

## **EXHIBIT D**

## Combined Declaration of Use and Incontestability under Sections 8 & 15

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The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2933424
REGISTRATION DATE	03/15/2005
SERIAL NUMBER	75418461
MARK SECTION	
MARK	VERBOL
ATTORNEY SECTION (current)	
NAME	BREWSTER TAYLOR
FIRM NAME	LARSON & TAYLOR PLC
STREET	1199 N FAIRFAX ST STE 900
CITY	ALEXANDRIA
STATE	Virginia
POSTAL CODE	22314-1437
COUNTRY	United States
ATTORNEY SECTION (proposed)	
NAME	BREWSTER TAYLOR
FIRM NAME	STITES & HARBISON PLLC
INTERNAL ADDRESS	SUITE 900
STREET	1199 NORTH FAIRFAX STREET
CITY	ALEXANDRIA
STATE	Virginia
POSTAL CODE	22314-1437
COUNTRY	United States
PHONE	703-739-4900

<b>FAX</b>	703-739-9577
<b>EMAIL</b>	btaylor@stites.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	T04113US00
<b>OTHER APPOINTED ATTORNEY</b>	Mari-Elise Gates, Amy S. Cahill, Lindsay Capps, Jack A. Wheat, Joel T. Beres, John W. Scruton, Alexandra T. MacKay, J. Randolph Michels, Jennifer L. Kovalcik, Tara Aaron, Christina Ryan, Marvin Petry, B. Aaron Schulman, Haley Dickerson, Eric G. Wright and Stephen J. Weyer

#### **CORRESPONDENCE SECTION (current)**

<b>NAME</b>	BREWSTER TAYLOR
<b>FIRM NAME</b>	LARSON & TAYLOR PLC
<b>STREET</b>	1199 N FAIRFAX ST STE 900
<b>CITY</b>	ALEXANDRIA
<b>STATE</b>	Virginia
<b>POSTAL CODE</b>	22314-1437
<b>COUNTRY</b>	United States

#### **CORRESPONDENCE SECTION (proposed)**

<b>NAME</b>	BREWSTER TAYLOR
<b>FIRM NAME</b>	STITES & HARBISON PLLC
<b>INTERNAL ADDRESS</b>	SUITE 900
<b>STREET</b>	1199 NORTH FAIRFAX STREET
<b>CITY</b>	ALEXANDRIA
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<b>COUNTRY</b>	United States
<b>PHONE</b>	703-739-4900
<b>FAX</b>	703-739-9577
<b>EMAIL</b>	btaylor@stites.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	T04113US00

<b>DOMESTIC REPRESENTATIVE SECTION (new)</b>	
<b>NAME</b>	BREWSTER TAYLOR
<b>INTERNAL ADDRESS</b>	SUITE 900
<b>STREET</b>	1199 NORTH FAIRFAX STREET
<b>CITY</b>	ALEXANDRIA
<b>STATE</b>	Virginia
<b>POSTAL CODE</b>	22314-1437
<b>COUNTRY</b>	United States
<b>PHONE</b>	703-739-4900
<b>FAX</b>	703-739-9577
<b>EMAIL</b>	btaylor@stites.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	T04113US00
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>GOODS OR SERVICES</b>	Computer software in the nature of operating systems, namely, programs for use in developing, debugging, compiling and executing other computer programs; computer software featuring a high-level programming language for use in developing software applications; computer software in the nature of software applications development environments; computer software in the nature of networking programs; all having graphical and lexical user interfaces
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\754\184\75418461\xml2\ 8150002.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\754\184\75418461\xml2\ 8150003.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\754\184\75418461\xml2\ 8150004.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\754\184\75418461\xml2\ 8150005.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\754\184\75418461\xml2\ 8150006.JPG</a>

<b>SPECIMEN DESCRIPTION</b>	SCANNED SCREEN SHOTS FROM INTERNET SHOWING MARK
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	FAMILY SYSTEMS, LTD.
<b>STREET</b>	8 S St. George's Street
<b>CITY</b>	Douglas, Isle of Man
<b>COUNTRY</b>	United Kingdom
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	FAMILY SYSTEMS, LTD.
<b>STREET</b>	8, ST. GEORGE'S STREET
<b>CITY</b>	Douglas, Isle of Man
<b>ZIP/POSTAL CODE</b>	1M1-1AH
<b>COUNTRY</b>	United Kingdom
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	COMPANY
<b>LEGAL ENTITY SECTION (proposed)</b>	
<b>TYPE</b>	company
<b>STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	United States
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	300
<b>TOTAL FEE PAID</b>	300
<b>SIGNATURE SECTION</b>	
<b>SIGNATORY FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\754\184\75418461\xml2\ 8150007.JPG</a>
<b>SIGNATORY'S NAME</b>	Brian Reynolds
<b>SIGNATORY'S POSITION</b>	Managing Director
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Tue Mar 15 12:37:42 EDT 2011

**TEAS STAMP**

USPTO/S08N15-207.188.235.  
181-20110315123742590162-  
2933424-48081929ab31084b5  
7efb99d888997ff22c-CC-101  
98-20110315122338874459

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**Combined Declaration of Use and Incontestability under Sections 8 & 15  
To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 2933424

**REGISTRATION DATE:** 03/15/2005

**MARK:** VERBOL

The owner, FAMILY SYSTEMS, LTD., company legally organized under the laws of United States, having an address of

8, ST. GEORGE'S STREET  
Douglas, Isle of Man, IM1-1AH  
United Kingdom

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 009, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Computer software in the nature of operating systems, namely, programs for use in developing, debugging, compiling and executing other computer programs; computer software featuring a high-level programming language for use in developing software applications; computer software in the nature of software applications development environments; computer software in the nature of networking programs; all having graphical and lexical user interfaces; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists. The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) SCANNED SCREEN SHOTS FROM INTERNET SHOWING MARK.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

The registrant's current Attorney Information: BREWSTER TAYLOR of LARSON & TAYLOR PLC  
1199 N FAIRFAX ST STE 900  
ALEXANDRIA, Virginia (VA) 22314-1437  
United States (USX)

The registrant's proposed Attorney Information: BREWSTER TAYLOR of STITES & HARBISON PLLC  
SUITE 900  
1199 NORTH FAIRFAX STREET

ALEXANDRIA, Virginia (VA) 22314-1437

United States (USX)

The docket/reference number is T04113US00.

The phone number is 703-739-4900.

The fax number is 703-739-9577.

The email address is btaylor@stites.com.

The registrant's current Correspondence Information: BREWSTER TAYLOR of LARSON & TAYLOR PLC

1199 N FAIRFAX ST STE 900

ALEXANDRIA, Virginia (VA) 22314-1437

United States (USX)

The registrant's proposed Correspondence Information: BREWSTER TAYLOR of STITES & HARBISON PLLC

SUITE 900

1199 NORTH FAIRFAX STREET

ALEXANDRIA, Virginia (VA) 22314-1437

United States (USX)

The docket/reference number is T04113US00.

The phone number is 703-739-4900.

The fax number is 703-739-9577.

The email address is btaylor@stites.com.

The registrant hereby appoints BREWSTER TAYLOR, SUITE 900, 1199 NORTH FAIRFAX STREET, ALEXANDRIA, Virginia (VA) United States (USX) 22314-1437 as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The phone number is 703-739-4900.

The fax number is 703-739-9577.

The email address is btaylor@stites.com.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### **Declaration**

#### Signature

Signatory's Name: Brian Reynolds

Signatory's Position: Managing Director



Mailing Address (**current**):

LARSON & TAYLOR PLC  
1199 N FAIRFAX ST STE 900  
ALEXANDRIA, Virginia 22314-1437

Mailing Address (**proposed**):

STITES & HARBISON PLLC  
1199 NORTH FAIRFAX STREET  
ALEXANDRIA, Virginia 22314-1437

Serial Number: 75418461

Internet Transmission Date: Tue Mar 15 12:37:42 EDT 2011

TEAS Stamp: USPTO/S08N15-207.188.235.181-20110315123

742590162-2933424-48081929ab31084b57efb9

9d888997ff22c-CC-10198-20110315122338874

459

## Welcome to Verbol voice

This is [Brian Reynolds](#) of [Family Systems](#) welcoming you to [pilot.verbol.com](#), our open tryout site for [Voicechat](#) bringing voice to the web and making it as ubiquitous as text. Here is an example of a [demo voice topic room](#). If you are in a "modern" Java enabled browser such as Firefox or Chrome, this should start playing at message 1. A dialog box allows you to provide and Save a nickname which will be used to label any messages you record.

Verbol voice lets you free your mind by speaking thoughts as you have them in voicechat or by recording each speaker in a conference to create playlists we can share with others who may reply when convenient to them and go back to any part of a conversation at any time so voice communication can be as ubiquitous as text.

This demo uses our [Verbol voice gadget](#) which is an [Google](#) gadget rewrite of our Verbol VoiceChat gadget for Wave. From the new Verbol voice gadget we can copy voice links to email, web pages etc, which when clicked bring up the gadget and start it playing. New messages may be recorded at any time. In addition to voicechat the new gadget can open up to a canvas view which adds cooperative browsing of the web to voicechat to create Verbol voice topic rooms as shown in [demo voice topic room](#).

Please remember all our Verbol demonstrations are at Labs Preview status and everything we say is on an open unsecured server. To run your own Verbol system, please get in touch with us by emailing [br@verbol.com](mailto:br@verbol.com).

We look forward to hearing from you, Brian.

### If you would like to cooperate in development with us

This is an experimental prototype which is evolving and here is our present [Verbol Business Plan](#). This links to a development plan and here is a list of [Development Extensions](#) containing recent voice conversations between Brian and our developers as we develop our [Verbol voice gadget](#) and its support structure.

You may [enroll](#) for your own verbol identity, on our pilot Verbol system. This will create a verbol identity folder for you and provide you with the option of spawning its home page from [Brian's demo identity folder](#) (to reach this folder through the input box, type br and press enter or click go.)

Passwords are required to contribute but not to view as this is an open pilot site. To add your personal voice extension, please email your new user name and password to [br@verbol.com](mailto:br@verbol.com) so we can add the extension for you in our site's Asterisk dial plan and update our ibots to post voice messages to the daily journal pages in your identity folder.

A [Verbol Web Server](#) is a means of accessing, using, sharing and distributing information including voice conversations, and spawning new verbol web servers. We achieve this by adding [Verbol](#) behaviour to an Apache server and adding a menu template to standard web pages. The menu sends verbol messages to the server in standard http operations which



enable contribution of content in real time using only a standard browser. Our [Voice System](#) incorporates the [Verbol Web Server](#) as the repository of links to recordings of our utterances in telephone, VOIP and Voicechat calls and ibots use the same verbal interface to insert them into the web pages.

**Enter your user name  
to go to your verbal  
identity**

OR try out our [Guest Identity](#)

Our Wave offering [Verbol VoiceChat](#) is frozen at the moment pending the evolution of Wave-in-a-box or other viable Wave replacement. It is more advanced in respect of group voice chat with a roster showing voice presence information for each participant, for example whether speaking or which message one is listening to, and generates links to and from a reply recorded while a message is being played; here is the [Help page](#). Here is our [Verbol Dev Digest Wave](#); to view I will need to add your email address to our Voicechat Development Google group so please email [br@verbol.com](mailto:br@verbol.com) with your request (we dont make our development waves public as we found they became damaged by unruly robots!)

We welcome cooperative improvements to the features we have originated in either version as well as both open and proprietary extensions to the systems. We recommend adoption of [COOPY](#) licensing and we will consider evolving this in the common interests of us all.

If you are able to administer and support open source software, please email [br@verbol.com](mailto:br@verbol.com) for help to set up your own Verbol voice system. Your voice system can be configured as a personal system for an individual on a Linux or Apple OSX laptop/netbook or as a family system on a Linux or Apple PC or for a company on a Linux server or for the public in a cloud. All Family Systems source code is open or provided when spawning your site from ours.

## Background to Google Wave version

[VoiceChat](#) which enables our voice conversations to be time independent is one of the many features of our [Voice System](#) from [Family Systems®](#) which is built on open source technology including Asterisk, Jabber, and our Verbol Web Server V3, which adds interactive behaviour to this Apache web site.

We have been working in Google Wave with help from Tim Panton of [PhoneFromHere](#). Here is a [screencast-0](#) of Tim making a call with our early wave gadget which makes a Skype call and adds links to the gadget to play the utterances spoken during the call. Here is [screencast-1](#) of an enhanced Wave Gadget which combines the Skype call as seen in Tim's demo with voicechat including a roster and active message log. Here is [screencast-2](#) which shows the same conversation continuing in voicechat. Google has published a blog re the [Boston Wave Hackathon](#) and this links to a similar first public wave in the developer sandbox; to access this you will need a Wave Sandbox account. Here are a couple of independent blog posts [VoiceChat turns Google Wave into a smart phonecall](#) and [Talk Live In Google Wave With VoiceChat](#).

Our VoiceChat gadget incorporates a [PhoneFromHere.com](#) softphone which connects to modified Asterisk servers which route calls and record each party's utterances during a

call. Calls can be made to and from the Wave gadget and Skype (using Skype forAsterisk), telephones (via Voicepulse) and SIP extensions, and the utterances of each participant show up in a message log in the gadget.

Each Wave with the VoiceChat gadget has a unique extension so it can also be called at any time from Skype or a regular phone. The utterances from each participant (delimited by silences) are held in a playlist accessible at the extension. Upon connection to a VoiceChat extension, the utterances are played in the order of the time each recording commenced. Listeners can navigate the playlist and reply by voice at any time and so a useful conversation can build up without the participants having to be online at the same time.

Family Systems Ltd has registered Verbol and Family Systems as trademarks.  
Earlier [Jan 2011 version of this page](#).

## Viewer's Acknowledgment

Copyright© Family Systems and each other contributor in respect of own contributions. By continuing to view pages on this site, I acknowledge that the content of this Verbol system is owned by its originators or their assigned copyright holders and licensed to me for demonstration only and I agree to the following license terms:

- (a) I understand and acknowledge that this license gives me only a right to view or listen to or provide feedback to the content of this Verbol system, and I will not copy or otherwise capture and take away any content unless separately licensed to do so, for example in accordance with a COOPY license for spawning Verbol system behaviour from this one.
- (b) I recognize the cooperative nature of the Verbol system and will undertake to cause no harm to others or to infringe upon anyone's inalienable rights among them equality, life, liberty and the pursuit of happiness.
- (c) I agree that I will not take offense to content contributed by others to this web site, and will endeavour not to give offense in any content I may contribute, and I agree that the sponsor or other contributor may remove or block material they consider offensive.

## Verbol system

This Verbol system by Family Systems is at a prototype stage as we have transitioned from a Version 2.0 Verbol web server based on Java servlets and applets to a Version 3 Verbol web server based on Apache augmented with Perl and Javascript with voice over IP by Asterisk, and now in V4 with a Java applet supported by a PHP routine which also enables voice recording and play in the browser.

You are able to install this Verbol behaviour on hosting environment including inexpensive shared hosting accounts available from most common providers. The first Voice System V4 is now showing on here at [pilot.verbol.com](http://pilot.verbol.com).

Content on this site which provides behaviour such as program code and html templates originated by Family Systems may on request be COOPY licensed in Verbol systems spawned from this one. Other software supporting the Verbol system is open source, or for certain libraries eg for GSM codecs, proprietary licensed free in binary form.

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- (c) I agree that I will not take offense to content contributed by others to this web site, and will endeavour not to give offense in any content I may contribute, and I agree that the sponsor or other contributor may remove or block material they consider offensive.

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If you wish to spawn your own Verbol system please email [br@verbol.com](mailto:br@verbol.com).



The Trademark Office is authorized to contact counsel for Registrant by e-mail.

**POWER OF ATTORNEY**

Owner hereby appoints Brewster Taylor, Mari-Elise Gates, Amy S. Cahill, Lindsay Capps, Jack A. Wheat, Joel T. Beres, John W. Scruton, Alexandra T. MacKay, J. Randolph Michels, Jennifer L. Kovalick, Tara Aaron, Christina Ryan, Marvin Peiry, B. Aaron Schulman, Haley Dickerson, Eric G. Wright and Stephen J. Weyer, Attorneys at Law, of STITES & HARRISON PLLC, with offices at 1199 North Fairfax Street, Suite 900, Alexandria, Virginia 22314, its Attorneys to prosecute this Declaration and to transact all business in the Patent and Trademark Office in connection with the Registration.

**DESIGNATION OF DOMESTIC REPRESENTATIVE**

STITES & HARRISON PLLC, which has a postal address of 1199 North Fairfax Street, Suite 900, Alexandria, Virginia 22314, United States of America, is hereby designated Registrant's representative upon whom Notices or process in proceedings affecting the mark may be served.

**DECLARATION** \*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner, and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

14th MARCH 2011  
Date

FAMILY SYSTEMS, LTD.

Brian Reynolds  
Signature

BRIAN REYNOLDS  
Print Name

MANAGING DIRECTOR  
Print Title

**ROUTING SHEET TO POST REGISTRATION (PRU)****Registration Number:** 2933424**Serial Number:** 75418461**RAM Sale Number:** 10198**RAM Accounting Date:** 20110315**Total Fees:** \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
\$8 affidavit	7205	20110315	\$100	1	1	\$100
\$15 affidavit	7208	20110315	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20110315