

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

WEB TRACKING, L.L.C.,

Petitioner,

vs.

HUNTANA, L.L.C. and WEBSTAT.COM, L.L.C,

Respondents.

Cancellation No. \_\_\_\_\_

Registration No. 2,058,787

Date of Registration: May 6, 1997

Trademark: WEBSTAT

PETITION FOR CANCELLATION

07-08-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #22

Box TTAB Fee  
COMMISSIONER OF TRADEMARKS  
2900 Crystal Drive  
Arlington, VA 22202-3513  
Attn: Clerk of TTAB

Sir:

Petitioner, WEB TRACKING, L.L.C. (Web Tracking) is a South Carolina limited liability company having a principal place of business in South Carolina. Petitioner believes that it is being and will be damaged by the above-identified registration of a mark comprising the word WEBSTAT, which was improperly registered to HUNTANA, L.L.C. (Huntana) in the United States Patent and Trademark Office (USPTO) as Registration No. 2,058,787 in International Class 9 for software goods sold over the internet. The term WEBSTAT was and is generic of providing statistics over the world wide web at the time of registration and continues to be generic. Further, the registered mark WEBSTAT became abandoned by the registrant, Huntana, and, thereafter, quitclaimed to WEBSTAT.COM, L.L.C. (Webstat.com). Webstat.com committed fraud before the USPTO in preserving the registration by filing false combined

07/09/2004 JTBROOKS1 00000031 061620 2058787

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sections 8 and 15 declarations. The doctrine of laches and acquiescence apply as the Petitioner, Web Tracking, has used "web-stat.com" and WEB-STAT, without objection from anyone, including those laying claim of ownership of Registration No. 2,058,787, until a lawsuit claiming infringement of Registration No. 2,058,787 was filed in the Utah Federal District Court by Webstat.com on or about March 1, 2004.

A copy of the Registration No. 2,058,787 is attached hereto as Exhibit "A".

As grounds for this Petition, the Petitioner alleges:

1. Petitioner is the permitted and long-term continuous user of marks consisting of WEB-STAT and "web-stat.com." The predecessor of the Petitioner, first appropriated and used WEB-STAT and "web-stat.com" to identify services comprising providing statistical information on the world wide web in interstate commerce as early as February, 1998. The predecessor, Green-Acres Service (Green-Acres), a foreign business organization, and Web Tracking are both wholly both owned by Olivier Galy, a citizen of France. The marks WEB-STAT and "web-stat.com" have been continuously used by Green-Acres and Web Tracking since February 1998 to identify the above-mentioned services in interstate commerce.

2. Green-Acres registered "web-stat.com" as a domain name on February 9, 1998 to identify its web stat services. See attached Exhibit "B".

3. Webstat.com began using "webstat.com" long after use of "web-stat.com" to identify its services, which are virtually identical to the services provided by Green-Acres and Web Tracking.

4. Webstat.com registered "webstat.com" as a domain name on August 11, 1998 (see attached Exhibit "C"), although Webstat.com was not formed as a Utah limited liability company until September 22, 1999, about 13 ½ months later. See attached Exhibit "D".

5. About a week before it was formed (on September 17, 1999), Webstat.com filed, U.S. Trademark Application Serial No. 75/785,027 for WEBSTAT.COM in international class 35 for services related to providing web statistics.

6. Application 75/785,027 issued as U.S. Trademark Registration No. 2,395,542 on October 17, 2000, claiming its date of first use on statistics over the web as January 16, 1999. A copy of Registration No. 2,395,542 is attached as Exhibit "E".

7. A copy of the prosecutorial history of Serial No. 75/785,027 is attached as Exhibit "F".

8. Huntana was formed as a Montana limited liability company on July 19, 1995. See attached Exhibit "G".

9. At all times relevant, while Huntana has had three-member managers, Matt X. Hunter has been the primary operator and registered agent for Huntana. Huntana appears to be a contraction of "Hunter" and Montana."

10. Huntana claims to have used the mark WEBSTAT to sell software. Huntana registered and apparently did its WEBSTAT software business over the internet using the domain name "huntana.com."

11. Huntana filed on October 19, 1995, U.S. Trademark Application Serial No. 75/007,657 for WEBSTAT to identify, in international class 9, "software for analyzing and monitoring electronic traffic at specific sites on computer systems."

12. A copy of the prosecutorial history of Serial No. 75/007,657 is attached as Exhibit "H", while the registration obtained therefrom (2,058,787) is attached as Exhibit "A", as mentioned above.

13. WEBSTAT Registration No. 2,058,787 (when it was Serial No. 75/007,657) was cited in Serial No. 75,785,027 as preventing publication of WEBSTAT.COM.

14. Only when Webstat.com, through Chris Starkey and Daniel Galbraith, argued in Serial No. 75/785,027 that providing webstat stats services over the internet is completely distinct from the software available from Huntana under the mark WEBSTAT such that a likelihood of confusion did not exist was the examiner persuaded to issue Registration 2,395,542. Webstat.com knew, but failed to disclose that Huntana sold software over the internet by which statistical information was made available on the web. Only because of the above-mentioned false representation to the USPTO did Webstat.com obtain its registration of WEBSTAT.COM, in the form of Registration No. 2,395,542.

15. Because the use of "web-stat.com" for web statistics predates use by Webstat.com of "webstat.com" for the same services and having been made aware of Huntana's registration of WEBSTAT for software, Web-stat.com sought priority by purchasing Registration No. 2,058,787, as explained herein in greater detail.

16. Huntana, the registrant of Registration No. 2,058,787, was dissolved on December 1, 1997, by the State of Montana. See attached Exhibit "I". Huntana was never reinstated at any time.

17. Beginning December 1, 1997, Huntana could wind up its affairs, but could not do business in the ordinary course, including, but not limited to, the sale of software under the mark WEBSTAT.

18. This is made clear by Exhibit "I", the dissolution letter from the State of Montana, which states:

This means that the limited liability company [Huntana, L.L.C.] has forfeited all of its rights to carry on business . . . (Emphasized.)

19. It follows that Huntana, beginning on December 1, 1997 was, by operation of law, prevented from selling and did not lawfully sell software under the name WEBSTAT or any other name. This has continued to the present time.

20. Thus, pursuant to 15 U.S.C. § 1127, as of December 2, 2000, Registration No. 2,058,787 and the mark WEBSTAT for software became abandoned by reason of non-use by its owner, Huntana, for three consecutive years and the requisite intent not to resume, (by reason of failure to reinstate Huntana after being dissolved). This state of non-use by the registrant, Huntana, with no intent to resume use, which would have required reinstatement of Huntana with the State of Montana, is conclusive proof of abandonment.

21. Long after Huntana had abandoned the mark WEBSTAT for software, all goodwill associated with the mark and Registration No. 2,058,787, i.e. about five ½ years after Huntana was dissolved and lawfully unable to use WEBSTAT in doing business, Huntana, on February 26, 2003 undertook to assign Registration No. 2,058,787 to Webstat.com. See attached Exhibit "J". The Exhibit "J" assignment transferred nothing.

22. Webstat.com recorded the Huntana purported Exhibit "J" assignment in the USPTO. See attached Exhibit "K".

23. As shown in Exhibit "H", Webstat.com fraudulently in bad faith and knowingly submitted two false combined § 8 and § 15 Declarations to the USPTO in a misguided attempt to

misllead the USPTO and gain priority over “web-stat.com”, Webstat’s fraudulent activities including, but were not necessarily limited to, the following:

- a. on behalf of Webstat.com, Christopher J. Starkey, intentionally and to deceive the USPTO, falsely claimed to have first hand knowledge that the mark WEBSTAT of Registration No. 2,058,787 had been continuously used for five years by Huntana on software;
- b. on behalf of Webstat.com, Christopher J. Starkey intentionally and to deceive the USPTO, falsely claimed that Webstat.com was in lawful use of the trademark of Registration No. 2,058,787 on software, after dissolution of Huntana about five ½ years earlier;
- c. on behalf of Webstat.com, Christopher J. Starkey intentionally and to deceive the USPTO, concealed the December 1, 1997 dissolution of Huntana, L.L.C. from the USPTO;
- d. on behalf of Webstat.com, Christopher J. Starkey intentionally and to deceive the USPTO, concealed that the registrant, Huntana, L.L.C had not and could not lawfully use the mark WEBSTAT of Registration No. 2,058,787 on software following dissolution of Huntana on December 1, 1997;
- e. on behalf of Webstat.com, Christopher J. Starkey intentionally and to deceive the USPTO, falsely claimed to be the manager of Huntana;
- f. on behalf of Webstat.com, Christopher J. Starkey failed to disclose that the purported purchaser of Registration No. 2,058,787 (Webstat.com) does not sell software and never has;

- g. on behalf of Webstat.com, Christopher J. Starkey intentionally and to deceive the USPTO, claimed continuing use of WEBSTAT on software, the subject matter of Registration No. 2,058,787 was through a related company, when there was and is no related company;
- h. on behalf of Webstat.com, Christopher J. Starkey intentionally and to deceive the USPTO, concealed the claim of Webstat.com that Huntana, L.L.C. was an ongoing oral licensee (over which Webstat.com exercised no quality control), such being a complete fiction since Huntana no longer exists and did not have legal capacity to be a licensee;
- I. Christopher J. Starkey, on behalf of Webstat.com, intentionally and to deceive the USPTO, ignored the 18 U.S.C. § 1001 warnings concerning false statements to the USPTO;
- j. Christopher J. Starkey, on behalf of Webstat.com, intentionally and to deceive the USPTO, submitted false § 8 and 15 specimens consisting of the use by Webstat.com of WEBSTAT.COM (the subject matter of Registration No. 2,395,542) purporting the specimens to be representative of the goods sold under Registration No. 2,058,787, which they were not since Webstat.com does not market software and Huntana stopped doing business December 1, 1997;
- k. Christopher J. Starkey intentionally and to deceive the USPTO, filed two combined § 8 and § 15 declarations, one falsely claiming Starkey to be manager of Huntana, which he never was nor could he have been since Huntana did not exist at the time the declaration was filed and Starkey was

never appointed to be a manager of Huntana, and a second combined declaration containing false information on behalf of Webstat.com. It appears that the one where Mr. Starkey falsely claimed to be the manager of Huntana was accepted by the USPTO, post registration.

24. At all times relevant, the term WEBSTAT has been generic for good and services related to provision over the web of statistical data (web stats). The term WEBSTAT is a contraction or acronym for “website statistics.”

25. Use of “Web-stat.com” by the Petitioner and Green-Acres has been continuous since February 9, 1998 in commerce and otherwise. The Petitioner has the ongoing right to continue to use in such commerce and otherwise marks comprising WEB-STAT and “web-stat.com” to identify Petitioner’s services. Yet Web-stat.com has sued the Petitioner in Utah Federal District Court to enjoin further use of “WEB-STAT” and “web-stat.com” based on the allegation that such use constitutes an infringement of Registration No. 2,058,787. The litigation is styled *WEBSTAT.COM, L.L.C. v. WEB TRACKING SERVICES, L.L.C.*, Case No. 2:03 CV00977, assigned to the Honorable Paul G. Cassell, Judge.

26. Petitioner has extensively advertised and promoted its marks, WEB-STAT and “web-stat.com”, and has built up and maintains valuable reputation and goodwill in such commerce. The public has come to know and to recognize these marks when applied to Petitioner’s services, as indicating that the services emanate from and are offered and provided by the Petitioner.

27. The use of WEBSTAT and “webstat.com” by Webstat.com, began long after Petitioner’s use. Both uses are for essentially the same services, namely providing statistical information over the internet.

28. Petitioner has expended significant amounts of money, time and effort in advertising, promoting and popularizing its “web-stat” business and the services mentioned above resulting in substantial, favorable recognition, goodwill and reputation with the public and members thereof that Petitioner’s “web-stat” services originate, and the mark “web-stat” is synonymous with Petitioner.

29. Petitioner’s goodwill and reputation and its ability to capitalize on its WEB-STAT and “web-stat.com” business and to make available to other parties its web-stat services has been and will continue to be irreparably jeopardized by the continued apparent existence of Registration No. 2,058,787 and the trade and purchasing public will be confused and deceived and will falsely believe that Webstat.com’s use of WEBSTAT and “webstat.com” is in some way associated or connected with or sponsored, authorized, licensed or warranted by the Petitioner to Webstat.com because of the similarity between the Petitioner’s and Webstat.com’s marks and the identical services of the parties in the same channels of trade, all to the detriment of Petitioner, and such will injure Petitioner’s goodwill and reputation, unless this Petition for Cancellation is granted.

30. The contemporaneous apparent existence of the Registration No. 2,058,789 will dilute or impair Petitioner’s rights and will eventually result in lack of designation or indication or origin and loss of distinctiveness and exclusivity of Petitioner, if Webstat.com is allowed to appear to have maintained Registration No. 2,058.787.

31. Webstat.com is not entitled to the exclusive use of the mark WEBSTAT, or WEB-STAT in commerce within the control of Congress because of the lawful and long term use of Petitioner of its WEB-STAT and “web-stat.com” marks.

32. In view of the foregoing, Registration No. 2,058,787 should be cancelled because, to Petitioner's injury, it would interfere with Petitioner's lawful use in interstate commerce of its WEB-STAT and "web-stat.com" marks and would cause confusion and deception as well as irreparable harm to Petitioner.

33. If the apparent owner, Webstat.com, of Registration No. 2,058,787 is permitted to seemingly retain the registration sought to be cancelled, the seemingly existence of the registration would be a source of damage and injury to Petitioner and its established goodwill and reputation.

34. If the apparent owner of Registration No. 2,058,787 is permitted to retain the registration sought to be cancelled, a cloud will exist on Petitioner's title in and to its WEB-STAT and "Web-stat.com" marks and on its right to enjoy the free and exclusive use thereof in connection with its sales, and services, all to great injury of Petitioner.

35. Petitioner asks that Registration No. 2,058,787 be cancelled and that this Petition of Cancellation be granted.

WHEREFORE, Petitioner believes that it will be damaged by the continued apparent lawful existence of Registration No. 2,058,787 , and prays that it be cancelled.

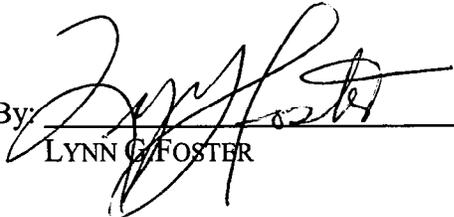
Petitioner hereby appoints Lynn G. Foster of the firm Lynn G. Foster L.C., 602 East 300 South, Salt Lake City, UT 84101, as its attorney with full power to prosecute this cancellation proceeding, to transact all business in the Patent and Trademark Office in connection therewith and upon whom all notices and processes in this matter may be served.

Lynn G. Foster L.C. postal address is:

602 East 300 South  
Salt Lake City, UT 84102  
Telephone: (801) 364-5633  
Facsimile: (801) 355-8938  
Email: [Foster@fosterpatlaw.com](mailto:Foster@fosterpatlaw.com)

DATED this 6<sup>th</sup> day of July, 2004.

LYNN G. FOSTER, L.C.

By:   
LYNN G. FOSTER

c:/clientfiles/2004/WebTracking/PetitionforCancellation070604.wpd

EXHIBIT "A"

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,058,787

**United States Patent and Trademark Office**

Registered May 6, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

**WEBSTAT**

HUNTANA LLC (MONTANA LIMITED LI-  
ABILITY COMPANY)  
920 LOCUST  
MISSOULA, MT 59802

SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36  
AND 38).  
FIRST USE 5-16-1995; IN COMMERCE  
5-16-1995.

FOR: COMPUTER SOFTWARE FOR ANA-  
LYZING AND MONITORING ELECTRONIC  
TRAFFIC AT SPECIFIC SITES ON COMPUTER

SER. NO. 75-007,657, FILED 10-19-1995.

KEVIN PESKA, EXAMINING ATTORNEY

# EXHIBIT "B"



**NETWORK SOLUTIONS™**

Thorpe June  
Green-Acres Services Ltd  
Standbrook House, 2-5 Old Bond Street  
London, none W1X 3TB  
United Kingdom

# InterNIC Registration Services

## Domain Registration/Renewal Invoice

Network Solutions, Inc.  
PO Box 17305  
Baltimore MD 21297-0525 USA

Invoice Date: 13-Feb-98  
Tax ID: 52-1146119

Invoice Number: <b>546285</b>	Domain Name: <b>WEB-STAT.COM</b>	
Due Date: <b>15-MAR-1998</b>	Period Covered: <b>09-FEB-1998 - 09-FEB-2000</b>	Amount Due: <b>\$100.00 US Dollars</b>
<p><i>Thank you for registering the Internet/World Wide Web domain name shown above. Timely receipt of payment will ensure registration services for the period noted above. By this payment, Registrant agrees to the terms and conditions of the current Domain Name Registration Agreement. This payment is non-refundable.</i></p> <p><b>To Pay By Credit Card or Confirm Payment:</b> We accept all major credit cards 24 hours per day, seven days a week. Call (888) 771-3000 toll-free from the United States, Canada, Puerto Rico and the U.S. Virgin Islands. Outside of these areas, call (402) 496-9798.</p> <p><b>Or:</b> Go to <a href="http://rs.internic.net/pay">http://rs.internic.net/pay</a> on the World-Wide Web to use Network Solutions' Secure On-Line Payment System or the First Virtual Internet Payment System.</p> <p><b>To Pay By Check:</b> Make check payable to Network Solutions, Inc. in <b>US Dollars</b>, drawn on a US Bank, and return the check and payment stub in the enclosed remittance envelope.</p> <p><b>To Pay By Debit Account:</b> Send e-mail to <a href="mailto:accounts@internic.net">accounts@internic.net</a> with the domain name, invoice number, and 16-digit Account Number you were assigned when you established your debit account.</p> <p><i>For billing inquiries, send e-mail to <a href="mailto:billing@internic.net">billing@internic.net</a>, or call (703) 742-4777 from 7:00am to 9:00pm Eastern Time.</i></p> <p>Remarks: New payment option! You may now pay by credit card 24 hours a day using Network Solutions' On-Line Payment System (<a href="http://rs.internic.net/pay">http://rs.internic.net/pay</a>).</p> <p style="text-align: center;">000005462859100008</p> <p>oic-8340 / 9423</p>		

Please retain this portion for your records

Please detach this stub and return with payment  
PLEASE DO NOT BEND OR FOLD STUB

NETWORK SOLUTIONS, INC.  
PO BOX 17305  
BALTIMORE, MD 21297-0525 USA



**NETWORK SOLUTIONS™**

Make check payable to:  
**Network Solutions, Inc.**

Invoice Number: 546285	Due Date: 15-MAR-1998	Amount Enclosed: \$100.00 USD
---------------------------	--------------------------	----------------------------------

Thorpe June  
Green-Acres Services Ltd  
Standbrook House, 2-5 Old Bond Street  
London, none W1X 3TB  
United Kingdom

By this payment, Registrant agrees to the terms and conditions of the current Domain Name Registration

000005462859100008

EXHIBIT "C"

## WHOIS SEARCH RESULTS

### WHOIS RECORD FOR

webstat.com

[Back-order this name](#)

The Data in our WHOIS database is provided by us for information purposes, and to assist persons in obtaining information about or related to a domain name registration record. We do not guarantee its accuracy. By submitting a WHOIS query, you agree that you will use this Data only for lawful purposes and that, under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail (spam); or (2) enable high volume, automated, electronic processes that apply to us, our systems, or our customers. We reserve the right to modify these terms at any time. By submitting this query, you agree to abide by this policy.

Domain: webstat.com

Registrant  
 WebStat.com, L.L.C.  
 (e-mail)  
 chris@CONQUESTCOMP.COM  
 1372 N. Millpond  
 Springville, UT 84663 US  
 +1.1111111111

Administrative  
 Chris Starkey  
 Webstat.com LLC  
 chris@conquestcomp.com  
 241 N. Main  
 Springville, UT 84663 US  
 +1.8014913177  
 +1.8014371124 (FAX)

Billing  
 Chris Starkey  
 Webstat.com LLC  
 chris@conquestcomp.com  
 241 N. Main  
 Springville, UT 84663 US  
 +1.8014913177  
 +1.8014371124 (FAX)

Technical  
 Chris Starkey  
 Webstat.com LLC  
 chris@conquestcomp.com  
 241 N. Main  
 Springville, UT 84663 US  
 +1.8014913177  
 +1.8014371124 (FAX)

Record created on August 11, 1998  
 Record last updated on January 30, 2004  
 Record expires on August 10, 2008

Domain Name Servers:  
 NS1.ESMARTSTART.COM  
 NS2.ESMARTSTART.COM



Help your  
 business  
 go place  
 with the Citi<sup>®</sup>  
 Advantage<sup>®</sup>



Web:  
 Sp

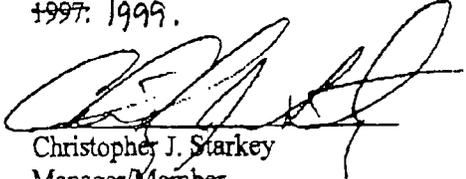
EXHIBIT "D"

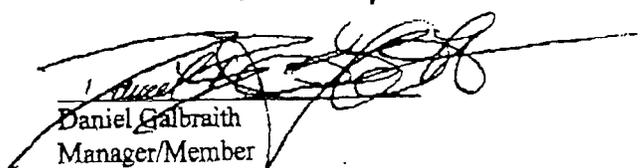


**ARTICLE VI. SUBSTITUTED SERVICE OF PROCESS.** The Division of Corporations and Commercial Code of the Department of Commerce of the State of Utah is appointed as the agent of this company for service of process if the aforementioned agent has resigned, the agent's authority has been revoked, or the agent cannot be found or served with the exercise of reasonable diligence.

**ARTICLE VII. DURATION OF COMPANY.** If not sooner dissolved or terminated in accordance with the laws of the State of Utah, this company shall exist for a period of no more than ninety-nine (99) years from the date these Articles of Organization are filed.

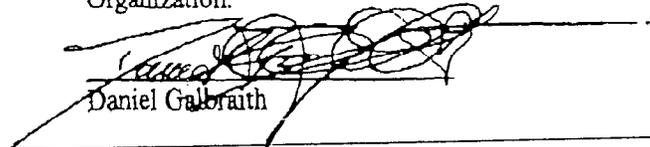
**IN WITNESS WHEREOF** the undersigned, being all the managers of the business herein known as **WEBSTAT.COM L.L.C.**, have executed and delivered these Articles of Organization, under the penalties of perjury, this ~~12th~~ <sup>22nd</sup> day of ~~February~~ <sup>September</sup>, 1997: 1999.

  
Christopher J. Starkey  
Manager/Member

  
Daniel Galbraith  
Manager/Member

**CONSENT OF REGISTERED AGENT**

The undersigned, hereby consents to his appointment as the registered agent for **WEBSTAT.COM L.L.C.**, as described in the foregoing Articles of Organization.

  
Daniel Galbraith

**EXHIBIT "E"**

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,395,542

United States Patent and Trademark Office

Registered Oct. 17, 2000

SERVICE MARK  
PRINCIPAL REGISTER

WEBSTAT.COM

WEBSTAT.COM L.L.C. (UTAH LIMITED LIABILITY  
COMPANY)  
656 S. STATE  
OREM, UT 84058

WEBSITE VIA A GLOBAL COMPUTER NETWORK,  
IN CLASS 35 (U.S. CLS. 100, 101 AND 102).  
FIRST USE 1-16-1999; IN COMMERCE 1-16-1999.

SER. NO. 75-785,027, FILED 9-17-1999.

FOR: PROVIDING INSTANT STATISTICAL IN-  
FORMATION TO WEBSITE OWNERS AND MAN-  
AGERS REGARDING THE VISITORS TO THEIR

JULIA HARDY COFIELD, EXAMINING ATTORNEY

EXHIBIT "F"

REG NUM: 2395542

REG DT: 10/17/2000

S/N 75/785027

75785027



WEBSTAT.COM

WEBSTAT.COM

PRINCIPAL

LAW OFFICE 105

75785027

Julia Hardy Cofield

FILING DATE

September 17, 1999

ORIGINAL APPLICANT

Webstat.com L.L.C.

GOODS/SERVICES (CLASS 035)

a internet-only statistics service which (ETC)

FILING BASIS

USE

ORIGINAL CORRESPONDENT

Webstat.com L.L.C.

ATTORNEY ADVISOR:



WEBSTAT.COM

WEB

LAW C

FILING DATE  
September 17, 1999

ORIGINAL APPLICANT  
Webstat.com L.L.C.

GOODS/SERVICES (CLASS 035)  
a internet-only statistics service which (ETC)

FILING BASIS  
USE

ORIGINAL CORRESPONDENT  
Webstat.com L.L.C.

Julia Hardy Cofield

ATTORNEY ADVISOR:

PUBLISHED  
07/25/00

<p>Examining Attorney— (Please Print Name)</p> <p><b>Julia Hardy Cofield</b></p>	
<p>Approved for Publication (Principal Register)—(Signature)</p> <p><i>Julia Hardy Cofield</i> 4-6-00</p>	<p>Section 8 Accepted—(Signature)</p>
<p>Approved for Registration (Section 1(d))—(Signature)</p>	<p>Section 15—(Signature)</p>
<p>Approved for Registration (Supplemental Register)—(Signature)</p>	<p>Section 9 Renewal Accepted—(Signature)</p>

75785027



NEW CASE DELIVERED

DEC - 8 1999

LAW OFFICE 115

CONTENTS

Handwritten initials

Entry

Date DEC 14 1999

Initials

	Entry	Date	Initials
1.	Amata	MAR 29 2000	[Handwritten]
2.		1/28/00	
3.			
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5.	NOP 02		
6.	07/25/00		
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\*\*\* User: jcofield \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	N/A	0	0	0:01	"webstat.com"[on]
02	5765	N/A	0	0	0:01	*web*[bi,ti]
03	16229	N/A	0	0	0:02	*st{v}t*[bi,ti]
04	35	9	5	5	0:01	2 and 3
05	706426	N/A	0	0	0:03	"035"[cc]
06	7876	N/A	0	0	0:01	3 and 5
07	136632	N/A	0	0	0:01	"035"[ic]
08	1168	N/A	1	1	0:01	3 and 7
09	7923	N/A	0	0	0:02	stat*[bi,ti]
10	588	N/A	5	5	0:01	9 and 7

Session started 12/7/99 3:46:10 PM  
Session finished 12/7/99 3:52:27 PM  
Total search duration 0:14 minutes  
Session Duration 6:17 minutes

Default NEAR limit= 1 ADJ limit= 1

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Drawing Page

Serial Number:

75785027

**Applicant:**

Webstat.com L.L.C.  
656 S. State  
Orem UT USA 84058



**Date of First Use:**

01/16/1999

**Date of First Use in Commerce:**

01/16/1999

**Goods and Services:**

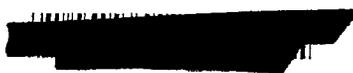
A internet-only statistics service which provides website owners/managers with instant online statistics regarding the visitors to their websites.

**Mark:**

WEBSTAT.COM

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PUBLISHED  
07/25/00



NO OCR



09-17-1999

DUPLICATE SPECIMEN

Internet Transmission Date:

1999/09/17

Serial Number:

75785027

Filing Date:

1999/09/17



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The applicant has submitted required color specimen.  
The USPTO has printed only one copy of the specimen,  
and extra copies can be produced in-house as needed.

ORIGINAL SPECIMEN

Internet Transmission Date:

1999/09/17

Serial Number:

75785027

Filing Date:

1999/09/17



The applicant has submitted required color specimen.  
The USPTO has printed only one copy of the specimen,  
and extra copies can be produced in-house as needed.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Jun 26, 2000

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:  
75/785,027
2. Mark:  
WEBSTAT.COM
3. International Class(es):  
35
4. Publication Date:  
Jul 25, 2000
5. Applicant:  
Webstat.com L.L.C.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$38.00 each for domestic orders, or at \$47.50 each for foreign orders from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202)512-1800

By direction of the Commissioner.

**TRADEMARK EXAMINATION WORKSHEET**

AMENDMENT STAGE

NO CHANGE

PUBLICATION/REGISTRATION STAGE

Name: LaWana Durant L.O. 115

Date: JUN - 5 2000

Serial No. 75-785027

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

**Legal Instrument Examiner (LIE)**

	Amended	Data Element	
Class Data	<input type="checkbox"/>	<input type="checkbox"/> Prime/International Class	<input type="checkbox"/> Goods and Services
	<input type="checkbox"/>	<input type="checkbox"/> First Use Date	<input type="checkbox"/> First Use in Commerce Date
	<input type="checkbox"/>	<input type="checkbox"/> In Another Form	<input type="checkbox"/> Certification
	<input type="checkbox"/>	<input type="checkbox"/> 1b	
Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Word Mark	<input type="checkbox"/> Pseudo Mark
	<input type="checkbox"/>	<input type="checkbox"/> Mark Drawing Code	<input type="checkbox"/> Design Search Code
	<input type="checkbox"/>	<input type="checkbox"/> Sizing/Lining Code	
Misc. Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Mark Description	<input type="checkbox"/> Disclaimer
	<input type="checkbox"/>	<input type="checkbox"/> Lining/Stippling	<input type="checkbox"/> Name/Portrait/Consent
	<input type="checkbox"/>	<input type="checkbox"/> Translation	
Section 2(f)	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Entire Mark	
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Limitation Statement	<input type="checkbox"/> Section 2(f) in Part
	<input type="checkbox"/>	<input type="checkbox"/> Amended Register	<input type="checkbox"/> Amended Register Date
Foreign Reg. Data	<input type="checkbox"/>	<input type="checkbox"/> Foreign Country	<input type="checkbox"/> 44(d)
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Application Number	<input type="checkbox"/> Foreign Application Filing Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Number	<input type="checkbox"/> Foreign Registration Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Expiration Date	<input type="checkbox"/> Foreign Renewal Reg. Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Reg. Renewal Expiration Date	<input type="checkbox"/> Foreign Renewal Reg. Date
Owner Data	<input type="checkbox"/>	<input type="checkbox"/> Owner Name	<input type="checkbox"/> DBA/AKA/TA
	<input type="checkbox"/>	<input type="checkbox"/> Address 1	<input type="checkbox"/> Address 2
	<input type="checkbox"/>	<input type="checkbox"/> City	<input type="checkbox"/> State
	<input type="checkbox"/>	<input type="checkbox"/> Zip Code	
	<input type="checkbox"/>	<input type="checkbox"/> Citizenship	<input type="checkbox"/> Entity
	<input type="checkbox"/>	<input type="checkbox"/> Entity Statement	<input type="checkbox"/> Composed of
	<input type="checkbox"/>	<input type="checkbox"/> Assignment(s)/Name Change	
	<input type="checkbox"/>		
Amd/Corr Restr.	<input type="checkbox"/>	<input type="checkbox"/> Concurrent Use	
Prior U.S. Reg.	<input type="checkbox"/>	<input type="checkbox"/> Prior Registration	
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Attorney	<input type="checkbox"/> Domestic Representative
	<input type="checkbox"/>	<input type="checkbox"/> Attorney Docket Number	
	<input type="checkbox"/>	<input type="checkbox"/> Correspondence Firm Name/Address	

I certify that all corrections have been entered in accordance with text editing guidelines.

JUN - 5 2000

LaWana Durant

LIE

DATE

Other: \_\_\_\_\_

**TRADEMARK EXAMINATION WORKSHEET**

AMENDMENT STAGE       NO CHANGE       PUBLICATION/REGISTRATION STAGE

Name: Tawana Campbell      L.O. 113      Date: March 22, 2000      Serial No. 785027

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

**Legal Instrument Examiner (LIE)**

	Amended	Data Element	
Class Data	<input checked="" type="checkbox"/>	<input type="checkbox"/> Prime/International Class	<input checked="" type="checkbox"/> Goods and Services
		<input type="checkbox"/> First Use Date	<input type="checkbox"/> First Use in Commerce Date
		<input type="checkbox"/> In Another Form	<input type="checkbox"/> Certification
		<input type="checkbox"/> 1b	
Mark Data		<input type="checkbox"/> Word Mark	<input type="checkbox"/> Pseudo Mark
		<input type="checkbox"/> Mark Drawing Code	<input type="checkbox"/> Design Search Code
		<input type="checkbox"/> Sizing/Lining Code	
Misc. Mark Data		<input type="checkbox"/> Mark Description	<input type="checkbox"/> Disclaimer
		<input type="checkbox"/> Lining/Stippling	<input type="checkbox"/> Name/Portrait/Consent
		<input type="checkbox"/> Translation	
Section 2(f)		<input type="checkbox"/> Section 2(f) Entire Mark	
		<input type="checkbox"/> Section 2(f) Limitation Statement	<input type="checkbox"/> Section 2(f) in Part
		<input type="checkbox"/> Amended Register	<input type="checkbox"/> Amended Register Date
Foreign Reg. Data		<input type="checkbox"/> Foreign Country	<input type="checkbox"/> 44(d)
		<input type="checkbox"/> Foreign Application Number	<input type="checkbox"/> Foreign Application Filing Date
		<input type="checkbox"/> Foreign Registration Number	<input type="checkbox"/> Foreign Registration Date
		<input type="checkbox"/> Foreign Registration Expiration Date	<input type="checkbox"/> Foreign Renewal Reg. Number
		<input type="checkbox"/> Foreign Reg. Renewal Expiration Date	<input type="checkbox"/> Foreign Renewal Reg. Date
Owner Data		<input type="checkbox"/> Owner Name	<input type="checkbox"/> DBA/AKA/TA
		<input type="checkbox"/> Address 1	<input type="checkbox"/> Address 2
		<input type="checkbox"/> City	<input type="checkbox"/> State
		<input type="checkbox"/> Zip Code	
		<input type="checkbox"/> Citizenship	<input type="checkbox"/> Entity
		<input type="checkbox"/> Entity Statement	<input type="checkbox"/> Composed of
		<input type="checkbox"/> Assignment(s)/Name Change	
Amd/Corr Restr.		<input type="checkbox"/> Concurrent Use	
Prior U.S. Reg.		<input type="checkbox"/> Prior Registration	
Correspondence		<input type="checkbox"/> Attorney	<input type="checkbox"/> Domestic Representative
		<input type="checkbox"/> Attorney Docket Number	
		<input type="checkbox"/> Correspondence Firm Name/Address	

I certify that all corrections have been entered in accordance with text editing guidelines.

PEC  
LIE

3/22/00  
DATE

Other: \_\_\_\_\_



TRADEMARK LAW OFFICE 115

Serial Number: 75/785027

Mark: WEBSTAT.COM

715

01-28-2000

U.S. Patent & TMO/TM Mail Rcpt Dt. #54

\*\*Please Place on Upper Right Corner\*\*  
\*\*of Response to Office Action ONLY\*\*

Webstat.com, L.L.C.

656 S. State  
Orem, UT 84058  
801-724-9900

Assistant Commissioner for Trademarks

Box Responses - No Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: 75/785027  
Webstat.com L.L.C.  
WEBSTAT.COM  
12/14/99

RECEIVED

2000 FEB - 3 P 1:50

TMEO  
LAW OFFICE 115

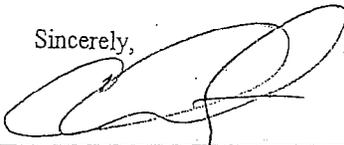
01/26/00

To Whom It May Concern:

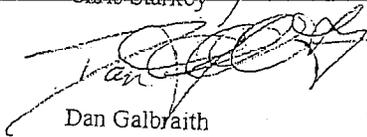
In response to the letter dated 12/14/99 from Law Office 115, which refused registration for the mark WEBSTAT.COM. We propose a modification to the recitation of services to read, "Providing instant statistical information to website owners and managers regarding the visitors to their website via a global computer network." This modification then clarifies that WEBSTAT.COM is not software, but rather a website providing statistical information and should set it apart from the mark No. 75007657.

We, the managers of WEBSTAT.COM, do fully authorize and endorse these changes and do authorize the representative of the United States Department of Commerce Patent and Trademark Office to enact the change outlined in this letter above.

Sincerely,

  
1/26/00

Chris Starkey

  
1/26/00

Dan Galbraith

Internet Transmission Date:  
1999/09/17

Filing Date:  
1999/09/17

Serial Number:  
75785027



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$245

RAM SALE NUMBER: 22  
RAM ACCOUNTING DATE: 19990920



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

<b>SERIAL NO.</b> 75/785027 Webstat.com L.L.C.		<b>APPLICANT</b>		<b>PAPER NO.:</b>	
<b>MARK</b> WEBSTAT.COM				<b>ADDRESS:</b> Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513	
<b>ADDRESS</b> Webstat.com L.L.C. 656 S. State Orem UT 84058		<b>ACTION NO.</b> 01		If no fees are enclosed, the address should include the words "Box Responses - No Fee."	
		<b>MAILING DATE</b> 12/14/99		Please provide in all correspondence:	
		<b>REF. NO.</b>		1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.	
FORM PTO-1525 (5-90)		U.S. DEPT. OF COMM. PAT. & TM OFFICE			

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 75/785027

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

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified services, so resembles the mark in U.S. Registration No. 75007657 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

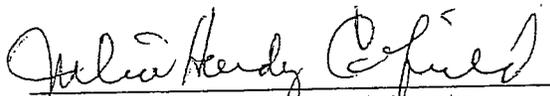
The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

In this case, the marks are similar in overall commercial impression, and the goods and services appear to be related and appear to travel in the same trade channels.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

The recitation of services is too indefinite for registration purposes. Therefore, the applicant must amend the recitation to read as follows, if accurate:

"Providing instant statistical information to website owners and managers regarding the visitors to their website via a global computer network," in International Class 35.



Julia Hardy Cofield, Examining Attorney

Law Office 115

(703) 308-9115 ext. 145

\*\*\* User: jcofield \*\*\* Serial Number: 75007657 \*\*\* 12/7/99 3:52:15 PM

[Typed Drawing]

Mark

WEBSTAT

Pseudo Mark

WEB STATION

Goods and Services

IC 009. US 021 023 026 036 038. G & S: computer software for analyzing and monitoring electronic traffic at specific sites on computer systems. FIRST USE: 19950516. FIRST USE IN COMMERCE: 19950516

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75007657

Filing Date

October 19, 1995

Publication for Opposition Date

February 11, 1997

Registration Number

2058787

Registration Date

May 6, 1997

Owner Name and Address

(REGISTRANT) Huntana LLC LIMITED LIABILITY COMPANY MONTANA 920 Locust  
Missoula MONTANA 59802

---

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

rendering or advertising of the services, or in other ways customary in the trade. \*

<FIRST USE ANYWHERE DATE> 01/16/1999

<FIRST USE IN COMMERCE DATE> 01/16/1999

<TYPE OF COMMERCE> Interstate

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

<REQUIRED SIGNATURE AND OTHER INFORMATION>

<SIGNATURE> /dan-galbraith/

<DATE SIGNED> 09/17/1999

<NAME> Dan Galbraith

<TITLE> President

<MAILING ADDRESS>

<LINE> Webstat.com L.L.C.

<LINE> 656 S. State

<LINE> Orem UT 84058

<LINE> USA

<CREDIT CARD INFORMATION>

<RAM SALE NUMBER> 22

<RAM ACCOUNTING DATE> 19990920

<SERIAL NUMBER INFORMATION>

<SERIAL NUMBER> 75/785027

<INTERNET TRANSMISSION DATE> Friday, 09-17-1999 17:03:56 EDT

<TEAS STAMP>

USPTO-209907887-1999091717038625-75/785027-113f9962677db5ebfaf6f64003cb2ab2357-

CC-22-1999091716578625

625

DEPT. OF COMMERCE

Remarks

Days

\$300

AN EQUAL OPPORTUNITY EMPLOYER

WEBS656 840582002 LN 02 10/24/00  
RETURN TO SENDER

NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER ✓

2395542 73735127 10/17/00

Webster.com L.L.C.  
556 S. State  
Orlando, FL 32808



- RETURN TO SENDER
- IN SUFFICIENT ADDRESS
- MOVED, LEFT NO ADDRESS
- NO SUCH NUMBER
- UNCLAIMED  REFUSED
- ATTEMPTED NOT KNOWN
- NO SUCH STREET/VACANT
- NO F.
- BOX CLOSED NO OTHER
- NOT DELIVERABLE AS
- ADDRESSED - UNABLE
- TO FORWARD RT

5877  
10:25:00

U.S. OFFICIAL MAIL  
U.S. POSTAGE  
PENALTY  
FOR  
PRIVATE  
USE  
0055  
M METER  
703862

ARLINGTON  
00120:00  
V A

# EXHIBIT "G"

SECRETARY OF STATE  
STATE OF MONTANA



Mike Cooney  
Secretary of State

Montana State Capitol  
PO Box 202801  
Helena, MT 59620-2801

**COPY**

August 14, 1995

Matt X Hunter  
Huntana  
920 Locust  
Missoula MT 59802

RE: HUNTANA LLC  
Date of Filing: July 19, 1995  
Filing Number: C083745-335886

Dear Mr. Hunter:

Attached please find a copy of the documents you recently filed with this office. The document number and filing date have been recorded on the copy I've attached. These documents serve as your certificate of filing and should be maintained in your files for future reference.

The cancellation of the assumed business name, for HUNTANA has been filed under document number 47865.

Thank you for giving this office the opportunity to serve you. If you have any questions in this regard, or need additional assistance, please do not hesitate to contact the Business Services Bureau professionals at (406) 444-3665....we're here to serve you!

Sincerely,

Enclosure

# STATE OF MONTANA

ARTICLES of ORGANIZATION for  
DOMESTIC LIMITED LIABILITY COMPANY  
(35-8-202, MCA)



MAIL TO: MIKE COONEY  
Secretary of State  
P.O. Box 202801  
Helena, MT 59620-2801  
☎(406)444-3665

Prepare, sign and submit an original and copy with fee.  
This is the minimum information required.

(For use by the Secretary of State only)

335886  
STATE OF MONTANA  
**FILED**  
JUL 19 1995  
SECRETARY OF STATE  
Form: LC-1  
Filing Fee: \$70.00

▶ Executed by the undersigned for the purpose of forming a Montana Limited Liability Company.

**PLEASE CHECK ONE BOX:**

Limited Liability Company

Professional Limited Liability Company

▶ **FIRST:** The name of the limited liability company is (must contain "limited liability company", "limited company" or if Professional, "professional limited liability company", or an abbreviation)

Huntana LLC

▶ **SECOND:** The name and address of its registered office/agent is:

Name Matt X. Hunter

Address 920 Locust Street

▶ **THIRD:** The address of its principal place of business in Montana:

Missoula, MONTANA Zip Code 59802

Address 920 Locust Street

City Missoula, MONTANA Zip Code 59802

▶ **FOURTH:** The latest date on which the LLC is to dissolve is January 1, 2025

▶ **FIFTH:** The LLC will be managed by a  Manager or by its  Members.

▶ **SIXTH:** The names of the Managers or Members and street addresses are:

Nicholas J. Cutera 1356 McCutcheon Apt F St. Louis MO 63144

Susan T. Hunter 11460 Algonquin Pinckney MI 48169

Matthew X. Hunter 920 Locust Missoula MT 59802

▶ **SEVENTH:** If a Professional Limited Liability Company, the services to be provided

June 28, 1995  
Dated

Matt X Hunter  
Signature of Organizer

Matt X Hunter 920 Locust  
Printed Name and Address

Missoula, MT 59802

MONTANA ANNUAL LIMITED LIABILITY COMPANY REPORT

MUST BE RETURNED AS REQUIRED BY 35-8-208, MCA

448069

STATE OF MONTANA

FILED

APR 16 1996

- Make any changes as per instructions and sign.
- Return original with proper fee.
- Before April 15, 1996 \$10.00
- After April 15, 1996 \$20.00
- After September 1, 1996 \$30.00

RETURN TO: MIKE COONEY  
 MAKE CHECK PAYABLE TO: SECRETARY OF STATE  
 PO BOX 202802  
 HELENA, MT 59620-2802

SECRETARY OF STATE  
 FOLDER NO: C-083745  
 STATE/COUNTRY OF JURISDICTION:  
 MONTANA

HUNTANA LLC

MATT X HUNTER

920 LOCUST ST  
 MISSOULA MT 59802-4833

REGISTERED ADDRESS:

920 LOCUST ST  
 MISSOULA MT 59802

If there is any change in agent or registered office location in Montana (above), please complete the enclosed statement of change and send with \$5 additional fee. Any change in company name (above) requires filing amended articles.

1. Address of principal office: 920 LOCUST ST MISSOULA MT 59802
2. The limited liability company is managed by LLC MANAGED BY MEMBER/MANAGERS
3. The last date when the limited liability company will be dissolved: JANUARY 01, 2025
4. Names and addresses of individual (Managers or Member/Managers):

NAME MATTHEW X HUNTER  
 ADDRESS 920 LOCUST  
 CITY MISSOULA MT 59802

NAME SUSAN T HUNTER  
 ADDRESS 11460 ALGONQUIN  
 CITY PINCKNEY MI 48169

NAME NICHOLAS J CUTAIA  
 ADDRESS 1356 MCCUTCHEON #F  
 CITY ST LOUIS MO 63144

NAME

ADDRESS  
CITY

RECEIVED

APR 16 1996

MONTANA SECRETARY OF STATE

Names and addresses of registered businesses (Managers or Member/Managers): The businesses must be registered with the Secretary of State's Office.

# NAME

ADDRESS

By my signature below, I, a member of the above limited liability company authorized to execute documents on its behalf, do state that any and all statements contained herein are true and based upon actions taken by the LLC in accordance with the statutes or its articles of organization or operating agreement.

And I further state that the LLC remains in existence and has taken the necessary actions during the past year to preserve the status.

ID OF LLC: C-083745

x Matt X. Hunter  
Signature of Member

Matt X. Hunter  
Printed Name of Member Signing

April 14, 1996  
Date

02 - 1 1 11 1 117 50007

# EXHIBIT "H"

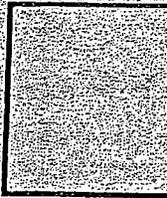
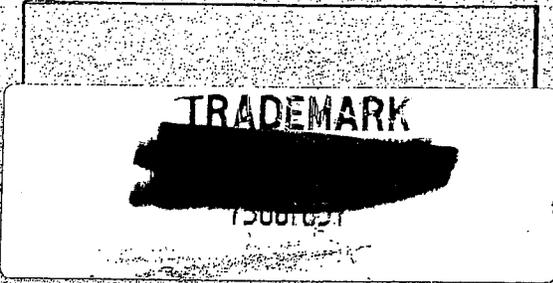
1. REG. NO. 2058787		3. MARK WEBSTAT		4. SER. NO. 75/007657	
2. REG. DATE MAY 06 1997				5. REGISTER EFFICIENT	
6. INTERNATIONAL CLASS 9		7. PRIOR U.S. CLASS 21-23-26-36-38		8. FILING DATE 10/19/95	
9. LAW OFFICE 107		10. APPLICANT AND POST OFFICE Huntana LLC 520 Locust Missoula, MONTANA 59802 CORPORATION OF MONTANA		16. EXAMINING ATTORNEY KEVIN PESKA-70738	
11. CORRESPONDENCE ADDRESS Susan M. Kornfield 110 Miller, Suite 300 Ann Arbor, MI 48104		17. TYPE OF MARK TRADEMARK		18. FIRST USE ICL 009 05/16/1995	
12. DOMESTIC REPRESENTATIVE		19. IN COMMERCE ICL 009 05/16/1995		20. FOREIGN REG. AND APPL. DATA	
13. APPLICANT'S ATTORNEY Susan M. Kornfield		15. GOODS - SERVICES CGS-computer software for analyzing and monitoring electronic traffic at specific sites on computer systems			
21. OTHER DATA				PUBLISHED	

PTO-102L (REV. 12/82) U.S. DEPT. OF COMMERCE - PATENT AND TRADEMARK OFFICE

Examining Attorney - (Please Print Name) Kevin R. Peska	Date Published in Trademark O.G.
Approved for Publication (Principal Register) - (Signature) <i>[Signature]</i> 11/4/96	Section 8 Accepted - (Signature) <i>[Signature]</i>
Approved for Registration (Section 1(d)) - (Signature)	Section 15 - (Signature) <i>[Signature]</i>
Approved for Registration (Supplemental Register) - (Signature)	Section 9 Renewal Accepted - (Signature)

MB

*Plus*  
75337657



NEW CASE

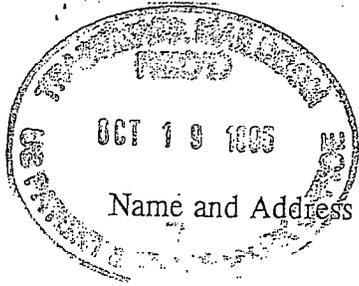
APR 15 1996

LAW OFFICE

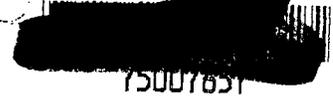
# CONTENTS

	Entry	Date	Initials
1.	<i>[Signature]</i>	APR 24 1996	MAY - 1996
2.	<i>[Signature]</i>	8/21/96	NOV - 1996
3.			
4.	<i>see 845</i>	5/5/03	
5.			
6.			
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11.			
12.			
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16.			
17.			
18.			
19.			
20.			
21.			





TRADEMARK

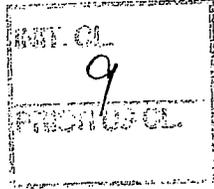


75007651

Name and Address of Applicant:

Huntana LLC  
920 Locust St.  
Missoula, Montana 59802

Date of First Use:



Applicant first used the mark in commerce on  
May 16, 1995.

Date of First Use  
in Interstate Commerce:

Applicant first used the mark in interstate  
commerce on May 16, 1995.

Goods With Which  
the Mark is Associated:

Computer software for analyzing and monitoring  
electronic traffic at specific sites on computer  
systems, in International Class 9.

Trademark:

WEBSTAT

PUBLISHED

FEB 11 1997

## WEBSTAT PRODUCT INFORMATION

---

WebStat is a set of **perl-cgi** scripts which allows one to analyze Web traffic. It runs on any Web server that supports standard **cgi** and the common logfile format. WebStat provides reliable figures for determining the popularity of Web documents.

---

### Web Traffic Information Gathered by WebStat

#### Web Document Popularity Figures

Number of Total Hits.

Number of Unique IP visits.

Duration an HTML File is Read.

All this for any chosen Document or Directory.

#### HTTP Client Behavior Analysis

Session Activity for a Particular HTTP Client

Duration an HTML File is Read.

---

### Registration, Pricing and Support Information

---

#### Running WebStat

##### On the server side

WebStat has been tested under both Unix and Windows NT platforms. WebStat works on any log file that is in the common logfile format.

##### On the Client side.

In order to properly run WebStat one needs a browser that supports both FORMS and TABLES such as the latest versions of NCSA Mosaic and Netscape.

##### Build your own copy of WebStat

**NEW!** A first LOOK at some visual data provided by WebStat.

---

# \* Combined Declaration of Use and Incontestability Under Sections 8 & 15 \*

\* (15 U.S.C. §§ 1058 & 1065) \*

\* To the Commissioner for Trademarks \*

<DOCUMENT INFORMATION>

<COMBINED DECLARATION OF USE AND INCONTESTABILITY UNDER SECTIONS 8 & 15>  
<VERSION 1.22>

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> WEBSTAT  
<REGISTRATION NUMBER> 2058787  
<SERIAL NUMBER> 75007657  
<REGISTRATION DATE> 05/06/1997

Refund Ref:  
10/17/2003 CFITZGER 0000131583

CHECK Refund Total: \$300.00

<OWNER INFORMATION>

<NAME> Webstat.com LLC  
<STREET> 241 N. Main  
<CITY> Springville  
<STATE> UT  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 84663  
<E-MAIL ADDRESS> chris@webstat.com

Adjustment date: 10/17/2003 CFITZGER  
05/06/2003 KGIBBONS 00000243 2058787  
01 FC:6205 -100.00 DP  
02 FC:6208 -200.00 DP

<GOODS AND SERVICES INFORMATION>

<ALL GOODS AND/OR SERVICES IN EXISTING REGISTRATION> Yes

~ The owner has used the mark in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with all goods and/or services listed in the existing registration. ~

<FEE INFORMATION>

<COMBINED SECTIONS 8 & 15 FILING FEE AMOUNT> 300  
<NUMBER OF CLASSES> 1  
<TOTAL FEES PAID> 300  
<NUMBER OF CLASSES> 1

05/06/2003 KGIBBONS 00000243 2058787  
01 FC:6205 100.00 DP  
02 FC:6208 200.00 DP

<USE INFORMATION>

<SPECIMEN DESCRIPTION> internet website label and logo

<LAW OFFICE INFORMATION>

<E-MAIL ADDRESS FOR CORRESPONDENCE> chris@webstat.com

~ The USPTO is authorized to communicate with the applicant at the above e-mail address ~

<SIGNATURE AND OTHER INFORMATION>

*Declaration: The owner is using [ ] is using through a related company [ ] mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with all goods and/or services listed in the existing registration. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts. ~*

~ The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true. ~

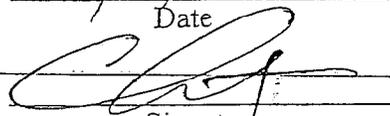
<SIGNATURE>  \* please sign here\*  
<DATE> 4/15/2003  
<NAME> Christopher J. Starkey

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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

on 4/15/03  
Date

  
Signature

Chris Starkey  
Typed or printed name of person  
signing certificate

HOME | ACCOUNT OUTLINE | SEE DEMO | SIGNUP | WEBSITE NEWS | SUPPORT | CONTACT US

### Member Login:

Username:

Password:

Login

Click [HERE](#) if you forgot your username and/or password

### Webstat Options:

- HOME
- ACCOUNT OUTLINE
- PRICING
- SEE LIVE DEMO
- SIGN UP
- WEBSITE NEWS
- HELP PAGE
- PRIVACY STATEMENT
- WEB RESOURCES

THE FREE SITE

Discount Hotel Reservations

Price Comparison Shopping

Hotels by City

Viagra

Versicherungsvergleich

Specialists

STATS

## WebSTAT: Best value in website statistics on the web



[Signup](#) →

[See Demo](#) →

Drillboards

- 1
- 2
- 3
- 4
- 5

WebSTAT offers over 50 different reports, which include:

- Comprehensive visitor breakdowns by month, day, and hour;
- Visitor averages, Trends, Browsers, Operating Systems, Javascript Versions, Screen Resolutions, Color Depths, Countries, and Service Providers;
- Marketing Trends such as your site's most Popular Pages, Search Engine Referrals, other Website Referrals, and Keywords used to locate your site through the most popular search engines. WebSTAT currently offers the top 100 entries of each report for each day from the time when the account was first activated. All reports are downloadable in the most popular formats for presentation (Printer Friendly format, Excel, PDF)

WebSTAT currently offers two account types: a Free account and a Premium account. View the online demo to see what WebSTAT has to offer you.

→ See our online demo



<b>Reports</b>
<ul style="list-style-type: none"> <li>General Summary</li> <li>Calendar Summary</li> <li>Visited Pages</li> <li>Hourly Visitors</li> <li>Hourly Page Views</li> <li>Daily Visitor Averages</li> <li>Daily Page View Averages</li> <li>Hourly Visitor Averages</li> <li>Hourly Page View Averages</li> <li>Monthly Visitor Trends</li> <li>Monthly Page View Trends</li> <li>Frequent Visitors</li> <li>Recent Visitors</li> </ul>
<b>Browsers</b>
<ul style="list-style-type: none"> <li>Browsers Versions</li> <li>Operating Systems (96)</li> <li>OS Versions</li> <li>Javascript Versions</li> <li>Screen Resolutions</li> <li>Color Depths</li> <li>Referring Pages</li> <li>Search Engines</li> <li>Keywords</li> <li>Countries</li> <li>Service Providers</li> </ul>

Web Browsers: February 27, 2003		
Web Browser	Visits	% of Total
Internet Explorer	598	100.00%

◀ February 2003 ▶						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

**Quick Jump:**

Feb 2003

**Download Report:**





**Select View Mode:**




Reports
<b>General Summary</b>
Calendar Summary
Visited Pages
Hourly Visitors
Hourly Page Views
Daily Visitor Averages
Daily Page View Averages
Hourly Visitor Averages
Hourly Page View Averages
Monthly Visitor Trends
Monthly Page View Trends
Frequent Visitors
Recent Visitors
Browsers
Browsers Versions
Operating Systems (OS)
OS Versions
Javascript Versions
Screen Resolutions
Color Depths
Referring Pages
Search Engines
Keywords
Countries
Service Providers

Statistical Summary for February, 2003		
Report Generated on Thu, Feb 27, 2003 at 01:41:40 pm	Page Views	Unique Visitors
Today:	598	71
Yesterday:	1,613	168
Last Seven Days:	13,230	1,290
Average Page Views / Visitors per Day (this month):	1,034.00	103.07
Total (this month):	27,918	2,783
Unique Visitors are counted by unique IP addresses that have visited your site		
First Page View:	Thu, Apr 22, 1999 at 10:08:05 pm	
Last Page View:	Thu, Feb 27, 2003 at 01:40:20 pm	
Total Page Views / Unique Visitors (last month):	15,753 / 1,974	
Total Page Views (cumulative):	293,012	
Highest # Page Views in One Day:	3,789 ( Tue, Feb 18, 2003 )	

Download Report:





# The original WebStat® by Huntana

Currently WebStat® is in a cocoon state, and a new version will be released combining the data analysis features of the original WebStat Explorer and WebStat Graphic along with the power and flexibility of Apache, Perl, and MySQL.

An older simple version of WebStat that counts hits/IPs for your Website can still be [downloaded](#)

---

WebStat® is a registered trademark of Huntana.

Third parties using the mark may do so only with the mark-holder's permission. Third parties must acknowledge ownership of WebStat via the ® symbol and a notation of the mark-holder, Huntana. Any third parties using the mark in conjunction with their own products or meanings without permission must cease and desist.

---

*Questions or Comments*

Last Refreshed: Fri May 7 15:52:35 MDT 1999

---

# UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,058,787

REGISTRANT: Huntana LLC

October 16, 2003

CORRESPONDENT ADDRESS:  
Webstat.com LLC  
241 N. MAIN  
SPRINGVILLE UT 84663

RETURN ADDRESS:  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
TMPostRegistration@uspto.gov

MARK: WEBSTAT

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:  
N/A

Please provide in all correspondence:

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

## POST REGISTRATION OFFICE ACTION

Receipt is acknowledged of the Affidavit submitted on April 17, 2003 under the provisions of Sections 8 & 15 of the Trademark Act is refused for the following reason(s).

---

An affidavit filed under the provisions of Section 8 & 15 has previously been accepted by this Office. This affidavit is, therefore, not required. The fee submitted will be scheduled for refund by the Finance Branch.

Charlie Fitzgerald  
Legal Instrument Examiner  
Post Registration Division  
Office of Trademark Services  
(703) 308-9500 X163

**How to respond to this Office Action:**

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the registration number, the words 'Post Registration' and the examiner's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

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

---

~~EE~~ RECORD SHEET

Registration Number: 2058787

Serial Number: 75007657

**\*75007657\***

RAM Sale Number: 755

Total Fees: \$300

RAM Accounting Date: 20030505



<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
§8 affidavit	7205	20030505	\$100	1	\$100
§15 affidavit	7208	20030505	\$200	1	\$200

# SPECIMEN

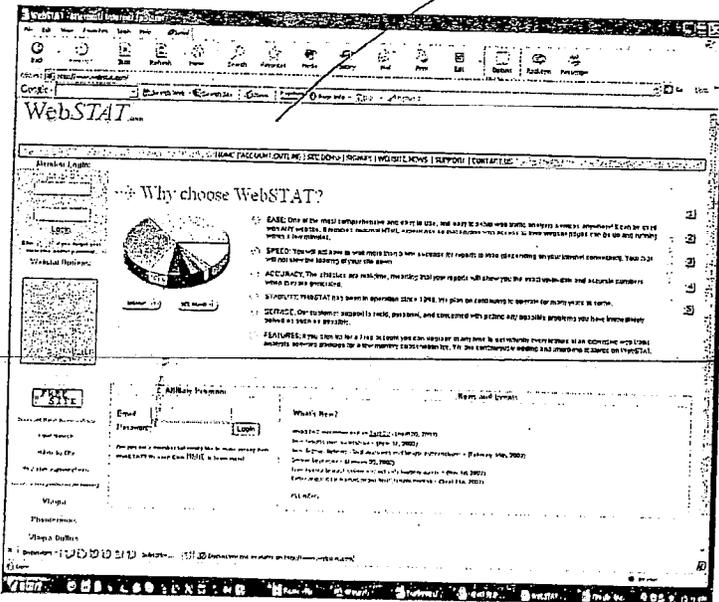
Internet Transmission Date:  
05/05/2003

International Class:  
009

Registration Number:  
2058787

Serial Number:  
75007657

**\*75007657\***



Form 1583 (Rev 4/2000)

OMB Control #0651-0009 (Exp. 08/31/2004)

## Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field.	Entered
MARK	WEBSTAT
REGISTRATION NUMBER	2058787
REGISTRATION DATE	05/06/1997
SERIAL NUMBER	75007657
OWNER	
NAME	Huntana LLC
STREET	241 N. Main St.
CITY	Springville
STATE	UT
ZIP/POSTAL CODE	84663
COUNTRY	US
PHONE	801-491-3177
FAX	801-437-1124
EMAIL	chris@webstat.com
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	009
KEEP EXISTING GOODS AND/OR SERVICES	YES
SPECIMEN FILE NAME(S)	6510324910-05120428924-webstat.JPG
SPECIMEN DESCRIPTION	Front page screen shot of the Webstat online internet visitor tracking software.
SIGNATURE INFORMATION	
SIGNATURE	/Christopher J. Starkey/
SIGNATURE DATE	

	05/05/2003
SIGNATORY NAME	Christopher J. Starkey
SIGNATORY POSITION	Manager
PAYMENT	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL AMOUNT	300
RAM SALE NUMBER	755
RAM ACCOUNTING DATE	20030505

Form 1583 (Rev 4/2000)

USPTO Control #0651-0009 (Exp. 08/31/2004)

## Combined Declaration of Use and Incontestability Under Sections 8 & 15

To the Commissioner for Trademarks:

MARK: WEBSTAT

REGISTRATION NUMBER: 2058787

REGISTRATION DATE: 05/06/1997

The owner, Huntana LLC, residing at 241 N. Main St., Springville, UT US 84663, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 009, the owner is using or is using through a related company the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Front page screen shot of the Webstat online internet visitor tracking software..

Specimen-1

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class (es), plus any additional grace period fee, if necessary.

### Declaration

*The owner is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Christopher J. Starkey/ Date: 05/05/2003

Signatory's Name: Christopher J. Starkey

Signatory's Position: Manager



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Jan. 10, 1997

NOTICE OF PUBLICATION UNDER 12(a)

- |                                       |                              |
|---------------------------------------|------------------------------|
| 1. Serial No.:<br>75/007,657          | 2. Mark:<br>WEBSTAT          |
| 3. International Class(es):<br>9      |                              |
| 4. Publication Date:<br>Feb. 11, 1997 | 5. Applicant:<br>Huntana LLC |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

---

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$28.00 each for domestic orders, or at \$35.00 each for foreign orders from:

The Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

By direction of the Commissioner.

**BODMAN, LONGLEY & DAHLING LLP**

110 Miller, Suite 300  
Ann Arbor, Michigan 48104  
(313) 761-3780  
(313) 930-2494 FAX

**FACSIMILE TRANSMITTAL FORM**

TO: Kevin Peska, Examining Attorney

DATE: August 21, 1996

FIRM: U.S. Patent and Trademark Office

REFERENCE NO. 14445/1

FAX NO: (703) 308-7184

NO. OF PAGES (Including this Cover) 2

FROM: Angela M. Alvarez Sujek  
Legal Assistant to Susan M. Kornfield

I.D. No. 0414

Original Documents Will  Will Not  Follow by Mail

If you do not receive all the pages, please call us at: (313) 761-3780

MESSAGE: Mark: WEBSTAT

Serial No.: 75/007657

Mr. Peska, per your voice mail message, attached is the Declaration of Susan Hunter, Core Member of Huntana LLC in relation to the additional specimens which were submitted by facsimile on July 16, 1996. Thank you and if you need anything further, please call.

Re: Mark: WEBSTAT  
Serial No.: 75/007657

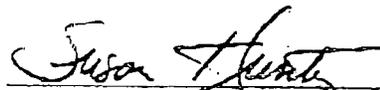
DECLARATION

Pursuant to 37 C.F.R. §2.56

I, Susan Hunter, declare that I am a Core Member of Applicant, Huntana LLC, and that the enclosed substitute specimens were used in commerce at least as early as the filing date of the application.

I have been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration.

August 21, 1996

  
\_\_\_\_\_  
Susan Hunter

**BODMAN, LONGLEY & DAHLING LLP**

110 Miller, Suite 300  
Ann Arbor, Michigan 48104  
(313) 761-3780  
(313) 930-2494 FAX

**FACSIMILE TRANSMITTAL FORM**

TO: U.S. Patent and Trademark Office  
Attn: Kevin Peska, Examining Attorney

DATE: July 16, 1996

FIRM:

REFERENCE NO. 01/07

FAX NO: (703) 308-7184

NO. OF PAGES (Including this Cover) 4

FROM: Susan M. Kornfield

I.D. No. 0148

Original Documents Will  Will Not  Follow by Mail

If you do not receive all the pages, please call us at: (313) 761-3780

MESSAGE: Mr. Peska, please let us know if you need anything further with regard to the  
mark WEBSTAT, Serial No. 75/007657. Thank you.

The information contained in this transmission is confidential and may be subject to the attorney-client privilege. It is intended only for the use of the individuals or entities named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for postage. Thank you.

# BUILD WEBSTAT

## BUILDING WEBSTAT FOR YOUR SITE

---

The building of a customized version of WebStat requires the completion of **two forms**. The first form asks for specific path and URL information. The second form asks for the directories and/or files you want WebStat to track. In total the build process takes only a few minutes.

For More information about the process of building WebStat please click [HERE](#)

To begin: Choose the link below for your platform.

If you do not find your platform listed please [contact us](#) about the availability of WebStat for your site.

---

### Windows NT

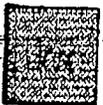


[WebStat for Website](#)



[WebStat for Netscape](#)

### Unix



[WebStat for all Unix](#)

---

## Build a Customized Version of WebStat by *Huntana*

---

Please enter the appropriate path and URL information for your specific NT WebSite.

Enter your http log file path

e.g. d:/website/logs/access.log

Log Path:

Enter the URL of your CGI scripts

e.g. http://www.domain.com/cgi-bin/

CGI URL:

Enter the URL of where WebStat HTML front-end will reside

e.g. http://www.domain.com/webstat/

WebStat URL:

---

Please enter contact information below:

First Name:

Last Name:

Email address:



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

<b>SERIAL NO.</b> 75/007657 <i>Hurtana LLC</i>		<b>APPLICANT</b>		<b>PAPER NO.</b>	
<b>MARK</b> WEBSTAT				<b>ADDRESS:</b> ASSISTANT COMMISSIONER FOR TRADEMARKS 2900 Crystal Drive Arlington, Virginia 22202-3513	
<b>ADDRESS</b> Susan M. Kornfield 110 Miller, Suite 300 Ann Arbor, MI 48104		<b>ACTION NO.</b> 01		If no fees are enclosed, the address should include the words "Box 5." Please provide in all correspondence:	
		<b>MAILING DATE</b> 04/24/96		1. Filing Date, serial number, mark and Applicant's name.	
		<b>REF. NO.</b>		2. Mailing date of this action.	
FORM-PTO-1525 (5-90)		U.S. DEPT. OF COMM. PAT. & TM OFFICE		3. Examining Attorney's name and Law Office number.	
				4. Your telephone number and ZIP code.	

**EXAMINER'S AMENDMENT**

EXAMINING ATTORNEY		PERSON CALLED/INTERVIEWED		TELEPHONE NUMBER	
Kevin R. Peska		Susan Kornfield			
X	TELEPHONE CALL	INTERVIEW DATE		X	ATTORNEY
	PERSONAL INTERVIEW	April 23, 1996			APPLICANT

**CALL RECORD/NOTES**

OFFICE SEARCH: The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

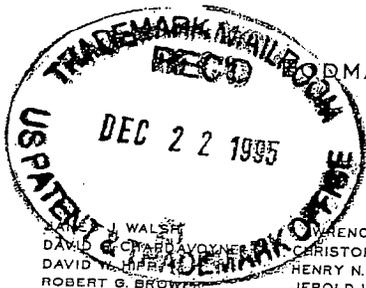
RE: Serial Number 74/007657

In accordance with the authorization granted by the above Applicant or attorney, the application has been AMENDED as indicated below. No response is necessary unless there is an objection to the amendment.

~~The date of first use of the mark anywhere is May 16, 1995.~~



Kevin R. Peska, Trademark Attorney  
Law Office 102, (703) 308-9102 ext. 171



BERMAN, LONGLEY & DAHLING LLP  
110 MILLER, SUITE 300  
ANN ARBOR, MICHIGAN 48104  
(313) 761-3780  
FAX (313) 930-2494

PIERRE V. HEFTLER  
RICHARD D. ROHR  
THEODORE SOURIS  
JOSEPH A. SULLIVAN  
CARSON C. GRUNEWALD  
WALTER O. KOCH  
ALFRED C. WORTLEY, JR.  
MICHAEL B. LEWISTON  
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KATHLEEN O'C. HICKEY  
KAY E. MALANEY  
PATRICK C. CAULEY  
DENNIS J. LEVASSEUR  
DAVID P. LARSEN  
GAIL PABARUE BENNETT  
GARY D. REEVES  
JAY BARNETT COLVIN  
DAVID W. BARTON  
SANDRA L. SORINI  
STEPHEN K. POSTEMA  
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LOUISE-ANNETTE MARCOTTY  
WILLIAM L. HOEY  
LAURIE A. ALLEN  
MARC M. BAKST  
A. CRAIG KLOMPARENS  
KIM M. WILLIAMS  
DAVID P. REA  
JODEE FISHMAN RAINES  
NICHOLAS P. SCAVONE, JR.  
LYDIA PALLAS LOREN  
ROBERT C. SKRAMSTAD  
DEANNA L. DIXON  
W. ALLEN DEYOUNG  
MARY A. KOSMALKI  
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JANE HENDERSON MARSHALL  
TIMOTHY R. DAMSCHRODER  
DAVID A. SHAND

COUNSEL  
ROBERT A. NITSCHKE  
JOHN S. DOBSON  
LEWIS A. ROCKWELL\*  
  
HENRY E. BODMAN  
1874-1963  
CLIFFORD B. LONGLEY  
1888-1954  
LOUIS F. DAHLING  
1892-1992

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100 RENAISSANCE CENTER  
DETROIT, MICHIGAN 48243  
(313) 259-7777  
FAX (313) 393-7579

OAKLAND COUNTY OFFICE  
755 WEST BIG BEAVER ROAD  
SUITE 2020  
TROY, MICHIGAN 48064  
(810) 362-2110  
FAX (810) 244-0780

NORTHERN MICHIGAN OFFICE  
229 COURT STREET  
P.O. BOX 405  
CHEBOYGAN, MICHIGAN 49721  
(616) 627-4351  
FAX (616) 627-2802

WRITER'S DIRECT DIAL NO.  
(313) 930-2488

\*ALSO ADMITTED IN FLORIDA  
\*ALSO ADMITTED IN ILLINOIS

December 21, 1995

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513  
Attn: Office of Program Control

NEW

By Federal Express

Re: Serial No.: 75/007657  
Date of Filing: 10/19/1995  
Owner Name: Huntana LLC  
Mark: WEBSTAT

Enclosed please find the Filing Receipt received for the above referenced Application.  
Please note that the Filing Receipt identifies the entity as a Montana corporation; however,  
please note that the entity is a Montana limited liability company, and not a corporation.  
Please make this correction in your records and send me a copy of the corrected Filing  
Receipt. Thank you for your assistance.

Please feel free to call me if you have any questions.

Very truly yours,

*Susan M Kornfield*  
Susan M. Kornfield

SMK/as

RECEIVED  
DEC 19 AM 11:08  
11/19/95

FILING RECEIPT FOR TRADEMARK APPLICATION

Receipt on the DATE OF FILING of the application for registration and filing fees is acknowledged for the mark identified below. The DATE OF FILING is contingent upon the collection of any payment made by check or draft. Your application will be considered in the order in which it was received and you will be notified as to the examination thereof. Correspondence should be expected from the Patent and Trademark Office in approximately months. When inquiring about this application, include the SERIAL NUMBER, DATE OF FILING, OWNER NAME, and MARK.

11/28/95

06



Susan M. Kornfield  
110 Miller, Suite 300  
Ann Arbor, MI 48104

TMPRE

ATTORNEY  
REFERENCE NUMBER

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the notice of allowance should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513. The correspondence should be marked to the attention of the Office of Trademark Program Control. The Patent and Trademark Office will review the request and make corrections when appropriate.

SERIAL NUMBER: 75/007657

DATE OF FILING: 10/19/1995

MARK: WEBSTAT

MARK TYPE(S): TRADEMARK

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

SECTION 1(A): YES

SECTION 1(B): NO

SECTION 44: NO

ATTORNEY: Susan M. Kornfield  
OWNER NAME: Huntana LLC  
OWNER ADDRESS: 920 Locust  
Missoula  
MONTANA 59802

ENTITY: CORPORATION

CITIZENSHIP/DOMICILE: MONTANA

INTERNATIONAL CLASS	DATE OF FIRST USE	DATE OF FIRST USE IN COMMERCE
009	05/16/1995	05/16/1995

ONLY THOSE DATES OF USE AND CLASSES FILED UNDER SECTION 1(A) ARE LISTED

GOODS/SERVICES BY INTERNATIONAL CLASS

009-computer software for analyzing and monitoring electronic traffic at specific sites on computer systems

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

113

# 245<sup>00</sup> / 361

75007657



APPLICATION FOR TRADEMARK REGISTRATION  
(DECLARATION)

Mark: WEBSTAT

International Class No.: 9

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

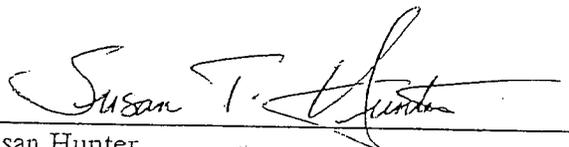
AA  
(GS)  
9

Huntana LLC, a <sup>03</sup> Montana corporation with offices at 920 Locust, Missoula, <sup>MT</sup> Montana 59802, requests registration of the trademark shown in the accompanying drawing for "computer software for analyzing and monitoring electronic traffic at specific sites on computer systems" in <sup>9</sup> International Class 9 and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

The mark was first used in commerce on May 16, 1995, was first used in interstate commerce on May 16, 1995, and is now in use in such commerce. The mark is used by Applicant by displaying the mark at the electronic site on the computer system from which customers read about the WEBSTAT computer program and download their own copy of the program, and three specimens showing the mark as actually used are presented herewith.

Susan Hunter, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is a Core Member of Applicant corporation and that she believes Applicant is the owner of the trademark sought to be registered; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of her knowledge are true and all statements made on information and belief are believed to be true.

October 16, 1995

  
Susan Hunter

POWER OF ATTORNEY

AT

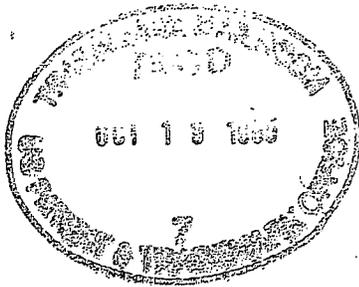
CA

Please recognize Susan M. Kornfield, admitted to practice in the States of Michigan and Illinois, and Lydia Pallas Loren, admitted to practice in the State of Michigan, both of Bodman, Longley & Dahling LLP, with offices at 110 Miller, Suite 300, Ann Arbor, Michigan 48104, [(313) 930-2488], to prosecute this application, to transact all business in connection therewith, and to receive the certificate.

October 16, 1995

  
Susan Hunter

75007657



**BODMAN, LONGLEY & DAHLING LLP**

110 MILLER, SUITE 300  
ANN ARBOR, MICHIGAN 48104  
(313) 761-3780  
FAX (313) 930-2494

PIERRE V. HEFTLER  
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WALTER O. KOCH  
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MARK W. GRIFFIN  
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KENNETH R. LANGO  
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JAMES A. SMITH  
JAMES R. BUSCHMANN  
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JOSEPH N. BROWN  
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ROBERT G. BROWER  
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JAMES C. CONBOY, JR.  
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F. THOMAS LEWAND  
MICHAEL A. STACK  
KATHLEEN A. LIEDER  
KAREN L. PIPER  
MARTHA BEDSOLE GOODLOE  
HARVEY W. BERMAN  
BARBARA BOWMAN BLUFORD  
R. CRAIG HÜPP

LAWRENCE P. HANSON  
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HENRY N. CARNABY  
JEROLD LAX  
LINDA J. THRONE  
DIANE L. AKERS  
RALPH E. MCDOWELL  
SUSAN M. KORNFELD\*  
STEPHEN I. GREENHALGH  
KATHLEEN O'C. HICKEY  
KAY E. MALANEY  
PATRICK C. CAULEY  
DENNIS J. LEVASSÉUR  
DAVID P. LARSEN  
GAIL PABARUE BENNETT  
GARY D. REEVES  
JOSEPH W. GIRARDOT  
JAY BARNETT COLVIN  
DAVID W. BARTON  
SANDRA L. SORINI  
STEPHEN K. POSTEMA

BONNIE S. SHERR  
LISA M. PANOURGIAS  
LOUISE-ANNETTE MARCOTTY  
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LAURIE A. ALLEN  
MARC M. BAKST  
A. CRAIG KLOMPARENS  
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JODEE FISHMAN RAINES  
NICHOLAS P. SCAVONE, JR.  
LYDIA PALLAS LOREN  
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W. ALLEN DEYOUNG  
MARY A. KOSMALSKI  
CHRISTIAN W. FABIAN  
JANE HENDERSON MARSHALL  
TIMOTHY R. DAMSCHRODER  
DAVID A. SHAND

COUNSEL  
ROBERT A. NITSCHKE  
JOHN S. DOBSON  
LEWIS A. ROCKWELL\*

HENRY E. BODMAN  
1874-1963  
CLIFFORD B. LONGLEY  
1888-1954  
LOUIS F. DAHLING  
1892-1992

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100 RENAISSANCE CENTER  
DETROIT, MICHIGAN 48243  
(313) 259-7777  
FAX (313) 393-7579

OAKLAND COUNTY OFFICE  
755 WEST BIG BEAVER ROAD  
SUITE 2020  
TROY, MICHIGAN 48064  
(810) 362-2110  
FAX (810) 244-0780

NORTHERN MICHIGAN OFFICE  
229 COURT STREET  
P.O. BOX 405  
CHEBOYGAN, MICHIGAN 49721  
(616) 627-4351  
FAX (616) 627-2802

WRITER'S DIRECT DIAL NO.  
(313) 930-2488

\*ALSO ADMITTED IN FLORIDA  
\*ALSO ADMITTED IN ILLINOIS

October 17, 1995

Assistant Commissioner of Patents  
and Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

By Certified Mail

Re: Trademark Registration of "WEBSTAT"

Ladies and Gentlemen:

~~With respect to the above-referenced Mark, enclosed please find an Application for Trademark Registration, the required "drawing" of the Mark, three specimens of the Mark as used in connection with the goods, and a check in the amount of \$245.00 made payable to the Commissioner of Patents and Trademarks.~~

Our firm has established a deposit account with your office, Account No. 02-2880. This letter will act as authority for you to withdraw from this account, should additional funds be needed to process this Application.

If there is further information required by you to process this Application, please do not hesitate to contact me.

Very truly yours,

*Susan M. Kornfield*  
Susan M. Kornfield

SMK/as

75007657

TRADEMARK APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

060 JJ 11/09/95 75007657

0 361

245.00 CK

\*\*\* User: EX692022 \*\*\*

STMT NUMBER	TOTAL MARKS	LIVE VIEWED	DEAD VIEWED	SEARCH
01	1	1	0	PHRASCH /OW huntana
02	1666	0	0	PHRASCH :web:
03	7718	0	0	PHRASCH :stat:
04	10	8	2	PHRASCH 2&3
05	1	1	0	PHONSCH webstat^webstats^web stat^web stats

TERMINAL SESSION STARTED 04/16/96 10:31 A.M. (EASTERN TIME)  
TERMINAL SESSION FINISHED 04/16/96 10:42 A.M. (EASTERN TIME)  
ELAPSED TIME THIS SESSION 0 HRS AND 11 MIN

## AMENDMENT EXAMINATION WORK SHEET

Name: Elsie Bradley L.O.: 13 Date: 7/30/90 Serial No.: 007657

INSTRUCTIONS: To certify amendments the R&A Clerk should check the 'AMENDED' column. The Text Editor should check 'ENTERED' after the amendment has been entered.  
 RETAIN IN FILE.

SCREEN	AMENDED	ENTERED	AMENDED TO:
AM			Mark Type:
			Register:
			Mark:
PY			Owner: <input type="checkbox"/> Name. <span style="float: right;"><input type="checkbox"/> MDC:</span>
			<input type="checkbox"/> Citizenship:
			<input type="checkbox"/> Entity Type:
			DBA/AKA/TA Statement:
			Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Country <input type="checkbox"/> Zip
CL			Assignment or Name Change:
			Composed of:
			International Class: <span style="float: right;">U.S. Class:</span>
			First Use: <span style="float: right;">First Use in Commerce:</span>
			Goods and Services:
AM			Amended Register: <span style="float: right;">P.R.:</span> <span style="float: right;">S.R.:</span>
O T H E R			Amended Reg Date:
			Disclaimer:
			Description of Mark:
			Lining and Stippling Statement:
			Translation of Words in Mark:
			Name/Portrait Description/Consent:
			Section 2(f): <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement <input type="checkbox"/> Entire Mark
			Use in Another Form:
			Certification Statement:
			Concurrent Use Statement:
FN			Prior U.S. Registrations:
			<del>Domestic Representative:</del>
			Foreign Country of Origin:
			Foreign Application No.: <span style="float: right;">Frgn. Appl. Filing Date:</span>
			Section 44(e) Claimed: Y/N <span style="float: right;">Section 44(d) Claimed: Y/N</span>
CD			Foreign Registration No.: <span style="float: right;">Frgn. Reg. Date:</span>
			Foreign Registration Expiration Date:
			Foreign Renewal Reg. No.: <span style="float: right;">Frgn. Reg. Renewed:</span>
			Foreign Registration Renewed Expiration Date:
			Attorney Name:
		Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter St. Address <input type="checkbox"/> City/State/Zip	
		Attorney Docket Number:	

Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I certify that all corrections have been entered in accordance with the above instructions and text editing guidelines.

Initial Box if No Amendments are required.  
EB

TO:  R&A CLERK  TEXT EDITOR

RE: CORRECTIONS TO FILE/DATA BASE

PLEASE MAKE THE FOLLOWING CHANGES/CORRECTIONS TO:

DATA BASE

APPLICATION PAPERS

FILE WRAPPER

The applicant is a Montana Limited Liability Company (see applicant's letter of 12/22/95).

PUBLIC IN/REGISTRATION EXAMINATION SHEET

Reviewer: Sylvia Hammett-I n LO: 102 Date: 12/3/11 Serial No.: 007657

I certify all information in the database matched the information in the file and no corrections were required.

INSTRUCTIONS: If the information in the database does not match the information in the file the reviewer should check the ERROR column. After correction (text editing), the EDITED column should be checked. RETAIN IN FILE WRAP.

SCREEN	ERROR	EDITED	ERROR FOUND DURING REVIEW REQUIRING AMENDMENT OF:
AM			AM   Mark Type:
			AM   Register:
			AM   Mark:
PY			PY   Owner: <input type="checkbox"/> Name: <input type="checkbox"/> MDC:
			PY   <input type="checkbox"/> Citizenship:
			PY   <input checked="" type="checkbox"/> Entity Type: <u>Limited liability company</u>
			EN   <input type="checkbox"/> Entity Statement:
			DB   DBA/AKATA Statement:
			PY   Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Country <input type="checkbox"/> Zip
			NC   Assignment or Name Change:
CL			CO   Composed of:
			CL   International Class: U.S. Class:
			CL   First Use: First Use in Commerce:
			GS   Goods and Services:
			GS
AM			AM   Amended Register: P.R.: S.R.:
			AM   Amended Reg. Date:
O T H E R			D1   Disclaimer:
			DM   Description of Mark:
			LS   Lining and Stippling Statement:
			TR   Translation of Words in Mark:
			NO   Name/Portrait Description/Consent:
			TF   Section 2(f): <input type="checkbox"/> Entire Mark <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement
			AF   Use in Another Form:
			CS   Certification Statement:
			CU   Concurrent Use Statement:
			PR   Prior U.S. Registrations:
FN			DR   Domestic Representative:
			FN   Foreign Country of Origin:
			FN   Foreign Application No.: Frgn. Appl. Filing Date:
			FN   Section 44(d): Y/N
			FN   Foreign Registration No.: Frgn. Reg. Date:
			FN   Foreign Registration Expiration Date:
			FN   Foreign Renewal Reg. No.: Frgn. Reg. Renewed:
CD			FN   Foreign Registration Renewed Expiration Date:
			AT   Attorney Name:
			CD   Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter. St. Address <input type="checkbox"/> City/State/Zip
		DN   Attorney Docket Number:	

Other: \_\_\_\_\_

I certify that all corrections have been entered in accordance with the above instructions and text editing guidelines. *[Signature]*

AMENDMENT EXAMINATION WORK SHEET

Name: Elsie Bradley Ofc: 101 Date: 1/23 Serial No. \_\_\_\_\_

INSTRUCTIONS. To certify amendments the R&A Clerk should check the "AMENDED" column. The Text Editor should check "ENTERED" after the amendment has been entered. RETAIN IN FILE.

CR	EN	AMENDED	ENTERED	AMENDED TO:
AM		<input type="checkbox"/>	<input type="checkbox"/>	AM   Mark Type:
		<input type="checkbox"/>	<input type="checkbox"/>	AM   Register:
		<input type="checkbox"/>	<input type="checkbox"/>	AM   Mark: <input type="checkbox"/> MDC:
		<input type="checkbox"/>	<input type="checkbox"/>	PY   Owner: <input type="checkbox"/> Name:
		<input type="checkbox"/>	<input type="checkbox"/>	PY   <input type="checkbox"/> Citizenship:
PY		<input type="checkbox"/>	<input type="checkbox"/>	PY   <input type="checkbox"/> Entity Type:
		<input type="checkbox"/>	<input type="checkbox"/>	DB   DBA/AKA/TA Statement:
		<input type="checkbox"/>	<input type="checkbox"/>	PY   Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Country <input type="checkbox"/> Zip
		<input type="checkbox"/>	<input type="checkbox"/>	NC   Assignment or Name Change:
		<input type="checkbox"/>	<input type="checkbox"/>	CL   International Class: U.S. Class:
		<input type="checkbox"/>	<input type="checkbox"/>	CL
		<input type="checkbox"/>	<input type="checkbox"/>	CL   First Use: First Use in Commerce:
CL		<input type="checkbox"/>	<input type="checkbox"/>	CL
		<input type="checkbox"/>	<input type="checkbox"/>	GS   Goods and Services:
		<input type="checkbox"/>	<input type="checkbox"/>	GS
		<input type="checkbox"/>	<input type="checkbox"/>	GS
		<input type="checkbox"/>	<input type="checkbox"/>	GS
		<input type="checkbox"/>	<input type="checkbox"/>	GS
AM		<input type="checkbox"/>	<input type="checkbox"/>	AM   Amended Register: P.R.: S.R.:
		<input type="checkbox"/>	<input type="checkbox"/>	AM   Amended Reg Date:
		<input type="checkbox"/>	<input type="checkbox"/>	DT   Disclaimer:
		<input type="checkbox"/>	<input type="checkbox"/>	DM   Description of Mark:
		<input type="checkbox"/>	<input type="checkbox"/>	LS   Lining and Stippling Statement:
		<input type="checkbox"/>	<input type="checkbox"/>	TR   Translation of Words in Mark:
		<input type="checkbox"/>	<input type="checkbox"/>	NO   Name/Portrait Description/Consent:
		<input type="checkbox"/>	<input type="checkbox"/>	TF   Section 2(f): <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement <input type="checkbox"/> Entire Mark
		<input type="checkbox"/>	<input type="checkbox"/>	AF   Use in Another Form:
		<input type="checkbox"/>	<input type="checkbox"/>	CS   Certification Statement:
		<input type="checkbox"/>	<input type="checkbox"/>	EU   Concurrent Use Statement:
		<input type="checkbox"/>	<input type="checkbox"/>	PR   Prior U.S. Registrations:
		<input type="checkbox"/>	<input type="checkbox"/>	DR   Domestic Representative:
		<input type="checkbox"/>	<input type="checkbox"/>	FN   Foreign Country of Origin:
		<input type="checkbox"/>	<input type="checkbox"/>	FN   Foreign Application No.: Frgn. Appl. Filing Date:
FN		<input type="checkbox"/>	<input type="checkbox"/>	FN   Section 44(e) Claimed: Y/N Section 44(d) Claimed: Y/N
		<input type="checkbox"/>	<input type="checkbox"/>	FN   Foreign Registration No.: Frgn. Reg. Date:
		<input type="checkbox"/>	<input type="checkbox"/>	FN   Foreign Registration Expiration Date:
		<input type="checkbox"/>	<input type="checkbox"/>	FN   Foreign Renewal Reg. No.: Frgn. Reg. Renewed:
		<input type="checkbox"/>	<input type="checkbox"/>	FN   Foreign Registration Renewed Expiration Date:
		<input type="checkbox"/>	<input type="checkbox"/>	AT   Attorney Name:
CD		<input type="checkbox"/>	<input type="checkbox"/>	CD   Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter St. Address <input type="checkbox"/> City/State/Zip
		<input type="checkbox"/>	<input type="checkbox"/>	DN   Attorney Docket Number:

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



EXHIBIT "I"

**SECRETARY OF STATE  
STATE OF MONTANA  
Mike Cooney**

Business Services Bureau  
Rose Ann Crawford, Deputy  
Phone: (406) 444-3665



Montana State Capitol  
P.O. Box 202801  
Helena, MT 59620-2801

December 01, 1997

**INVOLUNTARY DISSOLUTION NOTICE**

HUNTANA LLC

MATT X HUNTER  
920 LOCUST ST  
MISSOULA MT 59802-4833

Folder: C-083745  
Corp Type: 67  
Date Last Report: 04/16/1996  
Fees & Penalty: \$30.00

Dear Company Official:

On September 02, 1997, the above named limited liability company was notified that it would be dissolved unless the legally required annual reports and fees were submitted to the Secretary of State within 90 days. Since this was not done, the Secretary of State has ordered that this limited liability company be involuntarily dissolved according to Section 35-8-209, Montana Code Annotated.

Upon mailing of this notice, dissolution proceedings against the limited liability company have been completed. This means that the limited liability company has forfeited all its rights to carry on business within the state of Montana.

If you have any questions concerning this action, please don't hesitate to contact our office at the phone number listed above.

Sincerely,

*Rose Ann Crawford*  
Rose Ann Crawford  
Deputy, Business Services Bureau

# EXHIBIT "J"

### ASSIGNMENT OF TRADEMARK

This agreement entered this 21st day of February 2003 between Matt Hunter, Hmitana LLC, of 920 Locust, City of Missoula, State of Montana, herein referred to as "Assignor", and Webstat.com LLC of 241 N. Main, City of Springville, State of Utah, herein referred to as "Assignee".

That Assignor has adopted and is using a mark registered in the United States Patent Office, Registration No. 2058787, dated May 6, 1997 and Assignee is desirous of acquiring such mark and the registration thereof.

That for good and valuable consideration, the receipt of which is hereby acknowledged according to the terms of the attached Bill of Sale, Assignor does hereby assign to Assignee all rights, title and interest in and to said mark, the goodwill of the business symbolized by said mark, along with the registration thereof, the number of which is contained herein.

Dated this 21 day of February 2003.

*[Signature]*  
Matt Hunter

Notary

County of )

State of )

Subscribed and sworn before me on this 21 day of February, 2003 appeared Matt Hunter.

WITNESS my hand and official seal

*[Signature]*

Notary public



TAYLOR W. WANDA  
Notary Public  
State of Montana  
My Comm. Expires Dec. 31, 2005

My commission expires

EXHIBIT "K"



03-10-2003

D\$

3-4-c



Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005)		RECORDATION <b>TRADEMARKS ONLY</b>	102385478	NT OF COMMERCE and Trademark Office
Tab settings $\Rightarrow \Rightarrow \Rightarrow$ $\nabla$ $\nabla$ $\nabla$ $\nabla$ $\nabla$ $\nabla$				
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.				
1. Name of conveying party(ies): <u>Huntana LLC</u> <u>920 Locust</u> <u>Missoula, MT 59802</u> <input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Corporation-State <input checked="" type="checkbox"/> Other <u>Limited Liability Company</u>		2. Name and address of receiving party(ies) Name: <u>Webstat.com LLC</u> Internal Address: <u>Chris Starkey</u> Street Address: <u>241 N. Main</u> City: <u>Springville</u> State: <u>UT</u> Zip: <u>84663</u> <input type="checkbox"/> Individual(s) citizenship <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Corporation-State <input checked="" type="checkbox"/> Other <u>Limited Liability Company</u>		
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>2/25/03</u>				
4. Application number(s) or registration number(s): A. Trademark Application No.(s)		B. Trademark Registration No.(s) <u>2058787</u> Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Webstat.com LLC</u> Internal Address: <u>Chris Starkey</u> Street Address: <u>241 N. Main</u> City: <u>Springville</u> State: <u>UT</u> Zip: <u>84663</u>		6. Total number of applications and registrations involved: <span style="border: 1px solid black; padding: 2px;">1</span> 7. Total fee (37 CFR 3.41).....\$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account		
		8. Deposit account number: (Attach duplicate copy of this page if paying by deposit account)		
<b>DO NOT USE THIS SPACE</b>				
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.				
<u>Chris Starkey</u> Name of Person Signing		 Signature		<u>2/25/03</u> Date
Total number of pages including cover sheet, attachments, and document: <span style="border: 1px solid black; padding: 2px;">2</span>				

03/07/2003 EDOPER 00000000 2058787

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

M. F. 000001



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

WEB TRACKING, L.L.C.,

Petitioner,

vs.

HUNTANA, L.L.C. and WEBSTAT.COM, L.L.C,

Respondents.

Cancellation No. \_\_\_\_\_

Registration No. 2,058,787

Date of Registration: May 6, 1997

Trademark: WEBSTAT |

**TTAB**

LETTER OF TRANSMITTAL AND FEE AUTHORIZATION

Box TTAB Fee  
COMMISSIONER OF TRADEMARKS  
2900 Crystal Drive  
Arlington, VA 22202-3513  
Attn: Clerk of TTAB

  
07-08-2004  
U.S. Patent & TMO/c/TM Mail Rpt Dt. #22

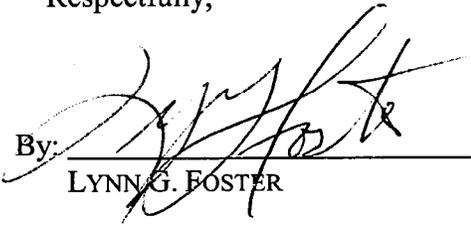
Sir:

Transmitted herewith for filing is an original and two copies of a Petition to Cancel U.S.

Trademark Registration No. 2,058,787.

Please charge Deposit Account 06-1620 of the undersigned for the filing fee for the attached Petition to Cancel in the amount of \$300.00, for one class. Please charge any additional fees and credit any overpayments to Deposit Account 06-1620. A duplicate of this letter is enclosed.

Respectfully,

By:   
LYNN G. FOSTER

  
07-08-2004  
U.S. Patent & TMO/c/TM Mail Rpt Dt. #22