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

Proceeding	91229200
Party	Defendant SJM Partners, Inc.
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Date	12/01/2017
Attachments	Stipulation Re Printouts from Internet Archive.pdf(141582 bytes )

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

Ganz,

Opposer,

v.

SJM Partners, Inc.,

Applicant.

Opposition No. 91229200 (parent)  
Opposition No. 91232397

**STIPULATION RE PRINTOUTS FROM INTERNET ARCHIVE**

The parties, through their undersigned counsel, stipulate as follows:

1. The Internet Archive, located in San Francisco, California, is a website that provides access to a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, it provides free access to researchers, historians, scholars, and the general public. The Internet Archive has partnered with and receives support from various well-known institutions and libraries, including the Library of Congress.

2. The Internet Archive has created a service known as the Wayback Machine. The Wayback Machine makes it possible to surf more than 400 billion pages stored in the Internet Archive's web archive. Visitors to the Wayback Machine can search archives by URL (i.e., a website address). If archived records for a URL are available, the visitor will be presented with a list of available dates. The visitor may select one of those dates, and then begin surfing on an archived version of the Web. The links on the archived files, when served by the Wayback Machine, point to other archived files (whether HTML pages or images). If a visitor clicks on a link on an archived page, the Wayback Machine will serve the archived file with the closest available date to the page upon which the link appeared and was clicked.


3. The archived data made viewable and browseable by the Wayback Machine is compiled using software programs known as crawlers that surf the Web and automatically store copies of website files, preserving these files as they exist at the point of time of capture.

4. The Internet Archive assigns a URL on its site to the archived files in the format [http://web.archive.org/web/\[Year in yyyy\]\[Month in mm\]\[Day in dd\]\[Time code in hh:mm:ss\]/\[Archived URL\]](http://web.archive.org/web/[Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]/[Archived URL]). Thus, the Internet Archive URL <http://web.archive.org/web/19970126045828/http://www.archive.org/> would be the URL for the record of the Internet Archive home page HTML file (<http://www.archive.org/>) archived on January 26, 1997 at 4:58 a.m. and 28 seconds (1997/01/26 at 04:58:28). A web browser may be set such that a printout from it will display the URL of a web page in the printout's footer. The date assigned by the Internet Archive applies to the HTML file but not to image files linked therein. Thus images that appear on the printed page may not have been archived on the same date as the HTML file. Likewise, if a website is designed with "frames," the date assigned by the Internet Archive applies to the frameset as a whole, and not the individual pages within each frame.

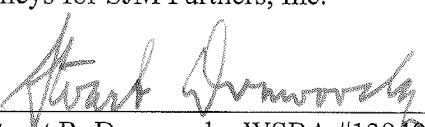
5. Exhibit C to the Declaration of Stuart R. Dunwoody (23 TTABVUE pp. 14-34) consists of true and accurate copies of printouts of the Internet Archive's records of the HTML files for the URLs and the dates specified in the footers of the printouts as "Capture URL."

DATED this 1<sup>st</sup> day of December, 2017.

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**CERTIFICATE OF SERVICE**

I hereby certify a true and complete copy of the foregoing STIPULATION RE  
PRINTOUTS FROM INTERNET ARCHIVE has been served on the Attorney of Record for  
Opposer by email, pursuant to **Trademark Rule 2.119, on December 1, 2017:**

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Date: December 1, 2017

/Stuart R. Dunwoody/  
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