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

Proceeding	92055558
Party	Plaintiff Economy Rent-A-Car, Inc.
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Date	11/26/2014
Attachments	1 Notice of Filing of Poret Transcript.pdf(132859 bytes) Hal Poret 10-30-2014.fullprint.pdf(1141294 bytes) 226713 PORET.HAL PETITIONER EXHIBIT 1.PDF(67677 bytes) 226713 PORET.HAL PETITIONER EXHIBIT 2.PDF(156380 bytes) 226713 PORET.HAL PETITIONER EXHIBIT 3.PDF(2881100 bytes) 226713 PORET.HAL RESPONDENT EXHIBIT 4.PDF(551925 bytes) 226713 PORET.HAL RESPONDENT EXHIBIT 5.PDF(1218166 bytes) 226713 PORET.HAL RESPONDENT EXHIBIT 6.PDF(1189591 bytes)

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

4 Cancellation No. 92055558
5 Registration No. 3256667
6 -----X
7 ECONOMY RENT-A-CAR, INC.

8 Petitioner,

9 v.

10 EMMANOUIL KOKOLOGIANNIS AND SONS, SOCIETE
11 ANONYME OF TRADE, HOTELS AND TOURISM S.A.,

12 Respondents.
13 -----X

14 DEPOSITION OF HAL PORET

15 Thursday, October 30, 2014

16 New York, New York

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23 Reported By:

24 LINDA J. GREENSTEIN

25 JOB NO. 219391

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October 30, 2014

9:25 A.M.

Deposition of HAL PORET, taken
by Petitioner, pursuant to Notice, held at
ORC International, 315 Park Avenue South,
New York, New York, before Linda J.
Greenstein, a Certified Shorthand Reporter
and Notary Public of the State of New York.

1 A P P E A R A N C E S:

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1 HAL PORET,
2 having been first duly sworn, was examined
3 and testified as follows:

4 EXAMINATION BY

5 MR. LITTLEPAGE:

6 Q. Good morning, Mr. Poret.

7 Could you for the record please
8 state your full name and occupation.

9 A. Hal Poret, and I do survey
10 research.

11 Q. Are you employed?

12 A. Yes.

13 Q. By who?

14 A. ORC International.

15 Q. Where is ORC International
16 located?

17 A. Its headquarters are in
18 Princeton, New Jersey, and it has a number
19 of other offices, such as where we are now.

20 (Petitioner's Exhibit 1
21 for identification, Three-page document
22 entitled, "Petitioner's Amended Notice of
23 Testimony Deposition Re: Hal Poret.")

24 BY MR. LITTLEPAGE:

25 Q. I'm going to hand you what's

1 HAL PORET

2 been marked as Petitioner's Exhibit 1.

3 Are you appearing today to give
4 testimony pursuant to that notice?

5 A. Yes.

6 MR. LITTLEPAGE: Let's mark this
7 as Exhibit 2.

8 (Petitioner's Exhibit 2
9 for identification, Multi-page document
10 entitled, "Appendix A - Curriculum Vitae of
11 Study's Author," production numbers
12 P-000197 through 204.)

13 BY MR. LITTLEPAGE:

14 Q. Mr. Poret, we've handed you
15 what's been marked as Exhibit 2.

16 Can you identify that document?

17 A. Yes. This is my CV.

18 Q. Is it accurate?

19 A. It is, although the list of
20 testimony is out of date now. This must be
21 from the time that I submitted my report.

22 Q. Okay.

23 What's your educational
24 background?

25 A. I have a Bachelor's in math from

1 HAL PORET

2 Union College; a Master's in math from
3 State University of New York at Albany; and
4 a JD from Harvard Law School.

5 Q. How did you become interested in
6 market research?

7 A. Originally, as an undergrad
8 doing math research and -- my college
9 didn't have a minor, but it had something
10 called a concentration, and I did
11 psychology, and I had done an
12 interdisciplinary math and psychology
13 program that -- part of that involved doing
14 some consumer research.

15 So that was the beginnings of my
16 interest in that.

17 And then I went to law school
18 thinking I would do something with math or
19 research in the area of law.

20 And when I started practicing
21 some trademark and advertising law and saw
22 how consumer research was used in that
23 context, I decided that I would like to do
24 consumer survey research instead of
25 practice law.

1 HAL PORET

2 Q. When did you join ORC
3 International?

4 A. 2004.

5 Q. Have you previously conducted
6 consumer surveys?

7 A. Yes.

8 MR. REIDL: Objection.
9 Vague.

10 Q. How many surveys have you
11 conducted?

12 A. At this point, probably over
13 600.

14 Q. Those surveys dealt with what?

15 A. A large variety of things.

16 Part of my practice is ordinary
17 market research, that is assisting
18 companies in testing their advertising,
19 their websites, their products. Just
20 typical corporate market research to help
21 companies make decisions about their
22 products and advertising.

23 And then some of my practice is
24 doing things like product tests, like taste
25 tests and preference tests.

1 HAL PORET

2 And then I have a portion of my
3 practice that involves trademark-related
4 surveys and advertising-related surveys,
5 and sometimes surveys that are relevant to
6 other legal issues of consumer deception,
7 or perhaps damages.

8 Q. Can you estimate how many of
9 those surveys included consumer perception
10 concerning trademarks?

11 A. I would estimate probably 30,
12 35 percent of my surveys are focused on
13 trademark issues.

14 Q. Numerically, how many would that
15 be?

16 A. Probably in the ballpark of 200.

17 Q. Do those surveys include any
18 studies in connection with trademark
19 registration proceedings?

20 A. Yes.

21 Q. And those proceedings would be
22 proceedings before the Trademark Trial and
23 Appeal Board?

24 A. Yes.

25 Q. Before joining ORC, what did you

1 HAL PORET

2 do?

3 A. My most recent employment before
4 that was at a law firm, Foley Hoag, and I
5 was an associate there for about five
6 years.

7 Q. What percentage of your time is
8 spent on trademark-related surveys?

9 A. I suppose about 35 percent.

10 Q. Have you previously testified as
11 an expert witness in trademark-related
12 cases?

13 A. Yes.

14 Q. Can you estimate how many cases
15 you have testified in over the past
16 10 years?

17 A. I've probably testified in about
18 60 cases at this point, in total.

19 MR. LITTLEPAGE: At this time
20 I'm offering Mr. Poret as an expert witness
21 in the case.

22 BY MR. LITTLEPAGE:

23 Q. Mr. Poret, were you asked to
24 design a survey in this proceeding?

25 A. Yes.

1 HAL PORET

2 Q. By whom?

3 A. By Dickinson Wright.

4 Q. When was that?

5 A. It was in November or
6 December 2012.

7 Q. What type of survey were you
8 asked to design?

9 A. A likelihood of confusion
10 survey, to test whether the Economy Car
11 Rentals and Design mark would create a
12 likelihood of confusion with respect to the
13 Economy Rent-A-Car mark.

14 Q. Did you personally design that
15 survey?

16 A. Yes.

17 Q. Can you describe the overall
18 design of your survey?

19 A. Yes. I would call it a
20 sequential array survey, which is a type of
21 Squirt survey. And the way it worked is
22 that respondents were initially shown logos
23 from five different types of travel-related
24 companies: A car rental company, a hotel,
25 an airline, a travel service and a luggage

1 HAL PORET

2 company.

3 And in the case of the car
4 rental company, that was showing the
5 Economy Rent-A-Car logo.

6 They were then asked a few
7 distractor questions about their travel
8 habits.

9 And then in the second part of
10 the survey they were again shown five
11 logos: One from a car rental company and
12 one from a hotel, an airline, a travel
13 service company and a luggage company.

14 And in the test group, the car
15 rental logo shown in the second part of it
16 was the Economy Car Rentals and Design
17 mark; and for the other four types of
18 companies, half the time they were shown a
19 logo for the same company they had seen in
20 the first part and half the time a
21 different logo.

22 And, ultimately, for each one --
23 for instance, for the car rental logo, they
24 were asked, is this for the same company as
25 the previous car rental company they had

1 HAL PORET
2 been shown; or, if not, is it for a company
3 that's affiliated with the first one.

4 So we were measuring the extent
5 to which, when consumers saw the Economy
6 Car Rentals and Design mark, they
7 mistakenly thought it was the same company
8 as, or affiliated with, the Economy
9 Rent-A-Car company that they had been shown
10 first.

11 Q. Do you know what's meant by the
12 term "controls" in the context of survey
13 studies?

14 A. Yes.

15 Q. Could you explain that?

16 A. Yes. It's something that is
17 built into the survey procedure to ensure
18 that whatever results you're seeing in your
19 main test are reliable. And the control is
20 measuring what we'd often call survey
21 noise, which would be the tendency of the
22 survey process, or any kind of error or
23 guessing, to cause respondents to give
24 answers that do not genuinely reflect the
25 phenomenon you're testing, which, in this

1 HAL PORET

2 case, is trademark confusion.

3 Q. Did you employ any controls
4 within the survey you designed in this
5 case?

6 A. Yes.

7 Q. What controls?

8 A. There was a control group, and
9 there were also certain things I would call
10 internal control parts of the survey.

11 Q. Did you have a test group?

12 A. Yes.

13 Q. What do you mean by "test
14 group"?

15 A. The test group would be the main
16 survey that's testing for confusion. It's
17 people who are being shown the Economy Car
18 Rentals and Design mark and seeing if they
19 mistakenly connect it to the Economy
20 Rent-A-Car mark.

21 Q. And you had a control group in
22 this case?

23 A. Yes.

24 Q. Is it important to have a
25 control group?

1 HAL PORET

2 A. Yes.

3 Q. Why is that?

4 A. Because you're getting a certain
5 gross rate of confusion in your test group,
6 and you need to ensure that that rate is
7 reliable, and that it's not simply that
8 your survey had a problem with it or in
9 some way induced people to give answers
10 that don't really reflect trademark
11 similarity.

12 Q. Now, before you mentioned the
13 term "noise."

14 What did you mean by "noise"?

15 A. In the context of a survey like
16 this, it would be the tendency of survey
17 respondents to answer that two logos come
18 from the same company or affiliated
19 companies, even when the logos do not have
20 a confusing similarity, either because the
21 respondents are guessing or they're
22 inattentive, or there's some suggestiveness
23 to the questions, so you're controlling for
24 any of those things and weeding that out so
25 that it just leaves you with what is

1 HAL PORET

2 reliably confusion.

3 Q. In this case, did you measure
4 the noise?

5 A. Yes.

6 Q. Is measuring noise important?

7 A. Yes.

8 Q. Why?

9 A. Because then once you subtract
10 the noise, you can be sure that the net
11 confusion rate you're left with is genuine
12 confusion attributable to the similarity of
13 marks.

14 Q. How many persons did you seek to
15 include in the survey that you undertook in
16 this case?

17 A. A total of 400, with 200 in a
18 test group and 200 in a control group.

19 Q. In creating the survey, can you
20 summarize why you designed it in the manner
21 which you selected?

22 A. Yes. Because since both
23 parties' marks here are used in the same or
24 related areas in connection with car rental
25 services, the same consumers who are

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interested in renting cars could come across both parties' marks, one after the other -- in other words, somebody could become familiar with Economy Rent-A-Car, and then subsequently come across Economy Car Rentals, when looking to rent a car, and so the design of this survey is simulating that marketplace scenario, where a customer, in sequence, comes across both parties' marks.

(Petitioner's Exhibit 3 for identification, Multi-page document, Expert Report of Hal Poret, production numbers P-000175 through 323.)

BY MR. LITTLEPAGE:

Q. Mr. Poret, we've handed you what's been marked as Exhibit 3.

Can you identify it?

A. Yes, this is the report I prepared in connection with the survey we are discussing.

Q. When was it prepared?

A. It's dated March 22, 2013.

Q. You mentioned your use of both a

1 HAL PORET

2 test group and a control group in this
3 case.

4 What questions were asked of the
5 test group?

6 A. The test group -- in each
7 instance of when they were shown a mark or
8 a logo in the second part of the survey,
9 they were essentially asked two key
10 questions, and those questions are -- let
11 me see in the report where they're shown --
12 starting on page 7, you can see the key
13 question, which the first one was, "Is this
14 logo for the same company as the car rental
15 logo you saw earlier, or is this logo for a
16 different company, or do you have no
17 opinion?"

18 And I'm just discussing the
19 instances where we're talking about the
20 rental car logos, that language varied for
21 the other types of companies.

22 And if the respondent answered
23 that the logo was for the same company,
24 they were asked: "What makes you believe
25 this logo is for the same company as the

1 HAL PORET

2 car rental logo you saw earlier?"

3 If they did not think it was for
4 the same company, they were asked a second
5 question, which was:

6 "Are this logo and the car
7 rental logo you saw earlier for companies
8 that are affiliated with each other, or for
9 companies that are not affiliated with each
10 other, or do you have no opinion?"

11 And if the respondents answered
12 that they are for affiliated companies,
13 they were asked: "What makes you believe
14 that this logo and the car rental logo you
15 saw earlier are for companies that are
16 affiliated with each other?"

17 So those were the confusion
18 questions.

19 There were also these distractor
20 questions earlier that I mentioned, and the
21 screening questions.

22 Q. Was there any difference between
23 what was shown to the test group and what
24 was shown to the control group?

25 A. There was no difference in the

1 HAL PORET

2 questions.

3 The only difference was that in
4 the control group the Economy Rent-A-Car
5 mark was replaced with the Economy Car
6 Rentals and Design mark.

7 Q. What questions were asked of the
8 control group?

9 A. The exact same questions as the
10 test group.

11 Q. Were there other controls
12 besides the external controls that you just
13 testified about?

14 A. Yes.

15 Q. What were those?

16 A. There were the other four sets
17 of logos that I mentioned; the hotel,
18 airline, travel service and luggage company
19 were also internal controls in the sense
20 that they measure a baseline level of the
21 respondents' ability to correctly identify
22 that they had seen two marks from the same
23 company, or to correctly identify that
24 they, in fact, had been shown marks for
25 companies that are different and not

1 HAL PORET

2 affiliated, so those help establish whether
3 or not the survey is inducing people to
4 answer that marks are from the same company
5 or affiliated, even when they don't have
6 any confusing similarity.

7 Q. How would you describe the
8 function of the made-up advertisements for
9 Value Car Rentals?

10 A. It's a control in that it allows
11 us to see if the questions that we're
12 asking cause people to answer that the
13 companies are the same or affiliated, even
14 when the terms are no longer confusingly
15 similar, and since "Value" has a similar
16 meaning to "Economy" in this context, it's
17 particularly controlling for whether people
18 are going to make a connection just because
19 they're conceptually similar names, as
20 opposed to actually similar in terms of the
21 marks.

22 Q. What specific type of confusion
23 was your study designed to measure?

24 A. Forward confusion.

25 Q. In a study for forward

1 HAL PORET

2 confusion, what is the correct relevant
3 universe to survey?

4 A. It's the actual and prospective
5 customers of the party whose mark is
6 alleged to cause confusion.

7 Q. In designing this survey, who
8 did you believe to be the relevant universe
9 to study?

10 A. I defined the relevant universe
11 as males and females age 21 and older who
12 have rented a car in the past 12 months, or
13 who are likely to rent a car in the next
14 12 months.

15 Q. Did your survey attempt to
16 exclude anyone?

17 A. Yes. It excluded people who
18 work in or have somebody in their household
19 work in advertising or market research, or
20 in this case also people who work in the
21 car rental industry.

22 Q. Where did this survey take
23 place?

24 A. It was an online survey, but it
25 was only done among people who live in the

1 HAL PORET

2 Los Angeles area and surrounding areas.

3 Q. Why was that area selected?

4 A. Because it's my understanding
5 that Economy Rent-A-Car uses their logo in
6 the Los Angeles area through its licensees
7 and affiliates, so that is the area where
8 consumers would most commonly be exposed to
9 the Economy Rent-A-Car mark, and also the
10 registrant's mark is also used in that area
11 through its affiliates.

12 Q. Do you know what the term
13 double-blind interviewing means?

14 A. Yes.

15 Q. What does that mean?

16 A. It means that neither the people
17 who are being interviewed or anybody who is
18 administering the interview to them knows
19 the purpose and sponsor of the survey.

20 Q. Did your survey employ
21 double-blind interviewing?

22 A. Yes.

23 Q. When was your survey actually
24 conducted?

25 A. It went from January into

1 HAL PORET

2 February of 2013.

3 Q. And, again, where were the
4 respondents located?

5 A. In the Los Angeles area.

6 Q. Did you personally conduct the
7 survey?

8 A. No.

9 Q. Who did?

10 A. Well, it's an online survey, so
11 ultimately the respondent is taking it
12 themselves, but the services that help in
13 the implementation of it was Research Now,
14 which is a leading supplier of sample for
15 online surveys, and then a company called
16 Decipher, which programmed and hosted the
17 survey.

18 Q. Who selected those
19 organizations?

20 A. I did.

21 Q. Why did you select them?

22 A. Because they're leading,
23 respected companies that I have a lot of
24 personal experience with and do quality
25 work.

1 HAL PORET

2 Q. Did you send Decipher Inc. any
3 materials to conduct the survey?

4 A. Yes.

5 Q. What materials?

6 A. They were sent the complete
7 questionnaire, which had instructions for
8 how every question -- how every screen of
9 the survey should appear and how the
10 logic of it works, and I also checked the
11 program that they prepared and worked with
12 them to ensure that it functioned as I had
13 written it.

14 Q. When you say the "complete
15 questionnaire," are you referring to the
16 screener and main questionnaires?

17 A. Yes.

18 Q. And the stimuli that was used?

19 A. Yes.

20 Q. In general terms, what's a
21 screener questionnaire?

22 A. It's the questions that are used
23 to determine if a person is going to be
24 deemed qualified to take the survey.

25 Q. What's a main questionnaire?

1 HAL PORET

2 A. The part of the survey where the
3 substantive test is occurring.

4 Q. Were the questionnaires shown in
5 your report marked as Exhibit 3?

6 A. Yes.

7 Q. Where would you find those
8 questionnaires?

9 A. Appendix B is the questionnaire
10 that was submitted to Decipher.

11 Q. What about the stimuli?

12 A. The stimuli were also provided
13 to decipher, and Appendix D to the survey
14 shows screen-shots of the survey, where you
15 can see the stimuli, although of course
16 this is on a printed page, so it doesn't
17 look like what it would look like on a
18 computer screen.

19 Q. Did you provide Decipher
20 Inc. with any instructions?

21 A. Yes.

22 Q. What instructions?

23 A. What's shown in Appendix B.

24 Q. To your knowledge, were the
25 interviewers told anything about the

1 HAL PORET

2 purpose of this survey?

3 A. Well, there aren't actually
4 interviewers because it's online, so the
5 respondents are just seeing the questions
6 on their screen and answering them.

7 But the equivalent of the
8 vendors, I suppose, is Decipher, who is
9 programming it, and, no, they were not told
10 anything about the purpose or sponsorship
11 of the survey.

12 Q. Were the results of your survey
13 summarized in your report?

14 A. Yes.

15 Q. How?

16 A. Well, there's a "Summary of Key
17 Findings" on page 13, and then there's a
18 "Detailed Finding" section starting at page
19 18 that lays out the results.

20 Q. Were the persons within the test
21 group tested for confusion between
22 particular marks?

23 A. Yes.

24 Q. What marks?

25 A. The Economy Car Rentals and

1 HAL PORET

2 Design mark and the Economy Rent-A-Car
3 mark.

4 Q. Focusing on the survey results
5 of the test group at page 13 of your
6 report, what did you find?

7 A. That a total of 32 percent of
8 respondents in the test group mistakenly
9 believed that the Economy Car Rentals and
10 Design mark was for the same company as the
11 Economy Rent-A-Car mark.

12 And then once you take into
13 account the additional respondents who
14 thought that the Economy Car Rentals and
15 Design mark was for a company that's
16 affiliated with Economy Rent-A-Car, that
17 increases to a net confusion level total of
18 35 percent.

19 Q. Do those tabulations accurately
20 reflect your findings of the test group?

21 A. Yes.

22 Q. Were reasons for that confusion
23 expressed by the respondents in your
24 report?

25 A. Yes.

1 HAL PORET

2 Q. Are those reasons set forth at
3 page 18 of your report?

4 A. Yes.

5 Q. And what did they state?

6 A. What I've explained on page 18
7 is that of the people who thought that the
8 Economy Car Rentals and Design mark was for
9 the same company as Economy Rent-A-Car,
10 90.6 percent of those referred to the name
11 "Economy" as a common element in their
12 reason for thinking so.

13 Q. Do those tabulations accurately
14 reflect the findings regarding the reason
15 for confusion on the part of the test
16 group?

17 A. Yes.

18 Q. You also mentioned that you had
19 included a control group in the survey;
20 right?

21 A. Yes.

22 Q. Did you test for confusion with
23 regard to the control group?

24 A. Yes.

25 Q. And the persons within the

1 HAL PORET

2 control group were tested for confusion
3 between what marks?

4 A. Value Car Rentals and Economy
5 Rent-A-Car.

6 Q. What other marks, if any, were
7 shown to both the test group and the
8 control group?

9 A. There were two hotel marks that
10 were shown. Everyone was first shown
11 Microtel, and then in the second part of it
12 they could have either been shown Park Inn
13 or a different version of the Microtel
14 logo.

15 And then for the airlines, there
16 was America West Airlines and Air Wisconsin
17 Airlines; for the travel service there was
18 Atlas Travel and Travel With Us; and for
19 the luggage companies there was London
20 Luggage and Altman Luggage.

21 Q. Why were they shown those marks?

22 A. Part of the reason is to have a
23 function of distraction, so that it's not
24 clear to respondents that the car rental
25 logos are the focus of the survey, so it

1 HAL PORET

2 really takes the focus away from those and
3 minimizes any suggestiveness of that,
4 because the respondents have no way to know
5 that the car rental logos are the key part
6 of the survey.

7 And what it also does, it allows
8 us to have another measurement of the
9 reliability of the data, because what you
10 see is that when respondents are shown
11 logos for companies that do not have
12 confusingly similar names, the rates of
13 respondents answering that the companies
14 are the same or affiliated ranged from
15 0.5 percent to 2.5 percent to 3 percent to
16 6.8 percent.

17 So what this shows is that this
18 survey does not lead people to connect two
19 companies when their names are not
20 confusingly similar; and the much higher
21 rate of confusion you see between the
22 Economy Rent-A-Car and the Economy Car
23 Rentals and Design logo has to be due to
24 those actually being confusingly similar.

25 Q. And you're referring to the

1 HAL PORET

2 chart at page 19 of your report?

3 A. Yes.

4 Q. What did your survey results
5 demonstrate with regard to any confusion
6 between Economy Rent-A-Car and Value Rental
7 Cars and Design?

8 A. It demonstrated that there's a
9 high likelihood of confusion due to the
10 similarity of those marks.

11 Q. Between?

12 A. Economy Car Rentals and Design
13 and Economy Rent-A-Car.

14 Q. Perhaps you misheard my
15 question.

16 My question was:

17 What did your survey results
18 demonstrate with regard to any confusion
19 between Economy Rent-A-Car and Value Rent a
20 Car?

21 A. I'm sorry.

22 They showed a fairly negligible
23 level of confusion. There were a total of
24 basically 2.5 percent of people in the
25 control group who answered that Value Car

1 HAL PORET

2 Rentals and Economy Rent-A-Car marks were
3 for the same company or affiliated
4 companies.

5 Q. Now, when using a control group
6 in a survey, what impact, if any, does
7 confusion found in such a group have on the
8 overall findings of confusion in the
9 survey?

10 A. It's something that you compare
11 to the overall confusion rate in the test
12 group, and you can subtract it from that to
13 reach a net level of confusion that can
14 only be attributed to the marks really
15 being confusingly similar.

16 Q. Did you net the confusion in
17 this survey?

18 A. Yes.

19 Q. And the net confusion was what?

20 A. 35 percent.

21 Q. In your opinion, is that level
22 of confusion significant?

23 A. Yes.

24 Q. Did you seek to validate your
25 survey?

1 HAL PORET

2 A. Yes.

3 Q. How?

4 A. The validation technique I use
5 for online surveys is to have respondents
6 enter their date of birth, and that needs
7 to match the date of birth on file for the
8 panelist, which confirms that whoever is
9 taking the survey is the person who we
10 invited.

11 Q. Did your survey test for a
12 likelihood of confusion between the mark of
13 the petitioner and the registered mark of
14 the respondent in this case?

15 A. Yes.

16 Q. Do you believe your survey
17 results are valid?

18 A. Yes.

19 Q. Why?

20 A. Because it was a standard,
21 acceptable survey design, and it replicated
22 realistic marketplace conditions and it had
23 proper controls to ensure the validity of
24 the results, and the questions were
25 standard, proper questions.

1 HAL PORET

2 Q. Have you reached any confusions
3 or opinions on the basis of your survey
4 results?

5 A. Yes.

6 Q. What conclusions or opinions did
7 you reach?

8 A. That the survey result of a net
9 confusion rate of 35 percent is a very high
10 level of confusion, and that based on that,
11 I think there's a heightened likelihood
12 that there would be confusion between car
13 rental customers who come across both the
14 Economy Car Rentals and Design mark and
15 Economy Rent-A-Car.

16 Q. Have you formed that opinion to
17 a reasonable degree of certainty?

18 A. Yes.

19 MR. LITTLEPAGE: I'll move to
20 admit Petitioner's Exhibits 1, 2 and 3, and
21 pass the witness.

22 EXAMINATION BY

23 MR. REIDL:

24 Q. Good morning, Mr. Poret.

25 My name is Paul Reidl and I

1 HAL PORET

2 represent the Registrant in this case.

3 You've given testimony before
4 many times, so you know the drill.

5 If you don't understand any of
6 my questions, please ask for clarification.

7 A. Okay.

8 Q. Now, Mr. Poret, you concluded
9 your testimony by talking about a
10 validation of the survey.

11 Do you remember that?

12 A. Yes.

13 Q. And you said that there was a
14 date of birth that had to be entered in
15 order to validate the survey response.

16 Do you remember that?

17 A. Yes.

18 Q. And that was the only validation
19 that you did for the survey; correct?

20 A. That's the only validation in
21 that sense of the term validation.

22 Q. You gave instructions to
23 Decipher on the demographics that you
24 wanted in your survey panel; correct?

25 A. Not exactly. That's not -- not

1 HAL PORET

2 really how it works.

3 Q. You gave them certain
4 demographic criteria that you wanted the
5 survey respondents to meet; correct?

6 A. That's not really an accurate
7 way to put it.

8 Q. Well, what is the accurate way
9 to put it?

10 A. That I gave Research Now some
11 initial demographics to send out their
12 invitations in those proportions, and that
13 then, as the survey data starts to come in,
14 and I can see what percentage of people in
15 each age and gender group indicate that
16 they are within the universe of car rental
17 consumers, I then come up with quotas that
18 reflect that market for car rental services
19 by age and gender, and then instruct
20 Research Now to send out additional
21 invitations to meet those quotas that are
22 calculated based on the actual data and set
23 quotas within the Decipher web portal to
24 ensure that those quotas are met.

25 Q. What is the factual basis for

1 HAL PORET

2 the quotas that you set for this survey?

3 A. The actual data amongst
4 consumers who are asked the screening
5 questions, which is telling us within each
6 age and gender group, I can see what
7 percentage of people answer the screening
8 questions by saying that they have recently
9 rented a car or they're likely to rent a
10 car in the next year.

11 So the survey is generating its
12 own set of data that tells us how much of
13 the market for car rental services each age
14 and gender group is making up.

15 Q. So the survey told you what the
16 quotas should be? That's your testimony?

17 A. Well, I think I explained it in
18 a lot more detail than that.

19 The survey generated data as to
20 what percentage of people in each age and
21 gender group fall within the relevant
22 universe of being a car rental consumer.

23 Q. To whom did they send the survey
24 invitations?

25 A. To members of the Research Now

1 HAL PORET

2 panel, who live in the Los Angeles area.

3 Q. Do you know how that panel is
4 selected?

5 A. I don't know that I could go
6 through that in great detail, but, in
7 general, Research Now on a daily basis is
8 recruiting people to be part of the panel.
9 They're inviting people, and they're trying
10 to maintain a large, diverse panel.

11 There is a section of my report
12 which discusses that in a bit more detail.

13 Q. Now, other than your opinion
14 that there is a likelihood of confusion, do
15 you have any other opinions that you're
16 offering in this case?

17 A. No.

18 Q. Now, I'd like you to turn to
19 Exhibit 3, that is Bates numbered page 191.

20 A. Okay.

21 Q. Do you have that in front of
22 you?

23 A. Yes.

24 Q. I'd like to call your attention
25 to the last paragraph. Could you read the

1 HAL PORET

2 second sentence, please, of that last
3 paragraph?

4 A. "Survey quotas were initially
5 set based on proportions for age based on
6 the U.S. census data."

7 Q. Now, are the demographics of Los
8 Angeles representative of the United States
9 as a whole?

10 A. Not exactly.

11 Q. So why did you use U.S. census
12 data instead of demographics for Los
13 Angeles?

14 A. Because -- these are just
15 talking about initial quotas for an initial
16 wave of invitations that are going to be
17 sent out.

18 And like I described before, the
19 final quotas are based on the data
20 generated in the survey, which is only
21 among Los Angeles residents, so it's all
22 being converted to be weighted based on the
23 Los Angeles area demographics.

24 Q. I see. Thank you.

25 I'd like you to turn in

1 HAL PORET

2 Exhibit 3 to page 207.

3 A. Okay.

4 Q. Do you have that in front of
5 you?

6 A. Yes.

7 Q. I'd like to call your attention
8 to question number 110.

9 Do you see that?

10 A. Yes.

11 Q. And the question is, "What is
12 your Zip code?" Is that right? That's
13 what the respondent was asked?

14 A. Yes.

15 Q. And in response to that, they
16 typed in their Zip code?

17 A. Yes.

18 Q. And the instructions there
19 read -- why don't you read the instructions
20 there.

21 A. This is an instruction to the
22 programmer.

23 It says: "Provide box for
24 five-digit Zip code. Terminate if not a
25 Los Angeles DMA Zip code."

1 HAL PORET

2 Q. What does "Los Angeles DMA"
3 mean?

4 A. It's a designated market area.
5 It encompasses Los Angeles and
6 surrounding areas. It's an area that's
7 defined by the market research, and --

8 Q. In fact -- I'm sorry.

9 A. No, no. It's a commonly used
10 concept in market research, and in things
11 such as television, to define a market that
12 tends to receive the same category of
13 advertising or broadcasts.

14 Q. In fact, the DMA designation is
15 set up by the Nielson Company; is that
16 correct?

17 A. That might be correct.

18 Q. Do you know what counties are
19 encompassed in the Los Angeles DMA?

20 A. Not off the top of my head.

21 MR. REIDL: Would you mark this,
22 please.

23 (Respondents' Exhibit 4
24 for identification, One-page document,
25 color map of counties in Los Angeles DMA.)

1 HAL PORET

2 BY MR. REIDL:

3 Q. I'm showing you Exhibit 4.

4 Does that refresh your
5 recollection on which counties are located
6 in the Los Angeles DMA?

7 A. I don't know if it refreshes my
8 recollection, but it seems to show it.

9 Q. You have no basis to disagree
10 with that?

11 A. No.

12 Q. So the Los Angeles DMA would
13 include Inyo, Kern, Ventura, Los Angeles,
14 San Bernardino, Orange and West and East
15 Riverside counties; correct?

16 A. If this is correct, then, yes.

17 Q. And it's your testimony that
18 someone who lives in Inyo County would
19 travel down to Los Angeles County to rent a
20 car? That's your testimony?

21 A. I don't believe I said that.

22 Q. You instructed the programmer to
23 accept all Zip codes within the Los Angeles
24 DMA; correct?

25 A. Yes.

1 HAL PORET

2 Q. And the Los Angeles DMA
3 encompasses Inyo County; correct?

4 A. It appears to on this.

5 We have the actual Zip codes of
6 everybody in the survey and the data so we
7 can see where everybody came from by their
8 Zip codes, and based on population sizes,
9 if there is anybody in this survey from
10 Inyo, it's probably a very small number,
11 but it's all theoretical because we have
12 the actual data and anybody can look at the
13 data from the people within Los Angeles
14 County or any county that we want in the
15 data.

16 Q. When you selected the Los
17 Angeles DMA as the geographic scope of the
18 survey, did you give any thought to the
19 size of that DMA at all?

20 A. Yes.

21 Q. Why did you choose the Los
22 Angeles DMA?

23 A. Because I didn't want to limit
24 it only to Los Angeles alone, because there
25 are surrounding areas that are -- that are

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2 relevant to that area.

3 And I know from doing market
4 research that if you do a survey in the Los
5 Angeles DMA, since the overwhelming
6 percentage of people in this DMA live in
7 Los Angeles, you're going to get the vast
8 majority of people in the survey from Los
9 Angeles. And you are going to get some
10 from these other counties, but it's a
11 smaller percentage.

12 And if somebody feels that they
13 don't want to consider the results of
14 people from Inyo or San Bernardino, you can
15 just look at those people on the side and
16 just look at the people in Los Angeles
17 County, or whichever part of it you think
18 is relevant, and it's going to show the
19 exact same result, so...

20 There is no harm in having a
21 handful of people from another county in a
22 survey, because the worst-case scenario of
23 that is you can decide, we're going to look
24 at the results without those handful of
25 people.

1 HAL PORET

2 Q. But you assumed and allowed
3 everyone in those counties to participate
4 in the survey; correct?

5 A. I didn't assume anything.

6 I allowed somebody from those
7 counties to enter the survey.

8 Q. And that's because you believe
9 that that is an appropriate universe of
10 actual and potential renters of my client's
11 cars; right?

12 A. That's not exactly right.

13 The way I would put it is that I
14 understand the area to be the Los Angeles
15 area, and there's no magic way to draw a
16 line in the sand that says anybody on one
17 side of this line is a customer and anybody
18 on the other side is not a customer.

19 So you need to define some area,
20 and it's better to be a little broad than
21 overly narrow, because if you're a little
22 too broad you can always disregard a few
23 respondents that you think are from too far
24 away, whereas if you're overly narrow, then
25 you don't even have the data from the

1 HAL PORET

2 people that you've excluded.

3 Q. But you didn't do any of that
4 analysis, did you?

5 A. I didn't do any of that
6 analysis, but I can tell you that it's in
7 the data, and if anybody cares to look at
8 the results just among Los Angeles or
9 whatever county they want, it's in the
10 data, and Los Angeles makes up a huge
11 percentage of people in the survey, and it
12 shows the same result. So it's really kind
13 of an irrelevant issue.

14 Q. You are assuming that Los
15 Angeles makes up a huge percentage of the
16 responses in this survey; correct?

17 A. No.

18 Q. Is it your testimony that you
19 went through the Zip codes of the
20 respondents in the survey and determined
21 that the majority were from Los Angeles?

22 A. No, I didn't say that. But --
23 as I, at the time, looked through the
24 survey data, I didn't count up every single
25 Zip code. I didn't do a tally of them.

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2 But I know from us looking
3 through the result at the time, that a
4 large number of respondents are from the
5 Los Angeles -- Los Angeles, the city, and
6 the county, and that I know that if
7 somebody wanted to look at the results just
8 among Los Angeles County, there is a
9 sufficiently large sample size to do that
10 and that the results are the same.

11 Q. So now you're saying that you
12 did look through the Zip codes and you now
13 know that the majority were from Los
14 Angeles? Is that your testimony?

15 A. No. That's not what I said --

16 Q. I --

17 MR. REIDL: I think you need to
18 let the witness answer before you start
19 your next question.

20 MR. LITTLEPAGE: Fair enough.

21 My apologies.

22 A. I didn't say that I know that
23 the majority are.

24 I said that I know there is a
25 sufficiently large sample of people in Los

1 HAL PORET

2 Angeles County that if you wanted to look
3 at the results only among them, you could
4 do that, and that you would find that the
5 results are the same.

6 Q. Did you take a list of Zip
7 codes of Los Angeles County, square them
8 against the Zip codes in your study, and
9 make that -- draw that conclusion?

10 A. Not in a quantitative sense, but
11 in a qualitative sense, yes.

12 Q. Now, have you ever rented a car?

13 A. Yes.

14 Q. Have you ever traveled to an
15 airport, picked up a car at the airport
16 that you rented?

17 A. Yes.

18 Q. Now, as I understand your survey
19 universe, if a consumer flew into one of
20 the airports in Los Angeles and rented a
21 car, they would be excluded from your
22 universe; correct?

23 A. Not really.

24 Q. Well, let's suppose,
25 hypothetically, I live south of San

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2 Francisco, and my Zip code is what it is
3 but it's not in the Los Angeles DMA, and I
4 flew to Los Angeles and I rented a car
5 at LAX.

6 I would not be a potential
7 respondent in your survey; correct?

8 A. Correct.

9 Q. In fact, anybody who flew to any
10 of the major airports in Los Angeles would
11 be excluded from your universe unless they
12 lived in the Los Angeles DMA; correct?

13 A. Yes.

14 Q. Now, your report repeatedly
15 refers to "licensees" when referring to
16 your client.

17 What did you do to inform
18 yourself on the number of licensees in the
19 Los Angeles DMA?

20 A. I don't remember. I know that
21 I've cited the materials that I reviewed in
22 the report.

23 I don't know if those informed
24 me of the number of licensees or not.

25 Q. In fact, there's only one

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2 licensee, isn't there?

3 A. I don't know.

4 Q. You don't know.

5 Let's assume that there's only
6 one licensee.

7 Would that have affected the way
8 that you defined the universe of your
9 survey?

10 A. I don't see why.

11 Q. So you would have done the same
12 survey, same universe?

13 A. As far as I can tell sitting
14 here now, I can't think of a reason why I
15 wouldn't have.

16 Q. Do you know whether my client
17 has any licensees in the Los Angeles DMA?

18 A. I don't know what the exact
19 legal or contractual arrangements are, but
20 it was my understanding that your client's
21 mark is used in the Los Angeles area.

22 Q. How did you come to that
23 understanding?

24 A. I don't recall if that's
25 something I reviewed in the materials cited

1 HAL PORET

2 or if I got that understanding from counsel
3 for the petitioner here.

4 Q. Do you know whether my client
5 has a brick and mortar car rental lot in
6 the Los Angeles DMA?

7 A. I don't -- it's a little bit
8 difficult to remember, because when I
9 learned about the facts at the time, this
10 was in late 2012 and early 2013, so I don't
11 have that fresh a recollection of what I
12 knew at the time.

13 My understanding was they had a
14 vehicle reservation service.

15 Q. My client -- assume that my
16 client does not have a brick and mortar car
17 rental facility in the Los Angeles DMA.

18 Would that have changed the
19 universe of your study?

20 A. Not if people who are in the Los
21 Angeles DMA still can come across your
22 client's mark when searching for -- to make
23 a car rental reservation.

24 Q. Now, you testified that you used
25 a form of the so-called Squirt test.

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2 Was that your testimony?

3 A. Yes.

4 Q. And it's true that the Squirt
5 test has been criticized as just a reading
6 test; correct?

7 A. I don't think that's an accurate
8 way to put it.

9 Q. What is the accurate way to
10 state the criticism?

11 A. Well, I don't know what you're
12 thinking about, but there have been
13 criticisms of surveys for being reading
14 tests, and there have been criticisms of
15 Squirt formats; that those aren't the same
16 criticism. Other types of surveys,
17 including Eveready surveys, have also been
18 accused of being reading tests, so it's not
19 specific to a Squirt survey to consider
20 whether or not something is a reading test.
21 That's a concept that can apply to any
22 number of types of surveys.

23 Q. In fact, there are survey
24 experts who will not use a Squirt
25 methodology; correct?

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2 A. Yes.

3 Q. Can you name any?

4 A. I know Jerry Ford doesn't do
5 Squirt surveys.

6 Q. What about Deborah Jay?

7 A. I don't know -- I don't know
8 personally what her policy is.

9 Q. Do you know why Jerry Ford
10 doesn't use a Squirt test?

11 A. I don't know that I've ever
12 actually discussed that with him, so I
13 don't know that I want to speak for him.

14 Q. Are you familiar with the
15 Eveready test?

16 A. Yes.

17 Q. What is that test?

18 A. The essence of the Eveready test
19 is that you would only show the allegedly
20 infringing mark and you would ask
21 open-ended questions about it to see if
22 people mention the senior mark on their
23 own, as opposed to showing both marks in
24 the same survey.

25 Q. Did you consider using that

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2 methodology here?

3 A. No.

4 Q. Is there a reason that you
5 didn't use that methodology?

6 A. Yes.

7 Q. What is that reason?

8 A. Well, there are a couple of
9 reasons, and they all fit together.

10 One reason is that since both
11 parties' products/services are highly
12 related, they're the same type of service
13 and they're offered to the same types of
14 customers, customers can encounter both
15 parties' marks in realistically close
16 marketplace proximity, and the Squirt
17 survey is good at addressing that type of
18 confusion.

19 And the other factor is that I
20 don't know how well-known the Economy
21 Rent-A-Car mark is within that area, so it
22 is possible that an Eveready survey showing
23 people just the Economy Car Rentals and
24 Design logo might not fully capture the
25 potential for confusion among car rental

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2 customers who do come across both marks.

3 Q. So can I infer from that answer
4 that the reason you used the Squirt test
5 was that it was more of a realistically
6 close marketplace proximity to what the
7 customers might encounter?

8 A. I don't know if you could infer
9 that from that answer or not.

10 Q. Do you believe that your
11 survey provided a realistically close
12 marketplace -- realistically close
13 situation to the marketplace?

14 A. Not in the sense that I
15 literally think people are going to
16 encounter both parties within a couple of
17 minutes of each other.

18 But, yes, I think it's a
19 replication of a marketplace scenario in
20 the sense that that term is used in the
21 context of Squirt surveys, which, for
22 instance, if you read McCarthy, refers to
23 this type of survey as measuring exposure
24 to one brand, follow it by subsequent
25 exposure to the other brand in the

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2 marketplace.

3 And whether that occurs in very
4 close proximity, such as people Googling or
5 searching for a car rental service and
6 coming across both options very near each
7 other, or whether that occurs because
8 somebody rents a car from Economy
9 Rent-A-Car, and then months later they go
10 and search for a way to rent a car and they
11 come across Economy Car Rentals and they
12 think that's the same company they dealt
13 with previously, those are both realistic
14 marketplace scenarios, where the gap in
15 time between encountering them could be
16 very short or it could be longer, but
17 either way that's what the survey is
18 simulating.

19 Q. Would you agree that a proper
20 definition of the universe of a confusion
21 survey is essential to its validity?

22 A. That's a pretty absolute
23 statement.

24 I would agree that a reasonably
25 good definition of the universe is

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important, and to the extent that any perceived imperfections in it undermine the survey, you know, that's something that has to be considered on a spectrum as to whether it affects the weight of it a little bit or a lot, or it's so bad that it undermines the validity.

Q. Now, as a math major, you're familiar with the concept of a Venn diagram; correct?

A. Yes.

Q. Can you explain what a Venn diagram is?

A. It's something that would be used to demonstrate whether there's overlap in some categories.

Q. Okay.

Let me give you a hypothetical:

Category A are the actual potential customers of one trademark owner.

Category B are the actual potential customers of another trademark owner.

Would you agree that if there's

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2 no overlap, there can't be a likelihood of
3 confusion?

4 A. No.

5 Q. Why not?

6 A. Because that's false.

7 Q. Why is it false?

8 A. Well, let me give you an
9 example. Let's say that there's a whole
10 group of people who do not drink soda at
11 all, and some other company uses the name
12 Coke or Coca-Cola on an unrelated product.
13 There could be no overlap between the
14 customers of the soda company and the
15 customers of the other company, but there
16 still could be a likelihood of confusion,
17 because people who encounter the other
18 company are aware of Coca-Cola and they
19 could be still be confused.

20 Q. Well, let's assume a non-famous
21 trademark and related goods.

22 Would that change your answer?

23 A. Well, if they're related goods,
24 it seems all the more reason that people
25 might be aware of one of them, or at least

1 HAL PORET
2 have the opportunity to be exposed to one
3 of them, so, no, it doesn't change my
4 answer that -- you're asking categorically
5 is it impossible for there to be confusion
6 in groups that you're calling
7 nonoverlapping, and the answer is no.

8 Q. Would you agree that a smaller
9 sample size produces higher error rates in
10 the survey analysis?

11 A. Yes.

12 Q. So hypothetically a universe of
13 one person would provide a meaningless
14 result?

15 A. Generally, yes.

16 Q. And conversely, a universe of a
17 thousand people would provide a more
18 reliable result?

19 A. More than one, yes.

20 Q. Would you agree that the proper
21 universe in a confusion survey consists of
22 the potential purchasers of the junior
23 user's services?

24 A. In a forward confusion survey,
25 yes.

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2 Q. And what you have done here is a
3 forward confusion survey?

4 A. Yes.

5 Q. Would you agree that it would be
6 improper to select a universe that was
7 skewed toward potential purchasers of the
8 senior user's services?

9 A. I do have to say one thing to
10 correct my previous answer:

11 The one other thing that needs
12 to be taken into account in what you said,
13 we are talking here about a petition to
14 cancel a registration, so the use of the
15 junior user's mark is not the only thing
16 that's at issue. It's also the
17 registration.

18 So what is stated in the
19 registration that they have a trademark for
20 needs to also be part of the analysis that
21 you asked me about before, not just what
22 you're saying is their use.

23 I just needed to clarify that
24 previous answer.

25 MO MR. REIDL: I would like to

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2 strike that as nonresponsive.

3 Could you please re-read my
4 question.

5 (The following testimony was
6 read back:

7 "Question: Would you agree that
8 it would be improper to select a universe
9 that was skewed toward potential purchasers
10 of the senior user services?")

11 A. I can answer that.

12 I was just adding something to
13 clarify and correct my previous answer,
14 which I realized I had omitted something
15 important from.

16 The answer to this question is,
17 it depends what you mean by that.

18 Q. In this case your client is
19 claiming that they have rights that are
20 senior to my client; correct?

21 A. Yes.

22 Q. So in this case, it would be
23 improper to select a universe that was
24 skewed toward potential purchasers of the
25 petitioner's services; correct?

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2 A. I don't know. It depends what
3 you mean by that.

4 Q. In this case your client is the
5 petitioner; correct?

6 A. Yes.

7 Q. And your client is asserting
8 that they have rights that are senior to my
9 client; correct?

10 A. I assume they are.

11 Q. Well, Mr. Poret, you stated in
12 your report that you read the amended
13 petition for cancellation; correct?

14 A. Yes.

15 Q. And that was accurate?

16 A. That I read it?

17 Q. Yes.

18 A. Yes.

19 Q. And, in fact, in the petition
20 for cancellation, that is what your client
21 is asserting, mainly that they have rights
22 that are senior to my client?

23 A. I don't have a fresh
24 recollection of that document, but, yes,
25 I'm assuming they must be asserting that

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2 here.

3 Q. Thank you.

4 So in this case, the petitioner
5 is the party who is claiming that they have
6 rights senior to my client, who is the
7 registrant; right?

8 A. Yes.

9 Q. Now, in this case, it would be
10 improper to select a universe that was
11 skewed toward the petitioner. Would you
12 agree with that?

13 A. Again, I don't know what you
14 mean "a universe that was skewed toward the
15 petitioner."

16 Q. Would it be improper in this
17 case to select a universe that focused on
18 the potential and actual customers of the
19 petitioner?

20 A. It might or it might not be.

21 Q. But that's exactly what you did
22 here, isn't it?

23 A. No.

24 Q. You selected the Los Angeles
25 DMA; correct?

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2 A. Yes.

3 Q. You didn't use New York; right?

4 A. Right.

5 Q. You didn't use San Francisco;
6 right?

7 A. Right.

8 Q. You didn't use Minneapolis;
9 correct?

10 A. Correct.

11 Q. In fact, you excluded people
12 from all of those locations who rented cars
13 in the Los Angeles area because they had
14 flown into the area; correct?

15 A. No.

16 Q. Mr. Poret, if I'm here in New
17 York and I fly to LAX and I rent a car at
18 that airport and I don't live in the Los
19 Angeles area, how in the world would I be a
20 respondent to your survey when you
21 instructed people to exclude Zip codes that
22 were not in the Los Angeles DMA?

23 A. I didn't say you would be.

24 Q. So, again, I'm going to re-ask
25 my question.

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2 My question is that people in
3 New York, people in Minneapolis, people in
4 San Francisco, all of whom might be
5 potential purchasers of my client's
6 services, were excluded from this survey
7 because their Zip codes were not in the Los
8 Angeles area; right?

9 A. Not exactly. Those people
10 weren't invited to take the survey, so --
11 they were outside of the definition of the
12 survey universe.

13 Q. Right. They were not in the
14 universe; right?

15 A. Yes.

16 Q. Your survey was taken in 2013;
17 correct?

18 A. Yes.

19 Q. And that doesn't tell you
20 anything at all about what might have
21 existed in the year 2000; right?

22 A. That's an interesting question.

23 I think with this type of
24 survey, I don't know that the result of it
25 is really all that tied to time.

1 HAL PORET

2 It's showing both parties'
3 logos, and it's showing a tendency to -- a
4 high tendency to believe those logos are
5 from the same companies or affiliated
6 companies, so I don't know that that's
7 really that much of a time-related concept.

8 Q. But you don't have an opinion on
9 that?

10 A. I have an opinion that it
11 shows -- the survey shows that these marks
12 are confusingly similar. I don't think
13 that's really that much of a time-related
14 conclusion.

15 Q. Can you show me where that is in
16 your report?

17 A. Well, the conclusion on page 20
18 says: "Based on the survey results, it is
19 my opinion that there's a heightened
20 likelihood that the source of the services
21 rendered under the mark 'Economy Car
22 Rentals and Design' will be confused with
23 those services being rendered under the
24 mark 'Economy Rent-A-Car.'"

25 Q. So it's your opinion that this

1 HAL PORET

2 would apply in 1942, 1938, 2009, 2050?

3 It's all the same? It's not temporally
4 grounded? That's your opinion?

5 A. I wouldn't go quite as far as
6 you just stated it.

7 Q. Do you know whether either party
8 was using the logos that you showed them in
9 your survey in 2005?

10 A. I don't know.

11 Q. How about 2007?

12 A. I don't know.

13 Q. 2008?

14 A. I don't know.

15 Q. 2009?

16 A. I don't know.

17 Q. 2010?

18 A. I don't know.

19 Q. Is it your opinion that wouldn't
20 change the results, because people can read
21 the word "Economy" and think that they're
22 the same company? Is that what you're
23 saying?

24 A. No.

25 Q. Well, why doesn't the logo

1 HAL PORET

2 matter?

3 A. I don't know what you mean by
4 "why doesn't the logo matter."

5 (A recess was taken.)

6 BY MR. REIDL:

7 Q. I'd like you to turn to page 6
8 of Exhibit 3, which is Bates numbered 182.

9 A. Okay.

10 Q. Do you have that in front of
11 you?

12 A. Yes.

13 Q. Now, in your testimony, you
14 mentioned that there were certain
15 distractor questions in your survey
16 questionnaire.

17 Do you remember that?

18 A. Yes.

19 Q. And these two questions here on
20 this page were the distractor questions
21 that you referred to; correct?

22 A. Yes, and a possible third
23 question on the next page.

24 Q. Fair enough.

25 How long do you think it took a

1 HAL PORET

2 respondent to go through those three
3 questions?

4 A. Probably about 30 to 60 seconds.

5 Q. Did you take this survey
6 yourself?

7 A. Yes.

8 Q. How long did it take you to go
9 through those three questions?

10 A. I'm not sure, but I'm not a
11 survey respondent.

12 Q. And 30 to 60 questions is, in
13 your view, a distraction?

14 A. That's not quite the right way
15 to put it.

16 Q. Well, you referred to them as
17 distractor questions; correct?

18 A. Yes.

19 Q. So why is it wrong to ask
20 whether or not that was a distraction?

21 A. I didn't say it's wrong to ask,
22 but you said does 30 to 60 seconds make it
23 a distractor question, and you're inserting
24 the element of time into it, which is not
25 what I've said makes it a distractor

1 HAL PORET

2 question.

3 They are distractor questions
4 because they are some questions that focus
5 the respondents on thinking about certain
6 aspects of travel.

7 The amount of time that they
8 spend on it is not what makes them
9 distractor questions or not.

10 Q. Thank you.

11 Now, in a Squirt survey, you ask
12 three questions: Same company, different
13 company, no opinion; right?

14 A. That's not three questions.
15 That's three options built into a question,
16 and that's -- I'm not going to say that's
17 what every Squirt survey is, but here, that
18 summarizes the choices that were a part of
19 the first question.

20 Q. Right. You gave the respondent
21 three options: Same company, different
22 company, no opinion?

23 A. Yes.

24 Q. Now, in a random sample, isn't
25 it true that just guesswork would give you

1 HAL PORET

2 33-1/3 of the same company, 33-1/3 to no
3 opinion, 33-1/3 to different company?

4 A. Do you mean if people were just
5 picking answers at random?

6 Q. Yes.

7 A. Yes, that's true. But that
8 would happen in the control group as well,
9 so you would have a zero percent net
10 confusion rate.

11 Q. Now, you're a lawyer by
12 training; right?

13 A. The facts are that I have a JD
14 and I practiced law at one point.

15 I haven't practiced law since
16 2003, I suppose, so that's the information.

17 Q. And your undergraduate degree
18 and your grad degree are in mathematics?

19 A. Yes.

20 Q. You don't have an M.A. in
21 consumer research?

22 A. No.

23 Q. You don't have a Ph.D. in
24 consumer research?

25 A. No.

1 HAL PORET

2 Q. Have you ever taken any
3 graduate-level courses in consumer
4 research?

5 A. No.

6 Q. In fact, the only coursework you
7 did was in connection with the psychology
8 courses you took as an undergraduate;
9 right?

10 A. The only courses that addressed
11 consumer research directly, you are
12 correct.

13 Q. Now, you've testified that
14 you've done over 600 surveys.

15 That was your testimony?

16 A. Yes.

17 Q. How many of those were done for
18 or related to litigation?

19 A. I don't have a way to track that
20 directly.

21 I would say somewhere in the
22 vicinity of 250.

23 Q. Now, the mere fact that you've
24 done a lot of surveys doesn't make you
25 infallible; right?

1 HAL PORET

2 A. Right.

3 Q. Now, do you have any opinion on
4 whether the licensee of the petitioner that
5 is located in Los Angeles DMA has any
6 common law trademark rights?

7 A. No, I have no opinion.

8 Q. And you would therefore have no
9 opinion on the geographic scope of whatever
10 common law rights it has, if it has?

11 A. Correct.

12 Q. Would you agree it's important
13 for an expert who has been retained to do a
14 confusion survey to understand the nature
15 of the services involved in the study?

16 A. It depends what you mean "the
17 nature of the services involved."

18 I would agree they need to
19 understand enough about it to define the
20 universe and design a proper survey.

21 In the context of a survey about
22 a trademark application or registration,
23 the description of the services in the
24 application or the registration itself
25 somewhat speaks for itself.

1 HAL PORET

2 Q. Did you give any consideration
3 in designing your survey to the conditions
4 under which people rent cars?

5 A. Yes.

6 Q. And what was that?

7 A. Well, I considered that there
8 are a variety of ways that people can rent
9 cars, and a lot of those involve searching
10 for options online and doing it online.
11 Not in person.

12 And similarly with the other
13 options that were discussed in the survey,
14 so that was part of my consideration.

15 MR. REIDL: Would you read that
16 answer back.

17 (Requested portion of record
18 read.)

19 BY MR. REIDL:

20 Q. What other options were you
21 referring to?

22 A. Sorry, I meant that the fact
23 that there were also for instance hotel and
24 airline logos shown, and those are also
25 things that people commonly search for

1 HAL PORET

2 online.

3 Q. So you're saying that it was
4 important to you that people rent cars
5 online?

6 A. No. I said it's something I
7 considered.

8 Q. Did you consider anything else?

9 A. I'm not sure that I can say now
10 what I considered in late 2012 or the
11 beginning of 2013.

12 I don't know that I can recreate
13 my thought process for you, other than to
14 say that the key thing in the conduct of a
15 registration is what the registration says,
16 and the registration includes for car
17 rental services.

18 So -- and that's what's being
19 attacked, is a registration for car rental
20 services. So that pretty much speaks for
21 itself in a sense.

22 MO MR. LITTLEPAGE: I move to
23 strike that as nonresponsive.

24 Can you read the question back,
25 please.

1 HAL PORET

2 (Requested portion of record
3 read.)

4 A. So I was indicating to you that
5 a heavy part of what I considered is the
6 registration itself, which is that's what's
7 being attacked and the registration
8 includes car rental services.

9 So that's why I defined
10 "universe" as people who are interested in
11 car rentals, because that is your client's
12 area, as covered in the registration, and
13 that's why I designed the survey to be
14 simulating someone who is interested in car
15 rental services and comes across your
16 client's mark.

17 Q. I had been asking you about the
18 actual car rental experience, and what
19 things you considered in defining your
20 universe.

21 And your answer was the fact
22 that both -- that cars can be rented
23 online.

24 And my followup was, is there
25 anything else that you considered about the

1 HAL PORET

2 actual car rental experience that was
3 important to defining the universe.

4 A. Well, again, I never said that
5 the purchase online was important to
6 defining the universe.

7 I said that's something I
8 considered in the whole context of the
9 survey.

10 I suppose the answer is, sitting
11 here right now, at the end of 2014, I don't
12 remember exactly what I considered that
13 long ago.

14 Q. Okay.

15 Now, you testified that you have
16 rented a car?

17 A. Yes.

18 Q. Would you deem it important in
19 your car rental decision to know the
20 location, the physical location of the car
21 so that you could pick it up?

22 A. Yes.

23 Q. Do you believe that's an
24 important consideration in renting cars?

25 A. You're asking me a question

1 HAL PORET

2 that's outside my area of expertise.

3 Personally, I would want to know
4 where I'm picking up a car if I'm renting
5 it.

6 Q. So you did nothing to inform
7 yourself of those things that are important
8 to consumers in renting cars; is that
9 correct?

10 A. I don't know if that's correct.
11 Again, I don't remember
12 everything that I thought of or considered
13 at the time, but sitting here right now, I
14 don't see what's important to consumers in
15 renting cars determines what the proper
16 confusion survey is here.

17 Q. Mr. Poret, does your survey
18 stand for the proposition that a consumer
19 in Ventura County would mistakenly rent a
20 car from a car rental service located in
21 Van Nuys? Does it stand for that
22 proposition?

23 A. Was that a complete statement?

24 Q. Yes?

25 A. Can you say that again?

1 HAL PORET

2 (Requested portion of record
3 read.)

4 A. Not on that broad or general
5 level.

6 Q. Does your survey stand for the
7 proposition that potential consumers of my
8 client's cars are going to show up at
9 wherever location my client has its
10 physical cars, thinking that my client has
11 something to do with the petitioner in Van
12 Nuys? Is that what this survey stands for?

13 A. That isn't exactly how I'd put
14 it. That's related to what it is, but
15 that's not how I would phrase it.

16 I would say that what it stands
17 for is that somebody who comes across your
18 client's mark, whether it's at a physical
19 location or online or however they
20 encounter it, and they have previously been
21 aware of Economy Rent-A-Car, that there is
22 a substantial likelihood that they will
23 mistakenly believe that your client is the
24 same company or affiliated with the company
25 that they had previously encountered, which

1 HAL PORET

2 is Economy Rent-A-Car.

3 Q. So you are assuming that people
4 would be previously aware of your client's
5 car rental service?

6 A. No.

7 Q. How is that different from what
8 you just said?

9 A. Because what I said is if --
10 what I said is, if people have been exposed
11 to the Economy Rent-A-Car company, then
12 there is a likelihood of confusion -- there
13 is a likelihood they would be confused when
14 they subsequently come across your client's
15 company.

16 That is not an assumption that
17 everyone is going to have been exposed to
18 Economy Rent-A-Car.

19 MR. REIDL: I'd like you to mark
20 this as the next exhibit, please.

21 (Respondents' Exhibit 5
22 for identification, Multi-page document,
23 transcript of Hal Poret's testimony in
24 another TTAB proceeding.)

25 BY MR. REIDL:

1 HAL PORET

2 Q. Mr. Poret, do you recognize
3 this, Exhibit 5?

4 A. I don't think I've seen it, but
5 I can tell what it is.

6 Q. What is it?

7 A. It appears to be a transcript of
8 my deposition in another TTAB proceeding.

9 Q. Is it your practice when you get
10 deposition transcripts to review the
11 transcript to make sure that it's correct?

12 A. I do not believe I was ever sent
13 this, but I often am, but I have no memory
14 of being sent this.

15 Q. This is the condensed version of
16 the transcript.

17 Were you sent a full version of
18 the transcript?

19 A. I have no memory of that, but
20 it's possible.

21 Q. If you go to the back of that,
22 about halfway through this document, there
23 is Exhibit 2-1.

24 Do you see that?

25 A. Yes.

1 HAL PORET

2 Q. And can you identify that,
3 please?

4 A. That is the expert report I
5 prepared in connection with that matter,
6 which was a rebuttal of the other party's
7 survey.

8 Q. And I'd like you to go to page
9 55 of 75 on that document, if you would,
10 please.

11 A. Okay.

12 Q. Do you see a signature there?

13 A. Yes.

14 Q. Is that your signature?

15 A. Yes.

16 Q. Now, I'd like you to go to page
17 58 and specifically call your attention to
18 paragraph number 7.

19 Do you see that?

20 A. Yes.

21 Q. And it was your contention that
22 the survey that was prepared by
23 Dr. Rappaport in that case was fatally
24 flawed; right?

25 A. Yes.

1 HAL PORET

2 Q. And in this case Dr. Rappaport
3 was representing the party with the senior
4 rights and you were representing the
5 applicant.

6 A. Yes.

7 Q. Now, in your first criticism of
8 that report, you stated that: The universe
9 consisted of those who had contacted the
10 opposer, "rather than the proper universe,
11 prospective users of the applicant's
12 services."

13 Do you see that?

14 A. Yes.

15 Q. And you wrote that?

16 A. Yes.

17 Q. And that is an accurate
18 statement?

19 A. Yes.

20 Q. In fact, the TTAB relied on that
21 statement in their opinion in the case;
22 correct?

23 A. I actually didn't know that, but
24 that's good to hear.

25 Q. And in C, you said that the

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HAL PORET

survey was fatally flawed because: "The survey did nothing to account for the fact that real prospective customers would be going through an expensive process involving a great deal of attention and would not be making a decision merely based on hearing a name read to them."

A. Yes.

Q. You wrote that?

A. Yes.

Q. That's accurate; right?

A. Yes.

Q. And in the car rental situation, the consumers would be making a decision as to where to pick up the car; correct?

A. Presumably.

Q. Your survey does not ask the respondents to think about renting a car, does it?

A. I don't know that that's quite accurate. It's posing them with questions about a car rental service after they've been asked screening questions in which they've indicated that they are car rental

1 HAL PORET

2 purchasers, so I don't think that's quite
3 accurate the way you put that.

4 Q. Your survey does not put them in
5 the mind frame of someone who is an actual
6 or potential car rental customer, does it?

7 A. I disagree with that.

8 Q. Well, what do you do in your
9 survey that puts them into that mindset?

10 A. That they've been asked all of
11 these questions about travel services,
12 including car rental services. They've
13 been asked a question where they've either
14 said they've rented a car in the past
15 12 months or they're likely to rent a car
16 in the coming 12 months.

17 And then they go through -- the
18 entire survey is focused on the process
19 of -- it's focused on travel-related
20 services where there are multiple times
21 that it referred to car rental services
22 so -- I'm taking a look.

23 Q. Please take your time.

24 A. And they're instructed: "Please
25 imagine that you're planning a trip. We're

1 HAL PORET

2 going to show you some logos for a number
3 of different companies that provide a
4 variety of services related to travel or
5 transportation."

6 So they are put in the mindset
7 of somebody who is thinking about planning
8 a trip. And when they see the logo for
9 Economy Rent-A-Car, they're told:

10 "Please take a look at this logo
11 for a car rental service."

12 And then they're asked a bunch
13 of questions about travel. And then they
14 are told:

15 "Again, we're going to ask you
16 some questions about some logos for
17 companies that provide services related to
18 travel or transportation."

19 And they're asked about a car
20 rental company.

21 So all of this is putting them
22 in the mindset of a consumer who is
23 planning some kind of travel with
24 transportation. It's just a slightly
25 broader context than only car rentals

1 HAL PORET

2 because it includes some other
3 travel-related ideas as well.

4 Q. But it does not specifically ask
5 them to think about renting a car?

6 A. It doesn't use those words, but
7 it puts them in the mindset of somebody who
8 is interested in renting a car.

9 Q. Now, I'd like to call your
10 attention to page 49 of 75 on this Exhibit
11 Number 5.

12 A. Okay.

13 Q. I'd like you to read the
14 questions and answers, starting on page 58,
15 line 9; and going to page 59, line 2.

16 Could you read that for us,
17 please.

18 A. Did you say 58, line 9?

19 Q. Yes, that begins with:

20 "Question: Okay."

21 A. "Question: Okay. Now your
22 sub-paragraph C, you say: 'The survey did
23 nothing to account for the fact that real
24 prospective consumers would be going
25 through an expensive process involving a

1 HAL PORET

2 great deal of attention and would not be
3 making a decision merely based on hearing a
4 name read to them.

5 "Do you see that?

6 "Answer: Yes.

7 "Question: What did you mean by
8 that?

9 "Answer: I mean, obviously, a
10 survey is seeking to simulate what somebody
11 would be going through in the real world,
12 and dental implants are not just a pull
13 something off the shelf and go pay for it
14 thing.

15 "It's something that's going to
16 involve a lot of money and some
17 investigation, and possibly trying to get
18 insurance coverage. It's a major
19 investment and process.

20 "So somebody would not be making
21 a decision about choosing a dental implant
22 center just on the level of hearing a name
23 read."

24 Q. And the answers there were given
25 by you under oath?

1 HAL PORET

2 A. Yes.

3 Q. And they were accurate?

4 A. Yes.

5 Q. Now, I'd like to call your
6 attention to page 68 of 75 in Exhibit
7 Number 5.

8 A. Okay.

9 Q. Do you have that in front of
10 you?

11 A. Yes.

12 Q. Now, this is from your expert
13 report in the Clearchoice case; correct?

14 A. Yes.

15 Q. Now, the caption, Roman IV says:
16 "The survey universe was
17 improper."

18 Do you see that?

19 A. Yes.

20 Q. And, in fact, you have a number
21 of criticisms with the universe that was
22 used in Dr. Rappaport's survey; correct?

23 A. Yes.

24 Q. I'd like to call your attention
25 to the paragraph on that page that begins

1 HAL PORET

2 "It is accepted."

3 Do you see that?

4 A. Yes.

5 Q. Would you read that first
6 sentence, please.

7 A. "It is accepted that the
8 appropriate universe for a likelihood of
9 confusion survey consists of prospective
10 users of the services offered in connection
11 with the applicant's mark."

12 Q. Thank you.

13 Was that an accurate statement?

14 A. Yes.

15 Q. Is that an accurate statement?

16 A. Yes.

17 Q. Now, I'd like to call your
18 attention to the next page, which is 69
19 of 75.

20 A. Okay.

21 Q. The second full paragraph that
22 begins with: "The problem with the survey
23 universe."

24 Do you see that?

25 A. Yes.

1 HAL PORET

2 Q. Would you read that paragraph,
3 please.

4 A. "The problem with the survey
5 universe is compounded by the fact that the
6 RL survey exclusively targeted prospective
7 users of the opposer's services, contrary
8 to the accepted standard that the
9 applicant's prospective user should be
10 surveyed.

11 "The survey was limited to those
12 who had contacted opposer, and was
13 conducted only in locations where opposer
14 has dental implant centers.

15 "All other prospective users of
16 the applicant's services and all residents
17 of all the other parts of the country were
18 improperly excluded from this survey."

19 Q. You wrote that?

20 A. Yes.

21 Q. That was accurate?

22 A. In the context of that survey,
23 which was a totally different kind of
24 survey, it was.

25 Q. And in the universe in this

1 HAL PORET
2 survey, you limited it only to the location
3 where your client has a car rental service;
4 correct?

5 MR. LITTLEPAGE: I'll object.
6 That's misstating his prior
7 testimony.

8 A. I'm not sure that's how I would
9 put it.

10 I would say the universe was
11 defined based on your client's respective
12 customers, but limited to the area where
13 there is overlap.

14 In other words, where what the
15 survey was simulating would actually occur.

16 Q. "Overlap" meaning where your
17 client has its physical location; correct?

18 A. What I mean is, they're alleging
19 rights where they use their mark and they
20 are alleging confusion will occur in that
21 area.

22 So I am defining the universe
23 based on the correct standard, which is
24 your client's prospective customers.

25 But I'm testing for confusion

1 HAL PORET

2 among your client's prospective customers
3 within the geographic area that is
4 relevant.

5 Q. Well, earlier you testified that
6 there was -- that you looked -- people
7 going online to rent cars.

8 Do you recall that testimony?

9 A. I recall that I said that I
10 considered the fact people rent cars
11 online.

12 Q. Sure.

13 And I can do that from San
14 Francisco; right?

15 A. Yes.

16 Q. I could rent a car in Los
17 Angeles; right?

18 A. Yes.

19 Q. You could do that in New York;
20 rent a car in Los Angeles; right?

21 A. Yes.

22 Q. But those people weren't part of
23 the survey, were they?

24 A. If by "those people" you mean
25 people who don't live in Los Angeles, then

1 HAL PORET

2 that's correct.

3 Q. Right.

4 And you chose Los Angeles
5 because that's where your client has its
6 car rental lot; right?

7 A. I chose that area because that's
8 the key area that they're alleging
9 confusion would occur within, based on the
10 fact that that's where they -- their name
11 would be most likely to be known.

12 And since the survey is
13 simulating a scenario where people
14 encounter their name, and then subsequently
15 encounter your client's name, that is the
16 key area within which what they're alleging
17 could happen.

18 So we're sort of confusing the
19 idea of a relevant geographic area with an
20 idea of what the proper definition of a
21 universe is, and the definition of the
22 universe was based on your client's
23 prospective customers. It's just focusing
24 on the geographic area in which your
25 client's prospective customers would be

1 HAL PORET

2 most likely to be in a situation the survey
3 was simulating.

4 Q. But you don't know how widely
5 known your client is, do you?

6 A. No.

7 Q. Do you know whether your client
8 rents cars online?

9 A. I'm not sure.

10 Q. So you really don't know whether
11 it's even possible that potential customers
12 of my client would either know about your
13 client or see them be confused in renting
14 cars online, do you?

15 A. I don't know how any of that is
16 within the scope of my doing a survey.

17 I'm not commenting on my own
18 about whether people are going to be
19 confused or not. I'm just commenting on
20 the result of a survey.

21 Q. The answer is no; correct?

22 A. The answer is, do I personally
23 know -- I'm sorry, I guess I'm not sure
24 what the question is.

25 MR. REIDL: Would you read the

1 HAL PORET

2 question back.

3 (The following testimony was
4 read back: "Question: So you really don't
5 know whether it's even possible that
6 potential customers of my client would
7 either know about your client or see them
8 be confused in renting cars online, do
9 you?")

10 A. So you said too many things in
11 that one question to have it be one answer,
12 but one part of it is, do I know if it's
13 possible for your client's customers to
14 have come across the Economy Rent-A-Car,
15 and, yes, I do know that it's possible,
16 because they exist, and it is possible for
17 somebody in that area to have previously
18 encountered them.

19 Q. Did you do anything to inform
20 yourself as to the geographic scope of the
21 services offered by your client?

22 A. I know that that was discussed
23 at the time, but, again, I don't remember
24 exactly what we discussed and what I
25 learned about that at the time.

1 HAL PORET

2 Q. So do you have any views on the
3 geographic scope of the services offered by
4 your client?

5 A. I don't remember sitting here
6 right now what that scope would be.

7 Q. Do you know whether your client
8 rents cars to people in Inyo County?

9 A. Do you mean whether they
10 actually have customers in that county?

11 Q. Yes.

12 A. I don't know.

13 Q. How about Malibu? Do they rent
14 cars to people in Malibu?

15 A. I think they rent cars to
16 whoever comes to them who wants to rent a
17 car, but do I know where their actual
18 customers are? I don't know.

19 Q. And they are located in Van
20 Nuys; right?

21 A. I don't know.

22 MR. REIDL: Let's mark this.

23 (Respondents' Exhibit 6
24 for identification, Three-page document,
25 copy of ads.)

1 HAL PORET

2 A. This certainly mentions a Van
3 Nuys location.

4 Q. And, in fact, this was the ad
5 that you reviewed, that you referenced on
6 page 214 of your report as item number 2;
7 correct?

8 A. I don't remember.

9 Q. Would you please turn to page
10 214 of your report, which is Exhibit
11 Number 3.

12 A. Okay.

13 Q. Item number 2, you reference a
14 1997 Yellow Pages ad, which you say was for
15 the Los Angeles area, showing advertisement
16 of the word mark, "Economy Rent-A-Car
17 California."

18 Do you see that?

19 A. Yes.

20 Q. And this is the ad, isn't it?

21 A. Again, I don't remember.

22 I don't have any reason to doubt
23 it, but I'm not sure why there has been so
24 much delay, but it's been a long time, and
25 I've done a huge number of surveys since

1 HAL PORET

2 then, so I can't remember details like this
3 at this point.

4 Q. Did you do anything to refresh
5 your recollection on your report prior to
6 your testimony today?

7 A. Yes. I reviewed the report and
8 the survey, the data.

9 Q. Do you know whether your survey
10 has any respondents from Van Nuys,
11 California?

12 A. I don't know.

13 Q. What if I told you there were
14 none?

15 MR. LITTLEPAGE: Is that a
16 question?

17 Q. Hypothetically assume there are
18 none.

19 Would that affect your opinion?

20 A. No.

21 Q. Why not?

22 A. Because the survey is
23 establishing something that it doesn't
24 really matter where the person lives for
25 the -- to understand the concept of what

1 HAL PORET

2 the survey is showing.

3 Your client has a registration
4 for a mark, and the Trademark Office's job
5 is to decide, is that mark confusingly
6 similar in car rental services to another
7 mark that somebody else has rights in, and
8 whether the person lives in Van Nuys or
9 another town doesn't change the fact when
10 they see the Economy Car Rentals and Design
11 mark they mistakenly believe that that's
12 the same company or affiliated with Economy
13 Rent-A-Car.

14 Q. In the real world, is it
15 important to the decision to rent a car to
16 know the physical location of the car so
17 that you can pick it up?

18 A. I would imagine it is.

19 Q. Is it important to you?

20 A. It would be.

21 Q. So if someone wanted to rent a
22 car from my client, whether they found them
23 online or otherwise, they would want to
24 know where the car can be picked up; right?

25 A. I would assume they would want

1 HAL PORET

2 to know that.

3 Q. Well, you would want to know
4 that?

5 A. Yes, I would.

6 Q. Similarly, if someone wanted to
7 rent a car from your client, they would
8 know, based on this ad, that they needed to
9 pick it up in Van Nuys?

10 A. I don't know if they would have
11 seen this ad, but presumably they're
12 ultimately going to find out where they
13 need to pick it up.

14 Q. Well, if they saw it online,
15 they would know where the car would be
16 picked up; right?

17 A. I don't know. I don't know what
18 your -- I don't have a picture in my head
19 of what you're saying they are looking at.

20 I agree with you. I don't think
21 that's an issue or has anything to do with
22 this survey. I think it's pretty clear
23 that where somebody is going to pick up a
24 car is something they're going to have to
25 find out.

1 HAL PORET

2 It has nothing to do with the
3 survey, but I agree with you that sounds
4 like common sense.

5 Q. You would agree that a consumer
6 who does not have knowledge of your
7 client's car rental services is unlikely to
8 be confused into thinking that my client's
9 services are the same services or related
10 services as those of your client?

11 A. That's more than unlikely. It's
12 impossible. You can't be confused with
13 something that you aren't aware of.

14 Q. Now, in your report, there were
15 a number of people who did not respond to
16 the probe question.

17 Do you recall that?

18 A. You're not even being clear what
19 question you're talking about, so I don't
20 know.

21 Q. Okay. Let's go to page 18 of
22 your report. It's Exhibit Number 3,
23 document number 194.

24 A. Okay.

25 Q. In that second paragraph -- you

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referred to this in your previous testimony -- and you said, "58 of the 200 mentioned the word 'Economy' as their reason."

Do you see that?

A. Yes.

Q. Now, in fact, there were a number of responses where there was no response?

A. No, that's not true.

Q. So it's your testimony that every single respondent said something?

A. They might have said "I don't know," but they gave an answer. You're saying they didn't respond. That's not accurate.

Q. So you are only the counting the ones that gave "Economy" as the reason?

A. It has nothing to do with counting. I'm just reporting a fact of the data.

Q. The only respondents that you included in this statement that we're referring to are those that used the word

1 HAL PORET

2 "Economy" in the verbatim; correct?

3 A. I'm trying to understand -- your
4 question is the only people I included in a
5 statement about how many people mentioned
6 the word "Economy" are the people who
7 mentioned the word "Economy"?

8 Q. That's my question.

9 A. Yes, the only people I counted
10 in discussing who used the word "Economy"
11 were the people who used the word
12 "Economy."

13 Q. Thank you.

14 Now, let me ask you this:

15 Assuming that the TTAB decides
16 that your client does not have priority
17 over mine, would your survey stand for the
18 proposition that there is a likelihood of
19 confusion between your client's trademark
20 and mine?

21 A. What it stands for has nothing
22 to do with what the Trademark Office
23 decides and who has priority.

24 It shows that there's a
25 likelihood of confusion between the two

1 HAL PORET

2 marks. That other part of it is a legal
3 question.

4 Q. So whichever party has priority,
5 your survey would support a finding of
6 likelihood of confusion?

7 A. I don't know. That sounds like
8 a legal question.

9 This survey is showing that the
10 two marks are confusingly similar in the
11 context of rental car services.

12 Q. And from your standpoint, you
13 don't care which party has priority?

14 A. That's not my -- that is a
15 question that is not for me to answer.

16 Q. The answer to that question is
17 not relevant to your survey results?

18 A. Right.

19 MR. REIDL: Can we go off the
20 record.

21 (A recess was taken.)

22 BY MR. REIDL:

23 Q. What did you and Mr. Littlepage
24 discuss during the break?

25 A. Whether there's anything that I

1 HAL PORET

2 should clarify through any additional
3 questions.

4 Q. So you discussed the redirect
5 examination?

6 A. Well -- or we discussed if there
7 is anything that should be discussed on
8 redirect.

9 Q. Any specific topics?

10 A. Basically discussed whether I
11 sufficiently explained in my answer that
12 the universe was properly defined based on
13 your client's potential customer bases, and
14 that the limitation of this area versus the
15 Los Angeles area is a different issue, and
16 does not mean it was based on the senior
17 user's customer base.

18 Q. And Mr. Littlepage told you
19 that?

20 A. No. I -- he asked me, is there
21 anything I think I should clarify, and I
22 said the only thing that comes to mind is
23 that there's been a lot of time spent on
24 this, and I think that you are confusing
25 the concept of the definition of the right

1 HAL PORET

2 universe in terms of the senior versus the
3 junior user with the idea that a geographic
4 scope of a survey would be limited to where
5 the confusion would occur among the junior
6 user's customers.

7 So I said that, but I said I do
8 think I explained that pretty well in my
9 other answers.

10 Q. Thank you.

11 I'd like to call your attention
12 to Exhibit 3, Appendix C, Bates number 214.

13 A. Okay.

14 Q. Do you have that in front of
15 you?

16 A. 214? Yes.

17 Q. And these are the seven things
18 that you reviewed in connection with
19 designing the survey and preparing the
20 report; correct?

21 A. Yes.

22 Q. Were these given to you by
23 Mr. Littlepage or did you request them?

24 A. I don't remember.

25 Q. Referring to number 1, Internet

1 HAL PORET

2 results of a Google search, what did that
3 tell you?

4 A. I'm not sure exactly without
5 looking at it right now.

6 My vague memory is that it might
7 have told me that both parties come up in
8 the results of the same Google searches,
9 but I'm not certain about that.

10 Q. By "both parties," are you
11 referring to the company, the licensee and
12 Van Nuys, or the petitioner itself?

13 A. I'm not referring to either in
14 particular.

15 Q. Did you make a screen-shot of
16 that?

17 A. I don't know. I don't know if
18 that's something that I saw myself or if
19 that was something that was sent to me.

20 Q. But in any event, you don't
21 recall what that showed you?

22 A. No. Not right now.

23 Q. Now, number 3 talks about
24 samples of websites regarding the marks at
25 issue.

1 HAL PORET

2 Do you see that?

3 A. Yes.

4 Q. What did that tell you?

5 A. I don't remember.

6 Q. Did you make a screenshot of
7 those websites?

8 A. I didn't. Since that date is I
9 think before I was even contacted, I assume
10 those must be screen captures that were
11 sent to me.

12 Q. But you don't know? You don't
13 recall?

14 A. I don't recall, but I'm pretty
15 sure those would not have been live results
16 that I saw myself. They must have been
17 previously captured.

18 Q. Now, were those websites of my
19 client and the company in Van Nuys, or
20 websites of the petitioner? What websites
21 did you look at?

22 A. I don't remember.

23 Q. Number 4, samples of signage.
24 What signage?

25 A. I don't know how to describe it.

1 HAL PORET

2 I was sent images of them. I don't know
3 how to describe them to you.

4 Q. Did you do any independent
5 research on the parties, the company in Van
6 Nuys, or the car rental business generally,
7 prior to designing your survey?

8 A. I looked at the online Trademark
9 Office materials to see the registration,
10 which was the key thing to define -- to how
11 to understand what the right universe would
12 be and the mark to test.

13 Q. In fact, that was number 7 on
14 page 214; correct?

15 A. Yes.

16 Q. So other than these seven items
17 here, did you do anything else to inform
18 yourself on the parties and on the rental
19 car business generally?

20 A. I don't think anything in
21 addition to these items, unless you count
22 that I've done a lot of other -- well,
23 maybe a lot is not the right word -- but a
24 number of other surveys about car rental
25 services, so this isn't my first time ever

1 HAL PORET

2 having experience with market research
3 among car rentals.

4 Q. Did you use the same test in
5 those surveys?

6 A. I didn't say the other surveys
7 were likelihood of confusion surveys. I'm
8 trying to think if there were any.

9 I don't know. I'd have to think
10 through what other surveys I've done, but
11 I've done a number of other surveys
12 relating to car rental services for car
13 rental companies, so this isn't the first
14 time that I've had experience doing market
15 research among car rentals or learning
16 about car rentals.

17 Q. Have you done any surveys for
18 petitioner other than this one?

19 A. No.

20 Q. Did you request any
21 interrogatory responses or document request
22 responses or requests for admission
23 responses to inform yourself on the parties
24 in the case?

25 A. I don't recall.

1 HAL PORET

2 Q. If you had received those, you
3 would have listed them; correct?

4 A. Yes.

5 Q. So is it correct for me to
6 assume that you didn't receive those?

7 A. Yes.

8 Q. Did you ask for any materials
9 from Mr. Littlepage that he declined to
10 provide you?

11 A. Nothing that I can think of.

12 Q. How did you decide to review
13 only these seven documents?

14 You've explained number 7, but
15 what about the others?

16 A. Well, that's two different
17 questions.

18 The first one is, why did I only
19 review this set of documents, and the
20 answer to that is pretty simple.

21 That unlike a survey for court,
22 a survey that is saying that -- that is
23 going to whether a trademark registration
24 should be cancelled is typically not based
25 on all of these details about real world

1 HAL PORET
2 uses or the locations of stores or this and
3 that, that we've been talking about.

4 It's based on what's in the
5 application, because, as I understand it,
6 the Trademark Office's job is to decide
7 whether this mark, in connection with the
8 services that are in the registration,
9 would cause a likelihood of confusion.

10 So there is not a lot that needs
11 to be reviewed in the context of doing a
12 survey relating to a registration. The
13 registration is clear. It is for the mark,
14 and it shows what the mark is for, and one
15 of the categories is car rental services.

16 So that all speaks for itself,
17 and that tells you what the proper universe
18 is and what the mark is.

19 So there's no -- that's the
20 answer to why there's not a ton of research
21 that needs to be done to learn every detail
22 about the marketplace, because a
23 registration does not limit somebody to
24 some particular store location or how they
25 market themselves.

1 HAL PORET

2 It gives them rights in this
3 category, and that's the Trademark Office's
4 standard for surveys.

5 Q. Now, Exhibit Number 35, that was
6 testimony that you gave in a Trademark
7 Office proceeding, isn't it?

8 A. Yes, but about a survey that did
9 not comply with what surveys are supposed
10 to do in Trademark Office proceedings, so I
11 was forced to be commenting on a survey
12 that was completely unheard of and
13 unprecedented, as far as I know.

14 And the commentary on that
15 survey has no relevance to a survey that
16 was -- that survey was so bizarre and out
17 of line with what surveys are supposed to
18 be for the Trademark Office that it's a
19 unique instance.

20 Q. So when you criticized
21 Dr. Rappaport because the survey did
22 nothing to account for the real world
23 prospective customers and their
24 decision-making process, that was not a
25 necessary criticism; right?

1 HAL PORET

2 A. No. That's not right.

3 It's that, that wouldn't
4 normally be a criticism of a survey had the
5 survey been based on the registration or
6 the application, and done the way surveys
7 are typically done.

8 But since he did a very unusual
9 survey that really does not at all fit
10 within the way things are typically done
11 for the Trademark Office, the survey had to
12 be addressed for what it was, which is an
13 aberration. And I had no choice but to
14 comment on the survey that he did, not the
15 survey that he should have done.

16 Q. So now after your discussion
17 with Mr. Littlepage, it's your view that
18 the real world has absolutely nothing to do
19 with how you designed your survey?

20 A. Again, you're saying too many
21 things in one question for there to be one
22 answer to that.

23 One part of it is, it has
24 nothing to do with any discussion with
25 Mr. Littlepage. I don't know what the

1 HAL PORET

2 relevance of that is.

3 The answer to the other part of
4 it is no, that that's not accurate, that
5 I'm not saying that the real world has
6 nothing to do with it.

7 But I am saying that when you
8 have a registration, there's nothing in
9 that registration that limits your rights
10 to using the mark in a particular location
11 or in a particular way.

12 So you have a registration for a
13 mark in a category that's car rental
14 services. So a lot of the depth and detail
15 you've been wanting to go into about all
16 these details about exactly how the parties
17 market their services is overly focused and
18 overly narrow in the context of the
19 Trademark Office's need to make a decision
20 about whether that mark in that category is
21 likely to cause confusion.

22 Q. But you would agree that a
23 registered mark does confer rights over the
24 entire United States?

25 A. Yes, that's my understanding.

1 HAL PORET

2 Q. Just a couple more questions:

3 It's fair to say that you did
4 not consider or do any research on how
5 customers actually rent cars; is that
6 correct?

7 A. I didn't in the context of this
8 instance, but as I said, I've done a number
9 of other market research projects that
10 involved exactly that, so I have had a
11 decent amount of experience in learning
12 about that in other projects.

13 Q. Does your experience inform you
14 on what is important to consumers in the
15 car rental decision?

16 A. I do think I once did a market
17 research project that had a lot to do with
18 that. But, again, I don't consider that
19 particularly relevant to the issue of
20 whether somebody is going to be confused by
21 a mark.

22 Q. But you didn't inform yourself
23 on what is important to consumers in making
24 the car rental decision; correct?

25 A. I agree with you, I did not go

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HAL PORET

back and refresh myself as to particular details about the various factors that are the most important in the car rental decision.

Q. Do you know what percentage of car rentals occur at airports?

A. No.

Q. Hotels?

A. No.

Q. Do you know how far people are willing to drive to rent a car?

A. No.

Q. I'd like to call your attention to -- back to Exhibit 3 -- page 1 of your report, which is Bates number 177.

And in the fourth paragraph, which is the last paragraph on the page, you refer to: "The use of Economy Rent-A-Car by Economy's licensees and affiliates in the Los Angeles area."

Do you see that?

A. Yes.

Q. Why did you use the plural?

A. Again, I don't know that I can

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remember what I was thinking in March of 2013, or what I was told in December of 2012, but I assume that in discussing the matter with Mr. Littlepage I was informed there are -- that there is more than one location -- more than one affiliate or licensee that uses Economy Rent-A-Car.

Q. But you don't know that for a fact?

A. I don't know it for a fact.

MR. REIDL: I have no further questions at this time.

I move to preclude the testimony of Mr. Poret, as he is not qualified to do the survey, and the survey is otherwise flawed.

I also move to exclude Exhibit E, as well as the survey report from which it is derived, because the data is not produced in a form that is understandable or meaningful either to counsel or the Board, and the electronic form is not admissible with the Board.

Thank you.

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MR. LITTLEPAGE: We'll stipulate
that he can read and sign in the presence
of any notary?

MR. REIDL: Sure.

(Time noted: 12:04 p.m.)

HAL PORET

Subscribed and sworn to before me
this ____ day of ____ , 2014.

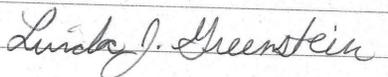
C E R T I F I C A T E

I, Linda J. Greenstein, Professional
Shorthand Reporter and Notary Public in and
for the State of New York, do hereby
certify that prior to the commencement of
the examination, HAL PORET, was duly sworn
by me to testify the truth, the whole truth
and nothing but the truth.

I DO FURTHER CERTIFY that the
foregoing is a true and accurate transcript
of the testimony as taken stenographically
by and before me at the time, place and on
the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor
attorney nor counsel of any of the parties
to this action, and that I am neither a
relative nor employee of such attorney or
counsel, and that I am not financially
interested in the action.

IN WITNESS WHEREOF, I have
hereunto set my hand this 21st day of
November 2014.



Linda J. Greenstein
My commission expires: May 17, 2015

I N D E X

WITNESS	EXAMINED BY	PAGE
HAL PORET	Mr. Littlepage	4
	Mr. Reidl	34

----- INFORMATION REQUESTS -----
DIRECTIONS:

RULINGS:

TO BE FURNISHED:

REQUESTS:

MOTIONS: 60, 75

----- E X H I B I T S -----
NO. PAGE

Petitioner's Exhibit 1 for 4
identification, Three-page
document entitled, "Petitioner's
Amended Notice of Testimony
Deposition Re: Hal Poret."

Petitioner's Exhibit 1 offered
into evidence on PAGE 34 LINE
19-21

Petitioner's Exhibit 2 for 5
identification, Multi-page
document entitled, "Appendix A -
Curriculum Vitae of Study's
Author," production numbers
P-000197 through 204.

Petitioner's Exhibit 2 offered
into evidence on PAGE 34 LINE
19-21

Petitioner's Exhibit 3 for 16
identification, Multi-page
document, Expert Report of Hal
Poret, production numbers
P-000175 through 323.

Petitioner's Exhibit 3 offered
into evidence on PAGE 34 LINE
19-21

1	Respondents' Exhibit 4 for	41
2	identification, One-page	
3	document, color map of counties	
4	in Los Angeles DMA.	
5	Respondents' Exhibit 5 for	80
6	identification, Multi-page	
7	document, transcript of Hal	
8	Poret's testimony in another TTAB	
9	proceeding.	
10	Respondents' Exhibit 6 for	97
11	identification, Three-page	
12	document, copy of ads.	
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DEPOSITION ERRATA SHEET

Our Assignment No.: 219391
Case Caption: Economy v. Kokologiannis, et
al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of
perjury that I have read the entire
transcript of my Deposition taken in the
captioned matter or the same has been read
to me, and the same is true and accurate,
save and except for changes and/or
corrections, if any, as indicated by me on
the DEPOSITION ERRATA SHEET hereof, with
the understanding that I offer these
changes as if still under oath.

HAL PORET

Subscribed and sworn to on the ____ day of
_____, 20 ____ before me.

Notary Public,
in and for the State of
_____.

DEPOSITION ERRATA SHEET

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HAL PORET

ECONOMY VS. KOKOLOGIANNIS AND SONS
HAL PORET

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MR. LITTLEPAGE: We'll stipulate
that he can read and sign in the presence
of any notary?

MR. REIDL: Sure.

(Time noted: 12:04 p.m.)

Hal Poret
HAL PORET

Subscribed and sworn to before me
this 14th day of Nov., 2014.

Charles I. Poret
CHARLES I. PORET
NOTARY PUBLIC, State of New York
No. 60-3134970 Westchester County
Cert. Filed in New York County
Commission Expires ~~March 30, 2017~~ Nov.

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ECONOMY VS. KOKOLOGIANNIS AND SONS
DEPOSITION ERRATA SHEET

Our Assignment No.: 219391
Case Caption: Economy v. Kokologiannis, et
al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of
perjury that I have read the entire
transcript of my Deposition taken in the
captioned matter or the same has been read
to me, and the same is true and accurate,
save and except for changes and/or
corrections, if any, as indicated by me on
the DEPOSITION ERRATA SHEET hereof, with
the understanding that I offer these
changes as if still under oath.

Hal Poret

HAL PORET

Subscribed and sworn to on the 14th day of
November 20 14 before me.

Charles I. Poret

Notary Public,
in and for the State of
New York.

CHARLES I. PORET
NOTARY PUBLIC, State of New York
No. 60-3134970 Westchester County
Cert. Filed in New York County
Commission Expires March 30, 2017 CIP
NYU.

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ECONOMY VS. KOKOLOGIANNIS AND SONS
DEPOSITION ERRATA SHEET

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Page No. 21 Line No. 4 Change to: _____

perspective → prospective

Reason for change: transcription

Page No. 71 Line No. 9 Change to: _____

"in that" → net

Reason for change: transcription

Page No. 95 Line No. 3 Change to: _____

simulated → simulating

Reason for change: _____

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SIGNATURE: Hal Poret DATE: 11-14-14

HAL PORET

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

ECONOMY RENT-A-CAR, INC.)

Petitioner,)

v.)

EMMANOUIL KOKOLOGIANIS)
AND SONS, SOCIETE)
ANONYME OF TRADE,)
HOTELS AND TOURISM S.A.)

Respondent.)

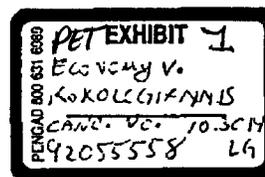
Cancellation No. 92055558

Registration No. 3256667

PETITIONER'S AMENDED NOTICE OF TESTIMONY DEPOSITION RE: HAL PORET

Please take notice that pursuant to 37 C.F.R. §2.123, Petitioner Economy Rent-A-Car, Inc., by its undersigned attorney, will take in connection with the above-identified proceeding, the testimonial deposition of Mr. Hal Poret, by direct oral examination in both his individual capacity, as well as in his capacity as Senior Vice President of ORC International, on October 30, 2014, commencing at 9:30 a.m. at ORC International, 315 Park Avenue South, 14th Floor, New York City, NY 10010 and shall continue until completed or adjourned by agreement of the parties.

The testimonial deposition will be taken before an officer authorized to administer oaths by the laws of the United States and/or any other person authorized under Rule 28 of the Federal Rules of Civil Procedure. Testimony will be taken stenographically

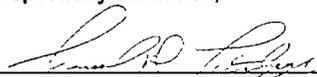


and transcribed, served on Respondent and filed in the U.S. Trademark Trial and Appeal Board, as required by Rule 37 C.F.R. §§2.119(b) 2.123(c) and 2.125.

The Respondent in the above-styled proceeding is invited to attend and cross-examine the witness.

Respectfully submitted,

Date: October 13, 2014



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***Counsel for Petitioner
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONER'S AMENDED NOTICE OF TESTIMONY DEPOSITION RE: HAL PORET** was served this 13th day of October, 2014, upon Respondent's counsel of record, via fax transmission and first class mail, postage prepaid, as identified below:

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Counsel for Petitioner

APPENDIX A

CURRICULUM VITAE OF STUDY'S AUTHOR

PET EXHIBIT
ECONOMY v. 2
KOKOLOGIANIS
CHANC. NO. 10341
9205558 69

P-000197

Hal L. Poret

(hal.poret@orcinternational.com; 212-329-1018; 914-772-5087)

Education

- 1998 Harvard Law School, J.D., *cum laude*
- Editor/Writer – Harvard Law Record
 - Research Assistant to Professor Martha Minow
- 1995 S.U.N.Y. Albany, M.A. in Mathematics, *summa cum laude*
- Statistics
 - Taught calculus/precalculus/statistics
- 1993 Union College, B.S. in Mathematics with honors, *magna cum laude*
- Phi Beta Kappa
 - Resch Award for Achievement in Mathematical Research

Employment

- 2004 - Senior Vice President, ORC International (formerly Guideline)
- Designed, supervised, and analyzed over 450 consumer surveys, including Trademark, Trade Dress, Advertising Perception, Fraud/Consumer Deception, Claims Substantiation studies, Damages, and Corporate Market Research Surveys
 - Provided expert testimony at deposition and/or trial regarding survey research in over 40 U.S. District Court litigations and proceedings in front of TTAB, NAD and the FTC.
 - Review and comment on third party surveys
- 2003 – 2004 Internet Sports Advantage
- Developed and marketed proprietary internet sports product, and licensed trademark and intellectual property rights.
- 1998 – 2003 Attorney, Foley Hoag & Eliot, Boston, MA
- Represented corporations and individuals in trademark, trade dress, advertising, product, and related legal disputes.
 - Worked with survey experts in developing and using surveys as evidence in trademark, trade dress and advertising disputes.
 - Advised clients in the selection, adoption, use, licensing, and protection of trademarks/trade dress; represented clients in trademark/trade dress litigations, administrative proceedings before the Trademark Trial and Appeal Board and United States Patent and Trademark Office, and domain name proceedings under the Uniform Domain-Name Dispute-Resolution Policy.

Testimony at Trial or by Deposition

(Party who retained me shown in bold)

2013	Fage Dairy USA v. General Mills (Deposition)	Northern District of NY
2013	Gameshow Network v. Cablevision (Deposition)	F.C.C.
2013	Telebrands v. Meyer Marketing (Deposition)	USDC Eastern District of CA
2012	Marketquest v. BIC (Deposition)	USDC Southern District of CA
2012	Hornady v. DoubleTap (Deposition)	USDC District of Utah
2012	Briggs/Kohler Opposition to Honda (Deposition)	TTAB
2012	Apple v. Samsung (Deposition and Trial)	USDC Northern District of CA
2012	Forest River v. Heartland (Deposition)	USDC Northern District of IN
2012	SPD v. Church & Dwight (Deposition)	USDC District of NJ
2012	Brighten Collectibles v. Texas Leather (Deposition)	USDC Southern District of CA
2012	Cytoport v. Vital Pharmaceuticals (Deposition)	USDC Eastern District of CA
2012	Authors Guild v. Google (Deposition)	USDC Southern District of NY
2012	Clear Choice v. Real Choice (Opposition testimony)	TTAB

2011	Borghese v. Perlier et al. (Deposition)	USDC Southern District of NY
2011	My Favorite Company v. Wal-Mart (Deposition)	USDC Central District of CA
2011	PepsiCo v. Princci (Opposition testimony)	TTAB
2011	Merck Eprova v. Brookstone (Deposition and trial)	USDC Southern District of NY
2011	Wella, Inc. v. Willgirl LLC (Deposition)	USDC Southern District of NY
2011	Bauer Bros. v. Nike (Deposition)	USDC Southern District of CA
2011	Aviva Sports v. Manley (Deposition)	USDC District of Minnesota
2011	American Express v. Black Card LLC (Deposition)	USDC Southern District of NY
2011	Gosmile v. Dr. Levine (Preliminary Injunction Trial)	USDC Southern District of NY
2010	Nat'l Western Life v. Western Nat'l Life (Deposition)	USDC Western District of TX
2010	3M v. Mohan (Trial)	USDC District of Minnesota
2010	Active Network v. EA Sports (Preliminary Injunction declaration)	USDC Central District of CA
2010	Fiji Water Co. v. Fiji Mineral USA (Deposition)	USDC Central District of CA
2010	Harsen Beverage v. CytoSport (Deposition)	USDC Central District of CA
2010	People's United Bank v. PeoplesBank	USDC District of CT

(Deposition and Preliminary Injunction trial)

2010	Don Henley v. Charles Devore (Deposition)	USDC Central District of CA
2010	Pegasus v. Allscripts (Deposition and Mediation)	USDC Middle District of FL
2010	Jelmar, Inc. v. Zep Commercial (Deposition)	USDC Northern District of IL
2010	Dollar Bank v. Emigrant Bank (Deposition)	USDC Western District of PA
2009	LG Electronics v. Whirlpool (Deposition)	USDC District of DE
2009	Farberware v. Meyer Marketing (Deposition and trial)	USDC Southern District of NY
2009	NEC v. Ampad (Deposition)	USDC Southern District of NY
2009	GAP Inc. v. G.A.P. Adventures (Deposition and trial)	USDC Southern District of NY
2009	Lumber Liquidators v. Stone Mt:n (Deposition and trial)	USDC Eastern District of VA
2009	CytoSport v. Vital Pharmaceuticals (Deposition)	USDC Eastern District of CA
2009	REDC v. NHA (Deposition)	USDC Southern District of CA
2008	1800Contacts v. Lens.com (Deposition)	USDC District of UT
2008	Tokidoki v. Fortune Dynamic (Deposition and trial)	USDC Central District of CA
2008	Brighton Collectibles v. Dynasty (Deposition)	USDC Southern District of CA

Presentations

Surveys in Trademark and Advertising Litigation (2013 National CLE Conference, Snowmass Colorado, January 2013)

Internet Survey Issues (PLI Hot Topics in Advertising Law Conference, March 2012)

Measuring Consumer Confusion Through Online Surveys (2011 Midwest IP Institute) (September, 2011)

Online Surveys as Evidence in Trademark Disputes (International Trademark Association Annual Conference, May 2011)

Managing Intellectual Property Trademark Roundtable (April 7, 2010)

Recent Trends in Trademark Surveys (Virginia State Bar Intellectual Property Conference, October 2009)

Trademark Surveys in US Litigation (presentation for International Trademark Association Annual Conference) (May 2009)

How to Conduct Surveys for use in Trademark Disputes (Practicing Law Institute Advanced Trademark Law Conference) (May 2009)

Trademark and Advertising Perception Studies for Legal Disputes (Opinion Research Corporation Seminar, June 2008)

Understanding Advertising Perception Surveys (Promotions Marketing Association Annual Law Conference) (November 2007)

Designing and Implementing Studies to Substantiate Advertising Claims (American Conference Institute Claims Substantiation Conference, October 2007)

Surveys in Trademark and False Advertising Disputes (InfoUSA Webinar, June 2007)

Measuring Consumer Perception in False Advertising and Trademark Cases (multiple presentations) (2007)

Potential Errors to Avoid In Designing a Trademark Dilution Survey (American Intellectual Property Association paper, April 2007)

Consumer Surveys in Trademark and Advertising Cases (presentation at Promotions Marketing Association Annual Law Conference) (December 2006)

Use of Survey Research and Expert Testimony in Trademark Litigation, (International Trademark Association Annual Conference, May 2006)

Survey Research as Evidence in Trademark/Trade Dress Disputes (multiple presentations) (2006)

Using Surveys to Measure Secondary Meaning of Trade Dress, Legal Education Seminar, Boston, April 2006

Publications/Papers

Surveys in Trademark and Advertising Litigation (2013 National CLE Conference, Snowmass Colorado, January 2013)

Trademark Litigation Online Consumer Surveys (Practical Law Company Intellectual Property and Technology, May 2012)

Hot Topics in Advertising Law 2012 (Contributor to Practising Law Institute publication)

A Comparative Empirical Analysis of Online Versus Mail and Phone Methodologies for Trademark Surveys, 100 TMR 756 (May-June 2010)

Recent Trends in Trademark Surveys (paper for Virginia State Bar Intellectual Property conference, October 2009)

Trademark Dilution Revision Act breathes new life into dilution surveys (In Brief PLI website, June 2009)

The Mark (Survey Newsletter; three editions 2009)

Hot Topics in Trademark Surveys (paper for Practising Law Institute Advanced Trademark Law Conference) (May 2009)

The Mark (Survey Newsletter, 2008)

Trademark and Advertising Survey Report (Summer 2007)

Avoiding Pitfalls in Dilution Surveys under TDRRA (AIPLA Spring Conference, Boston, May 2007)

Commentary

Comment on Hotels.com case (on TTABLOG.COM, July 24, 2009)

Comment on Nextel v. Motorola (on TTABLOG.COM, June 19, 2009)

PLI All-Star Briefing Newsletter, "What does the Trademark Dilution Revision Act mean for the future of Dilution Surveys?" (June 2009)

Can I Get By Without a Survey, *Managing Intellectual Property* (May 2009)

Professional Memberships/Affiliations

Council of American Survey Research Organizations

International Trademark Association

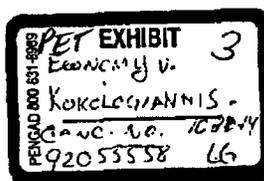
National Advertising Division of Council of Better Business Bureaus

**EXPERT REPORT OF HAL PORET ON SURVEY TO MEASURE
LIKELIHOOD OF CONFUSION BETWEEN THE USE OF THE MARK
ECONOMY RENT-A-CAR AND THE MARK
ECONOMY CAR RENTALS RENTAL-HIRE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN (WITH DESIGN)**

REPORT PREPARED FOR:
Dickinson Wright, PLLC
1875 Eye Street, N.W. Suite 1200
Washington, DC 20006-5420
Attorneys for Economy Rent-A-Car, Inc.

PREPARED BY:
Hal Poret
ORC International
315 Park Avenue South, 14th Floor
New York, NY 10010

March 2013



P-000175

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BACKGROUND AND PURPOSE

Economy Rent-A-Car, Inc. ("Economy") has established use in the Los Angeles area of ECONOMY RENT-A-CAR for vehicle rental services through its licensees in that area.

Emmanouil Kokolagiannis And Sons ("Economy Car Rentals") has registered the following mark for services in connection with or related to vehicle rental and reservations:¹



ECONOMY RENTALS
RENTAL-HIRE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN

This mark will be herein referred to as the "ECONOMY CAR RENTALS & Design" mark.

Economy is concerned that the ECONOMY CAR RENTALS & Design mark is likely to cause confusion with respect to the use of ECONOMY RENT-A-CAR by Economy's licensees and affiliates in the Los Angeles area. On behalf of Economy, Dickinson Wright LLP commissioned me to design and conduct a study and to assess and analyze the degree, if any, of confusion between Economy's use of ECONOMY RENT-A-CAR and the ECONOMY CAR RENTALS & Design mark in connection with the parties' rental car services.

¹ The service description in the registration encompasses transport by car, organization of travel and arranging travel tours and car rental services.

STUDY AUTHORSHIP AND QUALIFICATIONS

This study was designed, supervised, and implemented by ORC International under the supervision of Hal L. Poret, Senior Vice President.

I have personally designed, supervised, and implemented over 450 consumer surveys concerning consumer perception, opinion, and behavior. Over 150 of these surveys have concerned consumer perception regarding trademarks. I have personally designed numerous studies that have been admitted as evidence in legal proceedings and I have been accepted as an expert in survey research on numerous occasions by U.S. District Courts, the Trademark Trial and Appeal Board, the FTC, and the National Advertising Division of the Council of Better Business Bureaus (NAD).

I have frequently spoken at major intellectual property and legal conferences on the topic of how to design and conduct surveys that meet legal evidentiary standards for reliability, including conferences held by the International Trademark Association (INTA), American Intellectual Property Law Association, Practising Law Institute, Managing Intellectual Property, Promotions Marketing Association, American Conference Institute, and various bar organizations. In 2010, I published an article regarding trademark surveys in *The Trademark Reporter*, a journal published by the International Trademark Association.

In addition to my survey research experience, I hold bachelors and masters degrees in mathematics and a J.D. from Harvard Law School. Additional biographical material, including lists of testimony and publications, is provided in Appendix A.



Hal Poret

Dated: March 22, 2013

STUDY DESIGN

A total of 400 qualified consumers participated in this online survey.²

The survey consisted of two cells, a Test Cell and a Control Cell.

A standard "array" version of a Squirt survey, in which marks from both parties are shown to respondents, was used to assess the likelihood of confusion between the marks. An array survey was an appropriate replication of actual marketplace conditions in this case because the services offered in connection with the marks at issue are the same or highly related. Both parties offer services in the Los Angeles area relating to rental car services in connection with their marks. Accordingly, it is realistic to simulate a scenario in which a consumer of car rental services is exposed to one party's mark and is then subsequently exposed to the other party's mark.

The array survey design presents a realistic scenario in which consumers are exposed to multiple types of travel-related services, thereby minimizing the focus on the car rental marks at issue. The first phase of the array survey involved exposing respondents to five marks used in connection with five different types of travel-related services. As described below in more detail, one of the marks was the ECONOMY RENT-A-CAR mark. Although it is typical for surveys in TTAB proceedings to test marks as they appear in trademark registrations or applications, Economy's claim of priority is not based on a federal registration but on actual use of the mark in the marketplace. Accordingly, it was necessary for the survey to expose respondents to the ECONOMY RENT-A-CAR mark as it has appeared in actual use.

The second part of the array involved exposing respondents to five additional marks used in connection with the same five types of travel-related services, including the ECONOMY CAR RENTALS mark, shown as it appears in the registration at issue.

² See Relevant Universe and Sampling sections below for more specific information on the respondents who participated in the survey.

All respondents were exposed to a series of marks related to travel. Within the second series of marks, the Test Cell of 200 respondents was exposed to and questioned about the mark ECONOMY CAR RENTALS, and the separate Control Cell of 200 respondents was exposed to and questioned about a control name, VALUE CAR RENTALS.

As this was an online survey, all of the instructions and questions were displayed on respondents' computer screens.

After initial screening questions, all respondents were first instructed as follows:

For the next part of the survey, please imagine that you are planning a trip. We are going to show you some logos for a number of different companies that provide a variety of services related to travel or transportation.

Please take your time to look at each logo. After you have looked at each logo, please select "continue" to move on with the survey. Or, if you are unable to view any logo clearly, please indicate so.

After you have viewed each logo we will ask you some questions.

Over the next five screens respondents were shown five different logos associated with: a car rental service, a hotel, an airline, a travel service, and a luggage company. The order in which each of these screens was presented was randomized so that the car rental logo was not always in the same position, nor did all respondent see the logos in the same order.

Each of these five screens and logos were presented with the following instructions:

Please take a look at this logo for a car rental service.

economy
Rent-A-Car

The underlined text "car rental service," was randomly replaced each time with one of the other four travel-related services - i.e.: "hotel," "airline," "travel service," or "luggage company" - and the corresponding logo was shown for each until the respondent had been asked about all five.

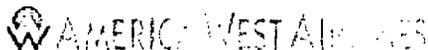
On each screen respondents were given the option to either select: 1) "continue," or 2) "I am unable to view the logo clearly."

Below are the other four logos shown to each respondent during this phase of the survey for each of the five travel-related services.

Hotel:



Airline:



Travel service:



Luggage company:



LONDON LUGGAGE ::

The purpose of showing each of these logos was to expose the respondents to potential logos they might come across in the real world when planning a trip and to therefore create a realistic marketplace scenario, which minimized any focus on the car rental marks at issue. Specifically, the car rental logo shown at this point in the survey exposed respondents to the ECONOMY RENT-A-CAR mark as used in the Los Angeles area.

After seeing all five logos, respondents were then asked a series of general questions about travel. The purpose of these questions was to focus the respondents' attention away from the logos they just saw while keeping them focused on the topic of travel.

First, respondents were asked:

Now we'd like to ask you a few questions about your recent travels.

The most recent time you took a trip away from home, how did you make travel arrangements?

- Online
- By telephone
- In person
- Other
- I did not make travel arrangements
- I have not taken a trip away from home

Next respondents were asked:

Was the most recent trip you took away from home for...?

- Business
- Personal
- Both business and personal

Followed by:

On the most recent trip you took away from home, approximately how many nights were you away?

The next section of the survey showed a second round of logos to each respondent. This next section began with the following instructions:

On the following screens of the survey we are going to ask you some questions about some logos for companies that provide services related to travel or transportation.

For any question, if you do not have an opinion, please indicate so. Please do not guess.

If for any screen, you are unable to view the logo clearly, please indicate so.

Test Cell respondents were all asked the following question about the ECONOMY CAR RENTALS logo:

Is this logo for the same company as the car rental logo you saw earlier, or is this logo for a different company, or do you have no opinion?



ECONOMY RENTALS
RENTAL-HERE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN

Respondents were provided options for: "Same company," "Different company," "No opinion," and "I am unable to view the logo clearly."

Respondents who indicated they could not view the image were terminated.

Meanwhile, respondents who selected "Same company," were shown the logo again on the next screen and asked:

What makes you believe this logo is for the same company as the car rental logo you saw earlier?

These respondents were provided a text box to type in their answer and a button labeled, "Don't know," and a button for "I am unable to view the logo clearly."

On the other hand, respondents who previously answered either "Different company," or "No opinion," were asked:

Are this logo and the car rental logo you saw earlier for companies that are affiliated with each other, or for companies that are not affiliated with each other, or do you have no opinion?

Respondents were provided options for: "Affiliated," "Not affiliated," "Don't know/No opinion," and "I am unable to view the logo clearly. "

Respondents who answered "Affiliated," were then shown the logo again and asked:

What makes you believe that this logo and the car rental logo you saw earlier are for companies that are affiliated with each other?

These respondents were provided a text box to type in their answer, and a button labeled, "Don't know," and a button for "I am unable to view the logo clearly."

The purpose of these question was to measure how many, if any, respondents believe the ECONOMY CAR RENTALS & Design mark is used by the same company that uses ECONOMY RENT-A-CAR.

This question series was repeated for each of the five travel-related services and each time the appropriate language for "car rental," "hotel," "airline," "travel service," or "luggage company," was piped in to the question text and a corresponding logo was shown.

The order in which these questions was presented corresponded for each respondent to the order in which they had viewed the first five logos - e.g.: if the car rental logo was shown first in the first series of logos, then it was also shown in first position in this second phase.

All the logos shown during this phase of the survey differed in appearance from the earlier logos shown to respondents. The car rental logo each respondent saw was determined by whether or not they were in the Test Cell or the Control Cell. For the remaining four travel-related services, each respondent saw two logos that were for the same companies as the logos they saw earlier, and two logos for different companies than the logos they saw earlier. A randomization programmed into the survey determined which hotel, airline, travel service, and luggage company logos were shown to each respondent.

As mentioned earlier, Test Cell respondents were always shown the following Car Rentals logo:



ECONOMY RENTALS
RENTAL-HIRE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN

Half the respondents were shown the following hotel logo for the same hotel company for which they saw a logo earlier:

MICRÔTEL
— INN & SUITES —

The other half of respondents were shown the following hotel logo for a different hotel company than the one they saw a logo for earlier:

park inn

Half the respondents were shown the following airline logo for the same airline as the one for which they saw a logo earlier:



The other half of respondents were shown the following airline logo for a different airline than the one they saw a logo for earlier:



Half the respondents were shown the following travel service logo for the same travel service for which they were shown a logo earlier:



The other half of respondents were shown the following travel service logo for a different travel service than the one for which they were shown a logo earlier:



Half the respondents were shown the following luggage logo for the same luggage company as the one which they saw a logo for earlier:

LONDON LUGGAGE CO.

The other half of respondents were shown the following luggage company logo for a different luggage company than the one they saw a logo for earlier:

altmaniuggage

For each respondent, half of the logos they saw in the second part of the array for services other than car rental services were for the same company as in the first part of the array and half of the logos were for different companies. Accordingly, nothing about the presentation of the other logos biased respondents toward believing that the two car rental logos shown were or were not from the same or affiliated companies.

This completed the interview for the Test Cells.

As mentioned above, an additional 200 respondents participated in a Control Cell. The Control Cell was identical to the Test Cell with the sole exception that the ECONOMY CAR RENTALS & Design logo was replaced with the following control logo:



VALUE RENTALS
RENTAL-HIRE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN

In the Control logo, the word "Value" was used to replace "Economy." "Value" was picked to maintain a real sounding name with a similar connotation, while removing the word that potentially makes the mark confusingly similar to the Economy Rent-A-Car mark - i.e. "Economy."

Other than replacing the second car rental logo shown to respondents, all other aspects of the survey instructions and questions in the Control Cell were identical to the Test Cell.

Accordingly, exposing the Control Cell to the name VALUE CAR RENTALS rather than ECONOMY CAR RENTALS established the survey's noise level - i.e., the tendency of respondents to answer the companies are the same or affiliated for reasons other than the marks being a confusingly similar, such as respondents guessing.

All marks were shown in color as depicted above.

Screenshots of the survey (Appendix D) will be provided in electronic form.

SUMMARY OF KEY FINDINGS

- 1) Respondents believed the ECONOMY RENT-A-CAR logo and the ECONOMY CAR RENTALS & DESIGN logo were for the same company at a net confusion rate of 32%.

- 2) Accounting for additional respondents who believed the ECONOMY RENT-A-CAR logo and the ECONOMY CAR RENTALS & DESIGN logo are for companies that are affiliated with each other, brings the total net confusion rate to 35%.

See Detailed Findings section below for additional information on results. The full data (Appendix E) will be provided in its original electronic form.

METHODOLOGY

THE RELEVANT UNIVERSE OF INTEREST

The universe for the survey consisted of males and females age 21 and older who have rented a car in the past 12 months or who are likely to do so in the next 12 months.

These screening criteria assured that respondents were relevant consumers in that they are actual or prospective candidates for Registrant's vehicle rental and reservations services. Once respondents qualified for the survey they were randomly assigned to either the Test Cell or the Control Cell.

The survey was conducted among residents of Los Angeles and surrounding areas because both parties, through their licensees or affiliates, use their respective marks in that area. Economy's licensees are based in Los Angeles and people in the Los Angeles area are the most likely candidates to be exposed to the mark.

As is standard practice, respondents were excluded from participation if they or anyone in their household work in advertising or market research, or in the car rental industry.

The actual wording of the screening questions used is shown in Appendix B.

SAMPLING PLAN

The sampling plan involved random selection of consumers who are part of an online panel and live in the Los Angeles area. Online surveys are well-accepted in the field of survey research as a standard, reliable methodology. Indeed, online surveys are now the most common method of conducting market research among consumers.

Businesses and other organizations routinely make decisions of importance based on the results of online survey research, and online surveys have been accepted in evidence in numerous U.S. District Court and Trademark Office proceedings. I have personally designed and executed numerous internet surveys that have been accepted by courts.

The sample of panelists used in the survey was provided by Research Now, a leading supplier of online sample for surveys. Respondents were required to take the survey on a desktop or laptop computer and were denied access if attempting to take the survey on a tablet, mobile phone or other mobile electronic device so that the images of the marks would appear sufficiently large and so that respondents would be focused on the survey.

A sampling plan was carefully structured in order to represent the demographics of the relevant universe of prospective users of the relevant types of services. Survey quotas were initially set based on proportions for age based on the US Census data. After initial survey invitations were sent out, the rate of qualification for the survey within each age and gender group was examined to determine the percentage of the car rental category that each group comprises. Quotas were set accordingly to achieve an ending sample that is representative of the universe of car rental customers. The resulting breakdown was as follows:

AGE	% of Universe		
	Male	Female	Total
21-34	20%	14%	34%
35-49	20%	14%	34%
50+	20%	12%	32%
Total	60%	40%	100%

These figures were then used to set hard quotas for the number of respondents in each age/gender group who could complete the survey in each of the Cells. Assigning appropriate quotas by age and gender within each Cell assured the sample was properly balanced across all Cells.

The actual age/gender breakdown of those who completed the survey for each cell was as follows:

Age of respondent	Male	Female
21-34	80	56
35-49	80	56
50+	80	48

DOUBLE-BLIND INTERVIEWING

It is important to point out that the study was administered under "double-blind" conditions. That is, not only were the respondents kept uninformed as to the purpose and sponsorship of the study, but the services involved in providing the sample and administering the online interviews were similarly "blind" with respect to the study's purpose and sponsorship.

INTERVIEWING PROCEDURES

The online survey was programmed and hosted by Decipher, Inc, a company specializing in web survey programming and data collection and processing. My staff and I thoroughly tested the programmed survey prior to any potential respondents receiving the invitation to participate in the survey.

DATA PROCESSING

Data was collected by Decipher and made available to ORC International through an electronic portal on an ongoing basis. The data set showing each respondent's answers to all questions will be provided in electronic form.

INTERVIEWING PERIOD

Interviewing was conducted from January 28, 2013 through February 7, 2013.

VALIDATION/QUALITY CONTROL

Respondents were asked several validation/quality control questions. Respondents were required to enter their date of birth to enter the survey and the date needed to match the birth date of the panelist in order to ensure the identity of the respondent. Additionally, respondents were instructed to select the answer choice "South" out of four choices of directions to continue. These questions permitted us to screen out respondents who were paying insufficient attention to the survey.

DETAILED FINDINGS

Confusion between Economy Car Rentals and Economy Rent-A-Car

When asked if the ECONOMY CAR RENTALS & Design mark was used by the same company that used the Economy Rent-A-Car logo seen earlier, 32.0% (64 out of 200) of Test Cell respondents answered that it was the same company.

When these respondents were asked, "What makes you believe this logo is for the same company as the car rental logo you saw earlier," 29.0% (58 of all 200 Test Cell respondents) mentioned the name or the word "Economy" as their reason. This means that, of those who answered that the ECONOMY CAR RENTALS & Design mark was used by the same company that used the Economy Rent-A-Car logo, 90.6% explicitly did so because of the use of "Economy."

An additional 10 respondents in the Test Cell answered that the companies that use the ECONOMY CAR RENTALS & Design logo and the Economy Rent-A-Car logo are affiliated, for a total of 74 confused respondents.

In the Control Cell, only 1 respondent answered that the Value Car Rentals logo was the same company as the Economy Rent-A-Car logo. An additional 4 Control Cell respondents answered that the companies are affiliated, for a total of 5 Control respondents who answered that the companies that use the logos were the same or affiliated. These five respondents represent the noise level for the survey.

Subtracting five respondents from the 74 confused Test Group respondents to account for survey noise yields 69 confused respondents or 35% of the Test Group.

Accordingly, the net confusion level for the survey is 35%.

In my experience, this is a high level of confusion that suggests that it is inevitable that confusion would occur among consumers who are exposed to the Economy Rent-A-Car mark and then subsequently encounter the ECONOMY CAR RENTALS & Design mark.

Results For Other Travel Companies

The design of the survey also included showing logos for companies of four other travel-related services. These company logos added an additional level of validation in the survey. For each of these other travel companies, half of the respondents in each Cell were shown two logos for the same company and half were shown two logos for different companies.

The results, for the hotel, airline, travel service, and luggage companies that were shown in the survey are illustrated in this table:

Identified Logo As Being Same Company:		
	Saw logos for....	
	Different Companies	Same Companies
Hotel	2.5%	86.5%
Airline	0.5%	87.2%
Travel service	3.0%	81.6%
Luggage company	6.8%	76.0%

These figures confirm that there is a very low rate of noise in the survey - i.e., only a very small percentage of respondents incorrectly answered that two logos were for the same company when they were shown logos that were, in fact, from different companies. This confirms that respondents were paying attention and providing reliable responses that would reflect genuine consumer perceptions of the source of the logos.

The fact that respondents were consistently able to correctly identify logos for the same company versus for a different company across all four of the other travel-related areas, confirms that the survey was functioning properly and that the confusion between the Economy Rent-A-Car logo and the ECONOMY CAR RENTALS & Design logo represents genuine confusion and is not due to chance or any flaw in the survey or methodology.

CONCLUSIONS

In my experience, having conducted many surveys in the context of trademark disputes before the TTAB and Federal courts, the net confusion rate of 35% is a particularly high level of confusion that suggests a high degree of similarity of the marks in the perceptions of relevant consumers. Accordingly, based on the survey results, it is my opinion that there is a heightened likelihood that the source of the services rendered under the mark ECONOMY CAR RENTALS & Design will be confused with those services being rendered under the mark ECONOMY RENT-A-CAR.

APPENDIX A

CURRICULUM VITAE OF STUDY'S AUTHOR

Hal L. Porel

(hal.porel@orcinternational.com; 212-329-1018; 914-772-5087)

Education

- 1998 Harvard Law School, J.D., *cum laude*
- Editor/Writer - Harvard Law Record
 - Research Assistant to Professor Martha Minow
- 1995 S.U.N.Y. Albany, M.A. in Mathematics, *summa cum laude*
- Statistics
 - Taught calculus/precalculus/statistics
- 1993 Union College, B.S. in Mathematics with honors, *magna cum laude*
- Phi Beta Kappa
 - Resch Award for Achievement in Mathematical Research

Employment

- 2004 - Senior Vice President, ORC International (formerly Guideline)
- Designed, supervised, and analyzed over 450 consumer surveys, including Trademark, Trade Dress, Advertising Perception, Fraud/Consumer Deception, Claims Substantiation studies, Damages, and Corporate Market Research Surveys
 - Provided expert testimony at deposition and/or trial regarding survey research in over 40 U.S. District Court litigations and proceedings in front of TTAB, NAD and the FTC.
 - Review and comment on third party surveys
- 2003 - 2004 Internet Sports Advantage
- Developed and marketed proprietary internet sports product, and licensed trademark and intellectual property rights.
- 1998 - 2003 Attorney, Foley Hoag & Eliot, Boston, MA
- Represented corporations and individuals in trademark, trade dress, advertising, product, and related legal disputes.
 - Worked with survey experts in developing and using surveys as evidence in trademark, trade dress and advertising disputes.
 - Advised clients in the selection, adoption, use, licensing, and protection of trademarks/trade dress; represented clients in trademark/trade dress litigations, administrative proceedings before the Trademark Trial and Appeal Board and United States Patent and Trademark Office, and domain name proceedings under the Uniform Domain-Name Dispute-Resolution Policy.

Testimony at Trial or by Deposition:

(Party who retained me shown in bold)

2013	Fage Dairy USA v. General Mills (Deposition)	Northern District of NY
2013	Gameshow Network v. Cablevision (Deposition)	F.C.C.
2013	Telebrands v. Meyer Marketing (Deposition)	USDC Eastern District of CA
2012	Marketquest v. BIC (Deposition)	USDC Southern District of CA
2012	Hornady v. DoubleTap (Deposition)	USDC District of Utah
2012	Briggs/Kehler Opposition to Honda (Deposition)	TTAB
2012	Apple v. Samsung (Deposition and Trial)	USDC Northern District of CA
2012	Forest River v. Heartland (Deposition)	USDC Northern District of IN
2012	SPD v. Church & Dwight (Deposition)	USDC District of NJ
2012	Brighton Collectibles v. Texas Leather (Deposition)	USDC Southern District of CA
2012	Cytospori v. Vital Pharmaceuticals (Deposition)	USDC Eastern District of CA
2012	Authors Guild v. Google (Deposition)	USDC Southern District of NY
2012	Clear Choice v. Real Choice (Opposition testimony)	TTAB

2011	Borghese v. Perlier et al. (Deposition)	USDC Southern District of NY
2011	My Favorite Company v. Wal-Mart (Deposition)	USDC Central District of CA
2011	PepsiCo v. Pirincci (Opposition testimony)	TTAB
2011	Merck Eprova v. Brookstone (Deposition and trial)	USDC Southern District of NY
2011	Wella, Inc. v. Willagirl LLC (Deposition)	USDC Southern District of NY
2011	Bauer Bros. v. Nike (Deposition)	USDC Southern District of CA
2011	Aviva Sports v. Manley (Deposition)	USDC District of Minnesota
2011	American Express v. Black Card LLC (Deposition)	USDC Southern District of NY
2011	Gosmile v. Dr. Levine (Preliminary Injunction Trial)	USDC Southern District of NY
2010	Nat'l Western Life v. Western Nat'l Life (Deposition)	USDC Western District of TX
2010	3M v. Mohan (Trial)	USDC District of Minnesota
2010	Active Network v. EA Sports (Preliminary Injunction declaration)	USDC Central District of CA
2010	Fiji Water Co. v. Fiji Mineral USA (Deposition)	USDC Central District of CA
2010	Hansen Beverage v. CytoSport (Deposition)	USDC Central District of CA
2010	People's United Bank v. PeoplesBank	USDC District of CT

(Deposition and Preliminary Injunction trial)

2010	Don Henley v. Charles Devore (Deposition)	USDC Central District of CA
2010	Pegasus v. Allscripts (Deposition and Mediation)	USDC Middle District of FL
2010	Jelmar, Inc. v. Zep Commercial (Deposition)	USDC Northern District of IL
2010	Dollar Bank v. Emigrant Bank (Deposition)	USDC Western District of PA
2009	LG Electronics v. Whirlpool (Deposition)	USDC District of DE
2009	Farberware v. Meyer Marketing (Deposition and trial)	USDC Southern District of NY
2009	NEC v. Ampad (Deposition)	USDC Southern District of NY
2009	GAP Inc. v. G.A.P. Adventures (Deposition and trial)	USDC Southern District of NY
2009	Lumber Liquidators v. Stone Mtn (Deposition and trial)	USDC Eastern District of VA
2009	CytoSport v. Vital Pharmaceuticals (Deposition)	USDC Eastern District of CA
2009	REDC v. NHA (Deposition)	USDC Southern District of CA
2008	1800Contacts v. Lens.com (Deposition)	USDC District of UT
2008	Tokidoki v. Fortune Dynamic (Deposition and trial)	USDC Central District of CA
2008	Brighton Collectibles v. Dyrasty (Deposition)	USDC Southern District of CA

Presentations

Surveys in Trademark and Advertising Litigation (2013 National CLE Conference, Snowmass Colorado, January 2013)

Internet Survey Issues (PLI Hot Topics in Advertising Law Conference, March 2012)

Measuring Consumer Confusion Through Online Surveys (2011 Midwest IP Institute) (September, 2011)

Online Surveys as Evidence in Trademark Disputes (International Trademark Association Annual Conference, May 2011)

Managing Intellectual Property Trademark Roundtable (April 7, 2010)

Recent Trends in Trademark Surveys (Virginia State Bar Intellectual Property Conference, October 2009)

Trademark Surveys in US Litigation (presentation for International Trademark Association Annual Conference) (May 2009)

How to Conduct Surveys for use in Trademark Disputes (Practicing Law Institute Advanced Trademark Law Conference) (May 2009)

Trademark and Advertising Perception Studies for Legal Disputes (Opinion Research Corporation Seminar, June 2008)

Understanding Advertising Perception Surveys (Promotions Marketing Association Annual Law Conference) (November 2007)

Designing and Implementing Studies to Substantiate Advertising Claims (American Conference Institute Claims Substantiation Conference, October 2007)

Surveys in Trademark and False Advertising Disputes (InfoUSA Webinar, June 2007)

Measuring Consumer Perception in False Advertising and Trademark Cases, (multiple presentations) (2007)

Potential Errors to Avoid in Designing a Trademark Dilution Survey (American Intellectual Property Association paper, April 2007)

Consumer Surveys in Trademark and Advertising Cases (presentation at Promotions Marketing Association Annual Law Conference) (December 2006)

Use of Survey Research and Expert Testimony in Trademark Litigation, (International Trademark Association Annual Conference, May 2006)

Survey Research as Evidence in Trademark/Trade Dress Disputes (multiple presentations) (2006)

Using Surveys to Measure Secondary Meaning of Trade Dress, Legal Education Seminar, Boston, April 2006

Publications/Papers

Surveys in Trademark and Advertising Litigation (2013 National CLE Conference, Snowmass Colorado, January 2013)

Trademark Litigation Online Consumer Surveys (Practical Law Company Intellectual Property and Technology, May 2012)

Hot Topics in Advertising Law 2012 (Contributor to Practising Law Institute publication)

A Comparative Empirical Analysis of Online Versus Mail and Phone Methodologies for Trademark Surveys, 100 TMR 756 (May-June 2010)

Recent Trends in Trademark Surveys (paper for Virginia State Bar Intellectual Property conference, October 2009)

Trademark Dilution Revision Act breathes new life into dilution surveys (In Brief PLI website, June 2009)

The Mark (Survey Newsletter; three editions 2009)

Hot Topics in Trademark Surveys (paper for Practising Law Institute Advanced Trademark Law Conference) (May 2009)

The Mark (Survey Newsletter, 2008)

Trademark and Advertising Survey Report (Summer 2007)

Avoiding Pitfalls in Dilution Surveys under TDRA (AIPLA Spring Conference, Boston, May 2007)

Commentary

Comment on Hotels.com case (on TTABLOG.COM, July 24, 2009)

Comment on Nextel v. Motorola (on TTABLOG.COM, June 19, 2009)

PLI All-Star Briefing Newsletter, "What does the Trademark Dilution Revision Act mean for the future of Dilution Surveys?" (June 2009)

Can I Get By Without a Survey, *Managing Intellectual Property* (May 2009)

Professional Memberships/Affiliations

Council of American Survey Research Organizations

International Trademark Association

National Advertising Division of Council of Better Business Bureaus

APPENDIX B

INSTRUCTIONS/QUESTIONNAIRES

SAMPLING & PROGRAMMING INSTRUCTIONS

2 Cells: CELL 1 Display Image 1001B in Q305-Q320; CELL 2 Display Image 1002B In Q305-Q320.

QUESTIONS:

- 1001A - N 0000 CAR RENTAL
- 1001A - CELL 1 ONLY, DISPLAY IN Q'S: 305-320 FOR CAR RENTAL
- 1002B - CELL 2 ONLY, DISPLAY IN Q'S: 305-320 FOR CAR RENTAL
- 2001A - N 0000 HOTEL
- 2002A - RANDOMIZE TO X RESPONDENTS IN Q'S: 305-320 FOR HOTEL
- 2002B - RANDOMIZE TO X RESPONDENTS IN Q'S: 305-320 FOR HOTEL
- 3001A - N 0000 AIRLINES
- 3002A - RANDOMIZE TO X RESPONDENTS IN Q'S: 305-320 FOR AIRLINES
- 3002B - RANDOMIZE TO X RESPONDENTS IN Q'S: 305-320 FOR AIRLINES
- 4001A - N 0000 TRAVEL
- 4002A - RANDOMIZE TO X RESPONDENTS IN Q'S: 305-320 FOR TRAVEL
- 4002B - RANDOMIZE TO X RESPONDENTS IN Q'S: 305-320 FOR TRAVEL
- 5001A - N 0000 LUGGAGE
- 5002A - RANDOMIZE TO X RESPONDENTS IN Q'S: 305-320 FOR LUGGAGE
- 5002B - RANDOMIZE TO X RESPONDENTS IN Q'S: 305-320 FOR LUGGAGE

(PROGRAMMING NOTE REGARDING Q305-320 SERIES: EXCLUDING IMAGES 10001A & 10002B (IF/IFRS ARE DETERMINED BY CELL), EACH RESPONDENT SHOULD SEE TWO "A" IMAGES & TWO "B" IMAGES.)

Age/gender quotas per cell for initial 100:

Male 21-34: 10

Male 35-49: 10

Male 50+: 10

Female 21-34: 7

Female 35-49: 7

Female 50+: 6

TOTAL: 50 per cell (100 total)

(PROGRAMMER: Do not permit respondent to return to previous screen once advancing)

(SAMPLING: Add instructions in email invitation asking respondent to please take the survey:

- on a desktop or laptop/stable computer, tablet computer or mobile device;
- when you have 5-10 minutes to complete (uninterrupted and without distractions).

(PROGRAMMER: WARN ANYONE TAKING THE SURVEY ON A MOBILE PHONE, TABLET OR RELATED MOBILE DEVICE.)

SCREENER

ASK ALL RESPONDENTS

100. Please enter your date of birth (PROGRAMMER) TERMINATE IF DOES NOT MATCH PANEUSTIC PRELOAD. PROGRAMMER USE DOS TO CLASSIFY IN ONE OF FOLLOWING AGE RANGES:
1. 21-34
 2. 35-48
 3. 50+

ASK ALL NONTERMINATES

105. Are you...
1. Female
 2. Male

ASK ALL NONTERMINATES

107. In what state do you live?
(PROGRAMMER: Drop down menu of states. Include an "Other" option. TERMINATE IF CALIFORNIA IS NOT SELECTED.)

ASK ALL NONTERMINATES

110. What is your zip code?
(PROGRAMMER: PROVIDE BOX FOR 6-DIGIT ZIP CODE. TERMINATE IF NOT A LOS ANGELES DMA ZIP CODE.)

ASK ALL NONTERMINATES

120. Do you or does anyone in your household work in any of the following industries?
(Select all that apply)
(ANCHOR)
1. Car rental (TERMINATE)
 2. Travel
 3. Airline
 4. Hotel
 5. Luggage
 6. None of these (ANCHOR) EXCLUSIVE

ASK ALL NONTERMINATES

125. Do you or does anyone in your household work in either advertising or market research?
(Select all that apply)
(ANCHOR)
1. Yes, advertising (TERMINATE)
 2. Yes, market research (TERMINATE)
 3. No, neither of these (ANCHOR) EXCLUSIVE

ASK ALL NONTERMINATES

130. In the past 12 months, which of the following, if any, have you done?
(Select all that apply)
(ANCHOR)
1. Rent a car
 2. Call a travel agent
 3. Book an airline ticket
 4. Eat in a restaurant
 5. Make a hotel reservation
 6. Purchase luggage

7. None of these (RANDOM OR EXCLUSIVE)

ASK: ALL NON-TERMINATED

135. In the next 12 months, which of the following, if any, are you likely to do?
(Select all that apply)
(PROGRAMMING: REPORT LIST FROM Q136. DISPLAY IN SAME ORDER AS IN Q135)

(PROGRAMMING: RESPONDENT MUST SELECT OPTION 1 (RENT A CAR) IN EITHER Q136 OR Q138 OR BOTH TO QUALIFY)

ASK: ALL NON-TERMINATED

140. Which of the following methods for renting a car have you used in the past 12 months or would you be likely to use in the next 12 months?

(Select all that apply)

(RANDOMIZE)

1. Website/online
2. Telephone
3. In person

ASK: ALL NON-TERMINATED

150. Please select South from the following list in order to continue with this survey.

(RANDOMIZE)

1. North
2. South (MUST SELECT TO QUALIFY)
3. East
4. West

MAIN SURVEY

ASK ALL QUALIFIED RESPONDENTS

200. For the next part of the survey, please imagine that you are planning a trip. We are going to show you some logos for a number of different companies that provide a variety of services related to travel or transportation.

Please take your time to look at each logo. After you have looked at each logo, please select *continue* to move on with the survey. Or, if you are unable to view any logo clearly, please indicate so.

After you have viewed each logo we will ask you some questions.

[PROGRAMMING: RANDOMIZES THE ORDER IN WHICH Q205, Q210, Q215, Q220 & Q225 ARE PRESENTED.]

ASK ALL QUALIFIED RESPONDENTS

205. Please take a look at this logo for a car rental service.

[PROGRAMMING: DISPLAY IMAGE 1001A]

1. Continue
2. I am unable to view the logo clearly [TERMINATE - DO NOT COUNT AS COMPLETE]

ASK ALL QUALIFIED RESPONDENTS

210. Please take a look at this logo for a hotel.

[PROGRAMMING: DISPLAY IMAGE 2001A]

1. Continue
2. I am unable to view the logo clearly [TERMINATE - DO NOT COUNT AS COMPLETE]

ASK ALL QUALIFIED RESPONDENTS

215. Please take a look at this logo for an airline.

[PROGRAMMING: DISPLAY IMAGE 3001A]

1. Continue
2. I am unable to view the logo clearly [TERMINATE - DO NOT COUNT AS COMPLETE]

ASK ALL QUALIFIED RESPONDENTS

220. Please take a look at this logo for a travel service.

[PROGRAMMING: DISPLAY IMAGE 4001A]

1. Continue
2. I am unable to view the logo clearly (TERMINATE - DO NOT COUNT AS COMPLETE)

ASK ALL QUALIFIED RESPONDENTS

225. Please take a look at this logo for a luggage company.

[PROGRAMMING: DISPLAY IMAGE 6001A]

1. Continue
2. I am unable to view the logo clearly (TERMINATE - DO NOT COUNT AS COMPLETE)

ASK ALL QUALIFIED RESPONDENTS

240. Now we'd like to ask you a few questions about your recent travels.

The most recent time you took a trip away from home, how did you make travel arrangements?

(Select all that apply)

[RANDOMIZE]

1. Online
2. By telephone
3. In person
4. Other [ANCHOR]
5. I did not make travel arrangements [ANCHOR; EXCLUSIVE]
6. I have not taken a trip away from home [ANCHOR; EXCLUSIVE]

ASK RANDOM RESPONDENTS

250. Was the most recent trip you took away from home for...

[RANDOMIZE]

1. Business
2. Personal
3. Both business and personal [ANCHOR]

ASK RANDOM RESPONDENTS

250. On the most recent trip you took away from home, approximately how many nights were you away?

[DROP SOME FROM 1-10, MORE THAN 10]

ASK ALL QUALIFIED RESPONDENTS

300. On the following screens of the survey we are going to ask you some questions about some logos for companies that provide services related to travel or transportation.

For any question, if you do not have an opinion, please indicate so. Please do not guess.

If for any screen, you are unable to view the logo clearly, please indicate so.

(PROGRAMMING: REPEAT Q300-Q303 SERIES UNTIL IT IS ASKED ONCE FOR EACH GENER OF LOGO (e.g. "CAR RENTAL," "HOTEL," "AIRLINE," "TRAVEL" AND "LUGGAGE") AND FOR EACH ROUND OF Q305-Q320 INSERT ONE OF THE FOLLOWING TERMS INTO THE QUESTION TEXT (e.g. "CAR RENTAL," "HOTEL," "AIRLINE," "TRAVEL" AND "LUGGAGE")

(PROGRAMMING: FOR Q305-Q320 PRESENT GENER IN THE SAME ORDER AS THEY WERE PRESENTED IN Q 314, 315, 316, 317, 318 & 319)

ASK ALL QUALIFIED RESPONDENTS

305. Is this logo for the same company as the [car rental] logo you saw earlier, or is this logo for a different company, or do you have no opinion?

(PROGRAMMING: WHEN ASKING ABOUT...

"CAR RENTAL," DISPLAY IMAGE 10001A IF CELL 1; DISPLAY IMAGE 10002B IF CELL 2
"HOTEL," RANDOMIZE 50 % RESPONDENTS IN EACH CELL. SEE 2002A & 1/4 SEE 2002B
"AIRLINE," RANDOMIZE 50 % RESPONDENTS IN EACH CELL. SEE 3002A & 1/4 SEE 3002B
"TRAVEL," RANDOMIZE 50 % RESPONDENTS IN EACH CELL. SEE 4002A & 1/4 SEE 4002B
"LUGGAGE," RANDOMIZE 50 % RESPONDENTS IN EACH CELL. SEE 5002A & 1/4 SEE 5002B)

(PROGRAMMING: INCLUDING IMAGES 10001A & 10002B WHICH ARE DETERMINED BY CELL, EACH RESPONDENT SHOULD SEE TWO "A" IMAGES & TWO "B" IMAGES IN SERIES Q305-Q311)

1. Same company
2. Different company
3. No opinion
4. I am unable to view the logo clearly [TERMINATE - DO NOT COUNT AS COMPLETE]

ASK ALL QUALIFIED RESPONDENTS

310. What makes you believe this logo is for the same company as the [car rental] logo you saw earlier?

(PROGRAMMING: TO DISPLAY SAME IMAGE AS WAS SHOWN IN Q305)

(PROGRAMMING:

- DISPLAY LARGEST BOX
- INCLUDE AN OPTION FOR "Don't know"
- INCLUDE AN OPTION FOR "I am unable to view the logo clearly."

- TERMINATE & DO NOT COUNT AS COMPLETE IF UNABLE TO VIEW THE LOGO
- RESPONDENT MUST ENTER TEXT OR SELECT AN OPTION.]

ASK FOR DIFFERENT COMPANY OR LOGO BRAND (7800000):

315. Are this logo and the [car rental] logo you saw earlier for companies that are affiliated with each other, or for companies that are not affiliated with each other, or do you have no opinion?

[PROGRAMMING: DISPLAY SAME IMAGE AS WAS SHOWN IN Q305]

1. Affiliated
2. Not affiliated
3. Don't know/No opinion
4. I am unable to view the logo clearly [TERMINATE - DO NOT COUNT AS COMPLETE]

ASK FOR TRAVEL LOGO:

320. What makes you believe that this logo and the [car rental] logo you saw earlier are for companies that are affiliated with each other?

[PROGRAMMING: DISPLAY SAME IMAGE AS WAS SHOWN IN Q305]

[PROGRAMMING:

- DISPLAY LARGE TEXT BOX
- INCLUDE AN OPTION FOR "Don't know"
- INCLUDE AN OPTION FOR "I am unable to view the logo clearly."
- TERMINATE & DO NOT COUNT AS COMPLETE IF UNABLE TO VIEW THE LOGO
- RESPONDENT MUST ENTER TEXT OR SELECT AN OPTION.]

[PROGRAMMING: REPEAT Q305-Q308 UNTIL ALL 5 GENRES HAVE BEEN ASKED (e.g.: "AIRLINE", "HOTEL", "CAR RENTAL", "TRAVEL", AND "LUGGAGE"), THEN END SURVEY.]

APPENDIX C

MATERIALS REVIEWED/FEES CHARGED

P-000213

In connection with designing this survey and preparing this report, I reviewed the following materials: (1) December 8, 2012 internet results of a Google search for "economy car rental" and web pages that are displayed when going to the link in the Google results; (2) 1997 Yellow Pages ad (Los Angeles area) showing advertisement of the word mark ECONOMY RENT-A-CAR in California; (3) Samples of websites from August 6, 2012 regarding marks at issue; (4) Samples of signage used by Economy Rent-A-Car's licensees; (5) photos of exterior signage showing use of Economy Rent-a-Car mark; (6) Amended Petition for Cancellation; (7) Parties' federal registrations;

The fee charged for the survey was \$40,000. Any additional time in connection with this matter will be billed at my ordinary rate of \$500.

APPENDIX D

SURVEY SCREENSHOTS (PROVIDED ELECTRONICALLY)

SCREENER

100

Ignored error: \$!-04 Variable is already compared with value 0000, for test=1

Please enter your date of birth

Please enter in format DDMMYY

Month
04

Day
25

Year
1979

105

Are you...

Single

Female

Ms

Do you or does anyone in your household work in any of the following industries?

Select all that apply:

Yes

No

Other

None

Comment:

Name of firm:

12/15/14

120

Do you or does anyone in your household work in either advertising or market research?

Select all that apply:

Yes, advertising

Yes, market research

No, neither of these

12/15/14

125

In the past 12 months, which of the following, if any, have you done?

Booked a trip

Booked a flight

Purchased luggage

Made a hotel reservation

Eat in a restaurant

Got a travel agent

Rent a car

None of these

130

130

In the next 12 months, which of the following, if any, are you likely to do?

Book a trip

Book an airline

Purchase luggage

Make a hotel reservation

Eat in a restaurant

Get a travel agent

Rent a car

None of these

135

135

Which of the following methods for renting a car have you used in the past 12 months or would you be likely to use in the next 12 months?

Beepers/Cellphone

Web/Internet

Person

Telephone

Next Page

140

Please select South from the following list in order to continue with this survey.

Selection

South

North

East

West

Next Page

150

MAIN SURVEY

For the next part of the survey, please imagine that you are planning a trip. We are going to show you some logos for a number of different companies that provide a variety of services related to travel or transportation.

Please take your time to look at each logo. After you have looked at each logo, please select continue to move on with the survey. Or, if you are unable to view any logo clearly, please indicate so.

After you have viewed each logo we will ask you some questions.

Next Page

200

205 CAR RENTAL

1978 1000 1000

Please take a look at this logo for a car rental service.

economy
Rent-A-Car

Sketch one

Copy five

Use on all signs for the new store

1978 1000 1000

208

210 HOTEL

1978 1000 1000

Please take a look at this logo for a hotel.

Microtel
Inns & Suites

Sketch one

Copy five

Use on all signs for the new store

1978 1000 1000

209

215 AIRLINE

2000-01 27%

Please take a look at this logo for an airline.

WALTON WEST AIRLINES

Search

Continue

See results for this page

2000-01 27%

222

220 TRAVEL

2000-01 27%

Please take a look at this logo for a travel service.

AtlasTravel
VACATIONS & CRUISES

Search

Continue

See results for this page

2000-01 27%

225

225 LUGGAGE

QUESTION

413

Please take a look at this logo for a luggage company.



SECRET

CLASS

100-442614-100 (10/10/10)

ANSWER

100

240

QUESTION

414

How would like to ask you a few questions about your recent travels.

The most recent time you took a trip away from home, how did you make travel arrangements?

By a travel agency

By phone

By a friend

Other

It's not recent travel arrangements

Travel not taken a trip away from home

ANSWER

100

Was the most recent trip you took away from home for...

Business

Business
Address
Purpose
Date of departure and return

250

Form with fields: Name, Address, City, State, Zip, Date of departure and return, Purpose, Date of arrival, Date of return, Date of departure and return, Purpose, Date of arrival, Date of return.

On the most recent trip you took away from home, approximately how early usually were you away?

Search area
Select one
New Part 2

260



On the following screens of the survey we are going to ask you some questions about some logos for companies that provide services related to travel or transportation.

For any question, if you do not have an opinion, please indicate so. Please do not guess.

If for any screen, you are unable to view the logo clearly, please indicate so.

305 CAR RENTAL (TEST IMAGE)

Is this logo for the same company as the car rentals logo you saw earlier, or is this logo for a different company, or do you have no opinion?



ECONOMY RENTALS
 RENTAL-HIRE-RENT A CAR-
 AUTOVERMIETUNG-MIETWAGEN

Be sure to

Same company

Different company

No opinion

Unable to see the logo clearly

305 CAR RENTAL (CONTROL IMAGE)

1/26

Is this logo for the same company as the car rental logo you saw earlier, or is this logo for a different company, or do you have no opinion?



VALUE RENTALS
RENTAL-HIRE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN

SEND IN

Same company

Different company

No opinion

Is this logo for the same company as the hotel logo you saw earlier, or is this logo for a different company, or do you have no opinion?

1/26

305 HOTEL - IMAGE
2002A

1/26

Is this logo for the same company as the hotel logo you saw earlier, or is this logo for a different company, or do you have no opinion?

MICROTEL
INN & SUITES

SEND IN

Same company

Different company

No opinion

Is this logo for the same company as the car rental logo you saw earlier, or is this logo for a different company, or do you have no opinion?

1/26

1/26

305 HOTEL - IMAGE 2002B

QUESTION 179

Is this logo for the same company as the hotel logo you saw earlier, or is this logo for a different company, or do you have no opinion?

park inn

ANSWER

Same company

Different company

No opinion

Print this question and logo image

ANSWER

179

305 AIRLINE - IMAGE

3002A

QUESTION 179

Is this logo for the same company as the airline logo you saw earlier, or is this logo for a different company, or do you have no opinion?

 **America West
Airlines**

ANSWER

Same company

Different company

No opinion

Print this question and logo image

ANSWER

179

305 AIRLINE - IMAGE 3002B

XXXXXXXXXX 20%

Is this logo for the same company as the airline logo you saw earlier, or is this logo for a different company, or do you have no opinion?

Air Wisconsin
AIRLINES CORPORATION

Be sure to

- Same company
- Different company
- No opinion
- I am unable to view the logo clearly

XXXXXXXXXX

10

305 TRAVEL - IMAGE 4002A

XXXXXXXXXX 20%

Is this logo for the same company as the travel logo you saw earlier, or is this logo for a different company, or do you have no opinion?

AtlasTravel
GLOBAL TRAVEL MANAGEMENT

Be sure to

- Same company
- Different company
- No opinion
- I am unable to view the logo clearly

XXXXXXXXXX

10

305 TRAVEL - IMAGE
4002B

781

Is this logo for the same company as the Travel logo you saw earlier, or is this logo for a different company, or do you have no opinion?



Select one

Same company

Different company

No opinion

OR WRITE IN ON THE LOGO CARD

781

305 LUGGAGE - IMAGE 5002A

781

Is this logo for the same company as the Luggage logo you saw earlier, or is this logo for a different company, or do you have no opinion?

LONDON LUGGAGE CO.

Select one

Same company

Different company

No opinion

OR WRITE IN ON THE LOGO CARD

781

781

P-000229

305 LUGGAGE - IMAGE
5002B

Is this logo for the same company as the luggage logo you saw earlier, or is this logo for a different company, or do you have no opinion?

aitmanluggage

Is it the

- Same company
- Different company
- No opinion
- Don't know

310

What makes you believe this logo is for the same company as the car rental logo you saw earlier?



ECONOMY RENTALS
RENTAL-HIRE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN

Please be as specific as possible

Do not know

- Don't know
- No opinion

Are this logo and the car rental logo you saw earlier for companies that are affiliated with each other, or for companies that are not affiliated with each other, or do you have no opinion?



VALUE RENTALS
RENTAL-HIRE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN

Based on:

Applicant

Applicant

Definition of term

as used by the agency

128

What makes you believe that this logo and the car rental logo you saw earlier are for companies that are affiliated with each other?



VALUE RENTALS
RENTAL-HIRE-RENT A CAR-
AUTOVERMIETUNG-MIETWAGEN

Based on specific evidence

Definition

as used by the agency

128

APPENDIX E

SURVEY DATA (PROVIDED ELECTRONICALLY)

Q105	Q107	Region	Q110	Q120r1	Q120r2	Q120r3	Q125r4	Q120r5	Q120r6	Q125r1
1	5	4	90035	0	0	0	0	0	1	0
2	5	4	92504	0	0	0	0	0	1	0
2	5	4	90034	0	0	0	0	0	1	0
2	5	4	9132B	0	0	0	0	0	1	0
1	5	4	92892	0	0	0	0	0	1	0
2	5	4	91709	0	0	0	0	0	1	0
2	5	4	92973	0	0	0	0	0	1	0
1	5	4	92604	0	0	0	0	0	1	0
1	5	4	92508	0	0	0	0	0	1	0
1	5	4	92373	0	0	0	0	0	1	0
2	5	4	91504	0	0	0	0	0	1	0
2	5	4	90813	0	0	0	0	0	1	0
2	5	4	91785	0	0	0	0	0	1	0
2	5	4	92307	0	0	0	0	0	1	0
1	5	4	91350	0	0	0	0	0	1	0
2	5	4	91741	0	0	0	0	0	1	0
2	5	4	91752	0	0	0	0	0	1	0
1	5	4	91702	0	0	0	0	0	1	0
2	5	4	92856	0	0	0	0	0	1	0
1	5	4	90061	0	0	0	0	0	1	0
2	5	4	91710	0	0	0	0	0	1	0
1	5	4	91320	0	0	0	0	0	1	0
2	5	4	90803	0	0	0	0	0	1	0
2	5	4	90245	0	0	0	0	0	1	0
2	5	4	90048	0	1	0	0	0	0	0
2	5	4	92857	0	0	0	0	0	1	0
2	5	4	91362	0	0	0	0	0	1	0
1	5	4	93304	0	0	0	0	0	1	0
2	5	4	93021	0	0	0	0	0	1	0
2	5	4	91321	0	0	0	0	0	1	0
2	5	4	92629	0	0	0	0	0	1	0
1	5	4	90049	0	0	0	0	0	1	0
2	5	4	92399	0	0	0	0	0	1	0
1	5	4	92551	0	0	0	0	0	1	0
2	5	4	92277	0	0	0	0	0	1	0
2	5	4	92630	0	0	0	0	0	1	0
1	5	4	90046	0	0	0	0	0	1	0
2	5	4	92684	0	0	0	0	0	1	0
2	5	4	90034	0	0	0	0	0	1	0
1	5	4	90433	0	0	0	0	0	1	0
1	5	4	92691	0	0	0	0	0	1	0
1	5	4	92506	0	0	0	0	0	1	0
2	5	4	90603	0	0	0	0	0	1	0
2	5	4	90268	0	0	0	0	0	1	0
2	5	4	92679	0	0	0	0	0	1	0
1	5	4	90523	0	0	0	0	0	1	0
2	5	4	90731	0	0	0	0	0	1	0
2	5	4	92377	0	0	0	0	0	1	0
2	5	4	92301	0	0	0	0	0	1	0
1	5	4	90048	0	0	0	0	0	1	0
1	5	4	92849	0	0	0	0	0	1	0
2	5	4	90035	0	0	0	0	0	1	0
2	5	4	90292	0	0	0	0	0	1	0
1	5	4	92879	0	0	0	0	0	1	0
2	5	4	92002	0	0	0	0	0	1	0
1	5	4	92917	0	0	0	0	0	1	0
1	5	4	90247	0	0	0	0	0	1	0
2	5	4	92680	0	0	0	0	0	1	0
2	5	4	93065	0	0	0	0	0	1	0
2	5	4	92277	0	0	0	0	0	1	0
2	5	4	91438	0	0	0	0	0	1	0

Q215	Q220	Q225	Q240r1	Q240r2	Q240r3	Q240r4	Q240r5	Q240r6	Q250	Q280
1	1	1	1	0	0	0	0	0	1	4
1	1	1	1	1	0	C	0	0	1	5
1	1	1	1	0	0	0	0	0	3	9
1	1	1	1	0	0	0	0	0	1	8
1	1	1	1	0	0	0	0	0	2	9
1	1	1	1	0	0	C	0	0	2	8
1	1	1	1	0	0	0	0	0	1	4
1	1	1	1	0	0	0	0	0	2	7
1	1	1	1	1	0	0	0	0	2	6
1	1	1	1	0	C	0	0	0	2	4
1	1	1	1	0	0	C	C	0	2	3
1	1	1	1	0	0	0	0	0	2	7
1	1	1	1	0	0	0	0	0	2	3
1	1	1	1	0	0	0	0	0	2	9
1	1	1	1	1	0	0	0	0	2	5
1	1	1	1	1	0	0	0	0	2	9
1	1	1	1	1	1	0	0	0	2	9
1	1	1	1	0	0	0	0	0	3	9
1	1	1	0	0	0	0	1	0	2	5
1	1	1	1	0	0	0	0	0	2	3
1	1	1	1	0	0	0	0	0	2	9
1	1	1	1	1	0	0	0	0	2	4
1	1	1	1	1	0	0	0	0	2	3
1	1	1	0	0	0	1	0	0	2	3
1	1	1	0	1	0	0	0	0	2	3
1	1	1	1	0	0	0	0	0	1	6
1	1	1	1	0	0	0	0	0	2	8
1	1	1	1	0	0	0	0	0	1	9
1	1	1	1	0	0	0	0	0	1	4
1	1	1	1	0	0	0	0	0	2	4
1	1	1	1	0	0	0	0	0	2	9
1	1	1	0	1	0	0	0	0	2	8
1	1	1	1	0	0	0	0	0	3	2
1	1	1	1	0	0	0	0	0	3	4
1	1	1	1	0	0	0	0	0	2	5
1	1	1	1	0	0	0	0	0	1	8
1	1	1	1	1	0	0	0	0	2	4
1	1	1	1	1	0	0	0	0	2	3
1	1	1	1	0	0	0	0	0	2	6
1	1	1	1	1	1	0	0	0	2	3
1	1	1	1	0	0	0	0	0	3	5
1	1	1	1	0	0	0	0	0	1	6
1	1	1	1	0	0	0	0	0	2	7
1	1	1	1	1	0	0	0	0	2	9
1	1	1	1	0	0	0	0	0	2	8
1	1	1	1	0	0	0	0	0	3	9
1	1	1	0	1	0	0	0	0	2	4
1	1	1	1	0	0	0	0	0	2	4
1	1	1	1	0	0	0	0	0	2	3
1	1	1	1	0	0	0	0	0	2	9
1	1	1	1	0	0	0	0	0	2	9
1	1	1	1	1	0	0	0	0	2	9
1	1	1	1	0	0	0	0	0	1	6
1	1	1	1	0	0	0	0	0	3	9
1	1	1	1	0	0	0	0	0	2	4
1	1	1	1	0	0	0	0	0	2	9
1	1	1	1	0	0	0	0	0	3	3
1	1	1	1	0	0	0	0	0	2	4
1	1	1	1	0	0	0	0	0	2	8
1	1	1	1	1	0	0	0	0	2	7

vCell	pipe_pCar	Q305_car	Q310_car	noanswer	noanswer	Q315_car	Q320_car	noanswer	noanswer	Q305_hcb
2	2	2	2	0	0	2	2	0	0	1
2	2	2	2	0	0	3	2	0	0	1
2	2	2	2	0	0	3	2	0	0	2
1	1	1	1 Economy'	0	0	2	2	0	0	2
2	2	2	2	0	0	2	2	0	0	1
1	1	1	2	0	0	3	2	0	0	1
1	1	1	2	0	0	3	2	0	0	2
1	1	1	1 Both Econ	0	0	2	2	0	0	1
2	2	2	3	0	0	3	2	0	0	2
1	1	1	2	0	0	2	2	0	0	1
1	1	1	2	0	0	2	2	0	0	1
2	2	2	2	0	0	2	2	0	0	1
2	2	2	2	0	0	3	2	0	0	1
2	2	2	2	0	0	3	2	0	0	1
2	2	2	3	0	0	3	2	0	0	3
2	2	2	2	0	0	3	2	0	0	2
2	2	2	2	0	0	3	2	0	0	2
1	1	1	2	0	0	2	2	0	0	2
1	1	1	1 it's a differ	0	0	2	2	0	0	2
2	2	2	2	0	0	3	2	0	0	3
1	1	1	1 Same nar	0	0	2	2	0	0	1
1	1	1	2	0	0	2	2	0	0	2
2	2	2	2	0	0	3	2	0	0	2
1	1	1	1 Same nar	0	0	2	2	0	0	2
2	2	2	2	0	0	2	2	0	0	2
2	2	2	2	0	0	2	2	0	0	1
1	1	1	2	0	0	3	2	0	0	1
2	2	2	2	0	0	2	2	0	0	2
2	2	2	2	0	0	2	2	0	0	2
1	1	1	1 same nar	0	0	2	2	0	0	1
2	2	2	2	0	0	2	2	0	0	2
2	2	2	2	0	0	2	2	0	0	2
1	1	1	1 Same nar	0	0	2	2	0	0	2
1	1	1	1	1	0	2	2	0	0	3
1	1	1	1 Has the st	0	0	2	2	0	0	1
1	1	1	1 Same Nar	0	0	2	2	0	0	2
1	1	1	2	0	0	2	2	0	0	2
1	1	1	1 Similar to	0	0	2	2	0	0	1
1	1	1	2	0	0	3	2	0	0	2
2	2	2	2	0	0	2	2	0	0	1
1	1	1	2	0	0	2	2	0	0	2
2	2	2	2	0	0	3	2	0	0	1
2	2	2	2	0	0	3	2	0	0	3
2	2	2	2	0	0	2	2	0	0	2
1	1	1	1 name	0	0	2	2	0	0	2
2	2	2	3	0	0	3	2	0	0	2
2	2	2	2	0	0	2	2	0	0	2
2	2	2	2	0	0	2	2	0	0	1
1	1	1	1	1	0	2	2	0	0	2
2	2	2	2	0	0	2	2	0	0	2
1	1	1	1 same nar	0	0	2	2	0	0	3
1	1	1	2	0	0	1 wording la	2	0	0	1
2	2	2	2	0	0	2	2	0	0	1
2	2	2	2	0	0	3	2	0	0	1
2	2	2	2	0	0	3	2	0	0	2
1	1	1	2	0	0	2	2	0	0	2
2	2	2	2	0	0	2	2	0	0	2
1	1	1	2	0	0	2	2	0	0	1
1	1	1	2	0	0	2	2	0	0	1

Q310_hob	noanswer	noanswer	Q315_hob	Q320_hob	noanswer	noanswer	Q305_aki	Q310_aki	noanswer	noanswer
I recall the	0	0			0	0	2	0	0	
I recognize	0	0			0	0	2	0	0	
	0	0	2		0	0	1 The name	0	0	
	0	0	2		0	0	1 Same logt	0	0	
	1	0			0	0	1	1	0	
	1	0			0	0	2	0	0	
	0	0	2		0	0	1 words	0	0	
Remembe	0	0			0	0	1	1	0	
	0	0	3		0	0	1 it appears	0	0	
It says mic	0	0			0	0	2	0	0	
Same nan	0	0			0	0	1 This same	0	0	
I remembe	0	0			0	0	2	0	0	
It looks the	0	0			0	0	2	0	0	
Microtel st	0	0			0	0	1 I know abt	0	0	
	0	0	3		0	0	3	0	0	
	0	0	3		0	0	2	0	0	
	0	0	2		0	0	2	0	0	
I just reme	0	0			0	0	1 I recall the	0	0	
	0	0	3		0	0	1 It's a differ	0	0	
	0	0	3		0	0	1	1	0	
Because t	0	0			0	0	2	0	0	
	0	0	3		0	0	1 Basically t	0	0	
Same nan	0	0			0	0	2	0	0	
	0	0	3		0	0	1 I rememb	0	0	
	0	0	3		0	0	2	0	0	
	0	0	3		0	0	1 same narr	0	0	
looks simi	0	0			0	0	1 they look i	0	0	
I remembe	0	0			0	0	2	0	0	
	0	0	2		0	0	1 Both have	0	0	
	0	0	2		0	0	1 Name of t	0	0	
same narr	0	0			0	0	1 same com	0	0	
	0	0	2		0	0	2	0	0	
	0	0	2		0	0	1 Color and	0	0	
	0	0	2		0	0	2	0	0	
	0	0	3		0	0	2	0	0	
Same nan	0	0			0	0	2	0	0	
	0	0	3		0	0	1 IT is the as	0	0	
	0	0	2		0	0	2	0	0	
Microtel \	0	0			0	0	2	0	0	
	0	0	3		0	0	1 I remembe	0	0	
	1	0			0	0	2	0	0	
	0	0	2		0	0	2	0	0	
I believe ti	0	0			0	0	2	0	0	
	0	0	2		0	0	2	0	0	
	0	0	3		0	0	1	1	0	
	0	0	2		0	0	2	0	0	
	0	0	2		0	0	3	0	0	
	0	0	3		0	0	1 logo, nam	0	0	
	0	0	2		0	0	1	1	0	
Same nan	0	0			0	0	1 Same nan	0	0	
	0	0	3		0	0	1	1	0	
	0	0	2		0	0	2	0	0	
	0	0	3		0	0	2	0	0	
looks the t	0	0			0	0	2	0	0	
narrs and	0	0			0	0	2	0	0	
I looked at	0	0			0	0	2	0	0	
	0	0	3		0	0	2	0	0	
	0	0	2		0	0	1	1	0	
	0	0	3		0	0	2	0	0	
Same nan	0	0			0	0	2	0	0	
Name Mit	0	0			0	0	1 The W ai	0	0	

Q315_2	Q320_2	noanswer	noanswer	Q305_2	Q310_2	noanswer	noanswer	Q315_2	Q320_2	noanswer
2	0	0	0	2	0	0	0	2	0	0
3	0	0	0	1 I believe A	0	0	0	0	0	0
	0	0	0	1 Because t	0	0	0	0	0	0
	0	0	0	2	0	0	0	2	0	0
	0	0	0	2	0	0	0	2	0	0
2	0	0	0	1	1	0	0	0	0	0
	0	0	0	3	0	0	0	3	0	0
	0	0	0	2	0	0	0	3	0	0
	0	0	0	3	0	0	0	3	0	0
3	0	0	0	1 the name.	0	0	0	0	0	0
	0	0	0	2	0	0	0	2	0	0
3	0	0	0	2	0	0	0	3	0	0
2	0	0	0	3	0	0	0	3	0	0
	0	0	0	2	0	0	0	3	0	0
3	0	0	0	3	0	0	0	3	0	0
3	0	0	0	2	0	0	0	3	0	0
2	0	0	0	1 airline	0	0	0	0	0	0
	0	0	0	2	0	0	0	2	0	0
	0	0	0	2	0	0	0	3	0	0
	0	0	0	1	1	0	0	0	0	0
3	0	0	0	1 The name	0	0	0	0	0	0
	0	0	0	1 Same nan	0	0	0	0	0	0
2	0	0	0	2	0	0	0	1	1	1
	0	0	0	2	0	0	0	3	0	0
3	0	0	0	1 Same nan	0	0	0	0	0	0
	0	0	0	2	0	0	0	3	0	0
	0	0	0	2	0	0	0	3	0	0
3	0	0	0	2	0	0	0	3	0	0
	0	0	0	1 Both have	0	0	0	0	0	0
	0	0	0	2	0	0	0	3	0	0
	0	0	0	1 same com	0	0	0	0	0	0
3	0	0	0	2	0	0	0	2	0	0
	0	0	0	1 The bold g	0	0	0	0	0	0
3	0	0	0	1 Same nan	0	0	0	0	0	0
3	0	0	0	1	1	0	0	0	0	0
2	0	0	0	2	0	0	0	3	0	0
	0	0	0	2	0	0	0	3	0	0
2	0	0	0	1 Same logc	0	0	0	0	0	0
2	0	0	0	2	0	0	0	2	0	0
	0	0	0	2	0	0	0	3	0	0
2	0	0	0	2	0	0	0	3	0	0
2	0	0	0	3	0	0	0	3	0	0
2	0	0	0	3	0	0	0	3	0	0
2	0	0	0	1 I saw Atlas	0	0	0	0	0	0
	0	0	0	2	0	0	0	3	0	0
3	0	0	0	1 Same nan	0	0	0	0	0	0
1 name	0	0	0	2	0	0	0	3	0	0
	0	0	0	1 name and	0	0	0	0	0	0
	0	0	0	2	0	0	0	3	0	0
	0	0	0	2	0	0	0	3	0	0
	0	0	0	2	0	0	0	3	0	0
2	0	0	0	1 Same logc	0	0	0	0	0	0
3	0	0	0	1 Same col	0	0	0	0	0	0
2	0	0	0	1 looks the s	0	0	0	0	0	0
3	0	0	0	3	0	0	0	3	0	0
3	0	0	0	3	0	0	0	3	0	0
3	0	0	0	1 because it	0	0	0	0	0	0
	0	0	0	1 remember	0	0	0	0	0	0
2	0	0	0	1 It says a d	0	0	0	0	0	0
2	0	0	0	2	0	0	0	2	0	0
	0	0	0	2	0	0	0	3	0	0

noanswer	Q305_lug	Q310_lug	noanswer	noanswer	Q315_lug	Q320_lug	noanswer	noanswer	vVersion	vList		
0	1	I recall the	0	0			0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	1	The name	0	0			0	0	1	1		
0	2		0	0	2		0	0	1	1		
0	3		0	0	3		0	0	1	1		
0	1	Same nan	0	0			0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	1	It appears	0	0			0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	2		0	0	2		0	0	1	1		
0	1	I remembe	0	0			0	0	1	1		
0	1	locks the t	0	0			0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	1	Seems log	0	0			0	0	1	1		
0	1	It says Lcr	0	0			0	0	1	1		
0	2		0	0	2		0	0	1	1		
0	2		0	0	2		0	0	1	1		
0	1	I remembe	0	0			0	0	1	1		
0	3		0	0	3		0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	2		0	0	2		0	0	1	1		
0	1	The name	0	0			0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	1	Same nan	0	0			0	0	1	1		
0	1	names the	0	0			0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	1	I remembe	0	0			0	0	1	1		
0	2		0	0	2		0	0	1	1		
0	1	The name	0	0			0	0	1	1		
0	2		0	0	3		0	0	1	1		
0	1	same corr	0	0			0	0	1	1		
0	2		0	0	2		0	0	2	1		
0	1	Same nan	0	0			0	0	2	1		
0	2		0	0	3		0	0	2	1		
0	1	Seems to	0	0			0	0	2	1		
0	1	Same nan	0	0			0	0	2	1		
0	1	The name	0	0			0	0	2	1		
0	2		0	0		1	I think the	0	0	2	1	
0	2		0	0		3		0	0	2	1	
0	1		1	0				0	0	2	1	
0	2		0	0			1	Logo is sir	0	0	2	1
0	3		0	0				3	0	0	2	1
0	2		0	0				3	0	0	2	1
0	2		0	0				3	0	0	2	1
0	1	Same nan	0	0				0	0	2	1	
0	2		0	0				0	0	2	1	
0	3		0	0				0	0	2	1	
0	1		1	0				0	0	2	1	
0	2		0	0				0	0	2	1	
0	1		1	0				0	0	2	1	
0	1	Both had t	0	0				0	0	2	1	
0	3		0	0				0	0	2	1	
0	2		0	0				0	0	2	1	
0	2		0	0				0	0	2	1	
0	2		0	0				0	0	2	1	
0	2		0	0				0	0	2	1	
0	2		0	0				0	0	2	1	
0	1	Name is t	0	0				0	0	2	1	
0	2		0	0				0	0	2	1	
0	2		0	0				0	0	2	1	

qtime	vcs	vosr13oe	vbrowser	vbrowser	start_date	source	list	url	userAgent var1
212.294	3		3		01/29/2013 16:31			1 /survey/gd Mozilla/4.0	11131979
285.408	6		7		01/29/2013 16:32			1 /survey/gd Mozilla/5.0	4031980
237.655	11		7		01/29/2013 16:32			1 /survey/gd Mozilla/5.0	7311983
380.273	6		3		01/29/2013 16:32			1 /survey/gd Mozilla/4.0	3071980
246.507	3		2		01/29/2013 16:37			1 /survey/gd Mozilla/5.0	1251949
247.907	6		3		01/29/2013 15:38			1 /survey/gd Mozilla/4.0	2031962
300.344	6		4		01/29/2013 15:43			1 /survey/gd Mozilla/4.0	7191979
274.541	6		4		01/29/2013 15:58			1 /survey/gd Mozilla/4.0	2281958
617.529	6		3		01/28/2013 17:00			1 /survey/gd Mozilla/4.0	7041947
254.786	11		7		01/28/2013 17:11			1 /survey/gd Mozilla/5.0	11101932
253.594	11		7		01/28/2013 17:13			1 /survey/gd Mozilla/5.0	1301952
231.772	4		7		01/28/2013 17:23			1 /survey/gd Mozilla/5.0	12031966
412.717	3		2		01/28/2013 18:08			1 /survey/gd Mozilla/5.0	1161942
294.88	3		2		01/28/2013 18:19			1 /survey/gd Mozilla/5.0	9181938
623.675	3		9		01/28/2013 18:30			1 /survey/gd Mozilla/5.0	1031965
280.083	3		2		01/28/2013 19:21			1 /survey/gd Mozilla/5.0	1131947
272.602	4		13	Mozilla/5.0	01/28/2013 19:54			1 /survey/gd Mozilla/5.0	1021974
314.85	6		3		01/28/2013 20:29			1 /survey/gd Mozilla/4.0	9171964
329.094	3		7		01/28/2013 20:33			1 /survey/gd Mozilla/5.0	8271967
338.627	4		3		01/28/2013 20:38			1 /survey/gd Mozilla/4.0	5241978
320.484	3		7		01/28/2013 21:07			1 /survey/gd Mozilla/5.0	7081987
345.783	4		4		01/28/2013 21:13			1 /survey/gd Mozilla/4.0	6181973
189.816	3		7		01/28/2013 21:13			1 /survey/gd Mozilla/5.0	1291985
390.719	3		2		01/28/2013 21:26			1 /survey/gd Mozilla/5.0	9021961
223.776	11		7		01/29/2013 06:38			1 /survey/gd Mozilla/5.0	6081873
299.653	11		8		01/29/2013 07:04			1 /survey/gd Mozilla/5.0	10291939
282.052	6		3		01/29/2013 07:48			1 /survey/gd Mozilla/4.0	10031967
163.16	6		7		01/29/2013 08:07			1 /survey/gd Mozilla/5.0	3231963
386.599	4		3		01/29/2013 08:23			1 /survey/gd Mozilla/4.0	1111958
857.353	3		9		01/29/2013 08:28			1 /survey/gd Mozilla/5.0	5081971
306.539	3		2		01/29/2013 08:55			1 /survey/gd Mozilla/5.0	11081956
291.274	3		2		01/29/2013 10:25			1 /survey/gd Mozilla/5.0	5301982
327.039	11		8		01/29/2013 10:39			1 /survey/gd Mozilla/5.0	9111943
270.817	3		3		01/29/2013 10:57			1 /survey/gd Mozilla/4.0	11101981
218.038	3		7		01/29/2013 11:35			1 /survey/gd Mozilla/5.0	11091964
563.822	3		2		01/29/2013 13:28			1 /survey/gd Mozilla/5.0	3211941
237.04	11		9		01/29/2013 13:51			1 /survey/gd Mozilla/5.0	10051972
292.021	3		2		01/29/2013 13:52			1 /survey/gd Mozilla/5.0	8181941
239.42	3		7		01/29/2013 13:52			1 /survey/gd Mozilla/5.0	12131952
212.068	3		9		01/29/2013 13:52			1 /survey/gd Mozilla/5.0	11021979
253.571	3		9		01/29/2013 13:53			1 /survey/gd Mozilla/5.0	9291951
304.054	3		2		01/29/2013 13:55			1 /survey/gd Mozilla/5.0	4251955
284.524	6		3		01/29/2013 13:58			1 /survey/gd Mozilla/4.0	7081962
411.181	11		8		01/29/2013 13:58			1 /survey/gd Mozilla/5.0	12021947
1151.4	4		4		01/29/2013 14:06			1 /survey/gd Mozilla/4.0	3111948
338.408	4		2		01/29/2013 14:10			1 /survey/gd Mozilla/5.0	6101951
217.741	11		7		01/29/2013 14:12			1 /survey/gd Mozilla/5.0	10011963
378.095	6		9		01/29/2013 14:15			1 /survey/gd Mozilla/5.0	2191947
380.581	4		9		01/28/2013 14:15			1 /survey/gd Mozilla/5.0	5031955
1891.13	3		7		01/29/2013 14:17			1 /survey/gd Mozilla/5.0	7301981
229.229	3		3		01/29/2013 14:24			1 /survey/gd Mozilla/4.0	10271950
175.085	3		9		01/29/2013 14:25			1 /survey/gd Mozilla/5.0	11041982
323.853	3		7		01/29/2013 14:35			1 /survey/gd Mozilla/5.0	2201945
352.831	3		2		01/29/2013 14:38			1 /survey/gd Mozilla/5.0	7111949
211.478	11		9		01/29/2013 14:38			1 /survey/gd Mozilla/5.0	8141963
394.888	6		3		01/29/2013 14:43			1 /survey/gd Mozilla/4.0	1181990
158.453	6		3		01/29/2013 15:02			1 /survey/gd Mozilla/4.0	12191982
274.823	3		9		01/29/2013 15:08			1 /survey/gd Mozilla/5.0	4111980
601.153	3		2		01/29/2013 15:13			1 /survey/gd Mozilla/5.0	9181948
430.422	6		4		01/29/2013 15:20			1 /survey/gd Mozilla/4.0	3111955
311.005	3		2		01/29/2013 15:42			1 /survey/gd Mozilla/5.0	8151952

rough	session	id	order_of	order_of	order_of	order_of	order_of	lvmage_S	lvmage_S	lvmage_S
DFFG7DC	lpavxema	EUSYGJ3	2	5	1	4	3	2002A	3002B	4002B
DFFG7DC	n3fkf16n	EUSYGH1	2	3	4	5	1	2002A	3002B	4002A
DFFG7DC	Capb3hg6	EUSYGJ2	2	5	4	3	1	2002B	3002A	4002A
DFFG7DL	uhnpn7gk	EUSYGY	3	5	4	1	2	2002B	3002A	4002B
DFFG7DL	02q3exz4	EUSYGJZ	5	1	3	4	2	2002A	3002A	4002B
DFFG7DL	kud1jfs76	EUSYGLZ	1	4	3	5	2	2002A	3002B	4002A
DFFG7DC	7lnua5zcc	EUSYGH1	1	2	3	4	5	2002B	3002A	4002B
DFFG7DL	8y7cvEzcc	EUSYGH2	4	5	3	1	2	2002A	3002A	4002B
DFFG7DL	y2z0prb0x	EUSYGLZ	5	3	1	2	4	2002B	3002A	4002B
DFFG7DC	mjgzb0bx2	EUSYGB2	5	2	3	1	4	2002A	3002B	4002A
DFFG7DC	m3quhj2a	EUSYGH1	1	5	3	2	4	2002A	3002A	4002B
DFFG7Df	xsy65uy5j	EUSYGLJ	3	5	4	1	2	2002A	3002B	4002B
DFFG7DL	h7z8a9md	EUSYGLJ	3	2	5	4	1	2002A	3002B	4002B
DFFG7DL	09n89agdf	EUSYGLJ	3	2	4	5	1	2002A	3002A	4002B
DFFG7DJ	y6bxqj8z2	EUSYGF	3	5	4	1	2	2002A	3002B	4002B
DFFG7DL	4ueswvjfj	EUSYGLX	3	4	1	5	2	2002B	3002B	4002A
DFFG7DC	02g05zjbd	EUSYGLX	4	3	1	2	5	2002B	3002B	4002A
DFFG7DJ	fvd7568ac	EUSYGF	2	1	5	4	3	2002A	3002A	4002B
DFFG7DC	mvhgzo0e	EUSYGLJ	3	5	4	2	1	2002B	3002A	4002B
DFFG7DC	xxcexayyy	EUSYGLJ	4	1	2	3	5	2002B	3002A	4002A
DFFG7DC	8zkw2ee3	EUSYGLJ	5	2	1	3	4	2002A	3002B	4002A
DFFG7DJ	iqwxyjiazj	EUSYGLT	3	1	4	5	2	2002B	3002A	4002A
DFFG7DC	jh2rbnv94j	EUSYGLJ	2	4	3	5	1	2002A	3002B	4002B
DFFG7DL	v2qsuhqzn	EUSYGLJ	3	5	4	2	1	2002B	3002A	4002A
DFFG7DC	Balnkezzgn	EUSYGLX	2	4	1	5	3	2002B	3002B	4002A
DFFG7DL	ryf0m944z	EUSYGLJ	1	3	5	4	2	2002B	3002A	4002B
DFFG7DC	ycmtpkcaz	EUSYGLJ	1	4	2	5	3	2002A	3002A	4002B
DFFG7DC	cd58zn3b	EUSYGLJ	1	3	4	2	5	2002A	3002B	4002B
DFFG7Df	hhkscmfH	EUSYGLJ	4	5	2	3	1	2002B	3002A	4002A
DFF7DC	ah97ygbx	EUSYGLJ	4	3	1	2	5	2002B	3002A	4002B
DFFG7DL	rdpb2a3aj	EUSYGLJ	1	4	3	5	2	2002A	3002A	4002B
DFFG7DC	6wy2bxj7e	EUSYGLJ	3	2	1	5	4	2002B	3002A	4002B
DFFG7DL	32a0fsyw4	EUSYGLJ	3	4	2	1	5	2002B	3002A	4002A
DFFG7DC	cp3h84z8E	EUSYGLJ	4	5	3	2	1	2002B	3002B	4002A
DFFG7DC	qsyjzpe2n	EUSYGLJ	3	4	1	2	5	2002A	3002B	4002A
DFFG7DL	pba0j0e7i	EUSYGLJ	1	2	4	3	5	2002A	3002B	4002B
DFFG88K	6rq1wibde	EUSYGL9	3	5	1	4	2	2002B	3002A	4002B
DFFG88F	bxncpcc8i	EUSYGLF	3	1	2	5	4	2002B	3002B	4002A
DFFG88G	cgjrtb7br	EUSYGLK	4	3	5	2	1	2002A	3002B	4002B
DFFG88j	35j2qzu4k	EUSYGLK	3	1	4	5	2	2002B	3002A	4002A
DFFG88C	v6w2gh11c	EUSYGLS	4	2	5	3	1	2002A	3002B	4002B
DFFG88F	rkiu70gku	EUSYGLV	4	2	3	5	1	2002B	3002B	4002A
DFFG88F	8w7xfjm8c	EUSYGLF	2	5	3	1	4	2002A	3002B	4002A
DFFG88F	075np043	EUSYGLJ	4	3	5	1	2	2002B	3002B	4002A
DFFG88F	4m748pkc	EUSYGLC	3	2	4	1	5	2002A	3002A	4002B
DFFG88C	bvvg81asi	EUSYGLS	2	5	1	4	3	2002B	3002B	4002A
DFFG88J	c7mn0n8t	EUSYGLK	3	5	1	2	4	2002B	3002A	4002A
DFFG88F	7Bdsqvyv	EUSYGLJ	1	4	5	2	3	2002B	3002A	4002A
DFFG88F	amzbhxtH	EUSYGLL	4	3	5	2	1	2002B	3002A	4002B
DFFG88t	ah85s4vy	EUSYGLX	4	3	2	5	1	2002A	3002A	4002B
DFFG88C	rh5vr1p4x	EUSYGLX	5	2	3	1	4	2002B	3002A	4002B
DFFG88t	Depry8nk	EUSYGLK	4	1	2	5	3	2002B	3002B	4002A
DFFG88F	q1kpb8au	EUSYGLC	2	3	5	1	4	2002B	3002A	4002A
DFFG7DL	nju75v2krf	EUSYGLZ	1	2	4	3	5	2002A	3002B	4002A
DFFG88J	qim2jsqkc	EUSYGLK	3	1	2	5	3	2002A	3002B	4002A
DFFG88t	a3z30pncf	EUSYGLK	4	1	4	2	5	2002A	3002B	4002A
DFFG88t	dd1a1fq4e	EUSYGLK	1	4	5	2	3	2002B	3002B	4002A
DFFG88C	b1brwme7	EUSYGLK	4	2	3	5	1	2002B	3002A	4002A
DFFG88F	upu4xk5e1	EUSYGLT	5	4	3	2	1	2002B	3002B	4002A
DFFG88F	yaqah4gm	EUSYGLL	4	2	3	1	5	2002A	3002B	4002B
DFFG88F	c9k3j3gvc	EUSYGLK	5	4	1	3	2	2002A	3002A	4002B

vimage_S	order_of_	order_of_	order_of_	order_of_	order_of_	vimage_S	vimage_S	vimage_S	vimage_S	vimage_S
5002A	2	5	1	4	3	1	0	0	1	0
5002B	2	3	4	5	1	1	0	0	1	1
5002B	2	5	4	3	1	0	1	1	0	1
5002A	3	5	4	1	2	0	1	1	0	0
5002B	5	1	3	4	2	1	0	1	0	0
5002B	1	4	3	5	2	1	0	0	1	1
5002A	1	2	3	4	5	0	1	1	0	0
5002B	4	5	3	1	2	1	0	1	0	0
5002A	5	3	1	2	4	0	1	1	0	0
5002B	5	2	3	1	4	1	0	0	1	1
5002B	1	5	3	2	4	1	0	1	0	0
5002A	3	5	4	1	2	1	0	0	1	0
5002A	3	2	5	4	1	1	0	0	1	0
5002B	3	2	4	5	1	1	0	1	0	0
5002A	3	5	4	1	2	1	0	0	1	0
5002A	3	4	1	5	2	0	1	0	1	1
5002A	4	3	1	2	5	0	1	0	1	1
5002B	2	1	5	4	3	1	0	1	0	0
5002A	3	5	4	2	1	0	1	1	0	0
5002B	4	1	2	3	5	0	1	1	0	1
5002B	5	2	1	3	4	1	0	0	1	1
5002B	3	1	4	5	2	0	1	1	0	1
5002A	2	4	3	5	1	1	0	0	1	0
5002B	3	5	4	2	1	0	1	1	0	1
5002A	2	4	1	5	3	0	1	0	1	1
5002A	1	3	5	4	2	0	1	1	0	0
5002B	1	4	2	5	3	1	0	1	0	0
5002A	1	3	4	2	5	1	0	0	1	0
5002B	4	5	2	3	1	0	1	1	0	1
5002A	4	3	1	2	5	0	1	1	0	0
5002B	1	4	3	5	2	1	0	1	0	0
5002A	3	2	1	5	4	0	1	1	0	0
5002B	3	4	2	1	5	0	1	1	0	1
5002A	4	5	3	2	1	0	1	0	1	1
5002B	3	4	1	2	5	1	0	0	1	1
5002A	1	2	4	3	5	1	0	0	1	0
5002A	3	5	1	4	2	0	1	1	0	0
5002A	3	1	2	5	4	0	1	0	1	1
5002A	4	3	5	2	1	1	0	0	1	0
5002B	3	1	4	5	2	0	1	1	0	1
5002A	4	2	5	3	1	1	0	0	1	0
5002A	4	2	3	5	1	0	1	0	1	1
5002B	2	5	3	1	4	1	0	0	1	1
5002A	4	3	5	1	2	0	1	0	1	1
5002B	3	2	4	1	5	1	0	1	0	0
5002A	2	5	1	4	3	0	1	0	1	1
5002B	3	5	1	2	4	0	1	1	0	1
5002B	1	4	5	2	3	0	1	1	0	1
5002A	4	3	5	2	1	0	1	1	0	0
5002B	4	3	2	5	1	1	0	1	0	0
5002A	5	2	3	1	4	0	1	1	0	0
5002A	4	1	2	5	3	0	1	0	1	1
5002B	2	3	5	1	4	0	1	1	0	1
5002B	1	2	4	3	5	1	0	0	1	1
5002B	4	1	2	5	3	1	0	0	1	1
5002B	3	1	4	2	5	1	0	0	1	1
5002A	1	4	5	2	3	0	1	0	1	1
5002B	4	2	3	5	1	0	1	1	0	1
5002A	5	4	3	2	1	0	1	0	1	1
5002A	4	2	3	1	5	1	0	0	1	0
5002B	5	4	1	3	2	1	0	1	0	0

114	114 01/29/201	3	9171978	9	17	1976	2	36	2
118	118 01/29/201	3	9011973	9	1	1973	2	39	2
117	117 01/29/201	3	9021975	9	2	1975	2	36	2
122	122 01/29/201	3	11171579	11	17	1979	2	33	1
130	130 01/29/201	3	5251954	5	25	1954	2	58	3
131	131 01/29/201	3	6051942	8	5	1942	2	70	3
139	139 01/29/201	3	10111968	10	11	1968	2	44	2
143	143 01/29/201	3	5061980	5	6	1980	2	32	1
144	144 01/29/201	3	7131981	7	13	1981	2	31	1
145	145 01/29/201	3	11171989	11	17	1989	2	23	1
145	145 01/29/201	3	7081945	7	8	1945	2	67	3
147	147 01/29/201	3	12151975	12	15	1975	2	37	2
148	148 01/29/201	3	3301940	3	30	1940	2	72	3
149	149 01/29/201	3	10241981	10	24	1981	2	31	1
152	152 01/30/201	3	11221973	11	22	1973	2	39	2
153	153 01/30/201	3	8281985	8	28	1985	2	27	1
157	157 01/30/201	3	4171967	4	17	1967	2	45	2
160	160 01/30/201	3	8191939	8	19	1939	2	73	3
161	161 01/30/201	3	4201981	4	20	1981	2	31	1
162	162 01/30/201	3	11291983	11	29	1983	2	49	2
163	163 01/30/201	3	9181963	9	18	1963	2	49	2
165	165 01/30/201	3	11041950	11	4	1950	2	52	3
167	167 01/30/201	3	7201965	7	20	1965	2	47	2
169	169 01/30/201	3	4241985	4	24	1985	2	27	1
173	173 01/30/201	3	10281980	10	28	1980	2	32	1
175	175 01/30/201	3	12051951	12	5	1951	2	61	3
178	178 01/30/201	3	2081980	2	8	1980	2	32	1
180	180 01/30/201	3	3161988	3	16	1988	2	24	1
183	183 01/30/201	3	7181940	7	18	1940	2	72	3
194	194 01/30/201	3	10111958	10	11	1958	2	45	2
188	188 01/30/201	3	6071957	6	7	1957	2	55	3
188	188 01/30/201	3	1311951	1	31	1951	2	61	3
190	190 01/30/201	3	8151977	8	15	1977	2	35	2
195	195 01/30/201	3	10221934	10	22	1934	2	78	3
196	196 01/30/201	3	4171951	4	17	1951	2	61	3
197	197 01/30/201	3	7301957	7	30	1957	2	65	3
198	198 01/30/201	3	6251957	6	25	1957	2	55	3
200	200 01/30/201	3	1281945	1	28	1945	2	68	3
207	207 01/30/201	3	1121979	1	12	1979	2	34	1
208	208 01/30/201	3	7041970	7	4	1970	2	42	2
209	209 01/30/201	3	3261956	3	26	1956	2	56	3
213	213 01/30/201	3	10201949	10	20	1949	2	63	3
216	216 01/30/201	3	12181983	12	18	1983	2	49	2
220	220 01/30/201	3	8091949	8	9	1949	2	63	3
221	221 01/30/201	3	9251978	9	25	1978	2	39	2
222	222 01/30/201	3	1121977	1	12	1977	2	36	2
224	224 01/30/201	3	2141940	2	14	1940	2	72	3
225	225 01/30/201	3	7131949	7	13	1949	2	63	3
228	228 01/30/201	3	8241953	8	24	1953	2	59	3
229	229 01/30/201	3	12301946	12	30	1946	2	64	3
236	236 01/30/201	3	2091958	2	9	1958	2	46	2
239	239 01/30/201	3	9171975	9	17	1975	2	37	2
244	244 01/30/201	3	8051953	8	5	1953	2	59	3
246	246 01/30/201	3	11081936	11	8	1936	2	76	3
247	247 01/30/201	3	10301934	10	30	1934	2	78	3
253	253 01/30/201	3	6081942	6	8	1942	2	70	3
257	257 01/30/201	3	4181944	4	18	1944	2	68	3
252	252 01/30/201	3	12091948	12	9	1948	2	64	3
263	263 01/30/201	3	11301955	11	30	1955	2	67	3
267	267 01/30/201	3	5071967	5	7	1967	2	45	2
268	268 01/30/201	3	8051966	8	5	1966	2	48	2
270	270 01/30/201	3	2181963	2	18	1963	2	49	2

1	5	4	92602	0	0	0	0	0	1	0
1	5	4	92863	0	0	0	0	0	1	0
1	5	4	92802	0	0	0	0	0	1	0
1	5	4	90802	0	0	0	0	0	1	0
1	5	4	92373	0	0	0	0	0	1	0
1	5	4	91008	0	0	0	0	0	1	0
2	5	4	92630	0	0	0	0	0	1	0
1	5	4	91337	0	0	0	0	0	1	0
2	5	4	90027	0	0	0	0	0	1	0
2	5	4	92663	0	0	0	0	0	1	0
1	5	4	92804	0	0	0	0	0	1	0
1	5	4	90034	0	0	0	0	0	1	0
1	5	4	92891	0	0	0	0	0	1	0
2	5	4	90212	0	0	0	0	0	1	0
1	5	4	90520	0	0	0	0	0	1	0
1	5	4	92831	0	0	0	0	0	1	0
1	5	4	90914	0	0	0	0	0	1	0
2	5	4	90098	0	0	0	0	0	1	0
1	5	4	92673	0	0	0	0	0	1	0
1	5	4	92653	0	0	0	0	0	1	0
1	5	4	90804	0	0	0	0	0	1	0
2	5	4	92501	0	0	0	0	0	1	0
1	5	4	92830	0	0	0	0	0	1	0
1	5	4	90027	0	0	0	0	0	1	0
1	5	4	90019	0	0	0	0	0	1	0
2	5	4	90808	0	0	0	0	0	1	0
1	5	4	90034	0	0	0	0	0	1	0
1	5	4	90048	0	0	0	0	0	1	0
2	5	4	92691	0	0	0	0	0	1	0
2	5	4	91214	0	0	0	0	0	1	0
2	5	4	92348	0	0	0	0	0	1	0
1	5	4	90808	0	0	0	0	0	1	0
1	5	4	90027	0	0	0	0	0	1	0
1	5	4	91208	0	0	0	0	0	1	0
2	5	4	91042	0	0	0	0	0	1	0
2	5	4	91390	0	0	0	0	0	1	0
2	5	4	91203	0	0	0	0	0	1	0
2	5	4	90623	0	0	0	0	0	1	0
1	5	4	91316	0	0	0	0	0	1	0
2	5	4	90807	0	0	0	0	0	1	0
1	5	4	92849	0	0	0	0	0	1	0
1	5	4	92630	0	0	0	0	0	1	0
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1	5	4	92306	0	0	0	0	0	1	0
1	5	4	90064	0	0	0	0	0	1	0
1	5	4	90048	0	0	0	0	0	1	0
2	5	4	91356	0	0	0	0	0	1	0
2	5	4	90251	0	0	0	0	0	1	0
2	5	4	91773	0	0	0	0	0	1	0
1	5	4	92563	0	0	0	0	0	1	0
2	5	4	91748	0	0	0	0	0	1	0
2	5	4	90614	0	0	0	0	0	1	0
2	5	4	92336	0	0	0	0	0	1	0
2	5	4	92505	0	0	0	0	0	1	0
1	5	4	91387	0	0	0	0	0	1	0
2	5	4	92399	0	0	0	0	0	1	0
2	5	4	91791	0	0	0	0	0	1	0
1	5	4	90803	0	0	0	0	0	1	0
2	5	4	92808	0	0	0	0	0	1	0
2	5	4	92830	0	0	0	0	0	1	0
2	5	4	91001	0	0	0	0	0	1	0
2	5	4	93065	0	0	0	0	0	1	0

2	2	2	0	0	3	0	0	1
2	2	2	0	0	3	0	0	2
1	1	2	0	0	3	0	0	1
1	1	3	0	0	1 I was able	0	0	1
1	1	3	0	0	3	0	0	3
2	2	2	0	0	2	0	0	1
1	1	2	0	0	3	0	0	1
1	1	2	0	0	2	C	0	2
1	1	2	0	0	3	C	0	2
2	2	2	0	0	1 rent a car	0	0	2
1	1	1 NAME	0	0		0	0	1
2	2	2	0	0	3	0	0	2
2	2	2	0	0	3	0	0	2
2	2	2	0	0	2	0	0	1
1	1	2	0	0	3	0	0	1
2	2	2	0	0	2	0	0	2
1	1	2	0	0	2	0	0	2
2	2	2	0	0	3	0	0	1
1	1	1 Same con	0	0		0	0	1
2	2	2	0	0	3	0	0	2
2	2	2	0	0	1 Not sure if	0	0	2
1	1	3	0	0	3	0	0	1
1	1	1 same com	0	0		0	0	2
2	2	2	0	0	2	0	0	1
2	2	2	0	0	3	0	0	1
1	1	1 same nar	0	0		0	0	2
1	1	2	0	0	2	C	0	1
2	2	2	0	0	3	C	0	1
2	2	3	C	0	3	C	0	3
1	1	1 The name	C	0		0	0	1
1	1	2	C	0	2	0	0	2
2	2	2	0	0	3	0	0	2
2	2	2	0	0	2	0	0	2
2	2	2	0	0	3	0	0	1
2	2	2	0	0	2	0	0	1
1	1	2	0	0	2	0	0	2
2	2	2	0	0	3	0	0	2
2	2	2	0	0	3	0	0	2
1	1	1	0	0	2	0	0	2
2	2	2	0	0	3	0	0	2
1	1	1 Same nar	0	0		0	0	1
2	2	2	0	0	2	0	0	1
2	2	2	0	0	3	0	0	2
1	1	1 Same con	0	0		0	0	2
2	2	2	0	0	2	0	C	1
1	1	1 Same nar	0	0		C	C	1
2	2	2	0	0	3	0	0	3
2	2	2	0	0	3	0	0	2
1	1	1	0	C	2	0	0	2
1	1	1	0	C	2	0	0	1
1	1	2	C	0	2	0	0	2
2	2	2	C	0	2	0	0	1
1	1	3	0	0	3	0	0	3
1	1	2	0	0	3	0	0	1
1	1	2	0	0	3	0	0	1
1	1	2	0	0	3	0	0	2
2	2	2	0	0	2	0	0	1
2	2	2	0	0	3	0	0	1
2	2	2	0	0	2	0	0	1
2	2	2	0	0	2	0	0	1
2	2	2	0	0	2	0	0	2

Design is t	0	0		0	0	2	0	0
recognize	0	0	3	0	0	1 The name	0	0
remember	0	0		0	0	2	0	0
remember	0	0	3	0	0	1 Remembe	0	0
Microtel - i	0	0		0	0	2	0	0
	0	0	2	0	0	1 The logo v	0	0
	0	0	3	0	0	2	0	0
	0	0	2	0	0	1 same con	0	0
NAME	0	0		0	0	2	0	0
	0	0	3	0	0	2	0	0
	0	0	3	0	0	2	0	0
The name	0	0		0	0	1 Same con	0	0
it says mic	0	0		0	0	2	0	0
	0	0	2	0	0	2	0	0
	0	0	2	0	0	2	0	0
Same con	1	0		0	0	2	0	0
	0	0	2	0	0	1 same logo	0	0
	0	0	2	0	0	1 Same nan	0	0
	1	0		0	0	2	0	0
	0	0	3	0	0	1 Same con	0	0
The name	0	0		0	0	2	0	0
same font	0	0		0	0	2	0	0
	0	0	3	0	0	1 same narr	0	0
Name is th	0	0		0	0	2	0	0
The image	0	0		0	0	2	0	0
	0	0	3	0	0	3	0	0
The logo k	0	0		0	0	1 The name	0	0
	0	0	3	0	0	1 Same nan	0	0
	0	0	3	0	0	2	0	0
	0	0	3	0	0	3	0	0
	1	0		0	0	2	0	0
Large bar	3	0		0	0	1 I have trav	0	0
	0	0	3	0	0	1	1	0
	0	0	2	0	0	2	0	0
	0	0	3	0	0	1 Since Am	0	0
	0	0	2	0	0	1 Same nan	0	0
	0	0	3	0	0	3	0	0
Name is th	0	0		0	0	2	0	0
	0	0	3	0	0	1	1	0
I believe it	0	0		0	0	1 It's the ex	0	0
	0	0	3	0	0	1 It appears	0	0
	0	0	3	0	0	2	0	0
Same nan	0	0		0	0	2	0	0
	1	0		0	0	2	0	0
	0	0	3	0	0	2	0	0
	0	0	3	0	0	1 It says am	0	0
	0	0	1 same narr	0	0	1 Same logc	0	0
	0	0	3	0	0	1	1	0
the color s	0	0		0	0	2	0	0
	0	0	2	0	0	2	0	0
	1	0		0	0	2	0	0
	0	0	3	0	0	3	0	0
The word	0	0		0	0	2	0	0
From wha	0	0		0	0	2	0	0
	0	0	3	0	0	2	0	0
I saw the r	0	0		0	0	2	0	0
	1	0		0	0	2	0	0
Same nan	0	0		0	0	1 Same con	0	0
	0	0	2	0	0	1	1	0

3	0	0	2	0	0	3	C
	0	0	1 Same nan	0	0		C
3	0	0	1 I recognizi	0	0		C
	0	0	3	0	0	3	0
	0	0	3	0	0	3	0
1 Printing ar	0	0	1 I recogniz	0	0		0
2	0	0	2	0	0	3	0
	C	0	2	0	0	2	0
2	0	0	1 Looks the	0	0		0
	0	0	2	0	0	3	0
2	0	0	2	0	0	2	0
2	0	0	1 I rememb	0	0		0
2	0	0	2	0	0	2	0
	0	0	2	0	0	2	0
2	0	0	2	0	0	3	0
2	0	0	1 Same nan	0	0		0
2	0	0	1	1	0		0
3	0	0	2	0	0	3	0
3	0	0	1 Same con	0	0		0
	0	0	2	0	0	3	0
	0	0	2	0	0	2	0
2	0	0	1	1	0		0
	0	0	2	0	0	3	0
2	0	0	2	0	0	2	0
3	0	0	1 same font	0	0		0
	0	0	3	0	0	3	0
3	0	0	2	0	C	2	0
3	0	0	2	0	C	2	0
3	0	0	3	0	C	3	0
	0	0	2	0	0	2	0
	0	0	2	0	0	3	0
3	0	0	1 I rememb	0	0		0
3	0	0	1	1	0		0
3	0	0	2	0	0	3	0
	C	0	2	0	0	2	0
	0	0	1	1	0		0
2	0	0	3	0	0	3	0
	0	0	1 Atlas Trav	0	0		0
	0	0	2	0	0	2	0
3	0	0	1 branding s	0	0		0
2	0	0	1 Bold letter	0	0		0
	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
3	0	0	1 Looks alm	0	0		0
2	0	0	2	0	0	2	0
3	0	0	2	0	0	3	0
1 look a ll	0	0	1	1	0		0
	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
	0	0	2	0	0	2	0
3	0	0	1 Same nan	0	0		0
3	0	0	1 Looks far	0	0		0
2	0	0	2	0	0	3	0
3	0	0	3	0	0	3	0
3	0	0	2	0	0	3	0
3	0	0	1 Again, fro	0	0		0
2	0	0	2	0	0	3	0
2	0	0	1 saw name	0	0		0
3	0	0	2	0	0	2	0
	0	0	2	0	0	2	0
	0	0	2	0	0	3	0

0	2	0	0	3	0	0	2	1
0	2	0	0	3	0	0	2	1
0	2	0	0	3	0	0	2	1
0	3	0	0	3	0	0	2	1
0	2	0	0	3	0	0	2	1
0	2	0	0	2	0	0	2	1
0	1 London L	0	0		0	0	2	1
0	1 There was	0	0		0	0	2	1
0	2	0	0	3	0	0	2	1
0	1 same con	0	0		0	0	2	1
0	1 NAME	0	0		0	0	2	1
0	1 There was	0	0		0	0	2	1
0	2	0	0	3	0	0	2	1
0	2	0	0	3	0	0	2	1
0	1 london lug	0	0		0	0	2	1
0	1 It has the	0	0		0	0	2	1
0	1	1	0		0	0	2	1
0	1	1	0		0	0	2	1
0	1 It's the ear	0	0		0	0	2	1
0	2	0	0	3	0	0	2	1
0	2	0	0	2	0	0	2	1
0	2	0	0	2	0	0	3	1
0	1 same con	0	0		0	0	3	1
0	2	0	0	1 The name	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 same narr	0	0		0	0	3	1
0	1 remember	0	0		0	0	3	1
0	1 the image	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	1 Not sure if	0	0		0	0	3	1
0	1	1	0		0	0	3	1
0	1	1	0		0	0	3	1
0	2	0	0	1 the print is	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 It has the	0	0		0	0	3	1
0	1 Identical c	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Not the sa	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same con	0	0		0	0	3	1
0	1 The name	0	0		0	0	3	1
0	1 I remembe	0	0		0	0	3	1
0	3	0	0	3	0	0	3	1
0	1 the other	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	1	1	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1	1	0		0	0	3	1
0	3	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 locks the	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 Name	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	2	0	0	3	1

417.863	11	8	01/23/2013 18:05	1 /survey/gd Mozilla/5.0	9171978
257.055	6	2	01/23/2013 18:12	1 /survey/gd Mozilla/4.0	9011973
1628.28	3	2	01/23/2013 18:20	1 /survey/gd Mozilla/5.0	9021976
323.023	3	2	01/23/2013 17:08	1 /survey/gd Mozilla/5.0	11171979
313.381	11	8	01/23/2013 18:01	1 /survey/gd Mozilla/5.0	5251954
395.88	3	2	01/23/2013 18:07	1 /survey/gd Mozilla/5.0	8051942
215.839	6	3	01/23/2013 22:05	1 /survey/gd Mozilla/4.0	10111988
224.754	4	7	01/23/2013 21:04	1 /survey/gd Mozilla/5.0	5061980
308.835	4	7	01/23/2013 21:23	1 /survey/gd Mozilla/5.0	7131981
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2	5	4	90744	0	0	0	0	0	1	0
1	5	4	90020	0	0	0	0	0	1	0
2	5	4	91401	0	0	0	0	0	1	0
1	5	4	90814	0	0	0	0	0	1	0
2	5	4	90048	0	0	0	0	0	1	0
2	5	4	90029	0	0	0	0	0	1	0
2	5	4	90315	0	0	0	0	0	1	0
1	5	4	90807	0	0	0	0	0	1	0
2	5	4	90285	0	0	0	0	0	1	0
2	5	4	92610	0	0	0	0	0	1	0
2	5	4	92345	0	0	0	0	0	1	0
2	5	4	93552	0	0	0	0	0	1	0
1	5	4	90803	0	0	0	0	0	1	0
2	5	4	92891	0	0	0	0	0	1	0
1	5	4	92582	0	0	0	0	0	1	0
2	5	4	93085	0	0	0	0	0	1	0
1	5	4	90230	0	0	0	0	0	1	0
2	5	4	90405	0	0	0	0	0	1	0
2	5	4	91423	0	0	0	0	0	1	0
1	5	4	93035	0	0	0	0	0	1	0
2	5	4	91403	0	0	0	0	0	1	0
2	5	4	90017	0	0	0	0	0	1	0
2	5	4	90025	0	0	0	0	0	1	0
2	5	4	90245	0	0	0	0	0	1	0
1	5	4	91604	0	0	0	0	0	1	0
2	5	4	91324	0	0	0	0	0	1	0
2	5	4	92573	0	0	0	0	0	1	0
2	5	4	90025	0	0	0	0	0	1	0
2	5	4	91722	0	0	0	0	0	1	0
2	5	4	90530	0	0	0	0	0	1	0
2	5	4	90278	0	0	0	0	0	1	0
2	5	4	91770	0	1	0	0	0	0	0
2	5	4	93535	0	0	0	0	0	1	0

1	1	2	0	0	2	0	0	1
1	1	2	0	0	2	0	0	2
2	2	2	0	0	2	0	0	1
1	1	2	0	0	3	0	0	2
1	1	2	0	0	1 The wcrd	0	0	1
2	2	2	0	0	3	0	0	1
1	1	2	0	0	3	0	0	1
1	1	3	0	0	3	0	0	1
1	1	1 same narr	0	0	0	0	0	2
1	1	1 Same nen	0	0	0	0	0	1
1	1	2	0	0	2	0	0	1
1	1	1 same narr	0	0	0	0	0	1
1	1	2	0	0	2	0	0	1
2	2	2	0	0	3	0	0	2
1	1	1 The name	0	0	0	0	0	1
2	2	3	0	0	3	0	0	3
2	2	2	0	0	3	0	0	2
2	2	2	0	0	3	0	0	2
1	1	2	0	0	2	0	0	2
1	1	2	0	0	3	0	0	2
1	1	1 same com	0	0	0	0	0	2
2	2	2	0	0	2	0	0	2
1	1	2	0	0	2	0	0	2
2	2	2	0	0	2	0	0	2
1	1	1 I saw this	0	0	0	0	0	2
2	2	2	0	0	1	1	0	2
2	2	2	0	0	3	0	0	1
2	2	2	0	0	3	0	0	1
1	1	2	0	0	3	0	0	2
1	1	1 the legs h:	0	0	0	0	0	2
2	2	2	0	0	3	0	0	2
1	1	2	0	0	2	0	0	2
2	2	2	0	0	2	0	0	2
2	2	2	0	0	2	0	0	1
2	2	2	0	0	3	0	0	1
2	2	2	0	0	2	0	0	2
1	1	3	0	0	3	0	0	2
1	1	2	0	0	3	0	0	1
1	1	1 Economy	0	0	0	0	0	2
1	1	2	0	0	2	0	0	2
2	2	2	0	0	3	0	0	1
2	2	2	0	0	2	0	0	2
1	1	1 the name	0	0	0	0	0	2
1	1	2	0	0	3	0	0	1
2	2	2	0	0	2	0	0	2
1	1	2	0	0	2	0	0	2
2	2	2	0	0	2	0	0	2
2	2	2	0	0	2	0	0	2
2	2	2	0	0	2	0	0	2
2	2	2	0	0	2	0	0	2
1	1	2	0	0	3	0	0	1
1	1	1 Same nar	0	0	0	0	0	1
2	2	2	0	0	2	0	0	2
2	2	2	0	0	1	1	0	2
1	1	1 Same con	0	0	0	0	0	1
1	1	2	0	0	2	0	0	2
1	1	2	0	0	2	0	0	2
1	1	2	0	0	1 es, becau	0	0	2
2	2	2	0	0	3	0	0	2
1	1	1 It seems U	0	0	0	0	0	2
1	1	2	0	0	2	0	0	2

same wor	0	0		0	0	2		0	0
They look	0	0	2	0	0	1	Same nan	0	0
	0	0		0	0	1	It is the sa	0	0
This is wh	0	0	2	0	0	1	AWWW has	0	0
It has the i	0	0		0	0	2		0	0
same narr	0	0		0	0	2		0	0
	1	0		0	0	2		0	0
	0	0	3	0	0	2		0	0
same narr	0	0		0	0	2		0	0
Same nan	0	0		0	0	1	Same nan	0	0
Same nan	0	0		0	0	2		0	0
The name	0	0		0	0	1	The name	0	0
	0	0	2	0	0	1		0	0
I believe tl	0	0		0	0	1	Perhaps li	0	0
	0	0	3	0	0	3		0	0
	0	0	3	0	0	2		0	0
	0	0	3	0	0	1	same narr	0	0
	0	0	2	0	0	1	The actua	0	0
	0	0	3	0	0	1	I wasn't try	0	0
	0	0	3	0	0	1	Same Cor	0	0
	0	0	2	0	0	2		0	0
	0	0	3	0	0	2		0	0
	0	0	2	0	0	1	Same nan	0	0
	0	0	3	0	0	1	I remembr	0	0
	0	0	3	0	0	1		0	0
Microtel	0	0		0	0	2		0	0
it says mic	0	0		0	0	2		0	0
	0	0	2	0	0	1	The text is	0	0
	0	0	2	0	0	2		0	0
	0	0	2	0	0	1	Looks like	0	0
	0	0	2	0	0	2		0	0
	0	0	2	0	0	1	Its the san	0	0
My memori	0	0		0	0	2		0	0
I seem to i	0	0		0	0	2		0	0
	0	0	3	0	0	1		0	0
	0	0	3	0	0	1	The name	0	0
Same nan	0	0		0	0	2		0	0
	0	0	3	0	0	2		0	0
	0	0	3	0	0	1	The differ	0	0
Same nan	0	0		0	0	1	Same nan	0	0
	0	0	2	0	0	1	Recognize	0	0
	0	0	3	0	0	2		0	0
The name	0	0		0	0	2		0	0
	0	0	3	0	0	1	I believe it	0	0
	0	0	1	Similar co!	0	1	Same log	0	0
	0	0	2		0	2		0	0
Different i	0	0		0	0	1	Different li	0	0
	0	0	2	0	0	1	same narr	0	0
	0	0	3	0	0	1	The logo r	0	0
	0	0	2	0	0	2		0	0
I remembr	0	0		0	0	2		0	0
Same nan	0	0		0	0	2		0	0
	0	0	2	0	0	2		0	0
	0	0	1	The logo li	0	2		0	0
Name and	0	0		0	0	1	Same nan	0	0
	0	0	2	0	0	*	Same nan	0	0
	0	0	2	0	0	2		0	0
	0	0	3	0	0	1	Text same	0	0
	0	0	3	0	0	2		0	0
	0	0	2	0	0	1	because I	0	0
	0	0	2	0	0	1	same nan	0	0

2	0	0	1 same wcr	0	0		0
	0	0	1 Same nan	0	0		0
	0	0	2	0	0	1 It looked s	0
	0	0	1 Looks to b	0	0		0
2	0	0	2	0	0	3	0
3	0	0	1 It contains	0	0		0
2	0	0	1 same com	0	0		0
3	0	0	1	1	0		0
3	0	0	1	1	0		0
2	0	0	2	0	0	2	0
	0	0	2	0	0	3	0
3	0	0	1 same narr	0	0		0
	0	0	2	0	0	1 Its similar	0
	0	0	3	0	0	3	0
	0	0	2	0	0	2	0
3	0	0	1	1	0		0
3	0	0	2	0	0	3	0
	0	0	1 Same colc	0	0		0
	0	0	1 Same gen	0	0		0
	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
2	0	0	1 looks forl	0	0		0
3	0	0	2	0	0	3	0
	0	0	2	0	0	2	0
	0	0	1 Is the sam	0	0		0
	0	0	1	1	0		0
2	0	0	2	0	0	3	0
3	0	0	1 I noticed t	0	0		0
	0	0	2	0	0	2	0
3	0	0	1 The name	0	0		0
	0	0	3	0	0	3	0
3	0	0	2	0	0	3	0
	0	0	1 i believe it	0	0		0
2	0	0	1 My memo	0	0		0
3	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
	0	0	1 Same ran	0	0		0
3	0	0	2	0	0	3	0
2	0	0	1 Same Nar	0	0		0
	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
	0	0	1 one befor	0	0		0
3	0	0	1 Same con	0	0		0
3	0	0	3	0	0	3	0
	0	0	2	0	0	3	0
	0	0	1	1	0		0
2	0	0	2	0	0	2	0
	0	0	2	0	0	2	0
	0	0	2	0	0	1 each/ tent	0
	0	0	1 The name	0	0		0
2	0	0	1 it's the sar	0	0		0
2	0	0	1 I rememb	0	0		0
3	0	0	2	0	0	3	0
2	0	0	1 atlas trave	0	0		0
2	0	0	1 The symbi	0	0		0
	0	0	2	0	0	2	0
	0	0	2	0	0	2	0
	0	0	1	1	0		0
2	0	0	1 Different c	0	0		0
3	0	0	2	0	0	3	0
	0	0	2	0	0	2	0
	0	0	1 same nar	0	0		0

0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same nan	0	0	0	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	3	0	0	3	0	0	3	1
0	1 Same Nar	0	0	0	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same nan	0	0	0	0	0	3	1
0	2	0	0	2	0	0	3	1
0	3	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 locks fami	0	0	0	0	0	3	1
0	1	1	0	0	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	1	1	0	3	1
0	1	1	0	0	0	0	3	1
0	1 London Lt	0	0	0	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 The name	0	0	0	0	0	3	1
0	1	1	0	0	0	0	3	1
0	1 Seems liki	0	0	0	0	0	3	1
0	2	0	0	1 London Lt	0	0	3	1
0	2	0	0	1 it was K.nc	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1	1	0	0	0	0	3	1
0	3	0	0	3	0	0	3	1
0	1 Same nan	0	0	0	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same con	0	0	0	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same nan	0	0	2	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 same nar	0	0	0	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 It's the sar	0	0	0	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 I believe it	0	0	0	0	0	3	1
0	1 LONDON	0	0	0	0	0	3	1
0	1 The name	0	0	0	0	0	3	1
0	1 Different li	0	0	0	0	0	3	1
0	1 It was also	0	0	0	0	0	3	1
0	1	1	0	0	0	0	3	1
0	1 different li	0	0	0	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1

242.48	6	3	01/30/2013 21:55	1 /survey/gd/Mozila/4.C	8261946
480.712	3	2	01/30/2013 22:09	1 /survey/gd/Mozila/5.C	12321940
372.918	3	2	01/30/2013 22:50	1 /survey/gd/Mozila/5.C	6031943
285.955	3	7	01/30/2013 23:04	1 /survey/gd/Mozila/5.C	12301989
289.904	3	3	01/31/2013 05:15	1 /survey/gd/Mozila/4.C	3211956
340.249	3	9	01/31/2013 07:01	1 /survey/gd/Mozila/5.C	1141974
193.722	11	8	01/31/2013 07:39	1 /survey/gd/Mozila/5.C	9181976
463.784	3	2	01/31/2013 07:48	1 /survey/gd/Mozila/5.C	4111947
200.06	3	7	01/31/2013 08:09	1 /survey/gd/Mozila/5.C	10311952
361.075	6	9	01/31/2013 09:25	1 /survey/gd/Mozila/5.C	5051951
338.027	6	3	01/31/2013 11:07	1 /survey/gd/Mozila/4.C	3051977
308.674	3	2	01/31/2013 11:11	1 /survey/gd/Mozila/5.C	7011930
739.882	6	9	01/31/2013 11:52	1 /survey/gd/Mozila/5.C	11111980
250.567	3	3	01/31/2013 15:14	1 /survey/gd/Mozila/4.C	10241955
279.822	3	9	01/31/2013 17:10	1 /survey/gd/Mozila/5.C	12171970
283.398	3	9	01/31/2013 18:22	1 /survey/gd/Mozila/5.C	7191964
387.794	4	2	01/31/2013 18:25	1 /survey/gd/Mozila/5.C	8071972
235.625	3	9	01/31/2013 20:41	1 /survey/gd/Mozila/5.C	2271982
731.979	3	7	01/31/2013 20:43	1 /survey/gd/Mozila/5.C	5171980
303.754	3	9	01/31/2013 20:46	1 /survey/gd/Mozila/5.C	12001967
399.175	11	8	01/31/2013 20:57	1 /survey/gd/Mozila/5.C	2241978
302.055	11	9	01/31/2013 21:03	1 /survey/gd/Mozila/5.C	3041976
323.442	3	2	01/31/2013 21:03	1 /survey/gd/Mozila/5.C	12291971
363.628	3	7	01/31/2013 21:11	1 /survey/gd/Mozila/5.C	7021956
529.498	3	2	01/31/2013 21:11	1 /survey/gd/Mozila/5.C	4111965
370.754	3	7	01/31/2013 21:17	1 /survey/gd/Mozila/5.C	11251965
321.112	3	9	01/31/2013 21:22	1 /survey/gd/Mozila/5.C	11201971
323.751	3	2	01/31/2013 21:25	1 /survey/gd/Mozila/5.C	4301950
175.787	11	7	01/31/2013 21:33	1 /survey/gd/Mozila/5.C	9101981
466.855	4	7	01/31/2013 21:37	1 /survey/gd/Mozila/5.C	7231934
274.012	3	7	01/31/2013 21:45	1 /survey/gd/Mozila/5.C	12231965
438.545	6	3	01/31/2013 21:52	1 /survey/gd/Mozila/4.C	1161969
665.644	11	8	01/31/2013 22:05	1 /survey/gd/Mozila/5.C	4301989
454.205	11	9	01/31/2013 22:15	1 /survey/gd/Mozila/5.C	9291967
442.904	3	7	01/31/2013 22:18	1 /survey/gd/Mozila/5.C	10031981
282.691	3	2	01/31/2013 22:37	1 /survey/gd/Mozila/5.C	7071983
370.606	3	2	01/31/2013 23:01	1 /survey/gd/Mozila/5.C	12311992
288.357	11	9	01/31/2013 23:03	1 /survey/gd/Mozila/5.C	8291967
215.121	3	2	02/01/2013 03:57	1 /survey/gd/Mozila/5.C	6091984
582.182	4	3	02/01/2013 07:34	1 /survey/gd/Mozila/4.C	2031964
286.4	6	3	02/01/2013 07:41	1 /survey/gd/Mozila/4.C	5051969
248.18	3	3	02/01/2013 09:25	1 /survey/gd/Mozila/4.C	12041976
222.078	6	7	02/01/2013 10:03	1 /survey/gd/Mozila/5.C	11261966
240.68	3	2	02/01/2013 10:04	1 /survey/gd/Mozila/5.C	1241965
263.953	3	7	02/01/2013 10:08	1 /survey/gd/Mozila/5.C	12221981
323.144	3	7	02/01/2013 10:09	1 /survey/gd/Mozila/5.C	3131973
271.138	11	8	02/01/2013 10:11	1 /survey/gd/Mozila/5.C	5261957
430.258	11	7	02/01/2013 10:11	1 /survey/gd/Mozila/5.C	4211975
511.302	6	7	02/01/2013 10:11	1 /survey/gd/Mozila/5.C	11151971
228.891	6	7	02/01/2013 10:14	1 /survey/gd/Mozila/5.C	3151989
225.493	5	3	02/01/2013 10:16	1 /survey/gd/Mozila/4.C	7071982
216.907	3	7	02/01/2013 10:32	1 /survey/gd/Mozila/5.C	7111984
263.512	6	9	02/01/2013 10:39	1 /survey/gd/Mozila/5.C	2211980
366.5	3	3	02/01/2013 11:04	1 /survey/gd/Mozila/4.C	1091968
289.105	5	7	02/01/2013 11:43	1 /survey/gd/Mozila/5.C	2161984
435.142	4	13	Mozila/5.C 02/01/2013 11:44	1 /survey/gd/Mozila/5.C	11041969
198.819	3	7	02/01/2013 12:48	1 /survey/gd/Mozila/5.C	10291984
239.082	3	9	02/01/2013 14:06	1 /survey/gd/Mozila/5.C	10271982
5899.95	6	7	02/01/2013 15:05	1 /survey/gd/Mozila/5.C	1141985
339.448	11	8	02/02/2013 14:31	1 /survey/gd/Mozila/5.C	9191983
305.49	3	7	02/02/2013 21:31	1 /survey/gd/Mozila/5.C	4281979
340.86	11	8	02/03/2013 10:53	1 /survey/gd/Mozila/5.C	6181986

DPFG7DL798qygccl	EUSYGJZ	4	1	5	2	3 2002A	3002B	4002A
DPFG38F2r79a5e5	EUSYGLF	5	4	3	1	2 2002B	3002A	4002A
DPFGG7Zn7b4881jz	EUSYGN1	2	5	3	1	4 2002A	3002A	4002B
DPFGG5Zdv4p2p20l	EUSYGN6	5	1	4	2	3 2002B	3002A	4002A
DPFGG6Zqbaagdan	EUSYGN5	1	4	2	5	3 2002A	3002B	4002B
CPFGG0p978nw6b6	EUSYGN6	5	3	1	4	2 2002A	3002B	4002A
DPFGG6Zxzu4za33l	EUSYGNv	5	1	4	3	2 2002A	3002B	4002A
CPFGG7Zafn0vzktfr	EUSYGP4	2	4	1	5	3 2002A	3002B	4002A
DPFGG7Z03wks3rbi	EUSYGP5	3	4	2	1	5 2002B	3002B	4002A
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	1	0		0	0	3	0	0
	0	0	3	0	0	1	1	0
The name	0	0		0	0	2	0	0
	0	0	2	0	0	2	0	0
	0	0	2	0	0	2	0	0
Same Cor	0	0		0	0	2	0	0
The blurry	0	0		0	C	2	0	0
	0	0	2	0	0	1 The uniqu	0	0
same nar	0	0		0	0	2	C	0
They both	0	0		0	0	2	0	0
It has the i	0	0		0	0	1 I thought t	0	C
	0	0	1 Similar loc	0	0	1 It is what I	0	0
same sym	0	0		0	0	2	0	0
	0	0	2	0	0	1 about 75%	0	0
	1	0		0	0	1	1	0
	0	0	3	0	0	3	0	0
	0	0	3	0	0	1 It has the i	0	0
	0	0	2	0	0	1 Wording a	C	0
The main +	0	0		0	0	2	0	0
same com	0	0		0	0	2	0	0
	0	0	2	0	0	2	0	0
	0	0	3	0	0	1	1	0
the name	0	0		0	0	2	0	0
	0	0	3	0	0	1 It has the i	0	0
	0	0	3	0	0	1 same nar	0	0
Same logt	0	0		0	0	2	0	0
	0	0	3	0	0	2	0	0
The color	0	0		0	0	2	0	0
My recal'e	0	0		0	0	2	0	0
Similar typ	0	0		C	0	1 It has the i	0	0
	1	0		C	0	2	0	0
Looks sim	0	0		C	0	2	0	0
	0	0	2	C	0	2	0	0
	0	0	2	C	0	2	C	0
Wording is	0	0		0	0	1 Looks the	0	0
	0	0	3	0	0	1 fact - color	0	0
	1	0		0	0	1	1	0
It said Mic	0	0		0	0	2	0	0
	0	0	3	0	0	1 Same nar	0	0
I remembe	0	0		0	0	2	0	0
Same wor	0	0		0	0	2	0	0
	0	0	3	0	0	1 the logo a	0	0
	0	0	3	0	0	3	0	0
The logos	0	0		0	0	2	0	0
	0	0	1	1	0	2	0	0
	0	0	3	0	0	1 same nar	0	0
	0	0	3	0	0	2	0	0
	0	0	3	0	0	1 Same con	0	0
	0	0	2	0	0	2	0	0
	0	0	3	0	0	1 Because I	0	0
Same con	0	0		0	0	2	0	0
	0	0	3	0	0	1 It is the sa	0	0
It looks like	0	0		0	0	2	0	0
I don't clar	0	0		0	0	1 I know the	0	0
I believe it	0	0		0	0	1 Same con	0	0
	0	0	3	0	0	1 I remembe	0	0
	0	0	3	0	0	1 same nar	0	0
I rememb	0	0		0	0	2	0	0
from mem	0	0		0	0	1 from mem	0	0
same 'oge	0	0		0	0	1 it said amr	0	0
it looks the	0	0		0	0	2	0	0

	0	0	2	0	0	3	0
3	0	0	1	1	0		0
	0	0	1	1	0		0
2	0	0	1 Same nan	0	0		0
1 Service pr	0	0	1 Colors, an	0	0		0
2	0	0	1 Looks the	0	0		0
2	0	0	2	0	0	2	0
1 The both	0	0	2	0	0	2	0
	0	0	2	0	0	3	0
2	0	0	1 It looks the	0	0		0
3	0	0	3	0	0	3	0
	0	0	2	0	0	2	0
	0	0	1 I remembe	0	0		0
2	0	0	2	0	0	2	0
	0	0	2	0	0	2	0
	0	0	2	0	0	3	0
3	0	0	3	0	0	3	0
	0	0	2	0	0	3	0
	0	0	2	0	0	2	0
2	0	0	1 Same nan	0	0		0
3	0	0	1 Same graj	0	0		0
2	0	0	1 Looks like	0	0		0
	0	0	3	0	0	3	0
2	0	0	2	0	0	1 The type #	0
	0	0	1 Same con	0	0		0
	0	0	3	0	0	3	0
1 Similar na	0	0	2	0	0	1 Same log:	0
2	0	0	1 Name and	0	0		0
2	0	0	2	0	0	2	0
2	0	0	2	0	0	2	0
	0	0	2	0	0	3	0
3	0	0	2	0	0	3	0
2	0	0	1 same cr s:	0	0		0
2	0	0	1 it is as I re	0	0		0
3	0	0	1 it says sar	0	0		0
	0	0	2	0	0	3	0
	0	0	1 Font - co.c	0	0		0
	0	0	3	0	0	3	0
2	0	0	2	0	0	2	0
	0	0	1	1	0		0
3	0	0	2	0	0	3	0
2	0	0	1 Same wor	0	0		0
	0	0	1 AtlasTravi	0	0		0
3	0	0	3	0	0	3	0
2	0	0	2	0	0	3	0
2	0	0	1	1	0		0
	0	0	3	0	0	3	0
2	0	0	1 It's the sar	0	0		0
	0	0	2	0	0	2	0
1	1	0	1 looks fami	0	0		0
	0	0	2	0	0	3	0
3	0	0	1 Same con	0	0		0
	0	0	1 I think it's	0	0		0
3	0	0	2	0	0	2	0
	0	0	2	0	0	1 the logic	0
	0	0	2	0	0	2	0
	0	0	1 I remembe	0	0		0
	0	0	3	0	0	3	0
3	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
2	0	0	2	0	0	3	0

0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 Name, ani	0	0		0	0	3	1
0	1 Same	0	0		0	0	3	1
0	1 Same con	0	0		0	0	3	1
0	1 I rememb	0	0		0	0	3	1
0	1 Just reme	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 The other	0	0		0	0	3	1
0	1 it has the	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 it has a sa	0	0		0	0	3	1
0	1 sounds lik	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	1 The other	0	0		0	0	3	1
0	1 word ng	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same con	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	3	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same Log	0	0		0	0	3	1
0	1 name	0	0		0	0	3	1
0	1 the words	0	0		0	0	3	1
0	1 I rememb	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	1	1	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 It locks ex	0	0		0	0	3	1
0	1 It said lon	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 It said Lon	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 It's the sar	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	3	0	0	3	0	0	3	1
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0	1 Same nan	0	0		0	0	3	1
0	1 name	0	0		0	0	3	1
0	1 I rememb	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 The name	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 same nan	0	0		0	0	3	1
0	1 I rememb	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 It's the sa	0	0		0	0	3	1

400.872	4	7	02/03/2013 10:54	1 /survey/gd Mozila/5.f	3231981
4830.15	3	9	02/03/2013 11:44	1 /survey/gd Mozila/5.f	7171979
781.903	3	7	02/03/2013 12:43	1 /survey/gd Mozila/5.f	3021984
185.229	3	9	02/03/2013 13:12	1 /survey/gd Mozila/5.f	12121979
300.297	3	9	02/03/2013 13:40	1 /survey/gd Mozila/5.f	5101980
253.83	3	9	02/03/2013 16:54	1 /survey/gd Mozila/5.f	11231983
251.484	11	8	02/03/2013 23:39	1 /survey/gd Mozila/5.f	11021988
437.177	4	2	02/04/2013 01:40	1 /survey/gd Mozila/5.f	4231990
303.592	11	9	02/04/2013 07:12	1 /survey/gd Mozila/5.f	9201985
390.035	8	4	02/04/2013 08:58	1 /survey/gd Mozila/4.f	8081971
999.595	3	2	02/04/2013 09:41	1 /survey/gd Mozila/5.f	12241973
371.842	3	2	02/04/2013 11:05	1 /survey/gd Mozila/5.f	6211975
314.443	3	7	02/04/2013 12:52	1 /survey/gd Mozila/5.f	2101946
493.838	4	13	Mozila/5.f 02/04/2013 12:52	1 /survey/gd Mozila/5.f	2181980
523.191	3	2	02/04/2013 12:53	1 /survey/gd Mozila/5.f	3051946
365.303	3	2	02/04/2013 12:53	1 /survey/gd Mozila/5.f	12221939
273.731	3	2	02/04/2013 12:55	1 /survey/gd Mozila/5.f	1301942
295.252	6	3	02/04/2013 12:55	1 /survey/gd Mozila/4.f	9011957
392.122	6	3	02/04/2013 12:55	1 /survey/gd Mozila/4.f	10041945
278.021	11	7	02/04/2013 12:55	1 /survey/gd Mozila/5.f	8121984
327.058	6	9	02/04/2013 12:59	1 /survey/gd Mozila/5.f	3221952
294.096	3	7	02/04/2013 12:56	1 /survey/gd Mozila/5.f	10211944
275.168	11	9	02/04/2013 12:57	1 /survey/gd Mozila/5.f	11171939
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308.355	3	2	02/04/2013 12:58	1 /survey/gd Mozila/5.f	10231943
392.876	11	8	02/04/2013 12:59	1 /survey/gd Mozila/5.f	10051942
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427.07	3	7	02/04/2013 12:59	1 /survey/gd Mozila/5.f	1011937
478.118	3	2	02/04/2013 13:00	1 /survey/gd Mozila/5.f	6031932
412.674	3	2	02/04/2013 13:01	1 /survey/gd Mozila/5.f	5051952
237.451	6	7	02/04/2013 13:02	1 /survey/gd Mozila/5.f	12081948
203.128	6	7	02/04/2013 13:02	1 /survey/gd Mozila/5.f	9221958
319.529	6	7	02/04/2013 13:03	1 /survey/gd Mozila/5.f	8281949
398.523	3	7	02/04/2013 13:05	1 /survey/gd Mozila/5.f	6301928
360.74	3	2	02/04/2013 13:05	1 /survey/gd Mozila/5.f	5221948
218.256	4	13	Mozila/5.f 02/04/2013 13:05	1 /survey/gd Mozila/5.f	2061947
460.474	3	2	02/04/2013 13:05	1 /survey/gd Mozila/5.f	10031944
637.832	3	2	02/04/2013 13:05	1 /survey/gd Mozila/5.f	9111937
319.098	3	2	02/04/2013 13:05	1 /survey/gd Mozila/5.f	11221961
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257.197	11	7	02/04/2013 13:07	1 /survey/gd Mozila/5.f	12241944
350.731	6	3	02/04/2013 13:07	1 /survey/gd Mozila/4.f	10231944
357.89	6	3	02/04/2013 13:09	1 /survey/gd Mozila/4.f	7201955
315.442	3	2	02/04/2013 13:09	1 /survey/gd Mozila/5.f	3311945
273.953	3	2	02/04/2013 13:09	1 /survey/gd Mozila/5.f	1021946
259.034	8	9	02/04/2013 13:10	1 /survey/gd Mozila/5.f	2241982
374.173	3	2	02/04/2013 13:10	1 /survey/gd Mozila/5.f	4091943
1447.47	3	2	02/04/2013 13:10	1 /survey/gd Mozila/5.f	5181951
238.522	4	2	02/04/2013 13:10	1 /survey/gd Mozila/5.f	12251947
308.554	4	9	02/04/2013 13:11	1 /survey/gd Mozila/5.f	2201940
299.871	11	8	02/04/2013 13:12	1 /survey/gd Mozila/5.f	10231934
285.997	3	7	02/04/2013 13:13	1 /survey/gd Mozila/5.f	3161957
382.961	6	9	02/04/2013 13:13	1 /survey/gd Mozila/5.f	2031947
400.232	3	3	02/04/2013 13:14	1 /survey/gd Mozila/4.f	9201945
656.615	3	2	02/04/2013 13:15	1 /survey/gd Mozila/5.f	5251942
478.152	3	2	02/04/2013 13:16	1 /survey/gd Mozila/5.f	8251960
535.428	3	2	02/04/2013 13:17	1 /survey/gd Mozila/5.f	9221937
565.328	3	2	02/04/2013 13:17	1 /survey/gd Mozila/5.f	8041933
289.325	11	8	02/04/2013 13:16	1 /survey/gd Mozila/5.f	2251942
597.028	3	7	02/04/2013 13:18	1 /survey/gd Mozila/5.f	12101953
248.915	3	7	02/04/2013 13:19	1 /survey/gd Mozila/5.f	7141871
290.034	3	7	02/04/2013 13:21	1 /survey/gd Mozila/5.f	3251944

DPFHV8C 4b0hqt EU5YHRU	2	5	4	1	3 2002A	3002A	4002B
DPFHV8C 4k0b8dnc EU5YHQD	2	5	1	3	4 2002A	3002B	4002A
DPFHV8C n8na3y1g EU5YHRE	5	4	1	3	2 2002B	3002A	4002A
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DPFHV8C b0gncwgd EU5YHQZ	3	5	4	1	2 2002B	3002B	4002A
DPFHV8C cjeckh83n EU5YH7J	3	4	2	1	5 2002B	3002B	4002A
DPFHCF9 g1y5ff86c EU5YGRV	2	5	4	1	3 2002A	3002B	4002B
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DPFH9XL mhd1ggcv EU5YGSf	5	4	2	3	1 2002A	3002B	4002A
DPFH9XV 08t88y8a EU5YGRf	2	3	5	1	4 2002A	3002B	4002B
DPFH9XL 0p8rmggk EU5YGRf	2	5	1	4	3 2002A	3002A	4002B
DPFHR7E 7ncygcnp EU5YHXf	2	3	4	1	5 2002B	3002A	4002A
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DPFHR7E cp7nxcmf EU5YHXf	2	5	1	4	3 2002B	3002A	4002B
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DPFHR78 m2mb68E EU5YHXZ	3	4	2	1	5 2002A	3002B	4002B
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DPFHR7C gbs95v15i EU5YHZ7	1	2	3	5	4 2002B	3002A	4002B
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DPFHR78 5dv1xsi8y EU5YHXE	3	4	1	5	2 2002A	3002B	4002B

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remember	0	0	0	0	1 familiar w/	0	0	
same narr	0	0	0	0	2	0	0	
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LGOKS Fr	0	0	0	0	0	1 IT START	0	0
Same nan	0	0	0	0	0	2	0	0
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I remeber	0	0	0	0	0	1	1	0
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I remembi	0	0	0	0	0	1 I remembe	0	0
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	0	0	2	0	0	1 Same nan	0	0
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	0	0	3	0	0	2	0	0
	0	0	3	0	0	1 same narr	0	0
I focused i	0	0	0	0	0	2	0	0
Same wor	0	0	0	0	0	2	0	0
Name	0	0	0	0	0	2	0	0
same narr	0	0	0	0	0	2	0	0
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same narr	0	0	0	0	0	1 Same Nar:	0	0
	0	0	3	0	0	1 Seems to	0	0
	1	0	0	0	0	2	0	0
	0	0	3	0	0	1 airlines na	0	0
same narr	0	0	0	0	0	2	0	0
	0	0	3	0	0	1 perica wer	0	0
	0	0	2	0	0	1 Coloring it	0	0
	0	0	2	0	0	1	1	0
	0	0	3	0	0	1 The pictur	0	0
	0	0	3	0	0	1 same narr	0	0
	0	0	2	0	0	1 I has the	0	0
	0	0	2	0	0	1 The symb	0	0
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same	0	0	0	0	0	2	0	0
is the sa	0	0	0	0	0	1 Same nan	0	0
microtel	0	0	0	0	0	2	0	0
	0	0	3	0	0	2	0	0
	0	0	3	0	0	3	0	0
it looks slr	0	0	0	0	0	2	0	0
same narr	0	0	0	0	0	2	0	0
Same Nar	0	0	0	0	0	2	0	0
	0	0	3	0	0	1 Same nan	0	0
I remembe	0	0	0	0	0	2	0	0
	1	0	0	0	0	1 logo and r	0	0
	0	0	2	0	0	1	1	0
	0	0	2	0	0	2	0	0
Same nan	0	0	0	0	0	2	0	0
	0	0	3	0	0	1 The name	0	0
I saw it	0	0	0	0	0	2	0	0
Same	0	0	0	0	0	2	0	0
	0	0	3	0	0	same narr	0	0
	0	0	2	0	0	1 Same nan	0	0
	0	0	1 same logc	0	0	2	0	0
	0	0	2	0	0	1 The colors	0	0
The name	0	0	0	0	0	2	0	0
It's the sar	0	0	0	0	0	2	0	0
Same cxa	0	0	0	0	0	1 same narr	0	0
	0	0	2	0	0	1 Same nan	0	0

3	0	0	2	0	0	2	0
2	0	0	1 same corr	0	0	0	0
	0	0	2	0	0	3	0
	0	0	2	0	0	3	0
	0	0	1 IT START	0	0	0	0
3	0	0	1 Same nan	0	0	0	0
3	0	0	1 Because t	0	0	0	0
	0	0	2	0	0	2	0
3	0	0	1 Same colc	0	0	0	0
	0	0	2	0	0	3	0
2	0	0	3	0	0	3	0
	0	0	1 Same nan	0	0	0	0
2	0	0	1 same rorr	0	0	0	0
1 Name recd	0	0	3	0	0	3	0
	0	0	1 same nann	0	0	0	0
3	0	0	3	0	0	3	0
2	0	0	2	0	0	3	0
3	0	0	1 Nama	0	0	0	0
2	0	0	1 logca look	0	0	0	0
3	0	0	3	0	0	3	0
	0	0	2	0	0	3	0
	0	0	2	0	0	2	0
	0	0	3	0	0	3	0
2	0	0	1	1	0	0	0
	0	0	1 just seem	0	0	0	0
2	0	0	2	0	0	2	0
	0	0	1 the name	0	0	0	0
	0	0	2	0	0	2	0
	0	0	1 looks ralt	0	0	0	0
	0	0	2	0	0	3	0
	0	0	2	0	0	2	0
	0	0	2	0	0	2	0
	0	0	2	0	0	2	0
2	0	0	1 Logo lookt	0	0	0	0
3	0	0	1	1	0	0	0
2	0	0	1 I remembt	0	0	0	0
1 They looki	0	0	1 It's walk- d-	0	0	0	0
2	0	0	2	0	0	2	0
	0	0	2	0	0	2	0
1	1	0	3	0	0	3	0
3	0	0	1 The font.c	0	0	0	0
3	0	0	3	0	0	3	0
3	0	0	3	0	0	3	0
2	0	0	2	0	0	3	0
2	0	0	2	0	0	2	0
	0	0	1 I recall the	0	0	0	0
2	0	0	1 I remembt	0	0	0	0
	0	0	2	0	0	2	0
	0	0	1 I saw l: ea	0	0	0	0
2	0	0	1 The cc'or	0	0	0	0
3	0	0	2	0	0	1 Same gen	0
	0	0	2	0	0	3	0
3	0	0	2	0	0	3	0
2	0	0	2	0	0	2	0
	0	0	1 same nann	0	0	0	0
	0	0	2	0	0	2	0
3	0	0	1 name and	0	0	0	0
	0	0	1 I remembt	0	0	0	0
2	0	0	1 I believe it	0	0	0	0
2	0	0	2	0	0	2	0
	0	0	3	0	0	3	0
	0	0	1 Same colc	0	0	0	0

0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	3	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 Because I	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 similar col	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 It is the sa	0	0		0	0	3	1
0	3	0	0	3	0	0	3	1
0	1 the name	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	3	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	1 NONE	0	0	3	1
0	3	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 The bo'd,	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 same nam	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	1 Logos too!	0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 the first lin	0	0		0	0	3	1
0	1 It has the :	0	0		0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	1 Same corr	0	0		0	0	3	1
0	1 colors	0	0		0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	1	0	0		0	0	3	1
0	1 there's mc	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	3	0	0	3	0	0	3	1
0	1 The font, c	0	0		0	0	3	1
0	3	0	0	3	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	2	0	0	2	0	0	3	1
0	3	0	0	2	0	0	3	1
0	1	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	1 The name	0	0		0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Luggage	0	0		0	0	3	1
0	3	0	0	3	0	0	3	1
0	1 Same nan	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	2	0	0	3	1
0	1	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	2	0	0	3	1

270.428	3	2	02/04/2013 13:22	1 /survey/gd/Mozilla/5.t	8011948
300.593	4	13	02/04/2013 13:25	1 /survey/gd/Mozilla/5.t	2011944
315.207	3	2	02/04/2013 13:28	1 /survey/gd/Mozilla/5.t	4141943
325.4	11	8	02/04/2013 13:27	1 /survey/gd/Mozilla/5.t	3231944
413.248	11	8	02/04/2013 13:27	1 /survey/gd/Mozilla/5.t	2151947
275.712	3	2	02/04/2013 13:29	1 /survey/gd/Mozilla/5.t	4291980
308.84	6	9	02/04/2013 13:30	1 /survey/gd/Mozilla/5.t	9151943
352.723	3	2	02/04/2013 13:31	1 /survey/gd/Mozilla/5.t	3301988
175.028	3	7	02/04/2013 13:31	1 /survey/gd/Mozilla/5.t	6071953
358.813	6	6	02/04/2013 13:31	1 /survey/gd/Mozilla/5.t	5151938
215.411	6	3	02/04/2013 13:31	1 /survey/gd/Mozilla/4.t	7031991
322.08	11	9	02/04/2013 13:35	1 /survey/gd/Mozilla/5.t	1071945
279.889	3	9	02/04/2013 13:35	1 /survey/gd/Mozilla/5.t	4041978
344.883	6	7	02/04/2013 13:39	1 /survey/gd/Mozilla/5.t	8141948
378.015	3	7	02/04/2013 13:40	1 /survey/gd/Mozilla/5.t	2261950
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393.721	6	3	02/04/2013 13:43	1 /survey/gd/Mozilla/4.t	8311946
353.298	3	7	02/04/2013 13:44	1 /survey/gd/Mozilla/5.t	12171934
415.87	6	9	02/04/2013 13:48	1 /survey/gd/Mozilla/5.t	9161985
157.14	3	2	02/04/2013 13:46	1 /survey/gd/Mozilla/5.t	2051944
297.117	3	2	02/04/2013 13:48	1 /survey/gd/Mozilla/5.t	12061941
331.788	3	9	02/04/2013 13:49	1 /survey/gd/Mozilla/5.t	4231947
538.571	11	8	02/04/2013 13:51	1 /survey/gd/Mozilla/5.t	4011944
227.524	3	2	02/04/2013 13:51	1 /survey/gd/Mozilla/5.t	8291987
484.376	6	9	02/04/2013 13:56	1 /survey/gd/Mozilla/5.t	6271940
370.002	3	2	02/04/2013 13:56	1 /survey/gd/Mozilla/5.t	8241931
228.333	11	9	02/04/2013 14:05	1 /survey/gd/Mozilla/5.t	4141971
402.003	3	2	02/04/2013 14:10	1 /survey/gd/Mozilla/5.t	4141984
344.726	3	9	02/04/2013 14:17	1 /survey/gd/Mozilla/5.t	7051945
509.966	4	9	02/04/2013 14:49	1 /survey/gd/Mozilla/5.t	12131968
248.423	4	13	02/04/2013 15:01	1 /survey/gd/Mozilla/5.t	4211985
317.395	3	9	02/04/2013 15:48	1 /survey/gd/Mozilla/5.t	12111970
281.299	11	8	02/04/2013 15:51	1 /survey/gd/Mozilla/5.t	11251979
269.836	11	8	02/04/2013 16:09	1 /survey/gd/Mozilla/5.t	10021976
249.094	3	2	02/04/2013 18:13	1 /survey/gd/Mozilla/5.t	10021977
287.895	11	7	02/04/2013 18:33	1 /survey/gd/Mozilla/5.t	9231967
309.99	3	7	02/04/2013 18:42	1 /survey/gd/Mozilla/5.t	7221954
119.948	3	7	02/04/2013 17:11	1 /survey/gd/Mozilla/5.t	3031958
279.739	6	9	02/04/2013 17:52	1 /survey/gd/Mozilla/5.t	11121985
438.416	3	2	02/04/2013 18:48	1 /survey/gd/Mozilla/5.t	12221973
687.357	6	7	02/04/2013 19:07	1 /survey/gd/Mozilla/5.t	7301900
557.908	3	9	02/04/2013 19:15	1 /survey/gd/Mozilla/5.t	2181983
307.914	3	2	02/04/2013 19:24	1 /survey/gd/Mozilla/5.t	3181975
338.84	11	9	02/04/2013 18:28	1 /survey/gd/Mozilla/5.t	7211978
411.801	11	8	02/04/2013 19:37	1 /survey/gd/Mozilla/5.t	7231984
500.231	11	8	02/04/2013 19:38	1 /survey/gd/Mozilla/5.t	3201983
274.093	6	9	02/04/2013 19:56	1 /survey/gd/Mozilla/5.t	11171904
369.324	3	3	02/04/2013 20:29	1 /survey/gd/Mozilla/4.t	10101963
649.095	3	2	02/04/2013 20:39	1 /survey/gd/Mozilla/5.t	8121955
315.348	3	2	02/04/2013 22:05	1 /survey/gd/Mozilla/5.t	7061972
320.541	11	8	02/04/2013 22:26	1 /survey/gd/Mozilla/5.t	4221955
302.9	3	3	02/04/2013 22:29	1 /survey/gd/Mozilla/4.t	1071975
294.249	3	2	02/04/2013 22:39	1 /survey/gd/Mozilla/5.t	1071977
222.289	11	8	02/05/2013 00:38	1 /survey/gd/Mozilla/5.t	8251961
234.722	3	7	02/05/2013 08:13	1 /survey/gd/Mozilla/5.t	9211985
126.784	4	9	02/05/2013 08:16	1 /survey/gd/Mozilla/5.t	10091985
197.289	6	3	02/05/2013 08:19	1 /survey/gd/Mozilla/4.t	1271982
292.564	4	3	02/05/2013 09:27	1 /survey/gd/Mozilla/4.t	1211988
771.72	11	8	02/05/2013 11:23	1 /survey/gd/Mozilla/5.t	3241970
211.854	3	9	02/05/2013 11:23	1 /survey/gd/Mozilla/5.t	7021999
324.997	3	9	02/05/2013 11:23	1 /survey/gd/Mozilla/5.t	1081981
234.452	3	9	02/05/2013 11:23	1 /survey/gd/Mozilla/5.t	3211978

DPFHR7Fgn1bwjrm	EUSYHZZ	1	2	5	3	4 2002A	3002A	4002B
DPFHR7Brdngs3yr	EUSYHX7	3	4	1	2	5 2002A	3002B	4002A
DPFHR7Cz41gss19	EUSYHZ2	5	2	4	1	3 2002A	3002B	4002A
DPFHR7C0wbqaeftv	EUSYHZ4	2	4	5	3	1 2002B	3002A	4002B
DPFHR7Bss4q7v2nc	EUSYHX4	3	5	1	2	4 2002B	3002B	4002A
DPFHR7Cva7zg2sar	EUSYHTV	5	4	2	3	1 2002A	3002B	4002A
DPFHR79av3l40upji	EUSYHX7	5	4	1	2	3 2002B	3002B	4002A
DPFHR7Cgymacrfv	EUSYHVE	3	4	1	2	2 2002A	3002A	4002B
DPFHR8B7rmkcudyi	EUSYJ34i	5	4	1	5	3 2002B	3002B	4002A
DPFHR7Bjleg5mfn4	EUSYHW	2	4	3	5	1 2002A	3002A	4002B
DPFHR8Bhsjpr52xl	EUSYJZ2i	1	4	5	2	3 2002A	3002B	4002B
DPFHR79qrx9cac84	EUSYHXE	1	4	2	5	3 2002B	3002A	4002A
DPFHR847veqa0t1t	EUSYHW	4	3	5	2	1 2002B	3002B	4002A
DPFHR7Fhras5z1eei	EUSYHZB	2	3	4	5	1 2002B	3002A	4002B
DPFHR7C2g9wzx30	EUSYHZL	5	1	3	4	2 2002B	3002A	4002A
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DPFHR78pmfocn7g	EUSYHX9	5	3	4	1	2 2002B	3002A	4002B
DPFHR792pu86cvs	EUSYHW	2	1	3	5	4 2002A	3002A	4002B
DPFHR78mjbsqpwz	EUSYHX4	1	5	3	2	4 2002A	3002A	4002B
DPFHR7E8xslamcn	EUSYHX3	1	3	5	4	2 2002B	3002A	4002B
DPFHR84bac7f7n24	EUSYHVT	5	3	4	2	1 2002A	3002B	4002A
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DPFHR846md3a1cr	EUSYHW	5	1	3	2	4 2002B	3002A	4002A
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DPFHR798vby9v4	EUSYHXC	1	5	2	2	3 2002B	3002A	4002A
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DPFHR84rd532zyhc	EUSYHW	4	2	1	5	3 2002B	3002A	4002B
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DPFHR84eodlyd83e	EUSYHW	1	3	4	5	2 2002B	3002B	4002A
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DPFHR84pp8cvas4	EUSYHW	3	1	4	2	5 2002B	3002B	4002A
DPFH9XK1ejb0xhwc	EUSYGR	4	3	1	2	5 2002A	3002B	4002B
DPFHR84m4p6f6vp	EUSYHW	3	4	1	2	5 2002D	3002A	4002B
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DPFHW3f6ecvman	EUSYJ53	1	3	5	2	4 2002B	3002A	4002A

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5002B	5	2	4	1	3	1	0	0	1	1
5002A	2	4	5	3	1	0	1	1	0	0
5002A	3	5	1	2	4	0	1	0	1	1
5002B	5	4	2	3	1	1	0	0	1	1
5002A	5	4	1	2	3	0	1	0	1	1
5002B	3	4	1	5	2	1	0	1	0	0
5002A	5	4	1	2	3	0	1	0	1	1
5002B	2	4	3	5	1	1	0	1	0	0
5002A	1	4	5	2	3	1	0	0	1	0
5002B	1	4	2	5	3	0	1	1	0	1
5002A	4	3	5	2	1	0	1	0	1	1
5002A	2	3	4	5	1	0	1	1	0	0
5002B	5	1	3	4	2	0	1	1	0	1
5002B	4	1	3	5	2	1	0	0	1	1
5002A	5	4	3	2	1	1	0	0	1	0
5002B	5	2	1	4	3	1	0	0	1	1
5002B	2	5	4	3	1	1	0	1	0	0
5002A	5	3	4	1	2	0	1	1	0	0
5002B	2	1	3	5	4	1	0	1	0	0
5002B	1	5	3	2	4	1	0	1	0	0
5002A	1	3	5	4	2	0	1	1	0	0
5002B	5	3	4	2	1	1	0	0	1	1
5002B	4	3	5	2	1	0	1	1	0	1
5002A	1	2	3	5	4	1	0	0	1	0
5002B	5	1	3	2	4	0	1	1	0	1
5002A	5	4	2	3	1	0	1	1	0	0
5002B	1	5	2	4	3	0	1	1	0	1
5002B	3	4	1	2	5	0	1	1	0	1
5002A	4	3	2	5	1	0	1	1	0	0
5002A	4	2	1	5	3	0	1	1	0	0
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5002B	1	2	4	3	5	0	1	1	0	1
5002A	3	5	2	4	1	1	0	0	1	0
5002B	5	2	1	4	3	1	0	1	0	0
5002A	2	1	3	5	4	1	0	0	1	0
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1005	1005 02/05/201	3	8181988	8	18	1988	2	46	2
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1076	1076 02/05/201	3	5081982	5	8	1982	2	30	1
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*093	1093 02/05/201	3	1121978	1	12	1978	2	37	2
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1112	1112 02/05/201	3	12201978	12	20	1978	2	34	1
1114	1114 02/05/201	3	10051983	10	5	1983	2	49	2
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1152	1152 02/05/201	3	2121985	2	12	1985	2	27	1
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it has the r	0	0	0	0	2	0	0
	0	0	3	0	3	0	0
	0	0	3	0	1 The arvo	0	0
Remembe	0	0	0	0	2	0	0
	0	0	3	0	1 Same nar	0	0
	0	0	3	0	1 I rememb	0	0
Same logt	0	0	0	0	1 Same con	0	0
	0	0	3	0	2	0	0
	0	0	1 I recal ed I	0	2	0	0
sams narr	0	0	0	0	1 same narr	0	0
The name	0	0	0	0	1 Same nar	0	0
	0	0	2	0	2	0	0
.microtel	0	0	0	0	2	0	0
Same nan	0	0	0	0	1 Same nan	0	0
The fact tr	0	0	0	0	2	0	0
	0	0	2	0	1 same nar	0	0
same narr	0	0	0	0	1 Same nar	0	0
	0	0	3	0	2	0	0
	0	0	3	0	1 the words	0	0
same nar	0	0	0	0	2	0	0
	0	0	2	0	2	0	0
	0	0	3	0	1 same com	0	0
It is the sa	0	0	0	0	2	0	0
Logo and	0	0	0	0	2	0	0
SAVE NA	0	0	0	0	2	0	0
	0	0	2	0	2	0	0
Blus and y	0	0	0	0	2	0	0
both caler	0	0	0	0	2	0	0
	0	0	3	0	1 They are t	0	0
Same nar	0	0	0	0	1 Same nar	0	0
	0	0	3	0	1	1	0
	0	0	3	0	3	0	0
	0	0	3	0	2	0	0
	0	0	2	0	1 name	0	0
seems the	0	0	0	0	1 seems the	0	0
	0	0	3	0	2	0	0
	0	0	3	0	2	0	0
	0	0	3	0	2	0	0
this one I)	0	0	0	0	2	0	0
	0	0	3	0	3	0	0
	0	0	3	0	1 The name	0	0
	0	0	3	0	1 Same nar	0	0
	0	0	3	0	2	0	0
same nar	0	0	0	0	2	0	0
It's what I	0	0	0	0	1 it's what I	0	0
	0	0	3	0	1 The forms	0	0
	1	0	0	0	2	0	0
	0	0	2	0	2	0	0
It ooks th	0	0	0	0	1 It looks lik	0	0
I remembe	0	0	0	0	2	0	0
	0	0	2	0	2	0	0
It's the sar	0	0	0	0	2	0	0
name	0	0	0	0	2	0	0
	0	0	3	0	1 It has the r	0	0
look the si	0	0	0	0	2	0	0
	0	0	2	0	1 I'm pretty s	0	0
Even throu	0	0	0	0	2	0	0
	0	0	2	0	1 The font o	0	0
	0	0	2	0	2	0	0
	0	0	3	0	1 same nar	0	0
	0	0	2	0	1 Same logt	0	0
	1	0	0	0	2	0	0

2	0	0	2	0	0	2	0
3	0	0	3	0	0	3	0
	0	0	2	0	0	3	0
2	0	0	1 Remembe	0	0	3	0
	0	0	2	0	0	3	0
	0	0	3	0	0	3	0
	0	0	2	0	0	3	0
3	0	0	2	0	0	1 Same nan	0
3	0	0	1 I rememb	0	0		0
	0	0	1 same narr	0	0		0
	0	0	2	0	0	3	0
2	0	0	1 The color	0	0		0
3	0	0	1 Atlas	0	0		0
	0	0	1 Same nan	0	0		0
2	0	0	3	0	0	3	0
	0	0	1 same narr	0	0		0
	0	0	2	0	0	3	0
3	0	0	1 Both say	0	0		0
	0	0	1 the words	0	0		0
3	0	0	2	0	0	3	0
2	0	0	1 I saw Atlas	0	0		0
	0	0	2	0	0	3	0
3	0	0	1 I think it w	0	0		0
2	0	0	1 Same wor	0	0		0
2	0	0	2	0	0	1	1
3	0	0	2	0	0	2	0
3	0	0	2	0	0	3	0
3	0	0	2	0	0	3	0
	0	0	3	0	0	3	0
	0	0	2	0	0	2	0
	0	0	2	0	0	3	0
3	0	0	2	0	0	2	0
3	0	0	1 Same con	0	0		0
	0	0	1 name	0	0		0
	0	0	2	0	0	2	0
1 Logo was	0	0	1 seems clo	0	0		0
3	0	0	1 I remembe	0	0		0
3	0	0	1 Pretty surt	0	0		0
2	0	0	3	0	0	3	0
3	0	0	2	0	0	3	0
	0	0	1 Same nan	0	0		0
	0	0	2	0	0	3	0
3	0	0	3	0	0	3	0
1 same logo	0	0	2	0	0	2	0
	0	0	2	0	0	3	0
	0	0	1 I remembe	0	0		0
2	0	0	1	1	0		0
3	0	0	1 same narr	0	0		0
	0	0	3	0	0	3	0
2	0	0	2	0	0	2	0
2	0	0	2	0	0	2	0
2	0	0	1 It's the sa	0	0		0
2	0	0	2	0	0	2	0
	0	0	1 Same nan	0	0		0
3	0	0	2	0	0	2	0
	0	0	1 Atlas Tave	0	0		0
3	0	0	1 same narr	0	0		0
	0	0	2	0	0	1 Similar for	0
2	0	0	1 The flying	0	0		0
	0	0	1	1	0		0
	0	0	1 Bold letter	0	0		0
2	0	0	1	1	0		0

0	1	the other	0	0	0	0	3	1
0	3		0	0	0	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	2	0	3	1
0	1	the name	0	0	0	0	3	1
0	2		0	0	3	0	3	1
0	3		0	0	3	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	3	0	3	1
0	3		0	0	1 Same nan	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	3	0	3	1
0	1	Both are f	0	0	0	0	3	1
0	2		0	0	3	0	3	1
0	3		0	0	3	0	3	1
0	1	It's the sar	0	0	0	0	3	1
0	1	same com	0	0	0	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	3	0	3	1
0	1		1	0	0	0	3	1
0	1	I recogniz	0	0	0	0	3	1
0	2		0	0	3	0	3	1
0	1	They were	0	0	0	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	2	0	3	1
0	3		0	0	2	0	3	1
0	1	Same con	0	0	0	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	2	0	3	1
0	1		1	0	0	0	3	1
0	1	I rememb	0	0	0	0	3	1
0	1	Different d	0	0	0	0	3	1
0	1	I believe it	0	0	0	0	3	1
0	1		1	0	0	0	3	1
0	2		0	0	3	0	3	1
0	1	Same nan	0	0	0	0	3	1
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0	2		0	0	2	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	3	0	3	1
0	2		0	0	2	0	3	1
0	3		0	0	3	0	3	1
0	3		0	0	3	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	1 Same colc	0	3	1
0	1	name	0	0	0	0	3	1
0	2		0	0	3	0	3	1
0	1	looks iden	0	0	0	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	2	0	3	1
0	1	Same nan	0	0	0	0	3	1
0	1	It has the	0	0	0	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	2	0	3	1
0	2		0	0	2	0	3	1

451.668	3	2	02/05/2013 11:24	1 /survey/gd/Mozilla/5.C	3231865
243.889	3	7	02/05/2013 11:24	1 /survey/gd/Mozilla/5.C	8231984
464.033	3	7	02/05/2013 11:25	1 /survey/gd/Mozilla/5.C	11C01964
195.029	3	9	02/05/2013 11:25	1 /survey/gd/Mozilla/5.C	1271985
231.098	11	8	02/05/2013 11:27	1 /survey/gd/Mozilla/5.C	6301988
347.99	3	2	02/05/2013 11:27	1 /survey/gd/Mozilla/5.C	1031982
233.667	11	9	02/05/2013 11:27	1 /survey/gd/Mozilla/5.C	3261971
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474.779	6	7	02/05/2013 11:28	1 /survey/gd/Mozilla/5.C	2121983
226.481	4	2	02/05/2013 11:29	1 /survey/gd/Mozilla/5.C	5211983
177.951	3	7	02/05/2013 11:29	1 /survey/gd/Mozilla/5.C	2151972
136.548	3	7	02/05/2013 11:29	1 /survey/gd/Mozilla/5.C	11171930
192.671	3	7	02/05/2013 11:31	1 /survey/gd/Mozilla/5.C	8241967
578.168	11	8	02/05/2013 11:32	1 /survey/gd/Mozilla/5.C	7111986
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503.872	11	9	02/05/2013 11:33	1 /survey/gd/Mozilla/5.C	5041965
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1	1	2	0	0	2	0	0	1
2	2	2	0	0	2	0	0	2
1	1	1 Same con	0	0		0	0	2
1	1	2	0	0	3	0	0	1
2	2	2	0	0	2	0	0	1
1	1	2	0	0	2	0	0	2
1	1	2	0	0	3	0	0	2
1	1	3	0	0	3	0	0	2
2	2	3	0	0	3	0	0	2
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2	2	3	0	0	3	0	0	3

	C	0	2	0	0	2	0	0
name and	0	0		0	0	2	0	0
Looks the	0	0		0	0	1 Looks the	0	0
	0	0	3	0	0	2	0	0
	0	0	2	0	0	1 same wan	0	0
Its identica	0	0	2	C	0	2	0	0
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I remember	1	0		C	0	2	0	0
	0	0		0	0	1 Color	0	0
	0	0	3	0	0	1 Looks the	0	0
y	0	0		0	0	2	0	0
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The name	0	0		0	0	1 This logo	0	0
	0	0	3	0	0	2	0	0
	1	0		0	0	2	0	0
	0	0	3	0	0	2	0	0
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	0	0	2	0	0	1 I think the	0	0
	0	0	3	0	0	1 Same con	0	0
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the topic	0	C		C	0	2	0	0
	0	0	2	0	0	2	0	0
	0	0	3	C	0	1 Same nan	0	0
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	0	0	2	0	0	1 both call	0	0
	0	0	3	0	0	1 Same nan	0	0

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	C	0	2	0	0	3	0
2	0	0	1 color, nam	0	C		0
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2	0	0	3	0	0	3	0
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3	0	0	2	0	0	3	0
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3	0	0	1 Name	0	0		0
3	0	C	2	0	0	3	0
2	0	C	3	0	0	3	0
3	0	0	1 logo looks	0	0		0
3	0	0	1 I rememb	0	0		0
	0	0	3	0	0	3	0
	0	0	2	0	0	2	0
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0	1 name	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	1 The name	0	0		0	0	3	1
0	1 same won	0	0		0	0	3	1
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0	1 Identical	0	0		0	0	3	1
0	1	1	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 I have eye	0	0		0	0	3	1
0	1 Name of c	0	0		0	0	3	1
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0	1 The name	0	0		0	0	3	1
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0	2	0	0	3	0	0	3	1
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0	1 Same con	0	0		0	0	3	1
0	2	0	0	1 same narr	0	0	3	1
0	1 coloring	0	0		0	0	3	1
0	2	0	0	2	0	0	3	1
0	2	0	0	3	0	0	3	1
0	1 Same Cor	0	0		0	0	3	1
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0	2	0	0	2	0	0	3	1
0	3	0	0	3	0	0	3	1

825.275	1'	7	02/05/2013 23:35	1 /survey/gd/Mozilla/5.f	0161979
219.847	3	7	02/05/2013 23:50	1 /survey/gd/Mozilla/5.f	7121980
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102.81	11	8	02/06/2013 10:36	1 /survey/gd/Mozilla/5.f	7221980
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203.939	3	7	02/07/2013 08:45	1 /survey/gd/Mozilla/5.f	1091987
364.87	3	3	02/07/2013 08:45	1 /survey/gd/Mozilla/4.f	3011995
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305.489	3	8	02/07/2013 09:03	1 /survey/gd/Mozilla/5.f	5251982
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DPFHMA3C r3czz9mq EUSYHR4	3	1	2	4	5	2002A	3002A	4002B
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DPFHYPV wk39hd46 EUSYGV4	4	5	2	1	3	2002B	3002A	4002B
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5002A	3	5	1	4	2	0	1	1	0	0
5002A	3	4	1	5	2	0	1	1	0	0
5002B	2	1	5	4	3	1	0	1	0	0
5002B	1	2	5	3	4	1	0	0	1	1
5002B	5	2	1	4	3	0	1	1	0	1
50C2A	3	5	4	1	2	C	1	1	C	0
50C2A	1	2	5	3	4	0	1	C	1	1
5002A	5	2	1	3	4	0	1	1	0	0
5002B	1	5	4	3	2	0	1	1	0	1
5002B	3	4	2	1	5	1	0	1	0	0

California Designated Market Areas (DMAs) by County

This map depicts DMAs by county. DMA's are geographic areas defined by Nielsen Media research company as a group of counties that make up a particular television market. These counties comprise the major viewing audience for the television stations located in their particular metropolitan area.



DES EXHIBIT 4
 ECONOMY v.
 KOKOLOGIANIS
 SAC No. 10-2011
 92055538 LG



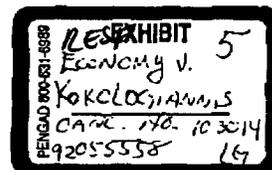
For Call-resch information, call 1-877-847-3663. Funded by USDA SNAP Ed, an equal opportunity provider and employer. Visit www.CaChampionsForChange.net for healthy tips.

*These counties do not qualify for media placement per SNAP-Ed guidance.

1	3
UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	INDEX
CLEARCHOICE HOLDINGS, LLC. Opposer. . . Opposition No. 91190485 IMPLANT DIRECT INTL. Applicant	WITNESS PAGE HAL PORET Examination By Mr. Colao 4 Examination By Mr. Bright 60
Computer-aided transcript of deposition testimony of HAL PORET taken stenographically in the above-entitled matter before MIRIAM RIOS, a Certified Court Reporter and Notary Public of the State of New Jersey, at the offices GUY J. RENZI & ASSOCIATES, Golden Crest Corporate Center, 2277 State Highway 33, Suite 410, Trenton, New Jersey 08693-1700, on Thursday, February 2, 2012, commencing at 9:02 a.m.	EXHIBITS ID. DESCRIPTION PAGE Exhibit 1 Expert Report of Hal Poret 10 (EXHIBIT ANNEXED HERETO)
2	4
APPEARANCES:	REQUESTS (NO FORMAL REQUESTS WERE MADE.)
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	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
DYKEMA GOSSETT, PLLC BY: BRIAN A. COLAO, ESQ. Comerica Bank Tower 1717 Main Street, Suite 4000 Dallas, Texas 75201 Tel: (214) 462-6400 E-mail: bcolao@dykema.com Attorneys for the Opposer(s)	HAL PORET, having been duly sworn, testifies as follows: EXAMINATION BY MR. COLAO: Q. Your name, please. Even though you've just done it. A. Hal Poret. Q. And what is your business address? A. 625 Avenue of the Americas, 2nd floor, New York, New York 10011. Q. What do you do for a living? A. Survey research. Q. Okay. And how are you employed or where do you work? A. I work at ORC International, a market research firm. Q. Okay. And when you say, market research, what are the sort of things ORC International does? A. ORC International does every type of market research and also business research. A great variety of things. Q. Okay. And that includes surveys, if I'm understanding you correctly? A. Yes. Q. How long have you worked for ORC?
WAGNER, ANDERSON & BRIGHT, PC BY: PATRICK BRIGHT, ESQ. 3541 Ocean View Boulevard Glendale, California 91208 Tel: (213) 700-6637 E-mail: pbright@patentattorney.us Attorneys for the Applicant(s)	

1 (Pages 1 to 4)

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<p>1 A. In 2004 I took on the position that 2 I've -- that I still essentially have. The company 3 was not called ORC at the time, but essentially it's 4 been the same employment. 5 Q. Okay. So you have -- so then how long 6 have you worked for ORC or are the predecessor 7 company or a different name? 8 A. Since middle of 2004. 9 Q. Oh, since -- I see what you're saying. 10 So in 2004, you came to work for a company that was 11 not called ORC at that time? 12 A. Correct. 13 Q. What was the name of that company? 14 A. Guideline 15 Q. Okay. And when did Guideline 16 become -- you know -- change its name to ORC or become 17 part of ORC? 18 A. There are a number of steps in between 19 that involving acquisitions and name changes. I 20 think it's been about two years that my employer has 21 been called ORC. 22 Q. Okay. What did you do prior to 2004, 23 employment-wise? 24 What did you do employment-wise prior 25 to 2004, when you went to work for Guideline?</p>	<p>5</p>	<p>1 firm from 1998 until around 2005, correct? 2 A. Yes. 3 Q. Okay. And then, in 2004, you got into 4 survey research with a company called Guideline that 5 went through several name changes and now is called 6 ORC International, fair? 7 A. Yes. 8 Q. Okay. So you have been doing survey 9 research since around 2004, time frame? 10 A. Yes. 11 Q. Okay. So about eight years, correct? 12 A. Yes. 13 Q. Okay. How old are you? 14 A. Forty. 15 Q. Okay. Now, you were retained by 16 Implant Direct or -- in this case as an expert, 17 correct? 18 A. Yes. 19 Q. All right. And you're being paid \$500 20 per hour for your time. Did I read that right? 21 A. Yes. 22 Q. Okay. What exactly were you hired to 23 do? 24 A. To review the report on the survey 25 from Dr. Rapoport and provide my opinions about it.</p>	<p>7</p>
<p>1 A. I was an attorney. 2 Q. Okay. Why don't we do this. Why 3 don't you take me through, first, your educational 4 background. 5 A. I first attended Union College in 6 Schenectady, New York, where I had a BS in 7 mathematics; then I attended State University of New 8 York at Albany where I got a Master's in 9 mathematics; and then I attended Harvard Law School 10 where I graduated with a JD in 1998. 11 Q. Okay. And then, why don't you take us 12 through your work experience from the time you 13 graduated Harvard Law School in 1998 right up until 14 2004 when you joined Guideline. 15 A. I -- upon graduating from law school, 16 I worked as an associate at the law firm of Foley, 17 Hoag, which is H-O-A-G, in Boston, primarily in 18 trademarks and advertising with some other matters 19 as well. I was at Foley I believe into 2003, at 20 which point my family moved from Boston to New York, 21 and I was looking to move into doing survey 22 research, and my next full-time position was at 23 Guideline. 24 Q. Okay. So if I were just to summarize 25 really quickly, you worked as an associate in a law</p>	<p>6</p>	<p>1 Q. Okay. So if I understood your report, 2 which we'll get into in a second, you were hired by 3 Implant Direct to review and analyze the RL survey 4 and report, correct? 5 A. Yes. 6 Q. Okay. You were not hired to do your 7 own survey in this case, correct? 8 A. Correct. 9 Q. And just to be clear, you have not 10 conducted your own survey in this case, right? 11 A. Right. 12 Q. Okay. Basically, it looks like what 13 you did is, you gave, you know, your opinions or, 14 for lack of a better word, a critique of the RL 15 survey and report, right? 16 A. Yes. 17 Q. Okay. Now, who in particular hired 18 you? 19 A. Pat Bright. 20 Q. Okay. Have you spoken to anybody else 21 on the Implant Direct side besides Mr. Bright? 22 A. No. Other than maybe an associate in 23 Mr. Bright's firm. 24 Q. Sure. Let me ask the question this 25 way.</p>	<p>8</p>

1 Have you talked to anybody on the
 2 Implant Director besides Mr. Bright or somebody
 2 with his office?
 4 A No.
 4 Q Okay. What did Mr. Bright tell you
 5 about this case?
 7 A Basically that his client was applying
 8 for the mark RealChoice and that it had been opposed
 9 by a company that has a registration for
 10 ClearChoice.
 11 Q Okay. Anything else?
 12 A Nothing that I can recall.
 13 Q At some point he must have
 14 communicated to you that your task in this case
 15 would be to review the RL report and give comments,
 16 right?
 17 A That's what he was initially asking me
 18 to do, was review the report and tell him what I
 19 thought.
 20 Q Okay. Now, have any of your -- let me
 21 ask a couple other questions.
 22 Have you been deposed before?
 23 A Yes.
 24 Q How many times?
 25 A I would guess, in the neighborhood of

9 11
 1 Q. All right. Now before I ask about
 2 that, obviously, it's --
 3 Is it fair for me to assume, because
 4 you've been deposed 30 times, you understand how a
 5 deposition works, correct?
 6 A. Yes.
 7 Q. And you understand you're testifying
 8 under oath, correct?
 9 A. Yes.
 10 Q. Okay. Now, if you look at deposition
 11 Exhibit I with me, and you turn to -- I don't
 12 believe it's numbered. But if you turn to what I
 13 think is the first page where it says, Background
 14 and Purpose... Do you see that?
 15 A. Yes.
 16 Q. All right. If you look at the last
 17 paragraph there, the third paragraph on the page
 18 It says, This report contains my opinions regarding
 19 the RL survey and report. Do you see that?
 20 A. Yes.
 21 Q. Okay. Do you stand by -- as you sit
 22 here today, do you stand behind the opinions
 23 contained in your report?
 24 A. Yes.
 25 Q. Does your report contain all of your

10 10
 1 30.
 2 Q. Okay. And is it fair to say that the
 3 times in which --
 4 Were all of these 30 times that you
 5 were deposed in connection with being an expert?
 6 A. Yes.
 7 Q. Okay. So these 30 -- approximate 30
 8 occasions where you were deposed would have been
 9 from the 2004 timeframe until the present, right?
 10 A. Yes.
 11 Q. Okay. Now, the court reporter, I
 12 think -- although I don't see it.
 13 MR. COLAO: Have we marked this yet?
 14 Can we mark this, please
 15 (Whereupon Exhibit 1, Expert Report of
 16 Hal Poret, was marked for identification.)
 17 BY MR. COLAO:
 18 Q. Mr. Poret, you have deposition Exhibit
 19 I in front of you?
 20 A. Yes.
 21 Q. Yes. That's the easy question
 22 Deposition Exhibit 1 is a true and correct copy of
 23 the report you prepared in this case? Take a look
 24 at it, but...
 25 A. Yes, it certainly appears to be

11 12
 1 opinions and conclusions in this case?
 2 A. Yes.
 3 Q. Okay. You're not going to testify as
 4 to any opinions not contained in your report, right?
 5 A. Right. Unless there is additional
 6 material or reports that I'm asked to look at that
 7 lead to other things. But as of now there's nothing
 8 else that I haven't put in the report.
 9 Q. Right. Right. I assume we'd get
 10 notice if you had additional opinions.
 11 But as you sit here today, you're not
 12 planning on testifying as to any other opinions that
 13 are not in your report, right?
 14 A. Correct.
 15 Q. All right. Is there anything in the
 16 report that you believe is inaccurate?
 17 A. When I read through it again I noticed
 18 one number that I might have just written the wrong
 19 number.
 20 Q. Okay. What is that?
 21 A. On the second to last page at the
 22 top, I noticed it says, Only 3 percent of all survey
 23 respondents confirm that they have had any dental
 24 implant work done, and I think that 3 percent should
 25 be 1.7 percent. It's three respondents, not 3

13

1 percent, so it's 1.7 percent.
 2 Q. So what -- in essence, what you're
 3 telling me is, your opinion is, only three of the
 4 survey respondents confirm that they had dental
 5 implant work done, and when you do a calculation on
 6 only three respondents, you come up with 1.7
 7 percent?
 8 A. Yes.
 9 Q. All right. We'll get to that later.
 10 Okay. Other than -- thank you for that
 11 clarification
 12 Is there anything else in your report,
 13 having reread it now, that you think may be
 14 inaccurate?
 15 A. No.
 16 Q. Okay. Now, if you go to -- I have
 17 numbered the top of your report. I'm saying it's
 18 Page 3. It's the part that says, Materials
 19 reviewed.
 20 A. Yes.
 21 Q. Okay. According to your report, you
 22 reviewed the RL Associates report, the raw data from
 23 the RL survey, the ClearChoice opposition action,
 24 the Implant Direct answer to the opposition, the
 25 ClearChoice website, the RealChoice website, the

14

1 RealChoice Request For Production and ClearChoice's
 2 responses to the Recues: For Production, correct?
 3 A. Yes.
 4 Q. All right. Have you reviewed any
 5 other documents or material other than what's listed
 6 in your report?
 7 A. No.
 8 Q. Have you spoken to anyone else in
 9 preparation of your report?
 10 I know you said you spoke to
 11 Mr. Bright and people in his office. But other than
 12 that, have you spoken to anyone else in preparation
 13 of your report?
 14 A. No.
 15 Q. Okay. Who wrote your report?
 16 A. Me.
 17 Q. Okay. Did any body else assist you in
 18 writing your report?
 19 A. No.
 20 Q. Okay. You actually type this all up
 21 yourself?
 22 A. Yes.
 23 Q. Okay. Did Mr. Bright participate in
 24 writing your report?
 25 A. No.

15

1 Q. Now, you have a Master's in
 2 mathematics, if I understood you correctly?
 3 A. Yes.
 4 Q. You don't hold a Ph.D. in mathematics?
 5 A. Correct.
 6 Q. Do you hold any degree in statistics?
 7 A. No.
 8 Q. Now, if you'll turn with me -- well,
 9 actually, I'll ask you a couple questions and then
 10 we'll turn -- turn to this brief overview page
 11 Because I am going to have some questions for you,
 12 but I've got some others before I get into that.
 13 Now, you were not personally present
 14 when RL Associates conducted any of its work in this
 15 case, right?
 16 A. Right
 17 Q. So you have no firsthand knowledge of
 18 what RL Associates did or didn't do, correct?
 19 A. I suppose you wouldn't call it
 20 firsthand. I have the report of what they did.
 21 Q. Sure. Obviously you can read the
 22 report, but you were not there when they were doing
 23 anything, correct?
 24 A. Yes.
 25 Q. All right. I mean -- you mean you

16

1 were not there, right?
 2 A. That's correct.
 3 Q. Your answer was, yes, that's why I got
 4 confused. Okay. So the reason I'm asking you this
 5 question is:
 6 When RL Associates states that it
 7 called individuals who had previously phoned the
 8 ClearChoice call center, you're not saying they're
 9 lying, right?
 10 A. Right
 11 Q. Okay. You have no firsthand knowledge
 12 whether the people called by RL Associates
 13 previously phoned the ClearChoice center or not,
 14 right?
 15 A. Right.
 16 Q. Okay. And you agree with me that it's
 17 possible that a person could have forgotten that
 18 they previously phoned the ClearChoice call center,
 19 right?
 20 A. Yes.
 21 Q. Okay. And that would -- that could
 22 explain why a person may have answered in a survey
 23 that they had not heard of ClearChoice even though
 24 they may have previously called the phone -- the
 25 call center, right?

1 A. Yes.
 2 Q. It's possible that somebody that was
 3 called -- that RL Associates called would have had
 4 some memory of ClearChoice, but would have forgot
 5 how they learned of it, right?
 6 MR. BRIGHT: Object to the form of the
 7 question, because of the use of the phrase it is
 8 possible. Otherwise, you can answer; subject to that
 9 objection if you can think of the answer.
 10 THE WITNESS: Sorry. I lost track of
 11 what the question was now.
 12 BY MR. COLAO
 13 Q. Okay. I'll ask it again and
 14 Mr. Bright, certainly -- I assume he has preserved
 15 his objection.
 16 It's possible that a person called by
 17 RL Associates could have some memory of ClearChoice,
 18 but simply forgot how they initially learned of
 19 ClearChoice, right?
 20 MR. BRIGHT: Same objection.
 21 THE WITNESS: I agree that's possible
 22 BY MR. COLAO:
 23 Q. Okay. And, you know, the fact that a
 24 person stated, in answer to a survey, that they had
 25 no contact with ClearChoice does not necessarily

1 mean that they did not previously phone the call
 2 center, right?
 3 A. I agree with that.
 4 Q. Okay. Now, do you agree with me that
 5 a suitable survey subject in a case like this would
 6 be someone who is interested in dental implants?
 7 A. I don't know that I would put it quite
 8 like that
 9 Q. Okay. Let me ask this question:
 10 I mean, a potential suitable survey
 11 subject could be someone who's interested in dental
 12 implants, right?
 13 A. It could be. I wouldn't use that
 14 alone as my definition of what a proper subject
 15 would be.
 16 Q. What do you believe a proper subject
 17 would be?
 18 A. I just don't know that the word
 19 interested is sufficient. I would say that it's a
 20 serious actual or prospective customer.
 21 Q. Well, okay. So if I changed it around
 22 a little bit, you would agree with me that a
 23 suitable survey subject in a case like this would be
 24 someone who's a prospective patient for dental
 25 implants?

1 A. Yes.
 2 Q. Okay. Now, a person who called or
 3 phoned the ClearChoice call center would presumably
 4 be a prospective patient of dental implants, right?
 5 A. Not necessarily.
 6 Q. Well, you looked at the ClearChoice
 7 website. I think we went over that as materials you
 8 reviewed, correct?
 9 A. Yes.
 10 Q. And you know that all ClearChoice does
 11 is dental implants, right?
 12 A. I don't know that, one way or the
 13 other
 14 Q. Okay. I'll represent it to you. I
 15 guess as an expert we can do that. I want to you
 16 assume for me, because I'll represent to you because
 17 it's true, all ClearChoice does is dental implants.
 18 They don't do general dentistry. There's nothing
 19 else going on at ClearChoice besides dental
 20 implants.
 21 Can you assume that with me?
 22 A. Yes.
 23 Q. Okay. If you assume that all
 24 ClearChoice does is dental implants, then,
 25 presumably, the only reason to call ClearChoice is

1 if you're interested in dental implants, right?
 2 A. Not necessarily.
 3 Q. Why else would you call, you were
 4 lonely and wanted to talk to somebody?
 5 MR. BRIGHT: Objection. That's two
 6 questions. The second of which is argumentative and
 7 nonsensical.
 8 MR. COLAO: Just a little
 9 argumentative. I don't know that it's nonsensical.
 10 BY MR. COLAO:
 11 Q. But go ahead.
 12 A. The other reason that you would call
 13 is that somebody that you know is a candidate for
 14 dental implants.
 15 Q. Okay. All right. Well, then let me
 16 ask the question this way.
 17 Is it reasonable to assume that the
 18 only purpose somebody would call the ClearChoice
 19 call center is either they were a potential patient
 20 for implants or a friend or family member is a
 21 potential patient for implants?
 22 A. That sounds reasonable to me.
 23 Q. Okay. Now, if you'll be kind enough
 24 to look -- I asked you to look at that brief
 25 overview section there. Do you see footnote 1

<p>21</p> <p>1 there?</p> <p>2 A. Yes</p> <p>3 Q. You said in your report -- or footnote</p> <p>4 1 of your report states, As discussed more below it</p> <p>5 is not proper to include results relating to another</p> <p>6 party's mark in assessing whether ClearChoice is</p> <p>7 confusing. Did I read that right?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Now, I've kind of looked</p> <p>10 at your report and I've kind of gone to what I've</p> <p>11 numbered as Page 17. Maybe that's the third to the</p> <p>12 last page. It says, The survey universe was</p> <p>13 improper. Okay?</p> <p>14 A. Yes.</p> <p>15 Q. Are you on that page?</p> <p>16 A. Yes.</p> <p>17 Q. The third line from the top says, It</p> <p>18 is not proper to include results regarding</p> <p>19 RightChoice in an analysis of whether RealChoice is</p> <p>20 too confusingly similar to be registered</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. I guess my only point is, you say, As</p> <p>24 discussed more below. I didn't see anymore</p> <p>25 discussion below. I only see a restatement of the</p>	<p>23</p> <p>1 proper technique.</p> <p>2 Q. Okay. Well, you have been doing this</p> <p>3 eight years, Dr. Rappeport has been doing it</p> <p>4 40 years. He thinks it's appropriate.</p> <p>5 Do you have any specific authority to</p> <p>6 point out that Dr. Rappeport is wrong when he's done</p> <p>7 his survey this way?</p> <p>8 A. I don't know that I could tell you</p> <p>9 authority as in a case, but I've seen and done</p> <p>10 hundreds of surveys, and I've seen surveys from many</p> <p>11 other experts, and it's clearly not standard</p> <p>12 practice to do something like this.</p> <p>13 Q. Based on your eight years of</p> <p>14 experience, you don't believe it's standard</p> <p>15 practice; that's the basis of your opinion?</p> <p>16 A. Based on all the experience that I</p> <p>17 have doing and seeing surveys from myself and</p> <p>18 various experts.</p> <p>19 Q. Which consist of eight years, right?</p> <p>20 A. No. It doesn't consist only of eight</p> <p>21 years.</p> <p>22 Q. Okay. Well, it consists of eight</p> <p>23 years, plus whatever you did as an associate doing</p> <p>24 trademarks, right?</p> <p>25 A. Yes.</p>
<p>22</p> <p>1 same conclusion.</p> <p>2 Did I miss something? Is there more</p> <p>3 discussion of that conclusion in the report?</p> <p>4 A. No. I believe what you're pointing to</p> <p>5 on this page is the discussion.</p> <p>6 Q. Okay. All right. Fair enough. So I</p> <p>7 guess here's my question then.</p> <p>8 You make a conclusory statement that</p> <p>9 it's improper to include results relating to another</p> <p>10 party's mark in assessing whether RealChoice is</p> <p>11 confusing. You repeat that conclusion on Page 17.</p> <p>12 What are you basing that on?</p> <p>13 A. That's my opinion.</p> <p>14 Q. Okay. Is there any --</p> <p>15 I mean, there's no legal authority</p> <p>16 that says you can't combine results in a survey, is</p> <p>17 there?</p> <p>18 A. Well, combine results of what? I</p> <p>19 think it's pretty straightforward that some -- that</p> <p>20 if you're studying whether a mark is confusing that</p> <p>21 results regarding a different mark from a different</p> <p>22 party would not be part of that.</p> <p>23 Q. Because you just don't think it's a</p> <p>24 good idea?</p> <p>25 A. It's my opinion that that's not a</p>	<p>24</p> <p>1 Q. Okay. Now, are you aware of a court</p> <p>2 that's ever excluded a survey because it combined</p> <p>3 results of more than one term?</p> <p>4 A. I don't know.</p> <p>5 Q. Okay. Now, you also state, if we</p> <p>6 continue on our overview here, you state, The RL</p> <p>7 survey -- in fact, we're going to maybe turn the</p> <p>8 page where it says, Summary of Opinion Regarding the</p> <p>9 RL Survey. Are you there?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. You state The RL survey uses a</p> <p>12 methodology for testing confusion that I have never</p> <p>13 seen used. Right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Now, you would agree, just</p> <p>16 because you've never seen a methodology before does</p> <p>17 not mean it's invalid, right?</p> <p>18 A. Right.</p> <p>19 Q. Okay. Now, you agree that</p> <p>20 Dr. Rappeport has been doing this a lot longer than</p> <p>21 you have, right?</p> <p>22 A. I don't know.</p> <p>23 Q. You read his report, right? I mean,</p> <p>24 you're --</p> <p>25 I assume you studied his report as</p>

6 (Pages 21 to 24)

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25

1 part of putting your report together, right?

2 A. Yes, I read his report.

3 Q. Did you see the part about he's been

4 doing this for 40 years?

5 A. I don't recall -- the parts about

6 his personal background.

7 Q. That wasn't something that was

8 relevant to you when you were assessing the validity

9 of his conclusions?

10 A. No.

11 Q. So it's not relevant how many years

12 Dr. Rapoport has been doing this?

13 A. No.

14 Q. Okay. Well, then let me ask this

15 question. I think I know the answer because you

16 didn't necessarily study it.

17 You're certainly not questioning

18 Mr. Rapoport's competence or qualifications, are

19 you?

20 A. No.

21 Q. Okay. You know that Mr. Rapoport is

22 very well known in the survey industry, correct?

23 A. I don't know.

24 Q. You never heard of him?

25 A. I've heard of him.

26

1 Q. Okay. Now, have you ever done a

2 dental implant survey before?

3 A. No.

4 Q. So this is somewhat of a unique

5 situation?

6 A. I don't know how to answer that.

7 Q. Well, you've never done one before,

8 correct?

9 MR. BRIGHT: Asked and answered.

10 THE WITNESS: Correct.

11 BY MR. COLAO:

12 Q. All right. Now, would you agree with

13 me that if you're presented with a unique situation

14 it can sometimes require a unique solution?

15 A. As a hypothetical question, I guess,

16 yes, that is possible.

17 Q. All right. And you're certainly not

18 representing to the TTAB in this case that you are

19 personally aware of every methodology that has ever

20 been accepted, right?

21 A. Right.

22 Q. Now, let's go to some of your

23 conclusions here. If you'll be kind enough to look

24 at Paragraph 1 there. Do you see it?

25 A. Yes.

27

1 Q. You state in Paragraph 1 that the

2 assumption that the survey was conducted among

3 individuals who know ClearChoice was proven

4 unreliable. Do you see that?

5 A. Yes.

6 Q. Okay. Now, we've been over this, but

7 I'll ask it one more time.

8 Again, you're not saying that RL

9 Associates is lying when it says that it only called

10 people who had previously called the ClearChoice

11 call center, right?

12 A. Right. I'm not saying that.

13 Q. Right. Now, if it can be conclusively

14 proven that all of the people called by RL

15 Associates did, in fact, contact the ClearChoice

16 call center, then you would agree that the survey

17 was conducted among individuals who knew about

18 ClearChoice, right?

19 A. No. I don't think that's right.

20 Q. Okay. Well, let me ask it this way:

21 I mean, if ClearChoice presents

22 witnesses at the trial of this action that say we

23 furnished a list and the way we got this list is

24 people phoned the call center and we took down their

25 names and we wrote it and that's how we made this

28

1 list, then you would agree with me that all of the

2 people called by RL Associates knew of ClearChoice

3 at one point?

4 A. Well, I have to point out that that

5 isn't what I have said in this paragraph. You're

6 asking a different question than what I'm commenting

7 here.

8 Q. Well, I would like my question

9 answered, and then I am going to probably ask you to

10 explain what you meant.

11 But do you agree with what I just told

12 you?

13 A. I agree with and did not -- I was not

14 questioning the idea that the people who were called

15 at some point had heard of and called ClearChoice.

16 Q. Okay. All right. That's helpful. I

17 wanted to get that out of the way. Now, go ahead.

18 I mean, you think I'm misunderstanding what you're

19 getting at, so tell me what you're getting at there.

20 A. I was just pointing out that what I

21 wrote here isn't that they never knew of

22 ClearChoice. It's that, at the time they were

23 called, did they know of ClearChoice as indicating a

24 particular source that they have in mind? And

25 that's what is in doubt.

23

1 Q Well, what -- then -- I'm
 2 understanding you correctly, what you would have to
 3 conclude is that anyone on the list that said that
 4 they had not contacted ClearChoice, they had a foggy
 5 memory, right?
 6 A. I can't give you the explanation for
 7 why somebody didn't remember contacting ClearChoice
 8 or didn't -- said they hadn't heard of them a. all.
 9 Q. Right. But it -- okay. Fair enough.
 10 You can't get in their head, but if we --
 11 Just from a logic standpoint, if it
 12 can be conclusively proven that everybody on that
 13 list had previously phoned the call center, in other
 14 words, ClearChoice shows up, they've got witnesses
 15 saying, hey, we didn't pick these names out of thin
 16 air, we put these names down after they phoned the
 17 call center, so you would assume that people on that
 18 list had phoned the call center, but then they
 19 answered, well, we didn't have any contact with
 20 ClearChoice. They didn't remember? For whatever
 21 reason they didn't remember, right?
 22 A. That's my assumption.
 23 Q. Okay. And would you agree with me
 24 that the objective of the RL Associates' survey is
 25 not how many people remembered where they

30

1 contacted ClearChoice or not, but the objective is
 2 why we get different answers when RealChoice is
 3 mentioned before ClearChoice?
 4 I mean, that was the objective of the
 5 survey, right?
 6 A. I don't know that I would put it that
 7 way.
 8 Q. What did you understand the objective?
 9 I mean, your job was to read it and
 10 critique it? What did you understand the objective
 11 of the survey to be?
 12 A. It was to test whether there's a
 13 likelihood that RealChoice would be confused with
 14 ClearChoice.
 15 Q. And one of the tasks that was
 16 performed when they were asking survey questions
 17 was, the RealChoice name was mentioned before the
 18 ClearChoice name, correct?
 19 A. Yes. I -- one of the groups, that was
 20 the order.
 21 Q. Right. And when RealChoice is
 22 mentioned first, according to the RL survey and
 23 report, 27 percent of the respondents said they
 24 heard of it even though RealChoice was not present
 25 in their market, right?

31

1 A. I don't know that that's right.
 2 Q. Okay. You read the report, though,
 3 right?
 4 A. Yes.
 5 Q. Okay. Well, then why do you say you
 6 don't know that that's right?
 7 A. I don't know that the part about
 8 RealChoice not being present in their market.
 9 Q. You didn't read that part of the
 10 report?
 11 A. I don't -- what part of the report?
 12 Q. Well, I'll represent to you that the
 13 respondents that were contacted were intentionally
 14 contacted in markets where RealChoice is not
 15 present.
 16 Certainly you knew that when you gave
 17 your critique, right?
 18 A. I don't -- I don't recall that being
 19 part of the report.
 20 Q. That would have been something that
 21 would have been important to you, though, right?
 22 A. I don't know.
 23 Q. Well, if RealChoice was not present in
 24 their market, but they said they heard of it, then
 25 it's reasonable to assume the only reason they said

32

1 they heard of it is because they were confused in
 2 some way, right?
 3 A. No.
 4 Q. Okay. Why else, in your expert
 5 opinion, would they say they heard of RealChoice
 6 when it wasn't present in the market and they'd have
 7 no way of knowing about it?
 8 A. There are lots of reasons. Somebody
 9 who is interested in dental implants could do a
 10 Google search for dental implant services. There
 11 are lots of ways that anybody could have heard of
 12 another business.
 13 Q. Okay. By the way, you've not
 14 identified any mathematical error in the RL survey
 15 and report, right?
 16 I mean, I know you've critiqued the
 17 methodology. But I'm talking about just from a
 18 mathematical standpoint.
 19 You have not found any mathematical
 20 errors in the report, right?
 21 A. Right.
 22 Q. Okay. So you're not going to testify
 23 that Dr. Rappeport didn't add it up right, you're
 24 just going to say you have a problem with his
 25 methodology, but in terms of how he conducted

33

1 numbers, you have not located any mathematical errors, correct?

2

3 A. I have not located mathematical

4 errors.

5 Q. Okay. Would you agree with me --

6 Again, I understand you have problems

7 with the methodology of the RL survey and report,

8 but would you agree with me that 27 percent is more

9 than adequate evidence of confusion in a properly

10 done survey?

11 A. Sometimes.

12 Q. There might be a situation where

13 27 percent of people being -- you know, 27 percent

14 is not adequate evidence of confusion in a survey

15 that is properly done?

16 A. If you mean 27 percent after you've

17 deducted for survey error and noise. Is that what

18 you mean?

19 Q. Well, let's start with that number.

20 A. I would agree that 27 percent in a

21 proper survey where you have properly conducted --

22 where you have properly accounted for noise or

23 survey error is typically sufficient.

24 Q. Right. The same can be said for

25 23 percent, right?

34

1 In a properly done survey where you

2 have accounted for noise, if you have a 23 percent

3 level, that's more than adequate evidence of

4 confusion, correct?

5 A. Generally.

6 Q. Right. I mean, hypothetically, if I

7 hired you as my expert and you saw -- conducted a

8 survey and you were convinced that the survey was

9 properly done and there was no problems with the

10 methodology and the numbers came back at 23 percent

11 after accounting for noise, your opinion would

12 likely be, yes, that's adequate evidence of

13 confusion, right?

14 A. Yes.

15 Q. Okay? Now, in Paragraph 2 -- we're

16 going to move on with your summaries here -- you

17 state, RL's assumption that those who answered that

18 they have heard of RealChoice were confusing it with

19 ClearChoice was also proven false in the majority of

20 cases by other answers that make clear that

21 respondents understood ClearChoice and RealChoice to

22 be distinct entities. Do you see that?

23 A. Yes.

24 Q. Have you ever heard of the term

25 "initial interest confusion"?

35

1 A. Yes.

2 Q. What is that? How do you define it?

3 A. It is when someone encounters a mark

4 and, prior to the point of deciding on a purchase,

5 more an initial stage of encountering it, and

6 experiences some confusion.

7 Q. Right. So another way to say it,

8 initial interest confusion is confusion that occurs

9 on a person's initial contact with a mark, fair?

10 A. That seems fair.

11 Q. Okay. You know, and I think probably

12 do, because I didn't really realize until I studied

13 your report you were a practicing attorney for some

14 years in the trademark area.

15 So certainly you know that causing

16 initial interest confusion is trademark

17 infringement, right?

18 A. I don't know. I don't know that it's

19 as clear as you put it.

20 Q. Well, have you read the cases that

21 say, if you cause -- well, let me start by asking

22 this:

23 Do you understand that caselaw

24 recognizes initial interest confusion as a category

25 of trademark infringement?

36

1 A. I don't know that I could agree with

2 that as you stated it.

3 Q. Okay. Have you read cases where

4 initial interest confusion has been found to

5 constitute trademark infringement?

6 A. Yes.

7 Q. Okay. Now, you agree that it's

8 illegal to get people -- and we're talking

9 hypothetically, we're not talking in this case.

10 But you would agree with me that it's

11 illegal to get people into your store using a

12 confusing term, even if you correct them once they

13 get there, right?

14 A. If illegal means infringement, then

15 that makes sense.

16 Q. Yes. I mean, you understand that,

17 generally, infringement is a violation of the Lanham

18 Act?

19 You're infringing -- you're violating

20 the Lanham Act, right?

21 A. Yes.

22 Q. And that -- maybe it's not criminal,

23 it's civil. But that's unlawful, correct?

24 A. I suppose. I'm just used to hearing

25 the legal term criminal things, and it threw me in

37

1 the context of something civil.
 2 Q Okay. Well, let's ask it this way
 3 just so we're clear.
 4 You agree with me that it is trademark
 5 infringement to get people into your store using a
 6 confusing term even if you correct them once you get
 7 there -- once they get there, right?
 8 A I don't know that that's an absolutely
 9 certain thing, one way or the other
 10 Q You think it's okay to mislead people
 11 using a confusing term to get them to come into your
 12 store, and then if you -- as long as you disclaim
 13 the term when they get there, that's okay?
 14 A No. That's not what I said.
 15 Q Okay. What did you say?
 16 A I said, I don't know that your blanket
 17 statement, that some kind of initial interest
 18 confusion is always actionable is true. I don't
 19 know that that's true.
 20 Q So then let me ask this question:
 21 Are you telling me the TTAB that it is
 22 okay, under certain circumstances, to cause initial
 23 interest confusion, and that wouldn't be trademark
 24 infringement?
 25 A That's not -- no, I didn't say that.

38

1 Q Okay. So it's never appropriate to
 2 cause initial interest confusion, right?
 3 A I don't know how to answer that. I
 4 mean, first of all, these are all just asking for
 5 legal opinions, but I can't give a statement as to
 6 every single instance of conduct that you're
 7 generally describing.
 8 Q Well, first of all, you were a
 9 practicing attorney for six years in the trademark
 10 area, right?
 11 A Yes.
 12 Q So you're familiar with the law in
 13 this area, right?
 14 A Yes.
 15 Q You're not a layperson that I've
 16 plucked off the street asking to discuss trademark
 17 terms, right?
 18 A Right.
 19 Q Okay. Now, let's take a look at, if
 20 we can, at Paragraph 3 and Paragraph 4 on the same
 21 page we're looking at. Do you see that?
 22 A Yes.
 23 Q Now, Paragraph 3 says, A complete
 24 analysis of the survey data makes clear that the
 25 21 percent difference between those asked about

39

1 RealChoice before and after ClearChoice does not
 2 indicate confusion among the former group, it merely
 3 indicates that if you ask consumers about two
 4 entities that both have choice in the name they will
 5 be more likely to say that they have heard of the
 6 first and not the second. This is clear from the
 7 fact that the rate at which respondents answered
 8 that they have heard of ClearChoice also varies
 9 similarly depending on whether it was asked about
 10 before or after RealChoice. Do you see that?
 11 A Yes.
 12 Q And then Paragraph 4 says, Even if
 13 there were any validity to the theory that
 14 respondents who say they have heard of RealChoice
 15 are really mistaken, this does not indicate that
 16 ClearChoice and RealChoice are confusingly similar.
 17 To the contrary, it is equally possible that
 18 respondents had only a vague recollection of a
 19 important center with choice in the name and were
 20 simply assuming RealChoice could be the name of the
 21 center without actually confusing it with a
 22 particular other entity. Do you see that?
 23 A Yes.
 24 Q What you're saying, a, least in
 25 Paragraph 4, is that the respondents are

40

1 experiencing initial interest confusion, right?
 2 A No.
 3 Q Well, if we go with your premise here,
 4 that it's possible that respondents had only a vague
 5 recollection of an important center with choice in the
 6 name and were simply assuming RealChoice could be
 7 the name of the center, they're experiencing initial
 8 interest confusion, right?
 9 A No.
 10 Q Basically what you're saying is, they
 11 have a foggy memory, and when confronted with the
 12 term RealChoice they're confusing it with
 13 ClearChoice, correct?
 14 A No.
 15 Q Well, then what are you saying there?
 16 Because it looks to me like you are conceding that
 17 what is happening in this case is initial interest
 18 confusion.
 19 A No, I --
 20 Q The question is --
 21 MR. BRIGHT: Just one second, please.
 22 Mr. Colao. If you want an answer to the question,
 23 then at least give the witness the courtesy of a
 24 chance to answer a question.
 25 If you want to withdraw the question

41

1 and ask another, that's a different thing and that's
 2 perfectly okay.
 3 But what you did was to wait until he
 4 started his answer and then interrupt him with
 5 another question. So I would like to ask you for
 6 that courtesy. And I promise you I'll return that
 7 courtesy when Dr. Rappeport has his turn.
 8 So I have no problem with withdrawing
 9 a question, if you wish to do that. But once you
 10 ask a question, if you would like the witness to
 11 answer, at least give him the courtesy at the time
 12 to answer before you starting with another question
 13 right on top of it.
 14 MR. COLAO: And I agree that that's
 15 the way we should conduct our depositions, so you
 16 don't --
 17 What happened in that case -- and I
 18 agree to be courteous to you. But what happened in
 19 that case, there was an inordinately long pause and
 20 I thought he was confused so I tried to offer --
 21 MR. BRIGHT: Inordinately long pause
 22 is your conclusion. Of course you know where you
 23 want to go so any pause the witness takes to think
 24 about your question may seem inordinate to you when
 25 you have 30 or 40 questions written down to go with.

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1 I understand that.
 2 But I'm just saying, common courtesy
 3 dictates that you wait until the witness answers
 4 once he begins, that's all. And I'll do the same
 5 for Dr. Rappeport.
 6 MR. COLAO: All right. I'll hold you
 7 to that.
 8 MR. BRIGHT: I know you will. I want
 9 you to, Brian.
 10 THE WITNESS: The reason for the pause
 11 is that you ask a question and then it says -- then
 12 you say, so it sounds like you're conceding
 13 something. So then instead of being able to answer
 14 the question, there's this additional part that I
 15 don't know how I'm supposed to respond to.
 16 BY MR. COLAO
 17 Q. Okay. Well, let's eliminate any
 18 further confusion.
 19 You understand the point I was trying
 20 to make to you? You were not agreeing with it, I'll
 21 give you that, but you understood that I was
 22 suggesting that you were conceding, in your
 23 Paragraph 4, that what was going on was initial
 24 interest confusion, you said, no, that's not what
 25 you were trying to say there. So my question to you

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1 is. Please explain what you were trying to say in
 2 Paragraph 4.
 3 A. What I'm trying to say is, there's a
 4 difference between someone who is aware. I know
 5 that there's a particular source of dental implants
 6 called ClearChoice, and when I hear another name
 7 that's similar, I think that is -- that's that
 8 particular source that I know. There's a
 9 distinction between that and somebody who does not
 10 have some particular source in mind and just hears a
 11 word and is saying, I've heard that word before, but
 12 not confusing it with a source that they are aware
 13 of.
 14 Q. Okay. Thank you for that, because now
 15 I understand.
 16 You agree, these people were not
 17 plucked off the street; these were all people that
 18 had previously phoned the ClearChoice call center,
 19 right?
 20 A. Yes.
 21 Q. So they had heard of ClearChoice
 22 previously, right?
 23 A. They may have
 24 Q. Right. So they were -- so my point to
 25 you is, they were experiencing initial interest

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1 confusion because they were not that category of
 2 person you were describing that had never heard of
 3 any implant center and were just saying RealChoice,
 4 they had in fact had previous knowledge of
 5 ClearChoice because they phoned the call center,
 6 right?
 7 A. No.
 8 Q. Okay. Well, you're not disputing that
 9 these people did in fact call the call center.
 10 right? We've been through that already today.
 11 MR. BRIGHT: About 30 times. Can we
 12 ask a new question? Surely there must be one new
 13 one.
 14 THE WITNESS: Well, I don't know
 15 that -- I'm not disputing that the list of people
 16 are people who called the ClearChoice center. I
 17 don't know that whoever was reached on the phone is
 18 the person that called the ClearChoice center, but
 19 that isn't the point of -- that I'm making here.
 20 BY MR. COLAO:
 21 Q. Okay. Well, I'm having difficulty
 22 understanding your point, because I thought what you
 23 just did me a few seconds ago that it's possible
 24 that the people that answered the phone were not
 25 aware of any type of implant center with the name

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1 choice in it. I mean, I thought that's what you
 2 said

3 MR. BRIGHT: Objection. This isn't
 4 ever a question, so I instruct the witness not to
 5 answer until a question is presented to him.
 6 BY MR. COLAO.

7 Q. Is that what you said?
 8 A. No.
 9 Q. I think that's the question
 10 A. No.
 11 Q. Please explain. I obviously
 12 misunderstood and I apologize. Must be getting
 13 somewhere that's why Mr. Bright is objecting
 14 Anyway, I apologize. I misunderstood. Can you
 15 repeat what you meant there.
 16 A. Yes. Let's say three years ago
 17 somebody called a dental implant center that has a
 18 common word in the name like choice, and three years
 19 later somebody calls them on the phone, they might
 20 remember that they once heard some name that had
 21 choice in it, but that doesn't mean that at the time
 22 they're being interviewed they have any awareness of
 23 ClearChoice as a source identifier.
 24 Q. Okay. And that's what you think might
 25 be going on in this survey?

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1 A. Yes
 2 Q. Okay. You think the people that RL --
 3 you know, that RL Associates called may have called
 4 some other implant center with the word choice in it
 5 besides ClearChoice?
 6 A. No, that's not what I'm saying.
 7 Q. Okay. Well, then, that's what I'm
 8 struggling with
 9 What else could they have done besides
 10 previously called ClearChoice that would have given
 11 them some knowledge of a dental implant center with
 12 the word choice in it?
 13 A. I wasn't saying that it came from
 14 something other than calling ClearChoice.
 15 Q. Okay. Well, then, if it came --
 16 their initial familiarity with a dental implant
 17 center with the word choice in it came from their
 18 previously phoning the ClearChoice call center, then
 19 how is it that they're not experiencing initial
 20 interest confusion when the word RealChoice is used
 21 before ClearChoice when they're called?
 22 A. Because something is only confusion if
 23 the word you're talking about is functioning as a
 24 trademark not if it's just a common word that
 25 somebody has in their head.

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1 Q. You understand that the word
 2 ClearChoice is functioning as a trademark because it
 3 was granted as a trademark, right?
 4 A. I don't know what it is, one way or
 5 the other, but I'm talking about the word choice.
 6 Q. You've not even researched whether
 7 ClearChoice is a registered trademark?
 8 A. I have.
 9 Q. And what did you conclude?
 10 A. My understanding is it is a registered
 11 trademark.
 12 Q. It is a registered trademark, right?
 13 A. That's my understanding
 14 Q. Okay. So then the word ClearChoice is
 15 functioning as a registered trademark?
 16 A. When I say, functioning, I mean to
 17 actual consumers, does that mean anything to them?
 18 And that's a different issue than whether the
 19 trademark office has registered it.
 20 Q. All right. So then, if I'm
 21 understanding you, you're certainly not questioning
 22 whether the trademark office has registered
 23 ClearChoice as a valid trademark, right?
 24 A. Right
 25 Q. Okay. You're just questioning whether

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1 it means something to consumers?
 2 A. Yes. In the questions you've just
 3 been asking me, that's what I meant.
 4 Q. All right.
 5 MR. BRIGHT: Just for point of
 6 clarification, ClearChoice is a service mark, Brian,
 7 not a trademark.
 8 MR. COLAO: I appreciate that.
 9 MR. BRIGHT: You know the difference
 10 between the two? One covers goods, one covers
 11 services. ClearChoice covers services only.
 12 So just for point of clarification,
 13 trademarks would cover things like your sweater,
 14 shirt, that's goods. Service mark covers services
 15 like dental implant services in this case.
 16 MR. COLAO: No. I do understand that.
 17 That was -- I apologize if I misstated it. I was
 18 just --
 19 MR. BRIGHT: A lot of your questions
 20 indicate a confusion in your mind --
 21 I'm just saying, a lot of Mr. Colao's
 22 questions today have evinced a confusion in his mind
 23 between what a trademark is and what a service mark
 24 is, and what the registration of these two different
 25 kinds of marks means, that's all I was saying. I

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1 was trying to help him with that.
 2 BY MR. COLAO:
 3 Q. Now, you agree that the RL survey was
 4 a double-blind survey, correct?
 5 A. I'm honestly not sure. I'd have to go
 6 back and look -- look at the report.
 7 Q. Okay. Was that something you would
 8 have been reviewing the report for the first time
 9 you went through it?
 10 A. It's certainly something that might
 11 have jumped out at me if it wasn't
 12 Q. Right. And you agree that a
 13 double-blind survey is an acceptable way to conduct
 14 a survey, right?
 15 A. Yes.
 16 Q. Okay. Now, the RL survey also
 17 utilized a control group, correct?
 18 A. Yes.
 19 Q. Before we get into particulars of your
 20 critique, you agree that, in general, having a
 21 control is an acceptable way to conduct a survey,
 22 right?
 23 A. Yes.
 24 Q. Okay. Now, you have, in Paragraph 5,
 25 stated. The control choices Real Option and Right

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1 Q. Okay. Now, Real Option is distinct
 2 from ClearChoice, right?
 3 A. Yes.
 4 Q. Okay. And it certainly doesn't appear
 5 confusing when compared to ClearChoice, in your
 6 opinion, right?
 7 A. Right.
 8 Q. Okay. So --
 9 MR. COLAO: Pat, we'll take a break
 10 for a minute. He's got to ask me a question or two.
 11 (Short recess was taken.)
 12 BY MR. COLAO:
 13 Q. Mr. Poret, are you ready to continue
 14 your deposition?
 15 A. Yes.
 16 Q. Okay. We were discussing Paragraph
 17 No. 5 of your report regarding the control group
 18 before the break. Do you remember that?
 19 A. Yes.
 20 Q. Okay. Now, what term could you use
 21 with the word choice in it that would meet the
 22 criteria of being a valid control in this case?
 23 A. I haven't thought about what I would
 24 have specifically used as a control, but something
 25 that -- what I had in mind is something that used

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1 Option were insufficient to cure for the fundamental
 2 flaws discussed above as they do not contain the
 3 term choice, they cannot control for the possibility
 4 that respondents were merely agreeing with the first
 5 name they hear containing choice rather than
 6 actually confusing a name with a particular source
 7 they're aware of. Do you see that?
 8 A. Yes.
 9 Q. Okay. Now, do you agree with me that,
 10 in general, a control group in a survey has to be
 11 far enough away from the term at issue so that it
 12 can't be confused with the term at issue?
 13 A. I am not sure I can agree the way you
 14 put that.
 15 Q. Well, I'll ask it as it relates to
 16 this case.
 17 Do you agree that, in this particular
 18 case, the control group has to be sufficiently
 19 distinct from the term ClearChoice so that it's not,
 20 in itself, confusing with the term ClearChoice?
 21 A. Yes.
 22 Q. Okay. Because if the control group is
 23 too similar to the term ClearChoice, then it's not a
 24 control, right?
 25 A. Yes.

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1 the word choice, but was pretty plainly not
 2 confusingly similar with ClearChoice as an overall
 3 name.
 4 Q. Can you give me an example as you sit
 5 here today?
 6 A. I'd have to think about it more.
 7 Q. So you can't -- as you sit here today,
 8 you can't give me an example?
 9 A. I can't really have -- coming up with
 10 names of dental implants centers is not something
 11 that comes naturally to me so I would need to think
 12 about what would seem to be a sensible name that
 13 would also meet these criteria.
 14 Q. Right. I'm not trying to fault you.
 15 I'm just saying, as you sit here today, right now,
 16 when asked a question, you can't come up with an
 17 example off the top of your head, right?
 18 A. Not one that I'm comfortable that I
 19 would endorse for a survey.
 20 Q. Okay. Now, let's go look at Paragraph
 21 6, where you say, The sample size of 90 respondents
 22 and only 45 who heard RealChoice before ClearChoice
 23 is too small to permit any reliable conclusions.
 24 Do you see that?
 25 A. Yes.

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1 Q. Okay. Even if the survey design had
 2 any reliability, the margin of error would be too
 3 large to support a conclusion that there is a
 4 meaningful level of confusion: you go on to say
 5 that, right?
 6 A. Yes.
 7 Q. Okay. Now, did you calculate the
 8 margin of error on the RL survey?
 9 A. Yes.
 10 Q. What formula did you use?
 11 A. I used a program.
 12 Q. Okay. Do you know -- because as
 13 Mr. Bright has pointed out a number of times today,
 14 I'm no mathematician.
 15 Does the formula that you used have a
 16 name?
 17 A. The program is called Stat Check.
 18 Q. Okay. Would you agree -- okay. But
 19 in terms of what precise formula you used, you can't
 20 identify it for me today?
 21 A. No. I just -- I used, you know, a
 22 program that we use whenever we're just going to run
 23 simple calculations like this, where you plug in the
 24 sample size and the result and --
 25 Q. Could you do the formula by hand -- or

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1 the calculation? I apologize.
 2 Could you do the calculation by hand?
 3 A. Not sitting here right now.
 4 Q. Would you agree with me that the
 5 validity of the sample size depends on the margin of
 6 error of the given case?
 7 A. The validity of the sample size
 8 depends on the margin of error?
 9 I'm not sure if you said that right.
 10 I'm trying to think about that.
 11 Q. Well, maybe a different way to say it
 12 is:
 13 Would you agree with me that the
 14 appropriateness of the sample size depends on the
 15 margin of error of a given case?
 16 A. Yes, generally.
 17 Q. Now, do you know that there is a
 18 separate formula for calculating margin of error
 19 between two groups?
 20 A. Yes.
 21 Q. Okay. Now, in this case you used the
 22 formula for a single group, it looks like, right?
 23 A. I don't know. I don't think that's
 24 right.
 25 Q. Can you tell me, with any degree of

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1 certainty, as you sit here today, whether or not you
 2 calculated the margin of error in the difference
 3 between the two samples, the 27 and the 4?
 4 A. I'm just looking at what I actually
 5 did.
 6 Q. Go ahead.
 7 A. Well, what I was doing was calculating
 8 an error rate for each individual statistic. So, by
 9 definition, each of these is an error rate within
 10 one group. It's not -- it wasn't a comparison of
 11 two numbers across one -- two numbers from two
 12 groups.
 13 Q. Okay. And I'm just -- like I said,
 14 I'm just trying to understand what you did, what you
 15 didn't do. So if I ask this question:
 16 You did not -- just so I'm clear as to
 17 what you did and what you didn't do -- you did not
 18 calculate the margin of error in the difference
 19 between the two samples, the 27 and the 4, right?
 20 A. Right. It's not -- it's not the
 21 difference. It was a margin of error for each
 22 individual result.
 23 Q. Okay. So you did -- you did the
 24 margin of error in each group separately?
 25 A. Yes.

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1 Q. Okay. Do you know the margin of error
 2 on the difference between two samples is always
 3 substantially less than the margin of error on each
 4 group separately?
 5 A. That makes sense.
 6 Q. And just so I'm clear. Can you tell
 7 me why you felt it was appropriate to calculate the
 8 margin of error on each group separately as opposed
 9 to doing the difference?
 10 A. Yes. Because doing the difference,
 11 it's not so important to me whether, say, 27
 12 compared to 4 is a statistically significant
 13 difference.
 14 You know, you could have a result
 15 that's -- one group is 8 percent and one group is 4
 16 percent, and at a certain sample size that could be
 17 statistically significant, but it wouldn't mean it's
 18 a large margin of confusion. It would still be a
 19 small difference.
 20 So it isn't so much -- the point to me
 21 isn't so much whether the margin between the 27 and
 22 4 is statistically significant, it's how little
 23 might that 27 actually be.
 24 Q. All right. But by calculating the
 25 margin of error on each group separately, you're

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1 always going to get a higher margin of error than if
 2 you calculated the difference between the two
 3 groups, right?
 4 A. I suppose you would get -- have to get
 5 a smaller difference than the larger number, not
 6 necessarily than the lower range of the numbers.
 7 Q. I guess, let me just ask this
 8 question:
 9 Had you calculated the margin of error
 10 on the difference between the two samples, the 27
 11 and 4, instead of doing it individually, your margin
 12 of error would have been a lower number, right?
 13 A. It would have been lower than the
 14 13 percent. I don't know that it would have been
 15 lower than the 6 percent.
 16 Q. Would have been lower than 13 percent,
 17 correct?
 18 A. Yes.
 19 Q. A couple of other questions for you:
 20 just so I can make sure I understand.
 21 You agree that the proper universe --
 22 because we're looking at Paragraph 7, where you're
 23 talking about the survey universe. And just so I'm
 24 clear.
 25 You agree that the appropriate

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1 universe of participants in this survey are
 2 individuals who are potential dental implant
 3 patients, right?
 4 A. Yes.
 5 Q. Okay. Is there anybody else that
 6 would be in a -- anybody else that you believe
 7 should be included in the universe?
 8 A. No.
 9 Q. Okay. Now, your Subparagraph C, you
 10 say, The survey did nothing to account for the fact
 11 that real prospective customers would be going
 12 through an expensive process involving a great deal
 13 of attention and would not be making a decision
 14 merely based on hearing a name read to them. Do you
 15 see that?
 16 A. Yes.
 17 Q. What did you mean by that?
 18 A. I mean, obviously a survey is seeking
 19 to simulate what somebody would be going through in
 20 the real world, and dental implants are not just a
 21 pull something off-the-shelf and go pay for it
 22 thing, it's something that's going to involve a lot
 23 of money and some investigation and possibly trying
 24 to get insurance coverage. It's a major investment
 25 end process. So somebody would not be making a

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1 decision about choosing a dental implant center just
 2 on the level of hearing a name read.
 3 Q. What is your basis for making that
 4 statement?
 5 A. Well, from what I understand about the
 6 process, it's -- it's very expensive and that it's a
 7 series procedure and that it wouldn't be so simple.
 8 My other basis is from reading the
 9 survey responses. And you can tell from people's
 10 experience, from what they said about having called
 11 dental implant centers, that it's expensive and a
 12 difficult process.
 13 Q. You're not saying that initial
 14 interest confusion is okay just because it's a big
 15 ticket item, are you?
 16 A. No.
 17 Q. And you agree with me that initial
 18 interest confusion may constitute trademark
 19 infringement even in cases that involve expensive
 20 products or services?
 21 A. It can.
 22 MR. COLAO: Pat, I'm going to check my
 23 notes. Like I said, I'm making really good progress
 24 on getting this finished. So I'm going to check my
 25 notes and come back and be in a position to wrap

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1 this up.
 2 MR. BRIGHT: Thank you.
 3 MR. COLAO: All right. We'll take a
 4 break.
 5 (Short recess was taken.)
 6 MR. COLAO: Pat, we're all set. No
 7 further questions.
 8 MR. BRIGHT: Okay. I have one.
 9 MR. COLAO: Okay.
 10 EXAMINATION BY MR. BRIGHT:
 11 Q. Mr. Foret, directing your attention to
 12 Paragraph 4 of your report. Mr. Colao expressed
 13 some confusion about what you were trying to say in
 14 that paragraph, so could you summarize for us and
 15 for the record what you were saying there.
 16 A. Yeah. So this goes to my opinion that
 17 the difference between this testing control group
 18 has an alternate explanation other than trademark
 19 confusion, and it's that people are merely just
 20 matching up the first word that they heard that
 21 has choice in it.
 22 And the example that has come to my
 23 mind that I think would help explain this is, let's
 24 say you had a restaurant called Bob's Bar and Grill,
 25 and you had a list of all people who had called that

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1 restaurant to make a reservation, and you called
 2 those people on the phone and you said to them, have
 3 you been to a restaurant called Sam's Bar and Grill
 4 These names are not confusingly similar, they just
 5 have a common generic term in them, but somebody
 6 might -- thinking about a restaurant they went to
 7 two-and-a-half years ago, and they went to someplace
 8 called bar and grill, they might say, oh, yeah,
 9 yeah, I've been to Sam's Bar and Grill, now -- when
 10 they really went to Bob's Bar and Grill That's not
 11 trademark confusion, that's just somebody who is
 12 thinking of a generic term and having a fuzzy memory
 13 about it.

14 And if you did the survey and you
 15 first asked people, did you go to Bob's Bar and
 16 Grill and then Sam's Bar and Grill, and then you ask
 17 the other group Sam's Bar and Grill first, you would
 18 probably get the same result that you're getting in
 19 this survey. That when they hear Bob's Bar and
 20 Grill first, they're less likely to then say I went
 21 to Sam's Bar and Grill, whereas if they're asked
 22 Sam's Bar and Grill first, they're more likely to
 23 think, I went to someplace that was Bar and Grill,
 24 so, yeah it was Sam's Bar and Grill.

25 So that's -- that is the obvious

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C E R T I F I C A T E

1 I, MIRIAM RIOS, (License No. XJ02031) a
 2 Certified Court Reporter and Notary Public of the
 3 State of New Jersey, do hereby certify, that prior to
 4 the commencement of the examination, HAL PORET was
 5 duly sworn by me to testify the truth, the whole
 6 truth and nothing but the truth.
 7 I DO FURTHER CERTIFY that the foregoing is a
 8 true and accurate transcript of the testimony as
 9 taken stenographically by and before me at the time,
 10 place and on the date hereinbefore set forth.
 11 I DO FURTHER CERTIFY that I am neither a
 12 relative nor employee nor attorney nor counsel of
 13 any of the parties to this action, and that I am
 14 neither a relative nor employee of such attorney or
 15 counsel, and that I am not financially interested in
 16 the action.

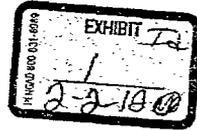
17 Notary Public of the State of New Jersey
 18 My Commission Expires June 30, 2012
 19 Dated: February 15, 2012
 20
 21
 22
 23
 24
 25

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1 alternative explanation for what's going on in this
 2 survey. And I'm using an example with bar and grill
 3 which clearly is not a protectable term in which
 4 Bob's Bar and Grill and Sam's Bar and Grill are not
 5 confusingly similar in a trademark sense to
 6 illustrate what I mean could easily be going on in
 7 this survey.

8 MR. BRIGHT That's all I have.
 9 MR. COLAO All right. Just two
 10 things real quick I think you answered this
 11 earlier, but I just want to be clear.
 12 As you sit here today, you have not
 13 been asked to do any further work besides what's in
 14 your report, correct?
 15 THE WITNESS: Correct.
 16 MR. COLAO: Okay. That's it. Thank
 17 you
 18 MR. BRIGHT: Thank.
 19 (WITNESS EXCUSED.)
 20 (TESTIMONY CONCLUDED AT 10:26 A.M.)
 21
 22
 23
 24
 25

EXHIBIT 2-1



**EXPERT REPORT OF HAL PORET IN MATTER OF
CLEARCHOICE OPPOSITION TO APPLICATION TO REGISTER
REALCHOICE FOR DENTAL IMPLANTS**

**RESPONSE TO RL ASSOCIATES LIKELIHOOD OF
CONFUSION STUDY**

REPORT PREPARED FOR:
Patrick F. Bright
Attorney for Implant Direct Int'l

PREPARED BY:
Hal Poret

October, 2011

BACKGROUND AND PURPOSE

Implant Direct Int'l has applied to register the mark REALCHOICE in connection with dental implants. ClearChoice Holdings, LLC ("ClearChoice") has opposed registration of REALCHOICE on the grounds that it creates a likelihood of confusion with the CLEARCHOICE mark. Opposition No. 91190485.

In connection with the Opposition proceeding, ClearChoice has submitted a report on a survey conducted by RL Associates (the "RL Survey") purporting to find that there is a likelihood of confusion between the REALCHOICE mark and Clear Choice.

Patrick Bright, attorney for Applicant, asked me to review and analyze the RL Survey, submitted on behalf of Opposer. This report contains my opinions regarding the RL Survey and Report.

QUALIFICATIONS

This report was prepared by Hal L. Poret.

I am a Senior Vice President at ORC International, a market research firm. I have personally designed, supervised, and implemented over 350 consumer surveys concerning consumer perception, opinion, and behavior. Over 150 of these surveys have concerned consumer perception regarding trademarks. I have personally designed numerous studies that have been admitted as evidence in legal proceedings and I have been accepted as an expert in survey research on numerous occasions by U.S. District Courts, the Trademark Trial and Appeal Board, the FTC, and the National Advertising Division of the Council of Better Business Bureaus (NAD).

I have frequently spoken at major intellectual property law and legal conferences on the topic of how to design and conduct surveys that meet legal evidentiary standards for reliability, including conferences held by the International Trademark Association (INTA), American Intellectual Property Law Association, Practising Law Institute, Managing Intellectual Property, Promotions Marketing Association, American Conference Institute, and various local bar and IP organizations. Most recently, I spoke on the topic of trademark surveys at the Midwest IP Summit in Minneapolis, and I moderated a session on the use of surveys as evidence in trademark disputes at the May 2011 INTA Annual Meeting in San Francisco. I was also the survey expert selected by INTA to speak at its 2009 annual conference on the topic of trademark surveys.

In 2010, I published an article regarding the use of online and other trademark surveys in *The Trademark Reporter*, a journal published by the International Trademark Association. I am also a Senior Research Fellow at the Center for the Empirical Study of Trademark Law, a research center established by the

McCarthy Institute for Intellectual Property and Technology Law at the
University of San Francisco School of Law

In addition to my survey research experience, I hold bachelors and masters
degrees in mathematics and a J.D. from Harvard Law School. Additional
biographical material, including lists of testimony and publications, is provided
in Appendix A.

I am being compensated for my time in connection with this matter at my
ordinary rate of \$500/hour.



Hal Poret

Dated: October ____, 2011

MATERIALS REVIEWED

In connection with preparing this report, I reviewed the RL Associates report on
the RL Survey, two excel files containing the raw data from the RL Survey,
ClearChoice's Opposition, Implant Direct's Answer, the ClearChoice website, the
RealChoice website, RealChoice's Request for Production of Documents, and
ClearChoice's Response to RealChoice's Request for Production of Documents.

BRIEF OVERVIEW OF RL SURVEY

The following is a very brief overview of the RL Survey. Additional details regarding the survey are discussed below in the "Detailed Analysis" section of this report.

The RL Survey was a telephone survey among individuals who were believed to have contacted a ClearChoice dental implant center in the past three years. According to the RL report, the purpose of this approach was to survey individuals who are known to be aware of ClearChoice.

A total of 90 survey respondents were asked if they have heard of RealChoice.¹ Respondents who answered that they have heard of RealChoice were treated as evidence of potential confusion. According to the RL report, individuals who have had contact with ClearChoice and answer that they have heard of RealChoice might be confusing RealChoice with ClearChoice.²

According to the RL report, it attempted to control for the possibility that those who answer that they have heard of RealChoice (or RightChoice) were merely guessing in two ways. First, half of the respondents were asked about Real Choice before being asked about Clear Choice whereas the other half were asked about ClearChoice first. Among those asked about RealChoice (or RightChoice) first, 27% answered that they have heard of it. Among those asked about

¹ An additional 90 survey respondents were asked instead about RightChoice, another party that has no connection with RealChoice and is not a party to this Opposition proceeding. The RL report ultimately combines the results of the Real Choice and RightChoice surveys into a total group of 180 respondents. As discussed more below, it is not proper to include results relating to another party's mark in assessing whether RealChoice is confusing. Nevertheless, for ease of explanation, I will generally refer to RealChoice and RightChoice together because RL does in its report.

² Respondents were also asked if they had heard of ClearChoice and were asked about any contact or work they had done with each party.

RealChoice (or RightChoice) after ClearChoice, 6% answered that they have heard of it. The RL report concludes based on this that the 21% difference indicates that 21% of respondents really were confusing RealChoice/RightChoice with ClearChoice.

The RL Survey also asked all respondents about a control name, Real Option or Right Option. A total of 4% of respondents answered that they had heard of Real Option/Right Option. The RL Report concludes that the 23% difference between this noise level and the 27% result for RealChoice/RightChoice indicates trademark confusion.

SUMMARY OF OPINION REGARDING RL SURVEY

The RL Survey uses a methodology for testing confusion that I have never seen used or endorsed by any researcher or authority, and entirely fails to measure whether there is a likelihood of confusion for the following reasons:

- (1) The assumption that the survey was conducted among individuals who know "ClearChoice" to indicate a particular source was proven unreliable by the survey data. The majority of survey respondents had never heard of ClearChoice or had no memory of contact with ClearChoice. Accordingly, it is impossible to conclude that respondents who answered that they have heard of RealChoice were confusing it with ClearChoice.
- (2) RL's assumption that those who answered that they have heard of RealChoice were confusing it with ClearChoice was also proven false in the majority of cases by other answers that make clear that respondents understood ClearChoice and RealChoice to be distinct entities.
- (3) A complete analysis of the survey data makes clear that the 21% difference between those asked about RealChoice before and after ClearChoice does

not indicate confusion among the former group; it merely indicates that if you ask consumers about two entities that both have "Choice" in the name, they will be more likely to say they have heard of the first and not the second. This is clear from the fact that the rate at which respondents answered that they have heard of ClearChoice also varies similarly depending on whether it was asked about before or after RealChoice.

- (4) Even if there were any validity to the theory that respondents who say they have heard of RealChoice are really mistaken, this does not indicate that ClearChoice and RealChoice are confusingly similar. To the contrary, it is equally possible that respondents had only a vague recollection of an implant center with "Choice" in the name and were simply assuming "RealChoice" could be the name of the center, without actually confusing it with a particular other entity.
- (5) The control choices "Real Option" and "Right Option" were insufficient to cure for the fundamental flaws discussed above. As they do not contain the term "Choice", they cannot control for the possibility that respondents were merely agreeing with the first name they hear containing "Choice" rather than actually confusing a name with a particular source they are aware of.
- (6) The sample size of 90 respondents (and only 45 who heard RealChoice before ClearChoice) is too small to permit any reliable conclusions. Even if the survey design had any reliability, the margin of error would be too large to support a conclusion that there is a meaningful level of confusion.
- (7) The survey universe was fatally flawed in several ways: (a) it consisted of those who had contacted the Opposer, rather than the proper universe, prospective users of the Applicant's services; (b) the survey failed to ask any screening questions to determine if respondents are prospective consumers of dental implants at all; (c) the survey did nothing to account for the fact that real prospective customers would be going through an

expensive process involving a great deal of attention and would not be making a decision merely based on hearing a name read to them.

DETAILED ANALYSIS OF RL SURVEY

I. The Survey Design For Measuring Confusion is Fundamentally Flawed and Unreliable

The RL methodology and conclusions rely on the assumption that respondents who answered that they have heard of RealChoice are confused – i.e., that it is actually ClearChoice that they have had contact with and are mistakenly assuming RealChoice is the same entity. This assumption is flawed for a number of reasons, and proven false by the survey's own data in a number of ways.

A. The Assumption that Survey Participants are Aware of ClearChoice as a Particular Source of Dental Implants is Flawed.

By definition, a respondent who mistakenly answers that they have heard of RealChoice could only be confused in a trademark sense if that respondent is actually aware of ClearChoice as a particular source. Despite the fact that the individuals called in the survey had supposedly contacted a ClearChoice center at some point in the past three years, there is no reliable basis for believing that they came into the survey with any awareness of ClearChoice as a source. To the contrary, the survey data suggests that the majority of survey participants had never heard of or had no awareness of having contact with ClearChoice.

The following table shows what experience, if any, the respondents in the survey said they have had with ClearChoice.

Respondent Experience with ClearChoice	#/% of respondents
Never heard of ClearChoice	27 (15%)
Never had contact with ClearChoice	69 (38%)
Contacted ClearChoice but did not use them	81 (45%)
Had work done by ClearChoice	3 (1.7%)

As this table reveals, the whole premise of the survey – that the individuals being interviewed were familiar with ClearChoice as a distinct source – is flawed. Of the 180 survey respondents (including those asked about RightChoice), 27 answered that they had not even heard of ClearChoice. An additional 69 respondents answered that they have never had any contact with ClearChoice. This means that, for 96 respondents (53% of the survey), it is either known that they had not heard of ClearChoice or there is serious doubt about whether they knew the name ClearChoice to indicate any particular source. Remarkably, only three of the 180 survey respondents (1.7%) answered that they or anyone in their household had ever had work done at ClearChoice.

In this light it is clear that respondents who answered that they have heard of RealChoice cannot be presumed to have been thinking of ClearChoice. It was particularly improper for RL to classify respondents as confusing RealChoice with ClearChoice who explicitly stated that they had never heard of ClearChoice or who answered that they had never had contact with ClearChoice.

B. Most Respondents Who Answered That They Have Heard of Real Choice Gave Other Answers Showing They Were Not Confused

RL's assumption that respondents who answered that they have heard of Real Choice were confusing RealChoice with ClearChoice is also disproven in the

majority of cases by the respondents' other answers, which show they were not confused.

RL's conclusion that there is a likelihood of confusion rests on the fact that 24 of the 90 respondents (26.7%) who were asked about RealChoice (or RightChoice) before ClearChoice answered that they have heard of RealChoice/RightChoice. However, 16 of these 24 respondents gave additional answers that indicate they were not confused. The following table shows how these 24 supposedly confused respondents answered the other survey questions.

<u>Answers of 24 Respondents Who Said They Have Heard of Real Choice (Before Being Asked About Clear Choice)</u>	# of respondents Base = 24
Have <u>never</u> heard of ClearChoice	4
Answered that they did <u>not</u> contact RealChoice but <u>did</u> contact ClearChoice	9
Answered that they <u>did</u> contact RealChoice but did <u>not</u> contact ClearChoice	3
Other:	8

As the above table shows, review of all answers reveals that at least 16 of the 24 respondents counted as confused were not. Four of the 24 respondents answered that they have not heard of ClearChoice, and, accordingly, cannot be presumed to be confusing RealChoice with an entity they have not heard of. An additional 9 respondents who said they have heard of RealChoice stated that they did not contact RealChoice but that they did contact ClearChoice. These answers indicate that respondents recognized ClearChoice and RealChoice to be distinct sources, one of which they contacted and one of which they did not. Likewise, an additional 3 of the respondents gave the opposite pattern of answers - that they did contact RealChoice but did not contact ClearChoice. Such responses also indicate an understanding of RealChoice and ClearChoice as distinct sources, only one of which the respondent had contacted. It was improper for

RL to ignore these additional answers that disprove RL's assumption that those who have heard of RealChoice were confusing it with ClearChoice.

This leaves only 8 respondents out of 90 (8.9%) who could possibly have been confusing RealChoice with ClearChoice, even before accounting for survey noise.

It is also apparent from the open-ended answers, which RL does not analyze, that many of the respondents who are treated as confused in fact understood ClearChoice and RealChoice to be different entities. Respondents who answered that they were aware of Real/Right Choice or ClearChoice were asked what they know about them. The following are instances of respondents who are treated as confused because they answered that they have heard of Real/RightChoice (before being asked about ClearChoice), but actually gave open-ended answers that undermines the hypothesis that they are confused.

- Resp 80 answered that they were aware of both ClearChoice and RightChoice and discussed them as separate entities, remarking that they have similar names, but obviously recognizing them as separate entities.
- Resp 90 answered that they were aware of both ClearChoice and RightChoice and said nothing upon being asked about ClearChoice to indicate they think it is related to RightChoice.
- Resp 149 answered that they were aware of both ClearChoice and RealChoice and made clear they believed them to be separate organizations by commenting that both have prices in the same ballpark.
- Resp 177 said they had heard of RealChoice but knew nothing about it. When next asked about ClearChoice, they indicated that they had talked to ClearChoice, and provided information about them. Clearly then, the respondent was not initially confused when answering that they had

heard of RealChoice, because they did not claim to have contacted or know anything about RealChoice.

- Respondent 199 answered that they have only heard of RightChoice from their dentist but that they have seen a ClearChoice office somewhere, which conflicting references suggest the belief that they are separate entities.
- Respondent 218 answered that they knew nothing about RightChoice, only having seen advertising, but that they actually went to ClearChoice for a consultation and knew they were very expensive. These answers suggest awareness that these are two different entities.
- Respondent 256 answered that they have heard of both RightChoice and ClearChoice and specified that they had seen more advertising for ClearChoice. They also commented that they have only heard of RightChoice but had actually spoken to ClearChoice about prices, again indicating awareness that these are separate entities.
- Respondent 538 answered that they were aware of both RealChoice and ClearChoice and discussed them as separate entities, commenting that they knew nothing about RealChoice, but had visited ClearChoice for a consultation and found they were too expensive. As observed already, if this respondent had been initially confused when asked about RealChoice, they would have answered that they had had a consultation
- Respondent 598 also answered that they were aware of both RealChoice and ClearChoice and seemed to know them as separate entities, commenting that they did not know anything about RealChoice other than that they do implants but then commenting about ClearChoice that they also do other dental work, including caps, and have several dentists.
- Respondent 687 answered that they visited RightChoice and had only seen a commercial on tv for ClearChoice, suggesting a belief that they are distinct entities.

- Respondent 753 answered that they had only seen a commercial for RightChoice and knew nothing else, but knew more about ClearChoice and stated they had taken an online survey for ClearChoice.
- Respondent 815 answered that they had only seen and heard ads for RealChoice and knew nothing about them, but that they had actually talked to ClearChoice and had problems with payment/insurance.
- Respondent 1029 did not know anything about RealChoice other than having seen a commercial, but seemed to know more about ClearChoice, specifying that ClearChoice claims to be the leading provider in implants and have the best commercials.
- Respondent 136 initially answered that they have heard of RealChoice but, prior to be asked about ClearChoice, volunteered that they were thinking of ClearChoice, meaning that the respondent clarified any potential confusion on their own and were ultimately not confused.

As these instances demonstrate, RL ignored the respondents' verbatim answers in hypothesizing that a respondent who said they have heard of Real/RightChoice was confusing it with ClearChoice. If that was the case, respondents would have been expected to initially provide answers relating to ClearChoice and then clarify when subsequently asked about ClearChoice that the latter is who they were initially talking about. This is not what typically happened. Many respondents gave different answers when asked what they knew about Real/RightChoice and ClearChoice, indicating an awareness of them as separate entities.

C. Reversing the Order in Which RealChoice and ClearChoice Were Asked About Does Not Establish That Those Who Answered That They Have Heard of RealChoice Were Confused.

As detailed above, it should be clear from the responses of most of the 24 respondents (27% of the 90 who were asked about RealChoice/RightChoice first) who answered that they have heard of RealChoice/RightChoice that they were not confused. RL ignores these answers and claims that the group of 27% must be confused because only 6% of respondents answered that they have heard of RealChoice/RightChoice when asked about it after they had been asked about ClearChoice. There is, however, a logical explanation for the difference in the 27% and 6% result other than trademark confusion. The alternative explanation is that survey respondents who are asked if they have heard of a dental implant center that has the word Choice in the name are simply significantly less likely to say "yes" when they have already been asked about another dental implant center with the word Choice in the name. Whether or not respondents know anything about ClearChoice or RealChoice, they simply become less likely to say they have heard of a center when it is not the first one they are asked about.

This alternative explanation is empirically supported by the survey data regarding respondents' answers about ClearChoice. While RL reports the difference in results for RealChoice based on order (a 21% difference), it ignores the fact that a similar difference occurred for supposed awareness of ClearChoice. When respondents were asked about ClearChoice before RealChoice/RightChoice, 92.2% of respondents answered that they have heard of ClearChoice. When respondents were asked about ClearChoice after RealChoice/RightChoice, 77.7% of respondents answered that they have heard of ClearChoice, a difference of roughly 15%.

	Clear Choice Before RealChoice	Clear Choice After RealChoice	NET
Have heard of RealChoice	6%	27%	21%
Have heard of ClearChoice	92.2%	77.7%	15%

As the above table shows, there is no reliable basis for concluding that the survey results regarding RealChoice reflect confusion. To the contrary, a very similar result occurred with respect to ClearChoice – the percentage who stated that they have heard of it dropped by a significant margin based on the order in which it was asked about. This similar pattern supports the alternative explanation for the results – that survey respondents who are asked about a name that includes the word Choice are less likely to say they have heard about it if they have already been asked about another name that includes the word Choice.

D. Even if Some Respondents Were Mistaken That They Have Heard of RealChoice, This Does Not Equate to Trademark Confusion

Finally, even if there were support for the hypothesis that respondents who said they have heard of RealChoice were mistaken, there is no reliable support for the conclusion that such a mistake equates to trademark confusion. As indicated above, it is unclear in the case of most respondents whether they have any awareness of “ClearChoice” as a distinct source. It may be that most respondents have only a vague memory of having contacted an implant center and would not have even known that the name was ClearChoice. If that is the case, and respondents who say they have heard of ClearChoice were merely reacting to a vague memory that the implant center they contacted might have had “Choice” in the name, this does not indicate genuine confusion as to source. It would merely be an arbitrary word-association exercise, as opposed to a false

“Choice” in the name in a non-confusing manner. This would have controlled for the tendency of respondents to arbitrarily connect any use of “Choice” to a dental implant center they had heard of.

III. The Sample Size is Too Small To Support Reliable Conclusions

In addition to the failure of the survey design to properly test for confusion, the survey’s sample size is also too small to support any reliable conclusion. The RL conclusion regarding RealChoice rests on a comparison between the results among 45 respondents who were asked about RealChoice before ClearChoice (27%) and another 45 respondents who were asked about RealChoice after ClearChoice (4%). Sample sizes of 45 are far too small to support reliable results that can be projected to the general universe of consumers. At a sample size of 45, the 27% result for the first group would have a margin of error of approximately 13% and the 4% result for the second group would have a margin of error of approximately 6% at the standard 95% confidence level.

	Answered Yes	Error Rate
Have heard of RealChoice (before ClearChoice)	27%	13%
Have heard of RealChoice (after ClearChoice)	4%	6%

As both the 27% and 4% figures are subject to such large error rates, it is reasonably likely (based on a standard 95% confidence level) that the actual difference between the two groups is far smaller, possibly below 10%. Even if results from the RL methodology could, in theory, be reliable, results based on such a small sample size would not be. This is particularly true given the seriously flawed universe used in the survey (discussed below).

In an effort to reduce the magnitude of the survey's sample size problem, RL attempts to combine the results of the 90 respondents who were surveyed about RealChoice with the 90 who were surveyed about RightChoice. It is not proper to include results regarding RightChoice in an analysis of whether RealChoice is too confusingly similar to be registered. Regardless, even with the results combined, a sample size of 90 per group is still concerningly small, and also produces high error rates of 9% and 5% for the relevant statistics that render unreliable the differences RL relies on.

IV. The Survey Universe Was Improper

The survey results are also unreliable due to a universe that was improper for a number of reasons.

It is accepted that the appropriate universe for a likelihood of confusion survey consists of prospective users of the services offered in connection with the Applicant's mark. The RL survey, however, did not include screening questions sufficient to ensure that respondents were prospective users of dental implant services at all. Respondents were merely asked whether they are "familiar with dental implants" and were then assumed to be proper respondents simply because they were on a list maintained by ClearChoice. As discussed above, however, 53% of the survey participants stated that they had never heard of or had had no contact with ClearChoice. It is unclear why so many respondents had no awareness of contacting ClearChoice despite being on ClearChoice's list. One possibility is that respondents had contacted ClearChoice too far in the past to remember. Another possibility is that the wrong individual was interviewed. Regardless of the explanation, the majority of respondents gave no answers that would enable them to be reliably classified as prospective users of dental implant services.

An additional 45% of respondents stated that they had contacted ClearChoice but never had any work done. Only 3% of all survey respondents confirmed that they have had any dental implant work done. Accordingly, it is highly questionable whether a realistic and representative universe of dental implant customers was surveyed.

The problem with the survey universe is compounded by the fact that the RL survey exclusively targeted prospective users of the Opposer's services, contrary to the accepted standard that the Applicant's prospective users should be surveyed. The survey was limited to those who had contacted Opposer and was conducted only in locations where Opposer has dental implant centers. All other prospective users of the Applicant's services and all residents of all other parts of the country were improperly excluded from the survey.³

Finally, the survey did nothing to account for the fact that the purchase of dental implant services requires spending a very large amount of money and/or arranging insurance coverage for a very expensive service and would require significant attention and administrative action. The mere mention of the name RealChoice to respondents who may not have given any consideration to dental implants in recent years, if ever, is a poor simulation of whether a prospective user of the Applicant's service would be confused in the real world. The survey should have, at a minimum, asked screening questions to make sure that respondents have recently been or are currently in the market for dental implant services to ensure that respondents were genuine, relevant consumers who could properly consider the RealChoice name in a realistic manner.

³ While I understand that RL's flawed methodology required interviewing those who are familiar with ClearChoice, this does not cure the problem of the universe being improper and unrepresentative.

CONCLUSION

For the foregoing reasons, it is my opinion that the RL Survey is unreliable and does not demonstrate a likelihood of confusion.

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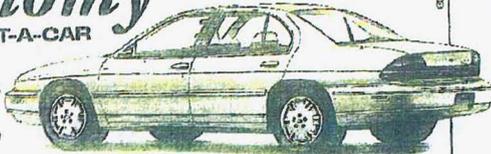
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