

**EXHIBIT A**  
**APPENDIX G**

APPENDIX G  
TECHNICAL NOTES

TECHNICAL NOTE  
SELF PUBLISHING

Calculation of the interval range, at a 95% confidence level, if the research were based upon a census of the population is as follows:

$$\frac{x}{1.96} = \sqrt{\frac{pq}{n-1}}$$

- x = the calculated (+/-) interval range
- 1.96 = the 95% confidence level for estimating the interval within which to expect the population proportion
- pq = the measure of sample dispersion
- n = the total sample size

The calculated response interval range for awareness of the LULU self publishing site among the defined universe is 2.00% +/- 1.37% (i.e., if a census were taken among the defined universe, one would be 95% confident that the magnitude of awareness of LULU would be between 0.63% and 3.37%).

TECHNICAL NOTE  
VIDEO CONTENT

Calculation of the interval range, at a 95% confidence level, if the research were based upon a census of the population is as follows:

$$\frac{x}{1.96} = \sqrt{\frac{pq}{n-1}}$$

x = the calculated (+/-) interval range

1.96 = the 95% confidence level for estimating the interval within which to expect the population proportion

pq = the measure of sample dispersion

n = the total sample size

Due to a zero result for awareness of the LULU video content site the calculation of a +/- variance is not applicable.

## **EXHIBIT B**

Articles  
By Dr. Gerald L. Ford

These articles are available @ [www.fordbubala.com/articles](http://www.fordbubala.com/articles)

"Trademark Surveys: Universe, Questions, and Future Approaches" was published in the Summer 1987 edition of New Matter, the journal of the Intellectual Property Section of the California State Bar. This paper was subsequently reprinted in the 1992 International Trademark Association 114th Annual Meeting proceedings.

"Responding to Trademark Surveys" was published in the Spring 1993 proceedings of the American Bar Association's Patent, Trademark, and Copyright Law: Litigation and Corporate Practice course materials. This paper was reprinted in the International Trademark Association's "Successful Strategies in Trademark Litigation" Forum, Tokyo, Japan, 1993.

"Dilution Surveys - New Challenges" was published in the 1997 Practising Law Institute course handbook, Litigating Copyright, Trademark and Unfair Competition Cases for the Experienced Practitioner. This paper was reprinted in the International Trademark Association's course materials for a seminar, Dilution and Famous Marks for Advanced Trademark Practitioners, 1998.

"Dilution Surveys Update 1998" was published in the Practising Law Institute course handbook, Litigating Copyright, Trademark and Unfair Competition Cases for the Experienced Practitioner.

"Lanham Act Related Surveys, The Year in Review & Emerging Issues" was published in the 1999 Practising Law Institute course handbook, Litigating Copyright, Trademark and Unfair Competition Cases for the Experienced Practitioner. An edited version of this paper, "Lanham Act Surveys - The Year in Review," was reprinted in the NAD/International Trademark Association's False Advertising Forum, course materials, 2000.

"Lanham Act Surveys: Two Years in Review" was published in the International Trademark Association 122nd Annual Meeting proceedings.

"Lanham Act Surveys: 2000" was published in the 2000 Practising Law Institute course handbook Litigating Copyright, Trademark and Unfair Competition Cases for the Experienced Practitioner.

"Lanham Act Surveys: 2001" was published in the 2001 Practising Law Institute course handbook Strategies for Litigating Copyright, Trademark & Unfair Competition Cases.

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"Lanham Act Surveys: 2002" was published in the 2002 Practising Law Institute course handbook Strategies for Litigating Copyright, Trademark & Unfair Competition Cases.

"Survey Evidence - Successful Challenges Since Daubert" was published in 2003 in the International Trademark Association 125th Annual Meeting proceedings.

"Lanham Act Surveys: 2003" was published in 2003 in the American Intellectual Property Law Association annual proceedings. This paper, "Lanham Act Surveys: 2003," was reprinted in the 78th Intellectual Property Institute of Canada proceedings, 2004.

"Lanham Act Surveys: 2004" was published in the Law Education Institute National CLE Conference proceedings, 2005.

"Lanham Act Surveys: 2005" was presented at a meeting of the Intellectual Property Law Section of the State Bar of Georgia, 2006. This paper, "Lanham Act Surveys: 2005" was reprinted in the NAD Annual Conference proceedings, 2006, and in the Law Education Institute National CLE Conference proceedings, 2007.

"Intellectual Property Surveys: 2006" was electronically published on the members-only section of the INTA website, 2007.