

ESTTA Tracking number: **ESTTA298410**

Filing date: **07/31/2009**

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	Testimony For Defendant
Filer's Name	Michael Dalton
Filer's e-mail	DALTONME@hotmail.com
Signature	/ Michael Dalton /
Date	07/31/2009
Attachments	TabAAcont1.pdf (1 page)(29329 bytes) ApplicantExhibitFileFolder38thru70.pdf (1 page)(851749 bytes) applicantexhibit38thru43.pdf (11 pages)(4305394 bytes) applicantexhibit44.pdf (14 pages)(4112043 bytes) applicantexhibit45.pdf (43 pages)(12327390 bytes) applicantexhibit46.pdf (1 page)(513730 bytes) applicantexhibit47.pdf (1 page)(291717 bytes) applicantexhibit47a.pdf (29 pages)(2175648 bytes) applicantexhibit48.pdf (6 pages)(2217658 bytes) applicantexhibit49thru52.pdf (14 pages)(5426951 bytes) applicantexhibit53.pdf (20 pages)(8488995 bytes) applicantexhibit54thru67.pdf (29 pages)(10915973 bytes) applicantexhibit68.pdf (15 pages)(6642230 bytes) applicantexhibit69thru70.pdf (6 pages)(2008971 bytes)

TAB AA

(continued 1)

HONDA MOTOR COMPANY, LTD., :
 Opposer, :
 -vs- : Opposition No.
 : 91/173,105
 MICHAEL DALTON, :
 Applicant. :

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Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	78339571	FILING DATE	12/11/2003
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	EVANKO, PATRICIA MALES	L.O. ASSIGNED	112

PUB INFORMATION

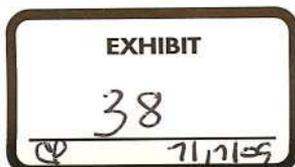
RUN DATE	03/24/2006		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	03/23/2006		
LITERAL MARK ELEMENT	DEALERDASHBOARD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
-------------------------	-----



LITERAL MARK ELEMENT	DEALERDASHBOARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Michael Dalton
ADDRESS	Box 18137 670 Northland Blvd Box 18137 Cincinnati, OH 452180137
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	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

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	10/05/1999	FIRST USE IN COMMERCE DATE	10/05/1999	CLASS STATUS	6-ACTIVE
---------------------	-----	----------------	------------	----------------------------	------------	--------------	----------

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	DEALER DASHBOARD

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/23/2006	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	026
03/22/2006	ACEC	I	AMENDMENT FROM APPLICANT ENTERED	025
03/03/2006	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	024
03/03/2006	MAIL	I	PAPER RECEIVED	023

02/28/2006	GNFR	O	FINAL REFUSAL E-MAILED	022
02/28/2006	CNFR	R	FINAL REFUSAL WRITTEN	021
02/23/2006	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	020
02/14/2006	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	019
02/14/2006	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	018
02/14/2006	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	017
08/16/2005	GNRT	O	NON-FINAL ACTION E-MAILED	016
08/16/2005	CNRT	R	NON-FINAL ACTION WRITTEN	015
07/28/2005	RCCK	S	LIE CHECKED SUSP - TO ATTY FOR ACTION	014
01/22/2005	GNSL	S	LETTER OF SUSPENSION E-MAILED	013
01/22/2005	CNSL	R	SUSPENSION LETTER WRITTEN	012
01/03/2005	MAIL	I	PAPER RECEIVED	011
01/10/2005	ACEC	I	AMENDMENT FROM APPLICANT ENTERED	010
01/03/2005	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
01/10/2005	ACEC	I	AMENDMENT FROM APPLICANT ENTERED	008
12/30/2004	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
01/03/2005	MAIL	I	PAPER RECEIVED	006
12/30/2004	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
07/30/2004	FAXX	O	FAX SENT	004
06/29/2004	GNRT	F	NON-FINAL ACTION E-MAILED	003
06/29/2004	DOCK	D	ASSIGNED TO EXAMINER	002
01/06/2004	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

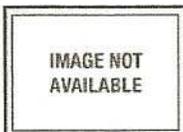
CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	Michael Dalton Box 18137 670 Northland Blvd Box 18137 Cincinnati, OH 45218-0137
DOMESTIC REPRESENTATIVE	NONE

DealerDashboard

WHOIS Search Results

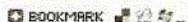
Your WHOIS Search Results



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SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

[Domain Name](#)

[IP Address](#)

[Search](#)

Visit AboutUs.org for more information about DEALERDASHBOARD.COM [About Us](#): [DEALERDASHBOARD.COM](#)

[Make this info private](#)

Registrant:

DEALERDASHBOARD
PO BOX 18137
CINCINNATI, OH45218
US

Domain Name: DEALERDASHBOARD.COM

Promote your business to millions of viewers for only \$1 a month!

Learn how you can get an Enhanced Business Listing here for your domain name.

[Learn More](#)

Administrative Contact , Technical Contact :

DALTON, MICHAEL
DealerDashboard@hotmail.com
PO BOX 18137
CINCINNATI, OH45218
US
Phone: (513) 557-2901
Fax: (513) 557-2901

Record expires on 05-Oct-2009
Record created on 05-Oct-1999
Database last updated on 06-Oct-2008

[Manage DNS](#)

Domain servers in listed order:

[NS1.BRAVEHOST.COM](#)
[NS2.BRAVEHOST.COM](#)

[Show underlying registry data for this record](#)

Current Registrar: NETWORK SOLUTIONS, LLC.
IP Address: 69.90.46.39 (ARIN & RIPE IP search)
IP Location: CA(CANADA)-BRITISH COLUMBIA-VANCOUVER
Record Type: Domain Name
Server Type: Apache
Lock Status: clientTransferProhibited
Web Site Status: Active
DMOZ: no listings

When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit www.internetprivacyadvocate.org.

NOTICE AND TERMS OF USE: You are not authorized to access or query our WHOIS database through the use of high-volume, automated, electronic processes or for the purpose or purposes of using the data in any manner that violates these terms of use. The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. Network Solutions does not guarantee its accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, e-mail, telephone, or



Y! Directory: [see listings](#)
Secure: No
E-commerce: Yes
Traffic Ranking: Not available
Data as of: 22-Apr-2008



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CORPORATE INFORMATION
PROMOTIONS & OFFERS

RESOURCES

CUSTOMER SUPPORT

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Search

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All

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Adv. Search Compare Archive Pages

Searched for <http://dealerdashboard.com>

139 Results

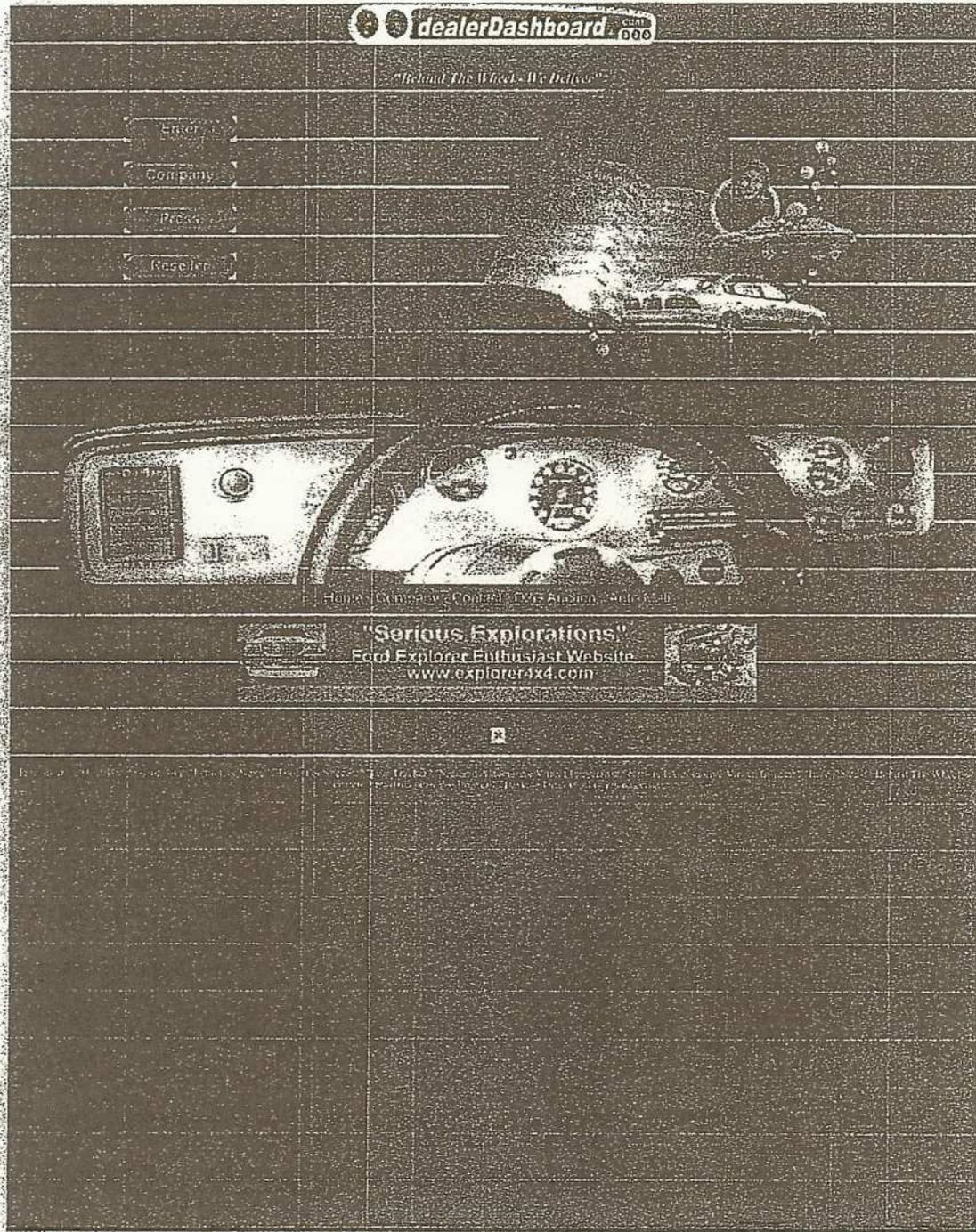
Note some duplicates are not shown. See all
* denotes when site was updated.

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 20, 2000 * Mar 01, 2000 May 10, 2000 May 18, 2000 May 20, 2000 Jun 17, 2000 Jun 18, 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 18, 2003 Nov 26, 2003 Nov 29, 2003 Dec 15, 2003 Dec 16, 2003	Jan 24, 2004 * Jan 25, 2004 Feb 02, 2004 Mar 21, 2004 * Apr 07, 2004 Apr 18, 2004 Apr 08, 2003 Jun 02, 2004 Jun 03, 2004 Jun 08, 2004 Jun 07, 2004 Jun 08, 2004 Jul 28, 2004 * Aug 13, 2004 Aug 26, 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 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 26, 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	

Home | Help

Internet Archive | Terms of Use | Privacy Policy



IN USE 10/5/1999
 APP # 78337571

EXHIBIT
 41

FREE DEALER INVOICE PRINTING & FREE BASIC CAR VALUER

Make:

Year:

2004

Zip Code:

- Consumer**
- [New & Used Cars](#)
 - [New Car Rebates](#)
 - [Loan Calculator](#)
 - [Credit Report](#)
 - [Sell Your Car](#)
 - [Auto Manufacturers](#)

- [Auto Recalls](#)
- [Service Bulletins](#)
- [Recalls](#)
- [Not Defective](#)
- [Free Email](#)

Business 2 Business

- [Vendor Programs](#)
- [Dealer Programs](#)
- [Floorplan Finance](#)
- [Auto Loans](#)
- [Target Marketing](#)
- [DZD Auction](#)
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- [Sales Training](#)
- [Parts Marketing](#)
- [Dealer Supplies](#)
- [Careers](#)

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Consumer Auto Mall	Advantage Car Parts
Directory / Add URL	Computers
Training Products	Service Department
Financial Products	Parts Department
Insurance Products	Aftermarket
Advertising Services	Facilities
Lead Services	Real Estate / Travel
CST Services	Personnel Development
Used Vehicle Products	Dealer Auction



Automotive Industry News

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

Sports: Motor Sports News

New Balance Shoes and Accessories...
 AG - <http://www.newbalancecatalog.com>; Wed Dec 29 22:20:00 EST 2004
 ;nbsp;
Atkinson files out today...
 Rallysport News; Wed Dec 29 22:20:00 EST 2004
 ;nbsp;
More Hot Sports Opinions Free Video Clips of the Year
FOXSports.com brings you some of the best soundbites of...
 FOXSports.com; Wed Dec 29 22:07:00 EST 2004
 ;nbsp;
Purnell: Schumacher is easily the best driver in F1...
 Pitpass; Wed Dec 29 21:43:00 EST 2004
 ;nbsp;
F1: Purnell: Schumacher is easily the best driver in F1...
 Pitpass; Wed Dec 29 21:42:00 EST 2004
 ;nbsp;
Montoya stable a week after shoving...
 thestar.com.ny; Wed Dec 29 20:31:00 EST 2004
 ;nbsp;

Dealer Dashboard.com

- 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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 Enter Your Name

Nationwide Yellow Pages
 Find Businesses by Category

Partners

INTERNATIONAL
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Household Auto.com

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EXHIBIT
42

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Vehicle Service Warranty - Fully Insured

Floor-Plan Financing

Dealer Management Solutions

National Non-Recourse Lenders A to E

Electronic Application sent to Multiple Lenders

Approval in Seconds with No Monthly Fee

Credit Repair - Finally the Be Back Buyer

(513) 557-2901

sales@DealerDashboard.com

EXHIBIT

43



Free listing & homepage on *DealersAutoMall.com*
 Your dealership will be listed (with a picture of your dealership) on **YourCity.DealersAutoMall.com** which links directly to your website.
 • **FREE DealersAutoMall.com/YourDealership** homepage!
 • **Advertise directly to your target market!**

Your retail listings on *AmericanUsedCars.com*
All your used cars on the net - all the time! Sophisticated yet easy-to-use Find feature for the public!
Can be updated daily - right at your dealership!
 Public E-mail: **YourDealership@AmericanUsedCars.com**
 (YourDealership.com and/or a custom website are available separately.)

Do you want to know more?

Wholesale Auction with *No listing, selling, or buying fees!*
 Weekly Wholesale Auction administered by you, to help you sell vehicles to other dealers, and to get the cars you want

Do you want to know more?

A used vehicle Inventory Management System
 Run Aged Inventory Lists. Lists by stock #, model, price, year.
 Print price stickers! Accessible from anywhere you can get on-line!
 Vehicle Cost control now available! *Work deals for maximum gross.*

Do you want to know more?

Used Car listings of member dealers, with 'find' feature
 Sophisticated 'finder' feature designed to help you locate what your customers want!

Do you want to know more?

Information on other dealers
 Name, address, phone, fax, E-mail, Website, and whom to contact for trades, vehicle information, buying & selling!

Do you want to know more?

A Bulletin Board to let you reach other dealers
 Swap information, sell or swap items, post warnings (theft, fraud, etc.) - a true forum!

Do you want to know more?

4 major Easy-to-use features - with more yet to come!

WHOLESALE AUCTION	YOUR INVENTORY	USED CARS	DEALERS
FIND BROWSE ADD YOUR'S	FIND BROWSE ADD	FIND BROWSE	FIND BROWSE

No software disks, no viruses, world-wide access!



How to Join



© Copyright 1998-2003 by *STM International - DealerDashboard.com, USA exclusive agent* e-mail the Webmaster **SK**

EXHIBIT
 44

H-001433

Picture to upload (640 pixels wide recommended)

Browse...

D2D vehicle detail form		Lot # 2
1992 Dodge		
Model: Caravan		Minivan
Light Gray		OR
Automatic	3-speed	4 Cylinders
Unleaded		Litres (1000 cc's)
Stock# 0001		Needs
Power Brakes, Power Steering, Rear Defogger, Stereo Cassette, Air Conditioning, Airbag Driver, FWD, Rear Wiper		
no tape or remote no remote airbags and alloys		Power Brakes Power Steering Tinted Glass Rear Defogger Reclining Seats Radio Stereo Cassette CD CD Remote Air Conditioning Cruise Control Tilt Steering Power Mirrors Power Windows Power Locks
ADD option:		
Condition average		Odometer 183,000 mi.
Internet Price shown: Regular: \$XXXXX		
Notes:		
Declarations:		
SOLD? <input type="checkbox"/> SOLED		
List: <input checked="" type="checkbox"/> Public? <input checked="" type="checkbox"/> Dealers?		
Public Retail sticker price \$ 2800		<input type="checkbox"/> hide?
Dealers wholesale price \$ 2000		<input checked="" type="checkbox"/> hide?
DELETE!		
Change THIS vehicle NOW!		

Private Data:	
VIN	VIN info
Date in stock 11/14/2001	mm/dd/yy
Source: Trade In	: \$ 750
Detailing	: \$ 89.99
Reconditioning	: \$ 1000.00
Safety Inspection	: \$ 45.00
Fuel	: \$ 100.00
Repairs	: \$ 300.00
	: \$
	: \$
	: \$
	: \$
	: \$
or pick a cost type ...	AirCare fee \$
	Base commission ...add cost
	Detailing
TOTAL cost:	\$ 2,284
GROSS profit at \$2800	\$ 516
DELETE!	
Change THIS vehicle NOW!	

Picture to upload (640 pixels wide recommended):

Browse...

D2D vehicle detail form		OH0001 3?
2007 Acura	or	
Model:	Sedan	
OR		
Automatic 4-speed		Cylinders
Unleaded		Litres (1000 cc's)
Stock#	Needs	
<p>no tape or remote no remote airbags and alloys</p> <p>ADD option:</p> <ul style="list-style-type: none"> Power Brakes Power Steering Tinted Glass Rear Defogger Heating Seats Radio Stereo Cassette CD CD Remote Air Conditioning Cruise Control Tilt Steering Power Mirrors Power Windows Power Locks 		
Condition	Odometer	km
Internet Price shown. Regular: \$XXXXXX		
Notes:		
Declarations:		
SOLD? <input type="checkbox"/> SOLD		
List: <input checked="" type="checkbox"/> Public? <input checked="" type="checkbox"/> Dealers?		
Public Retail sticker price \$	<input type="checkbox"/> hide?	
Dealers wholesale price \$	<input type="checkbox"/> hide?	
List THIS vehicle NOW!		Oops!

Private Data:		
VIN	VIN info	
Date in stock 3/27/2008	mm/dd/yy	
Source:	:	\$
	:	\$
	:	\$
	:	\$
	:	\$
or pick a cost type ...	AirCare fee	\$
	Base commission	...add cost
	Detailing	
TOTAL cost:		\$ 0
GROSS profit at \$		\$
List THIS vehicle NOW!		Oops!

OH0001 2	1992 Dodge Caravan (Minivan) Light Gray Automatic 3- speed Unleaded (4 Cylinders) Stock #0001 average Mileage: 183,000 mi. <i>Options: Power Brakes, Power Steering, Rear Defogger, Stereo Cassette, Air Conditioning, Airbag Driver, FWD, Rear Wiper</i>
NO Declarations	
Retail sticker: \$2,800 Dealer Wholesale: *(2000) hidden Auction Reserve: \$2,000 Listed by: OH0001 (of Cincinnati, Hamilton, OH)	
Private Data:	
Date in stock: 11/14/2001 (2325 days ago)	
DELETE listing! EDIT listing!	
Price Sticker!	
Acrobat (.pdf) plug-on NOT installed!!! Click below if you need Adobe Acrobat Reader	
	
Transfer to Dealer #	
<i>Leave Dealer blank to copy or move to yourself.</i>	
MOVE vehicle! COPY vehicle!	
Primary picture 0001	Browse Upload picture now! Call (250)386- 6497 for help.
<i>Java 1.4 or higher plugin required!</i>	

YOUR INVENTORY
FIND | BROWSE | ADD

Used Inventory Management System!



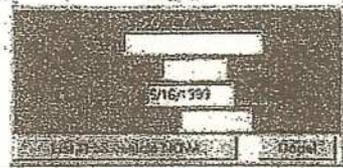
The D2D Inventory Management System tracks your used vehicles *and* lets other dealers search your inventory *and* shows your inventory to the public on CanadianUsedCars.com or AmericanUsedCars.com



When you enter a used vehicle's details a special *Private Data* area is reserved for your dealership's private use.

YOUR INVENTORY The vehicle's *VIN* is important for verifying standard features and a clean history.

FIND | BROWSE | ADD Make sure the *Date In Stock* is correct - with it you will get **Aged Inventory Reports** automatically!



If you don't want to browse your huge used vehicle inventory, the **Find** screen can help you precisely locate vehicles.

YOUR INVENTORY You can search by any combination of make, model, body type, year(s), price range, province, even specific dealers!



Entering a used vehicle in the D2D Used Vehicle Inventory takes about 30 seconds to 2 minutes (the more you use it the easier it gets!)

YOUR INVENTORY Adding a listing to your used vehicle inventory also adds the vehicle to **CanadianUsedCars.com** and the *Used Cars* listings for other member dealers!

FIND | BROWSE | ADD Click **Browse** to see the **Aged Inventory Report**

Red means over 90 days (stale!)

yellow means 30 to 60 days (almost stale?)

green means under 30 days (fresh!)

To sort your inventory list just click on **lot#**, **make**, **model**, etc. *Click again to reverse the sort.*

What else do you get for only \$65/month?

Service Department Expense Breakdown

	<u>Percent of Dept. Gross</u>
Personnel	45%
Salaries - Owners	2.5%
Salaries - Supervision	12.5%
Salaries - Clerical	3.5%
Other Salaries & Wages	14.5%
Absentee Compensation	3.0%
Taxes - Payroll	6.0%
Employee Benefits	3.0%
Semi-fixed	19%
Office Supplies and Expenses	1.0%
Other Supplies	3.5%
Advertising	2.3%
Policy Work-Parts & Service	2.0%
Outside Services-DP/Other	3.3%
Telephone & Telegraph	1.4%
Training	2.0%
Other Semi-fixed	3.5%
Fixed	16%
Rent	
Amortization - Leaseholds	
Repairs - Real Estate	
Depreciation - Buildings & Improvements	
Taxes - Real Estate	
Insurance - Buildings & Improvements	
Interest - Mortgages	
	} 8.0%
Heat, Light, Power & Water	
Insurance - Other	
Taxes - Other	
Equipment - Repairs	
Equipment - Depreciation	
Equipment - Rental	
	} 8.0%
Aggregate Cost to Sell	80%
Operating Profit	20%

~~Close this window.~~

~~Print this text.~~

Service Mechanical Department

Time Distribution for the Month of _____ 19 ____

	Sales		Rate		Hours	
Customer	\$ _____	÷	\$ _____	=	_____	%
Internal	\$ _____	÷	\$ _____	=	_____	%
Warranty	\$ _____	÷	\$ _____	=	_____	%
Total	\$ _____		Total Hours		_____	100%

All hours should be billed at the customer rate.

Note: In a survey of profitable service dealers, customer labor repair orders averaged 2.2 hours sold per RO. Use the formulas below to determine your hours per RO.

$$\frac{\$ \text{Customer Labor Sales}}{\# \text{ of ROs}} = \frac{\$ \text{Dollars/RO}}$$

$$\frac{\$ \text{Dollars/RO}}{\$ \text{Labor Rate}} = \text{Hours/RO}$$

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1

CATEGORY	SALES		HOURS BILLED		HR
CAR LABOR		+		=	
TRUCK LABOR		+		=	
WARRANTY LABOR		+		=	
INTERNAL LABOR		+		=	
NIW/PR LABOR		+		=	

2

TOTAL LABOR SALES		+		=	OELB
-------------------	--	---	--	---	------

3

<u>TOTAL LABOR SALES</u>	<u>=TOTAL LABOR GROSS</u>	<u>=LABOR COST</u>
<u>LABOR COST</u>	<u>+HOURS BILLED</u>	<u>=REAL COST/HR</u>

4

<u>TOTAL LABOR RATES</u>	<u>=# OF TECHS</u>	<u>=AVG TECH RATE</u>
--------------------------	--------------------	-----------------------

5

<u>LABOR COST</u>	<u>+AVG TECH RATE</u>	<u>=HOURS PAID</u>
-------------------	-----------------------	--------------------

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PERFORMANCE LEVELS

	Performance Level Averages	Current Level
Order efficiency		
PAD (stock order)	80%	_____
TGT (specially priced parts)	80%	_____
SSO (special order)	15%	_____
CIO (car inoperative)	5%	_____
VIP (unit down - critical)	5%	_____
True turn	3.5-4.5 turns/year	_____
Stock order allowance as a % of sales	4% minimum	_____
Inventory turnover (turn)	5-6 times/year (2-2.5 months supply)	_____
Inventory profile - sales movement range		
0-3 months	75% of inventory	_____
4-6 months	23% of inventory	_____
7-12 months	2% of inventory	_____
Parts sales per parts employee	Domestic: \$25,000/month Import: \$27,000/month	_____ _____
Parts gross per parts employee	Domestic: \$8,000/month Import: \$9,000/month	_____ _____
Parts-to-labor ratio	.80 minimum	_____
Pricing policy	Matrix when possible by parts numbers	_____
Level of service (fill rate)	82%-92%	_____
Parts gross profit percent sales (Without parts gross transfer)	38%	_____

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HANDLING COST

Handling Cost

Where is your parts department generating its profit picture? You need to know your parts department's handling cost, in addition to actual parts cost, to determine your mark-up in each category-retail, counter, wholesale, internal shop and body shop. Refer to your financial statement to complete the formula below.

Total Parts Sales \$ _____

Total Gross Profit \$ _____
less (-) stock orders \$ _____
less (-) wholesale inventory \$ _____
less (-) parts inventory adj. \$ _____

less (-)
True Parts Gross \$ _____

Actual Cost Parts Sold \$ _____

$$\frac{\$ \text{ Actual Cost Parts Sold}}{\$ \text{ Total Dept. Expense}^*} = \frac{\% \text{ Handling Cost (25\% or less)}}{\%}$$

(* When referring to Ford and Chrysler financial statements, add 14% allocation of dealership fixed expense and dealer salary to realize the actual department expense.)

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EXPENSES

	Personnel expense as % of gross	Construction expense as % of gross	Fixed expenses as % of gross	Total fixed overhead as % of gross
Chrysler	33%	—	39%	72%
Ford	35%	—	31%	66%
GM	50%	16%	15%	81%
Jeep	40%	17%	15%	72%
Plymouth	42%	13.5%	20%	75.5%
Hudson/Valiant	41%	13%	16%	70%
Mercury	46%	17%	15%	80%
Toyota	20%	20%	29%	70%
Current Percentages	—%	—%	—%	—%

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CASH PLANNING WORK SHEET FOR _____
(Month)

	Last Month	This Month	Next Month
1. Beginning Cash Balance			
Cash Receipts			
2. Open-account Collections			
3. Cash from New-truck Sales			
4. Cash from Used-truck Sales			
5. Parts and Service Cash Sales			
6. Lease and Rental Receipts			
7. Interest Received			
8. Finance Reserve Receipts			
9. Warranty Claims Receipts			
10. P&I Commissions Received			
11. Sales of Fixed Assets			
12. Borrowings			
13. Cash Received from Loans			
14. Sale of Stocks			
15. Other			
16. Other			
17. TOTAL RECEIPTS (#2 TO #16)			

	Last Month	This Month	Next Month
Cash Outlays			
18. Purchase of New Trucks Not Floored			
19. Purchase of Used Trucks Not Floored			
20. Payment of Parts Statements			
21. Payment of Trade Accounts			
22. Interest Paid - Floor Plan			
23. Payroll Including Bonuses			
24. Payroll Taxes Including FICA			
25. Fringe Benefits Paid			
26. Taxes - Sales			
27. Taxes - Other			
28. Taxes - Federal Income			
29. Taxes - State Income			
30. Payment on Note			
31. Payment on Mortgages			

	Last Month	This Month	Next Month
Cash Outlays			
18. Purchase of New Trucks Not Floored			
19. Purchase of Used Trucks Not Floored			
20. Payment of Parts Statements			
21. Payment of Trade Accounts			
22. Interest Paid - Floor Plan			
23. Payroll Including Bonuses			
24. Payroll Taxes Including FICA			
25. Fringe Benefits Paid			
26. Taxes - Sales			
27. Taxes - Other			
28. Taxes - Federal Income			
29. Taxes - State Income			
30. Payment on Note			
31. Payment on Mortgages			
32. Purchases of Fixed Assets			
33. Rent			
34. Utilities			
35. Other Semi-fixed Expenses Paid			
36. Other Fixed Expenses Paid			
37. Dividends			
38. TOTAL OUTLAY (#18 TO #37)			
39. ENDING BALANCE (#1 TO #38)			

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EXHIBIT
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DISCOVERY DASHBOARD

Word Mark	DISCOVERY DASHBOARD
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software for use in the marketing field that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface. FIRST USE: 20071000. FIRST USE IN COMMERCE: 20071000
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78946993
Filing Date	August 8, 2006
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 25, 2007
Registration Number	3413436
Registration Date	April 15, 2008
Owner	(REGISTRANT) IRM Corporation CORPORATION TEXAS 14901 Quorum Drive Dallas TEXAS 75254
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	

Record Edward T. White
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BANKER'S DASHBOARD

Word Mark	BANKER'S DASHBOARD
Goods and Services	IC 042. US 100 101. G & S: Providing temporary use of non-downloadable computer software for financial institutions for providing financial analysis, financial reporting, asset liability management reporting and analysis, and product pricing. FIRST USE: 20010700. FIRST USE IN COMMERCE: 20010700
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78755813
Filing Date	November 17, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 13, 2007
Registration Number	3236291
Registration Date	May 1, 2007
Owner	(REGISTRANT) Banker's Dashboard, LLC LTD LIAB CO GEORGIA 825 Fairways Court Suite 200 Stockbridge GEORGIA 30281
Attorney of Record	Dana A. Schwind
Prior	

Registrations 3024547
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Register PRINCIPAL
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Marketing Dashboard

Word Mark	MARKETING DASHBOARD
Goods and Services	IC 035. US 100 101 102. G & S: Business marketing services and providing business marketing information, namely, providing client marketing data for purposes of analysis, reporting, and decision support. FIRST USE: 20030301. FIRST USE IN COMMERCE: 20030301
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78739071
Filing Date	October 24, 2005
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	October 24, 2006
Registration Number	3299462
Registration Date	September 25, 2007
Owner	(REGISTRANT) Rebecca Bell Ellis, Inc. CORPORATION CALIFORNIA PO Box 41190 San Jose CALIFORNIA 951601190 (LAST LISTED OWNER) THE FULFILLMENT CENTER, INC. AKA TFC CORPORATION 690 AIRPARK ROAD NAPA CALIFORNIA 94558
Assignment	

Recorded ASSIGNMENT RECORDED
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Type of Mark SERVICE MARK
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DASHBOARD

Word Mark	DASHBOARD
Goods and Services	IC 035. US 100 101 102. G & S: Business consulting services, namely, determining and providing a benchmark performance report for emergency care facilities and providing recommendations for improvement of such emergency care facilities based thereon. FIRST USE: 20051100. FIRST USE IN COMMERCE: 20051100
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78751858
Filing Date	November 11, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 28, 2007
Registration Number	3403177
Registration Date	March 25, 2008
Owner	(REGISTRANT) Team Health, Inc. CORPORATION TENNESSEE 1900 N. Winston Road, Suite 300 Knoxville TENNESSEE 37919
Attorney of Record	Mark S. Graham, Esq.

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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NEWS DASHBOARD

Word Mark	NEWS DASHBOARD
Goods and Services	IC 036. US 100 101 102. G & S: Financial information provided by electronic means and financial information processing, namely financial valuation measuring the value of a press release through tracking and analyzing the promulgation and other characteristics of press releases, and reporting such press release statistics. FIRST USE: 20060101. FIRST USE IN COMMERCE: 20060101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78563660
Filing Date	February 9, 2005
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	December 27, 2005
Registration Number	3137105
Registration Date	August 29, 2006
Owner	(REGISTRANT) Market Wire, Inc. CORPORATION CALIFORNIA 200 N. Sepulveda Suite 1050 El Segundo CALIFORNIA 90245
Attorney of Record	Brian R. Coleman

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BunkerDashboard

Word Mark BUNKERDASHBOARD

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software for use in managing marine fuel purchases. FIRST USE: 20040101. FIRST USE IN COMMERCE: 20040101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78482950

Filing Date September 14, 2004

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition September 13, 2005

Registration Number 3069389

Registration Date March 14, 2006

Owner (REGISTRANT) LQM Petroleum Services, Inc. CORPORATION DELAWARE 80 Broadway Cresskill NEW JERSEY 07626

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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DOCUMENT DASHBOARD

Word Mark	DOCUMENT DASHBOARD
Goods and Services	IC 042. US 100 101. G & S: Providing on-line non-downloadable browser-enabled client interface software that allows a user to use predefined document templates to create text content, manage graphical and color content, modify and edit template attributes, distribute via printed media and track production status for direct mail or billing correspondence in a high-speed and high volume service bureau production environment. FIRST USE: 20031023. FIRST USE IN COMMERCE: 20031100
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78449530
Filing Date	July 12, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	February 10, 2006
Registration Number	3083947
Registration Date	April 18, 2006
Owner	(REGISTRANT) Agnes, Jon D. INDIVIDUAL UNITED STATES 162 Connetquot Dr Oakdale NEW YORK 11769
Attorney of	James J. Lillie

Record

Type of Mark SERVICE MARK
Register SUPPLEMENTAL
Live/Dead Indicator LIVE

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 - NEXT LIST
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Typed Drawing

Word Mark	DASHBOARD RESUME
Goods and Services	IC 035. US 100 101 102. G & S: Career placement services; resume preparation services; resume posting services; job listing services; all provided both via the Internet and offline. FIRST USE: 20020204. FIRST USE IN COMMERCE: 20020204
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78100833
Filing Date	January 3, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 14, 2003
Registration Number	2796064
Registration Date	December 16, 2003
Owner	(REGISTRANT) Press, Frederick DBA Dashboard Resume INDIVIDUAL UNITED STATES 11 Pal Way Plainview NEW YORK 118032211
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RESUME" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Home Dashboard

Word Mark	HOME DASHBOARD
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software for monitoring and displaying environmental performance of homes in real time on websites, kiosk displays and other web-enabled devices. FIRST USE: 20070118. FIRST USE IN COMMERCE: 20070118
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77197382
Filing Date	June 4, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	March 11, 2009
Registration Number	3624867
Registration Date	May 19, 2009
Owner	(REGISTRANT) Lucid Design Group, LLC LIMITED LIABILITY COMPANY OHIO 484 Lake Park Ave., Suite 600 Oakland CALIFORNIA 94610
Prior Registrations	3281043
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Home" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK

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Live/Dead Indicator LIVE

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TARR Status	ASSIGN Status	TDR	TTAB Status	(Use the "Back" button of the Internet Browser to return to TESS)
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Democracy Dashboard

Word Mark DEMOCRACY DASHBOARD

Goods and Services IC 042. US 100 101. G & S: Design and development of on-line computer software systems; Computer service, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data to allow users to perform, on-line, the collecting and analyzing of different types of opinion surveys; Survey design and research; Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Computer services, namely, monitoring and reporting on the performance, availability, and errors of web sites of others; Providing a web site featuring temporary use of nondownloadable software allowing web site users to upload online videos for sharing with others for entertainment purposes; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs. FIRST USE: 20080215. FIRST USE IN COMMERCE: 20080215

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77384917

Filing Date January 30, 2008

Current Filing Basis 1A

Original Filing Basis 1B

Published for June 17, 2008

Opposition

Registration Number 3596212

Registration Date March 24, 2009

Owner (REGISTRANT) Allen, Scott Thomas INDIVIDUAL UNITED STATES 11022 Aqua Vista Street #16 Studio City CALIFORNIA 91602

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DASHBOARD" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

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IP DASHBOARD

Word Mark	IP DASHBOARD
Goods and Services	IC 042. US 100 101. G & S: Providing on-line non-downloadable software for storing, managing, tracking and analyzing data in the field of intellectual property. FIRST USE: 20070703. FIRST USE IN COMMERCE: 20070703
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETS-2 IP Two letters or combinations of multiples of two letters
Serial Number	77545991
Filing Date	August 13, 2008
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	November 25, 2008
Registration Number	3562849
Registration Date	January 13, 2009
Owner	(REGISTRANT) Cardinal Intellectual Property, Inc AKA Cardinal-IP CORPORATION ILLINOIS Suite 2010

1603 Orrington Evanston ILLINOIS 60201
Attorney of Record Frank C. Nicholas
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DASHBOARD" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register SUPPLEMENTAL
Live/Dead Indicator LIVE

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Resource Dashboard

Word Mark	RESOURCE DASHBOARD
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software for monitoring and displaying resource usage and environmental performance of buildings and technologies, devices or systems in real time on websites, kiosk displays and web-enabled devices. FIRST USE: 20071210. FIRST USE IN COMMERCE: 20080115
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77457471
Filing Date	April 24, 2008
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	November 6, 2008
Registration Number	3552333
Registration Date	December 23, 2008
Owner	(REGISTRANT) Lucid Design Group, LLC LIMITED LIABILITY COMPANY OHIO 484 Lake Park Ave., Suite 600 Oakland CALIFORNIA 94610
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Live/Dead	

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TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

MORTGAGEDASHBOARD

Word Mark	MORTGAGEDASHBOARD
Goods and Services	IC 042. US 100 101. G & S: Providing temporary use of on-line non-downloadable loan origination software for preparing loan origination documents and management of loan origination documents. FIRST USE: 20021001. FIRST USE IN COMMERCE: 20021001
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77325292
Filing Date	November 8, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	May 13, 2008
Registration Number	3475457
Registration Date	July 29, 2008
Owner	(REGISTRANT) VueCentric, Inc. CORPORATION DELAWARE 9390 Research Blvd Suite 440 Austin TEXAS 78759
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

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Solar Dashboard

Word Mark	SOLAR DASHBOARD
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software for monitoring and displaying environmental performance of solar photovoltaic systems, solar thermal systems, and solar energy technologies in real time on websites, kiosk displays and web-enabled devices. FIRST USE: 20080414. FIRST USE IN COMMERCE: 20080414
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77457149
Filing Date	April 24, 2008
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	November 6, 2008
Registration Number	3552332
Registration Date	December 23, 2008
Owner	(REGISTRANT) Lucid Design Group, LLC LIMITED LIABILITY COMPANY OHIO 484 Lake Park Ave., Suite 600 Oakland CALIFORNIA 94610
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Live/Dead	

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Building Dashboard

Word Mark	BUILDING DASHBOARD
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software for monitoring and displaying environmental performance of buildings in real time on websites, kiosk displays and other web-enabled devices. FIRST USE: 20060100. FIRST USE IN COMMERCE: 20060300
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77082467
Filing Date	January 12, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	3281043
Registration Date	August 14, 2007
Owner	(REGISTRANT) Lucid Design Group, LLC John E. Petersen (USA), Michael E. Murray (USA), Gavin M. Platt (USA), Vladislav K. Shunturov (USA) LIMITED LIABILITY COMPANY OHIO 484 Lake Park Ave., Suite 600 Oakland CALIFORNIA 94610
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "building" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Live/Dead	

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Pricing Dashboard

Word Mark PRICING DASHBOARD

Goods and Services IC 035. US 100 101 102. G & S: Services to research, analyze, and/or compare market-based prices for business services. FIRST USE: 20070309. FIRST USE IN COMMERCE: 20070309

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77135170

Filing Date March 20, 2007

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition March 25, 2008

Registration Number 3443754

Registration Date June 10, 2008

Owner (REGISTRANT) Nautilus Advisors, LLC LTD LIAB CO VIRGINIA 3319 Stoneybrae Drive Falls Church VIRGINIA 22044

(LAST LISTED OWNER) OUTSOURCING LEADERSHIP CORP CORPORATION TEXAS 3535 TRAVIS STREET SUITE 105 DALLAS TEXAS 75202

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Matthew T. Latimer

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Type of Mark SERVICE MARK

Register PRINCIPAL
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AGENT DASHBOARD

Word Mark	AGENT DASHBOARD
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer application software for real estate professionals servicing the real estate market, which computer application software provides a single point of entry for said real estate professionals to access their real estate comparative market analysis, buyer tours, flyers, internet real estate data exchange, mapping, lead generation, lead management and neighborhood/ school reports necessary to do their business. FIRST USE: 20020417. FIRST USE IN COMMERCE: 20020417
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76654695
Filing Date	February 7, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	August 29, 2006
Registration Number	3175633
Registration Date	November 21, 2006
Owner	(REGISTRANT) Realigent, Inc. CORPORATION NEVADA 101 Academy Irvine CALIFORNIA 92617 (LAST LISTED OWNER) FNRES HOLDINGS, INC. CORPORATION DELAWARE 601 RIVERSIDE

AVENUE JACKSONVILLE FLORIDA 32204
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Charles A. Semmelhack
Type of Mark TRADEMARK
Register SUPPLEMENTAL
Live/Dead Indicator LIVE

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DEAL DASHBOARD

Word Mark DEAL DASHBOARD

Goods and Services IC 042. US 100 101. G & S: PROVIDING ON-LINE USE OF NON-DOWLOADABLE SOFTWARE FOR THE PURPOSE OF CONVENIENT AND CUSTOMIZABLE VIEWING OF INFORMATION PERTAINING TO LOAN PRODUCTION, ORIGINATION, TRANSACTION AND MANAGEMENT; PROVIDING ON-LINE USE OF NON-DOWNLOADABLE SOFTWARE FOR THE PURPOSE OF CONVENIENT AND CUSTOMIZABLE ACCESS TO AND NAVIGATION OF INFORMATION PERTAINING TO LOAN PRODUCTION, ORIGINATION, TRANSACTION AND MANAGEMENT. FIRST USE: 20040408. FIRST USE IN COMMERCE: 20040408

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 76589704

Filing Date April 30, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 4, 2005

Registration Number 3033556

Registration Date December 27, 2005

Owner (REGISTRANT) Midland Loan Services, Inc. CORPORATION DELAWARE 10851 Mastin Boulevard Overland Park KANSAS 66210

Attorney of Record Robert J. Pugh

Type of Mark SERVICE MARK

Register PRINCIPAL

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Typed Drawing

Word Mark	MEDICAL MANAGEMENT DASHBOARD
Goods and Services	IC 042. US 100 101. G & S: Providing health plan providers with temporary use of on-line non-downloadable software for analyzing medical data, predicting medical risk, and suggesting how to best manage the care of individuals within the health plan. FIRST USE: 20020813. FIRST USE IN COMMERCE: 20020813
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76446306
Filing Date	September 3, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 8, 2003
Registration Number	2769008
Registration Date	September 30, 2003
Owner	(REGISTRANT) HealthCare Strategies, Inc. CORPORATION MARYLAND 9841 Broken Land Parkway Columbia MARYLAND 21046
Attorney of Record	John R. Glassburn III
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEDICAL MANAGEMENT" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	DIGITAL DASHBOARD
Goods and Services	IC 035. US 100 101 102. G & S: MARKET RESEARCH SERVICES DELIVERED VIA THE GLOBAL COMPUTER NETWORK, INTERNAL ENTERPRISE NETWORKS AND LIMITED ACCESS WEB SITES. FIRST USE: 19980914. FIRST USE IN COMMERCE: 19980914
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75584000
Filing Date	November 4, 1998
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 14, 2000
Registration Number	2426106
Registration Date	February 6, 2001
Owner	(REGISTRANT) Burke, Inc. CORPORATION OHIO 805 Central Avenue Cincinnati OHIO 45202
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Lynda E. Roesch
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DIGITAL" APART FROM THE MARK AS SHOWN
Type of Mark Register	SERVICE MARK PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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AUTODEALER

Word Mark	AUTODEALER
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: MAGAZINE PROVIDING ECONOMIC, LEGISLATIVE AND REGULATORY INFORMATION FOR AUTOMOBILE DEALERS AND AUTOMOBILE MANUFACTURING EXECUTIVES. FIRST USE: 20070618. FIRST USE IN COMMERCE: 20070618
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77245363
Filing Date	August 2, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	May 14, 2008
Registration Number	3593314
Registration Date	March 17, 2009
Owner	(REGISTRANT) American International Automobile Dealers Association CORPORATION VIRGINIA Suite 300 211 North Union Street Alexandria VIRGINIA 22314
Attorney of Record	Frederick H. Colen
Type of Mark Register	TRADEMARK SUPPLEMENTAL

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Indicator**

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Job Category: Sales

PROGRAM MANAGER DEALER DASHBOARD
528
Wisconsin -- Juneau Avenue
Req# 2519

Job Summary:

The Performance Consulting Program's primary objective is dealership performance improvement by providing consulting services across five functional areas: Financial Management Excellence, Sales Excellence, Inventory Excellence, Service Excellence and F&I Excellence. The Dealer Dashboard™ provides the mechanism to track the performance improvements across these functional areas. The purpose and intent of this position is to provide strategic and tactical direction to the Dealer Dashboard™ System. In addition, this position will act as the key liaison between the I.S. Department and the various internal and external stakeholders. This position leads the overall design, development and tactical direction of the Dealer Dashboard™ System. Directly supervises the Dealer Dashboard™ support staff. In addition, provides guidance and direction to internal and third party consultant(s) as well as the dashboard set-up visit staff.

Qualifications:

Position requires a Bachelors degree in Business Administration, preferably with financial focus or related degree. A minimum of four years of related experience, to include training or experience in Internet applications, software implementation and program development is required. Knowledge of financial reporting and general accounting principles and practices and extensive experience and background working with dealership management systems is required. Ability to translate and communicate overall business requirements to technical support resources is necessary, as are excellent interpersonal skills and able to build relationships between the various internal and external stakeholders. Experience in developing and delivering training materials and informational presentations using PowerPoint or similar presentation software is required. This position also requires up to 40-50% domestic travel.

Applications are accepted online by Harley-Davidson for positions listed on this site. Applicants must be authorized to work in the United States.

Harley-Davidson is committed to hiring qualified individuals without regard to race, color, sex, age, disability, or national origin. Equal opportunity employer.

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READY TO START YOUR RIDE WITH HARLEY-DAVIDSON? SUBMIT YOUR RESUME ONLINE.

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EXHIBIT
47

Riding with Business Objects at Harley-Davidson

Randall Smith, Harley-Davidson
Christopher Elfner, Greenbrier & Russel



BUSINESS OBJECTS®

**2004 INTERNATIONAL
USER CONFERENCE**

Presentation Information

- ▶ **Authors: Randall Smith, Christopher R. Elfner**
- ▶ **Companies: Greenbrier & Russel, Harley-Davidson**
- ▶ **Track session title**
 - Riding with Business Objects at Harley-Davidson
- ▶ **Track session description**
 - Harley-Davidson uses Business Objects to deliver critical information and insight both internally and to its network of dealers, suppliers, and field personnel. Discover why they chose to standardize on a single BI solution for Enterprise and Ad Hoc reporting, and explore the benefits they have achieved. Learn how Broadcast Agent was customized to update thousands of PDF reports every night and distribute those reports using a SQL Server database. See how Harley-Davidson's BI extranet securely presents the right reports to the right people at the right time.

Topics

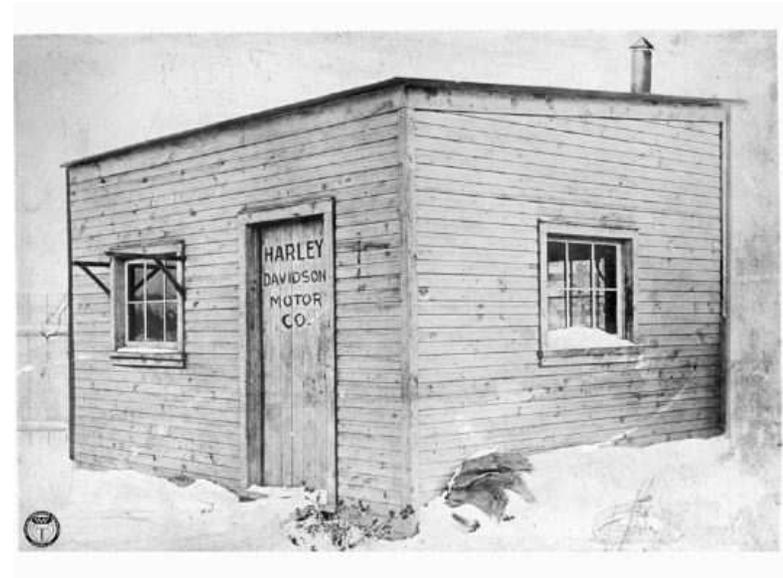
- ▶ **Harley-Davidson Motor Company Overview**
- ▶ **The Harley-Davidson BI Environment**
- ▶ **Who Uses Business Objects at H-D**
- ▶ **How it's Accomplished**
- ▶ **Successes and Lessons Learned**
- ▶ **Q&A**



FLSTC Heritage Softail Classic

Company overview

- ▶ **Founded in 1903 by William S. Harley and Arthur Davidson**
- ▶ **Based in Milwaukee, Wisconsin**
- ▶ **20+ locations worldwide**
- ▶ **1000+ dealers worldwide**
- ▶ **Nearly 700 active suppliers**
- ▶ **800,000 members of the Harley Owner's Group (HOG) worldwide**



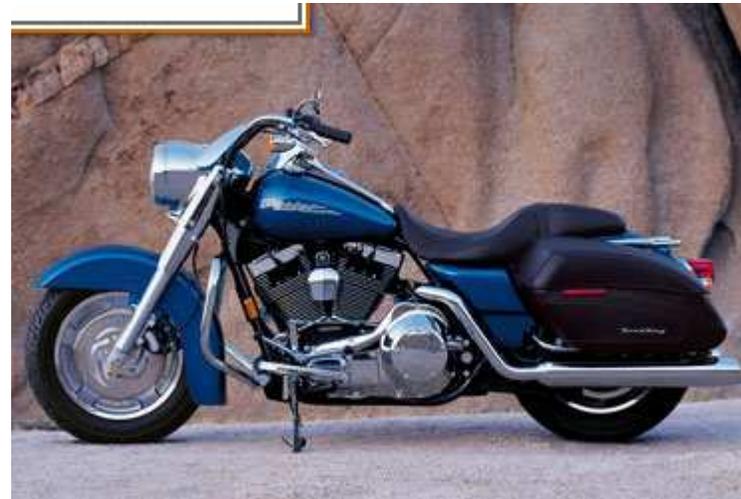
The numbers (based on 2003)

- ▶ **18th consecutive year of record revenues and earnings**
- ▶ **Sold 291,147 Harley-Davidson motorcycles and 9,974 Buell motorcycles**
- ▶ **Net income of \$761 million**
- ▶ **Revenues of \$4.6 billion**
 - 78.3% HD Motorcycles
 - 15.4% Parts and Accessories
 - 4.6% General Merchandise
 - 1.6% Buell Motorcycles
 - 0.1% Defense and Other



Topics

- ▶ **Harley-Davidson Motor Company Overview**
- ▶ **The Harley-Davidson BI Environment**
- ▶ **Who Uses Business Objects at H-D**
- ▶ **How it's Accomplished**
- ▶ **Successes and Lessons Learned**
- ▶ **Q&A**



FLHRS Road King Custom

A little history

- ▶ **EDW began as a mid-level effort in 1999**
- ▶ **Data Warehouse Foundation project required**
 - A project sponsor
 - A business need
- ▶ **Dealer Dashboard™ pilot needed**
 - A mechanism to perform heavy-duty calculations and distribute formatted reports
- ▶ **Brought in Business Objects to support the reporting needs**
- ▶ **Provided two environments for internal and external customers**



Where we are now

- ▶ **30 different production content areas**
- ▶ **10 ongoing development efforts**
- ▶ **Structured team with specific roles**
- ▶ **Standard tools**
 - SQL Server/Analysis Services
 - Ascential Datastage
 - Business Objects/Broadcast Agent
- ▶ **Over 40 dedicated Windows servers**
- ▶ **Defined application development methodology**
- ▶ **Scheduled reporting environment with 100 Business Objects reports producing over 5000 PDFs nightly**
- ▶ **Multiple customized, external interfaces to the scheduled reporting area**



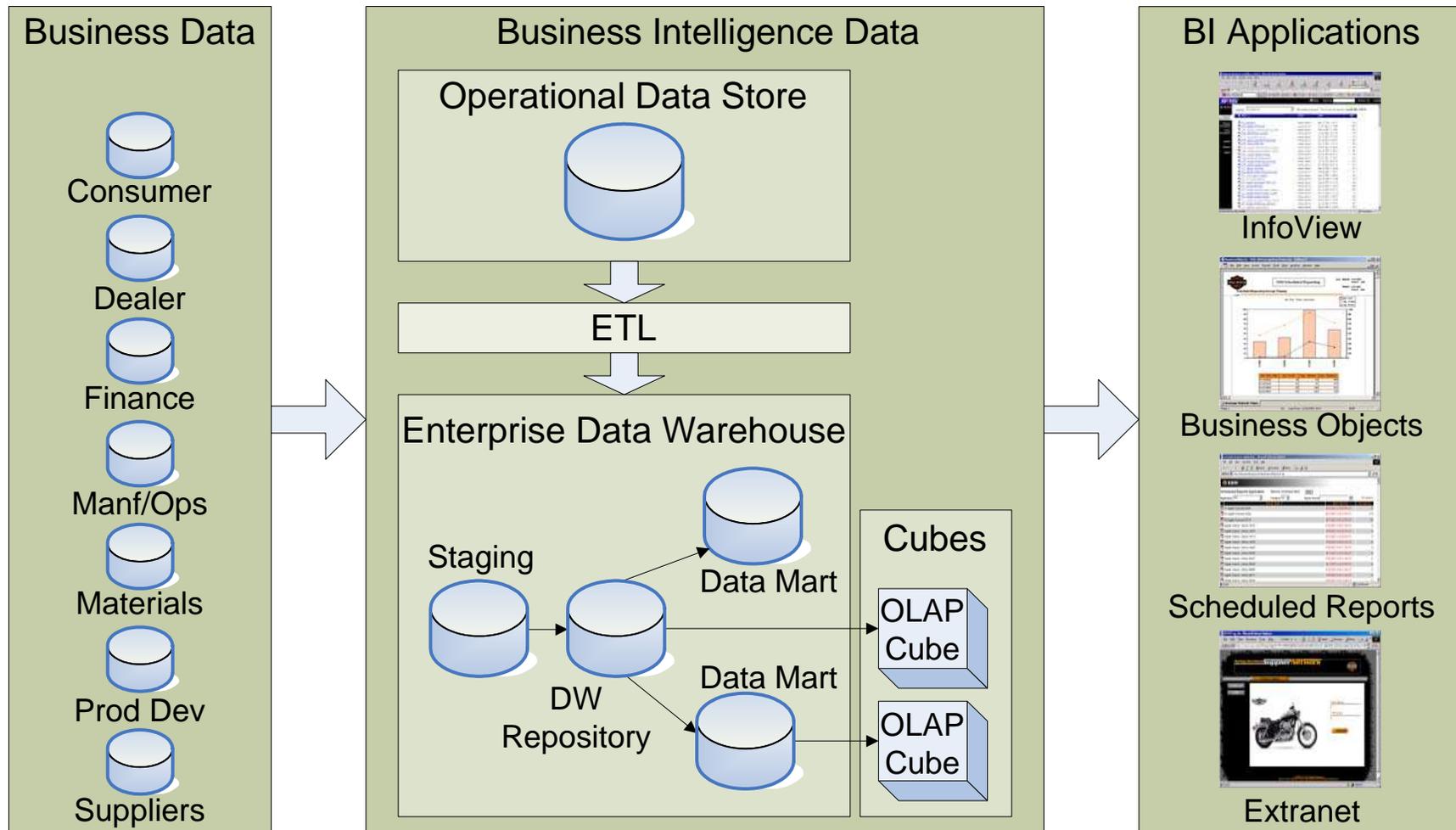
Business Objects products used

- ▶ **BusinessObjects InfoView**
- ▶ **BusinessObjects**
 - Three-tier deployment
- ▶ **BusinessObjects Broadcast Agent Server**
- ▶ **BusinessObjects Designer**
- ▶ **BusinessObjects Supervisor**
- ▶ **BusinessObjects Developers Suite**
 - Full-client object model

The Harley-Davidson BI Environment

4/6

Environment overview



Scheduled Reports Application

- ▶ Distributes pre-run Business Objects reports
- ▶ Broadcast Agent bursts reports to multiple PDFs
- ▶ Documents accessed through company intranet
- ▶ Available internally and externally

REPORT NAME	DATE CREATED	FILE SIZE (K)
PA Supplier Scorecard A0081	06/17/2003 12:55:48 PM CDT	42
PA Supplier Scorecard A0204	06/17/2003 12:58:14 PM CDT	2179
PA Supplier Scorecard K5119	06/17/2003 12:58:24 PM CDT	103
Supplier Analysis - Delivery A0727	07/03/2003 10:55:07 AM CDT	15
Supplier Analysis - Delivery A0873	07/03/2003 10:55:08 AM CDT	16
Supplier Analysis - Delivery A8114	06/17/2003 12:25:36 PM CDT	14
Supplier Analysis - Delivery A8735	07/03/2003 10:55:09 AM CDT	15
Supplier Analysis - Delivery A8970	07/03/2003 10:55:11 AM CDT	14
Supplier Analysis - Delivery B3260	06/17/2003 12:25:41 PM CDT	14
Supplier Analysis - Delivery B4227	07/03/2003 10:55:12 AM CDT	21
Supplier Analysis - Delivery B4935	06/17/2003 12:25:43 PM CDT	14
Supplier Analysis - Delivery B6069	07/03/2003 10:55:13 AM CDT	13
Supplier Analysis - Delivery B6111	07/03/2003 10:55:14 AM CDT	15
Supplier Analysis - Delivery R616R	07/03/2003 10:55:15 AM CDT	13

Vehicle Sales and Inventory Report
Vehicle Sales Calendar Y

Vehicle Sales by Sub-Family for Nation
Last Updated on <Date>

<HD/Buell> Sales
Page 1

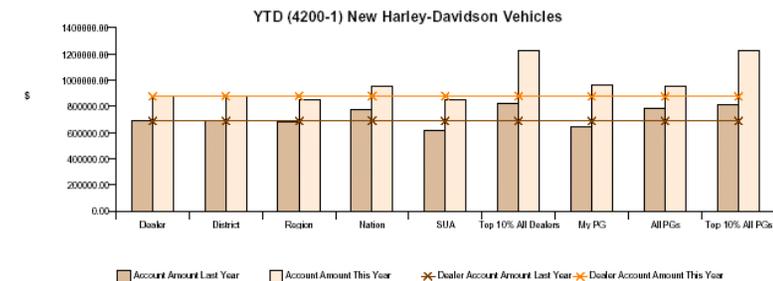
Family/Sub-Family	Retail Sales			Retail Inventory				Wholesale Sales								
	Curr MTD	Last MTD	% +/-	Curr YTD	Last YTD	% +/-	Curr Inv	Last Inv	% +/-	Turn Ratio	Curr MTD	Last MTD	% +/-	Curr YTD	Last YTD	% +/-
Blast																
Blast	27	23	17.4	27	23	17.4	3,013	1,945	54.9	0.01						
Total Blast	27	23	17.4	27	23	17.4	3,013	1,945	54.9	0.01						
Firebolt																
Firebolt	23	0	0.0	23	0	0.0	1,519	6	25,216.7	0.02						
Total Firebolt	23	0	0.0	23	0	0.0	1,519	6	25,216.7	0.02						
Lightning																

Extranet applications

- ▶ Dealer Dashboard™ and Supplier Network
- ▶ Access same reports as scheduled reports
- ▶ Custom interface
- ▶ Custom security ensures they only see their information



Last Year	348,910.00	348,910.00	371,943.04	406,926.35	343,955.76	406,636.50	373,092.52	413,063.98	414,761.35
This Year	412,899.00	412,899.00	466,509.51	600,569.17	471,201.09	688,526.96	596,132.73	660,669.17	688,526.96
LY % Change	18.34 %	18.34 %	25.42 %	37.76 %	36.99 %	69.42 %	59.78 %	35.70 %	66.10 %



Dealer	District	Region	Nation	SUA	Top 10% All Dealers	My PG	All PGs	Top 10% All PGs
Dealer XXX	District 75	Region 2 Great Lakes	United States	E				
Last Year	688,090.00	688,090.00	690,539.89	776,126.63	613,381.34	824,531.36	642,904.02	785,090.27
This Year	877,835.00	877,835.00	890,955.88	953,454.74	802,178.26	1,222,296.20	967,269.42	953,454.74
LY % Change	27.28 %	27.28 %	28.04 %	22.86 %	30.93 %	48.24 %	50.47 %	21.45 %

Topics

- ▶ Harley-Davidson Motor Company Overview
- ▶ The Harley-Davidson BI Environment
- ▶ Who Uses Business Objects at H-D
- ▶ How it's Accomplished
- ▶ Successes and Lessons Learned
- ▶ Q&A



Screamin' Eagle V-Rod

Internal H-D employees

- ▶ **Over 1400 users**
- ▶ **Access information via 4 Business Objects servers and the Scheduled Reports Application**
- ▶ **Use Business Objects to**
 - Access tactical and strategic information
 - Create ad hoc reports
 - Run “canned” reports
 - View pre-run reports as PDFs
- ▶ **Benefits realized**
 - Self-service reporting
 - Robust information environment

External H-D employees

- ▶ **Approximately 100 field sales users worldwide**
- ▶ **Access information via the Scheduled Reports Application**
- ▶ **Use Business Objects to**
 - Access strategic information
 - View pre-run reports as PDFs (from Broadcast Agent)
 - Interfaced through RIDE (H-D corporate intranet site)
- ▶ **Benefits realized**
 - Access customized information from any internet connection
 - Can access a dealer's information from the dealership
 - Very fast response time

Vehicle Sales and Inventory Report
Vehicle Sales by Calendar YM

Vehicle Sales by Family for Country: United States
Harley-Davidson Sales
Pleasure Vehicles

	Retail Sales												Inventory			
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD Retail Sales	Retail Inv	Inv Inv	Fig Inv
 touring																
This Year	3,000	3,231	0	0	0	0	0	0	0	0	0	0	6,791	7,888	0.0	
Last Year	3,207	3,239	0	0	0	0	0	0	0	0	0	0	6,598	9,738	0.0	
% Over/Under/Var	5.4	-0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.1	-19.7	0.0	
 Softail																
This Year	4,270	3,910	0	0	0	0	0	0	0	0	0	0	8,180	14,080	0.0	
Last Year	4,136	4,052	0	0	0	0	0	0	0	0	0	0	8,191	11,702	0.0	
% Over/Under/Var	3.4	-3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	20.4	-0.0	
 Electra																
This Year	1,460	1,238	0	0	0	0	0	0	0	0	0	0	2,698	6,562	0.0	
Last Year	1,803	1,729	0	0	0	0	0	0	0	0	0	0	3,492	5,294	0.0	
% Over/Under/Var	-11.3	-28.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-17.0	25.1	-0.0	
 Other																
This Year	431	360	0	0	0	0	0	0	0	0	0	0	831	4,607	0.0	
Last Year	440	411	0	0	0	0	0	0	0	0	0	0	852	1,448	0.0	
% Over/Under/Var	-2.1	-13.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-3.0	320.3	-0.0	

Suppliers

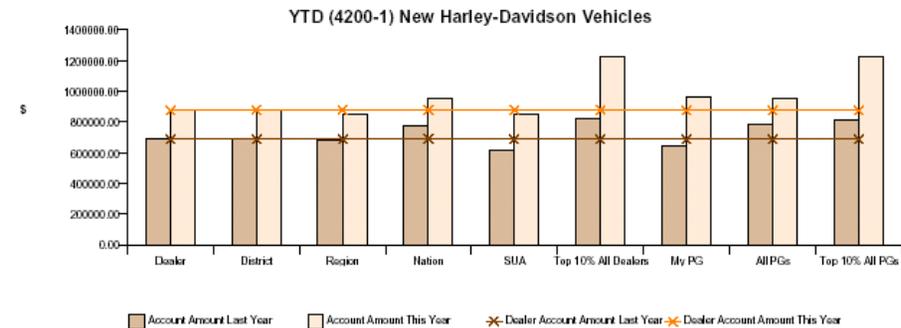
- ▶ **Over 300 suppliers online**
- ▶ **Access information via the Supplier Network**
 - h-dsn.com
- ▶ **Use Business Objects to**
 - Access key performance statistics, orders, etc.
 - View pre-run reports as PDFs (from Broadcast Agent)
- ▶ **Benefits realized**
 - 24/7 access to information from any internet connection
 - Very fast response time



Dealers

- ▶ **Over 650 dealers online**
- ▶ **Access information via the Dealer Dashboard™**
 - h-dnet.com
- ▶ **Use Business Objects to**
 - Access key financial and operational information
 - View pre-run reports as PDFs (from Broadcast Agent)
- ▶ **Benefits realized**
 - 24/7 access to information from any internet connection
 - Very fast response time

Last Year	348,910.00	348,910.00	371,943.04	406,926.35	343,955.76	406,636.50	373,092.52	413,093.98	414,761.35
This Year	412,890.00	412,890.00	466,509.51	560,569.17	471,201.09	688,926.96	686,132.73	660,669.17	688,926.96
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Dealer	District	Region	Nation	SUA	Top 10% All Dealers	My PG	All PGs	Top 10% All PGs
Dealer XXX	District 75	Region 2 Great Lakes	United States	E				
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This Year	877,835.00	850,955.80	953,454.74	862,178.26	1,222,296.29	967,369.42	953,454.74	1,222,296.20
LY % Change	27.28 %	25.04 %	22.85 %	39.93 %	48.24 %	50.47 %	21.45 %	36.96 %

Topics

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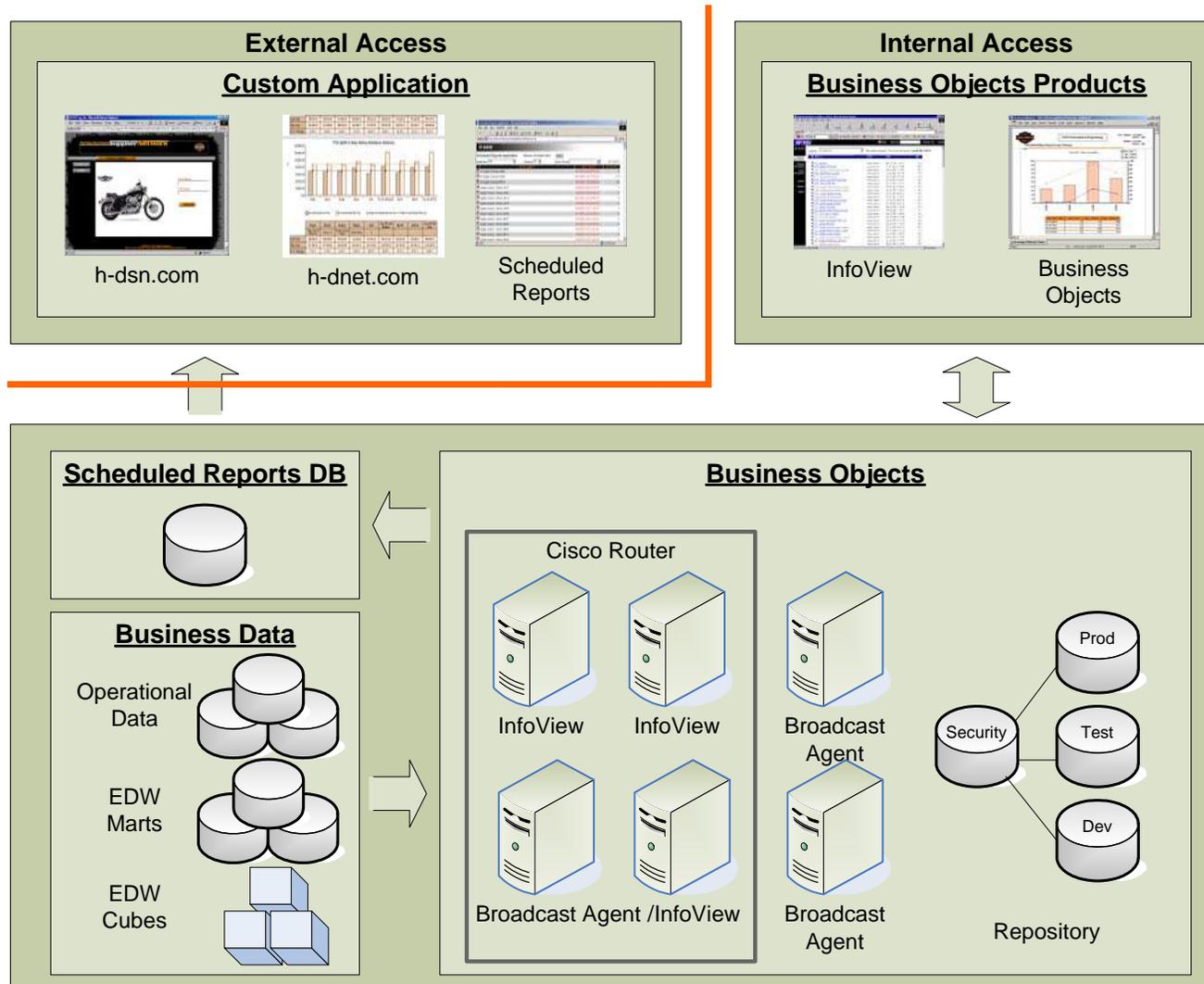


Firefighter Special Edition

How it's Accomplished

1/6

Infrastructure



Support roles

▶ **Corporate IT**

- User setup
- General server administration
- Data server administration

▶ **Application development**

- Universe and report development / support
- Content access management

▶ **EDW**

- Data architecture
- ETL development
- Universe and report development / support
- Business Objects and Broadcast Agent server administration
- General supervisor duties

▶ **Super users**

- Content access management
- Report development

Security

▶ **Business Objects support**

- Access controlled by Windows Active Directory security groups
- Software distributed via Novell's ZENworks Desktop Management

▶ **Scheduled Reports Application support (internal)**

- Access and content controlled by Windows Active Directory security groups

▶ **Supplier Network (h-dsn.com)**

- Access managed manually by super users (internal)
- Content controlled via parameters passed to queries based on login

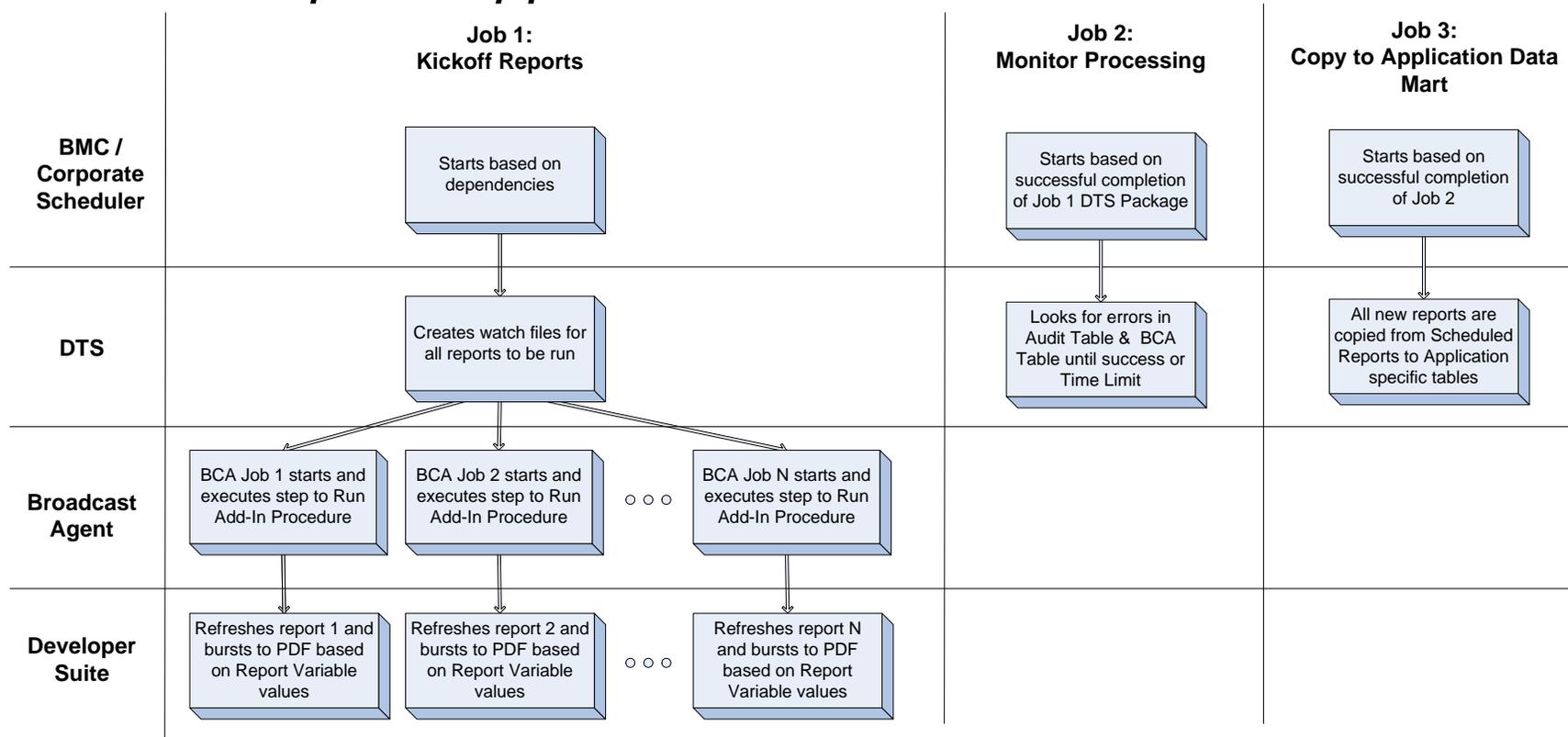
▶ **Dealer Dashboard™ (h-dnet.com)**

- Access managed manually by super users (internal) and dealership personnel (dealerships)
- Content controlled via parameters passed to queries based on login

Scheduled Reports Application

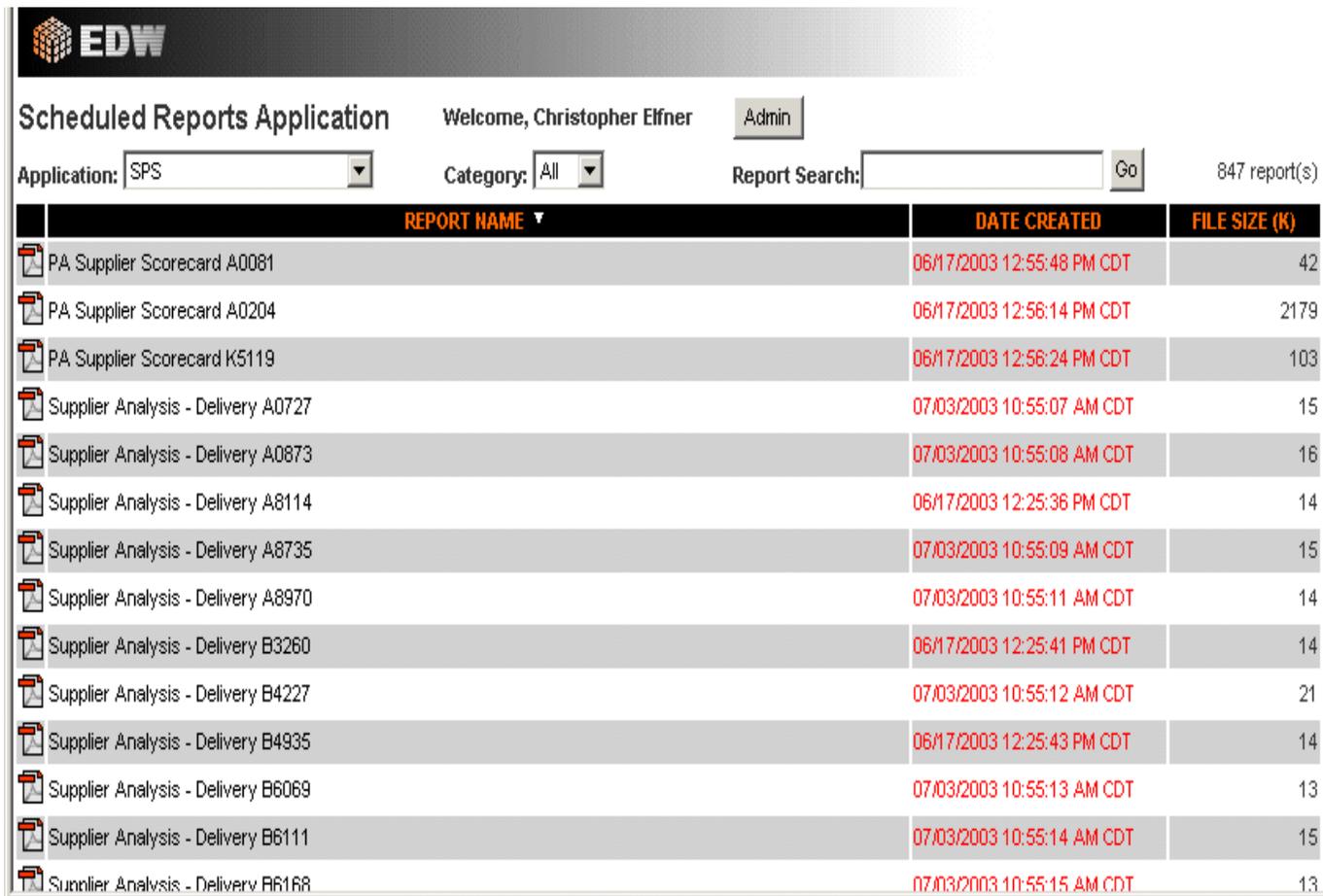
- ▶ **Similar to Broadcast Agent Publisher products**
- ▶ **Uses multiple technologies already in-house**
 - Corporate scheduler (BMC)
 - SQL Server database and DTS packages
 - Broadcast Agent server
 - Developer Suite (Broadcast Agent object model)
 - Business Objects reports with custom report variables
- ▶ **Detailed auditing**
 - Verifies completion of all jobs
 - Checks for errors and stops at preset threshold
 - Timeout error if jobs do not complete in a preset window

Scheduled Reports Application



- ▶ Three jobs produce an application's reports
- ▶ Each report has its own Broadcast Agent job scheduled daily and based on a watch file

Scheduled Reports Application



The screenshot displays the 'Scheduled Reports Application' interface. At the top, there is a header with the 'EDW' logo and a welcome message for 'Christopher Elfner' with an 'Admin' button. Below this, there are search filters: 'Application: SPS', 'Category: All', and a 'Report Search:' field with a 'Go' button. The total number of reports is indicated as '847 report(s)'. The main content is a table with three columns: 'REPORT NAME', 'DATE CREATED', and 'FILE SIZE (K)'. The table lists 14 reports, each with a small icon to the left of the name. The reports are sorted by date created, with the most recent at the top.

REPORT NAME	DATE CREATED	FILE SIZE (K)
PA Supplier Scorecard A0081	06/17/2003 12:55:48 PM CDT	42
PA Supplier Scorecard A0204	06/17/2003 12:56:14 PM CDT	2179
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Supplier Analysis - Delivery A8114	06/17/2003 12:25:36 PM CDT	14
Supplier Analysis - Delivery A8735	07/03/2003 10:55:09 AM CDT	15
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Supplier Analysis - Delivery B4935	06/17/2003 12:25:43 PM CDT	14
Supplier Analysis - Delivery B6069	07/03/2003 10:55:13 AM CDT	13
Supplier Analysis - Delivery B6111	07/03/2003 10:55:14 AM CDT	15
Supplier Analysis - Delivery B6168	07/03/2003 10:55:15 AM CDT	13

- ▶ Custom Java based interface allowing internal and external access to the reports

Topics

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- ▶ **Q&A**



Police XL 883 Sportster

Major Successes

▶ **Reliability**

- Failover via a Cisco router
- Multiple server clusters providing failover
- Dedicated WebIntelligence and Broadcast Agent servers

▶ **Auditing and Recovery**

- Jobs can automatically resubmit themselves based on parameters
- On-call staff only contacted after an error threshold is hit

▶ **Reusability/packaging**

- Scheduled reports application built for one project
- Now supports multiple projects

▶ **Integration with Windows environment**

- Easily control user setup

▶ **Scalability**

- Create over 5000 PDF documents each day via Broadcast Agent

Lessons Learned

▶ Understand the limitations of the tools

- “Just because you want to do it does not mean you can, and just because you can do it does not mean you should”

▶ Plan for problems

- Build in the ability to audit processes and recover from system “hiccups”

▶ Align your solution with the different users’ abilities

- Don’t expect people to become computer experts just because you have a “cool” solution
- People like to get their answers as quickly as possible, so minimize the number of “clicks” required

▶ Setup separate functionality and content access in the repository

- Create a separate set of groups for functionality access
- Assign each user a single functionality role

Topics

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Sportster XL883 Custom



Greenbrier & Russel

At the Crossroads of Business & Technology

- ▶ **For more information:**

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- ▶ **Or visit us at the G&R booth in the Exhibit Hall**





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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.5

Opposition

Number: 91163349

Filing Date: 12/09/2004

Status: Terminated

Status Date: 12/09/2004

Interlocutory Attorney: [ANDREW P BAXLEY](#)

Defendant

Name: [Nowcom Corporation](#)

Correspondence: [NATU J. PATEL](#)
WANG HARTMANN & GIBBS PC
1301 DOVE STREET, SUITE 1050
NEWPORT BEACH, CA 92660

Serial #: [76530706](#) [Application File](#)

Application Status: Abandoned - After Inter-Partes Decision

Mark: DEALER DASHBOARD

Plaintiff

Name: [Michael Dalton](#)

Correspondence: [Michael Dalton](#)
P.O. Box 18137
Cincinnati, OH 45218-0137

Prosecution History

#	Date	History Text	Due Date
7	03/10/2005	TERMINATED	
6	03/10/2005	BOARD'S DECISION: SUSTAINED	
5	02/10/2005	WITHDRAWAL OF APPLICATION	
4	01/21/2005	P'S MOTION FOR DEFAULT JUDGEMENT	
3	12/09/2004	PENDING, INSTITUTED	
2	12/09/2004	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	01/18/2005
1	12/09/2004	FILED AND FEE	

Results as of 07/14/2009 08:40 AM

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ESTTA Tracking number: **ESTTA20969**

Filing date: **12/09/2004**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Michael Dalton
Granted to Date of previous extension	12/12/2004
Address	PO box 18137 Cincinnati, OH 45218-0137 UNITED STATES

Correspondence information	Michael Dalton PO box 18137 Cincinnati, OH 45218-0137 UNITED STATES DALTONME@hotmail.com , DealerDashboard@hotmail.com Phone:(513) 557-2901
-----------------------------------	--

Applicant Information

Application No	76530706	Publication date	06/15/2004
Opposition Filing Date	12/09/2004	Opposition Period Ends	12/12/2004
Applicant	Nowcom Corporation 7451 Wilshire Blvd., Suite 115 Los Angeles, CA 90010		

UNITED STATES

Goods/Services Affected by Opposition

Class 035. First Use: 20030101 First Use In Commerce: 20030101 All goods and services in the class are opposed, namely: Preparing business reports in a secure on-line environment to automobile dealerships

Related Proceedings	Application for Trademark (78339571) DealerDashboard, filled by opposer, that is currently pending.
----------------------------	---

Attachments	Pleading.txt (3 pages)
--------------------	--------------------------

Signature	/Michael Dalton/
Name	Michael Dalton
Date	12/09/2004

Trademark Trial and Appeal Board

Pleading

Pursuant to:

1503.01 Filing a Notice of Opposition

Any person who believes that he or she would be damaged by the registration of a mark on the Principal Register may oppose registration by filing a notice of opposition with the Trademark Trial and Appeal Board, and paying the required fee within thirty days after the date of publication or within an extension period granted by the Board for filing an opposition. See 15 U.S.C. §1063; 37 C.F.R. §§2.101 through 2.107; TBMP §§303 et seq.

The notice of opposition must include a concise statement of the reasons for the opposer's belief that the opposer would be damaged by the registration of the opposed mark, and must state the grounds for opposition. A duplicate copy of the notice of opposition, including exhibits, must be filed. 37 C.F.R. §2.104(a); TBMP §312.01. A duplicate copy is required because the Board forwards notification of the opposition to applicant or its authorized representative. 37 C.F.R. §2.105.

A notice of opposition does not have to be verified, and it may be signed by either the opposer or the opposer's attorney. 37 C.F.R. §2.101(b); TBMP §312.

1.) The opposer, Michael Dalton, through the registration and ownership, of several domain name extensions containing the mark, DealerDashboard, or Dealer-Dashboard has establish rights in the mark, DealerDashboard, based on legitimate use of the mark and first use in commerce through the public publishing and copyright of the e-commerce web site DealerDashboard.com since October, 1999.

2.) The opposer, Michael Dalton, registered the mark, DealerDashboard, as DealerDashboard.com, with Network Solutions (<https://networksolutions.com>) on 10/05/1999 and publicly appears in the whois record as:

Domain Name: DealerDashboard.com

Michael Dalton

DealerDashboard

Po Box 18137

Cincinnati, OH 45218

US

Phone: (513) 557-2901

Fax: (309) 215-9770

Record expires on 05-Oct-2005

Record created on 05-Oct-1999

Thus; opposer, has a first use in commerce claim and would suffer dilution since the applicant Nowcom.com is within the same:

Industry - Automotive

Architectural platform - web / Internet

Customer Base - Automotive Dealers

Products and Services - Dealer Solutions, Special finance, web development, etc.

3.) Constructive notice to the public of the opposer's claim of ownership of the mark, DealerDashboard and Dealer Dashboard was published at:

<http://www.DealerDashboard.com>

As such, the opposer has a legal presumption of and ownership of the mark, DealerDashboard, and exclusive right to use the mark nationwide, and worldwide, on or in connection with the goods and/or services listed in the registration and, the opposer has the ability to bring an action concerning the mark in federal court pursuant to:

Brookfield Communications, Inc. v. West Coast Entertainment Corp., 174 F.3d 1036 (9th Cir. 1999)

West Coast, a video retailer, used the term "moviebuff" in its metatags. Brookfield, which runs a movie database site, "MovieBuff.com," alleged trademark infringement. Court held that West Coast's use of term in metatags led to "initial interest confusion," in which search engine users looking for MovieBuff.com's site might visit West Coast's site and stop looking for MovieBuff.com, despite no confusion over sponsorship of the two sites. Court distinguished both Niton and Welles.

The opposer would argue, granting a service mark, Dealer Dashboard, to the applicant, Nowcom.com, who markets services at:

<http://nowcom.com/dealerdashboard.htm>

circumvents the above decision, results in "reverse domain hijacking" and unjustly enriches the applicant, Nowcom.com, causing dilution of the extensive marketing, search optimization, goodwill, and brand loyalty the opposer has invested in the DealerDashboard brand.

4.) The applicant and parent company, of applicant, has repeatedly attempted to boost their credibility by exploiting the brand of others, in that, they supper imposed their marketing efforts on an identical replica of the WD-40 brand. The opposer notified the WD-40 company and was able to stop their marketing attempts which is archived at the independent web site (<http://www.archive.org/web/web.php>)

at:

<http://web.archive.org/web/20030811135820/westlakefinancial.com/adcampaign.asp>

which states as follows:

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.

As such, originality of the applicant, Nowcom.com, and combined parent lacks credibility and an effort by the opposer to encourage the applicant to voluntarily cease the brand and Meta theft of the opposer's, dealerdashboard, has failed.

Therefore:

The opposer, Michael Dalton, request that the application of Nowcom.com be denied as similar in nature to the opposer's first use of the dealerdashboard mark and would result in the dilution of the opposers brand and open the backdoor for well financed operations to circumvent entry level entrepreneurs in the e-commerce industry by granting marks to registered and published domain names.

Respectfully submitted,

Michael E. Dalton

DealerDashboard

DealerDashboard.com

PO box 18137

Cincinnati, Ohio 45218
(513) 557-2901



- introduction
- about westlake
- sales & marketing
- new dealer info.
- acquisition
- dealer manager
- dealer network
- why westlake financial?
- apply online
- retail customers
- featured products
- careers





Monday, August 11, 2003

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introduction
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- executive officers
- acquisition team
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press releases
ad campaigns
affiliates

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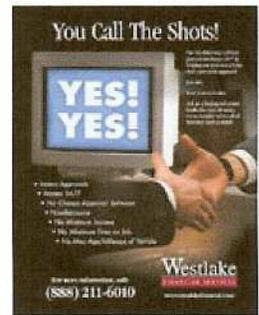
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The "Yes Yes!" Campaign 12/00-6/02

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.

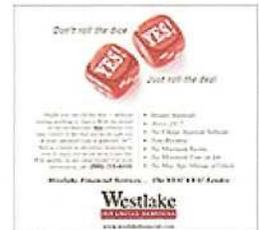
[view large size ad](#)



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!



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 AUTOSOORE® FEATURE AUTOMATICALLY "READS" THE CREDIT REPORT AND INPUTS THE DATA INTO THE BUY PROGRAM
- FREE EMAIL ACCOUNT
- NEW E-CARINVENTORY FEATURE LETS YOU KEEP TRACK OF YOUR INVENTORY ONLINE
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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.



Nielsen Media Research

Advanced Search

Company & People

Products & Services

► Inside TV Ratings



Recruiting Nielsen Families

Nielsen Media Research strives to recruit and gain the cooperation of the initially selected sample households (also known as “basic” households) to ensure accuracy in our samples. If, despite our best efforts, a “basic” declines to participate, an alternate household is recruited. Certain key characteristics of alternate households must match those of the refusing “basic” in order for it to be considered. This process ensures proper statistical representation.

At the core of our recruitment philosophy is the concept of membership, an active and ongoing commitment by the respondent to provide us with accurate data. Our field staffers, the front line of recruitment, are charged with establishing a rapport with sample households. It is their job to convey the importance of participation and that every voice and viewing choice counts. Why? Because individual homes represent others who watch TV in the same way.

Our field team is comprised of membership representatives — individuals with backgrounds in education, social work and other social sciences — as well as field representatives, whose technical expertise is essential to the meter installation process. A vital role of the field team is to establish ongoing relationships with sample households.

Initial Contact

Designated households are mailed an introductory letter, which includes a questionnaire with a request to provide Nielsen Media Research with basic demographic information.

Some of these households will be selected to be part of the Nielsen sample. These families receive a follow-up letter from one of our membership representatives, inviting them to participate and notifying them of an upcoming visit.

In-person visit

When the membership representative visits the sample home, the purpose is to:

- Define who Nielsen Media Research is and what we do

Inside TV Ratings

Sampling & Recruiting

[Sampling the Population](#)

Recruiting

Nielsen Families

[Meters & Diaries](#)

[Ratings & Data](#)

[Anytime](#)

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[Meet Donna: Call Center Research Interviewer »](#)

[Behind the Scenes](#)

[Meet Marilyn: Membership Recruiter Trainer »](#)

EXHIBIT

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- Educate the household on what it would be like to be part of the sample
- Answer any questions and address concerns
- Evoke enthusiasm and emphasize the value of participation
- Ensure that the household understands the technical process
- Schedule an appointment for meter installation

Once the household agrees to participate, we set up an appointment to install the metering equipment.

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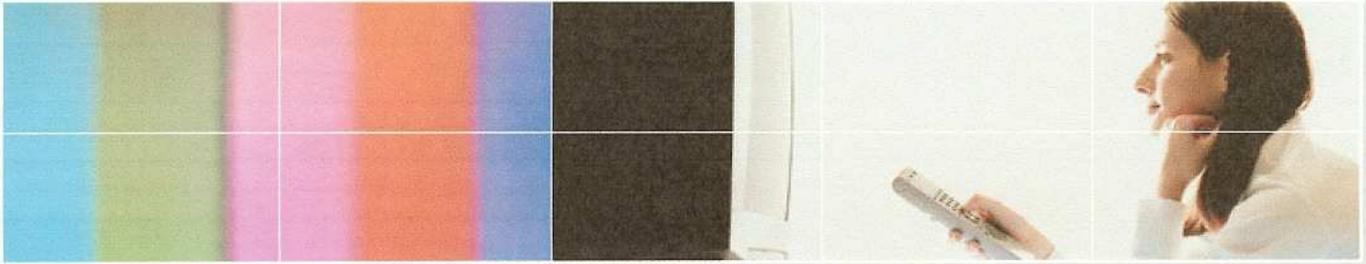


Advanced Search

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Collecting & Processing the Data

We collect viewing information for both national and local programs — not only what's being viewed (tuning data), but also the composition of the audience (demographic data).

Daily household minute-by-minute viewing and tuning data, from both the national and local metered samples, is stored in the in-home metering system until it is automatically retrieved by our computers each night. Once the data is relayed via phone lines to our operations center in Oldsmar, Florida, it is processed that same night for release to the television industry the next day.

Television networks, stations, and third-party data providers give us information on program lineups, telling us what aired on each channel. This essential reference data helps us turn the raw tuning and viewing data into meaningful numbers for reporting.

To comprehend the dimension of our task, let's look at the numbers. We collect information from approximately 25,000 metered households starting at about 3 a.m. each day, process approximately 10 million viewing minutes a day, and make more than 4,000 gigabytes of data available for customer access the next day. In addition, we collect and process data from 1.6 million handwritten paper diaries from households across the country during sweep periods.

When the meter data is transmitted from the home to Nielsen, it is in raw code form. We then run a series of tests to ensure the integrity of this data.

If a problem is discovered, the system will flag the data from that household, analyze the problem, and determine the best course of action for correcting it. The solution may be as simple as calling the household to gather some information. In other instances, we may schedule a Nielsen field representative to visit the household and either repair or replace metering equipment, or re-coach the family members on usage of our equipment.

Once the data has been validated, our systems combine the transmitted

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Behind the Scenes
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and internal reference data to convert it to ratings information.

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Sample size

From Wikipedia, the free encyclopedia

The **sample size** of a statistical sample is the number of observations that constitute it. It is typically denoted n , a positive integer (natural number).

Typically, all else being equal, a larger sample size leads to increased precision in estimates of various properties of the population. This can be seen in such statistical rules as the law of large numbers and the central limit theorem. Repeated measurements and replication of independent samples are often required in measurement and experiments to reach a desired precision.

A typical example would be when a statistician wishes to estimate the arithmetic mean of a continuous random variable (for example, the height of a person). Assuming that they have a random sample with independent observations, then if the variability of the population (as measured by the standard deviation σ) is known, then the standard error of the sample mean is given by the formula:

$$\sigma/\sqrt{n}.$$

It is easy to show that as n becomes very large, this variability becomes small. This yields to more sensitive hypothesis tests with greater statistical power and smaller confidence intervals.

Contents

- 1 Further examples
 - 1.1 Central limit theorem
 - 1.2 Estimating proportions
 - 1.3 Extension to other cases
- 2 Required sample sizes for hypothesis tests
- 3 Stratified sample size
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Further examples

Central limit theorem

The central limit theorem is a significant result which depends on sample size. It states that as the size of a sample of independent observations approaches infinity, provided data come from a distribution with finite variance, that the sampling distribution of the sample mean approaches a normal distribution.

Estimating proportions

A typical statistical aim is to demonstrate with 95% certainty that the true value of a parameter is within a distance B of the estimate: B is an error range that decreases with increasing sample size (n). The value of B generated is referred to as the 95% confidence interval.

For example, a simple situation is estimating a proportion in a population. To do so, a statistician will estimate the bounds of a 95% confidence interval for an unknown proportion.

The rule of thumb for (a maximum or 'conservative') B for a proportion derives from the fact the estimator of a proportion, $\hat{p} = X/n$, (where X is the number of 'positive' observations) has a (scaled) binomial distribution and is also a form of sample mean (from a Bernoulli distribution [0,1] which has a maximum variance of 0.25 for parameter $p = 0.5$). So, the sample mean X/n has maximum variance $0.25/n$. For sufficiently large n (usually this means that we need to have observed at least 10 positive and 10 negative responses), this distribution will be closely approximated by a normal distribution with the same mean and variance.

Using this approximation, it can be shown that ~95% of this distribution's probability lies within 2 standard deviations of the mean. Because of this, an interval of the form

$$(\hat{p} - 2\sqrt{0.25/n}, \hat{p} + 2\sqrt{0.25/n}) = (\hat{p} - B, \hat{p} + B)$$

will form a 95% confidence interval for the true proportion.

If we require the sampling error ε to be no larger than some bound B , we can solve the equation

$$\varepsilon \approx B = 2\sqrt{0.25/n} = 1/\sqrt{n}$$

to give us

$$1/\varepsilon^2 \approx 1/B^2 = n.$$

So, $n = 100 \Leftrightarrow B = 10\%$, $n = 400 \Leftrightarrow B = 5\%$, $n = 1000 \Leftrightarrow B = \sim 3\%$, and $n = 10000 \Leftrightarrow B = 1\%$. One sees these numbers quoted often in news reports of opinion polls and other sample surveys.

Extension to other cases

In general, if a population mean is estimated using the sample mean from n observations from a distribution with variance σ^2 , then if n is large enough (typically >30) the central limit theorem can be applied to obtain an approximate 95% confidence interval of the form

$$(\bar{x} - B, \bar{x} + B), B = 2\sigma/\sqrt{n}$$

If the sampling error ε is required to be no larger than bound B , as above, then

$$4\sigma^2/\varepsilon^2 \approx 4\sigma^2/B^2 = n$$

Note, if the mean is to be estimated using P parameters that must first be estimated themselves from the same sample, then to preserve sufficient "degrees of freedom," the sample size should be at least $n + P$.

Required sample sizes for hypothesis tests

A common problem facing statisticians is calculating the sample size required to yield a certain power for a test, given a predetermined Type I error rate α . A typical example for this is as follows:

Let $X_i, i = 1, 2, \dots, n$ be independent observations taken from a normal distribution with mean μ and variance σ^2 . Let us consider two hypotheses, a null hypothesis:

$$H_0: \mu = 0$$

and an alternative hypothesis:

$$H_a: \mu = \mu^*$$

for some 'smallest significant difference' $\mu^* > 0$. This is the smallest value for which we care about observing a difference. Now, if we wish to (1) reject H_0 with a probability of at least $1 - \beta$ when H_a is true (i.e. a power of $1 - \beta$), and (2) reject H_0 with probability α when H_0 is true, then we need the following:

If z_α is the upper α percentage point of the standard normal distribution, then

$$\Pr(\bar{x} > z_\alpha \sigma / \sqrt{n} | H_0 \text{ true}) = \alpha$$

and so

$$\text{'Reject } H_0 \text{ if our sample average } (\bar{x}) \text{ is more than } z_\alpha \sigma / \sqrt{n}$$

is a decision rule which satisfies (2). (Note, this is a 1-tailed test)

Now we wish for this to happen with a probability at least $1 - \beta$ when H_a is true. In this case, our sample average will come from a Normal distribution with mean μ^* . Therefore we require

$$\Pr(\bar{x} > z_\alpha \sigma / \sqrt{n} | H_a \text{ true}) \geq 1 - \beta$$

Through careful manipulation, this can be shown to happen when

$$n \geq \left(\frac{\Phi^{-1}(1 - \beta) + z_\alpha}{\mu / \sigma} \right)^2$$

where Φ is the normal cumulative distribution function.

Stratified sample size

With more complicated sampling techniques, such as Stratified sampling, the sample can often be split up into sub-samples. Typically, if there are k such sub-samples (from k different strata) then each of

them will have a sample size n_i , $i = 1, 2, \dots, k$. These n_i must conform to the rule that $n_1 + n_2 + \dots + n_k = n$ (i.e. that the total sample size is given by the sum of the sub-sample sizes). Selecting these n_i optimally can be done in various ways, using (for example) Neyman's optimal allocation.

According to Leslie Kish,^[1] there are many reasons to do this; that is to take sub-samples from distinct sub-populations or "strata" of the original population: to decrease variances of sample estimates, to use partly non-random methods, or to study strata individually. A useful, partly non-random method would be to sample individuals where easily accessible, but, where not, sample clusters to save travel costs.

In general, for H strata, a weighted sample mean is

$$\bar{x}_w = \sum_{h=1}^H W_h \bar{x}_h,$$

with

$$\text{Var}(\bar{x}_w) = \sum_{h=1}^H W_h^2 \text{Var}(\bar{x}_h).$$

The weights, $W(h)$, frequently, but not always, represent the proportions of the population elements in the strata, and $W(h) = N(h)/N$. For a fixed sample size, that is $n = \text{Sum}\{n(h)\}$,

$$\text{Var}(\bar{x}_w) = \sum_{h=1}^H W_h^2 \text{Var}(h) \left(\frac{1}{n_h} - \frac{1}{N_h} \right),$$

which can be made a minimum if the sampling rate within each stratum is made proportional to the standard deviation within each stratum: $n_h / N_h = kS_h$.

An "optimum allocation" is reached when the sampling rates within the strata are made directly proportional to the standard deviations within the strata and inversely proportional to the square roots of the costs per element within the strata:

$$\frac{n(h)}{N(h)} = \frac{KS(h)}{\sqrt{C(h)}},$$

or, more generally, when

$$n(h) = \frac{K'W(h)S(h)}{\sqrt{C(h)}}.$$

See also

- Design of experiments

- Replication (statistics)
- Sampling (statistics)
- Statistical power
- Stratified Sampling
- Engineering response surface example under Stepwise regression.

References

1. ^ Kish, L. (1965), Survey Sampling, New York: Wiley.

External links

- NIST: Selecting Sample Sizes
- Raven Analytics: Sample Size Calculations
- ASTM E122-07: Standard Practice for Calculating Sample Size to Estimate, With Specified Precision, the Average for a Characteristic of a Lot or Process

Retrieved from "http://en.wikipedia.org/wiki/Sample_size"

Categories: Sampling (statistics)

Hidden categories: Statistics articles linked to the portal | Statistics articles with navigational template

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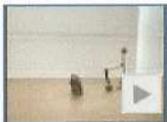
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From: "Brenda Lawrence" <brenda.lawrence@dominionenterprises.com>
Date: Tuesday, July 07, 2009 2:27 PM
To: <daltonme@hotmail.com>; <DealerDashboard@hotmail.com>
Cc: "Tim Custer" <custer@traderonline.com>
Subject: RE: Trademark Infringement
 To: Mr. Michael Dalton
 DealerDashboard.com
 670 Northland Blvd.
 PO Box 18137
 Cincinnati, Ohio 45218-0137

Dear Mr. Dalton,

We have investigated your claim of exclusive rights to the term Dealer Dashboard. We note that your trademark application has been subject to opposition proceedings under the Trademark Trial and Appeal Board for almost three years. However, any similarity between RVTraderOnline's use for a newsletter to your use of the term for a website was inadvertent. We will be changing the name of our newsletter with the August issue.

Brenda Lawrence
Dominion Enterprises
Intellectual Property Administrator
 150 Granby Street
 Norfolk, VA 23510
 Phone: 757-351-8058
 Fax: 757-257-0422



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Cease and Desist

From: DealerDashboard.com
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Legal Department:

We are the owners of the trademark / service mark DealerDashboard and currently operate a website DealerDashboard.com. We offer services, since 1999, to automotive

dealerships.

It has been brought to our attention that you are currently utilizing our trademark DealerDashboard to offer competing service to your dealer body. The use of our service mark can be found on your website:
http://www.dominionenterprises.com/main/newsID/30/do/news_detail

We respectfully ask that you immediately cease and desist the use of our brand and remove all reference to the terms DealerDashboard or similar market confusing variations from all materials and search engines.

Your cooperation in this matter is appreciated.

Regards,

Michael Dalton
PO Box 18137
Cincinnati, Ohio 45218-0137
(513) 557-2901 voice & fax
DALTONME@hotmail.com

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Dealer Dashboard

IF YOU CAN'T MEASURE IT, CAN'T MANAGE IT



Dealer Dashboard Key Performance Indicators (KPI's) provide the dealer and service manager with visibility to the crucial numbers that drive the performance of the service Department. You have the ability to set target goals for the average labor dollars per repair order, one line work order percentages and average hours per repair order and see the results by year, month, week or day. By comparing it to the prior year's results, you have visibility to improvements in your department and more importantly areas of concern.

By using our secure data extraction portal we provide daily updating on Labor sales, Repair order counts and total hours sold for all sales categories

The dealer Report allows you to graph the KPI's by pay type and reporting period to identify trends and areas of opportunity

Advisor and Technician Scorecards

- provide KPI information specific to the Advisor and Technician by pay type and specified time periods
- Graphic display of achieved labor hours per repair order to goal and to previous years



<http://www.goallinesolutions.com/glWeb/dashboard.aspx>

The Advisor Report

The advisor report compares performance based on:

- Total repair orders written
- Total number of Jobs
- Jobs per Repair Order
- Labor Hours sold



The Technician Report

The advisor report compares performance based on:

- Repair orders worked on
- Jobs per repair order

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performance.

- Allows for goal setting based on the number of repair orders for cross sell categories
- Displays sell through rate of cross sell opportunities and compares performance to set goals
- Provides year to date summary totals for all categories
- Printable copy for each staff member

- Labor hours per repair order
(billed hours per repair order)
- Total labor hours
- Tech hours per Repair Order
(paid hours per repair order)
- Dollars per repair order
- Total labor generated

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Overview and Strategic Advantage

GoalLine has over half a decade of progressive experience providing Integrated Communication Solutions. Founded in Burlington, Ontario, GoalLine Solutions has steadily grown into a strong and vibrant company providing solutions to help organizations manage their communications to customers.

GoalLine Solutions provides the software platform and the services for maintaining and executing business strategies. More importantly, we have developed an in-depth understanding of how to implement our services in an organization

Our success and competitive advantage are founded on three basic principles; providing tangible value to our customers, responding to our customer's changing needs and keeping things simple.

Value

At GoalLine Solutions, our approach in everything that we do is based on a simple notion – adding value. Understanding the value that a product or service provides ensures that GoalLine's solutions deliver what our customers need.

Responsive

Our growth and success is a direct result of being responsive to our customers and delivering to them solutions that work. It is our customers and their evolving needs that shape our products and services. The basis of our success is our ability to proactively anticipate those needs and address them before they become problems.

Keep It Simple

In any business, especially small and mid-sized businesses, simplicity is the key to ensuring that time is spent on the most important thing – running the business. People don't want to spend their time trying to figure out how a piece of software works, or how to integrate a complex strategy into their business. We understand this and have designed our solutions for business users.

TESTIMONIALS

“ GoalLine’s ability to measure and understand our business coupled with their leading edge integrated communications platform has demonstrated proven results for ICI Paints. Organizations looking to grow top line sales, retain customers, and increase bottom line profitability through cost effective communication vehicles should definitely consider GoalLine Solutions. ”

-CRM Manager, ICI Paints North America



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Subaru Australia Drives Dealer Productivity Via Plumtree-Powered Dashboard

SAN FRANCISCO -- Plumtree Portal Helps Workload Management for Dealers, Streamlines Communications and Provides Tools to Improve Customer Satisfaction

Plumtree Software (Nasdaq:PLUM) today announced that Subaru Australia has deployed a dashboard application built using the Plumtree Enterprise Web Suite to its network of 92 dealers across Australia. The dealer dashboard has streamlined communication between Subaru and its dealer network so that each dealer has direct access to the latest metrics such as inventory, order status and promotional details. As a result, dealers are able to target improved customer service, while effectively representing the Subaru brand.

"The dealer dashboard in the portal has been a huge win for Subaru Australia because it gives dealers a central point of reference for key metrics and trends that they couldn't see before," said Gary Watson, national sales manager at Subaru.

Dealers clamored to test the dashboard, which went live in May 2004 after six months of development, and have been highly satisfied with the results. "Dealers used to ring our business managers every day asking for access to simple metrics like how many cars have been in inventory over 60 days. They need this information because they're measured, and paid on it, but there was no easy way for them to access it themselves," Watson said. "Now that the dashboard is in place, those types of calls have been replaced by requests for even more dashboard functionality."

What's in Subaru's Dealer Dashboard?

Subaru manufactures and imports its cars from Japan, covering the Forester, Impreza, Liberty and Outback models, which total approximately 30,000 units of sales annually. Australia is the company's third-largest market in the world, after Japan and the U.S. The Australian operation performs marketing and distribution functions, maintains supplies of spare parts and also sustains relationships with dealers across Australia.

To support the activities of the local Subaru operation, Subaru deployed a dealer dashboard that offers dealers access to the following information, much of which is drawn from a less accessible AS/400 system:

--Sales: reports on vehicle sales figures;

--Orders: lists of current orders for parts and vehicles or other items, status of cars in the dealership and delivery dates, and full detail of each dealers supply chain, from order to delivery;

--Inventory: data on spare parts and new vehicles;

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- Marketing: promotional details including model specifications, feature comparisons and pricing guides;
- Services: details on services such as warranties;
- Branding: guidelines for promoting Subaru's brand;
- Calendar: calendar of sales appointments shared with Subaru employees; and
- Communications: Dealer bulletins and program information.

Previously, the company communicated with dealers in three separate lines of business: spare parts, services and sales. Each of these relationships was managed by different employees. By consolidating the three lines of business information targeted at dealers through one central dealer dashboard, information is presented in a way that allows dealers to "pull" access at any time convenient to them. This helps the dealers spend more time on planning and management, and reinforces the professionalism of the Subaru brand.

In addition to dealer satisfaction, customer satisfaction has also been targeted for improvement using the dealer dashboard. "Customers are anxious to know when their new car will arrive -- especially if they custom ordered it to meet their exact tastes," said Watson. "Using the dashboard in the portal gives the dealers better visibility into our production and delivery timelines, which makes for happy customers."

"Over 60% of Plumtree customers deploy dashboards in their portals to arm employees with critical business data for acting quickly and effectively," said Dean Stockwell, general manager, Asia Pacific at Plumtree Software. "Subaru's dealer dashboard is a great example of this and shows how quickly a dashboard can deliver value, with timelines measured in months, not years."

About Plumtree Software

Plumtree Software is a global pioneer in creating advanced software environments where information resources work together with human ingenuity. Well established as the portal thought leader, Plumtree enables a full, rich suite of applications that coordinate human-managed activities across systems, processes and business boundaries. With its flexible and open portal system, Plumtree delivers smart solutions throughout the enterprise and beyond. Progressive enterprises large and small, like Airbus, Mazda, Pratt & Whitney and the U.S. Navy depend on Plumtree to help them rapidly harness untapped potential in their organizations. For more information, visit www.plumtree.com.

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From: "Adriana Chiocchi" <Adriana.Chiocchi@plumtree.com>
Date: Wednesday, December 15, 2004 4:39 PM
To: <DealerDashboard@hotmail.com>
Subject: Dashboard Brand
To whom it may concern:

Plumtree have removed all references to your brand as requested. Regard, Adriana Chiocchi



Plumtree Software



From Wikipedia, the free encyclopedia

Plumtree Software is a former software company founded in 1996 by product managers and engineers from Oracle and Informix with funding from Sequoia Capital. The company was a pioneer of extending the portal concept popularized by Yahoo! from the web to enterprise computing. BEA Systems acquired Plumtree on October 20, 2005, and Oracle subsequently acquired BEA. Plumtree's former portal product continues as part of Oracle's product line.

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Product History

Directory, Portlets, Communities

Plumtree can be used to deploy both Java and .Net portlets on the same page. The Plumtree Corporate Portal, Plumtree's flagship product, began as a Yahoo!-like directory for indexing and organizing content from file systems, Web sites, document databases and groupware repositories, creating a rich knowledge management system for enterprise information. In 1999, the company introduced the idea of self-service personalization via portlets, originally termed "gadgets" by Plumtree, the modular services that users could assemble in their own portal pages. Portlets became prized for surfacing popular services from complex corporate systems to a broad audience. In 2000, Plumtree added features to support communities, which allowed users to build pages as workspaces for a team, resource centers for a business unit, service centers for customers or partners.

Radical Openness

As the range of resources integrated within Plumtree's system grew, the company was forced to re-imagine the architecture of a Web application, using Internet protocols to go beyond a model limited to one type of application server or one language.

Internet protocols offered a new level of openness: rather than arguing over which application server or language was more open, Plumtree's system could support many application servers, many languages. Plumtree called this level of openness "radical openness."

Plumtree's experience with portlets taught the company that running all portal services locally, on the same application server as the portal, was impractical: local portlets were limited to one language and one application server, but every large organization supported more than one language and one type of application server.

Moreover, when the portlets ran on the same machine as the portal, each portlet could introduce faults or conflicts in the entire system. Whenever a portlet failed, the portal could fail, and identifying the fault involved removing portlets from the portal one portlet at a time.

In 2000, Plumtree overhauled its portal to communicate with components via HTTP. As a result, components could run anywhere, and be coded in any language. When a component failed, the remainder of the system was unaffected, just as the World Wide Web is unaffected when a Web site fails. This allowed Plumtree to develop a reliable system that incorporated services from across the enterprise.

The Parallel Engine

Plumtree's HTTP-based architecture created serious performance challenges, as each portal page now depended on components running on other platforms. Previously, no other system had used Internet protocols to distribute one system's processing to many components. Application server libraries for opening HTTP connections were unacceptably slow, and unable to handle the number of connections that a large portal deployment would require.

In 2000, Plumtree created a new layer of software infrastructure known as the parallel engine, designed for high-speed, large-scale communications via Internet protocols. The result: in third-party tests, the portal maintained a high level of performance even as the number of services it integrated increased; increasing the number of services integrated by an order of magnitude decreased performance by only a tenth of a second.

UNIX Support

Plumtree's Web Services Architecture allowed portal services to be developed in any language, and hosted on any platform, but the portal itself ran only on Windows. As Plumtree's business matured, it became necessary to support more platforms.

In 2001, Plumtree released the first version of its portal software designed to run on UNIX operating systems, with a Java programming interface and a Java user interface. Because of its Web Services Architecture, all the services developed for the Windows portal could also connect via HTTP to the UNIX portal.

Plumtree's stated goal at the time was to become the only provider of Web technology with Microsoft- and Java-oriented solutions.

Web Services Standards

In 2002, Plumtree extended the Web Services Architecture of its Windows and UNIX products, to support remote components for indexing content from different repositories, federating searches to different search engines, authenticating users against different directories and profiling users' interests and preferences from different systems, all with the same level of radical openness to application servers and programming languages.

To ensure that these components could share information about the user and his portal context, the portal later featured its own Web services programming interface.

Developer Support

Having redesigned its system to rely on Web services for integrating content, search, users and user attributes, Plumtree in 2002 was one of the first vendors to recognize the practical difficulties of ensuring that Web services developed in different environments actually worked together.

In 2003, Plumtree released a developer kit that complemented Java and .NET development environments to ensure that both environments generated Web services interoperable with one another.

The kit, known as the EDK (Enterprise Development Kit) allowed Java and .NET developers alike to build a Web service as if the service were a native object, with Plumtree providing code to ensure the Web service could communicate with other Web services from other environments in an open, efficient way.

The Enterprise Web

In early 2001 Plumtree began to expand its product portfolio, creating an integrated set of technologies that Gartner later referred to as the “Smart Enterprise Suite.” In 2001, Plumtree acquired RipFire for search, Hablador for Web content management, ActiveSpace for Web forms and data publishing, and began developing its own collaboration engine. After a year of integration, Plumtree shipped these technologies as Plumtree Collaboration Server, Plumtree Content Server, Plumtree Search Server and Plumtree Studio Server, all using the portal’s security, administration and user interface capabilities.

On the strength of these products, Plumtree extended its charter, from a single portal product to what they called the Enterprise Web. Plumtree described the Enterprise Web as a set of technologies for managing all the informational sites and Web applications in the enterprise as elements of one environment rather than as separate entities. Unfortunately, much was slideware in the early days. Many customers were left with only minimally functional portals, due to the excessive reliance on downloading very large java applets to the client.

As an independent company, Plumtree was a prevailing leader in the portal market, according to Gartner Group and other industry analyst market measurements, through its acquisition by BEA Systems in October 2005. Its products are now marketed and sold by BEA as the AquaLogic User Interaction product line.

Competitors

Competitors include Vignette (Epicentric - Epicentric Foundation Server), IBM, Oracle (Oracle Portal Server), Microsoft Office SharePoint Server (MOSS) 2007 and others.

Post-acquisition

Plumtree's products are now marketed and sold by Oracle Corporation through its BEA subsidiary as part of BEA's AquaLogic Product family.

External links

- Plumtree website
- BEA's AquaLogic Product family

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Mazda's Dealer Analysis Dashboard Application Creates More Productivity

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Publisher's description

North American Mazda sales and customer service field managers are responsible for visiting each dealership in their territory at least four times a year to review performance and improve sales. Field managers spent at least three days collecting performance data from several mainframe reports, spreadsheets, and third party analyses to prepare for one dealership visit. Mazda field managers needed a more efficient way to prepare for meetings. Mazda deployed the BEA AquaLogic User Interaction to provide managers with easy access to the data they need for dealership reviews. Through this dealer analysis application, managers view performance on the national, regional, and local level.

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Trying to understand the logic behind
Microsoft's development decisions is a
bit like S&M: it's a painful activity
probably best left to others. But a rece
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regardless" dilemma.

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AquaLogic

From Wikipedia, the free encyclopedia



In computing, **AquaLogic** comprised a software suite developed by BEA Systems for managing service-oriented architecture (SOA). Following the acquisition of BEA by Oracle Corp, most of the software have been renamed and the term AquaLogic is not used in any new Oracle product. New names are indicated below. The Suite included the following products:

- **BEA AquaLogic BPM suite -now Oracle BPM-** offers a set of business process management (BPM) tools. It combines workflow and process technology with enterprise application integration functionality. The suite consists of tools aimed for line of business personnel for creating business process models (AquaLogic BPM Designer), as well as tools for IT personnel to create actual business process applications directly from said models (AquaLogic BPM Studio). The completed business process applications are deployed on a production server (AquaLogic BPM Enterprise Server), from which they integrate to backend applications and generate portal views for human interactions in the process. It also comes with a customizable tools for live business activity monitoring (BAM).
- **BEA AquaLogic User Interaction -now Oracle WebCenter Interaction-** is a set of tools used to create portals, collaborative communities, composite applications, and other applications that use service architecture. These technologies work cross-platform.
- **BEA AquaLogic Enterprise Repository -now Oracle Enterprise Repository-**, a vital element of effective Service-oriented architecture life-cycle governance, manages the metadata for any type of software asset, from business processes and Web Services to patterns, frameworks, applications, and components. It maps the relationships and interdependencies that connect these assets to improve impact analysis, promote and systematize software reuse, and measure the impact on the bottom line.
- **BEA AquaLogic Service Bus -now Oracle Service Bus-**, an enterprise service bus (ESB), has operational service-management. It allows the interaction between services, routing relationships, transformations, and policies.
- **BEA AquaLogic Service Registry -now Oracle Service Registry-** is a UDDI v3 registry with an embedded governance framework. It provides a repository where services can be registered and reused for developing or modifying applications.
- **BEA AquaLogic Data Services Platform -now Oracle Data Service Integrator-** (previously known as **Liquid Data**) provides tools for creating and managing different data services. It uses the XQuery language for data composition and transformation for a variety of data sources, including relational databases and web services.
- **BEA AquaLogic Enterprise Security -now Oracle Entitlement Server-** consists of a security-infrastructure application for distributed authentication, fine-grained entitlements and other security services. Features include allowing users to define access rules for applications without modifying the software itself, including JSP pages, EJBs and portlets.

External links

- [BEA AquaLogic](#)
- [BEA AquaLogic Datasheet \(PDF\)](#)

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Categories: [Business software](#) | [BEA Systems](#) | [Service-oriented architecture related products](#)

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Using Siebel Dealer Dashboards (Dealer)

Siebel Dealer provides dealer employees with dashboards that allow them to view the most important information that they need for their work on one screen. The following dashboards are available:

- **Sales Consultant Dashboard.** Includes actual and goal unit sales, today's activities, my calendar, current opportunities, and my promotions.
- **Sales Manager Dashboard.** Includes actual and goal unit sales for team, today's activities, my calendar, current opportunities, team's promotions, and team's calendar.
- **Service Employee Dashboard.** Includes today's activities, my calendar, my promotions, and current service requests.
- **Service Manager Dashboard.** Includes today's activities, my calendar, store promotions, and current service requests for team.
- **Store Dashboard.** Includes actual and goal unit sales for store, today's activities, my calendar, current opportunities, team's promotions, and team's calendar. To be used by the store general manager.

Some of the applets on the dashboards display daily data, and some display monthly data. In addition, the calendar can display data for the day, week, or month.

- **Daily data.** The following applets display data for the current day:
 - **Today's Activities.** Displays all of the employee's activities for the current day. The first column lists activities that have a due date of today and are not done. The second column lists activities that have a due date of before today and are not done; it continues to display past-due activities for the number of days defined in Dealer Preference view, as described in [Entering Dealer Preferences \(Dealer\)](#).
NOTE: The Today's Activities only displays certain types of activities, as described in [Changing Types of Activities Displayed in the Dealer Dashboard](#).
 - **Current Opportunities.** Displays all current opportunities for this consultant where there is no activity or there has been activity in the last 15 days. This is based on the value in the Last Activity Date in the Opportunity view of the Contacts screen. Whenever you make any change to an opportunity, this field is updated.
 - **My Promotions, Team's Promotions, or Store Promotions.** Displays all promotions that are active on the current day. Promotions are displayed if their campaign is not completed, and the creation date is within 30 days of today's date, and today is between the start date and end date of the campaign.
 - **Team's Calendar (Today).** Available to sales managers and store manager only. Gives the managers a view of the calendars of all their reports for the current day. The manager can also click the left arrow or right arrow to view their reports' calendars for previous or later days.
- **Monthly data.** The following applet displays data for the current month:

H-001364

http://download.oracle.com/docs/cd/B31104_02/books/AutoDirSIS/AutoDirSISSales2.html



5/3/2008

- **Unit Sales.** Displays the actual sales and sales goals for the current month for fleet, new retail and used retail sales. On the sales consultant dashboard, it displays the actual sales and sales goals for that individual sales consultant. On the sales manager dashboard, it displays the actual sales and sales goals for the manager's team. All these sales goals are based on the monthly forecast, described in [Process of Creating the Monthly Forecast \(Dealer\)](#). Actual data is based on the Service History view.
- **Calendar.** Provides a complete calendar for creating and tracking appointments and other activities. Employees can display and use a daily, weekly, or monthly calendar.

To use Dealer dashboards

1. Navigate to the Dashboard screen.
2. From the Show drop-down list, select:
 - Sales Consultant Dashboard
 - Sales Manager Dashboard
 - Service Employee Dashboard
 - Service Manager Dashboard
 - Store Dashboard

NOTE: Employees can only select the view that is appropriate to them. For example, a sales consultant does not have the sales manager view available.

The dashboards display the most important information needed by these employees, in summary form.

3. Sales managers can refresh the data in the dashboard by clicking Refresh. Sales consultants' data is refreshed periodically, based on the refresh interval set in Dealer Preference view, as described in [Entering Dealer Preferences \(Dealer\)](#).
The Update field in the Unit Sales and Activities applets shows the last time that the data was refreshed.
4. To view more complete information, click the heading above any of the applets in the dashboard.
The appropriate screen appears, with more complete information.



Siebel Dealer Administration Guide



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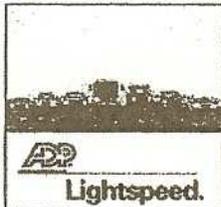
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Lightspeed.

ADP LIGHTSPEED: The Leader Across All Markets

ADP Lightspeed is no stranger to the automotive, heavy truck and powersports markets, where its software programs rank No. 1 in all three industries and have reigned there for years.

Now, backed by the powerful Automatic Data Processing Company, the LightspeedMarine dealer management system is quickly growing toward becoming the No. 1 provider in the marine industry, as well.

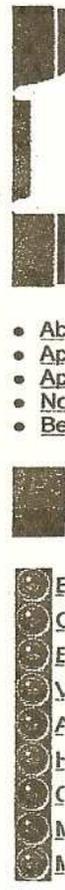
LightspeedMarine features five integrated modules to help you manage every element of your dealership more effectively and profitably.

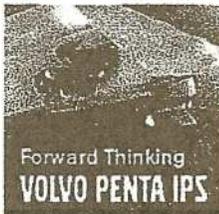
With LightspeedMarine on deck, you'll be able to steer your business with more precision than ever before. The integrated modules include Comprehensive Sales and F&I Tools, Real-Time Accounting Functions, Complete Service Cycle Tracking, Automated Parts and Inventory Management and Unit Rental Management.

The Sales and F&I module enables dealers to track the entire process, without the hassle of manually calculating rates, terms and percentages. It will track the true cost of each item, including unit setup and installed options, protect sales margins and instantly calculate deal profitability.

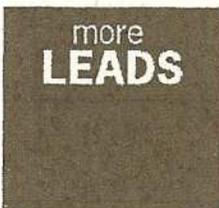
In addition ADP Lightspeed provides a New Dealer Dashboard that will allow a user to customize their view of performance factors and track what is important to them and their department. For instance sales managers can pick out the specific performance indicators viewed as critical in managing their people and departments and easily view them at any time. The charts and graphs are real time and reflect actual transactions as they happen. The Dashboard makes it easy to know what is happening in the dealership right now, when it's most important.

Additionally, a full-functioning F&I module gives the dealership the ability to create graphically enhanced financing packages that are very customizable and can accommodate four different F&I packages which can be edited to the customer's needs with a simple drag and drop capability. ADP also offers menu selling, which is a great tool for showing customers their finance options in a





What do 84%
of the
Top 100 Dealers
have in common?



Don't be a
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clear and easy to understand view, saving time and getting on with the closing. ADP's F&I module is the easiest tool to get prospects from kicking tires to desking a deal and out the door. The F&I module will clearly show customers the value of a prepaid maintenance program, instantly calculate payments, predetermined by finance and insurance vendors, and print customized sales contracts instantly.

The Real-Time Accounting Functions module makes it a breeze to instantly flow daily transactions into the general accounting ledger, eliminating the time-consuming end-of-the-day journal postings. Since parent company ADP is the largest payroll provider in the world, LightspeedMarine also can offer a very adaptable solution for any payroll and human resource needs a dealership might have.

With these capabilities, a dealer can manage transaction data on sales, parts and service departments, organize each department as its own profit center, automatically track assets and liabilities, analyze departmental and overall dealership performance and track accounts payables and receivables as well as handle payroll.

For instance, take Scott Bailey, the controller of Taylor's Boats in Draper, Utah, a *Boating Industry* Top 100 Dealer, who will readily discuss his two years of experience with the LightspeedMarine program.

"It'll be two years next month (May)," explained Bailey. "It is the most user-friendly system I've ever worked with and it tracks everything. It's just phenomenal. We were part of LightspeedMarine's Beta test program with the software and we've seldom had a problem with it. And if we do, (ADP) Lightspeed can solve it either with one phone call or dial directly into our system and fix any problem or hitch immediately. Not only that, but (ADP) Lightspeed is continually seeking our suggestions, comments or how we think the program could become more beneficial to us. But, basically, we have everything we need and if there are any updates to it, they do it immediately.

"As the controller here at Taylor's Boats, I spend virtually all day on the system and after being on it for a couple of years now, in my opinion, it's a flat-out 10 on a scale of 1 to 10. Not only that, but it's also about 30-percent cheaper than other programs that are available out there. But LightspeedMarine's just a better program than you'll find anywhere in our business."

Additionally, LightspeedMarine offers the Complete Service Cycle Tracking module, which creates accurate repair orders, service history on any unit and also tracks technician efficiency on every job. Service jobs and appointments can now be easily tracked with our New Service Scheduling application. With its completely automated service department, a dealer can measure productivity, create accurate repair orders, track warranty claims and, most important, enhance customer service.

The Automated Parts and Inventory Management module can manage every point-of-sale transaction while continually tracking all parts and customer purchases. With an automated parts department, a dealer can more easily boost inventory profits, expedite service and track customer and unit data on an on-going basis.

LightspeedMarine's Unit Rental Management system allows a dealer to quickly view availability of rental units such as boats, personal watercraft and trailers; manage reservations and occupancy; use a graphical view of one's slips and/or storage areas to manage space rentals; track customer and unit information; customize and print contracts and choose from a wide variety of standard and custom reports to track waiting lists, customer deposits, billings, finance charges

and more.

ADP Lightspeed, perhaps because it listens to its client dealers on a regular basis and is aggressively geared toward growth of its marketshare, updates its systems three or four times per year to better accommodate the dealers' changing needs.

For more information about ADP Lightspeed and its offerings, call 800/521-0309 (toll free) or 801/521-0300. Additional information is also available on the Web at www.adplightspeed.com.



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DealerDashboard

From: "Shiflett, Adam" <Adam_Shiflett@adp.com>
Date: Tuesday, May 06, 2008 3:59 PM
To: <MELSONW@hotmail.com>
Subject: Dealer Dashboard

Mr. Dalton,

We are not using that name for our service any longer. This article was published with the wrong name on the page. We are having them change the name now on the service and will not use "Dealer Dashboard" in any of our marketing. We apologize for the confusion. Please contact me if you have any further questions. Sorry I have been in and out of the office, but would be more than willing to set up a time to talk if we necessary.

Adam Shiflett

ADP | Lightspeed
Marketing Manager
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> We are the owners of the trademark / service mark
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> DealerDashboard.com. We offer services, since 1999, to
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>
>
>
> Your cooperation in this matter is appreciated.

> Regards,

>
> Michael Dalton
> PO Box 18137
> Cincinnati, Ohio 45218-0137
> (513) 557-2901 voice & fax
> DALTONME@hotmail.com

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ADP Dealer Services Acquires PFW Systems

HOFFMAN ESTATES, IL. — On June 24, 2009, ADP Dealer Services acquired PFW Systems Corporation, based in London, Ontario, Canada. PFW Systems Corporation is a leading provider of management software for heavy equipment dealers throughout North America. For over two years ADP and PFW were engaged in an alliance to deliver PFW's industry-leading Dealer Management System via an ASP (Application Service Provider) Managed Services model. Incorporated in 1981, PFW customers include agricultural and construction equipment distributors.

The PFW acquisition follows ADP's long-term strategy to expand its scope into adjacent segments that align closely with our core automotive business. Similar segments that ADP has expanded into in the past have been Powersports/ Marine / RV and heavy truck segments.

"We are excited to be adding PFW to ADP Dealer Services. PFW is uniquely positioned to deliver cutting edge solutions to the heavy equipment dealer market and this acquisition will deliver long-term benefits for ADP," said Linda Judd, Vice President and General Manager of ADP Dealer Services' Specialty DMS Group. "We understand the importance of market knowledge and practices and PFW brings ADP a major advantage in ensuring success in this market segment."

"PFW has been very successful in developing, marketing, installing and supporting its IntelliDealer dealership management system. Leveraging ADP's organizational and financial strength means that we can take the next step to meet the demanding requirements of a fast changing and competitive market," stated Robert Morton, President of PFW Systems.

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Automatic Data Processing, Inc. (NASDAQ: ADP), with nearly \$9 billion in revenues and over 585,000 clients, is one of the world's largest providers of business outsourcing solutions. Leveraging 60 years of experience, ADP offers the widest range of HR, payroll, tax and benefits administration solutions from a single source. ADP's easy-to-use solutions for employers provide superior value to organizations of all types and sizes. ADP is also a leading provider of integrated computing solutions to auto, truck, motorcycle, marine and recreational vehicle dealers throughout the world.

Media Contact:

Andy Tippet
 ADP Dealer Services
 847.485.4393
andrew_tippet@adp.com

> Click [here](#) to learn more about ADP Dealer Services.



EXHIBIT
68



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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	79048558		SPAMROBIN	TARR	LIVE
2	79011740		SPAMFINDER	TARR	DEAD
3	78878852	3391906	WE DON'T SPAM CERTIFIED BY TRUST E	TARR	LIVE
4	78836989	3510040		TARR	LIVE
5	78691364	3405338	SPAMFIGHTER	TARR	LIVE
6	78691344	3398423	SPAMFIGHTER	TARR	LIVE
7	78834723	3394900	IRONPORT ANTI-SPAM	TARR	LIVE
8	78944602	3393442	SPLERT	TARR	LIVE
9	78587837	3391776	X-SPAM	TARR	LIVE
10	78939591		SPAMAWARE	TARR	DEAD
11	78849067		SHOOSPAW	TARR	DEAD
12	78746618		SPAMPHIBIAN	TARR	DEAD
13	78731516		SPAMSTOP	TARR	DEAD
14	78685062		SPAMP	TARR	DEAD
15	78680442		SPAM PROTECTED	TARR	DEAD
16	78658092		SPAMCOMBAT	TARR	DEAD
17	78621609		SPAMEXTINQUISHER	TARR	DEAD
18	78613779		L4 ANTI-SPAM	TARR	DEAD
19	78613770		LAYER 4 ANTI-SPAM	TARR	DEAD
20	78613760		IRONPORT L4 ANTI-SPAM	TARR	DEAD
21	78613747		IRONPORT LAYER 4 ANTI-SPAM	TARR	DEAD
22	78607444		SPAMBLOCKS	TARR	DEAD
23	78553062		SP@MX, SPAMX, SPAMX	TARR	DEAD
24	78551947		FORTISPAMSHIELD SERVICE	TARR	DEAD

25	78527235		SPAMFRY	TARR	DEAD
26	78514846		SPAMFREE	TARR	DEAD
27	78501515		SPAMSAFE	TARR	DEAD
28	78095338	3641151	SPAM ARREST	TARR	LIVE
29	78095300	2701493	SPAM ARREST	TARR	LIVE
30	78412800	3568580	SPAM POLICE	TARR	LIVE
31	78293083		POSTINI ANTI-SPAM ENGINE (PASE)	TARR	DEAD
32	78442643	3418208	SPAMFU	TARR	LIVE
33	78375968	3405279	DSPAM	TARR	LIVE
34	78351787	3401685	SPAM ZAPPER	TARR	LIVE
35	78411511	3398368	SPAM CUBE	TARR	LIVE
36	78427410	3394797	SPAMINATOR	TARR	LIVE
37	78482318		SPAMHIPPO	TARR	DEAD
38	78416497		SPAMSENTINEL	TARR	DEAD
39	78407663		SPAM KING	TARR	DEAD
40	78398909	3269071	SPAMOSS	TARR	LIVE
41	78396221		SPAMBEAR	TARR	DEAD
42	78378464		ETRUST EZ ANTI-SPAM	TARR	DEAD
43	78372921		SPAMSHREDDER	TARR	DEAD
44	78372918		SPAM SHREDDER	TARR	DEAD
45	78368177		PAYSPAM	TARR	DEAD
46	78368174		SPAMPAL	TARR	DEAD
47	78368172		SPAMPAY	TARR	DEAD
48	78366679		SPAMGUARD	TARR	DEAD
49	78362709		WHAM! BAM! NO MORE SPAM!	TARR	DEAD
50	78362646		SPAM EXTRACT	TARR	DEAD

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51	78358894		SPAM SAFE	TARR	DEAD
52	78349551		SPAM MARSHALL	TARR	DEAD
53	78347112		NATIONAL DO NOT SPAM REGISTRY	TARR	DEAD
54	78323972		NO SPAM TODAY!	TARR	DEAD
55	78315899		SPAMEATER	TARR	DEAD
56	78306454		SPAM NONE	TARR	DEAD
57	78292045		SPAM AWARE	TARR	DEAD
58	78290920		SPAM ERASER	TARR	DEAD
59	78285613		SPAM FILTER.COM	TARR	DEAD
60	78285608		SPAM XPLODER	TARR	DEAD
61	78276337		ACTIVESTATE FIELD GUIDE TO SPAM	TARR	DEAD
62	78259936		MAKING SPAM HISTORY	TARR	DEAD
63	78259922		MAKING SPAM HISTORY	TARR	DEAD
64	78253601		SPAM CALCULATOR	TARR	DEAD
65	78251751		BLOCK ALL SPAM	TARR	DEAD
66	78248113		SPAM STOMPER	TARR	DEAD
67	78246980		SPAM LION	TARR	DEAD
68	78243175		SPAM TAG	TARR	DEAD
69	78235144		SPAM REACTION	TARR	DEAD
70	78234945		SPAM CHECKPOINT	TARR	DEAD
71	78228929		SPAM SMACKER	TARR	DEAD
72	78228460		SPAM SLADE & DR. WATCHEM PROTECTING YOU FROM INTERNET EVIL	TARR	DEAD

73	78224709		SPAMNOT	TARR	DEAD
74	78207030		SPAMSLAYER	TARR	DEAD
75	78184381		SPAMFREE	TARR	DEAD
76	78158162		SURFCONTROL ANTI-SPAM AGENT	TARR	DEAD
77	78157972		SPAMJAM	TARR	DEAD
78	78150564		SPAM TRAPPER	TARR	DEAD
79	78132582		SPAM SUBTRACT	TARR	DEAD
80	78132566		SPAM ASSASSIN	TARR	DEAD
81	78132563		YOU'VE GOT SPAM	TARR	DEAD
82	78132264		GOT SPAM?	TARR	DEAD
83	78131023		SPAM JAMMER	TARR	DEAD
84	78126693		SPAMFIREWALL	TARR	DEAD
85	77559215		SPAMSMART	TARR	LIVE
86	77476739		ZEROSPAM	TARR	LIVE
87	77580221	3615613	DANHATESSPAM.COM	TARR	LIVE
88	77754715		SPAMLAB	TARR	LIVE
89	77362901		SPAM RX	TARR	DEAD
90	77723438		SPAM GOBLIN SPAM FLITERING	TARR	LIVE
91	77083207		KICK YOUR SPAM HABIT TODAY	TARR	LIVE
92	77083200		KICK YOUR SPAM HABIT TODAY	TARR	LIVE
93	77073002		SPAM FILTERS DON'T WORK	TARR	LIVE
94	77073000		SPAM FILTERS DON'T WORK	TARR	LIVE
95	77327771		ANTI SPAM MADE EASY	TARR	DEAD
96	77514286	3567647	MANAGEMYSAM	TARR	LIVE
97	77063918		SPAM FREE WORLD	TARR	DEAD
98	77247590	3417517	SPAMBLAZER	TARR	LIVE
99	77021675	3393931	MY SPAM GONE	TARR	LIVE
100	77042568	3387510	SPAMOUT	TARR	LIVE

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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
101	77265738		SPAMFREEZER TECHNOLOGY	TARR	DEAD
102	77264485		SPAMFREEZER	TARR	DEAD
103	77060973		PHONE SPAM STOPPER	TARR	DEAD
104	77033866		SPAM TERRIER	TARR	DEAD
105	76562611		SPAM GENE	TARR	LIVE
106	76562609		SPAM DNA	TARR	LIVE
107	76567883	3576581	SPAMAZING	TARR	LIVE
108	76617877		SPAM-EYES	TARR	LIVE
109	76617878		SPAM EYES	TARR	LIVE
110	76334965	2639240	SPAM	TARR	LIVE
111	76676494		HANDLING MERCHANT ACCOUNTS INSURANCE LIST BUILDING ACTIVITIES SALESLETTERS OPT-IN PPC ADS AFFILIATE RECRUITMENT RETURNS PROCESSING ACCOUNTS PAYABLE PAYROLL LIST MANAGEMENT EMAILS BANNER ADS NAME-CAPTURES TESTIMONIAL ACQUISITION ACCOUNTS RECEIVABLE BUDGETS PAYING AFFILIATES DELIVERABILITY COPYWRITING ORDERPAGES TAXES VENDOR SOURCING FINANCE SEGMENTING SALES TESTING FREE OFFERS FULFILLMENT TRACKING COMPUTER MAINTENANCE SERVER MAINTENANCE TECHNICAL LIST CLIENT RELATIONSHIPS CUSTOMER SERVICE SITE MAINTENANCE WHITE LISTING CONTENT YOU LEGAL COMPLIANCE FTC TERMS OF SERVICE SOFTWARE DEVELOPMENT BLOG ENTRIES EZINE SYSTEMS TRAFFIC VIRAL PROGRAMS SPAM BANNER ADVERTISING PRODUCTS GRAPHICS ECOURSES PPC SEO EBOOKS SOFTWARE FREE REPORTS MARKET ANALYSIS BUSINESS BUILDING LINK BUILDING LINK BUYING JV AFFILIATE RECRUITMENT PHYSICAL BOOKS AUDIO VIDEO BONUSES	TARR	DEAD

			SURVEYS UPSSELLS PRODUCT LICENSING AFFILIATE MARKETING BUYING EXISTING EXPIRED DOMAINS ARTICLES CONTENT PAGES SOFTWARE DEVELOPMENT REQUESTS BUMPS BACKENDS INTERNAL SYSTEMS NICHE DETECTIVE KEYWORDS RESEARCH ASK DATABASE ACTIVITIES ACQUISITION OF RELATED WEB BUSINESS SCANNING OF PROGRAMS SEPARATE SITES RSS FEEDS BLOGS WWW.STRATEGICPROFITS.COM		
112	76189011	2561571	SPAM JAM	TARR	LIVE
113	76646052		SPAMTRAP	TARR	DEAD
114	76586902	3022539	SPAM	TARR	LIVE
115	76575862		SPAM TERMINATE	TARR	DEAD
116	76555232		SPAM-O-MATIC	TARR	DEAD
117	76554202		REVENGE ANTI-SPAM	TARR	DEAD
118	76549203		SPAMEXTERMINATOR	TARR	DEAD
119	76549097		SPAMXTERMINATOR	TARR	DEAD
120	76547186		SPAM SWATTER	TARR	DEAD
121	76547165		KILL SPAM DEAD	TARR	DEAD
122	76545373		SPAMTRAQ	TARR	DEAD
123	76545372		SPAMTRAQ	TARR	DEAD
124	76534547		SPAMSMART	TARR	DEAD
125	76525264		SPAM FAX	TARR	DEAD
126	76513756		SPAMFROG	TARR	DEAD
127	76487786		CABLE ONE SPAM PATROL	TARR	DEAD
128	76471235		CP SPAMSHIELD	TARR	DEAD
129	76457236		SPAMAWAY	TARR	DEAD
130	76452922		SPAM TERMINATOR	TARR	DEAD
131	76435689		SPAM SINGLES	TARR	DEAD
132	76416684		IHATESPAM	TARR	DEAD
133	76414318		SPAM WASHER	TARR	DEAD
134	76410067		SPAMZAP	TARR	DEAD
135	76410066		SPAMZAPPER	TARR	DEAD
136	76145373		HUSHTHESPAM	TARR	DEAD
137	76145160		HUSHSPAM	TARR	DEAD
138	75950568		SPAMDUNK	TARR	DEAD
139	75915365		SPAMLESS	TARR	DEAD
140	75892556		SPAMGUARD	TARR	DEAD
141	75816211	2452248	SPAMSCREEN	TARR	DEAD
142	75811091		SPAMGATE	TARR	DEAD
143	75780180		SPAMTRACKER	TARR	DEAD
144	75766344		V-LINE V-RIOTY PACK VEENIES VURGERS VEEF VIRLOIN VIPS VICKEN VINGS VICKEN VUGGETS VICKEN VATTIES VUNA VISH VISH VILLETS VAM VACON VORK VAUSAGE VINKS VALONEY VURKEY VOBSTER VAILS VIMP	TARR	DEAD
145	75705916		SPAMSWEEPER	TARR	DEAD
146	75605324		SPAMBUSTER	TARR	DEAD
147	75556121		SPAM SENTRY	TARR	DEAD

148	75356144	2373313	SPAM	TARR	LIVE
149	75303566	2213532	THIS IS NO SPAM!	TARR	DEAD
150	75125940	2057484	SPAM	TARR	LIVE

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151	74705901	1985602	SPAM	TARR	LIVE
152	74694898		SPAM	TARR	DEAD
153	74198743	1716102	SPAM	TARR	LIVE
154	74162426		SPAMM	TARR	DEAD
155	73690473	1505620	SPAM	TARR	LIVE
156	73697124	1498745	SPAM	TARR	LIVE
157	73827502	1616511	PAIRSPAN	TARR	DEAD
158	73731394	1526989	SPAM	TARR	DEAD
159	73562996	1415969	SPAM	TARR	LIVE
160	73486667	1338031	SPAM	TARR	LIVE
161	72158538	0755187	SPAM	TARR	LIVE
162	71529387	0529294	SPAM	TARR	DEAD

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Typed Drawing

Word Mark	SPAM ARREST
Goods and Services	IC 042. US 100 101. G & S: online computer services, namely, providing monitoring and filtering services that eliminate unsolicited electronic mail messages. FIRST USE: 20020824. FIRST USE IN COMMERCE: 20020824
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78095338
Filing Date	November 27, 2001
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	May 7, 2002
Registration Number	3641151
Registration Date	June 16, 2009
Owner	(REGISTRANT) SPAM ARREST LLC LIMITED LIABILITY COMPANY WASHINGTON PMB 273 7683 SE 27th St Mercer Island WASHINGTON 98040
Attorney of Record	Derek A. Newman
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SPAM" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	SPAM
Goods and Services	IC 008. US 023. G & S: KITCHEN HAND TOOLS, NAMELY SLICERS. FIRST USE: 19870906. FIRST USE IN COMMERCE: 19870906
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73690473
Filing Date	November 6, 1987
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 5, 1988
Registration Number	1505620
Registration Date	September 27, 1988
Owner	(REGISTRANT) GEO. A. HORMEL & COMPANY DBA HORMEL FOODS CORPORATION CORPORATION DELAWARE 501 - 16TH AVENUE AUSTIN MINNESOTA 55912
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Sarah L. Nelsen
Prior Registrations	0529294;0755187;1338031;1415969;AND OTHERS
Type of Mark Register	TRADEMARK PRINCIPAL
Affidavit Text Renewal	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080921. 1ST RENEWAL 20080921

**Live/Dead
Indicator**

LIVE

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Typed Drawing

Word Mark SPAM
Goods and Services IC 029. US 046. G & S: Deviled Luncheon Meat Spread. FIRST USE: 19620727. FIRST USE IN COMMERCE: 19620727
Mark Drawing Code (1) TYPED DRAWING
Serial Number 72158538
Filing Date December 5, 1962
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 0755187
Registration Date August 20, 1963
Owner (REGISTRANT) GEO. A. HORMEL & COMPANY CORPORATION DELAWARE BROWNSDALE AVE. AUSTIN MINNESOTA
 (LAST LISTED OWNER) HORMEL FOODS, LLC LTD LIAB CO MINNESOTA 1 HORMEL PLACE AUSTIN MINNESOTA 55912
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record MELANIE J GILBERT
Prior Registrations 0529294
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20031124.
Renewal 2ND RENEWAL 20031124
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark AUTOWEB

Goods and Services IC 035. US 100 101 102. G & S: Providing automotive information via a global computer network relating to vehicles for sale, valuation of vehicles, availability of vehicle parts and accessories, dealers, manufacturers, automotive services and service providers, as well as trade information about general industry news; advertising and business services, namely, the dissemination of advertising for others via an on-line electronic communications network to shop for and locate automobile vehicles. FIRST USE: 19950410. FIRST USE IN COMMERCE: 19950410

IC 036. US 100 101 102. G & S: Financial consultation and insurance consultation services provided over a global computer network, and providing automotive information via a global computer network, relating to financing for parts, services and vehicles. FIRST USE: 19950410. FIRST USE IN COMMERCE: 19950410

IC 042. US 100 101. G & S: Computer services, namely, providing search engines for obtaining data on a global computer network; computer software design for others; computer consultation; maintenance of computer software; updating of computer software and computer services, namely, creating, maintaining and hosting web sites for a global computer network for the purpose of advertising automobile vehicles for sale. FIRST USE: 19950410. FIRST USE IN COMMERCE: 19950410

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75839159

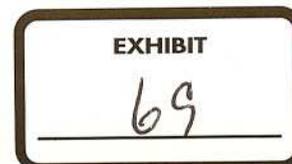
Filing Date November 2, 1999

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 24, 2000

Registration



Number 2421108
Registration Date January 16, 2001
Owner (REGISTRANT) Autoweb.com, Inc. CORPORATION DELAWARE c/o Autobyte Inc. 18872 MacArthur Blvd. IRVINE CALIFORNIA 926121400
Attorney of Record MARTIN R. GREENSTEIN
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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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 in the Official Gazette of May 30, 2006 at TM 674
Mark: DEALERDASHBOARD

-----x
Honda Motor Co., Ltd.,

Opposition No.

Opposer,

v.

Michael Dalton,

Applicant.

-----x
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Opposer, Honda Motor Co., Ltd. ("Honda"), believes that it will be damaged by the registration of the trademark DEALERDASHBOARD as shown in the above-referenced trademark application and hereby opposes the same. As grounds for opposition, Honda alleges that:

1. Applicant, Michael Dalton ("Applicant") has filed an application for registration of the mark DEALERDASHBOARD in International Class 35 for goods and services described as "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.”

2. This application was published for opposition on May 30, 2006, and Opposer has timely filed for, and the Trademark Trial and Appeal Board has granted, an extension of time to file an opposition until September 27, 2006.

3. Opposer, Honda Motor Co., Ltd. (“Honda”), is a corporation organized under the laws of Japan, located and doing business at 1-1, 2-Chome, Minami-Aoyama, Minato-Ku, Tokyo 107-8556 JAPAN. Honda, itself and through its subsidiaries, affiliates and related companies, manufactures, markets and sells, among other products, automobiles, motorcycles, motor scooters and all-terrain vehicles throughout the world.

4. Honda uses and/or has used the terms DEALER DASHBOARD and DASHBOARD on its internal company network, access to which is available only to authorized Honda automotive dealers.

5. “Dashboard” is a common term of art in the Internet industry, denoting a user interface for organizing and displaying key information. Honda uses and/or has used the terms DEALER DASHBOARD and DASHBOARD to describe a tool that presents information to its authorized dealers about their sales, service and parts departments.

6. Applicant’s DEALERDASHBOARD mark, if used in connection with “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” would be generic, or, at most, descriptive of such services.

7. If Applicant obtains the registration herein opposed, he would obtain a prima facie exclusive right to use of the DEALERDASHBOARD mark. Such registration would be a source of damage and injury to Opposer (and others) who currently use, or will use, the descriptive designations “Dealer Dashboard” or “Dashboard” to describe their own products, since it may subject them to an infringement suit.

8. Registration should, therefore, be refused pursuant to Section 2(e)(1) of the Trademark Act of 1946, as amended, 15 U.S.C. § 1052(e)(1), on the grounds that Applicant’s DEALERDASHBOARD mark is a generic term, or, at best, a merely descriptive term.

9. On information and belief, Applicant has also failed to use the mark DEALERDASHBOARD on all of the goods or services for which he seeks registration. Specifically, on information and belief, Applicant is not using the mark DEALERDASHBOARD in connection with “providing automotive dealerships managerial information concerning their Sales, Service, and Parts departments key financial indicators of how their dealership is performing via the Internet” as he has claimed in his application. Because Applicant’s identification of goods and services for registration contains false statements, Registration should be refused.

WHEREFORE, Honda respectfully requests that the Board sustain this opposition and deny the application for registration of the DEALERDASHBOARD mark.

The Commissioner is hereby authorized to charge the filing fee for this Notice of Opposition and any additional fees to our Deposit Account No. 08-0219.

Opposer appoints as its attorneys in this proceeding Mark G. Matuschak of the firm Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109, Dyan Finguerra-DuCharme of the firm Wilmer Cutler Pickering Hale and Dorr LLP, 399 Park Avenue, New York, New York 10022, and Cora Tung Han of the firm Wilmer Cutler Pickering Hale and Dorr LLP, 1875 Pennsylvania Ave., NW, Washington, DC 20006, to whom all correspondence in this proceeding should be addressed.

Respectfully submitted,

/s/ Mark G. Matuschak

By: _____

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Boston, MA 02109
(617) 526-6000

Attorneys for Opposer Honda Motor Co., Ltd.

Dated: September 27, 2006