

# Exhibit L



Real Estate Tools  
2637 N 400 E #114  
Ogden, UT 84414

January 19, 2011

LandlordSoftware.com, LLC  
375 Rockbridge Rd. Ste 172-114  
Lilburn, GA 30047

**RE: FLIPPER'S Trademark Dispute**

Dear Mr. Rutherford,

I have consulted with my attorney, Mr. Thompson Fehr ([www.fehrlawfirm.com](http://www.fehrlawfirm.com)), regarding your allegation that my products infringe upon your trademark.

After conducting extensive research, we believe that your infringement claim is not valid for the following reasons.

***Flip, Flipper, and Flipping are Standard Real Estate Terms***

The terms *flip*, *flipper*, and *flipping* are standard terms used to describe the process of buying a real estate investment at a discount, and selling it for a profit in a short time, typically less than 1 year. Appendix A shows the definition of these terms from several independent sources.

The terms *flip*, *flipper*, and *flipping* were in common use long before you registered your trademark. Appendix B shows several books that were published prior to 2004 that used these terms. Several seminars and web sites have also used these terms.

The terms *flip*, *flipper*, and *flipping* are not unique to your product. There are at least 20 other software products in the same industry that use these terms in their names and descriptions. A typical customer would not associate the terms *flip*, *flipper*, and *flipping* exclusively with your product. See Appendix C.

The terms *flip*, *flipper*, and *flipping* are used to describe the features of your own product on your web site and in your marketing materials on other web sites. This is strong proof that these terms are descriptive in nature, and necessary to adequately describe the fundamental features, use case, and target audience of your product as well as any other competing product. See Appendix D.

In Chapter 5 of your book, *The Complete Guide to Real Estate Cash Flow Analysis*, you make several references to flipping as a standard real estate term:

"For some, the term flipping has a negative connotation." p. 27

"Even though you may have heard or read that real estate flipping is illegal, it is not." p. 28

"Since real estate flipping has become so popular in recent years..." p. 28

### **The Terms *Flip, Flipper, and Flipping* are Merely Descriptive**

The following are quotes from US trademark law:

“A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, purpose or use of the specified goods and/or services.” TMEP 1209.01(b)

“Two major reasons for not protecting descriptive marks are (1) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace and (2) to avoid the possibility of costly infringement lawsuits brought by the trademark or service owner.” In re Abcor Dev. Corp., 588 F.2d 811, 813, 200 USPQ 215, 217

More specific proof is shown in Appendix E, which contains several Office Actions from the USPTO stating that the terms *flip, flipping, rehab, investor, and investing* are all considered to be merely descriptive, and thus the trademarks were not able to be registered.

In the case of your application for *FLIPPER'S*, the examining attorney clearly overlooked the fact that *flipper* is a standard term in the area of real estate investing, and the trademark should not have been registered in the Principal Register.

Also, Section 2.33 in Title 37 of the Code of Federal Regulations requires trademark applicants to sign a statement verifying that to the best of the applicant's knowledge, the mark is not likely to “cause confusion or mistake, or to deceive; and that the facts set forth in the application are true.” The fact is that the terms *flip, flipper, and flipping* were in widespread use in the real estate industry at the time of your trademark application, and no such disclaimer was included in the application. See Appendix F for proof.

### **The Terms *Flip, Flipper, and Flipping* are Generic**

“Words or symbols commonly used to describe an entire type of product or service rather than to distinguish one product or service from another are known as generic. Generic terms never receive protection because such terms cannot fulfill the function of a mark, which is to distinguish specific goods or services from competing ones. Therefore they belong in the public domain rather than to an exclusive owner.” *Patent, Copyright, and Trademark: An Intellectual Property Desk Reference*, by Attorney Richard Stim, p. 387

The terms *flip, flipper, and flipping* are generic terms in the area of real estate investment. They describe the type of software that is used to analyze short-term flips as opposed to buy-and-hold real estate investments. This is clearly shown in Appendix C, where many software vendors offer one product for analyzing buy-and-hold investments, and another product for analyzing flips.

## **Claiming the Right for Exclusive use of *Flip*, *Flipper*, and *Flipping* would Result in Unfair Competition**

To claim the exclusive right to use *flip*, *flipper*, and *flipping* is a form of unfair competition. Software vendors should compete on the merits of their respective products, not by monopolizing the use of standard terminology within an industry. This is equivalent to someone obtaining a trademark for the words "Real Estate", "Investor", or "Cash Flow" for selling real estate analysis software. They are standard terms used for any software that performs real estate analysis, and no single company should be allowed to monopolize their use.

### **Requested Actions**

We feel that the most reasonable solution to this dispute is to allow each of our products to continue using their respective names. Therefore, we request the following actions:

- 1.) Send an email to Apple immediately, requesting that they do not remove Property Flipper from the App Store.
- 2.) Sign the statement in Appendix G, which gives Wasatch Digital Media, Inc., Real Estate Tools, PropertyTracker.com, and successors or assigns the right to use the terms *flip*, *flipper*, and *flipping* in their product names and marketing materials. Return the signed statement via email and mail within 10 days.

### **Alternative Actions**

Both of our businesses would be much better off by avoiding expensive and time-consuming litigation over this issue. The cost would most likely range from tens to hundreds of thousands of dollars, and you would be unlikely to recover profits, damages, and costs.

"Federal law permits an award of attorneys' fees to a victorious plaintiff, but only when the trademark infringement is exceptional—that is, obviously intentional. The bottom line is this: Unless you are dealing with a clear case of bad intentions, don't count on attorneys' fees in federal trademark litigation." *Trademark: Legal Care for Your Business and Product Name*, by Attorney Stephen Elias, p. 11/3

Another option available to us would be to file a Petition to Cancel your trademarks for *FLIPPER'S* and *REHABBER'S*. This would most likely result in your loss of these trademarks, since they can easily be proven to be descriptive and generic, as described above. The cost for us to do this is only \$300.

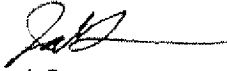
If necessary, we may also choose to file a lawsuit for damages associated with removing Property Flipper from the App Store, and engaging in unfair competition.

Hopefully, none of these alternative actions will be necessary, and we will be able to reach an agreeable solution.

**False Attorney Information?**

By the way, we called Alston & Bird, the law firm that you claimed to be working with in your letter, and they have no record of an attorney named Terrence Smith that works for their firm. He also doesn't show up in the attorney database at Lawyers.com.

Sincerely,



Joel Grasmeyer  
President  
Real Estate Tools

## **Appendix A**

# Flipping

From Wikipedia, the free encyclopedia

**Flipping** is a term used primarily in the United States to describe purchasing a revenue-generating asset and quickly reselling (or "flipping") it for profit. Though flipping can apply to any asset, the term is most often applied to real estate and initial public offerings.

In the residential real estate realm, the term "House Flipping" or to "Flip a House" is often inaccurately used to describe certain real estate investment practices. Flipping is more accurately a term used to describe short term, low effort means of generating profit from real estate. Examples include Wholesaling, contract assignment schemes and fix and flip scenarios.

Flipping is closely related to Real estate investing, practices such as renovation and Rehabilitation (or "Rehabbing") rely on similar principals to flipping. The difference being flipping often relies on profit from market manipulation or buying below value and selling above value and Real estate investing would rely more on improvement of the property, legal use of the property and existing market trends to determine profitability.

Typically, flipping is used to describe practices that have short term profit goals typically using fraudulent or unethical practices. Real estate investing is used to describe practices with legal and ethical means of profit generation from real property, improvement of real property or use of real property.

In the United Kingdom the term is used to describe a technique whereby Members of Parliament were found to be switching their second home between several houses, which had the effect of allowing them to maximize their taxpayer funded allowances.<sup>[1]</sup>

## Contents

- 1 Types of flipping
  - 1.1 Assign a Contract with No Risk Flipping
  - 1.2 Multiple investor flipping
  - 1.3 Real estate flipping
  - 1.4 Second home flipping
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  - 2.2 Rejuvenation and gentrification
  - 2.3 Property values
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Home > Dictionary

# Flipper

### What Does Flipper Mean?

1. A short-term investor or day trader who buys pre-IPO shares, swiftly spinning them out into public markets for a quick profit.
2. A real estate participant who purchases a home, renovates it and sells it for a profit a short time later.



### investopedia explains Flipper

1. Flippers may hold a stock for only 24-48 hours, and therefore are very susceptible to any immediate downturns or upturns in the market. These sudden market shifts can make or break a day trader, whereas a long-term investor could much more easily weather the ups and downs of stormy stocks.
2. Real estate flippers are battling a whole minefield of problems in order to make some big cash. Problems with borrowing, insurance, renovations, inspections, market conditions and more can make a huge dent in the tens of thousands of dollars they could make on one flip.

**Filed Under:** [Insurance](#), [Stocks](#)

### Related Terms

- [Buy, Strip and Flip](#)
- [Day Trader](#)
- [Initial Public Offering - IPO](#)
- [Sweat Equity](#)
- [More Related Terms](#)

### Related Links

- [Top 5 Must-Haves For Flipping Houses](#) - Not everyone can make money in this field. Find out what you need before you buy in.
- [Flipping Houses: Is It Better Than Buy and Hold?](#) - Real estate investors can flip a property or use it for cash flow. Find out which will work in your neck of the woods.
- [5 Mistakes That Make House Flipping A Flop](#) - If you're just looking to get rich quick, you could end up in the poorhouse.

## The 5 Things That Move Currency Markets

### MARKETPLACE

- [Accounting Collage](#)
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flip

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- 1) flip (verb)
- 2) flip (noun)
- 3) flip (adjective)

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1 ridiculously huge coupon a day. Like doing Ogden at 50% off!

'flip

flipped flip-ping

1 : to toss so as to cause to turn over in the air <flip a coin>; also : toss <flip me the ball> <flip one end of the scarf over your shoulder>

2 a : to cause to turn and especially to turn over <flipped the car> <flipping the pages of a book>

b : to move with a small quick motion <flip a switch>

3 : to buy and usually renovate (real estate) so as to quickly resell at a higher price

1 : to make a twitching or flicking movement <the fish flipped and flopped on the deck>; also : to change from one position to another and especially turn over <the car flipped>

2 : LEAF 2 <flipped through the pages>

3 slang

a : to lose one's mind or composure —often used with out

The "Nonversation": User-Submitted Words, Vol. 5

JAN 14 - If You Haven't Had A Ticket In The Last 3 Years, You Are Paying Too Much For Auto Insurance



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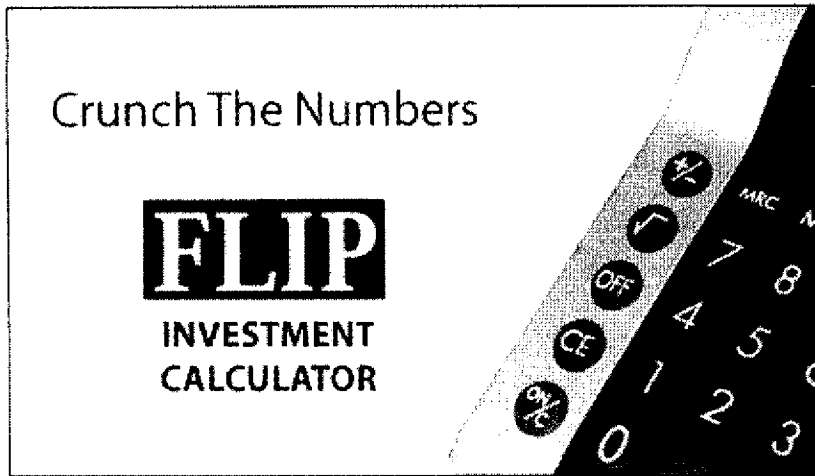


"Vitriol" After the shooting of Representative Gabrielle Giffords ... more »



"Uxorious" In a husband's post about his wife's upcoming talk ... more »

## **Appendix B**



## FLIP Investment Calculator



### Product Description

Due to a flood of requests from FLIP readers who've used our [free](#) online calculator, we have created a downloadable version just for you.

### System Requirements

*Microsoft Windows 98 or later, Microsoft Excel 2003 or later.*



## FLIP Improvement Cost Estimator

[Sample Report](#)[Screenshots](#)

[Click here](#) to read the FAQ for the Improvement Cost Estimator.

### Product Description

Since 2001 HomeFixers has made it our business to help investors make money.

We have taken our expertise and put it in one fast, easy-to-use spreadsheet. We've organized the 300 most common improvement tasks around HomeFixer's 50-Steps For Rehabbing A House.

The FLIP Improvement Cost Estimator empowers anyone to improve a home from framing-to-finishing touches. ICE let's you save money and do-it-yourself, whether you're doing a basic kitchen remodel or knocking out walls.

### System Requirements

*Microsoft Windows 98 or later, Microsoft Excel 2003 or later.*

# HomeFixers®

Design, Build, Invest!™

- Home
- Flip The Book
- Articles
- Tools
- Relighting
- Downloads
- Calculator
- Press
- Contact Us

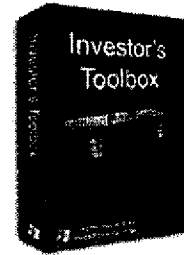
Maximum Offer | Profit

## FLIP CALCULATOR powered by HomeFixers

Maximum Offer: \$73,593.62

<p>Square Footage <input type="text" value="1500"/></p> <p>Eventual Selling Price <input type="text" value="\$100.00"/> per sq. ft.</p> <p>Improvement Costs <input type="text" value="\$23.00"/> per sq. ft.</p>	<p>+</p> <p>-</p> <p>+</p> <p>-</p> <p>=</p>	<p>Eventual Selling Price <input type="text" value="\$150,000.00"/></p> <p>Initial Investment Costs <input type="text" value="\$80,000.00"/></p> <p>Event Costs <input type="text" value="\$10,000.00"/> <small>16.67%</small></p> <p>Improvement Costs <input type="text" value="\$34,500.00"/> <small>23.00%</small></p> <p>Assessment Fee <input type="text" value="\$2,000.00"/> <small>1.33%</small></p>
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Show Output Costs
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Benefit from the experience of 1000 rehabs in our Investor's Toolbox! It includes:

Improvement Cost Estimator

Loan Opportunity Wizard

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## Find It, Fix It, Flip It!: Make Millions in Real Estate--One House at a Time [Kindle Edition]

Michael Corbett (Author)  
(65 customer reviews)

Kindle Price: **\$12.99** includes free wireless delivery via **Amazon Whispernet**

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### Editorial Reviews

#### From Booklist

Much has been written about real estate these days, from inflated prices to the softening of the market. It can be difficult to sort the good from the bad, the reality from the hyperbole, but Corbett, television host and actor, manages to relay practical use-it-now information. What's his gig? Insider-type information and established methods that will drive successful deals. His hints include controlling every step of the process; including a closet for each room legally to be considered a bedroom; upgrading to high-tech digital thermostats; and avoiding FSBOs (for sale by owners). Before-and-after photographs enliven a fairly high-powered text, as do a bundle of flip tips and trade secrets. Occasionally, self-help verbiage creeps in, such as "give yourself the power to accomplish anything you set your sights on." Otherwise, chock-full of value-added information--enough, perhaps, to overcome a saggy real-estate venture. *Barbara Jacobs*

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#### Product Description

Michael Corbett—host of *Extra's Mansions and Millionaires*—shares his strategies, tips, and never-before-revealed insider techniques that have helped him make a fortune in real estate.

This book is for aspiring flippers, first-time home buyers, or any homeowner who wants to create big profits and own their ultimate dream home—mortgage free! Starting with the essentials, Corbett shares how to crunch the numbers to instantly determine a house's profit potential. He then covers every step from purchase to sale:

- \* Get the profit-making house at the price you can afford
- \* Make the improvements that make you millions
- \* Insider secrets that save you thousands
- \* Take advantage of the market's ups and downs
- \* Sell your home tax free and pocket the profits

Filled with practical tips, illustrated with before-and-after case studies and easy to use charts and worksheets, *Find It, Fix It, Flip It!* offers the insider expertise needed to tap into an exciting—and potentially limitless—new source of income and financial independence.

[See all Editorial Reviews](#)

## Product Details

**Format:** Kindle Edition

**File Size:** 1710 KB

**Publisher:** Plume (January 31, 2006)

**Sold by:** Penguin Publishing

**Language:** English

**ASIN:** B004IATCBG

**Average Customer Review:** [\(65 customer reviews\)](#)

**Amazon Bestsellers Rank:** #169,493 Paid in Kindle Store ([See Top 100 Paid in Kindle Store](#))

Would you like to [give feedback on images](#) or [tell us about a lower price?](#)

## Customer Reviews

65 Reviews

5 star:	(44)	<b>Average Customer Review</b> <a href="#">(65 customer reviews)</a>
4 star:	(10)	
3 star:	(2)	
2 star:	(5)	
1 star:	(4)	

Share your thoughts with other customers:

### Most Helpful Customer Reviews

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24 of 24 people found the following review helpful:

**Bam@ Emeril**, June 22, 2006

By [Emeril@Bam](#) (Roswell, GA USA) - [See all my reviews](#)

This review is from: [Find It, Fix It, Flip It!: Make Millions in Real Estate--One House at a Time \(Paperback\)](#)

This is an honest little book, outlining and providing you with information that the trade shows and REI trainers don't tell you. The only concern that I have is that profitable properties under the scenario described in this book are not that common to find, and if they are, the lots alone go for 200 to 300k or more. You probably need not look in most average subdivisions as the potential price appreciation could not support the model. I suspect that you will have to find a careful set of circumstances like he has in the California market where the profit potential is large. Having said that, I currently hold title to 10 properties and have done remodelling on others that I later sold. But I believe that the information contained in this book will allow me to "step it up a notch" to the next level of profitability. At worst, it is another arrow in your investing quiver.

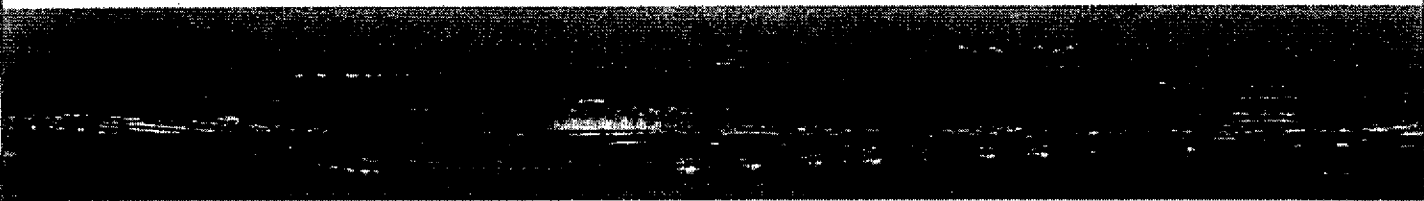
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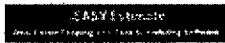
Advantage Software LLC

Flipping Software - House Flipping Software - Real Estate Flipping Software

Low Cost and Easy to Use House Flipping Software



- Home
- Flipping Software
- Real Estate Analysis Software
- Commercial Financing
- Real Estate Topics



By Advantage Software LLC



www.invest-2win.com

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**Sample Reports**

- Company 2 Flip Report
- Local Property Report
- Estimated Breakdown 1
- Estimated Breakdown 2
- Expense Breakdown 1
- Home Inspector Report
- Profit or Loss Statement
- Completed Properties Report
- Flip Task Breakdown 1
- Flip Task Breakdown 2

**Sample Graphics**

- Graphic Buyer Sheet

**Flip Articles**

- Bank Procedures
- Flip Procedures
- Flip Project Profitability
- The Business Plan by Area
- Flipping and Taxes

**Links**

- Advantage Real
- MP State Board
- Support
- Contact Us

**Real Estate House Software Features**

- Easily create a house flipping budget
- Quickly Assess the Profitability of Potential House Flips
- Compares House Flipping Budgeted Cost to Actual Costs and calculates Variance
- Rolls Up Your House Flipping Financial Data into a Profit or Loss Statement
- Include Before Flip Renovation and After flip Renovation Pictures
- Provides Potential Lenders with Detailed Presentation and Flipping Cost Estimates
- Save an Unlimited Number of Flip Properties
- Flexibility to Create Your Own Flipping Expense categories
- Simple and User Friendly House Flip Task / Work Scheduling
- Schedule up to 25 Construction Tasks Via Gantt Chart
- Periodically Provide Contractors with Updated Project Schedule
- Entry Form for Recent Sales of Comparable Properties
- Pop Up Calendars for Easy Date Entry
- Built in Printable Help Facility
- Includes Blank Data Entry Forms for Gathering Your Flipping Project Data
- Real Estate House Flipping Software Requirements - Windows XP, Vista and 7

**Real Estate House Software Description**

The EASY-Estimate 3.01 house flipping software is designed to assist with the purchase, renovation and sale of houses held for 1 year or less. It organizes your house flip expenses, simplifies the scheduling process, estimates project profitability and compares estimated project expenses to actual. The EASY-Estimate house flipping software provides report and picture documentation for current and future use. When flipping houses, the object is to turn the property in as short a time as possible with the greatest profit possible. The EASY-Estimate real estate flipping software provides an organized and systematic approach to help you accomplish just that. It rolls up task and miscellaneous expenses into a profit or loss statement and includes a fast and simple interface to schedule your house flip construction tasks.



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**EASY-Estimate 3.01** House Flipping Software / Real Estate Flipping Software

Just \$87.95 plus Shipping & Handling **30 Day Money Back Guarantee**

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**Ordering Problems - 608-742-0979**





House Flipping Software - Real Estate Flipping Software



Developed by a real estate investor (house flipper) who takes his experiences and includes them in this easy to use house flipping software.

FlipSmart provides a fast, easy user interface that will calculate a profit for your flip, help you develop a budget so there are no surprises, and lead you to profitability. Flipping real estate the smart way.

Download FlipSmart for Windows 7

I have not tested on Windows 7. PLEASE test it out before purchasing!

Offered at only **\$39.95**

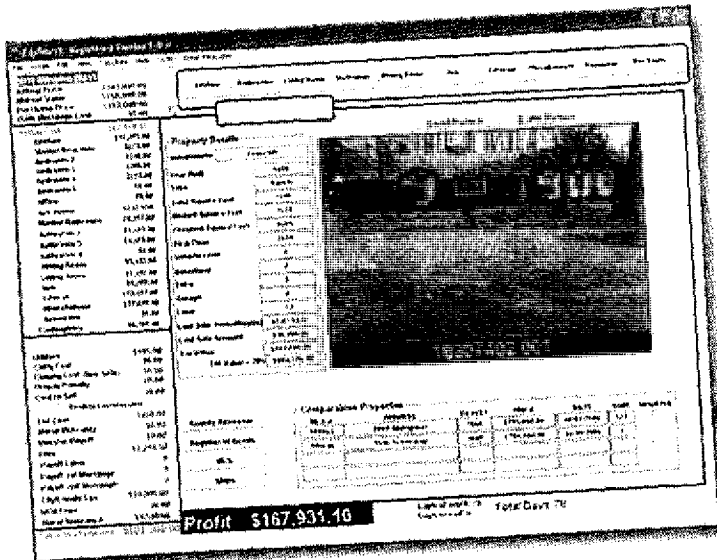
For software that can save you thousands!

**30 DAY MONEY BACK GUARANTEE!**

Get the full version for FREE using TrialPay.

**Features**

- Establish a realistic budget. The biggest problem for flippers is not having a budget established before the purchase.
- Determine a profit and an expense budget before purchasing the property
- Find hidden cost you may not think about or even know about
- Print out a summary with picture to use in your personal files or take along to investors
- Fast! 15 minutes and you can have a great idea of what you will profit or what you should pay for the property.
- Easy to use. The reason FlipSmart was developed was because the other software I came across was an overkill or a simple spreadsheet that did not go into depth. I developed FlipSmart with no intentions on selling it. It has been through two years of development and fine tuning.
- By using FlipSmart I passed on countless properties that looked good at first. On many of those properties I passed on, I see in foreclosure from investors who got in over their heads. The flippers could not sell for enough and are now upside down.



See how much money the flip will actually cost. Does that deal look as attractive when you start to budget for everything such as caulk, switch plates and the other little items that you do not think about? FlipSmart calculates your total investment and shows a profit potential. Before you invest in real estate know what you will be spending.

[Order](#) | [FAQ](#) | [Tech Support](#) | [Screenshots](#) | [Download Trial](#) | [History](#) | [Affiliates](#)

Real Estate Flip and Investing Software Updated April 11, 2009 v1.03

FlipSmart - Calculate how much it will cost (cost estimator) to remodel and flip that house. Estimate your cost and lay a clear budget for a successful flip.

No software, book or self proclaimed expert in real estate flipping can accurately project a budget or profit. Using FlipSmart will simply help you better understand where your money is going and how much you might get back in profit. Be wary of anyone who claims otherwise. Home Flipping Software

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[Construction Estimate](#) Fast, Accurate Estimating Program Easy to Learn, Free 14 Day Trial! [Download Construction Trial](#)

[We Buy Houses Fast for \\$ Any Condition - Close Within Days. Local Investors. Get a Cash Offer!](#) [Sell My House Fast](#)

Fix and Flip House Cost Calculator

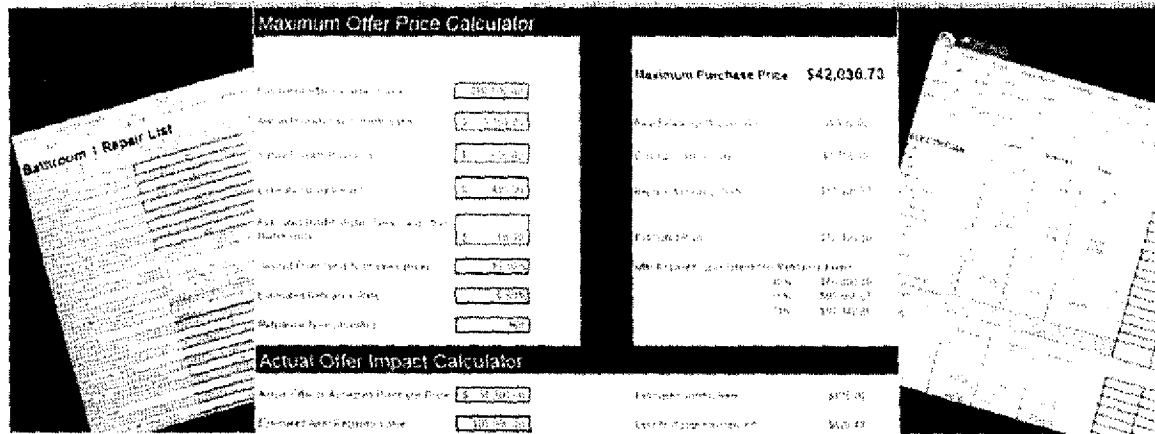
Instantly Calculate Repair Costs and the Right Offer Price for any Fix and Flip House



SELECT A CATEGORY: HOUSE FLIP SOFTWARE SCREENSHOTS

HOUSE FLIPPER TESTIMONIALS BUY

use my Excel based house flipping software -the Rehab Offer Calculator- to estimate, track and control house flipping expenses to the penny and avoid a loss on your next flip



[View Demo](#)  
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**House Flippers Lose Money**

Housing statistics from one of the real estate market's peak years (2006) show that 26% of all house flippers in the United States lost money...and their average LOSS was \$16,813.67.

The #1 reason house flippers lose money is failure to estimate, track & control repairs and other expenses accurately.

The Excel based Rehab Offer Calculator gives you the ability to build a detailed repair cost estimate for any fix and flip house in less than 30 minutes.

[See Stats](#)

**Simple to Use**

No construction knowledge is required, input is straightforward and easy - in many cases, a drop down box choice.

Automatically calculates the maximum offer price based on your estimate of the after repaired value & desired profit AND the estimated cash flow in case you have to rent the house flip.

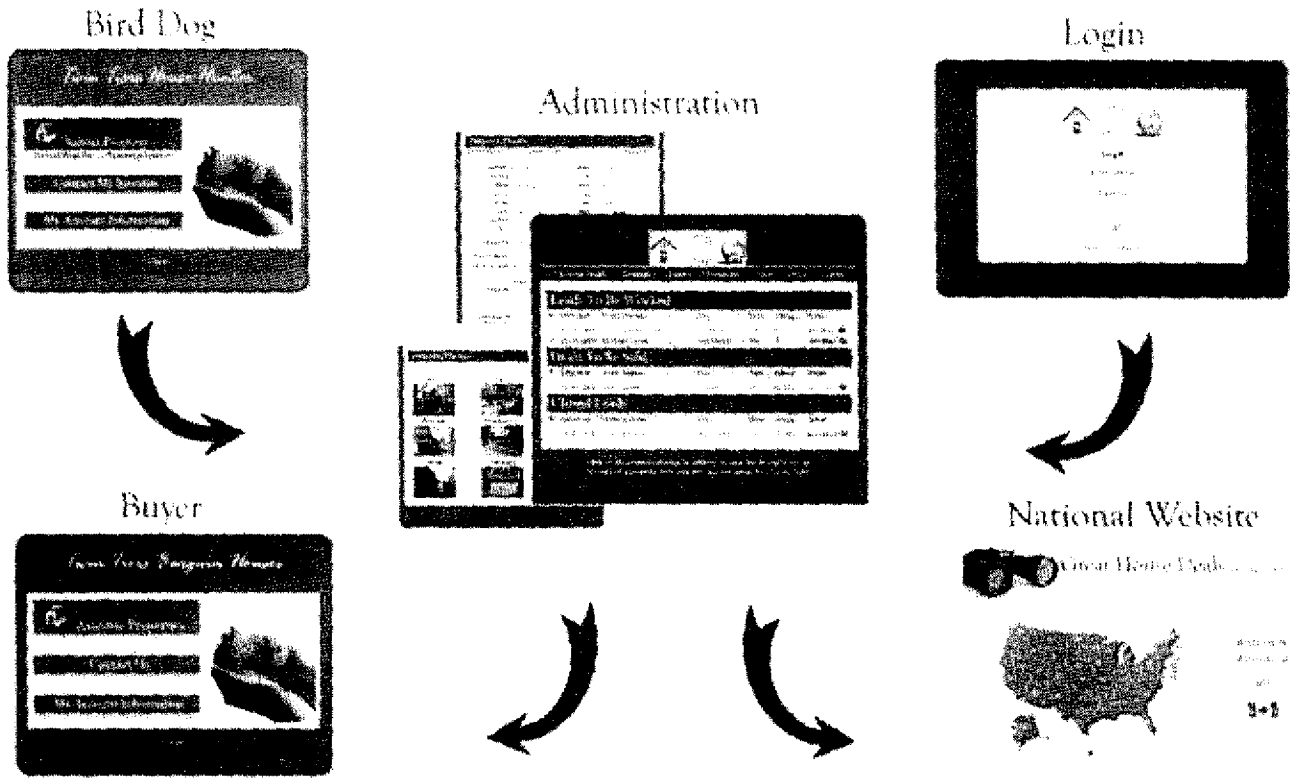
Put a detailed cost estimate together for any fix and flip house in about 1/2 hr...also includes breakdowns by room, contractor, materials, and labor.

[Trial Version](#)

**What House Flippers are Saying**

# iFlip

Stop wasting your time and money searching for potential investment properties. Relax and wait for them to come to you. All you do is advertise your bird dog domain enticing college kids or anyone looking for easy money to submit vacant properties. Then as the leads fall in, you sort through, find your deals and get in contact with the buyers. It's that easy....





Login

ATTENTION  
Our NEW technical support phone is  
(607)527-6097.

Email Address

Password

Login

[Forgot Your Password?](#)

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# Best House Flip



[Home](#) | [Before a Flip](#) | [Buying a Flip](#) | [Working on a Flip](#) | [Selling a Flip](#) | [Blog](#)

[Home](#) + [budget worksheet](#)

## House Flipping Sources

Ads by Google

### rural buy house

Rural home buyers: apply now and close fast. Direct USDA Lender.  
[www.usdaranlife.com](http://www.usdaranlife.com)

### Renovation Cost Estimates

Free Estimates From Pre-Screened Home Contractors In Your Area.  
[www.homeblue.com/](http://www.homeblue.com/)

### Budget Sheet

Track & Manage All Your Finances in One Place with 100% Free Mint!  
[www.Mint.com](http://www.Mint.com)

### Budget Forecasting Tool

Fast, Accurate, Integrated Budget Forecast Software. FREE Trial.  
[UpYourCashFlow.com](http://UpYourCashFlow.com)

## House Flipping Budget Worksheet

### Ogden Coupons

I ridiculously huge coupon a day. Like doing Ogden at 90% off!  
[www.Groupon.com/](http://www.Groupon.com/)

Whether doing a house flip or renovation, it's generally understood that you'll spend 20% more than you anticipate, and since knowing is half the battle, you'll be 50% more prepared for your project. The other way to properly prepare for a project is by planning. Hence the reason we have this section on budgeting.

Below you'll find various interactive budget calculators which will help in areas such as determining a flip's profitability to managing a

flip's budget. Use these planning tools as a general guide and have fun with them. We dare you not to go over budget!

### Budget Worksheets

- [House Flipping Renovation Calculator](#)
- [House Flipping Price Per Square Foot Calculator](#)

### House Flipping Profitability and Break-Even Calculator

#### Investment Details

Purchase Price	\$	<input type="text"/>
Estimated Reno Spend	\$	<input type="text"/>
Insurance Fees	<input type="radio"/> \$ <input type="radio"/> %	<input type="text"/>
Desired Selling Price	\$	<input type="text"/>
Realtor Fees	<input type="radio"/> \$ <input type="radio"/> %	<input type="text"/>

#### Profit/Loss Details

Break-Even Flip Price \$

## House Flipping Resources

- [Bookstore](#)
- [Budget Worksheets](#)
- [Real Estate Checklists](#)
- [Before & After Pics](#)
- [Articles](#)
- [Glossary](#)
- [TV Shows](#)
- [Bookmark this Site](#)

### Free e-book

A practical beginner's guide to assist in making your home flip a success.

**(Click Here To Return To The School's Home Page)****The Real Estate Fix & Flip  
Spreadsheet.**

Use this spreadsheet to help you make your investment decisions. As you fill in your potential investment's numbers when you hit the "Tab" key the results are instantly updated.

	<b>Worst Case</b>	<b>Middle Result</b>	<b>Best Case</b>
<b>PURCHASE PRICE</b>	75000	75000	75000
<b>PLUS purchase costs</b>			
loan origination	1,050	1,000	950
appraisal	400	400	400
credit report	70	70	70
title insurance	425	400	375
escrow fee	175	150	125
recording fee	50	50	50
other _____	0	0	0
other _____	0	0	0
other _____	0	0	0
other _____	0	0	0
<b>SUB-TOTALS</b>	<b>2,170</b>	<b>2,070</b>	<b>1,970</b>
<b>TOTAL PURCHASE PRICE</b>	<b>77,170</b>	<b>77,070</b>	<b>76,970</b>
<b>ANTICIPATED SALES PRICE</b>	<b>95,000</b>	<b>100,000</b>	<b>105,000</b>
<b>Less Sales Costs:</b>			
Real estate commission	6,000	6,000	6,000
Title Insurance	500	500	500
Documentary stamps	300	300	300
<b>SUB TOTAL</b>	<b>6,800</b>	<b>6,800</b>	<b>6,800</b>
<b>Less Holding Costs:</b>			



interest		3,780	3,600	3,420
taxes		600	600	600
insurance		150	150	150
utilities:				
gas		80	80	80
oil		0	0	0
electricity		100	100	100
water/sewer		50	50	50
trash		75	75	75
other _____		0	0	0
other _____		0	0	0
	<b>SUB-TOTALS</b>	<b>4,835</b>	<b>4,655</b>	<b>4,475</b>
<b>Less Fix-up Costs:</b>				
clean-up		350	350	350
painting		1,000	1,000	1,000
carpet		2,500	2,500	2,500
vinyl/tiles		800	800	800
yard		500	500	500
other _____		0	0	0
other _____		0	0	0
other _____		0	0	0
other _____		0	0	0
other _____		0	0	0
other _____		0	0	0
other _____		0	0	0
	<b>SUB-TOTALS</b>	<b>5,150</b>	<b>5,150</b>	<b>5,150</b>
<b>NET PROCEEDS TO SELLER</b>		<b>78,215</b>	<b>83,395</b>	<b>88,575</b>
<b>PROFIT/LOSS ON HOUSE</b>		<b>1,045</b>	<b>6,325</b>	<b>11,605</b>

## Repair Estimate (Beta-Informational Only)

**Prices Include Materials and Labor**

**Property square footage**

0

*Exterior*

sq ft 0

sq ft 0

*Windows*

ea 0

ea 0

ea 0

*Drywall*

ea 0

ea 0

sq ft 0

*Painting*

Interior - select Yes or No  0

Exterior - select Yes or No  0

linear foot 0

each 0

*Plumbing*

Replace System  0

Service System  0

*Roofing*

Remove and Replace  0

*Electrical*

GFI Outlet New	ea	0
GFI Replace	ea	0
Large Ceiling Fans	ea	0
Medium Ceiling Fans	ea	0
Small Ceiling Fans	ea	0
Outlets	ea	0
Switches	ea	0
Single Light Fixtures	ea	0
Chandeliers	ea	0

## Plumbing

Replace Water Heater	ea	0
Replace Sewer Line	linear foot	0
Service Water Heater Connections	No ea	0
Service Washer/Dryer Connections	No ea	0

## Bathroom

Bathroom Sinks	ea	0
Bathroom Sink Faucets	ea	0
Toilets	ea	0
Toilet Seats	ea	0
Replace Tub	ea	0
Shower Surround	ea	0
Tub/Shower Surround	ea	0
Shower Door	ea	0
Shower Valves Hardware	ea	0
Tub/Shower Hardware	ea	0
Mirror	ea	0

## Kitchen

Cabinets	linear foot	0
Tile Countertops	sq ft	0
Laminate Countertops	linear foot	0
Kitchen Sink	ea	0
Kitchen Sink Faucets	ea	0

Garbage Disposal	ea	0
<hr/>		
Refrigerator	ea	0
Stove	ea	0
Range Hood	ea	0
Dishwasher	ea	0
Microwave Hood	ea	0
Built in oven	ea	0
<hr/>		
Exterior	ea	0
Interior	ea	0
Lock Sets	ea	0
Door Knobs	ea	0
Door stops	ea	0
Door trim	linear ft	0
Baseboards	linear ft	0
<hr/>		
Garage Doors		
Single Car	ea	0
Two Car	ea	0
Openers	ea	0
<hr/>		
Fascia replacement	linear ft	0
Soffit	linear ft	0
Wood siding	sq ft	0
Hardi Plank 4X8 Sheet	ea	0
<hr/>		
Foundation		
Slab	pier	0
Pier and Beam Relevel		0
<hr/>		
Fence Related		
Replace cedar fencing	linear ft	0
Replace chain link fencing	linear ft	0
Replace gates/hardware	ea	0

Make Ready		
Final Clean	No	0
Power Wash	No	0
General Landscaping	No	0
<b>TOTAL ESTIMATE</b>		<b>0</b>

You're on the US site. In Canada? Go to Canadian Website



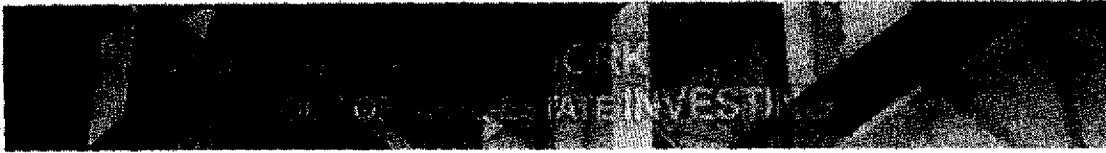
Providing tools to help analyze and present real estate related investment opportunities.

LOGIN

Username:

Password:

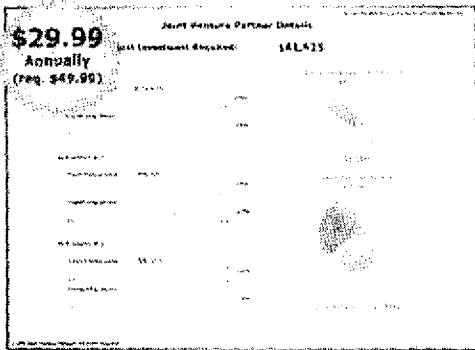
[Sign Up](#) | [Forgot Password?](#)



Features

### Analyzers

#### VERUS Rental Property Investment Analyzer with Joint Venture™



The VERUS rental property cash flow calculator with Joint Venture (JV) allows you to analyze and present the financial details of your residential investment properties. With the rental property Joint Venture functionality, you can include the details of each prospective partner's projected rental cashflow returns based on their investment and ownership details.

[show more features](#)

*"This tool has allowed me to compare the investment potential between multiple properties in minutes instead of hours"*

**Tyler Clarke, SK - REIN Member**

ScreenShots [1](#) [2](#) [3](#) [4](#) **\$29.99**

#### VERUS Rental Property Investment Analyzer™



VERUS rental property software helps you examine the details and potential cash flow of your next residential rental investment property. With the VERUS real-estate rental ROI (return on investment) calculators you can

[show more features](#)

ScreenShots [1](#) [2](#) [3](#) [4](#) **\$19.99**

#### Verus Multi-Family Commercial Property Investment Analyzer™



Coming Soon!

[show more features](#)

ScreenShots  \$0.00

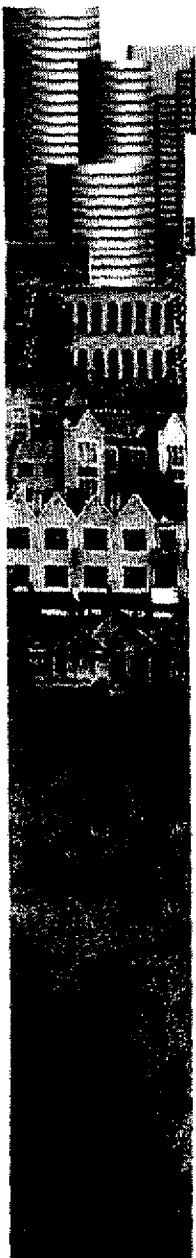
### Verus Property Flipping investment Analyzer™



Coming Soon!

[show more features](#)

ScreenShots  \$0.00



# Investing in Real Estate? or Starting a Business?

financial products from [synrgistic.com](http://www.synrgistic.com)

## What is it?

You are already aware of the tremendous wealth building opportunities in Real Estate Investment or Starting your own business, even in down times. Our products produce easy to read **Financial Projection Statements** for your evaluation or for presenting to banks, investors or clients. These products operate in MS-Excel, but **No experience in Excel is necessary and no Setup is required.** The Entry screens are easy to use and contain help & tip text. These products can be unlocked for user modification.

*What would you pay a professional to produce the information these products can give you in minutes?*

## Buy Now

### Produce Financial Projections

#### Produces Financial Projections for your Analysis

Comes with 4 Modules to best match your project

**Flipping Project Module**      Module only \$11.95      **Buy Now**

The Flipping Module is for quick purchase-fix up and re-sell. This Module permits you to run up to a 24 month Analysis that includes costs that the popular TV shows ignore.

**Income Property Module**      Module only \$10.95      **Buy Now**

The Income Property Module is for the classic scenario of Purchasing Property that produces Income & Appreciation. Allows you to enter Initial Renovation Cost. Produces up to 20 years of Projections.

**Buy-Hold-Resell Module**      Module only \$7.95      **Buy Now**

For simple scenarios of Buying Property, holding it over time for Appreciation & eventual Re-Sell. Produces up to 20 years of Projections.

**Remodel for Renting Module**      Module only \$8.95      **Buy Now**

Provides a Financial Projection for those choosing to remodel their home to accept a renter or a similar project that this Module can address.

## Buy Now

### Produce Financial Projections

#### Produces up to 10 years of Financial Projections

For property ranging from bare land to mixed-use buildings

This product provides for multiple Financing sources, itemization of Rental Income and more. It permits entering renovation costs that might be required upon acquisition of a property. You can also evaluate the Cost to Sell the Property at a given time. Detailed Statements display a year by year Analysis.

## Buy Now

### Produce Financial Projections

#### Produces up to 5 years of Financial Projections

Includes a Guide to Writing a Business Plan

This product quickly produces a professional quality Business Plan for presentation to Banks & Investors. It produces Financial Projections in MS-Excel and it comes with a 6 page PDF Instruction Guide to help you produce the narrative portion of your Plan.

## Buy Now

### Produce Financial Projections

**Flex Property Investment Analysis    Income Property Analysis  
& Business Plan Creator**

Get all 3 Products for the low Price of

**only \$29.95**



only \$16.95

for all 4 Modules

**Buy Now**

view DEMO model

for all 4 Modules

view DEMO model

only \$18.95

**Buy Now**

view DEMO model

only \$14.95

**Buy Now**

view DEMO model

**Buy Now**

view DEMO model



"I never dreamed how lucrative flipping houses could be until I read your book! Now, I'm creating and "Flipping" Wellness Homes for my Nikken business and I couldn't be happier or more successful!"

"I can't thank you enough!"

**Amelia Glaser,**  
Wellness Consultant  
Nikken  
Roanoke, VA



"Amazing! A Real Estate Investing Guide with a conscience! My husband and I have since flipped our primary residence and now live mortgage-free on a golf course!"

**M. Hayes**  
Brooklyn, NY

**"Give us a few days and we'll teach you how to become an**

**\* EMPOWERED REAL ESTATE ENTREPRENEUR \***

***without wasting thousands of dollars on ridiculous seminars and useless deceptive infomercial products."***

**Here's How To Turn Any Ordinary Income Into A Real Estate Empire...**

## **"In 3 Months (or less) You Can Quickly and Easily Become A Mini Real Estate Tycoon...By Flipping Houses!"**

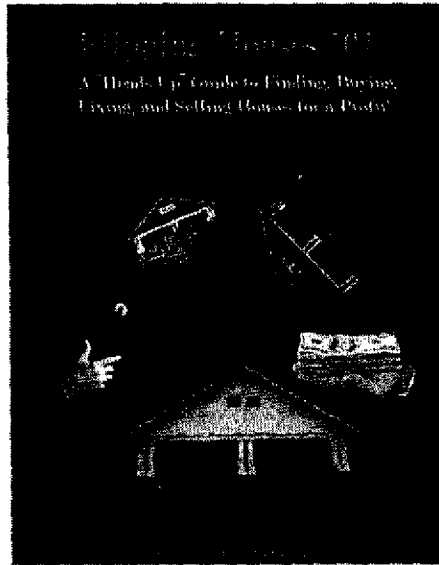
**Looking To Increase Your Net Worth?  
This Guide Will Change the Way you look at Real Estate Investing Forever!**

"For over 10 years I was a manager for one of the largest telecommunications companies in the U.S. and after my unexpected layoff, I turned to real estate to make up my loss in salary. After reading Flipping Houses 101 I have since flipped one property and am about to flip my second-each bringing in a net profit

of almost \$100,000.  
Your coaching gave me  
the confidence to  
persevere."

V. Roberts Real  
Estate Investor Red  
Bank, NJ

As seen on  
amazon.com



## Flipping Houses 101

**A Heads Up Guide To Finding,  
Buying, Fixing and Selling  
Houses for a Profit!**

Written and Photographed By:  
Meg Heart

### Congratulations!

**You've reached our Special Offer Page!**

Dear Friend,

How much is one good investment worth to your financial future?

If you are worried about the future...about increasing inflation...the constant threat of recession, and the factors that make for such a nervous economy, I have some ideas that you should seriously consider.

Suppose you could make an investment decision that you didn't have to worry about, that wouldn't bring in a measly 2-7% per year, but tens of thousands in just a few short weeks?

Imagine...one good investment could bring you tons of hot leads and new homeowners, begging you to buy their homes, and even provide you with a constant stream of referrals. This way anytime you need more business- you simply turn the tap on... and make even more money in a business you've laid the groundwork for in just a few short days!

Sounds too good to be true?

Well, it isn't if you have the right system. You see, dollar-for-dollar, nothing provides a better return on investment than real estate and it doesn't matter when you buy it, just that you make *educated* decisions about where you buy it.

### **Stop Throwing Your Hard Earned Cash Away!**

Think about it. Real Estate is the most powerful investment you could ever acquire. In the time it takes to stop for fast food you could have all the time you need to choose a piece of real estate--one that will relentlessly appreciate as you prepare it to be flipped.

Real Estate appreciates in value if you improve it...and sometimes even if you don't!  
It will never call in sick. It will never complain. And it will never quit on you.

Simply put, a cleverly purchased real estate investment is like having a little automatic, money-making machine working for you, tirelessly...day and night.

### **But Finding That Winning Investment Is The Hard Part...**

It could take you years and can cost you a small fortune to figure out just the right combinations of moves in the real estate game - while others fall flat on their face.

But instead of knocking yourself out trying to come up with a way to reinvent the wheel I walk you through the entire process step-by-step of profit-generating real estate investing ready for you, when you're ready to Take Action!--

**Announcing...**

## **"Flipping Houses 101"**

**"A Heads Up Guide To Finding, Buying, Fixing and Selling Houses for a Profit!"**

In just 3 months (or less) you can use this step-by-step guide to fulfill your dream of being a real estate entrepreneur who's set for life!

**At Last! Every Burning Question You've Had About Real Estate Investing That Has Been Holding You Back Is Answered...**

A few short years ago, I was suffering from "Not being able to get ahead syndrome..." coupled with the "Sick and tired of being sick and tired"?? (Whoever coined that one is a genius!) You know that feeling of hopelessness that makes you wonder why you get up every morning and continue doing what you are doing, the way you are doing it? Well, that was me in a nutshell...

A licensed REALTOR, working 7 days/week, 24/7, 4 seasons a year --up almost all night worrying about 100% Commission, Expenses, No Pension, No Retirement Benefits and in the lean years...the rising costs of Health Coverage...a few bucks here and there in cut-rate commissions, due to the lack of increasing consumer confidence.... and then one night it hit me!

**I'M SICK OF MAKING EVERYONE ELSE RICH!**

Afterall, isn't that what we **ALL** do in our day jobs? We make the boss look good and the company look great all while we trade hours for dollars (or hours for pocket change in some cases...)

**I don't care who you work for!**

**Unless you're working for yourself, you're working too hard.**

So...I began thinking to myself...

**I'M FINDING DEALS FOR PEOPLE SO THAT THEY CAN MAKE A PROFIT AND RETIRE COMFORTABLY, WHILE I WAIT FOR MONTHS FOR THEM TO MAKE A DECISION SO THAT I CAN COLLECT A MEASLY COMMISSION!!!**

*(insert your comment here about how you thought all REALTORS were rich...)*

Whew! What the heck was I thinking???!!

So, I decided that I should begin investing in Real Estate myself (other than my primary residence, that is...) You're probably saying to yourself...well, why didn't you do that all along?

Excellent question! Afterall, I supposedly had access to all of the "inside deals" at my fingertips...right? Ba-loney! You know as well as I do, that most of the time, by the time a property is listed and goes into the MLS, it's too late to get it at a bargain!

**So... Do You Know Why I Didn't Invest In My Own Future For Years?**

**Because I Was Afraid To Take The RISK!**

I mean, think about it...if you only have ONE property and for some reason you have to "cut and run" because you've been laid off or worse, you won't have a roof over your head anymore. You'd be left homeless Right?

That's the REAL RISK!

Any financial advisor that's worth their salt will suggest that if you do nothing else, you need to "diversify your portfolio" (the fancy phrase for not putting all your eggs in one basket...) Right?

So, the more logical thing is to have investments that increase in value over time -- even if it's a very short period of time--so that if you get into a bind before retirement, then you'll have something to fall back on...and if you don't have to sell it in a hurry, then you can fall back on your investments like a comfy bean bag chair? Whenever you want to!

Or get rid of them quickly to take that luxury vacation you've always dreamed of but could never afford. The point is...

**YOU CAN CONTROL YOUR OWN DESTINY!**

So! What did I do you ask!? Well, the first thing I did was I spent about \$12,000 on seminars to find out everything I've known as a REALTOR for years---the math, the ads, the odds, the process---

If I'd have just listened to my inner strengths, I could've saved a boat load of cash for my investments. Yep, I could've had another property or two for what I spent going to class, but it was important to me to invest in my education...

And! I will have to say that I met some great people attending classes, learned some tips and tricks and brushed up on my organizational skills! I've since tested my ads, ran concurrent marketing strategies to generate leads, created a business name, incorporated, printed business materials, developed a website, etc...etc...etc....

So, did it all work? Of course not at first... Did I make a whole bunch of great investments! Heck yea! But did I NEED to do all of the work that I did? Heck no!

**YOU MAY BE SAYING: BUT I AM A LICENSED REALTOR!**

So am I! And I'll reveal how to run an ethical business with full-disclosure from the word go. I wouldn't have it any other way. I still help others find deals all day, every day with the MLS.

**What's in Flipping Houses 101... is how investors find deals and how I am completely honest with my sellers about the fact that I'm a licensed agent.**

**I'VE SPENT MY TIME AND \$ CREATING A GUIDE FOR YOU!**

If I had kept to the **K.I.S.S. Principle: Keep It Simple Silly** [don't like calling myself "stupid"... after all, I HAVE Succeeded!! ] I could've saved thousands in marketing dollars, time, energy and frustration.

So now that you know how much I have invested in my future, will you have to drop that kind of money? Absolutely Not! I've done the legwork, from New York to Georgia, California to Ohio to Michigan and on, and on...and written checks all over the place to learn what I KNEW I could do!

**I just needed a step-by-step system to help me get up and get a move-on! So I created one for you called: "Flipping Houses 101"**

And now I'd be honored to share with you the path to **"90 Days To Wealth"** (one of my favorite chapters) which details one of my many successful investments **Step-by-Step** in this easy to read and Comprehensive Guide to Flipping Houses.

I'll reveal how I rehabbed an old house and tripled the value of my investment in 3 short months---The full-color before and after photo gallery will amaze you!

**It's all inside "Flipping Houses 101"**

(Or you can attend just one of the \$12,000 worth of classes that I attended--OUCH! As a matter of fact, I spent over \$5,000 with one so-called marketing genius alone!)

And get ready for a shock. This guide is fun and easy to read--crammed with useful information, tips and tricks and still remains to be humorous when you need it most!

161 pages you can finish in an afternoon, and be out looking for property the very next day! [Or the same day if you're an early riser!]

**What's more...if you follow what I did step-by-step,**

**properties will begin looking for you!**

You won't need to dress like a salesman, in a stodgy old suit and tie or power jacket--  
- Can you say B-O-R-I-N-G?

Jeans and comfy shoes will be the order of the day while you lay the groundwork to becoming set for life! You'll be the coolest business person in the neighborhood--the envy of your friends and family---the smartest person you've ever met... when you...

**PROVE THEM ALL WRONG!**

\* \* \*

**No Cold Calling or Worries About the "Do Not Call" List!**

How to get sellers to CALL YOU for just pennies!

## And You Too, Can Use This Secret To Make Yourself a Fortune!

Don't waste tons of money on advertising...learn these tips and tricks to create a flood of business phone calls that are all pre-qualified leads.

**Okay, Now I Hear You Grumbling:  
"But I Can't Even Swing A Hammer" or "I'm Not Handy"**

Actually, that's the beauty of this guide-You will discover how to purchase homes that may not even need fixing up-or one's that do but you can be completely "hands off" if you choose to. That's the beauty. How you run your business is your decision!

## Run Your Own Real Estate Business-Hands On or Hands-Off!

Discover how you can flip properties while you keep your day job! Afterall, your responsibility is to your family and current situation first, so this may be the approach you decided to take. Either way, you'll be starting a whole new chapter in your life that's finally about your success!

## Which Of These Real Estate Investing Topics Have You Been Dying to Know About?

- Discover Why Flipping Houses is Such A Hot Topic!**
- How To Finance Rehabbing and Flipping Projects!**
- Avoid Worrying Where Your Next Paycheck Will Come From!**
- Insider Secrets To Finding Properties That Aren't For Sale**
- How to Avoid Traps and Pitfalls of New Investors**
- The Benefits of Creating "Cashflow" Through Real Estate**
- How To Rehab Houses "From Soup To Nuts"**
- How To Profit from Real Estate Rehabbing**
- How To Instantly Increase Your Net Worth with Real Estate**
- How to Cash in on Secret Real Estate Bargains!**

With ***Flipping Houses 101***, you'll get all of these, plus a complete "before and after" photo gallery with Step-by-step details of one of my most recent projects so that you can see how an investment can progress from beginning to end in an in-depth look. Watch it go from questionable to financially lucrative and study the numbers with your own eyes. You will see, first hand, 'what to spend your money on' and 'what to leave alone'.

### Okay, So What's The Cost For This Incredible Resource?

Well, realize that this book could easily be sold in the neighborhood of \$1,500 in one of those crazy seminar classes that I told you about-- not including royalties.

The research analysis and documentation alone took over 1,200 hours to prepare. Yep! It took me longer to write this book than it took me to fix up the house that's in it!

So at a bare bones minimum you're getting of dollars worth of powerful insider tips at your disposal.

Of course I'm not going to charge you anywhere near that amount or even my minimum project price. **In fact, your total investment for finding the secrets to becoming a real estate entrepreneur in just days would be about \$37---**

As Seen on Amazon--But Wait!!!!

The screenshot shows the Amazon.com interface for the book 'Flipping Houses 101 (Kindle Edition)' by Meg Heart. The page includes the Amazon logo, navigation links like 'Today's Deals' and 'Gifts & Wish Lists', and a search bar. The book cover features a house at night. The price is listed as \$36.47 for the Kindle edition, which includes wireless delivery. The product description highlights that the book is a guide to finding, buying, fixing, and selling houses, aimed at increasing net worth through real estate investing.

Because You Took Action and Entered Through Our Special Coupon

Page....Your Price is only **\$27** Which INCLUDES 5 Bonuses NOT AVAILABLE on Amazon.com

That's \$10 Off the cover price that everyone else has already paid!

*[To see our regularly priced sales page click here [Flipping Houses Full Price](#) ]*

The money you'll earn as a result of these proven real estate investment practice can very easily pay you back thousands, if not hundreds of thousands of dollars for your meager investment.

So what's the catch? Why am I practically giving this information away?

Well, it's really quite simple. I'm not an advertising guru--I'm a real estate investor that wants to share some much needed information with another investment-information-starved individual like you, without the pains of attending overcrowded classrooms that string you along for more money each time you attend a weekend class. Hotels and gas alone can kill your budget!

This is an e-book...a digital product that you will be accessing directly from the Internet. I have no inventory and no fulfillment costs. I don't need to pay anyone to take the orders over the phone or fill orders. This way I can pass along my cost savings to you. And you get the book instantly!

**5 FREE Bonuses For Ordering By Midnight Tonight!**

Monday, January 17, 2011

**Bonus#1:** As a special free bonus for acting immediately I'll also give you **Must-Have Forms Toolbox: 5 Hard-To-Come-By Real Estate Forms You Should Never Be Without** This is (a **\$19.95 value**.)

**Bonus#2:** My **Flipping Houses 101 Profit Worksheet**. This pre-done spreadsheet gives you a powerful analysis tool for all your real estate projects. You simply enter in basic information like mortgage payments, repairs and maintenance -- then you can effortlessly perform the important analysis calculations for your profitability by summing up the columns -- instantly! This essential tool helps me prepare my taxes every year! (**\$9.95 value**)

**Bonus#3:** P.T. Barnum's "**Golden Rules Of Making Money**" e-book- 21 **Powerful and Timeless Insights Into the Art of Making Money from the Master of Entrepreneurs Himself!** Discover the principles of making money in business. Have the courage to take the risk and command financial freedom! (**A \$19.95 value**).

**Surprise Gift #4:** Will Save You Thousand\$ and Hundred\$ of Hour\$ of **Research and Education Cost\$...Time is \$\$\$....sorry... it's a Secret...** Together these **FREE** bonuses are worth more than triple your investment in "**Flipping Houses 101**" --and the Secret Gift? Well that's absolutely priceless...and they're all yours absolutely **FREE** when you order by midnight tonight. (**Value: Priceless...you can't buy this anywhere**)

**Surprise Gift #5:** And if you **ACT NOW**, you will receive our 5th Bonus: a **FREE 38-Page Report that explains in detail what to do when Selling the Assets you will soon acquire! Flipping Houses Tax Questions Answered and Much More!** What's even better, is that this report gets updated each year! A Perfect



**Compliment to "Flipping Houses 101"...and it's yours FREE! (Value: Priceless...this report will give you business insight that you would otherwise never have )**

**Ask Yourself These Questions:**

**Does the Housing Crisis REALLY Exist? Yes it does! Because of bad mortgage lending and a glut of homes on the market.**

**Can You Cash Out Big Time Because of it? Absolutely!**

**Do you have to buy homes that are overpriced and listed? No.**

**Do You Need a REALTOR in order to get rich in this business? Absolutely NOT! That means that you can keep all of that "commission money" too!**

**100% Risk-Free Guarantee:**



**If you aren't 100% satisfied - I don't expect...or want...to keep your money. Simply send off a quick email to me and I'll happily refund your money in full. But even if you decide the book isn't for you - the free bonus gifts are yours to keep regardless, as a "thank you" gift from me. That means you can't lose no matter what!**

Is that fair or what? So you have nothing to lose. I'm just here to share information with you that I so desperately needed when I was starting out as a new investor. As a matter of fact, the approaches that were out there, were way too sneaky and evil for my taste. Flipping Houses 101 takes an ethical approach to the entire process. Beginning to end.

**"Flipping Houses 101" because...**

**It's not Going To Be "A Buyer's Market" Forever!**

It's easy to get started right away. Just click the link below and you can have immediate access to all of the shortcuts I used to invest in real estate. Get your mind set, your confidence and your talent will lead you on!

It couldn't be easier or faster. Get ready to create a flood of wealth!

To Your Brilliant Success!

**Meg Heart**

**Claim Your Copy of "Flipping Houses 101" and**

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**I Want It!**

Don't Delay...TAKE ACTION Today!



**PS- If you think this a guide full of fluff, think again. This is a completely documented case study written with the beginner in min, from the time I set my sights on the property, through point of purchase, research, the plan, the bids, the renovation, the costs, the exit strategies and a complete before and after photo tour. It concludes with the profit and proof!**

**PPS- Better hurry! At this unheard of price to get my best kept flipping secrets, you better believe this offer will be gone in no time flat! In fact, there's only 365, 249, 248, 477, 424, 90 days left before we remove the offer!**

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Introducing Steve Cook's Colossal...

# Flipping Homes

## Business in a Box

Many Hundreds Have Paid Many Thousands to Learn Steve Cook's Flipping Homes Methods, From Top to Bottom, **Proving to Be One of the Best Investments of Their Lives...**

...And Now You Can Now Learn the Very Same Secrets for a Mere Fraction of That Cost...

In the past, investors who've wanted to learn Steve's secrets for creating a solid, time-tested, highly profitable flipping homes business have had to attend one of his live investing Boot Camps. But a price tag of \$3,997 for the events has put them simply out of reach for many.

But while hundreds have paid thousands of dollars to learn his secrets - now you can get all the same great information at a fraction of the cost.

### Steve Cook's Flipping Homes Business in a Box:

- Only \$997

#### Purchase your copy now!

I invite you to set a few minutes aside right now if you can and read carefully through what's laid out below.

You'll Find There Is

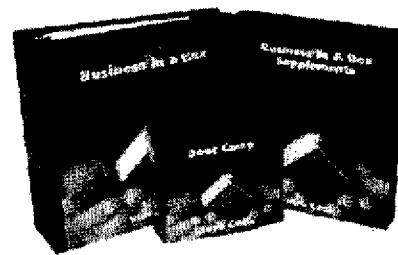
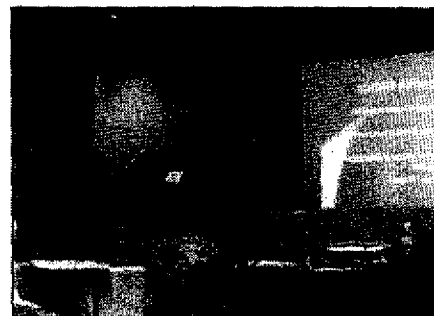
**Absolutely No Fluff in This Course...**

If you enjoy spending good money to get a course that looks like an outline, then this is not the course for you. If you want a bunch of white space and a bunch of courses as filler, then this is not the course for you either. But if you want real world real estate investing information, then this IS the course to buy.

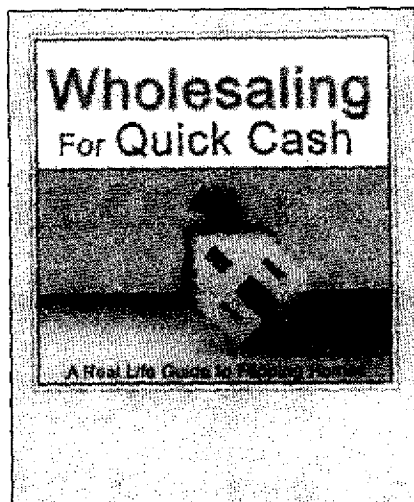
We guarantee that you will not find more information anywhere for this price. Actually, you probably won't find as much information for twice the price!

That's because all of Steve's secrets are spelled out in a step-by-step program aptly named "Flipping Homes Business in a Box".

You'll profit wildly from Steve's years in the trenches, learning everything you need to know to emulate his impressive success as a real estate investor.



Wholesaling for Quick Cash



### **Wholesaling for Quick Cash:**

A Real Life Guide to Flipping Homes

Just like the title says, this course offers a refreshingly realistic account of the real life world of flipping homes. From the trenches, Steve tells it like it is with 219 pages of hard-hitting facts about the day-to-day life of buying and selling properties for quick cash. In this powerful text, he touches upon many issues left unresolved by other courses and reveals the secrets that allow him to average a \$5,000 profit per wholesale deal.

Whether you're a seasoned investor or just getting started, if you want **up-to-the-minute information on**

**how to make QUICK CASH flipping property**, this course is for you. Steve jam-packed this course, covering every aspect of flipping properties including the inside scoop on such topics as:

- How to evaluate a neighborhood
- How to define your "goldmine" target area
- How to find profitable properties
- How to determine the after-repaired value of a property
- How to estimate repairs, even if you've never done it before
- How to construct money-making offers
- How to increase your chances of having an offer accepted
- How to use a Realtor to make money
- How to find and qualify a Realtor
- How to build a professional success team
- How to find all the hard money lenders you'll every need
- How to profit without cash, credit or provable income
- How to market your properties and maximize your income
- How to find and qualify wholesale buyers
- How to create "win/win" situations so everyone profits

...and most importantly...

- How to make some QUICK CASH STARTING TODAY!

This is no ordinary course. Wholesaling for Quick Cash: A Real Life Guide to Flipping Homes is designed to put you head and shoulders above the competition in your town and place you on the fast track to success. Steve doesn't pull any punches in pouring out page after page of the knowledge he's gained while buying and selling over 170 homes in the last three years, including 27 houses in the first two months of 2001 alone. For the first time, from start to finish he explains in his own down-to-earth manner how to flip a property step by step. Chock full of information and REAL LIFE EXAMPLES, this course is not for the faint of heart. If you're a serious investor looking for detailed instructions on how to GENERATE CASH NOW without having your own cash, credit or even a full-time job, this course is a MUST for your real estate library. Order it today!

Includes 219 page course manual plus computer diskette with sample legal forms.

### Reviews of the course:

*"This book is an excellent, comprehensive guide for the beginning real estate investor. Full of information that is relevant to making money in today's marketplace, Wholesaling for Quick Cash is invaluable to the investor who flips property."*

*Lisa Moren  
Marketing Consultant and Real Estate Investor  
Princeton Investments, Inc.*

*"I had the privilege of reviewing Steve's course during the convention. I read it from cover to cover and found it jam-packed with useful information. No fluff in this book. And he is one of the most helpful people I have ever known in this business, not to mention he has a very high ethical standard."*

*John Bittel  
New Jersey*

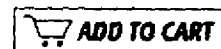
Wholesaling For Quick Cash

Shipping and Handling

Special Price

\$149.00

\$5.00 per item



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## FLIPPING ESTIMATOR

- DETERMINE REHAB ISSUES
- PROJECT COSTS
- ESTABLISH YOUR MAXIMUM "OFFER TO BUY"
- TRACK SUCCESS

# Accurately Estimate before you Buy!

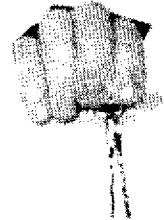
Welcome to The Flipping Estimator!

### Overview

The purpose of the House Flipping Estimator is to aid you in estimating your costs before you make your real estate offer. It uses Microsoft® Office Excel 2003 for the spreadsheets. Also included is a check off list "worksheet" that will assist you in looking for potential problem areas.

You can use the line items suggested, add more, or just type over the existing ones to fit your needs. We suggest that you create a new file on your computer under My Documents named Real Estate. In this file, save the Flipping Estimator spreadsheet.

Each time you create an estimate, save it in this file with the file name being the address of the house you are estimating. We have some examples included in this package. We like to save an estimate spreadsheet and an actual spreadsheet for each house purchased. This is used for future reference to fine tune our estimate process. We often use the same carpet people, roofers, painters, heating/air contractors, and vinyl siding contractors on each house.







## Before

These contractors have proven themselves to perform quality work, be dependable, and offer fair estimates. They do not always submit the lowest estimates, but our experience has proven that their other qualities far out weigh any money issues. By using the same contactors, we also know how much they generally charge per square foot for their services. With this information, we can prepare an estimate rather quickly.

click here for an immediate download , buy now for \$4.95

[Buy Now](#)

If you are familiar at all with Microsoft® Office Excel, you know that you can go to a cell and insert a pop-up Comment, by right clicking on your mouse, and choosing Insert Comment. You can then type in the price for the line item that your favorite contractor charges per square foot. For example, on our House Flipping Estimator's spreadsheets, for the line item Inside Painting we have inserted the Comment, "Pride Paint and Wallpaper charges \$2.25 per heated square foot for painting with minor wall repair". This Comment window pops-up as you move your mouse pointer to this cell in order to enter a figure for an inside paint estimate. We use this same method for our favorite carpet people, roofers, heating/air contractors, and vinyl siding contractors. We also plug in Comments for other known line items such as; Storm doors usually cost us \$175 a piece and Door Locks are usually \$25 a piece. Again, you can see how this type of information already in a pop-up Comment would allow you to quickly prepare an estimate following your inspection of the house.

### Included in this package

- [Flipping Estimator](#)
- [Flipping Estimator explanation](#)
- [Example - Estimation numbers before purchase](#)
- [Example - Actual numbers after sale of house](#)
- [Check off list - worksheet](#)

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contained in this publication, and will not be liable in any way for any loss or damages incurred as a result of the information contained in this publication. The reader and purchaser of this product package assume absolute responsibility for the use of the material and information. Investment, taxation and real estate laws vary from country to country, state to state, and are constantly changing. It is strongly recommended that readers become familiar with the variations in local laws, and should always consult a professional real estate attorney or taxation professional to answer specific questions regarding their personal situation.

## AboutUs

Phase III Investment Company was established in year 2007 in order to share our knowledge of Real Estate based on 21 years of experience. This knowledge was gained while my partner and I both maintained full time jobs. For the first 12 years we focused on buying homes, rehabbing them, and renting them through a real estate agency. After several experiences of rehabbing homes only to have them demolished by renters over the years, we decided to focus our efforts on buying, rehabbing, and selling. After our first few sales, we were hooked. We sold all of our rental property and began what is now called "Flipping" exclusively. In year 2007, our Real Estate transactions were placed on hold while we dealt with a son whom was in a tragic accident. Through out his months of recovery, our time was spent in hospital rooms critiquing our methods for estimating rehab costs and determining our best buy offer on a laptop. The Flipping Estimator is the product of this effort. We believe that it will simplify your estimation of rehab expenses, help to prevent any mistakes in your calculations via a check off sheet, and aid you in determining your buying offer. The product is purposely made simple in order that a novice can use it. We truly hope that it will provide you with another tool to enhance your real estate buying profit potential.

click here for an immediate download , buy now for \$4.95 [Buy Now](#)

Thanks for allowing our company to serve you,  
C. Lancaster  
[phase3@earthlink.net](mailto:phase3@earthlink.net)  
President  
Phase III Investment Company

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## [1-2-3 Flip](#)

Education for the Serious House Flipper

# Rehab Analysis Spreadsheet

---

## [2 comments](#)

For investors (and up-and-coming investors) looking for a good spreadsheet to analyze the profitability of a flip, [here you go](#). This is one of the spreadsheets I use everyday in my business (modified to remove a lot of the crap that's specific to my projects).

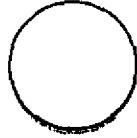
It's a pretty straight-forward spreadsheet, and anyone who has completed a couple flips probably has their own; but for those who don't or those who have no idea where to start, this should be helpful. Just being able to see in one place all the costs, expenses, commissions, and fees associated with a typical rehab makes the whole analysis a lot less daunting. Not to mention, the rundown of typical labor and materials costs on the worksheet should help new investors get a handle on the list of rehab costs associated with a rehab project.

The spreadsheet is currently populated with an estimate from a recent flip we completed, just to give an idea of how it's used. Hopefully, you'll find this useful...

{ 1 [trackback](#) }

[Top Blogs: 8 Investors Who Are Crushing It and Sharing | Struggling to Get Started](#)  
January 28, 2010 at 10:57 pm

{ 1 [comment](#)... read it below or [add one](#) }



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### **Fix It & Flip It Workbook**



**\$3.92**

**Real Estate Flipping**

A Fail-Safe System for Making the Right Decisions About Your Investment A real-estate classic, Fix It and Flip It is a favorite of those who purchase, improve, and sell properties for a profit. This companion workbook has all the worksheets, checklists, and spreadsheets to help you implement the strategies in the book. A bonus accompanying CD-ROM also includes all these documents, allowing ...

## **Appendix C**

<b>Product</b>	<b>Web Site</b>
<b>Flipper's &amp; Rehabber's Cash Flow Analyzer</b>	<a href="http://www.landlordsoftware.com">www.landlordsoftware.com</a>
<b>Property Flipper</b>	<a href="http://www.realestatetools.com">www.realestatetools.com</a>
<b>FLIP Investment Calculator</b>	<a href="http://www.homefixers.com">www.homefixers.com</a>
<b>FLIP Improvement Cost Estimator</b>	<a href="http://www.homefixers.com">www.homefixers.com</a>
<b>FLIP Calculator</b>	<a href="http://www.homefixers.com/calculator.php">www.homefixers.com/calculator.php</a>
<b>Find It, Fix It, FLIP IT!</b>	<a href="http://www.michaelcorbett.com/flipit.html">www.michaelcorbett.com/flipit.html</a>
<b>EASY-Estimate House Flipping Software</b>	<a href="http://www.invest-2win.com/flipping-software.html">www.invest-2win.com/flipping-software.html</a>
<b>FlipSmart</b>	<a href="http://www.flipsmartsoftware.com">www.flipsmartsoftware.com</a>
<b>Fix and Flip House Cost Calculator</b>	<a href="http://www.fixandfliphouses.net">www.fixandfliphouses.net</a>
<b>iFlip</b>	<a href="http://www.ifliprealestate.com">www.ifliprealestate.com</a>
<b>Best House Flip</b>	<a href="http://www.besthouseflip.com">www.besthouseflip.com</a>
<b>FixFlipRent</b>	<a href="http://www.stevesimon.us/flipperfix.htm">www.stevesimon.us/flipperfix.htm</a>
<b>Property Flipping Investment Analyzer</b>	<a href="http://www.verusdecisions.com">www.verusdecisions.com</a>
<b>Flex-Property Flipping Project Module</b>	<a href="http://www.synrgistic.com">www.synrgistic.com</a>
<b>Flipping House 101 Profit Worksheet</b>	<a href="http://www.flippinghouses101.com">www.flippinghouses101.com</a>
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<b>123Flip Rehab Analysis Spreadsheet</b>	<a href="http://www.123flip.com">www.123flip.com</a>
<b>Fix It and Flip It Workbook</b>	<a href="http://www.diyornot.com">www.diyornot.com</a>

## **Appendix D**



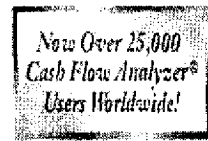




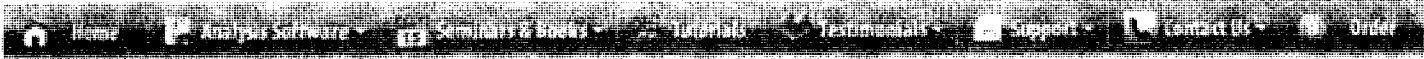


# Real Estate Flipping Software Short-Term Investment Analysis

Flipper's & Rehabber's Cash Flow Analyzer Pro ®



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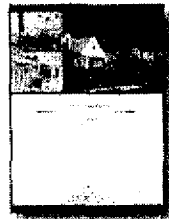
## Canada and Australia

[Canadian Version](#)

[Austrian Version](#)

## Easy-to-use, Affordable... but Powerful Analysis Software

- ✓ **Presentational Reports for Real Estate Agents, Clients, Partners, Investors & Lenders.**



[Sample 6 -Month Presentation](#)

24-Month Also Presentation Available

- ✓ **Determine Maximum Offer Price, Optimal Sales Price and Maximum Rehab Expenses for a specified Profit Goal.**

Quickly and easily solve backwards to determine the purchase price, sales price, or the maximum rehab expenses you can incur to attain your required profit!

**Example:** You input information on a property with an asking price of \$127,500, an 80% loan, and estimated rehab costs of \$17,550. The software computes a profit of only \$11,973 by Month 6.

Your goal is to earn \$25,000. **Click one button and you learn that you can only offer \$110,260, not \$127,500!**

How much is that knowledge worth?



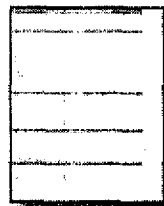
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- ✓ **Determine the value of the property and avoid overpaying.**

Enter current asking price and determine if that flip will cover your costs to improve, pay expenses, and service your debt. *Easily adjust the property purchase price upward or downward to see the effects and determine the maximum you should pay.*

- ✓ **7-Page detailed Rehab, Budget & Costing Estimator.**

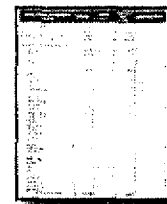
Estimate the costs of rehab projects by using our detailed costing screen. We have national averages built in to help guide you. The estimated costs flow directly to the cash flow analysis report which shows you your cash flow and rate of return.



- ✓ **Budget, Rehab & Performance Tracking Report**

Easily track your rehab, project and house flipping costs and compare them to the projected analysis. Calculate you actual cash on cash return.

The report can also assist you at income tax preparation time!



- ✓ **7-Page home inspection report & photo album**

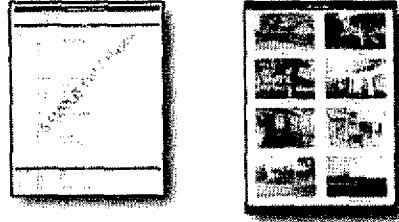
Use our detailed inspection report the next time you

- ✓ **Compute federal and state income taxes.**

Quickly determine the tax benefits that would be generated from owning the rental property.

are inspecting a property. The report has a place for a Grade, Item Description, Potential Issues and Notes.

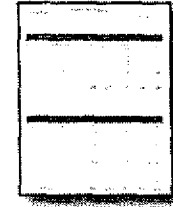
Feel free to modify the report to suit your needs.



Evaluate your rental property with or without income taxes.

Our software is updated for all new tax laws. [Search and read about new tax law changes.](#)

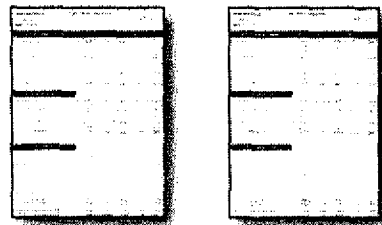
Up to 24 Month Income Tax Reports



#### ✓ Calculate Flip Profit & Cash on Cash Return.

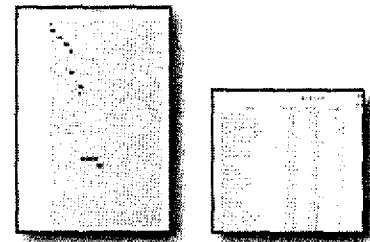
Cash on Cash Return is calculated for each month of property ownership. The calculation is a function of the initial investment you make compared to the cumulative cash flow generated. Easily determine if your required return on investment will be met.

Sample 6 & 24-Month Cash Flow Report



#### ✓ Rehab Project Scheduler and Gantt Charts

Enter up to 96 different events and create a Gantt chart for your project.



#### ✓ Determine the effects of capital improvements on profitability.

Sure... that property looks like a great investment now, but what happens to your return if you have to replace the carpet, or roof? What happens to your cash flow? Can you afford it? Now you can easily project the effects by entering future improvements for any month of the 12 or 24 month analysis.

You can also elect to have improvements adjust the fair market value of the property.

#### ✓ Analyze up to 30 units per property.

Analyze an unlimited number of properties, and easily enter your rent roll and expenses for up to 30 rental units per property... and simply modify the software if you need more units. Enter annual lease rate increases and increase annual expenses by an inflationary amount.

#### ✓ Forecast your property's cash flow up to 24 months.

Evaluate your house flip's performance monthly up to 24 months. A cash flow analysis is computed for each month along with a complete sale computation.

You now can easily see how your real estate flip investment would do at the end of each and every projected month. These computations are summarized in an easy to read report and is graphed.

#### ✓ Determine the best month to sell the property.

The information generated from your analysis will help you determine the best month to sell the property. You will be able to compare the monthly and annualized rate of return, cumulative cash generated and other ratios and financial information.

Our software helps paint a picture and helps you forecast which month you need to exit from the investment.

#### ✓ Print presentational-quality reports & graphs.

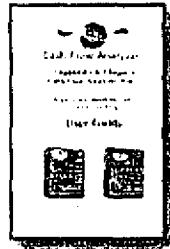
#### ✓ Compute 2 new or assumed loans.

Interest expense and payment obligations are

Easily print reports that summarize your property's financial performance. Use the reports to compare to other investments, to obtain financing from bankers, or to illicit investor capital.

automatically computed. The software includes interest-only and "accrue" versus "pay monthly" options.

Easily print amortization schedules showing the mortgage information.



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Software specific to Rehabbers. Enter your property, estimate the expenses, and do the deal.

### Douglas Rutherford - Flipper

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The Flipper's & Rehabber's Cash Flow Analyzer software helps to quickly project cash flow, profit, and rate-of-return on a short-term flips. Know if that flip will be profitable before investing. Easily create presentational reports for lenders and partners.



## Now An Easier Way to Evaluate A Real Estate Flip.

Flipper's & Rehabber's Cash Flow Analyzer

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As a short-term real estate investor, you need a very easy-to-use tool that will quickly calculate cash flow, profit, a budget, and the investment return for a potential flip. And once you have done so, you need to be able to easily print or email the presentational-quality reports to lenders or investors.

Thus, we created the Flipper's & Rehabber's Cash Flow Analyzer. Our real estate and house flipping software helps you better analyze rental property flips because the investment is analyzed on a month-to-month basis, and cash-on-cash return is calculated including the projected rehab expenses. Reports can be

printed in a snap and emailed using our PDF software that is included at no additional charge.



Now you can evaluate a property on a month-to-month basis for up to 12 & 24 months.



Hello, I'm Doug Rutherford, CPA, founder of Landlord Software.com LLC. In 1993, I developed the Landlord's Cash Flow Analyzer for several of my real estate clients who needed a better way to evaluate their rental property investments. The software was geared toward the long-term investor.

I have now created a brand new software package that allows the short-term flipper to use the same powerful tools, features, graphs, and charts that are contained in the Landlord's Cash Flow Analyzer Pro, but I have tailored it for you, the flipper.



- ✓ Analyze a property over a 12 & 24-month period
- ✓ Determine if the property is discounted enough to make the flip worthwhile
- ✓ Schedule up to 96 different events in the new project scheduler & Gantt charts
- ✓ See how your cash flow is affected by property improvements
- ✓ Now you can easily budget for those expenditures
- ✓ Includes detailed rehab costing & budgeting schedule
- ✓ Easily email or print PDF reports for lenders and investors



The real estate flipping cash flow tool you've been searching for to help you choose the right investment properties.



"Doug,

I have downloaded the Flipper 11.1.2 and it "blew me away" ... what a piece of software!  
It's exactly what I've been looking for ...."

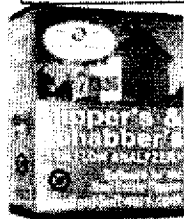
Lou Hansen  
Richland, WA

"Doug,

Your "Flipper" software is excellent. I am somewhat of a novice investor. I own a long-term property in Hawaii, a mid-term property in Vegas, and I'm now working on a short-term 'flipper' type in San Diego, CA. The flipper software has been very useful for determining an appropriate debt service structure as well as the timing of a future sale. I could have created these spreadsheets without "paying" for it, but your software has saved me a TON of time on software development, while at the same time, has given me the freedom to 'slice & dice' the formatting however I please."

Tony D. San Diego, CA

▼ City: San Diego, CA



**Flipper's & Rehabber's Cash Flow Analyzer**  
Software Features

[View Tutorial](#)

- Determine the value of the property and avoid overpaying.

Enter current asking price and determine if that flip will cover your costs to improve, pay expenses, and service your debt. Easily adjust the property purchase price upward or downward to see the effects and determine the maximum you should pay.

- Calculate Cash on Cash Return.

Cash on Cash Return is calculated for each month of property ownership. The calculation is a function of the initial investment you make compared to the cumulative cash flow generated. Easily determine if your required return on investment will be met.

- 7-Page detailed rehab, budget & costing estimator.

Estimate the costs of rehab projects by using our detailed costing screen. We have national averages built in to help guide you. The estimated costs flow directly to the cash flow analysis report which shows you your cash flow and rate of return.

- **NEW** Budget, Rehab & Performance Tracking Report

Easily track your rehab and project costs and compare them to the projected analysis. Calculate you actual cash on cash return.

The report can also assist you at income tax preparation time!

- **Goal Seek & Sensitivity Analysis.**

Quickly and easily solve backwards to determine the purchase price, sales price, or the maximum rehab expenses you can incur to attain your required desired return!

Example: You input information on a property with an asking price of \$150,000. The software computes a cash on cash return of only 6%. You want to know what the purchase price should be to earn 15%. You simply enter 15% into the Goal Seek and the program will solve backwards and tell you what that purchase price needs to be to obtain a 15% return!

- **NEW** Rehab Project Scheduler and Gantt Charts

Enter up to 96 different events and create a Gantt chart for your project.

- 7-Page home inspection report.

Use our detailed inspection report the next time you are inspecting a property. The report has a place for a Grade, Item Description, Potential Issues and Notes.

Feel free to modify the report to suit your needs.

- Determine the effects of capital improvements on profitability.

Sure... that property looks like a great investment now, but what happens to your return if you have to replace the carpet, or roof? What happens to your cash flow? Can you afford it? Now you can easily project the effects by entering future improvements for any month of the 12 or 24 month analysis.

You can also elect to have improvements adjust the fair market value of the property.

- Compute federal and state income taxes.

Quickly determine the tax benefits that would be generated from owning the rental property. Evaluate your rental property with or with out income taxes. See the effects of your cash flow if your losses are limited by the passive activity rules. Our software is updated for the new federal capital gain tax rates that were recently enacted. Read the new tax law.

- Forecast your property's cash flow for 12 or 24 months.

Evaluate your rental property's performance over a monthly over 12 months. A cash flow analysis is computed for each year along with a complete property sale computation. You now can easily see how your investment would do at the end of each and every projected month. These computations are summarized in an easy to read report and is graphed.

- Determine the best month to sell the property.

The information generated from your analysis will help you determine the best month to sell the property. You will be able to compare the monthly and annualized rate of return, cumulative cash generated and other ratios and financial information. Our software helps paint a picture for you and helps you forecast when the property may start underperforming. If the performance is below your requirements, that may suggest you to avoid or exit the investment.

- Analyze up to 30 units.

Analyze an unlimited number of properties, and easily enter your rent roll and expenses for up to 30 rental units per property... and simply modify the software if you need more units. Enter annual lease rate increases and increase annual expenses by an inflationary amount.

- Determine how much rent to charge.

Simply enter the market rental rate or your estimate and quickly determine if your expenses will be covered. Easily increase or decrease the rent amount to see the effects on the bottom line.

- Print presentational-quality reports & graphs.

Easily print reports that summarize your property's financial performance. Use the reports to compare to other investments, to obtain financing from bankers, or to illicit investor capital.

- Compute 2 new or assumed loans.

Interest expense, and payment obligations are automatically computed. Includes an interest-only option and adjustable rate mortgages (ARM) option. Print amortization schedules showing the mortgage information.

- Allow for foreclosure and below-market purchases.

The cost of the property may not always be the fair market value especially when you are buying properties at distressed prices. The software quickly computes the return on the spread. Forecast and determine the future property value by entering a projected growth rate. Determine the tax implications an cash flow from sale.

- Plus calculate important financial ratios.

Net Cumulative Cash Generated	Monthly Property Sale Analysis
Cash on Cash Return	Annual Ownership Percentage

- Perform what-if calculations.

Change your input over and over to see what the effects would be on the bottom line.

Download the User Guide in Word or PDF



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82 page User Guide and Manual

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## **Appendix E**

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**To:** John Alexander ([graystonejohn@hotmail.com](mailto:graystonejohn@hotmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77903900 - LIST AND FLIP - N/A  
**Sent:** 4/2/2010 4:09:56 PM  
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**UNITED STATES PATENT AND TRADEMARK OFFICE****SERIAL NO:** 77/903900**MARK:** LIST AND FLIP**\*77903900\*****CORRESPONDENT ADDRESS:**JOHN ALEXANDER  
6700 WOODLANDS PKWY  
THE WOODLANDS, TX 77382-2575**RESPOND TO THIS ACTION:**<http://www.uspto.gov/teas/eTEASpageD.htm>**GENERAL TRADEMARK INFORMATION:**<http://www.uspto.gov/main/trademarks.htm>**APPLICANT:** John Alexander**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**[graystonejohn@hotmail.com](mailto:graystonejohn@hotmail.com)**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE:** 4/2/2010

**MARK IS MERELY DESCRIPTIVE**

Registration is refused because the applied-for mark merely describes the subject matter of applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

The applicant has applied to register LIST AND FLIP for educational services, namely providing classes, seminars, and workshops in the field of real estate investment, and printed and pre-recorded audio and video course materials distributed in connection therewith.

The applicant's service presumably teaches students how to list and flip real property. As applicant indicated in the application as filed, to "list" property is "the placing of real property into the Multiple Listing Service which is a national real estate listing service," and to "flip" it means "reselling of real property after its purchase by investors." See attached additional definitions which confirm this.

Therefore, registration is refused under Trademark Act Section 2(e)(1). Two major reasons for not protecting descriptive marks are (1) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace and (2) to avoid the possibility of costly infringement suits brought by the trademark or service mark owner. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978); TMEP §1209. Businesses and competitors should be free to use descriptive language when describing their own goods and/or services to the public in advertising and marketing materials. *See In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1527 (TTAB 2001).

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

**DISCLAIMER**

Applicant has disclaimed the entire applied-for mark. However, an entire mark may not be disclaimed. TMEP §1213.06; *see* 15 U.S.C. §1056(a); *In re Dena Corp. v. Belvedere Int'l Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Carlson*, 91 USPQ2d 1198, 1203 (TTAB 2009); *In re JT Tobacconists*, 59 USPQ2d 1080, 1081 n.1 (TTAB 2001). If the applied-for mark is not registrable as a whole, a disclaimer will not make it registrable. TMEP §1213.06.

Therefore, the applicant must withdraw the disclaimer.

/James T. Griffin/  
Examining Attorney, Law Office 103  
(571) 272-9169  
Informal communications only:  
jim.griffin@uspto.gov

**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

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**Sent:** 3/30/2010 12:23:18 PM  
**Sent As:** ECOM102@USPTO.GOV  
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**UNITED STATES PATENT AND TRADEMARK OFFICE****SERIAL NO:** 77/907440**MARK:** FLIPPING WITHOUT FLOPPING**\*77907440\***

**CORRESPONDENT ADDRESS:**  
DALESSANDRO, CAROL ANN  
115 CHOPIN DR  
WAYNE, NJ 07470-6264

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**APPLICANT:** Applied Education LLC

**CORRESPONDENT'S REFERENCE/DOCKET  
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**CORRESPONDENT E-MAIL ADDRESS:**  
[cromeo14@yahoo.com](mailto:cromeo14@yahoo.com)

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**ISSUE/MAILING DATE:** 3/30/2010

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.

### Search of the Office Records

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

### DISCLAIMER REQUIRED

Applicant must insert a disclaimer of FLIPPING in the application because the term(s) merely describes a subject matter of services. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). See the attached definition which shows FLIPPING merely describes to buy and usually renovate (real estate) so as to quickly resell at a higher price.

The following is the accepted standard format for a disclaimer:

**No claim is made to the exclusive right to use "FLIPPING" apart from the mark as shown.**

TMEP §1213.08(a)(i).

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

### Applicant's Response

Applicant must explicitly address each issue raised in this Office action. If a refusal has issued, applicant may wish to argue against the refusal, i.e., submit arguments and/or evidence as to why the refusal should be withdrawn. To respond to requirements, applicant should set forth in writing the required changes or statements.

The response must be signed by the individual applicant or by a person with legal authority to bind a juristic applicant (e.g., a corporate officer, the equivalent of an officer for unincorporated organizations or limited liability companies, a general partner). *See* TMEP §§611.03(b), 611.06 *et seq.*, 712.01. In the case of joint applicants, all should sign. TMEP §611.06(a). The proper signatory must personally sign or manually enter his/her electronic signature. TMEP §§611.01(b), 611.02.

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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. 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. Responding by telephone to authorize an examiner's amendment will not incur this additional fee.



/Anthony M. Rinker/  
Trademark Examining Attorney  
Law Office 102  
571-272-5491

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**SERIAL NO:** 77/089417

**APPLICANT:** Home Traders Group, LLC

**\*77089417\***

**CORRESPONDENT ADDRESS:**  
FREDERICK N. SAMUELS  
CAHN & SAMUELS, LLP  
2000 P STREET, NW  
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WASHINGTON, IL 20036

**RETURN ADDRESS:**  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

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Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**  
frederick.samuels@cahnsamuels.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/089417

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:  
TEAS Plus applicants should submit the following documents using the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for

extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a \$50 per class fee. 37 C.F.R. §§2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

The assigned examining attorney has reviewed the referenced application and determined the following:

#### **Search Results**

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 704.02.

#### **Section 2(e)(1) Refusal—Mark is Merely Descriptive**

Registration is refused because the proposed mark merely describes features of the applicant's goods and services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 *et seq.*

A term need not describe all of the purposes, functions, characteristics or features of the services to be merely descriptive. For the purpose of a Section 2(e)(1) analysis, it is sufficient that the term describe only one attribute of the services to be found merely descriptive. *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973); TMEP §1209.01(b).

The applicant seeks to register the mark FLIPPING HOMES for digital recordings and online journals featuring information for real estate investors and for providing real estate information. The examining attorney references the attached web pages, obtained via an Internet search using the Google® search engine, showing common descriptive use of FLIPPING HOMES in reference to the act of buying properties, improving them, and then selling them for a profit. Presumably, the recorded media and online information and journals provided by the applicant feature information about flipping homes, as this is a type of real estate investment. Because FLIPPING HOMES is the subject matter of the applicant's goods and services, the proposed mark is merely descriptive and registration of the mark is refused under Trademark Act Section 2(e)(1).

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant has any questions or needs assistance in responding to this Office Action, please contact the assigned examining attorney.

/Kimberly Frye/  
Trademark Examining Attorney  
Law Office 113  
(571) 272-9430 (phone)  
(571) 273-9430 (fax)

**NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS:** In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the

actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will **not** be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

#### **HOW TO RESPOND TO THIS OFFICE ACTION:**

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- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

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2. Flip1-2
3. Flip1-3
4. Flip1-4
5. Flip2-1

Email 2 includes the following 9 attachments

1. Flip2-2
2. Flip3-1

3. Flip3-2
4. Flip3-3
5. Flip3-4
6. Flip3a-1
7. Flip3a-2
8. Flip3a-3
9. Flip3a-4

Email 3 includes the following 7 attachments

1. Flip4-1
2. Flip4-2
3. Flip5-1
4. Flip5-2
5. Flip5-3
6. Flip5a-1
7. Flip5a-2

Email 4 includes the following 8 attachments

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2. Flip6-2
3. Flip6-3
4. Flip6-4
5. Flip7-1
6. Flip7-2
7. Flip7-3
8. Flip8-1

Email 5 includes the following 5 attachments

1. Flip8-2
2. Flip8-3
3. Flip9-1
4. Flip9-2
5. Flip9-3

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*If you need help:*

- **General trademark information:** Please e-mail [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov), or telephone either 571-272-9250 or 1-800-786-9199.
- **Technical help:** For instructions on how to use TDR, or help in resolving **technical** glitches, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). If outside of the normal business hours of the USPTO, please e-mail [Electronic Business Support](mailto:ElectronicBusinessSupport@uspto.gov), or call 1-800-786-9199.
- **Questions about USPTO programs:** Please e-mail [USPTO Contact Center \(UCC\)](mailto:USPTOContactCenter@uspto.gov).

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Mail / Create Date: **10-May-2007**

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**To:** HOME TRADERS GROUP, LLC ([frederick.samuels@cahnsamuels.com](mailto:frederick.samuels@cahnsamuels.com))

**Subject:** TRADEMARK APPLICATION NO. 77087075 - FLIPPING HOMES - 646.0002

**Sent:** 5/10/2007 5:45:19 PM

**Sent As:** ECOM113@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
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Attachment - 33  
Attachment - 34

**[Important Email Information]**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/087075

**APPLICANT:** HOME TRADERS GROUP, LLC

**\*77087075\***

**CORRESPONDENT ADDRESS:**

FREDERICK N. SAMUELS  
 CAHN & SAMUELS, LLP  
 2000 P ST NW STE 200  
 WASHINGTON, DC 20036-6924

**RETURN ADDRESS:**

Commissioner for Trademarks  
 P.O. Box 1451  
 Alexandria, VA 22313-1451

**MARK:** FLIPPING HOMES

**CORRESPONDENT'S REFERENCE/DOCKET NO:** 646.0002

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**

frederick.samuels@cahnsamuels.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

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The assigned examining attorney has reviewed the referenced application and determined the following:

### Search Results

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 704.02.

### Section 2(e)(1) Refusal—Mark is Merely Descriptive

Registration is refused because the proposed mark merely describes the subject matter of the applicant's educational workshops, seminars, conferences and boot camps. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1). See *In re American Academy of Facial Plastic and Reconstructive Surgery*, 64 USPQ2d 1748 (TTAB 2002) (FACIAL PLASTIC SURGERY held generic for training, association and collective membership services); *In re Institutional Investor, Inc.*, 229 USPQ 614 (TTAB 1986) (INTERNATIONAL BANKING INSTITUTE for organizing seminars for bank leaders of major countries held incapable); *In re Industrial Relations Counselors, Inc.*, 224 USPQ 309 (TTAB 1984) (INDUSTRIAL RELATIONS COUNSELORS, INC. held an apt name or so highly descriptive of educational services in the industrial relations field that it is incapable of exclusive appropriation and registration); *In re Harcourt Brace Jovanovich, Inc.*, 222 USPQ 820 (TTAB 1984) (LAW & BUSINESS incapable of distinguishing the services of arranging and conducting seminars in the field of business law); *In re National Shooting Sports Foundation, Inc.*, 219 USPQ 1018 (TTAB 1983) (SHOOTING, HUNTING, OUTDOOR TRADE SHOW & CONFERENCE incapable for trade show).

A term need not describe all of the purposes, functions, characteristics or features of the services to be merely descriptive. For the purpose of a Section 2(e)(1) analysis, it is sufficient that the term describe only one attribute of the services to be found merely descriptive. *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973); TMEP §1209.01(b).

The applicant seeks to register the mark FLIPPING HOMES for workshops, seminars, conferences and boot camps in the field of real estate investment. The examining attorney references the attached web pages, obtained via an Internet search using the Google® search engine, showing common descriptive use of FLIPPING HOMES in reference to the act of buying properties, improving them, and then selling the properties for a profit. Presumably, FLIPPING HOMES is at least one topic of the applicant's real estate investment workshops and seminars. Accordingly, the mark is merely descriptive, and registration of the mark is refused under Trademark Act Section 2(e)(1).

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant has any questions or needs assistance in responding to this Office Action, please contact the assigned examining attorney.

/Kimberly Frye/

Trademark Examining Attorney  
Law Office 113  
(571) 272-9430 (phone)  
(571) 273-9430 (fax)

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Email 5 includes the following 5 attachments

1. Flip8-2
2. Flip8-3
3. Flip9-1
4. Flip9-2
5. Flip9-3

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 Mail / Create Date: **03-May-2007**

**To:** Smith Rothchild Financial Company ([parnold@mhmlaw.com](mailto:parnold@mhmlaw.com))  
**Subject:** TRADEMARK APPLICATION NO. 77068663 - REHAB SUCCESS CALCULATOR - 34042US01  
**Sent:** 5/3/2007 6:31:55 AM  
**Sent As:** ECOM106@USPTO.GOV  
**Attachments:**

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 77/068663

**APPLICANT:** Smith Rothchild Financial Company

**\*77068663\***

**CORRESPONDENT ADDRESS:**  
 PATRICK J. ARNOLD JR.  
 MCANDREWS, HELD & MALLOY, LTD.  
 500 W MADISON ST FL 34  
 CHICAGO, IL 60661-4544

**RETURN ADDRESS:**  
 Commissioner for Trademarks  
 P.O. Box 1451  
 Alexandria, VA 22313-1451

**MARK:** REHAB SUCCESS CALCULATOR

**CORRESPONDENT'S REFERENCE/DOCKET NO:** 34042US01

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**  
[parnold@mhmlaw.com](mailto:parnold@mhmlaw.com)

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

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recently issued Office communication.

Serial Number 77/068663

The assigned trademark examining attorney has reviewed the referenced application and determined the following.

Search Results.

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

The applicant should note the following ground for refusal.

STATUTORY REFUSAL: THE MARK IS MERELY DESCRIPTIVE.

The examining attorney refuses registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); *Trademark Manual of Examining Procedure* Section 1209.

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP section 1209.01(b).

The examining attorney must consider whether a mark is merely descriptive in relation to the identified services, not in the abstract. *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1978); *In re Venture Lending Associates*, 226 USPQ 285 (TTAB 1985).

The applicant's mark is REHAB SUCCESS CALCULATOR for "consultation in the field of acquisition and rehabilitation of real estate investment properties, namely, providing a process for forecasting with confidence the out-of-pocket expenses and potential return associated with an individual rehab real estate investment transaction." Based upon this identification of services alone, the mark is merely descriptive. Knowing that the applicant provides real estate investment consultation services that includes a method of calculating the profitable financial return on investing in and rehabilitating property, the mark REHAB SUCCESS CALCULATOR is merely descriptive of a feature those services.

This examining attorney finds the entire mark merely descriptive and registration is therefore refused.

The applicant should note the following additional ground for refusal.

STATUTORY REFUSAL: THE MARK MERELY IDENTIFIES A PROCESS.

Registration is refused because the proposed mark, as used on the specimen of record, merely identifies a process or system; it does not function as a service mark to identify and distinguish applicant's services from those of others and to indicate their source. Trademark Act Sections 1, 2, 3 and 45, 15 U.S.C. §§1051-1053 and 1127; see *In re Universal Oil Prods. Co.*, 476 F.2d 653, 177 USPQ 456, 457 (C.C.P.A. 1973); TMEP §1301.02(e).

A process or system is a way of doing something, and does not generally constitute a service. The name of a system or process does not function as a service mark unless it is also used to indicate the source of the services in the application. *In re Hughes Aircraft Co.*, 222 USPQ 263, 264 (TTAB 1984)



The determination of whether matter functions solely as the name of a system or process and also as a service mark is based on a consideration of the manner in which the proposed mark is used, as evidenced by the specimen and any other information of record, such as an identification of services. *Id.*; TMEP §1301.02(e). The specimen shows the proposed mark used solely to identify a process or system because the proposed mark is only used in a line of text description of how fast the loan process can be for consumers.

The examining attorney only finds that based upon this specimen and identification of services, the proposed mark would not be perceived as a service mark. It is just the name of an online calculator at the applicant's website. See the applicant's specimens of record. The examining attorney will reconsider this refusal if the applicant submits a substitute specimen showing use as a service mark. TMEP §904.11. The applicant must verify, with an affidavit or a declaration under 37 C.F.R. §2.20, that the substitute specimen was in use in commerce at least as early as the application filing date. 37 C.F.R. §2.59(a); TMEP §904.09.

Although the examining attorney has refused registration, the applicant may respond to the refusals to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

Amend the Recitation of Services.

The recitation of services is unacceptable as indefinite. The applicant may adopt the following identification, if accurate:

Real estate consultation in the field of purchasing of real estate investment properties in need of repair in International Class 36.

Real estate construction consultation in the field of repairing and rehabilitating real estate investment properties in need of repair in International Class 37.

*Trademark Manual of Examining Procedure Section 1402.*

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(a); *Trademark Manual of Examining Procedure* Section 1402.06. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the requirements below for those goods and/or services based on actual use in commerce under Trademark Act Section 1(a):

Applicant must list the goods/services by international class with the classes listed in ascending numerical order;

Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at <http://www.uspto.gov>); and

For each additional class of goods and/or services, applicant must submit:

dates of first use of the mark anywhere and dates of first use of the mark in commerce, or a statement that the dates of use in the initial application apply to that class; the dates of use, both anywhere and in commerce, must be at least as early as the filing date of the application;

one specimen showing use of the mark for each class of goods and/or services; the specimen must have been in use in commerce at least as early as the filing date of the application; a statement that "the specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application;" and verification of the statements in 3(a) and 3(c) in an affidavit or a signed declaration under 37 C.F.R. §2.20. (NOTE: Verification is *not* required where (1) the dates of use for the added class are stated to be the same as the dates of use specified in the initial application, or (2) the original specimens are acceptable for the added class.)

37 C.F.R. §§2.6, 2.34(a), 2.59, 2.71(c), and 2.86(a); TMEP §§810, 904.09, 1403.01 and 1403.02(c).

**Please note that the specimen(s) of record is NOT acceptable for any of the classes suggested.**

#### Responding to this Office Action.

No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them. The applicant must sign the response. In addition to the identifying information required at the beginning of this letter, the applicant should provide a telephone number to speed up further processing.

In all correspondence to the Patent and Trademark Office, the applicant should list the name and law office of the examining attorney, the serial number of this application, the mailing date of this Office action, and the applicant's telephone number.

If the applicant has any questions or needs assistance in responding to this Office Action, please telephone the assigned examining attorney. However, you may be able to receive a response faster by sending me an email at [john.dalier@uspto.gov](mailto:john.dalier@uspto.gov) with any questions regarding this Office Action. Note that this email address is not for responses to Office Actions, just questions about Office Actions.

#### *Copies of Documents*

The applicant may view and download any or all documents contained in the electronic file wrapper of all pending trademark applications, as well as many registrations via the Trademark Document Retrieval (TDR) system available online at: <http://portal.uspto.gov/external/portal/tow>. Currently, you can access all pending applications and all Madrid Protocol filings, and also many registrations, via TDR. The USPTO is in the process of converting all remaining registrations into a digital format, to permit future TDR access. This conversion process is expected to take several years.

Downloads are converted into PDF format and may be viewed with any PDF viewer, including the free Adobe Reader.

/John D. Dalier/  
Trademark Examining Attorney  
Law Office 106; 571 272 9150  
Fax (571) 273-9106

**NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS:** In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the

applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

#### HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

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- **General trademark information:** Please e-mail [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov), or telephone either 571-272-9250 or 1-800-786-9199.
- **Technical help:** For instructions on how to use TDR, or help in resolving technical glitches, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). If outside of the normal business hours of the USPTO, please e-mail [Electronic Business Support](#), or call 1-800-786-9199.
- **Questions about USPTO programs:** Please e-mail [USPTO Contact Center \(UCC\)](#).

**Please Note:**

- *The Mail/Create Date is the date the document was loaded into the database; it is not necessarily the mailing date from which the response period, if any, flows. The mailing date is available in the prosecution history in TARR.*
- *Some filings made through the Trademark Electronic Application System (TEAS) are not uploaded immediately into TDR. Instead, it may take approximately seven (7) calendar days for the upload. If that amount of time has passed and your filing is still not appearing, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov).*

Document Description: **Offc Action Outgoing**  
Mail / Create Date: **27-Feb-2003**

**To:** Futura Mortgage Corporation (maurice@duboisgroup.com)  
**Subject:** TRADEMARK APPLICATION NO. 78127249 - PROFESSIONAL REAL ESTATE INVESTOR - N/A  
**Sent:** 2/27/03 2:22:09 PM  
**Sent As:** ECom110  
**Attachments:**

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/127249

**APPLICANT:** Futura Mortgage Corporation

**CORRESPONDENT ADDRESS:**  
Futura Mortgage Corporation  
1470 Bear Creek Road  
Cedar Hill TX 75104

**RETURN ADDRESS:**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
**ecom110@uspto.gov**

**MARK:** PROFESSIONAL REAL ESTATE INVESTOR

**CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A

**CORRESPONDENT EMAIL ADDRESS:**  
maurice@duboisgroup.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

### OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/127249

**FINAL**

This letter responds to applicant's letter of November 3, 2002. The applicant amended the recitation, but did not address the refusal, the basis or the specimens. These refusals are made FINAL.

**MARK IS MERELY DESCRIPTIVE**

The examining attorney refused registration on the Principal Register because the proposed mark merely describes the services offered by applicant. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP section 1209 *et seq.*

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP section 1209.01(b).

Applicant proposes, "help in becoming a real estate investor" in connection with PROFESSIONAL REAL ESTATE INVESTOR.

PROFESSIONAL is defined as:

- a. Of, relating to, engaged in, or suitable for a profession: a *professional field such as law; professional training.* b. Conforming to the standards of a profession: [1]

REAL ESTATE is defined as:

Land, including all the natural resources and permanent buildings on it. [2]

INVESTOR is defined as:

To commit (money or capital) in order to gain a financial return: *invested their savings in stocks and bonds.* [3]

**Together, PROFESSIONAL REAL ESTATE INVESTOR immediately describes and names the characteristics and features of the services. Professional, used in connection with descriptive wording has been commonly held descriptive by the Trademark Office (see attachments). Accordingly, the mark is not registrable on the Principal Register.**

**SUPPLEMENTAL REGISTER**

**Although the examining attorney has refused registration on the Principal Register, the applicant may amend the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. Section 1091; 37 C.F.R. Sections 2.47 and 2.75(a); TMEP sections 202.02(b) and 1115.**

Although the examining attorney has refused registration, the applicant may respond to the refusal to

register by submitting evidence and arguments in support of registration.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities:

**CANNOT ASSERT 1(a) and 1(b) for the SAME GOODS OR SERVICES**

The applicant asserts use of the mark in commerce for **services** and applicant asserts that it has a bona fide intent to use the mark in commerce for the same goods/services. An applicant may not assert both use of the mark in commerce, under Trademark Act Section 1(a), 15 U.S.C. §1051(a), and intent to use the mark in commerce, under Trademark Act Section 1(b), 15 U.S.C. §1051(b), for the same goods or services. 37 C.F.R. §2.34(b)(1); TMEP §806.02(b). The applicant must delete one basis or divide the goods/services between the two bases, as appropriate.

**SPECIMENS**

The specimen is unacceptable as evidence of actual service mark use because the mark is not seen in connection with the services. The applicant must submit a specimen showing the mark as it is used in commerce. 37 C.F.R. Section 2.56. Examples of acceptable specimens are signs, photographs, brochures or advertisements that show the mark used in the sale or advertising of the services. TMEP section 1301.04. The applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application. 37 C.F.R. Section 2.59(a); TMEP section 905.10.

Specimens are unacceptable if they do not show use of the service mark in relation to the identified service. *Intermed Communications, Inc. v. Chaney*, 197 USPQ 501 (TTAB 1977). The specimens must show use of the mark "in the sale or advertising of services." Trademark Act Section 45, 15 U.S.C. Section 1127; *In re Universal Oil Products Co.*, 476 F.2d 653, 177 USPQ 456 (CCPA 1973); TMEP section 1301.02. Therefore, the specimens must show the mark in reference to the particular services identified.

The applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimens were in use in commerce at least as early as the filing date of the application. 37 C.F.R. Section 2.59(a); TMEP section 905.10.

The following is a properly worded declaration under 37 C.F.R. Section 2.20. At the end of the response, the applicant should insert the declaration signed by *Officer or Attorney of Applicant Corporation*.

**SAMPLE 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. 1001, and that such willful false statements 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,

that the mark is in use in commerce and was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date; that 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 all statements made on information and belief are believed to be true.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name and Position)

\_\_\_\_\_  
(Date)

Pending an adequate response to the above, the examining attorney refuses registration under Trademark Act Sections 1,2,3 and 45, 15 U.S.C. Sections 1051, 1052, 1053 and 1127, because the record does not show use of the proposed mark as a service mark.

### RESPONSE TO OFFICE ACTION

No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them. The applicant must sign the response. In addition to the identifying information required at the beginning of this letter, the applicant should provide a telephone number to speed up further processing.

The applicant may wish to hire a trademark attorney because of the technicalities involved in the application. The Patent and Trademark Office cannot aid in the selection of an attorney.

In all correspondence to the Patent and Trademark Office, the applicant should list the name and law office of the examining attorney, the serial number of this application, the mailing date of this Office action, and the applicant's telephone number.

The following authorities govern the processing of trademark and service mark applications: The Trademark Act, 15 U.S.C. Section 1051 *et seq.*, the Trademark Rules of Practice, 37 C.F.R. Part 2, and the *Trademark Manual of Examining Procedure* (TMEP).

"TMEP" refers to the Trademark Manual of Examining Procedure (2d ed. rev 1 April 1997), available by subscription from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954. The stock number is 903-010-00000-2. The price is \$44.00 (\$55.00 for foreign mailing). Orders may also be placed, using MASTERCARD® or VISA®, by calling (202) 512-



1800. The TMEP is also available on the PTO's home page at [www.uspto.gov](http://www.uspto.gov).

If the applicant is not submitting a fee with the response, the applicant should include the following in the mailing address to ensure proper handling: 1) the words "Box 5" and 2) the law office number of the assigned examining attorney.

If responding by email informally, please use the email address: [Dezmona.Mizelle@uspto.gov](mailto:Dezmona.Mizelle@uspto.gov). If formally, please use the email address [ecom110@uspto.gov](mailto:ecom110@uspto.gov).

The refusal to register is *FINAL*.

Please note that the only appropriate responses to a final action are (1) compliance with the outstanding requirements, if feasible, (2) filing of an appeal to the Trademark Trial and Appeal Board, or (3) filing of a petition to the Director if permitted by 37 C.F.R. §2.63(b), 37 C.F.R. §2.64(a); TMEP §715.01. Regarding petitions to the Director, see 37 C.F.R. §2.146; TMEP Chapter 1700 regarding petitions. If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. §2.65(a).

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

*/Dezmona J. Mizelle/*

Dezmona J. Mizelle  
Trademark Attorney  
Law Office 110  
703.308.9110, ext. 259  
703.746.6203 [Fax]  
[ecom110@uspto.gov](mailto:ecom110@uspto.gov) [Formal responses only]

**Mark**

**PROFESSIONAL KARATE ASSOCIATION**

Goods and Services

IC 041. US 100 101 107. G & S: Education services, namely, conducting classes, workshops, seminars, clinics and sports camps in the field of Martial Arts; Entertainment in the nature of Martial Arts tournaments. FIRST USE: 20010625. FIRST USE IN COMMERCE: 20020205

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

78106806

Filing Date

February 5, 2002

Filed ITU

FILED AS ITU

Supplemental Register Date

September 18, 2002

Registration Number

2655186

Registration Date

November 26, 2002

Owner Name and Address

(REGISTRANT) Persinger, John DBA Professional Karate Association INDIVIDUAL UNITED STATES 1630 N. Main Street, Suite 290 Walnut Creek CALIFORNIA 94596

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KARATE ASSOCIATION" APART FROM THE MARK AS SHOWN

Type of Mark

SERVICE MARK

Register

SUPPLEMENTAL

Live Dead Indicator

LIVE

Mark

**PROFESSIONAL GOLF CLUBFITTING ASSOCIATION**

Goods and Services

IC 041. US 100 101 107. G & S: EDUCATIONAL SERVICES, NAMELY CONDUCTING CLASSES, SEMINARS, CONFERENCES, WORKSHOPS IN THE FIELD OF GOLF AND GOLF CLUB FITTING FOR PROFESSIONAL INSTRUCTORS AND DISTRIBUTING COURSE MATERIALS IN CONNECTION THEREWITH; EDUCATIONAL DEMONSTRATION FOR INSTRUCTORS IN THE FIELD OF GOLF. FIRST USE: 20020801. FIRST USE IN COMMERCE: 20020801

IC 035. US 100 101 102. G & S: ASSOCIATION SERVICES, NAMELY PROMOTING THE GOODS, SERVICES, OBJECTIVES, AND INTERESTS OF ITS MEMBERS IN THE FIELD OF GOLF CLUB FITTING AND INSTRUCTION. FIRST USE: 20020801. FIRST USE IN COMMERCE: 20020801

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

76402733

Filing Date

May 2, 2002

Filed ITU

FILED AS ITU

Supplemental Register Date

October 28, 2002

Registration Number

2684972

Registration Date

February 4, 2003

Owner Name and Address

(REGISTRANT) FLORIDA GOLF SCHOOL, INC., THE DBA UNITED STATES GOLF  
TEACHERS FEDERATION CORPORATION FLORIDA 1295 S.E. Port St. Lucie Blvd. Port St.  
Lucie FLORIDA 34952

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ASSOCIATION" APART FROM  
THE MARK AS SHOWN

Type of Mark

SERVICE MARK

Register

SUPPLEMENTAL

Live Dead Indicator

LIVE

Attorney of Record

DAVID R. ELLIS

Mark

**PROFESSIONAL BUSINESS OWNERS SOCIETY**

Goods and Services

IC 035. US 100 101 102. G & S: buying club services, namely, bringing together owners of small  
and mid-sized businesses to maximize purchasing power for insurance and financial-related products.  
FIRST USE: 19980718. FIRST USE IN COMMERCE: 19980718

IC 042. US 100 101. G & S: association services, namely, promoting the interests of  
professional business owners; membership services, namely, the operation and maintenance to  
a membership organization that brings together professional business owners to optimize  
insurance purchasing power; and providing membership services for professional business  
owners. FIRST USE: 19980718. FIRST USE IN COMMERCE: 19980718

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75698622

Filing Date

May 6, 1999

Supplemental Register Date

December 8, 1999

Registration Number

2401095

Registration Date

October 31, 2000

## Owner Name and Address

(REGISTRANT) USA Benefits Group CORPORATION FLORIDA 1164 East Oakland Park  
Boulevard, Suite 100 Oakland Park FLORIDA 33334

## Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOCIETY" APART FROM THE  
MARK AS SHOWN

## Type of Mark

SERVICE MARK

## Register

SUPPLEMENTAL

## Live Dead Indicator

LIVE

## Attorney of Record

A. JOSE CORTINA

## Mark

**PROFESSIONAL CERTIFIED AUCTIONEERS GUILD**

## Goods and Services

IC 041. US 100 101 107. G & S: educational services, namely, conducting courses and seminars in  
the field of auctioneering. FIRST USE: 19970930. FIRST USE IN COMMERCE: 19970930

## Mark Drawing Code

(1) TYPED DRAWING

## Serial Number

75365316

## Filing Date

September 30, 1997

## Supplemental Register Date

January 25, 1999

## Registration Number

2347762

## Registration Date

May 2, 2000

## Owner Name and Address

(REGISTRANT) DEWEES, PAUL J. INDIVIDUAL UNITED STATES 213 South Fifth Street St.  
Joseph MISSOURI 645012115

## Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GUILD" APART FROM THE  
MARK AS SHOWN

## Type of Mark

SERVICE MARK

## Register

SUPPLEMENTAL

## Live Dead Indicator

LIVE

## Attorney of Record

THOMAS H VAN HOOZER

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To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

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- **Technical help:** For instructions on how to use TDR, or help in resolving technical glitches, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). If outside of the normal business hours of the USPTO, please e-mail [Electronic Business Support](#), or call 1-800-786-9199.
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Mail / Create Date: **21-Oct-2003**

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You are currently on page 1 of 6



**To:** Pricom, LLC ([jwilliams@pricomgroup.com](mailto:jwilliams@pricomgroup.com))  
**Subject:** TRADEMARK APPLICATION NO. 78247688 - PERSONAL REAL ESTATE INVESTING - N/A  
**Sent:** 10/21/03 4:18:41 PM  
**Sent As:** ECom115  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/247688

**APPLICANT:** Pricom, LLC

**CORRESPONDENT ADDRESS:**  
Pricom, LLC  
105 SHADOW BEND LN  
CARY NC 27511-9748

**RETURN ADDRESS:**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
[ecom115@uspto.gov](mailto:ecom115@uspto.gov)

**MARK:** PERSONAL REAL ESTATE INVESTING

**CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A

**CORRESPONDENT EMAIL ADDRESS:**  
[jwilliams@pricomgroup.com](mailto:jwilliams@pricomgroup.com)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

### OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE**

**ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/247688

The assigned examining attorney has reviewed the referenced application and determined the following.

**ENTIRE MARK IS MERELY DESCRIPTIVE**

The examining attorney refuses registration on the Principal Register because the proposed mark merely describes the goods/services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 *et seq.*

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods/services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b).

PERSONAL REAL ESTATE INVESTING immediately describes the subject matter of the goods and services. "Personal" means, *inter alia*, "concerning a particular person and his or her private business, interests or activities; intimate." See the attached definition from yourdictionary.com. Also note the attachments demonstrating common use of "personal real estate." The applicant has conceded the descriptiveness of "real estate investing" by disclaiming the words. "Personal" is not an arbitrary or distinctive word that elevates the mark beyond its descriptive meaning.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following issues.

**IDENTIFICATION OF GOODS AND SERVICES**

The identification is unacceptable as indefinite and because it combines goods and services in a single recitation. The applicant may adopt the following identification, if accurate:

"Magazine, newsletters and books concerning real estate investing for non-professional investors," in class 16;

"Educational services, namely, conducting courses in real estate investing for non-professional investors," in class 41. TMEP §1402.01.

The applicant must rewrite the identification in its entirety because of the nature and extent of the amendment. 37 C.F.R. §2.74(b).

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may



not amend to include any goods or services that are not within the scope of those set forth in the present identification.

### COMBINED APPLICATION REQUIREMENTS

If the applicant prosecutes this application as a combined, or multiple-class, application, the applicant must comply with each of the following.

(1) The applicant must list the goods/services by international class with the classes listed in ascending numerical order. TMEP §1403.01.

(2) The applicant must submit a filing fee for each international class of goods/services not covered by the fee already paid. 37 C.F.R. §§2.6(a)(1) and 2.86(a); TMEP §§810.01 and 1403.01. Effective January 1, 2003, the fee for filing a trademark application is \$335 for each class. This applies to classes added to pending applications as well as to new applications filed on or after that date.

### NO CONFLICTING MARKS FOUND

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

/Ira Goodsaid/  
Examining Attorney  
Law Office 115  
(703) 308-9115 ext. 159  
ecom115@uspto.gov

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## **Appendix F**

<b>Book</b>	<b>Author</b>	<b>Year Published</b>
<b>House Flipping for Fun &amp; Profit: Make Money the Easy Way</b>	V. Mittelberg	1997
<b>Flipping Properties: Generate Instant Cash Profits in Real Estate</b>	William Bronchick and Robert Dahlstrom	2001
<b>Fast-Flip Real Estate Mastery Kit</b>	H. Roger Neal	2002
<b>How to Buy and Flip Real Estate for a Profit!</b>	Rod Griffin	2002
<b>Fix It and Flip It: How to Make Money Rehabbing Real Estate for Profit</b>	Gene and Katie Hamilton	2003
<b>Renovate to Riches: Buy, Improve, and Flip Houses to Create Wealth</b>	Mike Dulworth and Teresa Goodwin	2003
<b>The Complete Guide to Flipping Properties</b>	Steve Berges	2003
<b>FLIP: How to Find, Fix, and Sell Houses for Profit</b>	Rick Villani, Clay Davis, and Gary Keller	2006
<b>Find It, Fix It, Flip It!: Make Millions in Real Estate--One House at a Time</b>	Michael Corbett	2006
<b>Flipping Houses for Dummies</b>	Ralph Roberts and Joe Kraynak	2007
<b>Getting Started in Property Flipping</b>	Michael Thomsett	2007
<b>Flipping Confidential: The Secrets of Renovating Property for Profit in Any Market</b>	Kirsten Kemp	2007
<b>Make Money with Flippers, Fixers, and Renovations</b>	Gary Eldred	2008
<b>The House Flipping Answer Book: Practical Answers to More Than 125 Questions on How to Find, Fix, and Sell Houses for Profit</b>	Denise Evans	2008

## **Appendix G**

**LICENSE, RIGHT TO USE, AND COVENANT  
NOT TO SUE  
United States Trademark Registration No. 3,089,816**

This License, Right to Use, and Covenant Not to Sue, hereinafter termed the "Agreement," is made to be effective as of the date of the last signature below, by and between Landlordsoftware.com LLC, hereinafter termed "Landlord," which is a Georgia limited liability company with its principal place of business located at 375 Rockbridge Road, Suite 172-114, Lilburn, Georgia 30047 and Wasatch Digital Media, Inc. dba Real Estate Tools and dba PropertyTracker.com, hereinafter termed "Wasatch," which is a Utah corporation with its principal place of business located at 2637 North 400 East, #114, North Ogden, Utah 84414.

GENERAL CONSIDERATIONS

- A. Landlord is the owner of United States trademark registration no. 3,089,816 for the mark FLIPPER'S.
- B. Wasatch currently utilizes the mark PROPERTY FLIPPER in its business affairs.
- C. Wasatch has provided to Landlord evidence that the term "flip" and all variations thereof is a descriptive term within the real estate industry.
- D. Douglas Rutherford is the president of Landlord.
- E. Mr. Rutherford has written a book entitled *Real Estate Cash Flow Analysis* wherein Mr. Rutherford has frequent examples of the descriptive term "flip" and variations thereof as used in the real estate industry.
- F. In the process of filing for registration of the mark FLIPPER'S (application serial no. 78-595,463) Landlord did not disclose to the United States Patent and Trademark Office that the term "flip" and all variations thereof are descriptive terms within the real estate industry.
- G. Wasatch has a good faith belief that, pursuant 15 U.S.C. § 1064, United States trademark registration no. 3,089,816 for the mark FLIPPER'S is subject to cancellation.

TERMS

Now, therefore, in consideration of the preceding premises, the mutual promises set forth below, and other good and valuable consideration--the receipt and sufficiency of which is hereby acknowledged, Landlord and Wasatch do hereby promise and agree as follows:

1. Grant of License. Landlord hereby grants to Wasatch and its successors and assigns a license for the right to use United States trademark registration no. 3,089,816 for the

mark FLIPPER'S and any variations of such mark, whether or not such variations are the subject of any trademark registration.

2. Covenant Not to Sue. Landlord hereby covenants not to sue Wasatch or its successors or assigns for the use of the term FLIPPER'S or any variation thereof.

3. Petition for Cancellation. Wasatch agrees not to file a petition for cancellation of United States trademark registration no. 3,089,816 for the mark FLIPPER'S.

4. Term. Unless sooner terminated in accordance with the terms of this Agreement, this Agreement shall last until Landlord has no enforceable trademark for the mark FLIPPER'S or any variation thereof.

5. Termination. Wasatch may terminate this Agreement two weeks after having given notice to Landlord that Landlord is in default or breach of any of the terms of this Agreement unless such default or breach is completely corrected by Licensee prior to the end of such two-week period.

6. Additional Documents. Landlord and Wasatch agree that they will execute any and all additional documents or legal instruments that may be necessary or required to effectuate the provisions of this Agreement.

7. Injunctive Remedies. Landlord understands and agrees that Wasatch would not have an adequate remedy at law for the material breach, or threatened breach, of any of the promises contained within this Agreement. Landlord, therefore, agrees that Landlord will indemnify Wasatch for any losses arising from such actual or threatened breach by Landlord. And Landlord further, consequently, agrees that in the event of any such material breach or threatened breach by Landlord, Wasatch may, in addition to the other remedies which Wasatch may have available to Wasatch, file a suit in equity (without having to post a bond or other security) to enjoin Landlord from the material breach or threatened breach of any of the promises contained within this Agreement.

8. General Remedies. Notwithstanding any other provision of this Agreement, Landlord and Wasatch shall retain all statutory and common law rights to enforce this Agreement or to seek damages for its breach.

9. Notices. Any notice, election, payment, report, or other correspondence required or permitted pursuant to this Agreement shall be deemed to have been properly given or delivered when it has been made in writing and

(a) delivered personally to an officer of Landlord or Wasatch

(b) when sent by United States mail with all necessary postage fully prepaid, a return receipt requested, and addressed to the entity to whom directed at its address as specified below:

Douglas Rutherford  
President  
Landlordsoftware.com LLC  
375 Rockbridge Road,  
Suite 172-114  
Lilburn, Georgia 30047

Joel Grasmeyer  
President  
Wasatch Digital Media, Inc.  
2637 North 400 East, #114  
North Ogden, Utah 84414

Either Landlord or Wasatch may, at any time, change its address for purposes of this Agreement by giving written notice of such change of address to the other entity.

10. Effect of Waiver. A waiver either by Landlord or by Wasatch of any provision of this Agreement, whether in writing or by course of conduct or otherwise, shall be valid only in the instance for which such waiver has been given and shall not be deemed to be a continuing waiver of such provision; nor shall any such waiver be construed to be a waiver of any other provision of this Agreement.

11. Paragraph Headings. The paragraph headings within this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of this Agreement; nor do such paragraph headings affect the terms and provisions of this Agreement.

12. Preparation of Agreement. Landlord and Wasatch acknowledge that they have both participated in the preparation of this Agreement; and, in the event that any question arises regarding the interpretation of this Agreement, no presumption shall be drawn in favor of or against either Landlord or Wasatch with respect to the meaning of this Agreement.

13. Attorney's Fees. If either party to this Agreement shall be in default or breach of any provision of this Agreement, said party shall be liable to pay all reasonable attorney's fees, court costs, and other related costs and expenses of collection incurred by the non-defaulting or non-breaching party in enforcing its rights arising pursuant to this Agreement.

14. Governing Law. This Agreement and all matters relating to it, including any matter or dispute arising from the Agreement, shall be governed, interpreted, and enforced in accordance with the laws of the State of Utah; and the parties to this Agreement do hereby agree that for the resolution of such disputes, jurisdiction and venue shall lie exclusively in any appropriate court within the State of Utah.

15. Severability. In the event that any provision of this Agreement, or any action contemplated pursuant to this Agreement, is found, by a court having competent jurisdiction in accordance with this Agreement, to be inconsistent with or contrary to any law, ordinance, or regulation, the latter shall be deemed to control; this Agreement shall be regarded as modified accordingly; and such modified provision as well as the remainder of this Agreement shall continue in full force and effect.



16. Integration. This Agreement constitutes and represents the entire agreement of Landlord and Wasatch with respect to the subject matter of this Agreement. All other prior agreements, covenants, promises, and conditions, whether verbal or written, that are intended to apply between Landlord and Wasatch have been incorporated herein. In executing this Agreement, neither Landlord nor Wasatch has relied upon any promise, representation, warranty, or the like other than those contained within this Agreement.

17. Amendment. This Agreement may be amended at any time, but only by a writing signed both by Landlord and by Wasatch which explicitly states that it is intended to amend this Agreement.

18. Assurance of Authority. Wasatch does hereby assure Landlord that execution of this Agreement is an authorized act of Wasatch, and Landlord does hereby assure Wasatch that execution of this Agreement is an authorized act of Landlord.

19. Counterparts. This Agreement may be executed in counterparts, each of which when so executed and delivered (including by facsimile transmission) shall be deemed an original and all of which together shall constitute one and the same instrument.

20. Binding Effect. This Agreement shall be binding upon and inure to the benefit of Landlord and Wasatch as well as their successors and assigns.


IN WITNESS WHEREOF, Landlord and Wasatch have caused these presents to be signed by their duly authorized representatives on the dates indicated.

**LANDLORDSOFTWARE.COM LLC**

\_\_\_\_\_  
Douglas Rutherford  
President

Date: \_\_\_\_\_

**WASATCH DIGITAL MEDIA, INC.**

  
\_\_\_\_\_  
Joel Grasmeyer  
President

Date: 1/19/11