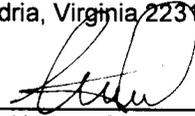


CERTIFICATE OF MAILING

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: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451 on the date shown below:

Date: December 14, 2009

  
\_\_\_\_\_  
Norbert Stahl

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

In the matter of

Registration No.: 3143997  
For the mark: www.east13.com  
Date registered: September 19, 2006

76 / 632,663

Registration No.: 3147241  
For the mark: east13  
Date registered: September 26, 2006

Registration No.: 3158549  
For the mark: East Thirteen  
Date registered: October 17, 2006

LIVE VENTURES INC.  
  
PETITIONER,  
  
v.  
  
SAROJ INTERNATIONAL, INC.  
  
REGISTRANT.

CANCELLATION No. 92047661

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITIONER'S SECOND NOTICE OF RELIANCE.**



12-17-2009

Petitioner Live Ventures Inc. ("Petitioner" or "Live Ventures") hereby submits this Notice of Reliance under 37 C.F.R. § 2.120(e) for the following:

- Exhibit W - State of Main, Statement of Intention to do Business under an Assumed or Fictitious Name for Live Ventures, Inc. showing e thirteen, Inc. as an assumed name, filed December 1, 2004. Page(s): all pages submitted (1-2). The exhibit is relevant to the issue of use of the mark e thirteen by Petitioner.
- Exhibit X - Main Secretary of State, 2009 Annual Report, Electronic Filing Acknowledgment for Live Ventures, Inc. Page(s): all pages submitted (1-2). The exhibit is relevant to the issue of use of the mark e thirteen by Petitioner.
- Exhibit Y - Printed publication entitled "Mountain Biking Magazine", issue January 2004. Page(s): all pages submitted. The exhibit is relevant to the issue of use of the mark e thirteen by Petitioner.

Respectfully submitted,

Stahl Law Firm



Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

Date: December 14, 2009

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S SECOND NOTICE OF RELIANCE, including all Exhibits, has been served on Gary L. Eastman, Esq., Attorney for Registrant Saroj International, Inc., by mailing said copy on December 14, 2009, via First Class Mail, postage prepaid, to: Gary L. Eastman, APLC, 401 West "A" Street, Suite 1785, San Diego, California 92101.

Date: December 14, 2009

Stahl Law Firm



Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)

Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT W**

BUSINESS CORPORATION  
STATE OF MAINE  
STATEMENT OF INTENTION  
TO DO BUSINESS UNDER  
AN ASSUMED OR FICTITIOUS NAME

LIVE VENTURES, INC.  
(Real Name of Corporation)

Filing Fee for an Assumed Name \$125.00  
Filing Fee for a Fictitious Name \$45.00

File No. 20050005 D Pages 2  
Fee Paid \$ 125  
DCN 2049421500005 ANME  
FILED  
12/01/2004

*Jules A. Elger*  
Deputy Secretary of State

A True Copy When Attested By Signatures

Deputy Secretary of State

Pursuant to 13-C MRSA §404, the undersigned corporation certifies and delivers the following Statement of Intention to Do Business Under an Assumed or Fictitious Name:

FIRST: (X) one has only.)  
 assumed name (13-C MRSA §404.1)       fictitious name (13-C MRSA §404.2)

The corporation intends to transact business under the assumed or fictitious name of  
E THIRTEEN, INC.

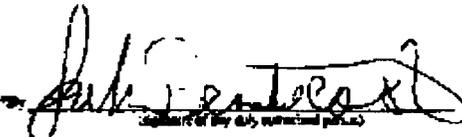
Please note: A fictitious name is a name adopted by a foreign corporation authorized to transact business in this State because its real name is unavailable pursuant to 13-C MRSA §401.

Complete the following if applicable:

SECOND: If the assumed name is to be used at fewer than all of the corporation's places of business in this State, the location(s) where it will be used is (are):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIRD: (Foreign Corporation Only)  
Jurisdiction of incorporation \_\_\_\_\_ and the date on which  
the corporation was authorized to transact business in Maine \_\_\_\_\_

DATED NOVEMBER 15, 2004

  
(Signature of any duly authorized person)  
**JOHN PENTECOST, VICE PRESIDENT**  
(Type or print name and capacity)

---

\*This document **MUST** be signed by any duly authorized officer **OR** the clerk. (13-C M.R.S.A. §121.5)

Please retain your payment made payable to the Maine Secretary of State.

**SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,  
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0201  
TEL. (207) 624-7740**

FORM NO. MICA-5 (2 of 2) Rev. 8/1/2004

Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT X**

**Maine Secretary of State**



**2009 Annual Report  
Electronic Filing Acknowledgment**

*For Business Corporations on file as of December 31, 2008*

**Charter Number:** 20050995 D  
**DCN Number:** 2090019855224  
**Legal Name:** LIVE VENTURES, INC.

**Clerk's Name and Address:**

DAVID WEAGLE  
18 BAKERS GRANT ROAD  
EAST LEBANON, ME 04027

**Brief statement of the character of the business:**

DESIGN AND DISTRIBUTION OF BICYCLE PARTS.

**Name and Address of Officers:**

CLERK  
LINLEY DOLBY  
11 BOLDT FARMS RD, EDGARTOWN, MA 02539  
PO BOX 2724, EDGARTOWN, MA 02539

TREASURER  
DAVID WEAGLE  
11 BOLDT'S FARM RD., EDGARTOWN, MA 02539  
PO BOX 2724, EDGARTOWN, MA 02539

PRESIDENT  
DAVID WEAGLE  
11 BOLDT'S FARM RD., EDGARTOWN, MA 02539  
PO BOX 2724, EDGARTOWN, MA 02539

**Name and Address of Shareholder:**

DAVID WEAOLE  
11 BOLDT FARMS RD, EDGARTOWN, MA 02539  
PO BOX 2724, EDGARTOWN, MA 02539

**Date of Filing:** June 11, 2009

**Name and Capacity of Authorizing Party:**

LINLEY DOLBY, CLERK

Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT Y**

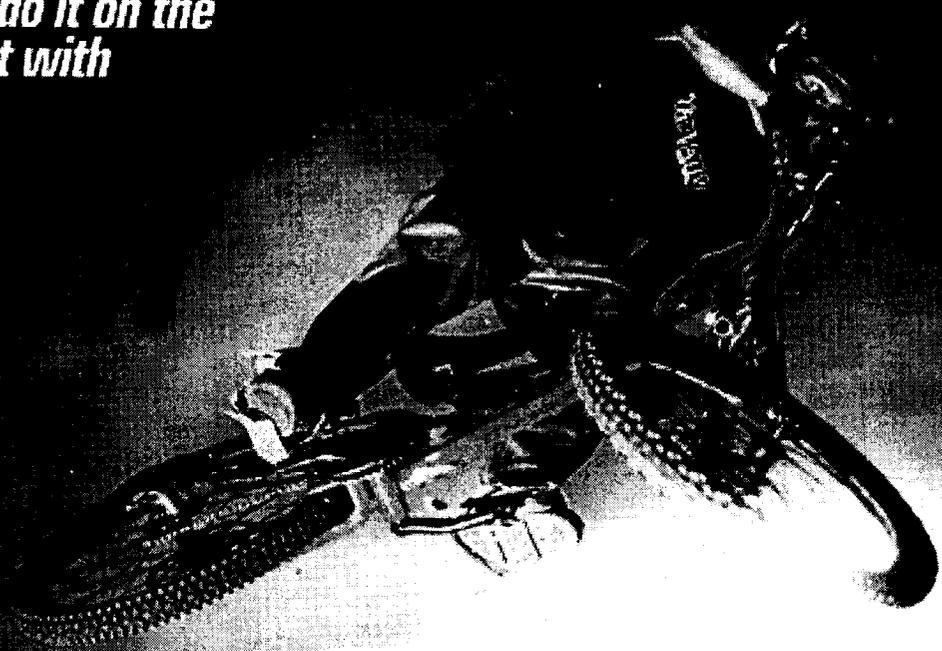
BLACKJACK & BIKES: INTERBIKE INVADERS VEGAS

# Biking

mountain

JANUARY 2004 VOLUME 18 NUMBER 1  
ON-SALE UNTIL 2/25/04

*How they do it on the  
right coast with*



## BOSTON BIKE BATTLE

*"It was great to grind down the ledges  
without being chased away by the cops"*

*— George Ryan*

U.S. \$4.99 CANADA \$6.99



www.biking.com



## A FEW WORDS WITH DAVE WEAGLE

By Chris Firth

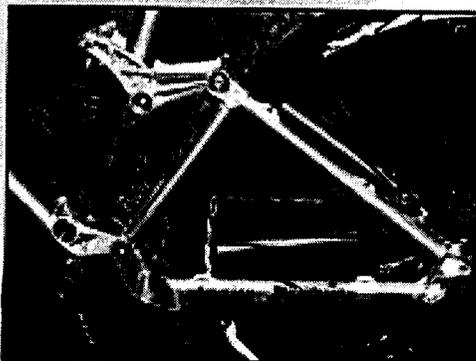
You may know Dave Weagle as the man behind Evil bikes and E13 chainguides, but he has also been designing products for several other companies. He's had a busy year between quitting his full-time aerospace job, getting married, breaking his collarbone racing at Killington and answering just about every inane question that gets thrown his way on Internet forums. Here are some words on what he's been creating this year from the man himself.

**CF:** *Everyone on the staff at MOUNTAIN BIKING noticed your handwork at quite a few booths at Interbike this year. It looks as though you've been pretty busy. What new products are you bringing to market this season? I'll just let you ramble for a bit on this question.*

**DW:** I've been lucky enough to get to work with a great bunch of companies on a lot of different products in the last few years. Some of the stuff out this year has been in development for a few seasons now.

## INDEPENDENT FABRICATIONS, TUNGSTEN ELECTRODE FRAME

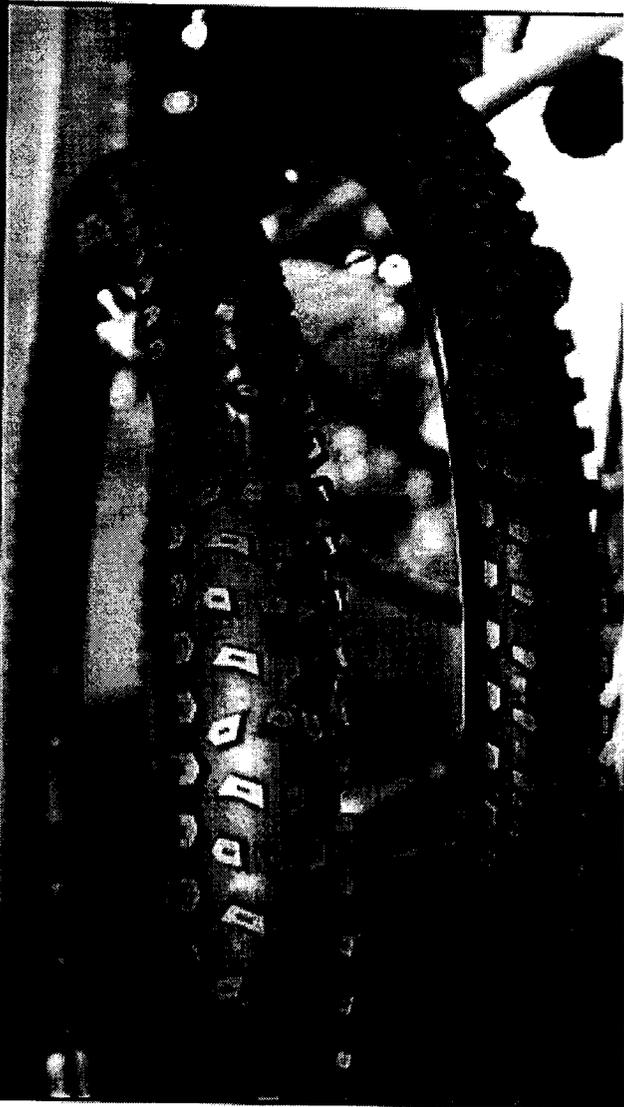
**DW:** I've been a big fan of IF for along time. When Tyler approached me about designing a bike for them I was really excited to build a bike that would fit into their line. I worked hard to build something that would be a technological marvel



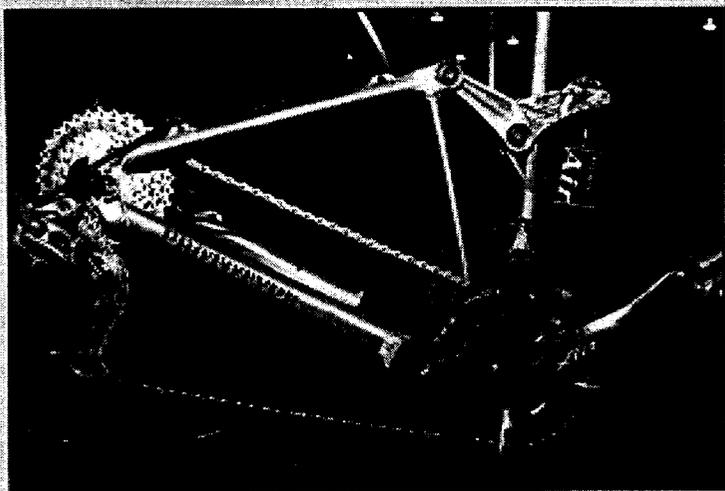
42 MOUNTAIN BIKING



Mamilou was closely guarding all information pertaining to their new air-sprung DH shock called the Evolver.



Azonic is entering the tire market with two new treads ready for shredding. The Tracker tire is a 26" x 2.0" aggressive cross country tire with a Kevlar bead and numerous pentagonal knobs. The Vigilante tire comes in a 26" x 2.5" size and is designed for freeriding with a single ply sidewall and Kevlar bead. It was made to be light enough to climb with but with large enough volume to plummet down sick terrain from the North Shore to Ptarmack.

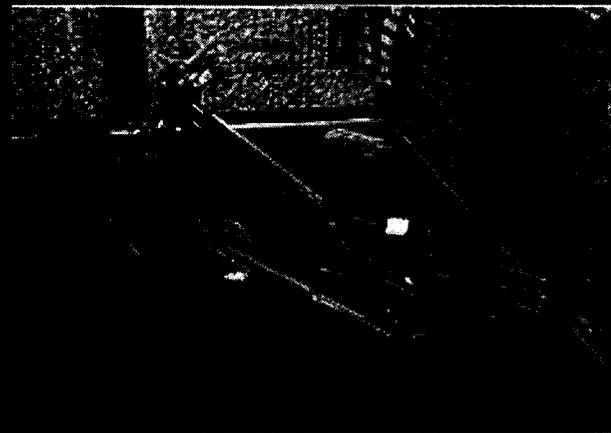
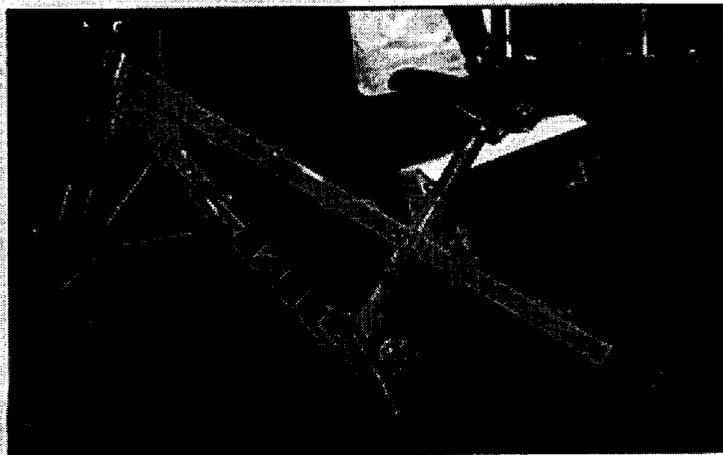


from both a suspension design and material standpoint. I used the latest revision of my DW-Link suspension system, but designed the whole package as a cost-no-object masterpiece. We wanted this bike to use the best of every material. A magnesium top link drives the shock, all the hardware is titanium, all the bearings are ultra-lightweight, the pivots are alloy, the three-piece lower yolk is machined then welded and the front triangle is 3Al-2.5V titanium. The DW-Link lends itself to building with titanium because it uses a simple front triangle design with no funky interrupted seatube. It gets four inches of travel through a custom tuned 5th Element air, floating shock (no shock mount on frame).

## G-BOX PROJECT

**DW:** This project really started in 2002 when I built a carbon fiber front triangle bike that featured an integrated gear drive with a compact, primary drive system. I built that bike to show what could be done if there were a reliable gearbox system on the market. I met Karl from Nicolai bikes and bought one of his Nucleon frames with an integrated Rholoff hub for testing. We later decided that we should build a standard gearbox system around a supermodified Rholoff hub and then build a few bikes around this standard. This was the beginning of the G-Box system.

Karl built a downhill bike for his G-box bike and I built a street bike based off of the Evil Imperial frame. Evil has been on the forefront of street, so it was important to do this for me. It featured replaceable chainstays since street guys will grind through any material chainstay



This chopper bike was making a scene at the Chumba Wurmba booth.



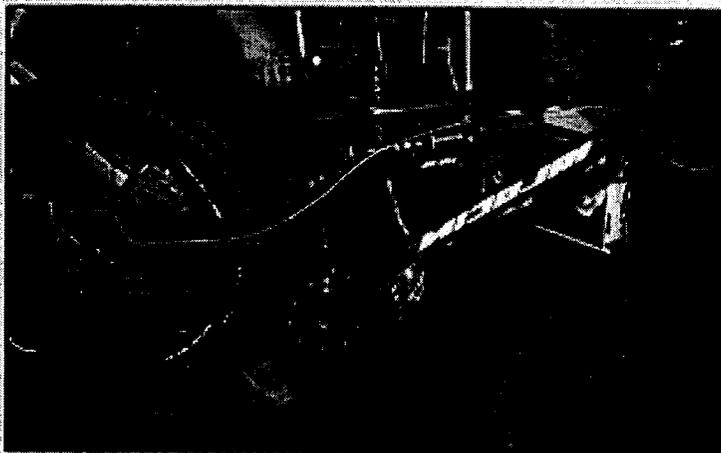
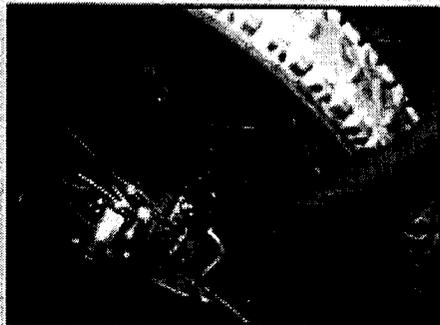
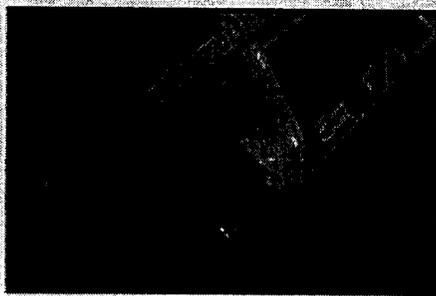
The Cove Foreplay MX is Cove's all mountain, 4X, North Shore, dirt jump and play bike. It was previously known as the Silflee SL.



We found Chris Duncan entertaining a few of the SRAM ladies over at the Truvativ booth.

and destroy their expensive bikes.

This project was only the first step. I called mine the 2013i because that's about the year I think there could be reliable gearbox system available. We need a completely new gearbox system to be designed from the ground up. They need to be purpose-built for either cross-country or downhill riding not both. It will take an incredible amount of money, time and effort. I could see it happening in ten years if a huge company like Shimano or SRAM



invested ten million dollars into the project. The bikes Karl and I made are both show bikes and won't be sold to the public anytime soon. We built these so we could learn about the concept. Working on this project made me realize some of the advantages of the derailleur system in terms of gear ratio selection, although they still have many inherent problems.

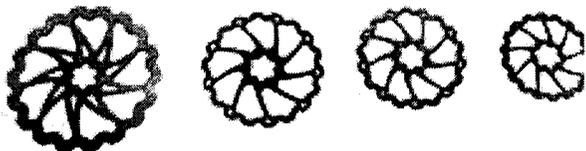
## EVIL SOVEREIGN FRAME

DW: I've been wanting to do this bike since 2001. It took awhile to get it done right. I worked with Reynolds because they have the strongest available tubing and they can easily make custom butted tubes for us, while keeping the price low for our customers. I wanted the best mix of strength-to-weight for a bike in this market segment. The Sovereign is built from a custom butted 853 front triangle and a 725 steel rear end. The chainstay is asymmetric and uses a specially designed plate to fit a 26x2.35" tire with ample mud clearance and lateral stiffness. The headtube is really strong and very overbuilt. The double vertical dropouts are really special. They are mounted horizontally on a sliding bolt on dropout. With this system you can change wheelbase and run either a 24- or 26-inch tire without changing the geometry of the bike. Later on a through-axle dropout will be available too. The Sovereign is made with more of

46 MOUNTAIN BIKING



Foes was also showing off their super modified Honda CR50 for all the moto-heads to drool over.



Galler is relatively new player in mountain bike disc brakes but they've got tons of history in the European auto and moto brake markets. They were telling everyone about their new 255 mm diameter brake rotors! Check out all those wavy rotors: 160 mm, 185 mm, 203 mm, and now 255 mm. All you need to run them is a standard two-inch calliper adapter mated on top of a frame or fork already designed for 203 mm rotors.



a park and trail riding geometry than the Evil Imperial frame that was designed for racing. It's a bike that you can ride cross country and not have an unsafe post height because of the taller seat tube. The geometry of the Sovereign is actually close to what we ran on our original Imperial test frames and it retains the same effective top tube as the modern 13-inch Imperial.

Street guys won't pay \$1500 for a steel frame and shouldn't have to. Evil will be selling the Sovereign for around \$800, so there is a really high bang for the buck with this frame. It should be available in late spring or early summer and come in at about 5.3 pounds.

## E13 PRODUCTS SRS FORMULA CHAINGUIDE

DW: This is the production version of the carbon fiber guide we showed at last year's show. It was made as the ultimate race chainguide with a no holds-barred attitude when it came to cost or development. The composite boomerang is made from pre-impregnated fiber and is our own layout. The outer ring will be thinner and can be custom ordered specific to the size chaining you will run. All of the hardware will be titanium and the max weight will be 350 grams. The Formula guide will cost \$300.

## SLACKER SINGLE-SPEED CONVERTER

DW: This guide was literally born from a good nap. I was talking with a bunch of guys about bending hangars in skateparks with their current single-speed converters. I woke up with the idea for the Slacker. The concept is very old and has been used in heavy industrial machinery for years. It fits every bike I've tried it on so far, puts no extra force on the frame and won't bend. I only showed it to a few people and it instantly caused a huge buzz on the Internet forums. I was surprised, but I'm sure this will be pretty big. It going to be cheap (\$20), light (about 60 grams) and won't mess up. It should be out by December.

## E-13 CROWNWHEEL AND GUIDE RINGS

DW: You and I have talked about this for a while. The Crownwheel is designed to replace the spiders on three-piece cranks that were constantly bending and causing chainguides to work poorly. It also eliminates the all of the problems with spacing and spacers, since it was designed specifically to work with chainguides. Through all of the technical support and

48 MOUNTAIN BIKING

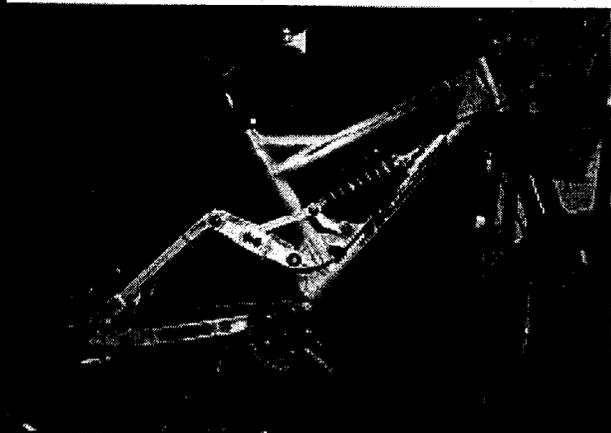


Jumping master John Cowan was on hand in the Kona booth to show off his new signature Kona frame with replaceable dropouts that include a 12 mm through axle option. Made from 7005 aluminum tubing the new helltrack conquering frame is available in 5 sizes.

PRICE: \$399

SIZES: XS, S, M, L, XL

CONTACT: (360) 366-0951; [kona-world.com](http://kona-world.com)



The Knolly V-tach freeride machine hails from Coquitlam BC, a land inundated by north shore style freeriding so you know this frame is worth taking a look at. It's got 185 mm (7.3") of travel using a Horst-Link four-bar linkage design, but what's trick about their frame design is that by using a linkage to compress the shock they have been able to build the frame with a continuous seat tube. This means you can climb to the top with the seat at proper pedaling height and stam it all the way down for hucking the nasties on the way down. Additionally the Knolly features a One-Point-Five head tube, 150 mm x 12 mm through axle rear hub, KSCG mounts, and the clearance to accommodate a 26" x 3.0" tire on a Sunn Doublewide rim in back.

PRICE: \$2700-2800

SIZES: X-small, Small, Medium, Large

WEIGHT: 11.9 lbs to 12.5 lbs frame only

CONTACT: (604) 523-6635; [knollybikes.com](http://knollybikes.com)

chainguide installs we do, we found that spacing is one of our biggest problems in getting a chainguide to work properly. This eliminates all of the shims and rigging that is necessary with many chainrings. These rings also have the proper tooth step, which is vital to a chainguide working smoothly. These will also be great for BMX and singlespeed riders. A 5x110mm Supercharger bashguard will bolt right up too. The Guide Rings do the same thing for standard cranks. They will be available in 36-, 38- and 40-tooth sizes right away and are both made from 7071 alloy. The Crownwheel will cost \$43 and the Guide Rings will cost \$35.

## GRAMPY RINGS

DW: These were created to run in place of a standard granny ring. They're made from stainless steel and are currently available in 30 and 32-tooth sizes in a 4x63 pattern. They will work great for riders only running two chainrings.

## TRIALS BASHGUARD

DW: My trials bashguard is finally out. It fits up to a 32-tooth ring and comes in either smooth or spiked versions. It's cool because it digs into softer stuff like logs, but slides on concrete.

## INTERNAL REDUCER CUPS

DW: These headset cups were designed to significantly reduce the stack height (by 25mm) of a 1.5-inch headset when reducing for a 1.125 fork. It also allows you to play with the head angle of the bike by swapping cups around.

## PEDALS AND STEMS

DW: I showed our pedal prototypes at the show. We were waiting for a few patents (which have gone through) to happen before we showcased them. They feature an oversized axle that is way stronger than what is currently on the market. They have a nice big concave platform that evenly loads pressure across your foot so there are no painful areas on your shoe. They should be available in the spring and come in about 320 grams.

I have been working on stems for a long time now. The final versions should be available sometime this summer. They'll be worth waiting for.

## IRON HORSE BIKES SGS SERIES

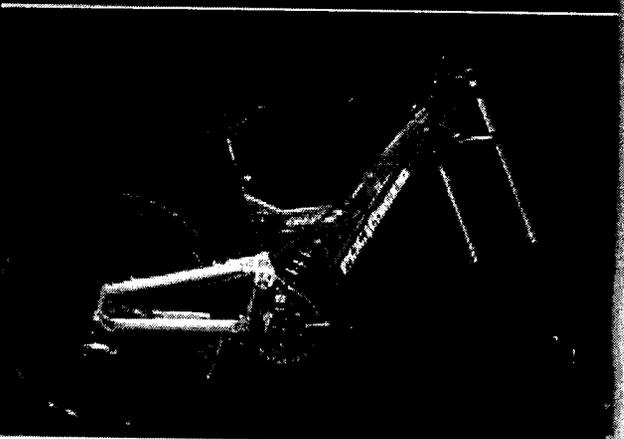
DW: This is the first year that I've had full structural input on the SGS. The new chainstay is the same weight, but much stronger. The three-piece link that we tested all last year with the Madcatz team is now in production. They feature a new downtube that adds a ton of strength with only a small weight increase. The geometry remains the same as on the bikes we won on all this season.

The SGS Freeride series will get the same style of link and beefed up chainstays. I revised the geometry for this series and it gets a lower leverage ratio for the 2.75" stroke shock. The specs on these bikes are really sick this year!

## HOLLOWPOINT

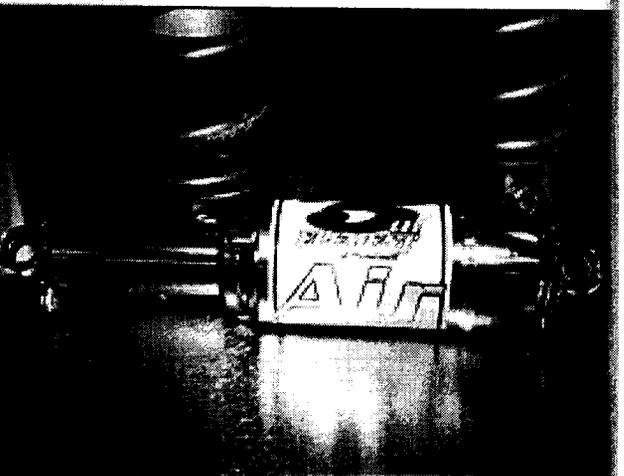
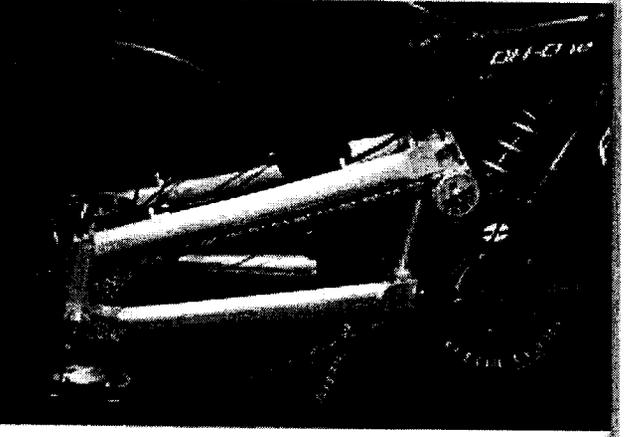
DW: I've completely re-designed the back end of the Hollowpoint. The chainstay is now a shorter 16.9 inches and can fit a 2.35-inch tire with plenty of mud clearance. It's stiffer from a bolt-on stiffener, lighter, and

SO MOUNTAIN BIKING



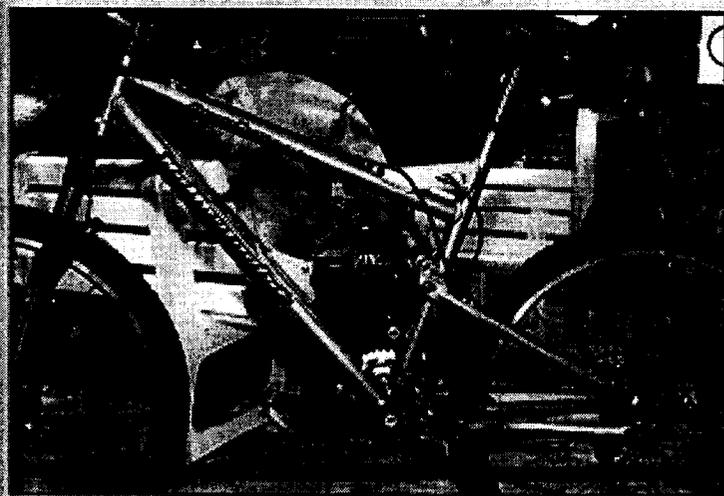
The PDC DH-One downhill bike hails from Qualicum Beach, British Columbia. It's got nine inches of race-tuned progressive suspension, zero pedal feedback via a floating idler pulley, a low center of gravity design, and a floating rear disc brake.

CONTACT: (250) 752-2141; [pdcrcing.com](http://pdcrcing.com)

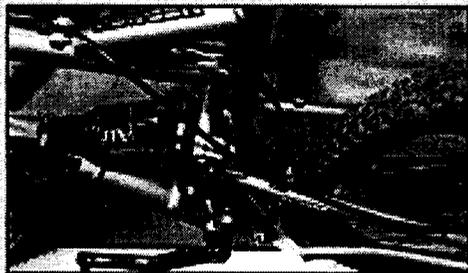


Progressive released their 5th Element Air Shock at the 2003 Sea Otter race so at Interbike they took it a step further in effort to improve durability and appearance they gave it an electroless nickel plated finish. 0000...shiny.

CONTACT: (877) 690-7411; [progressivesuspension.com](http://progressivesuspension.com)



bolts up to the current Hollowpoint. The new link has two travel positions; 3.75 inches or 4.5 inches. The pedaling geometry remains unchanged from the 2003 Hollowpoints.



## HOLLOWPOINT MTX

**DW:** This bike is badass rock! It gets a stronger rear end than the standard Hollowpoint, slack geometry designed for mountaincross racing and the downtube from the downhill bike. It will be available in three different sizes. This machine is bred for racing!

**CF:** That's a lot of products to have come to market all in the same season. You probably have to be that busy to pay off the Evil Breadwagon, right?

**DW:** No we bought that outright. We hardly spend any money on advertising, so we chose to use our budget to give technical support to the people who use E-13's products. It's really important for us to give back to the riders and be at the races making sure that teams and amateur racers are happy with our guides.

**CF:** Will the Evil/E13 support truck double as a Bread delivery van in the winter to offset the costs of racing?

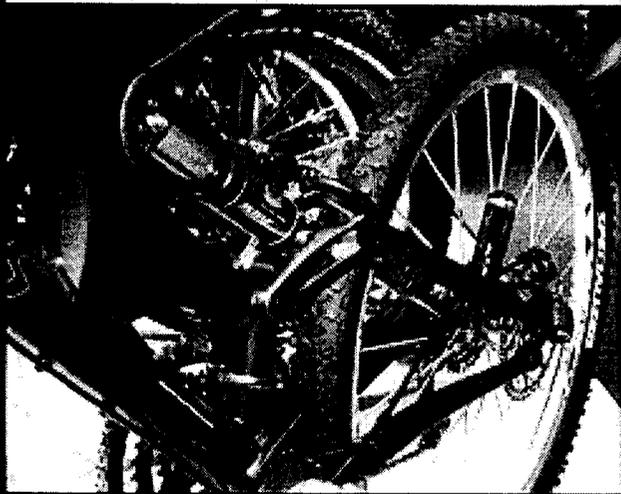
**DW:** Yes that is true, but only Atkins friendly wheat bread.

**CF:** What is your role in Evil/E13 and who else is involved?

**DW:** I'm the president and technical director. I develop the products, source them and think up new projects. I guess I'm the CEO or captain of the ship. John Pentecost is the vice president and my business partner. He handles all of the business for the company. He does all of the sales, warehousing, and everything it takes for us to run the business. Michael Tobler does all of our tech support, helps John manage shipping and receiving, he figures out fit issues with OEM buyers and handles our rather large race team. He's the first



Specialized's CEO Mike Sinyard gets put in the deathlock on the Vegas showroom floor.



For 2004 the venerable Specialized Enduro has gone to school and graduated with flying colors. The frame design remains the same but the shock is updated with a Fox Brain just like the Specialized Epic model except instead of moving the shock to sit parallel to the seatstay, they run the Brain module to the rear dropout location via a hose attachment, very cool.



Randy Spangler shows Katie from Nimbis Clothing how it's done, kindergarten-style.

# interbike

# 2003

one of us to check what fits and how when there is new equipment. We have a few part timers. Chris Carlton and Jim Loughrey pick up the rest of the slack at the office. We have a great team here. We all keep each other in check. You couldn't ask for anything better.

**CF:** *Evil has been really successful marketing through the Internet, why is that?*

**DW:** It was never about marketing on the Internet. As a rule we do zero self-promotion there. The Internet lets us be proactive with customer service. We post our solutions to problems before anyone has to ask. We are right there to answer their questions and make sure everyone gets the help they need. Our chainguides have marketed themselves. They solve the problems that existed with current chainguides. People are genuinely excited about them and the word spreads among the on-line community and riders.

**CF:** *How was it working with Nathan Rennie and all of the riders on the Iron Horse/ Madcatz team?*

**DW:** They were awesome! It was a great year and we had a lot of fun. We didn't make a lot of changes to their bikes. The riders were happy with the stock bikes. The three-piece link that we tested with them all season is on the 2004 SGS bikes.

**CF:** *How does it feel having designed the bike that won both the Junior World Championship and the World Cup Overall title?*

**DW:** It was pretty stunning. This was my first downhill bike on the market and it was amazing how little tuning we needed to win on it. I approach all of my designs with a lot of math, plotting and graphs. This is a really different approach from the way most bikes on the market were designed. I knew the bike was going to be really solid, but these results should convince all the other people out there. It was very self-affirming. Having such a great group of riders on these bikes also helped me to convince Iron Horse to further develop their bike lines for next season. Besides winning all of those titles and races, one of the best things this year was winning the *mtr.com* chainguide of the year for the second year in a row. For me that was as cool as winning the championships because it means that real riders who have to buy our guide really love the product.

**CF:** *Doesn't Sanjay sleep a lot?*

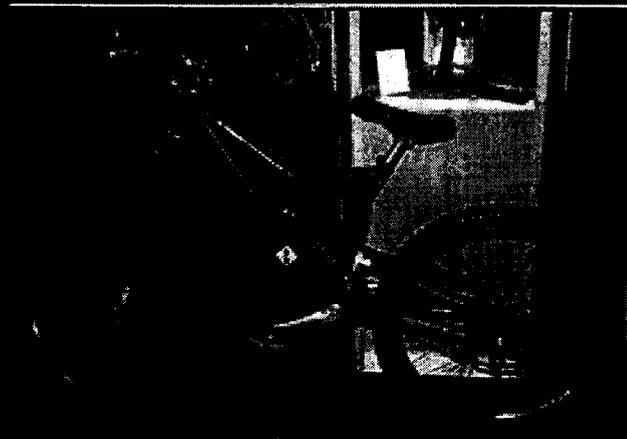
**DW:** Yeah, I think he just dreams about riding all of the time. I think that may be his secret.

**CF:** *Any final words?*

**DW:** I want to thank everyone who gave my guides a chance when they first came out. I take a lot of pride in the amateur racers that pay for their guides and come up to me at the races thrilled about how well they work. I have to thank Tyler from Independent Fabrications. Huge thanks have to go out to Todd Seplavy and Stew Barnett at Iron Horse Bikes. Of course, thanks to John P and Mike Tobler at E13. The biggest thanks go to the riders out there on my chainguides and products, without them I'd be nowhere.

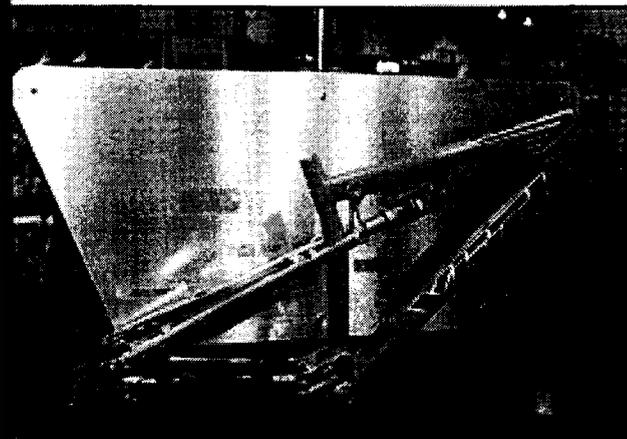
For more info on the DW-Link go to [dw-link.com](http://dw-link.com); for information on Evil/E13 products check out [evilbikes.com](http://evilbikes.com) or call (207) 846-3355. **MB**

54 MOUNTAIN BIKING



The Ventana El Cuervo was designed with input from the folks at [go-ride.com](http://go-ride.com).

CONTACT: (916) 631-0544 [ventanabike.com](http://ventanabike.com)



This short-travel heavy-duty 4X racing frame from Yeti has an extra stout tubeset, oversized bearings, and 3.25" of travel.

Yeti was also showing off an industrial looking brushed aluminum dirt jump frame with a super beefy headtube and removable rear dropouts.

CONTACT:  
(855) 576-9384;  
[yeticycles.com](http://yeticycles.com)

