

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN

A Professional Corporation

December 1, 2010

Three Embarcadero Center
Seventh Floor
San Francisco, CA 94111-4024

Telephone 415.434.1600
Facsimile 415.677.6262
www.howardrice.com

Writer's Information:

Diana D. DiGennaro
Direct: 415.677.6365
ddigennaro@howardrice.com

VIA EXPRESS MAIL

Commissioner for Trademarks
Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

**Re: *Nartron Corporation v. Hewlett-Packard Development Company, L.P.*
Cancellation No. 92050789
REDACTED Testimony Deposition Transcript and Exhibits**

Dear Sir or Madam:

Pursuant to 37 C.F.R. §§2.125(c) and (e) and §2.126(c), Respondent Hewlett-Packard Development Company, L.P. has enclosed for filing with the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office the non-confidential **redacted** testimony deposition transcript and exhibits of Ashley Frankart. Pursuant to 37 C.F.R. §2.125(e) and 37 C.F.R. §2.126(c), we are submitting under a separate cover the confidential unredacted transcript, which contains testimony designated as Confidential under the Protective Order entered in this case.

We have served a copy of both the redacted and unredacted testimony deposition transcripts and exhibits on the Petitioner, Nartron Corporation.

Thank you for your attention to this matter.

Sincerely,



Diana DiGennaro
Counsel for Respondent

Enclosures

cc: Hope V. Shovein, Esq.

CERTIFICATE OF MAILING

I hereby certify that on the date shown below, I caused this **LETTER TO THE TRADEMARK TRIAL AND APPEAL BOARD** to be deposited with United States Postal Service Express Mail in a pre-paid envelope addressed to:

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Alexandria, VA 22313-1451

Dated: December 1, 2010



DIANA D. DIGENNARO

CERTIFICATE OF SERVICE

I hereby certify that on the date shown below, I caused this **LETTER TO THE TRADEMARK TRIAL AND APPEAL BOARD** to be deposited with Federal Express in a pre-paid envelope addressed to:

Hope V. Shovein, Esq. (counsel for Petitioner Nartron Corporation)
Brooks Kushman PC
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

Dated: December 1, 2010


JENNIFER K. HOSKINS

1 APPEARANCES OF COUNSEL:

2
3 FOR THE PETITIONER:

4 BROOKS & KUSHMAN PC

5 BY: ROBERT TUTTLE, ESQ. (telephonically)

6 and HOPE SHOVEIN, ESQ. (telephonically)

7 1000 Town Center, 22nd Floor

8 Southfield, Michigan 48075

9 (248) 358-4400 Fax (248) 358-3351

10 Email: . rtuttle@brookskushman.com

11
12 FOR THE RESPONDENT:

13 HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN

14 BY: MARTIN R. GLICK, ESQ.

15 and DIANA D. DiGENNARO, ESQ.

16 Three Embarcadero Center, Seventh Floor

17 San Francisco, California 94111-4024

18 415-434-1600 Fax 415-677-6262

19 Email: mglick@howardrice.com

20 ddigennaro@howardrice.com

21
22 Also Present: Jennifer Prioleau, Esq. (telephonically)

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ASHLEY FRANKART,

the witness, having been administered an oath in
accordance with CCP Section 2094, testified as follows:

EXAMINATION

BY MR. GLICK:

Q Good morning, Ashley, and we start at last.

A Hi.

Q Would you state your name for the record,
please?

A I'm Ashley Frankart.

Q Would you briefly tell us your education and
work experience up to the time you joined HP?

A Sure. I went to North Carolina State University
for undergrad. I got a bachelor's in business there.
And I went straight to get my MBA at Notre Dame. I
focused in marketing and graduated in 2007 and that
summer I was offered the position with HP. So I came to
HP directly following my education, so no other
employment in between.

Q And you were saying you were offered a position
at HP?

A Yes, that summer of 2007.

Q You are from North Carolina?

A I grew up there.

1 Q So when did you join Hewlett-Packard?

2 A August 20th of 2007 was my first day.

3 Q And at what location of HP?

4 A In Houston, Texas. The old Compaq Center.

5 Q And what was your position at the time that you
6 joined HP?

7 A I started as the marketing communications
8 manager for the commercial desktop group and it's a
9 worldwide group, so we often refer to that as the Global
10 Business Unit or the GBU. So I was doing marketing
11 communication materials for new product launches.

12 Q So what was your duties and responsibilities in
13 that initial position that you had at HP?

14 A Sure. So I worked with the product managers
15 once a product was defined that we were going to bring to
16 market to identify the value propositions, key messages,
17 and I would create PowerPoints and messaging documents,
18 data sheets, things like that to help communicate the
19 value to our customers. So I would give those out once
20 they were approved to the regional marketing teams and
21 then worked with sales to take those products to market.

22 Q Is that your current position as well?

23 A It is not. I've actually moved over to the
24 consumer marketing group. A very similar role also in
25 the GBU, but just marketing the consumer platforms that

1 we're launching.

2 Q And when did you move from what you've described
3 as the commercial side to the consumer side?

4 A Last August. So just about a year ago.

5 Q And your duties at that position are similar or
6 what are they?

7 A Very similar. So the same types of
8 deliverables, presentations, data sheets, key messaging,
9 documents, but just the consumer platforms versus the
10 commercial platforms that I was working on before.

11 Q Have you in your role on both sides,
12 if you will, prepared marketing materials for the HP
13 TouchSmart products?

14 A I have on both sides, first for the commercial
15 version of the TouchSmart and most recently for the
16 TouchSmart 310, which launched in September which is a
17 consumer platform.

18 Q All right. We have premarked exhibits which are
19 depictions of the products and we're going to walk
20 through those and have you identify them.

21 A Sure.

22 Q So premarked as Exhibit 1 is a document I will
23 show you. It's Bates No. 27.

24 (Deposition Exhibit 1 marked.)

25 THE WITNESS: Okay.

1 BY MR. GLICK:

2 Q Can you identify what that -- what we're looking
3 at there?

4 A Sure. This is our micro site for the HP
5 TouchSmart products and this is actually the page showing
6 the HP TouchSmart 600 PC. So we basically created a
7 micro site outside of the main hp.com page to be able to
8 showcase additional product imagery, video, awards and
9 reviews. The micro site gives us more flexibility versus
10 the main hp.com page.

11 Q What are the HP TouchSmart products?

12 A So as you can see in this picture, it is an
13 all-in-one desktop PC with a touch screen. You can't
14 actually see the touch screen, but it's got a built in
15 touch screen and it also comes with touch optimized
16 software for the user experience to be enhanced.

17 Q Can you explain what you mean by all-in-one?

18 A Sure. So an all-in-one PC in the desktop PC
19 world, is basically when we build in what would
20 traditionally be a tower, a micro tower PC, but we build
21 all those components into the back of the display. So
22 it's one physical piece that looks more like a display
23 than it does a PC, but all the components are there for
24 your computing needs.

25 Q Now, this here in Exhibit 1 is the 600?

1 A Yes.

2 Q Can you take us through the history of the
3 various model numbers for the product?

4 A Sure. So the first introduction of HP
5 TouchSmart was with the IQ series. There was an IQ5 and
6 IQ7 series. And those were both consumer products.
7 Then they introduced the 300 and 600 following that.
8 Again, these are consumer products. On the commercial
9 side we started with the DX9000. And the follow-on to
10 that platform was the 9100. So all of these are HP
11 TouchSmart model number PC and most recently, as I
12 mentioned, in September we launched the HP TouchSmart 310
13 PC, which is back again on the consumer side where I am
14 now.

15 Q What is the approximate range of prices for the
16 HP TouchSmart PC line?

17 A So it starts at about 699 and you can configure
18 them up to around \$2,000.

19 Q Okay. Let's take a look at what's been
20 premarked as Exhibit 2. And that is Bates 138 through
21 140.

22 (Deposition Exhibit 2 marked.)

23 BY MR. GLICK:

24 Q What is shown here?

25 A So this is the hp.com shopping page for the

1 TouchSmart 600. So the previous page would link you back
2 to this page if you wanted to make a purchase. This page
3 actually has more specs to give you the technical
4 information about the products versus the previous micro
5 site page showcased more imagery and video, things like
6 that.

7 Q So can one on what you described as the micro
8 site buy directly from that page or does one get linked
9 in order to make a purchase?

10 A No, there is a buy tab on the micro site and it
11 will link you back to the main hp.com shopping page.
12 That's where you make the purchase, on this page.

13 Q So let's then look at -- on that document is
14 there an indication of the starting price?

15 A There is. This is \$1,079.00.

16 Q And is that the price now today for the product?

17 A For the TouchSmart 600 I believe that's the
18 starting price, yes.

19 Q And when you say starting price?

20 A Right, so again, just like any other PC you can
21 configure it up. So if you want a higher operating
22 processor, more memory, things like that. Obviously you
23 can choose those, it just costs a little more.

24 Q Okay. Let's take a look at what's been
25 premarked as Exhibit 3 and that's HP 141 through 143.

1 (Deposition Exhibit 3 marked.)

2 BY MR. GLICK:

3 Q Can you tell us what Exhibit 3 shows us?

4 A Sure. So this is the TouchSmart 600 series
5 again. This one is just starting with the quad-core
6 processors so you'll notice it has a higher starting
7 price, again just the processor technology inside of it
8 costs more.

9 Q And what is that start --

10 A 1699.99.

11 Q And that's the main HP site?

12 A Again, yes, this is the main hp.com shopping
13 page.

14 Q Okay. Continuing through the product line, let
15 me show you Exhibit 4 which is HP 356 and 357 Bates
16 numbers.

17 (Deposition Exhibit 4 marked.)

18 BY MR. GLICK:

19 Q Can you identify that for us, please?

20 A Sure. This is back to the micro site, but this
21 is showcasing the TouchSmart 9100 Business PC. So you
22 will see kind of more business-oriented application on
23 the screen versus the consumer TouchSmart software that
24 we offer.

25 Q Did you yourself work on this micro site?

Page 9

1 A I don't work on the micro site per se, but I do
2 provide the key messaging to the micro site owner who
3 then creates the copy, obviously shortens it for the web.
4 So I work directly with the folks who do work on-site.

5 Q And did you do that for the 900 series?

6 A I did.

7 Q How is the HP TouchSmart Business PC different
8 from the consumer PC that we saw in Exhibit 1?

9 MR. TUTTLE: I'm going to object to the form,
10 the question is leading.

11 MR. GLICK: How do they differ is leading?

12 Q Go ahead answer the question.

13 MR. TUTTLE: Objection, leading.

14 BY MR. GLICK:

15 Q Go ahead.

16 A So basically they're very similar. We start
17 with the consumer product and we leverage that over into
18 the consumer space. We tweak it slightly for commercial
19 needs so we have a display output because it's more
20 common on the business side to have multiple displays
21 than using that at home. We also offer our business
22 warranty which is three years versus one, which is what
23 we offer on the consumer side. So just slight
24 modifications for the business market.

25 Q Let's turn to Exhibit 5 which is HP 358 and 359.

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(Deposition Exhibit 5 marked.)

BY MR. GLICK:

Q Can you tell us what Exhibit 5 is?

A Sure. This is back to the hp.com shopping page. The previous exhibit would link us back here if we chose the buy tab. And this is the shopping page, again, that has more of the specs and more information about the product and allows you to make the purchase.

Q Is there a starting price shown on this page?

A There is. It's 1099.

Q And is this the current price for that product?

A Yeah, the starting price.

Q Let's take a look then at Exhibit 6. It's Bates 360 and 361.

(Deposition Exhibit 6 marked.)

BY MR. GLICK:

Q Can you tell us what this exhibit depicts?

A Sure. We're back to the micro site for HP TouchSmart PCs, and this is the HP TouchSmart 310 PC, the most recent to launch. We introduced this one in September of this year.

Q And as before, to buy this new series, what does a consumer do?

A So if you're on our micro site looking at this PC and you're interested, you click the buy tab in the

1 middle upper of the page and it would link you back to
2 the hp.com shopping page.

3 Q And so let's look at that. What's been
4 premarked as Exhibit 7 is HP 135 through 137.

5 (Deposition Exhibit 7 marked.)

6 BY MR. GLICK:

7 Q Can you identify that?

8 A Sure. This is the HP TouchSmart 300 PC series
9 and this is on the main hp.com shopping page.

10 Q And what starting price is shown there?

11 A This is 799.99.

12 Q And is that the starting price for that product
13 now?

14 A It is for the 300. This is slightly different
15 from what we just looked at because we were looking at
16 the 310 on the micro site and this is the previous
17 generation of that product, which is the 300.

18 Q So the 300 is still for sale?

19 A It is until we run out of the inventory that we
20 have and the 310 is going to replace it going forward.

21 Q I'm going to ask you a question about the goods
22 identified in the HP TouchSmart registration, those are
23 personal computers, computer hardware, computer monitors
24 and computer display screens.

25 A Okay.

1 Q Are any of these products, the monitors, display
2 screens, the hardware marketed or sold separately from HP
3 TouchSmart PCs?

4 A No.

5 Q And is that what you meant previously by
6 all-in-one?

7 A Right. So it is all-in-one. The PC and the
8 display are one piece. It does come with a wireless
9 keyboard and mouse, but there are no TouchSmart PCs that
10 have different pieces. Like you don't have a separate
11 monitor from a computer or anything like that. It's just
12 one piece.

13 Q Are any of these products sold or OEM'd to other
14 manufactures for use with other company products?

15 A No.

16 Q Are any of these products intended to be sold or
17 sold to be component parts of any other products?

18 A No, it's not a component. It's a full product
19 in itself.

20 Q Okay. So let's talk for a minute about
21 marketing promotion and the sales process.

22 A Okay.

23 Q In that regard is there a difference between the
24 commercial side where you started to work and the
25 consumer side in that process?

1 A So in the sales process there is. On the
2 commercial side obviously we have relationships built up
3 with large companies that we want to sell into that work
4 directly with them. An account manager goes in and works
5 with the IT manager to identify their technology needs
6 and recommends technology solutions to help them.

7 On the consumer side it's much different. We're
8 selling directly on the web page from HP or we're selling
9 into retailers like Best Buy or OfficeMax where consumers
10 would walk in, be interested in a PC, mess around with
11 it, they like it, maybe make a purchase that day or maybe
12 they go home and do more research online.

13 Q I've noticed in materials reference to the word
14 enterprise. What does that mean in the work you do?

15 A Right, so on the commercial side those are the
16 medium to large businesses that's require an account
17 manager to call on them directly. It's more of a managed
18 relationship versus on the consumer side it's more of a
19 transactional sales motion.

20 Q So on the commercial side is there a sales
21 representative for each of the potential customers?

22 A Yes.

23 Q What HP TouchSmart products are marketed to
24 these enterprise customers?

25 A So currently it is the TouchSmart 9100 PC. So

1 that's on the business side.

2 Q I think you've described the differences between
3 them. What is the sales process for those commercial PCs
4 to the extent you haven't already told us?

5 A Right. So like I mentioned, we define the value
6 proposition and key messages from the GBU or Worldwide
7 Marketing Group. We give those out to the regions who
8 work directly with the sales teams then to provide them
9 the contents they need to make recommendations to the
10 accounts.

11 Q Are those customers on the commercial side
12 unsophisticated or sophisticated?

13 A They're very sophisticated. They're --

14 MR. TUTTLE: Objection. She can't know the
15 state of mind of the customers. Objection to the form of
16 the question.

17 BY MR. GLICK:

18 Q Go ahead.

19 A They're IT managers for large corporations, so I
20 would tend to believe they're very sophisticated.

21 Q What's an example of one of the enterprise
22 customers for the commercial desktop PC?

23 A Sure. So as you saw on the micro site, we're
24 selling to Marriott, that's the application that's
25 actually on the screen. They're using the TouchSmart PC

1 in their hotel lobbies as a sort of virtual concierge.
2 So people can come up and interact with their content.

3 We're also selling to Priscilla of Boston which
4 is a high-end bridal boutique. Again, they're putting it
5 in their customer-facing areas to make it more enticing
6 for their customers to come up and interact directly with
7 the contents they want to share with them. So instead of
8 looking at a bunch of wedding dresses on hangers, you
9 can, you know, scroll through and actually see a model
10 wearing it, walking in it, see how the dress moves, and
11 form your opinions that way.

12 Q Okay. Does the enterprise group sell HP
13 TouchSmart component parts to manufacturers?

14 A Component parts, no.

15 Q Have you worked on the marketing materials for
16 the commercial HP TouchSmart products?

17 A I did.

18 Q And were you involved in identifying potential
19 customers for the DX 9000?

20 A I was. I worked with the product manager on
21 that as we were working on the value proposition. As I
22 said, it was leveraged over from the consumer space and
23 so we were brainstorming as to how this would fit into a
24 commercial, you know, use case basically. And so we
25 brainstormed things like using it in the education market

1 because Touch is very intuitive for children. We also
2 identified health care to put it in large hospitals with
3 that content so that people could come up, find what they
4 were looking for and, you know, head the right direction
5 versus stopping nurses or doctors who are on their way to
6 something much more important. And then hospitality and
7 retail, again some of those examples that I just provided
8 with Marriott and Priscilla of Boston. Putting it in
9 customer facing areas to help our customers reach their
10 customers in a new way.

11 Q In that list, you didn't list automotive. Was
12 automotive one of the key targets for this application?

13 A No.

14 Q Are any HP TouchSmart products specifically
15 marketed to an element of the automobile industry?

16 A The only element of the automobile industry we
17 ever discussed was to potentially sell in to maybe a
18 high-end dealership the same type of model that we just
19 discussed, putting it in the customer-facing areas with
20 content that people coming into the dealership might want
21 to interact with.

22 Q Have HP TouchSmart products ever been marketed
23 or sold for use in cars?

24 A In cars, no.

25 Q Now turning from commercial to consumer, did you

1 also work on the marketing materials for HP TouchSmart
2 consumer products?

3 A Yes.

4 Q What currently are the key messages for the
5 consumer offerings?

6 Key messages are that it's fun and intuitive.
7 We have integrated a multi-touch screen so that -- you
8 know, multiple interactions going on, not only from the
9 input of the touch screen, but also on screen with the
10 touch optimized software. There's lots of different
11 application blocks that you can have opened at the same
12 time. So it's more customization than what we previously
13 offered.

14 Q Do you do any work on the creating of
15 advertising material?

16 A Advertising, I do not.

17 Q Do you have any involvement with the advertising
18 group?

19 A I do. I send them the key messages and our
20 presentations. Very similar to the micro site owners. I
21 kind of send those key messages out and then they
22 implement.

23 Q Can you describe any recent marketing campaigns
24 for the HP TouchSmart products?

25 A Sure. So most recently we have a partnership

1 with Interscope Records and Dr. Dre. Some new beat audio
2 and it is an HP exclusive. It's offered on the
3 TouchSmart. And so it's really exciting. And then we
4 also have some product placement in things like Project
5 Runway, which is a reality show about fashion. The
6 contestants used the TouchSmart to design the patterns
7 for their fabric that they wanted to use in their
8 designs.

9 Q Let's take a look at what's been premarked as
10 Exhibit 8 as an example of advertising that you have
11 input into. Counsel that's premarked as Exhibit 154 to
12 158.

13 MR. TUTTLE: Is this Exhibit 8?

14 MR. GLICK: It is, yes.

15 MR. TUTTLE: Thank you.

16 MR. GLICK: You're welcome.

17 (Deposition Exhibit 8 marked.)

18 BY MR. GLICK:

19 Q Are you familiar with this document?

20 A I am. This is the press release for the
21 TouchSmart 300 and 600.

22 Q And it has a date in the fall of last year?

23 A Yes.

24 Q And did you review this for the messaging
25 contained in it?

1 A Right, so when we send out the key messages and
2 value props, the PR team will craft what they want to use
3 as the news release or press release, that comes back to
4 myself and the worldwide product manager, also the
5 regional product manager will review it. They will
6 review it more from a technical accuracy standpoint and
7 I'll review it more for the key message and content.

8 Q So turning to the page that's marked 155, the
9 second page of the exhibit.

10 A Okay.

11 Q Under the "Business HP TouchSmart drives," do
12 you see that?

13 A Uh-huh.

14 Q Is that -- where it says all-in-one there, is
15 that the product you've been talking about?

16 A At the bottom here so --

17 Q Third paragraph up.

18 A Yeah, the all-in-one multi-touch enabled
19 Business PC, that's exactly what the TouchSmart for
20 business says.

21 Q And then below that there are examples of
22 customer experiences?

23 A Yeah.

24 Q Some of which you've talked to. I see the
25 Detroit Pistons also here.

1 put them in every office in your business because it is a
2 really expensive PC for that, so that's why we have these
3 targeted segments that we are going after.

4 Q So you mentioned on the consumer side retailers
5 that you work with.

6 A Uh-huh.

7 Q Maybe you already listed them, but who are some
8 of the major retailers?

9 A The main one is Best Buy, but we also work with
10 Staples and OfficeMax and, you know, those types of
11 retailers as well.

12 Q When they buy from HP, do they understand they
13 are buying from HP?

14 A They do. They are buying not only the HP
15 TouchSmart PC, but our entire line -- well, they are
16 choosing from our entire line of desktop PCs that we
17 offer as well as notebook PCs and other products as well.

18 Q In terms of price, what is the intended market
19 position of the HP TouchSmart products?

20 A So it is definitely a premium desktop PC at the
21 high end of the stack.

22 Q Who are HP's key competitors for its HP
23 TouchSmart products?

24 A Our key competitors in this phase are Apple,
25 Dell and Sony. Some of the more premium PC makers.

1 We're also seeing Acer kind of come in at the low end
2 with all-in-one touch screen PCs. They're definitely a
3 low-cost kind of competitor in this space, but they are
4 not offering the touch optimized software that we are.
5 They are just kind of doing Win 7 and that's it.

6 Q Before this TTAB proceeding, had you ever heard
7 of or encountered in any way either Nartron or Smart
8 Touch?

9 A I had not.

10 Q Is Nartron a competitor for the products that
11 you're providing marketing materials for?

12 A No.

13 Q What publications discuss HP TouchSmart
14 products?

15 A Traditional computer publications, so PC Mag,
16 Engadget, things like that.

17 Q Have you ever seen Nartron products in any of
18 these publications?

19 A I have not.

20 Q Is the TouchSmart mark ever used by HP without
21 that house mark HP?

22 A No, that would violate our grand guidelines.

23 Q Is Touch -- is the TouchSmart mark part of a
24 family of marks at HP?

25 MR. TUTTLE: Objection to form the question.

1 That calls for a legal answer. She's not qualified to
2 gave that answer.

3 BY MR. GLICK:

4 Q Are you aware whether or not there's a family of
5 marks at HP that use this Smart as part of the name?

6 A I am aware of --

7 MR. TUTTLE: Same objection.

8 THE WITNESS: -- using Smart.

9 We have media Smart software on our non-touch
10 PCs that I do the marketing materials for so I'm very
11 familiar with those, and then most people are familiar
12 with Photosmart.

13 BY MR. GLICK:

14 Q I think you've answered this, but prior to this
15 lawsuit have you ever even heard of the Nartron
16 Corporation?

17 A No.

18 Q And prior to this lawsuit had you ever heard of
19 electronic proximity sensors or switching devices?

20 A I had not.

21 Q Are you aware of any confusion of any kind
22 between HP's TouchSmart marked products and Nartron's
23 Smart Touch products?

24 A I am not -- I'm not confused. I don't really
25 know how anyone else would be confused either. I mean it

1 is a 22 or 25-inch diagonal all-in-one PC. It is pretty
2 large so I don't know how it could ever be used in a car
3 without, you know, obstructing someone's view pretty
4 significantly, so.

5 MR. TUTTLE: I'm going to have to move to strike
6 her testimony. She's not qualified to give an opinion on
7 whether somebody else would or would not be confused.
8 She's answered personally for herself, which she may do,
9 but she's not here as an expert.

10 BY MR. GLICK:

11 Q Are you personally aware of any confusion
12 between HP's TouchSmart mark and Nartron's Smart Touch
13 products or mark?

14 A I am personally not aware of any confusion.

15 MR. GLICK: Okay. Thank you. That completes
16 the direct testimony.

17 EXAMINATION

18 BY MR. TUTTLE:

19 Q Ms. Frankart, would you place before you Exhibit
20 8, please.

21 A The press release?

22 MR. GLICK: Yes.

23 THE WITNESS: Okay.

24 BY MR. TUTTLE:

25 Q It is entitled "News Release," do you see that,

1 ma'am?

2 A Yes, I have it.

3 Q Okay. Are you -- do you take responsibility for
4 the contents of what's in here?

5 A I reviewed it for the key marketing messages,
6 yes.

7 Q Okay. Well, let's look at the first line. It
8 says, "Building upon its nearly 30-year history of touch
9 innovation, HP today launched the next era of multi-touch
10 computing for consumers and businesses." Do you see that
11 initial sentence?

12 A I do.

13 Q Okay. Can you tell me to the best of your
14 ability what constitutes HP's 30-year history of touch
15 innovation?

16 A So I was not with HP at that time, but there
17 were touch products that HP developed far ahead of their
18 time basically, in that time window.

19 Q Articulate for us today what those products were
20 and how they operated using touch. Would you do that,
21 please?

22 A I have only seen pictures of this. I've never
23 interacted with the product. But it looked like the old
24 PCs that I remembered from when I was a child, the really
25 large ones, and apparently it had a touch screen on it.

1 Q Do you know that or are you guessing at that?

2 A All the documentation that I've seen within HP
3 says that. I've never interacted with the product
4 itself, so --

5 Q So it's your testimony that what lies behind
6 this statement of a 30-year history of touch innovation
7 are PCs of HP; is that correct?

8 A Yes.

9 Q When was the first PC introduced that had the
10 touch innovation?

11 A Apparently 30 years ago.

12 Q Well, do you know that or are you just guessing?

13 A Well, I reviewed what they sent me with regard
14 to this press release and it had imagery of a product
15 which looked like an old-fashioned PC, for lack of a
16 better term, and it had a touch screen. So I'm going off
17 the best of my knowledge here with the documents that
18 they provided me from the press team.

19 Q So you don't have personal knowledge, you have
20 acquired knowledge from reading somebody else's document;
21 is that your testimony?

22 A For the 30-year history, yes.

23 MR. GLICK: I'm going to object to the form of
24 that question. When you say somebody else, you mean HP
25 documents?

1 THE WITNESS: HP document, yes.

2 MR. GLICK: That's what she testified to.

3 MR. TUTTLE: I'm distinguishing her personal
4 knowledge from other sources within HP or elsewhere.

5 Q And I'd ask the question, again, do you agree
6 that you do not have personal knowledge of any 30-year
7 history of HP products with touch innovation?

8 MR. GLICK: I'm going to object it's been asked
9 and answered.

10 BY MR. TUTTLE:

11 Q Your answer, please.

12 THE WITNESS: Do I answer again?

13 MR. GLICK: You want her to repeat the same
14 answer she's already given?

15 MR. TUTTLE: No, I want her to answer the
16 question. It was a different question. It was clarified
17 because of your objection. You want to hear the question
18 back?

19 THE WITNESS: I don't have personal knowledge of
20 the 30-year history in touch. I'm not even 30 years old.
21 So I have to go off my colleagues within HP with HP
22 documents to form an answer to that question.

23 BY MR. TUTTLE:

24 Q Okay. Would you give attention to Exhibit 7,
25 please. Do you have that before you?

1 A Yes, I do.

2 Q Okay. Would you turn to the second page,
3 please. Do you see the heading towards the center of the
4 page "The TouchSmart Advantage"?

5 A Yes.

6 Q Okay. Do you see the first bullet item, which
7 I'll read, it says, "Interact with the PC using your
8 finger, your touch registers just before you make contact
9 with the screen." Do you see that?

10 A I do.

11 Q Does that inform the reader that the screen has
12 a sensor which is responsive to the proximity of the
13 user's finger?

14 A I believe it does. Once you get your finger
15 close to the PC it recognizes that it's coming to help
16 make a more accurate touch when you actually interact
17 with the screen.

18 Q Well, it says your touch registers just before
19 you make contact with the screen. So you don't even have
20 to have contact, it could be in close proximity to the
21 screen, do we agree?

22 A It registers so you'll see on screen like a
23 pointer, like a mouse, basically, pointer on your screen
24 when you get really close, so you can have a better
25 accuracy when actually touching the screen. So it

1 registers, it recognizes that your finger is coming and
2 then you can adjust for the spacing on screen, basically
3 if you're about to click something you don't intend to
4 click, you can adjust for that before you make contact.

5 Q Okay. Is there a proximity sensor in the screen
6 that recognizes the proximity of the user's finger?

7 A It's not a proximity sensor in the screen. We
8 have cameras in the corner of the TouchSmart PC which
9 kind of get your coordinates of your finger as it
10 approaches.

11 Q So there is a device that senses the presence of
12 a finger, whether a camera or --

13 A It's a camera. It's two cameras in the corner,
14 yes.

15 Q Do you know the underlying -- understand the
16 underlying technology relating to that sentence about the
17 PC and the finger registering on the screen; do you have
18 a working understanding of that technology?

19 A I understand it to the extent I just explained
20 it, the two cameras and they pick up the coordinates of
21 your finger.

22 Q Okay. Do you know who supplies that technology,
23 is that purchased by Hewlett-Packard or is it developed
24 internally? Do you know?

25 A I do not know.

1 Q And then when the finger is registered does it
2 actuate some function within the HP computer?

3 A It's an input device just like a click on a
4 mouse or keying a stroke on a keyboard. So it's just
5 another input device.

6 Q Do you know what an electronic proximity sensor
7 is?

8 A No.

9 Q Do you know if you've just described an
10 electronic proximity sensor?

11 A I don't know if I just described that, no.

12 Q Do you know what a switching device is in the
13 context of the use of the HP TouchSmart computer screen?

14 A A switching device?

15 Q Yes.

16 A No.

17 Q Do you know if the HP TouchSmart computer screen
18 uses switching devices to process the presence of the
19 user's finger?

20 A I do not.

21 Q Do you get comprehensive knowledge of all these
22 product areas of which HP plans to use TouchSmart?

23 A So I work in the GBU, as I mentioned before, so
24 most of the team is comprised of the product managers and
25 I'm the key marketing communications professional on that

1 team. So that's something that's probably driven a bit
2 more from a product management perspective, but once they
3 start building out those plans, they would work with me
4 to help communicate the key messages or value proposition
5 to those customers. So for things that are upcoming I do
6 for the most part on the consumer side. I'm no longer on
7 the commercial desktop group.

8 Q Okay. Do you have access to all the future
9 product plans for use of the TouchSmart brand?

10 A To all of them, no. I have the next generation
11 product plans.

12 Q Okay. Now, at 29 minutes past the hour you were
13 asked what are the HP TouchSmart products. Do you recall
14 being asked that question on direct examination?

15 A Yes.

16 Q Okay. And you recall identifying some products
17 in response to that question?

18 A I do.

19 Q Is that an exhaustive list of all HP TouchSmart
20 products that will ever come into existence?

21 A I can't answer that. I'm not in the product
22 development group. But those are what HP TouchSmart
23 products are today.

24 Q Okay. Do you recall being read by Mr. Glick the
25 identification of the goods in the trademark registration

1 of HP at issue here?

2 A Yes.

3 Q Things like -- okay.

4 A Computer hardware, the display.

5 Q The term all-in-one is not in there, correct?

6 A The term all-in-one is not.

7 Q In your testimony at 40 minutes past the hour
8 you used the term large companies and in your testimony
9 at 41 minutes past the hour you used the term medium to
10 large companies. Would any of the automotive companies
11 be a potential customer for HP products with the
12 TouchSmart brand?

13 A With the TouchSmart brand? Potentially. As I
14 mentioned, we have talked about using this in
15 customer-facing situations, high-end dealerships might
16 fall into that if they were interested. But I'm not
17 aware of them currently being sold to any companies
18 within the automotive industry.

19 Q Well, currently, but my question is potential
20 customers. Would the automotive companies be considered
21 potential customers?

22 A I think HP likes to think everyone's a potential
23 customer.

24 Q Ms. Frankart, if Nartron Corporation introduced
25 a computer product into the business or commercial

1 markets that you discussed and positioned it
2 competitively with HP's TouchSmart, and Nartron brand its
3 product Smart Touch, would you find that objectionable?

4 A If Nartron created a PC and called it Smart
5 Touch?

6 Q Yes. A PC that operated in the same manner as
7 HP's TouchSmart and that is using screen touch or
8 proximity to operate it, would you find that
9 objectionable?

10 MR. GLICK: I'm going to object, it's an
11 incomplete hypothetical.

12 THE WITNESS: So do I answer or don't? Oh.
13 Yeah, I would not like that at all. I mean, if it was
14 the same product, I would object to that, sure.

15 BY MR. TUTTLE:

16 Q Okay. Why?

17 A But it's my understanding that Nartron doesn't
18 make PCs, so --

19 Q Now we went through the scenario that if Nartron
20 did make a product competitive with the present day
21 TouchSmart products of HP and branded that product Smart
22 Touch, why would you find that objectionable?

23 A Because if they were the same type of product,
24 both PCs, both touch screen, both all-in-one and the
25 names were that close, that could be confusing.

1 MR. TUTTLE: Okay. I'm just about finished,
2 Mr. Glick. Could you give me about thirty seconds and
3 we'll see if we can wrap it up. Can we do that?

4 MR. GLICK: Oh, of course absolutely.

5 MR. TUTTLE: Okay. I understand I have one more
6 question.

7 Q If you were in the room with me, I'd just pass
8 it over to you, but are you familiar with the HP
9 TouchSmart TM2 product? Do you believe it is a tablet?

10 A No, that's in the notebook group. I'm in the
11 desktop group. But I am familiar with it. I didn't work
12 on that one like I did on these.

13 Q Okay. Is that product smaller than the PC
14 products you work with?

15 A It's smaller than the desktop PCs that I work
16 with, but it's very similar to any notebook PC or laptop
17 that's currently sold on the market.

18 Q Okay. Could it be adapted to fit into a
19 vehicle?

20 A I think a lot of people --

21 Q As the -- go ahead. That is the TouchSmart TM2
22 which is -- could that be adapted to fit into a vehicle?

23 A It could fit in a vehicle. I think a lot of
24 people use their notebooks in the back seat or passenger
25 seat of a car, but I don't think it could be affixed to

1 the car.

2 Q Do you know that or it's just your personal
3 opinion?

4 A I don't know that it could be mounted in some
5 way. R and D professionals are pretty creative, but I
6 wouldn't imagine someone mounting a notebook PC in their
7 car.

8 Q Okay. That concludes our cross-examination.
9 Thank you, Ms. Frankart.

10 A Thank you.

11 MR. GLICK: I have no redirect. So that
12 concludes this testimony. Thank you. And thank you all.

13 THE REPORTER: Mr. Tuttle, would you like a
14 transcript?

15 MR. TUTTLE: Yes, I would. Just an
16 e-transcript.

17 THE REPORTER: Thank you.

18 (Time noted: 10:07 a.m.)

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 3 product Smart Touch, would you find that objectionable?
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 2 Mr. Glick. Could you give me about thirty seconds and
 3 we'll see if we can wrap it up. Can we do that?
 4 MR. GLICK: Oh, of course absolutely.
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 6 question.
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1 Penalty of Perjury
 2
 3
 4 I, ASHLEY FRANKART, do hereby declare under penalty
 5 of perjury that I have read the foregoing transcript;
 6 that I have made any corrections as appear noted, in ink,
 7 initialed by me, or attached hereto; that my testimony as
 8 contained herein, as corrected, is true and correct.
 9 EXECUTED this 29th day of November
 10 2010, at HOUSTON, TX
 (City) (State)
 11
 12
 13 Ashley Frankart
 Deponent
 14 SUBSCRIBED AND SWORN TO before me
 15 Ashley is known to me
 16 this 29th DAY OF Nov 2010
 17 Sigrid Ann Moore
 18 NOTARY PUBLIC
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Penalty of Perjury

I, ASHLEY FRANKART, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____,
200___, at _____, _____.
(City) (State)

Deponent

1 STATE OF CALIFORNIA)

2 : ss

3 COUNTY OF SAN MATEO)

4

5 I, the undersigned, a Certified Shorthand
6 Reporter of the State of California, do hereby certify:

7 That the foregoing proceedings were taken
8 before me at the time and place herein set forth; that
9 any witnesses in the foregoing proceedings, prior to
10 testifying, were placed under oath; that a verbatim
11 record of the proceedings was made by me using machine
12 shorthand which was thereafter transcribed under my
13 direction; further, that the foregoing is an accurate
14 transcription thereof.

15 I further certify that I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney of any of the parties.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 and affixed my signature this 8th day of
20 November, 2010.

21

22



23

THERESA A. DARNELL

24

CSR NO. 9966

25

I N D E X

Tuesday, November 2, 2010

WITNESS EXAMINATION

ASHLEY FRANKART

(By Mr. Glick) 3

(By Mr. Tuttle) 25

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DEPOSITION EXHIBITS

NUMBER	DESCRIPTION	IDENTIFIED
Exhibit 1	HP micro site for TouchSmart 600 PC, Bates 27, 1 page	5
Exhibit 2	hp.com shopping page for the Touchsmart 600 Bates 138-140, 3 pages	7
Exhibit 3	hp.com shopping page for the TouchSmart 600 series Bates 141-143, 3 pages	9
Exhibit 4	HP micro site for TouchSmart 9100 Business PC Bates 356-357, 2 pages	9
Exhibit 5	hp.com shopping page with specs Bates 358-359, 2 pages	11
Exhibit 6	HP micro site for HP TouchSmart 310 PC, Bates 360-361, 2 pages	11
Exhibit 7	hp.com shopping page for the HP TouchSmart 300 PC series Bates 135-137, 3 pages	12
Exhibit 8	Press release for TouchSmart 300 and 600, Bates 154-158, 5 pages	19

ERRATA SHEET

Nartron Corporation v. Hewlett-Packard Development Company, L.P.

Cancellation No. 92050789

Deposition of Ashley Frankart

Date of Deposition: November 2, 2010

PAGE: LINE	TEXT AS REPORTED	CORRECTED TEXT
10:5	And did you do that for the 900 series?	Replace "900" with "9100."
10:16-18	We start with the consumer product and we leverage that over into the consumer space.	Replace "consumer space" with "commercial space."
13:13-14	Are any of these products sold or OEM'd to other manufactures for use with other company products?	Replace "or OEM'd to" with "to OEMs or." Replace "manufactures" with "manufacturers."
18:6-13	Key messages are that it's fun and intuitive. We have integrated a multi-touch screen so that—you know, multiple interactions going on, not only from the input of the touch screen, but also on screen with the touch optimized software. There's lots of different application blocks that you can have opened at the same time. So it's more customization than what we previously offered.	The corrected text should show that lines 6-13 on page 18 are the deponent's answer, not the question.
22:24-25	Our key competitors in this phase are Apple, Dell and Sony.	Replace "phase" with "space."
23:22	No, that would violate our grand guidelines.	Replace "grand" with "brand."

Date: November 30, 2010



ASHLEY FRANKART

[& - back]

&	29 32:12	799.99. 12:11	alcohol 21:11
& 2:4,13	3	8	allows 11:8
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[touchsmart - yep]

<p>34:2,7,21 35:9,21 39:12,14,16,17,21 39:23,24 touchsmarts 21:21 tower 6:20,20 town 2:7 trademark 1:1,2 32:25 traditional 23:15 traditionally 6:20 transactional 14:19 transcribed 38:12 transcript 36:14,16 37:5 transcription 38:14 trial 1:2 true 37:8 ttab 23:6 tuesday 1:16 39:3 turn 10:25 29:2 turning 17:25 20:8 tuttle 2:5 10:9,13 15:14 19:13,15 23:25 24:7 25:5,18 25:24 28:3,10,15,23 34:15 35:1,5 36:13 36:15 39:7 tweak 10:18 two 30:13,20 type 17:18 34:23 types 5:7 21:11,13 22:10</p>	<p>united 1:1 university 3:14 unsophisticated 15:12 upcoming 32:5 upper 12:1 use 13:14 16:24 17:23 19:7 20:2 24:5 31:13,22 32:9 35:24 user 6:16 user's 29:13 30:6 31:19 uses 31:18</p>	<p>welcome 19:16 went 3:14,16 34:19 whereof 38:18 win 23:5 window 26:18 wireless 13:8 witness 3:2 5:25 24:8 25:23 28:1,12 28:19 34:12 38:18 39:4 witnesses 38:9 word 14:13 work 3:13 9:25 10:1 10:4,4 13:24 14:3 14:14 15:8 18:1,14 22:5,9 31:23 32:3 35:11,14,15 worked 4:14,21 16:15,20 working 5:10 16:21 30:18 works 14:4 world 6:19 worldwide 4:9 15:6 20:4 wrap 35:3</p>
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	<p>value 4:16,19 15:5 16:21 20:2 32:4 various 7:3 vehicle 35:19,22,23 verbatim 38:10 version 5:15 versus 5:9 6:9 8:4 9:23 10:22 14:18 17:5 vertical 21:24 video 6:8 8:5 view 25:3 violate 23:22 virtual 16:1 21:5 vs 1:6</p>	<p>yeah 11:12 20:18,23 21:7 34:13 year 5:4 11:21 19:22 21:22,23 26:8,14 27:6,22 28:6,20 years 10:22 27:11 28:20 yep 21:1</p>
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u	<p>walk 5:19 14:10 walking 16:10 want 8:21 14:3 16:7 17:20 20:2 28:13,15 28:17 wanted 8:2 19:7 warranty 10:22 way 16:11 17:5,10 23:7 36:5 wearing 16:10 web 10:3 14:8 wedding 16:8</p>	
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF ASHLEY FRANKART

November 2, 2010

EXHIBIT 1

HP TouchSmart PCs / TouchSmart-600

Go to Non-Floch | TouchSmart Community | TouchSmart DevZone | Support

hp. HP TOUCHSMART

From an elegant design and advanced features to a suite of built-for-touch applications, the HP TouchSmart 600 recycles what touch can do for you. This powerful, compact, wireless, all-in-one PC with 23" (diagonal) high-definition widescreen is ready for your kitchen or family room.

Experience your music, photos and video in a whole new way with our built-in TouchSmart apps. Use multi-touch gestures such as pinch, rotate, arc, flick, or press & drag to access information, entertainment and social networks in a natural and intuitive way.

» BUY NOW

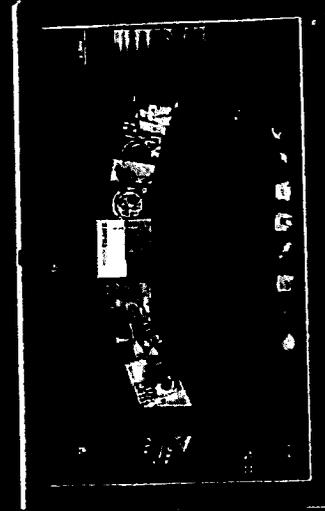
» SEE PRODUCT VIDEOS

» AWARDS & REVIEWS

» SHOW FOOTNOTES

Look for Intel Inside

NEW HP TOUCHSMART PC (HP)




Share/tag this | Contact

HP in real life. » Read and share real life stories

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Frankart
 EXHIBIT 1
 11-2-10
 Teri Darnell CSR 9966

HP 000027

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

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF ASHLEY FRANKART

November 2, 2010

EXHIBIT 2



Home & Home Office

Order status Customer service Sign in

My cart 0 items

Search:

Laptops & Netbooks	Desktop & All-in-One PCs	Printers	Ink & Toner	Accessories	More Products	Small Business Direct	Quick-ship Products	Outlet
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Shop online or by phone at: 1 (888) 999-4747

Windows®. Life without Walls™. HP recommends Windows 7.

Shop

- » Desktop & all-in-one PCs
 - » All-in-One PCs
 - » HP TouchSmart
 - » 300z series
 - » 600z series
 - » 600xt series
 - » Base config
 - » Recommended config
 - » Quick-ship
 - » 600 Quad series

- » All Customizable series
- » All Quick-ship models

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- 600z series
- 300z series

Clear browsed items

Quick-find

- 200t series

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- Learn, Use, & Create
- Email a friend
- Sign up
- Sign up for e-mail updates
- Enter e-mail address
-

Other ways to stay connected



Wed, Jun 2, 2010

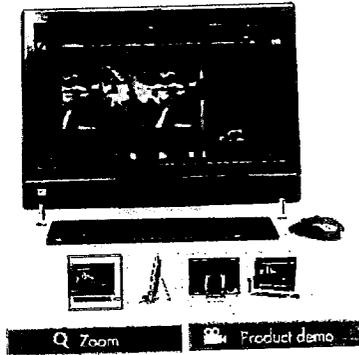
Checkout. Fast. Easy. Secure.



Now Accepting PayPal



HP TouchSmart 600xt series



Starting from: **\$1,079.99***

No payments for 6 months
with Bill Me Later subject to credit approval

Overall Customer Rating

OVERALL RATING: ★★★★★ 4.5 out of 5

14 out of 18 (78%) customers would recommend this product to a friend.

Share this product:

Overview » Specs » Customer Reviews » Warranty & Support



Redefine what touch can do for you with our TouchSmart 600xt series. This powerful, compact, wireless* all-in-one with 23" (diagonal) high-definition? widescreen is ready to take up residence in your kitchen or family room.

600xt demo

Two-year warranty and support

Our TouchSmart 600xt comes standard with a two-year limited warranty³ for parts and labor, with House Call. This includes two years of toll-free support, 24 x 7, via on-line chat or e-mail².

Your PC, simplified

With few clicks, fast searching, easy browsing, and simple ways to connect⁴, genuine Windows 7⁵ simplifies your daily activities.

Star performance

Get a major boost in PC power with the intelligent performance of this series' Intel Core i5⁶ quad-core⁸ processor. You can:

- Move faster when creating HD video, editing photos, and playing games
- Maximize speed for demanding apps with Intel Turbo Boost Technology, which accelerates performance to match your workload
- Multitask with ease; be more productive

Amazing apps made easy

Experience your music, photos and video in a whole new way with our built-in TouchSmart apps. The touchable calendar and e-mail programs will help you stay organized, and video chat will let you keep in touch with everyone. You can also:

- Instantly launch your favorite apps from HP TouchSmart Home
- Experience the best of the Web⁴—Hulu, Netflix, Twitter, Rhapsody, and more—in touch-enabled style
- Import recipes from the Web⁴; enter your own, and easily manage with HP Recipe Box

Special offers and deals

Free standard shipping

Save up to \$450 instantly (on customizable models). Offer includes:
- \$400 instant rebate
- FREE 750GB memory upgrade (\$50 savings)

Buy Microsoft Office 2010 with your customized PC

Save an additional \$25 on any printer over \$69 when purchased with any PC!

Configuration

Start with:	Priced from:
Base configuration	\$1,299.99*
Recommended configuration	\$1,878.98*
Quick-ship model	\$1,079.99*

Ships same day. See details.
(not configurable)
Pricing after rebates

Customers who bought also bought

3-year HP Care Pack House Call Service for HP TouchSmart All-in-One PC
\$289.99*

4-year HP Care Pack House Call Service for HP TouchSmart All-in-One PC
\$349.99*

HP 564XL Black Ink Cartridge
\$34.99*

Awards and certifications

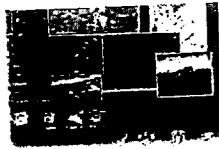
cnet
Editors' Choice award
September 2009

Computer Shopper
Editors' Choice award
October 2009

PC Magazine
Editors' Choice award
Award-winning support



HP 000138



- Use touch to edit photos, and to choose songs and create playlists
- Create and share collages with a simple touch using HP TouchSmart Canvas
- Use your voice to zoom, rotate, and invert photos
- Transfer photos and images from a mobile phone via Bluetooth
- Create professional-looking videos, slide shows and movies
- Watch movies on DVD; burn and edit home videos⁶
- Watch, pause, rewind, and record live TV with the optional dual-format NTSC and over-air ATSC high-definition TV tuner⁷
- Connect your Xbox, Wii, or Playstation (sold separately)

Great music and sound

Hear music the way artists intend with HP Beats Audio. Engineered to let your PC reproduce sound quality found in music studios, Beats Audio lets you hear everything—highs, lows, and crystal-clear midranges.

The TouchSmart advantage

Use your fingers for fast access to information, communication tools, and entertainment. The intuitive touch technology makes everything you do easier and more fun. You can:

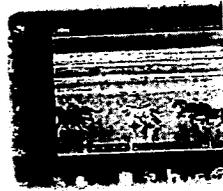


- Interact with the PC using your finger; your touch registers just before you make contact with the screen
- "Write" search criteria with your finger using the new search interface
- Use touch instead of a mouse to click and drag, and to navigate through music, photos, and movies
- Zip around your PC with multi-touch gestures such as pinch, rotate, arc, flick, and press and drag
- Interact with applications directly within a tile without having to launch the application; seamlessly run multiple apps

Cutting-edge design

This series' slim design is essentially clutter-free (no cables except a single power cord). Features include:

- **Genuine Windows 7 Home Premium** for simplifying daily activities
- A 23" Full HD widescreen with 1080p (1920 x 1080) resolution and 16:9 aspect ratio
- A sleek, piano-black finish with chrome accents
- Internal antennas for 802.11 **Wi-Fi¹** and **Bluetooth**
- A slot-loading DVD drive (or upgrade to a Blu-ray player²) and 6-in-1 **digital media card reader**
- Integrated premium stereo speakers for crisp sound
- A built-in, adjustable-tilt webcam and mic
- An adjustable base
- A wireless keyboard and mouse
- Removable feet for wall mounting (bracket and adapter sold separately)



Mindful of the environment

HP is committed to global citizenship and environmental responsibility by delivering energy efficient products and reducing resource use and waste.

- Is ENERGY STAR[®] qualified and EPEAT Silver registered system⁹
- Cuts energy use with HP power-management technology¹⁰
- Has packaging that's 100% recyclable and contains a minimum of 60% recycled material¹¹

Reliable software, security, and support

HP is known for outstanding service, support, and advice. We also test and qualify all software sold with our PCs to help ensure a trouble-free experience on your new computer. You get:

- Preinstalled security software to protect against viruses, spam, **spyware**, and other on-line threats¹²
- Help 24 x 7, toll free or online from HP Total Care
- In-home service if needed¹³

1. Wireless access point and Internet service sold separately.
 2. High-definition content required to view HD images.
 3. Limited software technical support available for non-HP/third-party software purchases.
 4. Internet access required; sold separately.
 5. Quad core is a new technology designed to improve performance of multithreaded software products and

hardware-aware multitasking operating systems and may require appropriate operating systems software for full benefit. Not all customers or software applications will necessarily benefit from use of this technology.
 6. Do not copy copyright-protected materials.

Editors' Choice

Sep 2009



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Use our Web interface to [troubleshoot a problem](#)

Get access to support by [registering your product](#)

Still not finding what you need? Get questions answered 24 x 7, toll-free, or via e-mail by our support agents at **HP Total Care**

Use and learn

Tips for [customizing](#) your desktop PC

Choosing the right [firewall solution](#) to protect your PC

Find out more about [Intel processors](#)

HP 000139

- 7. Tuner required, sold as optional feature. Availability of signals limited by strength and accessibility of originating TV signal, location, other factors. Performance factors may arise, and do not constitute defects in the product. ATSC high-definition (HD) and NTSC source content varies and will depend on broadcast signal, antenna, geographic location and other factors. An external over-the-air antenna that receives UHF and VHF signals is required for ATSC reception. Viewing HD content will require a compatible high-definition display. Ability to record, edit, or transfer broadcast content such as TV programming may be limited depending on the type of content. Performance issues may arise, and do not constitute defects in the product. For optimal results, HP recommends closing all other applications while recording and watching television programs.
- 8. As Blu-ray is a new format containing new technologies, certain disc, digital connection, compatibility and/or performance issues may arise, and do not constitute defects in the product. Flawless playback on all systems is not guaranteed. In order for some Blu-ray titles to play, they may require a DVI or HDMI digital connection and your display may require HDCP support. HD-DVD movies cannot be played on this PC.
- 9. HP only registers consumer PC products with EPEAT in the US and Canada. Outside the US and Canada this product would not qualify for registration.
- 10. According to estimates made using EPA statistics comparing PCs with and without power management. For more information see www.ENERGYSTAR.gov/business/bulk_purchasing/bpsavings_calc/Calc_computers.xls
- 11. 100% recyclable in USA; recyclability may vary in other locations due to availability of recycling programs.
- 12. Internet access required. First 60 days included; subscription required for live updates afterwards
- 13. HP may, at its discretion, supply on-site support for troubleshooting and repair. In-home warranty avail. on select customizable HP desktop PCs. Need for in-home service determined by HP support rep. Customer may need to run system self-test programs or correct reported faults by following advice over phone. On-site service provided only if issue can't be corrected remotely. Service not avail. holidays, weekends.

* Prices, specifications, availability and terms of offers may change without notice. Despite our best efforts, a small number of items may contain pricing, typography, or photography errors. Correct prices and promotions are validated at the time your order is placed. Please note these policies apply only to products sold by the HP Home & Home Office Store; reseller offers may vary.

† Monthly payment estimates based on the product price before any taxes, shipping charges, additional purchases, and other fees. If paying with Bill Me Later® your payment amount may be as low as \$10/mo. A revised monthly payment amount will be calculated at checkout based on shipping preferences and zip code information. Offers subject to credit approval. Click on the offer for important disclosure information.

‡ Intel's numbering is not a measurement of higher performance.

§ Intel, the Intel logo, Intel Core and Core Inside are trademarks or registered trademarks of Intel Corporation or its subsidiaries in the United States and other countries.

¶ Actual formatted capacity is less. A portion of the hard drive is reserved for system recovery software — for notebooks up to: 20GB (Windows 7), 8GB (XP and XP Pro), 12GB (Vista), 12GB (MCE); for desktops up to: 14GB (Windows 7), 10GB (Vista, XP, XP Pro), 12GB (MCE). For hard drives 1GB=1 billion bytes.

§§ In-home warranty is available only on select customizable HP desktop PCs. Need for in-home service is determined by HP support representative. Customer may be required to run system self-test programs or correct reported faults by following advice given over phone. On-site services provided only if issue can't be corrected remotely. Service not available holidays and weekends.

††† Battery life varies depending on product configuration, model, settings, loaded applications, utilized features. As with all batteries, maximum capacity decreases with time and use. Battery life times based on MobileMark 2007 battery benchmark. Reported times are with wireless functionality off.

‡‡ After first page; see www.hp.com/go/inkjetprinter for details.

‡‡‡ Majority of laser AIOs <\$750, printers <\$300, using Officejet Pro products with XL cartridges; for details: www.hp.com/go/officejet

§§§ This system may require upgraded and/or separately purchased hardware and/or a DVD drive to install the Windows 7 software and take full advantage of Windows 7 functionality. See <http://www.microsoft.com/windows/windows-7/> for details.

§§§ HD (High Definition) content required to view HD images

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HP 000140

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF ASHLEY FRANKART

November 2, 2010

EXHIBIT 3



Home & Home Office

Order status Customer service Sign in

My cart 0 items Search:

- Laptops & Netbooks
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- Printers
- Ink & Toner
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Shop online or by phone at: 1 (888) 999-4747

Windows®. Life without Walls™. HP recommends Windows 7.

Shop

- Desktop & all-in-one PCs
 - All-in-One PCs
 - HP TouchSmart
 - 300z series
 - 600t series
 - 600xt series
 - 600 Quad series
 - Base config
 - Recommended config

- All Customizable series
- All Quick-ship models

You recently browsed

- 600z series
- 600xt series
- 600t series

Clear browsed items Quick-find

- 200t series

Shopping assistance

- Live assistance
- Learn, Use, & Create

Email a friend

Sign up
Sign up for e-mail updates
Enter e-mail address

Other ways to stay connected



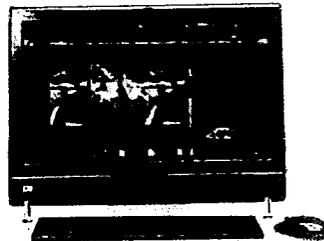
Wed, Jun 2, 2010

Checkout. Fast. Easy. Secure.
BillMeLater
subject to credit approval Terms

Now Accepting PayPal



HP TouchSmart 600 Quad series



Starting from: \$1,699.99*

No payments for 6 months
with Bill Me Later subject to credit approval

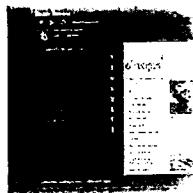
Overall Customer Rating

OVERALL RATING: ★★★★★ 4.8 out of 5

10 out of 10 (100%) customers would recommend this product to a friend.

Share this product:

- Overview
- Specs
- Customer Reviews
- Warranty & Support



Redefine what touch can do for you with a PC from our TouchSmart 600 Quad series. This powerful, compact, wireless¹ all-in-one with 23" (diagonal) high-definition² widescreen is ready to take up residence in your kitchen or family room.

600 Quad demo

Two-year warranty and support

Our TouchSmart 600 Quad comes with a two-year limited warranty³ for parts and labor, with House Call. This includes two years of toll-free support, 24 x 7, via on-line chat or e-mail².

Your PC, simplified

With few clicks, fast searching, easy browsing, and simple ways to connect⁴, genuine Windows 7⁵ simplifies your daily activities.

Star performance

Get a major boost in PC power with the intelligent performance of this series' quad-core⁶ Intel Core i7⁷ processor. You can:

- Move faster when creating HD video, editing photos, and playing games
- Maximize speed for demanding apps with Intel Turbo Boost Technology, which accelerates performance to match your workload⁸
- Multitask with ease; be more productive⁷

Amazing apps made easy

Experience your music, photos, and video in a whole new way with our built-in TouchSmart apps. The touchable calendar and e-mail programs will help you stay organized, and video chat will let you keep in touch with everyone. You can also:

- Instantly launch your favorite apps from HP TouchSmart Home
- Experience the best of the Web⁴—Hulu, Netflix, Twitter, Rhapsody, and more—in touch-enabled style
- Import recipes from the Web⁴; enter your own and

- easily manage with HP Recipe Box
- "Write" search criteria with your finger using the new

Special offers and deals

- Free standard shipping**
Save up to \$739 instantly (on customizable models). Offer includes:
 - FREE \$500 instant rebate
 - FREE 8GB memory upgrade (\$120 savings)
 - FREE 1TB hard drive upgrade (\$50 savings)
 - FREE 15-month Norton Internet Security subscription (\$69 savings)
- Buy Microsoft Office 2010 with your customized PC
- Save an additional \$25 on any printer over \$69 when purchased with any PC!

Configuration

Start with:	Priced from:
Base configuration	\$1,699.99*
Recommended configuration	\$2,628.98*

Pricing after rebates

Customers who bought also bought

3-year HP Care Pack House Call Service for HP TouchSmart All-in-One PC
\$289.99*

4-year HP Care Pack House Call Service for HP TouchSmart All-in-One PC
\$349.99*

Belkin Windows 7 Migration Cable
\$34.99*

FrankKart
EXHIBIT 3
11-2-10
Teri Darnell CSR 9966

Award-winning support

- Download [software and drivers](#)
- Use our Web interface to [troubleshoot a problem](#)
- Get access to support by [registering your product](#)

Still not finding what you need? Get

HP 000141

- search interface
- Use touch to edit photos, and to choose songs and create playlists
- Create and share collages with a simple touch using HP TouchSmart Canvas
- Use your voice to **zoom**, rotate, and invert photos
- Transfer photos and images from a mobile phone via **Bluetooth**
- Create professional-looking videos, slide shows, and movies
- Watch movies on DVD; burn and edit home videos⁸
- Watch, pause, rewind, and record live TV with the optional dual-format NTSC and over-air ATSC high-definition TV tuner⁹
- Connect your Xbox, Wii, or Playstation (sold separately)

The TouchSmart advantage

Use your fingers for fast access to information, communication tools, and entertainment. The intuitive touch technology makes everything you do easier and more fun. You can:



Great music and sound

Hear music the way artists intend with HP Beats Audio. Engineered to let your PC reproduce sound quality found in music studios, Beats Audio lets you hear everything—highs, lows, and crystal-clear midranges.

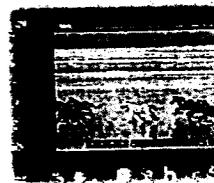


- Interact with the PC using your finger; your touch registers just before you make contact with the screen
- "Write" search criteria with your finger using the new search interface
- Use touch instead of a mouse to click and drag, and to navigate through music, photos, and movies
- Zip around your PC with multi-touch gestures such as pinch, rotate, arc, flick, and press and drag
- Interact with applications directly within a tile without having to launch the application; seamlessly run multiple apps

Cutting-edge design

This series' slim design is essentially clutter-free (no cables except a single power cord). Features include:

- Genuine** Windows 7 Home Premium⁵⁵⁵ for simplifying daily activities
- A 23" Full HD² widescreen with 1080p (1920 x 1080) resolution and 16:9 aspect ratio
- A sleek, piano-black finish with chrome accents
- Internal antennas for 802.11 **Wi-Fi**¹ and **Bluetooth**
- A slot-loading DVD drive (or upgrade to a Blu-ray player¹⁰) and 6-in-1 **digital media card reader**
- Integrated premium stereo speakers for crisp sound
- A built-in, adjustable-tilt webcam and mic
- An adjustable base
- A wireless keyboard and mouse
- Removable feet for wall mounting (bracket and adapter sold separately)



Mindful of the environment

HP is committed to global citizenship and environmental responsibility by delivering energy-efficient products and reducing resource use and waste. This model:

- Is ENERGY STAR[®] qualified and EPEAT Silver registered¹¹
- Cuts energy use with HP power-management technology¹²
- Contains less metal and plastic than standard PCs and monitors
- Has packaging that's 100% recyclable and contains a minimum of 60% recycled material¹³

Reliable software, security, and support

HP Total Care is a support and services program that provides you with greater peace of mind. During your one-year limited warranty, you'll get:

- Preinstalled security software to protect against viruses, spam, **spyware**, and other on-line threats¹²

Our friendly support agents are available 24 x 7, toll-free, or via e-mail by our support agents at **HP Total Care**

Use and learn

Tips for **customizing** your desktop PC

Choosing the right **firewall solution** to protect your PC

Find out more about **Intel processors**

HP 000142

- Parts and labor coverage plus on-line 24 x 7, web, on-line chat, or e-mail support
- In-home service if needed¹⁴

Visit our Consumer Support Forum at HP.com/support/consumer-forum to exchange insights and tips, and get answers to questions.

1. Wireless access point and Internet service sold separately.
2. High-definition content required to view HD images.
3. Limited software technical support available for non-HP/third-party software purchases.
4. Internet access required; sold separately.
5. Quad core is a new technology designed to improve performance of multithreaded software products and hardware-aware multitasking operating systems and may require appropriate operating systems software for full benefit. Not all customers or software applications will necessarily benefit from use of this technology.
6. Intel Turbo Boost technology requires PC with **processor** with Intel TBT capability. Intel TBT performance varies depending on hardware, software, and overall system configuration.
7. Intel HT Technology requires a computer system with a **processor** supporting HT Technology and an HT Technology enabled chipset, BIOS and **operating system**. Performance will vary depending on the specific hardware and software you use.
8. Do not copy copyright-protected materials.
9. Tuner required, sold as optional feature. Availability of signals limited by strength and accessibility of originating TV signal, location, other factors. Performance factors may arise, and do not constitute defects in the product. ATSC high-definition (HD) and NTSC source content varies and will depend on broadcast signal, antenna, geographic location and other factors. An external over-the-air antenna that receives UHF and VHF signals is required for ATSC reception. Viewing HD content will require a compatible high-definition display. Ability to record, edit, or transfer broadcast content such as TV programming may be limited depending on the type of content. Performance issues may arise, and do not constitute defects in the product. For optimal results, HP recommends closing all other applications while recording and watching television programs.
10. As Blu-ray is a new format containing new technologies, certain disc, digital connection, compatibility and/or performance issues may arise, and do not constitute defects in the product. Flawless playback on all systems is not guaranteed. In order for some Blu-ray titles to play, they may require a DVI or HDMI digital connection and your display may require HDCP support. HD-DVD movies cannot be played on this PC.
11. HP only registers consumer PC products with EPEAT in U.S. and Canada. Outside U.S. and Canada, this product would not qualify for registration.
12. According to estimates made using EPA statistics comparing PCs with and without power management. Recyclability may vary in other locations due to availability of recycling programs.
13. Internet access required. First 60 days included; subscription required for live updates afterward.
14. HP may, at its discretion, supply on-site support for troubleshooting and repair. In-home warranty avail. on select customizable HP desktop PCs. Need for in-home service determined by HP support rep. Customer may need to run system self-test programs or correct reported faults by following advice over phone. On-site service provided only if issue can't be corrected remotely. Service not avail. holidays, weekends.

* Prices, specifications, availability and terms of offers may change without notice. Despite our best efforts, a small number of items may contain pricing, typography, or photography errors. Correct prices and promotions are validated at the time your order is placed. Please note these policies apply only to products sold by the HP Home & Home Office Store; reseller offers may vary.

† Monthly payment estimate based on the product price before any taxes, shipping charges, additional purchases, and other fees. If paying with Bill Me Later[®] your payment amount may be as low as \$10/mo. A revised monthly payment amount will be calculated at checkout based on shipping preferences and zip code information. Offers subject to credit approval. Click on the offer for important disclosure information.

‡ Intel's numbering is not a measurement of higher performance.

Intel, the Intel logo, Intel Core and Core Inside are trademarks or registered trademarks of Intel Corporation or its subsidiaries in the United States and other countries.

§ Actual formatted capacity is less. A portion of the hard drive is reserved for system recovery software — for notebooks up to: 20GB (Windows 7), 8GB (XP and XP Pro), 12GB (Vista), 12GB (MCE); for desktops up to: 14GB (Windows 7), 10GB (Vista, XP, XP Pro), 12GB (MCE). For hard drives 1GB=1 billion bytes.

¶ In-home warranty is available only on select customizable HP desktop PCs. Need for in-home service is determined by HP support representative. Customer may be required to run system self-test programs or correct reported faults by following advice given over phone. On-site services provided only if issue can't be corrected remotely. Service not available holidays and weekends.

‡‡‡ Battery life varies depending on product configuration, model, settings, loaded applications, utilized features. As with all batteries, maximum capacity decreases with time and use. Battery life times based on MobileMark 2007 battery benchmark. Reported times are with wireless functionality off.

After first page; see www.hp.com/go/inkjetprinter for details.

Majority of laser AIOs<\$750, printers<\$300, using Officejet Pro products with XL cartridges; for details: www.hp.com/go/officejet

\$\$\$ This system may require upgraded and/or separately purchased hardware and/or a DVD drive to install the Windows 7 software and take full advantage of Windows 7 functionality. See <http://www.microsoft.com/windows/windows-7/> for details.

§§ HD (High Definition) content required to view HD images

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HP 000143

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v.

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Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF ASHLEY FRANKART

November 2, 2010

EXHIBIT 4

hp HP TOUCHSMART

HP TouchSmart 9100 Business PC

Add a new touch of style and interactivity to your work day with the all-in-one multi-touch enabled HP TouchSmart 9100 Business PC. Easily interact with customized content in a variety of situations including customer facing kiosks, education and training environments, and conference rooms.

This HP business TouchSmart is enabling a more interactive, compelling customer experience at businesses such as bridal retailer Priscilla of Boston for luxury dress concierge service, St. Louis Oncology for medical imaging, the NBA's Detroit Pistons for instant replays and food and hotels such as Sheraton and Marriott to provide enhanced customer lobby experiences.

» BUY NOW

» VIEW DEMO

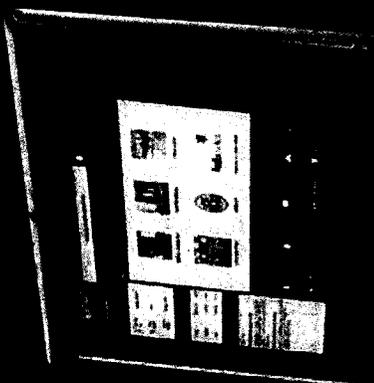
» REVIEWS

» SHOW FOOTNOTES

» FEATURES

» SPECS

» TOUCHSMART APPS




Windows

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 EXHIBIT 4
 11-2-10
 Teri Darnell CSR 9966



Go to Non-Flash | TouchSmart DevZone | HP on YouTube | Visit us | Follow Us | Become a Fan | Support | Contact

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November 2, 2010

EXHIBIT 5

United States-English

- » HP Home
- » Products & Services
- » Support & Drivers
- » Solutions
- » How to Buy

» Contact HP or call 866-625-0242

Search:

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» Products for Business

» Shopping cart
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- » Products for business
- » Business Desktop PCs

- Solutions for
- » Small & Medium Business
 - » Large Enterprise Business
 - » Government, Health & Education
 - » Graphic Arts

Products for business > Business Desktop PCs > All-in-One Desktop PCs

HP TouchSmart 9100 Business PC - Overview and Features

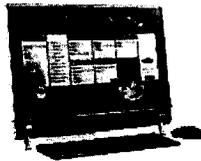
Windows®. Life without Walls™. HP recommends Windows 7.

Starting at: \$ 1,099.00*

» As low as \$32/mo.**

» Call 888-762-1279 for free shipping

- » Data sheet (.pdf, 321 KB)
- » Why move to Windows 7?
- » HP Support & Drivers



Product rating:



3 of 3 (100%) customers recommend this product.

- >> Read 3 reviews
- >> Write a review

HP Virtual Rooms



Meet face-to-face live from your PC!

» [Enlarge image](#)

» [View demo](#)

» Models

» Overview

» Specifications

» Accessories, supplies & services

» Configure your model



Overview

A new touch to the way you do business. Transform the PC experience with the all-in-one, multi-touch enabled HP TouchSmart 9100 Business PC. Great as an everyday desktop. Even better to reach customers with interactive, touch enabled applications.

Features

Take hands-on to the next level

- Go beyond just a touch with the Microsoft certified "Multi-Touch" Windows® 7 compliant touch-screen. Now you and your customers can interact in a creatively intuitive way using gestures and manipulation.

A new way to engage

- Optimize the TouchSmart's potential with optional customized touch applications to help enhance the way customers interact with your business or improve workflow and information delivery for employees.

All-in-one design

- The sleek, space-saving PC has everything built-in: a 23-inch diagonal Full HD display, an integrated webcam and array microphone for easy video conferencing and collaboration, and premium speakers.

Premium performance

- Thrive with a powerful, energy efficient Intel® Core™2 Duo processor, Genuine Windows® 7 Professional, up to 8 GB of DDR3 memory, up to a 500 GB hard drive or have less moving parts with an optional 64 GB Solid State Drive.

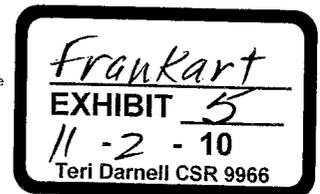
Flexible options

- Connect to your larger displays or projectors with DVI output, watch live local TV with the TV Tuner, playback Blu-ray discs with the Blu-ray combo drive, or use the optional wall mount adapter to connect to a VESA wall mount.

This system may require upgraded and/or separately purchased hardware and/or a DVD drive to install the Windows 7 software and take full advantage of Windows 7 functionality. See www.microsoft.com/windows/windows-7 for details

Windows 7 Professional disk may be included for future upgrade if desired. To qualify for this downgrade an end user must be a business (including governmental or educational institutions) and is expected to order annually at least 25 customer systems with the same custom image.

Windows Vista Business disk may be included for future upgrade if desired. To qualify for this downgrade an end user must be a business (including governmental or educational institutions) and is expected to order annually at least 25 customer systems with the same custom image.



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Product Reviews [Review This Product](#) Choose a sort order

Overall:  Date: September 20, 2010
Anonymous This customer did not provide a text review.
 1 of 4 people found this review helpful.
 Was this review helpful to you? **Yes No (Report Inappropriate Review)**

Overall:  Date: March 14, 2010
Anonymous This customer did not provide a text review.
 4 of 14 people found this review helpful.
 Was this review helpful to you? **Yes No (Report Inappropriate Review)**

Overall:  Date: January 4, 2010
world dominator **about time**
 "I'm pretty sure that this isn't the first touch screen computer on the general market but it's the most sophisticated yet. Looking forward the seeing this model in a lot of homes. Im thinking that if the computer performs as well as it looks then we are in for a major surprise in the way we use computers. I believe it will be a more interesting way to teach someone how to use the computer."
 41 of 66 people found this review helpful.
 Was this review helpful to you? **Yes No (Report Inappropriate Review)**
 Share this Review:  

*Except where noted, all prices are estimated U.S. HP prices. Actual prices from other locations or websites may vary.

** Leasing information, where displayed, is for a 48-month lease. Shipping and tax not included. [Details](#)

Reviews dated from 9/1/09 -- 10/15/09 may have been part of a sweepstakes submission.

Free ground shipping. U.S. only. Must call for free shipping.

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Mark: **TOUCHSMART**

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November 2, 2010

EXHIBIT 6

hp HP TOUCHSMART

HP TouchSmart PC

FEATURES

SPECS

TOUCHSMART APPS

MAKE IT EASIER

GAMES

SEE PRODUCT VIDEOS

BUY NOW

Step into the world of touch with the HP TouchSmart PC. The latest evolution of HP's TouchSmart software makes it easier to be entertained, get creative, and have fun. Multitouch technology lets your fingers move more naturally over the screen as you interact with your content.

The modern All-in-One design keeps your world clutter free: just plug it in and you're ready to go. Plus, we've made big changes to the HP TouchSmart Software. Discover new ways to get organized, be unharmed, create and play.

- HP TouchSmart PC
- HP TouchSmart PC
- HP TouchSmart PC
- HP TouchSmart PC



Go to Non-Flash | TouchSmart DevZone | HP on YouTube | Visit us | Follow Us | Become a Fan | Support | Contact

» Show footnotes

http://www.hp.com/united-states/campaigns/touchsmart/index.html?jumpid=ex_r602_go/touchny

10/31/2010

HP 000360

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 EXHIBIT
 11-2-10
 Teri Darnell CSR 9966

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EXHIBIT 7



Home & Home Office

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My cart 0 items Search:

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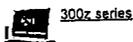
Shop online or by phone at: 888-921-6721

Windows®. Life without Walls™. HP recommends Windows 7.

Shop

- » Desktop & all-in-one PCs
 - » All-in-One PCs
 - » HP TouchSmart 300z series
 - » Base config
 - » Recommended config
 - » Quick-ship
 - » 600t series
 - » 600xt series
 - » 600 Quad series
- » All Customizable series
- » All Quick-ship models

You recently browsed



Clear browsed items
Quick-find

200t series

Shopping assistance

- Live assistance
- Learn, Use, & Create
- Email a friend

Sign up

Sign up for e-mail updates
Enter e-mail address

Other ways to stay connected



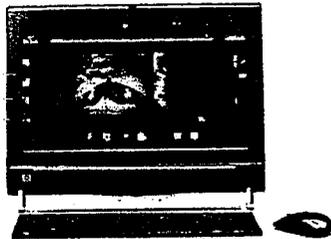
Wed, Jun 2, 2010

Checkout. Fast. Easy. Secure.
BillMeLater
subject to credit approval. Details

Now Accepting **PayPal**



HP TouchSmart 300z series



Starting from: **\$799.99***

No payments for 6 months
with Bill Me Later subject to credit approval

Overall Customer Rating

OVERALL RATING: ★★★★★ 4.9 out of 5

23 out of 23 (100%) customers would recommend this product to a friend.

Share this product:

Overview Specs Customer Reviews Warranty & Support



From an elegant design to advanced features to a suite of built-for-touch applications, the HP TouchSmart 300z redefines what you can do with a touch. This powerful, compact, wireless¹ all-in-one with 20" (diagonal) high-definition² widescreen is ready to take up residence in your kitchen or family room.

[300z demo](#)

Your PC, simplified

With few clicks, fast searching, easy browsing, and simple ways to connect³, genuine Windows 7⁵⁵⁹ simplifies your daily activities.

Amazing apps made easy

Experience your music, photos and video in a whole new way with our built-in TouchSmart apps. The touchable calendar and e-mail programs will help you stay organized, and video chat will let you keep in touch with everyone. You can also:

- Instantly launch your favorite apps from HP TouchSmart Home

Special offers and deals

- Free standard shipping**
- Save up to \$290 instantly (on customizable models). Offer includes:
 - \$150 instant rebate
 - FREE 500GB hard drive upgrade (\$50 savings)
 - FREE 3GB memory upgrade (\$40 savings)
 - FREE Athlon X3 400e triple-core processor upgrade (\$50 savings)
- Buy Microsoft Office 2010 with your customized PC
- Save an additional \$25 on any printer over \$69 when purchased with any PC!

Configuration

Start with:	Priced from:
Base configuration	\$799.99*
Recommended configuration	\$899.99*
Quick-ship model <small>Ships same day. See details. (not configurable)</small>	\$849.99*

Pricing after rebates

Customers who bought also bought

2-year HP Care Pack House Call Service for HP TouchSmart All-in-One PC
\$199.99*

HP Officejet 4500 Wireless All-in-One Printer
\$129.99*

HP Hi-Speed USB Cable a-b, 8' (1.8 m)
\$13.99*



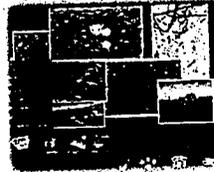
Award-winning support

- Download [software and drivers](#)
- Use our Web interface to [troubleshoot a problem](#)
- Get access to support by [registering your product](#)

Still not finding what you need? Get questions answered 24 x 7, toll-free, or via e-mail from our award-winning support team.

HP 000135

- Experience the best of the web—Facebook, Twitter, Rhapsody, and more—in touch-enabled style
- Import recipes from the Web; enter your own, and easily manage with HP Recipe Box
- "Write" search criteria with your finger using the new search interface
- Use touch to edit photos, and to choose songs and create playlists
- Create and share collages with a simple touch using HP TouchSmart Canvas
- Use your voice to zoom, rotate, and invert photos
- Create professional-looking videos, slide shows, and movies
- Watch movies on DVD; burn and edit home videos⁴
- Bookmark favorite movie scenes
- Watch, pause, rewind, and record live TV with the optional dual-format NTSC and over-air ATSC high-definition TV tuner⁵



The TouchSmart advantage

Use your fingers for fast access to information, communication tools, and entertainment. The intuitive touch technology makes everything you do easier and more fun:

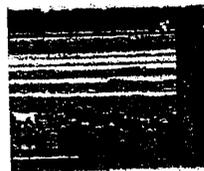


- Interact with the PC using your finger; your touch registers just before you make contact with the screen
- Use touch instead of a mouse to click and drag, and to navigate through music, photos, and movies
- Zip around your PC with multi-touch gestures such as pinch, rotate, arc, flick, and press and drag
- Interact with applications directly within a tile, without launching the app, and seamlessly run multiple apps (requires 4GB memory upgrade)
- Expand larger tiles to fit the new 16:9 widescreen so you have more real estate
- Personalize your touch background in two taps

Cutting-edge design

This series' slim design is essentially clutter-free (no cables except a single power cord). Features include:

- Genuine Windows 7 Home Premium for simplifying daily activities
- A 20" HD widescreen with 1080p (1600 x 900) resolution and 16:9 aspect ratio
- A sleek, piano-black finish with chrome accents
- Internal antennas for 802.11 wireless LAN
- A slot-loading DVD drive, 6-in-1 digital media card reader
- Integrated premium stereo speakers for crisp sound
- A built-in, adjustable-tilt webcam and mic
- An adjustable base
- A wireless keyboard and mouse
- Removable feet for wall mounting (bracket and adapter sold separately)



Mindful of the environment

HP is committed to global citizenship and environmental responsibility by delivering energy efficient products and reducing resource use and waste. You can:

- Reduce your impact on the environment with this ENERGY STAR® qualified, EPEAT Silver registered system⁶
- Cut your energy use with our power-management technology⁷
- Create less waste: this series uses less metal and less plastic than standard PCs and monitors; packaging is 100% recyclable and contains a minimum of 60% recycled material⁸

Reliable software, security, and support

HP Total Care is a support and services program that provides you with greater peace of mind. During your one-year limited warranty, you'll get:

- Preinstalled security software to protect against viruses, spam, spyware, and other on-line threats⁹

via e-mail by our support agents at [HP Total Care](#)

Use and learn

Tips for customizing your desktop PC

Choosing the right firewall solution to protect your PC

HP 000136

- Peace of mind with a one-year limited hardware and software¹⁰ warranty, plus optional extra coverage via an HP Care Pack Service
- Parts and labor coverage plus toll-free 24 x 7, Web, on-line chat, or e-mail support
- In-home service if needed¹¹

Visit our Consumer Support Forum at hp.com/support/consumer-forum to exchange insights and tips, and get answers to questions.

1. Wireless access point and Internet service sold separately.
2. High-definition content required to view HD images.
3. Internet access required; sold separately.
4. Do not copy copyright-protected materials.
5. Tuner required, sold as optional feature. Availability of signals limited by strength and accessibility of the originating TV signal, location, other factors. Performance factors may arise, and do not constitute defects in the product. ATSC high-definition (HD) and NTSC source content varies and will depend on broadcast signal, antenna, geographic location and other factors. An external over-the-air antenna that receives UHF and VHF signals is required for ATSC reception. Viewing HD content will require a compatible high-definition display. Ability to record, edit, or transfer broadcast content such as TV programming may be limited depending on the type of content. Performance issues may arise, and do not constitute defects in the product. For optimal results, HP recommends closing all other applications while recording and watching television programs.
6. HP only registers consumer PC products with EPEAT in the US and Canada. Outside the US and Canada, this product would not qualify for registration.
7. According to estimates made using EPA statistics comparing PCs with and without power management. For more info see www.ENERGYSTAR.gov/business/bulk_purchasing/bpa/savings_calc/Calc_computers.xls
8. 100% recyclable in USA; recyclability may vary in other locations due to availability of recycling programs
9. Internet access required. First 60 days included; subscription required for live updates afterwards
10. Limited software technical support available for non-HP/third-party software purchases.
11. HP may, at its discretion, supply on-site support for troubleshooting and repair. In-home warranty avail. on select customizable HP desktop PCs. Need for in-home service determined by HP support rep. Customer may need to run system self-test programs or correct reported faults by following advice over phone. On-site service provided only if issue can't be corrected remotely. Service not avail. holidays, weekends.

* Prices, specifications, availability and terms of offers may change without notice. Despite our best efforts, a small number of items may contain pricing, typography, or photography errors. Correct prices and promotions are validated at the time your order is placed. Please note these policies apply only to products sold by the HP Home & Home Office Store; reseller offers may vary.

† Monthly payment estimate based on the product price before any taxes, shipping charges, additional purchases, and other fees. If paying with Bill Me Later[®] your payment amount may be as low as \$10/mo. A revised monthly payment amount will be calculated at checkout based on shipping preferences and zip code information. Offers subject to credit approval. Click on the offer for important disclosure information.

*** AMD's model numbering is not a measurement of clock speed.

AMD, the AMD arrow logo, AMD Turion, and combinations thereof are trademarks of Advanced Micro Devices, Inc.

§ Actual formatted capacity is less. A portion of the hard drive is reserved for system recovery software — for notebooks up to: 20GB (Windows 7), 8GB (XP and XP Pro), 12GB (Vista), 12GB (MCE); for desktops up to: 14GB (Windows 7), 10GB (Vista, XP, XP Pro), 12GB (MCE). For hard drives 1GB=1 billion bytes.

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After first page; see www.hp.com/go/inkjetprinter for details.

Majority of laser AIOs <\$750, printers <\$300, using Officejet Pro products with XL cartridges; for details: www.hp.com/go/officejet

\$\$\$ This system may require upgraded and/or separately purchased hardware and/or a DVD drive to install the Windows 7 software and take full advantage of Windows 7 functionality. See <http://www.microsoft.com/windows/windows-7/> for details.

§§ HD (High Definition) content required to view HD images

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Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF ASHLEY FRANKART

November 2, 2010

EXHIBIT 8

[HP Newsroom](#) > [News releases](#)

News release

[» Return to original page](#)**HP Unveils New Multitouch PCs and Display**

Company debuts its first fully interactive, 42-inch, high-definition digital signage touch display

PALO ALTO, Calif., Oct. 13, 2009

Building upon its nearly [30-year history of touch innovation](#), HP today launched the next era of multitouch computing for consumers and businesses.

Related Links

[» TouchSmart PC](#)

Among the new products, HP introduced three touch-enabled [HP TouchSmart PCs](#) and its first fully interactive, 42-inch diagonal, high-definition (HD) digital signage touch display, the HP LD4200tm.

"Since the launch of the first TouchSmart PC nearly three years ago, we've worked closely with a growing number of software companies and independent vendors to develop built-for-touch applications that give consumers and businesses rich interactive multimedia experiences," said James Mouton, senior vice president and general manager, Desktop Global Business Unit, Personal Systems Group, HP. "These collaborations have helped to make HP touch computing the most advanced touch experience in the market today."

New consumer HP TouchSmart PCs packed with exclusive touch applications

HP now offers a choice of 20- or 23-inch diagonal widescreen consumer HP TouchSmart PCs – the HP TouchSmart 300 and HP TouchSmart 600. Each features a sleek, award-winning design that integrates either a stunning HD-capable or HD widescreen display with a multitouch enabled screen.

Users can simply pinch, rotate, arc, flip, press or drag a finger across the screen of the PC to access information, entertainment and social networks in a natural, intuitive way. Though accompanied by a wireless keyboard and mouse, new 16:9 widescreen tiles make multimedia, social media and other applications a rich and engaging touch experience.

The new consumer HP TouchSmart PCs feature exclusive built-for-touch applications⁽¹⁾ including:

- Hulu Desktop to provide quick access to Hulu's vast library of hit TV shows, movies and video clips. Users can browse, search and watch their favorite comedies, dramas, sci-fi and web-original shows from nearly 200 leading content companies. Users with Hulu.com accounts also can access their queue, subscriptions and viewing history.
- A touch-enabled Netflix application delivers thousands of full-screen TV episodes and movies that are streamed from Netflix over the Internet. Using HP's signature fan view, Netflix members can instantly watch a movie from their Instant Queue on the PC or remove a movie from their Queue via touch. Netflix members also can rent DVD and Blu-ray discs as well as edit and manage their Netflix accounts using the application. A two-week free Netflix trial is available to all TouchSmart users in the United States.
- Twitter, a free social networking and micro-blogging service, makes it easy to catch up with family, friends and colleagues with the touch of a finger.
- With Rhapsody as the engine, the new HP Music Store gives users streaming, on-demand access to 8 million songs delivered to the new TouchSmart PC. Customers who subscribe to Rhapsody can enjoy favorite artists, create playlists or just sit back and listen. Non-members can enjoy a free 14-day trial.
- Pandora Internet radio is now touch enabled for a free personalized music experience to find new music based on old and current favorites.
- TouchSmart RecipeBox lets aspiring chefs discover, explore and keep track of recipes saved

<http://www.hp.com/cgi-bin/pf-new.cgi?IN=referrer>

HP 000154

6/3/2010



- from multiple websites and cook with a hands-free experience via voice commands.
- TouchSmart Live TV allows quick access for watching and recording live, local TV. Customers can set recordings in advance of their airing via an electronic programming guide.
- TouchSmart Canvas allows customers to organize their photos on a virtual canvas to quickly and easily create photo collages using touch to edit and rotate photos.
- TouchSmart Link allows the transfer of photos and images taken by a mobile device to the TouchSmart PC via Bluetooth® wireless technology.

Customers with previous TouchSmart PC models who upgrade to Windows 7 through the HP Windows 7 Upgrade Option Program will receive software with some of these new touch applications.

A new swivel stand and tilt webcam⁽¹⁾ increase users' ability to share and collaborate around the HP TouchSmart, which also can easily be wall mounted (with optional wall bracket accessory). All models meet ENERGY STAR® 5.0 requirements.

Some models of the HP TouchSmart 600 easily connect to gaming consoles, including Xbox, PlayStation and Wii, via HDMI or composite video ports.

World's first multitouch consumer notebooks now better than ever

For those whose active lives demand a device for note capture, entertainment, communication and robust computing that's easy to carry, the HP TouchSmart tx2 notebook PC delivers. The HP TouchSmart tx2 combines powerful computing with tablet PC capabilities and entertainment features in an attractive design light enough to go anywhere.

With multitouch support within HP MediaSmart, the HP TouchSmart tx2 is the first notebook PC for consumers that enables the use of two fingers to navigate HP's entertainment applications. The HP TouchSmart tx2 features most of the same touch applications as the HP TouchSmart PC as well as exclusive touch-enabled games and Corel® Painter Sketch Pad for creating digital art.

The HP TouchSmart tx2 weighs 4.65 pounds,⁽²⁾ features a 12.1-inch diagonal WGXA HD HP LED widescreen integrated touch-screen convertible display, AMD Turion™ dual-core processors⁽³⁾ and a glossy HP Imprint finish with titanium color "Reaction" pattern.

The convertible design with a twist hinge allows consumers to enjoy the HP TouchSmart tx2 in three modes: PC, display and tablet. With a rechargeable digital ink pen, users can turn the HP TouchSmart tx2 into a tablet PC to write, sketch, draw, take notes or graph right onto the screen – and then automatically convert handwriting into typed text.

Business HP TouchSmart drives new customer interactions, business models

The industry's only full-featured, all-in-one, multitouch-enabled business PC, the HP TouchSmart 9100 Business PC provides real-time information, videoconferencing capabilities⁽⁴⁾ and multimedia features in a 23-inch diagonal full HD⁽⁵⁾ widescreen display.

The HP business TouchSmart is enabling a more interactive, compelling customer experience at businesses such as bridal retailer Priscilla of Boston for luxury dress concierge service, St. Louis Oncology for medical filing, the NBA's Detroit Pistons for instant replays and food, and hotels such as Sheraton and Marriott to provide enhanced customer lobby experiences.

New business models are emerging with the HP TouchSmart 9100. Digital Aisle, an interactive shopper solutions company, is bringing "virtual sales assistants" to life using HP's interactive touch screens. The Digital Aisle's Virtual Bartender uses HP TouchSmart technology to help people plan parties, print and email recipes, and learn expert bartending tips. This interactive point-of-purchase tool has been deployed to independent and chain retailers across the United States, Canada and Puerto Rico.

An array of new enhancements on the HP TouchSmart 9100 include:

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- DVI output, enabling customers to connect to their full HD format displays and projectors
- Configure-to-order options designed to meet the needs of businesses, including a choice of genuine Microsoft Windows® 7 32-bit or 64-bit operating system,⁽⁶⁾ processors, optical drives, hard drives, solid state drives, Kensington locks, HP Protect Tools and HP BIOS to enable USB ports and SATA device lock down, and retasking of button controls for custom kiosk configurations
- Optional wall mount adapter attaches the HP TouchSmart to a VESA wall mount or a VESA-compatible articulating arm
- U.S. Trade Agreements Act (TAA) compliant – HP TouchSmart 9100 configure-to-order units comply with TAA requirements⁽⁷⁾
- Premium performance with a powerful Intel® Core™2 Duo processor,⁽⁸⁾ Genuine Windows 7 Professional, up to eight gigabytes (GB) of memory,⁽⁹⁾ up to a 500 GB hard drive or an optional 64 GB solid state drive,⁽¹⁰⁾ and a trial version of Microsoft® Office⁽¹¹⁾
- NVIDIA GeForce G200 integrated graphics or upgrade to NVIDIA GeForce GT230 discrete graphics using the Mobile Express Module (MXM) graphics slot
- New standard onsite warranty providing next-day⁽¹²⁾ business servicing
- FireWire® output for quick and easy transfer of digital files, photos and videos from a wide variety of IEEE94-compatible peripheral devices
- Optional wireless keyboard and mouse
- Optional Blu-ray combo optical⁽¹³⁾ disk drive

The HP TouchSmart for business is a space- and energy-saving portal for businesses. Its ENERGY STAR qualified and EPEAT® Silver registered design uses 55 percent less metal and 37 percent less plastic than standard PCs and monitors. With the easy-to-use [HP Power Manager](#) tool, companies also can configure their individual PC power settings to save energy without interfering with the PC's ability to perform.

Businesses shine with HP's first fully interactive, 42-inch, HD digital signage display

The HP LD4200tm is a 42-inch diagonal, sleek black digital signage built to fit in trendy indoor environments, such as kiosks, retail, point of sale, shopping malls, travel terminals, hotel lobbies, recreational venues, universities, stock exchanges and hospitals.

It features infrared technology, which recognizes multitouch gestures for onscreen interaction in 1,920 x 1,080 full HD native resolution to provide stunning views of video, graphics or text in both bright and dim lighting. In addition, an ultra-wide 178 x 178 degree viewing angle enables observation from almost any angle and, unlike TV screens, the HP LD4200tm is built to run 24/7 with low power usage while maintaining longevity. It also comes with a standard three-year limited warranty.

Pricing and availability⁽¹⁴⁾

- The HP TouchSmart 300 starts at \$899 and is expected to be available Nov. 1.
- The HP TouchSmart 600 starts at \$1,049 and is expected available Oct. 22.
- The HP TouchSmart tx2 starts at \$799 and is expected to be available Oct. 22.
- The HP TouchSmart 9100 starts at \$1,299 and is expected to be available in December.
- The HP LD4200tm 42-inch widescreen LCD monitor starts at \$2,799 and is expected to be available in December.

Customers can reserve a HP TouchSmart beginning today at <http://www.hpdirect.com/go/newfromhp>.

About HP

HP, the world's largest technology company, simplifies the technology experience for consumers and businesses with a portfolio that spans printing, personal computing, software, services and IT infrastructure. More information about HP (NYSE: HPQ) is available at <http://www.hp.com/>.

(1) Internet access required for all applications and not included.

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(2) Actual weight will vary by configuration.

(3) This system requires a separately purchased 64-bit operating system and 64-bit software products to take advantage of the 64-bit processing capabilities of AMD technology. Dual/quad/triple-core processing available with AMD technology is designed to improve performance of this system. Given the wide range of software applications available, performance of a system including a 64-bit operating system and a dual-core processor will vary.

(4) Internet and VoIP service contracts required.

(5) HD content required to view HD images.

(6) Systems may require upgraded and/or separately purchased hardware and/or a DVD drive to install the Windows 7 software and take full advantage of Windows 7 functionality. See <http://www.microsoft.com/windows/windows-7/> for details.

(7) Configure-to-order SKUs will be built in Mexico and buy-to-order (BTO) units will be built in China. BTO units are not TAA compliant.

(8) Dual Core is designed to improve performance of multithreaded software products and hardware-aware multitasking operating systems and may require appropriate operating system software for full benefit. Intel's numbering is not a measurement of higher performance. Not all customers or software applications will necessarily benefit from use of this technology. 64-bit computing on Intel architecture requires a computer system with a processor, chipset, BIOS, operating system, device drivers and applications enabled for Intel 64 architecture. Processors will not operate (including 32-bit operation) without an Intel 64 architecture-enabled BIOS. Performance will vary depending on hardware and software configurations. More information is available at www.intel.com/info/em64t.

(9) Maximum memory capacities assume Windows 64-bit operating systems or Linux. With Windows 32-bit operating systems, memory above 3 GB may not all be available due to system resource requirements.

(10) 1 GB = 1 billion bytes. Actual formatted capacity is less. Up to 16 GB of system disk is reserved for system recovery software.

(11) Microsoft Office is a trial version; functionality is reduced after 60 days. The full version is sold separately.

(12) Service levels and response times for HP Care Packs may vary depending on geographic location. Restrictions and limitations apply. Service starts at date of hardware purchase. More details are available at www.hp.com/go/carepack.

(13) Blu-ray is a format containing new technologies; certain disc, digital connection, compatibility and/or performance issues may arise, and do not constitute defects in the product. Flawless playback on all systems is not guaranteed. In order for some Blu-ray titles to play, they may require a DVI or HDMI digital connection and the display may require HDCP support. HD-DVD movies cannot be played on this desktop PC.

(14) Estimated U.S. street prices. Actual prices may vary.

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Editorial contacts:

Ann Finnie, HP: ann.finnie@hp.com

Melissa Zieger, HP: melissa.zieger@hp.com

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