

ESTTA Tracking number: **ESTTA205991**

Filing date: **04/20/2008**

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

Proceeding	92047757
Party	Plaintiff Karen B. Donovan
Correspondence Address	David H.E. Bursik 401 Hamburg Turnpike, Suite 210 Wayne, NJ 07470 UNITED STATES dheb@bursik.com
Submission	Testimony For Plaintiff
Filer's Name	David H.E. Bursik, Esq.
Filer's e-mail	dheb@bursik.com
Signature	/David H.E. Bursik, Esq./
Date	04/20/2008
Attachments	Bishop Transcript Exhibit 1.pdf (4 pages)(153255 bytes) Bishop Transcript Exhibit 2.pdf (5 pages)(196121 bytes) Bishop Transcript Exhibit 3.pdf (1 page)(70476 bytes) Bishop Transcript Exhibit 4.pdf (5 pages)(215573 bytes) Bishop Transcript Exhibit 5.pdf (1 page)(109359 bytes) Bishop Transcript Exhibit 6.pdf (2 pages)(120640 bytes) Bishop Transcript Exhibit 7.pdf (3 pages)(121580 bytes) Bishop Transcript Exhibit 8.pdf (2 pages)(152835 bytes) Bishop Transcript Exhibit 9.pdf (2 pages)(138688 bytes)



Books and Magazine Articles

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[Grave Site](#)

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[Photographs](#)

[Major Taylor Ephemera](#)

"The Fastest Bicycle Racer In The World"

Author - An autobiography by Marshall W. "Major" Taylor
 Publisher - First Self published in 1928
 International Standard Book Number - 0-836910-4
 Library Of Congress Catalog Card Number - 74-173618

"MAJOR TAYLOR" The extraordinary career of a champion bicycle racer

Author - Andrew Ritchie
 Publisher - Bicycle Books, Inc. (1988)
 - Johns Hopkins University Press (1996)
 International Standard Book Number - 0-933201-14-1
 Library of Congress Catalog Number - 87-70730

"Major Taylor Down Under" A Black American in white Australia, 1902-1904

Author - Jim Fitzpatrick III
 Published - As yet unpublished

"Hearts Of Lions"

Author - Peter Nye
 Publisher - Penguin Books Canada Ltd.
 International Standard Book Number - 0-393-02543-8

"Australian Cycling In The Golden Days"

Author - H. "Curly" Grivell
 Publisher - Courier Press, Unley Road, South Australia (no date)

"Bicycle Rider"

Author - Mary Scioscia
 Publisher - Harper Trophy
 International Standard Book Number -0-06-025222-7

"Major Taylor, bicycle racer biography at a glance"

"Worcester Whirlwind, overcame bias"

"Champion cyclist beat Jim Crow"

"Major Taylor's influence continues"

The above newspaper articles are by [Lynne Tolman](#)

"Justice Comes 50 Years Too Late For Whirlwind"

Newspaper article by - John Gearan (Worcester telegram, 07/16/82)

"The Cycles Transport" An article about one of Major Taylor's bikes.

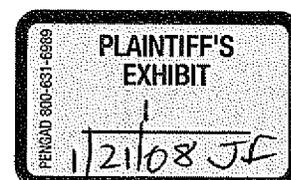
Newspaper article by - Paul Haigh (Australian Express, 22/17/92)

"Major Taylor, Great Man And Cyclist"

Magazine article by - William Sanders (Bike World Magazine)

"Way ahead of his time" For Major Taylor, prejudice was often his toughest competitor

Magazine article by - Peter Nye



"Major Taylor -The Forgotten Champion"

Magazine article by - Ted Carrol
Our Sports magazine, August 1953

"Midwest Bicycle Review"

Publisher - Midwest Bicycle Review
Nov-Dec, 1978, Volume 4, Number 10

Trailblazer

Magazine article by - Andrew Ritchie
Cycle Sport, September 1994



Personal Information

Home Page

Name: Marshall Walter Taylor

**Personal
Information**

Nickname: Major

Date of birth: November 26, 1878

**Professional
Information**

Date of death: June 21, 1932 (2:30pm)

**Books and
Magazine Articles**

Parents names: Gilbert Taylor and Saphronia Kelter (both born in Kentucky)

**Newspaper
Articles**

Siblings: Gilbert & Saphronia had 8 children (5 girls & 3 boys) Marshall was one of the younger children

Grave Site

Wife: Daisy Victoria Morris (born January 28, 1876, Hudson, New York)

Movies

Married: March 21, 1902 (Ansonia, Connecticut)

**Related
Organizations**

Daughter: Rita Sydney Taylor (Brown) (born May 11, 1904, Sydney, Australia)

Photographs

**Major Taylor
Ephemera**

October 10, 2000

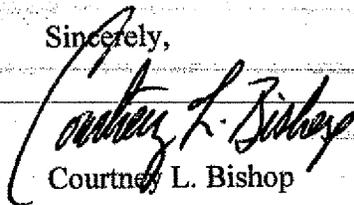
Assistant Commissioner for Trademarks
Box New App/Fee
2900 Crystal Drive
Arlington, VA 22202-3513

Mark: MAJOR TAYLOR

Dear Sir or Madam:

Enclosed for filing is an application for the mark MAJOR TAYLOR, a check payable to the Commissioner of Patents and Trademarks for the required filing fee and a drawing of and the required specimen(s) for the mark. If you require additional information, please let me know.

Sincerely,


Courtney L. Bishop



76155250

TRADEMARK APPLICATION SERIAL NO. _____

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

11/01/2000 K6IBBNS 0000026 76155250

01 FC:361

325.00 0P

TRADEMARK/SERVICE MARK APPLICATION-PRINCIPAL REGISTER

Mark: MAJOR TAYLOR
Class No.:

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND
TRADEMARKS:

Applicant:

Courtney L. Bishop, a citizen of THE U.S.A.
30 E. Georgia St., Ste. #208
Indianapolis, IN 46204
Telephone No.:3179720500
Fax No.:3179724087
E-mail Address:majrtaylor@aol.com

The above identified applicant has adopted and is using the mark shown in the
accompanying drawing in connection with the following goods/services:

~~Major Taylor is the name to be used to represent any/all products and services relating to
a bicycle team, Bicycle product, Bicycle services, ... Team name inspiration is the
Legendary turn of the century African-american world bicycle champion. Trademark
should pertain to anything relating to the image, likeness, or mention of Major Taylor as
it relates to cycling. These include Bicycles, Bicycle Equipment, Bicycle Clothing,
Shoes, & Apparel, Bicycle Facilities & Velodromes, Bicycle Competitions, Bicycle
racing/club team name(s).~~

and requests that said mark be registered in the United States Patent and Trademark
Office on the Principal Register established by the Act of July 5, 1946.

The mark was first used in connection with the goods/services on August 1, 1995 and
was first used in INTERSTATE commerce in connection with the goods/services on
April 1, 1996 and is now in use in such commerce.

The required specimen(s) showing the mark as used in commerce is submitted with this
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; that said mark is in use in the type of commerce specified in this application; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified 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; that the specimens or facsimiles accompanying this application show said mark as actually used in connection with the goods/services; 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: _____

Courtney L. Bishop

Date: OCT 25, 2000

Courtney L. Bishop

telephone number: 3179720500

DRAWING PAGE

Applicant's Name:
Courtney L. Bishop

Applicant's Address:
30 E. Georgia St., Ste. #208
Indianapolis, IN 46204

Goods and Services:

Major Taylor is the name to be used to represent any/all products and services relating to a bicycle team, Bicycle product, Bicycle services, ...Team name inspiration is the Legendary turn of the century African-american world bicycle champion. Trademark should pertain to anything relating to the image, likeness, or mention of Major Taylor as it relates to cycling. These include Bicycles, Bicycle Equipment, Bicycle Clothing, Shoes, & Apparel, Bicycle Facilities & Velodromes, Bicycle Competitions, Bicycle racing/club team name(s).

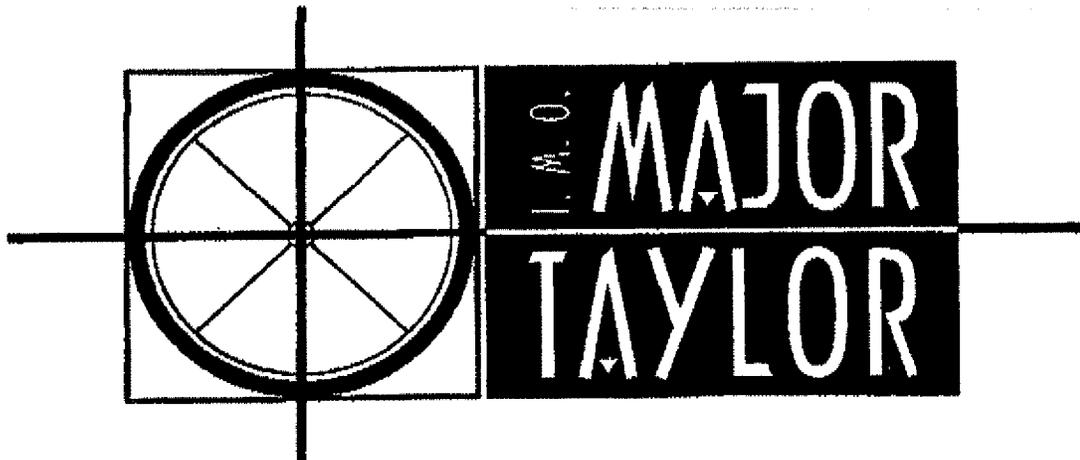
First Use: (Class 000) August 1, 1995

First Use In Commerce: (Class 000) April 1, 1996



10-30-2000

U.S. Patent & TMOfr/TM Mail Ropt Dt. #11



TRADEMARK



76155250

TRADEMARK/SERVICE MARK APPLICATION-PRINCIPAL REGISTER

Mark: MAJOR TAYLOR
Class No.: 036

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

Applicant:

Courtney L. Bishop, a citizen of THE U.S.A.
30 East Georgia St., Ste. #208
Indianapolis, IN 46204
Telephone No.: 3179720500
Fax No.: 3179724087
E-mail Address: majrtaylor@aol.com

The above identified applicant has a bona fide intention to use in commerce the mark shown in the accompanying drawing in connection with the following goods/services:

Financial and insurance services pertaining to Fund Raising Associations, Foundations, Charitable not for profit organizations. Covering activities held within the normal scope of operations for these organizations (e.g. fundraisers)

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

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; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified 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.

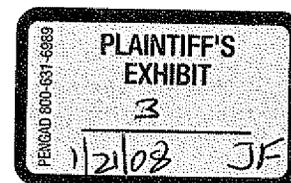
Signature: _____

Courtney L. Bishop

Date: _____

Aug 9, 2001

Courtney L. Bishop
telephone number: 317.590.1086



Ser No. 76297098

PTO/TM/1553 (Rev 4/2000)
OMB No. 0651-0009 (Exp. 08/31/2004)

*** Trademark/Service Mark Allegation of Use ***

*** (Statement of Use/Amendment to Allege Use) ***

*** (15 U.S.C. §1051(c) or (d)) ***

*** To the Commissioner for Trademarks ***

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK ALLEGATION OF USE>

<VERSION 1.2>

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> Major Taylor

<SERIAL NUMBER> 76297098

<LAW OFFICE ASSIGNED> TMO Law Office 111

<APPLICANT INFORMATION>

<NAME> Courtney L. Bishop

<STREET> 30 East Georgia St, Ste. #208

<CITY> Indianapolis

<STATE> IN

<COUNTRY> USA

<ZIP/POSTAL CODE> 46204

<NOTICE OF ALLOWANCE INFORMATION>

<NOTICE OF ALLOWANCE> Yes

<GOODS AND SERVICES INFORMATION>

<ALL GOODS AND/OR SERVICES IN APPLICATION/NOTICE OF ALLOWANCE> Yes

~ The applicant is using or is using through a related company the mark in commerce on or in connection with all the goods/services listed in the Application/Notice of Allowance. ~

10/21/2002 SWILSON 00000125 76297098

01 FC:6003

100.00 CP

<FEE INFORMATION>

<TOTAL FEES PAID> 100

<NUMBER OF CLASSES> 1

<USE INFORMATION>

<SPECIMEN DESCRIPTION> 501 (c)3 Not For Profit IRS Determination letter

<FIRST USE ANYWHERE DATE> 06/01/2000

<FIRST USE IN COMMERCE DATE> 06/01/2002

<SIGNATURE AND OTHER INFORMATION>

~ Declaration: 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). Applicant is the owner of the mark sought to be registered, and is using or is using through a related company the mark in commerce on or in connection with the



goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. ~

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

<SIGNATURE> Courtney L. Bishop * please sign here*
 <DATE> OCT. 16, 2002
 <NAME> Courtney L. Bishop
 <TITLE> President, The Major Taylor Foundation, Inc.
 <TELEPHONE NUMBER> 317.590.1086
 <E-MAIL ADDRESS> majrtaylor@aol.com

CERTIFICATE OF MAILING

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

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

on OCT 16, 2002
Date

Courtney L. Bishop
Signature

COURTNEY L. BISHOP
Typed or printed name of person
signing certificate

76297098

TRADEMARK APPLICATION SERIAL NO. _

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

08/14/2001 6THOMAS2 00000150 76297098

01 FC:361

325.00 0P

Int. Cl.: 36

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

United States Patent and Trademark Office

Reg. No. 2,701,247

Registered Mar. 25, 2003

**SERVICE MARK
PRINCIPAL REGISTER**



BISHOP, COURTNEY L. (UNITED STATES INDIVIDUAL)
30 EAST GEORGIA ST., STE. #208
INDIANAPOLIS, IN 46204

FOR: FINANCIAL AND INSURANCE UNDERWRITING SERVICES PERTAINING TO FUNDRAISING ASSOCIATIONS, FOUNDATIONS, CHARITABLE NOT FOR PROFIT ORGANIZATIONS COVERING ACTIVITIES HELD WITHIN THE NORMAL SCOPE OF OPERATIONS FOR

THESE ORGANIZATIONS, NAMELY, FUNDRAISERS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-1-2000; IN COMMERCE 6-1-2002.

"MAJOR TAYLOR" DOES NOT REPRESENT A LIVING INDIVIDUAL.

SN 76-297,098, FILED 8-10-2001.

ZACHARY BELLO, EXAMINING ATTORNEY



08-10-2001

U.S. Patent & TMO/c/TM Mail Rpt/Dt. #70

DRAWING PAGE

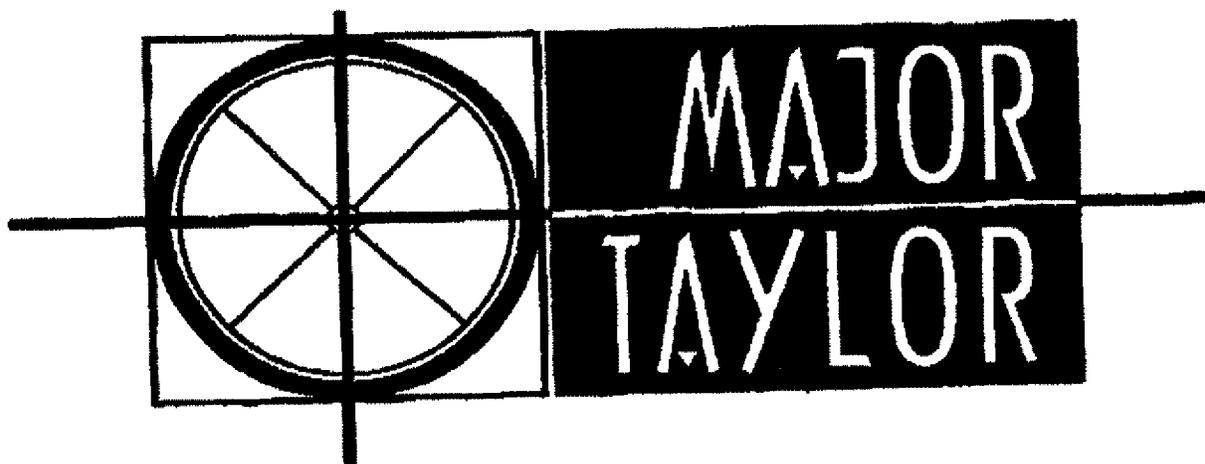
Intent to Use
Applicant's Name:
Courtney L. Bishop

Applicant's Address:
30 E. Georgia St., Ste. # 208
Indianapolis, IN 46204

Goods and Services:

Financial and insurance services pertaining to Fund Raising Associations, Foundations, Charitable not for profit organizations. Covering activities held within the normal scope of operations for these organizations (e.g. fundraisers)

First Use Anywhere - Intent To Use
First Use In Commerce - Intent To Use



76297098

****Please place on Upper Right Corner****
****of Response to Office Action ONLY.****

Attorney: BELLO, ZACHARY

Patent Number: 76/155250



Get your new Team Major Taylor t-shirts displaying, the man and legend cyclist, Major Taylor, along with the rising Indiana University cycling team. Get them there going fast!!!

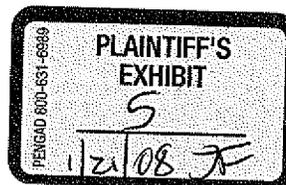
"In stores everywhere September 1"



Major Taylor Swoosh Tee
Relaxed fit, 100% cotton with
embroidered TMT logo. Imported.
\$17.99 Sz: S-XXL.

I declare under 37 C.F.R. 2.20, that the applicant used the substitute specimen in commerce prior to filing the amendment to allege use.

Courtney J. Bishop
Courtney J. Bishop



08-15-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #11



Major Taylor Association, Inc.

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- Events
- Donations
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- Friends
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Friends of Major Taylor

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- Fletcher Foundation
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WHIRLWINDS

\$2,500-\$9,999

- AdventureCORPS
- Barney's Bicycle
- Hoche-Scofield Foundation
- Puma
- Standard Auto
- Wyman-Gordon Foundation

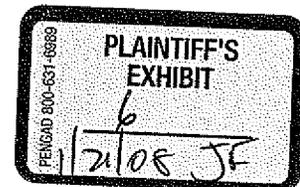
PACESETTERS

\$1,000-\$2,499

- African Heritage Institute
- Fallon Foundation
- Greater Worcester Community Foundation
- Barbara G. Haller
- Donald & Mary Melville
- Narragansett Bay Wheelmen
- Saturn of Worcester



Major Taylor and his friend Don Walker in Australia 1903



- St. Pierre Manufacturing Corp.
- Stop & Shop
- Tatnuck Magnet School
- Otis Taylor
- Team Major Taylor
- **The Dollars Worth**
- Tour Fever
- The Ride magazine (now BikeCulture)
- Tom Swenson
- Lynne Tolman
- **Vincent's**
- **Wayne's Pizza**
- WMOC Radio
- Woodberry Down Community Primary School
- Worcester Art Museum
- Worcester Historical Museum
- **Worcester Auto Outlet**

A few words about some of the category names for our supporters: "Scorchers," in 1890s slang, were fast bicycle riders. In the sports pages of the newspapers of the day, Major Taylor was called "the Worcester whirlwind." Bicycle riders of all kinds were called "wheelmen," and the League of American Wheelmen governed bike racing.

[Major Taylor](#) | [Statue](#) | [Events](#) | [Donations](#) | [News](#) | [Friends](#) | [Home](#)

Major Taylor Association, Inc.

P.O. Box 20131
Worcester, MA 01602

info@majortaylorassociation.org

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Web design by Tom Swenson.

The Major Taylor Society



This site is dedicated to Marshall Walter "Major" Taylor the turn of the century American and World bicycle racing champion. The purpose of this site to keep his name, history and racing heritage alive.

I created The Major Taylor Society after I became a avid fan of not only his incredible bicycle racing abilities but also the way that he lead his life and his strong religious beliefs.

I was frustrated at not being able to find out more information about him. Hopefully this site will help out other people like me who want to learn more.

I would like this site to be as complete as possible a compilation of any and all information available relating to Major Taylor.

Please feel free to contact me with any ideas, suggestions, comments or corrections regarding Major Taylor or this web site.

**Thank you,
John J. Schuller
Founder**

With this latest update I have additional vintage newspaper articles, additional Ephemera collection items and a web site article on Major Taylor for children in the Related Organization section. I would like to apologize to everyone for this site being down for so long. I have had personal, computer and financial problems for the last few months, but the site is up and running and hopefully updated soon! I have a few nice things to add! Thanks for visiting my site!



Home Page

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Information**

**Books and
Magazine Articles**

**Newspaper
Articles**

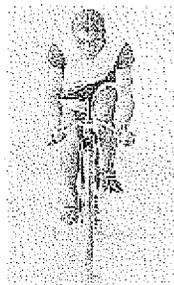
Grave Site

Movies

**Related
Organizations**

Photographs

**Major Taylor
Ephemera**



The Major Taylor Society

Contact me:

**The Major Taylor Society
P.O. Box 957235
Hoffman Estates, IL 60195-7235**

jjschuller@majortaylor.com

April 20, 2000
Last updated September 23, 2003

Power Magazine
August '04

1902-1904 -- Taylor races all over Europe, Australia, New Zealand and the United States, with brief rests in Worcester.

1907 -- Taylor makes a brief comeback after a two-year hiatus.

1910 -- Taylor retires from racing at age 32. Over the next two decades, unsuccessful business ventures and illness sap his fortune.

1930 -- Impoverished and estranged from his wife, Taylor drives to Chicago, stays at the YMCA and tries to sell copies of his self-published 1928 autobiography, "The Fastest Bicycle Rider in the World."

June 21, 1932 -- Taylor dies at age 53 in the charity ward of Cook County Hospital, Chicago, and is buried in an unmarked grave.

May 23, 1948 -- A group of former pro bike racers, with money donated by Schwinn Bicycle Co. owner Frank Schwinn, has Taylor's remains exhumed and reburied in a more prominent part of Mount Glenwood Cemetery in Illinois.

Related Links:

<http://www.majortaylor.com/>

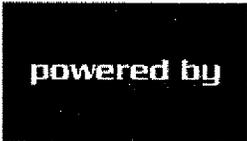
<http://www.majortaylorassociation.org/>

<http://www.majortaylorassociation.org/who.htm>

<http://members.aol.com/velodromes/MajorTaylor/>

<http://www.geocities.com/majortaylorvelodrome/themajor.html>

http://www.geocities.com/major_taylor_mn/

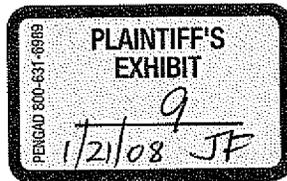


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Web Site Design by Fat Seven



Who is Major Taylor?



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- Member News
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- Member Videos
- Member Links
- Member Store



Rahsaan Bahati

(Born 1982; Originally from: Lynwood, CA; Height: 6'0"; Weight: 156#) Winner of the Junior National Road Racing and National Criterium Championships in 2000, Rahsaan also clinched the 2000 National Elite Criterium Championships while still in the junior ranks and has gone on to represent the United States at the World Championships for two consecutive years. He's majoring in Computer Animation and Telecommunications with a minor in African American literature. Rahsaan's favorite author is Frederick Douglass.



Steven Ballinger

(Born 1982; Originally from: Palisades Park, NJ; Height: 5'11"; Weight: 153#) In 2000, Steven won the Illinois Criterium State Championship for category 3 racers. Since then, he's gone on to win eight more races and continually place in the top five in races in the St. Louis area. When asked what cyclists he admires most, he answers teammate Rashaan Bahati and cyclist Abraham Olano, a contender in the Tour de France. Steven is majoring in Optometry, and when not training or studying he enjoys shooting pool.



Kenneth R. Burgess

(Born 1981; Originally from: Long Beach, CA; Height: 6'0"; Weight: 138#) Kenneth Burgess is a returning rider for Team Major Taylor. Introduced to the sport in 1997 by a high school friend, Rahsaan Bahati, Kenneth was eager to learn the desire and passion that molded Rahsaan. With Kenny's strength as a climber, Team Major Taylor will look to him in the endurance portion of the Little 500. Kenny also pays homage to Major Taylor by racing for Team Major Motion out of Los Angeles, CA.



Simeon Commissiong

(Born 1983; Originally from: La Romaine, Trinidad and Tobago; Height: 5'9"; Weight: 156#) The son of a national cyclist and team coach, Simeon has been on bikes all his life. From BMX to road and track racing, he's always done well and has now found a way to use his abilities to attend college here in the US. Simeon is pursuing a degree in Telecommunications with a minor in business.

Joshua Weir

(Born 1981; Originally from: Indianapolis, IN; Height: 6'1"; Weight: 190#) An

In the News



RACE Bicycling Magazine June '06



We Dared To Dream

Power Magazine
August '04



Indiana native, Joshua's first race was at the Major Taylor Velodrome in Indianapolis at the age of 11. Now at Indiana University, his goals are to earn his degree and to compete in the 2004 Olympics. He is well on his way, as a member of the Focus 2004 Cycling Team, in addition to being a four-time National Cycling Champion, World Cup bronze medalist, and Elite Cycling National Medalist. Joshua is a valued addition to Team Major Taylor.

A black rectangular box containing the text "powered by" in a white, lowercase, sans-serif font.

powered by

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Web Site Design by Fat Seven