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

Proceeding	91181448
Party	Defendant Patriot Guard Riders, Inc.
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Attachments	Applicant'sReplyOpposer'sResponse.pdf (10 pages)(357991 bytes) DeclJamesO'MalleyReply.pdf (3 pages)(62758 bytes) Exhibit19.pdf (7 pages)(544524 bytes) Exhibit20.pdf (5 pages)(452952 bytes) Exhibit21.pdf (5 pages)(409173 bytes) Exhibit22.pdf (5 pages)(513537 bytes) Exhibit23.pdf (5 pages)(540619 bytes) Exhibit24.pdf (5 pages)(511622 bytes) Exhibit25.pdf (5 pages)(556126 bytes) Exhibit26.pdf (3 pages)(49871 bytes) Exhibit27.pdf (2 pages)(43708 bytes) CertServiceReply.pdf (1 page)(19638 bytes)

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

JEFF BROWN,)	
)	
Opposer,)	
)	Opposition No. 91181448
v.)	
)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,)	
)	
Applicant.)	

**APPLICANT’S REPLY TO OPPOSER’S RESPONSE
IN OPPOSITION TO APPLICANT’S MOTION FOR SUMMARY JUDGMENT**

Applicant Patriot Guard Riders, Inc. (“Applicant” or “PGR”) submits its Reply to Opposer Jeff Brown’s (“Opposer” or “Brown”) Response in Opposition to Applicant’s Motion for Summary Judgment, and requests that the Trademark Trial and Appeal Board (“TTAB”) consider same.¹

I. OPPOSER’S TRADEMARK SECTION 2(d) CLAIM

A. First Use of the Mark “Patriot Guard Rider”

Contrary to Brown’s allegations (Opp. Resp. p. 20)², first use of the mark “Patriot Guard Rider” in connection with the identified “association services, namely promoting the interests of families of deceased military members and families of deceased veterans”, did not occur until *after* November 9, 2005.

1. Evidence of Record Relating to November 8, 2005

Brown admitted that he first thought to use the Internet to setup a nationwide network and information center designed to alert others of upcoming military funerals on his way to a funeral service

¹Brown combined his Response in Opposition to PGR’s Motion for Summary Judgment with a Motion to Strike Certain Exhibits from PGR’s Motion for Summary Judgment. PGR will respond to Brown’s Motion to Strike in a separate document, filed concurrently herewith.

²Brown’s alleged “undisputed” dates of first use run afoul of his declared first use of the mark “Patriot Guard Rider” in his application of at least as early as October 27, 2005 and first use in commerce at least as early as November 9, 2005. Brown provides absolutely no explanation for these discrepancies.

on November 8, 2005 and that he discussed his idea with Kansas ALR members (who were already using the term “Patriot Guard” prior thereto in connection with the identified “association services”) that day. (Opp. Resp. p. 5). Brown further admitted that upon returning home *that evening*, he sent an e-mail (that is not of record)³ to organizations across the country to let them know about his idea.⁴ (*Id.*). However, contrary to Brown’s allegations (Opp. Resp. p. 19), the evidence of record from November 8, 2005 (consisting of a single e-mail sent to Brown; Opp. Ex. 7) does not prove any use of the mark “Patriot Guard Rider” whatsoever as use of the terms “Patriot Guard Ride” and “Patriot Guards” therein does not prove any definitive use of the distinctive mark “Patriot Guard Rider” in connection with the identified “association services”.⁵

2. *Evidence of Record Relating to November 9, 2005*

Contrary to Brown’s allegations (Opp. Resp. p. 19), the evidence of record from November 9, 2005 (consisting of two e-mails; Opp. Exs. 8 & 10), does not prove any use of the mark “Patriot Guard Rider” whatsoever as use of the terms “Patriot Guard Ride”, “PGR” and “www.patriotguard.org” therein does not prove any definitive use of the distinctive mark “Patriot Guard Rider” in connection with the identified “association services”.

Thus, contrary to that as alleged by Brown, the evidence of record clearly proves that first use in commerce of the mark “Patriot Guard Rider” in connection with the identified “association services” did

³This alleged e-mail has not been produced by Brown and, therefore, Brown cannot rely on this supposed evidence to prove that he used the mark “Patriot Guard Rider” in connection with the identified “association services” on November 8, 2005 as it is not of record.

⁴Brown characterizes this e-mail in his Response as one to “recruit” members (pp. 19-20). PGR vehemently disputes that Brown’s recruiting efforts constitute *rendering* of the identified “association services” as “[t]he use of a mark in the announcement of a future service does not constitute use as a service mark.” TMEP §1301.03(a).

⁵The existence of BROWN008014 (Opp. Ex. 7) questions the veracity of Brown’s statements regarding when he came up with his idea and when he supposedly sent out his “recruiting” e-mail as he received this e-mail in the morning of November 8, 2005 even though he stated that he sent out his November 8, 2005 e-mail that evening, upon returning home.

not occur until *after* November 9, 2005.⁶

B. First Use of the Mark “Patriot Guard Rider” Was By Applicant

An association, by definition, requires two or more people in order to exist because an association is defined as “an organization of *persons* having a common interest” (emphasis added).⁷ (PGR Mem. p. 16). Thus, Brown’s statements that he used the mark “Patriot Guard Rider” in connection with the identified “association services” in his *individual capacity*, prior to any use thereof by the PGR, are not factually sound, as the use was by the PGR.

It is clear from the foregoing that the first use of the mark “Patriot Guard Rider” in connection with the identified “association services” did not occur until *after* November 9, 2005. PGR has stated that it was formed on November 9, 2005 when Wallin took the active step to associate himself with Brown by registering the domain name www.patriotguard.org. (PGR Mem. p. 17). Brown himself admits that the association was formed on either November 8 or 9, 2005. (Opp. Resp. p. 21). Thus, it is clear that the first use of the mark “Patriot Guard Rider” first occurred *after* the PGR association was

⁶Brown’s allegations that the interview he gave corroborates evidence of first use of the mark “Patriot Guard Rider” either on November 8 or 9, 2005 is erroneous, as the only thing the interview proves is that *the association* came into existence as of November 9, 2005; it cannot prove *use in commerce of the mark* “Patriot Guard Rider” in connection with “association services” as of November 9, 2005 or earlier. Furthermore, Brown’s statement that “as of the time that Opposer sent these emails, the mark ‘Patriot Guard Rider’ had appeared in connection with Opposer’s individual name and email address such that Opposer became the identified source of these services” (Opp. Resp. p. 19) is completely baseless and erroneous as the words “these emails” clearly refer back to the November 8 and 9, 2005 e-mails (Opp. Exs. 8 & 10); clearly none of them include the mark “Patriot Guard Rider” in connection with Brown’s individual name and email address.

⁷PGR notes that Brown moved to strike the dictionary definition submitted as Exhibit 18 to PGR’s Memorandum. As discussed in PGR’s Response to Brown’s Motion to Strike (submitted concurrently herewith), Brown’s Motion should be denied and the TTAB should, at a minimum, take judicial notice of the definition of “association” and that an “association” requires at least two persons in order to exist. PGR also submits herewith numerous other definitions (all of which are from printed editions of various dictionaries) of the word “association”, as well as the word “organization” (PGR Exs. 19-25), which each corroborate the original definition provided by PGR. Most interestingly, PGR notes that Brown *failed to provide any contrary evidence* which states that an association or an organization can be comprised of but a single individual.

formed. This makes perfect sense, especially where Brown's trademark application claims that use of the mark "Patriot Guard Rider" was in connection with "*association services . . .*" Contrary to the statements made in Brown's application, and contrary to Brown's statements in his Response, Brown, as an individual, could not have performed "association services"; such a claim is inherently contradictory.⁸

Furthermore, once the association was formed, Brown's actions relating thereto were necessarily not done in his individual capacity, but rather were done on behalf of the association as Brown has admitted that the association was not formed as a sole proprietorship that was run and administered solely by Brown, as an individual. (Opp. Ex. 9, ¶¶13 & 19). In addition, Brown's conduct never indicated that he was acting as an individual, but only as a leader of the PGR. (PGR Resp. to Opp. Motion for Summ. Judg. pp. 10-15). Whatever Brown's intent may have been in this regard is irrelevant. Brown cannot now go back and selectively identify those things that he did as an individual, acting on his own behalf, and those things that he did acting on behalf of the PGR association.⁹ Furthermore, contrary to Brown's assertion, the evidence of record does not support that Brown, "without suggestion from or participation by the PGR, initially began designing and ordering goods displaying the mark." (Opp. Resp. p. 18). In an e-mail sent out on November 10, 2005 to other individuals who had joined the association, Brown stated "[s]everal people have asked about a Patriot Guard Riders patches, decals, arm bands flags, etc. I like the idea and believe it will enhance our presence at any service without taking anything from the other organizations you may belong to." (Opp. Ex. 41, Ex. A). Brown's own statement clearly shows that Brown conceived of the idea to sell goods based on others' suggestions.

⁸Brown cites to absolutely no authority to support his contention that an individual can perform "association services", especially where, as here, the individual claims to have performed these "association services" before an association was even in existence.

⁹Interestingly, no other individuals in the PGR association have ever alleged that while they were a part of the PGR association and taking actions on behalf of the PGR association, that certain of their actions related thereto were not done on behalf of the PGR association but, rather, were done on their own individual behalf.

Furthermore, Brown's own statement relating to the sale of these first products indicates that he was not looking to profit off of these sales, but rather just looking to cover his costs (PGR Ex. 26);¹⁰ a further outward manifestation by Brown that he was acting on behalf of the association and not in his individual capacity.

Thus, contrary to that as alleged by Brown, the evidence of record clearly proves that first use in commerce of the mark "Patriot Guard Rider" in connection with the identified "association services" was by the PGR and those acting on its behalf (including Brown), and not by Brown as an individual.

C. Opposer Never Licensed Use of the Mark "Patriot Guard Rider" to Applicant

Assuming, *arguendo*, that Brown obtained rights in the mark as an individual (in connection with the identified "association services"; which the PGR vehemently disputes), Brown next alleges that he licensed the use of the mark "Patriot Guard Rider" to the PGR association before any other members joined the PGR association.¹¹ (Opp. Resp. p. 20). Brown's self-serving allegations in this regard fail for two separate reasons.

¹⁰PGR notes that the document identified in PGR Ex. 26 was first produced by Brown to PGR just 20 days ago on February 26, 2009, long after the close of discovery, when Brown's counsel provided PGR with supplemental production BATES Stamped as BROWN010346 through BROWN010382 which are e-mails that were clearly in Brown's custody, possession and/or control. (PGR Ex. 27).

¹¹Brown's statements that he licensed the PGR association prior to anyone else having joined it are directly contradictory to other statements in his Response. Brown states that he "granted the PGR organization a license to use the word and logo marks when he made the decision to email the logo to Wallin for noncommercial use, i.e., displaying the mark on the website." (Opp. Resp. p. 20; *compare* Opp. Resp. fn.8). Obviously, when Brown emailed the logo to Wallin, others, including Wallin, were already members of the PGR association. Furthermore, Brown questions Wallin's statement that he put the Logo Mark on PGR's website without any prompting by Brown in view of a previously unproduced e-mail (Opp. Ex. 41, Ex. A and fn.10 *supra*). (Opp. Resp. p. 17). This e-mail shows that when Brown sent a number of people the Logo Mark, including Wallin, regarding the possibility of having products made bearing the Logo Mark, that Wallin thereafter put the Logo Mark up on his own initiative as a placeholder on PGR's website and advised Brown of same. Thereafter, Brown sent Wallin an e-mail that stated "Here's a cleaner logo . . . the first was a draft". This statement by Brown does not indicate that the cleaner Logo Mark was substantively any different than the original Logo Mark that Wallin had already placed on the website of his own volition and, most importantly, clearly was not done "at the direct request and instruction of Opposer, and not without Opposer's permission." (Opp. Resp. p. 17).

First, as discussed hereinabove, Brown did not have any individual use of the mark “Patriot Guard Rider” in commerce in connection with “association services” prior to the PGR association’s use of the mark. Second, Brown could not possibly have licensed the PGR association the right to use the mark “Patriot Guard Rider” before any other members joined because an association, by definition, necessarily requires at least two persons. (PGR Exs. 18-25). Thus, Brown could not possibly have licensed use of the mark to the association before any one else had joined the association. As such, all use of the mark “Patriot Guard Rider” by anyone within the association, which as admitted by Brown was formed at least as early as November 9, 2005, and possibly as early as November 8, 2005, was necessarily done on behalf of the association and inured to the association’s benefit. Furthermore, a license “cannot arise out of the unilateral expectations of one party.” *Allen-Myland v. Int’l Bus. Mach. Corp.*, 746 F. Supp. 520, 549 (E.D. Pa. 1990).

II. OPPOSER’S FRAUD CLAIM

As Brown’s fraud claim necessarily stems from his Section 2(d) claim, Brown’s fraud claim must necessarily fall if Brown’s Section 2(d) claim fails. Assuming, *arguendo*, that the TTAB ruled in Brown’s favor with regard to his Section 2(d) claim, Brown’s fraud claim must still fall.

Brown’s fraud claim is based on his allegation that PGR produced no objective evidence to dispute Brown’s “intent to create and own the mark in his individual capacity and to license the noncommercial use” thereof to the PGR.¹² (Opp. Resp. p. 24). As discussed hereinabove, Brown’s intent to create and own the mark in his individual capacity is irrelevant to whether Brown was indeed actually the owner of the mark. Ownership in a mark arises solely through use of a mark (*Corporate Document Serv. Inc. v. I.C.E.D. Mgmt., Inc.*, 48 USPQ2d 1477, 1479 (TTAB 1998)) unless the first use was via a

¹²Interestingly, Brown states that he “will not address the issue of whether Wallin was authorized by the Board to file Trademark Application No. 77/040,379” because this “issue is not material to the determination of fraud” (Opp. Resp. p. 23) even though Brown specifically stated in his Notice of Opposition that “[t]he application filed by PGR was initiated by an individual . . . who filed the application without authorization . . .” (Opp. Ex. 30).

licensee (*Pneutek, Inc. v. Scherr*, 211 USPQ 824, 833 (TTAB 1981)), but Brown has clearly not pleaded or alleged that first use of the mark was by the PGR as a licensee. Besides which, PGR's Board members clearly stated that they were never aware of Brown's claim of ownership in the mark until after PGR filed its application. (PGR Exs. 5, ¶62; 9, ¶23; 14, ¶21; 15, ¶16).

Furthermore, the Board members also specifically stated that, prior to the filing of PGR's application, they were unaware of any supposed license that Brown had granted to the PGR. (PGR Exs. 5, ¶59; 9, ¶17; 14, ¶16). These statements are consistent with Brown's arguments that he allegedly granted this license prior to any other members joining the PGR (which as stated above is impossible) (Opp. Resp. pp. 9-10 & fn.12). So, how is it possible that any of these declarants would have known that Brown claimed ownership in the mark or that Brown claimed that PGR's use of the mark was only that of a licensee?

The evidence of record proves that Brown first advised the PGR of his claim in ownership to the mark *only after* the PGR had already filed its trademark application.¹³ As Brown had not previously advised anyone of his ownership claim, and because Brown had never advised others of the existence of the supposed license, this claim of ownership by Brown caused some confusion to PGR's Board members which led some of them to make erroneous public statements that Brown was the owner of the mark and that PGR's use of the mark was restricted.¹⁴ (PGR Exs. 5, ¶¶62-64; 9, ¶¶23-25; 14, ¶¶21-23;

¹³ Neither Brown's letter regarding ownership of the PGR Store (PGR Ex. 16) nor his resignation letter (*see, e.g.*, PGR Ex. 14, Ex. A), both of which he posted for all to see on PGR's website on October 6, 2006 and November 7, 2006, respectively, made any claim of ownership of any marks. Furthermore, contrary to Brown's allegations (Opp. Resp. p. 10), Brown's resignation letter explicitly stated that Brown would be closing the store once the inventory was depleted; it makes absolutely no reference to this being an "offer" contingent upon PGR's Board accepting "other terms", nor are these "other terms" identified in the resignation letter.

¹⁴PGR notes that in one of these public statements made *after* PGR filed its application and relied on by Brown, that Wallin explicitly stated that it was required, and thus acceptable, for the PGR to use the words "Patriot Guard Riders" in a design for a challenge coin. Such a statement by Wallin clearly shows that there was confusion amongst PGR's Board members in view of Brown's claim of ownership of the marks that was first made *after* PGR's application was filed. (Opp. Ex. 34).

15, ¶¶16-18). However, after PGR's Board members spoke with an attorney regarding the matter, PGR's then-President made a statement that the PGR was able to freely use the mark without restriction and, as such, PGR never entered into any type of a license agreement with Brown. (PGR Exs. 5, ¶¶65; 9, ¶26; 14, ¶24; 15, ¶19). Thus, at the time of filing its application, and contrary to Brown's allegations, PGR's Board members did believe that the PGR had superior rights in the Logo Mark when it filed same.

III. MISCELLANEOUS MATTERS RAISED IN OPPOSER'S RESPONSE BRIEF

A. Declarations Presented In Support Of Applicant's Motion For Summary Judgment

Brown argues that the TTAB should not give consideration to the Declarations submitted in support of PGR's Summary Judgment motion because they are self-serving.¹⁵ PGR, however, states that the TTAB should give consideration to the Declarations because the statements made therein are either supported by documentary evidence or, where they are not, the statements "are clear and convincing in character, and are uncontradicted." TTAB §528.05(b).

Brown specifically points to only a few statements made in all of the submitted Declarations which Brown claims contradict evidence in record. (Opp. Resp. pp. 12-15). First, Brown notes that Wallin (PGR Ex. 5, ¶57) and Lines (PGR Ex. 14, ¶14) stated that they lacked knowledge regarding Brown's alleged ownership of the marks as of November 9, 2006 (PGR's filing date), even though Brown alleges that the evidence of record indicated that both Wallin and Lines supposedly had knowledge that Brown was using the mark "Patriot Guard Rider" in connection with goods sold by the "PGR Store.". Contrary to Brown's allegations, however, the foregoing do not contradict one another. Regardless of whether Wallin and/or Lines had knowledge that Brown owned the "PGR Store" and used the mark "Patriot Guard Rider" in connection with the sale of goods through the "PGR Store", such knowledge by Wallin and/or Lines does not equate to the fact that Wallin and/or Lines knew that Brown

¹⁵PGR notes that the case law cited by Brown in support thereof is all tied to the idea that a motion for summary judgment cannot be *defeated* by self-serving affidavits. However, as Brown is certainly aware, PGR is not trying to defeat its own motion for summary judgment.

owned the mark “Patriot Guard Rider”. As Brown knows, “use” of a mark can be by an individual or entity who does not own the mark.

Second, Brown notes that Perry (PGR Ex. 9, ¶19) stated that PGR had superior rights to the mark because “the PGR association had begun using the PGR’s logo in connection with the services it provided prior to any products bearing the PGR’s logo being sold by anyone”, even though the evidence of record indicated that the mark was created for the PGR and that all use of the mark was for all purposes done on behalf of the PGR such that Brown did not, and still does not, have superior rights in the mark. Contrary to Brown’s allegations, however, the foregoing are not contradictory to one another.¹⁶

B. Alleged First Use Date In Commerce In Applicant’s Trademark Application

Brown alleges that PGR offers no explanation as to why Wallin submitted an application for the Logo Mark claiming first use in commerce at least as early as June 2006. (Opp. Resp. fn. 19). Wallin filed the application without the assistance of an attorney and, through the discovery process in this Opposition, it was learned that the first use *in commerce* was earlier than June 2006, which is in accordance with Wallin’s declaration that first use in commerce was “at least as early as June 2006”.¹⁷

C. Opposer’s Discussions With Attorney John Jacobs

Brown alleges that he and Jacobs discussed the paperwork required for Brown to “confirm” his license to PGR. (Opp. Resp. p. 22). PGR disputes that the exhibit presented in support thereof (Opp. Ex.

¹⁶ PGR also notes that Brown is in agreement that the marks were used in connection with the “association services” prior to any products bearing the marks being sold by anyone, and that Brown has alleged that he licensed the use of the marks to himself, acting on behalf of the PGR, in connection with the “association services” prior to any other members having joined the PGR (Opp. Resp. pp. 11 & 20). Thus, it is entirely credible that Perry (who Brown admits was not party to the alleged “license”) would believe the PGR’s rights to be superior to Brown’s rights.

¹⁷The use of “at least as early as . . .” is not considered misleading “because it does give notice that, when called upon to do so, the applicant may undertake to prove a date earlier than the one stated.” TMEP §903.07. Furthermore, “a party may allege first use dates earlier than the first use dates stated in its application or registration, but must prove the earlier first use dates during the proceeding by clear and convincing evidence.” *The Ohio State Univ. v. Ohio Univ.*, 51 USPQ2d 1289, 1294 (TTAB 1999). PGR notes that Brown does not dispute the earlier first use dates alleged by PGR.

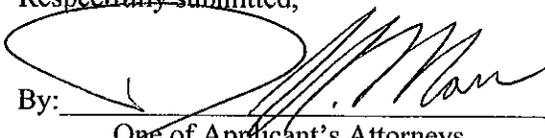
1, Ex. M) makes any reference to a license *having already been in place* between Brown and the PGR which could have been *confirmed*.¹⁸ Furthermore, PGR notes that there is no evidence that any other individual was aware of these discussions as no license was ever reduced to writing and agreed to by both parties. It makes one wonder why Brown didn't execute this license agreement back in April 2006 when it was provided to him, especially when Jacobs advised him that he could sign it both on his individual behalf, and in his capacity as the Executive Director of the PGR. Could it have been because he knew the signing of such a license agreement would make others ask questions about his motives and/or where the profits from the PGR Store went?

IV. CONCLUSION

Thus, in view of the foregoing, PGR states that there are no genuine issues of material fact such that PGR is entitled to summary judgment on Brown's Trademark Section 2(d) claim and his fraud claim.

Dated: 3/18/09

Respectfully submitted,

By: 

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¹⁸PGR further disputes that, even though Brown and Jacobs apparently had these discussions, that Brown had the right to license the use of the marks to the PGR.

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JEFF BROWN,)	
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)	Opposition No. 91181448
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)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,)	
)	
Applicant.)	

**DECLARATION OF JAMES A. O'MALLEY IN SUPPORT OF
APPLICANT'S REPLY TO OPPOSER'S RESPONSE IN OPPOSITION TO
APPLICANT'S MOTION FOR SUMMARY JUDGMENT**

I, James A. O'Malley, declare and state as follows:

1. I am an attorney with the law firm of Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd., counsel for Applicant Patriot Guard Riders, Inc. in the above-captioned proceeding. As such, I have personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would competently testify to the facts set forth below.

2. Applicant originally submitted Exhibits 1-18 in connection with "Applicant's Memorandum in Support of its Motion for Summary Judgment" which was filed with the Trademark Trial and Appeal Board on January 22, 2009.

3. Exhibit 19 is submitted in support of "Applicant's Reply to Opposer's Response in Opposition to Applicant's Motion for Summary Judgment" and is a true and correct copy of *Black's Law Dictionary*, 132-133 & 1133 (8th Ed. 2004) displaying the definitions of the words "association" and "organization".

4. Exhibit 20 is submitted in support of "Applicant's Reply to Opposer's Response in Opposition to Applicant's Motion for Summary Judgment" and is a true and correct copy of *Webster's II New College Dictionary*, 68 & 772 (1995) displaying the definitions of the words "association" and "organization".

5. Exhibit 21 is submitted in support of “Applicant’s Reply to Opposer’s Response in Opposition to Applicant’s Motion for Summary Judgment” and is a true and correct copy of *Webster’s New Encyclopedic Dictionary*, 107 & 1287 (2002) displaying the definitions of the words “association” and “organization”.

6. Exhibit 22 is submitted in support of “Applicant’s Reply to Opposer’s Response in Opposition to Applicant’s Motion for Summary Judgment” and is a true and correct copy of *Merriam-Webster’s Collegiate® Dictionary*, 70 & 819 (10th Ed. 1998) displaying the definitions of the words “association” and “organization”.

7. Exhibit 23 is submitted in support of “Applicant’s Reply to Opposer’s Response in Opposition to Applicant’s Motion for Summary Judgment” and is a true and correct copy of *Webster’s Ninth New Collegiate Dictionary*, 110 & 831 (1991) displaying the definitions of the words “association” and “organization”.

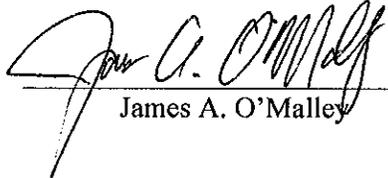
8. Exhibit 24 is submitted in support of “Applicant’s Reply to Opposer’s Response in Opposition to Applicant’s Motion for Summary Judgment” and is a true and correct copy of *The American Heritage Dictionary*, 135 & 876 (2nd College Ed. 1985) displaying the definitions of the words “association” and “organization”.

9. Exhibit 25 is submitted in support of “Applicant’s Reply to Opposer’s Response in Opposition to Applicant’s Motion for Summary Judgment” and is a true and correct copy of *Webster’s New World™ College Dictionary*, 83 & 954 (3rd Ed. 1997) displaying the definitions of the words “association” and “organization”.

10. Exhibit 26 is submitted in support of "Applicant's Reply to Opposer's Response in Opposition to Applicant's Motion for Summary Judgment" and is a true and correct copy of an e-mail from Jeff Brown (jeffbrown@valornet.com) to a plurality of individuals/groups dated November 11, 2005 which was served on Applicant by Opposer and identified as Bates Numbers BROWN010381-BROWN010382.

11. Exhibit 27 is submitted in support of "Applicant's Reply to Opposer's Response in Opposition to Applicant's Motion for Summary Judgment" and is a true and correct copy of a letter dated February 26, 2009 from Opposer's counsel to Applicant's counsel.

Executed on: March 18, 2009


James A. O'Malley

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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Applicant.)	

EXHIBIT 19

of

**“Applicant’s Reply to Opposer’s Response in Opposition to
Applicant’s Motion for Summary Judgment”**

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"[Up to the 15th century.] 'assize of novel disseisin' was a series of perfectly plain words, as plain as the words 'proceeding in recent ejectment,' which translate them into modern English, would be to us. Even to humble contemporaries whose linguistic horizons did not extend beyond English, the institution itself apart from its name was perfectly straightforward. It meant that if a freeholder of land was ejected from his property he could require the sheriff to set up a jury of twelve, have them go look at the land, and bring them before the king's justices when they next came to hold court in the county. The justices asked the jurors whether the freeholder had been illegally put out of his holding, as he complained, and if they said that he had then the court would restore the land to him at once." Donald W. Sutherland, *The Assize of Novel Disseisin* 1-2 (1973).

assize of nuisance. *Hist.* A writ available to a landowner suffering from a nuisance on another's land; a writ to abate a nuisance. • This writ also entitled a successful plaintiff to damages. — Also termed *assisa de nocumento*.

"The assize of nuisance. — This was supplementary to the famous assize of novel disseisin which was limited to redressing any act of the defendant that interfered with the plaintiff's seisin of land. It was therefore useless if the injury to the plaintiff began wholly on the defendant's land (e.g., if he erected there a dam which diverted water from the plaintiff's land), for the injury was not a disseisin as there was no entry on the plaintiff's land. This gap was filled by the assize of nuisance as early as the thirteenth century. It extended both to injuries to servitudes *stricto sensu* and to common rights." P.H. Winfield, *A Textbook of the Law of Tort* § 130, at 443 (5th ed. 1950).

assizer, n. *Hist.* 1. A member of a grand assize. See *grand assize* under ASSIZE (5). 2. *Scots law.* A juror. 3. One having custody of the standards of weight and measure; esp., one who fixes the assize of bread, ale, and other items of general consumption. — Also spelled *assizor*; *assiser*; *assisor*.

Assizes de Jerusalem (ə-siz-əz də jə-roo-sə-ləm). A code of feudal law intended to serve as the law of the lands conquered by the Crusaders. • The code was prepared in the 12th century after the 1099 conquest of Jerusalem.

assize utrum (yoo-trəm). [Latin] *Hist.* A writ to determine whether land claimed by a church was held by lay or spiritual tenure. • This writ is named after its emphatic word, which required the fact-finder to determine whether (*utrum*) the land belonged to the church. — Also termed (erroneously) *assize of utrum*; *assize de utrum*.

"In the assize utrum a jury was summoned to decide whether land was held by lay or spiritual tenure — a preliminary question to any litigation about it, for the Church claimed jurisdiction over spiritual land. Later the Church was to lose this jurisdiction, and the assize utrum became the parson's substitute for the writ of right. This curious development was brought about in this way. A parson could not use the writs of right, for, like a life tenant, he could not trace his title back to the seisin of an ancestor. The assize utrum could be made to serve the parson, however, for the question asked in the writ was whether certain land in a parish was 'the free alms of the Church of X.' If the answer was 'yes,' then it followed that it was the parson of the parish's land." Brian Simpson, *An Introduction to the History of the Land Law* 30-31 (1961).

"[T]he 'assize utrum' ... is important as being the first instance known to us of the general use of the royal procedure by way of inquest in a matter of private litigation. If the answer of the inquest was that this land was held in frankalmoin, then the case went to the ecclesiastical court; if that it was lay fee, then to the appropriate lay tribunal. In the course of the thirteenth century the ecclesiastical courts lost their jurisdiction over land held by spiritual tenure, and the 'assize utrum' came to be used not as a merely preliminary procedure but as a mode of deciding in royal courts a question of title to glebe land." Geoffrey Radcliffe & Geof-

frey Cross, *The English Legal System* 33-34 (G.J. Hand & D.J. Bentley eds., 6th ed. 1977).

assizor. See ASSIZER.

associate, n. 1. A colleague or companion. 2. A junior member of an organization or profession; esp., a lawyer in a law firm, usu. with fewer than a certain number of years in practice, who may, upon achieving the requisite seniority, receive an offer to become a partner or shareholder. — Also termed *associate attorney*. 3. *Hist. English law.* An officer of a common-law court responsible for maintaining the court's records, attending jury trials, and entering verdicts. • In 1894, associates' duties were taken over by the staff of the Central Office. See CLERK OF ASSIZE; CENTRAL OFFICE.

associate agent. See AGENT (3).

associate attorney. See ATTORNEY.

associated person. *Securities.* 1. A partner, officer, director, branch manager of a broker or dealer, or any person performing similar functions or occupying a similar status, any person directly or indirectly controlling, controlled by, or under common control with the broker or dealer, or any employee of the broker or dealer — with two exceptions: (1) those whose functions are solely clerical or ministerial, and (2) those required to register under state law as a broker or dealer solely because they are issuers of securities or associated with an issuer of securities. 15 USCA § 78(a)(21), (49). [Cases: Securities Regulation §40.12. C.J.S. *Securities Regulation* §§ 157-158, 165.] 2. A natural person who is a partner, officer, director, or employee of: (1) the issuer; (2) a general partner of a limited partnership issuer; or (3) a company or partnership that controls, is controlled by, or is under common control with the issuer. Cf. AFFILIATE (2).

associate judge. See JUDGE.

associate justice. See JUSTICE (2).

association. 1. The process of mentally collecting ideas, memories, or sensations. 2. A gathering of people for a common purpose; the persons so joined. 3. An unincorporated organization that is not a legal entity separate from the persons who compose it. • If an association has sufficient corporate attributes, such as centralized management, continuity of existence, and limited liability, it may be classified and taxed as a corporation. — Also termed *unincorporated association*; *voluntary association*. [Cases: Associations §1. C.J.S. *Associations* §§ 2-3, 8.]

beneficial association. See *benevolent association*.

benefit association. See *benevolent association*.

benevolent association. An unincorporated, non-profit organization that has a philanthropic or charitable purpose. — Also termed *beneficial association*; *benefit association*; *benevolent society*; *fraternal society*; *friendly society*. [Cases: Charities §39. C.J.S. *Charities* § 60.]

homeowners' association. 1. An association of people who own homes in a given area and have united to improve or maintain the area's quality. 2. An association formed by a land developer or homebuilder to manage and maintain property in

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which the developer and the builder own an undivided common interest. • Homeowners' associations — which are regulated by statute in many states — are commonly formed by restrictive covenant or a declaration of restrictions. — Also spelled *homeowners association*.

nonprofit association. A group organized for a purpose other than to generate income or profit, such as a scientific, religious, or educational organization. [Cases: Charities ¶1, 39, 46. C.J.S. *Charities* §§ 2-3, 60, 62-63.]

owners' association. See OWNERS' ASSOCIATION.

professional association. 1. A group of professionals organized to practice their profession together, though not necessarily in corporate or partnership form. 2. A group of professionals organized for education, social activity, or lobbying, such as a bar association. — Abbr. P.A. [Cases: Attorney and Client ¶31. C.J.S. *Attorney and Client* §§ 8-9.]

trade association. An association of business organizations having similar concerns and engaged in similar fields, formed for mutual protection, the interchange of ideas and statistics, and the establishment and maintenance of industry standards. • A trade association may be composed of members of a single industry (e.g., the Chemical Manufacturers Association) or members having a common interest or purpose (e.g., the Consumer Mortgage Coalition). Among the joint actions that a trade association often takes are collecting industry data, advertising, marketing, and engaging in public relations and government relations.

association-in-fact enterprise. Under RICO, a group of people or entities that have not formed a legal entity, but that have a common or shared purpose, and maintain an ongoing organizational structure through which the associates function as a continuing unit. • A RICO violation is not shown merely by proving that an enterprise, including an association-in-fact, exists. A pattern of racketeering activity must also be proved. 18 USCA § 1961(4); *United States v. Turkette*, 452 U.S. 576, 101 S.Ct. 2524 (1981). [Cases: Racketeer Influenced and Corrupt Organizations ¶36.]

Association of American Law Schools. An organization of law schools that have each graduated at least three annual classes of students. — Abbr. AALS.

Association of Legal Writing Directors. A nonprofit corporation composed of the directors and former directors of law-school legal-writing programs, mostly in the United States. • Created in 1996 to improve those programs, it supports research and scholarship; holds a biennial conference; conducts (with the Legal Writing Institute) an annual survey of the programs; maintains a listserv; represents writing teachers before the American Bar Association; and publishes various resources, including the *ALWD Citation Manual*. — Abbr. ALWD (al-wid).

assoil (ə-soyl), *vb.* [Law French] *Hist.* To acquit or absolve; to deliver from excommunication. — Also spelled *assoile*. — Also termed *absoile*; *assoilyie*.

assultus premeditatus. See *assault purpensé* under ASSAULT.

assumed bond. See *guaranteed bond* under BOND (3).

assumed name. 1. ALIAS (1). 2. The name under which a business operates or by which it is commonly known <Antex Corporation's assumed name is Computer Warehouse>. • Many states require an individual or business operating under an assumed name to file an assumed-name certificate, usu. in the secretary of state's office or the county clerk's office where the principal place of business is located. — Also termed *fictitious name*. See D/B/A. Cf. *corporate name* under NAME. [Cases: Corporations ¶46. C.J.S. *Corporations* § 99.]

assume or reject. *Bankruptcy.* (Of a debtor-in-possession or a trustee) to make an election under the Bankruptcy Code concerning an executory contract or an unexpired lease within a prescribed period, depending on the chapter of the Code under which the case is proceeding and the subject matter of the contract. • The timing, procedure, and consequences of the election are described in 11 USCA § 365.

assumpsit (ə-səm[p]-sit). [Law Latin "he undertook"]
1. An express or implied promise, not under seal, by which one person undertakes to do some act or pay something to another <an assumpsit to pay a debt>.
2. A common-law action for breach of such a promise or for breach of a contract <the creditor's assumpsit against the debtor>. [Cases: Assumpsit, Action of ¶1. C.J.S. *Assumpsit, Action of* §§ 2, 4-6.]

"It was early known as 'trespass on the case upon promises,' but in time came to be designated *assumpsit* (he assumed or promised), and lies for damages for breach of all contracts, parol or simple, whether written or verbal, express or implied." Edwin E. Bryant, *The Law of Pleading Under the Codes of Civil Procedure* 9-10 (2d ed. 1899).

"In its origin an action of tort, [assumpsit] was soon transformed into an action of contract, becoming afterwards a remedy where there was neither tort nor contract. Based at first only upon an express promise, it was afterwards supported upon an implied promise, and even upon a fictitious promise. Introduced as a special manifestation of the action on the case, it soon acquired the dignity of a distinct form of action, which superseded Debt, became concurrent with Account, with Case upon a bailment, a warranty, and bills of exchange, and competed with Equity in the case of the essentially equitable quasi-contracts growing out of the principle of unjust enrichment. Surely, it would be hard to find a better illustration of the flexibility and power of self-development of the Common Law." James Barr Ames, "The History of Assumpsit," in 3 *Select Essays in Anglo-American Legal History* 298 (1909).

general assumpsit. An action based on the defendant's breach of an implied promise to pay a debt to the plaintiff. — Also termed *common assumpsit*; *indebitatus assumpsit*. [Cases: Assumpsit, Action of ¶7. C.J.S. *Assumpsit, Action of* § 10.]

"General assumpsit is brought for breach of a fictitious or implied promise raised by law from a debt founded upon an executed consideration. The basis of the action is the promise implied by law from the performance of the consideration, or from a debt or legal duty resting upon the defendant." Benjamin J. Shipman, *Handbook of Common-Law Pleading* § 59, at 153 (Henry Winthrop Ballantine ed., 3d ed. 1923).

"[T]he word 'assumpsit' suggest[s] the making of a promise. While that is true in the case of the action of special assumpsit, the promise alleged in the action of general assumpsit was only a fiction. Accordingly in the latter action, the word 'assumpsit' no more means that an obligation exists as the result of making a contract, than that a contract is involved because the obligation is described as

ordis beneficium (or-də-nis ben-ə-fish-ee-əm). [Latin "the benefit of order"] *Civil law*. The privilege of a surety by which the creditor must exhaust the principal debtor's property before having recourse against the surety. See DISCUSSION.

ordo attachamentorum (or-doh ə-tach-ee-ə-men-ə-əm). [Law Latin] *Hist.* The order of attachments.

ordo judiciorum (or-doh joo-dish-ee-ə-əm). [Latin] *Eccl. law*. The order of judgments; the rule by which the course of hearing each case was prescribed.

ordonnance (or-də-nənts or or-doh-nahns). [French] 1. A law, decree, or ordinance. 2. A compilation of a body of law on a particular subject, esp. prizes and captures at sea.

oredelf (or-delf). *Hist.* The right to dig for mineral ore on one's own land. — Also spelled *oredelfe*; *ordelf*.

ore tenus (or-ee tee-nəs or ten-əs), *adv.* & *adj.* [Latin "by word of mouth"] 1. Orally; by word of mouth; *VIVA VOCE* <pleading carried on ore tenus>.

"Pleadings are the mutual altercations between the plaintiff and defendant; which at present are set down and delivered into the proper office in writing, though formerly they were usually put in by their counsel *ore tenus*, or *viva voce*, in court, and then minuted down by the chief clerks, or prothonotaries; whence in our old law French the pleadings are frequently denominated the *parol*." 3 William Blackstone, *Commentaries on the Laws of England* 293 (1768).

2. Made or presented orally <ore tenus evidence>.

ore tenus rule. The presumption that a trial court's findings of fact are correct and should not be disturbed unless clearly wrong or unjust. [Cases: Appeal and Error ⇨931(1).]

orgild, *Hist.* 1. Restitution given by the hundred or county to a person whose property was stolen. — Also termed *cheapgild*. 2. A payment in or restoration of cattle.

organic act. See *organic statute* under STATUTE.

organic disease. See DISEASE.

organic law. 1. The body of laws (as in a constitution) that define and establish a government; FUNDAMENTAL LAW. 2. *Civil law*. Decisional law; CASELAW.

organic statute. See STATUTE.

organization. 1. A body of persons (such as a union or corporation) formed for a common purpose. — Also termed *society*. 2. UNION.

organizational crime. See *corporate crime* under CRIME.

organizational expense. See EXPENSE.

organizational meeting. See MEETING.

organizational picketing. See PICKETING.

organizational strike. See *recognition strike* under STRIKE.

organized crime. 1. Widespread criminal activities that are coordinated and controlled through a central syndicate. See RACKETEERING. 2. Persons involved in these criminal activities; a syndicate of criminals who rely on their unlawful activities for income. See SYNDICATE.

organized labor. 1. Workers who are affiliated by membership in a union. 2. A union, or unions collectively, considered as a political force. [Cases:

Labor Relations ⇨81. C.J.S. *Labor Relations* §§ 43-45.]

original acquisition. See ACQUISITION.

original administration. See ADMINISTRATION.

original bill. See BILL (2).

original contractor. See *general contractor* under CONTRACTOR.

original conveyance. See *primary conveyance* under CONVEYANCE.

original cost. See *acquisition cost* (1) under COST (1).

original-document rule. See BEST-EVIDENCE RULE.

original domicile. See *domicile of origin* under DOMICILE.

original drawing. See DRAWING.

original estate. See ESTATE (1).

original evidence. See EVIDENCE.

originalia (ə-rij-ə-nay-lee-ə or -nayl-yə). *Hist.* Records compiled in the Chancery and transmitted to the Remembrancer's office in the Exchequer. • These records were kept from 1236 to 1837. Cf. RECORDS.

original intent. See INTENT (2).

originalism. *Constitutional law*. The theory that the U.S. Constitution should be interpreted according to the intent of those who drafted and adopted it. Cf. INTERPRETIVISM; NONINTERPRETIVISM.

original issue. See ISSUE (2).

original-issue discount. The difference between a bond's face value and the price at which it is initially sold. — Abbr. OID.

originality. *Copyright*. 1. The quality or state of being the product of independent creation and having a minimum degree of creativity. • Originality is a requirement for copyright protection. But this is a lesser standard than that of novelty in patent law: to be original, a work does not have to be novel or unique. Cf. NOVELTY. [Cases: Copyrights and Intellectual Property ⇨12(1).] 2. The degree to which a product claimed for copyright is the result of an author's independent efforts. Cf. CREATIVITY.

"Original" in reference to a copyrighted work means that the particular work "owes its origin" to the "author." No large measure of novelty is necessary." *Alfred Bell & Co. v. Catalda Fine Arts, Inc.*, 191 F.2d 99, 102 (2d Cir. 1951) (Frank, J.).

original jurisdiction. See JURISDICTION.

original main motion. See MOTION (2).

original market. See *primary market* under MARKET.

original-package doctrine. *Constitutional law*. The principle that imported goods are exempt from state taxation as long as they are unsold and remain in the original packaging. • The Supreme Court abolished this doctrine in 1976, holding that states can tax imported goods if the tax is nondiscriminatory. See IMPORT-EXPORT CLAUSE. [Cases: Commerce ⇨77.10(3). C.J.S. *Commerce* § 31.]

original precedent. See PRECEDENT.

original process. See PROCESS.

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sign'a-bil'i-ty *n.* — **as-sign'a-ble** *adj.* — **as-sign'a-bly** *adv.* — **as-sign'er** *n.*
as-signat (äs'ig-nät', äs'än-yä') *n.* [Fr. < Lat. *assignatum*, to assign.] One of the notes of the paper currency issued in France (1789–96) by the revolutionary government and backed by the security of confiscated lands.
as-signa-tion (äs'ig-nä'shən) *n.* 1. The act of assigning. 2. An assignment. 3. An arrangement for a meeting between lovers: **TRYST**. — **as-signa'tion-al** *adj.*
as-sign-ee (ä-si'nē', äs'i-nē') *n.* **Law** 1. One to whom a transfer of property, rights, or interest is made. 2. One appointed to act for another: **AGENT**.
as-sign-ment (ä-sin'mənt) *n.* 1. The act of assigning. 2. Something assigned. 3. A position or post to which one is assigned. 4. **Law** a. The transfer of a claim, right, interest, or property. b. The document or deed by which such transfer is made.
as-sign-or (ä-si'nör', ä-si'när, äs'änör') *n.* **Law** One who makes an assignment.
as-sim-i-late (ä-sim'i-lät') *v.* — **-lat-ed**, — **-lat-ing**, — **-lates**. [ME *assimilaten* < Lat. *assimilare*, to make similar to: *ad-*, to + *similis*, like.] — *vt.* 1. **Physiol.** a. To consume and incorporate into the body: **DIGEST**. b. To transform (food) into living tissue. 2. To absorb and incorporate (e.g., knowledge) mentally. 3. To make or represent as similar. 4. To alter (a speech sound) by assimilation. 5. To absorb (an immigrant or culturally distinct group) into the prevailing culture. — *vi.* To become assimilated. — **as-sim'i-la-bil'i-ty** *n.* — **as-sim'i-la-ble** (i-lä-bal) *adj.* — **as-sim'i-la'tor** *n.*
as-sim-i-la-tion (ä-sim'i-lä'shən) *n.* 1. The act or process of assimilating. 2. The condition or process of being assimilated. 3. **Biol.** The process by which nourishment is changed into living tissue. 4. The process by which a speech sound is modified to make it resemble an adjacent sound, e.g., the prefix *in-* in *intolerable* becomes *im-* impossible by assimilation. 5. The process whereby a group, as of minority or immigrant peoples, gradually adopts the characteristics of another culture.
as-sim-i-la-tive (ä-sim'i-lä'tiv) *also* **as-sim-i-la-to-ry** (i-lä-tör'ē, -tör'ē) *adj.* Causing or characterized by assimilation.
As-sin-i-boin (ä-sin'i-boin') *n., pl.* **Assiniboine** or **-boins**. [Fr. *Assimiboine*, of Ojibwa orig.] 1. A member of an American Indian people of northeastern Montana and adjacent regions of Canada. 2. The Siouan language of the Assiniboine. — **As-sin'i-boin'** *adj.*
as-sist (ä-sist') *v.* — **-sist-ed**, — **-sist-ing**, — **-sists**. [ME *assisten* < OFr. *assister* < Lat. *assistere*: *ad-*, near to + *sistere*, to stand.] — *vt.* 1. To aid. 2. To work with as an assistant. — *vi.* 1. To give aid or support. 2. To be present: **ATTEND**. — *n.* 1. An act of giving aid: **HELP**. 2. a. **Baseball.** A fielding and throwing of the ball that enables a teammate to put out a runner. b. A pass of the ball or puck to the teammate scoring a goal, as in basketball or ice hockey. 3. A machine or mechanical device providing aid. — **as-sist'er** *n.*
as-sis-tance (ä-sis'təns) *n.* 1. The act of assisting. 2. Help: aid.
as-sis-tant (ä-sis'tənt) *n.* One that assists: **AIDE**. — *adj.* 1. Having an auxiliary position: **SUBORDINATE**. 2. Giving aid: **AUXILIARY**.
assistant professor *n.* A college teacher who ranks above an instructor and below an associate professor.
as-sis-tant-ship (ä-sis'tənt-ship') *n.* An academic position that carries a stipend and usually part-time teaching or research, granted to a qualified graduate student.
as-size (ä-siz') *n.* [ME *assise* < OFr. *assise*, act of sitting < *p.* part. of *assere*, to seat < Lat. *assidere*, to sit beside: *ad-*, to + *sedere*, to sit.] 1. a. A session of a legislative body or court. b. An edict or decree made at such a session. 2. a. An ordinance regulating weights and measures and the weights and prices of articles of consumption. b. The standards so set up. 3. A judicial inquest, the writ by which it is instituted, or the verdict of the jurors. 4. **assizes**. a. One of the periodic court sessions held in each of the counties of England and Wales for the trial of civil or criminal cases. b. The time or location of such sessions.
as-so-ci-a-ble (ä-sö'shē-ä-bal, -shä-bal) *adj.* Capable of being associated. — **as-so'ci-a-bil'i-ty**, **as-so'ci-a-ble-ness** *n.*
as-so-ci-ate (ä-sö'shē-ät', -sē-) *v.* — **-at-ed**, — **-at-ing**, — **-ates**. [ME *associaten* < Lat. *associare*, to join to: *ad-*, to + *socius*, companion.] — *vt.* 1. To unite in a relationship. 2. To connect or join together: **LINK**. 3. To connect in the mind or imagination < *associates tulips with springtime* > — *vi.* 1. To join in or form a league, union, or association. 2. To keep company. — *n.* (ä-sö'shē-ät', -ät', -sē-) 1. One joined with another or others in an action, enterprise, or business: **COLLEAGUE**. 2. A companion. 3. Something that habitually accompanies or is associated with another. 4. A member of an institution or society who is granted only partial status or privileges. — *adj.* (ä-sö'shē-ät', -ät', -sē-) 1. United with another or others and having equal or nearly equal status. 2. Having partial status or privileges. 3. Coming as a result of or accompanying: **CONCOMITANT** < unemployment and associate ills >
associate professor *n.* A college or university teacher who ranks above an assistant professor and below a full professor.
as-so-ci-a-tion (ä-sö'sē-ä'shən, -shē-) *n.* 1. The act of associating or state of being associated. 2. An organized group of people who share a common interest, activity, or purpose. 3. A mental connection between thoughts, feelings, ideas, or sensations and someone or some-

thing specific. 4. **Chem.** Any of various processes of chemical combination, as hydration, solvation, or complex-ion formation, depending on relatively weak chemical bonding. 5. **Ecol.** A large number of organisms in a specific area with one or two dominant species. — **as-so'ci-a'tion-al** *adj.*
association football *n.* **Chiefly Brit.** Soccer.
as-so-ci-a-tive (ä-sö'shē-ä'tiv, -sē-, -shä'tiv) *adj.* 1. Of, marked by, resulting from, or causing association. 2. **Math.** Independent of the grouping of elements. — Used of mathematical operations; e.g., if $a + (b + c) = (a + b) + c$, the operation indicated by + is associative. — **as-so'ci-a'tive-ly** *adv.*
as-soil (ä-soil') *vt.* — **-soiled**, — **-soil-ing**, — **-soils**. [ME *assoilen* < OFr. *assoldre*, *assoil-* < Lat. *absolvere*, to set free: *ab-*, away + *solvere*, to loosen.] **Archaic.** 1. To absolve or pardon. 2. To atone for.
as-so-nance (äs'än-əns) *n.* [Fr. < Lat. *assonans*, *p.* part. of *assonare*, to respond to: *ad-*, to + *sonare*, to sound.] 1. Resemblance in sound, esp. in the vowel sounds of words. 2. A partial rhyme in which the accented vowel sounds correspond but the consonants differ, as in *save* and *main*. — **as-so-nant** *adj.* *ē* *n.*
as-sort (ä-sört') *v.* — **-sorted**, — **-sort-ing**, — **-sorts**. [OFr. *assorter*: *a-*, to (< Lat. *ad-*) + *sorte*, kind < Lat. *sors*, chance, lot.] — *vt.* 1. To distribute into groups according to kinds: **CLASSIFY**. 2. To split a variety of goods. — *vi.* 1. To be similar in kind: **MATCH**. 2. To be in association. — **as-sort'a-tive** (ä-sört'tä-tiv) *adj.* — **as-sort'er** *n.*
as-sort-ed (ä-sört'əd) *adj.* 1. Consisting of a number of different kinds: **VARIOUS**. 2. Organized in classes: **CLASSIFIED**. 3. Matched or suited.
as-sort-ment (ä-sört'mənt) *n.* 1. Separation into classes. 2. A collection of various things: **VARIETY**.
as-su-age (ä-swä'j) *vt.* — **-suaged**, — **-suag-ing**, — **-suag-es**. [ME *assuagen* < OFr. *assuagier* < VLat. **assuaviare*: Lat. *ad-*, to + *suavis*, sweet.] 1. To make less burdensome or painful: **EASE**. 2. To appease or satisfy, as thirst. 3. To calm or pacify. — **as-suage'ment** *n.*
as-su-a-ive (ä-swä'siv, -ziv) *adj.* Soothing.
as-sume (ä-süm') *vt.* — **-sumed**, — **-sum-ing**, — **-sumes**. [ME *assumen* < Lat. *assumere*, to adopt: *ad-*, to + *sumere*, to take.] 1. To put on (e.g., a garment). 2. To take upon oneself: **UNDERTAKE** < *assume* the payments > 3. To invest oneself formally with < *assume* the governorship > 4. To take on: **ADOPT** < "The god assumes a human form" — *Ruskin* > 5. To feign: *affect* < *assumed* an air of self-assurance > 6. To take for granted: **SUPPOSE**. 7. To take up or receive, as into heaven. — **as-sum'a-ble** *adj.* — **as-sum'a-bly** *adv.* — **as-sum'er** *n.*
as-sumed (ä-sümd') *adj.* Fictitiously adopted, as a pseudonym.
as-sum'ed-ly (ä-sümd'li) *adv.*
as-sum-ing (ä-süm'ing) *adj.* Presumptuous. — **as-sum'ing-ly** *adv.*
as-sump-sit (ä-sümp'sit) *n.* [Lat., he undertook.] **Law** 1. An agreement or promise not under seal: **CONTRACT**. 2. A legal action to enforce or recover damages for a breach of assumption.
as-sump-tion (ä-sümp'shən) *n.* [ME < Lat. *assumptio*, adoption < *assumere*, to adopt. — see **ASSUME**.] 1. The act of assuming. 2. Something taken to be true without proof or demonstration. 3. Presumption or arrogance. 4. **Logic.** A minor premise. 5. **Assumption.** a. The bodily taking up of the Virgin Mary into heaven after her death. b. A church feast on Aug. 15 that celebrates this event.
as-sump-tive (ä-sümp'tiv) *adj.* 1. Of or marked by assumption. 2. Taken for granted. 3. Presumptuous. — **as-sump'tive-ly** *adv.*
as-sure (ä-shür'əns) *n.* 1. The act of assuring or state of being assured. 2. A statement or indication that inspires confidence: **GUARANTEE**. 3. a. Freedom from doubt: **CERTAINTY**. b. Self-confidence. 4. **Audacity**. 5. **Chiefly Brit.** Insurance.
as-sure (ä-shür') *vt.* — **-sured**, — **-sur-ing**, — **-sures**. [ME *assuren* < OFr. *assurer* < Med. Lat. *assecurare*, to make sure: Lat. *ad-*, to + *securus*, secure.] 1. To inform confidently, with a view to removing doubt. 2. To cause to feel sure: **CONVINCE**. 3. To give confidence to: **REASSURE**. 4. To make certain: **ENSURE** < "Nothing in history assures the success of our civilization" — *Herbert* > 5. To make safe or secure. 6. **Chiefly Brit.** To insure, as against loss. **usage:** *Assure* *ensure*, and *insure* all mean "to make secure or certain." But only *assure* is used to refer to a person in the sense of "to set the mind at rest." — **as-sur'a-ble** *adj.* — **as-sur'er** *n.*
as-sured (ä-shür'd) *adj.* 1. Guaranteed. 2. Confident. 3. Insured. — **as-sur'ed-ly** (ä-shür'id'li) *adv.* — **as-sur'ed-ness** *n.*
as-sur-gent (ä-sür'jənt) *adj.* [Lat. *assurgens*, *assurgens*, *p.* part. of *assurgere*, to rise up to: *ad-*, to + *surgere*, to rise. — see **SURGE**.] 1. Rising or tending to rise. 2. **Bot.** Slanting or curving upward: **ASCENDING**. — **as-sur'gen-cy** *n.*
As-syr-i-an (ä-sir'ē-än) *adj.* Of or relating to Assyria or its people, language, or culture. — *n.* 1. A native or resident of Assyria. 2. The Semitic language of the Assyrians.
As-syr-i-ol-o-gy (ä-sir'ē-öl'ə-jē) *n.* The study of the ancient civilization of Assyria. — **As-syr'i-ol'o-gist** *n.*
-ast *suffix*. [ME < Lat. *astes* < Gk. *-astēs*, *n.* suffix.] One associated with < *ecdyasiast* >

as-ta-ble circuit (ä'stā'blē) *n.* **Bot.** One that continues continuously between **As-tar-te** (ä'stär'tē) *n.* [Lat. *Astarte*, the Phoenician goddess of **It**.] **as-ta-sia** (ä'stā'zha) *n.* [Gk. *astatos*, standing.] **Inab-** ordination.
as-tat-ic (ä'stät'ik) *adj.* 1. Having no particular direct *adv.* — **as-tat'i-cism** *n.*
as-ta-time (äs'tä-tēn', -tīn) *n.* **Bot.** A highly unstable **ra-** radioactive tracer, atomic nu
as-ter (äs'tər) *n.* [Lat., star < bearing rayed, daisylike flowe purple, or pink. 2. The Chin appearing in the cytoplasm of some during mitosis.
as-ter-i-at-ed (ä'stēr'ē-ät'ē) *adj.* **Mineral.** Exhibiting **as-ter-isk** (äs'tēr'isk) *n.* [L. *aster*, star.] 1. A star-shaped sy omission or a reference to a h an untested linguistic form -isks. To mark with an aster **as-ter-ism** (äs'tēr'iz'm) *n.* star.] 1. Three asterisks in tria tion to a following passage. 2. stellation. 3. **Mineral.** A six-ra some crystal structures by ref is'mal *adj.*
as-tern (ä'stēr'n) *adv.* **Naut.** of a vessel. 3. To the rear: **BA**
as-ter-nal (ä'stēr'näl) *adj.* 1. 2. Lacking a stemum.
as-ter-oid (äs'tēr'oid') *n.* [C. *asteroides*, like.] 1. **Astron.** Any of diameters between one and s chiefly between Mars and Jupit **ter-oid-al** (äs'tēr'oid'al) *Star
As-ter-o-pe (ä'stēr'ə-pē) *n.* 1. **as-the-ni-a** (äs-thē'nē-ä) *n.* weak: *a*; *asthenos*, s WEAKNESS.
as-then-ic (äs-thēn'ik) *n.* A sique. — *adj.* *also* **as-then-i-weak**.
as-the-no-pi-a (äs'thə-nō'pi-ä) *n.* esp. accompanied by dimming **no-pi-c** (nōp'ik) *adj.*
as-then-o-sphere (äs-thēn'ə-sfēr) *n.* **as-the-ni-a** (äs-thē'nē-ä) *n.* 1. below the lithosphere and con deformable rock.
asth-ma (ä'stə-mä, äs't-) *n.* [ME chronic respiratory disease, ofte nied by labored breathing, chest **mat'ic** (mä'tik) *adj.* *ē* *n.* 1. **as-though** *conj.* *As if* < *looko*
astig-ma-tism (ä'stig'mä-tiz'm) *n.* **astig-ma-tism** (ä'stig'mä-tiz'm) *n.* 1. A refracti- of sharply defined images. 2. lens of the eye. — **as'tig-ma-mat'i-cal-ly** *adv.*
as-tir (ä'stēr') *adj.* [Sc. *asteer*: 2. Out of bed: **AWAKE**.
as *prep.* 1. With regard to < According to < selected *as* to see
as-tom-a-tous (ä'stəm'ä-tūs) *n.* (äs'tō-mäs) or **as-tom-a-tal** (ä'stō-mät'al) *ing* no mouth or stomata.
as-ton-ed (ä'stön'əd) *adj.* [] amaze. — see **ASTONISH** **Archaic**
as-ton-ish (ä'stön'ish) *vt.* **amaz-** teration of obs. *astony*, to amaze tonare: Lat. *ex*, out of + Lat. *toi wonder* or amazement: **SURPRISE** **ish-ing-ly** *adv.*
as-ton-ish-ment (ä'stön'ish-mənt) 2. A cause of amazement
as-tound (ä'stound') *vt.* a. **astounds**. [< Obs. *astoned*, *p.* **ASTONISH**.] To strike with sudden **astir-** *pref.* var. of **ASTRO-**.*

ä pat ä pay äi care ä father ä pet ä be hw which i pl
i tie ir pier ö pot ö toe ö paw, for oi noise öö too

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Oregon grape

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3 a (1) : of, relating to, or derived from living organisms (2) : of, relating to, yielding, or involving the use of food produced with the use of feed or fertilizer of plant or animal origin without employment of chemically formulated fertilizers, growth stimulants, antibiotics, or pesticides (*organic farming*) (*organic produce*)

b (1) : of, relating to, or containing carbon compounds (2) : relating to, being, or dealt with by a branch of chemistry concerned with the carbon compounds of living beings and most other carbon compounds

4 a : forming an integral element of a whole : **FUNDAMENTAL** (incidental music rather than *organic* parts of the action —Francis Ferguson) **b** : having systematic coordination of parts : **ORGANIZED** (an *organic* whole) **c** : having the characteristics of an organism : developing in the manner of a living plant or animal (society is *organic*)

5 : of, relating to, or constituting the law by which a government or organization exists

— **organically** \-ni-k(ə)-lē\ *adverb*
— **organicity** \-r-gə-'ni-sə-tē\ *noun*

2 organic noun (1942)
: an organic substance; as **a** : a fertilizer of plant or animal origin **b** : a pesticide whose active component is an organic compound or a mixture of organic compounds

organicism \-r-gə-nə-'si-zəm\ *noun* [International Scientific Vocabulary] (1883)

1 a : the explanation of life and living processes in terms of the levels of organization of living systems rather than in terms of the properties of their smallest components **b** : **VITALISM**

2 : any of various theories that attribute to society or the universe as a whole an existence or characteristics analogous to those of a biological organism

— **organicism** \-sist\ *noun or adjective*

organisation, organize, organizer *British variant of ORGANIZATION, ORGANIZE, ORGANIZER*

organism \-r-gə-'ni-zəm\ *noun* (circa 1774)
1 : a complex structure of interdependent and subordinate elements whose relations and properties are largely determined by their function in the whole

2 : an individual constituted to carry on the activities of life by means of organs separate in function but mutually dependent : a living being

— **organismic** \-r-gə-'niz-mik\ *also organismal* \-mə\ *adjective*

— **organismically** \-mi-k(ə)-lē\ *adverb*

organist \-r-gə-'nist\ *noun* (1591)
: a person who plays the organ

organization \-r-gə-nə-'zā-shən, -'r-gə-nə-\ *noun* (15th century)

1 a : the act or process of organizing or of being organized **b** : the condition or manner of being organized
2 a : **ASSOCIATION, SOCIETY** (charitable *organizations*) **b** : an administrative and functional structure (as a business or a political party); *also* : the personnel of such a structure

2 organization adjective (1949)
: characterized by complete conformity to the standards and requirements of an organization. (an *organization* man)

organizational \-shnəl, -shə-nəl\ *adjective* (1881)

1 : of or relating to an organization : involving organization (the *organizational* state of a crystal)

2 : **ORGANIZATION**

— **organizationally** *adverb*

organize \-r-gə-'niz\ *verb* -nized; -nizing (15th century)
transitive verb

1 : to cause to develop an organic structure
2 : to form into a coherent unity or functioning whole : **INTEGRATE** (trying to *organize* her thoughts)

3 a : to set up an administrative structure for **b** : to persuade to associate in an organization; *especially* : **UNIONIZE**

4 : to arrange by systematic planning and united effort
intransitive verb

1 : to undergo physical or organic organization

2 : to arrange elements into a whole of interdependent parts

3 : to form an organization; *specifically* : to form or persuade workers to join a union

synonym see **ORDER**
— **organizable** \-r-gə-'ni-zə-bəl\ *adjective*

organized adjective (1817)

1 : having a formal organization to coordinate and carry out activities (*organized* baseball) (*organized* crime)

2 : affiliated by membership in an organization (as a union) (*organized* steelworkers)

organizer \-r-gə-'ni-zər\ *noun* (1849)

1 : one that organizes

2 : a region of a developing embryo or a substance produced by such a region that is capable of inducing a specific type of development in undifferentiated tissue — called also *inductor*

organochlorine \-r-gə-nō-'klōr-ēn, -r-gə-nə-, -'klōr-, -ən\ *adjective* (1961)

: of, relating to, or belonging to the chlorinated hydrocarbon pesticides (as aldrin, DDT, or dieldrin)

— **organochlorine noun**

organ of Corti \-'kōr-tē\ [Alfonso Corti (died 1876) Italian anatomist] (1882)

: a complex epithelial structure in the cochlea that rests on the internal surface of the basilar membrane and in mammals is the chief part of the ear by which sound is directly perceived

organogenesis \-r-gə-nō-'je-nə-səs, -r-gə-nə-\ *noun* [New Latin] (circa 1860)

: the origin and development of bodily organs — compare **MORPHOGENESIS**

— **organogenetic** \-jə-'ne-tik\ *adjective*

organoleptic \-r-gə-nō-'lep-tik, -r-gə-nə-\ *adjective* [French *organoleptique*, from *organ-* + Greek *lēptikos* disposed to take, from *lambanein* to take — more at **LATCH**] (1852)

1 : being, affecting, or relating to qualities (as taste, color, odor, and feel) of a substance (as a food or drug) that stimulate the sense organs

2 : involving use of the sense organs (*organoleptic* evaluation of foods)

— **organoleptically** \-tj-k(ə)-lē\ *adverb*

organology \-r-gə-'nā-lə-jē\ *noun* [International Scientific Vocabulary] (circa 1842)

: the study of the organs of plants and animals

organomercurial \-r-gə-nō-(j)mər-'kyūr-ē-əl, -r-gə-nə-\ *noun* (1938)

: an organic compound or a pharmaceutical preparation containing mercury

organometallic \-mə-'ta-lik\ *adjective* [International Scientific Vocabulary] (1852)

: of, relating to, or being an organic compound that usually contains a metal or metalloid bonded directly to carbon

— **organometallic noun**

organon \-r-gə-'nān\ *noun* [Greek, literally, tool — more at **ORGAN**] (1610)

: an instrument for acquiring knowledge; *specifically* : a body of principles of scientific or philosophic investigation

organophosphate \-r-gə-nō-'fās-fāt, -r-gə-nō-\ *noun* (1949)

: an organophosphorus compound (as a pesticide)

— **organophosphate adjective**

\ə\but \ə\kitten \ər\ further \ə\ash \ə\ace
\ä\ mop, mar \au\out \ch\chin \e\bet \e\easy
\g\go \i\hit \i\ice \j\job \ŋ\sing \ð\go
\ð\law \oi\boy \th\thin \th\the \ü\loot \u\foot
\y\yet \zh\vision see also Guide to Pronunciation



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En

Abbrevia

as-so-ci-able \ə-'sō-sh(ē)-ə-bal, -sē-ə-\ *adj* (1855): capable of being associated, joined, or connected in thought.

as-so-ci-ate \ə-'sō-sh(ē)-āt, -vət-ed; -at-ing [ME *associat* associated, fr. L *associatus*, pp. of *associare* to unite, fr. *ad-* + *sociare* to join, fr. *socius* companion — more at SOCIAL] *vt* (14c) 1: to join as a partner, friend, or companion 2 *obs*: to keep company with: ATTEND 3: to join or connect together: COMBINE *specif*: to subject to chemical association 4: to bring together or into relationship in any of various intangible ways (as in memory or imagination) ~ *vi* 1: to come or be together as partners, friends, or companions 2: to combine or join with other parts: UNITE *syn* see JOIN

as-so-ci-ate \ə-'sō-sh(ē)-ət, -shat, -s(h)ē-āt\ *adj* (14c) 1: closely connected (as in function or office) with another 2: closely related esp. in the mind 3: having secondary or subordinate status (~ membership in a society)

as-so-ci-ate \l'ike \ *n* (1533) 1: one associated with another: as a PARTNER, COLLEAGUE *b*; COMPANION, COMRADE 2 *often cap*: a degree conferred esp. by a junior college (~ in arts) — **as-so-ci-ate-ship** \-shīp\ *n*

associate professor *n* (1822): a member of a college or university faculty who ranks above an assistant professor and below a professor — **associate professorship** *n*

as-so-ci-ation \ə-'sō-sē-ā-shən, -shē-\ *n* (1535) 1 *a*: the act of associating *b*: the state of being associated: COMBINATION, RELATIONSHIP 2: an organization of persons having a common interest: SOCIETY 3: something linked in memory or imagination with a thing or person 4: the process of forming mental connections or bonds between sensations, ideas, or memories 5: the aggregation of chemical species to form (as with hydrogen bonds) loosely bound complexes 6: a major unit in ecological community organization characterized by essential uniformity and usu. by two or more dominant species — **as-so-ci-ation-al** \-shən-əl\ *adj*

association area *n* (ca. 1909): an area of the cerebral cortex that functions in linking and coordinating the sensory and motor areas

association football *n* (1873): SOCCER

as-so-ci-ation-ism \ə-'sō-sē-ā-shā-nīz-əm, -sō-shē-\ *n* (1875): a reductionist school of psychology that holds that the content of consciousness can be explained by the association and reassociation of irreducible sensory and perceptual elements — **as-so-ci-ation-ist** \-ā-sh(ē)-nīst\ *n* — **as-so-ci-ation-ist-ic** \-ā-sh(ē)-nīst-ik\ *adj*

as-so-ci-ative \ə-'sō-s(h)ē-āt-iv, -shēt-iv\ *adj* (1812) 1: of or relating to association esp. of ideas or images 2: dependent on or acquired by association or learning 3: combining elements such that when the order of the elements is preserved the result is independent of the grouping (addition is ~ since $a + b + c = a + (b + c)$) — **as-so-ci-ative-ly** *adv* — **as-so-ci-ativ-ity** \-sō-s(h)ē-ə-'tīv-ət-ē, -shā-'tīv-\ *n*

associative learning *n* (1937): a learning process in which discrete ideas and percepts become linked to one another

associative neuron *n* (1935): a neuron that conveys impulses from one neuron to another

as-sol \ə-'sōl(ə)\ *vt* [ME *assoilen*, fr. OF *assoldre*, fr. L *absolvere* to absolve] (13c) 1 *archaic*: ABSOLVE, PARDON 2 *archaic*: ACQUIT, CLEAR 3 *archaic*: EXPIATE — **as-sol-ment** \-mənt\ *n*, *archaic*

as-son-ance \ə-'sō-nān(t)əs\ *n* [F, fr. L *assonare* to answer with the same sound, fr. *ad-* + *sonare* to sound — more at SOUND] (1727) 1: resemblance of sound in words or syllables 2 *a*: relatively close juxtaposition of similar sounds esp. of vowels *b*: repetition of vowels without repetition of consonants (as in *stony* and *holly*) used as an alternative to rhyme in verse — **as-son-ant** \-nānt\ *adj* or *n*

as soon as conj (14c): immediately at or just after the time that

as-sort \ə-'sō-s(ə)r(t)\ *vb* [MF *assortir*, fr. *a-* (fr. L *ad-*) + *sorte* sort] *vt* (15c) 1: to distribute into groups of a like kind: CLASSIFY 2: to supply with an assortment (as of goods) ~ *vi* 1: to agree in kind: HARMONIZE 2: to keep company: ASSOCIATE — **as-sort-er** *n*

as-sor-ta-tive \ə-'sōrt-ət-iv\ *adj* (1897): being nonrandom mating based on like or unlike characteristics

as-sort-ed \-'sōrt-əd\ *adj* (ca. 1797) 1: suited by nature, character, or design (an ill-assorted pair) 2: consisting of various kinds

as-sor-ment \-'sō(s)r(t)-mənt\ *n* (ca. 1611) 1 *a*: the act of assorting *b*: the state of being assorted 2: a collection of assorted things or persons

as-su-age \ə-'swā\ *also* -'swāzh or -'swāzh\ *vt* as-su-aged; as-suag-ing [ME *assuagen*, fr. OF *assuagier*, fr. (assumed) VL *assuaviare*, fr. L *ad-* + *suavis* sweet — more at SWEET] (14c) 1: to lessen the intensity of (something that pains or distresses): EASE 2: PACIFY, QUIET 3: to put an end to by satisfying: APPEASE, QUENCH (he assuaged his hunger with a sandwich) *syn* see RELIEVE — **as-suage-ment** \-mənt\ *n*

as-su-a-ive \ə-'swā-siv-, -ziv\ *adj* (1708): SOOTHING, CALMING

as-sume \ə-'sūm\ *vt* as-sumed; as-sum-ing [ME *assumere*, fr. L *assumere*, fr. *ad-* + *sumere* to take — more at CONSUME] (15c) 1 *a*: to take up or in: RECEIVE *b*: to take into partnership, employment, or use 2 *a*: to take to or upon oneself: UNDERTAKE *b*: PUT ON, DON 3: SEIZE, USURP 4: to pretend to have or be: FEIGN (assumed an air of confidence in spite of her dismay) 5: to take as granted or true: SUPPOSE 6: to take over (the debts of another) as one's own — **as-sum-abil-ity** \-sū-mə-'bil-ət-ē\ *n* — **as-sum-able** \-sū-mə-bəl\ *adj* — **as-sum-ably** \-sū-mə-'bəl\ *adv*

syn ASSUME, AFFECT, PRETEND, SIMULATE, FEIGN, COUNTERFEIT, SHAM mean to put on a false or deceptive appearance. ASSUME often implies a justifiable motive rather than an intent to deceive; AFFECT implies making a false show of possessing, using, or feeling; PRETEND implies an overt and sustained false appearance; SIMULATE suggests a close imitation of the appearance of something; FEIGN implies more artful invention than PRETEND, less specific mimicry than SIMULATE; COUNTERFEIT implies achieving the highest degree of verisimilitude of any of these words; SHAM implies an obvious falseness that fools only the gullible.

as-sum-ing *adj* (1695): PRETENTIOUS, PRESUMPTUOUS

as-sum-sit \ə-'səm(p)-sət\ *n* [NL, he undertook, fr. L *assumere* to undertake] (1590) 1 *a*: a common-law action alleging damage from a breach of agreement *b*: an action to recover damages for breach of contract or promise 2: a promise or contract not under seal on which an action of assumpsit may be brought

assump-tion \ə-'səm(p)-shən\ *n* [ME, fr. LL *assumptio*, taking up, fr. L *assumptus*, pp. of *assumere*] (13c) 1 *a*: the taking of a person into heaven *b cap*: August 15 observed in commemoration of the Assumption of the Virgin Mary 2: a taking to oneself (a delay in the ~ of his new position) 3: the act of claiming to or taking possession of something (the ~ of power) ROGANCE, PRETENSION 5 *a*: the supposition that something is a fact or statement (as a proposition, axiom, postulate, or taken for granted) 6: the taking over of another's debts

assump-tive \ə-'səm(p)-tīv\ *adj* (1611) 1: taken as one's; taken for granted (~ beliefs) 3: making undue claims (an ~ person)

as-sur-ance \ə-'shūr-ən(t)s\ *n* (14c) 1: the act or action of assuring: PLEDGE, GUARANTEE *b*: the act of conveying real property: the instrument by which it is conveyed *c chiefly Brit*: INSURANCE; the state of being assured: as *a*: SECURITY *b*: a being certain mind (the puritan's ~ of salvation) *c*: confidence of mind or easy freedom from self-doubt or uncertainty; also: excessive confidence: BRASHNESS, PRESUMPTION 3: something that tends to inspire confidence (gave repeated ~s of his goodwill) CERTAINTY, CONFIDENCE

as-sure \ə-'shū(ə)r\ *vt* as-sured; as-sur-ing [ME *assuren*, fr. MF fr. ML *asscurare*, fr. L *ad-* + *securus* secure] (14c) 1: to make (as from risks or against overthrow): INSURE 2: to give confidence: REASSURE 3: to make sure or certain: CONVINCING 4: positively (assured her of his fidelity) 5: to make certain of or attainment of: GUARANTEE (worked hard to ~ accuracy) ENSURE

as-sured \ə-'shū(ə)r-d\ *adj* (15c) 1: characterized by certainty: GUARANTEED (an ~ market) 2 *a*: SELF-ASSURED (an ~ man) *b*: SELF-SATISFIED, COMPLACENT 3: satisfied as to the truth of a matter: CONVINCED — **as-sured-ly** \-'shūr-əd-lee-\ *adv* — **as-sured-ness** \-'shūr-əd-nəs, -'shū(ə)r-d-\ *n*

as-sured n, pl assured or assureds (1755): INSURED

as-sur-er \ə-'shūr-ər\ or **as-sur-or** \ə-'shūr-ər, ə-'shūr-'ō(s)r-\ *n*: one that assures: INSURER

as-sur-gent \ə-'sər-jənt\ *adj* [L *assurgens*, *assurgens*, pp. of *assurgere*, fr. *ad-* + *surgere* to rise — more at SURGE] (1578): moving upward: RISING; esp: ASCENDING *lb*

As-syri-an \ə-'sīr-ē-ən\ *n* (1604) 1: a member of an ancient race forming the Assyrian nation 2: the Semitic language of the Assyrians — **Assyrian** *adj*

As-syri-ol-og-ist \ə-'sīr-ē-'āl-ə-jəst\ *n* (1865): a specialist in Assyriology

As-syri-ol-og-y \-'jē-\ *n* (1828): the science or study of the language, and antiquities of ancient Assyria and Babylonia — **As-syri-ol-og-ic-al** \-'sīr-ē-'āl-jī-ik-əl\ *adj*

-ast \-ast, -əst\ *n* suffix [ME, fr. L *-astes*, fr. Gk *-astēs*, fr. verbs *astō*, *astē*] 1: one connected with (ecclesiast) 2: one that asserts

astar-board \ə-'stār-bərd\ *adv* (1627): toward or on the starboard of a ship (put the helm hard ~)

As-tar-tē \ə-'stārt-ē-\ *n* [L, fr. Gk *Astartē*]: the Phoenician goddess of fertility and of sexual love

astat-ic \ə-'stāt-ik\ *adj* (1827) 1: not static: not stable of position: having little or no tendency to take a fixed or definite position or direction — **astat-ic-ally** \-i-k(ə)-lē\ *adv* — **astat-ic-ism** \-iz-əm\ *n*

as-ta-tine \ə-'stā-tēn\ *n* [Gk *astatos* unsteady, fr. *a-* + *statos*, fr. *histanai* to cause to stand — more at STAND] (1947): a radioactive element discovered by bombarding bismuth with helium and also formed by radioactive decay — see ELEMENT table

as-ter \ə-'stər-\ *n* (1664) 1 [NL, fr. L, aster, fr. Gk *aster*, *astēr* — more at STAR] 2 *a*: any of various chiefly fall-blooming stemmed composite herbs (*Aster* and closely related genera) with showy heads containing tubular flowers or both tubular and tubular *b*: CHINA ASTER 2 [NL, fr. Gk *aster*, *astēr*]: a system of cytoplasmic rays arranged radially about a centrosome at either the mitotic or meiotic spindle

-aster \ə-'stər-, ə-'s-\ *suffix* [ME, fr. L, suffix denoting parallelism]: one that is inferior or not genuine (criticaster)

as-ter-ia \ə-'stīr-ē-ə-\ *n* [L, a precious stone, fr. Gk *asterios*, stary, fr. *aster*, *astēr*] (1903): a gemstone cut to show asterism

as-ter-i-at-ed \-ē-,āt-əd\ *adj* [Gk *asterios*] (1816): exhibiting asterism

as-ter-isk \ə-'stər-isk\ *n* [ME, fr. LL *asteriscus*, fr. Gk *asteriskos*, little star, dim. of *aster*, *astēr*] (14c): the character * used in writing as a reference mark, as an indication of the omission of letters or words, or to denote a hypothetical or unattested linguistic form — **as-ter-isk-less** \-ləs\ *adj*

asterisk *vt* (ca. 1733): to mark with an asterisk: STAR

as-ter-ism \ə-'stər-iz-əm\ *n* [Gk *asterismos*, fr. *asterizein* to mark with asterisks, fr. *aster*, *astēr*] (1598) 1 *a*: CONSTELLATION, a small group of stars 2: a star-shaped figure exhibited by minerals by reflected light (as in a star sapphire) or by transmission in some mica

aster-n \ə-'stɔrn\ *adv* or *adj* (1627) 1: behind a ship 2: in the stern of a ship 3: STERNFOREMOST, BACKWARD

as-ter-oid \ə-'stər-ōid\ *n* [Gk *asteroideis* starlike, fr. *aster*, *astēr*] 1: one of thousands of small planets between Mars and Jupiter diameters from a fraction of a mile to nearly 500 miles 2: a small body of matter orbiting the sun

as-ter-oid-al \ə-'stər-ōid-əl\ *adj*

as-ter-oid *adj* (1854) 1: resembling a star 2: of or resembling a star

aster yellows n pl (1922): a widespread virus disease that affects more than 40 families of plants, is characterized esp. by yellowing of the leaves, and is transmitted by leafhoppers

as-the-nia \ə-'thē-nē-ə-\ *n* [NL, fr. Gk *asthenia*, fr. *asthēnēs* weak + *sthenos* strength] (1802): lack or loss of strength: DEBILITY

as-then-ic \ə-'thē-nik\ *adj* (1789) 1: of, relating to, or affected with: WEAK 2: ECTOMORPHIC 2

as-theno-sphere \ə-'thē-nə-'sfī(ə)r-\ *n* [Gk *asthēnēs* weak + *sphērē*] (1914): a hypothetical zone of the earth which lies between the lithosphere and within which the material is believed to yield to persistent stresses

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

JEFF BROWN,)	
)	
Opposer,)	
)	Opposition No. 91181448
v.)	
)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,)	
)	
Applicant.)	

EXHIBIT 24

of

**“Applicant’s Reply to Opposer’s Response in Opposition to
Applicant’s Motion for Summary Judgment”**

Second College Edition

**The
American Heritage
Dictionary**

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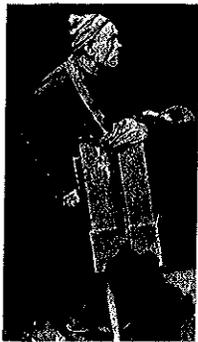
ABBREVIAT

FOUR-YEAR

TWO-YEAR

PICTURE CR

organ- orientation



organ grinder

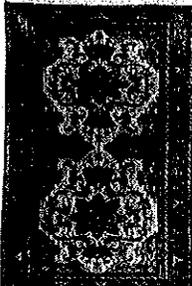


organ-pipe cactus



oriel

Sketch showing oriel on late 19th-century house designed by Richard Morris Hunt



Oriental rug

political party, business firm, or other group. —*modifier*: organ music. [ME < OFr. *organe* < LLat. *organum* < Lat., instrument < Gk. *organon*.]

organ- *pref.* Variant of *organo-*.

organ-a (*ôr-ga-nô*) *n.* A plural of organon.

organ-a (*ôr-ga-nô*) *n.* A plural of organum.

organ-dy also **organ-die** (*ôr-gân-dê*) *n., pl. -dies.* A transparent crisp fabric of cotton or silk, used for trim, curtains, and light apparel. [Fr. *organdi*.]

organ-elle (*ôr-gô-nêl'*) *n.* A specialized part of a cell that resembles and functions as an organ. [NLat. *organella* < Lat., dim. of *organum*, implement < Gk. *organon*.]

organ grinder *n.* A street musician who plays a hurdy-gurdy.

organ-ic (*ôr-gân'ik*) *adj.* 1. Of, pertaining to, or affecting an organ of the body. 2. Of, pertaining to, or derived from living organisms. 3. a. Using or grown with fertilizers and mulches consisting only of animal or vegetable matter, with no use of chemical fertilizers or pesticides: *organic gardening*. b. Free from chemical injections or additives: *organic foods*. c. Simple, basic, and close to nature: *an organic lifestyle*. 4. Having properties associated with living organisms. 5. Likened to an organism in organization or development: *He saw society as an organic whole*. 6. a. Constituting an integral part; constitutional. b. Law. Designating or pertaining to the fundamental laws and precepts of a government or organization. 7. Chem. Of or designating carbon compounds. [Ofr. *organique* < Lat. *organicus*, of an implement < Gk. *organikos* < *organon*, implement.] —*organ-ic-ally adv.*

organic chemistry *n.* The chemistry of carbon compounds.

organ-ic-ism (*ôr-gân'iz-iz'm*) *n.* 1. The theory that all disease is associated with structural alterations of organs. 2. The theory that the total organization of an organism, rather than the functioning of individual organs, is the principal or exclusive determinant of every life process. 3. The concept that society is analogous to a biological organism. —*organ-ic-ist n.*

organ-ism (*ôr-gô-niz'm*) *n.* 1. A living individual; a plant or animal. 2. A system regarded as analogous to a living body: *the social organism*. —*organ-ism'al (-niz'm'al), organ-ism'ic adj.* —*organ-ism-ic-ally adv.*

organ-ist (*ôr-gô-nist*) *n.* One who plays the organ. **organ-iz-a-tion** (*ôr-gô-niz-â-sh'n*) *n.* 1. a. An act of organizing. b. The process of being organized. 2. The state or manner of being organized: *a high degree of organization*. 3. Something that has been organized or made into an ordered whole. 4. Something comprising elements with varied functions that contribute to the whole and to collective functions; *organization*. 5. A number of persons or groups having specific responsibilities and united for a particular purpose. —*organ-iz-a-tion'al adj.* —*organ-iz-a-tion-ally adv.*

organ-ize (*ôr-gô-niz*) *v.* *-ized, -iz-ing, -iz-es. -tr.* 1. To put together into an orderly, functional, structured whole. 2. a. To arrange in a coherent form; systematize: *organize one's thoughts before speaking*. b. To arrange in a desired pattern or structure: *"The painting is organized about a young reaper enjoying his noontday rest"* (William Carlos Williams). 3. To arrange systematically for harmonious or united action: *organize a strike*. 4. a. To establish as an organization: *organize a club*. b. To cause (employees) to form or join a labor union. c. To induce the employees of (a business or industry) to form or join a union: *organize a department store*. —*intr.* 1. To develop into or assume an organic structure. 2. a. To form a group (as a labor union). b. To join such a group. [ME *organisen* < Med. Lat. *organizare* < Lat. *organum*, instrument < Gk. *organon*.] —*organ-iz'er n.*

organo- or **organ-** *pref.* 1. Organ: *organotherapy*. 2. Organic: *organomercurial*. [ME < Med. Lat. *organum*, organ of the body < Lat., implement. —see *ORGAN.*]

organ-o-chlo-rine (*ôr-gân'ô-klor'ên, -in, -klor'ên*) *n.* Any of various hydrocarbon pesticides, such as DDT, that contain chlorine.

organ of Corti (*kôr'tê*) *n.* A specialized structure located on the inner surface of the basilar membrane of the cochlea that contains a series of sensory receptors that respond to sound vibrations. [After Alfonso Corti (1822-1888).]

organ-o-gene-sis (*ôr-gô-nô-jên's-iz, -ô-gân'ô*) *n., pl. -ses (-sêz).* The origin and development of biological organs. —*organ-o-gen-etic (-jô-nê'tik) adj.* —*organ-o-gen-etic-ally adv.*

organog-ra-phy (*ôr-gô-nôg'râ-fê*) *n.* The scientific description of the organs of animals and plants. —*organ-o-graph-ic adj.* —*organ-o-graph-ic-ally adv.*

organ-o-lep-tic (*ôr-gô-nô-lêp'tik, -ôr-gân'ô*) *adj.* Pertaining to or perceived by a sensory organ. [Fr. *organoleptique*: *organe*, organ (< Lat. *organum*, implement < Gk. *organon*) + Gk. *lêptikos*, receptive < *lambainein*, to take.] —*organ-o-lep'tic-ally adv.*

organ-o-log-y (*ôr-gô-nôl'ô-jê*) *n.* The study of plant and animal organs and their functions. —*organ-o-log-ic (ôr-gô-nô-lôj'ik, -ôr-gân'ô), organ-o-log-ic'ally adv.*

organ-o-mer-cu-ri-al (*ôr-gân'ô-mar-kyô'rê-ôl*) *n.* An organic substance that contains mercury.

organ-on (*ôr-gô-nôn'*) also **organ-um** (*-nôm*) *n., pl. -na*

(-na) or -nona. A set of principles or methods used in scientific investigation. [Gk., tool.]

organ-o-ther-a-py (*ôr-gô-nô-thêr'ô-pê, -ôr-gân'ô*) *n.* Treatment of disease with animal organs or extracts of insulin and thyroxin. —*organ-o-ther-a-py'ic (-ô-pyô'd'ik) adj.*

organ-o-tro-pi-am (*ôr-gô-nô'trô-piz'm*) also **organ-opy** (*-pê*) *n. Med.* The attraction of certain chemical pounds or microorganisms to specific tissues or organs of the body. —*organ-o-trop'ic (ôr-gô-nô-trôp'ik, -ôr-gân'ô) adj.* —*organ-o-trop'ic-ally adv.*

organ-pipe cactus (*ôr-gân-pîp'*) *n.* A tall cactus, *Pachypodium marginatus*, of Mexico and the southwestern United States.

organ point *n.* A pedal point.

organ-um (*ôr-gô-nôm*) *n., pl. -na (-nô) or -nona.* A several types of vocal polyphonic music, in two or three parts, of the 9th to the early 13th century. [Med. Lat., organ. —see *ORGAN.*]

organ-um (*ôr-gô-nôm*) *n.* Variant of organon.

organ-za (*ôr-gân'zâ*) *n.* A sheer, stiff fabric of silk or synthetic material used for trimming, neckwear, or dresses. [Orig. unknown.]

organ-zine (*ôr-gân-zên'*) *n.* A raw-silk thread, usually as a warp thread. [Fr. *organzin* < Ital. *organzina*.]

orgasm (*ôr-gâz'm*) *n.* The climax of sexual excitement, marked normally by ejaculation of semen by the male or by the release of tumescence in erectile organs of both sexes. —*orgasm'ic (ôr-gâz'm'ik), orgasm'ic adj.*

orgat (*ôr-gât'*) *n.* A sweet flavoring of orange and lemon used in cocktails and food. [Fr. < Ofr. *Orgat*, *Orgat*, barley < Lat. *hordeum*.]

orgas-tic (*ôr-jê-âs'tik*) *adj.* Of, pertaining to, or characteristic of an orgy. [Gk. *organistikos* < *orgia*, secret rites.]

orgy (*ôr-jê*) *n., pl. -gies.* 1. A secret rite in the ancient Greek or Roman deities, typically involving singing, dancing, drinking, and sexual activity. 2. Involving unrestrained indulgence, esp. sexual. 3. Excessive indulgence in an activity: *an orgy of passions*. —*orgy, secret rites* < Ofr. < Lat. *orgia* < Gk. *orgia*.

ori-bl (*ôr'ô-bê, -ôr'ên*) *n., pl. oribl or ori-bis.* A small African antelope, *Ourebia ourebia*. [Afr. < Hottent. *ourea*, to provide with strips + *-b*, masc. noun-formant.]

ori-el (*ôr'ê-ôl, -ôr'ên*) *n.* A projecting bay window, usually from below with a corbel or bracket. [ME < Med. Lat. *orium*, porch.]

orient (*ôr'ê-ent, -ent', -ôr'ên*) *n.* 1. The east; eastern part of the world. 2. Orient. a. The countries of Asia, esp. of eastern Asia. b. In ancient times, the lands and regions east of the Mediterranean. 3. a. The luster characteristic of a pearl. b. A pearl having exceptional luster. —*orient'ly (-ôr'ê-ent'li) adv.*

orient (*ôr'ê-ent', -ôr'ên*) *v.* *-ent-ed, -ent-ing, -ents. -tr.* 1. To place in a particular relation to the points of the compass: *orient the swimming pool north and south*. 2. a. To place so as to face the east. b. To build (a church) with nave laid out west to east and the altar at the eastern end. 3. To align or position with respect to a reference point. 4. To determine the bearings of: *He oriented himself by using a familiar landmark*. 5. To cause to become familiar or adjusted to facts, principles, or a situation. —*orient-toward* (*ôr'ê-ent-tô-wârd*) *v.* To become adjusted or oriented. [ME < Ofr. < Lat. *oriens*, rising sun, east, or part of the world.]

orient-al (*ôr'ê-ên'tl, -ôr'ên'*) *adj.* 1. Eastern. 2. Of, pertaining to the countries or regions of the Orient. 3. Of, pertaining to the peoples, languages, or culture. 4. **Oriental**, designating the zoogeographic region including the Malay Archipelago and adjacent islands of the Malay Archipelago, including and valuable: *oriental pearls*. 5. Pertaining to or derived from the Orient: *oriental rug*. —*Oriental'ly (-ôr'ê-ên'tl-ly) adv.*

Oriental-ism also **ori-ent-al-ism** (*ôr'ê-ên'tl-iz-iz'm*) *n.* 1. A quality, mannerism, or custom peculiar to or characteristic of the Orient. 2. Scholarly knowledge of the languages, languages, and peoples. —*Oriental'ist (-ôr'ê-ên'tl-ist) n.*

Oriental-ize also **ori-ent-al-ize** (*ôr'ê-ên'tl-iz-iz*) *v.* *-ized, -iz-ing, -iz-es. -tr.* To give an Oriental character or appearance to. —*intr.* To become Oriental.

Oriental poppy *n.* A plant, *Papaver orientale*, native to the Mediterranean region, and widely cultivated for its scarlet and black flowers.

Oriental rug *n.* Any of numerous kinds of rug made in the Orient.

ori-ent-ate (*ôr'ê-ên-tât', -en, -ôr'ên*) *tr. & intr. v.* *-ing, -tates.* To orient.

ori-ent-a-tion (*ôr'ê-ên-tâ-sh'n, -en, -ôr'ên*) *n.* 1. The act of orienting or the state of being oriented. 2. Location or position relative to the points of the compass. 3. The construction of a church so that its longitudinal axis is west to east and its main altar at the eastern end. 4. The direction followed in the course of a trend, movement, or development. 5. A tendency of thought; general

Marxist orientation. 6. An adjustment or adaptation to the environment, situation, custom, or set of ideas. 7. Individual awareness of the objective world. 8. Introductory instruction or orientation.

ori-ent-ing (*ôr'ê-ên-tir'ing, -en, -ôr'ên*) *n.* A way in which competitors use a map and compass to find their way through unfamiliar territory. [Orig. a verb.]

ori-fice (*ôr'ô-fis, -ôr'ên*) *n.* A mouth or vent; opening. [Lat. *orificium*: Lat. *os*, mouth + Lat. *facere*, to make.]

ori-flame (*ôr'ô-flâm, -ôr'ên*) *n.* 1. The red or orange color of the Abbey of St. Denis, France, used by the early kings of France. 2. An inspiring quality. [ME *oriflambe* < Ofr. *oriflambe* < Me. *aurum*: Lat. *aurum*, gold + Lat. *flamma*, flame.]

ori-gam-mi (*ôr'ô-gâm'mê*) *n.* 1. The art or process, or machine, of folding paper into flower, bird, or other decorative object made by folding paper.

ori-gi-nal (*ôr'ô-jin, -ôr'ên*) *n.* 1. A point of origin or source. 2. Ancestry; derivation: *"We cannot escape our roots hard we try"* (James Baldwin). 3. A coming into being. 4. The point of attachment of a muscle. 5. A point of intersection of coordinate axes, as in the Cartesian coordinate system. [ME *origine*, ancestry < L. *origo*, to rise.]

Synonyms: *origin, inception, source, root.* 1. A point of beginning. *Origin*, applicable to persons or things, indicates the often remote place and time when something began. *Inception*, more specific, marks the start of an action or process. *Source*, also marks the place from which something is derived or derived. It may also denote a person or person considered as a giver of information. *Root* usually denotes beginnings in the sense of fundamental cause or origin for something of consequence.

ori-gi-nal-ly (*ôr'ô-jin-ly, -ôr'ên-ly*) *adv.* 1. Preceding all other things. 2. a. Not derived from something else; free from imitation: *an original play, not an adaptation*. b. Not derived from previous practice; new: *a new approach*. 3. Productive of new things or new ideas. 4. Being the source from which reproduction, or translation is made. —*n.* 1. A person from which varieties arise or imitations are made. 2. A person who retained many features of the original. 3. A work of art, as distinguished from a copy or imitation. 3. One that is the model for an artistic or literary work. —*ori-gi-nal-ly (-ôr'ô-jin-ly, -ôr'ên-ly) adv.*

ori-gi-nal-ly (*ôr'ô-jin-ly, -ôr'ên-ly*) *adv.* 1. With reference to the first. 3. In a highly distinctive manner.

ori-gi-nal-ly (*ôr'ô-jin-ly, -ôr'ên-ly*) *adv.* 1. With reference to the first. 3. In a highly distinctive manner.

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â pat / â pay / âr care / â father / b bib / ch church / d deed / ð pet / ê be / f fife / g gag / h hat / hw which / i pit / j judge / k kick / l lid, needle / m mum / n no, sudden / ng thing / ð pot / ð toe / ð paw, for / oi noise / ou out / oo took

ô /roar / s sauce / sh ship, dish / t tight / th thin / u / about, item, edible, gallop, circus / œ f

WEBSTER'S NEW WORLD™ COLLEGE DICTIONARY

THIRD EDITION

Victoria Neufeldt

Editor in Chief

David B. Guralnik

Editor in Chief Emeritus

MACMILLAN
USA

*Dedicated
to David B. Guralnik
lexicographical mentor and friend*

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Contine
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Highest
Longest
Largest

Index

am; instruction,
aid of an assem-
a computer pro-
language into
Fr *assemblee* <
g assembled 2 a
b, instruction, or
the States of the
together of parts
5 the parts to be
b, for soldiers to
a computer pro-
language —*adj.*
e words; abbrevi-
age
nt whereby each
nting the work as
track
ember of a legis-
a member of the
m.
<L *assentari* <
o expressa accept-
r —*n.* consent or
ter *n.*
ially flattering or
o join to, claim <
sively; declare;
.) —*assert one's*
—*assert'er* or
evidence but with no
ever change/ to
of opposition /they
tion in one's state-
ment *affirm* that she
uth of one's state-
m implies firsthand
rrent, in this com-
eaker // *warrant*
ing 2 something
acterized by asser-
—*SYN.* AGGRESSIVE
ML *assessare*, to
lere, to sit beside,
sr] 1 to set an
e, tax, or special
(an amount) as a
gnificance, impor-
ng 2 an amount
s, as on property,
stant, as an expert
—*assess-ment* (as-
z (in legal phrase
h <VL *ad satis*,
t anything owned
ble thing to have
l the entries on a
erson or business,
notes receivable,
etc. 4 [pl.] *Law* a)
r the property of a
r the payment of
L *asseveratus*, pp.
severus; earnest,
—*assevera'tion n.*
g] a person who is
AS- + SIBILATE]
ing sound
L *assiduitas*, con-
1 the quality or
[pl.] constant per-
dere: see prec.] 1
ent; persevering —
ness *n.*
<L *assignare*,
t apart or mark for
at the meeting/ 2 to
igned to watch the
er assigned a new
ed as the motive
Property, etc.) to

another —*vt.* Law to transfer property, etc. to another —*n.* [usually
an assignee —*SYN.* ALLOT, ASCRIBE —*assignability n.* —*as-*
signable adj. —*assign'er* or *Law assign'or (ə sin'ɔr) n.*
assignat (ə sin'at; Fr *à sè nyà')* *n.* [Fr < L *assignatus*, pp. of
assignare, *ASSIGN*], a piece of paper currency issued during the
French Revolution with confiscated lands as the security
assignation (ə sin'ə'shən) *n.* 1 an assigning or being assigned 2
a writing assigned 3 an appointment to meet, esp. one made
secretly by lovers; tryst; rendezvous
assignee (ə sin'ē) *n.* [Fr *assigné*; see *ASSIGN*] *Law* 1 a person to
whom a claim, right, property, etc. is transferred 2 a person
appointed to act for another
assignment (ə sin'mənt) *n.* 1 an assigning or being assigned;
appointment; allotment 2 anything assigned or allotted, as a les-
son, task, etc. 3 *Law* a) a transfer of a claim, right, property, etc.
b) an instrument, as a deed, authorizing this —*SYN.* TASK
assimilate (ə sin'ə'lat) *vt.* -lated, -lating [ME *assimilaten* < L
assimilatus, pp. of *assimilare* < *ad-*, to + *similare*, make similar <
similis, like; see *SAME*] 1 to change (food) into a form that can be
taken up by, and made part of, the body tissues; absorb into, the
body 2 to absorb and incorporate into one's thinking 3 to absorb
(groups of different cultures) into the main cultural body 4 to
make like or alike; cause to resemble; with *to* 5 [Now Rare] to
compare or liken 6 *Linguist.* to cause to undergo assimilation —*vi.*
1 to become like or alike 2 to be absorbed and incorporated 3
to undergo assimilation —*assimilable* (-ə'lə'bal) *adj.*
assimilation (ə sin'ə'li'shən) *n.* an assimilating or being assimilat-
ed; specific, a) the cultural absorption of a minority group into the
main cultural body b) *Linguist.* a process, in which a sound, influ-
enced by a neighboring sound, tends to become like it in articula-
tion; (the *n*) in "in" meaning "not" becomes *l* by assimilation in
forming "illiterate" c) *Physiol.* the change of digested food into the
protoplasm of an animal; also, the absorption and incorporation of
nutritive elements by plants, as in photosynthesis
assimilationism (-iz'm) *n.* the policy of completely absorbing
minority cultural groups into the main cultural body, esp. by inter-
marriage —*assimila'tion-ist n.*
assimulative (ə sin'ə'lat'iv) *adj.* of or causing assimilation;
assimilating Also *assimila'tory* (ə sin'ə'lat'ɔrē)
Asiniboine (ə sin'ə'boin) [Fr < Ojibwa *asinii-bwaan*, lit.,
white Sioux] river in SC Canada flowing from E Saskatchewan
through S Manitoba into the Red River at Winnipeg; c. 600 mi. (968
km)
Assisi (ə sɪ'si, -sē'sē; It *às sɛ'si*) town in Umbria, central Italy;
birthplace of St. Francis; pop. 25,000
assist (ə sɪ'st) *vt.* [ME *assisten* < OFr *assister* < L *assistere* < *ad-*,
to + *istere*, to make stand < *stare*, TO STAND] 1 to give help to; aid
2 to work with as a helper or assistant —*vi.* to give help; aid —*n.* 1
an instance or act of helping 2 *Baseball* the act of a player who
throws or deflects a batted ball in such a way that a teammate can
make a putout 3 *Basketball, Ice Hockey* the act of a player who
passes the ball or puck in such a way that a teammate scores —
SYN. HELP —*assist at* to be present at; attend
assistance (ə sɪ'stəns) *n.* [ME & OFr < ML *assistentia*: see
PRE.] the act of assisting or the help given; aid
assistant (-tənt) *adj.* assisting; helping; that serves as a helper —
n. 1 a person who assists or serves in a subordinate position;
helper 2 a thing that aids
assistant professor a college teacher ranking above an instructor
and below an associate professor
assistantship (ə sɪ'stənt'shɪp) *n.* a temporary job teaching or
doing research at a university, given to graduate students as a form
of financial aid
assisted suicide (ə sɪ'stəd) suicide committed with the assistance
of a physician by a person terminally ill or in unmanageable pain
Assuit (ə sɪ'suɪt) *alt. sp.* of ASUIT
assize (ə sɪ'z) *n.* [ME & OFr *assise*, court session < *asseoir* < L
assidere; see *ASSISS*] 1 [Historical] a legislative assembly or any of
its decrees 2 [pl.] court sessions held periodically in each county of
England to try civil and criminal cases 3 [pl.] the time or place of
such sessions 4 an inquest, the writ instituting it, or the verdict 5
[Archaic] a) a law regulating standards of price, measure, weight,
ingredients, etc. for goods to be sold b) these standards
assn association
assoc 1 associate(s) 2 association
associable (ə sə'shə'ə'bal, -shə'bel) *adj.* [Fr] that can be associ-
ated or connected in the mind
associate (ə sə'shē'at, -sē-; for *n.* *adj.*, usually, -sə'sh'it, -sə'sh'it)
vt. -viated; -ating [Fr < L *associatus*, pp. of *associare*, join to < *ad-*,
to + *sociare*, unite with < *socius*, companion; see *SOCIAL*] 1 to join
together; connect; combine 2 to bring (a person) into relationship
with oneself or another as companion, partner, friend, etc. 3 to
connect in the mind *to associate* with grief —*vi.* 1 to join
(with another or others) as a companion, partner, friend, etc. 2 to
join together; unite —*n.* 1 a person with whom one is associated;
friend, partner, fellow worker, etc. 2 a member of less than full
status; as of a society, institute, etc. 3 anything joined with another
thing or things *4 a degree or certificate granted by a junior col-
lege to those who have completed the regular two-year course [an
Associate in (or of) Arts] —*adj.* 1 joined with others in some
venture, work, etc. [an *associate justice*] 2 having less than full
status [an *associate membership*] 3 accompanying; connected
SYN. —*associate* refers to a person who is frequently in one's company,
usually because of shared work [business associates]; *colleague* denotes a
co-worker, esp. in one of the professions, and may or may not imply a
personal relationship [her colleagues at the university]; *companion* always

83 assignability / assurance
refers to a person who actually accompanies one and usually implies a close,
personal relationship [a dinner companion]; the *companions* of one's youth;
comrade refers to a close associate and implies a sharing in activities and
fortunes [comrades in arms]; *ally* now usually refers to a government joined
with another or others in a common pursuit, esp. war; a *confederate* is one
who joins with another or others for some common purpose, esp. in some
unlawful act; an *accomplice* is one who unites with another or others in an
unlawful act. See also *JOIN*.
**Associate professor* a college teacher ranking above an assistant
professor and below a full professor
as-oc-cia-tion (ə sə'shē'ā'shən, -shē-) *n.* [ML *associatio*, a joining
with; see *ASSOCIATE*] 1 the act of associating 2 the state of being
associated; companionship; fellowship; partnership 3 an organiza-
tion of persons having common interests, purposes, etc.; society;
league 4 a connection in the mind between ideas, sensations,
memories, etc. 5 the use of such connections as a literary device or
psychoanalytic technique 6 a group of organisms living together in
the same environment and forming a large, distinct component of a
biome [an oak forest association within a deciduous forest biome]
7 *Chem.* the joining by relatively weak chemical bonds of two or
more molecules of the same or different substances into a larger
aggregate, as in polymerization —*as-oc-cia'tional adj.*
association football soccer; so called from the Football Association
established in England (1863) to set up rules for the game
as-oc-cia-tive (ə sə'shē'at'iv, -sē-, -shə'tiv) *adj.* [ML *associativus*] 1
of, characterized by, or causing association, as of ideas 2 *Math.*
of or pertaining to an operation in which the result is the same
regardless of the way the elements are grouped, as, in addition, 2 +
(3 + 4) = (2 + 3) + 4 and in multiplication, 2(3 × 4) = (2 × 3)4
as-soil (ə sɔɪl) *vt.* [ME *assoulen* < OFr *assoil*, pres. stem of *assoldre*
< L *absolvere*, ABSOLVE] [Archaic] 1 to absolve or acquit 2
to atone for
as-so-nance (ə sə'nəns) *n.* [Fr < L *assonans*, pp. of *assonare*, to
sound in answer < *ad-*, to + *sonare*, SOUND, v.] 1 likeness of
sound, as in a series of words or syllables 2 a partial rhyme in
which the stressed vowel sounds are alike but the consonant sounds
are unlike, as in *late* and *make* —*as-so-nant* (-nənt) *adj., n.*
as-sort (ə sɔrt) *vt.* [OFr *assorter* < a- (L *ad-*), to + *sorte*, SORT] to
sort or classify —*vi.* to be of the same sort; match (with) —
as-sort'a-tive (-ə'tiv) *adj.* —*as-sort'er n.*
as-sorted (-id) *adj.* 1 of different sorts; of various kinds; miscella-
neous 2 sorted into groups according to kind 3 matched [a poorly
assorted pair]
as-sort-ment (-mənt) *n.* 1 an assorting or being assorted; classifica-
tion 2 an assorted, or miscellaneous, group or collection; variety
ASSR Autonomous Soviet Socialist Republic
asst assistant
as-suage (ə swɑj', ə-) *vt.* -suaged', -suag'ing [ME *aswagen* < OFr
assuagier < L *ad-*, to + *suavis*, SWEET] 1 to lessen (pain, distress,
etc.); allay 2 to calm (passion, anger, etc.); pacify 3 to satisfy or
slake (thirst, appetite, etc.) —*SYN.* RELIEVE —*as-suage'ment n.*
As-suan (ə swɑn) *alt. sp.* of ASWAN
as-sua-give (ə swɑ's'giv) *adj.* [< ASSUAGE, after PERSUASIVE] sooth-
ing; allaying
as-sume (ə sɔm', -sɪdɔm') *vt.* -sumed', -sum'ing [ME *assumere* <
L *assumere*, to take up, claim < *ad-*, to + *sumere*, take; see *CON-*
SUME] 1 to take on or put on (the appearance, form, role, etc. of)
2 to seize; usurp [to assume control] 3 to take upon oneself; under-
take [to assume an obligation] 4 to take for granted; suppose
(something) to be a fact 5 to pretend to have; feign [to assume an
air of innocence] 6 [Archaic] a) to take in or receive b) to take
into association —*as-sum'able adj.* —*as-sum'er n.*
SYN. —*assume* implies the putting on of a false appearance but suggests a
harmless or excusable motive [an assumed air of bravado]; *pretend* and
feign both imply a profession or display of what is false, the more literary
feign sometimes suggesting an elaborately contrived situation [to pretend
not to hear, to feign deafness]; *to affect* is to make a show of being, having,
using, wearing, etc., usually for effect [to affect a British accent]; *simulate*
emphasizes the imitation of typical signs involved in assuming an appear-
ance or characteristic not one's own [to simulate interest] See also *PRE-*
SUME
as-sumed (ə sɔmd, -sɪdɔmd') *adj.* 1 pretended; put on; fictitious
2 taken for granted
as-sum'ing (ə sɔm'ɪŋ, -sɪdɔm'ɪ-) *adj.* taking too much for granted;
presumptuous
as-sump-sit (ə sʌmp'sɪt) *n.* [ModL < L, he has undertaken; 3d pers.
sing., perf. indic., of *assumere*, ASSUME] *Law* 1 an agreement or
promise, written, spoken, or implied, and not under seal 2 an
action to recover damages for the nonfulfillment of such an agree-
ment
as-sump-tion (ə sʌmp'shən) *n.* 1 a supposed bodily ascent into
heaven 2 [A-] R.C.Ch. a) the taking up of the body and soul of the
Virgin Mary into heaven after her death b) a church festival on
Aug. 15 celebrating this 3 the act of assuming; a taking upon one-
self, taking over, or taking for granted 4 anything taken for
granted; supposition 5 presumption —*as-sump'tive adj.*
Assur (ə'sʊr) *var.* of ASHUR (in all senses)
as-surance (ə shoʊr'əns) *n.* 1 the act of assuring 2 the state of
being assured; sureness; confidence; certainty 3 something said or
done to inspire confidence, as a promise, positive statement, etc.;
at, ate, cār; ten, ēve; is, ice; gō, hōrn, lōok, tōōl; oil, out; up,
fur; ə for unstressed vowels, as a in ago, u in focus; * as in Latin
(lat'n); chin; she; zh as in azure (az'hər); thin, the; ŋ as in ring (rɪŋ)
In etymologies: * = unattested; < = derived from; > = from which
* = Americanism See inside front and back covers

northwest to the Columbia River in Oreg., much used by westward migrants (c. 1840-60): c. 2,000 mi. (3,218 km)

Orel (6 rel', ör yöl') city in W European Russia, on the Oka: pop. 328,000

Orem (ör'em) [after W. C. Orem (died 1951), pres. of a former interurban railroad in the area] city in NC Utah: pop. 68,000

Oren-burg (ör'yan boorkh) city in SE European Russia: pop. 519,000

Ores-tes (6 res'téz') [L < Gr *Orestes* < *oros*, mountain; see **ORIENT**] Gr. Myth. son of Agamemnon and Clytemnestra, who, with the aid of his sister Electra, avenges the murder of his father by killing his mother and her lover Aegisthus

Ore-sund (Swed. ör'sund') strait between Sweden and the Danish island of Zealand: c. 80 mi. (129 km) long: Dan. sp. *Oresund* (Dan., soon')

Orff (örf), Carl 1895-1982; Ger. composer

org: 1 organic 2 organization 3 organized
organ (ör'gan) n. [ME *organe* < OE *organella* & OFr *organe*, both < L *organum*, tool, implement. (in LL(Ec), a church organ) < Gr *organon*, an implement, engine < *ergon*, work] 1 a large wind instrument consisting of various sets of pipes which, as they are opened by corresponding keys on one or more keyboards, allow passage to a column of compressed air that causes sound by vibration 2 any of several musical instruments producing similar or somewhat similar sounds (cf. **ELECTRONIC ORGAN**, **REED ORGAN**, **BARREL ORGAN**) 3 [Archaic] any musical instrument; esp., a wind instrument 2 in animals and plants, a part composed of specialized tissues and adapted to the performance of a specific function or functions 3 a means or instrument for the performance of some action [an organ of local government] 4 a means of communicating ideas or opinions, as a periodical

organ-dy or **organ-dle** (ör'gan dē) n., pl. -dies [Fr *organdi* < ?] a very sheer, crisp cotton fabric used for dresses, curtains, etc.

organ-elle (ör'gan el') n. [Ger < ModL *organella* < L *organum* (< Gr *organon*; see **ORGAN**) + *-ella*, fem. of *-ellus*, dim. suffix] a discrete structure within a cell, as a chloroplast or centriole, characterized by having specialized functions, a usually distinctive chemical composition, and an identifying molecular structure: often found in large numbers in a particular cell

organ grinder a person who plays a barrel organ in the streets

organic (ör'gan'ik) adj. [L *organicus* < Gr *organikos*] 1 of or having to do with a bodily organ 2 of involving the basic makeup of a thing; inherent; inborn; constitutional 3 made up of systematically interrelated parts; organized 4 a) designating or of any chemical compound containing carbon: some of the simple compounds of carbon, as carbon dioxide, are frequently classified as inorganic compounds b) designating or of the branch of chemistry dealing with carbon compounds 5 of, having the characteristics of, or derived from living organisms 6 growing with oily animal or vegetable fertilizers, as manure, bone meal, compost, etc. 7 Law designating or of the fundamental, or constitutional, law of a state 8 Med. producing or involving alteration in the structure of an organ [an organic disorder]: cf. **FUNCTIONAL** (sense 3) —**organ-ic**ly adv.

organ-ism (ör'gan'iz'm) n. 1 **HOLISM** 2 the theory that living processes are a function of the entire, coordinated, autonomous system of an organism, rather than of any of its parts —**organ-ism**'ic n., adj.

organ-ism (ör'gan'iz'm) n. 1 any individual animal or plant having diverse organs and parts that function together as a whole to maintain life and its activities 2 anything resembling a living thing in its complexity of structure or functions —**organ-ism**'ic or **organ-ism**'al adj. —**organ-ism**'ic-ally adv.

organ-ist (ör'gan'ist) n. [L < MFr *organiste* or ML *organista*] an organ player

organ-iza-tion (ör'gan'iz'ā-shān, -nī-) n. [ME *organizaciōn* < ML *organizatiō*] 1 an organizing or being organized 2 the manner of being organized; organic structure 3 [Rare] **ORGANISM** 4 any unified, consolidated group of elements; systematized whole; esp., a) a body of persons organized for some specific purpose, as a club, union, or society b) the administrative personnel or executive structure of a business c) all the functionaries, committees, etc. of a political party —**organ-iza-tion**'al adj. —**organ-iza-tion**'ally adv.

★organization man an employee, esp. of a large corporation, who has adapted so completely to what is expected in attitudes, ideas, behavior, etc. by the corporation as to have lost a sense of personal identity or independence

organ-ize (ör'gan'iz) vt., -ized', -iz'ing. [ME *organyzēn* < ML *organizare* < L *organum*; see **ORGAN**] 1 to provide with an organic structure; esp., a) to arrange in an orderly way [to organize files] b) to make into a whole with unified and coherent relationships [to organize an essay] c) to make plans or arrange for [to organize a campaign] 2 to bring into being; establish [to organize a corporation] 3 to persuade to join in some common cause or some organization; specif., a) to enlist in, or cause to form, a labor union b) to enlist the employees of (an industry, business, etc.) in a labor union 4 [Colloq.] to set (oneself) into an orderly state of mind —**vt.** 1 to become organized 2 to join in some common cause or form some organization; esp. a labor union —**organ-iz**'able adj.



OREGON TRAIL

organ-iz-er (-er) n. 1 a) a person who organizes b) a labor official whose work is enlisting new members 2 Embryol. portion of a developing embryo, or any substance produced capable of inducing differentiation in other portions

organo- (ör'gə nō, -nē; ör'gan'ō, -ə) [< Gr *organon*, ORGAN; *organo-* in form 1 organ [organography] 2 organic [organophosphorus]] 1 organic 2 organic [organophosphorus] 3 [ModL] **ORIGENESIS** Biol. the origin and development of organs —**organ-**'ic (-jē net'ik) adj.

organo-graphy (ör'gə nō'grə fē) n. [ORGANO- + -GRAPHY] descriptive study of the organs of animals and plants, esp. the parts of plants —**organ-**'ograph'ic (-nō'grāf'ik) adj.

organo-lep-tic (ör'gə nō'lep'tik; ör'gan'ō-) adj. [Fr *organoleptique*, Gr *organon*, ORGAN + *lēptikos*, disposed to accept] 1 affecting or involving esp. a sense organ 2 responsive to sensory stimuli

organo-logy (ör'gə nō'lōjē) n. [ORGANO- + -LOGY] that branch of science dealing with the form, structure, development, and function of plant or animal organs —**organ-**'olog'ic (-nē lōj'ik) or **organ-**'olog'ic-ally adj. —**organ-**'olog-ist n.

organo-metallic (ör'gə nō'mē tā'lik; ör'gan'ō-) adj. [ORGANO- + METALLIC] Chem. designating or of a compound containing both a metal and a nonmetal, specif. one in which the metal or nonmetal atom is firmly attached to one or more carbon atoms

organ-on (ör'gə nān') n., pl. -na (-nə) or -nons' [Gr: see **ORGAN**] means of acquiring knowledge; specif., a system of principles used in philosophical or scientific inquiry

organo-phos-phate (ör'gə nō'fās'fat; ör'gan'ō-) n. [ORGANO- + PHOSPHATE] any organic compound containing phosphorus; one used as an insecticide, as malathion

organo-phos-phorus (ör'gə nō'fās'fē rəs, ör'gan'ō-) n. any organic compound containing phosphorus

organo-sol (ör'gə nō'sāl') n. a colloid consisting of a solid organic liquid: see **PLASTISOL**

organo-ther-a-py (ör'gə nō'ther'ə pē; ör'gan'ō-) n. [ORGANO- + THERAPY] the treatment of disease with extracts of animal glands or the glands of internal secretion

organo-tropic (-trōp'ik) adj. [ORGANO- + -TROPIC] 1 designating a substance or virus that travels predominantly to a specific organ 2 having an affinity for a particular body organ or tissue

organ-um (ör'gə nām) n., pl. -nums or -na (-nə) [L: see **ORGAN**] 2. Music an early type of polyphony based on organum in which the voices are separated by an interval of a fourth or an octave b) a composition in this style

★organ-za (ör'gan'zə) n. [< ? fol.] a thin, stiff fabric of wool, etc., used for bridal gowns, as underlining for sheer fabrics

organ-zine (ör'gan'zīn) n. [Fr *organzin* < It *organzino*, from *Urganz*, name of a town in Russian TURKISTAN, famous for its market in medieval times] 1 a strong raw-silk thread of twisted strands 2 a fabric made of such threads

orgasm (ör'gəz'm) n. [Fr *orgasme* < Gr *orgasmos* < *orgazein*, with moisture, lust < IE base **uerg-*, to swell with surplus] Sans *arjā*, violence, vigor, esp.] a frenzy; great excitement; the climax of sexual excitement, as in intercourse, normally terminated in the male by ejaculation —**organ-**'ic (-gəz'tik) adj.

orgeat (ör'zhāt', -jat') n. [Fr < Prov *orjat* < *orge*, barley < IE base **ghrzd*, barley < Ger *gerste*] a syrupy confection orig. made from barley, flavored with almonds and orange

organ-ic (ör'gəz'as'tik) adj. [Gr *organistikos* < *organizō*, celebrates orgies < *orgiazēin*, to celebrate orgies: see **ORGY**] do with or resembling an orgy

★orgone (ör'gōn') n. [coined by W. Reich (1897-1957), a psychiatrist in the U.S., prob. < ORG(ASM) + *one*, as in postulated energy permeating the universe; the personal energy of which an individual suffering from various emotional disorders can allegedly replenish by sitting in a small special cabinet (orgone box) in which this energy is supposed to accumulate]

orgy (ör'jē) n., pl. -gies [earlier chiefly in pl. < Fr *orgie*, pl. < Gr, pl. secret rites, akin to *ergon*; work] 1 a wild, unrestrained ancient Greece and Rome, feasting and wild celebration in honor of certain gods, esp. Dionysus 2 any wild, merry-making, esp. with sexual activity 3 unrestrained indulgence in any activity

ori-bl (ör'ē bā) n. [Afr. < Nama *arab*] an African pygmy (Ourebia ourebia), having a long tuft of hair growing from the forehead and slender, straight horns

ori-el (ör'ē el, ör'-) n. [OFr *oriol* < ML *oriolum*, a window with a large window built out from a wall and resting on a bracket or a corbel; bay window] 1 a bay window

orient (for n. & adj. ör'ē ent, ör'-; for v. -ent', -ant) n. [OFr < L *oriens*; see the adj.] 1 the east 2 a) the quality that determines a pearl's value; luster b) a pearl of high quality —**adj.** [L *oriens*, direction of the rising sun, prp. of *ori*, to arise < IE base **er-*, to set in motion, elevate > RISE] RUN, Gr *oros*, mountain] 1 brilliant; shining; precious: orig. of pearls; now more general 2 [Old Poet.] a) eastern; oriental b) rising, as the sun. —**vt.** [Fr *orienter*; < the adj.] 1 to arrange with reference to the east; esp., to build (a church) with the chief altar at the eastern end 2 to set (a map or chart) at the points of the compass 3 to adjust with reference to principles; correct 4 to adjust or adapt to, or adjust to, a particular situation —[O-] the East, or Asia; esp. the Orient

ori-en-tal (ör'ē ent', ör'-) adj. [ME *orientale* < L *orientalis* < L *oriens*; see the adj.] 1 of or from the East, or Asia; esp. of or from the Orient

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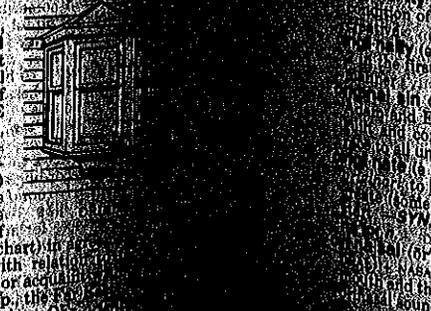
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JEFF BROWN,)	
)	
Opposer,)	
)	Opposition No. 91181448
v.)	
)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,)	
)	
Applicant.)	

EXHIBIT 26

of

**“Applicant’s Reply to Opposer’s Response in Opposition to
Applicant’s Motion for Summary Judgment”**

From: ozarkmark@cox.net
Sent: Sunday, November 13, 2005 10:20 AM
To: Jeff Brown
Subject: Re: PGR Patches

Attachments: Patch.jpg



Patch.jpg (85 KB)

Jeff, I would like a patch when you get them. I will send you a check. Just let me know where to send it! I will be on the road with work from now through Christmas, so I may not be able to make many rides this time of year.

My address is:
Mark Johnson
4427 Collins Circle
Rogers, AR 72758

Thanks,
OM

>
> From: "Jeff Brown" <jeffbrown@valornet.com>
> Date: 2005/11/11 Fri PM 02:20:09 EST
> To: "Charles Yunker" <yunker@ksamlegion.org>,
> "David Howery" <yellowjacket@bestblade.com>,
> "William H. Sloan" <wsloan@legion.org>,
> "Phil Mansker" <vietvet6466@mchsi.com>,
> "Tom Connelly" <thomas.g.connelly@us.army.mil>,
> "Terry \ (Darkhorse \) Houck" <TChouck@cox.net>,
> "Richard Keller" <rakwwtp@dotnet.com>,
> "Eric C. Gagomiros" <presalrva@hotmail.com>,
> "David \"Preacher\" Slocum" <preacher@carolina.rr.com>,
> "Ralph and Susan" <pennington@carsoncomm.com>,
> "Ozarkmark" <ozarkmark@cox.net>,
> "John & Donna Rohloff" <nbn@brightok.net>,
> "LAnnmullins" <LAnnmullins@aol.com>,
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> "Jason Wallin" <jasonw@eoveritas.com>,
> "Hugh Knaus" <hugh@justflies.com>,
> "Chuck Thompson" <HarleyManCLT@aol.com>,
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> "David Olsen \ (STP\)" <David.Olsen@guidant.com>,
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> "Everett Freel" <cw4freel@aol.com>,
> "Combat Veterans Motorcycle Association" <cvma@rochester.rr.com>,
> "CREGG HANSEN" <cphans@sbcglobal.net>,
> "Bill Carr" <Bpcarr3@wmconnect.com>,
> "Bill Law" <bill@ontime911.com>,
> "Bill Bradley" <bbradley@oriok.net>
> Subject: PGR Patches
>
> OK Folks,
> The Patriot Guard Rider patches are being made as I write (I'm working
> on flags and decals too). I have ordered 100 to start and they should
> be
> here
> within about 3 weeks.
>

> They are 2" X 3" so they should fit about anywhere (I know many of us
> old timers are running out of vest room).
>
> They are embroidery on twill with plastic back and stitched edges.
>
> I think \$3.50 each should cover my costs including shipping and handling.
>
> Send me an email on how many you want and I'll figure out a way to get
paid
> later.
>
> Thanks,
> Jeff Brown "Twister"
> Broken Arrow, OK
> Patriot Guard Rider
> www.patriotguard.org
>
>

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

JEFF BROWN,)	
)	
Opposer,)	
)	Opposition No. 91181448
v.)	
)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,)	
)	
Applicant.)	

EXHIBIT 27

of

**“Applicant’s Reply to Opposer’s Response in Opposition to
Applicant’s Motion for Summary Judgment”**

DOERNER, SAUNDERS, DANIEL & ANDERSON, L.L.P.

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MICHAEL C. WOFFORD

E. J. DOERNER (1897-1980)
DICKSON M. SAUNDERS (1820-2001)

February 26, 2009

VIA EMAIL AND FIRST CLASS MAIL

David J. Marr
James R. Foley
James A. O'Malley
Trexler, Bushnell, Giangiori, Blackstone & Marr, Ltd.
105 W. Adams Street, Suite 3600
Chicago, IL 60603-6210

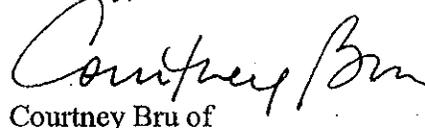
Re: Opposition No. 91181448

Dear Counsel:

I have enclosed a copy of "Opposer's Response in Opposition to Applicant's Motion for Summary Judgment, and Combined Motion to Strike Certain of Applicant's Exhibits Thereto," as well as additional evidence submitted in connection therewith. A copy of these documents were sent to you via electronic mail on this same date.

I have also enclosed a copy of Opposer's fourth supplemental production, BROWN010346 through BROWN010382. These documents were produced to me by my client on February 10, 2009. To the extent that some of these documents are identical to documents previously produced, we have produced them again in an effort to be candid with you about the documents we received. I would be more than willing to discuss the circumstances leading to discovery of these documents with any of you.

Sincerely,



Courtney Bru of

DOERNER, SAUNDERS, DANIEL & ANDERSON, L.L.P.

Enclosures

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 18, 2009, true and correct copies of the following documents:

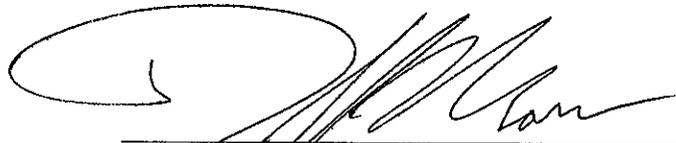
1. *“Applicant’s Reply to Opposer’s Response in Opposition to Applicant’s Motion for Summary Judgment”*,
2. *“Declaration of James A. O’Malley in Support of Applicant’s Reply to Opposer’s Response in Opposition to Applicant’s Motion for Summary Judgment”*, and
3. Exhibits 19-27 in support of *“Applicant’s Reply to Opposer’s Response in Opposition to Applicant’s Motion for Summary Judgment”*.

were sent via electronic delivery and mailed, with proper postage thereon, to:

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Courtney Bru (cbru@dsga.com)
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& ANDERSON, L.L.P.
320 South Boston Avenue, Suite 500
Tulsa, Oklahoma 74103-3725

and

Rachel Blue (rachel.blue@mcafeetaft.com)
MCAFEE & TAFT
500 Oneok Plaza
100 W. 5th Street
Tulsa, Oklahoma 74103



One of Applicant’s Attorneys