

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Big Y Foods, Inc.)	
)	Trademark Law Office: 101
Serial No: 77/969,444)	
)	Attorney: Paul E. Fahrenkopf
Filed: March 26, 2010)	
)	
Mark: INSTANT REWARDS)	

RESPONSE TO FINAL OFFICE ACTION

Applicant, Big Y Foods, Inc. (“Applicant” or “Big Y”) respectfully submits this response to the Office Action dated July 30, 2011, regarding trademark application serial number 77/969,444 for the INSTANT REWARDS mark.

BACKGROUND

The Examining Attorney has maintained his refusal to register the INSTANT REWARDS mark on the ground that the mark is merely descriptive under § 2(e)(1).

ARGUMENT

Applicant has already submitted evidence regarding its numerous years of use of the INSTANT REWARDS mark, substantial advertising and promotion of its INSTANT REWARDS mark, and the commercial success associated with its INSTANT REWARDS mark. Yet, despite this substantial evidence proving acquired distinctiveness under § 2(f) and the admission by the Examining Attorney that Big Y prominently displays its INSTANT REWARDS mark, the Examining Attorney has maintained his refusal to register Applicant’s INSTANT REWARDS mark. Applicant respectfully disagrees with the Examining Attorney and submits further evidence which demonstrates customer recognition of the INSTANT


02-02-2012

REWARDS trademark as an indication of source and reinforces that the mark has acquired distinctiveness.

A. Survey Evidence Unequivocally Establishes Customer Recognition of Big Y's INSTANT REWARDS Trademark as an Indicator of Source of Its Services

Results of a survey conducted on behalf of Big Y clearly show that the INSTANT REWARDS trademark is not merely descriptive, but rather, has come to identify Big Y and the INSTANT REWARDS electronic discount services game of Big Y. For responding to a merely descriptive refusal, survey evidence is “relevant in establishing acquired distinctiveness and secondary meaning.” TMEP § 1212.06(d) (citing *Yankee Candle Co. v. Bridgewater Candle Co.*, 59 U.S.P.Q.2d 1720, 1730 (1st Cir. 2001)).

“To show secondary meaning, the survey must show that the public views the proposed mark as an indication of source of the product or service.” TMEP § 1212.06(d). Within the Federal Circuit, the proof required to show secondary meaning must be “more than a ‘relatively small number of people’ [that] associate the designation with the applicant.” 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 15:45 (4th ed. 2011) (citing *Roselux Chemical Co. v. Parsons Ammonia Co.*, 132 U.S.P.Q. 627 (C.C.P.A. 1962)). The results of Applicant’s survey far surpass that threshold.

The survey was conducted by Emarketing, Inc., an outside marketing firm. (Supplemental Declaration of Michael S. Gold dated January 30, 2012 (“Gold 2012 Dec.”) ¶ 2). “To obtain participants, an email was sent to over thirty-three thousand Big Y customers asking for their participation in the survey and providing an offer for a chance to win a \$100.00 gift card if they took part in the survey.” (Gold 2012 Dec. ¶ 3, Exh. A). “Only one entry per customer was allowed.” (Gold 2012 Dec. ¶ 3, Exh. A). The total number of persons who participated in the survey and submitted their responses was 6,633. (Gold 2012 Dec. ¶ 3, Exh. A & B). This

number of participants is substantially higher than the number of participants relied upon in other cases where survey evidence was considered persuasive and acquired distinctiveness found. See *The Federal Glass Co. v. Corning Glass Works*, 162 U.S.P.Q. 279 (T.T.A.B. 1969) (finding the blue cornflower design an indication of source for CORNING WARE goods where there were 1,506 participants in the survey); *In re Raytheon Co.*, 202 U.S.P.Q. 317 (T.T.A.B. 1979) (finding RAYTHEON and Design were identifiers of source with 602 participants in the survey). Accordingly, there were more than a sufficient number of participants in Big Y's survey.

Importantly, “[o]f the total number of participants, **5,403** or **81%** of the participants in the survey responded ‘Yes’ to the question: ‘When you see the INSTANT REWARDS game trademark, does it identify to you the game at the register at Big Y?’” (Gold 2012 Dec. ¶ 4, Exh. B). “Further, when participants were asked, ‘Do you associate the INSTANT REWARDS game with Big Y?’, **5,702** or **86%** of the participants responded ‘Yes.’” (Gold 2012 Dec. ¶ 4, Exh. B). “Generally, figures over 50% are regarded as clearly sufficient.” *McCarthy on Trademarks* § 32:190 (citing *In re Raytheon Co.*, 202 U.S.P.Q. 317 (T.T.A.B. 1979) (finding that 79% of returned questionnaires that identified the party as the source of the trademark sufficient for acquired distinctiveness); see also *Cartier, Inc. v. Four Star Jewelry Creations, Inc.*, 348 F. Supp. 2d 217, 230 (S.D.N.Y. 2004) (finding range of 50% to 60% consumer recognition of CARTIER watch design sufficient to prove secondary meaning). Accordingly, the significant percentage of consumer recognition of the INSTANT REWARDS trademark as an indication of source of Big Y and its electronic discount services game demonstrates that Big Y has acquired distinctiveness in its INSTANT REWARDS mark.

In the Office Action, the Examining Attorney explained that he did not find Big Y's evidence of acquired distinctiveness persuasive because he did not think the evidence

specifically showed consumer recognition of the INSTANT REWARDS mark as a mark for Big Y's services (Office Action at pg. 8). With this survey evidence, Big Y has clearly provided direct evidence of consumer recognition of the INSTANT REWARDS mark as an indicator of source. *See McCarthy on Trademarks* § 15:30 (explaining that consumer survey evidence constitutes direct evidence of acquired distinctiveness). Accordingly, there is no doubt that Big Y has more than met its burden of proving acquired distinctiveness of its INSTANT REWARDS mark with this survey evidence.

B. Evidence of Customer Participation in the INSTANT REWARDS Electronic Discount Services Game Further Establishes Customer Recognition of the INSTANT REWARDS Trademark As a Source Indicator for Big Y

In 2011 alone, there were over 41 million customer transactions where customers of Big Y saw the INSTANT REWARDS electronic discount services game while checking out at registers in Big Y stores. (Gold 2012 Dec. ¶ 5, Exh. C). From those customer transactions, there were over 20.3 million times that the INSTANT REWARDS discount services game was played. (Gold 2012 Dec. ¶ 5, Exh. C). "There is no doubt that evidence of the seller's efforts to expose buyers to the mark is relevant evidence from which secondary meaning may be inferred." *McCarthy on Trademarks* § 15:48.

As shown in Exhibit C, Big Y has been keeping track of the millions of customers who have recognized the INSTANT REWARDS trademark at its various registers throughout their stores and who have played the INSTANT REWARDS electronic discount services game since 2003. (Gold 2012 Dec. ¶ 5, Exh. C). "The total number of Big Y customer transactions per year has ranged from over 34 million customer transactions in 2003 to over 41 million customer transactions in 2011." (Gold 2012 Dec. ¶ 5, Exh. C). Moreover, "the number of INSTANT REWARDS electronic discount service games played per year has increased from over 15.1 million plays in 2003 to over 20.3 million plays in 2011." (Gold 2012 Dec. ¶ 5, Exh. C). Thus,

“[t]he number of coins awarded to customers as a result of playing the INSTANT REWARDS electronic discount service game has increased from over 2 million coins awarded in 2003 to over 3.8 million coins awarded in 2011. These coins are redeemable for discounts and free items.” (Gold 2012 Dec. ¶ 5, Exh. C).

Importantly, “[t]he number of such transactions involving customers playing the INSTANT REWARDS electronic discount services game has been substantial, ranging from over 43% of all customer transactions in 2003 to over 51% of all customer transactions in 2007, and at other percentages in between during the other years.” (Gold 2012 Dec. ¶ 5, Exh. C). *See In re Raytheon Co.*, 202 U.S.P.Q. 317, 319 (T.T.A.B. 1979) (finding persuasive that over a period of nine years the applicant had sold more than 45 million of its goods bearing the trademark and finding that applicant had established acquired distinctiveness). Accordingly, the evidence of over three hundred million customer transactions over the past nine years where the INSTANT REWARDS mark was prominently displayed to Big Y customers during checkout, and the evidence of over one hundred million of such customer transactions in which the customers played the INSTANT REWARDS electronic discount services game, further establishes Big Y’s acquired distinctiveness in its INSTANT REWARDS mark.

C. Video Evidence Reinforces Customer Recognition of the INSTANT REWARDS Mark As An Indicator of Source

When seen on video, the inescapable conclusion is that the INSTANT REWARDS trademark is ingrained upon the customers of Big Y on a daily basis. Many times actions speak louder than words, and Big Y’s promotional video is no exception. The Big Y video shows the “manner in which the INSTANT REWARDS mark is displayed at customer check out, and the manner in which the INSTANT REWARDS electronic discount services game is played by Big Y customers.” (Gold 2012 Dec. ¶ 6, Exh. D). “As can be seen, monitors located at the checkout

counters face the customers and prominently display the INSTANT REWARDS mark.” (Gold 2012 Dec. ¶ 6, Exhs. D & E).

As indicated above, the INSTANT REWARDS mark has been prominently displayed on monitors to Big Y customers during over three hundred million customer transactions during the past nine years. During such customer transactions, “one side of the screen display prominently displays the INSTANT REWARDS mark in association with the electronic discount services game, and the other side of the screen display identifies the goods purchased, their prices, and other invoicing information for the respective customer transaction. Thus, every customer necessarily views the INSTANT REWARDS mark during a customer transaction, further reinforcing in the minds of Big Y’s customers the association of the INSTANT REWARDS mark and electronic discount services game with Big Y.” (Gold 2012 Dec. ¶ 6, Exhs. D & E).

Further, as demonstrated in the video, “to play the INSTANT REWARDS electronic discount services game, the customer touches the buttons on the touch screen adjacent to the INSTANT REWARDS mark. The INSTANT REWARDS mark is always prominently displayed on the screen. Each customer necessarily views the INSTANT REWARDS mark during each play, further reinforcing in the minds of consumers an association of the INSTANT REWARDS mark and electronic discount services game with Big Y.” (Gold 2012 Dec. ¶ 6, Exh. D). “Evidence of the trademark owner’s method of using the mark, *supplemented by* evidence of the effectiveness of such use to cause the purchasing public to identify the mark with the source” is “adequate to show that a mark has acquired distinctiveness.” *In re Owens-Corning Fiberglas Corp.*, 227 U.S.P.Q. 417, 422 (Fed. Cir. 1985) (emphasis in original). Here, Big Y’s video evidence shows how the mark is being used and, as discussed above, the impact on consumers regarding Big Y’s use of its mark is clearly significant where 81% of those consumers surveyed

identified the INSTANT REWARDS mark with Big Y. Accordingly, Big Y has submitted more than sufficient evidence to show that the INSTANT REWARDS mark has acquired distinctiveness based on consumer recognition of the mark.

D. Third Party Uses of the Words “Instant Rewards” Are Not Trademark Uses and Have No Bearing on Big Y’s Evidence of Acquired Distinctiveness

In the Office Action, the Examining Attorney submitted various printouts from the Internet to allegedly show uses by third parties of INSTANT REWARDS as a “highly descriptive mark.” (Office Action at pg. 6). First, a review of the evidence submitted by the Examining Attorney does not show trademark uses of those words. Second, “highly descriptive” is not “technically a statutory ground of refusal.” *See In re Women’s Publishing Co. Inc.*, 23 U.S.P.Q.2d 1876, 1877 (T.T.A.B. 1992) (explaining that “highly descriptive” was not a proper refusal and reversing refusal to register mark where applicant has submitted evidence of customer recognition demonstrating acquired distinctiveness).

Moreover, Big Y addressed the Examining Attorney’s Internet evidence previously in its response dated July 8, 2011 and the Examining Attorney has not provided any additional evidence here which changes that. The issue is whether Applicant has attained acquired distinctiveness under Section 2(f) in its use of its INSTANT REWARDS trademark, not whether the words “instant rewards” have been used elsewhere. “When registration is sought of a mark which would be unregistrable by reason of section 2(e) of the Act but which is said by applicant to have become distinctive in commerce of the goods or services set forth in the application, applicant may, in support of registrability, submit ... affidavits, or declarations in accordance with § 2.20 ... or other appropriate evidence ... tending to show that the mark distinguishes such goods or services.” 37 C.F.R. § 2.41(a) (emphasis added).

Notably, the rule says nothing about disproving other alleged uses of the words which comprise Applicant's mark. *See The Cold War Museum Inc. v. Cold War Air Museum, Inc.*, 92 U.S.P.Q.2d 1626, 1629 (Fed. Cir. 2009) (finding mark had acquired distinctiveness and stating that "[w]here an applicant seeks registration on the basis of Section 2(f), the mark's descriptiveness is a nonissue...reliance on Section 2(f) presumes that the mark is descriptive"). Rather, Applicant has established acquired distinctiveness, as required by the rule, based on over eleven years of substantially exclusive use of the INSTANT REWARDS trademark (*See* Response to Office Action dated July 8, 2011) and on the additional evidence submitted with this response showing consumer recognition of the INSTANT REWARDS trademark as a source indicator of Big Y's electronic discount services game. Accordingly, the Examining Attorney's Internet evidence is irrelevant to the acquired distinctiveness attained by Big Y in its INSTANT REWARDS mark and does not change that result.

Further, any doubt as to whether acquired distinctiveness has been proven should be resolved in favor of the applicant. *See In re Merrill Lynch, Pierce, Fenner, and Smith Inc.*, 4 U.S.P.Q.2d 1141, 1144 (Fed. Cir. 1987) (reversing merely descriptive refusal finding that the applicant had gathered substantial evidence of acquired distinctiveness for registration on the Principal Register and stating "to resolve any reasonable doubt in favor of the applicant"). Based on its many years of use of the INSTANT REWARDS mark and the evidence of consumer recognition of the mark, there is no question that Big Y has obtained acquired distinctiveness in its INSTANT REWARDS mark for the services in the application and such mark should be allowed to be registered on the Principal Register.

CONCLUSION

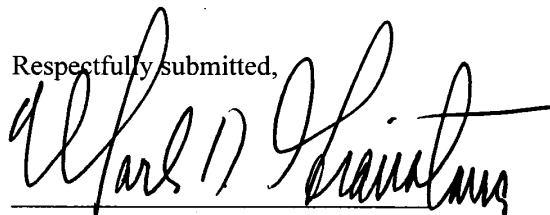
For all of the foregoing reasons and for the reasons set forth in Big Y's previous responses (dated December 27, 2010 and July 8, 2011, respectively), Big Y respectfully requests that the Examining Attorney withdraw his refusal and allow the mark to proceed to publication on the Principal Register under § 2(f).

NOTICE OF APPEAL

Big Y is filing a Notice of Appeal concurrently with this response through the ESTTA service of the Trademark Trial and Appeal Board.

Dated: January 30, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark D. Giarratana", is written over a horizontal line.

Mark D. Giarratana
McCarter & English, LLP
185 Asylum Street
Hartford, CT 06103
Telephone: (860) 275-6719
Fax: (860) 724-3397

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Big Y Foods, Inc.)
Serial No: 77/969,444)
Filed: March 26, 2010)
Mark: INSTANT REWARDS)

Trademark Law Office: 101

Attorney: Paul E. Fahrenkopf

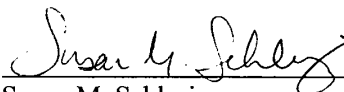
CERTIFICATE OF MAILING AND FILING

Enclosed herewith for filing in respect to the above-noted matter is:

1. Response to Final Office Action dated January 30, 2012

Pursuant to 37 C.F.R. § 2.197, I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage as first class mail on the date indicated below and is addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

January 30, 2012
Date



Susan M. Schlesinger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Big Y Foods, Inc.)	
)	Trademark Law Office: 101
Serial No: 77/969,444)	
)	Attorney: Paul E. Fahrenkopf
Filed: March 26, 2010)	
)	
Mark: INSTANT REWARDS)	
)	

SUPPLEMENTAL DECLARATION OF MICHAEL S. GOLD

I, Michael S. Gold, pursuant to the requirements of 37 C.F.R. § 2.20, declare that the following is true and correct.

1. I am the Vice President of Legal Affairs and Government Regulations at Big Y Foods, Inc. ("Big Y"). Applicant of the INSTANT REWARDS trademark application, serial number 77/969,444. I have previously submitted declarations in connection with responses to office actions dated December 27, 2010 and July 8, 2011. This declaration is being submitted to further address points raised by the Examining Attorney and to submit additional evidence. This declaration is based upon my personal knowledge of the facts set forth herein.

2. Big Y engaged the services of Emarketing, Inc. to conduct a survey regarding Big Y's INSTANT REWARDS trademark and consumer recognition of such mark in connection with Big Y's discount services.

3. To obtain participants, an email was sent to over thirty-three thousand Big Y customers asking for their participation in the survey and providing an offer for a chance to win a \$100.00 gift card if they took part in the survey. Only one entry per customer was allowed. Of the number of "unique clicks," a total number of 6,633 persons participating in the survey

completed the questions in the survey. Attached as Exhibit A is a copy of the report provided by Emarketing, Inc. showing the data tracked for the survey. Attached as Exhibit B is a copy of a tally of the results of the survey showing the breakdown of responses to the survey questions.

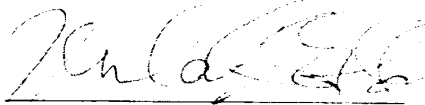
4. Of the total number of participants, 5,403 or 81% of the participants in the survey responded "Yes" to the question: "When you see the INSTANT REWARDS game trademark, does it identify to you the game at the register at Big Y?" Further, when participants were asked, "Do you associate the INSTANT REWARDS game with Big Y?" 5,702 or 86% of the participants responded "Yes." See Exh. B.

5. Attached as Exhibit C is a spreadsheet showing the number of INSTANT REWARDS electronic discount services games played by Big Y customers per year from 2003 through 2011, the number of coins awarded to such customers per year as a result of playing the INSTANT REWARDS electronic discount services game, and the total number of Big Y customer transactions per year. As can be seen, the number of INSTANT REWARDS electronic discount service games played per year has increased from over 15.1 million plays in 2003 to over 20.3 million plays in 2011. The number of coins awarded to customers as a result of playing the INSTANT REWARDS electronic discount service game has increased from over 2 million coins awarded in 2003 to over 3.8 million coins awarded in 2011. These coins are redeemable for discounts and free items. The total number of Big Y customer transactions per year has ranged from over 34 million customer transactions in 2003 to over 41 million customer transactions in 2011. The number of such transactions involving customers playing the INSTANT REWARDS electronic discount services game has been substantial, ranging from over 43% of all customer transactions in 2003 to over 51% of all customer transactions in 2007, and at other percentages in between during the other years.

6. Attached as Exhibit D is a copy of a video showing the manner in which the INSTANT REWARDS mark is displayed at customer check out, and the manner in which the INSTANT REWARDS electronic discount services game is played by Big Y's customers. As can be seen, monitors located at the checkout counters face the customers and prominently display the INSTANT REWARDS mark. Copies of photographs showing two different placements of the monitors displaying the INSTANT REWARDS mark also are attached as Exhibit E. As can be seen, one side of the screen display prominently displays the INSTANT REWARDS mark in association with the electronic discount services game, and the other side of the screen display identifies the goods purchased, their prices, and other invoicing information for the respective customer transaction. Thus, every customer necessarily views the INSTANT REWARDS mark during a customer transaction, further reinforcing in the minds of Big Y's customers the association of the INSTANT REWARDS mark and electronic discount services game with Big Y. As shown in the video of Exhibit D, each monitor includes a touch screen. In order to play the INSTANT REWARDS electronic discount services game, the customer touches the buttons on the touch screen adjacent to the INSTANT REWARDS mark. The INSTANT REWARDS mark is always prominently displayed on the screen. Each customer necessarily views the INSTANT REWARDS mark during each play, further reinforcing in the minds of consumers an association of the INSTANT REWARDS mark and electronic discount services game with Big Y.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document 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.

Signed at Springfield, MA this 20 day of January 2012.

A handwritten signature in dark ink, appearing to read "Michael S. Gold", written over a horizontal line.

Michael S. Gold

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Big Y Foods, Inc.)

Serial No: 77/969,444

Filed: March 26, 2010

Mark: INSTANT REWARDS

Trademark Law Office: 101

Attorney: Paul E. Fahrenkopf

CERTIFICATE OF MAILING AND FILING

Enclosed herewith for filing in respect to the above-noted matter is:

1. Supplemental Declaration of Michael S. Gold with Exhibits A-E

Pursuant to 37 C.F.R. § 2.197, I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage as first class mail on the date indicated below and is addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

January 30, 2012

Date _____

Susan M. Schlesinger
Susan M. Schlesinger



Email Campaign Report

Client: Big Y

Subject line: Enter For a Chance To Win a \$100 Gift Card!

Deployment Date: 01/13/2012

Send Performance:

Total Sent: 33,645

*Hard Bounces: 18

**Soft Bounces: 45

Delivery Rate: 99.813%

Inbox Activity:

Total Opens: 13,211

Unique Opens: 9,827

Open Rate: 29.263%

Clicks:

Total Clicks: 7,981

Unique Clicks: 7,126

Click Rate: 21.22%

Link Activity:

Survey: 7,538

View as Web Page: 321

Facebook Follow: 36

www.FreshAcresMarket.com: 26

www.TableAndVine.com: 25

Unsubscribe: 21

Contact Us: 8

To be sure our emails reach your inbox, add acres@bigy.com to your address book.
To view this email as a web page please [click here](#).



CLICK HERE TO TAKE OUR QUICK SURVEY

and be entered for a chance to win

\$100 

Complete this quick online survey between now and Jan. 23rd and be entered for a chance to win a \$100 Big Y Gift Card (One entry per cardholder).

The survey should take only a few minutes to complete.

You must complete the survey to be eligible to enter. Your name, phone number and email address will be REQUIRED to enter the drawing. The winner of this drawing will be posted at www.bigy.com by the end of next month, after the winner is notified and verified. During the survey, please do not use your browser's "Forward" and "Back" buttons. To move through the survey, use the "Back" and "Continue" buttons at the bottom of each page. At the end of the survey click the "Submit Survey/Entry" button to submit your survey.

Follow us on Facebook 

Experience the Difference. Visit www.freshacresmarket.com

Check out Big Y's Best Kept Secret www.tableandvine.com

©Copyright 2012 Big Y Food Inc., Springfield, MA

[Remove me](#) from this email mailing list. If you have any questions or comments, please [contact us](mailto:acres@bigy.com).
Big Y Food Inc., 2145 Roosevelt Avenue, PO Box 7840, Springfield, MA 01102

* Hard Bounces typically indicate that the delivery failure is permanent; often domain not found or user unknown errors, indicating a bad email address. Hard bounces are removed from the list.

**Soft Bounces may diminish over time and indicate what is often a temporary error like the remote server being down or the recipient's mailbox being full.

INSTANT REWARDS - Survey Results

NUMBER OF RESPONDENTS 6633

Question #1 - How long have you been a customer of Big Y?

Over 20 years	1820	27%
10-20 years	2097	32%
5-10 years	1801	27%
Less than 5 years	915	14%

Question #2 - Have you played the INSTANT REWARDS game at the register at Big Y?

Yes	6237	94%
No	396	6%

Question #3 - How frequently do you play the INSTANT REWARDS game at big Y?

All the time	5465	82%
Sometimes	773	12%
Never	395	6%

Question #4 - When you see the INSTANT REWARDS game trademark, does it identify to you the game at the register at Big Y?

Yes	5403	81%
No	1230	19%

Question #5 - Do you associate the INSTANT REWARDS game with Big Y?

Yes	5702	86%
No	931	14%

EXHIBIT B

Big Y Foods, Inc. INSTANT REWARDS Electronic Discount Services Game

Calendar Year	Customer Transactions	INSTANT REWARDS Discount Services Game Number of Plays	INSTANT REWARDS Coins Awarded
2003	34,680,602	15,196,128	2,085,741
2004	36,499,237	17,721,853	2,471,113
2005	36,735,256	18,531,024	2,591,418
2006	38,187,600	19,387,408	2,724,108
2007	37,854,022	19,501,366	2,737,476
2008	38,685,727	19,699,145	2,765,958
2009	38,576,121	19,486,609	3,888,291
2010	39,296,344	17,304,253	3,786,697
2011	41,976,743	20,318,455	3,875,413

EXHIBIT C





EXHIBIT E

