

DECLARATION OF JENNIFER BYRD

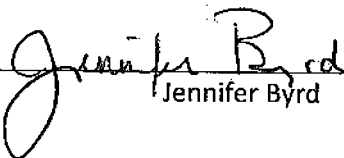
I, Jennifer Byrd, declare:

1. As a result of my direct involvement in the matters set forth below, I have personal and firsthand knowledge of the facts set forth in this declaration, and I could and would testify competently to such facts if called as a witness.
2. I am a graduate of Northwestern University and a stay-at-home mother of two. I have been out of school for some time, but I recently decided to go back to school and pursue my law degree.
3. I know quite a few attorneys, and all of them recommended that I use a professional prep course to get ready for the LSAT. There was also consensus among them that TestMasters was the best professional LSAT prep course available, so I decided to enroll in a TestMasters LSAT prep course.
4. On October 1, 2008, I went to the www.testmasters.com website, assuming it would be the website for the TestMasters to which I had been referred. I looked up available classes in the Chicago area and was given choices of Evanston, Chicago, and Urbana Champaign. I noted that the classroom course was being offered at \$1299 and online (identical to their classroom course) at \$899. I looked at both of the available (Early winter and Late winter) schedules for Chicago campus classes for the February 7, 2009 LSAT date. I was not quite ready to enroll, so I closed the website.
5. When I returned to www.testmasters.com on October 23, 2008, I navigated to the course schedules exactly as I remembered doing it previously. This time, however, the calendars were no longer visible. In their place, there was a message from the company stating that they were no longer offering the classroom LSAT course in those cities, but that I could enroll in their online LSAT prep course. I was disappointed because I preferred not to take an online course.
6. Discouraged from using TestMasters, I began thinking about other options to prepare myself for the LSAT. As I researched on the internet, I came across the website www.testmasters.net.
7. As I browsed www.testmasters.net, I noticed that the website looked very different than testmasters.com. I navigated to the course schedules for LSAT prep courses in Illinois. I was very surprised to see the classes were still available in Evanston, Chicago, and Urbana Champaign. I navigated to the calendars and saw what appeared to be the exact same LSAT course schedule calendars that I had seen on testmasters.com. The calendars had the same styling and presentation. The only difference I could note was the price; the classes were now being offered at \$1450 instead of \$1299.
8. I was immediately confused as I tried to reconcile what I had seen on the two websites and determine which information was current. I knew that many companies owned both the .net and .com versions of their websites, so I reasoned that TestMasters was a

- disorganized company which controlled both websites and was negligent in keeping them synchronized and updated.
9. To investigate further, I sent inquires to both websites on October 23, 2008. I sent one inquiry via the contact form on www.testmasters.com and I sent the other inquiry via the contact email provided on www.testmasters.net. In both messages, I commented about the cancelled classes, my preference for a live LSAT classroom course instead of an online course, and my concern about which site I should use to register for a class.
 10. I received emailed responses to both inquires. The response from testmasters.com made no comment whatsoever about the existence of two companies only confirmed that they had cancelled all live classes outside of Houston through the start of 2009 and encouraged me to take the online course.
 11. Meanwhile, the email response from testmasters.net stated clearly and directly that there were two companies with the name TestMasters. The email was written by Travis, a TestMasters enrollment counselor, and he explained that the company found at www.testmasters.net was the company owned by Robin Singh and based in California. He explained further that testmasters.com was a company based in Texas and that they would not mention the existence of another TestMasters.
 12. After reading the two very different responses, I felt the email from Travis was likely from the real TestMasters, but I still had some doubt in my mind because Test Masters in Texas claimed to be the "official" company and their email response had not made any attempt to clarify the situation as I had requested.
 13. I researched the issue further on the internet and read about the litigation going on between the two companies that shared the name of TestMasters. I learned that one differentiating factor between the names of the two companies was that the TestMasters based in California and found at www.testmasters.net did not have a space in their name, but the Test Masters based in Texas and found at www.testmasters.com did have a space in their name.
 14. That differentiating space was not at all apparent on the Texas Test Masters' website, where the name of the company was prominently displayed as "testmasters" without a space.
 15. I also read an article from University of Chicago that referred to the real TestMasters as being the TestMasters based in California and the imposter Test Masters being based out of Houston.
 16. With all of my research and inquiries, I am absolutely certain that the attorneys who referred me to TestMasters for my LSAT preparation were referring me to the TestMasters based in California and found at www.testmasters.net.
 17. I am aggravated that I had to use my time and energy to determine which website belonged to the real TestMasters. It is apparent to me that the Texas Test Masters is using mimicry and deceit in an attempt to capitalize on the reputable name and success of the California TestMasters.

18. It is shameful that the Texas-based Test Masters tried to dupe me into enrolling in their course by offering no clarification about the existence of two TestMasters websites, though I specifically requested the clarification from them.
19. The actions of the Texas-based Test Masters are both unfair to students and financially damaging to the California TestMasters as a company. If I had not sought clarification about the two websites, I would not have enrolled with the California TestMasters. Instead, I probably would have either enrolled, unknowingly, in the imposter company's online course or avoided TestMasters altogether and registered with one of their competitors.
20. It is one thing for a company to lose customers because of the choice of a consumer, but it is completely wrong for a company to lose customers because their competitor is intentionally causing confusion in the marketplace.

I declare under penalty of perjury under the laws of the State of Illinois that the foregoing is true and correct that this declaration was executed on November 8, 2008 at 2:40 PM, Illinois.
Date Time


Jennifer Byrd