

ESTTA Tracking number: **ESTTA741897**

Filing date: **04/22/2016**

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	Other Motions/Papers
Filer's Name	Elaine Yu
Filer's e-mail	elaine@avanzadolaw.com
Signature	/Elaine Yu/
Date	04/22/2016
Attachments	Avanzado Declaration ISO SJ With Exhs 1-7(FINAL).pdf(2244660 bytes)

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

*[Avanzado's Summary Judgment Motion,
Statement of Undisputed 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. The Avanzado Law Firm is located in Los Angeles, California. 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. The Avanzado Law Firm has provided many clients with litigation services since its inception.

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 over one hundred 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. To this day, I have used this tag line on my firm's website. My business cards contain the website for The Avanzado Law Firm and directs people to my firm's website. Since at least this date, I have attended and continue to attend networking and business functions on a monthly basis with attorneys, businesspeople and other professionals. At such functions, I hand out my business card which directs recipients to The Avanzado Law Firm's website. 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 requests for admissions. Attached as **Exhibit “6”** is a true and correct copy of Jahn’s March 9, 2015 discovery responses.

17. On or about March 9, 2015, we received Jahn’s responses to our first set of interrogatories. Attached as **Exhibit “7”** is a true and correct copy of Jahn’s March 9, 2015 discovery responses.

18. On or about March 9, 2015, we received Jahn’s responses to our first set of requests for documents. Attached as **Exhibit “8”** is a true and correct copy of Jahn’s March 9, 2015 discovery responses along with Jahn’s first set of produced documents bates stamped JA 1 through JA 38.

19. On or about June 3, 2015, we received Jahn’s responses to our second set of interrogatories. Attached as **Exhibit “9”** is a true and correct copy of Jahn’s June 3, 2015 second set of interrogatory responses.

20. On or about June 3, 2015, we received Jahn’s responses to our second set of requests for documents. Attached as **Exhibit “10”** is a true and correct copy of Jahn’s March 9, 2015 responses to the second set of document requests.

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 "11"** is a true and correct copy of Jahn's website as of April 22, 2016.

22. My cursory internet search on or about April 22, 2016 of the Avanzado Mark – and its variations – reveals that over a dozen firms use a phrase similar to the Avanzado Mark or the Jahn Mark. Attached as **Exhibit "12"** is a true and correct copy of over 25 law firm websites found on the internet that use a phrase similar to the parties' service marks.

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

Executed this 22nd day of April, 2016 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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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
www.entertainmentlitigationblog.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>>

> www.avanzadolaw.com

> www.entertainmentlitigationblog.com

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> attachments.

>

> 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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>> 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 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
>> <mel@avanzadolaw.com</mc/compose?to=mel@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 11:37 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

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>> >]

>>

>> 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/>>
>> 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: 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>>
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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
>> 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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>>
[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

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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.



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THE PABA FOUNDATION



p2c : branding & marketing

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**PHILIPPINE AMERICAN
BAR ASSOCIATION**

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.



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 File1](#)

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

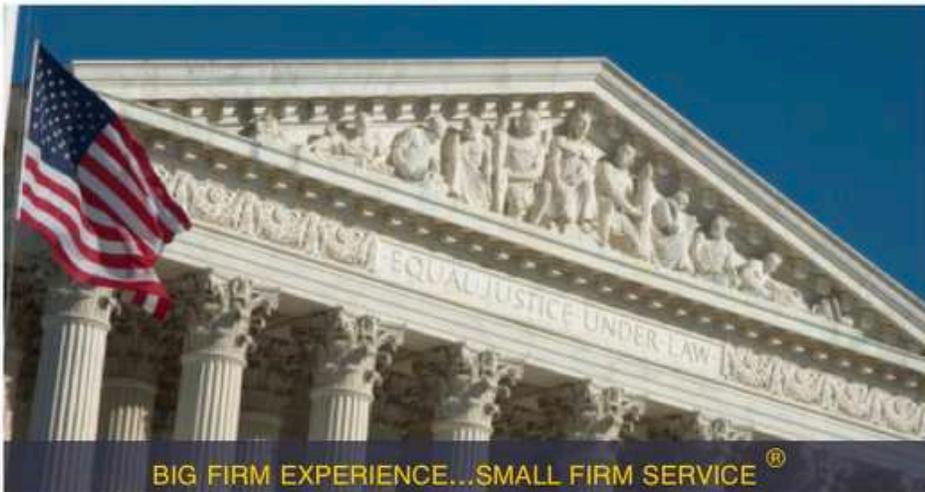
The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares 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
72428-85231879-480aaa0bfb9c5a6d619a8fac
0321bf8-CC-8007-20110201214433243292

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

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

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[MEDIA AND FIRST AMENDMENT](#)

[COMPLEX CIVIL LITIGATION](#)

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01.29.11

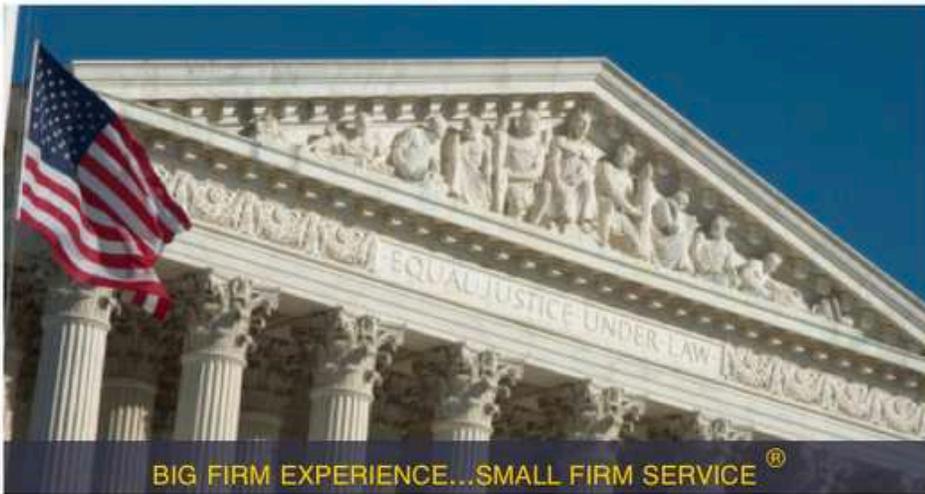
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Melvin N.A. Avanzado is an AV-rated trial lawyer.

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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

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Session duration 9 minutes 36 seconds

Default NEAR limit=1ADJ limit=1

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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
------------------------	----

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

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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. Kyffers

Director of the United States Patent and Trademark Office

**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



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

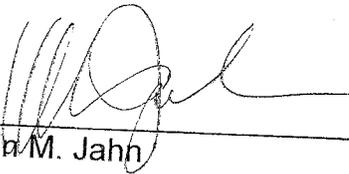

Kirstin M. Jahn

EXHIBIT 7

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.) PETITIONER'S RESPONSE
Melvin N.A. Avanzado) TO RESPONDENT'S FIRST
Respondent.) 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. 1: STATE the identities of all individuals from California who sought legal advise or representation from YOU or YOUR Practice.

RESPONSE: Petitioner objects to this request on the basis that it is overly broad, unduly burdensome, vague and ambiguous as to the term "Representation of clients in California." Petitioner further objects to this request on the basis that it calls for information protected by the attorney- client privilege and/or attorney work product doctrine. Specifically, as Petitioner understands the request, Petitioner includes, the following cases which are publically available and were handled by Petitioner in California: SalesBrain et al v. Teligent et al, Case No. CV 13-00265 venued in the U.S. District Court, Northern District of California, San Francisco Division; SalesBrain v. Angelvision Technologies, Case No. CV Case No. CV 12-05026 LB venued in the U.S. District Court, Northern District of California, San Francisco Division; Atlantis Scientific

v. Keyhole, Case No. CO2-03142 venued in the U.S. District Court, Northern District of California, Oakland Division. Subject to these objections, relevant, non-privileged, non-work product documents, if any exist, will be produced.

INTERROGATORY NO 2: STATE the identities of all potential and actual clientele from California who sought legal advice or representation from YOU or YOUR practice.

RESPONSE: Petitioner objects to this request on the basis that it is overly broad, unduly burdensome, vague and ambiguous as to the term "Representation of clients in California." Petitioner further objects to this request on the basis that it calls for information protected by the attorney- client privilege and/or attorney work product doctrine. Specifically, as Petitioner understands the request, Petitioner includes, the following cases which are publically available and were handled by Petitioner in California: SalesBrain et al v. Teligent et al, Case No. CV 13-00265 venued in the U.S. District Court, Northern District of California, San Francisco Division; SalesBrain v. Angelvision Technologies, Case No. CV Case No. CV 12-05026 LB venued in the U.S. District Court, Northern District of California, San Francisco Division; Atlantis Scientific v. Keyhole, Case No. CO2-03142 venued in the U.S. District Court, Northern District of California, Oakland Division. Subject to these objections, relevant, non-privileged, non-work product documents, if any exist, will be produced.

INTERROGATORY NO. 3: STATE all instances in which YOU practiced law in California.

RESPONSE: Petitioner objects to this request on the basis that it is overly broad, unduly burdensome, vague and ambiguous as to the term "Representation of clients in California." Petitioner further objects to this request on the basis that it calls for

information protected by the attorney- client privilege and/or attorney work product doctrine. Specifically, as Petitioner understands the request, Petitioner includes, the following cases which are publically available and were handled by Petitioner in California: SalesBrain et al v. Teligent et al, Case No. CV 13-00265 venued in the U.S. District Court, Northern District of California, San Francisco Division; SalesBrain v. Angelvision Technologies, Case No. CV Case No. CV 12-05026 LB venued in the U.S. District Court, Northern District of California, San Francisco Division; Atlantis Scientific v. Keyhole, Case No. CO2-03142 venued in the U.S. District Court, Northern District of California, Oakland Division. Subject to these objections, relevant, non-privileged, non-work product documents, if any exist, will be produced.

INTERROGATORY NO. 4. State all instances in which YOU represented clients in California.

RESPONSE: Petitioner objects to this request on the basis that it is overly broad, unduly burdensome, vague and ambiguous as to the term "Representation of clients in California." Petitioner further objects to this request on the basis that it calls for information protected by the attorney- client privilege and/or attorney work product doctrine. Specifically, as Petitioner understands the request, Petitioner includes, the following cases which are publically available and were handled by Petitioner in California: SalesBrain et al v. Teligent et al, Case No. CV 13-00265 venued in the U.S. District Court, Northern District of California, San Francisco Division; SalesBrain v. Angelvision Technologies, Case No. CV Case No. CV 12-05026 LB venued in the U.S. District Court, Northern District of California, San Francisco Division; Atlantis Scientific v. Keyhole, Case No. CO2-03142 venued in the U.S. District Court, Northern District of

California, Oakland Division. Subject to these objections, relevant, non-privileged, non-work product documents, if any exist, will be produced.

INTERROGATORY NO. 5: State when YOU first learned of Avanzado's February 1, 2011 application for trademark registration of AVANZADO's Mark.

RESPONSE: Petitioner first learned of the registration of AVANZADO's Mark on or about May 31, 2013.

INTERROGATORY NO. 6: STATE when you first learned of AVANZADO's Mark.

RESPONSE: Petitioner believes it first learned of AVANZADO's Mark in or about May, 2013.

INTERROGATORY NO. 7: STATE all facts that support YOUR "Likelihood of confusion" claim which YOU stated as a ground for cancellation in YOUR petition for cancellation.

RESPONSE: As between Petitioner's Mark, "Small Firm, Big Experience" and Respondent's Mark " Big Firm Experience... Small Firm service", Petitioner at this time provides the following facts supporting likelihood of confusion between the two marks:

1. The marks are similar in appearance, sound, connotation and commercial impression.
2. The nature of the services as described in the respective registrations is the same.
3. The trade channels are the same.
4. Petitioner's mark is very strong and has been in use since 2001. Discovery is still in its early stages and Petitioner reserves the right to amend this response as discovery proceeds.

INTERROGATORY NO. 8. STATE all evidence YOU have that support YOUR "likelihood of confusion" claim which YOU stated as a ground for cancellation in YOUR petition for cancellation.

RESPONSE: As between Petitioner's Mark, "Small Firm, Big Experience" and Respondent's Mark " Big Firm Experience... Small Firm service", Petitioner at this time provides the following facts supporting likelihood of confusion between the two marks:

1. The marks are similar in appearance, sound, connotation and commercial impression. 2. The nature of the services as described in the respective registrations is the same. 3. The trade channels are the same. 4. Petitioner's mark is very strong and has been in use since 2001. Discovery is still in its early stages and Petitioner reserves the right to amend this response as discovery proceeds.

INTERROGATORY NO. 9: STATE all uses of PLAINTIFF's MARK that YOU have made in commerce or any similar wording.

RESPONSE: Petitioner objects to this request on the basis that it is overly broad, unduly burdensome, vague and ambiguous. Petitioner further 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 further objects to this request to the extent it seeks information within the knowledge of Respondent. Subject to these objections, Petitioner states that use of its Mark, Small Firm, Big Experience has been made on its website since 2001, in flyers and brochures since 2001 and on its letterhead.

INTERROGATORY NO. 10: STATE all periods of time in which YOU have used PLAINTIFF's MARK on or in connection with YOUR related services and/or advertising or promotion of YOUR services.

RESPONSE: Petitioner has been continuously using its mark since at least October 31, 2001.

INTERROGATORY NO. 11: STATE the identities of all YOUR clients or potential clients

who have expressed any question, concern or comment regarding any affiliation between YOU and Avanzado.

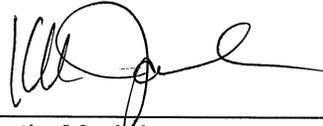
RESPONSE: Petitioner objects to this request on the basis that it is overly broad, unduly burdensome, vague and ambiguous. Petitioner further objects to this request on the basis that it calls for information protected by the attorney- client privilege and/or attorney work product doctrine.

INTERROGATORY NO. 12: STATE the identities of all persons who consulted, supervised, directed or were otherwise involved in creating and/or selecting PLAINTIFF'S MARK.

RESPONSE: At this time, Petitioner can only recall the name of Kirstin M. Jahn.

Dated: March 9, 2015

JAHN & ASSOCIATES, LLC

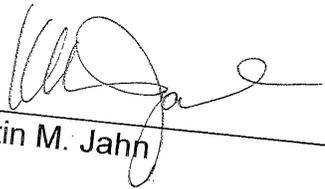


Kirstin M. Jahn
Petitioner

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

PROOF OF SERVICE

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

DECLARATION OF RESPONDENT AND DEFENDANT MELVIN N.A.
AVANZADO IN SUPPORT OF AVANZADO'S MOTION FOR SUMMARY
JUDGMENT

to be served on the interested parties in this action as follows by placing

the original a true copy thereof enclosed in sealed envelopes addressed as stated below:

Kirstin M. Jahn
Jahn & Associates, LLC
1942 Broadway, Suite 314
Boulder, Colorado 80304
<kirstin@jahnlaw.com>

- BY MAIL:** I sealed and placed such envelope for collection and mailing to be deposited in the mail on the same day in the ordinary course of business at Los 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.
- BY OVERNIGHT COURIER:** I caused such envelope to be placed for collection and delivery on this date in accordance with standard _____ delivery procedures.
- BY FAX:** In addition to service by mail, I transmitted a copy of the foregoing document(s) this date via telecopier to the facsimile numbers shown above.
- BY ELECTRONIC MAIL:** I personally delivered such envelope by electronic mail 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 April 22, 2016 at Los Angeles, California.



Elaine W. Yu