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Filing date: **07/09/2013**

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

Proceeding	92057136
Party	Defendant Catalist Homes, Inc.
Correspondence Address	CATALIST HOMES INC 2601 PACIFIC COAST HIGHWAY, SUITE 302 HERMOSA BEACH, CA 90254 UNITED STATES
Submission	Reply in Support of Motion
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Date	07/09/2013
Attachments	2013 07 09 Reply to Response to Combined Motion for Substitution and Extension (black and white).pdf(3835927 bytes)

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

In re Trademark Registration No. 2,956,688
Mark: CATALIST HOMES INC.
Date of Issue: May 31, 2005

CATALYST MORTGAGE, INC.)	CANCELLATION NO. 92057136
)	
Petitioner,)	
)	
vs.)	
)	
CATALIST HOMES, INC.,)	
)	
Registrant.)	

**REGISTRANT’S REPLY TO PETITIONER’S RESPONSE TO REGISTRANT’S
COMBINED (1) MOTION FOR SUBSTITUTION OF PARTIES AND
(2) MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITION FOR
CANCELLATION**

Comes now CATALYST LENDING, INC., Registrant/Assignee of Registration 2956688 (“Registrant”), mark CATALIST HOMES INC., registration 2956688 (the “CATALIST HOMES design mark”), by and through undersigned counsel, and respectfully submits this reply to Petitioner’s response to Registrant’s combined (1) motion for substitution of parties and (2) motion for extension of time to file response to petition for cancellation (“Combined Motion”):

I. Summary

Petitioner’s Mark CATALYST MORTGAGE was registered in 2012 after an examination which failed to consider the CATALIST HOMES design mark. After Petitioner threatened Registrant with damages for trademark infringement based on Registrant’s use of its CATALYST LENDING mark (pending application serial 85755734, filed October 16, 2012), Petitioner filed its Petition for Cancellation of the CATALIST HOMES design mark. Between

the time that Petitioner filed its Petition for Cancellation, Registrant was assigned and acquired all of the rights in the CATALIST HOMES design mark.

Petitioner now alleges that Registrant acted in bad faith in acquiring the CATALIST HOMES design mark. As discussed below, Registrant's assignment and acquisition of the CATALIST HOMES design mark was valid and proper. Further, Petitioner argues that the mark was abandoned and therefore could not be validly assigned. This argument fails because it asks the Board to determine as a matter of law that abandonment occurred, the very relief requested in the Petition for Cancellation which must be proven by Petitioner, and Petitioner is not entitled to such relief. Lastly, Petitioner argues that the CATALIST LENDING mark is "entirely different from the CATALIST HOMES mark" and for this reason substitution should be denied. However, a comparison of Registrant's own mark with the CATALIST HOMES INC. mark is irrelevant to the determination of the motion for substitution.

II. Response to Petitioner's "Factual Background"

Registrant responds as follows to certain allegations made in the Response "Factual Background":

1. Catalist Homes, Inc. was the owner of two marks incorporating the words "Catalist Homes": a word mark, CATALIST HOMES, registration no. 2991259 ("the CATALIST HOMES word mark"), and the mark at issue in this proceeding, CATALIST HOMES INC., a combined word/design mark, registration no. 2956688 ("the CATALYST HOMES design mark"). As a result of Catalist Homes, Inc.'s failure to file an affidavit of continued use for the CATALIST HOMES word mark, registration 2991259 was cancelled. However, the CATALIST HOMES design mark was not cancelled. Rather, on July 14, 2010

Catalist Homes filed a combined section 8 and 15 affidavit for the CATALIST HOMES design mark, establishing continued use and incontestability. See Exhibit 1. This combined affidavit was accepted by the PTO on August 4, 2010. See Exhibit 2. The Response omits these facts and implies that because the CATALIST HOMES word mark was not maintained that somehow the CATALIST HOMES design mark is invalid.

2. Petitioner's assertion that it made "repeated attempts, without success, to find evidence of the use of the CATALIST HOMES mark" conflicts with the evidence submitted within Exhibit 3 hereto. The affidavit establishes that a contemporaneous Google search of the words "Catalist Homes" resulted in numerous instances of uses in commerce of the CATALIST HOMES design mark, including use on third party web sites advertising the real estate brokerage services covered by the CATALIST HOMES design mark.¹ Thus, there is significant evidence that the CATALIST HOMES design mark has not been abandoned.

3. In order to prevail on its Petition, Petitioner must establish abandonment of the CATALIST HOMES design mark. Vais Arms, Inc. v. Vais, 383 F.3d 287, 293 (5th Cir.2004). However, in its response Petitioner asks the TTAB to presume, or find as a matter of law in a summary judgment fashion, that the CATALIST HOMES design mark was abandoned. Under the Lanham Act, 15 U.S.C. § 1127, a trademark has been abandoned when "its use has been discontinued with intent not to resume such use." In this proceeding, Petitioner must prove abandonment. See TBMP 309.03(c). That proof must establish that a mark has been abandoned due to (1) nonuse with (2) intent not to resume use, or due to a course of conduct that has caused the mark to lose significance as an indication of source. *Id.* at example 11. Abandonment of a

¹ See TMEP 1301.04 (use in commerce includes offering services via the internet so long as it identifies the services for which the mark is related to). See also 2 McCarthy on Unfair Competition, 16:32.70 (4th Ed.) ("McCarthy").

mark is a forfeiture of a property interest and must be proven by clear and convincing evidence. Grocery Outlet, Inc. v. Albertson's, Inc. 497 F.3d 949, 952 (9th Cir., 2007) (Wallace, J., concurring). Moreover, nonuse itself does not establish abandonment; where any use has ceased an intent to resume use of the mark within the reasonably foreseeable future during the short period of alleged nonuse prevents a mark from being abandoned. Grocery Outlet, Inc. v. Albertson's, Inc. 497 F.3d at 949; Huber Baking Co. v. Stroehmann Bros. Co., 252 F.2d 945, 956 (2d Cir. 1958).

4. Petitioner next alleges that that the assignment of the CATALIST HOMES design mark to Registrant is ineffective or void. This argument is without merit.

First, even though Catalist Homes, Inc. was not in good standing in the state of Delaware at the time of the assignment, this does not make the assignment ineffective. Under Delaware law, while Catalist Homes, Inc.'s charter was void, that did not extinguish it as a legal entity or prevent it from continuing to own or transfer the assets it owned before the charter became void. See Wax v. Riverview Cemetery Co., 41 Del. 424, 436, 24 A.2d 431, 436 (Super. Ct. 1942) (forfeiture for non-payment of taxes does not extinguish the corporation as a legal entity); Addy v. Short, 47 Del. 157, 89 A.2d 136 (1952) (neither dissolution nor expiration of the three year period following dissolution extinguished the ability of a corporation to own property); Frederic G. Krapf & Son, Inc. v. Gorson, 243 A.2d 713, 715 (Del. 1968) (same). Further, the forfeiture of foreign corporation status by Catalist Homes, Inc. in California has no effect on the validity of the assignment. See West's Ann.Cal.Rev. & T.Code § 23304.1 (contracts made while corporate powers suspended are voidable only by parties to the contract other than taxpayer).

Second, under 37 CFR § 3.71(d), "the assignee of a trademark application or registration may prosecute a trademark application, submit documents to maintain a trademark registration,

or file papers against a third party in reliance on the assignee's trademark application or registration, to the exclusion of the original applicant or previous assignee.”

Further, 37 CFR § 124 states that

[w]hen a mark which is the subject of a federal application or registration has been assigned, together with the application or registration, in accordance with Trademark Act § 10, 15 U.S.C. § 1060, any action with respect to the application or registration which may or must be taken by the applicant or registrant may be taken by the assignee (acting itself, or through its attorney or other authorized representative), provided that the assignment has been recorded or that proof of the assignment has been submitted.

(Underlining emphasis added). Under the Lanham Act § 45, 15 U.S.C.A. § 1127, the terms “applicant” and “registrant” include the “legal representatives, predecessors, successors and assigns of such applicant or registrant.” Following a proper assignment, the assignee steps into the shoes of the assignor. *Gillette Co. v. Kempel*, 45 C.C.P.A. 920, 254 F.2d 402, 404, 117 U.S.P.Q. 356 (1958).

On June 10, 2013 Registrant recorded the assignment of the CATALIST HOMES design mark with the USPTO, at recordation 90025752. See Exhibit 4. Pursuant to 37 CFR § 124, Registrant has the right to defend the Petition for Cancellation, to the exclusion of Catalist Homes, Inc..

IV. Reply to response arguments.

A. The Board cannot summarily assume that the CATALIST HOMES design mark is abandoned as a basis to deny the motion for substitution.

First, Petitioner argues that “because the CATALIST HOMES design mark has been abandoned, Catalyst Lending cannot be an “assignee” of the mark because no goodwill was transferred.

To begin with, Petitioner has the burden of proof to establish abandonment. Petitioner is not entitled to summary judgment under Fed.R.Civ.Proc. 56 because the pleadings have not closed and no defense has yet been asserted. See TBMP 528, citing Fed.R.Civ.Proc. 56(a). Further, there are genuine issues of material fact as to whether abandonment has occurred and Petitioner has not demonstrated that it is entitled to judgment as a matter of law. See Respondent's Exhibit A to its Combined Motion (the assignment); Exhibit 3, affidavit showing uses in commerce of the CATALIST HOMES design mark; Exhibit 5, affidavit of David Marr.

Petitioner's repeated "bad faith" assertion and its "relatedness" argument rely on Avia Group Int'l Inc. v. Faraut, 25 U.S.P.Q.2d 1625 (TTAB 1992), which it cites for the proposition that the joinder of a corporate parent was improper where the movant failed to provide a factual basis connecting parent to issues in the case. Response at p. 7. In that case, respondent Faraut was sanctioned for the filing of baseless and unnecessary motions, including a motion to add Reebok International as a party plaintiff, on the basis that Reebok was the parent company of Petitioner and thus "the real party in interest, thereby raising new procedural and substantive issues, such as which company controls the quality of petitioner's goods." Id., 25 U.S.P.Q.2d at 1626. Avia argued that Reebok should not be joined because it did not have standing nor any reason to petition to cancel the respondent's registration. The Board held that Faraut could not add Reebok because there was no evidence whatsoever that Reebok had any relationship with or interest in the mark, other than the fact that Reebok owned Avia. Avia Grp. Int'l Inc. v. Faraut, 25 U.S.P.Q.2d at 1626-27. Here, Registrant is the assignee of the mark at issue and thus the case is inapposite.

B. Registrant's motives in obtaining the CATALIST HOMES design mark and its future potential uses of the mark are irrelevant to this motion.

Petitioner next argues that Respondent has to show that it had some benign intent in acquiring the CATALIST HOMES design mark. This argument disregards hornbook trademark law that

[t]he fact that an assignment of a mark was motivated by the assignee's desire to acquire a priority date earlier than a rival does not detract from the validity of the assignment. The acquisition of priority over an opponent by buying a mark with seniority, even in the midst of litigation, is not improper and does not constitute unclean hands.

McCarthy at section 18:16.50.²

Petitioner next argues that Registrant's future use of the CATALIST HOMES design mark, as supposed by Petitioner, would result in abandonment, citing McCarthy at section 18:27. If an assignment is valid and the assignee carries on use of the mark as it was used in the past, a continuity of the mark and its good will is preserved. McCarthy at 18:15. The affidavit of David Marr, Registrant's CEO, discusses Registrant's intent in obtaining the CATALIST HOMES design mark. But the possible future actions of Registrant have no bearing on whether an assignment actually occurred.

C. It is irrelevant whether the CATALIST HOMES design mark and the CATALYST LENDING mark are similar or dissimilar.

² In support, McCarthy cites the following cases: Money Store v. HarrisCorp Finance, Inc., 689 F.2d 666, 216 U.S.P.Q. 11 (7th Cir. 1982); Dial-A-Mattress Operating Corp. v. Mattress Madness, 841 F. Supp. 1339, 1348 n.10, 33 U.S.P.Q.2d 1961, 1967 n.10 (E.D.N.Y. 1994), reconsideration denied, 847 F. Supp. 18, 33 U.S.P.Q.2d 1961 (E.D.N.Y. 1994) (it is irrelevant that the motivation for a sale was to gain priority over another); Lone Star Steakhouse & Saloon v. Alpha of Virginia, 43 F.3d 922, 33 U.S.P.Q.2d 1481, 1487 (4th Cir. 1995); Carnival Brand Seafood Co. v. Carnival Brands, Inc., 187 F.3d 1307, 51 U.S.P.Q.2d 1929 (11th Cir. 1999); Planetary Motion, Inc. v. Techsplosion, Inc., 261 F.3d 1188, 59 U.S.P.Q.2d 1894 (11th Cir. 2001); Iowa Health System v. Trinity Health Corp., 177 F. Supp. 2d 897, 926-927 (N.D. Iowa 2001) ("[T]he motivation for a sale [of the mark] is irrelevant and senior user status may properly be achieved by assignment in anticipation or in the midst of litigation.").

Further, it is irrelevant that in its 2007 registration application for CATALYST LENDING, which was rejected on the basis of the CATALIST HOMES work mark and design mark, Registrant argued that there was no likelihood of confusion. That argument was rejected and the registration was denied. Indeed, one reason why Catalyst Lending desired to obtain the CATALIST HOMES design mark was to ensure that it had priority in the use of that mark and any confusingly similar marks. The argument that such acquisition was improper or that the motives for acquisition should be questioned represents a basic misunderstanding of trademark law.

Neither of the two cases cited by Petitioner support their opposition to the motion for substitution. In Ilco Corp. v. Ideal Sec Hardware Corp., 527 F.2d 1221 (CCPA 1976), the Court of Customs and Patent Appeals held that the user of the mark HOME PROTECTION CENTER was not entitled via a merger theory to rely on its prior use of a different designation for goods (HOME PROTECTION HARDWARE), for the purpose of proving a date of first use, where the HOME PROTECTION CENTER mark signified a unitary aggregation of goods related to home protection and HOME PROTECTION HARDWARE referred to hardware itself and not to racks on which hardware was displayed or a place where it was collected together. This case applied the rule that where an assignee fails to carry on use of mark as it was used in the past, the continuity of the mark and its good may not be preserved. But Petitioner is not entitled to the presumption that the future use of the CATALIST HOMES mark will constitute an abandonment. Indeed, the affidavit of David Marr states that the real estate brokerage, Clarity Real Estate Network, is in the process of being rebranded as “Catalist Homes”.

Petitioner also relies on Sugar Busters, LLC v. Brennan, 177 F.3d 258 (5th Cir. 1999). In that case, the assignee of the SUGARBUSTERS service mark, which was used to market a diet

book called SUGARBUSTERS! Cut Sugar to Trim Fat,” brought action against the authors and publisher of a cookbook called “SUGAR BUST For Life!,” alleging trademark infringement, dilution, and unfair competition under the Lanham Act and related claims under state law. The trial court granted a preliminary injunction in favor of the assignee and the defendants appealed. The Fifth Circuit held that the assignment of the SUGARBUSTERS mark from a retail store to the assignee was an invalid “assignment in gross”, including because the mark was never used by the assignee, up to the point of the injunction, for the services covered by the mark’s registration. Since the trial court applied the incorrect legal standard, an injunction should not have issued. The trial court also improperly analyzed other facts and thus an injunction should not have issued. This case does not support Petitioner’s claim that the assignment of the CATALIST HOMES design mark to Registrant is invalid because Registrant “might do something” to abandon the mark in the future. Further, there is no evidence that the assignment to Registrant was in gross; the assignment itself states that it includes all the “goodwill of the business in connection with which the Trademarks are used....” See Combined Motion at Exhibit A, second paragraph.

WHEREFORE, Assignee Catalyst Lending, Inc. requests that the Board grant the following relief:

- (a) substitute Calatyst Lending, Inc. as named Respondent for Catalist Homes, Inc.;
- and
- (b) grant Catalyst Lending, Inc. an extension of time, through and including ten days after the grant of such motion for substitution, within which to file an answer to the Petition for Cancellation and to file any counterclaim.

Respectfully submitted,

DYMOND • REAGOR • COLVILLE, LLP

By: 

Michael W. Reagor, Esq.

Anna E. Lineberger, Esq.

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Greenwood Village, CO 80111

(303) 793-3400

ATTORNEYS FOR CATALYST LENDING, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2013, a true and correct copy of the foregoing REPLY TO PETITIONER'S RESPONSE TO REGISTRANT'S COMBINED (1) MOTION FOR SUBSTITUTION OF PARTIES, AND (2) MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITION FOR CANCELLATION was mailed postage prepaid through the U.S. Mail and served electronically via email, return receipt requested, to the following:

Susan E. Hollander, Esq.

Susan.Hollander@klgates.com

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K&L Gates LLP

4 Embarcadero, Suite 1200

San Francisco, CA 94111

/s/ Lisa K. Evans



Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2956688
REGISTRATION DATE	05/31/2005
SERIAL NUMBER	76574261
MARK SECTION	
MARK	CATALIST HOMES INC. (stylized and/or with design)
OWNER SECTION (current)	
NAME	Catalist Homes, Inc.
STREET	2601 Pacific Coast Highway, Suite 302
CITY	Hermosa Beach
STATE	California
ZIP/POSTAL CODE	90254
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	Julia Anne Matheson
FIRM NAME	FINNEGAN HENDERSON FARABOW GARRETT ET AL
STREET	901 NEW YORK AVE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20001-4413
COUNTRY	United States
PHONE	202.408.4020

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EMAIL	julia.matheson@finnegan.com
ATTORNEY SECTION (proposed)	
NAME	Julia Anne Matheson, Esq.
FIRM NAME	FINNEGAN HENDERSON FARABOW GARRETT ET AL
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CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20001-4413
COUNTRY	United States
PHONE	202.408.4000
FAX	202.408.4400
EMAIL	docketing@finnegan.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	09419.0004
OTHER APPOINTED ATTORNEY	each of the attorneys
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	036
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPN0-6520722-103937695 . CATALIST HOME Design Spec 9419 0004 .pdf</u>
CONVERTED PDF FILE(S) (3 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\765\742\76574261\xml5\8150002.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\765\742\76574261\xml5\8150003.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\765\742\76574261\xml5\8150004.JPG</u>
SPECIMEN DESCRIPTION	use of the mark on the registrant's website

PAYMENT SECTION

NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300

SIGNATURE SECTION

ORIGINAL PDF FILE	<u>hw_6520722-103937695_CATALIST HOMES DESIGN 8 15 Sign 9419 4.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT11\IMAGEOUT11\765\742\76574261\xml5\8150005.JPG</u>
SIGNATORY'S NAME	Michael J. Davin
SIGNATORY'S POSITION	Executive Vice President & Chief Marketing Officer
PAYMENT METHOD	CC

FILING INFORMATION

SUBMIT DATE	Wed Jul 14 10:53:03 EDT 2010
TEAS STAMP	USPTO/S08N15-65.207.2.2-2 0100714105303394332-29566 88-4603520c1e6c54095fa315 697dbedf016d-CC-7487-2010 0714103937695670

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2956688

REGISTRATION DATE: 05/31/2005

MARK: CATALIST HOMES INC. (stylized and/or with design)

The owner, Catalist Homes, Inc., having an address of
2601 Pacific Coast Highway, Suite 302
Hermosa Beach, California 90254
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 036, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) use of the mark on the registrant's website.

Original PDF file:

[SPN0-6520722-103937695 . CATALIST HOME Design Spec 9419 0004 .pdf](#)

Converted PDF file(s) (3 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

The registrant hereby appoints Julia Anne Matheson, Esq. and each of the attorneys of FINNEGAN HENDERSON FARABOW GARRETT ET AL

901 NEW YORK AVE NW

WASHINGTON, District of Columbia 20001-4413

United States

to file this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 09419.0004.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Original PDF file:

[hw_6520722-103937695_CATALIST HOMES DESIGN 8 15 Sign 9419 4.pdf](#)

Converted PDF file(s) (1 page)

[Signature File1](#)

Signatory's Name: Michael J. Davin

Signatory's Position: Executive Vice President & Chief Marketing Officer

Mailing Address (current):

FINNEGAN HENDERSON FARABOW GARRETT ET AL
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WASHINGTON, District of Columbia 20001-4413

Mailing Address (proposed):

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901 NEW YORK AVE NW
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Serial Number: 76574261

Internet Transmission Date: Wed Jul 14 10:53:03 EDT 2010

TEAS Stamp: USPTO/S08N15-65.207.2.2-2010071410530339

4332-2956688-4603520c1e6c54095fa315697db

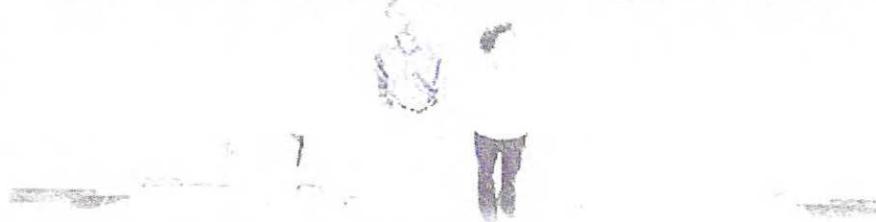
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CATALIST HOMES BUYER GROUP



Our unique buyer representation program makes the home buying experience *enjoyable and stress free*.

Our Services

- Catalist Homes provides buyers internet search access to ten California Multiple Listing Services updated daily, backed up by our network of real estate agents working out of ten Southern California offices.
- Our agents know the market and are happy to show you the homes you want to see. If you prefer to preview homes on your own, we can provide you with access information and in-depth property information to facilitate your home search.
- When you are ready to write an offer, meet one of our Home Marketing Specialists in one of ten local Catalist offices, or have your offer prepared and reviewed via telephone, and submitted via fax and email immediately to the listing agent.

Negotiating the best price:

- Obtaining the necessary listing intelligence to negotiate effectively
 - o Acquire any and all available information regarding a property owner's motivation to sell
 - o Research the complete price history and days on market history of all home listings prior to writing an offer to purchase.
- Preparation of buyer resume demonstrating ability of buyer to close escrow
- Awareness of micro and macro market economic conditions.

Effective Transaction Management:

- Attention to the finest transaction details
- Strong negotiation and resolution of repair items contained on the buyer's inspection report
- Recommendation of high quality escrow and title professionals

20% Commission Rebate:

- Catalist will rebate 20% of our commission earned as buyer agent to use for closing costs, furniture, lowering the purchase price, etc.
- For customers who only wish to use Catalist Homes to submit an offer on a home they have already found on their own, Catalist can rebate up to 50% of our commission - subject to management approval and certain restrictions.

*Qualifying buyers must sign agency rebate agreement

[Click here to contact us about buying a home](#)

Catalist Homes reserves the right to refuse to write offers or make attempts to be competitive, or even buyers submitting offers on multiple homes. Each offer must be pre-qualified and demonstrate proof of funds prior to any offer being submitted. A Catalist agent will assist buyers in obtaining the necessary pre-qualification.

Residential Real Estate Quick Links



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SERVICES

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- View Catalist Sales
- ALL ACCESS PASS**
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Seller Focus

Several items of special interest to the seller are provided including: the home's value, why it may or may not be the best time to sell, and the best way to sell.

Multiple listings are very different from multiple offers. Catalist offers the following:

- We will never drop the market value of your home to attract another buyer.
- We will not accept any offer until an offer has been submitted to the agent. Multiple offers are always accepted unless otherwise specified.
- The listing company is not to remove your home if the listing is the best of buyers.
- Our agents are employees who are compensated with a salary and a team bonus. They do not negotiate with each other. To avoid having one work in a constant state of over-competition, our listing agreement is for 90 days, not 180 days.
- Our agents provide pricing advice and distribute information in your best interest. NOT driven by commission.
- We will only sell your home for a price that is fair to all buyers and in your best interest. We provide a list of all our marketing efforts in the form of a Fair Price Analysis Report available on the web in your home.
- Homes have doubled in value since 1929. They will continue to double in value by 2029. You would not agree to pay \$100 in 2009, so why pay more now?
- We charge a fee (2% of the sale price) to represent you at the time of the sale and manage a home sale. We split our fees evenly with the responsible buyer's agent. We preserve the equity typically used to purchase a second home. Catalist Homes has a reputation for home sellers. To maximize your equity (profits) when selling a home.

Agent Compensation

Our agents are not independent contractors for commission. We pay our agents the most professional sales organizations (i.e., REA, Keller, etc.) with a fixed salary and fixed-based bonus.

- Our agents are not dependent on the sale of your home for financial survival.
- Our agents will not be tempted to get you to accept conditions which are not in your interest just to earn a quick fee.

view our agents

Negotiation Emphasis

The single biggest asset our people possess is our negotiating savvy. This is all we do. Our agents are trained in how to negotiate all the deal terms, contingencies, and to protect their clients. We are well-prepared to properly and professionally manage multiple offer situations, to achieve the highest price, while minimizing buyer frustration.

Our agents are not financially dependent on any single home sale and thus are free to negotiate the best deal for all our clients. For our clients, Catalist Homes uses a proprietary legal addendum to our contracts that give the seller an additional layer of legal protection beyond the standard California Association of Realtors forms. Strong negotiating emphasis is one reason Catalist Homes achieved the highest sale price to listed price average (22.2% in 2009) in the market for straight sales.

Comprehensive Marketing

Why hire an agent when you can hire a home marketing team?

The biggest weakness of the conventional agent is that most brokerage companies require their independent contractors to pay for and create the marketing and advertising artwork and content. This can:

- Economically incentivize the agent to provide the bare minimum marketing when the homeowner should demand maximum advertising.
- Create the agent self-promotion phenomenon seen in every display ad which features the agent more than the home.
- Lead to unprofessionally prepared marketing materials.

Catalist Agents do not pay for any home marketing costs; the company does. Catalist Agents do not prepare the marketing materials; our in-house professional graphic design studio does. This leads to more money spent on your behalf and higher quality collateral materials, maximizing the opportunity to achieve the highest price.

Catalist Homes Inc.

Yard Sign



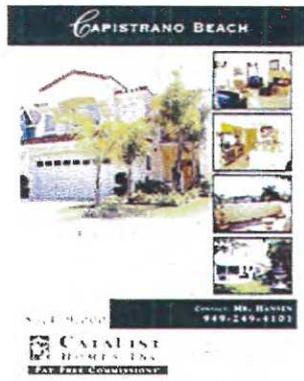
Enhance your yard with a sign with maximum impact.

Color Cards



Place Your Best Foot Forward with your real estate.

Color Flyers



[View Big](#)

Catalist Homes' design team will design and print the color poster flyers for your home.

Multiple Listing Service

Catalist Homes is a proud member of the Greater South Bay, Orange County, Lombard, Westside and CA (CLAW), Greater Pasadena, San Francisco Valley, and Orange Coast Branches of Realtors and will promptly submit your home to the Multiple Listing Service (MLS) complete with additional digital photos. Catalist offers a half of our fee (1.5%) as a sales agent compensation. Catalist will allow a customer to offer more, but it is never necessary. Since 1981, 70% of Catalist Homes transactions involved an incoming flyer report from another firm.

Internet Advertising

According to the 2004 National Association of Realtors Profile of Buyers and Sellers, 76% of web-enabled buyers use the Internet to assist them in their home search. If your home is not online with virtual tours, additional digital photos, and address disclosure, your home is not being effectively marketed to all potential buyers.

The local MLS operators automatically upload property data to various web sites such as Realtor.com. In addition, Catalist allows the competition to display our listings in order to ensure maximum internet presence. Some counties do not allow your listing to appear on other brokers' sites, which is the industry's online equivalent.

Catalist Homes pays thousands of dollars to advertise our listings on Realtor.com. See examples below of our homes versus the typical Realtor's online listing.



Catalist homes' promotional materials are available to the following sites:

Real Estate Search Web Sites	Real Estate Brokerage Web Sites
Realtor.com	Catalisthomes.com

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

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

Signature Section

Signature: 

Date: 6/20/2010

Signatory's Name: Michael J. Davin

Signatory's Position: Executive Vice President & Chief Marketing Officer

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2956688



Serial Number: 76574261



RAM Sale Number: 7487

RAM Accounting Date: 20100714

Total Fees: \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20100714	\$100	1	1	\$100
§15 affidavit	7208	20100714	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20100714





Side - 1



**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: Aug 4, 2010**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2956688
MARK: CATALIST HOMES INC. AND DESIGN
OWNER: Catalist Homes, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

Julia Anne Matheson, Esq.
FINNEGAN HENDERSON FARABOW GARRETT ET AL
901 NEW YORK AVE NW
WASHINGTON, DC 20001-4413

d. Exhibit 3D: Third-party website (www.merchantcircle.com) showing use of the Mark as actually used in the sale or advertising of the real estate brokerage services offered. This listing was found by searching within the real estate brokerage category.

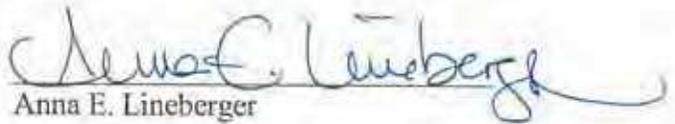
e. Exhibit 3E: Third-party website (www.venturebeatprofiles.com) showing use of the Mark along with a description identifying the services associated with the mark and its source and contact information.

f. Exhibit 3F: Third-party website (www.patch.com) showing use of the Mark along with a description identifying the services associated with the mark and its source and contact information.

g. Exhibit 3G: Third-party website (www.metacafe.com) showing use of the Mark along with a video description identifying the services associated with the mark and its source. The video includes a testimonial from a builder on his experience working with Catalist Homes in selling homes he constructed or remodeled, including the home depicted below.

h. Exhibit 3H: Third-Party website (www.dailymotion.com) showing use of the Mark along with a video description identifying the services associated with the mark and its source. The video includes a testimonial from a buyer/seller on her experience working with Catalist Homes Inc. in selling her home and purchasing a new home.

3. I have examined the web pages referenced in Exhibits 3A-3H attached hereto. The pages are true and accurate copies of the content contained on those pages. To the best of my information and belief, I hereby certify the information summarized therein is an accurate and true summary of such information, as of July 8, 2013.


Anna E. Lineberger

Subscribed and affirmed before me by Anna E. Lineberger, in the County of Arapahoe, State of Colorado, this 8th day of July, 2013.

My Commission Expires: 7-22-16


Notary Public/Clerk





Results from a simple Google web search for the word portion of the mark "Catalist Homes Inc" showing use of the Mark in commerce.

Page 1 of Search Results:

The screenshot shows a Google search for "catalist homes". The browser address bar displays the search URL. Below the search bar, the Google logo is visible, followed by the search term "catalist homes". Navigation tabs for "Web", "Images", "Maps", "Shopping", and "More" are shown. The search results are listed below, each with a title, a source link, and a brief description.

Web Images Maps Shopping More Search tools

About 48,000 results (0.22 second)

[Catalist Homes | CrunchBase Profile](#)
www.crunchbase.com › Companies
Catalist Homes is a real estate company providing a higher quality of client service through professional personnel working out of

[Articles about Catalist Homes Inc - Los Angeles Times](#)
articles.latimes.com › Collections
Catalist Homes Inc News: Find breaking news, commentary, and archival information about **Catalist Homes Inc** From The Los Angeles Times.

[Catalist Homes — Hermosa Beach Patch — Patch.com](#)
hermosabeach.patch.com/listings/catalist-homes
Using a cooperative, team-based system for selling homes, **Catalist Homes** is updating an antiquated system for selling real estate. The store agents aren't ...

[Catalist Homes | VentureBeat Profiles](#)
venturebeatprofiles.com/company/profile/catalist-homes/
July 9-10, 2013 San Francisco, CA Tickets On Sale Now **Catalist Homes**, a San Francisco-based real estate company, has raised... Continue reading > ...

[Catalist Homes | LinkedIn](#)
www.linkedin.com/company/catalist-homes
Welcome to the company profile of **Catalist Homes** on LinkedIn.

[Catalist Homes Incorporated, Hermosa Beach CA 90254](#)
www.merchantcircle.com › CA › Hermosa Beach › 90254
Catalist Homes Incorporated is located in Hermosa Beach, CA. Get Maps, Driving Directions, Phone #, Reviews for **Catalist Homes Incorporated** in Hermosa ...

[Will DeLeon \(Catalist Homes\) - Agent - Hermosa Beach, CA](#)
activerain.com › California › Los Angeles County › Hermosa Beach
ActiveRain real estate profile for Will DeLeon (**Catalist Homes**) a Agent in Hermosa Beach, CA.

[Grant Huffman \(Catalist Homes Inc.\) - Broker Owner - Santa Moni...](#)
activerain.com › California › Los Angeles County › Santa Monica
ActiveRain real estate profile for Grant Huffman (**Catalist Homes Inc.**) a Broker Owner in Santa Monica, CA.

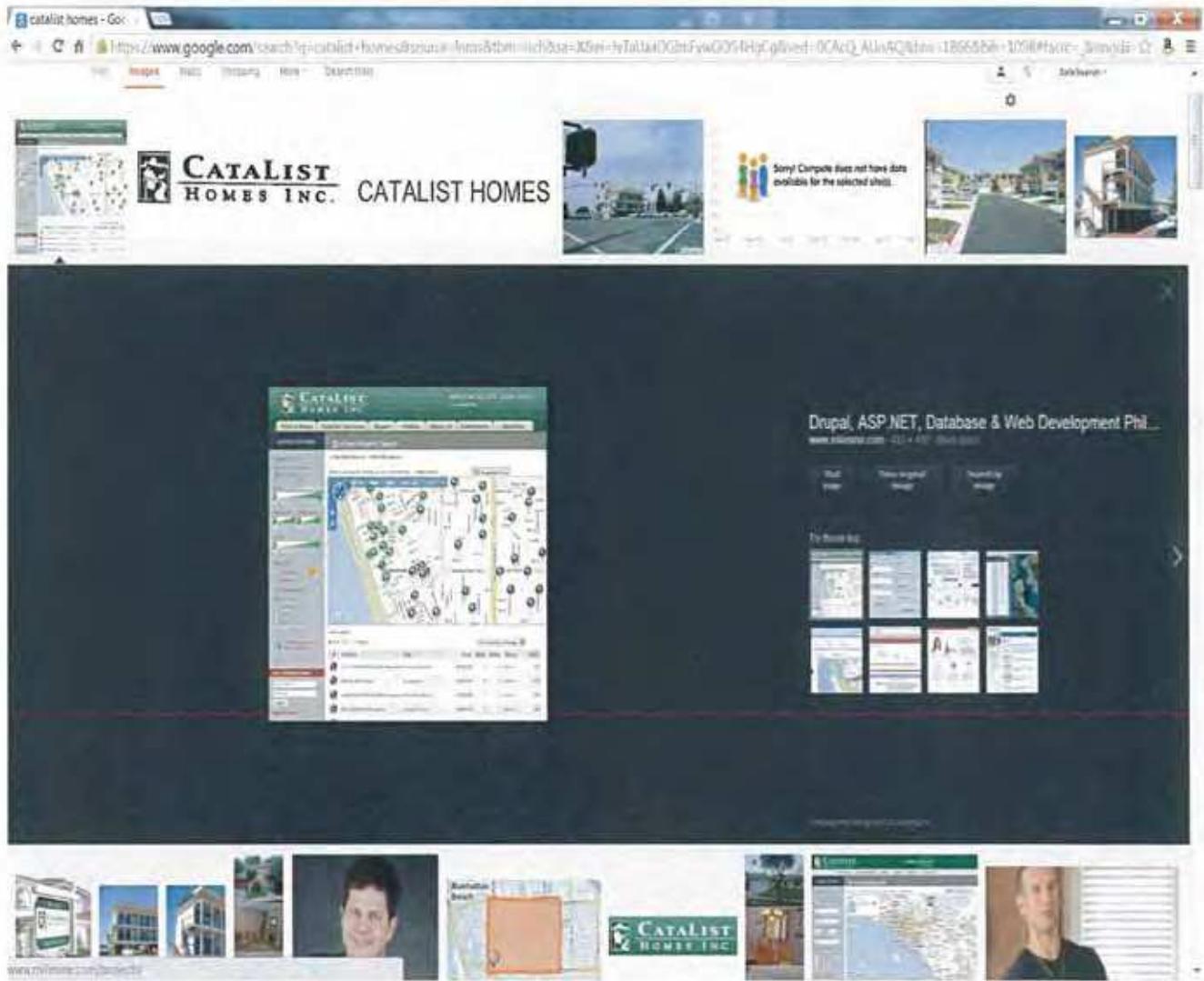
Page 2 of Search Results:

The screenshot shows a Google search results page for the query 'catalist homes'. The browser's address bar displays the URL: https://www.google.com/search?q=catalist+homes&um=1&rlz=1C1O-FX_ontUS471US4718hl=e. The search bar contains the text 'catalist homes'. Below the search bar, there are navigation tabs for 'Web', 'Images', 'Maps', 'Shopping', 'Videos', and 'More'. The search results are listed below, starting with 'Catalist Homes Incorporated in Hermosa Beach, CA - Yahoo Local'. Each result includes a title, a URL, and a brief description. The results are as follows:

- Catalist Homes Incorporated in Hermosa Beach, CA - Yahoo Local**
local.yahoo.com/info-20490090-catalist-homes-incorporated-hermosa-b...
Find **Catalist Homes** Incorporated in Hermosa Beach with Address, Phone number from Yahoo! US Local. Includes **Catalist Homes** Incorporated Reviews, maps ...
- Paula Meyers with CATALIST HOMES - Calcoasthomes.com**
www.calcoasthomes.com/meyers.html
Huntington Beach, California **Homes**: House, Condos, Townhomes for Sale, Just Listed provides Up to 60M Real Estate Information, real estate agent, listing ...
- Catalist Homes | Facebook - Log In**
www.facebook.com/pages/Catalist-Homes/114533705230190
Catalist Homes 6 likes · 0 talking about this ... **Catalist Homes**: Like · Create a Page · Privacy · Terms · **Catalist Homes**: Company · 6 people like this · Want to ...
- Catalist Homes Inc - Los Angeles - Citysearch**
losangeles.citysearch.com → Residential Construction → Home Builders
Catalist Homes Inc (closed) in Hermosa Beach, CA. Come to Citysearch® to get information, directions, and reviews on **Catalist Homes** Inc (closed) and other ...
- Catalist Homes Inc - Laguna Niguel Business Pages - California path**
laguna-niguel.californiapath.com/c-726378.htm
Information on **CATALIST HOMES** INC in LAGUNA NIGUEL, CALIFORNIA CA category: RECYCLING with statistics, PHONE NUMBER, address REVIEWS and ...
- Catalist Homes, Inc.: Private Company Information - Businessweek**
investing.businessweek.com/research/stocks/private/snapshot.asp?
Catalist Homes, Inc. company research & investing information. Find executives and the latest company news.
- Catalist Homes Incorporated in Hermosa Beach, 90254 - Bloglines**
www.bloglines.com → California → Hermosa Beach
Information on **Catalist Homes** Incorporated in Hermosa Beach including reviews, driving directions, map, street address, location, telephone, and related blogs ...
- Catalist Homes, real estate company, raises \$4.5M | VentureBeat**
venturebeat.com/.../catalist-homes-real-estate-company-raises-45...
by Matt Marshall · in 588 Google+ circles
May 5, 2007 - **Catalist Homes**, a San Francisco-based real estate company

Accessed July 8, 2013.

Page 2:



Accessed July 8, 2013.



Third-party website (www.crunchbase.com) using the Mark along with a description identifying the services associated with the mark and its source.

Catalist Homes

Catalist Homes is a real estate company providing a higher quality of client service through professional personnel working out of local offices and backed with tremendous corporate support.

General Information

Website: catalisthomes.com
Category: Other
Employee: 10
Description: Home real estate company

Offices

Westside beach, USA
2601 Pacific Coast Highway, Third Floor
Westside beach, CA, 90254
USA

Funding

TOTAL	\$4.5M
FUNDING TOTAL	\$4.5M
Series D, 567 *	\$4.5M
WestRiver Capital	
The Halo Fund	
The Angels' Forum	

Recent Milestones

Catalist Homes received \$4.5M in Series D funding (5/3/13)
(Please contact us if you know more about this)

Quantcast

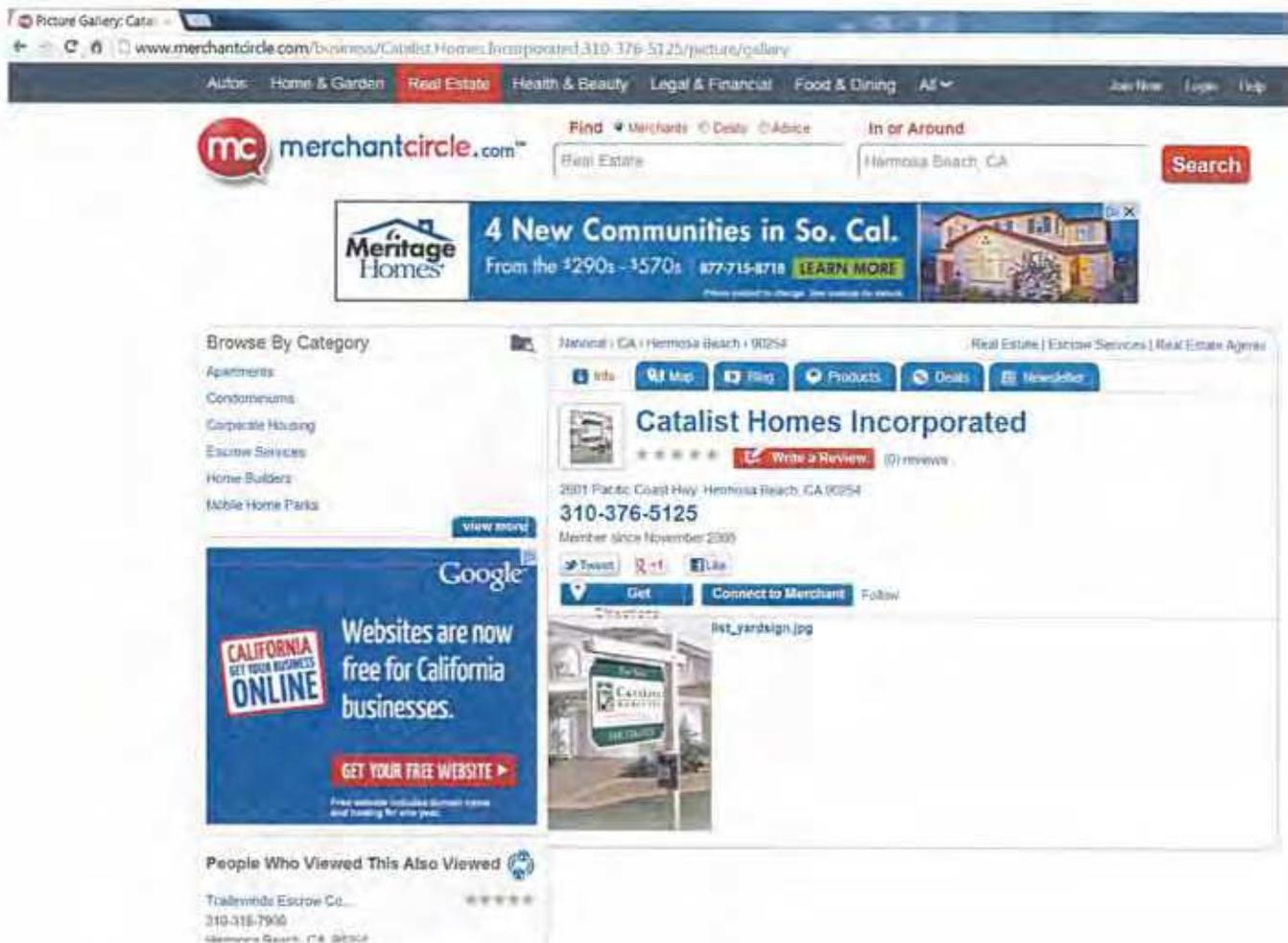
This data has been hidden by the owner

Sources

1 Venture Beat (venturebeat.com) [edit]

Accessed July 8, 2013.

Third-party website (www.merchantcircle.com) using the Mark in the sale or advertising of the real estate brokerage services offered. It also indicates association between the mark and its real estate brokerage services, as well as identifying the displaying the contact information for its source. This listing was found by searching within the real estate brokerage category.



Accessed July 8, 2013.



Third-party website (www.venturebeatprofiles.com) using the Mark along with a description identifying the services associated with the mark and its source and contact information.

The screenshot shows the VentureBeat Profiles website for CataList Homes. The page includes a search bar, navigation tabs for Overview, Financials, People, Competitors, and News. The main content area features a mission statement, a 'Vital Stats' box, and a 'Financials' table. A 'Download' button is visible in the bottom right corner.

Vital Stats

Founded	04/01
Employees	30

Financials

Date	Type	Amount	Investors	Valuation
05/01/07	Series D	4.5M	WestView Capital, Bain Labs, The Halo Fund, The Argent Forum	Unknown

People

- Chris Brahm (Board Member)
- Dan Leemon (Board Member)
- Harold A. Ellis (Top of 4 Executives)

Download

Last Updated: May 27, 2013

Accessed July 8, 2013.

Third-party website (www.patch.com) using the Mark along with a description identifying the services associated with the mark and its source and contact information.

The screenshot shows a mobile browser view of the Catalist Homes website. At the top, there is a navigation bar with 'Home', 'News', 'Boards', and 'Events'. Below this is a large banner image of a beach with a lifeguard stand. A sidebar on the left lists various categories such as 'Health', 'Beauty & Sport', and 'Home Services & Repairing'. The main content area features an advertisement for Catalist Homes, which includes three small images of modern buildings, a map of the location at 2025 Pacific Coast Hwy, Hermosa Beach, CA, and a description of their cooperative model. To the right of the ad are several small promotional tiles for '650 ways to help you achieve a balanced diet', '360 Savings Accounts', 'LifeLock Official Site', and 'New Pill Can End Obesity?'. At the bottom of the ad, there is a 'CARS.COM' logo with the slogan 'ALL DRIVE. No drama.' and a price tag of '\$11,400.00' for a vehicle.

Accessed July 8, 2013.

Third-party website (www.metacafe.com) using the Mark along with a video description identifying the services associated with the mark and its source. The video includes a testimonial from a builder on his experience working with Catalist Homes in selling homes he constructed or remodeled, including the home depicted below.

Page 1:

Contractor/Builder Testimonial On Catalist Homes

By: CatalistHomes

11343 Culver Dr, Culver City Sold: \$735,000

930 Views

Uploaded on October 18, 2007 by CatalistHomes

Builder A. Kraudgatter talks about selling his home in the current market & listing with Catalist Homes. Information on top notch marketing techniques, real estate trends & how to get the most out of the sale of your home. The Catalist Difference.

TAGS: Discount, Real Estate, Home, Sales, Marketing, Catalist, Homes, Alternative, Brokerage, Full, Service, So. Cal, News & Events

RELATED LINK: Bought To You By TebeMogul.com Syndication

Comments on Contractor/Builder Testimonial On Catalist Homes

Related Videos:

- How the Grinch Stole Christmas (2000): The 801 Views By AnyCio
- Foreclosed Homes Trashed 6 Views By CBS
- Victorian Homes Go Green 5 Views By CBS
- Buying Foreclosed Homes 10 Views By CBS
- Homes Built for Multi-generational Families 12 Views By CBS
- Homes Ghost Parlor KA 6 To... Samara to Belfast... 143 Views By Huzz
- Eco Biz - Living Homes Season: 2 101 Views By Huzz
- Model Homes - In-Flight Safety (Music Video) 79 Views By Huzz
- "May We Be Forgiven" by A.M. Homes 11 Views By CBS
- Enda Kenny on Birthday Homes 23 Views By Huzz

Contractor/Builder Testimonial On Catalist Homes

By [CatalistHomes](#) [Subscribe](#) [Tweet](#) [Like](#) [+1](#)



ALFRED KRAUTGARTNER
Builder/Investor

[f](#) [t](#) [v](#) [Share](#) [Comment](#) [Report](#) **930 Views**

Uploaded on October 16, 2007 by [CatalistHomes](#)

Builder A. Krautgartner talks about selling his home in the current market & listing with Catalist Homes. Information on top notch marketing techniques, real estate trends & how to get the most out of the sale of your home. The Catalist Difference.

TAGS: Discount, Real Estate, Home, Sales, Marketing, Catalist, Homes, Alternative, Brokerage, Full, Service, So., Cal. News & Events

RELATED LINK: Brought To You By TubeMagik.com Syndicator

Comments on Contractor/Builder Testimonial On Catalist Homes

[Add a comment...](#)

[Post to Facebook](#) [Posting on Facebook \(Change\)](#) [Comment](#)

[Facebook](#) [Google+](#)

RECOMMENDED CHANNELS

- How the Grisch Stole Christmas (2006): The 361 Views**
By [AnyOne](#)
- Foreclosed Homes Trashed**
8 Views
By [CBS](#)
- Victorian Homes Go Green**
5 Views
By [CBS](#)
- Buying Foreclosed Homes**
15 Views
By [CBS](#)
- Homes Built for Multi-generational Families**
12 Views
By [CBS](#)
- Homes Ghost Parlor KA 6 To... Samera to Belfast...**
142 Views
By [Nuts](#)
- Eco Biz - Living Homes Season: 2**
101 Views
By [hulu](#)
- Model Homes - In-Flight Safety (Music Video)**
75 Views
By [Nuts](#)
- "May We Be Forgiven" by A.M. Homes**
11 Views
By [CBS](#)
- Enda Kenny on Bethany Homes**
23 Views
By [Nuts](#)
- Pin Ideas for a Small**

Accessed July 3, 2013.

Third-Party website (www.dailymotion.com) using the Mark along with a video description identifying the services associated with the mark and its source. The video includes a testimonial from a buyer/seller on her experience working with Catalist Homes in selling her home and purchasing a new home.



Accessed July 8, 2013.



TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT																										
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL																										
CONVEYING PARTY DATA																											
<table border="1"> <thead> <tr> <th>Name</th> <th>Formerly</th> <th>Execution Date</th> <th>Entity Type</th> </tr> </thead> <tbody> <tr> <td>Catalist Homes, Inc.</td> <td></td> <td>06/10/2013</td> <td>CORPORATION: CALIFORNIA</td> </tr> </tbody> </table>				Name	Formerly	Execution Date	Entity Type	Catalist Homes, Inc.		06/10/2013	CORPORATION: CALIFORNIA																
Name	Formerly	Execution Date	Entity Type																								
Catalist Homes, Inc.		06/10/2013	CORPORATION: CALIFORNIA																								
RECEIVING PARTY DATA																											
<table border="1"> <tr> <td>Name:</td> <td colspan="3">Catalyst Lending, Inc.</td> </tr> <tr> <td>Street Address:</td> <td colspan="3">6530 South Yosemite Street #310</td> </tr> <tr> <td>City:</td> <td colspan="3">Greenwood Village</td> </tr> <tr> <td>State/Country:</td> <td colspan="3">COLORADO</td> </tr> <tr> <td>Postal Code:</td> <td colspan="3">80111</td> </tr> <tr> <td>Entity Type:</td> <td colspan="3">CORPORATION: COLORADO</td> </tr> </table>				Name:	Catalyst Lending, Inc.			Street Address:	6530 South Yosemite Street #310			City:	Greenwood Village			State/Country:	COLORADO			Postal Code:	80111			Entity Type:	CORPORATION: COLORADO		
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<table border="1"> <thead> <tr> <th>Property Type</th> <th>Number</th> <th>Word Mark</th> </tr> </thead> <tbody> <tr> <td>Registration Number:</td> <td>2956688</td> <td>CATALIST HOMES INC.</td> </tr> </tbody> </table>				Property Type	Number	Word Mark	Registration Number:	2956688	CATALIST HOMES INC.																		
Property Type	Number	Word Mark																									
Registration Number:	2956688	CATALIST HOMES INC.																									
CORRESPONDENCE DATA																											
<p>Fax Number: 8668617066 <i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i></p> <p>Phone: 3037933400 Email: mreagor@drc-law.com Correspondent Name: Michael W Reagor Address Line 1: 8400 East Prentice Avenue #1040 Address Line 4: Greenwood Village, COLORADO 80111</p>																											
NAME OF SUBMITTER:	Michael W. Reagor																										
Signature:	/michael w. reagor/																										
Date:	06/10/2013																										
Total Attachments: 7																											

900257526

TRADEMARK
 REEL: 005044 FRAME: 0608

OP \$40.00 2956688

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source=2013 06 10 Trademark Assignment#page7.tif

TRADEMARK ASSIGNMENT

WHEREAS, Catalist Homes, Inc. organized under the laws of the State of Delaware, with its principal place of business at 2601 Pacific Coast Highway, Suite 302, Hermosa Beach, California, 90254 ("Assignor"), has adopted, owns, has used, and is using the Trademarks set forth on the attached Schedule of Trademarks without any intent to abandon such Trademarks; and

WHEREAS, Catalist Lending, Inc., organized and existing under the laws of the State of Colorado, with its principal place of business at 6530 South Yosemite Street, Suite 310, Greenwood Village, Colorado 80111 ("Assignee"), is desirous of acquiring any and all rights that Assignor may have throughout the world in and to the Trademarks and the applications and registrations therefore, together with the goodwill of the business in connection with which the Trademarks are used and which is symbolized by the Trademarks, throughout the world, along with the right to recover for damages and profits for any past, present, or future infringements thereof; and

NOW, THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby assign unto Assignee all of Assignor's rights, title, and interest in and to the Trademarks and the registrations therefor, together with the goodwill of the business in connection with which the Trademarks are used and which is symbolized by the Trademarks, throughout the world, along with the right to recover for damages and profits for past, present, or future infringements thereof.

Assignor agrees to execute and deliver at the request of the Assignee, all papers, instruments, and assignments, and to perform any other reasonable acts the Assignee may require in order to vest all Assignor's rights, title, and interest in and to the Trademarks to the Assignee and/or provide evidence to support any of the foregoing in the event such evidence is necessary to effectuate the assignment, to the extent such evidence is in the possession or control of the Assignor.

Assignee hereby releases Assignor from all claims that may be made against Assignor, Erik Anderson or WestRiver Management, LLC ("Released Assignors") for infringement of the Trademarks and warrants that no such claims shall be made by Assignee against any of the Released Assignors.

Agreed and accepted as dated this 10th day of June, 2013.

ASSIGNOR

Catalist Homes, Inc.

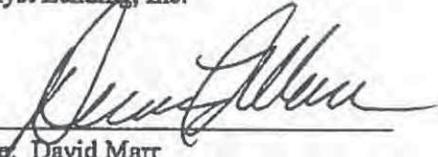
By: 

Name: Erik Anderson

Title: *Managing Member*

ASSIGNEE

Catalist Lending, Inc.

By: 

Name: David Marr

Title: Chief Executive Officer

STATE OF Washington)

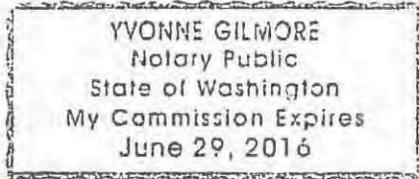
) ss.

COUNTY OF King)

SUBSCRIBED and sworn before me by Erik Anderson, Margaret Mubert (title) for Catalist Homes, Inc., the Assignor, as the voluntary act and deed of the Assignor, this 10th day of June, 2013.

Witness my hand and official seal.

[SEAL]



Notary Public Yvonne Gilmore
My commission expires: 6.29.2016

STATE OF COLORADO)

) ss.

COUNTY OF Arapahoe)

SUBSCRIBED and sworn before me by David Marr, Chief Executive Officer for Catalyst Lending, Inc., the Assignee, as the voluntary act and deed of the Assignee, this 10th day of June, 2013.

Witness my hand and official seal.

[SEAL]

CATRINA L. GEATHERS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20084040135
MY COMMISSION EXPIRES NOVEMBER, 28 2016

Notary Public *Catrina L. Geathers*

My commission expires: 11/28/2016

SCHEDULE OF TRADEMARKS

Registered Trademarks

<i>Trademark</i>	<i>U.S. Registration No.</i>	<i>Goods and Services</i>
Catalist Homes, Inc.	2956688	Real estate brokerage and real estate listing services

Int. Cl.: 36

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

United States Patent and Trademark Office

Reg. No. 2,956,688

Registered May 31, 2005

**SERVICE MARK
PRINCIPAL REGISTER**



**CATALIST
HOMES INC.**

CATALIST HOMES, INC. (DELAWARE COR-
PORATION)
2601 PACIFIC COAST HIGHWAY, SUITE 302
HERMOSA BEACH, CA 90254

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE HOMES INC., APART FROM THE
MARK AS SHOWN.

FOR: REAL ESTATE BROKERAGE AND REAL
ESTATE LISTING SERVICES, IN CLASS 36 (U.S. CLS.
100, 101 AND 102).

SER. NO. 76-574,261, FILED 2-6-2004.

FIRST USE 3-20-2001; IN COMMERCE 3-20-2001.

KELLY CHOE, EXAMINING ATTORNEY

TRADEMARK
REEL: 005044 FRAME: 0614



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Jun 6 02:20:23 EDT 2013

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CATALIST HOMES INC.

Word Mark CATALIST HOMES INC.

Goods and Services IC 036. US 100 101 102. G & S: Real estate brokerage and real estate listing services. FIRST USE: 20010320. FIRST USE IN COMMERCE: 20010320

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.15.05 - Advertising, skywriting; Clouds; Fog
07.01.04 - Detached house
07.11.11 - Highways without lines or dividers; Intersections (roads) without lines or dividers; Roads without lines or dividers; Streets without lines or dividers
07.13.03 - Advertising, signs, mounted or with posts or standards; Street signs (mounted on posts)
26.11.09 - Rectangles made of geometric figures, objects, humans, plants or animals
26.11.20 - Rectangles inside one another
26.11.21 - Rectangles that are completely or partially shaded
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Serial Number 76574261

Filing Date February 6, 2004

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 8, 2005

Registration Number 2956688
Registration Date May 31, 2005
Owner (REGISTRANT) Catalist Homes, Inc. CORPORATION DELAWARE 2601 Pacific Coast Highway, Suite 302 Hermosa Beach CALIFORNIA 90254
Attorney of Record Julia Anne Matheson, Esq.
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE HOMES INC. APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

LESS Home	NEW USER	STRUCTURED	FREE FORM	Display as Doc	SEARCH 00	Top	HELP	PREV LIST	CURR LIST
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[HOME | SITE INDEX | SEARCH | BUSINESS | HELP | PRIVACY POLICY]



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

In re Trademark Registration No. 2,956,688
Mark: CATALIST HOMES INC.
Date of Issue: May 31, 2005

CANCELLATION NO. 92057136

CATALYST MORTGAGE, INC.)

Petitioner,)

vs.)

CATALIST HOMES, INC.,)

Registrant.)

AFFIDAVIT OF DAVID L. MARR

The affiant swears and affirms as follows:

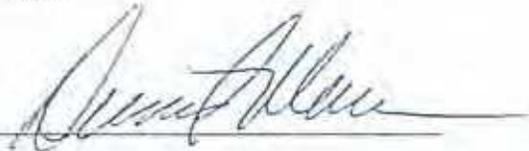
1. I am chief executive officer of Catalyst Lending, Inc..
2. Catalyst Lending, Inc. is a Colorado-based corporation which provides loan brokerage services in various states.
3. In 2008, Catalyst Lending, Inc. made an application for trademark registration at the U.S. Patent and Trademark Office for the mark CATALYST LENDING. However, my understanding is that the application was rejected on the basis that the mark was likely to cause confusion to consumers with two previously registered marks, CATALIST HOMES and CATALIST HOMES INC, which were then owned by Catalyst Homes, Inc..
4. After the 2008 trademark application was denied, I understood that Catalyst Lending, Inc. could establish priority and protect our use of the CATALYST LENDING mark in several ways, including by obtaining a license or an assignment from Catalyst Homes, Inc.. However, at that time we were unable to secure a license or assignment.

5. Catalyst Lending, Inc. owns and runs a home real estate brokerage service, "Clarity Real Estate Network". This division of Catalyst Lending, Inc. is comprised of licensed California real estate agents involved in residential real estate sales. Clarity Real Estate Network was established in 2008 by Clarion Mortgage, Inc., a mortgage brokerage where I also served as CEO. Clarion Mortgage, Inc. transferred the assets of Clarity Real Estate Network to Catalyst Lending in August 2011. In August 2011, the name "Clarity Real Estate Network" was registered as a "dba" or trade name owned by Catalyst Lending, Inc..
6. Dave Brown is employed by Catalyst Lending and was registered as the broker of record in California for Clarity Real Estate Network. Agents in the network have closed numerous sales from 2008 through the present.
7. After Catalyst Lending, Inc. acquired Clarity Real Estate Network, Catalyst Lending, Inc. intended to re-brand Clarity with the "Catalyst" brand. However, we delayed that plan after acquisition because we were aware of Catalyst Homes, Inc.'s ownership of the CATALIST HOMES marks and the fact that this company also conducted real estate brokerage business in California.
8. In 2012, Catalyst Lending filed another trademark registration application for the CATALYST LENDING mark, which had been used in commerce since 2007. The application was filed in part because we were aware that the CATALIST HOMES marks might then soon expire and thus our application might be approved. That application, serial no. 85755734, is now pending.
9. In the Spring of 2013, I negotiated the assignment of the CATALIST HOMES design mark to Catalyst Lending, Inc. from Catalyst Homes, Inc.. Catalyst Lending, Inc. paid

\$5,000 for the assignment. As a result of our negotiations, we understood Catalist Homes, Inc. owned the mark and had authority to enter into the assignment agreement. See attached copy of Trademark Assignment and copy of check.

10. At the time Catalist Homes, Inc. assigned the CATALIST HOMES design mark to Catalyst Lending, Inc., I was unaware of the corporate status of Catalist Homes, Inc. in either Delaware or California. My belief and understanding was that Catalist Homes, Inc. had and has full authority to enter into the assignment agreement.
11. As a result of the assignment, Catalyst Lending, Inc. is now in the process of rebranding "Clarity Real Estate Network" as "Catalist Homes Real Estate Network".
12. Further, Catalyst Lending, Inc. intends to continue the use of the CATALIST HOMES design mark in a manner that will preserve the continuity of the mark and its good will.

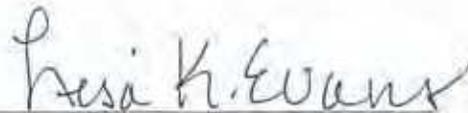
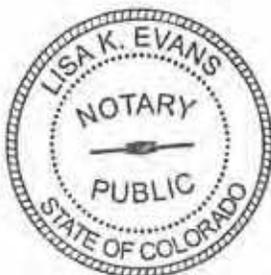
FURTHER AFFIANT SAYETH NAUGHT.



David L. Marr

Subscribed and sworn to before me this 8th day of July, 2013, by David L. Marr.

My commission expires: 9-14-13



Notary Public

TRADEMARK ASSIGNMENT

WHEREAS, Catalist Homes, Inc. organized under the laws of the State of Delaware, with its principal place of business at 2601 Pacific Coast Highway, Suite 302, Hermosa Beach, California, 90254 ("Assignor"), has adopted, owns, has used, and is using the Trademarks set forth on the attached Schedule of Trademarks without any intent to abandon such Trademarks; and

WHEREAS, Catalyst Lending, Inc., organized and existing under the laws of the State of Colorado, with its principal place of business at 6530 South Yosemite Street, Suite 310, Greenwood Village, Colorado 80111 ("Assignee"), is desirous of acquiring any and all rights that Assignor may have throughout the world in and to the Trademarks and the applications and registrations therefore, together with the goodwill of the business in connection with which the Trademarks are used and which is symbolized by the Trademarks, throughout the world, along with the right to recover for damages and profits for any past, present, or future infringements thereof; and

NOW, THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby assign unto Assignee all of Assignor's rights, title, and interest in and to the Trademarks and the registrations therefor, together with the goodwill of the business in connection with which the Trademarks are used and which is symbolized by the Trademarks, throughout the world, along with the right to recover for damages and profits for past, present, or future infringements thereof.

Assignor agrees to execute and deliver at the request of the Assignee, all papers, instruments, and assignments, and to perform any other reasonable acts the Assignee may require in order to vest all Assignor's rights, title, and interest in and to the Trademarks to the Assignee and/or provide evidence to support any of the foregoing in the event such evidence is necessary to effectuate the assignment, to the extent such evidence is in the possession or control of the Assignor.

Assignee hereby releases Assignor from all claims that may be made against Assignor, Erik Anderson or WestRiver Management, LLC ("Released Assignors") for infringement of the Trademarks and warrants that no such claims shall be made by Assignee against any of the Released Assignors.

Agreed and accepted as dated this 10th day of June, 2013.

ASSIGNOR

Catalist Homes, Inc.

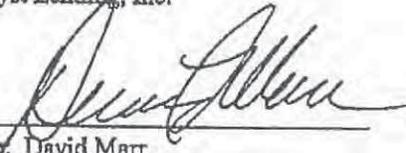
By: 

Name: Erik Anderson

Title: *Managing Member*

ASSIGNEE

Catalyst Lending, Inc.

By: 

Name: David Marr

Title: Chief Executive Officer



STATE OF Washington)

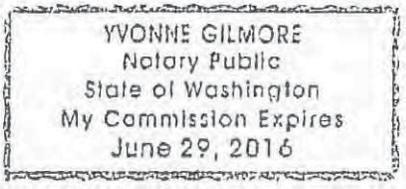
) ss.

COUNTY OF King)

SUBSCRIBED and sworn before me by Erik Anderson, Managing Member (title) for Catalist Homes, Inc., the Assignor, as the voluntary act and deed of the Assignor, this 10th day of June, 2013.

Witness my hand and official seal.

[SEAL]



Notary Public Yvonne Gilmore
My commission expires: 6.29.2016

STATE OF COLORADO)

) ss.

COUNTY OF Arapahoe)

SUBSCRIBED and sworn before me by David Marr, Chief Executive Officer for Catalyst Lending, Inc., the Assignee, as the voluntary act and deed of the Assignee, this 10th day of June, 2013.

Witness my hand and official seal.

[SEAL]

CATRINA L. GEATHERS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20084040135
MY COMMISSION EXPIRES NOVEMBER, 28 2016

Notary Public *Catrina L. Geathers*

My commission expires: 11/28/2016

SCHEDULE OF TRADEMARKS

Registered Trademarks

<i>Trademark</i>	<i>U.S. Registration No.</i>	<i>Goods and Services</i>
Catalist Homes, Inc.	2956688	Real estate brokerage and real estate listing services

Int. Cl.: 36

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

United States Patent and Trademark Office

Reg. No. 2,956,688

Registered May 31, 2005

SERVICE MARK
PRINCIPAL REGISTER



CATALIST
HOMES INC.

CATALIST HOMES, INC. (DELAWARE COR-
PORATION)
2601 PACIFIC COAST HIGHWAY, SUITE 302
HERMOSA BEACH, CA 90234

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE HOMES INC., APART FROM THE
MARK AS SHOWN.

FOR: REAL ESTATE BROKERAGE AND REAL
ESTATE LISTING SERVICES, IN CLASS 36 (U.S. CLS.
100, 101 AND 102).

SER. NO. 76-574,261, FILED 2-6-2004.

FIRST USE 3-20-2001; IN COMMERCE 3-20-2001.

KELLY CHOI, EXAMINING ATTORNEY



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TESS was last updated on Thu Jun 6 02:20:23 EDT 2013

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Next List	First Doc	Prev Doc	Next Doc	Last Doc					

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 Filing Date February 6, 2004
 Current Basis 1A
 Original Filing Basis 1A
 Published for Opposition March 8, 2005

Registration Number 2956688
Registration Date May 31, 2005
Owner (REGISTRANT) Catalist Homes, Inc. CORPORATION DELAWARE 2601 Pacific Coast Highway, Suite 302 Hermosa Beach CALIFORNIA 90254
Attorney of Record Julia Anne Matheson, Esq.
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Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Image Front:

Catalyst Lending, Inc. 6530 S. YOSEMITE ST. STE 310 GREENWOOD VILLAGE, CO 80111-5171	Wells Fargo Bank, N.A. Colorado wellsfargo.com	17773
	6/12/2013	23-7/1020
Five Thousand Dollars and 00 Cents		\$5,000.00
WestRiver Capital, LLC 3720 Carillon Point Kirkland WA 98033	VOID AFTER 90 DAYS	
	<i>Valen Kan</i>	
	AUTHORIZED SIGNATURE	
⑆017773⑆	⑆102000076⑆	9245059739⑆ 020-19463-5

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Huntington Bank >044115090< Goldman Sachs 01892430492 at Huntington Bank	DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE RE: LIVED FOR FINANCIAL INSTITUTION, USA	Deposit 020194635	ENDORSE HERE
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Item Details

Amount: 5,000.00
 Check #: 17773
 Posting Date: 06/28/2013
 As of Date: 06/28/2013

Account Name: Catalyst Operating
 Account Number: 9245059739
 Routing Number: 102000076
 Description: CHECK PAID
 Item Sequence Number: 8876226526

Additional Item Details: 0000003 +000000066111714
CHECK

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