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

Proceeding	92059235
Party	Plaintiff Nite Ize, Inc.
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Date	01/21/2015
Attachments	SubmissionswithMotionforSummaryJudgement.pdf(88367 bytes ) MotionforSummaryJudgment.pdf(142815 bytes ) DeclarationofClintTodd(Executed).pdf(176303 bytes ) ExhibitA.pdf(340678 bytes ) ExhibitB.pdf(339807 bytes ) ExhibitC.pdf(338145 bytes ) ExhibitD.pdf(1903501 bytes ) ExhibitE.pdf(231340 bytes )

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

In the Matter of Trademark Registration No. 4179235  
Mark: NITEYE

_____	)	
NITE IZE, INC.,	)	
	)	
Petitioner,	)	Cancellation No. 92059235
	)	
v.	)	
	)	
ZHANGWEI MO,	)	
	)	
Respondent.	)	
_____	)	

MISCELLANEOUS LETTER

Petitioner Nite Ize, Inc. ("Petitioner" or "Nite Ize"), through undersigned counsel, submits the following 11 separate submissions as split out below due to the 6MB restriction on filings.

<u>Submission</u>	<u>Contents</u>
1	Motion for Summary Judgement Declaration of Clint Todd Exhibit A through Exhibit E
2.	Exhibit F1
3.	Exhibit F2
4.	Exhibit G through Exhibit M
5.	Exhibit N
6.	Exhibit N1
7.	Exhibit N2
8.	Exhibit O
9.	Exhibit O1
10.	Exhibit O2
11.	Exhibit O3

Dated January 21, 2015

Respectfully submitted,  
SQUIRE PATTON BOGGS (US) LLP

By:



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## **CERTIFICATE OF SERVICE**

The undersigned certifies that on this 21st day of January 2015, a copy of the foregoing documents listed in submissions 1-11 was served by e-mail and by first class mail to the following:

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/Theresa Cope/

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**MEMORANDUM IN SUPPORT OF  
NITE IZE’S MOTION FOR SUMMARY JUDGMENT**

**I. INTRODUCTION.**

Nite Ize, Inc. (“Nite Ize”), a corporation duly organized and existing under the laws of the State of Colorado, respectfully submits this memorandum in support of its Motion for Summary Judgment (the “Motion”). Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Nite Ize seeks summary adjudication that, based on the facts presented herein as to which there are no genuine issues of material fact to be tried, and as a matter of law, this Registration No. 4,179,235 for the mark NITEYE (“NITEYE Mark”) filed on December 2, 2011, by Respondent Zhangwei Mo, a Chinese citizen should be cancelled.

Nite Ize is the owner of numerous registrations, including two registrations for the mark NITE IZE: Registration No. 1,620,077 in international class 025, having a registration date of October 30, 1990 and a date of first use in commerce of February 2, 1990; and Registration No. 2,237,945 in international class 011, having a registration

date of April 13, 1999 and a date of first use in commerce of February 2, 1990 (together, the “NITE IZE Mark(s)”).

As shown below, it is beyond dispute that there is a likelihood of confusion between the NITEYE Mark and the NITE IZE Mark. Thus, there is no material issue of fact left for trial, and this Cancellation must be sustained as a likelihood of confusion exists under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

### **III. ARGUMENT.**

#### **A. The Applicable Standard For Summary Judgment.**

Summary judgment is an appropriate method for disposing of cases in which there are no genuine issues of material fact in dispute, thus leaving the case to be resolved as a matter of law. See Fed. R. Civ. P. 56(c). The purpose of summary judgment is to avoid an unnecessary trial where additional evidence would not reasonably be expected to change the outcome. See *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 626, 222 USPQ 741, 743 (Fed. Cir. 1984). Nite Ize, as the party moving for summary judgment, has the burden of demonstrating the absence of any genuine issue of material fact and that it is entitled to summary judgment as a matter of law. See *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986); *Sweats Fashions Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 1563, 4 USPQ2d 1793, 1797 (Fed. Cir. 1987). However, the nonmoving party may not rest on mere denials or conclusory assertions, but rather must proffer countering evidence, by affidavit or as otherwise provided in Rule 56 of the Federal Rules of Civil Procedure, showing that there is a genuine factual dispute for trial. See TBMP § 528.01 at 500-361 (2d ed. Rev. 3/12/04).

**B. Nite Ize Has Standing To Cancel The NITEYE Mark.**

“Standing is a threshold inquiry directed solely to establishing a plaintiff’s interest in the proceeding. The purpose in requiring standing is to prevent litigation where there is no real controversy between the parties, i.e. where a plaintiff is no more than a mere intermeddler.” *Harjo v. Pro Football Inc.*, 30 USPQ 2d 1828, 1830 (TTAB 1994).

The continuing pronouncements of the Federal Circuit leave us with the understanding that there is a low threshold for a plaintiff to go from being a mere intermeddler to one with an interest in the proceeding. The Court has stated that an opposer need only show “a personal interest in the outcome of the case beyond that of the general public.” . . . Once this threshold has been crossed, the opposer may rely on any ground that negates Respondent’s right to the registration sought.

*Estate of Biro v. Bic Corp.*, 18 USPQ 2d 1382 (TTAB 1991) (internal citations omitted).

Nite Ize has standing to cancel Respondent’s NITEYE Mark because Nite Ize is being damaged and will likely continue to be damaged by Respondent’s NITEYE Mark. In particular, Nite Ize has been damaged because individuals are confused as to the origin of goods bearing the NITEYE Mark. Additionally, Nite Ize is experiencing conflict with the NITEYE Mark in foreign countries and is in the process of a similar cancellation proceeding in China against a mark, “NITEYE.” See Clinton Todd Dec. ¶ 14. Nite Ize has sold flashlight accessories for almost 25 years under the NITE IZE Marks. See Clinton Todd Dec. ¶ 2. Additionally, Nite Ize acquired a line of flashlights that it sells under the Inova brand that is secondarily branded with the Nite Ize brand, which may cause confusion for consumers. See Clinton Todd Dec. ¶ 7. Nite Ize clearly has standing in this proceeding.

**C. Nite Ize Has Clear Priority of Use.**

Nite Ize first used its NITE IZE Mark in commerce at least as early as February 13, 1990. See Clinton Todd Dec. ¶ 3; Ex. A; Ex. B. Respondent claims to have first

used the NITEYE Mark in commerce 20 years later. See Ex. C. Respondent filed its Application on December 2, 2011 stating that the date of first use in commerce was May 1, 2010. See Ex. D. Thus, it is indisputable that Nite Ize has priority of use.

**D. There Is No Material Issue of Fact Related to the Likelihood of Confusion Between the Marks.**

The opposition must be sustained under Section 2(d) of the Lanham Act because the NITEYE Mark so resembles Nite Ize's NITE IZE Mark, that it is likely to cause confusion when applied to its goods. See *Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (CCPA1975). An analysis of the factors to consider in determining whether there is a likelihood of confusion, as enunciated in *In re E.I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), weighs heavily in favor of a finding that the NITEYE Mark presents a likelihood of confusion:

In testing for likelihood of confusion under Sec. 2(d), therefore, the following, when of record, must be considered:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
- (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
- (4) The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing.
- (5) The fame of the prior mark (sales, advertising, length of use).
- (6) The number and nature of similar marks in use on similar goods.
- (7) The nature and extent of any actual confusion.
- (8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.
- (9) The variety of goods on which a mark is or is not used (house mark, "family" mark, product mark).
- (10) The market interface between Respondent and the owner of a prior mark:

- (a) a mere "consent" to register or use.
  - (b) agreement provisions designed to preclude confusion, i.e. limitations on continued use of the marks by each party.
  - (c) assignment of mark, application, registration and good will of the related business.
  - (d) laches and estoppel attributable to owner of prior mark and indicative of lack of confusion.
- (11) The extent to which Respondent has a right to exclude others from use of its mark on its goods.
- (12) The extent of potential confusion, i. e., whether *de minimis* or substantial.
- (13) Any other established fact probative of the effect of use. Where the Patent Office follows such process, it is not abandoning its duty under Sec. 2(d) or allowing individuals to take the law into their own hands. Consideration of evidence emanating from the only place where confusion can occur, i.e. the marketplace, is not related to *who* decides but to the *process* of deciding.

See *DuPont*, 476 F.2d at 1361.

#### **(1) Similarity of the Marks (DuPont Factor 1)**

There is no genuine issue with regard to the similarity of the marks, based on a comparison of the marks in terms of similarities as to appearance, sound, connotation and commercial impression. TMEP § 1207.01(b) (4th Ed. Rev. 4/05). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); see TMEP §1207.01(b). It is indisputable that Nite Ize's Mark and Respondent's Mark are confusingly similar.

##### **a. Appearance**

The marks appear very similar and the first portion of both marks contain the exact same word "NITE." Respondent's Mark appears in a stylized form (see Ex.C), however, the stylized form appears to be very standard block printing. The stylized version of "NITEYE" in Respondent's Mark does not distinguish it from Nite Ize's Mark.

Nite Ize's NITE IZE Mark is presented in standard characters. "The rights associated with a mark in standard characters reside in the wording . . . and not in any particular display . . . [and] [t]herefore, [Respondent] cannot, by presenting its mark in special form, avoid likelihood of confusion with a mark that is registered in standard characters because the registered marks reasonably could be used in the same manner of display." TMEP § 207.01(c)(iii); *see, e.g., In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991).

While Nite Ize's Mark consists of the term "NITE IZE", Respondent's Mark consists of "NITEYE" (in a design). The first term used in both marks is "NITE." Therefore, there can be no material issue as to whether these two terms are identical. There is some difference in the appearance of the second portion of the marks, which are "IZE" and "EYE" respectively, but when taken in context with of the sound, connotation, and commercial impression, this difference is immaterial.

b. Sound

The sound of the marks is nearly identical, with the only difference in the sound of pronunciation being that the NITE IZE Mark is pronounced as a plural phrase ("nite eyes") and the NITEYE mark is pronounce as a singular phrase ("nite eye"). See Clinton Todd Dec. ¶¶ 4, 6.

c. Connotation

Since the way the marks are read is the same, the connotation or meaning would be the same. Both marks refer to the night and eyes, suggesting the ability to see at night. See Clinton Todd Dec. ¶¶ 5-6.

d. Commercial Impression

Since the appearance of the marks is essentially the same and the connotation and sound or the marks is the same, the commercial impression the marks make is essentially the same.

In light of the similarities in appearance, sound, connotation, and commercial impression there is no material issue of fact concerning the confusing similarity of the marks. It is not plausible that the marks could be considered not to be confusingly similar.

**(2) The Goods Are Very Closely Related or Identical (DuPont Factor 2)**

In the present case, the goods in the NITE IZE Mark registrations and the goods in the NITEYE Mark registration are similar and closely related. Additionally, on February 1, 2010, Nite Ize announced the acquisition of INOVA brand LED performance flashlights. Nite Ize has been selling and co-branding INOVA brand LED performance flashlights since shortly thereafter. See Clinton Todd Dec. ¶ 7. This sale of goods under the NITE IZE Mark is for identical goods.

Even if the goods are found not to be identical, since reliance is only based on the registrations of the respective parties, such a finding would not be dispositive of the issue of likelihood of confusion. The inquiry is whether the goods [or services] are related, not identical. The issue is not whether the goods [or services] will be confused with each other, but rather whether the public will be confused about their source. It is sufficient that the goods or services of the Respondent and the registrant are so related that the circumstances surrounding their marketing are such that they are likely to be encountered by the same persons under circumstances that would give rise to the mistaken belief that they originate from the same source.

TMEP § 1207.01(a)(i) (4th Ed. Rev. 4/05) (emphasis added; citations omitted).

Respondent and Nite Ize both sell products in the consumer space and use the same channel of trade. While the similarity or dissimilarity of the goods or services should, in appropriate cases, be considered in determining likelihood of confusion under section 2(d) of the Lanham Act, see *DuPont*, 476 F.2d at 1361, the law has long protected the legitimate interests of trademark owners and consumers from confusion among noncompetitive, but related, products bearing confusingly similar marks. See *Aunt Jemima Mills Co. v. Rigney & Co.*, 247 F. 407 (2d Cir. 1917); *Yale Electric Corp. v. Robertson*, 26 F.2d 972 (2d Cir. 1928).

Therefore, if only the goods described in the registrations are used to compare the goods associated with the NITE IZE Marks and the NITEYE mark, then there can be no material issue of fact that various flashlight accessories, as recited in the registrations for the NITE IZE Marks, are likely to be encountered by the same persons under circumstances that would give rise to the mistaken belief that they originate from the same source as flashlights. This is reinforced by the fact that major carriers of such products such as Amazon.com and batteryjunction.com carry both NITE IZE branded flashlight accessories and NITEYE branded flashlights. See Ex. E.

**(3) The Channels of Trade Are Identical and Are Likely to Continue to be Identical. (DuPont Factor 3)**

Common sense indicates that the channels of trade for flashlights and flashlight accessories would be the same. The basic facts concerning the marks taken in light of relevant case law as well as specific examples of where the products are available buttress this and allow for no material issue of fact.

First, Respondent's registration does not contain any restrictions as to channels of trade or purchasers. See Ex. C. Nite Ize's registration also does not contain any

such restrictions. See Ex. A; Ex. B. Thus, the trade channels must be deemed to be those normal for the trade. See *Kangol Ltd. v. KangaROOS U.S.A.*, 974 F.2d 161, 164, 23 USPQ2d 1945 (Fed. Cir. 1992).

Both Respondent and Nite Ize sell products online. Therefore, the best approach to determine if the channels of trade are the same may be to ask “whether consumers will come across both parties’ goods or services when they are online. This could be on the same page or related pages in a website or in search engine results.” 5-5 Gibson on Trademarks § 5.06; see also *Message in a Bottle, Inc. v. Cangiarella*, 2010 TTAB LEXIS 251, \*26-27 (TTAB 2010) However, it is clear that opposer and applicant offer their respective services and goods to the same classes of consumers, and those seeking to obtain such goods and services may do so by an Internet search. (This du Pont factor must be considered to favor opposer.”).

Nite Ize sells flashlights and flashlight accessories among other items. See Clinton Todd Dec. ¶ 9. Respondent sells flashlights as described in their registration for the NITEYE Mark. See Ex. C. These products are consumer goods that are sold in the same channels of commerce. As evidence for this, both BatteryJunction.com and Amazon.com, two common carriers of flashlight type products, both sell products bearing the NITE IZE Mark and products bearing the NITEYE Mark. See Ex. D. Additionally, a search for “nite ize” on another online retailer of flashlights yields products bearing Respondent’s NITEYE Mark. See Ex. E. Therefore, the goods of Nite Ize and Respondent share the same channels of trade, further supporting a finding of a likelihood of confusion.

**(4) The Conditions Under Which and Buyers to Whom Sales are Made, i.e. “impulse” vs. Careful, Sophisticated Purchasing. (DuPont Factor 4)**

Consumer goods that are inexpensive and subject to frequent replacement are subject to a higher likelihood of confusion under DuPont’s fourth factor. In general, courts have adopted the proposition that the average customer is likely not to exercise a high degree of care in purchasing relatively inexpensive and fungible products. See, e.g., *Specialty Brands, Inc. v. Coffee Bean Distribs., Inc.*, 748 F.2d 669, 672 (Fed. Cir. 1984) (holding that purchasers of relatively inexpensive products should be held to a lesser standard of purchasing care). “When products are relatively low-priced and subject to frequent replacement or impulse buying, the risk of likelihood of confusion is increased because purchasers of such products exercise less purchasing care than when the cost of the product is high.” *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000) (considering likelihood of confusion for Frito-Lay and Fido Lay marks). Here the goods in question are flashlights and flashlight accessories. These products are low priced consumer goods suggesting that a high degree of care will not be exercised. This factor therefore weighs in favor of a likelihood of confusion.

**(5) Fame of the Mark Nite Ize. (DuPont Factor 5)**

The NITE IZE Mark enjoys significant fame providing for more enhanced protection of the NITE IZE Mark. This is based on indirect factors such as the volume of sales and advertising expenditures of the goods traveling under the mark.

The fame of a registered mark is a factor to be considered in determining likelihood of confusion. *DuPont*, 476 F.2d at 1361. Famous marks enjoy a wide latitude

of legal protection because they are more likely to be remembered and associated in the public mind than a weaker mark. See *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1374, 73 USPQ2d 1689, 1694 (Fed. Cir. 2005); *Bose Corp. v. QSC Audio Products Inc.*, 293 F.3d 1367, 63 USPQ2d 1303 (Fed. Cir. 2002) (Trademark Trial and Appeal Board erred in discounting the fame of opposer's marks ACOUSTIC WAVE and WAVE); *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1327, 54 USPQ2d 1894, 1897 (Fed. Cir. 2000) (Board erred in limiting the weight accorded to the fame of opposer's FRITO-LAY mark); *Kenner Parker Toys Inc. v. Rose Art Industries, Inc.*, 963 F.2d 350, 352, 22 USPQ2d 1453, 1456 (Fed. Cir. 1992), cert. denied, 506 U.S. 862 (1992) (Board erred in discounting the fame of opposer's mark PLAY-DOH). The Court of Appeals for the Federal Circuit has stated:

[A] mark with extensive public recognition and renown deserves and receives more legal protection than an obscure or weak mark. Achieving fame for a mark in a marketplace where countless symbols clamor for public attention often requires a very distinct mark, enormous advertising investments, and a product of lasting value. After earning fame, a mark benefits not only its owner, but the consumers who rely on the symbols to identify the source of a desired product. Both the mark's fame and the consumer's trust in that symbol, however, are subject to exploitation by free riders.

*Kenner Parker Toys*, 963 F.2d at 353, 22 USPQ2d at 1456.

“As [the Federal Circuit] has previously made clear, however, there is no obligation to demonstrate the fame of a mark by direct evidence.” *Bose*, 293 F.3d at 1371. “Direct evidence of fame, for example from widespread consumer polls, rarely appears in contests over likelihood of confusion.” *Id.* “Instead, our cases teach that the fame of a mark may be measured indirectly, among other things, by the volume of sales and advertising expenditures of the goods traveling under the mark, and by the length of time those indicia of commercial awareness have been evident.” *Id.*

Nite Ize enjoys approximately a billion dollars in revenue every year. See Clinton Todd Dec. ¶ 9. Nite Ize has been in business for over 25 years. See Clinton Todd Dec. ¶ 2. Nite Ize sells over 175 different products in a variety of areas including Hardware, LED, Mobile Device Accessories, Flashlight Accessories, and Flashlights. See Clinton Todd Dec. ¶ 10 and Ex. O for flashlight related products. Nite Ize spends over \$1 million dollars per year on marketing and advertising events. See Clinton Todd Dec. ¶ 11. This amount includes attendance and participation at over 80 events annually, including over 55 trade shows. Nite Ize purchases large booths at some of the nation's premier events, including the Consumer Electronics show, the Outdoor Retailers Summer and Winter Shows, the SHOT show, the Ace Show, and the National Hardware Show. The largest Nite Ize booth at the largest shows is 30 feet by 50 feet. Nite Ize maintains an online retail store at its *www.niteize.com* website. Additionally, many authorized resellers, well-known to consumers, including REI, The Home Depot, L.L. Bean, Target, Walmart, Lowes, Micro Center, and Amazon.com sell NITE IZE products both in retail stores and online. See Clinton Todd Dec. ¶ 11.

Furthermore, the media regularly reports on Nite Ize products. True and correct copies of articles highlighting Nite Ize's products and its distinctiveness, are attached hereto as Ex. F and N. These include features in Maxim Magazine, Overland Journal, Backpacker Magazine, Men's Journal Magazine, Backpacker Magazine, Real Simple Magazine, Better Homes and Gardens, and others. These features are not paid advertisements, instead Nite Ize's products were covered due to their fame and desirability. See Clinton Todd Dec. ¶ 12.

All of these facts clearly show a high volume of sales, recognition, and advertising, evidencing that the NITE IZE Mark is famous.

**(6) The Number and Nature of Similar Marks in Use on Similar Goods.  
(DuPont Factor 6)**

As shown in Exhibits G and H, the only marks on arguably related goods using a variant of “nite” or “night” and a variant of “eye” or “ize” are the marks of Nite Ize and Respondent. Therefore, there are no similar marks in use with similar goods other than that of Nite Ize and Respondent. Below is a table showing similar marks resulting from a Free Form Search of Trademark Electronic Search System (TESS) for the string (nite[BI] or night[BI]) AND (eye[BI] or ize[BI]). The table shows that the only live marks with a significantly similar appearance and similar goods are those of Nite Ize and Respondent. Therefore, there are no similar marks in use on similar goods.

Mark	Serial and/or Registration Number	Brief Summary of Goods
NITE-EYE	86380961	Telescopes, scopes, and night vision scopes.
NITEYE – Respondent’s Mark	85485500 4179235	Flashlights
TNS NIGHT EYE REPAIR	77341519 3775246	Eye cream
NITE IZE – Petitioner’s Mark	77211139 3391315	Metal Tensioning Devices
NITE IZE – Petitioner’s Mark	76274197 2789303	Carrying cases for electronic devices
NITEYE – Petitioner’s Mark	75438086 2232141	Surgical Eye Bandages
NITE IZE – Petitioner’s Mark	75137013 2237945	Flashlight holders and accessories

NITE IZE – Petitioner’s Mark	74029928 1620077	Headbands to be worn by a person and designed to hold a flashlight
NIGHT EYES	73802815 1576011	Vitamins and nutritional dietary supplements.

**(7) The Nature and Extent of Any Actual Confusion and the Length of Time During and Conditions Under Which There has been Concurrent Use Without Evidence of Actual Confusion. (DuPont Factors 7 and 9)**

First, it is important to note that actual confusion is not needed for a conclusion of likelihood of confusion to be reached. It is well settled that the relevant test is likelihood of confusion, not actual confusion. It is unnecessary to show actual confusion to establish likelihood of confusion. *Weiss Associates Inc. v. HRL Associates Inc.*, 902 F.2d 1546, 1549, 14 USPQ2d 1840, 1842-43 (Fed. Cir. 1990) (citing numerous cases); TMEP § 1207.01(d)(ii) (4th Ed. Rev. 4/05). Despite this, the NITE IZE Mark and the NITEYE Mark have experienced actual confusion online. For instance, a search for NITE IZE on the site [www.lightmalls.com](http://www.lightmalls.com) lists various products bearing the NITEYE Mark. See Ex. E. Only non-Nite Ize products are available from a search for NITE IZE. Therefore, there is at least an inference of actual confusion in the marketplace.

The most favorable period of time for Respondent to contend that there has been concurrent usage is just over 4 years, stretching from Respondent’s claimed date of first use to the filing of this cancellation. See Ex. D.

However, additional facts bear on this period of concurrent use. Although, Respondent indicates that the date of first use in commerce for the NITEYE Mark was 2010, some accounts contradict this date of first use. First, although not determinative,

according to web archives, Respondent's website that it is uses to sell products marked with the NITEYE Mark, www.niteye.com, was not active until late 2011 or early 2012. See Ex. I. Additionally, numerous accounts indicate that the holder of the NITEYE Mark did not release any products until early 2012. See Ex. J. According to Jetbeam LTD's website, Jetbeam LTD created the NITEYE Mark, but it did not do so until 2011. See Ex. K. Additionally, even the specimen that Respondent submitted to show use in commerce to the United States Patent and Trademark office appears to be on a Jet-1 Mark product that was no longer in production (production was discontinued in 2007 by a Nitecore) at the time that use in commerce was claimed by Respondent. See Ex. L; Ex. M. Therefore, it is doubtful that this Jet-1 Mark product, which is originally branded with the JetBeam trademark was an actual product in commerce bearing the NITEEYE mark. Hence, it is believed that the time period of concurrent use is actually much shorter.

Although not needed, Nite Ize has been able to show at least one instance of actual confusion in the marketplace. Therefore, there can be no material issue that actual confusion is occurring and will continue to occur.

#### **(8) Other DuPont Factors. (DuPont Factors 9-13)**

It is believed that these factors do not bear on the present case and in the alternative, the factors raised above, far outweigh these factors. The Federal Circuit has declared it need not consider every factor, only the relevant ones. *Shen Mfg. Co. v. Ritz Hotel, Ltd.*, 393 F.3d 1238, 1241, 73 U.S.P.Q.2d 1350 (Fed. Cir. 2004). Further, not all of the DuPont factors may be relevant or of equal weight in a given case, and "any one of the factors may control a particular case." *In re Dixie Rests., Inc.*, 105 F.3d 1405,

1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997); see also *Kellogg Co. v. Pack'EM Enters., Inc.* 951 F.2d 330, 333 (Fed. Cir. 1991) (“We know of no reason why, in a particular case, a single DuPont factor may not be dispositive.”); *Kenner Parker Toys, Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 352, 22 U.S.P.Q.2d 1453 (Fed. Cir. 1992) (“As dictated by the evidence, different factors may play dominant roles in determining likelihood of confusion.”). The Federal Circuit has also stated that the similarity or dissimilarity of marks is “a predominant inquiry.” *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 U.S.P.Q.2d 1375 (Fed. Cir. 2002). Here the predominant inquiry bears that there is a significant likelihood of confusion; the marks are very similar as are the goods and services.

#### IV. CONCLUSION

For the foregoing reasons, Nite Ize requests that its Motion be granted and that summary judgment be entered, sustaining this opposition against the NITEYE Mark.

Dated January 13, 2014

Respectfully submitted,  
SQUIRE PATTON BOGGS LLP

By: 

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**DECLARATION OF CLINT TODD**

**IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

1. I, Clint Todd, am General Counsel for Nite Ize, Inc. ("Nite Ize"). I joined Nite Ize as General Counsel in 2011 after many years as an outside counsel to the company. As a result of my considerable experience working for and as part of Nite Ize, I am familiar with Nite Ize's operations, especially the marks, trade dress, and marketing activities associated with its products. All information provided within this affidavit is personally known to me or is information which has been provided to me which I believe to be true.

2. The story of Nite Ize as a business is one of the great "American dream" stories. Rick Case, founder and CEO of Nite Ize, has a 25 year history of success selling unique and innovative products. He founded Nite Ize in 1989 while he was an undergraduate at the University of Colorado based on his observed need for innovative products for daily and recreational use and the company has been his life ever since. The company now has 162 full-time employees and has sales in over 60 countries world-wide. His entrepreneurial spirit, hard work, and dedication has continually lead to the invention of distinctive products and brought these innovative products to market, making Nite Ize an ever expanding and successful business.

3. Nite Ize began using the NITE IZE Mark as early as February 13, 1990. The “NITE IZE” Mark, includes, but is not limited to NITE IZE: Registration No. 1,620,077 in international class 025, having a registration date of October 30, 1990 and a date of first use in commerce of February 2, 1990; and Registration No. 2,237,945 in international class 011, having a registration date of April 13, 1999 and a date of first use in commerce of February 2, 1990.

4. The NITE IZE Mark is pronounced as “night eyes.”

5. The NITE IZE Mark is suggestive of aiding the user to see at night; i.e. having night eyes.

6. The NITEYE Mark (Registration No. 4,179,235 for the mark NITEYE) filed on December 2, 2011 having almost the same pronunciation, as “night eye,” is suggestive of the same: aiding the user to see at night; i.e. having night eyes.

7. On February 1, 2010, Nite Ize announced the acquisition of INOVA brand LED performance flashlights. Nite Ize has been selling and co-branding INOVA brand LED performance flashlights since shortly thereafter.

8. Nite Ize has invested tremendous time, money, and effort in creating an association between the NITE IZE mark as indicating the source of its products. Through Nite Ize’s extensive marketing efforts, we have been immensely successful in developing a loyal customer following and valuable brand identity for our NITE IZE branded products.

9. Nite Ize enjoys over \$50 Million dollars in revenue every year. Nite Ize sells over two million product units per month.

10. Nite Ize sells over 175 different products in a variety of areas including Hardware, LED, Mobile Device Accessories, Flashlight Accessories, and Flashlights. Exhibit O shows product sheets for all of Nite Ize’s LED, Flashlight Accessory, and Flashlight products.

11. Nite Ize spends over \$1 million dollars per year on marketing and advertising events. This amount includes attendance and participation at over 80 events annually, including over 55 trade shows. Nite Ize purchases large booths at some of the nation’s premier events, including the Consumer Electronics show, the Outdoor Retailers Summer and Winter Shows, the SHOT show, the Ace Show, and the National Hardware Show. The largest Nite Ize booth at the largest shows is 40 feet by 30 feet.

12. Nite Ize maintains an online retail store at its [www.niteize.com](http://www.niteize.com) website, through which its products are available, including flashlight accessories and flashlights. Additionally,

many authorized resellers, well-known to consumers, including REI, The Home Depot, L.L. Bean, Target, Walmart, Lowes, Micro Center, and Amazon.com sell Nite Ize Products both in retail stores and online.

13. Nite Ize receives significant media coverage in major publications. This coverage includes features in Maxim Magazine, Overland Journal, Backpacker Magazine, Men's Journal Magazine, Backpacker Magazine, Real Simple Magazine, Better Homes and Gardens, and others. These features are not paid advertisements and instead Nite Ize's products were covered due to their fame and desirability.

14. Nite Ize has filed a similar action to this Cancellation in China for a NITEYE Mark.

Having been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, 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.



Clint Todd

General Counsel for Nite Ize, Inc.

Dated: 1/16/15

**Exhibit A**

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<b>Word Mark</b>	NITE IZE
<b>Goods and Services</b>	IC 025. US 039. G & S: HEADBANDS TO BE WORN BY A PERSON AND DESIGNED TO HOLD A FLASHLIGHT. FIRST USE: 19900213. FIRST USE IN COMMERCE: 19900213
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74029928
<b>Filing Date</b>	February 20, 1990
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 7, 1990
<b>Registration Number</b>	<b>1620077</b>
<b>Registration Date</b>	October 30, 1990
<b>Owner</b>	(REGISTRANT) RCP Enterprises, Inc. CORPORATION COLORADO Suite E4-277 2525 Arapahoe Ave. Boulder COLORADO 80302  (LAST LISTED OWNER) NITE IZE, INC. CORPORATION BY CHANGE OF NAME COLORADO 5660 Central Avenue BOULDER COLORADO 80301
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101110.
<b>Renewal</b>	2ND RENEWAL 20101110
<b>Live/Dead Indicator</b>	LIVE

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**Exhibit B**

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<b>Word Mark</b>	NITE IZE
<b>Goods and Services</b>	IC 025. US 039. G & S: HEADBANDS TO BE WORN BY A PERSON AND DESIGNED TO HOLD A FLASHLIGHT. FIRST USE: 19900213. FIRST USE IN COMMERCE: 19900213
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74029928
<b>Filing Date</b>	February 20, 1990
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 7, 1990
<b>Registration Number</b>	<b>1620077</b>
<b>Registration Date</b>	October 30, 1990
<b>Owner</b>	(REGISTRANT) RCP Enterprises, Inc. CORPORATION COLORADO Suite E4-277 2525 Arapahoe Ave. Boulder COLORADO 80302  (LAST LISTED OWNER) NITE IZE, INC. CORPORATION BY CHANGE OF NAME COLORADO 5660 Central Avenue BOULDER COLORADO 80301
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101110.
<b>Renewal</b>	2ND RENEWAL 20101110
<b>Live/Dead Indicator</b>	LIVE

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Mark Image

**Word Mark** NITEYE

**Translations** The wording "NITEYE" has no meaning in a foreign language.

**Goods and Services** IC 011. US 013 021 023 031 034. G & S: Aquarium lights; Bicycle lights; Diving lights; Flashlights; Landscape lighting installations; Overhead lamps; Pocket search lights; Safety lamps for underground use; Searchlights; Ultraviolet lamps not for medical purposes; table, floor and street lamps. FIRST USE: 20081011. FIRST USE IN COMMERCE: 20100501

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 85485500

**Filing Date** December 2, 2011

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** May 8, 2012

**Registration Number** **4179235**

**Registration Date** July 24, 2012

**Owner** (REGISTRANT) MO, ZHANGWEI INDIVIDUAL CHINA GROUP 3, TAISHA VILLAGE NANMING TOWN, JIANHE COUNTY, GUIZHOU PROVINCE, CHINA

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the wording "NITEYE".

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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Items 1 - 55 out of 231

- 1 2 3 4 5 6 7



Nite Ize Flashlight Spotlit LED Available Colors (Red, White, Blue, & Disco)

Was: \$7.50 Our Price: \$4.30



Nite Ize S-Biner Universal Plastic Clip - Small #2 - SBP2-03-01BG - Black With Black Gates

Was: \$1.69 Our Price: \$1.13



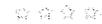
Nite Ize Figure 9 Rope Tightener Small Black F9S-02-01

Was: \$2.50 Our Price: \$1.79



Nite Ize Spokelit - SKL-03-07 - Disc-O LED

Was: \$7.99 Our Price: \$6.95



More Options

Add to Cart

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More Options



Nite Ize Dawg Illuminated Dog Collar RED LED - Collar Available in Orange or Red

Was: \$17.50  
Our Price: \$11.59



More Options



Nite Ize Key Rack - KRS-03-11 - Steel

Was: \$8.99  
Our Price: \$7.19



Add to Cart



Nite Ize S-Biner™ Universal Clip - Large # 5 Size - 3 Colors

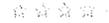
Was: \$3.99  
Our Price: \$2.69

More Options

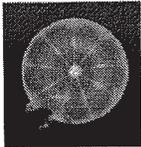


Nite Ize Meteorlight Ball 4 Available Colors - MTL-08

Was: \$11.99  
Our Price: \$7.75



More Options



Nite Ize Flashflight LED Flying Disc - FFD-08-07 - Disc-O

Was: \$27.99  
Our Price: \$17.95



Add to Cart



Nite Ize Figure 9 Rope Tightener Tool - F9L-02-09 - Large - Silver

Was: \$6.99  
Our Price: \$3.39

Add to Cart



Nite Ize Figure 9 Rope Tightener Tool Large Black (F9L-02-01)

Was: \$5.99  
Our Price: \$3.39

Add to Cart



Nite Ize Figure 9 Rope Tightener Small Silver F9S-02-09

Was: \$2.50  
Our Price: \$1.85

Add to Cart



Nite Ize Meteorlight Ball for Pets- 4 Available Colors

Was: ~~\$11.99~~  
Our Price: \$7.75

☆ ☆ ☆ ☆ ☆

[More Options](#)



Nite Ize PetLit LED Collar Light - PCL02-03-02JE - Jewel Crystal - White LED

Was: ~~\$4.49~~  
Our Price: \$3.59

[Add to Cart](#)



Nite Ize S-Biner #1 Black SB1-03-01

Was: ~~\$2.60~~  
Our Price: \$1.79

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Nite Ize KMT-01-R3 Doohickey Keychain Multi-Tool, Black

Was: ~~\$4.99~~  
Our Price: \$3.99

[Add to Cart](#)



Nite Ize CamJam - NCJ-02-01 - Single Pack

Was: ~~\$2.79~~  
Our Price: \$1.95

[Add to Cart](#)



Nite Ize TaskLit LED Headlamp - NET-07-02 - White

Was: ~~\$9.99~~  
Our Price: \$6.95

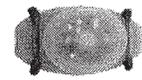
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Nite Ize HipClip - Stainless Steel Pocket Clip (NBC-03-11)

Was: ~~\$5.59~~  
Our Price: \$3.95

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Nite Ize TwistLit LED Bike Light - TLT-03-10 - Red

Was: ~~\$9.99~~  
Our Price: \$7.19

☆ ☆ ☆ ☆ ☆

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Nite Ize SpotLit LED Keychane Carabiner Light in Eco Packaging - Lime Plastic/White LED (SLG17-06-02)

Was: ~~\$6.39~~  
Our Price: \$5.25



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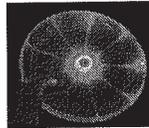


Nite Ize See 'Em LED - NSE2-03-10 - 2 Pack - Red

Was: ~~\$6.99~~  
Our Price: \$5.59



Add to Cart

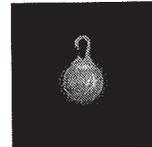


Nite Ize Flashflight LED Flying Disc - FFD-08-03 - Blue

Was: ~~\$24.99~~  
Our Price: \$16.49



Add to Cart

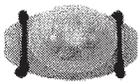


Nite Ize SpotLit LED Keychane Carabiner Light in Eco Packaging - Orange Plastic/White LED (SLG19-06-02)

Was: ~~\$6.39~~  
Our Price: \$5.25



Add to Cart



Nite Ize TwistLit LED Bike Light - TLT-03-02 - White

Was: ~~\$8.99~~  
Our Price: \$7.19

Add to Cart

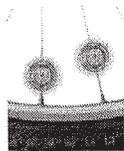


Nite Ize S-Biner Ahhh - SBO-03-11 - Stainless

Was: ~~\$3.99~~  
Our Price: \$2.95



Add to Cart



Nite Ize See 'Em LED - NSE2-03-28 - 2 Pack - Green

Was: ~~\$6.99~~  
Our Price: \$5.59

Add to Cart



Nite Ize Marker Band LED Safety Light - Red w/Wave Pattern (NABW-03)

Was: ~~\$11.99~~  
Our Price: \$7.75

Add to Cart



Nite Ize Flashflight Jr LED Flying Disc - FFJ-08-07 - Disc-O

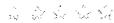
Was: ~~\$16.99~~  
Our Price: \$11.49

**Add to Cart**



Nite Ize L.E.D. Sport Vest Be Seen & Be Safe! NRV2-08-10

Was: ~~\$22.19~~  
Our Price: \$15.74



**Add to Cart**



Nite Ize S-Biner™ Universal Clip - Medium # 3 Size SB3-03

Was: ~~\$2.99~~  
Our Price: \$2.49

**More Options**



Nite Ize BrimLit 4 LED Brim-Mounted Headlamp (BMT-07-02)

Was: ~~\$16.99~~  
Our Price: \$12.50

**Add to Cart**



Nite Ize S-Biner™ Universal Clip - Small # 2 Size SB2-03

Was: ~~\$2.59~~  
Our Price: \$1.95

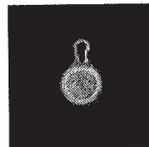
**More Options**



Nite Ize S-Biner Universal Clip - Small #1 - SB1-2PK-01 - 2 Pack - Black

Was: ~~\$3.99~~  
Our Price: \$2.95

**Add to Cart**



Nite Ize SpotLit LED Keychain Carabiner Light in Eco Packaging - Pink Plastic/White LED (SLG12-06-02)

Was: ~~\$6.99~~  
Our Price: \$5.25



**Add to Cart**



Nite Ize PetLit LED Collar Light - PCL02-03-17PA - Paw Green - White LED

Was: ~~\$4.49~~  
Our Price: \$3.59

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- 1
- 2
- 3
- 4
- 5
- 6
- 7

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Niteye MSA20 LED Flashlight - 300 Lumens - Uses 2 x AA

Was: ~~\$60.00~~  
Our Price: \$56.25



Niteye MSA10 Compact LED Flashlight - 160 Lumens - Uses 1 x AA

Was: ~~\$67.60~~  
Our Price: \$54.75



Niteye MSC10 Compact LED Flashlight - 280 Lumens - Uses 1 x CR123

Was: ~~\$87.60~~  
Our Price: \$54.75



Niteye B30 LED Bike Light - 1000 Lumens - Uses 4 x 18650 - Red

Was: ~~\$238.99~~  
Our Price: \$149.25

Add to Cart

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Niteye B20 Dual LED Bicycle Light - 2x CREE XM-L U2 LED - 1200 Lumens - Runs on 4x 18650 rechargeable battery

Was: ~~\$160.80~~  
Our Price: \$119.25

Add to Cart



Niteye EYE15 LED Flashlight - 500 Lumens - CREE XM-L U2 LED - Runs on 2x CR123A or 1x 18650 batteries (Batteries not included)

Was: ~~\$98.40~~  
Our Price: \$61.50

Add to Cart



Niteye EYE10 Compact LED Flashlight - 260 Lumens - CREE XM-L U2 LED - Uses 1 x CR123 - Black

Was: ~~\$94.80~~  
Our Price: \$79.00



Add to Cart



Niteye B10 LED Bike Light - 600 Lumens - Uses 4 x 18650 - Black

Was: ~~\$120.80~~  
Our Price: \$81.75



Add to Cart



Niteye EYE30 Black LED Flashlight Kit - 2000 Lumens - 3x CREE XM-L U2 LED - Runs on 4x 18650 batteries (Batteries not included)

Was: ~~\$258.80~~  
Our Price: \$224.25

Add to Cart



Niteye B10 LED Bike Light - 600 Lumens - Uses 4 x 18650 - Red

Was: ~~\$130.80~~  
Our Price: \$81.75

Add to Cart



Niteye TTS01 Remote Pressure Switch for the TF/TR/TS Series Flashlights

Was: ~~\$42.00~~  
Our Price: \$22.50

Add to Cart



Niteye B20 Dual LED Bicycle Light - 2x CREE XM-L U2 LED - 1200 Lumens - Runs on 4x 18650 rechargeable battery

Was: ~~\$199.80~~  
Our Price: \$159.00

Add to Cart



Niteye ZIP20 Titanium Limited Edition LED Flashlight - 300 Lumens - CREE XM-L U2 LED - Runs on 2x CR123A batteries

Was: ~~\$562.80~~  
Our Price: \$351.75

Add to Cart



Niteye TS20 Side Switch LED Flashlight - 650 Lumens - CREE XM-L U2 LED - Runs on 1x 18650 / 2x CR123A batteries

Was: ~~\$103.20~~  
Our Price: \$64.50

Add to Cart



Niteye B30 LED Bike Light - 1000 Lumens - Uses 4 x 18650 - Black

Was: ~~\$238.80~~  
Our Price: \$199.00



Add to Cart



Niteye EYE40 LED Searchlight - 3000 Lumens - 4x CREE XM-L (U2) LEDs - Uses 4 x 18650

Was: ~~\$394.80~~  
Our Price: \$246.75

Add to Cart



Niteye NE01 LED Keychain Flashlight - 10 Lumens - Runs on 1x AAA Battery - Blue

Was: ~~\$18.00~~  
Our Price: \$15.00



Add to Cart



Niteye TF25 Tactical LED Flashlight - 500 Lumens - Uses 2 x CR123

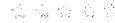
Was: ~~\$106.80~~  
Our Price: \$89.00

Add to Cart



Niteye HA30 LED Headlamp - CREE G2 LED - 260 Lumens - Runs on 3x AAA (Batteries NOT Included)

Was: ~~\$81.60~~  
Our Price: \$68.00



Add to Cart



Niteye EYE12 LED Flashlight - 260 Lumens - CREE XM-L U2 LED - Runs on 2x AA Batteries (Batteries not included)

Was: ~~\$94.95~~  
Our Price: \$57.00

Add to Cart



Niteye K1 Tactical Pen Desert Finish

Was: ~~\$81.60~~  
Our Price: \$68.00

**Add to Cart**



Niteye EYE30 Grip Carry Handle - Black

Was: ~~\$30.00~~  
Our Price: \$20.00

**Add to Cart**



Niteye 12V AC Power Adapter for the EYE25, EYE30, and EYE40 LED Flashlights

Was: ~~\$22.80~~  
Our Price: \$19.00

**Add to Cart**



Niteye EYE30 Black LED Flashlight - 2000 Lumens - 3x CREE XM-L U2 LED - Runs on 4x 18650 batteries (Batteries not included)

Was: ~~\$346.80~~  
Our Price: \$216.75

**Add to Cart**



Niteye NE01 LED Keychain Flashlight - 10 Lumens - Runs on 1x AAA Battery - Red

Was: ~~\$18.00~~  
Our Price: \$11.25

**Add to Cart**



Niteye JC10 Outdoor Mini Lamp Fairy LED Flashlight - 260 Lumens - CREE XP-G2 R5 LED - Runs on 1x CR123A (Battery not included)

Was: ~~\$58.80~~  
Our Price: \$49.00



**Add to Cart**



Niteye MSC20 LED Flashlight - 500 Lumens - CREE XM-L U2 LED - Runs on 1x 18650 / 2x CR123A / 2x 16340 batteries

Was: ~~\$90.00~~  
Our Price: \$56.25

**Add to Cart**



Niteye 12V DC Power Adapter for the EYE25, EYE30, and EYE40 LED Flashlights

Was: ~~\$7.20~~  
Our Price: \$5.40

**Add to Cart**



Jetbeam Mount for 3M IIM  
RRT2 RRT15 RRT21 BC20 BC25  
BC40 PC20 PC25 ST DDC25  
DDR26 Niteye EYE25 TR20

~~Was: \$42.95~~  
Our Price: \$10.00

**Add to Cart**



Niteye TR20 USB Rechargeable  
LED Flashlight - 650 Lumens -  
CREE XM-L U2 LED - Runs on  
1x 18650 / 2x CR123A batteries

~~Was: \$119.00~~  
Our Price: \$99.00

**Add to Cart**



Niteye EYE30 Desert LED  
Flashlight Kit - 2000 Lumens -  
3x CREE XM-L U2 LED - Runs  
on 4x 18650 batteries (Batteries

~~Was: \$394.00~~  
Our Price: \$329.00

**Add to Cart**



Niteye NE01 LED Keychain  
Flashlight - 10 Lumens - Runs  
on 1x AAA Battery - Black

~~Was: \$49.00~~  
Our Price: \$15.00

**Add to Cart**



Niteye TF20 LED Flashlight -  
480 Lumens - CREE XM-L U2  
LED - Runs on 1x 18650 or 2x  
CR123A batteries (Batteries not

~~Was: \$405.60~~  
Our Price: \$66.00

**Add to Cart**



Niteye NE01 LED Keychain  
Flashlight - 10 Lumens - Runs  
on 1x AAA Battery - Purple

~~Was: \$19.00~~  
Our Price: \$11.25

**Add to Cart**



Niteye TF20 LED Flashlight -  
CREE XM-L-U2 LED - 480  
Lumens - Uses 2 x CR123A or 1  
x 18650

~~Was: \$405.96~~  
Our Price: \$88.00

**Add to Cart**



Niteye TF40 LED Flashlight -  
520 Lumens - CREE XM-L U2  
LED - Runs on 2x 18650 or 4x  
CR123A batteries (Batteries not

~~Was: \$447.60~~  
Our Price: \$73.50

**Add to Cart**

Items 1 - 56 out of 30

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- Cell Phone Cases
- Cell Phone Car Mounts
- Wallet Cell Phone Cases

Tools & Home Improvement

- Key Chain Flashlights
- LED Bulbs
- Tie-Down Ratcheting
- Handheld Flashlights
- Flashlights
- + See more

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- Dog Collars
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- Dog Collar Charms
- Dog Collar Accessories
- Cat Collar Accessories
- Cat Collars, Harnesses & Leashes
- Dog Training Collars

+ See All 24 Departments

Refine by

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Free Shipping by Amazon



Nite Ize KMT-11-R3 Doohickey Multi-Tool, Stainless, 1-Pack

by Nite Ize

\$3.99 ~~\$4.99~~

Add-on Item

196

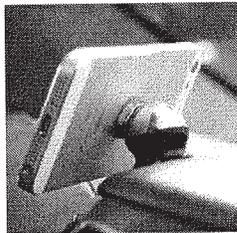
Add to a qualifying order to get it by Wednesday, Jan 14.

FREE Shipping on orders over \$35

More Buying Choices  
\$3.66 new (42 offers)  
\$7,320.00 used (1 offer)

Product Description  
... durable stainless steel, the *Nite Ize* Doohickey features a half-dozen ...

Tools & Home Improvement: See all 1,197 items



Nite Ize STCK-11-R8 Steelie Car Mount Kit for Cellphones - Retail Packaging

by Nite Ize

\$23.99 ~~\$34.99~~

Get it by Thursday, Jan 15

417

More Buying Choices  
\$26.54 used (4 offers)

FREE Shipping on orders over \$35

Product Description  
... unlike other phone holders, the *Nite Ize* Steelie Car Mount Kit is legal ...

Automotive: See all 287 items

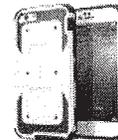
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The Original iMagnet Cradle-less Univ...

~~\$34.00~~ \$24.99

(1,880)



iPhone 6 Case, i-Blason Apple iPhon...

~~\$39.99~~ \$16.99

(1,055)



RAVPower 3rd Gen Mini 3200mAh Po...

~~\$29.99~~ \$12.99

1/13/2015

Amazon.com: nite ize

**Brand**

- Nite Ize
- Philips
- Customer Leathercraft
- SE
- Nite-ize
- Inova

**Cell Phone Compatibility**

- iPhone 5/5S
- LG G3
- Samsung Galaxy Note 4
- HTC One M8
- Samsung Galaxy S 4
- iPhone 6
- Samsung Galaxy S 5
- iPhone 5C
- iPhone 6 Plus

**Flashlight Max Output**

- Under 100 Lumens
- 100 to 199 Lumens
- 200 to 299 Lumens
- 300 to 399 Lumens
- 400 to 999 Lumens
- 1000 Lumens
- 1200 Lumens & Above

**Tools & Home Improvement  
Product Color**

**Pet Collar Feature**

- Jeweled
- Lights

**Avg. Customer Review**

- & Up
- & Up



**Nite Ize SLG-03-07 SpotLit Clip-on LED  
Go Anywhere Light, 5-Color**  
by Nite Ize

**\$6.98** ~~\$6.99~~  
Get it by **Wednesday, Jan 14**

More Buying Choices  
**\$4.10** new (76 offers)

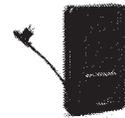
815

FREE Shipping on orders over \$35

**Product Description**  
... The *Nite Ize* SpotLit LED stainless steel carabiner light provides a ...

**Tools & Home Improvement:** See all 1,197 items

(1,086)



RAVPower® Savor Multi-functional 9...

~~\$99.00~~ **\$44.99**

(118)

Ads



**Nite Ize CCSXL-03-01 Clip Case  
Sideways XL - Retail Packaging - Black**  
by Nite Ize

**\$11.70** ~~\$13.49~~  
Get it by **Wednesday, Jan 14**

More Buying Choices  
**\$8.11** new (31 offers)

112

FREE Shipping on orders over \$35

**Cell Phones & Accessories:** See all 1,868 items

1/13/2015

& Up  
& Up

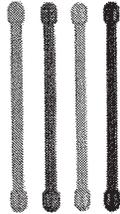
**International Shipping**

AmazonGlobal Eligible

**Condition**

New  
Used

Amazon.com: nite ize



**Nite Ize GT3-4PK-A1 Gear Tie Reusable  
3-Inch Rubber Twist Tie, Assorted Colors**  
by Nite Ize

**\$2.98** ~~\$4.49~~ Add-on Item

Add to a qualifying order to get it  
by Wednesday, Jan 14.

More Buying Choices  
**\$2.86** new (92 offers)

855

#1 Best Seller in Tie-  
Down Ratcheting

FREE Shipping on  
orders over \$35

**Product Description**

... There are so many  
ways *Nite Ize's* three-  
inch gear tie is useful.

**Tools & Home  
Improvement:** See all  
1,197 items



**Nite Ize SBO-03-01 S-Biner Ahhh  
Carabiner Clip Bottle Opener**  
by Nite Ize

**\$2.98** ~~\$3.99~~ Add-on Item

Add to a qualifying order to get it  
by Wednesday, Jan 14.

More Buying Choices  
**\$2.59** new (101 offers)  
**\$5,180.00** used (1 offer)

438

FREE Shipping on  
orders over \$35

**Sports & Outdoors:**  
See all 1,527 items



### Nite Ize SLG-03-02 SpotLit Clip-on LED Go Anywhere Light, (White, Weather Resistant)

by Nite Ize

**\$6.98** ~~\$6.99~~

Get it by **Wednesday, Jan 14**

More Buying Choices  
**\$2.50** new (57 offers)  
**\$8,200.00** used (2 offers)

640

#1 Best Seller in Dog Collar Charms

FREE Shipping on orders over \$35

#### Product Description

... The *Nite Ize* SpotLit LED carabiner Light provides an quick, easy, light ...

**Tools & Home Improvement:** See all 1,197 items



### Nite Ize Gear Tie Clippable Twist Tie (Pack of 2)

by Nite Ize

**\$2.95 - \$51.20** Add-on item

27

More Buying Choices  
**\$3.59** new (5 offers)

FREE Shipping on orders over \$35

**Sports & Outdoors:** See all 1,527 items



### Nite Ize KRS-03-11 Stainless Key Rack

by Nite Ize

**\$7.98** ~~\$10.95~~

Get it by **Wednesday, Jan 14**

More Buying Choices  
**\$4.99** new (90 offers)

147

FREE Shipping on orders over \$35

**Industrial & Scientific:** See all 293 items

Ad feedback



**Nite Ize LSBM-01-2R3 S-Biner Micro Lock, Black, 2-Pack**  
by Nite Ize

**\$4.99** ~~Add-on item~~ **173**  
Only 19 left in stock - order soon. **FREE** Shipping on orders over \$35  
More Buying Choices **Sports & Outdoors:**  
**\$3.99** new (25 offers) See all 1,527 items



**Nite Ize GT6-2PK-01 Gear Tie Reusable 6-Inch Rubber Twist Tie, Black**  
by Nite Ize

**\$2.98** ~~\$4.49~~ ~~Add-on item~~ **344**  
Add to a qualifying order to get it by Wednesday, Jan 14. **FREE** Shipping on orders over \$35  
More Buying Choices **Tools & Home Improvement:** See all 1,197 items  
**\$2.86** new (104 offers)  
**\$3,980.00** used (1 offer)



**Nite Ize NPXL-03-01 Clip Pock-Its XL Utility Holster, Black**  
by Nite Ize

**\$12.79** ~~\$16.99~~ **121**  
Get it by Wednesday, Jan 14 **FREE** Shipping on orders over \$35  
More Buying Choices **Product Description**  
**\$11.99** new (42 offers) Nitelze *Nite Ize* Clip Pock-Its Extra Long Holster - Black  
**Cell Phones & Accessories:** See all 1,868 items



Nite Ize NCJSA-01-R3 CamJam XT Aluminum, Black by Nite Ize

\$8.98 ~~\$8.99~~

Get it by Wednesday, Jan 14

More Buying Choices \$7.19 new (2 offers)

8

FREE Shipping on orders over \$35

Sports & Outdoors: See all 1,527 items



Nite Ize SpokeLit Bicycle Light Apr 29, 2011 by Nite Ize

\$6.79 - \$260.95

Some colors are Prime eligible

More Buying Choices \$6.99 new (64 offers) \$12.36 used (2 offers)

675

FREE Shipping on orders over \$35

Product Features ... Easy-to-attach Nite Ize LED SpokeLit is ideal, eye-catching way to ...

Sports & Outdoors: See all 1,527 items



Nite Ize WLT02-07-01 WrapLit LED Utility Light by Nite Ize

\$11.57 ~~\$12.99~~

Get it by Wednesday, Jan 14

More Buying Choices \$6.75 new (55 offers)

31

FREE Shipping on orders over \$35

Product Description ... The Nite Ize WrapLit is two clever devices in one. We've securely ...

Tools & Home Improvement: See all 1,197 items



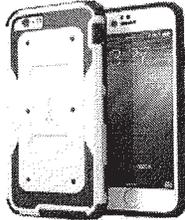
Nite Ize SB234-03-01 S-Biner Black, 3-Pack  
by Nite Ize

**\$7.99**  
Get it by **Wednesday, Jan 14**  
More Buying Choices  
**\$6.31** new (56 offers)

116

FREE Shipping on orders over \$35

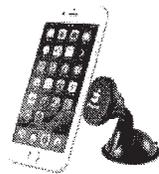
**Sports & Outdoors:**  
See all 1,527 items



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**\$16.99**  
Available from i-BLASON

1,055



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The Original iMagnet Cradle-less Universal Car Phone Windshield Dashboard Mount Holder for iPhone 6, 6 Plus (6+), 5S 5...

**\$24.99**  
Available from Genexus Distributions

1,881

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LUSTER LEAF Metal Rain Gauge w/ Stake



Luster Leaf Rainfall Gauge, Burnished Bronze 1645

(59)

~~\$16.99~~ \$13.17

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Amazon.com: nite ize

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See Color Options

Nite Ize SLG-03-07 SpotLit Clip-on LED Go Anywhere Light, 5-Color

\$6.98 \$6.99 Get it by Wednesday, Jan 14

More Buying Choices \$4.10 new (76 offers) FREE Shipping on orders over \$35

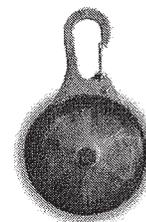


Nite Ize SlapLit LED Bracelet - Wavy Grid

\$7.99 \$11.99 Get it by Wednesday, Jan 14

More Buying Choices \$6.99 new (73 offers) \$7.58 used (1 offer) FREE Shipping on orders over \$35

109



Nite Ize SLG-06-10 SpotLit Red Eco Package, Red

\$7.67 Get it by Wednesday, Jan 14

More Buying Choices \$4.99 new (35 offers) \$2.99 used (2 offers) FREE Shipping on orders over \$35

34

Refine by

Eligible for Free Shipping

Free Shipping by Amazon

Brand

- Nite Ize
- Inova
- Nite-ize
- Nite
- PRAG
- Flashflight

Flashlight Bulb Type

- LED (229)

Feature Keywords

1/13/2015

- Clip (142)
- Waterproof (84)
- Lumens (63)
- Compact Size (65)
- Camping (23)
- Night Vision (7)
- Small Size (11)
- + See more

**Flashlight Max Output**

- Under 100 Lumens (4)
- 100 to 199 Lumens (10)
- 200 to 299 Lumens (10)
- 300 to 399 Lumens
- 400 to 999 Lumens
- 1000 Lumens (31)
- 1200 Lumens & Above

**Handheld Flashlight Battery Type**

- 9 Volt
- AA
- AAA
- A/C
- Rechargeable

**Avg. Customer Review**

- 4 Stars & Up (111)
- 3 Stars & Up (144)
- 2 Stars & Up (149)
- 1 Star & Up (150)

**New Arrivals**

- Last 30 days (16)
- Last 90 days (52)

**International Shipping**

AmazonGlobal Eligible

**Condition**

Amazon.com: nite ize



See Color Options

Nite Ize KRB-03-01 S-Biner Key Rack and Bottle Opener, Black

**\$5.81**

Get it by **Wednesday, Jan 14**

More Buying Choices

**\$3.25** new (56 offers)

**\$16.76** used (1 offer)

FREE Shipping on orders over \$35

22



See Color & Size Options

Nite Ize BugLit - Green Body - White LED

**\$9.97** ~~\$12.99~~

Get it by **Wednesday, Jan 14**

More Buying Choices

**\$7.99** new (83 offers)

FREE Shipping on orders over \$35

117



Nite Ize LHS-03 Clip-On Flashlight Holster with Stretch Capability and 8-Position Rotating Clip

**\$8.97** ~~\$9.99~~

Get it by **Wednesday, Jan 14**

More Buying Choices

**\$5.92** new (91 offers)

**\$8.45** used (2 offers)

FREE Shipping on orders over \$35

359

1/13/2015

New (382)  
Refurbished (1)  
Used (26)

**Price**

Under \$25 (278)  
\$25 to \$50 (81)  
\$50 to \$100 (15)  
\$100 to \$200 (7)  
\$200 & Above (2)

\$  to \$  GO

**Discount**

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50% Off or More (32)  
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- Picnic World Plus (61)
- BinkieMelane (57)
- SAFETY NJ (50)
- Stealth Rabbit (48)
- \* See more

**Availability**

- Include Out of Stock



Nite Ize SLG-06-03 SpotLit Blue Eco Package, Blue

**\$8.31**

Get it by **Wednesday, Jan 14**

More Buying Choices

**\$4.97** new (29 offers)

**\$9,999.00** used (1 offer)

FREE Shipping on orders over \$35

13

Amazon.com: nite ize



See more choices

Nite Ize LUC2-07 LED Conversion & Tail Cap On/Off Switch Combo II Upgrade Kit

**\$6.79 - \$234.76**

Some options are Prime eligible

More Buying Choices

**\$6.79** new (50 offers)

**\$22.60** used (1 offer)

FREE Shipping on orders over \$35

329

See Color & Size Options

Streamlight 73001 Nano Light Miniature Keychain LED Flashlight, Black

**\$8.74** ~~\$10.00~~

Get it by **Wednesday, Jan 14**

More Buying Choices

**\$2.60** new (162 offers)

**\$25.66** used (2 offers)

FREE Shipping on orders over \$35

#1 Best Seller in Key Chain Flashlights



LUSTER LEAF Metal Rain Gauge w/ Stake



Luster Leaf Rainfall Gauge, Burnished Bronze 1645

(59)

~~\$46.99~~ \$13.17

Ad feedback



Nite Ize SLG19-06-02 SpotLit, Orange Plastic

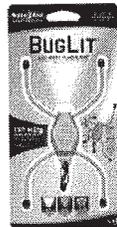
\$7.57

Get it by Wednesday, Jan 14

More Buying Choices  
\$5.75 new (19 offers)

FREE Shipping on orders over \$35

49



Nite Ize BGT12W-07-0112 Bug Lit LED Flashlight, Pink/White

\$11.17 ~~\$42.99~~

Get it by Wednesday, Jan 14

More Buying Choices  
\$9.89 new (54 offers)  
\$5.96 used (2 offers)

FREE Shipping on orders over \$35

15



See Color Options

Inova BB-W Microlight with Black Body and White LED

\$5.98 ~~\$9.99~~

Get it by Thursday, Jan 15

More Buying Choices  
\$5.00 new (44 offers)

FREE Shipping on orders over \$35

104



See Color Options

Nite Ize SBP4-03-01BG S-Biner Plastic Size-4 Double Gated Carabiner, Black with Black gates

\$3.45 ~~Add-on item~~

Add to a qualifying order to get it by Wednesday, Jan 14.

More Buying Choices  
\$1.25 new (45 offers)

FREE Shipping on orders over \$35



Nite Ize NCLS02-03-28EA ClipLit Designs, Green Earth

\$5.48

Get it by Wednesday, Jan 14

More Buying Choices  
\$3.29 new (40 offers)

FREE Shipping on orders over \$35

12



See Color Options

Nite Ize NCL-03-02 ClipLit Carabiner LED Light, White

\$4.58 ~~Add-on item~~

Add to a qualifying order to get it by Wednesday, Jan 14.

More Buying Choices  
\$1.99 new (48 offers)

FREE Shipping on orders over \$35

23



Nite Ize FFDD-07-R8 Flashlight LED Dog Discuit, Disco, 1-Pack  
**\$12.99** ~~\$16.09~~  
 Get it by **Wednesday, Jan 14**  
 More Buying Choices  
**\$11.99** new (10 offers)  
 FREE Shipping on orders over \$35

17



See Color Options

Nite Ize KRG-03-11 S-Biner Key Ring, Stainless  
**\$3.97** ~~\$3.99~~ Add-on Item  
 Add to a qualifying order to get it by **Wednesday, Jan 14.**  
 More Buying Choices  
**\$3.00** new (16 offers)  
**\$13.86** used (1 offer)  
 FREE Shipping on orders over \$35



Nite Ize ClipLit w Designs - Sun  
**\$4.32** ~~\$5.95~~ Add-on Item  
 Only 11 left in stock - order soon.  
 More Buying Choices  
**\$2.60** new (41 offers)  
 FREE Shipping on orders over \$35

2



Nite Ize SBL-03-11 S-Biner GetLit, Stainless  
**\$5.98** ~~\$8.29~~  
 Get it by **Wednesday, Jan 14**  
 More Buying Choices  
**\$4.75** new (30 offers)  
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Nite Ize BMT-07-02 BrimLit  
**\$15.45** ~~\$16.69~~  
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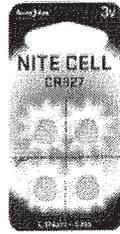
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See Color & Size Options

Nite Ize Inova STS Headlamp  
**\$17.99 - \$66.00**  
 Some sizes/colors are Prime eligible  
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**\$23.44** new (17 offers)  
**\$15.62** used (1 offer)  
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Lithium Batteries

**\$5.64**

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See Color Options

Nite Ize MLSA-M1-R7 Micro Light  
STS, Smoke Grey/Transparent  
Smoke

**\$11.72** ~~\$44.99~~

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More Buying Choices  
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Holder, Black

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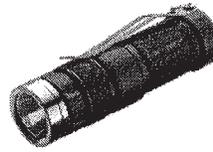
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Niteye 3000 Lumens LED Waterproof Flashlight, Army Grey, 5.71 x 2.60 x 2.60mm  
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\$  to \$  GO

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**\$75.00**  
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1



Niteye 260 Lumens LED Waterproof Flashlight with Stainless Steel Head, Army Grey, 3.15 x 0.94 x 0.94mm  
**\$79.00**

1



Niteye EYE30 3 x CREE XML U2 LED Rechargeable 2000 Lumens LED Flashlight (Special Edition)  
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Niteye EYE25 Self-Defense LED Flashlight, 2000 Lumens, 3x CREE XM-L U2 LED, Runs NITEYE-EYE25-XML2  
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Niteye B20 Dual CREE XM-L U2 LED 1200 Lumen Bicycle Light  
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Niteye 500 Lumens LED Waterproof Flashlight, Army Grey, 4.93 x 0.94 x 0.94mm

**\$82.00**

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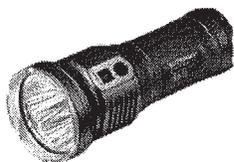
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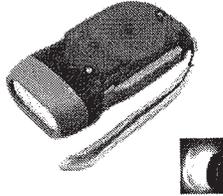
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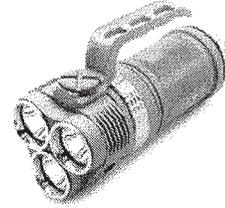
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\$279.00 new (2 offers)



Niteye ZIP20 Ti Cree XM-L U2 300Lumen Titanium LED Flashlight  
**\$745.08** new (1 offer)



Niteye NE01 LED Keychain Flashlight, 10 Lumens, Runs on 1x AAA Battery, Blue, NITEYE-NE01-BLUE



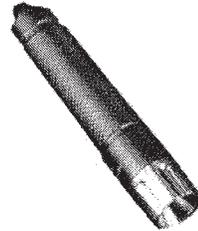
Niteye TF40 LED Flashlight, 520 Lumens, CREE XM-L U2 LED, Runs on 2x 18650 or 4x NITEYE-TF40-XML2



Niteye B10 LED Bike Light, 600 Lumens, Uses 4 x 18650, Red, NITEYE-B10-XML2-RED  
~~\$130.00~~ \$109.00



Niteye TF25 Tactical LED Flashlight, 500 Lumens, Uses 2 x CR123, Black NITEYE-TF25-XML2  
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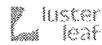
Niteye NE01 LED Keychain Flashlight, 10 Lumens, Runs on 1x AAA Battery, Purple, NITEYE-NE01-PURPLE

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