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Filing date: **07/28/2009**

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

Proceeding	91173105
Party	Defendant Michael Dalton
Correspondence Address	Michael Dalton P.O. Box 18137 670 Northland Blvd. Cincinnati, OH 45218-0137 UNITED STATES DALTONME@hotmail.com
Submission	Defendant's Notice of Reliance
Filer's Name	Michael Dalton
Filer's e-mail	DALTONME@hotmail.com
Signature	/ Michael Dalton /
Date	07/28/2009
Attachments	RelianceWaybackRecordFF.pdf (9 pages)(2000903 bytes)

TAB FF

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

Honda Motor Co. LTD

Opposer

vs.

Michael Dalton

Applicant

Opposition No. 91173105

Notice of Reliance

Now comes, Michael Dalton, Defendant – Applicant, pursuant to Trademark Rule 37 CFR 2.122(e) and gives his notice of reliance on copies of the wayback machine provided by the Internet Archive. The documents are exact copies of the wayback machine archived at <http://www.archive.org> in general circulation among members of the public or that segment of the public that is relevant under an issue in this proceeding. The documents are relevant because it demonstrates that the term, domain name, and source identifier, DealerDashboard, has been infringed upon by those claiming to have rights in the mark. The documents demonstrate that Nowcom.com, a member of the Hanley Group and sister company to WestLake Financial, while claiming a trademark right in the term Dealer Dashboard was also engaged in the exploitation of other brands. In this, case WD-40. It also demonstrates that the applicant, Michael Dalton, had a first and prior use to the source identifier DealerDashboard.com

Respectfully submitted,



Michael Dalton, Applicant pro se
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Poster:	brewster	Date:	April 24, 2009 09:02:10am
Forum:	announcements	Subject:	Wayback Machine comes to life in new home

The Wayback Machine is a 150 billion page web archive with a front end to serve it through the [archive.org](#) website.

Today the new machine came to life, so if you using the service, you are using a 20' by 8' by 8' "machine" that sits in Santa Clara, courtesy of Sun Microcomputer. It serves about 500 queries per second from the approximately 4.5 Petabytes (4.5 million gigabytes) of archived web data. We think of the cluster of computers and the Modular Datacenter as a single machine because it acts like one and looks like one. If that is true, then it might be one of the largest current computers.

Also, we can do fun stats. We now know the the web weighs 26,500 pounds, the average web page weighs 80 micrograms, and 160 joules per query.

On another note, we got a nice letter from the last living director of the Rocky and Bullwinkle Show, Gerard Baldwin, because he read about the "fantastic project". Our Wayback Machine is a tribute to their more cleverly named "Waybac Machine" which in turn was a reference to the Univac. Sherman and Peabody live on.

-brewster

The [success story video](#).

Attachment: [IA_DATACENTER.jpg](#)

About Us

 [print this page](#)

Nowcom Corporation provides the technological glue that binds the **Hankey Group** together and enables the synergies that keep the Group at the leading edge of technological business applications – it then markets its technological innovations to the outside world.



Founded in 1996 as an Internet service provider, Nowcom quickly evolved into an Internet applications and business solutions development company. Nowcom is able to generate and test-bed new applications in the protected real-world environment of its Internet Data Center and the Hankey Investment Group. This unique relationship allows Nowcom to market Internet business solutions that have already been fully tested and proven effective.

Mission Statement

As a member of the Hankey Investment Group, Nowcom's mission is to provide retail dealerships across the country, innovative Web-based business solutions in support of their sales, finance, credit report processing, and overall dealership management processes. Our business solutions are currently used by over 2000 dealerships nationwide. We are committed to provide dealerships leading-edge software applications that will ensure their long-term profitability and business success.



"Where focus and execution are the keys to success"

Hankey Investment Company

Corporate Information

Financial Information

Executive Team

Affiliates



Hankey Investment Company headquarters is located in the Mid-Wilshire district of Los Angeles, CA just east of the Miracle Mile and six blocks east of La Brea.

[401K](#)

Hankey Investment Company is a 25-year-old financial services company that owns eight operating companies in Southern California and is controlled by Don Hankey. The companies are: Midway Ford & Suzuki, Westlake Finance, Toyota of North Hollywood, HFC Acceptance, Knight Insurance, Hankey Investment Co, Midway Rent Car and Nowcom.

Sales for 2003 are tracking \$341 million and assets currently total \$350 million. The operating companies have three primary lines of credit:

- Revolving (two year) commercial paper conduit with State Street Bank (Clipper) of \$100 million
- Comerica Bank Line (syndicate) of \$100 million
- Bank of America Line (syndicate) of \$70 million

Operating facts on the Hankey Group:

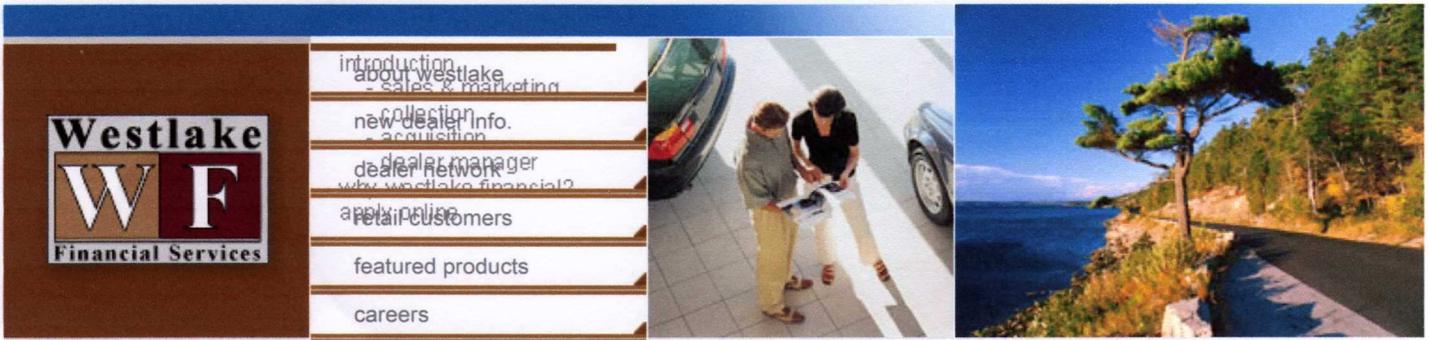
Annual sales growth since 1980: 18%
 Annual profit growth since 1980: 22%
 Annual net worth growth since 1980: 21%
 Current return on investment before taxes: 32%
 Current number of employees: 827

Operating goal is grow earnings by 18% a year and maintain a return on equity (before tax) of 30%.

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 along to their respective owners.

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Monday, August 11, 2003

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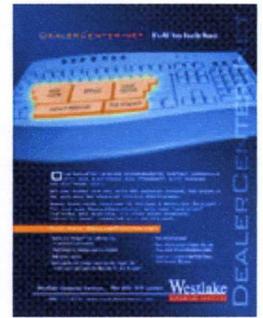
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company facts
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The "DealerCenter" Campaign 6/02 - Present

Keyboard ad released September 2002:

The second ad in the campaign features a modified keyboard with large buttons indicating the most popular services offered by the new DealerCenter website. This ad positions Westlake as a finance company that uses cutting-edge technology. This ad is the most futuristic of the three ads in the campaign and is set for release when all of the new Westlake software is released (ie. DealerCenter, Dealer Desktop, etc.)

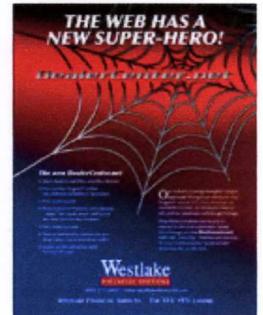
view large size ad



Web ad released July 2002:

The "Web" ad was rushed into production in June of 2002 to capitalize on the success of the Spider Man movie. This ad makes a reference to the popular super hero by using the stylized web as well as the black and blue color scheme. This ad also marks the new campaign promoting the re-designed DealerCenter website (www.dealercenter.net). The website integrates all of the Westlake services into one convenient location and allows dealer-access 24 hours a day, 7 days a week.

view large size ad



Tunnel ad not yet released:

Originally, the idea was to promote the new DealerCenter site as another "dimension" or "world" that will allow the dealer access to all of the new services. After going through several revisions, the final version of this ad uses a traditional tunnel to show movement and entrance into the "new dimension." Use of the tunnel and car at the end also reiterates Westlake's role as an auto finance company.

view large size ad



WDC.NET ad not yet released:

Still in the works, this final ad in the "DealerCenter" campaign uses a "retro" feel to show a lighter side in the ads. Reminiscent of the Scratcher and Dice ads of the first campaign, this one takes a familiar product (in this case, WD40), and tweaks it to promote the new DealerCenter website.

view large size ad



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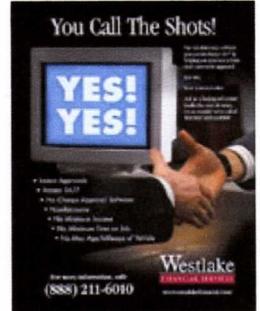
EXHIBIT 110

The "Yes Yes!" Campaign 12/00-6/02

Handshake Ad released September 2001:

The most "serious" of the three ads in the campaign, this ad conveyed a more corporate image and was more in line with other finance company ads in circulation. The dark colors contrasted to the previous two ads which had a stark white background. This ad was used through the fall and winter of 2001.

[view large size ad](#)



Scratcher Ad released March 2001:

A different variation on the "Dice" ad, this one was entered into circulation through the summer of 2002.

[view large size ad](#)



Dice Ad released Decemeber 2000 & January 2002:

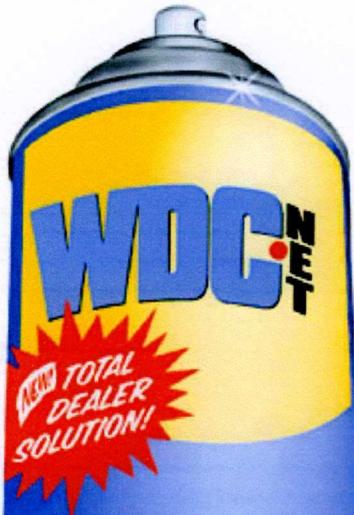
The original concept was to show Westlake as a finance company with an edge. Both humorous and serious simultaneously, this ad also introduced our new motto: "The Yes! Yes! Lender" referring to the company's patented software that approves the loan when the bottom of the screen blinks "Yes Yes" to the loan structure and loan amount. The ad was reintroduced in January 2002 pending the release of the new campaign July 2002.

[view large size ad](#)



WESTLAKE FINANCIAL'S NEW DEALERCENTER.NET

It Keeps Your Business Running Smoothly!



- ELIMINATES HASSLES
- REDUCES FRICTION
- SEALS SUB-PRIME DEALS

Westlake
FINANCIAL SERVICES

THE YES! YES! LENDER

Our industry-leading strengths: instant approvals through our electronic Buy Program®, access 24/7, Non-recourse, no minimum income, no minimum time on job, and no maximum vehicle age/mileage.

Now, there's a whole new round of reasons to become a Westlake Dealer. Introducing our new Dealercenter.net: with new "one-stop" features and services, it's your most powerful "point of sale" financing ally on the web.

THE NEW DEALERCENTER.NET

- TRACK DEALS IN REAL-TIME OVER THE INTERNET
- USE OUR BUY PROGRAM® ONLINE (NO SOFTWARE INSTALLATION NECESSARY)
- PULL CREDIT REPORTS
- NEW AUTOSCORE® FEATURE AUTOMATICALLY "READS" THE CREDIT REPORT AND INPUTS THE DATA INTO THE BUY PROGRAM
- FREE EMAIL ACCOUNT
- NEW ECARINVENTORY FEATURE LETS YOU KEEP TRACK OF YOUR INVENTORY ONLINE
- LEADER IN THE SUB-PRIME FIELD FOR OVER 20 YEARS

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