

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

MARK : VENTURE  
APPLICANT : Dexter & Chaney, Inc.  
SERIAL NO. : 85/349125  
APPLICATION DATE : June 17, 2011

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

**DECLARATION (37 C.F.R. § 2.20)**

Mr. John Ulacia hereby declares and makes the following statement in support of the above-referenced application:

1. I am the Vice President of Operations of Dexter & Chaney, Inc. and have served in that position since 1995.
2. Founded in 1981, Dexter & Chaney, Inc. supplies the construction industry with cutting edge construction software. We have won various awards for the success of our construction software business. By focusing solely on the unique needs of construction companies, Dexter & Chaney, Inc. is able to provide specialized construction accounting software and construction bid and project management software that allow companies to more effectively manage their businesses.
3. In January 2012, we launched our new Venture software. The purpose of our Venture software is to assist general contractors and developers in managing the subcontractors involved with a large construction project, particularly during the bidding process.
4. For any given large commercial or industrial building project, a general contractor may utilize 15-20 subcontractors or more. For each subcontractor position they actually use, they may solicit bids from five or more subcontractors of similar expertise. This means that, during the bidding process for a large construction project, the general contractor may need to obtain bids from 100 or more different

subcontractors. In order to submit a "sub-bid," each subcontractor needs access to the detailed plans for the building; plus the architect's specifications for the particular components that go into that building, such as lighting, doors, structural steel, and windows; plus various other important information. Such plans, specifications and information are changing from time to time during the bidding process, as the architect works with the landowner to finalize construction drawing sets. All of the potential subcontractors need prompt access to the updated materials and need to know if and when materials were changed. Finally, they need access to any "clarifications" that the architect or owner may send out providing additional detail regarding the existing plans and specifications.

5. In addition to the process above, the general contractor also has to collect and manage information about each subcontractor. It needs their contact information, key personnel, relevant experience, and references. It has to track which subcontractors are planning to submit a bid and when they are planning to submit it, to help ensure it has enough sub-bids of the right types by the right time in order to effectively make its bid for the overall project.

6. This process means that an immense amount of information must be managed during the bidding process for a large commercial or industrial project. The Venture software license product assists the general contractor in managing the subcontractor bidding and interactions. It is specifically designed for the construction industry. The Venture software is unique in the marketplace, and it is particularly useful with regard to collaboration with the subcontractors and managing the flow of detailed information related to the bid.

7. For example, it helps create the bid information for subcontractors to view (previously kept on paper in a single location in large "bid rooms"). It sends invites to subcontractors to review the materials and tracks their responses. It stores the plans and specification documents and assigns them a version control number. It also stores subcontractor qualifications, references and information such as union status; maintains a database of available subcontractors based on publicly-available information; and notifies subcontractors and the general contractor's own personnel of changes to plans and specifications.

8. The Venture software does not prepare bid calculations or otherwise handle accounting information or calculate any type of financial data. There are various other programs on the market that handle that task.

9. Also, our Venture product is completely separate and distinct from our SPECTRUM construction software. Although our two software products overlap in the broadest sense in that they are sold to construction companies, the software license products are completely independent and are used for totally different functions. They are developed by separate development groups within our business. It is anticipated that the Venture product will be purchased by a different segment of the construction industry: due to the nature and retail cost of our Venture software, we expect that it will only be used by larger, well-established construction companies or developers who need to manage involved and complicated bidding processes for multi-million-dollar commercial and industrial buildings.

10. We do not provide any software or services related to retail order entry and retail order processing. We do not have any clients in the online retailing or any kind of retail or product distribution industries. Our Venture software is commercial software, and its source code is not made public. Licenses to use it are sold directly through person-to-person sales. All orders are placed and product distributed through direct contact between customers and salespeople. Although some sales of installed software are anticipated, the vast majority of users will use our Venture software through an online, hosted software-as-a-service (SaaS) type of arrangement.

11. A construction general contractor who was seeking to streamline its bid management process would have absolutely no use for a retail customer order processing software, or indeed any sort of order entry/processing software, to handle architectural plans or distribute project specifications for, say, a 40-story office building. Those products simply cannot handle the specialized tasks for which our Venture product is used. Similarly, our Venture product would be useless to, say, a retail company seeking to receive and process orders from its online site and handle the resulting sales data and paperwork.

12. Our industry is highly-specialized, and the business consumers who purchase our goods and services generally exercise a high degree of care in making purchases. Our customers for the Venture product will mainly be large, well-established construction companies, usually general contractors, that have the resources to handle large commercial or industrial construction projects. Such clients are quite sophisticated, and they will make an extremely thorough analysis before making a purchase of software to which they will trust the bidding process, such an important and key part of their business.

13. A true and correct copy of five pages from our Venture website are attached with this Declaration.

14. A true and correct copy of five pages from the cited registrant's VEnTuRE website at [www.venture.kdsi.net](http://www.venture.kdsi.net) are attached. The website indicates that the VEnTuRE software is open source software, distributed mainly over the internet at no charge. The complete source code is apparently available for download at [www.venture.kdsi.net/downloads.html](http://www.venture.kdsi.net/downloads.html). The pages confirm that the software is focused on order entry and processing and related processes, mainly involving e-commerce; and that a main target market is online retailers.

The undersigned, being warned that willful false statement and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this declaration are true; all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

April 3, 2012  
Date

  
Signature

**Exhibit A**

**Selected Pages from DCI Venture Website**

Five PDF files from our Venture website at *www.dexterchaney.com/venture*  
are being submitted with this Declaration as separate files

**Exhibit B**

**Selected Pages from VEnTuRE Website**

Five PDF files of selected pages  
from the cited VEnTuRE website at *www.venture.kdsi.net/downloads.html*  
are being submitted with this Declaration as separate files