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

Proceeding	92053509
Party	Plaintiff Cleveland State University
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 3,735,435
For the mark UNIVERSITY OF CLEVELAND
Registered: January 5, 2010

Petitioner's Reference No.: CLEV 700117US01

Cleveland State University)	
)	
Petitioner,)	
)	Cancellation No. 92053509
v.)	
)	
CampusEAI Consortium)	
)	
Registrant.)	
_____)	

**PETITIONER CLEVELAND STATE UNIVERSITY.'S NOTICE OF
FILING THE TESTIMONIAL DEPOSITION OF ROBERT SPADEMAN**

Pursuant to TBMP § 703.01 and 37 C.F.R. § 2.123(h), Petitioner, Cleveland State University ("Petitioner"), hereby gives notice to the Registrant, CampusEAI Consortium ("Registrant"), that it offers into evidence and intends to rely on the testimonial deposition of Robert Spademan.

Dated: August 20, 2013

Respectfully submitted,

FAY SHARPE LLP

/s/ Colleen Flynn Goss
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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2013, the foregoing **PETITIONER'S NOTICE OF FILING THE TESTIMONIAL DEPOSITION OF ROBERT SPADEMAN** was served by electronic mail on counsel for Registrant per the agreement of the parties, at:

Michael DeJohn, Esq.
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U.S.A.

/s/ Colleen Flynn Goss
Colleen Flynn Goss
Attorney for Petitioner

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

4 ~~~~~

5
6 Petitioner's Reference No: CLEV 700117US01

7
8 CLEVELAND STATE UNIVERSITY,

9
10 Petitioner,

11
12 vs. Cancellation No. 92053509

13
14 CAMPUSEAI CONSORTIUM,

15
16 Registrant.

17 ~~~~~

18 Deposition of
19 ROBERT SPADEMAN - CORRECTED

20
21 March 14, 2013

22 1:04 p.m.

23 Taken at:

Fay Sharpe LLP

24 The Halle Building, 5th Floor

Cleveland, Ohio

25 Jill A. Kulewsky, RPR, Notary Public

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On behalf of the Petitioner:

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TRANSCRIPT INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES..... 2

INDEX OF EXHIBITS 4

EXAMINATION OF ROBERT SPADEMAN:

By Ms. Fry..... 5

By Mr. Dejohn..... 44

By Ms. Fry..... 53

REPORTER'S CERTIFICATE..... 56

EXHIBIT CUSTODY

EXHIBITS RETAINED BY COURT REPORTER

INDEX OF EXHIBITS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NUMBER	DESCRIPTION	MARKED
Exhibit 1	A Notice Of Testimonial Deposition	5
Exhibit 2	USPTO Certificate of Trademark. Registration for CLEVELAND STATE UNIVERSITY	6
Exhibit 3	USPTO Certificate of Trademark. Registration for CLEVELAND STATE UNIVERSITY with Design	13
Exhibit 4	The Cleveland State University Website	17
Exhibit 5	USPTO Certificate of Trademark. Registration for University of Cleveland	41
Exhibit 6	Cleveland State University Marketing Materials	43

1 ROBERT SPADEMAN, of lawful age, called
2 for examination, as provided by the Ohio Rules
3 of Civil Procedure, being by me first duly
4 sworn, as hereinafter certified, deposed and
5 said as follows:

6 EXAMINATION OF ROBERT SPADEMAN
7 BY MS. FRY:

8 Q. Could you state and spell your name
9 for the record, please?

10 A. It's Rob Spademan, R O B E R T,
11 Robert, S P A D E M A N.

12 - - - - -

13 (Thereupon, Deposition Exhibit 1, A
14 Notice Of Testimonial Deposition,
15 was marked for purposes of
16 identification.)

17 - - - - -

18 Q. Mr. Spademan, I'm handing you what
19 has been marked as Petitioner Exhibit Number 1.
20 Have you seen that document before?

21 A. Yes.

22 MR. DEJOHN: Do you have a copy of
23 the exhibits that you'll be using?

24 MS. FRY: Yes, I do. I'm sorry.

25 MR. DEJOHN: Thank you.

1 Q. You're the Robert Spademan
2 identified in that Notice of Testimonial
3 Deposition?

4 A. Yes.

5 Q. And you are here today to testify
6 on behalf of Cleveland State University with
7 regard to this matter?

8 A. Yes.

9 Q. Mr. Spademan, where are you
10 presently employed?

11 A. Cleveland State University.

12 Q. What is your title?

13 A. Assistant Vice-President-Marketing.

14 Q. What are your job responsibilities
15 as Assistant Vice-President-Marketing?

16 A. I'm responsible for shepherding the
17 brand, if you will, at Cleveland State
18 University, presenting the university in its
19 best possible light through our promotions and
20 advertising and public presence.

21 Q. How long have you been employed at
22 Cleveland State University?

23 A. Five and a half years.

24 - - - - -

25 (Thereupon, Deposition Exhibit 2,

1 USPTO Certificate of Trademark Registration
2 for CLEVELAND STATE UNIVERSITY, was
3 marked for purposes of identification.)

4 - - - - -

5 Q. Handing you what has been marked as
6 Petitioner Exhibit Number 2, have you seen that
7 document before?

8 A. Yes.

9 Q. What is that document?

10 A. This is the federal service mark
11 for Cleveland State University.

12 Q. And do you see in the left-hand
13 corner Cleveland State University?

14 A. Yes.

15 Q. Cleveland State University is the
16 owner of that federal registration?

17 A. Yes.

18 Q. And that's registration number
19 3,671,697?

20 MR. DEJOHN: Objection.

21 A. Yes.

22 Q. Now, do you see the description of
23 services on that registration?

24 A. Yes, I do.

25 Q. I'd like to go through this

1 description of services and I would ask for you
2 to describe how Cleveland State University uses
3 the mark Cleveland State University in
4 connection with each of these services.

5 A. Okay.

6 Q. So we're going to start with
7 lending libraries.

8 A. The university has several
9 libraries on its campus, and these libraries
10 are identified as Cleveland State University
11 facilities.

12 Q. And how are they identified as
13 such?

14 A. There is signage both inside and
15 outside the various facilities.

16 Q. The next service identified is
17 publication of books. How does Cleveland State
18 University use the Cleveland State University
19 mark in connection with those services?

20 A. In terms of materials that are
21 taken from the library, they're all identified
22 as Property of Cleveland State University.

23 Q. The next service is publication of
24 electronic books and journals on-line.

25 A. Again, anything that is published

1 by our teachers, our professors, is identified
2 as Cleveland State University material.

3 Q. And how is that done?

4 A. Through the use of our trademark
5 logo and name, and depending on the
6 publication, that can vary a little bit, but
7 generally speaking, it's fairly prominent.

8 Q. The next services identified in
9 Registration Number 3,671,697 are educational
10 services, namely providing courses at the
11 undergraduate and graduate university level and
12 distributing course materials therewith. How
13 is the Cleveland State University mark used in
14 connection with these services?

15 A. So for these items, Cleveland State
16 University is again labeled on all the
17 materials, starting with the course catalogues
18 that describe the individual courses as being
19 Cleveland State University courses, and
20 materials that might be used in the classrooms.
21 For example, a syllabus given out by the
22 teacher would always identify that particular
23 individual course as a Cleveland State
24 University course.

25 Q. And what are the different

1 educational services provided by Cleveland
2 State University?

3 A. Well, our business is education, so
4 we provide coursework and training for students
5 on different levels, undergraduate, graduate,
6 certificate programs and other special programs
7 that might last a shorter period of time, like
8 a two-day seminar or something like that, that
9 somebody comes for.

10 Q. How does Cleveland State University
11 use the Cleveland State University mark in
12 connection with extension, continuing and
13 community educational services, namely
14 conducting classes, public lectures, workshops,
15 seminars, conferences and exhibitions in the
16 fields of engineering, law, business, arts and
17 humanities, natural and physical sciences,
18 architecture, journalism, education,
19 international and public affairs, public
20 health, social work, behavioral sciences, and
21 mathematics and distributing course material
22 therewith?

23 MR. DEJOHN: Objection.

24 A. Cleveland State identifies these
25 kinds of activities up front. For example, an

1 exhibition of materials, for example, would be
2 clearly identified and promoted as a Cleveland
3 State University activity.

4 Q. There's a number of references in
5 here to engineering, law, business, arts and
6 humanities. Do you see those?

7 A. Yes.

8 Q. What does that identify?

9 A. These represent the specialized
10 fields that we offer these kinds of educational
11 services in.

12 Q. There's also a reference in these
13 services to educational research. How does
14 Cleveland State University use the Cleveland
15 State University mark in connection with these
16 services?

17 A. So in the case of research
18 materials, when a professor publishes an
19 article on some research he or she has
20 accomplished, those kinds of things are always
21 identified as Cleveland State University in the
22 various journals that they would appear in.

23 Q. And there's also a reference in
24 this statement of services to entertainment
25 services, namely arranging and conducting

1 athletic events and tournaments, exhibitions,
2 conferences, live performances and festivals.
3 How is the Cleveland State University mark used
4 in connection with these services?

5 A. Certainly all athletic events are
6 identified as Cleveland State University
7 events. It's the Cleveland State University
8 basketball game that night, and on all of
9 our -- in the arts area where we have very
10 vibrant programs, these productions are always
11 identified as "Produced by and presented by
12 Cleveland State University".

13 Q. When you say "arts area", namely
14 what are you referring to?

15 A. Namely theater, dance and art
16 itself are the three main components of that
17 arts campus.

18 Q. Do you see underneath that a First
19 Use 1964?

20 A. Yes.

21 Q. And In Commerce 1964?

22 A. Yes.

23 Q. Is that a correct First Use date
24 for the use of the Cleveland State University
25 mark for these services?

1 A. Yes.

2 Q. And how do you know that?

3 A. The university was established on
4 the first day of 1964 by the State of Ohio, and
5 I have personally seen the documents in our --
6 with our archivist in the library that are
7 housed there that speak to that beginning of
8 Cleveland State University.

9 - - - - -

10 (Thereupon, Deposition Exhibit 3,
11 USPTO Certificate of Trademark
12 Registration for CLEVELAND STATE
13 UNIVERSITY with Design, was marked
14 for purposes of
15 identification.)

16 - - - - -

17 Q. I'm handing you a document that has
18 been marked as Petitioner Exhibit Number 3.
19 Have you seen that document before?

20 A. Yes.

21 Q. What is that document?

22 A. This is, again, the Federal Patent
23 and Trademark Office recognition of our service
24 mark. The seal, as I would refer to it.

25 Q. Would you just describe the seal?

1 A. The Cleveland State University seal
2 is a common device used by most, if not all,
3 universities to identify themselves. This
4 particular one has some meaning ascribed to it.
5 For example, the nine pillars on the building
6 at the top represent the nine Board of Trustee
7 members at the university; those are Buckeye
8 leaves that represent Ohio; the Alpha -- A
9 stands for Alpha, as in the beginning of time,
10 and the infinity symbol stands for forever
11 time, and then finally, the notion of arts,
12 reading and writing is down in the lower
13 right-hand corner. So that's the symbolism of
14 our seal.

15 Q. Who owns this trademark
16 registration?

17 A. Cleveland State University.

18 Q. And do you see, again, the listing
19 of services for which this Federal Trademark
20 Registration is used?

21 A. Yes.

22 Q. And I will represent to you that
23 that list of services is identical to the list
24 of services for the Cleveland State University
25 registration that we just looked at, Petitioner

1 Exhibit Number 2.

2 MR. DEJOHN: Objection.

3 Q. Are these services used in
4 connection with the seal used in the same
5 manner as you've --

6 A. Yes.

7 Q. -- previously described?

8 A. Yes.

9 Q. And would you describe generally
10 just how the seal is used by Cleveland State
11 University in connection with its services?

12 A. The seal is probably the most
13 common identifier for the university on many
14 materials and activities that it issues and
15 publishes and presents for these kinds of
16 activities.

17 Q. And do you see on Exhibit Number 3
18 the reference to First Use 1965 and In Commerce
19 1965?

20 A. Yes.

21 Q. Is that a correct date of first use
22 for the seal?

23 A. Yes.

24 Q. And how do you know that?

25 A. I would give you the same answer as

1 before. I have seen artifacts in the
2 archivist's office that document the beginnings
3 of the university.

4 Q. Now, going back to Petitioner
5 Exhibit Number 2 and the Cleveland State
6 University word mark registration, has the use
7 of that mark been continuous since 1964?

8 A. Yes.

9 Q. And how do you know that?

10 A. Again, the archivist maintains a
11 library of materials and records, and this is
12 everything from yearbooks to student
13 newspapers, to documents from various
14 Presidents and so forth over the history of the
15 university, and so he's got materials that
16 substantiate that use from the beginning of
17 time onward.

18 Q. And looking at Exhibit Number 3,
19 the federal registration for the seal, has the
20 use of the seal registration been continuous
21 since 1965?

22 A. Yes.

23 Q. How do you know that?

24 A. Again, I'd give the same answer,
25 that there is documentation indicating, and

1 I've seen much of this, that this seal has been
2 in use since its original adoption in 1965.

3 - - - - -

4 (Thereupon, Deposition Exhibit 4,
5 The Cleveland State University
6 Website, was marked for purposes of
7 identification.)

8 - - - - -

9 Q. Mr. Spademan, I'm showing you what
10 has been marked as Petitioner Exhibit Number 4.
11 Could you identify that document for the
12 record, please?

13 A. This is the Cleveland State
14 University website.

15 Q. Is that the entire website?

16 A. No. It would be a much bigger
17 package of pages.

18 Q. So is that a sampling of pages from
19 the website?

20 A. Yes.

21 Q. Now, looking at the first page of
22 Exhibit Number 4, what does that page show?

23 A. This page is the homepage of the
24 Cleveland State University website and it
25 represents sort of the entry point to our

1 digital presence, having main categories on it
2 for people to easily find information that they
3 need, including employees and students at the
4 university, which would click into My CSU and
5 access various records and so forth.

6 It also contains our brand
7 position, which is engaged learning, on the
8 left-hand side there, and then a particular --
9 we refer to these as sliders, essentially an ad
10 that shows -- encourages our students to be
11 involved at Cleveland State University, student
12 life activities.

13 Q. What is engaged learning?

14 A. Engaged learning is really our -- a
15 brand position that we've adopted that
16 distinguishes the university from others,
17 essentially saying to our students that when
18 you come to the university, you will be
19 involved in an engaged way, other than just
20 sitting in a classroom for four years, and by
21 that we mean internships and co-ops and other
22 things that Cleveland, being in Cleveland, has
23 to offer us with all the rich resources that
24 are around us and available to our students.

25 Q. And you see the orange rectangles

1 for prospective students?

2 A. Yes.

3 Q. What are those?

4 A. Again, these are buttons to allow
5 people who are looking at the university in a
6 prospective manner to come in and see material
7 that's pertinent to their search process, and
8 the one on the right is addressed really to our
9 alumni base.

10 Q. And what is the one in the middle
11 addressed to?

12 A. Parents & Families. So this would
13 be different messaging than to a student but
14 information that parents would be interested in
15 learning more about or family members of
16 prospective students.

17 Q. Do you see the address here at the
18 bottom of this page?

19 A. Yes.

20 Q. Is that the address for Cleveland
21 State University?

22 A. This is the official address of
23 Cleveland State University.

24 Q. What is that address?

25 A. 2121 Euclid Avenue.

1 Q. And that's Cleveland, Ohio?

2 A. Cleveland, Ohio, yes, 44115.

3 Q. Now, going to the next page of that
4 exhibit, at the bottom of that page you'll see
5 a reference to Enrollment. Would you describe
6 the enrollment profile of Cleveland State
7 University students?

8 A. The enrollment profile of Cleveland
9 State University is 17,500 students, full-time
10 students, of which, about 6,000 are graduate
11 students and the rest are undergraduates, and
12 in particular, the freshman class, which is
13 referenced here as being a record this past
14 fall, is 1,550 students joined us in this past
15 fall's incoming class.

16 Q. And on the following page of that
17 exhibit, up at the top there's a reference to A
18 Campus Reborn. What is that?

19 A. This section of the website talks
20 about the physical transformation of our campus
21 over the last decade that adds up to
22 essentially half a billion dollars in
23 investment in new infrastructure on our campus,
24 and this particular photo here shows one of the
25 new buildings that is part of that rebuilding

1 of our campus.

2 Q. How is the Cleveland State
3 University trademark or service mark used in
4 connection with these buildings?

5 A. All of these buildings are plainly
6 identified as Cleveland State University
7 facilities.

8 Q. Are both the seal and the Cleveland
9 State University word mark used in connection
10 with these buildings?

11 A. Yes.

12 Q. Do you see a reference in the
13 center of that page to Campus International
14 School?

15 A. Yes.

16 Q. What is that?

17 A. The Campus International School at
18 Cleveland State University is a joint venture,
19 if you will, between us, our College of
20 Education and Human Services, and the Cleveland
21 Metropolitan School District. It is
22 essentially a school that we're building out to
23 become a K through 12 school. It's part of the
24 vision of our current President, who wanted to
25 envision a true neighborhood, and part of any

1 good neighborhood is a good school in the city,
2 and with the influx of people living in the
3 city, he felt it was important to establish a
4 school.

5 We did that with the Cleveland
6 Public School System and it is an international
7 baccalaureate-seeking school, which is a very
8 unique curriculum for the students who go
9 there. It's open to any students in Cuyahoga
10 County, preference is given to Cleveland school
11 kids and then children of employees at
12 Cleveland State University.

13 Q. When you say international
14 baccalaureate-seeking school, what is that?

15 A. It's a curriculum that originated
16 in Europe that focuses children today on being
17 good citizens of the world and understanding
18 and respecting other cultures of the world and
19 proactively teaching them to be leaders in that
20 process.

21 Q. There's also a reference here to
22 Arts Campus. What is that?

23 A. The Arts Campus at Cleveland State
24 University is one of the more recent
25 investments we've made and includes a project

1 with the Allen Theatre that we did with both
2 Playhouse Square and Cleveland Playhouse to
3 renovate the Allen Theatre and break it into
4 three different theater units, and we share the
5 52 weeks of the year with those two other
6 organizations for producing productions by our
7 theater department at Cleveland State
8 University.

9 We also moved our art program and
10 our dance program into the Middough Building on
11 13th Street, where we occupy three floors of
12 that building, and our students go to class
13 there in those programs.

14 Q. Turning to the next page of that
15 exhibit, do you see the photo at the top of
16 that page? You know what, you might be one
17 ahead of me.

18 A. I'm sorry. This (indicating)?

19 Q. Yes. Could you describe what that
20 photo is at the top?

21 A. This is the permanent marquis at
22 the entrance to the Allen Theatre, and again,
23 we share this facility with the Cleveland
24 Playhouse, so their trademark is on the top and
25 our seal and name is on the bottom.

1 Q. And on this page there's also a
2 reference to NEOMED Campus at CSU. What is
3 that?

4 A. NEOMED is a medical school down in
5 Rootstown, and we have partnered with them and
6 developed a program for students at Cleveland
7 State who can stay at Cleveland State and go on
8 and become doctors, and this is done through
9 establishing a physical campus of NEOMED at
10 Cleveland State University. So it remains
11 their name on the program, but our students
12 attend it in our facilities.

13 Q. Now, skipping the next page, the
14 page after that there is a listing of colleges.
15 Do you see that?

16 A. Yes.

17 Q. What are the various colleges at
18 Cleveland State University?

19 A. The first college, of course, was
20 Fenn College of Engineering. When the
21 university began in 1964, it assumed this
22 private institution that had been around
23 Cleveland for about 75 years before that.

24 The second college was the
25 Cleveland-Marshall College of Law that the

1 university assumed a couple of years after
2 1964, and then the others developed over time.
3 We have a College of Liberal Arts and Social
4 sciences, the College of Sciences and Health
5 Professions, the Monte Ahuja College of
6 Business, the College of Education and Human
7 Services, the Maxine Goodman Levin College of
8 Urban Affairs, the College of Graduate Studies
9 and the School of Nursing.

10 Q. What are the various degrees
11 offered by these colleges?

12 A. It ranges, of course. A bachelor's
13 degree, a master's degree, doctoral degrees in
14 some cases and PhDs, and, of course, in the law
15 school, it's a JD degree.

16 Q. Are any of these degrees on-line
17 degrees?

18 A. Yes.

19 Q. Could you describe those?

20 A. For example, the School of Nursing
21 has a master's program that is completely
22 on-line. The students never come to campus for
23 any of their classes, they take all of them
24 on-line, and I think another example of one
25 that's really cutting edge is our -- what we

1 call our virtual MBA program, which students
2 who are entered into this program work through
3 an iPad that is provided to them, and all of
4 their coursework and syllabi and references to
5 on-line materials are placed on the iPad, which
6 is shipped to them, and that's how they execute
7 their MBA.

8 Q. On the next page of this document
9 is the history of Cleveland State University.
10 Do you see that?

11 A. Yes.

12 Q. Would you describe the history of
13 Cleveland State University?

14 A. The University started in 1964. We
15 had a Governor at that time who wanted to have
16 a public university within 30 minutes of every
17 Ohio resident, so a number of universities were
18 started up in the 60s. Cleveland did not have
19 a public university at the time and so the
20 university began with the absorption of what
21 was Fenn College at that time and has
22 progressed since that time in the past 48 years
23 as Cleveland State University.

24 Q. And then skipping the next page of
25 that exhibit and going to the page starting

1 with At A Glance, do you see that?

2 A. Yes.

3 Q. What is that page?

4 A. The At A Glance page is really a
5 highlights page. It's an opportunity for
6 visitors to the Cleveland State University
7 website to see very quickly some important
8 details about our size, our shape, the academic
9 offerings we have, the student activities that
10 we have. It's really a quick overview of
11 Cleveland State University.

12 Q. And there's a reference on that
13 page to Cleveland. Do you see that?

14 A. To campus, yes.

15 Q. Would you describe the campus at
16 Cleveland State University?

17 A. 85 acres and 40-plus buildings, and
18 as we know, it is the largest physical
19 footprint in downtown Cleveland.

20 Q. There's also a reference to
21 Partnerships/Collaborations. What is that?

22 A. This speaks to our engaged learning
23 position that our President believes very
24 strongly in and how the university is woven
25 tightly into the community and the resources

1 around us for the benefit of both, for the
2 benefit of our students and for the benefit of
3 the institutions that Cleveland has.

4 For example, the Cleveland Clinic
5 is listed here. On any given day, there are
6 5,000 nursing opportunities at the Cleveland
7 Clinic that they just can't fill. So we have a
8 School of Nursing, they do their clinicals
9 there, they have the opportunity to engage with
10 the Cleveland Clinic and hopefully some day
11 have employment from them. That's what we
12 think of when we think of partnerships.

13 Q. Is the Cleveland State University
14 mark or seal used in connection with these
15 partnerships or collaborations?

16 A. Yes.

17 Q. And how would that come about?

18 A. For example, the City of Cleveland,
19 the school system and the Campus International
20 School that we talked about, if you look at
21 their building and their sign, it says Campus
22 International School and then below that is the
23 Cleveland State University seal, and below that
24 is the registration trademark of the Cleveland
25 Metropolitan School District.

1 Q. There's also a reference on this
2 page to Academic Programs. Would you describe
3 Cleveland State University's academic programs?

4 A. Well, as it says here, we offer
5 more than 200 majors and have over 1,000 course
6 offerings, and that is a fairly robust list for
7 our size of opportunities for our students. So
8 what we're talking about here is really all the
9 different ways that you can get your degree at
10 Cleveland State University, including the
11 Honors Program, which is referenced here, which
12 is really for the academically gifted students
13 that come to Cleveland State University.

14 Q. There's also a reference on that
15 page to Athletics. What is that?

16 A. This speaks to the fact that
17 Cleveland State University plays Division I
18 sports, and we have a number of men's and
19 women's teams, of course, and that their
20 seasons run throughout the school year and even
21 into the summer in some cases, and in fact, our
22 men's and women's swimming and diving team just
23 won the Horizon League Championship, which is
24 the athletic league that we play in.

25 Q. There's also a reference on that

1 page to Student Activities. What does that
2 describe?

3 A. The student activities description
4 here speaks to student life at Cleveland State
5 University and the opportunity for our students
6 to participate in over 200 registered student
7 organizations that are available to our
8 students. Some of those are professionally
9 oriented and others are more fraternal or
10 social in nature as well, but we present a
11 very robust student life for our students at
12 Cleveland State University.

13 Q. The next page of that exhibit is
14 captioned Campuses. Do you see that?

15 A. Yes.

16 Q. And there's a reference there to
17 Partnership locations throughout Northeast
18 Ohio. What is that?

19 A. The reference to partnership
20 locations of Cleveland State University are
21 programs that we run at the community colleges
22 in the area. The three big ones mentioned here
23 are Lakeland, Lorain and Tri-C, and then we
24 also have our own facility in Westlake that we
25 refer to as the West Center for Cleveland State

1 University, and this, too, offers coursework
2 for our students out in the suburbs.

3 Q. How are the Cleveland State
4 University mark and seal used in connection
5 with these partnership locations?

6 A. The buildings have identification
7 inside them at the community colleges that
8 reference Cleveland State University programs
9 and partnerships, and the West Center itself
10 has identification on the outside of the
11 building, as well as the inside.

12 Q. Now, skipping the next page and the
13 index, there's a reference to Admissions.
14 Would you describe the admissions process for
15 Cleveland State University?

16 A. The admissions process at Cleveland
17 State University is -- there are three items
18 that have to be submitted for students who are
19 interested in admission. One is their
20 application itself and the fee that goes with
21 that, number two is their test scores, an ACT
22 or SAT test scores that are forwarded to us by
23 those testing institutions, and then lastly,
24 their transcript indicating their grades and
25 grade point averages at the high school that

1 they currently attend. When those three items
2 are received, if the student meets our
3 criteria, which is a minimum of a 2.3 and 17
4 ACT, they are admitted to the university.

5 Q. Now, you referenced sending test
6 scores to Cleveland State University?

7 A. Yes.

8 Q. How would a potential student go
9 about doing that?

10 A. Students, when they take the test,
11 are advised to learn our four-digit code and
12 they put that on the top of their test that
13 basically says Please send my results to the
14 following schools, and you list them and then
15 you put the number after them.

16 Q. How are they advised to use the
17 four-digit code?

18 A. We tell them that in our various
19 recruiting activities we have at the
20 university.

21 Q. Would you describe the various
22 recruiting activities that you have at the
23 university?

24 A. Our admissions team works both out
25 and in the precincts, if you will, by visiting

1 high schools. Starting in the fall, there's a
2 lot of travel out there. We attend college
3 fairs, we produce specific college nights at
4 high schools that would have a lot of Cleveland
5 State University interested students who could
6 be admitted on the spot. We produce a number
7 of events on the campus, including one coming
8 up April 6th called our Spring Open House.
9 Last year that event drew 2,500 visitors to the
10 campus to sample Cleveland State University and
11 all of its offerings and departments to talk
12 to, and then, of course, there's a lot of
13 one-on-one activity with our admissions
14 counselors after they learn of somebody's
15 interest to talk to them, maybe have them come
16 in and visit us and attend a class, talk to an
17 advisor, someone in the academic end of things
18 to learn more about the university.

19 Q. How is the Cleveland State
20 University mark and seal used in connection
21 with these recruiting activities?

22 A. The university's mark is on all of
23 the materials that we use when doing these
24 activities, including our admissions counselors
25 wear various apparel items that identify

1 themselves as Cleveland State University, and
2 everyone wears in that group a name badge that
3 has the seal on it and their name on it every
4 single day.

5 Q. The next page is Academics. Do you
6 see that?

7 A. Yes.

8 Q. And there's a reference to Academic
9 Advising underneath there?

10 A. Yes.

11 Q. What is that?

12 A. Students who come to the university
13 need guidance as to what they need to take and
14 what they shouldn't take to keep them on track
15 to graduation, and so we put a lot of effort
16 into various advising services. Once you pick
17 a major, for example, then your advisor is
18 within that college, but you might be a student
19 who doesn't have a major yet, so you're
20 identified as an exploratory student, so
21 there's an exploratory advising office there as
22 well, and then there are various levels of
23 advisors within specific areas of study,
24 there's the math tutoring, for example, and
25 those kinds of things that you can go to, and

1 we've even embedded advisors in particular
2 classes. So there are gifted students in math
3 classes who are taking the class with other
4 students who might be a little bit more
5 challenged, and they, in fact, actually can
6 help the student as the class is going on,
7 instead of going to see them later.

8 Q. Skipping the next page and going to
9 Office of Research and College of Graduate
10 Studies, what is that?

11 A. This page talks about both graduate
12 studies at the university and research. Those
13 two really go hand in hand. As an
14 undergraduate, you may do some research, but in
15 graduate school, that's really the cornerstone
16 of your studies. So this particular office of
17 the university's web pages are presented here
18 and the two really, as I said, go hand in hand,
19 and this talks about the various programs and
20 opportunities that we have in those areas.

21 Q. Skipping the next two pages,
22 there's a reference to Alumni & Friends. Do
23 you see that?

24 A. Yes.

25 Q. What is that?

1 A. This page is for our alumni. The
2 university has over 100,000 graduates since its
3 inception in 1964, and this page is a portal,
4 if you will, for alumni of the university to
5 connect with the university, to attend events,
6 to look for a job, to find out what's going on,
7 and ultimately, we hope they give us some
8 money.

9 Q. And going to the next page, Office
10 of Technology Transfer, what is that?

11 A. This page deals with the -- just as
12 it says, the transfer of technology that is
13 developed by our professors to the real world,
14 and a great recent example of this is Texas
15 Instruments bought some motion control
16 technology that one of our engineering
17 professors developed that adjusts the motion of
18 different machinery during the manufacturing
19 process to keep everything running smoothly.
20 So this office deals with marrying those two
21 items up and producing -- ultimately producing
22 revenue for the university.

23 Q. How is the Cleveland State
24 University mark and seal used in connection
25 with these types of services?

1 A. All of these materials used in this
2 office are identified as Cleveland State
3 University.

4 Q. The next page of this exhibit
5 includes the title Faculty Expertise Database.
6 What is that?

7 A. This is really a place for faculty
8 to really archive the research that they've
9 done and the work that they're interested in,
10 and the notion here goes back to engaged
11 learning, that Professor X over in one college
12 might be interested in something he or she
13 would find through this portal, potentially
14 someone over in College Y who was doing similar
15 research, that might help them get to a
16 conclusion faster. So it's really a resource
17 for both our faculty and people in the
18 community that are looking for experts in
19 particular areas.

20 Q. The next page is College of
21 Graduate Studies. I think you've already
22 talked about that, so we'll go on to the next
23 page, Library Services. What are those?

24 A. This page again talks about the
25 kinds of resources that are available to

1 students today through the library, and as a
2 graduate student, you know, research, as I
3 mentioned earlier, becomes more important than
4 ever to your success in those advanced degrees.
5 So the library, which has a history of being
6 all about books, is changing by the day to help
7 our students do many other things, whether it
8 be conduct research or get access to databases
9 or other libraries' materials, for that matter,
10 to providing developmental services to our
11 students that need them.

12 Q. Are the Cleveland State University
13 word mark and seal subject of any licensing
14 agreements?

15 A. Yes.

16 Q. Do you know approximately how many?

17 A. Not a finite number, but I would
18 have to say it's a lot. I would say it's more
19 than 50 when you look at the number of people
20 that are involved in that area.

21 Q. Could you describe the various
22 goods that are the subject of these licensing
23 agreements?

24 A. One of the biggest goods associated
25 with us, of course, is apparel. People like to

1 show their school spirit and their allegiance
2 to their school. So our bookstore, for
3 example, sells everything from scarves to
4 gloves, to socks, to dress shirts, to jackets,
5 to sweatshirts, to hoodies, t-shirts, running
6 shorts and sweatpants and so forth, and other
7 items would be desk office type items, school
8 spirit items like pennants, those kind of
9 things, materials, notepads, notebooks, those
10 kind of things that are identified as Cleveland
11 State University.

12 Q. How does Cleveland State University
13 market the Cleveland State University mark and
14 seal?

15 A. We have two campaigns that we run.
16 One is focused on recruitment, and that, of
17 course, is recruiting students to the
18 university, so that's a specific target
19 demographic, and then the other campaign that
20 we run is what we call our brand campaign, and
21 that particular campaign is targeted to a
22 broader audience but with interest focused on
23 potential donors, opinion leaders, community
24 leaders, politicians and that group of people
25 that we want to be aware of what Cleveland

1 State is doing and where we're headed and some
2 of our accomplishments.

3 MS. FRY: Off the record.

4 (A brief recess was taken.)

5 MR. DEJOHN: Let the record reflect
6 that during that break, the witness was called
7 outside to confer with you before coming back
8 in.

9 Q. Mr. Spademan, where do the students
10 from Cleveland State University come from?

11 A. The bulk of our students come from
12 Cuyahoga County and the five counties
13 surrounding it, but about 12 percent of our
14 students come from out of state and another 10
15 percent come from outside of the country.

16 Q. And what other countries do they
17 come from?

18 A. The biggest country right now --
19 the top two countries from which our students
20 are coming right now are Saudi Arabia and
21 India.

22 Q. How about China?

23 A. China is the third largest group of
24 students.

25 - - - - -

1 (Thereupon, Deposition Exhibit 5,
2 USPTO Certificate of Trademark
3 Registration for University
4 of Cleveland, was
5 marked for purposes of
6 identification.)

7 - - - - -

8 Q. Now, I'm handing you Petitioner
9 Exhibit Number 5, which I will represent to you
10 is the Federal Trademark Registration for the
11 University of Cleveland. Do you see that?

12 A. Yes.

13 Q. With regard to the mark University
14 of Cleveland, how does that mark compare to the
15 mark of Cleveland State University?

16 MR. DEJOHN: Objection.

17 A. I believe it's very similar.

18 Q. And why do you say that?

19 MR. DEJOHN: Objection.

20 A. Two of the three words in our mark
21 are represented here.

22 Q. And what are those words?

23 A. University and Cleveland.

24 Q. And do you see on that exhibit that
25 I've just handed you the services described,

1 the statement of services?

2 A. Yes.

3 Q. Would you read those for the
4 record, please?

5 A. "For educational services, namely
6 providing seminars, workshops, classes and
7 lecture in the fields of postsecondary and
8 higher education in the field of information
9 technology, in Class 41."

10 Q. Does Cleveland State University
11 offer those services?

12 MR. DEJOHN: Objection.

13 A. Yes.

14 Q. And how do you know that?

15 A. I'm familiar with our programs and
16 we certainly offer both postsecondary and
17 higher education in a number of fields, and
18 particularly one noted here, information
19 technology.

20 Q. What about seminars, workshops,
21 classes and lectures?

22 A. Ongoing all the time at the
23 university.

24 Q. Have you ever heard of this
25 University of Cleveland?

1 A. No.

2 Q. You've never seen their campus?

3 A. No.

4 Q. Never heard of the campus?

5 A. No.

6 MS. FRY: Off the record.

7 (A brief recess was taken.)

8 - - - - -

9 (Thereupon, Deposition Exhibit 6,
10 Cleveland State University Marketing Materials,
11 were marked for purposes of identification.)

12 - - - - -

13 Q. I'm showing you what's been marked
14 as Petitioner Exhibit Number 6. What is that?

15 A. These are marketing materials that
16 both promote the university to prospective
17 students, as well as describe ways our students
18 engage at the university and specifically some
19 of the programs that we offer at the
20 university.

21 Q. Are those marketing materials
22 disseminated outside of Ohio?

23 A. Yes.

24 Q. And how is that done?

25 A. Both in person through our

1 admissions personnel who attend events outside
2 and through the mail is another way that
3 they're distributed.

4 MS. FRY: Your witness.

5 MR. DEJOHN: Okay.

6 MS. FRY: Do you want to switch and
7 come over here, or are you just going to talk
8 to him there?

9 MR. DEJOHN: No. I don't have that
10 much. You know what, maybe, because he's going
11 to have a propensity to look at me. Stay there
12 and I'll just switch chairs.

13 EXAMINATION OF ROBERT SPADEMAN

14 BY MR. DEJOHN:

15 Q. Mr. Spademan, are you familiar with
16 any other lawsuits that Cleveland State
17 University may have filed to protect a
18 trademark in the past?

19 A. No.

20 Q. Are there any other ones currently
21 ongoing that you know of?

22 A. Not that I'm aware of.

23 Q. Were you born and raised in
24 Cleveland?

25 A. Yes. West side.

1 Q. Do you know as you're driving down
2 Chester by East 30th Street, there's a big sign
3 that says University of Cleveland Preparatory
4 School?

5 A. I have seen it.

6 Q. Do you know what that is?

7 A. It's a charter school, from what I
8 understand.

9 Q. Does it have any affiliation with
10 Cleveland State University?

11 A. No.

12 Q. And to your knowledge, there's been
13 no trademark cancellation proceeding against
14 them, right?

15 A. I'm not familiar with the details,
16 but I understand we are having a conversation
17 about that.

18 MS. FRY: And I will ask the
19 witness not to divulge any attorney-client
20 information concerning that.

21 Q. Are you familiar with a university
22 that goes by South University-Cleveland in
23 Warrensville Heights?

24 A. No.

25 Q. You're not familiar with that?

1 A. I've seen commercials for South
2 University but not with the label Cleveland on
3 it.

4 Q. Have you ever done any research on
5 them on the internet?

6 A. I've looked at it. There are
7 several of these sort of made-up universities
8 that don't seem to exist and you never see a
9 picture of any of their buildings or their
10 campus anywhere.

11 Q. So you've done research on South
12 University-Cleveland on the internet and
13 haven't seen a picture of their building?

14 A. I've seen their commercials and
15 looked at their website.

16 Q. And when you looked at their
17 website, did there appear to be an outbuilding?

18 A. I don't recall.

19 Q. Do you know whether or not there is
20 a pending cancellation proceeding against that
21 institution or organization?

22 A. I don't know.

23 Q. I believe you indicated that you
24 never heard of the University of Cleveland
25 entity that's a part of this lawsuit, correct?

1 A. That is correct.

2 Q. Do you know of any students,
3 prospective students, prospective licensees,
4 who would be selling your products who have
5 ever approached you and said, Man, I was trying
6 to get in touch with you, but I ended up at the
7 University of Cleveland?

8 A. I don't handle that. The
9 athletics --

10 Q. So you personally, you're not aware
11 of anything?

12 A. I don't handle that.

13 Q. Sir, you personally, have you ever
14 come across that kind of a situation?

15 A. No.

16 Q. Has anybody at Cleveland State
17 University informed you that they came across
18 that situation?

19 A. I have heard comments from folks.

20 Q. What folks are those?

21 A. Random students.

22 Q. I'm looking for names of
23 individuals at Cleveland State University who
24 told you, I was trying to get to Cleveland
25 State and I ended up at the University of

1 Cleveland. Do you have any specific names?

2 A. I do not have any names.

3 Q. Is there any way that you could
4 recall this or go through notes or any way to
5 find the names of these persons?

6 A. I would have to dig on that.

7 Q. I understand you could dig, but do
8 you think that would be possible for you to
9 find that information, or is it not likely to
10 be found?

11 A. I don't know.

12 MS. FRY: And when you say
13 "University of Cleveland" there, you're
14 referring to your client?

15 MR. DEJOHN: To the entity that's
16 the subject of this lawsuit.

17 Q. So you said that you've heard it
18 from students. Have you ever heard of it from
19 any potential licensors of your goods?

20 A. No.

21 Q. Do you know what products or
22 services -- you've seen the exhibit, and I
23 think it was Exhibit Number 5, what the
24 description was for the University of
25 Cleveland, but do you have any knowledge of

1 what kind of services or programs that they
2 actually provide?

3 A. No.

4 Q. Have you ever -- have any India
5 students specifically ever come to you and said
6 that they've had issues with delineating
7 between the University of Cleveland and
8 Cleveland State University?

9 A. No.

10 Q. Have you ever heard from anybody
11 else at Cleveland State University that
12 students from India had this issue?

13 A. No.

14 Q. Does Cleveland State University
15 offer project management organizational shops
16 on-line?

17 A. Yes.

18 Q. And that's a certificate course?

19 A. I don't know what it is.

20 Q. But how do you know that it's being
21 offered?

22 A. I know, generally speaking, some of
23 the courses that we offer and I believe that
24 one is offered on-line.

25 Q. So you're not 100 percent sure

1 whether or not --

2 A. We have hundreds of courses offered
3 on-line.

4 Q. I'm not asking you about hundreds
5 of courses, I want to know if you offer PMO
6 certificates --

7 A. And I would answer I do not know.

8 Q. You do not know, okay. So that's a
9 different answer now than before where you said
10 that you were sure that you --

11 A. It sounds like things that we
12 offer.

13 Q. What are the trade channels that
14 the University of Cleveland uses, to your
15 knowledge?

16 A. To our what?

17 Q. To your knowledge, what are the
18 trade channels that the University of
19 Cleveland --

20 A. Could you define "trade channels"?

21 Q. How do they market them?

22 A. We go to market all trade --

23 Q. I'm not asking what you did, sir, I
24 asked what do you understand the University of
25 Cleveland --

1 MS. FRY: Don't interrupt the
2 witness, please.

3 A. I've never seen any marketing for
4 the University of Cleveland.

5 Q. What is your impression of the
6 commercial -- what's your commercial impression
7 of the University of Cleveland?

8 A. I have none.

9 Q. Do you consider the University of
10 Cleveland a competitor of yours, of -- not of
11 yours, of Cleveland State University?

12 A. No.

13 Q. Do you know what the University of
14 Cleveland seal or logo looks like?

15 A. No.

16 Q. Are you familiar with -- let's take
17 it a step back.

18 You were talking earlier that part
19 of the President's goal is to kind of make a
20 community within Cleveland and you were
21 speaking about that as it relates to working
22 with the Cleveland Metropolitan School District
23 on building a certain environment or school.
24 Do you remember having that discussion?

25 A. (Nodding head.)

1 Q. Yes?

2 A. Yes.

3 Q. Are you familiar that one of the
4 President's goals that was quoted in the Plain
5 Dealer a couple years ago was that he was
6 interested in bringing a football team to
7 Cleveland State University?

8 A. Yes.

9 Q. And are you familiar in that same
10 article where it says that he was considering
11 changing the name from Cleveland State
12 University to the University of Cleveland?

13 A. The current President did not say
14 that.

15 Q. That was the old President?

16 A. Uh-huh.

17 MS. FRY: That's a yes?

18 A. That's a yes.

19 Q. But we're talking about the same
20 article, correct?

21 A. Without seeing it, I have to take
22 your word that we're talking about the same
23 article.

24 Q. Do you remember that?

25 A. Of course, I do.

1 Q. Do you know if that's one of this
2 current President's goals?

3 A. No.

4 Q. You don't know or --

5 A. I know that it is not.

6 MR. DEJOHN: I don't have anything
7 else.

8 MS. FRY: I just have a follow-up.

9 EXAMINATION OF ROBERT SPADEMAN

10 BY MS. FRY:

11 Q. Mr. Spademan, you had talked about
12 courses offered on-line in relationship to
13 project management courses. What type of
14 business courses are offered on-line by
15 Cleveland State University?

16 MR. DEJOHN: Objection.

17 A. The full range across the business
18 college, from accounting to marketing, to
19 organization development, to supply chain
20 management is another area that we're very
21 strong in. So our on-line course offerings
22 across the business spectrum are very broad and
23 very deep.

24 Q. And how would we get a listing of
25 all of the courses offered on-line?

1 MR. DEJOHN: Objection.

2 A. There is an on-line catalog that
3 our students use to sign up for classes.

4 MS. FRY: Nothing further.

5 MR. DEJOHN: I don't have anything
6 else. Thank you for your time, sir.

7 I don't know about your rules, do
8 you have to instruct him about reading or
9 anything?

10 MS. FRY: Yeah, he's going to read
11 and review and sign. It's the way it works at
12 the Trademark Board.

13 (Deposition concluded at 2:16 p.m.)

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REPORTER'S CERTIFICATE

The State of Ohio,)

SS:

County of Cuyahoga.)

I, Jill A. Kulewsky, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, Robert Spademan, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

1 I do further certify that I am not a
2 relative, counsel or attorney for either party,
3 or otherwise interested in the event of this
4 action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 15TH day of
8 APRIL, 2013.

9
10
11
12
13 Jill Kulewsky

14 Jill A. Kulewsky, Notary Public
15 within and for the State of Ohio

16
17 My commission expires August 31, 2015.



DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT NO: 1621331

CASE NAME: Cleveland State University v. Campuseai Consortium

DATE OF DEPOSITION: 3/14/2013

WITNESS' NAME: Robert Spademan

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

4-9-13

Robert Spademan

Date

Robert Spademan

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn Statement; and
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

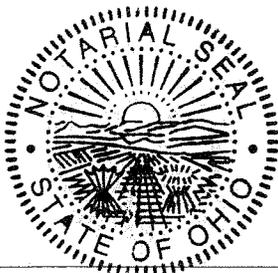
this 9th day of April, 2013.

Rachel Kavalec

Notary Public

8/22/2015

Commission Expiration Date



RACHEL KVALEEC
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 8/22/15

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT NO: 1621331
CASE NAME: Cleveland State University v. Campuseai Consortium
DATE OF DEPOSITION: 3/14/2013
WITNESS' NAME: Robert Spademan

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date Robert Spademan

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

- They have read the transcript;
- They have listed all of their corrections in the appended Errata Sheet;
- They signed the foregoing Sworn Statement; and
- Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

&	30 26:16	academics 34:5	agreements 38:14
& 19:12 35:22 60:1	30th 45:2	access 18:5 38:8	38:23
1	31 57:17	accomplished 11:20	ahead 23:17
1 4:3 5:13,19	310 2:17	accomplishments	ahuja 25:5
1,000 29:5	363-9000 2:10	40:2	allegiance 39:1
1,550 20:14	4	accounting 53:18	allen 23:1,3,22
10 40:14	4 3:5 4:8 17:4,10,22	acknowledge 58:11	allow 19:4
100 49:25	40 27:17	59:16	alpha 14:8,9
100,000 36:2	41 4:10 42:9	acres 27:17	alumni 19:9 35:22
1111 2:17	43 4:12	act 31:21 32:4 58:14	36:1,4
12 21:23 40:13	44 3:9	59:20	answer 15:25 16:24
13 4:6	44114 2:18	action 57:4	50:7,9
13th 23:11	44115 2:9 20:2	activities 10:25	anybody 47:16
14 1:20	48 26:22	15:14,16 18:12 27:9	49:10
1621331 58:2 59:2	5	30:1,3 32:19,22	apparel 33:25 38:25
60:2	5 3:8 4:3,10 41:1,9	33:21,24	appeal 1:3
17 4:8 32:3	48:23	activity 11:3 33:13	appear 11:22 46:17
17,500 20:9	5,000 28:6	ad 18:9	58:11 59:15
1964 12:19,21 13:4	50 38:19	address 19:17,20,22	appearances 2:1 3:3
16:7 24:21 25:2	52 23:5	19:24	appended 59:11,18
26:14 36:3	53 3:10	addressed 19:8,11	applicable 55:7
1965 15:18,19 16:21	56 3:12	adds 20:21	application 31:20
17:2	589-9626 2:19	adjournment 56:22	approached 47:5
1:04 1:21	5th 1:23 2:8	adjusts 36:17	approximately
2	6	admission 31:19	38:16
2 3:3 4:4 6:25 7:6	6 4:4,12 43:9,14	admissions 31:13,14	april 33:8
15:1 16:5	6,000 20:10	31:16 32:24 33:13	arabia 40:20
2,500 33:9	60s 26:18	33:24 44:1	architecture 10:18
2.3 32:3	6th 33:8	admitted 32:4 33:6	archive 37:8
20 58:16 59:22	7	adopted 18:15	archivist 13:6 16:10
60:22	700117us01 1:6	adoption 17:2	archivist's 16:2
200 29:5 30:6	75 24:23	advanced 38:4	area 12:9,13 30:22
2013 1:20 57:8	8	advertising 6:20	38:20 53:20
2015 57:17	85 27:17	advised 32:11,16	areas 34:23 35:20
2121 19:25	9	advising 34:9,16,21	37:19
216 2:10,19	92053509 1:12	advisor 33:17 34:17	arranging 11:25
2:16 54:13	a	advisors 34:23 35:1	art 12:15 23:9
3	absorption 26:20	affairs 10:19 25:8	article 11:19 52:10
3 4:6 13:10,18 15:17	academic 27:8 29:2	affiliation 45:9	52:20,23
16:18	29:3 33:17 34:8	affixed 57:6 58:15	artifacts 16:1
3,671,697 7:19 9:9	academically 29:12	59:21	arts 10:16 11:5 12:9
3/14/2013 58:3 59:3		aforsaid 56:12	12:13,17 14:11
		age 5:1	22:22,23 25:3
		ago 52:5	ascribed 14:4

<p>asked 50:24 asking 50:4,23 assignment 58:2 59:2 60:2 assistant 6:13,15 associated 38:24 assumed 24:21 25:1 athletic 12:1,5 29:24 athletics 29:15 47:9 attached 59:7 attend 24:12 32:1 33:2,16 36:5 44:1 attorney 45:19 57:2 audience 39:22 august 57:17 authorize 59:11 available 18:24 30:7 37:25 avenue 2:17 19:25 averages 31:25 aware 39:25 44:22 47:10</p>	<p>best 6:19 big 30:22 45:2 bigger 17:16 biggest 38:24 40:18 billion 20:22 bit 9:6 35:4 board 1:3 14:6 54:12 books 8:17,24 38:6 bookstore 39:2 born 44:23 bottom 19:18 20:4 23:25 bought 36:15 brand 6:17 18:6,15 39:20 break 23:3 40:6 brief 40:4 43:7 bringing 52:6 broad 53:22 broader 39:22 buckeye 14:7 building 1:23 2:8 14:5 21:22 23:10,12 28:21 31:11 46:13 51:23 buildings 20:25 21:4 21:5,10 27:17 31:6 46:9 bulk 40:11 business 10:3,16 11:5 25:6 53:14,17 53:22 buttons 19:4</p>	<p>24:9 25:22 27:14,15 28:19,21 33:7,10 43:2,4 46:10 campuseai 1:14 2:15 58:3 59:3 campuseai.org 2:20 campuses 30:14 cancellation 1:12 45:13 46:20 caption 56:21 captioned 30:14 case 11:17 58:3 59:3 cases 25:14 29:21 catalog 54:2 catalogues 9:17 categories 18:1 cause 56:12 center 21:13 30:25 31:9 certain 51:23 certainly 12:5 42:16 certificate 3:12 4:4 4:6,10 7:1 10:6 13:11 41:2 49:18 56:1 59:11 certificates 50:6 certification 58:1 59:1 certified 5:4 certify 56:8,19 57:1 cfgoss 2:11 chain 53:19 chairs 44:12 challenged 35:5 championship 29:23 change 59:8 60:3 changes 58:7 59:7,9 changing 38:6 52:11 channels 50:13,18 50:20 charter 45:7 chester 45:2 children 22:11,16</p>	<p>china 40:22,23 citizens 22:17 city 22:1,3 28:18 civil 5:3 55:3,7 58:5 59:5 class 20:12,15 23:12 33:16 35:3,6 42:9 classes 10:14 25:23 35:2,3 42:6,21 54:3 classroom 18:20 classrooms 9:20 clearly 11:2 clev 1:6 cleveland 1:8,23 2:9 2:18 4:5,7,8,11,12 6:6,11,17,22 7:2,11 7:13,15 8:2,3,10,17 8:18,22 9:2,13,15 9:19,23 10:1,10,11 10:24 11:2,14,14,21 12:3,6,7,12,24 13:8 13:12 14:1,17,24 15:10 16:5 17:5,13 17:24 18:11,22,22 19:20,23 20:1,2,6,8 21:2,6,8,18,20 22:5 22:10,12,23 23:2,7 23:23 24:6,7,10,18 24:23,25 26:9,13,18 26:23 27:6,11,13,16 27:19 28:3,4,6,10 28:13,18,23,24 29:3 29:10,13,17 30:4,12 30:20,25 31:3,8,15 31:16 32:6 33:4,10 33:19 34:1 36:23 37:2 38:12 39:10,12 39:13,25 40:10 41:4 41:11,14,15,23 42:10,25 43:10 44:16,24 45:3,10,22 46:2,12,24 47:7,16 47:23,24 48:1,13,25 49:7,8,11,14 50:14 50:19,25 51:4,7,10</p>
<p style="text-align: center;">b</p>			
<p>b 5:10 baccalaureate 22:7 22:14 bachelor's 25:12 back 16:4 37:10 40:7 51:17 badge 34:2 base 19:9 basically 32:13 basketball 12:8 began 24:21 26:20 beginning 13:7 14:9 16:16 beginnings 16:2 behalf 2:3,14 6:6 behavioral 10:20 believe 41:17 46:23 49:23 believes 27:23 benefit 28:1,2,2</p>	<p style="text-align: center;">c</p> <p>c 2:16 30:23 call 26:1 39:20 called 5:1 33:8 40:6 campaign 39:19,20 39:21 campaigns 39:15 campus 8:9 12:17 20:18,20,23 21:1,13 21:17 22:22,23 24:2</p>		

<p>51:11,14,20,22 52:7 52:11,12 53:15 57:7 58:3 59:3 click 18:4 client 45:19 48:14 clinic 28:4,7,10 clinicals 28:8 code 32:11,17 collaborations 27:21 28:15 colleen 2:5 college 21:19 24:19 24:20,24,25 25:3,4 25:5,6,7,8 26:21 33:2,3 34:18 35:9 37:11,14,20 53:18 colleges 24:14,17 25:11 30:21 31:7 come 18:18 19:6 25:22 28:17 29:13 33:15 34:12 40:10 40:11,14,15,17 44:7 47:14 49:5 comes 10:9 coming 33:7 40:7,20 comments 47:19 commerce 12:21 15:18 commercial 51:6,6 commercials 46:1 46:14 commission 57:17 58:19 59:25 60:25 commissioned 56:8 common 14:2 15:13 community 10:13 27:25 30:21 31:7 37:18 39:23 51:20 company 60:1 compare 41:14 competitor 51:10 completed 56:22 completely 25:21 components 12:16</p>	<p>concerning 45:20 concluded 54:13 conclusion 37:16 conduct 38:8 conducting 10:14 11:25 confer 40:7 conferences 10:15 12:2 connect 36:5 connection 8:4,19 9:14 10:12 11:15 12:4 15:4,11 21:4,9 28:14 31:4 33:20 36:24 consider 51:9 considering 52:10 consortium 1:14 2:15 58:3 59:3 contains 18:6 continuing 10:12 continuous 16:7,20 control 36:15 conversation 45:16 copy 5:22 corner 7:13 14:13 cornerstone 35:15 correct 12:23 15:21 46:25 47:1 52:20 56:17 corrected 1:19 corrections 59:17 counsel 55:1,10 57:2 counselors 33:14,24 counties 40:12 countries 40:16,19 country 40:15,18 county 22:10 40:12 56:4 58:10 59:15 couple 25:1 52:5 course 9:12,17,23 9:24 10:21 24:19 25:12,14 29:5,19 33:12 38:25 39:17 49:18 52:25 53:21</p>	<p>courses 9:10,18,19 49:23 50:2,5 53:12 53:13,14,25 coursework 10:4 26:4 31:1 court 3:15 58:7 criteria 32:3 csu 18:4 24:2 cultures 22:18 current 21:24 52:13 53:2 currently 32:1 44:20 curriculum 22:8,15 custody 3:14 cutting 25:25 cuyahoga 22:9 40:12 56:4</p> <p style="text-align: center;">d</p> <p>d 5:11 dance 12:15 23:10 database 37:5 databases 38:8 date 12:23 15:21 55:11 58:3,9,19 59:3,13,25 60:20,25 day 10:8 13:4 28:5 28:10 34:4 38:6 57:7 58:16 59:22 60:22 dealer 52:5 deals 36:11,20 decade 20:21 deed 58:14 59:20 deep 53:23 define 50:20 degree 25:13,13,15 29:9 degrees 25:10,13,16 25:17 38:4 dejohn 2:16,20 3:9 5:22,25 7:20 10:23 15:2 40:5 41:16,19 42:12 44:5,9,14</p>	<p>48:15 53:6,16 54:1 54:5 delineating 49:6 delivery 55:9,11 demographic 39:19 department 23:7 departments 33:11 depending 9:5 deposed 5:4 deposition 1:18 4:3 5:13,14 6:3,25 13:10 17:4 41:1 43:9 54:13 56:20 58:1,3 59:1,3 60:1 describe 8:2 9:18 13:25 15:9 20:5 23:19 25:19 26:12 27:15 29:2 30:2 31:14 32:21 38:21 43:17 described 15:7 41:25 description 4:2 7:22 8:1 30:3 48:24 design 4:7 13:13 desk 39:7 details 27:8 45:15 developed 24:6 25:2 36:13,17 development 53:19 developmental 38:10 device 14:2 different 9:25 10:5 19:13 23:4 29:9 36:18 50:9 dig 48:6,7 digit 32:11,17 digital 18:1 discovery 60:1 discussion 51:24 disseminated 43:22 distinguishes 18:16 distributed 44:3</p>
---	--	--	--

<p>distributing 9:12 10:21 district 21:21 28:25 51:22 diving 29:22 division 29:17 divulge 45:19 doctoral 25:13 doctors 24:8 document 5:20 7:7,9 13:17,19,21 16:2 17:11 26:8 documentation 16:25 documents 13:5 16:13 doing 32:9 33:23 37:14 40:1 dollars 20:22 donors 39:23 downtown 27:19 dress 39:4 drew 33:9 driving 45:1 duly 5:3 56:7,10</p>	<p>encourages 18:10 ended 47:6,25 engage 28:9 43:18 engaged 18:7,13,14 18:19 27:22 37:10 engineering 10:16 11:5 24:20 36:16 enrollment 20:5,6,8 entered 26:2 59:9 entertainment 11:24 entire 17:15 58:5 59:5 entity 46:25 48:15 entrance 23:22 entry 17:25 environment 51:23 envision 21:25 errata 59:7,10,18 60:1 esq 2:5,6,16 essentially 18:9,17 20:22 21:22 establish 22:3 established 13:3 establishing 24:9 euclid 19:25 europe 22:16 event 33:9 57:3 events 12:1,5,7 33:7 36:5 44:1 examination 3:7 5:2 5:6 44:13 53:9 example 9:21 10:25 11:1 14:5 25:20,24 28:4,18 34:17,24 36:14 39:3 execute 26:6 executed 59:10 execution 58:14 59:19 exhibit 3:14 4:3,4,6 4:8,10,12 5:13,19 6:25 7:6 13:10,18 15:1,17 16:5,18</p>	<p>17:4,10,22 20:4,17 23:15 26:25 30:13 37:4 41:1,9,24 43:9 43:14 48:22,23 exhibition 11:1 exhibitions 10:15 12:1 exhibits 3:5,15 4:1 5:23 exist 46:8 expertise 37:5 experts 37:18 expiration 58:19 59:25 60:25 expires 57:17 exploratory 34:20 34:21 extension 10:12</p>	<p>festivals 12:2 field 42:8 fields 10:16 11:10 42:7,17 filed 44:17 fill 28:7 finally 14:11 find 18:2 36:6 37:13 48:5,9 finite 38:17 first 5:3 12:18,23 13:4 15:18,21 17:21 24:19 56:10 five 6:23 40:12 floor 1:23 2:8 floors 23:11 flynn 2:5 focused 39:16,22</p>
<p style="text-align: center;">e</p>	<p>e 5:10,11 earlier 38:3 51:18 easily 18:2 east 45:2 edge 25:25 education 10:3,18 21:20 25:6 42:8,17 educational 9:9 10:1 10:13 11:10,13 42:5 effort 34:15 either 57:2 electronic 8:24 embedded 35:1 employed 6:10,21 employees 18:3 22:11 employment 28:11</p>	<p style="text-align: center;">f</p> <p>facilities 8:11,15 21:7 24:12 facility 23:23 30:24 fact 29:16,21 35:5 faculty 37:5,7,17 fairly 9:7 29:6 fairs 33:3 fall 20:14 33:1 fall's 20:15 familiar 42:15 44:15 45:15,21,25 51:16 52:3,9 families 19:12 family 19:15 faster 37:16 fay 1:22 2:4 faysharpe.com 2:11 2:12 federal 7:10,16 13:22 14:19 16:19 41:10 fee 31:20 felt 22:3 fenn 24:20 26:21</p>	<p>focuses 22:16 folks 47:19,20 follow 53:8 following 20:16 32:14 follows 5:5 football 52:6 footprint 27:19 foregoing 56:16,21 58:13 59:18 forever 14:10 forth 16:14 18:5 39:6 forwarded 31:22 found 48:10 four 18:20 32:11,17 fraternal 30:9 free 58:14 59:20 freshman 20:12 friends 35:22 front 10:25 fry 2:6 3:8,10 5:7,24 40:3 43:6 44:4,6 45:18 48:12 51:1 52:17 53:8,10 54:4 54:10 55:12</p>

<p>full 20:9 53:17 further 54:4 56:19 57:1</p>	<p>h</p>	<p>identified 6:2 8:10</p>	<p>52:6 57:3</p>
<p>g</p>	<p>half 6:23 20:22 halle 1:23 2:8 hand 7:12 14:13 18:8 35:13,13,18,18 57:6 handed 41:25 handing 5:18 7:5 13:17 41:8 handle 47:8,12 head 51:25 headed 40:1 health 10:20 25:4 heard 42:24 43:4 46:24 47:19 48:17 48:18 49:10 heights 45:23 help 35:6 37:15 38:6 hereinafter 5:4 hereunto 57:5 high 31:25 33:1,4 higher 42:8,17 highlights 27:5 history 16:14 26:9 26:12 38:5 homepage 17:23 honors 29:11 hoodies 39:5 hope 36:7 hopefully 28:10 horizon 29:23 house 33:8 housed 13:7 huh 52:16 human 21:20 25:6 humanities 10:17 11:6 hundreds 50:2,4</p>	<p>8:12,16,21 9:1,8 11:2,21 12:6,11 21:6 34:20 37:2 39:10 identifier 15:13 identifies 10:24 identify 9:22 11:8 14:3 17:11 33:25 important 22:3 27:7 38:3 impression 51:5,6 inception 36:3 includes 22:25 37:5 including 18:3 29:10 33:7,24 incoming 20:15 incorporated 59:12 index 3:1,5 4:1 31:13 india 40:21 49:4,12 indicated 46:23 indicating 16:25 23:18 31:24 individual 9:18,23 individuals 47:23 infinity 14:10 influx 22:2 information 18:2 19:14 42:8,18 45:20 48:9 informed 47:17 infrastructure 20:23 inside 8:14 31:7,11 institution 24:22 46:21 institutions 28:3 31:23 instruct 54:8 instruction 55:2,10 instruments 36:15 interest 33:15 39:22 interested 19:14 31:19 33:5 37:9,12</p>	<p>international 10:19 21:13,17 22:6,13 28:19,22 internet 46:5,12 internships 18:21 interrupt 51:1 investment 20:23 investments 22:25 involved 18:11,19 38:20 ipad 26:3,5 issue 49:12 issues 15:14 49:6 items 9:15 31:17 32:1 33:25 36:21 39:7,7,8</p>
<p>game 12:8 generally 9:7 15:9 49:22 gifted 29:12 35:2 give 15:25 16:24 36:7 55:1,10 given 9:21 22:10 28:5 56:13,18 glance 27:1,4 gloves 39:4 go 7:25 22:8 23:12 24:7 32:8 34:25 35:13,18 37:22 48:4 50:22 goal 51:19 goals 52:4 53:2 goes 31:20 37:10 45:22 going 8:6 16:4 20:3 26:25 35:6,7,8 36:6 36:9 44:7,10 54:10 good 22:1,1,17 goodman 25:7 goods 38:22,24 48:19 goss 2:5 governor 26:15 grade 31:25 grades 31:24 graduate 9:11 10:5 20:10 25:8 35:9,11 35:15 37:21 38:2 graduates 36:2 graduation 34:15 great 36:14 group 34:2 39:24 40:23 guidance 34:13</p>	<p>i</p>	<p>identical 14:23 identification 5:16 7:3 13:15 17:7 31:6 31:10 41:6 43:11</p>	<p>j</p> <p>jackets 39:4 jd 25:15 jfry 2:12 jill 1:25 56:6 57:14 job 6:14 36:6 joined 20:14 joint 21:18 journalism 10:18 journals 8:24 11:22 jude 2:6 55:12</p>
	<p>k</p>		<p>k 21:23 kavalec 2:7 keep 34:14 36:19 kids 22:11 kind 39:8,10 47:14 49:1 51:19 kinds 10:25 11:10 11:20 15:15 34:25 37:25 know 13:2 15:24 16:9,23 23:16 27:18 38:2,16 42:14 44:10 44:21 45:1,6 46:19 46:22 47:2 48:11,21 49:19,20,22 50:5,7</p>

<p>50:8 51:13 53:1,4,5 54:7 knowledge 45:12 48:25 50:15,17 kulewsky 1:25 56:6 57:14</p>	<p>54:2 59:7 60:3 list 14:23,23 29:6 32:14 listed 28:5 59:7,17 listing 14:18 24:14 53:24 59:7 little 9:6 35:4 live 12:2 living 22:2 llp 1:22 2:4 locations 30:17,20 31:5 logo 9:5 51:14 long 6:21 look 28:20 36:6 38:19 44:11 looked 14:25 46:6 46:15,16 looking 16:18 17:21 19:5 37:18 47:22 looks 51:14 lorain 30:23 lot 33:2,4,12 34:15 38:18 lower 14:12</p>	<p>31:4 33:20,22 36:24 38:13 39:13 41:13 41:14,15,20 marked 4:2 5:15,19 7:3,5 13:13,18 17:6 17:10 41:5 43:11,13 market 39:13 50:21 50:22 marketing 4:13 6:13 6:15 43:10,15,21 51:3 53:18 marquis 23:21 marrying 36:20 marshall 24:25 master's 25:13,21 material 9:2 10:21 19:6 materials 4:13 8:20 9:12,17,20 11:1,18 15:14 16:11,15 26:5 33:23 37:1 38:9 39:9 43:10,15,21 math 34:24 35:2 mathematics 10:21 matter 6:7 38:9 maxine 25:7 mba 26:1,7 mean 18:21 meaning 14:4 medical 24:4 meets 32:2 members 14:7 19:15 men's 29:18,22 mentioned 30:22 38:3 messaging 19:13 metropolitan 21:21 28:25 51:22 michael 2:16,20 middle 19:10 middough 23:10 minimum 32:3 minutes 26:16 money 36:8</p>	<p>monte 25:5 motion 36:15,17 moved 23:9</p> <hr/> <p style="text-align: center;">n</p> <p>n 2:7 5:11 name 5:8 9:5 23:25 24:11 34:2,3 52:11 58:3,4,15 59:3,4,21 named 56:9 names 47:22 48:1,2 48:5 natural 10:17 30:10 need 18:3 34:13,13 38:11 neighborhood 21:25 22:1 neomed 24:2,4,9 never 25:22 43:2,4 46:8,24 51:3 new 20:23,25 newspapers 16:13 night 12:8 nights 33:3 nine 14:5,6 nodding 51:25 northeast 30:17 notary 1:25 56:6 57:14 58:10,18 59:15,23 60:23 notebooks 39:9 noted 42:18 notepads 39:9 notes 48:4 notice 4:3 5:14 6:2 notion 14:11 37:10 number 4:2 5:19 7:6 7:18 9:9 11:4 13:18 15:1,17 16:5,18 17:10,22 26:17 29:18 31:21 32:15 33:6 38:17,19 41:9 42:17 43:14 48:23 numbers 59:7</p>
<p style="text-align: center;">l</p>	<p style="text-align: center;">m</p>		
<p>label 46:2 labeled 9:16 lakeland 30:23 largest 27:18 40:23 lastly 31:23 law 10:16 11:5 24:25 25:14 lawful 5:1 lawsuit 46:25 48:16 lawsuits 44:16 leaders 22:19 39:23 39:24 league 29:23,24 learn 32:11 33:14,18 learning 18:7,13,14 19:15 27:22 37:11 leaves 14:8 lecture 42:7 lectures 10:14 42:21 left 7:12 18:8 lending 8:7 level 9:11 levels 10:5 34:22 levin 25:7 liberal 25:3 libraries 8:7,9,9 38:9 library 8:21 13:6 16:11 37:23 38:1,5 licensees 47:3 licensing 38:13,22 licensors 48:19 life 18:12 30:4,11 light 6:19 line 8:24 25:16,22 25:24 26:5 49:16,24 50:3 53:12,14,21,25</p>	<p>m 5:11 machinery 36:18 mail 44:2 main 12:16 18:1 maintains 16:10 major 34:17,19 majors 29:5 man 47:5 management 49:15 53:13,20 manner 15:5 19:6 manufacturing 36:18 march 1:20 mark 7:10 8:3,19 9:13 10:11 11:15 12:3,25 13:24 16:6 16:7 21:3,9 28:14</p>		

<p>nursing 25:9,20 28:6,8</p>	<p>organizational 49:15</p>	<p>pending 46:20 pennants 39:8</p>	<p>position 18:7,15 27:23</p>
<p>o</p>	<p>organizations 23:6 30:7</p>	<p>people 18:2 19:5 22:2 37:17 38:19,25</p>	<p>possible 6:19 48:8</p>
<p>o 5:10 objection 7:20 10:23 15:2 41:16,19 42:12 53:16 54:1 occupy 23:11 offer 11:10 18:23 29:4 42:11,16 43:19 49:15,23 50:5,12 offered 25:11 49:21 49:24 50:2 53:12,14 53:25 offerings 27:9 29:6 33:11 53:21 offers 31:1 office 1:2 13:23 16:2 34:21 35:9,16 36:9 36:20 37:2 39:7 57:6 official 19:22 58:15 59:21 ohio 1:23 2:9,18 5:2 13:4 14:8 20:1,2 26:17 30:18 43:22 56:2,7 57:7,15 okay 8:5 44:5 50:8 old 52:15 once 34:16 ones 30:22 44:20 ongoing 42:22 44:21 onward 16:17 open 22:9 33:8 opinion 39:23 opportunities 28:6 29:7 35:20 opportunity 27:5 28:9 30:5 ops 18:21 orange 18:25 organization 46:21 53:19</p>	<p>oriented 30:9 original 17:2 55:12 originated 22:15 outbuilding 46:17 outside 8:15 31:10 40:7,15 43:22 44:1 overview 27:10 owner 7:16 owns 14:15</p>	<p>performances 12:2 period 10:7 permanent 23:21 person 43:25 personally 13:5 47:10,13 58:11 59:15 personnel 44:1 persons 48:5 pertinent 19:7 petitioner 1:10 2:3 5:19 7:6 13:18 14:25 16:4 17:10 41:8 43:14 petitioner's 1:6 phds 25:14 photo 20:24 23:15 23:20 physical 10:17 20:20 24:9 27:18 pick 34:16 picture 46:9,13 pillars 14:5 place 37:7 56:20 placed 26:5 plain 52:4 plainly 21:5 play 29:24 playhouse 23:2,2,24 plays 29:17 please 5:9 17:12 32:13 42:4 51:2 plus 27:17 pmo 50:5 point 17:25 31:25 politicians 39:24 portal 36:3 37:13</p>	<p>postsecondary 42:7 42:16 potential 32:8 39:23 48:19 potentially 37:13 precincts 32:25 preference 22:10 preparatory 45:3 presence 6:20 18:1 56:15 present 30:10 presented 12:11 35:17 presenting 6:18 presently 6:10 presents 15:15 president 6:13,15 21:24 27:23 52:13 52:15 president's 51:19 52:4 53:2 presidents 16:14 previously 15:7 private 24:22 proactively 22:19 probably 15:12 procedure 5:3 55:7 58:5 59:5 proceeding 45:13 46:20 process 19:7 22:20 31:14,16 36:19 produce 33:3,6 produced 12:11 producing 23:6 36:21,21 productions 12:10 23:6 products 47:4 48:21 professionally 30:8 professions 25:5</p>
<p>p</p>	<p>p 5:11 p.m. 1:21 54:13 package 17:17 page 17:21,22,23 19:18 20:3,4,16 21:13 23:14,16 24:1 24:13,14 26:8,24,25 27:3,4,5,13 29:2,15 30:1,13 31:12 34:5 35:8,11 36:1,3,9,11 37:4,20,23,24 59:7 60:3 pages 17:17,18 35:17,21 parents 19:12,14 part 20:25 21:23,25 46:25 51:18 59:9 participate 30:6 particular 9:22 14:4 18:8 20:12,24 35:1 35:16 37:19 39:21 particularly 42:18 partnered 24:5 partnership 30:17 30:19 31:5 partnerships 27:21 28:12,15 31:9 party 57:2 patent 1:2 13:22</p>	<p>pending 46:20 pennants 39:8</p>	<p>position 18:7,15 27:23</p>

<p>professor 11:18 37:11 professors 9:1 36:13 36:17 profile 20:6,8 program 23:9,10 24:6,11 25:21 26:1 26:2 29:11 programs 10:6,6 12:10 23:13 29:2,3 30:21 31:8 35:19 42:15 43:19 49:1 progressed 26:22 project 22:25 49:15 53:13 prominent 9:7 promote 43:16 promoted 11:2 promotions 6:19 propensity 44:11 property 8:22 prospective 19:1,6 19:16 43:16 47:3,3 protect 44:17 provide 10:4 49:2 provided 5:2 10:1 26:3 providing 9:10 38:10 42:6 public 1:25 6:20 10:14,19,19 22:6 26:16,19 56:6 57:14 58:10,18 59:15,23 60:23 publication 8:17,23 9:6 published 8:25 publishes 11:18 15:15 purposes 5:15 7:3 13:14 17:6 41:5 43:11 pursuant 55:3,6 put 32:12,15 34:15</p>	<p>q</p> <p>qualified 56:8 quick 27:10 quickly 27:7 quoted 52:4</p>	<p>referenced 20:13 29:11 32:5 56:13,18 58:11 59:15 references 11:4 26:4 referring 12:14 48:14 reflect 40:5 regard 6:7 41:13 regarding 55:2,11 registered 30:6 registrant 1:16 2:14 registration 4:5,7,11 7:1,16,18,23 9:9 13:12 14:16,20,25 16:6,19,20 28:24 41:3,10 relates 51:21 relationship 53:12 relative 57:2 remains 24:10 remember 51:24 52:24 rennillo 60:1 renovate 23:3 reporter 3:15 58:7 reporter's 3:12 56:1 represent 11:9 14:6 14:8,22 41:9 represented 41:21 represents 17:25 request 59:9,11 requested 55:1,6,10 research 11:13,17 11:19 35:9,12,14 37:8,15 38:2,8 46:4 46:11 resident 26:17 resource 37:16 resources 18:23 27:25 37:25 respecting 22:18 responsibilities 6:14 responsible 6:16 rest 20:11</p>	<p>results 32:13 retained 3:15 revenue 36:22 review 54:11 55:2,6 58:1 59:1 rich 18:23 right 14:13 19:8 40:18,20 45:14 rob 5:10 robert 1:19 3:7 5:1 5:6,11 6:1 44:13 53:9 56:9 58:4,9 59:4,13 60:20 robust 29:6 30:11 rootstown 24:5 rpr 1:25 rules 5:2 54:7 55:3,7 58:5 59:5 run 29:20 30:21 39:15,20 running 36:19 39:5</p>
	<p>r</p> <p>r 5:10,10 rachel 2:7 raised 44:23 random 47:21 range 53:17 ranges 25:12 read 42:3 54:10 58:5 58:6,12 59:5,6,17 reading 14:12 54:8 real 36:13 really 18:14 19:8 25:25 27:4,10 29:8 29:12 35:13,15,18 37:7,8,16 reason 59:8 60:3 reborn 20:18 rebuilding 20:25 recall 46:18 48:4 received 32:2 recess 40:4 43:7 recognition 13:23 record 5:9 17:12 20:13 40:3,5 42:4 43:6 59:9 records 16:11 18:5 recruiting 32:19,22 33:21 39:17 recruitment 39:16 rectangles 18:25 reduced 56:14 refer 13:24 18:9 30:25 reference 1:6 11:12 11:23 15:18 20:5,17 21:12 22:21 24:2 27:12,20 29:1,14,25 30:16,19 31:8,13 34:8 35:22</p>	<p>s</p> <p>s 5:11 59:8,8 60:3 sample 33:10 sampling 17:18 sat 31:22 saudi 40:20 saying 18:17 says 28:21 29:4 32:13 36:12 45:3 52:10 scarves 39:3 school 21:14,17,21 21:22,23 22:1,4,6,7 22:10,14 24:4 25:9 25:15,20 28:8,19,20 28:22,25 29:20 31:25 35:15 39:1,2 39:7 45:4,7 51:22 51:23 schools 32:14 33:1,4 sciences 10:17,20 25:4,4</p>	

<p>scores 31:21,22 32:6 seal 13:24,25 14:1 14:14 15:4,10,12,22 16:19,20 17:1 21:8 23:25 28:14,23 31:4 33:20 34:3 36:24 38:13 39:14 51:14 57:6 58:15 59:21 search 19:7 seasons 29:20 second 24:24 section 20:19 see 7:12,22 11:6 12:18 14:18 15:17 18:25 19:6,17 20:4 21:12 23:15 24:15 26:10 27:1,7,13 30:14 34:6 35:7,23 41:11,24 46:8 seeing 52:21 seeking 22:7,14 seen 5:20 7:6 13:5 13:19 16:1 17:1 43:2 45:5 46:1,13 46:14 48:22 51:3 selling 47:4 sells 39:3 seminar 10:8 seminars 10:15 42:6 42:20 send 32:13 sending 32:5 service 7:10 8:16,23 13:23 21:3 services 7:23 8:1,4 8:19 9:8,10,14 10:1 10:13 11:11,13,16 11:24,25 12:4,25 14:19,23,24 15:3,11 21:20 25:7 34:16 36:25 37:23 38:10 41:25 42:1,5,11 48:22 49:1 set 57:6</p>	<p>shape 27:8 share 23:4,23 sharpe 1:22 2:4 sheet 59:7,10,18 60:1 shepherding 6:16 shipped 26:6 shirts 39:4,5 shops 49:15 shorter 10:7 shorts 39:6 show 17:22 39:1 showing 17:9 43:13 shows 18:10 20:24 side 18:8 44:25 sign 28:21 45:2 54:3 54:11 signage 8:14 signature 55:5 signed 58:13 59:18 similar 37:14 41:17 single 34:4 sir 47:13 50:23 54:6 sitting 18:20 situation 47:14,18 size 27:8 29:7 skipping 24:13 26:24 31:12 35:8,21 sliders 18:9 smoothly 36:19 social 10:20 25:3 30:10 socks 39:4 somebody 10:9 somebody's 33:14 sorry 5:24 23:18 sort 17:25 46:7 sounds 50:11 south 45:22 46:1,11 spademan 1:19 3:7 5:1,6,10,18 6:1,9 17:9 40:9 44:13,15 53:9,11 56:9 58:4,9 59:4,13 60:20</p>	<p>speak 13:7 speaking 9:7 49:22 51:21 speaks 27:22 29:16 30:4 special 10:6 specialized 11:9 specific 33:3 34:23 39:18 48:1 specifically 43:18 49:5 specified 56:21 spectrum 53:22 spell 5:8 spirit 39:1,8 sports 29:18 spot 33:6 spring 33:8 square 23:2 ss 56:3 stands 14:9,10 start 8:6 started 26:14,18 starting 9:17 26:25 33:1 state 1:8 4:5,7,8,12 5:8 6:6,11,17,22 7:2 7:11,13,15 8:2,3,10 8:17,18,22 9:2,13 9:15,19,23 10:2,10 10:11,24 11:3,14,15 11:21 12:3,6,7,12 12:24 13:4,8,12 14:1,17,24 15:10 16:5 17:5,13,24 18:11 19:21,23 20:6 20:9 21:2,6,9,18 22:12,23 23:7 24:7 24:7,10,18 26:9,13 26:23 27:6,11,16 28:13,23 29:3,10,13 29:17 30:4,12,20,25 31:3,8,15,17 32:6 33:5,10,19 34:1 36:23 37:2 38:12</p>	<p>39:11,12,13 40:1,10 40:14 41:15 42:10 43:10 44:16 45:10 47:16,23,25 49:8,11 49:14 51:11 52:7,11 53:15 56:2,7 57:15 58:3,10 59:3,15 statement 11:24 42:1 58:13,14 59:19 59:19 states 1:1 stay 24:7 44:11 stenotypy 56:14 step 51:17 street 23:11 45:2 strong 53:21 strongly 27:24 student 16:12 18:11 19:13 27:9 30:1,3,4 30:6,11 32:2,8 34:18,20 35:6 38:2 students 10:4 18:3 18:10,17,24 19:1,16 20:7,9,10,11,14 22:8,9 23:12 24:6 24:11 25:22 26:1 28:2 29:7,12 30:5,8 30:11 31:2,18 32:10 33:5 34:12 35:2,4 38:1,7,11 39:17 40:9,11,14,19,24 43:17,17 47:2,3,21 48:18 49:5,12 54:3 studies 25:8 35:10 35:12,16 37:21 study 34:23 subject 38:13,22 48:16 submitted 31:18 subscribed 58:10 59:14 60:21 substantiate 16:16 suburbs 31:2 success 38:4</p>
---	---	--	--

<p>suite 2:17 summer 29:21 superior 2:17 supply 53:19 sure 49:25 50:10 surrounding 40:13 sweatpants 39:6 sweatshirts 39:5 swimming 29:22 switch 44:6,12 sworn 5:4 56:10 58:10,13 59:14,18 60:21 syllabi 26:4 syllabus 9:21 symbol 14:10 symbolism 14:13 system 22:6 28:19</p>	<p>tell 32:18 terms 8:20 test 31:21,22 32:5 32:10,12 testify 6:5 56:10 testimonial 4:3 5:14 6:2 testimony 56:13,17 58:6,7 59:6,9,12 testing 31:23 texas 36:14 thank 5:25 54:6 theater 12:15 23:4,7 theatre 23:1,3,22 therewith 9:12 10:22 things 11:20 18:22 33:17 34:25 38:7 39:9,10 50:11 think 25:24 28:12 28:12 37:21 48:8,23 third 40:23 three 12:16 23:4,11 30:22 31:17 32:1 41:20 tightly 27:25 time 10:7 14:9,11 16:17 20:9 25:2 26:15,19,21,22 42:22 54:6 56:20 title 6:12 37:5 today 6:5 22:16 38:1 told 47:24 top 14:6 20:17 23:15 23:20,24 32:12 40:19 touch 47:6 tournaments 12:1 track 34:14 trade 50:13,18,20 50:22 trademark 1:2,3 4:4 4:6,10 7:1 9:4 13:11 13:23 14:15,19 21:3 23:24 28:24 41:2,10</p>	<p>44:18 45:13 54:12 training 10:4 transcribed 56:16 58:7 transcript 3:1 31:24 55:3,6,9,11 58:5,12 59:5,11,17 transcription 56:17 transfer 36:10,12 transformation 20:20 travel 33:2 tri 30:23 trial 1:3 true 21:25 56:16 trustee 14:6 truth 56:11,11,12 trying 47:5,24 turning 23:14 tutoring 34:24 two 10:8 23:5 31:21 35:13,18,21 36:20 39:15 40:19 41:20 type 39:7 53:13 types 36:25</p>	<p>university 1:8 4:5,7 4:9,11,12 6:6,11,18 6:18,22 7:2,11,13 7:15 8:2,3,8,10,18 8:18,22 9:2,11,13 9:16,19,24 10:2,10 10:11 11:3,14,15,21 12:3,6,7,12,24 13:3 13:8,13 14:1,7,17 14:24 15:11,13 16:3 16:6,15 17:5,14,24 18:4,11,16,18 19:5 19:21,23 20:7,9 21:3,6,9,18 22:12 22:24 23:8 24:10,18 24:21 25:1 26:9,13 26:14,16,19,20,23 27:6,11,16,24 28:13 28:23 29:10,13,17 30:5,12,20 31:1,4,8 31:15,17 32:4,6,20 32:23 33:5,10,18,20 34:1,12 35:12 36:2 36:4,5,22,24 37:3 38:12 39:11,12,13 39:18 40:10 41:3,11 41:13,15,23 42:10 42:23,25 43:10,16 43:18,20 44:17 45:3 45:10,21,22 46:2,12 46:24 47:7,17,23,25 48:13,24 49:7,8,11 49:14 50:14,18,24 51:4,7,9,11,13 52:7 52:12,12 53:15 58:3 59:3 university's 29:3 33:22 35:17 urban 25:8 use 8:18 9:4 10:11 11:14 12:19,23,24 15:18,21 16:6,16,20 17:2 32:16 33:23 54:3</p>
<p>t</p>	<p>uh 52:16 ultimately 36:7,21 undergraduate 9:11 10:5 35:14 undergraduates 20:11 underneath 12:18 34:9 understand 45:8,16 48:7 50:24 understanding 22:17 unique 22:8 united 1:1 units 23:4 universities 14:3 26:17 46:7</p>	<p>u</p>	
<p>t 5:10 39:5 take 25:23 32:10 34:13,14 51:16 52:21 taken 1:22 8:21 40:4 43:7 56:20 talk 33:11,15,16 44:7 talked 28:20 37:22 53:11 talking 29:8 51:18 52:19,22 talks 20:19 35:11,19 37:24 target 39:18 targeted 39:21 teacher 9:22 teachers 9:1 teaching 22:19 team 29:22 32:24 52:6 teams 29:19 technology 36:10,12 36:16 42:9,19</p>			

<p>uses 8:2 50:14 uspto 4:4,6,10 7:1 13:11 41:2</p>	<p>56:15,18 57:5 58:1 58:4,11 59:1,4,15 witness's 55:2 women's 29:19,22 won 29:23 word 16:6 21:9 38:13 52:22 words 41:20,22 work 10:20 26:2 37:9 working 51:21 works 32:24 54:11 workshops 10:14 42:6,20 world 22:17,18 36:13 woven 27:24 writing 14:12</p>
v	
<p>v 58:3 59:3 various 8:15 11:22 16:13 18:5 24:17 25:10 32:18,21 33:25 34:16,22 35:19 38:21 vary 9:6 venture 21:18 veritext 60:1 vibrant 12:10 vice 6:13,15 virtual 26:1 vision 21:24 visit 33:16 visiting 32:25 visitors 27:6 33:9 vs 1:12</p>	
w	
<p>want 39:25 44:6 50:5 wanted 21:24 26:15 warrensville 45:23 way 18:19 44:2 48:3 48:4 54:11 ways 29:9 43:17 we've 18:15 22:25 35:1 wear 33:25 wears 34:2 web 35:17 website 4:9 17:6,14 17:15,19,24 20:19 27:7 46:15,17 weeks 23:5 west 30:25 31:9 44:25 westlake 30:24 whereof 57:5 witness 40:6 44:4 45:19 51:2 56:9,14</p>	<p>x</p> <p>x 37:11</p> <p style="text-align: center;">y</p> <p>y 37:14 yeah 54:10 year 23:5 29:20 33:9 yearbooks 16:12 years 6:23 18:20 24:23 25:1 26:22 52:5</p>