

ESTTA Tracking number: **ESTTA773942**

Filing date: **09/30/2016**

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

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Atrriage Software, LLC		
Entity	Limited Liability Company	Citizenship	Michigan
Address	2090 Jolly Road, Suite 100 Okemos, MI 48864 UNITED STATES		

Attorney information	Michael J. Cole Fahey Schultz Burzych Rhodes PLC 4151 Okemos Road Okemos, MI 48864 UNITED STATES mcole@fsbrlaw.com Phone:517-381-3208		
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**Registration Subject to Cancellation**

Registration No	4923870	Registration date	03/22/2016
Registrant	Axxend Corporation, LLC 15840 Eagle Feather Drive Woodbridge, VA 22191 UNITED STATES		

**Goods/Services Subject to Cancellation**

<p>Class 042. First Use: 2014/10/00 First Use In Commerce: 2014/10/00 All goods and services in the class are cancelled, namely: Computer services, namely, on-site management of information technology (IT) systems; Computer services, namely, remote and on-site management of the electronic messaging systems, the information technology (IT) systems, the software applications of others; Computer services, namely, remote management of the information technology (IT) systems of others; Computer services, namely, remote management of electronic messaging systems, information technology (IT) systems, software applications for others; Computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications; Consulting in the field of designing software applications and IT solutions; Consulting in the field of IT project management; Information technology consulting services; IT consulting services; IT integration services; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems</p>
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

**Mark Cited by Petitioner as Basis for Cancellation**

U.S. Application No.	86853389	Application Date	12/18/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WEB ASCENDER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2005/10/23 First Use In Commerce: 2006/04/01 Consulting services in the field of internet marketing Class 042. First use: First Use: 2005/10/23 First Use In Commerce: 2006/04/01 Computer graphics design services; Computer graphics services; Computer software development; Computer software development and computer programming development for others; Computer software development in the field of mobile applications; Computer website design; Graphic design services; Website design and development for others; Website development for others; Computer graphics design services; Computer software consulting		

Attachments	86853389#TMSN.png( bytes ) 2016.09.30. Axxend Petition For Cancellation.pdf(3145752 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MJC/
Name	Michael J. Cole
Date	09/30/2016

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

In the matter of Registration No. 4,923,870  
For the mark AXXEND  
Registration Issued March 22, 2016

ATRIAGE SOFTWARE, LLC,	)	
	)	
Petitioner,	)	
v.	)	Cancellation No.:
	)	
AXXEND CORPORATION, LLC	)	
	)	
Registrant.	)	
_____	)	

**PETITION FOR CANCELLATION**

Atriage Software, LLC (the "Petitioner"), a Michigan limited liability company, with an address of 2090 Jolly Road, Suite 100, Okemos, Michigan 48864, believes that it is and will continue to be damaged by the registration of the mark AXXEND, owned by Axxend Corporation, LLC, a Delaware limited liability company, with an address of 15840 Eagle Feather Drive, Woodbridge, Virginia 22191 (the "Registrant"), shown in U.S. Trademark Registration No. 4,923,870 (the "Registration") for computer services, namely, on-site management of information technology (IT) systems; computer services, namely, remote and on-site management of electronic messaging systems, the information technology (IT) systems, the software applications of others; computer services, namely, remote management of the information technology (IT) systems of others; computer services, namely remove management of electronic messaging systems, information technology (IT) systems, software applications for others; computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications; consulting in the field of design software applications and IT solutions; consulting in the field of IT

project management; information technology consulting services; IT consulting services; IT integration services; technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems (collectively, "Registrant's Services") and hereby petitions for cancellation of the Registration pursuant to 15 U.S.C. § 1064 et seq. As grounds for its petition for cancellation, Petitioner alleges that, upon actual knowledge with respect to itself and its own action, and upon information and belief as to other matters:

1. On November 21, 2014, Registrant file an intent to use trademark application seeking registration of the standard character mark AXXEND, on the Principal Register. A copy of the Application obtained from the Patent and Trademark Office's ("PTO") Trademark Electronic Search System ("TESS") database is attached hereto as Exhibit 1 and made of record.

2. On December 18, 2015, Petitioner filed U.S. Trademark Application Serial No. 86/853,389 for WEB ASCENDER in connection with consulting services in the field of internet marketing in International Class 035; and computer graphics design services; computer graphics services; Computer software development; computer software development in the field of mobile applications; computer website design; graphic design services; website design and development for others; website development for others; computer graphics design services; and computer software consulting in International Class 042 (collectively, "Petitioner's Services"). A copy of Petitioner's application obtained from the PTO's TESS database is attached hereto as Exhibit 2 and made of record.

3. On December 28, 2015, Registrant submitted a Statement of Use and sworn declaration to the PTO in which it stated that the AXXEND mark is in use in commerce on or in connection with all of the good/services listed in the application or Notice of Allowance. A copy of Registrant's Statement of Use and sworn declaration obtained from the PTO's TESS database is attached hereto as Exhibit 3 and made of record.

4. As evidence of Registrant's first use in commerce, Registrant submitted a specimen of the AXXEND mark displayed on Registrant's website, which website, as of the date of this Petition, is no longer viewable due to a server error. A copy of Registrant's website [www.axxendcorporation.com](http://www.axxendcorporation.com) is attached hereto as Exhibit 4 and made of record.

5. On March 22, 2016, Registrant's application matured into Registration No. 4,923,870 and is the subject of this Petition.

6. Petitioner established rights in and to the mark WEB ASCENDER through its continuous use in commerce in connection with Petitioner's Services listed in U.S. Trademark Application Serial No. 86/853,389 since at least as early as April 1, 2006, which is over eight and a half years prior to November 21, 2014, the date upon which Registrant filed the AXXEND trademark application.

7. Petitioner has used the WEB ASCENDER mark in commerce in connection with Petitioner's Services since at least as early as April 1, 2006. Evidence of Petitioner's use is attached hereto as Exhibit 5 and made of record.

8. Registrant's Statement of Use and sworn declaration states that the AXXEND mark was first used by Registrant, or the Registrant's related company, licensee, or predecessor in interest at least as early as October 2014, and first used in commerce at least as early as October 2014, and is now in use in such commerce.

9. Petitioner's common law rights in WEB ASCENDER predate the filing date of Registrant's application and Registrant's dates of use for AXXEND.

10. The AXXEND mark is identical in appearance, sound and commercial impression to Petitioner's pre-existing WEB ASCENDER mark.

11. Petitioner's Services sold by Petitioner using WEB ASCENDER are sufficiently related to Registrant's Services sold by Registrant using AXXEND so as to cause a likelihood of

consumer confusion.

12. Consumers for Petitioner's Services are the same as the consumers for Registrant's Services.

13. Petitioner's Services and Registrant's services are offered through the same channels of trade.

14. Consumers are likely to mistakenly believe that Registrant's services bearing Registrant's AXXEND mark, originate, are endorsed by, sponsored by, or approved by Petitioner, or vice versa.

15. Due to the confusing similarity between Registrant's and Petitioner's respective marks and Petitioner's pre-existing use of its WEB ASCENDER mark, as well as the relatedness of the services to which the parties' marks apply, there is a likelihood of confusion in the marketplace.

16. Registrant sought unrestricted federal registration for AXXEND covering Registrant's Services. Accordingly, such registration constitutes prima facie evidence of Registrant's exclusive right to use the registered AXXEND mark in commerce on or in connection with Registrant's Services throughout the United States with no limitation thereon.

17. Petitioner is and will continue to be damaged by such registration in that the AXXEND mark so resembles Petitioner's WEB ASCENDER mark in which Petitioner owns prior common law trademark rights, as to be likely, when used on or in connection with Registrant's Services, to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

18. In view of Petitioner's prior rights in its WEB ASCENDER mark, Registrant is not entitled to federal registration of the AXXEND mark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

19. Petitioner is and will continue to be damaged by registration of the AXXEND mark as

evidenced by the Office Action dated April 8, 2016, which is attached hereto as Exhibit 6 and made of record.

20. In view of Petitioner's prior rights in its WEB ASCENDER mark, Registrant is not entitled to federal registration of the AXXEND mark pursuant to Section 43(a) of the Trademark Act, 15 U.S.C. § 1125(a).

21. Upon information and belief, Registrant abandoned its use of the AXXEND mark in United States commerce and is no longer entitled to federal registration pursuant to Section 14 of the Trademark Act, 15 U.S.C. 1064(3).

WHEREFORE, Petitioner respectfully prays that U.S. Trademark Registration No. 4,923,870 be cancelled.

Dated: September 30, 2016

Respectfully Submitted,  
FAHEY SCHULTZ BURZYCH RHODES PLC  
Attorneys for Petitioner

By:  \_\_\_\_\_

Mark J. Burzych  
Michael J. Cole  
4151 Okemos Road  
Okemos, MI 48864  
(517) 381-0100  
mburzych@fsbrlaw.com  
mcole@fsbrlaw.com

# **EXHIBIT 1**

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 86461083

Filing Date: 11/21/2014

*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
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">AXXEND</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	AXXEND
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Axxend Corporation, LLC
*STREET	16971 Point Pleasant Lane
*CITY	Dumfries
*STATE (Required for U.S. applicants)	Virginia
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	22026
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	042
	Computer services, namely, on-site management of information technology (IT) systems; Computer services, namely, remote and on-site management of <b>the electronic messaging systems, the information technology (IT) systems, the software applications</b> of others; Computer services, namely, remote management of the information technology (IT) systems of others; Computer services, namely,

<b>*IDENTIFICATION</b>	remote management of <b>electronic messaging systems, information technology (IT) systems, software applications</b> for others; Computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications; Consulting in the field of designing <b>software applications and IT solutions</b> ; Consulting in the field of IT project management; Information technology consulting services; IT consulting services; IT integration services; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems
<b>*FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Matthew H. Swyers
<b>FIRM NAME</b>	The Trademark Company
<b>STREET</b>	344 Maple Ave. W., PMB 151
<b>CITY</b>	Vienna
<b>STATE</b>	Virginia
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	22180
<b>PHONE</b>	800-906-8626 x 100
<b>FAX</b>	877-351-5480
<b>EMAIL ADDRESS</b>	admin@thetrademarkcompany.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Matthew H. Swyers
<b>FIRM NAME</b>	The Trademark Company
<b>*STREET</b>	344 Maple Ave. W., PMB 151
<b>*CITY</b>	Vienna
<b>*STATE</b> (Required for U.S. applicants)	Virginia
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	22180

<b>PHONE</b>	800-906-8626 x 100
<b>FAX</b>	877-351-5480
<b>*EMAIL ADDRESS</b>	admin@thetrademarkcompany.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Matthew H. Swyers/
<b>* SIGNATORY'S NAME</b>	Matthew H. Swyers
<b>* SIGNATORY'S POSITION</b>	Attorney of Record
<b>SIGNATORY'S PHONE NUMBER</b>	800-906-8626 x 100
<b>* DATE SIGNED</b>	11/21/2014

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 86461083**

**Filing Date: 11/21/2014**

#### To the Commissioner for Trademarks:

**MARK:** AXXEND (Standard Characters, see [mark](#))

The literal element of the mark consists of AXXEND.

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

The applicant, Axxend Corporation, LLC, a limited liability company legally organized under the laws of Delaware, having an address of  
16971 Point Pleasant Lane  
Dumfries, Virginia 22026  
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 042: Computer services, namely, on-site management of information technology (IT) systems; Computer services, namely, remote and on-site management of the electronic messaging systems, the information technology (IT) systems, the software applications of others; Computer services, namely, remote management of the information technology (IT) systems of others; Computer services, namely, remote management of electronic messaging systems, information technology (IT) systems, software applications for others; Computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications; Consulting in the field of designing software applications and IT solutions; Consulting in the field of IT project management; Information technology consulting services; IT consulting services; IT integration services; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

#### The applicant's current Attorney Information:

Matthew H. Swyers of The Trademark Company  
344 Maple Ave. W., PMB 151  
Vienna, Virginia 22180  
United States

#### The applicant's current Correspondence Information:

Matthew H. Swyers  
The Trademark Company  
344 Maple Ave. W., PMB 151  
Vienna, Virginia 22180  
800-906-8626 x 100(phone)  
877-351-5480(fax)  
admin@thetrademarkcompany.com (authorized)

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

#### Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Matthew H. Swyers/ Date Signed: 11/21/2014

Signatory's Name: Matthew H. Swyers

Signatory's Position: Attorney of Record

RAM Sale Number: 86461083

RAM Accounting Date: 11/21/2014

Serial Number: 86461083

Internet Transmission Date: Fri Nov 21 10:53:14 EST 2014

TEAS Stamp: USPTO/FTK-XX.XX.XXX.XXX-2014112110531449

7770-86461083-50036a937244baf5132ab1a730

31a1ee16eb63ef7ad0ab99b38e6fe3a1951ae20-

CC-8958-20141121104408965651

**AXXEND**

# **EXHIBIT 2**

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 86853389

Filing Date: 12/18/2015

*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
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">WEB ASCENDER</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	WEB ASCENDER
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Atrriage Software, LLC
INTERNAL ADDRESS	Suite 100
*STREET	2090 Jolly Road
*CITY	Okemos
*STATE (Required for U.S. applicants)	Michigan
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	48864
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Michigan
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	Consulting services in the field of internet marketing
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/23/2005

<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 04/01/2006
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-7088103242-20151214163708363401 . Internet Marketing.pdf</a>
<b>CONVERTED PDF FILE(S) (5 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\533\86853389\xml1\FTK0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\533\86853389\xml1\FTK0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\533\86853389\xml1\FTK0005.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\533\86853389\xml1\FTK0006.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\533\86853389\xml1\FTK0007.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	The mark displayed on Applicant's website.
<b>*INTERNATIONAL CLASS</b>	042
<b>*IDENTIFICATION</b>	Computer graphics design services; Computer graphics services; Computer software development; Computer software development and computer programming development for others; Computer software development in the field of mobile applications; Computer website design; Graphic design services; Website design and development for others; Website development for others; Computer graphics design services; Computer software consulting
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 10/23/2005
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 04/01/2006
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-7088103242-20151214163708363401 . Web Development.pdf</a>
<b>CONVERTED PDF FILE(S) (4 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\533\86853389\xml1\FTK0008.JPG</a>
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	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\533\86853389\xml1\FTK0010.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\868\533\86853389\xml1\FTK0011.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	The mark displayed on Applicant's website.
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Mark J. Burzych
<b>FIRM NAME</b>	Fahey Schultz Burzych Rhodes PLC
<b>STREET</b>	4151 Okemos Road

<b>CITY</b>	Okemos
<b>STATE</b>	Michigan
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	48864
<b>PHONE</b>	517-381-3159
<b>FAX</b>	517-381-3172
<b>EMAIL ADDRESS</b>	mburzych@fsbirlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Michael J. Cole
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Mark J. Burzych
<b>FIRM NAME</b>	Fahey Schultz Burzych Rhodes PLC
<b>*STREET</b>	4151 Okemos Road
<b>*CITY</b>	Okemos
<b>*STATE (Required for U.S. addresses)</b>	Michigan
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	48864
<b>PHONE</b>	517-381-3159
<b>FAX</b>	517-381-3172
<b>*EMAIL ADDRESS</b>	mburzych@fsbirlaw.com;mcole@fsbirlaw.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	2
<b>FEE PER CLASS</b>	225
<b>*TOTAL FEE PAID</b>	450
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/MJB/
<b>* SIGNATORY'S NAME</b>	Mark J. Burzych
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Michigan bar member
<b>SIGNATORY'S PHONE NUMBER</b>	517-381-3159
<b>* DATE SIGNED</b>	12/18/2015

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 86853389**

**Filing Date: 12/18/2015**

#### To the Commissioner for Trademarks:

**MARK:** WEB ASCENDER (Standard Characters, see [mark](#))

The literal element of the mark consists of WEB ASCENDER.

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

The applicant, Atriage Software, LLC, a limited liability company legally organized under the laws of Michigan, having an address of  
Suite 100  
2090 Jolly Road  
Okemos, Michigan 48864  
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 035: Consulting services in the field of internet marketing

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 10/23/2005, and first used in commerce at least as early as 04/01/2006, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) The mark displayed on Applicant's website..

#### **Original PDF file:**

[SPE0-7088103242-20151214163708363401 . Internet Marketing.pdf](#)

#### **Converted PDF file(s) (5 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

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

International Class 042: Computer graphics design services; Computer graphics services; Computer software development; Computer software development and computer programming development for others; Computer software development in the field of mobile applications; Computer website design; Graphic design services; Website design and development for others; Website development for others; Computer graphics design services; Computer software consulting

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 042, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 10/23/2005, and first used in commerce at least as early as 04/01/2006, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) The mark displayed on Applicant's website..

**Original PDF file:**

[SPE0-7088103242-20151214163708363401 . Web Development.pdf](#)

**Converted PDF file(s)** (4 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

The applicant's current Attorney Information:

Mark J. Burzych and Michael J. Cole of Fahey Schultz Burzych Rhodes PLC  
4151 Okemos Road  
Okemos, Michigan 48864  
United States

The applicant's current Correspondence Information:

Mark J. Burzych  
Fahey Schultz Burzych Rhodes PLC  
4151 Okemos Road  
Okemos, Michigan 48864  
517-381-3159(phone)  
517-381-3172(fax)

[mburzych@fsbirlaw.com](mailto:mburzych@fsbirlaw.com);[mcole@fsbirlaw.com](mailto:mcole@fsbirlaw.com) (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$450 has been submitted with the application, representing payment for 2 class(es).

**Declaration**

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory 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 application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /MJB/ Date Signed: 12/18/2015

Signatory's Name: Mark J. Burzych

Signatory's Position: Attorney of record, Michigan bar member

RAM Sale Number: 86853389

RAM Accounting Date: 12/18/2015

Serial Number: 86853389

Internet Transmission Date: Fri Dec 18 09:14:18 EST 2015

TEAS Stamp: USPTO/FTK-XX.XX.XXX.XXX-2015121809141861

0883-86853389-55016fba0b0dcb61864151531d

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-8302-20151218090741624316

# WEB ASCENDER



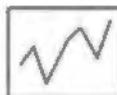
When it comes to internet marketing, are you...



Tracking and testing everything you do?



Measuring results from traffic to prospects to qualified leads and customers?



Using the data to make informed marketing decisions?



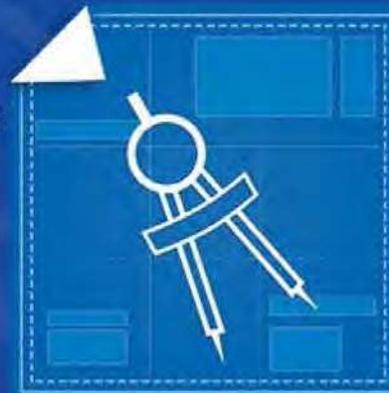
LET US SHOW YOU HOW

## Internet Marketing Services

We partner with **growth-driven companies who are serious about investing in the future of their business** and the digital infrastructure to get them there.

This means laying the foundation for things like blogging, lead generation, and marketing automation, then putting together an ongoing strategy for driving the right traffic, converting them into leads, and nurturing them into customers.

How do we do it?



### Digital Marketing Strategy

We start out with in-depth conversations and research to clearly understand your business, audience and competitors.

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Based on this, we develop a long-term digital marketing strategy that effectively communicates your brand, attracts the right consumers and contributes to your overall business goals.

VIEW OUR WORK

### Inbound Marketing

## Campaigns

Once the strategy has been established, it's implementation time. Based on your business goals, your digital marketing strategy will establish a timeline for launching regular **inbound marketing** campaigns to achieve them.

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launching your next campaign, and ensuring you get the most out of every marketing dollar you spend.

### REQUEST CONSULTATION

## What is Inbound Marketing?

Want to learn more about inbound marketing? We've put together a recorded webinar of everything you need to know to take advantage of inbound marketing for your business.

[ACCESS WEBINAR INSTANTLY](#)



### Ruby on Rails for Rookies

Starting a Ruby on Rails application may seem overwhelming to most beg...

[Read more »](#)



### How to Add Navigation Descriptions for the WordPress Custom Menu Widget

Website navigation is one of the most important components for traffic...

[Read more »](#)



### CoffeeBot - Fun Coffee Brewing Notifications With RaspberryPi

We love coffee here at Web Ascender, and I mean we LOVE IT. We typical...

[Read more »](#)

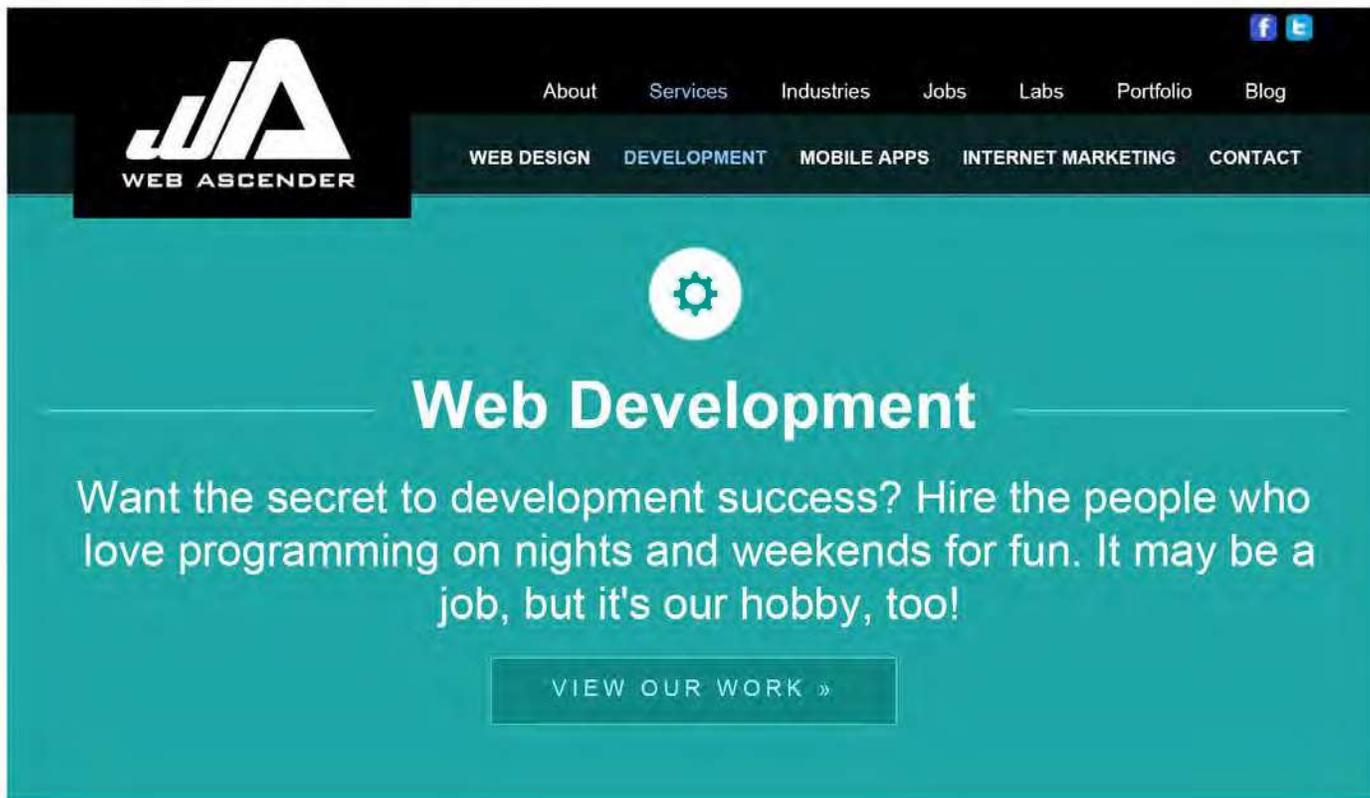


### Michigan Website Design and Development

2090 Jolly Road, Suite 100  
Okemos, MI 48864  
[Map and Directions »](#)  
Phone: 517-455-7837  
Fax: 1-866-807-6693

[ABOUT](#) [SERVICES](#) [PORTFOLIO](#) [BLOG](#) [CONTACT](#)





The screenshot shows the top portion of a website. On the left is the 'WEB ASCENDER' logo, which consists of a stylized 'A' made of three upward-pointing bars. To the right of the logo is a navigation menu with links for 'About', 'Services', 'Industries', 'Jobs', 'Labs', 'Portfolio', and 'Blog'. Below this is a secondary navigation bar with links for 'WEB DESIGN', 'DEVELOPMENT', 'MOBILE APPS', 'INTERNET MARKETING', and 'CONTACT'. The main content area has a teal background and features a gear icon in a white circle. Below the icon is the heading 'Web Development' and a paragraph: 'Want the secret to development success? Hire the people who love programming on nights and weekends for fun. It may be a job, but it's our hobby, too!'. At the bottom of this section is a button that says 'VIEW OUR WORK »'.

## Our Approach to Web Development

We are different than your typical website firm. Not only can our team craft beautiful and effective web interfaces, but we can also do all the programming necessary to make them work perfectly. Our web development team is made up of talented [web designers](#) as well as very experienced web developers who have created software to run critical hospital equipment, invoicing and accounting systems, genetic analysis software and much more.

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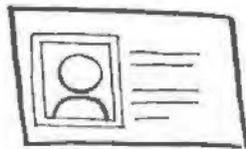
### Planning

To create the perfect application for your business, it's critical that our web development team learns what is important to you and your customers. As we gather this information, we will outline your overall goals and craft a plan for success. The more our team can learn about your business, your customers and the problems you are looking to solve, the better we can provide innovative ways for your application to make the lives of others



5

easier.

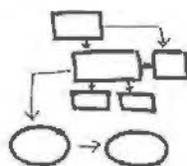
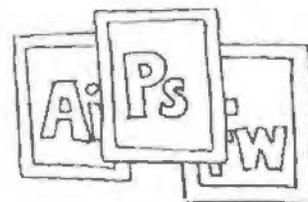


## Stories & Features

When working on web applications, we often try to think in terms of the type of people who will be using the system and the activities they will need to perform. Our web development team often creates personas for different application users, and we write feature stories for each of your users, outlining what types of problems need to be solved for each of them. By thinking in terms of stories and writing in terms of the problems we are trying to solve, we can thoroughly identify the features you need. Once we are done with the story process, we start to break those stories down into features and work with you to prioritize them.

## Wireframes & Creative

We typically don't jump directly into making beautiful application designs. The first part of the process is to create basic sketches of each screen for your application, outlining what will be where and why. After going through rounds of reviewing the wireframes and tweaking the type of information that needs to be collected, saved, displayed or reported, we can start with the actual creative designs. This includes the aesthetic look and feel of how the application will appear as well as behave.

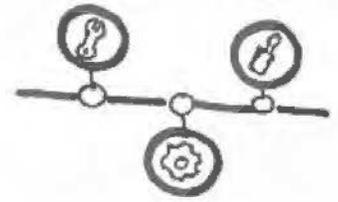


## Application Development

After we have outlined a plan, identified the necessary features, and have the aesthetic designs created for each of the pages within the application, we will start developing your product. Our developers typically do a mixture of individual and pair programming for web applications. Pair programming gives the benefit of having an additional set of eyes on the code and another brain to bounce ideas off when making critical decisions during the building process. On new projects, our team typically works with [Ruby on Rails](#) or [ASP .NET](#). We will also frequently send you links allowing you to review and provide feedback on the application we are creating.

## Ongoing Maintenance

Our projects are typically low maintenance, but it's rare to have a development project that is no maintenance. The amount you will learn after having your first version of an application released to your clients is tremendous. People will give you a lot of feedback and a lot of suggestions about how they think things should work or features they would want in the system. During this time, our web development team will work with you to determine how features should be adjusted, what features should be added, and how to continue to grow your web project in the future. As your project becomes a success, you will want to invest in bigger and better features, and we will be here to help you as needed.



Download the

## Startup Guide

Get the scoop from the team that's created applications for the Fortune 500 & the entrepreneur next door.

### WHAT OUR CLIENTS ARE SAYING

Somehow Web Ascender captured the heart and soul of Sweetie-licious, and I am thrilled and forever grateful! Pies forever to my Ryan and Kyle! Thank you, you guys for helping me change the world one pie at a time!

*Linda Hundt, Sweetie-licious Bakery Cafe*

[MORE TESTIMONIALS »](#)

### FEATURED WEB DEVELOPMENT PROJECTS



**Michigan Website Design and Development**

2090 Jolly Road, Suite 100  
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[Map and Directions »](#)  
Phone: 517-455-7837  
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# **EXHIBIT 3**

## Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86461083
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>EXTENSION OF USE</b>	NO
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="http://tmng-al.uspto.gov/resting2/api/img/86461083/large">http://tmng-al.uspto.gov/resting2/api/img/86461083/large</a>
<b>LITERAL ELEMENT</b>	AXXEND
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Axxend Corporation, LLC
<b>STREET</b>	16971 Point Pleasant Lane
<b>CITY</b>	Dumfries
<b>STATE</b>	Virginia
<b>ZIP/POSTAL CODE</b>	22026
<b>COUNTRY</b>	United States
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	Axxend Corporation, LLC
<b>STREET</b>	15840 Eagle Feather Drive
<b>CITY</b>	Woodbridge
<b>STATE</b>	Virginia
<b>ZIP/POSTAL CODE</b>	22191
<b>COUNTRY</b>	United States
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	042
	Computer services, namely, on-site management of information technology (IT) systems; Computer services, namely, remote and on-site management of the electronic messaging systems, the information technology (IT) systems, the software applications of others; Computer services, namely, remote management of the information technology (IT) systems of others; Computer services, namely, remote management of electronic messaging systems, information technology (IT) systems, software applications for

<b>CURRENT IDENTIFICATION</b>	others; Computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications; Consulting in the field of designing software applications and IT solutions; Consulting in the field of IT project management; Information technology consulting services; IT consulting services; IT integration services; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	10/00/2014
<b>FIRST USE IN COMMERCE DATE</b>	10/00/2014
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT 16\864\610\86461083\xml8\SOU0002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	screenshot of website displaying the applied-for trademark
<b>REQUEST TO DIVIDE</b>	NO
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES IN USE</b>	1
<b>SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]</b>	100
<b>TOTAL AMOUNT</b>	100
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/Matthew H. Swyers/
<b>SIGNATORY'S NAME</b>	Matthew H. Swyers
<b>SIGNATORY'S POSITION</b>	Attorney of Record, Member of the Virginia State Bar
<b>DATE SIGNED</b>	12/27/2015
<b>SIGNATORY'S PHONE NUMBER</b>	(800)906-8626 x 100
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Mon Dec 28 09:22:25 EST 2015
<b>TEAS STAMP</b>	USPTO/SOU-XX.XXX.XX.XXX-2 0151228092225169096-86461 083-55039f53bc45141df25c2 2eeeca4fea1da78d305dc3db7 21821d2707a39fada-CC-1004 6-20151222171230393750

**Trademark/Service Mark Statement of Use**  
**(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

**MARK:** AXXEND(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86461083/large>)

**SERIAL NUMBER:** 86461083

The applicant, Axxend Corporation, LLC, having an address of  
15840 Eagle Feather Drive  
Woodbridge, Virginia 22191  
United States

is submitting the following allegation of use information:

For International Class 042:

Current identification: Computer services, namely, on-site management of information technology (IT) systems; Computer services, namely, remote and on-site management of the electronic messaging systems, the information technology (IT) systems, the software applications of others; Computer services, namely, remote management of the information technology (IT) systems of others; Computer services, namely, remote management of electronic messaging systems, information technology (IT) systems, software applications for others; Computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications; Consulting in the field of designing software applications and IT solutions; Consulting in the field of IT project management; Information technology consulting services; IT consulting services; IT integration services; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 10/00/2014, and first used in commerce at least as early as 10/00/2014, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screenshot of website displaying the applied-for trademark.

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

**Declaration**

STATEMENTS: The signatory believes that: if the applicant is filing the amendment to allege use under 15 U.S.C. §1051(c) or a statement of use under 15 U.S.C. §1051(d), the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; **for a trademark or service mark application**, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified; **for a collective trademark, collective service mark, collective membership mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified; **for a certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership

organization of such other persons, to cause confusion or mistake, or to deceive; and the specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.

DECLARATION: The signatory 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 application or submission or any registration resulting therefrom, declares 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: /Matthew H. Swyers/    Date Signed: 12/27/2015  
Signatory's Name: Matthew H. Swyers  
Signatory's Position: Attorney of Record, Member of the Virginia State Bar  
Signatory's Phone: (800)906-8626 x 100

RAM Sale Number: 86461083  
RAM Accounting Date: 12/28/2015

Serial Number: 86461083  
Internet Transmission Date: Mon Dec 28 09:22:25 EST 2015  
TEAS Stamp: USPTO/SOU-XX.XXX.XX.XXX-2015122809222516  
9096-86461083-55039f53bc45141df25c22eeec  
a4fea1da78d305dc3db721821d2707a39fada-CC  
-10046-20151222171230393750

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English

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## Award Winning Microsoft Solutions Providers

Axxend, a Microsoft Gold Partner, is a business technology services provider dedicated to using the Microsoft platform and SAP technologies to help enterprises achieve profitable growth. Through proven solutions that extend Microsoft products, Axxend helps enterprises increase revenue, reduce costs, and reinvest in innovation to gain competitive advantage.

**Corporate Headquarters: Dakar, Senegal**

Additional offices in Ghana, Cote d'Ivoire, Cameroun and USA

### MEET OUR LEADERSHIP TEAM

We partner with our customers to create new products and services, serve their customers better, streamline operations, and optimize collaboration across all groups and boundaries. Our consultants deliver value according to each customer's requirements, timeline and budget by combining insight, innovation and the talent of our global workforce, which includes an extensive offshore community of Microsoft technology experts.

Our tight connections with Microsoft and SAP enhance our ability to deliver effective mission-critical solutions for organizations in all industries.

Earning the Microsoft Gold Partner status means that we have successfully demonstrated our experience and proficiency implementing specific Microsoft solutions for our customers. In order to earn specific Microsoft competencies, our company is required to complete rigorous certification exams, implement and specific Microsoft technologies and provide satisfactory customer references on the completion of numerous implementation projects.



**FEE RECORD SHEET**

**Serial Number:** 86461083



**RAM Sale Number:** 86461083

**Total Fees:** \$100

**RAM Accounting Date:** 20151228

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20151228	\$100	1	\$100

**Transaction Date:** 20151228



# **EXHIBIT 4**

## Server Error in '/' Application.

### Runtime Error

**Description:** An application error occurred on the server. The current custom error settings for this application prevent the details of the application error from being viewed remotely (for security reasons). It could, however, be viewed by browsers running on the local server machine.

**Details:** To enable the details of this specific error message to be viewable on remote machines, please create a `<customErrors>` tag within a "web.config" configuration file located in the root directory of the current web application. This `<customErrors>` tag should then have its "mode" attribute set to "Off".

```
<!-- Web.Config Configuration File -->

<configuration>
  <system.web>
    <customErrors mode="Off"/>
  </system.web>
</configuration>
```

**Notes:** The current error page you are seeing can be replaced by a custom error page by modifying the "defaultRedirect" attribute of the application's `<customErrors>` configuration tag to point to a custom error page URL.

```
<!-- Web.Config Configuration File -->

<configuration>
  <system.web>
    <customErrors mode="RemoteOnly" defaultRedirect="mycustompage.htm"/>
  </system.web>
</configuration>
```

# **EXHIBIT 5**



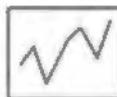
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Tracking and testing everything you do?



Measuring results from traffic to prospects to qualified leads and customers?



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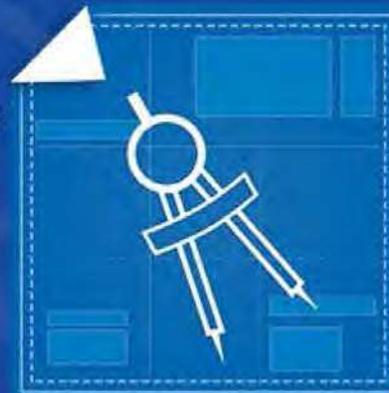
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VIEW OUR WORK

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launching your next campaign, and ensuring you get the most out of every marketing dollar you spend.

### REQUEST CONSULTATION

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Want to learn more about inbound marketing? We've put together a recorded webinar of everything you need to know to take advantage of inbound marketing for your business.

[ACCESS WEBINAR INSTANTLY](#)



### Ruby on Rails for Rookies

Starting a Ruby on Rails application may seem overwhelming to most beg...

[Read more »](#)



### How to Add Navigation Descriptions for the WordPress Custom Menu Widget

Website navigation is one of the most important components for traffic...

[Read more »](#)



### CoffeeBot - Fun Coffee Brewing Notifications With RaspberryPi

We love coffee here at Web Ascender, and I mean we LOVE IT. We typical...

[Read more »](#)

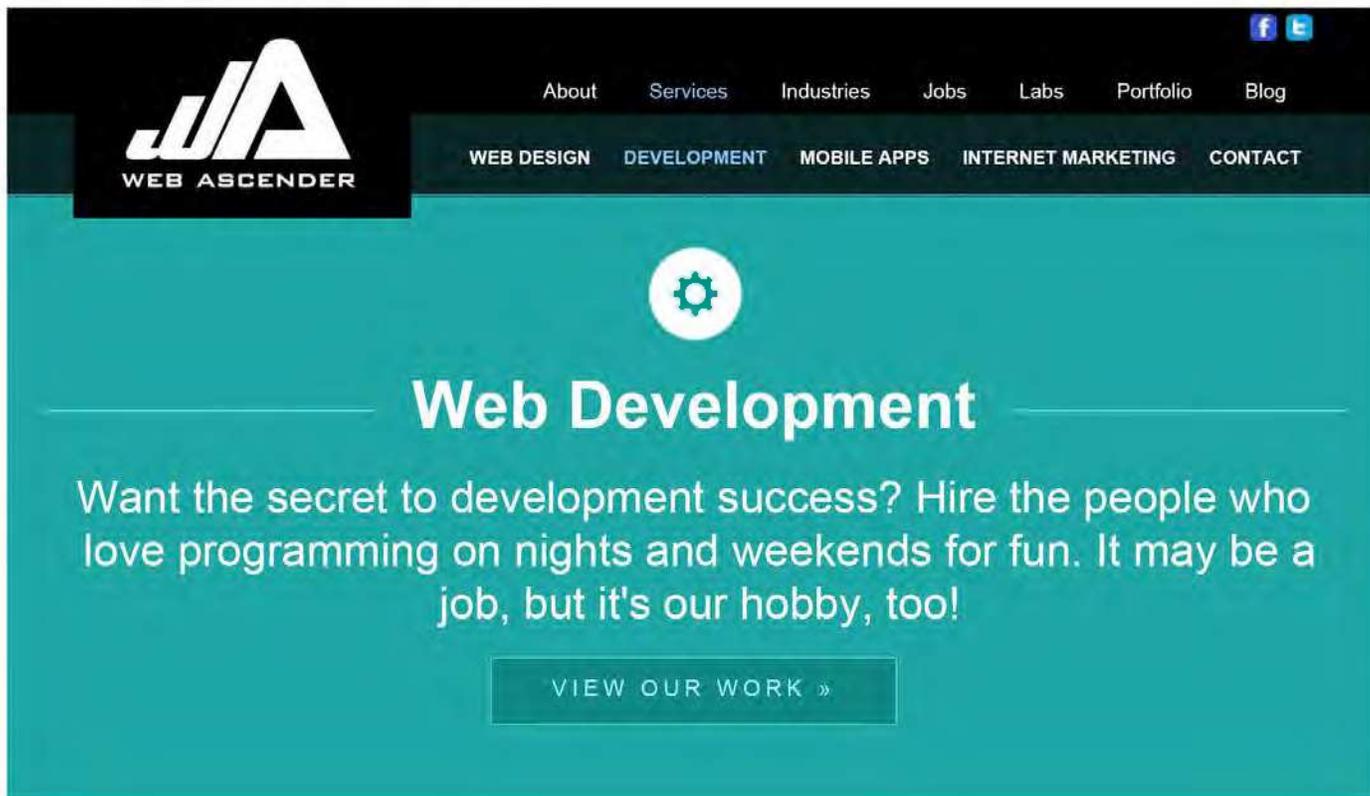


### Michigan Website Design and Development

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[Map and Directions »](#)  
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Fax: 1-866-807-6693

[ABOUT](#) [SERVICES](#) [PORTFOLIO](#) [BLOG](#) [CONTACT](#)





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- 2
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### Planning

To create the perfect application for your business, it's critical that our web development team learns what is important to you and your customers. As we gather this information, we will outline your overall goals and craft a plan for success. The more our team can learn about your business, your customers and the problems you are looking to solve, the better we can provide innovative ways for your application to make the lives of others



5

easier.

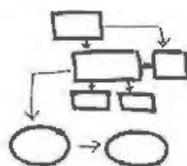
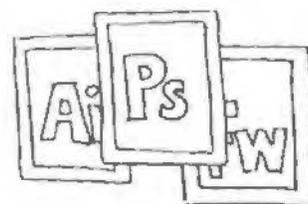


## Stories & Features

When working on web applications, we often try to think in terms of the type of people who will be using the system and the activities they will need to perform. Our web development team often creates personas for different application users, and we write feature stories for each of your users, outlining what types of problems need to be solved for each of them. By thinking in terms of stories and writing in terms of the problems we are trying to solve, we can thoroughly identify the features you need. Once we are done with the story process, we start to break those stories down into features and work with you to prioritize them.

## Wireframes & Creative

We typically don't jump directly into making beautiful application designs. The first part of the process is to create basic sketches of each screen for your application, outlining what will be where and why. After going through rounds of reviewing the wireframes and tweaking the type of information that needs to be collected, saved, displayed or reported, we can start with the actual creative designs. This includes the aesthetic look and feel of how the application will appear as well as behave.

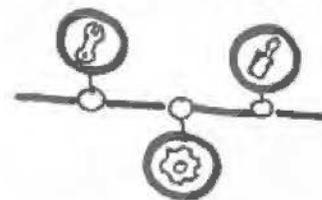


## Application Development

After we have outlined a plan, identified the necessary features, and have the aesthetic designs created for each of the pages within the application, we will start developing your product. Our developers typically do a mixture of individual and pair programming for web applications. Pair programming gives the benefit of having an additional set of eyes on the code and another brain to bounce ideas off when making critical decisions during the building process. On new projects, our team typically works with [Ruby on Rails](#) or [ASP .NET](#). We will also frequently send you links allowing you to review and provide feedback on the application we are creating.

## Ongoing Maintenance

Our projects are typically low maintenance, but it's rare to have a development project that is no maintenance. The amount you will learn after having your first version of an application released to your clients is tremendous. People will give you a lot of feedback and a lot of suggestions about how they think things should work or features they would want in the system. During this time, our web development team will work with you to determine how features should be adjusted, what features should be added, and how to continue to grow your web project in the future. As your project becomes a success, you will want to invest in bigger and better features, and we will be here to help you as needed.



Download the

### Startup Guide

Get the scoop from the team that's created applications for the Fortune 500 & the entrepreneur next door.

#### WHAT OUR CLIENTS ARE SAYING

Somehow Web Ascender captured the heart and soul of Sweetie-licious, and I am thrilled and forever grateful! Pies forever to my Ryan and Kyle! Thank you, you guys for helping me change the world one pie at a time!

*Linda Hundt, Sweetie-licious Bakery Cafe*

[MORE TESTIMONIALS »](#)

#### FEATURED WEB DEVELOPMENT PROJECTS



A large blue banner with a background image of hands typing on a laptop. On the left side, there is a white logo consisting of three stylized 'A' shapes. Below the logo, the text 'Michigan Website Design and Development' is written in white. Underneath, the address '2090 Jolly Road, Suite 100 Okemos, MI 48864' is listed, followed by 'Map and Directions »', 'Phone: 517-455-7837', and 'Fax: 1-866-807-6693'. On the right side, a navigation menu is displayed in white capital letters: 'ABOUT SERVICES PORTFOLIO BLOG CONTACT'. The banner has a solid blue footer at the bottom.

# **EXHIBIT 6**

**To:** Atriage Software, LLC ([mburzych@fsbrlaw.com](mailto:mburzych@fsbrlaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86853389 - WEB ASCENDER - N/A  
**Sent:** 4/8/2016 1:39:46 PM  
**Sent As:** ECOM121@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
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[Attachment - 50](#)

[Attachment - 51](#)

[Attachment - 52](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86853389

MARK: WEB ASCENDER

**\*86853389\***

**CORRESPONDENT ADDRESS:**

MARK J. BURZYCH  
FAHEY SCHULTZ BURZYCH RHODES PLC  
4151 OKEMOS ROAD  
OKEMOS, MI 48864

**CLICK HERE TO RESPOND TO THIS LETTER:**  
[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Atriage Software, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO. :

N/A

CORRESPONDENT E-MAIL ADDRESS:

[mburzych@fsbirlaw.com](mailto:mburzych@fsbirlaw.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: **4/8/2016**

**INTRODUCTION**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**SUMMARY OF ISSUES PRESENTED IN THIS OFFICE ACTION:**

- SECTION 2(d) REFUSAL—LIKELIHOOD OF CONFUSION—LIMITED
- PRIOR-FILED APPLICATIONS—ADVISORY
- DISCLAIMER REQUIRED
- IDENTIFICATION AMENDMENT—REQUIRED

**SECTION 2(d) REFUSAL—LIKELIHOOD OF REFUSAL—LIMITED**

This Refusal Applies to Applicant's Services Specified Herein Only

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4923870. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* *See* the enclosed registration.

Applicant's mark is "WEB ASCENDER" for use with:

Class 042: Computer graphics design services; Computer graphics services; Computer software development; Computer software development and computer programming development for others; Computer software development in the field of mobile applications; Computer website design; Graphic design services; Website design and development for others; Website development for others; Computer graphics design services; Computer software consulting

The registered mark is “AXXEND” for use with:

Class 042: Computer services, namely, on-site management of information technology (IT) systems; Computer services, namely, remote and on-site management of the electronic messaging systems, the information technology (IT) systems, the software applications of others; Computer services, namely, remote management of the information technology (IT) systems of others; Computer services, namely, remote management of electronic messaging systems, information technology (IT) systems, software applications for others; Computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications; Consulting in the field of designing software applications and IT solutions; Consulting in the field of IT project management; Information technology consulting services; IT consulting services; IT integration services; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the services of the applicant and registrant. See 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the services, and similarity of the trade channels of the services. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

#### Comparison of Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

Applicant's mark is “WEB ASCENDER” and registrant's mark is “AXXEND”. Regarding the wording “WEB” in applicant's mark, although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Matter that is descriptive of or generic for a party's goods and/or services is typically less significant or less dominant in relation to other wording in a mark. See *Anheuser-Busch, LLC v. Innvopak Sys. Pty Ltd.*, 115 USPQ2d 1816, 1824-25 (TTAB 2015) (citing *In re Chatam Int'l Inc.*, 380 F.3d 1340, 1342-43, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004)).

In the present case, the attached evidence shows that the wording “WEB” in the applied-for mark is merely descriptive of or generic for applicant's services. Thus, this wording is less significant in terms of affecting the mark's commercial impression, and renders the wording “ASCENDER” the more dominant element of the mark. The dominant wording in applicant's mark, then, is the wording “ASCENDER”.

While applicant's and registrant's marks feature different spellings, slight differences in the sound of similar marks will not avoid a likelihood of confusion. *In re Energy Telecomm. & Elec. Ass'n*, 222 USPQ 350, 351 (TTAB 1983); see *In re Viterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012). Here, applicant's mark features an “ER” ending on the root word, “ascend,” and registrant's mark features a fanciful spelling of the word “ascend”. However, these slight differences are insignificant for obviating the similarity between the marks as the words “ascend” and “ascender” both give the commercial impression of rising or a thing or person that ascends. See attached evidence from Collins Dictionary.

Because the dominant wording in applicant's mark is substantially similar in sound and meaning to the wording in registrant's mark, the marks are therefore confusingly similar for purposes of determining a likelihood of confusion.

### Comparison of Services

The services of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

The respective services need only be “related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Applicant's services are related to registrant's services because providers of IT consulting services also commonly provide computer software consulting and website design and development services. *See* attached evidence from Envescent, Envision Consulting, and Dakota Consulting, Inc. Additionally, applicant's software development services are related to registrant's IT consulting services because providers of IT consulting also commonly provide software development services. *See* attached evidence from ConSol, Amadeus Consulting, and Blueberry Consultants. Therefore, consumers familiar with registrant's services will also expect applicant's services to be provided by the registrant.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Applicant should additionally note the advisory below.

### **PRIOR-FILED APPLICATIONS—ADVISORY**

The filing dates of pending U.S. Application Serial Nos. 86713018, 86823988, and 79178388 precede applicant's filing date. *See* attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Applicant should note and respond to the requirement below.

### **DISCLAIMER REQUIRED**

Applicant must disclaim the wording “WEB” in the mark because it merely describes a function, purpose, or use of applicant's services, and thus is an unregistrable component of the mark. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a).

The attached evidence from MacMillan Dictionary shows this wording means “a very large collection of documents, pictures, sounds, etc. stored on computers in many different places and connected through the Internet.” Therefore, the wording merely describes a function, purpose, or use of applicant's services, namely, that applicant's services are used in connection with the web.

An applicant may not claim exclusive rights to terms that others may need to use to describe their services in the marketplace. *See Dena Corp. v. Belvedere Int'l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

**No claim is made to the exclusive right to use “WEB” apart from the mark as shown.**

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/disclaimer.jsp>.

Applicant should note and respond to the requirement below.

#### **IDENTIFICATION AMENDMENT—REQUIRED**

The identification of services in International Class 042 includes a duplicate entry of the wording “*Computer graphics design services.*” Applicant may either (1) modify one of these two identical descriptions of goods and/or services such that it will no longer be duplicative, or (2) delete one entry. *See* TMEP §707.02. However, if applicant modifies the goods and/or services, applicant may do so only to clarify or limit them; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07.

If accurate, applicant may adopt the following wording:

Class 042: Computer graphics design services; Computer graphics services; Computer software development; Computer software development and computer programming development for others; Computer software development in the field of mobile applications; Computer website design; Graphic design services; Website design and development for others; Website development for others; Computer software consulting

An applicant may only amend an identification to clarify or limit the services, but not to add to or broaden the scope of the services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07.

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO’s online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netathtml/tidm.html>. *See* TMEP §1402.04.

#### **RESPONSE GUIDELINES**

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. *See* TMEP §§705.02, 709.06.

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner’s amendment by telephone without incurring this additional fee.

/Justine N. Burke/  
Justine N. Burke  
Trademark Examining Attorney  
Law Office 121  
571-270-1631  
Justine.Burke@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the

issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**DESIGN MARK**

**Serial Number**

86461083

**Status**

REGISTERED

**Word Mark**

AXXEND

**Standard Character Mark**

Yes

**Registration Number**

4923870

**Date Registered**

2016/03/22

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Axxend Corporation, LLC LIMITED LIABILITY COMPANY DELAWARE 15840 Eagle Feather Drive Woodbridge VIRGINIA 22191

**Goods/Services**

Class Status -- ACTIVE, IC 042, US 100 101, G & S: Computer services, namely, on-site management of information technology (IT) systems; Computer services, namely, remote and on-site management of the electronic messaging systems, the information technology (IT) systems, the software applications of others; Computer services, namely, remote management of the information technology (IT) systems of others; Computer services, namely, remote management of electronic messaging systems, information technology (IT) systems, software applications for others; Computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications; Consulting in the field of designing software applications and IT solutions; Consulting in the field of IT project management; Information technology consulting services; IT consulting services; IT integration services; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application

**Print: Apr 6, 2016**

**86481083**

systems. First Use: 2014/10/00. First Use In Commerce: 2014/10/00

**Filing Date**

2014/11/21

**Examining Attorney**

SMIGA, HOWARD

**Attorney of Record**

Matthew H. Swyers

**AXXEND**

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## ascender (əˈsɛndər ɹ)

► Definitions

noun  
1. a person or thing that ascends



Word Frequency ●●●●●

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SHINOLA  
DETROIT

- 2. (typography)
  - a. the extension or upward stroke of any of the tall lowercase letters such as b, d, or k
  - b. any such letter

Word usage trends for "ascender"

View usage over:

Last 10 years
Last 50 years
Last 100 years
Last 300 years

Example Sentences for "ascender"

Since a Gibbs ascender was in view, prove of equipment, he didn't have to think about what Joy meant for more than a few seconds.  
Elizabeth Lowell THIS TIME LOVE (2002)

**Better Knees in 1 Week**  
Amazing New Study Could Redefine Relief for Those with Bad Joints.  
[www.1mg.com/1mg/1mg](http://www.1mg.com/1mg/1mg)

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American English Dictionary

British English  American English

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Home > American English Dictionary > ascend  
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## ascend (ə'send )

### ► Definitions

#### intransitive verb

1. to go up, move upward, rise
2. to proceed from a lower to a higher level or degree, as in rank, pitch, etc.
3. to slope or lead upward
4. to go back in time or line of ancestry

#### transitive verb

5. to move upward along, mount, climb → *to ascend stairs*
6. to move toward the source of → *to ascend a river*

Word Frequency ●●●●●



**NEW ARRIVALS**

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Do you need to know 'kwf' to be 'kwf'?

It's essential you stay ahead of the game! What are the meanings of 'kwf' and 'kwf'?

**Do you need to know 'kwf' to be 'kwf'?**

Learn more and to do with 'kwf'.

Lucy Mangan reviews your February word

to succeed to (a throne)

**Derived Form** *ascendable* adjective  
**as** *ascendible*

► **Word Origin**

ME *ascenden* < OFr *ascendre* < L *ascendere* < ad- to + *scandere* to climb

► **Synonyms**

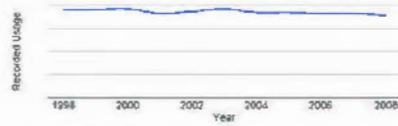
= *move up, climb up, ascend, scale*

[View thesaurus entry](#)

► **Word usage trends for "ascend"**

View usage over:

Last 10 years



► **Translations for 'ascend'**

American English: *ascend* If you ascend a hill or staircase, you go up it. *ascended, ascending, ascendable* held her hand as they ascended the steps.

Brazilian Portuguese: <i>ascender</i>	Chinese: 上 > 山, 攀登
European Spanish: <i>subir</i>	French: <i>grimper</i>
German: <i>hinaufsteigen</i>	Italian: <i>salire</i>

submissions

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Allan Simmons' 5 tips on learning words.

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Related Terms

0 results

Japanese: 昇る  
Portuguese: ascender

Korean: 올라가다  
Spanish: subir

Browse nearby words

- ascend
- ASCE
- ascend
- ascendancy
- ascendant

[All American words that begin with 'A'](#)

► Example Sentences Including 'ascend'

Or if Captain Callis, my predecessor, were here, he also would easily ascend to the office of commander.  
Raymond E. Feist SHARDS OF A BROKEN CROWN (1995)

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### Saving money with open source software for small business

Now that Linux is no longer a new word in the small business vocabulary it's time to consider where it may fit in to your company. Running a small business has a lot to do with managing resources efficiently and enhancing productivity when ever possible. Open source software can help.

#### Free solutions to expensive problems

Many small businesses rely off of file servers, mail servers, shared calendars and backup systems. While there are always commercial options available, they are often at quite a premium vs. implementing an open source solution.



Operating systems like [Linux](#) and [FreeBSD](#) offer several advantages to Windows or Mac OS X. First of all, they're completely free. That means you potentially save hundreds, if not thousands on licensing costs for the operating system alone.

It gets even better, though, because they also require less resources, which translates to not needing as much computing power to run them vs. commercial alternatives, saving money on investing in servers or workstations.

#### Open source for business servers

Another redeeming quality of open source is that there is a universe of free software beyond just the operating

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reason: receiving quality vs open source is much more in a universe of free software beyond just operating systems. There are free email server, web mail, backup, file sharing and other applications. Why pay exorbitant amounts of hard earned cash for something that is freely available? Most of the time the free alternatives are better, too!

For example, say you need to run an in-house file server that shares documents, spreadsheets and other information across your network.

You could invest in Microsoft Windows 2012 server licenses and a high-end computer which could cost up to \$5,000-5,000.00 or you could instead invest in an open source system, like Linux, running [Samba](#) (which is fully compatible with Windows) to share files across your network with an initial investment cost closer to \$1,000.00, if not less.



Virtualization has also become a very powerful tool in improving hardware utilization to run multiple servers on the same machine. This allows for that same \$1,000.00 server to also run a FreeBSD-based mail server, if you wanted to isolate your mail from your file server and use a different OS.

[VirtualBox](#) is a solution made by Sun Microsystems (now Oracle) that allows multiple instances of operating systems to be run on the same machine. It's great for compartmentalizing applications and servers, development and best of all it's free, open source and community-driven.

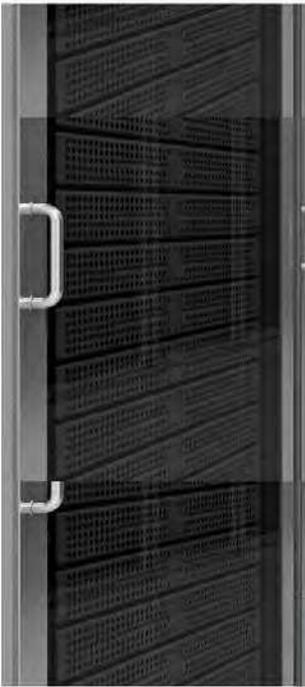
### Lower cost of workstations, too

But business doesn't just happen on servers, it happens on workstations, too. So, let's look at a software suite like [Open Office](#) 4.1.1. This application not only replaces Microsoft Office with compatible, powerful and easy to use office applications, but it also has an open document format (ODF) that is open source and not proprietary.

Open Office can also export to PDFs which is quite handy in many situations. Open Office can be run on Windows, Mac, Linux and any other operating system that Java supports.

[Linux Mint 17.1](#) came out recently and it's a powerful package of Linux, open source applications with a polished interface and a much higher level of security and performance vs. Windows on comparable hardware.





Right off the CD you can run an instance of Ubuntu on your computer without installing to give it a test drive (or to be able surf more securely). From the easy to use graphical installer you can also install the operating system on your computer and be able to take full advantage of all its features.



Ubuntu offers several workstation and server variants so match up your download with the hardware you intend to try it on.

If you can't run an application on Ubuntu, you can probably run it with [Wine](#) or virtualize a Windows installation and run it that way.

### Tying it all together

Utilizing open source software can provide a meaningful savings of investment and maintenance costs and an improvement in security and stability. It allows small businesses to invest the money they keep in growing their company and ensuring their future.

Make sure that you hire a company that has expertise in open source software when considering changes to how your IT is managed. There are plenty of companies that will design and support open source solutions, including my own, [Envascent](#).

Posted in [Linux](#), [open source software](#)

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We leave no stone unturned, providing complete turnkey security solutions, audits and incident response services for businesses.

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Expert led technology training services. We focus on providing hands on structured, individual and group classes to give you the cutting edge.

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SEO can increase your web site's visibility on major search engines. We work with you to generate leads from your key markets.

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## We make technology work for your business.

Managing your IT doesn't have to be a challenge. **Examzant** lets your business focus on what it does best.

### Cybersecurity a growing concern for small business

Data breaches grace the headlines at least once a week these days. Companies whose sensitive information has been compromised by unauthorized parties on a massive scale. Many of them suffering from irreparable financial and reputation damage.

### Imagine an Internet of malicious things

The Internet of Things (IoT) is the concept of many different devices which connect together to bring about a richer online experience. These items include routers, automation systems, Internet telephony, security cameras, file sharing network drives and other network appliance devices.



### SEC cybersecurity guidance for investment managers

In April, 2015, The SEC issued cybersecurity guidelines for money managers and investment advisers. These guidelines provided best practices for mitigating information leakage risks and improving data security. Too often many smaller investment houses may not have knowledgeable staff to implement these SEC best practices.

### Sea change in credit card liability for small business

New requirements for merchants will cause a significant shift in business liability for certain types of credit card fraud. But many business owners are not ready and even more have not heard about this change in payment processing.

### Information technology support tips for small business

Businesses rely on information technology to improve productivity, share information and reduce the time it takes to communicate. Despite how important information technology is to their success many small businesses tend to manage it poorly. For the most part this has to do with the depth of expertise and investment of time that is necessary to ensure that software, hardware, networks and telephony are maintained to promote maximum stability and security.



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### IT consulting

Does your business need a responsive and effective provider of IT consulting services in the Arlington, VA area? Envescent could be a good fit.

#### Business IT consulting services from local experts

We specialize in servicing organizations that are located within or near Arlington, VA. Our services include IT consulting, networking, troubleshooting, support, diagnostics, repair, data recovery as well as maintenance and upgrades.



We can help make sure your systems are running properly and backing up regularly, as well as enhance computer security, setup remote system access for off-site work and provide specialized help with setting up new networks, file servers, databases, e-mail, spam filtering, mobile devices and more.

#### Serving all of the IT needs of businesses in Arlington, Virginia

Envescent offers consulting, support packages and outsourcing solutions tailored to suit your business. We believe in the power of strong customer relationships and services with a personal touch. Our experienced staff are always available to provide insight, advice and assistance for all of your information technology needs. We specialize in many fields.

- On-site office IT services

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• On-site value IT services

Offering network and system administration services, networking, security audits and more.

- Information infrastructure strategic decision support

Providing experience, information and feedback to at key decision points to improve security and remedy any possible issues.

Train staff and provide support with threat and crisis management.

- Information security analysis and intelligence

Best of breed utilities and solutions

Consultations and support regarding emerging issues

- New technology research and secure provisioning

Assisting your organization determine which new technologies are best suited to provide IT solutions to improve productivity, security and stability

- Application support

Support for Intuit Quicken, Intuit Quickbooks, Microsoft Outlook, Microsoft Office, Google Chrome, Mozilla Firefox, Mozilla Thunderbird, Internet Explorer, Apple Time Machine and many other applications.

- Installation and troubleshooting of services

Web: Nginx, Apache, lighttpd and varnish

E-mail: Dovecot, Postfix, Sendmail and Spam Assassin

Databases: MySQL, MariaDB, PostgreSQL and MongoDB

Security: Snort, AIDE, Tripwire, IPFW, ipt, pf and ufw

- Operating systems support and upgrades

Currently offered for current versions of Windows, Mac OS X, Linux and FreeBSD

Contact Envescent for local IT consulting help today.

If you are interested in our consulting services or you don't see what you're looking for and have a question please [contact us](#). We appreciate your interest in Envescent and hope to hear from you soon.



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## Web design

Envascent offers customized responsive websites for individuals and businesses, from simple websites all the way to fully functional intranets, blogs, e-commerce websites and more. We focus on building lead generating engines to help improve your business' reach and sales.

It's more important than ever that websites work on all devices.

30% of web traffic originates from mobile users on phones and tablets. That number continues to grow. Having your website viewable and usable on those devices is important to maintaining a good user experience and improving the reach of your website.



Web design is a critical component of marketing.

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### Tech Tweets

## Web design is a critical component of marketing.

A properly designed website with useful content can be very helpful to increase visibility or promote products and services. Websites can also drive sales of products and services to your business. Many websites even build in automated functionality, such as customer service information, ecommerce, e-mail contact and more.

We also offer search engine optimization so that your new website gets identified and registered in the world's leading search engines.

Some of the many websites that we've designed include:

[ArlingtonVAComputerRepair.com](http://ArlingtonVAComputerRepair.com)

[BiotechPolicyGroup.com](http://BiotechPolicyGroup.com)

[Blog.ArlingtonVAComputerRepair.com](http://Blog.ArlingtonVAComputerRepair.com)

[BSCI.org](http://BSCI.org)

[BSDFreak.org](http://BSDFreak.org)

[CapitalCounselingServices.com](http://CapitalCounselingServices.com)

[Chamandy.org](http://Chamandy.org)

[DavidElliotLeadership.com](http://DavidElliotLeadership.com)

[Envyscent.com](http://Envyscent.com)

[GlassByMAT.com](http://GlassByMAT.com)

[I'm-A-Genius.com](http://I'm-A-Genius.com)

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[NovusPrime.com](http://NovusPrime.com)

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[SeamsYardService.com](http://SeamsYardService.com)

[UpperCutsDC.com](http://UpperCutsDC.com)

Other web services clients include:

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[HillNow.com](http://HillNow.com)

[MenoGuitar.com](http://MenoGuitar.com)

[Overlee.org](http://Overlee.org)

[RestonNow.com](http://RestonNow.com)

[TedXArlington.com](http://TedXArlington.com)

Have questions or ready to hire us for help? Please [contact us](#) for assistance.



# Co-Managed Solutions



## Full Control, Visibility and Best Practices for Your IT Department

Your IT team works hard to keep your business running smoothly and supporting users with their every need. But without adequate and customized tools they get stuck supporting day-to-day requests, and don't have the time for more important strategic projects. Our co-managed IT gives your IT Department full visibility, control and best practices through:

- An integrated suite of industry-leading IT management tools designed to work together. The same we use to manage thousands of users
- Customization of our suite of products to match your workflows and business goals without the exorbitant up-front costs
- Best practices so that you can maximize the technical and financial value of your investment
- On-demand technology expertise to help you with day-to-day support tickets and more complex and strategic IT projects

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## Focus On The Important, Not The Urgent

### For The Business Executive

- Support cost efficiency and ROI
- Make more informed strategic decisions
- Improve business productivity
- Reduce downtime
- Focus more on the business rather than worrying about IT

### For The IT Manager

- Have real-time, full visibility of IT assets for better decision making
- Save time with task automation
- Centralize and streamline user support requests
- Focus your efforts on higher-skilled, strategic projects
- Escalate tickets to Enwision engineers on demand

## Integrated Tools You Need To Succeed

### Co-Managed IT Service Desk

We provide you with the same ticketing, dispatching and time entry functionalities that we use to manage requests of thousands of users. We understand that as you grow and technology needed to support the organization gets more complex, you need the management and control capabilities to efficiently support the organization

[See All The Details](#)

Status	Priority	Category
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR
Service Ticket	High	High Pri. CR



### Monitoring, Automation & Patching

Scalability is one of the biggest challenges of a growing business. Increasing complexity oftentimes leaves IT staff underutilized, focusing on day-to-day software installations and user support. We provide you with a Global Client Management platform that allows for full visibility, reporting and automation of tasks



### End-User IT Support Desktop Application

Streamlining IT support is only possible if your users have an easy way of requesting help, managing tickets and communicating with your IT team. We provide you with a very user-friendly desktop application which serves as a one-stop shop for IT support and integrates with your ticketing and monitoring systems.

[See All The Details](#)



### IT Documentation Software

Document your applications, devices, passwords and all other IT assets in a secure, best practices-driven IT documentation platform packed with features designed to help you maximize efficiency, transparency and consistency.

look

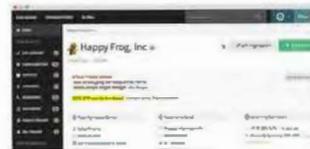
[See All The Details](#)



### Real-Time Reporting & Analytics

What gets measured, gets managed. We consolidate all your key data into a centralized business intelligence platform to help you analyze and measure everything in your IT operations. Through intuitive dashboards you can visualize system and network health, engineer productivity or any performance indicators that are most helpful to your organization.

[See All The Details](#)



[See All The Details](#)



### On-Demand Helpdesk Ticket Escalation

A great benefit of working with Envision is that we don't just provide you with the IT management tools to succeed, but are also your partner in times when you need help managing requests due to work volume, complexity or when IT staff goes on vacation.

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Ready to bring your IT Department to the next level?

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206 Madison Street Suite 502 Alexandria, VA 22314  
Phone: (703) 535-8766  
Email: [info@envision-consulting.com](mailto:info@envision-consulting.com)

We are well placed to service small and growing companies in Alexandria, Arlington, McLean, Tysons Corner and Falls Church, as well as further afield in Fairfax, Reston and Richmond. We also have many out-of-state clients in Washington DC, as well as in Baltimore, Bethesda, Rockville and Potomac in Maryland.

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## Personalized IT Consulting



We Make IT A Strategic Part of Your Business

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Strategic Business IT Consulting



Infrastructure Planning & Implementation

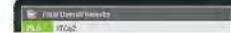


Network and Security Assessments



Envision Hourly Consulting

Strategic Business IT Consulting



The competitiveness of a modern business depends on how well organizational strategy is aligned with IT. We bring our clients the 7C IT Management Framework, a thought provoking methodology designed to evaluate how well 7 key areas of IT are supporting business strategy, and help bringing the organization to the next level. Through the 7C framework, we are able to help you maximize business continuity, increase the bottom line, align business and technology and reduce risk.

[See Our Working Method](#)



### Infrastructure Planning & Implementation

Whether you already have IT infrastructure in place or are starting from scratch, you don't need to spend precious time and resources researching the hardware, software and licensing requirements that your organization needs to operate.

You can count on us to help you design, implement and configure customized solutions that is supportive of your organization's processes and workflows, leveraging your current technology to keep your business nimble and your costs under control.

### Network and Security Assessments

Nothing beats having peace of mind that your business networks have optimum performance and provide you with adequate security to protect data and meet business needs.

Our team of experts evaluate the performance and security of your IT environment to help you identify areas for improvement and implement industry best practices, ensuring protection and compliance with regulatory authorities.

[Let's Have A Conversation!](#)



### Envision Hourly

We understand that sometimes you just need an extra set of hands to help you with specific IT projects.

## ENVISION Hourly Consulting

or during busy times and emergencies

Envision's flexible service options provide top-tier engineering services on-demand by the hour or for a week, month or a year.

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Company *	Phone	
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Email *	City	
<input type="text"/>	<input type="text"/>	
<input type="button" value="SCHEDULE A FREE CONSULTATION"/>		

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We are well placed to service small and growing companies in Alexandria, Arlington, McLean, Tysons Corner and Falls Church, as well as further afield in Fairfax, Reston and Richmond. We also have many out-of-state clients in Washington DC, as well as in Baltimore, Bethesda, Rockville and Potomac in Maryland



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## Software Engineering Services

Dakota provides the entire range of life-cycle services (requirements, design, develop, test, implementation) necessary to develop and implement IT systems. Our team has years of experience implementing IT systems in the government using both proprietary and open source tool sets. We have expertise in working within the Federal government and commercial sectors. Dakota has the experience and flexibility to customize an SDLC methodology to meet our customers' needs.

The following list identifies some of the services performed in the Software Development Life Cycle for both new systems and enhancement/maintenance of existing systems.

### Requirements Phase

- Requirements definition and validation
- Business process engineering and modeling
- Gap analysis
- Use Case Modeling

### Design Phase

- Prototyping
- System Design
- Data Definition
- Detailed Design Specifications
- Technical Architecture

### Development (Coding)

- Development/coding with proprietary and open source products
- Analysis of existing code for performance optimization
- Unit testing

...

Testing

- Test plans
- Test scenarios
- Functional, System and Integration testing
- Regression, Load and Performance testing
- Automated testing

Implementation Support

- Customer Acceptance Testing
- Training
- Development of customized training manuals

Operational & Maintenance Services

- Help Desk (Tier 2 and Tier 3 support)
- Report Generation
- Troubleshooting/Product de-bugging
- Functional Enhancements

Database Management Services

- Database Design & Development
- Database Modeling
- Database Administration
- Data Integration of disparate data sources
- Data Warehouse

---

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Fax

(205) 556-2140

Email

[info@dkc.com](mailto:info@dkc.com)





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Software Engineering

IT Management & Consulting

DevOps

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Technical Services

## Management and IT Consulting Services

The Dakota Consulting team can help you manage your projects from cradle to grave. Our team contains the essential skill set, training and certifications to lead a project. Our focus is on the identification and completion of the key success objectives of our client stakeholders. We understand and excel at developing innovative, cost-effective, customer-focused solutions to the many challenges experienced by our Project Managers.

### PMO

- Project Program and Portfolio frameworks
- Program Development, Operational Execution
- Program and Portfolio Metric Reporting
- Business process development, implementation, and optimization
- Organizational metrics development and implementation

### PM and Action Officer (AO) Support

- Project management
- Project control
- Milestone planning, tracking, and scheduling

- Develop and analyze key program metrics
- Briefings, plans, program strategies

IT Consulting

- ITU-based process development, implementation, and execution
- Service Desk design, implementation, and optimization
- Studies and analysis of technology solutions
- Cloud-based solution evaluation/security assessments

Business/Mission Support Services

- Administrative management
- Human Resources (HR)
- Acquisition
- Financial

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### Software development – Helping you achieve your goals

ConSol® implements the ideas we jointly developed with you to technical perfection and puts your specifications to paper during the software development process. At the end of the day, you receive a turnkey application that is ready to support your business. Our developers are highly skilled in the use of their tools, have proven experience working with different methods, and master various programming languages. Not only that, they help you achieve your goals.

Contact

What we offer	How you benefit
<p><b>Software development specialists</b> with expertise in all standard technologies, programming languages, tools, and methods</p> <p><b>Java/Java EE programming specialists</b> with strong market reputation (through numerous publications and presentations)</p> <p><b>Open to all technologies</b>, including open source projects as well</p> <p>Use of agile methods for incremental implementation and test driven development</p> <p><b>Technology leader</b> thanks to our in-house research and development activities</p>	<p>A leading edge technological solution that also meets the highest quality standards</p> <p><b>Results-based specification</b> of your requirements, without any unnecessary technical feature bloat</p> <p><b>Budget-minded implementation</b> and rapid results</p> <p>Possibility to influence the process thanks to collaborating and <b>iterative approach</b></p> <p>Risk minimization and quality assurance</p>

**IT Service Provider**  
Sustainable IT success from a single source

#### News & events

02/10/2016 The Five Most Important Reasons to Combine BPM and CRM

16/10/2016 ConSol® 24/7 customer support ISO 9001 certificate confirmed by TÜV Süd

More

## IT Consulting – Achieve more with customized consulting services

 IT consulting from ConSol means that your individual needs are given top priority from day one. As an IT service provider, we work together with you to create a suitable strategy and demonstrate possible ways to **achieve your goals in a quick and cost-effective manner**. Guaranteed long-term results: Our IT consultants take the technical requirements and aspects such as performance, scalability, and security into consideration at all times. Based on these requirements, they make **manufacturer-independent recommendations** to ensure that your investment lasts long into the future. Just as you would expect it to.

[Contact](#)

### Our key IT consulting services include:

- Process consulting:** We bring together IT and business thanks to our comprehensive knowledge of the SOA, EAI, and BPM landscapes and ensure that your application environment provides optimum support for your business processes.
- Architecture design:** We take an iterative approach to developing and planning your enterprise IT architecture and optimize how hardware and software work together.



### News & events

**03/10/2016**  
The Five Most Important Reasons to Combine BPM and CRM

**10/10/2015**  
ConSol® 24/7 customer support: ISO 9001 certificate confirmed by TÜV Süd

[more](#)

**Cloud consulting:** Private cloud? Public cloud? Data center? We find the perfect solution for your long-term IT success based on your business processes and requirements.

**Software consulting:** We carefully review your requirements, possible synergies with legacy systems, and potential risks when developing new applications.

**Infrastructure consulting:** We will present you with the ideal solution, regardless of whether you are looking to set up a new network, require a new Web or application server, or if there are difficulties in terms of performance, scalability or connectivity.

**Security concepts:** We advise you on all matters regarding the security of your enterprise architecture. Whether it's mobile security, access rights, point-to-point security, intrusion protection systems, network encryption, or ISO 27001 consulting – our security experts accept every challenge that comes their way.

## Portfolio

IT software  
Technologies

## Company

News & events  
About us  
Locations  
Partners

## Contact

ConSol® Consulting  
Software GmbH  
Franziskanenstr. 5  
81689 Munich, Germany  
info@consol.de  
www.consol.de

ConSol  
Consulting & Solutions

+49-89-45841-100

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- Code Audit
- Custom Database App Development
- Cloud Data Storage & App Development
- Legacy Software Systems
- Application Rebuild
- Client Story - Database Integration
- Client Story - Logistics App Development

## CUSTOM SOFTWARE & WEB DEVELOPMENT

Why

Skills

Clients

**68%**  
of projects fall. Ours don't.

**95%**  
of Amadeus clients would refer us. Increase your project's odds.



You want it ALL

We will give you our all to meet your expectations!

**AHEAD OF THE CURVE.**  
Stay ahead of your competition. Amadeus uses NextGen technology solutions for your custom software development project.

*"Amadeus took my web application project ideas and made them even better."*

- GRANT FARNSWORTH



### ID-GEN

Tactical Planning Framework



Free Download

**GET IN TOUCH**  
Experience the Amadeus difference for yourself  
Call us at **720.564.1231** or visit our office in Boulder, Colorado

Start Now

"Working with Amadeus has been a pleasure and rewarding. Amadeus Consulting brings an expertise that has proven to be a big help. Along the way they were flexible and accommodating, even when the requirements were adjusted. We can say without a doubt that Amadeus is very client oriented. We highly recommend Amadeus as a software development partner!"

**Dreg Gustin**  
Global Sales

## TECHNOLOGY SKILLS & PROVEN EXPERIENCE

<b>Web Front End:</b>	<b>Microsoft Azure:</b>
JavaScript, AngularJS, HTML 5, Responsive Design ...	C#, .Net, Web Apps ...
<b>iOS (iPad/iPhone):</b>	<b>Google Cloud Platform:</b>
Objective C, Location Services, Gamification ...	Python, App Engine ...
<b>Android:</b>	<b>Storage:</b>
Java, Location Services, Gamification ...	SQL, NoSQL, Object Store, Table Store ...
<b>Internet of Things:</b>	<b>Custom Integration:</b>
Bluetooth, BLE ...	Hardware, Web Services, Proprietary APIs ...
<b>Legacy:</b>	
ASP.Net, Relational DBs ...	

## WHY AMADEUS CONSULTING OVER OTHER SOFTWARE DEVELOPERS?

- We have worked with hundreds of enterprise companies and entrepreneurs as their custom software development partner.
- Our skillset is advantageously diverse - we design, develop, implement, and launch mobile, web, cloud, and backend applications.
- Our technology solutions and implementation strategies are dynamic and custom developed to support YOUR present-day and future business goals.
- We use your budget efficiently by intelligently integrating your existing systems and databases.
- Our developers are well versed with security and data issues - we use the most-up-to-date techniques to ensure your protection.
- We deliver releases faster through our modern approach and process for testing and deployment.
- Your users will have a great experience because we use innovative data storage over traditional relational databases.
- We provide you with ongoing support services to keep your application strong through its lifecycle.

## CONSUMER WEB APP DEVELOPMENT

Amadeus Consulting is recognized as a leading expert in providing custom web application development, exceptional programming, innovation, efficiency, and quality end-product. We pride ourselves in developing strategies that tackle the most difficult technical requirements and business challenges.

CLIENT EXAMPLE: [KELCAR](#) - DEAL SCAN



Entrepreneurial business men, Rick, Kelly, and Eric have spent many years owning and managing car dealerships. Fed up with the repetitive process of entering and re-entering vehicle and customer information, they partnered with Amadeus Consulting to create a mobile app solution to solve this problem. We were able to design and build backend, web, mobile and web.

## ENTERPRISE WEB & MOBILE APPLICATIONS

Experts in developing web, mobile, and backend software applications, our broad industry experience crosses many verticals, including: transportation, healthcare, financial, retail, technology, and many others.

CLIENT EXAMPLE: [GLOBALTRANZ](#) - 10-4



10-4 is disrupting the transportation industry by replacing work typically done by people and phones with sophisticated and complex web technology. As their custom software development solutions partner we designed and built their custom software application for web and mobile platforms from the ground up. And, to ensure continued success, we also helped hire and train

solution to solve this problem. We were able to design and build leading edge mobile and web applications to streamline the car buying experience.

[Read More...](#)

### SOFTWARE & SYSTEMS CODE AUDIT

Our software code audit and system review can help you reduce project risks, evaluate quality, make financial decisions related to upgrade versus code re-write, and gain valuable recommendations for your software development project. The question is not "Why should I do this," rather, "Can I afford NOT to do this?"

EXPERTISE IN: .NET, PYTHON, ASP.NET, C#, JAVASCRIPT, OBJECTIVE C, & MORE.



EXCERPT OF THE "DETAILS OF MAINTAINABILITY" SECTION OF AN UNDISCLOSED CLIENT CODE AUDIT:

"...specifically the \$addExceptionWidgetHtml uses a large HTML string, which might be better implemented in a helper or partial. If this is unavoidable, the use of a HEREDOC or NOWDOC (PHP implementations of pre-formatted verbiage, useful for storing code) might bring some clarity."

[Read More...](#)

their external development team to support their software.

[Read More...](#)

### DATABASE & STORAGE APPLICATION DESIGN

We recognize that following database design, data access, and integration best practices are critical to the success of custom database applications. In fact we agree with the leading DB industry experts that a well-designed custom database makes it easier to derive value from enterprise data. It is more important than ever for enterprises looking for new ways to use big data to gain a competitive advantage.

"Amadeus Consulting clearly knows how to manage a large custom software and data storage project and to move from concept to production, enabling MGMA to make the transition to a Web-enabled enterprise system. We are very pleased with our success on this major development project."

FRAN L. IANNUCCI  
SIS, PMP, Senior Manager, Business Information Services

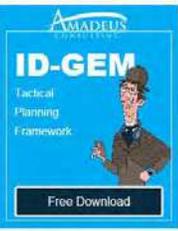


[Read More...](#)

Interested in Learning More?  
Let's Get Started >>



- Code Audit
- Legacy Software Systems
- Application Rebuild
- ID-GEM Overview
- Project Approach & Methodology



**ID-GEM**  
Tactical Planning Framework

[Free Download](#)

## SOFTWARE AND TECHNOLOGY CONSULTING

When making a large software investment, you need the technology insight and understanding to validate your path forward. Through a tailored approach, Amadeus Consulting evaluates your existing business systems and determines the software and hardware you need to reach your business goals.

Following a thorough review and evaluation of your current systems, our consultants will provide you with an analysis that will guide your future software developments.

Contact us today and implement a development strategy to reach your long-term business goals.

[Start Now](#)



### Technology List

- Enterprise Systems Optimization
- Enterprise Architecture Master Plan Development
- Performance Analysis
- Third Party Software Evaluation
- Hardware Selection



Web Development Strategy  
Architecture Review  
Requirements Analysis

Hardware Security  
Payment Card Industry (PCI) Compliance  
Security Audits



### Let us help YOU!

There are numerous business opportunities in the complex emerging technology landscape. Almost all technology strategies today include mobile enterprise, next gen cloud (PaaS), serious data analytics, security and performance considerations, and mobile-like deployment/releases. Businesses are working within tight budgets and even tighter timelines. A top Amazon executive shared at a conference early this year, "if you think you are moving fast enough, you aren't even close!" The confluence of product, marketing, and technology has never been greater.

We have completed or are working on software development projects that span almost every mobile and web trend of 2015. This includes IoT, wearables, mobile payments, machine learning, PaaS, gamification, mobile security, and home connectivity. Why does this matter to you? You can leverage this very broad real-world experience in actually building things, not just talking about them. Our consulting services focus on tangible deliverables, not just pretty pictures and fancy words. We know that YOUR job, YOUR company, and YOUR technology direction depend on building a technology strategy to get you from where you are now to where you need to be. Let us help YOU!

"We screened over twenty different developers for the project and Amadeus Consulting's combination of attention to detail and professionalism in approach won the project. We also greatly appreciated the fact that they understood our business objective, not just the technology."

Ricky Rodriguez | Happy State Bank

"Amadeus Consulting helped us [Boulder Valley School District] clarify the relationships between our business goals and the technical capacity to meet those goals. They produced an innovative solution for our complex problem."

Mike Wilcox, Assistant Director for Student Enrollment | Boulder Valley School District

Interested in Learning More?  
Let's Get Started >>

Amadeus Consulting (720) 564-1231 [inquiries@amadeusconsulting.com](mailto:inquiries@amadeusconsulting.com) [Privacy Policy](#)





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- Home
- About Us
- What We Do**
- Why Blueberry?
- Expertise
- Case Studies
- Resources
- Locations

## What We Do

### Technical Consultancy Services

How many of your business decisions hinge on technical decisions?

#### Technical Analysis Services

Do you want to break into a new market, or improve your profitability by installing new information systems? We provide technical consultancy services to help you make those decisions based on informed, well-focused technical analysis. You may already have taken outside advice, but we can assess the technical feasibility of your plans and provide an extra, independent analysis of the associated business risks.

Overview

Custom Software Development

Software-Based Products

**Technical Consultancy Services**

Specialist Services

Talk to Us

## How many of your business problems are really technical problems?

### Experienced IT Consultants

We have IT consultants with a wide range of expertise and experience in custom software development. If you have a problem with your existing information systems, we'll help you solve it. If you have a [software project](#) that's progressing too slowly, our consultants will analyse it impartially and help you get it back on track.

### IT Consultancy Services

Blueberry's IT consultants listen carefully to their clients so that they understand not only the technical issues but also their business context. Their advice is detailed and precise, but always made clear.

Please [contact us](#) to find out more about our IT consultancy services.

## Talk to Us

We're easy to talk to - tell us what you need.

Don't worry if you don't know about the technical stuff, we will happily discuss your ideas and advise you.

**Birmingham:** 0121 265 0100

**London:** 0203 137 5943

**Cheltenham:** 0121 265 7500

**Email:** [enquiries@bbconsult.co.uk](mailto:enquiries@bbconsult.co.uk)

[Enquiry Form](#)



## What We Do

### Custom Software Development

You need a new system, on time, on budget. We can make it happen.

#### Bridging the Gap – The Key to Project Success

Blueberry's mission is to develop great bespoke software systems. We have over nineteen years' experience in custom software development - listening to customers' requirements, and translating this into reliable, high quality code – quickly and within budget.

The key to success in custom software development is communication – to make absolutely sure that the development team really and truly understands what the customer wants the software to do.

Blueberry's solution to this is simple: we use ex-developers with very strong communication skills as our project managers. This ensures that the key project manager role is filled by a person who can talk to both developers and customers.

#### Many Project Types

Blueberry has robust experience across a wide variety of custom software projects. We're at home with:

- [Client-server development](#)
- [Database system development – including migration of MS Access projects](#)
- [Web application development](#)
- [Mobile development](#)

We also offer a project rescue service: if you have an existing bespoke software project which is failing, we can often take over the code, and turn the project around. We've done this for many customers.

#### Wide Industry Sector Experience

Overview

**Custom Software Development**

Software-Based Products

Technical Consultancy Services

Specialist Services

### Talk to Us

We're easy to talk to - tell us what you need.

Don't worry if you don't know about the technical stuff, we will happily discuss your ideas and advise you.

**Birmingham:** 0121 285 0100

**London:** 0203 137 9943

**Chesham:** 01294 265 7500

**Email:** [enquiries@tbccconsult.co.uk](mailto:enquiries@tbccconsult.co.uk)

[Enquiry Form](#)

### Wide Industry Sector Experience

Blueberry has experience of many different industry sectors, including:

- Transport and Logistics
- Property Management
- Health Systems
- Mobile Systems
- E-Commerce, including international purchasing systems
- Government related projects
- Education
- 'Heavy' Industry – Paper Mills, Aerospace

However, we'd stress that learning new fields and industries is something we have to do on every project. We normally surprise customers with how quickly we understand their sector.

### Wide and Deep Technology Experience

To some customers, all software programmers are equal. In fact, as with any walk of life, there are huge variations in skills and expertise.

Blueberry has been in business since 1997; we currently have 10 project managers and 40 developers, many of whom have worked for us for over ten years. This gives us a very wide pool of expertise, covering all major operating systems and many development technologies. We've already solved problems such as barcode reading, optical character recognition, postcode lookup and online reporting many, many times.

At the same time, Blueberry is owned and managed by ex-developers, with a strong interest in all aspects of custom software development – and a history of very technical problem-solving. This gives us a depth of expertise that quite simply means we're very rarely beaten. For many projects, this technical edge isn't required – but when something goes wrong, it's invaluable to be able to call for reinforcements who can drill into the issues and fix the problem.



Print: Apr 6, 2016

79178388

**DESIGN MARK**

**Serial Number**

79178388

**Status**

NON-FINAL ACTION - MAILED

**Word Mark**

A ACENDRE

**Standard Character Mark**

No

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

NGA.NET Pty Ltd UNKNOWN NOT PROVIDED L2, 17 Raglan St SOUTH MELBOURNE VIC 3205 AUSTRALIA

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Software for recruitment purposes.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; provision of web based software, software services, software installation services, software maintenance services; all the foregoing services relating to software for recruitment purposes.

**Priority Date**

2015/04/16

**Description of Mark**

The mark consists of a filled circle with a stylised capital letter 'A' over it followed by the word 'acendre' in lower case letter.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

Print: Apr 6, 2018

7917838E

2015/10/15

**Examining Attorney**

MCPHERSON-RAYBURN, SHA



acendre

**DESIGN MARK**

**Serial Number**

8671301E

**Status**

PUBLISHED FOR OPPOSITION

**Word Mark**

ACCENDA

**Standard Character Mark**

Yes

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Accenda, Inc. CORPORATION FLORIDA 90 Long Acre, Covent Garden London  
UNITED KINGDOM WC2E9RZ

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business  
advisory services, consultancy and information. First Use:  
2011/05/06. First Use In Commerce: 2011/05/06.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer  
programming services for companies in the field of healthcare and life  
sciences. First Use: 2011/05/06. First Use In Commerce: 2011/05/06.

**Translation Statement**

The English translation of "ACCENDA" in the mark is "To turn  
on/Activate".

**Filing Date**

2015/08/03

**Examining Attorney**

CHARLON, BARNEY

**Attorney of Record**

JungJin Lee, Erin C. Bray

# Accenda

Print: Apr 6, 2016

86823988

**DESIGN MARK**

**Serial Number**

86823988

**Status**

SUSPENSION LETTER - MAILED

**Word Mark**

ACCEND NETWORKS

**Standard Character Mark**

Yes

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Accend Networks CORPORATION CALIFORNIA 941 2530 Berryessa Road San Jose CALIFORNIA 95132

**Goods/Services**

Class Status -- ACTIVE, IC 042, US 100 101, G & S: IT consulting services, First Use: 2015/08/11, First Use In Commerce: 2015/08/11,

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NETWORKS" APART FROM THE MARK AS SHOWN.

**Filing Date**

2015/11/18

**Examining Attorney**

LEE, YAT SYE

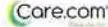
# Accend Networks



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Search now



web - definition and synonyms

Show less



NOON Pronunciation /web/ Word Forms

What are red words? Using the thesaurus

Contribute to our Open Dictionary

1 [COUNTABLE] a net of thin threads that a spider makes in order to catch insects

Synonyms and related words

Insect habitats: anthill, cobweb, comb

Explore Thesaurus

2 [COUNTABLE] a complicated set of related things, often considered to be dangerous or difficult to deal with

web of. The story is a complex web of lies and deception.

Synonyms and related words

Something that is difficult or unpleasant to do or deal with: mare, the elephant in the room, task...

Explore Thesaurus

3 the Web COMPUTING a very large collection of documents, pictures, sounds, etc. stored on computers in many different places and

Related words

Web 2.0 NOON

Web 3.0 NOON

web-based ADJECTIVE

web farm NOON

web page NOON

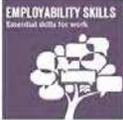
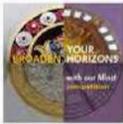
web ring NOON

more dictionary definitions



**Did you know?**

Click any word in a definition or example to find the entry for that word



**connected through the Internet**

*Many consumers are still reluctant to buy on the Web, a web designer*

*Any mobile web presence is infinitely better than no mobile web presence*

**S** Synonyms and related words

General words for the Internet and world wide web: Web 2.0, Web 3.0, internet

[Explore Thesaurus](#)

**4** [ˌkɔʊntaɪk] a thin layer of skin between the toes of some birds and animals that helps them to swim well

**S** Synonyms and related words

Parts of birds: book, bill, breast

[Explore Thesaurus](#)

This is the American English definition of web. View British English definition of web.

Change your default dictionary to British English

View the pronunciation for web



[Facebook](#) [Twitter](#)



learn English

live English

love English

### BuzzWord

rainbow

including people of several different races, cultures, political beliefs, etc

[BuzzWord Article](#)

#### More BuzzWords

Mx iflogging omega male  
family the precariat third gender  
man up singiam oversharing

[BuzzWord archive](#)



### Open Dictionary

Br

a person who supports Brexit (Britain's leaving the European Union)

[add a word](#)

#### More submissions

sheepkin appaz comhuker  
talling hyung slawwich  
toundic feh instagranmer

[view entries](#)

### Word of the Day

**spring fever**

a feeling of excitement or energy that is thought to be caused by the beginning of spring

### Blog

A must for anyone with an interest in the changing face of language. The Macmillan Dictionary blog explores English as it is spoken around the world today.

[global English and language change from our blog](#)



American definition and synonyms of verb from the online English dictionary from Macmillan Publishers Limited



**To:** Atriage Software, LLC ([mburzych@fsbrlaw.com](mailto:mburzych@fsbrlaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86853389 - WEB ASCENDER - N/A  
**Sent:** 4/8/2016 1:39:48 PM  
**Sent As:** ECOM121@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **4/8/2016** FOR U.S. APPLICATION SERIAL NO. 86853389

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **4/8/2016** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

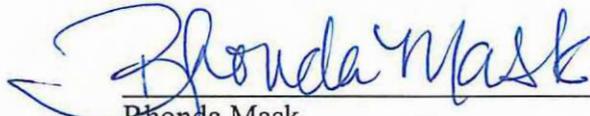
Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of Petitioner's Petition For Cancellation has been served on the Registrant by mailing said copy on September 30, 2016, via first class mail, postage prepaid to the following addresses:

Axxend Corporation, LLC  
15840 Eagle Feather Drive  
Woodbridge, Virginia 22191

Axxend Corporation, LLC  
C/O The Company Corporation  
2711 Centerville Road, Ste. 400  
Wilmington, Delaware 19808

  
Rhonda Mask  
Date: Sept. 30, 2016