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**TTAB**

January 5, 2010

**By USPS Express Mail**

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# 78026522

Re: Gado S. R.L. v. Jay-Y Enterprise Co., Inc.;  
Cancellation No. 92047433

To Whom It May Concern:

Enclosed, please find a transcripts of the deposition testimony of Ward Chen dated November 3, 2009 (with accompanying exhibits), submitted for filing in the above-captioned cancellation. The transcript is certified and executed by the witness.

Thank you for your cooperation in this matter.

Very truly yours,

  
Robert Carrillo  
Satterlee Stephens Burke & Burke LLP



01-05-2010

January 5, 2010  
Page 2

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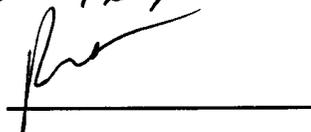
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\_\_\_\_\_  
Robert C. Carrillo

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

GADO S.A.R.L.,

Petitioner,

VS.

JAY-Y ENTERPRISES CO., INC.,

Respondent.

Cancellation  
No. 92047433

DEPOSITION OF WARD CHEN  
LOS ANGELES, CALIFORNIA  
TUESDAY, NOVEMBER 3, 2009

REPORTED BY:

DEBORAH L. STOUGH

CSR No. 8925, RPR

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1 DEPOSITION of WARD CHEN, taken on behalf of the  
2 Petitioner, at One Century Plaza, 2029 Century  
3 Park East, Suite 3500, Los Angeles, California,  
4 on Tuesday, November 3, 2009, at 2:48 p.m.,  
5 before DEBORAH L. STOUGH, CSR 8925, RPR,  
6 pursuant to Notice.

7  
8

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I N D E X

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1 LOS ANGELES, CALIFORNIA; TUESDAY, NOVEMBER 3, 2009

2 2:48 p.m.

3

4 JAMES CHEN,

5 having first been duly sworn, was  
6 examined and testified as follows:

7

8 EXAMINATION

9 BY MR. LERNER:

10 Q. Will you state your name for the record.

11 A. What's that?

12 Q. Could you state your name for the record.

13 A. Ward Chen.

14 Q. Getting off to a good start.

15 Good afternoon, Mr. Chen. I know you were  
16 here for the deposition of your father this morning,  
17 but I'll introduce myself again.

18 I'm Mark Lerner, and I'm an attorney with  
19 Satterlee, Stephens, Burke and Burke in New York.  
20 My firm represents the petitioner in this matter,  
21 Gado, and we are here this afternoon for another  
22 testimonial deposition.

23 The court reporter is still present as you  
24 see. I'll ask questions. I ask that you respond to  
25 them.

1           We don't have an interpreter this  
2 afternoon, so hopefully there won't be talking over  
3 one another, and I'll ask that you wait until my  
4 question is done until you respond so the court  
5 reporter can record everything and we're not talking  
6 over one another.

7           Also I'll just remind you that all your  
8 answers need to be verbal. Um-hmm, unh-unh, and  
9 nods of the head can't be recorded by the court  
10 reporter, so I'd ask that all your responses be  
11 verbal yeses -- or yes or no.

12           I'll also remind you, as your attorney said  
13 this morning, he may from time to time object to the  
14 questions that I ask. Unless he tells you not to  
15 answer, you can go ahead and answer; although in  
16 response to his objections, I may simply pose a new  
17 question to try and cure the objection.

18           And if there's no objection, you can  
19 answer, and even if he does object, you can answer  
20 as long as he does not direct you not to do so.

21           A.    Okay.

22           Q.    You understand everything that I've just  
23 said?

24           A.    Kind of.

25           Q.    Okay. If there's anything that you don't

1 understand about what I've explained right now or in  
2 the questioning this afternoon, please stop me and  
3 ask for clarification.

4 A. Yes, sir.

5 Q. How old are you, Mr. Chen?

6 A. Thirty.

7 Q. And are you currently employed?

8 A. Yes.

9 Q. Where are you employed?

10 A. Jay-Y Enterprise.

11 Q. How long have you been employed by Jay-Y  
12 Enterprise?

13 A. Since -- how long?

14 Q. Yes. Since what year?

15 A. 1997.

16 Q. When you joined the company in 1997, what  
17 was your job?

18 A. Warehouse.

19 Q. What did you do in the warehouse?

20 A. Lifted boxes. Unloaded containers. Just  
21 regular warehouse job.

22 Q. How long did you continue to do the  
23 warehouse job?

24 A. I really can't be sure.

25 Q. Can you give me an estimate? Was it six

1 months or less?

2 A. It's tough to say because we all have a lot  
3 of responsibilities. So even after I was removed  
4 from the warehouse, I still had to go back to the  
5 warehouse and work.

6 Q. Do you know approximately what year you  
7 started undertaking responsibilities beyond work in  
8 the warehouse?

9 A. I can't be that certain. Did you want a  
10 guesstimate?

11 Q. I don't want you to guess, but if you can  
12 estimate, that's fair.

13 So was it within a year of the time that  
14 you started at the warehouse?

15 A. At least three years.

16 Q. Okay. So just to be clear, it was  
17 approximately three years that you were working in  
18 the warehouse before you undertook any  
19 responsibilities for Jay-Y beyond warehouse work?

20 A. I didn't quite understand that question.

21 Q. Okay. I'm trying to get a time frame  
22 for -- when you first began work at Jay-Y in 1997,  
23 your work was limited to the warehouse, correct?

24 A. My work was what?

25 Q. Your work was limited to work in the

1 warehouse -- correct? -- when you first joined Jay-Y  
2 in 1997?

3 A. Pretty much, yes.

4 Q. Okay. And at some point in time, your  
5 responsibilities expanded beyond pure work in the  
6 warehouse to include other duties for the company,  
7 correct?

8 A. Yes. At some point in time, yes.

9 Q. Okay. And I'm trying to get a handle on  
10 what point in time you first added responsibilities  
11 beyond simply working in the warehouse.

12 Was that within one year?

13 A. I would say around the two-year mark, but  
14 it may be less; it may be more.

15 Q. Okay. So approximately two years?

16 A. Yeah, approximately.

17 Q. So approximately 1999?

18 A. Yeah.

19 Q. And what other responsibilities did you  
20 first take on beyond your warehouse  
21 responsibilities?

22 A. Sales calls.

23 Q. Okay. Any others?

24 A. Others --

25 Q. Well, when you first added responsibilities

1 beyond warehouse, did you add responsibilities other  
2 than sales calls?

3 A. It was many sales calls, and just I would  
4 say problem solving, kind of like when a customer  
5 called to see where their package was at, you know,  
6 like your tracking number is so and so. You know,  
7 just simple responsibilities.

8 Q. Is it fair to characterize that as customer  
9 service?

10 A. I guess so, yeah. I would say so.

11 Q. Okay. And while you worked on sales calls  
12 and problem solving or customer service, you  
13 continued to have some responsibilities in the  
14 warehouse for a time; is that correct?

15 A. Until today, I still do do that.

16 Q. You still do warehouse responsibilities?

17 A. Oh, yes.

18 Q. Okay. Did there come a time when your  
19 responsibilities grew beyond warehouse  
20 responsibilities, sales calls, and problem solving?

21 A. Yes.

22 Q. Do you know approximately when that was?

23 A. No. I cannot really put a finger on like  
24 an exact date or year.

25 Q. Were you doing sales calls for a year

1 before your responsibilities grew again?

2 A. Did you mean warehouse and then later a  
3 year of sales, then added more responsibility?

4 Q. Correct.

5 A. Yes.

6 Q. Okay. So it was at least a year. Do you  
7 know whether it was longer than a year?

8 A. I would say probably around -- wow.  
9 Because after I was removed from the warehouse, I  
10 just basically, you know, followed around everybody,  
11 like, let's say, the sales team or like my mom. You  
12 know, I just kind of tried to soak up what they did.

13 So while I was doing the sales for that  
14 year, I had to learn all the other responsibilities.  
15 So since it's a family business, small business, you  
16 kind of have to do everything.

17 Q. Going back to 1997 when you joined the  
18 company, how many employees were there?

19 A. I would say around ten.

20 Q. And you said a couple of answers ago that  
21 you were removed from the warehouse at a certain  
22 point. So you continued to have responsibilities  
23 for the warehouse, but it was no longer your primary  
24 responsibility; is that right?

25 A. Correct.

1 Q. And was that in or about 1999 when you  
2 started making sales calls?

3 A. Yeah.

4 Q. And at the same time you started making  
5 sales calls, you started following around other  
6 employees to learn their jobs?

7 A. Correct.

8 Q. Can you tell me about the other jobs that  
9 you learned at that time?

10 A. Going to trade shows, setting up at trade  
11 shows, purchasing, obviously sales, customer  
12 service, sales techniques, shipping, receiving, and  
13 whatnot.

14 Q. What about marketing and advertising?

15 A. Marketing and advertising?

16 Q. Yes.

17 A. What about -- you mean did I learn it?

18 Q. Yes.

19 A. Okay. Did I learn it? Yes.

20 Q. So in or about 1999 when you were following  
21 people around to learn their jobs, was there  
22 somebody at the company who was -- whose  
23 responsibility it was to undertake advertising and  
24 marketing for Jay-Y?

25 A. I'm not sure.

1 Q. Where did you learn advertising and  
2 marketing from?

3 A. I didn't really learn it.

4 Q. So moving forward from 1999, you're working  
5 on sales calls and problem solving for about a year  
6 as you follow other employees in the company around  
7 to learn about other jobs.

8 Did there come a point in time when you  
9 stopped doing that, stopped following other people  
10 around?

11 A. Yeah.

12 Q. Do you know approximately when that was?

13 A. I don't know.

14 Q. Okay. And I think you said earlier that  
15 you think you were making sales calls for about a  
16 year before you took on some other responsibilities;  
17 is that right?

18 A. Correct.

19 Q. What other responsibilities did you take on  
20 at that point?

21 A. I had mentioned that sales, customer  
22 service, purchasing. The warehouse jobs I just  
23 mentioned.

24 Yeah. I don't know if I'm forgetting  
25 anything else that I mentioned earlier, but those

1 were primarily it.

2 Q. And when you refer to sales, what do you  
3 mean by that?

4 A. When you call on a customer and see if they  
5 needed merchandise.

6 Q. Do you presently have a title at Jay-Y?

7 A. No.

8 Q. Presently, thinking about today at Jay-Y,  
9 what are your job responsibilities at the company?

10 A. Besides the accounting portion and besides  
11 signing paychecks, I pretty much have a handle on  
12 most of the things.

13 Q. By "most of the things," you mean  
14 purchasing, sales, customer service, shipping, and  
15 receiving?

16 A. Yeah. We all share responsibilities. So  
17 we tend to do things as a team.

18 Q. Do you share -- presently share  
19 responsibilities for advertising and marketing?

20 A. No. Not that I recall. I do it.

21 Q. You do it?

22 A. Uh-huh.

23 Q. Let me back up.

24 You said you work on accounting and  
25 handling paychecks now. When did you begin working

1 on accounting?

2 A. Oh, I said I didn't.

3 Q. You didn't. Okay. So you don't do -- I  
4 see. With the exception of accounting and paycheck,  
5 which you don't do, you do all the other functions?

6 A. Yeah. Because I guess parents, they don't  
7 really want to show you that portion of it.

8 Q. Just so I'm clear, are you the person at --  
9 well, back up.

10 Is there a person at Jay-Y with primary  
11 responsibility for advertising and marketing?

12 A. That would be me.

13 Q. And at what point in time did you become  
14 the person with primary responsibility for  
15 advertising and marketing?

16 A. I don't recall.

17 Q. Was it within the last year?

18 A. Longer than that.

19 Q. Longer than that. Two years?

20 A. More than that.

21 Q. Five years?

22 A. I'd say at least.

23 Q. Nine years?

24 A. I don't know.

25 Q. Do you have an understanding of what a

1 trademark is?

2 A. I suppose so.

3 Q. What's your understanding of what a  
4 trademark is?

5 A. It's a mark that you register with the  
6 T.T.A.B.

7 Q. Does Jay-Y offer sunglasses for sale under  
8 any trademarks?

9 A. Yes.

10 Q. What trademarks does Jay-Y use on its  
11 glasses?

12 A. XLoop, X-L-O-O-P; DG; Locs, L-O-C-S;  
13 Princess; Road Warrior. That's just some that come  
14 off the top of my head.

15 Q. And are you involved at all in the  
16 selection of trademarks for use by Jay-Y?

17 A. Yeah.

18 Q. When did you first become involved in the  
19 selection of trademarks?

20 A. I can't recall.

21 Q. Within the last year?

22 A. Longer than that.

23 Q. Two years?

24 A. It's definitely longer than two years.

25 Q. Five years?

1           A.    I think it's in that -- I guess that area,  
2    like once it goes beyond five years, where you don't  
3    remember it.

4           Q.    Do you know who presently manufactures the  
5    sunglasses sold by Jay-Y under the DG mark?

6           A.    Top Fashion.

7           Q.    I'm sorry?

8           A.    Top Fashion.

9           Q.    Top Fashion.  And where is Top Fashion  
10   located?

11          A.    China.

12          Q.    Does Top Fashion manufacture the DG  
13   sunglasses at Jay-Y's direction?

14          A.    I didn't quite understand.

15                MR. WILTON:  Objection.  Vague and  
16   ambiguous.

17   BY MR. LERNER:

18          Q.    Does Top Fashion manufacture sunglasses at  
19   Jay-Y's direction; in other words, does Jay-Y  
20   instruct Top Fashion on the glasses that it wishes  
21   to have manufactured?

22                Maybe asked another way, do you purchase  
23   preexisting sunglasses from Top Fashion?  Do they  
24   just have stock that you select and purchase?

25          A.    Yes.

1 Q. Are the DG glasses stock that Top Fashion  
2 has that you select and purchase?

3 A. Can you repeat that?

4 MR. LERNER: Can you read back the  
5 question.

6 (The record was read as follows:

7 "Q. Are the DG glasses stock that Top  
8 Fashion has that you select and purchase?")

9 MR. WILTON: Objection. Lack of  
10 foundation.

11 THE WITNESS: I didn't understand that.  
12 I'm sorry.

13 BY MR. LERNER:

14 Q. You said Top Fashion manufactures the  
15 glasses sold by Jay-Y with the DG mark; is that  
16 correct?

17 A. Yes.

18 Q. Do you know whether they manufacture those  
19 glasses at anybody's direction?

20 A. What do you mean by "direction"?

21 Q. I mean, does anybody tell them, "Please  
22 manufacture glasses with DG on them"? Does Jay-Y  
23 tell them that?

24 A. Oh, yeah.

25 Q. What about the glasses sold with the XLoop

1 mark, who manufactures those?

2 A. Top Fashion.

3 Q. Okay. Does Jay-Y instruct Top Fashion to  
4 manufacture those glasses?

5 A. Yeah.

6 Q. Is the same true for glasses sold by Jay-Y  
7 with the Locs mark?

8 A. Yes.

9 Q. What about the Princess mark?

10 A. Yes.

11 Q. What about the Road Warrior mark?

12 A. Yes.

13 Q. Does Jay-Y sell any glasses manufactured by  
14 somebody other than Top Fashion?

15 A. Can you repeat that one more time?

16 Q. Does Jay-Y sell any glasses manufactured by  
17 somebody other than Top Fashion?

18 A. Yes.

19 Q. Who?

20 A. I can't recall these companies by names  
21 because they're in Chinese, but Top Fashion is kind  
22 of like a -- kind of like an exporter, for example.  
23 They manufacture the glasses, but then they also act  
24 as a trading company.

25 So whatever I purchase, the trading company

1 helps you export the glasses from China into the  
2 United States.

3 MR. LERNER: Okay. Let me have that  
4 question read back.

5 (The record was read as follows:

6 "Q. Does Jay-Y sell any glasses  
7 manufactured by somebody other than Top  
8 Fashion?

9 "A. Yes.

10 "Q. Who?")

11 BY MR. LERNER:

12 Q. So I think you said that it was tough for  
13 you to know the English names because they're  
14 Chinese names; is that right?

15 A. Yeah. Because a lot of them are in  
16 Chinese, and then you can't really directly  
17 translate it.

18 Q. How many other manufacturers does Jay-Y  
19 purchase sunglasses from?

20 A. I -- a lot come and go. So I don't really  
21 keep a tally of it.

22 Q. As to these other manufacturers, does Jay-Y  
23 purchase sunglasses that they have manufactured --  
24 strike that.

25 Does Jay-Y direct these other manufacturers

1 as to the glasses that it wishes to have them  
2 manufacture?

3 MR. WILTON: Objection. Vague.

4 BY MR. LERNER:

5 Q. Previously we talked about Top Fashion.

6 A. Uh-huh.

7 Q. And you said that Jay-Y directs Top Fashion  
8 to manufacture glasses with DG on them, correct?

9 A. Correct.

10 Q. Okay. So as to these other manufacturers  
11 from whom Jay-Y purchases sunglasses, does Jay-Y  
12 also instruct those manufacturers as to the designs  
13 of glasses that it wishes them to manufacture?

14 A. Let me explain it to you then.

15 People have different designs. Then  
16 they'll offer the designs to us. Like, you know,  
17 one factory may just have ten designs.

18 So, you know, we see them. We like --  
19 okay. We like this one. So we buy from this guy.  
20 And then we put our trademarks on it, our marks on  
21 it.

22 So yeah. Does that answer your question as  
23 to who designs them?

24 Q. Well, you said that you put your marks on  
25 them.

1           (Exhibit 38 was marked by the CSR for  
2           identification and made a part of this  
3           deposition.)

4   BY MR. LERNER:

5       Q.   So the court reporter has handed you what's  
6   been marked as Exhibit 38, which I'll represent is a  
7   collection of printouts from the Jay-Y website at  
8   Jay-Y Sunglasses dot com.

9           Do you recognize the glasses that are  
10   depicted in these various pages?

11       A.   Yes.

12       Q.   To your knowledge, is this -- are these  
13   accurate pictures of a variety of sunglasses sold by  
14   Jay-Y?

15       A.   Yes.

16       Q.   So looking at the top document in this  
17   collection, do you see the sunglasses that have the  
18   model number -- is this a model number that's shown  
19   underneath the glasses?

20       A.   Where?

21       Q.   Right underneath the glasses.  8DG053/MIX,  
22   is that a model number?

23       A.   Correct.

24       Q.   So model number 8DG053/MIX, do you see that  
25   these glasses feature the letters DG in between the

1 lenses and the arm of the glasses?

2 A. Do I see it? Yes.

3 Q. Okay. Now, a moment ago you said that  
4 Jay-Y purchases designs of sunglasses that you like  
5 from manufacturers and then Jay-Y affixes their  
6 marks to the glasses; is that right?

7 A. Correct.

8 Q. So can you explain to me how Jay-Y  
9 affixed -- well, back up.

10 Do you consider the DG in this glass shown,  
11 model 8DG053/MIX -- do you consider that DG to be a  
12 mark of Jay-Y?

13 A. Huh?

14 Q. Do you consider DG that is shown in the  
15 glasses, that appears on the glasses -- do you  
16 consider that DG to be a mark of Jay-Y?

17 MR. WILTON: Objection. Vague.

18 THE WITNESS: Of Jay-Y, like Jay-Y, ours,  
19 right?

20 BY MR. LERNER:

21 Q. I'm sorry?

22 A. Like Jay-Y Enterprises.

23 Q. Yes.

24 A. Okay.

25 Q. Whenever I refer to Jay-Y, I'm referring to

1 the corporate entity Jay-Y Enterprise.

2 A. Okay. Okay.

3 MR. WILTON: And I assume when you say  
4 "of," you mean owned by?

5 MR. LERNER: Correct.

6 THE WITNESS: Okay. Yes.

7 BY MR. LERNER:

8 Q. Okay. So you said that Jay-Y purchases  
9 glasses from manufacturers and affixes its mark to  
10 those glasses.

11 Can you explain to me how Jay-Y affixed its  
12 mark to model 8DG053/MIX?

13 A. It was shown to me like this. So we bought  
14 it like this.

15 Q. Okay. So you purchased them with the DG  
16 already in the glasses?

17 A. Correct.

18 Q. Do you know what entity manufactured  
19 8DG053/MIX?

20 A. No.

21 Q. Turn the page. What about model  
22 8DG285/MIX, is that an accurate representation of a  
23 model of sunglasses sold by Jay-Y?

24 A. Yes.

25 Q. And do you see the letters DG appearing

1 within the frame of the glasses?

2 A. Yes.

3 Q. Did Jay-Y purchase these glasses in that  
4 form from a manufacturer?

5 A. Yes.

6 Q. Do you know what manufacturer?

7 A. No. Not off the top of my head.

8 Q. Okay. Do you know whether that  
9 manufacturer manufactured these glasses at the  
10 instruction of Jay-Y?

11 A. I'm kind of not clear.

12 Q. Okay. Did Jay-Y give the design for this  
13 model, 8DG285/MIX, to a manufacturer to fabricate?

14 A. No.

15 Q. So is it fair to say that these glasses  
16 were a preexisting design that was shown to you as  
17 being available for purchase by a manufacturer?

18 A. "Preexisting design," you mean the design  
19 preexisted and was shown to me, right?

20 Q. Meaning that the glasses -- they were  
21 already fabricated in this format when Jay-Y decided  
22 to purchase them.

23 A. Oh, yes.

24 Q. And Jay-Y had not created the design for  
25 these glasses?

1 A. This model?

2 Q. Correct.

3 A. Yes.

4 Q. Turning the page to page 3 of Exhibit 38,  
5 do you recognize this image as an accurate picture  
6 of sunglasses sold by Jay-Y?

7 A. As inaccurate?

8 Q. Is it accurate? Is it an accurate  
9 depiction of a sunglass model sold by Jay-Y?

10 A. Yes, it is.

11 Q. And is that model 8DG375/MIX?

12 A. Yes.

13 Q. Or MIX.

14 Okay. And can you tell me whether Jay-Y --  
15 anybody at Jay-Y designed the appearance of this  
16 model?

17 A. No.

18 Q. Did Jay-Y purchase this model from a  
19 manufacturer?

20 A. Yes.

21 Q. Do you know which manufacturer?

22 A. No, I don't.

23 Q. Were you involved in the decision to  
24 purchase this model?

25 A. Yes.

1 Q. And was this model shown to you as is with  
2 the letters DG as being available for purchase from  
3 a manufacturer?

4 A. This one in particular, no.

5 Q. Okay. Can you explain what you mean by  
6 that?

7 A. It probably had something else besides the  
8 mark, the logo right here (indicating).

9 Q. Okay.

10 A. But then we told them to use DG instead of  
11 the existing logo that it had here.

12 Q. Skipping ahead a couple of pages in the  
13 exhibit, I draw your attention -- you went too far.

14 Right. I draw your attention --

15 A. This one?

16 Q. Yes.

17 -- to the top row, middle column, and the  
18 model labeled 26157DG/MIX.

19 Do you see that model number?

20 A. Yes.

21 Q. Do you see the glasses shown under that  
22 model number?

23 A. Yes.

24 Q. Is that an accurate depiction of the  
25 glasses sold by Jay-Y under model number

1 26157DG/MIX?

2 A. Yes.

3 Q. Were you involved in purchasing this model  
4 of glasses from the manufacturer?

5 A. Yes.

6 Q. Did this model exist in this form when you  
7 decided to buy this model from the manufacturer?

8 A. No.

9 Q. Did you instruct the manufacturer to use  
10 the letters DG in the design and fabrication of the  
11 glasses?

12 A. Yes.

13 Q. What about the glasses shown underneath  
14 them, model number 26240DG/MIX, is the same true for  
15 that model?

16 MR. WILTON: Is what true?

17 Objection. Compound.

18 BY MR. LERNER:

19 Q. So we'll break it down then.

20 Is this an accurate depiction of glasses  
21 sold by Jay-Y under model number 26240DG/MIX?

22 A. Yes.

23 Q. Were you involved in the decision to  
24 purchase this model of glasses from a manufacturer?

25 A. Yes.

1 Q. Did the glasses exist in this format when  
2 you determined to purchase these glasses, model  
3 26240DG/MIX?

4 A. You mean did it look like this originally?

5 Q. Yes. In other words, did a manufacturer  
6 show you this model of glasses and --

7 A. It looked like something else, right?

8 Q. -- offer it to you for purchase?

9 A. And it looked like something else?

10 Q. Well, no. First, did they offer it to  
11 you -- did it look like it does in the picture here?  
12 Did they offer it to you in this design?

13 A. It looked similar, but I don't think it  
14 looked exactly like this originally.

15 Q. Okay. Do you know what changed?

16 A. The DG logo. It was probably something  
17 else prior to that.

18 Q. So is it fair to say that Jay-Y is involved  
19 in the design of some of the glasses it purchases  
20 from manufacturers in China?

21 A. Yes.

22 Q. And is it fair to say that Jay-Y provides  
23 instructions to manufacturers to fabricate certain  
24 glasses on its behalf; is that correct?

25 A. Yes.

1 Q. And that is true for glasses with the DG  
2 mark?

3 MR. WILTON: Objection. Compound.

4 BY MR. LERNER:

5 Q. Manufacturers fabricate sunglasses --

6 A. Can you just repeat it? I'm sorry.

7 MR. LERNER: Why don't you just read back  
8 the last question.

9 (The record was read as follows:

10 "Q. And is it fair to say that Jay-Y  
11 provides instructions to manufacturers to  
12 fabricate certain glasses on its behalf; is  
13 that correct?")

14 THE WITNESS: Can I see that (indicating)?

15 THE REPORTER: No.

16 MR. WILTON: No.

17 THE REPORTER: Well, you can if you want to  
18 but --

19 THE WITNESS: Well, can I have you --

20 (The record was read as follows:

21 "Q. And is it fair to say that Jay-Y  
22 provides instructions to manufacturers to  
23 fabricate certain glasses on its behalf; is  
24 that correct?")

25 THE WITNESS: Yes.

1 BY MR. LERNER:

2 Q. And is that true of some of the glasses  
3 that Jay-Y sells that feature the DG mark?

4 A. Is what true? I mean --

5 Q. That Jay-Y instructs a manufacturer as to  
6 the design of glasses to fabricate with the DG  
7 marks.

8 A. Yes.

9 Q. Is that also true of glasses sold by Jay-Y  
10 with the XLoop mark?

11 MR. WILTON: Objection. Compound.

12 BY MR. LERNER:

13 Q. Does Jay-Y instruct manufacturers to  
14 fabricate glasses showing the mark XLoop?

15 A. Yes.

16 Q. Does Jay-Y instruct manufacturers to  
17 fabricate glasses showing the mark Locs?

18 A. Yes.

19 Q. Does Jay-Y instruct manufacturers to  
20 fabricate glasses showing the mark Princess?

21 A. Yes.

22 Q. Does Jay-Y instruct manufacturers to  
23 fabricate glasses showing the mark Road Warriors?

24 A. Yes.

25 Q. Are there any other marks that Jay-Y uses

1 in connection with the sale of sunglasses that we  
2 haven't talked about already?

3 A. The ones here (indicating).

4 Q. You're referring to Exhibit 38, to the list  
5 on the side of the first page of the exhibit?

6 A. Yes.

7 Q. So VG, is that a mark that's used on  
8 sunglasses by Jay-Y?

9 A. Yes.

10 Q. Rhinestone, is that a mark that's used on  
11 sunglasses by Jay-Y?

12 A. No. That is a description.

13 Q. What about Locas, is that a mark used by  
14 Jay-Y on sunglasses?

15 A. Yes.

16 Q. What about Choppers, is that a mark used by  
17 Jay-Y on sunglasses?

18 A. Yes.

19 Q. Is Aviator a mark used by Jay-Y on  
20 sunglasses, or is that a description?

21 A. Yes, it is.

22 Q. It's a mark used --

23 A. It is a mark.

24 Q. My fault. Compound question.

25 Is that a mark used by Jay-Y on glasses?

1 A. Is Aviator?

2 Q. Aviator.

3 A. Yes.

4 Q. Is Bikers a mark used by Jay-Y on glasses?

5 A. Yes.

6 Q. Is USA Eagle a mark that's used by Jay-Y on  
7 glasses?

8 A. It's really a mark of an eagle, and then it  
9 has a USA inside the eagle. That's the mark, but  
10 not -- it doesn't say USA Eagle on the glasses.

11 MR. LERNER: May I have the exhibits from  
12 this morning.

13 BY MR. LERNER:

14 Q. I'll show what you was marked this  
15 morning -- I think it was this morning -- as  
16 Exhibit 34 and ask you to look at the second page of  
17 that document.

18 Is that the mark you were referring to a  
19 moment ago as being USA within an eagle?

20 A. No, not this one.

21 Q. Is it similar to that?

22 MR. WILTON: Objection. Vague.

23 BY MR. LERNER:

24 Q. Do you understand what I mean by "similar"?

25 A. Actually, I would not know what that meant.

1 Q. You don't know what similar means?

2 A. I know what similar means, but I don't know  
3 if it's in like the court system --

4 Q. I'm only asking for your understanding.

5 Would you describe the USA Eagle mark that  
6 you were referring to as similar to the one depicted  
7 here?

8 A. No.

9 Q. Are you presently involved in attempting to  
10 sign up new customers for Jay-Y?

11 A. Yes.

12 Q. How long have you been involved in efforts  
13 to acquire new customers?

14 A. Ever since I started working.

15 Q. During the time that you've been involved  
16 in advertising and marketing for Jay-Y, has Jay-Y  
17 ever positioned itself in any advertising as a  
18 dealer of designer sunglasses?

19 A. Yes.

20 Q. Have you ever told a customer that Jay-Y is  
21 a dealer of designer sunglasses?

22 A. Have I ever told my customer that I'm a  
23 dealer of designer sunglasses?

24 Q. That Jay-Y is a dealer of designer  
25 sunglasses.

1           A.    We use the word "wholesaler" more than  
2 dealer.  We never say dealer.

3           Q.    Do you know, during your time you've been  
4 involved in advertising and marketing for Jay-Y, has  
5 Jay-Y ever advertised that it carries the latest  
6 fashion eyewear for less?

7           A.    For last --

8           Q.    For less.

9           A.    Oh, for less.  I'm sorry.  Can we rewind?

10                   (The record was read as follows:

11                   "Q.    Do you know, during your time  
12                   you've been involved in advertising and  
13                   marketing for Jay-Y, has Jay-Y ever  
14                   advertised that it carries the latest  
15                   fashion eyewear for less?")

16                   THE WITNESS:  No.

17 BY MR. LERNER:

18           Q.    Have you ever told a customer that Jay-Y  
19 carries the latest fashion eyewear for less?

20           A.    No.

21           Q.    Are you aware of any instances of anybody  
22 referring to glasses sold by Jay-Y that feature the  
23 DG letters as knockoffs?

24           A.    Have I ever -- I'm sorry.  Can I have you  
25 repeat that one more time?

1 (The record was read as follows:

2 "Q. Are you aware of any instances of  
3 anybody referring to glasses sold by Jay-Y  
4 that feature the DG letters as knockoffs?")

5 THE WITNESS: Yes.

6 BY MR. LERNER:

7 Q. When was that?

8 A. You mean a specific date?

9 Q. Well, first, how many times? Do you know?

10 A. A couple times to my recollection.

11 Q. Yeah. And the dates, do you remember  
12 approximately when that was?

13 A. A year or two.

14 Q. And do you remember who referred to the  
15 glasses as knockoffs?

16 A. There was a -- there was a -- I think  
17 the -- it was the tenant of a certain facility was  
18 telling one of my customers.

19 Now, I've never been there myself, so I  
20 don't know what the facility would be. They told my  
21 customer who had either a booth or a store in that  
22 facility and told them that.

23 MR. WILTON: Objection. Hearsay.

24 Go ahead.

25 THE WITNESS: And you can't be selling

1 these here because they're knockoffs.

2 BY MR. LERNER:

3 Q. Anybody else?

4 A. In Ebay, on Ebay. No one really said it,  
5 but my customers had a problem listing on Ebay.

6 So to answer your question, no one said it,  
7 but these are the two problems that I encountered.

8 Q. So can you explain what the problem was  
9 that your customer encountered on Ebay?

10 MR. WILTON: Objection. Hearsay.

11 THE WITNESS: Still answer?

12 MR. WILTON: Yes.

13 BY MR. LERNER:

14 Q. Yes.

15 A. Okay. They weren't able to list because --  
16 I can't remember what it was, but once you've listed  
17 the item, I think Ebay automatically removed the  
18 listing from their database.

19 Q. And do you know when this was?

20 A. I don't remember any specific dates.

21 Q. Did you do anything about it?

22 A. I called Ken.

23 Q. Have you ever referred to the glasses sold  
24 by Jay-Y with the letters DG as knockoffs?

25 A. No.

1 Q. Prior to 2009, do you know whether Jay-Y  
2 ever challenged the manufacturer of glasses with the  
3 letters DG by any other manufacturer -- strike that.

4 Prior to 2009, were you aware of any  
5 instances of any other wholesaler selling glasses  
6 with the letters DG in the United States?

7 A. Any wholesaler you said?

8 Q. Any wholesaler.

9 A. Yes.

10 Q. Who?

11 A. I don't remember names, but I know they're  
12 out there.

13 Q. Did Jay-Y ever challenge the sale by the  
14 wholesaler of those glasses?

15 A. No. Because I did not know who they  
16 specifically were.

17 Q. Prior to 2009, was Jay-Y ever aware of the  
18 sale of any glasses featuring the letters DG by a  
19 retailer that were not imported and sold originally  
20 by Jay-Y?

21 A. Can I have you repeat that one more time?  
22 Sorry about that.

23 (The record was read as follows:

24 "Q. Prior to 2009, was Jay-Y ever  
25 aware of the sale of any glasses featuring

1           the letters DG by a retailer that were not  
2           imported and sold originally by Jay-Y?")

3           THE WITNESS: I don't understand that  
4           question.

5           BY MR. LERNER:

6           Q.    Okay. Have you ever encountered any DG  
7           glasses -- glasses featuring the letters DG is what  
8           I mean by DG glasses.

9                    Have you ever encountered any DG glasses  
10           sold by a retailer that are not Jay-Y's DG glasses?

11          A.    Yes.

12          Q.    When was the first time you encountered  
13           that?

14          A.    I can't recall.

15          Q.    More than a year ago?

16          A.    Oh, yeah.

17          Q.    More than three years ago?

18          A.    I'm not sure.

19          Q.    Five years ago?

20          A.    I'm not sure.

21          Q.    Did you ever investigate -- when you became  
22           aware of those glasses, did you ever investigate to  
23           determine who the source of the glasses was?

24          A.    What do you mean by "investigate"?

25                    I called my customers to say do you know

1 who did it and can you buy something from them and  
2 give me a receipt and goods proving that you know  
3 someone else sold it. That's about it.

4 Q. Did you ever try and determine who the  
5 source of the glasses was?

6 A. I've seen them. It says China. But I  
7 wouldn't know who the source would be.

8 Q. Are you aware that the petitioner in this  
9 matter, Gado, through its licensees, sells  
10 sunglasses at retail with the letters DG?

11 A. I've always thought that they sold things  
12 under D and G. It wasn't until like recently -- and  
13 I don't know when recently would be -- they started  
14 using DG.

15 MR. LERNER: Can you read back the answer?

16 THE REPORTER: Sure.

17 (The record was read as follows:

18 "A. I've always thought that they  
19 sold things under D and G. It wasn't until  
20 like recently -- and I don't know when  
21 recently would be -- they started using  
22 DG.")

23 BY MR. LERNER:

24 Q. Do you know when you first became aware  
25 that they started using DG?

1 A. I don't know.

2 Q. Prior to 2009, did Jay-Y ever complain  
3 about the sale of DG glasses by the petitioner in  
4 this matter?

5 A. Did I ever complain?

6 Q. Yeah. Prior to 2009, did Jay-Y ever  
7 complain about the sale of DG glasses by --

8 A. To --

9 Q. -- petitioner?

10 A. Complain to who?

11 Q. Anyone.

12 A. No.

13 Q. Are you presently involved in the -- I  
14 apologize if I asked this before.

15 Are you presently involved in the selection  
16 of trademarks to be used by Jay-Y in the sale of  
17 sunglasses?

18 A. Yes.

19 Q. Were you involved in the selection of DG?

20 A. No.

21 Q. Were you involved in the decision to  
22 register the mark DG?

23 A. No.

24 Can I get up and get some water?

25 Q. Sure.

1 (Discussion held off the record.)

2 THE WITNESS: I'm sorry. Were we in the  
3 middle of a question?

4 BY MR. LERNER:

5 Q. I don't think so. I don't think I would  
6 have let you get up and get water if we had been in  
7 the middle of a question.

8 A. Oh, okay.

9 Q. That's usually the way it works. If  
10 there's a question on the table, you can't get up.

11 A. Okay.

12 MR. LERNER: Sorry. Can you read back the  
13 last couple of answers?

14 (The record was read as follows:)

15 "Q. Are you presently involved in  
16 the -- I apologize if I asked this before.

17 "Are you presently involved in the  
18 selection of trademarks to be used by Jay-Y  
19 in the sale of sunglasses?

20 "A. Yes.

21 "Q. Were you involved in the  
22 selection of DG?

23 "A. No.

24 "Q. Were you involved in the decision  
25 to register the mark DG?

1 "A. No.")

2 BY MR. LERNER:

3 Q. Were you involved in filing the application  
4 for the mark DG?

5 A. No, I was not.

6 You think we can go to the restroom too?

7 Q. Sure.

8 (A brief recess was taken.)

9 (Exhibit 39 was marked by the CSR for  
10 identification and made a part of this  
11 deposition.)

12 BY MR. LERNER:

13 Q. So the court reporter has handed you what's  
14 been marked as Exhibit 39, which is a collection of  
15 printouts.

16 Have you seen these pages before?

17 A. Web pages, no; glasses, yes.

18 Q. All right. I'll represent that this is a  
19 collection of printouts from web pages but you don't  
20 recognize these as web-page printouts. But let's  
21 focus on the first document.

22 Does this appear to you to be an accurate  
23 depiction of sunglass model number 8CP2132/MIX?

24 A. Yes.

25 Q. And on page two, is that what appears to be

1 an accurate depiction of sunglass model number  
2 8CP6552/MIX?

3 A. Yes.

4 Q. To save time, for the rest of the models  
5 shown, do these appear to you to be accurate  
6 depictions of those models of sunglasses offered for  
7 sale by Jay-Y?

8 A. For sale by Jay-Y?

9 Q. Yes.

10 A. To the best of my knowledge, yes. And I  
11 say that because I can't remember all my SKUs.

12 Q. So just looking at the pictures of the  
13 glasses, do any of these look like glasses that are  
14 not Jay-Y glasses?

15 A. They look like them, yes.

16 Q. Is there a trademark that's shown on model  
17 number 8CP2132/MIX?

18 A. Is there a trademark shown?

19 Q. Yes.

20 A. This one (indicating)?

21 Q. Pointing to the logo on the arm.

22 A. Yes. That's a logo, yeah.

23 Q. And what is that?

24 A. It's Choppers.

25 Q. Do you know who came up with that logo?

1 A. Who came up with it?

2 Q. Who came up with it, yeah.

3 A. I've seen it everywhere. I've seen it on  
4 like shirts, hats.

5 Q. Okay. Were you involved in the decision to  
6 use this logo, Choppers logo, on Jay-Y glasses?

7 A. Yes, I was.

8 Q. Do you know when the decision was made to  
9 use the Choppers logo on Jay-Y glasses?

10 A. When, I'm not too sure.

11 MR. WILTON: I'll repeat an objection from  
12 this morning that this line of questioning is  
13 irrelevant.

14 BY MR. LERNER:

15 Q. Do you know whether -- at the time that you  
16 made the decision to use the Choppers logo on Jay-Y  
17 glasses, whether you had seen the logo elsewhere  
18 before?

19 A. Yes, I've seen it elsewhere.

20 (Exhibit 40 was marked by the CSR for  
21 identification and made a part of this  
22 deposition.)

23 THE WITNESS: Did you need these back?

24 BY MR. LERNER:

25 Q. Just put it on there (indicating).

1 I'll show you what's been marked by the  
2 court reporter as exhibit 40 and ask you to look at  
3 that document.

4 MR. WILTON: Same relevance objections.

5 BY MR. LERNER:

6 Q. Have you seen this document before?

7 A. Have I seen this? I'm not sure.

8 Q. I draw your attention to -- to the last  
9 page. I draw your attention to the last page of the  
10 document.

11 Is that your signature?

12 A. Yes, it is.

13 Q. And the date 4-6-04, is that your  
14 handwriting?

15 A. I believe so, yes.

16 Q. Does that refresh your recollection as to  
17 whether you've seen this document before?

18 A. I guess so. I suppose so.

19 Q. Do you know whether this is an application  
20 for a trademark that you signed?

21 A. Yeah.

22 Q. At the time that you signed it, did you  
23 review the application?

24 A. I probably browsed through it, yeah.

25 Q. At the time that you signed the

1 application, did you believe it was accurate?

2 A. Yeah.

3 Q. Did you undertake any investigation to  
4 ensure that it was accurate?

5 A. I'm not sure.

6 Q. From the bottom of the second-to-the-last  
7 page to the top of the last page, there's text that  
8 begins with the header "Declaration."

9 Do you see that at the very bottom of the  
10 page?

11 A. Uh-huh.

12 Q. And the text begins, "The undersigned,  
13 being hereby warned that willful false statements  
14 and the like so made are punishable by fine or  
15 imprisonment or both"?

16 A. Uh-huh.

17 Q. Do you see that text?

18 A. I see that.

19 Q. Did you read that declaration before you  
20 signed this application?

21 A. I browsed through it.

22 Q. Did you have an understanding, at the time  
23 you signed it, what it meant?

24 A. I'm not sure.

25 Q. Did you ask anybody to explain it to you?

1 A. No.

2 Q. Did Jay-Y ultimately file this application?

3 A. Oh, yeah.

4 Q. Did Jay-Y conduct any trademark searches  
5 prior to filing the application?

6 MR. WILTON: Objection. Lack of  
7 foundation. Vague and ambiguous.

8 THE WITNESS: So I still answer it?

9 MR. WILTON: Yes.

10 BY MR. LERNER:

11 Q. Let me back up.

12 Do you know what a trademark search is?

13 A. I mean, the attorneys usually tell me. You  
14 know, I would ask the attorney, hey, I want to file  
15 the mark. Can you see if there's any similarities?  
16 Can this actually go through before we actually get  
17 this mark? And they would tell us yes or no.

18 I would categorize that as a search, a  
19 trademark search.

20 Q. Did you request that a search be conducted  
21 prior to filing this application?

22 A. This one, I'm not sure because I didn't  
23 believe this one would be -- could actually be  
24 trademarked at the time.

25 Q. Why not?

1           A.    I figured it's a generic mark, and the only  
2    reason why we filed for a trademark was we had this  
3    guy who just kept knocking on our doors threatening  
4    to sue us.

5                    He got the -- I think it was Homeland  
6    Security or Secret Service came knocking on my door.

7           Q.    Who is this guy to whom you're referring?

8           A.    His name is Stephen Marshall.

9           Q.    And have you had any conversation with  
10   Stephen Marshall about the mark?

11          A.    Oh, yeah.

12          Q.    What did Marshall tell you?

13          A.    He said that he came up with the mark.  He  
14   was going to sue me for like millions of dollars.  
15   Sort of just harassing me and my customers.

16          Q.    Have you ever heard of West Coast Choppers?

17          A.    Yes.

18          Q.    Who is West Coast Choppers?

19          A.    I don't know specifically, but I've heard  
20   of them, yes.

21          Q.    Do you know when you first heard of them?

22          A.    When they started showing up on T-shirts, I  
23   think.

24          Q.    Do you know approximately when that was?

25          A.    No idea.

1 Q. Do you know whether West Coast Choppers has  
2 a logo?

3 A. Yes.

4 Q. Have you seen the West Coast Choppers logo?

5 A. Yes, I've seen it.

6 Q. Do you know when you first saw the West  
7 Coast Choppers logo?

8 A. No, I don't.

9 Q. Do you know whether it was prior to 2005?

10 A. I can't recall the date on that.

11 Q. Do you know whether it was prior to 2002?

12 A. I can't remember that.

13 Q. Do you know what the --

14 (Exhibit 41 was marked by the CSR for  
15 identification and made a part of this  
16 deposition.)

17 BY MR. LERNER:

18 Q. I'll show you what's been marked as  
19 Exhibit 41. I'll ask you to look at the logo on the  
20 hat.

21 MR. WILTON: And just for the record, I'm  
22 continuing my relevance objection to essentially all  
23 of this questioning.

24 BY MR. LERNER:

25 Q. Okay. Do you recognize the logo on this

1 hat?

2 A. Yes.

3 Q. What is it?

4 A. It's a logo. It's a logo that says "West  
5 Coast Choppers."

6 Q. Is this the West Coast Choppers logo that  
7 you indicated a little while ago that you're  
8 familiar with?

9 A. Yes.

10 Q. Is this the logo that you're saying you had  
11 seen on T-shirts?

12 A. The color tones are in reverse, but yes.  
13 You see how this one has a white background with  
14 black letters?

15 Q. Uh-huh.

16 A. The one I've seen was probably in reverse.

17 Q. Do you know whether you had seen the logo  
18 prior to when Jay-Y filed the application shown in  
19 Exhibit 40?

20 MR. WILTON: Objection. Asked and  
21 answered.

22 THE WITNESS: Can I just have you repeat  
23 that one more time?

24 BY MR. LERNER:

25 Q. Yeah. Do you know whether you had seen the

1 West Coast Choppers logo prior to when Jay-Y filed  
2 the application shown in Exhibit 40?

3 A. I'm not sure.

4 Q. Who designed the logo that's shown in  
5 Exhibit 40 in the application?

6 A. I can't be certain.

7 Q. But I think you testified it was your  
8 decision to use the logo on Jay-Y sunglasses,  
9 correct?

10 A. Yes.

11 Q. And was it your decision to file an  
12 application for the logo for Jay-Y sunglasses?

13 A. Yes.

14 Q. But you don't know who created the logo?

15 MR. WILTON: Objection. Asked and  
16 answered.

17 BY MR. LERNER:

18 Q. You can answer.

19 A. Okay. No, I really don't know. Because I  
20 don't know if I actually hired someone to do it or  
21 was it something just -- it was just like this.  
22 Because there were plenty of these logos around  
23 without the West Coast.

24 Q. Other than the threats from Stephen  
25 Marshall, has Jay-Y received any claims of

1 infringement stemming from Jay-Y's use of the  
2 Choppers logo on its sunglasses?

3 A. No.

4 Q. Do you know whether this application has  
5 been the subject of an opposition proceeding?

6 A. Opposition, yeah.

7 Q. When was that?

8 A. I can't recall.

9 Q. Who was the other party in the opposition  
10 proceeding?

11 A. I can't recall.

12 Q. Are you familiar with the various models of  
13 sunglasses sold by Jay-Y featuring the CG mark?

14 A. Yes.

15 Do you need these (indicating)?

16 (Exhibit 42 was marked by the CSR for  
17 identification and made a part of this  
18 deposition.)

19 BY MR. LERNER:

20 Q. I show you what's been marked by the court  
21 reporter as Exhibit 42.

22 MR. WILTON: I will object to this line of  
23 questioning as well as not relevant to the  
24 proceeding at hand.

25 BY MR. LERNER:

1 Q. Do you recognize the glasses shown in this  
2 exhibit as accurate representations of models of  
3 sunglasses sold by Jay-Y with the CG mark?

4 A. Probably not this one (indicating).

5 Q. So the second-to-the-last page of the  
6 exhibit?

7 A. Yes.

8 Q. It's an image of sunglasses, and underneath  
9 it says "Model 8RS1850CG"; is that right?

10 A. Correct.

11 Q. And are the glasses shown there not model  
12 number 8RS1850CG?

13 A. I don't think it is.

14 Q. Do you know what the correct model number  
15 for these glasses is?

16 A. I'm not sure.

17 Q. So other than that model number, these  
18 appear to be accurate depictions of glasses sold  
19 under the mark CG?

20 A. To the best of my knowledge, yes.

21 Q. Were you involved in the decision to sell  
22 the glasses under the mark CG?

23 A. To --

24 Q. Sell glasses with the mark CG.

25 A. Yes.

1 Q. Were you involved in the design of the CG  
2 mark?  
3 A. No.  
4 Q. Do you know who was?  
5 A. I believe it was Teresa.  
6 Q. Are you familiar with the website  
7 maintained by Jay-Y?  
8 A. Somewhat.  
9 Q. Are you at all responsible for the  
10 maintenance of the website --  
11 A. No.  
12 Q. -- Jay-Y Sunglasses dot com?  
13 A. No, I'm not.  
14 Q. Who is?  
15 A. It's either Charles or William. Do you  
16 need last names?  
17 Q. Yeah. Is Charles your brother?  
18 A. Yeah. Charles Chen.  
19 Q. And who is William?  
20 A. William K-A-O.  
21 Q. Do you have any input into the website?  
22 A. Input as in?  
23 Q. In terms of the design of the website.  
24 A. No. It was designed to us by -- I guess a  
25 template was designed already, and we just organized

1 things by categories.

2 Q. What about the text of the website, did you  
3 have any input into the text that is on the website?

4 A. Text as in what font to use?

5 Q. Text as in the language that's used, any  
6 wording.

7 A. You mean what I see here?

8 Q. No. No. Just generally.

9 A. Oh, generally. I can't be certain, but I  
10 would say so.

11 This one's no good no more, right  
12 (indicating)?

13 Q. I don't know about no good, but you can put  
14 it on the pile.

15 (Exhibit 43 was marked by the CSR for  
16 identification and made a part of this  
17 deposition.)

18 BY MR. LERNER:

19 Q. I show you what's been marked by the court  
20 reporter as Exhibit 43 --

21 A. Uh-huh.

22 Q. -- and ask you if you've seen this document  
23 before.

24 A. Web page, yes; document, no.

25 Q. Okay. Does this appear to be an accurate

1 printout of the home page of the Jay-Y Sunglasses  
2 website?

3 A. Yes, sir.

4 Q. Are you familiar with the NFL logo?

5 A. Yes, I am.

6 Q. Does Jay-Y sell glasses with the NFL logo?

7 A. Yes.

8 Q. Does Jay-Y sell glasses with the team logos  
9 from the NFL?

10 A. Like Raiders, Dallas Cowboys, and whatnot?

11 Q. Right.

12 A. Yes.

13 Q. Who manufacturers those glasses that Jay-Y  
14 sells with those logos?

15 A. Previously, it was manufactured by someone  
16 else. Right now, I think it's being manufactured by  
17 Top Fashion.

18 MR. WILTON: Same relevance objection I've  
19 been repeating, this entire line of questioning.

20 BY MR. LERNER:

21 Q. Do you import these glasses directly from  
22 Top Fashion?

23 A. No. I purchase them from a company called  
24 Siskiyou, spelled S-I-S-K-I-Y-O-U, Siskiyou Gifts.  
25 I think that's what it is.

1 Q. Are you familiar with the Major League  
2 Baseball logo?

3 A. Yes.

4 Q. Is that the logo that appears on  
5 Exhibit 43?

6 A. Yes.

7 Q. Are you familiar with Major League Baseball  
8 team logos?

9 A. Yes. Very.

10 Q. You're a baseball fan?

11 A. Not hard-core, but I'm a sports pig.

12 Q. Does Jay-Y sell glasses with the Major  
13 League Baseball logo?

14 A. Yes, sir.

15 MR. WILTON: Objection. Relevance.

16 BY MR. LERNER:

17 Q. Does Jay-Y sell glasses with Major League  
18 Baseball team logos?

19 A. Oh, I'm sorry. Going back to the last  
20 question, I don't sell glasses with the MLB logo. I  
21 sell them with the MLB team logos.

22 Q. Okay. Who manufacturers those glasses?

23 A. Previously, I don't know because I think  
24 they recently changed manufacturers. But right now,  
25 their new line they're carrying, it's also Top

1 Fashion.

2 Q. And does Top Fashion manufacture the  
3 glasses at Jay-Y's direction?

4 A. No.

5 Q. Do you purchase the sunglasses directly  
6 from Top Fashion?

7 A. No.

8 Q. Where do you purchase them from?

9 A. From the company Siskiyou Gifts.

10 Q. Looking at Exhibit 43, in the left-hand  
11 column about three items up from the bottom, do you  
12 see where it says "Generic Sunglasses"?

13 MR. WILTON: No, I don't, counsel.

14 THE WITNESS: No.

15 MR. LERNER: You have a different copy than  
16 I do. That's not good.

17 MR. WILTON: Another reason to object to  
18 this line of questioning.

19 MR. LERNER: They didn't copy this? They  
20 printed it again, and somebody had a different  
21 scale.

22 Can we swap out, and do you think you could  
23 make a copy at some point of what I have since they  
24 didn't make copies? They reprinted it in a  
25 different scale.

1 MR. WILTON: Sure. So swap out exhibit --

2 MR. LERNER: So can you -- I'm going to  
3 swap out Exhibit 43 and make that one the --

4 MR. WILTON: My objection stands.

5 BY MR. LERNER:

6 Q. Okay. So this appears to be a slightly  
7 different Exhibit 43, but going back to the earlier  
8 question, does this appear to be an accurate  
9 printout from the home page of Jay-Y Sunglasses's  
10 website?

11 A. Yes.

12 Q. Now, looking at this Exhibit 43, do you  
13 see, in the left-hand column about three items up  
14 from the bottom, a reference to "Generic  
15 Sunglasses"?

16 A. Yes, I see that.

17 Q. Do you have an understanding of what  
18 "Generic Sunglasses" means there?

19 A. To my understanding?

20 Q. Yes.

21 A. Glasses without any metal logo  
22 representations on them.

23 Q. So does Jay-Y sell generic sunglasses?

24 A. We sell them, but like it's something that  
25 we're getting out of.

1           (Exhibit 44 was marked by the CSR for  
2           identification and made a part of this  
3           deposition.)

4   BY MR. LERNER:

5           Q.   I show you what's been marked as  
6   Exhibit 44.

7           A.   Uh-huh.

8           Q.   You see an image of sunglasses, and  
9   underneath the sunglasses, there's what I see to be  
10   a model number CL/26383DG, and underneath that  
11   there's the word "Generic"?

12          A.   Yes, I see that.

13          Q.   Do you understand what generic means in  
14   connection to this model number and these glasses?

15          A.   Do I understand what generic means as to  
16   the pictures?

17          Q.   Right.

18          A.   I don't think there's any relation because  
19   I think the person who is maintaining the website  
20   probably miscategorized them in here, into the  
21   generic section.

22          Q.   Okay. So it's -- the glasses shown here  
23   are not the kind of glasses you were talking about  
24   before as being generic glasses?

25          A.   No.

1 Q. Does Jay-Y sell glasses featuring the  
2 trademark VG?  
3 A. Yes.  
4 Q. Is that depicted in Exhibit 43, the VG?  
5 A. Yes.  
6 Q. Do you know who designed the mark VG?  
7 A. I'm not sure.  
8 Q. Do you know whose decision it was to use  
9 the mark VG on Jay-Y glasses?  
10 A. Most likely it's going to be Teresa.  
11 Q. Do you know when that mark was selected for  
12 use by Jay-Y?  
13 A. I can't recall.  
14 Q. Do you know who Constance Lindeman is?  
15 A. Yes.  
16 Q. Who is she?  
17 A. She is my -- she's another attorney that we  
18 use.  
19 Q. And she's used for what kind of work?  
20 A. Like the -- how do you say this? --  
21 intellectual property.  
22 Q. Are you a U.S. citizen?  
23 A. Yes, I am.  
24 Q. Were you born here?  
25 A. No.

1 Q. Where were you born?  
2 A. When was I born?  
3 Q. Where were you born?  
4 A. Taiwan, Taipei.  
5 Do you need the spelling?  
6 THE REPORTER: No. Thank you.  
7 THE WITNESS: Okay.  
8 BY MR. LERNER:  
9 Q. And when did you first come to the United  
10 States?  
11 A. Approximately like seven, eight, or nine  
12 years old.  
13 Q. Can you briefly tell me your educational  
14 background? Did you go to college?  
15 A. For three courses.  
16 Q. Did you go to high school?  
17 A. Yeah.  
18 Q. Did you graduate high school?  
19 A. Barely.  
20 Q. Other than the three courses in college,  
21 have you taken any other classes post high school?  
22 A. Graphic design classes.  
23 Q. Any other classes?  
24 A. I registered in refereeing but haven't  
25 really started.

1 Q. Have you ever done any graphic design work?  
2 A. Not really.  
3 Q. Sort of?  
4 A. Actually, no. No. No. Like for the  
5 company, no. On my own for like fun, yeah.  
6 Q. Where do you currently reside?  
7 A. Hacienda Heights, California.  
8 Q. How long have you lived there?  
9 A. About a year.  
10 Q. Where did you live prior to that?  
11 A. Walnut, California.  
12 MR. LERNER: Let's take a five-minute  
13 break?  
14 MR. WILTON: Sounds good.  
15 (A brief recess was taken.)  
16 MR. LERNER: Back on the record.  
17 BY MR. LERNER:  
18 Q. Have you ever been deposed before?  
19 A. No.  
20 Q. Have you ever given testimony in any  
21 proceedings before?  
22 A. Not that I know of. I'm not sure what a  
23 testimony would be.  
24 Q. Have you ever given testimony in court?  
25 A. Oh, in court, no.

1 Q. Did you do anything to prepare for this  
2 deposition?

3 A. I talked to Ken.

4 Q. Did you review any documents in preparation  
5 for this deposition?

6 A. Documents, no.

7 Q. Have you discussed the deposition with  
8 anybody else besides Ken?

9 A. No.

10 Q. I'll show you Exhibit 25.

11 Have you seen this exhibit before?

12 A. You mean as in this document or a form of  
13 this document?

14 Q. Either one. Either one.

15 A. Yeah.

16 Q. When?

17 A. Various times throughout X amount of years.

18 Q. So what is this document to your knowledge?

19 A. It's a printout from -- of a trademark  
20 application.

21 Q. For what mark?

22 A. It looks like to me it's for this mark DG.

23 Q. The DG mark that's shown on the first page  
24 of Exhibit 25?

25 A. Correct.

1 Q. Were you involved in the decision to file  
2 this trademark application?  
3 A. No.  
4 Q. Do you know whether this trademark  
5 application was, in fact, filed?  
6 A. No.  
7 Q. How about Exhibit 27?  
8 A. Okay.  
9 Q. Do you recognize this exhibit?  
10 A. Yeah.  
11 Q. What is this?  
12 A. It looks like it's the same, the trademark  
13 application with the mark DG.  
14 Q. For the form, the mark DG that's shown on  
15 the first page of Exhibit 27?  
16 A. Yeah.  
17 Q. Were you involved in the decision to file  
18 this application?  
19 A. No.  
20 Q. Do you know whether it was, in fact, filed?  
21 A. Do I know when?  
22 Q. Whether it was, in fact, filed.  
23 A. Whether if it was filed or not?  
24 Q. Yeah.  
25 A. Yeah. It looks like it.

1 Q. Were you involved in the design of the mark  
2 that's shown on the first page?

3 A. No.

4 Q. Do you know who was?

5 A. No.

6 Q. I show you Exhibit 28.  
7 Do you know what this document is?

8 A. It looks like a trademark application.

9 Q. Do you know for what mark?

10 A. It looks like it's for this mark, this CG  
11 mark.

12 Q. Shown on page 2 of the exhibit?

13 A. Correct.

14 Q. Were you involved in the creation of the  
15 mark that's shown on page 2 of the exhibit?

16 A. No, sir.

17 Q. Do you know who was?

18 A. No, sir.

19 Q. Were you involved in the decision to file  
20 an application for the mark that's shown on page 2  
21 of that exhibit?

22 A. No, sir.

23 Q. Do you know whether it was, in fact, filed?

24 A. No, sir.

25 MR. WILTON: I'll repeat my relevance

1 objections from this morning to this line of  
2 questioning as to Exhibit 28.

3 BY MR. LERNER:

4 Q. I show you together Exhibits 29 and 31.

5 MR. WILTON: Same objections.

6 THE WITNESS: Okay.

7 BY MR. LERNER:

8 Q. Do you know what these exhibits are?

9 A. This one is just a picture, right  
10 (indicating)?

11 And this one looks like a trademark  
12 application for serial number 76106466 but with no  
13 picture showing (indicating).

14 Q. Okay. And does the picture that appears on  
15 Exhibit 27 also show that same serial number,  
16 76106466?

17 A. Yes, it shows that.

18 Q. Do you know whether the application in  
19 Exhibit 31 related to the drawing shown in  
20 Exhibit 29?

21 A. Whether they're related?

22 Q. Yes.

23 A. I'm not sure.

24 Q. Were you involved in the decision to file  
25 an application to register the mark shown on

1 Exhibit 29?

2 A. No, I was not.

3 Q. Do you know whether an application was, in  
4 fact, filed?

5 A. I can't be certain.

6 Yes, sir?

7 Q. I'm thinking.

8 A. Oh, take your time.

9 Q. Other than in connection with this  
10 proceeding, do you know whether anyone has ever  
11 complained about an application for a trademark that  
12 was filed by Jay-Y?

13 A. Complained about a trademark that has been  
14 filed by Jay-Y?

15 Q. Right.

16 A. Yes. Other than this one, right?

17 Q. Other than this proceeding, not the one in  
18 front of you.

19 A. Oh, okay.

20 Q. In connection with this proceeding.

21 A. Just has anybody complained about Jay-Y's  
22 marks, you mean?

23 Q. Applications.

24 A. Applications.

25 Q. Has anybody challenged the applications,

1 any applications filed by Jay-Y for any trademarks?

2 A. Yes.

3 Q. What marks?

4 A. Can we go back real quick?

5 Q. Uh-huh.

6 A. You said challenge, meaning verbally  
7 challenge?

8 Q. Challenged in any way.

9 A. Oh, challenge. Okay.

10 MR. WILTON: Objection. Vague and  
11 ambiguous.

12 BY MR. LERNER:

13 Q. What did you understand me to mean by  
14 challenge?

15 A. I didn't know if there was a legal term for  
16 challenge, so I just want to be -- you know, be  
17 clear. I didn't want to give you like -- so but my  
18 opinion of challenge, then, yes, I think it has been  
19 challenged.

20 Q. What mark?

21 A. Besides the ones that's being opposed  
22 today?

23 Q. Yes.

24 A. There was Locs.

25 Q. Any others?

1           A.    And I believe it was Choppers.  Actually,  
2  definitely Choppers.

3           Q.    Okay.

4                   MR. WILTON:  Objection.  Relevance.

5  BY MR. LERNER:

6           Q.    Who opposed the Choppers application?

7           A.    I'm not sure if it's been opposed.

8           Q.    Okay.

9           A.    But what I meant by challenged was by  
10 Mr. Stephen Marshall.

11          Q.    Looking at Exhibit 31, do you know whether  
12 that application was ever opposed before the Patent  
13 and Trademark Office?

14          A.    I can't be certain.

15          Q.    Do you know whether anybody ever complained  
16 to Jay-Y about the application in Exhibit 31?

17          A.    I'm not clear on that, on this mark in  
18 particular.

19          Q.    I'll show you Exhibits 30 and 32.

20          A.    Okay.

21          Q.    Do you recognize those exhibits?

22                   MR. WILTON:  Objection.  Relevance.

23                   THE WITNESS:  I don't recognize them.

24  BY MR. LERNER:

25          Q.    Do you know whether they -- were you

1 involved in the decision to file an application for  
2 the mark shown in Exhibit 30?

3 A. No, I was not.

4 Q. Do you know whether an application was ever  
5 filed for the mark shown in Exhibit 30?

6 A. I can't be certain.

7 Q. Do you know whether anybody has ever  
8 complained to Jay-Y about an application filed for  
9 the mark shown in Exhibit 30?

10 A. I'm not certain.

11 Q. Does Jay-Y presently sell any glasses with  
12 the mark shown in Exhibit 30?

13 A. This one right here (indicating)?

14 Q. Yes.

15 A. No.

16 Q. Did it ever?

17 A. I think so. I'm not sure.

18 Q. I'll show you Exhibit 34.

19 A. Uh-huh.

20 Q. And do you know what this document is?

21 MR. WILTON: Objection. Relevance.

22 THE WITNESS: It looks like a trademark  
23 application.

24 BY MR. LERNER:

25 Q. For what mark?

1           A.    How do I explain this?

2           Q.    For the design shown on page 2 of the  
3 exhibit?

4           A.    Yes.

5           Q.    Were you involved in the decision to file  
6 this application?

7           A.    No, sir.

8           Q.    Do you know whether the application was, in  
9 fact, filed?

10          A.    When?

11          Q.    Do you know whether it was actually filed?

12          A.    I don't know.

13          Q.    Do you know whether any sunglasses have  
14 ever been sold by Jay-Y featuring the design shown  
15 in this exhibit?

16          A.    I don't know.

17          Q.    Do you know who designed the design shown  
18 in the exhibit?

19          A.    I don't know.

20          Q.    Here's 37.

21          A.    Okay.

22          Q.    Have you ever seen this document before?

23                MR. WILTON:  Objection.  Relevance.

24                THE WITNESS:  I guess not.  No, I haven't.

25

1 BY MR. LERNER:

2 Q. Do you know what it is?

3 A. A trademark application.

4 Q. Is it an application for the mark shown on  
5 page 2 of the exhibit?

6 A. It looks like it, yes.

7 Q. Do you know whether this application was  
8 actually filed?

9 A. I'm not sure.

10 Q. Were you involved in any decision to  
11 prepare this application?

12 A. No.

13 Q. Do you know whether sunglasses have ever  
14 been sold by Jay-Y featuring the design shown on  
15 this application?

16 A. That looks exactly like this one shown?

17 Q. Yes.

18 A. I don't think so. I'm not sure.

19 Q. What about something that looks similar to  
20 what's shown on page 2 of that exhibit?

21 MR. WILTON: Objection. Vague.

22 THE WITNESS: Still answer it?

23 MR. WILTON: Yes.

24 THE WITNESS: Okay. Similar, yes.

25

1 BY MR. LERNER:  
2 Q. I show you Exhibit 36.  
3 A. Okay.  
4 Q. Do you know whether sunglasses **have** ever  
5 been sold by Jay-Y with the design shown on  
6 Exhibit 36?  
7 A. Yes.  
8 Q. Do you know whose decision it was to sell  
9 glasses with that design?  
10 A. Whose decision it was to sell?  
11 Q. Yes.  
12 A. As in?  
13 Q. As in offer glasses with that design.  
14 A. Whoever worked at the company offered it to  
15 people.  
16 Q. Do you know who came up with the design?  
17 A. I believe it was Teresa.  
18 Q. Do you know whether an application to  
19 register that mark was ever filed?  
20 A. I'm not sure.  
21 Q. Have you ever read Details Magazine?  
22 A. No.  
23 Q. How about Esquire?  
24 A. No.  
25 Q. Interview?

1 A. No.

2 Q. Vanity Fair?

3 A. No.

4 Q. GQ?

5 A. No.

6 Q. Vogue?

7 A. No.

8 Q. W?

9 A. No.

10 Q. Women's Wear Daily?

11 A. No.

12 Q. How about Rolling Stone?

13 A. What?

14 Q. Rolling Stone, have you ever read Rolling  
15 Stone Magazine?

16 A. No.

17 It would probably be easier if I told you  
18 what I read.

19 MR. WILTON: No, it wouldn't.

20 BY MR. LERNER:

21 Q. Prior to your employment by Jay-Y, were you  
22 employed?

23 A. Yeah. Yeah.

24 Q. By whom?

25 A. I can't remember the place's name.

1 Q. What kind of place was it?  
2 A. It was a flower shop.  
3 Q. How long were you employed there?  
4 A. Seasonal. Delivered flowers.  
5 Q. Anywhere else prior to the flower shop?  
6 A. I'm not sure. I worked at a -- I tried to  
7 sell ads for the Yellow Pages at one time, but then  
8 I think I was on a commission. And I was, you know,  
9 a goofball back then so never really sold anything  
10 so never got paid. I don't know if that counts as  
11 employment.  
12 Aside from them, no more.  
13 Q. Have you ever heard of Madonna?  
14 A. Yeah.  
15 Q. Do you know when you first heard of  
16 Madonna?  
17 A. I can't recall. A long time ago.  
18 MR. WILTON: Objection. Vague.  
19 BY MR. LERNER:  
20 Q. Were you a kid?  
21 A. I think so.  
22 Q. Do you know about -- have you ever bought  
23 any Madonna albums?  
24 A. No.  
25 Q. You think you were a teenager when you

1 first heard Madonna?

2 A. When she wore the pointy bras? That dates  
3 it.

4 Q. Okay. So when she wore the pointy bras,  
5 was that around the time that you first heard of  
6 her?

7 A. Pretty much.

8 Q. Do you know who designed those pointy bras?

9 A. God knows.

10 Q. Have you ever seen a Madonna concert?

11 A. No.

12 Q. Do you recall ever hearing about a Madonna  
13 tour called "The Girly Show"?

14 A. No.

15 MR. LERNER: Gentlemen, I want to thank you  
16 for your time. I'm not sure whether your attorney  
17 may have some follow-up questions for you.

18 MR. WILTON: I do not.

19 MR. LERNER: Then I think we can maybe save  
20 you coming back tomorrow.

21 THE WITNESS: I appreciate that.

22 MR. WILTON: I'll propose sort of a similar  
23 stipulation from earlier today, which is that the  
24 court reporter be relieved of her duties under the  
25 California Code and that Mr. Lerner will propose a

1 stipulation whereby she knows how to comply with the  
2 Trademark Rules of Practice.

3 MR. LERNER: So stipulated.

4 (The deposition was concluded at  
5 5:15 p.m.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss.

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I, the witness herein, hereby certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_, California.

\_\_\_\_\_  
WARD CHEN

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss  
3 )  
4 )

5 I, Deborah L. Stough, a Certified  
6 Shorthand Reporter, do hereby certify:

7 That prior to being examined, the  
8 witness in the foregoing proceedings was by me duly  
9 sworn to testify to the truth, the whole truth, and  
10 nothing but the truth;

11 That said proceedings were taken before  
12 me at the time and place therein set forth and were  
13 taken down by me in shorthand and thereafter  
14 transcribed into typewriting under my direction and  
15 supervision;

16 I further certify that I am neither  
17 counsel for, nor related to, any party to said  
18 proceedings, nor in anywise interested in the  
19 outcome thereof.

20 In witness thereof, I have hereunto  
21 subscribed by me.

22  
23 Dated: 11-16-2009

24  
25

*Deborah L. Stough*  
Deborah L. Stough  
CSR No. 8925, RPR





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Search

New Arrival From September

New Arrival From August

New Arrival From July

New Arrival From June

DG

Laser Engraved

Metal Frames

Plastic Frames

Polarized Lens

Rhinestone

Vintage DG

Vintage DG

DG Ski Goggles

DG

VG

Rhinestone

XLoop

XLoop Ski Goggles

Locs

Locas

Choppers

Biohazard

Aviator

Bikers

Flying Skull

Manhattan

Princess

Relic

Sacred Hearts

Retro Optix

True Love

Road Warrior

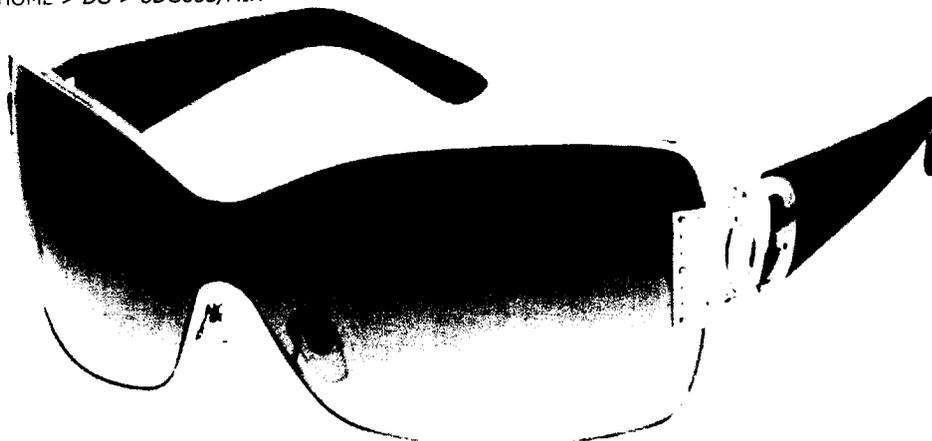
USA Eagle

Vivid Star

Sturgeon (Polarized)

Nitrogen (Polarized)

Polarized Lens



## 8DG053/MIX

DG

Inventory On Hand 622

<b>Price:</b> 1-9 DOZEN	<b>\$37.00</b>
10-24 DOZEN	<b>\$35.00</b>
25-49 DOZEN	<b>\$33.00</b>
50-99 DOZEN	<b>\$31.00</b>
100+ DOZEN	<b>\$29.00</b>

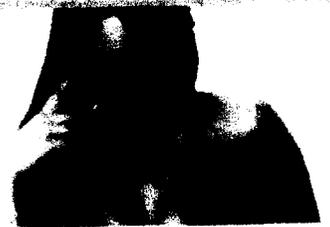
Quantity:

DOZEN

**ADD TO CART**

**ADD TO LIST**





Search

New Arrival From September

New Arrival From August

New Arrival From July

New Arrival From June

DG

Laser Engraved

Metal Frames

Plastic Frames

Polarized Lens

Rhinestone

Vintage DG

Vintage DG

DG Ski Goggles

DG

VG

Rhinestone

XLoop

XLoop Ski Goggles

Locs

Locas

Choppers

Biohazard

Aviator

Bikers

Flying Skull

Manhattan

Princess

Relic

Sacred Hearts

Retro Optix

True Love

Road Warrior

USA Eagle

Vivid Star

Sturgeon (Polarized)

Nitrogen (Polarized)

Polarized Lens

HOME > DG > 8DG285/MIX



## 8DG285/MIX

DG

Inventory On Hand 549

<b>Price:</b> 1-9 DOZEN	<b>\$34.00</b>
10-24 DOZEN	<b>\$32.00</b>
25-49 DOZEN	<b>\$30.00</b>
50-99 DOZEN	<b>\$28.00</b>
100+ DOZEN	<b>\$26.00</b>

Quantity:  DOZEN **ADD TO CART**

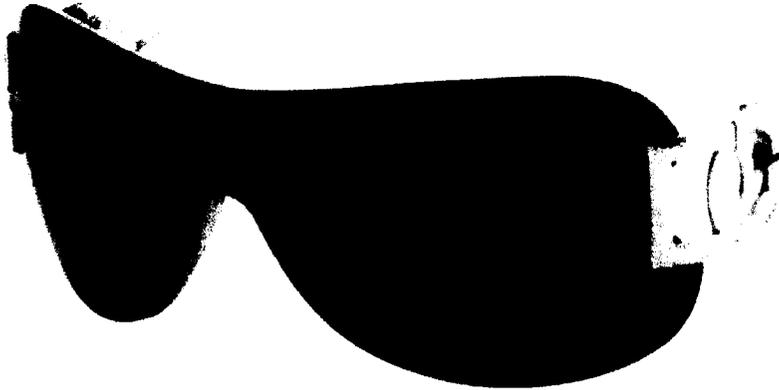
**ADD TO LIST**



HOME > DG > 8DG375/MIX

Search

- New Arrival From September
- New Arrival From August
- New Arrival From July
- New Arrival From June
- DG
- Laser Engraved
- Metal Frames
- Plastic Frames
- Polarized Lens
- Rhinestone
- Vintage DG
- Vintage DG
- DG Ski Goggles
- .G
- VG
- Rhinestone
- XLoop
- XLoop Ski Goggles
- Locs
- Locas
- Choppers
- Biohazard
- Aviator
- Bikers
- Flying Skull
- Manhattan
- Princess
- Relic
- Sacred Hearts
- Retro Optix
- True Love
- Road Warrior
- USA Eagle
- Vivid Star
- Sturgeon (Polarized)
- Nitrogen (Polarized)
- Polarized Lens



## 8DG375/MIX

DG

Inventory On Hand 300

<b>Price:</b> 1-9 DOZEN	<b>\$36.00</b>
10-24 DOZEN	<b>\$34.00</b>
25-49 DOZEN	<b>\$32.00</b>
50-99 DOZEN	<b>\$30.00</b>
100+ DOZEN	<b>\$28.00</b>

Quantity:

DOZEN

**ADD TO CART**

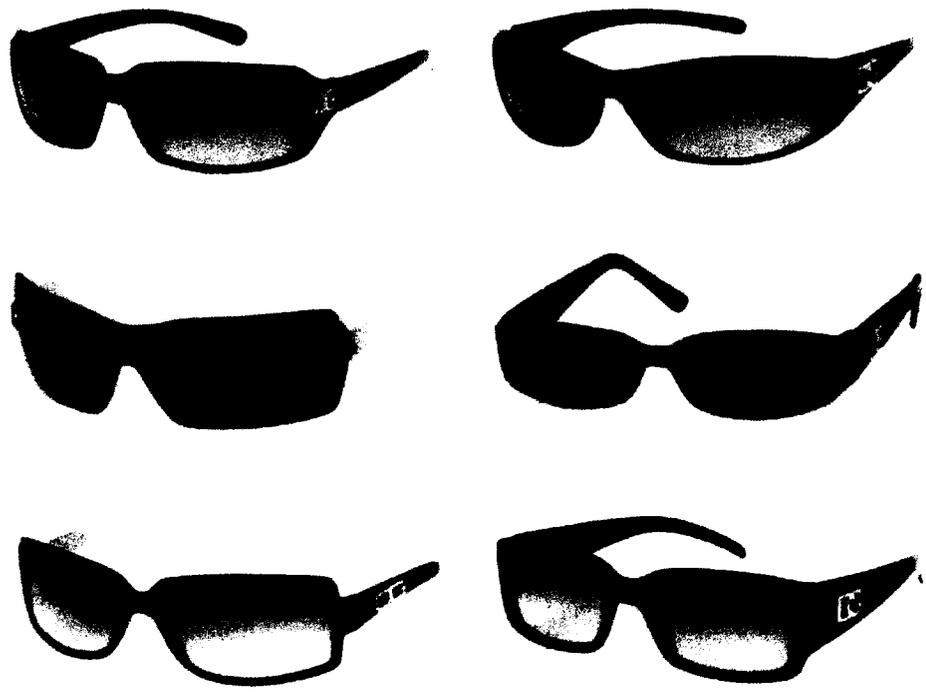
**ADD TO LIST**



HOME > DG > 8DG/MIX

Search

- New Arrival From September
- New Arrival From August
- New Arrival From July
- New Arrival From June
- DG
- Laser Engraved
- Metal Frames
- Plastic Frames
- Polarized Lens
- Rhinestone
- Vintage DG
- Vintage DG
- DG Ski Goggles
- .G
- VG
- Rhinestone
- XLoop
- XLoop Ski Goggles
- Locs
- Locas
- Choppers
- Biohazard
- Aviator
- Bikers
- Flying Skull
- Manhattan
- Princess
- Relic
- Sacred Hearts
- Retro Optix
- True Love
- Road Warrior
- USA Eagle
- Vivid Star
- Surgeon (Polarized)
- Nitrogen (Polarized)
- Polarized Lens



## 8DG/MIX

DG

Inventory On Hand 441

<b>Price:</b> 1-9 DOZEN	<b>\$33.00</b>
10-24 DOZEN	<b>\$31.00</b>
25-49 DOZEN	<b>\$29.00</b>
50-99 DOZEN	<b>\$27.00</b>
100+ DOZEN	<b>\$25.00</b>

Quantity:  DOZEN **ADD TO CART**

**ADD TO LIST**



HOME MY ACCOUNT MY LIST FAQ POLICY VIEW CART CONTACT

HOME > DG

Search

- Laser Engraved (9)
- Metal Frames (43)
- Plastic Frames (123)
- Polarized Lens (6)
- Rhinestone (11)
- Vintage DG (3)

New Arrival From September

New Arrival From August

New Arrival From July

New Arrival From June

DG

Laser Engraved

Metal Frames

Plastic Frames

Polarized Lens

Rhinestone

Vintage DG

Vintage DG

DG Ski Goggles

DG

VG

Rhinestone

XLoop

XLoop Ski Goggles

Locs

Locas

Choppers

Biohazard

Aviator

Bikers

Flying Skull

Manhattan

Princess

Relic

Sacred Hearts

Retro Optix

True Love

Road Warrior

USA Eagle

Vivid Star

Sturgeon (Polarized)

Nitrogen (Polarized)

Polarized Lens

showing 1-30 of 176

23001DG/MIX



Price: \$24.00 - \$32.00  
Inventory On Hand 138

Qty: DOZEN

ADD TO CART

23017DG/MIX



Price: \$25.00 - \$33.00  
Inventory On Hand 0

OUT OF STOCK

2415DG/MIX



Price: \$25.00 - \$33.00  
Inventory On Hand 341

Qty: DOZEN

ADD TO CART

2442DG/R



Price: \$24.00 - \$32.00  
Inventory On Hand 96

Qty: DOZEN

ADD TO CART

2471DG/MIX

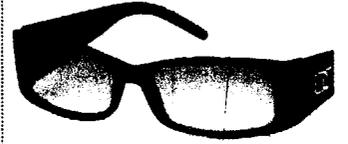


Price: \$24.00 - \$32.00  
Inventory On Hand 301

Qty: DOZEN

ADD TO CART

2482DG/MIX



Price: \$24.00 - \$32.00  
Inventory On Hand 200

Qty: DOZEN

ADD TO CART

2540DG/MIX



Price: \$25.00 - \$33.00  
Inventory On Hand 196

Qty: DOZEN

2566DG/MIX



Price: \$25.00 - \$33.00  
Inventory On Hand 0

OUT OF STOCK

2582DG/MIX



Price: \$26.00 - \$34.00  
Inventory On Hand 300

Qty: DOZEN

- [Hoodiez](#)
- [Kids](#)
- [Optical Frames](#)
- [TV and Movie Readers](#)
- [Reading Glasses](#)
- [MLB Sunglasses](#)
- [NFL Sunglasses](#)
- [NCAA Sunglasses](#)
- [Generic Sunglasses](#)
- [Accessories](#)
- [Clearance](#)
- [Closeout](#)

**ADD TO CART**

26104DG/MIX



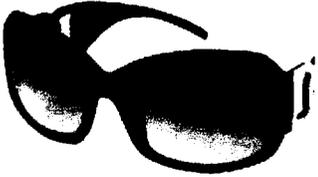
Price: \$25.00 - \$33.00  
Inventory On Hand 488

Qty: DOZEN

**ADD TO CART**

**ADD TO CART**

26163DG/MIX



Price: \$28.00 - \$36.00  
Inventory On Hand 95

Qty: DOZEN

**ADD TO CART**

26157DG/MIX



Price: \$27.00 - \$35.00  
Inventory On Hand 1027

Qty: DOZEN

**ADD TO CART**

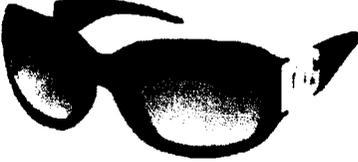
26230DG/LZ



Price: \$26.00 - \$34.00  
Inventory On Hand 0

**OUT OF STOCK**

26240DG/MIX



Price: \$28.00 - \$36.00  
Inventory On Hand 152

Qty: DOZEN

**ADD TO CART**

26246DG/MIX



Price: \$25.00 - \$33.00  
Inventory On Hand 127

Qty: DOZEN

**ADD TO CART**

26266DG/MIX



Price: \$25.00 - \$33.00  
Inventory On Hand 448

Qty: DOZEN

**ADD TO CART**

26268DG/MIX

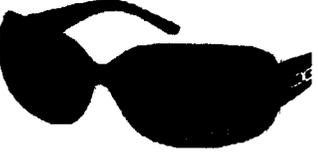


Price: \$25.00 - \$33.00  
Inventory On Hand 292

Qty: DOZEN

**ADD TO CART**

26272DG

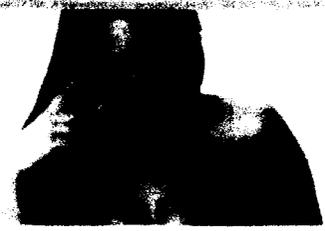


Price: \$24.00 - \$32.00  
Inventory On Hand 246

Qty: DOZEN

**ADD TO CART**

showing 1-30 of 176



HOME > DG > 2433DG/R

Search

**New Arrival** From September

**New Arrival** From August

**New Arrival** From July

**New Arrival** From June

DG

Laser Engraved

Metal Frames

Plastic Frames

Polarized Lens

Rhinestone

Vintage DG

Vintage DG

DG Ski Goggles

DG

VG

Rhinestone

XLoop

XLoop Ski Goggles

Locs

Locas

Choppers

Biohazard

Aviator

Bikers

Flying Skull

Manhattan

Princess

Relic

Sacred Hearts

Retro Optix

True Love

Road Warrior

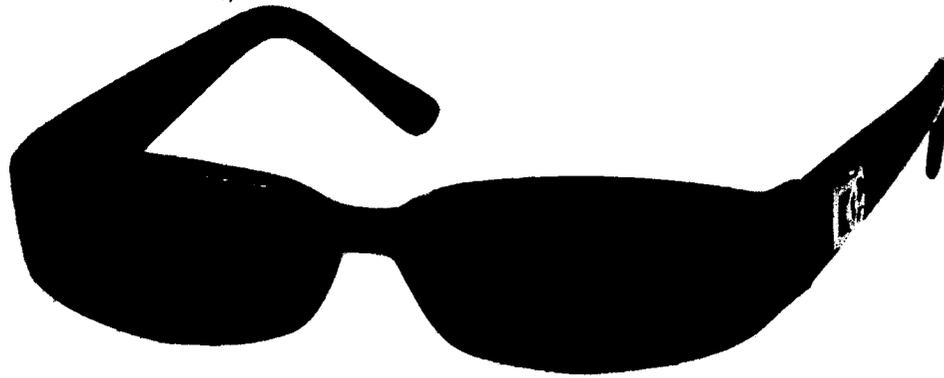
USA Eagle

Vivid Star

Sturgeon (Polarized)

Nitrogen (Polarized)

Polarized Lens



## 2433DG/R

DG

Inventory On Hand 423

<b>Price:</b> 1-9 DOZEN	<b>\$32.00</b>
10-24 DOZEN	<b>\$30.00</b>
25-49 DOZEN	<b>\$28.00</b>
50-99 DOZEN	<b>\$26.00</b>
100+ DOZEN	<b>\$24.00</b>

Quantity:  DOZEN **ADD TO CART**

**ADD TO LIST**



[HOME](#) [MY ACCOUNT](#) [MY LIST](#) [FAQ](#) [POLICY](#) [VIEW CART](#) [CONTACT](#)

HOME > DG > 2439DG/R

Search

[New Arrival From September](#)

[New Arrival From August](#)

[New Arrival From July](#)

[New Arrival From June](#)

[DG](#)

[Laser Engraved](#)

[Metal Frames](#)

[Plastic Frames](#)

[Polarized Lens](#)

[Rhinstone](#)

[Vintage DG](#)

[Vintage DG](#)

[DG Ski Goggles](#)

[DG](#)

[VG](#)

[Rhinstone](#)

[XLoop](#)

[XLoop Ski Goggles](#)

[Locs](#)

[Locas](#)

[Choppers](#)

[Biohazard](#)

[Aviator](#)

[Bikers](#)

[Flying Skull](#)

[Manhattan](#)

[Princess](#)

[Relic](#)

[Sacred Hearts](#)

[Retro Optix](#)

[True Love](#)

[Road Warrior](#)

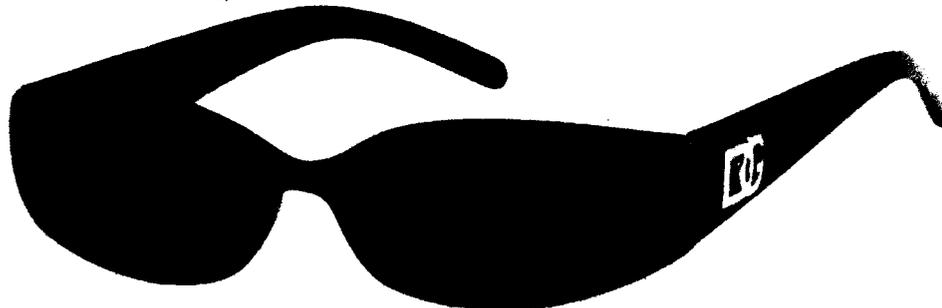
[USA Eagle](#)

[Vivid Star](#)

[Sturgeon \(Polarized\)](#)

[Nitrogen \(Polarized\)](#)

[Polarized Lens](#)



## 2439DG/R

DG

Inventory On Hand 724

**Price:** 1-9 DOZEN **\$32.00**

10-24 DOZEN **\$30.00**

25-49 DOZEN **\$28.00**

50-99 DOZEN **\$26.00**

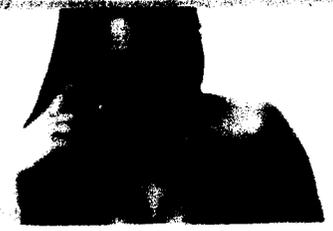
100+ DOZEN **\$24.00**

Quantity:

DOZEN

**ADD TO CART**

**ADD TO LIST**



HOME > DG > 2442DG/R

Search

New Arrival From September

New Arrival From August

New Arrival From July

New Arrival From June

DG

Laser Engraved

Metal Frames

Plastic Frames

Polarized Lens

Rhinestone

Vintage DG

Vintage DG

DG Ski Goggles

JG

VG

Rhinestone

XLoop

XLoop Ski Goggles

Locs

Locas

Choppers

Biohazard

Aviator

Bikers

Flying Skull

Manhattan

Princess

Relic

Sacred Hearts

Retro Optix

True Love

Road Warrior

USA Eagle

Vivid Star

Sturgeon (Polarized)

Nitrogen (Polarized)

Polarized Lens



## 2442DG/R

DG

Inventory On Hand 103

<b>Price:</b> 1-9 DOZEN	<b>\$32.00</b>
10-24 DOZEN	<b>\$30.00</b>
25-49 DOZEN	<b>\$28.00</b>
50-99 DOZEN	<b>\$26.00</b>
100+ DOZEN	<b>\$24.00</b>

Quantity:                      DOZEN      **ADD TO CART**

**ADD TO LIST**



Search

Keywords: 2482

- at least one word must match
- all words must match

Price: -

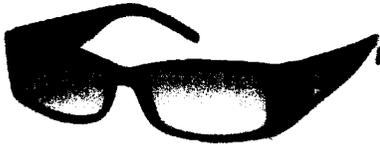
Search

- New Arrival From September
- New Arrival From August
- New Arrival From July
- New Arrival From June
- DG
- Vintage DG
- DG Ski Goggles
- CG
- VG
- Rhinestone
- XLoop
- XLoop Ski Goggles
- ocs
- Locas
- Choppers
- Biohazard
- Aviator
- Bikers
- Flying Skull
- Manhattan
- Princess
- Relic
- Sacred Hearts
- Retro Optix
- True Love
- Road Warrior
- USA Eagle
- Vivid Star
- Sturgeon (Polarized)
- Nitrogen (Polarized)
- Polarized Lens
- Hoodiez
- Kids
- Optical Frames
- U and Me Readers
- Reading Glasses

Search Results:

showing 1-1 of 1

Page 1 of 1 | previous | next 10 per p

Image	Description	Price	Quantit
	2482DG/MIX DG		
		Inventory On Hand 207	
		1-9	
		<b>Price: DOZEN \$32.00</b>	
		10-24	
		DOZEN <b>\$30.00</b>	
		25-49	
		DOZEN <b>\$28.00</b>	Qty:
		50-99	
		DOZEN <b>\$26.00</b>	
		100+	
		DOZEN <b>\$24.00</b>	

ADD T



Keywords: 23001

Search

- at least one word must match
- all words must match

Price: -

Search

- New Arrival From September
- New Arrival From August
- New Arrival From July
- New Arrival From June
- DG
- Vintage DG
- DG Ski Goggles
- CG
- VG
- Rhinestone
- XLoop
- XLoop Ski Goggles
- Locs
- Locas
- Choppers
- Biohazard
- Aviator
- Bikers
- Flying Skull
- Manhattan
- Princess
- Relic
- Sacred Hearts
- Retro Optix
- True Love
- Road Warrior
- USA Eagle
- Vivid Star
- Sturgeon (Polarized)
- Nitrogen (Polarized)
- Polarized Lens
- Hoodiez
- Kids
- Optical Frames
- J and Me Readers
- Reading Glasses

Search Results:

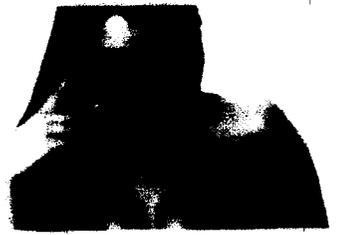
showing 1-1 of 1

Page 1 of 1 | previous | next 10 per p

Image	Description	Price	Quantit
	Inventory On Hand 173		
	1-9		
	<b>Price: DOZEN \$32.00</b>		
	10-24		
	DOZEN <b>\$30.00</b>		
	23001DG/MIX DG		
		25-49	
		DOZEN <b>\$28.00</b>	Qty:
		50-99	
		DOZEN <b>\$26.00</b>	
		100+	
		DOZEN <b>\$24.00</b>	

ADD T





HOME > Choppers > 8CP2132/MIX

Search



## 8CP2132/MIX

CHOPPERS

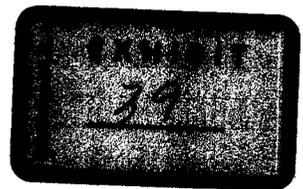
Inventory On Hand 182

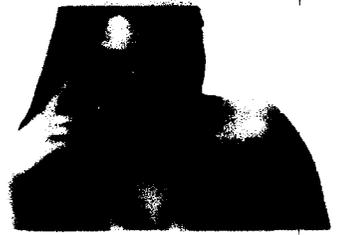
<b>Price:</b> 1-9 DOZEN	<b>\$33.00</b>
10-24 DOZEN	<b>\$31.00</b>
25-49 DOZEN	<b>\$29.00</b>
50-99 DOZEN	<b>\$27.00</b>
100+ DOZEN	<b>\$25.00</b>

Quantity:  **ADD TO CART**

**ADD TO LIST**

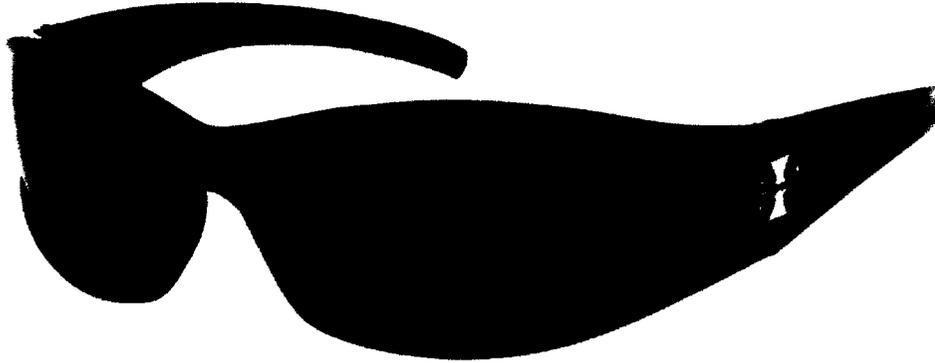
- [New Arrival From October](#)
- [New Arrival From September](#)
- [New Arrival From August](#)
- [New Arrival From July](#)
- [DG](#)
- [Vintage DG](#)
- [DG Ski Goggles](#)
- [CG](#)
- [VG](#)
- [Rhinestone](#)
- [XLoop](#)
- [XLoop Ski Goggles](#)
- [Locs](#)
- [Choppers](#)
- [Foam Padded](#)
- [Polarized Lens](#)
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- [Bikers](#)
- [Flying Skull](#)
- [Manhattan](#)
- [Princess](#)
- [Relic](#)
- [Sacred Hearts](#)
- [Retro Optix](#)
- [True Love](#)
- [Road Warrior](#)
- [USA Eagle](#)
- [Vivid Star](#)
- [Sturgeon \(Polarized\)](#)
- [Nitrogen \(Polarized\)](#)
- [Polarized Lens](#)
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- [K...](#)
- [Optical Frames](#)
- [U and Me Readers](#)
- [Reading Glasses](#)





HOME > Choppers > 8CP6552/MIX

Search



## 8CP6552/MIX

CHOPPERS

Inventory On Hand 110

<b>Price:</b> 1-9 DOZEN	<b>\$32.00</b>
10-24 DOZEN	<b>\$30.00</b>
25-49 DOZEN	<b>\$28.00</b>
50-99 DOZEN	<b>\$26.00</b>
100+ DOZEN	<b>\$24.00</b>

Quantity:  **ADD TO CART**

**ADD TO LIST**

- [New Arrival From October](#)
- [New Arrival From September](#)
- [New Arrival From August](#)
- [New Arrival From July](#)
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- [VG](#)
- [Rhinstone](#)
- [XLoop](#)
- [XLoop Ski Goggles](#)
- [Locs](#)
- [Choppers](#)
- [Foam Padded](#)
- [Polarized Lens](#)
- [Biohazard](#)
- [Aviator](#)
- [Bikers](#)
- [Flying Skull](#)
- [Manhattan](#)
- [Princess](#)
- [Relic](#)
- [Sacred Hearts](#)
- [Retro Optix](#)
- [True Love](#)
- [Road Warrior](#)
- [USA Eagle](#)
- [Vivid Star](#)
- [Sturgeon \(Polarized\)](#)
- [Nitrogen \(Polarized\)](#)
- [Polarized Lens](#)
- [H](#)
- [K](#)
- [Optical Frames](#)
- [U and Me Readers](#)
- [Reading Glasses](#)



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- [CG](#)
- [VG](#)
- [Rhinestone](#)
- [XLoop](#)
- [XLoop Ski Goggles](#)
- [Locs](#)
- [Choppers](#)
- [Foam Padded](#)
- [Polarized Lens](#)
- [Biohazard](#)
- [Aviator](#)
- [Bikers](#)
- [Flying Skull](#)
- [Manhattan](#)
- [Princess](#)
- [Relic](#)
- [Sacred Hearts](#)
- [Retro Optix](#)
- [True Love](#)
- [Road Warrior](#)
- [USA Eagle](#)
- [Vivid Star](#)
- [Sturgeon \(Polarized\)](#)
- [Nitrogen \(Polarized\)](#)
- [Polarized Lens](#)
- [H...ez](#)
- [K...](#)
- [Optical Frames](#)
- [U and Me Readers](#)
- [Reading Glasses](#)



## 8CP6554/MIX

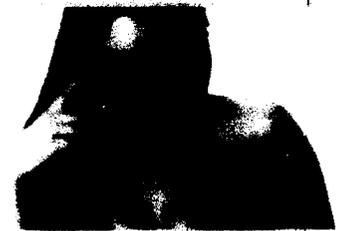
CHOPPERS

Inventory On Hand 91

<b>Price:</b> 1-9 DOZEN	<b>\$34.00</b>
10-24 DOZEN	<b>\$32.00</b>
25-49 DOZEN	<b>\$30.00</b>
50-99 DOZEN	<b>\$28.00</b>
100+ DOZEN	<b>\$26.00</b>

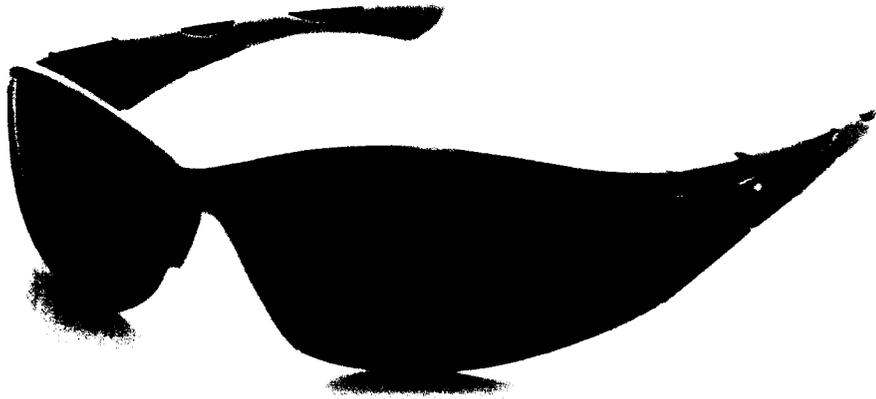
Quantity:  **ADD TO CART**

**ADD TO LIST**



HOME > Choppers > 8CP6555/MIX

Search



## 8CP6555/MIX

CHOPPERS

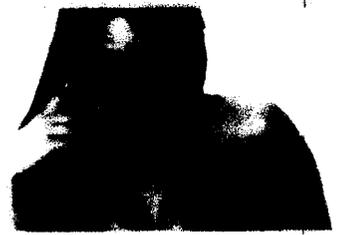
Inventory On Hand 264

<b>Price:</b> 1-9 DOZEN	<b>\$34.00</b>
10-24 DOZEN	<b>\$32.00</b>
25-49 DOZEN	<b>\$30.00</b>
50-99 DOZEN	<b>\$28.00</b>
100+ DOZEN	<b>\$26.00</b>

Quantity:  **ADD TO CART**

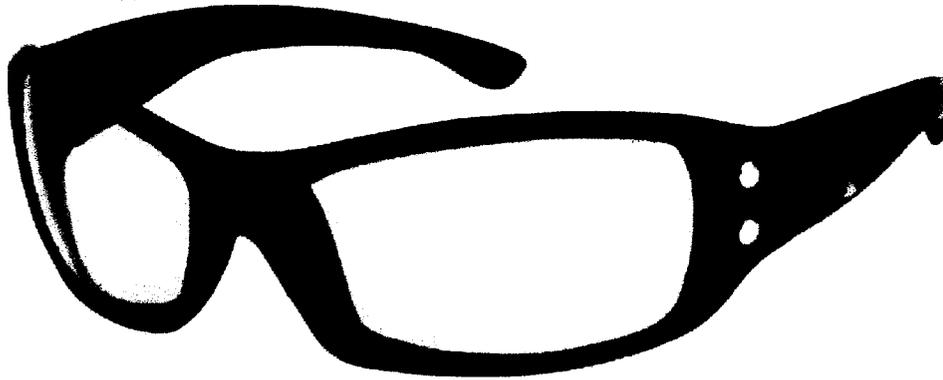
**ADD TO LIST**

- [New Arrival From October](#)
- [New Arrival From September](#)
- [New Arrival From August](#)
- [New Arrival From July](#)
- [DG](#)
- [Vintage DG](#)
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- [Rhinstone](#)
- [XLoop](#)
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- [I](#)
- [Choppers](#)
- [Foam Padded](#)
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- [Biohazard](#)
- [Aviator](#)
- [Bikers](#)
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- [Manhattan](#)
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- [Relic](#)
- [Sacred Hearts](#)
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- [Sturgeon \(Polarized\)](#)
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- [Finez](#)
- [Kluz](#)
- [Optical Frames](#)
- [U and Me Readers](#)
- [Reading Glasses](#)



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## 8CP6582

CHOPPERS

Inventory On Hand 71

<b>Price:</b> 1-9 DOZEN	<b>\$33.00</b>
10-24 DOZEN	<b>\$31.00</b>
25-49 DOZEN	<b>\$29.00</b>
50-99 DOZEN	<b>\$27.00</b>
100+ DOZEN	<b>\$25.00</b>

Quantity:  DOZEN [ADD TO CART](#)

[ADD TO LIST](#)

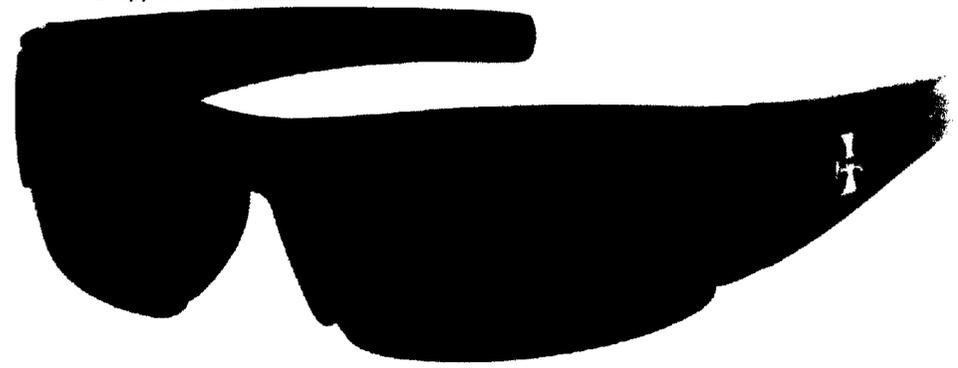
- [New Arrival From October](#)
- [New Arrival From September](#)
- [New Arrival From August](#)
- [New Arrival From July](#)
- [DG](#)
- [Vintage DG](#)
- [DG Ski Goggles](#)
- [CG](#)
- [VG](#)
- [Rhinestone](#)
- [XLoop](#)
- [XLoop Ski Goggles](#)
- [Locs](#)
- [I](#)
- [Choppers](#)
- [Foam Padded](#)
- [Polarized Lens](#)
- [Biohazard](#)
- [Aviator](#)
- [Bikers](#)
- [Flying Skull](#)
- [Manhattan](#)
- [Princess](#)
- [Relic](#)
- [Sacred Hearts](#)
- [Retro Optik](#)
- [True Love](#)
- [Road Warrior](#)
- [USA Eagle](#)
- [Vivid Star](#)
- [Sturgeon \(Polarized\)](#)
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- New Arrival From October
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- New Arrival From August
- New Arrival From July
- DG
- Vintage DG
- DG Ski Goggles
- CG
- VG
- Rhinestone
- XLoop
- XLoop Ski Goggles
- Locs
- Choppers
- Foam Padded
- Polarized Lens
- Biohazard
- Aviator
- Bikers
- Flying Skull
- Manhattan
- Princess
- Relle
- Sacred Hearts
- Retro Optix
- True Love
- Road Warrior
- USA Eagle
- Vivid Star
- Sturgeon (Polarized)
- Nitrogen (Polarized)
- Polarized Lens
- H...ez
- K...
- Optical Frames
- U and Me Readers
- Reading Glasses



## 8CP6579

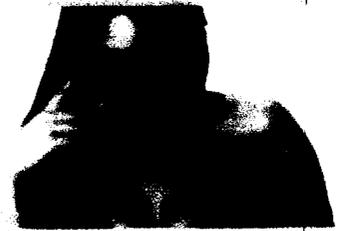
CHOPPERS

Inventory On Hand 128

<b>Price:</b> 1-9 DOZEN	<b>\$33.00</b>
10-24 DOZEN	<b>\$31.00</b>
25-49 DOZEN	<b>\$29.00</b>
50-99 DOZEN	<b>\$27.00</b>
100+ DOZEN	<b>\$25.00</b>

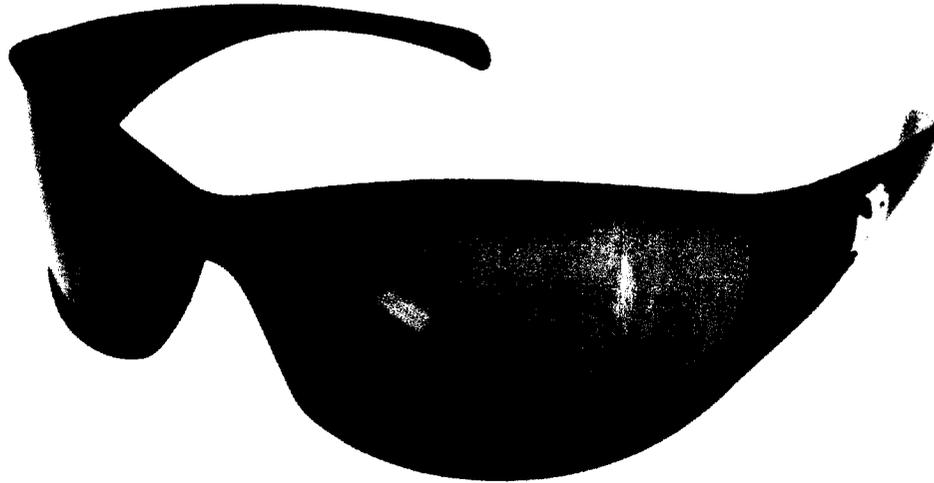
Quantity:  DOZEN [ADD TO CART](#)

[ADD TO LIST](#)



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## 8CP6578

CHOPPERS

Inventory On Hand 132

<b>Price:</b> 1-9 DOZEN	<b>\$34.00</b>
10-24 DOZEN	<b>\$32.00</b>
25-49 DOZEN	<b>\$30.00</b>
50-99 DOZEN	<b>\$28.00</b>
100+ DOZEN	<b>\$26.00</b>

Quantity:  DOZEN **ADD TO CART**

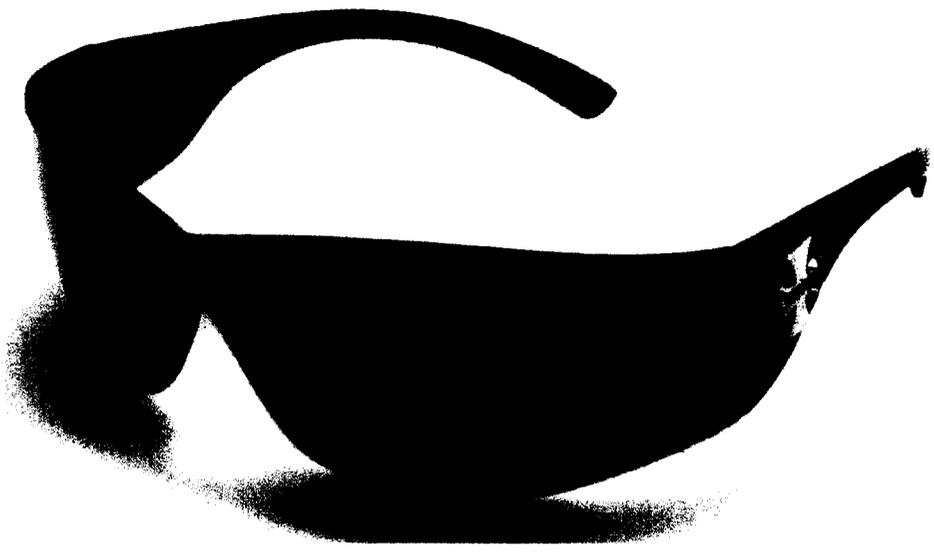
**ADD TO LIST**

- New Arrival From October
- New Arrival From September
- New Arrival From August
- New Arrival From July
- DG
- Vintage DG
- DG Ski Goggles
- CG
- VG
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- K.
- Optical Frames
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## 8CP6591

CHOPPERS

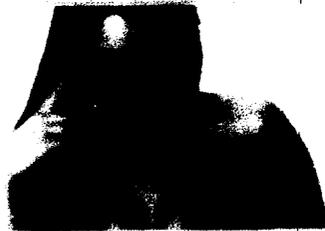
Inventory On Hand 399

<b>Price:</b> 1-9 DOZEN	<b>\$33.00</b>
10-24 DOZEN	<b>\$31.00</b>
25-49 DOZEN	<b>\$29.00</b>
50-99 DOZEN	<b>\$27.00</b>
100+ DOZEN	<b>\$25.00</b>

Quantity:  DOZEN [ADD TO CART](#)

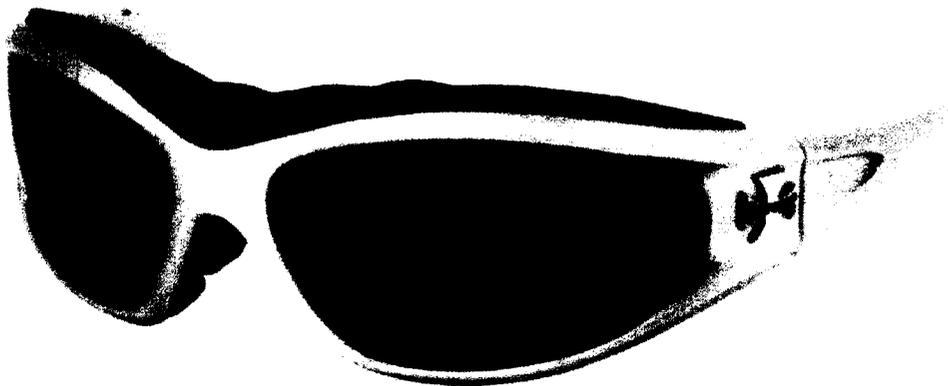
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- [New Arrival From October](#)
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- [New Arrival From July](#)
- [DG](#)
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## 8CP911

CHOPPERS

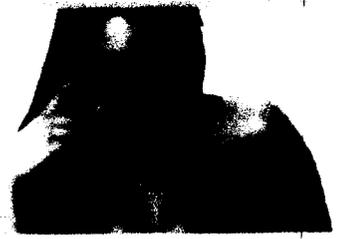
Inventory On Hand 0

<b>Price:</b> 1-9 DOZEN	<b>\$44.00</b>
10-24 DOZEN	<b>\$42.00</b>
25-49 DOZEN	<b>\$40.00</b>
50-99 DOZEN	<b>\$38.00</b>
100+ DOZEN	<b>\$36.00</b>

**OUT OF STOCK**

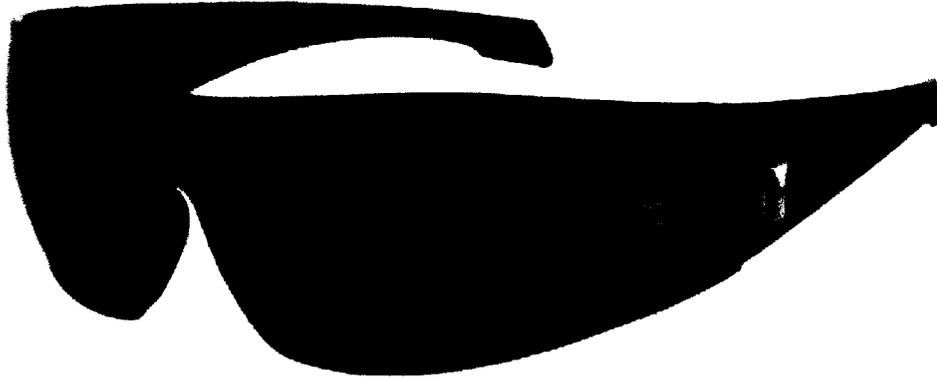
**ADD TO LIST**

- [New Arrival From October](#)
- [New Arrival From September](#)
- [New Arrival From August](#)
- [New Arrival From July](#)
- [DG](#)
- [Vintage DG](#)
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- [Vivid Star](#)
- [Sturgeon \(Polarized\)](#)
- [Nitrogen \(Polarized\)](#)
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## 8CP912

CHOPPERS

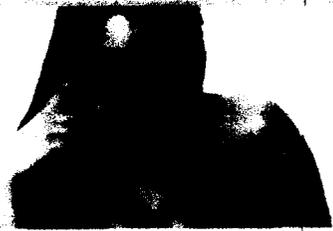
Inventory On Hand 41

<b>Price:</b> 1-9 DOZEN	<b>\$44.00</b>
10-24 DOZEN	<b>\$42.00</b>
25-49 DOZEN	<b>\$40.00</b>
50-99 DOZEN	<b>\$38.00</b>
100+ DOZEN	<b>\$36.00</b>

Quantity:  **ADD TO CART**

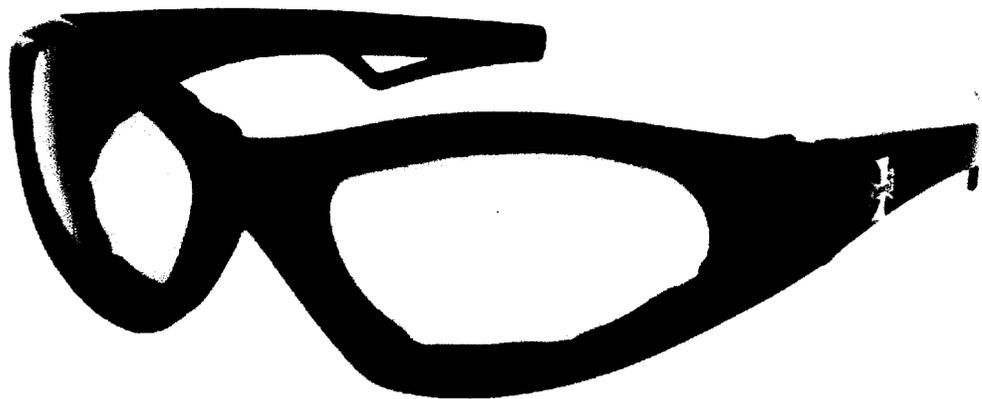
**ADD TO LIST**

- [New Arrival From October](#)
- [New Arrival From September](#)
- [New Arrival From August](#)
- [New Arrival From July](#)
- [DG](#)
- [Vintage DG](#)
- [DG Ski Goggles](#)
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- [XLoop](#)
- [XLoop Ski Goggles](#)
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- [I](#)
- [Choppers](#)
- [Foam Padded](#)
- [Polarized Lens](#)
- [Biohazard](#)
- [Aviator](#)
- [Bikers](#)
- [Flying Skull](#)
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- [Sturgeon \(Polarized\)](#)
- [Nitrogen \(Polarized\)](#)
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- [Sturgeon \(Polarized\)](#)
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- [Polarized Lens](#)
- [Polarized](#)
- [Krus](#)
- [Optical Frames](#)
- [U and Me Readers](#)
- [Reading Glasses](#)

## 8CP909

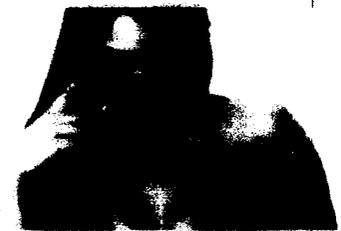
CHOPPERS

Inventory On Hand 0

<b>Price:</b> 1-9 DOZEN	<b>\$39.00</b>
10-24 DOZEN	<b>\$37.00</b>
25-49 DOZEN	<b>\$35.00</b>
50-99 DOZEN	<b>\$33.00</b>
100+ DOZEN	<b>\$31.00</b>

**OUT OF STOCK**

**ADD TO LIST**



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- [vintage DG](#)
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- [DG](#)
- [vG](#)
- [Rhinstone](#)
- [XLoop](#)
- [XLoop Ski Goggles](#)
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- [vivid Star](#)
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- [Nitrogen \(Polarized\)](#)
- [Polarized Lens](#)
- [Toodiez](#)
- [Kids](#)
- [Optical Frames](#)
- [J Me Readers](#)
- [Reading Glasses](#)
- [MLB Sunglasses](#)
- [NFL Sunglasses](#)



## PZ/CP6555

POLARIZED CHOPPERS

Inventory On Hand 7

<b>Price:</b> 1-9 DOZEN	<b>\$46.00</b>
10-24 DOZEN	<b>\$44.00</b>
25-49 DOZEN	<b>\$42.00</b>
50-99 DOZEN	<b>\$40.00</b>
100+ DOZEN	<b>\$38.00</b>

Quantity:

DOZEN

**ADD TO CART**

**ADD TO LIST**



76592901

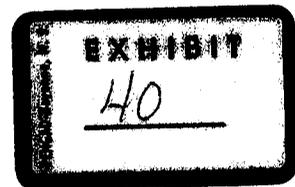
TRADEMARK APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

05/24/88 GTHOMAS2 00000026 76592901

01 FC-6001

335.00 00



19-2004

U.S. Patent & TMO/c/TM Mail Repl Ot. #67

**APPLICANT'S NAME:** Jay-Y Enterprise Co., Inc.

**APPLICANT'S ADDRESS:** 632 New York Drive, Pomona, CA 91768

**GOODS:** Sunglasses, Optical Frames and Reading Glasses

**DATE OF FIRST USE:** 8/15/2002

**DATE OF FIRST USE IN COMMERCE:** 8/15/2002



U.S. Patent & TM Ots/TM



**76592901**

**MEEI-LING CHEN  
A PROFESSIONAL LAW CORPORATION**

Member of California  
and New York Bars

18472 East Colima Road, Suite 208  
Rowland Heights, CA 91748  
Telephone (626) 854-6616  
Facsimile (626) 854-6618

May 14, 2004

Assistant Commissioner for Trademarks  
Box New App/Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513

RE: Trademark "CHOPPERS"

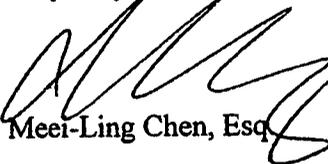
Dear Sir or Madam:

I am enclosing the followings for the support of application for trademark registration:

1. Filing fee of \$335.00;
2. An application;
3. A drawing page;
4. One (1) specimen of the mark as used in commerce; and
5. A stamped self-addressed postcard

Feel free to call me if you need any further documents.

Very truly yours,



Meei-Ling Chen, Esq.

MLC/yl

Enc.

c:\mwl\mll1276-1\cover.tr

### Applicant Information

Please use the Wizard if there are multiple applicants.

<b>Name</b>	JAY-Y ENTERPRISE CO., INC. <small>(If an individual, use following format: Last Name, First Name, Middle Initial/Name)</small>		
<b>Entity Type:</b> Click on the one appropriate circle to indicate the applicant's entity type and enter the corresponding information.			
<input type="radio"/> Individual	Country of Citizenship		
<input checked="" type="radio"/> Corporation	State or Country of Incorporation	California	
<input type="radio"/> Partnership	State or Country Where Organized		
	Name and Citizenship of all General Partners		
<input type="radio"/> Other	Specify Entity Type		
	State or Country Where Organized		
<b>* Address</b>	* Street Address	632 New York Drive	
	* City	Pomona	
	State	California	
	* Country	USA	
	Zip/Postal Code	91768	
Phone Number	(909) 469-4898		
Fax Number	(909) 469-4896		
Internet E-Mail Address	Jayyent@aol.com		
<input type="checkbox"/> Check here to authorize the USPTO to communicate with the applicant at the listed e-mail address. Note: only one e-mail address may be used for correspondence.			

### Mark Information

Before the USPTO can register your mark, we must know exactly what it is. You can display a mark in one of two formats: (1) typed, or (2) stylized or design. When you click on one of the two circles below, and follow the relevant instructions, the program will create a separate page that displays your mark.

**WARNING: AFTER SEARCHING THE USPTO DATABASE, EVEN IF YOU THINK THE RESULTS ARE O.K., DO NOT ASSUME THAT YOUR MARK CAN BE REGISTERED AT THE USPTO AFTER YOU FILE AN APPLICATION. THE USPTO MUST DO ITS OWN SEARCH AND OTHER REVIEW AND MIGHT REFUSE TO REGISTER YOUR MARK.**

**Typed Format**

Click on this circle if you wish to register a word(s), letter(s), and/or number(s) in a format that can be reproduced using a typewriter. Also, only the following common punctuation marks and symbols are acceptable in a typed drawing (any other symbol requires a stylized format):

? " ' ( ) % \$ @ + , ! : / & # \* = { }

Enter the mark here: NOTE: The mark must be entered in ALL upper case letters, regardless of how you actually use the mark. E.g., MONEYWISE, not MoneyWise.



Mark

**Stylized or Design Format**

Click on this circle if you wish to register a stylized word(s), letter(s), number(s), and/or a design. The design may also include words.

Click on the 'Browse' button to select GIF or JPG image file from your local drive that shows the complete, overall mark (i.e., the stylized representation of the words, e.g., or if a design that also includes words, the image of the "composite" mark, NOT just the design element).

For a stylized word(s) or letter(s), or a design that also includes a word(s), enter the LITERAL element only of the mark here:

CHOPPERS

This section is for the entry of various statements that may pertain to the mark. In no case must you enter any of these statements for the application to be accepted for filing (although you may be required to add a statement(s) to the record during the actual prosecution of the application). To select a statement, check the box and enter the specific information relevant to your mark. The following are the texts of the most commonly asserted statements:

**DISCLAIMER:** "No claim is made to the exclusive right to use \_\_\_\_\_ apart from the mark as shown."

**STIPPLING AS A FEATURE OF THE MARK:** "The stippling is a feature of the mark."

**STIPPLING FOR SHADING:** "The stippling is for shading purposes only."

**PRIOR REGISTRATION(S):** "Applicant claims ownership of U.S. Registration Number(s) \_\_\_\_\_"

**DESCRIPTION OF THE MARK:** "The mark consists of \_\_\_\_\_"

**TRANSLATION:** "The foreign wording in the mark translates into English as \_\_\_\_\_"

**TRANSLITERATION:** "The non-Latin character(s) in the mark transliterate into \_\_\_\_\_, and this means \_\_\_\_\_ in English."

Additional Statement

**§2(f), based on Use:** "The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement."

**§2(f), based on Prior Registration(s):** "The mark has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). \_\_\_\_\_"

**§2(f), IN PART, based on Use:** "\_\_\_\_\_ has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement."

**§2(f), IN PART, based on Prior Registration(s):** "\_\_\_\_\_ has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). \_\_\_\_\_"

**NAME(S), PORTRAIT(S), SIGNATURE(S) OF INDIVIDUAL(S):**

"The name(s), portrait(s), and/or signature(s) shown in the mark identifies \_\_\_\_\_, whose consent(s) to register will be submitted.

"The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

**USE OF THE MARK IN ANOTHER FORM:** "The mark was first used anywhere in a different form other than that sought to be registered on \_\_\_\_\_, and in commerce on \_\_\_\_\_"

**CONCURRENT USE:** Enter the appropriate concurrent use information, e.g., specify the goods and the geographic area for which registration is sought.

**BASIS FOR FILING AND GOODS AND/OR SERVICES INFORMATION**

Applicant requests registration of the trade mark/service mark identified above in the Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq.) for the following class(es) and Goods and/or Services and checks the basis that covers those specific Goods or Services. More than one basis may be selected, but do NOT claim both (a) and (b) for identical goods or services in one application.

Please use the Wizard if there is more than one class.

**Section 1(a), Use in Commerce:** Applicant is using or is using through a related company the mark in commerce on or in connection with the below identified goods and/or services. 15 U.S.C § 1051(a), as amended. Applicant attaches one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services. If filing electronically, applicant must attach a JPG or GIF specimen image file for each international class, regardless of whether the mark itself is in a typed drawing format or is in a stylized format or a design.

**Specimen Image File**

Click on the 'Browse' button to select GIF or JPG image file that contains the specimen from applicant's local drive.

**Describe what the specimen submitted consists of:**

Sunglasses

<b>International Class</b>	9 If known, enter class number 001 - 042, A, B, or 200
<b>Listing of Goods and/or Services</b>	Sunglasses, optical frames and reading glasses
<b>Date of First Use of Mark Anywhere</b>	08/15/2002 MM/DD/YYYY
<b>Date of First Use of the Mark In Commerce</b>	08/15/2002 MM/DD/YYYY

**Section 1(b), Intent to Use:** Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the goods and/or services identified below (15 U.S.C. §1051(b)).

<b>International Class</b>	If known, enter class number 001 - 042, A, B, or 200
<b>Listing of Goods and/or Services</b>	

**Section 44(d), Priority based on foreign filing:** Applicant has a bona fide intention to use the mark in commerce on or in connection with the goods and/or services identified below, and asserts a

**claim of priority based upon a foreign application in accordance with 15 U.S.C. §1126(d).**

<b>International Class</b>	<input type="text"/> If known, enter class number 001 - 042, A, B, or 200
<b>* Listing of Goods and/or Services</b>	<input type="text"/> <input type="text"/>
<b>Country of Foreign Filing</b>	<input type="text"/> <input type="text"/> If not listed above, please select 'OTHER' and specify here: <input type="text"/>
<b>Foreign Application Number</b>	<input type="text"/>
<b>Date of Foreign Filing</b>	<input type="text"/> MM/DD/YYYY

**Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and will submit a certification or certified copy of the foreign registration before the application may proceed to registration, in accordance with 15 U. S.C. 1126(e), as amended.**

<b>International Class</b>	<input type="text"/> If known, enter class number 001 - 042, A, B, or 200
<b>* Listing of Goods and/or Services</b>	<input type="text"/> <input type="text"/>
<b>Country of Foreign Registration</b>	<input type="text"/> <input type="text"/> If not listed above, please select 'OTHER' and specify here: <input type="text"/>
<b>Foreign Registration Number</b>	<input type="text"/>
<b>Foreign Registration Date</b>	<input type="text"/> MM/DD/YYYY
<b>Renewal Date for Foreign Registration</b>	<input type="text"/> MM/DD/YYYY
<b>Expiration Date of Foreign Registration</b>	<input type="text"/> MM/DD/YYYY

Check here if an attorney is filing this application on behalf of applicant(s). Otherwise, click on Domestic Representative to continue.

### Attorney Information

<b>Correspondent Attorney Name</b>	Meei-Ling Chen	
<b>Individual Attorney Docket/Reference Number</b>		
<b>Other Appointed Attorney(s)</b>		
<b>Attorney Address</b>	<b>Street Address</b>	18472 E. Colima Road, Suite 208
	<b>City</b>	Rowland Heights
	<b>State</b>	California <small>If not listed above, please select 'OTHER' and specify here: _____</small>
	<b>Country</b>	USA <small>If not listed above, please select 'OTHER' and specify here: _____</small>
	<b>Zip/Postal Code</b>	91748
<b>Firm Name</b>	Meei-Ling Chen, A Professional Law Corporation	
<b>Phone Number</b>	(626) 854-6616	
<b>FAX Number</b>	(626) 854-6618	
<b>Internet E-Mail Address</b>	mlclawoffices@aol.com	
	<input checked="" type="checkbox"/> Check here to authorize the USPTO to communicate with the applicant's attorney at the listed e-mail address. Note: only one e-mail address may be used for correspondence.	

Check here if the applicant has appointed a Domestic Representative. A Domestic Representative is ( ) if the applicant's address is outside the United States. Otherwise, click on [Fee Information](#) to continue.

## Domestic Representative

The applicant must appoint a Domestic Representative if the applicant's address is outside the United States. The following is hereby appointed applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

<b>Representative's Name</b>	<input style="width: 100%;" type="text"/>		
<b>Address</b>	<b>Street Address</b>	<input style="width: 100%;" type="text"/>	
	<b>City</b>	<input style="width: 100%;" type="text"/>	
	<b>State</b>	<input style="width: 100%;" type="text"/> If not listed above, please select 'OTHER' and specify here: <input style="width: 100%;" type="text"/>	
	<b>Zip Code</b>	<input style="width: 100%;" type="text"/>	
<b>Firm Name</b>	<input style="width: 100%;" type="text"/>		
<b>Phone Number</b>	<input style="width: 100%;" type="text"/>		
<b>FAX Number</b>	<input style="width: 100%;" type="text"/>		
<b>Internet Mail Address</b>	<input type="checkbox"/> Check here to <u>authorize</u> the USPTO to communicate with the applicant's representative at the listed e-mail address. Note: only one e-mail address may be used for correspondence.		

### Fee Information

**Number of Classes Paid**

**Note:** The total fee is computed based on the Number of Classes in which the goods and/or services associated with the mark are classified. **\$ 335.00 = Number of Classes Paid x \$335(per class)**

**Amount** **\$ 335.00**

### Payment Method

- Credit Card**  
 (If checked, you will be prompted later in the process to enter your credit card information).
- Deposit Account Number**   
 (If checked, please enter six numbers with no space or hyphen).

**WARNING:** Unlike credit cards, we do NOT process deposit account transactions immediately. Although a successful transmission will result in an assigned serial number, a later determination that your deposit account does not cover the fee payment will result in the serial number being misassigned and the filing date being canceled.

The U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to the deposit account listed above.

**Name of Person authorizing account activity**

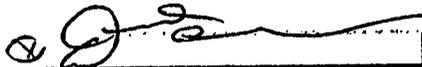
**Company/Firm Name**

### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or

prisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

The application will not be "signed" in the sense of a traditional paper document. To verify the contents of the application, the signatory must enter any combination of alpha/numeric characters that has been specifically adopted to serve the function of the signature, preceded and followed by the forward slash (/) symbol. Acceptable "signatures" could include: /john doe/, /jd/, and /123-4567/. The application may still be verified to check for missing information or errors even if the signature and date signed fields are left blank. For additional information, click on "Signature" below.

Signature		Date Signed	<input type="text" value="4/6/04"/>
			MM/DD/YYYY
Signatory's Name	<input type="text" value="Ward Chen"/>		
Signatory's Position	<input type="text" value="President"/>		

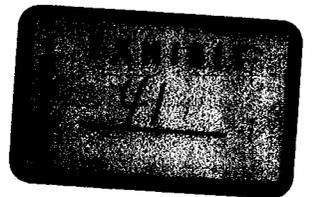
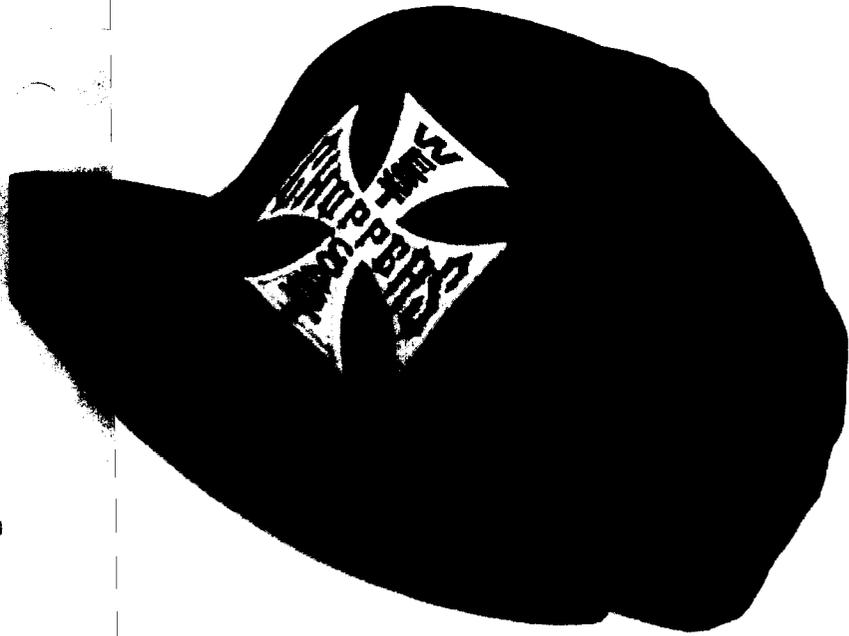
Click on the desired action:

The "Validate Form" function allows you to run an automated check to ensure that all mandatory fields have been completed. You will receive an "error" message if you have not filled in one of the five (5) fields that are considered "minimum filing requirements" under the Trademark Law Treaty Implementation Act of 1998. For other fields that the USPTO believes are important, but not mandatory, you will receive a "warning" message if the field is left blank. This warning is a courtesy, if non-completion was merely an oversight. If you so choose, you may by-pass that "warning" message and validate the form (however, you cannot by-pass an "error" message).

<input type="button" value="Validate Form"/>	<input type="button" value="Reset Form"/>
--	---

To either print the completed application, in whole or in part, download and save the validated application, or electronically submit the application to the USPTO, click on the Validate Form button.







**WCC WCH213 M/L**

**\$25.00**

**AVAILABILITY: IN STOCK**  
Ships within 1 business day

**Cross Hat**

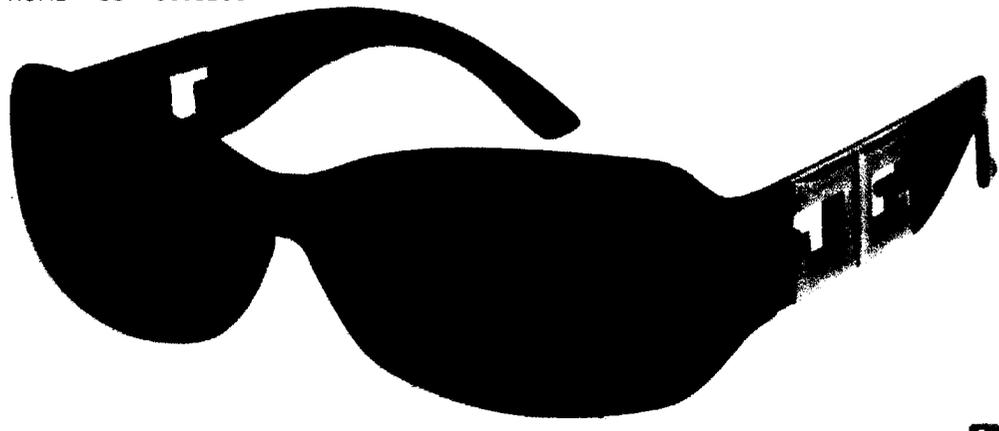
It's simply a classic. This basic-black hat sports a striking red-edged West Coast Choppers iron-cross logo in black and white. Nuff said. But take a look under the brim... it's got "Choppers for Life" embroidered on the underside.





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- [h...en \(Polarized\)](#)
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- [Kids](#)

## 36012CG

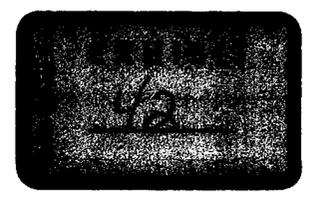
CG

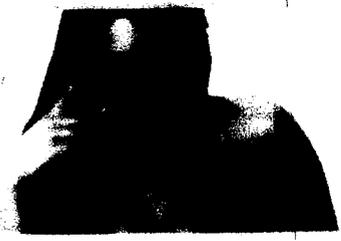
Inventory On Hand 166

<b>Price:</b> 1-9 DOZEN	<b>\$36.00</b>
10-24 DOZEN	<b>\$34.00</b>
25-49 DOZEN	<b>\$32.00</b>
50-99 DOZEN	<b>\$30.00</b>
100+ DOZEN	<b>\$28.00</b>

Quantity:  **ADD TO CART**

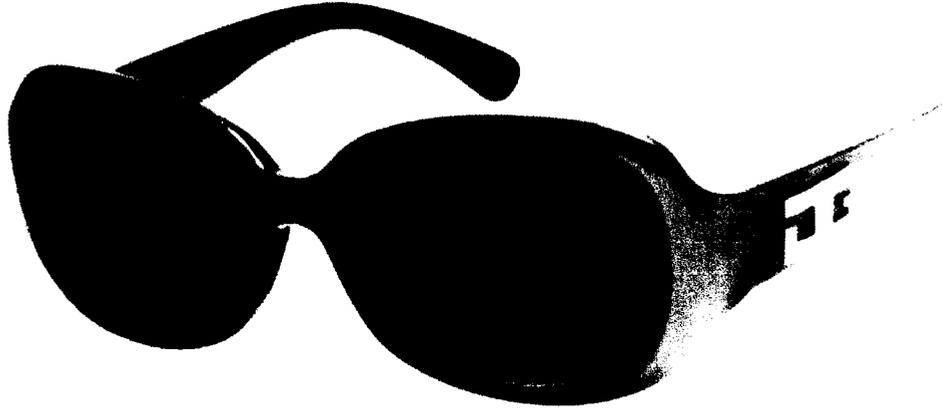
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## 36028CG

CG

Inventory On Hand 176

<b>Price:</b> 1-9 DOZEN	<b>\$34.00</b>
10-24 DOZEN	<b>\$32.00</b>
25-49 DOZEN	<b>\$30.00</b>
50-99 DOZEN	<b>\$28.00</b>
100+ DOZEN	<b>\$26.00</b>

Quantity:  [ADD TO CART](#)

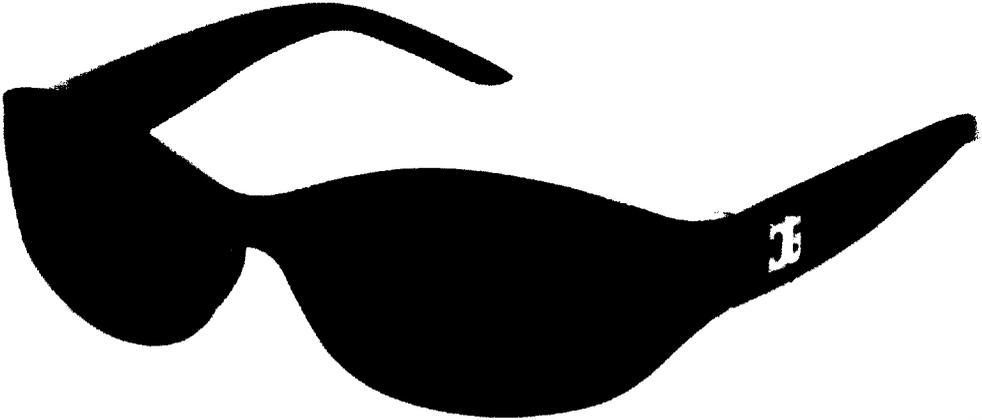
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- [N...en \(Polarized\)](#)
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## 36038CG

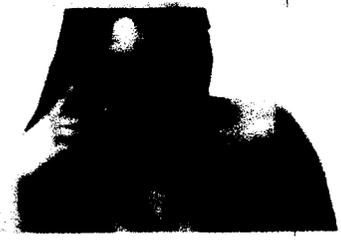
CG

Inventory On Hand 434

<b>Price:</b> 1-9 DOZEN	<b>\$32.00</b>
10-24 DOZEN	<b>\$30.00</b>
25-49 DOZEN	<b>\$28.00</b>
50-99 DOZEN	<b>\$26.00</b>
100+ DOZEN	<b>\$24.00</b>

Quantity:  [ADD TO CART](#)

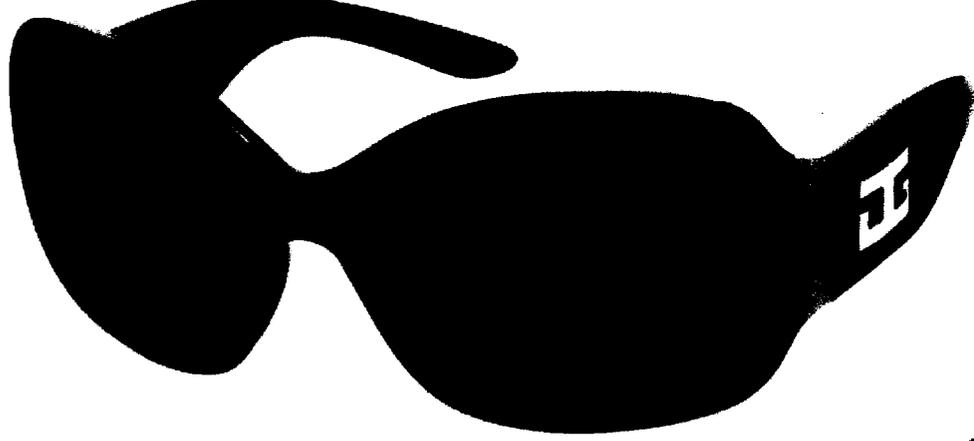
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## 36032CG/LZ

CG

Inventory On Hand 195

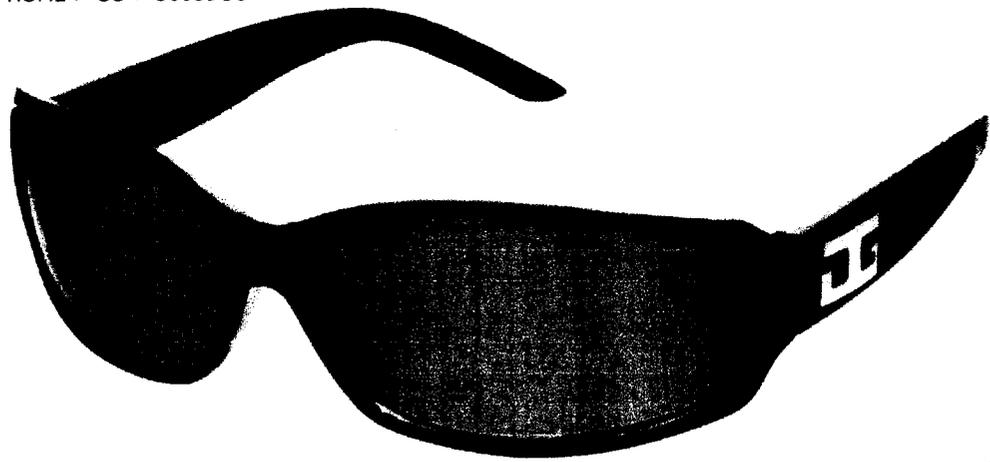
<b>Price:</b>	1-9 DOZEN	<b>\$34.00</b>
	10-24 DOZEN	<b>\$32.00</b>
	25-49 DOZEN	<b>\$30.00</b>
	50-99 DOZEN	<b>\$28.00</b>
	100+ DOZEN	<b>\$26.00</b>

Quantity:  **ADD TO CART**

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## 36039CG

CG

Inventory On Hand 123

<b>Price:</b> 1-9 DOZEN	<b>\$32.00</b>
10-24 DOZEN	<b>\$30.00</b>
25-49 DOZEN	<b>\$28.00</b>
50-99 DOZEN	<b>\$26.00</b>
100+ DOZEN	<b>\$24.00</b>

Quantity:  DOZEN [ADD TO CART](#)

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- [N...en \(Polarized\)](#)
- [Polarized Lens](#)
- [Hoodiez](#)
- [Kids](#)



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DG

Vintage DG

DG Ski Goggles

CG

Laser Engraved

Metal Frames

Plastic Frames

Polarized Lens

Rhinestone

Rhinestone

XLoop

XLoop Ski Goggles

Locs

Locas

Choppers

Biohazard

Aviator

Bikers

Flying Skull

Manhattan

Princess

Relic

Sacred Hearts

Retro Optix

True Love

Road Warrior

USA Eagle

Vivid Star

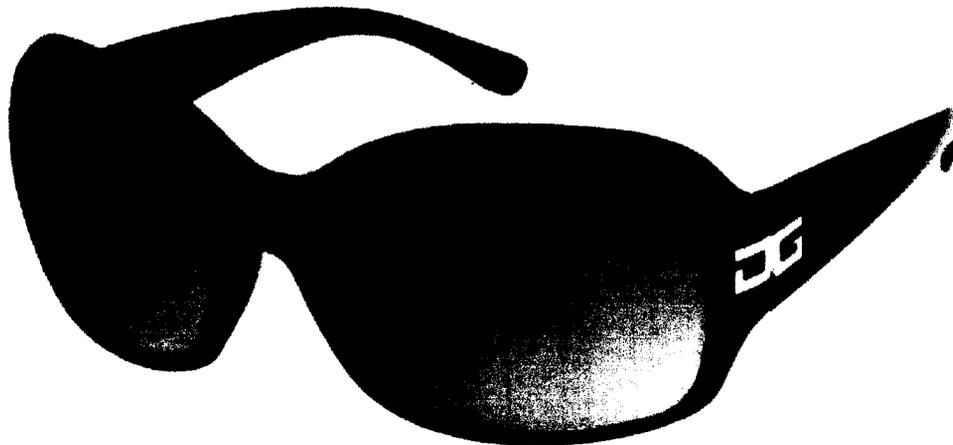
Stinson (Polarized)

N. Len (Polarized)

Polarized Lens

Hoodiez

Kids



## 36071CG

CG

Inventory On Hand 227

<b>Price:</b> 1-9 DOZEN	<b>\$33.00</b>
10-24 DOZEN	<b>\$31.00</b>
25-49 DOZEN	<b>\$29.00</b>
50-99 DOZEN	<b>\$27.00</b>
100+ DOZEN	<b>\$25.00</b>

Quantity:  DOZEN [ADD TO CART](#)

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- Sturgeon (Polarized)
- Men (Polarized)
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- Kids



## 8RS1850CG

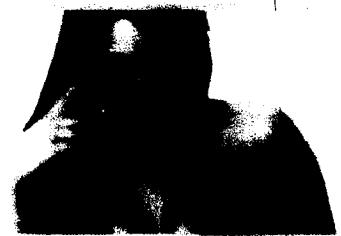
RHINESTONE CG

Inventory On Hand 413

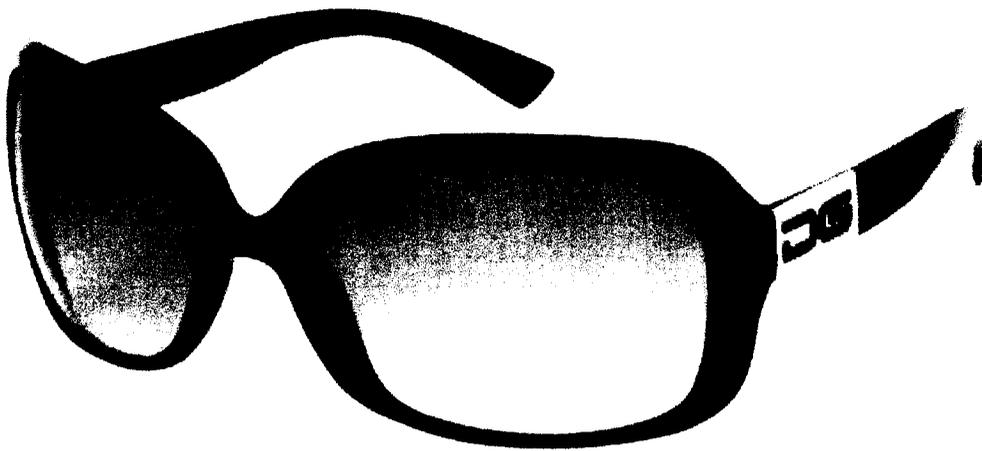
<b>Price:</b> 1-9 DOZEN	<b>\$38.00</b>
10-24 DOZEN	<b>\$36.00</b>
25-49 DOZEN	<b>\$34.00</b>
50-99 DOZEN	<b>\$32.00</b>
100+ DOZEN	<b>\$30.00</b>

Quantity:  **ADD TO CART**

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- [J and Me Readers](#)
- [Reading Glasses](#)
- [MLB Sunglasses](#)
- [NFL Sunglasses](#)

## 36078CG

CG

Inventory On Hand 356

<b>Price:</b> 1-9 DOZEN	<b>\$33.00</b>
10-24 DOZEN	<b>\$31.00</b>
25-49 DOZEN	<b>\$29.00</b>
50-99 DOZEN	<b>\$27.00</b>
100+ DOZEN	<b>\$25.00</b>

Quantity:  [ADD TO CART](#)

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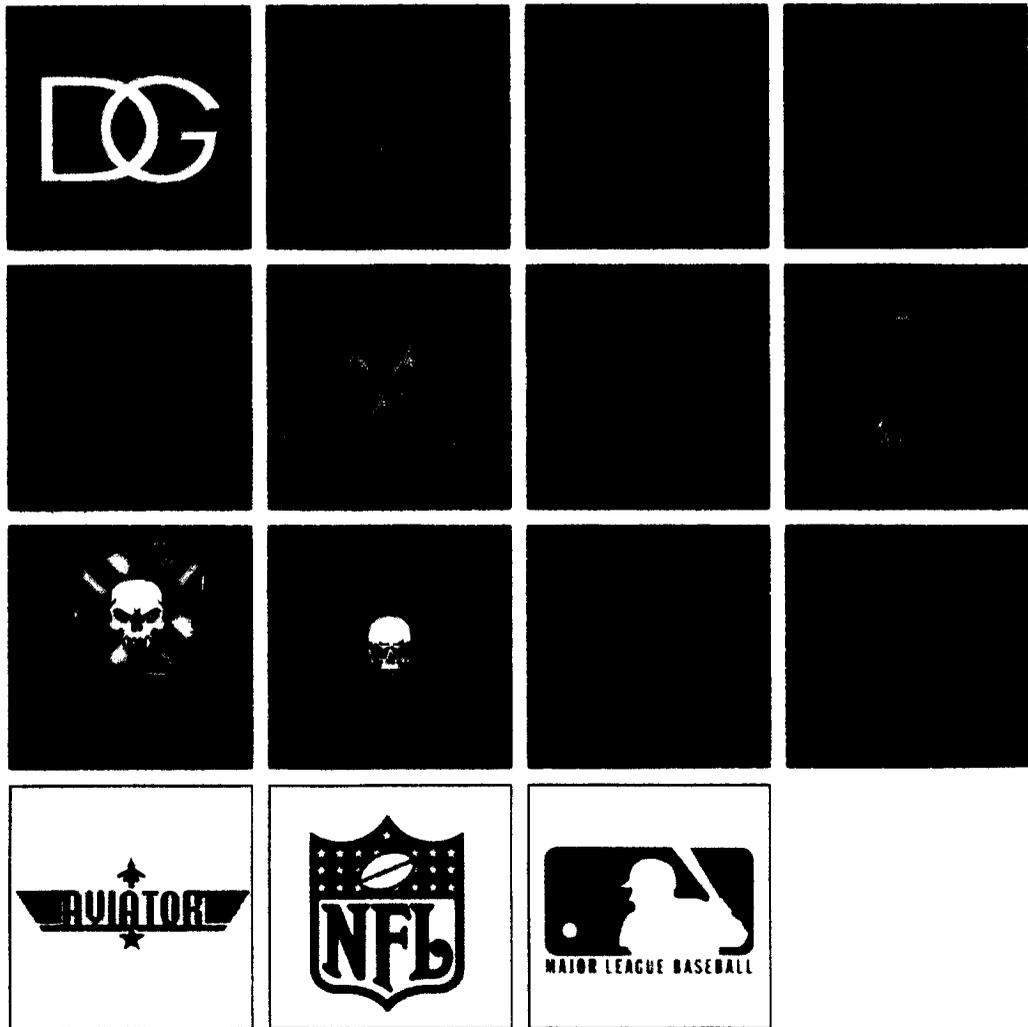
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- MY ACCOUNT
- MY LIST
- FAQ
- POLICY
- VIEW CART
- CONTACT

Search

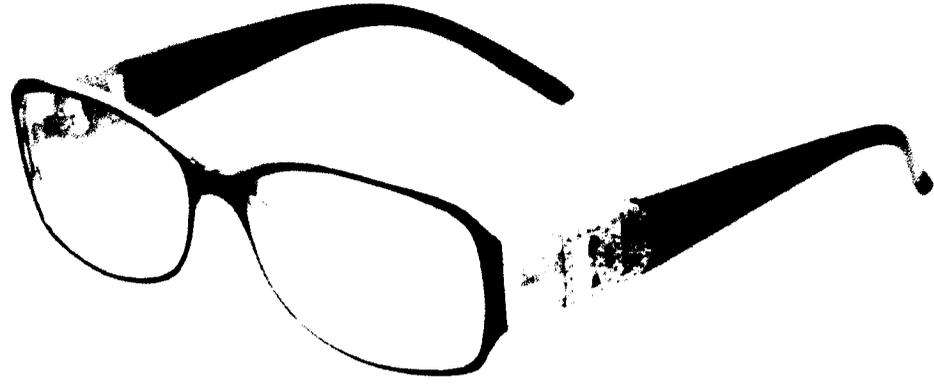
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- CG
- VG
- Rhinestone
- XLoop
- XLoop Ski Goggles
- Locs
- Locas
- Choppers
- Biohazard
- Aviator
- Bikers
- Flying Skull
- Manhattan
- Princess
- Relic
- Sacred Hearts
- Retro Optix
- True Love
- Road Warrior
- USA Eagle
- Vivid Star
- Sturgeon (Polarized)
- Nitrogen (Polarized)
- Polarized Lens
- Hoodiez
- Kids
- Optical Frames
- U and Me Readers
- Reading Glasses
- MLB Sunglasses
- NFL Sunglasses
- NCAA Sunglasses
- Generic Sunglasses
- Accessories
- Clearance

Welcome to **Jay-Y Enterprises Co., inc.**, a premier dealer of designer style sunglasses. If you are looking to purchase wholesale sunglasses, we offer excellent product quality at competitive prices.

All orders are usually shipped within 24 hours. We carry the latest fashion eyewear for less, and our wholesale costs are less. Our sunglass lines include best selling names such as X-Loop, DG, VG, Choppers, Locs, Aviator, and more! We import all of our goods directly from the manufacturer, saving you hundres, even thousands or dollars with no middleman markups.







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- [XLoop](#)
- [XLoop Ski Goggles](#)
- [Locs](#)
- [I](#)
- [Choppers](#)
- [Biohazard](#)
- [Aviator](#)
- [Bikers](#)
- [Flying Skull](#)
- [Manhattan](#)
- [Princess](#)
- [Relic](#)
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- [Nitrogen \(Polarized\)](#)
- [Polarized Lens](#)
- [Hoodiez](#)
- [Kids](#)
- [3l Frames](#)
- [U and Me Readers](#)
- [Reading Glasses](#)
- [MLB Sunglasses](#)
- [NFL Sunglasses](#)

## CL/26383DG

GENERIC

Inventory On Hand 2

<b>Price:</b> 1-9 DOZEN	<b>\$34.00</b>
10-24 DOZEN	<b>\$32.00</b>
25-49 DOZEN	<b>\$30.00</b>
50-99 DOZEN	<b>\$28.00</b>
100+ DOZEN	<b>\$26.00</b>

Quantity:  [ADD TO CART](#)

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