

To: Public Communications Inc. (trademarks@schiffhardin.com)
Subject: TRADEMARK APPLICATION NO. 77491921 - E-DENTITY - 07399
Sent: 10/7/2008 10:34:32 AM
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/491921

MARK: E-DENTITY

77491921

CORRESPONDENT ADDRESS:

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SCHIFF HARDIN LLP
PO BOX 06079
CHICAGO, IL 60606-0079

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Public Communications Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :

07399

CORRESPONDENT E-MAIL ADDRESS:

trademarks@schiffhardin.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 10/7/2008

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3418761. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the services, and similarity of trade channels of the services. *See In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01 *et seq.*

The applicant has applied to register **E-DENTITY** in International Class 035 for "Business consulting and auditing services related to monitoring and auditing the performance and effectiveness of the websites and online presence of others." The registered mark is **E-DENTITY**

in International Class 042 for “Computer services, namely, designing, implementing and maintaining web sites for others.”

A. Comparison of the Marks

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); see TMEP §1207.01(b).

Here, the marks are identical in appearance, sound, connotation and commercial impression. The applicant’s mark **E-DENTITY** is the exact replica of the registrant’s mark **E-DENTITY**.

If the marks of the respective parties are identical, the relationship between the goods and/or services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *In re Opus One Inc.*, 60 USPQ2d 1812, 1815 (TTAB 2001); *Amcor, Inc. v. Amcor Indus., Inc.*, 210 USPQ 70, 78 (TTAB 1981); TMEP §1207.01(a).

B. Comparison of the Services

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. See *Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); see, e.g., *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

In this case, the applicant’s services of monitoring and auditing the performance and effectiveness of the websites and online presence of others are closely related to the registrant’s services of designing, implementing and maintaining websites for others. Third-parties that offer the registrant’s services of creating and maintaining websites also offer the applicant’s monitoring and auditing services pertaining to the websites. Thus, it is highly likely that these services will be marketed in the same channels of commerce and provided to the same group of consumers under circumstances that would lead the consumers to erroneously believe that the services emanate from a common source.

As evidence of the relatedness of the services, attached are copies of printouts from the USPTO X-Search database, which show at least eight (8) third-party registrations of marks used in connection with the same or similar services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the services listed therein, namely monitoring and auditing the performance and effectiveness of the websites and online presence of others and designing, implementing and maintaining websites for others, are of a kind that may emanate from a single source. *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Therefore, since the marks are identical and the services have been shown to be closely related, the potential for confusion in the marketplace is very likely. Accordingly, registration must be denied on the Principal Register under Section 2(d) of the Trademark Act.

PRIOR PENDING APPLICATION

Information regarding pending Application Serial No. 78512834 is enclosed. The filing date of the referenced application precedes applicant’s filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed application.

If applicant believes there is no potential conflict between this application and the earlier-filed application, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant’s right to address this issue at a later point.

Applicant should note the following additional ground for refusal.

SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes a purpose, feature and function of applicant’s services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); see *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987). Moreover, a mark that identifies a group of users to whom an applicant directs its

goods and/or services is also merely descriptive. TMEP §1209.03(i); *see In re Planalytics, Inc.*, 70 USPQ2d 1453, 1454 (TTAB 2004).

The determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the “documents” managed by applicant’s software, not “doctor” as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of “computer programs recorded on disk” where relevant trade used the denomination “concurrent” as a descriptor of a particular type of operating system). “Whether consumers could guess what the product is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Applicant has applied to register **E-DENTITY** for “Business consulting and auditing services related to monitoring and auditing the performance and effectiveness of the websites and online presence of others.”

There is evidence that the general public is using the term E-DENTITY to refer to one’s “identity on the Internet.” Please see the attached dictionary evidence. In addition, the trademark examining attorney has attached six (6) articles from the LEXISNEXIS® computerized database in which this term is frequently used in the business and social context to refer to someone’s, oftentimes a business’s, “electronic identity,” “virtual identity” and/or “cyber-brand.” As such, when the term E-DENTITY is considered in relation to applicant’s services, it merely describes a purpose, feature and function of the applicant’s business consulting and auditing services. Applicant is monitoring and auditing the performance and effectiveness of the websites and online presence of others, i.e. their e-identities. In other words, the subject matter and main focus of applicant’s services is a client’s e-identity.

For the above reasons, the applied-for mark is merely descriptive of the services, and registration must be denied under Section 2(e)(1) of the Trademark Act.

Although applicant’s mark has been refused registration, applicant may respond to the refusals by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement set forth below.

REQUEST FOR INFORMATION

To permit proper examination of the application, applicant must submit additional information about the services. *See* 37 C.F.R. §2.61(b); *In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004); TMEP §814. The requested information should include fact sheets, brochures, and/or advertisements. If these materials are unavailable, applicant should submit similar documentation for services of the same type, explaining how its own services will differ. If the services feature new technology and no information regarding competing services is available, applicant must provide a detailed factual description of the services.

The submitted factual information must make clear what the services are and how they are rendered, their salient features, and their prospective customers and channels of trade. Conclusory statements regarding the services will not satisfy this requirement for information.

Failure to respond to a request for information is an additional ground for refusing registration. *See In re DTI P’ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003). Merely stating that information about the services is available on applicant’s website is an inappropriate response to a request for additional information and is insufficient to make the relevant information of record. *See In re Planalytics*, 70 USPQ2d at 1457-58.

OPTION – SUPPLEMENTAL REGISTER ADVISORY

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusals.

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under Trademark Act Section 2(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

See 15 U.S.C. §§1052(d), 1091, 1094; TMEP §815.

PLEASE NOTE: Amending to the Supplemental Register **WILL NOT** overcome the likelihood of confusion refusal under Section 2(d).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

/Hai-Ly H. Lam/
Trademark Attorney
Law Office 112
Office: 571-272-3354
Fax: 571-273-9112

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

You win some, you lose some Breaking News from globeandmail.com January 4, 2006 10:05 AM EST

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BYLINE: ijohnson; Naseem Javed; Special to Globe and Mail Update

HIGHLIGHT:

Corporations that develop clear messages are the real players, Naseem Javed writes

BODY:

Front Lines is a guest viewpoint section offering perspectives on current issues and events from people working on the front lines of Canada's technology industry. Naseem Javed is author of Naming for Power, and a specialist in global name **e-identities**, image, cyber-branding and domain issues.

Corporations that develop clear messages and clearly communicate their stories to both the internal organizations and the external forces are the real players. The rest are either still discovering who they are or just making stories as they go along or periodically falling flat on their faces.

Who are the real winners and losers of the corporate image in 2005, which corporation had the best identity, which was most famous, hated or most profitable? All these responses depend on where you stand, as a loyal customer, the general public, employee or competitor.

In a study conducted by ABC Namebank International, 5,000 major corporations around the world were surveyed and results were compiled to measure the impact of their image on customers, profitability and overall market positioning. There was also a strong emphasis on their cyber-branding platforms and e-commerce presence.

Most corporations passed the acid test 54 per cent in all with a B+ ranking. But the real big winners were very few 3.9 per cent and the losers stood at 42.1 per cent .

The big winners had the Right Story with the Right Image; the others had The Right Story but a very poor Image and struggled to make it work. The losers were almost without a Story, with a bunch of ideas thrown together and some randomly picked up image. They were spinning, but going nowhere.

The Story

Corporate image demands a very clear strategy, a mission, a game plan and a story. All that needs to be enunciated in a few simple sentences or a paragraph or two. What is the corporation all about, what does it do, and where it is going and why?

Corporations that develop these clear messages and clearly communicate their stories to both internal organizations and external forces are the real players. The rest are either still discovering who they are, they're just making stories as they go along, or they are periodically falling

the real players. The rest are either still discovering who they are, they're just making stories as they go along, or they are periodically falling flat on their faces.

It is true that most corporations are usually wrapped up in some big generic business concepts. It is also a very common problem these days that most find themselves in the middle of quicksand when action is needed, while the markets are moving too fast in too many directions. Still, the issue of clarity and directions must be fixed. The correct messages must be built and the real stories need to be told.

The Image

There is a lot to be said for the right image to fit the right story.

The most common problem is that the image has no relationship whatsoever with the corporate objectives. Still, senior teams regularly send out very confusing messages to internal layers of staff and ask them to band around the existing image and sing along with out having any solid base or substance. This very often makes it a chicken-or-the-egg dilemma.

The issues about image-building also require a deeper understanding and professional guidance. The right image to fit the right story is critical.

Basic Rules

No matter what the corporation does, it must project a sharper personality, something that requires professional and objective assessments not just randomly picked, trendy ideas.

When it comes to corporate image, corporations must also try to have images of honesty and respectability. Therefore they have no room for false claims or overly silly, wildly humorous image campaigns. Money and business both are serious issues. Customers and shareholders alike want to do business with the sober teams, and not the beer-commercial-happy bunch.

Lastly, whatever the corporate image and brand name identity the corporation adopts, it must be secured under proper trademarking so that it can be built as something unique and not something shared by thousands of others. Cyber-branding is now the backbone of any business. Only good name identities will survive on the search engines.

In Summary

It's very easy to figure all this out. A quick review of all your corporate communications material and your collateral will clearly tell you what are the several stories that are being projected by your corporation today. A quick search of your own corporate name identity in Google will tell you in seconds where your corporate brand stands in its distinction, visibility and how easy or difficult is it to find on e-commerce.

Once you have all the data, it is also very easy to have a conference call with your senior management on this issue. You will quickly come up with a game plan to fix the problems you have. After all, it is very easy to do.

Remember ... the customers are waiting.

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E-portfolios, Webfolio, and E-identity: promises and challenges; Emerging Technologies Center Nursing Education Perspectives July 1, 2005

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Emerging Technologies Center

BYLINE: Skiba, Diane J.

BODY:

FOR DECADES, artists have used portfolios to collect and organize their work. Portfolios are seen as an essential medium to document creative development over time and allow fellow students and instructors to provide feedback and guidance. Many artists develop portfolios throughout their careers. Recently, the portfolio model has been adopted by many disciplines, especially in higher education circles. According to Cambridge, "portfolios have features that make them powerful tools of learning and assessment" (1, p. 1). They contribute to student learning and allow multiple audiences, including faculty, administration, and potential employers, to assess that learning.

Portfolios are also used to assess one's performance as an employee. This is particularly true in the field of education, where many educators maintain teaching portfolios. In nursing, professional portfolios are used in the clinical arena as a means to collect visible documentation of contributions to practice for the purpose of credentialing (2). For example, in the United States, applicants for advanced practice credentialing in genetics must submit a professional portfolio (3). Professional portfolios are also used as a means to assess continued professional development. Driscoll reports that they are used to assess orthopedic nursing practice in the United Kingdom (4). In New Zealand, they are used demonstrate competence in practice (5).

The current trend in higher education is to use electronic portfolios and electronic identity or virtual identity collections--e-portfolios, webfolios, **e-identity**. The American Association for Higher Education states that e-portfolios, whether produced by a student or a faculty member, are for collection, reflection and assessment (1).

What do these terms mean? A webfolio is defined as a "tightly integrated collection of web-based multimedia documents that include curriculum standards, course assignments and corresponding student artifacts in response to the assignments and reviewer feedback to the student's work." (6, p. 29). Ittelson (7) describes a universal academic electronic identity (**e-identity**) clearinghouse to maintain a composite of a student's performance. He uses the analogy of a credit bureau to explain how **e-identity** extends beyond the traditional transcript in providing valuable information about students and their performance. With the movement toward competency-based curricula, an increasing number of higher education institutions require electronic portfolios for students.

Promises No matter what you call it--e-portfolio, virtual identity(8)--this growing phenomenon is a powerful tool for learning and assessment. Long recognized as a tool for marketing and seeking employment, e-portfolios are turning information into knowledge and are considered knowledge builders (1). Cambridge, heavily influenced by Brown and Duguid's work on the social life of information (9), suggests that a portfolio

Knowledge Builders (1). Cambridge, heavily influenced by Brown and Duguid's work on the social use of information (9), suggests that a portfolio "offers ways of making meaning of information through two important practices, reflection and social construction" (1, p. 3).

Others echo Cambridge and state that e-portfolios bond students in three distinct learning processes: collection, selection, and reflection. Students must actively collect materials that demonstrate their competencies. They must select the best representations of their works. And, finally, they must reflect critically on their work in order to learn. Reflection augments their learning. According to Yancey (10), students can demonstrate reflection in many ways: for example, attaching a letter that explains the purpose of the work, providing annotations to the work, or preparing an essay or a separate document that reviews and summarizes their thoughts about their learning.

Through e-portfolios, students can participate actively in assessing their own learning, in single courses and across courses. These tools help students assess their strengths and weaknesses, as well as their growth and development, over time. They allow students to tell their stories and make connections between formal coursework and informal, experiential learning.

These tools offer other benefits. They foster creative thinking and collaboration. They allow easier integration of content across courses. And they affect faculty and students roles (6). Students are no longer mere recipients of information; rather, they construct meaning from information and transform it to knowledge. Faculty, no longer mere disseminators of information, are guides who facilitate student learning. E-portfolios promote the concept of lifelong learning and allow for both formative and summative self-evaluations (8).

Critical Elements of Electronic Portfolios

Despite their growing popularity, many critical factors influence the successful implementation of e-portfolios. First and foremost, it is essential to create a culture where faculty understand and support their role in the portfolio process. "Successful implementation requires faculty appreciation of the benefits of a tight integration of curricular standards, course assignments, student responses to assignments and mentor feedback about the students' work--benefits that justify the cost" (6, p. 30).

The portfolio culture requires student participation and faculty commitment for review and feedback. Fundamentally, there must be a vision within the institution that serves as a foundation for the process. This vision must be learner-centered with corresponding standards or a competency-based curriculum.

Following are other common critical elements for the use of electronic portfolios:

- * Administrative support and agreement on a common vision, along with corresponding financial support.
- * A technology infrastructure that provides sufficient access to tools and a place for storage.
- * Student and faculty support for both technological and pedagogical skills. The assessment of technological readiness as well as ongoing technical support are important factors that require the involvement of many services in academia, such as information technology, multimedia, centers for teaching, and assessment centers.

Treuer and Jenson (8) propose a common set of standards for entering information, storing information, and sharing information for e-portfolios. Some examples follow. Websites that provide more information about using portfolios to foster learning are listed in the Sidebar.

Entering Information Information can be self-reported as text, uploaded files, and web links. Entered work can be associated with one or more professional standards.

Storing Information Text fields and prompts encourage reflection. Portfolios are available for life.

Sharing Information Portfolios include options for user feedback relating to shared materials. The e-portfolio owner can track viewing privileges and the extent to which the information has been viewed (8, p. 41).

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INSTITUTIONAL PORTFOLIO Indiana University-Purdue University Indianapolis www.iport.iupui.edu/about/

PROGRAM PORTFOLIOS University of British Columbia www.elearning.ubc.ca/home/index.cfm?menuClicked=4%2F&p=main/ dsp_eport_index.cfm

Dartmouth College www.dartmouth.edu/~csrc/students/portfolio/

Alverno College Diagnostics Digital Portfolio <http://ddp.alverno.edu/>

University of Denver Portfolio Community <http://portfolio.du.edu/pc/index>

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HEADLINE: Buzzword 'Branding' Spawns Parody

BYLINE: STEVE JORDON

SOURCE: WORLD-HERALD STAFF WRITER

BODY:

Corporate branding has become such a buzzword among corporate consultants that Chicago marketing man Matt Linderman created a corporate branding parody Internet site, offering a 10-minute branding solution to your "**e-identity** crisis."

"Your brand doesn't have to be something obtuse or exactly the same as everyone else's," Lindeman said. "We're trying to push people to think about what kind of message they're trying to get across."

To illustrate the point, Linderman's Web site offers to use the "eNormicom Image Bucket Program" to walk a visitor through an 18-step branding process.

First a computer known as the Nametron 3000 "uses a complex system of algorithms and formulas to combine morphemes, phonemes and gigonemes to create a Singular Cohesive Action Moniker (SCAM) for your company. The result is a truly best-of-breed name that conveys the essence of your brand's soul."

The Nametron 3000 generates a new name for the visitor's company; it's Similant. Reactions from a focus group:

Dad: "Very strong customer focus."

Mom: "Adapted to my needs."

Son: "Truly cares about its customers."

Daughter: "Global."

After creating a new logo with a "curved swoosh," the site comes up with a three-word "top-of-mind" tagline: "Really. Really. Different."

"Let's open the kimono on your new **e-dentity**," the site says. "With your new **e-dentity**, you'll be a winner in the areas that matter most: press coverage and stock valuation."

LOAD-DATE: July 9, 2001

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Terms: [e-dentity](#) ([Edit Search](#) | [Suggest Terms for My Search](#))

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Internet Basics - Designs on the web.; An attractive appearance can ensure a website stands out from the e.Business May 31, 2000

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May 31, 2000

SECTION: Pg.54

LENGTH: 2550 words

HEADLINE: Internet Basics - Designs on the web.; An attractive appearance can ensure a website stands out from the

BYLINE: Laurence Kaye, member of the e-business group, Paisner & Co

BODY:

So you think it's time your company created a website? The first question you should ask yourself is: why?

"There is a great mad panic at present among companies to get websites set up," says Robin Johnson, managing director of design consultants Accelerate (formerly RJD). "And the brief is nearly always completely inadequate. Many companies have only a vague feeling of where they want to go. They have no idea what they want to achieve from a business perspective."

Accelerate therefore increasingly finds itself taking the consulting part of its operation very seriously indeed. "It usually starts with talking to the CEO," says Johnson, "then we might sit down with the IT, the marketing director, and a whole range of other department heads. It could be a day, but it can be several weeks just assessing what the business is trying to do."

So step one in designing a website is: define your goals. Johnson thinks it is helpful if they are quantifiable goals - ones whose achievement can be measured. It is worth asking if the website is the best way to achieve those goals at all. Might some other medium be just as effective?

Step two is: be prepared to dig deep into the company coffers. Neil Svensen, managing director of web consultants Rufus Leonard, believes that for an interactive site, companies should be prepared to spend at least (GBP)250,000.

"The time of playing with e-commerce is over," says Svensen. "Companies are now more aware of what the internet can do, but they are not yet aware of the resources that need to be put in."

Svensen stresses that websites need not only design, but also systems behind them to make them work effectively with the company's existing IT set-up. Software alone can cost tens of thousands of pounds. "You have to budget to keep the site updated," he says. "For example, Apple Europe has 174 people keeping its site updated, and one of our clients went from three people to 28. That is the sort of commitment needed."

Equally vital is establishing the chain of command within your own company.

Who is going to be responsible for the website project and its ongoing maintenance? Who is going to co-ordinate the input from various different departments?

"You have to have a cohesive strategy," says Paul Cleghorn, senior designer at Razorfish. "There is nothing worse than having 50 different people each responsible for their own bit of the site; it's a recipe for disaster."

INFORMATION ARCHITECTURE

Having sorted out budgets and chains of command, the next big area is information architecture. "The most common request customers make is for us to put their brochures on the web," says Johnson. "That is a total lack of understanding about what the web does.

"The next most common request is for us to reword the company's brochure and make it interactive. What such customers don't realise is that the web is an opportunity to change the whole way you do business, to interact with your customers in a whole new way."

The job of information architects is often to turn the company brochure on its head. Razorfish's work for Nat West Bank is an example (see panel, page 56). "The company's first-generation site had thousands of pages of brochureware; product information arranged according to the bank's own corporate structure," says Cleghorn. The bank wanted to make that more accessible and user-friendly. The solution was to keep the same basic data, but put another layer on top, arranged according to lifestyle events.

"Visitors to the site can now choose from categories such as buying a car, buying a house, and going on holiday, and there are links from there to the information about the specific products deep within the site," says Cleghorn.

The key to getting the information architecture right is, of course, the old marketers' adage of understanding what the customer wants, and that in turn means defining who the customer is.

"Businesses should not forget that users come to the site for a specific purpose," says Donna Poynton, on-line producer for Domino Systems. "A site that enables them to achieve that purpose with a minimum of fuss is a well-designed site."

If your customers represent a range of different categories, then it might be better to have different websites for different target groups.

A common mistake is to try to shoehorn competing functions into one site, ending up with a cluttered, confusing site that is attractive to no one.

There are a number of universal rules concerning the ordering of information on the web. One is that a site should start shallow and broad, and become deeper and narrower. That is, the home page should contain brief summaries of the various options on the site that customers can then click on to get more detailed information.

This process of 'drilling down' is one of the key differences between a brochure and a website. A website can contain long product write-ups, but they should not be on the opening pages.

Beware of offering too many options on the home page. "The brain can only remember seven options, so having 15 is too much," says Richard Graham, creative director at E-Marketing. He believes that a properly-targeted site should be able to get by with as few as three initial options. However well-ordered the pages on your site are, different users will want to read them in different orders, so consistent and clear navigation is essential.

"Users are not going to take the time to learn how your system works; if it does not conform to the way it should, they will not go on," says Poynton. She adds that on an e-commerce site, the buying option should be obvious from the first page you look at.

It is vital that users don't get lost or end up at dead ends. The usual way of ensuring this does not happen is to have a navigation bar permanently in view, wherever the user is in the site. This is usually on the left or top of the screen, although there is no good reason why it should not also be on the right hand of the screen, where the mouse hovers.

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Whatever system is adopted, it must be consistent. "Look at any of the major portals - such as Netscape or MSN.com - and you will see they are very regimented in this respect," says Svensen. "They keep the same elements in the same place throughout, so people get used to them."

Beyond such basics, there are a number of bells and whistles that sites can add, but these have proved controversial. Johnson has found that many new customers come to Accelerate after bad experiences with over-designed sites with no real functionality.

Large images and new tools which allow for animation, zooming-in on objects, or rotating an image to see it from different viewpoints can create pages which take a long time to download, often forcing the customer to click off the site in frustration. A notable recent example of this was Boo.com, whose first-generation site was too complex for many users. It now also offers the option of a simpler version.

All the designers e.business spoke to agreed that the best approach was to be wary of using such options on your site. The use of Flash, a tool that allows animation to flit across a web page, has proved contentious.

BELLS AND WHISTLES

"Flash is pretty and attractive to designers, but it is a pain to users because the connections are not fast enough," says Svensen. "The first time you go to a site with Flash, it is entertaining, but when you go back again it drives you bonkers."

A particular pitfall, Svensen points out, is to design a site that looks excellent on the high-speed 2MB web connections common in company offices, but which is hopeless on the normal 56K modem most consumers have. If a page does not download in seconds, the customer might well have gone elsewhere.

And yet, there is a case for using Flash judiciously. John Baker, managing director for Organic the new media agency which designed Boo.com, divides sites into marketing-driven ones, which use too many large images and have no real structure, and engineering-driven ones which are logical, but drab and grey to look at. The second group is just as much a danger as the first, he warns.

Cleghorn agrees: "A lot of sites are looking very similar in layout, and that is not a good thing." He points out that Flash can be useful as a navigation tool. "For example, in a heavyweight site with lots of multi-level navigation, Flash can be used to stop you getting lost. It enables you to click on one option, and keep the previous set of options in view as well." Flash is also ideal for demonstrating complex products (see Persona.org.uk in panel, page 57).

Technology is also developing rapidly. ADSL connections to the web are on the horizon for home users, along with other broadband technologies.

Sites designed now that can adapt to such new possibilities could have an advantage. It is also already perfectly possible to create sites that sense the speed of the connection with which they are being used, or offer a simple HTML option alongside a Flash one.

One way to be sure that Flash, or any other feature, is right for your site is to test it, and this is another stage that all designers strongly stress.

"A lot of companies don't find time for this; they just get the site up there and amend it later," says Svensen. Expensive mistakes often follow.

For this reason, it is essential to test any new sites on focus groups of target users, and also on all the various computer technologies - PC and Mac, Netscape and Internet Explorer browsers, and different types of modem. "You'd be surprised how often a site works on one browser and not another," says Svensen.

and not another," says Svensen.

Website design can also have implications for corporate branding. Corporate designs - logos, corporate colours and so on - are usually designed for print media when the page size and the context in which they are viewed are known in advance, where thousands of colours are possible, and where resolution is typically 600 to 1,200 dpi (dots per inch). In contrast, a computer screen has only 72 dpi and usually has only 256 colours. Logos that have too much fine detail can break up on screen, and your corporate green might come out as murky brown.

Accelerate had a client whose logos adorned all literature, business cards and even their building, but when it came to the web, it broke down.

The result was a corporate redesign; an enhancement, not a radical change, according to Johnson.

Increasingly, however, designers are realising that the web has to be taken into account during corporate redesigns. Nat West created its corporate re-design and web strategy together (see panel). Indeed, web branding is sometimes even leading the process. As Cleghorn points out, it is much easier to try out new ideas on-line than in a 10,000-run corporate brochure or a (GBP)2million television advertisement.

Websites will also impact on corporate branding in another way, according to Graham. "I think in the future, if the site is efficient, people will assume that the company is efficient too," he says. Even the speed a page downloads might, in future, impact on a brand, he suggests. "For example, if you are a technology firm and your website is slow, what kind of message does that give?"

DESIGNING FOR THE FUTURE

If you think getting a website up and running is complicated, think of this: companies such as Nat West are already adapting their websites to run on the mobile phone WAP platform and interactive digital television (IDTV).

Design for both is in its early days, but for WAP information architecture - how information is ordered - is even more crucial than on a website. Without graphics or colour (as yet), mobile phone applications will have to be rigorously clear, logical and simple to use. No one is yet sure how navigation will be handled on WAP sites.

IDTV presents its challenges too. Television screens have lower resolution than computer screens and people sit further away from them, so text of any length is much more problematic.

There are also four different IDTV systems, and technologies such as Flash work on some and not on others, making it even more complex for companies to keep a consistent branding.

THINKING BEYOND THE WEB

Designing a website is not something that should be done in isolation from the rest of your marketing. That is the message from Ian Schooler (left), head of brand communications at Nat West, which combined a corporate redesign with a comprehensive change to its website in 1999. "Think broad; think beyond the web to interactive television; think of how you can have consistency from one medium to the other," he says.

The new Natwest.com site, which opened in November, is a major evolution from the old one, which had a large number of pages of product information, arranged according to product category. The new site, designed by Razorfish, not only offers on-line banking, it also allows customers to search for products according to lifestyle events such as buying a car or going on holiday. "We wanted it to be warm, human and accessible," says Schooler.

accessible, says Schooler.

The site took six weeks to put together, but the process started a long time before that. "We started to look at the whole Nat West brand 18 months ago," says Schooler. "We used Omnicom, a sister agency to Razorfish for that, so (we had a) new brand and the new 'e-identity'. Usually companies have one set in stone before they look at the other."

The new website uses some Flash to provide useful interactive functions to customers, such as a savings calculator. The site also incorporates brief excerpts of animation taken from the bank's television advertising campaign, which features, among other things, a cartoon dog travelling the world.

It also uses Nat West customer information and other information gathered from the customer to adapt to the particular person using it - for example, if it is an older person, he or she is offered information about re-mortgaging rather than, say, student loans.

JUST A FLASH IN THE PAN? SOME SITES USING FLASH

Persona.org.uk. The makers of this contraception system were getting lots of calls from woman not sure how to use it. A Flash demonstration on this site shows how it should be done

Boo.com. Perhaps the most famous example of Flash in action. Cutting-edge use to show fashion items from a range of different perspectives - but many users find it impossible to open or too slow to download, and Boo now offers a simpler non-Flash version

Faceforwatches.com. If you can't work out how to open this horological site, you are probably not one of its target 25-40 year old male customers

Manches.co.uk. Flash on a business-to-business site. As one moves the cursor over the navigation buttons, images on the site change. You wouldn't think this was a site for a law firm - which is part of the point, of course

Eyestorm.com. Flash used as a navigation tool for an art site. Groovy music, seductive graphics, and an intuitive search engine called Delve. Note how explanations pop up when the cursor passes over a navigation button

Muffintheemail.com. Load a cartoon cannon with muffins and shoot them over to your friends. Proof that Flash can be an effective way to sell products too.

LOAD-DATE: November 1, 2001

Source: [Legal](#) > /.../> News, All (English, Full Text) ⓘ

Terms: **e-identity** ([Edit Search](#) | [Suggest Terms for My Search](#))

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NAME GAME / WITH CREATIVITY AND PERSEVERANCE, FIRMS STRUGGLE TO ESTABLISH PERFECT WEB E-DENTITY. THE QUEST FOR A NEW E-DENTITY *Newsday (New York) May 8, 2000, Monday*

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HEADLINE: NAME GAME / WITH CREATIVITY AND PERSEVERANCE, FIRMS STRUGGLE TO ESTABLISH PERFECT WEB **E-DENTITY**. THE QUEST FOR A NEW **E-DENTITY**

BYLINE: Paul Schreiber

BODY:

IN THE PAST YEAR, Michael Gencarelli has held his breath and been silly, and not without reason, even for the head of a successful company. Gencarelli is under the gun to sharpen the company's name and style and make the leap to a new corporate strategy and position of strength on the Internet.

"Thinking out of the box is of ultimate importance," says Gencarelli, who spent a few days in a King Tut costume last month to help the buzz around his company's trade show booth. "If you think the same as everybody else, you're going to be right behind a whole line of people."

Before this new line of thinking kicked in, Gencarelli's company was ARvee Systems Inc., about as puzzling a name as there is for a software company, but one that wasn't much of a problem while Gencarelli and partner James Laurice were in the business of developing custom software. It became an obstacle once they decided to sell their own document-management software products and hitch themselves to the Net, where identity is imperative.

The Bohemia company now is mydocuments.com, a name that has made a world of difference in just five months. Since the change, investors put up \$ 1 million in a snap, the Web site came out of a deep sleep, and an executive at Computer Associates International signed on as president and chief executive.

It's not a simple story, but it illustrates the linkage between strategy, persistence, luck and a little foolishness in the highly charged world of information technology and e-commerce.

"It's a competitive world and if you have lots of money, you don't have to stretch so much," Gencarelli says, "but when you don't have a lot of money you've got to do whatever you can do."

Gencarelli, 40, is stepping up to become chairman of mydocuments.com now that Ronald G. Corriveau, 44, has agreed to leave CA, where he was a vice president of marketing, to take over the two other top spots. It is a move that both men say would not have meant much at ARvee, but will be crucial to the positioning of mydocuments.com in the months ahead.

"I wasn't looking for this opportunity, but all kinds of possibilities came to mind," says Corriveau, an entrepreneur whose second company, CapaCity Software, was acquired by CA three years ago. "I said, 'Gee, what could I do with that technology and a URL called mydocuments.com?'"

That kind of leverage didn't exist for ARvee Systems, founded by Gencarelli and Laurice in 1990 to produce custom software. Gencarelli had been in charge of a systems and automation group at Symbol Technologies, but suspected his future there would be limited by his lack of a college degree. Laurice designed defense-systems software.

While at Symbol, Gencarelli had gotten permission to work on his own time on a computer-interface software project for a large Japanese manufacturer, which 11 months later paid Gencarelli and Laurice \$ 75,000 for the rights to the software. Preparing to make out the check, the manufacturer's representative asked the question that would shape their future for the next decade: "What's the name of your company?"

This was a detail that Gencarelli had not considered. As he glanced around for inspiration, Gencarelli's eyes settled on a flier from his late father's trailer-rental business in the Catskills. "I went...uhhhh...ARvee...Systems."

As in recreational vehicle, with an "A" in front that Frank Gencarelli added so his listing would be first in the phone book. As soon as his son incorporated in order to cash the check, ARvee System's die was cast.

So was Gencarelli's.

Intrigued by the prospect of working for himself, Gencarelli took two weeks off from work, went to two trade shows, secured orders from DuPont, AT&T and Cincinnati Microwave, came home and quit Symbol. Gencarelli was the sales force, Laurice did the development.

As they did the custom work, they noticed that the projects, starting with DuPont's test systems for blood-analysis equipment, all involved the management of supporting information, such as reports and photographs, which they digitized and stored with the test results. The software loaded almost every form of information that can be put into a computer-text, graphics, audio, video, spreadsheets-managed it, indexed it and made searchable.

By 1997, sales had reached what Gencarelli calls a "very profitable" \$ 2 million, earning ARvee its third citation in three years as one of Long Island's 50 fastest-growing private companies.

Sweet as that was, he recalls, the company had two flaws. One was that the market for off-the-shelf document-management software was growing at a much faster rate than ARvee ever could doing custom work. The other was that ARvee's value was dependent on the presence of Gencarelli and Laurice, which limited their options.

It was time for a leap, Gencarelli says. As they scaled back ARvee's custom development, they created document-management software scaled to the requirements of a variety of end-users. These include a free version that holds up to 1,000 documents, a \$ 99 upgrade for those who exceed that limit, a \$ 299 small-business version, a mid-size package for \$ 6,500 and a large-enterprise product for \$ 8,500. In two years, he says, the company has sold about 60 units, supporting 1,500 users.

The company named this product Millennium::OMS, another hard-to-remember attempt at cleverness. The double colon, for example, is meaningful only if you know the C++ programming language.

"We couldn't think of a name and we were getting to the point where we had to print materials," Gencarelli concedes, "so we took Millennium." Like the company name, that one also is going to change.

The need to change the corporate handle began to rumble around ARvee a year ago as it prepared for an April trade show put on by the Association for Information and Image Management.

Given ARvee's initial strength with its software products, Gencarelli had secured \$ 1.1 million from private investors. Part of it was to go for a

Given ARvee's initial strength with its software products, Gencarelli had secured \$ 1.1 million from private investors. Part of it was to go for a major showing at the AIIM show, the premiere showcase for the document-management industry, at the Javits center. Gencarelli was prepared to spend \$ 180,000 and hoped to make a splash as something other than ARvee Systems.

The theme would be Egyptian, in keeping with Gencarelli's fascination with ancient history and with ARvee's slogan, "After Thousands of Years, the Paper Trail Ends Here." King Tutankhamen, Cleopatra, Ramses, Nefertiti, Mark Antony and others would stir the pot around the booth.

But the name was a liability. "It was good for dad and it was good for cashing that check," Gencarelli says, "but other than that it was confusing."

So staring at his monitor and mulling the advice of "success coach" Nancy Powers that he "think out of the box," Gencarelli spotted the My Documents default folder that appears on Microsoft products and exclaimed something on the order of "Eureka!"

Thus began a year-long search for the person who had registered the domain name mydocuments.com in 1994. "We couldn't get to the guy and we couldn't get to the company that registered it," Gencarelli says. "I'm like, 'Could it be possible that it's been lost over time, like an old Elvis record or something?'"

Roundabout, ARvee staffers found the owner in Florida. He agreed to discuss the sale, but after he would post its availability on GreatDomains.com, an auction site for Internet names. Panicked at the prospect of losing a bidding war after coming so close to securing the name he considered ideal, Gencarelli offered equity in the company or \$ 50,000. On Jan. 3, the owner took the cash.

Gencarelli has since been offered \$ 2 million for the mydocuments.com name, but that is not where Gencarelli or Corriveau, his new president and CEO, see its value. Corriveau, in fact, wouldn't have left Computer Associates without it.

"That was a real key because that is a corporate asset that is central to our ongoing strategy," says Corriveau, whose total compensation will include what he calls significant equity. "We see creating services around the mydocuments.com brand as being a significant point of leverage, not only for our technology but also for the kind of partnerships we are looking to establish. ARvee wasn't all that interesting."

The key to the future is the Internet, which the new mydocuments.com hopes to use not only to afford wide access to the document files but also as a value-added strategy for service providers who would offer document management to companies or departments not able to manage their own.

Gencarelli's sales projection for 2000 is \$ 5 million. The year after, he's projecting six times that. In the next few weeks, he hopes that mydocuments.com will have moved its 35 employees and new president and CEO from a 4,300-square-foot office to something five times as large.

There is one more thing that the name and the buzz will make possible, Gencarelli says, and that is his own exit. Within two years, he says, the company will be ready to go public or be acquired. "I've been working since I was 12," says Gencarelli, whose father was killed when he was a youngster. "I've done everything the hard way. I would be happy."

The Quest For A New **E-identity**

THE NAME is the game on the Internet, where the right identity can make or break a business and the selection has become a test of creativity as well as what's left. At the end of last year, 9 million names had been registered on the three main net universes: .com, .net and .org. Only three months later, there were 14 million, a leap of 55 percent. The potential had been estimated at 160 million domain names by Network Solutions Inc., a Virginia company that registers Net identities, but the explosive

first quarter suggests otherwise, says spokeswoman Cheryl Regan. "Now we're thinking that's maybe on the conservative side." This rush for virtual real estate also has spawned its own industry of domain-name auction sites, where, for example, loans.com changed hands for \$ 3 million and hell.com is starting the bidding at \$ 8 million. Approaches differ. Here is how five companies dealt with their domain situations.

Close wasn't good enough, but Telebyte Inc. had no choice in naming the new subsidiary it created to expedite the delivery of electronics products. It wanted the short and pointed NextDay.com, but that name had been registered already, by a company wanting more for the name than Telebyte chief executive Kenneth Schneider was willing to pay. The Greenlawn company opened DeliverNextDay.com for business in October. Early this year, Schneider, 55, was delighted to learn that the NextDay.com registration

had lapsed, only to find that it had been scooped up by a name-buyer upstate. Telebyte went after it again, and this time the price was acceptable, although Schneider won't say how much the company paid for the simpler, smoother NextDay.com. Meanwhile, the 17-year-old Telebyte, which manufactures data-communications equipment and had sales last year of \$ 5.6 million, is working on its own domain issues. The company is suing an Internet provider in Washington state for confusing customers by doing business

as Telebyte.com, forcing Schneider to settle for another second-best, Telebyteusa.com.

When he couldn't get the domain name to parallel the name of his company, Desktop Solutions Software Inc., Frank Imburgio made a clever play on his first name and for three years did his Web design as Frank Lloyd Web Internet Architects and franklloydweb.com. Then the Frank Lloyd Wright Foundation, which guards the memory of the late architect, dispatched a knock-it-off notice. "I happened to pick the wrong dead guy," says Imburgio, 39, a fan of Wright's work. "I made a very quick decision that it was

not worth the fight to keep the name." Again in need of a Net name, Imburgio made another approach to the California computer consultant who owned desksolutions.com. It turned out that she wanted the domain name only if she also had the corporate name, but that belonged to Imburgio's Commack company. Some negotiations later, she traded the name for some of his Web-design services. "All told, the new name is much more profitable for us," Imburgio says. "It has a more corporate sound."

When First Priority Group Inc. began contemplating a foray into the Web, the corporate name seemed unnecessarily obscure. "First Priority Group means nothing," says Barry Siegel, 48, chairman of the 16-year-old company. The company manages the collision claims for large fleets, including those of Coca-Cola and IBM. Siegel estimates its 2000 sales at about \$ 15 million. But now that the Plainview company is expanding those repair-management services to insurance companies and their clients over the Web,

a name more reflective of its purpose is required. The change to driversshield.com has been approved by First Priority's board, and its shareholders are expected to do the same at the end of June. Siegel says that "driversshield.com depicts that we are doing something for the driver, protecting the driver." When the name change is complete, both the Web site and the corporation will be known as driversshield.com, a single identity that Siegel says will be as meaningful off the Internet as on it.

One thing leads to another, which is how Ad Methods Advertising Inc. turned into Ad Methods Halpern & Eurich Inc., familiarly known as AMH&E. The name was too long for the Net and the initials were taken, so founder Hesso Bellem registered the agency as admethods.com in 1995. But none of those inspired potential clients to consider AMH&E as a place to go for Web design.

"We realized it wasn't quite working when clients asked us for estimates on Web sites and then went elsewhere," says Bellem, 59. "They were looking for specialists in the field-and we were."

So two months ago, AMH&E, which has 20 employees and had sales last year of \$ 18 million, launched websitehighway.com. "It's a good name, right, and you'd think it would have been taken by now," Hessem says. It wasn't, and the infant websitehighway.com division is now logging a few thousand hits a day. More important, Hessem says, the division will feed its parent. "Once clients are satisfied with the work we've done for them, we hope they'll come and ask for the conventional marketing methods."

It was easy for Joe Mohen to wrap up a variety of domain names that related to conducting elections over the Internet, but the one he really wanted was taken, so Mohen settled for votation.com because it was creative and somewhat descriptive of his company's function. It also turned out to be a turnoff in consumer surveys and, worse, is the French participle for voting, meaning that most results of a Net search were about France.

"People couldn't find us," says Mohen, 44, the company's chief executive. Making it worse was that the 10-month-old company expected a rush of publicity once its election strategies were announced. "We realized the acuity of the need to do it very quickly," recalls Mohen, who flew to Fargo, N.D., on Dec. 23 to meet the owner of the domain name and returned the next day with the rights to election.com. Mohen says the price was in record territory and included more than \$ 1 million in cash and stock. "The

key thing here is that our company is a global Internet election services company," Mohen says, "so it was important for us to pick a domain name and a company name that people could quickly equate with the product and the service."

GRAPHIC: 1) PHOTO - Bohemia-based mydocuments.com, known as ARvee Systems Inc. in a previous life, now boasts a new chief executive, a \$ 1 million infusion from investors and a reinvigorated Web site. The name change was made in time to make a showing at the April trade show of the Association for Information and Image Management at the Javits Center, above. 2) Newsday Photo / Michael I. Schultz - Michael Gencarelli 3) Newsday / Michael I. Schultz - Ronald G. Corriveau. PHOTO - Logos - 4) NEXTDAY.COM 5) Desktop Solutions 6) drivershield.com 7) websitehighway 8) election.com 9) Newsday Photo / Michael I. Schultz - Dressed to herald mydocumetns.com are Natalie Pego, from left, Wali Quasam, Michael Gencarelli, Nicholas Chimera and Patricia Hussey.

LOAD-DATE: May 8, 2000

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Digital Certificates -- Take on a new E-Identity -- Electronic IDs With Digital Certificates Just May Pack Enough Security To Power The Next Generation Of Internet Apps InternetWeek December 13, 1999

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LENGTH: 2325 words

HEADLINE: Digital Certificates -- Take on a new E-Identity -- Electronic IDs With Digital Certificates Just May Pack Enough Security To Power The Next Generation Of Internet Apps

BYLINE: Kelly Jackson Higgins

BODY:

Get ready to take on a new **e-identity**. Digital certificates are about to become the next-generation ID for e-commerce, VPN access and business-to-business transactions. These credentials, which come packaged in Web browsers, public key infrastructure software, and VPN and router products, are already quietly emerging in data-sensitive sectors like the financial industry and government.

Digital certificates are software-based IDs that contain a user's credentials. So far, digital certificates are used mainly for consumer e-commerce transactions, and in early PKI implementations and pilots, mostly in Europe and Canada. But this form of ID will take off in the next year or two. Giga Information Group estimates that some 247 million certificates will be issued overall worldwide between 2000 and 2002, up from around the 25 million out there today.

Microsoft's upcoming Windows 2000 release has a lot to do with the digital certificate surge Giga projects for the year 2001. That's when businesses are expected to start upgrading to Win2000, which will come with digital certificate-and PKI-technology embedded into the operating system. This feature will let Windows 2000 servers be certificate authorities (CAs), registering users and issuing and revoking certificates. Microsoft's Office 2000 application suite also will be certificate-ready, so users can encrypt and digitally sign e-mail messages and Word documents.

"Applications are the key," says Shanen Boettcher, product manager for Windows 2000 security. "Every app is someday going to have PKIs and digital certificates built in. First they'll be extensions and plug-ins to the apps, and then they'll just be part of the app."

Digital certificates represent an enhanced level of security for access and authentication. Unlike a traditional password a user has to remember, with a digital certificate, a user presents those electronic credentials as proof of identity. The certificate is also tied to privileges given that user.

Over the past year, Chevron Canada has been handing out digital certificates to its employees, wholesalers and retailers for accessing its VPN for e-mail. The Toronto petroleum company runs IPsec-based PKI technology in its VPN gateways. "We could have gone with a user ID and password, but we didn't see that as secure. Digital certificates are stronger authentication," says James Eaton, network specialist for Chevron Canada. The company may extend its VPN and digital certificates to its business partners, too, for e-mail and a new inventory app.

Digital Roadblocks

But digital certificates-and PKIs-won't happen overnight. There are plenty of obstacles to establishing a new **e-identity**, including the cost to

launch a corporate PKI, which on average ranges from \$500,000 to \$1 million. Most of the early adopters of digital certificates, such as Chevron Canada, are starting out slowly, using them for just one application, such as e-mail, or for a Web-based service-type application for their clients.

Meanwhile, PKI software vendors like Entrust Technologies, Baltimore Technologies and CyberTrust intend their digital certificate technology for use with other applications, too. "Since day one, we have been systematically expanding the portfolio of different transactions-initially Web and e-mail, now VPNs, desktop security-and bringing certificates to ERP applications," says Chris Voice, a product director for Entrust. "This is enabling the whole transaction chain."

The missing link for a digital-ID society is that, out of the box, most applications don't understand or use certificates. Entrust, for instance, offers plug-ins for apps, so they can use digital certificates, and software companies like Entegriy Solutions market middleware software that integrates certificates with existing off-the-shelf and proprietary applications. But tying all of this in with the corporate policies and privileges for each user is a long way off. "You have to have a system where the PKI policy is built into the application. And that's really hard," says John Curran, chief operating officer for Entegriy Solutions.

Another issue is interoperability problems among different vendors' certificates, which has less to do with technology than agreements among CAs and trading partners. If a company does business with a partner that uses a different vendor's PKI and digital certificates, there's no guarantee they can automatically use their certs to authenticate one another.

Of course, different PKI encryption products can handle certificates differently, including how they issue encryption keys; so sometimes it's merely a matter of negotiating the handshake. The Internet Engineering Task Force (IETF) is working through some of these issues with its emerging Public Key Infrastructure X.509 standard, which specifies the entire life cycle of an X.509 certificate, from creation to revocation. But a technical spec is only one piece of the puzzle.

"The bulk of the efforts is legal and business-level agreements that have to be negotiated and agreed upon," says Steve Roberts, director of the PKI Center of Excellence at the Meta Security Group, a security consultancy.

Even so, some businesses and governments are already moving forward with digital certificates today. Digital certificates provide a more airtight way than passwords and other access methods to secure and authenticate use of the new wave of Web applications businesses are offering their employees, business partners and customers. VPNs, extranets and, on the consumer side, e-commerce, are driving the need for these **e-identities**. Another factor driving digital certificates is the emergence of industry-specific CAs such as the banking community's Identrus, which acts as a trusted third party for authenticating bank and financial transactions for businesses and banks.

The bottom line is that these kinds of apps and services can give businesses a competitive edge.

PCS Health Systems Inc., Scottsdale, Ariz., which now offers the patients of its insurance company and other clients their prescription records on the Web, is a good example. PCS outsources VeriSign's digital certificate service, so VeriSign issues and revokes certificates based on PCS' policies and parameters. Patients use their browsers to access the PCS Web-based database. The application lets PCS offer its health plan customers and their subscribers a value-added service.

"This is medical data, so we need to authenticate the individual," says David Thompson, vice president of Internet development at PCS Health Systems. "Patients can pull a report from the last 24 months and use it in conjunction with their doctor to make sure they are getting the optimal therapy and treatments."

"This industry is very competitive, and we are doing all we can do to position ourselves ahead of the competition with things like this value add," he says. "And our customers can cobrand a version of this Web site, too."

Along with enhanced security and competitive advantage, digital certificates bring accountability to the e-commerce table—a feature that's now lacking on the Internet. Many auction-type e-commerce sites act as middlemen and don't take responsibility for the actual transactions between the buyers and sellers on their sites.

"If you're talking to eBay or buying a book, then passwords and PINs are fine for now," says Mike Yaffe, marketing manager for CyberTrust. "But if you're talking about people's medical records, or bank-to-bank transactions of tens of millions of dollars, you want to know who's on the receiving and sending end."

Not all applications, services or networks need a PKI or digital certificates, however. Even some of the pioneers here admit their implementations may be a bit of overkill at this point. "We could have gone with lesser security for what we wanted to roll out," says Jim Haw, vice president of systems security and standards for Mackenzie Financial Corp. "But we built Fort Knox with the intention of growing into it." The Toronto company currently issues digital certificates to about 2,500 of its financial planners.

Making applications fluent in using digital certificates is the next big step. ERP leaders PeopleSoft and SAP are working on folding certificate technology into their application suites. In addition, there are third-party plug-ins that let an application use digital certificates so that Joan in engineering can only access specific ERP apps for her department, not a human resources tool. Chevron Canada, which recently beta-tested Entrust's plug-in for SAP, is considering using digital certificates for some of its financial and customer applications, as well.

"It makes sense to have digital certificates for our financial and customer applications, where we need a higher level of security," says Chevron's Eaton. "Our goal is a single sign-on across multiple applications, so the user doesn't have to remember another password to log onto an SAP server," he says.

Entegrity Solutions and Shym offer PKI software akin to middleware that makes apps certificate-aware. The trade-off with some toolkits, however, is that they require modifications to the apps, and that's not ideal for complex applications, according to the Gartner Group. Just giving an app the ability to use a digital certificate isn't enough. "Accepting a certificate doesn't buy much in policy control, such as how long you can use a certificate, how it gets revoked and how to make sure all apps know instantly when that happens," says Entrust's Voice. "An app needs to understand what a policy is and how to make a decision based on it," he says.

Entegrity's Curran concurs. "Policy management has to be automatic, not manual, or it ruins the whole thing," he says.

Meanwhile, PKI vendors, especially VPN vendors that use IPsec security, are working on ironing out interoperability differences. "What's still missing is a good, living and working example of all of this," says Sara Radicati, CEO of The Radicati Group, a consultancy. "The issue for digital certificates isn't technical, but administrative."

Another hot button is validating the certificates—confirming that a certificate is legitimate. That is the next level of trust in a PKI. "The only thing worse than no security at all is a false sense of security," says Sathvik Krishnamurthy, vice president of marketing and business development for ValiCert, which sells validation software for PKIs. "You don't want to have people encrypting and signing with false credentials."

Validation traditionally has relied on the old grocery-store checkout model, where you download and check a certificate against a certificate revocation list, or CRL. "Propagating these lists becomes unwieldy," Krishnamurthy says.

PKI leader Entrust offers so-called CRL distribution points, where IT managers distribute CRL data. "The application has to figure out where to get the shortened list, then it downloads it and uses it," ValiCert's Krishnamurthy says.

Another approach that is considered the wave of the future is the IETF's Online Certificate Status Protocol, a real-time, client/server approach

Another approach that is considered the wave of the future is the IETF's Online Certificate Status Protocol, a real-time, client/server approach to distributing revoked certificate information. However, since Microsoft and Netscape don't support OCSP in their browsers yet, it hasn't caught on.

"That's PKI's greatest failure," says Andrew Herlands, president of Signetrust, a CA for the healthcare and insurance industries. "I'd like to see Microsoft and Netscape push that feature out as quickly as possible because of the immediate importance to the healthcare, insurance and financial industries."

Still, if a user doesn't sign a message or a deal, no one knows for sure that he was the one who sent the note or executed the transaction in the first place. The X.509 certificate that's generated by a browser and sent to a Web server in a typical e-commerce session today occurs via Secure Sockets Layer, which provides only a secure pipe, no authentication. SSL doesn't provide any proof that the office manager purchased those new books for the office, for instance. And not all PKI pioneers are digitally signing their messages and transactions as yet, so network managers can't be sure of where the message or transaction originated.

That's where digital signatures come in. A user digitally "signs" the message or transaction with a private encryption key, which lets the recipient confirm that the user indeed sent the message, and it didn't come from someone posing as the user. The recipient verifies the origin of the message with the sender's public verification key, which typically is enclosed within the message. That confirms that the message came from the sender. "This guarantees nonrepudiation after a transaction-you can't deny you participated in it," says Jeremy Wyant, senior technologist for CyberTrust.

Then, there's the encryption and decryption of the data with public and private key pairs that occurs in PKIs. That secures the content. Digital signatures ensure that the sender is legitimate. So far, digital signatures are most widespread in the financial services industry: Ruesch International runs a PKI that supports its apps for letting clients place orders and review accounts, among other things, over its Web site. "We wanted individual certificates to be signed so that we had authorization of any transaction from a client," says Ron Szoc, senior vice president of technology for Ruesch.

While it will take a few years for the software vendors to embed digital certificates into their applications and work out the interoperability issues, it's clear businesses want the security of digital certificates-especially for core business apps. So, get ready to take on that new **e-identity**.

Kelly Jackson Higgins is a writer based in Stanardsville, Va. She can be reached at kjhiggins@aol.com.

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LOAD-DATE: December 11, 1999

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1. e-dentity

5 thumbs up

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"makaka23."

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Funny T-Shirts

DESIGN MARK

Serial Number

75772851

Status

REGISTERED

Word Mark

E-DENTITY

Standard Character Mark

No

Registration Number

3418761

Date Registered

2008/04/29

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

H2 Design Group, Inc. CORPORATION PENNSYLVANIA 1817 East Carson Street
Pittsburgh PENNSYLVANIA 15203

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer
Services, Namely, Designing, Implementing and Maintaining Web Sites
For Others. First Use: 1999/12/28. First Use In Commerce:
2000/03/12.

Filing Date

1999/08/10

Examining Attorney

HARDY, TARAH

Attorney of Record

Kirk D. Houser

E-DENTITY

DESIGN MARK

Serial Number

78512834

Status

REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED

Word Mark

EENTITY

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

1535495 ONTARIO INC. CORPORATION CANADA 26 SOHO STREET SUITE 203
TORONTO ONTARIO M5T 1Z7

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software for website content management which allows users to
build and maintain their own website.

Filing Date

2004/11/08

Examining Attorney

NADELMAN, ANDREA K.

Edentity

DESIGN MARK

Serial Number

75741791

Status

REGISTERED

Word Mark

@ SPINFISH WEB

Standard Character Mark

No

Registration Number

2347192

Date Registered

2000/05/02

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

ROG, INC. CORPORATION MASSACHUSETTS 111 Rice Street Cambridge
MASSACHUSETTS 02140

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Marketing and promotion of the web sites of others on a global computer information network, conducting online business and market research surveys for others and providing summaries and analyses of the resulting survey data by means of a global computer information network; monitoring, analyzing and reporting statistical information about the web sites of others by means of a global computer information network. First Use: 1999/04/22. First Use In Commerce: 1999/04/22.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Developing and designing web sites for others for a global computer information network; developing and designing web sites for others for an internal computer network; custom computer software design for others; computer consultation; computer programming for others. First Use: 1999/04/22. First Use In Commerce: 1999/04/22.

Print: Oct 7, 2008

75741791

Disclaimer Statement

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Filing Date

1999/06/30

Examining Attorney

RUTLAND, BARBARA

@ SPINFISH WEB

DESIGN MARK

Serial Number

75847514

Status

REGISTERED

Word Mark

DIGEX SMARTSERVICES

Standard Character Mark

No

Registration Number

2553508

Date Registered

2002/03/26

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

DIGEX, INCORPORATED CORPORATION DELAWARE ONE DIGEX PLAZA BELTSVILLE MARYLAND 20705

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Managed web hosting services which include monitoring, security, backup and administrative services, namely, hosting the web sites of others on a computer server for a global computer network, monitoring the computer systems of others and monitoring news and information sources relating to computer security and security threats, and providing notification to customers about recently discovered security threats, remediation options and available responses to such threats, providing computer backup services and programs for those systems for the restoration and recovery of data located on customer's computer servers or web servers, including database servers and email servers, and configuring, maintaining and upgrading infrastructures of computer networks and websites of others, all housed in secured data service centers; managed application hosting services which include monitoring, security, and backup services, namely, hosting software applications on a computer server for customers to temporarily use via the Internet, monitoring application usage by others, providing

notification to customers about computer firewall or other computer security violations or threats, providing remediation options and available responses to such threats and providing application backup for customers for the restoration and recovery of data submitted by consumers to the customer's web sites, all housed in video surveillance secure data service centers. First Use: 1999/04/13. First Use In Commerce: 1999/04/13.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Computer reporting services; namely, collecting and analyzing statistical data about consumer usage of customer web sites and preparing printed and electronic reports in connection therewith. First Use: 1999/04/13. First Use In Commerce: 1999/04/13.

Prior Registration(s)

2001489;2089008;2249950

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Filing Date

1999/11/12

Examining Attorney

MATTHEWS, AMOS THOMAS

Attorney of Record

Mary-Elizabeth Buckles

DIGEX SMARTSERVICES

DESIGN MARK

Serial Number

75850796

Status

REGISTERED

Registration Number

2636092

Date Registered

2002/10/15

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

CAPITAL SOURCE FINANCE LLC, AS AGENT LIMITED LIABILITY COMPANY -
DELAWARE 4445 WILLARD AVENUE 12TH FLOOR CHEVY CHASE MARYLAND 20815

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S:
Computerized database management services; data processing services;
business process and data center outsourcing services for others
consisting primarily of computer operations management, software
management, network management, hardware management, computer
facilities management, security management, web site performance
monitoring, and data storage and backup management. First Use:
2000/01/31. First Use In Commerce: 2000/01/31.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer
software and hardware consulting services; computer software design
and development for others; technical help desk support services,
namely, troubleshooting of computer hardware and software problems via
telephone, e-mail, fax, written correspondence, printed materials and
in-person contact; co-location services, namely, providing facilities
for computers; global computer network and on-line computer related
services, namely, computer system monitoring and high-level security
computer monitoring; hosting websites for others on a computer server
for a global computer network. First Use: 2000/01/31. First Use In
Commerce: 2000/01/31.

Filing Date

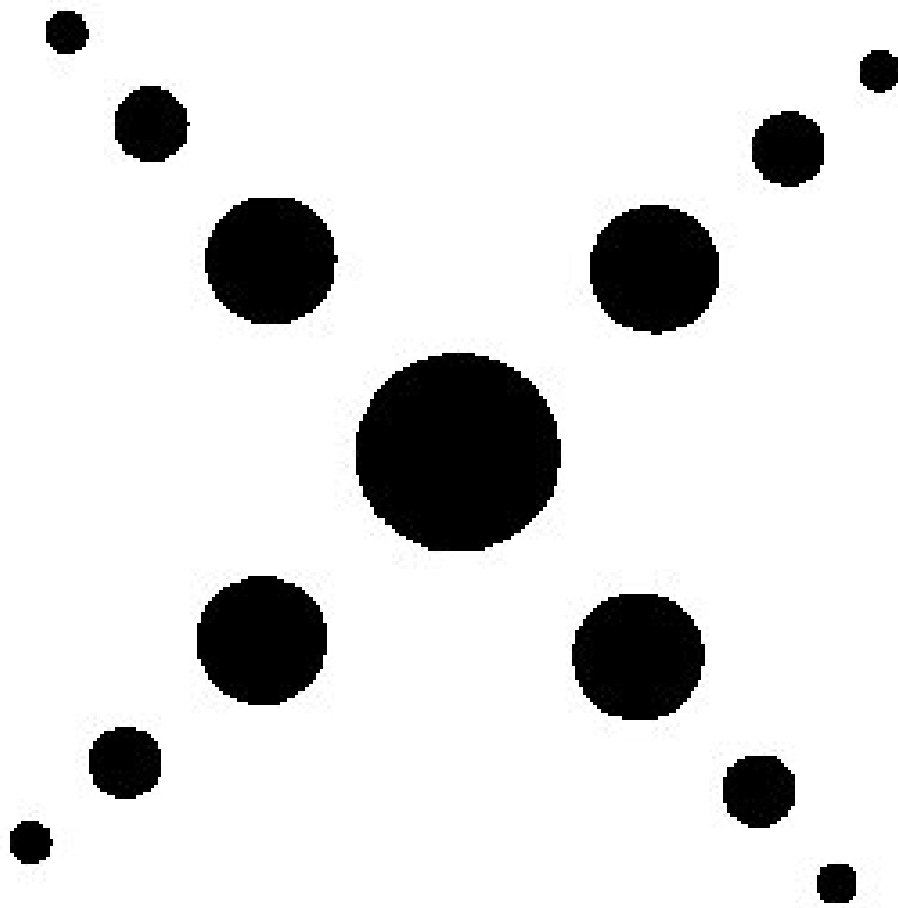
Print: Oct 7, 2008

75850796

1999/11/17

Examining Attorney
FLETCHER, TRACY

Attorney of Record
Sean Liam Kelleher



DESIGN MARK

Serial Number

76647779

Status

REGISTERED

Word Mark

SUPERSTAT8

Standard Character Mark

Yes

Registration Number

3226401

Date Registered

2007/04/10

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Network Solutions, LLC LIMITED LIABILITY COMPANY DELAWARE 13861
Sunrise Valley Drive Suite 300 Herndon VIRGINIA 20171

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer services, namely, website management, designing and implementing websites for others and consultation services related thereto, and website diagnostic services. First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business monitoring, namely, tracking web sites of others to provide details about user click traffic or visits to web sites and reporting services related thereto. First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Prior Registration(s)

2575307

Filing Date

Print: Oct 7, 2008

76647779

2005/09/30

Examining Attorney
FISHER, HANNAH M.

Attorney of Record
Brian J. Winterfeldt

SUPERSTATS

DESIGN MARK

Serial Number

77006687

Status

REGISTERED

Word Mark

THE SCIENCE OF DIGITAL MARKETING

Standard Character Mark

Yes

Registration Number

3396969

Date Registered

2008/03/18

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

24/7 Real Media, Inc. CORPORATION DELAWARE FL 9 132 W. 31st St., New York NEW YORK 10001

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business services, namely, advertisement management by providing reports, advertisement targeting, and management of electronically stored advertising, for use on the global computer network; advertising services and commercial information services, through the Internet; dissemination of advertising for others, through the Internet, including advertisements targeted based on user behavior; business monitoring services, namely, analysis and reporting on website traffic for others; promoting the goods and services of others by preparing and placing on-line advertisements on a network of web pages on the Internet, as well as via e-mail; promoting the goods and services of others through search engine referral traffic analysis and reporting; and providing advertisement representation services, namely, representing advertisers in the dissemination of and sales from advertisements on web pages; and consulting in the field of on-line advertising. First Use: 2006/04/01. First Use In Commerce: 2006/04/24.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer services, namely, maintaining a network of web pages on the internet for others. First Use: 2006/04/01. First Use In Commerce: 2006/04/24.

Disclaimer Statement

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Filing Date

2006/09/25

Examining Attorney

DINALLO, KEVIN

Attorney of Record

Gallit Schuller

THE SCIENCE OF DIGITAL MARKETING

DESIGN MARK

Serial Number

78471591

Status

REGISTERED

Word Mark

FABULOUS

Standard Character Mark

No

Registration Number

3015388

Date Registered

2005/11/15

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Fabulous.com Pty Ltd CORPORATION AUSTRALIA Level 10, 243 Edward Street
Brisbane, Queensland AUSTRALIA 4000

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business services provided over the internet or other global computer network, namely domain name account management services; domain name search and monitoring services; management services to enable the tracking and reporting of domain name traffic and website traffic and to facilitate the supply of domain name traffic and website traffic to third parties. First Use: 2002/12/19. First Use In Commerce: 2002/12/19.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Registration and registration renewal of domain names for the identification of computer users on the internet or other global computer networks; creating, designing, maintaining and hosting websites for others on the internet or other a global computer network; providing temporary use of nondownloadable online computer software to enable others to create websites and update website content. First Use: 2002/12/19. First Use In Commerce: 2002/12/19.

Colors Claimed

The colors blue and white are claimed as a feature of the mark.

Part of Mark in Color

The mark consists of a stylized version of the word "Fabulous" together with five (5) overhead stars, gradually increasing in size from left to right. The color blue is used as background for white lettering and various shades of blue for multiple star graphic elements.

Filing Date

2004/08/23

Examining Attorney

STINE, DAVID



DESIGN MARK

Serial Number

78737622

Status

REGISTERED

Word Mark

MYWEBTEAM

Standard Character Mark

Yes

Registration Number

3145364

Date Registered

2006/09/19

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

My Webteam, Inc. CORPORATION CALIFORNIA 17702 Mitchell North, Suite
201 Irvine CALIFORNIA 92614

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business monitoring services, namely, tracking websites of others to provide details about user click traffic or visits to the website; Database management; Development of marketing strategies and concepts; Marketing consulting; Promoting the goods and services of others through search engine referral traffic analysis and reporting; Promoting, advertising and marketing of the on-line websites of others. First Use: 2000/04/01. First Use In Commerce: 2000/04/01.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer programming for others; Computer services, namely monitoring and reporting on the performance, availability, and errors of websites of others; Computer services, namely monitoring, testing, analyzing, and reporting on the Internet traffic control and content control of the websites of others; Computer services, namely, monitoring the websites of others to improve scalability and performance of websites of

others; Computer software consultation; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Customization of computer hardware and software; Database development services; Design, creation, hosting, maintenance of websites for others; Providing customized on-line web pages featuring user-defined information, which includes search engines and on-line web links to other web sites; Technical support services, namely, troubleshooting of computer hardware and software problems; Technical writing for others. First Use: 2000/04/01. First Use In Commerce: 2000/04/01.

Filing Date

2005/10/20

Examining Attorney

ALT, JILL C.

Attorney of Record

Jerome V. Sartain

MYWEBTEAM

DESIGN MARK

Serial Number

78852749

Status

REGISTERED

Word Mark

DREAMMAIL

Standard Character Mark

Yes

Registration Number

3354048

Date Registered

2007/12/11

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Alliance Data Systems Corporation CORPORATION DELAWARE 17655 Waterview Parkway Houston TEXAS 75252

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business marketing consulting services; business marketing data analysis and modeling services; preparing and analyzing mailing lists for others; direct marketing advertising services for others; response management services; marketing response analysis services, namely, measurement, analysis and assessment of the responses and effectiveness of marketing, sales and advertising campaigns, and providing reports and recommendations regarding such campaigns; marketing campaign management services; web site analytic services, namely, assessing and analyzing web sites and web site usage for effectiveness in attracting and retaining customers; order fulfillment services, namely, receiving, assembling, selecting, packaging, consolidating and preparing merchandise and marketing collateral orders for shipment; design, creating, and distribution of paper and electronic business forms; creative design and copy services for others, namely, creating and designing forms, logos, publications and marketing collateral for use in business operations, marketing and advertising; advertising

agencies; marketing agency services, namely, marketing plan audit and analysis, marketing plan development, and marketing plan execution and reporting services; marketing consultation and development services for the management of marketing systems; providing marketing databases for the financial industry; tracking and monitoring of goods for others; business consulting services, namely, providing customer loyalty and promotion programs; business consultant services for direct marketing programs of others. First Use: 2006/04/30. First Use In Commerce: 2006/04/30.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Database development and management services; computer services, namely, designing and implementing web sites for others; custom design services for the direct marketing programs of others utilizing computer-generated information. First Use: 2006/04/30. First Use In Commerce: 2006/04/30.

Filing Date

2006/04/03

Examining Attorney

SOMERVILLE, ARETHA

Attorney of Record

John C. Cain

DREAMMAIL

To: Public Communications Inc. (trademarks@schiffhardin.com)
Subject: TRADEMARK APPLICATION NO. 77491921 - E-DENTITY - 07399
Sent: 10/7/2008 10:34:34 AM
Sent As: ECOM112@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 10/7/2008 FOR
APPLICATION SERIAL NO. 77491921

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77491921&doc_type=OOA&mail_date=20081007 (or copy and paste this URL into the address field of your browser), or visit <http://tportal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable [response time period](#). Your response deadline will be calculated from **10/7/2008**.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the **ABANDONMENT** of your application.**