TTAB

91176816

May 22, 2007

Ms. Ann Linnehan
Interlocutory Attorney
Trademark Trial and Appeal Board
PO Box 1457
Alexandria, VA 22313-1451

Serial No. 78/719947 – DON'T KEEP ME A SECRET

Dear Ms. Linnehan:

I am in receipt of the Notice of Opposition (ESTTA No. 136005) filed by Mark Partridge on behalf of William Cates. I do not agree with Mr. Cates assertions based on the following facts:

1. I have used the phrase "Don't keep me a secret™" to end my speeches and presentations world-wide since prior to 1998 – long before I ever heard of, or met, Bill Cates.

2. Mr. Cates only recently added the mugs and T-shirts to his website to show his use of the phrase. On April 22, 2005 he did not have the items on his website nor did he use the phrase once during his day long presentation which I attended. It seems to me that the mugs showed up on the website after my filing date.

3. I purchased DontKeepMeASecret.com and then received an email on October 16, 2006 from Mr. Cates asking me to sell the URL to him because he was writing a book by the same title. I told him I was not interested in selling because I was intending to use the URL for my cost recovery business.

4. Other speakers have used the phrase as shown in the Bill Cates – Referral Minute Newsletter. Bill has not "spent substantial sums on advertising and promoting" the mark. On the contrary, I have been receiving his newsletter and I do not believe the mark has ever been used prior to May 10, 2007. In that newsletter Mr. Cates lists:

"Tip #1: Bill Metzger with Thrivent shared this simple idea. With his prospecting seminars, he used to average 1 – 2 referrals per seminar. He started saying "Don't Keep Me A Secret" at the end of his seminars and he is now averaging 7 – 8 referrals per seminar." (See attachment #1)

And then, for good measure, (and on counsel's advice?) added at the bottom:

Don't Keep Us A Secret – Refer Us to a Friend!

The phrase has never previously been on the newsletter or Mr. Cates website.

[redacted]

05-22-2007

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #30

537 Newport Center Drive, #360 | Newport Beach, CA 92660-6937 | (800) 338-9935 | (949) 720-9400 | FAX (949) 720-9410 | www.costrecoverysolutions.com

I believe I have used the mark longer and in more presentations than Mr. Cates has over the years. As a result of hearing the phrase used more frequently - but never by Bill Cates – I elected to file for the mark as a result of my continued and on-going use. Bill Cates has since fabricated reasons to use the mark – mugs and T-shirts – to argue he first came up with the term even though his newsletter states otherwise. I intend to continue using the mark as follows:

"Promoting the goods and services of individual business people and companies, namely, providing advertising and promotion services and related consulting."

Since filing the trademark application on September 25, 2005 we have added the marks "Don't Keep Me A Secret™" and Don't Keep Us A Secret™" on a "hidden" web page for use only by our independent sales representatives for my company named Cost Recovery Solutions (CRS). (See attachment #2) Neither Mr. Mark Partridge nor William Cates have access to the page and so they would not have known we have been using both marks as part of CRS' on-going marketing campaign where we have spent substantial sums on advertising and promoting the company.

As a result of the foregoing facts, Applicant prays that this opposition be denied and Application Serial No. 78/719947 be approved as submitted.

Sincerely,

Gerard Smith
(949) 720-9419

Attachment 1

Gerard Smith

From: ** Bill Cates - Referral Minute ** [bill.cates@referralcoach.com]
Sent: Thursday, May 10, 2007 11:21 AM
To: gsmith@costrecoverysolutions.com
Subject: A New Referral Tip that I Couldn't Keep a Secret

Dear Gerard,

Here are 2 great referral tips that I couldn't keep a secret. I had to send them to you right away.

TIP #1 : Bill Metzger with Thrivent shared this simple idea. With his prospecting seminars, he used to average 1-2 referrals per seminar. He started saying "Don't Keep Me a Secret" at the end of his seminars and he is now averaging 7-8 referrals per seminar.

TIP #2: Would you like a fun, simple, inexpensive gift to give to your clients who give you referrals? Check out the website www.oneshare.com. You can purchase 1 stock of many well-known companies. For instance, if your client has children, you can even buy them one share of Disney.
BILL CATES

Only 20 Days Left to Save $500

Referral Boot Camp - June 22-23 in Las Vegas

Our April Boot Camp was a rousing success! Everyone walked away with a clear action plan, a systematic approach to referrals, and the confidence to make a huge leap in production.

Many Boot Camp graduates have attributed tens of thousands (even millions) of dollars in production to the ideas and systems they learned at our program. You can too!

Mark Scherer wrote in his evaluation: "You exceeded my expectations. I have worked hard for years without using a referral system. I like the fact that I can take this system and make it my own without having to reinvent my sales process. Since the boot camp, I've had more courage to approach new high-level prospects that I never would have approached before."

This Referral Boot Camp is NOT for everyone. Is it right for you? Will you truly benefit? Will you recoup your investment quickly? Call Sharon at 800-488-5464 (301-497-2200). She'll hold a place for you while you figure out how this event may change your business for ever.

For many of the details, go to www.ReferralCoach.com/bootcamp.

Email: info@referralcoach.com
Phone: 301-497-2200
Web: http://www.referralcoach.com

Don't Keep Us a Secret - Refer Us to a Friend!

Attachment 2

Turning Knowledge Into Profit™

Resource Center

Your complete source of CRS training and marketing materials!

Congratulations and welcome to the Cost Recovery Solutions (CRS) team of Business Development Partners. You are part of a select group that is dedicated to achieving success through personal drive, along with a powerful company with the resources to ensure your success. This Resource Center will provide you with those tools to allow you to take your success to any level you desire. We are here to support you and strive for your excellence!

CRS' Marketing Kit

We have assembled information that we felt would be useful to you as a Business Development Partner in order to help you have a clearer understanding of what services you can offer your clients and/or prospects. There is a page for each of CRS' Suite of Services outlining specific selling points as well as the best target markets for each area. Other pages include an overview of where to find prospective clients, a list of minimum spend for each area, a sample freight email format and a list of potential recoveries and savings for each area.

(Marketing kit attachments – Click here for the Marketing Kit)

If you have any questions about any of the information in CRS' Marketing Kit, please do not hesitate to call your Account Manager. For information regarding the status of a particular lead, put in your emails subject line **"What is the status of (company name)?"** and send it to your Account Manager. They will respond back to you with the status as soon as possible.

Please send a list of all leads you have referred to CRS the last day of each calendar month on the attached Company Leads form to your Account Manager.

(Click here for a Monthly Status Report)

The Monthly Status Report is to be filled out by you. Type in your name where it says "Your Name" and send it to your Account Manager on the last day of each month. It is a cumulative list of all of your referrals to CRS. Please delete any that have been dropped.

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Partner Web Page

We have created a Partner web page at www.CostRecoverySolutions.com/partner/. Partners may not the CRS logo or use portions of the CRS website within their website or in their marketing materials. The CRS website is copyright protected. Any questions regarding this issue should be directed to Gerard Smith at (949) 720-9419.

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Use of CRS logo, etc.

As an Independent Contractor you may not present yourself as a CRS employee. As such, the CRS logo may not be used by any Business Development Partner for business cards, etc. We also cannot provide you with a CRS email address or telephone number.

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Account Managers

Your CRS Account Managers exist solely to make you more successful, both financially successful and in terms of improving your ability and confidence in presenting CRS to prospects. Mark your calendar to call them once a month to touch base. If you have any questions or would like advice, call them.

- Getting the "hook" or bullets about a particular service area.
- Evaluating the fit of each service area to an organization.
- Technical questions.
- Role playing a cold call.
- Marketing ideas.

It is important for all Business Development Partners to remember – your only goal is to set up a call between the prospective client and CRS. You are being paid for referrals. You do not need to collect any data or get our contract signed. The more interested you get the client, the more likely they will take the call from CRS. We need your help to generate excitement on the prospect's behalf and we will do the cross-selling on your behalf.

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Value Proposition Flyer

We have created a one-page synopsis of CRS' Suite of Services which you can (1) email and (2) give to prospective clients. Some of our Partners have included the flyer in their information package at tradeshows, etc.

(Click here for the Value Proposition Flyer)

You can have a flyer custom made with your name and/or company name as well as your phone number by calling Corinne Donlin at (949) 720-9420.

The CRS website is continuously updated and serves as our electronic company "brochure". You can print any page of the website by clicking on the "Printer Friendly Page" icon at the bottom of each page and all of the graphics are deleted leaving only text. These sheets can be given to clients to provide more information about a specific service area.

If you are emailing a prospective client a link to the CRS website, cut and paste the URL directly into your email with a link to (1) a specific service area, (2) the CRS home page or (3) the CRS Suite of Services page.

We will be creating a 4-color brochure that can be sent as an attachment to an email, printed out or be ordered directly from CRS at (949) 720-9400. Partners are not allowed to affix a sticker over the CRS address or any other part of the brochure.

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Monthly Training Sessions

CRS sponsors monthly training sessions, called ReferralTalk™, for our Business Development Partners. The purpose of the conference calls is to help our Partners present CRS' Suite of Services to prospective clients. Gerard Smith, President of CRS, hosts each call along with the head of a particular service area to explain our services in greater detail as well as have a Partner question and answer time. The PDFs below are the outlines to past calls. The calls have been recorded onto CDs. You can obtain CDs of the monthly training conference calls - at no cost to you - by calling Corinne Donlin at (949) 720-9420.

The topics are as follows:

Click here to download each month's PDF

- June 2006 - Selling to the Decision Maker
- July 2006 - CRS' Utility Management Solution
- August 2006 - CRS' Document Fleet Management Solution
- September 2006 - CRS' Travel Management Solution

- October 2006 - CRS' Accounts Payable Solution
- January 2007 - Selling CRS' Suite of Services
- January 2007 - CRS' Freight Management Solution
- February 2007 - Tips for Jump Starting Your CRS Referrals
- March 2007 - CRS' Healthcare Cost Control Solution
- April 2007 - CRS' Information Technology Management Solution

As more training calls are recorded, they will be added to the Resource Center. Please check back monthly to see what new information has been added.

We hope you find the information useful.

Please remember the CDs are copyrighted and are to be used for education for you and your business partners. Please do not share the information on them with anyone else. Thank you for your understanding.

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Selling Tips

Here are some selling tips provided by the Account Managers as well as some of the Partners. Please email any marketing ideas to Gerard Smith and your Account Manager so we can learn from each other's successes and share them with everyone. Thank you!

1. If possible, call on the C-Level Executive or person who has decision-making authority and introduce CRS' Suite of Services to him or her. Always try to get him or her interested in 2 to 3 services so we are (1) able to keep it at the senior officer level and (2) CRS is always pursuing more than one area (in case one is delayed).
2. Normally a face-to-face meeting is much more effective than telephone calls or emails. If you can set up a meeting and be in the prospective client's office while your Account Manager explains CRS' services over the phone, you greatly increase the probability of moving the process along faster. Each Account Manager has a dedicated conferencing line at their disposal to bring all interested parties together. Many executives prefer a brief initial conference call to get acquainted with our experts.
3. Market services that provide fast recoveries - Accounts Payable, Utilities, Healthcare - along with long-term profit improvement areas - Freight, Document Fleet, Travel Management. That way the client sees fast results and we have a recurring revenue stream for future savings. Further, it will enhance our value proposition overall. For example: For a retail company with many locations, combine two or three services such as Accounts Payable Audit, Utility Audits and Real Estate Lease Audits.
4. Fit the service to the particular industry:

- Manufacturing - Freight Negotiations, Freight Audit, Utility Audit, Waste Management, Cost Segregation Study, Accounts Payable Audit and Healthcare Cost Control.
- Small Business - Real Estate Lease Audit, Utility Audit and Waste Management.
- Service Companies - Freight Negotiations, Document Fleet Management, Cost Segregation Study, Real Estate Lease Audit, Utility Audit, Travel Management and Fare Audit.
- Retailers - Freight Negotiations, Freight Audit, Real Estate Lease Audit, Healthcare Cost Control, Utility Audit and Accounts Payable Audit.
- Property Management / REITs - Cost Segregation Study, Utility Audit and Document Fleet Management.
- Public Sector (Schools, Cities, States) - Document Fleet Management, Utility Audit and Accounts Payable Audit.
- Restaurant Chains - Document Fleet Management, Cost Segregation Study, Real Estate Lease Audit and Utility Audit.
- Mergers and Acquisitions - Freight Negotiations, Freight Audit, Cost Segregation Study, Real Estate Lease Audit, Healthcare Cost Control and Accounts Payable Audit.
- Bankruptcies - Utility Audit and Real Estate Lease Audit.

5. Send the email below as a general overview of CRS' Suite of Services to prospective clients as a letter or an email.
   (Click here for the Account Manager Letter)
6. Always ask "Oh, by the way...Do you know of anyone else who could benefit from CRS' services?" We thrive on referrals!
7. At the end of each call, always end by saying "Don't keep me a secret"™ or "Don't keep us a secret"™ - whichever is more appropriate.
8. Meet others you can network with who have business owners and executives as customers. They will see the value you add and the value they can add to their customer by referring you to their customers. Examples are bankers, attorneys, financial services representatives, commercial mortgage brokers, property managers, realtors who serve the affluent, etc. Get out and have some coffee with these people!
9. When sending all important letters etc. to clients, be sure to send by certified mail and get a return receipt.
10. The biggest marketing mistake by 99% of companies is that there is no follow-up with a phone call or additional flyers/letters. Campaigning is promoting. You do not promote with just one letter or flyer or call. Repetition improves results. Your prospects may have other things on their minds, they may not be ready to make the decision, or there may be some crucial things they need to take care of before any other decisions can be made. For this reason, many sales are not made until after the sixth or seventh call.

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The Sales Process

The sales process consists of the following steps:

1. You submit a prospective client's information in writing via email to your Account Manager and cc Gerard Smith. (see Registration Email below).
2. Your Account Manager will call you to discuss the prospect and obtain any additional insights from you.
3. The Account Manager will telephone the prospective client, mentioning your name and your conversation with the prospective client. (All leads must be expecting a call from your Account Manager. Please provide the prospective client with the person who will be calling them from CRS).
4. The Account Manager will keep you informed of the progress of the sales process.
5. After the client signs the contract you will receive monthly checks from CRS as we receive revenue from the client.

It's that simple.

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Registration Email

When emailing a prospective client to CRS, the registration email must include the following information:

1. Contact name (must be able to sign our contract)
2. Title
3. Company name
4. Direct phone number
5. Direct E-mail address
6. Direct Link to website
7. Areas of interest and annual spend in appropriate areas (Freight, Healthcare, Utilities and Travel) and/or Business Tax Credits (number of employees).
8. Detailed notes on when they want CRS to call, your relationship with the company and/or contact and any other helpful information.
9. E-mail to CRS. Put "New Prospect" in subject line.

You must talk to the prospective client about CRS' services prior to submitting the registration email and the prospective client must meet the minimum spend for each of the interested services.

On every lead registration you submit please include you name and phone number. This will insure you get credit for the lead.

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Sales Training Resources

Listed below are some links which may help you in improving you selling skills.

First and foremost –

Call your CRS Account Managers. Their job is to help you be more successful.

Cold Calling –

- http://coldcallingpodcast.com/
- http://www.inc.com/guides/sales/20677.html
- http://www.coldcallingexecutives.com/
- http://www.unlockthegame.com/cold%2Dcalling/
- http://www.businessbyphone.com/
- http://www.queenofcoldcalling.com/index.html

Selling –

- http://www.mrinsidesales.com/
- http://www.gitomer.com/
- http://www.sellingtobigcompanies.com/
- http://thetopdog.com/
- http://www.eyesonsales.com/
- http://www.davidyoho.com/articles.html
- http://www.audionewsletter.com/salesrepradio/
- http://www.sellingpower.com/

Marketing –

- http://www.actionplanmarketing.com
- http://www.raintoday.com/
- http://getclientsnow.com/
- http://www.marketingprofs.com/
- http://marketing.about.com/
- http://www.gmarketing.com/

- http://www.ducttapemarketing.com/

When you are on the phone:

- Find confidence knowing your goal is to set an appointment, nothing more.
- Treat all gatekeepers like gold. How you treat executive assistants with make or break you.
- Be upfront that you are NOT the expert. Believe it or not, this will be appreciated by the person you are talking to, especially at the VP and C-level.
- Do not present. Do not pitch. Ask questions. Then ask more questions until you find their pain and they will give you the roadmap to success.

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Lead Sources

Some of the Business Development Partners have purchased prospect lists from the following companies. It is best to generally target companies with $10 million annual revenue or more. Please keep in mind the easiest referral is talking to people you already know.

The Business Journal's Book of Lists (sold for each city)

- www.bizjournals.com

Lists for sale

- www.harrisinfo.com
- www.fortune.com
- www.zapdata.com
- www.goleads.com
- www.infousa.com
- www.salesgenie.com

Business Directories For Sale

- http://www.csgis.com/csgis-frontend/
- http://douglaspublications.com/
- http://www.greyhouse.com/list_business.htm
- http://diamondpublications.com/scripts/default.asp

Background information about companies can be obtained from

- www.corporateinformation.com
- www.hoovers.com

- www.yahoo.com
- www.google.com

Networking Organizations / Referral Networks

- www.linkedin.com
- www.fastpitchnetworking.com

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Useful Resources

Time and Date

- www.timeanddate.com/time/

Telephone Resources

- Area Code Finder - http://decoder.americom.com/
- Area Code List - http://www.bennetyee.org/ucsd-pages/area.html
- 800 Look up - http://www.anywho.com/tf.html
- Yellow pages - http://www.superpages.com/
- To find an 800 number for a company– 1-800-555-1212

Zip Code Finder

- By zip code – cities within a zip code - http://zip4.usps.com/zip4/citytown_zip.jsp
- By address - http://zip4.usps.com/zip4/welcome.jsp
- Canada - http://www.canadapost.ca/personal/tools/pcl/bin/advanced-e.asp
- International - http://www.freesearching.com/zip_codes_intl.htm

International Calling Codes and World Time Zones

- http://www.countrycallingcodes.com/

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