

ESTTA Tracking number: **ESTTA491032**

Filing date: **08/24/2012**

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

Proceeding	92054629
Party	Plaintiff Sheltered Wings, Inc.
Correspondence Address	JENNIFER L GREGOR GODFREY & KAHN SC ONE EAST MAIN STREET, SUITE 500 MADISON, WI 53703 UNITED STATES jgregor@gklaw.com, jpeterson@gklaw.com, apeterson@gklaw.com, docketing@gklaw.com
Submission	Other Motions/Papers
Filer's Name	Jennifer L. Gregor
Filer's e-mail	jgregor@gklaw.com, jschwartz@gklaw.com, apeterson@gklaw.com, jpeterson@gklaw.com
Signature	/Jennifer L. Gregor/
Date	08/24/2012
Attachments	2012-08-24 Declaration of Jacqueline Schwartz.pdf (3 pages)(118413 bytes) Ex J - 2,084,361 Cert_Status Rpt - Eagleview.pdf (6 pages)(25086 bytes) Ex K - 2,084,361 Prosecution File History - Eagleview.pdf (83 pages)(5498952 bytes)

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

In re Registration No. 3,904,929)	
)	
SHELTERED WINGS, INC.)	
)	
Petitioner,)	Cancellation No. 92054629
)	
v.)	
)	
WOHALI OUTDOORS, LLC)	
)	
Respondent.)	

DECLARATION OF JACQUELINE M. SCHWARTZ

I, Jacqueline M. Schwartz, declare as follows:

1. I am a paralegal at the law firm of Godfrey & Kahn, S.C., counsel for petitioner, Sheltered Wings, Inc. I have personal knowledge of the facts in this declaration and, if called upon, I could and would testify to these facts.
2. Attached as **Exhibit A** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 2,886,199 for the mark EAGLE OPTICS, and the corresponding TSDR status report downloaded on August 23, 2012 from the USPTO website at <http://tsdr.uspto.gov/> (the "USPTO Website").
3. Attached as **Exhibit B** is a true and correct copy of the prosecution file history for the application that resulted in U.S. Trademark Registration No. 2,886,199 for the mark EAGLE OPTICS, which was downloaded on August 23, 2012 from the USPTO Website.
4. Attached as **Exhibit C** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 3,192,083 for the mark EAGLE OPTICS and design, and the

corresponding TSDR status report downloaded on August 23, 2012 from the USPTO Website.

5. Attached as **Exhibit D** is a true and correct copy of the prosecution file history for the application that resulted in U.S. Trademark Registration No. 3,192,083 for the mark EAGLE OPTICS and design, which was downloaded on August 23, 2012 from the USPTO Website.

6. Attached as **Exhibit E** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 3,787,739 for the mark GOLDEN EAGLE, and the corresponding TSDR status report downloaded on August 23, 2012 from the USPTO Website.

7. Attached as **Exhibit F** is a true and correct copy of the prosecution file history for the application that resulted in U.S. Trademark Registration No. 3,787,739 for the mark GOLDEN EAGLE, which was downloaded on August 23, 2012 from the USPTO Website.

8. Attached as **Exhibit G** is a true and correct copy of the prosecution file history for trademark application Serial No. 85/095,903 for the mark EAGLE, which was downloaded on August 23, 2012 from the USPTO Website.

9. Attached as **Exhibit H** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 3,904,929 for the mark STEEL EAGLE, and the corresponding TSDR status report downloaded on August 23, 2012 from the USPTO Website.

10. Attached as **Exhibit I** is a true and correct copy of the prosecution file history for the application that resulted in U.S. Trademark Registration No. 3,904,929 for the mark STEEL EAGLE, which was downloaded on August 23, 2012 from the USPTO Website.

11. Attached as **Exhibit J** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 2,084,361 for the mark EAGLEVIEW, and the corresponding TSDR status report downloaded on August 23, 2012 from the USPTO Website.

12. Attached as **Exhibit K** is a true and correct copy of the prosecution file history,

available from the USPTO Website, for the application that resulted in U.S. Trademark Registration No. 2,084,361 for the mark EAGLEVIEW, which was downloaded on August 23, 2012 from the USPTO Website.

13. Attached as **Exhibit L** is a true and correct copy of Wohali's verified responses to Petitioner's first set of interrogatories, in this proceeding.

14. Attached as **Exhibit M** is a true and correct copy of the TSDR status report for Registration No. 2,365,057 for the mark EAGLE'S BLUFF, which was downloaded on August 23, 2012 from the USPTO Website.

15. Attached as **Exhibit N** is a true and correct copy of the Declaration of Brett L. Foster filed on July 7, 2011 in the U.S. Western District of Wisconsin Case No. 11-CV-300, *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*.

16. Attached as **Exhibit O** is a true and correct copy of an "entity summary" record from the website for the Oklahoma Secretary of State showing that Wohali Outdoors, LLC ("Wohali") was formed on February 10, 2009.

17. Attached as **Exhibit P** is a true and correct copy of a screenshot of the homepage of Wohali's website at <http://wohali.arcoutdoors.com>.

18. Attached as **Exhibit Q** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 3,911,635 for the mark WOHALI, and the corresponding TSDR status report downloaded on August 24, 2012 from the USPTO Website.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 24, 2012, in Madison, Wisconsin.

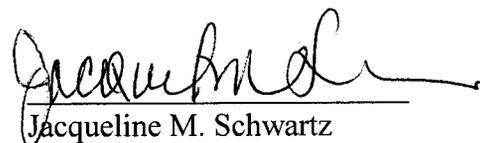

Jacqueline M. Schwartz

EXHIBIT J
TO DECLARATION OF
JACQUELINE M. SCHWARTZ

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,084,361

United States Patent and Trademark Office

Registered July 29, 1997

**TRADEMARK
PRINCIPAL REGISTER**

EAGLEVIEW

NIKON INC. (NEW YORK CORPORATION)
1300 WALT WHITMAN ROAD
MELVILLE, NY 117473064

FIRST USE 11-30-1996; IN COMMERCE
11-30-1996.

SN 74-603,797, FILED 11-28-1994.

FOR: BINOCULARS, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

HOWARD SMIGA, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2012-08-23 14:06:01 EST

Mark: EAGLEVIEW

US Serial Number: 74603797

Application Filing Date: Nov. 28, 1994

US Registration Number: 2084361

Registration Date: Jul. 29, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jul. 23, 2007

Publication Date: Jul. 25, 1995

Mark Information

Mark Literal Elements: EAGLEVIEW

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: binoculars

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 1996

Use in Commerce: Nov. 30, 1996

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: NIKON CORPORATION
2-3 MARUNOUCHI 3-CHOME, CHIYODA-KU
Owner Address: TOKYO 100
JAPAN

Legal Entity Type: CORPORATION **State or Country Where Organized:** JAPAN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark I. Peroff **Docket Number:** 0820417.0133

Correspondent

Correspondent Name/Address: Mark I. Peroff
Kirkpatrick & Lockhart Preston Gates Ellis LLP
599 Lexington Avenue
NEW YORK, NY 10022-6030
UNITED STATES

Phone 212-536-3900 **Fax** 212-536-3901

Correspondent e-mail Authorized Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
------	-------------	-------------------

Jul. 23, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Jul. 23, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 16, 2007	ASSIGNED TO PARALEGAL	67603
Jun. 19, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 19, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 09, 2007	CASE FILE IN TICRS	
Sep. 06, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 25, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 25, 2003	TEAS SECTION 8 & 15 RECEIVED	
Mar. 05, 2003	CANCELLATION TERMINATED NO. 999999	41239
Mar. 05, 2003	CANCELLATION DISMISSED NO. 999999	41239
Dec. 09, 2002	CANCELLATION INSTITUTED NO. 999999	41239
Nov. 03, 1997	REGISTERED - SEC. 7 REQUEST ABANDONED	
Sep. 12, 1997	SEC 7 REQUEST FILED	
Jul. 29, 1997	REGISTERED-PRINCIPAL REGISTER	
May 23, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 23, 1997	ASSIGNED TO EXAMINER	73731
May 10, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Apr. 11, 1997	USE AMENDMENT FILED	
Nov. 23, 1996	EXTENSION 2 GRANTED	
Oct. 11, 1996	EXTENSION 2 FILED	
Apr. 02, 1996	EXTENSION 1 GRANTED	
Jan. 19, 1996	EXTENSION 1 FILED	
Oct. 17, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 25, 1995	PUBLISHED FOR OPPOSITION	
Jun. 23, 1995	NOTICE OF PUBLICATION	
Apr. 17, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 29, 2007

TM Staff and Location Information

Current Location: POST REGISTRATION

Date in Location: Jul. 23, 2007

**EXHIBIT K
TO DECLARATION OF
JACQUELINE M. SCHWARTZ**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 2084361 SERIAL NO: 74/603797 MAILING DATE: 07/23/2007
REGISTRATION DATE: 07/29/1997
MARK: EAGLEVIEW
REGISTRATION OWNER: NIKON CORPORATION

CORRESPONDENCE ADDRESS:

Mark I. Peroff
Kirkpatrick & Lockhart Preston Gates Ell
599 Lexington Avenue
NEW YORK NY 10022-6030

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
009.

AUSTIN, DANA DIONNE
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**

ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2084361
REGISTRATION DATE	07/29/1997
SERIAL NUMBER	74603797
MARK SECTION	
MARK	EAGLEVIEW
OWNER SECTION (current)	
NAME	NIKON CORPORATION
STREET	2-3 MARUNOUCHI 3-CHOME, CHIYODA-KU
CITY	TOKYO 100
COUNTRY	JP
OWNER SECTION (proposed)	
NAME	NIKON CORPORATION
STREET	2-3 MARUNOUCHI 3-CHOME, CHIYODA-KU
CITY	TOKYO
ZIP/POSTAL CODE	100
COUNTRY	JP
ATTORNEY SECTION (current)	
NAME	Mark I. Peroff
FIRM NAME	TRADEMARK & PATENT COUNSELORS OF AMERICA
STREET	915 BROADWAY - 19TH FLOOR
CITY	NEW YORK
STATE	New York
ZIP/POSTAL CODE	

ZIP/POSTAL CODE	10010
COUNTRY	United States
DOCKET NUMBER	NIK.165
ATTORNEY SECTION (proposed)	
NAME	Mark I. Peroff
FIRM NAME	Kirkpatrick & Lockhart Preston Gates Ellis LLP
STREET	599 Lexington Avenue
CITY	NEW YORK
STATE	New York
ZIP/POSTAL CODE	10022-6030
COUNTRY	United States
PHONE	212-536-3900
FAX	212-536-3901
EMAIL	nytrademarks@klgates.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET NUMBER	0820417.0133
OTHER APPOINTED ATTORNEY(S)	Keith E. Danish, Darren W. Saunders, Catherine R. Keenan, Vincent P. Rao, Ruvym D. Gilman
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
USE ON ALL GOODS OR SERVICES OR EXCUSABLE NON-USE FOR ENTIRE CLASS	YES
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT13\746\037\74603797.xml1\S890002.JPG
SPECIMEN DESCRIPTION	Scanned image of packaging for the goods
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
TOTAL AMOUNT	500
SIGNATURE SECTION	

SIGNATORY FILE	Signature
SIGNATORY'S NAME	Naoki Tomino
SIGNATORY'S POSITION	Managing Director, Member of the Board & Senior Executive Officer, General Manager of Intellectual Property Headquarters
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Tue Jun 19 18:32:15 EDT 2007
TEAS STAMP	USPTO/S08N09-12.4.231.222 -20070619183215804808-208 4361-370e17e7bb61e3ef568c 95cb2dcfc088df-CC-2990-20 070619182759338026

**Combined Declaration of Use In Commerce & Application For Renewal of
Registration of A Mark Under Sections 8 & 9
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2084361

REGISTRATION DATE: 07/29/1997

MARK: EAGLEVIEW

The owner, NIKON CORPORATION, having an address of 2-3 MARUNOUCHI 3-CHOME, CHIYODA-KU, TOKYO, JP 100, is filing a Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9.

For International Class 009, the owner, or its related company, is using the mark in commerce on or in connection with all goods or services listed in the existing registration for this class; or, the owner is claiming excusable non-use for this entire class.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Scanned image of packaging for the goods.

[Specimen-1](#)

The registrant hereby appoints Mark I. Peroff and Keith E. Danish, Darren W. Saunders, Catherine R. Keenan, Vincent P. Rao, Ruvym D. Gilman of Kirkpatrick & Lockhart Preston Gates Ellis LLP, 599 Lexington Avenue, NEW YORK, New York United States 10022-6030 to file this Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 0820417.0133.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Signatory File: [Signature](#)

Signatory's Name: Naoki Tomino

Signatory's Position: Managing Director, Member of the Board & Senior Executive Officer, General Manager of Intellectual Property Headquarters

Mailing Address:

TRADEMARK & PATENT COUNSELORS OF AMERICA
915 BROADWAY - 19TH FLOOR
NEW YORK, New York 10010

Mailing Address:

Kirkpatrick & Lockhart Preston Gates Ellis LLP
599 Lexington Avenue
NEW YORK, New York 10022-6030

Serial Number: 74603797

Internet Transmission Date: Tue Jun 19 18:32:15 EDT 2007

TEAS Stamp: USPTO/S08N09-12.4.231.222-20070619183215

804808-2084361-370e17e7bb61e3ef568c95cb2

dcfc088df-CC-2990-20070619182759338026

Black

8-24x25 CF

EAGLEVIEW
Binoculars



EAGLEVIEW
Binoculars
ZOOM

8-24x25 CF

Black



EAGLEVIEW
Binoculars
ZOOM

8-24x25 CF

Black



UPC #7496

0 18208 07496

JAN BAA690AA

4 571137 580759

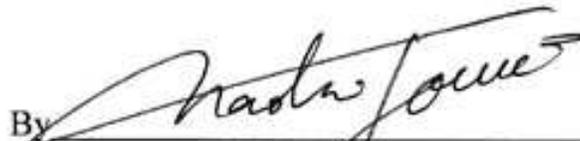
Made in China

紙 : 箱
プラ : 袋
PE

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the owner; and that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

NIKON CORPORATION

Date June 13, 2007

By 

<Name> NAOKI TOMINO
<Title> Managing Director, Member of the Board
& Senior Executive Officer
General Manager of Intellectual Property Headquarters

<CONTACT INFORMATION>

<Name> Mark I. Peroff, Esq.
<Firm Name> KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
<Street> 599 Lexington Avenue
<City> New York
<State> New York
<Country> U.S.A.
<Zip Code> 10022-6030
<Tel. No.> (212) 536-3900
<Fax No.> (212) 536-3901
<E-Mail> nytrademarks@klgates.com

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2084361



Serial Number: 74603797



RAM Sale Number: 2990

RAM Accounting Date: 20070620

Total Fees: \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20070619	\$100	1	1	\$100
Application for Renewal (§9)	7201	20070619	\$400	1	1	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20070619



Black

8-24x25 CF

EAGLEVIEW
Binoculars



EAGLEVIEW
Binoculars
ZOOM

8-24x25 CF

Black

UPC #7496



0 18208 07496

JAN BAA690AA



4 571137 580759

Made in China



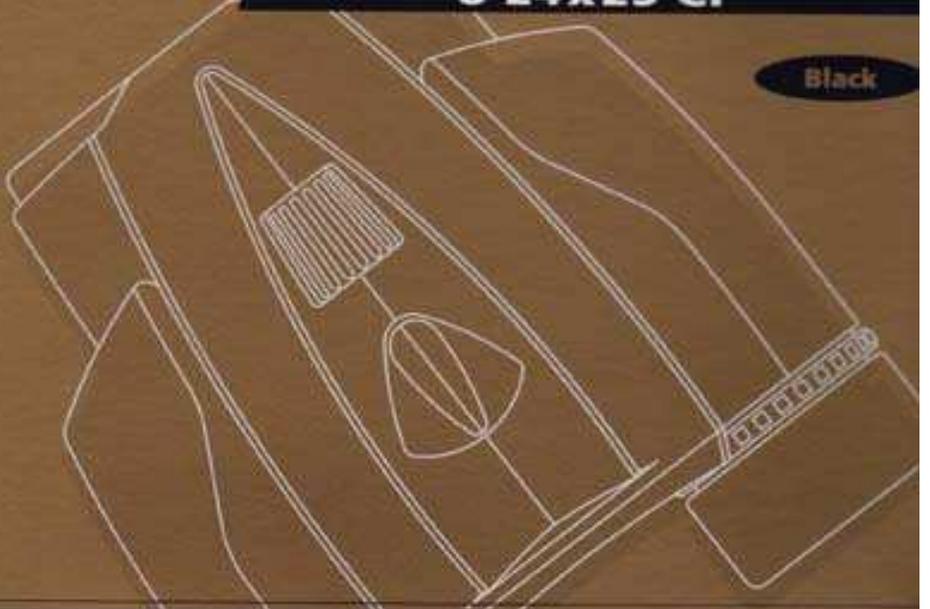
PE



EAGLEVIEW
Binoculars
ZOOM

8-24x25 CF

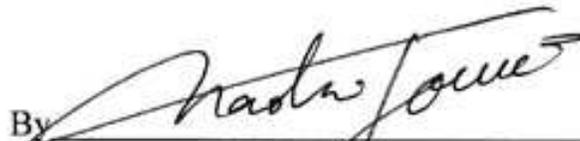
Black



The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the owner; and that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

NIKON CORPORATION

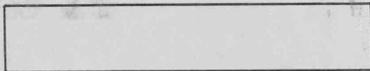
Date June 13, 2007

By 

<Name> NAOKI TOMINO
<Title> Managing Director, Member of the Board
& Senior Executive Officer
General Manager of Intellectual Property Headquarters

<CONTACT INFORMATION>

<Name> Mark I. Peroff, Esq.
<Firm Name> KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
<Street> 599 Lexington Avenue
<City> New York
<State> New York
<Country> U.S.A.
<Zip Code> 10022-6030
<Tel. No.> (212) 536-3900
<Fax No.> (212) 536-3901
<E-Mail> nytrademarks@klgates.com



FB

CONTENTS

Entry	Date	Initials
1. NOFA N OF P		
2.	OCT 17 1995	
3.		
4. Ext req. filed	1-19-96	DAB
5. Ext req. Granted	4-7-96	DAB
6. 2nd Ext Req filed	10-11-96	FT
7. Ext Req Granted	11-23-96	FT
8. San fit so	4-11-96	DA
9. Request for Correction	9-12-97	
10. Cert. returned	11-3-97	
11. PHIS	7-25-03	AC
12. Letter	11-10-03	AC
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6/19/95

6/10/95

74603797

PTO-102 (9-89)
U.S. DEPT. OF COMMERCE
Patent and Trademark Office

FPI-LOM

1. REG. NO. <i>2084,361</i>		3. MARK EAGLEVIEW		4. SER. NO. 74/603797	
2. REG. DATE JUL 29 1991		5. REGISTER PRINCIPAL			
6. INTERNATIONAL CLASS 9		7. PRIOR U.S. CLASS 21-23-26-36-38		8. FILING DATE 11/23/94	
9. LAW OFFICE		4			
10. APPLICANT AND POST OFFICE Nikon Inc. 1300 Walt Whitman Road Melville, NEW YORK 117473064 CORPORATION OF NEW YORK				16. EXAMINING ATTORNEY <i>Mark Smiga</i>	
11. CORRESPONDENCE ADDRESS Mark I. Peroff Trademark Counselors of America 915 Broadway New York, NY 10010				17. TYPE OF MARK SECTION 1(B), TRADEMARK	
12. DOMESTIC REPRESENTATIVE				18. FIRST USE ICL 009 00/00/0000 ,	
13. APPLICANT'S ATTORNEY Mark I. Peroff				19. IN COMMERCE ICL 009 00/00/0000 ,	
15. GOODS - SERVICES 009-binoculars				20. FOREIGN REG. AND APPL. DATA	
21. OTHER DATA					

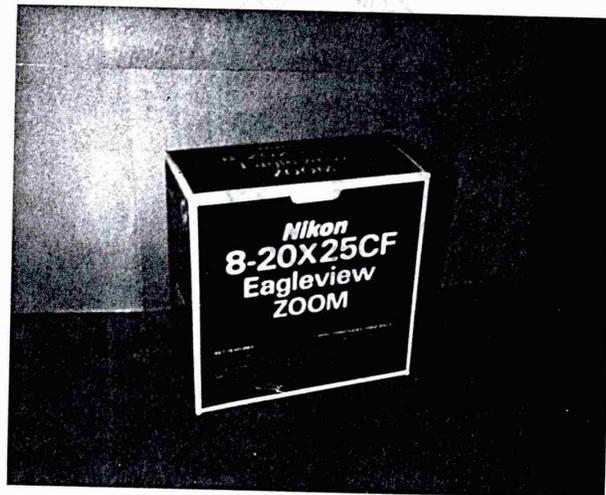
PTO-102L (REV. 12/82) U.S. DEPT. OF COMMERCE - PATENT AND TRADEMARK OFFICE

22. A M E N D E D	PRINCIPAL REGISTER		25. Examiner <i>Howard Smiga</i>
			26. Section 1(C) Accepted
			27. Section 1(D) Accepted <i>5/23/97 Rm. Eulog</i>
23. A F F I D A V I T	Section 8 <i>Ray Ki</i>	28. Approved for Publication <i>Mary Mack</i> 4/1	
	Section 15 <i>Ray Ki</i>	29. Approved for Supplemental Registration	
24. R E N E W A L	Approved for Renewal	30. O.G. Date	
	Renewed From	PUBLISHED JUL 29 1995	

Less Goods

USCOMM DC 89-3951







#11

PTO Form 1583 (Rev 4/2000)

OMB Control #0651-0009 (Exp. 08/31/2004)

Combined Declaration of Use and Incontestability Under Sections 8 & 15

To the Commissioner for Trademarks:

MARK: EAGLEVIEW

REGISTRATION NUMBER: 2084361

REGISTRATION DATE: 07/29/1997

The owner, NIKON CORPORATION., residing at 2-3, MARUNOUCHI 3-CHOME, CHIYODA-KU, TOKYO, NY JAPAN 100, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 009, the owner is using or is using through a related company the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting 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 , consisting of a(n) Product packaging.

Specimen-1

The applicant, hereby appoints Mark I. Peroff and Keith E. Danish, Darren W. Saunders, Jacqueline M. Stelling, Andrew T. Paredes of Trademark & Patent Counselors of America, P.C., 19th Floor, 915 Broadway, New York, NY USA 10010 to submit this application on behalf of the applicant.

The applicant hereby appoints Trademark & Patent Counselors of America, P.C. of Trademark & Patent Counselors of America, P.C., 19th Floor, 915 Broadway, New York, NY USA 10010 as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class (es), plus any additional grace period fee, if necessary.

07/28/2003 INTTEAS 00000209 2084361

Declaration

01 FC:7205

100.00 OP

The owner is using the mark in commerce on or in connection with the goods/services identified above as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like

may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

PTO Form 1583 (Rev 4/2000)

OMB Control #0651-0009 (Exp. 08/31/2004)

Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
MARK	EAGLEVIEW
REGISTRATION NUMBER	2084361
REGISTRATION DATE	07/29/1997
SERIAL NUMBER	74603797
OWNER	
NAME	NIKON CORPORATION.
STREET	2-3, MARUNOUCHI 3-CHOME, CHIYODA-KU
CITY	TOKYO
STATE	NY
ZIP/POSTAL CODE	100
COUNTRY	JAPAN
ATTORNEY	
NAME	Mark I. Peroff
FIRM NAME	Trademark & Patent Counselors of America, P.C.
INTERNAL ADDRESS	19th Floor
STREET	915 Broadway
CITY	New York
STATE	NY
ZIP/POSTAL CODE	10010
COUNTRY	USA
EMAIL	efile@tmcounselors.com

DOCKET NUMBERS	417.0133
OTHER APPOINTED ATTORNEY(S)	Keith E. Danish, Darren W. Saunders, Jacqueline M. Stelling, Andrew T. Paredes
DOMESTIC REPRESENTATIVE	
NAME	Trademark & Patent Counselors of America, P.C.
FIRM NAME	Trademark & Patent Counselors of America, P.C.
INTERNAL ADDRESS	19th Floor
STREET	915 Broadway
CITY	New York
STATE	NY
ZIP/POSTAL CODE	10010
COUNTRY	USA
MAIL	efile@tmcounselors.com
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	009
KEEP EXISTING GOODS AND/OR SERVICES	YES
SPECIMEN FILE NAME(S)	1607922234-25163113190- EAGLEVIEW_specimen.jpg
SPECIMEN DESCRIPTION	Product packaging
SIGNATORY FILE	1607922234-25163516150- EAGLEVIEW_declaration.jpg
PAYMENT	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL AMOUNT	300
RAM SALE NUMBER	209
RAM ACCOUNTING DATE	20030728

FEE RECORD SHEET

Registration Number: 2084361

Serial Number: 74603797



RAM Sale Number: 209

Total Fees: \$300

RAM Accounting Date: 20030728

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
§8 affidavit	7205	07/25/2003	\$100	1	\$100
§15 affidavit	7208	07/25/2003	\$200	1	\$200

SPECIMEN

Internet Transmission Date:
07/25/2003

International Class:
009

Registration Number:
2084361

Serial Number:
74603797



HANDWRITTEN SIGNATURE

Internet Transmission Date:
07/25/2003

Registration Number:
2084361

Serial Number:
74603797



Sections 8 & 15: Declaration of Use in Commerce & Incontestability

The owner is using the mark in commerce on or in connection with the goods identified above, as evidenced by the attached specimen showing the mark as currently used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration and is still in use in commerce on or in connection with all the goods listed in the existing registration. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the owner; and that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

NIKON CORPORATION

Date: 24 July 2003

By: Takao Watanabe

<Name> TAKAO WATANABE

<Title> Executive Officer Vice-President
General Manager
Intellectual Property Strategy Department

«seal»

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

TELEPHONE COMMUNICATION

DATE: 11-3-97 TIME: _____ REG. NO.: 2084361 DKT. # _____

TO: Keith E. Danish FROM: _____

AREA CODE 212 PHONE NUMBER 387-0247

EXAMINER Beverly Willard

REASON:

Computer data base will
only print 9 ~~no~~ numbers/places
in zip code. The dash
will not print.

COMMENTS:

OK - return cert.



pmi^{cl}

REQUEST FOR CORRECTED CERTIFICATE OF REGISTRATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POST REGISTRATION SECTION

113.165

X-----X

In re: Nikon Inc. :

Ser. No.: 74/603,797 :

Filed: November 28, 1994 :

Mark: **EAGLEVIEW** :

Reg. No.: 2,084,361 :

Reg. Date: JULY 29, 1997 :

X-----X

#9

"Express Mail" mailing label number 7B84685723125
Date of Deposit 9/12/97

I hereby certify that this paper or fee is being deposited with the United Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

HARRIETTA MARSH
Harrietta Marsh
(Signature of person mailing paper or fee)

BOX POST
REG NO FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513

Attn: Office of Trademark Services

REQUEST FOR CORRECTED CERTIFICATE OF REGISTRATION

Sir:

On July 29, 1997, the above-identified trademark was registered on the Principal Register.

Upon receipt of the certificate of registration, registrant's attorney noted that the zip code of the

registrant address was incorrect. Accordingly, a new, corrected registration certificate is respectfully requested.

Please change the zip code "117473064" to "**11747-3064**".

Also enclosed is the original, erroneous registration certificate. It is respectfully requested that a corrected replacement certificate be forwarded to registrant's undersigned attorney as soon as possible. Since the error in designating the registrant was made by the Patent and Trademark Office, it is respectfully submitted that no fee is due.

Respectfully submitted,



Keith E. Danish
Trademark Counselors of America, P.C.
915 Broadway, 19th Floor
New York, New York 10010
(212) 387-0247

Dated: September 12, 1997

PUBLIC DOMAIN/REGISTRATION EXAMINATION WORK SHEET

Reviewer: J. Hammett L.O.: 102 Date: 6/9/97 Serial No.: 603797

I certify all information in the database matched the information in the file and no corrections were required.

INSTRUCTIONS: If the information in the database does not match the information in the file the reviewer should check the ERROR column. After correction (text editing), the EDITED column should be checked. RETAIN IN FILE WRAP.

SCREEN	ERROR	EDITED	ERROR FOUND DURING REVIEW REQUIRING AMENDMENT OF:	
AM			AM	Mark Type:
			AM	Register:
			AM	Mark: <input type="checkbox"/> MDC:
PY			PY	Owner: <input type="checkbox"/> Name:
			PY	<input type="checkbox"/> Citizenship:
			PY	<input type="checkbox"/> Entity Type:
			EN	<input type="checkbox"/> Entity Statement:
			DB	DBA/AKA/TA Statement:
			PY	Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Country <input type="checkbox"/> Zip
			NC	Assignment or Name Change:
CL			CO	Composed of:
			CL	International Class: U.S. Class:
			CL	First Use: First Use in Commerce:
			GS	Goods and Services:
			GS	
			GS	
AM			AM	Amended Register: P.R.: S.R.:
			AM	Amended Reg. Date:
O T H E R			D1	Disclaimer:
			DM	Description of Mark:
			LS	Lining and Stippling Statement:
			TR	Translation of Words in Mark:
			NO	Name/Portrait Description/Consent:
			TF	Section 2(f): <input type="checkbox"/> Entire Mark <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement:
			AF	Use in Another Form:
			CS	Certification Statement:
			CU	Concurrent Use Statement:
			PR	Prior U.S. Registrations:
FN			DR	Domestic Representative:
			FN	Foreign Country of Origin:
			FN	Foreign Application No.: Frgn. Appl. Filing Date:
			FN	Section 44(d): Y/N
			FN	Foreign Registration No.: Frgn. Reg. Date:
			FN	Foreign Registration Expiration Date:
			FN	Foreign Renewal Reg. No.: Frgn. Reg. Renewed:
CD			FN	Foreign Registration Renewed Expiration Date:
			AT	Attorney Name:
			CD	Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter St. Address <input type="checkbox"/> City/State/Zip
			DN	Attorney Docket Number:

Other: _____

I certify that all corrections have been entered in accordance with the above instructions and text editing guidelines.

_____ Text Editor _____ Date _____

ADMENDMENT WORKSHEET

NAME: CAROLYN MAYO

DATE

5-9-97

SERIAL #:

74/603797

INSTRUCTIONS: The dates of use and/or deletion to goods have been entered in the file. The Text Editor should check the "Entered" column after the amendment has been entered in the database.

RETAIN IN APPLICATION FILE

Screen Code	Amended	Entered	Amended To:
CL	X	/	Date of first use
CL	X	/	Date of first use in commerce
DELETE (GS)			Goods & Services
CL			International Class
PY			Applicant: < > Name < > Address < > Entity Type < > Citizenship/State of Inc.
NC/99			Assignment/Name Change
CD			Correspondence < > Name < > Address

NOTE: _____

OTHER INFORMATION OR AMENDMENTS:

NO AMENDING REQUIRED (): _____

All indicated amendment(s) have been entered in the database in accordance with the above instructions and text editing guidelines.

INIT. _____

CM

DATE: _____

5/12/97



100-3631.TU

NOA
10/17/95

NIK-165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
STATEMENT OF USE UNDER 37 C.F.R. 2.88, WITH DECLARATION

Mark: **EAGLEVIEW**

Serial No.: 74/603,797

97 APR 23 PM 9:03
1.01.011

TO THE ASSISTANT SECRETARY AND
COMMISSIONER OF PATENTS & TRADEMARKS:

APPLICANT: Nikon Inc.
NOTICE OF ALLOWANCE ISSUE DATE: October 17, 1996

Applicant requests registration of the above identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et seq., as amended). Three specimens showing the mark as used in commerce are submitted with this Statement.

Applicant is using the mark in commerce on or in connection with the following goods:

BINOCULARS;

- Date of first use of the mark anywhere: November 30, 1996
- Date of first use of the mark in commerce which U.S. Congress may regulate: November 30, 1996
- Specify the type of commerce: Interstate
- Specify manner or mode of use of mark on or in connection with the goods: The mark is used on packaging and/or on the goods themselves.

630 BD 04/22/97 74603797
0 363 100.00 CR

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that he is properly authorized to execute this Statement of Use on behalf of the applicant; he believes the applicant to be the owner of the trademark sought to be registered; the trademark is now in use in commerce; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

NIKON INC.

By: 
Name: Jack Abrams
Title: Executive Vice President

Dated: April 3, 1997

Attorneys:
Trademark Counselors of America
915 Broadway - 19th Floor
New York, New York 10010

TRADEMARK & PATENT COUNSELORS OF AMERICA, P.C.

ATTORNEYS AT LAW

915 Broadway, New York, NY 10010-7108 Tel: (212) 387-0247 Fax: (212) 387-0167 E-mail: 2075847@mcimail.com



April 11, 1997

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513

Attn: "Box ITU FEE"

RE: Statement of Use
Applicant: Nikon Inc.
Mark: **EAGLEVIEW** in Class 9
Application Serial No.: 74/603,797
Our ref.: NIK-165
Notice of Allowance Dated: October 17, 1996

"Express Mail" mailing label number TB846854701US
Date of Deposit 4/11/97

I hereby certify that this paper or fee is being deposited with the United Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

HEMIETTA MORAN
Hemietta Moran
(Signature of person mailing paper or fee)

Sir:

We enclose herewith the following documents in connection with above-identified trademark application:

- (x) A Statement of Use
- (x) A check in the sum of \$100.00
- (x) Three specimens of the mark as used
- (x) Certificate of Express Mail, label No.: TB846854701US
- (x) An acknowledgment postcard

The Commissioner is authorized to charge any additional fee which may be required to our deposit account No. 20-1439.

Sincerely,

Keith E. Danish

KED:jfb
Enclosures

NIK-165



100-303 THU
1X 10-17-95

EXTENSION
REQUEST
GRANTED
11-23-96
FT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR EXTENSION OF TIME UNDER 37 C.F.R. 2.89 TO FILE A
STATEMENT OF USE, WITH DECLARATION

Mark: **EAGLEVIEW**

Serial No.: 74/603,797

TO THE ASSISTANT SECRETARY AND
COMMISSIONER OF PATENTS & TRADEMARKS:

APPLICANT: NIKON INC.
NOTICE OF ALLOWANCE ISSUE DATE: October 17, 1995

Applicant requests a six-month extension of time to file the Statement of Use under 37
C.F.R. 2.88 in this application.

Applicant has a continued bona fide intention to use the mark in commerce on or in
connection with the following goods: Those goods identified in the Notice of Allowance in
this application.

This is the second request for an Extension of Time following mailing of the Notice of
Allowance.

630 TD 10/21/96 74603797
0 363 100.00 CK

Applicant has not used the mark in commerce yet on all goods specified in the Notice of Allowance; however, applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of the goods/services specified above: _____

MARKET RESEARCH

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that he/she is properly authorized to execute this Request for Extension of Time to File a Statement of Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

NIKON INC.

By: 
Name: John Paul Browne
Title: Assistant Secretary

Dated: October 4, 1996

Attorneys:
Trademark Counselors of America, P.C.
915 Broadway
New York, New York 10010
(212) 387-0167

TRADEMARK MAIL ROOM
RECD
TRADEMARK & PATENT COUNSELORS OF AMERICA, P.C.

ATTORNEYS AT LAW

915 Broadway New York, NY 10010-7108 Tel: (212) 387-0247 Fax: (212) 387-0167 E-mail: 2075847@mcimail.com



October 11, 1996

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513

Attn: "Box ITU"

RE: Request for Extension of Time to File Statement of Use
Applicant: Nikon Inc.
Mark: **EAGLEVIEW** in Class 9
Application Serial No.: 74/603,797
Our ref.: NIK-165
Notice of Allowance Dated: October 17, 1995

"Express Mail" mailing label number TB846852666US
Date of Deposit 10/11/96

I hereby certify that this paper or fee is being deposited with the United Postal Service "Express Mail Post Office to Addressee" service under 39 CFR 118 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Judith F. Burns
Judith Burns
(Signature of person mailing paper or fee)

96 OCT 22 AM 9:58
I.M.E.O.
I.T.U. UNIT

Sir:

We enclose herewith the following documents in connection with above-identified trademark application:

- (x) A Request for Extension of Time to File a Statement of Use
- (x) A check in the sum of \$100.00
- (x) Certificate of Express Mail, label No.: TB846852666US
- (x) An acknowledgement postcard

The Commissioner is authorized to charge any additional fee which may be required to our deposit account No. 20-1439.

Sincerely,

Mark I. Peroff

MIP:jfb
enclosures



100/364

10/17/95 JHW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR EXTENSION OF TIME UNDER 37 C.F.R. 2.89 TO FILE A
STATEMENT OF USE, WITH DECLARATION

Mark: **EAGLEVIEW**

Serial No.: 74/603,797

EXTENSION
REQUEST
GRANTED

4-2-96

DAIS

TO THE ASSISTANT SECRETARY AND
COMMISSIONER OF PATENTS & TRADEMARKS:

APPLICANT: Nikon Inc.

NOTICE OF ALLOWANCE ISSUE DATE: October 17, 1995

Applicant requests a six-month extension of time to file the Statement of Use under 37
C.F.R. 2.88 in this application.

96 FEB 13 AM 9:36
I.T.O. UNIT

Applicant has a continued bona fide intention to use the mark in commerce on or in
connection with the following goods/services: Those goods/services identified in the Notice
of Allowance in this application.

This is the first request for an Extension of Time following mailing of the Notice of
Allowance.

100 SH 02/09/96 74603797

0 364

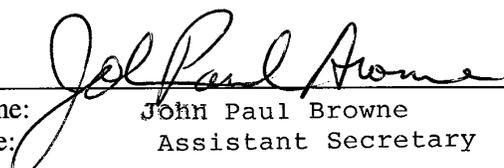
100.00 CK

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that he/she is properly authorized to execute this Request for Extension of Time to File a Statement of Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

NIKON INC.

By: _____

Name:


John Paul Browne

Title:

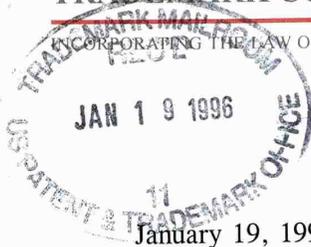
Assistant Secretary

Dated: JANUARY 5, 1996

Attorneys:
Trademark Counselors of America, P.C.
915 Broadway
New York, New York 10010 U.S.A.
(212) 387-0247

TRADEMARK COUNSELORS OF AMERICA, P.C.

INCORPORATING THE LAW OFFICES OF MARK I. PEROFF 915 Broadway 19th floor New York, NY 10010-7108 Tel: (212) 387-0247 Fax: (212) 387-0167



January 19, 1996

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513

Attn: "Box ITU FEE"

RE: Request for Extension of Time to File Statement of Use
Applicant: NIKON INC.
Mark: **EAGLEVIEW** in Class 9
Application Serial No.: 74/603,797
Our ref.: NIK-165
Notice of Allowance Dated: October 17, 1995

Sir:

We enclose herewith the following documents in connection with above-identified trademark application:

- (x) A Request for Extension of Time to File a Statement of Use
- (x) A check in the sum of \$100.00
- (x) Certificate of Express Mail, label No.: TB846774170US
- (x) An acknowledgement postcard

The Commissioner is authorized to charge any additional fee which may be required to our deposit account No. 20-1439.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark I. Peroff".

Mark I. Peroff

MIP:jfb
enclosures

"Express Mail" mailing label number TB846774170US
Date of Deposit 1/19/96

I hereby certify that this paper or fee is being deposited with the United Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

A handwritten signature in blue ink, appearing to read "Judith F. Burns".

Judith F. Burns

(Signature of person mailing paper or fee)

NOTICE OF ALLOWANCE

15 U.S.C. SECTION 1063(b)(2)

Page 01 of 01

The MARK identified below was published for opposition under 15 U.S.C. Section 1062(a). No successful opposition was filed. In order to obtain a registration, applicant must file a Statement of Use under 15 U.S.C. Section 1051(d)(1) within six months of the MAILING DATE OF NOTICE identified below. A six-month extension of time to file the Statement of Use will be granted upon proper request. Subsequent six-month extensions will be granted, for a period not to exceed twenty-four months, if good cause is shown. 15 U.S.C.1051(d)(2). Failure to timely file or perfect a Statement of Use or request for extension of time will result in abandonment of the application. The requirements for each are set forth at 37 C.F.R. Sections 2.88 and 2.89.

74/603797

Mark I. Peroff
Trademark Counselors of America
915 Broadway
New York, NY 10010

**ATTORNEY
REFERENCE NUMBER**

NIK.165

PLEASE REVIEW THE ACCURACY OF THE NOTICE OF ALLOWANCE DATA

A request for correction to the notice of allowance should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513. The correspondence should be marked to the attention of BOX ITU. The Patent and Trademark Office will review the request and make corrections where appropriate.

SERIAL NUMBER: 74/603797

MAILING DATE OF NOTICE: 10/17/1995

MARK: EAGLEVIEW

OWNER NAME: Nikon Inc.

OWNER ADDRESS: 1300 Walt Whitman Road
Melville
NEW YORK 117473064

A Statement of Use or a request for an extension of time to file a Statement of Use must be RECEIVED by the Patent and Trademark Office within six (6) months from the above mailing date.

GOODS/SERVICES BY INTERNATIONAL CLASS

009-binoculars

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

The filing of documents by Express Mail will be accorded a filing date of the date the document was deposited as Express Mail. All documents mailed by Express Mail must include the following: (1) the number of the Express Mail mailing label; (2) be addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513; and (3) a certificate of Express Mail mailing that states the date of mailing by Express Mail and is signed by the person mailing the document.

Certificate of Express Mail:

I, _____ (Name), do hereby certify that the foregoing documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this date of _____ (date).

(signature)

Name

Express Mail Label Number

Date of Deposit



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

JUN. 23, 1995

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
74/603,797

2. Mark:
EAGLEVIEW

3. Applicant:
Nikon Inc.

4. Publication Date:
JUL. 25, 1995

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

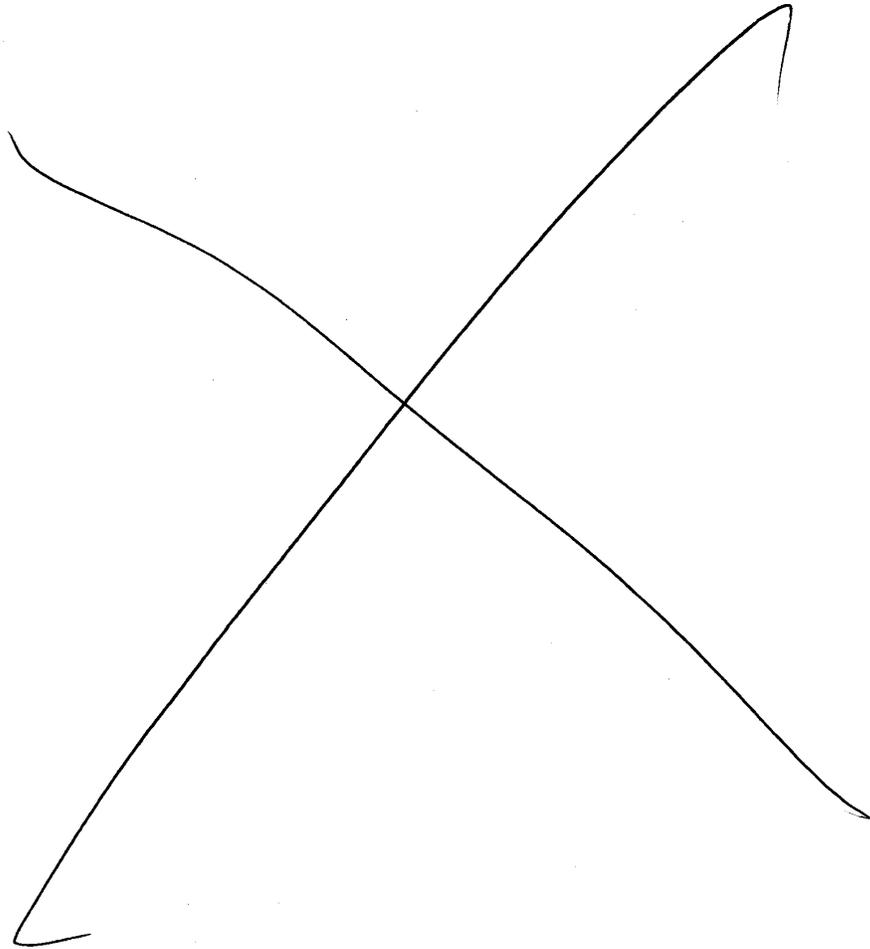
Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$19.00 each for domestic orders, or at \$23.75 each for foreign orders from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

By direction of the Commissioner.

Mark I. Peroff
Trademark Counselors of America
915 Broadway
New York, NY 10010

TMP&I



Verify all information in the database matches the information in the file and no corrections were required.
 If the information in the database does not match the information in the file the reviewer should check the ERROR column.
 After corrections (if any) are made, the EDITED column should be checked. RETAIN IN FILE

ERROR FOUND DURING REVIEW REQUIRING AMENDMENT OF: GREEN ERROR EDITED

AM: Mark: Words: Drawing Code:
 AM: Mark Type:
 AM: Register:
 AM: Amended Register: Date Register Amended:

CI: Prime Classification:
 CI: Class Status: Active Inactive Class Status Date:
 CI: International Class: Add Delete Reclassify
 CI: U.S. Class: Add Delete Reclassify
 CI: Date of First Use:
 CI: Date of First Use in Commerce:
 CI: Use in Another Form: Prime Class
 CI: Goods and Services:
 CI: Certification Statement:

AD: Attorney Name:
 AD: Correspondence: Name Inter St. Address City/ST/Ctry
 DR: Docket Number:
 DR: Domestic Representative:

CC: Concurrent Use Statement:

DS: Description of Mark Statement:

DI: Disclaimer:
 LI: Limiting and Stippling Statement:
 NS: Name/Portrait Description Consent Statement:

TR: Translation of Words in Mark Statement:

TF: Section 2(f): Entire Mark In Part Limitation S:

FE: Foreign Entry Number:
 FO: Country of Origin:
 FE: Foreign Application No.: Filing Date:
 FE: Foreign Registration No.: Registration Date:
 FE: Foreign Reg. Exp. Date:
 FE: Renewed: Foreign Reg. No.: Renewal Date:
 FE: Renewed: Foreign Reg. Exp. Date:
 FE: Priority Claimed: Section 44(d):

PR: Prior U.S. Registrations: Registration Nos.:

AS: Assignment or Name Change:
 AP: Applicant: Name
 AP: Entity Type
 AP: Citizenship/State of Inc.
 ES: Entry Statement:
 CS: Composed of Statement:
 DB: Doing Business As (DBA) or (AKA) or (TA) Statement:
 AD: Address: Inter City State/Co.

Other: _____

I certify that all corrections have been entered in accordance with the above instructions and text entry guidelines.

1/6

245.00-361

74603797



NIK-165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR TRADEMARK/SERVICE MARK REGISTRATION

PRINCIPAL REGISTER

Mark: **EAGLEVIEW**

Class: 9

TO THE COMMISSIONER OF PATENTS & TRADEMARKS:

AA

APPLICANT: / Nikon Inc. /
 STATUS: A (New York Corporation) /
 ADDRESS: / 1300 Walt Whitman Road /
 Melville, New York 11747-3064 /
 NY

GOODS AND/OR SERVICES:

Applicant requests registration of the above identified trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et seq., as amended) for the following goods/services:

(65)
009

009 Print
 [BINOCULARS] in Class 9;

BASIS FOR APPLICATION:

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods. (15 U.S.C. 1051(b), as amended).

-Specify mode or manner of intended use of mark on or in connection with the goods: Applicant intends to use the mark by applying it to the goods, labels and/or packaging for the goods.

POWER OF ATTORNEY

AT
CA
Applicant appoints (Mark I. Peroff), Robert A. Cravens, Freema Gluck, and all members of the Bar of the State of New York, of the firm of (Trademark Counselors of America, 915 Broadway, New York, New York 10010) (212) 387-0247, its attorneys to prosecute this application to register with full powers of substitution and revocation, to transact all business in the Patent & Trademark Office in connection therewith, and to receive the Certificate of Registration. Please address all correspondence in this matter to the attention of Mark I. Peroff.

DECLARATION

JACK ABRAMS declares that he/she is the Executive Vice President of Nikon Inc., the applicant herein, and is authorized to execute this instrument on behalf of said corporation; he/she believes said corporation to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051 (b), he/she believes the 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 said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely,

when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; the facts set forth in this application are true; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

NIKON INC.

By: 
Name: Jack Abrams
Title: Executive Vice President

Dated: November 23, 1994

TRADEMARK COUNSELORS OF AMERICA, P.C.

74603797

INCORPORATING THE LAW OFFICES OF MARK I. PEROFF 915 Broadway 19th floor New York, NY 10010-7108 Tel: (212) 387-0247 Fax: (212) 387-0167



November 28, 1994

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513
Box Trademark Application

RE: Trademark Application in the United States
Applicant: NIKON INC.
Mark: **EAGLEVIEW**
Class: 9
Our ref.: (NIK-165)

DN

Sir:

We enclose herewith the following documents in connection with the filing of the above-identified trademark application:

- (x) An Application covering one (1) class
- (x) A drawing page
- (x) A check in the sum of \$245.00
- (x) Certificate of Express Mail, label No.: TB338739544US
- (x) An acknowledgement postcard

The Commissioner is authorized to charge any additional fee which may be required to our deposit account No. 20-1439.

Sincerely,



Mark I. Peroff

MIP:jfb
Encl.

74603797



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Express Mail under 37 CFR 1.10

Applicant - NIKON INC.
Mark - EAGLEVIEW
Title of Invention - Trademark
Title of Paper - Application

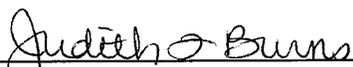
"Express Mail" mailing label number TB338739544US

Date of Deposit November 28, 1994

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington VA 22202-3513.

Judith F. Burns

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

TRADEMARK APPLICATION SERIAL NO. 74603797

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

060 KJ 01/17/95 74603797

0 361 245.00 CK NIK-165

CODING SHEET FOR PSEUDO MARKS AND DESIGN SEARCH CODES

SERIES CODE AND SERIAL NUMBER 74- 603797

MARK DRAWING CODE
(please circle appropriate MDC) 1 2 3 5 6

PSEUDO MARK (PM) EAGLE - VIEW

WIPO/DESIGN SEARCH CODES

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NAME: Sly Douglas

P - (1) S - 2

LAW OFFICE: _____

ITU: or N

SERIAL NO.: 

TRADEMARK APPLICATION FILE DATA WORKSHEET

74/603797

CLASS DATA

1. INTERNATIONAL CLASS	<u>009</u>									
2. COLLECTIVE TM or SM	T	S	T	S	T	S	T	S	T	S
3. FEE PAID	<input checked="" type="radio"/>	N	Y	N	Y	N	Y	N	Y	N
4. PRIOR US CLASS(ES)										
5. 1ST USE DATE										
6. 1ST USE IN COMM DATE										
7. IN ANOTHER FORM CODE	1	2	1	2	1	2	1	2	1	2
8. IN ANOTHER FORM STATEMENT	AF CODE IN MARGIN TEXT IN []									
9. GOODS/SERVICES	<input checked="" type="radio"/> INTERNATIONAL CLASS IN MARGIN, TEXT []									
10. CERTIFICATION STATEMENT	CS IN MARGIN, TEXT IN []									

FOREIGN DATA

1. PRIORITY CLAIMED	Y	N	Y	N	Y	N	Y	N	Y	N
2. COUNTRY CODE										
3. FOREIGN APPLICATION										
4. FOREIGN FILING DATE										
5. FOREIGN REG #										
6. FOREIGN REG DATE										
7. FOREIGN EXPIRATION DATE										
8. RENEWAL #										
9. RENEWAL REG DATE										
10. RENEWAL EXPIRATION DATE										

NOTES TO DATA ENTRY PERSONNEL:

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 74603797 **Filing Dt:** 11/28/1994 **Reg #:** 2084361 **Reg. Dt:** 07/29/1997
Registrant: Nikon Inc.
Mark: EAGLEVIEW

Assignment: 1

Reel/Frame: 2145/0449 **Received:** 10/06/2000 **Recorded:** 08/24/2000 **Mailed:** 01/11/2001 **Pages:** 9

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NIKON INC., ALSO KNOWN AS NIKON INCORPORATED

Exec Dt: 08/01/2000
Entity Type: CORPORATION
Citizenship: NEW YORK

Assignee: NIKON CORPORATION
2-3, MARUNOUCHI 3-CHOME, CHIYODA-KU
TOKYO 100, JAPAN

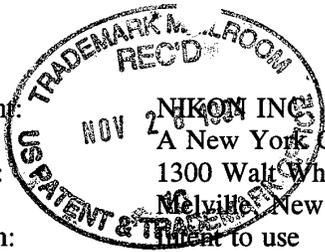
Entity Type: CORPORATION
Citizenship: JAPAN

Correspondent: TRADEMARK & PATENT COUNSELORS OF AMERICA
MARK I. PEROFF
915 BROADWAY - 19TH FLOOR
NEW YORK, NY 10010

Search Results as of: 9/9/2003 5:06:56 P.M.

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723
Web interface last modified: Oct. 5, 2002

74603797



Applicant: **NIKON INC**
 A New York Corporation
 Address: 1300 Walt Whitman Road
 Melville, New York 11747-3064

Based on: **Trade** to use
 First Use: N.A.
 In Commerce: N.A.
 Goods: Binoculars.

INIT. CL.	9
PRIOR US CL.	26

EAGLEVIEW

REGISTERED

JUL 29 1997

PAT. & T.M. OFFICE

ATTORNEYS:
 Trademark Counselors of America
 915 Broadway
 New York, NY 10010
 (212) 387-0247

PUBLISHED

JUL 25 1995



AAU / SOU CHECK LIST

MARK: _____

SERIAL NO.: _____

AAU / SOU PAPERS

- Applicant's name agrees with application
- ___ ID of goods/services
- ID within scope of previous ID
- Goods/services deleted from ID
- ___ Fees paid per class
- Date of first use anywhere
- ___ Date of first use in commerce
- Type of commerce
- Method of use
- ___ Declaration:
 - 18 USC 1001 / Notarized
 - Owner of mark
 - In use in commerce
 - Statements are true
 - Authority of signer
 - Date / timeliness

REGISTRABILITY ISSUES

- ___ Fails to function as a mark:
 - ___ · Ornamentation
 - ___ · Trade name
 - ___ · Functionality / Configuration
 - ___ · Other: _____
- ___ Ownership refusal
- ___ Amended to Supplemental Register (AAU):
 - ___ · Refuse as incapable
 - ___ · New search completed / 2(d)
- ___ Suggest following prior refusal (AAU):
 - ___ · Supplemental Register
 - ___ · 2(f)
- ___ Other new refusal: _____

SPECIMENS

- ___ Acceptable physical form
- ___ Agree with identification
- ___ Agree with method of use
- ___ Agree with drawing
- ___ 3 per class
- ___ Other names / dba

ACTION TAKEN: ___ OA ___ EA ___ PA ___ Suspend ___ Pub/Approve

*** User: EX188327 ***

STMT NUMBER	TOTAL MARKS	LIVE VIEWED	DEAD VIEWED	SEARCH
01	28	25	3	PHRASCH /ow nikon & /ow applicant
02	2	2	0	PHRASCH :eagl:vu: ^ :eagl:view:
03	7	5	2	PHONSCH eagleview ^ eagle view ^ eagleviews ^ eagle views
04	1446	0	0	PHRASCH :eagl:
05	3823	0	0	PHRASCH vu ^ :vue: ^ :view:
06	6	6	0	PHRASCH 4 & 5
07	173	123	50	PHRASCH 4 & (009/ic ^ a/ic ^ b/ic ^ 200/ic)

TERMINAL SESSION STARTED 04/12/95 10:27 A.M. (EASTERN TIME)
TERMINAL SESSION FINISHED 04/12/95 10:58 A.M. (EASTERN TIME)
ELAPSED TIME THIS SESSION 0 HRS AND 31 MIN

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2084361 SERIAL NO: 74/603797 MAILING DATE: 12/10/2003
REGISTRATION DATE: 07/29/1997
MARK: EAGLEVIEW
REGISTRATION OWNER: NIKON CORPORATION

CORRESPONDENCE ADDRESS:

MARK I. PEROFF
TRADEMARK & PATENT COUNSELORS OF AMERICA
915 BROADWAY - 19TH FLOOR
NEW YORK, NY 10010

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
009.

RICE, GREGGRY A
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
CORRECTED**

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

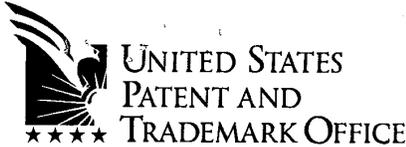
Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.



#12

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2084361 SERIAL NO: 74/603797 MAILING DATE: 09/06/2003
REGISTRATION DATE: 07/29/1997
MARK: EAGLEVIEW
REGISTRATION OWNER: Nikon Inc.

CORRESPONDENCE ADDRESS:
MARK I. PEROFF
TRADEMARK & PATENT COUNSELORS OF AMERICA
915 BROADWAY - 19TH FLOOR
NEW YORK, NY 10010

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

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NOTICE OF ACKNOWLEDGEMENT

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ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
009.

RICE, GREGGRY A
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

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DATE 9/19/03
INITIALS [Signature]
ENTERED IN CPI 7/16/03 - 13
RECEIVED SEP 18 2003

Combined Declaration of Use and Incontestability Under Sections 8 & 15

To the Commissioner for Trademarks:

MARK: EAGLEVIEW

REGISTRATION NUMBER: 2084361

REGISTRATION DATE: 07/29/1997

The owner, NIKON CORPORATION., residing at 2-3, MARUNOUCHI 3-CHOME, CHIYODA-KU, TOKYO, JAPAN 100, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 009, the owner is using or is using through a related company the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting 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, consisting of a(n) Product packaging.

Specimen-1 [1607922234-25135603408-EAGLEVIEW_specimen.jpg]

The applicant, hereby appoints Mark I. Peroff and Keith E. Danish, Darren W. Saunders, Jacqueline M. Stelling, Andrew T. Paredes of Trademark & Patent Counselors of America, P.C., 19th Floor, 915 Broadway, New York, NY USA 10010 to submit this application on behalf of the applicant.

The applicant hereby appoints Trademark & Patent Counselors of America, P.C. of Trademark & Patent Counselors of America, P.C., 19th Floor, 915 Broadway, New York, NY USA 10010 as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class (es), plus any additional grace period fee, if necessary.

Declaration

The owner is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this

document on behalf of the Owner; and 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 attached signature image file:

Sections 8 & 15: Declaration of Use in Commerce & Incontestability

The owner is using the mark in commerce on or in connection with the goods identified above, as evidenced by the attached specimen showing the mark as currently used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration and is still in use in commerce on or in connection with all the goods listed in the existing registration. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the owner; and that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

NIKON CORPORATION

Date: 24 July 2003

By Takao Watanabe

<Name> TAKAO WATANABE

<Title> Executive Officer Vice-President
General Manager
Intellectual Property Strategy Department

W 11

Incoming Correspondence Routing Sheet

To: Post Registration (PRU)

Word Mark: EAGLEVIEW

Reg. No.: 2084361



Serial No: 74603797



Mail Date: 11102003



Doc. Type: Responses to Office Actions



No Fee

RAM Mail Date: 111003



TRADEMARK & PATENT COUNSELORS OF AMERICA, P.C.

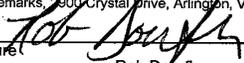
COMPRISING THE LAW OFFICE OF MARK I. PEROFF

915 Broadway New York, NY 10010-7108
Tel: (212) 387-0247 Fax: (212) 387-0167
Email: trademark@tmcounselors.com

November 5, 2003

Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513

Attn: BOX POST REG NO FEE

CERTIFICATE OF FIRST CLASS MAIL	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail under 37 C.F.R. §1.8 on the date indicated below in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.	
Signature	 Rob Doerfler
Printed Name	November 5, 2003
Date	

Re: U.S. Trademark Reg. No. 2,084,361
EAGLEVIEW in Class 9
Our Ref: 417.0133

Dear Sirs:

Please correct the attached "Notice of Acceptance/Notice of Renewal" for the above-identified trademark registration.

The registration owner should read "**NIKON CORPORATION**" not "Nikon Inc." For your reference, I am also enclosing a copy of the "Combined Declaration of Use and Incontestability under Sections 8 & 15" as filed electronically with the USPTO which correctly identifies the owner as "Nikon Corporation."

Yours sincerely,



Keith E. Danish
kdanish@tmcounselors.com
(212) 387-0247, Ext. 3016

KED/rd

Enclosures: Notice of Allowance/Notice of Acknowledgement
Combined Declaration of Use and Incontestability Under Sections 8 & 15



{00002581;v1}

11-10-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #64

TRADEMARK & PATENT COUNSELORS OF AMERICA, P.C.

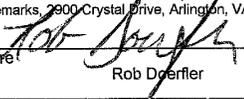
COMPRISING THE LAW OFFICE OF MARK I. PEROFF

915 Broadway New York, NY 10010-7108
Tel: (212) 387-0247 Fax: (212) 387-0167
Email: trademark@tmcounselors.com

November 5, 2003

Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513

Attn: BOX POST REG NO FEE

CERTIFICATE OF FIRST CLASS MAIL	
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Printed Name	November 5, 2003
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EAGLEVIEW in Class 9
Our Ref: 417.0133

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Yours sincerely,



Keith E. Danish
kdanish@tmcounselors.com
(212) 387-0247, Ext. 3016

KED/rd

Enclosures: Notice of Allowance/Notice of Acknowledgement
Combined Declaration of Use and Incontestability Under Sections 8 & 15



{00002581;v1}

11-10-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2084361 SERIAL NO: 74/603797 MAILING DATE: 09/06/2003
REGISTRATION DATE: 07/29/1997
MARK: EAGLEVIEW
REGISTRATION OWNER: Nikon Inc.

CORRESPONDENCE ADDRESS:
MARK I. PEROFF
TRADEMARK & PATENT COUNSELORS OF AMERICA
915 BROADWAY - 19TH FLOOR
NEW YORK, NY 10010

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

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ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

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THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
009.

RICE, GREGGRY A
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

Combined Declaration of Use and Incontestability Under Sections 8 & 15

To the Commissioner for Trademarks:

MARK: EAGLEVIEW

REGISTRATION NUMBER: 2084361

REGISTRATION DATE: 07/29/1997

The owner, NIKON CORPORATION., residing at 2-3, MARUNOUCHI 3-CHOME, CHIYODA-KU, TOKYO, JAPAN 100, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 009, the owner is using or is using through a related company the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting 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, consisting of a(n) Product packaging.

Specimen-1 [1607922234-25135603408-EAGLEVIEW_specimen.jpg]

The applicant, hereby appoints Mark I. Peroff and Keith E. Danish, Darren W. Saunders, Jacqueline M. Stelling, Andrew T. Paredes of Trademark & Patent Counselors of America, P.C., 19th Floor, 915 Broadway, New York, NY USA 10010 to submit this application on behalf of the applicant.

The applicant hereby appoints Trademark & Patent Counselors of America, P.C. of Trademark & Patent Counselors of America, P.C., 19th Floor, 915 Broadway, New York, NY USA 10010 as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class (es), plus any additional grace period fee, if necessary.

Declaration

The owner is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this

document on behalf of the Owner; and 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 attached signature image file:

Sections 8 & 15: Declaration of Use in Commerce & Incontestability

The owner is using the mark in commerce on or in connection with the goods identified above, as evidenced by the attached specimen showing the mark as currently used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration and is still in use in commerce on or in connection with all the goods listed in the existing registration. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

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NIKON CORPORATION

Date: 24 July 2013

By Takao Watanabe

<Name> TAKAO WATANABE

<Title> Executive Officer Vice-President
General Manager
Intellectual Property Strategy Department

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2084361 SERIAL NO: 74/603797 MAILING DATE: 09/06/2003
REGISTRATION DATE: 07/29/1997
MARK: EAGLEVIEW
REGISTRATION OWNER: Nikon Inc.

CORRESPONDENCE ADDRESS:

MARK I. PEROFF
TRADEMARK & PATENT COUNSELORS OF AMERICA
915 BROADWAY - 19TH FLOOR
NEW YORK, NY 10010

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
009.

RICE, GREGGRY A
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**

ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2084361
REGISTRATION DATE	07/29/1997
SERIAL NUMBER	74603797
MARK SECTION	
MARK	EAGLEVIEW
OWNER SECTION (current)	
NAME	Nikon Inc.
STREET	1300 Walt Whitman Road
CITY	Melville
STATE	NY
ZIP/POSTAL CODE	117473064
COUNTRY	US
OWNER SECTION (proposed)	
NAME	NIKON CORPORATION.
STREET	2-3, MARUNOUCHI 3-CHOME, CHIYODA-KU
CITY	TOKYO
STATE	NY
ZIP/POSTAL CODE	100
COUNTRY	JAPAN
ATTORNEY SECTION	
NAME	Mark I. Peroff
FIRM NAME	Trademark & Patent Counselors of America, P.C.
INTERNAL ADDRESS	19th Floor

STREET	915 Broadway
CITY	New York
STATE	NY
ZIP/POSTAL CODE	10010
COUNTRY	USA
EMAIL	efile@tmcounselors.com
DOCKET NUMBERS	417.0133
OTHER APPOINTED ATTORNEY(S)	Keith E. Danish, Darren W. Saunders, Jacqueline M. Stelling, Andrew T. Paredes
DOMESTIC REPRESENTATIVE SECTION	
NAME	Trademark & Patent Counselors of America, P.C.
FIRM NAME	Trademark & Patent Counselors of America, P.C.
INTERNAL ADDRESS	19th Floor
STREET	915 Broadway
CITY	New York
STATE	NY
ZIP/POSTAL CODE	10010
COUNTRY	USA
MAIL	efile@tmcounselors.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
KEEP EXISTING GOODS AND/OR SERVICES	YES
SPECIMEN FILE NAME(S)	\\tirs\EXPORT6\IMAGEOUT6\746\037\74603797\xml1\81_50002.JPG
SPECIMEN DESCRIPTION	Product packaging
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL AMOUNT	300
SIGNATURE SECTION	

SIGNATORY FILE	Signature
FILING INFORMATION	
SUBMIT DATE	Fri Jul 25 16:38:20 EDT 2003
TEAS STAMP	USPTO/S08N15-1607922234-2 0030725163820599034-20843 61-2005b63225d61f8e0ed929 fbd57af75a333CC209-200307 25163513641267

Combined Declaration of Use and Incontestability Under Sections 8 & 15 To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2084361

REGISTRATION DATE: 07/29/1997

MARK: EAGLEVIEW

The owner, NIKON CORPORATION., residing at 2-3, MARUNOUCHI 3-CHOME, CHIYODA-KU, TOKYO, NY JAPAN 100, is using the mark in commerce on or in connection with the goods and /or services as follows:

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The owner is submitting 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 , consisting of a(n) Product packaging.

[Specimen-1](#)

The registrant hereby appoints Mark I. Peroff and Keith E. Danish, Darren W. Saunders, Jacqueline M. Stelling, Andrew T. Paredes of Trademark & Patent Counselors of America, P.C., 19th Floor, 915 Broadway, New York, NY USA 10010 to submit this Combined Declaration of Use and Incontestability Under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 417.0133.

The registrant hereby appoints Trademark & Patent Counselors of America, P.C. of Trademark & Patent Counselors of America, P.C., 19th Floor, 915 Broadway, New York, NY USA 10010 as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

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Signatory File: [Signature](#)

Mailing Address:

Trademark & Patent Counselors of America, P.C.
19th Floor
915 Broadway
New York, NY 10010

RAM Sale Number: 209

RAM Accounting Date: 07/28/2003

Serial Number: 74603797

Internet Transmission Date: Fri Jul 25 16:38:20 EDT 2003

TEAS Stamp: USPTO/S08N15-1607922234-2003072516382059
9034-2084361-2005b63225d61f8e0ed929fbd57
af75a333CC209-20030725163513641267

NDI-0587

Nikon
8-20X25CF
Eagleview
ZOOM

325

Nikon
8-20X25CF
Eagleview
ZOOM

Bisoculares (Jumelles) - Made in Japan
Case (Etui) - Made in China

Nikon
8-20X25CF
Eagleview
ZOOM

KEY FEATURES

Compact and light weight, High performance zoom, Unique zoom lever design for smooth zooming operation, Multicoated optics, BaK-4 high-index prisms, Rubber-coated grip for easy holding.

CARACTERISTIQUES PRINCIPALES

Compact et léger, Zoom haute performance, Réglage du zoom par un nouveau levier ergonomique, Traitement multicouche, Prismes BAK-4 à haut indice de réfraction, Recouvrement en caoutchouc pour une meilleure prise en main.

FEE RECORD SHEET

Registration Number: 2084361

Serial Number: 74603797



RAM Sale Number: 209

Total Fees: \$300

RAM Accounting Date: 20030728

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
§8 affidavit	7205	07/25/2003	\$100	1	\$100
§15 affidavit	7208	07/25/2003	\$200	1	\$200

HANDWRITTEN SIGNATURE

Internet Transmission Date:
07/25/2003

Registration Number:
2084361

Serial Number:
74603797



Sections 8 & 15: Declaration of Use in Commerce & Incontestability

The owner is using the mark in commerce on or in connection with the goods identified above, as evidenced by the attached specimen showing the mark as currently used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration and is still in use in commerce on or in connection with all the goods listed in the existing registration. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods, or to the owner's right to register the same or to keep the same on the register, and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

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NIKON CORPORATION

Date: 24 July 2003

By: Takao Watanabe

<Name> TAKAO WATANABE

<Title> Executive Officer, Vice-President
General Manager
Intellectual Property Strategy Department

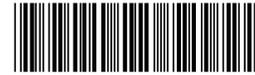
SPECIMEN

Internet Transmission Date:
07/25/2003

International Class:
009

Registration Number:
2084361

Serial Number:
74603797



NDI-0587

Nikon
8-20X25CF
Eagleview
ZOOM

325

Nikon
8-20X25CF
Eagleview
ZOOM

Biscoculars (Jumelles) : Made in Japan
Case (Etui) : Made in China

Nikon
8-20X25CF
Eagleview
ZOOM

KEY FEATURES

Compact and light weight, High performance zoom, Unique zoom lever design for smooth zooming operation, Multicoated optics, BaK-4 high-index prisms, Rubber-coated grip for easy holding.

CARACTERISTIQUES PRINCIPALES

Compact et léger, Zoom haute performance, Réglage du zoom par un nouveau levier ergonomique, Traitement multicouche, Prismes BAK-4 à haut indice de réfraction, Recouvrement en caoutchouc pour une meilleure prise en main.

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,084,361

United States Patent and Trademark Office

Registered July 29, 1997

**TRADEMARK
PRINCIPAL REGISTER**

EAGLEVIEW

NIKON INC. (NEW YORK CORPORATION)
1300 WALT WHITMAN ROAD
MELVILLE, NY 117473064

FIRST USE 11-30-1996; IN COMMERCE
11-30-1996.

SN 74-603,797, FILED 11-28-1994.

FOR: BINOCULARS, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

HOWARD SMIGA, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,084,361

United States Patent and Trademark Office

Registered July 29, 1997

**TRADEMARK
PRINCIPAL REGISTER**

EAGLEVIEW

NIKON INC. (NEW YORK CORPORATION)
1300 WALT WHITMAN ROAD
MELVILLE, NY 117473064

FIRST USE 11-30-1996; IN COMMERCE
11-30-1996.

SN 74-603,797, FILED 11-28-1994.

FOR: BINOCULARS, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

HOWARD SMIGA, EXAMINING ATTORNEY