

04-24-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

TTAB

Tuesday April 22, 2003

United States Patent and Trademark Office
Attention: Trademark Trial and Appeals Board
Regarding Cancellation No. 92041630
Registration No. 2105217
420 Gear inc. V. Rowland, John Marvin

Cancellation
No. 92041630

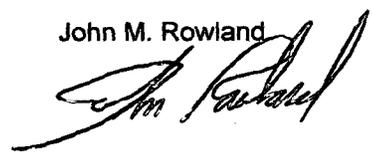
RECEIVED
MAY 1 2003

Dear : Trademark Trial and Appeals Board

Please see UPS package # **1E68W981240222040**. The enclosed information is to be with this package. Please see Exhibits A-F. Our apologies, the first package was sent prior to being circulated for signatures. Thank you again for your understanding.

Sincerely,

John M. Rowland



Any questions or concerns please feel free to contact me (714) 637- 9420

ckup Date: 04/21/03
ckup Record No.: 6851341 88 4

UPS Account No.: E68W98
Sorted By: Order of Shipment

Time/Address	Shipment Detail	Options	Reference Rate Charges
Ship To: Trademark Trial and Appeal Board S. Patent and Trademark Office 00 Crystal Drive ARLINGTON VA 22202-3513	Service Type: UPS 3 DAY SELECT	Shipment Service Charge:	\$ 8.80
	Total Packages: 1		
	Hundredweight: No		
	Billable Wt.: 2.0		
Ship From: 0 inc. 30-F N. GLASSELL ST ORANGE CA 92865-2755	Billing Option: Prepaid		
	Tracking No.: 1ZE68W981240222040	Package Service Charge:	\$ 8.80
	Package Type: Package	Shipper Amt:	\$ 8.80
	Weight: 2.0	UPS Total Charge:	\$ 8.80

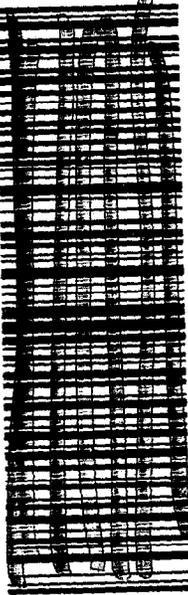
Summary Totals:

Shipment Option	Shpts	Pkgs	Ref Charges	Billing Option	Shpts	Pkgs	Ref Charges
Prepaid				Prepaid	1	1	\$ 8.80
Package Option				TOTAL CHARGES			\$ 8.80

1 Shipment(s)
1 Package(s)

PICKUP SUMMARY BARCODE REPORT
SHIP DATE: APR 21, 2003
SHIPPING RECORD: 6851 3418 84
ACCOUNT NUMBER: E68-1198
CUSTOMER
420 INC
RM/STE F
2430 N GLASSELL ST
ORANGE CA 92865-2755

91 E68 1198 6851 34188 00001 4



DRIVER SUMMARY
TOTAL NUMBER OF PACKAGES = 1

1DA	0	INT'L	0
2DA	0	CODS	0
3DS	1		

SHIPMENTS SUBJECT TO TERMS OF AGREEMENT ON FILE

Received By: *[Signature]*

Pickup Time: *[Signature]* Pkgs: *[Signature]*

UDN 41.16 UPS Thur 21.04 01/2003

International Shipping Service - Changing addresses for the shipment is subject to the terms and conditions established by the Convention for the Unification of Certain Rules Relating to the Liability of Carriers of Goods by Air (Montreal Convention) and the Convention on the International Carriage of Goods by Air (Warsaw Convention). There are no additional responsibilities for the carrier in accordance with the terms of the Convention for the Unification of Certain Rules Relating to the Liability of Carriers of Goods by Air (Montreal Convention) and the Convention on the International Carriage of Goods by Air (Warsaw Convention). For shipping terms, call 1-800-854-2722.

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

In the matter of Trademark Registration Number 2105217

for the mark "420" (words, letters, and or stylized form)

Date registered: October 14, 1997

420 Gear, Inc. PETITIONER vs.

John Marvin Rowland RESPONDENT

Response to Petition to Cancel Registration

The Petitioner in these proceedings, armed with no new evidence, no new facts, no new arguments, and no new law, has no legitimate interest or legal rights to the 420 name for Class 25. In fact, the Petitioner's application has previously been refused by the USPTO examining attorney on the basis of the likelihood of confusion with the Respondent's mark "420". Further, the Petitioner responded to the USPTO's flat refusal arguing that "420" is generic, but the USPTO's refusal was upheld. The petitioner's use of "420" is creating the likelihood of customer confusion, and is infringing on an existing Federally Registered Trademark. Federal registration establishes certain presumptions including the presumption that Rowland is the mark's owner and that the petitioner has deliberately copied the mark. Rowland's mark is on the PTO Principal Register. To be placed on the Principal Register the 420 mark must be in actual use in commerce involving two or more states or across territorial or international borders; the mark must be sufficiently distinctive to reasonably operate as a product or service identifier in the marketplace, and the mark may not be confusingly similar to an existing mark in a context where the confusion of customers would be likely. Further, registration on the Principal Registration provides these additional protective benefits for Rowland's mark; exclusive nationwide ownership of the mark; official notice to all would-be later users including petitioner that the 420 mark is unavailable; and the right to immunize the 420 mark from certain challenges such as this one especially in this case where the mark has been kept in continuous use for over five years after the registration date. Further, Rowland's mark is protected under the Federal Lanham Act and also state statutes governing trademarks, and the common law based court decisions of trademark and unfair competition.

Further, in 1996, Congress amended the Lanham Act to prohibit dilution of trademarks. Dilution is the use of a mark in a way that would diminish the mark's strength or tarnish its reputation for quality. The petitioner even after knowing of Rowlands Mark has continued to use Mr. Rowlands Mark in bad faith causing immeasurable damages to the good faith associated with the 420 Branded merchandise Rowland has built. The petitioner has obtained several Domain names including 420Girls.com, 420Times.com and 420Gear.com all in attempt to confuse the public and generate a profit for himself by doing so. By Registering and using the domain names in this manner, the petitioner has Registered and used them in bad faith, by falsely leading consumers to his web sites which the petitioner uses to generate revenue by selling banner ads and the sale of merchandise which violates Mr. Rowlands Mark. Please see **Exhibit A** showing that the petitioner has a history of trying to illegally obtain and has illegally used Federally Trademarked names in the past. Further more please see **Exhibit B** showing how the petitioner uses his web sites to promote Pornography, illegal drug use, and antigovernment views, (in which this site uses Mr. Rowlands merchandise in conjunction with pornography leaving the consumer no choice but to affiliate the good reputation surrounded by Mr. Rowlands Branded Merchandise with that of these offensive sites). None of which have been endorsed or promoted by Mr. Rowlands site.

Mr. Rowland worries greatly of his reputation to his retail customer base as well as the parents who may go looking to purchase their child a pair of 420 Sunglasses or a skateboard and come across one of the petitioners offensive web sites. In the interest of confusion the petitioners use of his web sites has caused Mr. Rowland and his Mark to be tarnished in the eyes of the consumer due to the unsavory manner it was used.

As for the petitioners # 1,2,3,4 grounds for cancellation. Mr. Rowland and his wife, (who has over a decade of visual merchandising, marketing, and sales experience with the junior apparel and accessory company The Wet Seal Inc., prior to her starting at 420 inc.) Together Mr. and Mrs. Rowland have spent the last ten years developing and marketing a branded product line under the name 420. Please see **Exhibit C** to see just a few of the ways in which Mr. Rowland has done so. From Sponsorships (Schools, Bands, Pro and Pro Am Riders in a wide variety of competitive sports , Product reviews, World Wide Telecast events, World Wide Media Advertisements, Wide Variety of Public events (i.e. Toyota Grand Prix of Long Beach see Julius report for exact Media coverage benefits of this event.)

Over the last ten years Mr. Rowland has grown the awareness of the Brand 420, and has become more and more well known and is sold though out The United States, Japan, Canada, Puerto Rico, New Zealand, Norway, Australia and has many licensees who pay Royalties to use Mr. Rowlands Mark.

Further, Rowland's mark is not generic. The mark is not very close or identical to the generic name for the underlying type of product or services being marketed, i.e., clothing or sunglasses. As for customer confusion, court decisions have produced a number of criteria to determine when there's a likelihood of confusion between two marks, i.e., are the goods and services represented by the marks related-that is, are they sold in the same marketing channels to the same general group of customers; do the goods or services compete; how similar are the marks in sound, appearance and meaning, how strong is each mark, etc. Furthermore, for the Mark being "slang", the USPTO is full of Trademarks which could be considered slang. Please see **Exhibit D** to show an example, referring to the Mark "Hang ten" that was issued by the USPTO for Class 25, a Clothing Brand which dates back to the 1970's, and is a slang term used for surfing. Maryjane is another Mark which is Trademarked and widely used in commerce and is also common slang for Marijuana. In addition, Please see **Exhibit E** showing how 420 is being used in commerce and as a Registered Trademarks in many different classes.

In response to the petition in number five (5) of the petition to cancel said Mark, the petitioner has no legal rights to the Mark 420, therefore cannot be damaged by the existence of Mr. Rowlands Mark. Furthermore, Mr. Rowlands Brand would be severally damaged and diluted if the petitioner were to receive a registration for the said mark. As for the cease and desist letters to the petitioner and other infringers, they were only an attempt to protect the Mark for Mr. Rowland, Company stock holders, Licensees and the consumer. Further, Rowland's mark has been in continuous use for five years and qualifies for incontestable status. Incontestability status makes it more difficult for anyone to challenge the validity of Rowland's mark.

In response to number six (6) in the petitioner response, Mr. Rowland swears that all applications and correspondence have been truthful, and claims that at the time he filed for his registrations that no one to the best of his knowledge had ever used the name 420 in commerce for Class 09, or Class 25. Please see **Exhibit F** which clearly shows that the petitioner acted in bad faith and out of sheer anger that his application for registration for 420 gear was sent a Final Refusal Notice. The petitioner emailed Mr. Rowland, stating he had a trademark on 420 Girls. As shown in Mr. Rowlands response, Mr. Rowland holds the utmost respect for all trademarks and was willing out of good character and faith to willingly resolve this situation amicably, once Mr. Rowland was in receipt of the proper documents to verify the petitioner's allegations. Then the petitioner emailed Mr. Rowland threatening and boasting about the fact that he had filed this petition for cancellation of Mr. Rowlands Mark out of anger of Mr. Rowlands use of 420 Girls on Mr. Rowlands web site, and for Mr. Rowlands not removing it the first time asked by the petitioner. When Mr. Rowland was in receipt of this e-mail he asked to see documentation of the alleged Trademark the petitioner was referring to, and Mr. Rowland was also willing to cooperate, if in fact he was infringing on a Federal Trademark. Mr. Rowland wanted to resolve this situation amicably and promptly. Note the date in which this petition was filed was prior to the emails received by Mr. Rowland, in which the petitioner is asking that this be resolved now amicably so we could "end the drama". Once again showing that the petitioner acts in bad faith and is of bad character. It is Mr. Rowlands hopes that after viewing all the facts surrounding this petition, that the board will clearly see that the petition was filed unjustly and that Mr. Rowland Mark will continue to be registered with the USPTO.

WHEREFORE, the Respondent prays that Registration Number 2105127 be upheld and deemed incontestable, and that this Petition for Cancellation be denied in its entirety in favor of Respondent. With all costs and legal fees awarded, if appropriate, in favor of Respondent, pursuant to the FRCP and the Rules of the PTO and TTAB.

By: Marc A. Goldbach

Date: 4/22/03

MARC AARON GOLDBACH

By: Marc Aaron Goldbach

Attorney for the Respondent John M. Rowland

8001 Irvine Center Drive, Suite 400

Irvine, California 92618

Direct Fax Number (562) 463-3909

Telephone Number (949) 754-3132

E-mail: marcgoldbach@aol.com

John M. Rowland
John M. Rowland

Date: 4-22-03



TAB

04-24-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

Monday, April 21, 2003

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Registration No. 2105217
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EXHIBIT A


NATIONAL
ARBITRATION
FORUM

DECISION

Max Cavallera v 420 Gear, Inc.

Claim Number: FA0012000096315

PARTIES

The Complainant is **Max Cavallera**, Phoenix, AZ, USA ("Complainant") represented by **Jill M. Pietrini**, of **Manatt, Phelps & Phillips LLP**. The Respondent is **420 Gear, Inc.**, Barnesville, MD, USA ("Respondent").

REGISTRAR AND DISPUTED DOMAIN NAME

The domain name at issue is **soulfly.com** registered with **Network Solutions**.

PANEL

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge, has no known conflict in serving as a panelist in this proceeding.

Hon. James A. Carmody, as Panelist.

PROCEDURAL HISTORY

Complainant submitted a Complaint to the National Arbitration Forum (the "Forum") electronically on December 21, 2000; the Forum received a hard copy of the Complaint on December 22, 2000.

On December 27, 2000, Network Solutions confirmed by e-mail to the Forum that the domain name **soulfly.com** is registered with Network Solutions and that the Respondent is the current registrant of the name. Network Solutions has verified that Respondent is bound by the Network Solutions 5.0 registration agreement and has thereby agreed to resolve domain-name disputes brought by third parties in accordance with ICANN's Uniform Domain Name Dispute Resolution Policy (the "Policy").

On December 28, 2000, a Notification of Complaint and Commencement of Administrative Proceeding (the "Commencement Notification"), setting a deadline of January 18, 2001 by which Respondent could file a Response to the Complaint, was transmitted to Respondent via e-mail, post and fax, to all entities and persons listed on Respondent's registration as technical, administrative and billing contacts, and to postmaster@soulfly.com by e-mail.

Having received no Response from Respondent, using the same contact details and methods

as were used for the Commencement Notification, the Forum transmitted to the parties a Notification of Respondent Default.

On January 23, 2001, pursuant to Complainant's request to have the dispute decided by a One Member panel, the Forum appointed the Hon. James A. Carmody as Panelist.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the Forum has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to achieve actual notice to Respondent." Therefore, the Panel may issue its Decision based on the documents submitted and in accordance with the ICANN Policy, ICANN Rules, the Forum's Supplemental Rules and any rules and principles of law that the Panel deems applicable, without the benefit of any Response from the Respondent.

RELIEF SOUGHT

The Complainant requests that the domain name be transferred from the Respondent to the Complainant.

PARTIES' CONTENTIONS

A. Complainant

Complainant contends the following with respect to the disputed domain name:

1. The Domain Name **soulfly.com** is identical to Complainant's federally registered trademark SOULFLY.
2. Respondent has no rights or legitimate interests in **soulfly.com**. Respondent has not established any trademark or service mark rights in the mark SOULFLY. Respondent has not made any bona fide offering of goods or services under this mark. Respondent has not filed any trademark applications to register the mark SOULFLY based on either actual use of, or an intent to use, the mark in commerce in the U.S. Respondent is not commonly known by the name Soulfly, nor is it making any legitimate noncommercial use of the Domain Name.

In sum, Respondent has no rights or legitimate interest in **soulfly.com**. Respondent simply uses the domain name to direct traffic to its marijuana-related website and is trying to sell the domain name.

3. The domain name should be considered as having been registered and being used in bad faith for the reasons articulated in the paragraph 4(b)(i) and (iv) of the ICANN Policy. Respondent has offered to sell the domain name for an amount exceeding reasonable out of pocket costs and has intentionally attempted to attract, for commercial gain, internet users to Respondent's website by creating a likelihood of confusion with Complainant's mark as to the location of Complainant's services on the Internet.

Offer to sell the domain name

Respondent has registered and used **soulfly.com** for the purpose of selling it for

an amount in excess of out-of-pocket expenses. Respondent's website contains an explicit offer to sell the Domain Name for \$5,000, or the best offer. Offering to sell a domain name for a sum exceeding documented out-of-pocket costs constitutes bad faith use under the law of the United States, and, under the ICANN Policy.

Respondent has continued to solicit offers to sell the Domain Name for "\$5,000 or the Best Offer." This amount exceeds any documented costs that Respondent has paid in the acquisition and use of the Domain Name. As a result, Respondent has acted in bad faith under the meaning of the ICANN Policy.

Creation of confusion

Respondent has also registered and used the domain name in bad faith for the reasons expressed in ICANN UDRP Paragraph 4(b)(iv). Namely, Respondent has used the domain name to lead consumers to its website, through which it sells merchandise and generates revenue through the use of banner advertisements. The use of a domain name in this manner clearly constitutes bad faith registration and use.

By registering and using the domain name in this manner, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainants' mark as to the source, sponsorship, affiliation, or endorsement of its website. Respondent has registered **soulfly.com**, which corresponds to the federally registered trademark SOULFLY, and uses the domain name as a means to attract consumers to its website, which contains banner ads and merchandise relating to illegal drug use.

Additionally, the "initial interest confusion" created by the use of a domain name in this manner causes the trademark owner harm, regardless of the content of the infringer's website, including any disclaimers contained on the site.

In this case Respondent has used a domain name corresponding to a registered trademark in order to draw fans of the trademark owner to Respondent's website. Such use of a domain name constitutes a bad faith registration and use under the ICANN Policy.

Tarnishment

The domain name should also be considered as being used and registered in bad faith for reasons not specified in the ICANN UDRP. It should first be noted that Paragraph 4(b) of the ICANN UDRP expressly provides that the list included within that provision is merely illustrative and not exhaustive. In other words, the Panel may find that an entity has used a domain name in bad faith in instances where such use does not conform to one of the scenarios described in Paragraphs 4(b)(i-iv) of the ICANN UDRP.

Respondent's use of the domain name in this matter tarnishes the goodwill that

Complainant has cultivated in his mark. Tarnishment occurs where the defendant creates unfavorable associations with the mark in minds of consumers by using the mark in unwholesome or unsavory contexts.

Respondent's use of the Domain Name in connection with material relating to illegal drug use supports, or at least mitigates toward, a finding of bad faith based on the fact that such use tarnishes Complainant's trademark rights.

B. Respondent

Respondent has not submitted a response.

FINDINGS

Complainant, Max Cavalera, is the leader of Soulfly, a heavy metal musical group. Complainant owns a trademark, registered on the Principal Register, for SOULFLY, in connection with a series of musical sound recordings, clothing, and entertainment services. Complainant first used SOULFLY in commerce on August 16, 1997.

At some point before the dispute arose, Complainant discussed with another member of his musical group, Mr. Dias, the possibility of creating a website for Soulfly. Thereafter, Mr. Dias entered into discussions with Mr. Robert Griffin, owner of 420 Gear Inc., regarding the creation of a Soulfly web site. Mr. Griffin took the first step in this development, acquisition of the domain name. At the time of registration, Mr. Griffin represented to Mr. Dias that he 'needed to own' the domain name in order to construct a web site for Complainant. Having convinced Mr. Dias, Respondent obtained registration of the domain name from a third party on November 20, 1998.

Several months later, Complainant learned that Mr. Griffin had registered the domain name in his own name and not in Complainant's name. Complainant alleges that during a phone conversation with his manager, Mr. Griffin conceded that he did not have permission to register the domain name or use the SOULFLY mark.

Soon thereafter, Mr. Griffin caused the domain name **soulfly.com** to be linked a web site entitled "The Soulfly Drama," which contained a history of the dispute regarding **soulfly.com** in addition to a bold print message reading "SOULFLY.COM IS FOR SALE!" In response, Complainant's attorney sent several cease and desist letters to Respondent.

Thereafter, Respondent removed "The Soulfly Drama" web page and replaced it with a web page entitled **420Bands.com**. This web site contained a message indicating that "420Bands.com contains content and discussions about the Legalization of Industrial Hemp and Medical Marijuana." In addition, the web site contained a disclaimer reading "420Bands.com is NOT Affiliated with Soulfly." Finally, the web site contained a message that read "**Soulfly.com** is For Sale \$5,000.00 or Best Offer."

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(e), 14(a) and 15(a) of the Rules.

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (2) the Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

Identical and/or Confusingly Similar

The Panel must determine whether Complainant has rights in a mark that is identical or confusingly similar to the disputed domain name. For the following reasons, the Panel finds that Complainant has satisfied the first element of ICANN Policy 4(a).

First, Complainant has demonstrated that it has rights in the mark SOULFLY. Complainant owns a registration on the Principal Register for SOULFLY in connection with musical sound recordings, clothing and entertainment services. Therefore, the Panel finds that Complainant has rights in SOULFLY.

Second, the Panel finds that the disputed domain name, **soulfly.com** is identical or confusingly similar to Complainant's SOULFLY mark. It is now well established that in determining whether a domain name is identical or confusingly similar under the ICANN Policy, the Panel is to disregard the presence of a generic top-level-domain ("TLD"). This is

Fitness Outlet Inc., D2000-0127 (WIPO Apr. 22, 2000) ("the addition of the gTLD '.com' is likewise without legal significance since use of a gTLD is required of domain name registrants").

Therefore, having removed '.com' from the equation, it is apparent that the domain name **soulfly.com** is identical to Complainant's SOULFLY mark. *See Nike, Inc. v. Coleman*, D2000-1120 (WIPO Nov. 6, 2000) (finding that the domain name **nike.net** is identical to the Complainant's famous NIKE mark). Complainant has satisfied ICANN Policy 4(a)(i).

Rights or Legitimate Interests

The Panel must next determine whether there is evidence to indicate that Respondent has any rights or legitimate interest with respect to the domain name **soulfly.com**. Based on all the evidence presented, in accordance with the ICANN Policy, the Panel finds that Respondent has no rights or legitimate interests in **soulfly.com**.

ICANN Policy 4(c) provides the Panel with a list of circumstances which, "if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your [Respondent's] rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii)." The Panel is advised to look for the following circumstances:

(i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you [Respondent] have acquired no trademark or service mark rights; or

(iii) you [Respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Based on an evaluation of the evidence presented, the Panel finds that Respondent has no rights or legitimate interest in **soulfly.com**.

Bona fide Offering

The Panel notes that Respondent's first use of the domain name was to post its "The Soulfly Drama" web page, wherein Respondent outlined the dispute between it and Complainant and offered the domain name for sale. This use of the domain name came after, not before, notice of the dispute, as Respondent appears to have posted the web page in response to Complainant's manager demanding return of the domain name to Complainant. Therefore, respondent's first use came after notice of the dispute, and does not qualify as a bona fide use under the ICANN Policy. *See Wal-Mart Stores, Inc. v. Walmarket Canada*, D2000-0150 (WIPO May 2, 2000) (finding that the Respondent had no rights or legitimate interests where he decided to develop the website for the sale of wall products after receiving the Complainant's "cease and desist" notice).

In addition, part of Respondent's first use of the domain name was to offer it for a sale. In light of Complainant's pre-established rights, and Respondent's knowledge of those rights, such use is not a bona fide offering of goods or services. *See J. Paul Getty Trust v. Domain 4 Sale & Co.*, FA 95262 (Nat. Arb. Forum Sept. 7, 2000) (finding rights or legitimate interests do not exist when one has made no use of the websites that are located at the domain names at issue, other than to sell the domain names for profit).

Commonly Known By the Domain Name

Next, the Panel finds that Respondent is not commonly known by either **soulfly.com** or **SOULFLY**. Instead, Respondent's only interest in the domain name appears to be its desire to gain commercially, initially from the construction of a web site for Complainant, and subsequently from the sale of the domain name. Such interest is contrary to the interest embodied in ICANN Policy 4(c). *See Kinko's Inc. v. eToll, Inc.*, FA 94447 (Nat. Arb. Forum May 27, 2000) (finding that the Respondent has no rights or legitimate interests in the domain name where it appeared that the domain name was registered for ultimate use by the Complainant).

Noncommercial or Fair Use

Finally, the Panel finds that Respondent's use of the domain name has none of the characteristics of noncommercial or fair use. All along, Respondent's use of the domain name has included an offer to sell the domain name for valuable consideration. Currently, Respondent is asking \$5000.00 for **soulfly.com**. Such use does not qualify as noncommercial fair use under the ICANN Policy.

Therefore, based on the evidence presented, the Panel finds that Respondent has no rights or legitimate interest in **soulfly.com**.

Registration and Use in Bad Faith

ICANN Policy 4(a)(iii) requires the Panel to determine whether Respondent registered and used the domain name in bad faith. In making its determination, the Panel is directed to consider the following:

- i. circumstances indicating that you [Respondent] have registered or you [Respondent] have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your [Respondent's] documented out-of-pocket costs directly related to the domain name...

and

- i. by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

Registration Primarily for the Purpose of Selling, Renting or Transferring

Even before registration of the domain name, Respondent misrepresented critical facts in order to obtain the registration for **soulfly.com**. At that time, Respondent, through Mr. Griffin, insisted that he 'needed to own' the domain name to construct a web site. This is not true. Respondent could have registered the domain name in Complainant's name and still constructed a web site for Complainant. Instead, Respondent registered the domain name in his own name, giving himself control over Complainant's domain name and perhaps a bargaining tool for later discussions. *See Metallica v. Schnieder*, FA 95636 (Nat. Arb. Forum Oct. 18, 2000) (finding bad faith based on Policy ¶ 4(b)(i) where the Respondent offered to transfer the domain name in return for non monetary consideration (i.e., if the Complainant met with the Respondent, called two of his friends, and granted the Respondent on interview)).

Respondent's unabashed conduct after registration indicates his intent to sell the domain name for valuable consideration. Each web page posted by Respondent to the **soulfly.com** domain name has included a message indicating that the domain name is for sale. This conduct clearly indicates bad faith, especially in light of Respondent's previous negotiations with Complainant. *See World Wrestling Fed'n Entertainment, Inc. v. Bosman*, D0099-0001

(WIPO Jan. 14, 2000) (finding that Respondent used the domain name in bad faith because he offered to sell the domain name for valuable consideration in excess of any out of pocket costs).

Therefore, the Panel finds that Respondent's conduct indicates bad faith under ICANN Policy 4(b)(i).

Creating a Likelihood of Confusion

In addition, the evidence indicates that Respondent has violated ICANN Policy 4(b)(iv). By linking the **soulfly.com** domain name to its **420band.com** web site, Respondent is attracting Internet users to its own web site, by creating a likelihood of confusion about the source, sponsorship, affiliation or endorsement of Respondent's web site or a product or service on Respondent's web site. *See Identigene, Inc. v. Genetec Lab.*, D2000-1100 (WIPO Nov. 30, 2000) (finding bad faith where Respondent's use of the domain name at issue to resolve to a website where similar services are offered to Internet users is likely to confuse the user into believing that Complainant is the source of or is sponsoring the services offered at the site).

Respondent's web site explicitly states that it contains content and discussions about the Legalization of Industrial Hemp and Medical Marijuana. Complainant has not authorized Respondent to associate its SOULFLY trademark with such content, and any such use indicates bad faith. *See Eddy's (Nottingham) Ltd., v. Smith*, D2000-0789 (WIPO Sept. 7, 2000) (finding bad faith where the Respondent initially used the web site to promote Complainant's goods, but later changed the content of the web site, causing confusion with Complainant's mark).

It must be noted that Respondent's web site contains a disclaimer that "420Bands.com is NOT Affiliated with Soulfly." The Panel agrees with the rationale in the UDRP decision *Madonna v. Dan Parisi*, which found that

...a disclaimer is insufficient to avoid a finding of bad faith for several reasons. First, the disclaimer may be ignored or misunderstood by Internet users. Second, a disclaimer does nothing to dispel initial interest confusion that is inevitable from Respondent's actions. Such confusion is a basis for finding a violation of Complainant's rights.

Madonna v. Dan Parisi, D2000-0847 (WIPO, Oct. 12, 2000) (citing *Brookfield Comm., Inc. v. West Coast Entertainment Corp.*, 174 F.3d 1036 (9th Cir. 1999)).

Therefore, the Panel finds that Respondent has registered and used the domain name in bad faith.

DECISION

Having established all three elements required by the ICANN Policy Rule 4(a), it is the decision of the panel that the requested relief be granted.

Accordingly, for all of the foregoing reasons, it is ordered that the domain name, **soulfly.com** be transferred from the Respondent to the Complainant.

Hon. James A. Carmody, Panelist

Dated: January 25, 2001

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EXHIBIT B



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Site Visitor Chat

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- Renew Now
- Switch to Register.com
- Email Services
- Build Your Web Site
- Host Your Web Site
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Registrant:

420 Gear (420GEAR-DOM)
8499 So. Tamiami Trail, #249
Sarasota, FL 34238
US

Domain Name: 420GEAR.COM

Administrative Contact, Technical Contact:

420 Gear (XODNJCRWHO)N@rob@420gear.com
420 Gear
8499 So. Tamiami Trail, #249
Sarasota, FL 34238
US
800-420-4200

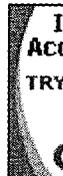
Record expires on 21-Jan-2004.
Record created on 22-Jan-1998.
Database last updated on 25-Mar-2003 18:26:02 EST.

Domain servers in listed order:

NS1.ADULTHOSTING.COM 66.28.43.5
NS2.ADULTHOSTING.COM 66.28.43.6

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Registrant:

420 Gear (420TIMES-DOM)
8499 So. Tamiami Trail, #249
Sarasota, FL 34238
US

Domain Name: 420TIMES.COM

Administrative Contact, Technical Contact:

420 Gear (XODNJCRWHO)N@rob@420gear.com
420 Gear
8499 So. Tamiami Trail, #249
Sarasota, FL 34238
US
800-420-4200

Record expires on 29-May-2003.
Record created on 29-May-1999.
Database last updated on 25-Mar-2003 18:26:42 EST.

Domain servers in listed order:

NS1.ADULTHOSTING.COM 66.28.43.5
NS2.ADULTHOSTING.COM 66.28.43.6



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- Renew Now
- Switch to Register.com
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- Build Your Web Site
- Host Your Web Site
- Promote Your Web Site
- Incorporate/Form LLC

I am looking for:

- My Account
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Resou

Registrant:
 420 Gear (420GIRLS2-DOM)
 8499 So. Tamiami Trail, #249
 Sarasota, FL 34238
 US

Domain Name: 420GIRLS.COM

Administrative Contact, Technical Contact:
 420 Gear (XODNJCRWHO)rob@420gear.com
 420 Gear
 8499 So. Tamiami Trail, #249
 Sarasota, FL 34238
 US
 800-420-4200

Record expires on 16-Dec-2003.
 Record created on 16-Dec-1999.
 Database last updated on 25-Mar-2003 18:27:49 EST.

Domain servers in listed order:

NS1.ADLTHOSTING.COM 66.28.43.5
 NS2.ADLTHOSTING.COM 66.28.43.6



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MARCH 27, 2003



10-10-420 DIRECTORY



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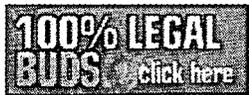
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- 420 Stories
- 420 Scribblings
- 420 Pictures
- 420 Cooking
- 420 Politics
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420 NEWS FORUMS

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Guides, Supplies, Seeds, Hydro, Help

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Webbrings, Directories, Mailing Lists

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- Your Rights

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- FAQ
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What Do You Like to Do When High?

Eat, go to the mall and people watch, watching porn

Ruby 69

Age: 29
Height: 5' 6"
Weight: 115
Bust: 36C
Waist: 24
Hips: 36
Hair Color: Brown
Eye Color: Blue
Birthplace: Havvey, Il
Residence: California
Occupation: Massueuse

420 Girl of the Month March 2003

There are 96 more pics of Ruby in the Members Section. Join now to see them all!

Check out some of our other sexy 420 Girls of the Month!



Nikki Hot



Nina Dolci



Faye Larue



Ruby 69



Bella



Shelly Jones

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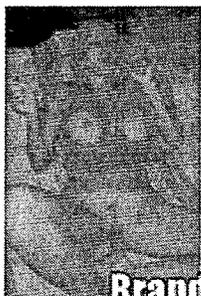
Melanie



Samantha



Jez



Brandi



Nina Dolci



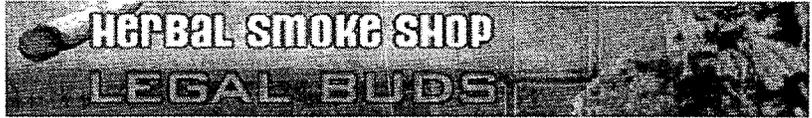
Catalina



Girls & Ganja Party

MR Rowland's ↑ Beante on her head

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MARCH 26, 2003



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- 420 Pictures
- 420 Cooking
- 420 Politics
- 420 Music

420 NEWS FORUMS

- Marijuana News
- Hemp News

GROW FORUMS

- Seeds
- Growth
- Grow Problems
- Harvesting

420 Girls of 2003



Kristen

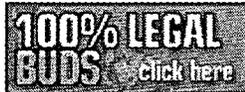


Nikki Hot



Ruby69

420 Girls of 2002



THE 420 GIRLS

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- GOTM Archives
- Submit Your Pics

THE 420 BANDS

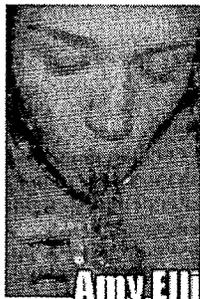
- Band Of The Month
- 420 Bands A-M
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THE 420 LOUNGE

- 420 Comics
- 420 Cartoons
- 420 Photo Gallery
- 420 Television
- 420 Sound Clips
- 420 Etiquette
- 420 Postcards
- 420 Dictionary

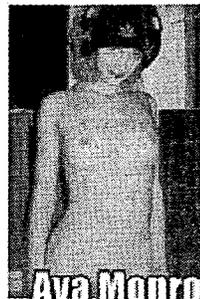
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Amy Ellis



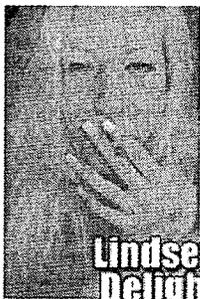
Nina Dolci



Ava Monroe



Kristin



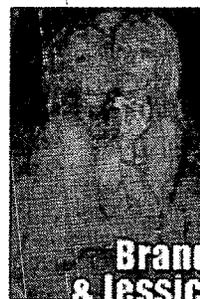
Lindsey
Delight



Anna



Shay
& Serenity

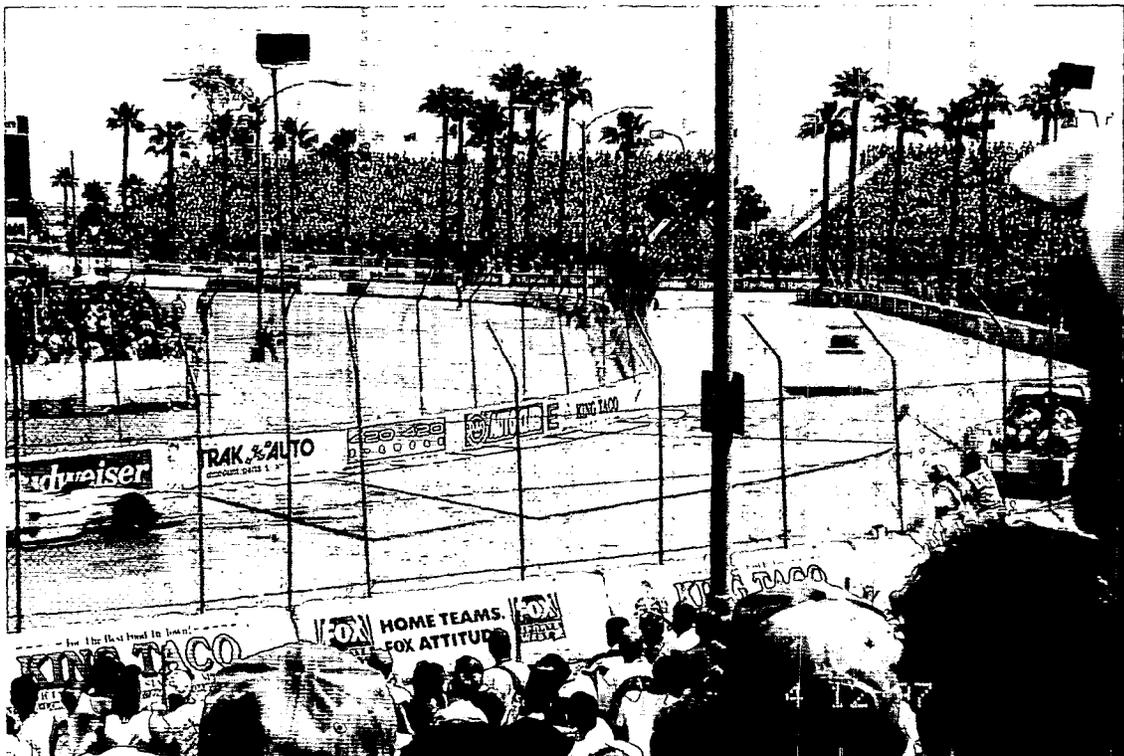
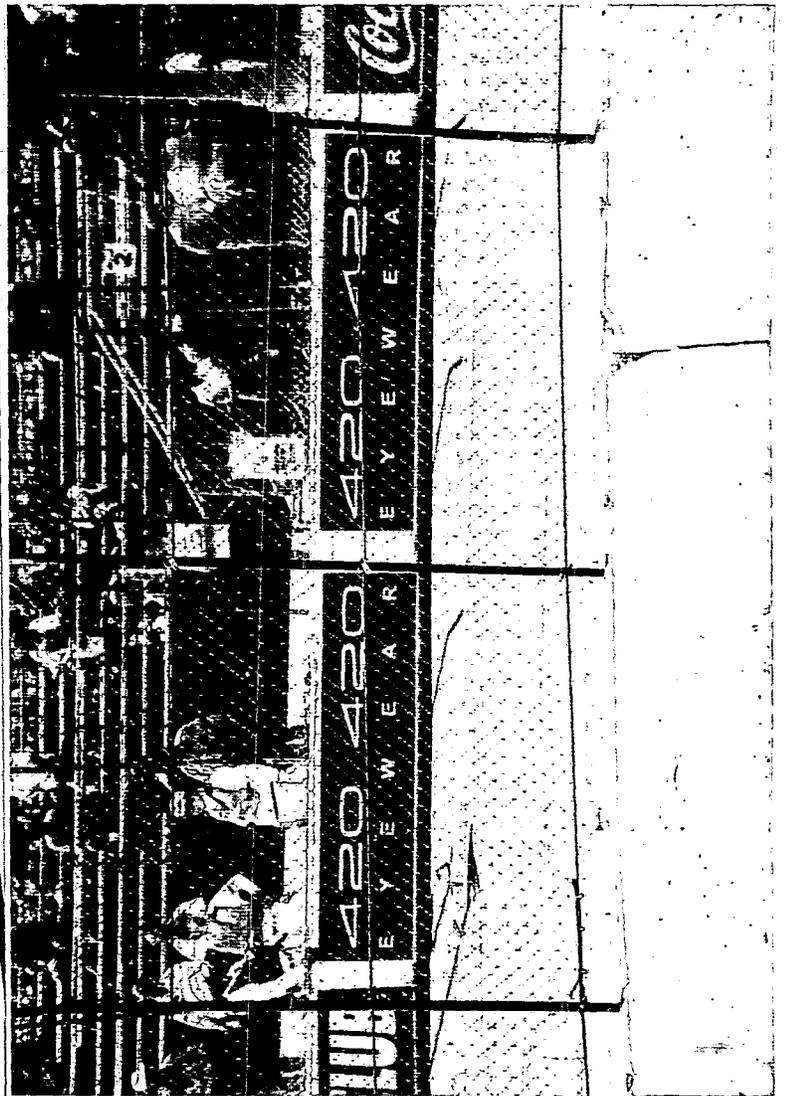


Brandi
& Jessica

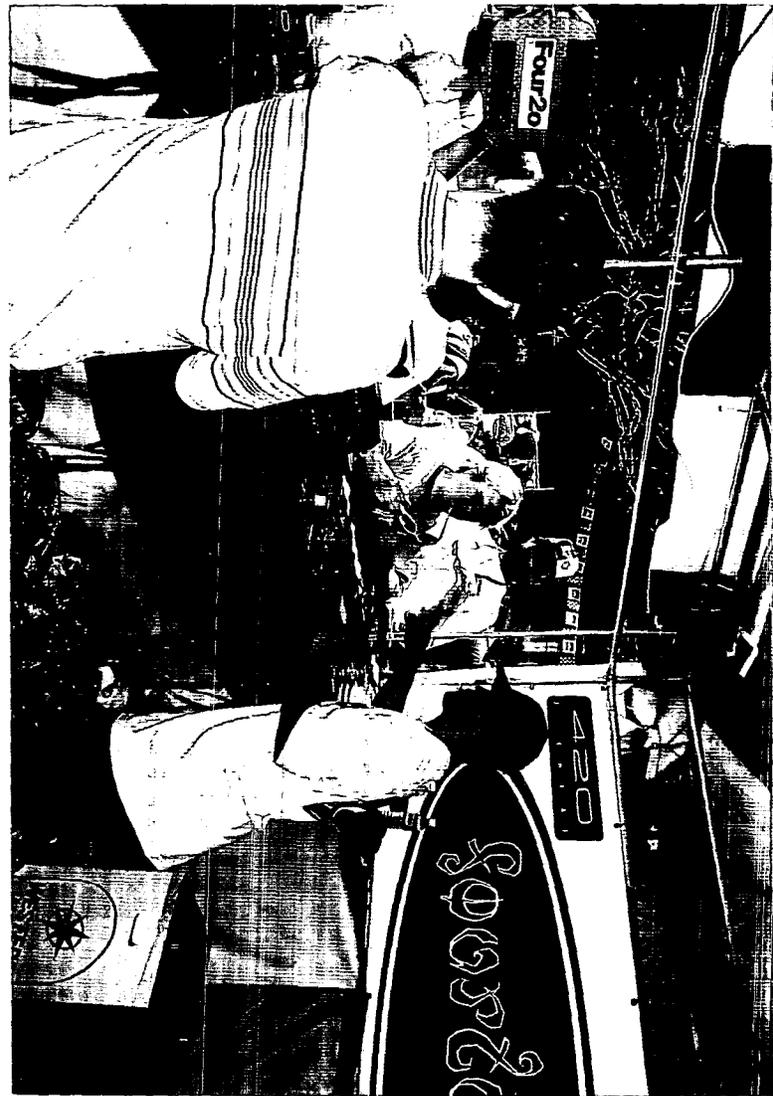
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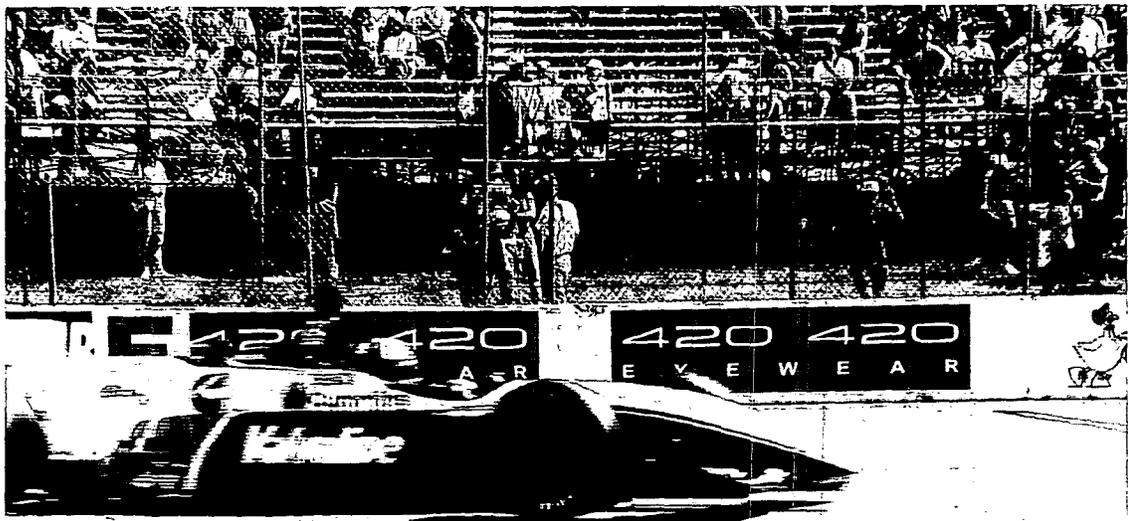
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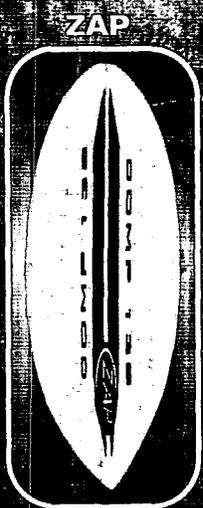
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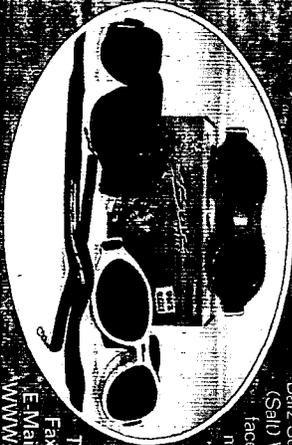


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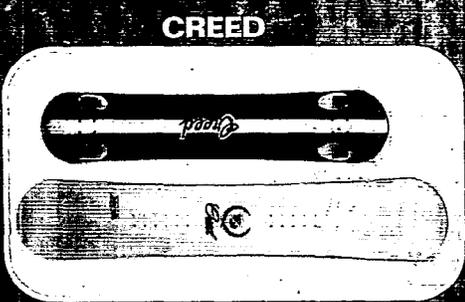
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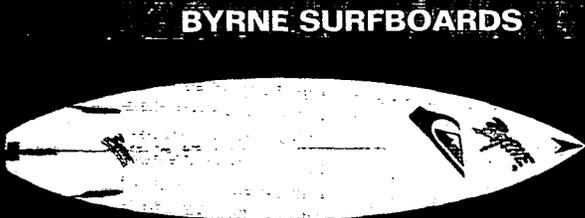
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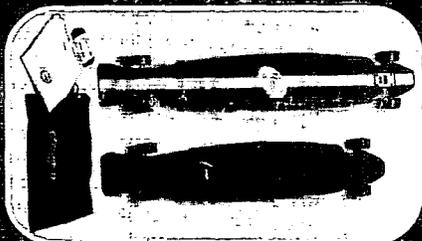


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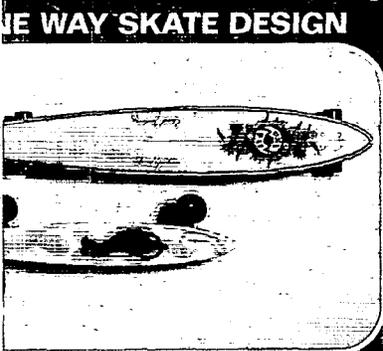
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 Tel: 619/259-1344
 Fax: 619/259-2344
 Internet: www.gravityboard.com
 Contact: Sales Dept.



ONE WAY SKATE DESIGN

One Way Skate Design
 One Way Skateboards recently introduced the new David Mulijwa Signature Series long skateboard, which makes the unparalleled performance of our five foot skateboard and the legendary class and style of one of the world's most renowned longboarders. Also reavate the All Terrain Mountain Board and the PD Balance Board. For the most versatile line of skateboards and accessories there is only One Way!

One Way Skateboards
 774 S.W. 17th Avenue
 Delray Beach, FL 33444
 Tel: 888/ONEWAYS

Chicago Sports Accessories
GO THICK

An innovative website line for 1997 GO THICKS.

SURFING LINE

NEW STANDARD SURF LINE

Japan



Level

the Surfing!

3号連続

TQ SPECIAL

キミのテイクオフは本当に正しいか?
夏までにサーフィンを感ずるために
3ヶ月で正しいテイクオフを手に入れる。

EQ

知ってるつもり? の
取組むフィン徹底解説。

S-INTERVIEW
原田正規
白分

SURFING LIFE

NEW STANDARD SURFING

REPORT

#3 KIROG

#4 KAITAK

#5 TEMBIN

#6 SOLAVEN

#7 CHANCHU

#8 JELAWA

#9 EWINIAR



TYPHOON TRACKS

Report
第5戦 ビラボンMSFプロ
第6戦 ブルートーチプロ

ER MODE 2000

420 Clothing

Pants & Shorts Special

25 Pairs for \$500



Any Size
Any combination of Pants and Shorts



Federally Trademarked Class 09, Class 25

"Call us for a 2002 Catalog"

420, Inc.

2430-F North Glassell St. Orange, CA 92865

Tel: 714.637.9420 Fax: 714.637.5265

Order Line: 877.273.0420

DE LA SOUL • CIVIC MINDED 5 • BOY SETS FIRE

THRASHER



HOT SPOTS:

New York

eSPaÑa

PHilaDeLPHia

BoSToN

HOT SHOTS:

MuSKa

KaLiS MoLiK

Getz

HeaDS:

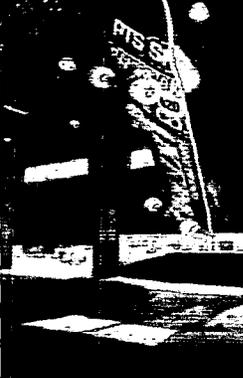
WILKINS
McBRiDe
JaY
BoRK

OCTOBER 2000 ISSUE 237

\$3.95DOM \$5.50CAN



PRINTED IN USA
WWW.THRASHERMAGAZINE.COM



BILL ALTFEAR



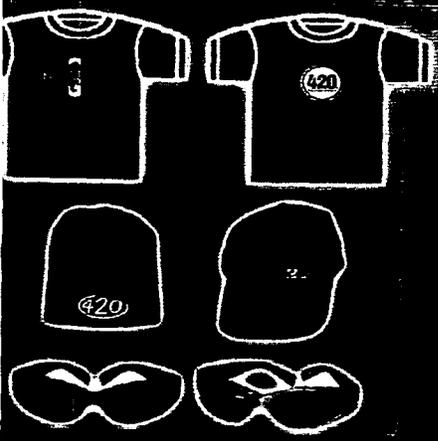
SEAN (THE DUCK) MALLARD



PAUL BURNS



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 clothing-boards-eyewear

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 order line 877-273-0420

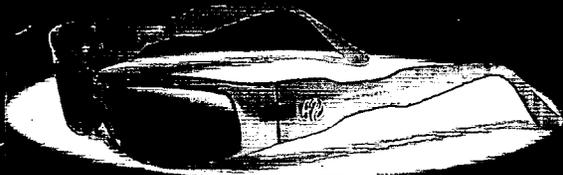
www.420inc.com

Federally Trademarked Accept No Imitations
 SEND \$3.00 FOR A STICKER PACK

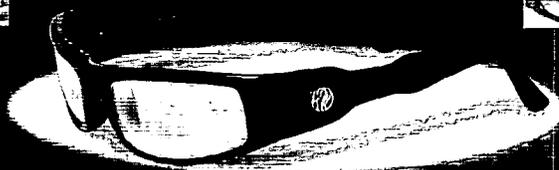


420 EYEWEAR

Thank you for choosing 420 Eyewear. All 420 sunglasses are constructed of the highest quality materials and feature the best warranty in the industry. A 100% lifetime warranty on all sunglasses, including lenses. Now let's not keep this to ourselves! Have your sales staff spread the word and watch 420 Eyewear sell themselves!



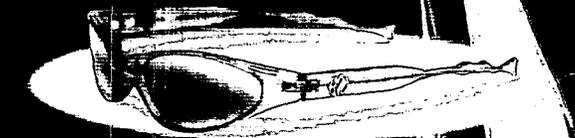
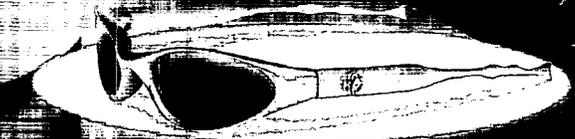
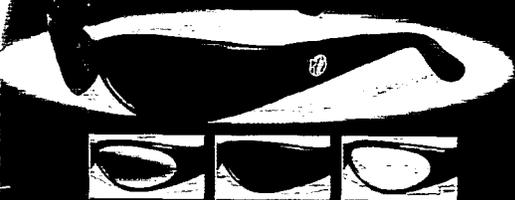
Raptor



KGB



Minis



Sunglass Display
Case **FREE**
with purchase of 25
or more pairs of
sunglasses!
Ask for more
details...

Federally Trademarked Class 09, Class 25

"Call us for a 2002 Catalog"

420, Inc.

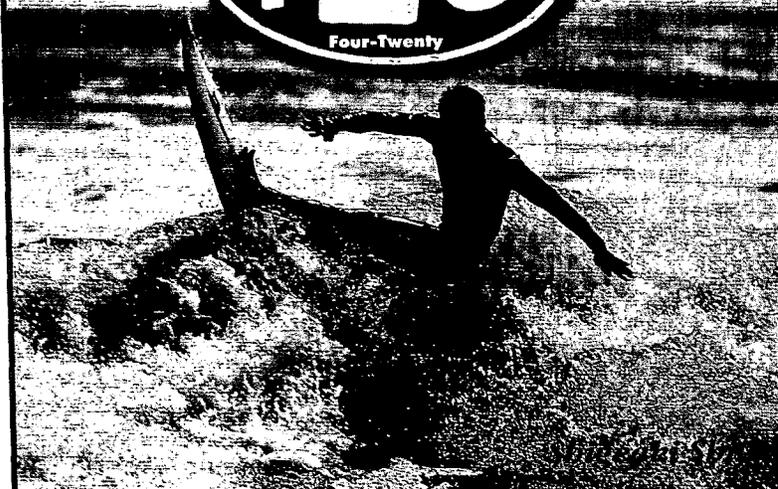
2430-F North Glassell St. Orange, CA 92665

Tel: 714.637.9420 Fax: 714.637.5265

Order Line: 877.273.0420

420
Four-Twenty

Japan



Riders

Shigeaki Shito
Sean Mallard
(Gold Medal 2000 Gravity Games)
Johon Wilinski
(1st. place X-Games)

ディーラー、営業、募集中

Hazardus Distributing
Ebisu Biru#205
Higashiwasaki, 2-10
Toganeshi, Chibaken
Ph/Fx: 0475-55-3444

Email: chrissurf@compuserve.com

O'FISH'L
SNAP IN FIN SYSTEM



Test Rider
Kazuyuki Chiba



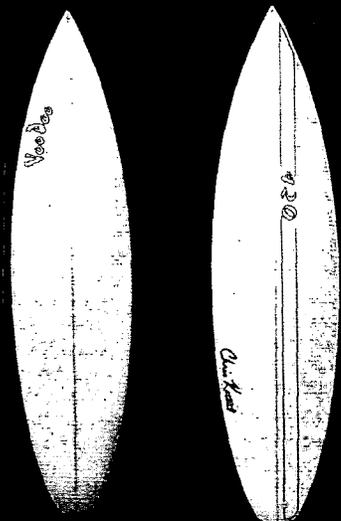
日本初! 速く簡単に装着できる道具のいないフィンシステム
強度も強く、フィンボックスの取り付けも簡単

Hazardus Distributing
Ebisu Biru#205
Higashiwasaki, 2-10
Toganeshi, Chibaken
Ph/Fx: 0475-55-3444
Email: chrissurf@compuserve.com

O'FISH'L

ディーラー、営業、募集中

VOODOO



Late Wrap
420 O'FISH'L
ALIVE
Original

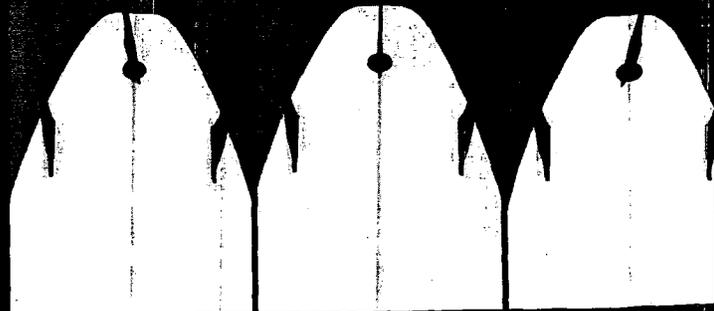
クラブ員募集中



Voo Doo Original ¥69,800
Chris Koettel/420 ¥128,000

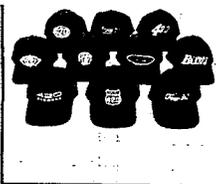
THE REACTOR FIN

水の抵抗を極力軽減し、
ターンをできるだけスムーズに行なえるように開発されたFinです。
Finに内蔵されているゴムによって全く動かないようにセッティングしたり、
波の状態によってよく動くようにセッティングすることが可能です。
水の流れ、力の入れ具合によってFinが動く幅が決まってきます。



Test Rider
Chris Koettel
一本の波でより多くのターンが可能
Hazardus Distributing

VooDoo SurfShop



Japan Ad STORY OF 420



what time is it? '4:20'

いったい何のことかわかりますか?朝の4:20でも夕方の4:20でもありません。答えは一眼タイムのこと!!

どうしてかって?

最もよく知られている語源は、カリフォルニア州のサンラファエル署という警察署で'420'をガンジャ事件のラジオコールに使用したからといわれています。(この警察は否定しているらしいけど)他にも実際は315程だけど420種の化学物質が含まれているとか…。でも、一番由来として面白いのは70年代初期の高校生にまつわるエピソード。スティーブ、デブ、マーク、ラリー、ジェフの5人組はワルドスというチームを結成し、サンラファエル高校の校舎の隅に座り込んでオタクをからかったりしていたんだって。(どこの国でもやることはあまり変わらない!!?)ある日、彼らの友達のポイントレイズ半島にあるガンジャ畑の示された地図を手に入れてきた。当然探しに行くわけだけど、放課後の3:10に集まることにしたら、部活のある子もいたりして結局、4:20に学校の駐車場の像の前に集合することになった。彼らは学校で仲間に会うたびに集まることを忘れないよう'フォートウエンティールーイ'と敬礼しながらあいさつ。この合言葉を使えば、親にも先生にも何のことかわからないからね。集まってはこの宝を探しに出かけるんだけど、この半島は大きくて田舎なのでいつも迷子になり、最後には一服。結局彼らは見つけることができなかった。でも、この探検で起こる奇妙でユーモラスな出来事を楽しんでいたみたい。そんなわけで、4:20と一服は特別な関係になったというわけ。そしてそれだけにとどまらず、4月20日は真にリラックスする日として愛煙家の記念日にまでなっていたのです。

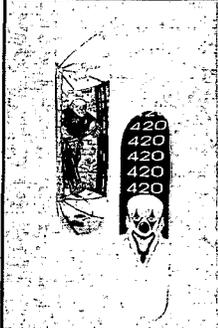
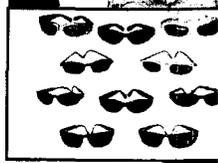
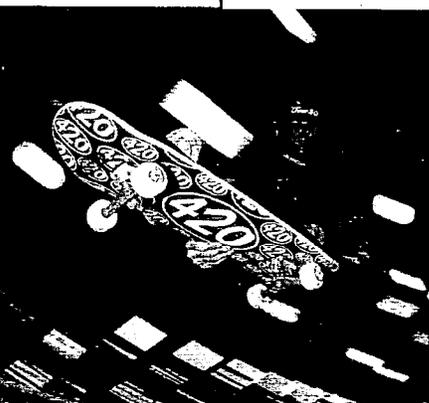
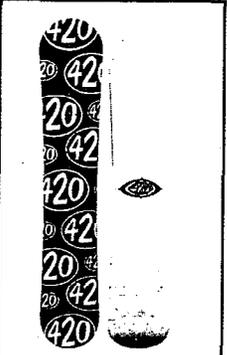
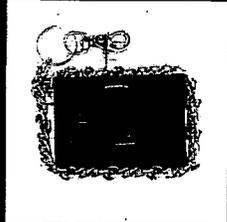
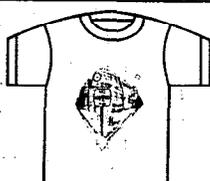
さらに、なんと4月20日は'Hippie New Year'(ヒッピーニューイヤー)(笑)になっています。この日は愛煙家の人々のお祭り。タマベイス山というところに集まって、420をそんぶんに楽しんで過ごす。この日だけは、地元のポリスも集会を邪魔をしたりしないとか。いずれにせよ、フォートウエンティールーイ現象は大きくなり、世界的に広がり続けている。この勢いでサーフィン、スケボー、スノーボードのブランドとしても旋風を巻き起こそうとしている。みんなの生活にも映画のワンシーンに420の商品が出たりなど、サブミナル的に420を見かけているはず。ともかくまあそんなこんなで420が合言葉に!知って? ああそーいえば今何時?

'フォートウエンティールーイ!!'

Friends of 420
OFFSPRING
Blink 182
Powerman5000

420に関する
写真がありましたら
送って下さい。

Hazardus Distributing
Ebisu Biru#205
Higashiwasaki,2-10
Toganeshi,Chibaken
Ph/Fx:0475-55-3444
Email:chrisurf@compuserve.com





AIR MASTERS

(Connected Surfing Contest)

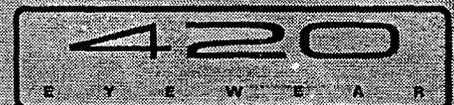


Eric Totah

Photo by Loomis

Date:
December 1st 1996
Place:
Seaside Beach/Cardiff

\$5,000
in CASH Prizes



\$1,000
1st Place



"The New Generation of Aerial Surfing is Here!"

- 1) ProAm - all ages
- 2) Juniors & Groms 15 & under
- 3) Women - (depending on turnout)

Freestyle connected surfing contest
Come surf & talk about connected surfing
New maneuvers: 180's, 360's, 540's & flip tricks
You go for it!... We judge it!
The Future is Air time
Come be a part of surf history!

Deadline:
November 25th, 1996

Entry fees - \$75⁰⁰
 All entries will receive Sector Deck™ Binding System
 (retail value \$100⁰⁰)
 contest T-shirts with each entry
 Fill out entry form on back & mail to Sector Deck
 P.O. Box 1092 • Cardiff by the Sea, CA 92007

For Entry Info Call:
1-800-230-3325

"Save Our Beaches!"



Presents

SEA DOO®
WATERCRAFT

Celebrity Challenge

Saturday, August 17, 1996

Celebrity Entrants

Buzz Aldrin
 Kristian Alfonso
 Carlos Amezcua
 Tracy Bingham
 Rick Chambers
 Bruce Jenner
 Dawn Lewis
 Art Mann
 Jon Melichar
 Bruce Penhall
 Julian Sands
 Tracy Scoggins
 Bob Seagren
 Mark Steines
 Wendy Walsh
 Ian Ziering

Astronaut
 Days of Our Lives & Melrose Place
 KTLA Morning News
 Baywatch
 NBC Channel 4 News
 Olympic Gold Medalist
 Hangin With Mr. Cooper
 E! Entertainment
 Good Day L.A.
 Chips (Honorary Coach/Alternate)
 Leaving Las Vegas (Alternate)
 Lois and Clark
 Olympic Gold Medalist
 Entertainment Tonight
 Extra
 Beverly Hills 90210

Celebrities provided by Celebrity Source, Los Angeles, CA

Thank You to the following sponsors



- Arrowhead Water • Squeaky Clean
- Jet Pilot • Penhall • Doobers

USA
000

Mrs. P. Goodgaine
3138 E 133rd Ave
Denver, CO 80241

420

420 INC.
620 El Camino
Real Tustin, CA

155 #1 DENVER CO

SILVER CO 80208
DENVER CO
PM
155 #1 DENVER CO

420



Enich Eyden
125 Sanchez dr
Morg. Hills CA
95037

420

SAN JOSE CA
PM
151 S



420 INC
620 El Camino
Real Tustin CA
92780

52740-4310

Chippewa Falls Middle School

750 Tropicana Blvd. • Chippewa Falls, WI 54729
(715) 726-2400 • FAX: (715) 726-2789

Dear Sir or Madam:

As part of our Manufacturing Technology class, I am required to submit a letter to a company of my choice. I am interested in all the different parts of production, and any other information that would help me understand manufacturing.

I have selected your company for this survey because of my interest in your products. If at all possible, could you send me the following:

1. A brochure regarding the history of your company, and your product line.
2. A sample of your product (If possible).

Thank you very much for your time and consideration of this request. I will be most anxious to receive a response from you.

Sincerely, *Eric Facklam*

Eric Facklam

C/O Mr. McCabe
Manufacturing Technology Instructor
Chippewa Falls Middle School
750 Tropicana Blvd.
Chippewa Falls, WI 54729
(715) 726-2400



**NISSAN MOTOR CORPORATION
U.S.A.**

September 30, 1996
6401 Fallingwater Drive
Huntington Beach, CA 92647

Mr. John Rowland
Owner
420 Eyewear
1906 North Towner St.
Santa Ana, CA 92706

Dear Mr. Rowland:

I am the owner of three pairs of 420's, the first two of which I purchased at this year's Long Beach Grand Prix. They are perhaps the finest looking glasses on the market, and I wish you success in gaining market share.

I have a problem with one pair of the 420's that I own. If I recall correctly, the glasses came with a lifetime guarantee against scratching. The problem that I have is that the inside of the right lens has been scratched by the left ear frame end. I have been using the velour bag to store the glasses and I can't understand why this has happened. It's clear that the lens was scratched by the ear piece rubbing against the inside of the glass.

I would like a replacement pair of glasses. The pair that is scratched is dark green/black. Please let me know how you would like to go about replacing the glasses. You can send the replacements to me at the above address, or you can call me if you need to retrieve the damaged pair.

Thank you for your consideration, and good luck in your business.

David W. Kuntz
Manager, Technical Training
Nissan Motor Corporation
310-771-5502



Official Sponsor of the
1996 U.S. Olympic Team

Corporate Office 18501 South Figueroa St., Carson, California
Mailing Address: P.O. Box 191, Gardena, California 90248-0191 Telephone: (310) 532-3111



Atlanta 1996
Official Sponsor of the
1996 Atlanta Olympic Games

Judi Cruz
403 Cajon Street, Ste. #5
Redlands, CA 92373
(909) 793-2243

April 14, 1997

John
420 EYEWEAR
12502 Del Rey Drive
Santa Ana, CA 92705

Dear John:

Thank you for taking the time to speak with me the morning of April 14 regarding your *primo* eyewear. I enjoyed talking with you and will look forward to receiving a catalog of your products as well as other product information you may have available, including a wholesale price list. Also, you'd stated you are currently out of stickers - if possible, I would appreciate receiving a few when you get more. All items can be sent to me at the above address or, if need be, you can fax me at (909) 387-6889.

I'm excited about the potential opportunity of selling your products, as I am greatly enjoying the specs I purchased at the Long Beach Grand Prix. I've had alot of positive comments and am eager to start selling them. I feel Redlands/San Bernardino would be an excellent market area. I have several contacts that will enable me to 'target' what I feel will be perfect buyers of your products.

Again, thanks for your time in this regard. I have the *highest* hopes for your *budding* enterprise!

Sincerely,

Judi Cruz



JC:lad

P.S. - Hope you had a great 4/20!



24773 Avenue Rockefeller, Valencia, CA. 91355
805-294-0084 FAX 805-294-0115

Chris Brake 11/06/98

Dear 420 Eyewear,

I purchased your awesome sunglasses about 9 months ago. I tried sending them back to be repaired about 2 months ago, but they were sent back to me with your new address(I hope). Can you please help? I'm going blind w/o my sunglasses. And, Snowboarding season is HERE!! I don't know how many stoners on the mountains asked me were to find them! I think you should advertise in some snow mags, your business would surely grow like a plant under humidity and hydroponics.

Back to why I sent you this. Is your lifetime warranty still in effect? If so, these GREEN specs need some mouth to mouth. Thanks, and if you have any extra info or brochures, let me know.

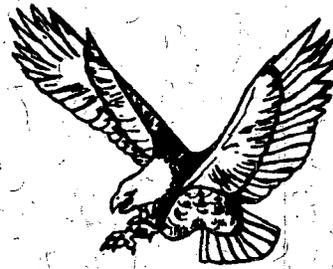
Please ship to my work address (above) ATTN: CHRIS BRAKE

or my home address at 17811 W. Danielson st #201
Canyon Country, CA 91351

thanks,

A handwritten signature in black ink that reads "Chris Brake". The signature is written in a cursive, flowing style.

SERRANO PTA



November 23, 1998

Mr. John Rowland
Ceo/President
420 Eyewear
12502 Del Rey Dr.
Santa Ana, CA 92705

Dear Mr. Rowland,

I am writing on behalf of Serrano Elementary School to thank you for your generous donation of two pair of 420 Eyewear sunglasses. They were included in our silent auction at our Fall Carnival, which was highly successful.

The proceeds from our silent auction and carnival are being used to upgrade our computer lab with the purchase of 15 additional computers.

The students of Serrano join the PTA in thanking you again for your kind donation.

Sincerely,

A handwritten signature in cursive script that reads "Gayle Peterson".

Gayle Peterson
3rd Vice-President, Programs



1710 FREDENDALL CIRCLE, SOUTHAMPTON, PA 18966 PHONE: (215) 942-2297 FAX: (215) 942-2298

CORPORATE LOGO USAGE AGREEMENT

Made & agreed to this first day of November, 2000, between Trinity Marketing Inc., 1710 Fredendall Circle, Southampton, PA 18966, & 420 Sunglasses.

1. Recitals

- A. Whereas Trinity Marketing Inc., Licensor of the "eXXtreme joXX" Property, desires to use the name, logo & graphics of 420 Sunglasses, on product & packaging of all Downhill Skate Boarding merchandise, including but not limited to Toys, Video & Computer Games, Sporting Goods, Novelties, Giftware, etc., featuring Sean Mallard.
- B. Trinity Marketing Inc. will provide 420 Sunglasses, with the preproduction package photography, for final proofing of company name, logo, and graphics.
- C. 420 Sunglasses, represents & warrants that they have granted the rights to Trinity Marketing Inc., to reproduce their name, logo, and graphics, for all Downhill Skate Boarding merchandise, featuring Sean Mallard, to add authenticity to the product line, and to advertise the 420 Sunglasses brand name.
- D. 420 Sunglasses, will supply camera ready art (transparency, slide or disk) of their company name, logo & graphics, to Trinity Marketing for use on all products.



1710 FREDENDALL CIRCLE, SOUTHAMPTON, PA 18966 PHONE: (215) 942-2297 FAX: (215) 942-2298

Corporate Logo usage Agreement

Made & agreed to this 24th day of May, 2000, between Trinity Marketing Inc, 1710 Fredendall Circle, Southampton, Pa 18966, & 420 Sunglasses

1. Recitals

- A Whereas Trinity Marketing Inc, Licensor of the "eXXtreme joXX"tm Property, desires to use the name, logo & graphics of 420 Sunglasses, on product & packaging of frict/mech/bo Luge veh. manufactured by their Licensee, Peachtree Playthings, featuring Sean Mallard
- B This request for usage of corporate name, logo & graphics, is for application on Friction, Mechanical & Battery Operated Street Luge Vehicles only, manufactured by Peachtree Playthings
- C Trinity Marketing Inc will provide 420 Sunglasses with the pre-production package photography, for final proofing of company name, logo & graphics
- D 420 Sunglasses represents & warrants that they have granted the rights to Trinity Marketing Inc, to reproduce their name, logo, & graphics, for Friction, Mechanical & Battery Operated Vehicles, manufactured by Peachtree Playthings, featuring Sean Mallard to add authenticity to the product line, & to advertize the 420 Sunglasses Brand name
- E 420 Sunglasses will supply camera ready art (transparency, slide or disk) of their company name, logo & graphics to Trinity Marketing, for use on this Friction, Mechanical & Battery Operated product

2. Agreement Term

- A This Agreement shall be in force for a period commencing May 25, 200 & terminating when Peachtree determines that they will not manufacture this product line, depicting Sean Mallard, or if Sean Mallard is no longer sponsored by 420 Sunglasses

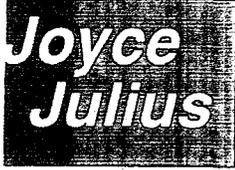
Date 5/24/00

Parties:

Bruce Stein
Trinity Marketing Inc
Bruce Stein President

Date 5-26-2000

[Signature]
Co. Representative



*and Associates, Inc.
Sports Marketing*

*3785 Varsity Drive
Ann Arbor, MI 48108-2223
(734) 971-1900
(734) 971-2059 Fax*

A 1998 NTIV® Analysis for

**Toyota Grand Prix of Long Beach
Sponsor:**

420 Eyewear

Part of Exhibit C

Prepared June 5, 1998

A 1998 NTIV® Analysis for 420 Eyewear

The following report documents the amount of exposure 420 Eyewear received from its involvement with the Toyota Grand Prix of Long Beach. Included are the number of gross impressions created from international and national television, event site sources and cross-corporate advertising and promotion.

Impressions documented in the following report are valued using the NTIV® methodology, which makes the assumption that national television advertising is the most cost-effective means of generating the largest number of gross impressions. A cost-per-impression is derived, using approximately 1,800 nationally broadcast sports programs. When used as a benchmark, the NTIV® provides meaningful evaluation of exposure received through all areas of a sponsorship program. For more specific information on the NTIV® evaluation methodology, please refer to Appendix a.

Contents:

Section	Page
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1) International Television	4
2) National Television	5
3) Event Site	8
4) Cross-Corporate Advertising & Promotion	9
5) Appendix a. NTIV® Evaluation Methodology	10

Exposure Summary

420 Eyewear

Section	Exposure Time	Mntns.	Total Impressions	CP:30 Value/ NTIV
1) International Television	4:35	0	58,962,960	\$696,378.71
2) National Television	7:09	0	2,748,640	56,983.56
3) Event Site	NTIV	NTIV	10,060,000	100,197.60
4) Cross-Corporate Adv. & Promo.	NTIV	NTIV	0	0.00
Total, 420 Eyewear			71,771,600	\$853,559.87

Values may vary \$5.00 due to rounding.

1) International Television

	Exp. Time	Mntns.	Impressions	CP:30 Value-NTIV
420 Eyewear	4:35	0	58,962,960	\$696,378.71

International television coverage of the PPG IndyCar World Series reaches an estimated 380,000,000 households in approximately 188 countries and territories worldwide. In addition, the PPG-Dayton Indy Lights Championship is broadcast internationally through an ESPN International syndication.

Documented below is the estimated international viewerships and related values received by 420 Eyewear related to the Toyota Grand Prix of Long Beach broadcasts.

Event Broadcast	Exp. Time	Mntns.	Impressions	CP:30 Value-NTIV
Toyota Grand Prix of Long Beach	4:15	0	50,920,160	\$614,937.31
PPG/Dayton Indy Lights, Long Beach	0:20	0	8,042,800	81,441.39
Total,	4:35	0	58,962,960	\$696,378.71

2) National Television

	Exp. Time	Mntns.	Impressions	CP:30 Value/ NTIV
420 Eyewear	7:09	0	2,748,640	\$56,983.56

As a result of the Long Beach event, the following national television exposure was documented for 420 Eyewear as an associate event sponsor:

■ Toyota Grand Prix of Long Beach

ESPN provided live coverage of the Long Beach FedEx Championship event on April 5, 1998, along with a replay on April 6, 1998. Additionally, ESPN2 aired a replay on April 8, 1998. Combined, the broadcasts had a viewership of 1,387,840.

In connection with its associate event sponsorship, 420 Eyewear received 4:15 of on-camera time for a value of \$46,750. The following lists the exposure sources for 420 Eyewear during the broadcasts:

Exposure Source	Exposure Time	CP:30 Value
Retaining Walls	3:45	\$41,250
Banners	0:30	5,500

■ PPG-Dayton Indy Lights Championship, Long Beach

The April 5, 1998 PPG-Dayton Indy Lights Championship event at Long Beach was broadcast by ESPN2 in a tape-delayed format on April 5, 1998, followed by a replay on April 18, 1998. The broadcasts had a combined viewership of 181,440. 420 Eyewear received 0:20 of exposure time during the broadcasts, from retaining walls, for a value of \$835.

National Television, continued

■ **Kool Toyota Atlantic Championship, Long Beach**

ESPN2 provided a one-hour tape-delayed telecast of the Kool Toyota Atlantic event at Long Beach on April 11, 1998 with replays on April 13, April 21 and April 25. Combined the broadcasts were seen by 453,600 home viewers.

420 Eyewear gained 0:48 of exposure time during the broadcasts, for a comparable value of \$2,170. The following were the sources for 420 Eyewear exposure:

Exposure Source	Exposure Time	CP:30 Value
Retaining Walls	0:32	\$1,445
Banners	0:16	725

■ **CART Qualifying, Toyota Grand Prix of Long Beach**

420 Eyewear received exposure on ESPN2's coverage of qualifying at the Toyota Grand Prix of Long Beach. The show, which aired on April 4, 1998, had a viewership of 362,880, delivering an NTIV of \$3,614.28 for 420 Eyewear.

■ **"RPM2Night"**

ESPN2's April 7, 1998 edition of "RPM2Night" included exposure for 420 Eyewear in connection with the Toyota Grand Prix of Long Beach. The show, which aired twice, had a combined viewership of 362,880, delivering an NTIV of \$3,614.28 for 420 Eyewear.

National Television, continued

National Television Summary

Network	Program	Exp. Time	Mntns.	Impressions	CP:30 Value/ NTIV
ESPN, ESPN2	Toyota Grand Prix of Long Beach	4:15	0	1,387,840	\$46,750.00
ESPN2	PPG/Dayton Indy Lights, Long Beach	0:20	0	181,440	835.00
ESPN	Kool Toyota Atlantic, Long Beach	0:48	0	453,600	2,170.00
ESPN2	CART Qualifying	NTIV	NTIV	362,880	3,614.28
ESPN2	"RPM2Night"	NTIV	NTIV	362,880	3,614.28
Total,		7:09	0	2,748,640	\$56,983.56

3) Event Site

	Impressions	NTIV
420 Eyewear	10,060,000	\$100,197.60

To determine the total impressions for the event site, an equation that factors the attendance and the number of at-site exposure opportunities including public address announcements, signage and inflatables is utilized. In assessing impressions and value generated from each exposure source sold and/or distributed, the source's exposure ability and a per-item "afterlife" factor is determined using standards derived from published research on premium item acceptance and usage, advertising bureau traffic counts as well as contracted survey research.

Contributing to 420 Eyewear's impressions at the event site were the following:

Item	Number Distributed	Impressions	NTIV
Attendance	295,000	9,440,000	\$94,022.40
Programs	30,000	240,000	2,390.40
Ticket Brochures	60,000	360,000	3,585.60
News Releases	5,000	20,000	199.20
Total,		10,060,000	\$100,197.60

4) Cross-Corporate Advertising & Promotion

	Impressions	NTIV
420 Eyewear	0	\$0.00

Included in this section is incidental exposure derived from 420 Eyewear's participation with the event, as well as the advertising and cross-media promotions performed by other corporate sponsors which contained exposure for 420 Eyewear, i.e. print ads, promoter-paid radio and television, etc.

Promoter generated materials, such as programs and mailers, included exposure for 420 Eyewear and have been included in the event site section of this report. No other cross-corporate exposure for 420 Eyewear specific to the Toyota Grand Prix of Long Beach was monitored.

5) Appendix a.

NTIV Evaluation Methodology

Value Analysis

Throughout the evaluation, the following formulas have been used to base comparative values, audience reach and gross impressions.

Method One: CP:30 Value

The cost per :30 (CP:30) commercial rate—which is the non-discounted or estimated cost to air a commercial in a 30-second time block during a specific event broadcast—is the method used for determining the value of a sponsor's exposure during the particular event broadcast in question.

The sponsor's exposure time and mentions are compared to the cost of purchasing commercials during the particular event broadcast.

Method Two: NTIV Factor

The NTIV Factor—which is derived from an average of the CP:30 commercial rates of sport/event programming, along with the corresponding viewing audiences for these programs—is the other method for assessing the value of a sponsor's exposure. The NTIV Factor represents the cost necessary to reach one viewer during a nationally televised broadcast. Impressions generated from the selected sections in the NTIV Analysis are then applied to the NTIV Factor.

The NTIV Factor is derived from the viewerships and non-discounted or estimated commercial rates of more than 1,800 sport/special event programs airing within the past 12 months. Sport/special event broadcasts airing on ABC, CBS, FOX, NBC, ESPN, ESPN2, the Family Channel, TNN, TNT, USA Network, WGN, WTBS, CBC, CTV, TSN and FOX Sports Network as well as those distributed through syndication are utilized. The constant resulting from this calculation may be considered an average cost-per-impression of nationally broadcasted exposure time.

NTIV Evaluation Methodology, continued

Method Three: CP:30 Derived NTIV Factor (CP:30-NTIV)

The cost per :30 (CP:30) commercial rate Derived NTIV Factor is the method used for determining the value of a sponsor's exposure during an event broadcast which does not have a cost per :30 commercial rate. For international television/pay-per-view program exposure, the CP:30 rate is derived from the viewing audience and the NTIV Factor.

Impression Calculation

1) International Television

Impressions created by international television are based on the household reaches of the networks utilizing the event related feeds and an estimated rating.

2) National Television

Impressions created by national television are based on viewerships calculated from Nielsen and Nielsen Cable ratings. Where ratings are not available, an estimated network rating is applied.

3) Event Site

Event Site impressions are valued by a series of formulas based on the number of impression-creating exposure vehicles utilized by the sponsor, the number of items distributed, the impression life of those vehicles and event-related attendance totals.

Specific standard formulas have been derived for each exposure vehicle. Data used within the formulas has been gleaned from such sources as traffic counts, published research on premium acceptance and usage as well as contracted survey research.

4) Cross-Corporate Advertising & Promotion

Impressions created by cross-corporate advertising programs are based on the following types of executed programs:

Local Television Promotions

Impressions generated from local television promotions are based on the gross rating points for the spots when available.

NTIV Evaluation Methodology, continued

Otherwise, local television promotions are based on averages derived from the station's viewerships for its local news programming.

Local Cable Television Promotions

Impressions generated from local cable television promotions are based on the subscriber base of the cable company, the number of spots, an average rating for the spots and a standard viewers-per-viewing household factor.

Local Radio Promotions

Impressions created by local radio advertising are derived from Arbitron-provided listenerships of the participating stations and the number of spots.

Print Media Promotions

Impressions created from print media promotions are based on the circulations of the publications. When current and statistically valid survey information is available for a specific publication, adjustments are made for depth of readership

Outdoor Advertising

Impressions created by outdoor advertising are based on the daily effective circulations and duration of the postings.

Miscellaneous Promotions

Other cross-corporate promotions such as point-of-purchase displays and in-store posters are based on average store traffic counts, as well as the scope and duration of the promotion.

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Word Mark HANG TEN

Goods and Services IC 025. US 022 039. G & S: clothing, namely, tops/shirts, T-shirts, sweatshirts, sweatpants, sweaters, shorts, pants, slacks, jeans, dresses, skirts, jog warm-up suits, swim-wear, pajamas, underwear, hosiery, gloves, belts, coats, footwear, namely, beach footwear, athletic and casual footwear, headwear, namely, hats and caps. FIRST USE: 19620520. FIRST USE IN COMMERCE: 19621016

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 021108

Serial Number 75338714

Filing Date August 11, 1997

Published for Opposition September 1, 1998

Registration Number 2205322

Registration Date November 24, 1998
Owner (REGISTRANT) Hang Ten International CORPORATION CALIFORNIA 705 12th Avenue San Diego CALIFORNIA 92101
Assignment Recorded ASSIGNMENT RECORDED
Prior Registrations 0779097;0808565;0877451;0906776;0922436;0982289;0982290;1107859;2139079;2140941;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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The following code will unlock Surfing Pikachu without using Poké Stadium. Note: Place Pikachu must in the first position, then use on following codes.

- 013972D1 (To overwrite the first attack with Surf)
- 013973D1 (To overwrite the second attack with Surf)
- 013974D1 (To overwrite the third attack with Surf)
- 013975D1 (To overwrite the fourth attack with Surf)

You can only play the mini game in yellow version it's fun. The plac you play the mini game is in Fuisha City. E-mail PikaFlare380@aol more help!



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Re: PS: "23 skidoo" & "hang ten"

Posted by [bob](#) on July 24, 1999 at 02:36:41:

In Reply to: [PS: "23 skidoo" & "hang ten"](#) posted by [ESC](#) on July 18, 1999 at 17:17:38:

: 23 skidoo - From "Who Put the Butter in Butterfly?" by David Feldman, Harper & Row: "Why is the only number you see before skidoo 23? Who would have thought that this breezy bit of slang has lofty roots? It does, in Charles Dickens 'Tale of Two Cities.' The hero of this sad novel is Sidney Carton, who is the twenty-third of a multitude executed by the guillotine.

: In the last act of the theatrical adaptation, 'The Only Way,' an old woman sits at the foot of the guillotine, calmly counting heads as they are lopped off. The only recognition or dignity afforded Carton as he meets his fate is the old woman emotionlessly saying 'twenty-three' as he is beheaded.

: 'Twenty-three' quickly became a popular catchphrase among the theater community in the early twentieth century, often used to mean, 'It's time to leave while the getting is good.' Cartoonist T.A. Dorgan combined 'twenty-three' with 'skidoo.' Skidoo was simply a fanciful variant of 'skedaddle.'"

: (Skedaddle, according to "The Dictionary of Contemporary Slang" by Tony Thorne, Pantheon Books, originated in the American Civil War and "...suggestions have been made as to the word's derivation; it is probably a form of a dialect version of 'scatter' or 'scuttle.'")

: "hang ten (verb American) - to ride a surfboard (at near-optimum speed or full stretch) with the toes of both feet hooked over the front. From the jargon of American surfers since the early 1960s. The phrase is sometimes used figuratively to mean something like 'go full-tilt on a risky course.'" "The Dictionary of Contemporary Slang" by Tony Thorne. Pantheon Books.

Druthers is Southern, a corruption of "I'd rather..." pronounced "I'd ruther..." I druther this, I druther that... if you had your druthers....

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DVD

Average Customer Review: ★★★★★
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The insatiable quest to catch 'em all winds its way down to the coast--Seafoam Island, in specific--on *Hang Ten, Pikachu*. In "The Evolution Solution," the first of this video's three episodes, Ash takes a breather from Pokémon League training to tackle a mystery that only the island-based... [Read more](#)

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by Random House Disney (Editor)
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Price: \$3.99

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by Random House Disney (Editor)

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Disney's Lilo & Stitch

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Lilo & Stitch
by Hiro Clark Wakabayashi (Editor)

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Hello, Funny Face! (Lilo & Stitch)
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Disney's Lilo & Stitch
by Random House Disney (Editor)

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Lilo & Stitch
~ Various Artists

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Word Mark 42ORADIO.COM

Goods and Services (ABANDONED) IC 041. US 100 101 107. G & S: Entertainment services, namely, providing music files for download and audio streaming (internet radio) in the field of independent bands and unsigned bands via a global computer network. FIRST USE: 19991013. FIRST USE IN COMMERCE: 19991013

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75871250

Filing Date December 15, 1999

Owner (APPLICANT) Quests Unlimited, Inc CORPORATION TEXAS 2006 Shadow Rock Dr Kingwood TEXAS 77339

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator DEAD

Abandonment Date November 23, 2000

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Typed Drawing

Word Mark 420 INDIA PALE ALE
Goods and Services IC 032. US 045 046 048. G & S: beer; ales and lagers. FIRST USE: 19960200.
 FIRST USE IN COMMERCE: 19960700
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75237566
Filing Date February 6, 1997
Published for Opposition October 28, 1997
Registration Number 2130521
Registration Date January 20, 1998
Owner (REGISTRANT) Stone Coast Brewing Company CORPORATION MAINE 14
 York Street Portland MAINE 04101
Attorney of Record SCOTT B GARRISON
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Typed Drawing

Word Mark 420
Goods and Services IC 014. US 002 027 028 050. G & S: Watches and Wristwatches. FIRST USE: 19990420. FIRST USE IN COMMERCE: 19990429
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75647807
Filing Date February 25, 1999
Filed ITU FILED AS ITU
Published for Opposition May 2, 2000
Registration Number 2532563
Registration Date January 22, 2002
Owner (REGISTRANT) Rudzik, Chance INDIVIDUAL UNITED STATES 2974 W. Oklahoma Ulysses KANSAS 67880
Attorney of Record Christian D. Stewart
Type of Mark TRADEMARK
Register PRINCIPAL
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Start List At: OR Jump to record: Record 14 out of 49

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Typed Drawing

Word Mark 420
 Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Soap, lotion, shampoo, fragrance.
 FIRST USE: 20020520. FIRST USE IN COMMERCE: 20020520
 Mark Drawing Code (1) TYPED DRAWING
 Serial Number 76413200
 Filing Date May 28, 2002
 Owner (APPLICANT) West, Ellery INDIVIDUAL UNITED STATES 16701 Prairie Avenue
 Lawndale CALIFORNIA 90260
 Type of Mark TRADEMARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

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Typed Drawing

Word Mark 420 HERB COMPANY

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Herbal concentrates for dietary supplement; vitamin supplements of herbal or organic compounds. FIRST USE: 20000211. FIRST USE IN COMMERCE: 20000211

IC 034. US 002 008 009 017. G & S: Herbs and tobacco for smoking; pipes and smoking implements for the smoking thereof, including, cigarette holders, water-filled smoking apparatuses, water pipes, cigarette clasps, cigar holders, smoking "masks" and inhalers. FIRST USE: 20000211. FIRST USE IN COMMERCE: 20000211

IC 025. US 022 039. G & S: Clothing, namely, sportswear, shirts, jackets, caps, ties, belts, dresses, shorts and jerseys. FIRST USE: 20000211. FIRST USE IN COMMERCE: 20000211

Mark**Drawing**

(1) TYPED DRAWING

Code**Serial****Number**

76123096

Filing Date

September 6, 2000

Owner

(APPLICANT) Hit Products, Inc. CORPORATION MARYLAND 6856 Distribution Drive Beltsville MARYLAND 20705

Attorney of Record

Charles H. Nalls

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Typed Drawing

Word Mark 420.COM

Goods and Services IC 038. US 100 101 104. G & S: ELECTRONIC MAIL SERVICES, NAMELY DISTRIBUTION OF CORRESPONDENCE, PROVIDING ACCESS TO ELECTRONIC MAIL MESSAGES AND PROVIDING ELECTRONIC MAIL FORWARDING SERVICES, DISTRIBUTION, FILTRATION AND CONSOLIDATION OF ELECTRONIC MAIL MESSAGES. FIRST USE: 20021120. FIRST USE IN COMMERCE: 20021120

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76400991

Filing Date April 26, 2002

Filed ITU FILED AS ITU

Owner (APPLICANT) Trans-High Corporation, Inc CORPORATION NEW YORK 419 Park Avenue South 16th Floor New York NEW YORK 10016

Attorney of Record Kieran G. Doyle

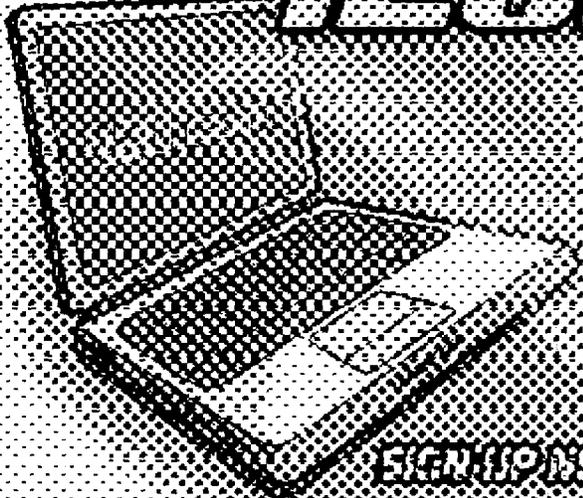
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HIGH TIMES It's time for a change.

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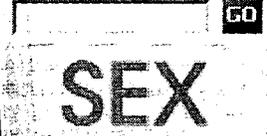
Our online lounge makes your lava lamp obsolete. Check out HIGH TIMES VIDEO, High on the Air radio, and other stony diversions.

HEADLINES

- Supreme Court Rejects ACLU Appeal of Secret Court
- Corporate Radio Organizes "Grassroots" Pro-War Rallies
- DEA Agent Stands By Actions in Tulia, Texas
- Wisconsin Considers Lighter Marijuana Laws
- White House 'Drug Czar' Opposes Md. Medical Marijuana Bill
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HIGH ON THE AIR: Episode #76 - Broken Glass

Once again, Callum Francis flaked. But he finally wandered back to his beloved country only to find that ownership of a bong had become highly dangerous. Find out about the latest federal fiasco that targets the counterculture when Callum shows up in San Francisco at the Melting Pot Gallery to interview the world's top glass blowers.

[tune in to HIGH ON THE AIR](#)



VIDEO GAME REVIEWS

Prolonged exposure can lead to anti-social behavior, school and work absences, lapses in grooming, and in rare cases violent outbursts. No, not marijuana -- today's youth menace is video gaming.

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HIGH TIMES RECORDS

THC: The Hip-Hop Collection Vol. 1 is the sizzlin' debut compilation CD by the folks at HIGH TIMES. THC came out to rave reviews. Find out for yourself why...

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PHOTO GALLERY

Outdoor greenbud arching overhead, oozing resin in late-summer sunshine. Insane skunk nugs so tight they scream massive stonation.

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Typed Drawing

Word Mark FORMULA 420

Goods and Services (ABANDONED) IC 003. US 001 004 006 050 051 052. G & S: Cleaning preparations for cleaning organically fouled ceramic, glass, acrylic, metal, or wood tobacco smoking devices. FIRST USE: 19960401. FIRST USE IN COMMERCE: 19980101

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75525533

Filing Date July 27, 1998

Owner (APPLICANT) Superior Cleaning Supply, Inc. CORPORATION FLORIDA PO Box 142465 Gainesville FLORIDA 32614

Attorney of Record YATE K CUTLIFF

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

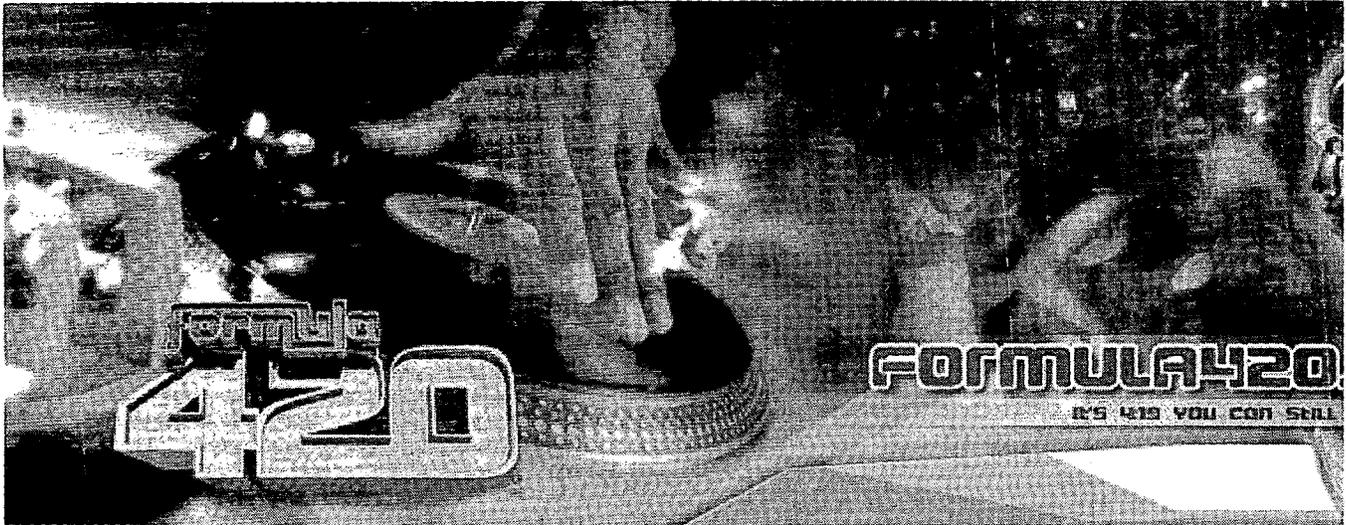
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Welcome to Formula 420

Mailing List

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F420

Need a bottle?

QUALITY PRODUCTS FOR THE NEW MILLENNIUM

Check out this site and get FREE Formula 420® with every order.

www.ItsAlways420.com offers you High Quality Products and great service. Home of FREE Shipping!

Welcome to a company that exists to bring you the very best in fresh new products and information. We are an innovative corporation, lifting expectations while we bring you to a new realization.

We, like You, expect only the best. Our goal has always been to raise the level of quality you demand. We have succeeded in this goal, and along the way we have set the standards for all other cleaners in the industry. Our creative web design team is thrilled to have inspired other sites, just as our marketing director loves the sudden abundance of sample bottles. We are honored to see our influence on other companies- what a compliment!

So as you look through our site, try to remember where you saw it first. Please take a moment to lounge around our site, after all it was designed just for You.

For a dealer near you, email us at authdealer@formula420.com

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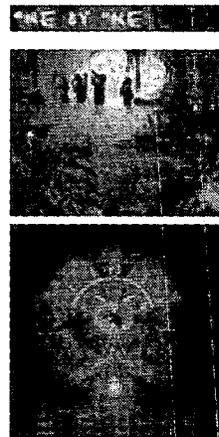
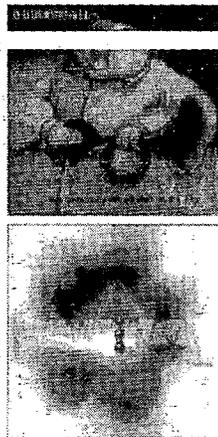
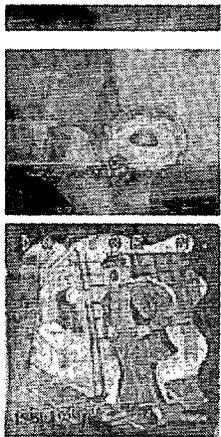
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Check out your favorite indie labels and artists here...



Coming soon -- Tinnitus Records!
Read about them [here](#)
Listen to sample [MP3](#)
from their upcoming album, Nearvana

EXHIBIT F

420 Eyewear

From: "Rob Smith" <fucked@420times.com>
To: <fucked@420times.com>
Sent: Tuesday, February 25, 2003 4:49 PM
Subject: 420

I regret to inform you that 420times.com has been removed from the internet until Bush and Ashcroft leave us alone.

Many of my good friends and clients have been arrested in this recent sting operation, led by Bush, Ashcroft and the DEA.

<http://www.usdoj.gov/dea/pubs/pressrel/pr022403.html>

http://news.yahoo.com/news?tmpl=story2&cid=796&ncid=787&e=4&u=/eo/20030225/en_celeb_eo/11326

It saddens me deeply to have to result to this, but I fear jail, like many of you..

I have created awareness to more than 20,000 people a day for 10 long years now..

That is more than a majority of our population does in a lifetime.

I have been a true freedom fighter and will continue when this threat of imprisonment is removed.

These monsters are set on eliminating marijuana e-commerce and communication, period...

If you are an advertiser of this site and still have the balls to continue selling 420 related paraphernalia, your clicks will be saved and re-issued when we resume business.

In the man time, I have launched my new 420 Girls website at <http://www.420girls.com>

This project was brought to life, literally, 2 days before this happened..

My attorney assures me that this site will be safe from threat as it is purely entertainment, just like watching a girl smoke pot in a major motion picture. Since all of my income from 420times advertising is gone, it's all I have left.

Please help show some support.

This new site still FULLY carries my mission to legalize as all of the girls are smoking herb and they all have interviews of their views and opinions of marijuana and the war on drugs...

If you have any questions, comments or death threats, email me at rob@420times.com

Greenest Regards,
Rob Smith

420 Eyewear

From: "420Times.Com" <rob@420times.com>
To: <hope@420times.com>
Sent: Monday, March 03, 2003 11:51 PM
Subject: 420

Latest News from 420Times.Com

We are Back Online!
Still working around the clock, answering emails and fixing all of the problems associated with the deletion of the site, but we're getting there.

I would like to ask each and every one of you to PLEASE, take 4 minutes and 20 seconds to write John Ashcroft and tell him to shut down "Operation Pipe Dreams" and "Operation Headhunter"
<http://capwiz.com/norml2/issues/alert/?alertid=1510556>

Please read these articles regarding the devastating attacks to our Cannabis Community.

OPERATIONS PIPE DREAMS AND HEADHUNTER PUT DRUG PARAPHERNALIA SELLERS OUT OF BUSINESS
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3165&mesg_id=3165

FEDS HIT HEADSHOPS AND INDICT 55 PIPE SELLERS; CHONG, ZONG AND JEROME BAKER DESIGNS AMONG TARGETS
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3164&mesg_id=3164

FEDS SMOKE OUT CHONG
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3162&mesg_id=3162

U.S. RAIDS FIRMS SELLING ITEMS USED BY POT SMOKERS - ASHCROFT BLAMES INTERNET FOR PARAPHERNALIA
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3163&mesg_id=3163

ONE WAR OR ANOTHER: IT'S BONGS OVER BAGHDAD
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3158&mesg_id=3158

SAVING AMERICANS FROM THE BONG THREAT
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3157&mesg_id=3157

INDICTING THE WAR ON DRUGS
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3154&mesg_id=3154

SAVE ME FROM MY BONG
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3153&mesg_id=3153

DEA RAIDS TAKE WAR ON DRUGS TO HIGHER LEVEL OF ABSURDITY
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3152&mesg_id=3152

FEDS BUSTING DOT-COM SITES TOUTING DRUG PARAPHERNALIA
http://www.420times.com/420forums/dcboard.php?az=show_topic&forum=4&topic_id=3150&mesg_id=3150

Please watch these 2 videos as they will help you understand cannabis and it's history.
http://www.420times.com/420times/420lounge/420tv/docs/docs_emperor.shtml
http://www.420times.com/420times/420lounge/420tv/docs/docs_grass.shtml

Please go here and make a donation to CRRH for providing the video streams.

420 Eyewear

From: "420Times.Com" <rob@420times.com>
To: <420@420inc.com>
Cc: <info@420inc.com>; <sales@420inc.com>
Sent: Sunday, February 02, 2003 7:18 PM
Subject: 420 Girls

dear john rowland..

mr. "i am the original 420 trademark holder, beware of immitators"

if you don't remove the words "420 GIRLS" from your website, i will sue you.

i have been using this name in commerce for ten years.

respect federal law and your own words and stop stealing from me.

this is your last warning.

Greenest Regards,
Rob Smith

420 Times
PO Box 17124
Pittsburgh, PA 15235
<http://www.420times.com>

1st E-mail

420 Eyewear

From: "420Times.Com" <rob@420times.com>
To: "420 Eyewear" <420@420inc.com>
Sent: Monday, February 03, 2003 8:15 PM
Subject: Re: 420 GIRLS

2nd E-mail

420 girls cannot be trademarked as the name is descriptive...
however, i have had the 420 girl of the month and 420 band of the month contest and pictures online since 1993...
i have secured every possible way to protect the name and use...
please respect my request.

you say you are original, back it up...
you know i've been doing this forever...
i am the only one in the world...

it's not fair that when people search for my 420 girls, they find your site...
it's theivery to me and i will pursue the matter legally if need be..
please don't take it to that level...
you can end drama this right now.

please advise

— Original Message —

From: 420 Eyewear
To: 420Times.Com
Sent: Monday, February 03, 2003 6:37 PM
Subject: Re: 420 GIRLS

To: 420 times
Attn: Rob Smith

MR. Rowland's Response

Hello Rob,

I got your e mail, and we have no problem taking the 420 "girls" phrase off of our website once we confirm your allegation. Can you please provide us with your rgistration numbers for your trademark for 420 girls. Also as you are aware I won the Trademark for class 09 and class 25 , would you be interested in retailing any of our merchandise on your site?

We respect all trademarks and will act in good faith once we get your registration numbers. We also have been enforcing our trademark in recent months and years.

Sincerely,

John Rowland
420 inc.

— Original Message —

From: 420Times.Com
To: john@420inc.com
Sent: Sunday, February 02, 2003 7:19 PM
Subject: 420 GIRLS

dear john rowland..

420 Eyewear

From: "420Times.Com" <rob@420times.com>
To: <john@420inc.com>
Sent: Saturday, March 01, 2003 12:56 AM
Subject: 420

E-mail # 3

the ONLY reason i filed the petition against your mark was because you ripped off my 420 Girls...
have a nice day.