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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
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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 Exhibit 11 Only (FINAL).pdf(1218867 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]*

EXHIBIT 11 TO THE DECLARATION OF MELVIN N.A. AVANZADO IN SUPPORT
OF AVANZADO'S MOTION FOR SUMMARY JUDGMENT

EXHIBIT 11



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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.

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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

- Providing monthly forecasts of expected workload, costs and expenses
- Associating with additional counsel to manage the workload if the case so warrants

- Artist
- Model

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

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Microsoft v. i4i Limited Partnership

Under U.S. Supreme Court (<http://jahnlaw.com/category/u-s-supreme-court/>)

__ U.S. __, 131 S. Ct. 2238 (2011)

- Filed an Amicus Curie brief on behalf of AmiCour IP in support of i4i Limited Partnership who prevailed on appeal.
- Microsoft attempted to lower the standard to invalidate a patent from "clear and convincing" to "preponderance of the evidence"
- The AmiCour IP Amicus Curie brief was also cited in congressional testimony on May 21, 2014 by the Small Business Technology Counsel under the topic "Improvements to the Small Business Innovation Research Programs and Unleashing American Innovation."

Categories

U.S. Supreme Court (http://jahnlaw.com/category/u-s-supreme-court/)	>
United States Circuit Court of Appeals (http://jahnlaw.com/category/united-states-circuit-court-of-appeals/)	
United States District Court (http://jahnlaw.com/category/united-states-district-court/)	>

Bechtel v. Admin. Review Bd., U.S. Dept of

Labor et. al.

Under United States Circuit Court of Appeals (<http://jahnlaw.com/category/united-states-circuit-court-of-appeals/>)

710 F.3d. 443 (2nd Cir. 2013)

- Represented Scott Bechtel
- Appeal concerned a violation of the federal whistleblower statute

Enterprise Management Ltd., Inc. et al v. Warrick

Under United States Circuit Court of Appeals (<http://jahnlaw.com/category/united-states-circuit-court-of-appeals/>)

717 F3d 1112 (10th Cir 2012)

- Copyright infringement action.
- Represented Plaintiff copyright holder – prevailed on appeal
- The 10th Circuit reversed and remanded the District Court, holding Dr. Lippitt's one page diagram on "Managing Complex Change" protectable.

Burgess et. al. v. Gilman et. al.

Under United States Circuit Court of Appeals (<http://jahnlaw.com/category/united-states-circuit-court-of-appeals/>)

134 Fed. Appx. 200 (9th Cir. 2005)

- Represented Defendants
- Issue related to the grant of a preliminary injunction to use the famous "Mustang Ranch" trademark
- Plaintiffs argued the trademark was abandoned due to the U.S. Government's delay in selling the famous mark and business to Defendants
- Defendants prevailed at trial.

Broadcast Music, Inc. et. al. v. B & D, LLC et. al.

Under United States District Court (<http://jahnlaw.com/category/united-states-district-court/>)

U.S. District Court, District of Colorado (2014)

- Represent Defendants
- Copyright infringement action

Naturally Caffeinated, Inc. v. Contour Technologies, Inc.

Under United States District Court (<http://jahnlaw.com/category/united-states-district-court/>)

U.S. District Court, District of Colorado (2013)

- Represented Plaintiff
- Case involved a breach of an endorsement agreement
- Case settled

SalesBrain, LLC et. al. v. Teligent Corp. et. al.

Under United States District Court (<http://jahnlaw.com/category/united-states-district-court/>)

U.S. District Court, Northern District of California (2013)

- Represented Plaintiff
- A copyright, trademark and breach of contract action
- Case settled

McConnell v. Microsoft Corp.

Under United States District Court (<http://jahnlaw.com/category/united-states-district-court/>)

U.S. District Court, District of Colorado (2010)

- Represented Plaintiff
- Plaintiff brought a Declaratory Judgment action against Microsoft to render Microsoft's employment agreement void
- Case settled before Court ruling on the Motion for Preliminary Injunction after pending for 7 months

Lord Corporation v. Active Shock, Inc.

Under United States District Court (<http://jahnlaw.com/category/united-states-district-court/>)

U.S. District Court, District of North Carolina, Western Division

- Represented Lord Corporation
- Patent infringement action involving three patents
- The case settled prior to claim construction

Corporate Visions, Inc. v. SalesBrain, LLC et. al.

Under United States District Court (<http://jahnlaw.com/category/united-states-district-court/>)

U.S. District Court, Reno, NV (2009)

- Represented Defendants
- A copyright infringement, tradeseecret misappropriation, breach of contract action.
- The case settled prior to trial

TRI Marketing v. Mainstream Marketing Services, Inc.

Under United States District Court (<http://jahnlaw.com/category/united-states-district-court/>)

2009 WL 1408741 (D. Minn. 2009)

- Represented Defendants
- A copyright infringement action
- Represented Defendant in motion to dismiss action because copyright registration had not issued at the time the suit was filed. This was an interesting case because the U.S. Circuit Court's of Appeal are split on the issue of whether a federal case can be brought after filing the copyright

application or whether one must wait for the copyright registration certificate to issue before filing suit. This makes it ripe for U.S. Supreme Court review.

Phillips Performance Nutrition v. Bayer Healthcare, LLC

Under United States District Court (<http://jahnlaw.com/category/united-states-district-court/>)

U.S. District Court, District of Colorado (2008); 2008 WL 4079978 (D. Colo. 2008)

- Represented Plaintiff
- Declaratory Judgment action for determination that Plaintiffs "Phillips Performance Nutrition" mark for nutritional products did not infringe "Phillips" Milk of Magnesia mark
- Case settled

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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
<ul style="list-style-type: none"> ◦ University of Buffalo School of Law, J.D. 1991 <i>Moot Court Member - National Competition</i> ◦ University of Massachusetts/Amherst, B.B.A. General Business & Finance 1985 <i>Mortar Board Honor Society, Chapter President</i>
Other Studies

Admissions
Arbitrator/Mediator
Publications
Seminars / Presentations
Membership / Committees / Pro Bono
Representative Clients
Registered with SBA as a Woman Owned Small Business



Our Areas of Practice



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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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

EXHIBIT 11 TO THE 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:

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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