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Filing date: **11/19/2012**

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

Proceeding	92054944
Party	Plaintiff Bleeding Edge, Inc.
Correspondence Address	MARK L SEIGEL WEATHERLY SEIGEL LLC 115 PERIMETER CTR PL NE , SUITE 1082 ATLANTA, GA 30346 UNITED STATES service@addipvalue.com
Submission	Motion for Summary Judgment
Filer's Name	Mark L. Seigel
Filer's e-mail	seigel@addipvalue.com
Signature	/Mark L. Seigel/
Date	11/19/2012
Attachments	2012-11-19 - FINAL Motion for Summary Judgment.pdf (2 pages)(79204 bytes) 2012-11-19 FINAL Memorandum in Support of MSJ.pdf (9 pages)(109341 bytes) 2012-11-19 - FINAL Burgner Dec and Exhibits.pdf (42 pages)(1218771 bytes) 2012-11-19 - FINAL Seigel Dec and Exhibits.pdf (62 pages)(2221359 bytes)

Mark: BLEEDING EDGE
Registration No. 3605823
Cancellation No. 92054944

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

Bleeding Edge, Inc.,	)	Cancellation No. 92054944
)	
Plaintiff,	)	Registration No. 3605823
)	
v.	)	Mark: BLEEDING EDGE
)	
GBS Enterprises, L.C.,)	
)	
Defendant.)	
)	
)	
)	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

COMES NOW Plaintiff Bleeding Edge, Inc. (“BEI”) and moves for summary judgment pursuant to Federal Rule of Civil Procedure 56. BEI is filing its supporting memorandum and affidavits concurrently with this Motion.

Respectfully submitted November 19, 2012.

/Mark L. Seigel/
Attorney for Plaintiff
The Seigel Law Firm LLC
1827 Powers Ferry Rd
Bldg 6 Ste 201
Atlanta, Georgia 30339
770-395-5920
seigel@addipvalue.com

Mark: BLEEDING EDGE
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Bleeding Edge, Inc.,)	
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Plaintiff,)	Registration No. 3605823
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v.)	Mark: BLEEDING EDGE
)	
GBS Enterprises, L.C.,)	
)	
Defendant.)	
)	
_____)	

CERTIFICATE OF SERVICE

I certify that on November 19, 2012 I served a copy of the foregoing Plaintiff's Motion for Summary Judgment on counsel for Defendant by electronic mail addressed to:

gbsingh@yahoo.com

/Mark L. Seigel/
Attorney for Plaintiff

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

Bleeding Edge, Inc.,)	Cancellation No. 92054944
)	
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v.)	Mark: BLEEDING EDGE
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GBS Enterprises, L.C..)	
)	
Defendant.)	
)	
_____)	

**PLAINTIFF’S MEMORANDUM IN SUPPORT OF ITS MOTION
FOR SUMMARY JUDGMENT**

COMES NOW Plaintiff Bleeding Edge, Inc. (“BEI”) and files this memorandum in support of its motion summary judgment pursuant to Federal Rule of Civil Procedure 56.

UNDISPUTED FACTS

BEI is a business that offers a variety of marketing services to its clients. BEI’s services include website design and development, graphic design, audio and video production, software application development, and search engine optimization, among others (“BEI Services”). (Burgner Dec. ¶ 3.) Robert Burgner (“Burgner”) is the Chief Executive Officer and sole shareholder of BEI. (*Id.*)

Burgner incorporated Talk of the Town Productions, Inc. in 1999. (*Id.* ¶ 4.) Burgner changed the name of his company to Bleeding Edge, Inc. in November 2001. (*Id.* ¶ 5.) Burgner created and began distributing brochures advertising the BEI Services under the BLEEDING EDGE mark in March 2002. (*Id.* ¶ 6.) Burgner registered the internet domain name <bleedingedge.tv> on February 25, 2002, (*Id.* ¶ 7), and created a website for BEI which went live on or around March 2002. (*Id.* ¶ 8.) BEI has offered the BEI Services in commerce under the BLEEDING EDGE mark

continuously since February 2002 and is still offering those services today.

(Id. ¶ 9 - 16.)

On August 26, 2011, BEI filed an application to register BLEEDING EDGE for the following services:

Computer services, namely, search engine optimization;
Creation, design, development and maintenance of Web sites for third parties; Graphic design services; Software design and development

(Seigel Decl. ¶ 4.) On December 16, 2011, the Trademark Examining Attorney refused registration of BEI's mark on the basis of U.S. Trademark Registration Number 3,605,823, the registration that is the subject of this petition for cancellation. *(Id.* ¶ 5.) The Examining Attorney refused registration under Section 2(d) of the Trademark Act, concluding that the marks and the services were identical. *(Id.)*

U.S. Trademark Registration No. 3,605,823 ("Registration") is owned by Defendant GBS Enterprises, L.C. ("GBS"). GBS filed an application to register the mark BLEEDING EDGE on September 8, 2008, claiming a date of first use of September 5, 2008. The application matured into the

Registration on April 14, 2009. The Registration covers the following services:

Computer services, namely, consulting in the field of computer hardware and software, integration of computer systems, network management, information technology consultation, and maintenance of computer software for others, designing and implementing web sites for others, hosting web sites for others, graphic design and animation for others, interactive multimedia design, computer graphics services featuring 3D modeling, and computer software programming; Design for new product development, industrial design and media design, namely images, texts, audio and video data.

APPLICABLE LEGAL STANDARDS

“Any person who believes that he, she or it would be damaged by the registration of a mark on the Principal Register may file a petition . . . for cancellation of the registration in whole or in part.” 37 CDR § 2.111(b).

Grounds for cancellation of a registration include that the registered mark so resembles a mark or trade name previously used in the United States by another and not abandoned as to be likely, when used on or in connection with the goods or services in the registration, to cause confusion, or to cause

mistake, or to deceive. TMBP 309.03(c). To prevail on these grounds, the plaintiff must prove (a) priority of use and (b) a likelihood of confusion. *Id.*

A moving party is entitled to summary judgment when it shows that there are no genuine disputes as to any material fact and that the movant is entitled to judgment as a matter of law. TBMP 528.01. If the moving party meets its burden, the nonmoving party must offer countering evidence showing that there is a genuine factual dispute for trial. *Id.* A party may not file a motion for summary judgment until the party has made its initial disclosures. 37 CFR § 2.127(e)(1).

ANALYSIS

BEI and GBS consented to receiving service of papers in this proceeding by electronic mail pursuant to Fed.R.Civ.P. 5(b)(2)(E). (Seigel Decl. ¶ 6.) BEI served its initial disclosures on BEI via electronic mail on March 28, 2012. (*Id.* ¶ 7.) Therefore, BEI can move for summary judgment.

A. BEI Has Priority of Use.

BEI began offering its services under the BLEEDING EDGE mark at least as early as February 2002. In the application resulting in the Registration, Registrant claimed a date of first use of the BLEEDING EDGE

Mark: BLEEDING EDGE
Registration No. 3605823
Cancellation No. 92054944

mark of September 6, 2008. (App. Serial No. 77565179.) Therefore, there is no genuine dispute of fact that BEI used BLEEDING EDGE in connection with its services before Registrant used BLEEDING EDGE and before Registrant filed Application Serial No. 77565179.

B. The Registration is Confusingly Similar to BEI's Mark.

The mark in the Registration is likely to cause confusion with BEI's prior used mark. First, the marks are identical - the registered mark is BLEEDING EDGE, and BEI's prior used mark is BLEEDING EDGE.

Second, the services offered by BEI are identical to those in the Registration. The Registration covers a variety of computer services including:

designing and implementing web sites for others, hosting web sites for others, graphic design and animation for others, interactive multimedia design, computer graphics services featuring 3D modeling, and computer software programming; Design for new product development, industrial design and media design, namely images, texts, audio and video data.

BEI uses the mark BLEEDING EDGE on the following services:

Mark: BLEEDING EDGE
Registration No. 3605823
Cancellation No. 92054944

Computer services, namely, search engine optimization; Creation, design, development and maintenance of Web sites for third parties; Graphic design services; Software design and development.

BEI is using BLEEDING EDGE on the same services that are in the Registration.

BEI has been using the BLEEDING EDGE mark on its services in commerce since at least as early as February 2002 and continues to use the mark on those services today. Because the marks are identical and the services are identical, there is a likelihood of confusion between BEI's prior-used mark and the registered mark. As the senior user of BLEEDING EDGE, Plaintiff BEI is entitled to a Federal registration for its mark.

WHEREFORE Plaintiff Bleeding Edge, Inc. prays that the Board GRANT its Motion for Summary Judgment and cancel U.S. Trademark Registration Number 3,605,823.

Mark: BLEEDING EDGE
Registration No. 3605823
Cancellation No. 92054944

Respectfully submitted November 19, 2012.

/Mark L. Seigel/_____
Attorney for Plaintiff
The Seigel Law Firm LLC
1827 Powers Ferry Rd
Bldg 6 Ste 201
Atlanta, Georgia 30339
770-395-5920
seigel@addipvalue.com

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Bleeding Edge, Inc.,)	
)	
Plaintiff,)	Registration No. 3605823
)	
v.)	Mark: BLEEDING EDGE
)	
GBS Enterprises, L.C..)	
)	
Defendant.)	
)	
_____)	

CERTIFICATE OF SERVICE

I certify that on November 19, 2012 I served a copy of the foregoing Plaintiff's Memorandum In Support of Its Motion for Summary Judgment on counsel for Defendant by electronic mail addressed to:

gbsingh@yahoo.com

/Mark L. Seigel/
Attorney for Plaintiff

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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)	
Defendant.)	
)	
)	
)	

DECLARATION OF ROBERT BURGNER

1. I, Robert Burgner, am over the age of twenty one and am competent to make this declaration.
2. I make the following statements based upon my personal knowledge and information and my review of documents in my possession, custody or control.
3. I am the sole shareholder and Chief Executive Officer of Bleeding Edge, Inc. (“Bleeding Edge”). Bleeding Edge provides a variety of services to its clients, including website design and development, search engine optimization, graphic design, video and audio production, and application development. Bleeding Edge has been providing its services to

its clients under the service mark BLEEDING EDGE since at least as early as November 2001.

4. I incorporated Talk of the Town Productions, Inc. on October 27, 1999. Attached as Exhibit A is a true and correct copy of the Certificate of Incorporation for Talk of the Town Productions, Inc.

5. On November 20, 2001, I amended the company name from Talk of the Town Productions, Inc. to Bleeding Edge, Inc. Attached as Exhibit B is a true and correct copy of the Certificate of Name Change Amendment from Talk of the Town Productions, Inc. to Bleeding Edge, Inc.

6. In March 2002 I created and began distributing brochures that advertised my video and audio production services and streaming media services under the BLEEDING EDGE mark. Attached as Exhibit C is a true and correct copy of the Bleeding Edge brochure that was distributed at least as early as March 2002.

7. On February 25, 2002 I registered the internet domain name <bleedingedge.tv>. Attached as Exhibit D is a true and correct copy of the WHOIS report for <bleedingedge.tv>.

8. I created a website for Bleeding Edge in March 2002. The Bleeding Edge website was available at the URL www.bleedingedge.tv.

Mark: BLEEDING EDGE
Registration No. 3605823
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Attached as Exhibit E is a true and correct copy of the home page for the Bleeding Edge web site as it initially appeared in March 2002.

9. I began rendering my services under the BLEEDING EDGE mark in interstate commerce at least as early as June 2002, and I continue to offer my services under the BLEEDING EDGE mark in interstate commerce today.

10. Attached as Exhibit F is a true and correct copy of a proposal bearing the BLEEDING EDGE mark that I provided to a prospective client in April 2002 for a variety of marketing services, including producing a video, graphic design, and revising the client's website.

11. Attached as Exhibit G is a true and correct copy of a website that Bleeding Edge designed and developed for Realty Atlanta, Inc. The website was created and published in 2002.

12. Attached as Exhibit H is a true and correct copy of a proposal that Bleeding Edge submitted to Lynx Real Estate, Inc. for the design and development of a new website. The proposal was submitted on or around May 2006. The services included website design and development, database design and development, graphic design and creation of a corporate identity.

13. Attached as Exhibit I is a true and correct copy of the Lynx Real Estate website designed and developed by Bleeding Edge. The web site was published at least as early as 2006.

14. Attached as Exhibit J is a true and correct copy of a proposal that Bleeding Edge prepared for Midtown Surgical Associates for the creation of two web sites in 2007.

15. Attached as Exhibit K is a true and correct copy of the home page for the website that Bleeding Edge created and developed for Midtown Surgical Associates. The website was published as early as 2007.

16. Bleeding Edge continues to provide its services in commerce under the BLEEDING EDGE mark. Attached as Exhibit L is a true and correct copy of the Services page from the current Bleeding Edge website featuring the BLEEDING EDGE mark and describing the various services provided under the mark.

I declare under penalty of perjury that the foregoing statements are true and correct, and that I signed this declaration on the date set forth below.

/Robert Burgner/
Robert Burgner

11/19/2012
Date

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v.)	Mark: BLEEDING EDGE
)	
GBS Enterprises, L.C..)	
)	
Defendant.)	
)	
_____)	

CERTIFICATE OF SERVICE

I certify that on November 19, 2012 I served a copy of the foregoing Declaration of Robert Burgner on counsel for Defendant by electronic mail addressed to:

gbsingh@yahoo.com

/Mark L. Seigel/

Attorney for Plaintiff

Exhibit A

Secretary of State
Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CONTROL NUMBER: K944576
EFFECTIVE DATE: 10/27/1999
COUNTY : DEKALB
REFERENCE : 0044
PRINT DATE : 10/29/1999
FORM NUMBER : 311

ROBERT C. BURGNER
3340 LYNNRAY DR
DORAVILLE, GA 30340

CERTIFICATE OF INCORPORATION

I, Cathy Cox, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

TALK OF THE TOWN PRODUCTIONS, INC.
A DOMESTIC PROFIT CORPORATION

has been duly incorporated under the laws of the State of Georgia on the effective date stated above by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.



A handwritten signature in black ink that reads "Cathy Cox".

Cathy Cox
Secretary of State

ARTICLES OF INCORPORATION
OF
TALK OF THE TOWN PRODUCTIONS, INC.

ONE

The name of the corporation is: TALK OF THE TOWN PRODUCTIONS, INC.

TWO

The initial registered agent for the corporation shall be Robert C. Burgner, 3340 Lynnray Drive, Doraville, Dekalb County, Georgia 30340.

THREE

The name and address of the incorporator is Robert C. Burgner, 3340 Lynnray Drive, Doraville, Georgia 30340.

FOUR

The mailing address of the principal office is 3340 Lynnray Drive, Doraville, Georgia 30340.

FIVE

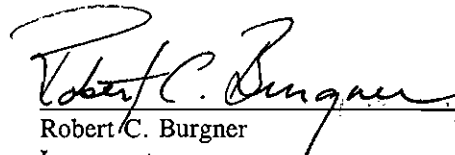
The corporation shall be a Statutory Close Corporation as defined under O.C.G.A. Section 14-2-901, et. seq., and shall not be required to have a Board of Directors. The corporation is organized as a corporation for profit and for any lawful purpose not specifically prohibited to corporations under the applicable laws of the State of Georgia.

SIX

The corporation shall have the authority to issue not more than 100,000 shares of common stock having \$1.00 par value.

IN WITNESS WHEREOF, the undersigned executes these Articles of Incorporation.

This 26 day of OCTOBER, 1999.


Robert C. Burgner
Incorporator

Oct 27 3 20 PM '99

SECRETARY OF STATE



BUSINESS INFORMATION AND SERVICES
 Suite 315, West Tower
 2 Martin Luther King Jr., Drive
 Atlanta, Georgia 30334-1530
 (404) 656-2817

Secretary of State
 State of Georgia

**TRANSMITTAL INFORMATION FOR GEORGIA
 PROFIT OR NONPROFIT CORPORATIONS**

DO NOT WRITE IN SHADED AREA - SOS USE ONLY

DOCKET # <u>K93010741</u>	PENDING CONTROL # <u>P303045</u>	CONTROL # <u>K944596</u>
Docket Code <u>311</u>	Corporation Type <u>Dp</u>	
Date Filed <u>10/29/99</u>	Amount Received \$ <u>60.00</u>	Check/Receipt # <u>1881</u>
Jurisdiction (County) Code <u>44</u>	<u>Dallas</u>	
Examiner <u>44</u>		Date Completed _____

**NOTICE TO APPLICANT: PRINT PLAINLY OR TYPE REMAINDER OF THIS FORM.
 INSTRUCTIONS ARE ON THE BACK OF THIS FORM.**

1. <u>K92790069</u> Corporate Name Reservation Number		
<u>TALK OF THE TOWN PRODUCTIONS, INC.</u> Corporate Name (exactly as appears on name reservation)		
2. <u>ROBERT C. BURGNER</u> Applicant/Attorney		<u>770-491-0152</u> Telephone Number
<u>3340 LYNNRAY DRIVE</u> Address		
<u>DORAVILLE</u> City	<u>GA</u> State	<u>30340</u> Zip Code

3. NOTICE: THIS FORM DOES NOT REPLACE THE ARTICLES OF INCORPORATION. MAIL OR DELIVER DOCUMENTS AND THE SECRETARY OF STATE FILING FEE TO THE ABOVE ADDRESS. DOCUMENTS SHOULD BE SUBMITTED IN THE FOLLOWING ORDER. (A COVER LETTER IS NOT REQUIRED.)

1. FORM 227 - TRANSMITTAL FORM (ATTACH SECRETARY OF STATE FILING FEE OF \$60.00 TO THIS FORM)
2. ORIGINAL ARTICLES OF INCORPORATION
3. ONE COPY OF ARTICLES OF INCORPORATION

I understand that the information on this form will be entered in the Secretary of State business registration database. I certify that a Notice of Incorporation or a Notice of Intent to Incorporate with a publishing fee of \$40.00 has been or will be mailed or delivered to the authorized newspaper as required by law.

Authorized Signature

10-26-99
 Date

Exhibit B

Secretary of State
Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

DOCKET NUMBER : 013340535
CONTROL NUMBER: K944576
EFFECTIVE DATE: 11/20/2001
REFERENCE : 0048
PRINT DATE : 11/30/2001
FORM NUMBER : 611

BLEEDING EDGE, INC.
3340 LYNNRAY DRIVE
DORAVILLE, GA 30340

CERTIFICATE OF NAME CHANGE AMENDMENT

I, Cathy Cox, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

TALK OF THE TOWN PRODUCTIONS, INC.
A DOMESTIC PROFIT CORPORATION

has filed articles of amendment in the Office of the Secretary of State changing its name to

BLEEDING EDGE, INC.

and has paid the required fees as provided by Title 14 of the Official Code of Georgia Annotated. Attached hereto is a true and correct copy of said articles of amendment.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.



A handwritten signature in black ink, appearing to read "Cathy Cox".

Cathy Cox
Secretary of State

13340534

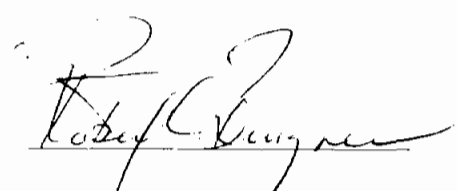
K944576
13340535

AMENDMENT TO ARTICLES OF INCORPORATION
OF
TALK OF THE TOWN PRODUCITONS, INC.

1. The old name of the corporation is Talk of the Town Productions, Inc.
2. The Articles of Incorporation are amended to reflect the new name of the corporation: Bleeding Edge, Inc.
3. This amendment was adopted October 23, 2001
4. The amendment was adopted by vote of the board of directors without shareholder approval in that shareholder approval was not required.
5. Publication of "Change of Corporate Name" will be published pursuant to O.C.G.A. 14-2-1006.1(b)

IN WITNESS WHEREOF, the undersigned executes this Amendment to the Articles of Incorporation.

This 23rd day of October, 2001



Robert C. Burgner
Chief Executive Officer

COMMUNICATIONS
STATE OF GEORGIA
RECORDS SECTION

Exhibit C

BLEEDING EDGE

where technology meets imagination



**Kaiser
Permanente**



City Grill



**Theater in the
Square**



Music Videos



Documentary

Marketing is designed to elicit an emotional response. Buyers make decisions not with their heads, but with their hearts. Do you want to increase sales, maximize corporate branding, or enhance recruiting?

Professionally produced video can accomplish that like no other medium. With our creative team providing memorable writing, original music, and eye catching visuals, your audience will see, hear, and remember your message.

digital video produced for internet, intranet, cd-rom and dvd delivery

encoded to allow for progressive streaming from HTML servers over dial up modems

multiple versions of each movie based on clients bandwidth - from 28.8 to T1

Video Services

streaming video

interactive CDs

music videos

corporate promotional

digital video editing

video fx

Audio Services

music composition

production & engineering

SFX

film/video scoring

voice overs

digital editing and mastering

Exhibit D

Whois Server Version 1.0

Domain names can now be registered with many different competing registrars. Go to <http://registrar.verisign-grs.com/whois/> for detailed information.

Domain Name: BLEEDINGEDGE.TV
Registrar: ENOM, INC.
Whois Server: whois.enom.com
Referral URL: <http://www.enom.com>
Name Server: NS1.BLUEHOST.COM
Name Server: NS2.BLUEHOST.COM
Status: CLIENT-XFER-PROHIBITED
Updated Date: 27-feb-2012
Creation Date: 25-feb-2002
Expiration Date: 25-feb-2013

>>> Last update of whois database: Tue, 13 Mar 2012 13:38:33 EDT <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign's ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .cc, .tv, and .jobs domains and Registrars.

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or

Exhibit E

BLEEDING EDGE

where technology meets imagination



Click images
for video
examples

Message
from our
ceo

Watch & listen
to our latest
music video



HOME

contact

music videos

audio production

video production

streaming media



roll your mouse over these
buttons to discover what
Bleeding Edge can do for
you and your company

click icons to the left for
short videos on the
process of streaming

click these icons
for original
music examples

©2001 Bleeding Edge, Inc. All Rights Reserved

Contact Webmaster

Exhibit F

Hello Suzanne

Based on our previous conversations I've included price quotes for the various media services we've discussed. I've broken it out into separate projects and line items.

All video production services are based on using Canon XL1 3ccd digital cameras with a complete production package including an Arri softbox lighting kits, backdrop, lavalier mics, booms, and a Sony PVM monitor to review the footage on location.

Encoding/compression for web distribution will include a master file and 3 versions of the movie. One each for 28.8 modems, 56K modems, and cable/DSL modem. The master movie is a "sniffer" file that will determine the viewers bandwidth and provide them with the appropriate movie.

To give you an idea of what video would look like on your website, I did a mock-up of your homepage that features two sample videos. Just click on the following url to go to the test page and click on the two navigation buttons I added underneath your existing navigation bar. One button says "Video Testimonials", the other says "Laser Resurfacing Demo." (One of the movies actually is a video testimonial.)

http://www.bleedingedge.tv/drklein_test/indexmain.htm

Patient testimonial

Location shoot - broadcast quality
 Editing/Encoding/Compression for web distribution - 3 versions for each video \$^{Redacted}

Each additional testimonial – if shot on the same day/same location
 Editing/Encoding/Compression– 3 versions \$^{Redacted}

Discount for shooting in my studio (subtract \$^{Redacted})

(For example, 3 testimonials shot on location w/editing & encoding would be \$^{Redacted})

Laser Demonstration Video

Location shoot
 Includes Editing/encoding/Compression for web - 3 versions for alternate bandwidths \$^{Redacted}

Video Business Cards

Setup/CDR Mastering - based on using the patient testimonials, laser demonstration video, and a micro-version of the website – with printable versions of your brochures and any discount coupons for product , plus any supporting material/product info etc. \$^{Redacted}
 (I would recommend that in addition to the media listed above, that we film a short auto-play introduction for the video business card that features either Dr Klein, Connie, or one of your office team to serve as an opening video to tie all the material together. If we shot it on the same day as the testimonials or the Laser Demo I can shoot it for an additional \$^{Redacted})

Graphic Layout for Card \$^{Redacted}

Duplication costs (4 color silk-screens only available in quantities of 1000 or more) w/clear plastic or vinyl sleeves:

100	3.95ea	\$ ^{Redacted}
250	2.99ea	\$ ^{Redacted}
500	2.59ea	\$ ^{Redacted}
1000	2.29ea	\$ ^{Redacted}

Custom cuts are an additional .30 per card if you are interested, otherwise the standard Video Business card is 80mm x 62.5, about the size of a regular business card, and hold 80MB of information

Website changes

Your website is laid out quite well, and is visually pleasing if a bit wordy. Connie is trimming the the verbiage down and I can make any changes, including text, graphics, buttons, etc. on an hourly and ongoing basis - but it appears very few changes need to be made.

\$^{redacted} hr

Brochure

Based on text and photos being provided – we can do the graphic design and provide printer ready files – providing you with up to 3 separate proofs for approval.

\$^{redacted}

Duplication costs (I will typically shop for deals on printing when the brochure is ready, but here are some pricing guidelines.)

Full color double-sided 100# gloss tri-fold

500	\$ ^{redacted}
1000	\$ ^{redacted}
5000	\$ ^{redacted}

Photography

The day rate for models in Atlanta is \$1225, and the photographers I spoke with all strongly suggested using a professional model for a shoot of this nature. If you would like me to locate an “aspiring” actress/model or two for a shoot that is non-union and would do it for less, I’ll see what I can do – just let me know.

Thanks again for your time and consideration, and please contact me if you have any questions.

Rob Burgner
Media Specialist
Bleeding Edge

404.352.8960

Rob@bleedingedge.tv

Exhibit G



Welcome to Realty Atlanta

Realty Atlanta, Inc. is a Full Service real estate company serving the greater metropolitan Atlanta area and other areas of Georgia.

We specialize in land, subdivision lot brokerage and building sales. If you have property we can arrange for an evaluation by one of our professionals.

Contact Us Today: 770-751-1777

[View our Marquee Transactions](#)

[National Land Corp](#)

[Hemlock Holdings](#)

[Search Our Comprehensive Real Estate Listings for Current Offerings](#)

Exhibit H

PROPOSAL FOR A WEBSITE

From:

Rob Burgner
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318

To:

Todd Perman
Andy Sutton
Lynx Real Estate, Inc.
Healthcare Real Estate Advisors

INTRODUCTION

Bleeding Edge is an Atlanta based design firm committed to providing excellence in client service. Bleeding Edge has the ability to draw from an experienced base of personnel while maintaining a personalized form of business liaison. Our goal is to meet and exceed client expectations. The project is not complete until you are completely satisfied.

Bleeding Edge calls on a combination of talents, including:

Web Page Designers

Graphic Artists

Programmers PHP; ASP; ASP.NET; CMS; HTML; Javascript; ActionScript

Copywriters

Internet Marketers

Photographers

Videographers

THE TEAM

Rob Burgner will oversee all aspects of the site development from design to programming to marketing. He will also be the art director - responsible for the look and design of the site – supervising the work of our team of programmers, designers, graphic artists and creatives.

Web Designer/Programmer Miriam Lannes will supervise the functional component of this site, program the database interactivity, and perform site testing. Miriam's experience is extensive and includes expertise in database interactivity and programming as well as design. Miriam will also be responsible for the

coding of the site in such a way as to ensure the site can be easily located in a targeted search and climbs to the top of the search engines.

Rob will produce or oversee the completion of all design work. Of course, the general feel, navigation and “look” of the site are completed in close consultation with you.

The time the site takes to load as well as browser review to ensure the site can be viewed by the vast majority of computers is ensured by viewing your site on several different computer systems with various browsers. Only when your site is acceptable to all users is the site uploaded for hosting and general viewing.

Once the site is completed, the Bleeding Edge team reviews the site from many different angles. From navigation to ease of contact to time loading – every possible angle is reviewed to ensure maximum functionality of the site. This ensures the highest possible viewing rate.

SITUATION ANALYSIS

From our discussion, I have identified the following objectives:

Lynx Real Estate Website - General

- Commercial Real Estate Transactions and Investments. Primary objectives:
 - Inspire site visitors to contact Lynx for representation.
 - Provide state-of-the-art interactivity for current and future clients.
 - Supply a wellspring of information – taking a problem - solution approach to frequently asked questions.
- Provide a complete CMS (content management system) to allow Lynx employees to update site information easily and directly.
- Tasteful use of enhanced video, graphics and images where appropriate to increase the visual appeal of the site.
- Focus on intuitive and clear navigation that leads inexorably to contacting Lynx through online requests or direct contact depending on user preference.
- Provide visitors with easily accessible (and useful) information and tools.
- Position Lynx as technologically advanced and web savvy – the leader in the industry.
- Support the image development and branding of the company.
- Overall design emphasis is on easily accessible information, clean but eye-catching design and well organized persuasive content.

Lynx Real Estate Website - Specific

- *Index page* describing Lynx Real Estate– grabbing the interest of viewers and enticing them to dig deeper into the site, absorbing information while being persuaded to make

- contact. Password protected access to “client lounge” that provides innovative ways to receive and send information to Lynx.
- As many “pages” as needed to provide information to visitors and clients. Some but not all of the sections will be:
 - Investment services
 - Land
 - Leasing Services
 - Tenant Representation
 - Buyer Representation
 - Sell or Lease your Property
 - Buy or Lease Property
 - Brokerage Services
 - Demographics
 - Governmental Resources
 - Tax Information/Tips
 - 1031 Exchange Information
 - Contractor/Builder Resources
 - Testimonials
 - Database functionality: Content completely updatable by Lynx personnel/administrators.
 - Searchable database of Lynx properties for sale or lease with pertinent info regarding size/acreage, zoning, location etc. and downloadable info such as specs, plat maps etc.
 - Archive of newsletters searchable by date and subject matter.
 - Archive of articles.
 - Production of private, password protected Client Pages, mylynx and myhrea, one for each important client to facilitate exchange of information, forms, plats etc. Allowing for delivery of customized information to each client.
 - General Forms available to all for download.
 - Interactivity and connectivity with existing CRM software.
 - *About Us* page including more information about Lynx Real Estate and the principals – another opportunity to promote the company.
 - *Links page* with the weblinks of your choosing – i.e. industry links, magazines, regulatory agencies, governmental agencies, etc.
 - *Contact information page*
 - *Request Information form field*

Healthcare Real Estate Advisors

- Located on the Lynx Real Estate site initially, with a narrower focus: Benefits for representation for M.D.s:
 - Reducing overhead
 - Expanding practices
 - Increasing Net Worth
- Other than a narrower demographic focus, will provide the same services as Lynx Real Estate – accessing the same database and information.

Excelvation Strategy Session. (Optional – recommended)

Process

3-hour Interview Session with principals of client company
Competitive Market Research
Search Engine Keyword Research
Navigation and Visitor Persuasion Brainstorming

Deliverable: Flight Plan

- Organization Overview
- Strategic Position Statement
- Flight Plan Overview
- Competitive Market Review
- Site Visitor Profile
- New Site Purpose and Goals
- New Site Performance Goals
- New Site Navigation Plan
- Visitor Persuasion “Maps”
- New Site Design Considerations
- New Site Content Considerations
- Search Engine Optimization Strategy
- Search Phrase Research Workpapers

The Flight Plan should provide a roadmap for content creation and provide the keywords that will have the greatest impact – and produce the most noticeable results - with the search engines.

The Flight Plan will be presented in a 90-minute meeting with the principals.

Corporate Identity Package

- Refine and improve current Lynx Logo.
- Design and produce Healthcare Real Estate Advisors Logo. 3-5 concepts with 2 sets of revisions and final logo supplied in various formats (.eps, .png, .jpg, .tif).
- Stationary. 2-3 concepts for Letterhead, Envelopes, Email templates and Business Cards.
- Preparation of template for newsletters and e-newsletter.
- Preparation of template for flyer and e-flyer.
- Preparation of HTML signature with links for email blasts.
- Preparation of generic label template for packages.

- Master list of company fonts, colors, etc. approved for dissemination.
- Preparation of files and Print supervision. (Printing costs not included.)

Additional Services (Price is wrapped into total bid – elements are wrapped into site design, copywriting, research, content optimization, and Excelvation strategy sessions.

- Search Engine Optimization. Development of keywords and phrases, metatags and copywriting that optimizes the site for search engine placement. Based on the Search Engine Optimization Strategy and Search Phrase Research Workpapers.

PROPOSAL

Based on the information provided in our meeting.

We can develop the Lynx Real Estate, Inc. site with the Healthcare Real Estate Advisors subsite including all database functionality and the Corporate Identity Package for: \$^{Redacted}

Here are the costs broken down:

Site Design:	\$ ^{Redacted}
Database Design, Testing and Implementation:	\$ ^{Redacted}
Corporate Identity Package:	\$ ^{Redacted}
Copywriting, Research and Content Optimization:	\$ ^{Redacted}
Strategy session with Excelvation:	\$ ^{Redacted}
Discounted	< \$ ^{Redacted} >

We require a deposit of 30% of the project cost to begin work – 30% upon completion of the Identity Package and the remaining 40% upon satisfactory completion of the project. The project is not complete until you are completely satisfied with the results.

Thanks from the team at Bleeding Edge!

Please contact us with any questions or concerns.

*Rob Burgner
 CEO
 Bleeding Edge, Inc.
 2135E Defoor Hills Rd
 Atlanta, GA 30318*

404.352.8960

rob@bleedingedge.tv
<http://www.bleedingedge.tv>

Exhibit I

Login

Username:

Password:

[Forgot Password?](#)

- Property Search
- Automated E-Mail Notification
- Recent Transactions
- Quick Links

Commercial Real Estate 101

- [Basic Terminology](#)
- [Complete Glossary](#)
- [Why Income Property](#)
- [The Purchase Process](#)
- [Legal Considerations](#)

1031 Exchange

[Passive Investments](#)

[Advantages of Purchasing Office Space](#)

[Owner Representation](#)



Lynx is a full-service brokerage firm, with deep expertise in the acquisition, sale and leasing of investment property and commercial real estate including retail stores, offices, medical offices, shopping centers, and land throughout the U.S..

Our team has many years of success representing [buyers](#), [sellers](#), [landlords](#), [tenants](#), [investors](#) and [developers](#) in hundreds of transactions. Our [Marketing Services](#) and [Acquisition Strategies](#) are extremely proactive and process oriented. Lynx provides a customized plan for each client.

Information is critical to your mission, whether it is acquisition, leasing, or disposition. The better information you have, the better decisions you can make. Through lynxre.com, physiciansadvocate.com, and our customized client home pages ([MyLynx](#)) we provide up to date property searches, real time transaction information, archives of previous transactions, and useful information on [1031 exchanges](#), lease negotiations, [tax tips](#), and more. **Market knowledge and timing** are critical to your success. Lynx provides both.

Our advisory services, strategic outlook and a process oriented approach help us diagnose your needs now and in the future. Whether you are near retirement, or trying to get there, a Lynx professional will assess your situation and develop a customized plan to accomplish your goals. Whether you are in the midst of a [1031 exchange](#), [sale](#), or [acquisition](#) - lease or purchase, a plan and process will provide a road map that will show you the way to your goals. Call us today at (404) 477-2044 or email info@lynxre.com for more information.

Healthcare Real Estate Advisors is focused on the commercial real estate needs of physicians including [buyer](#) / [tenant](#) representation, strategic site selection, lease negotiation, marketing services and investment strategies. With years of healthcare experience focusing on the physician's end of the transactions, HREA can help. For more information on HREA or Healthcare Properties, call (404) 477-2044 or email info@MyHREA.com.



10,000 SF Assisted Living Facility in Smyrna for Sale

Newsletters and Articles

Issue Highlights
[More Newsletters...](#)

30 Yr FXD avg	6.09%	
15 Yr FXD avg	↓ 5.65%	
5/1 ARM avg	↓ 5.51%	
1 Yr ARM avg	↓ 5.06%	
<hr/>		
11th District COFI	↓ 3.111%	
30 Year Treasury	↓ 4.64%	
Federal Funds (target)	- 2.00%	

Exhibit J

PROPOSAL FOR A WEBSITE

From:

Rob Burgner
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318

To:

Duane Prickett, SA-C
Midtown Surgical Associates
PO Box 79105
Atlanta, GA 30357

INTRODUCTION

Bleeding Edge is an Atlanta based Website consultant committed to providing excellence in client service. Bleeding Edge has the ability to draw from an experienced base of personnel while maintaining a personalized form of business liaison. Our goal is to meet and exceed client expectations. The project is not complete until you are completely satisfied.

Bleeding Edge calls on a combination of talents, including:

Web Page Designer

Copywriter

Graphic Artist

Programmer

Internet Marketer

Members of your target market

THE TEAM

Rob Burgner will oversee all aspects of the site development from design to programming to marketing.

Web Designer/Programmer Miriam Lannes is the main designer who would complete the design component of this site. Miriam's experience is extensive and includes expertise in database interactivity and programming as well as design. Miriam will also be responsible for the coding of the site in such a way as to increase search engine rankings, including placing key words in the site "meta tags."

Michelle Halstead and Rob will produce any Graphic Design work in excess of the graphics already available. Of course, the general feel, navigation and “look” of the site are completed in close consultation with you.

The time the site takes to load as well as browser review to ensure the site can be viewed by the vast majority of computers is ensured by viewing your site on several different computer systems with various browsers. Only when your site is acceptable to all users is the site uploaded for hosting and general viewing.

Once the site is completed, the Bleeding Edge team reviews the site from many different angles. From navigation to ease of contact to time loading – every possible angle is reviewed to ensure maximum functionality of the site. This ensures the highest possible viewing rate.

SITUATION ANALYSIS

From discussions with you and Chris, we have identified the following objectives;

Midtown Surgical Associates site

- Targeting physicians with small practices or groups
- Generating leads
- Aid positioning of MSA relative to competitors
- Differentiating MSA from competitors
- Demonstrating the expertise and reliability of your team
- Increase ease of contact for prospects and current clients
- Provide clients and prospects with easily accessible (and useful) information and tools
- Position the company as technologically advanced and web savvy
- Aid in image development of the company
- Answer Frequently Asked Questions to cut down on interface time
- List of procedures/specialties supported
- SA employment applications provided
- Include info on state laws (HIPA)
- Emphasize and link to info supporting fight to standardize certifications
- Overall design emphasis is on technology with an “edgier” look and feel

MSA billing site

- Many of the above points plus;
- Emphasizing complete outsourcing of billing
- Will bill for RNFA’s, CRNFA’s, MD’s, PA’s, SA-C’s (I hope all these acronyms are right!)

- MSA billing will call patients
- Offer lectures and seminars on medical billing (30-60 min powerpoint with Q&A)
- Overall design emphasis is on safety with a reassuring, corporate look and feel

PROPOSAL

Based on the information provided in our meeting. We can complete both the MSA and MSA Billing sites at a cost of \$^{Redacted} and complete them both in 4-6 weeks from initiation of a contract.

We require a deposit of 30% of the project cost to begin work and the remaining 70% upon completion of the project.

Thanks from the team at Bleeding Edge!

Please contact us with any questions or concerns.

Rob Burgner
CEO
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318

404.352.8960

rob@bleedingedge.tv
<http://www.bleedingedge.tv>

Exhibit K



MIDTOWN SURGICAL ASSOCIATES



Midtown Surgical Associates P. O. Box 79015 Atlanta, GA 30357

Join us in our fight to standardize certification

- Home
- FAQ
- Employment
- Patient Education
- Links
- Contact Us

- Medical Professionals that are certified and trained
- Available and on call 24/7
- Serving hospitals and outpatient centers throughout the Metro Atlanta Area
- Professionals certified by:
 - National Surgical Assistant Association
 - American Board of Surgical Assistants
 - Association of Surgical Technologist
 - Association of Operating Room Nurses

FIND OUT MORE ABOUT OUR TRAINED STAFF



REQUEST AN ASSISTANT



PROMPT AND EFFICIENT BILLING THROUGH A REPUTABLE BILLING COMPANY



Midtown Surgical Associates - Setting a standard for professionalism and service

When it becomes essential that you have an extra pair of hands during a surgical procedure, MSA is there to provide you with an assistant that is certified, trained and professional. We have the following Surgical Assistants available:

CRNFA, RNFA, CFA, SA-C & CSA

Our assistants are trained in the following specialties:

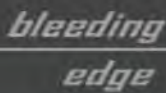
- Gynecological/Obstetrics
- General
- Advanced Laparoscopies
- Neurosurgery
- Orthopaedics
- Plastic & Reconstruction
- Genitourinary
- Ear, Nose & Throat
- Renal Transplant
- Vascular
- Cardiothoracic

Through our Medical Billing Service, we can be your complete outsourcing solution. What sets us apart? [Click here](#) to find out more about our billing service, or [click here](#) to request an assistant now.

[Join us in our fight to standardize certifications!](#)

[click here](#) for information on the Health Insurance Portability and Accountability Act (HIPAA)

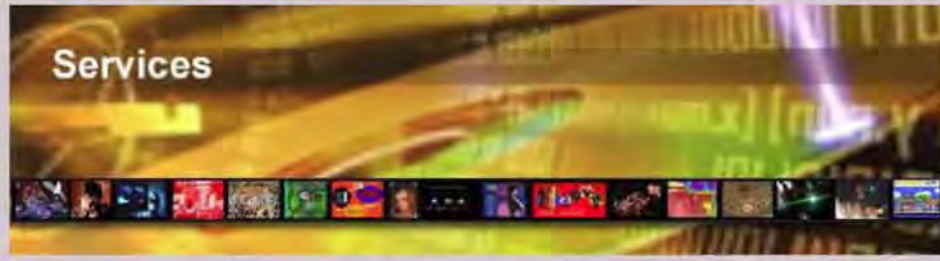
Exhibit L



t: 404.352.8960

e: info@bleedingedgeinc.com

Search



Get a Free Estimate

Atlanta, Georgia based web development company Bleeding Edge serves clients around the world. From professional web design services to video production, advertising and marketing, Bleeding Edge is your one-stop shop for business success.

Company Name:

Your Name:

Your e-mail:

Phone:

Type verification image:

5387

Message:

Testimonials

Phone: 404.352.8960

Atlanta based Bleeding Edge provides our customers around the world with a comprehensive range of web marketing services from strategy, internet marketing and branding to site design, architecture and development; programming, data integration and e-commerce to eye catching graphics and compelling content and messaging; SEO, (search engine optimization) and SEM (search engine marketing) to viral video campaigns and social networking.

We are a full service Marketing and Advertising Agency that does all of our production and development in-house. We are web-centric, but have been involved in video and multimedia since our inception since 1999. Our video and film production projects run the gamut from short promotional pieces and talking heads for websites to TV Commercials, Music Videos, Corporate Promotional Videos, Training Videos, Documentaries, Short Films and TV Pilots. Our corporate clients range from small SOHO (small office, home office) shops to large multinationals such as Kaiser Permanente, Manhattan Associates, Arris, CentiMark and many more.

Please click on the tabs below for detailed information about our individual services or fill out the simple form to the right to speak with a consultant, schedule a meeting or request a full proposal.

e-Strategy and Web Marketing

With the explosion of possibilities, companies that adapt and capitalize on these new developments will prosper. Bleeding Edge is...

more ▶

Search Engine Optimization

Optimization, pay-per-click, link building - Bleeding Edge can guide you through the maze of information to capitalize...

more ▶

Web Development

We recognize the importance of viewing web design as part of an overall synthesis between strategy, messaging, graphics...



more ▶

Marketing and Advertising

Emotional connection. At the core of what we do are images and messages that evoke strong emotions, build confidence...



more ▶

HD Video Production

All of our video productions are developed in house. Whether it's a TV commercial, corporate video, music video or broadcast..



more ▶

Graphic Design

Great graphic design elevates every consumer experience. Our designers are visual evangelists for your brand that will...



more ▶

Mobile and Social Media

Companies that can reinvent themselves to take advantage of constantly evolving technologies will cash in. Bleeding Edge is...



more ▶

Copywriting and Messaging

Engage, educate, inform and enrich. At the foundation of every marketing and advertising campaign is compelling...



more ▶



Customer Support

Contact Us
Frequently Asked Questions
Rarely Asked Questions
Recommendation Summaries

Client Access

project management
Project Status
Wish list

Company

Company Info
Meet the Team
Services
Portfolio

Tools and Resources

Links
Downloads
Articles
Glossary

Browser Compatibility



Social Network



We Accept



100% Valid



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

Bleeding Edge, Inc.,	)	Cancellation No. 92054944
)	
Plaintiff,	)	Registration No. 3605823
)	
v.	)	Mark: BLEEDING EDGE
)	
GBS Enterprises, L.C.,)	
)	
Defendant.)	
)	
)	
)	

DECLARATION OF MARK L. SEIGEL

1. I, Mark L. Seigel, am over the age of twenty one and am competent to make this declaration.
2. The following are based upon my personal knowledge and information and my review of documents in my possession, custody or control.
3. I am counsel of record for Plaintiff Bleeding Edge, Inc.
4. Attached as Exhibit A is a true and correct copy of the application filing receipt for Application Serial Number 85408085.
5. Attached as Exhibit B is a true and correct copy of an Office Action dated December 16, 2011, refusing registration of Application Serial

Number 85408085 as likely to cause confusion with U.S. Registration

Number 3605823.

6. On March 28, 2012, I spoke with Mr. Singh, principal of GBS Enterprises, L.C. Mr. Singh agreed to accept service of papers in this proceeding by electronic mail. I sent Mr. Singh an e-mail confirming this agreement that day. A true and correct copy of the e-mail message to Mr. Singh is attached as Exhibit C.

7. On March 28, 2012, I served Mr. Singh with a copy of Plaintiff's Initial Disclosures via e-mail, along with documents labeled BEI 001 – BEI 033. A true and correct copy of the e-mail with Plaintiff's Initial Disclosures and initial documents is attached as Exhibit D.

8. On May 15, 2012, I served additional responsive documents labeled BEI 034 – 036 on Mr. Singh via e-mail. A true and correct copy of the e-mail with the additional documents is attached as Exhibit E.

I declare under penalty of perjury that the foregoing statements are true and correct, and that I signed this declaration on the date set forth below.

/Mark L. Seigel/
Mark L. Seigel

11/19/2012
Date

Mark: BLEEDING EDGE
Registration No. 3605823
Cancellation No. 92054944

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

Bleeding Edge, Inc.,	)	Cancellation No. 92054944
)	
Plaintiff,	)	Registration No. 3605823
)	
v.	)	Mark: BLEEDING EDGE
)	
GBS Enterprises, L.C..)	
)	
Defendant.)	
)	
_____)	

CERTIFICATE OF SERVICE

I certify that on November 19, 2012 I served a copy of the foregoing
Declaration of Mark L. Seigel on Defendant by electronic mail addressed to:

gbsingh@yahoo.com

/Mark L. Seigel/

Attorney for Plaintiff

Exhibit A

Mark Seigel

From: teas@uspto.gov
Sent: Friday, August 26, 2011 11:27 AM
To: Partners
Subject: B016.T001 Serial number 85408085: Received Your Trademark/Service Mark Application, Principal Register

MARK: BLEEDING EDGE (Standard Characters, mark.jpg)
The literal element of the mark consists of BLEEDING EDGE.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

We have received your application and assigned serial number '85408085' to your submission. The summary of the application data, *bottom below*, serves as your official filing receipt.

In approximately 3 months, an assigned examining attorney will review your application to determine if all legal requirements are met. Currently, your mark is **not** registered and is considered a "pending" application. The overall process from the time of initial filing to registration or final refusal can take 13-18 months or even longer, depending on many factors; *e.g.*, the correctness of the original filing and the type of application filed. It is **CRITICAL** that you check the status of your application **at least every 3 - 4 months** and promptly contact the Office if a letter (an "Office action") or notice has issued for your application that you did not receive or do not understand. To check the status, please use <http://tarr.uspto.gov>. Do **not** submit status requests to TEAS@uspto.gov. Failure to respond timely to any Office action or notice may result in the abandonment of your application, requiring you to pay an additional fee to have your application revived even if you did not receive the Office action or notice.

Please view all incoming and outgoing correspondence at <http://portal.uspto.gov/external/portal/tow>. If your status check reveals an issued Office action or notice that you did not receive, immediately view the action/notice through the USPTO website. The USPTO does not extend filing deadlines due to a failure to receive USPTO mailings/e-mailings. You must ensure that you update your record if your mail and/or e-mail address changes, using the form available at <http://www.uspto.gov/teas/eTEASpageE.htm>.

If you discover an error in the application data, you may file a Voluntary Amendment, at <http://www.uspto.gov/trademarks/teas/miscellaneous.jsp>. Do **not** submit any proposed amendment to TEAS@uspto.gov, because the technical support team may not make any data changes. **NOTE:** You must wait approximately 7-10 days to submit any Voluntary Amendment, to permit initial upload of your serial number into the USPTO database. The acceptability of any Voluntary Amendment will only be determined once regular examination begins, since the assigned examining attorney must decide whether the change proposed in the amendment is permissible. **Not all errors may be corrected;** *e.g.*, if you submitted the wrong mark, if the proposed correction would be considered a material alteration to your original filing, it will not be accepted, and your only recourse would be to file a new application (with **no** refund for your original filing).

Since your application filing has already been assigned a serial number, please do **not** contact TEAS@uspto.gov to request cancellation. The USPTO will only cancel the filing and refund your fee if upon review we determine that the application did not meet minimum filing requirements. **The fee is a processing fee that the USPTO does not refund, even if your mark does not proceed to registration. NOTE:** The only "exception" to the above is if you inadvertently file duplicate

applications specifically because of a *technical glitch* and not merely a misunderstanding or mistake; *i.e.*, if you believe that the first filing did not go through because no confirmation was received and then immediately file again, only to discover later that both filings were successful, then the technical support team at TEAS@uspto.gov can mis-assign and refund one of the filings.

WARNING: You may receive unsolicited communications from companies requesting fees for trademark related services, such as monitoring and document filing. Although solicitations from these companies frequently display customer-specific information, including USPTO serial number or registration number and owner name, companies who offer these services are not affiliated or associated with the USPTO or any other federal agency. The USPTO does not provide trademark monitoring or any similar services. For general information on filing and maintenance requirements for trademark applications and registrations, including fees required by law, please consult the USPTO website.

APPLICATION DATA: Trademark/Service Mark Application, Principal Register TEAS Plus Application

The applicant, Bleeding Edge, Inc., a corporation of Georgia, having an address of
 3340 Lynnray Drive
 Atlanta, Georgia 30340
 United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 042: Computer services, namely, search engine optimization; Creation, design, development and maintenance of Web sites for third parties; Graphic design services; Software design and development

In International Class 042, the mark was first used at least as early as 12/31/2001, and first used in commerce at least as early as 12/31/2001, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) web site excerpts describing the services and displaying the mark.

Specimen-1 [spec-7088178177-101025492_._Home_Page__Bleeding_Edge.pdf]

Specimen-2 [spec-7088178177-101025492_._Services__Bleeding_Edge.pdf]

Specimen-3 [spec-7088178177-101025492_._SEO__Bleeding_Edge.pdf]

Specimen-4 [spec-7088178177-101025492_._Web_Design_and_Development__Bleeding_Edge.pdf]

Specimen-5 [spec-7088178177-101025492_._Graphic_Design__Bleeding_Edge.pdf]

The applicant's current Attorney Information:

Mark L. Seigel and Mitchell G. Weatherly of Weatherly Seigel LLC
 115 Perimeter Ctr Pl NE Ste 1082

Atlanta, Georgia 30346
United States

The attorney docket/reference number is B016.T001.

The applicant's current Correspondence Information:

Mark L. Seigel
Weatherly Seigel LLC
115 Perimeter Ctr PI NE Ste 1082
Atlanta, Georgia 30346
service@addipvalue.com (authorized)

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

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Robert Burgner/ Date: 08/25/2011
Signatory's Name: Robert Burgner
Signatory's Position: Owner

Thank you,

The TEAS support team
Fri Aug 26 11:26:30 EDT 2011
STAMP: USPTO/FTK-70.88.178.177-20110826112630470639-85408085-
480a6d15f3292116d12668e991edd2f549-CC-11041-20110818101025492725

Exhibit B

To: Bleeding Edge, Inc. (service@addipvalue.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85408085 - BLEEDING EDGE - B016.T001
Sent: 12/16/2011 9:59:52 AM
Sent As: ECOM111@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

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

APPLICATION SERIAL NO. 85408085

MARK: BLEEDING EDGE

85408085

CORRESPONDENT ADDRESS:

MARK L. SEIGEL
WEATHERLY SEIGEL LLC
115 PERIMETER CENTER PL NE STE 1082
ATLANTA, GA 30346-1245

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Bleeding Edge, Inc.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

B016.T001

CORRESPONDENT E-MAIL ADDRESS:

service@addipvalue.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

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

ISSUE/MAILING DATE: 12/16/2011

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

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark BLEEDING EDGE is refused because of a likelihood of confusion

with the mark BLEEDING EDGE in U.S. Registration No. 3605823. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); TMEP §§1207.01 *et seq.*

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361-62, 177 USPQ 563, 567 (C.C.P.A. 1973); *In re 1st USA Realty Prof'ls Inc.*, 84 USPQ2d 1581, 1584 (TTAB 2007); *see also In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

MARKS ARE IDENTICAL

These marks are identical. In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation, and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b)-(b)(v).

In the present case, applicant's mark is BLEEDING EDGE and registrant's mark is BLEEDING EDGE. Thus, the marks are identical in terms of appearance and sound. In addition, the meaning, connotation, and commercial impression of the marks do not differ when used in connection with the parties' respective services.

Thus, the marks are confusingly similar.

SERVICES ARE IDENTICAL

In a likelihood of confusion analysis, the comparison of the parties' goods and/or services is based on the goods and/or services as they are identified in the application and registration, without limitations or restrictions that are not reflected therein. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999); *see Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267-68, 62 USPQ2d 1001, 1004-05 (Fed. Cir. 2002); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1638-39 (TTAB 2009); TMEP §1207.01(a)(iii).

In the present case, applicant's services are recited below.

Computer services, namely, consulting in the field of computer hardware and software, integration of computer systems, network management, information technology consultation, and maintenance of computer software for others, designing and implementing web sites for others, hosting web sites for others, graphic design and animation for others, interactive multimedia design, computer graphics services featuring 3D modeling, and computer software programming; Design for new product development, industrial design and media design, namely images, texts, audio and video data

Furthermore, the registrant's services are identified as follows.

Computer services, namely, search engine optimization; Creation, design, development and maintenance of Web sites for third parties; Graphic design services; Software design and development

Thus, the goods and/or services are identical, and it is presumed that they move in all normal channels of trade and are available to all potential customers. *See Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *In re La Peregrina Ltd.*, 86 USPQ2d 1645, 1646 (TTAB 2008); TMEP §1207.01(a)(iii).

Accordingly, the goods and/or services are considered related for purposes of the likelihood of confusion analysis.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

CLAIM OF OWNERSHIP OF REGISTRATIONS

If the mark in the cited registration has been assigned to applicant, applicant can provide evidence of ownership of the mark by satisfying one of the following:

- (1) Record the assignment with the Office's Assignment Services Branch (ownership transfer documents such as assignments can be filed online at <http://etas.uspto.gov>) and promptly notify the trademark examining attorney that the assignment has been duly recorded;
- (2) Submit copies of documents evidencing the chain of title; or
- (3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"Applicant is the owner of U.S. Registration No. 3605823."**

TMEP §812.01; *see* 15 U.S.C. §1060; 37 C.F.R. §§2.193(e)(1), 3.25, 3.73; TMEP §502.02(a).

Merely recording a document with the Assignment Services Branch does not constitute a response to an Office action. TMEP §503.01(d).

POSSIBLE LOSS OF TEAS PLUS STATUS AND PAYMENT OF ADDITIONAL PROCESSING FEE

If the applicant is the owner of the cited registration, the applicant will lose its TEAS PLUS status. The applicant will also be required to pay submit an additional application processing fee of \$50 per class because the application as filed did not meet the TEAS Plus application filing requirements. *See* 37 C.F.R. §§2.6(a)(1)(iv), 2.22(a), (b); TMEP §§819.01 *et seq.*, 819.04. Specifically, the following application filing requirement was not met: a claim of ownership of applicant's prior registration(s) for the same mark was not provided.

The additional fee is required even if applicant later corrects these application requirements.

Applicant should provide a current telephone number with its response to expedite processing. TMEP §302.03(a).

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

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

/Geoffrey Fosdick/
Geoffrey Fosdick
Trademark Attorney
Trademark Office 111
(571) 272-9161
geoffrey.fosdick@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

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

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

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

DESIGN MARK

Serial Number

77565179

Status

REGISTERED

Word Mark

BLEEDING EDGE

Standard Character Mark

Yes

Registration Number

3605823

Date Registered

2009/04/14

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

GBS Enterprises, L.C. LIMITED LIABILITY COMPANY FLORIDA 9001 Las
Maderas Unit #201 Bonita Springs FLORIDA 34135

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer services, namely, consulting in the field of computer hardware and software, integration of computer systems, network management, information technology consultation, and maintenance of computer software for others, designing and implementing web sites for others, hosting web sites for others, graphic design and animation for others, interactive multimedia design, computer graphics services featuring 3D modeling, and computer software programming; Design for new product development, industrial design and media design, namely images, texts, audio and video data. First Use: 2008/09/05. First Use In Commerce: 2008/09/06.

Filing Date

2008/09/08

Examining Attorney

SALEM, AISHA

Bleeding Edge

To: Bleeding Edge, Inc. (service@addipvalue.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85408085 - BLEEDING EDGE - B016.T001
Sent: 12/16/2011 9:59:53 AM
Sent As: ECOM111@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON **12/16/2011** FOR
SERIAL NO. 85408085

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable [response time period](#). Your response deadline will be calculated from **12/16/2011** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

Exhibit C

Mark Seigel

From: Mark Seigel
Sent: Wednesday, March 28, 2012 11:28 AM
To: 'gbsingh@yahoo.com'
Subject: 2012-03-28 to Singh - BLEEDING EDGE - Consent to Service by e-mail



115 Perimeter Center Place, NE, Suite 1082
Atlanta, Georgia 30346-1245
(770) 395-5920 (main)
(770) 395-5921 (fax)
www.addipvalue.com

Bleeding Edge, Inc. v. GBS Enterprises, LLC.
Cancellation No. 92054944
Mark: BLEEDING EDGE

Dear Mr. Singh:

This confirms our agreement via teleconference that both parties agree to accept service of papers in this proceeding by electronic mail pursuant to Fed.R.Civ.P. 5(b)(2)(E).

Sincerely,

Mark L. Seigel
770-395-5924 (direct)
seigel@addipvalue.com

NOTICE: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information that the sender intends for the addressee solely to receive and use. If you are not the addressee, you may not read, disseminate, distribute, copy, or otherwise use this message or its attachments or rely on any of the advice offered in the message. If you have received this message in error, please (1) notify the sender immediately by telephone 770-395-5920 or by electronic mail and (2) destroy all paper, electronic, and other forms of this message. Thank you.

No attorney/client relationship is formed with Weatherly Seigel LLC in the absence of a signed Engagement Letter.

Exhibit D

Mark Seigel

From: Mark Seigel
Sent: Wednesday, March 28, 2012 2:08 PM
To: 'gbsingh@yahoo.com'
Subject: 2012-03-28 to Singh - BEI Initial Disclosures
Attachments: 2012-03-28 - BEI Initial Disclosures.pdf; Lynx_Real_Estate_Proposal_May_18_2006 - redacted.pdf; MSA Proposal - redacted.pdf; MSA_screen_capture_2007 resized.pdf; Reese Christian Proposal Revised - redacted.pdf; BE_brochure resized.pdf; BE_brochure.cover resized.pdf; Bleeding Edge Original Website Screen Cap 2002 resized.pdf; bleedingedge_whois_registry_creation-date_25-feb-2002.pdf; Capture24 Jul. 08 15.36.pdf; Coldwell Banker Proposal Oct 3,2006 - redacted.pdf; Creation_Back_Cover_Audiobook_2001.pdf; Creation_Front_Cover_Audiobook_2001.pdf; DrKlein_proposal - redacted.pdf; IHOP Production Specifications and Estimate - redacted.pdf; kleinbrochure_final_back resized.pdf; kleinbrochure_final_front_july11_2003 resized.pdf; Lynx Screen Cap 2006 resized.pdf



115 Perimeter Center Place, NE, Suite 1082
Atlanta, Georgia 30346-1245
(770) 395-5920 (main)
(770) 395-5921 (fax)
www.addipvalue.com

Mr. Singh:

Please find attached Bleeding Edge, Inc.'s initial disclosures, along with documents labeled BEI000001 - BEI000033.

Sincerely,

Mark L. Seigel
770-395-5924 (direct)
seigel@addipvalue.com

NOTICE: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information that the sender intends for the addressee solely to receive and use. If you are not the addressee, you may not read, disseminate, distribute, copy, or otherwise use this message or its attachments or rely on any of the advice offered in the message. If you have received this message in error, please (1) notify the sender immediately by telephone 770-395-5920 or by electronic mail and (2) destroy all paper, electronic, and other forms of this message. Thank you.

No attorney/client relationship is formed with Weatherly Seigel LLC in the absence of a signed Engagement Letter.

**Mark: BLEEDING EDGE
Registration No. 3605823**

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

Bleeding Edge, Inc.,)	
)	
Plaintiff,	)	Registration No. 3605823
)	
v.	)	Mark: BLEEDING EDGE
)	
GBS Enterprises, L.C..)	
)	
Defendant.)	
)	
_____)	

PLAINTIFF’S INITIAL DISCLOSURES

COMES NOW Plaintiff Bleeding Edge, Inc., and submits the following initial disclosures pursuant to 37 CFR § 2.120.

1. The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

Robert Burgner

Mr. Burgner is likely to have discoverable information about the selection, adoption, and use of Plaintiff's Mark.

Mr. Burgner can be reached through counsel for Plaintiff.

2) A copy — or a description by category and location — of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Documents concerning the selection, adoption, and use of Plaintiff's Mark. All documents, electronically stored information, and tangible things in Plaintiff's possession, custody or control that Plaintiff may use to support its claims or defenses, unless the use would be solely for impeachment, will

Mark: BLEEDING EDGE
Registration No. 3605823

be made available for inspection and copying at the offices of Weatherly Seigel LLC, 115 Perimeter Center Place NE, Suite 1082, Atlanta, Georgia 30346, at a mutually agreeable time and place. Plaintiff is producing with these Initial Disclosures documents labeled BEI000001 – BEI000033.

/Mark L. Seigel/
Attorney for Plaintiff
Weatherly Seigel LLC
115 Perimeter Ctr Pl NE Ste
1082
Atlanta, GA 30346
770-395-5920
seigel@addipvalue.com

**Mark: BLEEDING EDGE
Registration No. 3605823**

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

Bleeding Edge, Inc.,)	
)	
Plaintiff,	)	Registration No. 3605823
)	
v.	)	Mark: BLEEDING EDGE
)	
GBS Enterprises, L.C.,)	
)	
Defendant.)	
)	
_____)	

CERTIFICATE OF SERVICE

I certify that on March 28, 2012 I served Defendant with a copy of the foregoing PLAINTIFF'S INITIAL DISCLOSURES by electronic mail to gbsingh@yahoo.com.

/Mark L. Seigel/
Attorney for Plaintiff

BLEEDING EDGE

where technology meets imagination



**Kaiser
Permanente**



City Grill



**Theater in the
Square**



Music Videos



Documentary

Marketing is designed to elicit an emotional response. Buyers make decisions not with their heads, but with their hearts. Do you want to increase sales, maximize corporate branding, or enhance recruiting?

Professionally produced video can accomplish that like no other medium. With our creative team providing memorable writing, original music, and eye catching visuals, your audience will see, hear, and remember your message.

digital video produced for internet, intranet, cd-rom and dvd delivery

encoded to allow for progressive streaming from HTML servers over dial up modems

multiple versions of each movie based on clients bandwidth - from 28.8 to T1

Video Services

streaming video

interactive CDs

music videos

corporate promotional

digital video editing

video fx

Audio Services

music composition

production & engineering

SFX

film/video scoring

voice overs

digital editing and mastering

Bleeding Edge is a digital design and production group that helps clients deliver branded, entertaining media.

Whether managing your next video project, or developing interactive media for cd, dvd, or the web - Bleeding Edge will lead you from concept to project completion, developing rich media experiences that go beyond the state of the art to tell your story in an engaging and entertaining way

Our facility includes:

- 1000 sq. ft. sound stage
- State of the art digital editing suite
- Spacious green room
- Comfortable conference room

2135E Defoor Hills Rd

Atlanta, GA 30318

404.352.8960

www.bleedingedge.tv

BLEEDING EDGE

where technology meets imagination

music composition

Streaming Video
Digital Editing
Interactive Media
Music Videos
corporate promotional

BLEEDING EDGE

where technology meets imagination



Click images
for video
examples

Message
from our
ceo

Watch & listen
to our latest
music video



HOME

contact

music videos

audio production

video production

streaming media

roll your mouse over these
buttons to discover what
Bleeding Edge can do for
you and your company

click icons to the left for
short videos on the
process of streaming

click these icons
for original
music examples

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Contact Webmaster

Whois Server Version 1.0

Domain names can now be registered with many different competing registrars. Go to <http://registrar.verisign-grs.com/whois/> for detailed information.

Domain Name: BLEEDINGEDGE.TV
Registrar: ENOM, INC.
Whois Server: whois.enom.com
Referral URL: <http://www.enom.com>
Name Server: NS1.BLUEHOST.COM
Name Server: NS2.BLUEHOST.COM
Status: CLIENT-XFER-PROHIBITED
Updated Date: 27-feb-2012
Creation Date: 25-feb-2002
Expiration Date: 25-feb-2013

>>> Last update of whois database: Tue, 13 Mar 2012 13:38:33 EDT <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign's ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .cc, .tv, and .jobs domains and Registrars.

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or



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Realty Atlanta, Inc. is a Full Service real estate company serving the greater metropolitan Atlanta area and other areas of Georgia.

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[National Land Corp](#)

[Hemlock Holdings](#)

PROPOSAL FOR A WEBSITE

From:

Rob Burgner
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318

To:

Rusty Willis
Managing Broker
Coldwell Banker Residential Brokerage
1370 North Highland Avenue
Atlanta, GA 30306

INTRODUCTION

Bleeding Edge is an Atlanta based design firm committed to providing excellence in client service. Bleeding Edge has the ability to draw from an experienced base of personnel while maintaining a personalized form of business liaison. Our goal is to meet and exceed client expectations.

Bleeding Edge calls on a combination of talents, including:

Web Designers

Graphic and Motion Graphic Artists

Programmers PHP; Cold Fusion; ASP; ASP.NET; HTML; Javascript; ActionScript; Visual Basic

Copywriters

Internet Marketers

Photographers

Videographers

THE TEAM

Rob Burgner will oversee all aspects of the site development from design to programming to marketing. He will also be the art director - responsible for the look and design of the site – supervising the work of our team of programmers, designers, graphic artists and creatives.

CIO/Programmer Miriam Lannes will supervise the functional component of this site, programming, database interactivity, and site testing. Miriam's experience is extensive and includes expertise in database interactivity and programming as well as design.

E-Creator Evita Chou will produce or oversee the completion of all design work. Of course, the general feel, navigation and “look” of the site are completed in close consultation with you.

The time the site takes to load as well as browser review to ensure the site can be viewed by the vast majority of computers is ensured by viewing your site on several different computer systems with various browsers. Only when your site is acceptable to all users is the site uploaded for hosting and general viewing.

Once the site is completed, the Bleeding Edge team reviews the site from many different angles. From navigation to ease of contact to time loading – every possible angle is reviewed to ensure maximum functionality of the site. This ensures the highest possible viewing rate.

SITUATION ANALYSIS

MyIntown.com Website - Overview

From our conversation I have identified the following objectives:

- Creation of a database driven website for employee use, accessible via internet.
- Complete Site Search Function built in.
- The only page available to the public will be the login page.
- Request is to build the site in phases.

MyIntown.com Website - General

- Overall design emphasis is on easily accessible information, useful tools, clean design and well organized content.
- Focus on intuitive and clear navigation.
- Combination of both static information and a CMS (content management system) to allow administrators to update site information easily and directly.
- Tasteful use of enhanced video, graphics and images where appropriate to increase visual appeal, ease of use and functionality.

Phase 1 would include the construction of the entire database structure, allowing for the storage/exchange of agent data, transaction data, and general information/resources.

Phase 1 - Specific

- Creation of 3 membership levels: ADMIN, ASSISTANT ADMIN, AGENT
- Registration process: Anyone can register for AGENT membership, registration becomes active when approved by ADMIN. (ADMIN will be notified by email of new registration). ADMIN has full control over access levels and can upgrade AGENT level to ASSISTANT ADMIN.

➤ Description of levels:

❑ AGENT LEVEL

- Can enter or change their own personal information as follows:
 - Agent Name
 - Birthdate
 - Home Address
 - Voice Mail Phone Number
 - Cell Phone Number
 - Home Phone Number
 - Home Fax Number
 - Real Estate License Number
 - Board Membership Info – MDC info
- Can enter or change transaction information as follows:
 - Address
 - Buyer Controlled Sale - &/or
 - Seller Controlled Sale
 - Buyer Name
 - Seller Name
 - Co-op Name and Contact
 - Sales Price
 - Closing Date
 - Closing Attorney
 - PAC Done
 - Mortgage Provider
 - Commission Collected
 - Agent Earnings
- Can view but not change all the common information (calendar, documents library, CMS pages, phone lists, birthday list, videos ...)

❑ ASSISTANT LEVEL

- Can enter, change or delete AGENT personal information.
- Can enter, change or delete TRANSACTION information.
- Can upload or delete documents (pdf, doc, xls, etc.) to the documents library with up to 3 different pre-determined categories (eg: Listing Forms, Buyers Forms, etc.)
- Can create HTML pages in two CMS categories: (Articles of Interest and Library).
- Can add/delete events to calendar.

❑ ADMIN LEVEL

- Can approve, delete or change access level for members
- Can enter, change or delete AGENT personal information
- Can enter, change or delete TRANSACTION information

- Can upload or delete documents (pdf, doc, xls, etc.) to the documents library with up to 3 different pre-determined categories (eg: Listing Forms, Buyers Forms, etc.)
- Can create HTML pages in two CMS categories: (Articles of Interest and Library).
- Can add/delete events to calendar.
- Links page with the weblinks of your choosing – i.e. industry links, magazines, regulatory agencies, governmental agencies, etc.
- Calendar of monthly events.
- Phone Listing populated from database.
- Quick Contact function for instant emails.
- Library
- General Interest Articles.
- Birthday List populated from database.
- Listing forms.
- Buyers forms.
- “How to...” library.
- Phase 1 automated functions:
 - ❑ Delivery of an email to ADMIN every time someone registers so they can be approved.
 - ❑ Delivery of an email to ADMIN every time an agent enters or changes their personal information.
 - ❑ Generation of birthday emails to agents.
 - ❑ In Phase 1, Calendar displays events but does not execute layered, automated reminders.
 - ❑ Generation and display of phone lists and birthday lists of the members.
 - ❑ Generation of “Quick Links” to send emails to members
- Video Library – Hyperlinks to downloadable video files in format of your choice - mp3, mpeg-4, .mov, .wmv, mpeg-2, .avi, or Flash video. *

PROPOSAL

Based on the information provided in our meeting.

We can develop the *Phase 1* requirements for the MyIntown.com site in 10 weeks for a cost of : \$^{Redacted}

Here are the costs broken down:

Navigation Plan and Site Design

\$^{Redacted}

Database Design, Testing and Implementation

§Redacted

* Video capture and encoding for the library will be a nominal charge based on the volume of work.

We require a deposit of 40% of phase one costs to begin work – 30% upon completion of the site design, database construction, and static pages (approximately 7 weeks) and the remaining 30% upon completion of phase one.

Thanks from the team at Bleeding Edge!

Please contact us with any questions or concerns.

*Rob Burgner
CEO
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318*

404.352.8960

rob@bleedingedge.tv
<http://www.bleedingedge.tv>

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Lisa Michaels

Is the founder and director of the Institute of Conscious Expression, a company dedicated to personal and spiritual growth. As a teacher and explorer of consciousness and the divine, Lisa has facilitated many people on their profound journey of personal transformation through her course work on the Elemental Forces of Creation™, Expressive Dance™, and Awakening to the Divine Feminine™.

USA \$39.99

ISBN 0-9715994-0-4 Order # M33M

CONTENTS: 6 cassettes with work book
Running time approximately 4.5 hours

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Published by the Institute of Conscious Expression, Co.
Manufactured in the U.S.A.

Written & read by Lisa Michaels. Made by Robert Bergman. Recorded, edited & engineered at Standing Edge, Atlanta, GA. Graphics design by Presscott Hill.



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The Elemental Forces of CREATION™

6-Part Audio Book
with Workbook



Consciously Create Your Life
Using the Power of
Earth, Water, Air, Fire & Spirit

Presented By

Lisa Ann Michaels

Hello Suzanne

Based on our previous conversations I've included price quotes for the various media services we've discussed. I've broken it out into separate projects and line items.

All video production services are based on using Canon XL1 3ccd digital cameras with a complete production package including an Arri softbox lighting kits, backdrop, lavalier mics, booms, and a Sony PVM monitor to review the footage on location.

Encoding/compression for web distribution will include a master file and 3 versions of the movie. One each for 28.8 modems, 56K modems, and cable/DSL modem. The master movie is a "sniffer" file that will determine the viewers bandwidth and provide them with the appropriate movie.

To give you an idea of what video would look like on your website, I did a mock-up of your homepage that features two sample videos. Just click on the following url to go to the test page and click on the two navigation buttons I added underneath your existing navigation bar. One button says "Video Testimonials", the other says "Laser Resurfacing Demo." (One of the movies actually is a video testimonial.)

http://www.bleedingedge.tv/drklein_test/indexmain.htm

Patient testimonial

Location shoot - broadcast quality

Editing/Encoding/Compression for web distribution - 3 versions for each video

\$Redacted

Each additional testimonial – if shot on the same day/same location

Editing/Encoding/Compression– 3 versions

\$Redacted

Discount for shooting in my studio

(subtract \$Redacted)

(For example, 3 testimonials shot on location w/editing & encoding would be \$Redacted)

Laser Demonstration Video

Location shoot

Includes Editing/encoding/Compression for web - 3 versions for alternate bandwidths

\$Redacted

Video Business Cards

Setup/CDR Mastering - based on using the patient testimonials, laser demonstration video, and a micro-version of the website – with printable versions of your brochures and any discount coupons for product , plus any supporting material/product info etc.

\$Redacted

(I would recommend that in addition to the media listed above, that we film a short auto-play introduction for the video business card that features either Dr Klein, Connie, or one of your office team to serve as an opening video to tie all the material together. If we shot it on the same day as the testimonials or the Laser Demo I can shoot it for an additional \$Redacted)

Graphic Layout for Card

\$Redacted

Duplication costs (4 color silk-screens only available in quantities of 1000 or more) w/clear plastic or vinyl sleeves:

100	3.95ea	\$Redacted
250	2.99ea	\$Redacted
500	2.59ea	\$Redacted
1000	2.29ea	\$Redacted

Custom cuts are an additional .30 per card if you are interested, otherwise the standard Video Business card is 80mm x 62.5, about the size of a regular business card, and hold 80MB of information

Website changes

Your website is layed out quite well, and is visually pleasing if a bit wordy. Connie is trimming the the verbiage down and I can make any changes, including text, graphics, buttons, etc. on an hourly and ongoing basis - but it appears very few changes need to be made.

\$^{redacted} hr

Brochure

Based on text and photos being provided – we can do the graphic design and provide printer ready files – providing you with up to 3 separate proofs for approval.

\$^{redacted}

Duplication costs (I will typically shop for deals on printing when the brochure is ready, but here are some pricing guidelines.)

Full color double-sided 100# gloss tri-fold

500	\$ ^{redacted}
1000	\$ ^{redacted}
5000	\$ ^{redacted}

Photography

The day rate for models in Atlanta is \$1225, and the photographers I spoke with all strongly suggested using a professional model for a shoot of this nature. If you would like me to locate an “aspiring” actress/model or two for a shoot that is non-union and would do it for less, I’ll see what I can do – just let me know.

Thanks again for your time and consideration, and please contact me if you have any questions.

Rob Burgner
Media Specialist
Bleeding Edge

404.352.8960

Rob@bleedingedge.tv

PRODUCTION SPECIFICATIONS AND ESTIMATE

10-21-2006

Mohamed,

Thank you for your interest in our services. Based on our conversation, I can offer you the following package for production of a 30 minute looping promotional DVD.

Locations (1):

Franchise location of your choice. One day video shoot.

Scene(s) one. (Chefs and Kitchen Staff).

Various shots of staff busily going about their business. Time frame of approximately 11 am to 7 pm to allow staff from other restaurants to be included in the video.

Scene(s) two. (Wait Staff)

Various shots of wait staff happily serving customers. Same time frame as above to allow for staff from other locations to participate.

Scene(s) three. (Customers)

Various shots of satisfied customers throughout the day.

Scene(s) four. (Food Shots)

Various shots of perfectly prepared dishes to intersperse throughout the DVD.

Scene(s) four. (Location)

Several exterior shots of location.

Stock Footage

Additional stock footage, photographs and graphics provided by IHOP marketing division.

Titling and Text throughout for silent version.

Provided by Bleeding Edge.

Voice Over, Music and Script: Voice over talent provided by Bleeding Edge. Music provided by Bleeding Edge. Script completed in consultation with client.

Production requires the following crew:

Production:

Director/Camera Operator

Director of Photography/Gaffer

Pre-Production:

Producer

Production Manager

Post-Production:

Non-Linear Editing Suite with Editor

Graphic Artist

Motion Graphics Artist

Voice Over Artist

Voice Over Studio Time

Audio Engineer

Total Cost for 30 minute looping Infomercial/DVD:

\$^{Redacted}

Time Frame: Video shoot can be scheduled immediately. Project can be completed in 4 weeks after video shoot and delivery of IHOP stock photography and graphics.

Please contact myself or Maureen if you have any questions, and thanks from the team at Bleeding Edge!

Rob Burgner

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Maureen O'Rear

COO

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maureen@bleedingedge.tv

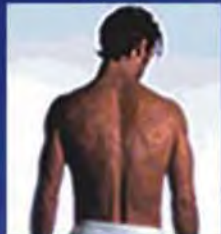
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MicroLaserPeel



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Weekend laser peel with no down time

Erbium Laser Peel

Removal of wrinkles, scars and sun damage

Laser Hair Removal

Permanent hair removal for all skin types

Laser Spider Vein Treatments

Rosacea, vascular lesions on legs

Botox

Temporarily eliminate fixed expression lines

Medical Microdermabrasion

Skin care programs enhance all treatments

Surgical Procedures

Breast Enhancement

Breast augmentation, reduction, and lifts

Liposuction

Remove resistant pockets of unwanted fat

Tummy Tuck

Eliminate skin and fat while firming muscles

Face Lift

Repositions skin, lifts underlying muscle

Eyelid Surgery

Corrects loose skin of lid and fat pad below

Nose Reshaping

Straightens, resizes and reshapes tip

Forehead and Brow Lift

Minimize deep lines & furrows of the brow

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are ready
to look as
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Lynx is a full-service brokerage firm, with deep expertise in the acquisition, sale and leasing of investment property and commercial real estate including retail stores, offices, medical offices, shopping centers, and land throughout the U.S.

Our team has many years of success representing [buyers](#), [sellers](#), [landlords](#), [tenants](#), [investors](#) and [developers](#) in hundreds of transactions. Our [Marketing Services](#) and [Acquisition Strategies](#) are extremely proactive and process oriented. Lynx provides a customized plan for each client.

Information is critical to your mission, whether it is acquisition, leasing, or disposition. The better information you have, the better decisions you can make. Through lynxre.com, physiciansadvocate.com, and our customized client home pages ([MyLynx](#)) we provide up to date property searches, real time transaction information, archives of previous transactions, and useful information on [1031 exchanges](#), lease negotiations, [tax tips](#), and more. **Market knowledge and timing** are critical to your success. Lynx provides both.

Our advisory services, strategic outlook and a process oriented approach help us diagnose your needs now and in the future. Whether you are near retirement, or trying to get there, a Lynx professional will assess your situation and develop a customized plan to accomplish your goals. Whether you are in the midst of a [1031 exchange](#), [sale](#), or [acquisition](#) - lease or purchase, a plan and process will provide a road map that will show you the way to your goals. Call us today at (404) 477-2044 or email info@lynxre.com for more information.

[Healthcare Real Estate Advisors](#) is focused on the commercial real estate needs of physicians including [buyer](#) / [tenant](#) representation, strategic site selection, lease negotiation, marketing services and investment strategies. With years of healthcare experience focusing on the physician's end of the transactions, HREA can help. For more information on HREA or Healthcare Properties, call (404) 477-2044 or email info@MyHREA.com.



10,000 SF Assisted Living Facility in Smyrna for Sale

Newsletters and Articles

Issue Highlights
[More Newsletters...](#)

30 Yr FXD avg	6.09%	
15 Yr FXD avg	↓ 5.66%	
5/1 ARM avg	↓ 5.51%	
1 Yr ARM avg	↓ 5.06%	
<hr/>		
11th District COFI	↓ 3.111%	
30 Year Treasury	↓ 4.64%	
Federal Funds (target)	- 2.00%	

PROPOSAL FOR A WEBSITE

From:

Rob Burgner
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318

To:

Todd Perman
Andy Sutton
Lynx Real Estate, Inc.
Healthcare Real Estate Advisors

INTRODUCTION

Bleeding Edge is an Atlanta based design firm committed to providing excellence in client service. Bleeding Edge has the ability to draw from an experienced base of personnel while maintaining a personalized form of business liaison. Our goal is to meet and exceed client expectations. The project is not complete until you are completely satisfied.

Bleeding Edge calls on a combination of talents, including:

Web Page Designers

Graphic Artists

Programmers PHP; ASP; ASP.NET; CMS; HTML; Javascript; ActionScript

Copywriters

Internet Marketers

Photographers

Videographers

THE TEAM

Rob Burgner will oversee all aspects of the site development from design to programming to marketing. He will also be the art director - responsible for the look and design of the site – supervising the work of our team of programmers, designers, graphic artists and creatives.

Web Designer/Programmer Miriam Lannes will supervise the functional component of this site, program the database interactivity, and perform site testing. Miriam's experience is extensive and includes expertise in database interactivity and programming as well as design. Miriam will also be responsible for the

coding of the site in such a way as to ensure the site can be easily located in a targeted search and climbs to the top of the search engines.

Rob will produce or oversee the completion of all design work. Of course, the general feel, navigation and “look” of the site are completed in close consultation with you.

The time the site takes to load as well as browser review to ensure the site can be viewed by the vast majority of computers is ensured by viewing your site on several different computer systems with various browsers. Only when your site is acceptable to all users is the site uploaded for hosting and general viewing.

Once the site is completed, the Bleeding Edge team reviews the site from many different angles. From navigation to ease of contact to time loading – every possible angle is reviewed to ensure maximum functionality of the site. This ensures the highest possible viewing rate.

SITUATION ANALYSIS

From our discussion, I have identified the following objectives:

Lynx Real Estate Website - General

- Commercial Real Estate Transactions and Investments. Primary objectives:
 - Inspire site visitors to contact Lynx for representation.
 - Provide state-of-the-art interactivity for current and future clients.
 - Supply a wellspring of information – taking a problem - solution approach to frequently asked questions.
- Provide a complete CMS (content management system) to allow Lynx employees to update site information easily and directly.
- Tasteful use of enhanced video, graphics and images where appropriate to increase the visual appeal of the site.
- Focus on intuitive and clear navigation that leads inexorably to contacting Lynx through online requests or direct contact depending on user preference.
- Provide visitors with easily accessible (and useful) information and tools.
- Position Lynx as technologically advanced and web savvy – the leader in the industry.
- Support the image development and branding of the company.
- Overall design emphasis is on easily accessible information, clean but eye-catching design and well organized persuasive content.

Lynx Real Estate Website - Specific

- *Index page* describing Lynx Real Estate– grabbing the interest of viewers and enticing them to dig deeper into the site, absorbing information while being persuaded to make

- contact. Password protected access to “client lounge” that provides innovative ways to receive and send information to Lynx.
- As many “pages” as needed to provide information to visitors and clients. Some but not all of the sections will be:
 - Investment services
 - Land
 - Leasing Services
 - Tenant Representation
 - Buyer Representation
 - Sell or Lease your Property
 - Buy or Lease Property
 - Brokerage Services
 - Demographics
 - Governmental Resources
 - Tax Information/Tips
 - 1031 Exchange Information
 - Contractor/Builder Resources
 - Testimonials
 - Database functionality: Content completely updatable by Lynx personnel/administrators.
 - Searchable database of Lynx properties for sale or lease with pertinent info regarding size/acreage, zoning, location etc. and downloadable info such as specs, plat maps etc.
 - Archive of newsletters searchable by date and subject matter.
 - Archive of articles.
 - Production of private, password protected Client Pages, mylynx and myhrea, one for each important client to facilitate exchange of information, forms, plats etc. Allowing for delivery of customized information to each client.
 - General Forms available to all for download.
 - Interactivity and connectivity with existing CRM software.
 - *About Us* page including more information about Lynx Real Estate and the principals – another opportunity to promote the company.
 - *Links page* with the weblinks of your choosing – i.e. industry links, magazines, regulatory agencies, governmental agencies, etc.
 - *Contact information page*
 - *Request Information form field*

Healthcare Real Estate Advisors

- Located on the Lynx Real Estate site initially, with a narrower focus: Benefits for representation for M.D.s:
 - Reducing overhead
 - Expanding practices
 - Increasing Net Worth
- Other than a narrower demographic focus, will provide the same services as Lynx Real Estate – accessing the same database and information.

Excelvation Strategy Session. (Optional – recommended)

Process

3-hour Interview Session with principals of client company
Competitive Market Research
Search Engine Keyword Research
Navigation and Visitor Persuasion Brainstorming

Deliverable: Flight Plan

- Organization Overview
- Strategic Position Statement
- Flight Plan Overview
- Competitive Market Review
- Site Visitor Profile
- New Site Purpose and Goals
- New Site Performance Goals
- New Site Navigation Plan
- Visitor Persuasion “Maps”
- New Site Design Considerations
- New Site Content Considerations
- Search Engine Optimization Strategy
- Search Phrase Research Workpapers

The Flight Plan should provide a roadmap for content creation and provide the keywords that will have the greatest impact – and produce the most noticeable results - with the search engines.

The Flight Plan will be presented in a 90-minute meeting with the principals.

Corporate Identity Package

- Refine and improve current Lynx Logo.
- Design and produce Healthcare Real Estate Advisors Logo. 3-5 concepts with 2 sets of revisions and final logo supplied in various formats (.eps, .png, .jpg, .tif).
- Stationary. 2-3 concepts for Letterhead, Envelopes, Email templates and Business Cards.
- Preparation of template for newsletters and e-newsletter.
- Preparation of template for flyer and e-flyer.
- Preparation of HTML signature with links for email blasts.
- Preparation of generic label template for packages.

- Master list of company fonts, colors, etc. approved for dissemination.
- Preparation of files and Print supervision. (Printing costs not included.)

Additional Services (Price is wrapped into total bid – elements are wrapped into site design, copywriting, research, content optimization, and Excelvation strategy sessions.

- Search Engine Optimization. Development of keywords and phrases, metatags and copywriting that optimizes the site for search engine placement. Based on the Search Engine Optimization Strategy and Search Phrase Research Workpapers.

PROPOSAL

Based on the information provided in our meeting.

We can develop the Lynx Real Estate, Inc. site with the Healthcare Real Estate Advisors subsite including all database functionality and the Corporate Identity Package for: \$^{Redacted}

Here are the costs broken down:

Site Design:	\$ ^{Redacted}
Database Design, Testing and Implementation:	\$ ^{Redacted}
Corporate Identity Package:	\$ ^{Redacted}
Copywriting, Research and Content Optimization:	\$ ^{Redacted}
Strategy session with Excelvation:	\$ ^{Redacted}
Discounted	< \$ ^{Redacted} >

We require a deposit of 30% of the project cost to begin work – 30% upon completion of the Identity Package and the remaining 40% upon satisfactory completion of the project. The project is not complete until you are completely satisfied with the results.

Thanks from the team at Bleeding Edge!

Please contact us with any questions or concerns.

*Rob Burgner
CEO
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318*

404.352.8960

rob@bleedingedge.tv
<http://www.bleedingedge.tv>

PROPOSAL FOR A WEBSITE

From:

Rob Burgner
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318

To:

Duane Prickett, SA-C
Midtown Surgical Associates
PO Box 79105
Atlanta, GA 30357

INTRODUCTION

Bleeding Edge is an Atlanta based Website consultant committed to providing excellence in client service. Bleeding Edge has the ability to draw from an experienced base of personnel while maintaining a personalized form of business liaison. Our goal is to meet and exceed client expectations. The project is not complete until you are completely satisfied.

Bleeding Edge calls on a combination of talents, including:

Web Page Designer

Copywriter

Graphic Artist

Programmer

Internet Marketer

Members of your target market

THE TEAM

Rob Burgner will oversee all aspects of the site development from design to programming to marketing.

Web Designer/Programmer Miriam Lannes is the main designer who would complete the design component of this site. Miriam's experience is extensive and includes expertise in database interactivity and programming as well as design. Miriam will also be responsible for the coding of the site in such a way as to increase search engine rankings, including placing key words in the site "meta tags."

Michelle Halstead and Rob will produce any Graphic Design work in excess of the graphics already available. Of course, the general feel, navigation and “look” of the site are completed in close consultation with you.

The time the site takes to load as well as browser review to ensure the site can be viewed by the vast majority of computers is ensured by viewing your site on several different computer systems with various browsers. Only when your site is acceptable to all users is the site uploaded for hosting and general viewing.

Once the site is completed, the Bleeding Edge team reviews the site from many different angles. From navigation to ease of contact to time loading – every possible angle is reviewed to ensure maximum functionality of the site. This ensures the highest possible viewing rate.

SITUATION ANALYSIS

From discussions with you and Chris, we have identified the following objectives;

Midtown Surgical Associates site

- Targeting physicians with small practices or groups
- Generating leads
- Aid positioning of MSA relative to competitors
- Differentiating MSA from competitors
- Demonstrating the expertise and reliability of your team
- Increase ease of contact for prospects and current clients
- Provide clients and prospects with easily accessible (and useful) information and tools
- Position the company as technologically advanced and web savvy
- Aid in image development of the company
- Answer Frequently Asked Questions to cut down on interface time
- List of procedures/specialties supported
- SA employment applications provided
- Include info on state laws (HIPA)
- Emphasize and link to info supporting fight to standardize certifications
- Overall design emphasis is on technology with an “edgier” look and feel

MSA billing site

- Many of the above points plus;
- Emphasizing complete outsourcing of billing
- Will bill for RNFA’s, CRNFA’s, MD’s, PA’s, SA-C’s (I hope all these acronyms are right!)

- MSA billing will call patients
- Offer lectures and seminars on medical billing (30-60 min powerpoint with Q&A)
- Overall design emphasis is on safety with a reassuring, corporate look and feel

PROPOSAL

Based on the information provided in our meeting. We can complete both the MSA and MSA Billing sites at a cost of \$^{Redacted} and complete them both in 4-6 weeks from initiation of a contract.

We require a deposit of 30% of the project cost to begin work and the remaining 70% upon completion of the project.

Thanks from the team at Bleeding Edge!

Please contact us with any questions or concerns.

Rob Burgner
CEO
Bleeding Edge, Inc.
2135E Defoor Hills Rd
Atlanta, GA 30318

404.352.8960

rob@bleedingedge.tv
<http://www.bleedingedge.tv>



MIDTOWN SURGICAL ASSOCIATES



Midtown Surgical Associates P. O. Box 79015 Atlanta, GA 30357

Join us in our fight to standardize certification

- Home
- FAQ
- Employment
- Patient Education
- Links
- Contact Us

- Medical Professionals that are certified and trained
- Available and on call 24/7
- Serving hospitals and outpatient centers throughout the Metro Atlanta Area
- Professionals certified by:
 - National Surgical Assistant Association
 - American Board of Surgical Assistants
 - Association of Surgical Technologist
 - Association of Operating Room Nurses

FIND OUT MORE ABOUT OUR TRAINED STAFF



REQUEST AN ASSISTANT



PROMPT AND EFFICIENT BILLING THROUGH A REPUTABLE BILLING COMPANY



Midtown Surgical Associates – Setting a standard for professionalism and service

When it becomes essential that you have an extra pair of hands during a surgical procedure, MSA is there to provide you with an assistant that is certified, trained and professional. We have the following Surgical Assistants available:

CRNFA, RNFA, CFA, SA-C & CSA

Our assistants are trained in the following specialties:

Gynecological/Obstetrics
 General
 Advanced Laparoscopies
 Neurosurgery
 Orthopaedics
 Plastic & Reconstruction
 Genitourinary
 Ear, Nose & Throat
 Renal Transplant
 Vascular
 Cardiothoracic

Through our Medical Billing Service, we can be your complete outsourcing solution. What sets us apart? [Click here](#) to find out more about our billing service, or [click here](#) to request an assistant now.

[Join us in our fight to standardize certifications!](#)

[click here](#) for information on the Health Insurance Portability and Accountability Act (HIPAA)

Reese Christian Proposal

January 2, 2007

Presage Consultants
770 Old Roswell Place
Suite H-200
Roswell, Ga 30076

Reese,

Thank for allowing us to bid on your project. I've reworked the original proposal and cut costs wherever possible while maintaining quality.

Concept:

Cast: Reese as medium and focal point
Tara and Lori (Ghost Chicks) as investigators
We need someone to "freak out" so we also need:
Guest 1 - an "average Joe"
Guest 2 - a "nervous Nellie"

Progression:

Introduce the site. What happened there, why is it haunted, who reported it, and what have they seen.

Cast will break up into various teams, each given specific tasks for the investigation. Teams can shift as the evening progresses but typically will include Reese, one investigator and one "average guest." We will use the same crew for each team - a camera operator/director, a second camera and an audio tech. The teams will alternate going out from home base (video village.)

{sidebar: have Reese give instruction to the audience on what to do and what to NOT do if you encounter some of these type events.}

Give background on a location, what has happened at this location, what we can expect.

Regroup after site visits to home base, discuss findings, prep for next excursion. Will also need video village for replaying video and audio of suspected events for playback. AV Technician, (1) Production Assistants will be permanently stationed there.

{sidebar: Some crew will remain at home base with a camera in case something happens there, but to remain in radio contact through walkie talkies. Craft services will be located there.}

This treatment would require the following crew:

Production: \$^{Redacted}

(1) Director/Camera Operators

(1) Director of Photography/Camera Operator
(1) Audio Techs
(1) A/V Tech
(1) Production Assistants

Pre-Production: \$^{Redacted}

Producer
Location Scout
Casting Director for 2 guests

Post-Production: \$^{Redacted}

Non-Linear Editing Suite with Editor
Director

Sound Track: \$^{Redacted}

Music composition
Sound design
Scoring

Post-Production for Show Intro – to be reused for future episodes: \$^{Redacted}

Motion Graphics Artist

Cost for this treatment would be \$^{Redacted}

We require a deposit of 25% to begin pre-production.
25% will be due February 1, 2007.
25% is payable one day prior to shoot, anticipated to be March 2, 2007. (Full moon.)
25% is due upon completion of final deliverables. Anticipated date of completion 45 days after shooting.

Deliverables:

30 Minute broadcast ready show in Beta SP and DV formats.

This proposal differs from the initial proposal in the following respects:

One crew to follow the teams rather than two.
Camera Operator 1 will double as Director of Photography.
24P SD cameras – Panasonic DVX100's and Canon XL series.
One production assistant and one AV Tech are out.
Craft services will be handled by Reese.
Storyboard artist and research asst. are out.
Casting director will work for ½ rate
Sound Design and scoring remain but charge for original music composition is waived.
Motion Graphics Artist will work for ½ rate.

Please contact us if you have any questions.

Rob Burgner
CEO
Bleeding Edge, Inc.

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rob@bleedingedge.tv

Jamie Brown
Exec Producer/Writer
Bleeding Edge, Inc.

404.352.8960
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Maureen O'Rear
Producer
Bleeding Edge, Inc.

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maureen@bleedingedge.tv

<http://www.bleedingedge.tv>

Exhibit E

Mark Seigel

From: Mark Seigel
Sent: Tuesday, May 15, 2012 3:16 PM
To: 'gbsingh@yahoo.com'
Subject: 2012-05-15 to Singh - BLEEDING EDGE Petition to Cancel - Additional Documents
Attachments: BEI036 - 2006-08-21 - Lynx Website - Web Archive.pdf; BEI034 - 2006-01-31 - Bleeding Edge Website - Web Archive.pdf



115 Perimeter Center Place, NE, Suite 1082
Atlanta, Georgia 30346-1245
(770) 395-5920 (main)
(770) 395-5921 (fax)
www.addipvalue.com

Bleeding Edge, Inc. v. GBS Enterprises, LLC
Cancellation No. 9205944
Mark: BLEEDING EDGE

Dear Mr. Singh:

Please find attached documents labeled BEI000034-036. BEI000034 is a copy of Bleeding Edge, Inc.'s web site as it appeared on January 31, 2006, and was printed from the Internet Archive. BEI000036 is a copy of a web site created by Bleeding Edge, Inc. for Lynx Real Estate as it appeared on August 21, 2006, and was printed from the Internet Archive.

In your answer, you denied Bleeding Edge, Inc.'s allegations of prior use on the basis that Bleeding Edge, Inc. had not shown any proof of its use prior to your application filing date. The attached materials, together with the documents produced by Bleeding Edge with its Initial Disclosures, are conclusive evidence that Bleeding Edge, Inc. was using its BLEEDING EDGE mark in connection with the advertising and sale of the services identified in its application, including web site design and development, graphic design, and software design, at least as early as 2006, well prior to both your application date and your claimed date of first use. Therefore, Bleeding Edge, Inc. will prevail in its action to cancel your Federal trademark registration on the basis of its prior use.

In light of this evidence, we request that you voluntarily surrender your registration for cancellation. Please confirm whether you will comply with this request.

Sincerely,

Mark L. Seigel
770-395-5924 (direct)
seigel@addipvalue.com

NOTICE: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information that the sender intends for the addressee solely to receive and use. If you are not the addressee, you may not read, disseminate, distribute, copy, or otherwise use this message or its attachments or rely on any of the advice offered in the message. If you have received this message in error, please (1) notify the sender immediately by telephone 770-395-5920 or by electronic mail and (2) destroy all paper, electronic, and other forms of this message. Thank you.

No attorney/client relationship is formed with Weatherly Seigel LLC in the absence of a signed Engagement Letter.



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08 STREAMING MEDIA

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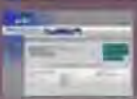
04 TV COMMERCIALS

05 MUSIC VIDEOS



06 WEB DESIGN

09 AND MORE



Welcome to the Bleeding Edge, where technology meets imagination.

Our goal? To redefine what can be accomplished with media.

Our passion? Creating imaginative TV commercials, video productions, and music videos that showcases you through broadcast TV and interactive web design. True multi-medium marketing with continuity across all media - broadcast, Internet, electronic, and print.

Imagine a marketing campaign that starts with a television ad that leads your audience to the internet where you can further market your product, gather information on the customer and allow them to purchase your product or service. Bleeding Edge bridges the divide between television and the web, creating a tandem approach that is an immensely powerful marketing tool. Turn your target audience into prospects, prospects into buyers, and buyers into loyal repeat customers.

Bleeding Edge will lead you from concept to project completion, developing rich media experiences

07 VIDEO REEL



12 OUR TEAM



The Bleeding Edge Client Lounge allows our clients to login and see the progress on their project. Please click here if you have forgotten your password or have problems with login.

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password

12 ENTER LOUNGE



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Our team has many years of success representing buyers, sellers, landlords, tenants, investors and developers in hundreds of transactions. Our Marketing Services and Acquisition Strategies are extremely proactive and process oriented. Lynx provides a customized plan for each client.

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Our advisory services, strategic outlook and a process oriented approach help us diagnose your needs now and in the future. Whether you are near retirement, or trying to get there, a Lynx professional will assess your situation and develop a customized plan to accomplish your goals. Whether you are in the midst of a 1031 exchange, sale, or acquisition - lease or purchase, a plan and process will provide a road map that will show you the way to your goals. Call us today at (404) 477-2044 or email info@lynxre.com for more information.

Healthcare Real Estate Advisors is focused on the commercial real estate needs of physicians including buyer / tenant representation, strategic site selection, lease negotiation, marketing services and investment strategies. With years of healthcare experience focusing on the physician's end of the transactions, HREA can help. For more information on HREA or Healthcare Properties, call (404) 477-2044 or email info@MyHREA.com.



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