

**EXHIBIT A**

**Curriculum Vitae**  
**of**  
**Robert T. Scherer**  
216 Long Cove Court  
Sunset, SC 29685  
Phone: (864) 868-4480  
Email: robertscherer14@gmail.com

**Overview:**

Mr. Scherer has 33 years of experience in trademark law as a Trademark Examiner in the U.S. Patent and Trademark Office, as an Associate attorney with Pennie & Edmonds and as a corporate Trademark Attorney with PepsiCo, Inc. and Time Inc./Time Warner Inc. His experience includes trademark selection, trademark searching and clearance, preparation and prosecution of trademark applications in the PTO, international trademark filing programs, maintenance and renewal of U.S. and foreign registrations, trademark assignments, trademark licensing and Internet domain name registration and enforcement programs.

**Education:**

Bachelor of Arts: Albion College, Albion, MI, 1969

Juris Doctorate: Wayne State University Law School, Detroit, MI, 1972

**Licenses:**

District of Columbia Bar Association, 1973

New York State Bar Association, 1976

**Legal Experience:**

*U.S. Patent and Trademark Office, 1972 – 1974*

Trademark Examiner:

- Examined applications for compliance with mandatory filing requirements.
- Conducted searches of the Federal Register and pending applications for confusingly similar marks under Section 2(d).
- Reviewed marks for descriptiveness, misdescriptiveness, geographic descriptiveness, etc. under Section 2(e).
- Reviewed assignment documents for compliance with filing requirements.
- Reviewed Section 8 Declarations of Use and Section 15 Declarations of Incontestability.
- Reviewed Section 9 Renewal Applications.
- Prepared ex parte appeal briefs to the TTAB.
- Drafted decisions on interlocutory motions filed before the TTAB.

*Pennie & Edmonds, 1974 – 1979*

Associate Attorney:

- Reviewed preliminary availability searches, comprehensive full searches and investigated potentially conflicting marks.
- Wrote opinion letters re trademark availability and registrability.
- Prepared and filed trademark and service mark applications in the PTO.
- Reviewed PTO Office Actions and prepared responses.
- Prepared consent agreements for trademark registration.
- Prepared and filed Declarations of Use/Excusable Non-Use and Renewal Applications.
- Prepared and recorded trademark assignment and change of name documents.
- Drafted trademark license agreements.
- Prepared and filed ex parte TTAB appeal briefs.
- Prepared and filed notices of opposition and petitions to cancel registrations.
- Prepared and filed inter partes briefs with the TTAB.
- Conducted depositions in inter partes TTAB proceedings.
- Prepared interrogatories and answers to interrogatories in TTAB proceedings.
- Prepared settlement agreements in TTAB proceedings.
- Investigated potential infringement causes of action.
- Wrote and responded to cease and desist letters.
- Participated in litigation in the federal courts.
- Reviewed the Official Gazette and trademark watch notices for conflicting marks.

*PepsiCo, Inc., 1979 – 1983*

Senior Trademark Attorney:

- Responsible for the trademark portfolios of Frito-Lay, Pizza Hut, Wilson Sporting Goods and PepsiCo International.
- Conducted availability searches and investigations for new and expanded trademarks.
- Prepared, filed and prosecuted trademark applications in the PTO.
- Maintained and renewed approximately 10,000 U.S. and international trademark registrations.
- Managed the licensing of company trademarks for use on non-beverage products.
- Managed the filing and prosecution of trademark applications in approximately 150 countries.
- Investigated potential trademark infringements.
- Wrote and responded to cease and desist letters.
- Managed U.S. and international trademark opposition and cancellation proceedings.
- Reviewed packaging, advertising and promotional materials, and annual reports for proper trademark use.
- Reviewed the Official Gazette and trademark watch notices for conflicting marks.

Senior Trademark Attorney/Assistant General Counsel:

- Responsible for all Time Inc., Time Warner Inc., Time Warner Entertainment, Time-Life, Home Box Office, Little, Brown and Company, and Warner Books trademarks worldwide, among others.
- Advised corporate subsidiaries on all aspects of trademark use and practice.
- Conducted and/or reviewed trademark availability searches and investigations of new and expanded U.S. and international trademarks, clearing such now well-known magazine trademarks as InStyle, ENTERTAINMENT WEEKLY and REAL SIMPLE.
- Prepared, filed and prosecuted trademark applications in the PTO.
- Prepared and filed U.S. opposition and cancellation actions.
- Instructed the filing and managed the prosecution of trademark applications in 160+ countries.
- Responsible for maintaining and renewing approximately 20,000 trademarks worldwide, including such marks as TIME, SPORTS ILLUSTRATED, PEOPLE Weekly and FORTUNE for magazines; TIME-LIFE for books and recorded music; HOME BOX OFFICE, HBO, CINEMAX and COURT TV for television programming services; LITTLE, BROWN and WARNER BOOKS for book publishing.
- Drafted trademark license agreements.
- Drafted trademark settlement and co-existence agreements.
- Cleared and registered the TIME WARNER mark in over 100 countries.
- Prepared, filed and managed several worldwide trademark assignments.
- Managed the registration and expansion of domain names.
- Implemented a domain name protection and enforcement program.
- Wrote the Time Inc. online trademark manual.
- Participated in several trademark infringement litigations in the U.S.

**Trade Associations:**

International Trademark Association, 1972 – 2005

At various times, served on the Dictionary Listing Committee, State Trademark Committee and International Committee – Latin America, among others.

**Summary:**

While serving as a Trademark Examiner in the U.S. Patent and Trademark Office, Mr. Scherer reviewed more than 2,000 applications which in every case required (i) a search of both the Federal Register and pending applications and (ii) a determination as to the distinctiveness or descriptiveness of a pending mark. After leaving the PTO, he conducted thousands of trademark clearance searches consisting of preliminary screening searches, full comprehensive searches and, if necessary, investigations into the nature and use of a potentially conflicting mark. These searches led to the filing and prosecution of more than 1,500 applications in the PTO. While at Time Inc./Time Warner Inc., Mr. Scherer managed the worldwide assignment and recordal of several large trademark portfolios. This experience has given Mr. Scherer the expertise to address trademark clearance procedures, application filing and prosecution, trademark assignments and other trademark related issues.