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

Proceeding	91194679
Party	Plaintiff John P. Avlon
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Attachments	8-14-12 - Avlon - Avlon.pdf (66 pages)(128672 bytes) Exhibit 1.PDF (1 page)(108452 bytes) Exhibit 2.PDF (1 page)(116417 bytes) Exhibit 3.PDF (3 pages)(244137 bytes) Exhibit 4.PDF (4 pages)(549441 bytes) Exhibit 5.PDF (2 pages)(431252 bytes) Exhibit 6.PDF (7 pages)(1156069 bytes) Exhibit 7.PDF (1 page)(142223 bytes) Exhibit 8.PDF (1 page)(139621 bytes) Exhibit 9.PDF (14 pages)(1315203 bytes) Exhibit 10.PDF (13 pages)(2301390 bytes)

US PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOHN PHILLIPS AVLON, an)
individual,)

Opposer,)

) Opposition No.
) 91194679

vs.)

DEMARCUS FREEMON, an)
individual,)

Applicant.)

-----)

DEPOSITION OF JOHN PHILLIPS AVLON

New York, New York

Tuesday, August 14, 2012

Reported by:

THOMAS A. FERNICOLA, RPR

JOB NO. 52543

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August 14, 2012
10:35 a.m.

DEPOSITION of JOHN PHILLIPS AVLON, held
at the Essex House, 160 Central Park South, Room
2316, New York, New York, before Thomas A.
Fernicola, a Registered Professional Reporter
and Notary Public of the State of New York.

1 APPEARANCES OF COUNSEL:

2

3 FOR THE OPPOSER:

4 K&L GATES

5 70 West Madison Street

6 Chicago, Illinois 60602

7 BY: PETER G. RUSH, ESQ.

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1 J O H N P H I L L I P S A V L O N ,
2 called as a witness, having been duly sworn
3 by a Notary Public, was examined and
4 testified as follows:

5 BY THE REPORTER:

6 Q. Please state your full name and
7 address for the record.

8 A. John Phillips Avlon, 20 Pine Street,
9 New York, New York 10005.

10

11 EXAMINATION BY MR. RUSH:

12 Q. Mr. Avlon, give you give me a brief
13 background of your education?

14 A. Sure.

15 I attended Yale College, graduated in
16 1996. Columbia University Business School, MBA
17 in 2006.

18 Q. What did you do in between college
19 and business school?

20 A. I worked for Mayor Rudy Giuliani. I
21 was his chief speech writer.

22 Q. And how long did you do that?

23 A. I began on his 1997 campaign and went
24 through the end of his administration in 2001.

25 Q. All right. And was it right after

1 that you went to business school?

2 A. No. I worked at the New York Sun as
3 a columnist, and -- and that's where I began
4 working on "Independent Nation."

5 Q. All right.

6 And what did you do now? What have
7 you done since graduating from business school?

8 A. I work for Rudy Giuliani's
9 Presidential campaign as deputy policy director
10 and director of speech writing. And after that
11 campaign ended, I picked up my column again,
12 writing a column initially freelancing for
13 Politico. Was hired by The Daily Beast, which
14 started out -- I'm now senior columnist at
15 Newsweek and the Daily Beast, which is a merged
16 operation, and a CNN contributor.

17 Q. What does it mean to be a CNN
18 contributor?

19 A. It means that I am signed by CNN
20 exclusively to do on-air commentary on their
21 network.

22 Q. All right.

23 Now, you wrote a book; is that
24 correct?

25 A. Yes. I've written a few books, but

1 my first book was "Independent Nation."

2 Q. And when did you publish that book?

3 A. It was published in, I believe
4 February 2004.

5 Q. Is that the first time you began to
6 use the mark "Independent Nation"?

7 A. Yes.

8 Q. All right.

9 What does it mean, "Independent
10 Nation"?

11 A. It really sums up an idea that I've
12 tried to continue advocating for throughout my
13 career as a columnist and a TV commentator.
14 The book itself is a series of biographical
15 sketches of centrists leaders and how some
16 succeeded where others failed; but the idea
17 "Independent Nation" is really about the fact
18 that we have this very polarized political
19 debate in this country, but the largest sector
20 of American voters are, in fact, not Democrats
21 or Republicans, they're independents.

22 So it's a way of pointing out there
23 actually is far more that unites than divides
24 us and that our polarized politics doesn't
25 actually represent the American people, our

1 best traditions, or where we are today. And
2 that's the idea, that's the perspective from
3 which I write my columns and try to advocate on
4 television. I try to -- and explicitly hired
5 in CNN's case to be their independent analyst
6 for politics.

7 There are a lot of people who are
8 liberals or conservatives, Democrats or
9 Republicans. I fill a difference space, and I
10 suppose you could refer to that as my brand
11 politically as a columnist and as a speaker and
12 a television commentator.

13 Q. Okay.

14 You mentioned as a writer, a
15 commentator and a --

16 A. Speaker.

17 Q. -- and as a speaker.

18 Do you have any social -- do you
19 advocate the -- do you develop the brand in a
20 social network in any way?

21 A. Sure. I'm very active on Twitter,
22 for example. I have, I believe, over 6,000
23 followers at this point. And I tweet multiple
24 times a day.

25 And on that, you know, the

1 description of me, it says, you know, author of
2 "Independent Nation" and "Wingnuts," which is
3 my second book.

4 But really "Independent Nation" is, I
5 think most closely associated with what I try
6 to do every day.

7 "Wingnuts" was an examination of sort
8 of the rising streams in American politics
9 after the election of President Obama. I don't
10 focus exclusively on that beat, so to speak;
11 but the idea of "Independent Nation" flows
12 through all my work and that, as well, in fact.

13 And I think it's not unusual for a
14 person's first book to become the basis of
15 their brand, especially if you were a
16 columnist; but I think with me it's been
17 especially so, that this is the idea that flows
18 through everything I try to do.

19 Q. Now, you've developed this brand, I
20 take it, through the book, that's one area, and
21 also through your appearances on television; is
22 that another area?

23 A. Certainly, yes. I mean, you know,
24 again, on CNN I was explicitly hired to help
25 analyze independent voters, you know, to be

1 someone who understood where the independents
2 were in our political debates.

3 Because it's something, that even
4 though 40 percent of American electorate is
5 self-identified independent, that perspective
6 isn't often represented in television debates.
7 Instead, you often have the liberals and
8 conservatives, Democrats and Republicans, but
9 this great center of the country ends up being
10 unrepresented. And it's an unrealistic
11 assessment of what's actually going on,
12 especially because independents are the largest
13 and fastest growing demographic politically in
14 the country.

15 But certainly, I mean, in the wake of
16 publishing "Independent Nation" and then
17 subsequent paperback publishing a year later,
18 you know, at some point you move from book tour
19 to promoting a larger idea.

20 Q. I see. The brand?

21 A. The brand, yes.

22 And it's been a fairly consistent
23 message. I mean, my television crew began with
24 promoting "Independent Nation," but we almost,
25 eight years later, I'm still building on that

1 idea, building on that brand, if you will.

2 Q. And when you say "building on that
3 idea," does that include giving speeches on the
4 idea?

5 A. Certainly. I give paid speeches on a
6 fairly regular basis.

7 Initially, the talk I gave was
8 actually called "Independent Nation," but it
9 wasn't rooted in the book, per se. Again, it
10 wasn't rooted in, you know, going through
11 specific biographical sketches.

12 I would use a handful of those
13 examples to illustrate a larger trend, the
14 polarization of the political parties and the
15 pushback it was receiving from grassroots.

16 Often I would speak to and still do
17 speak to conferences of mayors, in part,
18 because over 80 percent of American mayors are
19 elected in nonpartisan elections.

20 So there is a disconnect and I think
21 a frustration with the way they hear politics
22 being talked about --

23 Q. Right.

24 A. -- in polarized terms and the way
25 they're focused on problem solving.

1 So that's one, you know, that's one
2 audience that's found my speeches.

3 I've gotten a lot of repeat customers
4 on that, I suppose.

5 Q. All right.

6 A. And, you know, I hope those speeches
7 are entertaining, as well as informative, too.

8 Q. Right.

9 A. You wouldn't be much good as a
10 speaker if you didn't entertain folks, as well
11 as inform them.

12 Q. That's right.

13 And, I take it, how many speeches
14 would you say you've given since 2004
15 developing the brand?

16 A. This would be a guess, but certainly
17 over 25, 30 --

18 Q. All right.

19 A. -- easily.

20 Q. All right.

21 And it's a dynamic, the developing of
22 the brand. It's a dynamic idea that moves and
23 evolves with the climate and the culture;
24 right?

25 A. Absolutely. It's an evolving speech.

1 It's an evolving speech.

2 You know, there are elements that are
3 consistent but, you know, I think all -- as a
4 former speech writer, you know, if you're
5 hitting themes fairly consistently because
6 they're rooted in what you believe, your
7 principles, that becomes your public brand if
8 you are a columnist, for example.

9 I mean, as much as George Will is a
10 conservative columnist, you know, that is, you
11 know, an idea that flows through his work. But
12 in my case, it's specifically rooted in this
13 phrase.

14 So sometimes when I'm introduced or
15 people meet me, they'll say, oh, you know, John
16 Avlon of the "Independent Nation" --

17 Q. Right.

18 A. -- you know, when people have reached
19 out to me and talked about doing radio shows or
20 those things, you know, that's always been --
21 you know, that's what they gravitate to, this
22 idea of John Avlon's "Independent Nation."

23 Q. So you've been come to be known by
24 that brand, the "Independent Nation"?

25 A. To some extent, yes.

1 Q. Now, you've said you -- have you also
2 developed the brand over the years? Have you
3 developed it consistently since 2004?

4 A. Yes. You know, the only period in
5 which I was not writing in my own voice in
6 that -- since that period, was the year and
7 change when Rudy Giuliani was running for
8 President. And even then I remember the last
9 speech I gave was a previous contractual
10 obligation that occurred during the campaign.

11 And certainly the web site,
12 Independent Nation, was up and running all
13 throughout that period. I just -- when you're
14 working for somebody that's running for
15 President, you put your own --

16 Q. Right.

17 A. -- interests aside for a time.

18 But all during that time, the book
19 was selling but, more importantly, the website
20 was up and running and, you know, articles were
21 being posted. I mean, the conversation would
22 still occur.

23 Q. Right.

24 A. Indeed, you know, I think in that
25 specific campaign there were candidates who

1 were trying to reach out to independents. So
2 it was part of the national conversation even
3 in that period that I wasn't involved in
4 writing and building my own individual brand
5 and career.

6 Q. Right.

7 A. The two really are interconnected
8 fundamentally.

9 Q. Right.

10 A. And then in February of 2008 when
11 Rudy withdrew, I went right back to writing
12 columns from that "Independent Nation"
13 perspective.

14 Q. Now, you talk about your websites.
15 You have two domain names for "Independent
16 Nation"; is that correct?

17 A. IndependentNation.org and dot-net, I
18 believe.

19 Q. Okay.

20 A. And dot-com, I think.

21 Q. Dot-com.

22 And you've maintained those
23 consistently since 2004 --

24 A. Absolutely.

25 Q. -- up to today?

1 A. Absolutely.

2 I have no intention of ever letting
3 those lapse, because they are so core to what
4 I've been trying to build and will continue to
5 build.

6 Q. All right.

7 To summarize, you've built the brand
8 since 2004 through the websites; right?

9 A. Certainly. And my speeches and my
10 columns and my television work.

11 Q. And your social networking, as well?

12 A. Absolutely.

13 Q. Okay.

14 And you've invested money to do this;
15 correct?

16 A. Oh, absolutely. You know, it's an
17 investment to build a career and build a brand,
18 especially in a time of media transition. You
19 know, this is a time of great transition in
20 media.

21 So more and more I think independent
22 columnists are responsible for building their
23 own brands because you can't rely on, you know,
24 other entities --

25 Q. Right.

1 A. -- to do it for you.

2 Q. Right.

3 A. And you increase your own value by
4 having an independent brand, by being more than
5 just a byline. So it really is very much
6 explicitly an investment.

7 Q. And so it's crucial to have a website
8 in this day and age when you, say, talk about
9 this transition in the media world?

10 A. Absolutely. And to sort of plant a
11 clear flag that stands for something clear and
12 consistent.

13 And, you know, that's been true when
14 I've -- you know, whether I've appeared on The
15 Daily Show or Bill Maher show, things that are
16 more blurring of entertainment and politics.

17 Q. Right.

18 A. There's a consistent message --

19 Q. Right.

20 A. -- that extends far beyond the
21 promotion of any individual book.

22 Q. All right.

23 So when did you decide to write
24 "Independent Nation"?

25 A. It was a book that I had wanted to

1 write for a long, long time. I began thinking
2 about the need for this kind of book that would
3 do an analysis of politics in American
4 political history but not from a Democrat or
5 Republican perspective, even going as far back
6 as high school, actually.

7 I had wanted to write it in the late,
8 call it 1999, towards the end of Rudy's
9 administration.

10 After we left and I began my column
11 at New York Sun, there was renewed interest in
12 writing a book.

13 I'd been very closely associated with
14 911, so I was particularly, at that point,
15 having put those responsibilities behind me,
16 had offers to write more 911-related materials
17 but wanted to do something different, something
18 that helped define me going forward and my
19 beliefs.

20 Q. All right.

21 I'm going to hand you now what we'd
22 like to mark as Exhibit No. 1, and ask you to
23 take a look at it.

24 A. Uh-huh.

25 (Opposition No. 91194679, John P.

1 Avlon v. Demarcus Freemon, Avlon Exhibit
2 1, Cover of First Edition of "Independent
3 Nation", was marked for identification.)

4 BY MR. RUSH:

5 Q. Can you identify this Exhibit No. 1?

6 A. Yes. This is the cover of the hard
7 cover edition, first edition of "Independent
8 Nation."

9 Q. Okay.

10 And as I see, it's got in very large
11 letters across the top "Independent Nation"
12 across the top half of the book; right?

13 A. Uh-huh.

14 Q. And down at the bottom, would you say
15 a print that's one-fifth or less the size of
16 "Independent Nation," it has some other words?

17 A. Yes, that's right.

18 Q. All right.

19 A. I think that's fair.

20 Q. And then it's got your name down at
21 the bottom; is that right?

22 A. Uh-huh. In a much larger font, for
23 what it's worth.

24 Q. So the size of the fonts on the front
25 page, the middle language is the smallest of

1 the fonts, smaller than your name and much
2 smaller than "Independent Nation"; correct?

3 A. Yes.

4 Q. All right.

5 A. I think that reflects the relative
6 importance of, you know, logically that would
7 reflect, yes, the relative importance --

8 Q. So the brand idea here is what's the
9 largest letters, "Independent Nation"; correct?

10 A. Correct.

11 (Opposition No. 91194679, John P.
12 Avlon v. Demarcus Freemon, Avlon Exhibit
13 2, Cover of Paperback Edition of
14 "Independent Nation", was marked for
15 identification.)

16 BY MR. RUSH:

17 Q. All right.

18 I'd like to hand you now what's
19 marked as Exhibit No. 2, and ask you to take a
20 moment to review it.

21 A. Uh-huh.

22 Q. Can you identify this?

23 A. This is the cover of the paperback
24 edition of "Independent Nation" which was
25 released one year later.

1 Q. So that would be 2005?

2 A. Yes.

3 Q. All right.

4 So this is a further development of
5 the brand in 2005; is that correct?

6 A. Yes.

7 Q. Now, let me ask you this. It looks
8 like the cover has changed; is that correct?

9 A. Yes.

10 Q. Okay.

11 But the same two words are across the
12 top, aren't they, "Independent Nation"?

13 A. Yes.

14 Q. And aren't the -- isn't "Independent
15 Nation" all in capital letters?

16 A. Yes.

17 Q. Okay.

18 And that's a change between the two
19 books; is that right?

20 A. That's true.

21 Q. But that's a consistent continuous
22 use of this brand; right?

23 A. Correct.

24 Q. All right.

25 Now, the next line is in much smaller

1 font, once again, about one-fifth, and those
2 words are different than the other words on the
3 book cover; right?

4 A. That's correct. The subheader
5 changed, the subtitle changed.

6 Q. All right.

7 So that is to show an evolution in
8 the brand?

9 A. Yes. Yes. It was it -- the
10 subheader is not as important as the main title
11 of books. No one uses the two together. It's
12 a way of clarifying and in this case sort of
13 evolving the message and direction.

14 Q. Right.

15 And I also notice that you have a
16 quote on the cover of the book, the paperback
17 book; is that right?

18 A. Uh-huh.

19 Q. All right.

20 A. It's further review of the hard cover
21 edition from Barrons.

22 Q. All right.

23 A. It says, "A rewarding portrait of a
24 political trend that the established parties
25 have tried to ignore."

1 Q. All right.

2 And then you have a series of
3 photographs across the bottom; is that correct?

4 A. Yes. Which is different.

5 Q. All right.

6 Now, there were some book reviews, I
7 take it, of the book; is that right?

8 A. Yes.

9 (Opposition No. 91194679, John P.
10 Avlon v. Demarcus Freemon, Avlon Exhibit
11 3, Series of Quotes and Review re:
12 "Independent Nation", was marked for
13 identification.)

14 BY MR. RUSH:

15 Q. I'd like to hand you now what's
16 marked as Exhibit 3, and ask you to take a look
17 at it.

18 And while you're looking at that, I'm
19 going to go over here real quick.

20 A. (Document Review.)

21 Q. Have you had a chance to review this?

22 A. Uh-huh.

23 Q. Now, where is this from?

24 A. This is a series of quotes and
25 reviews about "Independent Nation." And it's

1 currently posted on my website, JohnAvlon.com,
2 which is interconnected; but this is a good
3 distillation of some of the reviews of the
4 original work over 2004, 2005.

5 Q. All right.

6 Now, it says -- the first line across
7 the top reads, "Independent Nation-John Avlon."

8 Do you see that?

9 A. Uh-huh.

10 Q. And that's, again, developing the
11 brand; right --

12 A. Uh-huh.

13 Q. -- "Independent Nation"?

14 Now, if you go down, the second line
15 reads also "Independent Nation"; is that right?

16 A. Yes.

17 Q. And that's set off by two lines;
18 correct?

19 A. Correct.

20 Q. And then the third line also reads
21 "Independent Nation."

22 Do you see that?

23 A. Yes.

24 Q. Okay.

25 Now, there are a series of reviews

1 here, a number of reviews. I focus, I guess,
2 on the first one from the Senator John Breaux
3 from --

4 A. It's a blurb, not a review.

5 Q. A blurb. I'm sorry.

6 The third sentence says, "Independent
7 Nation" -- or fourth sentence lays out --
8 "Independent Nation lays out the history and
9 heritage of centrists."

10 Okay?

11 A. Uh-huh.

12 Q. And then the last line says, quote,
13 "Read John Avlon's Independent Nation."

14 A. Uh-huh.

15 Q. And that's the brand, John Avlon's
16 "Independent Nation," but more focused on
17 "Independent Nation"; correct?

18 A. Yes.

19 Q. All right.

20 In Rudolph Giuliani, the second
21 sentence of his blurb reads, "John P. Avlon's
22 Independent Nation details"; is that correct?

23 A. Yes.

24 Q. And I think he -- I think this gets
25 back to the concept you were describing at the

1 top of the next page, the second line, that you
2 get associated, that you and a brand become
3 associated with each other, where it says
4 "John P. Avlon with Independent Nation."

5 Do you see that?

6 A. Yes.

7 Q. And now down at the bottom of the
8 page, in that review under "The Real
9 Democracy," it says you presented your book on
10 C-SPAN Book TV in April 2004; is that true?

11 A. Yes.

12 Q. Okay.

13 Please describe that for me.

14 A. It was one of many wide-ranging
15 conversations I had that -- in the wake of
16 promoting the book; but it went beyond the book
17 to promoting ideas expressed in the book, as
18 well, and beyond, because they were relevant to
19 contemporary politics --

20 Q. All right.

21 A. -- as well as what was included in
22 the book.

23 Q. And I take it you considered this a
24 step in building the "Independent Nation"
25 brand; is that correct?

1 A. Absolutely.

2 Q. The book "Independent Nation" has
3 been available since 2004; is that correct?

4 A. Correct.

5 Q. And your websites, Independent
6 Nation -- your website, Independent Nation, has
7 also been consistently available since 2004; is
8 that right?

9 A. Correct.

10 Q. These reviews and blurbs, when were
11 they published, subsequent to the publication
12 of the book?

13 A. Yes.

14 Q. All right.

15 And I think you described this, but
16 since the publication of the book, you have
17 used "Independent Nation" to brand your media
18 services, as well; is that correct?

19 A. Yes.

20 (Opposition No. 91194679, John P.
21 Avlon v. Demarcus Freemon, Avlon Exhibit
22 4, Application to Register Trademark
23 "Independent Nation", was marked for
24 identification.)

25

1 BY MR. RUSH:

2 Q. I'd like to hand you now what's
3 marked as Exhibit 4. I'd like you to take a
4 moment to review it.

5 A. (Document Review.)

6 Q. Do you understand this to be your
7 application to register the trademark
8 "Independent Nation"?

9 A. Yes.

10 Q. All right.

11 Now, the second page of Exhibit 4
12 contains a series of goods and/or services and
13 descriptions.

14 Do you see that?

15 A. Yes.

16 Q. And it is fair to say that since
17 2004, you have provided all of these services
18 consistently as set forth in the application;
19 is that correct?

20 A. Yes.

21 Q. Okay.

22 Now, you see each one says "A first
23 use date" under each of the four services. And
24 that indicates February of 2004. It says
25 2004-02-00.

1 A. Uh-huh.

2 Q. So since February of 2004, you
3 provided all of these services consistently; is
4 that correct?

5 A. Yes.

6 Q. All right.

7 Now, you talk about providing a
8 website in an on-line -- the first service is
9 providing a website.

10 Is that the IndependentNation.com and
11 IndependentNation.org that we've talked about?

12 A. Yes.

13 Q. All right.

14 And, again, you've consistently
15 provided those since 2004. And those websites
16 have featured information in the field of
17 political issues, political elections, public
18 relations and promoting public awareness in the
19 field of social welfare; is that correct?

20 A. Yes.

21 Q. Okay.

22 You've also provided an on-line forum
23 for transmission of messages among computer
24 users in the field. It's sort of a dialoguing
25 or an ability of people to communicate with

1 respect to your brand; is that correct?

2 A. That is the idea, yes.

3 Q. And it's in the fields of politics,
4 social issues, media, news, public affairs and
5 entertainment; is that correct?

6 A. Yes.

7 Q. All right.

8 Now, going down to the fourth
9 service. You've provided since 2004 a website
10 featuring information and articles in the field
11 of current event, news and entertainment,
12 providing an on-line journal, namely, a blog
13 featuring information in the field of news,
14 politics, media, social issues, public affairs
15 and entertainment, providing an internet news
16 portal featuring links to news stories and
17 articles in the field of current events.

18 You've done that since 2004; is that
19 correct?

20 A. Yes.

21 Q. And it's all under the brand
22 "Independent Nation"; correct?

23 A. Yes.

24 Q. And then, finally, you've provided
25 computer services creating an on-line community

1 for registered users to participate in
2 discussions, get feedback from their peers,
3 form virtual communities, and engage in social
4 networking.

5 You've done that since 2004; correct?

6 A. Yes.

7 Q. All right.

8 (Opposition No. 91194679, John P.
9 Avlon v. Demarcus Freemon, Avlon Exhibit
10 5, Copy of DVD called John P. Avlon, was
11 marked for identification.)

12 BY MR. RUSH:

13 Q. Now, you've brought with you today a
14 DVD. And the DVD is called "John P. Avlon."
15 And in capital letters across the cover, it
16 says "Independent Nation"; is that correct?

17 A. Yes.

18 Q. And, once again, the type font of
19 these letters is, by far, the largest on the
20 cover.

21 A. Certainly.

22 Q. And the next largest is probably your
23 name. And then it says "Selected Television
24 Segments"; is that correct?

25 A. Correct.

1 Q. And then, finally, in a font much
2 smaller than that, it says, "How centrists can
3 change American politics," that tag line;
4 right?

5 A. Yes.

6 Q. Okay.

7 But, again, this is capturing the
8 brand "Independent Nation." And are these
9 selected television segments which do that?

10 Could you please explain?

11 A. Yes. And this DVD was put together
12 as part of public relations, not in promoting
13 the book, but promoting my brand as a
14 columnist.

15 These were television segments,
16 including my appearance on The Daily Show. And
17 on the back it's got quotes about what I was
18 trying to do over and beyond the book.

19 For example, Kathleen Parker, a
20 Pulitzer prize-winning columnist, had written a
21 column in which she had written, "Americans who
22 are fed up with the Ann Coulter/Michael Moore
23 school of debate and are looking for someone to
24 articulate a common sense middle path, may have
25 found their voice in John Avlon."

1 Again, that's not about the book.
2 That's about what I was trying to do with my
3 columns building off the book.

4 And, indeed, these segments that have
5 been collected on this DVD as a way of not
6 promoting the book so much as myself and my
7 brand going forward, specifically in the arena
8 of television, include shows like John Stewart,
9 The Daily Show, the O'Reilly Factor, Dennis
10 Miller, convention coverage during the 2004
11 campaign, and then an appearance on C-SPAN and
12 Fox.

13 So, and most of these were
14 conversations explicitly about current events,
15 not about the book, per se.

16 Q. Okay.

17 A. And I should add, the comments on
18 current events were given from the perspective
19 of myself as an independent, as a centrist,
20 building off the brand "Independent Nation."

21 Q. All right.

22 And these were six different
23 appearances; is that correct?

24 A. Correct.

25 Q. And they are throughout 2004 and

1 2005; right?

2 A. Correct.

3 Q. And there are some more captions or
4 quotes on the back of the cover; is that
5 correct?

6 A. Yes. Some of which are reviews and
7 some of which are subsequent statements about
8 what I was trying to do with my career building
9 on the brand of "Independent Nation" and
10 extending it beyond the book with my columns
11 and television appearances.

12 Q. And this is not all the shows you've
13 appeared on. This is just some --

14 A. Oh, no.

15 Q. -- of the ones that were captured.

16 A. Oh, yes. That was just a small
17 selection of that period of my career.

18 Q. And you say on the cover, it says,
19 "For bookings," and it has a telephone number.

20 A. Yes.

21 Q. What does that mean, "for bookings"?

22 A. This was explicitly part of a
23 promotion I was doing after extended -- a year
24 after the paperback was out in an attempt to
25 build my brand as about a commentator and

1 columnist.

2 So this was put together by someone
3 who, at that time, I employed to help promote
4 and build my brand.

5 Q. All right.

6 So someone would call this to book
7 you to appear on their show --

8 A. Correct.

9 Q. -- or to give a paid speech in which
10 you'd --

11 A. Correct.

12 Q. -- further develop the brand
13 "Independent Nation."

14 A. Correct.

15 Q. And these speeches, these
16 appearances, they've been more than just to
17 promote a book, they've been to develop the
18 brand over the past eight years; right?

19 A. Absolutely. They have less and less
20 and less to do with the book, per se. Again,
21 the book is a collection of biographical
22 sketches. I don't give speeches or talk on
23 television about biographical sketches.

24 Q. Right. Right.

25 A. As much as I might love Teddy

1 Roosevelt or Eisenhower and try to bring them
2 into conversation, there's a limit to how
3 relevant they might be in the day-to-day
4 debates that I engage in in my column or my
5 television appearances.

6 So the brand is what extends, the
7 brand of "Independent Nation," the idea that
8 I'm trying to be a voice for and help organize
9 a larger independent movement that's occurring
10 in this country that is underrepresented in our
11 political conversation. That idea is much
12 bigger than the book and has increasingly has
13 less and less to do with the book.

14 Q. As it evolves and goes forward?

15 A. Sure.

16 And, indeed, now the functional
17 Independent Nation website is not at all about
18 the book.

19 Q. Right. Right.

20 It's a dynamic website in which
21 people converse and exchange ideas and you
22 promote the brand?

23 A. Well, and, more importantly, yes,
24 I've tried to collect some of the leading
25 voices in this space and provide their update,

1 so it becomes a hub for like-minded
2 individuals, some of whom are policy
3 organizations, some of whom are bloggers, and
4 collect my own work there, as well.

5 But it's a dynamic sort of posting of
6 different individual sites that are all part of
7 this larger effort.

8 Q. Right.

9 And it provides links to other
10 resources, as well?

11 A. Exactly.

12 Q. All right.

13 And there came a point quite early on
14 when people began to strongly associate you
15 with the brand "Independent Nation" and
16 "Independent Nation" with you; right?

17 A. Sure.

18 I think the title is catchy, and
19 often titles come to symbolize something bigger
20 than the book, especially if you have the
21 somewhat unusual circumstance of a columnist
22 and a first book.

23 The columnist keeps writing
24 columns --

25 Q. Right.

1 A. -- from presumably their perspective
2 and principles don't change so that that title
3 becomes shorthand for their brand, in effect.

4 Q. Right.

5 A. Their perspective.

6 Q. All right.

7 And when do you think people began to
8 refer to you as the "Independent Nation" guy?
9 Did that start fairly early on, 2005, 2006?

10 A. I think that's right. Again, it just
11 became a shorthand way of saying, hey, I
12 recognize you, I know what you're about.

13 Q. Now, are you aware that a Demarcus
14 Freemon has recently tried to register an
15 "Independent Nation" mark?

16 A. I am aware.

17 Q. Now, in his mark, the one he's trying
18 to represent, it's a word mark.

19 Were you aware of that?

20 A. Yes.

21 Q. And it's all capital letters, just
22 like your paperback book; right?

23 A. Yes.

24 Q. "Independent Nation," two words,
25 separated. All right.

1 Now, it says it's for the publication
2 of electronic magazines, blogs, articles and
3 interactive literary forums.

4 Are you aware of that?

5 A. I am.

6 Q. Doesn't that completely overlap with
7 what you're doing with your brand and how
8 you've been developing it since 2004?

9 A. Yes. There is considerable
10 significant overlap.

11 Q. If he were allowed, Mr. Freemon, that
12 is, to register this mark, would there be a
13 likelihood to cause confusion with your
14 "Independent Nation"?

15 A. There would -- I think it would cause
16 confusion.

17 Q. Because isn't that your publishing
18 several electronic forms on blogs, articles,
19 and you've created interactive literary forums
20 for the brand "Independent Nation"; right?

21 A. Hence, the likelihood of confusion.

22 Q. All right.

23 Let's look at your websites. I'm
24 going to hand you an exhibit and ask you to
25 identify them, if you can.

1 A. Uh-huh.

2 Q. Let me give you some background on
3 this exhibit. It was pulled off what's
4 called -- are you familiar with the Wayback
5 Machine?

6 A. I am.

7 Q. All right.
8 Then you'll know what these are then.
9 (Opposition No. 91194679, John P.
10 Avlon v. Demarcus Freemon, Avlon Exhibit
11 6, Series of Documents, was marked for
12 identification.)

13 BY MR. RUSH:

14 Q. I'm going to hand you what's now
15 marked as Exhibit No. 6, and ask you to take a
16 moment to take a look at it.

17 A. Uh-huh.

18 Q. That's a series of different pages.
19 (A Discussion was Held off the
20 Record.)

21 A. (Document Review.)

22 Q. Well, let me ask you a preliminary
23 question.

24 A. Yes.

25 Q. You did have a PowerPoint by which

1 you gave your speeches back in 2004 and 2005?

2 A. And through 2006.

3 Q. And you've been able to recover that;
4 right?

5 A. Yes.

6 Q. And you found that --

7 A. Yes.

8 Q. -- and located it?

9 And --

10 A. The title of the talk was
11 "Independent Nation."

12 Q. All right.

13 Wonderful.

14 A. And the talk, again, extended far
15 beyond the subjects of the book. It was more
16 broadly about the idea of "Independent Nation"
17 and its applicability in the upcoming elections
18 which builds very far off what is strictly
19 limited in the book.

20 Q. All right. Okay.

21 So you've had a chance to review
22 this; right?

23 A. Uh-huh.

24 Q. Now, looking at the first page, I'm
25 going to try to interpret this for you. Over

1 on the right-hand side, it says -- it's got two
2 arrows going each way, right and left, but in
3 the center it says March 2004 --

4 A. Yes.

5 Q. -- March 13, 2004.

6 A. Uh-huh.

7 Q. Is it your understanding from the
8 Wayback Machine that what this is is a snapshot
9 of what your website looked like on March 13,
10 2004; is that right?

11 A. Yes.

12 Q. And this was on
13 www.IndependentNation.org; is that right?

14 A. Yes.

15 Q. So this is the cover page; right?

16 A. Yes.

17 Q. Okay.

18 Now, again, it's got the title, it
19 looks as if the title -- this was your book
20 cover title --

21 A. Uh-huh.

22 Q. -- but "Independent Nation" are the
23 two prominent --

24 A. Yes.

25 Q. -- terms; right?

1 A. Yes.

2 Q. And that's the brand you're
3 developing through the website, that was the
4 idea; right?

5 A. Yes.

6 Q. That's your picture off to the right;
7 is that correct?

8 A. Uh-huh.

9 Q. And you've got a quote here from
10 Woodrow Wilson on the March 2004 website which
11 reads, "Government is not a warfare of
12 interest."

13 Do you see that?

14 A. Correct.

15 Q. And it's a quote.

16 So that's your website.

17 A. Uh-huh.

18 Q. Now you've got a series of tags up
19 here. One was "Home." This was "Home"; right?

20 A. Uh-huh.

21 Q. Now there was another tag called "The
22 Book"?

23 A. Correct.

24 Q. Now, that's not pictured here; right?
25 We're just looking at the first page of

1 Exhibit 6.

2 But there would have been, if you
3 clicked on that, there would have been a
4 discussion of the "Independent Nation" book;
5 right?

6 A. Yes. And I believe a link to
7 purchase it.

8 Q. And then the third button is "The
9 Author." That would be you --

10 A. Right.

11 Q. -- for review. And I guess as years
12 went on, that would change as you did more and
13 more things, got different jobs.

14 A. Sure.

15 Q. "The Forum." What was "The Forum"?

16 A. "The Forum" was set up to be a chat
17 room for people discussing not just the book
18 but the idea of centrists politics and
19 independents in American politics, not just the
20 past, but the present and the future.

21 Q. So that would be an interactive
22 literary forum, wouldn't it?

23 A. That was the intention, yes.

24 Q. All right.

25 Then there would be "The Press Room."

1 The fifth tab looks like it would be "The Press
2 Room."

3 What would that be?

4 A. That would be quotes about me,
5 articles, reviews, et cetera, that would have
6 been just relevant articles about -- that
7 mention either the book or the work I was doing
8 in promoting the book or the work I was doing
9 subsequent just in promoting the idea of
10 "Independent Nation."

11 Q. The brand?

12 A. The brand.

13 Q. All right.

14 And then "Contact," I take it you
15 could contact someone.

16 "Excerpts" would be excerpts from the
17 book or other --

18 A. Correct.

19 Q. What would that be?

20 A. It was primarily excerpts from the
21 book, I believe. There may have been articles
22 I had written subsequently on the subject.

23 "Centrism of the News," the next tab,
24 was a collection of articles by other
25 individuals about centrism and independence in

1 American politics. It was sort of a collection
2 of at least a dozen notable articles, probably
3 more, and I would refresh those as significant
4 articles were published by other figures on
5 these same themes and ideas.

6 Q. All right.

7 And the last tab is "Centrists
8 Quotes."

9 A. A collection of quotes from
10 significant figures throughout American history
11 expressing this idea that there's a continuity
12 of principle and purpose in the center of
13 American politics that does not hue to the base
14 of either party or etiological approaches to
15 politics on either side.

16 Q. All right.

17 So let's go now -- we have got the
18 second page. Up in the right-hand corner
19 again, it's the website, the front page of the
20 website, 2005, February 8, 2005; right?

21 A. Yes.

22 Q. And, again, this is the
23 IndependentNation.org website; correct?

24 A. Yes.

25 Q. Now, again, you've got "Independent

1 Nation" in large capital letters there; right?

2 A. Uh-huh.

3 Q. And it's got all the buttons that we
4 had before.

5 A. Yes.

6 Q. That document did arrive, so we've
7 got it.

8 Now, there's another -- this is a
9 different quote; right? So there's a different
10 quote from February to March?

11 A. Yes.

12 Q. I'm sorry, from 2004 to 2005.

13 A. That was a dynamic feature on the
14 home page so the quotes wouldn't change.

15 Q. All right. All right.

16 A. There are other changes to the home
17 page, however.

18 Q. Right.

19 And I also see that there's an
20 additional quote down there. So you have the
21 quote in the box next to your picture; right?

22 A. Uh-huh.

23 Q. Then there's another quoted that
24 you've added in 2005 which is from Ed Kilgore.

25 Do you see that? You're looking at

1 the second page.

2 A. Yes.

3 Q. All right.

4 So that's the second page down there.

5 And so that's the site from 2005.

6 A. Uh-huh.

7 Q. You've got the buttons. And I take

8 it, you know, the content would evolve over

9 time --

10 A. Yes.

11 Q. -- with each of those buttons; right?

12 A. Yes.

13 Q. And, again, the idea would be to

14 develop the brand "Independent Nation."

15 A. Correct.

16 Q. All right.

17 Let's go to the next page, which is

18 2006, February 6, 2006.

19 Do you see that?

20 A. Uh-huh.

21 Q. All right.

22 Now, again, you've got "Independent

23 Nation" across the top. This is from the

24 IndependentNation.org site.

25 A. Uh-huh.

1 Q. This is your home page; right, a
2 snapshot of it.

3 A. Yes.

4 Q. And you've got two different quotes
5 now, one next to your name and then one down at
6 the bottom. So those have changed in between
7 2005 and 2006; correct?

8 A. Yes. Again, the one in the center is
9 probably dramatically changed, but the one at
10 the bottom might -- was, I believe, permanently
11 there. And the other changes, they link to my
12 appearance on The Daily Show.

13 Q. Right. Right.

14 So when you say "permanently
15 changed," it was just changed for this year,
16 though; correct? Or it was changed for a
17 couple of years it looks like.

18 A. Yes.

19 Q. Okay.

20 I do want you to focus on that. You
21 say there is a link there now. It says, "View
22 John Avlon on The Daily Show with John
23 Stewart."

24 What is that?

25 A. That is a link to my appearance on

1 The Daily Show with John Stewart, which
2 received some attention. It made a difference
3 in my career. That link would go to The Daily
4 Show page, I believe.

5 Q. Okay. All right.

6 And, again, these appearances on The
7 Daily Show enabled you to develop the brand
8 "Independent Nation"; is that correct?

9 A. Correct.

10 Q. And so the idea that you would be
11 able to link to that also to see further
12 development of the brand; right?

13 A. Certainly. And through all this
14 period also, I mean, I think it's worth noting
15 that the various items under "The Press Room,"
16 "Centrism in the News," these would all evolve,
17 they would change --

18 Q. All right.

19 A. -- based on new information,
20 according to articles published by individuals.

21 MR. RUSH: Let's take a quick break.

22 (Recess taken from 11:15 a.m. to
23 11:16 a.m.)

24 BY MR. RUSH:

25 Q. Okay.

1 So now, going to the next page,
2 that's January 24, 2007; is that correct?

3 A. Correct.

4 Q. You have a new quote there in the
5 dynamic section from George Washington; is that
6 right?

7 A. Yes.

8 Q. Okay.

9 Moving on. This is the web site.
10 The next page is 2008, February.

11 A. Uh-huh.

12 Q. The next one is 2000 -- I guess we
13 don't have one from 2009.

14 This is 2010.

15 A. Uh-huh.

16 Q. The website was up in 2009; is that
17 right? I mean, it was available?

18 A. Yes.

19 Q. Okay.

20 And I take it it probably looked
21 similar to this, the 2010?

22 A. I think, yes.

23 Q. You've maintained the "Independent
24 Nation" --

25 A. The site had been up and running.

1 Q. All right?

2 A. It has gone through evolutions in
3 that period. So without looking at what that
4 specific screen graphic was at that point, I
5 could not attest to what it was being used for
6 at that point.

7 Q. Okay.

8 A. At no point has the site been
9 unavailable to people on the Internet, you
10 know, if they were to go here and see a
11 blank...

12 Q. All right. Okay.

13 Now, let's turn to the last page.
14 Can you identify what that is?

15 A. Yes. This is the site as it
16 currently exists, IndependentNation.org.com,
17 and you see here it's -- what I'm trying to do
18 with the site is to provide a home base for
19 people interested in independent politics and
20 centrist politics.

21 So it's not just my own work which is
22 dynamically reposted as I write columns in the
23 center of the page, but also links to other
24 organizations that are trying to fight the same
25 fight, in effect, politically from a similar

1 perspective. These posts are updated
2 constantly, as well.

3 You'll see on the upper right-hand
4 corner, there's an organization called No
5 Labels. That is a group that I helped cofound
6 in December of last year, along with other
7 individuals, Democrats, Republicans and
8 independents.

9 Over 500,000 people have signed up
10 for that organization now, again, dedicated to
11 the idea of politics and problem solving, as
12 opposed to the hyper-partisanship we've seen in
13 Congress.

14 The Bipartisan Policy Center is a
15 very established organization in Washington,
16 D.C. where we've worked on bipartisan policies,
17 where we might be able to find some common
18 ground.

19 The Rise of the Center is a blog run
20 by a young guy out of Omaha, Nebraska, whose
21 blog is edgier, lesser known, but very focused
22 on the politics of independents and centrists.

23 And The Moderate Voice is itself a
24 collection of columnists writing from the
25 centrist perspective.

1 So the idea is under this banner,
2 this brand of "Independent Nation," we're
3 bringing these various tribes and voices
4 together on one site. And that, I think, is
5 emblematic of an aspect of the brand, trying to
6 be an umbrella for like-minded individuals to
7 help articulate the kind of change we think
8 needs to be seen in American politics away from
9 polarization, towards being able to reason
10 together in the national interest.

11 Q. This blog, again, it's a dynamic
12 site. It provides a forum for interactive
13 discussion, I take it?

14 A. There is interactive discussion on
15 all these sites, but it is not for people to
16 log on or send text.

17 The nature of social media has
18 changed. There isn't a chat room function --

19 Q. I got you.

20 A. -- on this site. But that's because
21 chat rooms, per se, don't exist the way they
22 did when I might have first launched the site.

23 Q. All right.

24 And this has got "Independent Nation"
25 at the top.

1 A. Uh-huh.

2 Q. The only two words are "Independent
3 Nation"; right?

4 A. That's right. New logo, new brand.
5 This is the logo I'm using now, an indication
6 of the evolution of the brand, totally
7 unconnected with the book.

8 Q. So it's not a new brand. It's the
9 same brand --

10 A. It's the same brand.

11 Q. Right.

12 A. It's a new logo --

13 Q. I got you.

14 A. -- indicating the evolution of the
15 brand. And, again, there's nothing on this
16 page explicitly about the book, but the
17 continuity of the site is there.

18 Q. Correct.

19 And it's "Independent Nation" all in
20 capital letters; right?

21 A. Correct. Yes.

22 Q. All right.

23 Let's move on to Exhibit 9 --

24 Exhibit 8 and 9. I'm sorry, Exhibit 7 and 8.

25 And I'll just -- we'll go through these real

1 quick.

2 (Opposition No. 91194679, John P.
3 Avlon v. Demarcus Freemon, Avlon Exhibit
4 7, Registration of Domain Name
5 "IndependentNation.com", was marked for
6 identification.)

7 BY MR. RUSH:

8 Q. That's 7. Take a look at that.

9 A. Uh-huh.

10 Q. And then 8.

11 (Opposition No. 91194679, John P.
12 Avlon v. Demarcus Freemon, Avlon Exhibit
13 8, Registration of Domain Name
14 "IndependentNation.org", was marked for
15 identification.)

16 A. (Document Review.)

17 Q. Can you identify Exhibit 7?

18 Is this the registration of the
19 domain name "IndependentNation.com"?

20 A. Yes.

21 Q. All right.

22 And that's for you; correct?

23 A. Correct.

24 Q. And then 8 is the registration of the
25 domain name "IndependentNation.org"; correct?

1 A. Yes.

2 Q. All right.

3 And that's the website we've been
4 going through and that's how it's been --

5 A. Correct.

6 Q. -- developed over the years?

7 A. Correct.

8 (Opposition No. 91194679, John P.
9 Avlon v. Demarcus Freemon, Avlon Exhibit
10 9, Web Page Tabs for "Independent Nation"
11 website, was marked for identification.)

12 BY MR. RUSH:

13 Q. Now, I'm going to hand you now what's
14 marked as Exhibit No. 9. If you could take a
15 look at that and try and go through that
16 briefly.

17 A. Yes. (Document Review.)

18 Q. You were the website registrant for
19 each of those domains; right --

20 A. Correct.

21 Q. -- in Exhibit 7 and 8?

22 A. Correct.

23 Q. And you own the websites

24 "IndependentNation.com" and

25 "IndependentNation.org"?

1 A. Correct.

2 Q. And you've owned and operated those
3 websites continuously since 2004 through the
4 present day?

5 A. Correct.

6 Q. Can you identify Exhibit No. 9? It's
7 got the book reviews as the first --

8 A. Sure. There are the various pages
9 under the tabs of the original "Independent
10 Nation" site.

11 Q. All right.

12 A. So you see articles that I was
13 writing at the time that were posted under
14 "Centrism in the News."

15 Q. Okay. All right.

16 A. Again, indicating this was a dynamic
17 site, more than just -- even at this stage, it
18 was more than just simply narrow promotion of
19 the book, but the beginning of the brand.

20 Q. All right.

21 And so let's go to the last exhibit.
22 This is Exhibit 10. I ask you to take a moment
23 to take a look at it.

24 (Opposition No. 91194679, John P.
25 Avlon v. Demarcus Freemon, Avlon Exhibit

1 10, PowerPoint Speech, was marked for
2 identification.)

3 A. That was actually the last --

4 Q. Oh, that's the last?

5 A. I brought -- doubled up. It doesn't
6 matter.

7 Q. All right.

8 No, no. That's okay.

9 A. This is the -- a speech, a PowerPoint
10 I gave as recently as 2006 entitled
11 "Independent Nation," building off the book,
12 showing the growing brand of "Independent
13 Nation" beyond the book, beyond the first page
14 which says "Independent Nation" again in all
15 caps, replicating the cover.

16 You see the content of the speech is
17 quite off the book. So this second slide, I
18 would begin by saying something to the effect
19 of, this is the famous red state versus blue
20 state map --

21 Q. Right.

22 A. -- that we've come to believe that is
23 a truth in American politics.

24 And then throughout the talk, I would
25 go and make the point that this view of

1 American politics is fundamentally false, that
2 our country is not as divided as this map would
3 suggest.

4 The next slide I show congressional
5 voting patterns throughout the 20th Century,
6 something that's not in the book. Neither, of
7 course, is the red state/blue state map,
8 showing that the voting patterns in Congress
9 used to be clustered around the center --

10 Q. Uh-huh.

11 A. -- and representative of the American
12 people. And it's gotten worse and worse where
13 the parties have become more polarized. We're
14 measuring the disconnect, the discontent.

15 Q. Uh-huh.

16 A. And I talk about various figures in
17 American history, some of who are in the book.
18 But you'll see here I've pivoted to modern
19 American politics. At that point Rudy Giuliani
20 and John McCain were both considered the
21 leading contenders for the Presidency.

22 McCain's 2000 run was in the book,
23 but not this point, talking about, of course,
24 the 2008 phrase, pivoting far ahead from where
25 the book was about the echoes of these ideas.

1 And then here, I contrast the red
2 state/blue state map, but I show a proportional
3 map of how America really votes. So I am
4 making the point, as underscored throughout the
5 book, that we are not, in fact, as divided as
6 we are -- as, I think conventional political
7 wisdom would indicate and the parties would
8 have you believe.

9 And then this image of the eagle from
10 Teddy Roosevelt's battle flag, this image is
11 now consistently throughout -- I use this image
12 throughout my JohnAvlon.com site. It is
13 continuity; but, again, even absent from the
14 book, per se.

15 Q. All right.

16 A. So this is a good snapshot of circa
17 2006, again, over a year after the paperback
18 edition was published of how the talk, speeches
19 I was giving under the brand name of
20 "Independent Nation" were building off of and
21 far from the subject of the book, indicating
22 the evolution of the brand alongside my
23 evolution as a columnist, and in this case,
24 public speaker.

25 Q. All right.

1 Your testimony is that the brand that
2 you've created is simply the two-word phrase
3 "Independent Nation"; correct?

4 A. Correct.

5 Q. All right. I have no further
6 questions. So if you don't have anything to
7 add, I think that's it.

8 A. Great.

9 (A Discussion was Held off the
10 Record.)

11 BY MR. RUSH:

12 Q. One question.

13 You talked about the Teddy Roosevelt
14 battle flag.

15 A. Uh-huh.

16 Q. You said you use it on your John
17 Avlon website. Do you also use it on your
18 Independent Nation --

19 A. I believe so, yes. I use it fairly
20 consistently on all my property, yes.

21 Q. All right. Okay.

22 MR. RUSH: Thank you very much.

23 That's it.

24 (Recess taken from 11:26 a.m. to
25 11:27 a.m.)

1 MR. RUSH: This is to note, Mr. Avlon
2 has left the room.

3 It is approximately 11:30. At no
4 time during the course of the deposition
5 did Mr. Herbert Theodore Patty appear or
6 contact me in any way with respect to this
7 deposition.

8 The deposition -- he was notified of
9 the deposition and was aware of its
10 location and did not appear.

11 That's it.

12 (The deposition was concluded at
13 11:28 a.m.)

14

15

16

17

18



JOHN PHILLIPS AVLON

19

20 Subscribed and sworn to before me

21 this day of 2012.

22

23

24

25

C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, THOMAS A. FERNICOLA, Registered Reporter and Notary Public within and for the State of New York, do hereby certify:

That John Phillips Avlon, the witness who deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true and accurate transcript of the proceedings held on August 14, 2012.

That counsel for Opposer was present.

The deposition was take on August 14, 2012, at Essex House, 160 Central Park South, Room 2316, New York, New York at 10:33 a.m.

I further certificate that I am not disqualified as specific in Rule 28 of the Federal Rules of Civil Procedure.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of August, 2012.

THOMAS A. FERNICOLA, RPR

1 ----- EXHIBITS -----

2 AVLON'S

3 DESCRIPTION PAGE LINE

4 John P. Avlon v. Demarcus Freemon, 17 25

5 Avlon Exhibit 1, Cover of First

6 Edition of "Independent Nation",

7 John P. Avlon v. Demarcus Freemon, 19 11

8 Avlon Exhibit 2, Cover of Paperback

9 Edition of "Independent Nation",

10 John P. Avlon v. Demarcus Freemon, 22 9

11 Avlon Exhibit 3, Series of Quotes

12 and Review re: "Independent

13 Nation",

14 John P. Avlon v. Demarcus Freemon, 26 20

15 Avlon Exhibit 4, Application to

16 Register Trademark "Independent

17 Nation",

18 John P. Avlon v. Demarcus Freemon, 30 8

19 Avlon Exhibit 5, Copy of DVD called

20 John P. Avlon,

21 John P. Avlon v. Demarcus Freemon, 39 9

22 Avlon Exhibit 6, Series of

23 Documents,

24

25

1 ----- EXHIBITS (Cont'd) -----

2 AVLON'S

3 DESCRIPTION PAGE LINE

4 John P. Avlon v. Demarcus Freemon, 55 2

5 Avlon Exhibit 7, Registration of

6 Domain Name

7 "IndependentNation.com",

8 John P. Avlon v. Demarcus Freemon, 55 11

9 Avlon Exhibit 8, Registration of

10 Domain Name

11 "IndependentNation.org",

12 John P. Avlon v. Demarcus Freemon, 56 8

13 Avlon Exhibit 9, Web Page Tabs for

14 "Independent Nation" website,

15 John P. Avlon v. Demarcus Freemon, 57 24

16 Avlon Exhibit 10, PowerPoint

17 Speech,

18

19

20

21

22

23

24

25

1 ERRATA SHEET FOR THE TRANSCRIPT OF:

2 Case Name: Avlon v. Freemon

3 Dep. Date: August 14, 2012

4 Deponent: JOHN PHILLIPS AVLON

5 Reason codes:

6 1. To clarify the record.

2. To conform to the facts.

7 3. To correct transcription errors.

8 Page ____ Line ____ Reason _____

9 From _____ to _____

10 Page ____ Line ____ Reason _____

11 From _____ to _____

12 Page ____ Line ____ Reason _____

13 From _____ to _____

14 Page ____ Line ____ Reason _____

15 From _____ to _____

16 Page ____ Line ____ Reason _____

17 From _____ to _____

18 _____

19 _____

20 JOHN PHILLIPS AVLON

21 _____

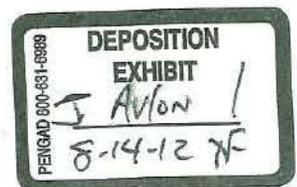
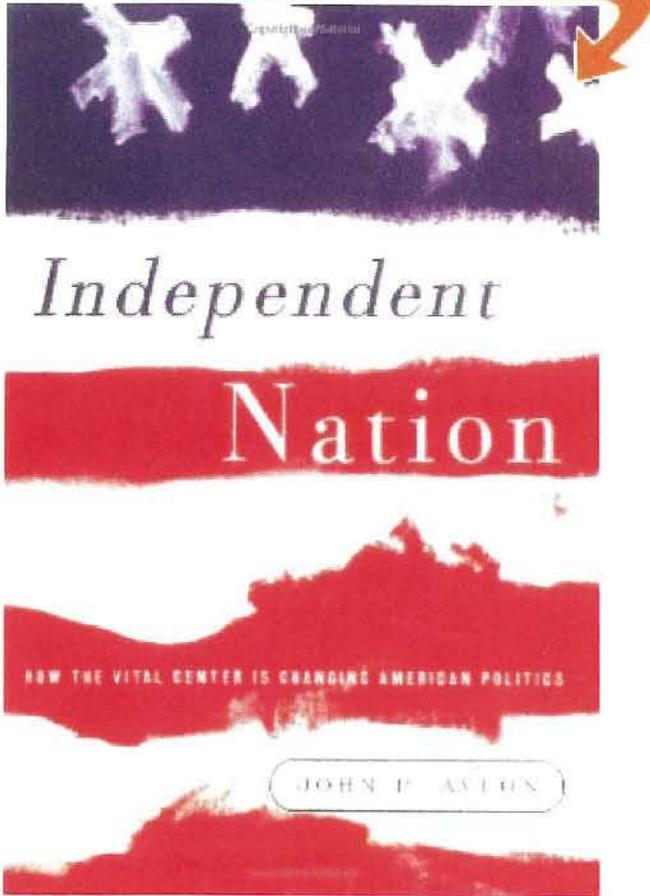
22 Subscribed and sworn to before me

23 this day of 2012.

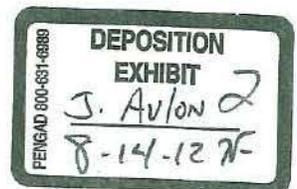
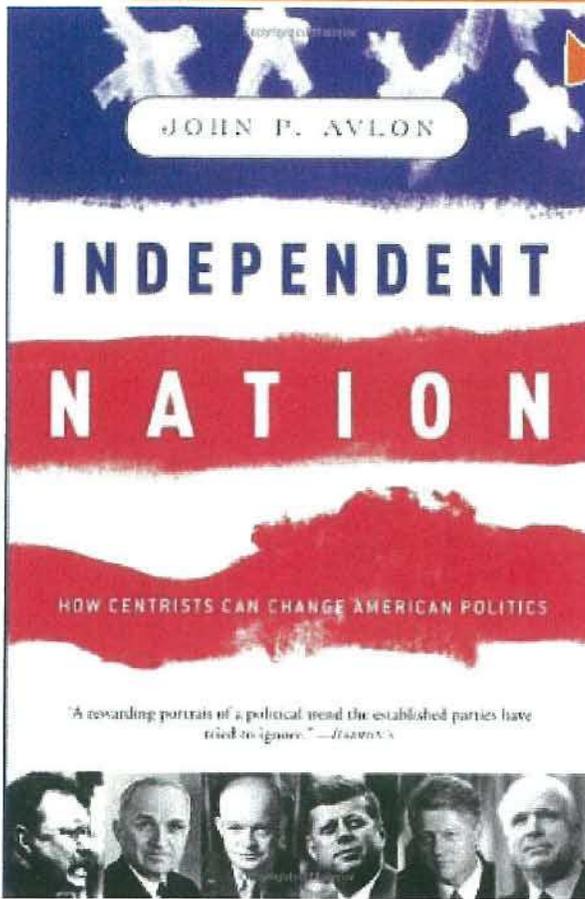
24 _____

25 _____

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LOOK INSIDE!

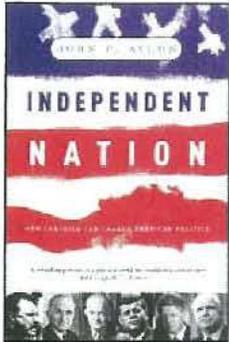


Independent Nation

Independent Nation

How Centrists Can Change American Politics

by John P. Avlon



Fifty percent of American voters define themselves as political moderates, two-thirds favor political solutions that come from the center of the political spectrum, and Independents outnumber both Democrats and Republicans. Bill Clinton and George W. Bush each explicitly used Centrist strategies to win the White House — and twenty-first-century candidates will be compelled to do the same.

Independent Nation documents the rich history of the defining political movement of our time. Organized as a series of short and colorful political biographies, it offers an insightful and engaging analysis of the successes and failures of key Centrist leaders throughout the twentieth century. In the process, it demonstrates that Centrism is not only a winning political strategy but an enlightened governing philosophy that best reflects the will of the people by putting patriotism ahead of partisanship and the national interest ahead of special interests.

Buy Book

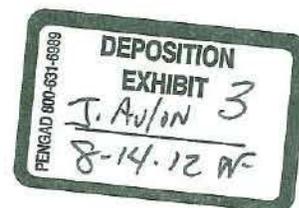
Reviews

“Throughout my years in Congress, I have been guided by a simple philosophy -- to make government work. The most effective brand of politics forms center-out coalitions over rigid party ideology or cynical political maneuvering. Lately though, extreme partisanship and an ‘all-or-nothing attitude’ seem to define the culture of Washington. Independent Nation lays out the history and heritage of centrist politics, starting with the Founding Father’s deep distrust of partisanship along side the story of some of this century’s leading and best known centrists. Like it or not, the future of American politics is in the vast center. Read John Avlon’s Independent Nation -- it’s an excellent reminder that some of our best leaders have also been our most mainstream.”

—Senator John Breaux [Democrat, Louisiana]

“Effective leadership requires independence and courage to look beyond partisan politics for the best solution. John P. Avlon’s Independent Nation details the history of principled political leaders who fearlessly took on special interests from both the left and right in defense of national interest. It offers much-needed historic perspective on our pursuit of a more civil society.”

—Rudolph W. Giuliani [Republican, New York]



“Into the prevailing winds of political wisdom sails New York Sun columnist John P. Avlon with Independent Nation, a brave and compelling case for the past persistence and future dominance of American Centrism.”

—Ed Kilgore, Policy Director of the Democratic Leadership Council

“A rewarding portrait of a political trend the established parties have tried to ignore.”

—Barron’s

“The essay-size bios . . . are very revealing, instructive, and full of new insights about stories we thought we already knew . . . The author makes a good point when he suggests that political parties should be able to bridge various policies that would appear to be perfect fits . . .”

—Booklist

“Author John Avlon has made a significant contribution to the ranks of literature covering the middle of ideological thought.”

—Gregsopinion.com

“A compelling distillation of recent political history through the prism of centrist politics. It’s well written and fun to read... and its timing couldn’t be better.”

—New York Post

“To Avlon centrism is not a matter of compromise or reading polls; rather it’s an antidote to the politics of divisiveness, providing principled opposition to political extremes. His description of Maine Republican senator Margaret Chase Smith’s morally and politically courageous Senate speech rejecting McCarthyism four years before the Senate censured him embodies Avlon’s view of centrism, and he uses that example to demonstrate the value of centrists like Smith to the body politic. Perhaps the most remarkable achievement he describes was that of Earl Warren, who in 1946 ran for governor of California in the Republican, Democratic and Progressive primaries — and won all three. Avlon’s centrist tent is a large one: the political campaigns of presidents as diverse as Theodore Roosevelt, Wilson, JFK, Nixon and Clinton are chronicled to demonstrate the staying power and effectiveness of centrist politics.”

—Publishers Weekly

“John Avlon presented his book on C-Span Book TV (April 2004) He is a wise young man with good political instincts and a solid sense of what it means to be an independent centrist. Indeed, that is where the majority of Americans reside. He hit the mark time and time again, correctly concluding that centrists (moderates) are about ‘the reconciliation of competing interests.’”

--RealDemocracy.com



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Registration Number: (NOT AVAILABLE)

Mark

INDEPENDENT NATION

(words only): INDEPENDENT NATION

Standard Character claim: Yes

Current Status: Suspension check completed. Application remains suspended.

Date of Status: 2012-02-24

Filing Date: 2009-12-11

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

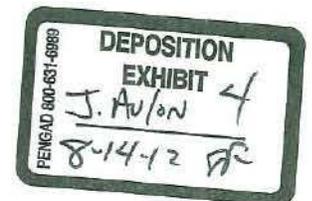
Register: Principal

Law Office Assigned: LAW OFFICE 107

Attorney Assigned:
SNYDER NELSON B

Current Location: L7X - TMEG Law Office 107 - Examining Attorney Assigned

Date In Location: 2010-08-24



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

1. Avlon, John P.

Address:

Avlon, John P.
5th Floor 29 Broadway
New York, NY 10006
United States

Legal Entity Type: Individual**Country of Citizenship:** United States

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Providing a website featuring information in the field of political issues, political elections, public relations and promoting public awareness in the field of social welfare

Basis: 1(a)**First Use Date:** 2004-02-00**First Use in Commerce Date:** 2004-02-00**International Class:** 038**Class Status:** Active

Providing an online forum for transmission of messages among computer users in the fields of politics, social issues, media, news, public affairs and entertainment

Basis: 1(a)**First Use Date:** 2004-02-00**First Use in Commerce Date:** 2004-02-00**International Class:** 041**Class Status:** Active

Providing a website featuring information and articles in the field of current event news and entertainment; providing an on-line journal, namely, a blog featuring information in the field of news, politics, media, social issues, public affairs and entertainment; providing an internet news portal featuring links to news stories and articles in the field of current events

Basis: 1(a)**First Use Date:** 2004-02-00**First Use in Commerce Date:** 2004-02-00**International Class:** 042**Class Status:** Active

Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking

Basis: 1(a)**First Use Date:** 2004-02-00**First Use in Commerce Date:** 2004-02-00

ADDITIONAL INFORMATION

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PROSECUTION HISTORY

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2012-02-24 - Report Completed Suspension Check Case Still Suspended

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2010-08-24 - Notification Of Letter Of Suspension E-Mailed

2010-08-24 - LETTER OF SUSPENSION E-MAILED

2010-08-24 - Suspension Letter Written

2010-08-03 - Teas/Email Correspondence Entered

2010-08-02 - Communication received from applicant

2010-08-02 - TEAS Response to Office Action Received

2010-02-03 - Notification Of Non-Final Action E-Mailed

2010-02-03 - Non-final action e-mailed

2010-02-03 - Non-Final Action Written

2010-01-27 - Assigned To Examiner

2009-12-17 - New Application Office Supplied Data Entered In Tram

2009-12-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Carol A. Genis

Correspondent

CAROL A. GENIS

K&L GATES LLP

PO BOX 1135

CHICAGO, IL 60690-1135

Phone Number: 312-807-4272

Fax Number: 312-827-8185

JOHN P. AVLON

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8-14-12 *WC*

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– **Jon Stewart, The Daily Show**

"Americans who are fed up with the Ann Coulter/Michael Moore school of debate and are looking for someone to articulate a commonsense, middle path, may have found their voice in John P. Avlon."

– **Kathleen Parker, syndicated columnist**

"A compelling distillation of recent political history through the prism of centrist politics."

– **New York Post**

"A brave and compelling case for the past persistence and future dominance of American Centrism."

– **Blueprint Magazine**

"To Avlon, centrism is not a matter of compromise or reading polls; rather it's an antidote to the politics of divisiveness, providing principled opposition to political extremes."

– **Publishers Weekly**

DVD Segments:

- 1. The Daily Show with Jon Stewart (4/13/05)**
- 2. The O'Reilly Factor (4/14/05)**
- 3. Dennis Miller (4/6/04)**
- 4. MSNBC Convention After Hours (8/31/04)**
- 5. Fox Weekend Live (4/9/05)**
- 6. Close Up on C-SPAN (4/1/05)**



John P. Avlon is a columnist for the New York Sun and served as Chief Speechwriter and Deputy Communications Director for Mayor Rudolph Giuliani. He is a founder and managing partner of Prides Crossing Executive Communication and worked on Bill Clinton's 1996 presidential campaign. John Avlon has appeared on The Daily Show with Jon Stewart, MSNBC, Fox News Channel, Dennis Miller and C-SPAN, and is a regular panelist on Radio America. He has lectured at

Yale University, NYU, Hunter College, The Citadel and the Kennedy School of Government. Avlon's essay on the September 11 attacks – "The Resilient City," published in the anthology *Empire City: New York Through the Centuries* – won acclaim from Fred Siegel, author of *The Future Once Happened Here*, as "the single best essay written in the wake of 9/11."

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Government is not a warfare of interests.
—Woodrow Wilson



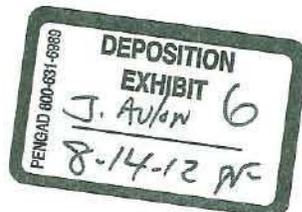
Author, John P. Avlon



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*We stand in the presence of an awakened nation,
impatient of partisan make-believe.*
— Woodrow Wilson



Author, John P. Avlon

"...a brave and compelling case for the past persistence and future dominance of American Centrism." — Ed Kilgore, Policy Director of the Democratic Leadership Council



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I shall seek the support of the people of both parties. I can do this honorably because I am an independent and therefore in a position to serve the people regardless of their politics or mine.
—Governor Earl Warren



Author, John P. Avlon

"Effective leadership requires independence and courage to look beyond partisan politics for the best solution. John P. Avlon's Independent Nation details the history of principled political leaders who fearlessly took on special interests from both the left and right in defense of national interest. It offers much-needed historic perspective on our pursuit of a more civil society." —Rudolph W. Giuliani



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I was no party man myself, and the first wish of my heart was, if parties did exist, to reconcile them.
— George Washington



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—George Washington



Author, John P. Avlon

"... a brave and compelling case for the past persistence and future
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By Joseph Minarik, Senior Vice President and Director of Research, Committee for Economic Development; Member, BPC's Debt Reduction Task Force

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Stumbling Toward The Cliff
Imagining a scenario in which the lame duck session lays the groundwork for a grand bargain in 2013

By Joseph Minarik, Senior Vice President and Director of Research, Committee for Economic

TheModerate Voice

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Disavowal of Mark Clayton Shows Democrats' Disarray in Tennessee – The Daily Beast
Something really strange happened in Tennessee last week. Democrats elected a fright-wing conspiracy theorist named Mark Clayton to be their U.S. Senate candidate—and the state party prompted disavowed him. It's fair to say that if this were a R...

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Time cools passions and adds perspective. This seems especially true for the tumultuous Republican love affair with Sarah Palin. It was intense, it was irrational—and it's over. Dick Cheney is just the latest conservative icon to join the chorus...

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GROWING SUPPORT FOR NO LABELS: Lind Campbell, editorial writer for the Fort Worth Telegram, recently discovered No Labels, & liked what she...

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IP Address: [205.178.189.131](#) (ARIN & RIPE IP search)
Record Type: Domain Name
Server Type: Other 6
Lock Status: clientTransferProhibited
WebSite Status: Parked

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Administrative Contact :

Genis, Carol
chicago.trademarks@klgates.com
 c/o K&L Gates LLP
 70 West Madison Street
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 Phone: 312 807-4272

Technical Contact :

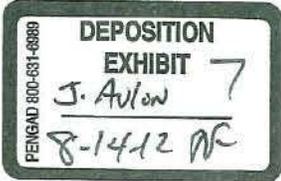
Network Solutions, LLC.
customerservice@networksolutions.com
 13861 Sunrise Valley Drive
 Herndon, VA 20171
 US
 Phone: 1-888-642-9675
 Fax: 571-434-4620

Record expires on 24-Aug-2014
Record created on 20-Mar-2004
Database last updated on 24-Aug-2011

Domain servers in listed order: [Manage DNS](#)

[NS63.WORLDDNIC.COM](#) [205.178.190.32](#)
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Record Type: Domain Name

Server Type: IIS 6

WebSite Status: Active

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US

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Administrative Contact :

John Phillips Avlon
chicago.trademarks@klgates.com
c/o K&L Gates LLP
70 West Madison Street, Suite 3300
Chicago, IL 60602
US
Phone: 312 807-4272

Technical Contact :

Network Solutions, LLC.
customerservice@networksolutions.com
13861 Sunrise Valley Drive
Herndon, VA 20171
US
Phone: 1-888-642-9675
Fax: 571-434-4620

Record expires on 30-May-2013

Record created on 30-May-2003

Database last updated on 11-May-2011

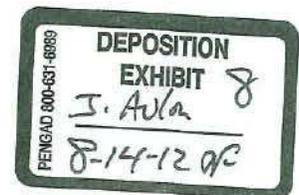
Domain servers in listed order:

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Extremes to the right and left of any political dispute are always wrong.
—Dwight D. Eisenhower

The Book

Independent Nation

How the Vital Center is Changing American Politics

by John P. Avlon

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Fifty percent of American voters define themselves as political moderates, two-thirds favor political solutions that come from the center of the political spectrum, and Independents outnumber both Democrats and Republicans. Bill Clinton and George W. Bush each explicitly used Centrist strategies to win the White House—and twenty-first-century candidates will be compelled to do the same.

Independent Nation documents the rich history of the defining political movement of our time. Organized as a series of short and colorful political biographies, it offers an insightful and engaging analysis of the successes and failures of key Centrist leaders throughout the twentieth century. In the process, it demonstrates that Centrism is not only a winning political strategy but an enlightened governing philosophy that best reflects the will of the people by putting patriotism ahead of partisanship and the national interest ahead of special interests.

Reviews

"Into the prevailing winds of political wisdom sails *New York Sun* columnist John P. Avlon with *Independent Nation*, a brave and compelling case for the past persistence and future dominance of American Centrism."
—Ed Kilgore, Policy Director of the Democratic Leadership Council

"Effective leadership requires independence and courage to look beyond partisan politics for the best solution. John P. Avlon's *Independent Nation* details the history of principled political leaders who fearlessly took on special interests from both the left and right in defense of national interest. It offers

much-needed historic perspective on our pursuit of a more civil society."
—Rudolph W. Giuliani [Republican, New York]

"Throughout my years in Congress, I have been guided by a simple philosophy – to make government work. The most effective brand of politics forms center-out coalitions over rigid party ideology or cynical political maneuvering. Lately though, extreme partisanship and an 'all-or-nothing attitude' seem to define the culture of Washington. *Independent Nation* lays out the history and heritage of centrist politics, starting with the Founding Father's deep distrust of partisanship along side the story of some of this



Avlon's deep distrust of partisanship along side the story of some of this century's leading and best known centrists. Like it or not, the future of American politics is in the vast center. Read John Avlon's *Independent Nation* - it's an excellent reminder that some of our best leaders have also been our most mainstream."

—Senator John Breaux [Democrat, Louisiana]

"To Avlon centrism is not a matter of compromise or reading polls; rather it's an antidote to the politics of divisiveness, providing principled opposition to political extremes. His description of Maine Republican senator Margaret Chase Smith's morally and politically courageous Senate speech rejecting McCarthyism four years before the Senate censured him embodies Avlon's view of centrism, and he uses that example to demonstrate the value of centrists like Smith to the body politic. Perhaps the most remarkable achievement he describes was that of Earl Warren, who in 1946 ran for governor of California in the Republican, Democratic and Progressive primaries - and won all three. Avlon's centrist tent is a large one: the political campaigns of presidents as diverse as Theodore Roosevelt, Wilson, JFK, Nixon and Clinton are chronicled to demonstrate the staying power and effectiveness of centrist politics." —*Publishers Weekly*

"The essay-size bios . . . are very revealing, instructive, and full of new insights about stories we thought we already knew . . . The author makes a good point when he suggests that political parties should be able to bridge various policies that would appear to be perfect fits. . ."

—*Booklist*

Current Affairs - American
February 2004
400 pages/hardcover
\$24.00US/\$36.00CAN
ISBN: 1400050235

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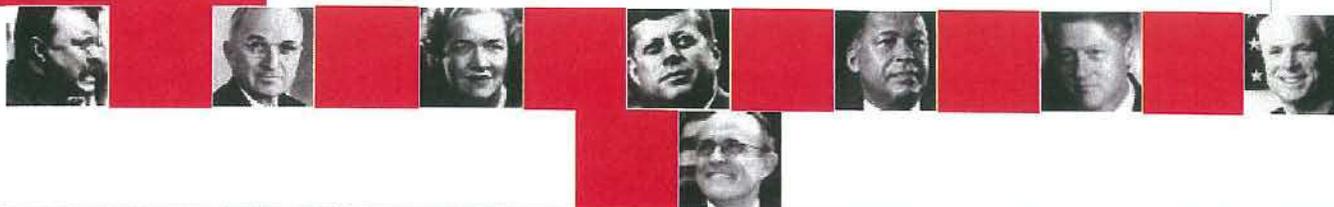
Neither party should be defined by pandering to the outer reaches of American politics and the agents of intolerance, whether they be Louis Farrakhan or Al Sharpton on the left, or Pat Robertson and Jerry Falwell on the right.
—Senator John McCain

The Author

JOHN P. AVLON (Fipp Avlon) is a columnist for the *New York Sun* and served as Chief Speechwriter and Deputy Communications Director for Mayor Rudolph Giuliani. He is the president of Prides Crossing Executive Communication and worked on Bill Clinton's 1996 presidential campaign. His essay on the attacks of September 11—"The Resilient City," published in the anthology *Empire City: New York Through the Centuries*—won acclaim from Fred Siegel, author of *The Future Once Happened Here*, as "the single best essay written in the wake of 9/11."



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It is time that the great
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 consciences.
 —Senator Margaret
 Chase Smith

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I never submitted the whole system of my opinions to the creed of any party of men whatever in religion, in philosophy, in politics, or in anything else where I was capable of thinking for myself.
—Thomas Jefferson

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- [Centrist Quotes](#)
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- [The New York Sun](#), by Ed Kilgore, Policy Director of the Democratic Leadership Council

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The legitimate object of
 government is to do for
 a community of people
 whatever they need to
 have done, but cannot
 do at all, or cannot so
 well do, for themselves
 - in their separate, and
 individual capacities.
 —Abraham Lincoln

Here we will feature centrists and centrism in the news.

"The Man Who Should Be President", *The New York Sun*, 3/4/04

"Waiting for Perot", *The New York Sun*, 3/1/04

"Founders vs. Factions", *The New York Sun*, 2/26/04

"The Return of Mr. Rule or Ruin", *The New York Sun*, 2/23/04

"Independents Speak, Dems Listen", *The New York Sun*, 1/29/04

"Let the Centrism Begin", *The New York Sun*, 1/19/04

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The future lies with
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 politics.
 —Franklin D. Roosevelt

Classic Centrist Quotes

"I was no party man myself, and the first wish of my heart was, if parties did exist, to reconcile them."
 —George Washington

"I never submitted the whole system of my opinions to the creed of any party of men whatever in religion, in philosophy, in politics, or in anything else where I was capable of thinking for myself. Such addiction is the last degradation of a free and moral agent. If I could not go to heaven but with a party, I would not go there at all."
 —Thomas Jefferson

"Every difference of opinion is not a difference of principle. We are all Republicans; we are all Federalists."
 —Thomas Jefferson

"I have always sought for the middle ground."
 —James Madison

"There is nothing which I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, it to be dreaded as the greatest political evil under our Constitution."
 —John Adams

"The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot so well do, for themselves - in their separate, and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere."
 —Abraham Lincoln

"We [must] hold the just balance and set ourselves as resolutely against improper corporate influence on the one hand as against demagoguery and mob rule on the other."
 —Theodore Roosevelt

"Just as Lincoln got contradictory advice from the extremists of both sides . . . so now I have to guard myself against the extremists of both sides."
 —Theodore Roosevelt

"Be practical as well as generous in your ideals. Keep your eyes on the stars, but remember to keep your feet on the ground."
 —Theodore Roosevelt

"We stand in the presence of an awakened nation, impatient of partisan make-believe "

—Woodrow Wilson

"Government is not a warfare of interests."

—Woodrow Wilson

"The future lies with those wise political leaders who realize that the great public is interested more in Government than in politics. The growing independence of voters, after all, has been proven by the votes in every Presidential election since my childhood and the tendency, frankly, is on the increase."

—Franklin D. Roosevelt

"Partisanship must end at the waters edge."

—Harry S. Truman

"I shall seek the support of the people of both parties. I can do this honorably because I am an independent and therefore in a position to serve the people regardless of their politics or mine."

—Governor Earl Warren

"It is time that the great center of our people, who reject the violence and unreasonableness of both the extreme right and the extreme left, searched their consciences, mustered their moral and physical courage, shed their intimidated silence, and declare their consciences."

—Senator Margaret Chase Smith

"It is only common sense to recognize that the great bulk of Americans, whether Republican or Democrat, face many common problems and agree on a number of basic objectives."

—Dwight D. Eisenhower

"Extremes to the right and left of any political dispute are always wrong."

—Dwight D. Eisenhower

"The middle of the road is all of the usable surface. The extremes, right and left, are in the gutters."

—Dwight D. Eisenhower

"Extreme opposites resemble the other. Each believes that we have only two choices: appeasement or war, suicide or surrender, humiliation or holocaust, to be either Red or dead."

—John F. Kennedy

"This is a time for courage and a time of challenge. Neither conformity nor complacency will do. Neither fanatics nor the faint-hearted are needed. And our duty as a Party is not to our Party alone, but to the Nation, and, indeed to all mankind. Our duty is not merely the preservation of political power but the preservation of peace and freedom."

—John F. Kennedy Undelivered Speech, November 22nd, 1963

"Extremists on the left tend to be just as critical of pragmatism as extremists on the right."

—Richard Nixon

"Idealism without pragmatism is impotent. Pragmatism without idealism is meaningless. The key to effective leadership is pragmatic idealism."

—Richard Nixon

"We must reject separatism from whatever source. We must reject white separatism. We must reject black separatism. We must hold true to the course on which we have embarked the course which leads to an integrated society of magnificent pluralism."

—Senator Edward Brooke

"On human rights, civil rights and environmental quality, I consider myself to be very liberal. On the management of government, on openness of

government, on strengthening individual liberties and local levels of government, I consider myself a conservative. And I don't see that the two attitudes are incompatible."

—Jimmy Carter

"The core of America is not racist. It is not hostile to women. It is increasingly offended by gay bashing. Yet it abhors government waste. It believes strongly in fiscal responsibility such as balanced budgets. It is pro-economic growth. It is concerned about the environment. It is intolerant of people on welfare who disdain the notion of work. But it wants poor kids to have school lunches and it wants to spend money to have good schools. In sum, most Americans are sensible, good-hearted, and prudent. The issue, then, is whether there is a political party that can welcome them home."

—Senator Paul Tsongas

"When we put aside partisanship, embrace the best ideas regardless of where they come from and work for principled compromise, we can move America not left or right, but forward."

—Bill Clinton

"The choice we offer is not conservative or liberal. In many ways its not even Republican or Democratic. Its different. Its new. And it will work."

—Bill Clinton

"I'm too fiscally conservative for the Democrats and too socially liberal for the Republicans, like 75% of the American people."

—Governor Angus King

"To be locked into partisan politics doesn't permit you to think clearly."

—Mayor Rudy Giuliani

"Neither party should be defined by pandering to the outer reaches of American politics and the agents of intolerance, whether they be Louis Farrakhan or Al Sharpton on the left, or Pat Robertson and Jerry Falwell on the right."

—Senator John McCain

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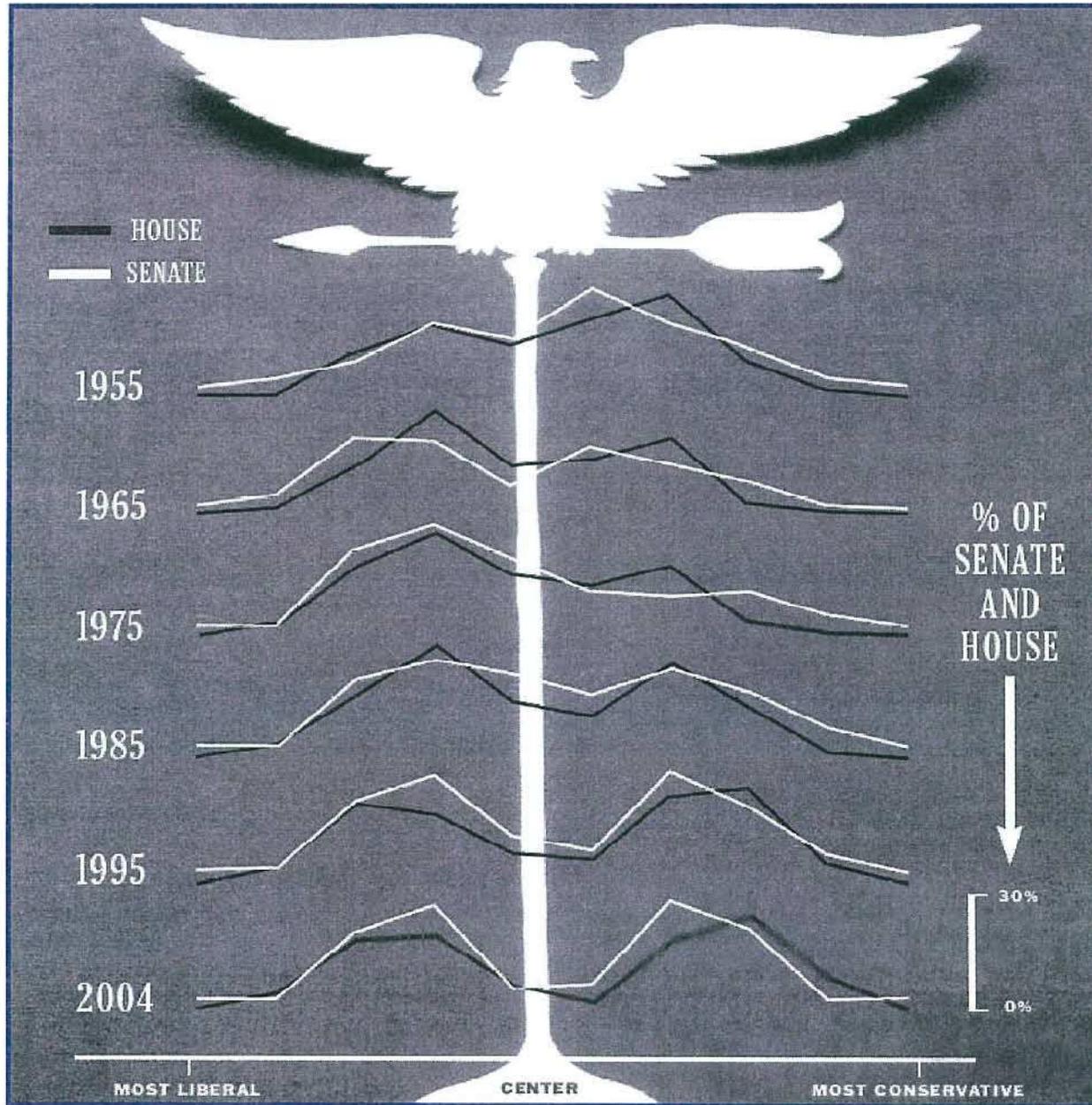
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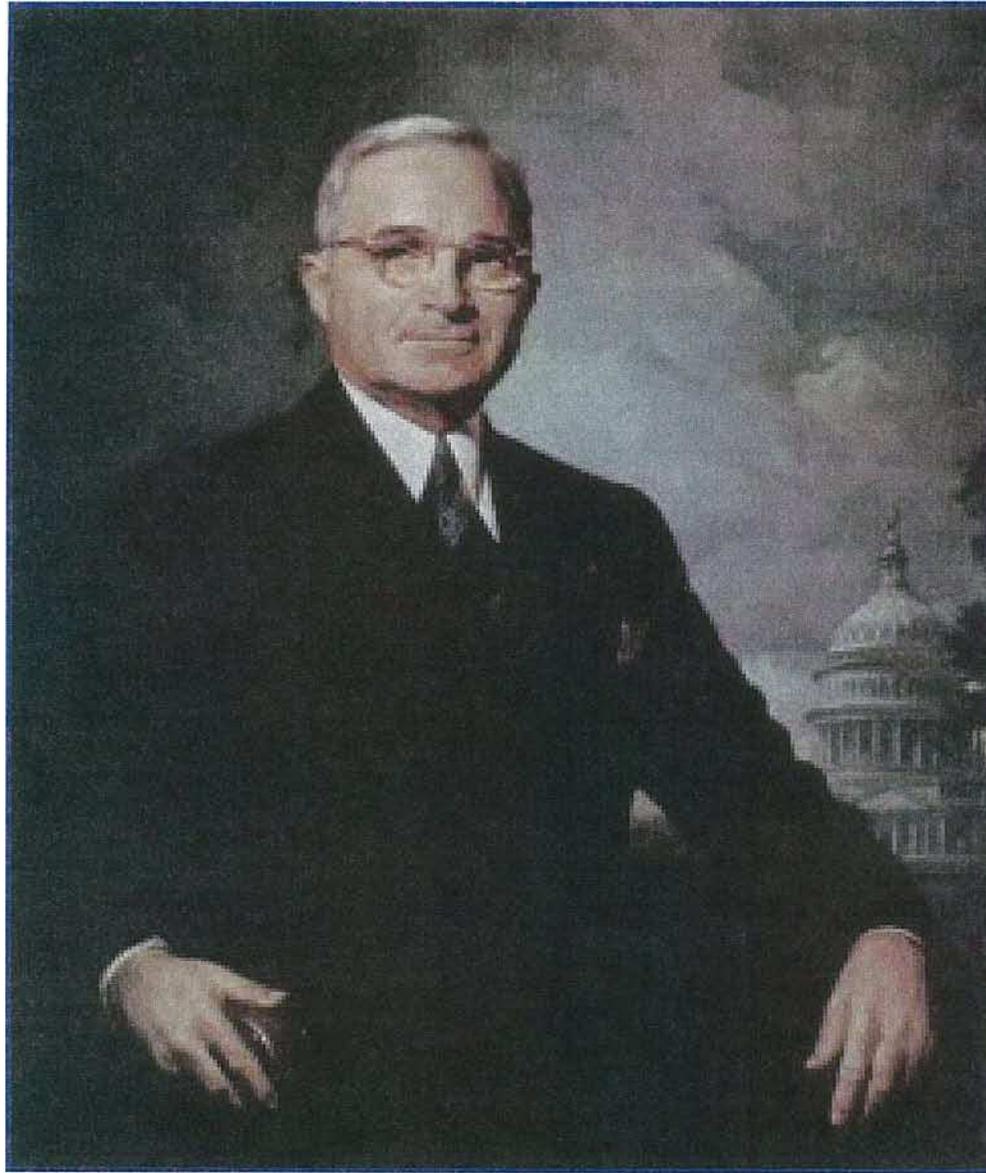
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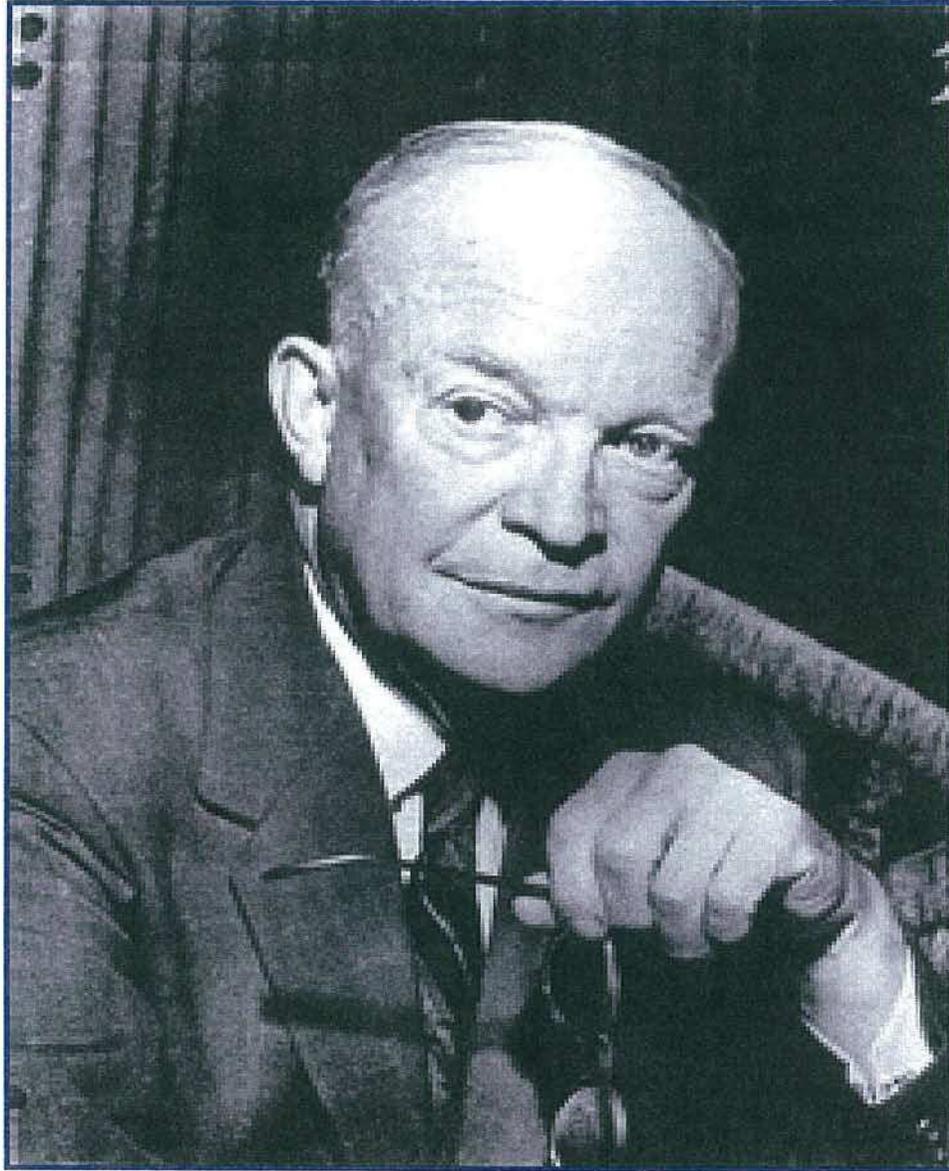
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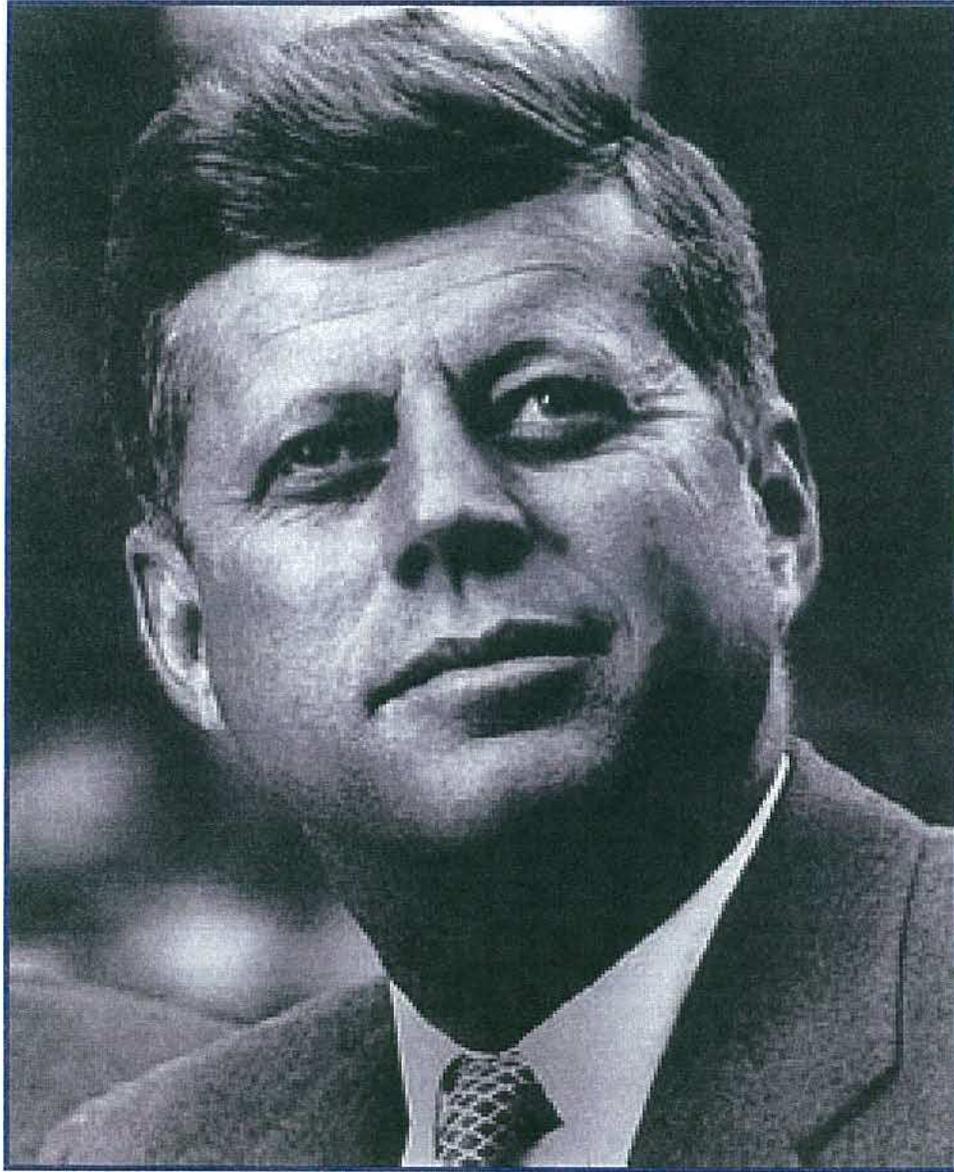




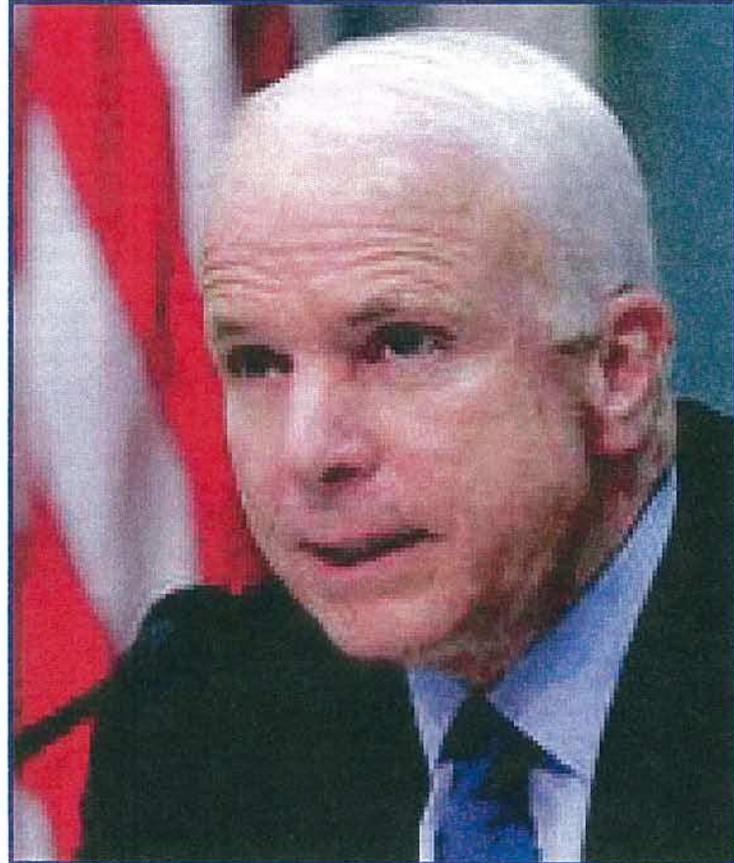
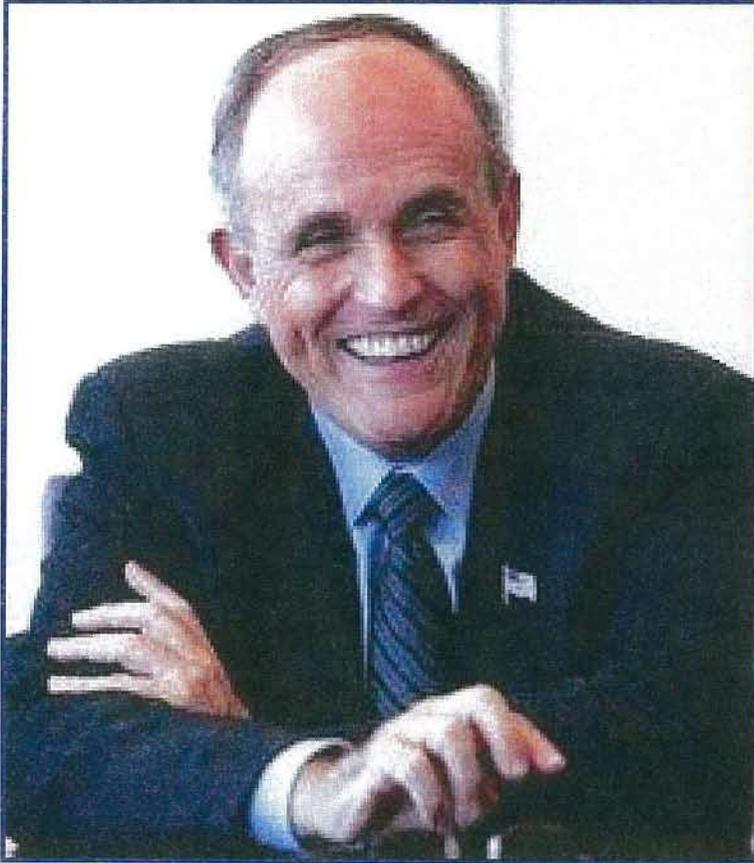


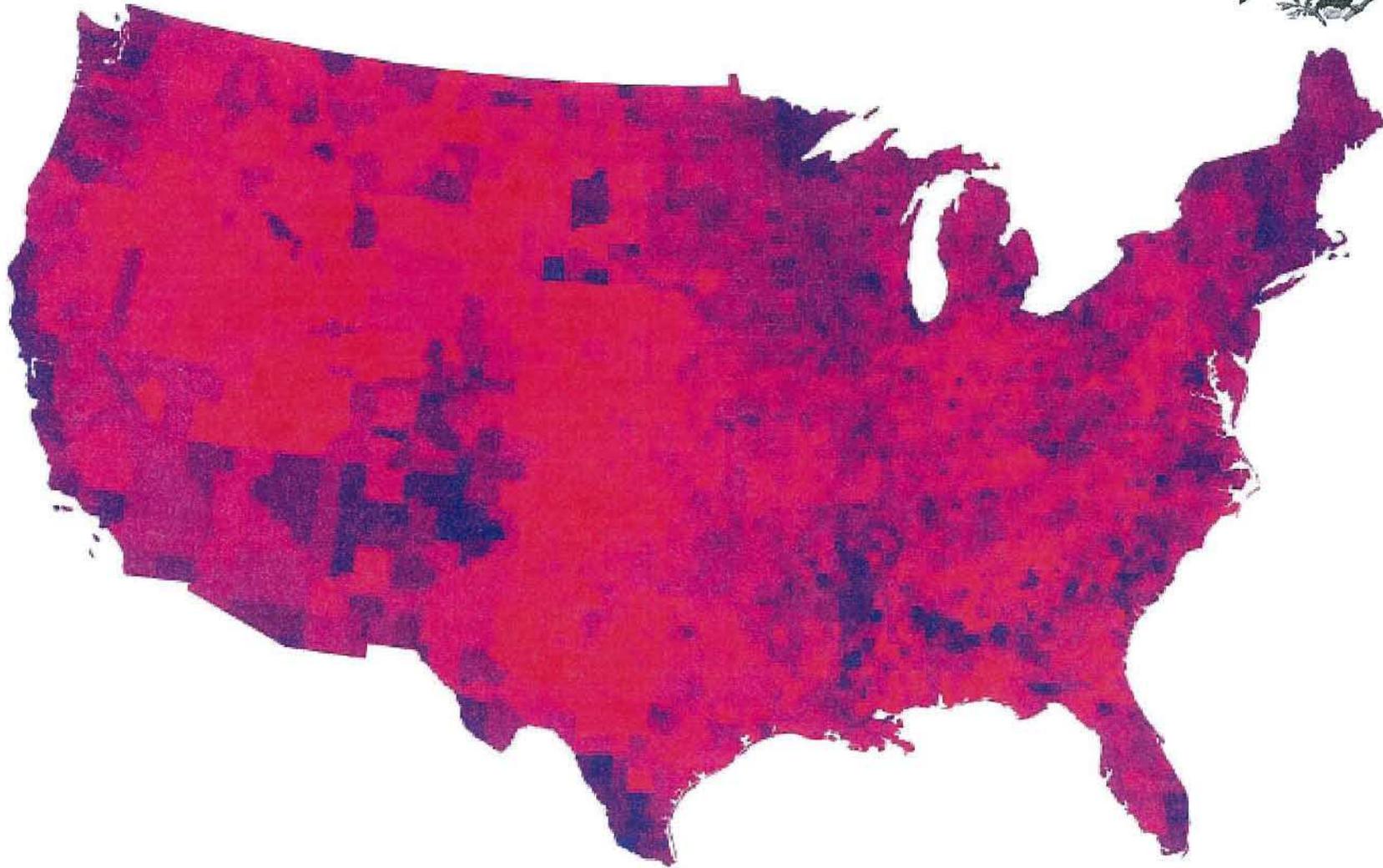


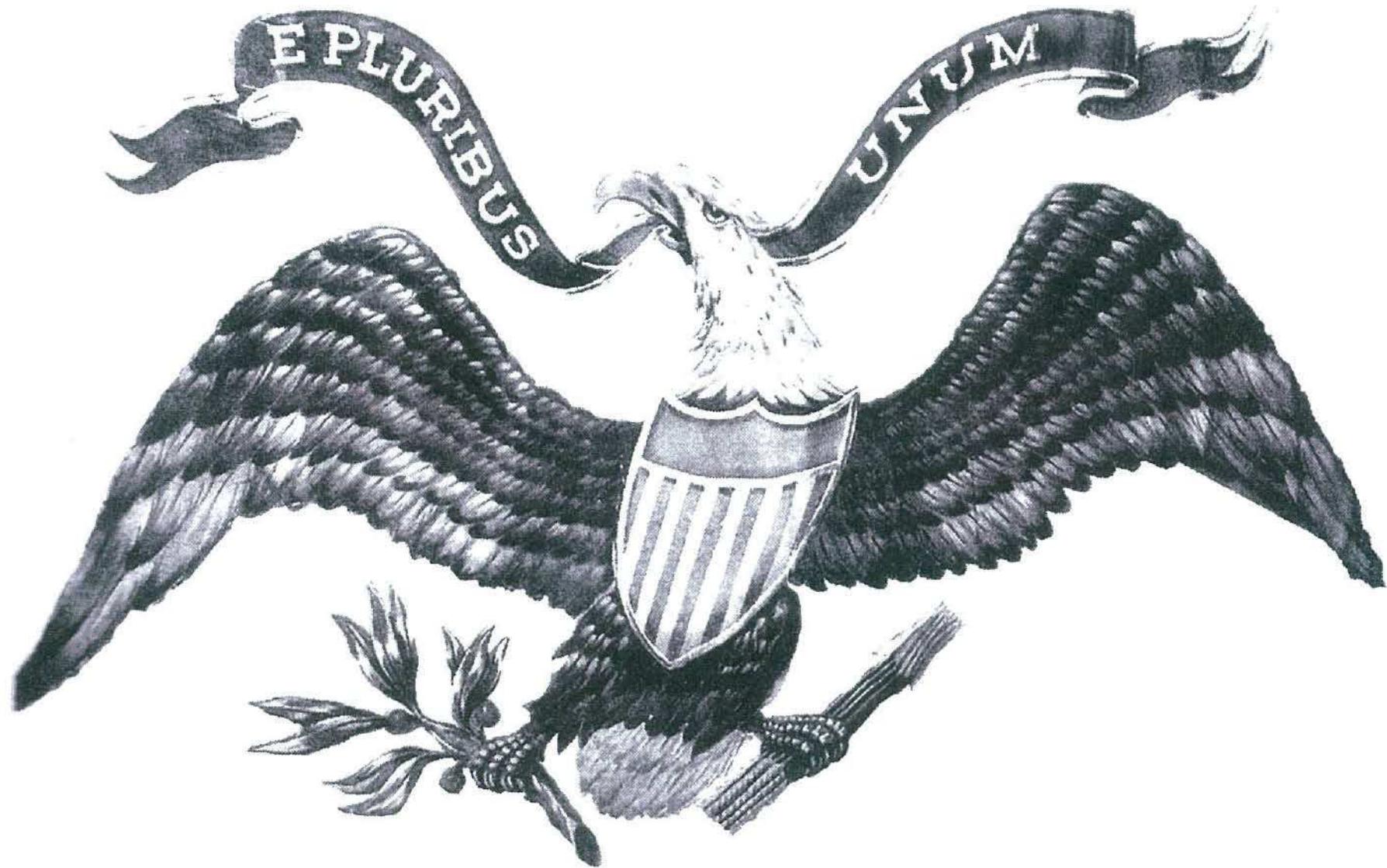












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