

ESTTA Tracking number: **ESTTA561837**

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 13 - '739 File History.pdf(1429227 bytes) Ex 14 - Wohali Articles of Organization w Cert.pdf(186492 bytes) Ex 15 - WohaliOK SOS Certificate of LLC.pdf(148637 bytes) Ex 16 - 11-CV-300 2011-04-25 Trademark Complaint, Dkt 1.PDF(231013 bytes) Ex 17 - 11-CV-300 2011-07-07 Foster Decl with Ex. 1, Dkt 10-2.PDF(780700 bytes) Ex 18 - 11-CV-300 2011-07-25 Order Granting Motion to Dismiss, Dkt 11.PDF(159129 bytes) Ex 19 - 2012-06-08 Wohali Responses to SW 1st ROGs.PDF(769753 bytes)

Trial Exhibit	Mark/Reg. No.	Application and Registration Dates	Goods and Services	Attached
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)):

Trial Exhibit	Mark/App. No.	Application Date	Goods	Attached
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

Trial Exhibit	Mark/App. No.	Application Date	Goods	Attached
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 Pledged Registrations (37 C.F.R. §2.122(e)):

Trial Exhibit	Mark/Reg. No.	App./Reg. Date	Goods	Attached
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

Trial Exhibit	Mark/Reg. No.	App./Reg. Date	Goods	Attached
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)):

Trial Exhibit	Description of Attached Documents
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)):

Trial Exhibit	Description of Attached Documents
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	CONFIDENTIAL – FILED UNDER SEAL 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: http://www.nikon.com/products/sportoptics/lineup/dl/catalogue/SportOptics2013-2014.pdf , downloaded on September 26, 2013.
26	Printout of http://www.opticsale.com/nikon-eagleview-8-24x25-zoom-silver-binoculars-7497-2071-prd1.html , printed September 26, 2013, showing the Nikon Eagleview binocular status as “discontinued.”
27	Printout of http://www.opticsplanet.com/nikon-8-24x25-eagleview-zoom-ii-binoculars.html , printed September 26, 2013, showing that Nikon’s Eagleview binoculars are no longer carried by Optics Planet.
28	Printout of http://www.authorizedoptics.com/discontinued-nikon-binoculars.html , printed September 26, 2013, showing that Nikon’s Eagleview binoculars are discontinued.
29	Printout of http://www.kitterytradingpost.com/product.php/prodid/2598 , 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.
One East Main Street, Suite 500
Madison, Wisconsin 53701-2719
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Fax: (608) 257-0609
Email: jpeterson@gklaw.com,
 jgregor@gklaw.com

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

Case: 3:11-cv-00300-bbc Document #: 8 Filed: 06/29/11 Page 1 of 2

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the Western District of Wisconsin on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 11-CV-300	DATE FILED 4/25/2011	U.S. DISTRICT COURT for the Western District of Wisconsin
PLAINTIFF Sheltered Wings, Inc.		DEFENDANT Wohali Outdoors, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		See Attachment A
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

Next page

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Peter Oppeneer, Clerk of Court	(BY) DEPUTY CLERK s/Lynn Kamke, Deputy Clerk	DATE 6/29/2011
-----------------------------------------	-------------------------------------------------	-------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Case: 3:11-cv-00300-bbc Document #: 8 Filed: 06/29/11 Page 2 of 2

AO_120 (Rev. 08/10)

**ATTACHMENT A
TO
REPORT ON THE FILING OR DETERMINATION OF AN
ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court *for the Western District of Wisconsin* on the following:

Trademark

Docket No.: 11-CV-300	Date Filed: 04/25/2011	U.S. District Court: for the Western District of Wisconsin
Plaintiff Sheltered Wings, Inc.		Defendant Wohali Outdoors, LLC
Patent or Trademark No.	Date of Patent or Trademark	Holder of Patent or Trademark
1. 3,192,083	01/02/2007	Sheltered Wings, Inc.
2. 2,886,199	09/21/2004	Sheltered Wings, Inc.
3. 3,794,245	05/25/2010	Sheltered Wings, Inc.
4. 3,726,431	12/15/2009	Sheltered Wings, Inc.
5. 3,787,739	05/11/2010	Sheltered Wings, Inc.
6. 3,904,929	01/11/2011	Wohali Outdoors, LLC

6294805_1

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. Kyffers

Director of the United States Patent and Trademark Office

From: TMOfficialNotices@USPTO.GOV
Sent: Saturday, April 3, 2010 00:10 AM
To: trademark@langlotz.com
Subject: Trademark Serial Number 77060299 : Official USPTO Notice of Acceptance of Statement of Use

NOTICE OF ACCEPTANCE OF STATEMENT OF USE

Serial Number: 77-060,299
Mark: GOLDEN EAGLE(STANDARD CHARACTER MARK)
Owner: Sheltered Wings, Inc.
Reference Number:

The USPTO has accepted the Statement of Use filed for the trademark application identified above. The mark will now register and the registration certificate will issue in due course barring any extraordinary circumstances.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

To check the status of an application, go to <http://tarr.uspto.gov/>.

Trademark Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LEIPZIG, MARC J	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	04/03/2010		
PUB DATE	06/26/2007		
STATUS	819-SU - REGISTRATION REVIEW COMPLETE		
STATUS DATE	04/02/2010		
LITERAL MARK ELEMENT	GOLDEN 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)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	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	GOLDEN EAGLE

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

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Sheltered Wings, Inc.
ADDRESS	2120 W Greenview Dr, Ste 4 2120 West Greenview Drive Middletown, 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	02/00/2010	FIRST USE IN COMMERCE DATE	02/00/2010	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2886199 3192083

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/03/2010	SUNA	E	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	035
04/02/2010	REGV	O	LAW OFFICE REGISTRATION REVIEW COMPLETED	034
03/29/2010	ALIE	A	ASSIGNED TO LIE	033
03/29/2010	CNPR	P	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	032
03/12/2010	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	031
03/11/2010	IUAF	S	USE AMENDMENT FILED	030
03/11/2010	EISU	I	TEAS STATEMENT OF USE RECEIVED	029
10/01/2009	EX4G	S	EXTENSION 4 GRANTED	028
09/17/2009	EXT4	S	EXTENSION 4 FILED	027

10/01/2009	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	026
09/17/2009	EEXT	I	TEAS EXTENSION RECEIVED	025
08/27/2009	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	024
03/18/2009	EX3G	S	EXTENSION 3 GRANTED	023
03/18/2009	EXT3	S	EXTENSION 3 FILED	022
03/18/2009	EEXT	I	TEAS EXTENSION RECEIVED	021
10/03/2008	DOCK	D	ASSIGNED TO EXAMINER	020
09/13/2008	EX2G	S	EXTENSION 2 GRANTED	019
09/13/2008	EXT2	S	EXTENSION 2 FILED	018
09/13/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/08/2008	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	016
09/08/2008	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	015
03/18/2008	EX1G	S	EXTENSION 1 GRANTED	014
03/18/2008	EXT1	S	EXTENSION 1 FILED	013
03/18/2008	EEXT	I	TEAS EXTENSION RECEIVED	012
09/18/2007	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	011
06/26/2007	PUBO	A	PUBLISHED FOR OPPOSITION	010
06/06/2007	NPUB	O	NOTICE OF PUBLICATION	009
04/24/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	008
04/24/2007	ALIE	A	ASSIGNED TO LIE	007
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Bennet Langlotz
CORRESPONDENCE ADDRESS	Bennet Langlotz Langlotz Patent & Trademark Works, Inc. PO Box 96503 # 37585 Washington DC 20090-6503
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Sheltered Wings, Inc.

ADDRESS	Suite Four 2120 West Greenview Drive Middletown, WI 53562
ENTITY	03-CORPORATION
CITIZENSHIP	Wisconsin

GOLDEN EAGLE

Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LEIPZIG, MARC J	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	03/30/2010		
PUB DATE	06/26/2007		
STATUS	818-SU - STATEMENT OF USE ACCEPTED - APPROVED FOR REGISTRATION		
STATUS DATE	03/29/2010		
LITERAL MARK ELEMENT	GOLDEN 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)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	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	GOLDEN EAGLE

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

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DESCRIPTION TEXT	Binoculars

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OWNER OF US REG NOS	2886199 3192083

PROSECUTION HISTORY

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03/18/2008	EX1G	S	EXTENSION 1 GRANTED	014
03/18/2008	EXT1	S	EXTENSION 1 FILED	013
03/18/2008	EEXT	I	TEAS EXTENSION RECEIVED	012
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06/26/2007	PUBO	A	PUBLISHED FOR OPPOSITION	010
06/06/2007	NPUB	O	NOTICE OF PUBLICATION	009
04/24/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	008
04/24/2007	ALIE	A	ASSIGNED TO LIE	007
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Bennet Langlotz
CORRESPONDENCE ADDRESS	Bennet Langlotz Langlotz Patent & Trademark Works, Inc. PO Box 96503 # 37585 Washington DC 20090-6503
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Sheltered Wings, Inc.
ADDRESS	Suite Four 2120 West Greenview Drive Middletown, WI 53562

ENTITY	03-CORPORATION
CITIZENSHIP	Wisconsin

GOLDEN EAGLE

Trademark Snap Shot ITU Unit Action

(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LEIPZIG, MARC J	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	03/13/2010		
PUB DATE	06/26/2007		
STATUS	748-STATEMENT OF USE - TO EXAMINER		
STATUS DATE	03/12/2010		
LITERAL MARK ELEMENT	GOLDEN 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	GOLDEN EAGLE

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

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Sheltered Wings, Inc.
ADDRESS	2120 W Greenview Dr, Ste 4 2120 West Greenview Drive Middletown, 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	02/00/2010	FIRST USE IN COMMERCE DATE	02/00/2010	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2886199 3192083

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/12/2010	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	031
03/11/2010	IUAF	S	USE AMENDMENT FILED	030
03/11/2010	EISU	I	TEAS STATEMENT OF USE RECEIVED	029
10/01/2009	EX4G	S	EXTENSION 4 GRANTED	028
09/17/2009	EXT4	S	EXTENSION 4 FILED	027
10/01/2009	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	026
09/17/2009	EEXT	I	TEAS EXTENSION RECEIVED	025
08/27/2009	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	024
03/18/2009	EX3G	S	EXTENSION 3 GRANTED	023

03/18/2009	EXT3	S	EXTENSION 3 FILED	022
03/18/2009	EEXT	I	TEAS EXTENSION RECEIVED	021
10/03/2008	DOCK	D	ASSIGNED TO EXAMINER	020
09/13/2008	EX2G	S	EXTENSION 2 GRANTED	019
09/13/2008	EXT2	S	EXTENSION 2 FILED	018
09/13/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/08/2008	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	016
09/08/2008	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	015
03/18/2008	EX1G	S	EXTENSION 1 GRANTED	014
03/18/2008	EXT1	S	EXTENSION 1 FILED	013
03/18/2008	EEXT	I	TEAS EXTENSION RECEIVED	012
09/18/2007	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	011
06/26/2007	PUBO	A	PUBLISHED FOR OPPOSITION	010
06/06/2007	NPUB	O	NOTICE OF PUBLICATION	009
04/24/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	008
04/24/2007	ALIE	A	ASSIGNED TO LIE	007
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Bennet Langlotz
CORRESPONDENCE ADDRESS	Bennet Langlotz Langlotz Patent & Trademark Works, Inc. PO Box 96503 # 37585 Washington DC 20090-6503
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

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



GOLDEN EAGLE



Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77060299
LAW OFFICE ASSIGNED	LAW OFFICE 115
EXTENSION OF USE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GOLDEN EAGLE
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	Binoculars
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	02/00/2010
FIRST USE IN COMMERCE DATE	02/00/2010
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT9\IMAGEOUT9\770\602\77060299\xml1\SO U0002.JPG
SPECIMEN DESCRIPTION	mark applied directly to the goods
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	

DECLARATION SIGNATURE	/angela v. langlotz/
SIGNATORY'S NAME	Angela V. Langlotz
SIGNATORY'S POSITION	Attorney of Record, Nevada bar member
DATE SIGNED	03/11/2010
FILING INFORMATION	
SUBMIT DATE	Thu Mar 11 16:10:23 EST 2010
TEAS STAMP	USPTO/SOU-66.233.1.102-20 100311161023440834-770602 99-4602c9865327060896f109 85e7c34fc243d-CC-2584-201 00311151431462397

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: GOLDEN EAGLE
SERIAL NUMBER: 77060299

The applicant, Sheltered Wings, Inc., having an address of
2120 W Greenview Dr, Ste 4
Middletown, Wisconsin 53562
United States
is submitting the following allegation of use information:

For International Class 009:
Current identification: Binoculars

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 02/00/2010, and first used in commerce at least as early as 02/00/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) mark applied directly to the goods.

[Specimen File 1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark 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). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The 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 may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form 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 form is being filed under 15 U.S.C. Section 1126(d) or (e), 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: 03/11/2010

Signatory's Name: Angela V. Langlotz

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

RAM Sale Number: 2584

RAM Accounting Date: 03/12/2010

Serial Number: 77060299

Internet Transmission Date: Thu Mar 11 16:10:23 EST 2010

TEAS Stamp: USPTO/SOU-66.233.1.102-20100311161023440

834-77060299-4602c9865327060896f10985e7c

34fc243d-CC-2584-20100311151431462397



FEE RECORD SHEET

Serial Number: 77060299



RAM Sale Number: 2584

Total Fees: \$100

RAM Accounting Date: 20100312

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20100311	\$100	1	\$100

Transaction Date: 20100311



Side - 1



**NOTICE OF APPROVAL
OF EXTENSION REQUEST
MAILING DATE: Oct 2, 2009**

A Notice of Allowance issued for the trademark application identified below on Sep 18, 2007. The FOURTH request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 77060299
MARK: GOLDEN EAGLE
OWNER: Sheltered Wings, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

Bennet Langlotz
Langlotz Patent & Trademark Works, Inc.
PO Box 96503 # 37585
Washington, DC 20090-6503

Trademark Snap Shot ITU Unit Action

(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LEIPZIG, MARC J	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	10/02/2009		
PUB DATE	06/26/2007		
STATUS	733-FOURTH EXTENSION - GRANTED		
STATUS DATE	10/01/2009		
LITERAL MARK ELEMENT	GOLDEN 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	GOLDEN EAGLE

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

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Sheltered Wings, Inc.
ADDRESS	2120 W Greenview Dr, Ste 4 2120 West Greenview Drive Middletown, 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	2886199 3192083

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/01/2009	EX4G	S	EXTENSION 4 GRANTED	028
09/17/2009	EXT4	S	EXTENSION 4 FILED	027
10/01/2009	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	026
09/17/2009	EEXT	I	TEAS EXTENSION RECEIVED	025
08/27/2009	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	024
03/18/2009	EX3G	S	EXTENSION 3 GRANTED	023
03/18/2009	EXT3	S	EXTENSION 3 FILED	022
03/18/2009	EEXT	I	TEAS EXTENSION RECEIVED	021
10/03/2008	DOCK	D	ASSIGNED TO EXAMINER	020

09/13/2008	EX2G	S	EXTENSION 2 GRANTED	019
09/13/2008	EXT2	S	EXTENSION 2 FILED	018
09/13/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/08/2008	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	016
09/08/2008	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	015
03/18/2008	EX1G	S	EXTENSION 1 GRANTED	014
03/18/2008	EXT1	S	EXTENSION 1 FILED	013
03/18/2008	EEXT	I	TEAS EXTENSION RECEIVED	012
09/18/2007	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	011
06/26/2007	PUBO	A	PUBLISHED FOR OPPOSITION	010
06/06/2007	NPUB	O	NOTICE OF PUBLICATION	009
04/24/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	008
04/24/2007	ALIE	A	ASSIGNED TO LIE	007
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Bennet Langlotz
CORRESPONDENCE ADDRESS	Bennet Langlotz Langlotz Patent & Trademark Works, Inc. PO Box 96503 # 37585 Washington DC 20090-6503
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

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

GOLDEN EAGLE

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77060299
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GOLDEN EAGLE
OWNER SECTION (current)	
NAME	Sheltered Wings, Inc.
STREET	Suite Four
CITY	Middletown
STATE	Wisconsin
ZIP/POSTAL CODE	53562
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	Sheltered Wings, Inc.
STREET	2120 W Greenview Dr, Ste 4
CITY	Middletown
STATE	Wisconsin
ZIP/POSTAL CODE	53562
COUNTRY	United States
EMAIL	trademark@langlotz.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009

CURRENT IDENTIFICATION	Binoculars
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	4
ONGOING EFFORT	product or service research or development
ALLOWANCE MAIL DATE	09/18/2007
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/angela v. langlotz/
SIGNATORY'S NAME	Angela V. Langlotz
SIGNATORY'S POSITION	Attorney of record, Nevada bar member
DATE SIGNED	09/17/2009
FILING INFORMATION	
SUBMIT DATE	Thu Sep 17 13:22:03 EDT 2009
TEAS STAMP	USPTO/ESU-24.22.72.82-200 90917132203017766-7706029 9-46050e91e83abd924fc164a 331e22b3e0ea-CC-11602-200 90917124518974968

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: GOLDEN EAGLE
SERIAL NUMBER: 77060299

The applicant, Sheltered Wings, Inc., having an address of
2120 W Greenview Dr, Ste 4
Middletown, Wisconsin 53562
United States

requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 09/18/2007.

For International Class 009:
Current identification: Binoculars

The applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance or as subsequently modified for this specific class.

This is the fourth extension request. The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods and/or services covered by the extension request: product or service research or development

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

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 may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form 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 form is being filed under 15 U.S.C. Section 1126(d) or (e), 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: 09/17/2009
Signatory's Name: Angela V. Langlotz
Signatory's Position: Attorney of record, Nevada bar member

RAM Sale Number: 11602
RAM Accounting Date: 09/17/2009

Serial Number: 77060299
Internet Transmission Date: Thu Sep 17 13:22:03 EDT 2009
TEAS Stamp: USPTO/ESU-24.22.72.82-200909171322030177
66-77060299-46050e91e83abd924fc164a331e2
2b3e0ea-CC-11602-20090917124518974968

TEAS ROUTING SHEET

To: INTENT TO USE UNIT

Work Loc: INTENT TO USE SECTION

Doc Type: Extension Request for SOU



Serial Number: 77060299



Mark: GOLDEN EAGLE

Mail Date: 2009/09/17



Examiner Number: 74816



**Examiner Name:
LEIPZIG, MARC J**

LIE Number: 78413



**LIE Name:
CLARK, CHERYL A**

L.O. Assigned: LAW OFFICE 115

Special Instruction(s):

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Extension Request for SOU	7004	20090917	\$150	1	\$150

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77060299
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	GOLDEN EAGLE
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	Bennet Langlotz Langlotz Patent Works, Inc. PO Box 759 Genoa Nevada 89411 United States 877 230 5950 877 230 5950 patent@langlotz.com
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	Bennet Langlotz Langlotz Patent & Trademark Works, Inc. PO Box 96503 # 37585 Washington District of Columbia United States 20090-6503 877-230-5950 877-230-5950 trademark@langlotz.com
SIGNATURE SECTION	
SIGNATURE	/bennet k. langlotz/
SIGNATORY NAME	Bennet K. Langlotz
SIGNATORY DATE	08/27/2009
SIGNATORY POSITION	Attorney of record, District of Columbia bar member
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	

SUBMIT DATE	Thu Aug 27 14:12:31 EDT 2009
TEAS STAMP	USPTO/CCA-67.169.220.35-2 0090827141231573664-73139 473-440fe1262fcfb8e98501a 9fbe35329171d6-N/A-N/A-20 090827140709707264

Side - 1



**NOTICE OF APPROVAL
OF EXTENSION REQUEST
MAILING DATE: Mar 20, 2009**

A Notice of Allowance issued for the trademark application identified below on Sep 18, 2007. The THIRD request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 77060299
MARK: GOLDEN EAGLE
OWNER: Sheltered Wings, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

Bennet Langlotz
Langlotz Patent Works, Inc.
PO Box 759
Genoa, NV 89411

Trademark Snap Shot ITU Unit Action

(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LEIPZIG, MARC J	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	03/20/2009		
PUB DATE	06/26/2007		
STATUS	732-THIRD EXTENSION - GRANTED		
STATUS DATE	03/18/2009		
LITERAL MARK ELEMENT	GOLDEN 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	GOLDEN EAGLE

MARK DRAWING CODE	4-STANDARD CHARACTER MARK						
COLOR DRAWING FLAG	NO						
CURRENT OWNER INFORMATION							
PARTY TYPE	20-OWNER AT PUBLICATION						
NAME	Sheltered Wings, Inc.						
ADDRESS	Suite Four 2120 West Greenview Drive Middletown, 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
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION	NO						
OWNER OF US REG NOS	2886199 3192083						
PROSECUTION HISTORY							
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM			
03/18/2009	EX3G	S	EXTENSION 3 GRANTED	023			
03/18/2009	EXT3	S	EXTENSION 3 FILED	022			
03/18/2009	EEXT	I	TEAS EXTENSION RECEIVED	021			
10/03/2008	DOCK	D	ASSIGNED TO EXAMINER	020			
09/13/2008	EX2G	S	EXTENSION 2 GRANTED	019			
09/13/2008	EXT2	S	EXTENSION 2 FILED	018			
09/13/2008	EEXT	I	TEAS EXTENSION RECEIVED	017			
09/08/2008	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	016			
09/08/2008	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	015			

03/18/2008	EX1G	S	EXTENSION 1 GRANTED	014
03/18/2008	EXT1	S	EXTENSION 1 FILED	013
03/18/2008	EEXT	I	TEAS EXTENSION RECEIVED	012
09/18/2007	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	011
06/26/2007	PUBO	A	PUBLISHED FOR OPPOSITION	010
06/06/2007	NPUB	O	NOTICE OF PUBLICATION	009
04/24/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	008
04/24/2007	ALIE	A	ASSIGNED TO LIE	007
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Bennet Langlotz
CORRESPONDENCE ADDRESS	Bennet Langlotz Langlotz Patent Works, Inc. PO Box 759 Genoa NV 89411
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

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

GOLDEN EAGLE

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77060299
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GOLDEN EAGLE
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	Binoculars
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	3
ONGOING EFFORT	product or service research development
ALLOWANCE MAIL DATE	09/18/2007
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/bennet langlotz/
SIGNATORY'S NAME	Bennet Langlotz

SIGNATORY'S POSITION	Attorney of record, D.C. Bar member
DATE SIGNED	03/18/2009
FILING INFORMATION	
SUBMIT DATE	Wed Mar 18 17:22:23 EDT 2009
TEAS STAMP	USPTO/ESU-75.95.107.108-2 0090318172223425997-77060 299-4404c60a8a4cfc479bfaa 5927fbbd6875-CC-2689-2009 0318171925168364

PTO Form 1581 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 09/30/2011)

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF APPROVAL OF EXTENSION REQUEST

Sep 16, 2008

TM15

ATTORNEY

REFERENCE NUMBER:

Bennet Langlotz
Langlotz Patent Works, Inc.
PO Box 759
Genoa NV 89411

SERIAL NUMBER: 77/060299

MARK: GOLDEN EAGLE

OWNER: Sheltered Wings, Inc.

EXTENSION REQUEST NUMBER: 2 **NOTICE OF ALLOWANCE DATE:** Sep 18, 2007

A Notice of Allowance was issued on Sep 18, 2007 for the trademark application identified above. The SECOND request for Extension of Time to File a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information please check the USPTO web site at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot ITU Unit Action

(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ROTH, JASON I	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	09/16/2008		
PUB DATE	06/26/2007		
STATUS	731-SECOND EXTENSION - GRANTED		
STATUS DATE	09/13/2008		
LITERAL MARK ELEMENT	GOLDEN 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	GOLDEN EAGLE

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

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Sheltered Wings, Inc.
ADDRESS	Suite Four 2120 West Greenview Drive Middletown, 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	2886199 3192083

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/13/2008	EX2G	S	EXTENSION 2 GRANTED	019
09/13/2008	EXT2	S	EXTENSION 2 FILED	018
09/13/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/08/2008	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	016
09/08/2008	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	015
03/18/2008	EX1G	S	EXTENSION 1 GRANTED	014
03/18/2008	EXT1	S	EXTENSION 1 FILED	013
03/18/2008	EEXT	I	TEAS EXTENSION RECEIVED	012
09/18/2007	NOAM	O	NOTICE OF ALLOWANCE-MAILED	011

06/26/2007	PUBO	A	PUBLISHED FOR OPPOSITION	010
06/06/2007	NPUB	O	NOTICE OF PUBLICATION	009
04/24/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	008
04/24/2007	ALIE	A	ASSIGNED TO LIE	007
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Bennet Langlotz
CORRESPONDENCE ADDRESS	Bennet Langlotz Langlotz Patent Works, Inc. PO Box 759 Genoa NV 89411
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

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

GOLDEN EAGLE

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77060299
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GOLDEN EAGLE
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	Binoculars
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	2
ONGOING EFFORT	product or service research development
ALLOWANCE MAIL DATE	09/18/2007
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/bennet langlotz/
SIGNATORY'S NAME	Bennet Langlotz

SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	09/13/2008
FILING INFORMATION	
SUBMIT DATE	Sat Sep 13 17:50:36 EDT 2008
TEAS STAMP	USPTO/ESU-75.95.97.127-20 080913175036596602-770602 99-40075e7b082235b21226b6 09cdc19d44cd6-CC-4807-200 80913174630553604

PTO Form 1581 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 09/30/2011)

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

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

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77060299
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	GOLDEN EAGLE
ATTORNEY SECTION	
ORIGINAL ADDRESS	Stephen P. McNamara ST. ONGE STEWARD JOHNSTON & REENS LLC 03584-T0050A 986 BEDFORD STREET STAMFORD CT 06905-5619 203-327-1096 203-324-6155 tm-pto@ssjr.com
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	Stephen P. McNamara ST. ONGE STEWARD JOHNSTON & REENS LLC 03584-T0050A 986 BEDFORD STREET STAMFORD CT 06905-5619 203-327-1096 203-324-6155 tm-pto@ssjr.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	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:
NAME	Bennet Langlotz
FIRM NAME	Langlotz Patent Works, Inc.
STREET	PO Box 759

CITY	Genoa
STATE	Nevada
COUNTRY	United States
POSTAL/ZIP CODE	89411
PHONE	877 230 5950
FAX	877 230 5950
EMAIL	patent@langlotz.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW CORRESPONDENCE ADDRESS	
NAME	Bennet Langlotz
FIRM NAME	Langlotz Patent Works, Inc.
STREET	PO Box 759
CITY	Genoa
STATE	Nevada
COUNTRY	United States
POSTAL/ZIP CODE	89411
PHONE	877 230 5950
FAX	877 230 5950
EMAIL	patent@langlotz.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
SIGNATURE SECTION	
SIGNATURE	/Daniel C. Hamilton/
SIGNATORY NAME	Dan Hamilton
SIGNATORY DATE	09/09/2008
SIGNATORY POSITION	President
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Sep 09 09:33:56 EDT 2008
TEAS STAMP	USPTO/RAA-75.95.97.127-20 080909093356258632-789703 20-400aef779694e4b65c208f

	1fca94ae818f-N/A-N/A-2008 0908181040203694
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PTO Form 2196 (Rev 9/2005)
OMB No. 0651-0056 (Exp 09/30/2011)

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

To the Commissioner for Trademarks:

MARK: GOLDEN EAGLE

SERIAL NUMBER: 77060299

The original attorney

Stephen P. McNamara
ST. ONGE STEWARD JOHNSTON & REENS LLC
03584-T0050A
986 BEDFORD STREET
STAMFORD CT 06905-5619
203-327-1096
203-324-6155
tm-pto@ssjr.com

Original Correspondence Address :

Stephen P. McNamara
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619
203-327-1096
203-324-6155
tm-pto@ssjr.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:

Newly Appointed Attorney:

Bennet Langlotz
Langlotz Patent Works, Inc.
PO Box 759
Genoa, Nevada 89411
United States
877 230 5950
877 230 5950

The following is to be used as the correspondence address:

Bennet Langlotz
Langlotz Patent Works, Inc.
PO Box 759
Genoa, Nevada 89411
United States

877 230 5950
877 230 5950
patent@langlotz.com

Signature: /Daniel C. Hamilton/ Date: 09/09/2008
Signatory's Name: Dan Hamilton
Signatory's Position: President

Serial Number: 77060299
Internet Transmission Date: Tue Sep 09 09:33:56 EDT 2008
TEAS Stamp: USPTO/RAA-75.95.97.127-20080909093356258
632-78970320-400aef779694e4b65c208f1fca9
4ae818f-N/A-N/A-20080908181040203694



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF APPROVAL OF EXTENSION REQUEST

Mar 20, 2008

TM15

ATTORNEY

REFERENCE NUMBER:

Stephen P. McNamara
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

03584-T0050A

SERIAL NUMBER: 77/060299

MARK: GOLDEN EAGLE

OWNER: Sheltered Wings, Inc.

EXTENSION REQUEST NUMBER: 1 **NOTICE OF ALLOWANCE DATE:** Sep 18, 2007

A Notice of Allowance was issued on Sep 18, 2007 for the trademark application identified above. The FIRST request for Extension of Time to File a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information please check the USPTO web site at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot ITU Unit Action

(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ROTH, JASON I	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	03/20/2008		
PUB DATE	06/26/2007		
STATUS	730-FIRST EXTENSION - GRANTED		
STATUS DATE	03/18/2008		
LITERAL MARK ELEMENT	GOLDEN 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	GOLDEN EAGLE

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

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Sheltered Wings, Inc.
ADDRESS	Suite Four 2120 West Greenview Drive Middletown, 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	2886199 3192083

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/18/2008	EX1G	S	EXTENSION 1 GRANTED	014
03/18/2008	EXT1	S	EXTENSION 1 FILED	013
03/18/2008	EEXT	I	TEAS EXTENSION RECEIVED	012
09/18/2007	NOAM	O	NOTICE OF ALLOWANCE-MAILED	011
06/26/2007	PUBO	A	PUBLISHED FOR OPPOSITION	010
06/06/2007	NPUB	O	NOTICE OF PUBLICATION	009
04/24/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	008
04/24/2007	ALIE	A	ASSIGNED TO LIE	007
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006

03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Stephen P. McNamara
CORRESPONDENCE ADDRESS	Stephen P. McNamara ST. ONGE STEWARD JOHNSTON & REENS LLC 986 BEDFORD STREET STAMFORD CT 06905-5619
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

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

GOLDEN EAGLE

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77060299
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GOLDEN EAGLE
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Stephen P. McNamara
FIRM NAME	ST. ONGE STEWARD JOHNSTON & REENS LLC
STREET	986 BEDFORD STREET
CITY	STAMFORD
STATE	Connecticut
POSTAL CODE	06905-5619
COUNTRY	United States
PHONE	203-324-6155
FAX	203-327-1096
EMAIL	tm-pto@ssjr.com
ATTORNEY DOCKET NUMBER	03584-T0050A
ATTORNEY SECTION (proposed)	
NAME	Stephen P. McNamara
FIRM NAME	ST. ONGE STEWARD JOHNSTON & REENS LLC
STREET	986 BEDFORD STREET

CITY	STAMFORD
STATE	Connecticut
POSTAL CODE	06905-5619
COUNTRY	United States
PHONE	203-324-6155
FAX	203-327-1096
EMAIL	tm-pto@ssjr.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	03584-T0050A
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	Binoculars
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	09/18/2007
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/spmcnamara-slp/
SIGNATORY'S NAME	Stephen P. McNamara
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	03/18/2008
FILING INFORMATION	
SUBMIT DATE	Tue Mar 18 12:05:03 EDT 2008
TEAS STAMP	USPTO/ESU-12.170.101.6-20 080318120503882242-770602 99-400af6b9c511a96d3589ae

	ed887bc248dec-CC-7059-200 80318120132026926
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PTO Form 1581 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 09/30/2011)

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

U.S. Patent and Trademark Office (USPTO)
NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Sep 18, 2007

STEPHEN P. MCNAMARA
 ST. ONGE STEWARD JOHNSTON & REENS LLC
 986 BEDFORD STREET
 STAMFORD, CT 06905-5619

ATTORNEY
 REFERENCE NUMBER

03584-T0050A

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. **FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.**

Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees.

Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 77/060299
 MARK: GOLDEN EAGLE (STANDARD CHARACTER MARK)
 OWNER: Sheltered Wings, Inc.
 Suite Four
 2120 West Greenview Drive
 Middletown , WISCONSIN 53562

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

009 - Binoculars -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

Side - 1



NOTICE OF PUBLICATION UNDER §12(a)
MAILING DATE: Jun 6, 2007
PUBLICATION DATE: Jun 26, 2007

The mark identified below will be published in the Official Gazette on Jun 26, 2007. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 77060299
MARK: GOLDEN EAGLE
OWNER: Sheltered Wings, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

STEPHEN P MCNAMARA
ST ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD ST
STAMFORD, CT 06905-5619

Trademark Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ROTH, JASON I	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	04/25/2007		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	04/24/2007		
LITERAL MARK ELEMENT	GOLDEN 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	GOLDEN 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	Suite Four 2120 West Greenview Drive Middletown, 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
---------------------	-----	----------------	------	----------------------------	------	--------------	----------

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2886199 3192083

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/24/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	008
04/24/2007	ALIE	A	ASSIGNED TO LIE	007
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Stephen P. McNamara
CORRESPONDENCE ADDRESS	STEPHEN P. MCNAMARA ST. ONGE STEWARD JOHNSTON & REENS LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619
DOMESTIC REPRESENTATIVE	NONE

GOLDEN EAGLE

Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ROTH, JASON I	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	04/03/2007		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	03/31/2007		
LITERAL MARK ELEMENT	GOLDEN 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	GOLDEN 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	Suite Four 2120 West Greenview Drive 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
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION	NO						
OWNER OF US REG NOS	2886199 3192083						
PROSECUTION HISTORY							
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM			
03/31/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006			
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005			
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004			
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003			
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER	002			
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001			
CURRENT CORRESPONDENCE INFORMATION							
ATTORNEY	Stephen P. McNamara						

CORRESPONDENCE ADDRESS	STEPHEN P. MCNAMARA ST. ONGE STEWARD JOHNSTON & REENS LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619
DOMESTIC REPRESENTATIVE	NONE

GOLDEN EAGLE

Trademark Snap Shot Amendment & Mail Processing Stylesheet

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

OVERVIEW

SERIAL NUMBER	77060299	FILING DATE	12/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ROTH, JASON I	L.O. ASSIGNED	115

PUB INFORMATION

RUN DATE	03/31/2007		
PUB DATE	N/A		
STATUS	647-EXAMINERS AMENDMENT - MAILED		
STATUS DATE	03/30/2007		
LITERAL MARK ELEMENT	GOLDEN 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	GOLDEN 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	Suite Four 2120 West Greenview Drive Middletown, 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
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION	NO						
OWNER OF US REG NOS	2886199 3192083						
PROSECUTION HISTORY							
DATE	ENT CD	ENT TYPE	DESCRIPTION				ENT NUM
03/30/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED				005
03/30/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED				004
03/30/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN				003
03/30/2007	DOCK	D	ASSIGNED TO EXAMINER				002
12/13/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM				001
CURRENT CORRESPONDENCE INFORMATION							
ATTORNEY	Stephen P. McNamara						
CORRESPONDENCE ADDRESS	STEPHEN P. MCNAMARA ST. ONGE STEWARD JOHNSTON & REENS LLC						

	986 BEDFORD STREET STAMFORD, CT 06905-5619
DOMESTIC REPRESENTATIVE	NONE

GOLDEN EAGLE

To: Sheltered Wings, Inc. (tm-pto@ssjr.com)
Subject: TRADEMARK APPLICATION NO. 77060299 - GOLDEN EAGLE - 03584-T0050A
Sent: 3/30/07 5:59:18 PM
Sent As: ECOM115@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/060299

APPLICANT: Sheltered Wings, Inc.

77060299

CORRESPONDENT ADDRESS:

STEPHEN P. MCNAMARA
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

RETURN ADDRESS:

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

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: GOLDEN EAGLE

CORRESPONDENT'S REFERENCE/DOCKET NO : 03584-T0050A

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:
tm-pto@ssjr.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 77/060299

EXAMINER'S AMENDMENT

OFFICE RECORDS SEARCH: The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

ADVISORY – AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a)

and TMEP §1402.07(e).

AMENDMENT(S) AUTHORIZED: As authorized by Stephen McNamara on March 30, 2007, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Prior Registrations

The following claim of ownership is added to the record:

Applicant is the owner of U.S. Registration Nos. 2886199 and 3192083.

37 C.F.R. §2.36; TMEP §812.

/Jason I. Roth/
Trademark Attorney
Law Office 115
(571)272-8258

*** User:jroth ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	17597	N/A	0	0	0:01	*gold*[bi,ti]
02	9047	N/A	0	0	0:05	*e{v0:1}g{v0:2}l*[bi,ti]
03	80	0	55	30	0:01	1 and 2 and live[ld]
04	3511	N/A	0	0	0:03	e{v0:1}g{v0:2}l*[bi,ti]
05	702	N/A	0	0	0:02	4 and "009"[cc] and live[ld]
06	1192	N/A	0	0	0:02	2 and (a b 200 "009")[ic]
07	220	N/A	0	0	0:01	5 and (a b 200 "009")[ic]
08	3471	N/A	0	0	0:01	*eagle*[bi,ti]
09	513	N/A	0	0	0:02	8 and (a b 200 "009")[ic]
10	216	0	43	42	0:02	8 and (a b 200 "009")[ic] and live[ld]
11	10	0	10	3	0:01	7 not 10
12	6199	N/A	0	0	0:01	*gold{v:2}n*[bi,ti]
13	173	0	29	29	0:01	12 and (a b 200 "009")[ic] and live[ld]

Session started 3/30/07 5:17:22 PM

Session finished 3/30/07 5:41:40 PM

Total search duration 0 minutes 23 seconds

Session duration 24 minutes 18 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77060299

GOLDEN EAGLE

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77060299

Filing Date: 12/08/2006

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

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	GOLDEN EAGLE
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	GOLDEN EAGLE
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Sheltered Wings, Inc.
*STREET	2120 West Greenview Drive
INTERNAL ADDRESS	Suite Four
*CITY	Middletown
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	53562
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
LEGAL ENTITY INFORMATION	

*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Wisconsin
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	009
*DESCRIPTION	Binoculars
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Stephen P. McNamara
ATTORNEY DOCKET NUMBER	03584-T0050A
FIRM NAME	St. Onge Steward Johnston & Reens LLC
STREET	986 Bedford Street
CITY	Stamford
STATE	Connecticut
COUNTRY	United States
ZIP/POSTAL CODE	06905-5619
PHONE	203-324-6155
FAX	203-327-1096
EMAIL ADDRESS	tm-pto@ssjr.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Andy I. Corea, Gene S. Winter, Wesley W. Whitmyer, Jr., Richard J. Basile, Todd M. Oberdick, David Chen, Steven B. Simonis, David W. Aldrich, James P. Jeffry,

	Benjamin J. Lehberger, Christopher H. Strate, Walter B. Welsh and Benjamin C. White
CORRESPONDENCE INFORMATION	
*NAME	Stephen P. McNamara
FIRM NAME	St. Onge Steward Johnston & Reens LLC
*STREET	986 Bedford Street
* CITY	Stamford
* STATE (Required for U.S. applicants)	Connecticut
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	06905-5619
PHONE	203-324-6155
FAX	203-327-1096
* EMAIL ADDRESS	tm-pto@ssjr.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275
SIGNATURE INFORMATION	
* SIGNATURE	/s/mcnamara/
* SIGNATORY'S NAME	Stephen P. McNamara
SIGNATORY'S POSITION	Attorney of Record
* DATE SIGNED	12/08/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Dec 08 15:59:12 EST 2006
TEAS STAMP	USPTO/FTK-12.170.101.6-20 061208155913006754-770602 99-3605c76c64b68b5dec983d 2d82120fc8638-CC-232-2006 1208143724008585

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77060299

Filing Date: 12/08/2006

To the Commissioner for Trademarks:

Correspondence Information: Stephen P. McNamara

986 Bedford Street

Stamford, Connecticut 06905-5619

203-324-6155(phone)

203-327-1096(fax)

tm-pto@ssjr.com (authorized)

A fee payment in the amount of \$275 will be 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: /spmcnamara/ Date: 12/08/2006

Signatory's Name: Stephen P. McNamara

Signatory's Position: Attorney of Record

RAM Sale Number: 232

RAM Accounting Date: 12/11/2006

Serial Number: 77060299

Internet Transmission Date: Fri Dec 08 15:59:12 EST 2006

TEAS Stamp: USPTO/FTK-12.170.101.6-20061208155913006
754-77060299-3605c76c64b68b5dec983d2d821
20fc8638-CC-232-20061208143724008585

GOLDEN EAGLE

02/10/2009 02:20 PM
OKLAHOMA SECRETARY OF STATE



ARTICLES OF ORGANIZATION OF AN OKLAHOMA LIMITED LIABILITY COMPANY

TO: OKLAHOMA SECRETARY OF STATE
2300 N Lincoln Blvd., Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105-4897
(405) 521-3912

The undersigned, for the purpose of forming an Oklahoma limited liability company pursuant to the provisions of 18 O.S., Section 2004, does hereby execute the following articles:

1. The name of the limited liability company (Note: The name must contain either the words **limited liability company** or **limited company** or the abbreviations **LLC, LC, L.L.C. or L.C.** The word limited may be abbreviated as **Ltd.** and the word Company may be abbreviated as **Co.**):

_____ Wohali Outdoors, L.L.C. _____

2. The street address of its principal place of business, wherever located:

_____ 13521 E. 11th St _____ Tulsa _____ OK _____ 74108 _____
Street address City State Zip Code

3. The name and street address of the resident agent in the state of Oklahoma:

_____ Pat Guest _____ 13521 E 11th St _____ Tulsa _____ OK _____ 74108 _____
Name Street Address City State Zip Code
(P.O. Boxes are not acceptable.)

4. The term of existence: _____

_____ ongoing _____

Articles of organization must be signed by at least one person who need not be a member of the limited liability company.

Dated: _____ 02-09-09 _____

Signature: _____ Pat Guest _____

Type or Print Name: _____ Pat Guest _____

Address: _____ 13521 E. 11th St _____ Tulsa _____ OK _____ 74108 _____

RECEIVED (SOS FORM 0073-11/99)

FEB 10 2009

OKLAHOMA SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE



CERTIFIED COPY OF ONE PARTICULAR DOCUMENT

CERTIFICATE

I THE UNDERSIGNED, Secretary of State, of the State of Oklahoma do hereby certify that, to the date of this certificate, the attached is a true and correct copy of the document on file as described below of:

NAME OF ENTITY
WOHALI OUTDOORS, L.L.C.

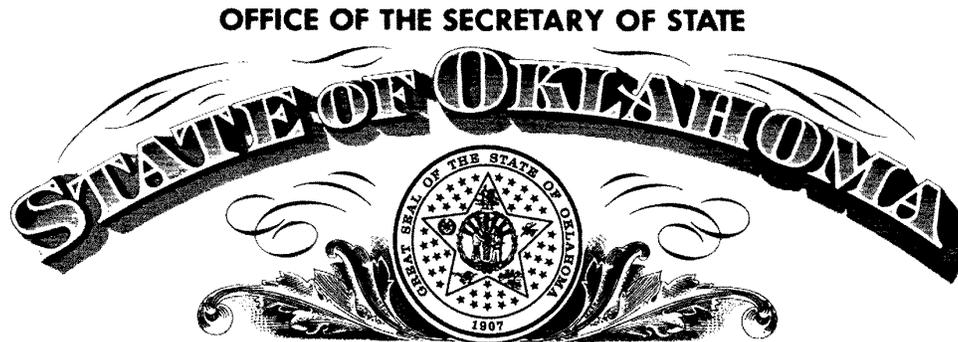
DOCUMENT TYPE
Articles of Organization

DOCUMENT FILING DATE
February 10, 2009



IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the Great Seal of the State of Oklahoma, done at the City of Oklahoma City, this 9th, day of September, 2013.

Secretary Of State



**CERTIFICATE
OF
LIMITED LIABILITY COMPANY**

WHEREAS, the Articles of Organization of

WOHALI OUTDOORS, L.L.C.

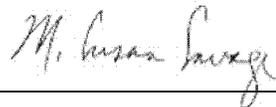
an Oklahoma limited liability company has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.



*Filed in the city of Oklahoma City this
10th day of February, 2009.*



Secretary of State

Case: 3:11-cv-00300 Document #: 1 Filed: 04/25/11 Page 1 of 14

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

<p>SHELTERED WINGS, INC., a Wisconsin corporation,</p> <p>Plaintiff,</p> <p>vs.</p> <p>WOHALI OUTDOORS, LLC, an Oklahoma limited liability company,</p> <p>Defendant.</p>	<p>Civil Case No. 11-CV-300 JURY TRIAL DEMANDED</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------

COMPLAINT

Plaintiff Sheltered Wings, Inc. (“Plaintiff”) hereby files its complaint and alleges as follows:

1. This is an action for trademark infringement, false designation of origin, unfair competition and related claims against Defendant Wohali Outdoors, LLC (“Defendant”) based on Defendant’s unauthorized and unlawful use of Plaintiff’s EAGLE mark. Plaintiff brings this action under the Federal Lanham Act and common law to recover damages and enjoin Defendant’s unlawful conduct and for other relief as set forth in this Complaint. Plaintiff also brings this action to cancel Defendant’s federal registration of the STEEL EAGLE trademark inasmuch as it covers precisely the same goods on which Plaintiff has used the EAGLE trademark and Plaintiff has more than two decades of priority using the EAGLE mark in connection with optics.

JURISDICTION AND VENUE

2. This is an action for trademark infringement and unfair competition under the Lanham Act (a.k.a. Trademark Act of 1946, 15 U.S.C. § 1051-1127, as amended), common law trademark infringement, and related state law claims.

3. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 (federal question), 28 U.S.C. 1338(a) (trademarks), and 15 U.S.C. § 1121 (trademarks). This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a) because those claims arise from a common nucleus of operative facts alleged in Plaintiff's federal claims.

4. This Court has personal jurisdiction over Defendant under Wis. Stat. § 801.05(1), (3) and (4) because it is engaged in substantial and not isolated business in this District, actions giving rise to this lawsuit have occurred in this District, and Defendant has caused damage to Plaintiff in this District and goods of the Defendant were used in the District in the ordinary course of trade. In addition, Defendant resides in this district as that term is legally defined.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391.

THE PARTIES

6. Plaintiff is a Wisconsin corporation doing business as Eagle Optics with its principal place of business in Middleton, Wisconsin. Among other things, Plaintiff provides among other things, binoculars, spotting scopes, monoculars, and related equipment under a family of EAGLE trademarks throughout the United States.

7. Upon information and belief, Defendant is an Oklahoma limited liability company with its principal place of business in Claremore, Oklahoma. Among other things, Defendant

provides magnifying binoculars, scopes and related equipment under the STEEL EAGLE trademark throughout the United States.

GENERAL ALLEGATIONS

I. PLAINTIFF'S RIGHTS

8. Plaintiff owns valuable rights in its trademarks.

9. Plaintiff's extensive trademark rights derive from longstanding and widespread use.

10. Plaintiff owns a series of United States trademark registrations for a family of EAGLE trademarks including EAGLE OPTICS (U.S. TM Reg. No. 3,192,083), EAGLE OPTICS (U.S. TM Reg. No. 2,886,199), EAGLE OPTICS (U.S. TM Reg. No. 3,794,245), STRIKE EAGLE (U.S. TM Reg. No. 3,726,431), and GOLDEN EAGLE (U.S. TM Reg. No. 3,787,739), among others.

11. Plaintiff's trademark rights in the family of EAGLE trademarks derive from longstanding and widespread use of the EAGLE mark in connection with optics (namely binoculars, spotting scopes, telescopes, and related equipment) dating back to at least 1987.

12. Plaintiff also enjoys broad common law trademark rights in the EAGLE trademarks. As a part of its family of EAGLE trademark rights, Plaintiff enjoys common law rights in the EAGLE mark alone. For example, Plaintiff has used the mark EAGLE OPTICS in connection with optics dating back at least as early as 1987. Optics is generic and describes the type of products that Plaintiff sells under the EAGLE mark. Therefore, the most significant and proprietary portion of the goodwill associated with the EAGLE OPTICS trademark is the EAGLE mark used in connection with the sale of optics.

13. Plaintiff's federally registered and common law trademarks in its EAGLE family of marks are herein referred to as the "EAGLE Family of Marks" or "Plaintiff's Mark."

14. As a result of Plaintiff's long and extensive uses, Plaintiff's Mark has become well known and highly respected in the optics industry as a distinctive symbol of the highest quality products.

15. Plaintiff's goods have been widely advertised and extensively promoted under Plaintiff's Mark, and Plaintiff's Mark has become, through widespread and favorable public acceptance and recognition, an asset of substantial value as a symbol of Plaintiff, its exceedingly high quality goods, and its goodwill.

16. Plaintiff enjoys remarkable success and an enviable reputation in its field due in large part to its longstanding use of, and rights in, Plaintiff's Mark.

17. As a result of Plaintiff's favorable reputation and considerable investment in and promotion of its goodwill, Plaintiff's Mark has become synonymous with Plaintiff and its high quality goods.

18. Plaintiff enforces its rights herein under Plaintiff's Mark in order to ensure Plaintiff's continued success and excellent reputation.

19. Plaintiff's Mark has been extensively and continuously advertised and promoted to the public by Plaintiff through various means and modes including but not limited to, over the Internet. By reason of such advertising and promotion, Plaintiff has provided quality goods to many customers throughout the United States.

20. By reason of Plaintiff's advertising and promotion under Plaintiff's Mark, the public has come to recognize Plaintiff's goods as solely emanating from Plaintiff.

II. DEFENDANT'S MISCONDUCT

21. Defendant is using the STEEL EAGLE mark in connection with the sale of optics (namely, binoculars, scopes and related equipment).

22. Defendant's use of the STEEL EAGLE mark is confusingly similar to Plaintiff's Mark and thus constitutes unlawful use of Plaintiff's Mark.

23. Defendant's use of Plaintiff's Mark is likely to cause consumer confusion and a false association between Plaintiff's goods and the goods offered by Defendant, falsely leading consumers to believe that the products emanate from the same source or that Plaintiff and Defendant are affiliated.

24. On information and belief, such diversion has resulted in, and will continue to result in, substantial and irreparable harm to Plaintiff, and to consumers in this District. Such use could tarnish the goodwill associated with Plaintiff's Mark.

25. This offering to the public of goods by Defendant under Plaintiff's Mark has been and is, without permission or authority of Plaintiff and without any legitimate license to Plaintiff's Mark.

26. Defendant has used Plaintiff's Mark in this District as a forum for its infringing activities.

27. Defendant has engaged in the transaction of business and activities and the commission of tortious acts in the state of Wisconsin, and are subject to the jurisdiction of this Court.

28. By using Plaintiff's Mark and offering goods for sale thereunder, Defendant has misrepresented and falsely described to the general public the origin and source of Defendant's goods so as to deceive the public and deliberately create a likelihood of confusion, cause

mistake, or deceive as to the affiliation, connection, or association of Defendant with Plaintiff, or as to the origin, sponsorship, or approval of Defendant's goods by the ultimate purchaser as to both the source and sponsorship of Defendant's goods.

29. Defendant's infringing activities are causing, or are likely to cause, irreparable injury to Plaintiff, including injury to its business reputation.

30. Defendant's infringing activities have, do, and are likely to permit Defendant to pass off its goods as those of Plaintiff, all to the detriment of Plaintiff, and to the unjust enrichment of Defendant.

31. Defendant's infringing activities have caused, currently cause, and are likely to continue to cause, damage to Plaintiff by tarnishing the valuable reputation and image associated with Plaintiff and its goods. Defendant has further passed off their goods in interstate commerce, as those of Plaintiff by Defendant's activities and many continuing misrepresentations to the consuming public, members of which are likely to, and do, believe that Defendant's activities and related goods emanate from or are associated with Plaintiff.

32. Defendant's infringing activities result in irreparable harm and injury to Plaintiff. Among other harms, Defendant's misconduct:

- A. deprives Plaintiff of its absolute right to determine the manner in which its goods are presented to the general public;
- B. deceives the public as to the origin and sponsorship of such goods.
- C. wrongfully trades upon Plaintiff's reputation and exclusive rights in its trademarks; and

D. to the extent Defendant's goods are or may be of inferior quality or unauthorized for sale or distribution, irreparably harms and injures Plaintiff's reputation.

33. Plaintiff is entitled to an injunction restraining Defendant, their officers, agents, servants, employees, and attorneys, and all persons acting in concert with them, from engaging in any further acts in violation of Plaintiff's rights.

34. Plaintiff is further entitled to recover from Defendant the damages, including treble damages, interest, and attorneys' fees and costs it has sustained and will sustain and any gains, profits, and advantages obtained by Defendant as a result of Defendant's acts. At present, the amount of such damages, gains, profits, and advantages cannot be fully ascertained by Plaintiff.

35. Defendant wrongfully obtained a registration for the STEEL EAGLE mark (U.S. TM Reg. No. 3,904,949). Defendant's first use of this formative EAGLE mark in connection with optics came no earlier than late 2009, more than 22 years after Plaintiff began using the EAGLE mark in connection with optics throughout the United States.

36. Defendant has no rights in the STEEL EAGLE mark in connection with optics. Accordingly, U.S. TM Reg. No. 3,904,929 should be cancelled.

37. Plaintiff sent a cease and desist letter to Defendant in late 2010. Defendant failed to acknowledge the letter or send a reply. Accordingly, regardless of its prior knowledge, Defendant now has knowledge of Plaintiff's trademark rights and its ongoing misconduct constitutes a willful violation of Plaintiff's trademark rights.

CAUSES OF ACTION

COUNT I

(TRADEMARK INFRINGEMENT UNDER § 32 OF THE LANHAM ACT)

38. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs.

39. Plaintiff possesses a valid registrations issued by the USPTO for Plaintiff's Mark.

40. Defendant's actions as described above, including Defendant's use of Plaintiff's Mark to promote its business interests, is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Defendant with Plaintiff, or as to the origin, sponsorship or approval of Defendant's products by Plaintiff. Defendant's conduct constitutes trademark infringement in violation of § 32 of the Lanham Act (15 U.S.C. § 1114).

41. Defendant's trademark infringement has caused and continues to cause damage and irreparable injury to the value and goodwill of Plaintiff's registered mark, as well as damages and irreparable injury to Plaintiff's business, goodwill, and reputation. Plaintiff has no adequate remedy at law because damages are continuing and difficult to ascertain. On information and belief, Defendant's continued use of Plaintiff's Mark is deliberate, willful, fraudulent, and constitutes a knowing infringement of Plaintiff's Mark, and makes this case exceptional.

42. By virtue of the foregoing, Plaintiff is entitled to an award of treble damages under § 35(a) of the Lanham Act (15 U.S.C. § 1117(a)).

43. By virtue of the foregoing, Plaintiff is entitled to an award of attorneys' fees under § 35(a) of the Lanham Act (15 U.S.C. § 1117(a)).

44. By virtue of the foregoing, Plaintiff is entitled to injunctive relief and monetary damages against Defendant.

COUNT II
(TRADEMARK INFRINGEMENT UNDER § 43(a)(1)(A) OF THE LANHAM ACT)

45. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs.

46. Defendant has used in commerce words, terms and names that are likely to cause confusion, or to cause mistake or to deceive, as to whether Defendant are affiliated, connected, or associated with Plaintiff and/or as to whether Plaintiff originated, sponsored or approved of Defendant's activities.

47. By so acting, Defendant has violated § 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).

48. Plaintiff has been and will continue to be damaged by such wrongful actions.

49. Because Defendant's actions, on information and belief, were intentional, willful and/or deliberate, Plaintiff is entitled to an award of treble damages under § 35(a) of the Lanham Act (15 U.S.C. § 1117(a)).

50. On information and belief, this is an exceptional case, and thus Plaintiff is entitled to an award of attorneys' fees under § 35(a) of the Lanham Act (15 U.S.C. § 1117(a)).

51. By reason of the foregoing, Plaintiff is entitled to injunctive relief and monetary damages against Defendant.

COUNT III
(COMMON LAW TRADEMARK INFRINGEMENT)

52. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs.

53. Plaintiff's Mark is distinctive and has acquired secondary meaning.

54. Defendant's actions, as alleged above, infringe Plaintiff's common law trademark rights under federal common law, Wisconsin common law, and constitute acts of unfair competition.

55. By reason of the foregoing, Plaintiff is entitled to injunctive relief and monetary damages against Defendant.

56. The infringing activities of Defendant, on information and belief, are willful and intentional, thereby justifying an award of exemplary and/or punitive damages.

**COUNT IV
(MISREPRESENTATION IN VIOLATION OF WIS. STAT. § 100.18)**

57. Plaintiff realleges and incorporates by reference all of the foregoing paragraphs.

58. Defendant has used made representations to third parties in Wisconsin that are untrue, deceptive or misleading as to whether Defendant are affiliated, connected, or associated with Plaintiff and/or as to whether Plaintiff originated, sponsored or approved of Defendant's activities.

59. By so acting, Defendant has violated Wis. Stat. § 100.18(1).

60. Plaintiff has been and will continue to be damaged and suffer pecuniary loss by such wrongful actions.

61. By reason of the foregoing, Plaintiff is entitled to an injunctive relief and an award of damages and costs including reasonable attorneys fees under Wis. Stat. § 100.18(11)(b).

**COUNT V
(UNJUST ENRICHMENT)**

62. Plaintiff realleges and incorporates by this reference all of the foregoing paragraphs.

63. Defendant has benefited from the improper, unfair, and unauthorized use of Plaintiff's Mark and goodwill attendant thereto, as alleged above.

64. Defendant has knowledge and fully appreciates the benefits it has received from Plaintiff as a result of such actions.

65. Defendant would be unjustly enriched if they were permitted to retain the proceeds obtained from such actions.

66. Equity and good conscience dictate that Defendant be required to account for and turn over to Plaintiff an amount equal to the value of the benefits conferred upon them.

**COUNT VI
(CANCELLATION OF TRADEMARK)**

67. Plaintiff realleges and incorporates by this reference all of the foregoing paragraphs.

68. Defendant first began using the STEEL EAGLE mark in connection with optics in approximately October of 2009. Plaintiff's use of the EAGLE mark and the EAGLE Family of Marks in connection with optics commenced at least as early as 1987 – approximately 22 years before Defendant's first use.

69. Defendant's use of the STEEL EAGLE mark is confusingly similar to Plaintiff's longstanding use of the EAGLE mark and the EAGLE Family of Marks.

70. Defendant has no trademark rights in the STEEL EAGLE mark.

71. Defendant's federal registration (U.S. TM Reg. No. 3,904,929) was wrongfully obtained.

72. Plaintiff has been and will continued to be damaged by Defendant's purported federal trademark registration.

73. Pursuant to 15 U.S.C. §§ 1064 and 1119, the Court should direct the United States Patent and Trademark Office to cancel Trademark Registration No. 3,904,929.

JURY DEMAND

Plaintiff demands that all claims and causes of action raised in this Complaint against Defendant be tried to a jury to the fullest extent possible under the United States and Wisconsin Constitutions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

A. Preliminarily and permanently enjoining Defendant, and all other persons participating or acting in concert with them, from infringing any of Plaintiff's rights in Plaintiff's Mark.

B. Preliminarily and permanently enjoining Defendant, and all other persons participating or acting in concert with them, from using any marks similar to Plaintiff's Mark that are likely to cause confusion or mistake as to whether Defendant are authorized by or affiliated with Plaintiff and as to whether Defendant's goods have been authorized or sponsored by Plaintiff;

C. Preliminarily and permanently enjoining Defendant, and all other persons participating or acting in concert with them, from engaging in unfair competition;

D. Preliminarily and permanently enjoining Defendant, and all other persons acting in concert with them, from making a false representation as to the source, sponsorship, approval, or certification of goods by their use of Plaintiff's Mark.

E. Preliminarily and permanently enjoining Defendant, and all other persons acting in concert with them, from making a false representation as to affiliation, connection, association with, or certification by another, by their use of Plaintiff's Mark.

F. An order of the Court directing Defendant to deliver up to Plaintiff all literature, advertisements, business forms, signs, and any other representations, regardless of form, which are in, or come to be in, Defendant's possession, custody, or control and which bear Plaintiff's Mark or any other confusingly similar variant to Plaintiff's Mark, and an order from the Court compelling Defendant to notify their direct customers, agents, and representatives that Defendant's misuse of Plaintiff's Mark or any confusingly similar variant is not connected with Plaintiff.

G. An order from the Court directing Defendant to provide an accounting of all revenues and profits gained by Defendant while engaging in the acts complained of in this Complaint.

H. Awarding Plaintiff its actual damages, and awarding Plaintiff any additional damages that the Court deems just and equitable under the circumstances of the case;

I. Awarding Plaintiff treble damages in accordance with § 35 of the Lanham Act (15 U.S.C. § 1117) on the claim asserted under § 43(a) of the Lanham Act (15 U.S.C. § 1125(a));

J. Establishment of a constructive trust consisting of profits from or obtained by Defendant's wrongful acts, to be held for the benefit of Plaintiff;

K. Awarding Plaintiff damages to which it is entitled based upon Defendant's unjust enrichment.

L. Plaintiff respectfully requests that the Court order that Trademark Registration No. 3,904,929 be cancelled pursuant to 15 U.S.C. §§ 1064 and 1119.

M. Awarding Plaintiff prejudgment interest at the rate established under 26 U.S.C. § 6621(a)(2) from the date of service of the Complaint through the date of judgment;

N. Awarding Plaintiff its allowable costs and attorneys' fees; and

O. Awarding Plaintiff such other and/or further relief as is just and equitable.

Dated this 25th day of April, 2011.

s/ James D. Peterson

James D. Peterson

James D. Peterson

jpeterson@gklaw.com

Jennifer L. Gregor

jgregor@gklaw.com

GODFREY & KAHN, S.C.

One East Main Street, Suite 500

Post Office Box 2719

Madison, WI 53701-2719

Telephone: (608) 257-3911

Facsimile: (608) 257-0609

Of counsel:

L. Grant Foster

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Brett L. Foster

bfoster@hollandhart.com

Steve Sansom

smsanson@hollandhart.com

HOLLAND & HART LLP

222 South Main Street, Suite 2200

Salt Lake City, UT 84101

Telephone: (801) 799-5800

Facsimile: (801) 799-5700

Attorneys for Plaintiff

Sheltered Wings, Inc.

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6291532_3

Declaration.

of Sheltered Wings' statement in its motion that it seeks dismissal of this lawsuit without prejudice for economic reasons. See Opposition at 4 (Dkt. 6). I respond to that issue in this Declaration.

3. In its opposition papers, Wohali Outdoors, LLC ("Wohali") questions the veracity of Sheltered Wings' statement in its motion that it seeks dismissal of this lawsuit without prejudice for economic reasons. See Opposition at 4 (Dkt. 6). I respond to that issue in this Declaration.

2. I have personal knowledge of the matters set forth in this Declaration or believe the matters presented below to be true based upon the knowledge and information I have received and reviewed as intellectual property counsel for Sheltered Wings in connection with this matter.

1. Holland & Hart LLP serves as counsel for the Plaintiff, Sheltered Wings, Inc. ("Sheltered Wings"), in connection with a number of their intellectual property matters.

I, Brett L. Foster, testify under oath and penalty of perjury as follows:

DECLARATION OF BRETT L. FOSTER

<p>SHeltered Wings, Inc., a Wisconsin corporation, Plaintiff,</p> <p>vs.</p> <p>WOHALI OUTDOORS, LLC, an Oklahoma limited liability company, Defendant.</p>	<p>Civil Case No. 11-CV-300</p>
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

the proposed agreement remaining.

page and that the terms would likely be agreeable, leaving only minor tweaks to the language of with me the next day. My telephonic discussions with him suggested that we were on the same proposal. Once I provided him with a proposed agreement, he indicated that he would be back the e-mails attached as Exhibit 1 indicate, Mr. Harris was anxious to receive our settlement transition away from that mark by selling the remainder of its inventory over a year's time. As market presence. He requested that the settlement agreement include a provision for Wohali to that Wohali would likely settle and simply discontinue using the mark given their *de minimus* 7. Mr. Harris informed me that Wohali had inventory of only \$25,000. He indicated

the STEEL EAGLE mark in connection with optics.

related products under the STEEL EAGLE mark, and that Wohali had only a "miniscule" use of as Exhibit 1. Mr. Harris informed me that Wohali's primary business involved selling fishing settlement via e-mail. Our e-mail exchanges relating to our settlement discussions are attached for Wohali, Steve Harris. I spoke with Mr. Harris a number of times. We also discussed 6. After the lawsuit was served, I commenced settlement discussions with counsel

arranged for service of process.

James Peterson, of the Godfrey & Kahn law firm, to serve as record counsel. Our law firm 5. Sheltered Wings thereafter elected to prepare and file a complaint. It retained

that letter.

Wohali in an effort to amicably resolve this dispute before filing a complaint. Wohali ignored 4. Sheltered Wings' trademark prosecution counsel sent a cease and desist letter to

8. On the day I expected Mr. Harris' response to the proposed settlement agreement, he called me and indicated that Wohali's insurance company was going to cover the claim and that insurance counsel would be entering an appearance. I told Mr. Harris that he should have the new insurance counsel call me to discuss the status of our settlement discussions. Insurance counsel never called. Instead, the first notice I received from Wohali's new counsel was a notice from Sheltered Wings' record counsel indicating that an answer had been filed.

9. I thereafter immediately requested that insurance counsel for Wohali (Mark Leitner) contact me to discuss the parties' respective positions on the proposed settlement agreement. After several attempts to communicate via email, we were finally able to talk telephonically. At that time, insurance counsel for Wohali indicated that they would no longer be settling the case.

10. Notwithstanding this disappointing development, given what Sheltered Wings learned about the miniscule nature of Wohali's business and the insignificant amount of inventory, Sheltered Wings elected to dismiss the lawsuit. It viewed Wohali's infringement as *de minimus*. The cost to litigate a trademark infringement case can run several hundred thousand dollars, an expensive prospect simply not justified given the non-existent commercial impact created by Wohali's alleged infringement.

11. Insurance counsel for Wohali mistakenly believes that the Office Action on Sheltered Wings' trademark application, rather than Plaintiff's explanation that the litigation would not be cost-effective, is the real reason for the effort to seek dismissal. Nothing could be further from the truth. Simply put, the conclusions of the United States Patent and Trademark Office's trademark examining attorney ("Examiner") that the parties' respective uses of the

EAGLE and STEEL EAGLE marks in connection with the optics are likely to cause confusion – is precisely what Sheltered Wings pleaded in this case as a basis for relief. Therefore, it appears that Wohali now concedes and that the parties indeed stipulate that there is a likelihood of confusion concerning Wohali's use of the STEEL EAGLE mark and Sheltered Wings' use of the EAGLE mark in connection with optics.

12. The Examiner failed to note the salient fact that Sheltered Wings has approximately 20 years of priority of use of the EAGLE mark in connection with optics over Wohali. Sheltered Wings will prevail on the priority dispute in the Patent Office (likely in a cancellation proceeding), and would prevail on that question in this lawsuit if it is litigated. The only reason Wohali obtained its registration from the Patent Office is because the Examiner handling that application failed to discover Sheltered Wings' registrations. (A true and correct copy of the STEEL EAGLE file history is attached as Exhibit A to Sheltered Wings' reply.) Had the Examiner's search found Sheltered Wings' prior registrations, Wohali's attempt to register STEEL EAGLE for use in connection with optics would have been rejected. If the facts relating to Sheltered Wings' prior registrations are presented to the Patent and Trademark Office in a cancellation proceeding, Wohali's STEEL EAGLE registration will be cancelled.

13. The economics in this case do not justify litigation. The merits strongly favor Sheltered Wings, but no reasonable business could justify spending several hundred thousand dollars to stop the trademark infringement of a company that has had, by its own admission, a "miniscule" amount of sales and inventory of only \$25,000 that will take a year to sell. Based upon the basic economics, the case should have settled. In my view, we reached a framework for settling the case. While I do not believe we had a true "meeting of the minds," absent insurance

coverage, I am absolutely certain that the settlement agreement I drafted would have been slightly modified and signed by both parties resolving this dispute. Given the emergence of insurance and insurance counsel, Sheltered Wings has simply elected to dismiss the case without prejudice and without costs or other relief to either party. If Wohali becomes a major factor that affects Sheltered Wings business in the distant future, then the litigation may be justified. Now it is not.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States

Code.

Dated this 7th day of July, 2011.

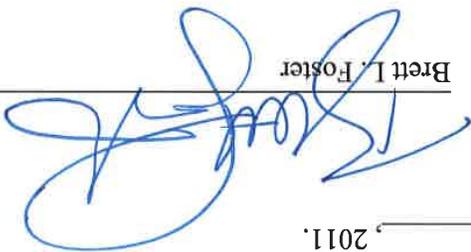

Brett L. Foster

EXHIBIT 1

Traci Hales

Subject: FW: Sheltered Wings v. Wohali

From: Steven M. Harris [mailto:steve.harris@1926blaw.com]
Sent: Tuesday, May 10, 2011 1:07 PM
To: Brett Foster
Cc: 'Max Harris'; Grant Foster; 'Phyllis Peck'; 'Lesley James'
Subject: RE: Sheltered Wings v. Wohali

Brett:

I will be in touch with the Wohali owners today regarding your draft of a settlement agreement. Please email me (or fax) a copy of the summons that was issued so I can see who you have specified for service. I am not authorized to accept service for Wohali, but I want to be sure that the correct person has been specified on the summons (and confirm whether the person or entity specified for service has or has not received the summons).

Best regards

Steve Harris

Steven M. Harris
Doyle Harris Davis & Haughey
1350 S. Boulder
Suite 700
Tulsa, Oklahoma 74119
918-592-1276
918-592-4389 (fax)
www.1926blaw.com

From: Brett Foster [mailto:Bfoster@hollandhart.com]
Sent: Tuesday, May 10, 2011 1:15 PM
To: 'Steven M. Harris'
Cc: 'Max Harris'; Grant Foster
Subject: RE: Sheltered Wings v. Wohali

Hi Steve,

Attached is the proposed agreement. Wohali's desire to sell off inventory required use to add provisions that were not in our original draft. I don't know what the status is on service.

I look forward to your response, and hope that we can wrap this up quickly. Please call with any questions.

Regards,

Brett

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Practice Areas	



Brett L. Foster
Practice Group Manager,
Intellectual Property
Litigation
bfooster@hollandhart.com
Phone: 801.799.5836
Holland & Hart LLP
222 S. Main Street
Suite 2200
Salt Lake City, UT 84101
Fax: 801.799.5700

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From: Steven M. Harris [mailto:steve.harris@1926blaw.com]
Sent: Tuesday, May 10, 2011 11:52 AM
To: Brett Foster
Cc: 'Max Harris'
Subject: RE: Sheltered Wings v. Wohali

Brett:

Please advise regarding the status of your draft agreement. Also please advise if you have obtained service of process on the defendant. The client advises that no service has been made on Wohali.

Steve Harris

Steven M. Harris
Doyle Harris Davis & Haughey
1350 S. Boulder
Suite 700
Tulsa, Oklahoma 74119
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918-592-4389 (fax)
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From: Brett Foster [mailto:Bfoster@hollandhart.com]
Sent: Friday, May 06, 2011 4:42 PM
To: 'Steven M. Harris'
Subject: Sheltered Wings v. Wohali

Hi Steve,

I have a draft agreement going to my client today as well as the transition issue (selling optics inventory) you raised yesterday. I won't hear back from them today. I will get you the draft Monday, I expect, after getting client input. Have a nice weekend.

Brett

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 HOLLAND & HART THE LAW FIRM WEST	Brett L. Foster Practice Group Manager, Intellectual Property Litigation bfoster@hollandhart.com Phone: 801.799.5836 Holland & Hart LLP 222 S. Main Street Suite 2200 Salt Lake City, UT 84101 Fax: 801.799.5700
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Thank you.

Traci Hales

Subject: FW: Sheltered Wings v. Wohali
Attachments: SHELTERED WINGS_WOHALI - Settlement Agreement.DOC

From: Brett Foster
Sent: Tuesday, May 10, 2011 12:15 PM
To: 'Steven M. Harris'
Cc: 'Max Harris'; Grant Foster
Subject: RE: Sheltered Wings v. Wohali

Hi Steve,

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I look forward to your response, and hope that we can wrap this up quickly. Please call with any questions.

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Steve Harris

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Thank you.

Traci Hales

Subject: FW: Sheltered Wings v. Wohali
Attachments: SHELTERED WINGS_WOHALI - Settlement Agreement.doc

From: Brett Foster
Sent: Monday, May 23, 2011 3:09 PM
To: 'leitner@kravtlaw.com'
CC: 'Peterson, James'
Subject: Sheltered Wings v. Wohali

Hello Mr. Leitner,

I see that you have filed an answer on behalf of Wohali. Welcome to the case.

Prior to insurance company's decision to provide a defense, we talked with prior counsel for Wohali (Steve Harris) about the possibility of a quick, amicable resolution. We outlined a possible framework for an agreement, and, based upon that framework, we drafted up a proposed agreement for Wohali's comment. (I attach a copy for your review.)

The day that Steve promised to get back to me, he received work of the insurance defense that would be provided, and discontinued all work on the case. The first communication I received from new counsel was indirect through the filing of the answer today.

Please give me a call to discuss this case when you have a moment.

Regards,

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Traci Hales

Subject: FW: Sheltered Wings v. Wohali

From: Mark M. Leitner [mailto:leitner@kravtillaw.com]
Sent: Monday, May 23, 2011 3:23 PM
To: Brett Foster
Cc: 'Peterson, James'
Subject: RE: Sheltered Wings v. Wohali

Brett,

Thanks for your email. I will look this over and give you a call, probably tomorrow.

Mark M. Leitner
ATTORNEY

KRAVIT & HOVEL & KRAWCZYK, s.c.
825 N. Jefferson, Milwaukee, WI 53202-3737
414-271-7100 x125 | fax 414-271-8135
leitner@kravtillaw.com | www.kravtillaw.com

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Brett

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHELTERED WINGS, INC.,

Plaintiff,

v.

WOHALI OUTDOORS, LLC,

Defendant.

ORDER

11-cv-300-bbc

Plaintiff Sheltered Wings, Inc. has filed a motion to voluntarily dismiss this trademark infringement case without prejudice under Fed. R. Civ. P. 41(a)(2). In its motion, plaintiff explains that it brought this suit against defendant Wohali Outdoors, LLC after learning that defendant recently began to use the “Steel Eagle” mark in connection with the sale of optic equipment and that the mark is confusingly similar to the “Eagle,” “Eagle Optics,” “Strike Eagle” and “Golden Eagle” marks that plaintiff has used in connection with optics, including binoculars, spotting scopes and related equipment since 1987. Plaintiff alleges that it discovered defendant’s Steel Eagle mark on April 12, 2011, when the Patent and Trademark Office rejected plaintiff’s attempt to register its own Eagle trademark on the basis of a likelihood of confusion between defendant’s registered Steel Eagle mark and plaintiff’s Eagle

mark.

Believing that its own mark has priority over defendant's mark, plaintiff served its complaint on defendant. The parties commenced settlement discussions, during which plaintiff learned that only a small part of defendant's business involves use of the Steel Eagle mark in connection with optics and that defendant's historic sales and inventories of optics have been small. The parties were close to settling the case when defendant's insurer agreed to defend the case, retained insurance defense counsel for that purpose, ceased settlement negotiations and filed an answer to plaintiff's complaint. Although plaintiff was disappointed that this case was not settled, it decided that defendant's impact on the optics market and the potential monetary or injunctive relief is not sufficiently large to justify the substantial cost to litigate this matter. Instead, plaintiff plans to resolve the parties' disputes by seeking cancellation of defendant's Steel Eagle registration with the Patent and Trademark office, a significantly less expensive proceeding.

Defendant does not dispute most of the facts recited by plaintiff. However, defendant contends that plaintiff's case should be dismissed only *with* prejudice and on the conditions that plaintiff pay defendant's costs and attorney fees and be prohibited from seeking cancellation of defendant's mark before the Patent and Trademark Office. According to defendant, the real reason plaintiff wishes to dismiss the case is because plaintiff knows it lacks merit. In particular, defendant says that because the Patent and Trademark Office

rejected plaintiff's Eagle mark, plaintiff's trademark infringement case will fail.

Defendant's argument makes little sense. Plaintiff knew about the Trademark Office's rejection of its mark *before* it filed this lawsuit; in fact, the office action is what prompted this lawsuit. Plaintiff hoped for a speedy resolution of the dispute through settlement, which appeared to be imminent until defendant's insurer appeared in the case. A court can grant voluntary dismissal under Rule 41(a)(2) "on terms that the court considers proper." For example, the court may require that dismissal be with prejudice or condition the dismissal on plaintiff's payment of costs and attorney fees. Cauley v. Wilson, 754 F.2d 769, 771 (7th Cir. 1985). In deciding whether to dismiss a claim with prejudice, a court may consider "[t]he defendant's effort and expense of preparation for trial, excessive delay and lack of diligence on the part of the plaintiff in prosecuting the action, insufficient explanation for the need to take a dismissal, and the fact that a motion for summary judgment has been filed by the defendant." Federal Deposit Insurance Corp. v. Knostman, 966 F.2d 1133, 1142 (7th Cir. 1992) (quotation omitted).

It is appropriate to dismiss this case without prejudice and without payment of fees and costs. The case is still in its early stages, no dispositive motions have been filed, no significant fees or costs have been incurred by either party and there is no evidence that plaintiff has acted in bad faith or with excessive delay. Additionally, plaintiff has presented a legitimate reason for seeking dismissal of this case, namely, that the cost of litigation will

likely outweigh the value of any monetary or injunctive relief plaintiff could recover. Id. at 1142-43 (noting that it was appropriate for district court to grant voluntary dismissal of FDIC's claims following FDIC's conclusion that it would not be cost effective to pursue them). Although plaintiff believes pursuing its claims would not be cost effective at this time, it should be allowed to preserve its rights to reinstate its claims or seek other remedies in the event defendant's market share changes. Finally, I will not enter an order prohibiting plaintiff from seeking cancellation of defendant's mark with the Patent and Trademark Office. Defendant cites no support for this request and I can think of no justification for such an extraordinary prohibition.

ORDER

IT IS ORDERED that plaintiff Sheltered Wings, Inc.'s motion to dismiss this case without prejudice and without payment of costs and fees under Fed. R. Civ. 41(a)(2) is GRANTED. The clerk of court is directed to close this case.

Entered this 25th day of July, 2011.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge

2. Wohali objects to each of Petitioner's discovery requests to the extent that they call for the disclosure of information or documents which is protected from discovery and privileged for the reason that it: (a) is subject to the attorney-client privilege; (b) is covered by the "work product" immunity; (c) is subject to the self critical analysis privilege; (d) is subject to the required reports privilege; (e) was generated in anticipation of litigation or for trial by or for Wohali or its representatives, including its attorneys, consultants or agents; (f) relates to the identity or opinions of experts who have been retained or employed in anticipation of litigation and who are not expected to be called as witnesses at trial; (g) is confidential and/or protected as a trade secret; (h) is subject to a protective or confidentiality agreement or order; and/or (i) is otherwise privileged or beyond the scope of discovery under applicable rules and laws. Wohali will not produce privileged information or documents and its responses should be read accordingly. Wohali will not produce confidential information absent the entry of an appropriate protective order.

3. By responding to Petitioner's discovery requests, Wohali concedes neither the relevancy nor the admissibility of any information provided or documents produced in response to such requests. The production of information or documents in response to a specific discovery request does not constitute an admission that such information is probative of any particular issue in this case.

4. Wohali objects to each discovery request to the extent that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wohali further objects to each discovery request to the extent that it is overly broad, unduly vague, ambiguous and/or unduly burdensome.

5. Wohali objects to each discovery request to the extent it seeks information for the purpose of causing annoyance, embarrassment, oppression or to cause undue burden and expense to Wohali.

6. Any statement hereinafter that inspection will be permitted or that documents will be produced does not signify that responsive documents actually exist, but means only that if such responsive documents exist, subject to objections by Wohali, they will be produced for inspection.

Discovery is continuing as is Wohali's investigation into this matter. Wohali reserves its right to supplement, amend and/or revise these responses to Petitioner's discovery requests.

Subject to these objections and conditions applicable to all discovery requests, Wohali responds as follows:

ANSWERS

INTERROGATORY NO. 1: Describe fully the facts and circumstances surrounding the creation, design, development, selection and adoption of the STEEL EAGLE mark by Wohali, including an identification of the persons most knowledgeable about the creation, design, development, selection and adoption of the STEEL EAGLE mark by Wohali.

ANSWER: Wohali objects as the request seeks privileged and confidential information. Subject to these specific objections and the objections and conditions applicable to all discovery requests and without waiving same:

JT Griffin reviewed the need for a series or sub-line trademark to identify various categories of products under the Wohali brand. Wohali is the Cherokee word for Eagle and other

companies within the group involved steel. At www.uspto.gov, JT Griffin performed a search for STEEL EAGLE. After finding no conflicting marks, Frank J. Catalano with GableGotwals (legal counsel) was consulted.

The two most knowledgeable individuals are JT Griffin and Frank J. Catalano. Both are identified on Wohali's preliminary witness list provided to Petitioner's counsel on March 2, 2012.

INTERROGATORY NO. 2: Identify each of the goods and services with which Wohali has used or intends to use the STEEL EAGLE mark and state whether the mark is currently in use with such goods or services.

ANSWER: Wohali objects as the request seeks information not relevant or reasonably calculated to lead to admissible evidence. Wohali further objects because the request is vague and ambiguous. Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

- (i) Scopes; in use
- (ii) Binoculars; in use
- (iii) Apparel (namely rainwear/jackets); in use
- (iv) Apparel (namely pants, rain wear, rainwear, shirts); intent to use
- (v) Fishing rods; in use

INTERROGATORY NO. 3: For each of the goods and services with which Wohali has used the STEEL EAGLE mark, identify Wohali's first use of the mark in interstate and intrastate commerce, and whether and when there has been any discontinuation, break, or interruption in Wohali's use of the mark.

ANSWER: Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

- (i) Scopes; October 21, 2009; No discontinuation, break or interruption.
- (ii) Binoculars; October 21, 2009; No discontinuation, break or interruption.
- (iii) Fishing Rods; Spring 2009; No discontinuation, break or interruption.
- (iv) Rainwear/Jackets; February 2012; No discontinuation, break or interruption.

INTERROGATORY NO. 4: Identify and describe all surveys, studies, searches, or investigations conducted by or for Wohali that refers or relates to the proposed or actual use of any mark containing the term EAGLE, or to Petitioner or any of its trademarks, trademark applications or registrations.

ANSWER: Wohali objects as the request seeks information not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague and ambiguous. This cancellation proceeding concerns the mark “STEEL EAGLE” and does not pertain to any other mark. Wohali objects to the extent the request seeks privileged and/or confidential information. Wohali objects to Petitioner’s claim that it has any trademarks, trademark applications or registrations. By responding, Wohali is not admitting to or conceding anything stated by Petitioner. Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

A search for STEEL EAGLE was performed at www.uspto.gov.

INTERROGATORY NO. 5: Identify and describe the actual and intended channels of trade for the products and services provided by Wohali in connection with the STEEL EAGLE mark.

ANSWER: Wohali objects because the request is overly broad, unduly vague and ambiguous. Wohali objects to the extent the request seeks privileged and/or confidential information. Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

Wholesale, distribution and retail channels are all used and intended to be used.

INTERROGATORY NO. 6: Identify and describe the actual and intended categories or demographics of consumers or potential consumers who purchase or who may purchase the products and services provided by Wohali in connection with the STEEL EAGLE mark.

ANSWER: Wohali objects because the request is overly broad, unduly vague and ambiguous. Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

Outdoor related product consumers located geographically within the United States are intended to be consumers or potential customers.

INTERROGATORY NO. 7: Identify all instances in which any person has been or has claimed to be actually confused, mistaken, or deceived as to the affiliation, connection, or association of Wohali and Petitioner, or approval or connection as to any products or services of Wohali and Petitioner.

ANSWER: Wohali objects because the request is overly broad, unduly vague and ambiguous. Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

Wohali is not aware of any person responsive to the request. However, within paragraph 9 of its Petition for Cancellation Petitioner makes the unsupported allegation that Wohali's STEEL EAGLE mark 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)).” Further, the USPTO denied Petitioner’s application because it “so resembles the mark in U.S. Registration No. 3904929 [Wohali’s STEEL EAGLE mark] as to be likely to cause confusion, or to cause mistake, or to deceive.” (See Wohali’s Ex. 2 at p. 3.)

INTERROGATORY NO. 8: For each of the goods and services with which Wohali has used the STEEL EAGLE mark, state the average sales price of each type of goods or services for each year since Wohali began use of the mark.

ANSWER: Wohali objects as the request seeks information not relevant or reasonably calculated to lead to admissible evidence. Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

- (i) Binoculars - \$75 wholesale price
- (ii) Jackets - \$25 wholesale price
- (iii) Fishing Rods - \$20 wholesale price
- (iv) Jackets - \$25 wholesale price

INTERROGATORY NO. 9: Identify any third party trademarks or service marks known by Wohali that include the term EAGLE.

ANSWER: Wohali objects as the request seeks information not relevant or reasonably calculated to lead to admissible evidence. Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

On the uspto.gov website, as of June 5, 2012 a “basic word search” for “eagle” yielded 4,171 records.

INTERROGATORY NO. 10: Describe fully the facts and circumstances surrounding the creation, design, development, selection, and adoption of the GOLDEN EAGLE mark, and any other marks containing the term EAGLE, by Wohali, including an identification of the persons most knowledgeable about the creation, design, development, selection, and adoption of such marks.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali object because the request is overly broad, unduly vague, ambiguous and unduly burdensome. Wohali objects because no definition for “GOLDEN EAGLE” has been provided. (A definition was provided for “STEEL EAGLE”.) Subject to these specific objections and the objections and conditions applicable to all discovery requests (set forth above) and without waiving same:

Concerning STEEL EAGLE, see Answer to Interrogatory No. 1.

INTERROGATORY NO. 11: Wohali’s first actual and intended use in interstate and intrastate commerce of the GOLDEN EAGLE mark, and any other marks containing the term EAGLE, for each of the goods and services with which Wohali has used the mark.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague, ambiguous and unduly burdensome. It is unclear what information is being requested. Wohali objects because no definition for “GOLDEN EAGLE mark” has been provided. (A definition was provided for the “STEEL EAGLE”.) Additionally, Wohali also incorporates herein the objections and conditions applicable to all discovery requests (stated above).

INTERROGATORY NO. 12: Identify each of the goods and services with which Wohali has used or intends to use the GOLDEN EAGLE mark, and any other marks containing the term EAGLE, and state whether the mark is currently in use with such goods or services.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague, ambiguous and unduly burdensome. Wohali objects because no definition for “GOLDEN EAGLE” has been provided. (A definition was provided for “STEEL EAGLE”.) Subject to these specific objections and the objections and conditions applicable to all discovery requests and without waiving same:

Concerning STEEL EAGLE, see Answer to Interrogatory No. 2.

INTERROGATORY NO. 13: For each of the goods and services with which Wohali has used the GOLDEN EAGLE mark, or any other marks containing the term EAGLE, identify Wohali’s first use of the mark in interstate and intrastate commerce, and whether and when there has been any discontinuation, break, or interruption in Wohali’s use of the mark.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague, ambiguous and unduly burdensome. Wohali objects because no definition for “GOLDEN EAGLE” has been provided. (A definition was provided for “STEEL EAGLE”.) Wohali objects to the extent the request seeks privileged and/or confidential information. Subject to these specific objections and the objections and conditions applicable to all discovery requests (stated above) and without waiving same:

Concerning STEEL EAGLE, see Answer to Interrogatory No. 3.

INTERROGATORY NO. 14: Identify and describe any objections by any third party to Wohali's intent to use or use of any mark containing the term EAGLE.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague, ambiguous and unduly burdensome. Wohali objects to the extent the request seeks privileged and/or confidential information. Subject to the objections and conditions applicable to all discovery requests (stated above) and without waiving same:

Wohali is not aware of any "objections". However, the following proceedings have been initiated by Wings:

- (i) *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*, Case No. 11-CV-300, U.S. District Court for the Western District of Wisconsin;
- (ii) *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*, Cancellation No. 92054629, U.S. Patent and Trademark Office Before the Trademark Trial and Appeal Board; and
- (iii) *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*, Opposition No. 91205187, U.S. Patent and Trademark Office Before the Trademark Trial and Appeal Board.

INTERROGATORY NO. 15: Identify and describe any objections by Wohali regarding any third party's use or intended use of any mark, name, or designation including the term, EAGLE.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague, ambiguous and unduly burdensome. Subject to these specific objections and the objections and conditions applicable to all discovery requests (stated above) and without waiving same:

Wohali is unaware of any objections, although it reserves all rights afforded it under the law.

INTERROGATORY NO. 16: Describe in detail the circumstances, including dates and persons involved, under which Wohali first acquired knowledge of Petitioner and Petitioner's marks including the term EAGLE.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague, ambiguous and unduly burdensome. Wohali objects to the extent the request seeks privileged and/or confidential information. Subject to these specific objections and the objections and conditions applicable to all discovery requests (stated above) and without waiving same:

Wohali became aware that Petitioner alleged it has at least one mark when Wohali received a copy of the "Complaint" filed in *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*, Case No. 11-CV-300, U.S. District Court for the Western District of Wisconsin.

INTERROGATORY NO. 17: Identify and describe any proceeding or investigation concerning the STEEL EAGLE mark or products provided in connection with the mark, before the USPTO, Trademark Trial and Appeal Board, Bureau of Customs, Better Business Bureau, Federal Trade Commission, or any other court, agency, or tribunal.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague, ambiguous and unduly burdensome. Wohali objects to the extent the request seeks privileged and/or confidential information. Subject to these specific objections and the

objections and conditions applicable to all discovery requests (stated above) and without waiving same:

Wohali is aware of the following proceedings:

- (i) Wohali's Registration No. 3,904,929 and the preceding application process;
- (ii) *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*, Case No. 11-CV-300, U.S. District Court for the Western District of Wisconsin;
- (iii) *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*, Cancellation No. 92054629, U.S. Patent and Trademark Office Before the Trademark Trial and Appeal Board;
- (iv) Application Serial No. 85464085; and
- (v) *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*, Opposition No. 91205187, U.S. Patent and Trademark Office Before the Trademark Trial and Appeal Board.

INTERROGATORY NO. 18: Identify all persons who Wohali has consulted or intends to consult as an expert witness in this proceeding and identify the subject(s) of their expertise and the substance of their opinion(s).

ANSWER: Wohali objects to the extent the request seeks information that is privileged. Subject to these specific objections and the objections and conditions applicable to all discovery requests (stated above) and without waiving same:

None at this time.

INTERROGATORY NO. 19: If Wohali contends that Petitioner's claim is barred by the statute of limitations as pled in Paragraph 11 of Wohali's answer dated December 13, 2011, state the full basis for such contention, including an identification of all facts and documents relation [sic] to such contention, and all persons with knowledge of the basis of such contention.

ANSWER: See Answer to Interrogatory No. 20 including all objections.

INTERROGATORY NO. 20: If Wohali contends that Petitioner's claim is barred by the doctrines of unclean hands, ratification, waiver, laches, preemption, estoppel and/or equitable estoppel as pled in Paragraph 12 of Wohali's answer dated December 13, 2011, state the full basis for such contention, including an identification of all facts and documents relation [sic] to such contention, and all persons with knowledge of the basis of such contention.

ANSWER: Wohali objects as the request seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Wohali objects because the request is overly broad, unduly vague, ambiguous and unduly burdensome. Wohali objects to the extent the request seeks privileged and/or confidential information. Subject to these specific objections and the objections and conditions applicable to all discovery requests (stated above) and without waiving same:

Sheltered Wings entered into a Consent Agreement with Nikon Corporation to allow the "EAGLE VIEW" and "EAGLE OPTICS" marks to co-exist. (See Wohali's Ex. 6, p. 33-38.) This Consent Agreement was entered into after Sheltered Wings was informed that the USPTO Examining Attorney had refused to register Sheltered Wings' mark because it so resembled the mark EAGLEVIEW, U.S. Registration No. 2,084,361 as to be likely to cause confusion, to cause mistake or to deceive.

Sheltered Wings took a contrary position with the USPTO to the position Sheltered Wings has taken here. Sheltered Wings stated: "the term 'Eagle' is a relatively weak mark for optical products". Further, that "The existence of many registered EAGLE marks on various types of optical goods leads to a determination that the mark EAGLE is weak in respect to the goods and the extent of potential confusion is *de minimus* rather than substantial." (See Wohali's Ex. 6, p. 62-66.)

Wohali's STEEL EAGLE mark has been registered and therefore is presumed valid. (See Wohali's Ex. 1.) The USPTO has already denied Petitioner's claim. (See Wohali's Ex. 2, p. 3-4.)

INTERROGATORY NO. 21: If Wohali contends that Petitioner's claim is barred based on a lack of jurisdiction as pled in Paragraph 13 of Wohali's answer dated December 13, 2011, state the full basis for such contention, including an identification of all facts and documents relation [sic] to such contention, and all persons with knowledge of the basis of such contention.

ANSWER: See Answer to Interrogatory No. 20 including all objections.

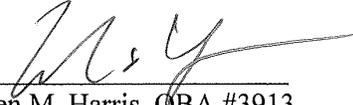
INTERROGATORY NO. 22: If Wohali contends that Petitioner's claim is barred based on a failure to state a claim upon which relief can be granted as pled in Paragraph 14 of Wohali's answer dated December 13, 2011, state the full basis for such contention, including an identification of all facts and documents relation [sic] to such contention, and all persons with knowledge of the basis of such contention.

ANSWER: See Answer to Interrogatory No. 20 including all objections.

INTERROGATORY NO. 23: If Wohali contends that Petitioner's claim is barred by the doctrines of issue preclusion and/or claim preclusion as pled in Paragraph 15 of Wohali's answer dated December 13, 2011, state the full basis for such contention, including an identification of all facts and documents relation [sic] to such contention, and all persons with knowledge of the basis of such contention.

ANSWER: See Answer to Interrogatory No. 20 including all objections.

Respectfully Submitted,



Steven M. Harris, OBA #3913

S. Max Harris, OBA #22166

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Attorneys for Wohali

VERIFICATION

I, JT Griffin, authorized representative of Wohali Outdoors, LLC, of lawful age, being first duly sworn, upon oath, state that I have read the foregoing responses to interrogatories and state that the information contained therein is true and correct to the best of my knowledge and belief.


JT Griffin

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of Respondent Wohali Outdoors, LLC's Responses to Sheltered Wings, Inc.'s First Set of Interrogatories was sent to the following individuals via Federal Express and E-mail on June 8, 2012:

James D. Peterson
Jennifer L. Gregor
GODFREY & KAHN, S.C.
One East Main Street, Suite 500
Madison, Wisconsin 53701-2719