

marks that are confusingly similar to and/or likely to be diluted by the one applied for by Applicant Exel Oyj (“Applicant”).

<u>Registration No.</u>	<u>Mark</u>	<u>Class</u>	<u>Exhibit</u>
1,292,982	Xcel	25	O-1
1,622,623	Xcel	25	O-2
1,965,081	Xcel	25	O-3
2,217,115	Xcel	35	O-4
2,345,952	Excelwear	25	O-5

B. Official Records (Exhibits “O-6” – “O-10” attached hereto).

1. Pursuant to Trademark Rule 2.122(e), Opposer hereby makes of record in this proceeding an Office Action issued by the USPTO in response to Opposer’s application to register its “Xcel” mark in 1989 (attached hereto as Exhibit “O-6”). The Office Action constitutes an official record, and is thus appropriate for submission in order to show that Opposer’s “Xcel” mark is phonetically similar to Applicant’s “Exel” mark, and thereby supportive of a finding that registration of Applicant’s mark is likely to cause confusion.

2. Opposer further makes of record a TTAB notice of judgment by default in a cancellation proceeding brought by Opposer against Oakley, Inc. for the mark “Xcel” (framed by the outline of a number “1”) (attached hereto as Exhibit “O-7”). The default notice constitutes an official record pursuant to Rule 2.122(e), and is relevant to show efforts made by Opposer to protect its “Xcel” mark against dilution.

3. Opposer makes of record a TARR system record on Oakley, Inc. registration no. 2076415 (attached hereto as Exhibit “O-8”), referenced in the TTAB notice of judgment, to show the mark cancelled in that proceeding.

4. Opposer further makes of record the Notices of Publication dated September 3, 2003, issued by the USPTO and attached hereto as Exhibits “O-9” and “O-10” in

connection with applications filed by Opposer in classes 18 and 28. Opposer submits these notices constitute official records and that they are appropriate for submission under Rule 2.122(e) in order to show Opposer's efforts to protect its "Xcel" mark.

C. Statements Made by Applicant in Application File (Exhibit "O-11" attached hereto).

1. Opposer further makes of record Applicant's Response to an Office Action in the application at issue in this proceeding (attached hereto as Exhibit "O-11"). Applicant's Response constitutes an admission against interest in that it concedes the following, for example: "the word 'exel' has no relevance in the trade, does not have geographical significance, and does not have any foreign language meaning or translation." The Response is therefore appropriate for submission. TBMP § 704.04 at 700-454 (2d ed. June 2003) ("Although the allegations made and documents and things filed in an application or registration are not evidence, in a Board inter partes proceeding, on *behalf* the applicant or registrant. . . , they may be used as evidence *against* the applicant or registrant, that is, as admissions against interest and the like.").

D. Responses to Requests for Answers to Interrogatories (Exhibit "O-12" attached hereto).

1. Pursuant to Trademark Rule 2.120(j)(5), Opposer makes of record Applicant's answer to interrogatory no. 1 and verification attached hereto as Exhibit "O-12", which constitute part of Applicant's Answers to Second Request For Answers to Interrogatories of Opposer, as the inquiring party, served in connection with this proceeding. Applicant's verified answer constitutes an admission with regard to the pronunciation of the mark "Exel" at issue in this proceeding.

E. Printed Publications (Exhibits “O-13” – “O-21” attached hereto).

1. Opposer makes of record the portions of the American Heritage Dictionary of the English Language (American Heritage Publishing Co., Inc., 1969) attached hereto as Exhibit “O-13”, as a printed publication pursuant to Trademark Rule 2.122(e). It is relevant to show that Opposer’s “Xcel” mark is phonetically similar to Applicant’s “Exel” mark, and that the pronunciation of both is the same (by design) as for the word “excel” to connote “excellence” of marked products and goods. Specifically, Opposer relies on the definitions and pronunciations therein of “ex”, “el”, and “excel”. Applicant’s mark “Exel” is therefore likely to cause confusion with, and/or likely to dilute, Opposer’s mark “Xcel”.

2. Opposer further makes of record the portions of the Webster’s Ninth New Collegiate Dictionary (Merriam-Webster, Inc., 1985) attached hereto as Exhibit “O-14”, as a printed publication pursuant to Trademark Rule 2.122(e). It is relevant to show that Opposer’s “Xcel” mark is phonetically similar to Applicant’s “Exel” mark, and thus Applicant’s mark is likely to cause confusion with, and/or likely to dilute, Opposer’s mark. Specifically, Opposer relies on the definitions and pronunciations in the exhibit of “ex” and “el”.

3. Opposer makes of record the Microsoft Word spelling corrections (Microsoft XP 1983-2001) attached hereto as Exhibit “O-15”, as a printed publication under Trademark Rule 2.122(e) insofar as it is generally available to the public in libraries equipped with computers running Microsoft Word (XP) and is thus verifiable. It is relevant to show that Opposer’s mark and Applicant’s mark are both recognized as misspellings of the word “excel”, and therefore, Applicant’s mark is likely to cause confusion with, and/or likely to dilute, Opposer’s mark.

4. Opposer makes of record the portions of the printed publication “High Surf Advisory” (July 1999, Issue 4; published by BDMQRP Inc.) attached hereto as Exhibit

“O-16”, pursuant to Trademark Rule 2.122(e). The top article on the page Bate-stamped X00646 is relevant to show that the word “Excel” can be, and actually was, confused with “Exel”, and thus Applicant’s mark “Exel” is likely to cause confusion with, and/or likely to dilute, Opposer’s mark “Xcel”.

5. Opposer makes of record the portions of the printed publication “Surfer” magazine (Nov. 2000, Vol. 41, No. 11) attached hereto as Exhibit “O-17”, pursuant to Trademark Rule 2.122(e). The Bate-stamped page X00046 is relevant to show certain of Opposer’s products, logo, and channels of trade.

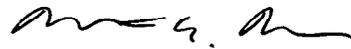
6. Opposer makes of record the portions of the printed publication “Carve” magazine (Nov. 2003, Issue 61; published by Orca Publications, Ltd.) attached hereto as Exhibit “O-18”, pursuant to Trademark Rule 2.122(e). The Bate-stamped pages X00608-609 are relevant to show that vendors such as Salomon, a ski boot manufacturer, now sell products similar to Opposer’s products in similar channels of trade.

7. Opposer makes of record documents produced by Applicant, Bate-stamped Exel 043 and Exel 063 together attached hereto as Exhibit “O-19”, as a printed publication pursuant to Trademark Rule 2.122(e). The document is relevant to show Applicant’s products and also, its admission that “Exel” is synonymous with Applicant’s “Exelens” mark, which is designed to connote “excellence”.

8. Opposer makes of record the document Bate-stamped X00599, attached hereto as Exhibit “O-20”, which is a printed page from the Salomon website and is relevant to show that the markets for “Nordic” activities, skiing, snowboarding, and surfing overlap, thus contributing to the likelihood that Applicant’s mark is likely to cause confusion with, and/or is likely to dilute, Opposer’s mark.

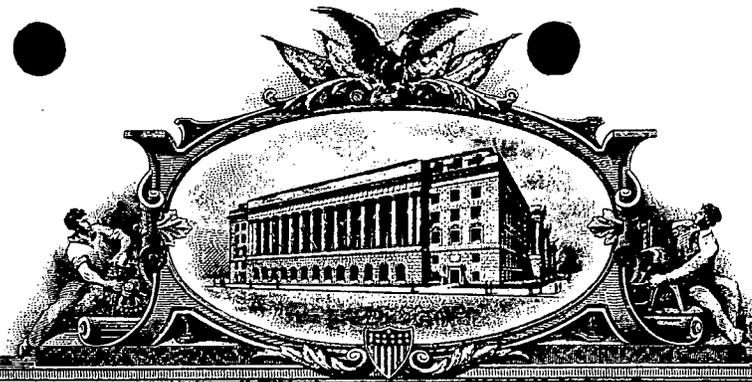
9. Opposer makes of record the document Batc-stamped X00602-603, attached hereto as Exhibit "O-21", which is a printout of an article posted on the snowboarding.com website, published by iventure production. It advertises the "2003 H2O Winter Classic" – an event which is relevant to show that the markets for traditional winter-sports related and water-related competitions and products cross-over or overlap, thus contributing to the likelihood that Applicant's mark is likely to cause confusion with, and/or is likely to dilute, Opposer's mark.

DATED: Honolulu, Hawaii, December 9, 2003.



MARTIN E. HSIA, Reg. No. 32,471
Cades Schutte LLP
1000 Bishop Street, 12th Floor
Honolulu, Hawaii 96813
Phone: (808) 521-9200
Attorneys for EDMONT P. D'ASCOLI, Trustee
of the EDMONT P. D'ASCOLI REVOCABLE
LIVING TRUST DATED MAY 24, 1996

703093



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

September 26, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,292,982 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

**REGISTERED FOR A TERM OF 10 YEARS FROM *September 04, 1984*
SECTION 8 & 15**

SAID RECORDS SHOW TITLE TO BE IN:

***EDMONT P. D'ASCOLI, TRUSTEE OF THE EDMONT P. D'ASCOLI
REVOCABLE LIVING TRUST***

A (TRUSTEE): UNITED STATES (TRUST): HAWAII



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**


H. L. JACKSON
Certifying Officer

EXHIBIT O-1

X00001

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 1,292,982

Registered Sep. 4, 1984

TRADEMARK
Principal Register

XCEL

Edmont P. D'Ascoli (United States citizen), d.b.a.
XCEL Wetsuits Hawaii
P.O. Box 733
Haleiwa, Hi. 96712

For: WETSUITS, in CLASS 25 (U.S. Cls. 22 and
39).
First use Jun. 19, 1982; in commerce Jul. 21, 1982.

Ser. No. 405,981, filed Dec. 13, 1982.

ALBIN DROST, Examining Attorney

X00002

1081507

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 20, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,622,623 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

**REGISTERED FOR A TERM OF 10 YEARS FROM *November 13, 1990*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *November 13, 2000*
SECTION 8 & 15**

**AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED
LESS GOODS**

SAID RECORDS SHOW TITLE TO BE IN:

***EDMONT P. D'ASCOLI, TRUSTEE OF THE EDMONT P. D'ASCOLI
REVOCABLE LIVING TRUST
A (TRUSTEE): UNITED STATES (TRUST): HAWAII***



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

T. Lawrence

**T. LAWRENCE
Certifying Officer**

EXHIBIT O-2

X00615

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 1,622,623

United States Patent and Trademark Office

Registered Nov. 13, 1990

Amended

OG Date Dec. 18, 2001

TRADEMARK
PRINCIPAL REGISTER

XCEL

EDMONT P. D'ASCOLI TRUSTEE OF
THE EDMONT P. D'ASCOLI REVOC-
ABLE LIVING TRUST (UNITED
STATES TRUST),
66-590 KAMEHAMEHA HIGHWAY
HALEIWA, HI 96712, BY ASSIGNMENT
D'ASCOLI, EDMONT P. (UNITED
STATES CITIZEN), DBA XCEL WET-
SUITS HAWAII, HALEIWA, HI
OWNER OF U.S. REG. NO. 1,292,982.

FOR: BATHING SUITS AND BICY-
CLING APPAREL, NAMELY, SHIRTS,
TIGHTS, JACKETS, JERSEYS, SHIRTS,
HATS ~~AND GLOVES~~, IN CLASS 25
(U.S. CLS. 22 AND 39).

FIRST USE 6-15-1983; IN COMMERCE
5-21-1984.

SER. NO. 73-815,551, FILED 7-25-1989.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 18, 2001.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

X00616

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,622,623

Registered Nov. 13, 1990

**TRADEMARK
PRINCIPAL REGISTER**

XCEL

D'ASCOLI, EDMONT P. (UNITED STATES CIT-
IZEN), DBA XCEL WETSUITS HAWAII
P.O. BOX 733
HALEIWA, HI 96712

FOR: BATHING SUITS AND BICYCLING AP-
PAREL, NAMELY, SHIRTS, TIGHTS, JACKETS,
JERSEYS, SHORTS, HATS ~~AND GLOVES~~, IN
CLASS 25 (U.S. CL. 39).

FIRST USE 6-15-1983; IN COMMERCE
5-21-1984.

OWNER OF U.S. REG. NO. 1,292,982.

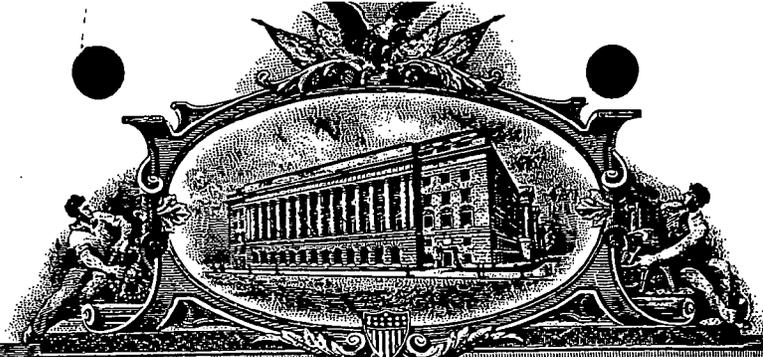
SER. NO. 73-815,551, FILED 7-25-1989.

CATHERINE KAISER KREBS, EXAMINING
ATTORNEY

X00617



1081507



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 20, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,965,081 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

**REGISTERED FOR A TERM OF 10 YEARS FROM *April 02, 1996*
SECTION 8 & 15**

SAID RECORDS SHOW TITLE TO BE IN:

***EDMONT P. D'ASCOLI, TRUSTEE OF THE EDMONT P. D'ASCOLI
REVOCABLE LIVING TRUST***

A (TRUSTEE): UNITED STATES (TRUST): HAWAII



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

**T. LAWRENCE
Certifying Officer**

EXHIBIT O-3

X00613

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 1,965,081

Registered Apr. 2, 1996

**TRADEMARK
PRINCIPAL REGISTER**

XCEL

D'ASCOLI, EDMONT P. (UNITED STATES CITIZEN), DBA XCEL WETSUITS HAWAII
P.O. BOX 733
HALEIWA, HI 96712

FOR: WETSUITS, SWIMWEAR, T-SHIRTS,
SWEAT SHIRTS, SWEAT PANTS, JERSEYS,
JACKETS, SHIRTS, SHORTS, HEADWEAR,
FOOTWEAR, NAMELY SURF BOOTEES AND

DIVE BOOTEES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-19-1982; IN COMMERCE 7-21-1982.

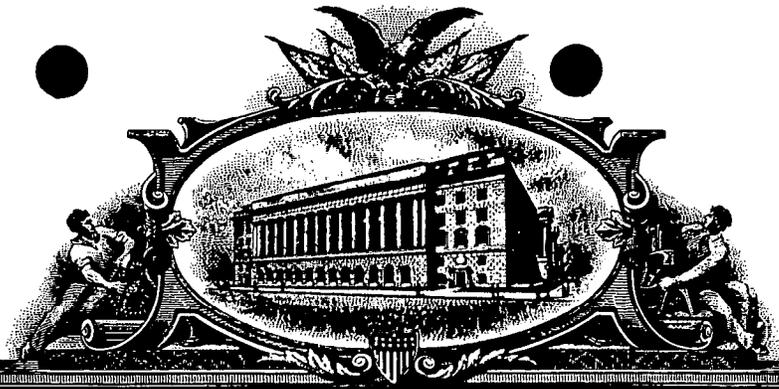
OWNER OF U.S. REG. NOS. 1,292,982 AND 1,622,623.

SER. NO. 74-565,558, FILED 8-25-1994.

SARAH LEE, EXAMINING ATTORNEY

X00614

703093



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

September 25, 2003

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,217,115 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *January 12, 1999*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

T. Lawrence

**T. LAWRENCE
Certifying Officer**

X00008

EXHIBIT O-4

U.S. Cls.: 100, 101 and 102

Reg. No. 2,217,115

United States Patent and Trademark Office

Registered Jan. 12, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

XCEL

D'ASCOLI, EDMONT P., TRUSTEE OF THE
EDMONT P. D' ASCOLI REVOCABLE
LIVING TRUST DATED MAY 24, 1996
(UNITED STATES CITIZEN)
66-590 KAMEHAMEHA HIGHWAY
HALEIWA, HI 96712

FOR: RETAIL STORES FEATURING WET-
SUITS, SWIMSUITS AND WATERSPORT RE-
LATED GOODS, IN CLASS 35 (U.S. CLS. 100,
101 AND 102).

FIRST USE 10-1-1982; IN COMMERCE
10-1-1982.

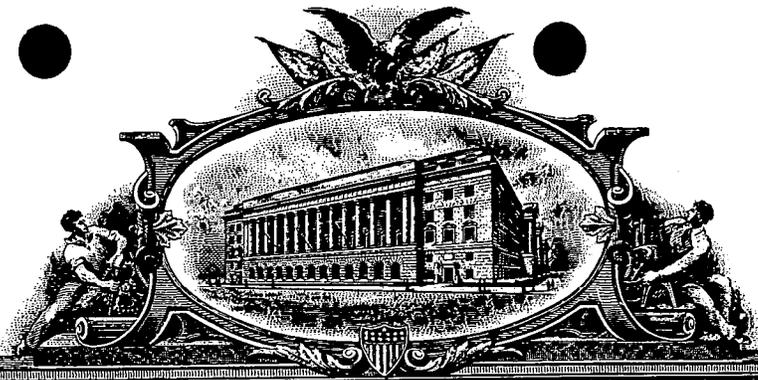
OWNER OF U.S. REG. NOS. 1,292,982,
1,622,623, AND 1,965,081.

SER. NO. 75-346,723, FILED 8-25-1997.

TRICIA SONNEBORN, EXAMINING ATTOR-
NEY

X00009

707460



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

November 17, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,345,952 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 25, 2000*

SAID RECORDS SHOW TITLE TO BE IN:

***EDMONT P. D'ASCOLI, TRUSTEE OF THE EDMONT P. D'ASCOLI
REVOCABLE LIVING TRUST DATED MAY 24, 1996
U.S. CITIZEN, TRUSTEE OF HAWAII REVOCABLE LIVING TRUST***



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

H. L. Jackson
H. L. JACKSON
Certifying Officer

EXHIBIT O-5

X00618

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,345,952

United States Patent and Trademark Office

Registered Apr. 25, 2000

**TRADEMARK
PRINCIPAL REGISTER**

EXCELWEAR

GREAT OUTDOOR PROVISION COMPANY
(NORTH CAROLINA CORPORATION)
2017 CAMERON STREET
RALEIGH, NC 27605

FOR: OUTDOOR CLOTHING, NAMELY,
JACKETS, COATS, PARKAS, PANTS, VESTS,
PULLOVERS, CARDIGANS, SWEATERS,
SHIRTS, SHORTS, SKIRTS, SOCKS, UNDER-

GARMENTS, AND GLOVES, IN CLASS 25 (U.S.
CLS. 22 AND 39).

FIRST USE 11-1-1997; IN COMMERCE
11-1-1997.

SN 75-363,656, FILED 9-26-1997.

JILL C. ALT, EXAMINING ATTORNEY

X00619

10/23/89

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

IN REPLY REFER TO THE FOLLOWING AND THE FILING DATE:

SERIAL NO. 73/815551 D'ASCOLI, EDMONT F.		APPLICANT	Paper No.
MARK XCEL		ADDRESS: Commissioner of Patents and Trademarks Washington, DC 20231	
ADDRESS MARTIN E. HSIA CADES SCHUTTE FLEMING & WRIGHT P.O. BOX 939 HONOLULU, HI 96808		ACTION NO. 01	The address of all correspondence not containing fee payments should include the word "Box 5."
		MAILING DATE 10/16/89	
FORM PTO-1525 (2-84)		U.S. DEPT. OF COMM. PAT. & TM OFFICE	

Also furnish: (1) Serial number of application, (2) The mark, (3) Examining Attorney's name and Law Office number, (4) Mailing date of this action, and (5) Applicant's name (or applicant's attorney), telephone number and zip code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.

10/13 815551

The assigned Examining Attorney has reviewed the referenced application and determined the following.

The Examining Attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d) (1986), because the Applicant's mark, when used on the identified goods, is likely to be confused with the registrant's mark in U.S. Registration No. 1,518,070, when used on the identified goods. TMEP section 1207. See the enclosed registration. The Registrant's mark "XL" is the phonetic equivalent of the Applicant's mark, "EXCEL," and the goods of the Registrant and the Applicant appear to be either the same, e.g. bathing suits, or are closely related.

Section 2(d) of the Trademark Act bars registration where a mark so resembles a registered mark, that it is likely, when applied to the goods, to cause confusion, or to cause mistake or to deceive. TMEP section 1207.01. The Court in In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973) listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these

factors are the similarity of the marks as to appearance, sound, meaning and commercial impression and the similarity of the goods. The overriding concern is to prevent buyer confusion as to the source of the goods. Miss Universe, Inc. v. Miss Teen U.S.A., Inc., 209 USPQ 698 (N.D. Ga. 1980). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. Lone Star Manufacturing Co., Inc. v. Bill Beasley, Inc., 498 F.2d 906, 182 USPQ 368 (CCPA 1974).

The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The issue is whether the marks create the same overall impression. Visual Information Institute, Inc. v. Vicon Industries Inc., 209 USPQ 179 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. Chemetron Corp. v. Morris Coupling and Clamp Co., 203 USPQ 537 (TTAB 1979); Sealed Air Corp. v. Scott Paper Co., 190 USPQ 106 (TTAB 1975); TMEP section 1207.01. Consumers would believe that all related clothing items that can be called for by "XL" or "XCEL" originated from the same source.

Slight differences in the sound of similar marks will not avoid a likelihood of confusion. In re Energy Telecommunications & Electrical Association, 222 USPQ 350 (TTAB 1983).

The marks are essentially phonetic equivalents. Similarity in sound alone is sufficient to find a likelihood of confusion. Molenaar, Inc. v. Happy Toys Inc., 188 USPQ 469 (TTAB 1975); In re Cresco Mfg. Co., 138 USPQ 401 (TTAB 1963).

There is no correct pronunciation of a trademark. In re Mack, 197 USPQ 755 (TTAB 1977); In re Electrons, Inc., 144 USPQ 442 (TTAB 1964). The marks in question clearly could be pronounced the same.

Although the Examining Attorney has refused registration, the Applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the Applicant chooses to respond to the refusal to register, the Applicant must also respond to the following informalities.

The terminology "bicycling apparel" in the identification of goods is unacceptable as indefinite. The Applicant must amend the identification to indicate the specific common commercial name of the goods. If there is no common commercial name for the product, the Applicant must describe the product and its intended uses. TMEP section 804. The following identification is suggested as acceptable if it accurately identifies the Applicant's goods: "bicycling apparel, namely, jerseys, shorts, hats, and gloves.

The specimens submitted are not acceptable as evidence of actual trademark use because they fail to show how the consumer encounters the mark in use on the goods. In addition, it is possible that the specimens of record, when applied to the goods, are perceived as ornamental features rather than as the identifier of source. See In re Dimitris, 9 USPQ 2d 1666 (TTAB 1985). The Applicant must submit five specimens showing the mark as used in commerce. Examples of acceptable specimens are tags, labels, instruction manuals, containers or photographs. The Applicant must verify, by affidavit or declaration under 37 C.F.R. Section 2.20, that the substitute specimens were in use in commerce on or before the filing date of the application. The Jim Dandy Co. v. Siler City Mills, Inc., 209 USPQ 764 (TTAB 1981); TMEP section 808.10. It is noted that the affixation clause mentions use on labels.

The statement of use must read as follows:

"The substitute specimens were in use in commerce on or before the filing date of the application."

The Applicant must sign this statement either in affidavit form or with a declaration under 37 C.F.R. Section 2.20. TMEP section 808.10.

If the name of any party other than the Applicant appears on the new specimens, the Applicant must explain: (1) the relationship between the Applicant and that party, (2) whether that party has any rights in the mark and (3) how the Applicant controls any use of the mark by that party. Trademark Act Section 5, 15 U.S.C. Section 1055 (1986); 37 C.F.R. Section 2.38(c); TMEP section 1201.01.

If the Applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned Examining Attorney.

Catherine K. Krebs

CKK:rrp/3

Catherine K. Krebs
Trademark Attorney
Law Office 5
(703) 557-9243

X00638

Document 3 of 6 for SS 8: P-RASCH 7 & 025/1C

WORD MARK

XL

PSEUDO MARK

XL; FORTY

GOODS AND SERVICES

IC 025; US 039; G & S: CLOTHING, NAMELY-
RUNNING SUITS, SLACKS, SHORTS, TOPS, GOLF
SHIRTS, TEE SHIRTS, SWEATSHIRTS, BATHING
SUITS, SOCKS, AND MEN'S BRIEFS; FIRST USE:
1987.12.17; FIRST USE IN COMMERCE: 1987.12.17
(3) DESIGN PLUS WORDS, LETTERS, AND/OR
NUMBERS

MARK DRAWING CODE

DESIGN SEARCH CODE

26.01.21; 26.05.21

SERIAL NUMBER

73-716558

FILING DATE

1988.03.14

REGISTRATION NUMBER

1518070

REGISTRATION DATE

1988.12.27

OWNER NAME AND ADDRESS

(REGISTRANT) SPALDING & EVENFLO COMPANIES,
INC. CORPORATION DELAWARE 5750-A NORTH HOOVER
BOULEVARD TAMPA FLORIDA 33614

DISCLAIMER

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO
USE "XL" APART FROM THE MARK AS SHOWN

DESCRIPTION OF MARK

THE STIPPLING SHOWN IN THE DRAWING IS A
FEATURE OF THE MARK AND IS NOT INTENDED TO
INDICATE COLOR.

TYPE OF MARK

TRADEMARK

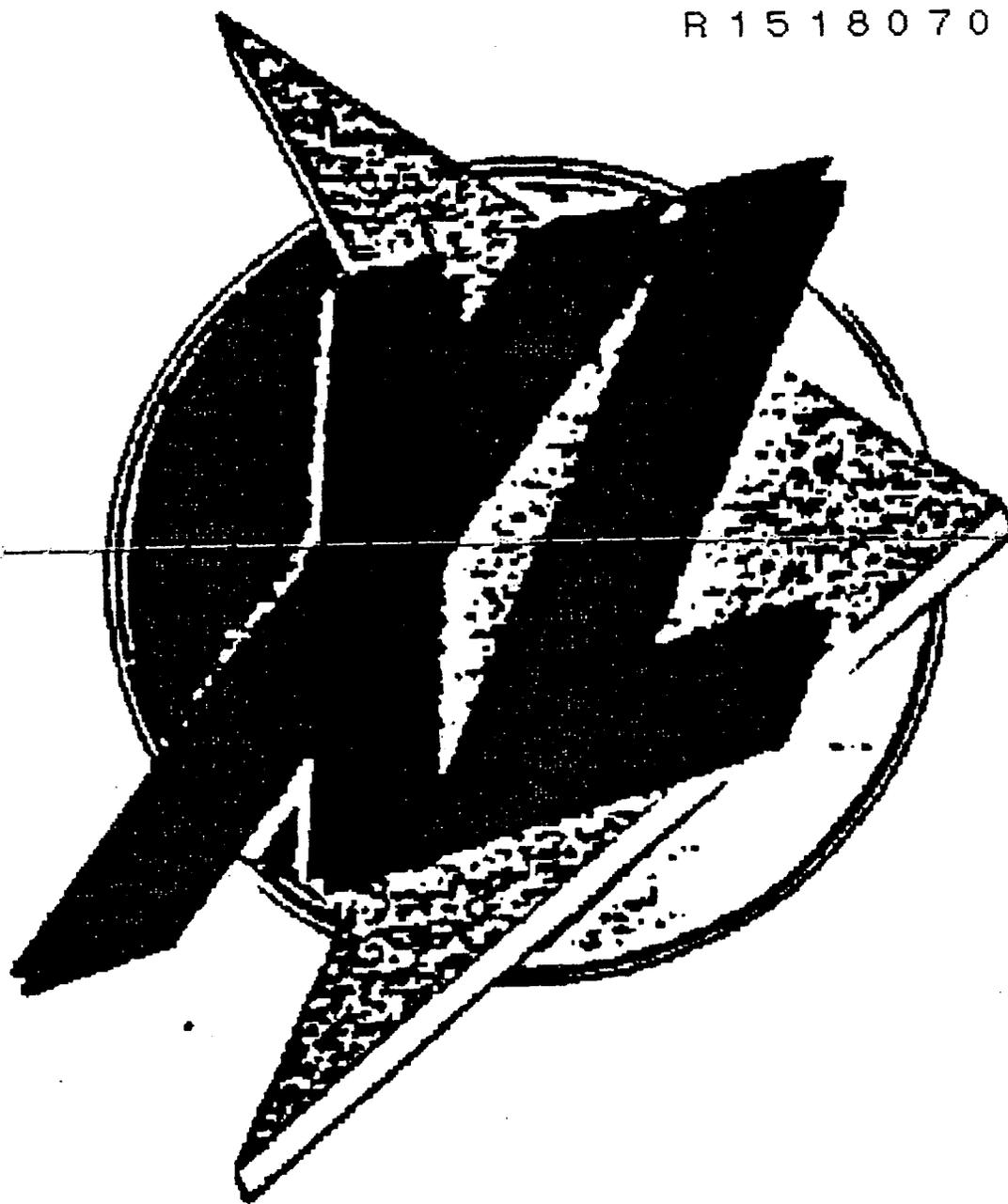
REGISTER

PRINCIPAL

X00639

e x 5 1 5 5 5 2

R 1 5 1 8 0 7 0



X00640

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

LCJ/KL

Mailed: May 8, 2003

Cancellation No. 92040862

EDMONT P. D'ASCOLI, TRUSTEE
OF THE EDMON T P. D'ASCOLI
REVOCABLE LIVING TRUST

v.

OAKLEY, INC.

On December 31, 2002, the Board sent a notice of default to respondent because no answer had been filed.

The record shows no response thereto.

Accordingly, judgment by default is hereby entered against respondent, the petition to cancel is granted, and Registration No. 2,076,415 will be cancelled in due course. See Fed. R. Civ. P. 55, and Trademark Rule 2.114(a).

*By the Trademark Trial
and Appeal Board*

X00396

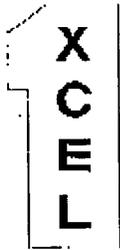
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This page was generated by the TARR system on 2003-12-06 15:21:28 ET

Serial Number: 75031045

Registration Number: 2076415

Mark



(words only): 1 XCEL

Standard Character claim: No

Current Status: A cancellation proceeding has been filed at the Trademark Trial and Appeal Board and is now pending.

Date of Status: 2002-08-08

Filing Date: 1995-12-11

Transformed into a National Application: No

Registration Date: 1997-07-01

Law Office Assigned: TMEG Law Office 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 1997-07-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. One Xcel, Inc.

Address:

One Xcel, Inc.
565 Turnpike Street Suite 62
North Andover, MA 018455905

EXHIBIT O-8

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Massachusetts

GOODS AND/OR SERVICES

face shields

International Class: 009

First Use Date: 1996-09-00

First Use in Commerce Date: 1996-09-00

Basis: 1(a)

face masks

International Class: 028

First Use Date: 1996-09-00

First Use in Commerce Date: 1996-09-00

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2003-05-08 - Cancellation granted for Proceeding

2002-08-08 - Cancellation instituted for Proceeding

1997-07-01 - Registered - Principal Register

1997-05-12 - Allowed for Registration - Principal Register (SOU accepted)

1997-04-17 - Case file assigned to examining attorney

1997-04-08 - Statement of use processing complete

1997-03-04 - Amendment to Use filed

1996-09-10 - Notice of allowance - mailed

1996-06-18 - Published for opposition

1996-05-17 - Notice of publication

1996-04-09 - Approved for Pub - Principal Register (Initial exam)

1996-04-02 - Examiner's amendment mailed

1996-04-01 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

John A. Lahive, Jr. (Attorney of record)

OAKLEY, INC.
ONE ICON
FOOTHILL RANCH, CA 92610
United States



Sep 3, 2003

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
76/272,356
2. Mark:
XCEL
3. International Class(es):
18, 28
4. Publication Date:
Sep 23, 2003
5. Applicant:
D'ASCOLI, EDMONT P., Trustee of the Edmo

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202)512-1800

By direction of the Commissioner.

EXHIBIT O-9

X00620



Sep 3, 2003

Commissioner for Trademarks
2900 Crystal Drive
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NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
76/272,357
2. Mark:
XCEL
3. International Class(es):
28
4. Publication Date:
Sep 23, 2003
5. Applicant:
D'ASCOLI, EDMONT P., Trustee of the Edmo

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202)512-1800

By direction of the Commissioner.

EXHIBIT O-10

X00621

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Exel Oyj
Serial No. : 76/301162
Filing Date : August 17, 2001
Mark : EXEL
Examiner : Shari L. Sheffield
Law Office : 109

Box RESPONSES

NO FEE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

RESPONSE

Responsive to the Official Action mailed December 31, 2001, the period for response being until Monday July 1, 2002, please amend the application by deleting the present identification of the goods and substituting the following:

Class 25: CLOTHING; NAMELY, PANTS, SHIRTS, T-SHIRTS, SHORTS, SWEATSHIRTS, JACKETS, GLOVES, HATS, SOCKS, AND HEADWEAR.

REMARKS

Applicant notes with appreciation that the examining attorney has found no similar registered or pending mark that would bar registration under Trademark Act Section 2(d).

The examining attorney has asked whether the word "exel" has any significance in the relevant trade, any geographical significance or any meaning in a foreign language. Applicant submits that the word "exel" no relevance in the trade, does not have geographical significance, and does not have any foreign language meaning or translation.

EXEL 075

EXHIBIT O-11

Applicant : Exel Oyj
Serial No. : 76/301162
Page : 2

In view of the above remarks, it is respectfully submitted that allowance and publication of the mark are warranted, and such are respectfully requested.

Respectfully submitted,

EXEL OYJ.

By: Warner Norcross & Judd LLP



James L. Scott
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, Michigan 49503-2487
(616) 752-2469

65427.75310
W97-G770588-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Exel Oyj
Serial No. : 76/301162
Filing Date : August 17, 2001
Mark : EXEL
Examiner : Shari L. Sheffield
Law Office : 109

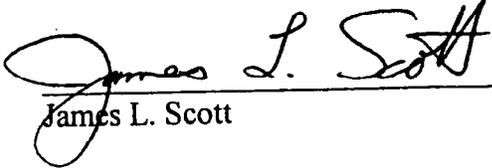
Box RESPONSES
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Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

CERTIFICATE OF MAILING

I certify that the attached Response is being deposited with the United States
Postal Service as first class mail in an envelope addressed to:

Box RESPONSES
NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

on July 1, 2002.


James L. Scott

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDMONT P. D'ASCOLI, TRUSTEE OF)	Opposition No.: 91155174
THE EDMONT P. D'ASCOLI REVOCABLE)	Mark: EXEL
LIVING TRUST DATED MAY 24, 1996)	Serial No. 76/301162
)	
Opposer,)	
)	
v.)	
)	
EXEL OYJ)	
)	
Applicant.)	

**EXEL OYJ'S ANSWERS TO SECOND REQUEST FOR ANSWERS TO
INTERROGATORIES OF EDMONT P. D'ASCOLI, TRUSTEE OF THE EDMONT P.
D'ASCOLI REVOCABLE LIVING TRUST DATED MAY 24, 1996**

EXEL OYJ ("**Applicant**"), by and through its counsel, WARNER NORCROSS & JUDD, states the following as its Answers to the Second Request for Interrogatories to EDMONT P. D'ASCOLI, Trustee of the EDMONT P. D'ASCOLI REVOCABLE LIVING TRUST DATED MAY 24, 1996 ("**Opposer**"), pursuant to Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark Office, and Rules 26 and 33 of the Federal Rules of Civil Procedure:

GENERAL OBJECTIONS

1. Applicant objects to the "Introduction and Definitions" set forth in Opposer's Interrogatories to the extent that they seek to impose obligations upon Applicant that go beyond those required by the Trademark Rules of Practice of the Patent and Trademark Office and the Federal Rules of Civil Procedure. Applicant will respond in accordance with Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark Office, and Rules 26 and 33 of the Federal Rules of Civil Procedure.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1

How is "EXEL" pronounced? In answering this interrogatory, please use pronunciation marks.

ANSWER: Subject to the General Objections, and without waiving them, Applicant states that EXEL is a two syllable word with the emphasis on the first syllable. Using the pronunciation guidelines found in Webster's Ninth New Collegiate Dictionary (1987), it is pronounced as follows: 'eks-el

VERIFICATION

I, Jukka Juselius, being first duly sworn, depose and state that I am the Senior VP, R&D, for Excel Oyj; that the matters stated in the foregoing answers are not all within my personal knowledge, but as to those matters that are within my personal knowledge the answers are true and correct; that to the best of my knowledge there is no single officer of Applicant who has personal knowledge of all such matters; that the facts stated in the foregoing answers have been assembled by authorized employees and counsel of Applicant; and that I am informed and believe that said answers are true and correct.

By: Jukka Juselius
Jukka Juselius, Senior VP, R&D
JUKKA JUSELIUS

STATE OF Finland)
COUNTY OF Mäntyharju) ss.

On 24.9., 2003 before me personally appeared Jukka Juselius, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Signature: [Signature]
Print Name: Markku Häkkänen
Notary Public, State of Finland
My commission expires: permanent

MARKKU HÄKKÄNEN
Mikkelin maistraatin pöytäkirja

As to Objections:

WARNER NORCROSS & JUDD LLP

Dated: September 17, 2003

By: 
Norbert F. Kugele (P47084)
James L. Scott (P53863)
Matthew D. Johnson (P64772)

Business Address:
900 Fifth Third Center
111 Lyon Street N.W.
Grand Rapids, Michigan 49503
(616) 752-2000

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document - Exel Oyj's Answers To Second Request For Answers To Interrogatories Of Edmont P. D'Ascoli, Trustee Of The Edmont P. D'Ascoli Revocable Living Trust Dated May 24, 1996 - is being sent by regular U.S. mail, first class, postage prepaid to Opposer's attorney, Dean M. Uehara, Cades Schutte, 1000 Bishop Street, 12th Floor, Honolulu, Hawaii 96813 on September 17, 2003.


Matthew D. Johnson

THE AMERICAN HERITAGE
DICTIONARY
OF THE ENGLISH LANGUAGE

EXHIBIT O-13

X00627

Words that are believed to be registered trademarks have been checked with authoritative sources. No investigation has been made of common-law trademark rights in any word, because such investigation is impracticable. Words that are known to have current registrations are shown with an initial capital and are also identified as trademarks. The inclusion of any word in this Dictionary is not, however, an expression of the publishers' opinion as to whether or not it is subject to proprietary rights. Indeed, no definition in this Dictionary is to be regarded as affecting the validity of any trademark.

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Second Printing

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Manufactured in the United States of America

Computer composed by Inforonics, Inc.
in Maynard, Massachusetts



X00628

Pronunciation Key

The system of indicating pronunciations in the Dictionary is explained in the section headed "Pronunciation" in the "Guide to the Dictionary." The column below headed AHD represents the pronunciation key used in the Dictionary. The symbols marked with an asterisk are discussed in the guide. Important insights into the theoretical basis of representing pronunciations as well as information on dialect variations may be obtained from the article "English Dialects" by Henry Lee Smith, Jr. The symbols in the right-

hand column, labeled T-S, are from the system of phonemes described by Professor Smith and George L. Trager and are widely used by linguists. (The Trager-Smith symbols, however, are for phonemes of English only.) The symbols are explained in Professor Smith's article. The center column, labeled IPA, contains symbols from the International Phonetic Alphabet, also widely used by scholars. The three systems do not precisely correspond, because they were differently conceived for somewhat different purposes.

spellings	AHD	IPA	T-S
pat	ă	æ	æ
pay	ā	e	ey
care	*ār	er, er	ehr, eyr, er
father	ā	ɑ:, ɑ	ah
bib	b	b	b
church	ch	tʃ	č
deed, milled	d	d	d
pet	ĕ	ɛ	e
bee	ē	i	iy
fife, phase, rough	f	f	f
gag	g	g	g
hat	h	h	h
which	*hw	hw (also ʍ)	hw
pit	*ī	i	i
pie, by	i	ai	ay
pier	*īr	ir, ir	ihr, iyr, ir
judge	j	dʒ	j
kick, cat, pique	k	k	k
lid, needle	*l (nēd'l)	l, ['nid]	l (not syllabic)
mum	m	m	m
no, sudden	*n (sūd'n)	n, ŋ ['sɑdŋ]	n (not syllabic)
thing	ng	ŋ	ŋ
pot, *horrid	ō	ɑ	a, o
toe, *hoarse	ō	o	ow
caught, paw, *for	ō	ɔ	oh, oh, ɔ
noise	oi	ɔi	oy
took	ōō	u	u
boot	ōō	u	uw
out	ou	au	aw, æw
pop	p	p	p
roar	*r	r	r
sauce	s	s	s

spellings	AHD	IPA	T-S
ship, dish	sh	ʃ	š
tight, stopped	t	t	t
thin	th	θ	θ
this	th	ð	ð
cut	ū	ʌ	ə
urge, term, firm, word, heard	*ūr	ɜ:, ɝr	ər, əhr
valve	v	v	v
with	w	w	w
yes	y	j	y
zebra, xylem	z	z	z
vision, pleasure, garage	zh	ʒ	ž
about, item, edible, gallop, circus	*ə	ə	ə, ì
butter	*ər	ə	ər

FOREIGN

	AHD	IPA
French ami	à	a
French feu,	œ	œ
German schön	ü	y
French tu,		
German über		
German ich,	KH	x
Scottish loch		
French bon	N	ō, ă, ā, œ
French compîgne	y' (kôn-pyên'y')	ɲ

STRESS

Primary stress	'	bi-ol'o-gy (bī-ōl'ə-jē)
Secondary stress	ˈ	bi'o-log'i-cal (bī'ə-lōj'i-kal)

Note on Illustrations: Each illustration has been positioned as close as possible to the entry it illustrates. In those instances where close juxtaposition proved impossible, the illustration nevertheless always appears on the same page as the entry or on the page opposite.

sending persons away as a matter of routine, as a teacher dismisses pupils, or to exercise the power to discharge subordinates from service or office. *Dismiss* also can refer to putting a person or thing out of one's mind or, in law, to refusing him or it further consideration. *Oust* is applied chiefly to the removal of persons from office by means lawful or otherwise. *Throw out* refers literally to the discarding of things; with reference to persons it is sometimes used as an informal substitute for any of the foregoing terms that imply forcible removal.

e-jec-ta (i-jĕk'ta) *pl. n.* Ejected matter, as that from an erupting volcano. [New Latin, from Latin *ējectus*, ejected. See *eject*.]

e-jec-tion (i-jĕk'shən) *n.* 1. The act of ejecting or the condition of being ejected. 2. Ejected matter.

ejection capsule. A compartment, especially a cabin or cockpit, in an aircraft or spacecraft that can be ejected and parachuted to the ground in an emergency.

ejection seat. A seat designed to eject clear of an aircraft and parachute to the ground in an emergency.

eject-ment (i-jĕk'tmənt) *n.* 1. The act of ejecting; eviction; dispossession. 2. An action to regain possession of real estate held by another.

e-jec-tor (i-jĕk'tər) *n.* 1. A person or thing that ejects. 2. A device in a gun that ejects the empty shell after each firing.

E-kə-tə-rin-burg. The former name for Sverdlovsk.

E-kə-tə-ri-no-dar. The former name for Krasnodar.

ekē (ĕk) *tr. v.* eked, eking, ekes. 1. To supplement with great effort; strain to fill out. Used with *out*: *He eked out his income by working at night.* 2. To make (a living, for example) with great effort or strain. Used with *out*: *"Staying open seven days a week, sixteen hours a day, he could still eke out a living"* (Bernard Malamud). 3. *Archaic.* To make larger or longer; increase. [Middle English *eken*, Old English *ēacan*, to increase. See *aug-* in Appendix.*]

ekē (ĕk) *adv.* *Archaic.* Also. [Middle English *ec*, *eke*, Old English *ēac*. See *au-* in Appendix.*]

EKG electrocardiogram; electrocardiograph.

el¹, **ell** (ĕl) *n.* The letter *l*.

el² (ĕl) *n.* Also **El.** *Informal.* An elevated railway (see).

el, elevation.

El Aai-ūm (ĕl āy-ūm'). The capital of Spanish Sahara, in the north near the Atlantic coast. Population, 6,000.

e-lab-o-rate (i-lāb'ō-rāt) *adj.* Planned or executed with painstaking attention to numerous parts or details; complicated but exactly wrought. —*v.* (i-lāb'ō-rāt') elaborated, -rating, -rates.

—*tr.* 1. To work out with care and detail; develop thoroughly. 2. To produce by effort; create. —*intr.* To express oneself at greater length or in greater detail; provide further information. [Latin *ēlabōrātus*, past participle of *ēlabōrāre*, "to work out"; *ex-*, out + *labōrāre*, to work, from *labor*, work (see *lab-* in Appendix*.)] —**e-lab'ō-rate-ly** *adv.* —**e-lab'ō-rate-ness** *n.* —**e-lab'ō-ra-tion** (i-lāb'ō-rā'shən) *n.* —**e-lab'ō-ra-tor** (-rāt'ər) *n.*

El-a-gab-a-lus. See *Heliogabalus*.

E-laine¹ (i-lān'). A feminine given name. [Middle English, from Old French, variant of *Helene*, HELENE.]

E-laine² (i-lān'). In Arthurian legend, either of two women who loved Lancelot: *a.* The one who died of unrequited love for him. *b.* The one who was the mother of Galahad by Lancelot.

El Al-a-mein (ĕl āl'ā-mān'). A village in northern Egypt on the Mediterranean, site of a World War II battle (1942).

E-lam (ĕ'lām). An ancient kingdom of southwestern Asia, coinciding roughly in area with Khuzistan in southwestern Iran. Capital, Susa. Also called "Susiana."

E-lam-ite (ĕ'lām-it') *n.* Also **E-lam-i-tic** (ĕ'lā-mīt'ik) (for sense 2). 1. A native or inhabitant of Elam. 2. An unclassified language spoken by the ancient Elamites. In this sense, also called "Susian." —*adj.* Also **E-lam-i-tic**, **E-lam-i-tish** (ĕ'lā-mīt'ish). Of or pertaining to Elam, its people, or their language.

ē-lan (ā-lān') *n.* 1. Enthusiasm; impetuosity; dash. 2. Style; flair. [French *élan*, from Old French *eslan*, a rush, dash, from *eslancer*, to throw out: *es-*, out, from Latin *ex-* + *lancer*, to throw, from Late Latin *lanceāre*, to throw a lance, from Latin *lancea*, LANCE.]

e-land (ĕ'lānd) *n.* Either of two large African antelopes, *Taurotragus oryx* or *T. derbianus*, having a light-brown or grayish coat and spirally twisted horns. [Afrikaans, from Dutch *eland*, elk, from late Middle Dutch *elen*, *elant*, from (obsolete) German *elen*, *elend*, from (Old) Lithuanian *ellenis*, stag. See *el-* in Appendix.*]

ēlan vi-tal (vĕ-tāl'). The force hypothesized by Henri Bergson as a source of efficient causation and evolution in nature, independent of physical and chemical action. See *Bergsonism*. [French, "vital ardor."]

el-a-pid (ĕl'ā-pid) *n.* Any of various venomous snakes of the family Elapidae, which includes the cobras and coral snakes. —*adj.* Of or belonging to the Elapidae. [New Latin *Elapidae*, from Medieval Greek *elaps*, variant of Greek *elops*, a fish. See *lep-* in Appendix.*]

e-lapse (i-lāps') *intr. v.* elapsed, elapsing, elapses. To pass; slip by. Used of time. [Latin *elābi* (past participle *elapsus*): *ex-*, away + *lābi*, to slip, glide (see *leb-* in Appendix*.)]

elapsed time. The measured duration of an event; especially, the actual time spent in transit, as in flight, by a moving body.

e-las-mo-branch (i-lās'mō-brāngk', i-lāz'-) *n.* Any of numerous fishes of the subclass Elasmobranchii within the class Chondrichthyes, characterized by a cartilaginous skeleton, and including the sharks, rays, and skates. [New Latin *Elasmo-branchii*, "plate-gilled ones": Greek *elasma*, metal plate, from *elaunein*, to drive, beat (see *el-* in Appendix*) + *-BRANCHI*.]

e-las-tic (i-lās'tik) *adj.* 1. *Physics.* *a.* Returning or capable of

returning to an initial form or state after deformation. *b.* Conserving total kinetic energy of translation. Said of certain collisions. 2. Capable of adapting to change or a variety of circumstances; flexible: *an elastic schedule.* 3. Quick to recover or revive: *an elastic spirit.* 4. Springy; firm: *an elastic turf.* —*n.* 1. A flexible stretchable fabric made with interwoven strands of rubber or an imitative synthetic fiber. 2. Something made of this fabric, as a garter. 3. A rubber band. [New Latin *elasticus*, from Late Greek *elastikos*, from Greek *elastos*, *elatos*, beaten, from *elaunein*, to drive. See *el-* in Appendix.*] —**e-las'ti-cal-ly** *adv.*

e-las-tic-i-ty (i-lās'tis'ō-tē, ĕ'lās-) *n., pl. -ties.* 1. The condition or property of being elastic; resiliency; flexibility. 2. *Physics.* *a.* The property of returning to an initial form or state following deformation. *b.* The degree to which this property is exhibited.

e-las-ti-ci-zer (i-lās'tō-sī'zər) *n.* An additive that increases the elasticity of a solid propellant to prevent cracking of the propellant grain in the combustion chamber.

e-las-tin (i-lās'tin) *n.* The albuminoid base of elastic tissue such as tendons, cartilage, and connective tissue. [ELAST(IC) + *-IN*.]

e-las-to-mer (i-lās'tō-mər) *n.* Any of various polymers having the elastic properties of natural rubber. [Greek *elastos*, ELASTIC + *-MER(E)*.]

e-late (i-lāt') *tr. v.* elated, elating, elates. To raise the spirits of; excite feelings of pride or optimism in; encourage. —*adj.* Elated. [Latin *ēlātus* (past participle of *effere*, to carry out, lift up): *ex-*, out + *-lātus*, "carried" (see *tel-* in Appendix*.)]

e-lat-ed (i-lāt'ĕd) *adj.* Upraised in spirits; lively and joyful.

—**e-lat'ed-ly** *adv.* —**e-lat'ed-ness** *n.*

el-a-ter (ĕl'ā-tər) *n.* 1. An elaterid beetle. 2. *Botany.* An elongated, often spirally thickened filament occurring among the spores of liverworts. [New Latin, from Greek *elater*, driver, from *elaunein*, to drive. See *el-* in Appendix.*]

e-lat-er-id (i-lāt'ər-id) *n.* Any of numerous beetles of the family Elateridae, which includes the click beetles. —*adj.* Of or belonging to the Elateridae. [New Latin *Elateridae*, from *elater*, elongated filament, ELATER.]

E-lath (ĕ'lāth). *Arabic* **El-lāt** (ā-lāt'). A seaport and oil-pipe terminus in extreme southern Israel, on the Gulf of Aqaba. Population, 7,000.

e-la-tion (i-lā'shən) *n.* An exalted feeling arising typically from a sense of triumph, power, or relief.

E layer. A region, or any of various layers in the region, of the ionosphere, occurring between about 55 and 95 miles above the earth and influencing long-distance communications by strongly reflecting radio waves in the range from one to three megahertz. Also called "E region," "Heaviside layer," "Kennelly-Heaviside layer."

El-ba (ĕl'bā). The largest island in the Tuscan Archipelago off the western coast of Italy, the place of exile of Napoleon Bonaparte (1814–15).

El-be (ĕl'bē). *Czech* **La-be** (lā'bē). A major river of central Europe, rising in Bohemia and flowing 725 miles through Czechoslovakia and East and West Germany to the North Sea northwest of Hamburg.

El-bert, Mount (ĕl'bɔrt). The highest peak (14,431 feet) of the Sawatch Range in central Colorado.

el-bow (ĕl'bō) *n.* 1. *a.* The joint or bend of the arm between the forearm and the upper arm. *b.* The bony outer projection of this joint. 2. A joint, as of a bird or quadruped, corresponding to the human elbow. 3. Something having a bend or angle similar to an elbow, especially: *a.* A length of pipe with a sharp bend in it. *b.* A sharp bend in a river or a road. —*at one's elbow.* Close at hand; nearby. —*rub elbows with.* To associate socially with celebrities or the like. —*v.* **elbowed**, **-bowed**, **-bows**. —*tr.* 1. To push, jostle, or shove, as with the elbows. 2. To make (one's way) by such pushing, jostling, or shoving. —*intr.* To push, jostle, or shove one's way. [Middle English *elbowe*, Old English *elnboga*, "bow of the forearm." See *el-* in Appendix.*]

elbow grease. *Informal.* Strenuous physical effort.

el-bow-room (ĕl'bō-rōom', -rōom') *n.* 1. Room enough to move around or function in; ample space. 2. Fitting scope or leeway; freedom from limitations: "*Now my soul hath elbowroom*" (Shakespeare).

El-brus, Mount (ĕl'brūs). The highest mountain of Europe, in the Caucasus Mountains of the northwestern Georgian S.S.R., rising to 18,480 feet on its western peak and 18,356 on its eastern peak.

El-burz (ĕl-bōorz). A mountain range of northern Iran, separating the Caspian Sea from the central Iranian plateau. Highest elevation, Mount Demavend (18,600 feet).

El Cap-i-tan (ĕl kăp-i-tān'). A peak rising to 7,564 feet in Yosemite National Park, California.

El-che (ĕl'chā). Ancient name **Il-i-ci** (il'ō-sē). A city in Valencia, eastern Spain, in the center of the most extensive date plantations in Europe. Population, 67,000.

El Cid. See the *Cid*.

el-d-er' (ĕl'dər). Alternate comparative of *old*. See *Usage* note below. —*n.* 1. An older person. 2. An ancestor; predecessor; forefather. 3. An older, influential man of a family, tribe, or community. 4. *Ecclesiastical.* One of the governing officers of the church, often having pastoral or teaching functions. [Middle English *eldre*, Old English *ieldra*, *eldra*. See *el-* in Appendix.*] —**el'd-er-ship'** *n.*

Usage: *Elder* and *eldest*, as adjectives, refer only to persons, unlike *older* and *oldest*, which also apply to things. Moreover, *elder* and *eldest* are now largely confined to references involving members of a given family or business establishment, to in-



ejection seat
Ejection seat of a
fighter aircraft



eland
Taurotragus oryx

from our rightful estate" (John F. Kennedy). 3. To recover (property, for example) by a superior claim or legal process. —See Synonyms at *object*. [Middle English *evincere*, from Latin *evincere* (past participle *evictus*), to conquer, overcome : *ē*, completely, from *ex-* + *vincere*, to conquer (see *weik-* in Appendix*.)] —*e-vic'tion* *n.* —*e-vic'tor* (-tār) *n.*

ev-i-dence (ēv'ə-dəns) *n.* 1. The data on which a judgment or conclusion may be based, or by which proof or probability may be established: *fossilized evidence of climatic change*. 2. That which serves to indicate or suggest: *His reaction was evidence of guilt*. 3. Law. The documentary or verbal statements and the material objects admissible as testimony in a court of law. —*in evidence*. Present and plainly visible; conspicuous: *He was very much in evidence at the convention*. —*turn state's evidence*. To testify in court for the prosecution and against one's former accomplices. —*tr.v.* *evidenced*, *-dencing*, *-dences*. 1. To indicate clearly; exemplify or prove. 2. To support by testimony; attest. [Middle English, from Old French, from Late Latin *evidentia*, from Latin *evīdēns*, EVIDENT.]

ev-i-dent (ēv'ə-dənt) *adj.* Easily recognizable or perceived; clear; obvious. [Middle English, from Old French, from Latin *evīdēns*, evident, clear : *ē*, completely, from *ex-* + *vidēns*, present participle of *vidēre*, to see (see *weid-* in Appendix*.)] **Synonyms:** *evident*, *apparent*, *obvious*, *plain*, *distinct*, *manifest*. These adjectives mean easily perceived or grasped. *Evident* and *apparent* are often interchangeable and imply the presence of visible signs or circumstances that make the thing in question clear to the eye or, by inference, to the mind. *Apparent* stresses the idea of openness to view. The remaining terms are intensifications of the first two. What is *obvious* is not only readily seen or understood but almost impossible to conceal or to misunderstand. What is *plain* is readily accessible to the mind because it is simple or permits but one interpretation. Something termed *distinct* is clearly seen and not easily confused with something else. Something *manifest* is revealed clearly and openly by outward display; the term therefore stresses visual perception.

ev-i-den-tial (ēv'ə-dēn'tshəl) *adj.* Pertaining to, providing, or having the nature of evidence. —*ev'i-den-ti-ally* *adv.*

ev-i-dent-ly (ēv'ə-dēnt-lē, ēv'ə-dēnt'lē) *adv.* 1. Obviously; perceptibly; clearly: *He was quite evidently dead*. 2. Apparently or seemingly; probably: *She's evidently going to be late*.

e-vil (ē'vəl) *adj.* 1. Morally bad or wrong; wicked; malevolent; sinful: *an evil tyrant*. 2. Causing an undesirable condition, as ruin, injury, or pain; harmful; injurious: *an evil suggestion*. 3. Characterized by or boding misfortune; foreboding; ominous: *evil omens*. 4. Purportedly bad or blameworthy; undesirable; infamous: *an evil reputation*. 5. Characterized by anger or spite; malicious: *an evil temper*. —See Synonyms at *bad*.

—*n.* 1. *Sometimes capital E.* That which is destructive, corruptive, or fallible whether from natural circumstances, or by human ignorance, error, or design: "*The evil that men do lives after them*" (Shakespeare). 2. *Sometimes capital E.* a. That which is morally bad or wrong; wickedness; sin. b. That which causes or constitutes misfortune, suffering, difficulty, or the like; woe. 3. *Often plural.* Anything that is undesirable because of its injurious nature or effect: *the evils of war*. 4. An evil thing or an act or instance of being evil. —*adv.* *Archaic.* In an evil manner. [Middle English *evil*, *ivel*, Old English *yfel*. See up in Appendix*.] —*e'vil-ly* *adv.* —*e'vil-ness* *n.*

e-vil-do-er (ē'vəl-dō'ər) *n.* One who does evil. —*e'vil-do'ing* *n.*

evil eye. A look or a stare superstitiously believed to cause injury or misfortune to others.

e-vil-mind-ed (ē'vəl-mīn'did) *adj.* Having evil thoughts, opinions, or intentions. —*e'vil-mind'ed-ly* *adv.* —*e'vil-mind'ed-ness* *n.*

e-vince (i-vīns') *tr.v.* *evinced*, *evincing*, *evinces*. To show or demonstrate clearly or convincingly; manifest; exhibit: "*To evince surprise at her husband's statement was part of her wifely amiability*" (Stephen Crane). [Latin *evincere*, to conquer, to prove. See *evict*.] —*e-vin'ci-ble* *adj.*

e-vis-er-ate (i-vīz'ə-rāt') *v.* *-ated*, *-ating*, *-ates*. —*tr.* 1. To remove the entrails of; disembowel. 2. To take away a vital or essential part of. 3. *Surgery.* a. To remove the contents of (an eyeball). b. To remove an organ, such as an eye, from (a patient). —*intr.* *Surgery.* To protrude through an incision of a part after an operation. —*adj.* Disemboweled. [Latin *eviscerare*, "to remove the viscera from," to disembowel : *ē*, indicating removal, from *ex-* + *VISCERA*.] —*e-vis'er-a'tion* *n.*

ev-i-ta-ble (ēv'ə-tə-bəl) *adj.* Rare. Avoidable. [Latin *evitabilis*, from *evitare*, to avoid : *ē*, away, from *ex-* + *vitāre*, to shun.]

ev-o-ca-tion (ēv'ə-kā'shən) *n.* 1. The act of calling forth or conjuring up: *an evocation of childhood memories*. 2. Law. The power of a higher court to try all the aspects of a case that has been appealed. —*ev'o-ca'tor* (-kāt'ər) *n.*

e-voc-a-tive (i-vōk'ə-tiv) *adj.* Tending or having the power to evoke. —*e-voc'a-tive-ly* *adv.*

e-voke (i-vōk') *tr.v.* *evoked*, *evoking*, *evokes*. 1. To summon or call forth (memories, for example); reawaken; inspire. 2. To produce or elicit (a reaction, emotion, or response): "*Every slight movement in the street evoked a casual curiosity in him*" (Richard Wright). [Latin *evocāre*, to call forth, to call out, summon : *ē*, out, from *ex-* + *vocāre*, to call (see *wekw-* in Appendix*.)] —*ev'o-ca-ble* (ēv'ə-kə-bəl, i-vō'kə-) *adj.*

ev-o-lute (ēv'ə-lōō't) *n.* The locus of the centers of curvature of a given curve. [Back-formation from EVOLUTION.]

ev-o-lu-tion (ēv'ə-lōō'shən) *n.* 1. A gradual process in which something changes into a significantly different, especially more complex or more sophisticated, form. 2. *Biology.* a. The theory that groups of organisms, as species, may change with passage

of time so that descendants differ morphologically and physiologically from their ancestors. b. The historical development of a related group of organisms; phylogeny. 3. The developmental or historical process of something, as of a social institution, geographical division, or system of thought. 4. *Often plural.* A movement which is part of a larger movement, as: a. A wheeling motion in a dance. b. A tactical or parade-ground maneuver. 5. *Mathematics.* The extraction of a root of a quantity. In this sense, compare involution. [Latin *evolūtio*, an opening, an unrolling, from *evolūtus*, past participle of *evolvere*, to roll out, to open, EVOLVE.]

ev-o-lu-tion-al (ēv'ə-lōō'shən-əl) *adj.* Evolutionary.

ev-o-lu-tion-ar-y (ēv'ə-lōō'shə-nēr'ē) *adj.* 1. Of, pertaining to, or resulting from evolution: "*The present state of the universe resulted from a continuous evolutionary process*" (George Gamow). 2. In accord with the theory of biological evolution; Darwinian. 3. Developing or evolving as a slow or historical process; gradually changing or progressing; evolutionary. 4. Of, pertaining to, or characterized by military evolutions.

ev-o-lu-tion-ism (ēv'ə-lōō'shə-nīz'əm) *n.* 1. Acceptance of a theory of biological evolution, especially of the formulation by Charles Darwin. Compare *creationism*. 2. Any belief in an evolutionary process. —*ev'o-lu'tion-ist* *n.*

e-volve (i-vōlv') *v.* *evolved*, *evolving*, *evolves*. —*tr.* 1. To develop or achieve gradually; devise; formulate: "*Not one of the schemes he evolved to line his purse materialized*" (S.J. Perelman). 2. *Biology.* To develop by evolutionary processes from a primitive to a more highly organized form. 3. To yield, give, or throw off (gas, vapor, or heat, for example); set free. —*intr.*

1. To be part of or subject to the process of natural, temporal, or biological evolution, as in an organism, plant, or rock stratum. 2. To be developed, disclosed, or unfolded; come forth; emerge: *The plot evolves in many subtle ways*. 3. To undergo change or transformation; develop; lead. [Latin *evolvere*, to roll out, unfold : *ē*, out, from *ex-* + *volvere*, to roll (see *wel-* in Appendix*.)] —*e-volv'a-ble* *adj.* —*e-volve'ment* *n.*

e-vul-sion (i-vūl'shən) *n.* A pulling out or plucking; forcible extraction. [Latin *evulsio*, a pulling out, from *evulsus*, past participle of *evellere*, to pull out : *ē*, out, from *ex-* + *vellere*, to pull (see *wel-* in Appendix*.)]

Ev-vo-i-a. The Modern Greek name for Euboea.

ev-zone (ēv'zōn') *n.* An infantryman of a special corps of the Greek army. [Modern Greek *euzōnos*, from Greek, well-girdled, active : *eu-*, well + *zōnē*, girdle (see *yōs-* in Appendix*.)]

E-wab Islands (ē'wəb). Formerly Kai Islands (ki). An island group of Indonesia, occupying 565 square miles southwest of West Irian.

ewe (yōō) *n.* A female sheep, especially when full-grown. [Middle English *ewe*, Old English *ēowu*. See *ow-* in Appendix*.]

E-we (ā'vā, ā'wā) *n.* 1. a. A Negro people of Togo, Ghana, and parts of Dahomey. b. A member of this people. 2. The Niger-Congo language of this people.

ewe-neck (yōō'nēk') *n.* A horse's neck that is thin and hollowed rather than arched. —*ewe'-necked'* *adj.*

ew-er (yōō'ər) *n.* A large, wide-mouthed pitcher or jug. [Middle English, from Norman French, from Old North French *eviere*, from Vulgar Latin *aquāria* (unattested), from Latin *aquārius*, relating to water, from *aqua*, water. See *akwā-* in Appendix*.]

Ew-ing (yōō'ing), William Maurice. Born 1906. American geophysicist and oceanographer.

EWK Airport code for Newark, New Jersey.

ex' (ēks) *prep.* *Abbr.* *x.* 1. *Finance.* Without; not including; not participating in: *ex dividend*; *ex rights*. 2. *Commerce.* Free of charge to the purchaser until he removes it from (a particular place or thing). [Latin *ex*, out of, from. See *eghs* in Appendix*.]

ex² (ēks) *n., pl. exes.* The letter *x*.

ex³ (ēks) *n.* *Slang.* A former wife or husband.

ex-'. Indicates: 1. Removal out of or from; for example, *ex-plant*. 2. Former; for example, *ex-president*. [Middle English, from Old French, from Latin. In borrowed Latin compounds *ex-* indicates: 1. out or out of, as in *expire*. 2. away from or removed away from, as in *expropriate*. 3. up; as in *elevate*. 4. completely or intensively, as in *execute*. 5. opposing; as in *execrate*. *Ex-* becomes *ef-* before *f*. Latin *ex-*, from *ex*, out, out of. See *eghs* in Appendix*.]

ex-². Indicates out of; for example, *exergue*. [In borrowed Greek compounds *ex-* indicates: 1. out of, as in *exegesis*. 2. away from, as in *exorcise*. Greek *ex-*, from *ex*, out of. See *eghs* in Appendix*.]

ex. 1. examination. 2. example. 3. except; excepted; exception. 4. exchange. 5. executive. 6. express. 7. extra.

Ex. Exodus (Old Testament).

ex-ac-er-bate (ēg-zās'ər-bāt', ig-, ēk-sās', ik-) *tr.v.* *-bated*, *-bating*, *-bates*. 1. To increase the severity of; aggravate. Used of a pain, emotion, disease, or the like. 2. To embitter or irritate (a person): "*with his exacerbated nerves he was constantly receiving impressions*" (Allen Tate). [Latin *exacerbare*, aggravate, make harsh : *ex-*, completely + *acerbus*, bitter, harsh (see *ak-* in Appendix*.)] —*ex-ac'er-ba'tion* *n.*

ex-act (ēg-zākt', ig-) *adj.* 1. Accurate and precise. 2. Strictly and completely in accord with fact. 3. Meticulously observing or adhering to a standard. —*tr.v.* *exacted*, *-acting*, *-acts*. 1. To force the payment or yielding of; extort. 2. To call for; require; to demand. [Latin *exactus*, past participle of *exigere*, "to drive out," require, examine : *ex-*, out + *agere*, to lead, to drive (see



ewer
Mid-19th-century
American silver ewer

ag- in Appendix*.) —**ex-act'a-ble** *adj.* —**ex-act'ness** *n.*
—**ex-act'or** (zák'tor), **ex-act'er** *n.*

ex-act-ing (ég-zák'ting, íg-) *adj.* 1. Making severe or unremitting demands: an *exacting taskmaster*. 2. Requiring great care, effort, or attention: *an exacting task*. —See Synonyms at burdensome, severe. —**ex-act'ing-ly** *adv.* —**ex-act'ing-ness** *n.*
ex-ac-tion (ég-zák'shən, íg-) *n.* 1. The act of exacting. 2. Something that is exacted, as a sum of money or act of obedience.
ex-act-i-tude (ég-zák'to-túod, -tyóod', íg-) *n.* The state or quality of being exact.

ex-act-ly (ég-zák'lē, íg-) *adv.* 1. In an exact manner; accurately. 2. In all respects; just: *Do exactly as you please*.

ex-ag-ger-ate (ég-záj'á-rát, íg-) *v.* -ated, -ating, -ates. —*tr.* 1. To enlarge (something) disproportionately; increase to an abnormal degree. 2. To make (something) greater than is actually the case; magnify beyond the truth: "*He began to exaggerate the endurance, the skill, and the valor of those who were coming*" (Stephen Crane). —*intr.* To distort through emphasis; overstate. [Latin *exaggerare*, to pile up, exaggerate: *ex-*, completely + *aggerare*, to pile up, from *agger*, pile, heap.] —**ex-ag-ger-a-tive**, **ex-ag-ger-a-to'ry** (-á-tór'ē, -tór'ē) *adj.* —**ex-ag-ger-a'tor** (-á'tor) *n.*

ex-ag-ger-at-ed (ég-záj'á-rá'tid, íg-) *adj.* 1. Unduly emphasized or magnified; going beyond truth, fact, or reality; overstated. 2. Physically enlarged; abnormally or disproportionately developed. —**ex-ag-ger-at-ed-ly** *adv.*

ex-ag-ger-a-tion (ég-záj'á-rá'shən, íg-) *n.* 1. The act of exaggerating. 2. An instance of exaggerating, an overstatement.

ex-alt (ég-zólt', íg-) *tr. v.* -alted, -alting, -alts. 1. To raise in position, character, status, or the like; elevate: "*Do away with masters, exalt the will of the people*" (D.H. Lawrence). 2. To glorify; praise; honor; extol. 3. To fill with an intensified feeling such as joy, pride, delight, or the like; elate. 4. To increase the effect or intensity of, as colors; heighten. [Middle English *exalten*, from Old French *exalter*, from Latin *exaltare*, to lift up, exalt: *ex-*, up + *altus*, high (see *at-* in Appendix*.)] —**ex-alt'er** *n.*

ex-al-ta-tion (ég-zól-tá'shən) *n.* 1. The act of exalting. 2. The state of being exalted; elevation. 3. The state or feeling of intense, often excessive exhilaration and well-being; rapture; elation. See Synonyms at ecstasy. 4. *British*. A flight of larks. See Synonyms at flock.

ex-alt-ed (ég-zólt'éd, íg-) *adj.* 1. Elevated in rank, character, position, or the like. 2. Lofty; sublime; noble: "*That provision should be made for continuing the race of... so exalted... a Being as man — I am far from denying*" (Sterne). —**ex-alt'ed-ly** *adv.* —**ex-alt'ed-ness** *n.*

ex-am (ég-zám', íg-) *n.* *Informal*. An examination.

exam. examination.

ex-a-men (ég-zá'mən, íg-) *n.* *Ecclesiastical*. A usually daily examination of one's conscience. [Latin *exāmen*, consideration, examination, from *exigere*, to EXAMINE.]

ex-am-i-nant (ég-zám'á-nənt, íg-) *n.* One who examines.

ex-am-i-na-tion (ég-zám'á-ná'shən, íg-) *n.* *Abbr.* *ex., exam.* 1. The act of examining or the state or result of being examined; an inspection; analysis. 2. A set of questions or exercises testing knowledge or skills; a written, practical, or oral test. 3. Formal interrogation; official inquiry. —**ex-am'i-na-tion'al** *adj.*

ex-am-ine (ég-zám'in, íg-) *tr. v.* -ined, -ining, -ines. 1. To inspect or scrutinize (a person, thing, or situation) in detail; observe or analyze carefully. 2. To study the state of health of. 3. To determine the qualifications, aptitude, memory, or the like by subjecting to questions or exercises. 4. To interrogate or question formally to elicit facts, information, or the like. 5. To consider or test introspectively; reflect upon: "*The time has come, God knows, for us to examine ourselves*" (James Baldwin). —See Synonyms at ask. [Middle English *examinen*, from Old French *examiner*, from Latin *exāmināre*, to weigh accurately, examine, from *exāmen*, a weighing, consideration, from *exigere*, to examine, to lead out: *ex-*, out + *agere*, to lead (see *ag-* in Appendix*.)] —**ex-am'in-a-ble** *adj.* —**ex-am'in-er** *n.*

ex-am-in-ee (ég-zám'á-nē, íg-) *n.* One who is examined.

ex-am-ple (ég-zám'pəl, -zám'pəl, íg-) *n.* *Abbr.* *ex.* 1. One that is representative of a group as a whole; a sample; specimen. 2. Someone or something worthy of imitation or duplication; a model; a pattern; exemplar. 3. A previous case or situation that is the same or similar to one at hand; precedent. 4. One that serves as a warning, as a punishment or a punished person. 5. An illustrative problem or exercise with its solution. —*for example*. Serving as an illustration, a model, or an instance. —*set an example*. To be or provide a model of behavior capable and worthy of imitation. [Middle English *exauple*, from Old French *exemple*, *essample*, from Latin *exemplum*, "(something) taken out," example, sample, from *eximere*, to take out: *ex-*, out + *emere*, to take (see *em-* in Appendix*.)]

Synonyms: *example, instance, case, illustration, sample, specimen*. Each of these nouns refers to what is representative of, or serves to explain, something larger. The first four are sometimes interchangeable. An *example* represents, usually typically and concretely, something of which it is a part, and thereby demonstrates the nature or operation of what it represents. An *instance* is an action, occurrence, event, or, less often, a person that is representative of a general subject and that is cited in some way bearing on the subject. A *case* is an action, occurrence, event, or condition that constitutes a specific instance: *a typical case of child neglect*. An *illustration* demonstrates or explains in detail all or part of a broad subject of which it is itself a part. *Sample* and *specimen* are often interchangeable. A *sample* is an actual part of something larger, presented as

evidence of the quality of the whole. A *specimen* is either such a part of a whole or an individual and representative member of a group or class of persons or things.

ex-an-them (ég-zán-thēm) *n., pl. -mas* (-mə-tə) or *-mas*. Also **ex-an-them** (ég-zán'thəm, íg-). 1. A skin eruption. 2. A disease, such as measles or scarlet fever, accompanied by a skin eruption. [New Latin, from Late Latin *exanthēma*, from Greek, "a blooming out," eruption, from *exanthein*, to bloom out, burst forth: *ex-*, out + *anthein*, to bloom, from *anthos*, flower (see *andh-* in Appendix*.)] —**ex-an'the-mat'ic** (-thə-măt'ik), **ex'an-them'a-tous** (-thēm'ə-təs) *adj.*

ex-arch (ék'sárk) *n.* 1. The ruler of a province in the Byzantine Empire. 2. *Eastern Orthodox Church*. a. The deputy of a patriarch. b. A bishop ranking immediately below a patriarch. [Late Latin *exarchus*, from Greek *exarkhos*, leader, from *exarkhein*, to initiate, lead out: *ex-*, out + *arkhein*, rule, lead (see *arkhein* in Appendix*.)]

ex-ar-chate (ék'sár-kát') *n.* Also **ex-ar-chy** (ék'sár'kē). The office, rank, jurisdiction, or province of an exarch.

ex-as-per-ate (ég-zás'pə-rát', íg-) *tr. v.* -ated, -ating, -ates. 1. To make very angry or irritated; tax the patience of; provoke; irk. 2. *Obsolete*. To increase the gravity or intensity of (a passion or pain, for example): "*He speaks of a scene in Pelleas et Melisande that exasperates his rose fever and makes him sneeze*" (Samuel Beckett). [Latin *exasperare*, to exasperate, irritate, make rough: *ex-*, entirely + *asperare*, to make rough, from *asper*, rough (see *asper*).] —**ex-as'per-at'er** *n.*

ex-as-per-a-tion (ég-zás'pə-rá'shən, íg-) *n.* 1. An act or instance of exasperating. 2. The state of being exasperated; extreme annoyance or irritation: "*It brought his despair of her up to a point of exasperation*" (Ford Madox Ford).

exc. 1. excellent. 2. except; excepted; exception.

Exc. Excellency.

Ex-cal-i-bur (ék-skál'ə-bər). The name of King Arthur's sword. [Middle English *Excalibur*, from Old French *Escalibor*, from Medieval Latin *Caliburnus*, from Welsh *Caledwvich*, from Celtic *kalet-* (unattested), hard.]

ex-ca-the-dra (éks kə-thē'drə). *Latin*. With authority; from the seat of authority. Said especially of official or solemn papal pronouncements.

ex-cau-date (éks-kə'dāt) *adj.* Tailless; without a tail. [*ex-* + *CAUDATE*.]

ex-ca-vate (ék'skə-vāt') *v.* -vated, -vating, -vates. —*tr.* 1. To make a cavity or hole in; dig out; hollow out. 2. To form (a tunnel, for example) by such hollowing out; dig. 3. To remove (soil) by digging or scooping out. 4. To expose or uncover by digging. —*intr.* To engage in digging, hollowing out, or removing. [Latin *excavare*, to hollow out: *ex-*, out + *cavare*, to hollow, from *cavus*, hollow (see *kau-* in Appendix*.)]

ex-ca-va-tion (ék'skə-vā'shən) *n.* 1. The act or condition of excavating. 2. A cavity formed by excavating. 3. Something revealed by excavating, as ruins. —See Synonyms at hole.

ex-ca-va-tor (ék'skə-vā'tər) *n.* A person or device, such as a steam shovel, that excavates.

ex-ceed (ék-sēd', ík-) *tr. v.* -ceeded, -ceeding, -ceeds. 1. To be greater than; surpass. 2. To go beyond the prior or proper limits of. —See Synonyms at excel. [Middle English *exceden*, from Old French *exceder*, from Latin *excedere*, to depart, to go out, surpass: *ex-*, out + *cedere*, to go (see *ced-* in Appendix*.)]

ex-ceed-ing (ék-sē'ding, ík-) *adj.* Extreme; extraordinary. —*adv.* *Archaic*. Exceedingly.

ex-ceed-ing-ly (ék-sē'ding-lē, ík-) *adv.* To an advanced or unusual degree; extremely.

ex-cel (ék-sél', ík-) *v.* -celled, -celling, -cels. —*tr.* To be better than; surpass; outdo: *excels his class in English*. —*intr.* To surpass others; be better or do better than others: *She excels in wit*. [Middle English *excellen*, from Latin *excellere*, to excel, raise up. See *kel-* in Appendix*.]

Synonyms: *excel, surpass, exceed, transcend, outdo, outstrip*. These verbs mean to go beyond a limit or standard, usually in the sense of being superior. *Excel* and *surpass* are generally applied to performance or achievement in things that reflect credit on a person. To *excel* is to be pre-eminent in a general sense or to be or perform at a level higher than that of another or others specified. To *surpass* another is to be superior in performance, quality, or degree. *Exceed* can also refer to superiority in quality, but more often applies to what is greater in sheer size or quantity: *He surpasses (or excels) me in knowledge, but my wealth exceeds his*. In a related sense *exceed* means to go beyond a proper limit: *exceed one's authority; exceed the speed limit*. *Transcend* usually refers to marked superiority in quality or degree; often it implies attainment of a level so high that comparison is hardly possible: *Great art transcends mere rules of composition. The national interest must transcend regional goals*. *Outdo* and *outstrip* refer to superiority in performance. *Outstrip*, the stronger, implies obvious superiority.

ex-cel-lence (ék'sə-ləns) *n.* Also *archaic* **ex-cel-len-cy** (-ləns-ē) *pl. -cies*. 1. The state, quality, or condition of excelling; superiority; pre-eminence. 2. Something in which a person or thing excels; a surpassing feature or virtue. 3. *Capital E*. Variant of Excellency. [From *EXCEL*.]

Ex-cel-len-cy (ék'sə-lən-sē) *n., pl. -cies*. Also **Ex-cel-lence** (ék'sə-ləns). 1. *Abbr.* *Exc.* A title or form of address for certain high officials, such as ambassadors, bishops, or governors. Usually preceded by *His, Her, or Your*. 2. *Small e*. *Archaic*. Variant of excellence.

ex-cel-lent (ék'sə-lənt) *adj.* 1. *Abbr.* *E. exc.* Being of the highest or finest quality; exceptionally good; superb: "*Her voice was ever soft, / Gentle and low, an excellent thing in woman*." (Shake-



excavator

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Pronunciation Symbols

For more information see Guide to Pronunciation

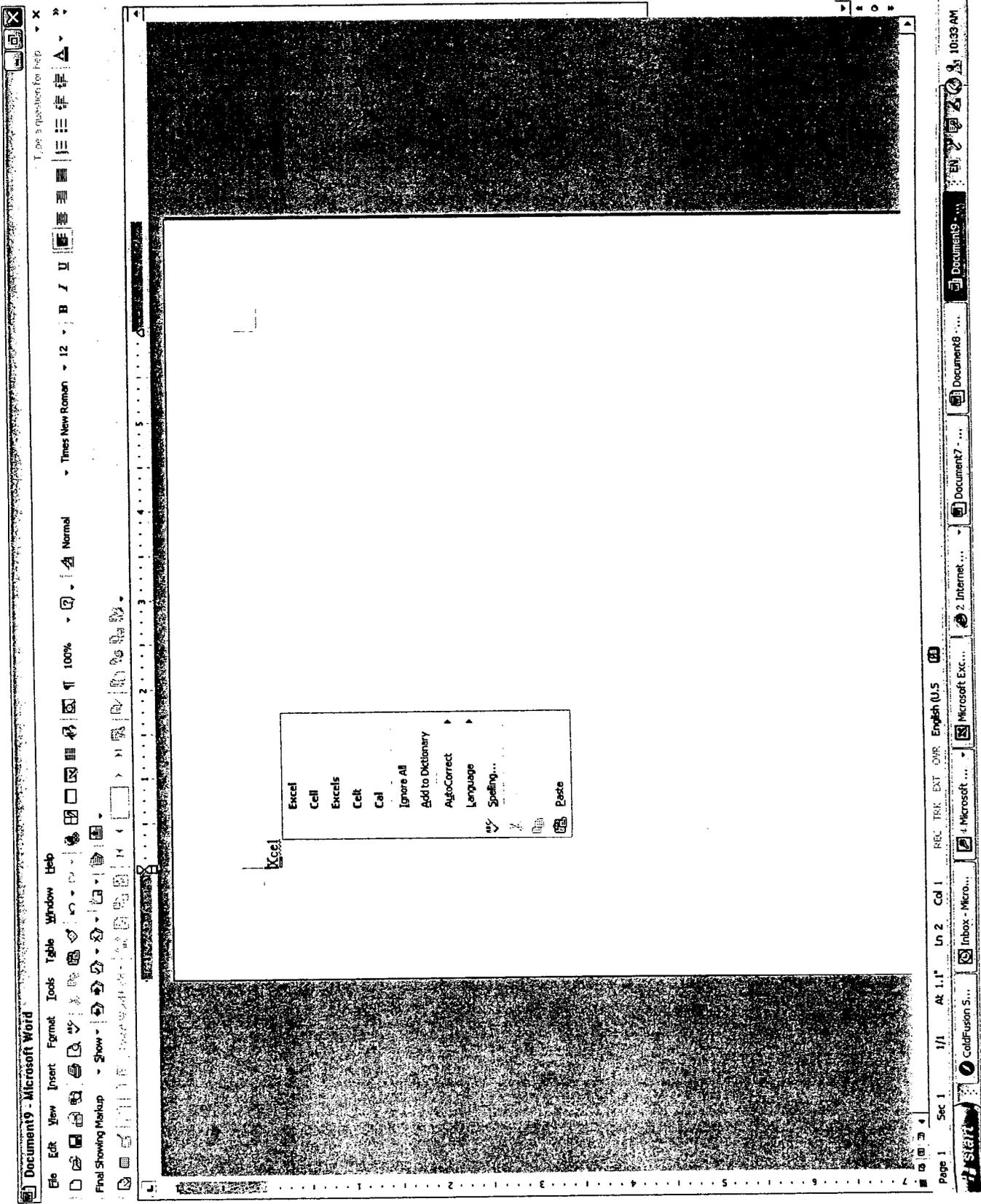
- ə banana, collide, abut
- ʼə, ɚ humdrum, abut
- ˆ immediately preceding \l\, \n\, \m\, \ŋ\, as in battle, mitten, eaten, and sometimes open \ʔp-m\, lock and key \-ŋ-\; immediately following \l\, \m\, \r\, as often in French table, prisme, titre
- ər further, merger, bird
- ʼər- } as in two different pronunciations
 ʼə-r } of hurry \ˈhər-ē, ˈhə-rē\
- ɑ mat, map, mad, gag, snap, patch
- ā day, fade, date, aorta, drape, cape
- ä bother, cot, and, with most American speakers, father, cart
- â father as pronounced by speakers who do not rhyme it with bother; French patte
- au now, loud, out
- b baby, rib
- ch chin, nature \ˈnä-chər\ (actually, this sound is \t\ + \sh\)
- d did, adder
- e bet, bed, peck
- ʼē, ɛ beat, nosebleed, evenly, easy
- ē easy, mealy
- f fifty, cuff
- g go, big, gift
- h hat, ahead
- hw whale as pronounced by those who do not have the same pronunciation for both *whale* and *wail*
- ı tip, banish, active
- ī site, slide, buy, tripe (actually, this sound is \ä\ + \ı\, or \ä\ + \ı\)
- j job, gem, edge, join, judge (actually, this sound is \d\ + \zh\)
- k kin, cook, ache
- k̄ German ich, Buch; one pronunciation of loch
- l lily, pool
- m murmur, dim, nymph
- n no, own
- ˆn indicates that a preceding vowel or diphthong is pronounced with the nasal passages open, as in French *un bon vin blanc* \œ̃-bõ̃-vã-blã̃\
- ŋ sing \ˈsɪŋ\, singer \ˈsɪŋ-ər\, finger \ˈfɪŋ-gər\, ink \ˈɪŋk\
- ō bone, know, beau
- ô saw, all, gnaw, caught
- œ French boeuf, German Hülle
- œ̃ French feu, German Hölle
- oi coin, destroy
- p pepper, lip
- r red, car, rarity
- s source, less
- sh as in shy, mission, machine, special (actually, this is a single sound, not two); with a hyphen between, two sounds as in grasshopper \ˈgras-häp-ər\
- t tie, attack, late, later, latter
- th as in thin, ether (actually, this is a single sound, not two); with a hyphen between, two sounds as in knighthood \ˈnit-hüd\
- th̄ then, either, this (actually, this is a single sound, not two)
- ü rule, youth, union \ˈyün-yən\, few \ˈfyü\
- û pull, wood, book, curable \ˈkyür-ə-bəl\, fury \ˈfyü(ə)r-ē\
- uc German füllen, hübsch
- uẽ French rue, German fühlen
- v vivid, give
- w we, away; in some words having final \(),ö\, \(),yü\, or \(),ü\ a variant \ə-w\ occurs before vowels, as in \ˈfäl-ə-wɪŋ\, covered by the variant \ə(-w)\ or \yə(-w)\ at the entry word
- y yard, young, cue \ˈkyü\, mute \ˈmyüt\, union \ˈyün-yən\
- ỵ indicates that during the articulation of the sound represented by the preceding character the front of the tongue has substantially the position it has for the articulation of the first sound of *yard*, as in French *digne* \dēn\
- z zone, raise
- zh as in vision, azure \ˈazhər\ (actually, this is a single sound, not two); with a hyphen between, two sounds as in hoghead \ˈhögz-hed, ˈhägz-\
- \ slant line used in pairs to mark the beginning and end of a transcription: \ˈpen\
- ˈ mark preceding a syllable with primary (strongest) stress: \ˈpen-mən-ship\
- ˌ mark preceding a syllable with secondary (medium) stress: \ˈpen-mən-ship\
- mark of syllable division
- () indicate that what is symbolized between is present in some utterances but not in others: *factory* \ˈfak-t(ə)rē\
- ÷ indicates that many regard as unacceptable the pronunciation variant immediately following: *cupola* \ˈkyü-pə-lə, ÷, ˌlə\

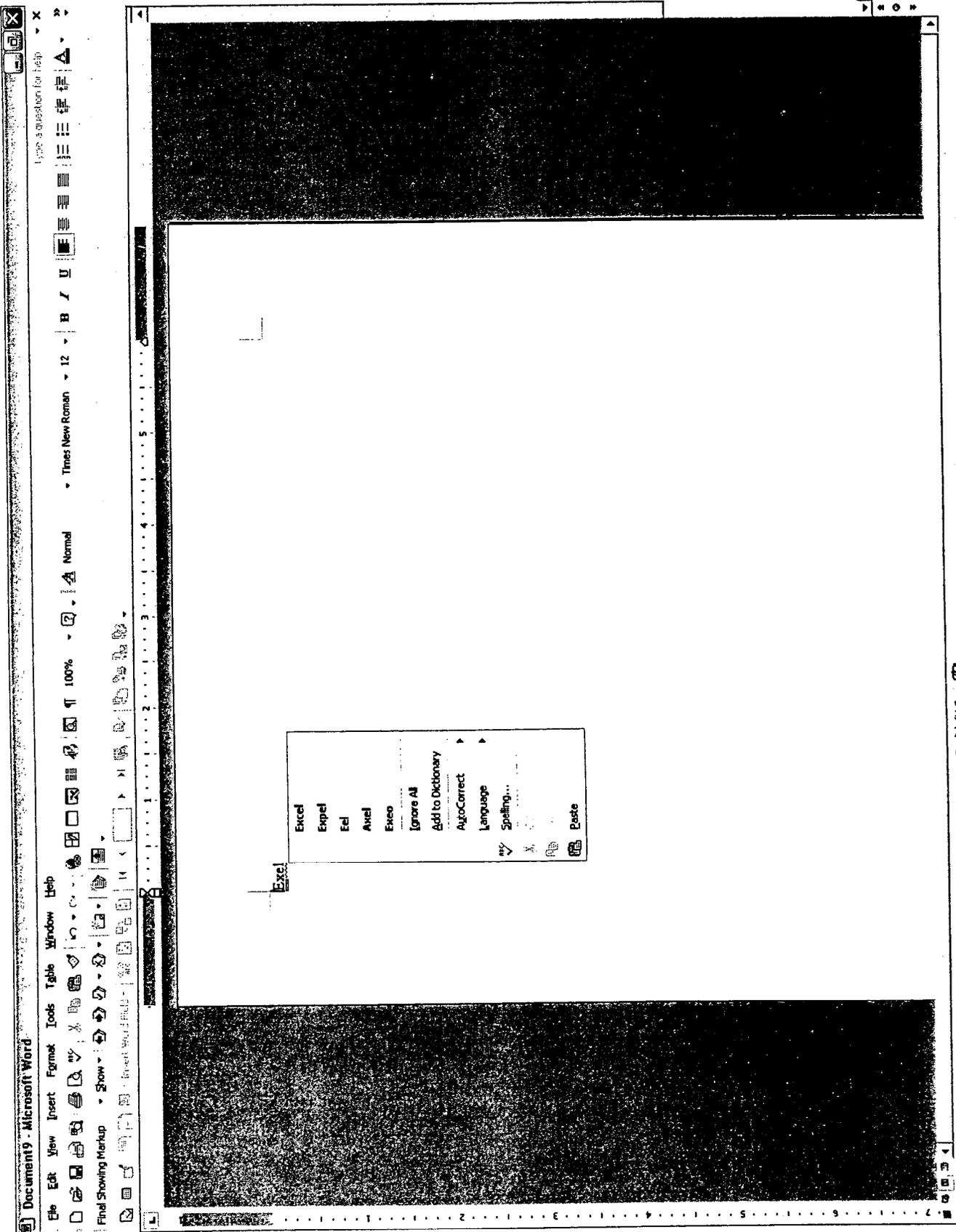
Egyptology \ˈɛj-ʃɪp-ˈtɑl-ə-ʒi/ n (1862) : the study of Egyptian antiquities — Egyptologist \-ˈdʒɪst/ n
eh \ˈe, -ˈeɪ/ also with h preceding and/or with nasalization/ interj [ME ey] (13c) — used to ask for confirmation or repetition or to express inquiry
elder \ˈɪd-ər/ n [D, G, or Sw, fr. Icel æthur, fr. ON æthr] (1743) 1 : any of several large northern sea ducks (Somateria or related genera) having fine soft down that is used by the female for lining the nest — called also eider duck 2 : EIDERDOWN
elder-down \-ˈdaʊn/ n [prob. fr. G eiderdaune, fr. Icel æthardünn, fr. æthur + dünn ‘down’] (1774) 1 : the down of the eider 2 : a comforter filled with eiderdown 3 : a soft lightweight clothing fabric knitted or woven and napped on one or both sides
eidetic \i-ˈdeɪ-tɪk/ adj [Gk eidētikos of a form, fr. eidōs form — more at wise] (ca. 1923) : marked by or involving extraordinarily accurate and vivid recall esp. of visual images (an ~ memory) — eidetically \-ɪ-ˈk(ə)-ˈleɪ/ adv
eidolon \i-ˈdō-lən/ n, pl -lons \-lənz/ or -la \-lə/ [Gk eidōlon — more at idol] (1828) 1 : an unsubstantial image : PHANTOM 2 : IDEAL
eigen-value \i-ˈɡeɪn-ˈvæl-/ n, pl -vals \-vəlz/ (part trans. of G eigenwert, fr. eigen own, peculiar, characteristic (fr. OHG eigan) + wert value — more at own) (1927) : a scalar associated with a given linear transformation of a vector space and having the property that there is some nonzero vector which when multiplied by the scalar is equal to the vector obtained by letting the transformation operate on the vector; esp : a root of the characteristic equation of a matrix — called also characteristic root, characteristic value
eigen-vector \i-ˈɡeɪn-ˈvɛk-tər/ n [ISV eigen- (fr. G eigen) + vector vector] (1941) : a nonzero vector that is mapped by a given linear transformation of a vector space onto a vector that is the product of a scalar multiplied by the original vector — called also characteristic vector
eight \eɪt/ n [ME eighte, fr. eighte, adj., fr. OE eahta; akin to OHG ahto eight, L octo, Gk oktō] (bef. 12c) 1 — see NUMBER table 2 : the eighth in a set or series (the ~ of spades) 3 : something having eight units or members; as a : an 8-oared racing boat or its crew b : an 8-cylinder engine or automobile — eight adj or pron
eight ball n (1932) 1 : a black pool ball numbered 8 2 : MISFIT (tried to weed out the eight balls) — behind the eight ball : in a highly disadvantageous position or baffling situation
eighteen \(eɪ-ˈtiːn/ n [ME eightetene, adj., fr. OE eahtatene, fr. eahta + -tēne (akin to OE tien ten) — more at TEN] (bef. 12c) — see NUMBER table — eighteen adj or pron
eighteenth \i-ˈteɪntiθ/ n, pl -tiθs \-ˈtiθs/ (bef. 12c) — see NUMBER table 2 : OCTAVE — eighth adj or adv
eightfold \ˈeɪt-ˈfɔld/ n, pl -fɔlɪd \-ˈfɔlɪd/ adj (bef. 12c) 1 : having eight units or members 2 : being eight times as great or as many — eightfold \-ˈfɔld/ adv
eightfold way n (1928) : a unified theoretical scheme for classifying the relationship among strongly interacting elementary particles on the basis of isospin and hypercharge
eighth \ˈeɪtθ/ n, pl eighths \ˈeɪtθs/, eights \ˈeɪtθs/ (bef. 12c) 1 — see NUMBER table 2 : OCTAVE — eighth adj or adv
eighth note n (ca. 1864) : a musical note with the time value of 1/8 of a whole note
eighth rest n (ca. 1890) : a musical rest corresponding in time value to an eighth note
eight-penny nail \ˈeɪt-pen-ē-/ n [fr. its original price per hundred] (15c) : a nail typically 2 1/2 inches long
eighty \ˈeɪ-ti/ n, pl eighties [ME eighty, adj., fr. OE eahtatig, short for hundeahtatig, n., group of eighty, fr. hund- group of ten (akin to Goth taihun ten) + eahta eight + -tig group of ten; — more at TEN] (bef. 12c) 1 — see NUMBER table 2 : pl : the numbers 80 to 89; SPECIF. : the years 80 to 89 in a lifetime or century — eighty-eth \ˈeɪ-ti-ˈeθ/ adj or n — eighty adj or pron
eighty-six or 86 \ˈeɪ-ti-ˈsɪks/ n [prob. rhyming slang for ‘nix’ slang (ca. 1967) : to refuse to serve (a customer); also : EJECT -in or -ine n suffix [ISV, alter. of -in, -ine] : compound distinguished from a compound with a similar name ending in -in or -ine (phthalene)
ein-korn \ˈi-n-ˈkɔr(ə)n/ n [G, fr. OHG, fr. ein one + korn grain — more at ONE.CORN] (ca. 1901) : a one-grained wheat (Triticum monococcum) sometimes considered the most primitive wheat and grown esp. in poor soils in central Europe — called also einkorn wheat
ein-stein-ium \ˈeɪn-ˈstɛɪn-ɪəm/ n [NL, fr. Albert Einstein] (1955) : a radioactive element produced artificially — see ELEMENT table
ei-re-*nic* var of IRENIC
eis-eg-esis \ˈaɪ-ˈsɛ-ˈdʒi-ˈsɪs/ n, pl -ses \-ˈsɛz/ [Gk eis into (akin to Gk en in) + E exegesis — more at IN] (1878) : the interpretation of a text (as of the Bible) by reading into it one's own ideas — compare EXEGESIS
eisteddfod \i-ˈstɛdθ-ˈvɒd, -ˈvɒd/ n, pl -fods \-ˈfɒdz/ or -fodas \-ˈstɛdθ-ˈvɒd-ɪ/ [W, lit., session, fr. eistedd to sit + bod being] (1822) : a usu. Welsh competitive festival of the arts esp. in poetry and singing — eisteddfodic \i-ˈstɛdθ-ˈvɒd-ɪk, -ˈvɒd-ɪ/ adj
either \ˈiː-ðər/ also -ˈðɜːr/ adj [ME, fr. OE æghwæther both, each, fr. ā always + ge-, collective prefix + hwæther which of two, whether — more at AYE.CO.] (bef. 12c) 1 : being the one and the other of two : EACH (flowers blooming on ~ side of the walk) 2 : being the one or the other of two (take ~ road)
either pron (bef. 12c) : the one or the other
either conj (bef. 12c) — used as a function word before two or more coordinate words, phrases, or clauses joined usu. by or to indicate that what immediately follows is the first of two or more alternatives
either adv (15c) 1 : LIKEWISE, MOREOVER — used for emphasis after a negative (not wise or handsome ~) 2 : for that matter — used for emphasis after an alternative following a question or conditional clause esp. where negation is implied (who answers for the Irish parliament? or army ~? — Robert Browning)
either-or \ˈiː-ðər-ˈɔ-ˈr(ə)/ also -ˈɔ-ˈr/ n (1922) : an unavoidable choice or exclusive division between only two alternatives (never a matter of knowledge versus proficiency, never a simple ~ — H. J. Muller)
either-or adj (1926) : of or marked by either-or : BLACK-AND-WHITE (an ~ situation)
ejaculate \i-ˈjæk-ju-ˈleɪt/ v, -lat-ed; -lat-ing [L ejaculatus, pp. of ejaculari to throw out, fr. e- + jaculari to throw, fr. jacula dart, fr. jacere to throw — more at JET] v (1576) 1 : to eject from a living body; SPECIF. : to eject (semen) in orgasm 2 : to utter suddenly and vehemently ~ vi : to eject a fluid — ejaculate \-ˈleɪt-ər/ n

ejaculate \i-ˈjæk-ju-ˈleɪt/ n (1927) : the semen released by one ejaculation
ejaculation \i-ˈjæk-ju-ˈlɑː-shən/ n (1603) 1 : an act of ejaculating; SPECIF. : a sudden discharging of a fluid from a duct 2 : something ejaculated; esp : a short sudden emotional utterance
ejaculatory \i-ˈjæk-ju-ˈleɪ-tɔ-ri/ n (1655) 1 : casting or throwing out; SPECIF. : associated with or concerned in physiological ejaculation (~ vessels) 2 : marked by or given to vocal ejaculation
ejaculatory duct n (1751) : a duct through which semen is ejaculated; SPECIF. : either of the paired ducts in the human male that are formed by the junction of the duct from the seminal vesicle with the vas deferens, pass through the prostate, and open into or close to the prostatic utricle
eject \i-ˈjekt/ v [ME ejecten, fr. L ejectus, pp. of eicere, fr. e- + jacere] (15c) 1 a : to drive out esp. by physical force b : to evict from property 2 : to throw out or off from within (~ the empty cartridges) — ejectable \-ˈjekt-ə-bəl/ adj — ejection \-ˈjekt-ʃən/ n — ejective \-ˈjekt-ɪv/ adj
syn EJECT, EXPEL, EVICT, DISMISS mean to drive or force out. EJECT carries an esp. strong implication of throwing or thrusting out from within as a physical action; EXPEL stresses a thrusting out or driving away esp. permanently which need not be physical; OUST implies removal or dispossession by power of the law or by compulsion of necessity; EVICT chiefly applies to turning out of house and home; DISMISS implies a getting rid of something unpleasant or troublesome simply by refusing to consider it further.
ejec-ta \i-ˈjekt-ə/ n, pl but sing or pl in constr [NL, fr. L, neut. pl. of ejectus] (1886) : material thrown out (as from a volcano)
ejection seat n (1945) : an emergency escape seat for propelling an occupant out and away from an airplane by means of an explosive charge
ejectment \i-ˈjekt(t)-ˈmənt/ n (1567) 1 : the act or an instance of ejecting : DISPOSSESSION 2 : an action for the recovery of possession of real property and damages and costs
ejector \i-ˈjekt-tər/ n (1640) 1 : one that ejects 2 : a jet pump for withdrawing a gas, fluid, or powdery substance from a space
eka \ˈe-kə, -ˈe-ˈkə/ n, comb form [Skt eka one — more at ONE] : standing or assumed to stand next in order beyond (a specified element) in the same family of the periodic table — in names of chemical elements esp. when not yet discovered (ekacesium (now called francium))
eke \ˈe-keɪ/ n [ME, fr. OE eac; akin to OHG euk also, L aut or, Gk au again] archaic (bef. 12c) : ALSO
eke v eked; ek-ing [ME eken, fr. OE ecan, ecan; akin to OHG ouhhoen to add, L augere to increase, Gk auxein] (bef. 12c) 1 archaic : INCREASE, LENGTHEN 2 : to get with great difficulty — usu. used with out (~ out a living)
eke out vt (1596) 1 : to make up for the deficiencies of : SUPPLEMENT (eked out his income by getting a second job) 2 : to make (a supply) last by economy
ekis-tics \i-ˈkɪs-tiks/ n, pl but sing in constr [NGK oikistikē, fr. fem. of oikistikos relating to settlement, fr. Gk, fr. oikizein to settle, colonize, fr. oikos house — more at VICINITY] (1958) : a science dealing with human settlements and drawing on the research and experience of professionals in various fields (as architecture, engineering, city planning, and sociology) — ekis-tic \-ˈtɪk/ adj
Ek-man dredge \ˈɛk-mən-/ n [prob. fr. V. W. Ekman 1954 Swed. oceanographer] (1948) : a dredge that has opposable jaws operated by a messenger traveling down a cable to release a spring catch and that is used in ecology for sampling the bottom of a body of water
ekt-ex-ine \ˈɛk-tɛk-si-n, -sɪn/ n [Gk ekto- ect- + E exine] (1947) : a structurally variable outer layer of the exine
ekwele \ˈɛ-kwə-/ n, pl -wə-les \ˈɛk-ˈpwə-/ n, pl ekwele also ekweles [native name in Equatorial Guinea] (ca. 1973) — see MONEY table
el \ˈel/ n (14c) : the letter l
el n, often cap (1906) : ELEVATED RAILROAD
elab-*o*-rate \i-ˈlab-(ə)-ˈreɪt/ adj [L elaboratus, fr. pp. of elaborare to work out, acquire by labor, fr. e- + laborare to work — more at LABORATORY] (1592) 1 : planned or carried out with great care (took ~ precautions) 2 : marked by complexity, fullness of detail, or ornateness (~ space suits) (an ~ recipe) — elab-or-ate-ly adv — elab-or-ate-ness n
elab-*o*-rate \i-ˈlab-ə-, ˈreɪt/ vb -rat-ed; -rat-ing vt (1611) 1 : to produce by labor 2 : to build up (as complex organic compounds) from simple ingredients 3 : to work out in detail : DEVELOP ~ vi 1 : to become elaborate 2 : to expand something in detail (would you care to ~ on that statement) — elab-o-ration \-ˈlab-ə-ˈrɑː-shən/ n — elab-o-ra-tive \-ˈlab-ə-, ˈrɑː-tɪv/ adj
Elaine \i-ˈtɑːn/ n : any of several women in Arthurian legend; esp : one who dies for unrequited love of Lancelot
Elam-ite \ˈɛ-lə-ˈmɪt/ n (1894) : a language of unknown affinities used in Elam approximately from the 25th to the 4th centuries B.C.
élan \ˈä-län/ n [F, fr. MF eslan rush, fr. (s)estancier to rush; fr. ex- + lancer to hurl — more at LANCE] (1864) : vigorous spirit or enthusiasm
eland \ˈɛ-lænd, -ˈlænd/ n, pl eland also elands [Afrik, elk, fr. D, fr. obs. G elend, fr. Lith elnis; akin to OHG elaho elk — more at ELK] (1600) : either of two large African antelopes (Taurotragus oryx and T. derbianus) bovine in form with short spirally twisted horns in both sexes
élan vital \ä-län-ˈvɛ-täl/ n [F] (1907) : the vital force or impulse of life; SPECIF. : a creative principle held by Bergson to be immanent in all organisms and responsible for evolution
\ə/ about \ə/ kitten, F table \ə/ further \ə/ ash \ä/ ace \ä/ cot, cart \ä/ out \ch/ chin \ç/ bet \ɛ/ easy \g/ go \i/ hit \i/ ice \j/ job \ŋ/ sing \ð/ go \ð/ law \oɪ/ boy \th/ thin \ʊh/ the \ü/ foot \ü/ foot \y/ yet \z/ vision \ä, k, n, ce, ce, ce, ce, ce, see Guide to Pronunciation



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AUWE!

Corrections from Issue #3
BIG APOLOGIES for our BIG mistakes
is our last issue!

1) We did a profile story on Vince Cavataio, a few things were taken out of context, many personal apologies and for the typo in his ad.

2) We left off the credits to both our skater and photographer... Skater was

Stan Van Voorhis, and photographer was Dan Bourqui.

3) In our Summer Shapes section we listed Carl Schaper as the shaper for Tim Carroll Surfboard, Tim Carroll shapes his own boards.

4) Kahea Hart was spelled incorrectly on a full page photo for Town & Country.

Once again, sorry for any inconvenience.

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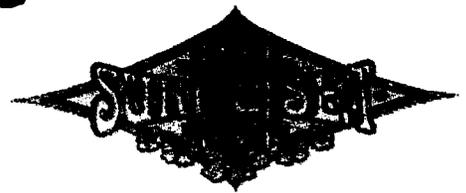
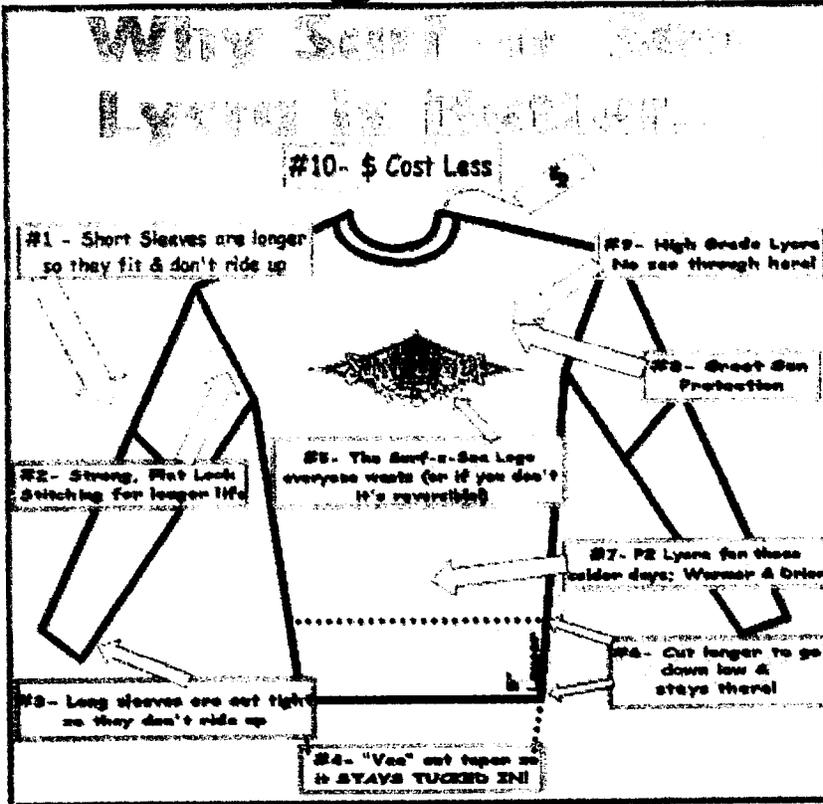
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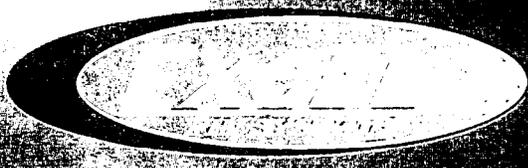
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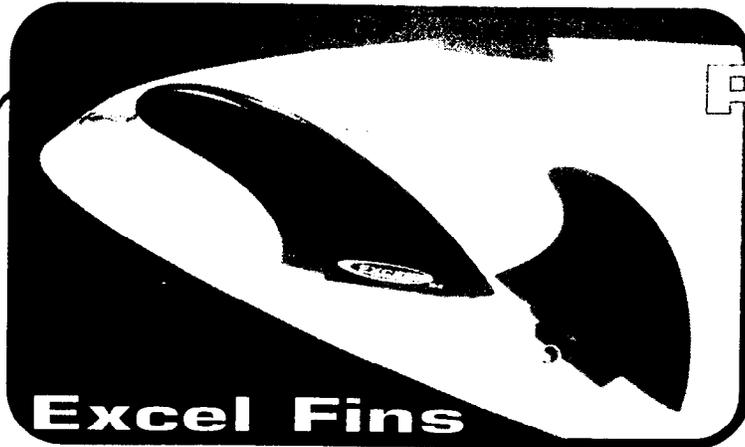
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**Full Range of Composite Fins &
Carbon Core-Lite**



X00645



Excel Fins

PRODUCT

"You gotta see these things," says expert glasser Brian Ping. The Exel fin system was designed in the USA by Larry Block (not affiliated with Xcel in Hale'iwa) and tested world wide by pro surfers Rob Machado, Taylor Knox, Taj Burrow, Tim Curran, Margo and many more. The unique thing about the system is it's adjustable. Screws on the deck allow you to move the fins up or back 1/4 of an inch to find the board's sweet spot. The fins are stiff, won't slide out or strip, and they ride flush to the bottom. They come in different sizes; Maurice

Cole grom sized 4 1/4-inch X1, Maurice Cole 4 1/2-

inch X2, Channel Islands Al Merrick 4 3/4-inch X3, Craig Sugihara 4 9/16-inch X5, and Lost X6 twin fins. Plus, more designs like core lights and longboard single fins are in the development pipeline.

The new system obviously works because Jason Shibata won the Air Show at Queens last June with X2s in front and an X1 in back. Most of T&C's riders and many shapers like the system, so you'll see more and more boards with Exel fin boxes. Priced comparably with other fins systems, Exel fins are available in stores now. "They are just a better system," says Ping, "and that's why I became their rep." For more info contact Brian at (808) 626-0207. -G. Wunderlich

SUNBLOCK

Summertime sun in Hawaii means scorching heat and lots of sunshine, and don't forget lots of sunscreen. Ultraviolet radiation, or UV, present in sunlight is what we need to protect our skin from.

Sunburn is a sign that your skin has received too much UV. Overexposure to UV rays, over many years can cause serious health problems. Skin cancer is perhaps the most devastating penalty of an outdoor lifestyle, currently claiming about 1,000 lives a year. With increased education and attitude toward sun exposure, outdoor lovers and children can reduce their chance of skin cancer. According to the National Center for Chronic Disease Prevention and Health Promotion, one in five Americans will develop skin cancer in their lifetime.

Linda Beets-Shay, a pediatric dermatologist at Kaiser Permanente's Hayward Medical Center in Oakland, Calif., said, "Seventy percent of sun damage is from casual sun exposure that happens when kids are riding bikes or playing in the school yard." It is important to make sunscreen a habit, like washing hands and wearing your seatbelt.

"By using sunscreens daily and taking other easy precautions, a parent can reduce their child's risk of developing skin cancer by up to 80 percent," says Beets-Shay.

To ensure a sunburn-free summer:

*Avoid prolonged sun exposure during the most sun intensive hours (10 am. to 2pm).

*Use a sunscreen with a SPF factor of at least 15.

Make sure your sunscreen protects against both UVA and UVB rays. Many of the new sunscreens contain Parsol 1789, a patented ingredient that provides highly effective protection from a broad spectrum of UVA and UVB rays.

*Keep infants out of the sun whenever possible. A sunburn on a small infant can be a medical emergency.

*Wear a broad-brimmed hat (found at your local surf shop), protective clothing (lycra tops are great), and sunglasses to reduce exposure.

Prolonged exposure is associated with cataracts. Reapply sunscreen every two hours, especially after surfing...try to remember to apply every time you leave the water. (All types of SUNBLOCK can be found at your local surf shops... GET PROTECTED!)-MR



HOW TO ORDER THE PERFECT BOARD (PG. 172)

SURFER



THE
ULTIMATE
SURFING
TRIP

10 make history at the
Boat Trip Challenge

exclusive photos

a Great White
survival guide

Bruce Irons goes extra-
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EXHIBIT O-17

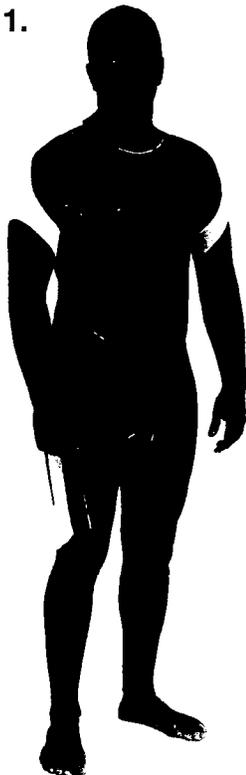
X00045

MIKE MORRISSEY. PHOTO: MATTY THOMAS

XCEL

DESCRIPTION:

1.



3RD ELEMENT 3.2
Surfer: Pod

2.



WOMEN'S 3RD ELEMENT 3.2
Surfer: Gem

3.



INFINITY 3.2
Surfer: Brady Gallagher

1-2. MEN & WOMEN'S 3RD ELEMENT 3.2

- Ultrastretch pressure bonded titanium taped seams in lower body and upper body stress points.
- **ULTRA STRETCH** Underarms, Sleeves and Leg panels with Texture Skin Ultra Stretch Front and Back Upper Body and Zipper Base
- Titanium lined
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- **SPINE GUARD ZIP PANEL** with Glued Zipper Flap
- Durable contoured DuraFlex kneepanels
- Pre-bent arms & knees
- Available in 3mm/2mm: \$210.00 and 4mm/3mm: \$230.00

3. INFINITY 3.2

- Ultrastretch pressure bonded titanium taped seams
- Xcel's X-Zip System - Short Horizontal Zipper on outer flap over Ultra Stretch inner step in yoke.
- All Ultrastretch
- Titanium lined
- No hook & loop to damage ultrastretch materials
- Durable and flexible contoured DuraFlex kneepanels
- Pre-bent knees & arms
- Safety snap for zipper.
- Available in 3mm/2mm: \$265.00, 4mm/3mm: \$280.00 and a hooded version in 5mm/4mm/3mm: \$299.00

X00046

Carve



on

sri lanka's spicy east coast

scorching new discoveries off west africa

britain and ireland's 50 hottest groms

ISSUE 61 £3.20

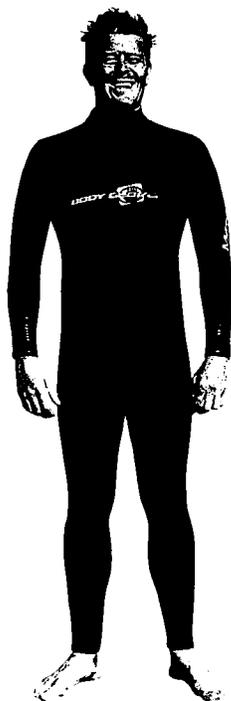


With winter here again it's time to surf your brains out! Be wise and invest a decent amount of money into a decent winter suit, it'll make life so much more bearable. Look at the winter as a time for big moves in big waves, a chance to prove to yourself that you can deal with more powerful swells, not as a time to stagnate until next summer's trip to France. It's you against the elements, the latest range of wetties have got what it takes to deal with our harsh climate - have you?

The quest for a completely flexible, flush resistant, heat retaining, non rubbing, hard wearing, sealed seamed cold protection system continues, with this season's leading manufacturers taking their products to the next level again.

KEY

-  Titanium Lined
-  Polypropylene Lined
-  Glued
-  Single Lined
-  Double Lined
-  Mesh Neoprene
-  Heat-taped
-  Blindstitched
-  Zipped
-  Zipperless
-  Key Pocket
-  Adjustable Collar
-  Super Stretch
-  Custom made
-  Kneepads
-  Bat wing



Body Glove Matrix

G-flex 100% anti snag superstretch neoprene is used throughout. The lycra roll over neck system creates a total water barrier. Body Glove's uses new bi-axial heat tape in all areas of the suit, for total comfort and durability.
RRP £210
Tel 01752 854418 sales@bodyglove.co.uk



Body Glove Thermolator

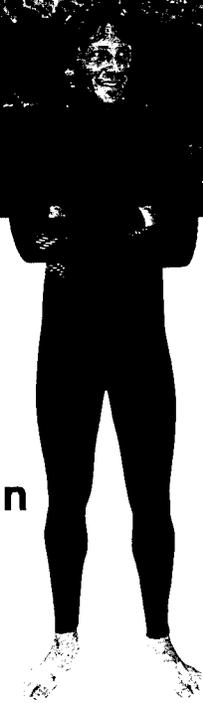
G-flex 100% superstretch neoprene in arms, shoulders, upper and lower back panels. Titanium neoprene is used throughout and biaxial stretch tape in critical positions. New 100% stretch water barrier, with anti snag puit, blocks out water.
RRP £149.99
Tel 01752 854418 sales@bodyglove.co.uk

Body Glove

X00608



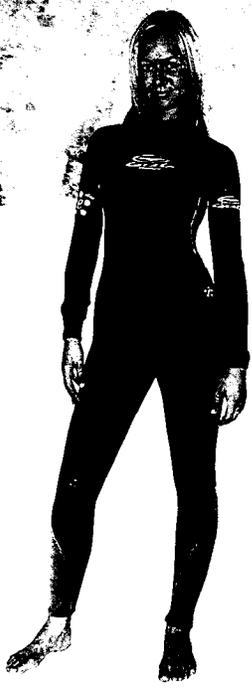
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Salomon Advanced Skin 5/3

100% Ultraflex with thermal chest and back mesh panels with plush inside. Abrasion resistant pre-flexed knees, curved mini back zip with lock tab and leash hole to shorten zip leash increased neck comfort.
RRP £219 also available 4/3 £195.
Tel: 0800 389 4350
www.salomonscore.com

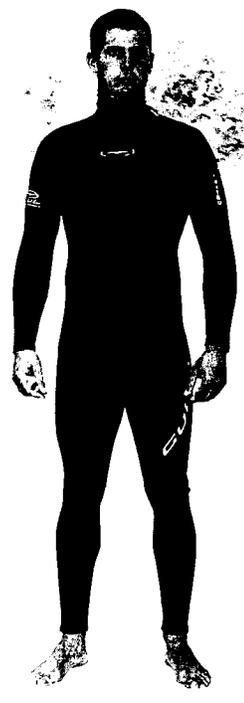


Gul Elise 5/4 Steamer

Single Lined Ti2 Mesh with G-flex super stretch lining doubles the stretch of the suit. Tape Seam Re-enforcement increases the durability of the wetsuit. Ergonomically designed for women.
RRP £129.95
Tel 01208 262400 www.gul.com



Gul

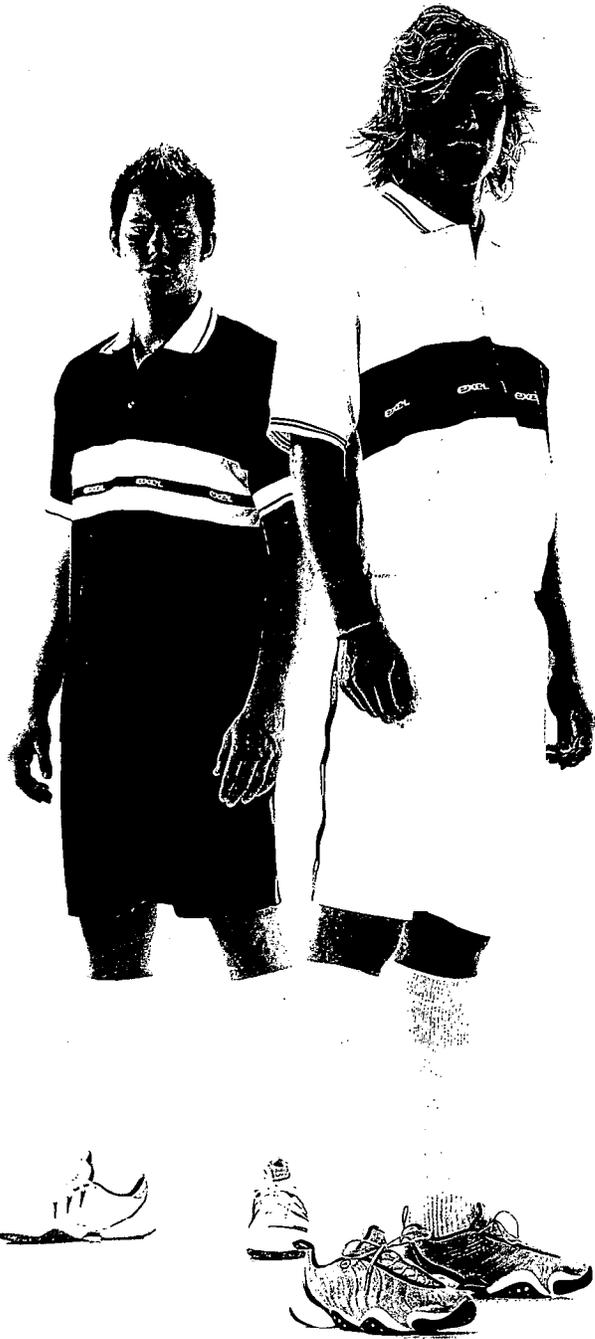


Gul Nitro 5/4 Liquid Seam Steamer

100% G-Flex Body panels used in the Nitro give increased flexibility and comfort. Superlite Neoprene is softer, stretchier and 20% lighter than regular neoprene. Gul Back Up System reduces the chances of cold water flushes.
RRP £209.95.
Tel 01208 262400 www.gul.com



X00609



EXEL MATCH outfits

New comfortable outfits made from 100% Poly Eye Mesh. Jersey and trousers sold separately. Sizes: S-XXL. Available in black, white, blue and red.

BAGS

- Equipment bag M
- Equipment bag XL
- Team bag
- Ball bag
- Back bag



SHINGUA

Super Airp
Flexible, co
extremely et
made from
Neoprene.



EXHIBIT O-19



Wristband
Headband



Drinking bottle



Caps

CLUB BAGS



EXEL 043



Club bag Pro

EXEL TRACKSU

100% polye
Sizes S-XXL.



Exelens™ – Glassfibre Tubes and Hollow Profiles

Stiffness	35-42 GPa
Density	$\rho = 1.90 \text{ g/cm}^3$ (e.g. tube $\varnothing 30/27 \text{ mm}$ 255g/m)
Colours	several colours available, see RAL listing below

The Exelens name stands for high quality **glassfibre Pull-Wound tubes and Hollow profiles with very good surface finish**. The Exelens **nonwoven surface**, whilst providing excellent finish and **deep colours**, also improves other properties such as **UV- and chemical resistance**. Increased UV- and chemical resistance is obtained by utilizing a **vinylester** instead of a **polyester** resin.

However in order to further ensure weather resistance and water absorption characteristics - e.g. in Antenna Radome Tubes - Exelens tubes have a high glass content and do not incorporate fillers.

Depending on the application the products also give the benefits of chemical and **electrical resistance**, **thermal stability** etc. Compared to metals, Exelens tubes are **warm, pleasant to touch, clean, hygienic, corrosion free and comparably lighter in relation to equivalent strengths**.

Applications: telescopic poles, tool handles, antenna tubes and radome profiles, portable lightweight structures, safety ladders, hand rails, lamp posts, flag poles, fence posts, sprayer lances, waste water treatment profiles, musical instruments, golf flags, caravan awnings, working tents, exhibition stands, designer furniture and many more

Exelite™ – Carbon Fibre Tubes and Hollow Profiles

	Exelite HS	Exelite HM
Stiffness	90-100 GPa	180-200 GPa
Density	$\rho = 1.65 \text{ g/cm}^3$ (e.g. tube $\varnothing 30/27 \text{ mm}$ 220 g/m)	$\rho = 1.65 \text{ g/cm}^3$
Colours	Black	Black

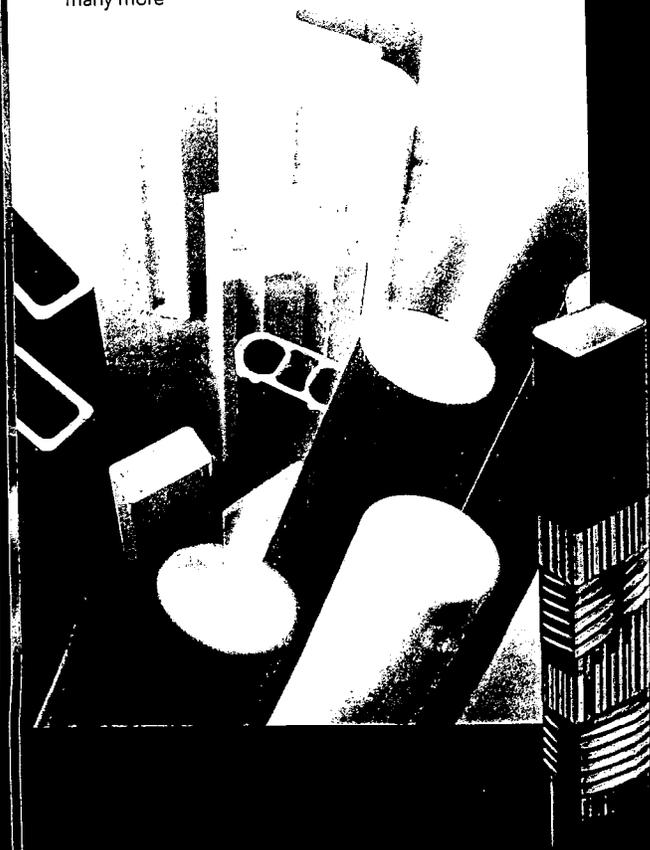
Exelite is a range of Pull-Wound tubes and hollow profiles made from **HS-(High Strength) or HM- (High Modulus) carbon fibres**. **Exelite tubes are stronger, lighter and stiffer than Exelens tubes**. They are made with a vinylester resin, but can also be supplied with various epoxy based hybrid resins. By using these hybrid resins higher impact resistance is achieved.

Exelite HM tubes are used in applications with **extreme demands on the stiffness to weight ratio**. In these tubes HM-carbon fibre reinforcements are used in order to further increase the stiffness compared to Exelite HS.

HS- and HM- fibres can also be **combined** in the structure, yielding stiffness values of 100-200 GPa. Generally HM-fibres are used when the wall thickness or weight of the profile is critical.

Exelite tubes are always **black** due to the colour of the carbon fibre. Note that carbon fibre tubes can not be used as insulators as carbon **conducts electricity**.

Applications: support structures, robot arms, mass critical machinery items, such as textile machine parts, telescopic poles, camera tripods, tool handles, kite tubes, microphone booms, Hi-Fi music stands, bridge reinforcements, defence applications, and many more



EXEL 063



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11th ANNUAL H2O WINTER CLASSIC REVS UP FOR 2003 WITH HELP OF PRESENTING SPONSOR, THE HONDA ELEMENT

get the results >>

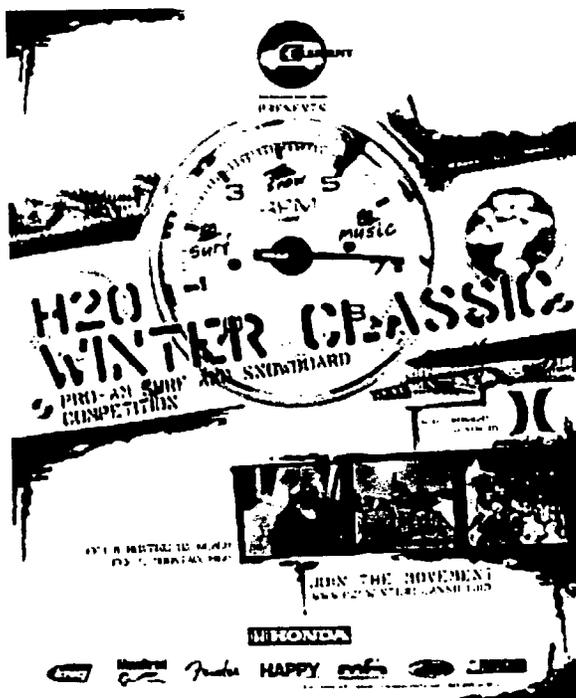
Surf And Snowboard Event Scheduled For February 8th and 9th, 2003 at Huntington Beach Pier And Mountain High Resort

Laguna Beach, CA – December 10, 2002 – The 11th Annual H2O Winter Classic, presented by the Element, a new vehicle for sports enthusiasts with an active lifestyle. The event is also sponsored by longtime supporter, Hurley International and is set to take place February 8th and 9th, 2003. The annual event gathers top professional, amateur, and action sports industry leaders for a weekend of surfing and snowboarding to determine who will be crowned the overall board sports champion. Up for grabs are a \$20,000 prize purse and the respect of peers.

NEW 2004 PRODUCTS

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NO SALES TAX
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"We are proud to be part of the 2003 H2O Winter Classic," says Doug Hoffman, the National Advertising Manager for American Honda Motor Co, "an event that has had a long-standing commitment to action sports culture."

The 2003 H2O Winter Classic will kick off Thursday, February 6th with a concert at The Galaxy Theatre, with details to follow as available.

X00602

Performers from past years include Pennywise, Face to Face, Unwritten Law, Jimmy Eat World, Kottonmouth Kings, and Blink 182. The surf contest will take place February 8th at the Huntington Beach Pier in Huntington Beach, CA, and the snowboarding competition will take place February 9th at Mountain High in Wrightwood, CA.

Widely recognized as one of the first "crossover" events to combine live music and action sports, the H2O Winter Classic has been held each winter in Southern California since 1992. The event was originally founded as an amateur competition, but quickly grew into one of the most anticipated action sports events in the industry. Top professional, amateur, and action sports industry surfers and snowboarders return each year to the beaches of Huntington Beach and the slopes of Mountain High to vie for the title of H2O Winter Classic Champion.

"We're excited to have Honda join our loyal list of sponsors. Their involvement will allow us to take the event to a whole new level," Said Vipe Desai, President of Propaganda Headquarters, Inc. and founder of the H2O Winter Classic.

Along with the Honda Element and Hurley International, confirmed sponsors of the 2003 H2O Winter Classic include Mountain High, Wahoo's Fish Tacos, Fender Guitars, Nixon Watches and 24-Hour Fitness. Media sponsors include KROQ 106.7, Mean Street Magazine, and Happy Magazine.

The H2O Winter Classic presents a unique opportunity for professionals, amateurs, and action sports industry leaders to compete in a weekend of surfing and snowboarding, each in their own divisions. Desai, began the event in 1992 when he owned the H2O Surf and Snowboard Shop in Sunset Beach, CA. The contest has since become a template for the proliferation of events that marry action sports and live music in a festival-like atmosphere. For more information, visit the event web site at www.H2OWinterClassic.com.

Propaganda Headquarters, Inc. is a revolutionary marketing agency that unites action sports, music, and youth culture through original concepts, events, promotions, and artist management. Based in Orange County, CA, Propaganda partners with brands and their agencies to create, develop, and manage turnkey marketing efforts that respect and reach not only athletes and musicians, but also the audiences that follow their lifestyle. For more information, log onto www.propagandahq.net.

For more information or to request images, please contact Vipe Desai at Propaganda Headquarters, Inc. via phone at 949.499.4330 or email at vipe@propagandahq.net. For more information on the Element from Honda, please visit their web site at www.element.honda.com.

get the results >>

<<back



EVENTS
sector

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X00603

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDMONT P. D'ASCOLI, TRUSTEE OF)
THE EDMONT P. D'ASCOLI REVOCABLE)
LIVING TRUST DATED MAY 24, 1996)
)
Opposer,)
v.)
EXEL OYJ)
)
Applicant.)
_____)

Opposition No.: 91155174
Mark: EXEL
Serial No. 76/301162

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of OPPOSER'S NOTICE OF
RELIANCE UNDER RULE 2.122, dated December 9, 2003, was mailed this 9th day of
December, 2003, to:

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MATTHEW D. JOHNSON, ESQ.
Warner Norcross & Judd
900 Fifth Third Center
111 Lyon Street, NW
Grand Rapids, Michigan 49503-2487
Telephone: (616) 752-2529
Fax: (616) 222-2529



MARTIN E. HSIA, Reg. No. 32,471
Cades Schutte LLP
1000 Bishop Street, 12th Floor
Honolulu, Hawaii 96813
Phone: (808) 521-9200
Attorneys for EDMONT P. D'ASCOLI, Trustee
of the EDMONT P. D'ASCOLI REVOCABLE
LIVING TRUST DATED MAY 24, 1996