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

Proceeding	91181414
Party	Defendant Lead Investments, LLC
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Date	02/23/2009
Attachments	ttab filing.pdf (29 pages)(679176 bytes)

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

RE/MAX International, Inc.,)	Opposition No.: 91181414
Opposer,)	Serial No.: 77/118733
v.)	Mark: RELOGIC
Lead Investments, LLC,)	
Applicant.)	

APPLICANT'S EXPERT DISCLOSURE

Applicant, Lead Investments, LLC, by undersigned counsel, Silver & DeBoskey, A Professional Corporation, submits the following expert disclosure pursuant to 37 C.F.R. §2.120 and F.R.Civ.P. 26:

1. **Darrin C. Duber-Smith**, Visiting Assistant Professor, Department of Marketing, School of Business, Metropolitan State College of Denver, Speer Boulevard and Colfax Avenue, Denver, Colorado 80217.

Summary of Opinions: Mr. Duber-Smith is expected to testify as an expert consistent with the statements contained in his report attached as Exhibit A.

Mr. Duber-Smith's qualifications are listed on the professional resume attached as Exhibit B, which includes a list of his Published Trade Journal Articles. Mr. Duber-Smith has not testified as an expert at trial or by deposition in the last four years. Mr. Duber-Smith is being compensated a flat fee in the amount of \$2,000.00.

Dated this 23rd day of February, 2009.

Respectfully submitted.

SILVER & DeBOSKEY,
A Professional Corporation



By: s/ Martin D. Beier

Martin D. Beier (#20188)

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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I certify that on this 23rd day of February, 2009, a true and correct copy of the foregoing **APPLICANT'S EXPERT DISCLOSURES** was effected by placing true copies thereof in the United States mail, postage prepaid, addressed as follows:

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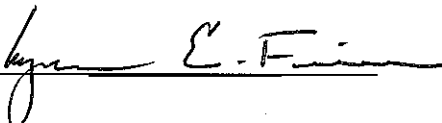
s/ 

EXHIBIT A
EXPERT REPORT
OF
DARRIN C. DUBER-SMITH
[Attached]

GREEN MARKETING

*Strategic Planning, Implementation & Evaluation
Consultants to Management*

ReMax Name Recognition Study Assessment for Silver and DeBoskey

Submitted By:

*Darrin C. Duber-Smith, MS, MBA
Visiting Assistant Professor of Marketing
Metro State College*

*Adjunct Professor of Marketing
University of Colorado-Boulder Leeds School of Business
President, Green Marketing, Inc.*

2/22/09

Executive Summary

I have been engaged to provide my opinions on whether the proposed registration of the "ReLogic" mark by Lead Investments, LLC, would be likely to cause confusion in the marketplace with respect to certain marks owned by Re/Max International, Inc. More particularly, I have been asked to review a name recognition study conducted by Bismark Corporation (August 2001), which might be used in opposition to the registration of the ReLogic mark. In connection with my analysis, I have reviewed the documents listed in "Exhibit A."

My overall impression of the name recognition study is that it does not support the claim that the ReLogic mark may cause confusion in the marketplace with respect to marks owned by Re/Max. The study, published in 2001, is no longer current and the data must be seen as historical and directional in nature. The sample size in the pilot study is inadequate and not representative of the population being studied. A full study was never conducted. The interview questions were poorly constructed as to lead the respondent toward answering in a certain way. The association between the brand and the service category is much weaker than the other company/category associations in the study, and too many respondents answered "don't know." These and other issues are addressed in the paragraphs to follow, and my commentary mirrors the layout of the study.

Purpose Section

The pilot study states that its purpose "is to determine the proportion of consumers who have been active in the real estate market within the past two years that consciously

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connect the first syllable 'Re' with the national real estate company named Re/Max." Therefore this is a name recognition pilot study, not a study that was commissioned to prove that registration of the ReLogic mark may cause confusion in the marketplace with respect to marks owned by Re/Max. This study was done for a different purpose than the one at hand. It has been "re-purposed" to achieve goals for which it is not designed, and is therefore a study used for the wrong purpose. Assuming that it would be used to prove the aforementioned confusion, it doesn't pass muster because it was commissioned for a different purpose.

In addition, the study was published in 2001, which in market research is a lifetime ago. The data can no longer be considered current.

Method Section

Telephone interviewing is standard methodology, but there are several concerns here. First, we are dealing with a "pilot" study, which should in no way be confused with a full-blown market research study. A pilot study is meant to provide directional data, and not data that can be considered representative of the population studied.

Because it is a pilot study, the sample size is incredibly small and should in no way be considered representative of the population Re/Max is trying to assess. The results are based on 150 respondents, which is not nearly enough to represent those among the general population involved in purchasing a home during the past two years (many millions of people). As shown in Exhibit B (Foundations of Social Research), the smaller the sample, the greater the variability in reliability. The larger the sample size the more reliable is the data. This sample size is too small to be reliable, a fact that is inherent in pilot studies.

There is also the issue that the respondent group is too narrow to represent all potential homebuyers. Respondents are adults over 21 of both sexes who have purchased/actively shopped for a home in the past two years or are actively looking for a home. This probably excludes the majority of homeowners, who may have owned their homes for more than two years.

The Interview Section

There are major issues with the manner in which the interview was conducted. The questions are arranged in such a way as to "lead" the respondent. A better construct for a question would be "When you think of real estate companies, who do you think of?" Since the survey provides the prefix, such as is the situation with "Col" and "Colgate"

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and “Micro” and “Microsoft”, the interviewer is providing too much information and leading the respondent. This is an inherent flaw in the pilot study.

In addition, the “Re” prefix is different than the prefixes for Microsoft and Colgate in that “Re” is the prefix for the product category—real estate. This is not the case with “Micro” and “Col”, companies that are in the computer software and oral care industries respectively. “Re” is also an abbreviation for real estate, which is commonly used in the industry. It would follow that most consumers would not be confused with regard to the two marks in question and would readily make an association between “re” and “real estate”. The syllable “Col” does not appear in the word “toothpaste” and the same is true of “Micro” and “computer software.” Thus, the comparison is not “apples to apples” so to speak.

Findings Section

“Re” is an acronym for real estate so it would seem to be too generic to claim as one’s own. The Re/Max founder states on the company’s website (www.remax.com) that the name Re/Max was derived from “real estate” and “maximums”. It is obvious that “re” represents the word “real estate” and numerous additional documents reviewed in connection with this report confirm this fact.

On the issue of the likelihood of Re-Logic causing confusion and in looking at the remainder of the mark, the “logic” part does not connote “real estate” in any way. In looking at the “logic” portion, it does not sound very much like a real estate company, but more like a computer or logistics company. Therefore, it doesn’t appear that there will be confusion in the marketplace between the two marks if the Re-Logic mark is registered. It doesn’t appear that any attempt has been made by ReLogic to mislead the consumer into thinking the company is really “Re/Max.”

Of the three associations in the study, Re/Max and real estate, Colgate and toothpaste, and Microsoft and software, the Re/Max association was by far the weakest (68% versus 92.7% for the other two). In addition, 68 respondents gave the correct association, but 28 said they didn’t know. Only 6.7% and 4.7% said they didn’t know with regard to Colgate and Microsoft respectively. This again demonstrates a much weaker association for Re/Max versus the other two brand names.

The study admits that the association is weaker for Re/Max and real estate versus the others, and attributes this fact to heavy advertising and promotion of the Colgate and Microsoft brands. The problem here is Re/Max also heavily advertises the brand through a variety of different media (i.e., signs, print ads, balloons, etc.). Street signage is a

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particularly effective and inexpensive promotional tool that Re/Max employs and Microsoft/Colgate do not. Thus, the amount of promotion should not be considered as an explanation as to why the association with regard to Re/Max is weaker than that of both Colgate and Microsoft.

Sincerely,



Darrin C. Duber-Smith
Visiting Assistant Professor of Marketing, Metro State College
Adjunct Marketing Professor, Leeds School of Business, University of Colorado-Boulder
Presidnet, Green Marketing, Inc.

EXHIBIT A

List of Documents Reviewed

1. Notice of Opposition
2. Answer
3. RE/MAX's Initial Disclosures
4. ReLogic's Initial Disclosures
5. ReLogic's Supplemental Disclosures
6. ReLogic's Responses to Interrogatories and Requests for Production of Documents
7. RE/MAX's Responses to Interrogatories, Requests for Product of Documents and Requests for Admissions
8. February 12, 2009 letter to Martin Beier from Lucky Vidmar
9. Corporate Biography of Dave Liniger, Co-founder and Chairman of the Board of RE/MAX International, Inc., located on RE/MAX's website
10. RE/MAX Name Recognition Study – "RE", conducted by Bismark Corporation on or about August 2, 2001
11. Relevant pages from RE/MAX marketing materials and manuals, including;
 - a. The RE/MAX Independent Contractor Agreement;
 - b. The RE/MAX Office Operations Manual;
 - c. Reprints of articles about RE/MAX;
 - d. The RE/MAX Office Opening Manual
 - e. The Best of 1999 Reader's Choice Awards Published in *Worth Magazine*
 - f. Special Feature: "Soaring to New Heights, 30 Years of RE/MAX," Published in the January/February 2003 issue of *The Real Estate Professional Magazine*
 - g. Special Feature: "RE/MAX Soars into its Fourth Decade," Published in the January/February 2004 issue of *The Real Estate Professional Magazine*
 - h. Soaring to New Heights: RE/MAX Master Recruiter Manual
 - i. RE/MAX International Management Training Course Workbook
 - j. 13th Edition, 2009, of the RE/MAX Trademark and Graphic Standards
12. Relevant tables from Nan Lin, *Foundations of Social Research* (New York: McGraw-Hill 1976)

EXHIBIT B

Tables from *Foundations of Social Research*

[Attached]

EXHIBIT 13.20 Selected Tables for Determining Sample Size when the Characteristic of Interest Is a Proportion

**Sample Size for a 95 Percent Confidence Level when Parameter in Population
Is Assumed to Be over 70 Percent or under 30 Percent**

Size of Population	Reliability			
	±1% Point	±2% Points	±3% Points	±5% Points
1,000	a	a	473	244
2,000	a	a	619	278
3,000	a	1,206	690	291
4,000	a	1,341	732	299
5,000	a	1,437	760	303
10,000	4,465	1,678	823	313
20,000	5,749	1,832	858	318
50,000	6,946	1,939	881	321
100,000	7,465	1,977	888	321
500,000 to ∞	7,939	2,009	895	322

**Sample Size for a 95 Percent Confidence Level when Parameter in Population
Is Assumed to Be over 85 Percent or under 15 Percent**

Size of Population	Reliability			
	±1% Point	±2% Points	±3% Points	±5% Points
1,000	a	a	353	235
2,000	a	760	428	266
3,000	a	890	461	278
4,000	a	938	479	284
5,000	a	984	491	289
10,000	3,288	1,091	516	297
20,000	3,935	1,154	530	302
50,000	4,461	1,195	538	304
100,000	4,669	1,210	541	305
500,000 to ∞	4,850	1,222	544	306

^aIn these cases, more than 50 percent of the population is required in the sample. Since the normal approximation of the hypergeometric distribution is a poor approximation in such instances, no sample value is given.

Source: Nan Lin, *Foundations of Social Research* (New York: McGraw-Hill, 1976), p. 447. Copyright © 1976 by Nan Lin. Used with permission.

Calculating Sample Size for Sample Proportions

In practice, a number of tables have been constructed for determining sample size. Exhibit 13.20 illustrates a sample size table for problems that involve sample proportions (p).

EXHIBIT B

Curriculum Vitae

Submitted

by

Darrin C. Duber-Smith

Visiting Assistant Professor

Department of Marketing

School of Business

Metropolitan State College of Denver

(Revised 1/6/09)

Educational Background

Master of Science (MS)-Marketing

University of Colorado,
Denver, CO, 2000

Master of Business Administration (MBA) -Management

University of Colorado,
Denver, CO, 2000

Bachelor of Arts (BA)-Psychology

University of Colorado,
Boulder, CO, 1992

Employment History

Metropolitan State College of Denver Visiting Assistant Professor of Marketing 2003-present

University of Colorado-Boulder, Leeds School of Business Adjunct Marketing Professor 2007-present (summer and selected regular sessions)

Green Marketing, Inc. Owner/President 2000-present
 Strategic planning/implementation consulting for organizations in all stages of growth including Matrix/Biolage (L'Oreal), Sheago Cosmetics; Windsor Marketing Group; National Association of Eco-Friendly Salons and Spas; New Hope Natural Media; Curtis Packaging; Nebraska Famous Steaks/'53 Organic Meats; Green Wave Products; Nebraska Fulfillment and Logistics; Tuck-Away; Clean Energy Fuels; White Lotus Home; Softress; itiba; Intuiscent-Cramer; Sperancia; Paperboard Packaging Council; Maplewood Bake Company; Life USA/NeuroNutrition, Inc.; BioNomic Research; Jason Natural Products; National Enzyme Company; EC Datasystems; NPICenter.com; Octel Corporation; Consumer Specialty Products Association; PlanetMind InternetWorks; Native Ecology Landscape Architecture; Mountain Family Health Centers; Natural Marketing Institute; Paragon Development; Nine Sigma; Chemical Week Publications; Allured Publications; Bath & Body Works/The Limited; Nederland Area Chamber of Commerce; Chipeta Sun Resort and Spa; Salon Communications; Rodman Publications; Draco Natural Products; Shoyeido Corp.

Natural Business Communications, LLC, Boulder, Colorado Vice President-Marketing and Sales 1999-2000

Nature's Apothecary, Inc., Louisville, Colorado Director of Marketing and International Sales 1997-1999

McZand Herbal, Inc., Boulder, Colorado Marketing Manager 1992-1996

23rd St. Market, LLC, Boulder, Colorado General Manager 1989-1992

Borg-Warner/Baker Protective Services Corporation, Culver City, California Assistant Operations Manager (originally Administrative Assistant) 1985-1989

Academic Awards (Attached)

*Recipient of 2006 School of Business Award/Stipend for Outstanding Contributions through Service to the Professional Community

Courses Taught (Evaluations Attached)

- Metropolitan State College of Denver, Denver, CO 8/03 to present
- Senior Seminar in Marketing Management (capstone for minors)
 - Direct Marketing Management
 - Applied Marketing Management (developed and taught by Darrin Duber-Smith)
 - Principles of Marketing
 - Sales Force Management
 - Sustainability and Social Responsibility in Marketing (omnibus course developed and taught by Darrin C. Duber-Smith)
 - Sports Marketing
 - Business-to-Business Marketing (scheduled for fall session)
- University of Colorado at Boulder, Boulder, CO Summer 2007, 2008
Fall 2008
- Strategic Marketing Management (capstone for majors)
 - Buyer Behavior
 - Advertising and Promotion Management

(All course evaluations are on a six-point scale and reflect the call mean. Metropolitan State College does not analyze instructor performance for summer sessions, during which I also teach.)

Metro State College (six-point scale)

Fall 2003	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.14
	Course Content	5.00
	Contribution to Course	5.36
	Effectiveness in Teaching	5.36
Fall 2003	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.47
	Course Content	5.11
	Contribution to Course	5.58
	Effectiveness in Teaching	5.58
Spring 2004	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.00
	Course Content	5.00
	Contribution to Course	5.44
	Effectiveness in Teaching	5.22
Spring 2004	MKT 3500 (Sports Marketing)	

	Course as a Whole	5.73
	Course Content	5.64
	Contribution to Course	5.55
	Effectiveness in Teaching	5.55
Fall 2004	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.33
	Course Content	5.17
	Contribution to Course	5.22
	Effectiveness in Teaching	5.17
Fall 2004	MKT 3000 (Principles of Marketing)	
	Course as a Whole	4.69
	Course Content	4.92
	Contribution to Course	5.23
	Effectiveness in Teaching	5.08
Fall 2004	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.36
	Course Content	5.27
	Contribution to Course	5.73
	Effectiveness in Teaching	5.64
Fall 2004	MKT 3160 (Sales Force Management)	
	Course as a Whole	5.32
	Course Content	5.21
	Contribution to Course	5.68
	Effectiveness in Teaching	5.74
Spring 2005	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.32
	Course Content	5.26
	Contribution to Course	5.47
	Effectiveness in Teaching	5.43
Spring 2005	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.21
	Course Content	5.14
	Contribution to Course	5.57
	Effectiveness in Teaching	5.43
Spring 2005	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.33
	Course Content	5.56
	Contribution to Course	5.22
	Effectiveness in Teaching	5.56
Spring 2005	MKT 3160 (Sales Force Management)	
	Course as a Whole	5.73
	Course Content	5.64
	Contribution to Course	5.82
	Effectiveness in Teaching	5.82

Fall 2005	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.27
	Course Content	5.14
	Contribution to Course	5.50
	Effectiveness in Teaching	5.50
Fall 2005	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.62
	Course Content	5.54
	Contribution to Course	5.92
	Effectiveness in Teaching	5.77
Fall 2005	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.23
	Course Content	5.23
	Contribution to Course	5.46
	Effectiveness in Teaching	5.62
Fall 2005	MKT 3160 (Sales Force Management)	
	Course as a Whole	5.41
	Course Content	5.35
	Contribution to Course	5.82
	Effectiveness in Teaching	5.82
Spring 2006	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.76
	Course Content	5.62
	Contribution to Course	5.67
	Effectiveness in Teaching	5.81
Spring 2006	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.05
	Course Content	5.05
	Contribution to Course	5.27
	Effectiveness in Teaching	5.45
Spring 2006	MKT 3500 (Sports Marketing)	
	Course as a Whole	5.46
	Course Content	5.38
	Contribution to Course	5.50
	Effectiveness in Teaching	5.42
Spring 2006	MKT 390H (Sustainability and Social Responsibility in Marketing)	
	Course as a Whole	5.40
	Course Content	5.45
	Contribution to Course	5.90
	Effectiveness in Teaching	5.85
Spring 2006	MKT 3500 (Sports Marketing)	
	Course as a Whole	5.46
	Course Content	5.38
	Contribution to Course	5.50

	Effectiveness in Teaching	5.42
Fall 2006	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.33
	Course Content	5.24
	Contribution to Course	5.52
	Effectiveness in Teaching	5.62
Fall 2006	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.59
	Course Content	5.55
	Contribution to Course	5.77
	Effectiveness in Teaching	5.73
Fall 2006	MKT 3160 (Sales Force Management)	
	Course as a Whole	5.50
	Course Content	5.50
	Contribution to Course	5.70
	Effectiveness in Teaching	5.60
Fall 2006	MKT 3610 (Business to Business Marketing)	
	Course as a Whole	5.39
	Course Content	5.44
	Contribution to Course	5.61
	Effectiveness in Teaching	5.72
Spring 2007	MKT 3000 (Principles of Marketing)	
	Course as a Whole	5.14
	Course Content	4.95
	Contribution to Course	5.38
	Effectiveness in Teaching	5.38
Spring 2007	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.85
	Course Content	5.69
	Contribution to Course	5.77
	Effectiveness in Teaching	5.85
Spring 2007	MKT 3500 (Sports Marketing)	
	Course as a Whole	5.33
	Course Content	5.36
	Contribution to Course	5.50
	Effectiveness in Teaching	5.52
Fall 2007	MKT 3140 (Direct Marketing Management)	
	Course as a Whole	5.09
	Course Content	5.09
	Contribution to Course	5.64
	Effectiveness in Teaching	5.55
Fall 2007	MKT 3500 (Sports Marketing)	
	Course as a Whole	4.68
	Course Content	4.68

	Contribution to Course	5.14
	Effectiveness in Teaching	4.82
Fall 2007	MKT 3610 (Business to Business Marketing)	
	Course as a Whole	5.06
	Course Content	5.17
	Contribution to Course	5.28
	Effectiveness in Teaching	5.22
Fall 2007	MKT 4520 (Senior Seminar in Marketing)	
	Course as a Whole	5.11
	Course Content	5.84
	Contribution to Course	5.21
	Effectiveness in Teaching	5.26
Spring 2008	MKT 3000 (Principles of Marketing)	
	Course as a Whole	4.96
	Course Content	4.84
	Contribution to Course	5.36
	Effectiveness in Teaching	5.16
Spring 2008	MKT 3500 (Sports Marketing)	
	Course as a Whole	5.21
	Course Content	5.13
	Contribution to Course	5.33
	Effectiveness in Teaching	5.29
Spring 2008	MKT 390H (Sustainability and CSR)	
	Course as a Whole	5.47
	Course Content	5.53
	Contribution to Course	5.73
	Effectiveness in Teaching	5.64
Spring 2008	MKT 4520 (Senior Seminar in Marketing)	
	Course as a Whole	5.43
	Course Content	5.43
	Contribution to Course	5.57
	Effectiveness in Teaching	5.57

University of Colorado-Boulder, Leeds School of Business (six point scale)

Summer 2007 Session A

MKT 3250 (Buyer Behavior)

Course as a Whole	5.70
Instructor Overall	5.80
Effective in Encouraging Interest	5.80

Summer 2008 Session A

MKT 3250 (Buyer Behavior)

Course as a Whole	5.50
Instructor Overall	5.70

Effective in Encouraging Interest	5.60
MKT 4520 (Advertising and Promotion Management)	
Course as a Whole	5.10
Instructor Overall	5.40
Effective in Encouraging Interest	5.20

Intellectual Contributions

Published Trade Journal Articles

- Duber-Smith, D. (2009, January) Natural Personal Care Update. Household and Personal Products Magazine
- Duber-Smith, D. (2008, January) Natural Personal Care Update. Household and Personal Products Magazine
- Duber-Smith, D. (2007 November) Cosmeceuticals: No Signs of Aging. Inside Cosmeceuticals Magazine
- Duber-Smith, D. (2006, January) Sustainability: The Green Imperative. (n.d.)
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- Duber-Smith, D. (2006, January) Naturally Male. Nail and Spa Biz Magazine
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Industry

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- Duber-Smith, D. (2004, April) Men's Natural Personal Care. Integrated Health Retailer
- Duber-Smith, D. (2004, April) The Natural Household Products Market (n.d.) Retrieved from <http://npicenter.com/listings/directory.aspx>
- Duber-Smith, D. (2004, April) Mother Nature is in the House. Global Cosmetic Industry
- Duber-Smith, D. (2004, April) Marketing Mother Nature. Global Cosmetic Industry
- Duber-Smith, D. (2004, March) The Rise of Natural Personal Care (n.d.) Retrieved from <http://npicenter.com/listings/directory.aspx>
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- Duber-Smith, D. (2003, March) Natural Cosmeceuticals. Nutracos Journal
- Duber-Smith, D. (2003, March) Natural Personal Care/Cosmeceuticals. Global Cosmetic Industry
- Duber-Smith, D. (2003, February) Natural Personal Care. Grocery Headquarters
- Duber-Smith, D. (2003, January) Natural Cosmeceuticals: Driving Personal Care Growth. Nutraceuticals World
- Duber-Smith, D. (2002, November) The Business of Functional Foods. Nutraceuticals World
- Duber-Smith, D. (2002, October) Natural Ingredients and Cosmeceuticals Collide. Soap and Cosmetics
- Duber-Smith, D. (2002, September) Being Green. Global Cosmetic Industry

Duber-Smith, D. (2002, June) Natural Personal Care. Integrated Health Retailer
Duber-Smith, D. (2002, January) Sourcing Quality Ingredients. Integrated Health Retailer
Duber-Smith, D. (2001, November) Sports Drinks. Integrated Health Retailer
Duber-Smith, D. (2001, October) Is Private Labeling for You? Integrated Health Retailer
Duber-Smith, D. (2001, September) The Functional Foods Revolution. Integrated Health Retailer

Speaking Engagements

- *Society of Cosmetic Chemists, Marina Del Rey, CA, March 2009, speaker
- *Alberta Agriculture and Rural Development Meeting, Calgary, Alberta, February 2009, feature speaker
- *The Future of Wipes, Atlanta, GA, December 2008, speaker
- *Society of Cosmetic Chemists, Kiawah Island, SC, September 2008, keynote speaker
- *Health and Beauty America, New York, NY, September 2008, speaker
- *Society of Cosmetic Chemists Spring Seminar, Jersey City, NJ, April 2008, keynote speaker
- *Coast Southwest Technical seminar, Dallas, TX, April 2008, keynote speaker
- *Accelerating the Future of Naturals Conference, NY, NY, March 2008, keynote speaker
- *Natural Products Supply Expo, Anaheim, CA, March 2008, panel moderator and speaker
- America's Beauty Show: Salon Sustainability Summit, Chicago, IL, March 2008, keynote speaker
- Frost and Sullivan's Partnering with Clients to Create Innovative Growth Strategies, Scottsdale, AZ, January 2008, workshop leader
- *Women in Flavor and Fragrance (WFFC) Conference, Teaneck, NJ, November 2007, speaker
- *Natural Products Expo East, Baltimore, MD, September 2007, speaker
- *The Motivation Show, Chicago, IL, September 2007, speaker
- *Health and Beauty America, NY, NY, September 2007, speaker
- *Personal Care Goes Green, HAPPI Magazine Webinar, Clifton, NJ, June 2007
- *Beauty Goes Green: Trends, Challenges, and Strategies for Success, Global Cosmetics Industry Webinar, Chicago, IL, March 2007, keynote speaker
- *Health and Beauty America/Inside Beauty, NY, NY, September 2006, session leader and speaker

- *Natural Products Expo West, Special Session, U.S. Consulate, Japanese Delegation, March 2006, speaker
- *Marketing Natural and Organic Products, San Diego, CA, January 2006, workshop leader
- *Health and Beauty America/Inside Beauty, NY, NY, September 2005, session leader and speaker
- *Paperboard Packaging Council, Washington, DC, March 2005, speaker
- *Natural Products Expo West, Special Session, Food Marketing Institute Natural Products Committee, Anaheim, CA, March 2005, speaker
- *Health and Beauty America/Inside Beauty, NY, NY, September 2004, session leader and speaker
- *Global Beauty and Natural Personal Care Conference 2004, Chicago, IL (ChemWeek), Chicago, IL, June 2004, co-presenter/organizer, workshop leader and speaker
- *CSPA-AirCare Division Mid-Year Meeting, Chicago, IL, May 2004, keynote speaker
- *International Cosmetics Expo 2004, Miami, FL, February 2004, speaker
- *Nutraceuticals Summit 2003, San Francisco, CA, May 2003, workshop leader
- *Global Beauty and Natural Products Congress 2003, Philadelphia, PA, Feb. 2003, speaker, panel moderator
- *AromaHerb Conference and Tradeshow 2003, Phoenix, AZ, February, 2003, speaker
- *Health and Beauty America, New York City 2002, October, 2002, speaker
- *Global Beauty Congress 2002, Chicago, IL, June, 2002, panel moderator
- *Personal Care Innovation 2002, Los Angeles, CA, May, 2002, speaker
- *Saskatchewan Nutraceutical Network's Annual Conference, Saskatoon, Saskatchewan, October, 2001, speaker
- *Snack and Confectionery New Products Conference, Chicago, IL, October, 2001, speaker
- *Functional Foods and Nutraceuticals Short Course, Texas A&M, Feb. 2001, speaker
- *Global Markets 2000, London, England, April 2000, chairperson and speaker

Media Appearances/Publicity

- 9 News: 07/06/06
- BBC News: 09/14/04
- Beverage Industry: 07/01
- Blog Vocinellanotte: 11/07/05
- Boulder County Business Report: 1999
- Boulder Daily Camera: 11/14/95, 03/23/98, 03/05/00, 09/02/07

- Boulder Planet: 09/17/97, 08/26/98
- Boulder Weekly: 1995
- Candy Industry: 11/01
- CBS 4 news: Fall 2007
- CMR (Chemical Manufacturer Reporter: 11/05
- Colorado Daily: 07/94, 08/94, 09/94, 01/95,
- Denver Business Journal: 02/07/05
- Denver Post: 8/30/99, 2004
- Denver Rocky Mountain News: 08/31/07, 09/07
- Detroit News: 9/08
- Folio Magazine: 6/1/99
- Food Technology: 01/01
- Fox 31 News - Denver 03/08
- Fox 31 Good Day Colorado 01/08, 02/08 x 2,
- Frankie Boyer Show Sirius satellite Radio: 07/05, 07/06
- Functional Ingredients Magazine: 02/08
- Global Cosmetic Industry (GCI): 09/02, 04/03, 04/06, 06/07, 08/07, 11/07, 12/07, 02/08
- Happi: 06/01, 06/02, 01/06, 02/08
- Hayward Daily Review: 6/9/99
- Health Foods Business: 07/97
- Herbs for Health: 9-10/98
- Household & Personal Care Wipes: Fall 2007
- HSR Supplement Industry Insider:
- IHR (Integrated Health Retailer): 01-02/02, 10/02
- KOA Radio 850 Denver 11/07, 04/08
- Marketing Daily: 09/27/07
- Natural Business: 05/97
- Natural Food Insider: 02/08
- Natural Foods Merchandiser: 09/95, 11/96, 03/97, 07/97, 10/01/04, 01/08, 08/08
- Natural Product News: Natural Products Europe 2000 Review
- Natural Products Industry Insider: 02/05/01, 12/01, 04/08/02, 10/21/02
- New York Times: 02/16/03, 09/27/07
- NPI Center: 01/07, 04/08
- Nutra Cos: Jan-Feb/03
- Nutraceuticals World: 12/01, 11/02,12/02, 09/05, 11/05, 12/06, 12/07, 6/08
- Nutrition Business Journal: 01/03, 08/06, 01/08
- Nutrition Industry Executive: 03/08
- Organic Products Retailer: 12/03, 02/08
- PR News Now: 4/25/05
- Rocky Mountain News: 11/08
- SIE: 9-10/01, 05/02, 10/02
- Skin Inc. Magazine: 07/05
- Soap & Cosmetics: 07-08/02, 09/02
- Supplement Industry Insider: 1997

- Taft Tribune: 05/02/86
- The Metropolitan: 10/18/07, 10/04/07, 11/28/07
- The Mountain Ear : 03/01, 01/16/03, 03/20/03
- UCD Advocate: 04/12/06,03/06
- Vitamin Retailer: 12/98, 02/01, 06/06, 09/07
- WB2: 05/02/06, 05/05/06, 05/14/06, 05/15/06
- Whole Foods: 07/98, 02/99

Additional Research Experience

- ❖ Developed, analyzed and wrote psychographic/demographic segmentation reports for industry clients.
 - Face Facts By Lori, 2006
 - '53 Organic Meats, 2006
 - Health and Wellness Trends Report, 2003
 - LOHAS Report, 2003 (identified cluster of values-based consumers)
 - Organic Report, 2003
 - State of Retail Report, 2003

Service

Metropolitan State College-Department of Marketing

- *Advisory Board Liaison 8/06 to present
- *Marketing Communications Liaison 9/05 to present
- *Assessment Committee-Marketing 2004 to present
 - Co-developed assessment test for marketing majors and minors in 2007
- *Open House Representative Fall 2004, Spring 2005, Summer 2005, Fall 2006, Summer 2006, Spring 2007, Summer 2008
- *Faculty Search Committee Fall '07, Fall '08, Spring '09
- *Advising Committee-Marketing 2004-2007
- *Curriculum Committee-Marketing 8/04 to 7/07
- *Chair-Retention and Recruiting Committee 4/05 to 7/07

Metropolitan State College-School of Business

*Director-Metro State's Open For Business Applied Marketing Program: This is a conduit for helping local businesses with marketing and other business related projects. The program funnels the "client" to the appropriate department (i.e., graphic design, PR, etc.) but 80% of the requests are marketing related. I have developed an Applied Marketing Management class to walk students through real-world consulting projects from A-Z. All students must be American Marketing Association members and final projects are presented to the clients.

- 2008-present
- *Graduation Assistant Marshal Fall 2008
- *School of Business Outstanding Student Award Presenter 2007
- *School of Business Symposium Committee 2005

Metropolitan State College

*Student Internship Management-I have overseen 48 students in organizational settings (paid and unpaid internships) 1/04 to present

*Campus Communications Advisory Council 9/07 to present

*American Marketing Association Advisor 9/07 to present

*Announcer for Metro Athletics Men's and Women's Basketball, Women's Volleyball (all games 2005-2007, currently backup announcer) 1/05 to present

*The Roadies: Student Group Founder and Faculty Advisor 5/06 8/07

*Student Athletic Marketers (SAM) Faculty Advisor/Faculty Athletic Department Liaison (Program created and managed by Darrin Duber-Smith) The mission of the Student Athletic Marketing Group (SAM), a joint project managed by the Metro State Marketing and Athletic Departments, is to promote awareness and involvement in Metro State College athletic activities among the student body and associated individuals/groups. SAM's primary responsibility is to help implement the annual Athletic Department's Strategic Marketing Plan, a document developed by the Athletic Department. SAM will seek to utilize existing groups and individual students to implement specific action items outlined in the plan. The Athletic Department has been charged with becoming more involved in the academic community. As such, the SAM Faculty Advisor/Athletic Department Liaison provides any requested advice and guidance regarding the Athletic Department-generated strategic plan as well as co-manage the implementation through SAM in conjunction with the Athletic Department, and engage in post plan evaluation for the following year's planning, in addition to co-managing interns each semester.

8/04 to 8/07

*Athletics Department Special Events Master of Ceremonies (Auraria Idol 2/04, Silent Auction 4/06, Hall of Fame Luncheon 2006 and 2007, 2007 Volleyball Award Ceremony) 1/05 to 7/07

*Marketing Communications Search Committee

9/07

Community

*Volunteer Co-Producer: Nedfest-Nederland Music Festival 2001-present

*Board Member: St. Anton Highlands HOA 2007-present

*Volunteer: Nederland Teen Center 2002

*Board Member: Nederland Area Chamber of Commerce 2002
-Co-founder and organizer for Frozen Dead Guy Days

Professional Organizations-Trade

Founder and Executive Director International Association of Natural Products Producers	2004-2006
Member, NPICenter.com Board of Advisors and Inside Beauty Board of Advisors	2004-2006
Member, Co-op America Business Network	2001-present
Member, Board of Directors, Nederland Chamber of Commerce	2002-2003
Member, Council for Responsible Nutrition Political Action Committee, Botanical Committee, Supplement Committee	2001-2002