

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LSI Corporation

Serial No.: 85/055011 Examining Attorney: James W. MacFarlane

Filed: June 4, 2010 Law Office: 104

Mark: EVERON

Mailing Date: August 9, 2010

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Response to Office Action

Applicant LSI Corporation (“Applicant”) respectfully submits this response to the outstanding Office Action, mailed August 9, 2010.

Specimen

Applicant submits that the specimen in connection with the Class 9 goods -- namely, a product guide -- is distributed along with the goods.

Section 2(d) Refusal

For the reasons stated below, Applicant respectfully contends that its EVERON mark is not likely to cause confusion with the registered mark cited by the Examining Attorney, namely, Registration No. 3,204,588 for EVERON. The differences between the goods offered by Applicant and the services offered by the cited registrant in connection with their respective marks and their respective consumers, the fact that the “ever” portion of the mark is widely used, and the fact that the marks have coexisted for years, avoid any likelihood of confusion. Upon consideration of all of these factors, it is submitted that the marks are not confusingly similar.

Differences between the Goods and Services

Applicant's goods are "computer hardware; computer software for use in network attached storage filers" in Class 9. Additional information regarding Applicant's goods is annexed hereto as Exhibit 1. In contrast, the cited registrant's services are different. Specifically, they concern the installation, maintenance and technical support of computers and computer networks. Additional information regarding the cited registrant's services is annexed hereto as Exhibit 2. This is very different from the Applicant's goods, which have a specific purpose; namely, data storage.

Thus, the fact that both Applicant's goods and the cited registrant's services are arguably categorized in the computer field is not determinative on the issue of likelihood of confusion. Because of the explosion of technology and computer related goods and services, there is no *per se* rule when determining likelihood of confusion in connection with the same. The mere possibility of an overlap in the computer field is not significant enough to warrant a finding of likelihood of confusion as to source. *See In re Quadrum Corporation*, 228 U.S.P.Q. 863 (T.T.A.B. 1985).

Further, Applicant's goods are purchased by a specialized niche of purchaser. The actual purchasers of Applicant's goods are "OEMs" (original equipment manufacturers) such as IBM and Silicon Graphics, Inc.; who in turn rebrand the products before selling them to the public. Accordingly, these are products purchased neither by the casual computer user nor by the end user companies; but rather, by large scale companies. In contrast, registrant's consumers are small business owners, who seek to purchase IT services. However, both sets of consumers are professional buyers, who are less likely to be confused than the ordinary consumer. See 4 J.

THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION, §23:101, at 23-331.

For example, in *Electronic Design & Sales Inc. v. Electronic Data Systems Corp.*, 21 U.S.P.Q.2d 1388 (Fed. Cir. 1992), the court found that there was no likelihood of confusion where the plaintiff sold E.D.S. computer services to experienced medical professionals, and the defendants sold EDS battery chargers and power supplies to OEMs. The court found, as is the case herein, the parties' goods and services "are usually purchased after careful consideration by persons who are highly knowledgeable." Similarly, in *Astra Pharmaceutical Products, Inc. v. Beckman Instruments, Inc.*, 220 U.S.P.Q. 786 (1st Cir. 1983), the court found no likelihood of confusion between ASTRA local anesthetic preparation and ASTRA computerized blood analyzer machines, even though the products in question are both used in hospitals. The products are purchased by different parts of the hospital, each with a different expertise. Even if the same purchasing agent was involved in the actual purchase of both products, the court opined, the agent would not be involved in the *decision* to purchase either product.

A finding of a likelihood of confusion depends upon whether an "appreciable amount" of the "purchasing public would mistakenly assume that the applicant's goods or services originate with, are sponsored by, or are in some way associated with the goods sold under a cited registration or trademark." See 4 MCCARTHY §23:2, at 23-15; §23:78, at 23-288 – 23-289, *citing FBI v. Societe*, 172 U.S.P.Q. 310 (T.T.A.B. 1971). Although both the Applicant's products and the cited registrant's services are computer related, they would be purchased by different, knowledgeable and experienced purchasers, at different companies. Further, the purchasing public of the Applicant's goods are clearly so discriminating that they are willing to put their

own brand name on the product. As such, an appreciable amount of the purchasing public will not, and cannot, be confused as to the origin, sponsorship or association of Applicant's goods.

The Marks are Highly Suggestive

The portion of the mark "EVER" is highly suggestive in the computer field, and no one party can claim exclusivity thereto. Marks using said terms are entitled to only a narrow scope of protection. *See* 2 MCCARTHY, §11:86. The following is a sample of federal registered marks for computer related goods and services, which include "EVER" as the prefix of the mark (other than the cited registration):

Trademark	Reg. No.	Brief Goods/Services	Owner
EVERACCESS	3,437,589	(Int'l Class: 9) Electronic identification equipment and access control equipment, namely, controllers, readers, coded cards, encoded smart cards, memory modules, network modules in the nature of serial to ethernet adapters or built-in ethernet adapters, input/output modules in the nature of digital input and...	Everfocus Electronics Corp.
EVERBRIDGE	3,745,908	(Int'l Class: 42) Application service provider (asp) featuring software for use in sending critical, time-sensitive notifications and alerts to individuals and organizations in the field of outcall notification services; application service provider (asp) featuring software for use in the delivery of messages by...	Everbridge, Inc.
EVERCAST	2,476,349	(Int'l Class: 35) Promoting the goods and services of others by placing advertisements on a website accessed on a global computer network (Int'l Class: 42) Computer services, namely, creating and maintaining websites for others	U.E. Corp.
EVERCOM (Stylized)	3,052,300	(Int'l Class: 9) Telephones; image and voice capture devices; application software for telephones and image and voice devices; computer software and computer hardware... (Int'l Class: 35) Billing services; operation of telephone communication centers for others (Int'l Class: 36) Financial services, namely, providing on-line stored value accounts in an electronic environment; bill payment services (Int'l Class: 37) Installation, maintenance and repair of computer and telecommunications hardware, peripherals and audio recording systems (Int'l Class: 38) Telephone communications services; communication services, namely,	Securus Technologies, Inc.

Trademark	Reg. No.	Brief Goods/Services	Owner
		electronic transmission of data and documents among users of computers; providing collocation services for voice,... (Int'l Class: 42) Installation, maintenance and repair of computer software (Int'l Class: 45) Providing information concerning possible criminal or suspicious activities of individuals or organizations	
EVERCONN	3,700,008	(Int'l Class: 9) Battery cables; cable connectors; cable jump leads; cable modems; cable television converters; cables and fibers for the transmission of sounds and images; cables for electrical and optical signal transmission systems; cables for optical signal transmission; coaxial cables; coaxial cables incorporating...	Evertop Wire Cable Corporation
EVERCORE	3,074,117	(Int'l Class: 9) Software that manages the storing and serving of digital images (Int'l Class: 42) Data migration, implementation and utilization of software that manages the storing and serving of digital images for others; technical support...	Teramedica, Inc.
EVERCORE and Design	3,080,288	(Int'l Class: 9) Software that manages the storing and serving of digital images (Int'l Class: 42) Data migration, implementation and utilization of software that manages the storing and serving of digital images for others; technical support...	Teramedica, Inc.
EVERDREAM	2,914,303	(Int'l Class: 37) Maintenance and repair of computer hardware (Int'l Class: 42) Computer technical support services, namely, troubleshooting of computer hardware and software problems, monitoring of network systems, providing back-up computer programs...	Everdream Corporation
EVEREST	2,435,506	(Int'l Class: 9) Computer software, namely, a suite of accounting software	Icode, Inc.
EVEREST	3,013,042	(Int'l Class: 9) Computer software for use in managing business operations, namely, accounting software, business automation software for organizing, assigning and managing personal... (Int'l Class: 16) [Books, newsletters,] manuals and pamphlets in the field of computer software for financial systems and general business management (Int'l Class: 41) Educational services; namely, computer software training classes (Int'l Class: 42) Computer software consultation services in the field of financial systems and general business management	Icode, Inc.
EVEREST	3,645,626	(Int'l Class: 9) Rugged and industrial computers and computer hardware	Glacier Computer, LLC
EVEREST	3,586,758	(Int'l Class: 9) Computer software for map design and management of geographic	Talos Software Systems, LLC

Trademark	Reg. No.	Brief Goods/Services	Owner
EVERFILE	3,161,699	information (Int'l Class: 42) Computer service, namely, acting as an application service provider in the field of personal, employment and academic data, to host computer application software for storage and exchange with various organizations	Everfile Systems, Inc.
EVERFINE	3,397,283	(Int'l Class: 9) Computer software for optical instruments used for analyzing and managing data; intelligent multimeters; optical standard lamps, namely light sources used in optical metrology inspection; integrating spheres, namely, light collectors used for luminance and radiance standards, lamp measurement, reflectance and transmittance...	Everfine Photo-E-Info Co., LTD.
EVERGE GROUP and Design	2,620,899	(Int'l Class: 42) Consulting services in the field of computer networks, systems and software implementation and integration	Everge Group of Texas, LTD.
EVERGREEN SOFTWARE	3,787,067	(Int'l Class: 42) Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; customized software development services	Evergreen Co. LLC, Db a Evergreen Software Co.
EVERGREENSPACE	3,688,202	(Int'l Class: 35) Advertising and information distribution services, namely, providing classified advertising space via the global computer network; promoting the goods and services... (Int'l Class: 38) Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest;... (Int'l Class: 41) Entertainment services, namely, providing a web site featuring photographic, audio, video and prose presentations featuring personal profiles and information (Int'l Class: 42) Computer services in the nature of customized web pages featuring user- defined information, personal profiles and information; providing a website...	Steve Samuel
EVERGRID	3,341,955	(Int'l Class: 9) Computer software for use in ensuring the continuous availability, scalability and performance of applications in distributed computing environments	Librato, Inc.
EVERIO (Stylized)	3,288,626	(Int'l Class: 9) Digital still cameras; video cameras; video disc recorders/players; video tape recorders/players; combined video cameras with digital still cameras; combined video tape recorders/players with disc recorders/players; combined video cameras with video disc recorders/players; combined video cameras with video tape recorders/players; combined...	Victor Company of Japan, Limited
EVERIS	3,581,785	(Int'l Class: 35) Business management consultancy services; business administration consultancy services [; providing office	Everis Spain S.L.

Trademark	Reg. No.	Brief Goods/Services	Owner
		functions] (Int'l Class: 37) [Technological support services, namely, installation, maintenance and updating of computer hardware for others] (Int'l Class: 42) Technological research in the field of information technology; technological support services, namely, installation, maintenance and updating of computer software for...	
EVERKI and Design	3,095,449	(Int'l Class: 9) Computer accessories, namely, carrying cases for portable computers, notebook computers, and personal digital assistants (pda)	Everki International Company Limited
EVERLAST	3,133,391	(Int'l Class: 9) Computer and video game cartridges; computer game software, programs and tapes	Everlast World's Boxing Headquarters Corporation
EVERLASTING MEMORIAL	2,346,624	(Int'l Class: 42) Computer services, namely, providing memorials featuring text and audio visual clips, via a global computer network, local area network or stand-alone computer	Making Everlasting Memories, L.L.C.
EVERLASTING MEMORIES	2,987,688	(Int'l Class: 42) Computer services, namely, providing memorials featuring text and audio visual clips, via a global computer network, local area network or stand-alone computer	Making Everlasting Memories, L.L.C.
EVERLIGHT and Design	3,059,522	(Int'l Class: 9) Apparatus for semiconductors, namely computer peripherals, electronic signal emitters, phototubes, vacuum tubes, light-emitting diodes (led), led lamps, led displays, infrared led, electronic signboard displays, liquid crystal displays, namely electric luminescent display panels, liquid crystal displays (LCD), audio, video and satellite...	Everlight Electronics Co., LTD.
EVERLONG (Stylized)	3,755,535	(Int'l Class: 9) Electric cords and cables, coaxial cable, telecommunications and control cable, computer cable, television cable, sound and video cable, thermocouples; accessories for electrical cable, namely, glands, seals, pots, splicing kits, terminators, junction boxes and pull eye assemblies; power supply cords, detachable...	Everlong Electric (Dongguan) Co., LTD.
EVERNOTE	2,990,592	(Int'l Class: 9) Computer programs for capturing, organizing, searching, storing, synchronizing, recognizing, sharing and transmitting any number of typed, handwritten, or imaged notes or clippings on multiple computer and network platforms	Evernote Corporation
EVERNOTE	3,907,865	(Int'l Class: 9) Computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing, transmitting and displaying digital files, including audio, video, text, binary, still images, graphics, digital content and multimedia files; downloadable computer software for use in capturing, organizing, searching,...	Evernote
EVERPLAY	3,628,849	(Int'l Class: 9) Computer software for displaying,	Optical Storage

Trademark	Reg. No.	Brief Goods/Services	Owner
EVERQUEST	2,137,911	transmitting, reproducing and storing images (Int'l Class: 28) Computer and video game software	Technology Association 919 Investment Co.
EVERQUEST	2,507,594	(Int'l Class: 41) Operating a real time, role playing game for others over global and local area computer networks	919 Investment Co.
EVERRUN	3,374,167	(Int'l Class: 9) Computer hardware and computer software that provide continuous availability for operating systems and computer program applications in order to reduce... (Int'l Class: 42) Consulting services in the field of the implementation and use of computer hardware and software systems for others; technical support...	Marathon Technologies Corporation
EVERSAT (Stylized)	3,472,616	(Int'l Class: 9) Aerials, portable aerials, satellite aerials, portable satellite aerials; apparatus, devices and blank digital storage media for recording, transmitting, storing, and... (Int'l Class: 38) Telecommunication services, namely, radio/telephone paging services; information transmission services via data communication networks, radio, telegraphic and telephonic communication; computer aided... (Int'l Class: 42) Technical research and technical project studies, engineering, research and development of new products for third parties, all these services in...	Eversat SAS
EVERSIO	2,534,901	(Int'l Class: 35) Retail store services and retail store services available through computer communications and interactive television featuring automated data collection hardware, software and consumables, namely labels, tags and ribbons	Hennessey Industries, Inc.
EVERSUITE	3,382,111	(Int'l Class: 9) Computer software for electronic management of enterprise content, namely, scanning and data processing, data storage, data archiving, allowing automatic classification,... (Int'l Class: 38) Telecommunication services, namely, providing telecommunication connections via a global computer network; providing telecommunication infrastructures for transferring, recording and electronically requesting... (Int'l Class: 42) Computer services, namely, design and development of computers and software for others; conversion of computer data and programs for others;...	Ever Team - Societe Anonyme
EVERSUN and Design	3,897,690	(Int'l Class: 9) Video surveillance equipment, namely, video cameras and monitors for surveillance purposes, not including computers, computer hardware, computer software, or computer peripherals	Taiwan Video System Co., LTD.
EVERTEC	3,078,547	(Int'l Class: 35) Data management and processing services; business management	Everttec, Inc.

Trademark	Reg. No.	Brief Goods/Services	Owner
		<p>services; business research and evaluation services; outsourcing services in the field of technical...</p> <p>(Int'l Class: 36) Transaction processing, namely, credit cards, debit cards, atm, check processing, money transfers, insurance benefit processing, payment processing; processing and authorization...</p> <p>(Int'l Class: 38) Providing access to customer internal telecommunications networks from remote processing facilities; transaction processing, namely electronic transmission of medical records via...</p> <p>(Int'l Class: 42) Integration of computer systems and networks; computer network management and technical support services, namely design and maintenance of software; computer...</p>	
EVERTEC and Design	3,161,609	<p>(Int'l Class: 35) Data management and processing services; business management services; business research and evaluation services; outsourcing services in the field of technical...</p> <p>(Int'l Class: 36) Transaction processing, namely, credit cards, debit cards, atm, check processing, money transfers, insurance benefit processing, payment processing; processing and authorization...</p> <p>(Int'l Class: 38) Providing access to customer internal telecommunications networks from remote processing facilities; transaction processing, namely electronic transmission of medical records via...</p> <p>(Int'l Class: 42) Integration of computer systems and networks; computer network management and technical support services, namely design and maintenance of software; computer...</p>	Evertec, Inc.
EVERTECH	3,397,878	<p>(Int'l Class: 9) Access control and alarm monitoring systems; building security systems comprising software and hardware for providing picture, video, alarm status, building...</p> <p>(Int'l Class: 45) Control of building environmental access and security systems; monitoring of computer systems for security purposes; monitoring security systems; investigation or...</p>	Semih Dumanogullari
EVERTEK	3,103,026	(Int'l Class: 35) Online wholesale distributorships and online ordering services featuring computers and computer peripherals	Evertek Computer Corporation
EVERTEK and Design	3,103,027	(Int'l Class: 35) Online wholesale distributorships and online ordering services featuring computers and computer peripherals	Evertek Computer Corporation
EVERTOP	3,712,932	(Int'l Class: 9) Battery cables; cable connectors; cable jump leads; cable modems; cable television converters; cables and fibers for the transmission of sounds and images; cables for	Evertop Wire Cable Corporation

Trademark	Reg. No.	Brief Goods/Services	Owner
		electrical and optical signal transmission systems; cables for optical signal transmission; coaxial cables; coaxial cables incorporating...	
EVERVOX and Design	3,631,483	(Int'l Class: 9) Computer monitors, navigation apparatus for vehicles, satellite navigational apparatus, namely, a global positioning system; television apparatus for projection purposes, amusement... (Int'l Class: 12) Horns for vehicles, sun-blinds adapted for automobiles, rearview mirrors, head-rests for seats for motor cars, back-up warning alarms for vehicles,...	Zhouyongsheng
EVERWARE	2,403,224	(Int'l Class: 41) Educational services, namely, training services, providing workshops, and providing seminars to businesses concerned with the application of computer systems to... (Int'l Class: 42) Design of computer software for others, consulting services rendered to businesses concerned with the application of computer systems to specific...	Everware, Inc.

In fact, there are also a number of EVERON marks for a wide variety of goods and services:

Trademark	Reg. / App. No.	Brief Goods/Services	Owner
EVERON	RN:2,094,499	(Int'l Class: 1) Chemical preparations, namely, electroless solution for use in the deposit of nickel on platable surfaces for corrosion resistance and wear resistance	Rohm and Haas Electronic Materials LLC
EVERON	RN:3,093,139	(Int'l Class: 3) Cosmetic preparations	Weleda Trademark AG
EVERON	RN:3,276,947	(Int'l Class: 16) Marking pens, marking pencils, ink markers; namely, paint stick markers, rollerball paint markers and valve action paint markers, metal markers, textile and dye resistant markers and specially constructed markers, for dispensing dye resistant and bleach proof marking of textiles	Arro-Mark Company LLC
EVERON	RN:3,251,027	(Int'l Class: 9) Multi-purpose safety and emergency lights, excluding pen lights, flash lights, squeeze lights and lanterns	Cyberlux Corporation
EVERON	RN:3,496,783	(Int'l Class: 10) Monitor for respiratory and cardiac functions that alerts upon patient deterioration	Earlysense LTD.
EVERON	SN:77-270575	(Int'l Class: 7) Fuel cells; hybrid energy conversion systems composed of fuel cells, electrolysers, fuel reformers; fuel cartridges for fuel cells; refueling stations for fueling portable electronics that include hydrogen	Angstrom Power, Inc.

Trademark	Reg. / App. No.	Brief Goods/Services	Owner
		fuel cells	
EVERON and Design	RN:3,547,267	(Int'l Class: 11) Electric holiday lights	Everstar Merchandise Co., LTD

While the existence of third party marks cannot, *per se*, justify the registration of another mark, third party marks are of use to the Examining Attorney if they demonstrate that a mark or a portion of a mark is suggestive of certain goods or services, or so widespread, that it is entitled only to a narrow scope of protection. T.M.E.P. §1207.01(c)(iv). *See Plus Products v. Redken Laboratories Inc.*, 199 U.S.P.Q. 111, 116 (T.T.A.B. 1978). In addition, because of other marks, customers “have been educated to distinguish between different [such] marks on the basis of minute distinctions.” 2 MCCARTHY §11:88, quoting *Standard Brands, Inc. v. RJR Foods, Inc.*, 192 U.S.P.Q. 383 (T.T.A.B. 1976). Applicant submits that because of the suggestive “EVER” in the computer field, no one entity can claim rights in that portion of a mark.

Because “EVER” is suggestive when applied to the field of computers, Applicant contends that the differences in the goods and services and the intended consumers differentiates the marks, even in light of the fact that the marks appear to be the same. Applicant argues that these differences are sufficient to distinguish them and to avoid confusion.

Co-Existence and Priority

Applicant submits that it has coexisted with the cited registrant since at least as early as Applicant’s first use date; namely, February 7, 2004. Co-existence for such a long period of time without, upon information and belief, any confusion should be a factor which weighs in favor of registration.

Conclusion

Based on the foregoing, Applicant believes that it has met all the requirements as outlined in the outstanding Office Action and respectfully requests that the Examining Attorney pass the Application to publication.

Respectfully submitted,

DONOVAN & YEE LLP
Attorneys for Applicant

Dated: February 9, 2010

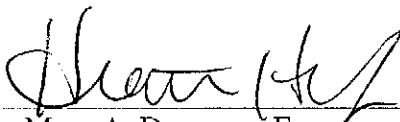
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EXHIBIT 1

EverOn OS

The EverON™ storage operating system was architected with a singular focus: to deliver a high performance, enterprise grade, networked storage platform that could reliably store and manage hundreds of terabytes of data in a single system. LSI™ ONStor™ clustered NAS solutions are based on the EverON operating system, making them an ideal storage platform for enterprise business, technical and high performance applications.

Real-time, Storage Operating System

The EverON storage operating system is a secure, highly efficient, light-weight, micro-kernel software platform. EverON OS takes advantage of multi-core network processors to provide advanced storage, networking and data movement services needed to build a scalable networked storage system.

Open Storage Virtualization

Gain the freedom to deploy the network storage of your choice. EverON OS virtualizes multi-vendor, multi-grade (Fibre Channel, SATA and solid state) enterprise SAN storage into one or more storage pools to simplify storage management and improve resource utilization. EverON OS uses a pluggable storage array manager (PSAM) framework to provide storage array profile, path and failover management. Storage I/O to a SAN storage array is managed by a storage array manager (SAM) which has complete knowledge of the storage array's I/O and failover characteristics. Several SAMs are natively available in EverON OS to support a variety of enterprise SAN storage arrays.

Storage Pooling and Automated Capacity Provisioning

By pooling multi-vendor, multi-grade storage into a shared storage pool, EverON OS dramatically simplifies the provisioning of storage for ONStor NAS file systems. The AutoGrow™ feature of the EverON OS provides an automated provisioning framework which allows administrators to define rules that govern how capacity is allocated to various file systems. Administrators choose storage array, RAID levels, storage pool, capacity increments and thresholds at which capacity is to be provisioned and EverON OS automatically allocates capacity to file system when pre-defined thresholds are met. AutoGrow enables just-in-time provisioning allowing administrators to create file systems with minimal capacity and automatically grow capacity as needed. This powerful feature eliminates wasted space, frees administrators of burdensome provisioning chores and improves responsiveness to end user requests. EverON storage pools are shared across multiple ONStor NAS systems in a cluster enabling easy movement and migration of EverON file systems between ONStor NAS systems. This gives administrators the flexibility to adapt to different application and end user workflows and sustain the required performance from an EverON cluster.

Reliable, Failsafe IP Networking

Reliable data delivery requires a robust, failsafe network implementation. EverON OS supports an array of networking features to achieve robust, high performance network throughput with low latencies. Native support for Gigabit Ethernet, Virtual LAN (IEEE® 802.1q) ports for creating logical networks, Ethernet port trunking for higher application availability, higher bandwidth through Link Aggregation (IEEE 802.3ad) and built-in TCP offloading are some of the notable networking features that are available in EverON OS. For applications needing multi-tenancy and mobility across multiple NAS nodes in a cluster, EverON OS offers virtual network stacks. Virtual network stacks when combined with EverON Virtual Servers provides a very powerful and flexible virtualization solution for large scale file data consolidation.

Concurrent Windows & UNIX Data Access

ONStor clustered NAS systems running EverON OS natively support concurrent data access through NFSv2 and NFSv3 protocols over UDP/TCP and Microsoft® SMB CIFS protocol. EverON OS seamlessly plugs into customer environments with fully integrated support for Active Directory, Lightweight Directory Access Protocol (LDAP), Network Information Services (NIS), and Kerberos for strong encryption.

Using a native implementation of the Windows CIFS protocol, EverON OS supports the full range of Windows clients and servers, including Windows NT 4.0, Windows 2000, Windows 2003, Windows XP and Windows Vista. For

efficient file sharing within a multi-protocol (Windows and UNIX® / Linux) environment, EverON StorFS file system supports an integrated security model that permits a single file to be accessed by a Windows or UNIX client. Both Windows ACL and UNIX permissions are strictly enforced. File locking across protocols is enforced when both Windows and UNIX clients access the same file at the same time. EverON OS CIFS services also support the multiple domain trust relationships found in more complex IT environments.

As a member of Microsoft Communications Protocol Program, ONStor licenses the communications protocols that facilitate interaction of Windows devices and keeps members updated with the most current information as Windows evolves. With Windows compliance now and in the future, ONStor customers have investment protection as they leverage ONStor solutions in order to meet their server consolidation demands.

EverON NAS Cluster Manager

EverON NAS Cluster Manager enables single-pane-of-glass management of multiple ONStor NAS systems in a cluster through an intuitive graphical user interface, wizard based configuration management, and guided maintenance to simplify management tasks and speed learning. A powerful suite of storage management tools enabling the quick and easy configuration and management of file systems, IP clients, and fibre-channel attached LUNS. EverON NAS Cluster Manager supports a management window in which you can drill down to specific features to configure and manage shares, automate provisioning, snapshot schedules, data replication schemes, and much more. Icons, tree diagrams, menus, context menus, dialogs, and buttons, make the configuration and management of EverON NAS cluster and your SAN environment simpler. However, for those that prefer CLI, a rich command-line interface is always available for traditional access and management.

Features

- Real-time micro kernel operating system
- Open storage virtualization
- Storage pooling and automated capacity provisioning
- Concurrent Windows and Unix data access
- StorFS scalable file system
- Native server virtualization

Benefits

- Secure, high performance data access in real time
- Benefit from choice of tiered storage systems
- Reduce operational costs while responding faster to business needs
- Consolidate all file data into a single system
- Fewer file systems to manage
- Improve resource utilization and reduce infrastructure costs

Virtual Servers

EverON server virtualization technology offers customers the ability to abstract physical ONStor NAS systems into functional instances called Virtual Servers.

StorFS File System

StorFS™ is a 64-bit file system designed for massive scalability and blazing performance along with a comprehensive set of data protection and management features.

High Availability Clustering

EverON OS provides N-way high availability clustering capabilities to allow multiple ONStor NAS systems to be

configured as an active-active cluster.

Snapshot

EverON Snapshot technology allows you to capture multiple online point-in-time images of StorFS file systems.

Mirror

ONStor EverON Mirror delivers asynchronous data replication between ONStor clustered NAS solutions.

Global Namespace Manager

EverON Global Namespace technology provides a key foundation for simplifying data management in a distributed file storage environment.

EXHIBIT 2



888-244-1748

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Small Business IT Support Services

Everon provides [IT support services](#), [IT hosting](#), [internet marketing](#), and [data backup](#) to businesses and non-profits nationwide. Our services are designed to help the business owner Grow, Manage, and Protect™ the organization they've worked so hard to build.

We are entrepreneurs just like you, so we know that your time and resources are precious and that you need to be focused on what's most important. Leverage our small business IT support expertise and passion for small business success to your advantage - whether that's providing IT support to your employees, protecting your critical data, or developing an Internet marketing campaign that brings leads in the door.

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Everon was founded in 2003 with the vision of enabling small businesses across the country to use technology to more effectively grow, manage and protect their business.

Everon provides a suite of [IT management and support services](#), [internet marketing services](#), [IT hosting](#), [data backup services](#), and professional services backed by a service team that is available 24/7, with nationwide service delivered from three service centers in Los Angeles, Boston and Denver.

WHAT OUR CLIENTS SAY:

"The call-in service is TERRIFIC! We've always been very satisfied; your staff is ALWAYS pleasant, responsive and dedicated to solving the problem, no matter how long it takes (...and it usually doesn't take them very long!) I believe we're in a great place- I feel very secure with Everon."

Renee Blinn, Marketing Director
Windsor Mountain International

We've helped hundreds of small businesses around the country grow their companies and realize their goals. As a result, we have grown quickly, earning a spot on the 2008 and 2009 Inc. Magazine list of the 5000 fastest growing companies in America. Even more importantly, we have done this while building a culture that puts people first, being honored as one of Boston's Best Places to Work by the Boston Business Journal.

Everon's Purpose:

Our purpose is to enrich the world we live in by spreading the spirit, principles, and values of entrepreneurship and personal development to everyone we come in contact with.

At Everon, we think that entrepreneurs are the answer.

What's the question? Good question!

We believe that entrepreneurship has the greatest potential to make the world a better place. No other idea has such a rich combination of personal development, personal accountability, and economic self-sufficiency - so just about any question will do!

We're going to do our part by spreading the entrepreneurial spirit with anyone that will listen.

Everon's Core Values:

- * Bring the entrepreneurial spirit to everything we do
- * Put people first
- * Strive for constant and never-ending improvement

Everon is a Division of PlumChoice Business Services

As the largest technology care provider in the industry, PlumChoice pioneered the remote technical services business in 2001, providing 24x7

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online repair and assistance for digital devices through local industry-certified agents. With the addition of its patented SAFElink™ service relationship platform, PlumChoice now offers a fully integrated and highly secure solution for service providers and other business partners, working under their brand names to provide them with new sources of revenue and cost reduction. For more information, visit www.plumchoice.com

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