

ESTTA Tracking number: **ESTTA561826**

Filing date: **09/27/2013**

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
Submission	Plaintiff's Notice of Reliance
Filer's Name	Jennifer L. Gregor
Filer's e-mail	jgregor@gklaw.com, jpeterson@gklaw.com, apeterson@gklaw.com, jschwartz@gklaw.com
Signature	/Jennifer L. Gregor/
Date	09/27/2013
Attachments	2013-09-27 Petitioner's Notice of Reliance.pdf(127847 bytes ) Ex 1 - '199 Registration_TSDR Report (2,886,199).pdf(132827 bytes ) Ex 2 - '083 Registration_TSDR Report (3,192,083).pdf(183600 bytes ) Ex 3 - '739 Registration_TSDR Report (3,787,739).pdf(553792 bytes ) Ex 4 - 85_095,903 FINAL App, File History, TSDR Report.pdf(3293756 bytes ) Ex 5 - 85_708,479 FINAL App, File History, TSDR Report.pdf(4752791 bytes ) Ex 6 - '480 FINAL App, File History, TSDR Report (85_708,480).pdf(4666783 bytes )



<b>Trial Exhibit</b>	<b>Mark/Reg. No.</b>	<b>Application and Registration Dates</b>	<b>Goods and Services</b>	<b>Attached</b>
2	 Reg. No. 3,192,083	App: Aug. 24, 2005  Reg: Jan. 2, 2007	Class 9: Binoculars, spotting scopes, telescopes, and storage cases therefore, all for use in birdwatching  Class 35: Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefore, all for use in birdwatching	Registration and TSDR report
3	GOLDEN EAGLE Reg. No. 3,787,739	App: Dec. 8, 2006  Reg: May 11, 2010	Class 9: Binoculars	Registration and TSDR report

Each of the above registrations is attached, and is accompanied by a current printout from the USPTO's Trademark Status and Document Retrieval service (TSDR) showing the current stats and title of the registration.

**Petitioner's EAGLE Series Applications (37 C.F.R. § 2.122(e)):**

<b>Trial Exhibit</b>	<b>Mark/App. No.</b>	<b>Application Date</b>	<b>Goods</b>	<b>Attached</b>
4	EAGLE Ser. No. 85/095,903	July 29, 2010	Binoculars, riflescopes, spotting scopes, telescopes	Application, file history and TSDR report
5	EAGLE OWL Ser. No. 85/708,479	Aug. 21, 2012	Binoculars	Application, file history and TSDR report

<b>Trial Exhibit</b>	<b>Mark/App. No.</b>	<b>Application Date</b>	<b>Goods</b>	<b>Attached</b>
6	BOLD EAGLE Ser. No. 85/708,480	Aug. 21, 2012	Binoculars	Application, file history and TSDR report
7	BLACK EAGLE Ser. No. 85/708,481	Aug. 21, 2012	Binoculars	Application, file history and TSDR report
8	IRON EAGLE Ser. No. 85/708,482	Aug. 21, 2012	Binoculars	Application, file history and TSDR report
9	SILVER EAGLE Ser. No. 85/708,483	Aug. 21, 2012	Binoculars	Application, file history and TSDR report
10	STRIKE EAGLE Ser. No. 85/708,484	Aug. 21, 2012	Binoculars	Application, file history and TSDR report

Each of the above applications was refused over the registration that Petitioner is seeking to be cancelled, namely Respondent's Registration No. 3,904,929 for STEEL EAGLE. These refusals are relevant to demonstrate the likelihood of confusion between STEEL EAGLE and Petitioner's prior pleaded registrations.

**File Histories for Pleded Registrations (37 C.F.R. §2.122(e)):**

<b>Trial Exhibit</b>	<b>Mark/Reg. No.</b>	<b>App./Reg. Date</b>	<b>Goods</b>	<b>Attached</b>
11	EAGLE OPTICS Reg. No. 2,886,199	App: Oct. 5, 2000  Reg: Sep. 21, 2004	Class 9: Binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefore	File history from the USPTO website

<b>Trial Exhibit</b>	<b>Mark/Reg. No.</b>	<b>App./Reg. Date</b>	<b>Goods</b>	<b>Attached</b>
12	 Reg. No. 3,192,083	App: Aug. 24, 2005  Reg: Jan. 2, 2007	Class 9: Binoculars, spotting scopes, telescopes, and storage cases therefore, all for use in birdwatching  Class 35: Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefore, all for use in birdwatching	File history from the USPTO website
13	GOLDEN EAGLE Reg. No. 3,787,739	App: Dec. 8, 2006  Reg: May 11, 2010	Class 9: Binoculars	File history from the USPTO website

The file histories listed above are the prosecution file histories for Petitioner's pleaded registrations, and are relevant to the Respondent's positions concerning the strength of Petitioner's marks.

**Oklahoma Secretary of State Records (37 C.F.R. § 2.122(e)):**

<b>Trial Exhibit</b>	<b>Description of Attached Documents</b>
14	Articles of Organization for Wohali Outdoors, LLC (and certificate) from the Oklahoma Secretary of State
15	Certificate of Limited Liability Company for Wohali Outdoors, LLC, from the Oklahoma Secretary of State

These documents were obtained from the office of the Oklahoma Secretary of State and are relevant to show that Respondent, Wohali Outdoors, LLC was not formed until February 2009.

**Western District of Wisconsin Pleadings (37 C.F.R. § 2.122(e)):**

<b>Trial Exhibit</b>	<b>Description of Attached Documents</b>
16	Complaint filed by Petitioner in the case of <i>Sheltered Wings, Inc. v. Wohali Outdoors, LLC</i> , No. 11-cv-300, on April 25, 2011 in the United States District Court in the Western District of Wisconsin
17	Declaration of Brett L. Foster, filed on July 7, 2011 in the case of <i>Sheltered Wings, Inc. v. Wohali Outdoors, LLC</i> , No. 11-cv-300, in the United States District Court in the Western District of Wisconsin
18	Order Granting Petitioner’s Motion to Dismiss the Western District of Wisconsin Litigation without prejudice, dated July 25, 2011, in <i>Sheltered Wings, Inc. v. Wohali Outdoors, LLC</i> , No. 11-cv-300, in the United States District Court in the Western District of Wisconsin

The pleadings above are from a civil action for trademark infringement between Petitioner and Respondent that was previously pending in the United States District Court for the Western District of Wisconsin (the “Western District litigation”). The Western District litigation was dismissed without prejudice and is no longer pending, and these papers are relevant to demonstrate the reason the parties are involved in the instant cancellation proceeding before the Board.

**Interrogatory Answers (37 C.F.R. § 2.120(j)):**

Trial Exhibit	Description of Attached Documents
19	Wohali Outdoors, LLC's Verified Responses to Petitioner's First Set of Interrogatories, served June 8, 2012
20	<b>CONFIDENTIAL – FILED UNDER SEAL</b> Wohali Outdoors, LLC's Verified Responses to Petitioner's Third Set of Interrogatories, served February 18, 2013, and the documents referenced in the interrogatory response, namely documents originally produced at Wohali 000692-727, which were renumbered as Wohali 1004-1039, and supplemented with Wohali 1054-1079
21	Wohali Outdoors, LLC's March 29, 2013 Letter providing Supplemental Responses to Interrogatories 1, 10, 11, 12, 13, and 24 and Verification Page

**Third Party Registrations and Status Reports (37 C.F.R. § 2.122(e)):**

Trial Exhibit	Description of Attached Documents
22	U.S. Trademark Registration No. 2,084,361, owned by Nikon Corporation, for the mark EAGLEVIEW and the corresponding TSDR status report from the USPTO website
23	The prosecution file history for U.S. Trademark Registration No. 2,084,361 for the mark EAGLEVIEW from the USPTO website
24	The TSDR status report for Registration No. 2,365,057 for the mark EAGLE'S BLUFF, downloaded from the USPTO on September 27, 2013.

The exhibits above (Exhibits 22 and 23) relating to Nikon Corporation's registration for the mark EAGLEVIEW are relevant because that registration is the only other registration existing on the register that contains the term "EAGLE" in connection with binoculars. Petitioner has a consent agreement with Nikon Corporation regarding the coexistence of these registrations.

Exhibit 24, showing that the EAGLE BLUFF registration has been cancelled, is relevant because Petitioner’s EAGLE OPTICS mark was initially refused over this registration during prosecution, but it is no longer on the register.

**Internet Materials (37 C.F.R. § 2.122(e)):**

Trial Exhibit	Description of Attached Documents
25	A copy of Nikon Corporation’s current Sport Optics catalog: <a href="http://www.nikon.com/products/sportoptics/lineup/dl/catalogue/SportOptics2013-2014.pdf">http://www.nikon.com/products/sportoptics/lineup/dl/catalogue/SportOptics2013-2014.pdf</a> , downloaded on September 26, 2013.
26	Printout of <a href="http://www.opticsale.com/nikon-eagleview-8-24x25-zoom-silver-binoculars-7497-2071-prd1.html">http://www.opticsale.com/nikon-eagleview-8-24x25-zoom-silver-binoculars-7497-2071-prd1.html</a> , printed September 26, 2013, showing the Nikon Eagleview binocular status as “discontinued.”
27	Printout of <a href="http://www.opticsplanet.com/nikon-8-24x25-eagleview-zoom-ii-binoculars.html">http://www.opticsplanet.com/nikon-8-24x25-eagleview-zoom-ii-binoculars.html</a> , printed September 26, 2013, showing that Nikon’s Eagleview binoculars are no longer carried by Optics Planet.
28	Printout of <a href="http://www.authorizedoptics.com/discontinued-nikon-binoculars.html">http://www.authorizedoptics.com/discontinued-nikon-binoculars.html</a> , printed September 26, 2013, showing that Nikon’s Eagleview binoculars are discontinued.
29	Printout of <a href="http://www.kitterytradingpost.com/product.php/prodid/2598">http://www.kitterytradingpost.com/product.php/prodid/2598</a> , printed September 26, 2013, showing that Nikon’s Eagleview binoculars are discontinued.

Other than the parties’ respective registrations, the only other registration existing on the register for binoculars that contains the term “Eagle” is Nikon Corporation’s registration No. 2,084,361 for EAGLEVIEW. However, these website materials are relevant to show that it appears that Nikon Corporation’s Nikon Eagleview binocular has been discontinued.

**Transcripts to be filed (37 C.F.R. § 2.125):**

Petitioner conducted testimony depositions of two witnesses, namely Messrs. Daniel Hamilton and Benjamin Lizdas on September 10, 2013 during Petitioner's trial period. Petitioner will be serving and filing such transcripts in due course.

Date: September 27, 2013

By:           /Jennifer L. Gregor/            
James D. Peterson  
Jennifer L. Gregor  
GODFREY & KAHN, S.C.  
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*Attorneys for Petitioner, Sheltered Wings, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Reliance was served by email and Federal Express overnight courier on September 27, 2013, upon the following:

Steven M. Harris (steve.harris@1926blaw.com)  
S. Max Harris (max.harris@1926blaw.com)  
DOYLE HARRIS DAVIS & HAUGHEY  
1350 South Boulder, Suite 700  
Tulsa, OK 74119

\_\_\_\_\_  
/Jennifer L. Gregor/  
Jennifer L. Gregor

Int. Cl.: 9

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

Reg. No. 2,886,199

**United States Patent and Trademark Office**

Registered Sep. 21, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**EAGLE OPTICS**

SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
2120 W. GREENVIEW DR. #4  
MIDDLETON, WI 53562

FOR: BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRD WATCHING, AND STORAGE CASES THEREFORE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1996; IN COMMERCE 4-1-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-029,311, FILED 10-5-2000.

APRIL L. RADEMACHER, EXAMINING ATTORNEY



Attorney Primary Email [trademark@langlotz.com](mailto:trademark@langlotz.com)  
Address:

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** Angela V. Langlotz  
Langlotz Patent and Trademark Works, Inc.  
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UNITED STATES

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**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jan. 27, 2012	NOTICE OF SUIT	
Oct. 05, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Oct. 05, 2009	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Sep. 22, 2009	TEAS SECTION 8 & 15 RECEIVED	
Aug. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 08, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 08, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 21, 2004	REGISTERED-PRINCIPAL REGISTER	
Jun. 29, 2004	PUBLISHED FOR OPPOSITION	
Jun. 09, 2004	NOTICE OF PUBLICATION	
Apr. 21, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 15, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 30, 2004	CASE FILE IN TICRS	
Jan. 20, 2004	PAPER RECEIVED	
Oct. 10, 2003	CONTINUATION OF FINAL REFUSAL MAILED	
Jan. 08, 2003	LETTER OF SUSPENSION MAILED	
Nov. 14, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 14, 2002	PAPER RECEIVED	
Oct. 16, 2002	FINAL REFUSAL MAILED	
Aug. 29, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 29, 2002	PAPER RECEIVED	
Jul. 15, 2002	ASSIGNED TO EXAMINER	74284
Jul. 11, 2002	ASSIGNED TO EXAMINER	67568
Apr. 11, 2002	NON-FINAL ACTION MAILED	
Apr. 10, 2002	ASSIGNED TO EXAMINER	74284
Jun. 19, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 20, 2001	NON-FINAL ACTION MAILED	
Mar. 13, 2001	ASSIGNED TO EXAMINER	74665

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: TMEG LAW OFFICE 102

Date in Location: Oct. 05, 2009

## Proceedings

### Summary

Number of Proceedings: 3

#### Type of Proceeding: Opposition

Proceeding Number: [91208804](#)

Filing Date: Jan 11, 2013

Status: Pending

Status Date: Jan 11, 2013

Interlocutory Attorney: ELIZABETH WINTER

#### Defendant

Name: Wohali Outdoors, LLC

Correspondent Address: S MAX HARRIS  
DOYLE HARRIS DAVIS & HAUGHEY  
1350 S BOULDER AVE STE 700  
TULSA OK , 74119-3208  
UNITED STATES

Correspondent e-mail: [max.harris@1926bLaw.com](mailto:max.harris@1926bLaw.com); [steve.harris@19](mailto:steve.harris@19) , [lesley@1926blaw.com](mailto:lesley@1926blaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Opposition Pending	<a href="#">85684377</a>	

#### Plaintiff(s)

Name: Sheltered Wings, Inc.

Correspondent Address: JENNIFER L GREGOR  
GODFREY & KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON WI , 53701  
UNITED STATES

Correspondent e-mail: [docketing@gklaw.com](mailto:docketing@gklaw.com) , [jgregor@gklaw.com](mailto:jgregor@gklaw.com) , [jpeterston@gklaw.com](mailto:jpeterston@gklaw.com) , [jschwartz@gklaw.com](mailto:jschwartz@gklaw.com) , [apeterston@gklaw.com](mailto:apeterston@gklaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 11, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 11, 2013	Feb 20, 2013
3	PENDING, INSTITUTED	Jan 11, 2013	
4	OPP'S MOTION TO SUSPEND	Jan 15, 2013	
5	DEF'S OBJECTION TO PL'S MOT TO SUSPEND	Jan 17, 2013	
6	P'S REPLY IN SUPPORT OF MOTION	Feb 01, 2013	
7	ANSWER	Feb 19, 2013	
8	SUSPENDED	Feb 28, 2013	

#### Type of Proceeding: Opposition

Proceeding Number: [91205187](#)

Filing Date: May 16, 2012

Status: Pending

Status Date: May 16, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

#### Defendant

Name: Wohali Outdoors, LLC

Correspondent Address: S MAX HARRIS  
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1350 SOUTH BOULDER, SUITE 700  
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Associated marks			
Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Opposition Pending	<a href="#">85464085</a>	
<b>Plaintiff(s)</b>			

**Name:** Sheltered Wings, Inc.

**Correspondent Address:** JENNIFER L GREGOR  
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Associated marks			
Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
STRIKE EAGLE	Registered	<a href="#">77571568</a>	<a href="#">3726431</a>
EAGLE OPTICS	Registered	<a href="#">77641594</a>	<a href="#">3794245</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 16, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 18, 2012	Jun 27, 2012
3	PENDING, INSTITUTED	May 18, 2012	
4	ANSWER	Jun 25, 2012	
5	P'S MOT TO SUSP PEND DISP CIV ACTION	Aug 27, 2012	
6	D'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012	
7	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Oct 02, 2012	
8	STIP TO SUSPEND PEND DISP CIV ACTION	Nov 19, 2012	
9	SUSPENDED	Nov 19, 2012	

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92054629](#)

**Filing Date:** Oct 10, 2011

**Status:** Pending

**Status Date:** Oct 10, 2011

**Interlocutory Attorney:** GEORGE POLOGEORGIS

**Defendant**

**Name:** Wohali Outdoors, LLC

**Correspondent Address:** S MAX HARRIS  
DOYLE HARRIS DAVIS HAUGHEY  
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UNITED STATES

Correspondent e-mail: [max.harris@1926blaw.com](mailto:max.harris@1926blaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Cancellation Pending	<a href="#">77689308</a>	<a href="#">3904929</a>
<b>Plaintiff(s)</b>			

**Name:** Sheltered Wings, Inc.

**Correspondent Address:** JENNIFER L GREGOR  
GODFREY KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON WI , 53703  
UNITED STATES

Correspondent e-mail: [jgregor@gklaw.com](mailto:jgregor@gklaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
STRIKE EAGLE	Registered	<a href="#">77571568</a>	<a href="#">3726431</a>
EAGLE OPTICS	Registered	<a href="#">77641594</a>	<a href="#">3794245</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 10, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 12, 2011	Nov 21, 2011
3	PENDING, INSTITUTED	Oct 12, 2011	
4	NOTICE OF DEFAULT	Dec 05, 2011	
5	D'S MOTION TO ACCEPT LATE FILED ANSWER	Dec 13, 2011	
6	P'S OPPOSITION/RESPONSE TO MOTION	Dec 28, 2011	
7	D'S REPLY IN SUPPORT OF MOTION	Dec 30, 2011	
8	D'S MOT. TO ACCEPT LATE FILED ANSWER GRANTED; DEFAULT SET ASIDE; TRIAL DATES RESET	Jan 05, 2012	
9	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 10, 2012	
10	EXTENSION OF TIME GRANTED	Jul 17, 2012	
11	D'S MOTION FOR SUMMARY JUDGMENT	Jul 20, 2012	
12	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jul 26, 2012	
13	P'S MOTION TO AMEND PLEADING/AMENDED PLEADING	Aug 24, 2012	
14	P'S OPPOSITION/RESPONSE TO MOTION	Aug 24, 2012	
15	DECL OF DANIEL HAMILTON	Aug 24, 2012	
16	DECL OF JACQUELINE SCHWARTZ	Aug 24, 2012	
17	DECL OF JACQUELINE SCHWARTZ (EXHIBTS J-K)	Aug 24, 2012	
18	DECL OF DANIEL HAMILTON (EXHIBITS 1-6)	Aug 24, 2012	
19	DECL OF DANIEL HAMILTON (EXHIBITS 7-17)	Aug 24, 2012	
20	DECL OF BEN LIDZAS	Aug 24, 2012	
21	DECL OF JACQUELINE SCHWARTZ (EXHIBITS A-E)	Aug 24, 2012	
22	DECL OF JACQUELINE SCHWARTZ (EXHIBIT F)	Aug 24, 2012	
23	D'S REPLY IN SUPPORT OF MOTION	Sep 13, 2012	
24	MOTION TO AMEND ANSWER/AMENDED ANSWER OR COUNTERCLAIM	Sep 13, 2012	
25	D OPP/RESP TO MOTION	Sep 14, 2012	
26	DEF'S MOTION FOR SUMMARY JUDGMENT DENIED	Nov 08, 2012	
27	STIPULATION FOR AN EXTENSION OF TIME	Nov 19, 2012	
28	EXTENSION OF TIME GRANTED	Nov 19, 2012	
29	STIPULATED PROTECTIVE ORDER	Jan 08, 2013	
30	STIPULATION NOTED AND APPROVED	Jan 15, 2013	
31	STIPULATION FOR AN EXTENSION OF TIME	Feb 06, 2013	
32	EXTENSION OF TIME GRANTED	Feb 06, 2013	
33	D'S OBJECTIONS TO P'S PRETRIAL DISCLOSURES	May 17, 2013	
34	STIP FOR EXT	May 17, 2013	
35	EXT. GRANTED; PROCEEDINGS SUSPENDED PENDING DISP.OF D'S CONSTRUED MOT. TO LIMIT TESTIMONY	May 29, 2013	
36	PAPER RECEIVED AT TTAB	May 30, 2013	
37	PAPER RECEIVED AT TTAB	May 30, 2013	

38	P OPP/RESP TO MOTION	Jun 03, 2013
39	D REPLY IN SUPPORT OF MOTION	Jun 24, 2013
40	PAPER RECEIVED AT TTAB	Jul 22, 2013
41	D'S MOT. TO LIMIT TESTIMONY DENIED; TRIAL DATES RESET	Jul 31, 2013

**Int. Cls.: 9 and 35**

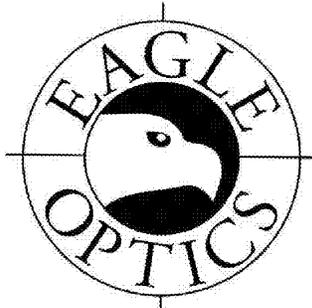
**Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 102**

**Reg. No. 3,192,083**

**United States Patent and Trademark Office**

Registered Jan. 2, 2007

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
SUITE FOUR  
2120 WEST GREENVIEW DRIVE  
MIDDLETOWN, WI 53562

FOR: BINOCULARS, SPOTTING SCOPES, TELESCOPES, AND STORAGE CASES THEREFOR, ALL FOR USE IN BIRDWATCHING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-2001; IN COMMERCE 12-0-2001.

FOR: RETAIL STORE, MAIL ORDER AND ONLINE RETAIL STORE SERVICES FEATURING BINOCULARS, SPOTTING SCOPES, TELESCOPES,

AND STORAGE CASES THEREFOR, ALL FOR USE IN BIRDWATCHING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.

OWNER OF U.S. REG. NO. 2,886,199.

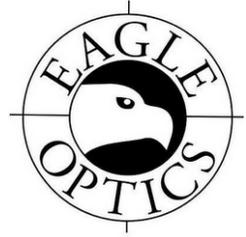
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-699,411, FILED 8-24-2005.

KRISTIN DAHLING, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2013-09-26 11:44:31 EDT

Mark: EAGLE OPTICS



US Serial Number: 78699411

Application Filing Date: Aug. 24, 2005

US Registration Number: 3192083

Registration Date: Jan. 02, 2007

Register: Principal

Mark Type: Trademark, Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 20, 2012

Publication Date: Oct. 17, 2006

## Mark Information

Mark Literal Elements: EAGLE OPTICS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "OPTICS"

Design Search Code(s): 03.15.01 - Eagles  
 03.15.24 - Stylized birds and bats  
 03.17.16 - Heads of birds  
 16.03.25 - Crosshairs; Gun sights; Viewers, slide, hand-held  
 26.01.02 - Plain single line circles; Circles, plain single line  
 26.01.08 - Letters, numerals or punctuation forming or bordering the perimeter of a circle; Circles having punctuation as a border;  
 Circles having letters or numerals as a border  
 26.01.17 - Two concentric circles; Circles, two concentric; Concentric circles, two  
 26.01.21 - Circles that are totally or partially shaded.

## Related Properties Information

Claimed Ownership of US Registrations: 2886199

## 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
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: May 2001

Use in Commerce: Dec. 2001

For: Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: 1987

Use in Commerce: 1987

## Basis Information (Case Level)

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

### Current Owner(s) Information

**Owner Name:** Sheltered Wings, Inc.  
**Owner Address:** Suite Four  
 2120 West Greenview Drive  
 Middletown, WISCONSIN 53562  
 UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** WISCONSIN

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Bennet K. Langlotz  
**Attorney Primary Email Address:** [trademark@langlotz.com](mailto:trademark@langlotz.com)  
**Docket Number:** VX-T19  
**Attorney Email Authorized:** Yes

#### Correspondent

**Correspondent Name/Address:** Bennet K. Langlotz  
 LANGLOTZ PATENT & TRADEMARK WORKS, INC.  
 PO BOX 96503 # 37585  
 WASHINGTON, DISTRICT OF COLUMBIA 20090-6503  
 UNITED STATES  
**Phone:** 888-852-4246  
**Fax:** 888-852-4246  
**Correspondent e-mail:** [trademark@langlotz.com](mailto:trademark@langlotz.com)  
**Correspondent e-mail Authorized:** Yes

#### Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Mar. 20, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 20, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Mar. 19, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Feb. 07, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jan. 27, 2012	NOTICE OF SUIT	
Aug. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 08, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 08, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 02, 2007	REGISTERED-PRINCIPAL REGISTER	
Oct. 17, 2006	PUBLISHED FOR OPPOSITION	
Sep. 27, 2006	NOTICE OF PUBLICATION	
Aug. 18, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76984
Aug. 15, 2006	ASSIGNED TO LIE	76984
Jul. 31, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 28, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	76984
Jul. 25, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	76984
Jul. 25, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 27, 2006	FINAL REFUSAL E-MAILED	
Apr. 27, 2006	FINAL REFUSAL WRITTEN	81131
Apr. 19, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	76984
Apr. 11, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	76984

Apr. 11, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2006	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2006	NON-FINAL ACTION WRITTEN	81131
Mar. 13, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 13, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 13, 2006	EXAMINERS AMENDMENT -WRITTEN	81131
Mar. 12, 2006	ASSIGNED TO EXAMINER	81131
Sep. 01, 2005	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMO LAW OFFICE 113

**Date in Location:** Mar. 20, 2012

## Proceedings

### Summary

**Number of Proceedings:** 3

#### Type of Proceeding: Opposition

**Proceeding Number:** [91208804](#)

**Filing Date:** Jan 11, 2013

**Status:** Pending

**Status Date:** Jan 11, 2013

**Interlocutory Attorney:** ELIZABETH WINTER

#### Defendant

**Name:** Wohali Outdoors, LLC

**Correspondent Address:** S MAX HARRIS  
DOYLE HARRIS DAVIS & HAUGHEY  
1350 S BOULDER AVE STE 700  
TULSA OK , 74119-3208  
UNITED STATES

**Correspondent e-mail:** [max.harris@1926bLaw.com](mailto:max.harris@1926bLaw.com); [steve.harris@19](mailto:steve.harris@19) , [lesley@1926blaw.com](mailto:lesley@1926blaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Opposition Pending	<a href="#">85684377</a>	

#### Plaintiff(s)

**Name:** Sheltered Wings, Inc.

**Correspondent Address:** JENNIFER L GREGOR  
GODFREY & KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON WI , 53701  
UNITED STATES

**Correspondent e-mail:** [docketing@gklaw.com](mailto:docketing@gklaw.com) , [jgregor@gklaw.com](mailto:jgregor@gklaw.com) , [jpeterson@gklaw.com](mailto:jpeterson@gklaw.com) , [jschwartz@gklaw.com](mailto:jschwartz@gklaw.com) , [apeterson@gklaw.com](mailto:apeterson@gklaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Jan 11, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 11, 2013	Feb 20, 2013
3	PENDING, INSTITUTED	Jan 11, 2013	
4	OPP'S MOTION TO SUSPEND	Jan 15, 2013	
5	DEF'S OBJECTION TO PL'S MOT TO SUSPEND	Jan 17, 2013	
6	P'S REPLY IN SUPPORT OF MOTION	Feb 01, 2013	
7	ANSWER	Feb 19, 2013	
8	SUSPENDED	Feb 28, 2013	

**Type of Proceeding: Opposition**Proceeding Number: [91205187](#)

Filing Date: May 16, 2012

Status: Pending

Status Date: May 16, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

**Defendant**

Name: Wohali Outdoors, LLC

Correspondent Address: S MAX HARRIS  
DOYLE HARRIS DAVIS & HAUGHEY  
1350 SOUTH BOULDER, SUITE 700  
TULSA OK , 74119-3208  
UNITED STATES

Correspondent e-mail: [steve.harris@1926blaw.com](mailto:steve.harris@1926blaw.com) , [max.harris@1926blaw.com](mailto:max.harris@1926blaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Opposition Pending	<a href="#">85464085</a>	

**Plaintiff(s)**

Name: Sheltered Wings, Inc.

Correspondent Address: JENNIFER L GREGOR  
GODFREY & KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON WI , 53701-2719  
UNITED STATES

Correspondent e-mail: [jgregor@gklaw.com](mailto:jgregor@gklaw.com) , [jschwartz@gklaw.com](mailto:jschwartz@gklaw.com) , [apeterson@gklaw.com](mailto:apeterson@gklaw.com) , [jpeteron@gklaw.com](mailto:jpeteron@gklaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
STRIKE EAGLE	Registered	<a href="#">77571568</a>	<a href="#">3726431</a>
EAGLE OPTICS	Registered	<a href="#">77641594</a>	<a href="#">3794245</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 16, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 18, 2012	Jun 27, 2012
3	PENDING, INSTITUTED	May 18, 2012	
4	ANSWER	Jun 25, 2012	
5	P'S MOT TO SUSP PEND DISP CIV ACTION	Aug 27, 2012	
6	D'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012	
7	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Oct 02, 2012	
8	STIP TO SUSPEND PEND DISP CIV ACTION	Nov 19, 2012	
9	SUSPENDED	Nov 19, 2012	

**Type of Proceeding: Cancellation**Proceeding Number: [92054629](#)

Filing Date: Oct 10, 2011

Status: Pending

Status Date: Oct 10, 2011

Interlocutory Attorney: GEORGE POLOGEORGIS

**Defendant**

Name: Wohali Outdoors, LLC

Correspondent Address: S MAX HARRIS  
DOYLE HARRIS DAVIS HAUGHEY  
1350 SOUTH BOULDER, SUITE 700  
TULSA OK , 74119  
UNITED STATES

Correspondent e-mail: [max.harris@1926blaw.com](mailto:max.harris@1926blaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Cancellation Pending	<a href="#">77689308</a>	<a href="#">3904929</a>

**Plaintiff(s)**

Name: Sheltered Wings, Inc.

Correspondent Address: JENNIFER L GREGOR  
GODFREY KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON WI , 53703  
UNITED STATES

Correspondent e-mail: [jgregor@gklaw.com](mailto:jgregor@gklaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
STRIKE EAGLE	Registered	<a href="#">77571568</a>	<a href="#">3726431</a>
EAGLE OPTICS	Registered	<a href="#">77641594</a>	<a href="#">3794245</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 10, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 12, 2011	Nov 21, 2011
3	PENDING, INSTITUTED	Oct 12, 2011	
4	NOTICE OF DEFAULT	Dec 05, 2011	
5	D'S MOTION TO ACCEPT LATE FILED ANSWER	Dec 13, 2011	
6	P'S OPPOSITION/RESPONSE TO MOTION	Dec 28, 2011	
7	D'S REPLY IN SUPPORT OF MOTION	Dec 30, 2011	
8	D'S MOT. TO ACCEPT LATE FILED ANSWER GRANTED; DEFAULT SET ASIDE; TRIAL DATES RESET	Jan 05, 2012	
9	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 10, 2012	
10	EXTENSION OF TIME GRANTED	Jul 17, 2012	
11	D'S MOTION FOR SUMMARY JUDGMENT	Jul 20, 2012	
12	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jul 26, 2012	
13	P'S MOTION TO AMEND PLEADING/AMENDED PLEADING	Aug 24, 2012	
14	P'S OPPOSITION/RESPONSE TO MOTION	Aug 24, 2012	
15	DECL OF DANIEL HAMILTON	Aug 24, 2012	
16	DECL OF JACQUELINE SCHWARTZ	Aug 24, 2012	
17	DECL OF JACQUELINE SCHWARTZ (EXHIBTS J-K)	Aug 24, 2012	
18	DECL OF DANIEL HAMILTON (EXHIBITS 1-6)	Aug 24, 2012	
19	DECL OF DANIEL HAMILTON (EXHIBITS 7-17)	Aug 24, 2012	
20	DECL OF BEN LIDZAS	Aug 24, 2012	
21	DECL OF JACQUELINE SCHWARTZ (EXHIBITS A-E)	Aug 24, 2012	

22	DECL OF JACQUELINE SCHWARTZ (EXHIBIT F)	Aug 24, 2012
23	D'S REPLY IN SUPPORT OF MOTION	Sep 13, 2012
24	MOTION TO AMEND ANSWER/AMENDED ANSWER OR COUNTERCLAIM	Sep 13, 2012
25	D OPP/RESP TO MOTION	Sep 14, 2012
26	DEF'S MOTION FOR SUMMARY JUDGMENT DENIED	Nov 08, 2012
27	STIPULATION FOR AN EXTENSION OF TIME	Nov 19, 2012
28	EXTENSION OF TIME GRANTED	Nov 19, 2012
29	STIPULATED PROTECTIVE ORDER	Jan 08, 2013
30	STIPULATION NOTED AND APPROVED	Jan 15, 2013
31	STIPULATION FOR AN EXTENSION OF TIME	Feb 06, 2013
32	EXTENSION OF TIME GRANTED	Feb 06, 2013
33	D'S OBJECTIONS TO P'S PRETRIAL DISCLOSURES	May 17, 2013
34	STIP FOR EXT	May 17, 2013
35	EXT. GRANTED; PROCEEDINGS SUSPENDED PENDING DISP.OF D'S CONSTRUED MOT. TO LIMIT TESTIMONY	May 29, 2013
36	PAPER RECEIVED AT TTAB	May 30, 2013
37	PAPER RECEIVED AT TTAB	May 30, 2013
38	P OPP/RESP TO MOTION	Jun 03, 2013
39	D REPLY IN SUPPORT OF MOTION	Jun 24, 2013
40	PAPER RECEIVED AT TTAB	Jul 22, 2013
41	D'S MOT. TO LIMIT TESTIMONY DENIED; TRIAL DATES RESET	Jul 31, 2013

# United States of America

United States Patent and Trademark Office

## GOLDEN EAGLE

**Reg. No. 3,787,739**

**Registered May 11, 2010**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
2120 W GREENVIEW DR, STE 4  
MIDDLETOWN, WI 53562

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

FIRST USE 2-0-2010; IN COMMERCE 2-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,886,199 AND 3,192,083.

SN 77-060,299, FILED 12-8-2006.

MARC LEIPZIG, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

**Generated on:** This page was generated by TSDR on 2013-09-26 10:50:53 EDT

**Mark:** GOLDEN EAGLE

GOLDEN EAGLE

**US Serial Number:** 77060299      **Application Filing Date:** Dec. 08, 2006  
**US Registration Number:** 3787739      **Registration Date:** May 11, 2010  
**Filed as TEAS Plus:** Yes      **Currently TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** May 11, 2010  
**Publication Date:** Jun. 26, 2007      **Notice of Allowance Date:** Sep. 18, 2007

## Mark Information

**Mark Literal Elements:** GOLDEN EAGLE  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**Claimed Ownership of US Registrations:** 2886199, 3192083

## 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
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Binoculars  
**International Class(es):** 009 - Primary Class      **U.S Class(es):** 021, 023, 026, 036, 038  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Feb. 2010      **Use in Commerce:** Feb. 2010

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Sheltered Wings, Inc.  
**Owner Address:** 2120 W Greenview Dr, Ste 4  
 Middletown, WISCONSIN 53562  
 UNITED STATES  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** WISCONSIN

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Bennet Langlotz

Attorney Primary Email [patent@langlotz.com](mailto:patent@langlotz.com)  
Address:Attorney Email No  
Authorized:**Correspondent****Correspondent Name/Address:** Bennet Langlotz  
Langlotz Patent & Trademark Works, Inc.  
PO Box 96503 # 37585  
Washington, DISTRICT OF COLUMBIA 20090-6503  
UNITED STATES

Phone: 877-230-5950

Fax: 877-230-5950

Correspondent e-mail: [trademark@langlotz.com](mailto:trademark@langlotz.com)Correspondent e-mail No  
Authorized:**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jan. 27, 2012	NOTICE OF SUIT	
May 11, 2010	REGISTERED-PRINCIPAL REGISTER	
Apr. 03, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 02, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Mar. 29, 2010	ASSIGNED TO LIE	68171
Mar. 29, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 12, 2010	STATEMENT OF USE PROCESSING COMPLETE	66154
Mar. 11, 2010	USE AMENDMENT FILED	66154
Mar. 11, 2010	TEAS STATEMENT OF USE RECEIVED	
Oct. 01, 2009	EXTENSION 4 GRANTED	66154
Sep. 17, 2009	EXTENSION 4 FILED	66154
Oct. 01, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Sep. 17, 2009	TEAS EXTENSION RECEIVED	
Aug. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 18, 2009	EXTENSION 3 GRANTED	98765
Mar. 18, 2009	EXTENSION 3 FILED	98765
Mar. 18, 2009	TEAS EXTENSION RECEIVED	
Oct. 03, 2008	ASSIGNED TO EXAMINER	74816
Sep. 13, 2008	EXTENSION 2 GRANTED	98765
Sep. 13, 2008	EXTENSION 2 FILED	98765
Sep. 13, 2008	TEAS EXTENSION RECEIVED	
Sep. 08, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 08, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 18, 2008	EXTENSION 1 GRANTED	98765
Mar. 18, 2008	EXTENSION 1 FILED	98765
Mar. 18, 2008	TEAS EXTENSION RECEIVED	
Sep. 18, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 26, 2007	PUBLISHED FOR OPPOSITION	
Jun. 06, 2007	NOTICE OF PUBLICATION	
Apr. 24, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78413
Apr. 24, 2007	ASSIGNED TO LIE	78413
Mar. 31, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 30, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 30, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 30, 2007	EXAMINERS AMENDMENT -WRITTEN	78049
Mar. 30, 2007	ASSIGNED TO EXAMINER	78049
Dec. 13, 2006	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 02, 2010

## Proceedings

### Summary

Number of Proceedings: 3

### Type of Proceeding: Opposition

Proceeding Number: [91208804](#)

Filing Date: Jan 11, 2013

Status: Pending

Status Date: Jan 11, 2013

Interlocutory Attorney: ELIZABETH WINTER

### Defendant

Name: Wohali Outdoors, LLC

Correspondent Address: S MAX HARRIS  
DOYLE HARRIS DAVIS & HAUGHEY  
1350 S BOULDER AVE STE 700  
TULSA OK , 74119-3208  
UNITED STATES

Correspondent e-mail: [max.harris@1926bLaw.com](mailto:max.harris@1926bLaw.com); [steve.harris@19](mailto:steve.harris@19) , [lesley@1926blaw.com](mailto:lesley@1926blaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Opposition Pending	<a href="#">85684377</a>	

### Plaintiff(s)

Name: Sheltered Wings, Inc.

Correspondent Address: JENNIFER L GREGOR  
GODFREY & KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON WI , 53701  
UNITED STATES

Correspondent e-mail: [doCKETING@gkLaw.com](mailto:doCKETING@gkLaw.com) , [jgregor@gkLaw.com](mailto:jgregor@gkLaw.com) , [jpeterson@gkLaw.com](mailto:jpeterson@gkLaw.com) , [jschwartz@gkLaw.com](mailto:jschwartz@gkLaw.com) , [apeterson@gkLaw.com](mailto:apeterson@gkLaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 11, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 11, 2013	Feb 20, 2013
3	PENDING, INSTITUTED	Jan 11, 2013	
4	OPP'S MOTION TO SUSPEND	Jan 15, 2013	
5	DEF'S OBJECTION TO PL'S MOT TO SUSPEND	Jan 17, 2013	
6	P'S REPLY IN SUPPORT OF MOTION	Feb 01, 2013	
7	ANSWER	Feb 19, 2013	
8	SUSPENDED	Feb 28, 2013	

### Type of Proceeding: Opposition

Proceeding Number: [91205187](#)

Filing Date: May 16, 2012

Status: Pending

Status Date: May 16, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

### Defendant

**Name:** Wohali Outdoors, LLC

**Correspondent Address:** S MAX HARRIS  
DOYLE HARRIS DAVIS & HAUGHEY  
1350 SOUTH BOULDER, SUITE 700  
TULSA OK , 74119-3208  
UNITED STATES

**Correspondent e-mail:** [steve.harris@1926blaw.com](mailto:steve.harris@1926blaw.com) , [max.harris@1926blaw.com](mailto:max.harris@1926blaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Opposition Pending	<a href="#">85464085</a>	
Plaintiff(s)			

**Name:** Sheltered Wings, Inc.

**Correspondent Address:** JENNIFER L GREGOR  
GODFREY & KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON WI , 53701-2719  
UNITED STATES

**Correspondent e-mail:** [jgregor@gklaw.com](mailto:jgregor@gklaw.com) , [jschwartz@gklaw.com](mailto:jschwartz@gklaw.com) , [apeterson@gklaw.com](mailto:apeterson@gklaw.com) , [jpeteron@gklaw.com](mailto:jpeteron@gklaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
STRIKE EAGLE	Registered	<a href="#">77571568</a>	<a href="#">3726431</a>
EAGLE OPTICS	Registered	<a href="#">77641594</a>	<a href="#">3794245</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 16, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 18, 2012	Jun 27, 2012
3	PENDING, INSTITUTED	May 18, 2012	
4	ANSWER	Jun 25, 2012	
5	P'S MOT TO SUSP PEND DISP CIV ACTION	Aug 27, 2012	
6	D'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012	
7	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Oct 02, 2012	
8	STIP TO SUSPEND PEND DISP CIV ACTION	Nov 19, 2012	
9	SUSPENDED	Nov 19, 2012	

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92054629](#)

**Filing Date:** Oct 10, 2011

**Status:** Pending

**Status Date:** Oct 10, 2011

**Interlocutory Attorney:** GEORGE POLOGEORGIS

**Defendant**

**Name:** Wohali Outdoors, LLC

**Correspondent Address:** S MAX HARRIS  
DOYLE HARRIS DAVIS HAUGHEY  
1350 SOUTH BOULDER, SUITE 700  
TULSA OK , 74119  
UNITED STATES

**Correspondent e-mail:** [max.harris@1926blaw.com](mailto:max.harris@1926blaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
STEEL EAGLE	Cancellation Pending	<a href="#">77689308</a>	<a href="#">3904929</a>
Plaintiff(s)			

**Name:** Sheltered Wings, Inc.

Correspondent Address: JENNIFER L GREGOR  
 GODFREY KAHN SC  
 ONE EAST MAIN STREET, SUITE 500  
 MADISON WI , 53703  
 UNITED STATES

Correspondent e-mail: [jgregor@qklaw.com](mailto:jgregor@qklaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
GOLDEN EAGLE	Registered	<a href="#">77060299</a>	<a href="#">3787739</a>
STRIKE EAGLE	Registered	<a href="#">77571568</a>	<a href="#">3726431</a>
EAGLE OPTICS	Registered	<a href="#">77641594</a>	<a href="#">3794245</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78029311</a>	<a href="#">2886199</a>
EAGLE OPTICS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78699411</a>	<a href="#">3192083</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 10, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 12, 2011	Nov 21, 2011
3	PENDING, INSTITUTED	Oct 12, 2011	
4	NOTICE OF DEFAULT	Dec 05, 2011	
5	D'S MOTION TO ACCEPT LATE FILED ANSWER	Dec 13, 2011	
6	P'S OPPOSITION/RESPONSE TO MOTION	Dec 28, 2011	
7	D'S REPLY IN SUPPORT OF MOTION	Dec 30, 2011	
8	D'S MOT. TO ACCEPT LATE FILED ANSWER GRANTED; DEFAULT SET ASIDE; TRIAL DATES RESET	Jan 05, 2012	
9	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 10, 2012	
10	EXTENSION OF TIME GRANTED	Jul 17, 2012	
11	D'S MOTION FOR SUMMARY JUDGMENT	Jul 20, 2012	
12	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jul 26, 2012	
13	P'S MOTION TO AMEND PLEADING/AMENDED PLEADING	Aug 24, 2012	
14	P'S OPPOSITION/RESPONSE TO MOTION	Aug 24, 2012	
15	DECL OF DANIEL HAMILTON	Aug 24, 2012	
16	DECL OF JACQUELINE SCHWARTZ	Aug 24, 2012	
17	DECL OF JACQUELINE SCHWARTZ (EXHIBTS J-K)	Aug 24, 2012	
18	DECL OF DANIEL HAMILTON (EXHIBITS 1-6)	Aug 24, 2012	
19	DECL OF DANIEL HAMILTON (EXHIBITS 7-17)	Aug 24, 2012	
20	DECL OF BEN LIDZAS	Aug 24, 2012	
21	DECL OF JACQUELINE SCHWARTZ (EXHIBITS A-E)	Aug 24, 2012	
22	DECL OF JACQUELINE SCHWARTZ (EXHIBIT F)	Aug 24, 2012	
23	D'S REPLY IN SUPPORT OF MOTION	Sep 13, 2012	
24	MOTION TO AMEND ANSWER/AMENDED ANSWER OR COUNTERCLAIM	Sep 13, 2012	
25	D OPP/RESP TO MOTION	Sep 14, 2012	
26	DEF'S MOTION FOR SUMMARY JUDGMENT DENIED	Nov 08, 2012	
27	STIPULATION FOR AN EXTENSION OF TIME	Nov 19, 2012	
28	EXTENSION OF TIME GRANTED	Nov 19, 2012	
29	STIPULATED PROTECTIVE ORDER	Jan 08, 2013	
30	STIPULATION NOTED AND APPROVED	Jan 15, 2013	
31	STIPULATION FOR AN EXTENSION OF TIME	Feb 06, 2013	
32	EXTENSION OF TIME GRANTED	Feb 06, 2013	
33	D'S OBJECTIONS TO P'S PRETRIAL DISCLOSURES	May 17, 2013	

34	STIP FOR EXT	May 17, 2013
35	EXT. GRANTED; PROCEEDINGS SUSPENDED PENDING DISP.OF D'S CONSTRUED MOT. TO LIMIT TESTIMONY	May 29, 2013
36	PAPER RECEIVED AT TTAB	May 30, 2013
37	PAPER RECEIVED AT TTAB	May 30, 2013
38	P OPP/RESP TO MOTION	Jun 03, 2013
39	D REPLY IN SUPPORT OF MOTION	Jun 24, 2013
40	PAPER RECEIVED AT TTAB	Jul 22, 2013
41	D'S MOT. TO LIMIT TESTIMONY DENIED; TRIAL DATES RESET	Jul 31, 2013

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85095903

Filing Date: 07/29/2010

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">EAGLE</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EAGLE
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Sheltered Wings, Inc.
*STREET	2120 West Greenview Drive, Suite Four
*CITY	Middleton
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	53562
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION

<b>* STATE/COUNTRY OF INCORPORATION</b>	Wisconsin
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	009
<b>IDENTIFICATION</b>	Binoculars; Riflescopes; Spotting scopes; Telescopes
<b>* FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>* TRANSLATION (if applicable)</b>	
<b>* TRANSLITERATION (if applicable)</b>	
<b>* CLAIMED PRIOR REGISTRATION (if applicable)</b>	The applicant claims ownership of U.S. Registration Number(s) 3192083, 2886199, 3726431, and others.
<b>* CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>* CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Angela V. Langlotz
<b>ATTORNEY DOCKET NUMBER</b>	VX-T67
<b>FIRM NAME</b>	Langlotz Patent & Trademark Works, Inc.
<b>STREET</b>	P.O. Box 96503 #37585
<b>CITY</b>	Washington
<b>STATE</b>	District of Columbia
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	20090-6503
<b>PHONE</b>	866-280-5242
<b>FAX</b>	866-280-5242
<b>EMAIL ADDRESS</b>	trademark@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Bennet K. Langlotz
<b>CORRESPONDENCE INFORMATION</b>	
<b>* NAME</b>	Angela V. Langlotz

<b>FIRM NAME</b>	Langlotz Patent & Trademark Works, Inc.
<b>*STREET</b>	P.O. Box 96503 #37585
<b>*CITY</b>	Washington
<b>*STATE</b> (Required for U.S. applicants)	District of Columbia
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	20090-6503
<b>PHONE</b>	866-280-5242
<b>FAX</b>	866-280-5242
<b>*EMAIL ADDRESS</b>	trademark@langlotz.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/angela v. langlotz/
<b>* SIGNATORY'S NAME</b>	Angela V. Langlotz
<b>* SIGNATORY'S POSITION</b>	Attorney of Record, Nevada bar member
<b>* DATE SIGNED</b>	07/29/2010

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85095903**

**Filing Date: 07/29/2010**

#### To the Commissioner for Trademarks:

**MARK:** EAGLE (Standard Characters, see [mark](#))

The literal element of the mark consists of EAGLE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Sheltered Wings, Inc., a corporation of Wisconsin, having an address of  
2120 West Greenview Drive, Suite Four  
Middleton, Wisconsin 53562  
United States

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

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 009: Binoculars; Riflescopes; Spotting scopes; Telescopes

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant claims ownership of U.S. Registration Number(s) 3192083, 2886199, 3726431, and others.

The applicant's current Attorney Information:

Angela V. Langlotz and Bennet K. Langlotz of Langlotz Patent & Trademark Works, Inc.  
P.O. Box 96503 #37585  
Washington, District of Columbia 20090-6503  
United States

The attorney docket/reference number is VX-T67.

The docket/reference number is VX-T67.

The applicant's current Correspondence Information:

Angela V. Langlotz  
Langlotz Patent & Trademark Works, Inc.  
P.O. Box 96503 #37585

Washington, District of Columbia 20090-6503

866-280-5242(phone)

866-280-5242(fax)

trademark@langlotz.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### Declaration

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

Signature: /angela v. langlotz/ Date Signed: 07/29/2010

Signatory's Name: Angela V. Langlotz

Signatory's Position: Attorney of Record, Nevada bar member

RAM Sale Number: 1071

RAM Accounting Date: 07/30/2010

Serial Number: 85095903

Internet Transmission Date: Thu Jul 29 14:50:45 EDT 2010

TEAS Stamp: USPTO/FTK-74.60.76.0-2010072914504561516

2-85095903-47028cb55b75fe99605d2a8f724c6

25aa-CC-1071-20100729141635226717

EAGLE

## Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85095903
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>ATTORNEY DOCKET NUMBER</b>	067282-0015
<b>MARK SECTION</b>	
<b>MARK</b>	EAGLE
<b>ATTORNEY SECTION</b>	
<b>ORIGINAL ADDRESS</b>	ANGELA V. LANGLOTZ PO BOX 9650337585 WASHINGTON District of Columbia (DC) 20090 US 866-280-5242 866-280-5242 trademark@langlotz.com
<b>NEW ATTORNEY ADDRESS</b>	
<b>STATEMENT TEXT</b>	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
<b>NAME</b>	James D. Peterson
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.
<b>STREET</b>	780 N. Water Street
<b>CITY</b>	Milwaukee
<b>STATE</b>	Wisconsin
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	53202
<b>PHONE</b>	414-273-3500

<b>FAX</b>	414-273-5198
<b>EMAIL</b>	docketing@gklaw.com
<b>ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>ATTORNEY DOCKET NUMBER</b>	067282-0015
<b>NEW OTHER APPOINTED ATTORNEYS</b>	all other attorneys of Godfrey & Kahn, S.C.
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NAME</b>	James D. Peterson
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.
<b>STREET</b>	780 N. Water Street
<b>CITY</b>	Milwaukee
<b>STATE</b>	Wisconsin
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>EMAIL</b>	docketing@gklaw.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/jdp/
<b>SIGNATORY NAME</b>	James D. Peterson
<b>SIGNATORY DATE</b>	04/24/2012
<b>SIGNATORY POSITION</b>	Attorney of record, Wisconsin bar member
<b>SIGNATORY PHONE NUMBER</b>	414-273-3500
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Apr 24 16:06:55 EDT 2012
<b>TEAS STAMP</b>	USPTO/RAA-67.52.13.130-20 120424160655883532-852188 38-490532e887d40e185786ab e6579a8cadf8-N/A-N/A-2012 0424093328346852



## **Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative**

To the Commissioner for Trademarks:

**MARK:** EAGLE

**SERIAL NUMBER:** 85095903

**ATTORNEY DOCKET NUMBER** 067282-0015

**The original attorney**

ANGELA V. LANGLOTZ

PO BOX 9650337585

WASHINGTON District of Columbia 20090

US

866-280-5242

866-280-5242

trademark@langlotz.com

**Original Correspondence Address :**

ANGELA V. LANGLOTZ

PO BOX 9650337585

WASHINGTON District of Columbia 20090

US

866-280-5242

866-280-5242

trademark@langlotz.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney: In addition, any additional previously-appointed attorneys that are currently listed in the application are replaced with the new "Other Appointed Attorneys" listed below.

**Newly Appointed Attorney:**

James D. Peterson

Godfrey & Kahn, S.C.

780 N. Water Street

Milwaukee, Wisconsin 53202

United States

414-273-3500

414-273-5198

docketing@gklaw.com

067282-0015

**Other Appointed Attorneys:**

all other attorneys of Godfrey & Kahn, S.C.

**The following is to be used as the correspondence address:**

James D. Peterson  
Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
United States

414-273-3500  
414-273-5198  
docketing@gklaw.com

Signature: /jdp/ Date: 04/24/2012  
Signatory's Name: James D. Peterson  
Signatory's Position: Attorney of record, Wisconsin bar member  
Signatory's Phone Number: 414-273-3500

Serial Number: 85095903  
Internet Transmission Date: Tue Apr 24 16:06:55 EDT 2012  
TEAS Stamp: USPTO/RAA-67.52.13.130-20120424160655883  
532-85218838-490532e887d40e185786abe6579  
a8cadf8-N/A-N/A-20120424093328346852

### Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

#### OVERVIEW

SERIAL NUMBER	85095903	FILING DATE	07/29/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	TURNER, JASON FITZGERA	L.O. ASSIGNED	108

#### PUB INFORMATION

RUN DATE	10/13/2011		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	10/12/2011		
LITERAL MARK ELEMENT	EAGLE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

#### FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

#### MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	EAGLE

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Sheltered Wings, Inc.
ADDRESS	2120 West Greenview Drive, Suite Four Middleton, WI 53562
ENTITY	03-CORPORATION
CITIZENSHIP	Wisconsin

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Binoculars; Riflescopes; Spotting scopes; Telescopes

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2886199 3192083 3726431

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/12/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
10/11/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013
10/11/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	012
04/12/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	011
04/12/2011	GNRT	O	NON-FINAL ACTION E-MAILED	010
04/12/2011	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/18/2011	RCCK	S	LIE CHECKED SUSP - TO ATTY FOR ACTION	008
03/08/2011	ALIE	A	ASSIGNED TO LIE	007
08/31/2010	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	006
08/31/2010	GNSL	F	LETTER OF SUSPENSION E-MAILED	005

08/31/2010	CNSL	R	SUSPENSION LETTER WRITTEN	004
08/30/2010	DOCK	D	ASSIGNED TO EXAMINER	003
08/02/2010	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
08/02/2010	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

**CURRENT CORRESPONDENCE INFORMATION**

ATTORNEY	Angela V. Langlotz
CORRESPONDENCE ADDRESS	ANGELA V. LANGLOTZ LANGLOTZ PATENT & TRADEMARK WORKS, INC. PO BOX 9650337585 WASHINGTON, DC 20090
DOMESTIC REPRESENTATIVE	NONE

EAGLE

**To:** Sheltered Wings, Inc. ([trademark@langlotz.com](mailto:trademark@langlotz.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85095903 - EAGLE - VX-T67  
**Sent:** 10/13/2011 12:48:04 PM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85095903

**MARK:** EAGLE

**\*85095903\***

**CORRESPONDENT ADDRESS:**

ANGELA V. LANGLOTZ  
LANGLOTZ PATENT & TRADEMARK  
WORKS, INC.  
PO BOX 9650337585  
WASHINGTON, DC 20090

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

VX-T67

**CORRESPONDENT E-MAIL ADDRESS:**

[trademark@langlotz.com](mailto:trademark@langlotz.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE: 10/13/2011**

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

**PENDING CIVIL PROCEEDING(S):** The pending civil proceeding(s) below pertains to (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. *See* 15 U.S.C. §1052; 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the civil proceeding(s) pertains to an issue that could directly affect whether applicant's mark can be registered, action on this application is suspended pending termination of the civil proceeding(s). *See* 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Cancellation No(s). 054629 for RN. 3904929

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained: The likelihood to cause confusion refusal.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to an Office action (no response is required for this action). *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the information in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Jason F. Turner/  
Examining Attorney  
Law Office 108  
(571) 272-9353  
(571) 273-9108 (Fax for Official Responses)  
jason.turner@uspto.gov (Inqui

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Sheltered Wings, Inc. ([trademark@langlotz.com](mailto:trademark@langlotz.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85095903 - EAGLE - VX-T67  
**Sent:** 10/13/2011 12:48:06 PM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 10/13/2011 FOR  
SERIAL NO. 85095903**

Please follow the instructions below:

**TO READ OFFICE LETTER:** Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office letter

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**HELP:** For *technical* assistance in accessing the Office correspondence, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office letter.

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	85095903
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>This is in response to the Office Action dated April 12, 2011, in which the office refused registration of Applicant's mark EAGLE on the ground that Applicant's mark so resembles the mark STEEL EAGLE in U.S. Registration No. 3,904,929 as to be likely to cause confusion under Section 2(d).</p> <p>Applicant has filed a petition to cancel U.S. Registration No. 3,904,929 under 15 U.S.C. §1064, a copy of which is enclosed with this response. Accordingly, Applicant requests that the prosecution of this application be suspended in accordance with TMEP §716.02(a) until the resolution of the cancellation proceeding respecting U.S. Registration No. 3,904,929 is resolved.</p>	
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/angela v. langlotz/
<b>SIGNATORY'S NAME</b>	Angela V. Langlotz
<b>SIGNATORY'S POSITION</b>	Attorney for Applicant, Nevada bar member
<b>DATE SIGNED</b>	10/11/2011
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Oct 11 18:49:27 EDT 2011
<b>TEAS STAMP</b>	USPTO/ROA-71.9.109.18-201 11011184927477521-8509590 3-480b06712d96d65ce82fd5f c8a9f9b8459-N/A-N/A-20111 011184753344424

**Response to Office Action  
To the Commissioner for Trademarks:**

Application serial no. **85095903** has been amended as follows:

**ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

This is in response to the Office Action dated April 12, 2011, in which the office refused registration of Applicant's mark EAGLE on the ground that Applicant's mark so resembles the mark STEEL EAGLE in U.S. Registration No. 3,904,929 as to be likely to cause confusion under Section 2(d).

Applicant has filed a petition to cancel U.S. Registration No. 3,904,929 under 15 U.S.C. §1064, a copy of which is enclosed with this response. Accordingly, Applicant requests that the prosecution of this application be suspended in accordance with TMEP §716.02(a) until the resolution of the cancellation proceeding respecting U.S. Registration No. 3,904,929 is resolved.

**SIGNATURE(S)**

**Response Signature**

Signature: /angela v. langlotz/ Date: 10/11/2011

Signatory's Name: Angela V. Langlotz

Signatory's Position: Attorney for Applicant, Nevada bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85095903

Internet Transmission Date: Tue Oct 11 18:49:27 EDT 2011

TEAS Stamp: USPTO/ROA-71.9.109.18-201110111849274775

21-85095903-480b06712d96d65ce82fd5fc8a9f

9b8459-N/A-N/A-20111011184753344424

**To:** Sheltered Wings, Inc. ([trademark@langlotz.com](mailto:trademark@langlotz.com))

**Subject:** U.S. TRADEMARK APPLICATION NO. 85095903 - EAGLE - VX-T67

**Sent:** 4/12/2011 10:22:24 AM

**Sent As:** ECOM108@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
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[Attachment - 11](#)  
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[Attachment - 54](#)  
[Attachment - 55](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85095903

**MARK:** EAGLE

**\*85095903\***

**CORRESPONDENT ADDRESS:**

ANGELA V. LANGLOTZ  
LANGLOTZ PATENT & TRADEMARK  
WORKS, INC.  
PO BOX 9650337585  
WASHINGTON, DC 20090

**CLICK HERE TO RESPOND TO THIS LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

VX-T67

**CORRESPONDENT E-MAIL ADDRESS:**

trademark@langlotz.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 4/12/2011**

Action on this application had been suspended pending the disposition of Application Serial No. 77-689308. That application has matured into a registration. Accordingly, the examining attorney determines as follows.

Mark is Likely to Cause Confusion

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the mark in U.S. Registration No. 3904929 as to be likely to cause confusion, or to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). See TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

Analysis of Applicant's Mark and Registered Mark

First, a comparison of the respective marks show that they are comprised either in whole or significant part of the term "EAGLE." The mere deletion of wording from a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). See *In re Optical Int'l*, 196 USPQ 775 (TTAB 1977) (where applicant filed to register the mark OPTIQUE for optical wear, deletion of the term BOUTIQUE is insufficient to distinguish the mark, *per se*, from the registered mark OPTIQUE BOUTIQUE when used in connection with competing optical wear). Accordingly, the applicant's mark, "EAGLE," is similar in sound, appearance, connotation and commercial impression to Registration No. 3904929's mark "STEEL EAGLE." Similarity in any one of these elements alone is sufficient to find a likelihood of confusion. *In re Mack*, 197 USPQ 755 (TTAB 1977).

It is well settled that in some circumstances, it is appropriate to recognize that one component of a particular mark may, for some reason, have more significance than other components in determining the commercial impression which is generated by the mark. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985). Although the determination of whether or not confusion is likely must be based on a comparison of the marks in their entireties, the dominance of such a significant element must be taken into account in resolving this issue. *Ceccato v. Manifattura Lane Gaetano Morzotto Figli S.p.A.*, 32 USPQ 1192 (TTAB 1994). Disclaimed matter is typically less significant or less dominant.

The registrant's mark is "STEEL EAGLE." In the comparison above, the mark was viewed and considered as a whole. "STEEL," however, is descriptive of the feature of the goods and is of less trademark significance than "EAGLE."

#### Analysis of Goods and Services

Second, the relationship of the goods is evident because both marks are for goods including rifle scopes and binoculars. The overlapping identifications evidence the relationship.

As to the registrant's other goods, it should be noted that third party registrations that do not cover a wide variety of goods might have some probative value in establishing a relationship between the goods. *In re Parfums Schiaparelli Inc.*, 37 USPQ2d 1864 (TTAB 1995). A search of Office records reveals a number of registrations for spotting scopes or binoculars and telescopes as goods being utilized under the same mark (See attached for random examples).

The examining attorney must also consider any goods or services in the registrant's normal fields of expansion to determine whether the registrant's goods or services are related to the applicant's identified goods or services under Section 2(d). *In re General Motors Corp.*, 196 USPQ 574 (TTAB 1977). Accordingly, the mark is likely to cause consumer confusion as to source.

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

If the applicant has any questions or needs assistance in responding to this office action, please telephone the assigned examining attorney.

/Jason F. Turner/  
Examining Attorney  
Law Office 108  
(571) 272-9353  
(571) 273-9108 (Fax for Official Responses)  
jason.turner@uspto.gov (Inqui

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

**Print: Apr 12, 2011**

**77689308**

**DESIGN MARK**

**Serial Number**

77689308

**Status**

REGISTERED

**Word Mark**

STEEL EAGLE

**Standard Character Mark**

Yes

**Registration Number**

3904929

**Date Registered**

2011/01/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Wohali Outdoors, LLC LIMITED LIABILITY COMPANY OKLAHOMA 1300 N.  
Industrial Blvd. Claremore OKLAHOMA 74017

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Magnifying optical equipment, namely, rifle scopes and binoculars.  
First Use: 2009/10/21. First Use In Commerce: 2009/10/21.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEEL" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2009/03/12

**Examining Attorney**

MCMORROW, RONALD

**Attorney of Record**

Frank J. Catalano

**STEEL EAGLE**

**Print: Apr 12, 2011**

**78515580**

**DESIGN MARK**

**Serial Number**

78515580

**Status**

REGISTERED

**Word Mark**

XTR

**Standard Character Mark**

Yes

**Registration Number**

3127957

**Date Registered**

2006/08/08

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

BUSHNELL INC. CORPORATION DELAWARE 9200 CODY OVERLAND PARK KANSAS  
66214

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Lens coatings sold as a component of sports optics products, namely,  
binoculars, riflescopes, spotting scopes, rangefinders, bore-sighters,  
telescopes, and telescopic gun sights for pistols, rifles and  
shotguns. First Use: 2005/01/00. First Use In Commerce: 2005/02/00.

**Filing Date**

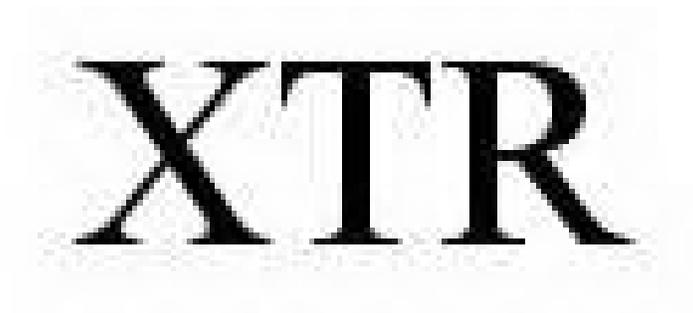
2004/11/11

**Examining Attorney**

PAPPAS, MATTHEW

**Attorney of Record**

Michael Elbein



Print: Apr 12, 2011

78552204

**DESIGN MARK**

**Serial Number**

78552204

**Status**

REGISTERED

**Word Mark**

PAUL BUNYAN

**Standard Character Mark**

Yes

**Registration Number**

3089724

**Date Registered**

2006/05/09

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

PRESS HOLDING'S INTERNATIONAL, INC. CORPORATION 116 West 23rd Street,  
Suite 500 c/o Sherman & Blank Inc. New York NEW YORK 10011

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
binoculars; carpenter's levels; children's educational software;  
children's video tapes; directional compasses; computer game software;  
decorative magnets; electric switch plates; gloves for protection  
against accidents; goggles for sports; photographic slide  
transparencies; sound recordings featuring adventure, environmental  
sciences, and folklore; spectacle cases; sports eyewear; sunglasses;  
survival suits; telescopes; video recordings featuring adventure,  
environmental sciences, and folklore; walkie-talkies. First Use:  
1975/02/12. First Use In Commerce: 1975/02/12.

**Prior Registration(s)**

2025161;2049274;2071723;AND OTHERS

**Name/Portrait Statement**

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

**Print: Apr 12, 2011**

**78552204**

**Filing Date**

2005/01/22

**Examining Attorney**

HOLTZ, ALLISON

Paul Bunyan

**Print: Apr 12, 2011**

**78552207**

**DESIGN MARK**

**Serial Number**

78552207

**Status**

REGISTERED

**Word Mark**

DANIEL BOONE

**Standard Character Mark**

Yes

**Registration Number**

3050501

**Date Registered**

2006/01/24

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

PRESS HOLDING'S INTERNATIONAL, INC. CORPORATION 116 West 23, Suite 500  
c/o Sherman & Blank Inc. Millwood NEW YORK 10011

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars; carpenter's levels; children's educational software;  
children's video tapes; compasses; computer game software; decorative  
magnets; electric switch plates; gaming machines; gloves for  
protection against accidents; goggles for use in fishing, hunting, and  
snow sports; photographic slide transparencies; sound recordings  
featuring adventure, exploration, and history; spectacle cases; sports  
eyewear; sunglasses; survival suits; telescopes; video game  
cartridges; video recordings featuring adventure, exploration, and  
history; walkie-talkies. First Use: 1975/11/18. First Use In  
Commerce: 1975/11/18.

**Prior Registration(s)**

1856781;1996967;2108572;AND OTHERS

**Name/Portrait Statement**

The name(s), portrait(s), and/or signature(s) shown in the mark does

**Print: Apr 12, 2011**

**78552207**

not identify a particular living individual.

**Filing Date**

2005/01/22

**Examining Attorney**

HARDY, TARA

**Daniel Boone**

**Print: Apr 12, 2011**

**78552262**

**DESIGN MARK**

**Serial Number**

78552262

**Status**

REGISTERED

**Word Mark**

PECOS BILL

**Standard Character Mark**

Yes

**Registration Number**

3116381

**Date Registered**

2006/07/18

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

PRESS HOLDING'S INTERNATIONAL, INC. CORPORATION PANAMA 116 West 23rd Street, Suite 500 c/o Sherman & Blank Inc. New York NEW YORK 10011

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: binoculars; children's educational software; children's video tapes; decorative magnets; electric switch plates; goggles for sports; photographic slide transparencies; sound recordings featuring adventure and folklore; spectacle cases; sports eyewear; sunglasses; telescopes; video recordings featuring adventure and folklore; walkie-talkies. First Use: 1978/01/10. First Use In Commerce: 1978/01/10.

**Prior Registration(s)**

1872555;1886929;1896123;AND OTHERS

**Name/Portrait Statement**

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

**Filing Date**

**Print: Apr 12, 2011**

**78552262**

2005/01/23

**Examining Attorney**  
SINGH, TEJBIR

# Pecos Bill

**Print: Apr 12, 2011**

**78552588**

**DESIGN MARK**

**Serial Number**

78552588

**Status**

REGISTERED

**Word Mark**

MUELLER

**Standard Character Mark**

No

**Registration Number**

3063003

**Date Registered**

2006/02/28

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Mueller Optics LLC LIMITED LIABILITY COMPANY MICHIGAN 6544 Finnegan Rd. Johannesburg MICHIGAN 49751

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Optical lens sights for firearms, binoculars, spotting scopes. First Use: 2003/08/01. First Use In Commerce: 2003/08/01.

**Filing Date**

2005/01/24

**Examining Attorney**

LORENZO, GEORGE

**Attorney of Record**

Christopher J. Day



**Print: Apr 12, 2011**

**78556531**

**DESIGN MARK**

**Serial Number**

78556531

**Status**

REGISTERED

**Word Mark**

LEGENDS OF THE WEST

**Standard Character Mark**

Yes

**Registration Number**

3054547

**Date Registered**

2006/01/31

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Geronimo Productions, Inc. CORPORATION DELAWARE 116 West 23rd Street,  
Suite 500 c/o Sherman & Blank Inc. New York NEW YORK 10011

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars; children's educational software; children's video tapes;  
computer game software; decorative magnets; electric switch plates;  
downloadable electronic publications, namely, books featuring  
adventure, folklore, and history; electronic publications, namely,  
books featuring adventure, folklore, and history recorded on computer  
media; gaming machines; goggles for sports; photographic slide  
transparencies; sound recordings featuring adventure, folklore, and  
history; spectacle cases; sports eyewear; sunglasses; telescopes;  
video game cartridges; video recordings featuring adventure, folklore,  
and history; walkie-talkies. First Use: 1979/06/02. First Use In  
Commerce: 1979/06/02.

**Prior Registration(s)**

1923801;1945695;2036906;AND OTHERS

**Filing Date**

**Print: Apr 12, 2011**

**78556531**

2005/01/31

**Examining Attorney**  
MCCAULEY, BRENDAN

# Legends of the West

**Print: Apr 12, 2011**

**78593915**

**DESIGN MARK**

**Serial Number**

78593915

**Status**

REGISTERED

**Word Mark**

MULTIZERO

**Standard Character Mark**

Yes

**Registration Number**

3129032

**Date Registered**

2006/08/15

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Kahles, GmbH CORPORATION AUSTRIA Zeillergasse 20-22 Vienna AUSTRIA  
1170

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Optical apparatus and instruments, namely, telescopes, telescopic  
sights, binoculars, and telescopic sights for firearms. First Use:  
2005/03/11. First Use In Commerce: 2005/03/11.

**Foreign Country Name**

AUSTRIA

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Foreign Application Number**

AM65672004

**Foreign Filing Date**

2004/09/24

**Print: Apr 12, 2011**

**78593915**

**Foreign Registration Number**

222273

**Foreign Registration Date**

2004/12/30

**Foreign Expiration Date**

2014/12/30

**Filing Date**

2005/03/24

**Examining Attorney**

MCDOWELL, MATTHEW

**Attorney of Record**

Anton P. Ness

**MULTIZERO**

**Print: Apr 12, 2011**

**78596617**

**DESIGN MARK**

**Serial Number**

78596617

**Status**

REGISTERED

**Word Mark**

INDEX MATCHED LENS SYSTEM

**Standard Character Mark**

Yes

**Registration Number**

3125115

**Date Registered**

2006/08/01

**Type of Mark**

TRADEMARK

**Register**

SUPPLEMENTAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Leupold & Stevens, Inc. CORPORATION OREGON PO Box 688 Beaverton OREGON  
970750688

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Optical lens sights for firearms; telescopic sights; rifle scopes;  
telescopes; handgun scopes; optical lens scopes; spotting scopes;  
binoculars. First Use: 2006/01/03. First Use In Commerce:  
2006/01/03.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SYSTEM" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2005/03/28

**Amended Register Date**

2006/05/12

**Examining Attorney**

**Print: Apr 12, 2011**

**78596617**

SWAIN, MICHELE

**Attorney of Record**

Jere M. Webb

# INDEX MATCHED LENS SYSTEM

**Print: Apr 12, 2011**

**78603419**

**DESIGN MARK**

**Serial Number**

78603419

**Status**

REGISTERED

**Word Mark**

NEPTUNE

**Standard Character Mark**

No

**Registration Number**

3144658

**Date Registered**

2006/09/19

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

CANDO ENTERPRISES, INC. CORPORATION CALIFORNIA 14642 Central Avenue  
Chino CALIFORNIA 91710

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
telescopes and binoculars. First Use: 2003/12/17. First Use In  
Commerce: 2003/12/17.

**Description of Mark**

The mark consists, in part, of a design of three curved or arched  
overlapping bands with a four-pointed star in the center. The mark  
also consists of the term NEPTUNE in stylized form below the curved  
band and star design. The middle dash of each letter E in the term  
NEPTUNE is formed by a four-pointed star.

**Filing Date**

2005/04/27

**Examining Attorney**

DELANEY, ZHALEH

**Print: Apr 12, 2011**

**78603419**

**Attorney of Record**  
Alfred H. Chan



**Print: Apr 12, 2011**

**78616900**

**DESIGN MARK**

**Serial Number**

78616900

**Status**

REGISTERED

**Word Mark**

CANASCOPE

**Standard Character Mark**

Yes

**Registration Number**

3220669

**Date Registered**

2007/03/20

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Events Marketing LLC LIMITED LIABILITY CORPORATION NEVADA Suite 239  
3315 Russell Road Las Vegas NEVADA 89120

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Telescopes and binoculars. First Use: 1999/08/00. First Use In  
Commerce: 2000/08/00.

**Filing Date**

2005/04/26

**Examining Attorney**

CARRUTHERS, ALICE SUE

# Canascope

Print: Apr 12, 2011

78651640

**DESIGN MARK**

**Serial Number**

78651640

**Status**

REGISTERED

**Word Mark**

WOLLENSAK

**Standard Character Mark**

Yes

**Registration Number**

3123173

**Date Registered**

2006/08/01

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

VIRGINVILLE LENS COMPANY CORPORATION PENNSYLVANIA 1050 Maidencreek Road Fleetwood PENNSYLVANIA 19522

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Filters for optical devices; Optical glasses; Optical inspection apparatus for industrial use; Optical lens sights; Optical lenses; Optical or telescopic lens sights; Optical readers; Optical reflectors; Optical shutters; Scientific and technical apparatus, namely, optical mirrors; Prisms for scientific purposes; Prisms for telescopes; Reflectors for telescopes, Telescopes, Body-tubes for telescopes namely lens-barrels; Eyeglass lenses, Magnifying lenses, Ophthalmic lenses; Binoculars; Hunting binoculars; Laboratory equipment namely, spectrosopes; Adapter rings for attaching objectives on cameras; Camera cases; Camera filters; Cameras; Cameras shutters; Motion picture cameras; Photographic cameras; Range finders for cameras; Shutters for cameras; Viewfinders for cameras; Microscopes and parts thereof; Microscope condensers; Prisms for microscopes; Reflectors for microscopes; Microscopes. First Use: 1900/00/00. First Use In Commerce: 1900/00/00.

**Print: Apr 12, 2011**

**78651640**

**Section 2f Statement**  
2(F) ENTIRE MARK

**Filing Date**  
2005/06/15

**Examining Attorney**  
DAHLING, KRISTIN

**WOLLENSAK**

**Print: Apr 12, 2011**

**78661493**

**DESIGN MARK**

**Serial Number**

78661493

**Status**

REGISTERED

**Word Mark**

STARSEEKER

**Standard Character Mark**

Yes

**Registration Number**

3148049

**Date Registered**

2006/09/26

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Imaginova Corp. CORPORATION DELAWARE 470 Park Avenue South 9th Floor  
New York NEW YORK 10016

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Optical goods, namely, telescopes, binoculars, lenses, and telescope  
parts, namely lenses, lens filters, body tubes, eye pieces, prisms,  
reflectors, mounts, computerized mounts, computerized hand controllers  
used to control the movement of the telescope and astro-camera,  
astro-cameras used to take pictures of images that are seen through  
the telescope and tripods. First Use: 2003/09/00. First Use In  
Commerce: 2003/09/00.

**Filing Date**

2005/06/30

**Examining Attorney**

LEWIS, MICHAEL

**Attorney of Record**

Lara A. Holzman, Esq.

# STARSEEKER

Print: Apr 12, 2011

78766074

**DESIGN MARK**

**Serial Number**

78766074

**Status**

REGISTERED

**Word Mark**

WYATT EARP

**Standard Character Mark**

Yes

**Registration Number**

3293671

**Date Registered**

2007/09/18

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Geronimo Productions, Inc. CORPORATION DELAWARE 116 West 23rd Street,  
Suite 500 c/o Sherman & Blank Inc. New York NEW YORK 10011

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars; Cases for mobile phones; Cases for spectacles and  
sunglasses; Chains for spectacles; Compasses; Decorative switch plate  
covers; Electric switch plates; Goggles for sports; Sports eyewear;  
Sunglasses; Telescopes; Telescopic sights. First Use: 1997/12/31.  
First Use In Commerce: 1997/12/31.

**Prior Registration(s)**

1822807;1822817;1981170;AND OTHERS

**Name/Portrait Statement**

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

**Filing Date**

2005/12/03

**Print: Apr 12, 2011**

**78766074**

**Examining Attorney**  
MCCAULEY, BRENDAN

Wyatt Earp

**Print: Apr 12, 2011**

**78807217**

**DESIGN MARK**

**Serial Number**

78807217

**Status**

REGISTERED

**Word Mark**

GARRETT OPTICAL

**Standard Character Mark**

Yes

**Registration Number**

3222054

**Date Registered**

2007/03/27

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Garrett Optical LLC LIMITED LIABILITY COMPANY OKLAHOMA 11601 S. Lynn Lane Broken Arrow OKLAHOMA 740114022

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Binoculars; Golf scopes; Gun scopes; Hunting binoculars; Optical or telescopic lens sights; Rifle scopes; Spotting scopes; Telescopes; Tripods. First Use: 2005/04/01. First Use In Commerce: 2005/10/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICAL" APART FROM THE MARK AS SHOWN.

**Filing Date**

2006/02/03

**Examining Attorney**

STRUCK, ROBERT

# Garrett Optical

**Print: Apr 12, 2011**

**78831844**

**DESIGN MARK**

**Serial Number**

78831844

**Status**

REGISTERED

**Word Mark**

KOWA

**Standard Character Mark**

No

**Registration Number**

3229361

**Date Registered**

2007/04/17

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

KOWA COMPANY, LTD. CORPORATION JAPAN 6-29, Nishiki 3-chome, Naka-ku  
Nagoya JAPAN

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Photographic machines and apparatus, and their parts and fittings,  
namely, digital cameras with zoom functions, optical lenses; optical  
apparatus and instruments, and their parts and fittings, namely,  
telescopes and binoculars, optical lenses. First Use: 2001/05/00.  
First Use In Commerce: 2001/05/00.

**Description of Mark**

The mark consists of Kowa in an oval.

**Filing Date**

2006/03/08

**Examining Attorney**

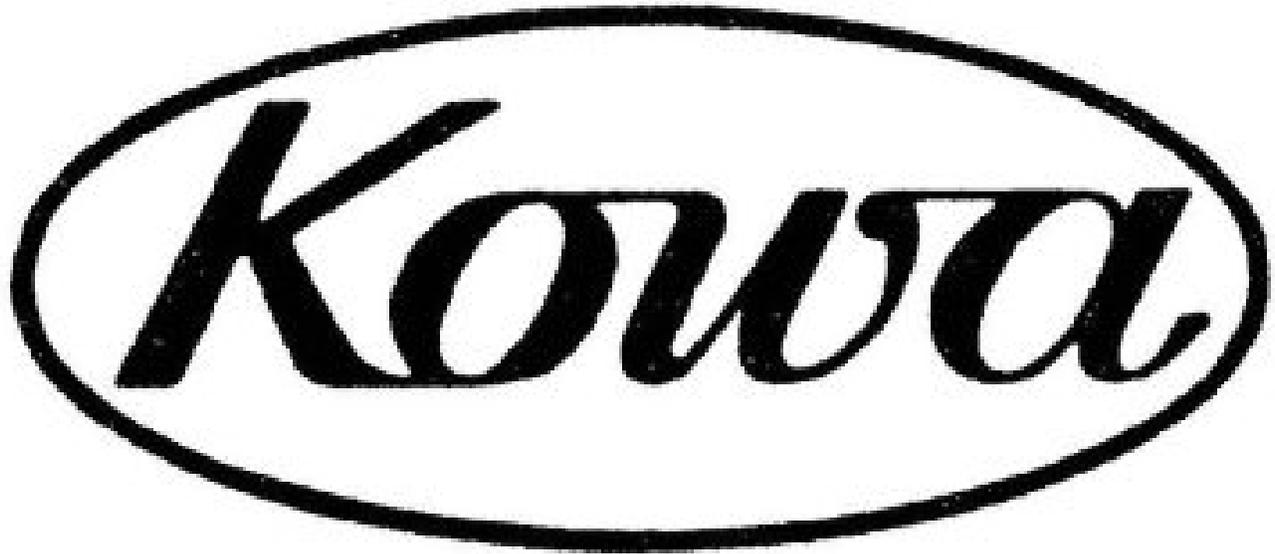
BENMAMAN, ALICE

**Attorney of Record**

**Print: Apr 12, 2011**

**78831844**

Thomas J. Moore



**Print: Apr 12, 2011**

**78865804**

**DESIGN MARK**

**Serial Number**

78865804

**Status**

REGISTERED

**Word Mark**

STAR · INNOVATIONS

**Standard Character Mark**

No

**Registration Number**

3206242

**Date Registered**

2007/02/06

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Imagine Nation Books Ltd CORPORATION COLORADO 4601 Nautilus Court  
South Boulder COLORADO 80301

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
35mm cameras; Binoculars; Camera tripods; Cameras; Telescopes. First  
Use: 2005/12/14. First Use In Commerce: 2006/02/15.

**Description of Mark**

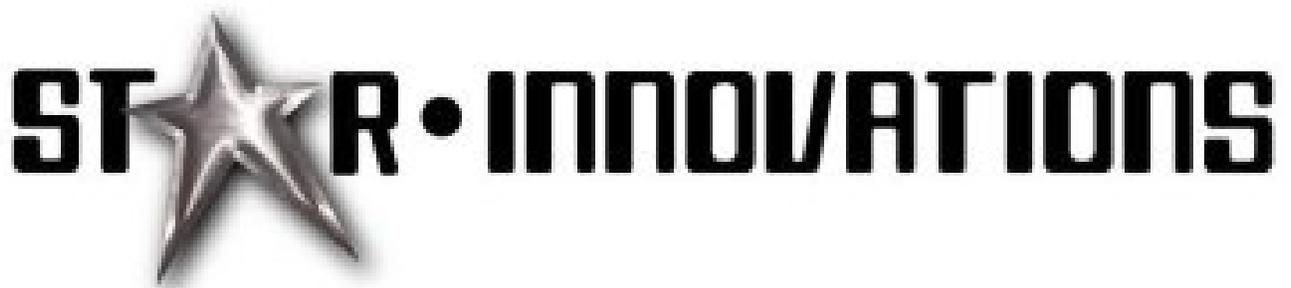
The mark consists of the wording "STAR INNOVATIONS" with a raised  
period between the words "star" and "innovations" in which the letter  
"A" is formed by a star.

**Filing Date**

2006/04/20

**Examining Attorney**

RITTNER, HANNO



**Print: Apr 12, 2011**

**78895986**

**DESIGN MARK**

**Serial Number**

78895986

**Status**

REGISTERED

**Word Mark**

FAMOUS TRAILS

**Standard Character Mark**

Yes

**Registration Number**

3202203

**Date Registered**

2007/01/23

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Famous Trails CORPORATION CALIFORNIA 1580 N. Harmony Circle Anaheim  
CALIFORNIA 92807

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
night vision goggles, binoculars, metal detectors, parabolic  
microphones, binocameras, telescopes and microscopes. First Use:  
1999/12/01. First Use In Commerce: 1999/12/01.

**Goods/Services**

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S: sport  
watches, watches containing heart rate monitors, watches containing  
remote control devices, watches containing digital cameras. First  
Use: 2003/08/01. First Use In Commerce: 2003/08/01.

**Filing Date**

2006/05/30

**Examining Attorney**

DEFORD, JEFF

**Print: Apr 12, 2011**

**78895986**

**Attorney of Record**

Lisa A. Sanderson, Esq.

# Famous Trails

**Print: Apr 12, 2011**

**78910322**

**DESIGN MARK**

**Serial Number**

78910322

**Status**

REGISTERED

**Word Mark**

XOTIC

**Standard Character Mark**

No

**Registration Number**

3233198

**Date Registered**

2007/04/24

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Southwestern Firearms, Inc. CORPORATION TEXAS 420 Century Way, #100  
Red Oak TEXAS 75154

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars; Rifle scopes; Spotting scopes. First Use: 2005/01/01.  
First Use In Commerce: 2005/01/01.

**Description of Mark**

The mark consists in part of a rifle scope reticle formed in the "O"  
of XOTIC.

**Filing Date**

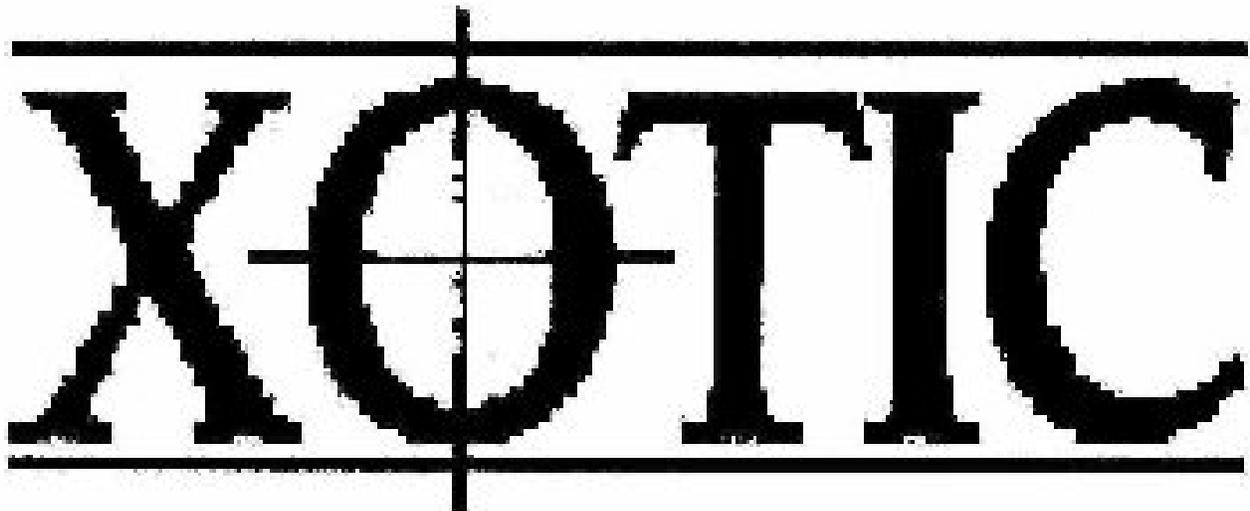
2006/06/16

**Examining Attorney**

BELENKER, ESTHER

**Attorney of Record**

Eric Karich



**XOTIC**

The image shows a stylized logo for the word "XOTIC". The letters are in a bold, serif font. The letter "O" is the central focus, featuring a crosshair design with a vertical line passing through its center and a horizontal line passing through its middle. The entire word "XOTIC" is enclosed within a rectangular frame consisting of two horizontal lines, one above and one below the text.

**Print: Apr 12, 2011**

**78955641**

**DESIGN MARK**

**Serial Number**

78955641

**Status**

REGISTERED

**Word Mark**

TRIGGER STICK

**Standard Character Mark**

Yes

**Registration Number**

3671097

**Date Registered**

2009/08/18

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Primos, Inc. CORPORATION MISSISSIPPI 604 First Street Flora  
MISSISSIPPI 39071

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Tripods, bipods, and monopods for binoculars, cameras, and telescopes  
used in outdoor recreation. First Use: 2008/12/22. First Use In  
Commerce: 2008/12/22.

**Goods/Services**

Class Status -- ACTIVE. IC 013. US 002 009. G & S: Tripods,  
bipods, and monopods for firearms used in hunting. First Use:  
2008/12/22. First Use In Commerce: 2008/12/22.

**Filing Date**

2006/08/18

**Examining Attorney**

HETZEL, DANNEAN

**Attorney of Record**

**Print: Apr 12, 2011**

**78955641**

L. Grant Foster

# TRIGGER STICK

**Print: Apr 12, 2011**

**78961804**

**DESIGN MARK**

**Serial Number**

78961804

**Status**

REGISTERED

**Word Mark**

CRYSTAL CLEAR OPTICS

**Standard Character Mark**

No

**Registration Number**

3905824

**Date Registered**

2011/01/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Kowa Company, Ltd. CORPORATION JAPAN 6-29, Nishiki 3-chome, Naka-ku  
Nagoya JAPAN

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Photographic machines and apparatus, namely, digital cameras with zoom  
functions, lenses and parts thereof; optical apparatus and  
instruments, namely, telescopes, binoculars, lenses and parts thereof.  
First Use: 2010/08/31. First Use In Commerce: 2010/08/31.

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Diagnostic  
instruments, namely, tonometers, fundus cameras and slit-lamps for use  
in ophthalmology. First Use: 2010/08/31. First Use In Commerce:  
2010/08/31.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS" APART FROM THE  
MARK AS SHOWN.

**Colors Claimed**

**Print: Apr 12, 2011**

**78961804**

Color is not claimed as a feature of the mark.

**Filing Date**

2006/08/28

**Examining Attorney**

CHISOLM, KEVON

**Attorney of Record**

Thomas J. Moore

# Crystal Clear Optics

**To:** Sheltered Wings, Inc. ([trademark@langlotz.com](mailto:trademark@langlotz.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85095903 - EAGLE - VX-T67  
**Sent:** 4/12/2011 10:22:30 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

## IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

### USPTO OFFICE ACTION HAS ISSUED ON **4/12/2011** FOR SERIAL NO. 85095903

Please follow the instructions below to continue the prosecution of your application:

**TO READ OFFICE ACTION:** Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**RESPONSE IS REQUIRED:** You should carefully review the Office action to determine (1) how to respond; and (2) the applicable [response time period](#). Your response deadline will be calculated from **4/12/2011** (or sooner if specified in the office action).

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

## WARNING

**Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.**

**To:** Sheltered Wings, Inc. ([trademark@langlotz.com](mailto:trademark@langlotz.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85095903 - EAGLE - VX-T67  
**Sent:** 8/31/2010 7:07:32 PM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 85095903

**MARK:** EAGLE

**\*85095903\***

**CORRESPONDENT ADDRESS:**

ANGELA V. LANGLOTZ  
LANGLOTZ PATENT & TRADEMARK  
WORKS, INC.  
PO BOX 9650337585  
WASHINGTON, DC 20090

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

VX-T67

**CORRESPONDENT E-MAIL ADDRESS:**

trademark@langlotz.com

**NOTICE OF SUSPENSION**

**ISSUE/MAILING DATE: 8/31/2010**

**SUSPENSION PROCEDURE:** This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found at <http://teasroa.uspto.gov/rsi/rsi>. The Office will conduct periodic status checks to determine if suspension remains appropriate.

The examining attorney has searched the Office records and has found no similar registered mark that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **77-689308**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application, the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application **is attached**.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the applications or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

If the applicant has any questions or needs assistance, please telephone the assigned examining attorney.

/Jason F. Turner/  
Examining Attorney  
Law Office 108  
(571) 272-9353  
(571) 273-9108 (Fax for Official Responses)

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

**Print: Aug 31, 2010**

**77689308**

**DESIGN MARK**

**Serial Number**

77689308

**Status**

NOTICE OF ALLOWANCE - ISSUED

**Word Mark**

STEEL EAGLE

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Wohali Outdoors, LLC LIMITED LIABILITY COMPANY OKLAHOMA 1700 W. Albany Street Broken Arrow OKLAHOMA 74012

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Magnifying optical equipment, namely, rifle scopes, shotgun scopes, pistol scopes, spotting scopes, binoculars and telescopes.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEEL" APART FROM THE MARK AS SHOWN.

**Filing Date**

2009/03/12

**Examining Attorney**

MCMORROW, RONALD

**Attorney of Record**

Frank J. Catalano

**STEEL EAGLE**

**To:** Sheltered Wings, Inc. ([trademark@langlotz.com](mailto:trademark@langlotz.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85095903 - EAGLE - VX-T67  
**Sent:** 8/31/2010 7:07:38 PM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 8/31/2010 FOR  
SERIAL NO. 85095903**

Please follow the instructions below:

**TO READ OFFICE LETTER:** Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office letter

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**HELP:** For *technical* assistance in accessing the Office correspondence, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office letter.

\*\*\* User:jturner \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	66	4	62	54	0:01	"sheltered wings"[on]
02	4197	N/A	0	0	0:37	*{"iey"}{v}gl{"iey"}*[bi,ti]
03	1555	N/A	0	0	0:03	2 not dead[lid]
04	741	N/A	0	0	0:03	3 and "009"[cc]
05	230	0	230	156	0:01	4 and ("009"[ic] or "a"[ic] or "b"[ic] or "200"[ic])

Session started 8/30/2010 9:26:56 PM

Session finished 8/30/2010 9:34:58 PM

Total search duration 0 minutes 45 seconds

Session duration 8 minutes 2 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85095903

EAGLE

**Trademark/Service Mark Application, Principal Register****TEAS Plus Application**

Serial Number: 85095903

Filing Date: 07/29/2010

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">EAGLE</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EAGLE
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Sheltered Wings, Inc.
*STREET	2120 West Greenview Drive, Suite Four
*CITY	Middleton
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	53562
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION

<b>* STATE/COUNTRY OF INCORPORATION</b>	Wisconsin
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	009
<b>IDENTIFICATION</b>	Binoculars; Riflescopes; Spotting scopes; Telescopes
<b>* FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>* TRANSLATION (if applicable)</b>	
<b>* TRANSLITERATION (if applicable)</b>	
<b>* CLAIMED PRIOR REGISTRATION (if applicable)</b>	The applicant claims ownership of U.S. Registration Number(s) 3192083, 2886199, 3726431, and others.
<b>* CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>* CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Angela V. Langlotz
<b>ATTORNEY DOCKET NUMBER</b>	VX-T67
<b>FIRM NAME</b>	Langlotz Patent & Trademark Works, Inc.
<b>STREET</b>	P.O. Box 96503 #37585
<b>CITY</b>	Washington
<b>STATE</b>	District of Columbia
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	20090-6503
<b>PHONE</b>	866-280-5242
<b>FAX</b>	866-280-5242
<b>EMAIL ADDRESS</b>	trademark@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Bennet K. Langlotz
<b>CORRESPONDENCE INFORMATION</b>	
<b>* NAME</b>	Angela V. Langlotz

<b>FIRM NAME</b>	Langlotz Patent & Trademark Works, Inc.
<b>*STREET</b>	P.O. Box 96503 #37585
<b>*CITY</b>	Washington
<b>*STATE</b> (Required for U.S. applicants)	District of Columbia
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	20090-6503
<b>PHONE</b>	866-280-5242
<b>FAX</b>	866-280-5242
<b>*EMAIL ADDRESS</b>	trademark@langlotz.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/angela v. langlotz/
<b>* SIGNATORY'S NAME</b>	Angela V. Langlotz
<b>* SIGNATORY'S POSITION</b>	Attorney of Record, Nevada bar member
<b>* DATE SIGNED</b>	07/29/2010

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85095903**

**Filing Date: 07/29/2010**

#### To the Commissioner for Trademarks:

**MARK:** EAGLE (Standard Characters, see [mark](#))

The literal element of the mark consists of EAGLE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Sheltered Wings, Inc., a corporation of Wisconsin, having an address of  
2120 West Greenview Drive, Suite Four  
Middleton, Wisconsin 53562  
United States

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

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 009: Binoculars; Riflescopes; Spotting scopes; Telescopes

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant claims ownership of U.S. Registration Number(s) 3192083, 2886199, 3726431, and others.

The applicant's current Attorney Information:

Angela V. Langlotz and Bennet K. Langlotz of Langlotz Patent & Trademark Works, Inc.  
P.O. Box 96503 #37585  
Washington, District of Columbia 20090-6503  
United States

The attorney docket/reference number is VX-T67.

The docket/reference number is VX-T67.

The applicant's current Correspondence Information:

Angela V. Langlotz  
Langlotz Patent & Trademark Works, Inc.  
P.O. Box 96503 #37585

Washington, District of Columbia 20090-6503

866-280-5242(phone)

866-280-5242(fax)

trademark@langlotz.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### Declaration

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

Signature: /angela v. langlotz/ Date Signed: 07/29/2010

Signatory's Name: Angela V. Langlotz

Signatory's Position: Attorney of Record, Nevada bar member

RAM Sale Number: 1071

RAM Accounting Date: 07/30/2010

Serial Number: 85095903

Internet Transmission Date: Thu Jul 29 14:50:45 EDT 2010

TEAS Stamp: USPTO/FTK-74.60.76.0-2010072914504561516

2-85095903-47028cb55b75fe99605d2a8f724c6

25aa-CC-1071-20100729141635226717

EAGLE



**Correspondent** James D. Peterson  
**Name/Address:** Godfrey & Kahn, S.C.  
 780 N. Water Street  
 Milwaukee, WISCONSIN 53202  
 UNITED STATES

**Phone:** 414-273-3500

**Fax:** 414-273-5198

**Correspondent e-mail:** [docketing@gklaw.com](mailto:docketing@gklaw.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 27, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73797
Dec. 20, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73797
Jun. 19, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73797
Apr. 24, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 24, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 13, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Oct. 13, 2011	LETTER OF SUSPENSION E-MAILED	6332
Oct. 13, 2011	SUSPENSION LETTER WRITTEN	73712
Oct. 12, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 11, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 11, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 12, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 12, 2011	NON-FINAL ACTION E-MAILED	6325
Apr. 12, 2011	NON-FINAL ACTION WRITTEN	73712
Mar. 18, 2011	LIE CHECKED SUSP - TO ATTY FOR ACTION	73797
Mar. 08, 2011	ASSIGNED TO LIE	73797
Aug. 31, 2010	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 31, 2010	LETTER OF SUSPENSION E-MAILED	6332
Aug. 31, 2010	SUSPENSION LETTER WRITTEN	73712
Aug. 30, 2010	ASSIGNED TO EXAMINER	73712
Aug. 02, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 02, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** TURNER, JASON FITZGERA

**Law Office Assigned:** LAW OFFICE 108

### File Location

**Current Location:** TMEG LAW OFFICE 108

**Date in Location:** Jun. 27, 2013

**Trademark/Service Mark Application, Principal Register****TEAS Plus Application**

Serial Number: 85708479

Filing Date: 08/21/2012

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">EAGLE OWL</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EAGLE OWL
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Sheltered Wings, Inc.
*STREET	2120 W. Greenview Drive, Suite 4
*CITY	Middleton
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	53562
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION

<b>* STATE/COUNTRY OF INCORPORATION</b>	Wisconsin
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	009
<b>* IDENTIFICATION</b>	Binoculars
<b>* FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>* TRANSLATION</b> (if applicable)	
<b>* TRANSLITERATION</b> (if applicable)	
<b>* CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>* CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>* CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Jennifer L. Gregor
<b>ATTORNEY DOCKET NUMBER</b>	067282
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.
<b>STREET</b>	780 N. Water Street
<b>CITY</b>	Milwaukee
<b>STATE</b>	Wisconsin
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>EMAIL ADDRESS</b>	docketing@gklaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	all other attorneys
<b>CORRESPONDENCE INFORMATION</b>	
<b>* NAME</b>	Jennifer L. Gregor
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.

<b>*STREET</b>	780 N. Water Street
<b>*CITY</b>	Milwaukee
<b>*STATE</b> (Required for U.S. applicants)	Wisconsin
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>*EMAIL ADDRESS</b>	docketing@gklaw.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Jennifer L. Gregor/
<b>* SIGNATORY'S NAME</b>	Jennifer L. Gregor
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Wisconsin bar member
<b>SIGNATORY'S PHONE NUMBER</b>	414-273-3500
<b>* DATE SIGNED</b>	08/20/2012

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85708479**

**Filing Date: 08/21/2012**

#### To the Commissioner for Trademarks:

**MARK:** EAGLE OWL (Standard Characters, see [mark](#))

The literal element of the mark consists of EAGLE OWL.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Sheltered Wings, Inc., a corporation of Wisconsin, having an address of  
2120 W. Greenview Drive, Suite 4  
Middleton, Wisconsin 53562  
United States

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

#### **For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 009: Binoculars

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Jennifer L. Gregor and all other attorneys of Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
United States

The attorney docket/reference number is 067282.

The applicant's current Correspondence Information:

Jennifer L. Gregor  
Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
414-273-3500(phone)  
414-273-5198(fax)

docketing@gklaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /Jennifer L. Gregor/ Date Signed: 08/20/2012

Signatory's Name: Jennifer L. Gregor

Signatory's Position: Attorney of record, Wisconsin bar member

RAM Sale Number: 7387

RAM Accounting Date: 08/21/2012

Serial Number: 85708479

Internet Transmission Date: Tue Aug 21 08:32:21 EDT 2012

TEAS Stamp: USPTO/FTK-72.135.232.140-201208210832214

60351-85708479-4905a2a7d1fb484e77a9d929e

e54d2628f-DA-7387-20120820151112516518

# EAGLE OWL

### Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

#### OVERVIEW

SERIAL NUMBER	85708479	FILING DATE	08/21/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	REINHART, MEGHAN M	L.O. ASSIGNED	108

#### PUB INFORMATION

RUN DATE	06/11/2013		
PUB DATE	N/A		
STATUS	653-SUSPENSION LETTER - MAILED		
STATUS DATE	06/10/2013		
LITERAL MARK ELEMENT	EAGLE OWL		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

#### FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

#### MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	EAGLE OWL

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Sheltered Wings, Inc.
ADDRESS	2120 W. Greenview Drive, Suite 4 Middleton, WI 53562
ENTITY	03-CORPORATION
CITIZENSHIP	Wisconsin

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Binoculars

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	3726431 3787739 3794245

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/10/2013	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	012
06/10/2013	GNSL	S	LETTER OF SUSPENSION E-MAILED	011
06/10/2013	CNSL	R	SUSPENSION LETTER WRITTEN	010
06/08/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
06/07/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
06/07/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
12/08/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
12/08/2012	GNRT	F	NON-FINAL ACTION E-MAILED	005
12/08/2012	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/01/2012	DOCK	D	ASSIGNED TO EXAMINER	003

08/29/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
08/24/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001
<b>CURRENT CORRESPONDENCE INFORMATION</b>				
ATTORNEY			Jennifer L. Gregor	
CORRESPONDENCE ADDRESS			JENNIFER L. GREGOR GODFREY & KAHN, S.C. 780 N WATER ST STE 1500 MILWAUKEE, WI 53202-3590	
DOMESTIC REPRESENTATIVE			NONE	

# EAGLE OWL

**To:** Sheltered Wings, Inc. ([docketing@gklaw.com](mailto:docketing@gklaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85708479 - EAGLE OWL - 067282  
**Sent:** 6/10/2013 7:11:23 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 85708479

**MARK:** EAGLE OWL

**\*85708479\***

**CORRESPONDENT ADDRESS:**

JENNIFER L. GREGOR

GODFREY & KAHN, S.C.

780 N WATER ST STE 1500

MILWAUKEE, WI 53202-3590

**GENERAL TRADEMARK IN**  
<http://www.uspto.gov/trademark>

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

067282

**CORRESPONDENT E-MAIL ADDRESS:**

docketing@gklaw.com

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE: 6/10/2013**

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

**PENDING CIVIL PROCEEDING(S):** The pending civil proceeding(s) below pertains to (1) a registered mark that conflicts with applicant’s mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant’s mark under Section 2(d) if it registers, and/or (3) the registrability of applicant’s mark. *See* 15 U.S.C. §1052; 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the civil proceeding(s) pertains to an issue that could directly affect whether applicant’s mark can be registered, action on this application is suspended pending termination of the civil proceeding(s). *See* 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Cancellation No(s). 92054629

/Meghan Reinhart/

Examining Attorney

Law Office 108

(571) 272-2943

meghan.reinhart@uspto.gov

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Sheltered Wings, Inc. ([docketing@gklaw.com](mailto:docketing@gklaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85708479 - EAGLE OWL - 067282  
**Sent:** 6/10/2013 7:11:23 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **6/10/2013** FOR U.S. APPLICATION SERIAL NO.85708479

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	85708479
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>In response to the Section 2(d) refusal, Applicant notes that it has petitioned to cancel U.S. Registration No. 3,904,929 for STEEL EAGLE the "Cited Mark," owned by Wohali Outdoors, LLC. <i>See</i> Cancellation Proceeding No. 92054629, docket sheet attached as Exhibit A. Applicant's petition to cancel was filed on October 10, 2011. The currently operative pleading is Applicant's Amended Petition for Cancellation (<i>see</i> Exhibit B), which allegations have been generally denied by Wohali. <i>See</i> Exhibit C at 1. The cancellation proceeding is well underway: the Board has denied a summary judgment motion by Wohali, discovery is closed, and the parties are about to enter the trial testimony periods this summer. This proceeding is highly relevant to the instant application because if Applicant is successful in petitioning to cancel the registration for the Cited Mark, the Section 2(d) refusal will be moot.</p> <p>The owner of the Cited Mark, Wohali Outdoors, LLC also owns pending application serial nos. 85/684,377 and 85/464,085, which Applicant has opposed. <i>See</i> Opposition Proceeding Nos. 91208804 and 91205187. These opposition proceedings have been suspended pending the outcome of the cancellation proceeding.</p> <p>Accordingly, and in accordance with TMEP Â§ 716.02(a) and (d), Applicant respectfully requests that examination of the instant application be suspended pending the outcome of these TTAB proceedings. The Examining Attorney is requested to telephone the undersigned in the event that a telephone conference could expedite the processing of this application.</p>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_108196145185-161540023_.exhibita.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (2 pages)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0003.JPG</a>
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_108196145185-161540023_.exhibitb.pdf</a>
<b>CONVERTED PDF</b>	

<b>FILE(S)</b> (4 pages)	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0004.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0004.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0005.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0005.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0006.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0006.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0007.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0007.JPG</a>
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_108196145185-161540023_.exhibite.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (4 pages)	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0008.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0008.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0009.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0009.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0010.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0010.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0011.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708479\xml4\ROA0011.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	Exhibit A which is a Cancellation docket sheet from Cancellation Proceeding No. 92054629; Exhibit B which is Applicant's Amended Petition for Cancellation; Exhibit C which is an order denying summary judgment and regarding general denial of petition
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>PRIOR REGISTRATION(S)</b>	The applicant claims ownership of U.S. Registration Number(s) 3794245, 3787739, 3726431, and others.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Jennifer L. Gregor/
<b>SIGNATORY'S NAME</b>	Jennifer L. Gregor
<b>SIGNATORY'S POSITION</b>	Attorney of record, Wisconsin bar member
<b>SIGNATORY'S PHONE NUMBER</b>	414-27-3500
<b>DATE SIGNED</b>	06/07/2013
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri Jun 07 16:32:34 EDT 2013
<b>TEAS STAMP</b>	USPTO/ROA-108.196.145.185 -20130607163234645029-857 08479-500a84c2d9448547c8e 4bcd67df12e1c3f1871244c13 8f2e5f83312933a5388c-N/A- N/A-20130607161540023394

PTO Form 1957 (Rev 9/2005)  
OMB No. 0651-0050 (Exp. 05/31/2014)

## Response to Office Action To the Commissioner for Trademarks:

Application serial no. **85708479** has been amended as follows:

### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

In response to the Section 2(d) refusal, Applicant notes that it has petitioned to cancel U.S. Registration No. 3,904,929 for STEEL EAGLE the "Cited Mark," owned by Wohali Outdoors, LLC. *See* Cancellation Proceeding No. 92054629, docket sheet attached as Exhibit A. Applicant's petition to cancel was filed on October 10, 2011. The currently operative pleading is Applicant's Amended Petition for Cancellation (*see* Exhibit B), which allegations have been generally denied by Wohali. *See* Exhibit C at 1. The cancellation proceeding is well underway: the Board has denied a summary judgment motion by Wohali, discovery is closed, and the parties are about to enter the trial testimony periods this summer. This proceeding is highly relevant to the instant application because if Applicant is successful in petitioning to cancel the registration for the Cited Mark, the Section 2(d) refusal will be moot.

The owner of the Cited Mark, Wohali Outdoors, LLC also owns pending application serial nos. 85/684,377 and 85/464,085, which Applicant has opposed. *See* Opposition Proceeding Nos. 91208804 and 91205187. These opposition proceedings have been suspended pending the outcome of the cancellation proceeding.

Accordingly, and in accordance with TMEP Â§ 716.02(a) and (d), Applicant respectfully requests that examination of the instant application be suspended pending the outcome of these TTAB proceedings. The Examining Attorney is requested to telephone the undersigned in the event that a telephone conference could expedite the processing of this application.

### EVIDENCE

Evidence in the nature of Exhibit A which is a Cancellation docket sheet from Cancellation Proceeding No. 92054629; Exhibit B which is Applicant's Amended Petition for Cancellation; Exhibit C which is an order denying summary judgment and regarding general denial of petition has been attached.

**Original PDF file:**

[evi\\_108196145185-161540023\\_exhibita.pdf](#)

**Converted PDF file(s) (2 pages)**

[Evidence-1](#)

[Evidence-2](#)

**Original PDF file:**

[evi\\_108196145185-161540023\\_exhibitb.pdf](#)

**Converted PDF file(s)** (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

**Original PDF file:**

[evi\\_108196145185-161540023\\_exhibitc.pdf](#)

**Converted PDF file(s)** (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

## **ADDITIONAL STATEMENTS**

### **Claim of Prior Registration(s)**

The applicant claims ownership of U.S. Registration Number(s) 3794245, 3787739, 3726431, and others.

## **SIGNATURE(S)**

### **Response Signature**

Signature: /Jennifer L. Gregor/ Date: 06/07/2013

Signatory's Name: Jennifer L. Gregor

Signatory's Position: Attorney of record, Wisconsin bar member

Signatory's Phone Number: 414-27-3500

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85708479

Internet Transmission Date: Fri Jun 07 16:32:34 EDT 2013

TEAS Stamp: USPTO/ROA-108.196.145.185-20130607163234

645029-85708479-500a84c2d9448547c8e4bcd6

7df12e1c3f1871244c138f2e5f83312933a5388c

-N/A-N/A-20130607161540023394

6/6/13

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United States Patent and Trademark Office

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.5

Cancellation

Number: 92054629

Filing Date: 10/10/2011

Status: Pending

Status Date: 10/10/2011

Interlocutory Attorney: [GEORGE POLOGEORGIS](#)

Defendant

Name: [Wohali Outdoors, LLC](#)

Correspondence: [S MAX HARRIS](#)

DOYLE HARRIS DAVIS HAUGHEY  
1350 SOUTH BOULDER, SUITE 700  
TULSA, OK 74119  
UNITED STATES  
max.harris@1926blaw.com

Serial #: [77689308](#) [Application File](#)

Registration #: [3904929](#)

Application Status: Cancellation Pending

Mark: STEEL EAGLE

Plaintiff

Name: [Sheltered Wings, Inc.](#)

Correspondence: [JENNIFER L GREGOR](#)

GODFREY KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON, WI 53703  
UNITED STATES  
jgregor@gklaw.com

Serial #: [77060299](#) [Application File](#)

Registration #: [3787739](#)

Application Status: Registered

Mark: GOLDEN EAGLE

Serial #: [77571568](#) [Application File](#)

Registration #: [3726431](#)

Application Status: Registered

Mark: STRIKE EAGLE

Serial #: [77641594](#) [Application File](#)

Registration #: [3794245](#)

Application Status: Registered

Mark: EAGLE OPTICS

Serial #: [78029311](#) [Application File](#)

Registration #: [2886199](#)

Application Status: Section 8 and 15 - Accepted and Acknowledged

Mark: EAGLE OPTICS

Serial #: [78699411](#) [Application File](#)

Registration #: [3192083](#)

Application Status: Section 8 and 15 - Accepted and Acknowledged

Mark: EAGLE OPTICS

Prosecution History

# Date History Text



Due Date

6/6/13

USPTO TTABVUE. Trademark Trial and Appeal Board Inquiry System

- [38](#) 06/03/2013 [P OPP/RESP TO MOTION](#)
- [37](#) 05/30/2013 [PAPER RECEIVED AT TTAB](#)
- [36](#) 05/30/2013 [PAPER RECEIVED AT TTAB](#)
- [35](#) 05/29/2013 [EXT. GRANTED; PROCEEDINGS SUSPENDED PENDING DISP.OF D'S CONSTRUED MOT. TO LIMIT TESTIMONY](#)
- [34](#) 05/17/2013 [STIP FOR EXT](#)
- [33](#) 05/17/2013 [D'S OBJECTIONS TO P'S PRETRIAL DISCLOSURES](#)
- [32](#) 02/06/2013 [EXTENSION OF TIME GRANTED](#)
- [31](#) 02/06/2013 [STIPULATION FOR AN EXTENSION OF TIME](#)
- [30](#) 01/15/2013 [STIPULATION NOTED AND APPROVED](#)
- [29](#) 01/08/2013 [STIPULATED PROTECTIVE ORDER](#)
- [28](#) 11/19/2012 [EXTENSION OF TIME GRANTED](#)
- [27](#) 11/19/2012 [STIPULATION FOR AN EXTENSION OF TIME](#)
- [26](#) 11/08/2012 [DEF'S MOTION FOR SUMMARY JUDGMENT DENIED](#)
- [25](#) 09/14/2012 [D OPP/RESP TO MOTION](#)
- [24](#) 09/13/2012 [MOTION TO AMEND ANSWER/AMENDED ANSWER OR COUNTERCLAIM](#)
- [23](#) 09/13/2012 [D'S REPLY IN SUPPORT OF MOTION](#)
- [22](#) 08/24/2012 [DECL OF JACQUELINE SCHWARTZ \(EXHIBIT F\)](#)
- [21](#) 08/24/2012 [DECL OF JACQUELINE SCHWARTZ \(EXHIBITS A-E\)](#)
- [20](#) 08/24/2012 [DECL OF BEN LIDZAS](#)
- [19](#) 08/24/2012 [DECL OF DANIEL HAMILTON \(EXHIBITS 7-17\)](#)
- [18](#) 08/24/2012 [DECL OF DANIEL HAMILTON \(EXHIBITS 1-6\)](#)
- [17](#) 08/24/2012 [DECL OF JACQUELINE SCHWARTZ \(EXHIBITS J-K\)](#)
- [16](#) 08/24/2012 [DECL OF JACQUELINE SCHWARTZ](#)
- [15](#) 08/24/2012 [DECL OF DANIEL HAMILTON](#)
- [14](#) 08/24/2012 [P'S OPPOSITION/RESPONSE TO MOTION](#)
- [13](#) 08/24/2012 [P'S MOTION TO AMEND PLEADING/AMENDED PLEADING](#)
- [12](#) 07/26/2012 [SUSPENDED PENDING DISP OF OUTSTNDNG MOT](#)
- [11](#) 07/20/2012 [D'S MOTION FOR SUMMARY JUDGMENT](#)
- [10](#) 07/17/2012 [EXTENSION OF TIME GRANTED](#)
- [9](#) 07/10/2012 [P'S MOT FOR EXTEN. OF TIME W/ CONSENT](#)
- [8](#) 01/05/2012 [D'S MOT. TO ACCEPT LATE FILED ANSWER GRANTED; DEFAULT SET ASIDE; TRIAL DATES RESET](#)
- [7](#) 12/30/2011 [D'S REPLY IN SUPPORT OF MOTION](#)
- [6](#) 12/28/2011 [P'S OPPOSITION/RESPONSE TO MOTION](#)
- [5](#) 12/13/2011 [D'S MOTION TO ACCEPT LATE FILED ANSWER](#)
- [4](#) 12/05/2011 [NOTICE OF DEFAULT](#)
- [3](#) 10/12/2011 [PENDING, INSTITUTED](#)
- [2](#) 10/12/2011 [NOTICE AND TRIAL DATES SENT; ANSWER DUE:](#) 11/21/2011
- [1](#) 10/10/2011 [FILED AND FEE](#)

Results as of 06/06/2013 06:17 PM

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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.	)	
	)	Cancellation No. 92054629
Petitioner,	)	
	)	
v.	)	
	)	
WOHALI OUTDOORS, LLC	)	
	)	
Respondent.	)	
_____	)	

**AMENDED PETITION FOR CANCELLATION**

Petitioner, Sheltered Wings, Inc., (“Sheltered Wings”), a Wisconsin corporation, located and doing business at 2120 W. Greenview Drive, Suite 4, Middleton, Wisconsin 53562, believes that it is being damaged and will continue to be damaged by Registration No. 3,904,929 for the mark STEEL EAGLE (the “STEEL EAGLE Registration”) and accordingly petitions to cancel this registration.

As grounds for cancellation, Sheltered Wings alleges:

1. For years, Sheltered Wings has been engaged in the business of providing optics products, including binoculars, spotting scopes, monoculars, and related equipment, among other things.
2. Since at least as early as 1987, Sheltered Wings has continuously used the term EAGLE in its trademarks for its optics products.
3. Sheltered Wings is the owner of the following United States trademark registrations for its trademarks including the term EAGLE:



Mark/Reg. No.	Application and Registration Dates	Goods and Services	First Use in Commerce in Registration
GOLDEN EAGLE Reg. No. 3,787,739	App: Dec. 8, 2006 Reg: May 11, 2010	Class 9: Binoculars	February 2010
EAGLE OPTICS Reg. No. 2,886,199	App: Oct. 5, 2000 Reg: Sep. 21, 2004	Class 9: Binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefore	April 1, 1996
 Reg. No. 3,192,083	App: Aug. 24, 2005 Reg: Jan. 2, 2007	Class 9: Binoculars, spotting scopes, telescopes, and storage cases therefore, all for use in birdwatching  Class 35: Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefore, all for use in birdwatching	December 2001  1987

The registrations for the marks listed above (the “EAGLE Marks”) are valid and subsisting. Additionally, Registration Nos. 2,886,199 and 3,192,083 are incontestable in accordance with the provisions of Sections 8 and 15 of the United States Trademark Act. (15 U.S.C. §§ 1058 and 1065).

4. Sheltered Wings long has owned valuable goodwill represented by its EAGLE Marks.

5. By virtue of Sheltered Wings’ extensive use, advertising, and promotion of its EAGLE Marks, and long before the filing date of the STEEL EAGLE Registration, the EAGLE Marks became extremely well known and acquired a strong secondary meaning signifying Sheltered Wings.

6. Upon information and belief, respondent, Wohali Outdoors, LLC (“Wohali”), an Oklahoma limited liability company located at 1300 N. Industrial Blvd., Claremore, Oklahoma, 74017 is engaged in the business of providing outdoor gear including rain wear, fishing rods, binoculars, and spotting scopes.

7. Wohali owns Registration No. 3, 904,929 for the trademark STEEL EAGLE for “Magnifying optical equipment, namely, rifle scopes and binoculars,” in Class 9 (the “STEEL EAGLE Registration”), which registration was granted on January 11, 2011, based on an intent-to-use application filed on March 12, 2009.

8. Wohali did not use the trademark STEEL EAGLE in the United States for any goods or services prior to October 21, 2009, the date of first use identified in the STEEL EAGLE Registration.

9. Use by Wohali of the trademark STEEL EAGLE for the goods identified in its registration is likely to confuse the purchasing public as to the source of Wohali’s goods or to cause mistake or to deceive as to an affiliation, connection, or association with Sheltered Wings in violation of Section 2(d) of the United States Trademark Act (15 U.S.C. § 1052(d)).

10. Sheltered Wings is also being damaged by Wohali’s STEEL EAGLE Registration because the United States Trademark Office has refused registration of Sheltered Wings’ pending application Serial No. 85/095,903 for the mark EAGLE for binoculars, riflescopes, spotting scopes, and telescopes in Class 9 in view of the STEEL EAGLE Registration.

WHEREFORE, Sheltered Wings believes that it is being damaged and will continue to be damaged by the STEEL EAGLE Registration and petitions to cancel that registration.

Please deduct the requisite filing fee and any other fees associated with this proceeding from the deposit account of Godfrey & Kahn, S.C., Account No. 07-1509.

Respectfully submitted,

SHELTERED WINGS, INC.

Date: August 24, 2012

By:           /Jennifer L. Gregor/            
James D. Peterson  
Jennifer L. Gregor  
GODFREY & KAHN, S.C.  
One East Main Street, Suite 500  
Madison, Wisconsin 53701-2719  
Tel.: (608) 257-3911  
Fax: (608) 257-0609  
Email: jpeterson@gklaw.com,  
          jgregor@gklaw.com

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Goodman

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**THIS OPINION IS NOT  
A PRECEDENT  
OF THE TTAB**

Mailed: November 8, 2012

Cancellation No. 92054629

Sheltered Wings, Inc.

v.

Wohali Outdoors, LLC

Before Cataldo, Bergsman, and Wolfson, Administrative  
Trademark Judges.

**By the Board:**

This case now comes up on respondent's motion, filed July 20, 2012, for summary judgment. The motion is fully briefed. Petitioner has requested that the Board grant summary judgment in its favor as non-movant.

Additionally, petitioner filed a motion, on August 24, 2012, for leave to amend its pleading to withdraw pleaded Registration nos. 3726431 and 3794245 from the proceeding as the marks are "not currently in use with the goods identified in the registrations." In response to the motion, respondent "denies each and every allegation asserted by the Petitioner."

The motion for leave to amend is granted, and the amended petition to cancel is henceforth the operative pleading in the case. Respondent's response to the motion



Cancellation No. 92054629

for leave to amend is treated as a general denial of the allegations in the amended petition to cancel, and therefore, a formal answer need not be filed.

We now turn to respondent's motion for summary judgment.

A party is entitled to summary judgment when it has demonstrated that there is no genuine dispute as to any material fact and that it is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). In reviewing a motion for summary judgment, the evidentiary record and all reasonable inferences to be drawn from the undisputed facts must be viewed in the light most favorable to the nonmoving party. *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542, 1544 (Fed. Cir. 1992).

Upon consideration of the parties' arguments and evidence, we find that, at a minimum, genuine disputes of material fact remain with respect to the similarities or dissimilarities of the parties' marks and with respect to the strength or weakness of petitioner's pleaded marks. In view thereof, respondent's motion for summary judgment is denied.<sup>1</sup> For the same reason, petitioner's request that the Board grant summary judgment to petitioner as non-movant is

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<sup>1</sup> The fact that we have identified and discussed certain genuine disputes of material fact as a sufficient basis for denying respondent's motion for summary judgment should not be construed as a finding that these are necessarily the only disputes which remain for trial.

## Cancellation No. 92054629

also denied. *See The Clorox Co. v. Chemical Bank*, 40 USPQ2d 1098 (TTAB 1996) (Board may sua sponte enter summary judgment for non-moving party if there are no material facts in dispute and judgment is appropriate as a matter of law).<sup>2</sup>

The parties may stipulate to resolution of this proceeding by means of the Board's accelerated case resolution ("ACR") procedure, either on the current summary judgment record, or as supplemented by the parties, pursuant to an agreement to proceed under ACR. Any such agreement to proceed under ACR on the summary judgment submissions must include a stipulation that the Board may decide any genuine disputes of material fact. The parties may also stipulate to narrow the issues before the Board to streamline the case and provide a joint statement of undisputed facts. If the parties decide to proceed via ACR, they are encouraged to jointly contact the interlocutory attorney responsible for this proceeding by telephone to discuss the possibility of

---

<sup>2</sup> The parties should note that the evidence submitted in connection with the motion for summary judgment is of record only for consideration of the motion for summary judgment. Otherwise, to be considered at final hearing, any such evidence must be properly introduced in evidence during the appropriate trial period or stipulated to by the parties as of record for purposes of final decision or determination of this proceeding via accelerated case resolution ("ACR"). *See, e.g., Eveready Battery Co., Inc. v. Green Planet, Inc.*, 91 USPQ2d 1511, 1513 (TTAB 2009) (parties stipulated that evidence submitted in connection with summary judgment motion shall be deemed of record for trial pursuant to Accelerated Case Resolution (ACR)); *Levi Strauss & Co. v. R. Josephs Sportswear Inc.*, 28 USPQ2d 1464, 1465 n. 2. (TTAB 1993) (summary judgment evidence is not part of the record on final decision unless introduced into evidence during trial period).

Cancellation No. 92054629

ACR, any supplementation of the record, and an agreed-upon schedule for proceeding under ACR.

Proceedings are resumed.

Dates are reset as follows:

Expert Disclosures Due	11/19/2012
Discovery Closes	12/19/2012
Plaintiff's Pretrial Disclosures Due	2/2/2013
Plaintiff's 30-day Trial Period Ends	3/19/2013
Defendant's Pretrial Disclosures Due	4/3/2013
Defendant's 30-day Trial Period Ends	5/18/2013
Plaintiff's Rebuttal Disclosures Due	6/2/2013
Plaintiff's 15-day Rebuttal Period Ends	7/2/2013

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**To:** Sheltered Wings, Inc. ([docketing@gklaw.com](mailto:docketing@gklaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85708479 - EAGLE OWL - 067282  
**Sent:** 12/8/2012 11:30:10 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
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[Attachment - 10](#)  
[Attachment - 11](#)  
[Attachment - 12](#)  
[Attachment - 13](#)  
[Attachment - 14](#)  
[Attachment - 15](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 85708479

**MARK:** EAGLE OWL

**\*85708479\***

**CORRESPONDENT ADDRESS:**

JENNIFER L. GREGOR  
GODFREY & KAHN, S.C.  
780 N WATER ST STE 1500  
MILWAUKEE, WI 53202-3590

**CLICK HERE TO RESPOND TO THIS LETTER**  
[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

067282

**CORRESPONDENT E-MAIL ADDRESS:**

docketing@gklaw.com

**OFFICE ACTION****STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 12/8/2012**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**Likelihood of Confusion – Section 2(d) Refusal**

Registration of the applied-for mark (EAGLE OWL) is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3904929 (STEEL EAGLE). Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods. *See Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); TMEP §1207.01; *see also In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

**Similarity of Marks**

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Applicant's mark is "EAGLE OWL".

Registrant's mark is "STEEL EAGLE".

The marks are similar because they all contain the term “EAGLE”.

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases, such as “EAGLE”, appearing in both applicant’s and registrant’s mark. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff’d sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and “21” CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

Please note that, where the goods of an applicant and registrant are identical or virtually identical, the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (citing *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 877, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992)); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); TMEP §1207.01(b). Please see Similarity of Goods section below evidencing that registrant’s goods are identical to/encompass all of applicant’s goods.

Accordingly, the relevant marks are sufficiently similar to support a finding of likelihood of confusion.

### Similarity of Goods

The goods of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

The respective goods need only be related in some manner or the conditions surrounding their marketing be such that they will be encountered by the same consumers under circumstances that would lead to the mistaken belief that the goods originate from the same source. *Gen. Mills Inc. v. Fage Dairy Processing Indus.*, 100 USPQ2d 1584, 1597 (TTAB 2012); TMEP §1207.01(a)(i); *see On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d at 1086, 56 USPQ2d at 1475; *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

Applicant’s goods are “ **binoculars**”.

Registrant’s goods are “Magnifying optical equipment, namely, rifle scopes and **binoculars.**”

Therefore, registrant’s goods encompass/are identical to (see bolded goods) all of applicant’s goods. Accordingly, based on the similarity of the marks and the relationship of the goods, registration of the applicant’s mark is refused under Section 2(d) of the Trademark Act.

Although the examining attorney has refused registration, the applicant has the option to respond to the refusal to register by submitting evidence and legal arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following requirement(s).

### **Ownership of Prior Registrations**

If applicant owns U.S. Registration Nos. 3794245, 3192083, 2886199 and other registrations, then applicant must submit for the application record a claim of ownership of these registrations. *See* 37 C.F.R. §2.36; TMEP §812. See the attached copies of the registrations. *See* TMEP §812.

Applicant may use the following format to claim ownership of these registrations:

**Applicant is the owner of U.S. Registration Nos. 3794245, 3787739, 3726431 and others.**

### **Responding to this Office Action**

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

In addition, applicant filed a TEAS Plus application and therefore must respond online using the Trademark Electronic Application System (TEAS) at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp) to avoid incurring an additional fee. *See* 37 C.F.R. §2.23(a)(1), (b).

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a),

2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

### ***Telephone/Email Suggested for Questions***

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Meghan Reinhart/  
Examining Attorney  
Law Office 108  
(571) 272-2943  
meghan.reinhart@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**Print: Dec 8, 2012**

**77689308**

**DESIGN MARK**

**Serial Number**

77689308

**Status**

CANCELLATION PENDING

**Word Mark**

STEEL EAGLE

**Standard Character Mark**

Yes

**Registration Number**

3904929

**Date Registered**

2011/01/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Wohali Outdoors, LLC LIMITED LIABILITY COMPANY OKLAHOMA 1300 N.  
Industrial Blvd. Claremore OKLAHOMA 74017

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Magnifying optical equipment, namely, rifle scopes and binoculars.  
First Use: 2009/10/21. First Use In Commerce: 2009/10/21.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEEL" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2009/03/12

**Examining Attorney**

MCMORROW, RONALD

**Attorney of Record**

S. Max Harris

**STEEL EAGLE**

**Print: Dec 8, 2012**

**77057812**

**DESIGN MARK**

**Serial Number**

77057812

**Status**

REGISTERED

**Word Mark**

HAWK OWL

**Standard Character Mark**

Yes

**Registration Number**

3289959

**Date Registered**

2007/09/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN Suite Four 2120 West  
Greenview Drive Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars. First Use: 2006/05/15. First Use In Commerce:  
2006/08/15.

**Filing Date**

2006/12/06

**Examining Attorney**

ROTH, JASON

**Attorney of Record**

Bennet Langlotz

**HAWK OWL**

**Print: Dec 8, 2012**

**77060299**

**DESIGN MARK**

**Serial Number**

77060299

**Status**

REGISTERED

**Word Mark**

GOLDEN EAGLE

**Standard Character Mark**

Yes

**Registration Number**

3787739

**Date Registered**

2010/05/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN 2120 W Greenview Dr, Ste 4  
Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars. First Use: 2010/02/00. First Use In Commerce:  
2010/02/00.

**Prior Registration(s)**

2886199;3192083

**Filing Date**

2006/12/08

**Examining Attorney**

LEIPZIG, MARC

**Attorney of Record**

Bennet Langlotz

# GOLDEN EAGLE

**Print: Dec 8, 2012**

**77571568**

**DESIGN MARK**

**Serial Number**

77571568

**Status**

REGISTERED

**Word Mark**

STRIKE EAGLE

**Standard Character Mark**

Yes

**Registration Number**

3726431

**Date Registered**

2009/12/15

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN 2120 West Greenview Drive,  
Suite 4 Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars; Rifle scopes. First Use: 2009/02/01. First Use In  
Commerce: 2009/02/01.

**Filing Date**

2008/09/16

**Examining Attorney**

SAPP, HEATHER

**Attorney of Record**

Bennet K. Langlotz

**STRIKE EAGLE**

**Print: Dec 8, 2012**

**77641594**

**DESIGN MARK**

**Serial Number**

77641594

**Status**

REGISTERED

**Word Mark**

EAGLE OPTICS

**Standard Character Mark**

Yes

**Registration Number**

3794245

**Date Registered**

2010/05/25

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN 2120 West Greenview Drive,  
Suite 4 Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Riflescopes. First Use: 2010/03/01. First Use In Commerce:  
2010/03/01.

**Prior Registration(s)**

2886199;3192083

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2008/12/30

**Examining Attorney**

ALTREE, NICHOLAS

**Print: Dec 8, 2012**

**77641594**

**Attorney of Record**  
Bennet K. Langlotz

# EAGLE OPTICS

**Print: Dec 8, 2012**

**78029311**

**TYPED DRAWING**

**Serial Number**

78029311

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

EAGLE OPTICS

**Standard Character Mark**

No

**Registration Number**

2886199

**Date Registered**

2004/09/21

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN 2120 W. Greenview Dr. #4  
Middleton WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars, spotting scopes, and telescopes, all for use in bird  
watching, and storage cases therefore. First Use: 1996/01/01. First  
Use In Commerce: 1996/04/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2000/10/05

**Examining Attorney**

RADEMACHER, APRIL L.

**Attorney of Record**

Angela V. Langlotz

**Print: Dec 8, 2012**

**78699411**

**DESIGN MARK**

**Serial Number**

78699411

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

EAGLE OPTICS

**Standard Character Mark**

No

**Registration Number**

3192083

**Date Registered**

2007/01/02

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN Suite Four 2120 West  
Greenview Drive Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars, spotting scopes, telescopes, and storage cases therefor,  
all for use in birdwatching. First Use: 2001/05/00. First Use In  
Commerce: 2001/12/00.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail  
store, mail order and online retail store services featuring  
binoculars, spotting scopes, telescopes, and storage cases therefor,  
all for use in birdwatching. First Use: 1987/00/00. First Use In  
Commerce: 1987/00/00.

**Prior Registration(s)**

2886199

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS" APART FROM THE

**Print: Dec 8, 2012**

**78699411**

MARK AS SHOWN.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

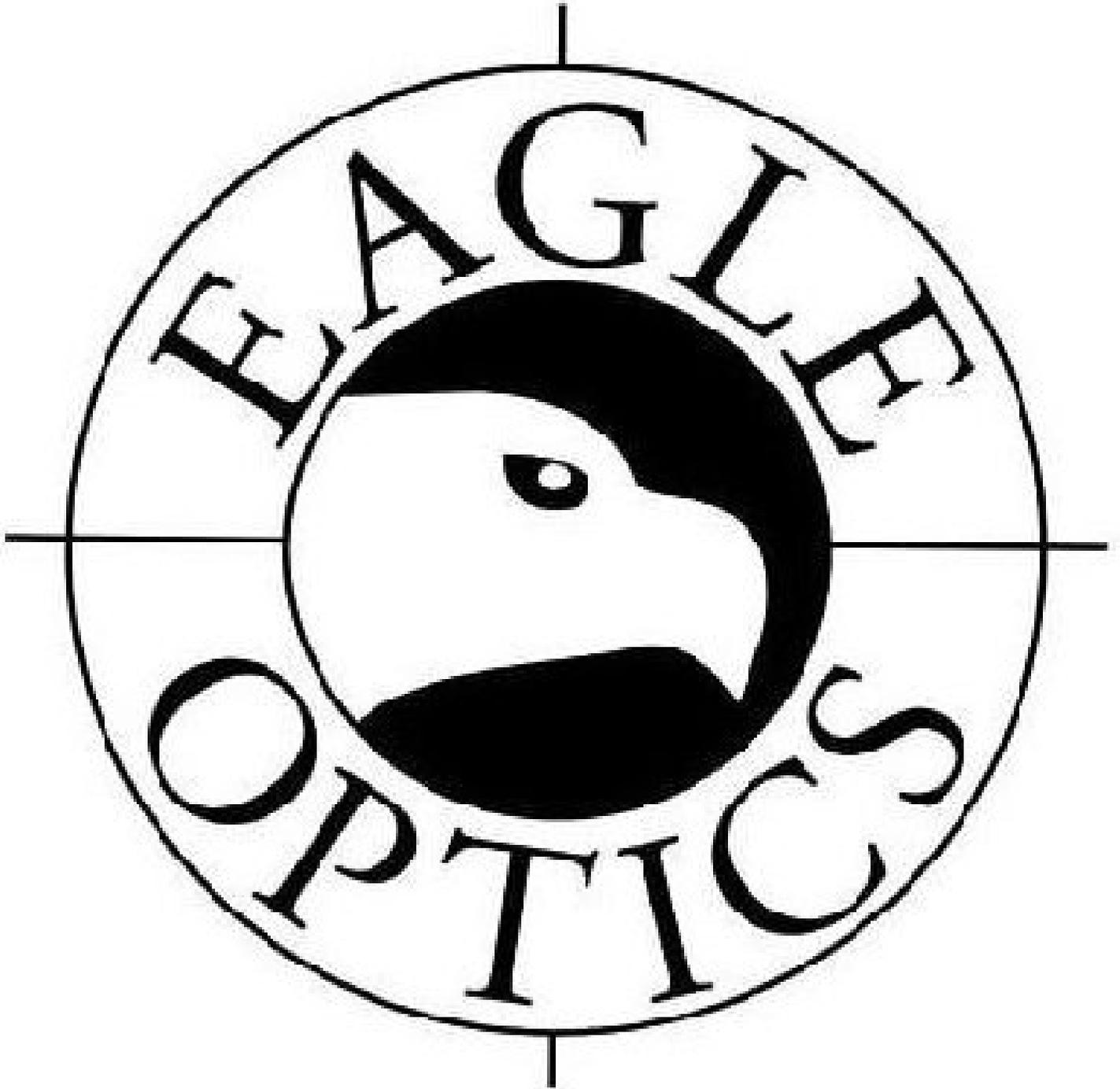
2005/08/24

**Examining Attorney**

DAHLING, KRISTIN

**Attorney of Record**

Bennet K. Langlotz



**To:** Sheltered Wings, Inc. ([docketing@gklaw.com](mailto:docketing@gklaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85708479 - EAGLE OWL - 067282  
**Sent:** 12/8/2012 11:30:11 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **12/8/2012** FOR U.S. APPLICATION SERIAL NO. 85708479

Please follow the instructions below:

(1) **TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **12/8/2012** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit “Reply” to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the**

**ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:mreinhardt \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	10744	N/A	0	0	1:00	*{v:2}{ "gj" }{v0:1}1{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld]
02	4767	N/A	0	0	0:07	*e{v0:1}{ "gj" }{v0:1}1{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld]
03	1707	N/A	0	0	0:04	e{v0:1}{ "gj" }{v0:1}1{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld]
04	837	N/A	0	0	0:04	e{v0:1}{ "gj" }{v0:1}1{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld] and "009"[cc]
05	251	0	251	212	0:03	e{v0:1}{ "gj" }{v0:1}1{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld] and "009"[ic]
06	231	0	231	195	0:02	e{v0:1}{ "gj" }{v0:1}1{v0:1}{ "sz"0:1 }[bi,ti] and live[ld] and "009"[ic]
07	10	0	10	8	0:07	e{v0:1}{ "gj" }{v0:1}1{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld] and (a b 200)[ic]
08	3488	N/A	0	0	0:03	*ow1*[bi,ti] and live[ld]
09	4644	N/A	0	0	0:03	*w1*[bi,ti] and live[ld]
10	2814	N/A	0	0	0:03	*aul*[bi,ti] and live[ld]
11	21	0	21	19	0:01	(8 9 10) and 1
12	4874	N/A	0	0	0:05	*e{v}{ "gj" }{V0:1}1{v0:1}{ "Sz"0:1 }*
13	1817	N/A	0	0	0:05	*e{v}{ "gj" }{V0:1}1{v0:1}{ "Sz"0:1 }*[bi,ti] and live[ld]
14	250	0	250	209	0:05	*e{v}{ "gj" }{V0:1}1{v0:1}{ "Sz"0:1 }*[bi,ti] and live[ld] and "009"[ic]
15	249	0	249	208	0:04	*e{v}{ "gj" }{V0:1}1{v0:1}{ "Sz"0:1 }*[bi,ti] and live[ld] and "009"[ic] not 7
16	19	0	19	15	0:04	*e{v}{ "gj" }{V0:1}1{v0:1}{ "Sz"0:1 }*[bi,ti] and live[ld] and "009"[ic] not 5
17	35	0	35	23	0:02	e{v}{ "gj" }{V0:1}1{v0:1}{ "Sz"0:1 }[fm] and live[ld] and "009"[ic]
18	132	0	132	91	0:02	e{v}{ "gj" }{V0:1}1{v0:1}{ "Sz"0:1 }[fm] and live[ld]
19	3301	N/A	0	0	0:02	031501[dc] and live[ld]
20	613	0	7	613	0:03	031507[dc] and live[ld]
21	4	0	4	4	0:01	19 and 20
22	1671	N/A	0	0	0:04	19 and "009"[cc]
23	411	0	43	411	0:03	19 and ("009" a b 200)[ic]
24	2	0	2	2	0:01	20 and 1

Session started 12/7/2012 5:56:18 AM

Session finished 12/7/2012 6:14:05 AM

Total search duration 2 minutes 18 seconds

Session duration 17 minutes 47 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85708479

# EAGLE OWL

**Trademark/Service Mark Application, Principal Register****TEAS Plus Application**

Serial Number: 85708479

Filing Date: 08/21/2012

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">EAGLE OWL</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EAGLE OWL
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Sheltered Wings, Inc.
*STREET	2120 W. Greenview Drive, Suite 4
*CITY	Middleton
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	53562
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION

<b>* STATE/COUNTRY OF INCORPORATION</b>	Wisconsin
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	009
<b>* IDENTIFICATION</b>	Binoculars
<b>* FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>* TRANSLATION</b> (if applicable)	
<b>* TRANSLITERATION</b> (if applicable)	
<b>* CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>* CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>* CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Jennifer L. Gregor
<b>ATTORNEY DOCKET NUMBER</b>	067282
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.
<b>STREET</b>	780 N. Water Street
<b>CITY</b>	Milwaukee
<b>STATE</b>	Wisconsin
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>EMAIL ADDRESS</b>	docketing@gklaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	all other attorneys
<b>CORRESPONDENCE INFORMATION</b>	
<b>* NAME</b>	Jennifer L. Gregor
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.

<b>*STREET</b>	780 N. Water Street
<b>*CITY</b>	Milwaukee
<b>*STATE</b> (Required for U.S. applicants)	Wisconsin
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>*EMAIL ADDRESS</b>	docketing@gklaw.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Jennifer L. Gregor/
<b>* SIGNATORY'S NAME</b>	Jennifer L. Gregor
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Wisconsin bar member
<b>SIGNATORY'S PHONE NUMBER</b>	414-273-3500
<b>* DATE SIGNED</b>	08/20/2012

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85708479**

**Filing Date: 08/21/2012**

#### To the Commissioner for Trademarks:

**MARK:** EAGLE OWL (Standard Characters, see [mark](#))

The literal element of the mark consists of EAGLE OWL.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Sheltered Wings, Inc., a corporation of Wisconsin, having an address of  
2120 W. Greenview Drive, Suite 4  
Middleton, Wisconsin 53562  
United States

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

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 009: Binoculars

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Jennifer L. Gregor and all other attorneys of Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
United States

The attorney docket/reference number is 067282.

The applicant's current Correspondence Information:

Jennifer L. Gregor  
Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
414-273-3500(phone)  
414-273-5198(fax)

docketing@gklaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /Jennifer L. Gregor/ Date Signed: 08/20/2012

Signatory's Name: Jennifer L. Gregor

Signatory's Position: Attorney of record, Wisconsin bar member

RAM Sale Number: 7387

RAM Accounting Date: 08/21/2012

Serial Number: 85708479

Internet Transmission Date: Tue Aug 21 08:32:21 EDT 2012

TEAS Stamp: USPTO/FTK-72.135.232.140-201208210832214

60351-85708479-4905a2a7d1fb484e77a9d929e

e54d2628f-DA-7387-20120820151112516518

# EAGLE OWL

**Generated on:** This page was generated by TSDR on 2013-09-26 11:53:51 EDT

**Mark:** EAGLE OWL

EAGLE OWL

**US Serial Number:** 85708479  
**Application Filing Date:** Aug. 21, 2012  
**Filed as TEAS Plus:** Yes  
**Currently TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.  
**Status Date:** Jun. 10, 2013

## Mark Information

**Mark Literal Elements:** EAGLE OWL  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**Claimed Ownership of US Registrations:** 3726431, 3787739, 3794245 and others

## 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
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Binoculars  
**International Class(es):** 009 - Primary Class  
**U.S Class(es):** 021, 023, 026, 036, 038  
**Class Status:** ACTIVE  
**Basis:** 1(b)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> Yes	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Sheltered Wings, Inc.  
**Owner Address:** 2120 W. Greenvew Drive, Suite 4  
 Middleton, WISCONSIN 53562  
 UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** WISCONSIN

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Jennifer L. Gregor  
**Docket Number:** 067282  
**Attorney Primary Email Address:** [docketing@gklaw.com](mailto:docketing@gklaw.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** JENNIFER L. GREGOR  
 GODFREY & KAHN, S.C.  
 780 N WATER ST STE 1500  
 MILWAUKEE, WISCONSIN 53202-3590  
 UNITED STATES

**Phone:** 414-273-3500

**Fax:** 414-273-5198

**Correspondent e-mail:** [docketing@gklaw.com](mailto:docketing@gklaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jun. 10, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 10, 2013	LETTER OF SUSPENSION E-MAILED	6332
Jun. 10, 2013	SUSPENSION LETTER WRITTEN	85323
Jun. 08, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 07, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 07, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 08, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2012	NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2012	NON-FINAL ACTION WRITTEN	85323
Dec. 01, 2012	ASSIGNED TO EXAMINER	85323
Aug. 29, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 24, 2012	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information**

**TM Attorney:** REINHART, MEGHAN M

**Law Office Assigned:** LAW OFFICE 108

**File Location**

**Current Location:** TMEG LAW OFFICE 108 - EXAMINING  
 ATTORNEY ASSIGNED

**Date in Location:** Jun. 10, 2013

**Trademark/Service Mark Application, Principal Register****TEAS Plus Application**

Serial Number: 85708480

Filing Date: 08/21/2012

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">BOLD EAGLE</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BOLD EAGLE
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Sheltered Wings, Inc.
*STREET	2120 W. Greenview Drive, Suite 4
*CITY	Middleton
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	53562
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION

<b>* STATE/COUNTRY OF INCORPORATION</b>	Wisconsin
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	009
<b>* IDENTIFICATION</b>	Binoculars
<b>* FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>* TRANSLATION</b> (if applicable)	
<b>* TRANSLITERATION</b> (if applicable)	
<b>* CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>* CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>* CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Jennifer L. Gregor
<b>ATTORNEY DOCKET NUMBER</b>	067282
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.
<b>STREET</b>	780 N. Water Street
<b>CITY</b>	Milwaukee
<b>STATE</b>	Wisconsin
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>EMAIL ADDRESS</b>	docketing@gklaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	all other attorneys
<b>CORRESPONDENCE INFORMATION</b>	
<b>* NAME</b>	Jennifer L. Gregor
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.

<b>*STREET</b>	780 N. Water Street
<b>*CITY</b>	Milwaukee
<b>*STATE</b> (Required for U.S. applicants)	Wisconsin
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>*EMAIL ADDRESS</b>	docketing@gklaw.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Jennifer L. Gregor/
<b>* SIGNATORY'S NAME</b>	Jennifer L. Gregor
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Wisconsin bar member
<b>SIGNATORY'S PHONE NUMBER</b>	414-273-3500
<b>* DATE SIGNED</b>	08/20/2012

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85708480**

**Filing Date: 08/21/2012**

#### To the Commissioner for Trademarks:

**MARK:** BOLD EAGLE (Standard Characters, see [mark](#))

The literal element of the mark consists of BOLD EAGLE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Sheltered Wings, Inc., a corporation of Wisconsin, having an address of  
2120 W. Greenview Drive, Suite 4  
Middleton, Wisconsin 53562  
United States

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

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 009: Binoculars

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Jennifer L. Gregor and all other attorneys of Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
United States

The attorney docket/reference number is 067282.

The applicant's current Correspondence Information:

Jennifer L. Gregor  
Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
414-273-3500(phone)  
414-273-5198(fax)

docketing@gklaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /Jennifer L. Gregor/ Date Signed: 08/20/2012

Signatory's Name: Jennifer L. Gregor

Signatory's Position: Attorney of record, Wisconsin bar member

RAM Sale Number: 7390

RAM Accounting Date: 08/21/2012

Serial Number: 85708480

Internet Transmission Date: Tue Aug 21 08:33:30 EDT 2012

TEAS Stamp: USPTO/FTK-72.135.232.140-201208210833300

75286-85708480-49092a82f631dc595d0422a38

f78f2797e8-DA-7390-20120820150910877842

**BOLD EAGLE**

### Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

#### OVERVIEW

SERIAL NUMBER	85708480	FILING DATE	08/21/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	REINHART, MEGHAN M	L.O. ASSIGNED	108

#### PUB INFORMATION

RUN DATE	06/11/2013		
PUB DATE	N/A		
STATUS	653-SUSPENSION LETTER - MAILED		
STATUS DATE	06/10/2013		
LITERAL MARK ELEMENT	BOLD EAGLE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

#### FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

#### MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BOLD EAGLE

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Sheltered Wings, Inc.
ADDRESS	2120 W. Greenview Drive, Suite 4 Middleton, WI 53562
ENTITY	03-CORPORATION
CITIZENSHIP	Wisconsin

**GOODS AND SERVICES**

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Binoculars

**GOODS AND SERVICES CLASSIFICATION**

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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**MISCELLANEOUS INFORMATION/STATEMENTS**

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	3726431 3787739 3794245

**PROSECUTION HISTORY**

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/10/2013	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	012
06/10/2013	GNSL	S	LETTER OF SUSPENSION E-MAILED	011
06/10/2013	CNSL	R	SUSPENSION LETTER WRITTEN	010
06/08/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
06/07/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
06/07/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
12/08/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
12/08/2012	GNRT	F	NON-FINAL ACTION E-MAILED	005
12/08/2012	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/01/2012	DOCK	D	ASSIGNED TO EXAMINER	003

08/29/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
08/24/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

**CURRENT CORRESPONDENCE INFORMATION**

ATTORNEY	Jennifer L. Gregor
CORRESPONDENCE ADDRESS	JENNIFER L. GREGOR GODFREY & KAHN, S.C. 780 N WATER ST STE 1500 MILWAUKEE, WI 53202-3590
DOMESTIC REPRESENTATIVE	NONE

**BOLD EAGLE**

**To:** Sheltered Wings, Inc. ([docketing@gklaw.com](mailto:docketing@gklaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85708480 - BOLD EAGLE - 067282  
**Sent:** 6/10/2013 7:11:09 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 85708480

**MARK:** BOLD EAGLE

**\*85708480\***

**CORRESPONDENT ADDRESS:**

JENNIFER L. GREGOR

GODFREY & KAHN, S.C.

780 N WATER ST STE 1500

MILWAUKEE, WI 53202-3590

**GENERAL TRADEMARK IN**  
<http://www.uspto.gov/trademark>

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

067282

**CORRESPONDENT E-MAIL ADDRESS:**

docketing@gklaw.com

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE: 6/10/2013**

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

**PENDING CIVIL PROCEEDING(S):** The pending civil proceeding(s) below pertains to (1) a registered mark that conflicts with applicant’s mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant’s mark under Section 2(d) if it registers, and/or (3) the registrability of applicant’s mark. *See* 15 U.S.C. §1052; 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the civil proceeding(s) pertains to an issue that could directly affect whether applicant’s mark can be registered, action on this application is suspended pending termination of the civil proceeding(s). *See* 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Cancellation No(s). 92054629

/Meghan Reinhart/

Examining Attorney

Law Office 108

(571) 272-2943

meghan.reinhart@uspto.gov

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Sheltered Wings, Inc. ([docketing@gklaw.com](mailto:docketing@gklaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85708480 - BOLD EAGLE - 067282  
**Sent:** 6/10/2013 7:11:09 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **6/10/2013** FOR U.S. APPLICATION SERIAL NO.85708480

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	85708480
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>In response to the Section 2(d) refusal, Applicant notes that it has petitioned to cancel U.S. Registration No. 3,904,929 for STEEL EAGLE the "Cited Mark," owned by Wohali Outdoors, LLC. <i>See</i> Cancellation Proceeding No. 92054629, docket sheet attached as Exhibit A. Applicant's petition to cancel was filed on October 10, 2011. The currently operative pleading is Applicant's Amended Petition for Cancellation (<i>see</i> Exhibit B), which allegations have been generally denied by Wohali. <i>See</i> Exhibit C at 1. The cancellation proceeding is well underway: the Board has denied a summary judgment motion by Wohali, discovery is closed, and the parties are about to enter the trial testimony periods this summer. This proceeding is highly relevant to the instant application because if Applicant is successful in petitioning to cancel the registration for the Cited Mark, the Section 2(d) refusal will be moot.</p> <p>The owner of the Cited Mark, Wohali Outdoors, LLC also owns pending application serial nos. 85/684,377 and 85/464,085, which Applicant has opposed. <i>See</i> Opposition Proceeding Nos. 91208804 and 91205187. These opposition proceedings have been suspended pending the outcome of the cancellation proceeding.</p> <p>Accordingly, and in accordance with TMEP Â§ 716.02(a) and (d), Applicant respectfully requests that examination of the instant application be suspended pending the outcome of these TTAB proceedings. The Examining Attorney is requested to telephone the undersigned in the event that a telephone conference could expedite the processing of this application.</p>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_108196145185-161200188_.exhibita.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (2 pages)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0003.JPG</a>
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_108196145185-161200188_.exhibitb.pdf</a>
<b>CONVERTED PDF</b>	

<b>FILE(S)</b> (4 pages)	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0004.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0004.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0005.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0005.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0006.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0006.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0007.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0007.JPG</a>
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_108196145185-161200188_.exhibitc.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (4 pages)	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0008.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0008.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0009.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0009.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0010.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0010.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0011.JPG">\\TICRS\EXPORT16\IMAGEOUT16\857\084\85708480\xml4\ROA0011.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	Exhibit A which is a Cancellation docket sheet from Cancellation Proceeding No. 92054629; Exhibit B which is Applicant's Amended Petition for Cancellation; Exhibit C which is an order denying summary judgment and regarding general denial of petition
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>PRIOR REGISTRATIONS(S)</b>	The applicant claims ownership of U.S. Registration Number(s) 3794245, 3787739, 3726431, and others.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Jennifer L. Gregor/
<b>SIGNATORY'S NAME</b>	Jennifer L. Gregor
<b>SIGNATORY'S POSITION</b>	Attorney of record, Wisconsin bar member
<b>SIGNATORY'S PHONE NUMBER</b>	414-273-3500
<b>DATE SIGNED</b>	06/07/2013
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri Jun 07 16:32:16 EDT 2013
<b>TEAS STAMP</b>	USPTO/ROA-108.196.145.185 -20130607163216654804-857 08480-5007eee36af2aca3473 742e3baf59ab87a12155eda33 ef15550199b7af324c-N/A-N/ A-20130607161200188692

PTO Form 1957 (Rev 9/2005)  
OMB No. 0651-0050 (Exp. 05/31/2014)

## Response to Office Action To the Commissioner for Trademarks:

Application serial no. **85708480** has been amended as follows:

### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

In response to the Section 2(d) refusal, Applicant notes that it has petitioned to cancel U.S. Registration No. 3,904,929 for STEEL EAGLE the "Cited Mark," owned by Wohali Outdoors, LLC. *See* Cancellation Proceeding No. 92054629, docket sheet attached as Exhibit A. Applicant's petition to cancel was filed on October 10, 2011. The currently operative pleading is Applicant's Amended Petition for Cancellation (*see* Exhibit B), which allegations have been generally denied by Wohali. *See* Exhibit C at 1. The cancellation proceeding is well underway: the Board has denied a summary judgment motion by Wohali, discovery is closed, and the parties are about to enter the trial testimony periods this summer. This proceeding is highly relevant to the instant application because if Applicant is successful in petitioning to cancel the registration for the Cited Mark, the Section 2(d) refusal will be moot.

The owner of the Cited Mark, Wohali Outdoors, LLC also owns pending application serial nos. 85/684,377 and 85/464,085, which Applicant has opposed. *See* Opposition Proceeding Nos. 91208804 and 91205187. These opposition proceedings have been suspended pending the outcome of the cancellation proceeding.

Accordingly, and in accordance with TMEP Â§ 716.02(a) and (d), Applicant respectfully requests that examination of the instant application be suspended pending the outcome of these TTAB proceedings. The Examining Attorney is requested to telephone the undersigned in the event that a telephone conference could expedite the processing of this application.

### EVIDENCE

Evidence in the nature of Exhibit A which is a Cancellation docket sheet from Cancellation Proceeding No. 92054629; Exhibit B which is Applicant's Amended Petition for Cancellation; Exhibit C which is an order denying summary judgment and regarding general denial of petition has been attached.

**Original PDF file:**

[evi\\_108196145185-161200188\\_exhibita.pdf](#)

**Converted PDF file(s) (2 pages)**

[Evidence-1](#)

[Evidence-2](#)

**Original PDF file:**

[evi\\_108196145185-161200188\\_exhibitb.pdf](#)

**Converted PDF file(s)** (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

**Original PDF file:**

[evi\\_108196145185-161200188\\_exhibitc.pdf](#)

**Converted PDF file(s)** (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

## **ADDITIONAL STATEMENTS**

### **Claim of Prior Registration(s)**

The applicant claims ownership of U.S. Registration Number(s) 3794245, 3787739, 3726431, and others.

### **SIGNATURE(S)**

#### **Response Signature**

Signature: /Jennifer L. Gregor/ Date: 06/07/2013

Signatory's Name: Jennifer L. Gregor

Signatory's Position: Attorney of record, Wisconsin bar member

Signatory's Phone Number: 414-273-3500

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85708480

Internet Transmission Date: Fri Jun 07 16:32:16 EDT 2013

TEAS Stamp: USPTO/ROA-108.196.145.185-20130607163216

654804-85708480-5007eee36af2aca3473742e3

baf59ab87a12155eda33ef15550199b7af324c-N

/A-N/A-20130607161200188692

6/6/13

USPTO TTABVUE. Trademark Trial and Appeal Board Inquiry System



United States Patent and Trademark Office

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.5

Cancellation

Number: 92054629

Filing Date: 10/10/2011

Status: Pending

Status Date: 10/10/2011

Interlocutory Attorney: [GEORGE POLOGEORGIS](#)

Defendant

Name: [Wohali Outdoors, LLC](#)

Correspondence: [S MAX HARRIS](#)  
DOYLE HARRIS DAVIS HAUGHEY  
1350 SOUTH BOULDER, SUITE 700  
TULSA, OK 74119  
UNITED STATES  
max.harris@1926blaw.com

Serial #: [77689308](#) [Application File](#)

Registration #: [3904929](#)

Application Status: Cancellation Pending

Mark: STEEL EAGLE

Plaintiff

Name: [Sheltered Wings, Inc.](#)

Correspondence: [JENNIFER L GREGOR](#)  
GODFREY KAHN SC  
ONE EAST MAIN STREET, SUITE 500  
MADISON, WI 53703  
UNITED STATES  
jgregor@gklaw.com

Serial #: [77060299](#) [Application File](#)

Registration #: [3787739](#)

Application Status: Registered

Mark: GOLDEN EAGLE

Serial #: [77571568](#) [Application File](#)

Registration #: [3726431](#)

Application Status: Registered

Mark: STRIKE EAGLE

Serial #: [77641594](#) [Application File](#)

Registration #: [3794245](#)

Application Status: Registered

Mark: EAGLE OPTICS

Serial #: [78029311](#) [Application File](#)

Registration #: [2886199](#)

Application Status: Section 8 and 15 - Accepted and Acknowledged

Mark: EAGLE OPTICS

Serial #: [78699411](#) [Application File](#)

Registration #: [3192083](#)

Application Status: Section 8 and 15 - Accepted and Acknowledged

Mark: EAGLE OPTICS

Prosecution History

# Date History Text



Due Date

6/6/13

USPTO TTABVUE. Trademark Trial and Appeal Board Inquiry System

- [38 06/03/2013 P OPP/RESP TO MOTION](#)
- [37 05/30/2013 PAPER RECEIVED AT TTAB](#)
- [36 05/30/2013 PAPER RECEIVED AT TTAB](#)
- [35 05/29/2013 EXT. GRANTED; PROCEEDINGS SUSPENDED PENDING DISP.OF D'S CONSTRUED MOT. TO LIMIT TESTIMONY](#)
- [34 05/17/2013 STIP FOR EXT](#)
- [33 05/17/2013 D'S OBJECTIONS TO P'S PRETRIAL DISCLOSURES](#)
- [32 02/06/2013 EXTENSION OF TIME GRANTED](#)
- [31 02/06/2013 STIPULATION FOR AN EXTENSION OF TIME](#)
- [30 01/15/2013 STIPULATION NOTED AND APPROVED](#)
- [29 01/08/2013 STIPULATED PROTECTIVE ORDER](#)
- [28 11/19/2012 EXTENSION OF TIME GRANTED](#)
- [27 11/19/2012 STIPULATION FOR AN EXTENSION OF TIME](#)
- [26 11/08/2012 DEF'S MOTION FOR SUMMARY JUDGMENT DENIED](#)
- [25 09/14/2012 D OPP/RESP TO MOTION](#)
- [24 09/13/2012 MOTION TO AMEND ANSWER/AMENDED ANSWER OR COUNTERCLAIM](#)
- [23 09/13/2012 D'S REPLY IN SUPPORT OF MOTION](#)
- [22 08/24/2012 DECL OF JACQUELINE SCHWARTZ \(EXHIBIT F\)](#)
- [21 08/24/2012 DECL OF JACQUELINE SCHWARTZ \(EXHIBITS A-E\)](#)
- [20 08/24/2012 DECL OF BEN LIDZAS](#)
- [19 08/24/2012 DECL OF DANIEL HAMILTON \(EXHIBITS 7-17\)](#)
- [18 08/24/2012 DECL OF DANIEL HAMILTON \(EXHIBITS 1-6\)](#)
- [17 08/24/2012 DECL OF JACQUELINE SCHWARTZ \(EXHIBITS J-K\)](#)
- [16 08/24/2012 DECL OF JACQUELINE SCHWARTZ](#)
- [15 08/24/2012 DECL OF DANIEL HAMILTON](#)
- [14 08/24/2012 P'S OPPOSITION/RESPONSE TO MOTION](#)
- [13 08/24/2012 P'S MOTION TO AMEND PLEADING/AMENDED PLEADING](#)
- [12 07/26/2012 SUSPENDED PENDING DISP OF OUTSTNDNG MOT](#)
- [11 07/20/2012 D'S MOTION FOR SUMMARY JUDGMENT](#)
- [10 07/17/2012 EXTENSION OF TIME GRANTED](#)
- [9 07/10/2012 P'S MOT FOR EXTEN. OF TIME W/ CONSENT](#)
- [8 01/05/2012 D'S MOT. TO ACCEPT LATE FILED ANSWER GRANTED; DEFAULT SET ASIDE; TRIAL DATES RESET](#)
- [7 12/30/2011 D'S REPLY IN SUPPORT OF MOTION](#)
- [6 12/28/2011 P'S OPPOSITION/RESPONSE TO MOTION](#)
- [5 12/13/2011 D'S MOTION TO ACCEPT LATE FILED ANSWER](#)
- [4 12/05/2011 NOTICE OF DEFAULT](#)
- [3 10/12/2011 PENDING, INSTITUTED](#)
- [2 10/12/2011 NOTICE AND TRIAL DATES SENT; ANSWER DUE:](#) 11/21/2011
- [1 10/10/2011 FILED AND FEE](#)

Results as of 06/06/2013 06:17 PM [Back to search results](#) Search:

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.	)	
	)	Cancellation No. 92054629
Petitioner,	)	
	)	
v.	)	
	)	
WOHALI OUTDOORS, LLC	)	
	)	
Respondent.	)	
_____	)	

**AMENDED PETITION FOR CANCELLATION**

Petitioner, Sheltered Wings, Inc., (“Sheltered Wings”), a Wisconsin corporation, located and doing business at 2120 W. Greenview Drive, Suite 4, Middleton, Wisconsin 53562, believes that it is being damaged and will continue to be damaged by Registration No. 3,904,929 for the mark STEEL EAGLE (the “STEEL EAGLE Registration”) and accordingly petitions to cancel this registration.

As grounds for cancellation, Sheltered Wings alleges:

1. For years, Sheltered Wings has been engaged in the business of providing optics products, including binoculars, spotting scopes, monoculars, and related equipment, among other things.
2. Since at least as early as 1987, Sheltered Wings has continuously used the term EAGLE in its trademarks for its optics products.
3. Sheltered Wings is the owner of the following United States trademark registrations for its trademarks including the term EAGLE:



Mark/Reg. No.	Application and Registration Dates	Goods and Services	First Use in Commerce in Registration
GOLDEN EAGLE Reg. No. 3,787,739	App: Dec. 8, 2006 Reg: May 11, 2010	Class 9: Binoculars	February 2010
EAGLE OPTICS Reg. No. 2,886,199	App: Oct. 5, 2000 Reg: Sep. 21, 2004	Class 9: Binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefore	April 1, 1996
 Reg. No. 3,192,083	App: Aug. 24, 2005 Reg: Jan. 2, 2007	Class 9: Binoculars, spotting scopes, telescopes, and storage cases therefore, all for use in birdwatching  Class 35: Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefore, all for use in birdwatching	December 2001  1987

The registrations for the marks listed above (the “EAGLE Marks”) are valid and subsisting. Additionally, Registration Nos. 2,886,199 and 3,192,083 are incontestable in accordance with the provisions of Sections 8 and 15 of the United States Trademark Act. (15 U.S.C. §§ 1058 and 1065).

4. Sheltered Wings long has owned valuable goodwill represented by its EAGLE Marks.

5. By virtue of Sheltered Wings’ extensive use, advertising, and promotion of its EAGLE Marks, and long before the filing date of the STEEL EAGLE Registration, the EAGLE Marks became extremely well known and acquired a strong secondary meaning signifying Sheltered Wings.

6. Upon information and belief, respondent, Wohali Outdoors, LLC (“Wohali”), an Oklahoma limited liability company located at 1300 N. Industrial Blvd., Claremore, Oklahoma, 74017 is engaged in the business of providing outdoor gear including rain wear, fishing rods, binoculars, and spotting scopes.

7. Wohali owns Registration No. 3, 904,929 for the trademark STEEL EAGLE for “Magnifying optical equipment, namely, rifle scopes and binoculars,” in Class 9 (the “STEEL EAGLE Registration”), which registration was granted on January 11, 2011, based on an intent-to-use application filed on March 12, 2009.

8. Wohali did not use the trademark STEEL EAGLE in the United States for any goods or services prior to October 21, 2009, the date of first use identified in the STEEL EAGLE Registration.

9. Use by Wohali of the trademark STEEL EAGLE for the goods identified in its registration is likely to confuse the purchasing public as to the source of Wohali’s goods or to cause mistake or to deceive as to an affiliation, connection, or association with Sheltered Wings in violation of Section 2(d) of the United States Trademark Act (15 U.S.C. § 1052(d)).

10. Sheltered Wings is also being damaged by Wohali’s STEEL EAGLE Registration because the United States Trademark Office has refused registration of Sheltered Wings’ pending application Serial No. 85/095,903 for the mark EAGLE for binoculars, riflescopes, spotting scopes, and telescopes in Class 9 in view of the STEEL EAGLE Registration.

WHEREFORE, Sheltered Wings believes that it is being damaged and will continue to be damaged by the STEEL EAGLE Registration and petitions to cancel that registration.

Please deduct the requisite filing fee and any other fees associated with this proceeding from the deposit account of Godfrey & Kahn, S.C., Account No. 07-1509.

Respectfully submitted,

SHELTERED WINGS, INC.

Date: August 24, 2012

By:           /Jennifer L. Gregor/            
James D. Peterson  
Jennifer L. Gregor  
GODFREY & KAHN, S.C.  
One East Main Street, Suite 500  
Madison, Wisconsin 53701-2719  
Tel.: (608) 257-3911  
Fax: (608) 257-0609  
Email: jpeterson@gklaw.com,  
          jgregor@gklaw.com

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Goodman

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**THIS OPINION IS NOT  
A PRECEDENT  
OF THE TTAB**

Mailed: November 8, 2012

Cancellation No. 92054629

Sheltered Wings, Inc.

v.

Wohali Outdoors, LLC

Before Cataldo, Bergsman, and Wolfson, Administrative  
Trademark Judges.

**By the Board:**

This case now comes up on respondent's motion, filed July 20, 2012, for summary judgment. The motion is fully briefed. Petitioner has requested that the Board grant summary judgment in its favor as non-movant.

Additionally, petitioner filed a motion, on August 24, 2012, for leave to amend its pleading to withdraw pleaded Registration nos. 3726431 and 3794245 from the proceeding as the marks are "not currently in use with the goods identified in the registrations." In response to the motion, respondent "denies each and every allegation asserted by the Petitioner."

The motion for leave to amend is granted, and the amended petition to cancel is henceforth the operative pleading in the case. Respondent's response to the motion



Cancellation No. 92054629

for leave to amend is treated as a general denial of the allegations in the amended petition to cancel, and therefore, a formal answer need not be filed.

We now turn to respondent's motion for summary judgment.

A party is entitled to summary judgment when it has demonstrated that there is no genuine dispute as to any material fact and that it is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). In reviewing a motion for summary judgment, the evidentiary record and all reasonable inferences to be drawn from the undisputed facts must be viewed in the light most favorable to the nonmoving party. *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542, 1544 (Fed. Cir. 1992).

Upon consideration of the parties' arguments and evidence, we find that, at a minimum, genuine disputes of material fact remain with respect to the similarities or dissimilarities of the parties' marks and with respect to the strength or weakness of petitioner's pleaded marks. In view thereof, respondent's motion for summary judgment is denied.<sup>1</sup> For the same reason, petitioner's request that the Board grant summary judgment to petitioner as non-movant is

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<sup>1</sup> The fact that we have identified and discussed certain genuine disputes of material fact as a sufficient basis for denying respondent's motion for summary judgment should not be construed as a finding that these are necessarily the only disputes which remain for trial.

## Cancellation No. 92054629

also denied. See *The Clorox Co. v. Chemical Bank*, 40 USPQ2d 1098 (TTAB 1996) (Board may sua sponte enter summary judgment for non-moving party if there are no material facts in dispute and judgment is appropriate as a matter of law).<sup>2</sup>

The parties may stipulate to resolution of this proceeding by means of the Board's accelerated case resolution ("ACR") procedure, either on the current summary judgment record, or as supplemented by the parties, pursuant to an agreement to proceed under ACR. Any such agreement to proceed under ACR on the summary judgment submissions must include a stipulation that the Board may decide any genuine disputes of material fact. The parties may also stipulate to narrow the issues before the Board to streamline the case and provide a joint statement of undisputed facts. If the parties decide to proceed via ACR, they are encouraged to jointly contact the interlocutory attorney responsible for this proceeding by telephone to discuss the possibility of

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<sup>2</sup> The parties should note that the evidence submitted in connection with the motion for summary judgment is of record only for consideration of the motion for summary judgment. Otherwise, to be considered at final hearing, any such evidence must be properly introduced in evidence during the appropriate trial period or stipulated to by the parties as of record for purposes of final decision or determination of this proceeding via accelerated case resolution ("ACR"). See, e.g., *Eveready Battery Co., Inc. v. Green Planet, Inc.*, 91 USPQ2d 1511, 1513 (TTAB 2009) (parties stipulated that evidence submitted in connection with summary judgment motion shall be deemed of record for trial pursuant to Accelerated Case Resolution (ACR)); *Levi Strauss & Co. v. R. Josephs Sportswear Inc.*, 28 USPQ2d 1464, 1465 n. 2. (TTAB 1993) (summary judgment evidence is not part of the record on final decision unless introduced into evidence during trial period).

Cancellation No. 92054629

ACR, any supplementation of the record, and an agreed-upon schedule for proceeding under ACR.

Proceedings are resumed.

Dates are reset as follows:

Expert Disclosures Due	11/19/2012
Discovery Closes	12/19/2012
Plaintiff's Pretrial Disclosures Due	2/2/2013
Plaintiff's 30-day Trial Period Ends	3/19/2013
Defendant's Pretrial Disclosures Due	4/3/2013
Defendant's 30-day Trial Period Ends	5/18/2013
Plaintiff's Rebuttal Disclosures Due	6/2/2013
Plaintiff's 15-day Rebuttal Period Ends	7/2/2013

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**To:** Sheltered Wings, Inc. ([docketing@gklaw.com](mailto:docketing@gklaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85708480 - BOLD EAGLE - 067282  
**Sent:** 12/8/2012 10:34:17 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
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[Attachment - 10](#)  
[Attachment - 11](#)  
[Attachment - 12](#)  
[Attachment - 13](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 85708480

**MARK:** BOLD EAGLE

**\*85708480\***

**CORRESPONDENT ADDRESS:**

JENNIFER L. GREGOR  
GODFREY & KAHN, S.C.  
780 N WATER ST STE 1500  
MILWAUKEE, WI 53202-3590

**CLICK HERE TO RESPOND TO THIS LETTER**  
[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

067282

**CORRESPONDENT E-MAIL ADDRESS:**

docketing@gklaw.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 12/8/2012**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**Likelihood of Confusion – Section 2(d) Refusal**

Registration of the applied-for mark (BOLD EAGLE) is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3904929 (STEEL EAGLE). Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods. *See Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); TMEP §1207.01; *see also In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

**Similarity of Marks**

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Applicant's mark is "BOLD EAGLE".

Registrant's mark is "STEEL EAGLE".

The marks are similar because they all contain the term "EAGLE".

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases, such as “EAGLE”, appearing in both applicant’s and registrant’s mark. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff’d sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and “21” CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

Please note that, where the goods of an applicant and registrant are identical or virtually identical, the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (citing *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 877, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992)); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); TMEP §1207.01(b). Please see Similarity of Goods section below evidencing that registrant’s goods are identical to/encompass all of applicant’s goods.

Accordingly, the relevant marks are sufficiently similar to support a finding of likelihood of confusion.

### Similarity of Goods

The goods of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

The respective goods need only be related in some manner or the conditions surrounding their marketing be such that they will be encountered by the same consumers under circumstances that would lead to the mistaken belief that the goods originate from the same source. *Gen. Mills Inc. v. Fage Dairy Processing Indus.*, 100 USPQ2d 1584, 1597 (TTAB 2012); TMEP §1207.01(a)(i); *see On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d at 1086, 56 USPQ2d at 1475; *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

Applicant’s goods are “ **binoculars**”.

Registrant’s goods are “Magnifying optical equipment, namely, rifle scopes and **binoculars.**”

Therefore, registrant’s goods encompass/are identical to (see bolded goods) all of applicant’s goods. Accordingly, based on the similarity of the marks and the relationship of the goods, registration of the applicant’s mark is refused under Section 2(d) of the Trademark Act. Although the examining attorney has refused registration, the applicant has the option to respond to the refusal to register by submitting evidence and legal arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following

requirement(s).

### **Ownership of Prior Registrations**

If applicant owns U.S. Registration Nos. 3794245, 3192083, 2886199 and other registrations, then applicant must submit for the application record a claim of ownership of these registrations. *See* 37 C.F.R. §2.36; TMEP §812. See the attached copies of the registrations. *See* TMEP §812.

Applicant may use the following format to claim ownership of these registrations:

**Applicant is the owner of U.S. Registration Nos. 3794245, 3787739, 3726431 and others.**

### **Responding to this Office Action**

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

In addition, applicant filed a TEAS Plus application and therefore must respond online using the Trademark Electronic Application System (TEAS) at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp) to avoid incurring an additional fee. *See* 37 C.F.R. §2.23(a)(1), (b).

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

***Telephone/Email Suggested for Questions***

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Meghan Reinhart/  
Examining Attorney  
Law Office 108  
(571) 272-2943  
meghan.reinhart@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**Print: Dec 8, 2012**

**77689308**

**DESIGN MARK**

**Serial Number**

77689308

**Status**

CANCELLATION PENDING

**Word Mark**

STEEL EAGLE

**Standard Character Mark**

Yes

**Registration Number**

3904929

**Date Registered**

2011/01/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Wohali Outdoors, LLC LIMITED LIABILITY COMPANY OKLAHOMA 1300 N.  
Industrial Blvd. Claremore OKLAHOMA 74017

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Magnifying optical equipment, namely, rifle scopes and binoculars.  
First Use: 2009/10/21. First Use In Commerce: 2009/10/21.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEEL" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2009/03/12

**Examining Attorney**

MCMORROW, RONALD

**Attorney of Record**

S. Max Harris

**STEEL EAGLE**

**Print: Dec 8, 2012**

**77060299**

**DESIGN MARK**

**Serial Number**

77060299

**Status**

REGISTERED

**Word Mark**

GOLDEN EAGLE

**Standard Character Mark**

Yes

**Registration Number**

3787739

**Date Registered**

2010/05/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN 2120 W Greenview Dr, Ste 4  
Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars. First Use: 2010/02/00. First Use In Commerce:  
2010/02/00.

**Prior Registration(s)**

2886199;3192083

**Filing Date**

2006/12/08

**Examining Attorney**

LEIPZIG, MARC

**Attorney of Record**

Bennet Langlotz

**GOLDEN EAGLE**

**Print: Dec 8, 2012**

**77571568**

**DESIGN MARK**

**Serial Number**

77571568

**Status**

REGISTERED

**Word Mark**

STRIKE EAGLE

**Standard Character Mark**

Yes

**Registration Number**

3726431

**Date Registered**

2009/12/15

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN 2120 West Greenview Drive,  
Suite 4 Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars; Rifle scopes. First Use: 2009/02/01. First Use In  
Commerce: 2009/02/01.

**Filing Date**

2008/09/16

**Examining Attorney**

SAPP, HEATHER

**Attorney of Record**

Bennet K. Langlotz

**STRIKE EAGLE**

**Print: Dec 8, 2012**

**77641594**

**DESIGN MARK**

**Serial Number**

77641594

**Status**

REGISTERED

**Word Mark**

EAGLE OPTICS

**Standard Character Mark**

Yes

**Registration Number**

3794245

**Date Registered**

2010/05/25

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN 2120 West Greenview Drive,  
Suite 4 Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Riflescopes. First Use: 2010/03/01. First Use In Commerce:  
2010/03/01.

**Prior Registration(s)**

2886199;3192083

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2008/12/30

**Examining Attorney**

ALTREE, NICHOLAS

**Print: Dec 8, 2012**

**77641594**

**Attorney of Record**  
Bennet K. Langlotz

# EAGLE OPTICS

**Print: Dec 8, 2012**

**78029311**

**TYPED DRAWING**

**Serial Number**

78029311

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

EAGLE OPTICS

**Standard Character Mark**

No

**Registration Number**

2886199

**Date Registered**

2004/09/21

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN 2120 W. Greenview Dr. #4  
Middleton WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars, spotting scopes, and telescopes, all for use in bird  
watching, and storage cases therefore. First Use: 1996/01/01. First  
Use In Commerce: 1996/04/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2000/10/05

**Examining Attorney**

RADEMACHER, APRIL L.

**Attorney of Record**

Angela V. Langlotz

**Print: Dec 8, 2012**

**78699411**

**DESIGN MARK**

**Serial Number**

78699411

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

EAGLE OPTICS

**Standard Character Mark**

No

**Registration Number**

3192083

**Date Registered**

2007/01/02

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Sheltered Wings, Inc. CORPORATION WISCONSIN Suite Four 2120 West  
Greenview Drive Middletown WISCONSIN 53562

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Binoculars, spotting scopes, telescopes, and storage cases therefor,  
all for use in birdwatching. First Use: 2001/05/00. First Use In  
Commerce: 2001/12/00.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail  
store, mail order and online retail store services featuring  
binoculars, spotting scopes, telescopes, and storage cases therefor,  
all for use in birdwatching. First Use: 1987/00/00. First Use In  
Commerce: 1987/00/00.

**Prior Registration(s)**

2886199

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS" APART FROM THE

**Print: Dec 8, 2012**

**78699411**

MARK AS SHOWN.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

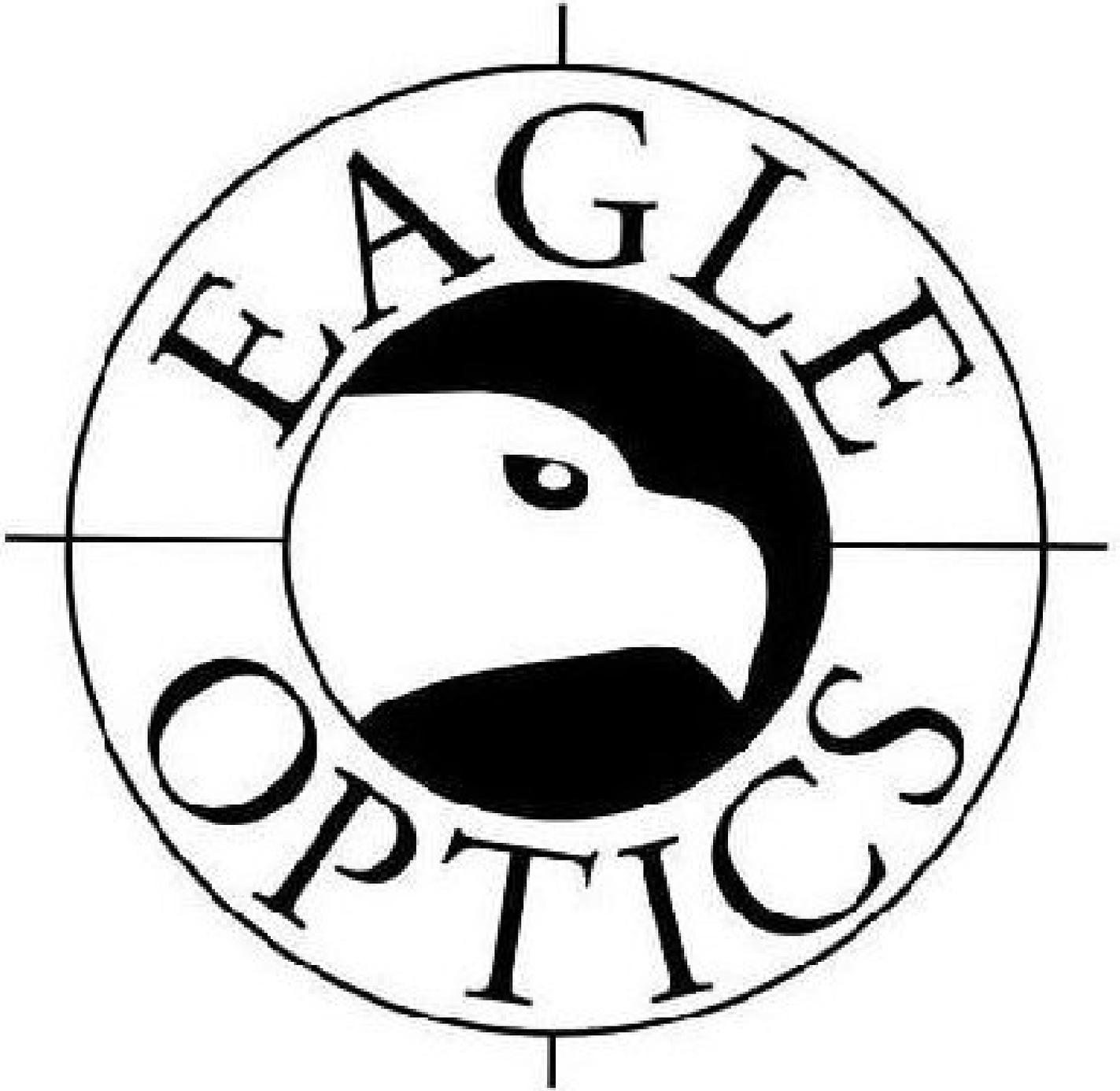
2005/08/24

**Examining Attorney**

DAHLING, KRISTIN

**Attorney of Record**

Bennet K. Langlotz



**To:** Sheltered Wings, Inc. ([docketing@gklaw.com](mailto:docketing@gklaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85708480 - BOLD EAGLE - 067282  
**Sent:** 12/8/2012 10:34:18 AM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **12/8/2012** FOR U.S. APPLICATION SERIAL NO. 85708480

Please follow the instructions below:

(1) **TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **12/8/2012** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit “Reply” to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the**

**ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:mreinhardt \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	10744	N/A	0	0	1:00	*{v:2}{ "gj" }{v0:1}l{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld]
02	4767	N/A	0	0	0:07	*e{v0:1}{ "gj" }{v0:1}l{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld]
03	1707	N/A	0	0	0:04	e{v0:1}{ "gj" }{v0:1}l{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld]
04	837	N/A	0	0	0:04	e{v0:1}{ "gj" }{v0:1}l{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld] and "009"[cc]
05	251	0	251	212	0:03	e{v0:1}{ "gj" }{v0:1}l{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld] and "009"[ic]
06	231	0	231	195	0:02	e{v0:1}{ "gj" }{v0:1}l{v0:1}{ "sz"0:1 }[bi,ti] and live[ld] and "009"[ic]
07	10	0	10	8	0:07	e{v0:1}{ "gj" }{v0:1}l{v0:1}{ "sz"0:1 }*[bi,ti] and live[ld] and (a b 200)[ic]
08	3488	N/A	0	0	0:03	*owl*[bi,ti] and live[ld]
09	4644	N/A	0	0	0:03	*wl*[bi,ti] and live[ld]
10	2814	N/A	0	0	0:03	*aul*[bi,ti] and live[ld]
11	21	0	21	19	0:01	(8 9 10) and 1
12	4874	N/A	0	0	0:05	*e{v}{ "gj" }{V0:1}l{v0:1}{ "Sz"0:1 }*
13	1817	N/A	0	0	0:05	*e{v}{ "gj" }{V0:1}l{v0:1}{ "Sz"0:1 }*[bi,ti] and live[ld]
14	250	0	250	209	0:05	*e{v}{ "gj" }{V0:1}l{v0:1}{ "Sz"0:1 }*[bi,ti] and live[ld] and "009"[ic]
15	249	0	249	208	0:04	*e{v}{ "gj" }{V0:1}l{v0:1}{ "Sz"0:1 }*[bi,ti] and live[ld] and "009"[ic] not 7
16	19	0	19	15	0:04	*e{v}{ "gj" }{V0:1}l{v0:1}{ "Sz"0:1 }*[bi,ti] and live[ld] and "009"[ic] not 5
17	35	0	35	23	0:02	e{v}{ "gj" }{V0:1}l{v0:1}{ "Sz"0:1 }[fm] and live[ld] and "009"[ic]
18	132	0	132	91	0:02	e{v}{ "gj" }{V0:1}l{v0:1}{ "Sz"0:1 }[fm] and live[ld]
19	3301	N/A	0	0	0:02	031501[dc] and live[ld]
20	613	0	7	613	0:03	031507[dc] and live[ld]
21	4	0	4	4	0:01	19 and 20
22	1671	N/A	0	0	0:04	19 and "009"[cc]
23	411	0	48	411	0:03	19 and ("009" a b 200)[ic]
24	2	0	2	2	0:01	20 and 1
25	952	N/A	0	0	0:03	*b{v}ld*[bi,ti] and live[ld]
26	17	0	17	17	0:01	*b{v}ld*[bi,ti] and live[ld] and 1
27	404	N/A	0	0	0:01	*b{v}ld*[bi,ti] and live[ld] and "009"[cc]
28	99	0	99	76	0:01	*b{v}ld*[bi,ti] and live[ld] and "009"[ic]
29	1	0	1	1	0:02	*b{v}ld*[bi,ti] and live[ld] and (a b 200)[ic]
30	11076	N/A	0	0	0:03	*bl{v}{ "ckqx":2 }{ "Sz"0:1 }*[bi,ti] and live[ld]
31	64	0	64	58	0:01	*bl{v}{ "ckqx":2 }{ "Sz"0:1 }*[bi,ti] and live[ld] and 1
32	1305	N/A	0	0	0:02	*bl{v}{ "ckqx":2 }{ "Sz"0:1 }*[bi,ti] and live[ld] and "009"[ic]
33	652	N/A	0	0	0:01	*bla{ "ckqx":2 }{ "Sz"0:1 }*[bi,ti] and live[ld] and "009"[ic]
34	515	N/A	0	0	0:03	bla{ "ckqx":2 }{ "Sz"0:1 }[bi,ti] and live[ld] and "009"[ic]
35	21	0	21	20	0:01	bla{ "ckqx":2 }{ "Sz"0:1 }[fm] and live[ld]
36	86226	N/A	0	0	0:11	*{v}r{v0:1}n*[bi,ti] and live[ld]
37	403	N/A	0	0	0:05	*{v}r{v0:1}n*[bi,ti] and live[ld] and 1
38	31	0	31	27	0:04	*{ "iy" }r{v0:1}n*[bi,ti] and live[ld] and 1
39	698	N/A	0	0	0:04	*{ "iy" }r{v0:1}n*[bi,ti] and live[ld] and "009"[ic]
40	175	0	175	149	0:04	{ "iy" }r{v0:1}n*[bi,ti] and live[ld] and "009"[ic]
41	22	0	22	21	0:05	{ "iy" }r{v0:1}n*[bi,ti] and live[ld] and (a b 200)[ic]
42	2578	N/A	0	0	0:40	*{ "sz" }{v}lv{v0:1}r{ "sz"0:1 }*[bi,ti] and live[ld]
43	11	0	11	9	0:38	*{ "sz" }{v}lv{v0:1}r{ "sz"0:1 }*[bi,ti] and live[ld] and 1

44	2578	N/A	0	0	0:38	*{"sz"}{v}lv{v0:1}r{"sz"0:1}*[bi,ti] and live[lid] and "009"[ic]
45	250	0	250	214	0:38	*{"sz"}{v}lv{v0:1}r{"sz"0:1}*[bi,ti] and live[lid] and "009"[ic]
46	9	0	9	8	0:39	*{"sz"}{v}lv{v0:1}r{"sz"0:1}*[bi,ti] and live[lid] and (a b 200)[ic]
47	5213	N/A	0	0	0:40	*{"sz"}tr{v}{"ckqx":2}{v0:1}{"Sz"0:1}*[bi,ti] and live[lid]
48	1542	N/A	0	0	0:37	*{"sz"}tr{"iy"}{"ckqx":2}{v0:1}{"Sz"0:1}*[bi,ti] and live[lid]
49	228	0	228	205	0:37	*{"sz"}tr{"iy"}{"ckqx":2}{v0:1}{"Sz"0:1}*[bi,ti] and live[lid] and "009"[ic]
50	19	0	19	18	0:38	*{"sz"}tr{"iy"}{"ckqx":2}{v0:1}{"Sz"0:1}*[bi,ti] and live[lid] and (a b 200)[ic]
51	39	0	39	33	0:01	47 and 1

Session started 12/7/2012 5:56:18 AM

Session finished 12/7/2012 6:47:58 AM

Total search duration 8 minutes 56 seconds

Session duration 51 minutes 40 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85708480

**BOLD EAGLE**

**Trademark/Service Mark Application, Principal Register****TEAS Plus Application**

Serial Number: 85708480

Filing Date: 08/21/2012

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">BOLD EAGLE</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BOLD EAGLE
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Sheltered Wings, Inc.
*STREET	2120 W. Greenview Drive, Suite 4
*CITY	Middleton
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	53562
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION

<b>* STATE/COUNTRY OF INCORPORATION</b>	Wisconsin
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	009
<b>* IDENTIFICATION</b>	Binoculars
<b>* FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>* TRANSLATION</b> (if applicable)	
<b>* TRANSLITERATION</b> (if applicable)	
<b>* CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>* CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>* CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Jennifer L. Gregor
<b>ATTORNEY DOCKET NUMBER</b>	067282
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.
<b>STREET</b>	780 N. Water Street
<b>CITY</b>	Milwaukee
<b>STATE</b>	Wisconsin
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>EMAIL ADDRESS</b>	docketing@gklaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	all other attorneys
<b>CORRESPONDENCE INFORMATION</b>	
<b>* NAME</b>	Jennifer L. Gregor
<b>FIRM NAME</b>	Godfrey & Kahn, S.C.

<b>*STREET</b>	780 N. Water Street
<b>*CITY</b>	Milwaukee
<b>*STATE</b> (Required for U.S. applicants)	Wisconsin
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	53202
<b>PHONE</b>	414-273-3500
<b>FAX</b>	414-273-5198
<b>*EMAIL ADDRESS</b>	docketing@gklaw.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Jennifer L. Gregor/
<b>* SIGNATORY'S NAME</b>	Jennifer L. Gregor
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Wisconsin bar member
<b>SIGNATORY'S PHONE NUMBER</b>	414-273-3500
<b>* DATE SIGNED</b>	08/20/2012

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85708480**

**Filing Date: 08/21/2012**

#### To the Commissioner for Trademarks:

**MARK:** BOLD EAGLE (Standard Characters, see [mark](#))

The literal element of the mark consists of BOLD EAGLE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Sheltered Wings, Inc., a corporation of Wisconsin, having an address of  
2120 W. Greenview Drive, Suite 4  
Middleton, Wisconsin 53562  
United States

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

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 009: Binoculars

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Jennifer L. Gregor and all other attorneys of Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
United States

The attorney docket/reference number is 067282.

The applicant's current Correspondence Information:

Jennifer L. Gregor  
Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, Wisconsin 53202  
414-273-3500(phone)  
414-273-5198(fax)

docketing@gklaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /Jennifer L. Gregor/ Date Signed: 08/20/2012

Signatory's Name: Jennifer L. Gregor

Signatory's Position: Attorney of record, Wisconsin bar member

RAM Sale Number: 7390

RAM Accounting Date: 08/21/2012

Serial Number: 85708480

Internet Transmission Date: Tue Aug 21 08:33:30 EDT 2012

TEAS Stamp: USPTO/FTK-72.135.232.140-201208210833300

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f78f2797e8-DA-7390-20120820150910877842

**BOLD EAGLE**

**Generated on:** This page was generated by TSDR on 2013-09-26 13:11:56 EDT

**Mark:** BOLD EAGLE

**BOLD EAGLE**

**US Serial Number:** 85708480      **Application Filing Date:** Aug. 21, 2012  
**Filed as TEAS Plus:** Yes      **Currently TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.  
**Status Date:** Jun. 10, 2013

## Mark Information

**Mark Literal Elements:** BOLD EAGLE  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**Claimed Ownership of US Registrations:** 3726431, 3787739, 3794245 and others

## 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
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Binoculars  
**International Class(es):** 009 - Primary Class      **U.S Class(es):** 021, 023, 026, 036, 038  
**Class Status:** ACTIVE  
**Basis:** 1(b)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> Yes	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Sheltered Wings, Inc.  
**Owner Address:** 2120 W. Greenvew Drive, Suite 4  
Middleton, WISCONSIN 53562  
UNITED STATES  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** WISCONSIN

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Jennifer L. Gregor      **Docket Number:** 067282  
**Attorney Primary Email Address:** [docketing@gklaw.com](mailto:docketing@gklaw.com)      **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** JENNIFER L. GREGOR  
 GODFREY & KAHN, S.C.  
 780 N WATER ST STE 1500  
 MILWAUKEE, WISCONSIN 53202-3590  
 UNITED STATES

**Phone:** 414-273-3500

**Fax:** 414-273-5198

**Correspondent e-mail:** [docketing@gklaw.com](mailto:docketing@gklaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jun. 10, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 10, 2013	LETTER OF SUSPENSION E-MAILED	6332
Jun. 10, 2013	SUSPENSION LETTER WRITTEN	85323
Jun. 08, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 07, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 07, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 08, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2012	NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2012	NON-FINAL ACTION WRITTEN	85323
Dec. 01, 2012	ASSIGNED TO EXAMINER	85323
Aug. 29, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 24, 2012	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information**

**TM Attorney:** REINHART, MEGHAN M

**Law Office Assigned:** LAW OFFICE 108

**File Location**

**Current Location:** TMEG LAW OFFICE 108 - EXAMINING  
 ATTORNEY ASSIGNED

**Date in Location:** Jun. 10, 2013