ESTTA Tracking number: **ESTTA1097936**

Filing date: **11/25/2020**

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

Proceeding	91240636
Party	Defendant SWMG Productions, Inc.
Correspondence Address	MCHAEL F CAMPILLO VENJURIS PC 1938 E OSBORN RD PHOENIX, AZ 85016 UNITED STATES Primary Email: pto_mfc@venjuris.com No phone number provided.
Submission	Testimony For Defendant
Filer's Name	Michael F Campillo
Filer's email	pto_mfc@venjuris.com
Signature	/Michael F Campillo/
Date	11/25/2020
Attachments	Notice of Cross-Exam Testimony Opp no. 91240636.pdf(131829 bytes) McNerney C Transcript Cross Exam.pdf(142155 bytes) McNerney C Exh 1.pdf(821250 bytes) McNerney C Exh 2.pdf(3561037 bytes) McNerney C Exh 3.pdf(5241685 bytes) McNerney C Exh 4.pdf(285870 bytes) 201120 McNerney Signature Page Notarized.pdf(138822 bytes) Julia Liu.pdf(22539 bytes)

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

Information Builders, Inc., Opposer, v. SWMG Productions, Inc., Applicant.	Opposition no. 91240636 consolidated with Cancellation no. 92068353

Defendants Notice of Filing Testimony

Defendant hereby submits the testimony of Ms. McNerney.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Defendants Notice of Filing Testimony** has been served on Howard F. Mandelbaum and Ira E. Silfin by forwarding a copy of the forgoing on November 25, 2020, via email to: hmandelbaum@msellp.com, isilfin@msellp.com, docketing@msellp.com.

Signature: /Michael F. Campillo/

VENJURIS P.C.

Attorneys for Applicant

By /Michael F. Campillo/

Michael F. Campillo
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Phoenix AZ 85016

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

----------x

Information Builders, Inc.,

Opposer,

v.

SWMG Productions, Inc.,

Applicant.

----------x

Opposition no. 91240636
consolidated with
Cancellation no. 92068353

November 10, 2020
1:59 p.m.

Videoconference deposition of CAROL McNERNEY, taken by applicant, pursuant to notice, reported remotely by Julia Liu, a Shorthand Reporter and Notary Public of the State of New York.

APPEARANCES (ALL REMOTE PARTICIPANTS):

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BY: IRA E. SILFIN

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Phoenix, AZ 85016
BY: MICHAEL F. CAMPILLO

(Document Bates Stamped nFocus 000048 through 000053 marked Exhibit No. 1 for identification)

(Document Bates Stamped nFocus 000058 and 000059 marked Exhibit No. 2 for identification)

(Document Bates Stamped nFocus 000062 through 000089 marked Exhibit No. 3 for identification)

(Page 27 from Exhibit P-9 and filing in TTAB proceeding marked Exhibit No. 4 for identification)

CAROL McNERNEY,

called as a witness, having been duly sworn, testified as follows:

CROSS-EXAMINATION

BY MR. CAMPILLO:

Q. Ms. McNerney, I'd like to start with --

MR. SILFIN: Well, Mr. Campillo, before you start, just a couple of things.

Let's just put on the record what's happening. We're on a Zoom

conference. Ms. Liu, the reporter, will put down the appearances so we know who's here.

We have breakout rooms -- or I've been told we have a breakout room that Ms. McNerney and I can go to if we need to at some point during this cross-examination.

I also want to put on the record that we have an objection to the entire cross-examination because the filing of your notice of cross-examination was not timely. We've already given you a heads-up on that. I know you filed it, but you filed it late, and you made no effort to move for permission to take this deposition after the late filing. So we still object and we're going to

preserve that objection.

MR. CAMPILLO: Understood. And our position on that is clear. We had an agreement on the date to take the deposition, and we went forward with that. So, but you've preserved your

objection for the record and you've made that clear.

MR. SILFIN: All right.

MR. CAMPILLO: Are you satisfied?

MR. SILFIN: Well, yeah, with that. We'll see if I'm satisfied in five minutes with everything else.

Let me close my door. Just hold on a second. Okay. All right.

MR. CAMPILLO: Thank you.

Q. Ms. McNerney, first of all, I'd like to review some background terminology just to make sure that we're all on the same page.

Do you understand that your employer, ibi, is opposing the application,

as in petitioning for the cancellation of the registration by SWMG?

A. Yes.

Q. And do you recall or understand that you signed a testimonial declaration in this proceeding?

A. Yes.

Q. I'd like to discuss certain

conclusions reached in that declaration. And if you have it handy, I'd ask that you please review paragraph 7 of your declaration.

MR. SILFIN: Could you please provide her with a copy?

MR. CAMPILLO: I'll have to get a -- screen share. You don't happen to have a copy with you?

MR. SILFIN: We were not asked to provide the witness with any documents or anything ahead of time. They weren't provided, you know, there was nothing on the record about that.

MR. CAMPILLO: All right. Is it

okay that we do a screen share?

MR. SILFIN: As long as it's clear and everyone knows what we're talking about, sure.

MR. CAMPILLO: No objections, I understand?

MR. SILFIN: Well, we'll see -- we'll know if there's an objection when we see it.

MR. CAMPILLO: All right.

MR. SILFIN: Carol, do you need a minute?

THE WITNESS: Please.

MR. SILFIN: All right. So you just need a minute or you just, you want to take a real official break?

THE WITNESS: I just need a minute.

MR. SILFIN: All right. So, Julia, if we can just go off the record and give Carol a minute.

(Off record)

A. Michael, just to be clear, you want me to look at item number 7, correct?

Q. Yeah, paragraph 7, please.

A. Okay.

(Pause)

A. Okay.

Q. Okay. I'm going to go ahead and stop the share at this point because I need my screen.

Now, your declaration indicates that ibi sells software under the

trademarks FOCUS and WebFOCUS.

How does a customer typically go about purchasing the FOCUS or the WebFOCUS software products?

MR. SILFIN: Objection. It's outside the scope of her testimony. And I don't even understand about when you say how she goes about, how does that -- go about it?

MR. CAMPILLO: All right. Let me clarify.

Q. Does one walk into a Best Buy to

purchase FOCUS software?

MR. SILFIN: Outside the scope. But go ahead.

THE WITNESS: So I'll go ahead and answer?

MR. SILFIN: Yes.

A. So customers -- it can range, from a multitude of things. They may go online and look us up, and then they work with the direct sales force or an agent, depending on where they're located.

Q. So a direct sales force is an

actual employee of ibi, is that correct?

A. Correct.

Q. And the agent, are these agents employees of ibi?

A. No.

Q. But they have a separate agreement with ibi to sell the FOCUS or WebFOCUS softwares?

A. Yes.

Q. Thank you. What is the typical

subscription fee for the FOCUS or WebFOCUS software?

MR. SILFIN: Objection. Outside the scope. Go ahead, Carol.

A. That's -- to be very honest, Michael, that's a tough question to answer because it ranges, you know, depending on what the client is buying and what industry they're in. And they, as far as I understand, the salespeople sell them by core. So it's the size of the people and how many transactions are going through. But I honestly don't know the exact number.

Q. How about if I were a

medium-sized company, I've got 20 employees?

MR. SILFIN: Objection. Calls for speculation.

Q. Are you going to answer?

A. Oh, sorry.

Again, it could range -- and I am speculating -- it could range from, I don't know, anywhere from 3,000 to, you know,

100,000, depending on what pieces they bought that go with it.

Q. Are you aware that an August 2016 review of a WebFOCUS tool in PC Mag informs that the subscription fee for the tool begins at 30,000 dollars for 20 users per year?

MR. SILFIN: Could you say that again, please? The beginning part in particular.

Q. Are you aware that there's a August 2016 review of WebFOCUS, in PC Magazine, that informs that the subscription fee for the tool begins at 30,000 dollars per 20 users per year?

A. I'm not aware of that. I wasn't with the company back then, and I'm not aware of that article.

Q. But does that subscription fee sound reasonable?

MR. SILFIN: Objection. Vague. Go ahead, Carol.

A. Again, I would be speculating. I mean I'm in marketing, but I'm not in sales. And I don't really get involved in the sales deals.

Q. But it's certainly within your 3,000 dollar to 100,000 dollar range, isn't that correct?

A. Yes, that number's in that range.

Q. Thank you. Now, I want to move on to paragraph 16 of your testimonial declaration. Let me pull that up again.

Let me see if I can put it on this screen.

A. Okay.

Q. Do you see that screen or?

MR. SILFIN: No.

A. Don't see anything yet.

Q. Okay. Which screen do you see here?

MR. SILFIN: It's all black. Oh, there we go. We have the first page of Ms. McNerney's declaration.

Q. Okay. Let me get it on paragraph

16.

(Pause)

A. Okay.

Q. Ms. McNerney, do you recall which products by SWMG that you looked at when you were making this paragraph?

MR. SILFIN: Objection. Foundation.

Q. Ms. McNerney, that paragraph indicates that you believe that the similarity of nFocus to FOCUS and WebFOCUS makes it likely that customers will be confused about SWMG's nFocus products and think they're our products, correct?

A. Yes.

Q. Okay. So did you review any nFocus products when you signed this declaration?

A. Yes. I looked at the nFocus on its own, nFocus Solutions. And that, I believe, was it.

Q. Okay. Were there specific

software products that you looked at?

A. I didn't go into detail on the products, Walter Blood did that. I looked more from a branding and marketing perspective.

Q. Okay. Thank you. At this time, I'd like to show you Exhibit 1. And I'll have to pull that up. Please bear with me.

Do you see this TraxSolutions, Exhibit 1?

A. Yes.

Q. Wait a second. I want to make sure that we have the exact, the marked exhibit from -- that we got back from the court reporters.

MR. SILFIN: All right. So, Mr. Campillo, we object that this exhibit lacks foundation. And it's also -- any questions about this are outside the scope of Ms. McNerney's testimony.

MR. CAMPILLO: Your objections are noted.

Q. Ms. McNerney, do you see the

TraxSolutions -- or this document, Exhibit 1?

A. Yes.

MR. SILFIN: Well, we see the first page and a little bit of the second page at this point.

MR. CAMPILLO: Okay.

Q. At the top of the second page, can you read the first paragraph, please, aloud?

A. "TraxSolutions is a fully integrated, web-based nonprofit software suite that can help your organization collect and analyze data about your programs and participants - leading to better decisions, increased funding and successful outcomes for the people you serve."

Q. Thank you. Would you agree that this document refers to the software product as TraxSolutions?

MR. SILFIN: Objection.

Foundation.

Q. Please answer.

A. Yes, it says TraxSolutions.

Q. And the document refers to the software product as TraxSolutions?

MR. SILFIN: Objection. Foundation.

Q. You can answer.

A. Yes, I see TraxSolution at the bottom of the page.

Q. Thank you.

MR. SILFIN: Just for the record, the witness only saw the first two pages of that exhibit.

MR. CAMPILLO: At this time, I move to admit Defendant's Exhibit 1 into evidence.

MR. SILFIN: Objection. No foundation, hearsay. There's 15 other things we can object to.

MR. CAMPILLO: Well, can you explain your hearsay objection?

MR. SILFIN: It's out-of-court

statement. I mean we don't know that Trax -- you want to say that TraxSolutions is a fully integrated, web-based nonprofit software suite. We don't know that.

MR. CAMPILLO: We're not offering it for that statement. We're offering it --

MR. SILFIN: Okay. Well, we don't know what you're offering it for.

MR. CAMPILLO: It's offered for the fact that it refers to the software as TraxSolutions, not for its capabilities.

MR. SILFIN: Okay. It also refers to nFocus Solutions. And it also says that --

MR. CAMPILLO: Are you testifying here?

MR. SILFIN: No. You're offering something and I'm objecting to your offer, your proffer.

There's an About nFocus Solutions at the bottom of -- at the end of the

McNerney

page 5 that also is --

MR. CAMPILLO: Do you want to read that into the record?

MR. SILFIN: Yeah, I will.

"nFocus Solutions is dedicated to the development of innovative technologies and intelligent business solutions for the public sector. We are the leading provider of applications that communities, nonprofits and government agencies rely on to make their organizations more effective. Our high-quality data management and analysis software enables our clients to achieve clear, well-defined results that change the world."

Things in there that may be relevant. The witness didn't see -- the witness has no familiarity with it, with the document. You have no sponsoring witness. There are lots of objections to this.

MR. CAMPILLO: Thank you.

McNerney

MR. SILFIN: You're welcome. It's easy without a judge here to rule on these things.

MR. CAMPILLO: Exhibit 2 is a similar document. Do you want to put your objections on the record while we go through this document as well?

MR. SILFIN: I mean I have the same objections. We don't know what this document is, the witness has never seen them, she's not qualified to testify about it. You know, lots of things on this.

MR. CAMPILLO: I want to -- she says that she reviewed nFocus software.

MR. SILFIN: No, I don't think she testified to that. But I'm not stopping you from asking questions. I'm objecting to those questions.

MR. CAMPILLO: Okay.

MR. SILFIN: And outside the scope. I don't think I mentioned that.

A. Yeah, and I just want to be clear. I didn't say I looked at them in

depth. That was Walter Blood who really looked at the products in depth. I was looking more from a branding and naming perspective.

Q. Okay. And that's all that I'm interested in for this discussion is the branding and naming, not the actual capabilities of the software.

MR. CAMPILLO: At this time, I'd like to display Exhibit 2 to the witness.

MR. SILFIN: Much bigger. I've got the top half of the first page only.

MR. CAMPILLO: Okay. Is that better? Can everybody see?

MR. SILFIN: I've got three-quarters of the first page.

Q. Would you like time to review the exhibit?

A. Yes, please.

Can you continue scrolling down?

Q. Sure. Let me know if you want me to enlarge.

A. You can keep going down.

Is that the bottom?

Q. That's the last page and the bottom, yes.

A. Okay.

Q. Returning to the first page of Exhibit No. 2. I'm going to again ask you to review the first full paragraph in gray there, beginning with the word "GeoSuite."

MR. SILFIN: Mr. Campillo, are you okay with I have a standing objection here, I don't have to repeat?

MR. CAMPILLO: Yes.

MR. SILFIN: Okay.

MR. CAMPILLO: And you have a standing objection.

MR. SILFIN: Thank you. Go ahead, Carol.

A. Okay. "GeoSuite is a web-based,

multimedia system that provides advanced situational awareness and information sharing for public safety personnel, including police officers, search and rescue workers and first responders. Users

collect, report and share real-time information for enhanced decision-making and effective response during emergencies, public events or Operations Center management."

Q. Thank you. Now, Ms. McNerney, purely from a branding point of view, what is the name of this software? What is the brand name of this software?

A. Well, the way I would view it is -- again, this is my opinion in my years of experience in marketing, over 25 years -- it's nFocus Solutions GeoSuite. It's nFocus Solutions is the master brand and GeoSuite is the name of the product.

Q. Okay. Thank you. That's fair.

And along the same lines, I want

to display for you Exhibit 3.

MR. CAMPILLO: And I will note that, invite Ira, if he wants to, again, standing objection to the --

MR. SILFIN: Same objections, Michael? It's fine with me. I don't have to repeat it.

MR. CAMPILLO: Thank you.

MR. SILFIN: This is a 16-page document or something? It's much longer than the other one.

MR. CAMPILLO: It's 28 pages.

Q. And you're welcome to review the entire document, but I'm primarily interested in the first few pages.

A. Sorry, can I see the very top?

Q. That's the very top.

A. Thank you.

MR. SILFIN: So that's a full-page view now, I think.

MR. CAMPILLO: Yeah.

Q. And then here's -- you can see the break. That's page 1. Page 2 is a

table of contents. And page 3. These are the primary pages that I'm interested in, but I would welcome you to review additional pages, if you'd like, before we -- because I understand it's a fairly large document. If you'd like to take a break and review the document, I understand, you can do that. Or we could move forward.

McNerney

Again, I'm only interested from a branding point of view, not in the software's capabilities.

MR. SILFIN: So, Mr. Campillo, may I suggest you ask a question and then Ms. McNerney can tell you if she would like more time to review the document as opposed to --

MR. CAMPILLO: Thank you. Okay.

MR. SILFIN: -- you ask her how many pages it is, she won't be able to answer unless she counts them. But if you ask her what the first page says,

she can read that.

Q. So this is page 3 of the exhibit. And I ask you to review this. There's no need to read it out loud unless you wish to. And then I'd like to ask you questions about this.

(Pause)

A. Okay.

Q. How would, based on your branding experience and your experience in working,

what would you say that the brand name of this software is?

MR. SILFIN: Objections, including the -- outside the scope. Calls for an opinion. But go ahead, you can answer, Carol.

A. Well, to be honest, if I look up -- can you take me back to the first page?

Q. Certainly.

A. As a marketer, I would think this is nFocus Solutions, because that is the biggest piece on the page. This Trax Attendance Manager Complete Reference

Guide, I wouldn't necessarily think that's the name of a product, I would just look at this as a customer reference guide.

Q. So would your testimony be consistent with -- what you would read on this page are the conclusions you would come to after reading this page?

A. If I read this page only, I would look at the name of the solution as Trax Attendance Manager, of the product within the nFocus brand.

MR. CAMPILLO: Okay. Thank you. And again, I'm going to offer Exhibits 2 and 3 into evidence. Ira?

MR. SILFIN: Same objections.

MR. CAMPILLO: Same objections. Thank you.

Q. Ms. McNerney, as an exhibit to your declaration, P-9, you attached --

MR. SILFIN: Let me correct you. That was actually not an exhibitory declaration, that was part of our

notice of reliance.

MR. CAMPILLO: Notice of reliance. Thank you, Ira.

Q. Part of the notice of reliance, ibi, the plaintiff in this matter, attached a record of previous opposition proceedings instituted by Information Builders. Are you aware of that?

A. I'm aware, yes, I'm aware that there were previous.

Q. Are you aware that, as early as February of 2000, Information Builders filed an opposition proceeding against SWMG

Productions?

MR. SILFIN: Let me object to that because it calls for attorney-client communications so it's privileged.

MR. CAMPILLO: I'm just asking if she's aware of that. I didn't ask her what she said.

MR. SILFIN: So, well, she's only aware of it because of attorney-client

communications.

Q. Okay. Well, I'd like to, at this time, share with you Exhibit -- before you is displayed Exhibit No. 4, which is page number 27 from Information Builders' notice of reliance Exhibit P-9. And I direct your attention to the center of the screen, the opposition proceeding number 91206217. Do you see that, Ms. McNerney?

A. I'm sorry, can you repeat the number? 912?

Q. 91206217.

A. Okay. Sorry, highlighted, sorry. When you said middle of the screen, I was

looking at the one above, I apologize. Okay.

Q. No, no problem. So at least as early as 2012 -- is it correct that at least as early as 2012, Information Builders had knowledge of nFocus Solutions bridging the -- or nFocus Solutions using the mark nFocus Solutions bridging the gap?

MR. SILFIN: Using, Mr. Campillo? I mean I'll stipulate that ibi was aware of the application as early as 2012. Is that okay with you, Mr. Campillo?

MR. CAMPILLO: Yeah, that's fine.

MR. SILFIN: Okay. So we've stipulated to that one. Go ahead.

Q. Ms. McNerney, do you understand the question?

A. Oh, I'm sorry. Yes, sorry. So you wanted me to -- I'm sorry, can you repeat it?

Q. Sure.

MR. SILFIN: Well, Mr. Campillo, I just stipulated to what you just

asked. We agree that ibi knew that, knew of that application.

MR. CAMPILLO: Oh, okay, okay.

MR. SILFIN: So I don't think she needs to answer it. Because she doesn't really -- she wasn't with the company then. I don't want to put her

in a position, so.

MR. CAMPILLO: Okay.

Q. And then let me display for you --

MR. SILFIN: I mean when you asked the question, you asked about using, and I don't know if there was actually usage at that point. So I did have a problem with that.

But we knew about the application, ibi knew about the application.

MR. CAMPILLO: All right. Can we take a 15 minute break?

(Recess)

MR. CAMPILLO: At this time, counsel has no further questions for

the witness.

MR. SILFIN: All right. Thank you. We're done.

(Time noted: 2:47 p.m.)

CAROL McNERNEY

Subscribed and sworn to
before me this day
of 2020

_____

CERTIFICATE

STATE OF NEW YORK)

) ss.

COUNTY OF NEW YORK)

I, Julia Liu, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That CAROL McNERNEY, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

_____

JULIA LIU

November 10, 2020

ERRATA

PAGE/LINE CHANGE/REASON

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November 10, 2020

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3	3	Document Bates Stamped nFocus 000062 through 000089
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(http://www.nfocus.com)

C. MCNERNEY
NOVEMBER 10, 2020
Exhibit No. 1
JULIA LIU

TraxSolutions

Data that makes a difference.

Traxsolutions

TraxSolutions is a fully integrated, **web-based** nonprofit software suite that can help your organization collect and analyze data about your programs and participants—leading to better decisions, increased funding and successful outcomes for the people you serve.

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C. MCNERNEY
NOVEMBER 10, 2020
Exhibit No. 2
JULIA LIU

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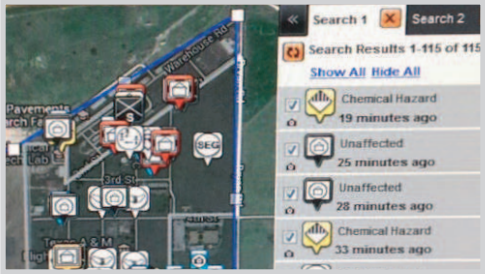
bridging the gap™

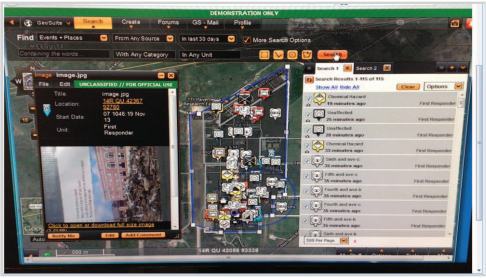
GeoSuite™

GeoSuite™ is a web-based, multimedia system that provides advanced situational awareness and information sharing for public safety personnel, including police officers, search and rescue workers and first responders. Users **collect, report and share real-time information** for enhanced decision-making and effective response during emergencies, public events or Operations Center management.



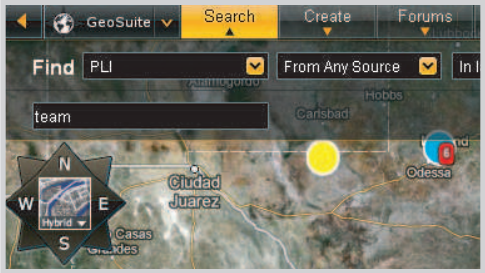
Real-Time Situational Awareness

Users at all levels can view real-time updates on mission events and locations of deployed users.



Media-Rich Communication

Users can collect and add media-rich information, including images, video and documents, to increase situational awareness.



Intuitive User Interface

A simple, user-friendly map-based interface allows new users to interact with the system after minimal training.

Built for Mobility

GeoSuite's mobile app allows users to access all features and collaborate in real time with disparate teams and command centers.

Adaptable Infrastructure

Whether an existing infrastructure is in place or a new system needs to be developed from the ground up, nFocus Solutions can help determine an optimized, secure solution specifically for your situation.

Scalable Implementation

From agencies with small teams to large scale enterprise deployments—as your team grows, GeoSuite grows with you.

GeoSuite™

User Benefits

Mission Critical Data
Get instant access to the critical information you need to respond to dynamic situations

Data Driven Decisions
Provides real-time data from multiple sources, including weather, traffic and infrastructure feeds, to enhance your decision-making power

Enhanced Collaboration
Easily share information across multiple teams and agencies through multimedia data sharing

Comprehensive Historical Archives
Quickly access previous incidents, events and other information, including after action reports, training and lessons learned

Easy to Use
Intuitive user interface, drag and drop capability, social media integration and mobile access help you spend more time focused on your mission

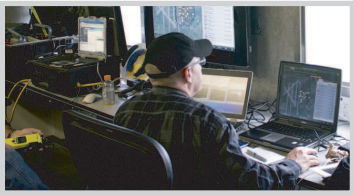
Get Started Quickly
GeoSuite requires very little training to operate, providing operational capabilities almost immediately

Protected and Secure
Access and maintain data safely with GeoSuite's secure, cloud-based servers or with local hosting

Always On
Never lose access to information, even when power or internet access is temporarily lost

Scales to Fit
From Operations Centers to mobile devices, GeoSuite provides "on-the-go" capabilities to meet your needs

Whatever your mission or command structure, GeoSuite™ scales to your needs. As your team grows, GeoSuite grows with you.



GeoSuite Command

Server-based software that resides within the confines of fixed or mobile operation centers.

GeoSuite Mobile

Mobile software that can be downloaded to vehicles, laptops, and Android devices—including tablets and smartphones.

Software Features

Real-Time Position Location Information
Users at all levels can view real-time locations of deployed users in the field

Media-Rich Content
Users collect and add media rich information via mobile device or web-based client

Sensor Information
Geosuite ingests data feeds from a variety of sensors and sources for complete situational awareness

Notifications
User tailored ability to receive text or email notifications based on subscriptions to key words, data, users, areas on the map, routes, etc.

Dynamic Search
Easy to use, customizable search tool allows user to refine searches in any conceivable manner

Internal Messaging
Users can share geo-referenced information and link other users to ongoing activity without leaving the application

Mobile Operations
The smallest form factor at the lowest levels of operation

Collaborative Forums
Users can post documents and hold off-map discussions on critical events

'GeoSuite gives you the awareness to know what you're dealing with'

—Type 1 Incident Commander

'This is the most powerful capability I have seen, in terms of addressing every group in the department'

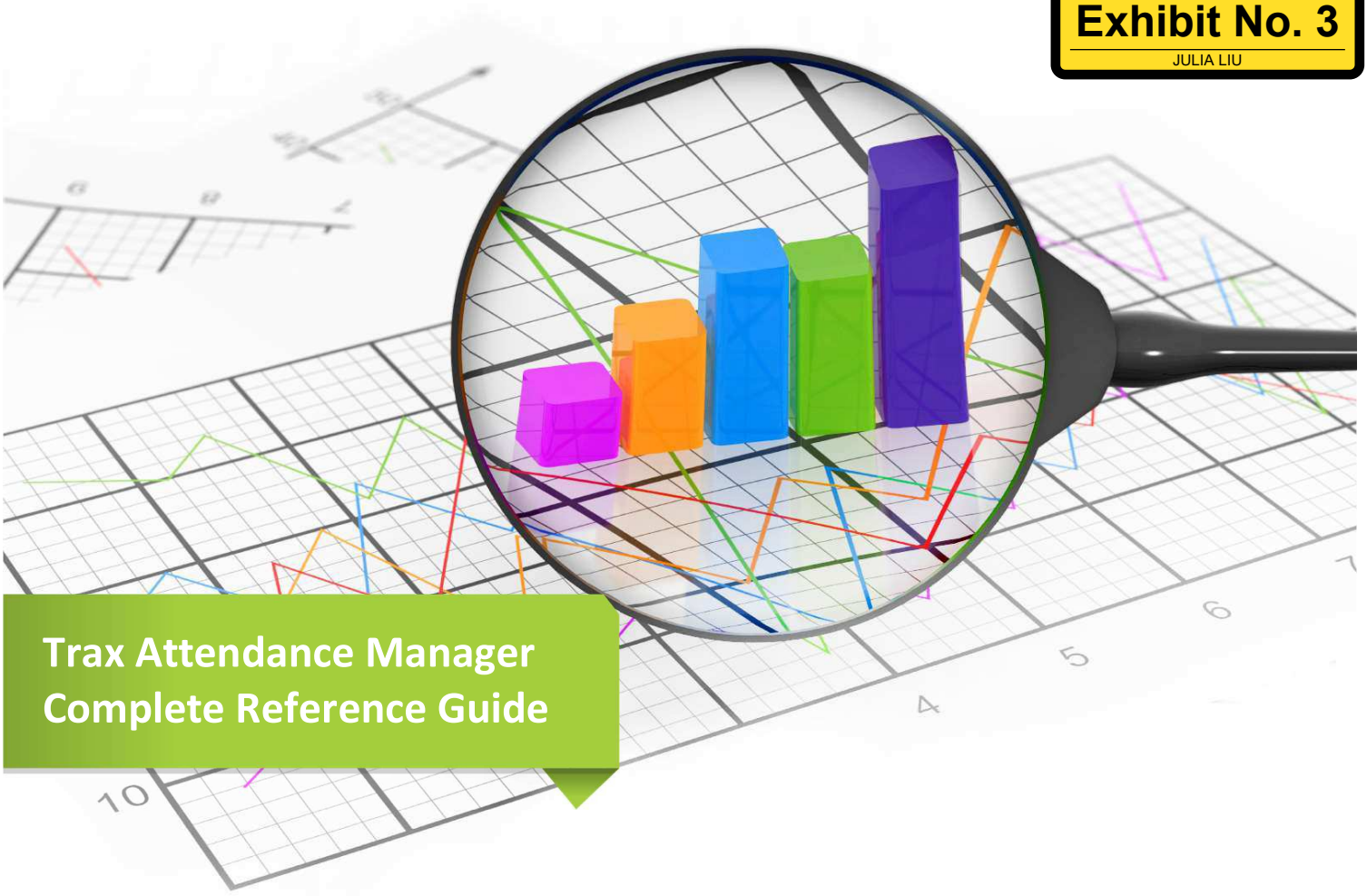
—Fusion Center Customer

'I now have definitive metrics of our search and rescue operations'

—Customer with Urban Search and Rescue

To find out more, call us at (866) 954-9557 or visit nFocus.com/GeoSuite

C. MCNERNEY
NOVEMBER 10, 2020
Exhibit No. 3
JULIA LIU



Trax Attendance Manager Complete Reference Guide

nfocus SOLUTIONS
bridging the gap™

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Trax Attendance Manager Overview

Trax Attendance Manager allows you to track attendance for the participants that you are serving as opposed to how many members are enrolled in your program. Knowing the exact number of participants receiving services at your facility on a daily, weekly, monthly, or yearly basis is important to your organization from both an operational and fundraising perspective. There are two major components to the system:

- **TraxSolutions**: a web-based software application in where you manage participant information, activities, and services offered at your facility
- **Trax Attendance Manager**: a locally installed software application used for scanning and recording attendance

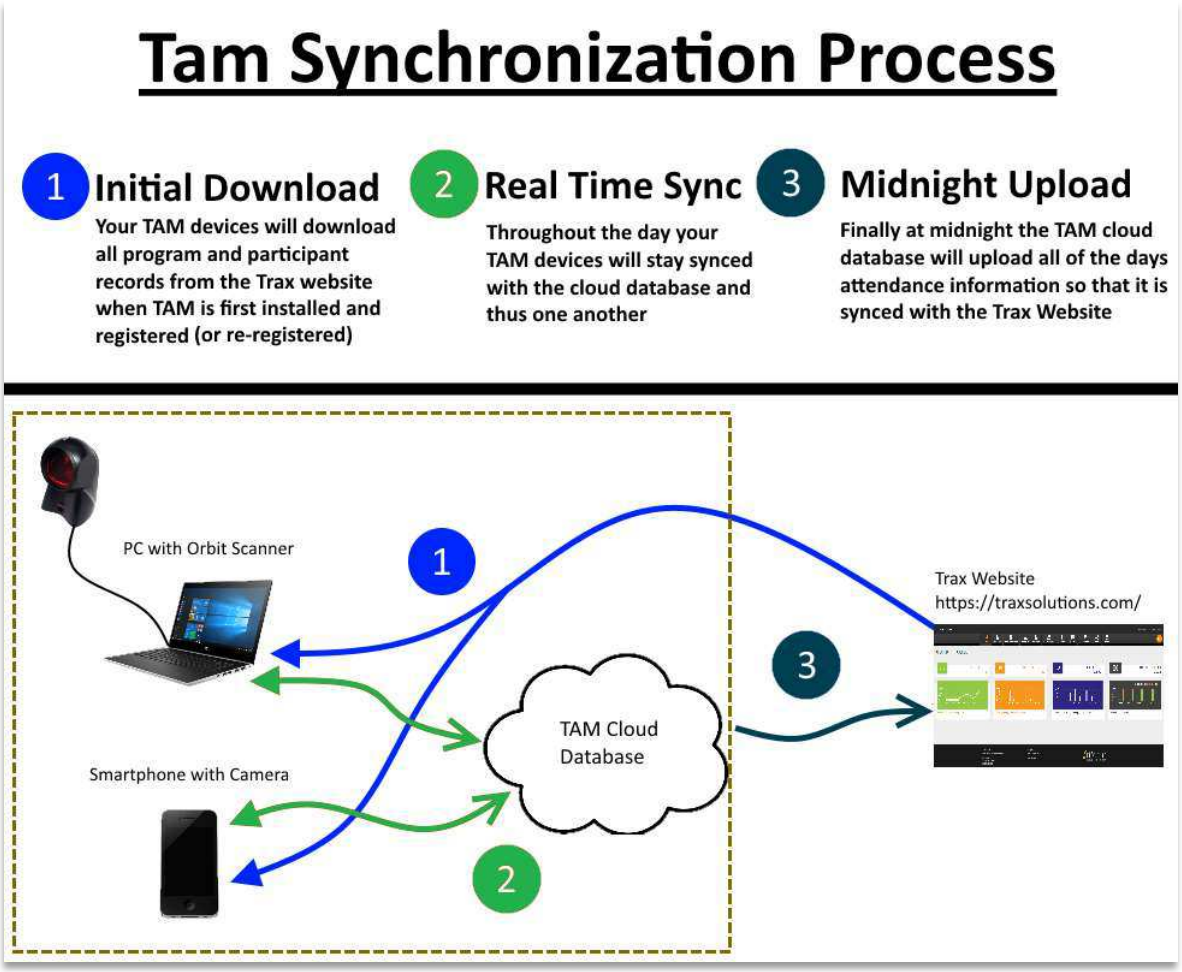
There are multiple ways to record attendance. If recording attendance with a physical scanner, Trax Attendance Manager (TAM8) will need to be installed locally on the computer that is connected to the Internet to transfer data between TraxSolutions and TAM8.

This training will provide you with the skills and knowledge necessary to become an expert user of the Trax Attendance Manager system and report your service numbers with confidence!

How Trax Attendance Manager Works

TAM is a cloud based application intended to work best with a solid internet connection. Though you can use TAM offline some of the time if absolutely necessary, it will not be able to stay in real-time communication with other TAM devices if it does not have a stable internet connection. TAM will also eventually always need to have a solid internet connection at least once overnight in order to send the attendance data it has gathered throughout the day back to the Traxsolutions website.

You can install TAM on PCs or mobile devices (Android, IOS.) When these devices are connected to the internet they share a cloud based database where they all can see the attendance data collected on each other device in real-time. At the end of the day, this data is eventually sent to the Traxsolutions website so that you can report on the attendance or edit it if necessary. The following graphic shows you how TAM works.



Accessing Trax Attendance Manager

Trax Attendance Manager is a locally installed software application used for scanning and recording attendance. You should find the icon on your computer's desktop.

1. Add the *TraxAttendanceManagerAdmin* role/permission to your login for the organization(s) needed. This role/permission is required in order to be able to use the application. If you are a Client System Admin you already possess this permission.
2. To open the application, double-click on the **Trax Attendance Manager** icon (shown) on your desktop
3. The Trax Attendance Manager *Welcome* screen will appear
4. You may be prompted to update Trax Attendance Manager when you first open the application. If so, select **Restart** on the Update Available window to install the latest version

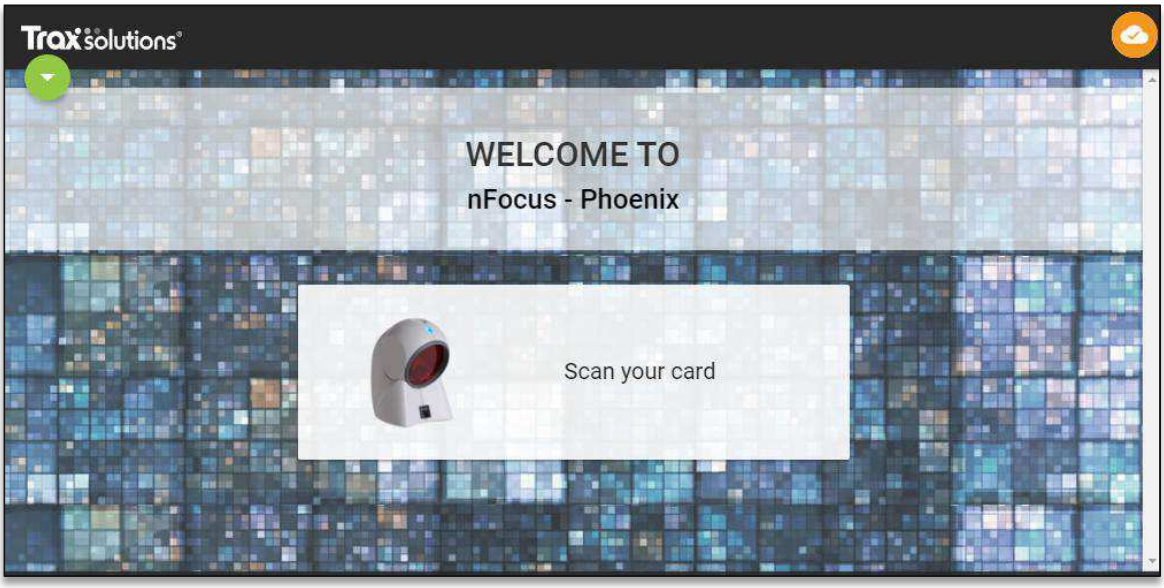
Welcome Screen

There are several sections on the main screen of Trax Attendance Manager that provide important information.

Expandable Menu

The expandable menu is a section on the Welcome screen that is used to display the icons of actions that are easily accessible to our users. The icon tray is located at the **top left corner** of the application and is vertically expandable.

1. To expand the menu, click on the green arrow (shown below)



2. The following icons will appear:

Close

Fire Drill By Activity Report

Fire Drill Report

Emergency Contact Report

Pick Up Report

Scanner Note Report

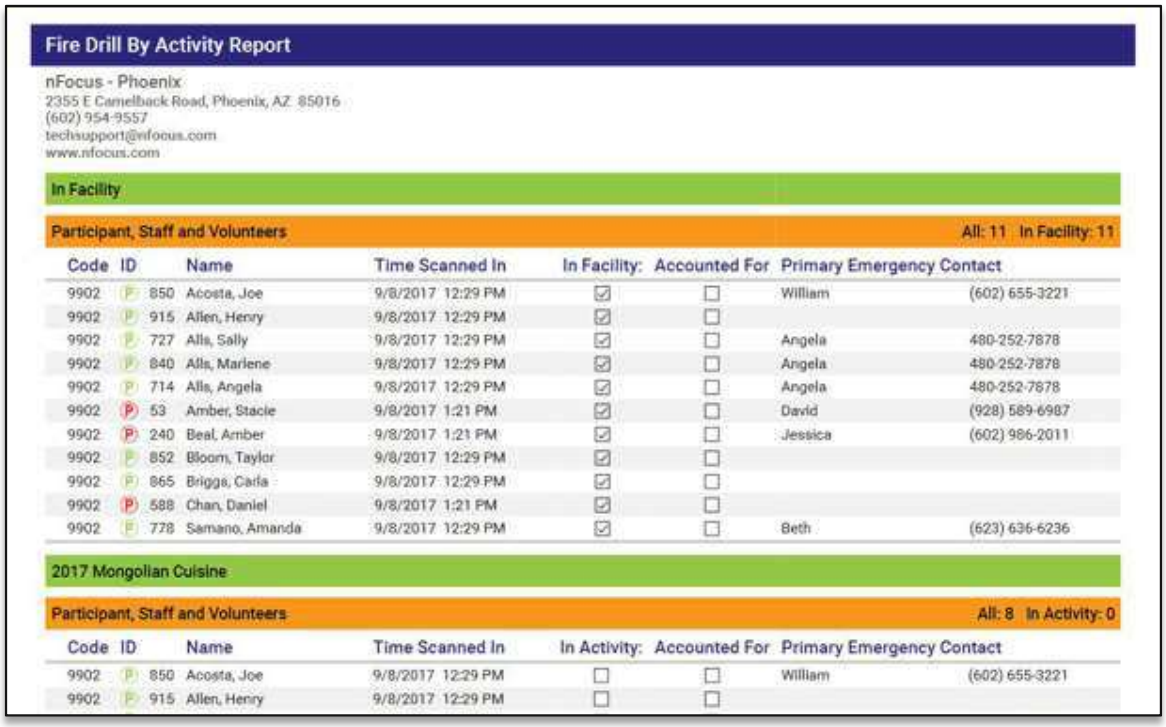
Information And Contact

Settings

3. To collapse the menu, click on the × icon (shown above)

Fire Drill by Activity Report

The Fire Drill by Activity report will display participants, staff, and/or volunteers that are currently scanned into the front door or specific activities of your organization with their primary emergency contact information. This report is specifically grouped by Activity. Click the expandable menu and select the Fire Drill by Activity report icon to automatically display this report.



Fire Drill By Activity Report

nFocus - Phoenix
2355 E Camelback Road, Phoenix, AZ 85016
(602) 954-9557
techsupport@nfocus.com
www.nfocus.com

In Facility

Participant, Staff and Volunteers — All: 11 In Facility: 11

Code	ID	Name	Time Scanned In	In Facility:	Accounted For	Primary Emergency Contact	
9902	P 850	Acosta, Joe	9/8/2017 12:29 PM	☑	☐	William	(602) 655-3221
9902	P 915	Allen, Henry	9/8/2017 12:29 PM	☑	☐		
9902	P 727	Alls, Sally	9/8/2017 12:29 PM	☑	☐	Angela	480-252-7878
9902	P 840	Alls, Marlene	9/8/2017 12:29 PM	☑	☐	Angela	480-252-7878
9902	P 714	Alls, Angela	9/8/2017 12:29 PM	☑	☐	Angela	480-252-7878
9902	P 53	Amber, Stacie	9/8/2017 1:21 PM	☑	☐	David	(928) 589-6987
9902	P 240	Beal, Amber	9/8/2017 1:21 PM	☑	☐	Jessica	(602) 986-2011
9902	P 852	Bloom, Taylor	9/8/2017 12:29 PM	☑	☐		
9902	P 865	Briggs, Carla	9/8/2017 12:29 PM	☑	☐		
9902	P 588	Chan, Daniel	9/8/2017 1:21 PM	☑	☐		
9902	P 778	Samano, Amanda	9/8/2017 12:29 PM	☑	☐	Beth	(623) 636-6236

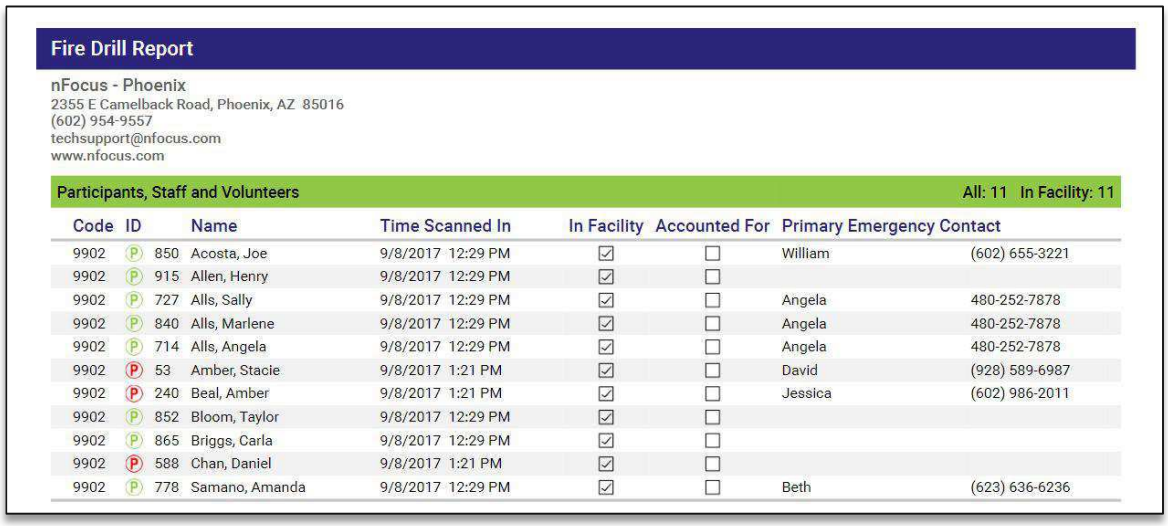
2017 Mongolian Cuisine

Participant, Staff and Volunteers — All: 8 In Activity: 0

Code	ID	Name	Time Scanned In	In Activity:	Accounted For	Primary Emergency Contact	
9902	P 850	Acosta, Joe	9/8/2017 12:29 PM	☐	☐	William	(602) 655-3221
9902	P 915	Allen, Henry	9/8/2017 12:29 PM	☐	☐		

Fire Drill Report

The Fire Drill report will display participants, staff, and/or volunteers that are currently scanned into the front door of your organization with their primary emergency contact information. Click the expandable menu and select the Fire Drill report icon to automatically display this report.



Fire Drill Report

nFocus - Phoenix
2355 E Camelback Road, Phoenix, AZ 85016
(602) 954-9557
techsupport@nfocus.com
www.nfocus.com

Participants, Staff and Volunteers — All: 11 In Facility: 11

Code	ID	Name	Time Scanned In	In Facility	Accounted For	Primary Emergency Contact	
9902	P 850	Acosta, Joe	9/8/2017 12:29 PM	☑	☐	William	(602) 655-3221
9902	P 915	Allen, Henry	9/8/2017 12:29 PM	☑	☐		
9902	P 727	Alls, Sally	9/8/2017 12:29 PM	☑	☐	Angela	480-252-7878
9902	P 840	Alls, Marlene	9/8/2017 12:29 PM	☑	☐	Angela	480-252-7878
9902	P 714	Alls, Angela	9/8/2017 12:29 PM	☑	☐	Angela	480-252-7878
9902	P 53	Amber, Stacie	9/8/2017 1:21 PM	☑	☐	David	(928) 589-6987
9902	P 240	Beal, Amber	9/8/2017 1:21 PM	☑	☐	Jessica	(602) 986-2011
9902	P 852	Bloom, Taylor	9/8/2017 12:29 PM	☑	☐		
9902	P 865	Briggs, Carla	9/8/2017 12:29 PM	☑	☐		
9902	P 588	Chan, Daniel	9/8/2017 1:21 PM	☑	☐		
9902	P 778	Samano, Amanda	9/8/2017 12:29 PM	☑	☐	Beth	(623) 636-6236

Emergency Contact Report (New)

To display this report, expand the menu in the top left and click the medical icon displayed to the right. This report can be used to quickly generate a list of all scanned in participant's Emergency Contacts. The primary contact will be

labeled in the “Contact First” column. You can designate emergency contacts by going to the Traxsolutions website and finding the participant’s detail page. From there go to Household and Contact Information > Edit (on any family member or contact) and then check the box labeled **“Emergency contact”.** You can also see the complete list of emergency contacts in TAM by going to the People tab and clicking the Medical Icon of a participant or on the Traxsolutions website by going to the participant’s details > Emergency Tab.

Emergency Contact Report

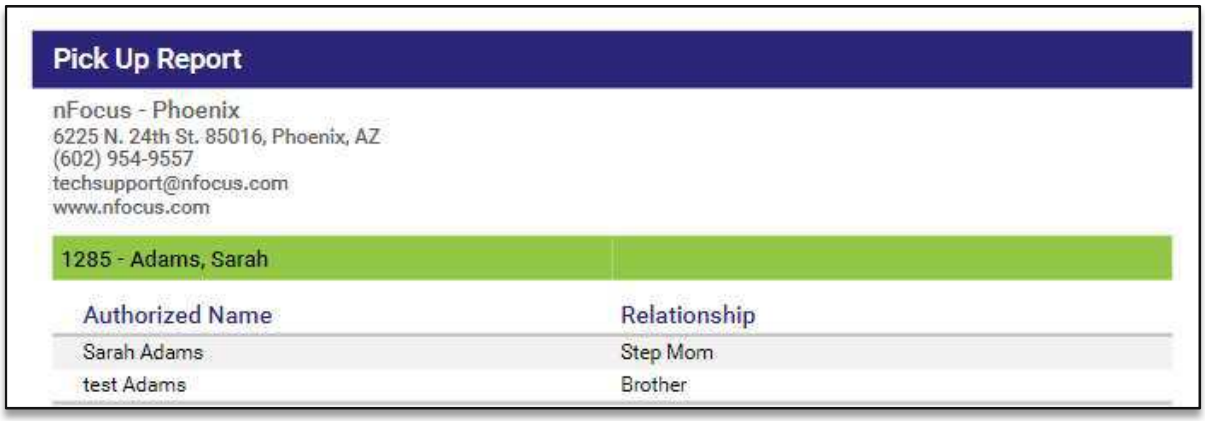
nFocus - Phoenix
6225 N. 24th St. 85016, Phoenix, AZ
(602) 954-9557
techsupport@nfocus.com
www.nfocus.com

1285 - Adams, Sarah

Contact Name	Relationship	Phone Number	Contact First
Sarah Adams	Step Mom	555-555-9999	Primary

Pickup Report (New)

To display this report, expand the menu in the top left and click the pickup icon displayed to the right. This report will list all scanned in participants along with the people who are authorized to pick them up. You can designate authorization for pick up on the Traxsolutions website by going to the participant’s detail page. From there go to the Household and Contact Information Tab > Edit on any family member or contact > Check the box **“Is Authorized to Pick Up:”**



Pick Up Report

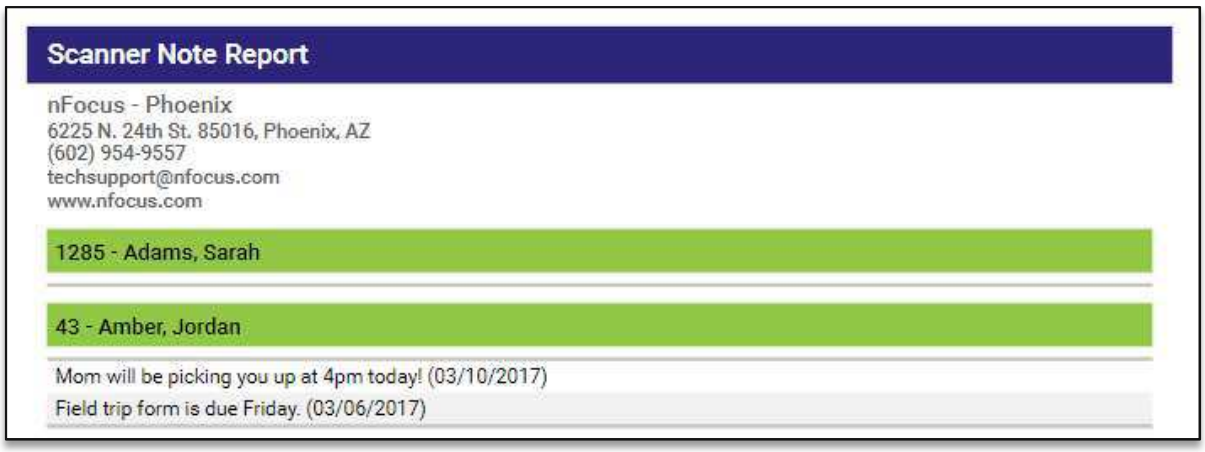
nFocus - Phoenix
6225 N. 24th St. 85016, Phoenix, AZ
(602) 954-9557
techsupport@nfocus.com
www.nfocus.com

1285 - Adams, Sarah

Authorized Name	Relationship
Sarah Adams	Step Mom
test Adams	Brother

Scanner Note Report (New)

To display this report, expand the menu in the top left and click the scanner note icon displayed to the right. This report will list all scanned in participants with their scanner notes displayed. These are the notes that will display when a participant first swipes his or her card on the orbit scanner. These scanner notes can be used as reminders for participants. To add scanner notes from the Traxsolutions website you can go to the participant's detail page. From there go to the Academic Information Tab > Notes Tab > Add Note > Make sure you check the box **"Display on Scanner?"**



Contact Us

Traxsolutions support is unlimited and included in your annual Maintenance and Support Agreement (MSA). The Contact Us menu provides users with the support tools needed to help you and your staff optimize your use of the Trax8 application. You can locate the nFocus Solutions contact information, or reach Client Support, using the information located on the Contact Us menu.

1. Click the **Contact Us** icon from the expandable menu to access the screen shown below
2. The *Contact Information* screen appears and provides the following:

    1. nFocus Solutions Client Support via email
    2. nFocus Solutions Client Support via toll-free support line number
    3. nFocus Solutions via web

NOTE: Client Support is available Monday to Friday from 7:00 AM to 6:00 PM MST.

You can also find the version number of the Trax Attendance Manager in this section.

Settings

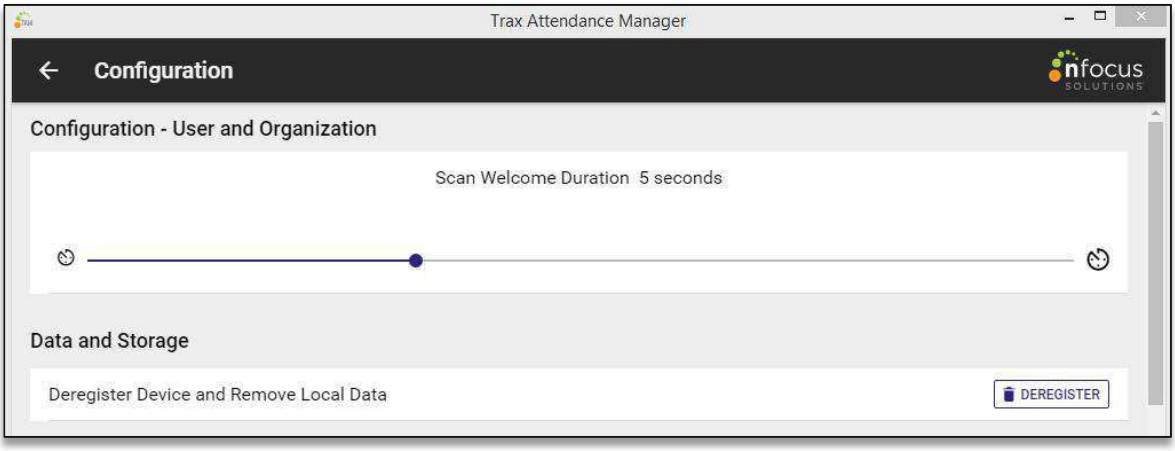
There are certain events that occur that require you to access your Settings. Some of these events include:

- Making adjustments to the Scan Welcome Duration time
- Deregistering the application
- Adding a character and sounds

To access your Settings, click **Settings** from the expandable menu.

Click **Configuration** from the Settings screen. The Configuration screen will allow you to make adjustments to the Scan Welcome Duration time. (This defaults to 5 seconds).

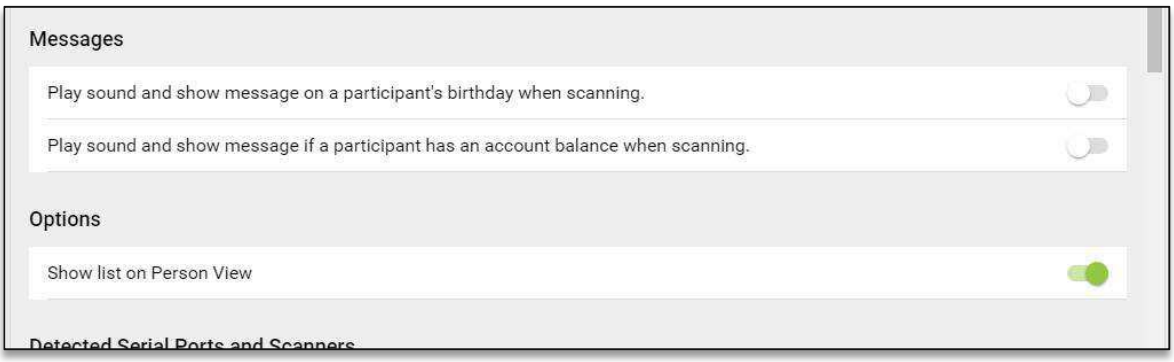
To deregister and remove local data from the application, click **Deregister**.



Click the toggle to enable/disable the “Play sound and show message on a participant’s birthday when scanning” option (as shown below).

Click the toggle to enable/disable the “Play sound and show message is a participant has an account balance when scanning” option (as shown below).

Click the toggle to enable/disable the “Show list on Person View” option (as shown below).



NOTE: Verify that the COM port for your orbit scanner has been enabled (as shown below). If the application did not automatically detect it, click the toggle to enable the scanner. Please be aware that the Detected Serial Ports may look different in your TAM8 application depending on the available ports on your PC.

Character and Sounds (New)

To add a character to display on TAM and verbally greet participants, start by expanding out the Menu on the top left > Click the gear at the bottom to access settings > Click Configuration > scroll down towards the bottom and select the Character button > Choose one of eight character options (Peedy is back!) and **finally do not forget to click save in the bottom left-hand corner below.** If you want sounds without any character or voice, just click sounds.

To have the character say something different than the default greeting and goodbye you can change it to anything you like here.

Navigation Bar

The Navigation Bar, located on the bottom of the Home screen, will allow you to access the most commonly used screens within the application.

Home

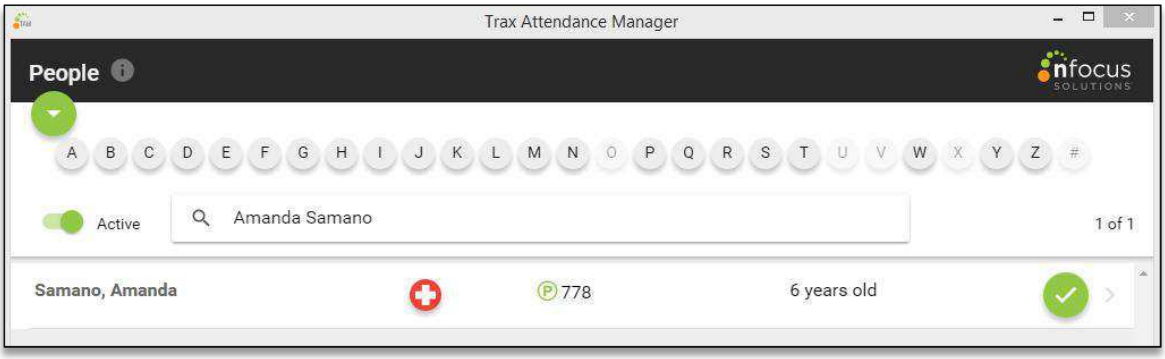
Click **Home** from the bottom navigation bar at any given time to navigate back to the welcome screen when needed.

People

Use this option to search for Participants. Once you return your results, you will be able to view the Participant, Staff and Volunteer Details, Manual Scan the individual into the facility or view their Emergency Information

1. Click **People** from the bottom navigation bar
2. The People screen will appear. Select one or more of the following filters to search a participant:
    a. Active: This toggle is enabled by default. If disabled, the application will display All individuals versus Active only
    b. Search by: Name, Phone Number or Participant Number

The image below illustrates a search that was done for an Active participant by the Name of Amanda Samano.



3. The following icons appear:

Emergency Information

Manual Scan

4. The meaning behind additional icons that may appear:

- P – Participant
- S – Staff

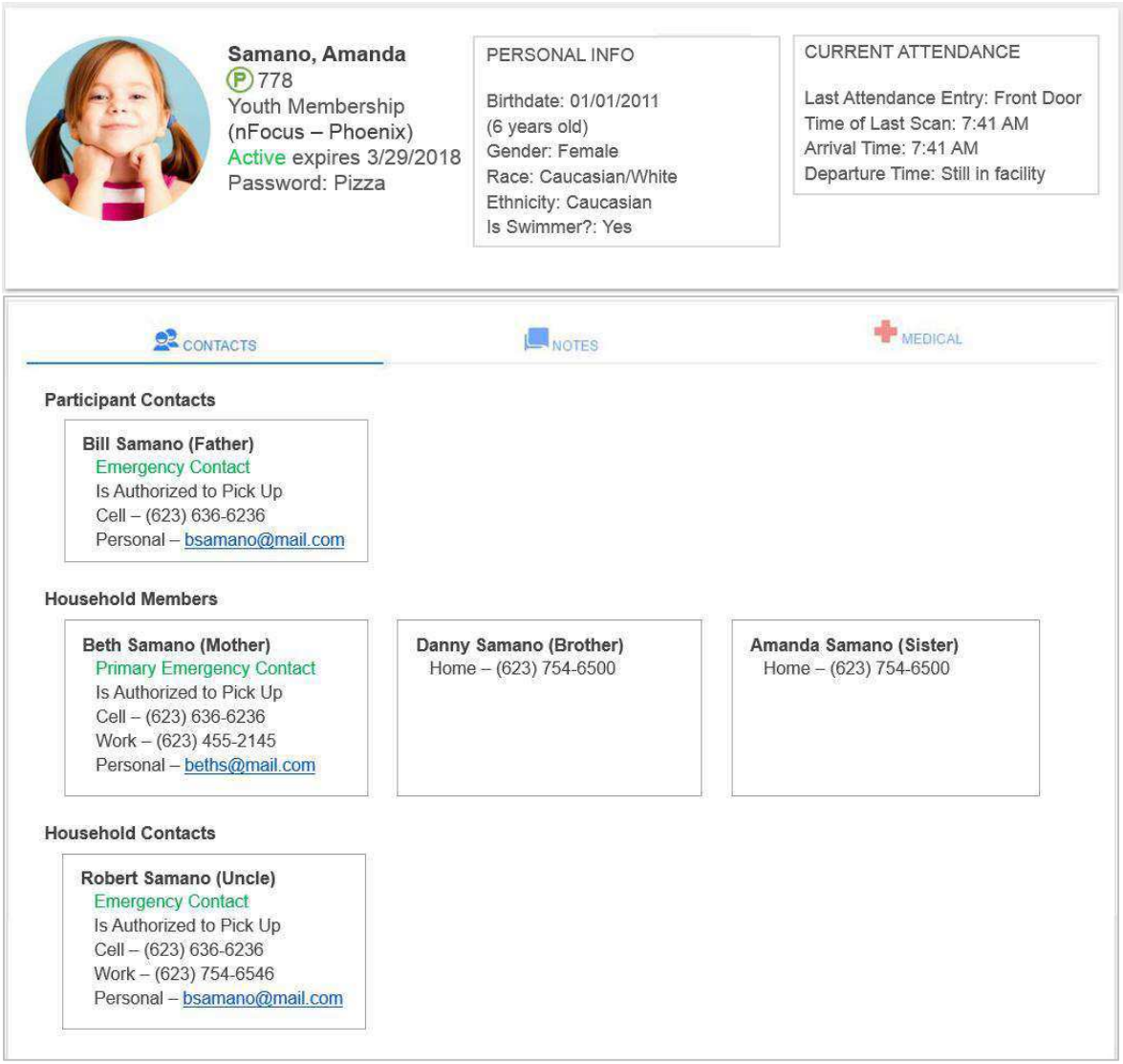
- V – Volunteers
- Green – Active Membership
- Red – Inactive Membership
- Gray – Unknown Membership

Person Detail

Click the individual's name to view their Person Detail screen. This screen will display the individual's Personal Information, Current Attendance, Pikcup Password and more!

Contacts

The Contacts tab will display all individuals associated to the Participant. It will display the Household Members, Household Contacts and contacts that are specific to the Participant.



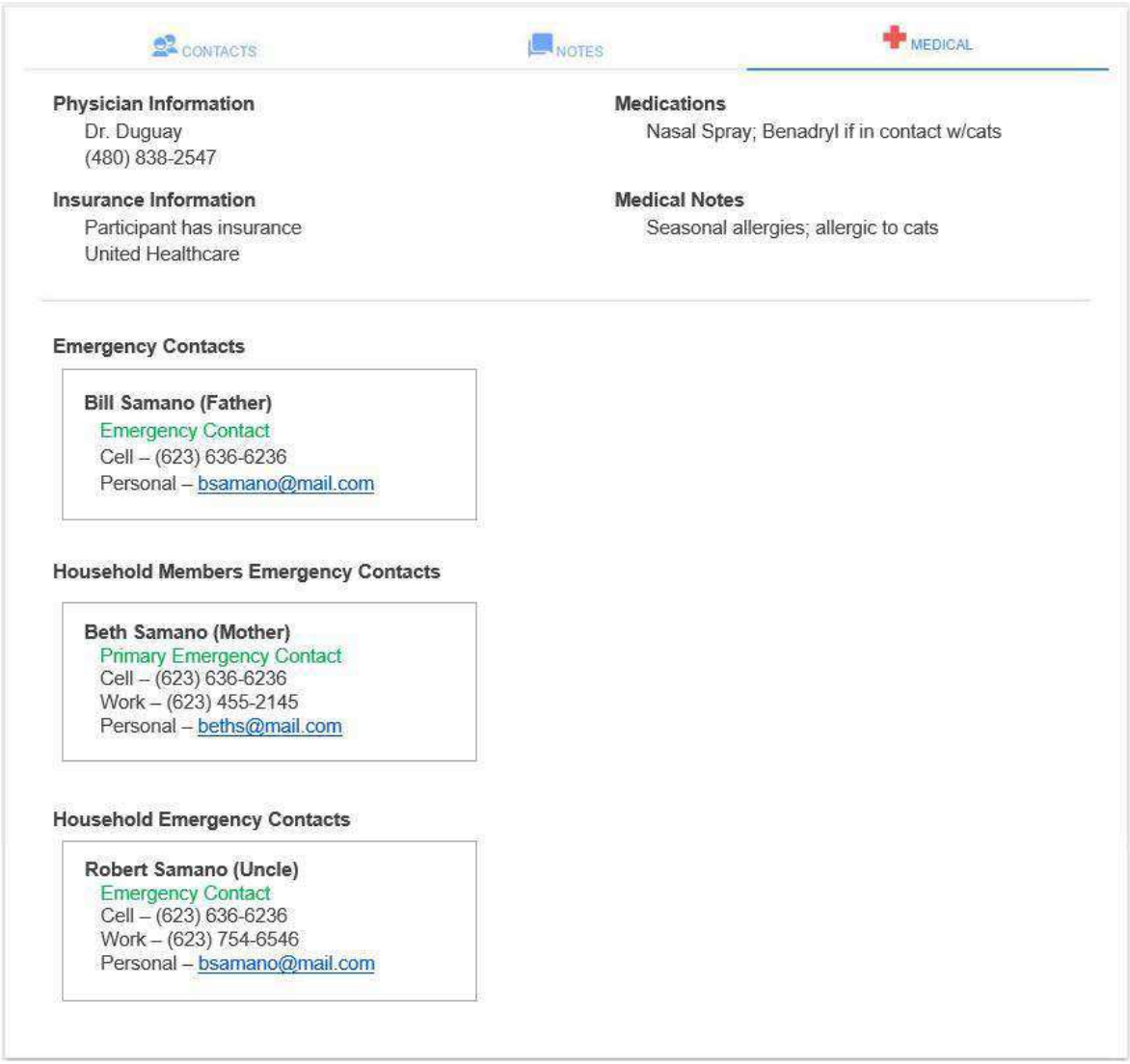
Notes

Click the **Notes** tab to view the Participant's Scanner Notes.

Medical

The Medical tab will display the Participant's Medical Information and Emergency Contacts. Click **Medical** tab to view the following:

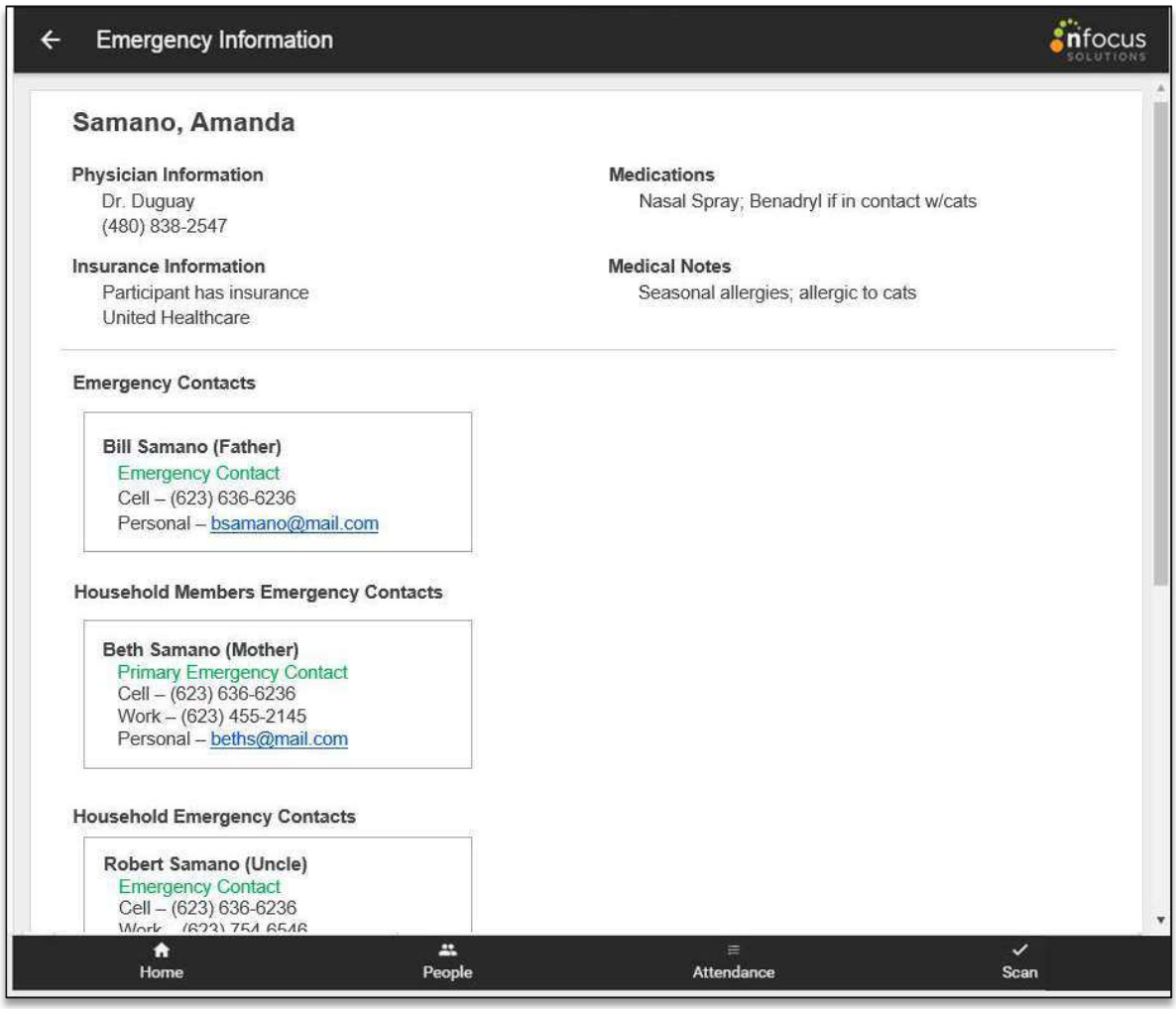
- Physician Information
- Medical Notes
- Medications
- Insurance Information
- Emergency Contacts
- Household Members Emergency Contacts
- Household Emergency Contacts



Emergency Information

The Emergency Information button can be found in the People landing page. Similar to the Medical tab in Participant Detail, Emergency Information will display the Participant's Medical Information and Emergency Contacts. Click the **Emergency Information** icon to view the following:

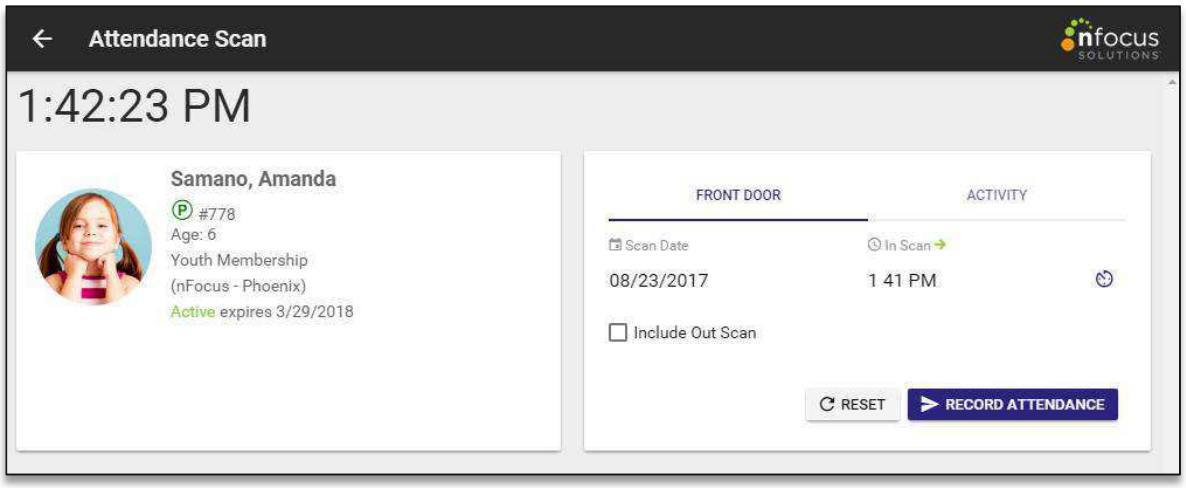
- Physician Information
- Medical Notes
- Medications
- Insurance Information
- Emergency Contacts
- Household Members Emergency Contacts
- Household Emergency Contacts


Emergency Information
nfocus SOLUTIONS
Samano, Amanda
Physician Information
Dr. Duguay
(480) 838-2547
Insurance Information
Participant has insurance
United Healthcare
Medications
Nasal Spray; Benadryl if in contact w/cats
Medical Notes
Seasonal allergies; allergic to cats
Emergency Contacts
Bill Samano (Father)
Emergency Contact
Cell – (623) 636-6236
Personal – bsamano@mail.com
Household Members Emergency Contacts
Beth Samano (Mother)
Primary Emergency Contact
Cell – (623) 636-6236
Work – (623) 455-2145
Personal – beths@mail.com
Household Emergency Contacts
Robert Samano (Uncle)
Emergency Contact
Cell – (623) 636-6236
Home
People
Attendance
Scan

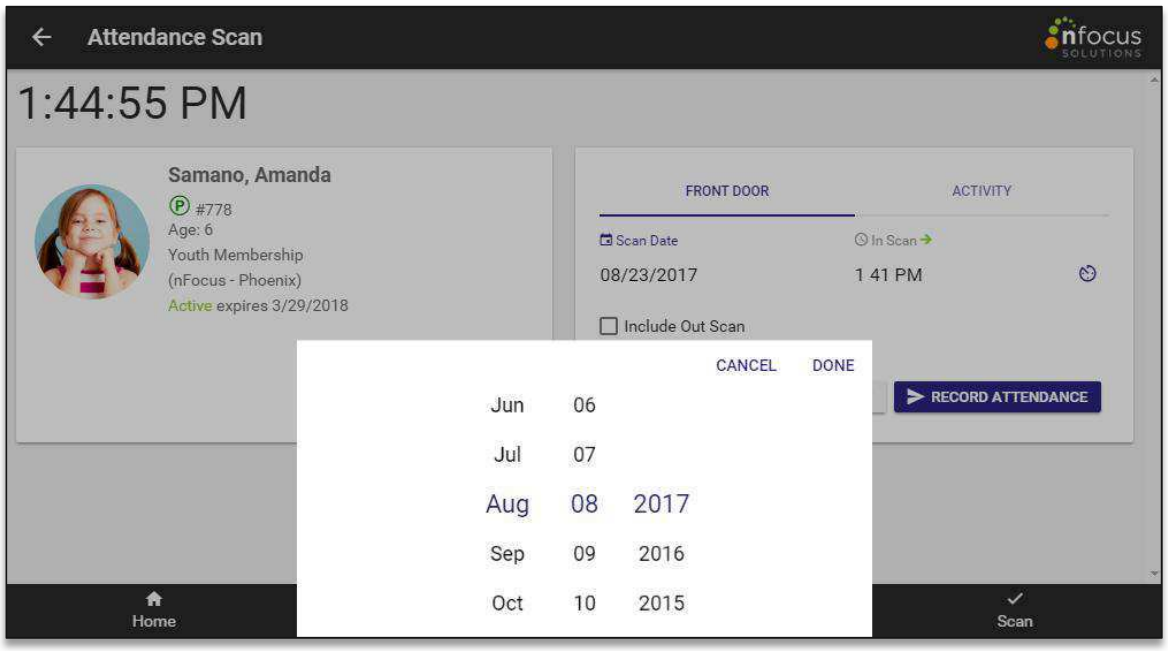
Manual Scan

For your convenience, you will have the ability to manually scan individuals within the application. Manual Scanning allows Front Door and Activity scans to be entered without an ID Card. This feature can be used to record attendance in real time or for previous dates and times. Click on the **Manual Scan** icon to record manual scans.

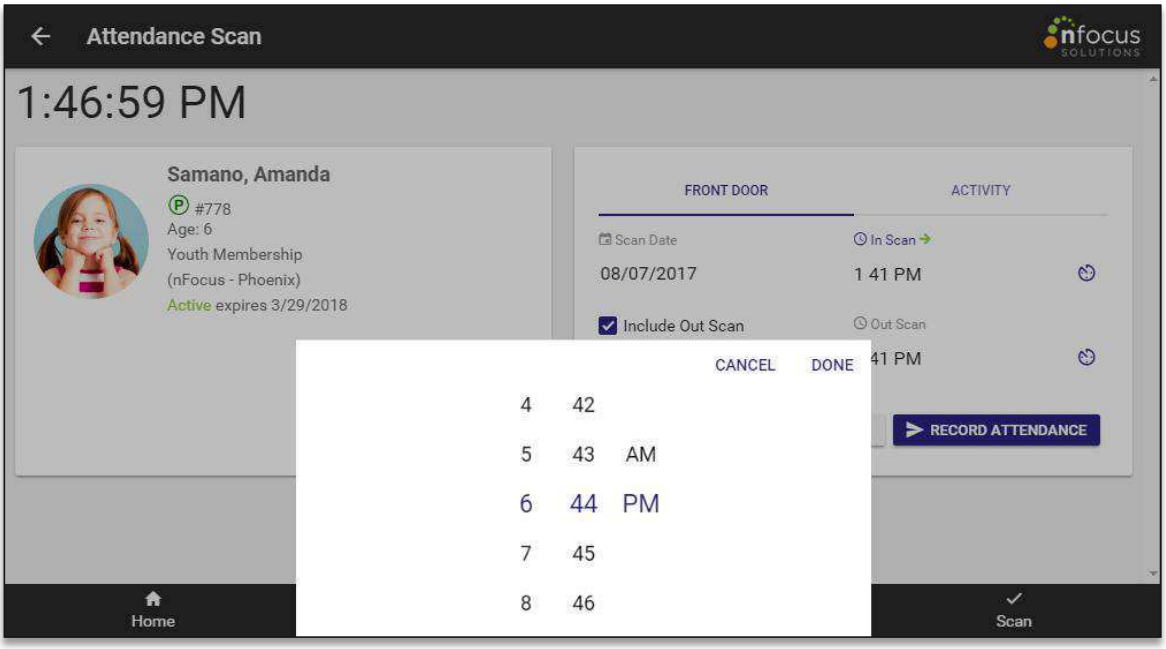
1. From the *Attendance Scan* screen, select whether or not you would like to scan the participant into the Front Door (default tab selected) or into an Activity by clicking on the *Activity* tab.



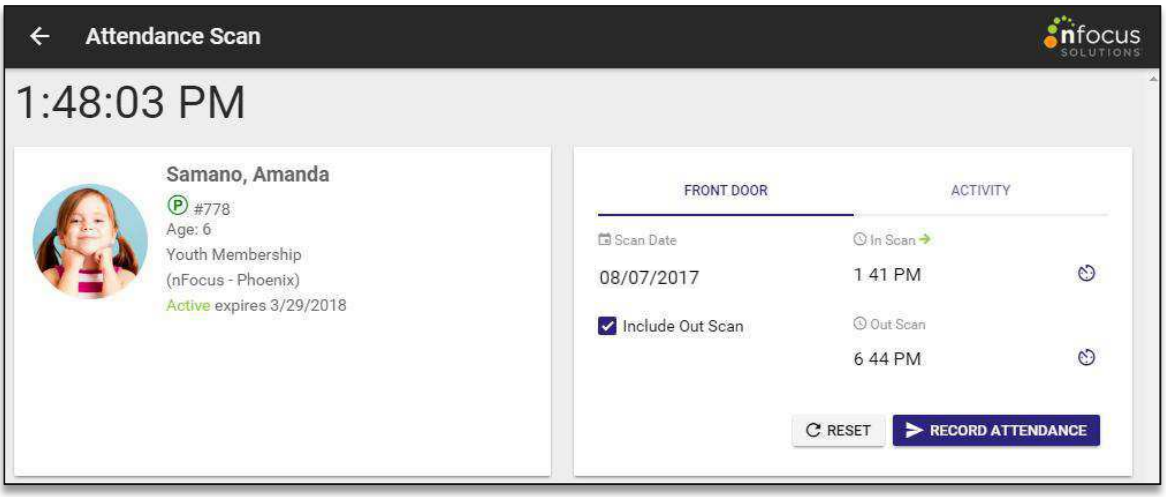
2. Click on **Scan Date** to select a previous date



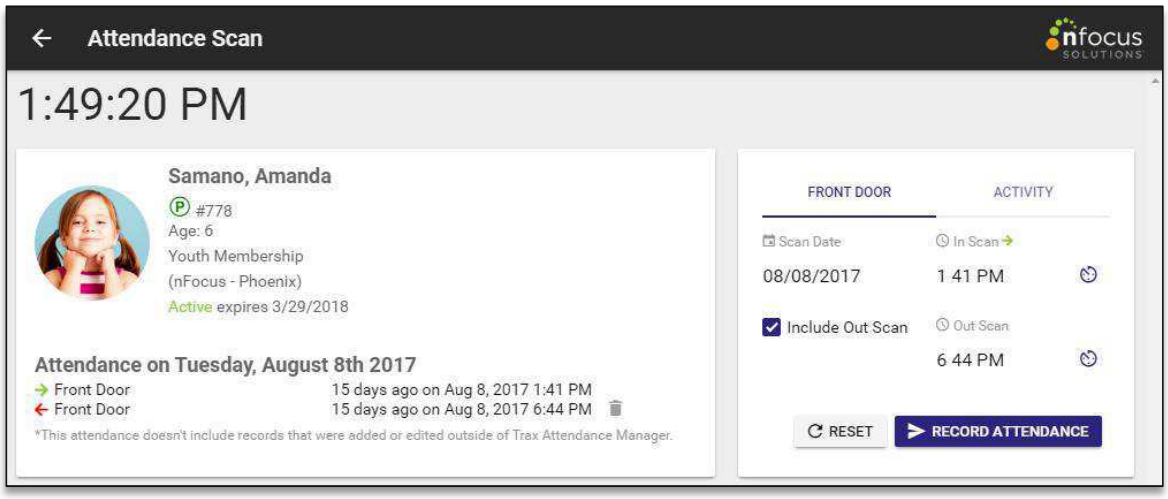
3. Click on **In Scan** to select a time. When you are ready, click **DONE**
4. To include an Out-Scan, select the checkbox for **Include Out Scan**
    a. Click on **Out Scan** to select a time. When you are ready, click **DONE**



5. When you are ready, click **Record Attendance**



6. The system will display the *In-Scan* time and the *Out-Scan* time (if applicable) confirming that the scan has been successfully recorded. Manual Scanning has been completed



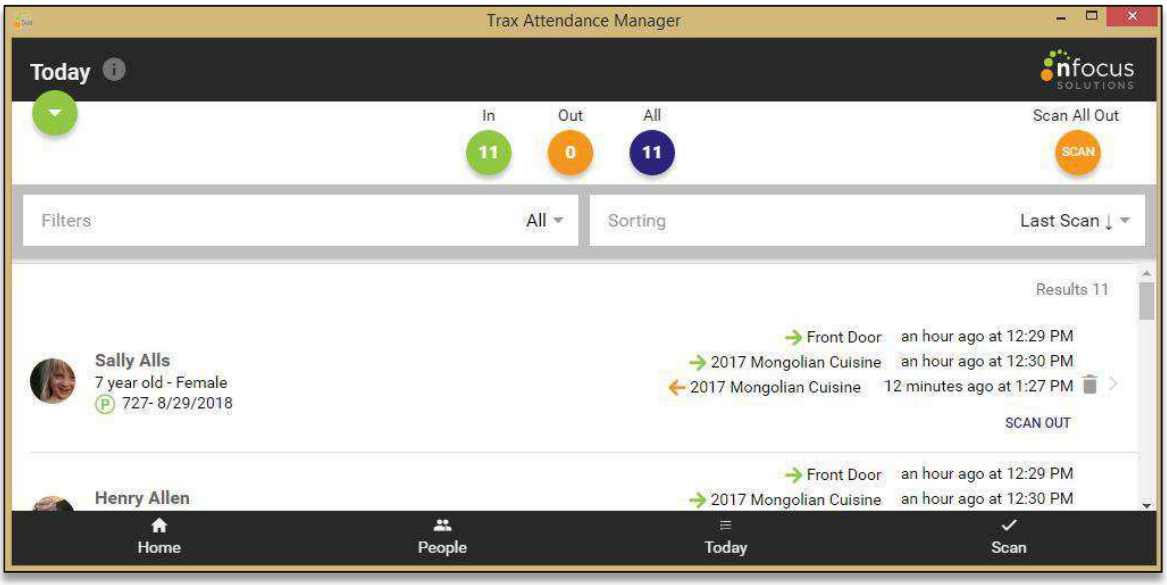
Today

Click **Today** from the bottom navigation bar. Use this option to view daily scans. You will be able to view the following:

- Number of Individuals In Facility
- Number of Guests in Facility
- Number of Inactive Individuals In Facility
- Number of Individuals Out of Facility
- Filter by
  - All
  - In Facility
  - In Activity
  - Inactive Participants
  - Active Participants
  - Inactive Participants in Facility
  - Staff
  - Volunteers
- Participant Name
- Participant Age
- Participant Gender
- Participant Member ID #
- Staff Member ID #
- Volunteer Member ID #
- Membership End Date
- Scan Type
  - Front Door In-Scan,
  - Front Door Out-Scan,
  - Activity In-Scan,
  - Activity Out-Scan
- Scan Time

Additionally, you may quickly filter for scans by simply clicking on the icons **In** (green), **Out** (orange), and **All** (purple) icons.

The Today screen will also allow you to record a live manual scan. Click **Scan In** or **Scan Out** next to the participant's existing scan when needed. Click the trash bin icon to delete a scan. To **Scan All Out**, click the orange Scan icon on the top right corner (as shown above).

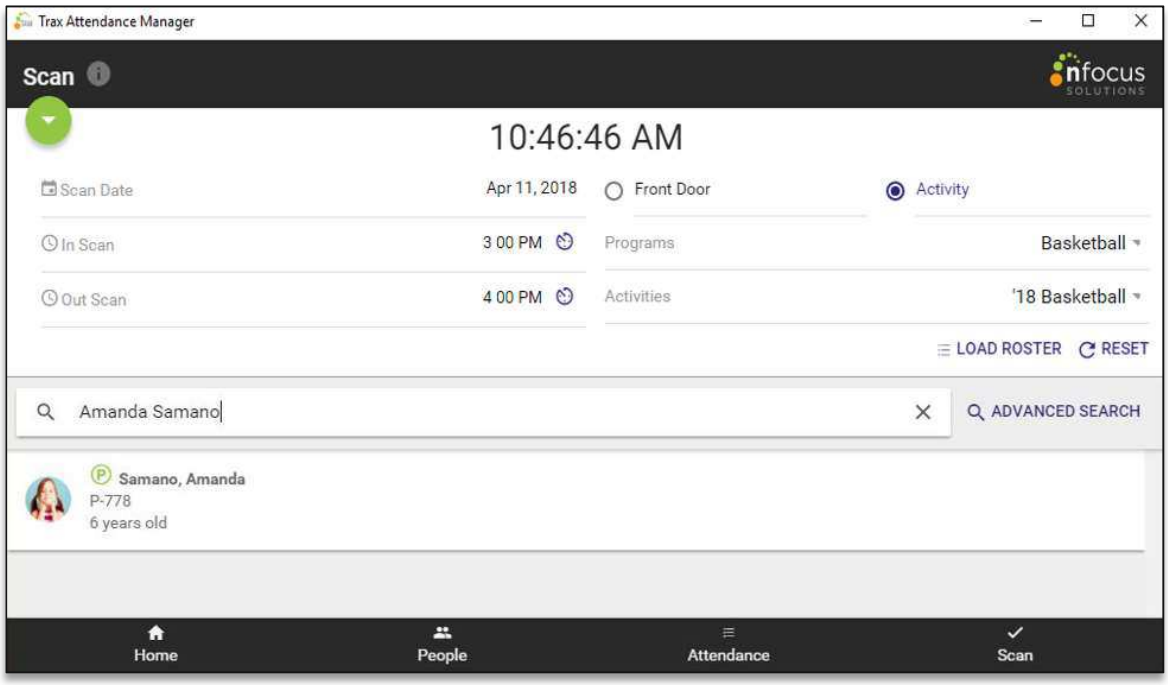


NOTE: Any individual that receives an activity scan via Trax Attendance Manager, will automatically receive a Front Door Scan (as shown above).

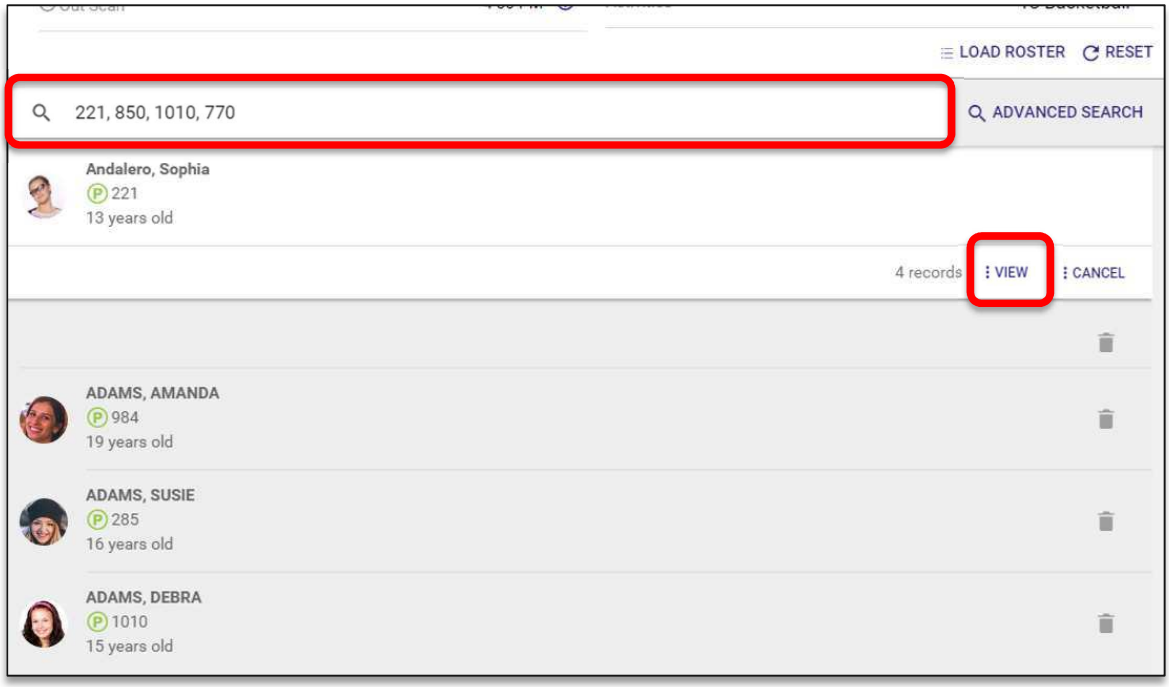
Scan

Click **Scan** from the navigation bar. The batch scan screen can be utilized to manually record attendance for previous dates and times (Front Door or Activity).

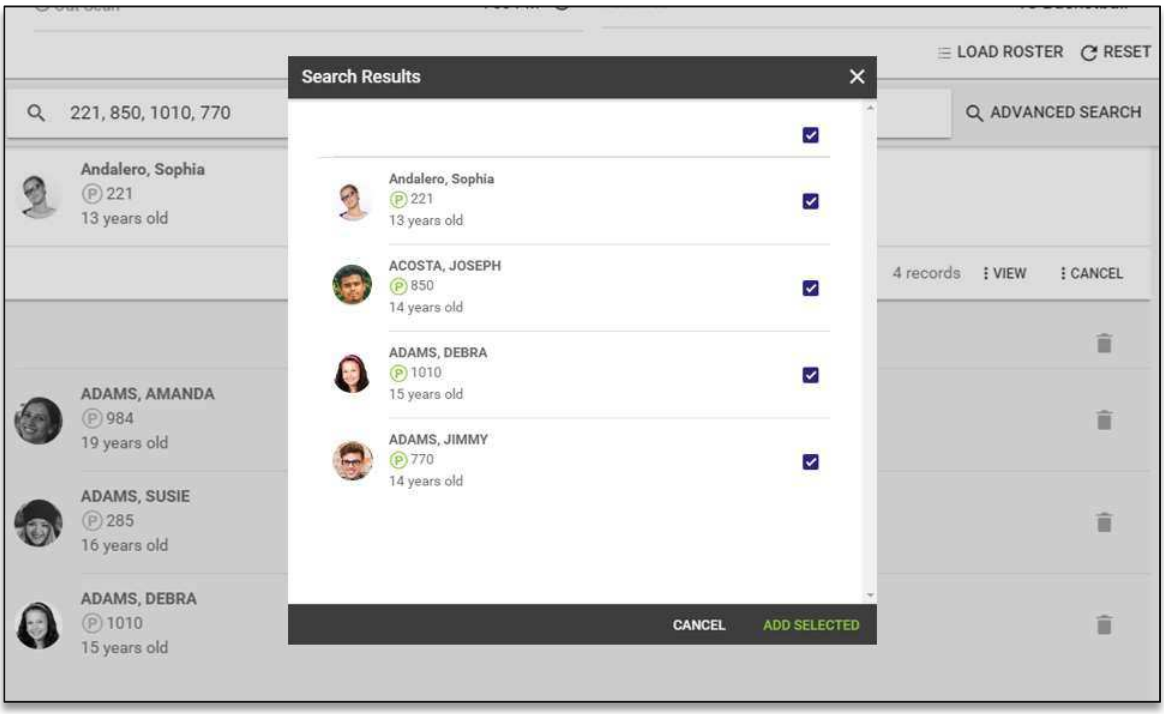
1. Select the Scan Date for the scan(s).
2. Specify the *In Scan* time and the *Out Scan* time as needed.
3. If you are manual scanning for a specific activity, select the **Activity** radio button. (If you are scanning for Front Door, skip to step 4.)
    i. Click **Select** next to *Programs* to specify the desired Program.
    ii. Click **Select** next to the *Activity* to specify the desired Activity.
4. There are several options available when adding individuals to the attendance list:
    a. Use search bar to search for a single individual.
        i. Search by *name* or *participant number*.
        ii. When located, click to add the individual to the attendance list.



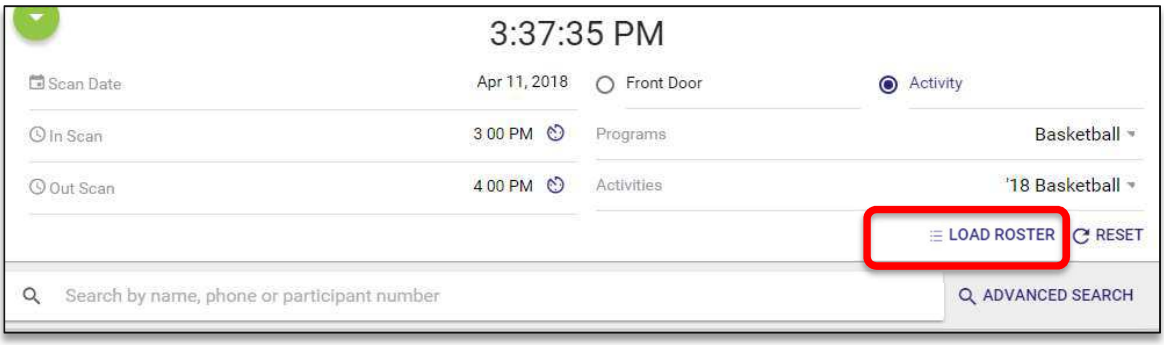
b. Use the search bar to search and batch add a group of individuals.
   i. Input the *participant numbers*. (Make sure to use a comma between each participant number as shown in the image below.)
   ii. When ready, click **View**.



   iii. Click the checkbox on the top right corner to select all participants, and click **Add Selected**.



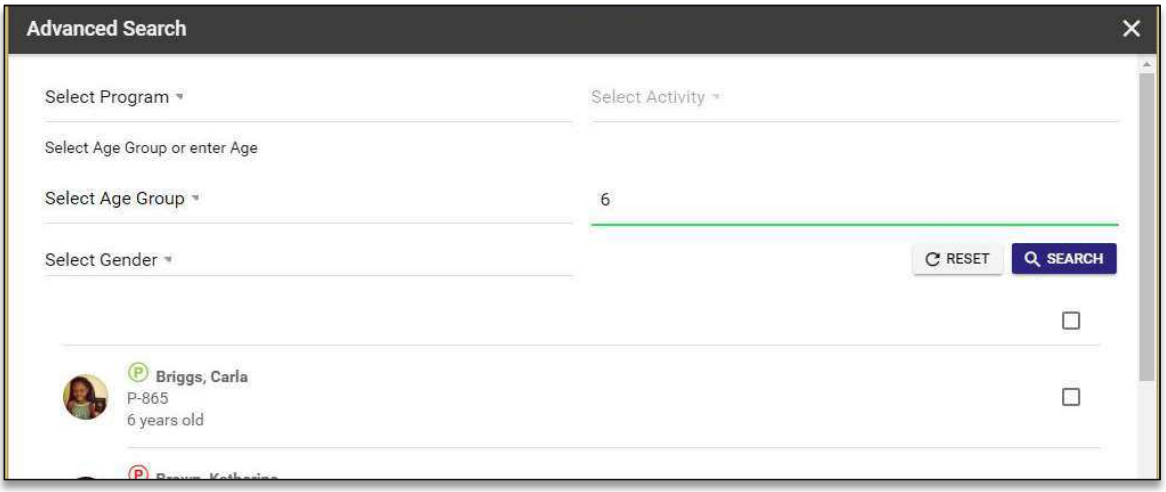
c. If you are scanning into an activity that has enrollees, you may click **Load Roster**.
   i. Clicking *Load Roster* will prompt the application to automatically load all enrollees to the attendance list.
   ii. This does not automatically scan them in. You will still need to verify that all enrollees attended before recording the attendance. Delete absentees from the list as needed.
   iii. To delete a participant/absentee from the attendance list, click on the trash icon next to the individual's name.



d. Click **Advanced Search** to add additional filters if needed. The following filters options are available:

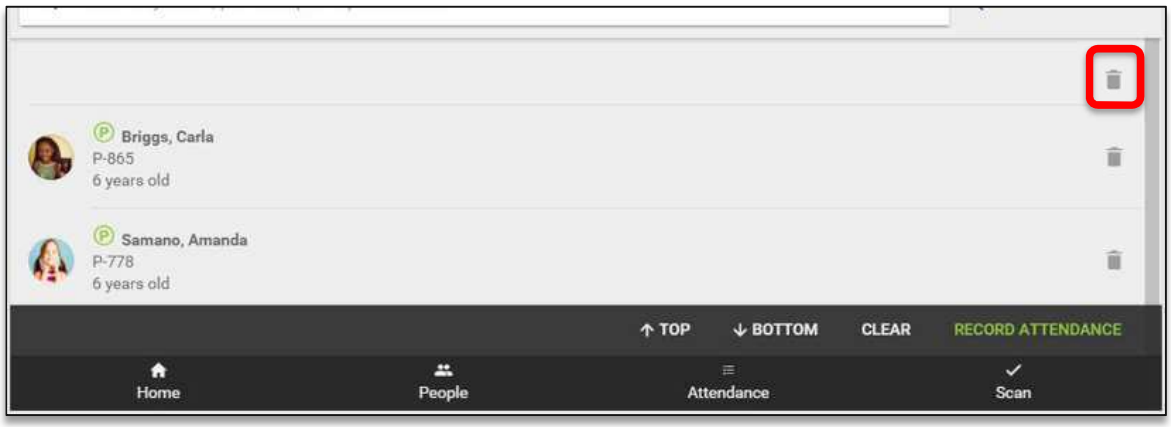
- Select Program
- Select Activity
- Select Age Group
- Enter Age
- Select Gender

i. The image shown below illustrates a search that was done using the *Enter Age* filter (age 6) in *Advanced Search*.



ii. Click the checkbox next to the individual(s) that need attendance recorded. When you are ready, click **Add Selected.**

5. Verify that all of the individuals selected were attendees before recording attendance. If you have selected an individual in error, click on the trash icon next to their name. If you need to delete all individuals, click the trash icon above the list of individuals.



6. When you are ready to record attendance for the individuals you have listed, click **Record Attendance.**
7. A message will appear stating that the scan(s) have been recorded.

NOTE: Any individual that receives an activity scan via Trax Attendance Manager, will automatically receive a Front Door Scan.

Recommended Daily Procedures

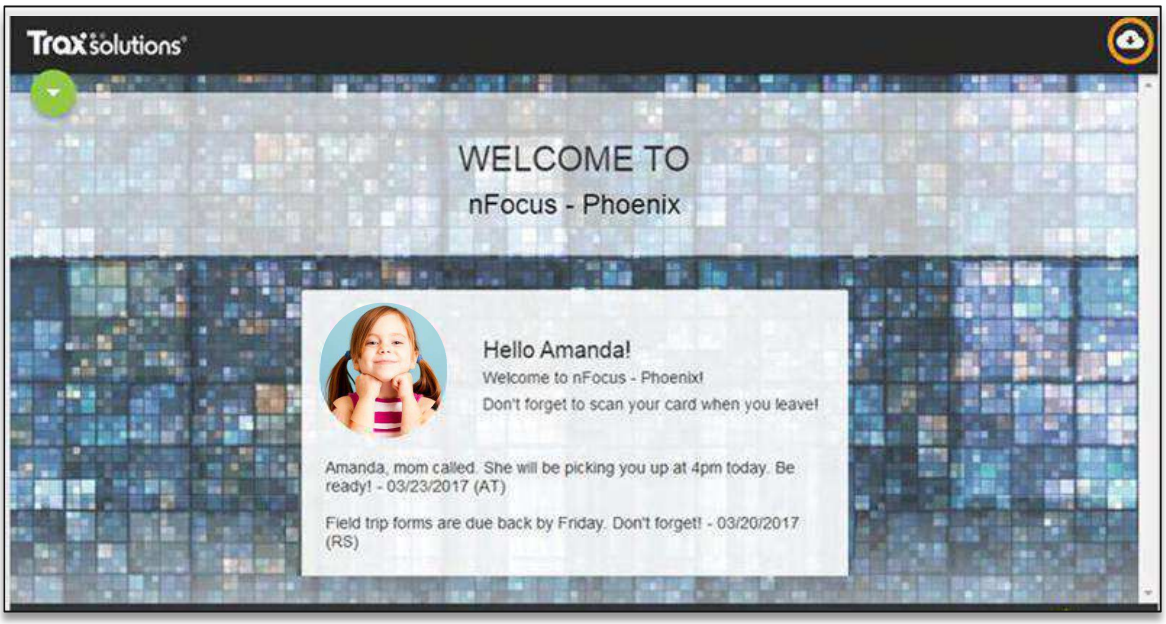
The following recommendations will result in more accurate statistics for total time spent using the facility:

1. Your organization adopts daily attendance recording procedures to its business operations
2. Daily procedures include manual attendance recording for individuals that forget their ID card
3. Individuals scan their ID cards when they enter **AND** when they leave the facility or an activity

ID Card Scanning

There are several options for recording attendance through the Trax Attendance Manager. Now we will discuss how to record attendance via ID card scanning. For your convenience, you will have the ability to begin Front Door scanning as soon as you start the application.

The image below illustrates an In-Scan for Amanda Samano.

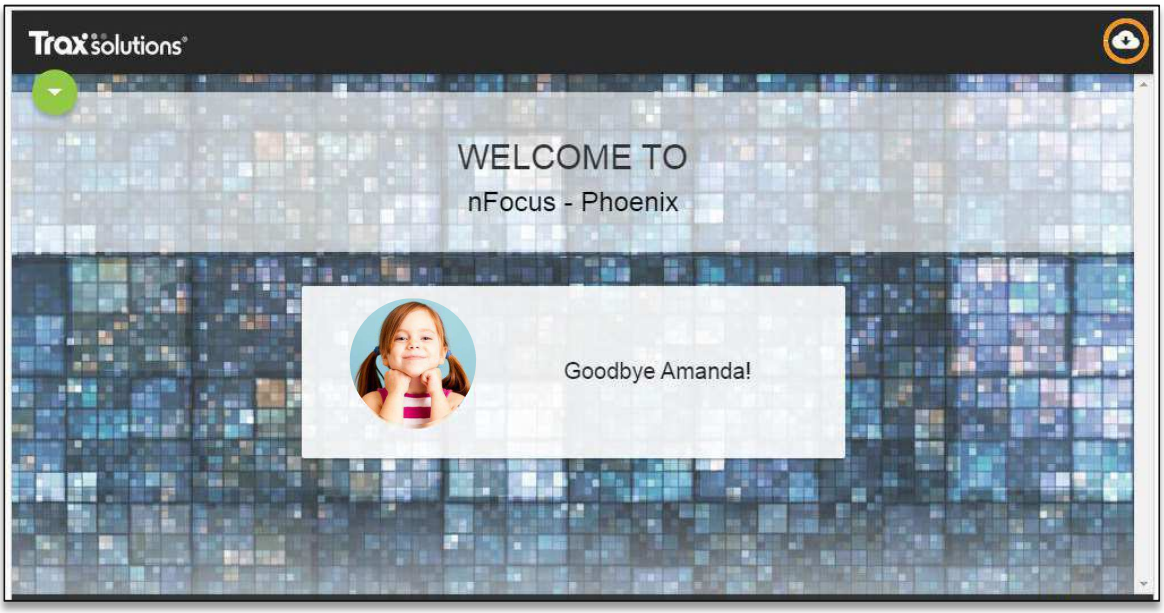


By default, each participant that scans into the facility with an ID card will be reminded to scan out when they leave the facility. The individual's Scanner Notes will display as well.

The same process used for scanning into the facility for the current date and time can be used to scan an individual out of the facility. If you do not scan a participant out, Trax Attendance Manager will automatically close participant scans at 11:59pm for that day. Similarly, the system will issue an out-scan time that mirrors the last time there was a

valid out-scan by another participant. (For example, if the last valid out-scan time by another participant that day was at 4:58pm, any scans closed during the Auto-Upload process will also have an out-scan time of 4:58pm.)

The image below illustrates an Out-Scan for Amanda Samano.

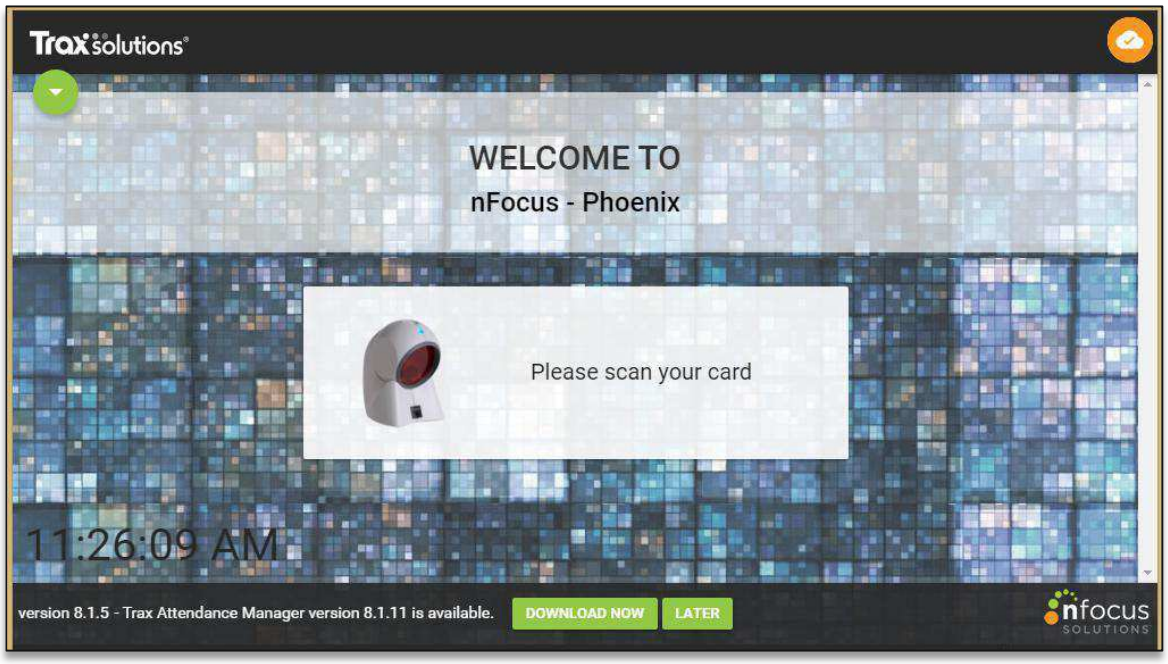


NOTE: TAM8 automatically updates the Trax Information in the application as soon as an update has been made within the database (though there can sometimes be a slight delay.) TAM8 will automatically send the attendance data at overnight. An Internet connection is required only for Auto-Updates and Auto-Sending of the attendance data.

Trax Attendance Manager Updates

Trax Attendance Manager is designed to instantly inform you of available application updates. When an update is available, you will notice the application will give you the option to update when launched.

1. At the bottom of the screen:
    a. click **Download Now** to update the application,
    b. or click **Later** to update the application at a more suitable time



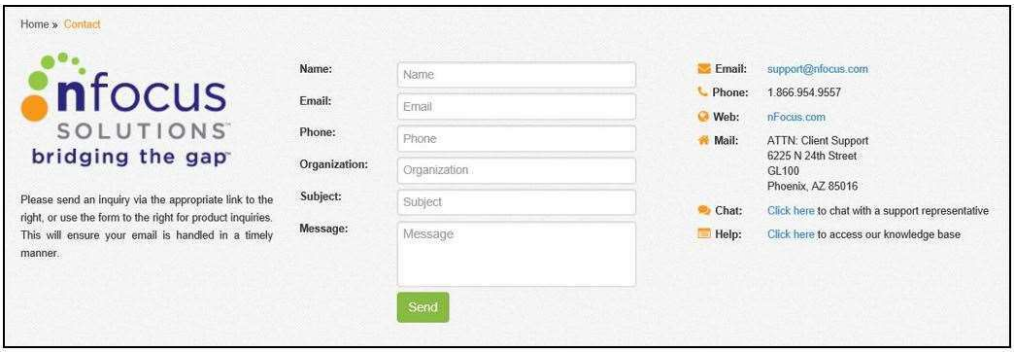
2. Select whether you would like to:
    a. Restart the application now by clicking **Restart**
    b. or have it complete the update at exit by clicking **Later**
3. Select whether you wish to make this software available to all users or just yourself
4. Click **Install** once you've have made your selection

5. The application will begin to update
6. Click **Finish** to close the setup and launch the updated application

Contacting Support

Contacting Support

Support with TraxSolutions is unlimited with your annual Maintenance and Support Agreement (MSA). There are a variety of support tools available to help you and your staff optimize your use of the TraxSolutions product suite. You can locate nFocus Solutions contact information, or reach Client Support, using the information located on the home page of Trax8.



The Support Menu has links to:

4. Knowledge Base – a library of articles and video tutorials
5. Contact nFocus Solutions Client Support via chat
6. Access the online training schedule via the website
7. Send an email or contact us via our toll-free support line number

Client Support is available Monday to Friday from 7:00 AM to 6:00 PM MST.

nFocus Solutions Client Support
Phone: (866) 954-9557
E-mail: support@nfocus.com

NOTE: Upon completion of the trainings, your staff/volunteers may access ongoing and unlimited support as a service of the annual Maintenance and Service Agreement.

Contact Us

nFocus Solutions

(866) 954.9557

info@nfocus.com

nfocus.com

nFocus Solutions® is dedicated to the development of innovative technologies and intelligent business solutions for the public sector. We are a leading provider of applications, services and technologies that communities, nonprofits and government agencies rely on to make their organizations more effective. Our high-quality data management and analysis software enable nFocus Solutions clients to achieve clear, well-defined results that change the world.

Proceeding Filing Date	Defendant(s), Property(ies)	Plaintiff(s), Property(ies)
85480737 11/27/2012	PRIME FOCUS LIMITED **Mark:** PRIME FOCUS **S#:**85480737	Information Builders, Inc.
85637329 11/27/2012	Neocure Group LLC **Mark:** FOCUSTOGO **S#:**85637329	Information Builders, Inc.
91208099 11/20/2012	Dulcetta **Mark:** FOCUSFLOW **S#:**85600309	Information Builders, Inc. **Mark:** FOCUS **S#:**74090566 **R#:**1652265 **Mark:** FOCUS **S#:**76083549 **R#:**2821942 **Mark:** WEBFOCUS **S#:**75250817 **R#:**2248562 **Mark:** WEBFOCUS **S#:**76081024 **R#:**2685249 **Mark:** OMNIFOCUS **S#:**77175366 **R#:**3755093 **Mark:** FOCUS FORECASTING **S#:**74360016 **R#:**2223450 **Mark:** FOCUS FORECASTING **S#:**74537859 **R#:**2223457 **Mark:** FOCUS **S#:**78346655 **R#:**2989088 **Mark:** WEBFOCUS MAGNIFY **S#:**77909824 **R#:**3831741
85600309 10/24/2012	Dulcetta **Mark:** FOCUSFLOW **S#:**85600309	Information Builders, Inc.
85298138 10/16/2012	KeyMed (Medical & Industrial Equipment) Limited **Mark:** I-FOCUS **S#:**85298138	Information Builders, Inc.
79107661 10/09/2012	Kjellberg Stiftung, rechtsfähige Stiftun g des bürgerlichen Rechts **Mark:** XFOCUS **S#:**79107661	Information Builders, Inc.
91206319 07/31/2012	Blue Mountain Quality Resources, Inc. **Mark:** FOCUSONGMP.COM **S#:**85502837	Information Builders, Inc. **Mark:** FOCUS **S#:**74090566 **R#:**1652265 **Mark:** FOCUS **S#:**76083549 **R#:**2821942 **Mark:** WEBFOCUS **S#:**75250817 **R#:**2248562 **Mark:** WEBFOCUS **S#:**76081024 **R#:**2685249 **Mark:** OMNIFOCUS **S#:**77175366 **R#:**3755093 **Mark:** FOCUS FORECASTING **S#:**74360016 **R#:**2223450 **Mark:** FOCUS FORECASTING **S#:**74537859 **R#:**2223457 **Mark:** FOCUS **S#:**78346655 **R#:**2989088 **Mark:** WEBFOCUS MAGNIFY **S#:**77909824 **R#:**3831741
91206216 07/24/2012	Prime Focus Ltd **Mark:** PRIME FOCUS LET'S CREATE... **S#:**76701896	Information Builders, Inc. **Mark:** FOCUS **S#:**74090566 **R#:**1652265 **Mark:** FOCUS **S#:**76083549 **R#:**2821942 **Mark:** WEBFOCUS **S#:**75250817 **R#:**2248562 **Mark:** WEBFOCUS **S#:**76081024 **R#:**2685249 **Mark:** OMNIFOCUS **S#:**77175366 **R#:**3755093 **Mark:** FOCUS FORECASTING **S#:**74360016 **R#:**2223450 **Mark:** FOCUS FORECASTING **S#:**74537859 **R#:**2223457 **Mark:** WEBFOCUS MAGNIFY **S#:**77909824 **R#:**3831741
91206217 07/24/2012	Ananda Roberts DBA nFocus Solutions **Mark:** NFOCUS SOLUTIONS BRIDGING THE GAP **S#:**85483662	Information Builders, Inc. **Mark:** FOCUS **S#:**74090566 **R#:**1652265 **Mark:** FOCUS **S#:**76083549 **R#:**2821942 **Mark:** WEBFOCUS **S#:**75250817 **R#:**2248562 **Mark:** WEBFOCUS **S#:**76081024 **R#:**2685249 **Mark:** OMNIFOCUS **S#:**77175366 **R#:**3755093 **Mark:** FOCUS FORECASTING **S#:**74360016 **R#:**2223450 **Mark:** FOCUS FORECASTING **S#:**74537859 **R#:**2223457 **Mark:** FOCUS **S#:**78346655 **R#:**2989088 **Mark:** WEBFOCUS MAGNIFY **S#:**77909824 **R#:**3831741

ESTTA Tracking number: **ESTTA500803**

Filing date: **10/18/2012**

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

Proceeding	91206217
Party	Plaintiff Information Builders, Inc.
Correspondence Address	HOWARD F MANDELBAUM LEVINE & MANDELBAUM 222 BLOOMINGDALE ROAD, SUITE 203 WHITE PLAINS, NY 10605 UNITED STATES mail@levman.com
Submission	Withdrawal of Opposition
Filer's Name	Howard F. Mandelbaum
Filer's e-mail	mail@levman.com
Signature	/Howard F. Mandelbaum/
Date	10/18/2012
Attachments	IBI 8600US Withdrawal of Opposition Executed.pdf (2 pages)(208028 bytes)

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

----------X

INFORMATION BUILDERS, INC.

Opposer,

v.

Opposition No. 91206217

Serial No. 85483662

ROBERTS,

Applicant.

----------X

WITHDRAWAL OF OPPOSITION

Opposer, Information Builders, Inc., by its attorney, hereby withdraws the opposition without prejudice.

Respectfully submitted,

Information Builders, Inc.

Dated: October 17, 2012

/Howard F. Mandelbaum/
Howard F. Mandelbaum
Attorney for Opposer
Levine & Mandelbaum
222 Bloomingdale Road
Suite 203
White Plains, NY 10605
(914) 421-0500

Consented to by:

Dated: October 17, 2012

Ananda Roberts
DBA nFocus Solutions
GL 100
6225 N 24th Street
Phoenix, AZ 85016
(602) 954-9557

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Withdrawal of Opposition has been forwarded, this October 18, 2012 by first class mail to:

Ananda Roberts
DBA nFocus Solutions
GL 100
6225 N 24th Street
Phoenix, AZ 85016

/Howard F. Mandelbaum/
Howard F. Mandelbaum

Carol McNerney

CAROL McNERNEY

Subscribed and sworn to
before me this 20th day
of November, 2020

IRA E. SILFIN
Notary Public, State of New York
No. 02SI4948916
Qualified in Westchester County
Commission Expires September 11, ~~2015~~ 2023

CERTIFICATE

STATE OF NEW YORK)

) ss.

COUNTY OF NEW YORK)

I, Julia Liu, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

Julia Liu

JULIA LIU