealerDashboard is generic.
7. Agreed and further states that applicant can also bring action against opposer for Meta theft and reverse domain hijacking.
8. Denied
9. Applicant denies and further states for the board to believe opposer's outlandish accusations the board would have to conclude that the applicant engaged in perjury and that after extensive documented communication (see exhibit B) with the examination trademark attorney, Patty Evanko, Law office 112, (703) 308-9112, ext 163, [patty.evanko@uspto.gov](mailto:patty.evanko@uspto.gov), Ms. Evanko failed to perform the due diligence before recommendation for publication. The applicant has not committed perjury and Ms. Evanko made several denials on terms of use prior to acceptance and recommendation for publication (see attachment B). Applicant

further states that opposer is merely and frivolously engaged in a fishing expedition aimed to defame, distort, and infringe upon the applicant, Michael Dalton and the organization **DealerDashboard**.

10. The applicant denies all allegations not admitted to above and further reserve the right to amend his answer through the course of discovery.

#### **Affirmative Defense**

1. Lack of jurisdiction and failure to state a claim upon which relief can be granted.  
The opposer is not within the jurisdiction of this board and to proceed would prejudice applicant.
2. Waiver. The applicants registration of the servicemark, DealerDashboard, was delayed due to a conflict for which applicant prevailed, (see exhibit D). The opposer, Honda, after recommendation for publication on June 29, 2004, failed to file a timely opposition to the term Dealer Dashboard in case serial-no. 7630506 and therefore waved their alleged rights to the term DealerDashboard, (see exhibit D).
3. The applicant asserts all affirmative defenses and reserve the right to amend these affirmative defenses through the course of discovery.

**Wherefore:**

The applicant has invested extensive time and resources building the non-generic brand **DealerDashboard** as a source identifier and has acquired the distinctive recognition by **ranking.com**, as being within the top 25 % of all the top 1,000,000 websites and ranked number 28 in the category shopping/Automotive/Buyers\_Services, (see exhibit E). Additionally, the applicants distinct brand ranks number one under the search term **DealerDashboard** and **Dealer Dashboard** on the search engines Goggle, (see exhibit F), AOL, (see exhibit G), Yahoo, (see exhibit H) and, as such, has become alternatively distinctive and famous within the automotive industry.

**Therefore:**

The opposer's opposition should be dismissed as lack of jurisdiction, failure to state a claim upon which relief can be granted, wavier and the application for trademark / servicemark should be granted as a qualifying mark and source identifier, domain name or alternatively as a famous mark within the automotive industry.

Respectfully submitted,



Michael Dalton, prose  
PO Box 18137  
Cincinnati, Ohio 45218-0137  
(513) 557-2901

ESTTA Tracking number: **ESTTA118307**

Filing date: **01/07/2007**

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

Proceeding	91173105
Party	Defendant Dalton, Michael Dalton, Michael Box 18137 670 Northland Blvd Cincinnati, OH 452180137
Correspondence Address	Michael Dalton Box 18137 670 Northland Blvd Box 18137 Cincinnati, OH 45218-0137
Submission	Other Motions/Papers
Filer's Name	Michael Dalton
Filer's e-mail	DALTONME@hotmail.com, DealerDashboard@hotmail.com
Signature	/ Michael Dalton /
Date	01/07/2007
Attachments	AnswerExhibits002.pdf ( 25 pages )(2262443 bytes )





Domain Account Manager



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# WHOIS

Search Results for:

DEALERDASHBOARD.COM

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 .com

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Registrant:  
DEALERDASHBOARD  
PO BOX 18137  
CINCINNATI, OH 45218  
US

Domain Name: DEALERDASHBOARD.COM

Administrative Contact, Technical Contact:  
DALTON, MICHAEL DealerDashboard@hotmail.com  
DEALERDASHBOARD  
PO BOX 18137  
CINCINNATI, OH 45218  
US  
(613) 557-2801 fax: (308) 215-9770

Record expires on 05-Oct-2007.  
Record created on 05-Oct-1999.  
Database last updated on 6-Jan-2007 19:48:59 EST.

Domain servers in listed order:

NS1.BRAVEHOST.COM  
NS2.BRAVEHOST.COM

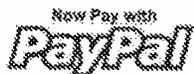
Registry Status: clientTransferProhibited

See Underlying Registry Data  
Report Invalid Whois

- Available TLDs
- DEALERDASHBOARD.NAME \$9.75/yr
- You might also consider:
- DEALERDASHBOARD.ONLINE \$9.85/yr E.COM
- ONLINEDEALERDASHBOARD \$9.95/yr D.COM
- DEALERDASHBOARD.HOME \$6.75/yr NET
- HOMEDEALERDASHBOARD \$8.75/yr NET
- DEALERDASHBOARD.SITE \$6.75/yr ORG
- SITEDEALERDASHBOARD \$6.75/yr ORG
- DEALERDASHBOARD.WEB \$9.75/yr INFO
- WEBDEALERDASHBOARD \$8.75/yr INFO
- DEALERDASHBOARD.LIVE \$9.75/yr BIZ
- LIVEDEALERDASHBOARD \$8.75/yr BIZ
- DEALERDASHBOARD.BLOG \$8.85/yr US

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Adv: Search Compare/Archive Pages

Searched for <http://dealerdashboard.com>

139 Results

Note some duplicates are not shown. See all.  
\* denotes when site was updated.

Search Results for Jan 01, 1996 - Jan 07, 2007

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007					
0 pages	0 pages	0 pages	0 pages	21 pages	21 pages	6 pages	22 pages	28 pages	15 pages	13 pages	0 pages					
				Feb 29, 2000 * Mar 01, 2000 May 10, 2000 * May 18, 2000 * May 20, 2000 * Jun 17, 2000 * Jun 19, 2000 Jun 20, 2000 Aug 15, 2000 * Aug 22, 2000 Aug 23, 2000 Sep 29, 2000 Oct 09, 2000 * Oct 17, 2000 * Oct 18, 2000 Oct 19, 2000 Nov 08, 2000 * Nov 10, 2000 * Dec 02, 2000 * Dec 03, 2000 Dec 04, 2000		Feb 01, 2001 * Feb 04, 2001 Feb 08, 2001 Feb 24, 2001 * Feb 28, 2001 * Mar 01, 2001 Mar 02, 2001 Mar 09, 2001 * Mar 31, 2001 * Apr 09, 2001 * May 16, 2001 * May 18, 2001 * Jun 19, 2001 * Jul 02, 2001 * Jul 10, 2001 Jul 11, 2001 Aug 04, 2001 Sep 23, 2001 * Oct 24, 2001 * Nov 30, 2001 * Dec 11, 2001		Jan 23, 2002 Feb 04, 2002 Oct 02, 2002 * Nov 26, 2002 * Nov 28, 2002 * Nov 30, 2002 *		Feb 01, 2003 Feb 08, 2003 * Feb 11, 2003 Feb 20, 2003 * Mar 23, 2003 Mar 25, 2003 * Apr 08, 2003 Apr 11, 2003 * May 24, 2003 May 25, 2003 * Jun 02, 2003 * Jul 17, 2003 * Jul 23, 2003 * Aug 02, 2003 Sep 24, 2003 Oct 03, 2003 * Oct 20, 2003 * Nov 19, 2003 Nov 26, 2003 * Nov 29, 2003 Dec 15, 2003 * Dec 18, 2003 *		Jan 24, 2004 * Jan 25, 2004 Feb 02, 2004 * Mar 21, 2004 * Apr 07, 2004 Apr 16, 2004 May 19, 2004 Jun 02, 2004 Jun 05, 2004 Jun 06, 2004 * Jun 07, 2004 Jun 08, 2004 Jul 28, 2004 * Aug 13, 2004 Aug 25, 2004 Sep 01, 2004 Sep 05, 2004 Sep 22, 2004 Sep 25, 2004 Sep 28, 2004 Oct 11, 2004 Oct 25, 2004 Oct 28, 2004 Oct 29, 2004 Dec 03, 2004 * Dec 04, 2004 Dec 10, 2004		Jan 30, 2005 * Feb 08, 2005 Feb 09, 2005 * Feb 13, 2005 * Feb 28, 2005 * Mar 07, 2005 Mar 11, 2005 Apr 03, 2005 Apr 08, 2005 Aug 31, 2005 * Sep 06, 2005 Nov 04, 2005 * Dec 11, 2005 Dec 23, 2005 Dec 31, 2005		Jan 01, 2006 Jan 25, 2006 * Jan 26, 2006 Feb 03, 2006 * Feb 05, 2006 Feb 23, 2006 Mar 14, 2006 * Mar 19, 2006 Mar 25, 2006 Apr 06, 2006 * Apr 26, 2006 Apr 27, 2006 Apr 28, 2006

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Other

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- Reports

10-May-2006	Notice of Publication	<input type="checkbox"/>		
24-Mar-2006	TRAM Snapshot of App at Pub for Opposto	<input type="checkbox"/>		
03-Mar-2006	Paper Correspondence Incoming	<input type="checkbox"/>		
26-Feb-2006	Offc Action Outgoing	<input type="checkbox"/>		
14-Feb-2006	Preliminary Amendment	<input type="checkbox"/>		
14-Feb-2006	Response to Office Action	<input type="checkbox"/>		
16-Aug-2005	Offc Action Outgoing	<input type="checkbox"/>		
22-Jan-2005	Suspension Letter	<input type="checkbox"/>		
03-Jan-2005	Paper Correspondence Incoming	<input type="checkbox"/>		
30-Dec-2004	Response to Office Action	<input type="checkbox"/>		
30-Jul-2004	Fax Outgoing	<input type="checkbox"/>		
29-Jun-2004	Offc Action Outgoing	<input type="checkbox"/>		
29-Jun-2004	XSearch Search Summary	<input type="checkbox"/>		
11-Dec-2003	drawing	<input type="checkbox"/>		
11-Dec-2003	Specimens	<input type="checkbox"/>		
11-Dec-2003	Trademark Application	<input type="checkbox"/>		

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1

to: Michael Dalton (DALTONME@hotmail.com)  
 subject: TRADEMARK APPLICATION NO. 78339571 - DEALERDASHBOARD - N/A  
 sent: 1/22/2005 10:21:33 AM  
 sent As: ECOM112@USPTO.GOV  
 attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/339571

**APPLICANT:** Michael Dalton

**\*78339571\***

**CORRESPONDENT ADDRESS:**

Michael Dalton  
 Box 18137  
 670 Northland Blvd Box 18137  
 Cincinnati, OH 45218-0137

**RETURN ADDRESS:**

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

If no fees are enclosed, the address should include the words  
 "Box Responses - No Fee."

**MARK:** DEALERDASHBOARD

**CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A

**CORRESPONDENT EMAIL ADDRESS:**  
 DALTONME@hotmail.com

Please provide in all correspondence:

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

Serial Number 78/339571

**NOTICE OF SUSPENSION**

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **76530706**

nce applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), it  
ter, if and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant  
this pending application(s) **was sent previously**. The applicant may request that the application be removed from  
suspension by presenting arguments related to the potential conflict between the relevant applications or other arguments  
related to the ground for suspension. The applicant's election to present or not to present arguments at this time will not  
affect the applicant's right to present arguments later.

The following requirements are CONTINUED:  
Identification and Classification of Services

1

The proposed amendment to the identification of services reads as follows: providing online management tools and  
information regarding automobiles for sale via the internet, parts and accessories; and dealerships in the field  
of automobiles. This wording is not acceptable because "providing online management tools" is too broad and must be  
clarified to identify the common commercial name of the services. The applicant may adopt the following wording  
more accurate: providing information about automobiles and automotive parts and accessories for sale via the Internet; and  
providing a web site featuring information about automobile dealerships, automobiles, automotive parts and  
accessories, at which users can link to the retail web sites of others.

2. Basis for Registration

In its response, the applicant refers to Section 1(a) as the basis, and includes specimens. However, the applicant does  
not address the dual basis (intent-to-use) currently of record. Inasmuch as the applicant cannot proceed under both  
bases for the same services, the applicant must confirm that it intends to proceed under use only.

3. Specimen

The substitute specimens appear to be acceptable for Class 35. However, the applicant did not submit the required  
evidence. Therefore, the applicant must verify with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the  
substitute specimen was in use in commerce at least as early as the filing date of the application.

A sample declaration is set forth below for the applicant's convenience.

---

The following is a properly worded declaration under 37 C.F.R. §2.20. At the end of your response, please insert the  
declaration signed by someone authorized to sign under 37 C.F.R. §2.33(a):

The substitute specimen was in use in commerce at least as early as the filing date of the application.

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 this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature \_\_\_\_\_  
 Name and Position \_\_\_\_\_  
 Date \_\_\_\_\_

NOTE: For the signature above, use the same format as the electronic signature on the original e-TEAS application, e.g., John doe/ or /jd/. 37 CFR §2.193(c)(1)(iii); TMEP §§304.08 and 804.05.

#### **NOTICE: FEE CHANGE**

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS) or
- (2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

#### **NOTICE: TRADEMARK OPERATION RELOCATION**

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

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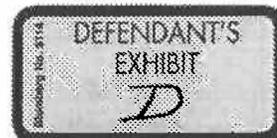
/Patty Evanko/

Trademark Attorney

Law Office 112

571-272-9404

[patty.evanko@uspto.gov](mailto:patty.evanko@uspto.gov) (questions only)



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Serial Number: 76530706 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark (words only): DEALER DASHBOARD

Standard Character claim: No

Current Status: Abandoned after an inter partes decision by the Trademark Trial and Appeal Board.

Date of Status: 2005-06-13

Filing Date: 2003-07-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 657 -Pre-Publication Final Review

Date In Location: 2004-08-06

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Nowcom Corporation

**Address:**

Nowcom Corporation  
7451 Wilshire Blvd., Suite 115  
Los Angeles, CA 90010  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

**Phone Number:** (323) 692-8933

**Fax Number:** (323) 692-8933

---

**GOODS AND/OR SERVICES**

---

**International Class:** 035

**Class Status:** Abandoned

Preparing business reports in a secure on-line environment to automobile dealerships

**Basis:** 1(a)

**First Use Date:** 2003-01-01

**First Use in Commerce Date:** 2003-01-01

---

#### ADDITIONAL INFORMATION

---

**Disclaimer:** DEALER

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

---

2005-03-10 - Abandonment - After inter partes decision (Initial exam)

2005-03-10 - Opposition sustained for Proceeding

2005-03-10 - Abandonment deleted by TTAB

2005-02-11 - TEAS Change Of Correspondence Received

2005-02-10 - Abandonment - After publication

2005-02-10 - TEAS Express Abandonment Received

2004-12-09 - Opposition instituted for Proceeding

2004-10-14 - PAPER RECEIVED

2004-07-14 - Extension Of Time To Oppose Received

2004-06-15 - Published for opposition

2004-05-26 - Notice of publication

2004-04-02 - Approved for Pub - Principal Register (Initial exam)

2004-02-26 - Communication received from applicant

2004-02-26 - TEAS Response to Office Action Received

2004-01-26 - Non-final action mailed

2004-01-17 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Natu J. Patel

**Correspondent**

NATU J. PATEL

WANG HARTMANN & GIBBS PC

1301 DOVE STREET, SUITE 1050

NEWPORT BEACH, CA 92660

Phone Number: (949) 833-8483

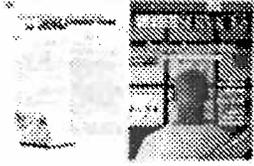
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 All Things Automotive Directory with daily updated Auto News, Hot Off The Wire, Dealer 2 Dealer  
 Auct...

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Ranking.com ranks this site #28 in its category:

\* Shopping/Automotive/Buyers\_\_Services

Changes Since 11/15/2006 1:23 PM:

	11/15/2006	Today	Change
Traffic ranking among all sites:	223,928	223,240	↑ 688
TrustGauge points:			N/A
Links pointing to this site:	379	415	↑ 36
Link popularity ranking:	141,561	136,946	↑ 4,615

Organization Reviews:

N/A

Website Reviews:

N/A

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#### Contact Information:

DealerDashboard.com  
 670 Northland Blvd.  
 Cincinnati, OH 45218-0137  
 United States  
 513-557-2901  
 Toll-Free: (888) 826-2706  
[contact@DealerDashboard.com](mailto:contact@DealerDashboard.com)

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Language:

English

Area of Service:

International

[See how dealerdashboard.com used to look.](#)

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How to Improve Your TrustScore:



### **There are two ways to improve your TrustGauge score:**

- Make sure that you include and update all significant information about your website at [TrustGauge.com](http://TrustGauge.com).
- Consider having your website and company validated by a third-party company like [ValidatedSite.com](http://ValidatedSite.com).

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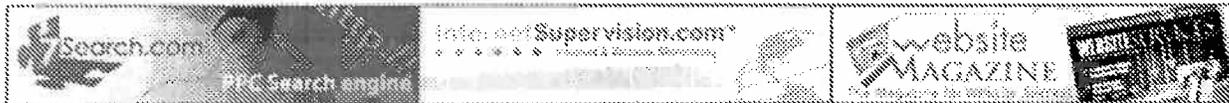


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Current category: *shopping / automotive / buyers' services*

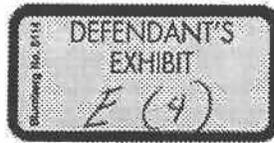
Sub-categories: 6 sub-categories...

Search for a category by entering a keyword:



Rankings

Category Rank	Web Rank	Domain	Trust/Geige	Company Name	Links
1	599	kbb.com	6	KELLEY BLUE BOOK CO., INC	285,293
2	735	edmunds.com	6	EDMUNDS.COM, INC	278,982
3	1,544	autokytel.com	5	N/A	267,739
4	2,572	automotive.com	5	AUTOMOTIVE.COM	100,738
5	2,804	autoweb.com	5	AUTOWEB	19,869
6	3,187	drive.com.au	5	N/A	130,000
7	4,795	automart.com	5	N/A	36,801
8	6,692	parkers.co.uk	5	N/A	12,213
9	8,880	pricequotes.com	5	Referral Technology Inc.	3,069
10	11,064	invoicedealers.com	3	INVOICED DEALERS	68,832
11	11,168	vehix.com	2	VEHIX	29,444
12	25,892	autoexpress.co.uk	2	N/A	18,381
13	27,692	autokytel.co.uk	2	N/A	915
14	28,758	intellichoice.com	2	INTELLICHOICE, INC	59,987
15	36,312	autoworld.com	2	AUTO WORLD	180,880
16	51,396	autopedia.com	2	N/A	30,526
17	57,172	netcar.co.il	2	N/A	105
18	59,080	auto123.com	2	AUTO123.COM	20,311
19	73,455	neon.com	2	N/A	15,330
20	84,744	hpicheck.com	2	N/A	284
21	108,450	motoralley.com	3	MotorAlley, LLC	711
22	114,965	carquestcanada.com	1	N/A	1,701
23	131,558	cpetcoauto.com	1	N/A	76
24	154,869	carquotes.com	1	N/A	231
25	157,568	carshop.co.uk	1	N/A	95



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Domain Rank Category Country Language Advanced

Current category: shopping / automotive / buyers services

Sub-categories: 6 sub-categories...

Search for a category by entering a keyword:



Rankings

Category Rank	Web Rank	Domain	Trust Gauge	Company Name	Links
26	166,788	smjar.com	1	N/A	1,777
27	171,295	cartrackers.com	1	N/A	15,758
28	223,240	dealerdashboard.com	6	DealerDashboard.com	415
29	243,867	cardata.co.uk	1	N/A	750
30	259,290	vcars.co.uk	1	N/A	21,995
31	292,779	ewzone.com	1	N/A	67,699
32	301,835	carseverything.com	1	N/A	3,604
33	305,643	autogiant.com	1	Quotesssek Corporation	373
34	313,270	virgincars.com	1	N/A	1,437
35	318,670	autolocator.com	1	N/A	106
36	329,927	fightingchance.com	1	FIGHTING CHANCE	163
37	454,967	vii.com	1	N/A	0
38	611,105	carclub.com	1	N/A	40
39	873,620	autosave.co.uk	1	N/A	1,004
40	978,840	storage.com	1	N/A	57,797
41	983,118	insidercarssecrets.com	1	N/A	2,900
42	1,002,360	autosmartcat.com	0	AutoSmartcat	214
43	1,029,705	oneswoop.com	0	N/A	2
44	1,042,707	acscorp.com	0	N/A	0

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[\\_The\\_Future\\_View\\_of\\_the\\_Automotive\\_World\\_L926/ - 31k - Supplemental Result - Cached - Similar pages](#)

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Business profile **DealerDashboard**. ... Extended description: **DealerDashboard** is an American firm engaged in export/import of quality automobiles, boats, ... [search.sourcetool.com/db/Profiles\\_4/azE9NCwxMDAwMzU2NzYx - 10k - Supplemental Result - Cached - Similar pages](#)

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**Managing the entire sales process**

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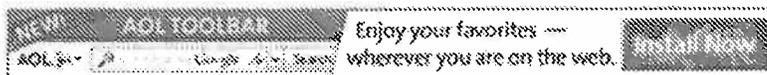
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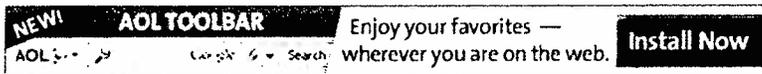
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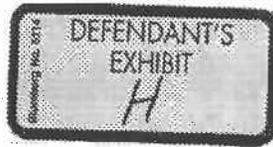
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# Data-Driven Market Research

Built by the Web community

## How does Ranking.com gather the data?

Ranking.com tracks over 215,000 'Net surfers with our [market research software](#) (hundreds of participants are added daily) as they visit various websites during the previous month. Personally identifiable information is not collected, only generic information on the sites they are visiting is gathered with the exception of secure sites such as online banking or financial institutions.

## How accurate are the Ranking.com results?

Our mission is to determine the overall "popularity" of Internet sites and how these sites compare to one another based on the behavior of our sample of users. Ranking.com achieves this by providing a statistical representation of a websites actual traffic, visit sessions and page views. The rankings provide webmasters and website owners with a helpful guide to understand which sites are the most visited (and in turn the most popular) on the Web. Ranking.com does not publish the actual traffic metrics to a website but rather the relative popularity ranking of domains in relation to all the websites visited by the sample group.

## How often are the results updated?

Ranking statistics are updated monthly, usually on the fifteenth of each month. This may change periodically as the number of people using and promoting the service increases or as additional webmasters modify their listings.

## Ranking.com Information Defined

### **Web Rank:**

The overall popularity rating of a site as determined by the behavior of Ranking.com's sample of Internet users.

### **Domain & Site Info:**

The actual website (URL) listed in the Ranking.com database. Clicking the domain name or "Site Info" button will reveal detailed information about the website and the organization such as the availability of reviews, postal address and phone number, category ranking, TrustGauge score (see below), the number of links pointing to the site (as determined by LinksBulletin.com) and additional site information such as the location of contact forms and the organization's privacy policy, along with a site description (provided by the owner or operator of the website).



**Links:**

'Links' are HTML links on other web sites on the Internet that point to a particular web site or online property. About 50% of the top ten search engines factor the number of links into their relevancy algorithms when they rank a web site. Increasing the number of links greatly improves a web site's search result positioning. The sample group followed does not in anyway measure the number of links pointing to a website.



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Domain Rank Category Country Language Advanced

Current category: [shopping](#) / [automotive](#) / [buyers services](#)

Sub-categories:

Search for a category by entering a keyword:

### Rankings

Category Rank	Web Rank	Domain	TrustGauge	Company Name	Links
1	509	edmunds.com	6	EDMUNDS.COM, INC	306,468
2	573	autobytel.com	6	N/A	570,700
3	577	kbb.com	6	KELLEY BLUE BOOK CO., INC	309,675
4	1,456	autoweb.com	5	AUTOWEB	20,389
5	1,638	automotive.com	5	AUTOMOTIVE.COM	191,362
6	3,494	automart.com	5	N/A	40,513
7	4,642	drive.com.au	5	N/A	178,311
8	5,855	parkers.co.uk	5	N/A	26,034
9	10,548	pricequotes.com	3	Referral Technology Inc.	3,094
10	10,942	vehix.com	3	VEHIX	29,444
11	10,943	autoexpress.co.uk	2	N/A	18,391
12	25,693	vcars.co.uk	2	N/A	21,995
13	27,592	invoicedealers.com	2	INVOICEDEALERS	60,080



14	36,121	auto123.com		2	AUTO123.COM	30,311
15	38,241	intellichoice.com		2	INTELLICHOICE, INC	59,987
16	41,005	autotropolis.com		4	N/A	5,650
17	41,875	autobytel.co.uk		2	N/A	915
18	52,031	carshop.co.uk		2	N/A	95
19	69,553	carcostcanada.com		2	N/A	1,701
20	81,114	jamjar.com		2	N/A	1,777
21	91,092	hpcheck.com		2	N/A	284
22	100,779	costcoauto.com		1	N/A	76
23	111,333	carquotes.com		1	N/A	231
24	112,976	autopedia.com		1	N/A	30,526
25	125,121	autoworld.com		1	AUTO WORLD	160,880



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Domain Rank Category Country Language Advanced

Current category: shopping / automotive / buyers services

Sub-categories: 6 sub-categories...  
 Search for a category by entering a keyword:

### Rankings

Category Rank	Web Rank	Domain	TrustGauge	Company Name	Links
26	136,015	cardata.co.uk	1	N/A	750
27	173,831	oneswoop.com	1	N/A	2
28	209,648	mycarstats.com	6	myCarStats.com. LLC	2,047
29	218,431	necn.com	1	N/A	15,330
30	285,849	motoralley.com	3	MotorAlley, LLC	563
31	315,491	dealerdashboard.com	5	DealerDashboard.com	92
32	336,801	autoexact.com	1	N/A	95
33	411,424	autoland.com	1	N/A	438
34	435,735	ewzone.com	1	N/A	67,699
35	437,427	insidercarsecrets.com	1	N/A	3,132
36	538,061	autopricing.com	1	N/A	0
37	556,431	autosave.co.uk	1	N/A	1,004
38	597,856	allcars.com	1	N/A	1,116

39	647,685	autosbargain.com	6	AutosBargain.com	1,587
40	727,353	cartrackers.com	1	N/A	15,758
41	728,217	acscorp.com	1	N/A	8,496
42	729,621	carseverything.com	1	N/A	3,604
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