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May 28, 2014

**VIA EXPRESS MAIL**

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria VA 22314

# 85767757

**Re: In the United States Patent and Trademark Office  
Before the Trademark Trial and Appeal Board  
Interlocutory Attorney: George Pologeorgis  
Larry Pitt Associates, P.C. v. Lundy Law, LLP  
Opposition No. 91210158**

Dear Sirs:

Pursuant to C.F.R. §2.126, please find Opposer's Opposition to Summary Judgment, and Declarations of Jacqueline M. Lesser and Phyllis Meloff, and Expert Report of Ross Fishman.

Certain of the documents and statements made in these papers rely on documents which the Applicant has marked confidential, pursuant to the Protective Order set by the Board. Pursuant to Board practice, a paper submission of the redacted set of these confidential papers, and a paper submission of an unredacted set of these papers are herewith submitted to the Board.

Respectfully,



Jacqueline M. Lesser

JML/jw  
Enclosures



\*05-28-2014\*

U.S. Patent and Trademark Office #72

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LARRY PITT & ASSOCIATES, P.C.

Opposer,

v.

LUNDY LAW, LLP

Applicant

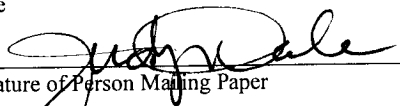
Opposition No 91210158

**CONFIDENTIAL (REDACTED)  
LARRY PITT & ASSOCIATES' OPPOSITION TO  
MOTION FOR SUMMARY JUDGMENT**

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Judy Dale  
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May 28, 2014  
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**TABLE OF CONTENTS**

**I.....INTRODUCTION.....1**

**II.....STATEMENT OF FACTS.....2**

**A. ....Larry Pitt and Law Firm Marketing .....2**

**B. ....Lundy Law’s Marketing of INJURED? REMEMBER THIS NAME.....4**

**III. ....LUNDY LAW’S CLAIMED STATEMENT OF FACTS .....7**

**IV.....ARGUMENT .....8**

**A. ....Lundy Law has failed to demonstrate an absence of genuine issues to all  
    material facts .....9**

**B. ....Genuine material facts are in dispute on the issues of genericness,  
    distinctiveness and whether the phrase functions as a trademark.....10**

**1. .... The phrase is generic. ....10**

**2. .... The phrase is merely descriptive and nondistinctive.....12**

**3. .... The phrase does not function as a trademark. ....14**

**V. ....CONCLUSION .....16**



## TABLE OF AUTHORITIES

	<b>Page(s)</b>
<b>Cases</b>	
<i>In re Bed &amp; Breakfast Registry</i> , 229 USPQ 818 (Fed. Cir. 1986).....	13
<i>BellSouth Corp. v. DataNational Corp.</i> , 60 F. 3d 1565, 35 USPQ2d 1554 (Fed. Cir. 1995) .....	10
<i>Callaway Vineyard &amp; Winery v. Endsley Capital Group, Inc.</i> , 63 USPQ 1919 (TTAB 2002) .....	10
<i>In re Chippendales USA, Inc.</i> , 622 F.3d 1346, 96 USPQ 2d 1681 (Fed. Cir. 2010) .....	12
<i>Continental Airlines Inc. v. United Air Lines Inc.</i> , 53 USPQ 2d 1385 (TTAB 1999) .....	10
<i>Copelands' Enterprises Inc. v. CNV Inc.</i> , 945 F.2d 1563, 20 USPQ 2d 1295 (Fed. Cir. 1991) .....	8
<i>In re Cox Enterprises Inc.</i> , 82 USPQ 2d 1040 (TTAB 2007) .....	13
<i>In re Deutsche Airbus GmbH</i> , 224 USPQ 611 (TTAB 1984). Case .....	10
<i>Dewalt, Inc. v. Magna Power Tool Corp.</i> , 289 F. 2d 656, 129 USPQ 275 (C.C.P.A. 1961).....	12
<i>In re Eagle Crest</i> , 96 USPQ 1227 (TTAB 2010) .....	15
<i>In re European-American Bank &amp; Trust Co.</i> , 201 USPQ 788 (TTAB 1983) .....	16
<i>Flatley v. Trump</i> , 11 USPQ2d 1284 (TTAB 1989) .....	9
<i>Interactive Products Corp. v. A2Z Mobile Office Solutions, Inc.</i> 326 F.3d 687 (6th Cir. 2003) .....	14
<i>KP Permanent Make-up, Inc. LLP v. Lasting Impression I Inc.</i> 543 U.S. 111 (2004). Fishman Report at 8 .....	13

<i>Loglan Institute Inc. v. Logical Language Group, Inc.</i> , 962 F. 2d 1038, 22 USPQ 2d 1531 (Fed. Cir. 1992) .....	11
<i>Lundy Law LLP v. Larry Pitt &amp; Associates</i> , Case 2:13-cv-01161-JHS (E.D. Pa.) .....	3
<i>In re Manco Inc.</i> , 24 USPQ 2d1938 (TTAB 1992) .....	16
<i>Meyers v. Brooks Shoe, Inc.</i> , 912 F. 2d 1459, 16 USPQ2d 1055 (Fed. Cir. 1990) .....	9
<i>In Re Nett Designs Inc.</i> , 236 F. 3d 1339, 57 USPQ 2d 1564 (Fed. Cir. 2001) .....	8, 9
<i>Olde Tyme Foods Inc. v. Roundy's Inc.</i> , 961 F.2d 200, 22 USPQ2d 1542 (Fed.Cir. 1992) .....	9
<i>Phillip Morris Incorporated, et al. v. Williamson Tobacco Corporation</i> , 230 USPQ 172 (TTAB 1986) .....	10
<i>R.J.Ants, Inc. v. Marinelli Enters.</i> , 771 F. Supp. 2d 475 (E.D.Pa. 2011) .....	15
<i>In re Reed Elsevier Props. Inc.</i> , 82 USPQ 2d 1378 (Fed. Cir. 2007).....	10
<i>Remington Products Inc. v. North American Philips Corporation</i> , 892 F. 2d 1576, 13 USPQ 2d 1444 (Fed. Cir. 1990) .....	12
<i>In re Scholastic Testing Service, Inc.</i> , 196 USPQ 517 (TTAB 1977) .....	7, 11
<i>In re The Standard Oil Co.</i> , 275 F.2d 945, 125 USPQ 227 (C.C.P.A. 1960).....	15
<i>In re Sun Oil Co.</i> , 426 F. 2d 201 (CCPA 1970) .....	12
<i>T. Marzetti Co. v. Roksam Baking Co.</i> , 102 USPQ 2d 1801 (6th Cir. 2012) .....	14
<i>University Book Store v. University of Wisconsin Bd. of Regents</i> , 33 USPQ 2d 1385 (TTAB 1994) .....	8
<i>In re Volvo Cars of North America, Inc.</i> , 46 USPQ 2d 1455 (TTAB 1998) .....	16

*In re Wakefern Food Corp.*,  
222 USPQ 76 (TTAB 1984) .....16

**Statutes**

15 U.S.C. § 1051 et seq.....5, 13, 15  
37 C.F.R. §§2.34(a).....5  
37 C.F.R. §2.51(a).....5  
Fed. R. Civ. P. 56..... 3; 8; 9

**Other Authorities**

10A Wright, Miller & Kane, Federal Practice and Procedure: Civil 3d §2727  
(1998).....8

## **I. INTRODUCTION**

Opposer Larry Pitt & Associates, P.C. (“Larry Pitt”) hereby opposes Lundy Law’s motion for summary judgment.

This Opposition involves the general right of law firms to ask their own potential clients to remember their name or telephone number in advertising and associated marketing materials. Lundy Law is seeking protection of the phrase REMEMBER THIS NAME as a trademark based on its own use of this common instruction. The phrase actually used by Lundy Law is “INJURED? REMEMBER THIS NAME 1-800-LUNDYLAW” – not simply the command to “REMEMBER THIS NAME,” which is the phrase sought to be registered. The common instruction to “REMEMBER THIS NAME” accompanied by the name of the law firm, or the instruction to “REMEMBER THIS NUMBER” used over a business’ telephone number is – and has been – used by countless other businesses and law firms. Lundy Law’s objective in attempting to register such a common and ordinary phrase is to prevent other law firms from a basic marketing concept. Opposer, Larry Pitt, a law firm and competitor of Lundy Law, has opposed this attempt to register a phrase that is – and should be – in the public domain.

Lundy Law’s summary judgment motion can be boiled down to the following arguments, none of which are material to this matter: 1. Lundy Law claims that it has used the phrase REMEMBER THIS NAME; 2. the Trademark Office has accepted the phrase initially for registration; and 3. the individual word components of the phrase, and in particular, the combination of “remember this” are not defined by a dictionary as meaning a “law firm” and; 4. other companies have registered slogans that include the term “remember.” These arguments – and what Lundy Law considers supporting “facts” are an insufficient basis for summary judgment. Lundy Law’s motion for summary judgment does not address the very legal or factual

issues of this Opposition, namely, that the phrase cannot be protected. Accordingly, Lundy Law's summary judgment motion should be denied.

## **II. STATEMENT OF FACTS<sup>1</sup>**

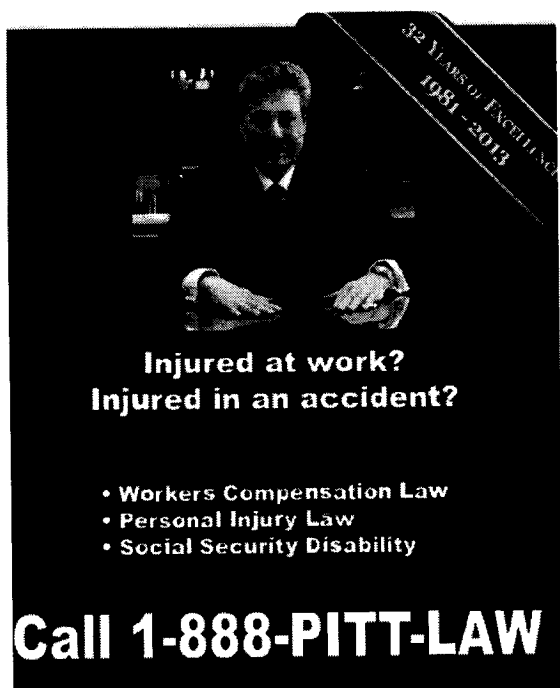
### **A. Larry Pitt and Law Firm Marketing**

Opposer, Larry Pitt, is a law firm located in the greater Philadelphia area offering representation in personal injury, workers' compensation and social security disability matters. Meloff Decl. ¶2. Like many attorneys practicing in these areas, it advertises to the general public. Meloff Decl. ¶3. Larry Pitt, Esq. has practiced law for more than 37 years, and Opposer, Larry Pitt & Associates, P.C. has been in business for more than 33 years. Meloff Decl. ¶2. Opposer was one of the first law firms to publicly advertise. Meloff Decl. ¶3. This advertising includes advertising located in and around public transportation. Meloff Decl. ¶3. The primary goal of such advertising is for consumers to remember the name and phone number of the law firm. Meloff Decl. at ¶4. Without question, successful attorney advertising leads to consumers to remember the name and number of a law firm. Fishman Report at 5 and 6. Lundy Law does not dispute this. In particular, consumers seeking representation on personal matters rely on public advertising when seeking legal counsel. Fishman Report at 4 and 5. In fact, for many attorneys, public advertising of the firm name and telephone number is its chief method of marketing. Fishman Report at 4. The success of such law firms hinge on whether potential clients are able to remember the firm's name and the firm's number. Fishman Report at 6.

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<sup>1</sup> The declarations of Phyllis Meloff ("Meloff Decl."), dated May 27, 2014 and Jacqueline M/ Lesser ("Lesser Decl."), dated May 28, 2014, and the Expert Report of Ross Fishman ("Fishman Report"), dated May 28, 2014 are submitted herewith.

In April 2012, Larry Pitt created new advertising, as shown below:



The ads included Larry Pitt's name and number with the words "REMEMBER THIS NUMBER" over 1-888-PITT.LAW. Meloff Decl. ¶¶5 and 6. The phrase "REMEMBER THIS NUMBER" appeared as part of the advertising copy over the telephone number. It was included after discussions with, and with the input and at the suggestion of Larry Pitt's advertising agency, Titan 360. Meloff Decl. ¶¶5 and 6. These ads were distributed in the Philadelphia area to over 800 locations. Meloff Decl. ¶7.

In October 2012, Lundy Law applied to register the phrase "REMEMBER THIS NAME" and on March 4, 2013, filed suit against Larry Pitt, contending that the use of the instruction REMEMBER THIS NUMBER over Larry Pitt's telephone number constituted trademark infringement of Lundy Law's use of the phrase REMEMBER THIS NAME.<sup>2</sup> The complaint

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<sup>2</sup> Copies of the Complaint and motion papers in *Lundy Law LLP v. Larry Pitt & Associates*, Case 2:13-cv-01161-JHS (E.D. Pa.) are attached as Exhibit A to the Declaration of Jacqueline M. Lesser in support of Larry Pitt's motion under Fed. R. Civ. P. 56(d). (TTAB Dkt. 8).

was voluntarily dismissed without prejudice prior to Larry Pitt's answer of the complaint, or a ruling on the then-pending preliminary injunction motion.

**B. Lundy Law's Marketing of INJURED? REMEMBER THIS NAME**

Lundy Law is also a law firm located in Philadelphia. Like Opposer, and countless other law firms and other businesses, Lundy Law uses advertising on and around public transportation to advertise its firm. Lundy Law engages in advertising of its name and phone number, which always includes the name "Lundy Law. As Leonard Lundy, the principal of the firm has stated, "We needed something memorable, our own icon so to speak... Our name is our phone number, is our website," says Lundy. *It was so easy to remember...*" Lesser Decl. ¶6. (emphasis added). Lundy Law states that it began use of the phrase on a banner at a Philadelphia Souls Game in May 2011. Lesser Decl. ¶2<sup>3</sup> The phrase was not intended [REDACTED]

[REDACTED] Lesser Decl. ¶7. (LUNDY01615). As Tami Sortman, Lundy Law Director of Marketing instructed: the slogan was used in all marketing and advertising materials above the name Lundy Law. Lesser Decl. ¶ [REDACTED] LUNDY01615 REDACT). The phrase had not left much of a consumer impression prior to the filing of the trademark application even after advertising commenced. Almost eight months later, Lundy Law's director of marketing conceded that [REDACTED] [REDACTED] Lesser Decl. ¶7. (LUNDY01588)

The phrase used by Lundy Law was "INJURED? REMEMBER THIS NAME. 1-800-LUNDY LAW," but the trademark application that Lundy Law filed was for a portion of the entire phrase: REMEMBER THIS NAME. In the application, Leonard Lundy, as officer and signatory states: "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..." Lundy Law made this statement by

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<sup>3</sup> Lundy Law's response to Interrogatory No. 5

selective ignorance: there were countless references to the memorability of law firm names, other lawyer promotional pieces that use REMEMBER THIS NAME or REMEMBER THIS NUMBER. Fishman Report at Attachment B. Yet, Lundy Law did not even conduct a common-law trademark search of slogans before it attempted to register “REMEMBER THIS NAME.” Lesser Decl. ¶3.<sup>4</sup>

In connection with its trademark application, Lundy Law submitted the following specimen of use:



The specimen shows the use of the phrase INJURED? REMEMBER THIS NAME as shorthand for: “if you are injured, remember this name, 1-800-LUNDYLAW.” Despite the fact that the slogan sought to be registered is different from the slogan on the specimen, the Trademark Examining Attorney accepted the specimen without requiring a substitute.<sup>5</sup> In fact, every reference produced by Lundy Law in discovery shows the use of the phrase as a

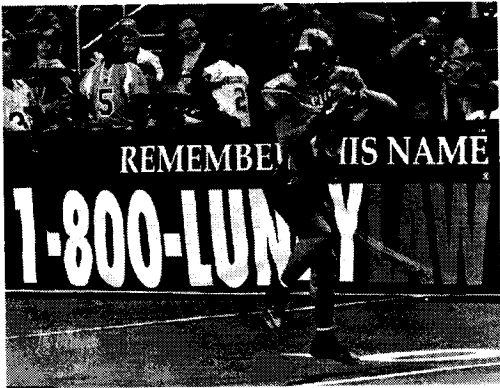
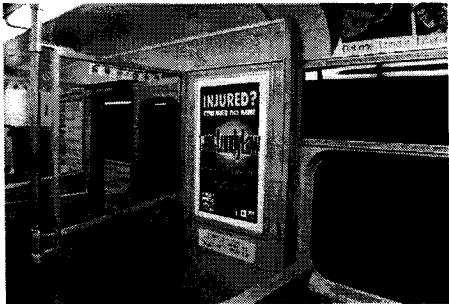
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<sup>4</sup> Lundy Law’s Admissions 15 and 16

<sup>5</sup> An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services. 37 C.F.R. §§2.34(a)(1)(iv), TMEP §§904, 904.07(a). The mark on the drawing must be a substantially exact representation of the mark on the specimen. 37 C.F.R. §2.51(a); TMEP § 807.12(a).



component of “INJURED? REMEMBER THIS NAME” or a similar phrase.<sup>6</sup> There are no uses of REMEMBER THIS NAME alone. In every instance, the phrase is used with the Lundy Law name. The name LUNDY LAW is much larger than any of the advertising copy – including the “INJURED? REMEMBER THIS NAME” tagline.



<sup>6</sup> Declaration of Leonard Lundy, submitted in support of summary judgment.

### III. LUNDY LAW'S CLAIMED STATEMENT OF FACTS

The following "facts" presented in support of Lundy Law's motion are either not material to Lundy Law's motion, or disputed:

- |  |  |
|--|--|
| 1. Lundy Law's use of the mark REMEMBER THIS NAME began on May 16, 2011. Since that time, the mark has been used extensively and continuously by Lundy.  | Disputed, Applicant has put forth no evidence substantiating a date of first use, or that this use was as a trademark in interstate commerce.  |
| 2. On October 31, 2012, Lundy Law filed an application, Serial No. 85/767,757 with the USPTO, to register on the Principal Register the mark REMEMBER THIS NAME for legal services in International Class 45. See the attached Declaration of Magdalena Lozada attached with a true and correct copy of the current file history of Application Serial No. 85/767,757, attached as Exhibit 26. | It is disputed that the mere filing of the application purports to give the Applicant rights in a phrase as a trademark. At the time of the filing of the application, third parties had been using REMEMBER THIS NAME, REMEMBER THIS NUMBER, and the concept of memorability of law firm names well known. Fishman Report at 5 and 6. |
| 3. Application Serial No. 85/767 included, as a specimen of Lundy Law's use of the mark, a photograph of Lundy Law's advertising prominently displayed on the back of a SEPTA bus.   | Admitted that Lundy Law has advertised the phrase INJURED? REMEMBER THIS NAME, prominently on the back of a SEPTA bus. This use shows that the phrase does not function as a trademark.  |
| 4. The REMEMBER THIS NAME application was published for Opposition on April 9, 2013  | Admitted   |
| 5. The USPTO found the mark REMEMBER THIS NAME to be inherently distinctive as evidenced by the fact that it was an application on the Principal Register that was published for Opposition without a showing of acquired distinctiveness.   | Disputed. Decisions of the USPTO are not binding authority on whether a mark is inherently distinctive. A generic term should not remain registered simply because other such marks appear on the register. In re Scholastic Testing Service, Inc., 196 USPQ 517 (TTAB 1977).  |
| 6. Application Serial No. 85/767,757 was published for legal services, in International Class 45.  | Admitted.  |

- |   |  |
|---|--|
| <p>7. The REMEMBER THIS NAME mark is not the name or an acronym or initialization for legal services and it does not describe a quality, characteristic, function, feature, purpose or use of Applicant's legal services.</p>   | <p>Disputed. REMEMBER THIS NAME describes the goal of a legal service provider in advertising its services, and an instruction to a consumer when seeking legal representation. See Report of Ross Fishman.</p>  |
| <p>8. The USPTO routinely allows trademarks that are phrases or slogans on the Principal Register without a showing of acquired distinctiveness where the phrase or slogan is not descriptive of an applicant's goods or services. Examples of such registrations are listed hereinafter and are shown in the attached declaration of Magdalena Lozada and exhibits attached as Exhibits 27-26.</p> | <p>Disputed. Third party registrations submitted are of very limited probative value. It is well-settled that neither the Board nor the Federal Circuit is bound by prior determinations by the USPTO. See <i>In Re Nett Designs Inc.</i>, 236 F. 3d 1339, 57 USPQ 2d 1564, 1566 (Fed. Cir. 2001).</p> |

#### IV. ARGUMENT

Summary judgment is only appropriate where there are no genuine issues of material fact in dispute, and additional evidence, beyond that which is already available in connection with the motion, could not be reasonably expected to change the result. Fed.R.Civ. P 56(c); *University Book Store v. University of Wisconsin Bd. of Regents*, 33 USPQ 2d 1385, 1389 (TTAB 1994). The movant has the burden of showing the absence of any genuine issue as to all the material facts, and that it is entitled to judgment as a matter of law. *Copelands' Enterprises Inc. v. CNV Inc.*, 945 F.2d 1563, 20 USPQ 2d 1295 (Fed. Cir. 1991). The movant is held to a stringent standard on summary judgment. See 10A Wright, Miller & Kane, Federal Practice and Procedure; Civil 3d §2727 (1998).

“In deciding a motion for summary judgment, the Board may not resolve an issue of fact; it may only determine whether a genuine issue of material fact exists. TBMP §528.01, *Meyers v. Brooks Shoe, Inc.*, 912 F. 2d 1459, 16 USPQ2d 1055, 1057 (Fed. Cir. 1990). (Summary

judgment reversed, movant did not meet its initial burden). All doubts as to whether or not particular factual issues are genuinely in dispute must be resolved against the moving party and, similarly, all inferences to be drawn from the undisputed facts must be viewed in the light most favorable to the nonmoving party. *Flatley v. Trump*, 11 USPQ2d 1284, 1287 (TTAB 1989) and cases cited therein. *See also, Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542, 1544 (Fed.Cir. 1992).

A. **Lundy Law has failed to demonstrate an absence of genuine issues to all material facts**

At the outset, Lundy Law must meet its prima facie burden that would afford it the right to judgment if undisputed. Fed. R. Civ. P. 56. Yet, Lundy Law submits no facts that would be conclusively determinative of a right to register. To meet its threshold burden, Lundy Law must make some relevant showing that the phrase REMEMBER THIS NAME is not generic, merely descriptive, and that it acts as a mark. First, the Trademark Examining Attorney's initial acceptance of REMEMBER THIS NAME is not conclusive evidence of registrability since the Board is not bound by the decisions of examining attorneys during ex parte examination. *In re Nett Designs, Inc.* 57 USPQ 2d at 1566. Second, the fact that there are third party slogan registrations that include the term "remember" without a showing of secondary meaning is immaterial, and irrelevant to the issue of genericness or descriptiveness. The Board is not bound by other registrations for slogans that include the word "remember" but must decide each case on its own merits." *Id.* at 1566. Third, Lundy Law submits no evidence of acquired distinctiveness – it merely relies on an argument that the common phrase is inherently distinctive. Lastly, Lundy Law's only argument that the phrase function as a mark is to imply that all of the advertising is large, and in certain instances many words on the ads are in separate colors. Motion at 16. Not only has Lundy Law missed its initial burden of proof on summary judgment, but even if the

burden has shifted to Opposer, summary judgment must be denied because of the genuine material facts in dispute.

**B. Genuine material facts are in dispute on the issues of genericness, distinctiveness and whether the phrase functions as a trademark.**

**1. The phrase is generic.**

Genericness by its nature is a factual issue. *In re Reed Elsevier Props. Inc.*, 82 USPQ 2d 1378, 1380 (Fed. Cir. 2007). It is determined by actual common usage. *In re Deutsche Airbus GmbH*, 224 USPQ 611, 614 n. 12 (TTAB 1984). Case law has recognized that competitor use of a phrase – or even particular terms within a phrase – is persuasive evidence of genericness. *BellSouth Corp. v. DataNational Corp.*, 60 F. 3d 1565, 35 USPQ2d 1554 (Fed. Cir. 1995), *Phillip Morris Incorporated, et al. v. Williamson Tobacco Corporation*, 230 USPQ 172, 176 (TTAB 1986). As shown in the attached Fishman Report, there are many third party instances of the phrase “REMEMBER THIS NAME.” It does not matter whether, as Lundy Law argues, the individual words, “remember,” “this” and “name,” or this partial phrase “REMEMBER THIS NAME” (as opposed to “INJURED? REMEMBER THIS NAME,” which is how the phrase is used in the specimens submitted to the USPTO) appear in a dictionary separately or in combination as a synonym for “law firm.” Motion at 10 -11. Any number of generic words or slogans are not found in dictionaries. *Continental Airlines Inc. v. United Air Lines Inc.*, 53 USPQ 2d 1385, 1393 (TTAB 1999). The instruction to “REMEMBER THIS NAME” is in common use.

The questions of genericness, and nondistinctiveness arise as a factual issue as of the time that registration is sought. *Callaway Vineyard & Winery v. Endsley Capital Group, Inc.*, 63 USPQ 1919 (TTAB 2002). At the time that Lundy Law submitted its application to register REMEMBER THIS NAME, third party law firms and other businesses were using “REMEMBER THIS NAME” and “REMEMBER THIS NUMBER” in their own advertising.

Fishman Report; Attachment B. Larry Pitt was already using REMEMBER THIS NUMBER within the context of its own advertising. Meloff Decl. ¶¶ 6 and 7. Other law firms routinely ask consumers to remember their names and numbers. Fishman Report at 6, Attachment B; Lesser Decl. ¶3.<sup>7</sup> Without question, law firms that advertise publicly do so with the ultimate goal of having consumers remember their name, and their number, so that consumers may call and retain the firm for services. Fishman Report at 6. In particular, clients for personal services, such as personal injury matters, are generally unsophisticated and seek representation based on public advertising. Fishman Report at 5. Thus, instructive phrases above a name or telephone number are essential to this advertising. Fishman Report at 6. The point of all of these ads is to get the viewer to remember the name to call. There is nothing source indicating about this common instruction.

The concept of name recollection in attorney advertising is a generic concept that is widespread in the legal community. Fishman Report at 5 and 9. Verbalizing a generic concept does not make the generic concept a trademark. *See e.g. Loglan Institute Inc. v. Logical Language Group, Inc.*, 962 F. 2d 1038, 22 USPQ 2d 1531 (Fed. Cir. 1992) (registration of name of new logical language inappropriate as generic concept, registration cancelled). Third party registration of a generic term, does not lend credibility to a claim that others have registered “REMEMBER THIS” marks. A generic term should not remain registered simply because other such marks appear on the register. *In re Scholastic Testing Service, Inc.*, 196 USPQ 517 (TTAB 1977). While there may be other ways for a law firm to encourage consumers to “REMEMBER THIS NAME,” the sheer fact that other equally generic phrases are available for competitive use does not mean that Lundy Law may claim exclusive rights to a particular generic phrase. *In re Sun Oil Co.*, 426 F. 2d 201 (CCPA 1970).

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<sup>7</sup> Lundy Law’s Admissions 1 and 2

2. **The phrase is merely descriptive and nondistinctive**

In context, it is clear that if the slogan is not generic, it is a merely descriptive phrase that others have the right to use, and is unregistrable for this reason. *Remington Products Inc. v. North American Philips Corporation*, 892 F. 2d 1576, 13 USPQ 2d 1444, 1448 (Fed. Cir. 1990). (reversing the Board’s decision that TRAVEL CARE was suggestive and registrable). Law firms have the right to ask consumers to remember them – that is the goal of law firm advertising. Fishman Report at 6. Meloff Decl. ¶4. The phrase: “INJURED? REMEMBER THIS NAME” is shorthand for “Are you injured? Remember the name and number of this law firm, 1-800-LUNDYLAW.” The shorthand version of a common phrase does not make the shorthand version more protectable as a trademark. *Id.* at 1448 (travel care as short hand for travel personal care is not suggestive, but generic or merely descriptive and thus unregistrable).

Further, “where opposer is not claiming trademark rights but merely freedom to continue [to use] a descriptive use, the situation must be judged and the right to registration decided on the basis of the factual situation as of the time when registration is sought.” *Dewalt, Inc. v. Magna Power Tool Corp.*, 289 F. 2d 656, 129 USPQ 275, 277 (C.C.P.A. 1961). Phrases generally common in a particular field of use cannot be inherently distinctive. *In re Chippendales USA, Inc.*, 622 F.3d 1346, 96 USPQ 2d 1681, 1687 (Fed. Cir. 2010). It is very clear that, at the time that registration was sought, there was considerable press in the legal community on the memorability of law firm names. Fishman Report, Attachment B. Personal injury law firms are extraordinarily direct in terms of the service they are marketing and the recognition of their name. Fishman Report at 5. Third party law firms have consumers to remember their names and numbers. Fishman Report at 6. Countless articles have appeared in the press on whether a law firm name and number is memorable. Businesses generally have asked consumers to remember

their name, or remember their number. Fishman Report, Attachment B. Like other firms, Lundy Law wants its name to be “memorable.” Lesser Decl. ¶3.<sup>8</sup>

A claim of inherent or acquired distinctiveness must be determined from the perspective of the relevant class or classes of actual or prospective purchasers for applicant’s goods. *See In re Cox Enterprises Inc.*, 82 USPQ 2d 1040, 1042 (TTAB 2007); *In re Bed & Breakfast Registry*, 229 USPQ 818, 819 (Fed. Cir. 1986). Consumers faced with multiple law firms, look to the name of the firm for source identification – not statements such as “CALL TODAY,” “NO FEE UNLESS WE WIN”, “INJURED? WE CAN HELP?” or “INJURED? REMEMBER THIS NAME.” Fishman Report at 5 and 6. These are all common phrases with no independent source indication. Such a common instruction as “REMEMBER THIS NAME” or “REMEMBER THIS NUMBER” should not be given the benefits of Section 7(b) of the Lanham Act. *Dewalt* 129 USPQ at 279 -280. (affording DeWalt registration to a common phrase “Power Shop”, would “put it in possession of prima facie proof of a right it does not have, which it might at any time decide to assert against Magna.”). There is no indication that the Lanham Act was meant to deprive commercial speakers of the ordinary utility of descriptive words. *KP Permanent Makeup, Inc. LLP v. Lasting Impression I Inc.* 543 U.S. 111, 121 (2004). Fishman Report at 8. Lundy Law has already brought suit against Larry Pitt for Larry Pitt’s use of the descriptive, instructional request to consumers to “REMEMBER THIS NUMBER.” Registration of the common instruction: REMEMBER THIS NAME would improperly give Lundy Law the imprimatur of exclusive rights to this phrase, to the detriment of other law firms or businesses who similarly may request that consumers remember their own business names and telephone numbers.

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<sup>8</sup> Lundy Law’s Admissions 1 and 2



Furthermore, Lundy Law’s own documents show that the phrase was not intended as a trademark – Lundy Law needed a phrase to help support making its name, Lundy Law, more memorable. Lesser Decl. ¶6. It was a slogan, like its other slogans, merely intended to get consumers to call. Lesser Declaration ¶3.<sup>9</sup> It was always intended to be used with the LUNDY LAW name or vanity number 1-800-LUNDYLAW. Lesser Decl. ¶¶3.<sup>10</sup> The internal subjective impressions and uses of the phrase show the genericness or mere descriptiveness of the phrase. See e.g. *T. Marzetti Co. v. Roksam Baking Co.*, 102 USPQ 2d 1801, 1804 (6<sup>th</sup> Cir. 2012).

Although under *DeWalt*, the phrase “REMEMBER THIS NAME” could not be registered even with a showing of secondary meaning, *Id.* at 279, Lundy Law has offered absolutely no evidence of secondary meaning in the phrase REMEMBER THIS NAME. Lundy Law has introduced no surveys, no advertising figures, no consumer testimonials. Ads from before October 31, 2012 are limited [REDACTED]

[REDACTED] Lesser Decl. ¶7. Because Lundy Law never uses the phrase alone – there is no way to tell whether consumers could even identify the phrase alone with a single source. Fishman Report at 5 and 8; Lesser Decl. ¶ 2.<sup>11</sup>

**3. The phrase does not function as a trademark.**

A party cannot protect or enforce a designation that is used only in a non-trademark manner, as a common instruction rather than a source identifier. *Interactive Products Corp. v. A2Z Mobile Office Solutions, Inc.* 326 F.3d 687, 695 (6<sup>th</sup> Cir. 2003). This is especially true of slogans, or sentences that are used in the context of an instruction, such as Lundy Law’s call to action to “REMEMBER THIS NAME.” The Trademark Manual of Examining Procedure teaches that: “Not everything that a party adopts and uses with the intent that it function as a

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<sup>9</sup> Lundy Law’s Admissions 2 and 31

<sup>10</sup> Lundy Law’s Admission 30, Response to Interrogatory No. 6

<sup>11</sup> Lundy Law’s response to Interrogatory No. 6

trademark necessarily achieves this goal or is legally capable of doing so, and not everything that is recognized or associated with a party is necessarily a registrable trademark. As the Court of Customs and Patent Appeals observed in *In re The Standard Oil Co*, 275 F.2d 945, 947, 125 USPQ 227, 229 (C.C.P.A. 1960):“The Trademark Act is not an act to register words but to register trademarks. Before there can be registrability, there must be a trademark (or service mark) and, unless word have been so used; they cannot qualify for registration.” TMEP 1202. “REMEMBER THIS NAME” is inherently *incapable* of functioning as a trademark to identify and distinguish the source of the products in connection with which they are used. *In re Eagle Crest*, 96 USPQ 1227, 1229 (TTAB 2010) (*quoting Am. Velcro, Inc. v. Charles Mayer Studios, Inc.*, 177 USPQ 149, 154 (TTAB 1973)). *See also R.J.Ants, Inc. v. Marinelli Enters.*, 771 F. Supp. 2d 475, 492 (E.D.Pa. 2011) (finding A TASTE OF PHILLY for gift baskets containing foods from Philly unprotectable).

Although Lundy Law would have the Board believe that size matters – *i.e.*, that the large typeface of all of the words on a publicly displayed ad makes all of the ad copy capable of trademark significance -- that is not the case. Use of this phrase, in context, leads to the conclusion that the phrase “REMEMBER THIS NAME” simply fails to function as a mark. The phrase is merely a component of “INJURED? REMEMBER THIS NAME 1-800-LUNDYLAW.” It is not even used consistently -- sometimes it is a component of “YOU ONLY HAVE TO DO ONE THING. REMEMBER THIS NAME LUNDY LAW.” Sometimes, it is used as “I’M GLAD I REMEMBER THE NAME.” From a marketing perspective, the use of “INJURED? REMEMBER THIS NAME” is merely a prelude to the brand name, LUNDY LAW. Fishman Report at 6.

Ordinary slogans and phrases such as “remember this name” simply do not qualify for trademark protection. *See e.g., In re Volvo Cars of North America, Inc.*, 46 USPQ 2d 1455, 1459

(TTAB 1998) (DRIVE SAFELY refused registration, not an indication of source); *In re Manco Inc.*, 24 USPQ 2d1938, 1941-42 (TTAB 1992) (THINK GREEN refused registration; regarded merely as a “slogan of environmental consciousness”); *In re Wakefern Food Corp.*, 222 USPQ 76,78 (TTAB 1984) (WHY PAY MORE refused registration for supermarket services, perceived as suggesting only that the applicant offered lower prices); *In re European-American Bank & Trust Co.*, 201 USPQ 788, 790 (TTAB 1983) (THINK ABOUT IT found to be a familiar expression and consumers would take it in its ordinary meaning, rather than as a mark for banking services). Accordingly, such an ordinary slogan, as that used by the Applicant, in context cannot be protected, and thus must be refused registration.

V. **CONCLUSION**

For the foregoing reasons as detailed above, Opposer requests that the Board deny Applicant’s motion for summary judgment in its entirety and that all remaining scheduling dates be reset.

Dated: May 28, 2014

Respectfully submitted,



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Nancy Frandsen, Esq.  
Jacqueline M. Lesser, Esq.  
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*Attorneys for Opposer, Larry Pitt & Associates, P.C.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of May, 2014, I caused a true and correct copy of the foregoing LARRY PITT & ASSOCIATES' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT, and supporting Expert Report of Ross Fishman; Declaration of Jacqueline Lesser; and Declaration of Phyllis Meloff to be served by First Class mail upon counsel for Applicant, Lundy Law, LLP at:

Manny D. Pokotilow  
Caesar Rivise, Bernstein, Cohen & Pokotilow Ltd.  
1635 Market Street  
11<sup>th</sup> Floor – Seven Penn Center  
Philadelphia, PA 19103-2212  
mpokotilow@crbcp.com

/s/ Jacqueline M. Lesser  
\_\_\_\_\_  
Jacqueline M. Lesser

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LARRY PITT & ASSOCIATES, P.C.

Opposer,

v.

LUNDY LAW LLP

Applicant

Opposition No. 91210158

**CONFIDENTIAL UNDER SEAL**  
**DECLARATION IN SUPPORT OF OPPOSITION TO SUMMARY JUDGMENT**

I, Jacqueline M. Lesser, hereby declare as follows:

1. I am an attorney associated with the firm of Baker & Hostetler, LLP, attorneys for Larry Pitt & Associates, P.C. ("Larry Pitt" or "Opposer") in the above-referenced Opposition proceeding. I submit this declaration and attached the following exhibits in support of Larry Pitt & Associates, P.C.'s Opposition to Summary Judgment.
2. Attached hereto as Exhibit A is a true and correct copy of Applicant's Responses to Opposer's First Set of Interrogatories, dated September 10, 2013.
3. Attached as Exhibit B is a true and correct copy of Applicant's Responses to Opposer's First Set of Requests for Admissions to Opposer, (Nos. 1-33), dated September 10, 2013
4. Attached as Exhibit C is a true and correct copy of the Applicant's Responses and Objections to Opposer's Request for Production of Documents and Things.

5. Attached as Exhibit D is a true and correct copy of Applicants' Supplemental Responses and Objections to Opposer's Request for Production of Documents and Things, Nos. 3, 8, 11, 14, 18 and 19.
6. Attached hereto as Exhibit E is a true and correct copy of Case Study: Lundy Law of Expert Technology Associates.
7. Enclosed as Exhibit F, are true and correct copies of confidential documents, pursuant to the Protective Order mandated by the Board, LUNDY01615; LUNDY01615; and LUNDY01588;
8. Attached hereto as Exhibit G are true and correct copies of articles downloaded from the internet on law firms and memorable names.
9. Attached hereto as Exhibit H are downloads from HEALTH ALERT advertising for REMEMBER THIS NUMBER.

I declare under penalty of perjury that the foregoing statements are true and correct.

Dated: May 28, 2014

By:   
Jacqueline M. Lesser



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LARRY PITT & ASSOCIATES, P.C.	:	
	:	
Opposer,	:	
	:	Opposition No. 91210158
vs.	:	
	:	Serial No. 85767757
LUNDY LAW, LLP	:	
	:	
Applicant.	:	

**APPLICANT'S RESPONSES TO OPPOSER'S FIRST  
SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. §2.120(d), Applicant, Lundy Law, LLP. hereby serves upon Opposer, Larry Pitt & Associates, P.C. their objections and responses to Opposer's First Set of Interrogatories to Applicant.

**GENERAL RESPONSES AND OBJECTIONS**

Each of the following general responses and objections are incorporated in the response to each and every interrogatory:

1. By responding to any interrogatory, Applicant does not concede the materiality of the subject to which it refers. Applicant's responses are made expressly subject to, and without waiving or intending to waive, any questions or objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose of any of the information or response produced, or the subject matter thereof, in any proceeding, including the trial of this action or any subsequent proceeding.

2. Applicant objects to Opposer's Interrogatories to the extent that they call for information subject to the attorney-client, attorney work-product, and/or other privilege. In



responding to these interrogatories, Applicant does not waive, but rather preserves, all such privileges.

3. Applicant objects to Opposer's interrogatories to the extent that they are unduly broad and burdensome. Unless otherwise indicated, Applicant will provide relevant responses.

4. Applicant objects generally to Opposer's interrogatories to the extent that they seek information beyond the scope of this proceeding.

5. Applicant objects generally to those interrogatories to the extent that they seek information beyond the scope of Rule 26(b)(1) of the Federal Rules of Civil Procedure.

6. Applicant objects, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure to any interrogatory that asks it to identify documents, that it produces in this action.

7. Applicant objects to those interrogatories that seek information which Applicant considers to be confidential or proprietary, including trade secrets or other confidential research, development or commercial information. Responses to such interrogatories only will be provided on an attorneys' eyes only basis and as warranted under the terms of the Protective Order in this proceeding.

8. Inadvertent production of any information which is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery shall not constitute a waiver of any privilege or of any other ground for objecting to discovery with respect to that document or any other document, or the subject matter thereof, or the information contained therein, or of Applicant's right to object to the use of any such document or the information contained therein during any proceeding in this action or otherwise.

9. Applicant objects to Opposer's Interrogatories that request the identification of all persons having knowledge, or who participated in a particular event, or requesting the production

or identification of all documents or things as burdensome and oppressive, especially where the degree of knowledge or participation of lesser and knowledgeable or contributing persons or the degree of relevance of certain documents is significantly less than the others, and where a complete response can thus even be misleading. However, Applicant will identify those persons believed to be most knowledgeable or who have participated most in the subject matter of the specific requests and will identify and/or produce those documents believed to be most responsive to the subject matter of the specific request, if not otherwise objectionable.

10. Applicant objects to Opposer's Interrogatories, including but not limited to the definitions and instructions, to the extent that they call upon Applicant to determine or produce information and documents wherein such information and documents are not in the possession, custody or control of Applicant.

11. Applicant objects to the production of any information that would require Applicant to violate any applicable contractual obligation to third parties.

12. The responses provided herein are submitted while Applicant is continuing its investigation of facts and discovery of information and documents relating to the claims and defenses in this Opposition Proceeding. These responses are based only upon Applicant's current knowledge and reasonable belief.

13. Applicant reserves its right to supplement its responses and objections to Applicant's discovery requests.

14. Applicant objects to Opposer's instructions to the extent not permitted under or beyond the scope of the Rules of Civil Procedure and the Rules of Practice governing Opposition Proceedings.

These General Objections are incorporated by this reference into each and every response to the Interrogatories herein.

## **RESPONSES TO INTERROGATORIES**

### **Interrogatory No 1.**

Identify by name, and contact information the persons at Applicant chiefly responsible for: a) the operation of the company; b) the marketing of the company's services; and c) financial records for the company.

#### **Response**

Applicant incorporates by reference its general objections. Applicant objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and the foregoing General Objections, and without waiving the same, Applicant's preliminary response is as follows:

(a) L. Leonard Lundy, Managing Partner, (b) Tami Sortman, Marketing Director, and (c) Kelly Carson, Firm Administrator.

### **Interrogatory No. 2.**

Identify by name, address and principle contact each advertising, marketing, promotional and/or production agency used by Applicant to produce advertising for Applicant from 2009 to the present.

#### **Response**

Applicant incorporates by reference its general objections. Applicant objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to lead to the discovery of

admissible evidence. Applicant further objects to this Interrogatory to the extent that it is seeking confidential business information, attorney-client privilege information, that constitutes attorney work product, or that is protected by any other applicable privilege or protection. Subject to these objections and the foregoing General Objections, and without waiving the same, Applicant's preliminary response is as follows:

CJ Advertising has done legal advertising for Lundy Law since 2003, Whitehardt Advertising made commercials for Marvin Lundy from 2006-2010, Bozeken Productions makes REMEMBER THIS NAME ads for Lundy Law from 2011 to date, Ningio Advertising makes Soul Football ads for Lundy Law since 2011. Lundy Law advertises on most TV stations in the Philadelphia Designated Market Area (DMA) through CJ Advertising or the individual stations themselves, on KYW radio through the station, on Comcast Cable through Comcast, at the Wells Fargo Center through Comcast Spectacor, on Public Transportation in Pennsylvania, New Jersey and Delaware through Titan Advertising and Gateway Outdoor Advertising and Direct Media, All Web services are through CJ Advertising or Ningio Advertising , all print and graphic advertising and give-aways are done in house.

**Interrogatory No. 3.**

Identify and describe all types of advertising, marketing and promotional activities that Applicant conducts to market, promote and sell its services under REMEMBER THIS NAME; list the type(s) of advertising, the medium for any ad placement; the geographic location of advertising; and identify all individuals or entities involved in the creation, selection and placement of all such advertising, marketing and promotional materials for Applicant since the first use of the slogan REMEMBER THIS NAME to the present.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that “all types of advertising, marketing and promotional activities” is overly broad and unduly burdensome. Applicant further objects to this Interrogatory on the grounds that it seeks confidential information which is irrelevant to the current proceeding. Subject to and without waiver of these and its general objections, Applicant incorporates by reference its response to Interrogatory No. 2. Applicant will respond further to this Interrogatory after the entry of a Protective Order.

**Interrogatory No. 4.**

Identify all persons with personal knowledge of Applicant's use and claim of rights in the phrase REMEMBER THIS NAME from date of adoption to the present.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that “all persons with personal knowledge” is overly broad and unduly burdensome and requires a search for information that far exceeds the scope of information relative to the claims or defenses in this proceeding. Subject to and without waiver of these and its general objections, Applicant’s preliminary response is as follows:

Leonard Lundy and Tami Sortman.

**Interrogatory No. 5.**

Identify Applicant's first use of the phrase REMEMBER THIS NAME in interstate commerce, and identify: 1) the date of first use; 2) the manner of first use; 3) the type of first use; 4) the location of the first use, and 5) all persons with personal knowledge of Applicant's first use of the phrase REMEMBER THIS NAME in interstate commerce.

**Response**

Applicant incorporates by reference its general objections. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

- (1) The date of first use is May 16, 2011;
- (2) The manner first used was on banners used at a Philadelphia SOUL game and at motorcycle events;
- (3) The type of first use: See (2) above;
- (4) The location of the first use: See (2) above.

**Interrogatory No. 6.**

Identify all channels of trade in which Applicant promotes and provides services under the slogan REMEMBER THIS NAME.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it is overly broad, vague and unduly burdensome. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

REMEMBER THIS NAME is used on all forms of advertising, television, radio, print, outdoor, stadium, website advertising in parts of Pennsylvania, New Jersey and Delaware. All advertising that uses REMEMBER THIS NAME says REMEMBER THIS NAME LUNDY LAW, or on occasion, the advertising says REMEMBER THIS NAME, 1-800-Lundy-Law on some radio announcements due to time constraints.

**Interrogatory No. 7.**

Identify and describe the circumstances surrounding Applicant's decision to file any applications to register REMEMBER THIS NAME and I'M GLAD I REMEMBERED THE NAME.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to the discovery of admissible evidence. Applicant further objects to this Interrogatory as seeking information that is protected by the attorney-client privilege, that constitutes attorney work product or that is protected by any other applicable privilege or protection. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

Applicant tries to register all of the marks it uses. It is routine. Applicant does it to protect its marks.

**Interrogatory No. 8.**

Identify and describe the decision-making process behind Applicant's creation, conception, clearance and adoption of the phrase REMEMBER THIS NAME.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege, that it constitutes attorney work product, or that is protected by any other applicable privilege or protection. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

The creation, conception, clearance and adoption was a result of a meeting between Leonard Lundy, Tami Sorkin and Mike Fanelle of Bozekin Productions.

**Interrogatory No. 9.**

Identify all slogans or phrases that Applicant has contemplated for use with Applicant's services as an alternative to the phrase REMEMBER THIS NAME.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this Interrogatory as seeking information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection. Applicant objects to this Interrogatory on the basis that the Interrogatory is unclear and confusing and not understandable. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

To the extent that it is understandable, Applicant has not used a phrase or trademark as an alternative to REMEMBER THIS NAME.

**Interrogatory No. 10.**

Identify all slogans used in connection with the name Lundy Law.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to lead to the discovery of



admissible evidence. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

Applicant has used the following trademarks in association with the name Lundy Law: REMEMBER THIS NAME, I'M GLAD I REMEMBERED THIS NAME, I AM GLAD I REMEMBERED THE NAME.

**Interrogatory No. 11.**

Identify all standalone usages of the phrase REMEMBER THIS NAME by Applicant, including the media, the manner and date or dates of such use.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory to the extent that "all standalone usages of the phrase REMEMBER THIS NAME" is not understandable to Applicant, and accordingly, Applicant is unable to respond because the Interrogatory is vague and indefinite. The use of REMEMBER THIS NAME by Applicant is shown in the documents produced by Applicant.

**Interrogatory No. 12.**

Describe Applicant's areas of legal practice.

**Response**

Applicant incorporates by reference its general objections. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

Applicant's practice areas are listed on its website at [www.lundy.com](http://www.lundy.com) and a copy of the website is being produced.

**Interrogatory No. 13.**

Identify and describe each means utilized by Applicant to promote its services to clients and/or potential clients.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it is overly broad and uses language that requires a search for information that far exceeds the scope of information relative to the claims or defenses raised in this proceeding. Applicant further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome. Applicant objects to this Interrogatory on the basis that it not only seeks information protected by the attorney-client privilege, it also seeks information that is highly confidential and irrelevant to this proceeding. To the extent such information is not confidential or privileged, Applicant states that it has previously answered above how it publicly promotes its services to clients.

**Interrogatory No. 14.**

Does Applicant refer any retained clients to third party law firms?

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this Interrogatory as seeking information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection. Still further, Applicant further objects

to this Interrogatory insofar as it seeks highly confidential business information and there is no Protective Order in place.

**Interrogatory No. 15.**

If the answer to the preceding question is yes, describe the process and reasons for referring such clients to third party law firms.

**Response**

Applicant incorporates by reference its objections with respect to Interrogatory No. 14 and accordingly, will not produce the information requested by Interrogatory No. 15.

**Interrogatory No. 16.**

Identify and describe Applicant's awareness of the use of the word "remember" in law firm advertising.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that the Interrogatory is vague and indefinite insofar as it requests "Applicant's awareness of the use of the word 'remember' in law firm advertising." It is not clear what meaning this expression has with respect to any claim or defense raised in this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis it is vague and indefinite because it does not specify what time frame Opposer requests as to Applicant's awareness. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

To the extent that Applicant has become aware of searches performed, after the filing of this proceeding, Applicant states that it is aware that the term "REMEMBER" is part of trademarks of the applications and registrations produced by Applicant.

**Interrogatory No. 17.**

Describe Applicant's purpose in marketing its services through advertising via billboards; public transportation placement; public arenas; and via television.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this Interrogatory insofar as it seeks highly confidential business information without there being a Protective Order in place. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

Applicant's purpose in marketing in all of the areas set forth in Interrogatory No. 17 is to market its services.

**Interrogatory No. 18.**

Identify and describe any searches, surveys, investigations, analyses, or studies by or on behalf of Applicant relating to Applicant's use of the phrase REMEMBER THIS NAME and the dates of such searches, surveys, investigations, analyses, or studies and the names of the persons who commissioned the same.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that this Interrogatory seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other

applicable privilege or protection. Subject to and without waiver of these and its general objections, Applicant's preliminary response is as follows:

None.

**Interrogatory No. 19.**

State with specificity where, when and how Applicant first became aware of Opposer's use of the phrase REMEMBER THIS NUMBER in Opposer's advertising.

**Response**

Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence, because this proceeding does not relate to infringement, but rather to the registerability of Applicant's mark REMEMBER THIS NAME. Accordingly, this Interrogatory is completely irrelevant. Subject to and without waiving its objections, Applicant states that on January 24, 2013 an employee reported to Applicant that she saw someone else using the mark REMEMBER THIS NAME. The employee did not remember who. Applicant requested that she return to the place where she saw the advertisement and find the name of the law firm using the mark. The employee took a picture of the advertisement located on the inside of a SEPTA bus with her cell phone. The advertisement was that of Opposer. The advertisement did not use the Applicant's mark REMEMBER THIS NAME, rather, it used the mark REMEMBER THIS NUMBER.

**Interrogatory No. 20.**

Identify all persons who participated in any way in the preparation of the answers or responses to any of these interrogatories and requests for production, and requests for admission including the areas of participation of each such person.

**Response**

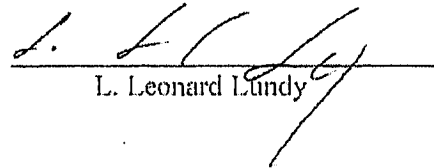
Applicant incorporates by reference its general objections. Applicant further objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client



VERIFICATION

I, L. LEONARD LUNDY, Managing Partner of Lundy Law, LLP have read the foregoing Responses and Objections to Opposer's First Set of Interrogatories. Based upon my personal knowledge, I hereby certify that the statements set forth in Applicant's Responses are true and accurate to the best of my knowledge.

Dated: September 9, 2013

  
L. Leonard Lundy

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the within APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES is being served upon counsel of record for Applicant, via First Class Mail on September 10, 2013, in an envelope addressed to:

Jacqueline M. Lesser  
Woodcock Washburn LLP  
2929 Arch Street  
Cira Centre, 12<sup>th</sup> Floor  
Philadelphia, PA 19104-2891

/mdp/

Manny D. Pokotilow





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LARRY PITT & ASSOCIATES, P.C.,	:	
	:	
Opposers,	:	
	:	
vs.	:	OPPOSITION NO. 91210158
	:	
	:	Serial No. 85767757
LUNDY LAW, LLP,	:	
	:	
Applicant.	:	

**APPLICANT'S OBJECTIONS AND RESPONSES TO  
APPLICANT'S FIRST SET OF REQUEST FOR  
ADMISSIONS TO OPPOSERS (NOS. 1-33)**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, Applicant, Lundy Law, LLP hereby submits its objections and responses to Opposer's Requests for Admission. In furnishing these objections and responses, Applicant does not admit or concede the relevance, materiality, authenticity and/or admissibility in evidence of any such responses or admissions.

**GENERAL OBJECTIONS**

All of Applicant's specific responses are subject to and without waiver of the following general objections:

1. Applicant objects to Opposer's Requests and the definitions and instructions thereto, to the extent they may seek to impose on Applicant obligations different from, or greater than, those required by the Federal Rules of Civil Procedure and/or the Trademark Trial and Appeal Board Rules of Practice.
2. Applicant objects to Opposer's Requests to the extent they seek information that is neither relevant to any claim or defense raised in this proceeding, nor reasonably calculated to

lead to the discovery of admissible evidence. To the extent that Applicant provides responses, notwithstanding these objections, it is an effort to expedite discovery in this proceeding.

3. Applicant objects generally to Opposer's Requests to the extent they call for information that is subject to one or more privileges, including, but not limited to, the attorney-client and work-product privileges. To the extent privileged information is inadvertently disclosed, such disclosure is without prejudice to, and is not a waiver of, any subsequent assertion of privilege by Applicant.

4. Applicant objects to the definitions of "Lundy Law" and "Applicant," as overbroad. Applicant states that as referenced in its responses herein, unless otherwise indicated, Applicant is defined as Lundy Law LLP.

5. Applicant objects to Opposer's Requests to the extent that they require Applicant to render legal conclusions regarding the relationship of certain information or documents to contested legal or factual issues. By responding to these Requests, Applicant makes no representation as to whether or not such information or documents tend to prove or disprove any factual or legal issue.

6. Applicant objects to Opposer's Requests on the grounds and to the extent that they are overly broad and unduly burdensome.

7. Applicant objects to Opposer's Requests on the grounds and to the extent that they are vague or ambiguous.

8. Applicant objects to Opposer's Requests to the extent they contain undefined or ambiguously defined terms or call for speculation, conjecture, or opinion.

9. Applicant objects to each of Opposer's Requests on the grounds and to the extent they call for disclosure of information outside the possession, custody or control of Applicant.

10. The specific objections and/or answers set forth below are based upon information now available to Applicant after making a diligent search of any files in their possession, custody, or control that reasonably relate to one or more of the specific requests contained in the Requests. All responses herein are submitted as presently advised, and are made without prejudice to Applicant's right to modify, amend, revise, correct, supplement, add to and/or clarify such responses as any additional responsive information may become known to Applicant.

11. By responding to any Request, Applicant does not waive and expressly reserves all objections to the relevance, materiality, and admissibility of any information contained in its response.

12. Applicant incorporates these general objections by reference into each and every objection and/or response below to the extent applicable.

#### RESPONSES TO APPLICANT'S REQUESTS

##### Request for Admission No. 1:

Admit that it is important to Applicant that potential clients recognize the name of its law firm, Lundy Law.

##### Response to Request for Admission No. 1:

Applicant objects to this Request on the grounds that the Request is irrelevant and incorporates by reference its general objections set forth above. Subject to this objection and to the foregoing general objections, Applicant admits that it is important to Applicant that potential clients recognize the name of its law firm, Lundy Law.

Request for Admission No. 2:

Admit that Applicant uses the phrase, REMEMBER THIS NAME, in order that potential clients remember the name of the Lundy Law firm.

Response to Request for Admission No. 2:

Applicant objects to this Request on the grounds that it is vague and indefinite and that the Request is for an admission of a fact that may be taken out of context. Applicant further objects on the basis that the Request is for an admission of fact that cannot be admitted or denied. Applicant further incorporates by reference its general objections above. Subject to this objection and to the foregoing general objections, Applicant cannot admit or deny this Request.

The Request cannot be admitted or denied because the mark was adopted because it was memorable and would be associated with Applicant's services. However, it is also true that Applicant wishes to have its potential clients know how to contact the firm.

Request for Admission No. 3:

Admit that Applicant uses the phrase REMEMBER THIS NAME on advertising used on public transportation.

Response to Request for Admission No. 3:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 4:

Admit that Applicant advertises its services on television.

Response to Request for Admission No. 4:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 5:

Admit that Applicant advertises its services on its website.

Response to Request for Admission No. 5:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 6:

Admit that Applicant uses the phrase REMEMBER THIS NAME as a tag line on its advertising.

Response to Request for Admission No. 6:

Applicant objects to this Request's use of the term "tag line" as vague and ambiguous, and therefore, the response to the Request can be subject to different meanings. Subject to this objection and the foregoing general objections, Applicant states that it is admitted to the extent the definition of "tag line" is "an often repeated phrase associated with an individual, organization or commercial product or service."

Request for Admission No. 7:

Admit that Applicant has used a variety of tag lines on its advertising.

Response to Request for Admission No. 7:

Applicant objects to this Request's use of the term "tag lines" as vague and ambiguous, and therefore, the Request can be subject to different meanings. Subject to this objection and the foregoing general objections, and to the extent that the term "tag line" means "an often repeated phrase associated with an individual, organization or commercial product or service," it is admitted.

Request for Admission No. 8:

Admit that Applicant practices law in the areas of personal injury.

Response to Request for Admission No. 8:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 9:

Admit that certain of Applicant's advertisements are directed to persons who suffer injuries.

Response to Request for Admission No. 9:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 10:

Admit that certain of Applicant's advertisements are directed to persons who require assistance in applying for social security disability.

Response to Request for Admission No. 10:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 11:

Admit that certain of Applicant's advertisements are directed to persons who suffer a disability.

Response to Request for Admission No. 11:

Applicant objects to this Request's use of the term "who suffer a disability" as vague and ambiguous, and therefore, the Request can be subject to different meanings. Subject to this objection and to the foregoing general objections and subject to the meaning of the term "a

person who suffers a disability” suffers the disability from an accident and/or from negligence, admitted.

Request for Admission No. 12:

Admit that Applicant did not consider the phrase REMEMBER THIS NAME to be a trademark or service mark usage when it first included the phrase in its advertising.

Response to Request for Admission No. 12:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: denied.

Request for Admission No. 13:

Admit that Applicant filed a trademark application to protect REMEMBER THIS NAME as a trademark, after it had learned that Opposer had used the phrase "remember this number" in Opposer's advertising.

Response to Request for Admission No. 13:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections Applicant states as follows: denied.

Request for Admission No. 14:

Admit that at the time Applicant filed its trademark application for REMEMBER THIS NAME, it was aware of third party law firm use of the term "remember" used in connection with the provision of legal services.

Response to Request for Admission No. 14:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: denied.



Request for Admission No. 15:

Admit that Applicant did not conduct a common-law search of slogans that included the term "remember" before it began its use of the phrase "REMEMBER THIS NAME."

Response to Request for Admission No. 15:

Applicant incorporates by reference its general objections above. Applicant further objects to this on the basis that the term "slogan" is ambiguous as used herein. Subject to this objection and the foregoing general objections, Applicant states as follows: admitted that Applicant did not conduct a common law search of slogans before it began use of the mark REMEMBER THIS NAME.

Request for Admission No. 16:

Admit that Applicant did not conduct a common-law search of slogans that included the term "remember" before it applied to register REMEMBER THIS NAME as a trademark.

Response to Request for Admission No. 16:

Applicant incorporates by reference its general objections above. Applicant further objects on the basis that the term "slogan" as used herein is ambiguous. Subject to this objections and the foregoing general objections, Applicant states as follows: admitted that Applicant did not conduct a common law search of slogans before it applied to register the mark REMEMBER THIS NAME as a trademark.

Request for Admission No. 17:

Admit that Applicant's sole purpose in applying to register REMEMBER THIS NAME was to attempt to prevent Opposer from using "Remember this number" over Opposer's telephone number in Opposer's advertising.

Response to Request for Admission No. 17:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: denied.

Request for Admission No. 18:

Admit that Applicant's adoption of the phrase REMEMBER THIS NAME is used in connection with print advertising on public transportation in the Philadelphia area.

Response to Request for Admission No. 18:

Applicant incorporates by reference its general objections above. Applicant further objects to the wording "adoption of the phrase REMEMBER THIS NAME is used in connection with print advertising on public transportation in the Philadelphia area" as vague and indefinite. Subject to this objection and the foregoing general objections, Applicant admits that the mark REMEMBER THIS NAME is used in connection with print advertising on public transportation in the Philadelphia area.

Request for Admission No. 19:

Admit that Applicant promotes its business under the name Lundy Law.

Response to Request for Admission No. 19:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 20:

Admit that Applicant has used several tag lines and slogans in connection with the Lundy Law name.

Response to Request for Admission No. 20:

Applicant incorporates by reference its general objections above. Applicant further objects to the Request's use of the terms "tag lines and slogans" as vague and ambiguous.

Subject to this objection and to the foregoing general objections, Applicant states as follows: admitted to the extent that "tag lines and slogans" mean "often repeated phrases associated with an individual, organization, or commercial product or service.,

Request for Admission No. 21:

Admit that Applicant formally changed its name from the Law Offices of Marvin Lundy to Lundy Law, LLP following the passing of the firm's founder, Marvin Lundy, in 2011.

Response to Request for Admission No. 21:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant cannot admit or deny the Request as worded and Applicant states as follows: Marvin Lundy passed away on December 1, 2010. At the time of his death, the name of Applicant was The Law Offices of Marvin Lundy, LLP, d/b/ a Lundy Law. In 2011, the name of Applicant was changed to Lundy Law, LLP.

Request for Admission No. 22:

Admit prior to adopting "Injured, Remember this Name?", Applicant has used the phrase: "Injured? We can help." in its advertising.

Response to Request for Admission No. 22:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 23:

Admit that Applicant has not sought protection of "Injured? We can help" as a trademark or service mark.

Response to Request for Admission No. 23:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant cannot admit or deny the Request as worded. Although Applicant has not filed a trademark application with the U.S. Patent and Trademark Office, the use of a trademark at common law creates protection as the mark is used.

Request for Admission No. 24:

Admit Applicant uses the tagline "Get Serious — Get Lundy" on its website.

Response to Request for Admission No. 24:

Applicant incorporates by reference its general objections above and further objects to the term "tagline" as vague and ambiguous. Subject to this objection and the foregoing general objections, Applicant states as follows: admitted that the words "Get Serious—Get Lundy" remain on its website even though it is no longer used in its advertising.

Request for Admission No. 25:

Admit that Applicant has not sought protection of "Get Serious — Get Lundy" as a trademark or service mark.

Response to Request for Admission No. 25:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: Applicant cannot admit or deny the Request as worded. Although Applicant has not filed a trademark application with the U.S. Patent and Trademark Office, the use of a trademark at common law creates protection as the mark is used.

Request for Admission No. 26:

Admit that Applicant's production documents identified as LUNDY0001-0005 show use of the phrase "Injured? Remember this name"

Response to Request for Admission No. 26:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states that it cannot answer with an admission or denial and therefore states as follows: admitted that LUNDY0001 shows use of the words in the following format: Injured? Remember this Name; denied that LUNDY0002 contains the phrase "Injured? Remember this name", LUNDY 0003-0005 shows use of the words INJURED? REMEMBER THIS NAME with the word INJURED in a different color than REMEMBER THIS NAME.

Request for Admission No. 27:

Admit that Applicant's production document identified as LUNDY0006 show Applicant's use of the phrase "I'm glad I remembered this name" which appears as a quote from an "auto accident" client.

Response to Request for Admission No. 27:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states that it cannot answer with an admission or denial and therefore states as follows: the phrase "I'm glad I remembered this name" appears in all capital letters within quotes, adjacent a smiling man and a smiling woman over the words AUTO ACCIDENT CLIENT.

Request for Admission No. 28:

Admit that Applicant's production document identified as LUNDY0007 shows Applicant's use of the phrase "I'm glad I remembered this name" which appears as a quote from a "slip and fall client."

Response to Request for Admission No. 28:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states that it cannot answer with an admission or denial and therefore states as follows: the phrase "I'm glad I remembered this name" appears in all capital letters within quotes, adjacent a smiling girl and a smiling woman over the words SLIP AND FALL CLIENT.

Request for Admission No. 29:

Admit that Applicant's production document identified as LUNDY00012 was not in use by Applicant at the time of the filing of the application upon which this opposition is based.

Response to Request for Admission No. 29:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: admitted.

Request for Admission No. 30:

Admit that Applicant's use of the phrase REMEMBER THIS NAME is always used in conjunction with the Lundy Law name.

Response to Request for Admission No. 30:

Applicant incorporates by reference its general objections above. Applicant also states that it cannot admit or deny this Request because the mark REMEMBER THIS NAME is often used with 1-800-LUNDYLAW, which is Applicant's telephone number.

Request for Admission No. 31:

Admit Applicant receives telephone calls from potential clients based on their recollection of its number 1-800-LUNDYLAW.

Response to Request for Admission No. 31:

Applicant incorporates by reference its general objections above. Applicant further objects to the statement “receives telephone calls from potential clients based on their recollection of its number 1-800-LUNDYLAW” as vague and ambiguous. Subject to this objection and the foregoing general objections, Applicant admits it receives telephone calls from potential clients who recall its number 1-800-LUNDYLAW.

Request for Admission No. 32:

Admit Applicant has no evidence that the public perceives REMEMBER THIS NAME to be a trademark.

Response to Request for Admission No. 32:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: denied.

Request for Admission No. 33:

Applicant has no evidence that the public perceives the phrase REMEMBER THIS NAME as indicating a single source of origin.

Response to Request for Admission No. 33:

Applicant incorporates by reference its general objections above. Subject to the foregoing general objections, Applicant states as follows: denied.

**\* \* \* SIGNATURE PAGE FOLLOWING \* \* \***

Respectfully submitted,

**CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.**

Dated: September 10, 2013

By   /mdp/    
Manny D. Pokotilow  
1635 Market Street  
Seven Penn Center - 12th Floor  
Philadelphia, PA 19103  
Tel: (215) 567-2010  
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Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the within APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUEST FOR ADMISSIONS TO OPPOSERS (NOS. 1-33) is being served upon Opposer's counsel via First Class Mail, postage prepaid on this 10<sup>th</sup> day of September, 2013 addressed to:

Jacqueline M. Lesser  
Woodcock Washburn LLP  
2929 Arch Street  
Cira Centre, 12<sup>th</sup> Floor  
Philadelphia, PA 19104-2891

  /mdp/    
Manny D. Pokotilow





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LARRY PITT & ASSOCIATES, P.C.,	:	
	:	
Opposers,	:	
	:	
vs.	:	OPPOSITION NO. 91210158
	:	
	:	Serial No. 85767757
LUNDY LAW, LLP,	:	
	:	
Applicant.	:	

**APPLICANT'S RESPONSES AND OBJECTIONS TO OPPOSER'S  
REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS**

Applicant, Lundy Law, LLP, provides the following responses and objections to the First Request for Production of Documents and Things to Applicant propounded by Opposer, Larry Pitt & Associates, P.C. in accordance with Rule 34(b) of the Federal Rules of Civil Procedures and 37 C.F.R. §2.120, reserving its right to amend or supplement these response as information becomes known to it during the course of discovery.

**OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. Applicant incorporate herein its Objections to Definitions and Instructions set forth in Applicant's Responses and Objections to Applicant's First Set of Interrogatories.

**GENERAL OBJECTIONS**

1. Applicant objects to the Document Request to the extent it conflicts with or exceeds the scope of the Federal Rules of Civil Procedures, 37 C.F.R. §2.120, or applicable case law.

2. Applicant objects to the Document Requests to the extent its incorporation of Definitions in the individual requests could lead to the formulation of responses that are either inaccurate when read against a specific request or would create an inaccurate, confusing or misleading record.

3. Applicant objects to the Document Request to the extent it seeks the disclosure of materials protected from disclosure by the attorney-client privilege, the attorney work product doctrine and any other applicable protection, restriction or immunity from discovery. Such privileges are explicitly preserved and are not waived or limited by any response herein.

4. Applicant objects to the Document Requests to the extent that developing a response to any individual request would be oppressive, unduly burdensome, unreasonably expensive or would require an unreasonable investigation on the part of Applicant.

5. Applicant objects to the Document Requests to the extent any individual request is ambiguous, confusing, misleading or unclear.

6. Applicant objects to the Document Requests as overbroad.

7. Applicant objects to the Document Requests to the extent any individual request seeks information that can be found in public records or the information sought is equally available to Opposer.

8. Applicant objects to the Document Requests to the extent they requires the disclosure of confidential, proprietary, reserve, reinsurance or otherwise protected business and commercial information.

9. Applicant objects to each request as vexatious or harassing to the extent it seeks documents that are unreasonably cumulative or duplicative, that are in the possession, custody or control of Applicant or their agents or representatives, that are in the possession of third-parties over whom Applicant has no direct control, or that are available from a more convenient source.

10. Applicant objects to Opposer's requests, including but not limited to the definitions and instructions, to the extent that they call upon Applicant to determine or produce documents wherein such documents are not in the possession, custody or control of Applicant.

11. Applicant objects to the production of any document that would require Applicant to violate any applicable contractual obligation to third parties.

12. To the extent Applicant responds to the requests to which it objects, such objections are not waived. These responses are made without waiver of, and with preservation of all issues as to the competency, relevancy, materiality, privilege and admissibility of these responses and documents to be produced for any purpose.

13. In addition to these General Objections, Applicant may set forth further objections with its specific responses below. By setting forth such specific objections, Opposes do not intend to limit or restrict these General Objections, which are incorporated by reference into its responses.

#### **REQUEST NO 1.**

All documents and things referring or relating to or comprising the information used, identified, referenced, or otherwise incorporated into any of Applicant's responses to Opposer's First Request for Interrogatories and First Request for Admissions.

## **RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to the Document Request to the extent that developing a response to any individual request would be oppressive, unduly burdensome, unreasonably expensive or would require an unreasonable investigation on the part of Applicant. Applicant further objects to this Request to the extent that it seeks information protected by attorney-client and/or work-product privileges and for any reason Applicant has given in its objections to the underlying interrogatories upon which this Request is based.

Subject to these objections and without waving same, Applicants will provide, or has already provided non-privileged responsive documents.

## **REQUEST NO. 2.**

All documents and things referring or relating to or comprising any report or analysis of any expert retained by or on behalf of Applicant in connection with the Opposition, or that such expert has referred to or relied upon in connection with any such report.

## **RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to the Document Request to the extent that it seeks information protected by attorney-client and/or work-product privileges. Subject to these objections and without waving same, Applicant states that there are no responsive documents at the present time.

## **REQUEST NO. 3.**

All documents and things referring or relating to any decision and/or process by which Applicant created, conceived, cleared, adopted, acquired, or otherwise made the decision to use and/or apply to register in the United States Trademark Office the phrase REMEMBER THIS

NAME as a trademark or service mark.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to the Document Request to the extent that it seeks information protected by attorney-client and/or work-product privileges. Subject to these objections and without waiving same, Applicant states that Applicant will provide non-privileged responsive documents, provided there are any.

**REQUEST NO. 4**

All documents and things referring or relating to any searches, surveys, investigations, analyses, or studies by or on behalf of Applicant relating to any trademark, service mark, trade name, name, word, design, term or phrase that includes the term REMEMBER, or REMEMBER THIS NAME, including dates of any of the above searches, surveys, investigations, analyses, or studies.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to the Document Request to the extent that it seeks information protected by attorney-client and/or work-product privileges. Subject to these objections and without waiving same, Applicant states that Applicant will provide non-privileged responsive documents, provided there are any.

**REQUEST NO. 5**

All documents and things referring or relating to any potential logos, slogans, or phrases that have been contemplated for use with Applicant's services, used in connection with Applicant's use of the phrase REMEMBER THIS NAME.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to the Document Request to the extent that it seeks information protected by attorney-client and/or work-product privileges. Subject to these objections and without waiving same, Applicant states that to the extent there are any advertisements containing any logos, slogans or phrases for use with Applicant's services, used in connection with Applicant's use of the phrase REMEMBER THIS NAME, such documents have been produced.

**REQUEST NO. 6.**

All documents and things referring or relating to each slogan, trademark, or service mark, whether registered or unregistered used by Applicant to advertise and promote its services from 2009 to date, including the inclusive dates of such use.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to the Document Request to the extent that it seeks many irrelevant documents which are not likely to lead to the development of relevant and/or admissible evidence. Applicant further objects to the extent that the Requests precedes any use by more than a year. Applicant further objects on the basis that the Request is unduly burdensome and substantially irrelevant to the issues in this proceeding. Subject to these objections and without waiving same, Applicant will produce relevant, non-privileged documents.

**REQUEST NO. 7.**

Representative documents that disclose the geographic areas where Applicant has advertised or promoted its services under the phrase REMEMBER THIS NAME and representative

documents identifying the locations and the inclusive dates of any such advertising.

**RESPONSE**

Applicant incorporates herein its General Objections. Subject to these objections and without waiving same, Applicant will produce relevant, non-privileged documents that it has located.

**REQUEST NO. 8.**

Representative documents that refer to, relate to, or comments on the first use by Applicant of the phrase REMEMBER THIS NAME in U.S. commerce.

**RESPONSE**

Applicant incorporates herein its General Objections. Subject to these objections and without waiving same, Applicant will produce relevant, non-privileged documents that it has located.

**REQUEST NO. 9.**

All advertising, marketing, and promotional materials used by Applicant which incorporate the phrase "REMEMBER THIS NAME," including documents relating or referring to the inclusive dates that such advertising and promotional materials were distributed, circulated or otherwise displayed.

**RESPONSE**

Applicant incorporates herein its General Objections. Subject to these objections and without waiving same, Applicant states that it has already produced these documents and will produce any other relevant documents that it has located

**REQUEST NO. 10.**

All stand-alone advertising of Applicant which use the phrase REMEMBER THIS NAME.



**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects on the basis that the Request is vague and indefinite as to the meaning of “stand-alone advertising.” Subject to these objections and without waiving same, Applicant states that it has produced all advertising of Applicant which uses the phrase REMEMBER THIS NAME.

**REQUEST NO. 11.**

All communications to or from Applicant and any advertising agencies, promotional agencies, billboard companies, television production companies, or any other entity involved in the placement of advertising for Applicant, regarding any drafts, comments, changes or revisions to any of Applicant's advertising, marketing or promotional materials from January 2009 to date relating to or concerning the use of the phrase REMEMBER THIS NAME.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to this Request to the extent that developing a response to this Request would be oppressive, unduly burdensome, unreasonably expensive and/or would require an unreasonable investigation on the part of Applicant. It is further objected to on the basis that the time limit extends well before any date of first use or filing of the application in this proceeding. Subject to these objections and without waiving same, Applicant will produce relevant, non-privileged documents responsive to this Request.

**REQUEST NO. 12.**

Representative examples of advertising from January 2009 to date on any form of public transportation regarding the placement of any advertising of Applicant referring to or

incorporating REMEMBER THIS NAME.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to this Request to the extent that developing a response this Request would be oppressive, unduly burdensome, unreasonably expensive and/or would require an unreasonable investigation on the part of Applicant. It is further objected to on the basis that the time limit extends well before any date of first use or filing of the application in this proceeding. Subject to these objections and without waiving same, Applicant has produced relevant documents that it has located.

**REQUEST NO. 13.**

All documents regarding or concerning the creation of the tag line phrase REMEMBER THIS NAME, or any variations thereof, including all tests, mock ups, drafts, revisions, for any advertising or promotional materials of Applicant, or prepared by or on behalf of Applicant that includes the phrase REMEMBER THIS NAME.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to this to the extent that it seeks information protected by attorney-client and/or work-product privileges. Applicant further objects to this Request which characterizes Applicant's mark REMEMBER THIS NAME as a "tag line phrase" and such term is vague and ambiguous. Subject to these objections and without waiving same, Applicant will provide any relevant, non-privileged responsive documents.

**REQUEST NO. 14.**

Representative documents since 2009 showing each type of media in which Applicant has advertised its services.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to this Request to the extent that developing a response to this Request would be oppressive, unduly burdensome, unreasonably expensive and/or would require an unreasonable investigation on the part of Applicant. Applicant further objects on the basis that the Request seeks information that is not relevant to this proceeding and not likely to lead to the production of relevant and admissible evidence. Subject to these objections and without waiving same, Applicant will produce relevant, non-privileged documents responsive to this Request, if there are any.

**REQUEST NO. 15.**

Documents showing the identity of Applicant's first customer or client associated with Applicant's first use of the term "REMEMBER THIS NAME."

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects to this Request to the extent that developing a response to this Request would be oppressive, unduly burdensome, unreasonably expensive and/or would require an unreasonable investigation on the part of Applicant. Applicant further objects on the basis that the Request seeks information that is protected by the attorney-client and work-product privileges. Subject to and without waiving these objections, Applicant states that it is not aware of any responsive documents.

**REQUEST NO. 16.**

All cease and desist letters sent to or received by Applicant relating to any trademark rights of Applicant or any third party.

**RESPONSE**

Applicant incorporates herein its General Objections. Subject to these objections and without waiving same, Applicant states that it does not have any responsive documents.

**REQUEST NO. 17.**

All cease and desist letters sent to or received by Applicant relating to intellectual property rights of Applicant regarding "REMEMBER THIS".

**RESPONSE**

Applicant incorporates herein its General Objections. Subject to these objections and without waiving same, Applicant states that it does not have any responsive documents.

**REQUEST NO. 18.**

All documents that support Applicant's contention that REMEMBER THIS NAME is not merely descriptive.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further states that it will not engage in an unreasonable and unduly burdensome search for documents. Subject to these objections and without waiving same, Applicant states that to the extent there are non-privileged and relevant documents, such documents have been produced.

**REQUEST NO. 19.**

All documents that support Applicant's contention that REMEMBER THIS NAME has acquired distinctiveness in the minds of consumers.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects on the basis that this Request is not relevant to this proceeding and not likely to lead to the production of relevant and admissible evidence. Subject to these objections and without waiving same, Applicant will produce non-privileged relevant documents.

**REQUEST NO. 20.**

All documents from customers or clients, or potential customers or clients referring to the phrase REMEMBER THIS NAME as a trademark or service mark.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects on the basis that it seeks attorney-client and work-product privileged documents. Subject to these objections and without waiving same, Applicant states that to the extent that Opposer seeks relevant and non-privileged documents, Applicant states that it is not aware of any.

**REQUEST NO. 21.**

All documents and things concerning, relating or referring to Larry Pitt, Esq., or Larry Pitt & Associates' use of the phrase REMEMBER THIS NUMBER.

**RESPONSE**

Applicant incorporates herein its General Objections. Applicant further objects on the

basis that this Request seeks information protected by the attorney-client and work-product privileges and not relevant to the issues in this proceeding. Subject to these objections and without waiving same, Applicant states that to the extent that Opposer seeks relevant and non-privileged documents, Applicant will produce such documents.

**REQUEST NO. 22.**

All documents which support any instances of actual confusion between Lundy Law's use of REMEMBER THIS NAME, and Larry Pitt's use of REMEMBER THIS NUMBER.

**RESPONSE**

Applicant incorporates herein its General Objections. Subject to these objections and without waiving same, Applicant states that it is not aware of any relevant, non-privileged documents at this time.

Respectfully submitted,

**CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.**

Dated: September 10, 2013

By  /mdp/  
Manny D. Pokotilow  
1635 Market Street  
Seven Penn Center - 12th Floor  
Philadelphia, PA 19103  
Tel: (215) 567-2010  
Fax: (215) 751-1142  
Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the within **APPLICANT'S RESPONSES AND OBJECTIONS TO OPPOSER'S REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS** is being served upon Opposer's counsel via First Class Mail, postage prepaid on this 10<sup>th</sup> day of September, 2013 addressed to:

Jacqueline M. Lesser  
Woodcock Washburn LLP  
2929 Arch Street  
Cira Centre, 12<sup>th</sup> Floor  
Philadelphia, PA 19104-2891

/mdp/

Manny D. Pokotilow





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LARRY PITT & ASSOCIATES, P.C.,	:	
	:	
Opposers,	:	
	:	
vs.	:	OPPOSITION NO. 91210158
	:	
	:	Serial No. 85767757
LUNDY LAW, LLP,	:	
	:	
Applicant.	:	

**APPLICANT'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO OPPOSER'S  
REQUESTS FOR PRODUCTION OF DOCUMENTS NOS. 3, 8, 11, 14, 18 AND 19**

Applicant, Lundy Law, LLP, provides the following responses and objections to Request Nos. 3, 8, 11, 14, 18 and 19 of Opposer's First Request for Production of Documents and Things to Applicant propounded by Opposer, Larry Pitt & Associates, P.C. pursuant to the Order of the Trademark Trial and Appeal Board issued on February 28, 2014.

**OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

Applicant incorporate herein its Objections to Definitions and Instructions set forth in Applicant's Responses and Objections to Applicant's First Set of Interrogatories.

**GENERAL OBJECTIONS**

Applicant incorporates its General Objections set forth in Applicant's Responses and Objections to Opposer's First Request for Product of Documents and Things.

**REQUEST NO. 3.**

All documents and things referring or relating to any decision and/or process by which Applicant created, conceived, cleared, adopted, acquired, or otherwise made the decision to use and/or apply to register in the United States Trademark Office the phrase REMEMBER THIS NAME as a trademark or service mark.

**RESPONSE**

Pursuant to the Order of the Trademark Trial and Appeal Board dated February 28, 2014, Applicant states that Applicant has or has herewith provided non-privileged responsive documents that it possesses or has control. See LUNDY01137- 01158.

**REQUEST NO. 8.**

Representative documents that refer to, relate to, or comments on the first use by Applicant of the phrase REMEMBER THIS NAME in U.S. commerce.

**RESPONSE**

Pursuant to the Order of the Trademark Trial and Appeal Board dated February 28, 2014, Applicant has produced relevant, non-privileged responsive documents that it possesses or has control. See LUNDY 01124-01125.

**REQUEST NO. 11.**

All communications to or from Applicant and any advertising agencies, promotional agencies, billboard companies, television production companies, or any other entity involved in the placement of advertising for Applicant, regarding any drafts, comments, changes or revisions to any of Applicant's advertising, marketing or promotional materials from May, 2011 to date relating to or concerning the use of the phrase REMEMBER THIS NAME.

**RESPONSE**

Pursuant to the Order of the Trademark Trial and Appeal Board dated February 28, 2014, Applicant states that Applicant has or has herewith produced relevant, non-privileged documents responsive to this Request any documents of which it is aware. See LUNDY00001-00063 and LUNDY 01064-1127.

**REQUEST NO. 14.**

Representative documents since May, 2011 showing each type of media in which Applicant has advertised its services.

**RESPONSE**

Pursuant to the Order of the Trademark Trial and Appeal Board dated February 28, 2014, Applicant states that Applicant has or has herewith produced relevant, non-privileged documents responsive to this Request. See LUNDY00001-00063 and LUNDY01064-1127.

**REQUEST NO. 18.**

All documents, since May, 2011, that support Applicant's contention that REMEMBER THIS NAME is not merely descriptive.

**RESPONSE**

Pursuant to the Order of the Trademark Trial and Appeal Board dated February 28, 2014, Applicant states that Applicant has or has herewith produced relevant, non-privileged documents responsive to this Request. See LUNDY01137-01158 and documents attached as Exhibits to Applicant's Motion for Summary Judgment, namely, Exhibits 27-49. Also, third party registrations of "REMEMBER" under Bates Nos. LUNDY00064- 01063.

**REQUEST NO. 19.**

All documents, since May, 2011, that support Applicant's contention that REMEMBER THIS NAME has acquired distinctiveness in the minds of consumers.

**RESPONSE**

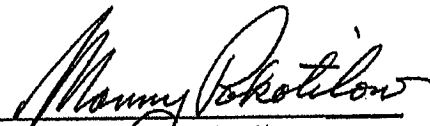
Pursuant to the Order of the Trademark Trial and Appeal Board dated February 28, 2014, Applicant states that Applicant has or has herewith produced relevant, non-privileged documents responsive to this Request. See previously produced Bates Nos. LUNDY 00001-00063.

Respectfully submitted,

**CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.**

Dated: April 14, 2014

By

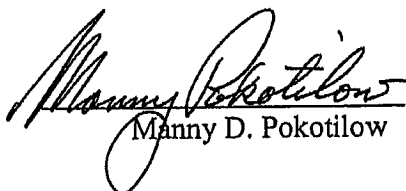


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Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the within **APPLICANT'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO OPPOSER'S REQUESTS FOR PRODUCTION OF DOCUMENTS NOS. 3, 8, 11, 14, 18 AND 19** is being served upon Opposer's counsel via First Class Mail, postage prepaid on this 14<sup>th</sup> day of April, 2014 addressed to:

Jacqueline M. Lesser  
BakerHostetler  
2929 Arch Street  
Cira Centre, 12<sup>th</sup> Floor  
Philadelphia, PA 19104-2891  
Email: <jlesser@bakerlaw.com>

  
Manny D. Pokotilow



## CASE STUDY:

### Lundy Law

New Jersey, Pennsylvania, and Delaware

*Lundy Law, a personal injury law firm serving Philadelphia for almost 50 years, is no stranger to effective business strategies. People living within the Delaware Valley can practically recite Lundy Law's television ad campaigns.*

*"I believe that, at the end of the day, the dominant brands will succeed," states L. Leonard Lundy, Managing Partner, who is an attorney and nephew of the firm's founder, Marvin Lundy. But in an overly-segmented TV market with hundreds of channels, "We needed something memorable, our own 'icon' so to speak. We needed to create a unique brand." They invested in the phone number "1-800-LUNDYLAW" and the web site [LundyLaw.com](http://LundyLaw.com).*

#### THE CHALLENGE

"Our name is our phone number is our web site," says Lundy. It was so easy to remember. In fact, that it created its own problem: Even with individual direct-dial numbers for every staff member, 1-800-LUNDYLAW is still the one number everyone calls when they want to contact the firm. This sometimes created incredible bottlenecks for the front receptionist, who was tasked with routing a massive number of incoming calls.

When the LUNDY LAW ads ran (e.g., "Call 1 800-Lundy-Law if you've been injured"), hundreds of new case calls came in. At times, the firm had to set up an ad-hoc call center consisting of a conference room with a phone bank, cables and a dozen temporary employees. ("We didn't even have room for computers in there," says Lundy.) The temps manually took hundreds of messages each day, and then had to input them into the computer system. The personnel and equipment cost the firm significant money per campaign. The whole procedure turned out to be a painstakingly slow and painful response to an effective advertising campaign.

#### THE SOLUTION

After several failed "exercises" to alleviate the problem, Lundy Law turned to Expert Technology Associates (ETA), a communications solution provider in Plymouth Meeting, PA, that specializes in custom voice and data systems that tackle very specific business needs.

ETA conferred with Leonard Lundy, firm administrator Bernetta Henri, and others at the firm to design a solution that would allow them to receive and immediately dispatch several hundred calls per day to the correct personnel, automatically. This required networking four of the firm's six offices together on a single system, so staff from the Center City; Cherry Hill, NJ; North East Philadelphia; and Wilmington, DE offices could all reach each other by dialing a four-digit extension. The system incorporated call center features, economical VoIP technology, and forwarding and messaging capabilities; all while fitting Lundy Law with the most cost-effective hardware and carrier services for their business.

"Lundy Law was interesting in that they didn't need all the bells and whistles that a lot of systems offer; they had a concrete goal," says Ed Terry, a founding partner of ETA. "A lot of providers want to sell you on all the extras, since technology has so many capabilities. However, Lundy Law didn't need everything under the sun."

#### THE RESULT

Lundy Law's system accommodates what can amount to 400 calls a day to the 1-800-LUNDYLAW number, which is always answered by a live person, 24 hours-a-day. It requires minimal clerical intervention, no further need for auxiliary equipment or personnel, and no waiting on the part of the caller. "It's immeasurably faster and less expensive," stresses Lundy. Logistically and financially, their ad-hoc call centers were eliminated for good.

#### A DIFFERENT CHALLENGE

Several months ago, ETA was called upon to handle a new problem. Since law is such a detail-oriented business, Lundy wanted to facilitate the firm's many clerical duties more cost-effectively. Lundy decided to outsource a large percentage of the firm's clerical functions to an off-shore company. For this arrangement to work, however, the off-shore employees had to be as accessible as any of their local in-house counterparts.

#### THE SOLUTION

Within a two-week period, ETA added the off-shore company to the Lundy Law phone system. "Now the outsourced personnel are just a four-digit extension away," says Lundy. "This is one of the most significant areas of savings we can attribute to the system."

The switch to a networked VoIP system itself probably saves the company several hundred dollars per month in phone usage costs alone, but "I don't think you can put a price on the staff's ability to back each other up and communicate with the efficiencies that come from having a central system," says ETA's Terry, who worked closely on the Lundy account.

#### THE RESULT

As a result of the overall advertising and technology strategy, Lundy Law has been able to successfully facilitate a large volume of calls that simply wasn't possible before. Employees can dial between offices and to clerical staff on the other side of the globe as if they're all in the same building. Lawyers and paralegals can travel from office to office and plug into the system as if they had never left their chairs, or even hook into a system extension at home.

"We transitioned from a local law firm to one that's practicing in three states — Pennsylvania, New Jersey and Delaware — with offices effectively across the globe. We handle business differently," says Lundy. "We still have the feel of the small, local law firm, with the personal touch of a receptionist handling massive amounts of calls. But we do business much more effectively and efficiently now. The fact that we're able to accomplish what we do with the system is phenomenal."

#### WHY ETA

"It's much more than saving money. It's quality of service," says Lundy. "And what's more, since the system has been installed, the phones have never gone down. Never. Ever."





# Choosing the Best Name for Your Business

Published February 27, 2012 / NewsCore

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Deciding on a company's name is the first step towards creating its brand, and a well-chosen name will ensure that more customers can find and remember your business. While company names can always be changed and rebranded, this can result in a loss in brand awareness and customers. It's crucial to choose an effective business name from the start. Sometimes the success or failure of a business can hinge upon its name, so it may be wise to seek professional guidance. Here are five considerations that should be made when choosing a name for your business.

## Consider your resources

The name you choose should depend on the resources at your disposal. A unique or unusual name may prove more successful if it is backed up by an effective marketing strategy, while simpler names can be more informative and require less advertising to be successful. However, these informative names can often sound generic and forgettable, so it's important to strike a balance between the two.

## Keep It simple and memorable

The key to an effective business name is memorability. However clever or witty your name is, it won't be worth much if potential customers can't remember it. Remember, the best names are short and easy to spell and pronounce. Unique names can be great, but complicated spellings make it more difficult for clients to find it in a directory or online.

## Trademark protection

A trademark will protect your company's name and safeguard your brand against potential imposters. According to trademark law, to qualify for protection, your name should be distinctive. Strange and unique names are far more likely to gain legal protection than a

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generic sounding name like "Smith's Groceries."

### Avoid Generic Names and Puns

Recognizing clichés and blunders will help you to sidestep some of the common pitfalls when naming a business. Too many companies' names are ruined by bad jokes. A good pun can potentially be very memorable, but the odds are that your joke will fall flat, which could portray a negative image and result in lost credibility. You should also try to avoid generic adjective-noun names, where one word is created out of two "dynamic" sounding names. All too often, companies with names like GloboTech and HyperServe find it much more difficult to stand out among their peers.

### Keep a domain name in mind

Online sales and marketing have become key components of any effective business strategy. That's why it's so important to maximize your web presence with web-friendly name. Is an appropriate web domain available? It's always good practice for your domain name to match closely to your company's name, and always make sure that it's spelled the same as it sounds so that your site can be easily found.

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## Firms Shorten Monikers to Give Them a Marketing Edge

By Brenda Sapino Jeffreys [Contact](#) [All Articles](#)  
Texas Lawyer May 18, 2005

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Image: Digital Vision

Howrey Simon Arnold & White has been known informally as Howrey for a while, but now the short name is official. Howrey isn't the first firm to adopt a shorter, institutional name, and it probably won't be the last as the trend continues to come on strong.

The firm, which was created in 2000 through the merger of Houston's Arnold, White & Durkee and Howrey & Simon of Washington, D.C., sliced off three-quarters of its name this month and adopted the simple, one-word moniker of Howrey.

"It's a short name. It's a prominent name. It's a unique name, and we've been really using it prominently for the last five years," said Thomas Miller, the partner in charge of Howrey's office in Houston.

"I think it's the way that firms are going to be going from now on. A lot of firms are shortening their names," he said.

Howrey is not alone in deciding to streamline its name. Other firms in Texas, such as Brown McCarroll, went short and sweet by lopping off the trailing names in a long name. National firm Jones, Day, Reavis & Pogue, which has an office in Dallas, is now known as Jones Day. During the past several years, a number of large Texas firms have slimmed down their names by eliminating the ampersand. For example, Baker & Botts is now Baker Botts, Jackson & Walker switched to Jackson Walker, and Andrews & Kurth is now Andrews Kurth.

And some firms have taken that one step further by replacing the ampersand with a distinctive symbol, such as the Texas symbol in Houston's Williams Bailey, the diamond in Dallas' Johnston Tobey, the dots in Houston's Doherty&Long&Wagner, and the star in Beaumont's Provost ★ Umphrey Law Firm.

Much of it is for marketing reasons; a short name looks good on a logo or Web site, or it makes a good domain name. But a short institutional name can also prevent infighting among partners over who gets to have their surname in the firm's name.

"You get away from all of the political issues and the legacy issues that obviously are very important to partners in law firms," said firm marketing consultant Deborah McMurray of Dallas.

McMurray said it's simply a smart business move that follows what corporate America has been doing for decades.

"The vast majority of clients remember the first name of the firm, and if it's more than three names I think, quite frankly, it's difficult to remember," said marketing consultant William J. Flannery Jr. of Austin, Texas. "The retention of the additional names probably has more to do with internal politics."

Flannery, of WJF Institute, said he would advise firms to seriously consider adopting a shorter,

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punchier name.

"The downside is you lose the name recognition of the names of partners that are still there. They may have had some impact in the market," he said.

#### NO CONFUSIONS

At Howrey, a name change had been on the table for a while, but managing partner Robert Ruyak said the opening of a new Paris office in May was the tipping point that led to the new name.

"We needed a uniform name across the firm," he said. "As we've grown into an institution, a much larger firm, it just made sense."

The firm went with Howrey because so many people have been referring to the firm by that single name, he said.

Of the four lawyers identified in Howrey Simon Arnold & White, Thomas Arnold is the last to practice at the firm. (Howrey is deceased.) Arnold, who is 81 and retired, said he is fine with the name change.

"There are other firms that have decided to go with a simple name, and I'm a fan of the idea of a simple name instead of five, six, seven names in it," he said.

"It's just a good, strong two-syllable name that's very unique, so we wouldn't have any problem, no confusion," Ruyak said.

In 2001, Austin-based Brown McCarroll & Oaks Hartline changed its name to Brown McCarroll.

"We felt like that's what people were calling us anyway," said managing partner Robert Werner.

Werner said the short institutional name also eliminates any possible problems when laterals join the firm. "The firm name is not going to be an issue that's going to be discussed," he said.

McMurray, a consultant at McMurray & Associates, said it makes sense for a firm to shorten its name if a one- or two-word version is the name the firm is known by in the marketplace. Even eliminating the ampersand makes sense if that's the "street name" for the firm, said McMurray.

McMurray said, for instance, she was working with Andrews Kurth in 2003 on a branding campaign, and the firm's lawyers were thinking about using A&K for marketing.

"What we discovered in the marketplace is that they were the only ones using that [A&K], and nobody on the street was using that, and in fact, they were using Andrews Kurth," McMurray said.

The firm decided to go with Andrews Kurth.

"As silly as it sounds to get rid of that ampersand, it is another symbol, and [firms should try to] make it as short as possible ... because people will abbreviate it," she said. "Almost half of the people call me Deb because there is this natural tendency, especially among Americans, to abbreviate."

Howard Ayers, managing partner of Andrews Kurth, did not return a telephone call seeking comment.

Baker Botts eliminated the ampersand from its name in 2000. At the time, then-managing partner Richard Johnson said the shorter name was intended to project a modern image for the firm and cement a global identity.

But Baker Botts was also a kind of trade name for the firm, Johnson noted in 2000, because the firm had been known as simply Baker Botts for a long time. He said the partners in the firm decided that the ampersand added nothing to the firm's image.

Yet some firms aren't about to jump on the short-name, ampersand-free bandwagon.

Frank Jones, co-managing partner in Houston for Fulbright & Jaworski, said the firm has gone by that name since 1975 and has no plans to eliminate the ampersand or shorten the name to Fulbright, even though the firm is often referred to as Fulbright.

"In fact, we want to make sure we don't ... lose the Jaworski," Jones said. "It's a prominent part of our logo, and Jaworski has been an important part of our firm and obviously one of the best-known lawyers in the country."

Bracewell & Patterson took a different tack in March when it dropped the Patterson and changed its name to Bracewell & Giuliani after former New York mayor Rudolph Giuliani joined the firm to launch its New York City outpost.

The firm had been known as Bracewell & Patterson since 1966, but Harry Patterson is now deceased. His widow, Edith Patterson Puddephatt, said she is fine with the name change.

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**SYMBOLS**

Lawyers who add unusual symbols to their firm names may be trying to set their firms apart from competitors who stick with a traditional style of name. Or maybe they just don't like the ampersand, like C. Randal Johnston of Johnston Tobey.

Johnston said his firm has been Johnston Tobey since 1997. He said they thought about using a Texas symbol in the name but decided they liked the diamond better because it symbolizes value and the ability to cut a straight line.

"I really do believe the image you present to the public is important, and I think lawyers really should give a lot of consideration to that," he said.

Johnston believes the Internet has accelerated the move to shorten institutional names for firms.

"Now it's to everyone's benefit to have a nice, short, uniquely identifiable name with a matching Web site," he said. "Ultimately, the long formal name will disappear."

Brett Wagner, a partner in Houston's Doherty&Long&Wagner, said he and partners Larry Doherty and Mark Long used dots in the firm name instead of a comma and ampersand mostly to be a little different.

Wagner notes that many people get his firm's name wrong, but he, Doherty and Long haven't spent the time and energy needed to correct everyone all the time.

"Ultimately, it doesn't really matter because people are so conditioned to the traditional," Wagner said.

McMurray said adding a symbol to a firm name can be costly because it may be difficult for clients and others to remember.

"It's really hard to do unless you have millions of dollars to [spend] in getting your name and logo out there," she said.

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# For Firms' Names, Size Matters

By Meredith Hobbs | Contact | All Articles  
Daily Report | November 8, 2004

The trend toward shorter firm names is becoming increasingly common, according to an expert in law firm branding. Truncating long-established names can cause moniker confusion, but studies show that "people can only remember three or four syllables -- not three or four names," says Burkey Belser. Another challenge: balancing short, easily memorized firm names against the diplomatic risks of axing partner mentions. Says Belser: "It's a situation that calls for considerable political finesse."

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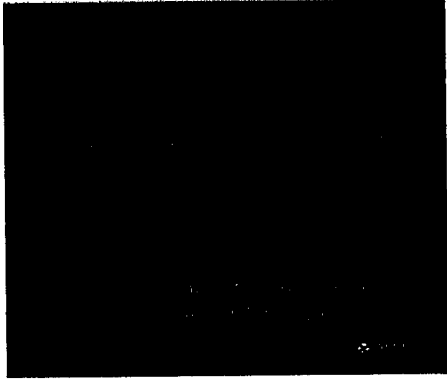
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Lawyers

## Make Your Law Firm Stand Out With Good Branding

By Matthew Hickey | March 5, 2013

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You're a good egg. Do you look the part? Follow these essentials to make your brand stand out, in the right way.

Law practices are business like any other. Your potential clients have choices for where they can go for their legal services. As a result, it's important that you're able to communicate how your firm is different from every other firm in your practice area. Branding is the quickest way to do it. Unlike other industries, the legal industry has been relatively slow to recognize the importance of developing a recognizable brand.

Case in point, many law offices adopt generic imagery and logos to reflect their practice: gavels, a pile of law books, the scales of justice, etc. Similarly, countless firms name themselves after the firm's partners regardless of how generic and uninspired the resulting name of the firm sounds. That's a mistake. Do a local search on Google and notice how many local firms there are active in your practice area. You may be surprised at how much competition you have. If you want to give yourself an advantage over those competitors, then make yourself stand out. Be yourself. Be unique. Make sure that potential clients can immediately tell that you and your firm are different.

In line with that, you want your firm to have a brand name that people will remember. If they hear it, you want them to remember it. The big picture is that you want clients, colleagues, and the industries you represent to recognize, and easily remember, the name of your practice and what makes it different from other firms. After all, if your clients and colleagues can't remember who you are, they'll be less likely to hire you or refer you to others.

### Create a memorable brand name

Trademark law gives stronger protection to unique brand names than to generic ones. In part, that's because the law inherently understands the business value of a unique identifier. Google, Kodak, Coca Cola: these are names that are easy to remember. Ideally, you want your firm name to be just as easy to remember. You don't have to create a completely fanciful name for your practice. Instead, it's okay if you are more comfortable with a name that tells the public what your firm does or what



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makes it different. Either way, just make sure that your firm name is unique, easy to remember, and (of course) in compliance with the ethical rules of your jurisdiction.

### Create a catchy tagline

Create a tagline for your practice. This is a short series of words that communicates something important about what makes your practice different. For example, a tagline such as "creative business and legal solutions for rising entrepreneurs" tells the world that your firm represents successful, young entrepreneurs and that your services are different because they are creative. It doesn't need to be a sentence though. One of my favorite taglines in business is Apple's "Think different." It says so much with only two words. It establishes both the type of person who Apple envisions as their customer (i.e. those who don't follow trends) and that Apple itself is "different" from its competitors. Whatever direction you choose, I'd encourage you to channel your inner Don Draper for this. Go for something catchy, descriptive, memorable and short.

### Create an attractive logo

A good, clean logo designed by a professional designer is a worthwhile investment for a firm of any size. First, a well-designed logo itself lends a practice a touch of credibility and a little gravitas. It makes you look professional. Second, a good logo can itself convey information about your firm in a memorable way. Whatever you do, ditch the overdone law firm staples such as gavels, the scales of justice, or law books unless it's an exceptionally unique and creative take on the design. At this point, those stock images are so overdone that they only thing they convey about your firm is that you put little or no thought into the way you present yourself to the world.

In the end, when creating a brand identity for your practice, don't be afraid to buck the mainstream trends in the industry. It's okay to be different. It'll help you appeal to clients who think differently.

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#### About Matthew Hickey

Matthew is an entertainment attorney, blogger and music enthusiast. Having previously worked as an attorney in law firms both large and small, and now as a practicing solo attorney, Matthew believes that there has never been a better time to start a solo practice or small firm. By utilizing social media and new technology, small firms and solo attorneys can surpass their large firm counterparts in terms of marketing and providing clients with efficient, reliable

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### LEGAL AFFAIRS: Law firms play the name game Practices shorten identities in effort to be more memorable

By MICHELLE PARK  
Staff Writer, February 7, 2013

Determined to become more memorable in this increasingly succinct, social media-immersed world, more law firms want the world to get to know them on a first-name basis.

By the end of February, Akron-based Roetzel & Andress will roll out a new logo and website bearing only the word, Roetzel.

And, in early 2012, Squire Sanders dropped the Dempsey that used to round out its name. Benesch, Friedlander, Caplan and Aronoff LLP in fall 2010 began using only the Benesch for marketing purposes, and Calkins, Halber & Griswold LLP, too, has since 2005 used only the Calties in its logo.

"It's a lot more contemporary to have a law firm with a short, succinct, memorable name than it is to have a string of three, four, five names," said Rick Rymond, a member of Reminger Co. LPA's executive group and the man behind the firm's advertising and marketing.

"It's easier to brand," he added. "We don't think of PepsiCo as the PepsiCo Bottling Co. of North America, or whatever it is. Shorter is easier. Shorter is more identifiable."

While some firms shortened their names years, even a decade, ago, the trend seems to have accelerated in recent years, legal insiders say.

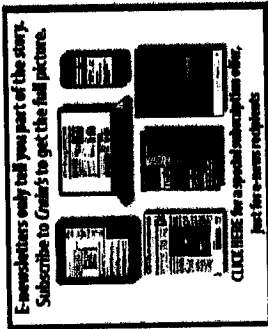
Nationwide, a number of firms also have abbreviated their names to initials, following in the footsteps of big accounting firms such as KPMG, noted Peter Zeighauser, chairman of Zeighauser Group, a legal consulting firm with offices in Chicago, Washington, D.C., and California. He cited DLA Piper and K&L Gates as examples.

"There has been a somewhat long-term trend to go (to) one name for firms," Mr. Zeighauser said. "Easier to remember. Better for graphics. Both add up to more effective branding."

Limiting a firm to one name also can make things easier in the event of mergers, he noted. Consolidation has been on the rise in the legal field.

And, with more firms joining the Twitter-sphere, where users may use only 140 characters in a single post, the shorter your name, the longer the rest of your post can be, noted Jeanne Hammerstrom, chief marketing and recruiting officer for Benesch who served as 2011 president of the International Legal Marketing Association.

"You only have so much room, and you don't want to use up all of the room with names," she said.



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### More than just name dropping

Most law firm executives cite branding and marketing as the reasons they've shortened their firms' names. Many also note that legally, their firms' names remain their longer versions of the past.

Reminger & Reminger Co. LPA, however, did legally change its name to Reminger Co. LPA in 2007. Being a more identifiable law firm in the marketing realm is more important today, Mr. Raymond asserted.

"The sources by which people select a lawyer are far more driven by media outlets than they were 20 years ago," he said. "Twenty years ago, people selected lawyers because that's who their dad used. Now people select law firms based upon, I think, a lot more objective information that's available."

Changing Reminger's name actually was quite inexpensive, Mr. Raymond noted, which begs the question: Why, then, isn't everyone doing it?

"One of the reasons that some firms may be slow to adopt a name change is you've still got multiple principals whose names still appear in the firm name and there may be an ego factor, a pride factor," Mr. Raymond said. "We don't have that. We had no Reminger here when we changed our name."

The name shortening is symptomatic of the evolution of larger law firms to now emphasize the entity over the individual lawyer, said Rob Roland, managing partner of Day Ketcher Ltd., a Canton-based law firm that dropped three names in 2004.

"By removing the names of influential individual attorneys from the firm name, law firms are consciously or unconsciously, I don't know which, emphasizing the organization over the individual," he said. "This is the opposite of how the law firm world operated in the past."

The mobility of attorneys today is a major motivator of that trend, Mr. Roland said.

"There was, for many, many years, very little mobility of attorneys between offices," he said. "Now, you see attorneys moving all the time. A main player today at a big firm could be a main player at another firm tomorrow, and so therefore, the logical extension of that is that the law firm cannot tie its identity as tightly as it has in the past to a particular attorney."

Cleveland firms aren't just dropping names.

BakerHosteter — formerly Baker & Hostetler — and Walter | Haverfield LLP — no longer Walter & Haverfield — in 2012 eliminated what executives say is the "antiquated" ampersand. Walter | Haverfield's logo now is presented in a linear, not stacked, way.

"Ampersand is an old form of punctuation," said Ralph Casarella, managing partner of Walter | Haverfield. "We thought ... the lean approach, the linear approach would be an updated presentation of the firm name."

"It's a recognition of exactly how people speak," he added. "People don't say Caffee, Halter and Griswold. People say Square Sanders or Thompson Mine or Walter Haverfield. The shortening of the names is a reflection of the current culture."

### Word to history

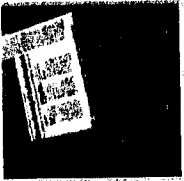
Some firms' names remain a mouthful, and they're not apologizing for it.

"We did not get caught up in the marketing whim of the moment," said Christian Patino, who serves on the eight-person strategic committee for McCarthy, Lebit, Crystal & Luffman Co. LPA in Cleveland — often dubbed McCarthy Lebit anyway, he noted.

"We have no plans to change," he added. "This firm is about the lawyers; it's about the history of the lawyers. We don't need taglines or catch phrases to try to compete for clients. Our clients know us."

McCarthy Lebit executives considered shortening the name and decided against it, Mr. Patino said.

"Who we are is who we were 50 years ago, only larger," he said. "It's what works for us. If what you're doing is working for you, why change it, just to keep up with the Joneses?"



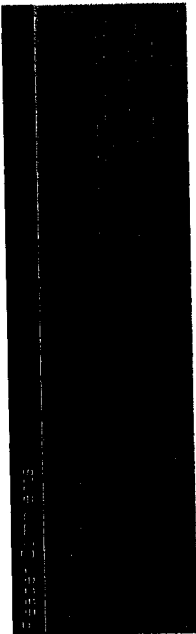
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 Those least likely to make the change are first-generation firms, said Ward Bower, a principal of Altman Weil Inc., a legal management consulting firm based in Newtown Square, Pa.

"Partners are still around and sensitive to keeping their name in the firm name, even if it's the fourth out of six," he said. "It's just ego."

The reason for no name change at Kohrman Jackson & Krantz P.L.L. in Cleveland is "respect for our history," said Marc Krantz, the firm's managing partner and son of Byron Krantz, one of the founders. The three named partners remain active in the firm, he said.

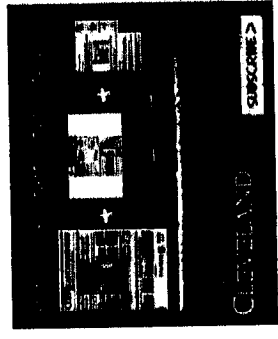
"You lose a little bit of history of the firm whenever you start dropping names," Mr. Krantz said.

"We actually think that our three names sound good, with the two K's bookending the Jackson in the middle," he added. "We're not worried about anything being more snazzy than our name."



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## For Firms' Names, Size Matters

By Meredith Hobbs [Contact](#) [All Articles](#)  
Daily Report: November 8, 2004

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Powell Goldstein is not alone in its recent decision to shorten its name. As law firms grow larger, their names are getting shorter.

Most notable is New York City firm Skadden, Arps, Slate, Meagher & Flom, which shrank its name first to Skadden Arps and, now, to just Skadden. Like Skadden, many big firms want to establish a brand instead of basing their identity on the names of the lawyers who actually started the firms and are often long gone.

Powell Goldstein at first considered such a dramatic name change, to just Powell, but then decided that was too generic. The obvious moniker became apparent: Powell Goldstein was what people already called the firm, said Carol T. Thomas, the firm's marketing director.

"We decided to embrace our brand," said James J. McAlpin Jr., the firm's managing partner.

The trend toward shorter firm names started about 10 years ago but is becoming increasingly common, said Burkey Belser of Greenfield Belser, a Washington, D.C., marketing firm that specializes in law firm branding.

The Powell Goldstein firm had been considering the change for more than a decade, McAlpin said. The firm decided that now was the right time because it is moving to new offices in both Atlanta and Washington, D.C., which meant the letterhead and signage would change anyway.

"Marketing studies show that people can only remember three or four syllables -- not three or four names -- so firms are shortening their handles to what the market probably already calls them," Belser said.

"The firm really doesn't have any choice. The market will not remember those additional names," he added.

Powell Goldstein's four name partners are no longer alive, but the firm, which had been called Powell, Goldstein, Frazer & Murphy since 1939, consulted the families of James N. Frazer and B.D. "Buck" Murphy before dropping their surnames, McAlpin said.

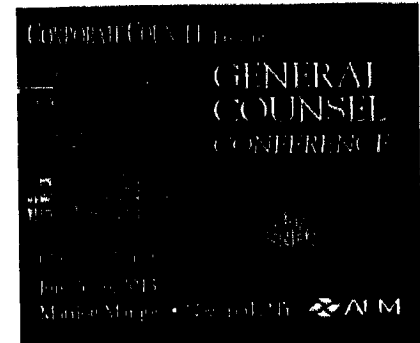
The firm will name conference rooms in its new Atlanta office after Frazer and Murphy, with photos and memorabilia memorializing their careers. Another name partner, Judge Arthur G. Powell will receive a conference room, and Max F. Goldstein and his son Elliott Goldstein will get a boardroom.

Belser said the firm's consideration for the feelings of Frazer's and Murphy's relatives is uniquely Southern. In other parts of the country, he said, firms simply chop the names of deceased partners from their titles.

In firms where all of the name partners are alive and well and in residence, dropping names from the title can be more difficult.

"It's a situation that calls for considerable political finesse and lots of communication," Belser said. In many cases, though, the affected lawyers are willing to make the sacrifice because they "recognize the power of the street name" and understand that disappearing from the marquee will be good for the firm's marketability, he said.

One Portland firm that Belser worked with, Tonkon Torp Galen Marmaduke & Booth, chose to



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drop the three living partners from the title in favor of Tonkon Torp, who are both deceased, since the firm is popularly known as Tonkon Torp.

Sometimes, Belser said, it's easier to drop the living partners from the firm name since they may be less popular within the firm than the lawyers who are deceased.

Atlanta's Shapiro Fussell Wedge Smotherman Martin & Price, where all the name partners are alive and practicing, shortened its name to Shapiro Fussell about two years ago.

"Six names got ridiculously long," said Catherine J. North, the 22-lawyer firm's administrator. The firm's legal name is still Shapiro Fussell Wedge Smotherman Martin & Price, but the surnames of the firm's latter four partners now appear in fine print, beneath the Shapiro Fussell logo.

"It was an easy way to not hurt anybody's feelings," she said.

The truncated partners acquiesced to the change because they agreed that the name was too long. "We knew it was out of hand," North said, adding that trying to answer the phone with six names had become absurd.

Another small Atlanta firm, Owen Gleaton Egan Jones & Sweeney, thinks that all of its name partners, who are still at the firm, should be in the title because they are central to its business. Even though it answers the phone with just "Owen Gleaton," the 25-lawyer firm has no plans to shorten its name, H. Andrew Owen said.

Foy R. Devine, whose name became the caboose to Dofferymyre, Shields, Canfield, Knowles & Devine, in 1996, said his firm also has no plans to shorten its name, despite the length.

That's because the 11-lawyer firm's business is built on the reputations of its name partners, he said. The firm gets most of its clients from referrals and does not advertise the way a larger firm might, so establishing a brand is not a concern.

"When people think about us, they think about the names of the lawyers in the firm," he said.

The partners did consider using just the initials DSCKD at one point. The firm answered the phone that way for a few weeks, but it simply confused people, Devine said. Ultimately, the partners decided that the firm already had an identity and that it was Dofferymyre, Shields, Canfield, Knowles & Devine, he said. Although, he added, "the person answering the phone might argue otherwise."

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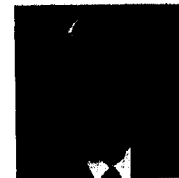
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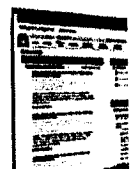
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## Articles

### 7 Critical Components of Law Firm Branding

by Laura Powers

A law firm brand is much more than the name of a firm and the logo that represents it. There are many elements to the communication of a successful brand.

In conducting a brand assessment, law firms must think strategically about the design and development of the visual elements and key messages required for their brand. A firm must consider how the brand will integrate through multiple media platforms, audiences and geographies – before design and development begin.

In today's legal marketplace, there are significant challenges for law firms including growth in competition, the post-recession economy and the commoditization of legal services. It is increasingly more important for firms to understand and communicate their differentiators and strengths. Unrelenting brand consistency is a critical factor in achieving and sustaining differentiation, engagement and top-of-mind awareness.

A strong law firm brand considers seven critical components in its development, implementation and longevity: strategy, research, naming conventions, differentiation, consistency and attention to detail. Let's examine each.

#### 1. Law Firm Brand Strategy

An effective firm brand will support new business development, client loyalty, the cross-selling of firm services and internal pride in a firm. The brand is a firm's promise to its clients, colleagues, referral sources, judges, potential clients, internal audiences and others. A firm's brand tells target audiences what they should expect from its services as well as how those services will be delivered.

Understanding strategy is one of the most important foundational pieces of building an effective brand. Understanding a firm's business goals is critical to determining strategy. The only way to truly create a successful brand promise is through strategic planning. Creative concepts and ideas must always take into account core messaging, law firm culture and positioning in the marketplace. One of the most critical parts of communicating needs and expectations for brand development is strategic planning which allows creative development partners to be better equipped to engage in a winning creative process.

The strategies employed during brand development must complement the marketing and public relations plan. Marketing portfolios should be natural extensions of a well-designed, strategic brand. The brand needs to communicate "who" the firm is and be consistent with presenting how the firm wants to be perceived to ensure uniform delivery.

## **2. Law Firm Brand Research**

Research is critical to brand implementation and is derived from the strategic direction for branding. The design and development of a firm's brand will be inherently flawed without at least a basic footprint of research to support the brand strategy. Research for branding should concern itself with understanding the target audience, first and foremost, but it is also about understanding the competitive landscape and the current state of the marketplace.

Brand research can be a relatively expensive proposition if a firm is considering focus groups and other qualitative research. Thorough research will examine icons, emblems, symbols, typography and color theory. Trademark availability research also fits with best practices.

## **3. Law Firm Name**

The name of a law firm is critical to its brand success. A firm's name needs to be ethical, easy to pronounce, easy to remember and short. It needs to be easy to refer a potential client to the firm using the name. And, it needs to be easy to find online. The domain name (URL) that a firm uses is just as important as the selection of a firm name. Every day it becomes increasingly more difficult to find a short and appropriate top-level domain. Today's competitive online search landscape places weight to keyword-rich domain names that use a firm name or a firm's practice area of focus (when rules of professional conduct permit). While domain names cannot always be changed easily, good domains should not use firm initials (the public does not refer to a firm using its initials and the firm should never refer to themselves using initials) and never have more than one hyphen.

The trend in firm naming is short, memorable, catchy and distinctive. This does not necessarily mean that the trend doesn't adhere to the tradition of using partners' names; it just means that firms are becoming more flexible.

From an ethical perspective, if a firm shortens its name for marketing purposes, but does not change it legally, it should include the full firm name on all formal communications (letterhead, business checks, etc.). This procedure takes a step towards preventing a potential client from being drawn to a firm without understanding its legal entity status. That same client may claim that the firm's communiqué was misleading.

## **4. Law Firm Brand Differentiation**

In setting the foundation for differentiation, focusing the firm's marketing on specific practice groups and industry segments, if possible, allows for a more focused message and marcom effort. Differentiation becomes easier as audiences are segmented and enables a firm to showcase their unique offerings.

In today's economic and legal environment, it is more difficult for firms to present their benefits in ways that resonate with clients, however, it is also more important than ever. Understanding differentiation means defining how the firm helps solve problems, alleviate concerns and handle issues for key audiences better than the competition. It also may mean offering alternative fee arrangements, unique consulting services and other value-added benefits.

True differentiation starts within a firm and permeates through the culture and is then projected through the market positioning. Firms first need to understand their unique differentiating factors before they can communicate them – internally, externally and through the firm brand.

## **5. Building Trust Through a Law Firm Brand**

There are many factors that build trusting relationships between clients and attorneys. One of these is a

consistently presented, understandable and relatable brand. Firms that do not make an investment in building their brand are missing a critical element in today's business environment of relationship marketing. Not only do an attorney's words and actions build trust, but consistent visual brand elements and messaging components of the attorney's law firm will intrinsically support their relationships as well.

Building trust also means implementing internal systems and quality controls for attorney-prospect and attorney-client communications such as CRM systems. The more systematized a firm is, the greater the likelihood of attorney responsiveness and trusted relationships. No matter how strong a law firm brand – service and responsiveness of staff and counsel is critical to building trust.

## 6. Law Firm Brand Consistency

Well-developed marcom collateral is a natural extension of a well-designed, strategic brand. It is consistency in the application of the brand that establishes a competitive advantage, ensures differentiation and builds trust with target audiences.

In order to secure consistency, the brand's corresponding standards manual should be thorough and comprehensive. The manual should contain regulations and instructions for the practical use of the firm's identity in daily operations. It should address the correct, approved usage of firm name, brand images, fonts, colors, icons, emblems or symbols and more. It should address all potential brand usage – from social media to airport billboards.

Today's legal marketplace accentuates the need for strict attention to consistency as digital channels evolve, external and internal resources become more and more diluted and competition continues to grow.

## 7. Details of a Law Firm's Brand

Law firms need to consider all the small details that comprise the overarching success of a brand. For example, there are both shocking and subtle emotional reactions that font selection can elicit in an audience. There are deliberate choices that should be made based on the psychology of color and thoughtful attention should be given to the placement of visual elements. In design development, a multitude of variations must be considered such as scale for small and large applications; color standards for press printing, digital printing, online usage and other reproduction methods; variations in fixed dimension avatar placement and online profile management for social networking channels; and more.

It is in a firm's best interest to seize upon brand opportunities in order to capitalize on differentiation, consistency and integration across all touch points, audiences and geographies. Typical, outdated law firm messaging usually conveys the features of working with a firm but does not effectively communicate all the benefits of working with, or working for, the firm. A successful brand will resonate with target audiences – and it will also resonate with a firm's employees, making them feel proud to be connected with something larger than themselves.

*This article originally appeared on the Legal Marketing Association's **Metro Philly LMA: News & Insights Blog**.*

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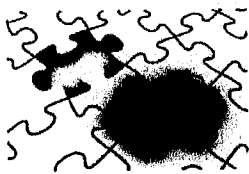
# Gr8r Technology Blog

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November 28, 2011

## EASY-TO-REMEMBER PHONE NUMBER FOR AT&T SMALL BUSINESS CUSTOMERS

Entrepreneurs who choose AT&T Small Business to provide phone service for their start up business or a new branch location are turning to outside 3rd party sources, like Gr8r Technology, to get an Easy-To-Remember Number for their new business or new location, because they can't get what they want and need from AT&T Small Business.



"The missing piece you need"

In today's fast paced and very competitive environment, it's important that your main business phone number be a number that's easy for your customers, vendors and employees to remember. You really don't want prospective and existing customers to be forced to write down or search for your number- you want them to be able to easily recall your phone number because it's easy for them to remember!

There are many different ways to arrange a local phone number so that it's easy-to-remember. You could arrange a local phone number to end with "000" like 404-212-1000, end with "00" like 404-212-1200, end with the last four digits repeating like 404-212-1111, or end with the last four digits in sequential order like 404-212-1234.

To get a easy-to-remember number for your business that works correctly on your AT&T Small Business phone lines, you should find an experienced, reputable and skilled professional to assist you. You can try to do this on your own, but most who have tried ended up wasting a lot of time and failing to get the results they wanted. If you "do-it-yourself", you could end up spending a lot of time (and money) finding the perfect phone number, only to find out later that it will not work on your AT&T Small Business phone lines. Engaging a professional who is knowledgeable in the technical issues associated with business phone numbers, ensures that you avoid problems, headaches and frustration, and that you get the best possible phone number for your business.

If you're a AT&T Small Business customer, you should engage Gr8r Technology to get the ideal Easy-To-Remember Number for your business. We'll search and secure the Easy-To-Remember Number you desire and get it added to your AT&T Small Business phone line, so your business can thrive! Click on one of the links below to learn more...

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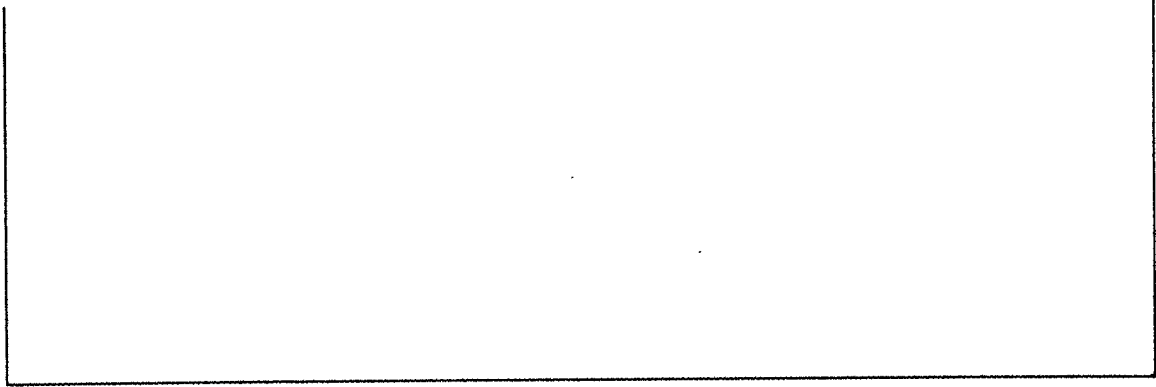
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Larry Pitt & Associates, P.C.

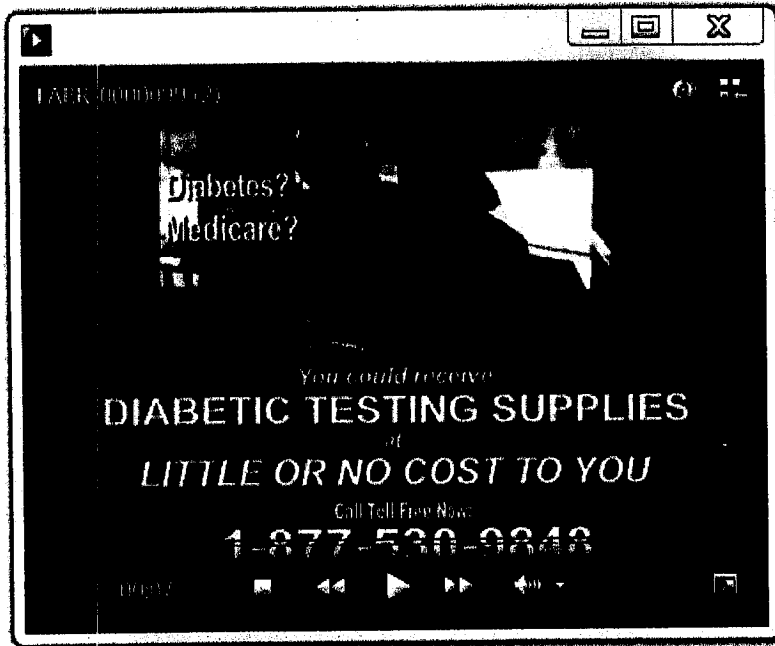
v.

Lundy Law, LLP

Opposition No. 91/210158, Re A.S.N. 85/767,757

REMEMBER THIS NAME

May 28, 2014  
Exhibit H





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LARRY PITT & ASSOCIATES, P.C.

Opposer,

v.

LUNDY LAW, LLP

Applicant

Opposition No. 91210158

**DECLARATION OF PHYLLIS MELOFF IN SUPPORT OF  
LARRY PITT & ASSOCIATES' OPPOSITION TO  
MOTION FOR SUMMARY JUDGMENT**

I, Phyllis Meloff, declare as follows:

1. I am the Office Manager for Larry Pitt & Associates, P.C. ("Larry Pitt" or "my company"). I have worked for Larry Pitt for twenty-two (22) years. For the past twenty-two (22) years, I have been responsible for overseeing all of the advertising for Larry Pitt. I make the following statements based on personal knowledge or records of my company and submit this declaration in support of Larry Pitt's opposition to Lundy Law's motion for summary judgment in the Opposition Proceeding before the Trademark Trial and Appeal Board of the United States Patent and Trademark Office.
2. Larry Pitt is a well-known personal injury, worker's compensation and social security disability law firm located in Philadelphia and its outlying suburbs and adjacent counties. The firm has been in operation for more than 33 years, and its principal, Larry Pitt, Esq. has been practicing law for more than thirty-seven (37) years.

3. Larry Pitt is one of the first law firms to publicly advertise its services on public transportation in the Philadelphia area. The purpose of the advertising is to create brand awareness of the name of the Larry Pitt law firm, and to market the services of the firm to potential clients. Larry Pitt has advertised its services on public buses and trains throughout Philadelphia, the outlying suburbs, as well as adjacent counties in Pennsylvania for over twenty-five (25) years.
4. The Larry Pitt advertisements prominently bear the name of the law firm, a photographic image of Larry Pitt, Esq. himself, the principal of the firm, and the firm's toll-free number. The intended purpose of the advertising is that consumers will remember the name and telephone number of the Larry Pitt law firm to when seeking representation. The name and number of the law firm is highlighted in the advertising.
5. In April 2012, Larry Pitt entered into a contract with its media company, Titan 360, to introduce advertising on public transportation in Philadelphia and its outlying suburbs. I attended this meeting, along with representatives from Titan 360, and I participated in all discussions regarding Larry Pitt's advertising. Titan 360 is a media company that Larry Pitt has used for many years for its bus and SEPTA advertising. Titan 360 is well known in the industry for providing outdoor advertising to other law firms, including, to my own knowledge, Lundy Law.
6. The 2012 advertising copy for Larry Pitt used a photographic image of Larry Pitt, Esq., the principal of the firm, and the words: "Injured? At Work? In an accident? Larry Pitt & Associates Workers Compensation Law. Personal Injury Law."

REMEMBER THIS NUMBER Call 1-888-PITT-LAW. This written copy was developed in consultation with and at the suggestion of Titan 360.

7. These ads were placed throughout Philadelphia, and outlying suburban public buses, and at bus stops and train stations beginning in April 2012. See Exhibit A.
8. In my 22 years of experience, I have reviewed the advertising of other law firms in the Philadelphia area, and I am familiar with the goals of such law firms in their advertising. It is common for law firms that advertise publicly to request that potential clients remember them and call them. The April 2012 Larry Pitt did just that. Over 800 of these ads with the words REMEMBER THIS NUMBER publicly appeared in Philadelphia and outlying suburbs on SEPTA and bus stations, and on public buses and trains.
9. In the middle of this ad campaign, on March 4, 2013, Lundy Law filed suit based on a claim that Larry Pitt's use of REMEMBER THIS NUMBER in advertising infringed on Lundy Law's use of REMEMBER THIS NAME. The case was filed in the United States District Court for the Eastern District of Pennsylvania, Case 2:13-cv-01161-JHS, but voluntarily dismissed on April 18, 2013. Lundy Law has not since then protested Larry Pitt's use of REMEMBER THIS NUMBER.
10. Until we received Lundy Law's objection, we had no idea that Lundy Law was claiming, or could consider claiming trademark rights in the phrase, REMEMBER THIS NAME. Based on my knowledge of the industry, and my experience working with law firm advertising, I would think it highly doubtful that any consumer would identify the phrase "REMEMBER THIS NAME" or "REMEMBER THIS NUMBER" as exclusive to a single law firm. It is the



actual name or telephone number of the firm that is important and memorable to consumers.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 27 2014

  
Phyllis Meloff



**Injured at work?  
Injured in an accident?**

- Workers Compensation Law
- Personal Injury Law
- Social Security Disability

**Call 1-888-PITT-LAW**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LARRY PITT & ASSOCIATES, P.C.

Opposer,

v.

LUNDY LAW, LLP

Applicant

Opposition No. 91210158

**EXPERT REPORT OF ROSS FISHMAN**

**I. Assignment:**

I have been engaged by the Opposer, Larry Pitt & Associates, P.C. to offer my opinion regarding use of the phrase "Remember this name" which is the subject of a trademark application of Lundy Law LLP, under Appln. No. 85/767757, and whether this phrase may be considered a trademark of a single law firm. My opinions set forth below are based on my experience as a marketing consultant for law firms, my evaluation of the documents provided to me, which are noted in Section V, and documents in my possession.

**II. Professional Qualifications**

- Twenty-four years as a full-time law firm marketing professional. Founded Ross Fishman Marketing, Inc. (now d/b/a Fishman Marketing, Inc.) in 1998. As CEO of Fishman Marketing, Inc., I help law firms develop differentiation strategies and creative marketing campaigns. This includes marketing planning; branding, differentiation and positioning; practice-group marketing; and the development of collateral materials including, e.g. advertising, websites, brochures, *etc.*
- I held two in-house marketing positions - Public Relations Manager and Marketing Director of 500-attorney Winston & Strawn, 1990-1994; and Client Service and Marketing Partner of Coffield Ungaretti & Harris 1994-1997.
- Fishman Marketing (FM) has created marketing campaigns for over 150 law firms.
- I have presented over 250 marketing-training programs for lawyers and marketers worldwide, for a wide range of groups. These include, e.g.: (1) individual law firms like Drinker Biddle & Reath LLP and Schnader Harrison Segal & Lewis LLP; (2) national, state and local bar associations like the American Bar Association (ABA), Wisconsin Bar

Association, and Chicago Bar Association (CBA); (3) law-related organizations like the Legal Marketing Association (LMA), Association of Legal Administrators (ALA), and College of Law Practice Management; (4) lawyer groups like the Litigation Counsel of America (LCA), Federation of Defense and Corporate Counsel (FDCC), and Federation of Regulatory Counsel (FORC); (5) international law firm networks like Meritas, Lex Mundi, Lawyers Associated Worldwide (LAW), and International Lawyers Network (ILN); and (6) various international organizations like The Asia-Pacific Professional Services Marketing Association (AP SMA), and Asian Productivity Organization (APO).

- FM campaigns have received over a dozen first-place trophies from the 3500-member international Legal Marketing Association (or "LMA," formerly NALFMA, the National Association of Law Firm Marketing), for a wide range of creative marketing campaigns and categories. These include the LMA's optional Best of Show award five of the ten times ever presented; no other firm or agency has ever received it more than once. In fact, the Best of Show award was created in 1996 specifically so that our entry in the LMA's "Your Honor Awards" would win one grand prize instead of nearly all of the individual trophies at the national conference. Additional honors include:
  - In 1996, our Service Guarantee campaign received one of *Inc.* magazine's ten national Marketing Masters awards for "brilliant and successful" marketing.
  - Recipient of a peer-selected LMA 1998 Lifetime Achievement Award.
  - One of four legal marketers selected for induction into the LMA's inaugural Hall of Fame.
  - Selected as a Fellow of the College of Law Practice Management.
  - My article, "A Personal History of Law Marketing" received the ABA's 2006 "Silver Edge Award" for one of the two best articles written that year in *Law Practice Management* magazine.
- Created what we believe to be the legal profession's first:
  - Computer game, for Orrick.
  - RSS-based advertising, for Sterne, Kessler, Goldstein & Fox PLLC.
  - Total Quality Management (TQM) initiative, for Winston & Strawn
  - Firm-wide cross-selling program for a major law firm, for Winston & Strawn.
  - Combined law school recruiting/marketing campaign, for Fenwick & West.
- Written hundreds of bylined articles, including six regular columns.
  - Bylined articles include publications including, *The National Law Journal*, *Chicago Lawyer*, *Legal Times*, *Juran Institute*, *Nation's Business*, *Success*, *World Trade*, *Professional Marketing*, *The Reader*, *Lawyers Weekly USA*, *The General Practitioner*, *Law Office Management Administration Report*, *Massachusetts Lawyers Weekly*, *ABA Journal*, *Law Marketing Exchange*, *Connecticut Law Tribune*, *Marketing for Lawyers*, *The Briefcase*, *Chicago Magazine's Business Survival Guide*, *Chicago Daily Law Bulletin*, and many more.
  - Monthly or recurring columns include:
    - ABA's *Law Practice*, "What REALLY Works" (monthly, 2007-2008)

- *ABA's Law Practice Management*, "Practice Development Clips: The New World of Law Practice Marketing" (monthly, 1999-2001)
  - *Illinois Legal Times* "What the Client Says" (monthly, 1996 -1998)
  - *Corporate Legal Times*, Columnist "From the Case Files of Phillip Marlaw, GC" (monthly, 1991-1992)
  - *Marketing Legal Services*, ABA marketing newsletter (monthly, 1990-93)
  - *The Franchise Handbook*, legal columnist (quarterly, 1990-92)
  - *Commerce*, legal columnist, Chicago Association of Commerce and Industry magazine (monthly, 1988-1990)
- I am the 2013-2014 chairman of the Legal Marketing Association's Ethics Task Force.
  - Fishman Marketing has represented many plaintiff's firms and personal injury practices (as well as other "retail" or consumer-oriented practices like divorce, DUI, and criminal) across North America, including firms in e.g. Illinois, Florida, Kentucky, Georgia, Kansas, and Vancouver, BC.
  - I am a current member of the Illinois Bar, and a graduate of Emory University School of Law, J.D. 1985. My Avvo rating is "10.0 - Superb."

### III. Compensation

I have been engaged by Larry Pitt & Associates as a testifying expert in this opposition. My hourly rate is \$450. My compensation is not contingent on the outcome of this action.

### IV. Cases in which, during the previous 4 years, I have testified as an expert at trial or by deposition:

*Robert L. Habush v. William M. Cannon, et al*, Case No. 09-CV-18149 (Circuit Court, Milwaukee Count, Wisconsin).

### V. Materials Reviewed

I reviewed the following materials:

- a. Complaint in *Lundy Law, LLP v. Larry Pitt & Associates, P.C.* Case 2:13-cv-01161-JHS ("Trademark Infringement Suit")
- b. Motion for a preliminary injunction in Trademark Infringement Suit
- c. Response to motion for preliminary injunction in Trademark Infringement Suit
- d. Notice of Opposition
- e. Answer to Notice of Opposition
- f. Lundy Law's motion for summary judgment in the Opposition proceeding
- g. Lundy Law Advertising submitted in the Opposition proceeding
- h. Third party advertising for REMEMBER THIS NAME and REMEMBER THIS NUMBER

## VI. Analysis

This analysis is set out in three parts. The first part examines the use of common phrases, such as “remember this ...” within the structure of marketing in general and the marketing of legal services in specific. The second section sets out the importance of competition and the benefits that consumers obtain when the regulation of legal services marketing is tempered, with a focus on the positions advocated by the Federal Trade Commission. The third part examines a lawyer’s First Amendment rights to advertise and the associated responsibilities of the government to limit regulation on lawyer advertisements, including through the application of trademark law.

### (a) Marketing Analysis

The marketing of legal services differs substantially according the types of services that are provided. Firms that focus on corporate or institutional legal services tend to have long-term relationships with their clients, providing ongoing legal services. Marketing for these services is focused on personal connections, relationship-building, and long-term interaction. On the other hand, lawyers providing personal legal services for a consumer-oriented practice, such as personal injury, family law, immigration, and debtor’s bankruptcy, depend on a volume of cases that is often generated by advertising the firm’s services.

Marketing a personal injury firm requires an outreach to a horizontal market. That is, potential clients can be from all walks of life, with the only common denominator being the injury that gives rise to the need for the representation. Law firm names and trade names are important for all firms, but especially so for those representing plaintiffs in personal injury matters who are reaching out to that broad marketplace.

The nature of marketing a personal injury service involves building name recognition. The objective is to create a recognized brand. Many clients who turn to advertising to find a lawyer are those who have not used a lawyer before and are not familiar with other avenues to access a lawyer. Therefore, the advertising campaign provides visibility to a less-informed market segment and is used to create the perception of skill and success.

Some advertisements for goods or services are high concept. Every day we see commercials that amuse us or entertain us, such as the talking camel that walks through the office on Wednesdays asking people what day it is, i.e. Hump Day. The problem many of these ads have from a marketing perspective is that they are not immediately associated with the goods or services they are selling and lack the recognition to make them successful.

Personal injury law firms on the other hand are extraordinarily direct in terms of the service they are marketing and the recognition of their name, which distinguishes them from all other firms that provide similar services.

The law firm that operates under the trade name “Lundy Law” has been successful in the promotion of its name – Lundy Law – through its marketing strategies.<sup>1</sup> The name is simple, concise, easy to recall, and includes an alliteration. The sole common denominator among all of the advertising for the firm is this simple name – Lundy Law.

Some advertising for Lundy Law uses the general phrase “Remember this name” as a prelude to the brand name of Lundy Law, that is: “Remember this name. Lundy Law.” However, the firm is inconsistent with the use of the phrase.<sup>2</sup> In some advertisements, the phrase “Remember this name” does not appear at all, for example in the firm’s LinkedIn profile<sup>3</sup> or YouTube video.<sup>4</sup> Also, the phrase “Remember this name” is generally presented as part of a larger statement. For example, the Lundy Law website includes videos that end with the statement “You only have to do one thing. Remember this name. Lundy Law.” Public advertising uses “Injured? Remember this name.”

Considering both the inconsistent use, or absence of use, of the phrase “Remember this name” within the marketing of Lundy Law and the nature of the term itself, nothing about the phrase brings it under the umbrella of the firm’s brand, which is simply “Lundy Law.” From the marketing perspective, this leads to the conclusion that “Remember this name” is not a trademark that should give the firm any exclusive use.

“Remember this name” represents the *objective* of the advertisement, not the identity of the brand. The advertisement is designed to encourage people to know the brand – “Lundy Law.” The use of the phrase reflects that which Lundy Law wants to achieve, that viewers of its advertisements will remember Lundy Law.

“Remember this name” and phrases that Lundy Law believes are comparable terms, e.g. “Remember our number,” are being used in advertisements both within in and outside of the legal industry. See Attachment A. These usages, like that of Lundy Law, are merely generic statements that are designed to drive the potential client to the brand name. They do not deserve trademark protection. Consumers do not recognize this statement as originating with one firm or company.<sup>1</sup> The following uses are instructive of the general use of the phrase within the context of attorney advertising.

Finally, “Remember this name” used by Lundy Law is designed to drive potential clients to the Lundy Law name. Lundy Law uses “Remember this number” inconsistently, before its name, and its 1-800-LUNDYLAW number. Neither “Remember this name” or “Remember this number” (as used by Larry Pitt in its own advertising) is as a brand or trademark.

---

<sup>1</sup> Interestingly, this trade name seems to be inconsistent with Philadelphia Ethics Op. 91-2 that deems it misleading for a law firm to go by a single lawyer’s name if it is not a sole practitioner. <http://www.philadelphiabar.org/page/EthicsOpinion91-2?appNum=2>

<sup>2</sup> [https://twitter.com/Lundy\\_Law](https://twitter.com/Lundy_Law)

<sup>3</sup> <http://www.linkedin.com/company/lundy-law>

<sup>4</sup> <https://www.youtube.com/watch?v=1VP675ie1U8>



On its website, Lundy Law states “Remember this name” followed not by the name, but by the firm’s telephone number (1-800-LUNDY LAW). The embedded videos on that website state, “You only have to do one thing. Remember this name. Lundy Law.” The firm’s Twitter profile uses “If you’ve been injured in an accident REMEMBER THIS NAME. Serving PA NJ DE”

Larry Pitt & Associates, like other law firms, uses the phrase “Remember this number.” This advertising always and only refers to the firm’s number – 1-888-PITT LAW. Many personal injury firms have a phone number related to the firm’s name. An easy-to-remember telephone number is so important to some lawyers, that they participate in programs that license phone numbers like 1-800-HURT 911. These numbers are as integral to the marketing of the firm’s services as any aspect of their advertising.

Just as some law firms, besides Lundy Law, use the phrase “Remember this name,” other firms use the phrase “Remember this number.” See Attachment B. In no instance do the phrases “Remember this name” or “Remember this number” confuse potential clients. These are generic phrases that stress the importance of a particular firm’s name, or telephone number to encourage people to call it when they need the services provided by the firm. “Remember this” with either the word “name” or “number” is not a brand or trademark that is exclusive to one law firm.

#### **(b) Policy Competition**

As a legal marketing professional, I am familiar with the regulations promulgated by the Federal Trade Commission. The Federal Trade Commission, which is charged by Congress to prevent unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce has been an advocate for competition for legal services since at least the 1970s.<sup>5</sup> Between 1989 and 2007, the FTC issued no fewer than 11 staff letters to various states commenting on their proposed advertising rule changes. It has also commented on at least one ethics opinion that interprets a state’s rules governing lawyer advertising.

In its 2007 letter to the Indiana Supreme Court, the FTC staff lauded the state’s proposal to adopt less-restrictive rules and stated<sup>6</sup>:

The FTC enforces laws prohibiting unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce, including deceptive and misleading advertising practices. Pursuant to its statutory mandate, the Commission encourages competition in the licensed professions, including the legal profession, to the maximum extent compatible with other state and federal goals. In particular, the Commission seeks to identify and prevent, where possible, business practices and regulations that impede competition without offering countervailing benefits to consumers. The Commission and its staff have had a long-standing interest in the effects on consumers and competition arising from the regulation of lawyer advertising.

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<sup>5</sup> 15 USC Sec 45

<sup>6</sup> [http://www.ftc.gov/sites/default/files/documents/advocacy\\_documents/ftc-staff-comment-ms.lilia-g.judson-executive-director-indiana-supreme-court-concerning-proposed-rules-attorney-advertising/v070010.pdf](http://www.ftc.gov/sites/default/files/documents/advocacy_documents/ftc-staff-comment-ms.lilia-g.judson-executive-director-indiana-supreme-court-concerning-proposed-rules-attorney-advertising/v070010.pdf)

Debate about attorney advertising involves important policy concerns, such as preventing statements that would deceive or mislead lay people and thereby undermine public trust in lawyers and the legal system. The FTC staff's view is that consumers are better off if concerns about potentially misleading advertising are addressed through the adoption of advertising restrictions that are narrowly tailored to prevent deceptive claims. By contrast, imposing overly broad restrictions that prevent the communication of truthful and non-misleading information that some consumers may value is likely to inhibit competition and frustrate informed consumer choice. Similarly, imposing restrictions on some types of solicitation may increase consumer search costs. In addition, research has indicated that overly broad restrictions on truthful advertising may adversely affect prices paid and services received by consumers.

The FTC letters set out an abundance of research concluding that competition is advantageous to consumers. The research demonstrates that lawyer advertising results in higher demand for legal services, lower prices, and higher quality. On the other hand, the imposition of restrictions on lawyer advertising has resulted in higher prices.<sup>7</sup>

The FTC communications on the issue of misleading communications are an important aspect of this analysis of whether the Lanham Act may restrict truthful, public domain statements such as "Remember this name," or "Remember this number" before law firm names and telephone numbers in advertising. The use of such a statement is generally a truthful statement. In its November 3, 1989 letter to the Ohio State Bar Association, it states, "This is not to say that advertising is invariably benign. It may sometimes be unfair or deceptive, or may violate other legitimate goals of public policy. We believe, however, that truthful advertising is generally beneficial."<sup>8</sup>

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<sup>7</sup> See footnote 6 of the May 11, 2007 letter to the Indiana Supreme Court setting out the research at [http://www.ftc.gov/sites/default/files/documents/advocacy\\_documents/ftc-staff-comment-ms.lilia-g.judson-executive-director-indiana-supreme-court-concerning-proposed-rules-attorney-advertising/v070010.pdf](http://www.ftc.gov/sites/default/files/documents/advocacy_documents/ftc-staff-comment-ms.lilia-g.judson-executive-director-indiana-supreme-court-concerning-proposed-rules-attorney-advertising/v070010.pdf) -

Timothy J. Muris, *California Dental Association v. Federal Trade Commission: The Revenge of Footnote 17*, 8 SUP. CT. ECON. REV. 265, 293-304 (2000) (discussing the empirical literature on the effect of advertising restrictions in the professions and citing, among others: James H. Love & Jack H. Stephen, *Advertising, Price and Quality in Self-regulating Professions: A Survey*, 3 INTL. J. ECON. BUS. 227 (1996); J. Howard Beales & Timothy J. Muris, *State and Federal Regulation of National Advertising* 8-9 (1993); R.S. Bond, J.J. Kwoka, J.J. Phelan & I.T. Witten, *Effects of Restrictions on Advertising and Commercial Practice in the Professions: The Case of Optometry* (1980); J.F. Cady, *Restricted Advertising and Competition: The Case of Retail Drugs* (Washington, D.C.: American Enterprise Institute, 1976); J.F. Cady, *An Estimate of the Price Effects on Restrictions on Drug Price Advertising*, 14 ECON. INQ. 490, 504 (1976); James H. Love, et al., *Spatial Aspects of Competition in the Market for Legal Services*, 26 REG. STUD. 137 (1992); Frank H. Stephen, *Advertising, Consumer Search Costs, and Prices in a Professional Service Market*, 26 APPLIED ECON. 1177 (1994); *In the Matter of Polygram Holdings, Inc.*; FTC Docket No. 9298, at 38 n.52 (F.T.C. 2003), *aff'd*, 416 F.3d. 29 (D.C. Cir. 2005) (same). See also Timothy J. Muris & Fred S. McChesney, *Advertising and the Price and Quality of Legal Services: The Case for Legal Clinics*, 1 AMERICAN BAR FOUND. RES. J. 179, 184 (1979) (discussing that attorney advertising results in the phenomena of increased consumer requests for legal services coupled with lower prices and higher quality of services, particularly in specialized areas of the law); see Frank H. Stephen & James H. Love, *Regulation of the Legal Professions*, 5860 ENCYCLOPEDIA OF L. & ECON. 987, 997 (1999), available at <http://encyclo.findlaw.com/5860book.pdf> (empirical studies demonstrate that restrictions on attorney advertising have the effect of raising fees).

<sup>8</sup> [http://www.ftc.gov/sites/default/files/documents/advocacy\\_documents/ftc-staff-comment-ohio-state-bar-association-concerning-attorney-advertising/v890094.pdf](http://www.ftc.gov/sites/default/files/documents/advocacy_documents/ftc-staff-comment-ohio-state-bar-association-concerning-attorney-advertising/v890094.pdf)

The position the letter to the Indiana Supreme Court takes on misleading communications further explains the governance of misleading communications. It states that "...consumers are better off if concerns about potentially misleading advertising are addressed through... restrictions that are narrowly tailored to prevent deceptive claims."<sup>9</sup> The notion of misleading communications is centered on *deceptive claims*.

Clearly, the policy of the federal government, as reflected in the communications from the FTC staff to the bars and state supreme courts over the past several decades, is to promote competition, ease restrictions, and, most importantly in this context, address misleading advertising through narrowly tailored restrictions. There is no circumstance where a prohibition to other law firms of a common phrase such as "Remember this name" would be consistent with the orientation and policy set out by the FTC.

### (c) First Amendment Issues

Lawyers have had the right to advertise since 1977 under the First Amendment doctrine of commercial speech. This doctrine permits laws that impose limitations on lawyer advertising only under certain circumstances. Restrictions on lawyer advertising must conform to the four-part commercial speech standard set out in *Central Hudson Gas & Electric Corporation v. Public Service Commission*, 447 U.S. 557 (1980):

At the outset, we must determine whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading. Next, we ask whether the asserted governmental interest is substantial. If both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is not more extensive than is necessary to serve that interest.

The threshold question then becomes whether the communication is lawful and not misleading. As discussed above, attorney advertising is lawful if it meets particular requirements. Is it misleading for multiple law firms to use "Remember this name" above or connected to the name of their law firm? The answer to this question would be "no."

There are two classifications of misleading commercial communications – those that are *actually* misleading and those that are *inherently* misleading. In order to advance an allegation that a communication is *actually* misleading, the claim must be supported by a real showing or empirical data. On the other hand, *inherently* misleading communications do not require empirical support, but may rely on subjective judgment or common sense. This can only be done when the misleading nature of the advertisement is clear and self-evident, which is a standard that has been difficult to meet. The deception must be clear and self-evident.

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<sup>9</sup> [http://www.ftc.gov/sites/default/files/documents/advocacy\\_documents/ftc-staff-comment-ms.lilia-g.judson-executive-director-indiana-supreme-court-concerning-proposed-rules-attorney-advertising/v070010.pdf](http://www.ftc.gov/sites/default/files/documents/advocacy_documents/ftc-staff-comment-ms.lilia-g.judson-executive-director-indiana-supreme-court-concerning-proposed-rules-attorney-advertising/v070010.pdf)

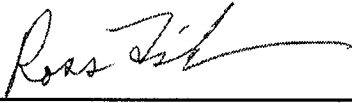
Lundy Law does not offer data to support a claim that others' use of the statement "Remember this name" would be misleading or that anyone would be deceived or confused by the use of "Remember this name" (or "Remember this number") by multiple law firms. Another law firm's use of "Remember this name" or "Remember this number" would be considered commercial speech protected by the First Amendment, and therefore Lundy Law would be unable to protect against such use.

The phrase "Remember this name" or variants of this phrase used by any party in a truthful non-deceptive speech is commercial speech protected by the First Amendment. Exclusive protection of this phrase under the Lanham Act would be clearly inconsistent with Supreme Court's decision in *Central Hudson Gas & Electric Corporation v. Public Service Commission*, permitting lawful, non-deceptive commercial communications. Registration of the phrase "Remember this name" would prohibit third party uses of "Remember this name" and therefore would violate the First Amendment.

**(d) Conclusion**

Lundy Law uses the general phrase "Remember this name" and claims to have exclusive rights in this phrase, such that it would prohibit the use of that phrase, or ones it considers variations of that phrase by competing law firms, such as Larry Pitt & Associates, as misleading and an infringement of its "mark." However, this claim is not valid from a marketing position since law firm's routinely ask consumers to remember a firm's name and/or number. Registration of the phrase "Remember this name" is inconsistent with the government's advocacy of competition and protection of client interests, and would violate the First Amendment rights of Larry Pitt & Associates, and other law firms if granted.

Dated: May 28, 2014

  
\_\_\_\_\_  
Ross Fishman





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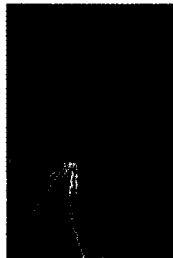
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JANUARY 15, 2012

Good Georgia Injury Lawyer: New Plan Threatens Highway Safety

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Emergency services operators are all expressing their alarm. Even those who simply need to use the emergency lane in the event of a car break down now will not have an option to do so, thus increasing the dangers on this particular freeway significantly. Firefighters, police officers, and ambulance drivers are against the new plan believing it will put the public at risk.

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Good Georgia Lawyer regularly represents Georgians who have been seriously injured or tragically killed because of a dangerous highway condition and thus we urge the Governor and Department of Transportation to consider other solutions before sacrificing highway safety.

For example, we recently represented a U.S. military sergeant who nearly lost her life due to a tragic automobile accident on a Georgia interstate when she was hit by a reckless driver, an admitted drug addict, who had been weaving in and out of traffic. She rolled through several freeway lanes of traffic before tumbling into the emergency lane and flipping into an embankment.

Fortunately for her, other witnesses and Good Samaritans had an emergency lane during the time of this collision where they were able to pull over and assist her in while they waited for emergency medical personnel to arrive.

This client of ours sustained serious medical injuries that she will sadly suffer the rest of her life. Shortly after the automobile collision, she retained a lawyer who wanted her to settle her claim for \$30,000. Dissatisfied with the legal service she was rendered, she terminated him as counsel and subsequently retained her firm. We were very honored to be able to represent her and aggressively litigated the case preparing for trial. As a result of hard work and preparation, we were able to settle her case for the full policy limits, at a confidential six figure settlement.

She recently wrote to us the following:

"I was in a horrific car accident in 2009. I was hit by a drug addict. My car did 'three-sixties' on the highway and flipped over into an embankment. My car was totaled. By the grace of God I had no broken bones but I had several other injuries.

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Pharmacy Error (3)
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Business Torts (31)
Nursing Home Abuse (2)
Ordinary Negligence (5)
Disability Law (3)
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I was referred to an attorney who held onto my case for over six months and did absolutely nothing! Whenever I spoke to him I felt as though I was a thorn in his side. I finally realized that he was nothing more than a personal injury mill. He had no other attorneys assisting him with his multitude of cases. Therefore, he was overworked and had little or no time for his clients. He actually told me that he believed my case was worth no more than \$30,000. He made this determination before even knowing the what the policy limits were of the guy's insurance who hit me. Additionally, I had more than \$50,000 in medical expenses. So needless to say, I fired him!!! Then I was blessed with Mario Williams and Julie Oinonen.

Mario and Julie hit the ground running. I finally felt as though justice would be served and I would receive a decent settlement. They both worked diligently on my case. Whenever I called them they were available and extremely receptive. They treated me with respect and had genuine concern for my well being. When it was all said and done...They were able to get me a six figure settlement!!!!

Hopefully I will not have to use their services again...but if I ever need an attorney, I will definitely use them an no one else! Remember this name "Williams Oinonen LLC. They are the truth!!!!"

While we are grateful and honored to have been able to represent this United States Military Sergeant, we are also grateful that her injuries were not more severe. One reason this particular automobile accident did not turn out worse then it did was because the Good Samaritans and ambulance personnel who helped her had access to an emergency lane.

Good Georgia Lawyer urges the Governor and Department of Transportation to reconsider this plan for the Georgia 400. Nothing is worth more than keeping the safety of our Georgia residents first.

Posted by Williams Oinonen LLC | Permalink | Email This Post

Posted In: Automobile Accidents , Car , Personal Injury , Testimonials , Wrongful Death

JULY 27, 2011

### Georgia Wrongful Death Lawyer Discusses Motorcycle and Truck Accident

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The second fatal collision occurred last week in Moultrie, Georgia this time involving a motorcycle and truck. The Georgia State Patrol investigators reported that a 1996 Toyota Tacoma, driven by an 81 year old man named James Henry Smith, failed to yield when crossing a road, hitting a motorcycle that was driven by 30 year old Randy Larry Harris.

Very sadly, Mr. Harris was ejected from his motorcycle and died at the scene. Mr. Harris, a young man at age 30, tragically left behind a loving wife, children, and large extended family from West Berrien. He was a diesel mechanic and shop supervisor at the Berrien County Bus Shop, and a member of Ebenezer Baptist Church. The elderly driver who hit him was given a citation for failing to yield.

Very sadly, motor vehicle crashes such as this one are the leading cause of injury and death in the United States. The most recent 2010 report put out by the CDC (Center for Disease Control) reports that motor vehicle crashes are the leading in fact the cause of death among those age 5-34 in the U.S. The financial impact is also significant: the lifetime costs of automobile crash deaths and injuries among Americans was listed at \$70 billion a year just a few years ago.

Good Georgia Lawyer urges our lawmakers, city and state leaders to continue to develop programs and policies that will change behaviors to keep drivers, motorcyclists, bicyclists, and pedestrians safe on the road and fight against such terrible tragedies that result in the loss of loved ones. Although recent legislation has been passed, there is more to be done in order to protect Georgia citizens from dangerous vehicle collisions.

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- Deportation (4)
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- House (5)
- Car (3)
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- Biking Accidents (3)
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- Whistleblower (6)
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The second fatal collision occurred last week in Moultrie, Georgia this time involving a...

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**Georgia Forfeiture Law: Are You An Innocent Owner? Did The Government Take Your Property? What Can You Do To Get Your House, Car, or Money Back From The Government**  
Williams Oinonen LLC often receives phone calls from Georgia citizens, innocent owners of vehicles, homes,....

In the event a Georgia citizen is injured or killed as the result of someone else's negligent driving, then the defendant driver is usually held liable for a failure to exercise reasonable care and caution while driving or violating Georgia Rules of the Road which include failure to yield, running red lights, reckless speeding, hit and runs and more.

In a successful personal injury case, the injured Georgian or their family may receive damages, which is money given as compensation to help the injured person and their family. In Georgia, there are two major categories of damages that courts may award the injured - compensatory and punitive damages. Punitive damages punish the offender and deter them from hurting someone else again. Compensatory damages can help medical bills, funeral costs, pain and suffering.

The law firm of Williams Oinonen LLC urges all Georgians to drive safe: always exercise care and caution while travelling on the roadways.

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MARCH 4, 2011

### Georgia Forfeiture Law: Are You An Innocent Owner? Did The Government Take Your Property? What Can You Do To Get Your House, Car, or Money Back From The Government

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Williams Oinonen LLC often receives phone calls from Georgia citizens, innocent owners of vehicles, homes, and/or cash who have had their property taken by law enforcement agents because, supposedly, their property is related to a drug offense. The process of taking property in this manner is called **forfeiture**. And Georgia Code 16-13-49 primarily governs forfeitures related to alleged drug sales/transactions. What's important for you to know is that you can fight to

regain your property. But you must act quickly, because forfeiture laws and rules are complicated, and very **time sensitive**.

For example, Georgia Code 16-13-49 requires you to respond within thirty (30) days of receiving notice that your property is subject to forfeiture. If you don't respond within thirty (30) days, then, "all right, title, and interest in the property is forfeited to the state and the district attorney shall dispose of the property as provided" by Georgia law.

Furthermore, your claim (response to notice of forfeiture) must be sent by certified mail, return receipt requested or statutory overnight delivery. And your claim must:

1. Be signed by the owner or interest holder of the property **under penalty of perjury**;
2. Be sent specifically to both the law enforcement agency that took your property and the relevant District Attorney; and
3. Contain **specific** details such as (a) the nature and extent of your interest in the property; (b) the specific provision of O.C.G.A. § 16-13-49 relied on in asserting that your property is not subject to forfeiture; and (c) all essential facts supporting each assertion, **amongst other specific details required by law**.

You must comply with the above-mentioned, and more, in order to have a mere "opportunity" at getting your property back. Then, if you do comply with the requirements of Georgia law to challenge what is called an **administrative forfeiture proceeding**, you still must challenge a potential judicial forfeiture proceeding. Simply put, the state agency will first attempt to take your property through an administrative proceeding, which is discussed above. If you meet those deadlines and other legal requirements, the state will most likely file a "judicial action" (complaint for forfeiture) in an attempt to take your property through a **judicial forfeiture proceeding**. You then must comply with more strict guidelines, rules, and laws!

If all that was not enough (and I've only touched on a few aspects of this complicated area of law) the state may turn your case over to the **federal government** in what is commonly referred to as adoptive forfeiture. The **federal government** will then file a judicial forfeiture action in an attempt to take your property.

You must have an attorney who understands both federal forfeiture law and Georgia forfeiture law in order to adequately protect your rights.



Significantly, state and federal agencies attempting to take your property must comply with strict procedural timelines and laws, too, meaning you may be able to get your property back by demonstrating that the government failed to comply with mandated, legal requirements. And there are many defenses that may apply to your case such as an "innocent owner" defense or a due process defense. However, as I've stated, you need a good attorney who understands this area of the law.

[Continue reading "Georgia Forfeiture Law: Are You An Innocent Owner? Did The Government Take Your Property? What Can You Do To Get Your House, Car, or Money Back From The Government" »](#)

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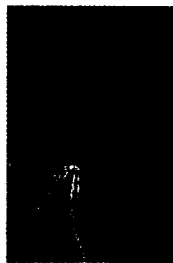
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JANUARY 15, 2012

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- Medical Malpractice (7)
- Defective Products (18)
- Wrongful Death (18)
- Unfair Business Practices (20)
- Third Party Beneficiary Contract (9)
- Non Compete Agreements (9)
- Personal Injury (40)
- Identity Theft (2)
- Automobile Accidents (12)
- Employment Discrimination (8)
- Human Rights (8)
- Police Brutality Misconduct (9)
- Brain Injuries (7)
- Business (5)
- Dog Bites (4)
- Pharmacy Error (3)
- Contract Law (34)
- Business Litigation (32)
- Business Torts (31)
- Nursing Home Abuse (2)
- Ordinary Negligence (5)
- Disability Law (3)
- Punitive Damages (4)
- Bullying Laws (11)
- Español Blog (4)
- Fraud (4)
- Companies (6)
- Georgia Corporations (9)
- Opponent Research (2)

I was referred to an attorney who held onto my case for over six months and did absolutely nothing! Whenever I spoke to him I felt as though I was a thorn in his side. I finally realized that he was nothing more than a personal injury mill. He had no other attorneys assisting him with his multitude of cases. Therefore, he was overworked and had little or no time for his clients. He actually told me that he believed my case was worth no more than \$30,000. He made this determination before even knowing the what the policy limits were of the guy's insurance who hit me. Additionally, I had more than \$50,000 in medical expenses. So needless to say, I fired him!!! Then I was blessed with Mario Williams and Julie Oinonen.

Mario and Julie hit the ground running. I finally felt as though justice would be served and I would receive a decent settlement. They both worked diligently on my case. Whenever I called them they were available and extremely receptive. They treated me with respect and had genuine concern for my well being. When it was all said and done...They were able to get me a six figure settlement!!!!

Hopefully I will not have to use their services again...but if I ever need an attorney, I will definitely use them and no one else! Remember this name "Williams Oinonen LLC. They are the truth!!!!"

While we are grateful and honored to have been able to represent this United States Military Sergeant, we are also grateful that her injuries were not more severe. One reason this particular automobile accident did not turn out worse than it did was because the Good Samaritans and ambulance personnel who helped her had access to an emergency lane.

Good Georgia Lawyer urges the Governor and Department of Transportation to reconsider this plan for the Georgia 400. Nothing is worth more than keeping the safety of our Georgia residents first.

Posted by Williams Oinonen LLC | [Permalink](#) | [Email This Post](#)

Posted In: [Automobile Accidents](#) , [Car](#) , [Personal Injury](#) , [Testimonials](#) , [Wrongful Death](#)

JULY 27, 2011

### Georgia Wrongful Death Lawyer Discusses Motorcycle and Truck Accident

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The second fatal collision occurred last week in Moultrie, Georgia this time involving a motorcycle and truck. The Georgia State Patrol investigators reported that a 1996 Toyota Tacoma, driven by an 81 year old man named James Henry Smith, failed to yield when crossing a road, hitting a motorcycle that was driven by 30 year old Randy Larry Harris.

Very sadly, Mr. Harris was ejected from his motorcycle and died at the scene. Mr. Harris, a young man at age 30, tragically left behind a loving wife, children, and large extended family from West Berrien. He was a diesel mechanic and shop supervisor at the Berrien County Bus Shop, and a member of Ebenezer Baptist Church. The elderly driver who hit him was given a citation for failing to yield.

Very sadly, motor vehicle crashes such as this one are the leading cause of injury and death in the United States. The most recent 2010 report put out by the CDC (Center for Disease Control) reports that motor vehicle crashes are the leading in fact the cause of death among those age 5-34 in the U.S. The financial impact is also significant: the lifetime costs of automobile crash deaths and injuries among Americans was listed at \$70 billion a year just a few years ago.

Good Georgia Lawyer urges our lawmakers, city and state leaders to continue to develop programs and policies that will change behaviors to keep drivers, motorcyclists, bicyclists, and pedestrians safe on the road and fight against such terrible tragedies that result in the loss of loved ones. Although recent legislation has been passed, there is more to be done in order to protect Georgia citizens from dangerous vehicle collisions.

- [Trucking Accident \(3\)](#)
- [Immigration \(4\)](#)
- [Deportation \(4\)](#)
- [Immigration Removal \(1\)](#)
- [Forfeiture \(2\)](#)
- [Property \(3\)](#)
- [House \(5\)](#)
- [Car \(3\)](#)
- [Money \(1\)](#)
- [Bus Accident \(2\)](#)
- [Employment \(13\)](#)
- [Landlord Tenant \(3\)](#)
- [Biking Accidents \(3\)](#)
- [Teachers \(16\)](#)
- [Whistleblower \(6\)](#)
- [False Claims \(5\)](#)
- [Sexual Assault \(2\)](#)
- [Colleges and Universities \(6\)](#)
- [Wage and Hour \(2\)](#)
- [Consumer \(2\)](#)
- [Pro Bono \(9\)](#)
- [Constitutional Rights \(4\)](#)
- [Testimonials \(9\)](#)
- [Education \(26\)](#)
- [Employment \(10\)](#)
- [Employment Law \(20\)](#)
- [School Law \(20\)](#)
- [Bed Bugs \(2\)](#)
- [Opposition Research \(2\)](#)

#### SEARCH

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#### RECENT ENTRIES

*Jan 15, 12 04:08 PM*  
**Good Georgia Injury Lawyer: New Plan Threatens Highway Safety**  
 Good Georgia Lawyer is very concerned about the Governor's new plan to turn the emergency...

*Jul 27, 11 09:33 PM*  
**Georgia Wrongful Death Lawyer Discusses Motorcycle and Truck Accident**

The second fatal collision occurred last week in Moultrie, Georgia this time involving a...

*Mar 4, 11 12:54 PM*  
**Georgia Forfeiture Law: Are You An Innocent Owner? Did The Government Take Your Property? What Can You Do To Get Your House, Car, or Money Back From The Government**  
 Williams Oinonen LLC often receives phone calls from Georgia citizens, innocent owners of vehicles, homes,...

In the event a Georgia citizen is injured or killed as the result of someone else's negligent driving, then the defendant driver is usually held liable for a failure to exercise reasonable care and caution while driving or violating Georgia Rules of the Road which include failure to yield, running red lights, reckless speeding, hit and runs and more.

In a successful personal injury case, the injured Georgian or their family may receive damages, which is money given as compensation to help the injured person and their family. In Georgia, there are two major categories of damages that courts may award the injured - compensatory and punitive damages. Punitive damages punish the offender and deter them from hurting someone else again. Compensatory damages can help medical bills, funeral costs, pain and suffering.

The law firm of Williams Oinonen LLC urges all Georgians to drive safe: always exercise care and caution while travelling on the roadways.

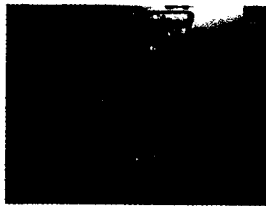
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MARCH 4, 2011

### Georgia Forfeiture Law: Are You An Innocent Owner? Did The Government Take Your Property? What Can You Do To Get Your House, Car, or Money Back From The Government

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Williams Oinonen LLC often receives phone calls from Georgia citizens, innocent owners of vehicles, homes, and/or cash who have had their property taken by law enforcement agents because, supposedly, their property is related to a drug offense. The process of taking property in this manner is called **forfeiture**. And Georgia Code 16-13-49 primarily governs forfeitures related to alleged drug sales/transactions. What's important for you to know is that you can fight to

regain your property. But you must act quickly, because forfeiture laws and rules are complicated, and very **time sensitive**.

For example, Georgia Code 16-13-49 requires you to respond within thirty (30) days of receiving notice that your property is subject to forfeiture. If you don't respond within thirty (30) days, then, "all right, title, and interest in the property is forfeited to the state and the district attorney shall dispose of the property as provided" by Georgia law.

Furthermore, your claim (response to notice of forfeiture) must be sent by certified mail, return receipt requested or statutory overnight delivery. And your claim must:

1. Be signed by the owner or interest holder of the property **under penalty of perjury**;
2. Be sent specifically to both the law enforcement agency that took your property and the relevant District Attorney; and
3. Contain **specific** details such as (a) the nature and extent of your interest in the property; (b) the specific provision of O.C.G.A. § 16-13-49 relied on in asserting that your property is not subject to forfeiture; and (c) all essential facts supporting each assertion, **amongst other specific details required by law**.

You must comply with the above-mentioned, and more, in order to have a mere "opportunity" at getting your property back. Then, if you do comply with the requirements of Georgia law to challenge what is called an **administrative forfeiture proceeding**, you still must challenge a potential judicial forfeiture proceeding. Simply put, the state agency will first attempt to take your property through an administrative proceeding, which is discussed above. If you meet those deadlines and other legal requirements, the state will most likely file a "judicial action" (complaint for forfeiture) in an attempt to take your property through a **judicial forfeiture proceeding**. You then must comply with more strict guidelines, rules, and laws!

If all that was not enough (and I've only touched on a few aspects of this complicated area of law) the state may turn your case over to the **federal government** in what is commonly referred to as adoptive forfeiture. The **federal government** will then file a judicial forfeiture action in an attempt to take your property.

You must have an attorney who understands both federal forfeiture law and Georgia forfeiture law in order to adequately protect your rights.

Significantly, state and federal agencies attempting to take your property must comply with strict procedural timelines and laws, too, meaning you may be able to get your property back by demonstrating that the government failed to comply with mandated, legal requirements. And there are many defenses that may apply to your case such as an "innocent owner" defense or a due process defense. However, as I've stated, you need a good attorney who understands this area of the law.

[Continue reading "Georgia Forfeiture Law: Are You An Innocent Owner? Did The Government Take Your Property? What Can You Do To Get Your House, Car, or Money Back From The Government" »](#)

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**Williams Oinonen LLC**  
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[julie@goodgeorgialawyer.com](mailto:julie@goodgeorgialawyer.com)

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## ◀ Psalm 119:55 ▶

### Parallel Verses

#### New International Version

In the night, LORD, I ██████████ your name, that I may keep your law.

#### New Living Translation

I reflect at night on who you are, O LORD; therefore, I obey your instructions.

#### English Standard Version

I **remember** your name in the night, O LORD, and keep your law.

#### New American Standard Bible

O LORD, I **remember** Your name in the night, And keep Your law.

#### King James Bible

I have **remembered** thy name, O LORD, in the night, and have kept thy law.

### Conti

*Thy Wo*

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### Cross

**Acts 16**

About r

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**Psalm 4**

By day

sona is

Browser window showing a webpage with a form and text. The page title is "How can you safely shorten a law firm's name?". The form asks for first and last names and email. The text discusses logo design and readability, comparing two versions of the name "Lugenbuhl, Wheaton, Peck, Rankin & Hubbard".

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Below are two logos - before and after the redesign, obviously. Note, they're exactly the same width.

Which one stands out? Which one are you more likely to notice and remember?

Lugenbuhl, Wheaton, Peck, Rankin & Hubbard

Lugenbuhl  
Lugenbuhl, Wheaton, Peck, Rankin & Hubbard

It's obviously the right decision, there is no scenario where the top version is a "better" or more effective logo than the new one below it. There are too many equal-sized names, and your brain can't process all that visually similar information. There's no focal point, so your eyes don't know where to go. If you put it on t-shirts like a hat or mug (see mock-ups below), or used it on business cards (also below) or a website, there's a clear contrast. If you looked away, you wouldn't remember the firm's name.

The bottom version with the larger name obviously helps the reader remember the firm's name.

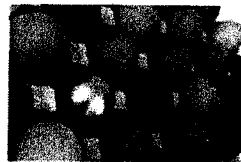
And that's what a good logo is supposed to do. It tells you what to remember, how to find them. You know what to call them. Which of course is the whole point - it's a strong, interesting, unusual, and memorable name. It's what The Street has always chosen to call them - either "Lugenbuhl" or "The Lugensuhl Firm." But changing a logo to reflect that reality is still extremely difficult.

Lawyers

# Make Your Law Firm Stand Out With Good Branding

By Matthew Hickey | March 3, 2013

Facebook 19 | Twitter 2 | LinkedIn 1 | Email 1 | Print 1



You're a good egg. Do you look the part? Follow these essentials to make your brand stand out, in the right way.

Law practices are business like any other. Your potential clients have choices for where they can go for their legal services. As a result, it's important that you're able to communicate how your firm is different from every other firm in your practice area. Branding is the quickest way to do it. Unlike other industries, the legal industry has been relatively slow to recognize the importance of developing a recognizable brand.

Case in point, many law offices adopt generic imagery and logos to reflect their practice: gavels, a pile of law books, the scales of justice, etc. Similarly, countless firms name themselves after the firm's partners regardless of how generic and uninspired the resulting name of the firm sounds. That's a mistake. Do a local search on Google and notice how many local firms there are active in your practice area. You may be surprised at how much competition you have. If you want to give yourself an advantage over those competitors, then make yourself stand out. Be yourself. Be unique. Make sure that potential clients can immediately tell that you and your firm are different.

In line with that, you want your firm to have a brand name that people will remember. If they hear it, you want them to remember it. The big picture is that you want clients, colleagues, and the industries you represent to recognize, and easily remember, the name of your practice and what makes it different from other firms. After all, if your clients and colleagues can't remember who you are, they're less likely to hire you or refer you to others.

### Create a memorable brand name

Trademark law gives stronger protection to unique brand names than to generic ones. In part, that's because the law inherently understands the business value of a unique identifier. Google, Kodak, Coca Cola: these are names that are easy to remember. Ideally, you want your firm name to be just as easy to remember. You don't have to create a completely fanciful name for your practice. Instead, it's okay if you are more comfortable with a name that tells the public what your firm does or what makes it different. Either way, just make sure that your firm name is unique, easy to remember, and (of course) is



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Remember this name! | Art X

ART SPONGE

Created by Patrick Cairre

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Started in 2009, Art Sponge is a blog dedicated to showcasing great visual art, photography and design from emerging artists found on the net. The website has taken many shapes and sizes over the years, with some valuable help from my friend Coni.

As of 2014, Art Sponge is ad-free, mobile-friendly, and full sail. Feel free to reach out via email or submit your work the same way.

Remember this name!

**REMEMBER**  
**THIS**  
**NAME!**

Events or exhibition openings

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Events or exhibition openings will not be published and neither will such related emails be answered, sorry.

Generally speaking, there are no guest bloggers on Art Sponge. However, if you feel like you could contribute relevant posts and have previous experience with this type of blogging (or "curating"), feel free to contact me with examples of previous work and possibly future posts.

I'm a true lover of print and hope to feature more print-related content in the future. If you have a zine or any kind of print work you would like featured, please mail to:

**Patrick Cairre**  
Tempelhofer Ufer 7  
10963, Berlin

Awesome project by the one and only Adam Fuhrer from PICDET.

Go to the Flickr Group, submit your best photography work, and Adam might choose your work to be published in a booklet!

[f Like](#) 841  
[+ patrickcaire on Tumblr](#)

**Patrick**

Hey guys, I'm Patrick the founder and editor of Art Sponge. If you're curious about my experience and work, here's my portfolio. Otherwise, don't hesitate to drop me an email, add me on Google+ or follow my Tumblr

SEPTEMBER 22, 2009 - COMMENTS: 0  
 Filed under: Photography  
 Tagged: Photography, picdet, remember this name

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https://www.flickr.com/groups/rememberthisname/

flickr

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31,397 photos 1,957 members 10th September, 2009

Discussions

who are you guys?

There are some really great photographers already involved in this project as I...

JOHAN 40 months ago 30 replies

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I co-run a poetry and photography zine called Polly Put The Kettle On and we're...

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Diana H0 - 09 March 2014

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Fort Minor - Remember The Name (OFFICIAL Video) HD

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- Mix - Fort Minor - Remember The Name (OFFICIAL Video) HD
- Eminem - Rap God (Explicit)
- goopenus
- Greatest Pump Up Songs
- Best Motivational Workout Music! (Vol 1) Ultimate Workout Motivation
- Eminem - Not Afraid
- Shy Boy and his Friend Shock the Audience with The Prayer
- Eminem - Lose yourself HQ
- Dr. Dre - I Need A Doctor (Explicit) ft. Eminem, Skylar Gray

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Artists: Fort Minor, Styles of Beyond  
Album: The Rising Tied  
Released: 2005

Feedback

Fort Minor - Remember The Name (OFFICIAL Video) HD - ...

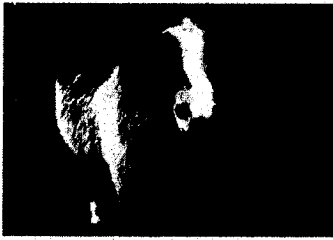
REMEMBER THIS NAME

rtznine.blogspot.com

REMEMBER THIS NAME!

ADAM FISHER JANUARY 27, 2014

Jess Gough  
Jess Gough.



ADAM FISHER  
'Remember This Name' is a Toronto-based photography zine. This blog is curated by Adam Fisher and Wesley Yendys. You can submit your photos. [Learn More](#)

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Crime Watch: Remember

kiwicrime.blogspot.com/2014/01/remember-this-name-ben-atkins.html

# Crime Watch

News and Musings on international crime and thriller fiction, with a New Zealand flavour

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SUNDAY, JANUARY 26, 2014

Remember this name: Ben Atkins

Remember this name: Ben Atkins

One of the great things about being a crime fiction reviewer is getting sent books from new-to-you authors to read. This can include upcoming books by debut authors. There is a lot of good and great crime fiction out there, and one of my favourite things is 'discovering' a great new author. Especially one with a distinctive voice or outlook.

Recently I was sent an advanced manuscript for DROWNING CITY, the debut novel from an Auckland University student, Ben Atkins. The book has an intriguing back-cover blurb - it's a noir novel set over one night in the prohibition era:

*In a city of elusive agendas, it's hard to find the truth. It's even harder to find what's right. A bootlegger's dream is rocked by an attempt to destroy his lucrative business. What begins as a curious evening snowballs into a night-time odyssey as Fontana searches for answers he never thought he'd have to find. The city is saturated with criminal and political extremism - is there anyone he can trust?*

Setting and style are just as much characters in this evocative, Depression-era novel by an astonishingly talented young author.



KIWI CRIME ON FACEBOOK




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### KARATE: Remember This Name

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"I do NOT own this music"  
Music: Remember The Name by Fort Minor

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2011 U.S. Open BKA World Martial Arts Tournament Promo  
World Karate Legend MORIO HIGASHINA Goju-ryu Master 10th Dan  
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### Kobe Bryant - Remember This Name [HD]

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Published on Dec 18, 2013

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Kobe Bryant "A Legend" The Best NBA Movie HD  
LAST DANCE: Kobe Bryant (2014)  
Michael Jordan Top 50 All Time Plays

Larry Pitt & Associates, P.C.

v.

Lundy Law, LLP

Opposition No. 91/210158, Re A.S.N. 85/767,757

REMEMBER THIS NAME

May 28, 2014

Ross Fishman Exhibit



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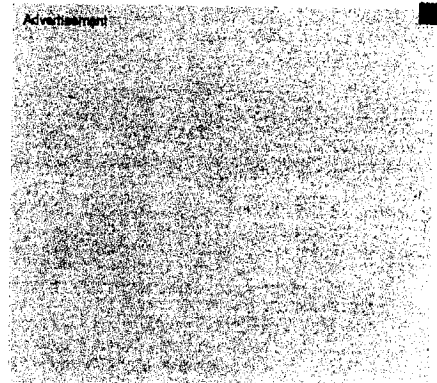
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## ADFREAK

# 'Remember My Name,' Says Walter White on Breaking Bad's Imposing Final Poster

Final episodes coming in August By Tim Nudd

June 25, 2013, 2:35 PM EDT

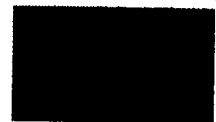


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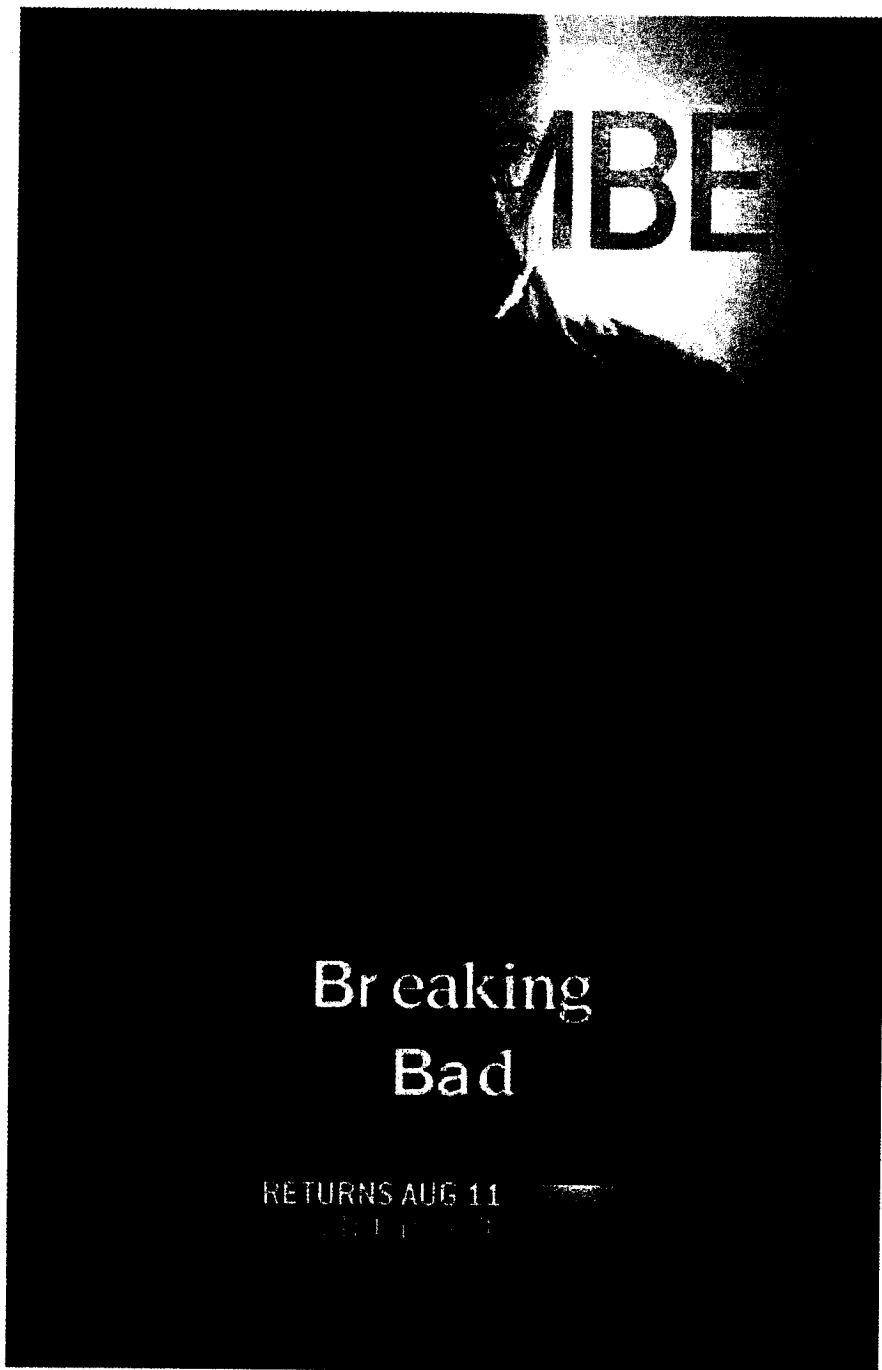
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### Recent Posts

Cheated-On Man Posts Craigslist Ad Offering Great Deal on His 'Bed of Lies'







AMC on Tuesday released the official key art for the final eight episodes of Breaking Bad, premiering Aug. 11. "Remember my name," warns an intimidating, clenched-fisted Walter White, echoing the famous "Say my name" scene from the first half of Breaking Bad's fifth season. Beyond that, who knows what will happen as this great series comes to an end?

In more playful Breaking Bad news, AMC has also launched the Breaking Bad Name Lab, which allows you to see your name transformed with element symbols like the iconic Breaking Bad logo. You can then share the image on social media or download it as an animated GIF.

Topics: Amc, Breaking Bad, Cable, Creative

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McDonald's Ads Are as Mouth-Watering as McDonald's Food in New French Campaign



## About AdFreak

AdFreak is your daily blog of the best and worst of creativity in advertising, media, marketing and design. Follow us as we celebrate (and skewer) the latest, greatest, quirkiest and freakiest commercials, promos, trailers, posters, billboards, logos and package designs around. Edited by Adweek's Tim Nudd. Updated every weekday, with a weekly recap on Saturdays.

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- Laurie Coots Leaves TBWA, Her Agency for 29 Years
- What to Watch for at VidCon
- Despite Controversy, Rolling Stone 'Boston Bomber' Issue Is a Hit on Newsstands
- SteeleMartin Is Now Y&R Austin
- No-Brainer Bill to Consolidate FCC Reports Sent to the House Floor
- NBCU Revenue Soars on Cable, Broadcast Ad Sales Momentum
- IPG Mediabrands Hires BBDO Execs to Run New Content Unit

- Cheated-On Man Posts Craigslist Ad Offering Great Deal on His 'Bed of Lies'
- Despite Controversy, Rolling Stone 'Boston Bomber' Issue Is a Hit on Newsstands
- Why the Ad Agency in the New Robin Williams Sitcom Looks a Lot Like Leo Burnett
- 99 Epic Movie Trailers Mashed Into Bone-Crushing 6 Minutes of Awesome
- Ad of the Day: Is Chiddy Bang's Version of Oreo's 'Wonderfilled' Song the Best Yet?
- Skoda Is a Giant Crowd-Pleaser in Delightful, Larger-Than-Life Ad From Fallon
- What Does 'OmniPub' Have to Do With Creativity?
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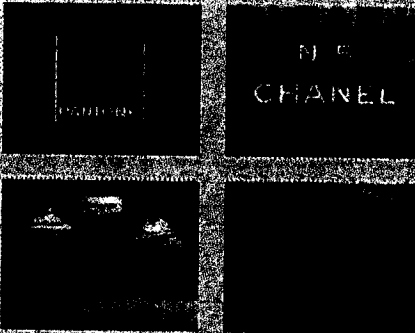
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- 16 Tweets YOU'LL NEVER See Again
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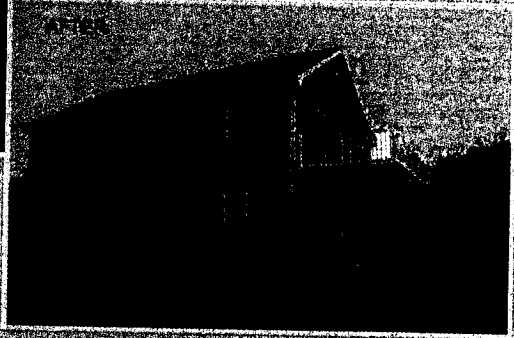
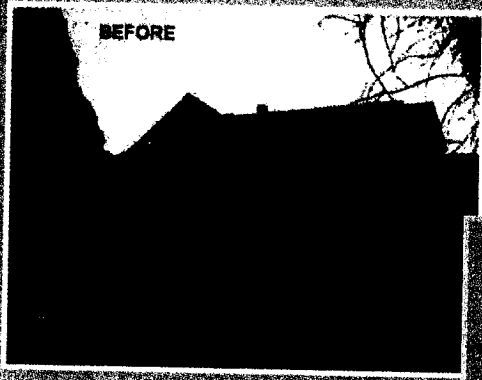
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- Mold Remediation
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The firm has been Bond Counsel on more deals in the Southeast than any other firm for the past five years and in Florida for the past decade. Members of the firm are often called upon to handle the most complex legal issues throughout the nation in the boardroom and in the courtroom.

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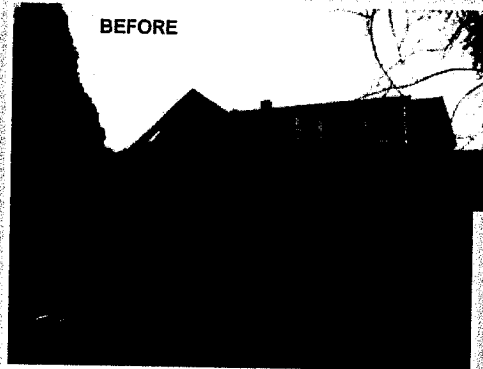
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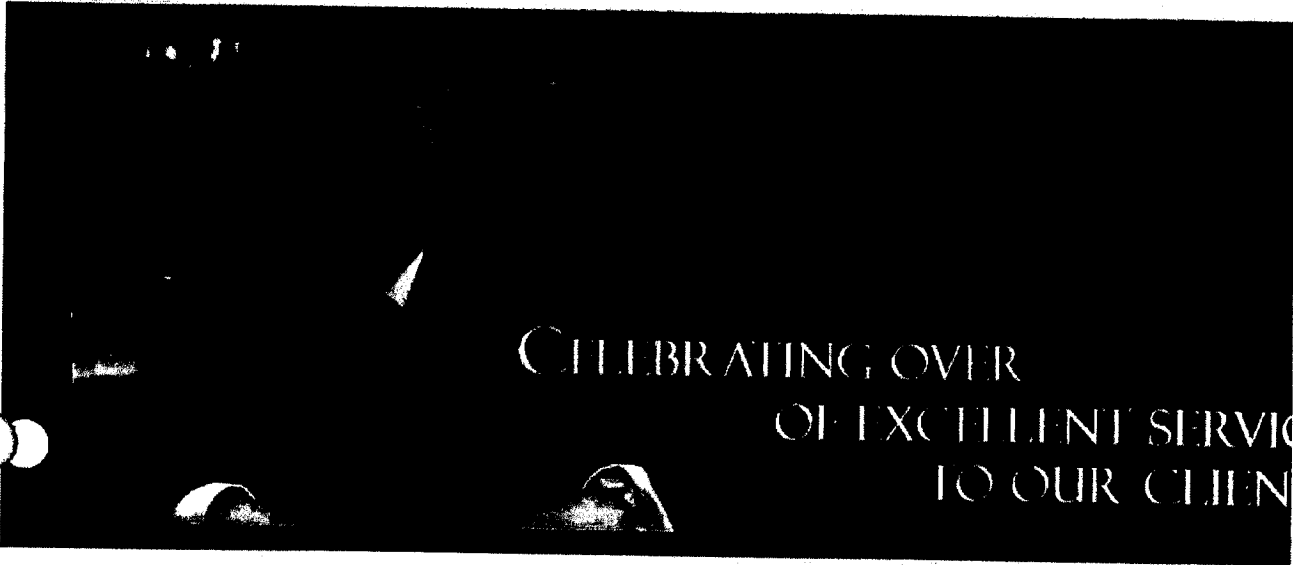
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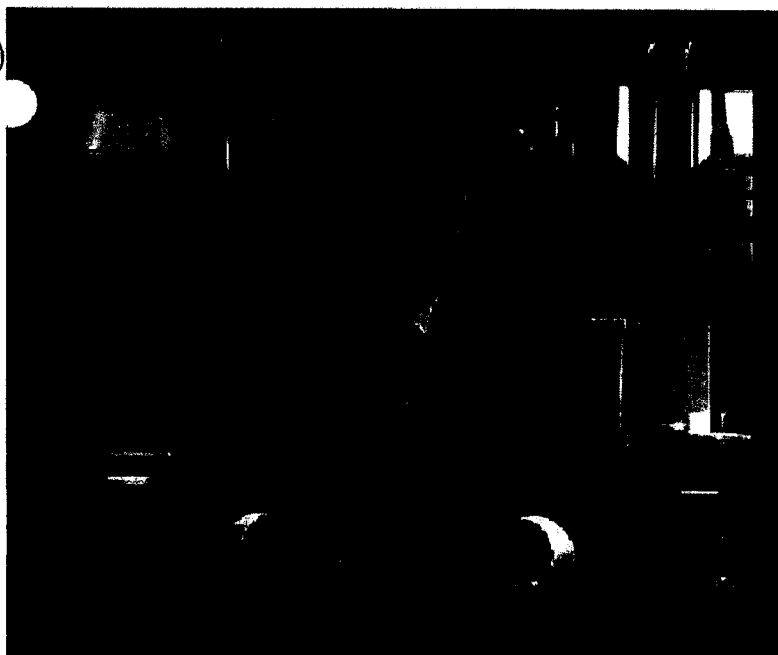
Name:\*

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In what state did the injury occur?

Message:



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### Workers Compensation Law Firm

Welcome to the law firm of Larry Pitt & Associates, a dedicated group of lawyers who deal in workers compensation and personal injury claims in Berks, Buck, Delaware, Chester, Montgomery and Philadelphia County, Pennsylvania. We have handled thousands of cases of workers compensation throughout our 30 years we have been in practice. Our commitment to protecting the rights of injured workers has made us a leader in our legal community, and a trusted name among workers compensation law firms.

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## Workers Compensation

Larry Pitt & Associates is one of the leading law firms in the Philadelphia area representing clients in workers comp and personal injury litigation. Our practice focuses on the following practice areas:

- Workers Compensation
- Social Security Disability
- Personal Injury Law
- Immigration and Naturalization
- Employment Law

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Personal injuries occur all the time and are sometimes the result of the negligence of someone else or conditions at your workplace. Injuries happen at the workplace for a variety of reasons – unsafe equipment, a harmful product or chemical exposure, and even something as simple as a wet floor causing a slip and fall.

Workers compensation laws in Pennsylvania are quite complex and dealing with the guidelines yourself can be quite frustrating. Let our skilled **workers compensation attorneys** at Larry Pitt & Associates help you receive monetary compensation for an injury you sustained at work.

Our firm aids clients with workers compensation & personal injury claims and settlements in Berks, **Bucks, Chester, Delaware, Montgomery** and **Philadelphia** Counties in Pennsylvania.

Our firm can be reached at **888-PITT-LAW**, or by completing the quick contact web form.





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August 9, 2012

By: Katie D'Arcy

## TC principal Bob Travers weighs in: Law firm thinks new phone number is right call

Buffalo News (August 9, 2012) by Stephen Watson

Law firm thinks new phone number is right call

After years of drilling 854-2020 into the deepest recesses of our subconscious memory through repetitive and infectious jingles, the Cellino & Barnes law firm has a new phone number.

With the William Mattar law firm using 444-4444 for years, and O'Brien Boyd taking 222-2222, Cellino & Barnes has just switched over to 888-8888.

The firm's new homogeneous number – coming to a billboard, TV commercial or radio ad near you – ups the ante in the battle among the area's personal-injury law firms to make it as easy as possible for prospective clients to reach them.

"This has been done in many markets way before anybody in this market got there," said Daryl Ciambella, chief operating officer for Cellino & Barnes. "It's not something where we said, 'They're doing it, so we've got to do it.'"

Lawyers and marketing experts say it doesn't hurt a law firm to have an easy-to-remember phone number.

But they say it's also important that the firm sell itself in a broader sense, emphasizing precisely how its lawyers can help a would-be client and somehow differentiating the firm in a crowded legal marketplace.

"It's one thing if you're the first one in and you've got the frequency [of ads]. But if there's six other personal-injury attorneys in that same category, screaming a number, you can get lost in the clutter," said Robert Travers, a principal with Travers Collins, an advertising and public relations firm.

This use of phone numbers that repeat the same numeral seven times seems unique to the field of personal-injury law here.

Bakeries, doctors and college admissions offices aren't snatching up any of these mnemonic numbers and, in fact, the William Mattar firm has claimed

three of the numbers available in the 716 area code: 444-4444, 333-3333 and 777-7777.

"We want to make it easy for our clients to remember our number," Mattar said in an interview.

It's hard to drive down a highway, flip on your car radio or turn on a local TV newscast without seeing an ad for one of the area's major personal-injury law firms.

These firms want to get their name out to the widest possible audience, and repetitive phone numbers, bouncy jingles and catchy slogans all help.

"I don't know if other Upstate New York communities are bombarded with attorney advertising in the same way we are, but it's here to stay," said Kathleen M. Sweet, president of the Erie County Bar Association and a partner and litigator with Gibson,

McAskill & Crosby.

Many lawyers don't like advertising, but "it's a legitimate marketing tool," Sweet added.

But the more people who use the easy-to-remember numbers, the less effective they may be, Travers said.

"In the whole personal-injury field, in the marketing, for the most part it's copycat marketing. It's two heads on a billboard with 'Injured' and a question mark. Every market you go, you see that," Travers said.

Arun K. Jain, a professor of marketing at the University at Buffalo said he believes people call a law firm because they remember the name of the firm, not its phone number, which can easily be found online or in the phone book.

"I'm not sure what the benefit is," Jain said, adding that Cellino & Barnes has strong name recognition anyway.

While a phone number may get someone to make the initial phone call, even the firms that use these numbers say consumers should consider a firm's reputation and experience and should meet with a potential attorney before deciding which firm to retain.

Travers Collins has represented Paul William Beltz, a personal-injury firm that does not use a repeating number but does advertise and employs a consistent slogan, "Your power of attorney."

Brown Chiari also advertises, with the firm's partners feeling it was a necessity if they wanted to compete with other personal-injury firms, but the firm doesn't use a foolproof phone number.

In fact, the firm's ads that have run during the Summer Olympics mention the Brown Chiari website but not the firm's phone number, partner Donald P. Chiari said.

Mattar started the phone-number trend locally about seven years ago, when the firm switched from (800) 7MATTAR to 444-4444. Mattar said he obtained this number directly from his telecommunications provider and he didn't have to buy the rights from someone else.

He wanted a number that was easier to remember but he can't recall precisely why he chose all 4s.

Mattar's easy-to-remember number, which is repeated frequently throughout some of his TV ads, combines with his firm's rhyming slogan – something about being “hurt in a car” – to burrow into a listener's brain. He said he's not worried about the competition from Cellino & Barnes or O'Brien Boyd.

“I believe that most people recognize that imitation does not work, and when they see it, they think of the original, and in this case the original is William Mattar,” Mattar said.

For O'Brien Boyd, the decision to switch to 222-2222 was prompted in part by a conversation Steve Boyd had a few years ago with his daughter, GiGi, who was about 6 at the time.

“I asked her, ‘What is William Mattar's number?’ and she said it. I asked, ‘What is Cellino & Barnes' number?’ She sang it. Then I asked, ‘What is daddy's number?’ And she didn't know it,” Boyd recalled.

The firm acquired its new phone number, which replaced 839-7777, in a roundabout way.

A guy in Texas emailed partner Christopher J. O'Brien to say he had the rights to 222-2222 in the 716 area code and was willing to sell it to the firm.

“I thought it was a joke at first,” O'Brien said.

O'Brien & Boyd paid “five figures, not six” for the right to the number, Boyd said, and the firm has seen a small uptick in business since putting in place 222-2222 about 2½ years ago.

Since 1994, Cellino & Barnes had used 854-2020, a number set to a song in the firm's ubiquitous TV commercials.

Sweet, the bar association president, said with a laugh, “I personally am going to have a hard time deleting 854-2020 from my brain.”

After obtaining the rights to the number, the firm tested out about one dozen different jingles with the new number before opting to keep the same jingle from its commercials and simply replacing 8-5-4-20-20 with 8-8-8-8-8-8-8 and a new slogan, “Don't wait, call 8.”

Billboards with the new number went up last week, radio ads started last Friday and TV ads began airing Monday.

Cellino & Barnes still is using “Injured?” or some variation in its ads, and is keeping the faces of those two partners on its billboards.

“Those two are staying up there,” Ciambella said. “With just the two faces, we don't even need the names up there.”








This entry was posted in News and tagged Advertising, bob travers, buffalo news, law firms, Travers Collins. Bookmark the

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## Blog

# C'mon. You could never remember our name anyway.

Posted on April 3, 2013

**As of February 1st, *Foodservice Solution Group* is now Reitano Design Group. We did some research and it confirmed what we have long suspected – that most of you couldn't remember our name anyway.**

For a *fun* explanation of the change (in under a minute), please click on the video below.



Rest assured that while our name has changed, our commitment to you, our clients and partners, has not. We are grateful for the relationships we have and look forward to serving you now and for many years to come.

This entry was posted in **press** and tagged **name** by **Amanda Welu**. Bookmark the **permalink** [<http://reitanodesigngroup.com/index.php/cmon-you-could-never-remember-our-name-anyway/>].







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At the time of the accident, the motorcycle was traveling at a speed of approximately 40 miles per hour. The rider was wearing a helmet and protective gear. The accident occurred on a public road with a speed limit of 30 miles per hour. The rider was not wearing a seat belt. The motorcycle was traveling in the same direction as the car. The car was traveling at a speed of approximately 30 miles per hour. The car was in the left lane of traffic. The motorcycle was in the right lane of traffic. The car struck the motorcycle from the side. The motorcycle was thrown into the air. The rider was ejected from the motorcycle. The rider was injured. The rider was taken to the hospital. The rider died. The car was damaged. The motorcycle was damaged. The car was involved in a rear-end collision with another car. The car was involved in a side-swipe collision with another car. The car was involved in a head-on collision with another car. The car was involved in a collision with a pedestrian. The car was involved in a collision with a bicyclist. The car was involved in a collision with a dog. The car was involved in a collision with a tree. The car was involved in a collision with a building. The car was involved in a collision with a utility pole. The car was involved in a collision with a traffic light. The car was involved in a collision with a stop sign. The car was involved in a collision with a yield sign. The car was involved in a collision with a no parking sign. The car was involved in a collision with a no left turn sign. The car was involved in a collision with a no right turn sign. The car was involved in a collision with a no U-turn sign. The car was involved in a collision with a no pedestrian crossing sign. The car was involved in a collision with a no bicycle crossing sign. The car was involved in a collision with a no horse crossing sign. The car was involved in a collision with a no deer crossing sign. 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Phil Franckel, Esq.

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1-800-HURT-911 can get you ***14 times*** more calls!  
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Proven to ring your phone on the 1st day of advertising!

***Exclusive*** territory for your entire TV market guarantees you success!  
**RESERVE YOUR EXCLUSIVE TERRITORY TODAY BEFORE IT'S GONE!**

HURT911® makes personal injury lawyer advertising a ***No Brainer!*** (Please see our new better organized site for information: [PersonalInjuryAdvertising.com](http://PersonalInjuryAdvertising.com))

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- e-mail newsletter design.
- 1-800-HURT-911 business card design for you and your staff.
- Articles to accompany magazine advertising for serious injury cases! Just substitute my name in the "by line" with yours. I'll tell you which magazines get serious injury cases and they will publish your articles for free!
- Call center software with Serious Injury Alert® technology for lawyers with large budgets lets you return urgent calls *Fast*, as the 1-800-HURT-911 brand implies.
- Law Firm websites with premium domain names; premium design; software updates; maintenance; control panel with Google analytics; and all upgraded features from LawFirm911.com. Website content; onsite SEO; & offsite SEO available.
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- You get everything you need. The only thing else I can do for you is to come in and settle your cases.

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See Testimonials, below. Your success is my passion! Advertising agencies welcome - ask about our commission structure and No Risk Agency Contract which locks in clients.

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**Books:**

- Lawyer's Guide to Advertising

Other

**800 I-CAN-WIN**

Find out if your territory is available

Have you tried personal injury advertising before? If you tried advertising before without success and wondered why other law firms spend more money every year on advertising, you may have made one of these fatal mistakes: 1) Advertised in



1) Used a cable TV market instead of a large broadcast TV market; 2) Used TV commercials you got for free from the TV station; 3) Did not use a vanity phone number; 4) Participated in a group lawyer advertising program where calls are sequentially routed or small exclusive geographic territories shared by several lawyers which means that some lawyers do well and some lawyers do not. HURT911® solves all of these problems.

When does advertising make sense for your law office? When you decide that your law practice is also a business and not *just* a profession. When you're looking for a continuing supply of new personal injury cases and willing to commit to a continuing advertising campaign. You know how long it takes to settle cases. Plan to spend a reasonable amount on advertising every month for 2-3 years and be prepared for the cost of additional overhead and case expenses to handle the case load from advertising and referrals.

When does 1-800-HURT-911 make sense for you? In most markets, when you have an advertising budget sufficient for 2-4 shares of a group lawyer advertising campaign or a full-page ad in the Yellow Pages, then you may have enough money to successfully advertise on TV with 1-800-HURT-911. Lawyers advertising on TV with 1-800-HURT-911 typically see a cost per call of \$80-\$180, depending upon the market and size of the advertising budget (5-15% of callers become clients). If you don't have enough money for TV advertising, and even if you do, we now have an advertising program for motorcycle accident cases which includes advertising on radio and small magazines for very serious injury motorcycle cases that return the fastest cash flow and highest return on investment you will ever see. Radio usually costs 1/8 - 1/10 of the cost of TV. After you sign up, I will tell you which magazines to advertise in.

Advertising with 1-800-HURT-911 is exclusive. There are no upfront charges and you decide how much to spend on advertising (see recommended minimum TV advertising budgets and lease fees for your market).

If you're not one of those lawyers advertising with a big budget, 1-800-HURT-911 will make the difference between life or death for your advertising campaign. 1-800-HURT-911 will let you successfully compete against lawyers with big advertising budgets. One lawyer advertising 1-800-HURT-911 on TV with \$1,400/month budget signed 10 cases per month (\$140 per signed case!), successfully competing against another law firm advertising with millions! (see an actual TV schedule with costs). To be successful, you need to compete. To successfully compete, you need to advertise consistently every month. With 1-800-HURT-911 you will successfully advertise and compete!

If you're one of those lawyers advertising with a big budget, using 1-800-HURT-911 in your advertising will substantially improve your bottom line and cost you as little as less than 1% of your advertising budget. You simply cannot afford to wait another day! With 1-800-HURT-911, you will dominate your market! Most businesses struggle to increase profits just 2%-3%. If 1-800-HURT-911 can increase your profit by 50%, 100% or 300%, would you really say "No, I'm not interested in making more money"? You will see an immediate increase in results from your TV advertising and as much as a 300% increase within only two years of advertising. 1-800-HURT-911 will substantially improve advertising results from billboards, yellow pages, and radio.

Advertising with 1-800-HURT-911 will prevent another lawyer from advertising with 1-800-HURT-911 and taking cases you would have received from your advertising! We have a solo lawyer who didn't get any calls from TV advertising before using 1-800-HURT-911 because another law firm advertising campaign dominated his small TV market with a big advertising budget. After the lawyer started advertising for personal injury cases with 1-800-HURT-911, he signed over 100 cases in a year! Those are 100+ cases which would have gone to the larger law firm had it not been for 1-800-HURT-911.

A large law firm will have the luxury of advertising 1-800-HURT-911 on TV, billboards, specialty magazines for serious injuries, yellow pages and radio where a good vanity phone number can make a huge difference! I can tell you where you can get the best cases and help you with all your advertising needs.

1-800-HURT-911 can increase advertising results as much as 299% and as much as 6,672% over the cost of using 1-800-HURT-911! 1-800-HURT-911 will bring you more calls because people will remember how to call you. See for yourself, after listening to these two radio commercials, one with 1-800-HURT-911 and the other with the 1-800-numeric number. [REDACTED]

[REDACTED] During a telephone conversation on 02/27/10 with Jerrold Parker of Parker & Waichman, LLP, the nationally-known asbestos litigation and personal injury law firm, Jerry said about their vanity phone number, "BIG-CASE increased our call volume 500%". I asked Jerry if I could quote him on that and he said "absolutely".

Why does your law office need 1-800-HURT-911 for advertising? Every once in awhile, a super powerful brand name like Google or 1-800-HURT-911 appears. Google became huge not only because their service was superior, but also because people like the name. The same is true about 1-800-HURT-911. People really like HURT911.

There are far fewer people hurt in an accident than are using a search engine, but that's exactly why a super powerful brand is so important for advertising. In the last few years, more and more law firms have discovered that personal injury advertising on TV is extremely lucrative! Money spent for attorney advertising on TV doubles every four years and there are now personal injury lawyers advertising with million-dollar budgets in almost every TV market. Branding is even important online. WebProNews noted that Yahoo research found that "63 percent of searchers could not be influenced while shopping online". WebProNews concluded "...searchers have made up their minds by the time they're ready to buy. But your business needs to have been there all along the way."

In an ABA article entitled 1-800-ADVOCACY Vanity Phone Numbers Make Your Advertising Less Forgettable by Laura Hodes, Dallas lawyer Robert A. Kraft who has local number 214-999-9999, said "If you have a great ad but people can't remember the number, it won't do much good." "I know / don't have a pen handy when I watch TV. Once they call it, they don't forget it." The article goes on to say, "Kraft believes his vanity number has been worth the expense because it keeps clients coming back, often years after their initial cases closed. Clients "see so many ads that it's tempting for them to call another law firm when they have a new problem—especially if they're having difficulty remembering your name and number," he says. "You want them to remember and call [you] before they see ads from another law firm, and

...having that number makes it easier." Laura Hodes said, "More obvious examples are phone numbers that spell out a message like 1-800-HURT-911, a toll-free number owned by New York lawyer Phil Franckel."

In an interview by Adam Hanft, President of the advertising agency Hanft Unlimited, with well-known Massachusetts attorney James Sokolove who has been advertising on TV since 1977, James Sokolove said that lawyer advertising has helped make people into smarter legal shoppers. Hanft quoted Sokolove as saying, "Twenty-five years ago it was enough to say 'free initial consultation, today, consumers are educated and lawyers are going to have to differentiate more."

With 1-800-HURT-911 you will stand out from the crowd with the most powerful 1-800 vanity number for lawyer advertising that creates a brand for your office that's not only appealing, easy to remember and easy to dial, but also dignified. That's important, because with the explosion of lawyer advertising, regulations are becoming far more restrictive. You need to stand out from the crowd and be remembered as the one lawyer to call when someone hurt in an accident needs to know their rights fast! With a memorable phone number like 1-800-HURT-911, people will remember how to call you. With experience in various businesses, TV production, advertising, and as a personal injury lawyer since 1989, Phillip Franckel really understands your law practice and how to make it successful!

What do you need to do? 1) Spend 30 minutes reading this page; 2) Call Phil Franckel at 1-888-505-5464; 3) Sign an agreement for your exclusive 1-800-HURT-911 territory; 4) Speak to potential clients who call you; and 5) Sign up cases!

What can we do for you? We can simply provide you with a great 1-800 vanity phone number or we can be your one stop shop for all your advertising needs. We can: 1) Buy TV media time on the best stations, shows and times for injury cases with InterMedia Advertising, the largest Direct Response advertising agency in the US; 2) Research all lawyers advertising on television in your TV market to determine which TV stations and programs competing lawyers advertise on, how many commercials they air per month on each TV station, and the amount they spend for each commercial; 3) Customize 1-800-HURT-911 TV commercials for your law firm; 4) Ship 1-800-HURT-911 TV commercials to each TV station; 5) Monitor your broadcasts; 6) Analyze results (InterMedia Advertising is the only agency that has Accutrak™ advertising/lead tracking software to track advertising with vanity phone numbers); 7) Customize 1-800-HURT-911 Radio commercials for your law firm; 8) Provide you with other advertising media proven to result in callers with serious injuries, some of which can only be revealed after you sign an agreement to advertise with 1-800-HURT-911; 9) Route 1-800-HURT-911 calls to your existing phone line; 10) Set up our proprietary call center software customized for your law firm (with your call center); 11) Provide you with a listing in the HURT911.org Attorney Directory for every county in your territory; and 12) Build several websites for your territory exclusively for your law firm.

Page Index (on left side of page)

### **Exclusive 1-800-HURT-911® Advertising Advantages:**

- 1-800-HURT-911 is the leading memorable 1-800 vanity telephone number for personal injury advertising that can get you 14 times more calls! (Read the



**article 800 VANITY NUMBERS TROUNCE NUMERIC TOLL-FREE'S, by ICB Toll Free News) (See the study of vanity phone numbers in advertising by Michael J. Motto Advertising).** With 1-800-HURT-911, people will remember how to call you, days, weeks and even months after seeing your advertising - **Hear a comparison. After spending \$100 million on TV advertising to successfully brand their name, the national law firm franchise Jacoby & Meyers advertises that they are "America's most familiar lawyers". Even the Beastie Boys know them. In their album, Paul's Boutique, the Beastie Boys boast that they've got more suits than Jacoby & Myers", but NO ONE knows their phone number!**

Dick Larkin, creator of [SmallBusinessCommandos.com](http://SmallBusinessCommandos.com), who runs Worldpages.com (bought by YellowBook™) and is a leading expert on yellow page advertising, says "The biggest sin in local advertising is using your company name as the headline for your ad." Branding a name is great for a lawyer's ego or selling a product in stores, but not if you want people to call you. If you want people to call you, they need to remember how to call you. **Adam Quenneville Roofing**, a company with more than 60 years of family experience, started using 1-800-NEW-ROOF from 800response in 2000. They said "When we answer the phones, we answer '1-800-NEW-ROOF,' and we use [the] vanity number in all our advertising so that customers will remember the number to call." According to the company, 1-800-NEW-ROOF has "probably doubled" their sales.

1-800-HURT-911 can **increase advertising results 299% and 5,672% over the cost of advertising with 1-800-HURT-911!** Consumers can't remember numeric phone numbers. The 1-800-HURT-911 vanity phone number is so easy to remember that prospective clients were calling even before advertising began! People incorrectly remembered other numbers they saw advertised on TV, as 1-800-HURT-911. The first caller who was hurt in an accident called only hours after 1-800-HURT-911 was first connected! I thought the caller was a friend playing a joke on me. When I asked him how he got my number, he said his wife saw it on TV, but I didn't have an ad on TV yet, and it was only the first day I had the number! It's one of the easiest numbers to remember due to familiarity with the fact that you call 911 when you're HURT. Forcing potential clients to look for your name in a yellow page book only gives them the opportunity to call the first lawyer they see. With 1-800-HURT-911 potential clients will remember how to call you and they will call you first, before going to the Yellow Pages.

- [REDACTED] with the implied built-in message, "When you're HURT in an accident, you need legal help FAST". The slogan used in our commercials to reinforce the message is, "When you're HURT in an accident, call 911, then call 1-800-HURT-911". Just ask 10 friends if they have seen 1-800-HURT-911 on TV. Even though it may not have been advertised in your market, everyone thinks they have heard of 1-800-HURT-911. Attorney Joseph Madalon said, "...after being on the air for only three (3) weeks, I am experiencing calls on days I don't even run the ads." With our optional call center software allowing you to return night and weekend calls fast, you'll live up to the promise of your brand.
- **1-800-HURT-911 has proven to be the dominant brand.** When a different vanity phone number using the word HURT is advertised at the same time, advertising with the competing phone number will result in calls to 1-800-HURT-911 because HURT-911 is easier to remember, seems more familiar and has greater

impact. In fact, on the *first day* I got the phone number, someone called saying they saw 1-800-HURT-911 on TV, before it was ever advertised! The caller saw a TV commercial with another number using the word HURT and dreamed up 1-800-HURT-911! People often remember information or an experience but attribute it to the wrong source. Misattribution occurs when a feature or benefit is too similar to a competitor's or when the presentation is less distinctive or has less mnemonic or emotional impact. 1-800-HURT-911 has more emotional impact than any other vanity phone number for personal injury lawyer advertising.

- **The 1-800-HURT-911 brand gives your law firm instant status and credibility** in the personal injury field, differentiates you from the competition, gives you a preferred position in the marketplace, lets you dominate your competitors, and spend less money on advertising. You may not be able to advertise that you are an expert or specialist, but when you advertise 1-800-HURT-911, callers know exactly what you do. 1-800-HURT-911 is also a brand that becomes your asset which you can resell when you retire (see below).
- **1-800-HURT-911 answers a need.** Potential injury clients look for a lawyer who can help them with their specific case. 1-800-HURT-911 tells them that you can answer that need.
- **[REDACTED]** One of HURT-911's most important features! 1-800-HURT-911 is to 1-800-LAWYERS as 1-800-MATTRESS is to 1-800-FURNITURE. If you only sell mattresses, 1-800-FURNITURE is too broad. If you only want personal injury cases, you want 1-800-HURT-911! You save you money, time, and aggravation because 1-800-HURT-911 is proven to attract ONLY callers hurt in an accident. You don't need expensive call center services to screen calls for you. Potential clients know to call YOU with their personal injury case because they already know your area of expertise. Because of the word HURT, callers assume you don't do anything else. Personal injury advertising with a broad generic vanity number like 1-800-LAWYERS can receive as many as 50% of calls for Landlord/Tenant problems, traffic tickets, low fee divorce, bankruptcy and other nuisance calls, wasting your time and money, even when the TV commercials only mention accident cases. These callers take up valuable time. Because they could be hurt in an accident tomorrow, you can't be rude and rush them off the phone. 1-800-HURT-911 is also ideal for advertising on the back cover or spine of yellow page books because those areas will result in a significant increase in calls, but without 1-800-HURT-911, your staff will be busy all day fielding calls unrelated to personal injury. If you have a multi discipline practice, you can advertise with 1-800-USLAW-911, a name with a national sounding brand, for 80% less than 1-800-HURT-911, starting at just \$3.00/month. A large market like Memphis with 30 counties is only \$267/month!
- **PROVEN RESULTS:** See Testimonials, below. Every lawyer has received a call on the first day of TV advertising, except one of the smallest TV markets which received a call on the second day. In Sacramento, (Jan 2007) a lawyer with a TV advertising budget of \$2,000 per week received 29 unique callers (33 total calls) in the first 3 days and signed 3 cases within the first three days. In Dallas, with a very large advertising budget, Attorney David Pickett received 1,944 calls and 2,036 calls in his first two months from TV, radio and billboards. Advertising only on TV in New York with a large advertising budget resulted in 1,000

calls/month even with over 80 competing lawyers advertising on television in New York. Even lawyers advertising with very small budgets are successfully competing against lawyers spending millions! Thomas R. Malia, Esq. said, "When I started the program I was down to less than 20 cases now the case load hovers around 100". 1-800-HURT-911 has proven to bring in more calls from one yellow page ad than from ads in two yellow page books without 1-800-HURT-911. 1-800-HURT-911 TV commercials have been tested, proven successful and are in use in several markets, including New York where I use them myself!

- **Advertising with Inexpensive Late Night & Weekend TV Spots.** TV commercials costing only \$2 to \$15 per commercial in most markets (see an actual TV schedule with costs), is finally possible and easier than ever with our free proprietary call center software with Serious Injury Alert® technology (see below under Benefits) which will send sophisticated call reports to you, wherever you are, when your office is closed. Most lawyers advertise only on weekday daytime TV because of their inability to answer calls after office hours. Now, you can advertise during the times when most accidents occur, there is less competition and you can sign up the case *before* another lawyer. A lawyer advertising with 1-800-HURT-911 signed up 20 cases in two months spending only \$1,400/month for overnight advertising, even though he is competing against lawyers spending millions in a small market!
- **Use Less Expensive 10 Second TV Commercials.** 1-800-HURT-911 is so easy to remember that you can use less expensive 10 second commercials which result in more calls per dollar than 30 second commercials because you get twice the frequency, doubling the chance that someone with a serious injury will see your commercial! (see an actual TV schedule with costs). If you don't use a 1-800 vanity phone number, you can't use 10 second commercials. (30 second commercials should also be used to accomplish better branding.)
- **Advertise on Radio with Results!** If you're thinking of advertising on radio, you **NEED** 1-800-HURT-911. With radio advertising, using 1-800-HURT-911 can result in 14 times more calls than advertising a 1-800 numeric number (See a study of vanity phone numbers in radio advertising). Which can you remember after a 30 second radio commercial? 1-800-487-8911 or 1-800-HURT-911. Hear the difference with these customized radio commercials decide to bring in *high-value cases with fast cash flow*. Of course, you get to use these radio commercials for free.
- **Advertise on Billboards with Results!** If you're thinking of advertising on billboards, you **NEED** 1-800-HURT-911. Billboards substantially increase the effectiveness of TV and radio commercials, but without an easy to remember vanity number, you will NOT get *any* calls from billboards! Advertising 1-800-HURT-911 has proven to result in enough calls coming directly from billboards to pay for the billboards! Which can you remember after passing a billboard at 65 mph? 1-800-487-8911 or 1-800-HURT-911.
- **Advertise in the Yellow Pages with Results!** We'll even give you a custom yellow page ad for free! The ABA Commission on Advertising reported that "Nearly a third of firms advertising in the Yellow Pages do no better than break even." This means two things: 2/3 of lawyers are making money from Yellow Page advertising and your advertising must stand out from the rest. One of our

lawyers who is advertising only in the Yellow Pages said, "...right now we are just so snowed under with work (some of it the result of our ad [yellow page ads with 1-800-HURT-911]) that we don't have time to get the TV advertising together. There are two phone books in town. We dropped our ad in one and went with the back cover on the other [advertising 1-800-HURT-911] and we have had a noticeable increase in the number of calls." You can see the yellow page ad below.

- **Displaying 1-800-HURT-911 in the title of online advertising will increase click throughs and can result in calls without paying for the click.**
- **Advertise in Magazines with Results!** Magazine advertising in New York has been very successful, bringing in far fewer cases than TV, but almost all of which have been six-figure cases resulting in the highest ROI. I will tell you which magazines to advertise in and even provide you with free advertising copy.
- **Increase Referrals!** Thomas R. Malia, Esq. said, "it was a good year for referrals. I believe that the HURT-911 advertising was a significant factor in the dramatic increase in referrals, up over 500%. Old clients, friends, etc. became more aware of what I do indirectly through the HURT-911 advertising." See Testimonials, below.
- **Spanish-speaking people can easily spell HURT!** It's one of the first words they learn as a child, but even some English speaking people don't know how to spell attorney or lawyer. People from both South America and Puerto Rico know the word HURT. You can strengthen your branding by advertising only one vanity phone number. We now have 6 TV commercials in Spanish.
- 1-800-HURT-911 is easy to dial, because it only has 4 letters.
- **You need a memorable 1-800 vanity phone number that will not violate ethical** An ABA Journal article Vanity Phone Numbers Make Your Advertising Less Forgettable by Laura Hodes shows why a memorable 1-800 vanity telephone number is important for lawyer advertising. Laura Hodes wrote, "More obvious examples [of vanity phone numbers] are phone numbers that spell out a message like 1-800-HURT-911. Her article goes on to show how some other vanity phone numbers, like ones using the word WIN, may violate ethics by making an unsubstantiated claim or creating an unjustified expectation. Numbers like 1-800-LEADING, 1-800-RESULTS, 1-800-SUPER-LAW, 1-800-I-WILL-WIN, 1-800-I-WIN-LAW, 1-800-MILLION or any number that implies a result will likely violate ethics rules. 800-I-CAN-WIN is a good choice because it does not imply that everyone wins. The NHBA Ethics Committee wrote that a lawyer who is advertising that he is a member of the "Million Dollar Advocates Forum" violates Rules 7.(b) and 7.1(c). In Examples of Non-Complying Ads (see 3rd example), The Florida Bar states that the phone number 1-800-TOP-ATTY characterizes the quality of legal services and therefore violates Rule 4-7.2(b)(1)(B). The Florida Bar (probably toughest in the US) successfully stopped a lawyer from advertising 1-800-PIT-BULL, but approved 1-800-HURT-911. Even participating in a group advertising campaign that uses a number with a problem word could subject the lawyer to discipline. The lawyer, not the advertising service is subject to to discipline.
- **VERY LARGE EXCLUSIVE territory** covering your entire broadcast TV market

**eliminates risk three ways!** See a map of *your* exclusive territory: US territories Canada territories (maps courtesy of 1-800-TRUCK-ADS®) or see the US TV markets Designated Market Areas (FCC). See the cost of a 1-800-HURT-911 license fee.

1) No one else gives such large territories which are necessary for cost-effective advertising on TV. Other vanity phone number providers license their numbers by county usually for \$250 or more per county. With 1-800-HURT-911, the Columbus, Ohio territory includes 20 counties and Jackson Mississippi includes 25 counties. That's only \$26.64 per month per county! You save a fortune, providing you with a very low cost per case.

2) To advertise in a territory smaller than what we give you, you would have to buy local cable TV at rates that initially seem cheap, but because cable markets are so small, reaching so few people, the rate results in a very high per capita cost with a cost per call that is as much as 10 times higher than regular TV. Other local media results in even higher per capita advertising costs than cable TV. Cable TV is like buying a 1lb package of hamburger meat at the supermarket for \$4.89/lb whereas regular TV is like buying a 6lb package at Costco at \$2.19/lb for a total of \$13.14.

3) Group lawyer advertising takes advantage of less expensive per capita costs by advertising on broadcast TV, but shares the cost and calls among several lawyers. Sharing calls with other lawyers in a large broadcast TV market is like buying a lottery ticket because it is not possible to equally distribute cases.

A) Small exclusive territories consisting of only a few zip codes result in unequal call distribution both in the number of calls and the quality of calls. Some of these territories are very good, while some are mediocre and others perform very poorly. What makes a good territory in a group lawyer advertising campaign? Low income or blue-collar communities and territories with hospitals (people in affluent neighborhoods usually know a lawyer and no one is watching TV in business or industrial areas). Lawyers with good territories will never give them up, while the other territories are given up after the contract period and resold over and over again, subsidizing the other lawyers.

B) Distributing calls sequentially among several lawyers in a small territory such as a county, will also result in an unequal number of calls being received by lawyers because some counties are very good while others are not.

- **Lowest-Cost Media Buying:** (see an actual TV schedule with costs) HURT911® can provide full advertising agency services and media buying together with Inter/Media Advertising, the largest Direct Response advertising agency in the US. I will consult with Inter/Media Advertising to help manage your advertising campaign. Inter/Media Advertising has been able to save lawyers 30% and more which will more than pay for the cost of advertising with 1-800-HURT-911. In fact, Inter/Media Advertising is so large that their huge buying power lets them buy media time cheap enough to sell to other advertising agencies! With HURT911®, you can buy direct from Inter/Media Advertising without middleman markups. Some of Inter/Media Advertising's clients are Ditech.com, US Army, TransUnion's Truelink, Vonage, Clorox, Public Storage, Hollywood 48 Hour Diet, and the Law Office of Ronnie Deutch (tax law). Read Response Magazine's article about Inter/Media Advertising. Inter/Media's size not only allows you to buy TV time at the best price, but also provides valuable services such as researching where the competition is advertising, how much they're spending on each station in your market and Accutrak™ proprietary advertising/lead tracking software to track advertising with vanity phone numbers.

- You can use your own advertising agency or we can recommend one. If your law firm advertising is currently managed by an advertising agency, you can continue with your advertising agency and I will set up telephone routing and ship the commercials or you can just use 1-800-HURT-911 in your existing commercials. If you're lucky enough to have an in-house media director, as some of our clients have, we can provide anything your media director wants. We currently have several law firms with their own advertising agency or in-house media director. If you need an advertising agency, we can recommend one.
- We make lawyer advertising *EASY!* The only thing that isn't easy is reading this page (which tells you everything you want to know and is well worth 30 minutes of your time), so call Phil Franckel at 1-888-505-5464 now!

### Exclusive 1-800-HURT-911® Advertising Benefits:

- The only complete advertising program specifically for personal injury lawyers that gives you valuable free services you need for a successful advertising campaign! 1-800-HURT-911 isn't just a great toll free vanity number!
- Short 30 Day Renewable Term! You can cancel your next 30 day term for any reason with 30 days notice but we're only looking for long term relationships.
- Automatic renewal lets you keep your territory for as long as you want without worrying about having to take action to renew.
- You pay the actual cost of telephone calls. The telephone company currently charges only \$0.05/min + taxes with 1 second rounding plus \$10/month service charge.
- Keep 100% of your legal fees! We are not your partner. You only pay for advertising and the license fee.
- **NEW** Your valuable right to advertise 1-800-HURT-911 in your territory is assignable without paying any additional fee. As you build your 1-800-HURT-911 brand, it becomes your brand, your valuable asset which you can resell at any time, with or without your law practice (lawyers already licensed can now also take advantage of this right). You can resell your territory without any fees and keep 100% of the profit from your branding. Why build someone else's brand? I got the idea to allow transfers because an attorney told me he was considering buying a competing phone number with a \$5,600 monthly lease for \$500,000! How much will your brand be worth?
- **NEW** Purchase your territory with a discounted single payment. 8 out of 210 U.S. territories have been sold.

Take advantage of an exclusive 1-800-HURT-911 territory that gives you an immediate and permanent competitive edge. Hurry, because there are only 210 U.S. territories and once your territory is gone, it's gone!

See a map of your exclusive 1-800-HURT-911 territory:



US territories Canada territories  
(maps courtesy of 1-800-TRUCK-ADS®)

- **You decide your own advertising budget!** We can make recommendations, but it's your exclusive advertising campaign and your budget. If you want a slow month, that's your decision.
- **You can eliminate your advertising expenses by putting together a group of lawyers for advertising and instead of charging an "agency" fee, simply keep a percentage of calls or a geographic area for yourself.** For instance, you get five lawyers to contribute \$3,000 per month for a total of \$15,000 per month towards advertising and every lawyer including you, receives 1/6 of the phone calls or each lawyer can take different geographic areas. Or, just share the advertising budget and calls with another lawyer. You can even have an agreement with another lawyer to refer out the smaller cases.
- **Great ethical TV commercials with English & Spanish versions** in 10, 15, 30 & 60 second lengths which you can use for free! We'll even customize them to include your name in the audio and graphics for free! 1-800-HURT-911 TV commercials have been tested, proven successful and are in use in several markets, including New York where I use them myself! You can see 1-800-HURT-911 TV commercials below. Many other lawyer commercials violate ethics. Some are minor and many have very major violations. Don't use TV commercials that can jeopardize your license! 1-800-HURT-911 TV commercials are very conservative, but have great appeal and have been approved in NY by a renowned ethics lawyer.
- **1-800-HURT-911 TV commercials can be personalized for your law firm.** We customize the graphics and rerecord the audio track to include your name. The name of your law firm appearing as a graphic at the end of the commercial can be large or small. Some law firms prefer their name large, while some law firms doing defense work prefer to minimize their name.
- **NO up front fees! NO installation fee, NO termination fees, NO telephone bill mark up!** You have to wonder if it really works when competitors need hefty annual fees up front to lock you in! Some lawyer advertising groups charge as much as \$20,000, \$30,000 or more up front every year in addition to your monthly fee. Not us! We know the HURT911® personal injury advertising program works! Don't get locked into unsuccessful media campaigns!
- **1-800-HURT-911 is the best value available,** even without all the free services we provide! Fees are economically, fairly and sensibly priced for your market! Fees are structured by the number of households in your TV market. If you're going to advertise on TV, you need the entire TV broadcast market for your territory. With a TV market like Memphis which includes 30 counties, 1-800-HURT-911 is only \$1,339 per month for all 30 counties in Memphis. That's only \$44.63 per county per month. Competing vanity phone numbers costing

**\$250/county per month would cost you \$7,500 per month for all 30 counties and they don't give you anything else other than a phone number! One advertising agency specializing in attorney advertising requires you to pay a base fee of \$229.95 per month for a 1-800 numeric number that doesn't spell anything! We have never increased our fees and don't plan to, but we guarantee a 3% annual cap, when other companies guarantee a 10% annual cap.**

- **Unique username and password to log in on the internet and see real-time up-to-the-minute detailed call records 24 hrs/day. No one else can see your call records. You will receive an e-mail report of your calls and you can even listen to a recording of all your calls. All of this is included at no extra charge. Origination and destination phone numbers were blanked out in this example (actual call results are much larger).**



07/25/08 07:47:02 616847	231	GRAND RAPIDS MI	49503	KENT	1-800-HURT-911	0.47
07/25/08 08:08:06 616847	231	GRAND RAPIDS MI	49503	KENT	1-800-HURT-911	0.02
07/25/08 08:08:19 616847	231	GRAND RAPIDS MI	49503	KENT	1-800-HURT-911	0.02
07/25/08 08:08:30 616847	231	GRAND RAPIDS MI	49503	KENT	1-800-HURT-911	0.13
07/25/08 08:09:00 616847	231	GRAND RAPIDS MI	49503	KENT	1-800-HURT-911	10.73
07/25/08 14:59:37 616847	616	GRAND RAPIDS MI	49501	KENT	1-800-HURT-911	1.49
07/25/08 19:26:12 616847	2887	COVERT MI	49943	VAN BUREN	1-800-HURT-911	1.00


- **Receive calls directly in your office!** All calls ring directly in your office on your existing phone lines. When you answer the phone, you can choose to hear "HURT911 call"; callers can hear "HURT911, please hold a moment while you are connected to a lawyer". When you leave your office, simply your calls to a call center. Most call centers can either connect live callers directly to you, and/or can instantly notify you by PDA, fax and e-mail using our specialized software.
- **Specialized proprietary call center software, using our Serious Injury Alert® technology, lets you return night & weekend calls Fast, as the 1-800-HURT-911 brand implies. Finally, you can take advantage of very inexpensive overnight TV advertising which costs only \$2 to \$15 per commercial in most markets! Now, with a reliable method of receiving call notifications, you can also take advantage of 24-hour media such as radio, billboards, Yellow Pages, small inexpensive newspaper classified ads, newsletters, our biker T-shirts, magazines, giveaways, and other even more successful media I can't mention here. Our sophisticated call center software turns our call-center operators into instant lawyers and doctors. Simply forward your overnight and weekend calls to our specialized call center which can give priority to HURT911® calls. Operators quickly answer calls entering accident and injury information into our software which analyzes the caller's information and lets you know if the caller has a soft tissue injury or a serious injury (it can make a medical diagnosis) and will instantly alert you by PDA, fax & email sending you a call report with one of the following subject lines: "Serious Injury Alert® from 1-800-HURT-911", "New Client Call From 1-800-HURT-911" (soft tissue case), or "Incomplete Call From 1-800-HURT-911". In addition to accident and injury information, our software will capture the caller's name, phone numbers, hospital phone and room number, caller ID information and much more. Each report can be custom routed to various lawyers in your office. You can even use our software when answering calls in your own office!**
- **HURT911® Attorney Directory:** Included in the license fee is an *exclusive* listing for your law firm in every county in your territory at the HURT911® Attorney




**Directory.** An exclusive attorney listing for every type of personal injury case in a territory with so many counties could cost you \$100,000 per year or more in another attorney directory. Other attorney directories list many lawyers in small territories and divide personal injury into many categories. One directory places six featured lawyers at the top of each listing with an unlimited number of lawyers below that. It has 10 different fields for personal injury such as Auto/Trucking Accident, Brain Injury, Personal Injury, etc. That's like having to buy positions in 10 yellow page books!

HURT911® is the largest Accident & Injury Research web site which receives thousands of unique visitors every month with annual growth of over 300% and valuable research for anyone HURT in an accident. The website is addressable at HURT911.org, 1800HURT911.com and over 100 website names. To see what your exclusive listing will look like, click New York on the Attorney Directory map and click on Bronx or see an attorney listing here. HURT911.org builds a substantial professional image in the consumer's mind because of its professional look, hundreds of pages of free research and easy navigation. While the number of cases signed up from the internet is a tiny fraction of that obtained from TV, I have signed up quite a few good cases from the web site.

- **Exclusive websites for your law firm:** When you advertise with 1-800-HURT-911, we will build custom websites exclusively for your law firm, designed to be found by people in your territory looking to find a personal injury lawyer. Listings at up to 16 lawyer directories such as legal directory, lawyer directory and law firm directory help get your sites to the top fast. Search engine optimization provided by Top 10 Google Results.
-  We accept all credit cards.
-  Pay for 11 months and get 12 months.

**CALL NOW!** Territories are exclusive to only one law firm advertising per TV broadcast market, on a first-come-first-serve basis, so availability is limited! For information on 1-800-HURT-911, the country's most successful Lawyer Advertising Program, call Phil Franckel, Esq. on my personal number 1-888-505-5464 including Sat & Sun 8:30am - Midnight (Eastern Time) or email for more information: HURT911® 

. Advertising agencies welcome. Ask about our No Risk Agency Contract which locks in clients and our commission structure. Partner with 1-800-HURT-911® We're Looking for Investors

Page Index (on left side of page)

## What Lawyers Say About Advertising with 1-800-HURT-911:

Most testimonials were taken from emails to HURT911®. Copies and contact info can

be provided on request.

First, a funny story. The name of the lawyer is omitted, because the name of the client is real. A lawyer who just started advertising with 1-800-HURT-911 called to tell me about their first call. The call came in after office hours, went to the call-center and a report was sent out to one of the lawyers at the law firm. The lawyer who received the report was sure it was a joke. Thinking another lawyer saw the advertising and called 1-800-HURT-911 as a joke, she almost didn't return the call, but later she decided to call and see who was playing a joke. She found out that it was a real caller with a good case, which they promptly signed up. Why did she think that their first call to 1-800-HURT-911 was a joke? The caller's name is Ida M. Hurt!

Eiman Sharmin "I feel very lucky to have you as a business advisor and a friend."

Shaun Woodburn "We just went on the air today in Orlando area! We already got some calls!"

Phil Franckel I was at the customer service counter of Lowes today and the girl at the counter said hi Mr. HURT911. She reminded me that she was working in the blind department when I purchased blinds for my house. That was three years ago!

Kevin C. "Phil, Your guarantee holds true. Ran the first TV ads today, got the first auto call, signing it up. I'm running the re-dubbed delay/deny 30's and 15's for now, been to the studio to shoot local version and Oscar is doing post production. We'll get you a copy. Thanks for everything, Kevin."

Phil Franckel I can even provide my own testimonials! I received a call from the father of a previous client. My former client had been in another accident and is now a quadriplegic on a ventilator with a tracheotomy and cannot speak. She has been communicating by using an alphabetic chart and looking up or blinking her eyes to indicate "yes". Her father asked her if she remembered the phone number of the lawyer who represented her and she indicated that she did. Using the chart, she spelled 1-800-HURT-911. Her father called and I am now representing her. This shows the importance of having a phone number that is easily remembered.

Kevin M. told me he was so happy that I could write any testimonial I would like and he will sign it. On 07-10-08, KBM sent an e-mail to Kevin Szymanski, VP at InterMedia Advertising when the TV schedule was adjusted after a shotgun approach to see what works best. He wrote "Kevin: Yeah, the volume is really slammin since you switched the scheme. The first run (two weeks in May) was very sketchy, but the subsequent weeks have been very good and we are starting to get some takers. I put a check in the mail yesterday... and whatever you're doing, keep it the same. Thanks so much for the follow-up and also the run reports we recently received from you. Thanks, KBM"

Irving Solnik (Canada) "Thanks for the referral. Its been long time since we communicated and each year my billings have tripled yearly. I have about 6000 blogs floating around according to Google's statistics and created a website last year which I now in the process of revamping. I trust you are well and glance at your website frequently. Would appreciate any ideas or thoughts because you are obviously the best business getter I have met. My website is [www.irvingsolnik.com](http://www.irvingsolnik.com) and if you want to see some of my blogs go to google and type in Irving solnik lawyer or [irvingsolniktorontolawyer](http://irvingsolniktorontolawyer). Kindest regards, Irving"

Jonathan H. 10-17-07. This is the second direct comparison of 1-800-HURT-911 versus advertising another phone number (the first was Rochester, NY). Lawyer JH continued using the same TV commercials on the same TV station but substituted 1-800-HURT-911 in place of his own vanity phone number. He was advertising in a very small market with well-made TV commercials and his own vanity phone number, but did not receive any phone calls. He was eager to try using 1-800-HURT-911 in his commercials, but wasn't really sure it would make a difference. On his fourth day of advertising 1-800-HURT-911, he sent an e-mail saying, "By the way, 3 calls this week and 2 cases signed." "I was on 9 days without Hurt911. During that time, I got a call on day 5, but it was not a case. We started Hurt911 last Friday. I did not get any calls that day. I got a call on Monday which turned into a case sign up. I do not believe I got any calls Tuesday. Yesterday which was Wednesday, I got two calls, at the same moment, and one was a case which I am signing up. If the phone keeps ringing this week, I would definitely say your number out performs the other number I was using."

QC 10-11-07. I saw that this lawyer, who recently signed up, had two calls which I asked him about because his TV advertising campaign had not yet begun. He said that he started a pay per click advertising campaign. He said "another was a case we retained. the lady's friend had seen a pay per click adword campaign I had made." When a person sees 1-800-HURT-911 in a pay per click ad and then tells a friend to call 1-800-HURT-911, that's instantaneous branding!

Miami 04-30-07 - Joseph Madalon, Esq., "I have advertised before as an individual lawyer and thought I was successful. Your program has altered my definition of success. In fact after being on the air for only three (3) weeks, I am experiencing calls on days I don't even run the ads. Imagine 150 calls in three weeks. That is success." (Joseph's phone number is available upon request)

Sacramento Jan 2007 - a lawyer with a TV advertising budget of \$9,900 for the month received 29 unique callers (33 total calls) and signed 3 cases within the 3 days; 154 unique callers and signed 12 cases within the 27 days.

Rochester NY - Thomas R. Malia, Esq. (Thomas' caseload declined to less than 20 cases due to heavy advertising by three other law firms. He tried advertising on TV before finding 1-800-HURT-911 but didn't receive even one phone call! This is what he said *after* advertising with 1-800-HURT-911):

01-11-06: "I have picked up about 20 cases in the past two months... My budget for the whole month was only \$1,400."

02-25-06: "This past year has been successful using 1-800-HURT-911 as I have been able to replenish the stock of cases in my file cabinets. When I started the program I was down to less than 20 cases now the case load hovers around 100 with at least 50-60 attributable to HURT-911 and the balance to referrals (it was a good year for referrals). I believe that the HURT-911 advertising was a significant factor in the dramatic increase in referrals, up over 500%. Old clients, friends, etc. became more aware of what I do indirectly through the HURT-911 advertising."

Capps & Associates: [At the end of the first 5 days of advertising] "The phones did not ring as much as we had hoped, but we did get a couple of cases that we think are going to be pretty good."

John Gibson wrote, "We had a firm meeting last week where we discussed TV advertising. We plan on beginning TV advertising in the coming months. However, right now we are just so snowed under with work (some of it the result of our yellow

page ad with 1-800-HURT-911) that we don't have time to get the TV advertising together. There are two phone books in town. We dropped our ad in one and went with the back cover on the other [advertising 1-800-HURT-911] and we have had a noticeable increase in the number of calls." With multiple offices serving 16 different locations in the state, Gibson Carver wants to expand their advertising and has requested a right of first refusal to advertise 1-800-HURT-911 in the TV markets throughout their state.

Emmett Robinson, Esq. said, "I signed up with 1-800-HURT-911 because after looking at the web site and reading about advertising with 1-800-HURT-911, I thought this is amazing and Phil Franckel's ideas are on the cutting edge." 05-24-06: "Phil, Always good to talk with you. I learn something from you each time we talk. This is where you beat your competition -- they can't compare with your personalized service and support."

Rachel Hanna, Esq.:

08-25-05: "I love your commercials, glad to hear I will be able to use the latest and greatest as they emerge. Indeed, my market is very, very small. However, I think HURT911 will have as large an impact as possible in P/I around here.

Jan 2006 (by phone): I spoke with another lawyer who is advertising here and I am signing twice as many cases as he is, so I'm very happy with how 1-800-HURT-911 is working."

Robert Plevy, Esq.: "Since 1-800-HURT-911 rings into three phone lines in my office, I ask new callers to call back on my regular 1-800 number to keep the HURT911 lines free, however several of them refuse because 1-800-HURT-911 is easier to remember. No matter how many times I asked them, they keep calling 1-800-HURT-911." "One client said, My mother wanted me to call Johnnie Cochran, but I knew he wouldn't personally handle my case. I liked your commercial, so I called 1-800-HURT-911." "Other clients also said they called because they liked the commercials or because they liked the 1-800-HURT-911 phone number." "Two noticeable differences with 1-800-HURT-911 is that I have signed up cases with serious injuries when teenagers called 1-800-HURT-911. I have six years of experience handling cases from advertising with another vanity number and never received a call from a teenager. The other noticeable difference is that during a year of advertising, I only received one call that was unrelated to personal injury."

Donald Green, Esq.: "It was a pleasure speaking with you last night. I am extremely interested in establishing a greater market presence with a recognizable name like 1-800-HURT-911. My plan is to recruit up to half a dozen other solo or small firms to partner in this venture." "I've decided to give it a shot on my own without additional attorneys / firms."

Ed Smith, Esq.: "I like the way the software [call-center software for after-hours calls] works... Great idea... Very well thought out..."

Andrew Hillman, Director of Advertising for David Pickett, Esq. said "1-800-HURT-911 is awesome. It brought in two thousand calls per month in our first two months!" It's "cleaner" than other numbers, because only accident victims call 1-800-HURT-911, while other numbers he used, brought in many annoying calls such as callers with landlord and tenant problems.

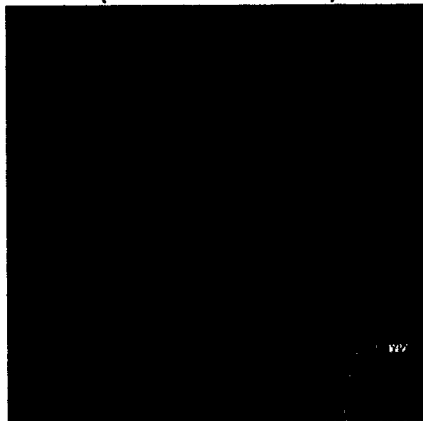
Pasquale Calcagno, Esq.: (One of the group advertising members in NY) Dec 2003: "As you know, I recently left a defense firm and started a brand new solo practice.

"Because I signed so many cases with 1-800-HURT-911, I had to hire a paralegal." Jan 10, 2007: "1-800-HURT-911 has paid for itself hundreds of times! I just settled a case for \$1.4 million and I'm still settling cases from four years ago."

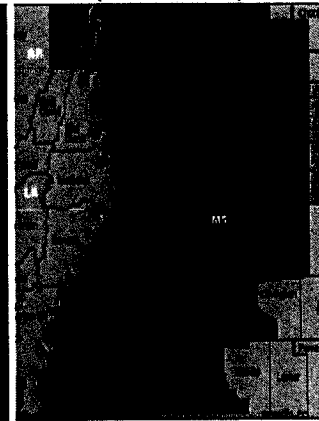
Marc B. (One of the group advertising members in NY) "I participated in another group lawyer advertising campaign with a territory in the Bronx, but never got one case after a year of advertising. With 1-800-HURT-911, I signed 5-6 cases per month! Philip Franckel always makes every effort to ensure the success of all of the lawyers in the HURT911 advertising campaign."

## Exclusive 1-800-HURT-911 advertising territories

Columbus, OH  
(20 counties in blue)



Jackson, MS  
(24 counties)



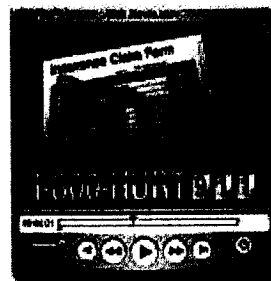
Don't settle for a small territory shared with other lawyers!  
1-800-HURT-911 territories consist of the entire TV broadcast market you need.

See a map of your exclusive 1-800-HURT-911 territory

US territories Canada territories  
(maps courtesy of 1-800-TRUCK-ADS®)

## 1-800-HURT-911 MEDIA FOR PERSONAL INJURY ADVERTISING

### TV Commercials



## RADIO Commercials

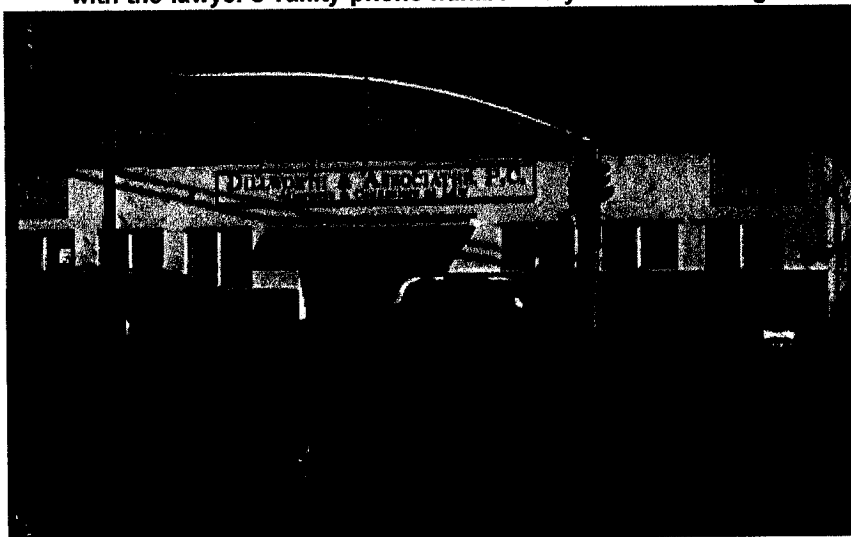


We will rerecord the audio with your name.  
These radio spots will get you *high value cases with fast cash flow!*

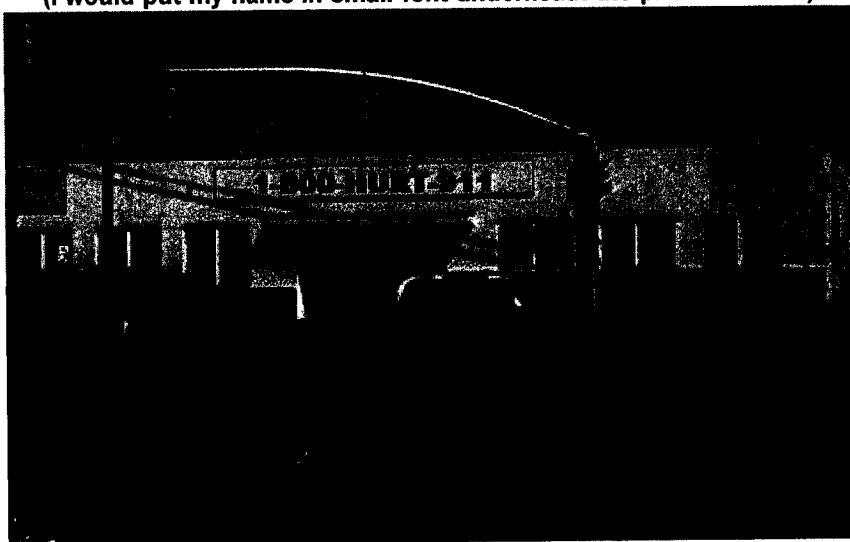
## Law Office Signs

Fire Your Landlord & Build Equity  
A Free Billboard Will Pay For Your Building!

The image below shows the actual sign  
with the lawyer's vanity phone number very small on the right



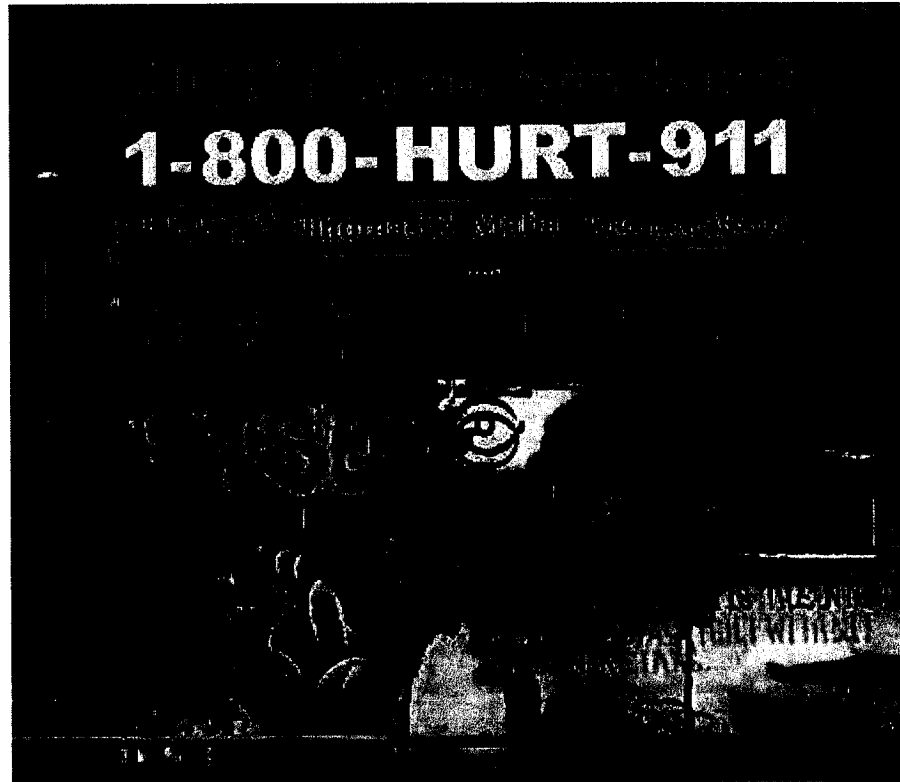
The image below shows the proper way to display your vanity phone number  
(I would put my name in small font underneath the phone number)



**To Increase Results from Advertising on TV,  
Put a Billboard on Your Highway  
But make sure you use a vanity phone number!**

Clear Channel wrote in their "Media Audit", "Things you should consider about Outdoor Advertising",  
Brevity: The very nature of outdoor advertising demands that the commercial message be brief and  
relatively simple. Billboard companies generally recommended no more than seven words on a  
billboard, or people speeding by will not have time to read the message."

**Which can you remember after 3 seconds at 65 mph?  
1-800-487-8911 or 1-800-HURT-911**

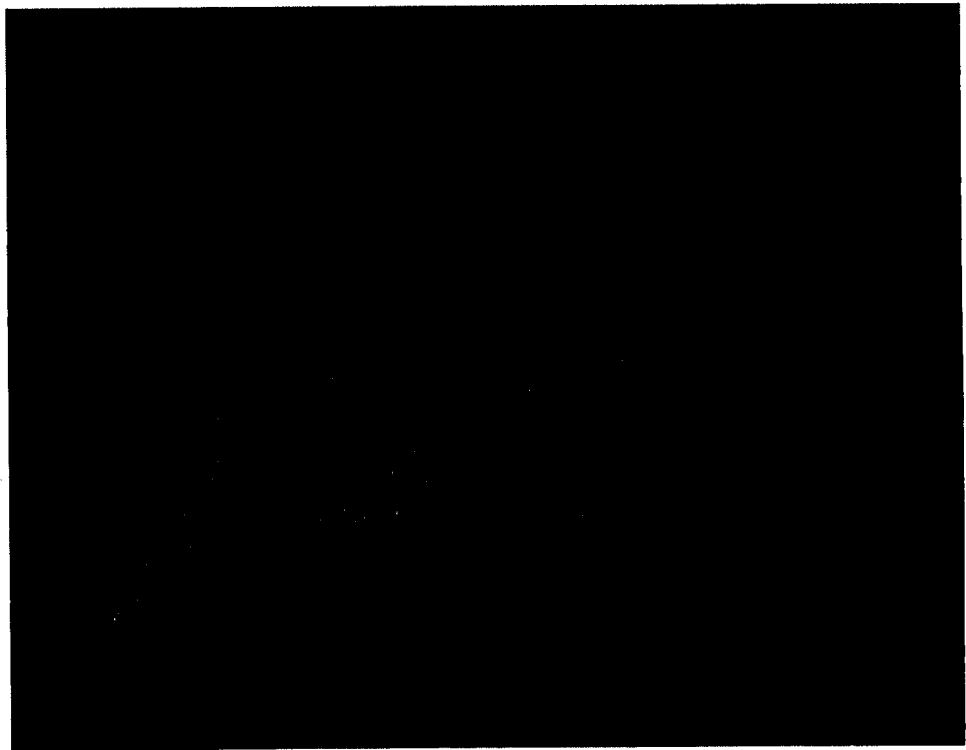


**Can you get this message speeding by?  
14' x 48' billboard facing highway. 1-800-HURT-911 is 6' high  
See More Billboards**

**Adopt a Highway**  
(simulation)



## Jumbotron



**JumboTron ad at Frontier Field July 23 2005 Latino Day  
100 tickets were given to Latino families with 1-800-HURT-911 advertised on the tickets**

## Truck Billboard for Personal Injury Advertising

**24' wide x 8' high (simulation)**

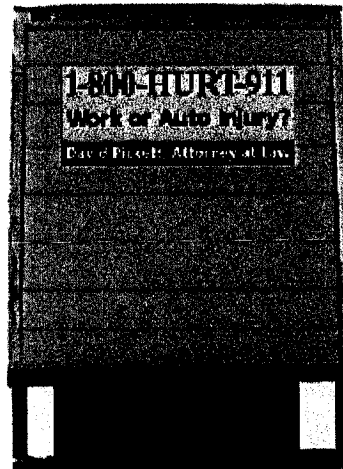




Check out 1-800-TRUCK-ADS © mobile billboards

## Tail Gate Truck Billboard for Personal Injury Advertising

(simulation)



## Advertising at the DMV

(simulation)



Advertise 1-800-HURT-911 at your DMV! The Motor Vehicle Network has been entertaining motor vehicle customers for over 15 years with electronic LED signs. Customers can wait from 30 minutes to over an hour at DMV offices, seeing 1-800-HURT-911 over and over with entertaining news stories. At inexpensive monthly rates, their electronic news signs will brand 1-800-HURT-911 with the people you want to reach, so they will remember how to call you. Your advertisement could read: When you're HURT in an accident call 911, then call 1-800-HURT-911 and speak directly to Attorney Jane Lawyer to find out your rights Fast! To advertise at your DMV, call Richard Monahan at 1-800-922-9933.

## Newspaper Classified ad

(simulation)

Divorce, Legal Separation  
714-283-5555

**HURT in an accident?**

**1-800-HURT-911**

Attorney Philip L. Franckel

Bankruptcy (Chapter 7)  
714-283-5325

## Yellow Page Ads

Dick Larkin, nationally known for Yellow Page ad design, says don't use your business name as your Yellow Page headline!

Dick says:

Develop a Powerful Headline &  
Target a Very Specific Audience

Read more [here](#)

1-800-HURT-911 does all that!

*Local Lawyers Working for You*

# 1-800-HURT911

*Call Anytime Day or Night  
The Call is Free The Information is Priceless*

**Know Your Rights & What They're Worth**

### Accident Central

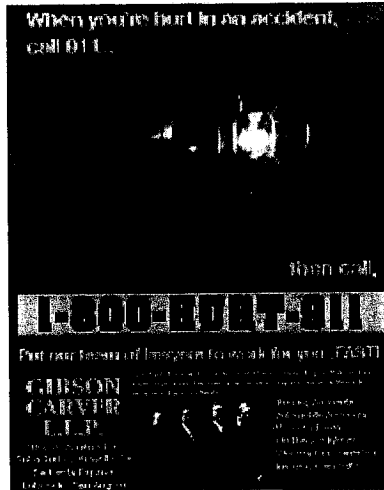
- Automobile, Tractor Truck, & Motorcycle Accidents
- Medical Bills, Property Damage, Lost Income, & Pain and Suffering
- We'll Explain Your Rights & the Rights of Your Loved Ones—FREE
- Get the Money You Deserve
- Don't Let the Insurance Company Delay or Deny Your Claim
- Don't Fill Out Any Forms—We'll Fill Them Out For You
- If We Don't Win—You Don't Pay

Put McDaniel & Wells to work for you...NOW!

**MCDANIEL & WELLS, P.A.**  
ATTORNEYS

When You're Hurt In an Accident Call 911  
**Then Call 1-800-HURT-911**

870-932-5950



**1-800-HURT-911 is Powerful**

**1-800-HURT-911 targets a specific audience**

**1-800-HURT-911 tells your audience what you do**

**Free Custom designed Yellow Page ad for your law firm!**

John Gibson wrote, "We had a firm meeting last week where we discussed TV advertising. We plan on beginning TV advertising in the coming months. However, right now we are just so snowed under with work (some of it the result of our yellow page ad with 1-800-HURT-911) that we don't have time to get the TV advertising together. There are two phone books in town. We dropped our ad in one and went with the back cover on the other and we have had a noticeable increase in the number of calls."

Tip: The back cover of the yellow pages will substantially increase calls, but will result in calls for divorce, bankruptcy, etc. from clients who do not have money to pay legal fees. Because these people could have a serious injury in the future, you can't be rude and these calls take up the valuable time of you and your staff! 1-800-HURT-911 on the back cover will result only in calls for injury cases!

**With an Online Yellow Page Advertisement  
you will get free calls when people call instead of  
clicking!**

atching Categories → Attorneys (Results 1 - 22 of 1577)

Yellow Pages - Advertisers

Previous | Next

Display Options:

Show in Rochester NY only

Within select distance

On a Map

Lawonline Connects You to a Local Injury Lawyer
Injured? Time may be running out. Speak to an Injury Lawyer about your case. Free service!
www.lawonline.com

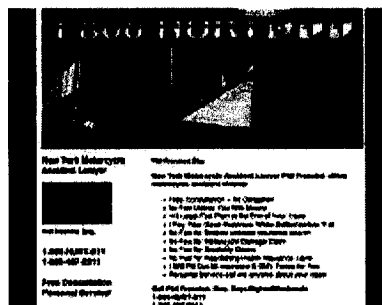
Hurt in A Car
Call William Mattar...Free Call 24 Hours
http://www.1-800-7-MATTAR.com

HURT in an accident? 1-800-HURT-911
Speak to Attorney Thomas Malia at 1-800-HURT-911 to find out your rights Fast. Free consultation, no obligation, legal fee at end of case. Call 7 days
www.1-800-HURT-911.com

Injured? Contact a Local Injury Attorney
Our free service will help you contact a local injury attorney to discuss your injury. No cost or obligation.

Websites advertise 1-800-HURT-911 for Your Law Office

Websites exclusively for you, designed for local searches!



Attorney Marketing Products from HURT911®

Greeting Cards

David Chester, Esq. mentioned that he had 15 offices in Ohio but never advertised on TV or radio! I asked him how he grew to 15 offices without advertising and he said he grew just by mailing birthday cards to current and former clients. But he was doing it the old-fashioned way with an employee doing all the work. I then realized I knew a few other lawyers who did the same thing. Then, Dick Larkin, one of the most experienced executives in the yellow page business and publisher of YPCommando.com, told me "I hate to admit it, but it's about a billion times more effective than Yellow Pages."

Not only are birthday and greeting cards expensive, but paying an employee to mail out cards is extremely expensive. In fact, if you mail a few thousand times per year, it's a part-time job. If you're using an employee earning only \$18,000 per year, it will cost you approximately \$0.60 per card for the labor and that's without including benefits and payroll taxes. According to North West Staffing Resources, you can add 56.55% for additional employee costs. That comes to \$0.94 per card, just for

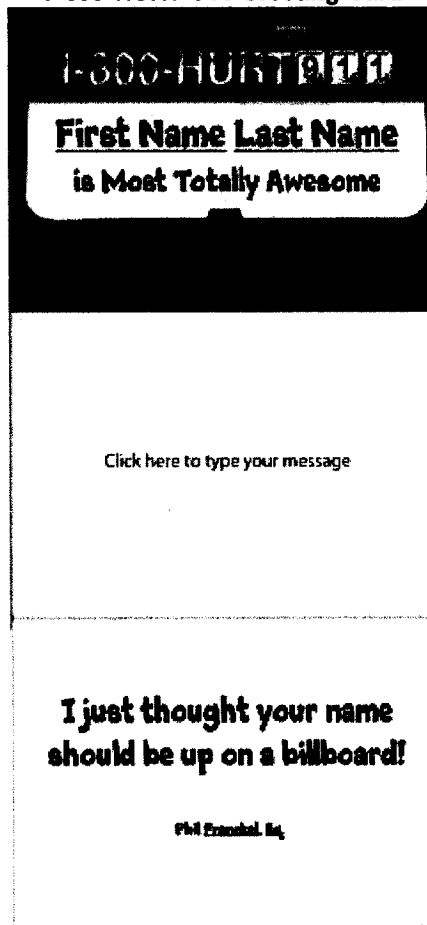
our labor.

Now, you can easily and inexpensively generate new client referrals! Just automatically schedule and mail custom greeting cards on birthdays, holidays & other events to current and former clients. Unbelievably, it's only \$1.37 per card including first-class postage and you do almost nothing. All you have to do is upload the names, addresses and birthdates of your current and former clients, choose a greeting card, write a custom message (you can use First Name Last Name and the system will automatically insert your client's name) and choose a date, birthday or holiday to send the card every year.

All greeting cards are sent in an envelope with a handwriting font (not a label) and a first-class stamp so it looks good and you will be notified of the forwarding address if your client moves.

Lawyers who license 1-800-HURT-911 can now use the custom-designed 1-800-HURT-911 greeting card. Just let me know when you sign up and the 1-800-HURT-911 custom greeting card will be added to your account. For more information see [www.DirectMailforLawyers.com](http://www.DirectMailforLawyers.com). To start sending cards just go to [www.sendoutcards.com](http://www.sendoutcards.com); click on Join Now! and enter User ID 118373

1-800-HURT-911 Greeting Card



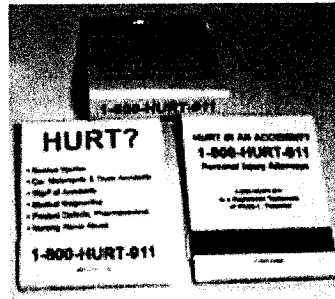
## Extend Your TV Advertising Dollars by Sending eNewsletters to Every Caller & Client

Use the 1-800-HURT-911 e-mail newsletter template (free) to generate more clients or let us do your email newsletter campaign (small monthly fee)

1-800-HURT-911 eNewsletter



## 1-800-HURT-911 Matchbooks



## License Plate for Your Car



My car

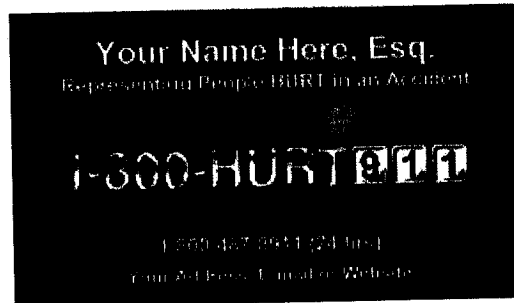




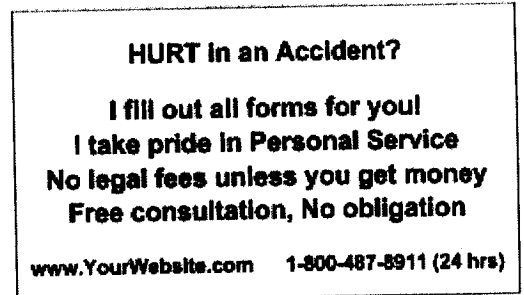
Another 1-800-HURT-911 lawyer

## Business Cards For Lawyer Marketing

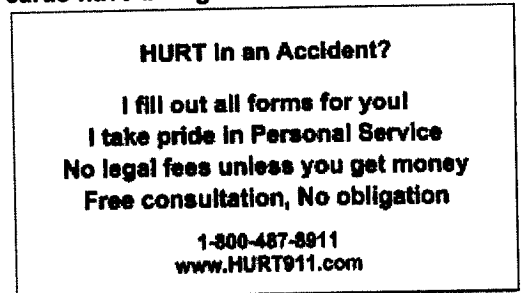
Front



Back

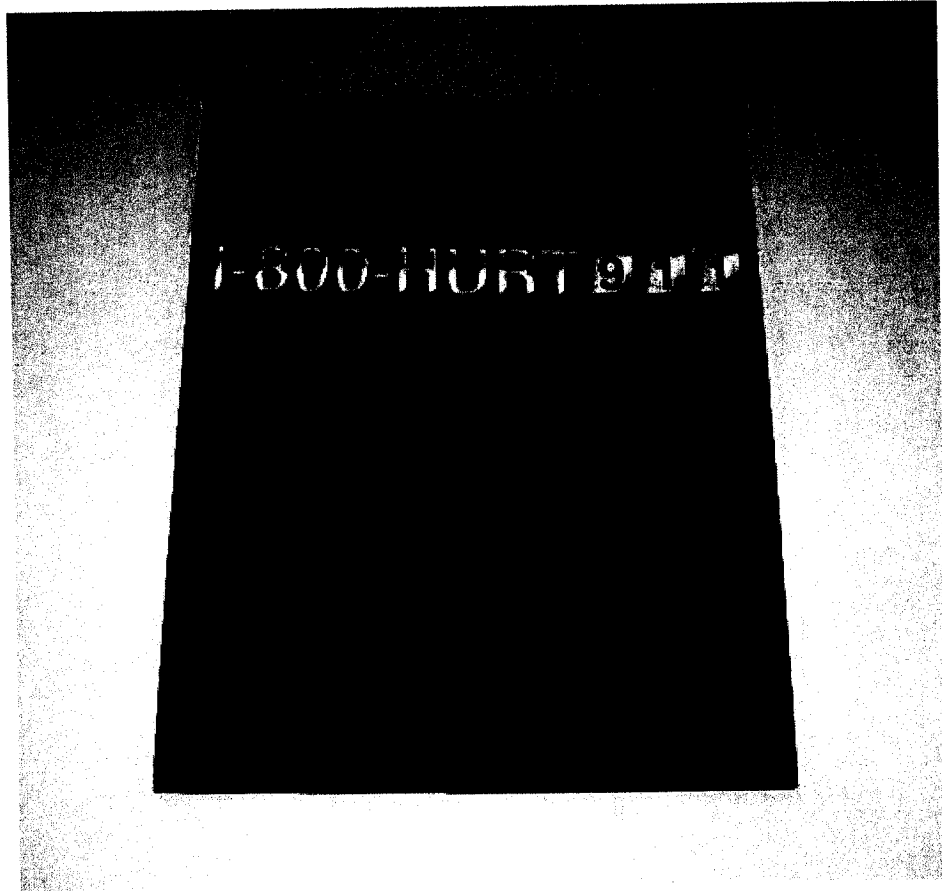


Get cards for all of your staff! These cards have brought in lots of cases

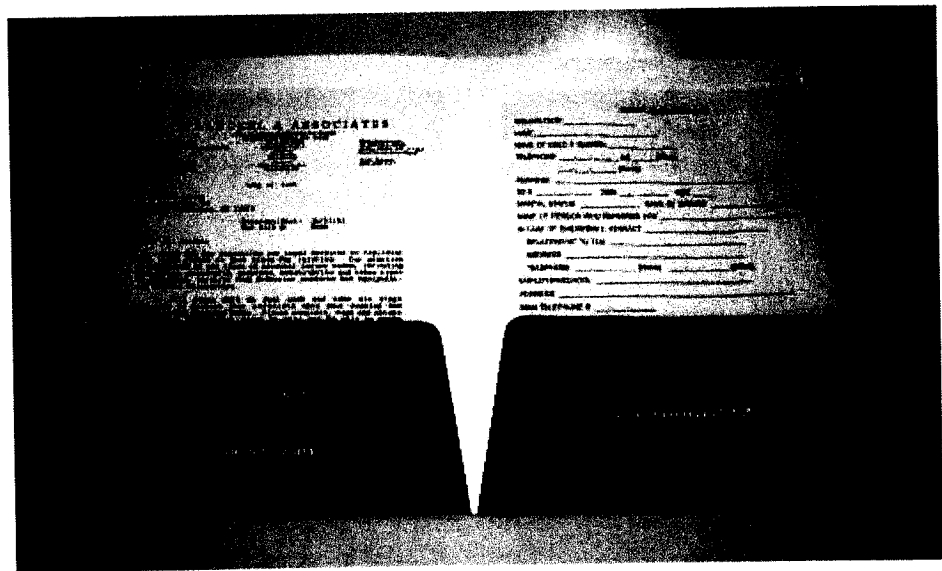


## Client Sign Up Folder





## Client Sign Up Folder with Attorney Business Card



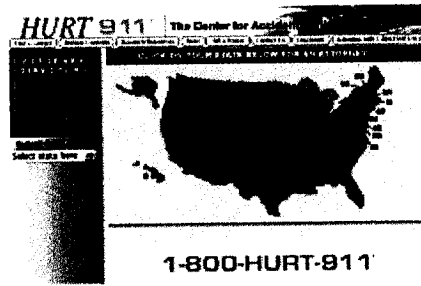
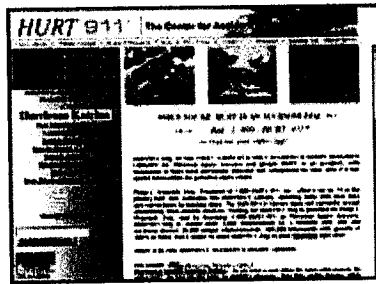
(Law office business card is inserted on right)

## Direct Mail



Does your state allow you to send direct mail to people hurt in an accident? Are you sending letters to your existing clients? Do you ask them to refer their friends and family? Do you tell them about other areas of law in which you practice? These are great ways to get new clients. You can increase response rates from new clients and referrals from your existing clients, by several hundred times, when you brand 1-800-HURT-911 in your direct mail. Through one of our partners, we now offer a direct mail program to advertise to people hurt in an accident and to your existing clients.

## HURT911® WEBSITE



HURT911.org can also be reached by typing 1800HURT911.com, 1-800-HURT-911.com, HURT911.com, HURT-911.com, and approximately 100 other similar domain names.

★ Lawyers advertising with 1-800-HURT-911 will also receive a **FREE EXCLUSIVE** listing in the HURT911® Personal Injury Attorney Directory for every county in your territory.

★ Since 1-800-HURT-911 appears on the HURT911® web site, lawyers advertising with 1-800-HURT-911 receive all calls from web site users in their territory at no extra charge.

★ Custom web pages designed to be found in search engines by people in your territory looking for an accident lawyer will be exclusively created for your law firm subject to your approval.

★ A major factor in the success of your law firm web site is the creation of trustworthy inbound links from authoritative sites. In fact, companies such as AdvertiseU will sell you a link from a well ranked web site for \$499 per month! A link to your law firm web site from HURT911.org, a 10-year-old trusted personal injury

website, can be a valuable boost to your website. Since we don't sell links, every law firm advertising with 1-800-HURT-911 receives inbound links from HURT911.org at no extra charge! These links increase the trustworthiness of your law firm web site in the eyes of the search engines.

The September, 1999, edition of the ABA's Law Practice and Management Section magazine recommended that "The next step for attorneys after launching their website is to list themselves with one or more of the online attorney directories. Because there are now hundreds of directories to choose from, your next logical question should be: *Which directory's business model is most likely to attract new clients to its website so they can find my law firm?*" Answer: HURT911® is the ONLY Attorney Directory on the web with valuable information exclusively for people HURT in an accident. Both HURT911.org® and our page "What to do when you're in an accident" are featured at Lincoln University of the Commonwealth of Pennsylvania in the class SOC 301.01 LAW AND SOCIETY under Civil Wrongs - Torts!

1-800-HURT-911® was the first 1-800 vanity phone number for lawyer advertising with a personal injury research web site and lawyer directory! Other attorney directory web sites pay for key word search listings (such as "attorney") for all areas of law which is prohibitively expensive. Attorney Locate.com has 87 areas of law practice! Because their web site has no content, they must rely on paid listings or sponsored listings, which most people ignore. HURT911.org appears in the natural search results because there are over 500 pages with valuable information on the web site for people hurt in an accident. You will get calls and email from people hurt in an accident, not annoying sales people or people looking for a landlord/tenant lawyer. If you do personal injury, you don't want to pay thousands of dollars for corporate law clients, banking clients or salespeople from Westlaw! We get quality, not quantity! At other attorney directory web sites, they have to recoup enormous advertising expenses. For example, to be first in every search result for the key word "lawyer" it will cost several dollars every time someone clicks on it at a cost of hundreds of thousands of dollars per month. Bidding on key words produces thousands of clicks every month by everyone except people HURT in an accident.

Other attorney directory web sites make extra money by dividing personal injury into 10 or more categories such as Attorney Locate.com which lists the following 10 categories: Auto/Trucking, Aviation, Medical Malpractice, Nursing Home Negligence, Personal Injury, Products Liability, Railroad, Sexual Harassment, Traumatic Brain Injury & Wrongful Death. Attorney Locate.com wanted to charge me \$1,500.00 (June 2001) to renew a 4th position listing (counting the banner as first) for just one category (I didn't renew). This would come to \$15,000.00 per year for only a 4th position listing for all 10 personal injury categories with many other lawyers listed on the page and three other personal injury attorneys above me! They must be crazy or their costs are real high! I designed and built this entire web site working until 2:00am every night for 10 years and still do every day (maybe I'm crazy). At HURT911.org there is NO charge for your exclusive listing in every county of your territory on the attorney directory. It's included for free when you advertise with 1-800-HURT-911!

HURT911® is the only website with an Attorney Directory willing to show you actual web traffic statistics! While other web sites claim thousands of "hits" per month, this figure is very misleading (even fraudulent) and unsupported. Just ask them to see their statistic reports and see what excuse they give you. You can see ours here

look at the numbers in the yellow column marked "Visits". At an average of 926 unique visitors per day that's almost 338,000 unique visitors per year! HURT911® is linked so much that it is saved as a favorite web site (this shows the number of times the favorite icon is requested) 118 times per day or 43,000 per year! HURT911® web site traffic continually increases every month! HURT911®.org has more unique targeted visitors than other lawyer directory web sites.

The number of "hits" is misleading because it can easily be 20 times or more than the actual number of actual visitors. Every time a person goes to a web site, the computer server is instructed to request all the files which make up the page including the page itself, the background, each graphic such as an arrow, button or picture on the page, sounds, cgi scripts, etc. There are many files which comprise a web page and when you visit a web site, 10, 20, 30 or more files may be requested to make up the page you are requesting to see. Each file request is counted as one hit. One visit to one page can result in many hits. If you then look at other pages on the site, there will be more hits for each page. If a web site boasts of 500,000 hits per month, that could represent as little as 15,000 visitors per month. Obviously, "hits per month" is not a fair indication of actual site visitors, and shouldn't be figured into your expectation of how many clients they will bring you. The important figure is the number of visitors and the number of pages viewed, not the number of hits!

**Targeted visitors:** HURT911®.org has a substantial amount of information for people who have been hurt in an accident. They are not looking for a lawyer to get divorced or file for bankruptcy. Other attorney web sites provide no or little information and advertise for clients seeking lawyers in as many as 76 legal subjects.

Page Index (on left side of page)

COMPARE LAWYER ADVERTISING	
1-800-HURT-911®	Competitors
HURT911® is an advertising program providing you with everything you need including 1-800-HURT-911, TV commercials, multimedia designs, media buying, and call handling, analysis & instant notification for after-hours calls. That's why HURT911® makes Lawyer Advertising Easy!	You only get the right to use the vanity phone number.
No sales people! Speak directly to the owner, Philip Franckel	You have to wonder if it really works when they need high pressure sales people to hound you.
I advertise with 1-800-HURT-911 myself in New York! That's one of the reasons my advertising program works so well.	Can they say that?
	Other vanity phone numbers seem cheap,