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

Proceeding	92060029
Party	Defendant Melvin N.A. Avanzado DBA The Avanzado Law Firm
Correspondence Address	ELAINE W YU THE AVANZADO LAW FIRM 1880 CENTURY PARK E, STE 1404 LOS ANGELES, CA 90067 UNITED STATES elaine@avanzadolaw.com, mel@avanzadolaw.com
Submission	Opposition/Response to Motion
Filer's Name	Elaine Yu
Filer's e-mail	elaine@avanzadolaw.com
Signature	/Elaine Yu/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JAHN & ASSOCIATES, LLC

Petitioner,

v.

MELVIN N.A. AVANZADO,

Registrant/Respondent.

CANCELLATION NO.: 92060029

MARK: BIG FIRM EXPERIENCE,
SMALL FIRM SERVICE
(Registration Number: 4015965)

Filing Date: February 1, 2011

[Request for Judicial Notice, Statement of Disputed Facts, Declaration of Melvin N.A. Avanzado, and Declaration of Kelly D. Talcott filed concurrently herewith]

OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

I.

INTRODUCTION

Respondent Melvin N.A. Avanzado ("Avanzado") opposes the summary judgment motion of Claimant Kirstin Jahn and Jahn & Associates, LLC (collectively "Jahn").

Jahn's petition for cancellation of Avanzado's registered service mark "Big Firm Experience ... Small Firm Service" (the "Avanzado Mark") is meritless. Jahn's claim is based solely on the four words in common between the Avanzado Mark and Jahn's service mark, "Small Firm, Big Experience" (the "Jahn Mark"). Beyond her conclusory contentions, Jahn has no proof that there is any possibility, let alone likelihood, of confusion between the two marks.

Jahn concedes that she has no evidence of actual confusion and has no admissible evidence to support her claim that the two marks bear a “likelihood of confusion.”

Avanzado is licensed to practice law in California; Jahn is only licensed to practice law in Colorado, Nevada and New York. Avanzado has never had a potential client mistake him or his firm for Jahn or her firm. Avanzado and Jahn market to different segments of the public that are not likely to intersect. None of these considerations permits a reasonable inference that confusion is likely to occur between Avanzado and Jahn due to their service marks. Nobody seeking legal and litigation services relies solely on a tagline or service mark in choosing legal representation and Jahn has no admissible evidence to prove otherwise.

As detailed below, the uncontroverted facts establish that Jahn cannot carry her burden to prove its claims as a matter of law.

A. THE PARTIES

1. Respondent Avanzado owns and operates The Avanzado Law Firm, a professional law corporation in Los Angeles, California. (Avanzado Decl. ¶ 1.) Avanzado spent many years practicing law at “big” law firms. (Avanzado Decl. ¶¶ 1-6.) Avanzado started practicing law at Latham & Watkins, a firm with thousands of lawyers. (Avanzado Decl. ¶ 3.) In 1993, Avanzado joined another large firm by the name of Christensen, White, Miller, Fink & Jacobs (later known as Christensen, White, Miller, Fink, Glaser & Shapiro LLP) where his practice shifted focus to entertainment, media and intellectual property disputes. (Avanzado Decl. ¶ 4.) In 1996, Avanzado left Christensen, White, Miller, Fink & Jacobs and co-founded White O’Connor Curry & Avanzado LLP – a boutique law firm in which Avanzado focused on entertainment, media, labor and intellectual property disputes. (Avanzado Decl. ¶ 5.) In 2005, Avanzado became a partner in the Entertainment Practice Group of another large firm, Jeffer

Mangels, Butler & Marmaro LLP. (Avanzado Decl. ¶ 6.) Jeffer Mangels has hundreds of attorneys in its employ. (Avanzado Decl. ¶ 6.) At Jeffer Mangels, Avanzado continued civil litigation practice focusing on entertainment, intellectual property, employment and other business disputes. (Avanzado Decl. ¶ 6.)

Avanzado founded The Avanzado Law Firm in July 2008. (Avanzado Decl. ¶1.) The Avanzado Law Firm specializes in entertainment and sports litigation, intellectual property litigation, media and First Amendment litigation, complex civil litigation and employment litigation. (*Id.*) Avanzado and his associate are licensed to practice law in California; they are not licensed to practice law in any other state. (Avanzado Decl. ¶¶ 1, 7.)

Avanzado is the registered owner of the service mark “Big Firm Experience ... Small Firm Service,” registration number 4015965. (Avanzado Decl. ¶¶ 9-12, Exh. 4.) The Avanzado Mark is registered under international class number “045” for legal services and is identified for use in connection with “litigation services.” (Avanzado Decl. ¶ 10, Exh. 2.) Avanzado applied for trademark registration of the Avanzado Mark on February 1, 2011. (Avanzado Decl. ¶ 10, Exh. 2.) Three months later, the Avanzado Mark was approved for publication by the USPTO in its Trademark Official Gazette, stating

The mark identified above has been published in the *Trademark Official Gazette* (OG) on June 07, 2011. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a certificate of registration should issue.

(Avanzado Decl. ¶ 11, Exh. 3.)

The Avanzado Mark was published in the Trademark Official Gazette on June 7, 2011 for 30 days. (*Id.*) The Avanzado Mark did not encounter any challenge or opposition during this period and became officially registered with the USPTO on August 23, 2011. (Avanzado Decl. ¶¶ 11-13, Exh. 4.)

Claimant Jahn owns and operates the law firm of Jahn & Associates, LLC. (Avanzado Decl. ¶ 21, Exh. 11.) Jahn’s practice operates out of two offices: a Colorado office and a Nevada office. (Avanzado Decl. ¶ 21, Exh. 10.) Jahn is not licensed to practice law in the state of California. (Avanzado Decl. ¶ 16, Exh. 6, Exh. 10.) Jahn is the owner of the service mark “Small Firm, Big Experience” (the “Jahn Mark”) registration number 3642830. (Jahn Decl., Exh. C.) The Jahn Mark was registered on June 23, 2009. (Jahn Decl., Exh. C.)

B. FACTUAL BACKGROUND

Several months after The Avanzado Law Firm’s inception, Avanzado came up with the phrase “Big Firm Experience, Small Firm Service” to convey his litigation experience: a big firm lawyer turned small firm practitioner with the corresponding level of attention and service. (Avanzado Decl. ¶ 9, Exh. 1.) In February 2011, Avanzado applied for registration of the service mark “Big Firm Experience ... Small Firm Service” (the “Avanzado Mark”) with the United States Patent and Trademark Office (“USPTO”). (Avanzado Decl. ¶ 10, Exh. 2.)

As part of the Avanzado Mark’s application process, the Avanzado Mark was published in the Official Trademark Gazette on June 7, 2011. (Avanzado Decl. ¶ 11, Exh. 3.) No individual or entity opposed the Avanzado Mark. (Avanzado Decl. ¶¶ 11-13.) Since the Avanzado Mark did not encounter any opposition, the USPTO registered the Avanzado Mark on August 23, 2011. (Avanzado Decl. ¶¶ 11-13, Exh. 4.)

For the first time in June 2014 – nearly four years after the USPTO published the Avanzado Mark in the Official Trademark Gazette with no opposition – Jahn claimed that the Avanzado Mark infringed on the Jahn Mark. (Avanzado Decl. ¶ 13, Exh. 5.) On September 23, 2011, nearly four years since the Avanzado Mark became a registered trademark, Jahn filed a petition for cancellation of the Avanzado Mark. (Avanzado Decl. ¶ 14.)

Without submitting any evidence, Jahn claims “likelihood of confusion” between the Avanzado Mark and the Jahn Mark. (Mot. at 1-15.) Avanzado disputes Jahn’s groundless contention.

II.

SUMMARY JUDGMENT SHOULD BE DENIED ON JAHN’S CLAIMS

A. SUMMARY JUDGMENT STANDARDS

The Federal Rules of Civil Procedure generally apply to proceedings before the Trademark Trial and Appeal Board (the “TTAB”). *Opryland USA, Inc. v. Great American Music Show, Inc.*, 23 U.S.P.Q. 2D (BNA) 1471, 1472 (Fed. Cir. 1992) (citing 37 C.F.R. § 2.116(a)). Summary judgment is appropriate after adequate discovery when the evidence demonstrates that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56; *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48, 91 L. Ed. 2d 202, 106 S. Ct. 2505 (1986).

On a motion for summary judgment, the TTAB must first ascertain whether there is a genuine issue as to any material fact. Fed. R. Civ. P. 56(c). A material fact is one that may affect the decision, whereby the finding of that fact is relevant and necessary to the proceedings. *Anderson*, 477 U.S. at 248. A genuine dispute is shown to exist if sufficient evidence is

presented such that a reasonable fact finder could decide the question in favor of the non-moving party. *Id.*

The moving party bears the initial burden of establishing the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323-24, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986). The moving party may satisfy that burden by showing “that there is an absence of evidence to support the non-moving party’s case.” *Celotex Corp.*, 477 U.S. at 325.

A disputed fact is material where its resolution might affect the outcome of the suit under the governing law. *Anderson*, 477 U.S. at 248. An issue is genuine if the evidence is sufficient for a reasonable jury to return a verdict for the non-moving party. *Id.* In order to establish that a factual dispute is genuine, the nonmoving party “need only present evidence from which a jury might return a verdict in [its] favor.” *Id.* at 257. The evidence submitted by the non-movant, in opposition to a motion for summary judgment, “is to be believed, and all justifiable inferences are to be drawn in [its] favor.” *Id.* at 255.

That is, the TTAB “must view the evidence in the light most favorable to the nonmovant. Since opposing factual inferences may arise from the same set of undisputed subsidiary facts, the TTAB must draw all reasonable inferences in favor of the nonmovant.” *Olde Tyme Foods, Inc. v. Roundy’s Inc.*, 22 U.S.P.Q. 2D (BNA) 1542, 1544 (Fed. Cir. 1992) (reversing cancellation because the TTAB “erroneously drew factual inferences in favor of . . . the summary judgment movant”) (citing *United States v. Diebold, Inc.*, 369 U.S. 654, 655, 8 L. Ed. 2d 176, 82 S. Ct. 993 (1962) (“On summary judgment the inferences to be drawn from the underlying facts . . . must be viewed in the light most favorable to the party opposing the motion.”). “Therefore, there need not be a conflict in the evidence of the underlying facts to preclude summary judgment.” *Olde Tyme Foods*, 22 U.S.P.Q. 2D at 1544.

The evidence presented by the parties must be admissible. Fed. R. Civ. P. 56(e). A genuine dispute over a material fact exists if there is sufficient evidence supporting the claimed factual dispute, requiring a judge or jury to resolve the differing versions of the truth. *Anderson*, 477 U.S. at 253.

As detailed below, the uncontroverted facts establish that Jahn cannot prevail on its infringement claim as a matter of law while the disputed facts establish that summary judgment is precluded.

B. LIKELIHOOD OF CONFUSION STANDARD

The Lanham Act governs trademarks and precludes the registration of a mark “which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive” 15 U.S.C. § 1052(d).

Trademarks “identify the source of the goods and services offered. A key objective of the law of trademarks is protection of the consumer against being misled or confused as to the source of the goods or services he acquires.” *Visa, U.S.A., Inc. v. Birmingham Trust National Bank*, 696 F.2d 1371, 1375 (Fed. Cir. 1982); accord *Qualitex Co. v. Jacobson Products Co.*, 514 U.S. 159, 164, 131 L.Ed.2d 248, 115 S. Ct. 1300 (1995) (“it is the source-distinguishing ability of a mark . . . that permits it to serve these basic purposes [of identifying and distinguishing the goods to indicate source].”). A service mark is a type of trademark used in connection with services and is a designation used by a person to identify his services and distinguish them from the services of another. 15 U.S.C. § 1127.

A mark is “distinctive and capable of being protected if it *either* (1) is inherently distinctive *or* (2) has acquired distinctiveness through secondary meaning.” *In re MBNA America Bank, N.A.*, 67 U.S.P.Q.2D (BNA) 1778, 1780 (Fed. Cir. 2003) (citing *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768, 120 L. Ed. 2d 615, 112 S. Ct. 2753 (1992) (citing U.S.C. § 1052)). Marks are often classified, according to their increasing degree of inherent distinctiveness, as: (1) generic, (2) descriptive, (3) suggestive, and (4) arbitrary or fanciful. *Two Pesos*, 505 U.S. at 768. Suggestive and arbitrary and fanciful marks are inherently distinctive whereas descriptive and generic marks are not. *Id.*

The “degree of similarity which is permissible between trademarks consisting of ordinary words, especially when such words are descriptive or geographical, is greater than that permissible between arbitrary or fanciful marks.” *Armour & Co. v. Organon, Inc.*, 114 U.S.P.Q. (BNA) 334, 336 (C.C.P.A. 1957). Descriptive words receive protection when they have developed “secondary meaning” when “in the minds of the public, the primary significance of a product [or service] feature . . . is to identify the source of the product [or service] rather than the product [or service] itself.” *Qualitex*, 514 U.S. at 163; *In re Dial-A-Mattress Operating Corp.*, 57 .S.P.Q.2D (BNA) 1807, 1812 (Fed. Cir. 2001) (a descriptive mark can be registered on the Principal Register “only if it has acquired secondary meaning” – which is that “in the minds of the public, the primary significance of a product feature or term is to identify the source of the product rather than the product itself”).

The ultimate question of the likelihood of consumer confusion has been termed a question of fact. *In re E.I. Du Pont de Nemours & Co.*, 177 U.S.P.Q. (BNA) 563, 567 (C.C.P.A. 1973). The test for likelihood of confusion considers 13 factors - referred to as the *Du Pont* factors - which “must be considered”:

(1) the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression; (2) the similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use; (3) the similarity or dissimilarity of established, likely-to-continue trade channels; (4) the conditions under which and buyers to whom sales are made, *i.e.*, "impulse" vs. careful, sophisticated purchasing; (5) the fame of the prior mark (sales, advertising, length of use); (6) the number and nature of similar marks in use on similar goods; (7) the nature and extent of any actual confusion; (8) the length of time during and conditions under which there has been concurrent use without evidence of actual confusion; (9) the variety of goods on which a mark is or is not used (house mark, "family" mark, product mark); (10) the market interface between applicant and the owner of a prior mark; (11) the extent to which applicant has a right to exclude others from use of its mark on its goods; (12) the extent of potential confusion, *i.e.*, whether *de minimis* or substantial; and (13) any other established fact probative of the effect of use.

Du Pont, 177 U.S.P.Q. at 567. The *Du Pont* factors are not listed in the order of merit, and the dominance of each factor varies by case. *Id.*

In determining the likelihood of confusion, "marks must be considered in the way they are perceived by the relevant public." *Opryland USA*, 23 U.S.P.Q. 2D at 1473-74. Thus, the marks must not be analyzed by separating them into their component words. *Id.* A trademark

cancellation proceeding “must fail if it is not likely that confusion will result from the concurrent use of two marks” on goods or services of the same descriptive properties. *J.P. Heilbronn Co. v. Hammermill Paper Co.*, 18 C.C.P.A. 1307, 1310 (C.C.P.A. 1931).

Jahn does not – because she cannot – show that the *Du Pont* factors support her likelihood of confusion claim. The *Du Pont* factors heavily against summary judgment.

1. Jahn Has No Evidence Of Likelihood Of Confusion

Jahn’s Motion focuses on only four of the thirteen *Du Pont* factors: the alleged similarity in “sight, sound and meaning”; the purported similarity of services; the alleged “same trade channels”; and the supposed “strength” of the Jahn Mark. (Mot. at 7-12.) Jahn claims that the remaining *Du Pont* factors are “neutral.” (Mot. at 12-14.) Jahn produces no evidence, other than her conclusory statements, to support her contentions. As described here, any proper analysis eviscerates Jahn’s assertions.

Jahn’s failure to address the other *Du Pont* factors is fatal to her claim.

a. Jahn Has No Evidence Of Actual Confusion During The Four Years Since The Avanzado Mark Was Registered With The USPTO

Jahn’s admission that she has no evidence of actual confusion dooms her claim. The seventh and eighth *Du Pont* factor requires consideration of “the nature and extent of any actual confusion” as well as the “length of time during and conditions under which there has been concurrent use without evidence of actual confusion.” *Du Pont*, 177 U.S.P.Q. at 567. Here, Jahn admits that “there is no evidence of actual confusion...” during the four years since the Avanzado Mark was registered with the USPTO. (Mot. at 12-13.) While Jahn claims that the absence of evidence of confusion is of little consequence (Mot. at 12-13), the absence of such

evidence does not warrant an inference that confusion is likely. *Lloyd's Food Products*, 25 U.S.P.Q. at 2030 (stating that the TTAB should not have inferred that confusion was likely from plaintiff's witness affidavit "wondering" whether the parties' products were "connected in some way"); *Nautilus Group, Inc. v. Icon Health & Fitness*, 71 U.S.P.Q.2D (BNA) 1173, 1179 (Fed. Cir. 2004) (As a general proposition, 'a showing of actual confusion among significant numbers of consumers provides strong support for likelihood of confusion.'") (citing *Playboy Enterprises, Inc. v. Netscape Communications Corp.*, 69 U.S.P.Q.2D (BNA) 1417, 1421 (9th Cir. 2004)).

Moreover, Avanzado's evidence also establishes a genuine issue that no actual confusion exists and that no likelihood of confusion exists. Avanzado has never been contacted by a client or potential client mistaking Avanzado for Jahn. (Avanzado Decl. ¶ 8.) Third party law firms that use phrasing similar to the Avanzado Mark and the Jahn Mark have not been contacted by any client or potential clients mistaking the third party law firms for Avanzado or Jahn. (Talcott Decl. ¶¶ 1-3.)

Avanzado's evidence establishes that law firms throughout the country – such as in Nevada ("Big Firm Experience – Small Firm Value"), Florida ("Big Firm Experience – Small Firm Service"), Indiana ("Big Firm Experience – Small Firm Attention"), Kansas ("Big Firm Experience for Small Town Prices"), Nebraska ("A Small Firm With Big-Firm Experiences and Resources"), Texas ("Small Firm Attention – Big Firm Results") – employ similar language to convey the concept of attorneys trained in big firms who practice in a small firm. (Avanzado Decl. ¶¶ 17, 20; Exhs. 7 & 9.)

Kelly Talcott, an attorney practicing in New York State, utilizes the phrase New York "Big Firm Skills. Small Firm Service." on his website since at least 2010. (Talcott Decl. ¶¶ 1-2; Avanzado Decl. ¶ 20 & Exh. 9.) Talcott has never been contacted by any client or potential

client who confused Talcott's firm for The Avanzado Law Firm or Jahn & Associates. (Talcott Decl. ¶ 3.)

As there is no evidence of actual confusion due to the purported similarity between the Avanzado Mark and the Jahn Mark, this factor weighs in favor of Avanzado and thus in favor of denial of summary judgment.

b. The Jahn Mark Is Weak Because Numerous Law Firms Across The United States Use The Same Phrase Or A Variation Of The Jahn Mark

The sixth *Du Pont* factor requires consideration of “the number and nature of similar marks in use on similar goods” and services and is a “relevant” factor in the likelihood of confusion examination. *Du Pont*, 177 U.S.P.Q. at 567; *Lloyds Food Products*, 25 U.S.P.Q. at 2029. A service mark “entails use in conjunction with the offering and providing of a service” and “makes all the more important the use of the [mark] in ‘sales’ or ‘advertising’ materials of different descriptions.” *Lloyds Food Products*, 25 U.S.P.Q. at 2029. A showing that the service mark at issue appears in listings and advertising “carries the presumption that the service mark is being used by third parties in connection with the offering of the advertised services” and “raise[s] a potentially dispositive issue of fact about the extent and character of the third-party use of the mark . . . to preclude summary judgment on the likelihood of confusion.” *Lloyds Food Products*, 25 U.S.P.Q. at 2029.

As trademark authorities have established, only suggestive and fanciful and arbitrary marks are inherently distinctive. *Two Pesos*, 505 U.S. at 768. The Jahn Mark is a descriptive service mark that receives less protection than arbitrary or suggestive marks. *Armour*, 114 U.S.P.Q. at 336.

Jahn claims that she has a “strong” mark because it is “distinctive,” has “goodwill” and because she “police[s]” her mark. (Mot. at 12.) Jahn has no admissible evidence to support her claim that the mark is “strong” or “distinctive” and has not provided any admissible evidence of the purported “goodwill” of the Jahn Mark. To the contrary, Avanzado submits evidence of at least 30 law firms of varying sizes and practice areas throughout the country that use a combination of the words “Big,” “Firm,” “Experience,” and “Small” to convey the meaning that the law firm has at least one attorney with experience at a big law firm who now practices in a small law firm which can provide better “service” to a client. (Avanzado Decl. ¶¶ 17, 20 & Exhs. 7 & 9.)

Even Jahn’s own exhibits show that at least nine other law firms— one of which was a title insurance company —used some combination of the words “small,” “big,” “firm” and “experience” to advertise their services. *See* Jahn Decl., Exh. D & E.

The prevalence of the combination of the four words “Small,” “Firm,” “Big” and “Experience” and its variants among third-party law firms across the country demonstrates that the Jahn Mark is not exclusive to Jahn, nor is her mark “distinctive.” Jahn has presented no admissible evidence that the Jahn Mark has achieved a secondary meaning — *i.e.*, that the representative public identifies the Jahn Mark with Jahn. Moreover, the wide usage of the phrase “Small Firm, Big Experience” and its variants establish that the Jahn Mark is weak and therefore any association between the Jahn Mark and Jahn is tenuous at best.

For all the foregoing reasons, this factor weighs against summary judgment.

c. **Consumers Of Legal Or Litigation Services Are Not Likely To Confuse The Avanzado Law Firm With Jahn**

The fourth *Du Pont* factor requires consideration of the “conditions under which and buyers to whom sales are made, *i.e.* ‘impulse’ versus careful, sophisticated purchasing.” *Du Pont*, 177 U.S.P.Q. at 567. When goods are sold to consumers that exercise care there is less chance that confusion will occur. *PC Club v. Primex Technologies, Inc.*, 32 Fed. Appx. 576, 579 2002 U.S. App. LEXIS 4982 (Fed. Cir. 2002). Confusion is “less likely” where goods and services are “expensive and are purchased after careful consideration than where they are inexpensive and are purchased casually.” *Magnaflux Corp. v. Sonoflux Corp.*, 109 U.S.P.Q. (BNA) 313, 315 (C.C.P.A. 1956).

The provision of legal services is an expensive, protracted foray. Clients and potential clients exercise a high degree of careful consideration as to who they want to represent them, the attorney’s skill, experience and cost. *See In re Massey-Ferguson, Inc.*, 222 U.S.P.Q. (BNA) 367, 368 (Trademark Trial & App. Bd. 1983) (“We are not concerned with mere theoretical possibilities of confusion, deception or mistake or with de minimis situations but with the practicalities of the commercial world, with which the trademark laws deal.”); *Ransom v. Ransom*, 147 A.D. 835, 848 (N.Y. App. Div. 1911) (“The selection of an attorney is a matter of personal choice”)

As Talcott – the attorney practicing in New York State who utilizes the phrase “Big Firm Skills. Small Firm Service.” on his website for at least five years – stated, he has never been contacted by any client or potential client who confused Talcott’s firm for The Avanzado Law Firm or Jahn & Associates. (Talcott Decl. ¶¶ 1-3; Avanzado Decl. ¶ 20 & Exh. 9.) That three different law firms using similar taglines and marketing their legal services on the internet have

not been contacted by anyone confusing one for the other demonstrates how unfounded Jahn's speculative contentions are.

Jahn has no evidence that a prospective consumer of legal services will confuse the source – *i.e.* the law firm or practitioner – because of the purported similarity of the two service marks. Nor does Jahn have any evidence that the service mark factors into the consumer's decision of which law firm to hire. Thus, this factor militates against summary judgment.

d. The Purported Similarity Of The Avanzado And Jahn Service Marks Is Not Likely To Confuse The Public

Jahn fails to prove that the first *Du Pont* factor – considering the “similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression” – weighs in its favor. *Du Pont*, 177 U.S.P.Q. at 567. Jahn claims that the Avanzado Mark and the Jahn Mark are “virtually identical in sight, sound and meaning.” (Mot. at 8.) Jahn is mistaken.

Jahn claims that the two service marks are “identical” in “sight and sound” because they contains four words in common: “big,” “firm,” “small” and “experience.” (Mot. at 9.) Jahn's analysis improperly separates the marks into their component words. *See Opryland USA*, 23 U.S.P.Q. 2D at 1473-74 (“[M]arks must be considered in the way they are perceived by the relevant public and not broken down into their component words”).

When the marks are analyzed under the proper standard of what is “perceived by the relevant public,” it is clear that the marks are not similar at all. *Opryland USA*, 23 U.S.P.Q. 2D at 1473-74. First, the order of the words is different. The Avanzado Mark states “Big Firm Experience...Small Firm Service,” whereas the Jahn Mark reverses the order with “Small Firm, Big Experience.” Second, the Avanzado mark contains ellipses whereas the Jahn Mark does not.

Finally, the meaning is different. The Avanzado Mark conveys the straightforward message that the attorneys in The Avanzado Law Firm have experience from working at a big firm and are now providing the same experience with a small firm's ability to provide more personal service. This concept of going from a big firm and bringing big firm experience to a small firm is not foreign, not novel and not protectable.

The meaning in the Jahn Mark is ambiguous. Jahn's website does not indicate whether Jahn has any big law firm experience. (Avanzado Decl. ¶ 21, Exh. 10.) Thus, "Small Firm, Big Experience" could be interpreted by the consuming public to mean Jahn operates a small firm but her firm has handled a enough cases to give it "big experience." The relevant public could also interpret the Jahn Mark to mean that Jahn has worked in a big law firm prior to opening her small law firm notwithstanding the lack of any indication that Jahn has worked in a big law firm.

Despite the fact that the two marks have four words in common, the marks are not so similar as to cause a likelihood of confusion. Thus, this factor mandates against summary judgment.

e. **Avanzado And Jahn Provide Different Services Such That Consumers Cannot Confuse The Two Law Firms**

Though the Avanzado Law Firm and Jahn provide legal services, there is no likelihood of confusion on this basis. The second *Du Pont* factor that Jahn addresses calls for the consideration of the "similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use." *Du Pont*, 177 U.S.P.Q. at 567. Despite Jahn's claim that the parties' services are "the exact same," the services are different and are not likely to cause confusion. (Mot. at 10-11.) Not all legal services are the same.

The Avanzado Law Firm focuses exclusively on litigation with an emphasis on entertainment and sports litigation, intellectual property litigation, media and First Amendment litigation, complex civil litigation and employment litigation. (Avanzado Decl. ¶¶ 1, 10 & Exh. 2.) More importantly, The Avanzado Law Firm is based in California and handles litigation in California. (Avanzado Decl. ¶¶ 1, 7 & Exh. 2.)

In contrast, Jahn's website claims specialization in "intellectual property law" and experience in "general practice and civil litigation" and is based in Colorado and Nevada. (Avanzado Decl. ¶ 21 & Exh. 10.) Jahn's website is void of any mention of big firm experience. (Avanzado Decl. ¶ 21 & Exh. 10.) The extent of Jahn's entertainment experience is limited to "negotiating" and "preparing" specific agreements such as endorsement, licensing, merchandising, "film studio," publishing, radio, music, artist and model. (Avanzado Decl. ¶ 21 & Exh. 10.) Jahn produced no evidence of experience in entertainment litigation. (Avanzado Decl. ¶ 21 & Exh. 10.)

Jahn has no admissible evidence to support her claim that the provision of legal services are so similar that the relevant public would confuse one firm based in California with a male principal and specializing only in litigation for another firm based in Colorado and Nevada with a female principal that does both litigation and transactional work. Nor can Jahn produce any evidence that a potential client first called Avanzado thinking it was Jahn based on the allegedly "confusing" service marks.

Thus, this *Du Pont* factor weighs against summary judgment.

f. **The Trade Channels In Which The Avanzado Mark Appears Differs From That In Which The Jahn Mark Appears**

Although The Avanzado Law Firm and Jahn both use the internet to market their law firms, the trade channels in which the respective marks appear are different and do not cause a likelihood of confusion. Thus, the third *Du Pont* factor analyzing the “similarity or dissimilarity of established, likely-to-continue trade channels” weighs in favor of Avanzado. *Du Pont*, 177 U.S.P.Q. at 567.

Avanzado and The Avanzado Law Firm are based in Los Angeles, California and are licensed to practice only in California. (Avanzado Decl. ¶¶ 1,7.) Nobody in The Avanzado Law Firm is licensed to practice in any non-California state. (*Id.*) Thus, the relevant market is clients and potential clients who seek representation in California courts. (*Id.*)

In contrast, Jahn has offices in Colorado and Nevada and licensed to practice in those two states. (Avanzado Decl. ¶¶ 16, 21 & Exhs. 6 & 10.) Jahn is not licensed to practice in California. (*Id.*) Jahn misrepresents the evidence when she claims that she has represented clients in California – the evidence shows that Jahn was permitted to practice in the three California cases listed in her discovery responses because she was admitted pro hac vice. (Avanzado Decl. ¶ 18 & Exh. 8.) Jahn’s pro hac vice admittance underscores the fact that she is not licensed in California and that representation of clients in California courts is not her primary or target market.

The evidence shows that numerous law firms throughout the country that use a variation of the Avanzado and Jahn Marks advertise their services on the internet. (Avanzado Decl. ¶ 17 & Exh. 7.) However, Avanzado has never received any phone call from a client or potential

client who confused The Avanzado Law Firm with Jahn or any other firm. (Avanzado Decl. ¶ 8.)

Once more, the fact that Talcott, an attorney practicing in New York State who utilizes the phrase “Big Firm Skills. Small Firm Service.” on his website for at least five years, has never been contacted by any client or potential client who confused Talcott’s firm for The Avanzado Law Firm or Jahn & Associates, shows how meritless Jahn’s claim of “confusion” is. (Talcott Decl. ¶¶ 1-3; Avanzado Decl. ¶ 20 & Exh. 10.) That three different law firms using similar taglines and marketing their legal services on the internet have not been contacted by anyone confusing one for the other demonstrates how unfounded Jahn’s speculative contentions are.

Thus, this factor militates against summary judgment.

g. The Remaining Du Pont Factors Are Not Probative

The ninth, tenth and eleventh Du Pont factors are not probative of the facts here and thus are not discussed.

C. LACHES STANDARD

Laches is an equitable defense available in trademark proceedings. *See* 15 U.S.C. § 1069 (“In all ininter partes proceedings equitable principles of laches, estoppel, and acquiescence, where applicable may be considered and applied.”) To prevail on this affirmative defense, the respondent must demonstrate the claimant’s undue or unreasonable delay and prejudice to respondent resulting from the delay. *Bridgestone/Firestone Research, Inc. v. Automobile Club de l’Ouest de la France*, 58 U.S.P.Q.2D (BNA) 1460, 1462 (Fed.Cir. 2001).

1. Jahn Inexcusably Delayed Challenging The Avanzado Mark

Despite Jahn’s claims of “diligence” in “policing” the Jahn Mark, Jahn failed to oppose the Avanzado Mark during its 30-day publication in the USPTO’s Trademark Official Gazette in June 2011. (Avanzado Decl. ¶¶ 11-13, Exhs. 5 & 6.) Jahn failed to challenge the Avanzado Mark at all for the next three years until June 2014. (*Id.*) Jahn has no excuse for her delay.

Even though Jahn had notice of the Avanzado Mark since August 23, 2011, Jahn failed to make her discontent with the Avanzado Mark known until June 2014. (*Id.*) *See* 15 U.S.C. §§ 1072 & 1115 (providing that registration of a trademark on the principal register is constructive notice of the registrant’s claim of ownership of and exclusive right to use the trademark).

Jahn has no excuse for this delay.

2. Avanzado And The Avanzado Law Firm Is Prejudiced By Jahn’s Inexcusable Delay In Challenging The Avanzado Mark

“When there has been an unreasonable period of delay by a plaintiff, economic prejudice to the defendant may ensue whether or not the plaintiff overtly lulled the defendant into believing that the plaintiff would not act, or whether or not the defendant believed that the plaintiff would have grounds for action.” *Bridgestone/Firestone*, 58 U.S.P.Q. at 1464 (citing *A.C. Aukerman Co. v. R.L. Chaides Construction Co.*, 22 U.S.P.Q.2D (BNA) 1321, 1336 (Fed. Cir. 1992) (“reliance is not a requirement of laches but is essential to equitable estoppel”)). In addition, economic prejudice “arises from investment in and development of the trademark, and the continued commercial use and economic promotion of a mark over a prolonged period adds weight to the evidence of prejudice.” *Bridgestone/Firestone*, 58 U.S.P.Q. at 1464 (citing *Hot Wax, Inc. v. Turtle Wax, Inc.*, 52 U.S.P.Q.2D (BNA) 1065, 1072 (7th Cir. 1999) (the longer the

use and the lengthier the period of delay, the lighter the burden of showing economic prejudice in support of the defense of laches)).)

Avanzado has utilized the Avanzado Mark for nearly four years without any challenge to the Avanzado Mark until Jahn's inexcusably delayed petition for cancellation. (Avanzado Decl. ¶¶ 12-13.) The Avanzado Mark has built goodwill from its consistent and continued use on Avanzado's website. (Avanzado Decl. ¶¶ 10-13; Exh. 2.)

Any adverse ruling to the Avanzado Mark as a result of Jahn's unduly delayed challenge would deprive Avanzado of the goodwill established by four years of continuous, uninterrupted and unchallenged use of the Avanzado Mark.

III.

CONCLUSION

For the foregoing reasons, Respondent Melvin N.A. Avanzado respectfully requests that the Trademark Trial and Appeal Board deny summary judgment on the claims of Claimant Kirstin Jahn and Jahn & Associates, LLC.

DATED: October 12, 2015

THE AVANZADO LAW FIRM

By: _____


Elaine W. Yu

Attorney for Respondent
Melvin N.A. Avanzado

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

JAHN & ASSOCIATES, LLC

Petitioner,

v.

MELVIN N.A. AVANZADO,

Registrant/Respondent.

CANCELLATION NO.: 92060029

MARK: BIG FIRM EXPERIENCE,
SMALL FIRM SERVICE
(Registration Number: 4015965)

Filing Date: February 1, 2011

*[Opposition to Claimant's Summary
Judgment Motion, Statement of Disputed
Facts, Declaration of Melvin N.A. Avanzado,
and Declaration of Kelly D. Talcott filed
concurrently herewith]*

**RESPONDENT MELVIN N.A. AVANZADO'S REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF OPPOSITION TO CLAIMANT JAHN'S SUMMARY JUDGMENT
MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Respondent Melvin N.A. Avanzado ("Avanzado") in support of his opposition to the summary judgment motion of Claimant Kirstin Jahn and Jahn & Associates, LLC (collectively "Jahn"), will and hereby does request that the Trademark Trial and Appeals Board of the United States Patent and Trademark Office take judicial notice of the websites as described in detail below, pursuant to Rule 201 of the Federal Rules of Evidence.

1. An internet search of the words “Small Firm, Big Experience” yields a litany of results. Avanzado requests judicial notice of the following documents that bear the same or similar phrase as “Small Firm Big Experience”:

- a. <http://voselaw.com/service>
- b. <http://mrachek-law.com/big-firm-results-small-firm-feel/>
- c. <http://www.christensenlawgrp.com/>
- d. <http://www.weisslawstl.com/>
- e. <http://www.mastinlaw.com/a-little-about-you/why-avisio/>
- f. <http://www.cornerlaw.com/about/who-we-are/>
- g. <http://www.kdtalcott.com/what-i-can-do-for-you.html>

2. A review of Jahn’s firm website shows Jahn’s experience, practice areas of law and state bar admissions. Avanzado requests judicial notice of Jahn’s firm website which is located at the following website address: <http://jahnlaw.com>.

++++

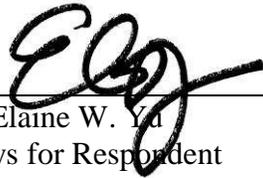
Courts may take judicial notice of facts “not subject to reasonable dispute . . . that [are] . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(c).

The facts and events in such documents are matters which are “capable of accurate and ready determination by resort to sources” – the documents from these actions

attached to the Avanzado Declaration as Exhibit Numbers 10 and 11 –“whose accuracy cannot reasonably be questioned.” Accordingly, Avanzado’s request for judicial notice should be granted.

DATED: October 12, 2015

THE AVANZADO LAW FIRM

By:  _____
Elaine W. Yu
Attorneys for Respondent
Melvin N.A. Avanzado

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

JAHN & ASSOCIATES, LLC

Petitioner,

v.

MELVIN N.A. AVANZADO,

Registrant/Respondent.

CANCELLATION NO.: 92060029

MARK: BIG FIRM EXPERIENCE,
SMALL FIRM SERVICE
(Registration Number: 4015965)

Filing Date: February 1, 2011

*[Opposition to Summary Judgment, Request
for Judicial Notice, Declaration of Melvin
N.A. Avanzado, and Declaration of Kelly D.
Talcott filed concurrently herewith]*

RESPONDENT AVANZADO'S STATEMENT OF DISPUTED FACTS IN OPPOSITION
TO CLAIMANT JAHN'S SUMMARY JUDGMENT MOTION

Pursuant to Federal Rule 56, Respondent Melvin N.A. Avanzado ("Avanzado") opposes and responds to the "Statement of Undisputed Facts" of Claimant Kirstin Jahn and Jahn & Associates, LLC ("Jahn") as set forth below.

Jahn's Uncontroverted Facts	Avanzado's Response and Evidence
1. On or before October, 2001, Petitioner began using its SMALL FIRM, BIG EXPERIENCE trademark in connection with legal services. Jahn's	1. Undisputed.

Jahn's Uncontroverted Facts	Avanzado's Response and Evidence
Evidence: Jahn Declaration ¶ 3, Exh. A.	
<p>2. On November 13, 2008, Petitioner applied for federal registration of its SMALL FIRM, BIG EXPERIENCE MARK under Serial No. 77/613824.</p> <p>Jahn's Evidence: Jahn Declaration ¶ 4, Exh. .</p>	2. Undisputed.
<p>3. On June 23, 2009, Petitioner's mark, SMALL FIRM, BIG EXPERIENCE MARK registered under Registration Number 3642830 for use in connection with legal services in International Class 45.</p> <p>Jahn's Evidence: Jahn Declaration ¶ 5, Exh. C.</p>	3. Undisputed.
<p>4. Since its registration, Petitioner has made a diligent effort to police its mark to stop third party use of confusingly similar marks.</p> <p>Jahn's Evidence: Jahn Declaration ¶ 6, Exh. D.</p>	<p>4. Disputed. Jahn failed to oppose the publication of "BIG FIRM EXPERIENCE . . . SMALL FIRM SERVICE" (the "Avanzado Mark") when the United States Patent and Trademark Office published the Avanzado Mark in the <i>Trademark</i></p>

Jahn's Uncontroverted Facts	Avanzado's Response and Evidence
	<p><i>Official Gazette</i> on June 7, 2011.</p> <p>Avanzado Declaration ¶¶ 11-13, Exh. 4.</p> <p>Jahn failed to challenge the registration of the Avanzado Mark for nearly four years. Avanzado Declaration ¶¶ 11-13, Exh. 4.</p>
<p>5. Petitioner has been successful in obtaining third party agreements to cease using the same or similar marks.</p> <p>Jahn's Evidence: Jahn Declaration ¶ 7, Exh. D.</p>	<p>5. Disputed. Jahn failed to oppose the publication of "BIG FIRM EXPERIENCE . . . SMALL FIRM SERVICE" (the "Avanzado Mark") when the United States Patent and Trademark Office published the Avanzado Mark in the <i>Trademark Official Gazette</i> on June 7, 2011.</p> <p>Avanzado Declaration ¶¶ 11-13, Exh. 4.</p> <p>Jahn failed to challenge the registration of the Avanzado Mark for nearly four years. Avanzado Declaration ¶¶ 11-13, Exh. 4.</p>
<p>6. Petitioner's policing of its mark is an ongoing process.</p> <p>Jahn's Evidence: Jahn Declaration ¶ 8,</p>	<p>6. Disputed. Jahn failed to oppose the publication of "BIG FIRM EXPERIENCE . . . SMALL FIRM</p>

Jahn's Uncontroverted Facts	Avanzado's Response and Evidence
Exh. E.	<p>SERVICE” (the “Avanzado Mark”)</p> <p>when the United States Patent and Trademark Office published the Avanzado Mark in the <i>Trademark Official Gazette</i> on June 7, 2011.</p> <p>Avanzado Declaration ¶¶ 11-13, Exh. 4.</p> <p>Jahn failed to challenge the registration of the Avanzado Mark for nearly four years. Avanzado Declaration ¶¶ 11-13, Exh. 4. Moreover, over 30 law firms currently use a variation of the Avanzado mark of the “SMALL FIRM, BIG EXPERIENCE” phrase. Avanzado Declaration ¶¶ 17, 20 & Exhibits 7 & 9; Talcott Declaration ¶¶ 1-3.</p>
<p>7. On August 23, 2011, Respondent filed for a trademark registration with the USPTO for the mark, BIG FIRM EXPERIENCE... SMALL FIRM SERVICE which was assigned Serial No. 85/231879.</p> <p>Jahn's Evidence: Jahn Declaration ¶ 9,</p>	<p>7. Disputed. Avanzado filed for trademark registration of the Avanzado Mark on February 1, 2011. Avanzado Declaration ¶ 9, Exhibit 1.</p>

Jahn’s Uncontroverted Facts	Avanzado’s Response and Evidence
Exh. F.	
<p>8. On August 23, 2011, Respondent obtained a registration for its mark BIG FIRM EXPERIENCE... SMALL FIRM SERVICE trademark for use in connection with litigation services in International Class 45 under Registration Number 4015965.</p> <p>Jahn’s Evidence: Jahn Declaration ¶ 10, Exh. G.</p>	<p>8. Undisputed.</p>
<p>9. When the search term “SMALL FIRM BIG EXPERIENCE” is entered in the USPTO TESS database, both Respondent’s and Petitioner’s marks show up in the results.</p> <p>Jahn’s Evidence: Jahn Declaration ¶ 11, Exh. H.</p>	<p>9. Disputed. In determining the likelihood of confusion, “marks must be considered in the way they are perceived by the relevant public.” <i>Opryland USA, Inc. v. Great American Music Show, Inc.</i>, 23 U.S.P.Q. 2D (BNA) 1471, 1473-74 (Fed. Cir. 1992).</p>
<p>10. Similarly, the results for the search of the term “BIG FIRM EXPERIENCE, SMALL FIRM” in the USPTO TESS database shows both Respondent’s and Petitioner’s mark.</p>	<p>10. Disputed. In determining the likelihood of confusion, “marks must be considered in the way they are perceived by the relevant public.” <i>Opryland USA, Inc. v. Great American Music Show, Inc.</i>, 23</p>

Jahn's Uncontroverted Facts	Avanzado's Response and Evidence
Jahn's Evidence: Jahn Declaration ¶ 12, Exh. I.	U.S.P.Q. 2D (BNA) 1471, 1473-74 (Fed. Cir. 1992).
<p>11. Because intellectual property litigation services occur primarily in the United States District Courts, Petitioner provides legal services throughout the United States. Petitioner's attorneys have represented clients in the federal courts located in California, Illinois, New York, Minnesota, Virginia, Nevada and Colorado.</p> <p>Jahn's Evidence: Jahn Declaration ¶ 13.</p>	<p>11. Disputed. Jahn is only licensed to practice law in New York, Colorado and Nevada states. Jahn appears in other states on a pro hac vice basis. Avanzado Decl. ¶¶ 16, 18 & Exhibits 7, 8, & 11.</p>

Pursuant to Federal Rule 56, Respondent Avanzado submits the following additional uncontroverted material facts.

Avanzado's Additional Material Fact	Evidence In Support
12. Jahn has no evidence of actual confusion.	12. Jahn Summary Judgment Motion at 12-13; Avanzado Declaration ¶ 18 & Exhibit 8.
13. Avanzado has never had a potential client mistake him or his firm for Jahn or her firm.	13. Avanzado Declaration ¶ 8.

<p>14. Avanzado spent many years practicing law at “big” law firms prior to opening The Avanzado Law Firm.</p>	<p>14. Avanzado Declaration ¶¶ 1-6.</p>
<p>15. Jahn produced no evidence of having practiced in a big law firm.</p>	<p>15. Avanzado Declaration ¶ 21, Exhibit 10.</p>
<p>16. The law firm of Kelly Talcott based in New York employs the tagline “Big Firm Skills. Small Firm Service.” on his website since at least 2010 and Talcott has never been contacted by any client or potential client who confused Talcott’s firm for The Avanzado Law Firm or Jahn & Associates.</p>	<p>Talcott Declaration ¶¶ 1-3; Avanzado Declaration ¶ 20 & Exhibit 9.</p>

DATED: October 12, 2015

THE AVANZADO LAW FIRM

By:  _____
 Elaine W. Yu
 Attorney for Respondent
 Melvin N.A. Avanzado

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

JAHN & ASSOCIATES, LLC

Petitioner,

v.

MELVIN N.A. AVANZADO,

Registrant/Respondent.

CANCELLATION NO.: 92060029

MARK: BIG FIRM EXPERIENCE,
SMALL FIRM SERVICE
(Registration Number: 4015965)

Filing Date: February 1, 2011.

DECLARATION OF KELLY D. TALCOTT

I, Kelly D. Talcott, declare as follows:

1. I am an attorney-at-law and am licensed to practice law in the State of New York. I am over 18 years of age. I have personal knowledge of the facts stated below, and if called to testify, could and would testify competently thereto.

2. I practice law through my law firm, The Talcott Law Firm, PC. I maintain a website for my firm: www.kdtalcott.com. In my website, I have one page entitled "What I Can Do For You." On that page, I use a tag line, "Big Firm Skills. Small Firm Service." I have had this tag line on my website since at least 2010.

3. I have never been contacted by any client or potential client who mistakenly contacted me but who instead was looking for The Avanzado Law Firm or Jahn & Associates, LLC. My firm and I have never been confused with either of those two law firms or their principal lawyers.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of October, 2015 at Sea Cliff, New York.



Kelly D. Talcott

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

JAHN & ASSOCIATES, LLC

Petitioner,

v.

MELVIN N.A. AVANZADO,

Registrant/Respondent.

CANCELLATION NO.: 92060029

MARK: BIG FIRM EXPERIENCE,
SMALL FIRM SERVICE
(Registration Number: 4015965)

Filing Date: February 1, 2011

*[Opposition to Claimant's Summary
Judgment Motion, Statement of Disputed
Facts, Request for Judicial Notice, and
Declaration of Kelly D. Talcott filed
concurrently herewith]*

DECLARATION OF MELVIN N.A. AVANZADO

I, Melvin N.A. Avanzado, declare as follows:

1. I am an attorney-at-law and am licensed to practice law in the State of California. I am over 18 years of age. In July 2008, I founded The Avanzado Law Firm in which I am the principal. I am licensed to practice law in California and am admitted to appear in all state and federal courts in California. I am not licensed to practice law in any other state. My practice focuses on civil litigation with an emphasis in entertainment, intellectual property, employment and other business litigation. With limited exceptions, my practice is limited to litigation in these areas.

2. I have personal knowledge of the facts stated below, and if called to testify, could and would testify competently thereto.

3. I graduated cum laude from Notre Dame Law School in 1988. Immediately after graduation I joined Latham & Watkins in September 1988 where I practiced general civil and employment litigation. At the time, Latham & Watkins was a big firm with hundreds of lawyers nationwide. Currently, Latham & Watkins has thousands of lawyers all over the world.

4. In 1993, I joined Christensen, White, Miller, Fink & Jacobs (later known as Christensen, White, Miller, Fink, Glaser & Shapiro LLP), which was another large firm. At this firm, my practice shifted focus to entertainment, media and intellectual property disputes.

5. In 1996, I left Christensen, White, Miller, Fink & Jacobs and co-founded White O'Connor Curry & Avanzado LLP – a boutique law firm in which I focused on entertainment, media, labor and intellectual property disputes.

6. In 2005, I became a partner in the Entertainment Practice Group of another large firm, Jeffer Mangels, Butler & Marmaro LLP. Jeffer Mangels has hundreds of attorneys in its employ. There, I continued my civil litigation practice focusing on entertainment, intellectual property, employment and other business disputes.

7. My associate, Elaine W. Yu, is licensed to practice law in California. She is not licensed to practice law in any other state.

8. I have never received any phone call from a client or potential client who confused my firm with Jahn & Associates, LLC or its principal, Kirstin Jahn (collectively “Jahn”). I have never received any phone call from anyone who believed they were calling Jahn or any other attorney. I have never received any solicitation from anyone who has mistaken my

firm with Jahn's because of the tagline and service mark "Big Firm Experience ... Small Firm Service." I have never been contacted by any client or potential client who mistakenly contacted me but who instead was looking for Jahn. My firm and I have never been confused with Jahn or its principal lawyer(s).

9. In or about June 2009, I came up with the tag line for The Avanzado Law Firm, "Big Firm Experience, Small Firm Service" and used it in an advertisement for a bar event shortly thereafter. Attached as **Exhibit "1"** is a true and correct copy of the advertisement prototypes I came up with and used in connection with the bar event bates stamped MNAA_TM_000039-53 and produced in discovery on or about February 6, 2015.

10. In or about February 1, 2011, the Glenn Truitt of the law firm MyContractsGuy.com submitted my trademark application with the United States Patent and Trademark Office ("USPTO"), for the service mark "Big Firm Experience ... Small Firm Service" (the "Avanzado Mark). The Avanzado Mark was intended to identify The Avanzado Law Firm's litigation services. The Avanzado Mark was assigned serial number 85231879. The application stated that the first use of the Avanzado Mark was March 1, 2008, but this was a typographical error. The first use should have been in the year 2009. I did not realize the typographical error until this litigation. Attached as **Exhibit "2"** is a true and correct copy of the February 1, 2011 application for trademark registration of the Avanzado Mark bates stamped MNAA_TM_000001-11 and produced in discovery on or about February 6, 2015.

11. On or about May 3, 2011, the USPTO approved the Avanzado Mark for publication and on or about July 7, 2011, the Avanzado Mark was published in the Trademark Official Gazette. The notice of publication contained the following language: "Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or

extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a certificate of registration should issue.” No individual or entity – including Jahn filed an opposition to the Avanzado Mark. Attached as **Exhibit “3”** is a true and correct copy of the USPTO approval and notice of publication of the Avanzado Mark bates stamped MNAA_TM_000012-16 and produced in discovery on or about February 6, 2015.

12. On or about August 23, 2011, the Avanzado Mark became a registered service mark. Attached as **Exhibit “4”** is a true and correct copy of the August 23, 2011 certificate of trademark registration for the Avanzado Mark bates stamped MNAA_TM_000017-17 and produced in discovery on or about February 6, 2015.

13. On or about June 24, 2014 – nearly three years after the Avanzado Mark was published in the Trademark Official Gazette – Jahn wrote to me that she was the owner of the mark “Small Firm, Big Experience” (the “Jahn Mark”). Attached as **Exhibit “5”** is a true and correct copy of Jahn’s June 24, 2014 letter to me bates stamped MNAA_TM_000020 and produced in discovery on or about February 6, 2015.

14. On or about September 23, 2014, Jahn filed the instant petition for cancellation of the Avanzado Mark on the ground that there is a “likelihood of confusion” between the Avanzado Mark and the Jahn Mark.

15. On or about February 6, 2015, our firm produced documents bates stamped “MNAA_TM_000001” through “MNAA_TM_000055” to Jahn in response to Jahn’s discovery requests.

16. On or about March 9, 2015, we received Jahn's responses to our first set of discovery requests. Attached as **Exhibit "6"** is a true and correct copy of Jahn's March 9, 2015 discovery responses.

17. On or about May 29, 2015, our firm produced documents bates stamped "MNAA_TM_000056" through "MNAA_TM_000126" to Jahn in response to Jahn's second set of interrogatories. Attached as **Exhibit "7"** is a true and correct copy of the May 29, 2015 set of documents produced to Jahn.

18. On or about June 3, 2015, we received Jahn's responses to our second set of discovery requests. Attached as **Exhibit "8"** is a true and correct copy of Jahn's June 3, 2015 production to us.

19. On or about June 25, 2015, Jahn produced documents bates stamped "JA 39" through "JA 55" in response to our second set of requests for production of documents. Jahn filed these documents under seal as "Exhibit F" to her declaration in support of her motion for summary judgment.

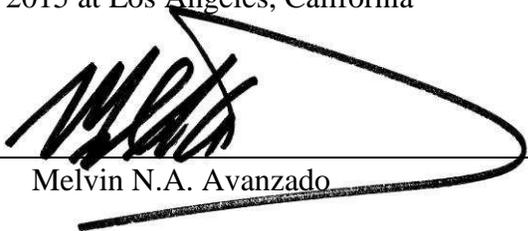
20. My cursory internet search of the Avanzado Mark reveals that over a dozen firms use a phrase similar to the Avanzado Mark or the Jahn Mark. Attached as **Exhibit "9"** is a true and correct copy of additional law firm websites found on the internet that use a phrase similar to the parties' service marks.

21. I reviewed Jahn's website (<http://jahnlaw.com/>) for Jahn's experience and qualifications. According to Jahn's website, Jahn's practice areas include counseling and licensing, unspecified litigation, portfolio management, quality control, trademark application and registration, copyright application and registration, pro bono work and entertainment law consisting of negotiating and preparing agreements involving endorsement, product licensing,

merchandising, film studio, publishing, radio, music, artist and model. Jahn's website shows that she maintains an office in Colorado state and an office in Nevada state. Jahn's website shows that Jahn is admitted to practice law in New York, Nevada and Colorado states. Jahn's website does not indicate Jahn's previous firm experience, nor whether she has any big law firm experience. Attached as **Exhibit "10"** is a true and correct copy of relevant portions of Jahn's website as of October 12, 2015.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 12th day of October, 2015 at Los Angeles, California



Melvin N.A. Avanzado

EXHIBIT 1

From: Melvin N.A. Avanzado
Sent: Wednesday, June 10, 2009 12:44 PM
To: P C
Subject: RE: NAPABA Regional Conference - June 19/20

Hey this looks good. Delete the period at the end though.

MEL

Melvin N.A. Avanzado
THE AVANZADO LAW FIRM
1880 CENTURY PARK EAST
TWELFTH FLOOR
LOS ANGELES, CALIFORNIA 90067
310.552.9300 TELEPHONE
310.388.5330 FACSIMILE
<mel@avanzadolaw.com>
www.avanzadolaw.com
www.entertainmentlitigationblog.com

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THE AVANZADO LAW FIRM

1880 CENTURY PARK EAST • TWELFTH FLOOR
LOS ANGELES, CALIFORNIA 90067
310.552.9300 VOICE • 310.388.5330 FAX
www.avanzadolaw.com
www.entertainmentlitigationblog.com

From: P C [mailto:p2carino@yahoo.com]
Sent: Wednesday, June 10, 2009 10:10 AM
To: mel@avanzadolaw.com
Subject: RE: NAPABA Regional Conference - June 19/20

heres the tag line on the ad, [REDACTED]

--- On **Tue, 6/9/09**, mel@avanzadolaw.com <mel@avanzadolaw.com> wrote:

From: mel@avanzadolaw.com <mel@avanzadolaw.com>
Subject: RE: NAPABA Regional Conference - June 19/20
To: "P C" <p2carino@yahoo.com>
Date: Tuesday, June 9, 2009, 5:09 PM

The concept is that I can provide the experience of a lawyer at a big firm but with more personal/economic service. Or something about diversity -- like "You can have diversity without sacrificing quality" --> but that and everything I come up with is too heavy handed. And you can't play the economics too much, otherwise you come off as being the "cheap" guy -- not the brand I want either.

Maybe "Big firm experience, small firm service."

I think this needs more work than we have time for right now. But if you think of something

MEL

Melvin N.A. Avanzado

THE AVANZADO LAW FIRM

1880 CENTURY PARK EAST

TWELFTH FLOOR

LOS ANGELES, CALIFORNIA 90067

310.552.9300 TELEPHONE

310.388.5330 FACSIMILE

< mel@avanzadolaw.com >

www.avanzadolaw.com

www.entertainmentlitigationblog.com

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THE AVANZADO LAW FIRM

1880 CENTURY PARK EAST • TWELFTH FLOOR
LOS ANGELES, CALIFORNIA 90067
310.552.9300 VOICE • 310.388.5330 FAX
www.avanzadolaw.com
www.entertainmentlitigationblog.com

From: P C [mailto:p2carino@yahoo.com]
Sent: Tuesday, June 09, 2009 5:04 PM
To: mel@avanzadolaw.com
Subject: Re: NAPABA Regional Conference - June 19/20

give me all the things and i will think of it [REDACTED]

--- On **Tue, 6/9/09**, mel@avanzadolaw.com <mel@avanzadolaw.com> wrote:

From: mel@avanzadolaw.com <mel@avanzadolaw.com>
Subject: Re: NAPABA Regional Conference - June 19/20
To: "P C" <p2carino@yahoo.com>
Date: Tuesday, June 9, 2009, 4:54 PM

That's just it. I can't think of a good one.

MEL

Melvin N.A. Avanzado
The Avanzado Law Firm
1880 Century Park East
Twelfth Floor
Los Angeles, California 90067
310.552.9300 telephone
310.388.5330 facsimile
<mel@avanzadolaw.com>
www.avanzadolaw.com
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the original, and destroy all copies, of this message and all attachments.

Sent from my iPhone

On Jun 9, 2009, at 4:52 PM, "P C" <p2carino@yahoo.com> wrote:

> get me the tag line and i'll add it in there

>

> --- On Tue, 6/9/09, mel@avanzadolaw.com <mel@avanzadolaw.com> wrote:

>

> From: mel@avanzadolaw.com <mel@avanzadolaw.com>

> Subject: Re: NAPABA Regional Conference - June 19/20

> To: "P C" <p2carino@yahoo.com>

> Date: Tuesday, June 9, 2009, 4:40 PM

>

> Looks good. But can you do a version without the bottom copy? Need a

> better tag line.

>

> MEL

> _____

>

> Melvin N.A. Avanzado

> The Avanzado Law Firm

> 1880 Century Park East

> Twelfth Floor

> Los Angeles, California 90067

> 310.552.9300 telephone

> 310.388.5330 facsimile

> <mel@avanzadolaw.com/<mc/compose?to=mel@avanzadolaw.com>>

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>

> Sent from my iPhone

>

> On Jun 9, 2009, at 3:40 PM, "P C" <p2carino@yahoo.com/<mc/compose?to=p2carino@yahoo.com

> >> wrote:

>

>> how's this

>>

>> --- On Tue, 6/9/09, mel@avanzadolaw.com/<mc/compose?to=mel@avanzadolaw.com

>> > <mel@avanzadolaw.com/<mc/compose?to=mel@avanzadolaw.com>> wrote:

>>
>> From: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com> <mel@avanzadolaw.com
>> </mc/compose?to=mel@avanzadolaw.com>>
>> Subject: RE: NAPABA Regional Conference - June 19/20
>> To: "P C" <p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com>>
>> Date: Tuesday, June 9, 2009, 2:30 PM

>>
>> The bottom copy should be: "THE AVANZADO LAW FIRM PROVIDES LARGE
>> LAW FIRM EXPERIENCE AND SOPHISTICATED BUT WITH THE PERSONAL
>> ATTENTION AND COST-EFFECTIVENESS THAT ONLY A SMALL FIRM CAN DELIVER"

>>
>> That's what I'm calling the "tag line." I don't really like it, but
>> I haven't come up with anything yet.

>>
>> I want the margins of all copy narrowed. And two logos -- one for
>> the Philippine American Bar Association and one for the PABA
>> Foundation -- on each side just above your blue border. Each of the
>> logos should be smaller than what you have already.

>>
>> MEL

>> _____

>>
>> Melvin N.A. Avanzado
>> The Avanzado Law Firm
>> 1880 Century Park East
>> Twelfth Floor
>> Los Angeles, California 90067
>> 310.552.9300 telephone
>> 310.388.5330 facsimile
>> <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com></mc/
>> compose?to=mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>>>
>> www.avanzadolaw.com<<http://www.avanzadolaw.com/>>
>> www.entertainmentlitigationblog.com<<http://www.entertainmentlitigationblog.com/>>
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>>
>>
[cid:1.393371516@web82704.mail.mud.yahoo.com</mc/compose?to=1.393371516@web82704.mail.mud.yahoo.com
>> >]

>>
>> From: P C [mailto:p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com
>> >]
>> Sent: Tuesday, June 09, 2009 2:26 PM

>> To: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>

>> Subject: RE: NAPABA Regional Conference - June 19/20

>>

>> Mel,

>> I think its better you write what your wrote so i can make some
>> sense of it- I am lost on some of what you want done. I have the
>> right logo and played around with the main content but the secondary
>> information i need you to write it out and let me work on it

>>

>>

>>

>> --- On Tue, 6/9/09, mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com

>> > <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>> wrote:

>>

>> From: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com> <mel@avanzadolaw.com
>> </mc/compose?to=mel@avanzadolaw.com>>

>> Subject: RE: NAPABA Regional Conference - June 19/20

>> To: "P C" <p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com>>

>> Date: Tuesday, June 9, 2009, 11:54 AM

>> Here is the markup. Hopefully you can read my handwriting. And I
>> have questions on the font/prominence issues -- and let me know of
>> what you think of the "tag line." I need a tag line for the firm.
>> Not sure this is it though.

>>

>> MEL

>> _____

>>

>> Melvin N.A. Avanzado

>> The Avanzado Law Firm

>> 1880 Century Park East

>> Twelfth Floor

>> Los Angeles, California 90067

>> 310.552.9300 telephone

>> 310.388.5330 facsimile

>> <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>>

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

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>>

>>

[cid:1.393371516@web82704.mail.mud.yahoo.com</mc/compose?to=1.393371516@web82704.mail.mud.yahoo.com

>> >]

>>
>> From: P C [mailto:p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com
>> >]
>> Sent: Tuesday, June 09, 2009 11:53 AM
>> To: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>
>> Subject: RE: NAPABA Regional Conference - June 19/20
>>
>> coolio
>>
>> --- On Tue, 6/9/09, mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com
>> > <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>> wrote:
>>
>> From: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com> <mel@avanzadolaw.com
>> </mc/compose?to=mel@avanzadolaw.com>>
>> Subject: RE: NAPABA Regional Conference - June 19/20
>> To: "P C" <p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com>>
>> Date: Tuesday, June 9, 2009, 11:39 AM
>> Okay. I'll scan with my comments.
>>
>> MEL
>> _____
>>
>> Melvin N.A. Avanzado
>> The Avanzado Law Firm
>> 1880 Century Park East
>> Twelfth Floor
>> Los Angeles, California 90067
>> 310.552.9300 telephone
>> 310.388.5330 facsimile
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>> of this message and all attachments.
>>
>>
>> [cid:1.393371516@web82704.mail.mud.yahoo.com</mc/compose?to=1.393371516@web82704.mail.mud.yahoo.com
>> >]
>>
>> From: P C [mailto:p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com
>> >]
>> Sent: Tuesday, June 09, 2009 11:37 AM
>> To: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>

>> Subject: RE: NAPABA Regional Conference - June 19/20

>>

>> [REDACTED] i can work on it later?

>>

>> --- On Tue, 6/9/09, mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com

>> > <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>> wrote:

>>

>> From: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com> <mel@avanzadolaw.com

>> </mc/compose?to=mel@avanzadolaw.com>>

>> Subject: RE: NAPABA Regional Conference - June 19/20

>> To: "P C" <p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com>>

>> Date: Tuesday, June 9, 2009, 11:27 AM

>> [REDACTED] I'd like to play with the margins but I have

>> to show you. The zip folder I gave you has the Foundation logo --

>> it has the same star but the words are different. And here's a

>> better Bar Association logo. I think the logos should be smaller

>> too.

>>

>> MEL

>>

>>

>> Melvin N.A. Avanzado

>> The Avanzado Law Firm

>> 1880 Century Park East

>> Twelfth Floor

>> Los Angeles, California 90067

>> 310.552.9300 telephone

>> 310.388.5330 facsimile

>> <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>>

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

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>>

>>

[cid:1.393371516@web82704.mail.mud.yahoo.com</mc/compose?to=1.393371516@web82704.mail.mud.yahoo.com

>> >]

>>

>> From: P C [mailto:p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com

>> >]

>> Sent: Tuesday, June 09, 2009 11:23 AM

>> To: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>

>> Subject: RE: NAPABA Regional Conference - June 19/20

>>
>> How's this? I don't have the bar logo just this from the zipped
>> folder you gave me
>>
>> --- On Mon, 6/8/09, mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com
>> > <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>> wrote:
>>
>> From: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com> <mel@avanzadolaw.com
>> </mc/compose?to=mel@avanzadolaw.com>>
>> Subject: RE: NAPABA Regional Conference - June 19/20
>> To: "P C" <p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com>>
>> Date: Monday, June 8, 2009, 8:54 PM
>> I know. Sorry. I've been distracted/swamped.
>>
>> Okay, it has to be black and white. Attached are PABA Foundation
>> logos. You have the bar association logo. I think I want a small
>> Bar Association logo and Foundation logo on each side. The content
>> should be:
>>
>> "Melvin N.A. Avanzado, President and CEO of The PABA Foundation and
>> member of the Board of Governors of the Philippine American Bar
>> Association, congratulates NAPABA on its 2009 California-Nevada
>> Regional Conference." -- prominent font/type
>>
>> then underneath that in less prominent font:
>>
>> "The Avanzado Law Firm delivers the sophistication and expertise
>> from 20 years of practice with large law firms but with the personal
>> attention and cost-effectiveness of a small firm."
>>
>> MEL
>> _____
>>
>> Melvin N.A. Avanzado
>> The Avanzado Law Firm
>> 1880 Century Park East
>> Twelfth Floor
>> Los Angeles, California 90067
>> 310.552.9300 telephone
>> 310.388.5330 facsimile
>> <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>>
>> www.avanzadolaw.com<<http://www.avanzadolaw.com/>>
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>>
[cid:1.393371516@web82704.mail.mud.yahoo.com</mc/compose?to=1.393371516@web82704.mail.mud.yahoo.com
>> >]
>>
>> From: P C [mailto:p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com
>> >]
>> Sent: Monday, June 08, 2009 12:32 PM
>> To: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>
>> Subject: RE: NAPABA Regional Conference - June 19/20
>>
>> waiting for it if you want me to meet your deadline i need it ASAP
>>
>> --- On Wed, 6/3/09, mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com
>> > <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>> wrote:
>>
>> From: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com> <mel@avanzadolaw.com
>> </mc/compose?to=mel@avanzadolaw.com>>
>> Subject: RE: NAPABA Regional Conference - June 19/20
>> To: "P C" <p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com>>
>> Date: Wednesday, June 3, 2009, 4:23 PM
>> I'll write it tonight.
>>
>> MEL
>> _____
>>
>> Melvin N.A. Avanzado
>> The Avanzado Law Firm
>> 1880 Century Park East
>> Twelfth Floor
>> Los Angeles, California 90067
>> 310.552.9300 telephone
>> 310.388.5330 facsimile
>> <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>>
>> www.avanzadolaw.com<<http://www.avanzadolaw.com/>>
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[cid:1.393371516@web82704.mail.mud.yahoo.com</mc/compose?to=1.393371516@web82704.mail.mud.yahoo.com

>> >]
>>
>> From: P C [mailto:p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com
>> >]
>> Sent: Wednesday, June 03, 2009 12:33 PM
>> To: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>
>> Subject: RE: NAPABA Regional Conference - June 19/20
>>
>> need the content you want
>>
>> --- On Tue, 6/2/09, mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com
>> > <mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com>> wrote:
>>
>> From: mel@avanzadolaw.com</mc/compose?to=mel@avanzadolaw.com> <mel@avanzadolaw.com
>> </mc/compose?to=mel@avanzadolaw.com>>
>> Subject: RE: NAPABA Regional Conference - June 19/20
>> To: "p2carino@yahoo.com</mc/compose?to=p2carino@yahoo.com>" <p2carino@yahoo.com
>> </mc/compose?to=p2carino@yahoo.com>>
>> Date: Tuesday, June 2, 2009, 5:39 PM
>> Percy,
>>
>> I need another ad please. Here's the one you did for the PABA
>> dinner. Can we replace the right side with other content. I
>> welcome your ideas.
>>
>> I need something next week if you can. Let me know.
>>
>> MEL
>> _____
>>
>> Melvin N.A. Avanzado
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>>
[cid:1.393371516@web82704.mail.mud.yahoo.com</mc/compose?to=1.393371516@web82704.mail.mud.yahoo.com
>> >]

[REDACTED]

[REDACTED]

THE AVANZADO LAW FIRM

1880 Century Park East

12th Floor

Los Angeles, California 90067

310.552.9300 Voice 310.388.5330 Fax

www.avanzadolaw.com

www.entertainmentlitigationblog.com

MNAA_TM_000052



Melvin N.A. Avanzado, President and CEO of The PABA Foundation and member of the Board of Governors of the Philippine American Bar Association, congratulates NAPABA on its 2009 California-Nevada Regional Conference.



PHILIPPINE AMERICAN
BAR ASSOCIATION

BIG FIRM EXPERIENCE, SMALL FIRM SERVICE



THE PABA FOUNDATION



p2c : branding & marketing

THE AVANZADO LAW FIRM

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12th Floor

Los Angeles, California 90067

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THE AVANZADO LAW FIRM DELIVERS THE SOPHISTICATION AND EXPERTISE FROM 20 YEARS OF PRACTICE WITH LARGE LAW FIRMS BUT WITH THE PERSONAL ATTENTION AND COST-EFFECTIVENESS OF A SMALL FIRM.

PHILIPPINE AMERICAN
BAR ASSOCIATION



p2c : branding & marketing

EXHIBIT 2

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85231879

Filing Date: 02/01/2011

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	BIG FIRM EXPERIENCE...SMALL FIRM SERVICE
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BIG FIRM EXPERIENCE...SMALL FIRM SERVICE
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Melvin N.A. Avanzado
DBA/AKA/TA/FORMERLY	DBA The Avanzado Law Firm
*STREET	1880 Century Park East; Suite 1404
*CITY	Los Angeles
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	

(Required for U.S. applicants only)	90067
PHONE	310.552.9300
FAX	310.388.5330
EMAIL ADDRESS	mel@avanzadolaw.com
WEBSITE ADDRESS	www.avanzadolaw.com
LEGAL ENTITY INFORMATION	
*TYPE	SOLE PROPRIETORSHIP
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
NAME OF INDIVIDUAL & CITIZENSHIP	Melvin N.A. Avanzado - U.S. Citizen
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	045
IDENTIFICATION	Litigation services
* FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/01/2008
FIRST USE IN COMMERCE DATE	At least as early as 03/01/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT11\852\318\85231879\xml1\ FTK0003.JPG
SPECIMEN DESCRIPTION	Screen Capture from website where mark is featured in yellow type at the bottom of large picture
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Glenn Truitt
FIRM NAME	MyContractsGuy.com

STREET	PO Box 515381 #55395
CITY	Los Angeles
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	90051-6681
PHONE	310-403-0417
FAX	323-576-4555
EMAIL ADDRESS	glenn@mycontractsguy.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Glenn Truitt
FIRM NAME	MyContractsGuy.com
*STREET	PO Box 515381 #55395
*CITY	Los Angeles
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	90051-6681
PHONE	310-403-0417
FAX	323-576-4555
*EMAIL ADDRESS	glenn@mycontractsguy.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Glenn H Truitt/
* SIGNATORY'S NAME	Glenn H Truitt
* SIGNATORY'S POSITION	Attorney of record, California bar member
* DATE SIGNED	02/01/2011



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85231879

Filing Date: 02/01/2011

To the Commissioner for Trademarks:

MARK: BIG FIRM EXPERIENCE...SMALL FIRM SERVICE (Standard Characters, see [mark](#))
The literal element of the mark consists of BIG FIRM EXPERIENCE...SMALL FIRM SERVICE.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melvin N.A. Avanzado, DBA The Avanzado Law Firm, a sole proprietorship legally organized under the laws of California, comprising of Melvin N.A. Avanzado - U.S. Citizen, having an address of

1880 Century Park East; Suite 1404
Los Angeles, California 90067
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Litigation services

In International Class 045, the mark was first used at least as early as 03/01/2008, and first used in commerce at least as early as 03/01/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Screen Capture from website where mark is featured in yellow type at the bottom of large picture.

[Specimen File 1](#)

For informational purposes only, applicant's website address is: www.avanzadolaw.com

The applicant's current Attorney Information:

Glenn Truitt of MyContractsGuy.com

PO Box 515381 #55395

Los Angeles, California 90051-6681

United States

The applicant's current Correspondence Information:

Glenn Truitt
MyContractsGuy.com
PO Box 515381 #55395
Los Angeles, California 90051-6681
310-403-0417(phone)
323-576-4555(fax)
glenn@mycontractsguy.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

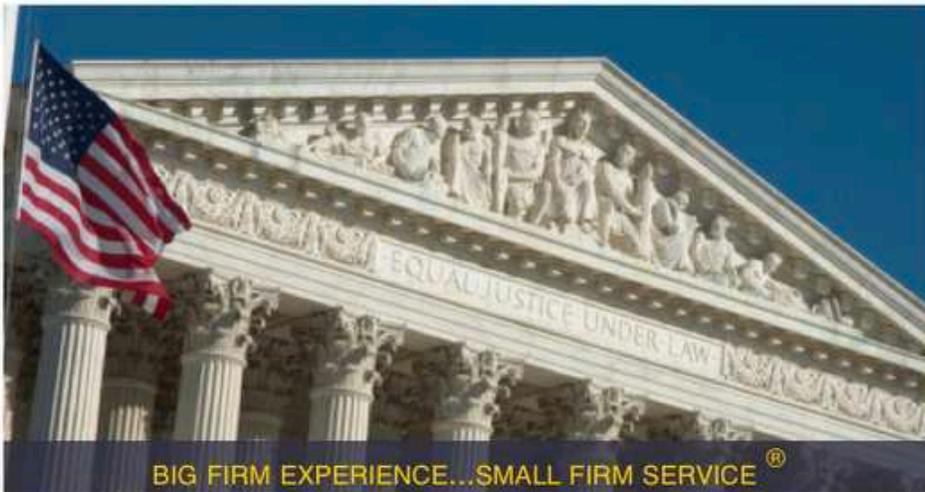
The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Glenn H Truitt/ Date Signed: 02/01/2011
Signatory's Name: Glenn H Truitt
Signatory's Position: Attorney of record, California bar member

RAM Sale Number: 8007
RAM Accounting Date: 02/02/2011

Serial Number: 85231879
Internet Transmission Date: Tue Feb 01 22:33:20 EST 2011
TEAS Stamp: USPTO/FTK-72.193.183.129-201102012233206
72428-85231879-480aaa0bfbc9c5a6d619a8fac
0321bf8-CC-8007-20110201214433243292

**BIG FIRM
EXPERIENCE...SMALL FIRM
SERVICE**



BIG FIRM EXPERIENCE...SMALL FIRM SERVICE[®]

Experience. Service. Flexibility. Creativity. The Avanzado Law Firm provides clients with the big firm experience and skills of a seasoned trial attorney with the service and flexibility that only a small firm can provide. The Avanzado Law Firm works closely with clients to ensure that strategies employed in any case are tailored to meet the clients' specific goals. We have the ability to litigate aggressively through all stages of any litigation including jury trials. However, we also have the experience and flexibility to develop cost-effective and creative strategies when the big firm "scorched Earth" strategy is unwarranted.

The Avanzado Law Firm is a certified minority owned business enterprise.

Melvin N.A. Avanzado is an AV-rated trial lawyer.

PRACTICE AREAS

[ENTERTAINMENT LITIGATION](#)

[INTELLECTUAL PROPERTY LITIGATION](#)

[MEDIA AND FIRST AMENDMENT](#)

[COMPLEX CIVIL LITIGATION](#)

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01.29.11

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BIG FIRM EXPERIENCE...SMALL FIRM SERVICE®

Experience. Service. Flexibility. Creativity. The Avanzado Law Firm provides clients with the big firm experience and skills of a seasoned trial attorney with the service and flexibility that only a small firm can provide. The Avanzado Law Firm works closely with clients to ensure that strategies employed in any case are tailored to meet the clients' specific goals. We have the ability to litigate aggressively through all stages of any litigation including jury trials. However, we also have the experience and flexibility to develop cost-effective and creative strategies when the big firm "scorched Earth" strategy is unwarranted.

The Avanzado Law Firm is a certified minority owned business enterprise.

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*** User:mwiener ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	5858	N/A	0	0	0:03	*b{"iy"}g*[bi,ti] and live[lid]
02	940	N/A	0	0	0:01	(*ph{"iy"}rm* *f{"iy"}rm*)[bi,ti] and live[lid]
03	4405	N/A	0	0	0:01	(*xpe{v0:1}r*)[bi,ti] and live[lid]
04	1634	N/A	0	0	0:02	(*smal*)[bi,ti] and live[lid]
05	18750	N/A	0	0	0:05	(*svc* "s v c" "sv c" "s vc" *s{"eiuy"}rv*)[bi,ti] and live[lid]
06	1	0	1	1	0:01	1 and 2 and 3 and 4 and 5
07	7	0	7	6	0:01	1 and 2 and 3
08	3	0	3	3	0:01	4 and 2 and 5
09	16	0	16	15	0:01	1 and 2
10	9	0	9	9	0:01	9 not (8 7 6)
11	13	N/A	0	0	0:01	4 and 2
12	4	0	4	3	0:01	11 not (10 9 8 7 6)
13	10	0	10	9	0:01	2 and 3
14	182	N/A	0	0	0:01	1 and 4
15	8	0	8	7	0:01	14 and 5
16	168	0	168	148	0:01	14 not (15 13 12 11 10 9 8 7)

Session started 5/3/2011 4:21:33 PM

Session finished 5/3/2011 4:31:09 PM

Total search duration 0 minutes 23 seconds

Session duration 9 minutes 36 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85231879

EXHIBIT 3

Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	85231879	FILING DATE	02/01/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	WIENER, MICHAEL A	L.O. ASSIGNED	108

PUB INFORMATION

RUN DATE	05/04/2011		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	05/03/2011		
LITERAL MARK ELEMENT	BIG FIRM EXPERIENCE...SMALL FIRM SERVICE		

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BIG FIRM EXPERIENCE...SMALL FIRM SERVICE

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Melvin N.A. Avanzado
ADDRESS	1880 Century Park East; Suite 1404 Los Angeles, CA 90067
ENTITY	19-SOLE PROPRIETORSHIP
CITIZENSHIP	California
DBA/AKA	DBA The Avanzado Law Firm
COMPOSED OF	Melvin N.A. Avanzado - U.S. Citizen

GOODS AND SERVICES

INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Litigation services

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	045	FIRST USE DATE	03/01/2008	FIRST USE IN COMMERCE DATE	03/01/2008	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/03/2011	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	004
04/29/2011	DOCK	D	ASSIGNED TO EXAMINER	003
02/07/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/04/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Glenn Truitt
CORRESPONDENCE ADDRESS	GLENN TRUITT MYCONTRACTSGUY.COM

	PO BOX 5153815539 LOS ANGELES, CA
DOMESTIC REPRESENTATIVE	NONE

**BIG FIRM
EXPERIENCE...SMALL FIRM
SERVICE**

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, June 7, 2011 00:36 AM
To: glenn@mycontractsguy.com
Subject: Official USPTO Notice of Publication: Serial Number 85231879

NOTICE OF PUBLICATION

Serial Number: 85-231,879
Mark: BIG FIRM EXPERIENCE...SMALL FIRM SERVICE(STANDARD CHARACTER MARK)
International Class(es): 045
Applicant: Melvin N.A. Avanzado
Attorney Reference Number:

The mark identified above has been published in the *Trademark Official Gazette* (OG) on Jun 07, 2011. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a certificate of registration should issue.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to **TMPostPubQuery@uspto.gov**. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser:
http://www.uspto.gov/web/trademarks/tmog/20110607_OG.pdf#page=1
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 85-231,879, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

EXHIBIT 4

United States of America

United States Patent and Trademark Office

BIG FIRM EXPERIENCE...SMALL FIRM SERVICE

Reg. No. 4,015,965

Registered Aug. 23, 2011

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

MELVIN N.A. AVANZADO (CALIFORNIA SOLE PROPRIETORSHIP), DBA THE AVANZADO
LAW FIRM
1880 CENTURY PARK EAST, SUITE 1404
LOS ANGELES, CA 90067

FOR: LITIGATION SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-1-2008; IN COMMERCE 3-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-231,879, FILED 2-1-2011.

MICHAEL WIENER, EXAMINING ATTORNEY



David J. Kyjars

Director of the United States Patent and Trademark Office

MNAA_TM_000017

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

BIG FIRM EXPERIENCE...SMALL FIRM SERVICE

Reg. No. 4,015,965

Registered Aug. 23, 2011

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

MELVIN N.A. AVANZADO (CALIFORNIA SOLE PROPRIETORSHIP), DBA THE AVANZADO
LAW FIRM
1880 CENTURY PARK EAST, SUITE 1404
LOS ANGELES, CA 90067

FOR: LITIGATION SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-1-2008; IN COMMERCE 3-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-231,879, FILED 2-1-2011.

MICHAEL WIENER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 5

JAHN & ASSOCIATES, LLC

KIRSTIN M. JAHN

INTELLECTUAL PROPERTY LAW

Small Firm, Big Experience®

Licensed in:
New York
Nevada
Colorado

COLORADO

1942 Broadway
Suite 314
Boulder, CO 80302
Tel: 303 545 -5128

Nevada

200 S. Virginia Street
8th Floor
Reno, NV 89501
Tel: 775 771 3462

June 24, 2014

June 24, 2014

Melvin Avanzado
The Avanzado Law Firm
1880 Century Park East, Suite 1404
Los Angeles, CA 90067

Re: Small Firm, Big Experience Registration No. 3642830

Dear Mr. Avanzado:

Please be advised that my firm owns the above referenced trademark for use in connection with legal services. Since at least 2001, Jahn & Associates has been using that mark in marketing, advertising and on our website.

Recently, it came to my attention that your firm has received a registration on the trademark BIG FIRM EXPERIENCE... SMALL FIRM SERVICE for litigation services. Because your mark is very similar to mine, the services are the same and we market in the trade channels, and in the same territory, a significant potential for customer confusion exists between the two marks. Accordingly, at this time, we request that you cease and desist from use of your mark BIG FIRM EXPERIENCE... SMALL FIRM SERVICE and abandon your trademark registration.

In view of the seriousness of this matter, we look forward to receiving your assurances that you will comply with our request within ten (10) days of the date of this letter. Please note that this is not a complete and exhaustive statement of our rights, claims, or intentions.

Sincerely,
JAHN & ASSOCIATES, LLC

s/Kirstin M. Jahn
Kirstin@jahnlaw.com

MNAA_TM_000020

EXHIBIT 6

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

In the Matter of the Cancellation for Registration of: BIG FIRM EXPERIENCE, SMALL FIRM SERVICE; Registration Number: 4015965; Filing Date: February 1, 2011.

Jahn & Associates, LLC
Petitioner

v.

Melvin N.A. Avanzado
Respondent.

)
)
) **CANCELLATION NO 92060029**
)
) **PETITIONER'S RESPONSE**
) **TO RESPONDENT'S FIRST**
) **SET OF REQUESTS FOR**
) **ADMISSION**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Petitioner, hereby responds to Respondent's First Set of Requests for Admission as follows:

GENERAL OBJECTIONS

Petitioner makes the following General Objections in response to each Request for Production.

1. Petitioner objects to each Request to the extent it seeks or calls for information protected by the attorney-client privilege and or protected by the work-product doctrine, or subject to any other applicable privilege.

2. Petitioner objects to each Request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. Petitioner objects to each Request to the extent it purports to call for information not in their possession, custody or control.

4. Petitioner objects to the definition of "you" and "your" as being overbroad,

unduly burdensome, vague and ambiguous.

5. Petitioner objects to each Request to the extent it seeks to impose requirements and/or obligations inconsistent with and in addition to, the Federal Rules of Civil Procedure, the Federal Rules of Evidence and/or Rules of this tribunal, and that are unduly burdensome and oppressive.

7. Discovery is continuing in this action. Petitioner reserves the right to supplement and amend its responses to these Requests based on, but not limited to, information subsequently discovered, inadvertently omitted, or mistakenly stated in these response.

RESPONSES TO REQUESTS FOR ADMISSION

Request No. 1: ADMIT that YOU failed to file a notice of opposition with the United States Trademark Trial and Appeal Board upon the July 7, 2011 publication of AVANZADO'S MARK in connection with AVANZADO's application to register AVANZADO's mark.

RESPONSE: Petitioner is without information sufficient to form a belief as to the date of publication, if any, of AVANZADO's MARK and as such, the Request is denied.

Request No. 2: ADMIT that YOU failed to file an extension of time with the United States Trademark Trial and Appeal Board to file a notice of opposition upon the July 7, 2011 publication of AVANZADO's MARK in connection with Avanzado's application to register AVANZADO's Mark.

RESPONSE: Petitioner is without information sufficient to form a belief as to the date of publication, if any, of AVANZADO's MARK and as such the Request is denied.

Request No. 3: ADMIT that since AVANZADO's MARK was granted trademark registration by the United States Trademark Trial and Appeal Board on August 23, 2011, YOU have not filed a notice of opposition.

RESPONSE: Petitioner is without information sufficient to form a belief as to the approval, if any, of the AVANZADO's MARK by the United States Trademark Trial and Appeal Board and as such the Request is denied.

Request No. 4: ADMIT that since AVANZADO's MARK was granted trademark registration by the United States Trademark Trial and Appeal Board on August 23, 2011, You did not file a petition for cancellation until September 23, 2014.

RESPONSE: Petitioner is without information sufficient to form a belief as to the grant of the AVANZADO's MARK by the United States Trademark Trial and Appeal Board and as such the Request is denied.

Request No. 5: ADMIT that YOU are not admitted to practice law in the state of California.

RESPONSE: Petitioner Kirstin M. Jahn has been admitted *pro hac vice* on several cases venued in California and to that extent denies Request No. 5.

Request No. 6: ADMIT that YOU do not represent clients in the state of California.

RESPONSE: Petitioner Kirstin M. Jahn has been admitted *pro hac vice* on several cases venued in California on behalf of clients domiciled in California and to that extent denies Request No. 6.

Request No. 7: ADMIT that You are admitted to practice law in the states of Colorado and Nevada.

RESPONSE: Admitted.

Request No. 8: ADMIT that AVANZADO's Mark was published in the Trademark Official Gazette on June 7, 2011.

RESPONSE: Petitioner is without information sufficient to form a belief as to the date of publication, if any, of AVANZADO's MARK and as such the Request is denied.

Request No. 9: ADMIT that under the trademark registration process, any party who believes it will be damaged by the registration of a mark may file a notice of opposition or extension of time therefor with the Trademark Trial and Appeal Board.

RESPONSE: Petitioner objects to Request No. 9 on the basis that it calls for a legal conclusion.

Request No. 10: ADMIT that the length of time between Avanzado's February 1, 2011 application to the United States Patent and Trademark Office to register AVANZADO's MARK and YOUR September 23, 2014 petition for cancellation is over three and a half years.

RESPONSE: Petitioner is without information sufficient to form a belief as to the date of application to the United States Patent and Trademark Office to register AVANZADO's MARK and to that extent Request No. 10 is denied.

Request No. 11: ADMIT that the length of time between the June 7, 2011 publication of AVANZADO's MARK in the Trademark Official Gazette and YOUR September 23, 2014 petitioner for cancellations is more than three years.

RESPONSE: Petitioner is without information sufficient to form a belief as to the date of publication of AVANZADO's MARK in the Trademark Official Gazette and as such Request No. 11 is denied.

Request No. 12: ADMIT that the length of time between the August 23, 2011 issuance

of registration for AVANZADO's MARK and YOUR September 23, 2014 petition for cancellation is more than three years.

RESPONSE: Petitioner is without information sufficient to form a belief as to the date of issuance of registration of AVANZADO's MARK and as such Request No. 12 is denied.

Dated: March 9, 2015

JAHN & ASSOCIATES, LLC

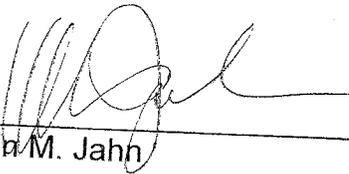
A handwritten signature in black ink, appearing to read 'Kirstin M. Jahn', is written over a horizontal line.

Kirstin M. Jahn
Petitioner

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on March 9, 2015 by United States Post Office with sufficient postage as first-class mail in an envelope addressed to:

Melvin N.A. Avanzado
1880 Century Park East
Suite 1100
Los Angeles, CA 90067


Kirstin M. Jahn

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

JAHN & ASSOCIATES, LLC

Petitioner,

v.

MELVIN N.A. AVANZADO,

Registrant/Respondent.

CANCELLATION NO.: 92060029

MARK: BIG FIRM EXPERIENCE,
SMALL FIRM SERVICE
(Registration Number: 4015965)

Filing Date: February 1, 2011

*[Opposition to Claimant's Summary
Judgment Motion, Statement of Disputed
Facts, Request for Judicial Notice, and
Declaration of Kelly D. Talcott filed
concurrently herewith]*

EXHIBIT 7 TO DECLARATION OF MELVIN N.A. AVANZADO

EXHIBIT 7

1 **THE AVANZADO LAW FIRM**

2 MELVIN N.A. AVANZADO (Bar No. 137127)

<mel@avanzadolaw.com>

3 ELAINE W. YU (Bar No. 280008)

<elaine@avanzadolaw.com>

4 1880 Century Park East

Suite 1100

5 Los Angeles, California 90067

6 310.552.9300 TELEPHONE

310.388.5330 FACSIMILE

7 Attorneys for Defendant

8 Melvin N.A. Avanzado

9 UNITED STATES PATENT AND TRADEMARK OFFICE

10 TRIAL AND APPEAL BOARD

11
12
13 JAHN & ASSOCIATES, a Limited Liability
Corporation,

14 Plaintiff,

15 v.

16 MELVIN N.A. AVANZADO, an
individual,

17 Defendant.

CANCELLATION NO. 92060029
REGISTRATION NO. 4015965

DEFENDANT AND RESPONDENT
MELVIN N.A. AVANZADO'S
RESPONSES TO PLAINTIFF'S
SECOND SET OF
INTERROGATORIES

Petition Filed: September 23, 2014

19
20 PROPOUNDING PARTY: Plaintiff Jahn & Associates, LLC

21 RESPONDING PARTY: Defendant Melvin N.A. Avanzado

22 SET NO.: Two (2)

1 Defendant and Respondent Melvin N.A. Avanzado (“Avanzado” or
2 “Defendant” or “Respondent”) hereby provides his responses to the second set of
3 interrogatories (the “Interrogatories”) propounded by Plaintiff Jahn & Associates, LLC
4 (“Jahn” or “Plaintiff”).

5 **GENERAL OBJECTIONS**

6 1. Avanzado objects to the definitions “RESPONDENT,” “YOU” and
7 “YOUR” on the grounds that they are overbroad, unduly burdensome and potentially
8 encompasses documents and communications protected from disclosure by the
9 attorney-client privilege and the attorney work product doctrine.

10 2. Avanzado objects to the interrogatories on the grounds that the
11 answers to these interrogatories “may be determined by examining, auditing,
12 compiling, abstracting, or summarizing a party’s business records (including
13 electronically stored information)” and “the burden of deriving or ascertaining” such
14 answers will be substantially the same for Jahn as it would be for Avanzado.
15 Accordingly, where indicated, Avanzado responds pursuant to Rule 33(d) by
16 specifying the documents Avanzado has already produced to Jahn.

17 3. Avanzado objects to the interrogatories on the grounds that Jahn
18 has failed to complete its initial disclosures pursuant to Rule 26 and has not produced
19 any documents required therein. In addition, to the extent Plaintiff seeks to define the
20 parties’ contentions and are “contention interrogatories as contemplated by Rule
21 33(a)(2) of the Federal Rules of Civil procedure, Avanzado objects to these
22 interrogatories on the ground that Plaintiff has failed to comply with its disclosure
23 obligations under Rule 26. Thus, Avanzado cannot respond to Jahn’s contention
24 interrogatories because he has not received the documents and information from
25 Plaintiff to which he is entitled.

26 **RESPONSES TO INTERROGATORIES**

27 **INTERROGATORY NO. 11:**

28 State the date of first use of Respondent’s trademark.

1 **RESPONSE TO INTERROGATORY NO. 11:**

2 Avanzado objects to this interrogatory on the ground that it is premature
3 and unduly burdensome since Plaintiff has failed to comply with its initial disclosure
4 obligations. Avanzado further objects on the ground that it calls for information
5 protected by the attorney-client privilege and the work-product doctrine. Avanzado
6 further objects to this interrogatory on the grounds that it is vague and ambiguous as to
7 time and fails to define “use,” thus making this interrogatory overbroad and unduly
8 burdensome.

9 Subject to and without waiving the foregoing general and specific
10 objections to this interrogatory, Avanzado responds as follows:

11 Avanzado believes that Respondent’s Trademark application contains a
12 typographical error in the portion of the application that states that Respondent’s
13 Trademark was first used “[a]t least as early as 03/01/2008.” The Avanzado Law Firm
14 – for which Respondent’s Trademark was created, used and received trademark
15 registration– was not formed until about July 2008. Avanzado believes that the first
16 use of Respondent’s Trademark was likely March 2009 or slightly thereafter.

17 Avanzado believes that Respondent’s Trademark was primarily used in
18 connection with the website of The Avanzado Law Firm and in sponsorship
19 advertisements for various bar associations. As discovery is still ongoing, Avanzado
20 reserves the right to amend his response to this interrogatory to reflect any additional
21 information which he may discover.

22 **INTERROGATORY NO. 12:**

23 State whether Respondent conducted or had another party conduct a
24 trademark search prior to using its trademark.

25 **RESPONSE TO INTERROGATORY NO. 12:**

26 Avanzado objects to this interrogatory on the ground that it is premature
27 and unduly burdensome since Plaintiff has failed to comply with its initial disclosure
28 obligations. Avanzado further objects to this interrogatory on the ground that it calls

1 for information protected by the attorney-client privilege and the work-product
2 doctrine. Avanzado further objects to this interrogatory on the ground that it is vague
3 and ambiguous as to the meaning of “trademark search.”

4 Subject to and without waiving the foregoing general and specific
5 objections to this interrogatory, Avanzado responds as follows:

6 Avanzado believes that Respondent’s Trademark application contains a
7 typographical error in the portion of the application that states that Respondent’s
8 Trademark was first used “[a]t least as early as 03/01/2008.” The Avanzado Law Firm
9 – for which Respondent’s Trademark was created, used and received trademark
10 registration– was not formed until about July 2008. Avanzado believes that the first
11 use of Respondent’s Trademark was likely March 2009 or slightly thereafter.

12 Avanzado has continued to use Respondent’s Trademark since the first
13 use of Respondent’s Trademark in connection with the website of The Avanzado Law
14 Firm and in sponsorship advertisements for various bar associations. As discovery is
15 still ongoing, Avanzado reserves the right to amend his response to this interrogatory
16 to reflect any additional information which he may discover.

17 **INTERROGATORY NO. 13:**

18 State whether Respondent conducted or had another party conduct a
19 trademark search prior to filing the trademark application resulting in Respondent’s
20 Trademark registration.

21 **RESPONSE TO INTERROGATORY NO. 13:**

22 Avanzado objects to this interrogatory on the ground that it is premature
23 and unduly burdensome since Plaintiff has failed to comply with its initial disclosure
24 obligations. Avanzado further objects to this interrogatory on the ground that it calls
25 for information protected by the attorney-client privilege and the work-product
26 doctrine.

27 Subject to and without waiving the foregoing general and specific
28 objections to this interrogatory, Avanzado responds as follows:

1 Avanzado believes that Respondent’s Trademark application contains a
2 typographical error in the portion of the application that states that Respondent’s
3 Trademark was first used “[a]t least as early as 03/01/2008.” The Avanzado Law Firm
4 – for which Respondent’s Trademark was created, used and received trademark
5 registration– was not formed until about July 2008. Avanzado believes that the first
6 use of Respondent’s Trademark was likely March 2009 or slightly thereafter.

7 Avanzado has continued to use Respondent’s Trademark since the first
8 use of Respondent’s Trademark in connection with the website of The Avanzado Law
9 Firm and in sponsorship advertisements for various bar associations. As discovery is
10 still ongoing, Avanzado reserves the right to amend his response to this interrogatory
11 to reflect any additional information which he may discover.

12 DATED: May 29, 2015

THE AVANZADO LAW FIRM

13
14
15 By: _____


Elaine W. Yu

Attorneys for Defendant and Respondent
Melvin N.A. Avanzado

1 **VERIFICATION**

2 I, Melvin N.A. Avanzado, declare as follows:

3 I have read the foregoing document entitled DEFENDANT AND
4 RESPONDENT MELVIN N.A. AVANZADO'S RESPONSES TO PLAINTIFF'S
5 SECOND SET OF INTERROGATORIES PROPOUNDED BY PLAINTIFF JAHN
6 & ASSOCIATES, LLC

7 The factual answers stated therein are true and correct of my own
8 knowledge, except as to those matters therein which are stated on information and
9 belief, and, as to those matters, I believe them to be true.

10 I declare under penalty of perjury under the laws of the United States that
11 the foregoing is true and correct.

12 Executed this 29th day of May, 2015 in the city of Los Angeles,
13 California.

14 
15
16 _____
17 Melvin N.A. Avanzado
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1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over
3 the age of 18 years and am not a party to the within action. My business address is 1880
4 Century Park East, Suite 1100, Los Angeles, California 90067. On the date set forth below, I
caused the foregoing document(s) described as

5 **DEFENDANT AND RESPONDENT MELVIN N.A. AVANZADO'S**
6 **RESPONSES TO PLAINTIFF'S SECOND SET OF INTERROGATORIES**
PROPOUNDED BY PLAINTIFF JAHN & ASSOCIATES, LLC

7 to be served on the interested parties in this action by placing the original a true copy
8 thereof enclosed addressed as stated below:

9 Kirstin M. Jahn
10 Jahn & Associates, LLC
11 1942 Broadway, Suite 314
Boulder, Colorado 80302
<kirstin@jahnlaw.com>

12 **BY MAIL:** I sealed and placed such envelope for collection and mailing to be
13 deposited in the mail on the same day in the ordinary course of business at Los
14 Angeles, California. The envelope was mailed with postage thereon fully prepaid. I
am readily familiar with this firm's practice of collecting and processing
correspondence for mailing. It is deposited with the U.S. Postal Service on that same
day in the ordinary course of business.

15 **BY OVERNIGHT COURIER:** I caused such envelope to be placed for collection
16 and delivery on this date in accordance with standard _____ delivery
procedures.

17 **BY FAX:** In addition to service by mail, I transmitted a copy of the foregoing
18 document(s) this date via telecopier to the facsimile numbers shown above.

19 **BY ELECTRONIC MAIL:** I personally delivered such envelope by electronic mail
to the addressee(s) shown above.

20 **BY PERSONAL SERVICE:** I personally delivered such envelope by hand to the
21 addressee(s) shown above.

22 [State] I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

23 [Federal] I declare that I am employed in the office of a member of the Bar of this
24 Court at whose direction the service was made. I declare under penalty of
perjury that the foregoing is true and correct.

25 Executed on May 29, 2015 at Los Angeles, California.

26 
27 Elaine W. Yu
28

1 **THE AVANZADO LAW FIRM**

2 MELVIN N.A. AVANZADO (Bar No. 137127)

<mel@avanzadolaw.com>

3 ELAINE W. YU (Bar No. 280008)

<elaine@avanzadolaw.com>

4 1880 Century Park East

Suite 1100

5 Los Angeles, California 90067

6 310.552.9300 TELEPHONE

310.388.5330 FACSIMILE

7 Attorneys for Defendant

8 Melvin N.A. Avanzado

9 UNITED STATES PATENT AND TRADEMARK OFFICE

10 TRIAL AND APPEALS BOARD

11
12
13 JAHN & ASSOCIATES, a Limited Liability
Corporation,

14 Plaintiff,

15 v.

16 MELVIN N.A. AVANZADO, an
individual,

17 Defendant.

CANCELLATION NO. 92060029
REGISTRATION NO. 4015965

DEFENDANT AND RESPONDENT
MELVIN N.A. AVANZADO'S
RESPONSES TO PLAINTIFF'S
SECOND SET OF REQUESTS FOR
PRODUCTION

Petition Filed: September 23, 2014

19
20 PROPOUNDING PARTY: Plaintiff Jahn & Associates, LLC

21 RESPONDING PARTY: Defendant Melvin N.A. Avanzado

22 SET NO.: Two (2)

1 Defendant and Respondent Melvin N.A. Avanzado (“Avanzado” or
2 “Defendant” or “Respondent”) hereby provides his responses to the second set of
3 requests for production (the “Requests”) propounded by Plaintiff Jahn & Associates,
4 LLC (“Jahn”).

5 **GENERAL OBJECTIONS**

6 1. Avanzado objects to the Requests on the grounds that Plaintiff has
7 failed to complete its initial disclosures pursuant to Rule 26 and has not produced any
8 documents required therein. Avanzado further objects to these Requests on the ground
9 that Plaintiff has failed to comply with its disclosure obligations under Rule 26.
10 Avanzado reserves the right to supplement or amend his responses after Plaintiff has
11 complied with its obligations under Rule 26.

12 2. Avanzado objects to the definitions “RESPONDENT,” “YOU” and
13 “YOUR” on the grounds that they are overbroad, unduly burdensome and potentially
14 encompasses documents and communications protected from disclosure by the
15 attorney-client privilege and the attorney work product doctrine.

16 **RESPONSES TO REQUESTS FOR PRODUCTION**

17 **REQUEST NO. 19:**

18 All specimens showing Respondent’s first use in commerce of
19 Respondent’s trademark.

20 **RESPONSE TO REQUEST NO. 19:**

21 Avanzado objects to this Request on the ground that it is overbroad,
22 unduly burdensome, not reasonably calculated to lead to the discovery of admissible
23 evidence and potentially encompasses documents and communications protected from
24 disclosure by the attorney-client privilege and the attorney work product doctrine.
25 Further, Avanzado objects to this Request on the basis that it seeks information that is
26 publically available – and thus equally available to the requesting party.

27 Moreover, this Request is encompassed by – and therefore duplicative of
28 – of Jahn’s Request for Production No. 2.

1 Subject to and without waiving the foregoing general and specific
2 objections to this Request, Avanzado responds as follows:

3 Avanzado believes that Respondent's Trademark application contains a
4 typographical error in the portion of the application that states that Respondent's
5 Trademark was first used "[a]t least as early as 03/01/2008." The Avanzado Law Firm
6 – for which Respondent's Trademark was created, used and received trademark
7 registration– was not formed until about July 2008. Avanzado believes that the first
8 use of Respondent's Trademark was likely March 2009 or slightly thereafter.

9 Subject to and without waiving the foregoing general and specific
10 objections to this Request, Avanzado responds as follows:

11 Avanzado produced documents bates numbered MNAA_TM_000001
12 through 000055 on or about January 29, 2015 that are responsive to this Request
13 insofar as the first use of Respondent's Trademark was March 2009 or slightly
14 thereafter. Avanzado produces documents bates numbered MNAA_TM_000056
15 through 000126 that are responsive to this Request insofar as the first use of
16 Respondent's Trademark was March 2009 or slightly thereafter. As discovery is still
17 ongoing, Avanzado will continue to look for documents potentially responsive to this
18 Request. If Avanzado locates any other responsive documents, Avanzado will amend
19 his response to this Request and produce such additional documents which he may
20 discover.

21 **REQUEST NO. 20:**

22 All documents and things reflecting or referring to any trademark search
23 conducted by or for Respondent relating to Respondent's trademark. 's trademark (*sic*)
24 search results relating or referring to Respondent's Trademark, or portions thereof.

25 **RESPONSE TO REQUEST NO. 20:**

26 Avanzado objects to this Request on the ground that it is overbroad,
27 unduly burdensome, not reasonably calculated to lead to the discovery of admissible
28 evidence and potentially encompasses documents and communications protected from

1 disclosure by the attorney-client privilege and the attorney work product doctrine.
2 Further, Avanzado objects to this Request on the basis that it seeks information that is
3 publically available – and thus equally available to the requesting party.

4 Moreover, Avanzado objects that this Request is vague, ambiguous and
5 non-sensical as to what is being sought in this Request. Furthermore, this Request is
6 broad and unlimited as to time and scope as to be an undue burden. In addition, “trade
7 search” and “trademark search results” are vague and ambiguous phrases as to
8 meaning and scope.

9 Avanzado further objects that this Request is duplicative of Jahn’s
10 Request for Production No. 5.

11 Subject to and without waiving the foregoing general and specific
12 objections to this Request, Avanzado responds as follows:

13 Avanzado produced documents bates numbered MNAA_TM_000001
14 through 000055 on or about January 29, 2015 that are responsive to this Request.
15 Avanzado produces documents bates numbered MNAA_TM_000056 through 000126
16 that are responsive to this Request. As discovery is still ongoing, Avanzado will
17 continue to look for documents potentially responsive to this Request. If Avanzado
18 locates any other responsive documents, Avanzado will amend his response to this
19 Request and produce such additional documents which he may discover.

20 DATED: May 29, 2015

THE AVANZADO LAW FIRM

21
22
23 By: _____


Elaine W. Yu

Attorneys for Defendant and Respondent
Melvin N.A. Avanzado

1 **VERIFICATION**

2 I, Melvin N.A. Avanzado, declare as follows:

3 I have read the foregoing document entitled DEFENDANT AND
4 RESPONDENT MELVIN N.A. AVANZADO'S RESPONSES TO PLAINTIFF'S
5 SECOND SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY
6 PLAINTIFF JAHN & ASSOCIATES, LLC.

7 The factual answers stated therein are true and correct of my own
8 knowledge, except as to those matters therein which are stated on information and
9 belief, and, as to those matters, I believe them to be true.

10 I declare under penalty of perjury under the laws of the United States that
11 the foregoing is true and correct.

12 Executed this 29th day of May, 2015 in the city of Los Angeles,
13 California.

14 
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17 Melvin N.A. Avanzado
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1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over
3 the age of 18 years and am not a party to the within action. My business address is 1880
4 Century Park East, Suite 1100, Los Angeles, California 90067. On the date set forth below, I
5 caused the foregoing document(s) described as

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7 RESPONSES TO SECOND SET OF REQUESTS FOR
8 PRODUCTION PROPOUNDED BY PLAINTIFF JAHN &
9 ASSOCIATES, LLC**

10 to be served on the interested parties in this action by placing the original a true copy
11 thereof enclosed addressed as stated below:

12 Kirstin M. Jahn
13 Jahn & Associates, LLC
14 1942 Broadway, Suite 314
15 Boulder, Colorado 80302
16 <kirstin@jahnlaw.com>

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19 Angeles, California. The envelope was mailed with postage thereon fully prepaid. I
20 am readily familiar with this firm's practice of collecting and processing
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24 and delivery on this date in accordance with standard _____ delivery
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26 **BY FAX:** In addition to service by mail, I transmitted a copy of the foregoing
27 document(s) this date via telecopier to the facsimile numbers shown above.

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to the addressee(s) shown above.

BY PERSONAL SERVICE: I personally delivered such envelope by hand to the
addressee(s) shown above.

[State] I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

[Federal] I declare that I am employed in the office of a member of the Bar of this
Court at whose direction the service was made. I declare under penalty of
perjury that the foregoing is true and correct.

Executed on May 29, 2015, at Los Angeles, California.

26 
Elaine W. Yu

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CONTACT US AT:

Anderson Agostino & Keller, P.C.

131 South Taylor Street
South Bend, IN 46601

Phone: 574.288.1510

Fax: 574.288.1650

Email: lawyers@aaklaw.com (mailto: lawyers@aaklaw.com)

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Do you want an impersonal law firm to represent you in your employment law case? Or do you want a law firm who knows what you have been through and who will fight tooth and nail to win your case? Boettcher & Lobaugh gives you personalized attention with a one-on-one relationship. You will always know where you stand and not be confused by being shuffled to non-lawyers. The law office of Boettcher & Lobaugh is here for YOU.

The law office of Boettcher & Lobaugh provides the exemplary quality legal representation, which comes with 30 years of experience focused on representing employees in Tulsa and throughout Oklahoma. While the experience, expertise and resources that is wielded on behalf of our clients is comparable to what you might expect from a big premier Oklahoma employment law firm, the other aspects of the attorney-client relationship that are offered to our clients is nothing like the typical "big law firm experience." At the Tulsa-based employment law office of Boettcher & Lobaugh practice is limited to the representation of employees in all types of employment law issues and disputes including, but not limited to, the following:

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- [Sexual Harassment and Hostile Work Environment](#)
- [Drug Testing](#)
- [Family Medical Leave Act \(FMLA\)](#)
- Wage & Hour (Unpaid Overtime Claims)
- [Covenants Not to Compete](#)
- [Wrongful Termination / Wrongful Discharge](#)
- [Refusal to Hire, Promote and Retaliation](#) Claims
- Civil Rights (Infringement of Civil Liberties)

The Experience of Boettcher & Lobaugh

The 30 years of experience focused almost exclusively on the employees' side of employment law claims throughout Oklahoma is only part of our story. What makes our clients' experiences unique is the personalized one-on-one attention that we provide to our clients. Our clients are not file numbers or pending cases; they are ordinary folks – our neighbors, friends and community members – each as important as the next. Our business experience on both sides of the employment relationship means that our law firm brings an enlightened perspective, born of a fusion that

comes from firsthand experience as both an employee and employer in diverse business settings.

Whether you have been wrongfully terminated, victimized by employment discrimination or subjected to unpaid overtime or non-compete issues, we bring diligence, experience and personalized attention that is based on a unique myriad of experiences.

We provide creative legal solutions and innovative strategies that are founded on a deep practical understanding of the motivations, needs and strategies of employers. In addition, we very much understand the stress and anxiety of an employee who cannot make the rent because of termination based on an unlawful basis like race, gender, national origin, disability, pregnancy, age, religion or sex.

In our law office of Boettcher & Lobaugh , we are devoted entirely to fighting for the rights of the working man. We do not represent employers who are large corporations or public entities. Our Tulsa employment law firm is devoted to providing big firm expertise with the personal feel of a small law firm.

The Tulsa based employment law firm of Boettcher & Lobaugh has represented hundreds of employees in courts throughout Oklahoma as well as federal courts in Arkansas, Kansas, Missouri, Illinois, Tennessee and Texas. If you have been subject to illegal discrimination or unfair treatment by your employer, the law office of Boettcher & Lobaugh is ready to represent you with skill, dedication and compassion. Together we will explore your legal rights and options.

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Lawyer Marketing Services

At Boren, Osher & Luftman LLP, we are committed to delivering legal services of the highest quality in the most creative, efficient and cost-effective manner possible. Our attorneys received their training and practiced law at some of the largest and most reputable firms in Los Angeles.

We established Boren, Osher & Luftman LLP, to provide more clients access to the expertise of a large firm, with the responsiveness and personal attention typically found at smaller firms. This combination of big firm experience and small firm treatment helps us attract and retain clients of all sizes, from the individual to the small business owner to the large corporate client. We strive to create lasting personal relationships with our clients that allow us to remain responsive to their needs and to grow with them.



BIG FIRM EXPERIENCE, SMALL FIRM TREATMENT

BRACKEN LAW FIRM, P.L.L.C.

Small Firm Attention - Big Firm Results

We provide the highest level of legal representation by taking a novel approach to the practice of law - we only measure our success based upon the success of our clients.

BRACKEN LAW FIRM, P.L.L.C., was founded to provide "big firm" experience and quality, but with the flexibility, cost-effectiveness and personal attention of a smaller firm. Our founder, Sean Paul Bracken, was formerly affiliated with large, prestigious, multinational law firms in Houston and New Orleans and successfully managed high profile cases. He strongly felt, however, that he could still achieve great results for his clients without a large firm's bureaucracy, extravagance, and antiquated approach to the practice of law. Accordingly, he launched his own firm with the success of clients as the first priority.

Benefit From Our Experience

We have earned a reputation for excellence in the most complex litigation. Nevertheless, the goal of many of our clients is to resolve a matter without litigation. Our creative strategies, skilled negotiation, and deep understanding of the law have helped resolve matters quickly and economically without the need for litigation. With our years of experience, we develop the proper strategy to effectively serve the best interests of our clients.

Whether a large corporation or an individual, we work extra hard to provide our clients with the outstanding legal services that they deserve at a much more competitive price. We care about your business and we will never take a client for granted. We are available 24/7 to help you with all of your legal needs. Give us a call for your free initial consultation and experience a whole new level of legal service.



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Innovative Business Litigation Solutions

The best way to approach a case is the way that achieves the client's goals without compromising their budget. At Lucas & Haverkamp, our focus is on helping our clients obtain optimal results in the most economical way possible. In some situations, even the most highly contested cases can be settled out of court through mediation or other dispute resolution options. When negotiations fail, however, we provide our clients with rigorous trial representation and we have a long history of outstanding trial results. Whether your business is a family-owned operation or a large corporate enterprise, we have the experience and skill to handle whatever comes your way.

Experienced California Business Litigators

Business disputes come in various forms. With decades of experience representing California businesses in both state and federal courts, we support clients in a wide variety of matters. Our experience includes:

Breach of Contract

Breach of contract cases appear in all shapes and sizes. At Lucas & Haverkamp, we take on cases involving contract fraud, such as deceptive terms, misrepresentation, and fraudulent concealment. Our practice also handles breach of fiduciary duty claims where a partner, board member, or corporate officer acted wrongfully.

Business Dissolution

Whether your business is big or small, dissolution is a challenging process that requires the know-how of experienced legal counsel. From closely-held businesses to large corporations, we help shareholders, partners, and families wrap up their affairs and navigate any related litigation.

Unfair Business Practices

We represent businesses defending and pursuing claims under California's Unfair Business Practices Act, which addresses everything from fraud to false advertising.

Our business litigation practice is as versatile and varied as the businesses we represent. Our knowledge base extends to all areas of business litigation, including real estate, employment law, and premises liability. From the negotiation table to the courtroom, we have you – and your business – covered.

Speak to a Business Litigation Attorney Today

You have worked too hard to leave your legal representation to chance. If your business is threatened by a legal dispute, let us help you find an effective solution. Call us today at (858) 535-4000 to speak with a business litigation attorney.

Significant Business Litigation Results and Engagements:

Defeated individual breach of fiduciary duty claims against CEO of telecommunications company. Court found damages claim could not be maintained in non-derivative action.

Represented international manufacturer in breach of exclusive US sales and marketing agreement in US District Court and subsequent 10-day arbitration.

Successfully defended nationwide foreign exchange service from claims of breach of contract and unfair business practices

Successfully defended sports marketing company against involuntary dissolution.

Represented auto parts distributor in shareholder derivative action.

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For a combined 25 years, the attorneys at Custodio & Dubey, LLP have been offering their personal clients a wide-array of legal services. Partners Miguel Custodio, Jr. and Vineet Dubey have combined their client base, aptitude as attorneys, and resources, to form the Law Firm of Custodio & Dubey, LLP. A California law firm that has quickly established itself as the southland's premier legal services organization. The partners and associates at Custodio & Dubey, LLP have an unparalleled track record of success and have recovered substantial monies for their injured clients.

Custodio & Dubey have made their reputation on their aggressiveness, resourcefulness and outstanding success rate in trial work throughout California. The firm has become the #1 legal resource for their clientele, with a near 100% retention rate, because of their dedication to their clients and commitment to keeping legal costs in check. Our firm's attorneys strive for ultimate success and providing the highest quality legal work while using the most cost-effective tactics as possible.

FREE NO OBLIGATION CONSULTATIONS

The Los Angeles Law Firm of Custodio & Dubey, LLP serve clients throughout Southern California with the best representation possible. For a limited time, you can speak to one of their partners, Miguel Custodio, Jr. or Vineet Dubey for a free, no obligation consultation of your potential case at (877) 633-1222. Been seriously injured in an accident? Our firm can help.

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In personal injury matters, Custodio & Dubey have experienced attorneys who will not hesitate to take your matter to trial. We deal with insurance companies on a daily basis and know the value of your case. It is our goal to get you the maximum compensation for your injuries, including past, current and future medical bills, lost wages, and pain and suffering. Whether you were involved in a vehicle accident like a car accident, [motorcycle accident](#), truck accident, slip and fall, dog bite case, or any other personal injury matter, our firm can help you. We are aggressive, experienced and successful and we do not charge for our services unless we win your case.

Catastrophic injuries due to accidents can be life altering events. Our firm specializes in defending the rights of the most significantly injured. Whether you were injured in a vehicle accident, like a motorcycle crash car accident, or pedestrian accident or suffered serious injury due to a premises liability case or a dog bite case, the personal injury attorneys at Custodio & Dubey, LLP can help. We can deal with the insurance companies on your behalf, help you find the best medical care, and take care of things like your recurring medical bills.

" I could not have asked for better attorneys to handle my cases. "

What's even more important for our clients is the fact that we accept all of our personal injury cases on a contingency fee basis. That means that if we don't win your case, we don't get paid a dime. You owe us no money. All of our fees are contingent upon our winning you a settlement or verdict in court. It's your guarantee that our attorneys will work hard to defend your rights and get you the maximum compensation that you deserve.

" Miguel Custodio and Vineet Dubey have diligently and aggressively represented me in my cases. They understand my needs. "

Being a Plaintiff's law firm, [Custodio & Dubey, LLP](#) also offer their personal and business clients a wide array of legal services. The firm focuses on violations of the Americans with Disabilities Act ("ADA") and other areas of civil rights litigation. We also handle numerous cases involving Consumer Protection laws such as California's Safe Drinking Water & Toxic Enforcement Act of 1986, also known as "Proposition 65".

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No matter what type of legal situation you are dealing with, calling Custodio & Dubey, LLP today for a free consultation of your situation will be the best

decision you've ever made. Our knowledgeable staff is available to take your call 24 hours a day 7 days a week and we guarantee that one of our partners, Miguel Custodio, Jr. or Vineet Dubey will personally be performing the consultation. We are one of the only firms that offer free consultations with our partners. Most large firms let staff associates or paralegals offer the consultation and if your case isn't large enough, you will never speak to a firm partner. At Custodio & Dubey, LLP our partners pride themselves on their work ethic and their availability to their clients. Call us today toll free at (877) 633-1222 to see the difference our firm offers.

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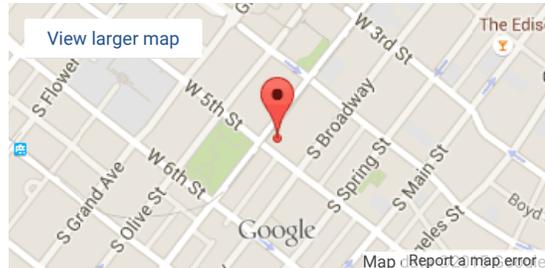
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Custodio & Dubey, LLP serve clients throughout California. Additionally, they take on cases in other states through their associations with local law firms. In some cases C&D LAW may employ the local law firm (at no additional cost to the client) to assist the firm with court appearances and investigations.

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4. No Fees unless we win your case
5. Help with medical attention
6. Transportation arrangements
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Positive Reviews!

"...Two thumbs up and a salute to this distinguished gentleman. I guess the saying is true; if you want something done right the first time, send in the Marines! Oh Rahh"

([Ryan Gangle](#))

Resources

Ehline Law Firm PC – Servicing the Great State of California

At Ehline Law Firm PC our decorated attorneys and legal team members have consistently delivered above average legal representation for the downtrodden people of California who were harmed due to the negligence and fault of other persons who were either too reckless or too busy to care about their surroundings, or their fellow man.

Since we first put out our shingle in 2005, we have established ourselves in the legal community as the "Masters of Disasters" with a "can do" attitude. Representing the ordinary man in tort claims is our specialty. That means that this firm's focus is on personal injury claims. Our laser focus guides the injury claims of everyday folks like you, including grandparents, moms, dads, kids and even their civil partners.

Streamlining our practice like this means that we are able to call upon a repository of years of experience of fighting the same insurance companies day in and day for over 10 years. Also, our lead attorney, Michael Ehline, is a former U.S. Marine, so you know right from the get go that we have a take no prisoners ethos when it comes to going toe to toe against anyone with an adverse interest to yours. As veteran experts in the personal injury law field, we are keenly aware of what you dealing with right now. We feel your pain and the strife your family must also endure, and we are here to hold your hand through this arduous and confusing process.

Our number one concern at all times is to get you a windfall like outcome that even exceeds your original expectations. We are the assertive lawyers for all tough situations, whether you are seeking a San Diego motorcycle lawyer, or a Los Angeles car accident attorney, our partners will strive to reach their goal of prevailing in all of your California personal injury claims, even when you have lost someone to a wrongful death. Our promise to you is that we don't win unless you win.

Before you do anything, read what to do immediately after an accident [here](#), and these [Personal Injury Attorney FAQ's](#).

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San Francisco, Los Angeles, San Diego

Some Results

\$8,700,000.00 Confidential Settlement
\$4,966,255.67 Confidential Settlement
\$1,400,000.00 Confidential Settlement
\$1,000,000.00 Faulty Traffic Signal
\$950,000.00 Nursing Home/Elder Law
\$750,000.00 Tour Bus Collision
\$870,000.00 Confidential Settlement
\$380,000.00 Single Vehicle Accident
\$237,500.00 Nursing Home Abuse
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We will also pay for the necessary costs of investigations, accident reports, and even help you locate a lien doctor for your medical care while the claim is in process.



Michael Ehline of Ehline Law Firm PC

Michael Ehline, and the entire staff at Ehline Law Firm PC, are equipped with the necessary bankroll to fund even the most serious case from beginning to end. Due to our reputation, the other side also knows that we have the toolbox and know how to match them blow for blow. Large case, or small case, day in and day out, we are constantly adding dollar signs to our record of over \$30,000,000 in payouts to badly hurt individuals and their families. Judges, juries and insurance adjustors alike recognize our rock solid reputation as movers and shakers in the personal injury law field. We at Ehline are a cut above, and our reputation speaks for itself.

Our Accident Lawyers Make it Happen

Michael Ehline and the legal advocates at Ehline Law Firm are fierce, and if necessary, in your face when it comes to putting suffering people over Wall Street profits. We stand up to big corporations and the faceless, often cold-hearted liability insurance industry. Don't let them push you around. Make a powerful stand with Ehline at your side.

When you put us in charge of your interests, we will make best efforts to get you significant amounts of money so that you can live comfortably. Big money is what you deserve so you can continue to live your life reasonably, considering your new-found disability and discomfiture. You didn't ask to be placed in this misfortune, but we can help you continue to thrive by making sure you are not placed at a disadvantage after your accident, or into the far off and unpredictable future.

Our representatives are dedicated to ensuring that you are not denied justice, and that integrity in the legal process is upheld. If necessary, our lawyers are ready, willing and able to file your lawsuit until the jury returns with a favorable verdict. The non-feasance, misfeasance and malfeasance of bad people cannot go unaddressed. With full knowledge about this fact, the liability insurance adjustors that we deal with usually would prefer to offer us a quick settlement that be forced to deal with our litigation tactics and procedures.

When victims call Ehline Law into court, it is like the Marines sending in a fire mission against a bunch of insurgents. What this means for the consumer is that our clients had better be fully compensated, "or else." A rapid payout helps eliminate the risks of a bad jury, and loss of time associated with lengthy trials and trial prep. In other words, we pay the case forward by doing the leg-work necessary to lay a proper foundation.

Most defense attorneys and experienced claims adjustors know that the risks will generally outweigh the rewards when they go up against us. You can never go wrong when you retain our world famous expertise.

Recognition & Achievement

Superbly distinguished both in and our of the legal field, Michael Ehline, of Ehline Law Firm PC has been showered with strong praise, adoration and accolades consistently since his very first case approximately ten years ago. Some of these honors and badges of distinction include: Brain Injury Association of California membership, Personal Injury Warriors membership, International Motorcycle Lawyer's Association membership,

Circle of Legal Trust membership, membership in the elite Million Dollar Advocate Forum, selection as Peer Rated by the elite Martindale-Hubbell, and even given recognition by the Marine Corps. Association, and Orange County Paralegal's Association. To learn more about our decorations and other [acclaim](#), [click here](#).

Mindful of the spotlight we are constantly under with all of this outside attention, our crew's glory is most exemplified by the incredibly big verdicts and settlements we continue to obtain, often in such large amounts that it will make your head spin. Our biggest badge of distinction is making it happen for you and other future clients. Many of our payouts to clients have surpassed the multiple millions of dollars mark in outcomes.

Some of the Matters We Help With

Ehline Law Firm PC likes to take care of bad accident claims that generally involve significant injuries brought about by the carelessness or inattentiveness of third force beyond the control of the victim. Irrespective of the cause of the so called "accident," and loss, we handle a wide variety of personal injury matters including vicious animal attacks, police shootings, motorcycle wrecks, passenger car accidents, workplace related incidents, plane, train and bus crashes, as well as a wide variety of negligence claims including: bicycles, defective products, commercial trucks, bad drugs and various fatality cases known as "wrongful death." Don't forget that we are also highly seasoned maritime and cruise ship claims lawyers. Give us a call. Let us help you understand your rights. [Click here to see more of our practice areas](#).



I was in a bad car accident and needed help fast. Mike over at Ehline Law Firm PC with is team of legal pros, and they got me an excellent result, returned all my calls, kept me informed, got my medical bills reduced. I liked it that Mr. Ehline and his staff of lawyers and legal assistants made themselves available pretty much any day of the week. I was very happy with the result, that I was able to avoid filing a lawsuit, and that they handled my serious car crash case with professionalism and pride. I really enjoyed working with him, and knowing that all of the insurance issues would be resolved, attorney liens would be dealt with, etc., really helped me sleep better at night. I recommend this firm without reservation for anyone who needs to have confidence in their legal rep.

[Read more](#)

Alma A. East Los Angeles, California

Our Focus is On Your Personal Injury Case

The road to recovery after a significant accident is not for the feint of heart. Our staff knows that your journey is wrought with fear, overwhelming hospital bills, body shops and collections agents all pursuing you or your good credit. Our job is to hold your hand and assist you with strategies and tactics to shield yourself while we pursue the often malevolent insurance companies and their insured's policy amounts. With us by your side, you can deal with the healing and grieving process, while we prepare your file for court.

What Happens Once I Contact Ehline?

Each case, like you, is unique. The totality of the circumstances must be weighed, examined and compared with similar fact patterns and their outcomes in order to get a baseline on the case value, and how to proceed. But never fear, all you need do is pick up the phone and receive a telephonic, or in person case evaluation with one of our attorneys or case intake specialists.

How Much Does Ehline Charge for a Case Evaluation?

The evaluation is cost free to you, and is designed to understand the merits and risks, and put you at ease by explaining the legal process. Knowing your options is very important, and only a trained legal expert is in a position to hear what you have to say. You are shielded by attorney-client privilege and confidentiality, so there is little risk in opening up to us. After all, that is why we are called legal counselors. Gibe us a call right now and get a free legal consultation.

What If I Want To Hire Ehline Law Firm For My Case?

After the above consultation, you may want to think on retaining our services. Assuming you believe we will provide you the excellent service you are seeking, Ehline Law Firm will act quickly by drawing up a legal document called a retainer, and explaining the provisions. We will also afford you an opportunity to have the retainer reviewed by counsel of your choice, so you can consent after consultation. Once both parties (Ehline's representative and you), execute the documents with signatures, the contract is set in stone, and we take over the tactical aspects of your case.

Michael Ehline answered the phone himself when I called, met me at the accident site, took pictures, was aggressive, tough on the insurance company, helped me get money for my bike, and got me a HUGE settlement. I am very pleased with Michael Ehline and can attest that he is a highly experienced motorcycle accident attorney for injuries in cities like Santa Monica, Torrance and Redondo Beach, to name a few. It was refreshing to deal with such a stand up guy as my attorney!

[Read more](#)

Joe ASanta Monica, California

Administering Your File

Immediately after the retainer is signed, we go to work by delegating your file to our dedicated staff of attorneys, paralegals, legal secretaries and law clerks. Working in unison like well trained Marines, your case becomes a symphony of action. We also will respond promptly to your phone calls, emails, and questions that come up from time to time in such a delicate matter. Here we will keep you fully informed along the way, and invite your input as part of the strategic decision making process. We want you to get better and also help you mitigate your losses. As noted, we can assist you in locating lien doctors willing to treat you with the best care now, and get paid later at the conclusion of your recovery.

Getting Well is Your Job - Our Job is Cutting the Red Tape

The main burden for you is to work on getting well. So while you convalesce, our staff of personal injury experts will be battling nose to nose with hostile insurance companies, city clerks and law enforcement, medical facilities, ambulance companies, and sometimes even your own boss at work, and with anyone else that may stand in our way of achieving the best results for your case. We brush aside the obstacles because we know the codes, rules and tactics to neutralize them, or use them in your favor.

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The distinctive backgrounds of our Omaha business law lawyers have afforded Gettman & Mills LLP the ability to offer different perspectives on complicated legal issues to our clients. With our insight and encompassing knowledge of commercial and business law, we are able to help our clients overcome their legal issues through customized, innovative strategies.

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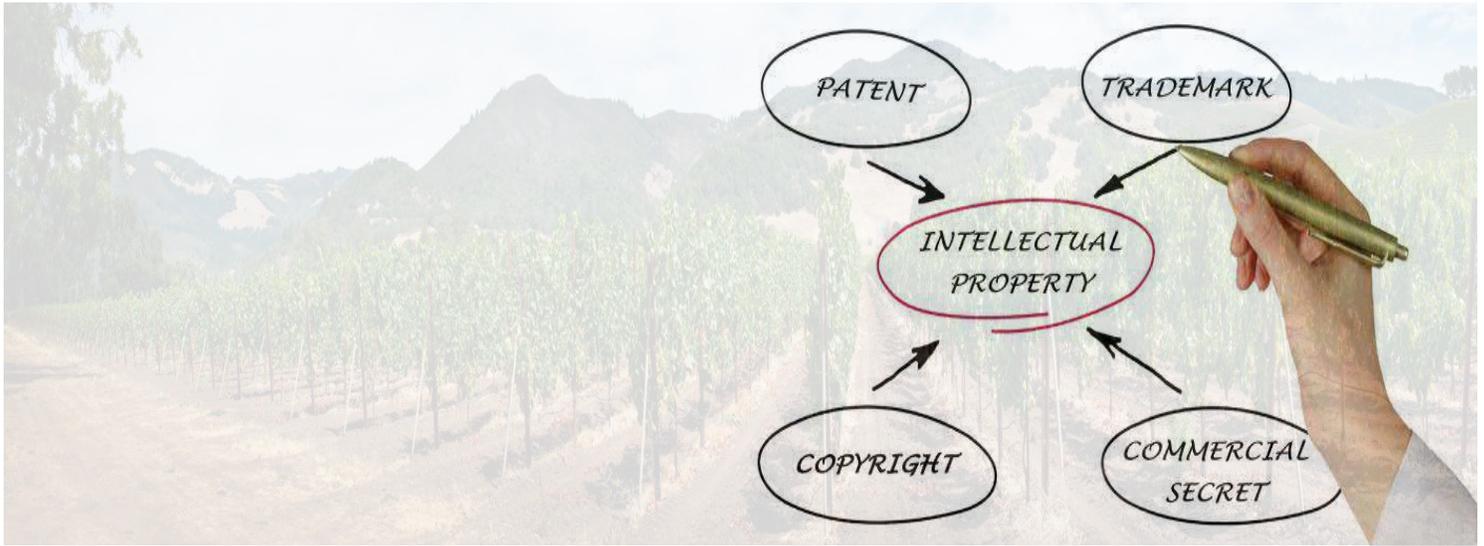
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Attorney Profile

MARTIN APC was founded and is led by attorney [Kevin R. Martin](#). Kevin has over 20 years experience in a wide variety of legal matters including trademark, copyright and patent litigation, trade secret litigation, business litigation, real estate issues, partnership and corporate disputes, employee/employer separation issues, and select personal injury matters.

Kevin regularly appears in both state and federal courts throughout California and has substantial experience in all areas of litigation including initial evaluation, fact investigation, discovery, law and motion practice, mediation, arbitration, and trial.

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Jeff King is a strategic thinker, a skilled courtroom advocate, and a great attorney for small business owners. He served as part of my legal team in a multi-million dollar federal-court dispute in Cleveland, Ohio. Jeff showed a unique ability to work with other counsel, regardless of location, to lower costs and produce better results. I am glad Jeff was on my side during the toughest legal fight of my career.

Jeff Armbruster, small business owner and former Ohio state senator

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Firm Overview

Efficiency Of A Small Firm With The Firepower Of A Big Firm

Klein & Wilson provides legal services that demonstrate a high level of experience, dedication, and responsiveness to clients' needs. Klein & Wilson is a small firm that has produced giant results, including a \$26 million recovery for one client. Klein & Wilson's clients not only receive the same quality representation provided by large firms, but also close personal attention and cost-efficiency not available in large firms.

Klein & Wilson is the firm of choice for sophisticated purchasers of legal services who want trial-tested experience for complex business litigation. Klein & Wilson's attorneys have extensive experience in business and commercial litigation, including [contract disputes](#), [partnership disputes](#), [shareholder disputes](#), and [LLC disputes](#); real estate litigation, including [lease disputes](#), [real property disputes](#), and [landlord-tenant disputes](#); and [intellectual property disputes](#), including [unfair competition](#) and [trade secrets](#), [trademark infringement](#), and [copyright infringement](#).

Advantages Of A Small Firm

While large firms provide substantial manpower to staff cases, they also have overhead to keep busy. This overhead results in higher costs to clients without better outcomes. The net result is that large firms "over-lawyer" many cases, at great and unnecessary expense to clients. At large firms, senior partners often pass important work off to junior partners who pass it off to younger, less-experienced associates. Overstaffing generally increases clients' legal fees and prevents a single attorney from having a comprehensive grasp of the case. As a case is passed from one lawyer to another, critical case issues inevitably fall through the cracks.

Klein & Wilson is discriminating as to which cases (and clients) it accepts because of the firm's dedication to excellence and attention to detail. Klein & Wilson assigns a single partner to supervise

a matter from the first pleading until the verdict, ensuring the trial attorney is intimately familiar with every stage of the proceedings and legal fees are not wasted educating other lawyers. Despite being a small firm, Klein & Wilson has no difficulty keeping up with its larger competitors. In fact, some of the largest firms in California have complained they had trouble keeping up with Klein & Wilson. Klein & Wilson's [Significant Case Results](#) against large firms speak for themselves.

Use Of Modern Technology

Klein & Wilson's attorneys are experts in the use of cutting edge technology during discovery and at trial. Klein & Wilson routinely makes trials more interesting by using multimedia, including computerized document and video retrieval, videotaped depositions, and animation. Klein & Wilson has such a prominent reputation in the area of modern trial tactics, that many of the largest law firms in the country, as well as the Los Angeles District Attorney's office, the Ventura County District Attorney's office, and leading trial organizations, asked Klein & Wilson to present seminars on how to use technology at trial. Technology is an important component of Klein & Wilson's trial success.

Early Evaluation Of Settlement And Litigation Strategy

Because litigation is expensive, clients should explore settlement early and imaginatively. Unfortunately, many litigants explore settlement only after expensive discovery has been completed, and the trial date is rapidly approaching. Often, the amount of legal fees clients incur by the time of trial is so high, settlement becomes difficult. Klein & Wilson recognizes the best time to settle a case is at the outset, before clients incur substantial legal fees.

Klein & Wilson spends time at the beginning of the case formulating a careful litigation strategy that expedites settlement, if possible. If the case cannot be settled, this strategy serves as a road map to prepare the case for trial at the lowest possible cost.

Most "litigators" are not trial veterans and take vast amounts of expensive and unnecessary discovery while overlooking crucial evidence. As a matter of course, Klein & Wilson spends substantial time with the client at the outset of the case to make sure only appropriate discovery is completed. Throughout the litigation process, Klein & Wilson keeps the client informed of the case status, seeking authority for each substantial expenditure. As a result of this communication, the client can make informed decisions regarding strategy and settlement. While Klein & Wilson cannot guarantee success in every matter, the firm can guarantee its clients receive effective and affordable representation.

Contact Klein & Wilson

To speak with a trial lawyer at Klein & Wilson, call **949-631-3300** or toll free **877-857-0073**, or contact the firm by [e-mail](#).



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Klein & Wilson

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Klein & Wilson represents clients throughout the United States and the world. In our home state of California, we represent clients throughout the entire state, including the Inland Empire, Orange County, & Los Angeles County.

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Stralen Law Firm can help you, a family member or a friend who is dealing with an injury or death of a loved one or difficulty with an employer.

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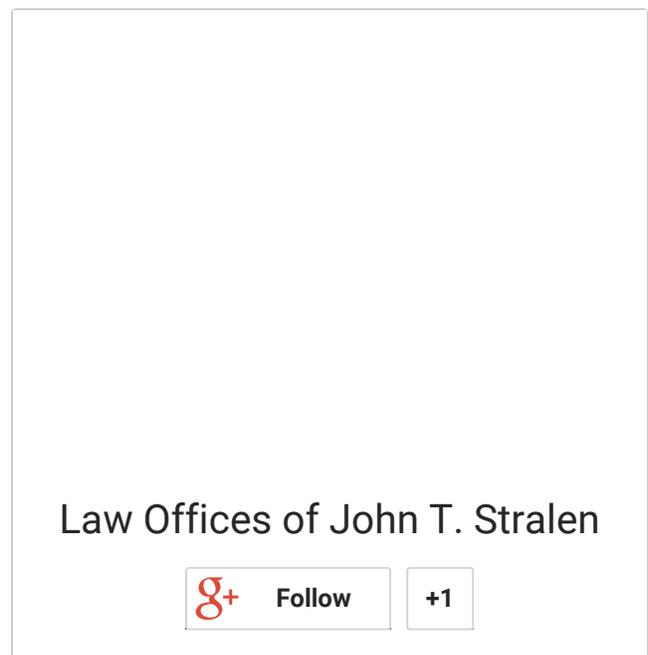
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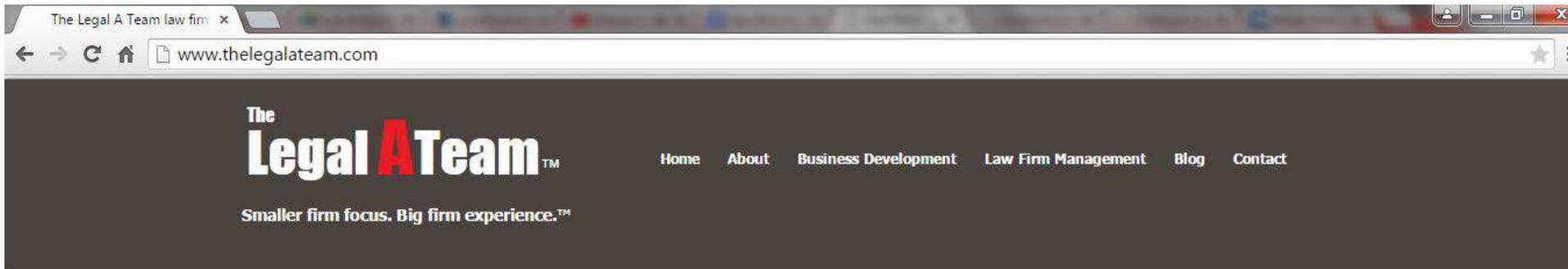
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The Legal A Team provides services for lawyers and law firms including: business development training, business development coaching, legal marketing and branding strategy, legal public relations, legal media relations, legal social media, and websites. We have small firm focus and big firm experience. We have specialists in Vancouver, Toronto, and Orlando. We work in Canada, the USA, and Europe.



OVERVIEW

MARK MANELA

RECOGNITION



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MANELA LAW FIRM

After 25 years of serving clients in major international law firm and litigation boutique settings, Mark Manela opened the Manela Law Firm in January 2014.

The firm's clients benefit from Mark's commitment to provide big-firm experience with small-firm service and efficiencies created by new technology and an evolving labor market.

Mark's expertise, advice and professional relationships in the legal community remain unchanged. So does his commitment to sensibly meet his clients' needs, whether alone or through joint venture arrangements and co-counsel collaborations.

Consider the observations of Professor Glenn Harlan Reynolds, author of *Small is the New Biglaw*: "Ultimately, what lawyers offer is expertise and advice. Those are offerings that require neither fancy offices nor large staffs, however helpful those things may sometimes be. In a world in which small-scale operations can now often compete on an even — or even superior — basis with large ones, we should expect the practice of law to change accordingly."

We agree.

The Manela Law Firm continues to represent public and private businesses, U.S. and foreign investment and commercial banks, bankers and investment bankers, professionals, including individual CPAs and their firms, special committees, directors, officers, and employees.

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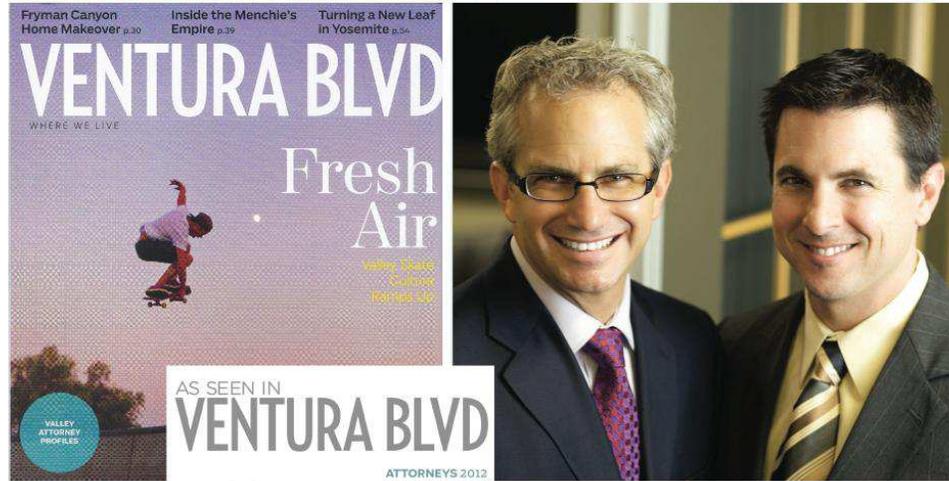
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News from Minami Tamaki LLP | May 2015 | MinamiTamaki.com | 415-788-9000

The image shows the cover of the April 2015 issue of California Lawyer magazine. The cover features a background of tall, thin trees. The title 'California LAWYER' is prominently displayed in a large, bold, serif font. Above the title, there are several article teasers: 'New Lawyers Find Their Place', 'California M&A Trends', 'MCLE & Expert Advice: It's Tax Time', 'Labor & Employment Roundtable', and 'Courtroom Resource Guide'. At the bottom right of the cover, it says 'callawyer.com | APRIL 2015 \$9'. Below the magazine cover, there is a text block mentioning Jack W. Lee's contribution to the magazine.

JACK W. LEE IN CALIFORNIA LAWYER MAGAZINE - Firm partner Jack W. Lee was part of an expert panel discussion featured in the April 2015 issue of California Lawyer magazine. [Read more.](#)

Minami Tamaki Partners Selected by Best Lawyers in America for 2015

For the third straight year, Minami Tamaki LLP Partners Dale Minami, B. Mark Fong, and Seth I. Rosenberg were selected by their peers for inclusion in the 22nd Edition of The Best Lawyers in America, which also selected Partner Minette Kwok in the practice area of Immigration Law – her second year on the list. [Read more.](#)

Suhi Koizumi New President of Korean American Bar

Senior Associate Suhi Koizumi last month took office as President of the Korean American Bar Association of Northern California (KABANC). Suhi continues Minami Tamaki's tradition of leadership in bar associations. [Read more.](#)

Mark Fong Helps Injured Motorcyclist, \$740,000 Arbitration Award

Our client was driving his motorcycle on Telegraph Avenue in Oakland when he struck a car which pulled out in front of him from a side street. The driver stated she looked both ways before entering the intersection but did not see him. Our client suffered injuries in his right knee and right shoulder. [Read more.](#)

Minette Kwok and Immigration Law Leaders Convene in DC

On April 17, Partner Minette Kwok attended a national meeting of the board of trustees of the American Immigration Council, an organization that champions the contributions of immigrants to the American public and works to counteract the misleading and negative stereotypes about immigrants. Minette joined the AIC national board in 2012. [Read more.](#)



Don Tamaki and the Japantown Foundation. Partner Don Tamaki, as President of the San Francisco Japantown Foundation, led the organization's production of a special New Year's Celebration on January 8, 2015, featuring osechi ryori, the traditional food and presentation prepared to celebrate the New Year. The event is the foundation's main fundraising event. Don is pictured here with Craig Waterman, the new GM of the Hotel Kabuki, and also a foundation

board member. [See more photos.](#)

Don Tamaki, Phil Zackler Help Nonprofits Move from SF to Oakland

Minami Tamaki LLP's Business and Nonprofit Counseling practice recently helped three nonprofits move from The City to Oakland, applying its considerable experience with commercial leasing for companies like Straits Restaurant Group, which operates four locations. [Read more.](#)

Consumer Alert: Laminated Wood Flooring from Lumber Liquidators

Minami Tamaki is investigating a potential action against Lumber Liquidators for selling Chinese-made laminated wood flooring that contains an illegally high amount of formaldehyde, which is a known carcinogen. [Read more.](#)

Aron Liang on Trial Lawyers Panel; Sean Tamura-Sato Defeats Summary Judgment on Behalf of Wrongfully Terminated Employee

Senior Associate Aron K. Liang was a featured presenter at an April 21 panel on trial skills hosted by the San Francisco Trial Lawyers Association. And Associate Sean Tamura-Sato defeated a motion for summary judgment for Joseph Smith, a former manager at Equinox gyms, with respect to his claims for wrongful termination, unpaid wages, unfair competition, and defamation. [Read more.](#)



Dale Minami Public Interest Fellowship Dinner Honors Nicole Wong, Former U.S. Deputy CTO

The Eighth Annual Dale Minami Public Interest Fellowship Dinner was held on January 30, 2015, at Canton Seafood in San Francisco. This year's Fellowship Dinner honored Alumna of the Year Nicole Wong, former White House Deputy Chief Technology Officer, and the 2015 Dale Minami Public Interest Fellow, Saira Hussain, a Staff Attorney with Asian Americans Advancing Justice – Asian Law Caucus. [Read more.](#)

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County, Kern County, Southern California, San Gabriel Valley, San Fernando Valley, Inland Empire, Northern California and San Joaquin Valley.

Attorneys at this firm have been selected as Super Lawyers and Rising Stars.

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The Pelosi Law Group is a boutique land use law firm focused on residential and commercial development in Northern and Central California. Founded in September 2011, the Pelosi Law Group provides big law firm experience at small firm prices. At the Pelosi Law Group, clients benefit from working with a highly qualified team of lawyers that knows how to entitle land in an efficient, timely fashion. Clients receive top tier legal advice at rates that make sense financially.

Current and past projects range from 400+ unit mixed-use residential developments to neighborhood parks and small residential developments (less than 10 units). Our breadth and depth of experience includes large complex retail, commercial, resort, recreational and residential developments and individual use permit approvals. Our over 25 years of combined experience with the California Environmental Quality Act (CEQA), planning and zoning laws, development agreements, Subdivision Map Act, and other California laws that impact the use and development of real property rivals that of large firms.

To learn more specifics about our practice click the links to the left.

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The Rietz Law Firm brings big firm experience, small firm attention, and proven results to its clients. Powered by passion for our clients, we are driven to find efficient, expeditious and economical solutions to client problems and to achieve their goals. Our client centered approach on matters large and small means we have only one measure of success – surpassing client expectations in achieving the best results possible.

Experience, commitment, and success – these are the driving principles behind Rietz Law Firm. With years of unmatched service, our law firm in Summit County, Colorado provides solutions to help clients with their legal problems. From insurance settlements, divorce cases, to risk management, our attorneys will provide professional guidance to achieve your goals.

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The Frisco Town Council appointed Rietz attorney Brian A. Birenbach to the Town of Frisco... more

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Riverside Divorce Attorney

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Family law cases can be difficult, and if you are facing a trying situation you should never feel that you are forced to navigate the California legal system alone. At the Law Offices of Shauna M. Albright, we are proud to offer outstanding representation to our clients in Riverside, Corona, Rancho Cucamonga, Murrieta, Temecula, Hemet & the surrounding areas. **We have over 20 years of combined legal experience.** We are proud to call ourselves a small firm with big firm expertise and small-firm attention to detail and client commitment. You can be confident that your case is in good hands when you work with a Riverside divorce lawyer from the Law Offices of Shauna M. Albright.

The Law Offices of Shauna M. Albright is a premiere law office founded in 2003 with the purpose of providing excellent representation and protecting individuals and families who are involved in a divorce, domestic violence, custody dispute or other family law matter. Ms. Albright and her staff have over 20 years of combined experience and our practice is 100% dedicated to family law. In addition to meeting the needs of our clients in Riverside County, San Bernardino County, Orange County and areas of Los Angeles County, California, the Law Offices of Shauna M. Albright also handles interstate custody disputes.

Our founding attorney, Ms. Shauna Albright, has numerous awards and nominations from various organizations, all of which stand as a testament to her commitment to her clients. Attorney Albright has received commendations from local and state representatives, including past California Governor Arnold Schwarzenegger. She has also been **honored with the following prestigious awards:**

- Named a "Woman of Integrity" by the Woman in Focus Forum

- Recognized by the Black Cultural Foundation for excellence in the legal community
- Featured in San Bernardino's *Sun* Newspaper as "Someone to Know"
- Invited to speak at several engagements
- Served as an advisory member for Platt College in Riverside
- Guest speaker at the legal forum "How to Win Your Family Law Case"
- Served as a legal commentator on national radio
- Keynote speaker for the 2007 African-American Graduation Recognition Ceremony for California State University, San Bernardino
- Guest speaker for Rialto Unified School District's Lunch and Learn Program
- Served as the Mistress of Ceremonies for the 2013 Richard T. Fields Bar Association's Installation and Awards

DEDICATED COUNSEL FOR YOUR CASE

Because we are a **law office that focuses solely on family law**, we are able to make sure that each and every client receives the highest level of representation available. When you work with the Law Offices of Shauna M. Albright, we will immediately begin to address your specific concerns and do an in-depth analysis of your case, including family dynamics, property matters, financial matters, and individual needs/interests. Our office makes it a priority to effectively serve our clients and complete their case in a timely manner. Our services and experience make working with the Law Offices of Shauna M. Albright a clear choice for your divorce or family law concerns.

In addition to the representation that we provide throughout the divorce process, the Law Offices of Shauna M. Albright can also assist you in child custody or visitation, child support, spousal support, guardianship, legal separation, and domestic violence matters. We are well versed in settling matters without court intervention through mediation and settlement services. Should a case not settle out of court, the Law Offices of Shauna M. Albright is prepared to aggressively represent you in court. You can be sure that your case is in good hands when you work with the Law Offices of Shauna M. Albright.

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Are you ready to move forward with your case? Now is the time to act and **contact a Riverside family law attorney** from our office! At the Law Offices of Shauna M. Albright, we are ready to provide strong representation designed to meet the needs of our clients. Your best interests will always be kept in mind and we will do everything in our power to provide you with a favorable outcome for your case. If you have questions or concerns regarding your legal situation, contact a dedicated and highly experienced divorce attorney serving Riverside from the Law Offices of Shauna M. Albright today! Schedule an appointment to get started!

The Law Offices of Shauna M. Albright practices in Riverside County and proudly serves other

surrounding areas, including but not limited to Corona, Moreno Valley, Rancho Cucamonga, Hemet, San Bernardino, Murrieta, Temecula and parts of Orange and Los Angeles Counties. Our clients come from all over the Inland Empire.

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Law Offices of Shauna M. Albright
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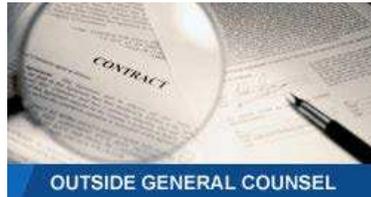
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Richard G. Burt helps clients with forming business entities, such as corporations, partnerships, and limited liability companies (LLC's), negotiating contracts and agreements of various kinds, and with business and real estate transactions.



San Jose Business Attorney

Four Decades of Business Law Experience, from the SEC to Silicon Valley

Richard Burt (JD, George Washington University, '73) began his legal career at the Securities and Exchange Commission in Washington, D.C., in 1973. Now an attorney rated "AV"* "Preeminent" by Martindale-Hubbell, he heads his own law firm that serves the communities of the city of San Jose and of other cities in Santa Clara County, California as well as the rest of the San Francisco Bay Area. In the four intervening decades, Mr. Burt has garnered extensive legal experience at firms of various sizes: international commercial giant Wilmer Hale; the mid-sized Northern California firm Berliner Cohen; and, most recently, in practice for himself, after founding his own firm in 1984.

His firm now leverages this broad experience to provide boutique legal services in business matters and real estate matters to clients throughout California (as well as to out-of-state clients). The firm prides itself on providing to each client service of big-firm quality coupled with small-firm attentiveness. Whether the client is a large business enterprise, an entrepreneur just starting a business, or a professional in private practice, the firm has the ability to help.

Richard Burt's Areas of Practice

Business Entity Formation: Mr. Burt organizes business entities, ranging from sole proprietorships and partnerships to corporations and limited liability companies (LLCs). His clients include existing businesses and startups, as well as founders of closely held companies, professionals, and investors in real estate. To learn more about this aspect of the firm's practice, click [here](#).

Outside General Counsel: Mr. Burt establishes relationships with existing businesses as well as with startups to provide ongoing outside general counsel. This allows both parties to establish a long-term counsel-client partnership

based on mutual trust, and it provides the firm with an understanding of the particular needs and requirements of the client. Services provided under an outside-general-counsel arrangement can include review of standard agreements, drafting contracts, reviewing financing documents, advising on, negotiating, and preparing agreements for the purchase or sale of a business (M&A). As outside general counsel, the firm also provides the service of finding experts in other legal areas when the client needs a specialist. Read more about these services [here](#).

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Richard Burt Understands the Legal Issues Silicon Valley Businesses Face

Mr. Burt offers the knowledge, skill, and experience needed to help clients navigate the legal complexities inherent in business matters, large and small. If you are looking for a lawyer, contact Mr. Burt at (408) 286-7333 or use the contact form [here](#) to schedule a consultation. (Please do not include any confidential information in your inquiry.)

*A longer explanation of the Martindale-Hubbell rating system is available at the "[Peer Review Rating](#)" tab.

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Firm founder and principal Paul J. Smoot brings the experience, knowledge and skill of more than 20 years to his work for each client. Among past clients are former San Francisco Mayor Joseph L. Alioto and Angela Alioto, small companies and their founders who have been wronged, technology companies such as OCZ Technology Group, Inc. and PeerTrainer.com. Recently, after extended litigation against Vinod Khosla and Khosla Ventures, we had their counsel of record, Wilson, Sonsini, Goodrich & Rosati disqualified as counsel of record.

Mr. Smoot has been nominated and voted [Super Lawyer®](http://www.superlawyers.com/) (<http://www.superlawyers.com/>) every year from 2008 through 2013. This is a distinction for the Top 5% of attorneys in California. Mr. Smoot has been a member of the Consumer Attorneys of California since 1993 and is a past president of the San Mateo County Trial Lawyers Association and San Mateo County Barristers. The experienced legal advocate has been recognized for his many achievements by both peers and clients. He is [BV® Distinguished™ Peer Review Rated](http://www.martindale.com/Products_and_Services/Peer_Review_Ratings.aspx) (http://www.martindale.com/Products_and_Services/Peer_Review_Ratings.aspx) by Martindale-Hubbell® for his professionalism and ethics.

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Employment Law — We represent plaintiffs in wage-and-hour, age, sex and gender discrimination, defamation, unemployment, workplace violations, unsafe work conditions, whistleblower retaliation and wrongful-termination disputes.

Elder Law — We represent you or your loved one in elder issues including abuse, wills and trusts, Social Security benefits, Medicare and Medicaid coverage, nursing home and assisted living care, medical directives and living wills.

Contact the Law Offices of Paul J. Smoot

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Office Location

Smoot, P.C.
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Our litigation practice includes all manner of personal injury and business litigation matters, from automobile accidents, products liability and premises liability claims involving catastrophic injuries, to breach of contract and business torts, partnership disputes, and matters involving real property and construction law. Our family law practice includes handling divorce and all related issues, including child custody, child support, spousal maintenance, property division, and post-decree modifications and enforcement.

We are an AV rated law firm representing Fortune 100 companies regionally throughout the southwest as well as nationwide, but we also lend our experience and expertise to small and mid-size local businesses in the Metroplex. By translating big firm experience and quality to a smaller firm setting, we are able to provide a higher level of personal service and individualized attention than one usually receives in the area of business law and litigation.

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Based in San Francisco, the lawyers of Snyder Miller & Orton LLP have built a national reputation for providing exceptional legal representation in **business litigation**, **intellectual property disputes**, and **insurance recovery matters**.

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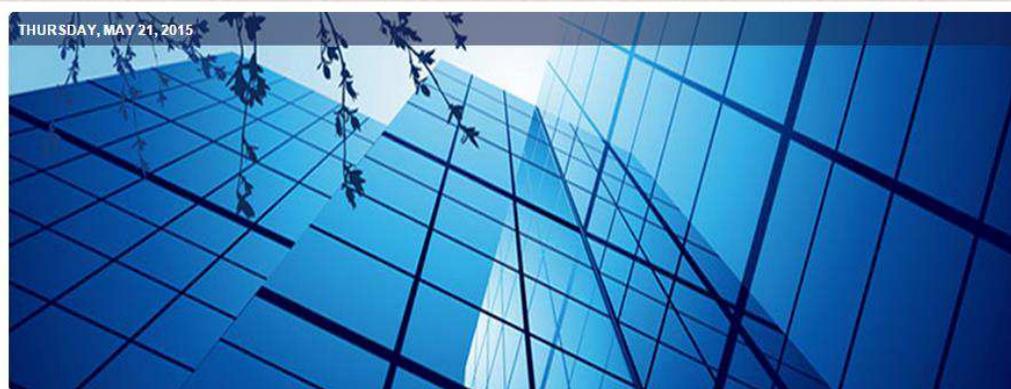
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Biography of Timothy M. Truax

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For almost 30 years, [Tim Truax](#) has practiced all aspects of construction law, including litigation, arbitration, mediation, alternative dispute resolution, contract drafting, and general advice. For a sampling of representative projects and matters handled, please see our [Firm Profile](#) page. Tim Truax has been recognized by his peers and several leading independent publications as one of the top construction lawyers in California, and previously was selected as one of the Top 100 Lawyers in Southern California by *Super Lawyers Magazine*. In May 2013, he received the prestigious Associate Achievement Award from the

Associated General Contractors of California for his years of dedication to the construction industry.

Tim has a keen understanding of the construction industry and market conditions and the ability to focus on key issues and work towards negotiated resolution of disputes without the expense of litigation. In December 2007, Mr. Truax established the Law Offices of Timothy M. Truax PC, where he continues to provide his **big firm** experience in a **small firm, cost effective manner**.

In addition to effectively representing and counseling clients throughout the life of a construction project, Tim is actively involved in several bar and construction industry

Contact

Address : 222 North
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2000
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Our firm is founded on a passion for excellence. We take pride in our commitment to quality legal representation, attention to detail and unparalleled client service.

What Sets Us Apart

Our extensive experience provides us with a solid foundation for capably handling the most complex civil litigation and corporate securities matters. Our founding attorney, Scott Vick, has nearly two decades of experience, including eight years of experience as a partner at a large international law firm. He has been selected for inclusion in California Super Lawyers for five years. Additionally, he is AV Preeminent peer review rated,* the highest rating through Martindale-Hubbell.

This experience fills a unique niche in the legal market. We have developed successful strategies for some of the most complex and groundbreaking corporate audit cases in America. In sum, we have handled nearly every aspect of [SEC investigations](#), PCAOB investigations and securities litigation in dozens of different contexts.

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- RGH Enterprises, Inc.
- Tomy International, Inc.
- Small- and medium-sized companies
- Individuals, auditors, investment bankers and corporate executives

In addition to representing banks, accounting firms, auditors and corporate executives nationwide, we also serve as local co-counsel for large out-of-state law firms with cases in the Los Angeles area.

Contact VLG

To learn more about our unique legal practice, [contact](#) lawyer Scott Vick of the Vick Law Group at 213-784-3657. Our office is centrally located in the Financial District of downtown Los Angeles, at the corner of South Flower Street and West 6th Street. We generally handle cases on an economical flat fee basis.

*AV Preeminent and BV Distinguished are certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies. Martindale-Hubbell is the facilitator of a peer review rating process. Ratings reflect the confidential opinions of members of the bar and the judiciary. Martindale-Hubbell ratings fall into two categories: legal ability and general ethical standards.

Vick Law Group APC
800 West 6th Street, Suite 1220
Los Angeles, CA 90017
Phone: 213-784-3657
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JAHN & ASSOCIATES, LLC

Petitioner,

v.

MELVIN N.A. AVANZADO,

Registrant/Respondent.

CANCELLATION NO.: 92060029

MARK: BIG FIRM EXPERIENCE,
SMALL FIRM SERVICE
(Registration Number: 4015965)

Filing Date: February 1, 2011

*[Opposition to Claimant's Summary
Judgment Motion, Statement of Disputed
Facts, Request for Judicial Notice, and
Declaration of Kelly D. Talcott filed
concurrently herewith]*

EXHIBITS 8 through 10 TO DECLARATION OF MELVIN N.A. AVANZADO

EXHIBIT 8

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

In the Matter of the Cancellation for Registration of: BIG FIRM EXPERIENCE, SMALL FIRM SERVICE; Registration Number: 4015965; Filing Date: February 1, 2011.

Jahn & Associates, LLC)	
Petitioner)	
)	<u>CANCELLATION NO 92060029</u>
v.)	
Melvin N.A. Avanzado)	PETITIONER'S RESPONSE
Respondent.)	TO RESPONDENT'S SECOND
)	SET OF INTERROGATORIES
_____)	

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Petitioner, hereby responds to Respondent's First Set of Interrogatories as follows:

GENERAL OBJECTIONS

Petitioner makes the following General Objections in response to each Interrogatory Request.

1. Petitioner objects to each Request to the extent it seeks or calls for information protected by the attorney-client privilege and or protected by the work-product doctrine, or subject to any other applicable privilege.

2. Petitioner objects to each Request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. Petitioner objects to each Request to the extent it purports to call for information not in their possession, custody or control.

4. Petitioner objects to the definition of "you" and "your" as being overbroad,

unduly burdensome, vague and ambiguous.

5. Petitioner objects to each Request to the extent it seeks to impose requirements and/or obligations inconsistent with and in addition to, the Federal Rules of Civil Procedure, the Federal Rules of Evidence and/or Rules of this tribunal, and that are unduly burdensome and oppressive.

7. Discovery is continuing in this action. Petitioner reserves the right to supplement and amend its responses to these Requests based on, but not limited to, information subsequently discovered, inadvertently omitted, or mistakenly stated in these response.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 13: STATE all YOUR damages which YOU claim were caused by AVANZADO's MARK

RESPONSE: Petitioner's mark has been diluted and weakened.

INTERROGATORY NO. 14: STATE all YOUR irreparable losses which YOU claim were caused by AVANZADO's Mark.

RESPONSE: Dilution, weakened mark.

INTERROGATORY NO. 15. STATE the circumstance under which YOU were admitted to practice law in California for SalesBrain v. Teligent case CV 13-00265 venued in the USDC, N. D. of California. RESPONSE: Petitioner was admitted Pro Hac Vice.

INTERROGATORY NO. 16: STATE the circumstance under which YOU were admitted to practice law in California for Atlantis Scientific v. Keyhole case venued in the USDC, N. D. of California.

RESPONSE: Petitioner was admitted Pro Hac Vice.

INTERROGATORY NO. 17: STATE the circumstance under which YOU were admitted to practice law in California for Atlantis Scientific v Keyhole case venued in the USDC, N. D. of California.

RESPONSE: Petitioner was admitted Pro Hac Vice.

INTERROGATORY NO. 18. STATE the circumstances under which you were approached to represent he plaintiff for SALESBRAIN v. TELIGENT case venued in the USDC, N. District of CALIFORNIA.

RESPONSE: Petitioner objects to this request on the basis that it calls for information protected by the attorney- client privilege and/or attorney work product doctrine.

INTERROGATORY NO. 19. STATE the circumstances under which you were approached to represent he plaintiff for SALESBRAIN v. ANGELVISION TECHNOLOGIES venued in the USDC, N. District of CALIFORNIA.

RESPONSE: Petitioner objects to this request on the basis that it calls for information protected by the attorney- client privilege and/or attorney work product doctrine.

INTERROGATORY NO 20. STATE the circumstances under which you were approached to represent he plaintiff for ATLANTIS SCIENTIFIC v. KEYHOLE venued in the USDC, N. District of CALIFORNIA.

RESPONSE: Petitioner objects to this request on the basis that it calls for information protected by the attorney- client privilege and/or attorney work product doctrine.

INTERROGATORY NO 21. STATE in detail the instances of the alleged actual confusion between AVANZADO's MARK and PLAINTIFF's MARK.

RESPONSE: Petitioner is unaware at this time of any actual confusion between AVANZADO's MARK and PLAINTIFF's MARK at this time.

INTERROGATORY NO. 22. State all facts and identify all evidence on which you rely to support your contention of the alleged actual confusion between AVANZADO's MARK and PLAINTIFF's Mark.

RESPONSE. Petitioner is unaware at this time of any actual confusion between AVANZADO's MARK and PLAINTIFF's MARK at this time.

INTERROGATORY NO 23. STATE all facts and identify all evidence on which you rely to support your contention of the alleged likelihood of confusion between AVANZADO's MARK and PLAINTIFF'S MARK.

RESPONSE. Petitioner objects to this request on the basis that it calls for a legal argument and conclusion. Subject to that objection: The marks look the same, sound the same and have the same meaning. The trade channels are the same. The services are the same. Petitioner's mark is a strong mark, or was, at least before Respondent entered the market.

INTERROGATORY NO. 24 Identify all customers or potential customers of YOU who have expressed any question, concern or comment regarding any affiliation between YOU and AVANZADO.

RESPONSE: Petitioner objects to this request on the basis that it calls for information protected by the attorney- client privilege and/or attorney work product doctrine.

Petitioner is unaware of any current customers who have expressed any question, concern or comment regarding any affiliation between Petitioner and Respondent.

Dated: June 3, 2014

JAHN & ASSOCIATES, LLC

s/Kirstin M. Jahn
Kirstin M. Jahn
Petitioner

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being emailed on June 3, 2014 (PST) to the email address below and mailed on June 4, 2014 by United States Post Office with sufficient postage as first-class mail in an envelope addressed to:

Elaine@avanzadolaw.com

Melvin N.A. Avanzado
1880 Century Park East
Suite 1100
Los Angeles, CA 90067

s/Kirstin M. Jahn
Kirstin M. Jahn

EXHIBIT 9

Home (/)
What I Can Do For You (/What-I-Can-Do-For-You.Html)
Service Summary (/Service-Summary.Html)
My Background (/My-Background.Html)
News And Publications (/News-And-Publications.Html)
Talcott's Patent Basics (/Talcotts-Patent-Basics.Html)
Talcott's Trademark Basics (/Talcotts-Trademark-Basics.Html)
File Sharing Subpoena Defense (/File-Sharing-Subpoena-Defense.Html)
Bicycles (/Bicycles.Html)
Contact (/Contact.Html)
Terms Of Use And Privacy (/Terms-Of-Use-And-Privacy.Html)

Big Firm Skills. Small Firm Service.

I have more than 20 years of experience in commercial law, with a particular focus on intellectual property. Having practiced for most of my career with large, multi-office law firms, I now offers clients big-firm expertise with the kind of personal attention, flexibility, and value that only a small firm can provide.

On this page I summarize the kinds of work that I do. I encourage you to look around my website. If you are a business owner or inventor and want to know more about some of the basics of intellectual property law, please check out my "Basics" pages. I've tried to write them with the non-lawyer in mind, and welcome your feedback as to whether I'm telling you what you need to know in a way that is clear and concise.

Licenses, Agreements, Policies, and Procedures

I have advised clients ranging from individual inventors and entrepreneurs to large multinational corporations on a wide range of issues relating to intellectual property and technology law. In the past 12 months I have negotiated dozens of agreements for clients having a total value of well over \$5 million. My work has included prosecuting patent and trademark applications; negotiating intellectual property license and product development agreements; helping maintain and protect trade secrets; counseling on a broad range of copyright issues ranging from media content such as music, video, and print, to architectural drawings and computer software; helping companies plan and develop their intellectual property portfolios; conducting intellectual property due diligence in connection with loans, investments, mergers, and acquisitions; and helping clients develop systems, policies, and procedures to plan ahead for and manage electronic discovery. I am admitted to practice before the United States Patent and Trademark Office.

Litigation and Dispute Resolution

My intellectual property litigation experience includes the initiation and defense of patent, trademark, copyright, and trade secret lawsuits. The cases I have worked on have have covered a wide range of technical subjects, including computer software, the Internet, semiconductor chips, semiconductor circuits, business methods, microencapsulated fluids, pharmaceutical chemicals; business communications systems, and electro-mechanical devices. I have been fortunate enough to have been involved in every aspect of litigation, from drafting the initial pleadings, seeking and defending against preliminary injunctions, conducting all phases of national and international discovery (including electronic discovery), motion practice, patent claim construction ("Markman") hearings, trials, and appeals. In addition to intellectual property and technology law, I have litigated in the areas of anti-counterfeiting, unfair competition, civil RICO, construction law, and business contracts. Many (but not all) of my non-intellectual property cases have had some technical aspect to them.

Services for Startups

I began working with individual inventors and startup companies back during the "dot-com boom" of the late 1990s, and have continued doing so up to the present. I am well aware of the serious need my clients have to use their limited resources as efficiently as possible. In every situation my goal is to team with founders and company employees to identify and protect key intellectual property, whether by way of patent, trademark, copyright, or trade secrets. My experience includes creating and helping to implement internal protocols to protect company intellectual property in the form of employee non-disclosure and non-compete agreements, invention identification and assignment policies and procedures, trade secret identification and protection policies, and third-party non-disclosure agreements. I have also advised on the selection of corporate forms, and I provide incorporation services.

Services for Lenders and Venture Capital and Early-Stage Investors

Frequently an insurer or an investor will want to know more about a target company's intellectual property. By providing that kind of analysis, I can help potential and existing company lenders and investors to evaluate the company's intellectual property, which helps them make key decisions about their investment choices. The work I do includes analyzing and evaluating target company intellectual property, conducting IP due diligence in connection with pending investments, perfecting security interests in intellectual property, helping identify potential investment targets, and evaluating and reportnig on pending IP-related litigation involving the target company.

General Law Practice

My experience over the years has included work in a wide range of fields other than those described above. Please feel free to contact me to discuss how I can help you with your particular issue.

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Big Firm Experience. Small Firm Flexibility.



Mastin Bergstrom LLC provides sound and quality legal representation to both businesses and individuals alike. We pride ourselves on our ability to provide large-firm experience in an efficient, small-firm setting.

Each of our partners practiced with a major Denver law firm before pursuing a desire to be part of a smaller, agile, and responsive legal team focused on quality client service. Our firm offers a full range of transactional services and our attorneys are primed to assist individuals and businesses with their varied legal needs.

Contact us today at 303.217.4876, or [email](#) us.



News

IMMIGRATION ALERT: CHANGES BY EXECUTIVE ACTION

On November 20, 2014, President Obama, announced changes to our immigration system, which he intends to implement in the next 6 months. Included in the far-ranging plan are some key items: • Deferred Action for the parents of U.S. citizen and lawful permanent resident children who

Big Firm Results; Small Firm Feel

Many clients face a dilemma when choosing between a big firm and a small one. On the one hand, there always is concern about making sure that one's trial team has the resources and manpower to get the job done right. However, choosing a big firm comes with drawbacks, including the expense; large and cumbersome litigation "teams," the members of which often change; and a lack of actual trial experience.

At our firm, you get "big firm" resources and "big firm" quality work product, coupled with the more personalized service, responsiveness and flexibility of a smaller firm. We have the flexibility to efficiently handle matters of all sizes, and the business knowledge and trial experience to handle the most complex and important cases. When we started, our mission statement was "to provide highly concentrated and personalized legal service to clients involved in serious and complex civil litigation and arbitration." That remains true today, more than 13 years after we first opened our doors.

Our lawyers are not pretentious, aloof, or difficult to reach. We answer our own telephones, and pride ourselves on the high level of accessibility, communication, and quality representation we routinely provide to clients, many of whom are referrals from other attorneys. We use technology to keep ahead of the competition, and to level the playing field with much bigger firms. We arm our lawyers with the necessary devices and training to efficiently manage complex matters and visually present the case to the trier of fact using state of the art, cutting edge technology.

While there are many large law firms with a substantial body of legal knowledge and many other litigation boutiques with experienced trial lawyers, Mrachek, Fitzgerald, Rose, Konopka & Dow, P.A. combines the best of both worlds.

Recent Posts

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- [Two Mrachek Law Partners Achieve Board Certification in 2015](#)
- [Mrachek Law Wins Trial Allowing Client to Sell Rare Currency](#)
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Firm News & Blog Posts

Jessica Hew joins Vose Law Firm as Partner Jul 13 2015 | 11:05 am
[Firm News]

Wade Vose Hired as Pierson Town Attorney Jun 9 2015 | 1:00 am
[Firm News]

Wade Vose Hired as General Counsel to 2016 Orange County Charter Review Commission Mar 16 2015 | 11:12 am
[Firm News]

Al Schwarz Named Special Magistrate for the Hillsborough County Value Adjustment Board Oct 13 2014 | 1:00 am
[Firm News]





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Outstanding service in the law has little to do with 15-foot-high ceilings, one-of-a-kind marble conference tables or triple billing for meetings by a partner and two associates. In reality, when you're selecting a law firm, it's depth of experience, results and integrity that make all the difference. That's what distinguishes Weiss Attorneys at Law from other larger firms. We specialize in representing small- and medium-sized businesses and individuals in areas of corporate, commercial, employment, franchise, general contracts, small business, real estate, litigation, arbitration, estate planning and probate, taxation, as well as asbestos and toxic tort defense.

So whatever your legal needs – whether it's business-related or personal – Weiss offers unique insight, exceptional representation and big-firm experience. All backed by the accountability, attentiveness and service of a small firm.

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Weiss may be small in size, but we're big on experience in the legal landscape. In fact, we provide proven and firsthand experience in over 10 legal practice areas most important to you:

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- [Contract](#)
- [Employment](#)
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- [Homeowner Associations](#)
- [Litigation](#)
- [Mediation & Arbitration](#)
- [Professional Licensing](#)
- [Real Estate](#)
- [Small Business Consulting](#)
- [Taxation](#)

WEISS LAW BLOG

09.30.2015 [City Ordinance to Raise Minimum Wage Challenged in New Lawsuit](#) On August 28, 2015, Mayor of St. Louis Francis Slay and the Board of Aldermen passed a new ordinance that would gradually increase the minimum wage in the city of... [Read More...](#)

E-LAWLINES NEWSLETTER

09.29.2015 [Meeting Minutes: Are Your HOA or Condo Association's Minutes Adequate?](#) They seem almost like an afterthought; perhaps they are. Minutes of board of director meetings and member meetings are a chore to prepare, possibly even a drudge. But they are... [Read More...](#)

HOME



Jahn + Associates

Jahn & Associates is a boutique firm specializing in intellectual property law. Since 1997, drawing upon over two decades of experience in general practice and civil litigation, the firm's practice has focused on litigation and licensing in the areas of patent, trademark, copyright, trade secret and entertainment law. In addition, the firm handles trademark and copyright prosecution domestically and abroad using a network of associates located throughout the world.

Colorado Office

1942 Broadway, Suite 314

Boulder, CO 80302

P: (Phone) (303) 545-5128

E: (Email) ip@jahnlaw.com (<mailto:ip@jahnlaw.com>)

Nevada Office

200 S. Virginia St. 8th Floor

Reno, NV 89501

P: (Phone) (775) 771-3462

E: (Email) kirstin@jahnlaw.com (<mailto:kirstin@jahnlaw.com>)

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AREAS OF PRACTICE



Creative Solutions for Creative Ideas

Areas of Practice



Counseling and Licensing

Legal counseling for individuals and business entities on all intellectual property matters including:

- Infringement matters
- IP portfolio review and management
- Due diligence
- Quality management and quality control

Licensing and negotiation for all types of Intellectual Property contracts:

- Patented technology
- Trade secret technology
- Copyrights
- Trademarks



Litigation

Litigation is complicated. We keep it simple.

- Delivering a fresh perspective because each case is unique and we consider each case carefully and with undivided



- Delivering a fresh perspective because each case is unique and we consider each case carefully and with undivided detailed attention
- Emphasizing quality, efficiency and a pragmatic approach to resolve disputes before engaging in litigation.
- Serving the needs of small and medium-sized organizations
- Working together with each client to establish and maintain a consistent litigation strategy and communication on all aspects of litigation as the case evolves.
- Providing monthly forecasts of expected workload, costs and expenses
- Associating with additional counsel to manage the workload if the case so warrants



Portfolio Management/ Quality Control

Jahn and Associates works with large trademark portfolios (over 1,500 trademarks) for national and international corporations.

- Portfolio management - Docket and file maintenance and renewal documents with the United States Patent & Trademark Office (USPTO) and the World Intellectual Property Organization (WIPO)
- Quality Control services - Review third party licensee use to prevent abandonment of licensed mark
- Send cease and desist letters to infringing parties
- File cancellation actions through the USPTO against infringing marks



Entertainment Law

Jahn & Associates negotiates and prepares the following agreements:

- Endorsement
- Product licensing
- Merchandising
- Film studio
- Publishing
- Radio
- Music (BMI, ASCAP SESAC)
- Artist
- Model



Trademark Applications/ Registrations

Trademarks are source identifiers for goods and services which include brand names, tag lines, designs and logos. Jahn & Associates assists clients with:

- Trademark searches
- Filing and prosecuting trademark applications throughout the world either through the USPTO or WIPO
- Maintenance and renewal services
- File and defend actions at the United States Trademark Trial and Appeal Board (e.g. oppositions, cancellations)

Trademark Fees (<http://jahnlaw.com/wp-content/uploads/2014/10/tm-fees-2014.docx>) (.docx)



Copyright Applications/ Registrations

A copyright protects original works of authorship fixed in a tangible medium of expression and includes, literary, musical, choreographic, pictorial, graphic, sculptural, motion picture, audiovisual, sound recording and architectural works.

- File copyright applications with the United States Copyright Office



Pro Bono

- Representing immigrants through the Rocky Mountain Immigrant Advocacy Network representing families and children refugees seeking asylum and victims of abuse to assist them in receiving status in the United States.
- Serving as a mentor for the University of Colorado's New Venture Challenge.
- A volunteer and member of Colorado Attorneys for the Arts.

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ABOUT



Fresh Perspective! We Keep It Simple.

Kirstin M. Jahn

Kirstin works closely with her clients to ensure the strategy developed, whether for IP protection, management, licensing or litigation, is considerate of the client's needs, finances and time. Working together with her client's Kirstin provides a fresh perspective on effectively handling large IP cases for the small to mid-size firm.

Curriculum Vitae

Degrees

- University of Buffalo School of Law, J.D. 1991
Moot Court Member - National Competition
- University of Massachusetts/Amherst, B.B.A. General Business & Finance 1985
Mortar Board Honor Society, Chapter President

Other Studies

Admissions

Arbitrator/Mediator

Publications

Seminars / Presentations

Membership / Committees / Pro Bono

Representative Clients

Registered with SBA as a Woman Owned Small Business



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Copyrights

A copyright protects original works of authorship fixed in a tangible medium of expression and includes, literary, musical, graphic, pictorial, graphic, sculptural, motion picture, audiovisual, sound recording, and architectural works.



Trademarks

A trademark is a distinctive word, phrase, logo, or symbol used to identify goods or services. Trademark law prohibits the use of another's mark in a way that is likely to cause confusion as to the origin or sponsorship of the good or service.



Patents

A patent protects an invention or discovery of a new and useful process, machine, manufacture, composition of matter or improvements thereof. Patent protection grants the inventor a controlled monopoly for a limited amount of time.

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Curriculum Vitae

Degrees

Other Studies

- William Mitchell College of Law 1988-1989
- Regents College London, U.K. 1989
- University of Copenhagen, Denmark 1983. East/West Business Relationships (with trips to East Germany, Poland and Russia)

Admissions

Arbitrator/Mediator

Publications

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Curriculum Vitae

Degrees

Other Studies

Admissions

- State and Federal Courts of New York (1992) Nevada (1996) Colorado (1999)
- Supreme Court of the United States of America (1995)
- United States Court of Appeals for the Federal Circuit (1997)
- United States Court of Appeals for the Ninth Circuit (1996)
- United States Court of Appeals for the Tenth Circuit (1999)

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Curriculum Vitae

Degrees

Other Studies

Admissions

Arbitrator/Mediator

- National Association of Securities Dealers (NASD) Board of Arbitrators 1989 - 1999
- Arbitration Association, Panel of Arbitrators, Securities Section 1989 - 1999
- Securities and Exchange Commission, Panel of Arbitrators
- Intellectual Property Mediator listed on the U.S. District Court for the District of Colorado's website.

Publications

Seminars / Presentations

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Arbitrator/Mediator

Publications

"Current Congressional Patent Reform Bills; The Innovation Act compared to The Strong Act" Boulder County Bar Association Newsletter June 2015

"Trademarks and the Trademark Process," Silicon Valley Seminars (2001) (a book provided through a 9-hour seminar Ms. Jahn taught throughout the United States).

"The IRS Gets Aggressive", Banker's Monthly, September 1990

Seminars / Presentations

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Arbitrator/Mediator

Publications

Seminars / Presentations

Denver Botanical Gardens, Botanical Art and Illustration Program – “Protecting an Artist’s Work” - March and May 2012; March 2014

Colorado and Boulder Bar Association – “Microsoft v. i4i Limited Partnership - Patent Case of the Year? A Unanimous Decision by the U.S. Supreme Court... so, what was all the hubbub about” – Summer and Fall 2011

Memberships/Committees

Faculty of Federal Advocates, Federal Circuit Bar Association, American Bar Association, AIPLA, INTA, New York Bar Association, Nevada Bar Association, Boulder Bar Association (Co-Chair Intellectual Property Section)

Pro Bono

Rocky Mountain Immigrant Advocacy Network - pro bono attorney representing victims of abuse and mother and children refugees to help them gain residential status in the U.S.

University of Colorado New Venture Challenge Mentor Member and Volunteer for Colorado Attorneys for the Arts.

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Patents

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Representative Clients

Individual Artists/Athletes: Ken Bernstein, Trevor Brazile, Shada Brazile, Will Clift, Victor Correa, Susan DiMarchi, Shelly Faust, Leah Garcia, Charmayne James, Dr. Mary Lippitt, Justin McBride, Ty Murray, Rich Skelton, Reb Zelman Entities: Acupuncture Clinic of Boulder, Atlantis Scientific, Blue Kangaroo Learning Center, Bally Gaming, Boulder County Aids Project, Boulder Land Consultants, Cellport Systems, Chamberlin Investment Group, Colorado Film Institute, Colorado Wildlife Fund, Corsair Memory, Cowgirl Skincare, Crave Café, Crossinology, Dos Vales, DTJ Design, Edge Medical, Edge Technology, Elite Rodeo Association, Enterprise Management Limited, Growing Spaces, Horizon Banks, Hunting World, Insollroll, Intentional Interiors, Lederman Bonding Company, Linking Human Systems, Madness Gaming, Markel Marketing, Ollie Sang, Paltronics, Photosense, Planet Baby, Quantum 3D, Roemer Marketing, Rocky Mountain Natural Labs, SalesBrain, Sierra Design Group, Sierra Development Company, Sierra Expeditions, Simco Imported Shoes, Skågen Designs, Solar World, Specialty Financial, Speedy Release, Speed Buy, Spring Ventures, Temperature, Tony Garritano Companies, Toolstudios, Value Preservation, Wildlife Federation

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Representative Clients

Registered with SBA as a Woman Owned Small Business

We qualify for the U.S. Government's System for Award Management (SAM) through the Small Business Administration as a Woman Owned Small Business.



Our Areas of Practice



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