

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

Resident Artist Studio, LLC, Opposer

v.

ABiSee, Inc., Applicant

In Re Opposition No. 91196503

Serial No.: 77947865

Filed: March 1, 2010

Mark: EYE-PAL

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
February 25, 2011

EXPRESS-MAIL DEPOSIT

Express Mail Mailing-Label Number: EV 606177753 US

The following papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

- Applicant's Motion to Amend Statement of Goods (3 pages)
- Exhibit 1 – Stipulation of Dismissal with Prejudice (3 pages)
- Exhibit 2 – Court Notice (1 page)
- Return Receipt Postcard



02-28-2011

In accordance with the above mentioned Settlement Agreement, Applicant agreed to amend the statement of goods as follows.

Please Amend the Statement of Goods as follows in U.S. Trademark Application for Trademark Registration Serial No. 77829909 as follows:

1. DELETE: the present Statement of Goods.

2. INSERT NEW STATEMENT OF GOODS:

Class 9: optical pinhole lens to be attached to eyeglasses to improve "depth of field"

RELIEF REQUESTED

Resident Artist Studio, LLC respectfully prays that this Board grant this Motion to Amend the Statement of Goods.

Dated: February 25, 2011

RESIDENT ARTIST STUDIO, LLC

By: 
A. Sidney Johnston
Thomas C. O'Konski
Kevin Gannon
CESARI and MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210
(617) 951-2500

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was served U.S. Post Office Express Mail in the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, by e-mail to the e-mail address tcd@dcglaw.com and by first-class mail postage prepaid on February 25, 2011 to:

T. Christopher Donnelly
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street – 33rd Floor
Boston, Massachusetts 02108

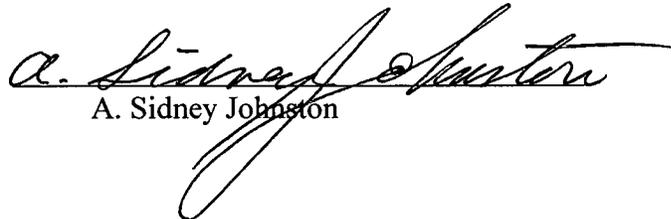

A. Sidney Johnston

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RESIDENT ARTIST STUDIO, LLC,)	No. 10-cv-10268 (DPW)
)	
Plaintiff,)	
)	
v.)	
)	
ABISEE, INC.,)	
)	
Defendant.)	
)	
<hr/>		
ABISEE, INC.)	
)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
RESIDENT ARTIST STUDIO, LLC,)	
)	
Counterclaim Defendant.)	
)	

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(A)(ii), the parties in the above-captioned matter hereby stipulate and agree that this action, including any and all claims and counterclaims raised or that could have been raised, is hereby dismissed with prejudice. Each party shall bear its own costs and fees.

EXHIBIT 1 P 1/3

ABISEE, INC.
By its attorneys,

RESIDENT ARTIST STUDIO, LLC
By its attorneys,

/s/ T. Christopher Donnelly
T. Christopher Donnelly (BBO #129930)
Jeffrey M. Ernst (BBO #658831)
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street, 33rd Floor
Boston, Massachusetts 02108
(617) 720-2880

/s/ Thomas C. O'Konski (BBO #378265)
A. Sidney Johnston (BBO #632578)
Thomas C. O'Konski (BBO #378265)
Kevin Gannon (BBO #640931)
CESARI and MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210
(617) 951-2500

Dated: February 25, 2011

EXHIBIT 1 P 2 / 3

Other Documents

1:10-cv-10268-DPW Resident Artist Studio, LLC v. ABiSee, Inc.

TRADE

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered by O'Konski, Thomas on 2/23/2011 at 4:30 PM EST and filed on 2/23/2011

Case Name: Resident Artist Studio, LLC v. ABiSee, Inc.

Case Number: 1:10-cv-10268-DPW

Filer: Resident Artist Studio, LLC

Document Number: 28

Docket Text:

STIPULATION of Dismissal by Resident Artist Studio, LLC. (O'Konski, Thomas)

1:10-cv-10268-DPW Notice has been electronically mailed to:

Jeffrey M. Ernst jme@dcglaw.com

Kevin Gannon ktg@c-m.com

T. Christopher Donnelly tcd@dcglaw.com, jlf@dcglaw.com

Thomas C. O'Konski TOK@c-m.com

1:10-cv-10268-DPW Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:yes

Electronic document Stamp:

[STAMP dcecfStamp_ID=1029851931 [Date=2/23/2011] [FileNumber=3747048-0] [8987127eed02088ec1d974415752075f11f51562d1b61efffc8a967cc7a088bfd5f41d296b7634790978d8f3c83679748e8a3ffb9a4540a025538f8beb1e003]]

EXHIBIT 1 P 3/3

Other Documents

1:10-cv-10268-DPW Resident Artist Studio, LLC v. ABiSee, Inc. **CASE CLOSED on 02/24/2011**
CLOSED, TRADE

United States District Court
District of Massachusetts

Notice of Electronic Filing

The following transaction was entered by O'Konski, Thomas on 2/24/2011 at 10:17 AM EST and filed on 2/24/2011

Case Name: Resident Artist Studio, LLC v. ABiSee, Inc.
Case Number: 1:10-cv-10268-DPW
Filer: Resident Artist Studio, LLC
WARNING: CASE CLOSED on 02/24/2011
Document Number: 29

Docket Text:

CERTIFICATE OF SERVICE pursuant to LR 5.2 by Resident Artist Studio, LLC re [28] Stipulation of Dismissal. (O'Konski, Thomas)

1:10-cv-10268-DPW Notice has been electronically mailed to:

- Jeffrey M. Ernst jme@dcglaw.com
- Kevin Gannon ktg@c-m.com
- T. Christopher Donnelly tcd@dcglaw.com, jlf@dcglaw.com
- Thomas C. O'Konski TOK@c-m.com

1:10-cv-10268-DPW Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:yes

Electronic document Stamp:

[STAMP dcecfStamp_ID=1029851931 [Date=2/24/2011] [FileNumber=3747753-0] [5d5ccb66ed5e250bd3bc6267b2c83693cf19d0d03d455b706e63bb50c4eb1919ba6e55f0a0a09d61e9777b7a8bed5e1ed3ab40fa4ea3a047aeaed3e2232abc9]]

EXHIBIT 2