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

Proceeding	92060029
Party	Plaintiff Jahn & Associates
Correspondence Address	KIRSTIN M JAHN JAHN & ASSOCIATES, LLC 1942 BROADWAY SUITE 314 BOULDER, CO 80304 UNITED STATES Kirstin@jahnlaw.com
Submission	Motion for Summary Judgment
Filer's Name	Kirstin M. Jahn
Filer's e-mail	Kirstin@jahnlaw.com
Signature	/kmj/
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**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.

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) CANCELLATION NO. 92060029
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Petitioner Jahn & Associates, LLC hereby moves for summary judgment because there is no issue of disputed fact that Respondent Melvin N.S. Avanzado's BIG FIRM EXPERIENCE...SMALL FIRM SERVICE mark is confusingly similar to Petitioner's SMALL FIRM, BIG EXPERIENCE mark (Reg. No. 3642830). Fed. R. Civ. P. §56 and TBMP §528. This motion is based on the supporting memorandum of points and authorities; the accompanying Declaration of Kirstin M. Jahn, the evidence of record and such other evidence or argument as may be presented herein.

INTRODUCTION

Petitioner has used its SMALL FIRM, BIG EXPERIENCE Mark at least as early as October 2001 in connection with legal services. Petitioner applied for and received a federal trademark registration for its SMALL FIRM, BIG EXPERIENCE mark under U.S. Registration Number 3642830. Since that time, Petitioner has invested valuable time and resources to develop goodwill associated with its Mark and to protect the distinctiveness and strength of its mark.

Over 7 years after Plaintiff began using its SMALL FIRM, BIG EXPERIENCE mark, Respondent purportedly began using its similar BIG FIRM EXPERIENCE ...SMALL FIRM SERVICE Mark for litigation services.

Petitioner will show it is entitled to summary judgment as a matter of law because Petitioner is the senior user of the mark and the salient factors establishing likelihood of confusion exist, namely, the two marks are similar in sight, sound and meaning, they encompass the same services and market in the same trade channels.

STATEMENT OF UNDISPUTED FACTS

1. On or before October, 2001, Petitioner began using its SMALL FIRM, BIG EXPERIENCE trademark in connection with legal services. *See, Declaration of Kirstin M. Jahn dated September 4, 2015 ("Jahn Decl."), ¶3, Ex. A.*

2. On November 13, 2008, Petitioner applied for federal registration of its SMALL FIRM, BIG EXPERIENCE MARK under Serial No. 77/613824. *Jahn Decl. ¶4, Ex. B.*

3. On June 23, 2009, Petitioner's mark, SMALL FIRM, BIG EXPERIENCE registered under Registration Number 3642830 for use in connection with legal services in International Class 45. *Jahn Decl. ¶5, Ex. C.*

4. Since its registration, Petitioner has made a diligent effort to police its mark to stop third party use of confusingly similar marks. *Jahn Decl. ¶6, Ex. D.*

5. Petitioner has been successful in obtaining third party agreements to cease using the same or similar marks. *Jahn Decl. ¶7, Ex. D.*

6. Petitioner's policing of its mark is an ongoing process. *Jahn Decl.* ¶8, *Ex. E.*

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. *Jahn Decl.* ¶9, *Ex. F.*

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. *Jahn Decl.* ¶10, *Ex. G.*

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. *Jahn Decl.* ¶11, *Ex. H.*

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. *Jahn Decl.* ¶12, *Ex. I.*

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. *Jahn Decl.*

¶13.

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POINTS AND AUTHORITIES

Legal Standard

The Lanham Act allows for cancellation of a Principal Register registration by anyone “who believes that he is or will be damaged ... by the registration.” 15 U.S.C.A. § 1064; *Golden Gate Salami Co. v. Gulf States Paper Corp.*, 332 F.2d 184, 188, 141 USPQ 661, 664 (CCPA 1964). The party seeking cancellation must prove two elements: (1) that it has standing; and (2) that there are valid grounds for canceling the registration. *International Order of Job's Daughters v. Lindeburg & Co.*, 727 F.2d 1087, 1091, 220 USPQ 1017, 1019 (Fed. Cir. 1984); *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 945 (Fed. Cir. 2000).

Standing is the more liberal of the two elements and requires only that the party seeking cancellation believe that it is likely to be damaged by the registration. *Golden Gate*, 332 F.2d at 188, 141 USPQ at 664. A belief in likely damage can be shown by establishing a direct commercial interest. *International Order*, 727 F.2d at 1092, 220 USPQ at 1020; *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 945 (Fed. Cir. 2000).

There is no question Petitioner is the senior user of the marks at issue in this case. See, *Statement of Material Facts (“SMF”)* ¶¶1-3,7-8. Petitioner owns a prior registration for its mark SMALL FIRM, BIG EXPERIENCE for use in connection with legal services which registered on June 23, 2009 for use which began in 2001. *SMF* ¶1 and 3. Petitioner’s registration and the services sold under its registered mark suffice to establish its direct commercial interest and standing to petition for cancellation of Respondent’s subsequent registration BIG FIRM EXPERIENCE...SMALL FIRM

SERVICE mark for use in connection with litigation services, which registered in 2011.
SMF ¶8.

Establishing the second element, a valid ground for cancellation, is simplified if the accused registered mark has been on the Principal Register for less than five years. *International Order*, 727 F.2d at 1091, 220 USPQ at 1020; *Cunningham*, 222 F.3d at 946. In the present case, Respondent's mark BIG FIRM EXPERIENCE...SMALL FIRM SERVICE has a Principal Register registration date of August 23, 2011 and, therefore, has been on the Principal Register for less than five years. *SMF* ¶8. As such, any ground that would have prevented registration in the first place, such as likelihood of confusion, qualifies as a valid ground for cancellation in this case. *Cunningham*, 222 F.3d at 945-46.

Summary judgment is proper and should be granted whenever the pleadings, discovery, and affidavits show there to be "no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56 (c); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). Petitioner, as the moving party, bears the burden of informing the tribunal of the basis for its motion, along with evidence showing the absence of any genuine issue of material fact. *Celotex*, 477 U.S. at 323. A material fact is any that "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A genuine issue of material fact exists if there is evidence that would permit the fact finder to return a decision in favor of the nonmoving party. *Id.* Petitioner has the burden of proving by a preponderance of the evidence that there is a likelihood of confusion

between the two marks. *Cunningham*, 222 F.3d at 951. “[T]he overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer.” See, *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination should be resolved in favor of the senior user/registrant. TMEP §1207.01(d)(i); see *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

**RESPONDENT’S
“BIG FIRM EXPERIENCE... SMALL FIRM SERVICE MARK”
IS CONFUSINGLY SIMILAR TO
PETITIONER’S “SMALL FIRM, BIG EXPERIENCE MARK”**

Approximately thirteen factors may be used to determine whether likelihood of confusion between two marks exists: 1) The similarity or dissimilarity of the marks in their entireties and 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 (i.e., agreements between the Applicant and 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 any other established fact probative of the effect of use. *In re E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973).

“Not all of the *DuPont* factors may be relevant or of equal weight in any one case, and any one of the factors may control a particular case.” *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567. The court “may focus its analysis on dispositive factors, such as similarity of the marks and relatedness of the goods.” *In re Dixie Restaurants, Inc.*, 105 F.3d 1405, 1406-07 (Fed. Cir. 1997). Moreover, “a finding of similarity as to any one factor (sight, sound **or** meaning) alone ‘may be sufficient to support a holding that the marks are confusingly similar’ (*emphasis added*). *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988) *citing*, *Trak, Inc. v. Traq Inc.*, 212 USPQ 846, 850 (TTAB 1981); *General Foods Corp. v. Wisconsin Bottling, Inc.*, 190 USPQ 43, 45 (TTAB 1976); *In re Mack*, 197 USPQ 755, 757 (TTAB 1977); *Krim-Ko Corp. v. Coca-Cola Co.*, 390 F.2d 728, 732, 156 USPQ 523, 526 (CCPA 1968).

Although the weight given to the relevant *du Pont* factors may vary, the following two factors are key considerations in any likelihood of confusion determination:

The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.

The relatedness of the goods or services as described in the application and registration(s).

See, e.g., *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d

1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *In re Max Capital Grp. Ltd.*, 93 USPQ2d 1243, 1244 (TTAB 2010); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1635 (TTAB 2009).

TMEP §1207.01.

In this case, Petitioner will demonstrate that likelihood of confusion between Petitioner's mark and Respondent's mark exists as a matter of law because no issue of material fact exists and the salient factors - similarity of marks, similarity of services and similarity of trade channels are met.

A. The Marks Are Virtually Identical In Sight, Sound and Meaning.

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in the marks being compared. *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in their entireties that confusion as to the source of the goods and/or services offered

under the two marks is likely to result. *Edom Labs., Inc. v. Lichter*, 102 USPQ2d 1546, 1551 (TTAB 2012); *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

Respondent's BIG FIRM EXPERIENCE...SMALL FIRM SERVICE mark is essentially identical in sight, sound and meaning to Petitioner's prior registered, SMALL FIRM, BIG EXPERIENCE mark. Respondent's mark contains only one additional word - the word "SERVICE", which is descriptive of Respondent's identification of "litigation services." The Federal Circuit has noted that the "descriptive component of a mark may be given little weight in reaching a conclusion on likelihood of confusion." *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 947 (Fed. Cir. 2000) citing, *In Re National Data*, 753 F.2d at 1056, 1060, 224 USPQ 749, 752 (Fed. Cir. 1985).

As such, when the two marks are compared without the descriptive element "SERVICE" in Respondent's mark, the two marks, SMALL FIRM, BIG EXPERIENCE and BIG FIRM EXPERIENCE ... SMALL FIRM are virtually identical in sight and sound. In fact, the search in the USPTO TESS database for SMALL FIRM, BIG EXPERIENCE brings up both marks in its result. *SMF ¶9*. Similarly, the search in the USPTO database for BIG FIRM EXPERIENCE...SMALL FIRM (leaving out the descriptive "SERVICE") brings up both marks in the result as well. *SMF ¶10*. As such, the marks are confusingly similar because they are virtually the same in sight and sound.

Moreover, the marks convey the same commercial connotation and impression, which is that each firm provides the knowledge and/or expertise of a big firm for the

lower prices, individualized attention and personalized service a small legal office provides.

Overall, BIG FIRM EXPERIENCE...SMALL FIRM SERVICE is similar in sight, sound and meaning to SMALL FIRM, BIG EXPERIENCE because the words in the marks are the same and they both convey the same meaning rendering the marks confusingly similar.

2. The Services Are the Exact Same.

The goods or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); *see, e.g., Online Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

In this case, the services are exactly the same. Petitioner uses its mark in connection with "legal services" and Respondent uses its mark in connection with "litigation services". Since litigation services are encompassed in legal services, the marks are used for the same services. This is the second element of three salient factors which is met establishing likelihood of confusion because the marks are both

used in connection with the exact same services.

3. The Trade Channels Are The Same.

Absent restrictions in an application and/or registration, the identified goods and/or services are presumed to travel in the same channels of trade to the same class of purchasers. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d at 1268, 62 USPQ2d at 1005. Unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See, In re Jump Designs*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification of services set forth in the both registrations have no restrictions as to nature, type, channels of trade, or classes of purchasers. The Petitioner's identification of services, "legal services" encompasses all services of the type described, including those in Respondent's, more narrow, identification of "litigation services." Therefore, it is presumed that these services travel in all normal channels of trade, and are available to the same class of purchasers. *Citigroup Inc.*, 637 F.3d at 1356, 98 USPQ2d at 1261.

Moreover, Petitioner provides legal services throughout the United States because intellectual property litigation occurs in the United States District Courts throughout the United States. *SMF* ¶11. Petitioner's attorneys have represented clients, in the federal courts located in California, Illinois, New York, Minnesota, Virginia, Nevada and Colorado. *Id.* Since Respondent is located in California and Petitioner has

handled cases in the federal courts of California Petitioner and Respondent's trade channels overlap.

In sum, the third salient factor establishing likelihood of confusion- similarity of trade channels - is met here.

4. *Petitioner Has a Strong Mark*

Petitioner's mark is deemed inherently distinctive because it registered on the Principal Register. 15 U.S.C. § 1052 (1982); TMEP§1207.01(d)(ii); *California Cooler, Inc. v. Loretto Winery, Ltd.*, 774 F.2d 1451, 1454 (9th Cir. 1985). Since Petitioner's mark registered, Petitioner has made a diligent effort to police its mark to stop third party use of confusingly similar marks. *SMF ¶4*. Petitioner has been successful in obtaining third party agreements to cease using the same or similar mark. *SMF ¶5*. Petitioner's policing of its mark is an ongoing process. *SMF ¶6*. In sum, Petitioner's mark is strong because it is distinctive and Petitioner has made continued efforts to protect and maintain the distinctiveness and strength of its mark and the goodwill associated therewith.

5. The Remaining *DuPont* Factors Are Neutral

The remaining *DuPont* Factors are neutral: there is no evidence supporting buyers are either sophisticated or impulsive; although there is some third party use of similar marks for similar services, Petitioner continues to diligently police its mark to protect its distinctiveness, strength and goodwill, so this factor either weighs in Petitioner's favor or, at the very least, is neutral; there is no evidence of actual confusion but the absence of actual confusion should not weigh against a finding of

likelihood of confusion¹; there are no agreements to co-exist in the marketplace.

As such, the remaining *DuPont* factors either weigh more heavily in favor of likelihood of confusion or are neutral.

In sum, Petitioner's motion for summary judgment should be granted because Petitioner has shown all three of the salient factors establishing likelihood of confusion (similarity of marks, similarity of services and similarity of trade channels) are met in this case. *TEMP §1207.01; In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007).

Thus, since only a showing that just one *of the Du Pont* factors is sufficient by itself to establish likelihood of confusion; without considering the remaining *Du Pont* factors and, in this case, Petitioner showed that Respondent's mark was similar in sight, sound **and** meaning, its services using the mark are the same and the trade channels are the same, Petitioner has abundantly shown that Respondent's mark is confusingly similar to Petitioner's mark. This showing, coupled with the undisputed fact that Petitioner is the senior user of SMALL FIRM, BIG EXPERIENCE Mark along with the efforts Petitioner has made to maintain the distinctiveness and strength of its mark

¹"A showing of actual confusion would of course be highly probative, if not conclusive, of a high likelihood of confusion. The opposite is not true, however. The lack of evidence of actual confusion carries little weight." *In re Majestic Distilling Co.*, 315 F.2d at 1317.

demonstrates Petitioner's entitlement to summary judgment as a matter of law.

CONCLUSION

For the foregoing reasons, Petitioner, Jahn & Associates, LLC requests that its motion for summary judgment be granted.

Dated: September 5, 2015

Respectfully submitted,

s/Kirstin M. Jahn

DECLARATION OF KIRSTIN M. JAHN

Kirstin M. Jahn, under penalty of perjury, hereby states that:

1. I am licensed to practice law in the States of Colorado, New York and Nevada and before this tribunal and am owner of Jahn & Associates, LLC, Petitioner in this action.

2. The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the document resulting therefrom, declares that all statements made herein of her own knowledge are true; and all statements made herein on information and belief are believed to be true.

3. On or before October, 2001, Petitioner began using its SMALL FIRM, BIG EXPERIENCE trademark in connection with legal services. Attached hereto as Exhibit A is a true and correct copy of the specimen provided in support of Petitioner's trademark application for SMALL FIRM, BIG EXPERIENCE obtained from the USPTO TSDR database.

4. On November 13, 2008, Petitioner applied for federal registration of its SMALL FIRM, BIG EXPERIENCE MARK under Serial No. 77/613824. Attached hereto as Exhibit B is a true and correct copy Petitioner's trademark application obtained from the USPTO TSDR database.

5. On June 23, 2009, Petitioner's mark, SMALL FIRM, BIG EXPERIENCE registered under Registration Number 3642830 for use in connection with legal services in International Class 45. Attached hereto as Ex. C is a true and correct copy of Petitioner's Certificate of Registration for SMALL FIRM, BIG EXPERIENCE obtained

from the USPTO TSDR database.

6. Since its registration, Petitioner has made a diligent effort to police its mark to stop third party use of confusingly similar marks. Attached hereto as Exhibit D are true and correct copies of CONFIDENTIAL cease and desist letters sent by Petitioner along with evidence of use and subsequent agreement to cease or website evidence showing no further use.

7. Petitioner has been successful in obtaining third party agreements to cease using the same or similar marks. *Id.*, see *JA 40,42,44,47 and 50-51* showing either agreement to cease or website pages showing subsequent ceasing of use of confusingly similar marks.

8. Petitioner's policing of its mark is an ongoing process. Attached hereto as Exhibit E are true and correct copies of CONFIDENTIAL cease and desist letters sent by Petitioner.

9. 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. Attached hereto as Exhibit F is a true and correct copy of Respondent's respective trademark application obtained from the USPTO TSDR database.

10. 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. Attached hereto as Exhibit G is a true and correct copy of the Certificate of Registration No. 4015965 obtained from the USPTO TSDR database.

11. When the search for “SMALL FIRM BIG EXPERIENCE” is entered in the USPTO TESS database, the reference for Respondent’s and Petitioner’s mark shows in the results. Attached hereto as Exhibit H is a true and correct copy of the results of the search for SMALL FIRM, BIG EXPERIENCE on the USPTO TESS system.

12. Similarly, the results for the search for “BIG FIRM EXPERIENCE, SMALL FIRM” in the USPTO TESS database shows Respondent’s mark along with Petitioner’s mark. Attached hereto as Exhibit I is a true and correct copy of the results of the search for “BIG FIRM EXPERIENCE, SMALL FIRM” on the USPTO TESS system.

13. 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.

Dated: September 5, 2015

s/Kirstin M. Jahn

EXHIBIT A

JAHN&ASSOCIATES

SMALL FIRM, *BIG EXPERIENCE*™

Patent

Trademark

Copyright

Law

Do you know the difference between a trademark and a trade name?

What about a common law trademark and a federal trademark? If you've answered 'no' or even 'sort of' then you're like countless business owners and managers. But don't worry! Working through this handout will help you become comfortable with this differentiation. What's more, you'll have a clear picture of your next steps toward protecting your business, brand and product names.

The case history below describes events that hundreds of businesses have experienced. Most important, it outlines a serious reality about intellectual property: without the proper trademark registration in place, the hard work that folks like you invest in your dreams and ideas can be jeopardized.

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Case History

Purple Sun, Inc.

In 1995, Bob and Linda Jones founded Purple Sun, Inc. and began making Purple Sun Lemonade. By their measure, success came quickly. Deep roots in the local natural foods industry helped to get their product into stores quickly. Several great employees and a little luck didn't hurt, either.

By 1999, they had 23 employees and Purple Sun Lemonade was a favorite in stores all over Boulder and the surrounding area. So good was their lemonade that they regularly fielded calls from folks who had tried it out while visiting Boulder. Again and again they heard, "When are you going to sell your lemonade in our area?"

Being astute entrepreneurs, they soon realized two things. Without really trying they had developed a quality brand whose reputation had grown beyond their home turf. If they wanted to expand their business to match the growth of their reputation, now was the time.

The dream of growing their business spread like wildfire through the company. Soon Bob and Linda were strategizing on how to make it happen. They negotiated with distributors, mapped out production and planned a national ad campaign. Then Bob asked a simple question. "What about a trademark - shouldn't we have one?"

"Isn't that what we got when we applied for our trade name," was Linda's reply. By now you've probably guessed the answer. After a quick search they discovered that in 1997, another company had filed a federal trademark application for Purple Sun Lemonade. All Bob and Linda "owned" were common law rights in the Purple Sun trademark and a trade name. Suddenly the founders of Purple Sun, Inc. were faced with a hard decision: go national by changing their product name - and in the process losing the brand recognition entrenched in their home territory - or scrap their expansion plans. Could this have been prevented? The answer is **YES**.

In Plain English

Trademark: A trademark identifies and protects a specific product or service. A good way to think about a trademark is that it is an *adjective* (identifier) modifying a *noun* (product or service).

Examples are *Purple Sun* lemonade, *Apple* computers, and *Pepsi* cola.

Common Law Trademarks: A trademark can be used without obtaining a federal or state registration. This is known as "common law" use of a trademark and is often noted by the ™ symbol. It protects a product according to where and when the mark is first used.

Purple Sun, Inc. had a common law mark that protected use of their product within the Boulder Valley area. Since a federal mark for the same name belonged to another company, Bob and Linda were limited to using the mark within their home territory.

Trade Name: A trade name is the name applied for, through the state, that is needed to conduct business in the state.

When Bob and Linda began Purple Sun, Inc. they received a **trade name** through the tax division of the state of Colorado - they did not receive a trademark.

Federal Trademark Registration: A United States trademark registration - designated by the superscript ® - provides the owner with the right to use the mark with their product or service. These rights apply to use within the United States and its territories for a period of ten years. The owner has rights to renew the mark so long as it remains in continuous use in interstate commerce.

The exception to this is highlighted by the Purple Sun case history. The competitor that filed the federal mark for the same name gained rights to use it in all places except for Boulder and the surrounding area.

Small Firm, Big Experience

With locations in Reno, Nevada and Boulder, Colorado, Jahn & Associates is a boutique firm focused exclusively on intellectual property law. Although many firms include this specialty in their list of practice areas, very few can claim it as a sole concentration.

Jahn & Associates draws upon a decade of experience that began with general practice, including civil litigation, corporate and securities law. Today, their concentration on intellectual property law includes patents, trademarks, copyrights and trade secrets. The firm has been kept small, which makes a lot of sense when their clients sit down to consult with them. It isn't only that one-on-one conversations include the unique perspectives of the small business. It's that, on a day-to-day basis, Jahn & Associates is a small firm drawing upon big experience. For their clients - and folks like you - this means big value with a small price tag.

Kirstin M. Jahn, Attorney at Law

In 1997, Kirstin Jahn founded Jahn & Associates and dedicated herself to serving the intellectual property needs of small and medium-sized organizations. After ten years of practicing law, she runs a practice that emphasizes quality and efficiency. No matter is too large or small. With associates in firms all around the globe, she has successfully served clients' needs domestically and internationally. Experience has shown Kirstin that clients often prefer a peaceful resolution to disputes and she makes every effort to negotiate successfully before engaging in litigation. Because she focuses her practice solely on intellectual property, a conflict of interest rarely arises between her firm and an organization's corporate representation. In fact, in the majority of these situations the two firms work together toward a resolution to meet the needs of their joint client.

For further information regarding your trademark and other intellectual property needs, please call Jahn & Associates at (303)545-5128 in Boulder, Colorado or (775)329-2282 in Reno, Nevada. You can discover more about her firm on the web at www.kmjlaw.com.



Colorado

1942 Broadway, Suite 510
Boulder, Colorado 80302
tel (303)545.5128
fax (303)545.5196

Nevada

565 California Avenue
Reno, Nevada 89509
tel (775)329.2282
fax (775)348.7977

EXHIBIT B

Trademark/Service Mark Application, Principal Register

Serial Number: 77613824

Filing Date: 11/13/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77613824
MARK INFORMATION	
*MARK	SMALL FIRM, BIG EXPERIENCE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SMALL FIRM, BIG EXPERIENCE
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	Jahn & Associates, LLC
*STREET	1942 Broadway Suite 314
*CITY	Boulder
*STATE (Required for U.S. applicants)	Colorado
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	80302
LEGAL ENTITY INFORMATION	
TYPE	corporation

STATE/COUNTRY OF INCORPORATION	Nevada
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	
* IDENTIFICATION	Legal services.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/31/2001
FIRST USE IN COMMERCE DATE	At least as early as 10/31/2001
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	spec-7123794224-150407333_._Flyer.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT4\IMAGEOUT4\776\138\77613824\xml1\APP0003.JPG
	\\TICRS\EXPORT4\IMAGEOUT4\776\138\77613824\xml1\APP0004.JPG
SPECIMEN DESCRIPTION	Use of mark in connection with services
ATTORNEY INFORMATION	
NAME	Kirstin M. Jahn
FIRM NAME	Jahn & Associates, LLC
STREET	1942 Broadway
INTERNAL ADDRESS	Suite 314
CITY	Boulder
STATE	Colorado
COUNTRY	United States
ZIP/POSTAL CODE	80302
PHONE	303-545-5128
EMAIL ADDRESS	Kirstin@kmjlaw.com
AUTHORIZED TO	

COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Kirstin M. Jahn
FIRM NAME	Jahn & Associates, LLC
STREET	1942 Broadway
INTERNAL ADDRESS	Suite 314
CITY	Boulder
STATE	Colorado
COUNTRY	United States
ZIP/POSTAL CODE	80302
PHONE	303-545-5128
EMAIL ADDRESS	Kirstin@kmjlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/kmj/
SIGNATORY'S NAME	Kirstin M. Jahn
SIGNATORY'S POSITION	Owner
DATE SIGNED	11/13/2008

Trademark/Service Mark Application, Principal Register

Serial Number: 77613824

Filing Date: 11/13/2008

To the Commissioner for Trademarks:

MARK: SMALL FIRM, BIG EXPERIENCE (Standard Characters, see [mark](#))

The literal element of the mark consists of SMALL FIRM, BIG EXPERIENCE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Jahn & Associates, LLC, a corporation of Nevada, having an address of

1942 Broadway Suite 314

Boulder, Colorado 80302

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.

International Class _____: Legal services.

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class _____, the mark was first used at least as early as 10/31/2001, and first used in commerce at least as early as 10/31/2001, 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) Use of mark in connection with services.

Original PDF file:

[spec-7123794224-150407333_.Flyer.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

The applicant hereby appoints Kirstin M. Jahn of Jahn & Associates, LLC

Suite 314

1942 Broadway

Boulder, Colorado 80302

United States

to submit this application on behalf of the applicant.

Correspondence Information: Kirstin M. Jahn

Suite 314
1942 Broadway
Boulder, Colorado 80302
303-545-5128(phone)
Kirstin@kmjlaw.com (authorized)

A fee payment in the amount of \$325 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: /kmj/ Date Signed: 11/13/2008
Signatory's Name: Kirstin M. Jahn
Signatory's Position: Owner

RAM Sale Number: 340
RAM Accounting Date: 11/14/2008

Serial Number: 77613824
Internet Transmission Date: Thu Nov 13 15:14:02 EST 2008
TEAS Stamp: USPTO/BAS-71.237.94.224-2008111315140280
0785-77613824-400bef623e2ad5d219d82aa4f8
c57e36e67-CC-340-20081113150407333427

SMALL FIRM, BIG EXPERIENCE

JAHN&ASSOCIATES

SMALL FIRM, *BIG EXPERIENCE*™

Patent

Trademark

Copyright

Law

Do you know the difference between a trademark and a trade name?

What about a common law trademark and a federal trademark? If you've answered 'no' or even 'sort of' then you're like countless business owners and managers. But don't worry! Working through this handout will help you become comfortable with this differentiation. What's more, you'll have a clear picture of your next steps toward protecting your business, brand and product names.

The case history below describes events that hundreds of businesses have experienced. Most important, it outlines a serious reality about intellectual property: without the proper trademark registration in place, the hard work that folks like you invest in your dreams and ideas can be jeopardized.

.....

Case History

Purple Sun, Inc.

In 1995, Bob and Linda Jones founded Purple Sun, Inc. and began making Purple Sun Lemonade. By their measure, success came quickly. Deep roots in the local natural foods industry helped to get their product into stores quickly. Several great employees and a little luck didn't hurt, either.

By 1999, they had 23 employees and Purple Sun Lemonade was a favorite in stores all over Boulder and the surrounding area. So good was their lemonade that they regularly fielded calls from folks who had tried it out while visiting Boulder. Again and again they heard, "When are you going to sell your lemonade in our area?"

Being astute entrepreneurs, they soon realized two things. Without really trying they had developed a quality brand whose reputation had grown beyond their home turf. If they wanted to expand their business to match the growth of their reputation, now was the time.

The dream of growing their business spread like wildfire through the company. Soon Bob and Linda were strategizing on how to make it happen. They negotiated with distributors, mapped out production and planned a national ad campaign. Then Bob asked a simple question. "What about a trademark - shouldn't we have one?"

"Isn't that what we got when we applied for our trade name," was Linda's reply. By now you've probably guessed the answer. After a quick search they discovered that in 1997, another company had filed a federal trademark application for Purple Sun Lemonade. All Bob and Linda "owned" were common law rights in the Purple Sun trademark and a trade name. Suddenly the founders of Purple Sun, Inc. were faced with a hard decision: go national by changing their product name - and in the process losing the brand recognition entrenched in their home territory - or scrap their expansion plans. Could this have been prevented? The answer is **YES**.

In Plain English

Trademark: A trademark identifies and protects a specific product or service. A good way to think about a trademark is that it is an *adjective* (identifier) modifying a *noun* (product or service).

Examples are *Purple Sun* lemonade, *Apple* computers, and *Pepsi* cola.

Common Law Trademarks: A trademark can be used without obtaining a federal or state registration. This is known as "common law" use of a trademark and is often noted by the ™ symbol. It protects a product according to where and when the mark is first used.

Purple Sun, Inc. had a common law mark that protected use of their product within the Boulder Valley area. Since a federal mark for the same name belonged to another company, Bob and Linda were limited to using the mark within their home territory.

Trade Name: A trade name is the name applied for, through the state, that is needed to conduct business in the state.

When Bob and Linda began Purple Sun, Inc. they received a **trade name** through the tax division of the state of Colorado - they did not receive a trademark.

Federal Trademark Registration: A United States trademark registration - designated by the superscript ® - provides the owner with the right to use the mark with their product or service. These rights apply to use within the United States and its territories for a period of ten years. The owner has rights to renew the mark so long as it remains in continuous use in interstate commerce.

The exception to this is highlighted by the Purple Sun case history. The competitor that filed the federal mark for the same name gained rights to use it in all places except for Boulder and the surrounding area.

Small Firm, Big Experience

With locations in Reno, Nevada and Boulder, Colorado, Jahn & Associates is a boutique firm focused exclusively on intellectual property law. Although many firms include this specialty in their list of practice areas, very few can claim it as a sole concentration.

Jahn & Associates draws upon a decade of experience that began with general practice, including civil litigation, corporate and securities law. Today, their concentration on intellectual property law includes patents, trademarks, copyrights and trade secrets. The firm has been kept small, which makes a lot of sense when their clients sit down to consult with them. It isn't only that one-on-one conversations include the unique perspectives of the small business. It's that, on a day-to-day basis, Jahn & Associates is a small firm drawing upon big experience. For their clients - and folks like you - this means big value with a small price tag.

Kirstin M. Jahn, Attorney at Law

In 1997, Kirstin Jahn founded Jahn & Associates and dedicated herself to serving the intellectual property needs of small and medium-sized organizations. After ten years of practicing law, she runs a practice that emphasizes quality and efficiency. No matter is too large or small. With associates in firms all around the globe, she has successfully served clients' needs domestically and internationally. Experience has shown Kirstin that clients often prefer a peaceful resolution to disputes and she makes every effort to negotiate successfully before engaging in litigation. Because she focuses her practice solely on intellectual property, a conflict of interest rarely arises between her firm and an organization's corporate representation. In fact, in the majority of these situations the two firms work together toward a resolution to meet the needs of their joint client.

For further information regarding your trademark and other intellectual property needs, please call Jahn & Associates at (303)545-5128 in Boulder, Colorado or (775)329-2282 in Reno, Nevada. You can discover more about her firm on the web at www.kmjlaw.com.



Colorado

1942 Broadway, Suite 510
Boulder, Colorado 80302
tel (303)545.5128
fax (303)545.5196

Nevada

565 California Avenue
Reno, Nevada 89509
tel (775)329.2282
fax (775)348.7977

EXHIBIT C

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,642,830

Registered June 23, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

SMALL FIRM, BIG EXPERIENCE

JAHN & ASSOCIATES, LLC (NEVADA LIMITED
LIABILITY COMPANY)
1942 BROADWAY SUITE 314
BOULDER, CO 80302

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

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

SER. NO. 77-613,824, FILED 11-13-2008.

FIRST USE 10-31-2001; IN COMMERCE 10-31-2001.

BRIAN NEVILLE, EXAMINING ATTORNEY

EXHIBIT D
FILED UNDER SEAL

EXHIBIT E
FILED UNDER SEAL

EXHIBIT F

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

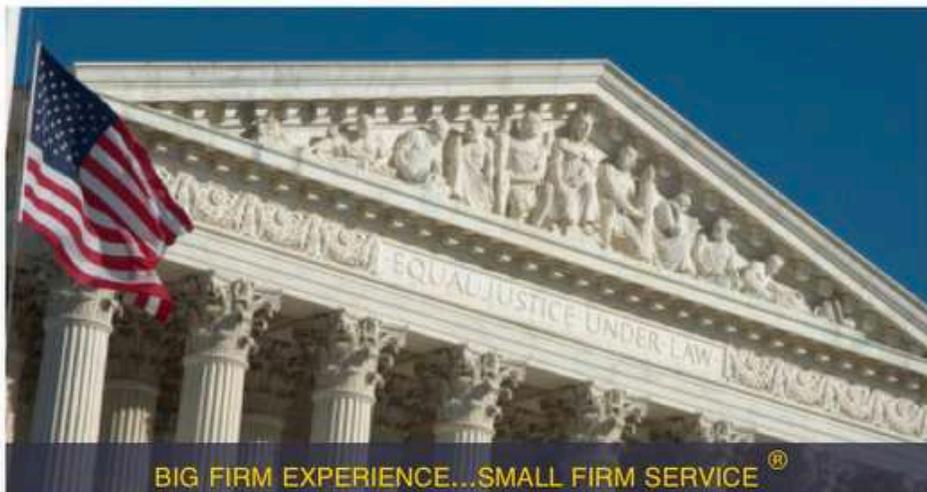
The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares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

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[INTELLECTUAL PROPERTY LITIGATION](#)

[MEDIA AND FIRST AMENDMENT](#)

[COMPLEX CIVIL LITIGATION](#)

[EMPLOYMENT LITIGATION](#)

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01.29.11

[PHILIPPINE AMERICAN BAR ASSOCIATION](#)
01.29.11

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EXHIBIT G

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>.

EXHIBIT H



United States Patent and Trademark Office

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TESS was last updated on Wed Mar 4 03:20:54 EST 2015

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[BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **2 Records(s) found**
(This page: 1 ~ 2)Refine Search
[Submit](#)Current Search: S1: **(Small Firm Big Experience)** docs: 2 occ:
[COMB] 23

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85231879	4015965	BIG FIRM EXPERIENCE...SMALL FIRM SERVICE	TSDR	LIVE
2	77613824	3642830	SMALL FIRM, BIG EXPERIENCE	TSDR	LIVE

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[TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

EXHIBIT I

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri Sep 4 03:20:58 EDT 2015

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[BOTTOM](#) | [HELP](#)

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2 Records(s) found (This page: 1 ~ 2)

Refine Search

Current Search:

S2: **(Big firm experience small firm)**
[COMB]docs: 2 occ:
23

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85231879	4015965	BIG FIRM EXPERIENCE...SMALL FIRM SERVICE	TSDR	LIVE
2	77613824	3642830	SMALL FIRM, BIG EXPERIENCE	TSDR	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [PREV LIST](#) | [NEXT LIST](#) | [IMAGE LIST](#)
[TOP](#) | [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)