



02-07-2002

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TTAB

February 4, 2002

Amy King  
United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Trademark Application Serial No. 76/015941  
Opposition No. 9112367

Dear Ms King:

As discussed this office represents Doran William Cannon, the applicant with respect to the above-referenced application.

This will confirm that you have agreed to extend the time in which the above-referenced matter may be resolved by the parties, or applicant may respond to the notice of opposition, until February 15, 2002.

This matter has now been settled. Enclosed please find a copy of the fully-executed settlement document between the parties.

Applicant is filing an amendment to his application, and the opposer will withdraw its opposition and has agreed not to oppose the application as amended.

Please don't hesitate to contact me if you have any questions regarding the foregoing.

Best regards,

Chase Mellen III

CM:sp

cc: Duane Byers, Esq.

## SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is effective as of December 1, 2001 (the "effective date") by and between Hummingbird USA Inc. (successor by amalgamation and name change with PC DOCS, Inc.), a Delaware corporation having a principal place of business at 25 Burlington Mall Road, Massachusetts 01803 ("Hummingbird"), and Doran William Cannon, a U.S. citizen, having an address of 675 San Miguelito Road, Lompoc, California 93436 ("Cannon").

WHEREAS, Cannon filed application Serial No. 76-015941 on April 3, 2000, in the United States Patent and Trademark Office ("USPTO") to register the trademark INFODOCS in connection with services "for electronic transmission of data and documents via computer terminals" in International Class 38, and has used the INFODOCS trademark on his website at [www.infodocs.com](http://www.infodocs.com).

WHEREAS, Hummingbird is the owner of the trademark DOCS, its U.S. Trademark Registration No. 2,173,518 covering "computer programs for the filing, retrieval, backup and storage management of electronic files, namely, images, spread sheets, word processing documents, audio objects and/or video objects, and related instruction manuals" in Class 9, and other U.S. registrations for trademarks including the term "DOCS" for various computer software and services.

WHEREAS, Hummingbird has filed U.S. Trademark Opposition No. 123,657 opposing registration of the INFODOCS trademark of Cannon, and has objected to Cannon's use of the INFODOCS trademark.

WHEREAS, Hummingbird and Cannon desire to settle any disputes between them involving the INFODOCS trademark and other DOCS trademarks, and to avoid any conflict between said DOCS trademarks.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Cannon shall amend his INFODOCS trademark application Serial No. 76-015941 by changing the INFODOCS trademark to INFODOC. An Amendment to this effect shall be filed by Cannon with the USPTO, and served on Hummingbird's counsel, within thirty (30) days of the effective date of this Agreement.

2. Hummingbird consents to Cannon's use and registration of INFODOC for "for electronic transmission of data and documents via computer terminals" in International Class 38, as set forth in application Serial No. 76-015941.

3. Aside from the phase out period in the following paragraph, Cannon shall not use, register or attempt to register any trademarks containing the term "DOCS," including any stylized version or form.

4. All uses by Cannon of the INFODOCS term on his marketing literature, website, software and correspondence shall be phased out within three months from the effective date of this Agreement and replaced with the term INFODOC or another term.

5. Hummingbird consents to Cannon's use and domain name registration of his domain name "www.infodocs.com" because it is merely used as an Internet business address and is not used as a trademark. Cannon agrees that his domain name "www.infodocs.com" is merely used as an Internet business address, is not used as a trademark, and that he shall never use it as a trademark.

6. Upon notification by the USPTO or by Cannon that the USPTO has entered

Cannon's amendment of his trademark application Serial No. 76-015941 from "INFODOCS" to "INFODOC," Hummingbird shall promptly dismiss without prejudice Opposition No. 123,657, and Cannon shall consent to such dismissal.

7. Throughout this Agreement, any term portrayed in all capital letters also covers all stylized versions or other forms of the term.

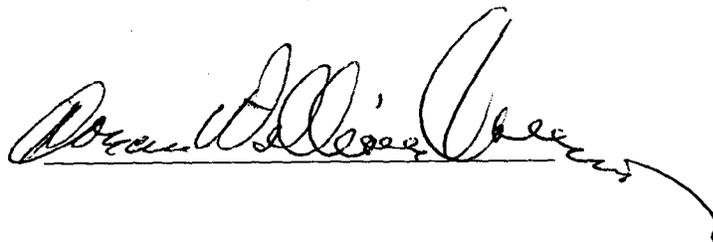
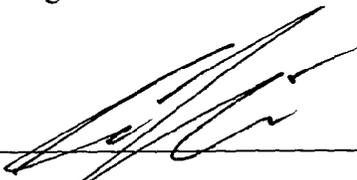
8. This Agreement shall be binding upon and inure to the benefit of the respective representatives, agents, parents, successors, subsidiaries, affiliates, licensees and assigns of Hummingbird and Cannon.

9. This Agreement constitutes the entire agreement between the parties with respect to the subject matter contained herein and supersedes all previous negotiations or proposals, and may only be modified by an amendment executed in writing by both parties.

10. Two copies of this Agreement may be executed by the parties, both of which shall be deemed an original.

By and on behalf of  
Hummingbird USA Inc.

Doran William Cannon



Name: Eric Nottkin

Title: Director, Legal Services

Dated: January 10, 2002

Dated: 1/20/2002