

EXHIBIT 1

AFFIDAVIT OF DANIEL R. CASTRO

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §


BEFORE ME, the undersigned authority, on this day personally appeared Mr. Daniel R. Castro, who being by me first duly sworn upon his oath deposed and stated as follows:

My name is Daniel R. Castro. I am over the age of 21 and am of sound mind and am capable of making this affidavit. I have personal knowledge of the facts stated below, and every statement is true and correct.

All of the documents attached hereto are exact duplicates of the originals that can be found in the public record of the U.S. Patent & Trademark Office. I personally went to the website of the U.S. Patent & Trademark Office and downloaded and printed the files.

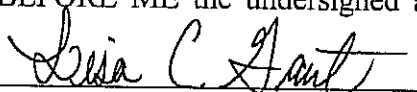
A request for certified copies of these documents has been made to the U.S. Patent & Trademark Office, but the documents have not yet arrived. When they arrive, the undersigned will file a motion to substitute exhibits.

FURTHER AFFIANT SAYETH NOT:

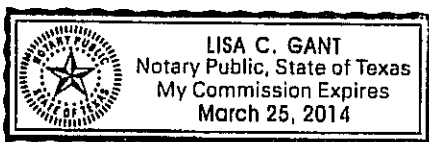


Daniel R. Castro

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority on this 15th day of December 2010.



Notary Public, State of Texas



U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

IN REPLY REFER TO THE FOLLOWING AND THE FILING DATE:

SERIAL NO. 73/537579		APPLICANT ENTREPRENEUR, INC.		Paper No.
MARK ENTREPRENEUR				ADDRESS: Commissioner of Patents and Trademarks Washington, DC 20231
ADDRESS HENRY BISSELL 6820 LA TIJERA BOULEVARD LOS ANGELES, CALIFORNIA 90045		ACTION NO. 01	MAILING DATE 07/09/85	The address of all correspondence not containing fee payments should include the word "Box 5."
FORM PTO-1525 (2-84)		U.S. DEPT. OF COMM. PAT. & TM OFFICE		

Also furnish: (1) Serial number of application, (2) The mark, (3) Examining Attorney's name and Law Office number, (4) Mailing date of this action, and (5) Applicant's name (or applicant's attorney), telephone number and zip code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.

So that I can consider the registrability of the mark (37 CFR Section 2.61(b); TMEP sections 1103.04 and 1105.02); please submit advertisement.

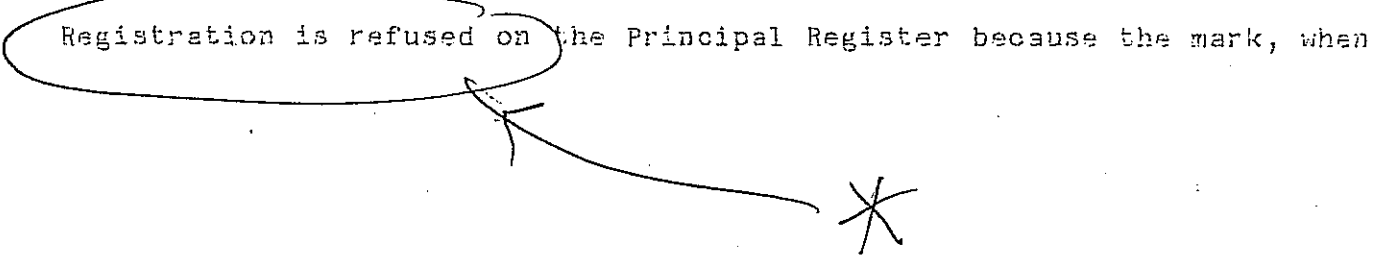
Two applications are pending for the registration of marks which so resemble the mark in this application as to be likely, as used in connection with the goods (and/or services), to cause confusion, or to cause mistake, or to deceive. Since the filing date of this application is subsequent to the filing dates of the other pending applications, the latter, if and when they mature into registrations, will be cited against this application. (37 CFR Section 2.83.) Photocopies of the drawings from the pending applications, Serial Nos. 532159; 507960, are attached *Computer 1/31/86 C. J. [unclear] 1/31/86 Computer OP P 72057*

Condense the International Class 9 merchandise clause to reflect "Computer Programs for use in business applications" Class 9.

As respect Class 16, amend to reflect the similar description in your Reg 1,187,239, i.e., "Magazines, books and published reports pertaining to business opportunities."

Per Rule 2.36, claim ownership also of Regs. 1,223,364; 1,130,822, 1,167,253, all formerly owned by Chase Revel, Inc.

Registration is refused on the Principal Register because the mark, when



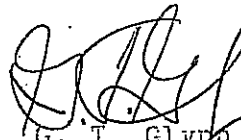
applied to the goods, is considered to be merely descriptive thereof. (Section 2(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1); TMEP section 1207.)

Any mark is evaluated in association or context with the identified merchandise. 3, R. Callman, Unfair Competition, Trademarks & Monopolies, 112 Sec. 71.1 (3rd Ed., 1969). In the absence of any Sec. 2(f) prima facie claim of secondary meaning or acquired distinctiveness pursuant to Rule of Practice 2.41, see Sec. 23 of Act (15 U.S.C. 1091); Rule of Practice 2.47 as a possible remedy.

N.E. - legal status and express admission of mere descriptiveness VIS-A-VIS Entrepreneur and Reg. 1,187,239, in conjunction with the prominent disclaimer of Entrepreneur in Reg. 1,223,364. See, Quaker State Oil Refining Corporation v. Quaker Oil Corporation, 172 USPQ 361 (CCPA, 1972); Glamorene Products Corporation v. Boyle-Midway, Inc., 188 USPQ 145 (DC, SD, NY, 1975); In re Texas Instruments, Inc., 193 USPQ 678, 679 (TTAB, 1976); In re Amtel, Inc., 189 USPQ 58, 60 (TTAB 1975). Applicant's computer programs and publication products highlight and pertain directly to the activities and aspirations of the individual business entrepreneur.

[Other than as indicated above] According to my search of the Office registration records, there is no registered mark which so resembles the applicant's mark, when applied to the goods (or services), as to be likely to cause confusion, or to cause mistake, or to deceive. (15 U.S.C. 1052(d); TMEP section 1105.01.)

GTG:cmc3


G. T. Glynn
Trademark Attorney
Law Office III
(703) 557-9560
Ser. No. 537579



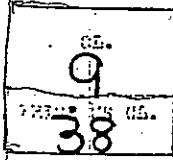
NOV
9
1984

507969

Applicant: Strategic Management Group, Inc.
3624 Market Street
University City
Philadelphia, PA 19104

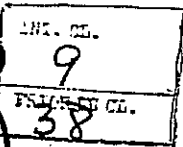
Goods: COMPUTER SOFTWARE

First Use: July, 1984



ENTREPRENEUR

4
3



532159

Harvard Associates, Incorporated
260 Beacon Street
Somerville, MA 02143

First use anywhere: March 28, 1985
First use in commerce: March 28, 1985

Goods: Computer software and documentation-

ENTREPRENEUR

J
st

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,187,239

Registered Jan. 19, 1982

TRADEMARK
Supplemental Register

ENTREPRENEUR

*File marked
Return
for record*

Chase Revel, Inc. (California corporation)
631 Wilshire Blvd.
Santa Monica, Calif. 90401

For MAGAZINES, BOOKS AND REPORTS
PERTAINING TO BUSINESS OPPORTUNITIES,
in CLASS 16 (U.S. Cl. 38).
First use May 2, 1978; in commerce May 2, 1978.

Ser. No. 223,003, filed P.R. Jul. 12, 1979; Am. S.R.
Nov. 20, 1981.

BRIAN ANDERSON, Primary Examiner

*applicant
purs.*

Int. Cl.: 16

Prior U.S. Cl.: 38

Reg. No. 1,223,364

Registered Jan. 11, 1983

United States Patent and Trademark Office

TRADEMARK
Principal Register

ENTREPRENEUR INSIDERS NEWSLETTER

*File Mark
Return*

Chase Revel, Inc. (California corporation)
631 Wilshire Blvd.
Santa Monica, Calif. 90401

For: PRINTED PUBLICATIONS—NAMELY,
NEWSLETTERS, BOOKS, REPORTS AND BRO-
CHURES PERTAINING TO BUSINESS OPPOR-
TUNITIES, in CLASS 16 (U.S. Cl. 38).

First use Aug. 23, 1979; in commerce Aug. 23,
1979.

Owner of U.S. Reg. Nos. 1,130,838 and 1,187,239.
No claim is made to exclusive use of the words
"Entrepreneur" and "Newsletter" apart from the
mark as shown in the drawing. Applicant does not
waive any of its common law rights with respect
thereto.

Ser. No. 231,127, filed Sep. 13, 1979.

J. H. WEBB, Examining Attorney

Int. Cl.: 16

U.S. Cl.: 38

Reg. No. 1,130,838

U.S. Patent and Trademark Office

Reg. Feb. 12, 1980

TRADEMARK

Principal Register

INTERNATIONAL ENTREPRENEURS' ASSOCIATION

Chase Revel, Inc. (California corporation) d.b.a. International
Entrepreneurs' Association
1445 5th St.
Santa Monica, Calif. 90401

For: Publications and Periodical Reports—Namely,
Newsletters, Brochures, Catalogs, Business Reports and
Magazines—in Class 16 (U.S. Cl. 38).

First use Aug. 10, 1976; in commerce Aug. 10, 1976.

The word "Association" is disclaimed apart from the mark
as shown.

Ser. No. 123,688. Filed Apr. 21, 1977.

RICHARD STRASER, Examiner

JOHN C. DEMOS., Primary Examiner

Cl.: 16

U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,167,253

Registered Sep. 1, 1981

TRADEMARK
Principal Register

AMERICAN ENTREPRENEURS ASSOCIATION

Chase Revel, Inc. (California corporation)
631 Wilshire Blvd.
Santa Monica, Calif. 90401

For: PUBLICATIONS AND PERIODICAL RE-
PORTS—NAMELY, NEWSLETTERS, BRO-
CHURES, CATALOGS, BUSINESS REPORTS
AND MAGAZINES, in CLASS 16 (U.S. Cl. 38).

First use Jul. 1, 1979; in commerce Jul. 1, 1979.

Owner of U.S. Reg. No. 1,130,838.

The word "Association" is disclaimed apart from
the mark as shown.

Ser. No. 230,893, filed Sep. 11, 1979.

HENRY S. ZAK, Primary Examiner

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

IN REPLY REFER TO THE FOLLOWING AND THE FILING DATE:

SERIAL NO.	APPLICANT	Paper No.
79/537579 MARK	ENTREPRENEUR, INC.	ADDRESS: Commissioner of Patents and Trademarks Washington, DC 20231
ENTREPRENEUR ADDRESS	ACTION NO.	The address of all correspondence not containing fee payments should include the word "Box 5."
HENRY BISSELL 6820 LA TIJERA BOULEVARD LOS ANGELES, CALIFORNIA 90045	MAILING DATE 02/07/86	
FORM PTO-1525 (2-84)	U.S. DEPT. OF COMM. PAT. & TM OFFICE	

Also furnish: (1) Serial number of application, (2) The mark, (3) Examining Attorney's name and Law Office number, (4) Mailing date of this action, and (5) Applicant's name (or applicant's attorney), telephone number and zip code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.

Responsive to the communication received January 13, 1986.

Handwritten:
9/14/86
With respect to the statutory response and the earlier filed Ser. 532159 and Ser. 507969, a January 31, 1986 computerized check reflects suspended status for 532159, and current opposition proceeding status #72057 for 507969.

With respect to the statutory response and the earlier filed Ser. 532159 and Ser. 507969, a January 31, 1986 computerized check reflects suspended status for 532159, and current opposition proceeding status #72057 for 507969.

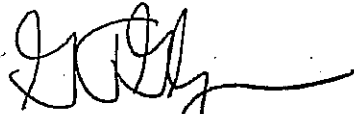
N.B. - Section 2(e)(1) issue was inserted against both classes, 9 and 16, as was further communicated to applicant's attorney via telecon immediately after the issuance of the July 9, 1985 Office action. Applicant has the requisite, prima facie Sec. 2(f) claim only for the Cl. 16 goods based upon usage of five-years and more at the time of filing Ser. 537579. Applicant has not presented a prima facie Section 2(f) claim for the Cl. 9 goods due to the mere two years use at the time of filing Ser. 537579. Thus, Section 2(e)(1) issue is continued within the record for Cl. 9 goods, and the Section 2(f) claim has been accepted for Cl. 16 goods.

Properly amend the Cl. 9 and 16 product clauses. Specifically, as respect Cl. 16, delete "text documentation for computer software". "Computer Program Manuals", when sold separately, fall into Int. Cl. 16. The usual commercial product item names must be substituted, in lieu of documentation. Delete Cl. 9 description and substitute one or more of the belowmentioned, acceptable product descriptions: "Computer Programs for use in business applications", Cl. 9; "Computer Programs and Program Manuals for use in business applications all sold as a unit", Cl. 9.

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9/14/86
ext to
24/11

Page 2

Upon receipt of a further appropriate amendment, Ser. 537579 will be reviewed in due course. All other previous requirements, except for those specifically cited, have been satisfied.



GTG:hrs

G. T. Glynn
Trademark Attorney
Law Office III
(703) 557-9560
Ser. No. 537579

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

IN REPLY REFER TO THE FOLLOWING AND THE FILING DATE:

SERIAL NO. 73/537579 ENTREPRENEUR, INC.		APPLICANT	
MARK		ACTION NO. 03	
ENTREPRENEUR		MAILING DATE 09/08/86	
ADDRESS HENRY BISSELL 6820 LA TIJERA BOULEVARD LOS ANGELES, CALIFORNIA 90045			
FORM PTO-1525 (2-84)		U.S. DEPT. OF COMM. PAT. & TM OFFICE	

Paper No.

ADDRESS:
Commissioner of
Patents and
Trademarks
Washington, DC
20231

The address of
all correspondence
not containing fee
payments should
include the word
"Box 5."

Also furnish: (1) Serial number of application, (2) The mark, (3) Examining Attorney's name and Law Office number, (4) Mailing date of this action, and (5) Applicant's name (or applicant's attorney), telephone number and zip code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.

Responsive to communication received August 12, 1986.
Serial No. 532,159 is still a pending case per a 9/4/86 computerized check.
Serial No. 507,969 has been abandoned per a 9/4/86 computerized check.
W/D opp for sustained by 53275 from 1/29/87 per 3/6/87

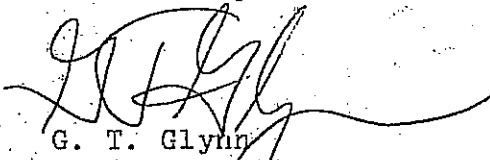
Applicant's Class 9 product clause is erroneous. As was expressed to applicant in the 2/7/86 action and subsequent 3/3/86 telcon, the preferred proper description should reflect, "Computer Programs and Program User Manuals All Sold As A Unit." The specific objection to documentation in our law office rests with the distinct possibility of advertising being subsumed under a broad, indefinite term, such as, documentation. The Class 16 description is acceptable. Amendatory action is required.

Applicant's comments relative to the Section 2(e)(1) issue appear to be paradox. Specifically applicant owns a "Supplemental Register" mark, i.e., 1,187,239 for the identical mark, which is an evidentiary admission of its merely descriptive nature. Quaker State Oil Refining Corporation v. Quaker Oil Corporation, 172 USPQ 361 (CCPA 1962); Ajax Hardware Corporation v. Packaging Techniques, Inc., 182 USPQ 559 (DC, Calif. 1974)). Applicant's prima facie, Section 2(f) claim in this case for the identical mark in Class 16 is an evidentiary admission of mere descriptiveness. Applicant then argues suddenly that for Class 9 software program merchandise specifically tailored for the individual business entrepreneur's usage that Entrepreneur is inherently distinctive. The undersigned, examining attorney does not accept this proposition. Enclosed is Exhibit (A-1),
W/d per review

which readily displays the enormous notoriety of entrepreneur and entrepreneurship in the current business marketplace scene. Applicant's Class 9 software program merchandise quickly and materially assists the business entrepreneur to achieve entrepreneurial success in their chosen market or field by quickly providing critical information in the accepted procedures to become an entrepreneur via proper market intelligence, budgetary and planning, and operational cost-cutting techniques. Section 2(e)(1) issue is continued in the record.

Upon receipt of a further appropriate amendment, this case will be reviewed vis-a-vis Serial No. 532,159 and applicant's forthcoming secondary meaning claim for the mark in Class 9 by virtue of separate evidentiary criteria well outlined in Rule 2.41.

GTG/lr



G. T. Glynn
Trademark Attorney
Law Office III
(703) 557-9560
Serial No. 537579

Int. Cls.: 9 and 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office **Reg. No. 1,453,968**
Registered Aug. 25, 1987

**TRADEMARK
PRINCIPAL REGISTER**

ENTREPRENEUR

ENTREPRENEUR, INC. (CALIFORNIA CORPORATION)
2311 PONTIUS AVENUE
LOS ANGELES, CA 90064

FOR: COMPUTER PROGRAMS AND PROGRAMS USER MANUALS ALL SOLD AS A UNIT, IN CLASS 9 (U.S. CL. 38).

FIRST USE 5-19-1983; IN COMMERCE 5-19-1983.

FOR: PAPER GOODS AND PRINTED MATTER; NAMELY MAGAZINES, BOOKS

AND PUBLISHED REPORTS PERTAINING TO BUSINESS OPPORTUNITIES, IN CLASS 16 (U.S. CL. 38).

FIRST USE 5-2-1978; IN COMMERCE 5-2-1978.

OWNER OF U.S. REG. NOS. 1,130,838, 1,223,364 AND OTHERS.

SEC. 2(F) ONLY AS TO CLASS 16 GOODS.

SER. NO. 537,579, FILED 5-14-1985.

G. T. GLYNN, EXAMINING ATTORNEY

*

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-12-13 21:29:07 ET

Serial Number: 73223003 Assignment Information Trademark Document Retrieval

Registration Number: 1187239

Mark (words only): ENTREPRENEUR

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 1988-09-10

Filing Date: 1979-07-12

Transformed into a National Application: No

Registration Date: 1982-01-19

Register: Supplemental

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 001 -File Destroyed

Date In Location: 1994-05-07



LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Chase Revel, Inc.

Address:

Chase Revel, Inc.
631 Wilshire Blvd.
Santa Monica, CA 90401
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 016

Class Status: Section 8 - Cancelled

Magazines, Books and Reports Pertaining to Business Opportunities

Basis: 1(a)

First Use Date: 1978-05-02

First Use in Commerce Date: 1978-05-02

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

1988-09-10 - Canceled Section 8 (6-year)

1982-01-19 - Registered - Supplemental Register

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Henry M. Bissell

Correspondent
Henry M. Bissell
Suite 106
6820 Latijera Blvd.
Los Angeles CA 90045



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Entrepreneur, Inc. Law Office : III
Serial No. : 537,579 TM Attorney : G.T. Glynn
Filed : May 14, 1985
For : Trademark: ENTREPRENEUR

DECLARATION OF WELLINGTON A. EWEN

I, WELLINGTON A. EWEN, do hereby declare as follows:

I am the President of Entrepreneur, Inc., a California corporation (hereinafter "my company"), the applicant in application Serial No. 537,579, more particularly identified above, to register the mark ENTREPRENEUR for the following goods:

Class 9: Electrical and Scientific Apparatus, Namely Magnetic Media Bearing Recorded Computer Programs; and

Class 16: Paper Goods And Printed Matter, Namely Magazines, Books And Published Reports.

My company is engaged in the business of publishing various magazines and reports, principally related to the subject matter of starting and operating small businesses, and of producing computer programs and related documentation for sale to the public, specifically including the subject matter of the goods recited in the above-identified application.

Prior to adopting its present name, my company's name was Chase Revel, Inc.; it has also conducted business under the name: "American Entrepreneur's Association".

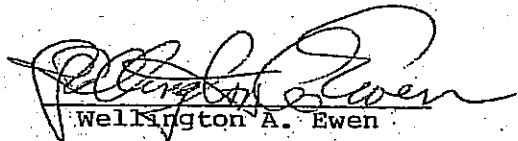
Said mark has been registered on the Supplemental Register under Registration No. 1,187,239 on January 19, 1982. The application for said registration was converted from an application for registration on the Principal Register Serial No. 223,003, filed July 12, 1979. Applicant is the owner of said registration.

Applicant believes that the mark has become distinctive, as

applied to applicant's goods, by reason of substantially exclusive and continuous use thereof as a mark by the applicant in commerce for the five years next preceding May 14, 1985, the filing date of the subject application.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration issuing thereon.

Dated: January 8, 1986


Wellington A. Ewen

400-374-JM



#2

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARK : ENTREPRENEUR
 REGISTRATION NO.: 1,453,968
 CLASSES : INT'L. CLASSES 9 and 16
 REGISTERED : August 25, 1987
 REGISTRANT : Entrepreneur, Inc.

SECTION 8 & 15 DECLARATION

JAMES L. FITZPATRICK hereby declares that he is the Executive Vice-President of Entrepreneur, Inc., Registrant of the above-identified Registration, and is authorized to make this declaration on behalf of the Registrant.

That Entrepreneur, Inc., a California corporation, owns Registration No. 1,453,968, issued August 25, 1987, as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in Interstate Commerce for five consecutive years from the date of registration to the present for the following services recited in the Registration:

FOR: COMPUTER PROGRAMS AND PROGRAMS USER MANUALS ALL SOLD AS A UNIT, IN CLASS 9 (U.S. CL. 38)

and

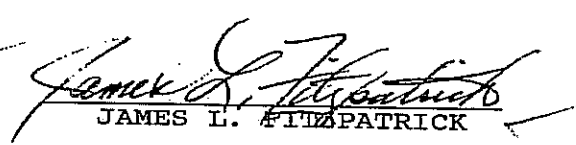
FOR: PAPER GOODS AND PRINTED MATTER; NAMELY MAGAZINES, BOOKS AND PUBLISHED REPORTS PERTAINING TO BUSINESS OPPORTUNITIES, IN CLASS 16 (U.S. CL. 38).

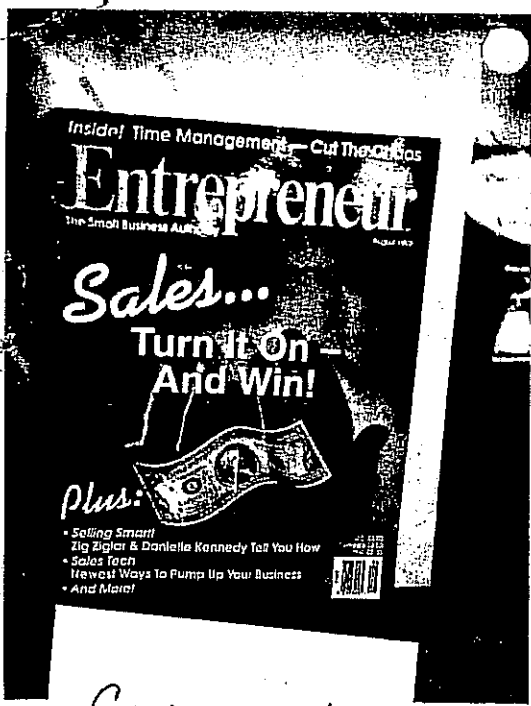
That said mark is still in use in said Interstate Commerce as evidenced by the attached specimens, one for each of the classes involved, showing the mark as currently used; that there has been no final decision adverse to Registrant's claim of ownership of said mark, to its right to register the same or

maintain it on the Register, and that there is no proceeding involving any of said rights pending and not disposed of either in the Patent and Trademark Office or in the Courts.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: September 11, 1992


JAMES L. FITZPATRICK



CLASS 16



CLASS 9

POLAROID

MAIL ROOM
SEP 17 1981
PAT. & TRADEMARK OFF.

MAIL ROOM
SEP 17 1981
PAT. & TRADEMARK OFF.



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

REGISTRATION NO. 1453968

SERIAL NO. 73/537579

PAPER NO.

MAILING DATE: 12/28/92

MARK: ENTREPRENEUR

REGISTRANT: ENTREPRENEUR, INC.

CORRESPONDENCE ADDRESS:

HENRY BISSELL
6820 LA TIJERA BOULEVARD
SUITE 106
LOS ANGELES, CA 90045-1991

Please furnish the following
in all correspondence:

1. Your phone number and zip code.
2. Mailing date of this action.
3. Affidavit-Renewal Examiner's name.
4. The address of all correspondence not containing fees should include the words "Box 5".
5. Registration No.

RECEIPT IS ACKNOWLEDGED OF THE SUBMITTED REQUEST UNDER:

SECTION 8 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.161-2.166.

SECTION 15 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.167-2.168.

YOUR REQUEST FULFILLS THE STATUTORY REQUIREMENTS AND HAS BEEN ACCEPTED.

WYE JEAN SMITH
AFFIDAVIT-RENEWAL EXAMINER
TRADEMARK EXAMINING OPERATION
(703) 308-9500 EXT. 38