

ESTTA Tracking number: **ESTTA242652**

Filing date: **10/14/2008**

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

Proceeding	92047013
Party	Plaintiff NeTrack, Inc.
Correspondence Address	Carl Oppedahl Oppedahl Patent Law Firm LLC P.O. Box 4850 Frisco, CO 80443-4850 UNITED STATES docket-oppedahl@oppedahl.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Terrence M. Wyles
Filer's e-mail	docket-oppedahl@oppedahl.com
Signature	/s/
Date	10/14/2008
Attachments	2008-10-14-DRAFT-NTER-i007-Notice-of-Reliance-on-Docs-Produced-by-Regis trant.pdf (5 pages)(28521 bytes) Exhibit-H-Whols-nettraklm-com.pdf (4 pages)(219324 bytes) Exhibit-I-Abandoned-NetTrak-Application.pdf (13 pages)(361523 bytes) Exhibit-J-SAEJIS-Printout-of-NETTRAK-Record.pdf (3 pages)(70639 bytes) Exhibit-K-New-NetTrak-Lead-Mgr-Site-Coming-Soon-Screenshot.pdf (3 pages)(124856 bytes) Exhibit-L-NetTrak-Internet-CRM-Webpages.pdf (6 pages)(680809 bytes) Exhibit-M-2008-10-14-75287548-USPTO-Electronic-Record.pdf (5 pages)(116251 bytes) Exhibit-N-WayBackMachine-Report-on-NeTrack-com.pdf (2 pages)(46378 bytes) Exhibit-O-WayBackMachine-image-of-1998-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(41073 bytes) Exhibit-P-WayBackMachine-image-of-2002-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(38882 bytes) Exhibit-Q-WayBackMachine-image-of-2003-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(38207 bytes) Exhibit-R-WayBackMachine-image-of-Aug2003-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(38561 bytes) Exhibit-S-WayBackMachine-image-of-Sept2003-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(46483 bytes) Exhibit-T-WayBackMachine-image-of-Oct2003-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(44931 bytes) Exhibit-U-Registrant-Provided-image-of-Aug2003-version-of-NetTrack-Net-page.pdf (2 pages)(59389 bytes) Exhibit-V-WayBackMachine-Report-on-NeTrack-net.pdf (2 pages)(68413 bytes) Exhibit-W-NetTrak-mark-shown-in-internet-fx-com-website.pdf (17 pages)(1788124 bytes) Exhibit-X-NetTrak-mark-shown-with-PalmIII-pager-service.pdf (16 pages)(1897568 bytes) Exhibit-Y-worlddealer-net.pdf (2 pages)(59687 bytes)



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

In re Registration No. 3,064,820
Mark: NETTRAK
Registered March 7, 2006

)	
Netrack, Inc., Petitioner)	
)	
v.)	Cancellation No. 92047013
)	
Internet FX, Inc., Registrant)	
)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF RELIANCE

Pursuant to TBMP § 704.02, the Petitioner hereby notifies the Board and the Registrant that, in support of the Petitioner’s Cancellation Action, the Petitioner is relying on the following Registrant-produced documents that the Registrant produced (and therefore, effectively authenticated) in answer to both Interrogatory No. 9 of Petitioner’s First Set of Interrogatories to Registrant and Petitioner’s First Set of Requests for the Production of Documents and Things. Accordingly, the Petitioner introduces each of the below-listed documents as Exhibits respectfully requests that said Exhibits be admitted into evidence:

Exhibit H: This Registrant-produced document is a webpage screenshot of “WhoIs” record from NetworkSolutions over the domain name “nettraklm.com”.

Exhibit I: This Registrant-produced document is a printout from the electronic records database of the United States Patent and Trademark Office of the Registrant’s first application for the mark NETTRAK, Serial No. 78/011,048, which was filed on June 2, 2000, and which went

abandoned on April 17, 2002. Said electronic records of this abandoned application are shown as not complete by the USPTO website, and the Petitioner has requested that the USPTO complete the scanning of the file record for this abandoned application. The Petitioner intends to introduce said fully scanned record before the close of the testimony period.

Exhibit J: This Registrant-produced document is a printout from the electronic records database of SAEGIS.COM for the mark NETTRAK, Registration No. 3,064,820, which also shows a confusion on the name and address of the mark assignee, reflecting confusion between the marks in question.

Exhibit K: This Registrant-produced document is a printout from one of the Registrant's webpages, and shows the use of the mark NetTrak in a stylized fashion very similar to that of the way the Petitioner's mark is presented on webpages and marketing materials.

Exhibit L: This Registrant-produced document is a printout from Registrant's webpages at leadcrm.com, entitled NetTrak Internet CRM, and shows the use of the mark NetTrak in a stylized fashion very similar to that of the way the Petitioner's mark is presented on webpages and marketing materials.

Exhibit M: This Registrant-produced document is a printout from the electronic records database of the United States Patent and Trademark Office of the Petitioner's application for the mark NETRACK, Serial No. 75/287,548, which was filed on May 6, 1997, and which matured to Registration No. 2,139,229 on February 24, 1998.

Exhibit N: This Registrant-produced document is a printout from the archive.org's "Wayback Machine" showing that the NeTrack.com website was in existence at least as early as November 12, 1996.

Exhibit O: This Registrant-produced document is a printout from the archive.org's "Wayback

Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as July 11, 1998.

Exhibit P: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as December 25, 2002.

Exhibit Q: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as January 30, 2003.

Exhibit R: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as August 21, 2003.

Exhibit S: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as September 22, 2003.

Exhibit T: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as October 24, 2003.

Exhibit U: This Registrant-produced document is a printout from Petitioner’s NeTrack.net webpages showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as August 7, 2007.

Exhibit V: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing that the NeTrack.net website was in existence at least as early as April 16,

EXHIBIT H



Login

Customer Service
Call us toll free

Your cart is empty



WHOIS Search Results

Available nettraklm extensions:

<input type="checkbox"/> .net	<input type="checkbox"/> .us	<input type="checkbox"/> .info	<input type="checkbox"/> .mobi	<input type="checkbox"/> .biz	<input type="checkbox"/> .tv	<input type="checkbox"/> .ws	<input type="checkbox"/> .bz	<input type="checkbox"/> .de	<input type="checkbox"/> .co.uk
-------------------------------	------------------------------	--------------------------------	--------------------------------	-------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	---------------------------------

SAVE over 70%

when you
your domains to
Network Solutions — your
trusted domain name provider!

[Go](#)

Choose Your Domain Name
Provider Wisely and Transfer
Domains for \$9.99/yr

Learn the do's and don'ts of
search engine optimization.
Download our *Guide to Getting
Found Online* now.

**Learn the Secrets
of Search Engine
Optimization**

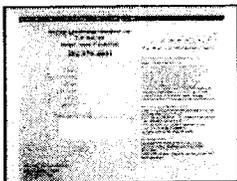
Attend our
SEO Seminar

[Learn More](#)

Search Results

TOP SECRET

WHOIS Record For



nettraklm.com

Services from Network Solutions:

- Certified Offer Service - Let us help you get this domain name!
- Backorder - Try to get this name when it becomes available.
- SSL Certificates - Get peace of mind with a secure certificate.

The information in this whois database is provided for the sole purpose of assisting you in obtaining information about domain name registration records. This information is available "as is," and 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) enable high volume, automated, electronic processes that stress or load this whois database system providing you this information; or (2) allow, enable, or otherwise support the transmission of mass, unsolicited, commercial advertising or solicitations via facsimile, electronic mail, or by telephone to entities other than your own existing customers. The compilation, repackaging, dissemination or other use of this data is expressly prohibited without prior written consent from this company. We reserve the right to modify these terms at any time. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. Please limit your queries to 10 per minute and one connection.

Registrant:
Chris Garver
19202 Foxtree Lane

Houston, TX 77094
US

Registrar: DOTSTER
Domain Name: NETTRAKLM.COM
Created on: 28-MAR-05
Expires on: 29-MAR-08
Last Updated on: 09-FEB-07

Administrative Contact:
Garver, Chris cgarver@mywebpager.com
19202 Foxtree Lane
Houston, TX 77094
US
281-579-0891

Technical Contact:
Hostmaster, IQS domreg@NAMESERVERS.COM
NameServers.com
3560 East Russell
Las Vegas, NV 89102
US
702-435-8233

Domain servers in listed order:
NS.NAMESERVERS.COM
NS2.NAMESERVERS.COM

End of Whois Information

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

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

Current Registrar: DOTSTER, INC.
IP Address: 216.46.171.235 (ARIN & RIPE IP search)
IP Location: US(UNITED STATES)-COLORADO-DENVER
Record Type: Domain Name
Server Type: Apache 1
Lock Status: clientDeleteProhibited
Web Site Status: Active
DMOZ: no listings
Y! Directory: [see listings](#)
Secure: No
E-commerce: No
Traffic Ranking: 2
Data as of: 03-May-2007



SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:
"C:/checkout/11.4.35/current/sf-view-

again.jsp"

- Domain Name
- NIC Handle
- IP Address

Search 



Need to get your business online?

Our professional designers can build a custom Web site for your business.

\$11.95/month, plus a \$499.00 design fee

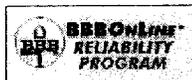
Go 



PerformanceClicks™ from Network Solutions

Create and manage your pay per click advertising from as low as \$125/month plus \$99 one time set-up fee

Go 



"An outstanding customer service experience"
J.D. Power and Associates

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EXHIBIT I



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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Sep 7 04:09:21 EDT 2007

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[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
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[FIRST DOC](#)
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[LAST DOC](#)

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 1 out of 4**

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

Typed Drawing

Word Mark NETTRAK
Goods and Services (ABANDONED) IC 035. US 100 101 102. G & S: PROVIDING AN ONLINE COMPUTER DATABASE FOR BUSINESSES TO TRACK POTENTIAL SALES LEADS THROUGH STATISTICAL DATA ABOUT CUSTOMERS. FIRST USE: 20000110. FIRST USE IN COMMERCE: 20000201
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78011048
Filing Date June 2, 2000
Current Filing Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) Internet FX, Inc. CORPORATION TEXAS 19202 Foxtree Ln. Houston TEXAS 77094
Attorney of Record RICHARD J. THOSTRUP
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date February 25, 2002

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-09-07 20:16:41 ET

Serial Number: 78011048 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark (words only): NETTRAK

Standard Character claim: No

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2002-04-17

Filing Date: 2000-06-02

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-04-22

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

1. Internet FX, Inc.

Address:

Internet FX, Inc.
19202 Foxtree Ln.
Houston, TX 77094
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

PROVIDING AN ONLINE COMPUTER DATABASE FOR BUSINESSES TO TRACK POTENTIAL SALES
LEADS THROUGH STATISTICAL DATA ABOUT CUSTOMERS

Basis: 1(a)

First Use Date: 2000-01-10

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78011048>

NET 00042

9/7/2007

First Use in Commerce Date: 2000-02-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-04-17 - Abandonment - Failure To Respond Or Late Response

2001-08-22 - Final refusal mailed

2001-08-22 - Assigned To Examiner

2001-05-16 - Communication received from applicant

2000-10-20 - Non-final action mailed

2000-10-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

RICHARD J. THOSTRUP

Correspondent

RICHARD J. THOSTRUP
440 LOUISIANA ST STE 1750
HOUSTON TX 77002-1691

Drawing Page

Serial Number:

78011048

Applicant:

Internet FX, Inc.
19202 Foxtree Ln.
Houston TX USA 77094



Date of First Use:

01/10/2000

Date of First Use in Commerce:

02/01/2000

Goods and Services:

NetTrak is a web based Internet Lead tracking program. NetTrak can be used by any business that generates prospects through their Internet Web Site. NetTrak is a tool for Sales Consultants to track potential customers and a management tool that gives statistical data on Internet Sales leads.

Mark:

NETTRAK



NO OCR



06-02-2000

NET 00044

Internet Transmission Date:

2000/06/02

Serial Number:

78011048

Filing Date:

2000/06/02



TRADEMARK APPLICATION

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

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 52
RAM ACCOUNTING DATE: 20000605



NO OCR



06-02-2000

NET 00045

<SERIAL NUMBER> 78011048
<FILING DATE> 06/02/2000

<DOCUMENT INFORMATION>
<TRADEMARK/SERVICEMARK APPLICATION>
<VERSION 1.2>

<APPLICANT INFORMATION>
<NAME> Internet FX, Inc.
<STREET> 19202 Foxtree Ln.
<CITY> Houston
<STATE> TX
<COUNTRY> USA
<ZIP/POSTAL CODE> 77094
<TELEPHONE NUMBER> 281-579-0891
<FAX NUMBER> 281-579-0891
<E-MAIL ADDRESS> cgarver@mywebpager.com

<APPLICANT ENTITY INFORMATION>
<CORPORATION: STATE/COUNTRY OF INCORPORATION> Texas

<TRADEMARK/SERVICEMARK INFORMATION>
<MARK> NetTrak
<TYPED FORM> Yes
* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended). *

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>
<USE IN COMMERCE: SECTION 1(a)> Yes
* Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. §1051(a), as amended.). Applicant attaches 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. *
<SPECIMEN> Yes
<SPECIMEN DESCRIPTION> NetTrak is a web based tracking program for Internet Lead Tracking. The Specimen is a screen shot of a customer data page.
<INTERNATIONAL CLASS NUMBER> 035
<LISTING OF GOODS AND/OR SERVICES> NetTrak is a web based Internet Lead tracking program. NetTrak can be used by any business that generates prospects through their Internet Web Site. NetTrak is a tool for Sales Consultants to track potential customers and a management tool that gives statistical data on Internet Sales leads.
<FIRST USE ANYWHERE DATE> 01/10/2000
<FIRST USE IN COMMERCE DATE> 02/01/2000

<FEE INFORMATION>

<TOTAL FEES PAID> 325.00

<NUMBER OF CLASSES> 1

<SIGNATURE AND OTHER INFORMATION>

* 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. *

<SIGNATURE> /Bernard C. Garver III/

<DATE> 06/02/2000

<NAME> Bernard C. Garver III

<TITLE> President

<MAILING ADDRESS>

<LINE> Internet FX, Inc.

<LINE> 19202 Foxtree Ln.

<LINE> Houston TX 77094

<CREDIT CARD INFORMATION>

<RAM SALE NUMBER> 52

<RAM ACCOUNTING DATE> 20000605

<SERIAL NUMBER INFORMATION>

<SERIAL NUMBER> 78/011048

<INTERNET TRANSMISSION DATE> Friday, 06-02-2000 18:12:40 EDT

<TEAS STAMP>

USPTO-21662158120-20000602181215562-78/011048-

121991eb4d3e3e49000200bebe68ed61d85-CC-52-20000602180315562

562

78011048

06/07/2000 9:56 AM

Drawing Page

Serial Number:

78011048

Applicant:

Internet FX, Inc.
19202 Foxtree Ln.
Houston TX USA 77094



Date of First Use:

01/10/2000

Date of First Use in Commerce:

02/01/2000

Goods and Services:

NetTrak is a web based Internet Lead tracking program. NetTrak can be used by any business that generates prospects through their Internet Web Site. NetTrak is a tool for Sales Consultants to track potential customers and a management tool that gives statistical data on Internet Sales leads.

Mark:

NETTRAK



NO OCR



06-02-2000

NET 00048

ORIGINAL SPECIMEN

Internet Transmission Date:

2000/06/02

Serial Number:

78011048

Filing Date:

2000/06/02

NetTrak SQL Lead Tracking Program
Customer Information Page

GROUP: AUTOMOTIVE INC
Sterling McCall TOYOTA

Current Session for **NetTrak** by mywebpage.com

Appointments Search Statistics Manual Input Maintenance Check Email
Salesperson: [dropdown] Inquiry Date: 05/25/2000 Time: 10:37:40
Status: [dropdown] Lead Source: AutoMylife
Print This Page

Appointments: [dropdown] [dropdown] [dropdown] [dropdown] [dropdown] [dropdown]

Name: [text] Mr./Ms.: [dropdown] [text]
Address: [text] City: [text] State: [dropdown] Zip: [text]
Phone: [text] Fax: [text] Email: [text]

Vehicle Information
Year: [text] Make: [text] Model: [text] Mileage: [text] VIN: [text]

S A L E S **N O T E S**

Email Logging
2000-05-25 10:37:40 [text]
2000-06-01 10:33:39 [text]

Customer Comments

Full Customer History Trade Information

Email Sent	Date: 05/25/2000	Time: 10:10:45	Year:	Make:	Model:	Message:	Account Used:
Email Sent	Date: 06/01/2000	Time: 10:33:39	Year:	Make:	Model:		

Credit Application Information
Social Security: [text]
Date of Birth: [text]
Employer: [text]
Spouse: [text]
Trade In: [text]
Loan Amount: [text]
Down Payment: [text]

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.

DUPLICATE SPECIMEN

Internet Transmission Date:

2000/06/02

Filing Date:

2000/06/02

Serial Number:

78011048



SQL Lead Tracking Program
Customer Information Page

Sterling McCall Toyota Lead Follow Up Program Microsoft Internet Explorer

GROUP AUTOMOTIVE INC
Sterling McCall TOYOTA

Darrin Schaefer
Nettrak
by mywebpage.com

Appointments Search Statistics Manual Input Maintenance Check Email
Inquiry Date 05-25-2000 Time 10:37:40
Lead Source: AutoByTel
Print This Page

Salesperson: [Dropdown]
Status: [Dropdown]

App. [Dropdown] [Dropdown] [Dropdown] [Dropdown] [Dropdown] [Dropdown]

Name: [Text] M. Ph: [Text] [Text]
Address: [Text] Car Ph: [Text] [Text]
Address: [Text] Email: [Text] [Text]
City: [Text] State: [Text] Zip: [Text]

Vehicle Information
Year: [Text] Make: [Text] Mile: [Text] Bid Date: [Text] [Text] [Text]
Model: [Text] [Text] [Text] [Text] [Text] [Text]

S A L E S

NOTES

Email Logging
2000-05-25 10:34:20 from [Text]
2000-06-01 10:11:08 from [Text]

Customer Comments

Full Customer History Trade Information

Email Sent [Text] Time 10:10:45
Email Sent [Text] Time 10:33:39

Credit Application Information
Social Security: [Text]
Date of Birth: [Text]
Employer: [Text]
Salary: [Text]
Home Phone: [Text]
Cell Phone: [Text]
Date of Purchase: [Text]

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.

DUPLICATE SPECIMEN

Internet Transmission Date:

2000/06/02

Filing Date:

2000/06/02

Serial Number:

78011048



SQL Lead Tracking Program
Customer Information Page

Sterling McCall Toyota Lead Follow Up Program Microsoft Internet Explorer

GROUP: ALLIANCE INC Sterling McCall TOYOTA

Darrin Schaefer
Nettrak
by mywebpage.com

Appointment Search Statistics Manual Input Maintenance Check Email
Inquiry Date: 05-25-2000 Time: 10:17:48
Lead Source: AutoByTel
Print This Page

Salesperson: [Dropdown]
Status: [Dropdown]

Appointments: [Dropdown] [Dropdown] [Dropdown] [Dropdown]

Name: [Text] No. Ph: [Text] Fax Ph: [Text]
Addr: [Text] Can Ph: [Text] E-mail: [Text]
City: [Text] State: [Text] Zip: [Text]

Vehicle Information
Year: [Text] Make: [Text] Mile: [Text] Est. Color: [Text] Actual Color: [Text] Price: [Text]
Model: [Text] VIN: [Text] Mile Color: [Text] Gross Weight: [Text]

S
A
L
E
S

NOTES

Email Logging

2000-05-25 10:34:20 [Text]
2000-06-01 10:11:08 [Text]

Customer Comments

Full Customer History Trade Information

Email Sent Date: 05/25/2000 Time: 10:10:45
Email Sent Date: 06/01/2000 Time: 10:33:39

Credit Application Information

Year: [Text] Make: [Text] Model: [Text]
Salesperson: [Text]
Date of Birth: [Text]
E-mail: [Text]
Social Security: [Text]
Annual Income: [Text]
Occupation: [Text]
Business Name: [Text]

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.



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Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 78011048

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

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EXHIBIT J

Full Text Record

NETTRAK

US-1:Q1

Image

NETTRAK

Trademark NETTRAK

Cross References NET TRACK

Design Type BLOCK LETTERS

Database U.S. Federal

Application Number 76608800

Registration Number 3064820

Status REGISTERED
Section 2(F)

USPTO Status (790) CANCELLATION PENDING

USPTO Status Date 01-FEB-2007

Filed 23-AUG-2004

Published 13-DEC-2005

Registered 07-MAR-2006

International Class(es) 9 (Electrical and scientific apparatus)

Goods and Services (INT. CL. 9) COMPUTER SOFTWARE FOR USE BY AUTOMOBILE DEALSHIP MANAGEMENT IN TRACKING WEB BASED SALES

International Class **International Class:** 09
First Used: 10-JAN-2000
In Commerce: 01-FEB-2000

Post Registration Owner NETTRACK LEAD MANAGER SOLUTIONS, LTD.
COLORADO CORPORATION
3080 VALMONT ROAD, SUITE 200
BOULDER, COLORADO 80301

Registrant INTERNET FX, INC.
TEXAS CORPORATION
19202 FOXTREE LANE
HOUSTON, TEXAS 77094

Owner at Publication INTERNET FX, INC.
TEXAS CORPORATION
19202 FOXTREE LANE
HOUSTON, TEXAS 77094

Applicant INTERNET FX, INC.
TEXAS CORPORATION
19202 FOXTREE LANE
HOUSTON, TEXAS 77094

Assignment Information **Assignee:**
NETTRACK LEAD MANAGER SOLUTIONS, LTD.
COLORADO CORPORATION
3080 VALMONT ROAD, SUITE 200
BOULDER, COLORADO 80301
Assignor:
INTERNET FX, INC.
TEXAS CORPORATION
Correspondent:
SUSAN E. HOLLANDER, ESQ.
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CA 94304
Brief: ASSIGNS THE ENTIRE INTEREST
Signed: 23-MAR-2007
Recorded: 27-JUN-2007
Reel/Frame: 3569/0515

TTAB Information **Cancellation Number:** 92047013
Date: 01-FEB-2007
Outcome: PENDING, 01-FEB-2007
Defendant: INTERNET FX, INC.
Application Number: 76608800
Registration Number: 3064820

NET 00057

Mark: NETTRAK

Trademark Defendant Correspondent:

SUSAN E. HOLLANDER, LAURA M. FRANCO
MANATT, PHELPS & PHILLIPS, LLP
1001 PAGE MILL ROAD, BLDG. 2
PALO ALTO
CA
94304

Plaintiff: NETRACK, INC.

Correspondent:

CARL OPPEDAHL
OPPEDAHL PATENT LAW FIRM LLC
P.O. BOX 4850
FRISCO
CO
80443-4850

TTAB Entry: #3 D'S MOTION TO REOPEN DISCOVERY, 30-AUG-2007

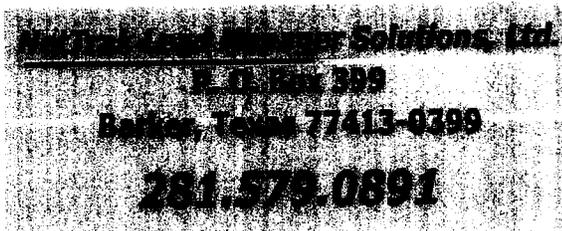
TTAB Entry: #2 LETTER RE: CORRESPONDENCE FOR PLAINTIFF, 30-AUG-2007

Filing Attorney	SUSAN E. HOLLANDER, ESQ.
Reference Number	25908-030A-9
Correspondent Info	SUSAN E. HOLLANDER, LAURA M. FRANCO MANATT, PHELPS & PHILLIPS, LLP 1001 PAGE MILL ROAD, BLDG. 2 PALO ALTO, CA 94304
History	16-JUL-2007 ATTORNEY REVOKED AND/OR APPOINTED 16-JUL-2007 TEAS REVOKE/APPOINT ATTORNEY RECEIVED 04-JUL-2007 AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP 01-FEB-2007 CANCELLATION INSTITUTED NO. 999999 07-MAR-2006 REGISTERED-PRINCIPAL REGISTER 13-DEC-2005 PUBLISHED FOR OPPOSITION 23-NOV-2005 NOTICE OF PUBLICATION 26-OCT-2005 LAW OFFICE PUBLICATION REVIEW COMPLETED 21-OCT-2005 ASSIGNED TO LIE 19-OCT-2005 APPROVED FOR PUB - PRINCIPAL REGISTER 01-OCT-2005 AMENDMENT FROM APPLICANT ENTERED 22-SEP-2005 CORRESPONDENCE RECEIVED IN LAW OFFICE 22-SEP-2005 PAPER RECEIVED 24-MAR-2005 NON-FINAL ACTION MAILED 24-MAR-2005 NON-FINAL ACTION WRITTEN 23-MAR-2005 ASSIGNED TO EXAMINER 03-SEP-2004 NEW APPLICATION ENTERED IN TRAM

NET 00058

EXHIBIT K

New NetTrak Lead Manager Site Coming Soon



Name:
Business Name:
Phone:
Zip code:
e-mail:
Interest: Please Select

How Can We Assist You?

NetTrak Screen Shots:
[Appointment Page](#)
[Customer Page](#)
[Lead Source Report](#)
[Right Click Program](#)
[Navigation](#)

Use this form to contact us for more information on **Lead Management Software** that:

- * Manages all of Your Internet Lead sources.
- * Manages Your Incoming Phone Leads.
- * Manages Your Showroom Traffic.
- * Powerful Tools for Your Sales Guides.
- * Powerful Tools for Your Managers.
- * Access Your Leads from From the Internet.
- * Wireless Notification and Remote Access.
- * Custom HTML e-mail Template Library.
- * Auto e-mail for Dormant Leads and Deliver

The NetTrak Advantage:

- * Fully Developed By Retail Automobile Peop
- * Designed for ease of use.
- * Low cost installation - No Additional Hardw
- * Low Monthly Service Fees.
- * No programs to install or updates to do.
- * 7 Days a week live support.
- * Designed for your data security.

NetTrak Facts:

- * Used by Auto Dealers for over 5 years.
- * Used by over 1,400 franchised Dealers Nationwide.
- * Auto Press Ranks NetTrak as one of the Top Lead Managers.

New NetTrak Lead Manager Site Coming Soon



NetTrak

Name:
Business Name:
Phone:
Zip code:
e-mail:
Interest: Please Select

How Can We Assist You?

NetTrak Screen Shots:

[Appointment Page](#)
[Customer Page](#)
[Lead Source Report](#)
[Right Click Program](#)
[Navigation](#)

Use this form to contact us for more information on

Lead Management Software that:

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- * Manages Your Incoming Phone Leads.
- * Manages Your Showroom Traffic.
- * Powerful Tools for Your Sales Guides.
- * Powerful Tools for Your Managers.
- * Access Your Leads from From the Internet.
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- * Auto e-mail for Dormant Leads and Delivered.

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- * Fully Developed By Retail Automobile People.
- * Designed for ease of use.
- * Low cost installation - No Additional Hardware.
- * Low Monthly Service Fees.
- * No programs to install or updates to do.
- * 7 Days a week live support.
- * Designed for your data security.

NetTrak Facts:

- * Used by Auto Dealers for over 5 years.
- * Used by over 1,400 franchised Dealers Nationwide.
- * Auto Press Ranks NetTrak as one of the Top Lead Managers.

EXHIBIT L

269 Leads Match

Refresh

- June 03
- Greg Larson
- Patrick Webber
- David A. Domingues
- David Domingues
- Chris Koster
- June 02
- Bill Grantham
- Wally Herriman
- Wayne Hanson
- Donny Pipiton
- Sissie Bakerson
- Ivelisse Torres
- Bobbie Morgenroth
- June 01
- Andrew Wong
- Connie Dupouso
- Jeffrey Butler
- Daryl L. Stewart
- Ismail Carlo
- Kimella Robinson
- Charles Wyatt
- Centex Homes/Rick Shaver
- Blaine Tucker
- Karen Roy
- Karen Roy
- John Pierson
- Jim Petillo
- Caesar Leita
- Rhett And Heather Rent
- Jim Petillo
- Kenneth Purvis
- Francis C. Meddleton
- May 31
- Robert Brousseau
- Dennis Miley
- John James Jr

Prospect Id:

Incoming Date: June 2nd 2005 10:57AM

Name:

Address:

Address2:

City: State: Zipcode:

Salesperson: Brian Cox
Lead Source: Our IFX Website
CDR: undefined

Home Ph:

Cell Ph:

Alt Ph:

Phone Appt in ? days >

Email Name:

Email:

NetTrak e-Prospecting

- Lead Groups
- Appointments
- Reports
 - Current Month
 - Last Month
 - With Left List
 - Misc Reports
 - Custom Report Generator
- Worksheets
- Help
- Maintenance
- Print
- Search
- Manual Input
- Email
- Bulk Email

- Sales Staff
- CDR Staff
- Leadsource
- Make
- Model
- City
- Zipcode
- Gross Profits by Staff
- Gross Profits by Leadsource
- Gross Profits by CDR
- CSI Index
- Time to First Contact
- Appt / Show - Sales Staff
- Appt / Show - CDR Staff
- Appt / Show - Leadsource
- Appt / Show - Action Taker

1536 Leads Match

Refresh

May 31

Robert Brousseau	59	12	42	5	8.5%	0	0.0%
Dennis Milley	30	1	18	11	36.7%	0	0.0%
John James Jr	20	0	0	20	100.0%	0	%
Sherry Borden	1	0	1	0	0.0%	0	0.0%
Cesar Leita	35	4	28	3	8.6%	0	0.0%
Cesar Inzary	2	0	0	2	100.0%	0	%
Cesar Inzary	2	0	0	0	0.0%	0	0.0%
Clifford Mccann	112	67	30	15	13.4%	5	5.2%
Clifford Mccann	12	1	9	2	16.7%	0	0.0%
Leslie Bonin	282	30	176	76	27.0%	14	6.8%
Matt Davis	9	1	3	5	55.6%	1	25.0%
Matt Davis	15	2	6	7	46.7%	0	0.0%
Kirk A. Byrd	1	0	1	0	0.0%	0	0.0%
Paul Little	172	20	113	39	22.7%	5	3.8%
Ron Burrow	19	13	4	2	10.5%	4	23.5%
Edward Guy	19	6	12	1	5.3%	11	61.1%
Edward Guy	15	3	12	0	0.0%	12	80.0%
Christopher Freed	606	63	366	177	29.2%	34	7.9%
Denise Upton	41	4	12	25	61.0%	0	0.0%
Denise Upton	56	8	39	9	16.1%	0	0.0%
Judy Frankson	16	1	5	10	62.5%	0	0.0%
Torrika Blake	14	0	14	0	0.0%	14	100.0%
David Metz	1538	236	893	409	26.5%	100	8.8%
Ruby J. Lute							
Ronald J. Flink							
Randall & Wendi Stacy							
Willfred C. Lute							
Tomisha Robinson							
Searla							
Barbara Jackson							
Kimberly Bell							
Valente Cantu Jr							
Valente Cantu Jr							

Lead CRM Demo
 Statistics By Lead source for the Full Month of - May
 Date Sold BETWEEN '2005-05-01 05:00:00' and '2005-06-01 05:00:00'

<http://www.leadcrm.com> - NetTrak Internet CRM - Microsoft Internet Explorer
 Chris Garver / ILead CRM Demo
 LOG OUT

Download Statistics By Leadsource for the Full Month of May
 done Sold BETWEEN '2005-05-01 05:00:00' and '2005-06-01 05:00:00'

Name	Total	Leads	Working	Completed	Invalid	Sold
	#	#	#	#	#	#
Auto Trader	59	12	42	5	8.5%	0
Autofusion	30	1	18	11	36.7%	0
AutoMark	20	0	0	20	100.0%	0
Bill Heard	1	0	1	0	0.0%	0
Chronicle Cars	35	4	28	3	8.6%	0
Dealer.com	2	0	0	2	100.0%	0
Email Direct	2	0	2	0	0.0%	0
GM Buy Power	112	67	30	15	13.4%	5
IFX Get Approved	12	1	9	2	16.7%	0
IFX Web Site	282	30	176	76	27.0%	14
IFX Parts Service	9	1	3	5	55.6%	1
IFX Specials Request	15	2	6	7	46.7%	0
Live Agent Chat	1	0	1	0	0.0%	0
Our IFX Website	172	20	113	39	22.7%	5
Our Website	19	13	4	2	10.5%	4
Phone Up	19	6	12	1	5.3%	11
Repeat Customer	15	3	12	0	0.0%	12
Screenraters	606	63	366	177	29.2%	34
SolvTechnology	41	4	12	25	61.0%	0
StoneAge	56	8	39	9	16.1%	0
TuChevrolet	16	1	5	10	62.5%	0
Walk In	14	0	14	0	0.0%	14
Total	1538	236	893	409	26.5%	100

- 1538 Leads Match
- Refresh**
- May 31
 - Robert Brousseau
 - Dennis Miley
 - John James Jr
 - Sherry Borden
 - Caesar Leita
 - Cesar Inzaray
 - Cesar Inzaray
 - Clifford Mccann
 - Clifford Mccann
 - Leslie Bonin
 - Matt Davis
 - Matt Davis
 - Kirk A. Byrd
 - Paul Little
 - Ron Burrow
 - Edward Guy
 - Edward Guy
 - Christopher Freed
 - Denise Upton
 - Denise Upton
 - Judy Frankson
 - Tomika Blake
 - David Metz
 - Ruby J. Lute
 - Ronald J. Flink
 - Randall & Wendi Stacy
 - Wilfred C. Lute
 - Tomisha Robinson
 - Seanla
 - Barbara Jackson
 - Kimberly Bell
 - Valente Canhu Jr
 - Valente Canhu Jr

NET 00064

Internet

Done

[Back To Home Page](#)

http://www.leadcrm.com - NetTrak Internet CRM - Microsoft Internet Explorer

Chris Gaiver / iLead CRM Demo

LOG OUT

Mem TCN

QSearch

General Vehicles Credit Email Log History Notes Survey Lead Automation Misc

Working Forward Appt Phone Appointment June 4th 2005 12:00PM

Prospect Id: 8611 Incoming Date: May 31st 2005 03:02PM Salesperson: Brian Cox Lead Source: GM Buy Power CDR: undefined S P

Name: Denise Upton Home Ph: [281] 333-0835 Work Ph: [281] 333-0835 Address: 5623 Main Stree Cell Ph: [832] 547-4743 Pager: Address2: Alt Ph: Fax: City: Houston State: TX Phone Appt in ? days: 0 1 2 3 4 5 6 7 14 Zipcode: 77024 Email Name: Denise Email: dupton@mywebpager.com

Year: 2003 Sdk #: Price: 23995 Make: Chevrolet Ext Color: Dk Gray Metallic Front Gross: Model: Tahoe Int Color: Gray Trim Back Gross:

TradeYear: 2000 TradeMake: VW Payoff: 800 TradeModel: Jetta DownPmt: 1500

Credit Employer: IBM Salary: Time on Job: 5 Yrs. Loan Amt: 23000

DOB:

- 269 Leads Match
- [Refresh](#)
- June 03
- Greg Larson
- Patrick webber
- David A. Domingues
- David Domingues
- Chris Koster
- June 02
- Bill Grantham
- Wally Herriman
- Wayne Hamson
- Donny Ripton
- Susie Bakerson
- Ivelisse Torres
- Bobbie Morgenroth
- June 01
- Andrew Wong
- Donnie Durouso
- Jeffrey Butler
- Daip L. Stewart
- Ismael Carlo
- Kimella Robinson
- Charles Wyatt
- Centex Homes/Rick Shaver
- Blaine Tucker
- Karen Roy
- Karen Roy
- John Pierson
- Jim Petillo
- Caesar Leita

Done

Internet

NET 00065

[Back To Home Page](#)

http://www.leadcrm.com - NetTrak Internet CRM - Microsoft Internet Explorer



36 Leads Match

Refresh

- May 31
- Dennis Miley
- Clifford Mccann
- Ruby J. Lute
- May 30
- Dennis Miley
- May 28
- Ameeka Rainer
- Sharmeen Black
- Willie Gibbs
- May 27
- Deverick Polk
- Camille Jenkins
- Melissa And Rich Whipple
- May 26
- Brian Layton
- May 25
- Christian Despas
- May 21
- Ruth Marcom
- May 22
- Roy Mireles
- May 21
- Gene Ellender
- Tiffany Wilson
- Dinorah Reyes
- Rosel Conley
- May 20
- Jose Alfredo Avela
- Hollie Goddard
- May 19
- Fr

Chris Garver / ILead CRM Demo

LOG OUT

QSearch

Filter

Demo Appointment						
Bobbie Morgenroth	New Lead	June	6th	2005	03:00pm	Janice Smitington
Neal Macnabb	Re-Confirm Appointment	June	7th	2005	12:00pm	Jim Campbell
Michael Sotelo	Working Toward Appt	June	8th	2005	10:00am	Brian Cox
Brian Layton	Re-Confirm Appointment	June	9th	2005	12:00pm	Brian Cox
Ruth Marcom	Left Message	June	11th	2005	04:00pm	Brian Cox
Edna / Jesus Chible	Re-Confirm Appointment	June	15th	2005	09:30am	Mel Smith
Donny Pipton	Called Customer	June	16th	2005	04:00pm	Ryan Gerardi

Delivery Appointment						
David Buffone	Sold (not yet delivered)	June	10th	2005	04:00pm	Chris Garver
Curtis Johnson	Sold (not yet delivered)	June	15th	2005	12:00pm	Brian Cox
Wally Herrman	Sold (not yet delivered)	June	16th	2005	04:30pm	Brian Cox
Sissie Bakerson	Sold (not yet delivered)	June	27th	2005	12:30pm	Brian Cox

Phone Appointment						
Denise Upton	Working Toward Appt	June	4th	2005	12:00pm	Brian Cox
Clifford Mccann	Working Toward Appt	June	5th	2005	12:00pm	Adam Degraide
Sissie Bakerson	Sold (not yet delivered)	June	6th	2005	12:00pm	Brian Cox
John Pierson	Customer Called	June	8th	2005	12:00pm	Adam Degraide
Belinda Ochiel	No Longer Interested	June	8th	2005	12:00pm	Mel Smith
Patrick Mccabe	Working Toward Appt	June	9th	2005	12:00pm	Chris Garver
Jeffrey Butler	Working Toward Appt	June	11th	2005	12:00pm	Janice Smitington
Clare Lopez-Janszen	No Longer Interested	June	11th	2005	12:00pm	Mel Smith

Birthdays List

No Birthdays Today

Done

Internet

EXHIBIT M



United States Patent and Trademark Office

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[TDR](#)
[TTAB Status](#)
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Typed Drawing

Word Mark **NETRACK**

Goods and Services IC 038. US 100 101 104. G & S: telecommunications services, namely, providing access to a global computer network by server colocation, and providing computer leased line and frame relay connectivity for electronic transmission and reception of information. FIRST USE: 19960306. FIRST USE IN COMMERCE: 19960429

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75287548

Filing Date May 6, 1997

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition December 2, 1997

Registration Number 2139229

Registration Date February 24, 1998

Owner (REGISTRANT) NeTrack LLC LLC COLORADO P O Box 17565 Boulder COLORADO 803080565

 (LAST LISTED OWNER) NETRACK, INC. CORPORATION BY ASSIGNMENT NOT PROVIDED P. O. BOX 17565 BOULDER COLORADO 803080565

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record CARL OPPEDAHL

Type of Mark SERVICE MARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

TESS Home	New User	Structured	Free Form	Browse Docs	SEARCH QG	TOP	HELP		CURR LIST
	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-09-07 20:27:16 ET

Serial Number: 75287548 Assignment Information Trademark Document Retrieval

Registration Number: 2139229

Mark (words only): NETRACK

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2003-07-10

Filing Date: 1997-05-06

Transformed into a National Application: No

Registration Date: 1998-02-24

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-04-01

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

1. NETRACK, INC.

Address:

NETRACK, INC.

P. O. BOX 17565

BOULDER, CO 803080565

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Not Provided

GOODS AND/OR SERVICES

International Class: 038

Class Status: Active

telecommunications services, namely, providing access to a global computer network by server colocation, and providing computer leased line and frame relay connectivity for electronic transmission and reception of information

Basis: 1(a)

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=75287548>

NET 00069

9/7/2007

First Use Date: 1996-03-06

First Use in Commerce Date: 1996-04-29

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-04-01 - Case File In TIGRS

2006-01-24 - TEAS Change Of Correspondence Received

2003-07-10 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-04-19 - Section 8 (6-year) and Section 15 Filed

2003-04-21 - TEAS Section 8 & 15 Received

1998-02-24 - Registered - Principal Register

1997-12-02 - Published for opposition

1997-10-31 - Notice of publication

1997-10-02 - Approved for Pub - Principal Register (Initial exam)

1997-10-01 - Examiner's amendment mailed

1997-09-22 - Non-final action mailed

1997-09-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CARL OPPEDAHL

Correspondent

Oppedahl & Olson LLP

P O Box 5388

Dillon CO 80435-5388

Phone Number: 970 468 8600

EXHIBIT N



Enter Web Address: <http://>

All

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Searched for <http://www.netrack.com>

102 Results

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* denotes when site was updated.

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2 pages	1 pages	5 pages	1 pages	7 pages	9 pages	18 pages	23 pages
Nov 12, 1996 *	Jun 29, 1997 *	Jan 27, 1998 *	Apr 28, 1999 *	May 11, 2000 *	Jan 24, 2001 *	Mar 28, 2002 *	Jan 30, 2003
Dec 24, 1996 *		May 15, 1998 *		May 19, 2000	Feb 02, 2001 *	Mar 30, 2002	Feb 07, 2003
		Jul 11, 1998 *		Jun 20, 2000	Feb 05, 2001	May 27, 2002 *	Feb 10, 2003
		Dec 06, 1998 *		Aug 15, 2000 *	Feb 05, 2001 *	May 30, 2002	Feb 17, 2003
		Dec 12, 1998		Aug 24, 2000	Mar 01, 2001 *	Jun 04, 2002	Mar 30, 2003
				Oct 18, 2000	Mar 02, 2001	Jun 15, 2002 *	Apr 04, 2003
				Oct 24, 2000	Apr 01, 2001	Jul 25, 2002 *	Apr 11, 2003
					Apr 20, 2001	Jul 27, 2002	Apr 23, 2003
					Jul 20, 2001	Aug 02, 2002	May 24, 2003
						Aug 06, 2002	Jun 09, 2003
						Sep 23, 2002	Jun 18, 2003
						Sep 25, 2002	Jun 19, 2003
						Sep 28, 2002	Jun 23, 2003
						Sep 29, 2002	Aug 04, 2003
						Oct 26, 2002	Aug 21, 2003
						Nov 24, 2002 *	Oct 13, 2003
						Nov 27, 2002 *	Oct 23, 2003
						Dec 25, 2002	Oct 24, 2003
							Nov 18, 2003
							Nov 20, 2003
							Nov 24, 2003
							Nov 25, 2003
							Nov 28, 2003

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EXHIBIT O

NeTrack™

Web Server Colocation

High Speed Access

DSL Access

Price List

Facility Description

Service Standards

Customers

Content Master

Request Quote

Order Service

Contact NeTrack

High Speed Internet Access Services

NeTrack web server colocation service provides reliable high speed megabit access for your web server systems without costly lines to your site or the hassles of a complex firewall, modems, or routers. NeTrack prices are the lowest on the Internet. Get on the right track, locate your web servers at NeTrack!



DSL is Here

For additional information email our sales staff.



webmaster@netrack.com

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NeTrack? is a registered trademark of NeTrack LLC.



Internet webpage www.netrack.com
as archived on 07/11/1998.

EXHIBIT P

NeTrack®

**Locally Owned:
Profits donated
to local charities**

Complete Networking Services

Go no further. NeTrack can provide all your networking needs. From Internet access and web development to consulting and security services.

NEW Register your
.com, .net, .org, .biz or .info **NEW**
domain name

NeTrack has high speed services to suit every need from web server co-location to satellite access for even the most remote site.

MEGABIT
SERVICES™

For additional information email our sales staff, sales@netrack.net.

Code-Red Information

DSL Safety Net

webmaster@netrack.net
Copyright ? 1998-2001: NeTrack?, All Rights Reserved.
NeTrack? is a registered trademark of NeTrack Inc.



Internet webpage www.netrack.com
as archived on 12/25/2002.

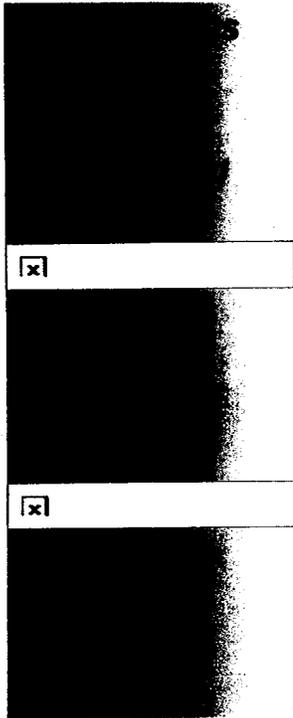
EXHIBIT Q

NeTrack

**Locally Owned:
Profits donated
to local charities**

Complete Networking Services

Go no further. NeTrack can provide all your networking needs. From Internet access and web development to consulting and security services.



NEW

**Register your
.com, .net, .org, .biz or .info
domain name**

NEW

NeTrack has high speed services to suit every need from web server co-location to satellite access for even the most remote site.



For additional information email our sales staff, sales@netrack.net.

Code-Red Information

DSL Safety Net

webmaster@netrack.net
Copyright ? 1998-2001: NeTrack?, All Rights Reserved.
NeTrack? is a registered trademark of NeTrack Inc.



Internet webpage www.netrack.com
as archived on 01/30/2003.

EXHIBIT R

NeTrack

**Locally Owned:
Profits donated
to local charities**

Complete Networking Services

Go no further. NeTrack can provide all your networking needs. From Internet access and web development to consulting and security services.

Register your

NEW

.com, .net, .org, .biz or .info
domain name

NEW

NeTrack has high speed services to suit every need from web server co-location to satellite access for even the most remote site.

MEGABIT
SERVICES™

For additional information email our sales staff, sales@netrack.net.

Code-Red Information

DSL Safety Net

webmaster@netrack.net
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Internet webpage www.netrack.com
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EXHIBIT S

NETRACK

lightning fast, dirt cheap.

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OUR SERVICES

T1

DSL

Dialup

Co-location

Web Hosting

Email Hosting

303.938.0188
888.9NETRACK

Complete Networking Services

NeTrack can provide all your networking needs. From T1 lines and DSL to managed services, email and web hosting, domain registration and consulting. NeTrack has high speed services to suit every need and most every location.

DSL

Available from Fort Morgan to Durango as low as \$34.95/mo total.

Co-location

T3 access for your web server starting at \$99/mo.

Spam Control

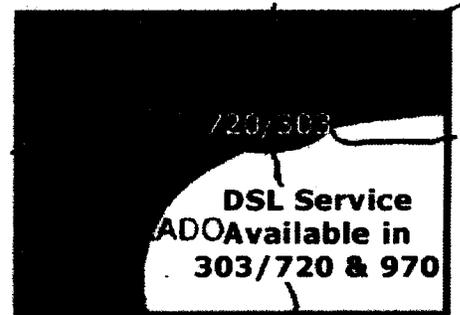
Get a handle on your mail using Cybox email.

Web Email

Access your Cybox email from anywhere.

For additional information call our office or email our sales staff, sales@netrack.net.

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Internet webpage www.netrack.net
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EXHIBIT T



Reach
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OUR SERVICES

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- DSL
- Dialup
- Co-location
- Web Hosting
- Email Hosting

NeTrack can provide all your networking needs. From T1 lines and DSL to managed services, email and web hosting, domain registration and consulting. NeTrack has high speed services to suit every need and most every location.

303.938.0188
888.9NETRACK

DSL

Available from Fort Morgan to Durango as low a \$39.95/mo total.

Co-location

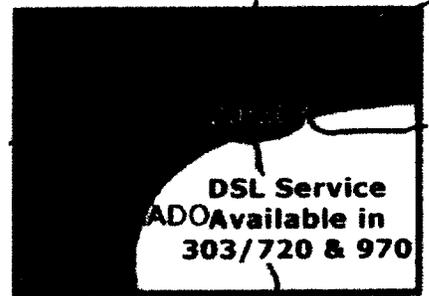
T3 access for your web server starting at \$75/mo.

Spam Control

Get a handle on your mail using Cybox email.

Web Email

Access your Cybox email from anywhere.



For additional information call our office or email our sales staff, sales@netrack.net.

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EXHIBIT U



You need to upgrade your Flash Player. Support Net Neutrali

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OUR SERVICES

- T1 T3
- DSL
- Dialup
- Co-location
- Web Hosting
- Email Hosting
- VoIP

303.938.0188
866.938.0188



I used to get 2000 messages a day. Now I get 50-100. It's unbelievable! - JR



Complete Networking Services

ORDER NOW!

Netrack can provide all your Internet access service needs. From dialup, web hosting and domain registration to high-speed broadband, managed services, voip, and consulting. Netrack supports business and residential customers with knowledgeable and professional technical staff.

Voice over IP Anywhere (VoIP) *NEW!*

Digital quality telephone service over your Internet connection. Use your existing telephones if you like. Works on any broadband connection **nationwide!**

Nationwide Dialup

56k and ISDN access in almost 3000 cities **nationwide.**

Spam Control

Netrack blocks more spam and virus mail than any other ISP! We currently block almost 100% of spam before it gets to your box. Get a handle on your mail using Netrack's Cybox email.

Web Email

Access your Cybox email from anywhere in addition to pop/imap.

Web Hosting

Host your professional web site for as little as \$19 per month.

Domain Registration

Register your .com, .org, .net, .biz, .info, or .hm domains for only \$14.99.

DSL

Speeds up to **7 Mbps** available in Colorado from Fort Morgan to Durango as low as \$15.00/mo.

Co-location

High-speed datacenter access for your web server starting at \$75/mo.

For additional information call our office or email our sales staff, sales@netrack.net.

Contact Policy

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EXHIBIT V



Enter Web Address: <http://>

All

Take Me Back

Adv. Search Compare Archive Pages

Searched for <http://www.netrack.net>

117 Results

Note some duplicates are not shown. [See all](#).
* denotes when site was updated.

Search Results for Jan 01, 1996 - Aug 07, 2007

Year	Month	Day	Pages	Year	Month	Day	Pages	Year	Month	Day	Pages
1996	Apr	16	1	1997	Jan	27	4	1998	Jan	27	4
					Jan	25	7		Jan	25	7
					Dec	02			Dec	02	
					Dec	05			Dec	05	
					Dec	12			Dec	12	
					Mar	02			Mar	02	
					Apr	22			Apr	22	
					Apr	28			Apr	28	
					May	05			May	05	
					May	11			May	11	
					May	20			May	20	
					Jun	12			Jun	12	
					Jun	21			Jun	21	
					Aug	19			Aug	19	
					Oct	24			Oct	24	
					Oct	29			Oct	29	
					Dec	04			Dec	04	
					Dec	11			Dec	11	
					Mar	02			Mar	02	
					Mar	28			Mar	28	
					May	27			May	27	
					May	30			May	30	
					Jun	03			Jun	03	
					Jun	04			Jun	04	
					Jul	25			Jul	25	
					Jul	27			Jul	27	
					Aug	02			Aug	02	
					Aug	29			Aug	29	
					Sep	23			Sep	23	
					Sep	25			Sep	25	
					Sep	28			Sep	28	
					Sep	29			Sep	29	
					Nov	24			Nov	24	
					Nov	27			Nov	27	
					Nov	28			Nov	28	
					Feb	07			Feb	07	
					Feb	10			Feb	10	
					Feb	17			Feb	17	
					Mar	31			Mar	31	
					Apr	05			Apr	05	
					Apr	18			Apr	18	
					Apr	23			Apr	23	
					Apr	24			Apr	24	
					May	24			May	24	
					Jun	07			Jun	07	
					Jun	09			Jun	09	
					Jun	19			Jun	19	
					Jun	24			Jun	24	
					Aug	04			Aug	04	
					Sep	22			Sep	22	
					Oct	13			Oct	13	
					Oct	23			Oct	23	
					Oct	27			Oct	27	
					Nov	19			Nov	19	
					Nov	24			Nov	24	
					Nov	25			Nov	25	
					Nov	29			Nov	29	
					Dec	04			Dec	04	
					Feb	24			Feb	24	
					Mar	18			Mar	18	
					Mar	31			Mar	31	
					May	18			May	18	
					May	19			May	19	
					Jun	04			Jun	04	
					Jun	10			Jun	10	
					Aug	31			Aug	31	
					Sep	19			Sep	19	
					Sep	24			Sep	24	
					Dec	03			Dec	03	
					Feb	02			Feb	02	
					Feb	04			Feb	04	
					Feb	10			Feb	10	
					Feb	12			Feb	12	
					Mar	03			Mar	03	
					Mar	26			Mar	26	
					Mar	31			Mar	31	
					Apr	01			Apr	01	
					Apr	25			Apr	25	
					Aug	14			Aug	14	
					Sep	08			Sep	08	
					Sep	15			Sep	15	
					Oct	04			Oct	04	

NET 00084

[Home](#) | [Help](#)

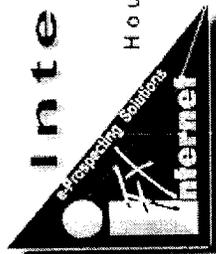
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EXHIBIT W

Internet FX

e-Prospecting Solutions

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Internet FX

19202 Foxtree Ln.
Houston, Texas 77094
281.579.0891

Learn About

NetTrak

NetTrak

For More Information on
This Powerful e-Prospecting Tool

[NetTrak Screen Shots](#)

Interactive Demo of the NetTrak
Palm Vix Remote Access Device

[buzzmail](#)

Our Mission Statement

Internet FX provides you with affordable solutions that will help you
achieve your business goals and increase the productivity of your sales staff.

Simple Solutions To effective e-Prospecting

Internet FX Partners

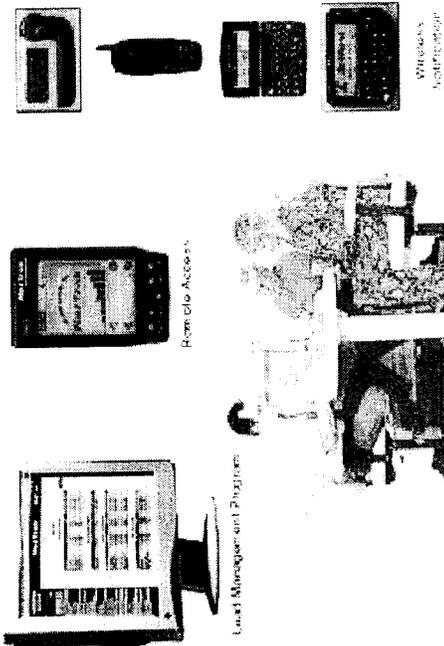


Coming Soon

e-Prospecting Solutions

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The Tools You Need To Get Your Share!



Focus Points On NetTrak

- [Ease of use for Managers](#)
- [Ease of Use For Sales Consultants](#)
- [One Tracking Program](#)
- [Why NetTrak Works](#)
- [Wireless Lead Notification](#)
- [Tell Me More About NetTrak](#)

User Friendly - Management

[Close Window](#)

Managers who typically will not be using the program on a daily basis need a program that is quick and easy for them to go in and get that snapshot of how the department is doing on any given day. With NetTrak, managers can learn to pull important statistical data in minutes.

Focus Points On NetTrak

- [Ease of use for Managers](#)
- [Ease of Use For Sales Consultants](#)
- [One Tracking Program](#)
- [Why NetTrak Works](#)
- [Wireless Lead Notification](#)
- [Tell Me More About NetTrak](#)

Internet

User Friendly Sales Consultants

[Close Window](#)

Sales Consultants Need a program with powerful prospecting tools but also a program that is user friendly with a short learning curve to productivity. Complicated and Cumbersome programs typically go by the wayside in a short period of time in most Dealerships. NetTrak gives a very user friendly interface that most sales consultants can start using almost right away.

Focus Points On NetTrak

- [Ease of use for Managers](#)
- [Ease of Use For Sales Consultants](#)
- [One Tracking Program](#)
- [Why NetTrak Works](#)
- [Wireless Lead Notification](#)
- [Tell Me More About NetTrak](#)

One Tracking Program

[Close Window](#)

The main concept behind the development of NetTrak was one Internet Lead tracking program that could take all of the different lead sources a Dealership might subscribe to. NetTrak is currently programmed to accept over 40 different Internet Lead Sources. If we can receive a lead by form e-mail, we can automatically get that lead into NetTrak. With one tracking program it becomes simple to manage and measure the results of your Internet Department.

Focus Points On NetTrak

- [Ease of use for Managers](#)
- [Ease of Use For Sales Consultants](#)
- [One Tracking Program](#)
- [Why NetTrak Works](#)
- [Wireless Lead Notification](#)
- [Tell Me More About NetTrak](#)

Dream Car Builders Internet

NetTrak Really Works

[Close Window](#)

NetTrak was designed and developed by a team of people with vast amounts of Automobile experience from Sales Consultants to General Manager. NetTrak's final development was done in the real world environment of a large metro area Car Dealership. Many of the features in NetTrak today or as a direct result of comments and suggestions from Sales Consultants using the program on a day to day basis.

Focus Points On NetTrak

- [Ease of use for Managers](#)
- [Ease of Use For Sales Consultants](#)
- [One Tracking Program](#)
- [Why NetTrak Works](#)
- [Wireless Lead Notification](#)
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Wireless Lead Notification

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One of the most important aspects of any tracking program is it's ability to notify Sales Consultants of new customer information requests. NetTrak is compatible with all 3 of the major wireless devices available.

- 1 - Alpha Pagers (one way device)
- 2 - e-mail pagers (two way devices)
- 3 - PCS Web Browser Cell Phones (One Device Solution)

Focus Points On NetTrak

- [Ease of use for Managers](#)
- [Ease of Use For Sales Consultants](#)
- [One Tracking Program](#)
- [Why NetTrak Works](#)
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The Tools You Need To Get Your Share!



Lead Management Program

Remote Access

Wireless
Router

Focus Points On NetTrak

NetTrak
With mywebpager

Tools In NetTrak

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NetTrak by buzzmall

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Automotive News Story

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NetTrak
E-Prospecting Tools

Created buzzmail

Automotive News Story

NetTrak buzzmail

Internet

less than ONE HOUR Training

NetTrak
buzzmail

Created by
buzzmail

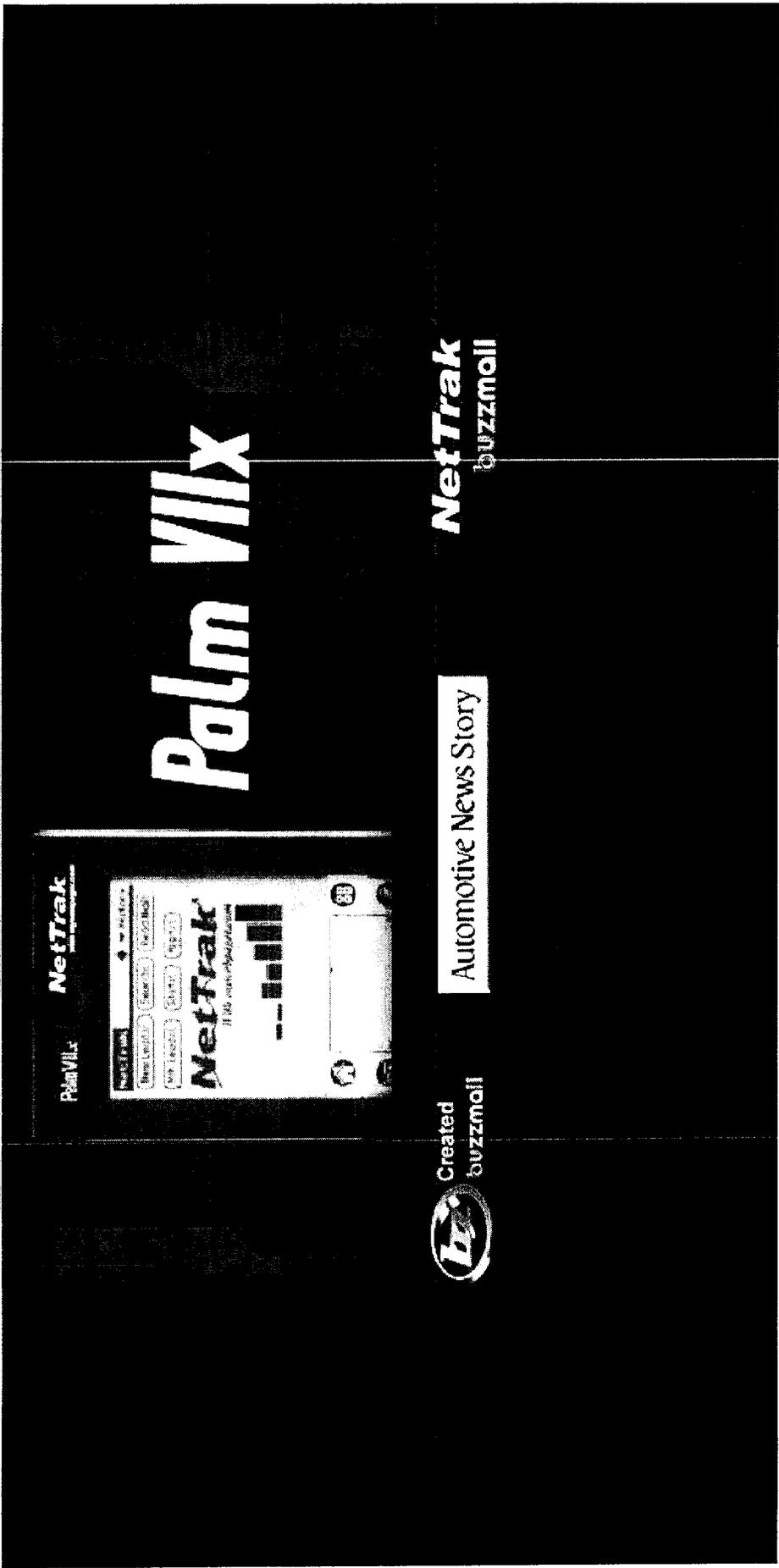
Automotive News Story

NetTrak
buzzmail

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The advertisement features a central image of a Palm VIIx PDA displaying the NetTrak interface. The interface includes a search bar, a 'NetTrak' logo, and a bar chart. The background is dark with white text and graphics.

Palm VIIx

NetTrak
If it's worth advertising

Created buzzmail

Automotive News Story

NetTrak buzzmail

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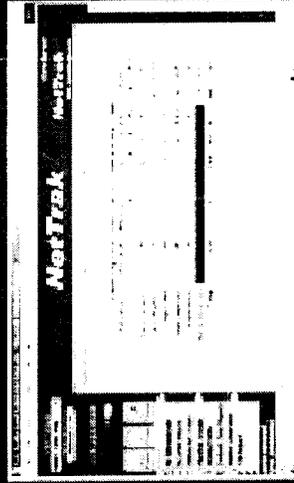
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Automotive News Story

Deal Saver Auto CSI Reports



Automotive News Story

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Ease of Use

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Automotive News Story

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buzzmail

EXHIBIT X



The NetTrak Palm VIIx is the Ultimate Internet Sales Tool

NetTrak Functions Available on the Palm Viix

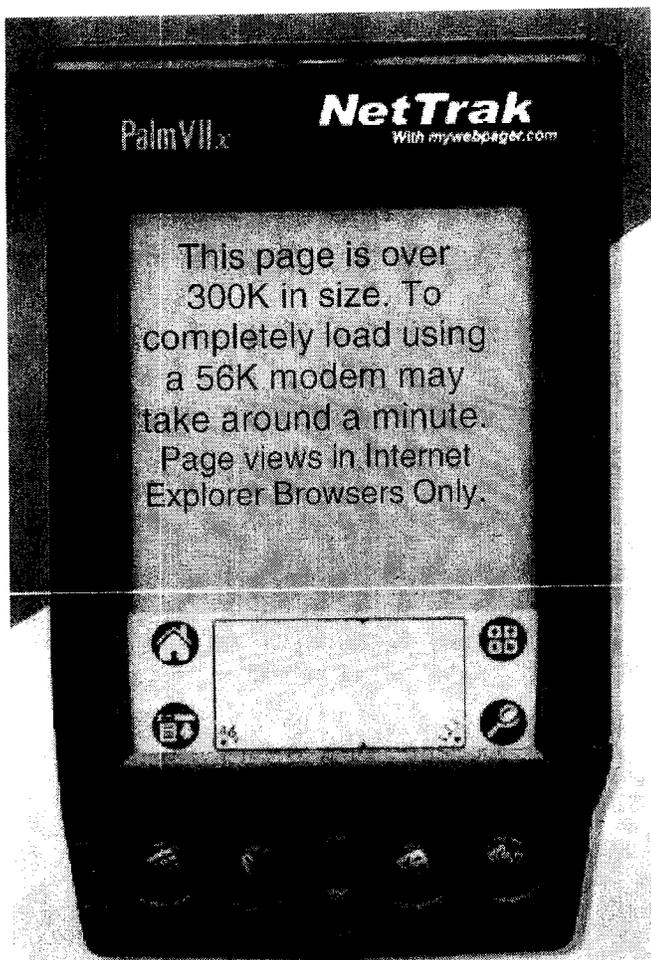
- 1- Check New Leads.
- 2- Send e-mail templates.
- 3- Send custom e-mail.
- 4- Change Status on Customer Page.
- 5- Search your customer database.
- 6- Check incoming e-mail.
- 7- Read incoming e-mail.
- 8- Set Appointments
- 9 - View Important Customer Information.
- 10 - View All Working Leads
- 11 - Check Sales Statistics
- 12 - View upcoming Appointment List.

Other Useful Palm Applications

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Palm VIIx Handheld
JD Demo

Welcome to our interactive Demo of the Palm Viix Remote Device for the NetTrak Lead Management Program.

Use the 2 main menu links below to help you navigate this demo.

[Start Demo](#)

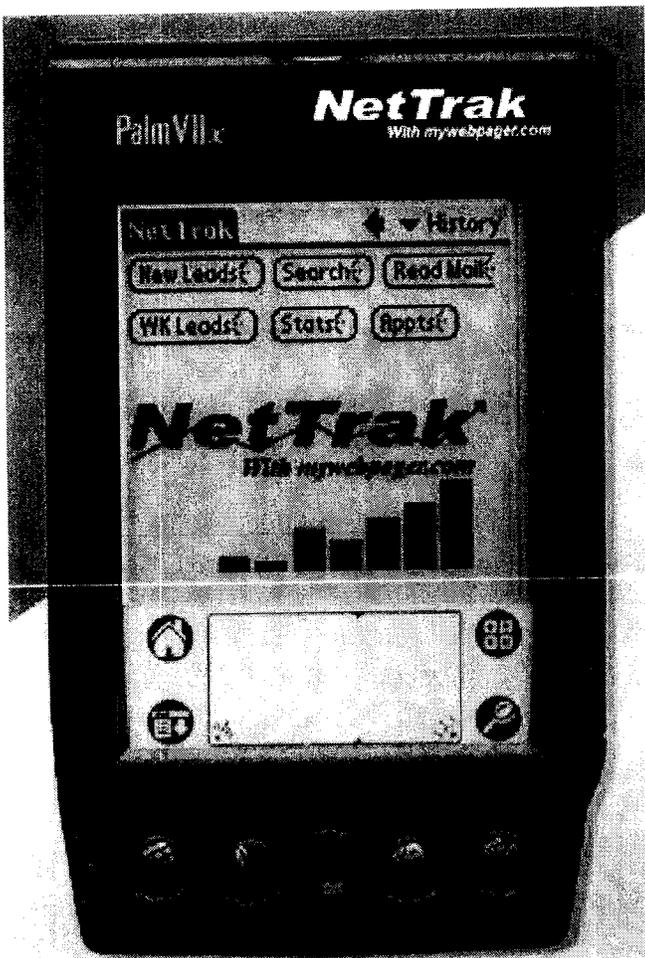
[To Contact Internet FX](#)

About this exciting New Product.
[Click Here](#)

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Once you are at the "Welcome to NetTrak" Screen you have 6 options to choose from.

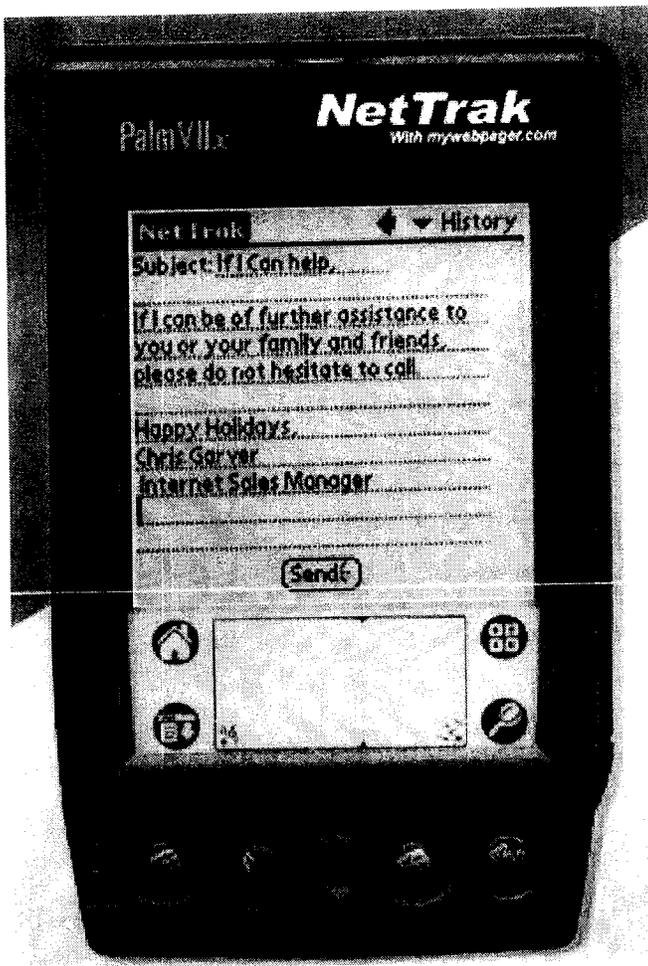
- 1 - Select "New Leads"
- 2 - "Search" Your Database
- 3 - "Read Mail" - Check e-mail
- 4 - Select "Working Leads"
- 5 - Check "Stats"
- 6 - View Your "Appointments" Page

Click on the desired Function

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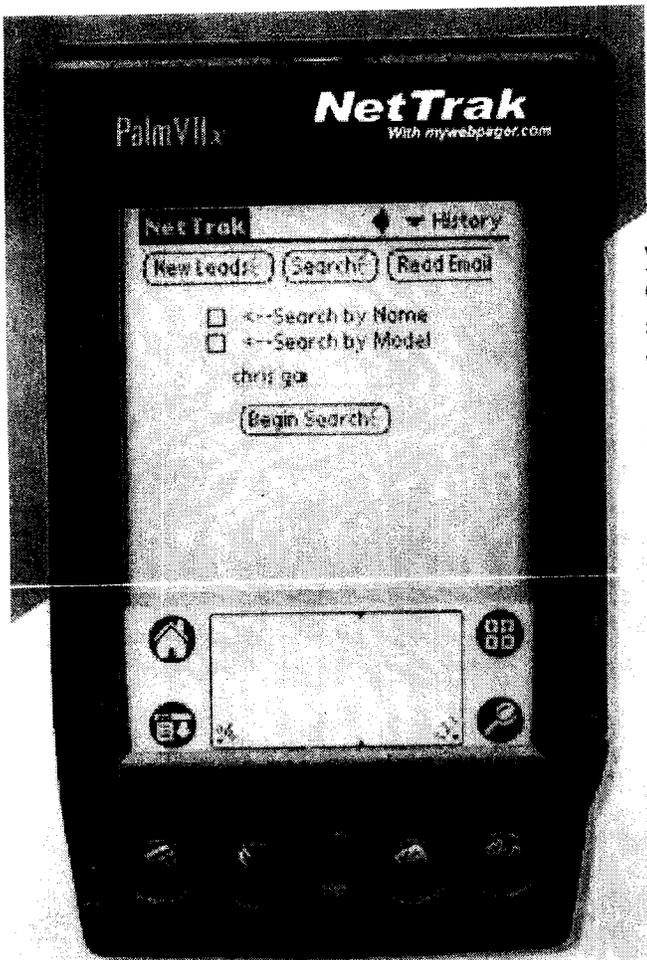


Palm VIIx Handheld
 JS Demo

Enter your custom e-mail
 Reply and Click on the
 Send Button

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The NetTrak Remote Device gives you the ability to search your entire database for customers you have sold and customers you are working with.

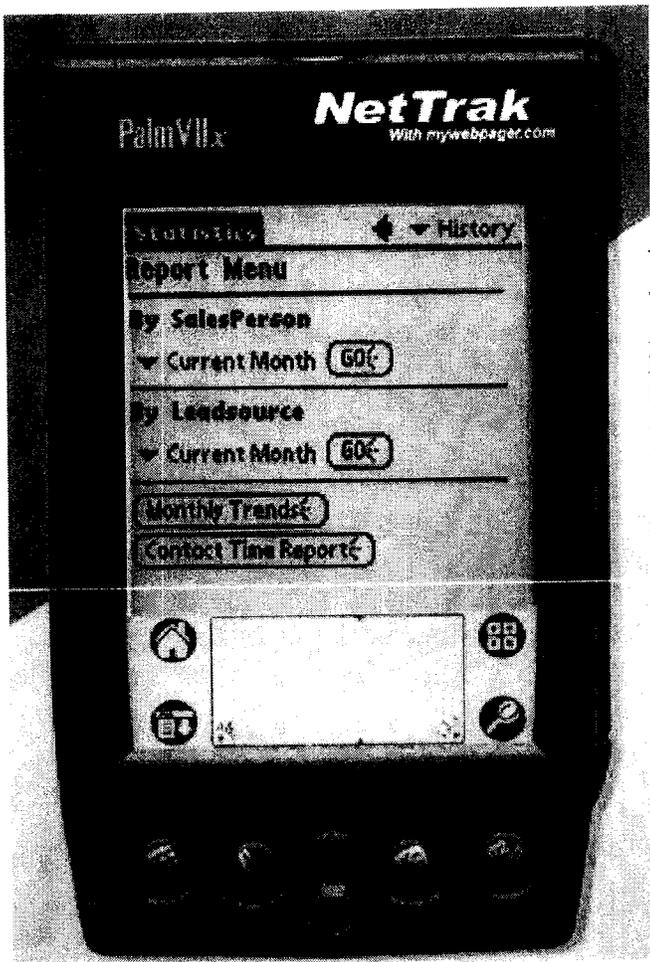
Search your NetTrak database by customer name or model of car.

Click on "Begin Search" to simulate a search results page.

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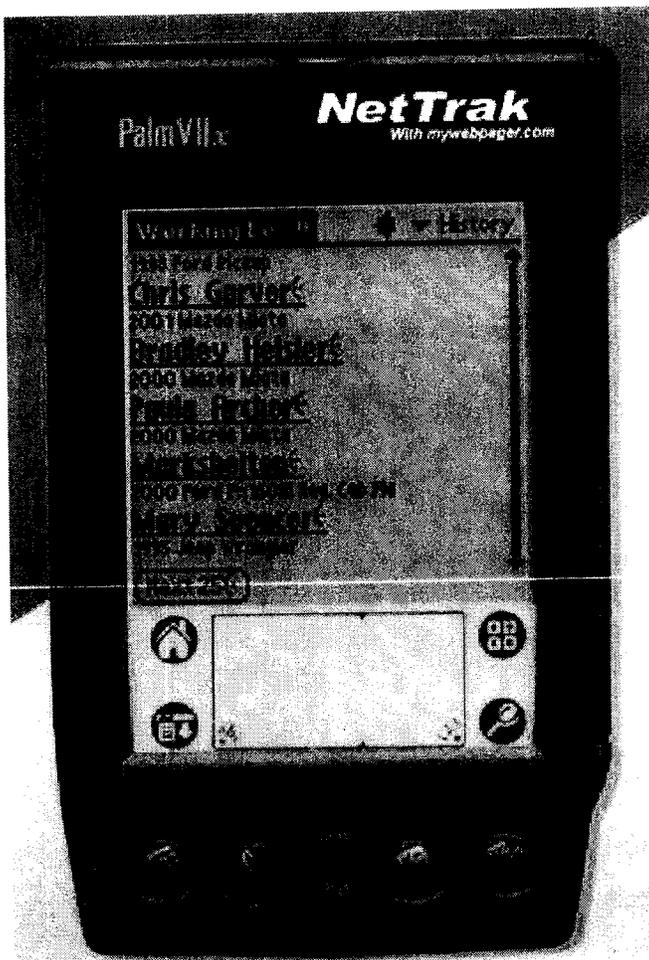


The NetTrak Statistics page gives you a number of easy options:
 1 - Stats bu Salesperson or Lead Source for current month, 30 days, 60 days or 90 days running.
 2 - Monthly trends Report
 3 - Time to first contact report.

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When you select "Working Leads" you are looking at all the current prospects you are trying to sell. Click on a name to bring up the customer page.

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Palm VIIx Handheld
3D Demo

The remote Access version of the customer page displays the critical contact information on that customer.

From the Customer Page, You Can:

- 1 - Set a Demo Appointments
- 2 - Send a Template email
- 3 - Send a Custom e-mail message
- 4 - Change the Customer Status
- 5 - Set a Delayed Contact Appoint.

To simulate changing a status -

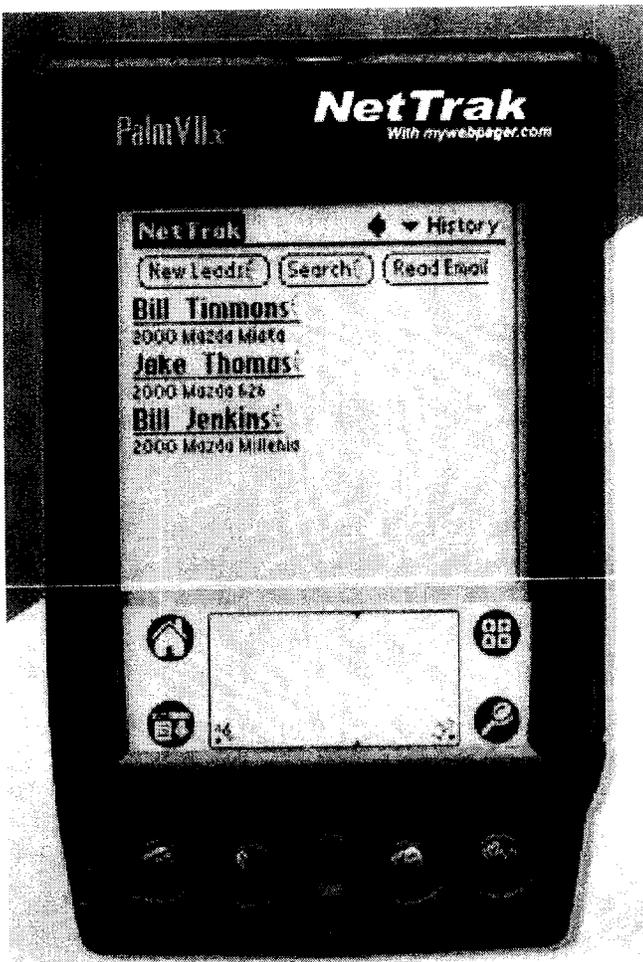
- 1 - Click on "Change Status"
- 2 - Select "Called Customer"
- 3 - Click on "Go" on customer page.

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In NetTrak, "New Leads" are leads that have come into the program which no action has been taken on.

"New Leads" are important because response time to leads is such a critical issue.

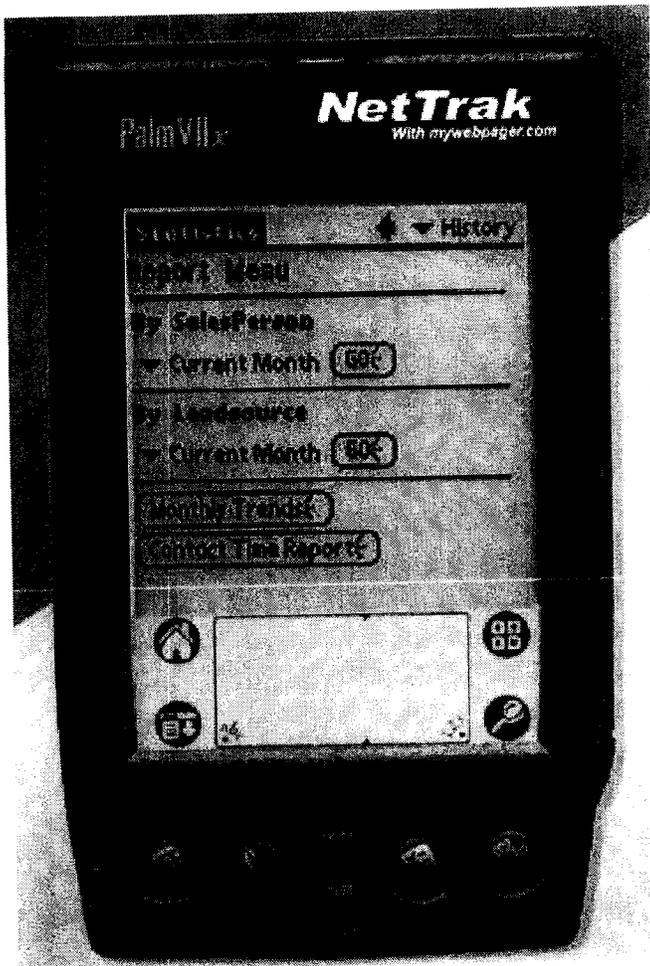
To View the customer page on a New Lead, Click on "Bill Timmons" Name.

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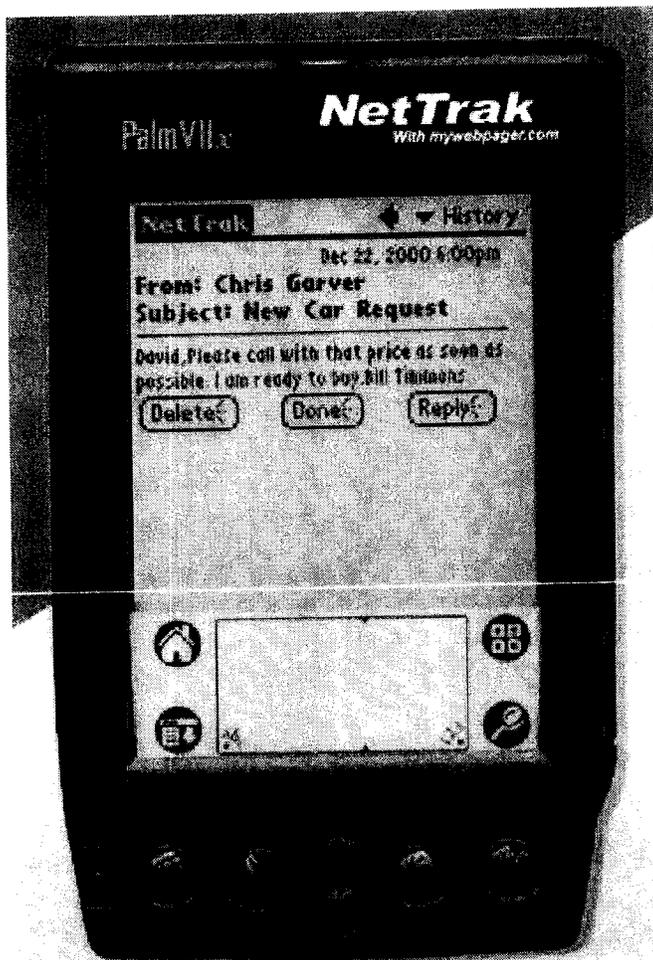


The NetTrak Statistics page gives you a number of easy options:
1 - Stats by Salesperson or Lead Source for current month, 30 days, 60 days or 90 days running.
2 - Monthly trends Report
3 - Time to first contact report.

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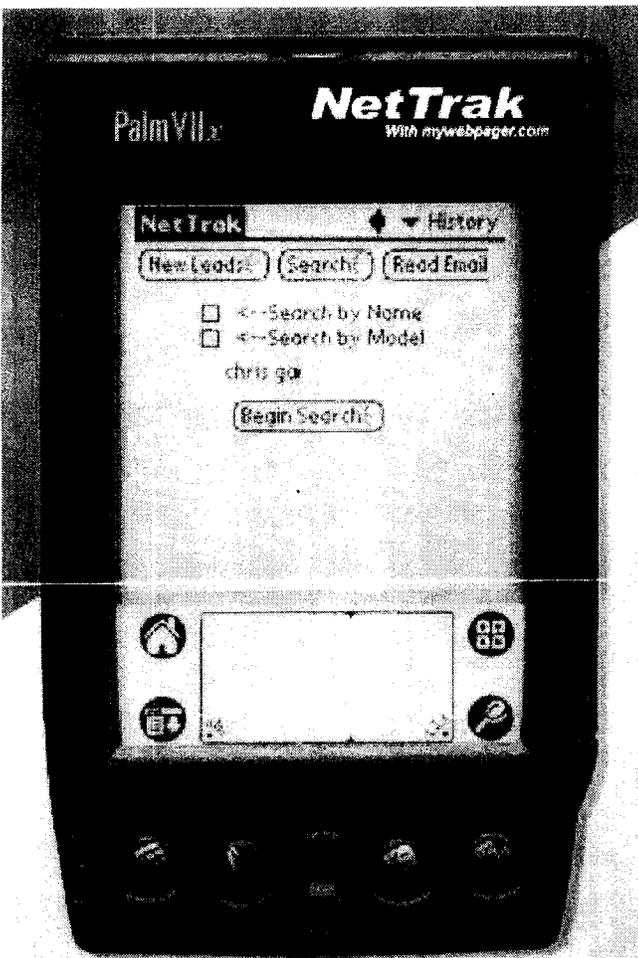
The NetTrak Palm Remote Device gives you the ability to respond to e-mail messages when you are away from the business.

- 1 - Read mail
- 2 - Delete mail
- 3 - Reply to mail

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Palm V71x Handheld
3D Demo

The NetTrak Remote Device gives you the ability to search your entire database for customers you have sold and customers you are working with.

Search your NetTrak database by customer name or model of car.

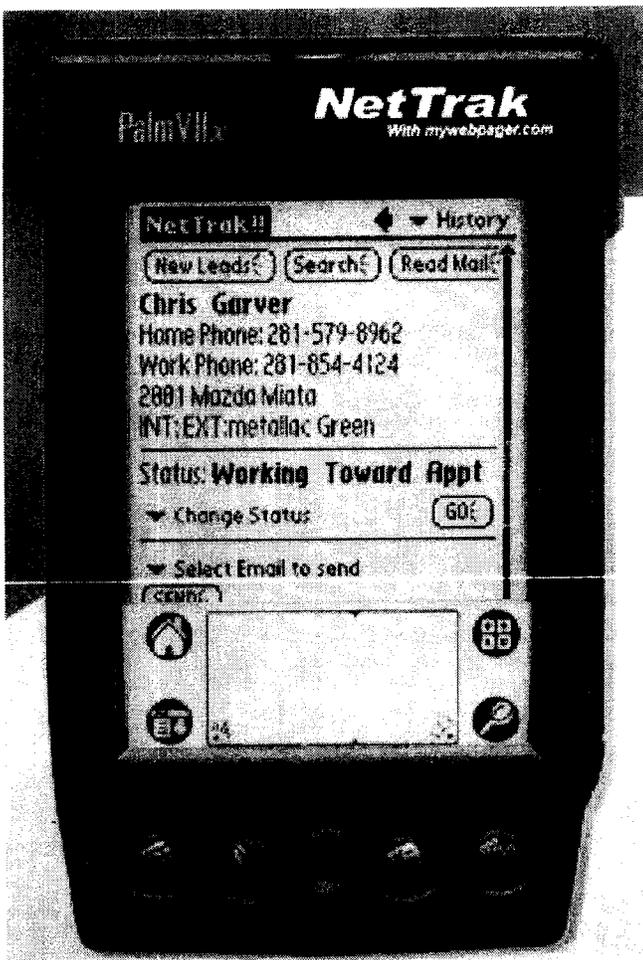
Click on "Begin Search" to simulate a search results page.

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Palm V1x Handheld
30 Days

You can set Demo Appointments and Future Delayed Contact appointments from your NetTrak Remote Access Device.

To Set an Appointment:

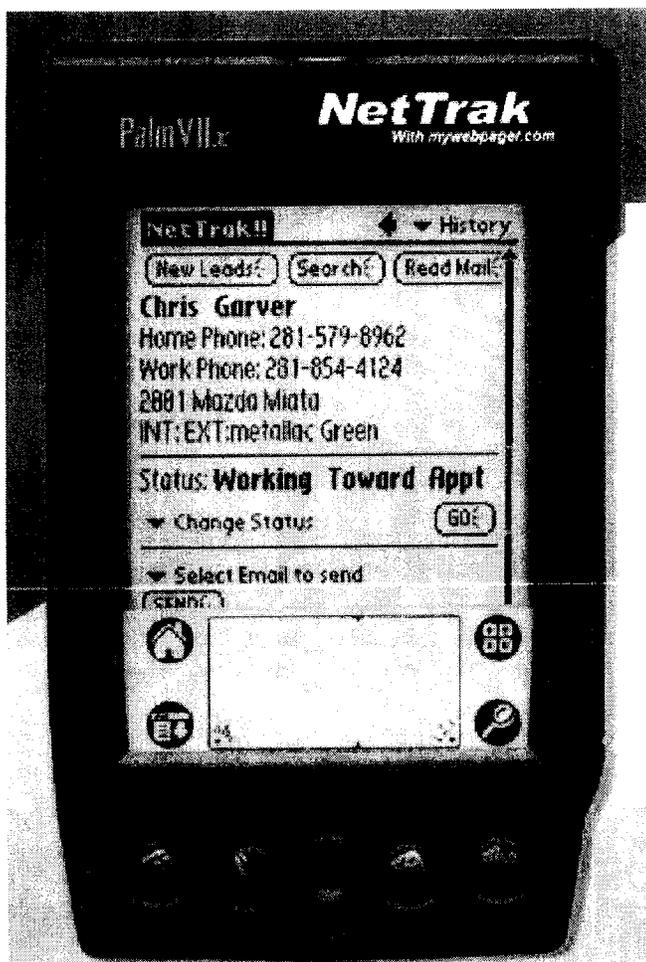
- 1 - Click on Change Status
- 2 - Select "Set Appointment"
- 3 - Click on "Go".
- 4 - Set Day, Month, Year & Time.
- 5 - Click Apply Date

Your Screen will revert to the customer page where your current status will now be Appointment set with the Date and Time of the Appointment listed below.
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Palm V1x Handheld
 3D Demo

To send one of your template e-mails in NetTrak:

1 - Scroll down the customer page and click on "Select Email to send".

2 - Select your custom e-mail template and the popup window will disappear.

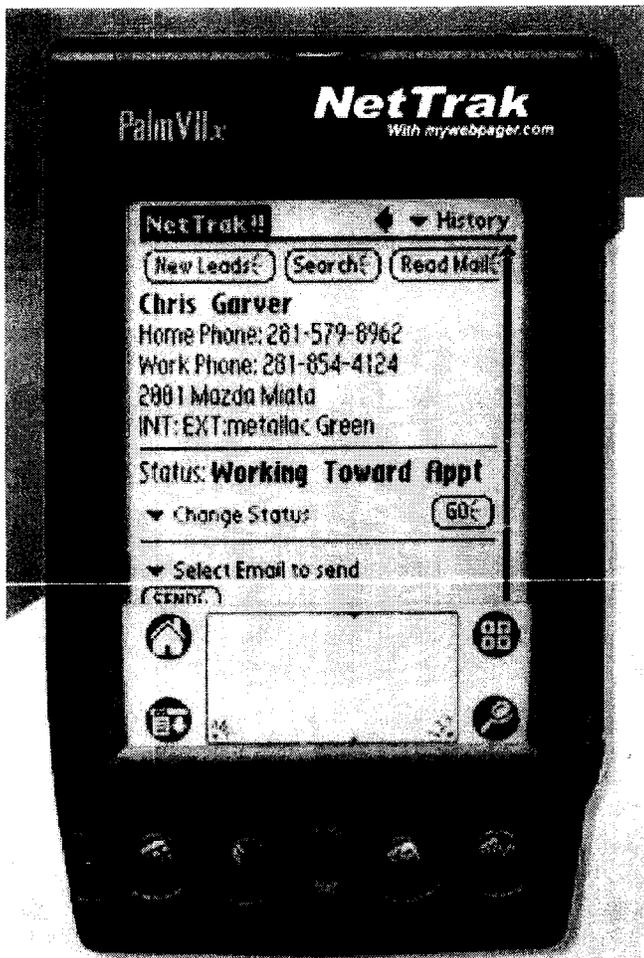
3 - To send your selected template just click on the send button.

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To send a custom e-mail message from the customer page:

- 1 - Scroll down the customer page and click on "Custom Message".
- 2 - Type in the Custom message and click on the "Send" button at the bottom of the page.
- 3 - Once your custom message has been sent, the customer page will reappear and the new status will be - "E-mail sent".

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EXHIBIT Y

Providing multi-platform marketing for Auto Dealers.

Internet Business Development Center

Auto Dealer Website Packages

SEM/SEO for Auto Dealers

Auto Dealer CRM Tools

Advertising/Media/Production for Auto Dealers

Consulting Services for Auto Dealers

DealerTEK Systems Administration

Convergence Media for TV Stations

CRM

Lead Management

Product Description

NetTrak is a web based lead Management tool that allows dealerships to better manage Internet, Phone or Showroom traffic leads. Being web based gives Sales Guides and Managers the ability to access leads and reports from anywhere they can access the Internet. NetTrak uses SFA (Sales Force Automation) and CRM (Customer Relations Management) functions to help a Dealership better manage prospect and customer databases.



Key Benefits of the NetTrak system

(A) Ease of use

We have recognized that many programs do not work successfully in a Dealership environment, usually because they are too complicated and require too much training. With the high turnover experienced in many Dealerships, NetTrak had to be a program that new users could pick up and start using productively within hours.

(B) A Tool that Salespeople would want to use

Many programs and systems fail in dealerships just because the Sales Guides don't like them. To guard against this possibility, a large percentage of the features in NetTrak are based on the suggestions and feedback garnered from Sales Guides. We felt it was critical that NetTrak be a tool that they would want to use, that made their life easier and made them more money.

(C) Simple Reporting for Managers

Managers have easy and even automatic email delivery of all the reports available in NetTrak.

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NET 00287