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91204122

There was the usual post-race talk of running injuries, the next race and miraculous changes in lifestyle and outlook brought about by running.

Steve Silva, a 35-year-old behaviorist from Allentown, Pa., said he had lost 220 pounds in the past 21 months, partly by dieting and partly by running up the steps of the local high school football stadium -- 40 trips up and down the five flights of stairs for a total of 3,000 stairs daily.

Sam Freedman, a 62-year-old lawyer in red running togs, pronounced the jaunt to the top delightful and said he looked forward to the next test of his will: The 100-mile run in Shea Stadium, set for June.

By noon the food was gone, the times recorded on a big board, the requisite photographs of the winners taken.

The runners gathered their sweat pants and gym bags and prepared to leave, this time the easy way: by elevator.

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THOSE TALL BUILDINGS SAY A LOT ABOUT A CITY'S SOUL

The Miami Herald

September 11, 1983 Sunday, FINAL EDITION

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The Miami Herald

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Section: AMUSEMENTS; L; Pg. 1

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Byline: BETH DUNLOP Herald Architecture Critic

Body

A skyline is a city's silhouette. It is the postcard image and the poster image. It is in the skyline that you see, really see, the city -- the whole city, not just fragments. From it comes the memory of a city, so in that sense, the skyline is the city.

Skylines can give 20th-Century cities the magnificence of Gothic cathedral towns, the power and drama of mountains looming in the horizon. But it is this silhouette that puts the city within our grasp, as well. Skylines elucidate cities, making them at once awesome and understandable.

This is especially true at night -- New York with the Chrysler Building etched in lights and the ***Empire State Building*** washed in lights. There is something absolutely magical about tall buildings made brilliant against a dark sky. It is urban poetry, whereas a beautiful skyline by day is simply good architectural prose.

Imagine San Francisco, its Golden Gate Bridge glowing, or St. Louis with its incandescent arch, or Cleveland with its brilliantly floodlit Terminal Tower visible for miles.

This is the city of the mind's eye.

*

"The next morning, as soon as the sun was up, they started on their way, and soon saw a beautiful green glow in the sky just before them.

" 'That must be the Emerald City,' said Dorothy."

L. Frank Baum, The Wizard of Oz

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With the blue of Biscayne Bay and the green of Bayfront Park in the foreground, the natural elements are in place to make Miami's a magical skyline, too. Harbor cities -- be they New York or San Francisco or Sydney, Australia -- have special skylines, enhanced by the glimmer of water in the foreground, the sunset (or sunrise, depending) in the background. The water gives the city a special aura, and in this respect, Miami is lucky.

But Miami has an adolescent city's gap-toothed skyline, with lots of empty sky where buildings would logically go. There is no real magic to this skyline, yet. But Miami is a city in the making, not a city finished. The skyline of today is not the skyline of yesterday. Last month the newest and tallest building -- Skidmore, Owings and Merrill's 55-story Southeast Financial Center -- reached its full height. And there is more to come. Downtown Miami's new buildings rise high and ever higher, reaching 500 and 600 and even 700 feet into the sky and promising us that tomorrow, this will be a different place.

What is remarkable about downtown Miami's skyline is that it is accessible to so many, from so many vantage points. In a way, that makes Miami many different cities -- one seen from the bay and the causeways across the bay; one seen from the expressways, almost always at high speed; one seen from the Miami River.

Ignacio Duran

This is a part of the world with an abundant horizon. The sea and sky and the vast flatness of the land give South Florida many other prominent skylines, as well. Downtown Miami may be the skyline of the future, but the skyline of today has a multitude of faces:

There is the across-the-bay skyline of Miami Beach, one which for years has been the vacation souvenir image of South Florida, and there is the waterside skyline of Brickell, punctuated by the primary colors and clever shapes of Arquitectonica's sassy condominiums.

Downtown Fort Lauderdale was once just a lone tall building, appropriately, the Landmark Building, but now--with three towers built -- Fort Lauderdale, too, is getting its own small-scaled skyline.

Then there is the bleak vision of Galt Ocean Mile, a mile of mindlessness -- boxes built where there should be sand dunes. And there is the emerging cityscape of West Palm Beach, just a row of concrete structures without much charm, or the more evocative distant view of Singer Island, with the astonishingly tall Tiara Condominium as much a beacon of our times as a New England lighthouse was to centuries past.

*

You could say that the first modern skyline was created in the 14th and 15th centuries in the hills of Tuscany. When the citizens of San Gimignano erected their stone towers, they were more interested in the creation of a city-state than a cityscape, but the result was nonetheless a stunning architectural silhouette.

Ultimately, it took 400 years more and the vast accomplishments of modern technology to refine the idea.

That happened in America.

The 20th-Century skyline, virtually synonymous with the 20th-Century city, is uniquely American, nurtured by such turn-of-the-century architects as Louis Sullivan and Cass Gilbert and molded by the skyscraper designers of the '20s. Their buildings -- built in profusion for banks and railroads and department stores -- were, after all, cathedrals of commerce, monuments to technology. They understood that these modern monuments should have elegant rooftops. Who, after all, had ever heard of a cathedral without a spire?

Even today, American skylines are the most memorable in the world. As a nation, we are still technologically triumphant. Decade after decade, we aim higher. With fitting irony, we hold topping off ceremonies for our high rising buildings, and in an act of defiance against nature, we plant a tree up top, where trees would never naturally go.

European cities have always relied on their churches and monuments to make them memorable. Paris, in image, is Notre Dame and Sacre Coeur, the Arc de Triomphe and the Eiffel Tower, not its rooflines. The Tour Montparnasse, the city's one giant skyscraper, is in fact, the most disruptive building in all of Paris. It is not a skyline; it is an obtrusion.

Washington is America's city without a contemporary skyline, and that is because it is essentially a European city, the city of Pierre L'Enfant, a Frenchman. Washington has a low continuous roofline, and it has its monuments -- the Capitol, the While House and memorials to Washington and Lincoln and Jefferson. It is wryly fitting. In a nation of paradoxes, it is entirely appropriate that the capital of the country that gave the world the modern city skyline should lack one.

Perhaps that is why the city that came to symbolize America was the one with the most dramatic skyline: New York. New York's is the skyline of the ***Empire State Building***, the Chrysler Building, the General Electric Building. It is the city of the World Trade Center and of Citicorp.

The architects who made New York and Chicago what they were at mid-century -- the designers of some of America's flashiest and most elegant tall buildings -- paid attention to the way buildings reached for the sky. They sculpted their buildings with care, even fashioning them the way a sculptor would. Raymond Hood, the architect of Rockefeller Center and such skyscrapers as the New York Daily News Building and the American-Standard Building in New York and the Tribune Building in Chicago, made architectural models of clay.

In those days, that sculptural quality counted. A skyline was important to George Merrick in his development of Coral Gables. He insisted, in 1925 or so, that the buildings for his city beautiful have exquisite rooflines. A decade later, Miami Beach's art deco buildings soared upward loftily, their giddy towers and spires flamboyantly posed against the blue of the sky.

A compelling skyline communicates the essence of a city, its vibrance, its sophistication. It is more than just tall buildings. It is more than just rooftops, although the tops of our tall buildings bear far more attention than they sometimes get. It is not isolated buildings that just happen to be built near one another. It is not a single flamboyant gesture, intended to rivet attention, the way the Transamerica pyramid -- an awful building -- does in San Francisco.

A skyline depends on the spacing of the city, on rhythm and form. It can, if the proper sensibilities prevail, even narrate a city's architectural history, demonstrating the fashions of decades past. It may teach us history or geography; it should certainly enchant and absorb us.

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Downtown Miami's skyline should be enchanting, a tropical paradise in profile. The Miami viewed from afar could tell the city's story: a glamorous resort town that grew up to be a multinational metropolis.

For some decades Miami's skyline was really just the Freedom Tower and the Dade County Courthouse etched against the sky. Then came the modern boxes, clumsy tall buildings such as Amerifirst and One Biscayne Tower that were plunked down on the street with much too little consideration of what they did to the city or its skyline.

Those years -- the '60s and '70s -- were lean years for architectural imagination in South Florida, years when minimums sufficed and repetition ruled. It was the era of the big box, of the flat roof and, in every city, of the skyscraper so anonymous that it could have been anywhere in the world. That began to change slowly, starting in the late '60s, with Skidmore, Owings and Merrill's Sears Tower in Chicago, oddly the world's tallest and appropriately harking back to the wedding-cake tops of older tall buildings; with Philip Johnson's slant-roofed buildings for Pennzoil Place and Hugh Stubbins' dramatic, sky- piercing roof for Citicorp. Ultimately came Philip Johnson's gothic glass PPG tower in Pittsburgh, his Chippendale-topped AT&T building in New York. Once again, we are building cathedrals to commerce.

Our cities are the better for this, too. Invention and independence are being regained.

In Miami, the new Southeast Financial Center, with its serrated edges and partial ziggurats, is just the beginning. It looms over its neighbors, formerly Miami's tallest buildings. Yet, in profile, it is a surprisingly graceful building, and the city is transformed, for the better, by its presence. It is just a beginning.

Soon, the upper reaches of Miami's skyline will begin to fill out with other buildings of some promise -- among them, the crisply curved World Trade Center, by Harold Fredenburg of I.M. Pei and Partners, and sculpted glass Freedom Tower Plaza, by Frederick Stahl and Welton-Beckett -- buildings that will reach for the sky with a sense of grace.

They are our best hope. Miami could have ended up with a skyline so indistinct that it could be Houston's or Toronto's. To a certain extent it still could happen. Without diligent attention to the architectural whole, the Miami of tomorrow could still be made so mundane that were it not for the royal palms, it could be anywhere, not here.

Urban design is a risky business. Past controls over downtown development have not served to enhance the city, necessarily.

The state's regional review process, mandated if a building is deemed to have "regional impact," has served merely to create a lot of similarly sized and shaped buildings all over Florida. That is because "regional impact" has been defined as 300,000 square feet of office space, so developers plan buildings that are just smaller than that -- typically under 20 stories and typically squat. These buildings exist not just in Miami, but everywhere in Florida -- Fort Lauderdale, West Palm Beach, Tampa, Orlando. Regional review, however well intentioned, has had a powerful but not necessarily beneficial impact on the state's skylines.

Both downtown Miami and downtown West Palm Beach have been allowed to grow without master plans, and that can be disastrous. The absence of planning often breeds small-minded architecture and unfocused development. It is not, usually, good for a city's physical image.

Miami's longtime downtown zoning was merely a height limitation of 300 feet, but it didn't guarantee anything. Developers gained exemptions from that limitation so the result was planned incoherence, and the skyline suffered as well.

In the end, there ought to be a strategy, an urban design scheme that takes the eventual skyline into account. It is as simple as sketching it out, as complicated as developing a master plan for light corridors and building shadows, for protecting the space around old buildings and safeguarding the views of monuments. With a skyline plan in New York, the Pan Am Building could never have blocked Grand Central Station nor could it have overpowered Park Avenue as it did. With a skyline plan in San Francisco, Transamerica might not have happened.

If a good city silhouette depends on how buildings reach the sky and on what they do when they get there, we ought to find ways to encourage good design. Rooftops are important. The ugly mechanical topnot on Octavio Buigas' One Corporate Plaza in Fort Lauderdale is an insult. The good fun of Arquitectonica's red triangle atop the Atlantis is diminished by the competition of the mechanical systems.

New York's new midtown zoning encourages ziggurats and rooftop setbacks, so it is possible to legislate -- or at least promote -- interesting building configurations.

It is important for our cities to maintain a sense of hierarchy, as well. West Palm Beach is allowing a row of new buildings to obscure its lakefront, letting them intervene between city and water. A city needs order and focus if it wants to have a picture-postcard image in the end.

This is nitty-gritty stuff, but it is not merely a graduate- school exercise in urban design. If our cities are made beautiful, we are all the richer when we look at them.

The office buildings of a city may be for its workers; the neighborhoods for its families; the monuments for its visitors. The city may be many things to many people, but its skyline is for all of us to look at and remember. And in that way, the skyline is for our souls.

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EVERYTHING YOU ALWAYS WANTED TO KNOW BUT WERE AFRAID TO ASK

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Byline: BILL COSFORD Herald Columnist

Body

Here we are in the city of myth, where merely getting around poses big problems. Though there is folk wisdom to the effect that New York is a nice place to stop in and a lousy place to live, the summertime tourist is likely to find it pretty grim to visit as well--at least until some of its secrets are revealed.

Once those secrets are out, New York (especially Manhattan, which is most New York tourists' prime destination) seems to shrink, become more manageable, less scary. So here's a Big 10 and a Little 5 of inside tips, gleaned over years of visits:

1. Are subways safe?

Safer than the streets above them, yes. It's statistically proven, you can look it up. More than that, the subways are such an integral part of life in the city that no tourist should come and go without experiencing them. Finally, the several systems give the visitor the cheapest and quickest way to get around in many situations. Of course, mastery is not possible during a week's stay; it remains beyond the ken of many native New Yorkers.

But for the kind of quick location-shifting visitors on time budgets need, the subway can often be the key. Common-sense caveats remain in place: Use the subway when lots of other folks are using it--the hours of daylight are generally quite safe on the "safe" lines. Stand with others on the platform (the city has designated special off-peak waiting areas for nighttime travel). Be particularly wary at 42nd Street stops, which are the ones

with the most jostlers, pickpockets and scam artists. And don't be afraid to ask others on the platform if you're confused about which train or where it goes. New Yorkers who will ignore a body on the street grow positively effusive when discussing subway tactics.

Novices need know about only a few trains to get Uptown and Downtown. The B and D Trains run up Sixth Avenue (Avenue of the Americas) from Greenwich Village and then cut across to Columbus Circle at Central Park South. Use the No. 1 train, the Broadway Local, to get from Penn Station, say, to Lincoln Center, the Museum of Natural History and the yuppie headquarters along Columbus Avenue.

Buy a supply of tokens ($1 each) at the underground fare booths as soon as you can. Pocket maps of the subway system cost about $1 and are available at most book and periodical stores (but not most newsstands).

2.How do you catch a cab?

At rush hours, with much luck. In the rain, not at all. But cabs can be gotten, and with dispatch. As with the subways, part of the trick is common sense. Around 7 p.m., when the theater rush begins, cabs are scarce. The smart thing to do is to pick a restaurant within walking distance of your theater, make a 6 p.m. reservation and start hunting a cab at 5:30. You'll make it.

To hail a cab, you really do have to walk into the street and wave--it's just like the movies. It's easier to get a cab if you're traveling as a couple. Small groups, for some reason, seem even luckier.

New York cab drivers are not what they once were; increasingly, they are recent immigrants with a rudimentary knowledge of English and even less fluency in city geography. If possible, before getting into a cab know how to describe your destination in terms of intersections. Get your restaurant or theater to tell you the exact location--"That's 44th between Fifth and Sixth," for instance. And don't forget that despite their shortcomings, New York cab drivers expect a tip of 20 per cent. It is the going rate.

3.Are buses of any use?

They are the best-kept transit secret in New York, as widely ignored by tourists as they are used by natives. But only for crosstown, and only if you have the time. Crosstown (east- west) traffic in New York moves at notoriously slow speeds, and it is not uncommon to watch as pedestrians outside pass your bus. Nonetheless, visitors tend to have tired feet rather early in a New York day, and buses, which are usually air conditioned as well, come to seem like the height in luxury. Bus schedules are of little use to the novice--New York buses, like buses everywhere, do not run on time. But the system is easy to use. Go to the bus stop on any major street (42nd, 57th, 72nd, etc.) and get on any bus headed your way. For at least a few blocks, it will take you closer to where you're going; many crosstown buses connect the major far-east and far-west avenues directly. You can go wrong only by a block or two even if you get on the wrong bus.

4.Is it sane to drive in Manhattan?

No, but it is possible. Obviously, you must have a clear idea where you're going--there's no opportunity to ask directions--and some confidence in the layout of the streets and avenues, many of which are one-way. Good brakes and matching reflexes help; New York traffic moves at a slow average speed, but can be quite brisk up and down the avenues.

The real problem is parking. Again, there are tricks. For those willing to take the chance, onstreet parking is possible in some surprising locations--right on Sixth Avenue near Central Park South, for instance, and along Park Avenue--but only at certain times. Generally these are just after rush hour, or at selected late-night and weeknight times. Parking lots and garages, particularly those near the theater district, are quite expensive--$15 for a few hours each evening is not unusual. But there are bargains, again usually at "off-peak" times. It's possible to park all day in Lincoln Center's guarded garage for less than $10, for instance-- if you get there early on a day with no matinee performances.

Some hotels, notably the Algonquin (smack in midtown, on 44th Street) offer free parking all weekend for guests. When in doubt about onstreet parking, pay the garage; New York employs a fleet of tow trucks, and they use them. Reclaiming a towed car in New York is one of the city's truly nightmarish experiences, and considerably more expensive than any parking fee.

5.How do you find addresses in Manhattan?

You don't, not by any rational formula. Though the streets (east-west) and avenues (north-south) are laid out in a fairly conventional grid, the numbering of buildings was conducted according to arcane ritual, and is for all intents and purposes incomprehensible. The address, 1300 Broadway, for instance, is not at the corner of Broadway and 13th Street; it's near 34th. If you really need to be able to translate street addresses, buy the Manhattan address-finder at a book store. Without it you, and many New Yorkers, are lost.

6.What's the best airport to fly into?

It's not in New York. Newark International, across the Hudson in New Jersey, is still less congested than LaGuardia or Kennedy despite the presence of Peoples Express. Arrival delays are not as frequent as at the New York airports. Driving time to midtown Manhattan is comparable--often shorter--than that from LaGuardia, and always much better than the trek from Kennedy, though cab fare can run considerably higher (up to $35). There is a major bargain, however: Express buses

run from Newark Airport to either Port Authority Bus Terminal (Eighth Avenue at 41st Street) or Grand Central Terminal, for $4 and $5 respectively.

7.What is the best tourist attraction in the city, really?

The ***Empire State Building*** is still great, and so is the observation platform at the World Trade Center. But the best remains the Circle Line Cruise around Manhattan, which comes with a wry narration as well as panoramic views of the city, including areas most visitors otherwise never see. The boats are large, with plenty of indoor and outdoor seating; snacks, soft drinks and beer are sold on board. At $12 ($6 for children under 12), this may be New York's biggest bargain as well. Tours leave frequently during the season, from Pier 83 (42nd Street at the Hudson River). It's wise to call--(212) 563-3200--during busy times.

8.What restaurant really has the best view of the city?

One must get out of the city to look back at it, and this may be done most spectacularly from the River Cafe, an anchored barge at 1 Water St. in Brooklyn Heights. The place is expensive and the cuisine, nouvelle and traditional American, seems to pale beside the view. But that view! The Brooklyn Bridge appears to rise from the restaurant itself, and then beyond is all of Lower Manhattan and much of midtown.

9.What's the best bar?

A three-way tie, depending on ambience required and acknowledging that we're now on very personal ground. The Algonquin lobby (in the hotel at 59 W. 44th St.) is plush, famous and still a favorite spot among people from the theater and publishing, as well as visiting film stars and European tourists.

For romance, an east-side favorite is Beekman Tower, atop an apartment house at First Avenue and 49th Street. The lounge has a piano bar and the usual accoutrements, but the real appeal is the terrace that runs outside the bar on all four sides of the building. The place is rarely crowded, and the view is impressive in all directionse.

For sheer view, the lounge at Windows on the World at the World Trade Center. It's not intimate--most tourists seem to find it sooner or later--but it sure is high. Note: no jeans or shorts; men must wear a jacket.

10.Where's the best place to see Broadway stars?

Joe Allen, a pleasant burger-and-quiche spot, open late, in the district (326 W. 46th St.). Joe Allen is still comfortable, unpretentious and reasonably priced after all these years.

11.Is it true that Woody Allen plays clarinet at Michael's Pub on Monday nights?

Yes. When he isn't otherwise engaged and feels like it, which is often--and almost always on Oscar Monday--Allen sits in with the Dixieland New Orleans Funeral and Ragtime Band, beginning at 9. He's good, and so is the food. Michael's Pub is at 211 E. 55th St. (just east of Third Avenue).

12.Is it worth it to try to go to Elaine's?

Not unless your need for a celebrity fix is feverish. Non- regulars are not embraced, almost everyone waits for a table and no one eats very well. Besides, the only star you can count on is Allen, and he's easier to find at Michael's.

13.Where does all the steam come from that rises from the manhole covers?

New York buildings are steam-heated by a network of pipes connecting them to several power stations. The pipes leak.

14.Whatever happened to Hell's Kitchen?

They renamed it Clinton. Neighborhoods are constantly being renamed in New York, for reasons that remain obscure. The "triangle below Canal" Street magically became TriBeCa a few years back, when it replaced SoHo ("south of Houston" Street) as a hot spot.

15.Where is the Statue of Liberty?

New Jersey. New Yorkers' protests and recent litigation to the contrary, Liberty Island is nearly a mile inside the Jersey side of Upper New York Bay.

Bill Cosford grew up in New Jersey, still visits New York frequently, and rides the subways night and day.

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Tiny Kong, Rosebud illustrate tricks of film trade

The Globe and Mail (Canada)

August 8, 1986 Friday

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Byline: MICHELE ABRUZZI

Body

King Kong would have been no match even for a chihuahua; the ape that scaled the ***Empire State Building*** was a rust-colored toy monkey about 10 inches tall. On screen his height varied from scene to scene, ranging from about 25 to 60 feet. And the diminutive, salmon-colored piano in Rick's Cafe on which Rick (Humphrey Bogart) asked Sam (Dooley Wilson) to play As Time Goes By did not sound a note of the tune that has become synonymous with romance. Another piano was dubbed in.

An exhibition called Hollywood: Legend and Reality, at the Cooper-Hewitt Museum until Oct. 12, tells this and more about the Dream Factory over the past 70 years.

''The real thing in a sense is the illusion,'' curator Michael Webb said. ''We want to get people thinking about how films are made, to realize it is illusion and fantasy as well as a wonderfully ingenious box of tricks.''

The items in the exhibit were gathered from around the world. Bits of film gossip and history, production notes, old movie posters, props and even the best movie Oscar won by Gone With the Wind in 1939 - still the most popular movie according to a recent poll - make up the displays.

Clips from 44 classic films are shown on different screens on the two floors and in the garden of the museum.

Tiny Kong sits in a glass case, as does Rosebud, the sled which was the clue in the 1941 black-and-white masterpiece Citizen Kane and which turns out to be small and red. Director Steven Spielberg lent Rosebud, which he bought in 1982 for $60,500, and, from his 1982 movie E.T., a miniature bicycle with the boy Elliott and E.T. on board.

A Beverly Hills dentist, Gary Milan, lent the piano from Rick's Cafe, which he bought for about $2,000 and which has since been appraised at more than $200,000.

Webb said special effects have not changed much over the years: ''The tricks used in King Kong are essentially the same tricks used in Star Wars and E.T. The difference is we now have computers and that makes it a lot easier.''

The turret from the 1924 movie The Thief of Baghdad was less than two feet tall, but suspended before the camera the miniature appeared real.

Ignacio Duran

The spaceship from Close Encounters is, like the Milennium Falcon from Star Wars, tabletop- size. The Gozer temple from Ghostbusters is only slightly larger.

Yoda is here, along with the first model of E.T., Darth Vader's helmet, a Gremlin and the spinning head dummy used in one of Linda Blair's scenes in The Exorcist (1975). Other nostalgic props are Rudolph Valentino's suit of lights from Blood and Sand, a Keystone Kop's helmet, gowns worn by Marilyn Monroe and Greta Garbo, Ray Bolger's Scarecrow costume from The Wizard of Oz and Audrey Hepburn's flower seller outfit from My Fair Lady.

Even Mae West's gown from I'm No Angel seems smaller than one would expect, given her voluptuous figure.

Fred Astaire's patent leather dancing shoes from Top Hat sit next to shoes worn by Shirley Temple in 1937.

Visitors learn that by the mid- 1930s, Temple had succeeded Mae West as the top star at the box office. And that around 1918, Douglas Fairbanks, Mary Pickford and Charlie Chaplin were earning about $1-million a year each.

Among the art works on view is Edward Hopper's New York Movie, a brooding 1939 painting of a blond usher standing off to the side in a darkened theatre. Outside the museum is a colorful construction by Red Grooms called Way Down East, recalling D. W. Griffith's 1920 film.

Displays also trace the creation of Gone With the Wind. Warner Brothers offered Errol Flynn and Bette Davis as Rhett and Scarlett, but Clark Gable and Vivien Leigh won out.

An Ohio fan wrote to producer David O. Selznick in support of Mae West as Scarlett. ''She is charming and loveable,'' wrote Eva Bole. ''She is as young as anyone when made up.''

Selznick, meanwhile, cabled the film's principal backer after finishing the final scenes: ''I am going on the boat Friday night and you can all go to the devil.''

At video stations in each room, scenes from great films play. Fred Astaire and Ginger Rogers whirl through a dance number in Top Hat, Claudette Colbert shows Gable how to hitchhike in It Happened One Night (1934) and Marlon Brando says ''I coulda been a contender'' in On the Waterfront.

Paintings used as backdrops to create the attack scenes in The Birds, the Emerald City in The Wizard of Oz and Mount Rushmore in North by Northwest show a little about Hollywood's tricks. In The Birds, Hitchcock used a combination of live action, matte paintings and painstakingly created special effects to create terrifying scenes of birds running amok.

The exhibition was seen in Washington earlier this summer. From New York, it is scheduled to go to Miami, Cincinnati, Denver, Los Angeles,

Japan and probably Europe.

There seems to be no reason to fear that seeing all these dreams dissected will spoil the magic for fans.

''Your feelings about the film really aren't affected by the fact that you've seen that one little thing,'' said Webb. ''The real thing is far less alluring than the image.''

Or, as director Ernst Lubitsch remarked while filming Ninotchka, ''There is Paramount Paris and Metro Paris and of course the real Paris. Paramount's is the most Parisian of all.''

Graphic

Illustration

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THE APPLE OF ALL EYES IN N.Y.C. EMPIRE STATE, 102-STORY KING

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Byline: JOE STARITA Herald Staff Writer

Body

It is a stunning November morning, cool, clear and sunny. Precisely the kind of morning proprietors of the world's most famous building crave. For on mornings like this, they like to boast, "you can see forever."

Inside the ***Empire State Building***'s street-level elevators, hunkered 102 stories below the upper-most observation deck, a fresh pod of foreign nationals braces for the view. Soon, they are clicking off the floors in unified fascination: quarante, cinquante, soixante, soixante-dix, quatre-vingt.

At the 102nd floor, the doors open and, en masse, they step to the viewing deck. The collective gasp is long and loud and not without some justification.

From their granite and limestone perch in the heavens -- 1,250 feet above the nearest manhole -- they can now see nearly half the

nation's 13 original colonies: New York, New Jersey, Pennsylvania, Connecticut and Massachusetts.

Below, the spiderweb of bridges -- Verrazano, Brooklyn, Manhattan, George Washington and Queensboro -- glistens atop the waters. To the south, there is the Statue's burnished torch. To the north, the abundant, flaming foliage of Central Park. Mighty piers line the west side, the Chrysler and U.N. buildings flank the east. And everywhere else, pedestrians, cars and even 40- story skyscrapers have been reduced to ridiculous proportions.

"It is strange. It doesn't seem real," observed Judy Whittaker, 33, a first-time viewer born, raised and still living in Bristol, England.

"When you're down there," she said, pointing at the ribbon- like streets below, "there's so much noise and commotion. You can't hear yourself think and you can't even see the tops of most buildings. Now, it's completely quiet. You're looking down at all the other buildings.

"I must say," said Whittaker, one of 70 million visitors who's taken in the 80-mile, 360-degree sweep, "that I've never seen anything quite like it."

* * *

She may be right, because never has there been anything quite like it.

This month, the majestic, soaring skyscraper officially joins the ranks of America's national historic landmarks.

Thirty-one years ago, in 1955, the American Society of Civil Engineers went even further: They anointed the building as one of the Western Hemisphere's Seven Modern Wonders.

Consider that nothing on that scale had ever been attempted before. Then ponder some of the numbers involved. Then look at the results. It helps explain the engineering society's pronouncement.

Completed on Nov. 13, 1930, it took 410 days, seven million man-hours and $24.7 million to erect the ***Empire State Building*** -- 365,000 tons of Indiana limestone and granite that rises 1,454 feet on two acres of land above 34th Street and Fifth Avenue. Its 6,500 windows enclose 37 million cubic feet of space, including 73 elevators -- some of which travel 1,200 feet a minute.

The ***Empire State Building*** is headquarters for more than 850 tenants. To keep them warm in winter and cool in summer, there are 50 miles of radiator pipe and 7,500 tons of refrigeration equipment.

These tenants use 1,060 miles of telephone cable, consume 40 million kilowatts of energy annually (supplied by 2.5 million feet of electrical wiring) and use 26,500 cubic feet of water (courtesy of some 70 miles of pipe) each day. They also generate about 100 tons of trash each year - removed by a full- time janitorial staff of 250.

From time to time, the building's powerful lights also help get New Yorkers in the proper mood. For Christmas, its pinnacle is bathed in red and green. For Halloween, a bright orange. On the Fourth -- red, white and blue. On Oct. 12, 1977, the building was awash in white and blue, trumpeting the Yankees' World Series triumph. Last month, it flashed the Mets' colors.

On foggy nights during spring and autumn, however, the giant floodlights are turned off. Otherwise, it is feared, the lights would confuse migratory birds, causing them to crash into the building.

On July 28, 1945, a B-25 did crash into the building's 79th floor, killing 14 and opening a $1-million gash in the structure.

And 12 years earlier -- in 1933 -- the building again came under assault, this time in legendary fashion.

Its assailant?

Why, King Kong, of course.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: CIVIL ENGINEERING (78%); ENGINEERING (78%); HISTORIC DISTRICTS & STRUCTURES (73%); HISTORIC SITES (66%); BUSINESS & PROFESSIONAL ASSOCIATIONS (60%); TECHNICIANS & TECHNOLOGICAL WORKERS (60%)

Organization: UNITED NATIONS (55%)

Geographic: NEW YORK, NY, USA (93%); BRISTOL, ENGLAND (54%); NEW YORK, USA (93%); MASSACHUSETTS, USA (79%); PENNSYLVANIA, USA (79%); CONNECTICUT, USA (71%); NEW JERSEY, USA (71%); UNITED STATES (93%); ENGLAND (74%)

Load-Date: November 12, 2009

Empire State Building fire forces hundreds into street

The Globe and Mail (Canada)

August 13, 1988 Saturday

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Length: 232 words

Byline: AP

Dateline: New York NY

Body

Associated Press
NEW YORK
A fire that spread smoke through the upper floors of the 102-story ***Empire State Building*** yesterday forced hundreds of tourists and office workers out on to steamy city streets before it was put out two hours later.

The fire broke out about 1 p.m. in a utility room on the 86th floor and spread up a shaft to the top floor, the fire department said.

Three fire fighters required treatment for heat and smoke, and one was taken to hospital. One building occupant had a cut on the arm.

No one was trapped, and elevator service was not disrupted.

About 1,500 tourists visiting the observation decks on the 86th and 102nd floors were among those told to leave the building, a spokesman for the building's owners said.

Fifth Avenue traffic was backed up for more than 20 blocks north of 34th Street. The fire department had 40 trucks and 125 fire fighters at the scene.

'There was lots and lots of smoke, but that's all," said Tracie Ricks, who works on the 65th floor. A colleague, Karen Mial, said: 'Everyone was kind of nervous. But there was no problem getting out.' The ***Empire State Building*** is probably best known as the site of movie ape King Kong's last stand.

Its most serious real-life disaster occurred on July 28, 1945, when a B-25 bomber, lost over Manhattan in fog, crashed into the 79th floor. Three crewmen and 11 civilians died and 26 people were injured.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: FIRE DEPARTMENTS (90%); FIRES (78%); WOUNDS & INJURIES (75%); OFFICE PROPERTY (73%); WAR & CONFLICT (64%); office buildings; fires; Empire State Building

Geographic: NEW YORK, NY, USA (93%); NEW YORK, USA (93%); UNITED STATES (93%); New York City

Load-Date: January 10, 2007

EMPIRE STATE BUILDING HIT BY FIRE

The Miami Herald

August 13, 1988 Saturday, FINAL EDITION

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The Miami Herald
Found on Miami.com

Section: FRONT; A; Pg. 7

Length: 294 words

Byline: From Herald Wire Services

Body

A smoky fire spread through the upper floors of the ***Empire State Building*** on Friday, forcing about 1,500 tourists from two observation decks, knocking radio stations off the air and stopping traffic.

No serious injuries were reported.

The electrical fire began about 1 p.m. in a utility shaft on the 86th floor and spread to the top of the building at the 102nd floor, where the enclosed observation deck is located. All 17 floors were evacuated, said Acting Fire Chief Homer Bishop. Elevator service was not disrupted.

Three firefighters required treatment for heat and smoke in the 93-degree weather, and one building occupant suffered a cut arm, a fire spokesman said.

At least seven radio stations that transmit from the spire of the Art Deco skyscraper were knocked off the air, and Fifth Avenue traffic was backed up for more than 20 blocks.

Those evacuated included tourists visiting the observation decks on the 86th and 102nd floors, said Nick Cavatoro, a spokesman for the building owners. He said the decks would reopen today.

"Everyone was kind of nervous. But there was no problem getting out," said Karen Mial, who works in the building.

The fire was brought under control at 2:42 p.m. About 125 firefighters using more than 40 pieces of equipment were at first hampered by a lack of water pressure because a pump on the 84th floor was not working properly, officials said.

Completed in 1931, the 102-story ***Empire State Building*** was once the tallest building in the world, and was the site where movie ape King Kong made his last stand. In addition to being a tourist attraction and city landmark, the structure serves as an office building. On a clear day the view from its highest observation tower embraces an area with a circumference of almost 200 miles.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: WOUNDS & INJURIES (90%); FIRES (90%); TOURISM (78%); CITY GOVERNMENT (75%); DESTINATIONS & ATTRACTIONS (73%)

Load-Date: November 12, 2009

SPORTSPLUS They're even climbing the walls now to get into exciting sport

The Globe and Mail (Canada)

September 30, 1988 Friday

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Length: 704 words

Byline: MARLENE WERNER; NYT

Body

BY MARLENE WERNER
New York Times Service
Not since King Kong scaled the ***Empire State Building*** has sport climbing captured so much attention.

Sport climbing , or scaling man-made vertical walls with adjustable footholds and handholds, has been a popular sport for many years in Europe.

Other than a few well-publicized climbing exploits up the sides of skyscrapers, however, it has been relatively unknown in North America.

Now custom-made climbing walls are popping up here and there, and in June, the Snowbird Ski Resort outside Salt Lake City was host of the first International Sport Climbing Competition in North America.

Thirty-six of the world's top climbers competed on a 35-metre wall that had been constructed on one side of the main lodge at a cost of $100,000.

The 11-story-high wall is the pet project of Snowbird's owner, Dick Bass, a world-class mountain climber. The wall, coated with crushed rock, set with tiny handholds, thin ledges, minute bulges and daunting overhangs, is now open to the public for lessons and supervised climbing.

The essentials of sport climbing are climbing shoes, harnesses, safety ropes and helmets. Handholds and footholds are adjusted in bolts to provide courses for each level of expertise.

For beginners, the big holes are placed close together; for intermediates, a few of the holes are taken away; for advanced climbers, the footholds are smaller and farther apart.

The beauty of the sport, according to enthusiasts, is that anyone can do it, and on a sunny afternoon at Snowbird, Anne and Marty Johnson of Orem, Utah, tried.

The highest Anne ever climbed was 'up a ladder to get my parakeet stuck in a tree.' Marty had never climbed anything.

First, they received beginning rock-climbing instructions: 'Get as much of your foot on the holds as possible . . . Try to use the strength of your legs instead of pulling yourself up on your fingers . . . And don't worry, you will be roped so if you do fall, there's no danger.' Marty, a purchasing agent, laughed nervously, suited up, was hooked to

a rope belayed around a tree and into a bolt six stories high on the wall, took one last look at the safety rope and started climbing the wall.

Choosing his handholds first, then dragging each foot to the nearest foothold as a technician let out slack on the safety rope, Marty climbed more than one and a half stories before yelling down, 'I'm pooped, my arms are shaking and I'm ready to come down.' With the technician taking slack out of the rope, Marty lowered himself to the ground, announced it was 'exhilarating but tiring,' and massaged his upper arms.

Anne, a programmer-analyst, listened to last-minute instructions, suited up and asked, 'You sure you got me on that rope?' Then Anne faced the wall to the cheers of six of her children, placed a foot on the foothold nearest the ground and climbed.

Slowly but meticulously she reached for each succeeding handhold, bringing her foot to the matching foothold and climbed higher than Marty did, then stopped. 'I can't reach the next one. My legs are too short.' 'I can pull you up on the rope,' the technician assured her, and with a little help, Anne reached the next hold and climbed higher.

Then she said she was ready to quit and climb down, but one of her teen-agers yelled, 'Come on Ma, one more step for mankind,' so she reached for the next hold, but her foot slipped and she fell, dangling by the safety rope.

Color drained from her face momentarily, then still dangling from the rope Anne smiled and, to the cheers of her children, she was lowered down on the rope.

'That was fun,' she exclaimed. 'The rope is wonderful. You know you're supported, so you're willing to reach up even farther.' Sport climbing requires strength, balance, flexibility, power and grace or as Lynn Hill, one of the top female climbers in the world, observed, 'It's like vertical dance.' Climbing the wall is more difficult than rock climbing because there are no varying pitch and ledges to stand on or rest, and your arms are above your head at all times.

Demonstrating the correct technique, Randy Kieliszewski, a wall technician, climbed the wall to the roof of the 11-story building in under six minutes. But then, Randy practices on a 5-metre wall at home.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: CLIMBING (96%); MOUNTAIN CLIMBING (78%); SKIING (78%); EXTREME SPORTS (78%); ROCK CLIMBING (78%); SPORTS (73%); SPORTS & RECREATION (73%); MOUNTAINS (73%); Sport climbing

Geographic: SALT LAKE CITY, UT, USA (79%); UTAH, USA (79%); NORTH AMERICA (93%); UNITED STATES (79%)

Load-Date: January 10, 2007

Famed Empire State Building is still the star of Manhattan

The Globe and Mail (Canada)

May 31, 1989 Wednesday

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Length: 846 words

Byline: NINO LO BELLO; SPCL

Dateline: New York NY

Body

BY NINO LO BELLO
Special to The Globe and Mail
NEW YORK
HEY, WHATEVER happened to the tallest building in the world? It's no longer the tallest? So why does it still continue to draw tourists, a stunning 35,000 on certain days. Answer: it's simply the place to visit.

The biggest thing to hit the ***Empire State Building***, PR-wise, was King Kong, and though the big ape is not around these days, the building is still the star of Manhattan's skyline, and remains probably the most famous skyscraper in the world.

The ***Empire State Building*** observation decks on top are one of those tourist sites that you simply must visit twice - once in the daytime when the weather is okay and then again at night to see the city lights. From the 86th-floor Obervatory on the outdoor promenade deck, you get a 360-degree view for as far as 125 kilometres.

Of course, the big show up there is what lies below - the Manhattan island of steel, concrete and glass rising out of the sea, the Lilliputians down there moving to and fro in their tiny toy-like autos, the Statue of Liberty over yonder and the green stretch that is Central Park. If you want to go up another 16 stories to the 102nd floor, you'll get a still better vantage point, but at that level you're glass-enclosed. Either way, what a spellbinding experience for any visitor. You may never want to come down to Earth again.

Standing aloft 453 metres above sea level, the ***Empire State Building*** dominates Fifth Avenue at 34th Street where it commands a neck-straining upward ogle.

Visitors can start going to the top from 9:30 in the morning until midnight, seven days a week, including all holidays. No matter what time you go, expect the place to be crowded, since tourists from all over the world flock to this New York City landmark.

At that height you may not see Fay Wray in peril, but you can see New Jersey, Pennsylvania and Connecticut. Another eye-grabber is to spot ships more than 65 kilometres out into the Atlantic Ocean when the visibility is good. Another supreme oddity that some lucky people get a chance to view is snow that can be seen falling upward, a climatic idiosyncracy.

High above the sidewalks of New York, you get phenomenal views of all

four sides of the Big Apple. Look to the north and you take in St. Patrick's Cathedral, Rockefeller Centre, the George Washington Bridge and Yankee Stadium - with Central Park nestling in the bosom of high-rise apartment buildings. Now peer to the east toward the East River and you see the United Nations Building, the Whitestone and Triborough Bridges and Long Island Sound. A vista of the south gives you Wall Street, the World Trade Centre, the Brooklyn Bridge and its big brother the Verrazzano, the Statue of Liberty and the famous Flatiron Building. To the West is Madison Square Garden, the Hudson River, New Jersey and the rest of the United States.

At night everything changes. The view from the top is incomparable, for it is a Salvador Dali spectrum of lights and stars frolicking against an inky panorama. The ***Empire State Building*** itself is lit up every night from the upper 30 floors either in white or in a selected color arrangement for special events. The floodlights are strategically positioned so they do not interfere with the nighttime view you get from either of the two observatories. Whether you see New York's architectural splendor at night or in sunlight, the tower always glistens magnificently because it is made of Indiana limestone and granite trimmed with sparkling stainless steel.

And what about the lobby, itself a work of art? The marble alone was ever so carefully chosen from quarries in Italy, France and Belgium, with particular attention being paid to the right colors and graining. The lobby's eight original paintings were created by artist Roy Sparkia and his wife Renee who used a technique to paint with light as well as color - their subjects were the Seven Wonders of the Ancient World and the Eighth Wonder of the Modern World (you have only one guess as to which building that is).

The main floor and the concourse down below comprise a city of shops. The Guinness Museum of World Records is there, and contains several interesting facts about the building, including: the ***Empire State Building***'s 6,500 windows are washed on a never-ending basis; and its 73 elevators, use 11.2 kilometres (seven miles) of shafts, and operate at speeds of up to 369 metres a minute, and have lugged more than 75 million people since the building opened in 1931.

Up there on top, a number of couples have been married, nearly 20 persons have managed to jump to their death, and quite a few have had their ashes strewn to the winds. For the past 10 years or so there has been an exciting annual race up the 1,575 steps to the 86th floor - the best time, so far, being 12 minutes and 19 seconds.

In 1955 the American Society of Civil Engineers honored the ***Empire State Building*** as one of the Seven Modern Wonders of the Western Hemisphere. So even if the towering giant has been one-upped by several other buildings, it still remains one of America's top attractions and certainly one of its tallest stories.

Ignacio Duran

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: PARKS & PLAYGROUNDS (77%); STADIUMS & ARENAS (60%); travel

Geographic: NEW YORK, NY, USA (96%); NEW YORK, USA (96%); ATLANTIC OCEAN (79%); CONNECTICUT, USA (67%); UNITED STATES (96%); New York City

Load-Date: January 10, 2007

STAIR-CLIMBER CONQUERS EMPIRE STATE BUILDING

The Miami Herald

February 14, 1990 Wednesday, FINAL EDITION

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The Miami Herald
Found on Miami.com

Section: LIVING TODAY; D; Pg. 3

Length: 148 words

Byline: Herald Staff

Body

He did it!

Rick Stern, the Weston resident whose childhood dream of simply visiting the ***Empire State Building*** became an attempt to race up all 1,575 of its steps, finished the feat Tuesday morning in 17 minutes flat.

Stern, 41, a marine biology teacher at Coral Gables High School whose unusual replacement for jogging -- stair running -- was profiled in last week's Living section, placed 69th overall of 109 competitors in the New York City Road Runners' ***Empire State Building*** Run-Up. He placed ninth among 69 runners his age.

"It was without a doubt the biggest rush of my life," Stern said. "I wasn't winded, wasn't tired. Nothing hurt. I could have gone at least two minutes faster, but I was scared they'd have to carry me out on a stretcher."

Stern already is planning next year's race.

"The training starts the minute I get home," he said. "I can't wait till 1991."

-- SUSAN MILLER DEGNAN

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: RUNNING (90%); PRIMARY & SECONDARY SCHOOL TEACHERS (71%); MARINE BIOLOGY (71%)

Geographic: NEW YORK, NY, USA (78%); NEW YORK, USA (78%); UNITED STATES (78%)

Load-Date: November 12, 2009

SPEAKER MALFUNCTION CITED IN FIRE EMPIRE STATE BUILDING DAMAGED, 38 INJURED

The Miami Herald

July 18, 1990 Wednesday, FRST EDITION

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The Miami Herald

Found on Miami.com

Section: LOCAL; B; Pg. 4

Length: 374 words

Byline: ASSOCIATED PRESS

Body

The speaker system at the ***Empire State Building*** may have been faulty when a smoky fire erupted halfway up the 102-story landmark, forcing many of the 1,000 people inside to seek their own way out.

"Some people said they heard the alarms. Others said they didn't. But we get that in every fire," said Fire Department spokesman John Mulligan. "There's a speaker system and we are investigating to see how well it worked."

At least four civilians and 34 firefighters were hurt, mostly from inhaling smoke, in the Monday evening fire, Mulligan said. The blaze was confined to four unoccupied offices on the 51st floor, but smoke spread throughout the upper floors.

Sixteen people were sent to hospitals for treatment. A firefighter who suffered minor burns was the only one to be hospitalized.

About 1,000 people evacuated the building down the stairways and elevators, said Fire Department Capt. Charles Kasper. Although 10,000 people work in the building, more than 80 percent of them leave the building at 5 p.m., officials said.

The cause of the fire was not immediately known. "We are trying to find out now who was the last person in the room," Mulligan said.

"There were nothing but tourists up there and there were no announcements," said Josephine Danielson of New York, who was on the observation deck with five friends from Spain. "No one really knew what was going on, not even the employees."

"We started smelling smoke and we saw on the east side of the building dense black smoke coming from below the tower," said Danielson, a Pan Am stewardess. "Whoever runs the observation deck is tremendously unorganized. You would think they would have had some kind of recorded announcement."

Mulligan said the alarm system is designed to ring bells on the floor where the fire occurs and on the floor above it; on other floors, announcements and directions from arriving firefighters should be heard on speaker systems.

Tourists who stayed on the observation deck were eventually evacuated, by elevator, 15 at a time. The last civilian came out at about 10:20 p.m., Mulligan said.

Fire Department officials reported heavy fire damage on the 51st floor, water damage on lower floors and smoke damage above.

All but the 51st floor reopened as usual Tuesday.

Ignacio Duran

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: FIRES (90%); FIRE DEPARTMENTS (89%); FIREFIGHTERS & FIREFIGHTING (75%); SECURITY & ALARM SYSTEMS (72%); INVESTIGATIONS (71%); BURN INJURIES (69%)

Geographic: NEW YORK, USA (79%); UNITED STATES (79%)

Load-Date: November 12, 2009

THE BUSINESS OF BUILDING SKYLINES

The Globe and Mail (Canada)
May 5, 1990 Saturday

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Length: 340 words

Byline: TRISSE LOXLEY; GAM

Body

BY TRISSE LOXLEY
In a city like Toronto, you have to tour the downtown streets every 15 minutes to keep up with the changing skyline.

Depending upon your stance regarding urban renewal, this fact will either endear you to or repel you from PBS's latest offering, Skyscraper (Monday, Ch. 17 at 10 p.m.).

The five-part series documents the construction of Manhattan's Worldwide Plaza, a 47-story tower that now stands on the former site of Madison Square Garden. Five years in the making, the film follows the progress from architect's plans to the building's crowning glass pyramid.
In the first four episodes, the documentary explores the business of building. The layman is introduced to the project's developer (William Zeckendorf Jr.), architect (David Childs of Skidmore, Owings and Merrill), construction manager, design drawings, scale model making and the paramount concern of how to raise $550-million for costs and fill the massive structure with tenants.
For towering figures that seem to appear out of thin air, the processes and struggles seem endless. First, of course, you have to dig a hole and lay a foundation. Then you import steel from Luxembourg and while construction workers swing steel columns into position, architects and developers argue over the color of brick, which is being brought in from Pennsylvania. At the same time Venetian artists are working on the building's granite columns, the first tenants demand structural changes to their space, and the developers learn the copper roof panels must be laid by hand. All this, a hands-on look at skyscraper bricklayers and a visit by Late Night snoop David Letterman add to the excitement and utter confusion.
The final episode is a look at the history of skyscrapers - from Chicago's Home Insurance Building (1885) and New York's ***Empire State Building*** (1931) to today's glass and steel giants. With advancing technology and rising land costs, architects, engineers and developers try to answer the question "Where Do We Go From Here? " The answer, from whatever your perspective, is undeniably up.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: ARCHITECTURAL SERVICES (89%); CITY LIFE (78%); CITIES (78%); URBAN DEVELOPMENT (78%); ECONOMIC NEWS (78%); PUBLIC TELEVISION (77%); DOCUMENTARY FILMS (77%); CONSTRUCTION (76%);

TECHNICIANS & TECHNOLOGICAL WORKERS (70%); MANAGERS & SUPERVISORS (69%); MASONRY CONTRACTORS (65%); LATE NIGHT TELEVISION (63%); television; architecture

Company: SKIDMORE OWINGS & MERRILL LLP (56%)

Industry: NAICS541310 ARCHITECTURAL SERVICES (56%); SIC8712 ARCHITECTURAL SERVICES (56%)

Person: DAVID LETTERMAN (53%)

Geographic: NEW YORK, NY, USA (92%); NEW YORK, USA (92%); UNITED STATES (92%)

Load-Date: January 9, 2007

OBSERVATION POSTS TO WORLD'S MOST FAMOUS SKYLINE NEW YORK'S TALLEST TOWERS OFFER EAGLE'S EYE VIEW

The Miami Herald

April 7, 1991 Sunday, FINAL EDITION

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The Miami Herald

Found on Miami.com

Section: TRAVEL; F; Pg. 6

Length: 1385 words

Byline: ANDREW L. YARROW New York Times Service

Body

One thousand feet above the noisy, crowded, fast-paced world that is street-level New York, the city is transformed into a serene, toylike configuration of buildings, streets, parks and waterways.

Although such vistas are normally restricted to high-flying birds, New Yorkers and visitors can find their own sky-high perches at observation decks atop several skyscrapers and other buildings, or soar above the city by helicopter.

These eagle's-eye vantage points offer a very different perspective on New York from the one at ground-level. The observation decks are also among the city's best tourist bargains.

Breathtaking skyline views can also be had from Circle Line boat cruises, the Brooklyn Bridge walkway, the Roosevelt Island tram, the Brooklyn Heights Promenade, Liberty and Ellis Islands, and the Long Island City, Hoboken and Jersey City waterfronts.

But nothing quite equals the vistas, sensations and photo opportunities from the observatories at the ***Empire State Building*** and World Trade Center.

Panoramic views also can be had atop Belvedere Castle in Central Park and the Soldiers' and Sailors' Memorial Arch at Grand Army Plaza in Brooklyn.

As an architectural symbol of America, probably not even the Capitol in Washington or the Statue of Liberty are as renowned as the ***Empire State Building***. This magnificent Art Deco tower rises 102 stories above 34th Street and Fifth Avenue, and its observatory has welcomed more than 70 million visitors since 1931.

When the building opened during the depths of the Depression, its office-vacancy rate was so high that the owners relied on income from the observation deck to pay their taxes.

The observatory was conceived as a temporary gimmick, with the deck eventually to become a hub for what was thought to be the transportation wave of the future -- dirigibles. The 102nd floor was designed as a dirigible waiting room, according to Laura Fries, the observatory's director, although only two of the unwieldy airships were ever moored atop the building.

Instead the small, enclosed area on the 102nd floor and a larger indoor-and-outdoor viewing deck on the 86th floor have become permanent and immensely popular attractions.

The building boasts a welter of superlatives and gee- whiz statistics. It is 1,454 feet to the top of the lightning rod that King Kong once clasped, although mere mortals can only go 1,050 feet up to the 86th-floor deck or 1,250 feet above midtown to the 102nd-floor observatory.

For more than 41 years, until the World Trade Center opened, this was the undisputed champ: the world's tallest building.

Nighttime visits (until nearly midnight) offer an especially romantic vista. But, whether you go late at night or at midday, the views can be incomparable.

Looking north, the tableau includes Rockefeller Center, Central Park, the George Washington Bridge and even Yankee Stadium. To the east is a mass of midtown skyscrapers, most notably the delicate spire of the Chrysler Building and such modernist landmarks as the United Nations.

Beyond the generally low and dreary buildings to the west is the Hudson River and as much of northern New Jersey as can be seen depending on weather.

In some ways, the most intriguing views are to the south, where the historic precincts of Chelsea, the Flatiron district, Greenwich Village and SoHo suddenly end with a wall of gleaming financial-district high-rises.

Most prominent amid this steel-and-concrete forest are the two towers of the World Trade Center.

These stark, blocklike structures, finished in 1970, were briefly the world's tallest buildings until the Sears Tower in Chicago and the CN Tower in Toronto were completed in the mid- 1970s.

However, the 1,377-foot-high observatory above the 110th floor of Two World Trade Center can still rightfully claim to be the world's highest open observation platform.

What the mammoth office complex may lack in romance, its observation deck makes up for with its views.

The experience begins with the elevator, which soars from the mezzanine to the 107th floor in a stomach-wrenching 58 seconds. Both the enclosed deck on the 107th floor and the open platform, a short escalator ride up, are more spacious than those at the ***Empire State Building***, and the perspectives on New York are decidedly different.

On a clear day -- and October is said to be the clearest month -- you can see 35 miles west across New Jersey and east across the flatlands of Brooklyn toward Long Island.

Although silk-screened diagrams and text on the 107th- floor windows describe what you see, nothing can match the feeling of being on the roof.

The blue platforms, surrounded by many barriers that make accidents a virtual impossibility, are eerily serene. While you can imagine the frantic bustle below, the city is all but mute.

The only sounds are the wind, which can often be intense, and a Babel of languages. (As at the ***Empire State Building***, nearly 40 percent of the World Trade Center's visitors are foreign.)

Early evening is a particularly good time to visit. The sun sets over New Jersey (or is it really Pennsylvania?) and man-made lights gradually turn the city into a glowing panorama.

The chief down side to the ***Empire State Building*** and World Trade Center observatories is the crowds. Lines snake through the ground-level waiting areas, and, in the case of the ***Empire State Building***, visitors have to change elevators at the 80th and 86th floors to get to the top, requiring more waiting.

A viewing deck where lines are almost unheard of is Belvedere Castle in Central Park. This 70-foot-high fantasy creation of Calvert Vaux stands atop Vista Rock, near the park's West 81st Street entrance.

The 118-year-old castle, recently restored, combines Norman, Gothic, Moorish and other styles, and is principally used for nature and arts programs.

Aside from savoring its odd, fairy tale quality, visitors may also climb the 51 steps of its winding staircases to the third terrace, 160 feet above sea level, for views of the park and Manhattan's Upper East and West Sides.

A little known and all too rarely open viewing platform is at the Soldiers' and Sailors' Memorial Arch at Grand Army Plaza in Brooklyn. Although it is just 80 feet high and accessible only by 103 rusty steps on a narrow spiral staircase, the top of the arch offers distinctive views of Brooklyn and Manhattan.

The greatest triumphal arch this side of the Place d'Etoile, it was completed in 1892 by John Duncan to commemorate the victory of the Union Army in the Civil War.

A delicately sculptured bronze quadriga by Frederick MacMonnies tops the arch, with the figure of Columbia on a horse-drawn chariot flanked by two angels heralding peace.

The most enchanting panorama is to the west, where the skyscrapers of Manhattan rise above the four chimneys of the Montauk Club in Park Slope and the copper-topped roof of the old Hotel St. George in Brooklyn Heights. While the Statue of Liberty peers out between two Brooklyn apartment buildings, to the northwest, the Chrysler and Empire State Buildings shimmer in the sun.

For more adventurous souls with deeper pockets, the wildest -- and most expensive -- way of seeing New York from on high is by helicopter.

One sightseeing service, Island Helicopters, offers regular daily tours in which fearless fliers are whisked above the city at speeds of up to 100 miles an hour.

From the vantage point of about 500 to 1,500 feet above street level, a helicopter offers a decidedly out-of-the- ordinary perspective on the city.

The cityscape becomes a jumble of shapes and colors.

Tips of skyscrapers appear beneath your feet, and the layout of Manhattan streets and parks unfolds as if one were looking at a three-dimensional map. Architectural details, like gargoyles high on the Woolworth and Chrysler Buildings, suddenly become apparent, and normally hidden rooftop gardens and pools are revealed.

The views may be dazzling, but if you are not among the lucky seven to have a window seat in Island's 14-seat aircraft, the reason for the flight is largely defeated.

But once the helicopter has made its ascent, the city seems both more complex and much smaller than you had thought.

But with an attentive eye, you can see everything from the Statue of Liberty to the George Washington Bridge in less time than it usually takes to drive a few blocks across midtown.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: PARKS & PLAYGROUNDS (90%); MUSEUMS & GALLERIES (90%); DESTINATIONS & ATTRACTIONS (77%); CRUISES (74%); OFFICE PROPERTY (72%); HELICOPTERS (72%); COMMERCIAL RENTAL PROPERTY (72%); ARMED FORCES (72%); COMMERCIAL PROPERTY VACANCY RATES (50%)

Organization: LONG ISLAND UNIVERSITY (56%)

Geographic: NEW YORK, NY, USA (93%); NEW YORK, USA (95%); UNITED STATES (95%)

Load-Date: November 12, 2009

No Headline In Original

The Miami Herald

February 3, 1991 Sunday, FINAL EDITION

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The Miami Herald

Found on Miami.com

Section: TRAVEL; K; Pg. 2

Length: 444 words

Byline: Herald Staff

Body

A popular sight in New York City is the ***lighted Empire State Building***. Under normal circumstances, the 102-story edifice is illuminated in special colors on 14 special occasions during the year. The current scheme of red, white and blue, however, will remain until American soldiers return from Saudi Arabia. The first light to shine atop the building was turned on in November 1932, when Franklin D. Roosevelt was elected president. In 1956, four revolving beacons were installed and in 1964 the top 30 floors were illuminated at the beginning of the New York World's Fair. Colored lighting was introduced in 1976 for the American Bicentennial. Today, more than 1,100 fluorescent tubes light the structure.

The 500th anniversary of the birth of King Henry VIII will be celebrated in Britain with a number of exhibitions and pageants in places with which he was closely associated. Among them are an art exhibition called Henry VIII -- Images of a Tudor King, on view until April 14 at Hampton Court Palace, which Henry enlarged. The National Maritime Museum in Greenwich, where Henry was born, will mount a showing of paintings, manuscripts, jewelry and Tudor armor May 1-Aug. 31. Tudor banquets and a river pageant also will be staged in Greenwich this summer. A free copy of Forthcoming Events detailing events in Britain for the next 12 months is available from the British Tourist Authority, 40 W. 57th St., New York, N.Y. 10019-4001.

Twenty-four-hour ESPN sports television coverage will be available for the first time aboard a cruise ship on trans- Panama Canal and New England/Canada sailings of Crystal Cruises' Crystal Harmony. Last year, Crystal became the first cruise line to provide 24-hour CNN television service . . . Royal Viking Line will reduce the number of ships in its fleet beginning in April, transferring the Royal Viking Sea to its sister Royal Cruise Line, which will rename it the Royal Odyssey. Early next year, the Royal Viking Line will retire the Royal Viking Sky to make room for its new Royal Viking Queen, now under construction in Germany. Passengers holding reservations on any canceled Royal Viking Sea cruises will receive a full refund, plus a credit on another cruise.

TRAVEL TIP-OFF

For those traveling in Europe who tire of warm beer, inexpensive, ice cold beer can be found in Coke machines at most major train stations in Europe.

Michael F. McCormick

Coral Gables

Tell us your Tip-Off in 100 words or less and we'll pay $10 for the ones we use. Send, along with name, address and telephone number, to: Travel Tip-Off, Travel Section, The Miami Herald, 1 Herald Plaza, Miami, Fla. 33132. We cannot return or acknowledge entries.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: BRITISH MONARCHS (90%); CRUISES (89%); MARINE PASSENGER TRANSPORT (89%); GOVERNMENT TOURIST OFFICES (78%); CALENDARS (75%); ARTS FESTIVALS & EXHIBITIONS (75%); ANNIVERSARIES (74%); PAINTING (73%); VISUAL & PERFORMING ARTS (73%); MUSEUMS & GALLERIES (73%); MARINE VESSELS (72%); TELEVISION PROGRAMMING (69%); CONVENTION & VISITORS BUREAUS (64%); CANALS & WATERWAYS (64%); BEER & ALE (60%); RAIL STATIONS & TERMINALS (50%)

Company: ESPN INC (54%); VIKING LINE ABP (54%); CRYSTAL CRUISES INC (53%)

Ticker: VIK1V (HEL) (54%)

Industry: SIC4841 CABLE & OTHER PAY TELEVISION SERVICES (54%); NAICS483113 COASTAL & GREAT LAKES FREIGHT TRANSPORTATION (54%); NAICS483112 DEEP SEA PASSENGER TRANSPORTATION (54%); SIC4481 DEEP SEA TRANSPORTATION OF PASSENGERS, EXCEPT BY FERRY (54%); SIC4424 DEEP SEA DOMESTIC TRANSPORTATION OF FREIGHT (54%)

Geographic: NEW YORK, NY, USA (90%); MIAMI, FL, USA (79%); NEW YORK, USA (91%); NORTHEAST USA (79%); FLORIDA, USA (79%); UNITED STATES (93%); SAUDI ARABIA (92%); UNITED KINGDOM (90%); GERMANY (79%); PANAMA (79%); EUROPE (66%); CENTRAL EUROPE (52%)

Load-Date: November 12, 2009

FAMED SKYSCRAPER IS OFFERED FOR SALE

The Miami Herald

May 21, 1991 Tuesday, FINAL EDITION

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The Miami Herald
Found on Miami.com

Section: FRONT; A; Pg. 21

Length: 199 words

Byline: From Herald Wire Services

Body

The most famous skyscraper in America -- the ***Empire State Building*** -- is up for sale, guaranteed to be gorilla-free.

The 60-year-old, 102-story building that symbolizes New York City and which King Kong climbed in a movie is being offered by Prudential Life Insurance Co. of America. The building, which opened in 1931, was for four decades the world's tallest.

It is considered a bargain at today's real estate prices because a master lease in effect since 1961 ties up actual control of the skyscraper until 2076. Without that master lease, real estate experts say the price of the building would be more than $600 million.

Prudential, which owns the building and the land it sits on at 34th Street and Fifth Avenue, said it expects bids from around the world.

"It's nothing more than a decision to realize a capital gain, to sell a pretty passive real estate investment," spokesman Scott Peterson said. "We think we can sell now for a good price and reinvest in a more attractive way." No price was specified, he said.

The building currently brings Prudential $3.4 million a year rent, but that shrinks to $2 million next year. The company bought the site in 1951 and the building 10 years later.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: REAL ESTATE (90%); LEASE AGREEMENTS (75%); REAL ESTATE VALUATIONS (75%); RENTAL PROPERTY (75%); PROPERTY LEASES (75%); REAL ESTATE MARKET (70%); REAL ESTATE INVESTING (70%)

Company: PRUDENTIAL LIFE INSURANCE CO LTD (72%)

Geographic: NEW YORK, NY, USA (92%); NEW YORK, USA (92%); UNITED STATES (94%)

Load-Date: November 12, 2009

N.Y. Skyscraper Set to Be Sold To U.S. Investor

The Asian Wall Street Journal

November 1, 1991 Friday

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THE WALL STREET JOURNAL

Section: AMERICAN NEWS; Pg. 2

Length: 470 words

Byline: By Neil Barsky, Staff Reporter

Body

NEW YORK -- New York City's landmark ***Empire State Building*** is set to be sold to a family member of J. Peter Grace, chairman of W.R. Grace & Co. The identity of the family member couldn't be learned.

People familiar with the transaction said the purchase price is $40 million. That figure seems low, considering the size and fame of the spindle-topped tower. But it isn't such a bargain, if the strings attached to the sale are taken into account.

The price for the 102-story building was depressed by the fact that its owner, Prudential Insurance Co. of America, had leased the building to a limited partnership that will pay relatively low rents for the next 84 years. The partnership includes New York real-estate investor Peter Malkin and the octogenarian real-estate mogul Harry Helmsley.

Without the master lease, the 200,000-square-meter building could sell for as much as $450 million, real-estate experts say. The deal had been set to close on Thursday but was postponed. People familiar with the transaction said a condition of the sale was that the buyer not be identified.

The buyer beat out competing bids from potential domestic, European and Southeast Asian purchasers who wanted to own what was the world's tallest tower between 1931 and 1971, and is probably still the world's most famous skyscraper.

As a result of the lease, the buyer of the building essentially is purchasing the lease payments, which total about $3.4 million a year now but go down to $1.9 million a year in January. The payments will drop in 2013 to $1.7 million for the next 63 years.

Given the low return on the $40 million investment, the actual sales price probably will appear high to real-estate experts. People familiar with the sale said tax and estate considerations nevertheless made the sale advantageous to the purchaser.

A spokesman for Prudential declined to comment, as did a spokesman for Salomon Brothers, which served as Prudential's selling agent. A spokesman for W.R. Grace said he had no knowledge of the deal.

Unlike Rockefeller Center, whose sale to a Japanese company unleashed a backlash of anti-foreigner sentiment in 1989, the ***Empire State Building*** isn't considered a lucrative piece of Manhattan real estate. Its fame springs from its tremendous height and beauty, and in the way it frames the Manhattan skyline. The tower has more than 800 mostly small tenants, and a vacancy rate of only about 5%, well below the city's norm.

Prudential purchased the land under the ***Empire State Building*** in 1951 and bought the actual building in 1961. Prudential's total cost is believed to have been about $46 million. In the meantime, the insurer has been receiving favorable rents and depreciating its investment. The building's total cash flow, most of which goes to the partnership, is believed to be about $40 million a year.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: AWSJ

Subject: REAL ESTATE (92%); FAMILY (90%); INSURANCE (89%); LEASE AGREEMENTS (88%); REAL ESTATE TRANSACTIONS (77%); COMMERCIAL PROPERTY VACANCY RATES (74%); RENTAL PROPERTY (74%); TAKEOVERS (73%); REAL ESTATE INVESTING (73%); LIMITED PARTNERSHIPS (69%); C18 Ownership Changes; C181 Acquisitions/Mergers/Takeovers; CCAT Corporate/Industrial News

Company: W R GRACE & CO (92%); PRUDENTIAL INSURANCE CO OF AMERICA (70%)

Ticker: GRA (NYSE) (92%)

Industry: NAICS325130 SYNTHETIC DYE & PIGMENT MANUFACTURING (92%); SIC2819 INDUSTRIAL INORGANIC CHEMICALS, NEC (92%); SIC6311 LIFE INSURANCE (70%); I82 Insurance; I85 Real Estate Transactions; ICRE Construction/Real Estate

Geographic: NEW YORK, NY, USA (94%); NEW YORK, USA (95%); UNITED STATES (96%); NORTH AMERICA (79%); NAMZ North American Countries; USA United States; USNY United States - New York

DJI Codes: FIN, INS, REA, TNM, NME, NY, US
DJI Descriptors: Financial, Insurance, Real Estate Investments, Acquisitions, Mergers and Takeovers, North America, New York, United States

Load-Date: December 4, 2004

A Special Background Report On Trends in Industry And Finance

The Wall Street Journal

November 7, 1991 Thursday

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THE WALL STREET JOURNAL

Section: Pg. A1; Business Bulletin

Length: 884 words

Byline: By Pamela Sebastian

Body

DRUMMING UP BUSINESS nowadays leans on old clients, freebies, quotas.

Companies push sales staffers to de-ice the cold call by prospecting old customers, offering free seminars as lures and using high-tech searches. Richard Hansen of John Hancock Financial Services in Boston notes that an estate-planning talk may draw 50 folks. When the coffee and donuts show up, so does Mr. Hansen's appointment book. Texas' Software Spectrum Inc. holds about 100 seminars a year to pitch new technology to regular clients and potential buyers.

To circumvent secretaries, Paul Revere Insurance Group in California tries to phone the boss before 8:30 a.m. or after 5:30 p.m. Firms such as broker Alex. Brown & Sons still maintain eye-to-eye visits. But Century 21 Hillcrest Realty, Mission Viejo, Calif., employs its new computer data base to scour old clients; it also enforces quotas. Paul Revere General Manager Jeffrey Raelson says, "If an agent doesn't pay for his space" by output, "he gets terminated."

Ultimate Corp., an East Hanover, N.J., computer systems firm, now bases sales force pay on gross margins rather than simple revenue volume.

BOFFO, MS. BOBOS. Newcomer sweeps top honors in contest on movie grosses.

The fourth annual Donaldson, Lufkin & Jenrette summer movie sweepstakes prize goes to Penny Bobos, an assistant to the portfolio manager of Stein Roe & Farnham's Total Return Fund, Chicago. Ms. Bobos, 23, had the post for a month before entering the battle that pitted her against 1,000 DLJ clients and "select industry insiders" in choosing the seven biggest movies from Memorial Day weekend through Labor Day.

Many entrants named the top two films, "Terminator 2" and "Robin Hood," but not in that order. Ms. Bobos scored six of the seven for a "remarkable" 80 points, says DLJ's Mark Manson, the creator of the contest. Average was 36.5. Ms. Bobos credits her final pick, "101 Dalmations," for the win and notes her older brother said everyone with kids would see the animated Disney classic. So, what about the big Christmas releases? She eyes "The Addams Family" as a potential winner.

YIMBY? Novel plan aims for a "yes in my backyard" attitude on noxious sites.

Academics devise a lottery-auction plan to situate waste sites and such. The idea is to stop forcing plants on poor towns and encourage city bidding for benefits tied to safe (if unsightly) sites, says Howard Kunreuther, head of Wharton School's Center for Risk and Decision Processes. Willing towns would be placed in a lottery, but the "winner" could still be outbid by "losers." Dr. Kunreuther admits the concept revolves around trying "to make a silk purse out of a sow's ear."

In the real world, it's tough to find one amenable town, much less the quantity needed for a lottery, says Philip Angell of Browning-Ferris Industries, Houston. Still, Mr. Angell agrees that giving a community the choice is essential; so are

benefits and flexibility. Seeking a landfill site, BFI last year sent a letter to every mayor and town supervisor in New York. After 50 nibbles, BFI zeroed in on Yorkshire, N.Y., for months of talks. The town backed out.

Yorkshire Town Clerk Duane Dedrick says the board was interested, but then the people got wind of it and protested "quite a bit."

ON THEIR TOES for ways to draw young fans, the New York City Ballet dreams up "Fourth Ring Society." For $10, "club" members get discounts on top-tier seats and other benefits. The ballet aims for 18-to-30-year-olds "on the way up" to fill the cheap seats today, the orchestra tomorrow.

FINGERS WALK MOST in search of doctors, says a survey of 1989-90 Yellow Pages use from advertising agency Wahlstrom & Co. After docs, people seek auto parts.

"A CEILING IS BORN." Chicago's USG Corp. touts the "role" its high-tech metal ceiling played in the film "The Doctor" with a spread in the company newsletter.

LAB PARTNERS team up on research, but are they ganging up on smaller firms?

An Industrial Research Institute study finds 44% of members plan to step up R&D alliances in 1992, up 31% from a 1989 poll. This year, five oil firms, including Mobil, Chevron and Texaco, join a group to develop software for petroleum exploration while 14 giants like Grumman and McDonnell Douglas team up to study manufacturing technology. An international group comprised of drug firms such as Rhone-Poulenc Rorer, Hoechst and Glaxo performs aerosol-safety testing.

Critics warn consortia may be dominated by big firms at the expense of small ones. They note the National Cooperative Research Act allows registered firms to avoid treble damages if any antitrust laws are broken. Some 256 groups have filed for NCRA protection since 1985. But small firms find avenues, too. Microelectronics & Computer Technology, a Texas research group, says small members tripled after the group allowed them to participate in its research projects.

IRI's Richard Lawson says joint R&D "can lead to new business ventures and a better understanding of the marketplace."

BRIEFS: Kong was there first, but now the ***Empire State Building*** lobby displays an eight-foot replica of itself filled with lizards, fish and snakes from Artquarium Inc., New York. . . . Cubicle Cues Inc. in Cordova, Tenn., sells signs for $8.95 that look like doors and indicate if a worker's cubicle is "closed" or "open" to visitors.

Notes

PUBLISHER: Dow Jones & Company

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: J

Subject: TRENDS (90%); CHEMICALS MFG (90%); CHEMICALS (90%); REAL ESTATE (90%); FILM (87%); SWEEPSTAKES (78%); CONSUMER PROTECTION (78%); SALES FORCE (78%); SALES & SELLING (78%); SALES COMPENSATION (78%); BUSINESS EDUCATION (78%); PERSONAL FINANCE (77%); COMPUTING & INFORMATION TECHNOLOGY (77%); AUCTIONS (77%); CONSTRUCTION MATERIALS & COMPONENTS (74%); MANUFACTURING OUTPUT (72%); BANKING & FINANCE (72%); COMPUTER SOFTWARE (71%);

AWARDS & PRIZES (71%); MOVIE REVENUES (71%); US LABOR DAY (70%); AUTOMOTIVE MFG (63%); WASTE MANAGEMENT & REMEDIATION SERVICES (63%); C18 Ownership Changes; C184 Joint Ventures; C34 Monopolies/Antitrust; CCAT Corporate/Industrial News; GCAT Political/General News; GSCI Science/Technology

Company: INSIGHT ENTERPRISES INC (72%); JOHN HANCOCK FINANCIAL SERVICES INC (72%); ULTIMATE CORP (69%); PAUL REVERE INSURANCE GROUP (57%); ALEX BROWN & SONS INC (56%); CREDIT SUISSE SECURITIES USA LLC (55%); STEIN ROE & FARNHAM INC (54%); HCHAG HOECHST AG (GFR); SOCAL CHEVRON CORPORATION (USA); TXCIN TEXACO INC (USA); USG U S G CORP (USA)

Ticker: NSIT (NASDAQ) (72%)

Industry: NAICS454111 ELECTRONIC SHOPPING (72%); NAICS423430 COMPUTER & COMPUTER PERIPHERAL EQUIPMENT & SOFTWARE MERCHANT WHOLESALERS (72%); SIC5961 CATALOG & MAIL-ORDER HOUSES (72%); SIC5045 COMPUTERS & COMPUTER PERIPHERAL EQUIPMENT & SOFTWARE (72%); NAICS524113 DIRECT LIFE INSURANCE CARRIERS (72%); SIC6311 LIFE INSURANCE (72%); SIC6211 SECURITY BROKERS, DEALERS, & FLOTATION COMPANIES (56%); SIC6081 BRANCHES & AGENCIES OF FOREIGN BANKS (55%); SIC6282 INVESTMENT ADVICE (54%); I1 Energy; I14 Petroleum/Coal Products; I2412 Clay Building Materials; I25 Chemicals; I257 Pharmaceuticals; I353 Motor Vehicle Parts Manufacturing; I364 Aerospace Products/Parts; I838 Advertising; I951 Health Care; IADV Advertising/Public Relations; IAER Aerospace/Defense; IAUT Automobiles; IBCS Business/Consumer Services; ICRE Construction/Real Estate; IEWM Environment/Waste Management

Geographic: BOSTON, MA, USA (92%); CHICAGO, IL, USA (54%); TEXAS, USA (93%); CALIFORNIA, USA (93%); MASSACHUSETTS, USA (92%); PENNSYLVANIA, USA (79%); ILLINOIS, USA (54%); UNITED STATES (94%); EUROPE (92%); UNITED KINGDOM (92%); NORTH AMERICA (79%); WESTERN EUROPE (79%); EURZ European Countries; GFR Germany; NAMZ North American Countries; UK United Kingdom; USA United States; USCA United States - California; USIL United States - Illinois; USMO United States - Missouri; USNY United States - New York; USPA United States - Pennsylvania; USTN United States - Tennessee; USTX United States - Texas; USVA United States - Virginia; WEURZ Western European Countries

DJI Codes: BSC, CYC, ENE, IDU, NCY, TEC, ADV, ARO, AUP, BLD, CHM, DRG, ENT, HEA, OIL, PET, POL, REC, SVC, JVN, SCN, TST, CA, EU, GE, IL, MO, NME, NY, PA, PRM, TN, TX, UK, US, VA, WEU
DJI Descriptors: Basic Materials, Consumer Cyclical, Energy, Industrial, Consumer Non-Cyclical, Technology, Advertising, Aerospace, Auto Parts, Building Materials, Chemicals, Drug Manufacturers, All Entertainment & Leisure, Health Care Providers, Oil-Integrated Majors, Petroleum, Pollution Control, Waste Management, Recreational Products & Services, All Industrial & Commercial Services, Joint Ventures, Refined Products, Science & Technology, Antitrust News, California, Europe, Germany, Illinois, Missouri, North America, New York, Pennsylvania, Pacific Rim, Tennessee, Texas, United Kingdom, United States, Virginia, Western Europe

Load-Date: December 5, 2004

Real-Estate: Empire State Building to Be Sold To a Peter Grace Family Member

The Wall Street Journal

October 31, 1991 Thursday

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THE WALL STREET JOURNAL

Section: Pg. B1

Length: 474 words

Byline: By Neil Barsky, Staff Reporter of The Wall Street Journal

Body

New York City's landmark ***Empire State Building*** is set to be sold to a member of the family of W.R. Grace & Co. Chairman J. Peter Grace. The identity of which member of the family couldn't be learned.

People familiar with the transaction said the purchase price is $40 million. That figure would be considered small considering the size and fame of the spindle-topped tower, but not when one considers the strings attached to the purchase.

The price for the 102-story building was depressed by the fact that its owner, Prudential Insurance Co. of America, had leased the building to a limited partnership that will pay relatively low rents for the next 84 years. The partnership includes New York real estate investor Peter Malkin and the octagenarian real estate mogul Harry Helmsley.

Without the master lease, the 2.3 million square-foot building could sell for as much as $450 million, real estate experts say. The deal, which had been set to close today, was pushed back late yesterday. People familiar with the transaction said a condition of the sale was that the buyer not be identified.

The buyer beat out competing bids from potential domestic, European and Southeast Asian purchasers who wanted to own what was the world's tallest tower between 1931 and 1971, and is probably still the world's most famous skyscraper.

As a result of the lease, the buyer of the building essentially is purchasing the lease payments, which total about $3.4 million now, but go down to $1.9 million a year in January. Then, in 2013, the payments drop again to $1.7 million for the next 63 years.

Given the low return on a $40 million investment, the actual sales price will probably appear high to real estate experts. People familiar with the sale said tax and estate considerations nevertheless made the sale advantageous to the purchaser.

A spokesman for Prudential declined to comment, as did a spokesman for Salomon Brothers, which served as Prudential's selling agent. A spokesman for W.R. Grace said he had no knowledge of the transaction.

Unlike Rockefeller Center, whose sale to a Japanese company unleashed a backlash of anti-foreigner sentiment in 1989, the ***Empire State Building*** is not considered a lucrative piece of Manhattan real estate. Its fame springs from its tremendous height and beauty, and in the way it frames the Manhattan skyline. The tower has over 800 mostly small tenants, and a vacancy rate of only about 5%, well below the city's norm.

Prudential purchased the land under the ***Empire State Building*** in 1951 and bought the actual property in 1961. Prudential's total cost is believed to have been about $46 million. In the meantime, the insurer has been receiving favorable rents and depreciating its investment. The building's total cash flow, the majority of which goes to the partnership, is believed to be about $40 million a year.

Notes

PUBLISHER: Dow Jones & Company

Classification

Language: ENGLISH

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Journal Code: J

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Company: W R GRACE & CO (92%); PRUDENTIAL INSURANCE CO OF AMERICA (71%); GRCWR GRACE,WR AND CO (USA)

Ticker: GRA (NYSE) (92%)

Industry: NAICS325130 SYNTHETIC DYE & PIGMENT MANUFACTURING (92%); SIC2819 INDUSTRIAL INORGANIC CHEMICALS, NEC (92%); SIC6311 LIFE INSURANCE (71%); I25 Chemicals; I82 Insurance; I85 Real Estate Transactions; ICRE Construction/Real Estate

Geographic: NEW YORK, NY, USA (92%); NEW YORK, USA (94%); UNITED STATES (94%); NORTH AMERICA (79%); NAMZ North American Countries; USA United States; USNJ United States - New Jersey; USNY United States - New York

DJI Codes: BSC, FIN, CHM, INS, REA, TNM, RLE, NJ, NME, NY, US
DJI Descriptors: Basic Materials, Financial, Chemicals, Insurance, Real Estate Investments, Acquisitions, Mergers and Takeovers, Real-Estate Transactions, New Jersey, North America, New York, United States

Load-Date: December 4, 2004

The Empire State Building To Be Sold for $40 Million

The Wall Street Journal Europe

October 31, 1991 Thursday

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THE WALL STREET JOURNAL

Section: Pg. 15

Length: 315 words

Body

NEW YORK -- A buyer has been chosen for the ***Empire State Building***, a low-key member of the family of W.R. Grace & Co. -- Chairman R. Peter Grace. People familiar with the transaction said the purchase price is $40 million, a small figure considering the size and fame of the spindle-topped tower, but not when one considers the strings attached to the purchase. The sources said one condition of the sale was that the buyer not be identified.

The buyer beat out competing bids from potential domestic, European and Southeast Asian purchasers who wanted to own what was the world's tallest tower between 1931 and 1971, and is probably still the world's most famous skyscraper. The price for the 102-story building was depressed because its owner, Prudential Life Insurance Co. of America, had leased the building to a limited partnership that will pay relatively low rents for the next 84 years. The partner ship includes New York real-estate in vestor Peter Malkin and real-estate mogul Harry Helmsley. Without the master lease, the 2.3 million-square-foot building could sell for as much as $450 million, real-estate experts say.

As a result of the lease, the buyer of the building essentially is purchasing the lease payments, which total about $3.4 million now, but go down to $1.9 million per year in January. In 2013, the payments drop to $1.7 million for the next 63 years.

Given the low return on a $40 million investment, the actual sales price will probably appear high to real-estate experts. People familiar with the sale said tax and estate considerations made the sale advantageous to the purchaser. The building is not considered a premier piece of Manhattan real estate.

Its fame springs from its tremendous height and beauty, and in the way it frames the Manhattan skyline. The tower has over 800 mostly small tenants, and a vacancy rate of only about 5%, well above the city's norm.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: WSJE

Subject: REAL ESTATE (92%); LEASE AGREEMENTS (90%); LIMITED PARTNERSHIPS (73%); RENTAL PROPERTY (73%)

Company: W R GRACE & CO (91%); PRUDENTIAL LIFE INSURANCE CO LTD (69%); PRU PRUDENTIAL PLC

Ticker: GRA (NYSE) (91%)

Ignacio Duran

Industry: NAICS325130 SYNTHETIC DYE & PIGMENT MANUFACTURING (91%); SIC2819 INDUSTRIAL INORGANIC CHEMICALS, NEC (91%); I82 Insurance; I85 Real Estate Transactions; ICRE Construction/Real Estate

Geographic: NEW YORK, NY, USA (89%); NEW YORK, USA (89%); UNITED STATES (89%); EURZ European Countries; UK United Kingdom; WEURZ Western European Countries

DJI Codes: FIN, INS, REA, RLE, EU, UK, WEU
DJI Descriptors: Financial, Insurance, Real Estate Investments, Real-Estate Transactions, Europe, United Kingdom, Western Europe

Load-Date: December 5, 2004

Empire State Building Is Target of Complaint Under Disabilities Act

The Wall Street Journal

January 28, 1992 Tuesday

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THE WALL STREET JOURNAL.

Section: Pg. CITATION

Length: 314 words

Body

NEW YORK -- A local advocacy group for disabled people filed a complaint against the ***Empire State Building***'s owner and manager for failing to make the building's observatory accessible to the wheelchair-bound.

Claiming that it filed the first complaint under the Americans With Disabilities Act, a law that became effective Sunday, the Disability Law Center for New York Lawyers for the Public Interest Inc. filed the complaint with the Justice Department yesterday.

The complaint was filed on behalf of Disabled In Action of Metropolitan New York, an advocacy group for the disabled.

The Americans With Disabilities Act mandates that owners and operators of public spaces make their buildings accessible to the disabled.

The complaint names Prudential Insurance Co. Realty, a unit of Prudential Insurance Co. of America, as the owner, although E.G. Holding Co., a company controlled by investor Oliver Grace Jr., bought the building last November. The manager of the building, named in the complaint, is Helmsley-Spear Inc., a New York real estate concern.

"Our hope certainly is that we can work this out and that the observation deck can be made more accessible," said a spokeswoman for the Disability Law Center.

Stephen Tole, vice president of Helmsley-Spear and general manager of the ***Empire State Building***, said in a statement that the architects of the building in the 1920s "failed to appreciate the needs of the physically challenged in creating the rather limited corridors and stairways that ring the observation deck at the Empire State." Mr. Tole added that Helmsley-Spear had awarded a contract to an architectural firm to determine how to remove barriers to the disabled in the 61-year-old building.

The Disability Law Center also said it is planning to file complaints against the owners and managers of several other Manhattan buildings, including the Intercontinental Hotel.

Notes

PUBLISHER: Dow Jones & Company

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: J

Subject: DISABLED PERSONS (93%); REAL ESTATE (91%); DISABLED ACCESS (90%); US AMERICANS WITH DISABILITIES ACT (90%); HOLDING COMPANIES (90%); ARCHITECTURAL SERVICES (78%); REAL ESTATE TRANSACTIONS (74%); LAWYERS (73%); JUSTICE DEPARTMENTS (71%); LAW ENFORCEMENT (71%); CONTRACTS & BIDS (64%); RESTAURANTS (62%)

Company: PRUDENTIAL INSURANCE CO OF AMERICA (83%); HELMSLEY-SPEAR INC (83%); PRUDENTIAL INSURANCE CO LTD (70%)

Organization: US DEPARTMENT OF JUSTICE (57%)

Ticker: PICL (NEP) (70%)

Industry: SIC6311 LIFE INSURANCE (83%); NAICS237210 LAND SUBDIVISION (83%); SIC6552 LAND SUBDIVIDERS & DEVELOPERS, EXCEPT CEMETERIES (83%); NAICS524298 ALL OTHER INSURANCE RELATED ACTIVITIES (70%); SIC6411 INSURANCE AGENTS, BROKERS, & SERVICE (70%); I66 Hotels/Restaurants /Casinos; I665 Lodgings; I82 Insurance; I82001 Full-line Insurance; I85 Real Estate Transactions; ICRE Construction/Real Estate

Geographic: NEW YORK, NY, USA (79%); NEW YORK, USA (94%); UNITED STATES (97%); NORTH AMERICA (79%); NAMZ North American Countries; USA United States; USNJ United States - New Jersey; USNY United States - New York

DJI Codes: CYC, FIN, INP, INS, LOD, REA, JUS, NJ, NME, NY, US
DJI Descriptors: Consumer Cyclical, Financial, Property & Casualty Insurance, Insurance, Lodging, Real Estate Investments, Justice Department, New Jersey, North America, New York, United States

Load-Date: December 5, 2004

NEW YORK CITY NEW YORK Famous architecture a trademark for centuries

The Globe and Mail (Canada)

July 4, 1992 Saturday

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Length: 606 words

Byline: GAM

Body

When visiting the United States back in the 1840s, novelist Charles Dickens complained that New York City had no landmarks. Times have changed: today the city is known for its man-made architectural wonders, including more than 780 landmark buildings.

A few traces remain of the New York of Dutch and British colonial times. Near Wall Street, Fraunces Tavern and St. Paul's Chapel provide glimpses into the 18th century, while Gracie Mansion is a reminder of uptown's early days as a rural estate area. For an even earlier view, the Museum of the City of New York owns a model in miniature of the 17th-century Dutch colonial New Amsterdam.

The 18th century is represented by the extensive restorations at South Street Seaport, once a busy trading port. Highlights include Water Street and the historic ships moored on the East River.

The 19th century was a time of extensive building in Brooklyn - the Park Slope neighbourhood alone has almost 2,000 structures built in the period after the Civil War. In Manhattan, the early part of the 19th century is represented by the ornate City Hall as well as Trinity Church, Grace Church and the northern perimeter of Washington Square.

The mid and late 19th century can be seen in the neighbourhoods of SoHo (South of Houston Street) and TriBeCa (Triangle Below Canal Street), especially West Broadway and Lower Broadway below Houston. Buildings here still sport cast-iron facades, an early type of prefabrication invented around 1850 and popular for mercantile structures over the next 20 years.

In contrast, the genteel brownstone and brick facades around Gramercy Park (Irving Place and 20th Street) provide a window on to 19th-century residential life.

But the most impressive 19th-century structure - once considered a wonder of the world - is the 1883 Brooklyn Bridge. More than 14 years in the making, the graceful stone bridge across the East River is one New York's most famous sights.

The Brooklyn Bridge was one of the last major landmarks constructed primarily of stone - steel was about to create the unique skyline of New York City. Early skyscrapers include the wedge-shaped Flatiron Building (1901-03), which featured a then state-of-the-art steel framework covered with an elaborate limestone facade.

For a short while, the Flatiron was the tallest building in the world.

Ignacio Duran

But the new steel technology touched off a city race to build bigger and higher edifices such as the 58-storey Woolworth Tower, constructed in 1913. The Chrysler Building in midtown, with its art-deco spire, and the nearly mile-high ***Empire State Building*** topped off the first big building boom in the early 1930s.

With the erection of the World Trade Center, another surge skywards began in the 1970s. Perhaps the most notable structures are clustered in midtown, including Citicorp Center and the massive AT&T Building with its Chippendale top.

Although better known for its skyscrapers, New York City boasts several impressive neoclassical buildings dating from the Beaux Arts era, 1890-1930. Don't miss the Metropolitan Museum of Art and the American Museum of Natural History, both begun in the 1870s and remodelled during the Beaux Arts period; the New York Public Library, guarded by two solemn stone lions; or the steel-framed Grand Central Terminal.

But perhaps the city's most famous landmark is the 50-foot Statue of Liberty in New York harbour. Officially named "Liberty Enlightening the World," the statue was created by the sculptor Frederic Auguste Bartholdi and presented by the government of France in 1886. Since then, she has become an enduring symbol to millions of visitors and immigrants from around the world - "yearning to be free."

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: HISTORIC SITES (90%); HISTORIC DISTRICTS & STRUCTURES (77%); NOVELS & SHORT STORIES (73%); MARINE VESSELS (73%); MUSEUMS & GALLERIES (70%); HARBORS & PORTS (68%); travel; architecture

Geographic: NEW YORK, NY, USA (97%); HOUSTON, TX, USA (79%); NEW YORK, USA (99%); TEXAS, USA (79%); UNITED STATES (99%); NETHERLANDS (91%); New York City

Load-Date: January 9, 2007

No wild, crazy parties for him; Ol' Blue Eyes turns 80 his way Reuters

Winnipeg Free Press

December 13, 1995 Wednesday

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Section: ENTERTAINMENT; Pg. c7

Length: 168 words

Byline: Canadian Press

Body

LOS ANGELES - Frank Sinatra celebrated his 80th birthday yesterday - without any of the wild parties that marked his earlier anniversaries.

Instead, the man known as Ol' Blue Eyes was spending a quiet day at home and planning a family dinner to mark the event, his daughter said.

''Dad doesn't like birthdays,'' Nancy Sinatra said. ''We are planning a quiet family dinner. Well, it won't be quiet but it will be a family dinner.''

While Sinatra did it his way, his fans celebrated anyway. New York's ***Empire State Building*** was set to bathe itself in blue ***light*** and a New York radio station, WQEW-AM, was broadcasting 81 consecutive hours of virtually every song he ever recorded.

Daily Variety, the entertainment industry trade paper, devoted hundreds of column inches to chronicling and examining the life of the man also known as The Chairman of the Board and The Voice.

It carried 19 full-page advertisements from Sinatra's friends and family, record companies and others wishing him a happy birthday.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: WFP

Subject: ANNIVERSARIES (90%); ENTERTAINMENT & ARTS (73%); RADIO BROADCAST INDUSTRY (73%); MUSIC INDUSTRY (72%)

Geographic: NEW YORK, USA (69%); UNITED STATES (69%)

Load-Date: April 28, 2005

Empire State Building shows that a city's spirit won't dim

The Star-Ledger (Newark, New Jersey)

September 20, 2001 Thursday, FINAL EDITION

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Section: NEWS; Pg. 13

Length: 535 words

Byline: DAVID GIBSON, STAR-LEDGER STAFF

Dateline: NEW YORK

Body

For nearly a week, the upper tiers of the ***Empire State Building***, famed for their colorful ***lighting*** schemes, had remained dark, like a house shuttered in fear and grief.

Then, on Sunday night, the lights came back on with a brilliant flourish of red, white and blue.

And with that simple act, a city whose skyline had been violently reshaped a few days earlier was quietly, but powerfully, reassured that whatever the devasta to the south, the city still had a reigning colossus.

"In a certain sense, the Empire State Building never lost its mantle as the most famous building in the world," said Kenneth T. Jackson, president of the New York Historical Society and author of the "Encyclopedia of New York."

But he said the destruction of the World Trade Center's Twin Towers, which for nearly 30 years had displaced the Empire State Building as the city's tallest structures, "has clearly re-centered the Empire State Building as the symbol of New York."

For reasons of both security and sensitivity, the Empire State Building was darkened immediately after the catastrophe on the morning of Sept. 11. It was evacuated the moment officials realized the extent of the terrorist attacks on the Twin Towers. The observation deck was closed, and remains so indefinitely.

For now, only tenants are allowed in the building - past metal detectors and bomb-sniffing dogs - and media are banned.

Officials of Helmsley-Spear Inc., which owns and operates the building, have declined to comment on the skyscraper's stepped-up security.

But a Helmsley-Spear official, speaking on condition of anonymity, said the Empire State owners decided to deck the tower out in the national colors "to show the American spirit in the wake of this tragedy."

The official said yesterday that the Empire State Building would continue to display the red, white and blue through the end of September. "We want to show the American spirit in this time of loss," the official said.

When the World Trade Center towers were finished in the early 1970s, the Empire State Building was eclipsed in every statistic, from height to space. In perhaps the greatest indignity, the "King Kong" re-make had the big ape doing a swan dive off the Twin Towers.

The Empire State Building, like the city it surveys, is no stranger to adversity. It survived a near- disaster of its own when a B-25 medium bomber flew into its side on a foggy day in July 1945, killing 14 people.

The great structure of limestone, marble and steel was erected in a phenomenal 410 days, starting in March 1930, and in the teeth of another national catastrophe: the Great Depression.

To its myriad fans, the Empire State Building has never had a peer when it comes to panache. The Chrysler Building may be lovelier, the Twin Towers may have been taller, but the Empire State building is New York.

"From the New Jersey Turnpike, the World Trade Center loomed larger," said Jackson of the Historical Society. "But architects loved to hate it, and the World Trade Center was in New York, not of New York.

"When people come to New York," he said, "I take them to the Empire State Building."

Certainly, the crowds of disappointed tourists turned away at the entrance this week would agree.

Graphic

After days of intentional darkness, the top of the ***Empire State Building***, seen from Washington Square in Manhattan, is again bathed in ***light***, and it's red, white and blue.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: nsl

Subject: POWER FAILURES (78%); DISPLACED PERSONS (73%); METAL DETECTORS (72%); BOMBS & EXPLOSIVES (72%); TERRORISM (69%); DOGS (50%)

Company: HELMSLEY-SPEAR INC (82%)

Geographic: city, country NEW YORK, NY, USA (73%); NEW YORK, USA (90%); NEW JERSEY, USA (79%); UNITED STATES (93%)

Load-Date: April 17, 2007

New York straight up; Through ghastly circumstance, it is once again Manhattan's tallest skyscraper. But the Empire State Building has always been so much more.

Chicago Tribune

March 20, 2002 Wednesday, FINAL EDITION

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Section: TEMPO; ZONE: C; Pg. 1

Length: 1568 words

Byline: By Blair Kamin, Tribune architecture critic

Dateline: NEW YORK

Body

There it is, popping out from between the skyscrapers as you face south from Central Park. There it is again, soaring above the sidewalk as you gaze east from Macy's on 34th Street.

Looking northward from the Flatiron Building at 22nd Street, it is there, too, rising in splendid isolation, its Art Deco summit lit up like the American flag in stacked tiers of red, white and blue. And there it is on television, the backdrop that telegraphs instantly that the show you are watching is coming from New York.

You see it.

You love it.

And you wonder, especially if you are in this city and see a jet streaking overhead: "Could it be next?"

Before the terrorist attack that destroyed the World Trade Center, it was possible to dismiss the Empire State Building as passe -- a great landmark, yes, but an aging giant that seemed more about yesterday than today. But now it is impossible to ignore the 102-story, 1,250-foot-tall tower that is, again, the tallest in New York City and promises to hold onto that title for years, perhaps decades, because everybody, even the megalomaniac Donald Trump, seems scared to build another supertall skyscraper.

The Empire State Building can be described in many ways at this jittery time: a man-made mountain that symbolizes New York's resilience; a giant night light that reassures a city that doesn't sleep; an old icon made new, like an aging Broadway star who makes a triumphant return to center stage.

It is, at root, the archetypal skyscraper, one that has endured calamities of its own and still offers enduring lessons about the art of making great buildings and great cities. And those lessons, which are about how a tower can make a skyline statement even as it nestles gently into its surroundings, should be heeded by the architects who are drawing up plans for the 16-acre gash at ground zero.

Very few people, other than the "let's show 'em" crowd, are clamoring to rebuild the 110-story World Trade Center exactly it was, and it is easy to understand why. The twin towers were utterly banal boxes, built by a big public agency -- the Port Authority of New York and New Jersey -- that couldn't distinguish between quantity and quality.

But, as Carol Willis, the director of the Skyscraper Museum here, observes, if a hijacked jetliner had destroyed the Empire State Building, there almost surely would have been a campaign to reconstruct the skyscraper precisely as it was when it opened on May 1, 1931. New York, quite simply, is unimaginable without it.

My cabbie on the way in from LaGuardia Airport says as much. Losing the Empire State, he opines, "would have been a real tragedy" -- an observation that at first sounds heartless, but is not, on further examination, entirely off-base.

The twin towers were remote, the cabbie explains, because they sat at the narrow end of lower Manhattan -- "the toe," as the "American Institute of Architects' Guide to New York City" calls it. In contrast, the Empire State, which rises from the corner of 5th Avenue and 34th Streets, is at (or at least near) Manhattan's heart.

The perfect shape

Yet location only partly explains the Empire State's appeal. Its architects, the talented commercial firm of Shreve, Lamb & Harmon, created the perfect skyscraper shape, drawing in part on the trim vertical look of Eliel Saarinen's much-heralded, second-place entry in the 1922 Chicago Tribune Tower design competition.

A five-story base comes out to the property line, shaping the public space along the sidewalk while giving the tower a human scale in keeping with its five- to 20-story neighbors. The midsection, or shaft, is a deft essay in setbacks, indents and strongly accentuated verticals. The top, including a 200-foot-tall dirigible mooring mast, strikes just the right balance between exuberance and dignity. (The mooring concept never worked and was abandoned, but the mast itself still gives the skyscraper an extraordinary, faceted crown.)

Clad in Indiana limestone, steel and aluminum, the Empire State forms an unsurpassed combination of strength and beauty, muscularity and verticality. Its silhouette is easily appreciated from bottom to top because no nearby buildings crowd it, as is the case in the high-rise forests of midtown or downtown. The skyscraper stands, as John Tauranac wrote in "The Empire State Building: The Making of a Landmark," "as a Gulliver in Lilliput."

Forgoing the shock value

The result still seems fresh, even in an age of warping, tilting buildings made possible by the computer. Or maybe it's the other way around. The Empire State speaks to us today precisely because it doesn't seem to be straining for shock value, like one of those herky-jerky Peter Eisenman buildings that can accurately be termed, in the manner of pre-washed jeans, pre-earthquaked architecture.

This matter-of-factness -- evident in the skyscraper's clean, unadorned "modernistic" style (less frilly than Art Deco, but less austere than steel-and-glass, International Style modernism) -- is no accident.

Far from being a gauzy creature of romance, the Empire State Building was born of the hard calculus of finance and, of course, ego. The driving force behind it, developer John H. Raskob, who had been the chief financial officer for General Motors, wanted to build a skyscraper taller than the one erected by his former competitor, Walter Chrysler. Raskob sought to build as quickly as possible, saving time and, thus, money. The architects complied with standardized building units that could be put together with the efficiency of cars being manufactured on an assembly line.

Astonishingly, it took just one year and 45 days to erect the Empire State. Even more miraculous, though, the end result amounted to something other than the summit of schlock.

The Chrysler Building, by comparison, is an oversized jukebox -- a wonderful expression of fantasy, but not the right symbol, as the Empire State is now, for a city of towers that is newly nervous about venturing into the sky.

Ever since Sept. 11, that nervousness has swirled around the Empire State Building like scraps of paper in the wind. Last month, Crain's New York Business reported that a growing number of companies were either leaving the skyscraper or trying to sublet their offices because they no longer wanted to be in the city's tallest tower.

But Lydia Ruth, a spokeswoman for the building's manager, Helmsley-Spear Inc., attributes the rise in available space not to post-9/11 fear but to normal real estate churn caused by the failure of dot.coms and the recession. A law firm that used to be on the 18th floor of the World Trade Center's south tower even has relocated to the Empire State. And many of the Empire State's tenants, the spokeswoman points out, aren't big corporations, but small, garment district-related businesses that make things like trousers, scarves and slippers.

A building with personality

Perhaps there is something to this. After all, the Empire State has long been associated not with faceless corporations, but with colorful individuals like former New York Gov. Al Smith, the building's first president. (A Chicago group headed by Col. Henry J. Crown owned the building from 1954 to 1961.) On the other hand, it's doubtful that terrorists check tenant rosters before they strike symbols of America's financial might.

Things have changed

Clearly, there have been changes at the Empire State since Sept. 11. Everyone who enters the skyscraper now has to go through airport-style metal detectors. Yet there are no concrete "Jersey barriers" ringing the skyscraper, like the ones that have protected Chicago's tallest towers since the terrorist attacks. The reason: Helmsley-Spear's confidence in the Empire State's heavyweight internal cage of steel columns and beams, which suffered only minor damage when a B-25 bomber crashed into the building one foggy morning in 1945, killing 14 people, including the plane's pilot.

"If anybody decided to drive into the front of the building, they couldn't get that far," Ruth says. The result, she notes, would be like a too-tall truck stuck at a highway overpass.

There are other signs that life is returning to normal at the Empire State. The rituals of this cathedral of commerce go on, like the changing colors of its crown (red for Valentine's Day; green for St. Patrick's Day; red, black and greenfor Dr. Martin Luther King Jr. Day, and so on.). And despite the fears expressed by some New York business people, who refuse to hold meetings with tenants in the tower, attendance is up slightly from last year at the 86th floor outdoor observation deck, Ruth says. There, in contrast to the hermetically sealed lookout points at Sears Tower and the John Hancock Center, visitors can feel the wind brush across their faces and truly sense that they have journeyed into the sky.

But it is a different journey now, and not just because there is a great void in the skyline where the twin towers once stood. Today, at a time of anxiety about the future of tall buildings, the Empire State reminds us of the glory of building into the sky, and of making the reach from earth to heaven. It is a beacon, a sundial, a totem, a cathedral tower, a reassuring symbol that life can -- and should -- go on. Yet the chilling reality of the new normalcy is that you can no longer look at this great skyscraper without wondering whether it might disappear.

THURSDAY: Rebuilding the World Trade Center

Graphic

PHOTOS 2PHOTO: A 1966 photo of the Empire State Building, which opened in 1931. Clad in Indiana limestone, steel and aluminum, the building forms a combination of strength and beauty, muscularity and verticality. AP file photo.

PHOTO: The ***Empire State Building*** stands center stage in New York City as the memorial twin towers of ***light*** rise from ground zero. Reuters photo by Peter Morgan.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: ARCHITECTURAL SERVICES (77%); ACTORS & ACTRESSES (76%); CELEBRITIES (76%); TERRORISM (74%); HIJACKING (74%); MUSEUMS & GALLERIES (71%); TERRORIST ATTACKS (69%); PORT AUTHORITIES (64%); NEW YORK BUILDING HISTORY PROFILE TERRORISM ARCHITECTURE

Company: PORT AUTHORITY OF NEW YORK & NEW JERSEY (62%)

Industry: NAICS485999 ALL OTHER TRANSIT & GROUND PASSENGER TRANSPORTATION (62%); SIC4119 LOCAL PASSENGER TRANSPORTATION, NEC (62%)

New York straight up; Through ghastly circumstance, it is once again Manhattan's tallest skyscraper. But the Empire State Building has always been so much more.

Person: DONALD TRUMP (50%)

Geographic: NEW YORK, NY, USA (94%); NEW YORK, USA (96%); INDIANA, USA (79%); NEW JERSEY, USA (79%); UNITED STATES (96%)

Load-Date: March 20, 2002

Breasts: An owner's manual

The Star-Ledger (Newark, New Jersey)

October 13, 2002 Sunday, FINAL EDITION

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Section: ACCENT; Pg. 1

Length: 778 words

Byline: CARRIE STETLER, STAR-LEDGER STAFF

Body

They arrive when you are 11 or 12, and from then on, life is unimaginable without them.

In the eyes of the world, breasts are the first harbingers of womanhood, signaling to others, as well as yourself, that you are growing up.

"They're a big step into the world of sexuality, which includes a range of feelings about yourself and others' feelings about you," says Marissa Weiss, an oncologist and founder of breastcancer.org. "Their presence is part of a normal woman's appearance. So when one is missing or significantly altered, it can deeply affect a woman's self-image."

October is Breast Health Awareness month - time to think about treating your bosom right.

After all they provide for others - milk for babies, pleasure for husbands and lovers, a comforting place to rest one's head - breasts need to be taken care of, too.

That means doing all you can to avoid breast cancer, the second leading cause of cancerous death among women after lung cancer, according to the American Cancer Society.

Of women who live to age 85, one out of nine will be diagnosed with the disease. The statistics aren't comforting. But there are things you can do to reduce your risk and increase your chances of detecting breast cancer early.

"People, in general, think cancer equals death. But when breast cancer is detected at its earliest stages, it results in a cure for more than 90 percent of women," said Karen Schupack, chief of radiation oncology at Memorial Sloan-Kettering Cancer Center at St. Clare's Hospital in Denville and Dover.

According to Schupak, the incidence of fatal breast cancer has leveled off in recent years, a fact she attributes to women's increased awareness of their own health, as well as screening techniques like mammography, self-exam and breast exams by health-care workers.

"We have infiltrated women's consciousness," she said.

There is also less inhibition about discussing breast cancer than there was 20 or 30 years ago. "People feel freer to talk about it," said Weiss. "The level of awareness is up. Messages on fighting breast cancer are on everything from yogurt to cereal."

To commemorate breast health month, the ***Empire State Building*** was swathed in pink ***light*** for one night, as were Harrod's in London and Graceland in Memphis. Throughout October, there will be benefits to raise money for the cause.

Sore subject

Sometimes, even the healthiest breasts have aches and pains, particularly before a woman's menstrual period.

It's usually nothing to worry about.

"Hormones change during the menstrual cycle," says Powell Brown, an associate professor in the breast center at Baylor College of Medicine and Methodist Hospital. "They become stimulated to grow, slightly enlarged and possibly painful. Its normal physiology".

If the pain persists past your menstrual cycle, however, it's a good idea to get it checked out by a doctor.

Work it

Exercising can't increase your bust, as the old grade-school chant goes, but it can help it look better.

"It can help improve the support of breasts. It can reduce saggyness. Good muscle tone can also improve the contour of the breasts," says Marissa Weiss, an oncologist and founder of breastcancer.org.

Her suggestions?

Any exercise that works the back, shoulders, chest and arms, such as push-ups, jumping jacks and weight-lifting with hand weights.

You need to get the right fit

When your underwire pokes you in the ribs and your straps are slipping off, it's time to get a new bra. But how do you avoid the bad ones?

Gwen Amin, a sale associate at Nordstrom in The Mall at Short Hills, has some advice. Her first suggestion? Have a saleswoman measure you. You may not be the size you think you are - or were. And don't hesitate to ask for input.

"We can tell you, 'This is too low, you need a proper lift,'" says Amin, who is "fit certified," meaning she's completed several hours of training on fitting and measuring. "A good bra makes all the difference in how your clothes look."

Older women, particularly those who have had children, might want to steer clear of cheaper, fashion-oriented bras. They're normally designed for younger customers, says Amin. Often, they lack the proper support and they're not as durable. Brands that Amin recommends are Wacoal, Shentel and Donna Karan.

Here are signs of a bra that fits:

Your breasts look well-supported when you wear a knit shirt.

The band should hug your back and not ride up.

The bra lies in the center of your chest, with no bulges around the elastic and no obvious lines or seams.

Underwire comes underneath the breast, not on top of it.

Cups cover all of the breast tissue, with nothing spilling out.

A good bra should last nine months to a year, maybe longer.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: nsl

Subject: BREAST CANCER (95%); CANCER (91%); WOMEN'S HEALTH (90%); ONCOLOGY (89%); DISEASES & DISORDERS (89%); BREAST CANCER SCREENING (89%); WOMEN (78%); NUCLEAR MEDICINE (76%); CANCER HOSPITALS (76%); CANCER SCREENING & DETECTION (76%); DIAGNOSTIC IMAGING (75%); VOLUNTARY HEALTH ORGANIZATIONS (74%); LUNG CANCER (72%); PHYSICIANS & SURGEONS (71%); RADIOLOGY (69%); CHEMOTHERAPY & RADIATION (67%); HEALTH CARE (63%); FUNDRAISING (63%); COLLEGE & UNIVERSITY PROFESSORS (60%)

Organization: AMERICAN CANCER SOCIETY (55%)

Geographic: MEMPHIS, TN, USA (79%); LONDON, ENGLAND (51%); TENNESSEE, USA (79%); UNITED STATES (79%)

Load-Date: April 16, 2007

FIRMS VIE TO LIGHT UP THE SKY; EMPIRE STATE BUILDING TO USE LEDS

Sun-Sentinel (Fort Lauderdale, Florida)

April 22, 2007 Sunday, Broward Metro Edition

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Section: NATIONAL; Pg. 8A

Length: 346 words

Byline: Glenn Collins The New York Times

Dateline: NEW YORK

Body

Before most of Manhattan could shake itself out of bed, the great ***Empire State Building light***-show smackdown -- an eerily silent rainbow of shifting color high above the city that continued for 71 predawn minutes on Friday -- had its finale an hour before sunrise.

At stake was a $5 million contract to bring 21st-century illumination to the city's tallest skyscraper. And so, four blocks away from the building that jutted into the clear night sky, in a command center 28 floors above depopulated streets, walkie-talkies squawked as the building's management witnessed a Kong vs. Godzilla face-off between two ***lighting*** behemoths.

"Now that's a red," said James Connors, the general manager of the ***Empire State Building*** Co., observing solid test-pattern blocks of color as they bathed nine floors in ***light***. Primary hues soon yielded to vibrant stripes, spectrum cascades, strobe effects and programmed sequences called "Fourth of July," "New Year's Eve" and "Fireworks."

Above, on the narrow 72nd-floor parapet of the skyscraper at Fifth Avenue and West 34th Street -- which is ordinarily dark after midnight -- the two contenders, Color Kinetics Inc. and Philips Electronics, had installed test stands of high-brightness light-emitting diodes, or LEDs. Friday's test began at 3:58 a.m.; floors 72 to 81 on the western face were illuminated.

The test marked the beginning of a high-tech future for the landmark skyscraper. For more than a quarter century, the color of the floodlights has been changed by teams of maintenance workers. In the future, the building will be flooded in "intelligent illumination," employing a new generation of computer-controlled LEDs capable of producing millions of colors and infinite patterns.

Lighting is part of a years-long, $400 million refurbishment of the building, which has 102 public floors and was visited by 4 million tourists last year.

The test lights are grouped in frames, and can be switched on and off thousands of times a second in various computer-controlled sequences. The winner will be decided after the companies bid for the job.

Graphic

PHOTO

SWITCH IN STORE: Jake Novel installs a blue filter on one of the several dozen old flood lamps that illuminate the top of the Empire State Building at night. Two companies -- Color Kinetics Inc. and Philips Electronics -- are vying to replace the lamps with LEDs. New York Times photo/Michael Nagle

Classification

Language: ENGLISH

Publication-Type: Newspaper

FIRMS VIE TO LIGHT UP THE SKY; EMPIRE STATE BUILDING TO USE LEDS

Subject: LIGHT EMITTING DIODES (90%); MANAGERS & SUPERVISORS (76%); LIGHTING EQUIPMENT MFG (76%); CONTRACTS & BIDS (76%); BUILDING RENOVATION (73%); US INDEPENDENCE DAY (72%); ELECTRONIC DIODES (70%); PROPERTY MANAGEMENT (70%); BUILDING; ATTRACTION

Company: EMPIRE STATE BUILDING CO (85%); PHILIPS SOLID-STATE LIGHTING SOLUTIONS INC (84%); KONINKLIJKE PHILIPS NV (ROYAL PHILIPS) (55%)

Ticker: PHIA (BIT) (55%); PHIA (AMS) (55%); PHG (NYSE) (55%)

Industry: NAICS334413 SEMICONDUCTOR & RELATED DEVICE MANUFACTURING (84%); SIC3674 SEMICONDUCTORS & RELATED DEVICES (84%); NAICS335110 ELECTRIC LAMP BULB & PART MANUFACTURING (55%); NAICS334516 ANALYTICAL LABORATORY INSTRUMENT MANUFACTURING (55%); NAICS334310 AUDIO & VIDEO EQUIPMENT MANUFACTURING (55%)

Geographic: NEW YORK, NY, USA (92%); NEW YORK, USA (92%); UNITED STATES (92%)

Load-Date: April 23, 2007

ON TOP OF THE WORLD. The height of romance is an Empire State Building wedding

Daily News (New York)

February 11, 2007 Sunday, SPORTS FINAL EDITION

Copyright 2007 Daily News, L.P.

DAILY NEWS
NEW YORK'S HOMETOWN NEWSPAPER

Section: SUNDAY NOW; Pg. 26

Length: 909 words

Byline: BY JANE RIDLEY DAILY NEWS FEATURES WRITER

Body

Every bride and groom should feel on top of the world when they get married - but these couples are taking no chances on Valentine's Day. They'll wed atop the Empire State Building.

The lucky twosomes won the chance to exchange vows there on the holiday.

"From 'An Affair to Remember' to 'Sleepless in Seattle' and even 'King Kong,' the Empire State Building exudes romance and love," says Theresa DiMasia, editor

of Brides.com, which is sponsoring the event. "It will be spectacular."

- Emily Schuster, 29, a grad student, and Kenneth Evans, 37, a flooring contractor, from West Palm Beach, Fla.

A ceremony atop the Empire State Building couldn't be more appropriate for the couple, because Kenneth popped the question there in June last year. "Kenny wanted a beautiful location filled with history and romance," says Emily. "We can return year after year with our children and someday our grandchildren. The building has become a symbol of our love."

- Rob Paterson, 47, a fire officer, and Rosie Franklin, 41, from Oxford, England

After Rob's 13-year-old son died in a drunk-driving accident in August 2005, Rosie helped him through the grief. The pair got engaged atop the Empire State Building while vacationing in New York City four months later. "We chose it for our wedding because it is quite simply closer to heaven," says Rob, who has three other children. "He will be our silent witness.

- Clayton Hudson, 32, who works for the police, and IT manager Beverley Dawn Shaw, from Cambridgeshire, England

The two, who started out as friends but began dating four years ago, have already visited New York City four times. "We wanted to get married abroad and felt a real affinity to the city," explains Clayton, a reservist in Britain's Royal Air Force, who will don his uniform for Wednesday's ceremony.

- Melinda Andra, 38, a lawyer from Brooklyn, and Leon Myerson, 50, who works in financial services, from Kearny, N.J.

The couple, who met online 21/2 years ago and had their first proper date at the skyscraper, believe the Empire State is one of the world's most romantic buildings. "We wanted to do something different, but not a destination wedding because Leon's 90-year-old father couldn't have been there," explains Melinda. "This is perfect."

-Pamela Warshay, 36, owner of a fitness center, and Rey Santos, 38, an IT specialist, from Manhattan

It has long been Pamela's secret dream to wed at the world's most iconic skyscraper after watching other couples exchange vows there on TV. "For the Empire State to become our marriage steeple would be a true reflection of us, what New York

means to us and what the city has given us," says Pamela, who has been with Santos for 14 years. They got engaged last spring.

- Rebekah Robbins, 34, a receptionist, and electrical engineer David Stanley, from Sheffield, England

Rebekah was in the midst of grueling breast-cancer treatment when she met her soul mate online in January 2006. "When David proposed, he asked me where I would like to get married," she recalls. "I joked the Empire State Building, because, after all I've been through, I feel like I'm on top of the world."

- Virginia Holder, 56, a freelance writer, and Garon Cagle, 55, an interior and furniture designer, from Lubbock, Tex.

They share a passion for art- deco architecture and could think of nowhere more glamorous to tie the knot than the Empire State Building. "We just wanted to do something unique and different," says Virginia, who has been with Garon for nearly two years. "We're hoping to arrange a tour of the Chrysler Building afteward because it's also so beautiful."

-Kathryn Blake, 22, a student and part-time care worker, and Benjamin Dow, 23, from Piscataway, N.J.

The pair, who have been engaged for just under a year, read on the label of a Snapple bottle that a few lucky couples could get the chance to marry at the Empire State Building. "We were at Rutgers Stadium, and an image of it flashed up on screen," says Benjamin. "Kathryn said: 'Let's do it there!' Around 15 people will be at Wednesday's ceremony, but a huge reception is due to take place Saturday in East Brunswick.

- Marcus Brock, 28, and Birgit Ragusch, 26, from Berlin, Germany

The two, who are having both their wedding and honeymoon in the Big Apple, say New York City is the most exciting place in the world. "The possibility of getting married on the Empire State Building was very awesome and special to us," says Marcus.

-Elaine Magallon, 24, a pharmacist, and Christian Jorda, 24, an accountant, from Manhattan

Childhood sweethearts Elaine and Christian started dating at 14 and stuck to their relationship throughout high school and college. "I attended college in Hoboken, and the ***Empire State Building*** was my night-***light***," says Elaine, who has been engaged since September. Christian surprised her with a ring on a return visit to the sixth-grade classroom where they first met.

- Einat Wilf, 36, a writer and political activist, from Tel Aviv, Israel, and journalist Richard Gutjar, 34, from Munich, Germany

The couple's 14-month-old romance has flourished despite cultural and geographical barriers, and they chose the Empire State Building for their wedding because of its "cool, unique, romantic and global" qualities. "We are excited to celebrate our cross-cultural bond at the best-known symbol of American romance," says Einat.

To read more about the couples and the Empire State Building 2007 Valentine's Day wedding event, visit *www.brides.com/esb*.

Graphic

MICHAEL APPLETON/DAILY NEWS

Classification

Language: ENGLISH

Document-Type: list

Publication-Type: Newspaper

Subject: MARRIAGE (90%); WEDDINGS & ENGAGEMENTS (90%); GRANDCHILDREN (72%); AIR FORCES (66%); DRIVING WHILE INTOXICATED (66%); EMPIRE STATE BUILDING; VALENTINE'S DAY; WEDDING

Industry: BANKING & FINANCE (72%); SPONSORSHIP (55%); FLOORING CONTRACTORS (55%); FLOORING (55%)

Geographic: NEW YORK, NY, USA (93%); NEW YORK, USA (90%); FLORIDA, USA (79%); ENGLAND (91%); UNITED KINGDOM (55%)

Load-Date: February 12, 2007

Empire State Building lights up for Caribbean Week

The Weekly Gleaner (Jamaica, New York)

June 21, 2007 - June 27, 2007, North American ed.

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Section: NEWS; Pg. 6; Vol. 1686; ISSN: 1018-2330

Length: 422 words

Body

ABSTRACT

The ***lighting*** of the ***Empire State Building*** is a great tribute to Caribbean people everywhere, as New York is home to millions of persons of Caribbean descent," said Hugh Riley, one of Caribbean Week's main organisers. The goal of the weeklong festivities has always been to provide New York's five boroughs with a taste of Caribbean culture and spirit, and with our colours proudly displayed high above New York City, our presenee will surely make a bold statement, as well as emphasise the importance of June as Caribbean-American Heritage Month."

FULL TEXT

NEW YORK:

FOR CARIBBEAN WEEK 2007 in New York City, the Empire State Building was bathed in a sea of 'Caribbean colours' from June 8- 10.

It was the second consecutive year that the Empire State Building illuminated the sky with yellow, symbolising the warm sunshine (on top), green representing the lushness and swaying palm trees (in the middle), and blue symbolising the Caribbean Sea (on the bottom).

Caribbean Week 2007, arranged by the Caribbean Tourism and Development Company (CTDC), celebrates the spirit and hospitality of the Caribbean through cultural presentations, sports tournaments of cricket and volleyball, chef demonstrations, vacation special offers and exciting events throughout New York City from June 9-17.

The ***lighting*** of the ***Empire State Building*** is a great tribute to Caribbean people everywhere, as New York is home to millions of persons of Caribbean descent," said Hugh Riley, one of Caribbean Week's main organisers. The goal of the weeklong festivities has always been to provide New York's five boroughs with a taste of Caribbean culture and spirit, and with our colours proudly displayed high above New York City, our presenee will surely make a bold statement, as well as emphasise the importance of June as Caribbean-American Heritage Month."

Soaring 1 ,454 feet above Midtown Manhattan, the Empire State Building, once the world's tallest, is the World's Most Famous Office Building. With new investments in infrastructure, public areas and amenities, the Empire State Building has attracted first-rate tenants in a diverse array of industries from around the world. The skyscraper's robust broadcasting technology supports all major television and FM radio stations in the New York metropolitan market. The Empire State Building was recently named America's favourite building in a poll conducted by the American Institute of Architects.

SIDEBAR

'The ***lighting*** of the ***Empire State Building*** is a great tribute to Caribbean people everywhere...'

Classification

Language: ENGLISH

Document-Type: News

Publication-Type: Newspaper

Journal Code: WYGR

Acc-No: 59143

Subject: TELEVISION INDUSTRY (68%); RADIO BROADCAST INDUSTRY (63%); INFRASTRUCTURE (52%); POLLS & SURVEYS (50%); Special events; Caribbean Americans; Culture

Geographic: NEW YORK, NY, USA (95%); NEW YORK, USA (95%); CARIBBEAN ISLANDS (97%); UNITED STATES (95%); New York City New York

Load-Date: August 28, 2007

Empire State Gets a Face-Lift

The New York Sun

May 3, 2007 Thursday

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Section: ARTS AND LETTERS; Pg. 18

Length: 731 words

Byline: FRANCIS MORRONE

Body

The American Institute of Architects teamed with Harris Interactive earlier this year to poll the American public on its favorite buildings in the country. The Empire State Building came in no. one. Once the tallest building in the world (it now ranks ninth), and since September 11, 2001, once again the tallest building in New York, the Empire State, at 77 years old, is still as iconic, and as popular, as ever.

But for a long time it was not considered a prestige office location. Its site at 34th Street put it a bit outside the central office district. And the quality of the office space and building amenities was subpar, a condition exacerbated by a confused and litigious ownership and management. That has now been settled, with the firm Wien & Malkin in undisputed control of management, and of developing a vision for the building's future.

Much work has already been done on the building's infrastructure as it's being upgraded to attract more lucrative tenants - a process reminiscent of the upgrades at Rockefeller Center a few years ago after Tishman Speyer took charge. Changes are now afoot that will alter visitors' appreciation of the building's architecture. One glimpse of these changes may be had by going to the far western end of the north lobby corridor, along 34th Street. A section of the lobby's starkly modern plasticpaneled fluorescent lighting fixtures has been removed to show, several feet higher up, a mock-up of the original ceiling, a mural in metal leaf bearing an elaborate art deco design. The dropped-ceiling lighting panels replaced the original in the 1960s.

The sight startles. It's not as though the modern dropped ceiling seemed desperately ill-suited to the space. Art Deco architects had begun to assimilate Bauhaus influences, and the Empire State Building has always seemed the staid cousin of the rambunctious Chrysler Building. While the restoration won't necessarily change that relationship, the mural and the dramatic new ***lighting*** will eliminate the harsh fluorescent glare and will considerably jazz up the ***Empire State Building***. The restoration is the work of Beyer Blinder Belle, the city's most renowned firm of restoration architects, whose credits include Grand Central Terminal and the restored portions of the Morgan Library. On the mural, Beyer Blinder Belle is working with the excellent EverGreene Painting Studios, whose credits include the restoration of Edward Trumbull's ceiling mural in the lobby of the Chrysler Building. (The restoration work still requires the approval of the Landmarks Preservation Commission.)

The 1939 edition of "New York City Guide" of the Federal Writers' Project says the "high silver-leaf ceiling is painted in metallic colors with geometric patterns suggesting stars, sunbursts, and snowflakes." These elements align in gearlike patterns, relating to the "Machine Age" aesthetic of the lobby as a whole.

We also hear talk that the eight illuminated panels in the north corridor, depicting the seven wonders of the ancient world plus the Empire State Building, may be removed. These were installed in 1963, when building management attempted to spruce the place up to keep it competitive with the scores of new modern office buildings then rising in Midtown. Competitiveness was the raison d'être for the new fluorescent ceiling, too. Times change: Four decades later, competitiveness now requires rolling back the modernizations of the 1960s. Still, those illuminated panels are good, kitschy fun. In particular, the image of the Empire State Building fairly accurately shows the building in its neighborhood context, with the structure rising dramatically higher than anything else in the 34th-Street area.

William Lamb, the building's original architect, might have appreciated that view. After all, he made an image of the building the focal point of the lobby. When one enters through the main portal on Fifth Avenue, the terminus of the western

vista features a gorgeous aluminum-on-marble relief of the Empire State Building itself. Lamb felt frustrated by his building's location on the Midtown grid. He designed a building that in its combination of symmetrical stateliness and soaring verticality would have been the perfect culmination of an axial vista - the way the RCA Building functions in the plan of Rockefeller Center. The lobby relief was the next best thing.

fmorrone@nysun.com

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: LETTERS & COMMENTS (92%); ARCHITECTURAL SERVICES (90%); OFFICE PROPERTY (78%); HISTORIC SITES (75%); RANKINGS (73%); APPROVALS (60%); WRITERS (60%)

Company: EVERGREENE PAINTING STUDIOS INC (51%)

Organization: AMERICAN INSTITUTE OF ARCHITECTS (91%)

Geographic: NEW YORK, NY, USA (78%); NEW YORK, USA (88%); UNITED STATES (94%)

Load-Date: August 10, 2007

BATHED IN BLUE LIGHTS; WORLD DIABETES DAY

Evansville Courier & Press (Indiana)

November 15, 2007 Thursday

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Section: METRO; Pg. B1

Length: 557 words

Byline: Rebecca Coudret, Courier & Press staff writer, 464-7509 or , *coudretr@courierpress.com*

Body

Blue ***lights*** are filling the skies throughout the world. From the ***Empire State Building*** to the Leaning Tower of Pisa to Evansville's Four Freedoms Monument, landmarks across the globe are being bathed in blue lights to commemorate World Diabetes Day.

Last year, the United Nations declared Nov. 14 to be World Diabetes Day in an effort to increase awareness of the disease and note its prevalence throughout the world. The first-year observance of the date was marked Wednesday at the Four Freedoms Monument on the riverfront. For 24 hours, the monument will be bathed in blue lights, as a symbol of the worldwide effort to fight the disease.

"Life and lifestyles have changed - but not necessarily for the better," Dr. Ray Nicholson said at the ceremony. The local physician and Vanderburgh County Department of Health officer said that with those changes, "we've seen an amazing, frightening increase in the number of people with Type II diabetes."

He cited obesity, sedentary lifestyles and smoking as three of the biggest reasons the disease has reached epidemic proportions.

"This is the first time a noninfectious disease has been recognized as a world health epidemic," said Stephanie Jerstad, associate director of the Evansville chapter of the American Diabetes Association. She said 21 million people worldwide, 500,000 Hoosiers and 11,000 Evansville residents have been diagnosed with Type II diabetes.

"The saddest, most aggravating part of this is said. "More and more young people are being diagnosed with Type II diabetes, which used to be almost exclusively found in adults. TV, computers, video games - children don't get out and play anymore, not to the extent they used to. They're eating more, and they aren't burning the sugars they're taking in.

"The responsibility of wellness is yours. I cannot make you give up smoking. I cannot make you eat right, or exercise more. But I can give yu information."

Different reasons for diabetes

The reasons for diabetes throughout the world are quite different from the reasons so many Americans suffer from the disease. "Genetics and ethnic background have a lot to do with the prevalence of diabetes worldwide," Jerstad said. "We see that in our own country in African Americans, Hispanics, Native Americans - they have higher rates of diabetes than the general population. About 50 percent of Native Americans and Hispanics have diabetes.

"There are so many misconceptions about diabetes. We are working to de-mystify the myths, to get rid of the stigmas," she said. "The first way to eradicate this disease is education. The more people we can make aware, the better chance we have of reaching higher cure rates."

"Cure" is a major word in understanding diabetes, Nicholson said. "I cannot say it enough: Diabetes is preventable. You can get off insulin, get off many medications. But you have to take it on yourself to prevent this chronic and debilitating disease. We hope that joining forces with the rest of the world will help raise awareness."

Inside

The government slaps a prominent warning on the popular diabetes drug Avandia. See report on Page A8

Information

Check out the Vanderburgh County Health Department site at vander

burghgov.org. To find dates and locations of glucose (sugar) screenings, look under the Chronic Disease Screening Program listing or call 435-5015.

Graphic

JASON CLARK / Courier & PressEvansville's Four Freedoms Monument is lit with blue lights Wednesday to commemorate World Diabetes Day.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: DIABETES (95%); TYPE 2 DIABETES (90%); EPIDEMICS (90%); DISEASES & DISORDERS (90%); VOLUNTARY HEALTH ORGANIZATIONS (77%); SMOKING (73%); CHILDREN (72%); UNITED NATIONS INSTITUTIONS (72%); OBESITY (72%); HEALTH DEPARTMENTS (71%); PHYSICIANS & SURGEONS (70%); NATIVE AMERICANS (70%); PUBLIC HEALTH ADMINISTRATION (69%); COUNTY GOVERNMENT (68%); SMOKING CESSATION (67%); AFRICAN AMERICANS (65%); ETHNIC GROUPS (65%); ETHNICITY (60%); HISPANIC AMERICANS (60%)

Organization: UNITED NATIONS (58%); AMERICAN DIABETES ASSOCIATION (55%)

Geographic: UNITED STATES (94%)

Load-Date: November 29, 2007

Empire State building to be lit-up in green

Asian Image

October 11, 2007 Thursday

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Section: NEWS

Length: 105 words

Body

One of world's most famous buildings will be lit-up in green to mark the festival of Eid.

New York's Empire State Building is to be lit up green in honor of the Muslim holiday of Eid, which marks the end of Ramadan.

In a statement it was said, "This is the first time that the ***Empire State Building*** will be illuminated for Eid, and the ***lighting*** will become an annual event in the same tradition of the yearly lightings for Christmas and Hannukah,"

Over seven million Muslims live in the United States.

Now over seventy years old the ***Empire State building*** was first lit up with colored ***lighting*** in 1976, to mark the American Bicentennial.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: ISLAMIC HOLIDAYS & OBSERVANCES (92%); HOLIDAYS & OBSERVANCES (90%); RAMADAN (88%); MUSLIMS & ISLAM (87%); HANUKKAH (85%); MUSLIM AMERICANS (85%); RELIGION (85%); CHRISTMAS (85%)

Geographic: NEW YORK, USA (88%); UNITED STATES (92%)

Load-Date: January 22, 2008

Fashion Week returns, but not just to the park

Newsday (New York)

September 2, 2007 Sunday, ALL EDITIONS

Copyright 2007 Newsday, Inc.

Newsday

Section: NEWS; Pg. A14

Length: 430 words

Byline: BY JOSEPH V. AMODIO. Special to Newsday

Body

Orange. Purple. Red. The ***Empire State Building*** will ***light*** up in trendy shades Tuesday evening in celebration of Fashion Week, which starts Wednesday and runs through Sept. 12.

Some 64 designers will show off their Spring 2008 collections in the tents at Bryant Park, the official venue sponsored by Mercedes-Benz, while scores more - mostly up-and-comers, but a few heavies such as Oscar de la Renta and downtown favorite Heatherette - will set up runways in smaller sites throughout the city.

"We wish Oscar great success with his show and we hope it works well for him," says Fern Mallis, senior vice president of IMG Fashion, the company producing the shows at Bryant Park, when asked about de la Renta's departure. The fashion vet announced last month his switch to a former church on the Upper East Side.

Heatherette has decided to hop from the tents a few blocks south to Gotham Hall.

Store buyers and editors generally agree: The tents are easier, and more central, especially this season with a schedule altered to accommodate Rosh Hashanah, which begins at sundown on Sept. 12. (The shows usually start on a Friday, not midweek.)

Nautica starts things off Wednesday at 9 a.m. Others returning to the tents include BCBG, Nicole Miller, Michael Kors, Diane von Furstenberg, Carolina Herrera and Zac Posen, plus younger labels such as Buckler for men and Sabyasachi for women. Tent newcomers Gwen Stefani (with L.A.M.B.) and Nicky Hilton (debuting her Nicholai line) will pack the house.

Unlike Hilton, most fledgling designers wind up in cheaper locales. "You have to be inventive when putting on a show out of editors' comfort ratio - and ready for no-shows," says Swedish designer Helena Fredriksson of the risks of putting on a show outside of Bryant Park's radius. She's offering her flirty H. Fredriksson line at a show at the SoHo Grand.

Of course, Fashion Week is not just about fashion shows.

Ralph Lauren's bash in Central Park's Conservancy Garden on Saturday will treat A-listers to a runway show, then a black-tie dinner, in celebration of his 40 years in the business. Radio City Music Hall's Fashion Rocks, a concert airing Friday on CBS, boasts performances by Aerosmith, Alicia Keys and Usher, among others.

Perhaps the most light-hearted stop on editors' schedules is Friday's "Snoopy in Fashion" show, where designers conjure up looks inspired by Peanuts characters. "I've thrown myself into the Peanuts world and come out with the most divine little concoction," says Isaac Mizrahi. "It's Naomi Campbell meets Linus."

As Charles Schulz might (lovingly) say: Good grief.

Ignacio Duran

Graphic

NEWSDAY PHOTO, 2006/ARI MINTZ- Oscar de la Renta won't show his Spring '08 collection at the tents in Bryant Park this week.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: FASHION DESIGNERS (91%); FASHION DESIGN (90%); FASHION SHOWS (90%); PARKS & PLAYGROUNDS (89%); FASHION & APPAREL (89%); CLOTHING LABELS (78%); PERFORMING ARTS CENTERS (78%); ROSH HASHANAH (73%); FASHION; MANHATTAN

Person: OSCAR DE LA RENTA (90%); RALPH LAUREN (58%); DIANE VON FURSTENBERG (58%); MICHAEL KORS (58%); GWEN STEFANI (58%); ALICIA KEYS (50%)

Geographic: NEW YORK, NY, USA (58%); NEW YORK, USA (58%); UNITED STATES (58%)

Load-Date: September 2, 2007

TUESDAY IN NEW YORK

Daily News (New York)

August 5, 2008 Tuesday, SPORTS FINAL EDITION

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DAILY NEWS
NEW YORK'S HOMETOWN NEWSPAPER

Section: NOW; Pg. 34

Length: 239 words

Byline: By Amy Eisinger

Body

WHAT 'GLOWS' AROUND ...

. Catch hip-hop superstar Kanye West at Madison Square Garden. The Grammy winner, whose hits include "Stronger" and "Gold Digger," is starting a two-night return engagement to finish off his highly successful "Glow in the Dark" tour. 7:30 p.m.; $49.50-$154.50. Seventh Ave. between 31st and 33rd Sts. (212) 307-7171.

'SING A SONG' AT RADIO CITY

. Get your funk on with Earth, Wind and Fire at Radio City Music Hall. Conceived by drummer and songwriter Maurice White, the veteran group has been known to incorporate everything from jazz to blues and gospel to pop into its performances. 8 p.m.; $44-$89.50. Sixth Ave. and 50th St. (212) 307-7171.

SAX AND VIOLINS

. The Naumburg Orchestra, with saxophonist Ashu as guest soloist, performs at its namesake bandshell in Central Park. Maxim Eshkenazy conducts the program, which includes works by Dvorak, Piazzolla and Bartok. 7:30 p.m.; free admission. Naumburg Bandshell, Central Park, Central Park W. and 72nd St. *www.naumburgconcerts.org*.

VALHALLUVA STORY

. Graphic novelist Lauren Weinstein presents her newest comic "Goddess of War" at the Strand Book Store. The followup to her critically acclaimed "Girl Stories," it blends Norse mythology and modern-day drama. 7-8:30 p.m.; free admission. 828 Broadway at 12th St. (212) 473-1452.

SUNDOWN IN MIDTOWN

. The ***Empire State Building*** glows serenely in its classic all-white ***lights***. Dusk to midnight, 34th St. and Fifth Ave.

Graphic

KANYE WEST

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: HIP HOP CULTURE (90%); RAP MUSIC (90%); WIND INSTRUMENTS (90%); CELEBRITIES (90%); MUSIC (78%); MUSIC GROUPS & ARTISTS (78%); SINGERS & MUSICIANS (78%); JAZZ & BLUES (78%); ENTERTAINMENT & ARTS AWARDS (78%); SONG WRITING (73%); WRITERS (71%); STRINGED INSTRUMENTS (70%); NOVELS & SHORT STORIES (66%); MYTHOLOGY (66%)

Industry: CELEBRITIES (90%); MUSIC GROUPS & ARTISTS (78%); SINGERS & MUSICIANS (78%); ENTERTAINMENT & ARTS AWARDS (78%); PERFORMING ARTS CENTERS (75%); WRITERS (71%)

Person: KANYE WEST (73%)

Geographic: NEW YORK, USA (58%)

Load-Date: August 5, 2008

Empire State Building is lit for Olympic countries

The Bradenton Herald (Florida)

August 14, 2008 Thursday

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BRADENTON HERALD

Found on Bradenton • com

Length: 130 words

Body

+ASSOCIATED PRESS

NEW YORK - The Empire State Building is shining with Olympic spirit: Each of its top four sides is being lit with the different colors of 66 competing countries.

The Empire State Building's manager says it is the first time the iconic building has split the tower's sides with four separate country's lights.

The lighting honors the top 66 countries taking part in the Summer Games in Beijing, based on the number of athletes from each country. The lights began on Aug. 7 and continue through the end of the games on Aug. 24. The first and last day's ***lights*** honor the U.S. and China.

The ***Empire State Building*** was lit from sunset to midnight Wednesday to salute Cuba on its north side, Slovenia on its west side, Ukraine on its south side and Spain on its east side.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: OLYMPICS (90%); SPORTS & RECREATION EVENTS (88%); SUMMER OLYMPICS (73%)

Geographic: BEIJING, CHINA (79%); NEW YORK, USA (88%); NORTH CENTRAL CHINA (79%); CHINA (90%); UNITED STATES (88%); UKRAINE (50%); SLOVENIA (50%)

Load-Date: August 14, 2008

Odds and Ends Empire State Building

The Sanford Herald (North Carolina)

August 15, 2008 Friday

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Section: THE SANFORD HERALD; Pg. B05

Length: 441 words

Body

Odds and Ends Empire State Building shines with Olympic prideNEW YORK (AP) - The Empire State Building is shining with Olympic spirit: Each of its top four sides are being lit with the different colors of 66 competing countries. The Empire State Building's manager says it is the first time the iconic building has split the tower's sides with four separate country's lights. The lighting honors the top 66 countries taking part in the Summer Games in Beijing, based on the number of athletes from each country. The lights began on Aug. 7 and continue through the end of the games on Aug. 24. The first and last day's ***lights*** honor the U.S. and China. The ***Empire State Building*** on Wednesday was lit from sunset to midnight to salute Cuba on its north side, Slovenia on its west side, Ukraine on its south side and Spain on its east side.

Top dishonors in writing go to Washington man

SAN JOSE, Calif. (AP) - A grotesque comparison of a steamy love affair to a New York City street has won a Washington man this year's grand prize in an annual contest of bad writing. Garrison Spik, a 41-year-old communications director and writer, took top honors in San Jose State University's 26th annual Bulwer-Lytton Fiction Contest with this opening sentence to a nonexistent novel: "Theirs was a New York love, a checkered

taxi ride burning rubber, and like the city their passion was open 24/7, steam rising from their bodies like slick streets exhaling warm, moist, white breath through manhole covers stamped ' Forged by De Laney Bros., Piscataway, N.J."' The contest is named after Victorian novelist Edward George Earl BulwerLytton, whose 1830 novel "Paul Clifford" famously begins "It was a dark and stormy night." Entrants are asked to submit bad opening sentences to imaginary novels. Awards are given for many categories, including awards for "purple prose" and "vile puns." The top winner receives a $ 250 prize.

Michigan ' Joker' sentenced to 1 day in jail

CENTREVILLE, Mich. (AP) - A man accused of trying to steal a large Batman movie poster from a cinema lobby while dressed as the Joker has pleaded guilty to a misdemeanor charge of malicious destruction of property. Twenty-year-old Spencer Taylor entered the plea Wednesday in St. Joseph County District Court. A judge ordered him to serve one day in jail, perform 16 hours of community service and pay $ 685 in fines. Charges of attempted larceny in a building and using a mask to conceal his identity during the commission of a crime were dismissed as part of Taylor's plea agreement. Three Rivers police say he was wearing a purple suit, green wig and face paint when they arrested him on July 27.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: OLYMPICS (90%); NOVELS & SHORT STORIES (89%); WRITERS (88%); SPORTS & RECREATION EVENTS (78%); LOBBYING (78%); AWARDS & PRIZES (76%); SUMMER OLYMPICS (73%); SENTENCING (69%); COMMUNITY SERVICE SENTENCING (69%); MISDEMEANORS (69%); PLEA AGREEMENTS (69%); GUILTY PLEAS (69%); DECISIONS & RULINGS (68%); SETTLEMENTS & DECISIONS (68%); VANDALISM (68%); LITIGATION (66%); CRIMINAL OFFENSES (65%); PROPERTY CRIMES (64%); FINES & PENALTIES

(64%); JUDGES (64%); LARCENY & THEFT (64%); COUNTY GOVERNMENT (63%); LAW COURTS & TRIBUNALS (60%)

Geographic: SAN JOSE, CA, USA (91%); BEIJING, CHINA (79%); NEW YORK, NY, USA (79%); NEW YORK, USA (92%); CALIFORNIA, USA (91%); NORTH CENTRAL CHINA (79%); NEW JERSEY, USA (79%); MICHIGAN, USA (79%); UNITED STATES (93%); CHINA (91%); SLOVENIA (79%); UKRAINE (71%)

Load-Date: August 9, 2014

***Jamaica to* light up Empire State Building**

The Weekly Gleaner (Jamaica, New York)

August 21, 2008 - August 27, 2008, North American ed.

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Section: EXTRA; Pg. E1; Vol. 1747; ISSN: 1018-2330

Length: 340 words

Body

ABSTRACT

The ESB's tower lights are known to recognize key miles stones, events, causes and holidays throughout the world, and we are happy to honor your country by lighting out tower in your nations flag colors during the Olympic Summer Games noted Julia Sharkey of the ESB's PR Department.

On Saturday, August 23 Jamaica's colors (black, green and gold will be displayed on the North side of the building iran (worst sided, Georgia (South aided and Norway (East side), will share the spotlight with Jamaica.

FULL TEXT

(ProQuest: ... denotes obscured text omitted.)

NYC :

THE DISTINCT colors of Jamaican's national flag will ***light*** up the ***empire State Building*** in New York City on Satruday, August 23.

Jamaica is one of 66 countries participating in the 2008 Summer Olympic Games in Beijing, China to have their national colours displayed on the world famous building.

The ***Empire State Building*** is celebrating the 2008 Games by bestowing its highest honorthe ***lighting*** of its Iconic towerin the colours if countries with outstanding athletes at the Olympics. The light show began on August 7, with the USA and China taking center stage.

In a release, the Empire State Building's management said that because Jamaica is one of the top 66 countries participating in the Games the decision was taken to include the island nation in the special lighting event. A record 205 counties are taking part in the Games of the 29th Olympiad.

The ESB's tower lights are known to recognize key miles stones, events, causes and holidays throughout the world, and we are happy to honor your country by lighting out tower in your nations flag colors during the Olympic Summer Games noted Julia Sharkey of the ESB's PR Department.

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The Empire State Building a worldwide landbank and prime tourist spot is located at ... Faith Avenue, between ... Manhattan.

Graphic

Photographs

Ignacio Duran

Classification

Language: ENGLISH

Document-Type: News

Publication-Type: Newspaper

Journal Code: WYGR

Acc-No: 59143

Subject: OLYMPICS (94%); SUMMER OLYMPICS (91%); SPORTS & RECREATION EVENTS (90%); Flags; Olympic games-2008; High rise buildings

Geographic: NEW YORK, NY, USA (94%); BEIJING, CHINA (92%); NEW YORK, USA (94%); NORTH CENTRAL CHINA (92%); UNITED STATES (94%); CHINA (93%); IRAN (93%); New York City New York; Jamaica

Load-Date: September 23, 2008

Empire State Building lights up in red and blue

The Salt Lake Tribune

November 5, 2008 Wednesday

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Section: BREAKING; News

Length: 79 words

Byline: The Associated Press

Body

Posted: 8:09 AM- NEW YORK - The Empire State Building is divided, politically.

The iconic skyscraper in New York City illuminated its tower in blue and red Tuesday night, representing respectively, Democrat Barack Obama and Republican John McCain.

The winner's color will light the tower Wednesday night. The red-blue split will stay if the result isn't known by then.

The tower lights frequently are themed. The first election lighting signaled Franklin D. Roosevelt's win in 1932.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: US DEMOCRATIC PARTY (90%); US REPUBLICAN PARTY (88%); US PRESIDENTIAL CANDIDATES 2008 (87%); US PRESIDENTIAL CANDIDATES 2012 (84%)

Person: BARACK OBAMA (55%); JOHN MCCAIN (55%)

Geographic: NEW YORK, NY, USA (90%); NEW YORK, USA (94%); UNITED STATES (94%)

Load-Date: November 5, 2008

Empire State Building lights up in red, blue

The Bridgeton News

November 5, 2008 Wednesday

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Dow Jones Factiva

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Length: 77 words

Body

NEW YORK (AP) - The Empire State Building is divided, politically.

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Notes

PUBLISHER: NewsBank Inc.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: BDGTN

Subject: US REPUBLICAN PARTY (90%); US DEMOCRATIC PARTY (90%); US PRESIDENTIAL CANDIDATES 2008 (90%); US PRESIDENTIAL CANDIDATES 2012 (87%); nnam News Agency Material; ncat Content Types; nfact Factiva Filters; nfce FC&E Exclusion Filter; niwe IWE Filter

Person: JOHN MCCAIN (70%); BARACK OBAMA (70%)

Geographic: NEW YORK, NY, USA (91%); NEW YORK, USA (94%); UNITED STATES (94%); nyc United States - New York City; usny United States - New York; namz North American Countries/Regions; usa United States; use Northeast U.S.

Load-Date: February 13, 2010

Christmas season kicks into high gear

The Record (Bergen County, NJ)

November 8, 2008 Saturday, All Editions

Copyright 2008 North Jersey Media Group Inc., All Rights Reserved

Section: NEWS; Pg. A04

Length: 42 words

Body

Members of the Rockettes visiting the Observation Deck of the ***Empire State Building*** before flipping the switch to ***light*** the landmark in green, white and red to celebrate Friday night?s opening of the "2008 Radio City Christmas Spectacular!" at Radio City.

Graphic

PHOTO, ASSOCIATED PRESS - Members of the Rockettes visiting the Observation Deck of the ***Empire State Building*** before flipping the switch to ***light*** the landmark in green, white and red to celebrate Friday night's opening of the "2008 Radio City Christmas Spectacular!" at Radio City.

Classification

Language: ENGLISH

Document-Type: STANDALONE IMAGE

Publication-Type: Newspaper

Subject: CHRISTMAS (90%); HOLIDAYS & OBSERVANCES (90%); NEW YORK CITY; HOLIDAY; THEATER

Geographic: NEW YORK, NY, USA (79%); NEW YORK, USA (79%); UNITED STATES (79%)

Load-Date: November 10, 2008

Empire State Building going green

Newsday (Melville, New York)

April 7, 2009 Tuesday

Copyright 2009 Newsday

Distributed by McClatchy-Tribune Business News

Section: STATE AND REGIONAL NEWS

Length: 348 words

Byline: Michael Frazier, Newsday, Melville, N.Y.

Body

Apr. 7--The Empire State Building is being converted into an eco-friendly skyscraper, transforming the landmark into a "green" architectural marvel as part of a multimillion-dollar upgrade, officials said Monday.

Former President Bill Clinton said the skyscraper will bring more attention to the need to convert structures into energy-efficient buildings.

The Clinton Climate Initiative, which was created to seek environmentally sustainable solutions worldwide, is a partner in the Empire State Building project planned for completion by December 2010.

"Every person on Earth knows about the Empire State Building," Clinton said at the event. "I hope the innovative systems here . . . will become a model of how to do big buildings."

The ongoing $20-million project, is estimated to reduce energy consumption by up to 38 percent. Carbon emissions will be decreased by 105,000 metric tons over the next 15 years, project officials said. The 1,454-foot building's current energy costs are about $11 million per year. Under the program, energy costs will be slashed to $4.4 million annually.

Upgrades include replacing more than 6,000 windows with better-insulated ones, adding high-efficiency cooling systems and so-called intelligent ***lighting***, which automatically adjusts ***light*** based on various conditions.

Anthony Malkin, president of the ***Empire State Building*** Co., said although new buildings are being constructed with the environment in mind, converting existing buildings greatly reduces carbon emissions. "This New York icon is sending really a strong signal to the rest of the world that going green even in the current economic crisis is an economic and environmental imperative," he said.

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Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: ND

Acc-No: 20090407-ND-Empire-State-Building-going-green-0407

Subject: ENVIRONMENT & NATURAL RESOURCES (90%); GREEN BUILDING (78%); ENERGY EFFICIENCY & CONSERVATION (78%); SUSTAINABLE DEVELOPMENT (78%); US PRESIDENTS (77%); EMISSIONS (76%); ENERGY CONSUMPTION (76%); CONSUMPTION (68%); ECONOMIC CRISIS (64%)

Company: EMPIRE STATE BUILDING CO (85%)

Industry: Medical

Person: BILL CLINTON (90%)

Geographic: NEW YORK, USA (79%); EARTH (79%); UNITED STATES (79%)

Load-Date: April 7, 2009

Going green on skyline

Orlando Sentinel (Florida)

April 7, 2009 Tuesday, FINAL

Copyright 2009 Sentinel Communications Co.

Section: A SECTION; FLORIDA; Pg. A12; Nation & World Report

Length: 241 words

Byline: The Associated Press

Body

NEW YORK -- The Empire State Building has loomed over the city for decades, and now it will stand for something new as it gets a green makeover intended to serve as an example to the world.

Former President Bill Clinton and New York Mayor Michael Bloomberg both attended a ceremony on the building's 80th floor Monday and said they hope the environmental changes at the iconic skyscraper will serve as a model for buildings around the world.

Clinton, whose foundation is helping with the environmental upgrades, said the only way to get property owners worldwide to make over their buildings is by setting an attention-getting example.

"We have to prove it's good economics, and we have to prove we know how to do it," he said. "Every person on Earth who cares about this knows about the Empire State Building."

Experts say retrofitting old buildings to be more environmentally friendly is an important step in reducing levels of heat-trapping greenhouse gases.

In New York City, emissions generated by the operation of the more than 900,000 buildings citywide contribute 79 percent of the city's total.

The upgrades planned for the Empire State Building include replacing all of the skyscraper's 6,500 windows with a type of insulated glass that reduces summer heat load and winter heat loss.

Extra insulation will be installed behind radiators to save heat. Other changes are planned for the building's ventilation, chilled-water and ***lighting*** systems.

Graphic

PHOTO: The ***Empire State Building*** in New York is being retrofitted to be more environmentally friendly.
GINO DOMENICO/BLOOMBERG NEWS

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BOX:
$20M
Amount to be spent
on makeover
$4.4M
Expected savings in
energy costs annually
150,000
Fewer metric tons of carbon-dioxide emissions
during next 15 years
6,500
Number of windows in

building to be replaced
with insulated glass

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: REAL ESTATE (88%); ENVIRONMENTALISM (77%); EMISSIONS (76%); CLIMATE CHANGE (76%); ENVIRONMENT & NATURAL RESOURCES (71%); INDOOR AIR QUALITY (67%); GREENHOUSE GASES (67%)

Person: BILL CLINTON (88%); MICHAEL BLOOMBERG (59%)

Geographic: NEW YORK, NY, USA (93%); NEW YORK, USA (95%); EARTH (54%); UNITED STATES (95%)

Load-Date: April 7, 2009

Icon will get a 'green' facelift

The Toronto Star

April 7, 2009 Tuesday

Copyright 2009 Toronto Star Newspapers, Ltd.

Section: BUSINESS; Pg. B02

Length: 114 words

Body

The ***lights*** at the top of the ***Empire State Building*** already change colours and now the building itself is getting a permanent green makeover.

Former U.S. President Bill Clinton and New York Mayor Michael Bloomberg are hoping the environmental changes at the iconic skyscraper will serve as a model for buildings around the world.

The updates include replacing 6,500 windows to reduce summer heat load and winter heat loss.

Tenants in the building will also be given individualized Web-based power usage systems so that energy can be more efficiently managed.

The goal is to cut energy use by 38 per cent. The $20 million (U.S.) project is expected to save $4.4 million annually in energy costs.

Classification

Language: ENGLISH

Document-Type: COLUMN

Publication-Type: NEWSPAPER

Subject: US PRESIDENTS (88%); US PRESIDENTIAL CANDIDATES 2008 (88%)

Person: MICHAEL BLOOMBERG (71%); BILL CLINTON (71%)

Geographic: NEW YORK, NY, USA (92%); NEW YORK, USA (92%); UNITED STATES (92%)

Load-Date: April 7, 2009

The Empire State Building Plans a Growth Spurt, Environmentally

The New York Times

April 7, 2009 Tuesday, Late Edition - Final

Copyright 2009 The New York Times Company

Section: Section A; Column 0; Metropolitan Desk; Pg. 25

Length: 1055 words

Byline: By MIREYA NAVARRO

Body

Once the world's tallest building, the Empire State Building is striving for another milestone: It is going green.

Owners of the New York City landmark announced on Monday that they will be beginning a renovation this summer expected to reduce the skyscraper's energy use by 38 percent a year by 2013, at an annual savings of $4.4 million. The retrofit project will add $20 million to the $500 million building makeover already under way that aims to attract larger corporate occupants at higher rents.

Although the retrofit was specifically designed for the Art Deco office building at 34th Street and Fifth Avenue and its enormous features -- 102 stories, 2.6 million square feet, 6,500 windows and 73 elevators -- the energy-efficiency improvements are meant to serve as a model for other office buildings around the world, said Anthony E. Malkin, president of Wien & Malkin, which supervises the building on behalf of the owners, the Malkin family and the Helmsley estate.

He said upfront costs are often a deterrent for retrofitting older buildings, but the energy savings for the building , built in 1931, are expected to pay back those costs in only about three years.

''People associate greening with expense and compromise,'' Mr. Malkin said. ''We're trying to prove: no compromise and payback.''

Mr. Malkin announced the details of the project at a news conference attended by Mayor Michael R. Bloomberg, who has made sustainability a theme of his administration, and former President Bill Clinton, whose Clinton Climate Initiative program, which works with cities to develop large scale energy efficiency programs, helped facilitate the project.

People involved with the retrofit said the Empire State Building can offer an example of how older buildings can retrofit to the highest energy standards and effectively cut down their greenhouse gas emissions, a contributor to global warming. The largest share of New York City's greenhouse gas emissions, 78 percent, comes from the city's buildings, with commercial buildings contributing 25 percent, mostly from the use of electricity and natural gas.

By reducing energy use, the retrofit plan envisions cutting down the pollution the Empire State Building produces by 105,000 metric tons of carbon dioxide emissions a year, although the number of emissions currently emitted was not immediately available.

''They're showing the rest of the city that existing buildings, no matter how tall they are, no matter how old they are, can take steps to significantly reduce their energy consumption,'' Mr. Bloomberg said.

The largest energy guzzlers at the ***Empire State Building*** are ***lighting***, cooling and heating, said Paul Rode, a project executive with Johnson Controls, the retrofit designer. The building has 302 office tenants but is occupied by about 13,000 people a day, including visitors to the observatories on the 86th and 102nd floors that are open to the public 18 hours a day, seven days a week.

The designers said that about half the reduction in energy use will be achieved in the first two years of the project as they retrofit the double hung operable windows, insulate behind radiators and rebuild chillers in the cooling plant in the basement.

To avoid transportation-related pollution, the windows will be redone on site, by adding a layer of coated film between two glass panes to increase insulation. at a rate of 50 windows a day.

In all, the retrofit consists of eight projects, including upgrades to the electrical and ventilation systems and installation of sophisticated electronic instrumentation.

The biggest challenge in planning the project, Mr. Rode said, was to figure out what was behind the walls and the ceilings of the 78-year-old skyscraper -- in the absence of original drawings and specifications.

''It took a lot of investigative work,'' Mr. Rode said.

The plan also calls for tenants' involvement in monitoring their own energy use in their offices through a Web-based dashboard accessible from their computers, which keeps track of how much energy is being used and where.

Some tenants are already ahead of their landlord. Skanska, a Swedish construction company that took over the 32nd floor in November with 80 employees, renovated its 24,400 square feet of office space to green standards like daylight sensors to conserve energy and dual-flush toilets to avoid wasting water.

The company, which says it has cut its electric bill by one-third with the improvements, is seeking platinum certification, the highest level awarded by the United States Green Building Council, which certifies buildings and commercial interiors for energy, water efficiency and other green features.

The federal Environmental Protection Agency rates buildings for energy efficiency under its Energy Star program, and 6,200 commercial and institutional buildings have earned the label by achieving 30 to 40 percent greater efficiency than their peers. The Empire State Building is expected to fall in the top 10 percent of Energy Star office buildings when its renovation is completed, the project designers said.

While the energy-saving improvements will be substantial, no one visiting the building is very likely to notice them -- most involve slight changes or will be hidden in the building's innards. The night lighting that makes the building a distinctive part of the city's skyline represents a small draw of energy during off-peak hours and will continue without changes, Mr. Malkin said.

He said the green features will be highlighted for visitors as an educational tool, and tenants may also see a mark-up on rents because of the desirability of green features.

Jacques Catafago, president of the Empire State Building Tenants Association, called making the building more energy-efficient ''a laudable effort'' but said that rent increases were a concern. Mr. Catafago, a lawyer whose firm has been in the building since 1990, said that ''34th Street is not 57th Street -- the rents are very reasonable here.''

But Mr. Malkin said he was looking at the larger goal.

''If we don't change our unsustainable practices and the amount of energy we consume, if we don't make our city more efficient, we're toast,'' he said. ''We won't be able to avoid the sort of changes that would spell a reduced quality of life.''

http://www.nytimes.com

Graphic

PHOTOS: The Empire State Building is spending $20 million to make it more energy efficient. It is already undergoing a $500 million renovation to attract new tenants.

Windows, top, will have insulated film installed between the double panes. Chillers in the cooling plant will be rebuilt. Those two projects will amount to about half the savings.(PHOTOGRAPHS BY PIOTR REDLINSKI FOR THE NEW YORK TIMES)

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: ENERGY DEVELOPMENT PROGRAMS (90%); COMMERCIAL RENTAL PROPERTY (90%); OFFICE PROPERTY (89%); EMISSIONS (89%); ENERGY EFFICIENCY & CONSERVATION (89%); ENERGY CONSUMPTION (89%); GREENHOUSE GASES (88%); ENVIRONMENTALISM (78%); CITY GOVERNMENT (78%); REAL ESTATE (78%); ENERGY & ENVIRONMENT (77%); NATURAL GAS (77%); NATURAL GAS PRODUCTS (77%); OIL & GAS CONSUMPTION (77%); MUSEUMS & GALLERIES (75%); HVAC SYSTEMS (73%); PRESS CONFERENCES (72%); CONSUMPTION (72%); US PRESIDENTS (68%); GLOBAL WARMING (67%)

Person: BILL CLINTON (71%); MICHAEL BLOOMBERG (57%)

Geographic: NEW YORK, NY, USA (93%); NEW YORK, USA (93%); UNITED STATES (93%)

Load-Date: April 7, 2009

Romance reaches new heights: Coast Guard couple to be married at Empire State Building

The Capital (Annapolis, MD)

February 8, 2009 Sunday

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Section: LIFESTYLE; Pg. E1

Length: 771 words

Byline: THERESA WINSLOW Staff Writer

Body

This is one wedding that's going to be hard to top — literally. Kevin Koski and Heidi Landry are going to tie the knot on the 61st floor of the Empire State Building in New York City, which officials estimate is between 650 and 700 feet off the ground. At 7 a.m. on Valentine's Day, they'll gather with a small group of their friends for an intimate ceremony. After a champagne toast, the couple will spend their first few moments as man and wife with their heads even further in the clouds — this time at the 86th-floor observatory for an unparalleled view of the city.

The couple won the rare opportunity, since the iconic structure is usually not open for private weddings, in an online contest sponsored by Brides.com. They'll be the first of 14 couples selected to get hitched in the Big Apple on Feb. 14. "They had a cute story," said editor-in-chief Michelle Preli, explaining why Koski and Landry were selected. "(And) they're serving our country. The Empire State Building is a symbol of America." Both are lieutenants in the Coast Guard, but they're not stationed together. Koski, 31, is a ship's superintendent at the Curtis Bay Yard, while Landry, 26, a graduate of the Coast Guard Academy, is a port engineer serving in Portsmouth, Va. That makes them about a four-hour drive apart, and they alternate weekends at each other's homes. Last weekend, the couple stayed at Koski's Odenton home and talked about their relationship, how they met, their upcoming nuptials and how they deal with the physical distance between them. On weekdays, they rely on phone calls and instant messages to stay in touch. "We're the first people we talk to in the morning and the last before bed," said Koski, glancing over at Landry and smiling. He proposed just before midnight on New Year's Eve 2007, after dating for a little more than a year. Their first date took place at a casino in Connecticut. He was stationed in Boston at the time, and she was up from Portsmouth for a conference, so it was a long-distance relationship from the start. "A big thing is that we understand the lifestyle," Koski said. Landry also has hard evidence the arrangement is workable. Her older sister is also in the Coast Guard and married to another "Coastie," she said. "I know it can work," she said. "I've seen it work. They're doing great." Beyond a desire to serve their country, Koski and Landry also share a keen sense of humor, an interest in running (she got him to compete in a marathon) and a love of all sports. "We just have the same kind of values. We know what we want out of life," said Landry, adding that it includes having a traditional family. Clear waters ahead Koski didn't even know his fiancee had entered the Brides.com contest until she got the notification they had won. There were more than 400 entries nationwide. "I thought it was a scam (at first)," Landry said, laughing. "I accepted before I even talked to him." "I just go with it," Koski replied with a grin and a shrug. Landry entered after her mother, Susan Martin of Arizona, told her about the contest and other wedding giveaways. "There's a lot of things available," Martin said. "(I thought) it'd be interesting for her to enter. It helps out." She won't be able to attend the New York wedding, but she and others who can't make it to the Empire State Building will be able to watch the ceremony live at *www.brides.com/esb*. Martin will attend the couple's "second wedding" in Florida for 150 guests in March, which is the one they were planning for before they won the contest. Landry and Koski said the New York ceremony will be good practice and a nice chance to sightsee. They're taking five days off for the occasion. Landry's academy classmate, Jody Maisano, who will attend the New York ceremony, didn't think the couple would be nervous. "They'll take it as it goes," she said. "They'll be more excited (than nervous)." In addition to the ceremony, Brides.com will provide hair and makeup for Landry and photographs. They'll also loan her a dress she'll wear the day before for a special ***lighting*** ceremony at the ***Empire State Building***. For the ceremony itself, Landry picked out her own wedding dress, white with red trim, which is different from the one for her Florida ceremony. That dress is ivory with a long train. Koski plans to wear his dress whites on Valentine's Day. Landry said another reason she's looking forward to the New York ceremony is that it'll be a lot more intimate than their March nuptials, so they won't get caught up in the usual wedding madness. "It'll definitely just be about us," Landry said. ——— *twinslow@capitalgazette.com*

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: WEDDINGS & ENGAGEMENTS (90%); MILITARY SCHOOLS & ACADEMIES (65%)

Geographic: NEW YORK, NY, USA (88%); BOSTON, MA, USA (51%); NEW YORK, USA (92%); VIRGINIA, USA (79%); CONNECTICUT, USA (79%); MASSACHUSETTS, USA (51%); UNITED STATES (92%)

Load-Date: February 9, 2009

Romance reaches new heights

The Maryland Gazette

February 14, 2009 Saturday

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Section: FRONT; Pg. A1

Length: 764 words

Byline: THERESA WINSLOW Staff Writer

Body

This is one Valentine's Day present that's going to be hard to top - literally.

Kevin Koski and Heidi Landry planned to tie the knot this morning on the 61st floor of the Empire State Building, which officials estimate is between 650 and 700 feet above the streets of New York.

They gathered with a small group of their friends for an intimate, Valentine's Day ceremony. After a champagne toast, the couple planned to spend their first few moments as man and wife with their heads even further in the clouds - this time at the 86th-floor observatory for an unparalleled view of the city.

The couple won the rare opportunity, because the iconic structure is usually not open for private weddings, in an online contest sponsored by Brides.com. They'll be the first of 14 couples selected to get hitched in the Big Apple today.

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"A big thing is that we understand the lifestyle," Koski said.

Landry also has hard evidence the arrangement is workable. Her older sister is also in the Coast Guard and married to another "Coastie," she said. "I know it can work," she said. "I've seen it work. They're doing great."

Beyond a desire to serve their country, Koski and Landry also share a keen sense of humor, an interest in running (she got him to compete in a marathon) and a love of all sports. "We just have the same kind of values. We know what we want out of life," said Landry, adding that it includes having a traditional family.

Clear waters ahead

Koski didn't even know his fiancee had entered the Brides.com contest until she got the notification they had won. There were more than 400 entries nationwide.

"I thought it was a scam (at first)," Landry said, laughing. "I accepted before I even talked to him."

"I just go with it," Koski replied with a grin and a shrug.

Landry entered after her mother, Susan Martin of Arizona, told her about the contest and other wedding giveaways. "There's a lot of things available," Martin said. "(I thought) it'd be interesting for her to enter. It helps out."

She won't be able to attend the New York wedding, but she and others who can't make it to the Empire State Building will be able to watch the ceremony live at *www.brides.com/esb*.

Martin will attend the couple's "second wedding" in Florida for 150 guests in March, which is the one they were planning for before they won the contest.

Landry and Koski said the New York ceremony will be good practice and a nice chance to sightsee. They're taking five days off for the occasion.

Landry's academy classmate, Jody Maisano, who will attend the New York ceremony, didn't think the couple would be nervous.

"They'll take it as it goes," she said. "They'll be more excited (than nervous)."

In addition to the ceremony, Brides.com will provide hair and makeup for Landry and photographs. They'll also loan her a dress she'll wear the day before for a special ***lighting*** ceremony at the ***Empire State Building***.

For the ceremony itself, Landry picked out her own wedding dress, white with red trim, which is different from the one for her Florida ceremony. That dress is ivory with a long train. Koski plans to wear his dress whites on Valentine's Day.

Landry said another reason she's looking forward to the New York ceremony is that it'll be a lot more intimate than their March nuptials, so they won't get caught up in the usual wedding madness.

"It'll definitely just be about us," Landry said.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: WEDDINGS & ENGAGEMENTS (90%); MILITARY SCHOOLS & ACADEMIES (66%)

Geographic: BOSTON, MA, USA (79%); NEW YORK, NY, USA (78%); NEW YORK, USA (92%); VIRGINIA, USA (79%); MASSACHUSETTS, USA (79%); CONNECTICUT, USA (79%); UNITED STATES (92%)

Load-Date: February 17, 2009

EMPIRE STATE GANG HAS THE LIGHT STUFF - SHINE ON! THE TRUE COLORS OF NYC

The New York Post

February 26, 2009 Thursday

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Section: All Editions; Pg. 52

Length: 559 words

Byline: Don Kaplan

Body

NEW York's longestrunning show isn't "The Phantom of the Opera." It's the ever-changing halo of ***lights*** at the top of the ***Empire State Building***.

When the Yankees or Mets win big, the tower is crowned in blue or orange, and at Christmas, the building is given a glowing red, green and white crown.

A crown that someone has to change (and no, there's no safety harness.)

Trust us: The cold at street level this winter is tropical compared to the brutal weather atop the Empire State Building.

Roughly once a week, a team of electricians spends hours creeping along the edges of the New York landmark, braving gale-force winds.

The light bays of the building sit on two narrow ledges, one on the 72nd floor and another on the 81st. And it's rough going.

"Sometimes we have to hold on because of the wind," says 56-year-old Jake Nouel, the building's chief electrician. He's been changing the gels - circles of colored plastic that are hand-screwed into the hundreds of floodlights - for 29 years.

"Sometimes we have to hold on to each other," he says with a laugh.

On a recent frigid February morning, he and his crew changed the lights from white to blue-greenblue to commemorate something called Corporate Philanthropy Day.

Anyone can submit a proposal to have the colors changed - but officials from the building's public relations office make the final decision.

As for the most complicated lighting design ever? That would be last summer, when the building celebrated the Olympics by featuring the colors of four different countries on each side, every day for the duration of the 16-day games. Some said the tower looked like a giant Rubik's Cube. Still, at least it wasn't cold out.

"I like it out here during the summer," says Nouel, peering over the ledge at the street 72 stories below. To reach Nouel's workspace, you have to climb out the windows of the Empire State Building, where there's an eyelevel view of the top of the Chrysler Building.

Changing the gels is labor intensive, while Nouel and his crew battle ice, wind - and even the occasional hawk attack.

"Last year we saw 23 hawks up here in one day," says Bernie Von Haack, a longtime vet on the building's electrical staff. Every once in a while, the birds dive-bomb the workers, but no one has ever been hit - yet.

The team also has to regularly negotiate a maze of scaffolding ropes and cables, left by contractors tasked with waterproofing the outside of the building.

"The cold, the wind, no matter what - we're out here," says Nouel.

Ignacio Duran

The lights have been bolted to the ledges since 1977. They've ranged from basic white to the more patriotic red, white and blue on the anniversary of 9/11. They were even doused entirely for 15 minutes, when "King Kong" star Fay Wray died in 2004.

They're built to withstand harsh weather, wear and tear. In fact, the only time they've been smashed was in 2004, when a suicide jumper leapt to his death from the 86th-floor observation deck. And while there has been talk over the years of changing the lighting system to a more economical (and far less dangerous) LED system, "there are no plans currently," according to a spokeswoman for the landmark building.

As the popularity of the colored lights has soared, so have its demands.

"It used to be only a few times a year we would change the colors," says Nouel, "Now it's more than 130."

Graphic

Don't look down! 72 stories up, the crew (including 25-year-old Danny Pagliaro, inset) regularly changes the building's lights. (Steve Duncan)

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: ELECTRICAL CONTRACTORS (78%); CHRISTMAS (77%); HOLIDAYS & OBSERVANCES (77%); CORPORATE GIVING (64%); PHILANTHROPY (50%)

Organization: NEW YORK METS (58%); NEW YORK YANKEES (58%)

Geographic: NEW YORK, NY, USA (90%); NEW YORK, USA (90%); UNITED STATES (90%)

Load-Date: February 26, 2009

Famed lights out

The Toronto Star

March 27, 2009 Friday

Copyright 2009 Toronto Star Newspapers, Ltd.

Section: GTA; Pg. GT08

Length: 114 words

Body

Landmarks that will go dark during Earth Hour 2009:

Acropolis, Athens

Christ the Redeemer Statue, Rio de Janeiro

CN Tower, Toronto

CNN Tower, Atlanta

Colosseum, Rome

Edinburgh Castle in Scotland

Eiffel Tower, Paris

Golden Gate Bridge, San Francisco

Las Vegas Strip

London Eye (Millennium Wheel)

Merlion statue, Singapore

Niagara Falls

Notre Dame Cathedral, Paris

Opryland, Nashville

Peace Tower, Ottawa

Petronas Towers, Kuala Lumpur

Santa Monica Pier, Los Angeles

Sears Tower, Chicago

Sphinx, Egypt

Opera House, Sydney

Symphony of ***Lights***, Hong Kong

Empire State Building, Broadway marquees, Chrysler Building, Rockefeller Center, UN, New York

Thomas Edison's lab, West Orange, N.J. (birthplace of the lightbulb)

Ignacio Duran

Graphic

Sphinx, pyramids join Earth Hour.

Classification

Language: ENGLISH

Document-Type: COLUMN

Publication-Type: NEWSPAPER

Subject: RELIGION (88%); PERFORMING ARTS CENTERS (85%)

Geographic: SAN FRANCISCO, CA, USA (92%); ROME, ITALY (90%); NASHVILLE, TN, USA (90%); PARIS, FRANCE (90%); LOS ANGELES, CA, USA (90%); LAS VEGAS, NV, USA (87%); ATHENS, GREECE (73%); OTTAWA, ON, CANADA (72%); RIO DE JANEIRO, BRAZIL (72%); TORONTO, ON, CANADA (72%); ROME, GA, USA (71%); EDINBURGH, SCOTLAND (71%); LONDON, ENGLAND (70%); KUALA LUMPUR, MALAYSIA (68%); CHICAGO, IL, USA (67%); CALIFORNIA, USA (92%); ONTARIO, CANADA (90%); TENNESSEE, USA (90%); NEVADA, USA (87%); GEORGIA, USA (71%); NEW YORK, USA (69%); ILLINOIS, USA (67%); NEW JERSEY, USA (65%); UNITED STATES (92%); CANADA (90%); ITALY (90%); SCOTLAND (90%); FRANCE (90%); GREECE (73%); BRAZIL (72%); SINGAPORE (69%); MALAYSIA (68%)

Load-Date: March 27, 2009

Empire State Building goes Columbia blue to honor graduates

University Wire

May 19, 2009 Tuesday

Copyright 2009 Columbia Daily Spectator via U-Wire

Length: 177 words

Byline: By Joy Resmovits, Columbia Daily Spectator; SOURCE: Columbia U.

Dateline: NEW YORK

Body

For Commencement, Columbia will finally have its name-or actually, it colors-in ***lights***.

Wednesday evening, the ***Empire State Building*** will be lit up in Columbia's blue to honor the University's graduates.

The display, which will light up a skyline seen by millions, only cost $1.

According to Columbia College Student Council President George Krebs, CC '09, graduating Columbia senior Jennifer O'Reilly-Jones wrote him an e-mail in October saying that she had always admired the building's colorful lights. O'Reilly-Jones brought the application to his attention and suggested that Columbia bid for its colors to be displayed.

Several months later-less than a week before Commencement-Krebs said he heard back from the building, and returned the form on Monday.

"It will be lit up for Commencement on Wednesday," Krebs said. "We didn't have to pay for it or anything, we just had to agree to employing the means of publicity on their behalf, to publicize the ***lighting*** of the ***Empire State Building***. We had to pay $1 and publicize."

(C) 2008 Columbia Daily Spectator via UWIRE

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: STUDENTS & STUDENT LIFE (77%); STUDENT ORGANIZATIONS (72%)

Geographic: NEW YORK, USA (79%); UNITED STATES (79%)

Load-Date: May 20, 2009

Empire State Building lights honor China

Deseret Morning News (Salt Lake City)

October 1, 2009 Thursday

Copyright 2009 The Deseret News Publishing Co.

Length: 271 words

Byline: Associated Press

Body

NEW YORK ? Red and yellow ***lights*** shone from the top of the ***Empire State Building*** at dusk Wednesday, a tribute to communist China's 60th anniversary that protesters labeled "blatant approval" of totalitarianism and criticized as inappropriate for an icon in the land of the free.

The building is routinely lit with different lights to mark holidays and big events, but opponents questioned whether it's right to commemorate a sensitive political issue, particularly when China has such a poor human-rights record. About 20 supporters of Tibet, which China has ruled since shortly after communists took over in 1949, protested outside the building during a ceremonial lighting of a scale model inside the lobby. They chanted "No to China's empire; free Tibet now," and held signs reading, "Empire State Building celebrating 60 years of China's oppression." Lhadon Tethong, executive director of Students for a Free Tibet, called the lighting "outright, blatant approval for a communist totalitarian system." "It's a great public-relations coup for the Chinese state," Tethong said as tourists gawked at the protesters. "But on the other hand, it's sure to backfire, because the American public and the global public will speak against it." At the lobby ceremony, building manager Joseph Bellina called the lights a high honor and said he was proud of the relationship between "our countries and our people." Chinese Consul General Peng Keyu, who pulled the switch on the glass-encased model, said he was "honored and delighted." He said China's reforms of the past 30 years have led to greater openness and "tremendous change."

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: PROTESTS & DEMONSTRATIONS (90%); ANNIVERSARIES (78%); APPROVALS (72%); PLATFORMS & ISSUES (71%); EXECUTIVES (68%); PUBLIC RELATIONS (67%); EMBASSIES & CONSULATES (64%)

Geographic: SOUTHWEST CHINA (90%); NEW YORK, USA (90%); XIZANG, CHINA (88%); CHINA (98%); TIBET (93%); UNITED STATES (90%)

Load-Date: October 1, 2009

Lights at Empire State Building protested; Close Up

The Seattle Times

October 1, 2009 Thursday, Fourth Edition

Copyright 2009 The Seattle Times Company

Section: ROP ZONE; News; Pg. A3

Length: 275 words

Byline: Marcus Franklin, The Associated Press

Dateline: New York

Body

NEW YORK Red and yellow ***lights*** shone from the top of the ***Empire State Building*** at dusk Wednesday, a tribute to communist China's 60th anniversary that protesters labeled "blatant approval" of totalitarianism and criticized as inappropriate for an icon in the land of the free.

The building is routinely lit with different colors to mark holidays and big events, but opponents questioned whether it's right to commemorate a sensitive political issue, particularly when China has such a poor human-rights record.

About 20 supporters of Tibet, which China has ruled since shortly after communists took over in 1949, protested outside the building during a ceremonial lighting of a scale model inside the lobby. Lhadon Tethong, executive director of Students for a Free Tibet, called the lighting "outright, blatant approval for a communist totalitarian system."

In the lobby ceremony, building manager Joseph Bellina called the lights a high honor and said he was proud of the relationship between "our countries and our people."

Chinese Consul General Peng Keyu, who pulled the switch on the glass-encased model, said he was "honored and delighted."

He said China's reforms of the past 30 years have led to greater openness and "tremendous change."

Keyu and Bellina didn't address critics or answer questions.

Politicians united in their disdain.

Rep. Anthony Weiner, D-N.Y., said the lights should not be used to pay tribute to what he called "an oppressive regime" with a "shameful history on human rights."

Rep. Peter King, R-N.Y., said it was "a sad day for New York."

"It's one thing to acknowledge the government; it's totally immoral to honor it," he said.

Graphic

photo; Jason Decrow / The Associated Press: Pro-Tibet demonstrators rally outside the Empire State Building in New York on Wednesday. (0410061804)

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: PROTESTS & DEMONSTRATIONS (90%); US DEMOCRATIC PARTY (79%); ANNIVERSARIES (78%); APPROVALS (72%); PLATFORMS & ISSUES (71%); EXECUTIVES (69%); EMBASSIES & CONSULATES (67%)

Person: ANTHONY D WEINER (59%); PETER T KING (55%)

Geographic: NEW YORK, USA (94%); SOUTHWEST CHINA (90%); XIZANG, CHINA (88%); CHINA (94%); UNITED STATES (94%); TIBET (93%)

Load-Date: October 22, 2009

Empire State Building lit for China, drawing ire

Lowell Sun (Massachusetts)

September 30, 2009 Wednesday

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Section: BREAKING

Length: 504 words

Byline: The Lowell Sun

Body

NEW YORK (AP) -- Red and yellow ***lights*** shone from the top of the ***Empire State Building*** at dusk Wednesday, a tribute to communist China's 60th anniversary that protesters labeled "blatant approval" of totalitarianism and criticized as inappropriate for an icon in the land of the free.

The building is routinely lit with different to mark holidays and big events, but opponents questioned whether it's right to commemorate a sensitive political issue, particularly when China has such a poor human rights record.

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"It's a great public relations coup for the Chinese state," Tethong said as tourists gawked at the protesters. "But on the other hand, it's sure to backfire because the American public and the global public will speak against it."

At the lobby ceremony, building manager Joseph Bellina called the lights a high honor and said he was proud of the relationship between "our countries and our people."

Chinese Consul General Peng Keyu, who pulled the switch on the glass-encased model, said he was "honored and delighted."

He said China's reforms of the past 30 years have led to greater openness and "tremendous change."

Keyu and Bellina didn't address critics and declined to answer questions.

Journalist and blogger Marc Masferrer questioned legitimizing a government that continues to repress its citizens' freedoms, including their access to media and the Internet.

"I don't think one of our great landmarks should be turned into a platform to honor a regime and a system responsible for as much tragedy and all the other things that come with a repressive system," he told The Associated Press.

Masferrer pointed out that this year is also the 20th anniversary of the violently crushed student-led movement in Beijing's Tiananmen Square. The People's Liberation Army is believed to have killed hundreds, possibly thousands, of protesters.

Politicians united in their disdain.

Rep. Anthony Weiner, a New York Democrat, said the lights should not be used to pay tribute to what he called "an oppressive regime" with a "shameful history on human rights."

Rep. Peter King, a New York Republican, said it was "a sad day for New York."

Ignacio Duran

"I am strongly opposed to it or any commemoration of the Communist Chinese revolution. It's one thing to acknowledge the government; it's totally immoral to honor it."

The lights atop the building, which is owned by W&H Properties, are often are changed. For example, Italian colors -- red, white and green -- commemorate Columbus Day, while green, white and orange are displayed for the India Day parade.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: PROTESTS & DEMONSTRATIONS (90%); HUMAN RIGHTS (89%); SEPARATISM & SECESSION (89%); ANNIVERSARIES (89%); US REPUBLICAN PARTY (79%); US DEMOCRATIC PARTY (79%); COUPS (76%); POLITICS (76%); POLITICAL PARTIES (75%); PLATFORMS & ISSUES (75%); APPROVALS (72%); HUMAN RIGHTS VIOLATIONS (70%); EXECUTIVES (68%); EMBASSIES & CONSULATES (64%); WRITERS (62%); BLOGS & MESSAGE BOARDS (62%)

Person: ANTHONY D WEINER (59%); PETER T KING (55%)

Geographic: BEIJING, CHINA (73%); NEW YORK, USA (94%); SOUTHWEST CHINA (91%); XIZANG, CHINA (88%); NORTH CENTRAL CHINA (79%); CHINA (99%); UNITED STATES (94%); TIBET (93%)

Load-Date: October 1, 2009

Honor China, Not Its Communism

Investor's Business Daily

September 30, 2009 Wednesday, NATIONAL EDITION

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INVESTOR'S BUSINESS DAILY

Section: Issues & Insights; Pg. A10

Length: 751 words

Body

Public Relations: The Empire State Building this week will illuminate red and yellow, celebrating China's 60 years of communist rule. There are many things to appreciate about China, but communism isn't one of them.

What was the ***Empire State Building*** thinking in ***lighting*** up in celebration of China's long communist rule?

Amid all the charming reasons the classical 102-story skyscraper colors the Gotham sky at night -- the 70 th anniversary of "The Wizard of Oz," El Museo del Barrio's reopening, Columbus Day and Gabrielle's Angel Foundation, according to its Web site -- China stands as a negative outlier.

Cynics call it recognition that the Chinese, who buy U.S. debt, now own us. But this looks more like a thoughtless confusion of China with its communist government, in perhaps the same impulse that prompts some to set up kitschy eateries bearing photos of Mao.

Recognizing China's regime with bright lights does New York's most visible landmark no honor at all.

China's 6,000-year-old history and civilization are loaded with things to celebrate -- from its invention of paper money and fireworks, to its great cuisines, its Taoist philosophy, the daring historic voyages of Sanbao (a possible model for Sinbad), millions of Overseas Chinese, and perhaps the awed arrival of Marco Polo into the Middle Kingdom, which ignited the Age of Exploration.

Much of the story of civilization is rooted in the West's longing to connect with China -- and this is not a finished story. In 1989, China saw brave young people stand up to tanks in the name of liberty at Tiananmen Square, an event surely worthy of the Empire State Building's honor as a beacon of freedom.

So it's discordant and jarring to see the tyranny that's plagued China for 60 years now the object of the skyscraper's approbation.

"Would the Empire State Building honor the government of Sudan or the birth of Nazi Germany?" asked Thor Halvorssen, whose Human Rights Foundation has an office in this building. "It's sad that a symbol of free enterprise honors the butchers of Beijing."

Communism is the root of the honor and nothing has harmed China so much. The nightmare began with Mao Zedong in 1949. He imported the alien ideology that is still around, diluted only because the authorities made such an economic hash of the country. By Mao's 1976 death, his successors had no choice but to open up.

Before that, the communist regime was responsible for wars, purges and famine on a scale untold in human civilization. According to University of Hawaii historian R.J. Rummel, the communist regime is responsible for the deaths of nearly 77 million people.

". . . this equation of power is not limited to democide (murder by government). . . . Power also breeds violence and war and all their associated killing. War, revolution and democide are as natural to power as the lust for power is to our species," Rummel wrote.

Ignacio Duran

The writings of Nien Cheng and Harry Wu, in the telling of their personal stories, describe just how cruel the Chinese regime has been to millions of innocents.

"So much for the statistics," Rummel adds. "These numbers alone do not measure the pain and suffering involved. For each person murdered, there remain grieving relatives and possibly broken homes and children. How many more died as a consequence is itself unknown and unestimated here. Then many of those killed did not die easy; often it was by inches, under torture, through starvation, overwork and exposure, or from painful wounds. These statistics only reflect in small measure the monstrous human misery."

The suffering in China isn't confined to the past. Xinjiang's Rebiya Kadeer and Tibet's Dalai Lama continue to speak out about the depredations of the communism that has never stopped persecuting its ethnic minorities who challenge its rule.

And with an unrepentant regime, which still enslaves 8 million in its prison camps called Laogai, this will be the reality of China until it faces the errors of the past.

The ***Empire State Building***'s managers who mainstreamed this ***lighting*** display ought to have known this.

They run a great American symbol of freedom and enterprise, dear to the hearts of Americans because it still stands after 9/11.

To use the building as a lighted billboard to congratulate a regime whose cruelty is a matter of record ought to be protested.

China's long history is well worth honoring from the Empire State Building. But it's China's enterprising and freedom-loving people who deserve the honor, not its oppressive communist regime.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: ANNIVERSARIES (78%); HISTORY (75%); PUBLIC DEBT (74%); HUMAN RIGHTS (72%); RESTAURANTS (68%); FAMINE (60%); WEB SITES (55%); TAOISTS & TAOISM (51%)

Geographic: BEIJING, CHINA (58%); NEW YORK, USA (79%); HAWAII, USA (79%); NORTH CENTRAL CHINA (78%); CHINA (94%); UNITED STATES (79%); SUDAN (79%); GERMANY (67%)

Load-Date: September 29, 2009

He makes events colorful; As Empire State Building's chief electrician, Paramus man lights up the sky

The Record (Bergen County, NJ)

January 4, 2010 Monday

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Section: BETTER LIVING; Pg. F03

Length: 952 words

Byline: By SACHI FUJIMORI, STAFF WRITERNorth Jersey Media Group

Body

Have you ever gazed at the Manhattan skyline at night and wondered about the colored ***lights*** atop the ***Empire State Building***? What do they mean?

The recent red and green is a gimme. But what about the blue, white and yellow we saw in November? Or that single evening in September when the skyscraper blushed pink?

If you've been keeping tabs, the art deco building seems to change colors as frequently as a teenage girl changes outfits. But for one man from Paramus, the lights are more than just a glowing beacon that piques our curiosity and connects us. It's his livelihood.

Jake Nouel is chief electrician at the Empire State Building, leading the crew of five men whose job is to change the tower's colors up to 130 times in a year. He's been at the same job for 29 years, which means the various color combinations and the causes and events they represent ? from March of Dimes to European Union Day ? can blur into a rainbow. "I've done it so often I no longer look what it's for," he said.

When family and friends call him up asking about the colors, and they often do, he said he responds "I don't know, let me go check."

A trim 56-year-old with a salt-and-pepper beard, he keeps fit by riding his bike into midtown Manhattan every morning after parking his car in Englewood Cliffs. Staying limber and strong is an unspoken job requirement.

On the 72nd floor of the Empire State Building, next to a children's book company, is door No. 7207. Behind it is an empty room with green carpet and three windows. The crew crawls through one of them to reach their workspace ? the setback, a balcony that houses the floodlights that wrap around the floor.

At 10 a.m., Nouel and two crew members, bundled up in jumpsuits and waterproof parkas, wheel in a cart filled with red gels, 24-inch-wide, Plexiglas-like discs that are slipped over 180 floodlights the size of Jamaican steel drums.

Nouel climbs through an open window, stepping onto the terrace protected by just a waist-high wall. To the right is the Hudson River, a flat sheet of blue; to the left is the East River. The city looks small and dense from above, like you can reach out and pluck a building between your fingertips.

With his high-tech work gloves, Nouel reaches down to loosen the rim of a floodlight. He slides a red disc over the light fixture, and then clamps it in place.

One down, 179 to go.

When the full crew is working, this job takes up to six hours.

And no matter the weather ? rain, sleet or snow ? if it's a scheduled light-change day, the job must be done.

Ignacio Duran

The whipping wind at these heights is the hardest element to contend with, he said. "It gets pretty windy on the northeast side," he said. One blustery day out on the balcony, he recalled, one of his slight crew members had trouble keeping his feet grounded. "We had to look out for him. We tied him down," he added with a smile.

Sometimes they spot hawks diving nearby. But mostly they just work quickly to get the job done. "I try getting it out of the way. There's always something coming up in the building," said Nouel, whose job also includes maintaining electrical units for the 103-story building, from changing light bulbs to fixing fans.

When the gel change is completed on the 72nd floor, they move up to the 81st floor to do the same. A third tier of color, on the building's spire, is controlled by computers. At nightfall each day the lights switch on automatically.

Ask Nouel about a favorite color scheme, and he'll hesitate in answering. The blue and white for the 2009 Yankees World Series victory? No, he's not much of a baseball fan. Pink for breast cancer awareness? Nope.

It's not that he's unsentimental or lacks a heart for causes. He's just so focused on getting the job done right. "It's extremely important for the building to the have the right colors," he said.

But he worries, so we all can enjoy it.

Oh, and he finally recalled a favorite: In 2008 when the Giants won the Super Bowl, the building lit up blue, his favorite color. Nouel knows former Giants receiver Amani Toomer, whom he met through his hobby restoring cars.

"He's a nice guy," said Nouel. "It felt great doing it for him."

Fast facts

* In 1932, the first searchlight shined from the ***Empire State Building***, signaling for miles that Franklin D. Roosevelt had been elected president.

* In 1976, ***lighting*** designer and innovative adman Douglas Leigh persuaded the building's owners to introduce colored lighting. The tower was lit red, white and blue in honor of the American bicentennial.

* Number of floodlights lighting up the 72nd and 81st floors: 180

* The lights switch on automatically at nightfall and go dark at 2 a.m.

* The changing of the gels may soon be a job of the past. As part of the building's environmental upgrade, its owners are testing out various light-emitting diodes - LEDs - to replace the floodlights currently in use. The high-tech lights are capable of producing millions of different colors and would be computer automated.

What the ***lights*** mean

The ***Empire State Building***'s ***lighting*** schedule is deter-mined by the building's management, which receives hundreds of requests each year. White is the default when there is no holiday or event. Some of the memo-rable lightings include:

? Blue and white: Hanukkah.

? Orange and blue: Madison Square Boys & Girls Club anniversary

? Red, pink and white: Valentine's Day

? Red, black and green: Dr. Martin Luther King Jr. Day

? Yellow: Tennis' U.S. Open opening night

? Red: "The Wizard of Oz's" 70th anniversary and the Ruby Slipper Collection

? Tie-dye colors: New-York Historical Society's bene-fit for the Grateful Dead exhibition

? Blue: in honor of Frank Sinatra's passing

Complete lighting schedule: esbnyc.com

E-mail: *fujimori@northjersey.com*

Graphic

STAFF PHOTOS BY DAVID BERGELAND

1,2 - Jake Nouel of Paramus has been at his job for 29 years, in charge of the colored lights on the 72nd and 81st floors. For each color change, he and his crew fight winds to slip colored discs over the 180 drum-like ***lights***.

3,4 - Jake Nouel of Paramus changes the ***light*** colors atop the ***Empire State Building*** so often he forgets what they mean.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: EUROPEAN UNION (67%); NEW YORK CITY; BUILDING; ELECTRIC

Organization: EUROPEAN UNION (55%)

Geographic: NEW YORK, NY, USA (92%); NEW YORK, USA (92%); UNITED STATES (92%); EUROPEAN UNION MEMBER STATES (70%)

Load-Date: February 12, 2010

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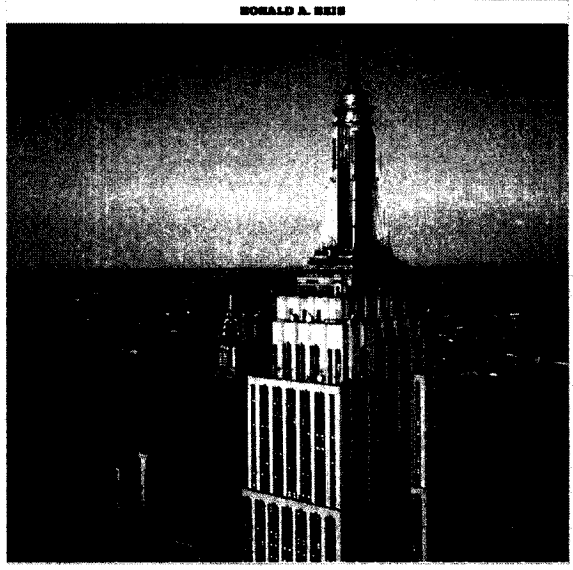

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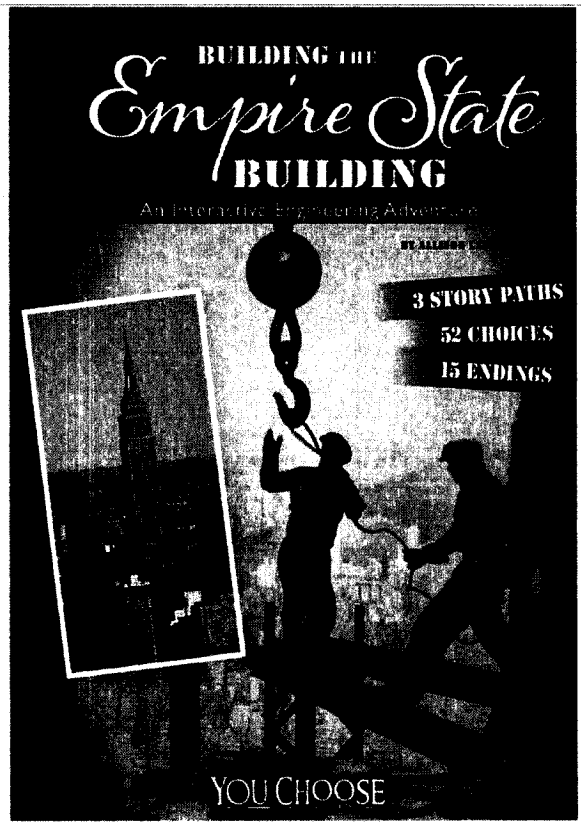

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CONTENTS

Preface
9

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11

"A Story A Day"
Engineering the Work
by Donald Friedman
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Notes on Construction of
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47

Notes on Notes
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Index
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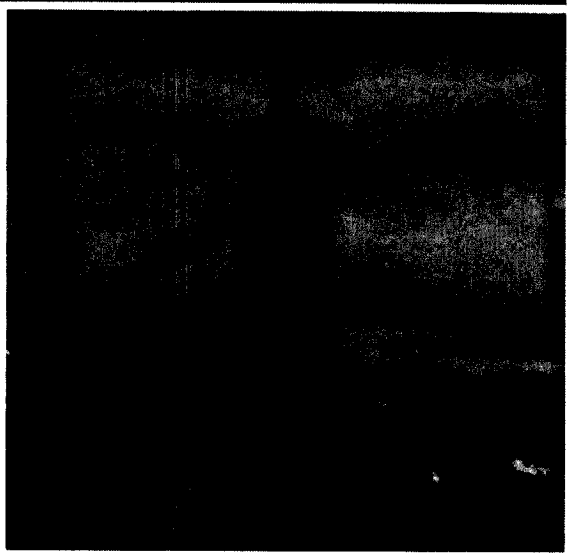

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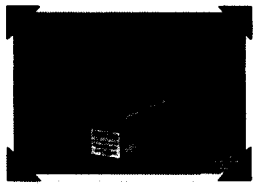

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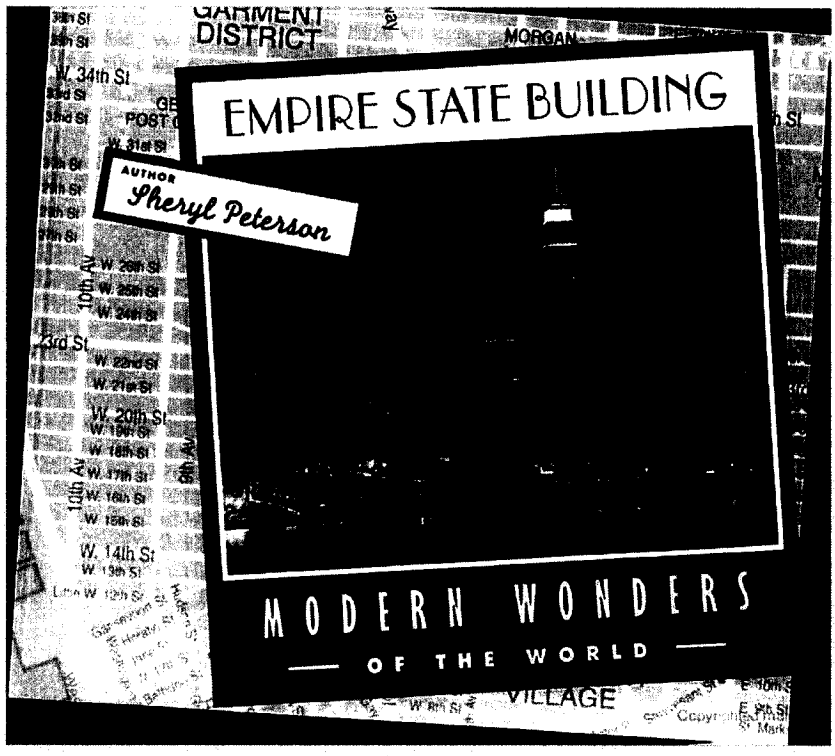

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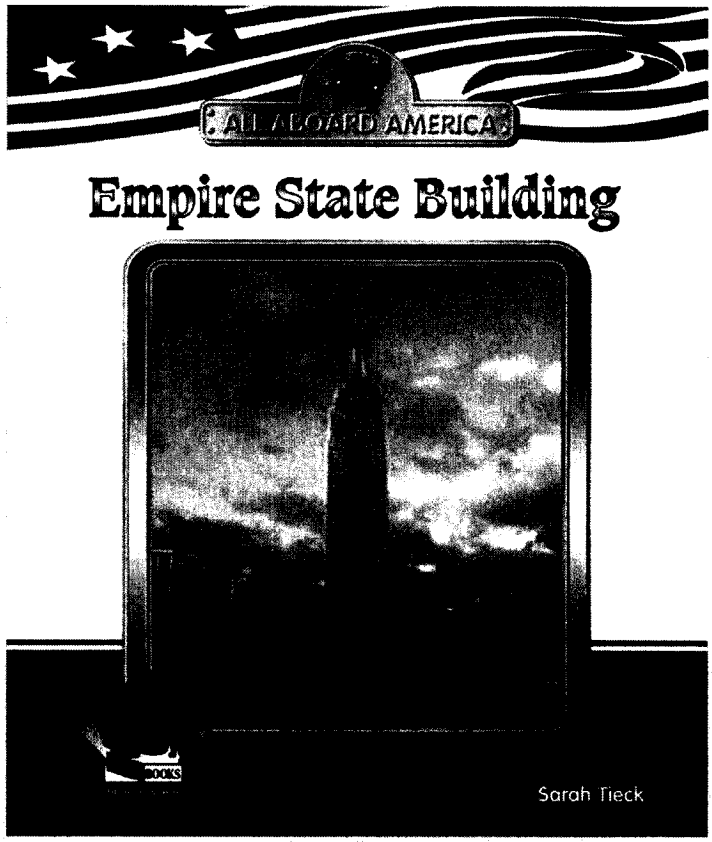

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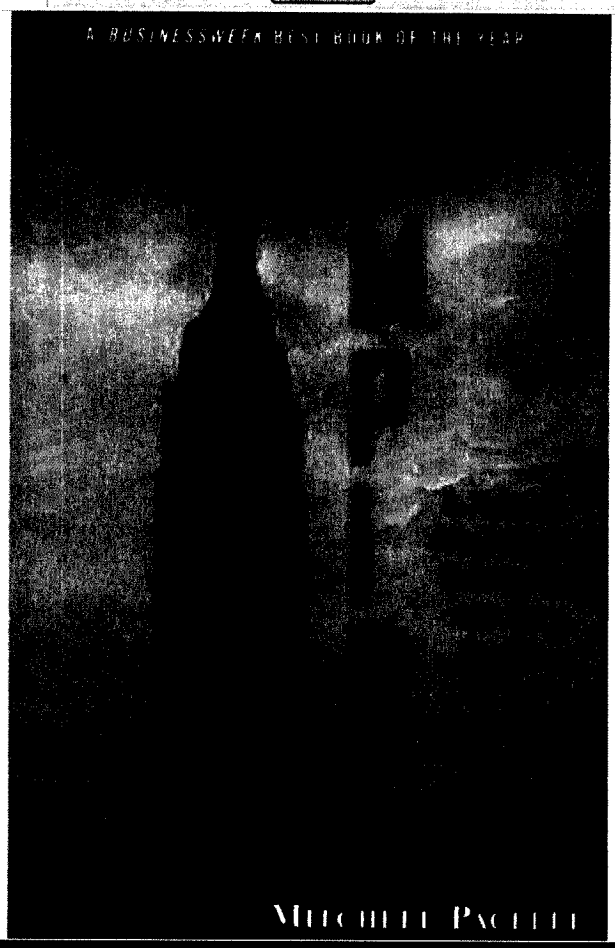

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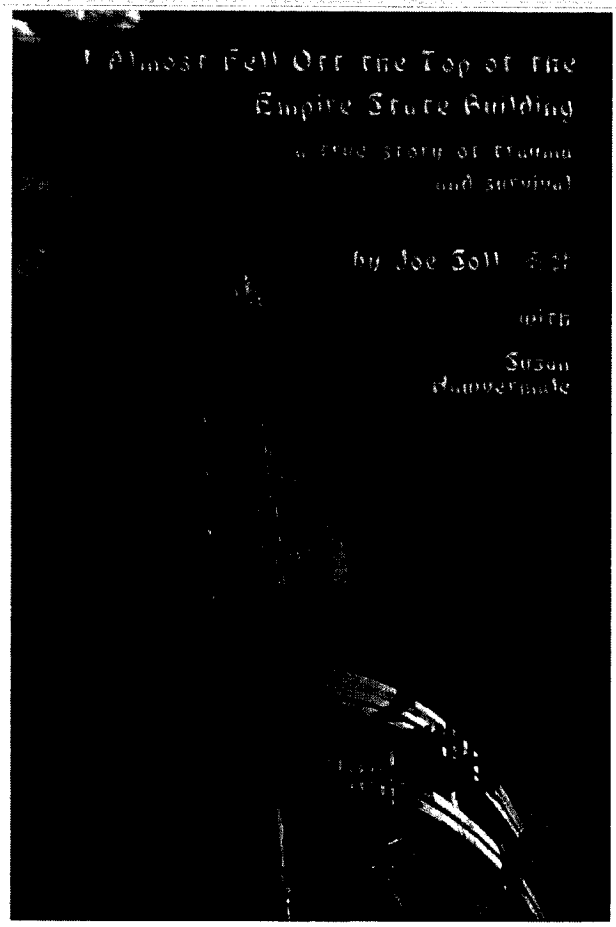

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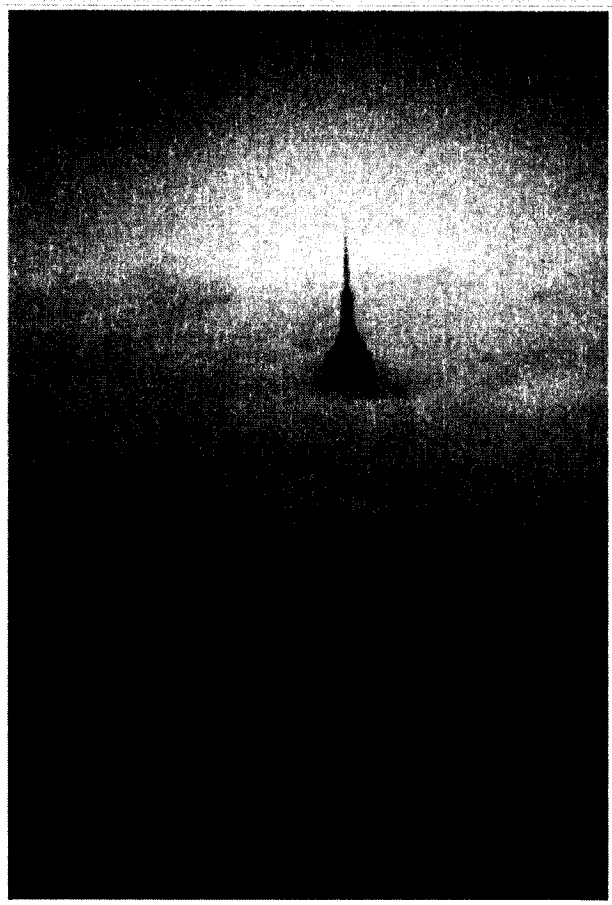

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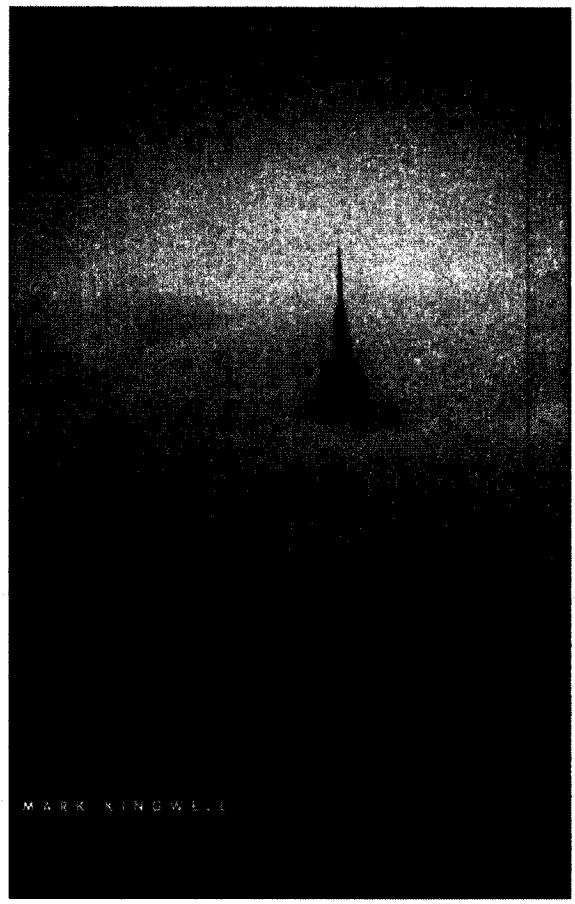

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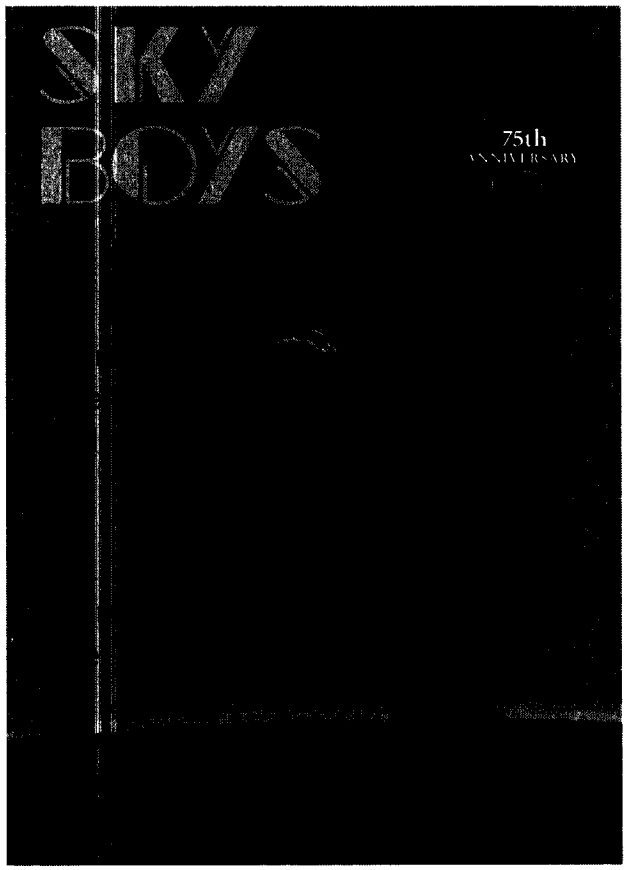

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★★★★★ **"So Tall It Will Scrape the Sky"** July 11, 2007
By M. Allen Greenbaum HALL OF FAME VINE VOICE
Format: **Hardcover**

In Depression-era New York City, dreams collide with reality. Our unnamed young narrator's father has just lost his job, and so the boy must wander the harsh, cold streets of Manhattan, looking for firewood. However, one day near 34th and 5th streets, he sees a dream unfold, as 3,000 men construct a symbol of triumph and tenacity: the 102-story Empire Stae Building.

The book is magnificent: Powerful images, poetic language, and construction scenes and details merge into a dramatic tale that's both historic and personal. The boy (and sometimes his father) joins other New Yorkers who look in awe at the evolving building. Ms. Hopkinson uses facts and simple, strong words in her descriptions: We see men sinking "210 massive steel columns" 55-feet into the ground, building "a steel forest" that "can bear the full weight of this giant-to-be: 365,000 tons." Flatbeds carry steel beams "from the fiery furnaces of Pittsburgh" through the streets, looking "river surging through the concrete canyons of Manhattan." While strong and almost terse, the writing is somehow concommitantly lyrical. The story teems with action ("hoisting, swinging, spinning") and facts that will fascinate any young reader (and most adults as well).

Two-page action sequences set within the story slow down time so that one can appreciate the danger, the men's skill, and the scope of the project. We see four men (there are no female workers--accurate as far as I know), working as a team to rivet steel girders together: The "Heater Man" tosses hot metal to "the Catcher," who fits it into the girder hole steadied by the "Bucker-up," finally hammered into place by "the Gunman. Read more ›

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★★★★★ **Dream big** April 14, 2011
By M. Heiss
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Published 8 months ago by Liz Pomeroy

The story of the building of the Empire State Building, told through the eyes of a Depression-era child. Who wouldn't love to be one of those builders? Beautiful, well-done book about a triumph of American engineering and a can-do attitude.

Comment | **Was this review helpful to you?** Yes No

7 of 9 people found the following review helpful

★★★★★ **Loaded with color illustrations which bring to life the builder's experience** April 10, 2006

By Midwest Book Review

Format: **Hardcover**

Celebrating the 75th anniversary of the Empire State Building's construction is Sky Boys: How They Built The Empire State Building. While vintage black and white photos from the era greet the eye on the inside and back cover pages, the book is loaded with color illustrations which bring to life the builder's experience. The journey to Depression-era Manhattan and a boy who watches its construction brings the promise, hope and allure of the Empire State Building to life.

Comment | **Was this review helpful to you?** Yes No

★★★★★ **Excellent historical picturebook for kids** June 16, 2012

By DJ Joe Sixpack HALL OF FAME TOP 500 REVIEWER

Format: **Paperback**

Sky Boys: How They Built the Empire State Building"

This is an excellent nonfiction picturebook about the building of the Empire State Building in the 1930s, as seen through the eyes of a local child who watches as an unbelievable avalanche of building materials and an army of workers flooded midtown Manhattan and the world's tallest building took shape before his eyes... Perhaps the most amazing thing about the Empire State Building is how quickly it was completed - in little over one year! Compared to the cost-overridden construction practices of today, when it takes two years just to build a bus stop, the triumphs of the 1930s seem almost like science fiction! This book has marvelous, evocative artwork and a brisk, compact narrative that only occasionally gets slowed down by facts and figures. Readers are placed in the mindset of Depression-era New York, and the work ethic of a bygone era is remembered as well. Nice to be reminded of the grandeur of the past, and perhaps to be inspired by it to strive for great things in our future as well. (Joe Sixpack, ReadThatAgain children's book reviews)

Comment | **Was this review helpful to you?** Yes No

★★★★★ **Favorite Picture Book on Empire State Building** March 10, 2012

By lIJuan12

Format: **Hardcover**

I just read a few books on the Empire State Building with my children (ages 2-9). This was my favorite. It does a great job of going through the various workers involved in building this enormous structure while also addressing the mindset of the Depression Era (that the men working on the building worked quickly because there was always a line of men waiting to take their places). The story is told from the viewpoint of a boy who is fascinated by the project. At the end of the story his father takes him to the top of the finished building to look out over the city. The illustrations kept the attention of all my children, and there was just the right amount of text that even my 2 year old could sit through this book -- while my older children were able to glean quite a bit of information.

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★★★★★ **Great story about a great building**

A fabulous introduction to skyscrapers for my 3-year old son. The Empire State Building is his favorite building in NYC and he has really enjoyed reading it multiple times

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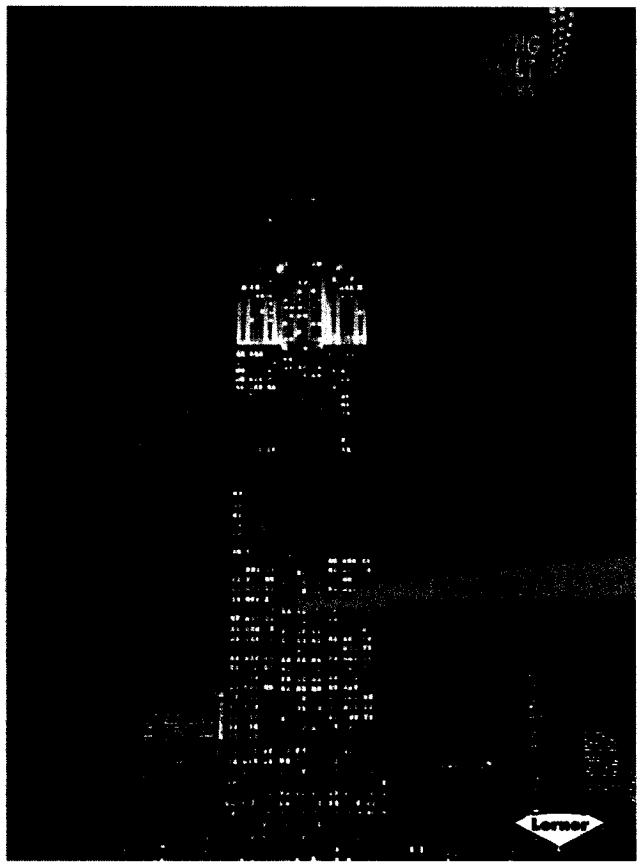

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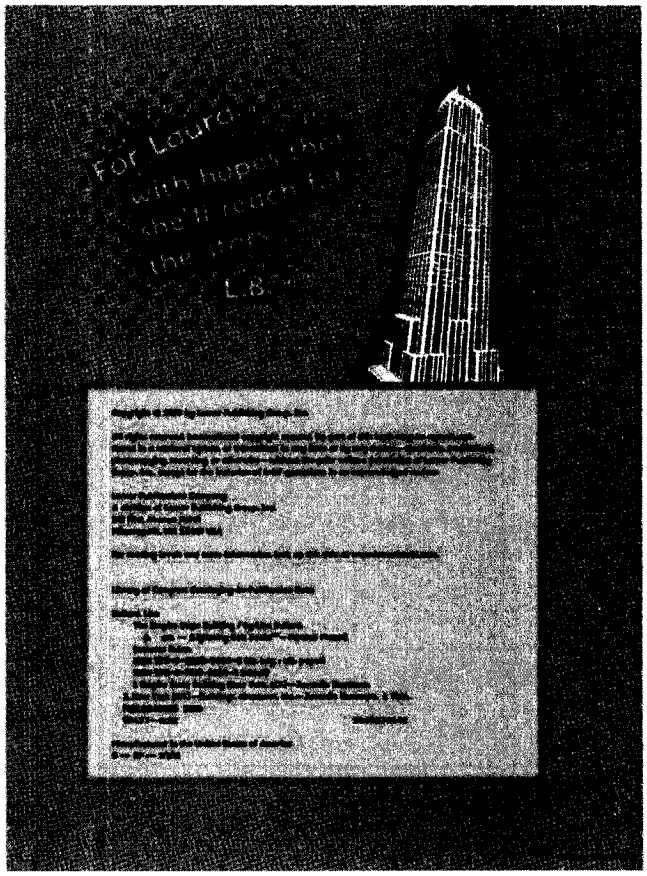

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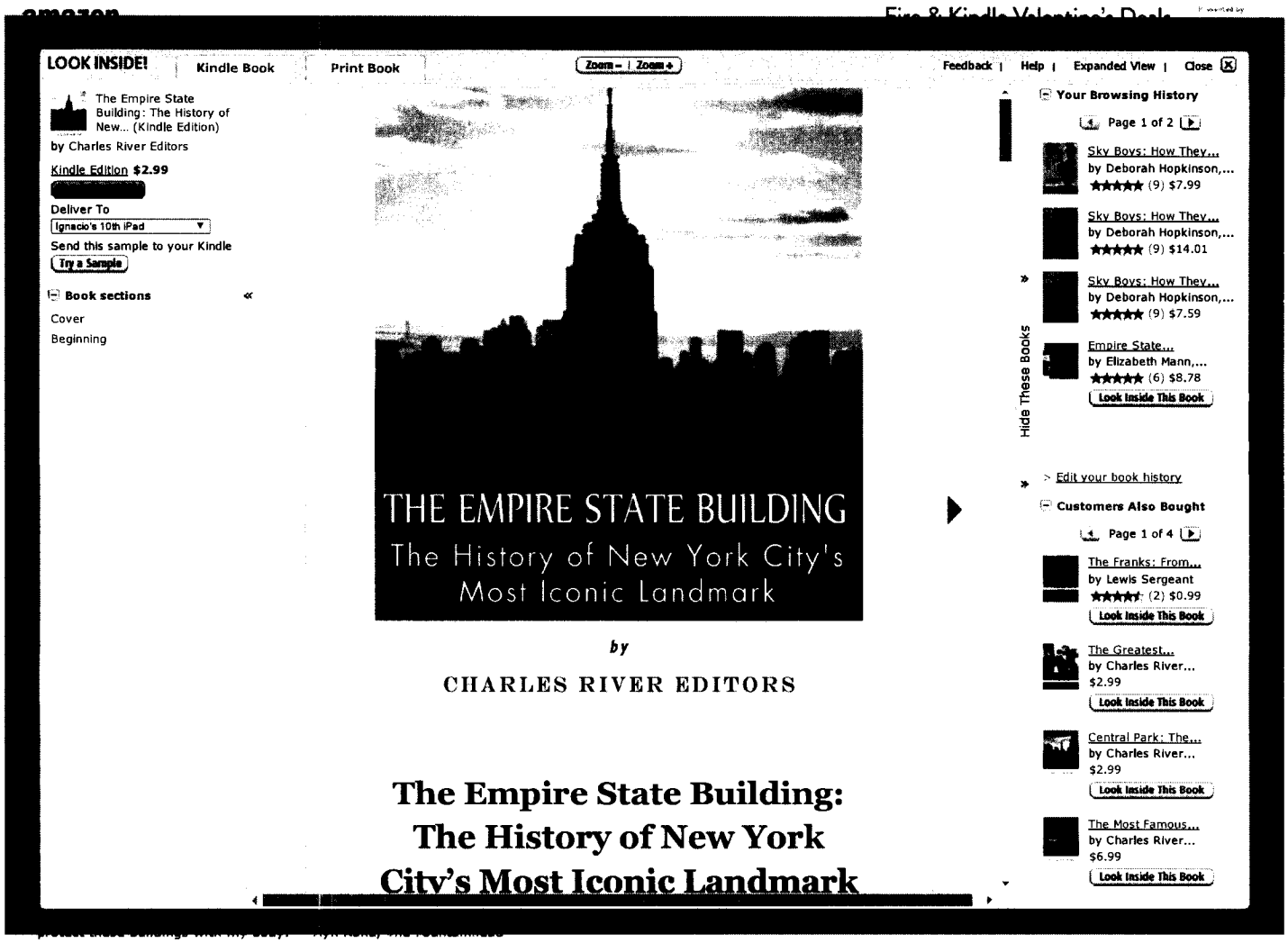

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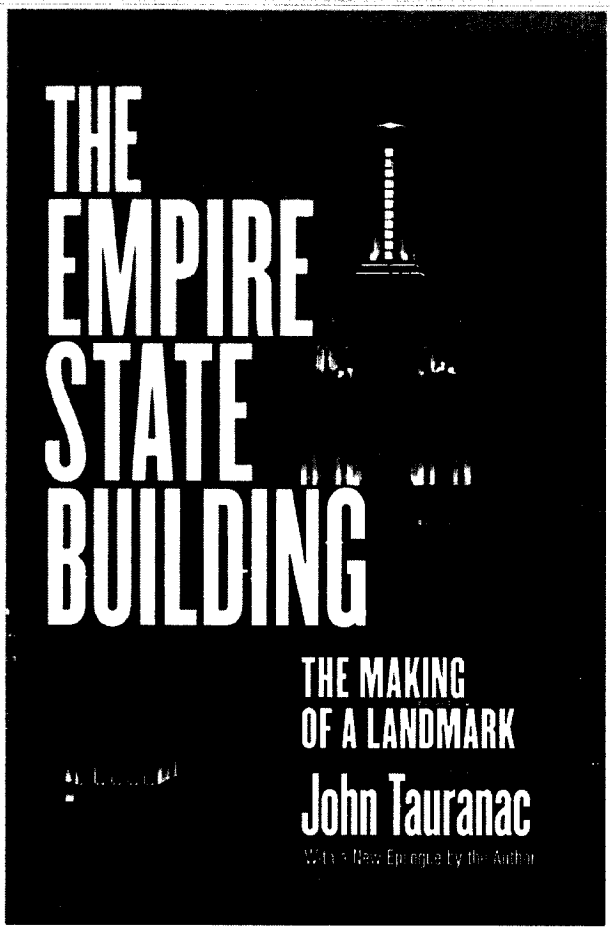

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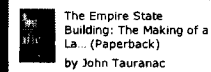

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	ACKNOWLEDGMENTS	11
1.	The Building	15
2.	The Skyscraper	30
3.	Zoning the City	50
4.	The Boom of the Twenties	67
5.	The Odd Couple	86
6.	The Firm	99
7.	The Site	111
8.	The Style	136
9.	The Design	153
10.	The Contractors	171
11.	The Mooring Mast	184

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CONTENTS

12.	Building the Building	198
13.	The Opening	227
14.	The Staff and Tenants	249
15.	The Bust of the Thirties	267
16.	The War	312
17.	Since the War	332
	Epilogue: After 9/11	367
	BIBLIOGRAPHY	371
	INDEX	379

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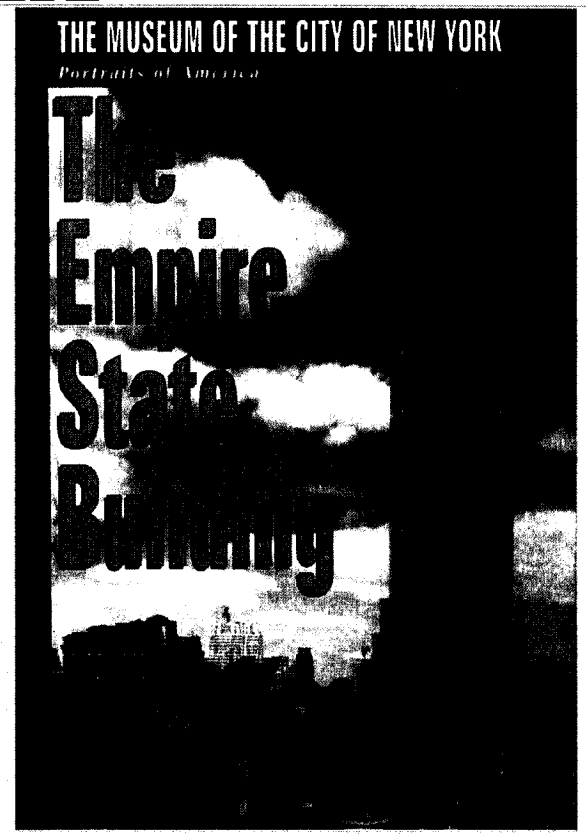

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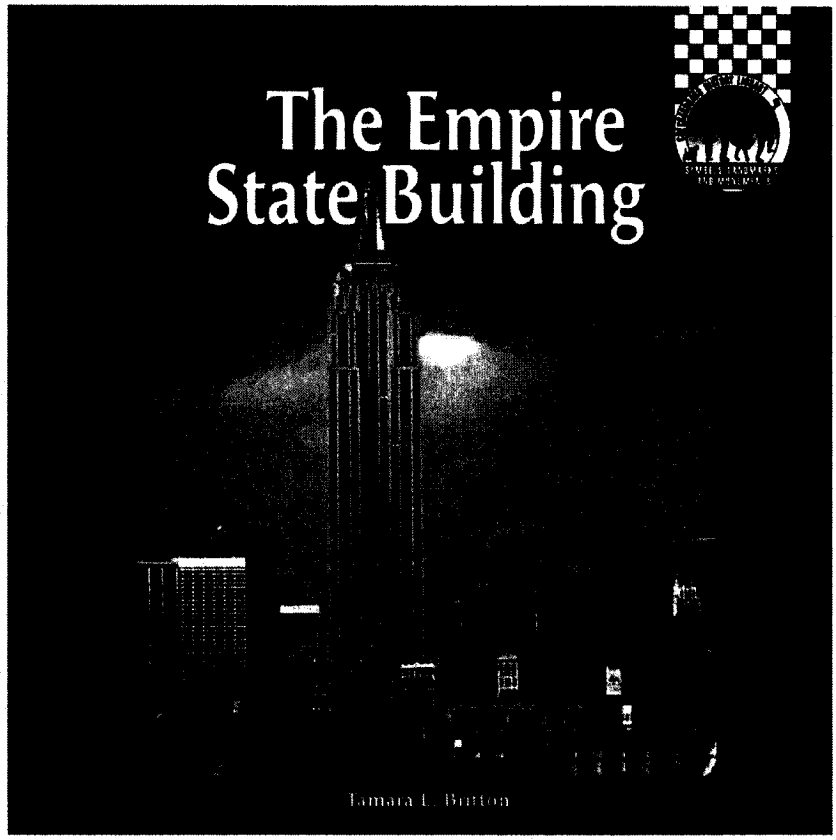

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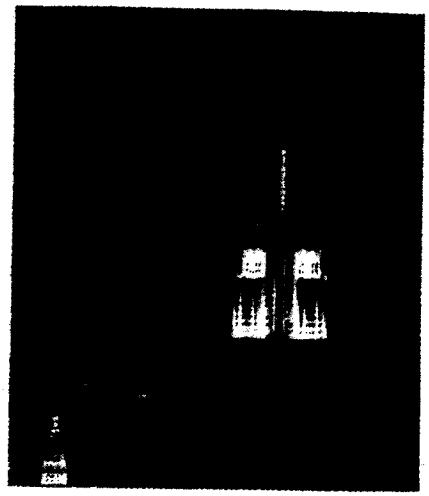
CLOSE UP

The Lights of the Empire State Building

At night the Empire State Building (ESB) lights up the Manhattan skyline with a colorful view as awe-inspiring from a distance as the view from the top. The colors at the top of the building are changed regularly to reflect seasons, events, and holidays, so New Yorkers and visitors from around the world always have a reason to look at this icon in a new light.



The building's first light show was in November 1932, when a simple searchlight was used to spread the news that New York–born Franklin Delano Roosevelt had been elected president of the United States. Douglas Leigh, sign designer and mastermind of Times Square's kinetic billboard ads, tried to brighten up prospects at the "Empty State Building" after the Depression by negotiating with the Coca-Cola Company to occupy the top floors. He proposed that Coca-Cola could change the lights of the building to serve as a weather forecast and then publish a small guide on its bottles to decipher the colors. Coca-Cola loved this idea, but the deal fell through because of the bombing at Pearl Harbor, when the U.S. government needed office space in the building.

In 1956 the revolving "freedom lights" were installed to welcome people to America; then in 1964 the top 30 floors of the building were illuminated to mark the New York World's Fair. Douglas Leigh revisited the lights of the ESB in 1976, when he was made chairman of City Decor to welcome the Democratic Convention. He introduced the idea of color lighting, and so the building's tower was ablaze in red, white, and blue to welcome the convention and to mark the celebration of the American Bicentennial. The color lights were a huge success, and they remained red, white, and blue for the rest of the year.

Leigh's next suggestion of tying the lights to different holidays, a variation on his weather theme for Coca-Cola, is the basic scheme still used today. In 1977 the lighting system was updated to comply with energy conservation programs and to allow for a wider range of colors. Leigh further improved this new system in 1984 by designing an automated color-changing system so vertical fluorescents in the mast could be changed.

In November 2012, the Empire State Building debuted its new LED light system, synchronizing its undulating lights to Alicia Keys' "Girl on Fire" and Jay Z's "Empire State of Mind." For the building's first major exterior lighting renovation in many years, Philips Color Kinetic created a system that can produce both intensely saturated full-color light and dimmable cool white light, allowing for an astonishing and flexible range of dramatic or subtle lighting effects.

For a full lighting schedule, visit *www.esbnyc.com.*

—Jacinta O'Halloran

If this is your first visit, keep yourself entertained during your ascent by renting a headset with an audio tour by Tony, a fictional but "authentic" native New Yorker, available in eight languages.

The 86th-floor observatory (1,050 feet high) has both a glass-enclosed area (heated in winter and cooled in summer) and an outdoor deck spanning the building's circumference. Don't be shy about going outside into the wind (even in winter) or you'll miss half the experience. Also, don't be deterred by crowds; there's an unspoken etiquette when it comes to sharing the views and backdrop, and there's plenty of city to go around. Bring quarters for the high-powered binoculars—on clear days you can see up to 80 miles—or bring binoculars so you can get a look at some of the city's rooftop gardens. If it rains, the deck will be less crowded and you can view the city between the clouds or watch the rain travel sideways around the building from the shelter of the enclosed walkway.

The views of the city from the 86th-floor deck are spectacular, but the views from 16 stories up on the 102nd-floor observatory are even more so—yet fewer visitors make it this far. Instead of rushing back to elevator lines, ask yourself when you'll be back again and then head up to the enclosed 102nd floor. The ticket for both the 86th-floor and 102nd-floor decks costs $44, but you will be rewarded with peaceful, bird's-eye views of the entire city. There are fewer visitors angling for photo ops.

TIP→ Even if you skip the view from up top, be sure to step into the lobby and take in the ceiling, beautifully restored in 2009. The gilded gears and sweeping Art Deco lines are a romantic tribute to the machine age and part of the original vision for the building. *350 5th Ave., at 34th St., Murray Hill 212/736–3100, 877/692–8439 www.esbnyc.com $27, $44 for 86th–fl. and 102nd–fl. decks Daily 8 am–2 am; last elevator up leaves at 1:15 am*

NY SKYRIDE. Although some parents blanch when they discover both how much it costs and how it lurches, the second-floor NY SKYRIDE, New York's only aerial virtual tour simulator, is a favorite of the 7- and 8-year-old set, and it's cheaper than an actual aerial tour of New York. Narrated by actor Kevin Bacon, the ride takes the viewer on a 30 minute virtual tour of New York, soaring by the Brooklyn Bridge, the Statue of Liberty, Central Park, Times Square, Yankee Stadium, and other top attractions along the way. There's also a brief but poignant trip back in time to visit the World Trade Center's Twin Towers. It's a fun way to get a sense of the city's highlights, though teenagers may find the technology a little dated. **TIP→ When you purchase a SKYRIDE–Empire State Building combo ticket (at significant discount online), you'll visit the SKYRIDE first and then join the line for the observation deck at the elevators, skipping up to half the wait.** *Empire State Building, entrance on 33rd St. 212/279–9777, 888/759–7433 www.skyride.com $42 ($29 online), $59 ($49 online) combo SKYRIDE and observatory Daily 8 am–10 pm B, D, F, N, Q, R, M to 34th St./Herald Sq.; 6 to 33rd St.*

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1001 IDEAS

By Caitlin Leffel and Jacob Lehman

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2. Look for your ancestors at **Ellis Island.**

Almost half of all Americans can trace their roots through the doors of Ellis Island. Ellis Island was designated as the national immigration station at the end of the nineteenth century, when control of immigration was taken over by the federal government. Some 2 million people passed through it on their way to becoming Americans between its opening in 1892 and its closing in 1954, sometimes thousands a day. (And despite its reputation as the "Island of Tears," most immigrants made it through in a couple of hours, and only 2 percent were sent back.) The Ellis Island Museum is located in a beautifully restored Beaux-Arts–style building, where the immigrants were processed and examined before being given permission to enter the country. There are exhibits, artifacts, documents, and oral histories about Ellis Island and the immigration experience, plus many resources for tracing your genealogy. You can browse through the immigration records at the American Family Immigration History Center, and then go outside to see the Wall of Honor, on which are inscribed the names of more than 600,000 courageous immigrants.

Open daily, except Christmas Day. Admission is free. Ellis Island is accessible by the same ferries that serve the Statue of Liberty; see previous page for details. For more information on the museum, call 212-363-3206 or visit www.ellisisland.org.

3. Go to the top (or almost to the top) of the **Empire State Building.**

The Empire State building is the quintessential skyscraper, and its illuminated figure is the centerpiece of the Manhattan skyline. Constructed in the early 1930s as part of a contest to build the world's tallest building, the Empire State Building eclipsed the Chrysler Building by a few hundred feet. (And, perhaps more impressive to New Yorkers, was completed ahead of schedule, in just one year and forty-five days.) After the Depression, the Empire State Building came to define Midtown Manhattan as modern, exciting, and full of promise, inspiring the building of other skyscrapers around town. It remained the tallest building in the world for more than four decades, until the World Trade Center towers were built in the mid-1970s. Between its grand Art Deco style and its astonishing size, the ESB (as it's sometimes known) is an incredible site, both to behold and to look down from. If the additional $15 admission fee to the observatory on the 102nd floor seems steep, the view from the eighty-sixth floor is more than spectacular.

350 FIFTH AVENUE BETWEEN 33RD AND 34TH STREETS IN MANHATTAN. Subway: 6 to 33rd Street; B, D, F, V, N, R, Q, W to 34th Street-Herald Square. Eighty-sixth-floor observatory open daily (see page 81); tickets to the 102nd floor must be purchased in person on the day of visitation. For more information on hours and ticket prices, visit www.esbnyc.com. For Empire State Building lights, see page 317. For Empire State Building Run, see page 360.

bags to the bottom of the park for a breather.
COLUMBUS CIRCLE AT THE SOUTHWEST CORNER OF CENTRAL PARK IN MANHATTAN. Subway: 1, A, C, B, D to 59th Street-Columbus Circle.

171. *For shoppers (downtown):* Take a seat on one of the benches that line the ***playground on Thompson Street*** (at Spring Street) and educate yourself about the different Greenwich Village and SoHo boutiques by observing who's carrying which shopping bag.
Thompson Street at Spring Street in Manhattan. Subway: C, E to Spring Street.

172. *For high fashion (sometimes to a ridiculous degree):* Hang out by the ***tents in Bryant Park during Fashion Week.*** You'll see editors, models, stylists, and celebrities all dolled up in the season's best, plus a press stunt here and there. If you can manage to get an invite to a show (or offer your services to a PR company as an usher), you'll be privy to some front-row voyeurism inside the tents, and you can partake in the abundant swag that sponsors generously dole out to those cool enough to make it in. Fashion Week is held in September and February, but unless you really want to see cranky fashionistas in heels slip on the ice, September is the more pleasant option.
TENT ENTRANCE ON SIXTH AVENUE BY 41ST STREET IN MANHATTAN. Subway: 7 to Fifth Avenue-Bryant Park; B, D, F, V to 42nd Street-Bryant Park.

And of course, for the grand finale, no list of New York's best views would be complete without a mention of...

173. ...a trip to the top of the **Empire State Building**.

Pay the entry fee, take the elevator to the eighty-sixth-floor observation deck, and look around. That's New York for you.
350 FIFTH AVENUE BETWEEN 33RD AND 34TH STREETS IN MANHATTAN. www.esbnyc.org. For more information on the building and its history, see entry on page 19.

847. Walk the **Great White Way** after dark.

Times Square, and the neighboring stretch of Broadway between 40th and 47th Streets, is one of the signature images of New York, almost as widely recognized as the skyline and its skyscrapers. Named for the city's most famous newspaper—it opened its offices here a little over a century ago—Times Square remains the heart of New York, pumping life into the city with lights, sounds, and crowds twenty-four hours a day, every day of the year. Although its most famous attractions are the tourist stalls, the **Broadway shows** (see pages 153–154) that entertain daytime and evening crowds, and the New Year's Eve festivities, the place is bright and busy all about, all the time. In addition to late-night haunts like the View Lounge in the Marriot Marquis and **Sephora** (see page 319), and the nightlong pull of the **Broadway City Video Arcade** (see page 343), there are enough dazzling lights, blazing billboards, and unexpected street entertainment to make a nighttime stroll around the Square exhilarating. The light from storefronts and advertisements is so bright that Times Square never approaches darkness, making it a surreal place to get a cup of coffee and snack in the middle of the night. Amuse yourself with diversions like the Cup of Noodles billboard, whose steam wafts out above the street; the Reuters news ticker that keeps the streets abreast of breaking news; the NYPD station that's lit up like a diner; and the McDonald's on 42nd Street that projects cartoons on the walls of the restaurant all day and all night.

TIMES SQUARE IN MANHATTAN. Subway: 1, 2, 3, 7, N, Q, R, W to Times Square-42nd Street; A, C, E to 42nd Street-Port Authority Bus Terminal.

848. Watch the lights go out on the **Empire State Building**.

An eerie urban sight if ever there was one, and a good piece of trivia. The lights on the **Empire State Building** (see page 19), often colored to commemorate certain holidays or occasions, go off at 2:00 a.m. You can check the lighting schedule on the Web site, which tells what color the building will be and what occasion the lights are honoring, or check the current issue of *Time Out*, which lists the coming week's lighting schedule in their "Around Town" section.

FIFTH AVENUE AT 34TH STREET IN MANHATTAN. Subway: B, D, F, V, N, Q, R, W to 34th Street-Herald Square. 212-736-3100. www.esbnyc.com.

849. See what happens at **night court in Chinatown**.

The Criminal Courts Building is where New Yorkers under arrest are formally charged with a crime—and since arraignments are required by law to be open to the public, anyone can drop in and watch the proceedings. Show up for the night session, which runs from 5:30 p.m. to past 1:00 a.m., and you'll take in one of the city's most under-

966. See a professional magic show at **Monday Night Magic**.

Many people think that New York is a magical city, but until fairly recently, there wasn't any place where you could actually see magic performed. Every Monday night, Monday Night Magic puts on a live show at a theater off Lafayette Street—the only regular magic show in town. Each show features a different group of live performers, who pull off mystifying feats of escape, strength, and illusion, as well as card tricks, juggling, and comedy.

Monday at 8:00 p.m. THE BLEECKER STREET THEATRE, 45 BLEECKER STREET AT LAFAYETTE STREET IN MANHATTAN. Subway: 6 to Broadway-Lafayette Street. 212-615-6432. www.mondaynightmagic.com.

967. **Race to the top** of the Empire State Building.

High-speed elevators will whisk you up in seconds; but if you feel like you need to climb your monuments to really appreciate them, there's an annual run up the 1,576 steps to the observatory of the **Empire State Building** (see page 19). Current record: 9 minutes and 33 seconds.

FIFTH AVENUE AT 34TH STREET IN MANHATTAN. Subway: B, D, F, V, N, Q, R, W to 34th Street-Herald Square. Observatory open daily. For more information on hours, ticket prices, and the run, visit www.esbnyc.com.

968. Nominate your favorite street vendor for a **Vendy**.

If you asked us to name New York's single signature cuisine, we would have to say **street food** (see pages 111–112 for some of our favorite offerings from carts and trucks). The proliferation of food trucks in recent years is evidence of a thriving scene. Yet, as many loyal cart-followers would agree, until recently, the vendors were the unsung heroes of the city's culinary scene. To remedy this, the Street Vendor Project put on the first annual Vendy Awards in 2005, and this event has been unanimously embraced the city, judging from its coverage by local food pubs and blogs and its popularity with the cart-loving public. (The 2009 event sold out well in advance, no small feat when you consider that tickets rivaled the cost of a restaurant dinner with wine). Finalists in several different categories are selected via public voting from hundreds of nominees, and then compete in a live cook-off and taste-test at the event. The Vendy Cup is decided by a roster of judges with ties to the local food and restaurant scene. Awards in the other categories—best dessert truck and "rookie of the year"—are decided by attendee voting. If $60 or $100 seems a lot to pay for street nibbles and voting, know that the event is a fundraiser for the Street Vendor Project, a nonprofit social justice organization that helps provides vendors with legal resources and representation.

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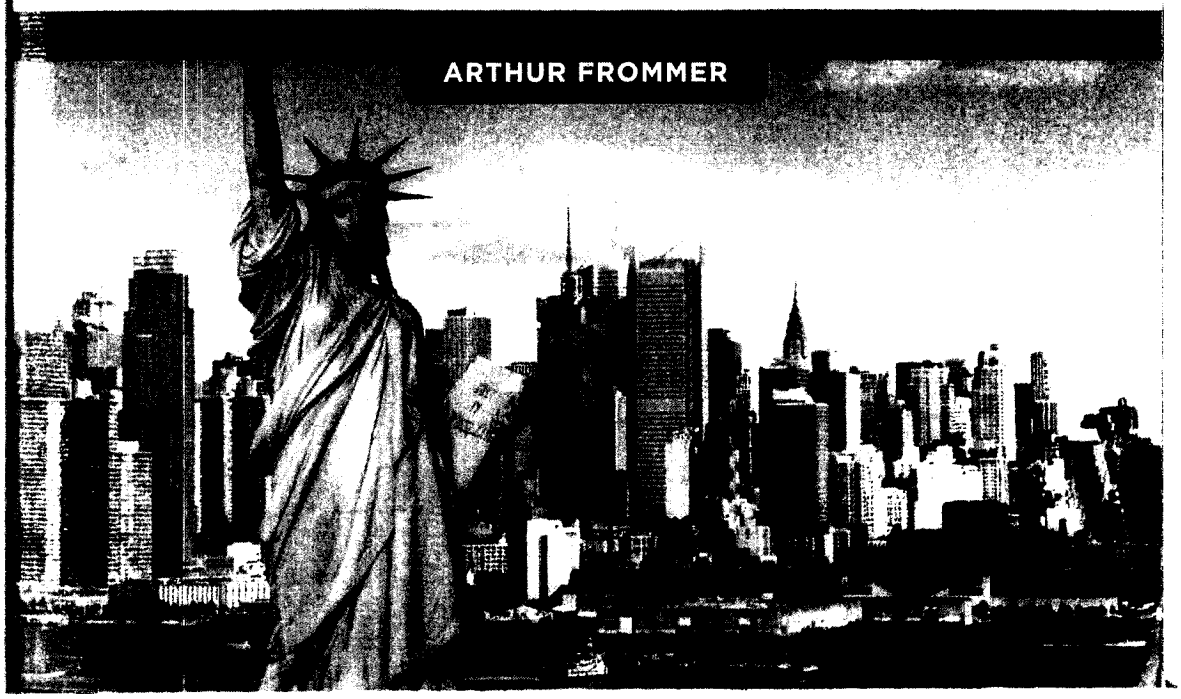

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SUGGESTED ITINERARIES & NEIGHBORHOODS

2

How fast the time flies on a visit to New York! With so many sightseeing and entertainment options, the job of organizing a day of touring can be a daunting task. That's why I've inserted this chapter at an early point in your reading. In it, I've suggested several workable ways to organize your time. Each one hits many of the "bucket list" sights (and some of the more unique ones). And each one, I hope, will lead to an enjoyable New York vacation. Along the way, I'll also explain how NYC is laid out and what you'll find in the various neighborhoods, so that, if you decide to skip these suggested itineraries, you'll at least be able to create a logical alternative designed to satisfy your own particular wants.

ICONIC NYC IN 1 DAY

If you have just 1 day in New York, you have my condolences. First thing you're going to want to do is slam your shoe into your fanny for giving yourself far too little time to experience the city. When you're done with that, try the following itinerary: ***Start:*** *34th Street and Fifth Avenue.*

---

1 The Empire State Building ★★★
Start your day with a Kong's-eye view of the city. It will help you immensely to understand the layout, and is a heckuva lot of fun (especially if you can skip the lines, which you'll do by arriving first thing in the morning). See p. 118.

Walk uptown, gazing into the windows of Lord and Taylor and Saks Fifth Avenue, until you get to:

2 New York Public Library ★★
You'll recognize this building by the lion sculptures guarding its gates. Step inside to see the grand interior; usually one or two free exhibits will be taking place, drawn from the library's vast collections. See p. 121 for more.

In the fall of 1929, Severance was sure he had won, so he completed the Bank of America building at 927 feet. Van Alen then unveiled the *coup de grâce* that he had been hiding in an elevator shaft—a silver spike to crown his building, making it, at 1,046 feet, an unbeatable 117 feet higher than his rival's.

Not only taller, the Chrysler was the more striking of the two buildings, its scalloped spire set like a jaunty jester's cap atop a sleek tower. Take a look at the sharp stainless-steel eagles that jut out just below the roof; the "gargoyles" below those on the 61st floor are actually modeled after the hood ornament of the 1929 Chrysler Plymouth.

The Chrysler remains one of the most impressive Art Deco buildings ever constructed, but it wasn't the tallest for long. Less than a year after it was completed, the Empire State Building assumed that mantle and held it until the World Trade Center came along.

405 Lexington Ave. (at 42nd St.). Subway: S, 4, 5, 6, 7 to 42nd St./Grand Central.

Empire State Building ★★★ ARCHITECTURE There's no better introduction to New York than a visit to the Empire State Building. The apex of the New York skyline, both literally (at 102 stories and 1,454 ft.) and figuratively, the view from its Observation Deck is at once instructive and exhilarating. From your bird's-eye perch, you orient yourself geographically and see, with a clarity not possible on the ground, the miracle of Manhattan, that runt of an island that couldn't get much wider or longer, and so did what no other city before it had done and expanded to the skies, becoming a dense, pulsating city of boxy towers set on a painfully narrow strip of land.

Look first to the **south,** where the Financial District's powerful skyscrapers loom over the field of lower, mostly residential housing that stands between it and Midtown. Beyond the Financial District, in the harbor, are the Statue of Liberty to the right and the Brooklyn Bridge (the most graceful of the three bridges you'll see in this direction). **Right below** you will be the triangular Flatiron building, one of the most thrillingly odd in Manhattan (it was Frank Lloyd Wright's favorite building). Just to the side of it are the glittering gold roof of the Metropolitan Life Tower and the World Life Insurance Towers, once centers of New York's high society and now just part of the landscape. Drift to the **north side** of the building and you will be among a riot of skyscrapers, thrown up in a manner that seems wildly chaotic from this vantage point. This strip of Midtown contains more office space per acre than any other area in the world. Peer through the curtain of buildings to catch a glimpse of Central Park, looking like a modest lawn from this great height.

The Empire State Building keeps longer hours than any other tourist attraction in the city, opening at 8am and closing at 2am to accommodate the close-to-four-million visitors who troop through yearly. As you may have heard, the lines here can be epic. Some ways to "game the line" include:

- Arrive promptly at 8am or during the dinner hour, which are relatively uncrowded times.
- Plan to visit on a Tuesday or Wednesday, the least popular days of the week. You'll encounter the biggest crowds on Saturday and Sunday, followed closely by Monday and Friday.
- Bite the bullet and buy an "Express Ticket" (pricey, but possibly worth it), which will allow you to jump to the head of all of the lines and get to the top in 20 minutes flat.
- Purchase and print out a ticket from the Empire State Building website, which will allow you to skip the ticket line (though *not* the lines for security or the elevators).

The Empire State Building—in Brief

- Opened in 1931 after just 14 months of construction (total cost: $25 million).
- Tallest building in the world from 1931 to 1970, when the World Trade Center took the title. It is now the 23rd tallest building on the planet.
- The oddly shaped spire at the top was meant to be a landing port for blimps, but high winds kept dirigibles from ever being able to anchor here.
- In 1945, a plane accidentally crashed into the building, killing 17 people.
- Every Valentine's Day, 14 couples are married for free on the Observation Deck.

Purchase of the **CityPass** (p. 107) brings the same perks. The **New York Pass** is not quite as good a deal, because you'll have to wait in the ticket line to change your voucher into a ticket.

- If it's the view you're seeking and not just the experience of being at the Empire State Building, consider Top of the Rock (p. 125) which has instituted timed tickets and therefore never has a wait.

350 Fifth Ave. (at 34th St.). www.esbnyc.com. ✆ **212/736-3100.** 86th Floor Observatory admission $29 adults, $26 seniors, $23 children 6–12, free for children 5 and under. Main Deck Express pass $50 (all ages); 86th and 102nd floor combination pass: $46 adults; $43 seniors; $40 children 6–12. Express pass to Main and Top decks $67 (all ages). Daily 8am–2am (last elevator at 1:15am). Subway: B, D, F, N, Q, R, M to 34th St.; 6 to 33rd St.

Grand Central Station ★★ ARCHITECTURE In ancient Roman times, the entrances to great cities were framed with monumental arches, meant to awe all who passed through. When Grand Central Station was being built at the turn of the last century, it was recognized that our railroad terminals were our grand gateways, the first view a traveler would have of the metropolis. So the architects of both Grand Central and the late great Pennsylvania Station (the original, torn down in the 1960s) conspired to create as much pomp and stateliness as possible, filling these spaces with the symbols and architecture of imperial Rome. On Grand Central's facade, 10 colossal Doric fluted pillars tower over Park Avenue; above them a massive statue of Mercury, the god of travel, spreads his arms in welcome as Hercules and Minerva, gods of strength and wisdom, lounge at his feet. (The face of the clock below the sculpture is the largest piece of Tiffany glass in the world.)

The station's interior is no less impressive, its concourse soaring the equivalent of nine stories to a vaulted ceiling on which the signs of the zodiac are created from 59 fiber-optic lights and 2,500 painted stars. The side walls feature massive windows that throw shafts of light onto the acre-long Indiana marble floor. Not that the station needed them: One of its innovations was the use of electric lights, so you'll see bare bulbs sprinkled throughout the station and on the massive chandeliers that overhang the concourse. Two hundred buildings were demolished to make way for the station, which opened on February 2, 1913, bearing a price tag of $80 million.

As you walk through, take in all of the trendy shops housed in the arteries of the main concourse; the dining concourse below, with the famed **Oyster Bar** at its heart (p. 87); and the **Campbell Apartment,** former office of a finance tycoon and now a fab bar (p. 211). If you're traveling with children, take them to the "whispering

CERTIFICATE OF SERVICE

I hereby certify that, on March 30, 2015, I caused a true and complete copy of the foregoing *Opposer's Fourth Notice Of Reliance Upon Opposer's Printed Publications Pursuant To Trademark Rule 2.122(e)* with accompanying Exhibits A-B to be sent via Express Mail postage prepaid, to Applicant's Attorney and Correspondent of Record, David Yan, Law Offices Of David Yan, 136-20 38th Avenue, Suite 11E, Flushing, NY 11354-4232.

Dated: New York, New York
March 30, 2015

Lindsay M. Rodman

Ref. No. 22690.013

TTAB

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

ESRT EMPIRE STATE BUILDING, L.L.C., Opposer,	Opposition No. 91204122
v.	
MICHAEL LIANG, Applicant.	

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

OPPOSER'S FIRST NOTICE OF RELIANCE
UPON OPPOSER'S REGISTRATIONS
PURSUANT TO TRADEMARK RULE 2.122(d)

Pursuant to Trademark Rule 2.122(d), Opposer ESRT Empire State Building, L.L.C. hereby gives notice of its reliance upon the following United States federal trademark registrations that it owns:

"**Express Mail**" Mailing Label Number EF 106087515 US
I hereby certify that this paper or fee is being deposited with the United States Postal Service "**Express Mail** Post office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on
3/30/15 Lindsay H. Redman
(Date of Deposit) (Print name)
(Signature)

3-30-2015
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

Ref. No. 22690.013

Mark	**Reg. No.**
EMPIRE STATE BUILDING	2413667
EMPIRE STATE BUILDING	2411972
	2429297
	2430828

Current printouts of information from the electronic database records of United States Patent and Trademark Office, namely, the Trademark Status & Document Retrieval (TSDR) records, showing the current status and title (owner) of the registrations listed above are attached hereto as Exhibit A.

Dated: New York, New York
March 30, 2015

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By:_____

William M. Borchard
Mary L. Kevlin
Eric J. Shimanoff
Lindsay M. Rodman
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

EXHIBIT A

(To Opposer's First Notice of Reliance)

Generated on: This page was generated by TSDR on 2015-03-24 13:03:20 EDT

Mark: EMPIRE STATE BUILDING

EMPIRE STATE BUILDING

US Serial Number: 75705740

Application Filing Date: May 13, 1999

US Registration Number: 2413667

Registration Date: Dec. 19, 2000

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Feb. 09, 2010

Publication Date: Sep. 26, 2000

Mark Information

Mark Literal Elements: EMPIRE STATE BUILDING

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "BUILDING"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: REAL ESTATE SERVICES, NAMELY THE MANAGEMENT AND LEASING OF REAL ESTATE

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 01, 1931

Use in Commerce: May 01, 1931

Basis Information (Case Level)

Filed Use:	Yes	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	No	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: ESRT EMPIRE STATE BUILDING, L.L.C.

Owner Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William M. Borchard

Docket Number: 22690; WMB;

Correspondent

Correspondent Name/Address: William M. Borchard
Cowan, Liebowitz & Latman, P.C.
1113 Avenue of the Americas
NEW YORK, NEW YORK 10036-6799
UNITED STATES

Phone: (212) 790-9200 Fax: (212) 575-0671

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 30, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 23, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 09, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Feb. 09, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 03, 2010	TEAS SECTION 8 & 9 RECEIVED	
Jul. 24, 2006	CASE FILE IN TICRS	
Jul. 17, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502
Jul. 17, 2006	ASSIGNED TO PARALEGAL	68502
Apr. 24, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 24, 2006	PAPER RECEIVED	
Dec. 19, 2000	REGISTERED-PRINCIPAL REGISTER	
Sep. 26, 2000	PUBLISHED FOR OPPOSITION	
Aug. 25, 2000	NOTICE OF PUBLICATION	
May 09, 2000	ASSIGNED TO EXAMINER	76510
Apr. 20, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 28, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 30, 1999	NON-FINAL ACTION MAILED	
Aug. 24, 1999	ASSIGNED TO EXAMINER	76510

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 19, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE **Date in Location:** Feb. 09, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 4 **Registrant:** EMPIRE STATE BUILDING COMPANY

Assignment 1 of 4

Conveyance: CONVERSION

Reel/Frame: 2462/0478 **Pages:** 4

Date Recorded: Feb. 26, 2002

Supporting Documents: assignment-tm-2462-0478.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY **Execution Date:** Dec. 17, 2001

Legal Entity Type: PARTNERSHIP **State or Country Where Organized:** NEW YORK

Assignee

Name: EMPIRE STATE BUILDING COMPANY LLC

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** No Place Where Organized Found

Address: ATT: THOMAS N. KELTNER, JR.
WEIN & MALKIN LLP 60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: COWAN, LIEBOWITZ & LATMAN, P.C.

Correspondent Address: ARTHUR J. GREENBAUM, ESQ.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5127/0482 **Pages:** 4

Date Recorded: Oct. 08, 2013

Supporting Documents: assignment-tm-5127-0482.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY L.L.C. **Execution Date:** Oct. 07, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** NEW YORK

Assignee

Name: EMPIRE STATE REALTY OP, L.P.

Legal Entity Type: LIMITED PARTNERSHIP **State or Country Where Organized:** DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5136/0116 **Pages:** 4

Date Recorded: Oct. 23, 2013

Supporting Documents: assignment-tm-5136-0116.pdf

Assignor

Name: EMPIRE STATE REALTY OP, L.P. **Execution Date:** Oct. 07, 2013

Legal Entity Type: LIMITED PARTNERSHIP **State or Country Where Organized:** DELAWARE

Assignee

Name: ESRT EMPIRE STATE BUILDING, L.L.C.

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE GENERAL PARTNER OF ASSIGNEE FROM A NEW YORK CORPORATION TO A MARYLAND CORPORATION PREVIOUSLY RECORDED ON REEL 005127 FRAME 0482. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNMENT TO ASSIGNEE EMPIRE STATE REALTY OP, L.P., A DELAWARE LIMITED PARTNERSHIP.

Reel/Frame: 5139/0027 **Pages:** 6

Date Recorded: Oct. 23, 2013

Supporting Documents: assignment-tm-5139-0027.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY L.L.C. **Execution Date:** Oct. 07, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where** NEW YORK

Organized:

Assignee

Name: EMPIRE STATE REALTY OP, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91208505

Filing Date: Dec 18, 2012

Status: Terminated

Status Date: Apr 08, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Courtney Scott-Radovanovic

Correspondent Address: ANTHONY A LOPRESTI
LOPRESTI & ASSOCIATES PLLC
30 BROAD ST FL 37
NEW YORK NY , 10004-2947
UNITED STATES

Correspondent e-mail: al@loprestilaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FROM NY WITH LOVE	Abandoned - After Inter-Partes Decision	85531538	

Plaintiff(s)

Name: Empire State Building Company L.L.C.

Correspondent Address: MAYA L TARR
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: trademark@cll.com , wmb@cll.com , mxt@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 18, 2012	Jan 27, 2013
3	PENDING, INSTITUTED	Dec 18, 2012	
4	NOTICE OF DEFAULT	Feb 20, 2013	
5	P'S MOTION FOR DEFAULT JUDGEMENT	Feb 20, 2013	
6	BD DECISION: SUSTAINED	Apr 08, 2013	
7	TERMINATED	Apr 08, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91206241 **Filing Date:** Jul 25, 2012

Status: Terminated **Status Date:** Dec 10, 2012

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Empire Movers, LLC

Correspondent Address: FLORIN PETRUTA
EMPIRE MOVERS LLC
6736 80TH STREET
MIDDLE VILLAGE NY , 11379-2925
UNITED STATES

Correspondent e-mail: office@goempiremovers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE MOVERS	Abandoned - After Inter-Partes Decision	85291507	

Plaintiff(s)

Name: Empire State Building Company LLC

Correspondent Address: MAYA L TARR
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: trademark@cll.com , wmb@cll.com , mxt@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 25, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 25, 2012	Sep 03, 2012
3	PENDING, INSTITUTED	Jul 25, 2012	
4	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jul 26, 2012	
5	SUSPENDED	Jul 31, 2012	
6	MOTION TO AMEND APPLICATION	Aug 07, 2012	
7	BOARD'S ORDER TRIAL DATES ARE RESET	Oct 24, 2012	
8	WITHDRAWAL OF APPLICATION	Dec 04, 2012	
9	BOARD'S DECISION: SUSTAINED	Dec 10, 2012	
10	TERMINATED	Dec 10, 2012	

Type of Proceeding: Opposition

Proceeding Number: 91204122 **Filing Date:** Sep 18, 2014

Status: Pending **Status Date:** Mar 01, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Michael Liang

Correspondent Address: DAVID YAN
LAW OFFICES OF DAVID YAN
136-20 38TH AVENUE, SUITE 11E
FLUSHING NY , 11354-4232
UNITED STATES

Correspondent e-mail: davidyanlawfirm@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NYC BEER LAGER	Opposition Pending	85213453	

Plaintiff(s)

Name: Empire State Building Company L.L.C.

Correspondent Address: ERIC J SHIMANOFF
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: ejs@cll.com , lmr@cll.com , wmb@cll.com , trademark@cll.com , fxm@cll.com , mlk@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2012	Apr 10, 2012
3	PENDING, INSTITUTED	Mar 01, 2012	
4	D'S MOTION FOR AN EXTENSION OF TIME	Apr 10, 2012	
5	EXTENSION OF TIME GRANTED	May 10, 2012	
6	D'S MOTION FOR AN EXTENSION OF TIME	Jun 11, 2012	
7	ANSWER	Jun 12, 2012	
8	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jun 20, 2012	
9	SUSPENDED	Jun 26, 2012	
10	P'S NOTICE OF WAIVER OF INITIAL DISCLOSURES	Sep 19, 2012	
11	BOARD'S ORDER	Oct 10, 2012	
12	STIP FOR EXT	Mar 27, 2013	
13	EXTENSION OF TIME GRANTED	Mar 27, 2013	
14	P MOT TO COMPEL DISCOVERY	Jun 06, 2013	
15	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 24, 2013	
16	PROCEEDINGS RESUMED	Aug 06, 2013	
17	D'S RESPONSE TO P'S FIRST SET OF REQ FOR ADMISSIONS	Sep 06, 2013	
18	D'S RESPONSE TO P'S FIRST SET OF INTERROGS AND REQ FOR PRODUCTION OF DOCS & THINGS	Sep 06, 2013	
19	P MOT FOR SANCTIONS	Sep 11, 2013	
20	SUSP PEND DISP OF OUTSTNDNG MOT	Sep 19, 2013	
21	D MOT TO REOPEN DISCOVERY	Oct 08, 2013	
22	P OPP/RESP TO MOTION	Oct 28, 2013	
23	TRIAL DATES RESET	Mar 26, 2014	
24	P MOT TO AMEND PLEADING/AMENDED PLEADING	May 08, 2014	
25	SUSP PEND DISP OF OUTSTNDNG MOT	May 09, 2014	
26	CORRECTION TO BD ORDER	May 09, 2014	
27	CHANGE OF CORRESP ADDRESS	May 09, 2014	
28	TRIAL DATES RESET	Jun 28, 2014	
29	ANSWER	Aug 07, 2014	
30	ANSWER	Aug 07, 2014	
31	D MOT FOR EXT W/O CONSENT	Aug 07, 2014	
32	P MOT FOR SUMMARY JUDGMENT	Aug 14, 2014	
33	SUSP PEND DISP OF OUTSTNDNG MOT	Aug 23, 2014	
34	D MOT FOR EXT W/ CONSENT	Sep 19, 2014	

35	D MOT FOR EXT W/ CONSENT	Sep 18, 2014
36	EXTENSION OF TIME GRANTED	Sep 23, 2014
37	D OPP/RESP TO MOTION	Oct 10, 2014
38	D OPP/RESP TO MOTION	Oct 12, 2014
39	P REPLY IN SUPPORT OF MOTION	Oct 24, 2014
40	P REPLY IN SUPPORT OF MOTION	Oct 24, 2014
41	P MOT FOR SUMMARY JGT DENIED	Jan 20, 2015

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Mark: EMPIRE STATE BUILDING

EMPIRE STATE BUILDING

US Serial Number: 75705741

Application Filing Date: May 13, 1999

US Registration Number: 2411972

Registration Date: Dec. 12, 2000

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Feb. 09, 2010

Publication Date: Sep. 19, 2000

Mark Information

Mark Literal Elements: EMPIRE STATE BUILDING

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "BUILDING"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "..." identify additional (new) wording in the goods/services.

For: entertainment services, namely, providing observation decks in a skyscraper for purposes of sightseeing

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: May 01, 1931

Use in Commerce: May 01, 1931

Basis Information (Case Level)

Filed Use:	Yes	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	No	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: ESRT EMPIRE STATE BUILDING, L.L.C.

Owner Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William M. Borchard

Docket Number: 22690; WMB;

Correspondent

Correspondent Name/Address: William M. Borchard
Cowan, Liebowitz and Latman, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-6799
UNITED STATES

Phone: (212) 790-9200 Fax: (212) 575-0671

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 30, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 23, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 09, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Feb. 09, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 03, 2010	TEAS SECTION 8 & 9 RECEIVED	
Jul. 25, 2006	CASE FILE IN TICRS	
Jul. 20, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502
Jul. 17, 2006	ASSIGNED TO PARALEGAL	68502
Apr. 24, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 24, 2006	PAPER RECEIVED	
Dec. 12, 2000	REGISTERED-PRINCIPAL REGISTER	
Sep. 19, 2000	PUBLISHED FOR OPPOSITION	
Aug. 18, 2000	NOTICE OF PUBLICATION	
May 09, 2000	ASSIGNED TO EXAMINER	76510
Apr. 20, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 28, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 30, 1999	NON-FINAL ACTION MAILED	
Aug. 26, 1999	ASSIGNED TO EXAMINER	76510
Aug. 26, 1999	ASSIGNED TO EXAMINER	59899
Aug. 24, 1999	ASSIGNED TO EXAMINER	59899

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 12, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE **Date in Location:** Feb. 09, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 4 **Registrant:** EMPIRE STATE BUILDING COMPANY

Assignment 1 of 4

Conveyance: CONVERSION

Reel/Frame: 2462/0478 **Pages:** 4

Date Recorded: Feb. 26, 2002

Supporting Documents: assignment-tm-2462-0478.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY **Execution Date:** Dec. 17, 2001

Legal Entity Type: PARTNERSHIP **State or Country Where Organized:** NEW YORK

Assignee

Name: EMPIRE STATE BUILDING COMPANY LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

Address: ATT: THOMAS N. KELTNER, JR.
WEIN & MALKIN LLP 60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: COWAN, LIEBOWITZ & LATMAN, P.C.

Correspondent Address: ARTHUR J. GREENBAUM, ESQ.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5127/0482

Pages: 4

Date Recorded: Oct. 08, 2013

Supporting Documents: assignment-tm-5127-0482.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY L.L.C.

Execution Date: Oct. 07, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Assignee

Name: EMPIRE STATE REALTY OP, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5136/0116

Pages: 4

Date Recorded: Oct. 23, 2013

Supporting Documents: assignment-tm-5136-0116.pdf

Assignor

Name: EMPIRE STATE REALTY OP, L.P.

Execution Date: Oct. 07, 2013

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Assignee

Name: ESRT EMPIRE STATE BUILDING, L.L.C.

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE GENERAL PARTNER OF ASSIGNEE FROM A NEW YORK CORPORATION TO A MARYLAND CORPORATION PREVIOUSLY RECORDED ON REEL 005127 FRAME 0482. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNMENT TO ASSIGNEE EMPIRE STATE REALTY OP, L.P., A DELAWARE LIMITED PARTNERSHIP.

Reel/Frame: 5139/0027

Pages: 6

Date Recorded: Oct. 23, 2013

Supporting Documents: assignment-tm-5139-0027.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY L.L.C. **Execution Date:** Oct. 07, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** NEW YORK

Assignee

Name: EMPIRE STATE REALTY OP, L.P.

Legal Entity Type: LIMITED PARTNERSHIP **State or Country Where Organized:** DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91208505 **Filing Date:** Dec 18, 2012

Status: Terminated **Status Date:** Apr 08, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Courtney Scott-Radovanovic

Correspondent Address: ANTHONY A LOPRESTI
LOPRESTI & ASSOCIATES PLLC
30 BROAD ST FL 37
NEW YORK NY , 10004-2947
UNITED STATES

Correspondent e-mail: al@loprestilaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FROM NY WITH LOVE	Abandoned - After Inter-Partes Decision	85531538	

Plaintiff(s)

Name: Empire State Building Company L.L.C.

Correspondent Address: MAYA L TARR
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: trademark@cll.com , wmb@cll.com , mxt@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 18, 2012	Jan 27, 2013
3	PENDING, INSTITUTED	Dec 18, 2012	
4	NOTICE OF DEFAULT	Feb 20, 2013	
5	P'S MOTION FOR DEFAULT JUDGEMENT	Feb 20, 2013	
6	BD DECISION: SUSTAINED	Apr 08, 2013	

7	TERMINATED	Apr 08, 2013

Type of Proceeding: Opposition

Proceeding Number: 91206241 **Filing Date:** Jul 25, 2012

Status: Terminated **Status Date:** Dec 10, 2012

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Empire Movers, LLC

Correspondent Address: FLORIN PETRUTA
EMPIRE MOVERS LLC
6736 80TH STREET
MIDDLE VILLAGE NY , 11379-2925
UNITED STATES

Correspondent e-mail: office@goempiremovers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE MOVERS	Abandoned - After Inter-Partes Decision	85291507	

Plaintiff(s)

Name: Empire State Building Company LLC

Correspondent Address: MAYA L TARR
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: trademark@cll.com , wmb@cll.com , mxt@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 25, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 25, 2012	Sep 03, 2012
3	PENDING, INSTITUTED	Jul 25, 2012	
4	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jul 26, 2012	
5	SUSPENDED	Jul 31, 2012	
6	MOTION TO AMEND APPLICATION	Aug 07, 2012	
7	BOARD'S ORDER TRIAL DATES ARE RESET	Oct 24, 2012	
8	WITHDRAWAL OF APPLICATION	Dec 04, 2012	
9	BOARD'S DECISION: SUSTAINED	Dec 10, 2012	
10	TERMINATED	Dec 10, 2012	

Type of Proceeding: Opposition

Proceeding Number: 91204122 **Filing Date:** Sep 18, 2014

Status: Pending **Status Date:** Mar 01, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Michael Liang

Correspondent Address: DAVID YAN
LAW OFFICES OF DAVID YAN
136-20 38TH AVENUE, SUITE 11E
FLUSHING NY , 11354-4232
UNITED STATES

Correspondent e-mail: davidyanlawfirm@yahoo.com

Associated marks

	Serial	Registration

Mark	Application Status	Number	Number
NYC BEER LAGER	Opposition Pending	85213453	

Plaintiff(s)

Name: Empire State Building Company L.L.C.

Correspondent Address: ERIC J SHIMANOFF
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: ejs@cll.com , lmr@cll.com , wmb@cll.com , trademark@cll.com , fxm@cll.com , mlk@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2012	Apr 10, 2012
3	PENDING, INSTITUTED	Mar 01, 2012	
4	D'S MOTION FOR AN EXTENSION OF TIME	Apr 10, 2012	
5	EXTENSION OF TIME GRANTED	May 10, 2012	
6	D'S MOTION FOR AN EXTENSION OF TIME	Jun 11, 2012	
7	ANSWER	Jun 12, 2012	
8	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jun 20, 2012	
9	SUSPENDED	Jun 26, 2012	
10	P'S NOTICE OF WAIVER OF INITIAL DISCLOSURES	Sep 19, 2012	
11	BOARD'S ORDER	Oct 10, 2012	
12	STIP FOR EXT	Mar 27, 2013	
13	EXTENSION OF TIME GRANTED	Mar 27, 2013	
14	P MOT TO COMPEL DISCOVERY	Jun 06, 2013	
15	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 24, 2013	
16	PROCEEDINGS RESUMED	Aug 06, 2013	
17	D'S RESPONSE TO P'S FIRST SET OF REQ FOR ADMISSIONS	Sep 06, 2013	
18	D'S RESPONSE TO P'S FIRST SET OF INTERROGS AND REQ FOR PRODUCTION OF DOCS & THINGS	Sep 06, 2013	
19	P MOT FOR SANCTIONS	Sep 11, 2013	
20	SUSP PEND DISP OF OUTSTNDNG MOT	Sep 19, 2013	
21	D MOT TO REOPEN DISCOVERY	Oct 08, 2013	
22	P OPP/RESP TO MOTION	Oct 28, 2013	
23	TRIAL DATES RESET	Mar 26, 2014	
24	P MOT TO AMEND PLEADING/AMENDED PLEADING	May 08, 2014	
25	SUSP PEND DISP OF OUTSTNDNG MOT	May 09, 2014	
26	CORRECTION TO BD ORDER	May 09, 2014	
27	CHANGE OF CORRESP ADDRESS	May 09, 2014	
28	TRIAL DATES RESET	Jun 28, 2014	
29	ANSWER	Aug 07, 2014	
30	ANSWER	Aug 07, 2014	
31	D MOT FOR EXT W/O CONSENT	Aug 07, 2014	
32	P MOT FOR SUMMARY JUDGMENT	Aug 14, 2014	

33	SUSP PEND DISP OF OUTSTNDNG MOT	Aug 23, 2014
34	D MOT FOR EXT W/ CONSENT	Sep 19, 2014
35	D MOT FOR EXT W/ CONSENT	Sep 18, 2014
36	EXTENSION OF TIME GRANTED	Sep 23, 2014
37	D OPP/RESP TO MOTION	Oct 10, 2014
38	D OPP/RESP TO MOTION	Oct 12, 2014
39	P REPLY IN SUPPORT OF MOTION	Oct 24, 2014
40	P REPLY IN SUPPORT OF MOTION	Oct 24, 2014
41	P MOT FOR SUMMARY JGT DENIED	Jan 20, 2015

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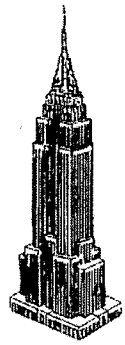
Mark:



US Serial Number: 75705772

Application Filing Date: May 13, 1999

US Registration Number: 2429297

Registration Date: Feb. 20, 2001

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jun. 05, 2010

Publication Date: Nov. 28, 2000

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the shape of the exterior of a skyscraper with a pointed, spindled top.

Lining and Stippling Statement: The lining shown in the drawing is a feature of the mark and is not intended to indicate color.

Acquired Distinctiveness Claim: In whole

Design Search Code(s): 07.03.01 - Skyscrapers

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services.
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "...* identify additional (new) wording in the goods/services.

For: REAL ESTATE SERVICES, NAMELY THE MANAGEMENT AND LEASING OF REAL ESTATE

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 01, 1931

Use in Commerce: May 01, 1931

Basis Information (Case Level)

Filed Use:	Yes	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	No	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: ESRT EMPIRE STATE BUILDING, L.L.C.

Owner Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William M. Borchard

Docket Number: 22690.000; W

Correspondent

Correspondent Name/Address: William M. Borchard
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-6799
UNITED STATES

Phone: (212) 790-9200

Fax: (212) 575-0671

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 30, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 23, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 05, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Jun. 05, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 04, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Jun. 02, 2010	TEAS SECTION 8 & 9 RECEIVED	
Nov. 30, 2006	CASE FILE IN TICRS	
Jul. 21, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	65765
Jul. 17, 2006	ASSIGNED TO PARALEGAL	65765
Apr. 24, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 24, 2006	PAPER RECEIVED	
Feb. 20, 2001	REGISTERED-PRINCIPAL REGISTER	
Nov. 28, 2000	PUBLISHED FOR OPPOSITION	
Oct. 27, 2000	NOTICE OF PUBLICATION	
Sep. 28, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2000	ASSIGNED TO EXAMINER	76520
Aug. 08, 2000	EXAMINER'S AMENDMENT MAILED	
Apr. 13, 2000	ASSIGNED TO EXAMINER	76510
Feb. 28, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 13, 1999	NON-FINAL ACTION MAILED	
Aug. 26, 1999	ASSIGNED TO EXAMINER	76510
Aug. 26, 1999	ASSIGNED TO EXAMINER	59899
Aug. 24, 1999	ASSIGNED TO EXAMINER	59899

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 20, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE **Date in Location:** Jun. 05, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 4 **Registrant:** EMPIRE STATE BUILDING COMPANY

Assignment 1 of 4

Conveyance: CONVERSION

Reel/Frame: 2462/0478 **Pages:** 4

Date Recorded: Feb. 26, 2002

Supporting Documents: assignment-tm-2462-0478.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY **Execution Date:** Dec. 17, 2001

Legal Entity Type: PARTNERSHIP **State or Country Where Organized:** NEW YORK

Assignee

Name: EMPIRE STATE BUILDING COMPANY LLC

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** No Place Where Organized Found

Address: ATT: THOMAS N. KELTNER, JR.
WEIN & MALKIN LLP 60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: COWAN, LIEBOWITZ & LATMAN, P.C.

Correspondent Address: ARTHUR J. GREENBAUM, ESQ.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5127/0482 **Pages:** 4

Date Recorded: Oct. 08, 2013

Supporting Documents: assignment-tm-5127-0482.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY L.L.C. **Execution Date:** Oct. 07, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** NEW YORK

Assignee

Name: EMPIRE STATE REALTY OP, L.P.

Legal Entity Type: LIMITED PARTNERSHIP **State or Country Where Organized:** DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5136/0116 **Pages:** 4

Date Recorded: Oct. 23, 2013

Supporting Documents: assignment-tm-5136-0116.pdf

Assignor

Name: EMPIRE STATE REALTY OP, L.P. **Execution Date:** Oct. 07, 2013

Legal Entity Type: LIMITED PARTNERSHIP **State or Country Where Organized:** DELAWARE

Assignee

Name: ESRT EMPIRE STATE BUILDING, L.L.C.

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE GENERAL PARTNER OF ASSIGNEE FROM A NEW YORK CORPORATION TO A MARYLAND CORPORATION PREVIOUSLY RECORDED ON REEL 005127 FRAME 0482. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNMENT TO ASSIGNEE EMPIRE STATE REALTY OP, L.P., A DELAWARE LIMITED PARTNERSHIP.

Reel/Frame: 5139/0027

Pages: 6

Date Recorded: Oct. 23, 2013

Supporting Documents: assignment-tm-5139-0027.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY L.L.C.

Execution Date: Oct. 07, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Assignee

Name: EMPIRE STATE REALTY OP, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91208505

Filing Date: Dec 18, 2012

Status: Terminated

Status Date: Apr 08, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Courtney Scott-Radovanovic

Correspondent Address: ANTHONY A LOPRESTI
LOPRESTI & ASSOCIATES PLLC
30 BROAD ST FL 37
NEW YORK NY , 10004-2947
UNITED STATES

Correspondent e-mail: al@loprestilaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FROM NY WITH LOVE	Abandoned - After Inter-Partes Decision	85531538	

Plaintiff(s)

Name: Empire State Building Company L.L.C.

Correspondent Address: MAYA L TARR
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: trademark@cll.com , wmb@cll.com , mxt@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 18, 2012	Jan 27, 2013
3	PENDING, INSTITUTED	Dec 18, 2012	
4	NOTICE OF DEFAULT	Feb 20, 2013	
5	P'S MOTION FOR DEFAULT JUDGEMENT	Feb 20, 2013	
6	BD DECISION: SUSTAINED	Apr 08, 2013	
7	TERMINATED	Apr 08, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91206241 **Filing Date:** Jul 25, 2012

Status: Terminated **Status Date:** Dec 10, 2012

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Empire Movers, LLC

Correspondent Address: FLORIN PETRUTA
EMPIRE MOVERS LLC
6736 80TH STREET
MIDDLE VILLAGE NY , 11379-2925
UNITED STATES

Correspondent e-mail: office@goempiremovers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE MOVERS	Abandoned - After Inter-Partes Decision	85291507	

Plaintiff(s)

Name: Empire State Building Company LLC

Correspondent Address: MAYA L TARR
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: trademark@cll.com , wmb@cll.com , mxt@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 25, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 25, 2012	Sep 03, 2012
3	PENDING, INSTITUTED	Jul 25, 2012	
4	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jul 26, 2012	
5	SUSPENDED	Jul 31, 2012	

6	MOTION TO AMEND APPLICATION	Aug 07, 2012
7	BOARD'S ORDER TRIAL DATES ARE RESET	Oct 24, 2012
8	WITHDRAWAL OF APPLICATION	Dec 04, 2012
9	BOARD'S DECISION: SUSTAINED	Dec 10, 2012
10	TERMINATED	Dec 10, 2012

Type of Proceeding: Opposition

Proceeding Number: 91204122 **Filing Date:** Sep 18, 2014

Status: Pending **Status Date:** Mar 01, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Michael Liang

Correspondent Address: DAVID YAN
LAW OFFICES OF DAVID YAN
136-20 38TH AVENUE, SUITE 11E
FLUSHING NY , 11354-4232
UNITED STATES

Correspondent e-mail: davidyanlawfirm@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NYC BEER LAGER	Opposition Pending	85213453	

Plaintiff(s)

Name: Empire State Building Company L.L.C.

Correspondent Address: ERIC J SHIMANOFF
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: ejs@cll.com , lmr@cll.com , wmb@cll.com . trademark@cll.com , fxm@cll.com , mlk@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

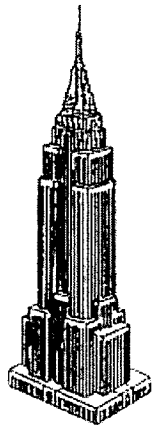
Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2012	Apr 10, 2012
3	PENDING, INSTITUTED	Mar 01, 2012	
4	D'S MOTION FOR AN EXTENSION OF TIME	Apr 10, 2012	
5	EXTENSION OF TIME GRANTED	May 10, 2012	
6	D'S MOTION FOR AN EXTENSION OF TIME	Jun 11, 2012	
7	ANSWER	Jun 12, 2012	
8	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jun 20, 2012	
9	SUSPENDED	Jun 26, 2012	
10	P'S NOTICE OF WAIVER OF INITIAL DISCLOSURES	Sep 19, 2012	
11	BOARD'S ORDER	Oct 10, 2012	
12	STIP FOR EXT	Mar 27, 2013	
13	EXTENSION OF TIME GRANTED	Mar 27, 2013	
14	P MOT TO COMPEL DISCOVERY	Jun 06, 2013	
15	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 24, 2013	
16	PROCEEDINGS RESUMED	Aug 06, 2013	
17	D'S RESPONSE TO P'S FIRST SET OF REQ FOR	Sep 06, 2013	

	ADMISSIONS	
18	D'S RESPONSE TO P'S FIRST SET OF INTERROGS AND REQ FOR PRODUCTION OF DOCS & THINGS	Sep 06, 2013
19	P MOT FOR SANCTIONS	Sep 11, 2013
20	SUSP PEND DISP OF OUTSTNDNG MOT	Sep 19, 2013
21	D MOT TO REOPEN DISCOVERY	Oct 08, 2013
22	P OPP/RESP TO MOTION	Oct 28, 2013
23	TRIAL DATES RESET	Mar 26, 2014
24	P MOT TO AMEND PLEADING/AMENDED PLEADING	May 08, 2014
25	SUSP PEND DISP OF OUTSTNDNG MOT	May 09, 2014
26	CORRECTION TO BD ORDER	May 09, 2014
27	CHANGE OF CORRESP ADDRESS	May 09, 2014
28	TRIAL DATES RESET	Jun 28, 2014
29	ANSWER	Aug 07, 2014
30	ANSWER	Aug 07, 2014
31	D MOT FOR EXT W/O CONSENT	Aug 07, 2014
32	P MOT FOR SUMMARY JUDGMENT	Aug 14, 2014
33	SUSP PEND DISP OF OUTSTNDNG MOT	Aug 23, 2014
34	D MOT FOR EXT W/ CONSENT	Sep 19, 2014
35	D MOT FOR EXT W/ CONSENT	Sep 18, 2014
36	EXTENSION OF TIME GRANTED	Sep 23, 2014
37	D OPP/RESP TO MOTION	Oct 10, 2014
38	D OPP/RESP TO MOTION	Oct 12, 2014
39	P REPLY IN SUPPORT OF MOTION	Oct 24, 2014
40	P REPLY IN SUPPORT OF MOTION	Oct 24, 2014
41	P MOT FOR SUMMARY JGT DENIED	Jan 20, 2015

Generated on: This page was generated by TSDR on 2015-03-24 13:05:13 EDT

Mark:



US Serial Number: 75705756

Application Filing Date: May 13, 1999

US Registration Number: 2430828

Registration Date: Feb. 27, 2001

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jun. 05, 2010

Publication Date: Dec. 05, 2000

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the shape of the exterior of a skyscraper with a pointed, spindled top.

Lining and Stippling Statement: The lining shown in the drawing is a feature of the mark and is not intended to indicate color.

Acquired Distinctiveness Claim: In whole

Design Search Code(s): 07.03.01 - Skyscrapers

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "..." identify additional (new) wording in the goods/services.

For: ENTERTAINMENT SERVICES, NAMELY, PROVIDING OBSERVATION DECKS IN A SKYSCRAPER FOR PURPOSES OF SIGHTSEEING

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: May 01, 1931

Use in Commerce: May 01, 1931

Basis Information (Case Level)

Filed Use:	Yes	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	No	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		

Filed No Basis: No **Currently No Basis:** No

Current Owner(s) Information

Owner Name: ESRT EMPIRE STATE BUILDING, L.L.C.

Owner Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William M. Borchard **Docket Number:** 22690.000; W

Correspondent

Correspondent Name/Address: William M. Borchard
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-6799
UNITED STATES

Phone: (212) 790-9200 **Fax:** (212) 575-0671

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 30, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 23, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 05, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Jun. 05, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 04, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Jun. 02, 2010	TEAS SECTION 8 & 9 RECEIVED	
Dec. 01, 2006	CASE FILE IN TICRS	
Jul. 28, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	61619
Jul. 19, 2006	ASSIGNED TO PARALEGAL	61619
Apr. 24, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 24, 2006	PAPER RECEIVED	
Feb. 27, 2001	REGISTERED-PRINCIPAL REGISTER	
Dec. 05, 2000	PUBLISHED FOR OPPOSITION	
Nov. 03, 2000	NOTICE OF PUBLICATION	
Sep. 28, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2000	ASSIGNED TO EXAMINER	76520
Aug. 07, 2000	NON-FINAL ACTION MAILED	
Apr. 13, 2000	ASSIGNED TO EXAMINER	76510
Feb. 28, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 13, 1999	NON-FINAL ACTION MAILED	
Aug. 26, 1999	ASSIGNED TO EXAMINER	76510
Aug. 26, 1999	ASSIGNED TO EXAMINER	59899
Aug. 24, 1999	ASSIGNED TO EXAMINER	59899

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Section 15 - Accepted

Incontestability:

Renewal Date: Feb. 27, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE **Date in Location:** Jun. 05, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 4 **Registrant:** EMPIRE STATE BUILDING COMPANY

Assignment 1 of 4

Conveyance: CONVERSION

Reel/Frame: 2462/0478 **Pages:** 4

Date Recorded: Feb. 26, 2002

Supporting Documents: assignment-tm-2462-0478.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY **Execution Date:** Dec. 17, 2001

Legal Entity Type: PARTNERSHIP **State or Country Where Organized:** NEW YORK

Assignee

Name: EMPIRE STATE BUILDING COMPANY LLC

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** No Place Where Organized Found

Address: ATT: THOMAS N. KELTNER, JR.
WEIN & MALKIN LLP 60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: COWAN, LIEBOWITZ & LATMAN, P.C.

Correspondent Address: ARTHUR J. GREENBAUM, ESQ.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5127/0482 **Pages:** 4

Date Recorded: Oct. 08, 2013

Supporting Documents: assignment-tm-5127-0482.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY L.L.C. **Execution Date:** Oct. 07, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** NEW YORK

Assignee

Name: EMPIRE STATE REALTY OP, L.P.

Legal Entity Type: LIMITED PARTNERSHIP **State or Country Where Organized:** DELAWARE

Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD

Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5136/0116 **Pages:** 4

Date Recorded: Oct. 23, 2013

Supporting Documents: assignment-tm-5136-0116.pdf

Assignor

Name: EMPIRE STATE REALTY OP, L.P.
Execution Date: Oct. 07, 2013
Legal Entity Type: LIMITED PARTNERSHIP
State or Country Where Organized: DELAWARE

Assignee

Name: ESRT EMPIRE STATE BUILDING, L.L.C.
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE
Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD
Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE GENERAL PARTNER OF ASSIGNEE FROM A NEW YORK CORPORATION TO A MARYLAND CORPORATION PREVIOUSLY RECORDED ON REEL 005127 FRAME 0482. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNMENT TO ASSIGNEE EMPIRE STATE REALTY OP, L.P., A DELAWARE LIMITED PARTNERSHIP.

Reel/Frame: 5139/0027
Pages: 6
Date Recorded: Oct. 23, 2013
Supporting Documents: assignment-tm-5139-0027.pdf

Assignor

Name: EMPIRE STATE BUILDING COMPANY L.L.C.
Execution Date: Oct. 07, 2013
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: NEW YORK

Assignee

Name: EMPIRE STATE REALTY OP, L.P.
Legal Entity Type: LIMITED PARTNERSHIP
State or Country Where Organized: DELAWARE
Address: ONE GRAND CENTRAL PLACE
60 EAST 42ND STREET
NEW YORK, NEW YORK 10165

Correspondent

Correspondent Name: WILLIAM M. BORCHARD
Correspondent Address: 1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91208505
Filing Date: Dec 18, 2012
Status: Terminated
Status Date: Apr 08, 2013
Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Courtney Scott-Radovanovic
Correspondent Address: ANTHONY A LOPRESTI
LOPRESTI & ASSOCIATES PLLC
30 BROAD ST FL 37
NEW YORK NY , 10004-2947
UNITED STATES
Correspondent e-mail: al@loprestilaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FROM NY WITH LOVE	Abandoned - After Inter-Partes Decision	85531538	

Plaintiff(s)

Name: Empire State Building Company L.L.C.

Correspondent Address: MAYA L TARR
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: trademark@cll.com , wmb@cll.com , mxt@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 18, 2012	Jan 27, 2013
3	PENDING, INSTITUTED	Dec 18, 2012	
4	NOTICE OF DEFAULT	Feb 20, 2013	
5	P'S MOTION FOR DEFAULT JUDGEMENT	Feb 20, 2013	
6	BD DECISION: SUSTAINED	Apr 08, 2013	
7	TERMINATED	Apr 08, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91206241 **Filing Date:** Jul 25, 2012

Status: Terminated **Status Date:** Dec 10, 2012

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Empire Movers, LLC

Correspondent Address: FLORIN PETRUTA
EMPIRE MOVERS LLC
6736 80TH STREET
MIDDLE VILLAGE NY , 11379-2925
UNITED STATES

Correspondent e-mail: office@goempiremovers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE MOVERS	Abandoned - After Inter-Partes Decision	85291507	

Plaintiff(s)

Name: Empire State Building Company LLC

Correspondent Address: MAYA L TARR
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: trademark@cll.com , wmb@cll.com , mxt@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 25, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 25, 2012	Sep 03, 2012

3	PENDING, INSTITUTED	Jul 25, 2012
4	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jul 26, 2012
5	SUSPENDED	Jul 31, 2012
6	MOTION TO AMEND APPLICATION	Aug 07, 2012
7	BOARD'S ORDER TRIAL DATES ARE RESET	Oct 24, 2012
8	WITHDRAWAL OF APPLICATION	Dec 04, 2012
9	BOARD'S DECISION: SUSTAINED	Dec 10, 2012
10	TERMINATED	Dec 10, 2012

Type of Proceeding: Opposition

Proceeding Number: 91204122 **Filing Date:** Sep 18, 2014

Status: Pending **Status Date:** Mar 01, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Michael Liang

Correspondent Address: DAVID YAN
LAW OFFICES OF DAVID YAN
136-20 38TH AVENUE, SUITE 11E
FLUSHING NY , 11354-4232
UNITED STATES

Correspondent e-mail: davidyanlawfirm@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NYC BEER LAGER	Opposition Pending	85213453	

Plaintiff(s)

Name: Empire State Building Company L.L.C.

Correspondent Address: ERIC J SHIMANOFF
COWAN LIEBOWITZ & LATMAN PC
1133 AVENUE OF THE AMERICAS
NEW YORK NY , 10036
UNITED STATES

Correspondent e-mail: ejs@cll.com , lmr@cll.com , wmb@cll.com , trademark@cll.com , fxm@cll.com , mlk@cll.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EMPIRE STATE BUILDING	Renewed	75705741	2411972
EMPIRE STATE BUILDING	Renewed	75705740	2413667
	Renewed	75705772	2429297
	Renewed	75705756	2430828

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2012	Apr 10, 2012
3	PENDING. INSTITUTED	Mar 01, 2012	
4	D'S MOTION FOR AN EXTENSION OF TIME	Apr 10, 2012	
5	EXTENSION OF TIME GRANTED	May 10, 2012	
6	D'S MOTION FOR AN EXTENSION OF TIME	Jun 11, 2012	
7	ANSWER	Jun 12, 2012	
8	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jun 20, 2012	
9	SUSPENDED	Jun 26, 2012	
10	P'S NOTICE OF WAIVER OF INITIAL DISCLOSURES	Sep 19, 2012	
11	BOARD'S ORDER	Oct 10, 2012	
12	STIP FOR EXT	Mar 27, 2013	
13	EXTENSION OF TIME GRANTED	Mar 27, 2013	
14	P MOT TO COMPEL DISCOVERY	Jun 06, 2013	

15	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 24, 2013
16	PROCEEDINGS RESUMED	Aug 06, 2013
17	D'S RESPONSE TO P'S FIRST SET OF REQ FOR ADMISSIONS	Sep 06, 2013
18	D'S RESPONSE TO P'S FIRST SET OF INTERROGS AND REQ FOR PRODUCTION OF DOCS & THINGS	Sep 06, 2013
19	P MOT FOR SANCTIONS	Sep 11, 2013
20	SUSP PEND DISP OF OUTSTNDNG MOT	Sep 19, 2013
21	D MOT TO REOPEN DISCOVERY	Oct 08, 2013
22	P OPP/RESP TO MOTION	Oct 28, 2013
23	TRIAL DATES RESET	Mar 26, 2014
24	P MOT TO AMEND PLEADING/AMENDED PLEADING	May 08, 2014
25	SUSP PEND DISP OF OUTSTNDNG MOT	May 09, 2014
26	CORRECTION TO BD ORDER	May 09, 2014
27	CHANGE OF CORRESP ADDRESS	May 09, 2014
28	TRIAL DATES RESET	Jun 28, 2014
29	ANSWER	Aug 07, 2014
30	ANSWER	Aug 07, 2014
31	D MOT FOR EXT W/O CONSENT	Aug 07, 2014
32	P MOT FOR SUMMARY JUDGMENT	Aug 14, 2014
33	SUSP PEND DISP OF OUTSTNDNG MOT	Aug 23, 2014
34	D MOT FOR EXT W/ CONSENT	Sep 19, 2014
35	D MOT FOR EXT W/ CONSENT	Sep 18, 2014
36	EXTENSION OF TIME GRANTED	Sep 23, 2014
37	D OPP/RESP TO MOTION	Oct 10, 2014
38	D OPP/RESP TO MOTION	Oct 12, 2014
39	P REPLY IN SUPPORT OF MOTION	Oct 24, 2014
40	P REPLY IN SUPPORT OF MOTION	Oct 24, 2014
41	P MOT FOR SUMMARY JGT DENIED	Jan 20, 2015

Ref. No. 22690.013

CERTIFICATE OF SERVICE

I hereby certify that, on March 30, 2015, I caused a true and complete copy of the foregoing *Opposer's First Notice Of Reliance Upon Opposer's Registrations Pursuant To Trademark Rule 2.122(d)* with accompanying Exhibit A to be sent via First Class Mail postage prepaid, to Applicant's Attorney and Correspondent of Record, David Yan, Esq., Law Offices Of David Yan, 136-20 38th Avenue, Suite 11E, Flushing, NY 11354-4232.

Dated: New York, New York
March 30, 2015

Lindsay M. Rodman

TTAB

Ref. No. 22690.013

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

ESRT EMPIRE STATE BUILDING, L.L.C., Opposer, v. MICHAEL LIANG, Applicant.	Opposition No. 91204122

Commissioner for Trademarks
Attention: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

OPPOSER'S SECOND NOTICE OF RELIANCE UPON OFFICIAL RECORDS PURSUANT TO TRADEMARK RULE 2.122(e) and 704.07

Pursuant to Trademark Rule 37 CFR § 2.122(e) and TBMP 704.07, Opposer ESRT Empire State Building, L.L.C. hereby gives notice of its reliance upon the following official records:

(i) The United States federal trademark application and Petition to Revive Abandoned Application from the Trademark Status & Document Retrieval records for, Application Serial No. 85/213,453 (the "Application") for the mark NYC BEER LAGER (and Design)

"**Express Mail**" Mailing Label Number EF 106087515 US
I hereby certify that this paper or fee is being deposited with the United States Postal Service "**Express Mail** Post office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on
3/30/15 Lindsay M. Ludman
(Date of Deposit) (Print name)
(Signature)

3-30-2015
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

("Applicant's Mark") filed by Michael Liang ("Applicant") attached hereto as Exhibit A. This official record is offered as evidence to show that the Application described the building image in its mark as "resembling the Empire State Building."

Dated: New York, New York
March 30, 2015

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: _____
William M. Borchard
Mary L. Kevlin
Eric J. Shimanoff
Lindsay M. Rodman

1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

EXHIBIT A

(To Opposer's Second Notice Of Reliance Upon Official Records)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85213453
Filing Date: 01/08/2011

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	**YES**
MARK INFORMATION	
***MARK**	\\TICRS\EXPORT11\IMAGEOUT 11\852\134\85213453\xml1\ FTK0002.JPG
***SPECIAL FORM**	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	NYC Beer Lager
***COLOR MARK**	NO
***COLOR(S) CLAIMED (If applicable)**	
***DESCRIPTION OF THE MARK (and Color Location, if applicable)**	The mark consists of There are several layers of full circles. The building inside the inner circle resembles the Empire State Building. The middle layer contains NYC and Beer. The wheat pattern evokes that beer is brewed with a proportion of wheat.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	480 x 480
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	Michael Liang
***STREET**	

*STREET	55-25 98th Place, Apt. 3C
*CITY	Corona
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	11368
PHONE	2129660100
EMAIL ADDRESS	davidyanlawfirm@yahoo.com

LEGAL ENTITY INFORMATION

*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States

GOODS AND/OR SERVICES AND BASIS INFORMATION

* INTERNATIONAL CLASS	032
IDENTIFICATION	Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter
*FILING BASIS	SECTION 1(b)

ADDITIONAL STATEMENTS SECTION

*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
DISCLAIMER	No claim is made to the exclusive right to use NYC, Beer, and Lager apart from the mark as

	shown.
STIPPLING AS A FEATURE OF THE MARK	The stippling is a feature of the mark and does not indicate color.
SIGNIFICANCE OF MARK	Lager appearing in the mark means or signifies beer in the relevant trade or industry or as applied to the goods/services listed in the application.
STIPPLING FOR SHADING	The stippling is for shading purposes only.

ATTORNEY INFORMATION

NAME	David Yan, Esq.
ATTORNEY DOCKET NUMBER	2011-006
FIRM NAME	Law Offices of David Yan
STREET	136-20, 38th Avenue, Suite 11E
CITY	Flushing
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11354
PHONE	(718) 888-7788
FAX	(718) 888-0870
EMAIL ADDRESS	davidyanlawfirm@yahoo.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

CORRESPONDENCE INFORMATION

***NAME**	David Yan, Esq.
FIRM NAME	Law Offices of David Yan
***STREET**	136-20, 38th Avenue, Suite 11E
***CITY**	Flushing
***STATE** **(Required for U.S. applicants)**	New York
***COUNTRY**	United States
***ZIP/POSTAL CODE**	11354
PHONE	(718) 888-7788
FAX	(718) 888-0870
***EMAIL ADDRESS**	davidyanlawfirm@yahoo.com

*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

FEE INFORMATION

NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275

SIGNATURE INFORMATION

* SIGNATURE	/David Yan/
* SIGNATORY'S NAME	David Yan
* SIGNATORY'S POSITION	Attorney
* DATE SIGNED	01/08/2011

PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 03/31/2011)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85213453
Filing Date: 01/08/2011

To the Commissioner for Trademarks:

MARK: NYC Beer Lager (stylized and/or with design, see mark)

The literal element of the mark consists of NYC Beer Lager.
The applicant is not claiming color as a feature of the mark. The mark consists of There are several layers of full circles. The building inside the inner circle resembles the Empire State Building. The middle layer contains NYC and Beer. The wheat pattern evokes that beer is brewed with a proportion of wheat.
The applicant, Michael Liang, a citizen of United States, having an address of

55-25 98th Place, Apt. 3C
Corona, New York 11368
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

No claim is made to the exclusive right to use NYC, Beer, and Lager apart from the mark as shown.

The stippling is a feature of the mark and does not indicate color.

Lager appearing in the mark means or signifies beer in the relevant trade or industry or as applied to the goods/services listed in the application.

The stippling is for shading purposes only.

The applicant's current Attorney Information:

David Yan, Esq. of Law Offices of David Yan
136-20, 38th Avenue, Suite 11E
Flushing, New York 11354
United States
The attorney docket/reference number is 2011-006.
The docket/reference number is 2011-006.

The applicant's current Correspondence Information:

David Yan, Esq.
Law Offices of David Yan
136-20, 38th Avenue, Suite 11E
Flushing, New York 11354
(718) 888-7788(phone)
(718) 888-0870(fax)
davidyanlawfirm@yahoo.com (authorized)

A fee payment in the amount of $275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /David Yan/ Date Signed: 01/08/2011
Signatory's Name: David Yan
Signatory's Position: Attorney

RAM Sale Number: 6163
RAM Accounting Date: 01/10/2011

Serial Number: 85213453
Internet Transmission Date: Sat Jan 08 13:16:22 EST 2011
TEAS Stamp: USPTO/FTK-173.52.162.100-201101081316226
97414-85213453-4701fbf530506a5df867ca44c

25211a2-CC-6163-20110108130817463109

NYC
BEER
LAGER

PTO Form 2104 (Rev 9/2005)
OMB No. 0651-0051 (Exp 09/30/2011)

Petition To Revive For Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85213453
LAW OFFICE ASSIGNED	LAW OFFICE 102
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.
RESPONSE TO OFFICE ACTION	
MARK SECTION (no change)	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use "NYC BEER" and "LAGER" apart from the mark as shown.
MISCELLANEOUS STATEMENT	Please delete the stippling statements currently of record.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a building resembling the Empire State Building surrounded by three concentric circles. The middle circle is wide and contains the wording "NYC BEER" in the interior. The circles are surrounded by a wreath with a wheat patter. At the bottom is a banner with the term "LAGER" inside.
PAYMENT SECTION	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
PETITION SIGNATURE	/David Yan/
SIGNATORY'S NAME	David Yan
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	10/02/2011
RESPONSE SIGNATURE	

RESPONSE SIGNATURE	/David Yan/
SIGNATORY'S NAME	David Yan
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	10/02/2011
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION

SUBMIT DATE	Sun Oct 02 17:15:39 EDT 2011
TEAS STAMP	USPTO/POA-72.89.117.16-20111002171539859802-85213453-480ee436c5b4a0569ee3ef38340ea8969-CC-10739-20111002164359888936

Petition To Revive For Office Action

To the Commissioner for Trademarks:

Application serial no. **85213453** has been amended as follows:

PETITION

Petition Statement

Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.

RESPONSE TO OFFICE ACTION

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use "NYC BEER" and "LAGER" apart from the mark as shown.

Please delete the stippling statements currently of record.

Description of mark

The mark consists of a building resembling the Empire State Building surrounded by three concentric circles. The middle circle is wide and contains the wording "NYC BEER" in the interior. The circles are surrounded by a wreath with a wheat patter. At the bottom is a banner with the term "LAGER" inside.

FEE(S)

Fee(s) in the amount of $100 is being submitted.

SIGNATURE(S)

Signature: /David Yan/ Date: 10/02/2011
Signatory's Name: David Yan
Signatory's Position: Attorney of Record

Response Signature
Signature: /David Yan/ Date: 10/02/2011
Signatory's Name: David Yan
Signatory's Position: Attorney of Record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 10739
RAM Accounting Date: 10/03/2011

Serial Number: 85213453
Internet Transmission Date: Sun Oct 02 17:15:39 EDT 2011
TEAS Stamp: USPTO/POA-72.89.117.16-20111002171539859
802-85213453-480ee436c5b4a0569ee3ef38340
ea8969-CC-10739-20111002164359888936

RAM SALE NUMBER: 10739
RAM ACCOUNTING DATE: 20111003

INTERNET TRANSMISSION DATE:
2011/10/02

SERIAL NUMBER:
85/213453

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2011/10/02	100

Ref. No. 21307.033

CERTIFICATE OF SERVICE

I hereby certify that, on March 30, 2015, I caused a true and complete copy of the foregoing *OPPOSER'S SECOND NOTICE OF RELIANCE UPON OFFICIAL RECORDS PURSUANT TO TRADEMARK RULE 2.122(e) AND TBMP 704.07* with accompanying Exhibit A to be sent via First Class Mail postage prepaid, to Applicant's Attorney and Correspondent of Record, David Yan, Law Offices Of David Yan, 136-20 38th Avenue, Suite 11E, Flushing, NY 11354-4232.

Dated: New York, New York
March 30, 2015

Lindsay M. Rodman

TTAB

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

ESRT EMPIRE STATE BUILDING, L.L.C., Opposer, v. MICHAEL LIANG, Applicant.	Opposition No. 91204122

OPPOSER'S FIFTH NOTICE OF RELIANCE UPON APPLICANT'S DISCOVERY RESPONSES PURSUANT TO TRADEMARK RULE 2.120(j)

Pursuant to Trademark Rule 2.120(j), Opposer ESRT Empire State Building, L.L.C. hereby gives notice of its reliance upon:

(i) Applicant's Response to Opposer's First Set of Requests for Admission Nos. 4, 5, 7 and 8, copies of which Requests for Admission and responses are attached hereto as Exhibit A.

(ii) Opposer's First Set of Interrogatories and Request for Production of Documents and Things, Interrogatory Nos. 1, 2, 4-6, 8-11, 13, 15 and 16 and Document Request Nos. 1-14, 17, 18, 20-23, a copy of which is attached hereto as Exhibit B.

"**Express Mail**" Mailing Label Number EF 106087515 US
I hereby certify that this paper or fee is being deposited with the United States Postal Service "**Express Mail** Post office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on

3/30/15 Lindsay M. Robman
(Date of Deposit) (Print Name)

(Signature)

3-30-2015
U.S. Patent & TMOfc/TM Mail Rcpt Dt #22

22690/013/1610278.3

(iii) Applicant's Response to Opposer's First Set of Interrogatories and Request for Production of Documents and Things, Interrogatory No. 13 and Document Request Nos. 4, 14, 21, and 22, a copy of which responses is attached hereto as Exhibit C.

(iv) Applicant's Amended Response to Opposer's First Set of Interrogatories and Request for Production of Documents and Things, Interrogatory Nos. 1, 2, 4-6, 8-11, 13, 15 and 16 (a typographical error lists Response 16 as Response 10), and Document Request Nos. 1-14, 17, 18 and 20-23, a copy of which responses is attached hereto as Exhibit D.

(v) Applicant's e-mail response to Interrogatory No. 16 and attached document to Opposer's e-mail request to supplement Opposer's First Set of Interrogatories, a copy of the e-mail and attached document are attached hereto as Exhibit E.

Dated: New York, New York
March 30, 2015

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By:_____

William M. Borchard
Mary L. Kevlin
Eric J. Shimanoff
Lindsay M. Rodman
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

EXHIBIT A

(To Opposer's Fifth Notice of Reliance)

Ref. No. 22690.013

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

EMPIRE STATE BUILDING COMPANY L.L.C., Opposer, v. MICHAEL LIANG, Applicant.	Opposition No. 91204122

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Opposer Empire State Building Company L.L.C. ("Opposer") propounds the following First Set of Requests for Admissions to Applicant Michael Liang ("Applicant"). Responses in writing shall be served within thirty (30) days of service of these requests.

DEFINITIONS AND INSTRUCTIONS

Opposer incorporates by reference herein the definitions and instructions contained in Opposer's First Set of Interrogatories and Requests for Production of Documents and Things to Applicant.

REQUESTS FOR ADMISSIONS

Request No. 4

Admit that Applicant was aware of Opposer's Empire State Building Marks prior to:

(a) January 8, 2011, when Applicant filed Application Serial No. 85/213,453.

(b) Any use by Applicant of Applicant's Mark in connection with any goods or services.

Request No. 5

Admit that Applicant was aware of goods or services marketed, manufactured, distributed, offered for sale, sold, licensed or rendered by Opposer or under license from Opposer in connection with Opposer's Empire State Building Marks prior to:

(c) January 8, 2011, when Applicant filed Application Serial No. 85/213,453.

(d) Any use by Applicant of Applicant's Mark in connection with any goods or services.

Ref. No. 22690.013

Request No. 7

Admit that Applicant has no connection with Opposer and has no authorization from Opposer to use the building design in Applicant's Mark.

Request No. 8

Admit that Appicant intended the building design in Applicant's Mark to resemble the Empire State Building.

Dated: New York, New York
February 19, 2013

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: Maya Tarr

William M. Borchard
Mary L. Kevlin
Maya L. Tarr

1133 Avenue of the Americas
New York, New York 10036
212-790-9200

CERTIFICATE OF SERVICE

I hereby certify that, on February 19, 2013, I caused a true and complete copy of the foregoing *Opposer's First Set of Requests for Admissions* to be served by First Class Mail to Applicant's Attorney and Correspondent of Record, David Yan, Law Offices of David Yan, 136-20 38th Avenue, Suite 11E, Flushing, New York 11354 4232, United States.

Dated: New York, New York
February 19, 2013

Maya L. Tarr

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

EMPIRE STATE BUILDING COMPANY L.L.C., Opposer,	
v.	Opposition No.: 91204122
MICHAEL LIANG, Applicant.	

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S RESPONSE
TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant, MICHAEL LIANG ("Applicant"), by and through his undersigned attorney, hereby submit responses and objections to Opposer Empire State Building Company L.L.C. ("Opposer")'s First Set of Requests for Admissions:

GENERAL OBJECTIONS

The following General Objections are incorporated into each Specific Objection and Response below as if set forth in full responses to each individually numbered response. The

failure to specifically incorporate a General Objection shall not be construed as a waiver of the same.

1. Applicant objects to each and every Request for Admissions herein to the extent that it seeks information or documents protected by any privilege or protection from discovery, including but not limited to the attorney-client privilege and the work-product doctrine. The inadvertent production of any material protected by the attorney-client privilege, the work-product doctrine or any other applicable privilege, immunity or protection from disclosure is not intended and should not be construed to constitute a waiver. Applicant reserves the right to assert all applicable privileges and protections from production.
2. Applicant objects to each and every Request for Admissions to the extent that it seeks to impose requirements that are inconsistent with, or beyond those contemplated by, the Federal Rules of Civil Procedure and/or the Code of Federal Regulations.
3. Applicant objects to each and every Request for Admissions to the extent that the definitions, instructions, or specific requests are vague, ambiguous, overly broad, and/or unduly burdensome.
4. Applicant objects to each and every Request for Admissions to the extent that it seeks information that is a matter of public record or equally available to Opposer.
5. Applicant objects to each and every Request for Admissions to the extent that it calls for an expert opinion on the ground that it violates the work-product doctrine.

6. Applicant objects to each and every Request for Admissions to the extent that it seeks Applicant confidential and proprietary information, the disclosure of which will or may cause harm to Applicant.

7. Applicant objects to each and every Request for Admissions as overly broad, unduly burdensome, and oppressive, insofar as it seeks information which is in the custody, possession, or control of Opposer or its agents, or is equally available to the public.

8. Applicant objects to each and every Request for Admissions to the extent that it is overly broad, unduly burdensome, and oppressive, where the Request for Admissions requests the identification of "all" documents when all relevant facts can be obtained from fewer than "all documents."

9. Applicant objects to each and every Request for Admissions to the extent that it is overly broad and unduly burdensome by requesting documents that are neither relevant to the claim or defense of any party nor reasonably calculated to lead to the discovery of admissible evidence.

10. Applicant objects to each and every Request for Admissions to the extent that it is vague or ambiguous.

11. Applicant objects to each and every Request for Admissions to the extent that it is overly broad, unduly burdensome, or oppressive.

12. Applicant objects to each and every Request for Admissions to the extent that it requires Plaintiff to produce documents not within Applicant's possession, custody, or control. Unless otherwise specified, Applicant will not produce any

documents in the possession, custody, and control of any third party, including any agent or outside attorney of Applicant.

13. Applicant objects to each and every Request for Admissions to the extent that it seeks information without any limitation to the time period relevant to this action.

14. In making these objections, Applicant does not in any way waive, or intend to waive, but rather intend to preserve and are preserving.

15. All objections as to competency, relevancy, materiality, and admissibility of any information that may be provided in response to the Request for Admissions, or the subject matter thereof.

16. All rights to object on any ground to the use of any information that may be provided in response to the Request for Admissions, or the subject matter thereof, in any subsequent proceedings, including the trial of this or any other matter.

17. All rights to object on any ground to any request for further responses to the Request for Admissions or any other document request.

18. Applicant's objections herein and the production of any documents by Applicant pursuant to any Request for Admissions are not intended to waive or prejudice any objections or privileges Applicant may later assert, without limitation.

19. Applicant reserves the right to supplement, amend, correct, or clarify the responses and objections to the Request for Admissions.

In addition to the General Objections set forth above, Applicant sets forth below Specific Objections to individual requests where appropriate, including objections that are not generally applicable to all of the requests. By setting forth such Specific Objections, Applicant does not

intend to limit the General Objections set forth above. To the extent that Applicant responds to requests to which they object, such objections are not waived by a response.

The information provided herein is based upon, and is therefore limited by, the records and information in existence, presently collected and thus far discovered in the course of the preparation of these responses.

SPECIFIC OJECTIONS AND RESPONSES
TO DEFENDANTS' REQUESTS FOR ADMISSION

Request No. 4:

Admit that Applicant was aware of Opposer's Empire State Building Marks prior to:

(a) January 8, 2011, when Applicant filed Application Serial No. 85/212,453.

(b) Any use by Applicant of Applicant's Mark in connection with any goods or services.

Response No. 4:

Applicant objects to this Request for Admissions on the ground that it is overly broad and unduly burdensome.

Subject to and without waiving any General Objection or Specific Objection, Applicant answers as follows:

(a) Admit.

(b) This Request is not applicable because Applicant has not used the Applicant's Mark pending the final approval and registration of the Applicant's Mark.

Request No. 5:

Admit that Applicant was aware of goods or services marketed, manufactured, distributed, offered for sale, sold, licensed or rendered by Opposer or under license from Opposer in connection with Opposer's Empire State Building Marks prior to:

(c) January 8, 2011, when Applicant filed Application Serial No. 85/212,453.

(d) Any use by Applicant of Applicant's Mark in connection with any goods or services.

Response No. 5:

Applicant objects to this Request for Admissions on the ground that it is overly broad and unduly burdensome.

Subject to and without waiving any General Objection or Specific Objection, Applicant answers as follows:

(c) Deny, except for admitting that Applicant is aware of the sightseeing services in the observation decks in the Empire State Building.

(d) This Request is not applicable because Applicant has not used the Applicant's Mark pending the final approval and registration of the Applicant's Mark.

Request No. 7:

Admit that Applicant has no connection with Opposer and has no authorization from Opposer to use the building design in Applicant's Mark.

Response No. 7:

Applicant objects to this Request for Admissions on the ground that it is overly broad and unduly burdensome.

Subject to and without waiving any General Objection or Specific Objection, Applicant answers as follows:

(a) Admit that Applicant has no connection with Opposer.

(b) Admit that Applicant has no authorization from Opposer to use its building design registered in the U.S. Patent and Trademark Office. Applicant, however, has not used the Opposer's the building design registered in the U.S. Patent and Trademark Office in the Applicant's Mark.

Request No. 8:

Admit that Applicant intended the building design in Applicant's Mark to resemble the Empire State Building.

Response No. 8:

Applicant objects to this Request for Admissions on the ground that it is overly broad and unduly burdensome.

Subject to and without waiving any General Objection or Specific Objection, Applicant answers as follows:

(a) Admit.

(b) The building design in Applicant's Mark is not the Empire State Building.

Dated: Flushing, New York
September 5, 2013

Law Offices of David Yan
Attorney for Applicant

by: /David Yan/
David Yan

136-20 38th Avenue, Suite 11E
Flushing, NY 11354
Tel.: (718) 888-7788

AFFIRMATION OF SERVICE

I hereby certify that, on September 5, 2013, I caused a true and complete copy of the foregoing Applicant's Response to the Opposer's First Set of Requests for Admissions to be served by electronic mail in PDF Format to Opposer's counsel of record, William M. Borchard, Esquire of Cowan Liebowitz, & Latman, P.C., at his email address of at WMB@cll.com.

/David Yan/
David Yan

EXHIBIT B

(To Opposer's Fifth Notice of Reliance)

Ref. No. 22690.013

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

EMPIRE STATE BUILDING COMPANY L.L.C., Opposer, v. MICHAEL LIANG, Applicant.	Opposition No. 91204122

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

OPPOSER'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Opposer Empire State Building Company L.L.C. ("Opposer") requests that Applicant Michael Liang ("Applicant") answer under oath the following interrogatories and produce the following documents and things for inspection and copying at the offices of Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036 within 30 days after service hereof. These requests are deemed to be continuing, so as to require prompt production of additional documents and supplemental interrogatory answers should Applicant obtain

additional responsive information or documents between the time the answers are served and the time of the final hearing of this opposition proceeding.

DEFINITIONS AND INSTRUCTIONS

A. The term "Applicant" means Michael Liang, and any entities or businesses which he owns or controls, any persons, businesses or entities with which he is directly connected, and all employees, agents and/or representatives thereof.

B. The term "Opposer" means Opposer Empire State Building Company L.L.C., and all parent, subsidiary, related, predecessor and/or successor entities, divisions, employees, agents and/or representatives thereof.

C. The term "Opposer's Empire State Building Marks" shall refer to marks used, registered and/or applied to be registered by Opposer consisting of or incorporating the words EMPIRE STATE or EMPIRE STATE BUILDING, and various marks depicting the visual equivalent of the world-renowned Empire State Building, which is located in New York City, including, but not limited to, the marks set forth in paragraphs 1 and 2 of the Notice of Opposition in this proceeding.

D. The term "Applicant's Mark" shall refer to the mark NYC BEER LAGER and Design as depicted here: , as applied-for in Application Serial No. 85/213,453 and any other marks used, registered and/or applied to be registered by Applicant consisting of or incorporating a building design similar to the design in Applicant's Mark, alone or with other word, letter and/or design elements.

E. The term "commerce" means commerce subject to regulation by Congress, as defined in 15 U.S.C. §1127.

F. As used herein, the terms "entity" and "person" include natural persons, governmental entities, organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals that has the purpose of conducting or, in fact, conducts business.

G. The term "document" shall be given the broadest possible scope under Fed. R. Civ. P. 34 and includes, but is not limited to, all writings, correspondence, memoranda, handwritten notes, drafts, invoices, contracts, purchase orders, letters, checks, receipts, books, pamphlets, flyers, advertisements, web pages, publications, stickers, posters, catalogs, labels, product packaging, product containers, displays, photographs, slides, videotapes, films, artwork, drawings, sketches, illustrative materials, layouts, tear sheets, magnetic recording tapes, microfilms, computer printouts, e-mail, work sheets, and files from any personal computer, notebook or laptop computer, file server, minicomputer, mainframe computer or any other storage means by which information is retained in retrievable form, including files that are still on any storage media, but that are identified as "erased but recoverable," and all other materials, whether printed, typewritten, handwritten, recorded or reproduced by a mechanical or electronic process.

H. The term "identify" when used in connection with a natural person or persons requires Applicant to state the person's full name and last known business and residential addresses, telephone number and e-mail address.

I. The term "identify" when used in connection with a document requires

Applicant to:

(i) Furnish the name or title, date and general description (e.g., letter, memorandum, etc.) of the document, the name and address of the person from whom the document originated, the name and address of the persons to whom the document was addressed or delivered, and the names and addresses of all persons to whom copies of the document were sent; and

(ii) State whether Applicant is in possession of the original of the document or a copy thereof and, if Applicant is not in possession of the original or a copy, furnish the name and address of the custodian of the original or a copy; and

(iii) Furnish a general description of the subject matter to which the document(s) pertains.

J. The term "identify" when used in connection with a company, organization or other business entity requires Applicant to state the name, address, and phone number of the company, organization or other business entity.

K. The term "concerning" means referring to, relating to, embodying, connected with, commenting on, responding to, showing, describing, analyzing or constituting.

L. The singular and plural forms are used herein interchangeably, as are the masculine and feminine forms and the present and past tenses, and such terms should be construed as necessary to bring within the scope of the interrogatory/document request all documents and information which might otherwise be construed to be outside its scope.

M. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the interrogatory/document request all documents and

information which might otherwise be construed to be outside its scope.

N. If any information or document called for in any interrogatory or request is withheld in whole or in part by reason of a claim of attorney-client privilege or any other claim of immunity from discovery, then, at the time the information or document is to be produced, a list is to be furnished identifying any such information or document withheld together with the following information: date and title of the document; name and job title of each author, writer or sender of the document; name and job title of each recipient, addressee or other person to whom the original or any copy of the document was sent or furnished; if Applicant contends that an author or recipient of the document is an attorney for purposes of claiming privilege or immunity from discovery, identify the State Bar of which he or she was a member at the time of the communication in question; the general subject matter of the information or document withheld; the basis for the claim of privilege or immunity from discovery; and the interrogatory or request to which the information or document is responsive.

O. In the event that any document called for by this request has been destroyed, lost, discarded or otherwise disposed of, identify any such document as completely as possible, including, without limitation, the date of disposal, manner of disposal, reason for disposal, person authorizing the disposal and person disposing of the document.

P. Documents shall be produced as they are kept in the ordinary course of business or shall be organized and labeled to correspond to the document request to which they are responsive.

Q. To the extent the information or documents are sought concerning Applicant's use or intended use of Applicant's Mark, the interrogatories and requests are referring to use or

intended use in the United States or in commerce.

INTERROGATORIES

Interrogatory No. 1

State the date when Applicant first selected any mark comprising or containing Applicant's Mark for use or intended use in connection with any goods or services.

Interrogatory No. 2

Identify all persons who or entities that participated in or were consulted in the design, selection and/or adoption of any mark comprising or containing Applicant's Mark, including a description of the nature of each person's or entity's participation or consultation.

Interrogatory No. 4

Identify any trademark searches or other searches, opinions, investigations, analyses or studies related to the selection, design, and/or adoption of Applicant's Mark, including, without limitation, the persons involved, the date(s), and the data or results of those searches, opinions, investigations, analyses or studies.

Interrogatory No. 5

State whether Applicant (or any person or entity authorized by Applicant) has made any use of any marks comprising or containing Applicant's Mark in the United States or in commerce as of the present date, and if so, identify each product or service on or in connection with which Applicant (or any person or entity authorized by Applicant) has made such use (hereinafter "Applicant's Products/Services").

Interrogatory No. 6

For each of Applicant's Products/Services identified in response to Interrogatory No. 5 above, identify:

(a) The date of first use for each of Applicant's Products/Services;

(b) The period of time during which each of Applicant's Products/Services was or is being distributed, offered for sale, sold or rendered;

(c) The geographic area(s) in which each of Applicant's Products/Services was or is being distributed, offered for sale, sold or rendered;

(d) The annual volume of sales for each year to the present, both by dollar amount and unit amount, for each of Applicant's Products/Services;

(e) Any other revenues, including, without limitation, any licensing or sponsorship revenues that Applicant has received in connection with each of Applicant's Products/Services;

(f) The range of retail and wholesale price for each of Applicant's Products/Services for each year to the present;

(g) The channels of trade (e.g., types of retail stores, catalogs, mail order, on-line, promotional sales, private sales, establishments, etc.) through which each of Applicant's Products/Services was or is being distributed or sold to the ultimate purchaser, consumer or user; and

(h) The type of customers to whom each of Applicant's Products/Services is or was marketed, distributed, offered for sale, sold or rendered.

Interrogatory No. 8

Identify any persons or entities that have ever, either orally or in writing, authorized, licensed, assigned, granted, conveyed or otherwise transferred to Applicant the right to use any mark comprising or containing Applicant's Mark, and for each such person or entity, identify the date of and material terms under which such authorization, license, assignment, grant, conveyance or other transfer was made, including, without limitation, the details of the grant of rights to use Applicant's Mark and the financial terms governing such transaction.

Interrogatory No. 9

Identify any persons or entities Applicant has authorized, licensed, assigned, granted, conveyed or otherwise transferred the right to use any mark comprising or containing Applicant's Mark, and for each such person or entity, identify the date of and material terms under which such authorization, license, assignment, grant, conveyance or other transfer of right to use was made, including, without limitation, the details of the grant of rights to use Applicant's Mark and the financial terms governing such transaction.

Interrogatory No. 10

Identify each website, web auction, web hosting, web listing, web posting, web page or social media page, whether owned by Applicant or third parties, including its Internet address, on or through which Applicant's Mark and/or Applicant's Products/Services have been, are

currently being or are intended to be promoted, advertised, displayed, offered for sale, sold or otherwise distributed.

Interrogatory No. 11

(a) Identify each kind of advertising, marketing and other promotional materials, including, without limitation, point-of-sale material, signs, circular, flyer, poster, sticker, sales sheet, leaflet, brochure, catalog, sign, price list, on-line or email advertisement, print advertisement, radio or television advertisement, service order list or other advertising material or promotional item that has been used or is intended to be used in connection with Applicant's Products/Services and/or Applicant's Mark.

(b) For each promotional material referred to in subparagraph (a) above, identify where the promotional material is advertised, posted, promoted, published or distributed (e.g. name the publication, the URL for the website, the retail store, etc.).

Interrogatory No. 13

State whether Applicant has marketed or intends to market Applicant's Products/Services bearing or rendered in connection with Applicant's Mark or is aware that such products will be marketed to consumers of Opposer's goods or services, or to consumers located in or around New York, New York and, if so, describe the means by which Applicant has marketed or intends to market Applicant's Products/Services or how such products will be marketed, to consumers of Opposer's goods or services, or to consumers located in or around New York, New York.

Interrogatory No. 15

State whether Applicant has ever sought a license or other right to use any marks, logos, designs, stylizations or slogans, including without limitation, Opposer's Empire State Building Marks, from Opposer.

Interrogatory No. 16

State whether Applicant has any documentation, including without limitation, business plans, marketing plans, memos, correspondence or draft proposals of any kind, reflecting Applicant's bona fide intention, prior to or as of January 8, 2011, to use Applicant's Mark in commerce in connection with each and every good identified in International Class 32 in Application Serial No. 85/213,453.

DOCUMENT REQUESTS

Request No. 1

Specimens of each of Applicant's Products/Services bearing or displaying any mark comprising or containing Applicant's Mark, including, without limitation, each different color combination and each different product design or stylization of products in which Applicant's Mark is used or intended to be used by Applicant and/or its licensees, sponsors or related or affiliated entities.

Request No. 2

Specimens of each label, hangtag, tag, product package, package insert, sticker, hologram, package material or other device which bears any mark comprising or containing Applicant's Mark, and which has been used or is intended to be used by Applicant and/or its licensees.

Request No. 3

Specimens of each point-of-sale material, circular, flyer, poster, sticker, sales sheet, leaflet, brochure, catalog, sign, price list, on-line or email advertisement, print advertisement, radio or television advertisement, service order list or other advertising material or promotional item which bears any mark comprising or containing Applicant's Mark, and which has been used or is intended to be used by Applicant and/or its licensees.

Request No. 4

All documents concerning Applicant's design, clearance, selection, and/or adoption of Applicant's Mark.

Request No. 5

All documents concerning any trademark searches or other searches, opinions, investigations, analyses or studies conducted or reviewed by or on behalf of Applicant concerning Applicant's Mark.

Request No. 6

Documents sufficient to identify: (a) the date of first use of Applicant's Mark; (b) the date of first use of Applicant's Mark in commerce; (c) the geographic area(s) of use of Applicant's Mark; (d) any and all customers, distributors or other persons or entities to which Applicant's Products/Services offered in connection with Applicant's Mark have been sold or distributed; (e) Applicant's Products/Services bearing, offered for sale, sold or otherwise distributed under Applicant's Mark; (f) all retail, wholesale, commercial, or charitable entities through which goods or services bearing or rendered in connection with Applicant's Mark have been offered for sale, sold or otherwise distributed; (g) the channels of trade through which Applicant's Products/Services offered in connection with Applicant's Mark were or are being distributed or sold to the ultimate purchaser, consumer or user; (h) the annual volume of sales (in dollars and units) made under Applicant's Mark for each year from the date of first use to the present; and (i) the annual amount of revenue, including, without limitation, any licensing or sponsorship revenues that Applicant has received in connection with Applicant's Products/Services offered in connection with Applicant's Mark, for each year from the date of first use to the present.

Request No. 7

All documents concerning the advertising, marketing or promotion of Applicant's Products/Services offered for sale or otherwise distributed or intended to be offered for sale or otherwise distributed under Applicant's Mark, including, without limitation, any media plans, public relations materials, press kits and correspondence with advertising agencies, public relations firms, media planners, graphic designers, web site designers or any other such entities in the advertising and promotional field.

Request No. 8

Documents sufficient to identify the amount of money expended by Applicant in advertising and promoting Applicant's Mark and/or Applicant's Products/Services.

Request No. 9

All documents concerning each trade show, convention, exposition or conference at which Applicant's Products/Services bearing Applicant's Mark have been displayed, advertised, promoted, offered for sale or sold.

Request No. 10

All documents concerning any authorization, license, assignment, grant, conveyance or other transfer of the right to use (or proposed authorization, license, assignment, grant, conveyance or other transfer of the right to use) Applicant's Mark from any third party to Applicant, or to sell Applicant's Products/Services bearing Applicant's Mark.

Request No. 11

All documents concerning any authorization, license, assignment, grant, conveyance or other transfer of the right to use (or proposed authorization, license, assignment, grant,

conveyance or other transfer of the right to use) any of Opposer's Empire State Building Marks from Opposer to Applicant.

Request No. 12

All documents concerning Applicant's authorization, license, assignment, grant, conveyance or other transfer of rights (or proposed authorization, license, assignment, grant, conveyance or other transfer of rights) in Applicant's Mark from or on behalf of Applicant to any third party, including, but not limited to, all license agreements.

Request No. 13

Documents sufficient to identify each website, web auction, web hosting, web listing, web posting, web page or social media page (whether owned by Applicant or third parties), including its Internet address, on or through which Applicant's Mark and/or Applicant's Products/Services has been, is currently being or is intended to be promoted, advertised, displayed, offered for sale, sold or otherwise distributed.

Request No. 14

All documents concerning the use or intended use of Applicant's Mark in connection with any indicia, designs, stylizations, terms, imagery, marks, logos, themes, or references similar to, related to, or associated or affiliated with Opposer, or its trademarks, logos, designs, or stylizations, including without limitation, Opposer's Empire State Building Marks.

Request No. 17

All documents concerning Applicant's knowledge of Opposer, Opposer's Empire State Building Marks, and/or any goods or services marketed, manufactured, distributed, offered for sale, sold, licensed or rendered by Opposer or under license from Opposer in connection with Opposer's Empire State Building Marks prior to:

a) January 8, 2011, when Applicant filed Application Serial No. 85/213,453.

b) Any use by Applicant of Applicant's Mark in connection with any goods or services.

Request No. 18

All documents concerning any market research, focus groups, surveys or other investigation made or commissioned by or on behalf of Applicant concerning Applicant's Mark, Applicant's Products/Services, Opposer's Empire State Building Marks or any goods or services advertised, promoted, offered for sale, sold, licensed or rendered by Opposer.

Request No. 20

All documents concerning the actual or intended channels of trade for goods or services sold or rendered or intended to be sold or rendered in connection with Applicant's Mark.

Request No. 21

All documents concerning any designs, logos, renditions, stylizations, (including, without limitation, font styles) or formats of or for Applicant's Mark, including without limitation any drafts or proposed versions of same.

Request No. 22

All documents, including without limitation, business plans, marketing plans, memos, correspondence or draft proposals of any kind, concerning Applicant's bona fide intent to use Applicant's Mark. in connection with each and every good identified in International Class 32 in Application Serial No. 85/213,453 prior to or as of January 8, 2011.

Request No. 23

All documents identified or otherwise referred to by Applicant in answering Opposer's First Set of Interrogatories above and Opposer's First Set of Requests for Admission.

Dated: New York, New York
February 19, 2013

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: Maya Tarr
William M. Borchard
Mary L. Kevlin
Maya L. Tarr
1133 Avenue of the Americas
New York, New York 10036
212-790-9200

CERTIFICATE OF SERVICE

I hereby certify that, on February 19, 2013, I caused a true and complete copy of the foregoing *Opposer's First Set of Interrogatories and Request for Production of Documents and Things to Applicant* to be served by First Class Mail to Applicant's Attorney and Correspondent of Record, David Yan, Law Offices of David Yan, 136-20 38th Avenue, Suite 11E, Flushing, New York 11354 4232, United States.

Dated: New York, New York
February 19, 2013

Maya L. Tarr

22690/013/1368726.1

EXHIBIT C

(To Opposer's Fifth Notice of Reliance)

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

EMPIRE STATE BUILDING COMPANY L.L.C., Opposer, v. MICHAEL LIANG, Applicant.	Opposition No.: 91204122

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S RESPONSE
TO OPPOSER'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to Rule 33 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant, MICHAEL LIANG ("Applicant"), by and through his undersigned attorney, hereby submit responses and objections to Opposer Empire State Building Company L.L.C. ("Opposer")'s First Set of Interrogatories and Request for Production of Documents and Things:

GENERAL OBJECTIONS

The following General Objections are incorporated into each Specific Objection and Response below as if set forth in full responses to each individually numbered response. The

failure to specifically incorporate a General Objection shall not be construed as a waiver of the same.

1. Applicant objects to each and every Interrogatory herein to the extent that it seeks information or documents protected by any privilege or protection from discovery, including but not limited to the attorney-client privilege and the work-product doctrine. The inadvertent production of any material protected by the attorney-client privilege, the work-product doctrine or any other applicable privilege, immunity or protection from disclosure is not intended and should not be construed to constitute a waiver. Applicant reserves the right to assert all applicable privileges and protections from production.
2. Applicant objects to each and every Interrogatory to the extent that it seeks to impose requirements that are inconsistent with, or beyond those contemplated by, the Federal Rules of Civil Procedure and/or the Code of Federal Regulations.
3. Applicant objects to each and every Interrogatory to the extent that the definitions, instructions, or specific requests are vague, ambiguous, overly broad, and/or unduly burdensome.
4. Applicant objects to each and every Interrogatory to the extent that it seeks information that is a matter of public record or equally available to Opposer.
5. Applicant objects to each and every Interrogatory to the extent that it calls for an expert opinion on the ground that it violates the work-product doctrine.
6. Applicant objects to each and every Interrogatory to the extent that it seeks Applicant confidential and proprietary information, the disclosure of which will or may cause harm to Applicant.

7. Applicant objects to each and every Interrogatory as overly broad, unduly burdensome, and oppressive, insofar as it seeks information which is in the custody, possession, or control of Opposer or its agents, or is equally available to the public.

8. Applicant objects to each and every Interrogatory to the extent that it is overly broad, unduly burdensome, and oppressive, where the Interrogatory requests the identification of "all" documents when all relevant facts can be obtained from fewer than "all documents."

9. Applicant objects to each and every Interrogatory to the extent that it is overly broad and unduly burdensome by requesting documents that are neither relevant to the claim or defense of any party nor reasonably calculated to lead to the discovery of admissible evidence.

10. Applicant objects to each and every Interrogatory to the extent that it is vague or ambiguous.

11. Applicant objects to each and every Interrogatory to the extent that it is overly broad, unduly burdensome, or oppressive.

12. Applicant objects to each and every Interrogatory to the extent that it requires Plaintiff to produce documents not within Applicant's possession, custody, or control. Unless otherwise specified, Applicant will not produce any documents in the possession, custody, and control of any third party, including any agent or outside attorney of Applicant.

13. Applicant objects to each and every Interrogatory to the extent that it seeks information without any limitation to the time period relevant to this action.

14. In making these objections, Applicant does not in any way waive, or intend to waive, but rather intend to preserve and are preserving:

15. All objections as to competency, relevancy, materiality, and admissibility of any information that may be provided in response to the Interrogatory, or the subject matter thereof;

16. All rights to object on any ground to the use of any information that may be provided in response to the Interrogatory, or the subject matter thereof, in any subsequent proceedings, including the trial of this or any other matter; and

17. All rights to object on any ground to any request for further responses to the Interrogatory or any other document request.

18. Applicant's objections herein and the production of any documents by Applicant pursuant to any Interrogatory are not intended to waive or prejudice any objections or privileges Applicant may later assert, without limitation.

19. Applicant reserves the right to supplement, amend, correct, or clarify the responses and objections to the Interrogatory.

In addition to the General Objections set forth above, Applicant sets forth below Specific Objections to individual requests where appropriate, including objections that are not generally applicable to all of the requests. By setting forth such Specific Objections, Applicant does not intend to limit the General Objections set forth above. To the extent that Applicant responds to requests to which they object, such objections are not waived by a response.

The information provided herein is based upon, and is therefore limited by, the records and information in existence, presently collected and thus far discovered in the course of the preparation of these responses.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 13:

State whether Applicant has marketed or intends to market Applicant's Products/Services bearing or rendered in connection with Applicant's Mark or is aware that such products will be marketed to consumers of Opposer's goods or services, or to consumers located in or around New York, New York and, if so, describe the means by which Applicant has marketed or intends to market Applicant's Products/Services or how such products will be marketed, to consumers of Opposer's goods or services, or to consumers located in or around New York, New York.

Response No. 13:

Applicant objects to this Interrogatory on the ground that it is overly broad and unduly burdensome.

Subject to and without waiving any General Objection or Specific Objection, Applicant answers as follows: Applicant has not marketed the Applicant's Products/Services bearing or rendered in connection with Applicant's Mark anywhere in the world. Applicant, however, intends to market the Applicant's Products/Services bearing or rendered in connection with Applicant's Mark to consumers located in or around China and the United States *once the registration of the Applicant's Mark is approved by the United States Trade and Patent Office.* Applicant does not know at this time how the Applicant's Products/Services bearing or rendered in connection with Applicant's Mark will be marketed, to consumers of Opposer's goods or services, or to consumers located in or around New York, New York after the registration of the Applicant's Mark is approved by the United States Trade and Patent Office.

Response No. 4:

All documents concerning Applicant's design, clearance, selection, and/or adoption of Applicant's Mark.

Response No. 4:

Applicant objects to this Request on the grounds that it is overly broad, unduly burdensome, seeks documents not in the Applicant's possession, seeks documents already in the Opposer' possession, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving any General Objection or Specific Objection, Applicant will produce responsive documents, if any, in their possession: None at this time.

Requests No. **14,** **21, 22**

Responses No. **14,** **21, 22**

Applicant objects to this Request on the grounds that it is overly broad, unduly burdensome, seeks documents not in the Applicant's possession, seeks documents already in the Opposer' possession, seeks information already responded, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving any General Objection or Specific Objection, Applicant will produce responsive documents, if any, in their possession: Not applicable and none.

Dated: Flushing, New York
September 5, 2013

Law Offices of David Yan
Attorney for Applicant

by: /David Yan/
David Yan

136-20 38th Avenue, Suite 11E
Flushing, NY 11354
Tel.: (718) 888-7788

AFFIRMATION OF SERVICE

I hereby certify that, on September 6, 2013, I caused a true and complete copy of the foregoing Applicant's Response to the Opposer's First Set of Interrogatories and Request for Production of Documents and Things to be served by electronic mail in PDF Format to Opposer's counsel of record, William M. Borchard, Esquire of Cowan Liebowitz, & Latman, P.C., at his email address of at WMB@cll.com.

/David Yan/
David Yan

AFFIRMATION OF SERVICE

I hereby certify that, on September 6, 2013, I caused a true and complete copy of the foregoing Applicant's Response to the Opposer's First Set of Requests for Admissions and Applicant's Response to the Opposer's First Set of Interrogatories and Request for Production of Documents and Things to be sent by the U.S. Post First Class Mail, postage prepared, to the Opposer's Counsel of Record, William M. Borchard, Esquire, Cowan Liebowitz, & Latman, P.C., located at 1133 Avenue of the Americas, New York, NY 10278

/David Yan/
David Yan

EXHIBIT D

(To Opposer's Fifth Notice of Reliance)

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

EMPIRE STATE BUILDING COMPANY L.L.C., Opposer,	
v.	Opposition No.: 91204122
MICHAEL LIANG, Applicant.	

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S AMENDED RESPONSE
TO OPPOSER'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to Rule 33 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant, MICHAEL LIANG ("Applicant"), by and through his undersigned attorney, hereby submit amended responses and objections to Opposer Empire State Building Company L.L.C. ("Opposer")'s First Set of Interrogatories and Request for Production of Documents and Things:

OBJECTIONS PURSUANT TO PRIVILEGE

Applicant objects to each and every Interrogatory herein to the extent that it seeks information or documents protected by any privilege or protection from discovery, including but not limited to the attorney-client privilege and the work-product doctrine. The inadvertent production of any material protected by the attorney-client privilege, the work-product doctrine or any other applicable privilege, immunity or protection from disclosure is not intended and should not be construed to constitute a waiver. Applicant reserves the right to assert all applicable privileges and protections from production.

The information provided herein is based upon, and is therefore limited by, the records and information in existence, presently collected and thus far discovered in the course of the preparation of these responses.

RESPONSES

Interrogatory No. 1:

State the date when Applicant first selected any mark comprising or containing Applicant's Mark for use or intended use in connection with any goods or services.

Response No. 1:

In December, 2010, Applicant first selected a mark containing Applicant's Mark for intended use in connection with goods or services of Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed maltbased alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer.

Applicant has not used any mark comprising or containing Applicant's Mark in connection with any goods or services. Once the Applicant's application for registration (Serial No. 85/213,453) is approved by the U.S. Patent and Trademark Office, Applicant intends to use a mark comprising or containing the Applicant's Mark in goods or services of Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed maltbased alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer.

Interrogatory No. 2:

Identify all persons who or entities that participated in or were consulted in the design selection and/or adoption of any mark comprising or containing Applicant's Mark, including a description of the nature of each person's or entity's participation or consultation.

Response No. 2:

Applicant has at least retained a design firm, Sky Blue Web Design Studio, 15 7th Avenue South, New York, NY 10014, Attn.: Raymond Yu, Tel.: (917) 916-8802, to design the Applicant's Mark. Besides that, Applicant does not remember with specificity every individual, other than the design firm mentioned above, responsive to this request.

Interrogatory No. 4:

Identify any trademark searches or other searches, opinions, investigations, analyses or studies related to the selection, design, and/or adoption of Applicant's Mark, including, without limitation, the persons involved, the date(s), and the data or results of those searches, opinions, investigations, analyses or studies.

Response No. 4:

(a) The design firm, Sky Blue Web Design Studio, will not disclose its work-product related confidential information and its work has no connection with the Applicant's intention to use this Applicant's Mark.

(b) Applicant searched the website of the U.S. Patent and Trademark Office shortly before Applicant submitted the application for registration on January 8, 2011. The search shows that trademark registration serial number 1247058 contains a building design resembling of Empire State Building is allowed.

Interrogatory No. 5:

State whether Applicant (or any person or entity authorized by Applicant) has made any use of any marks comprising or containing Applicant's Mark in the United States or in commerce as of the present date, and if so, identify each product or service on or in connection with which Applicant (or any person or entity authorized by Applicant) has made such use (hereinafter "Applicant's Products/Services").

Response No. 5:

Applicant has not made use any mark comprising or containing Applicant's Mark in the United States. Applicant has used a mark comprising Applicant's Mark in commerce in China.

Interrogatory No. 6

For each of Applicant's Products/Services identified in response to Interrogatory No. 5 above, identify:

(a) The date of first use for each of Applicant's Products/Services;

(b) The period of time during which each of Applicant's Products/Services was or is being distributed, offered for sale, sold or rendered;

(c) The geographic area(s) in which each of Applicant's Products/Services was or is being distributed, offered for sale sold or rendered;

(d) The annual volume of sales for each year to the present, both by dollar amount and unit amount, for each of Applicant's Products/Serives;

(e) Any other revenues, including, without limitation, any licensing or sponsorship revenues that Applicant has received in connection with each of Applicant's Products/Services;

(f) The range of retail and wholesale price for each of Applicant's Products/Services for each year to the present;

(g) The channels of trade (e.g., types of retail stores, catalogs, mail order, on-line, promotional sales, private sales, establishments, etc.) through which each of Applicant's Products/Services was or is being distributed or sold to the ultimate purchaser, consumer or user; and

(h) The type of customers to whom each of Applicant's Products/Services is or was marketed, distributed, offered for sale, sold or rendered.

Response No. 6:

(a) Applicant has not used its products or services in the United States yet;

(b) Not applicable in the United States;

(c) Not applicable in the United States;

(d) Not applicable in the United States;

(e) Not applicable in the United States;

(f) Not applicable in the United States;

(g) Not applicable in the United States;

(h) Not applicable in the United States.

Interrogatory No. 8:

Identify any persons or entities that have ever, either orally or in writing, authorized, licensed, assigned, granted, conveyed or otherwise transferred to Applicant the right to use any mark comprising or containing Applicant's Mark, and for each such person or entity, identify the date of and material terms under which such authorization, license, assignment, grant, conveyance or other transfer was made, including, without limitation, the details of the grant of rights to use Applicant's Mark and the financial terms governing such transaction.

Response No. 8:

No.

Interrogatory No. 9:

Identify any persons or entities Applicant has authorized, licensed, assigned, granted, conveyed or otherwise transferred the right to use any mark comprising or containing Applicant's Mark, and for each such person or entity, identify the date of and material terms under which such authorization, license, assignment, grant, conveyance or other transfer of right to use was made, including, without limitation, the details of the grant of rights to use Applicant's Mark and the financial terms governing such transaction.

Response No. 9:

No.

Applicant also lacks knowledge or information sufficient to form a belief as to the fact whether any mark comprises or contains Applicant's Mark in the United States.

Interrogatory No. 10:

Identify each website, web auction, web hosting, web listing, web posting, web page or social media page, whether owned by Applicant or third parties, including its Internet address, on or through which Applicant's Mark and/or Applicant's Products/Services have been, are currently being or are intended to be promoted, advertised, displayed, offered for sale, sold or otherwise distributed.

Response No. 10:

Applicant lacks knowledge or information sufficient to form a belief as to the fact whether such website, web auction, web hosting, web listing, web posting, web page or social media page alleged by Opposer in the Interrogatory ever exists.

Interrogatory No. 11:

(a) Identify each kind of advertising, marketing and other promotional materials, including, without limitation, point-of-sale material, signs, circular, flyer, poster, sticker, sales sheet, leaflet, brochure, catalog, sign, price list, on-line or email advertisement, print advertisement, radio or television advertisement, service order list or other adverting material or promotional item that has been used or is intended to be used in connection with Applicant's Products/Services and/or Applicant's Mark.

(b) For each promotional material referred to in subparagraph (a) above, identify where the promotional material is advertised, posted, promoted, published or distributed (e.g. name the publication, the URL for the website, the retail store, etc.).;

Response No. 11:

(a) Applicant lacks knowledge or information sufficient to form a belief as to the fact whether any kind of advertising, marketing and other promotional materials, including, without

limitation, point-of-sale material, signs, circular, flyer, poster, sticker, sales sheet, leaflet, brochure, catalog, sign, price list, on-line or email advertisement, print advertisement, radio or television advertisement, service order list or other adverting material or promotional item that has been used or is intended to be used in the United States in connection with Applicant's Products/Services and/or Applicant's Mark.

(b) Applicant lacks knowledge or information sufficient to form a belief as to the fact whether and where, for each promotional material referred to in Interrogatory No. 11 subparagraph (a) above, the promotional material is advertised, posted, promoted, published or distributed.

Interrogatory No. 13:

State whether Applicant has marketed or intends to market Applicant's Products/Services bearing or rendered in connection with Applicant's Mark or is aware that such products will be marketed to consumers of Opposer's goods or services, or to consumers located in or around New York, New York and, if so, describe the means by which Applicant has marketed or intends to market Applicant's Products/Services or how such products will be marketed, to consumers of Opposer's goods or services, or to consumers located in or around New York, New York.

Response No. 13:

Applicant has marketed the Applicant's Products/Services bearing or rendered in connection with Applicant's Mark to consumers located in or around China since May 20, 2011. The trademark has been registered in China with the China's Trademark Bureau on May 21, 2013 under the registration number of 9509666.

Applicant has not marketed the Applicant's Products/Services bearing or rendered in connection with Applicant's Mark anywhere in the United States. Applicant, however, intends to market the Applicant's Products/Services bearing or rendered in connection with Applicant's

Mark to consumers located in or around the United States *once the registration of the Applicant's Mark is approved by the United States Trade and Patent Office.* Because the Applicant's goods and services are different from the Opposer's goods and services, Applicant will not market the Applicant's Products/Services bearing or rendered in connection with Applicant's Mark to consumers of Opposer's goods or services that Opposer registered with the United States Trade and Patent Office.

Interrogatory No. 15:

State whether Applicant has ever sought a license or other right to use any marks, logos, designs, stylizations or slogans, including without limitation, Opposer's Empire State Building Marks, from Opposer.

Response No. 15:

Never.

Interrogatory No. 16:

State whether Applicant has any documentation, including without limitation, business plans, marketing plans, memos, correspondence or draft proposals of any kind, reflecting Applicant's bona fide intention, prior to or as of January 8, 2011, to use Applicant's Mark in commerce in connection with each and every good identified in International Class 32 in Application Serial No. 85/213,453.

Response No. 10:

Applicant had a business plan, reflecting Applicant's bona fide intention, to use Applicant's Mark in commerce in connection with each and every good identified in International Class 32 in Application Serial No. 85/213,453 prior to or as of January 8, 2011.

DOCUMENT REQUESTS

SPECIFIC OJECTIONS AND RESPONSES

Request No. 1:

Specimens of each of Applicant's Products/Services bearing or displaying any mark comprising or containing Applicant's Mark including, without limitation, each different color combination and each different product design or stylization of products in which Applicant's Mark is used or intended to be used by Applicant and/or its licensees, sponsors or related or affiliated entities.

Response No. 1:

Applicant does not have such specimens for use or intended use in the United States. Applicant will supplement the specimens that have been used in China if Opposer requests them.

Request No. 2:

Specimens of each label, hangtag, tag, product package, package insert, sticker, hologram, package material or other device which bears any mark comprising or containing Applicant's Mark, and which has been used or is intended to be used by Applicant and/or its licensees.

Response No. 2:

Applicant does not have such specimens for use or intended use in the United States. Applicant will supplement the specimens that have been used in China if Opposer requests them.

Request No. 3:

Specimens of each point-of-sale material, circular, flyer, poster, sticker, sales sheet, leaflet, brochure, catalog, sign, price list, on-line or email advertisement, print advertisement, radio or television advertisement, service order list or other advertising material or promotional item which bears any mark comprising or containing Applicant's Mark, and which has been used or is intended to be used by Applicant and/or its licensees.

Response No. 3:

Applicant does not have such specimens for use or intended use in the United States. Applicant will supplement the specimens that have been used in China if Opposer requests them.

Response No. 4:

All documents concerning Applicant's design, clearance, selection, and/or adoption of Applicant's Mark.

Response No. 4:

Applicant objects to this Request on the grounds that that it seeks information or documents protected by any privilege or protection from discovery, including but not limited to the attorney-client privilege and the work-product doctrine.

Request No. 5:

Specimens of each point-of-sale material, circular, flyer, poster, sticker, sales sheet, leaflet, brochure, catalog, sign, price list, on-line or email advertisement, print advertisement, radio or television advertisement, service order list or other advertising material or promotional

item which bears any mark comprising or containing Applicant's Mark, and which has been used or is intended to be used by Applicant and/or its licensees.

Response No. 5:

Applicant does not have such specimens for use or intended use in the United States. Applicant will supplement the specimens that have been used in China if Opposer requests them.

Request No. 6:

Documents sufficient to identify: (a) the date of first use of Applicant's Mark; (b) the date of first use of Applicant's Mark in commerce; (c) the geographic area(s) of use of Applicant's Mark; (d) any and all customers, distributors or other persons or entities to which Applicant's Products/Services offered in connection with Applicant's Mark have been sold or distributed; (e) Applicant's Products/Services bearing, offered for sale, sold or otherwise distributed under Applicant's Mark; (f) all retail, wholesale, commercial, or charitable entities through which goods or services bearing or rendered in connection with Applicant's Mark have been offered for sale, sold or otherwise distributed; (g) the channels of trade through which Applicant's Products/Services offered in connection with Applicant's Mark were or are being distributed or sold to the ultimate purchaser, consumer or user; (h) the annual volume of sales (in dollars and units) made under Applicant's Mark for each year from the date of first use to the present; and (i) the annual amount of revenue, including, without limitation, any licensing or sponsorship revenues that Applicant has received in connection with Applicant's Products/Services offered in connection with Applicant's Mark, for each year from the date of first use to the present.

Response No. 6:

Applicant does not have such documents for the Applicant's Mark's use or intended use in the United States.

Response No. 7:

Applicant does not have such documents for the Applicant's Mark's use or intended use in the United States.

Response No. 8:

Applicant does not have such documents concerning the use or intended use in the United States. Applicant has not expended any money in adverting and promoting Applicant's Mark and/or Applicant's Products/Services in the United States because the Applicant's Mark has not been approved for registration yet.

Response No. 9:

Applicant does not have such documents concerning the use or intended use in the United States. Applicant has not engaged in any trade show, convention, exposition or conference in the United States in connection with the Applicant's Mark and/or Applicant's Products/Services in the United States because the Applicant's Mark has not been approved for registration yet.

Response No. 10:

Applicant does not have such documents.

Response No. 11:

Applicant does not have such documents.

Response No. 12:

Applicant does not have such documents.

Response No. 13:

Applicant does not have such documents.

Response No. 14:

Applicant does not have any document at this time other than Trademark Application (Serial No. 85/213,453).

Response No. 17:

(a) Trademark search in the website of United States Patent and Trademark Office, <http://tess2.uspto.gov/bin/gate.exe?f-doc&state=4807:pk2843.2.1>, for the trademark registration number 1247058. And trademark registration numbers 2411972, 2413667, 2429297, 2430828.

(b) Applicant has not used the Applicant's Mark in the United States yet.

Response No. 18:

Applicant does not have such documents.

Response No. 20:

Applicant does not have such documents concerning the actual channels of trade for goods and services sold or rendered in the United States in connection with Applicant's Mark.

Although Applicant intends to sell goods or services in connection with Applicant's Mark in the United States,

Response No. 21:

Applicant objects to this Request on the grounds that that it seeks information or documents protected by any privilege or protection from discovery, including but not limited to the attorney-client privilege and the work-product doctrine.

Response No. 22:

Applicant objects to this Request on the grounds that that it seeks information or documents protected by any privilege or protection from discovery, including but not limited to the attorney-client privilege and the work-product doctrine.

Response No. 23:

If any document, or any information responsive to interrogatories, come to Applicant's attention after Applicant served the response, Applicant will provide such to Plaintiff as soon as the supplemental documents or information are discovered.

Dated: Flushing, New York
April 15, 2014

Law Offices of David Yan
Attorney for Applicant

by: /David Yan/
David Yan

136-20 38th Avenue, Suite 11E
Flushing, NY 11354
Tel.: (718) 888-7788

VERIFICATION

The undersigned Applicant, being duly affirm under the penalty of perjury, states (1) that undersigned Applicant has read the Applicant's Amended Response to the Opposer's First Set of Interrogatories and Request for Production of Documents and Things; (2) that the contents of the Applicant's Amended Response to the Opposer's First Set of Interrogatories and Request for Production of Documents and Things are true to the undersigned Applicant's own knowledge except as to those matters which are alleged on information and belief and as to them the undersigned Applicant's believes them to true.

Dated: April 15, 2014

Michael Liang

AFFIRMATION OF SERVICE

I hereby certify that, on April 15, 2014, I caused a true and complete copy of the foregoing Applicant's Amended Response to the Opposer's First Set of Interrogatories and Request for Production of Documents and Things to be sent by the U.S. Post First Class Mail, postage prepared, to the Opposer's Counsel of Record, William M. Borchard, Esquire, Cowan Liebowitz, & Latman, P.C., located at 1133 Avenue of the Americas, New York, NY 10278.

Dated: Flushing, New York
April 15, 2014

David Yan

EXHIBIT E

(To Opposer's Fifth Notice of Reliance)

Borchard, William M.

From:	David Yan <davidyanlawfirm@yahoo.com>
Sent:	Friday, May 02, 2014 6:56 PM
To:	Borchard, William M.
Subject:	Re: Applicant's Amended Response to Opposer's First Set of Interrogatories and Request for Production of Documents and Things [Re: Empire State Building Company L.L.C. v. Michael Liang (NYC BEER Logo) Opposition No. 91204122 (CLL Ref. 22690.013)]
Attachments:	Applicant's Business Plan.pdf

Hi, Mr. Borchard,

Attached please find the note of Mr. Michael Liang regarding his discussion with his business partners for their intention to engage in the business to produce and sell bear and beverage in the U.S. and China.

As I already said to you that Mr. Michael Liang has no control over the web design firm, Blue Sky. You have to subpoena the Blue Sky to get the document, if any, that you are interested.

David Yan
Law Offices of David Yan
136-20 38th Avenue, Suite 11E
Flushing, NY 11354
Tel.: (718) 888-7788

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The Law Offices of David Yan does NOT accept service of papers in litigation matters by electronic transmission, including but not limited to, facsimile and E-Mail.

On Tuesday, April 29, 2014 5:22 PM, "Borchard, William M." <WMB@cll.com> wrote:

Dear David,

You called me after receiving my last email and we discussed our discovery requests and your prior written responses.

I asked you to send me an email stating in writing anything you would like to say to supplement your prior written responses in light of the objections in my email of April 24, 2014.

In particular, but without limitation, I asked you again to produce a privilege log as to any documents you are withholding on the basis of attorney-client privilege. I also asked you to produce the documents requested in our Request No. 22, even if they are in the form of informal notes in Chinese.

We await your prompt delivery of your written email, your privilege log and any documents we have requested but you have not produced for any reason other than privilege.

Bill

William M. Borchard, Esq.
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
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From: Borchard, William M.
Sent: Tuesday, April 29, 2014 2:31 PM
To: 'davidyanlawfirm@yahoo.com'
Cc: Shimanoff, Eric J.; Kevlin, Mary
Subject: Applicant's Amended Response to Opposer's First Set of Interrogatories and Request for Production of Documents and Things [Re: Empire State Building Company L.L.C. v. Michael Liang (NYC BEER Logo) Opposition No. 91204122 (CLL Ref. 22690.013)]

Dear David,

We have not heard from you as to the status of this matter, and as I mentioned to you we are facing a deadline set by the TTAB, and we need the information to know how we are to proceed in this case.

If we do not hear from you by the close of business tomorrow, April 30, 2014, we will make another motion.

Bill

William M. Borchard, Esq.
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From: Borchard, William M.
Sent: Wednesday, April 23, 2014 4:10 PM
To: 'davidyanlawfirm@yahoo.com'
Cc: Mandel, Richard; Kevlin, Mary
Subject: Applicant's Amended Response to Opposer's First Set of Interrogatories and Request for Production of Documents and Things [Re: Empire State Building Company L.L.C. v. Michael Liang (NYC BEER Logo) Opposition No. 91204122 (CLL Ref. 22690.013)]

Dear David,

This is to confirm our telephone conversation this afternoon.

We understand that your client is coming back to the United States on Friday or Saturday, that you expect to meet with him to discuss a possible further response in light of our comments on the Amended Response to Opposer's discovery requests, and that we will hear from you as to where this matter stands by Monday, April 28, 2014.

Bill

William M. Borchard, Esq.
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From: Borchard, William M.
Sent: Monday, April 21, 2014 3:22 PM
To: 'davidyanlawfirm@yahoo.com'
Cc: Mandel, Richard; Kevlin, Mary
Subject: Applicant's Amended Response to Opposer's First Set of Interrogatories and Request for Production of Documents and Things [Re: Empire State Building Company L.L.C. v. Michael Liang (NYC BEER Logo) Opposition No. 91204122 (CLL Ref. 22690.013)]

Dear David,

We are in receipt of applicant's amended responses to opposer's first set of interrogatories and document requests, and there continue to be a number of deficiencies in those responses, as outlined below.

1. In response to interrogatory number 4, you indicate that Sky Blue Web Design Studio will not disclose its confidential information. However, you are obligated to produce any responsive documentation in your client's custody, possession or control, and the work of Sky Blue Web Design would fall into that category. The fact that it may be "confidential" is not a basis to withhold

production, as the Board's standard protective order is automatically in place in all proceedings. Under that order, the document can be designated confidential and subject to restrictions on further disclosure. To the extent this document relates to the mark that is the subject of the opposed application, it certainly is relevant to applicant's intention to use the mark and indeed may constitute the only documentation that exists confirming such intention.

2. We do not understand the basis for responding to interrogatory nos. 10 and 11 with a statement that Applicant "lacks knowledge or information sufficient to form a belief ..." The interrogatories seek information regarding applicant's own mark and any websites or advertising/promotion that is used or is intended to be used in connection with such mark. Surely the applicant would be the person to be aware as to whether any such information exists – and if it does not exist, your response should clearly so state (rather than claiming lack of knowledge).

3. We request that you provide us with a privilege log identifying the date, author, recipient of any documents that are being withheld from production on the basis of attorney client privilege and/or attorney work product privilege in response to any document requests so that we can adequately evaluate the claim of privilege.

4. We do not understand the basis for withholding documents in response to document requests 21 and 22 on the basis of privilege. With respect to request 21, if there are drafts or variations of designs, logos, etc. have been prepared, we do not see how such materials would be covered by the attorney-client privilege and/or attorney work product privilege. Please elaborate on the basis for such a claim. Similarly, with respect to request 22 concerning business plans, etc., such plans would not be privileged either. To the extent they are confidential, as indicated above, they can be designated under the Board's protective order, but confidentiality is not a basis for failing to produce the documentation. Clearly, any business plans concerning the use of the mark would be relevant and discoverable in this proceeding.

In view of the imminent deadline for our pretrial disclosures we would like to confer with you as soon as possible on these open issues in an effort to avoid the need for us to seek relief from the Board. Please let us know when you are available this week for a call to go over the issues raised above.

Bill Borchard

William M. Borchard, Esq.
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商业计划

（会议记录）

2010年10月20日

地点：中国杭州

参加人员：

Michael Liang, John Wang, Wang Qin

内容：

计划申请一个商标在中国美国同时申请（看一下哪一个能批准）

如果批准，将计划生产啤酒、相关饮料在美国、中国市场销售。

商标（Logo）的概念：

要以国际大都市的地标为设计：如美国曼哈顿铁塔、美国世贸大厦、帝国大厦、自由女神等标志为参照，体现勇敢、向上、有理想和梦想的意义。

市场销售：

在中美两地，请有经验的销售人员，必须在省市地区设代理、总代理，以共管理参考。

生产地区：

可以找当地加工厂合作，可降代成本，保证货源产品的解新的品质保证。

分工负责：

Michael 负责申请 Logo，联系律师注册

John Wang 负责设计网络宣传和广告言语修改。

Wang Qin：负责市场销售、生产、寻找中国市场的相关合作人员。

利润分配：

设 60% 为我们三人，其它利润为投资入股人，为 40%。

也可以：留 10% 为公司股保留。

商标的文化：

可以中国的娃哈哈、美国的哈林啤酒饭参考。

附件：

此次会议，做为三人的合作记录，为协议起草而开会，而确定。三人同意合作，如有其它事项，可以协商。

CERTIFICATE OF SERVICE

I hereby certify that, on March 30, 2015 I caused a true and complete copy of the foregoing *Opposer's First Notice Of Reliance Upon Applicant's Discovery Responses Pursuant To Trademark Rule 2.120(j)* and accompanying Exhibits A-E to be sent via Express Mail postage prepaid, to Applicant's Attorney and Correspondent of Record, David Yan, Law Offices Of David Yan, 136-20 38th Avenue, Suite 11E, Flushing, NY 11354-4232.

Dated: New York, New York

March 30, 2015

Lindsay M. Rodman