ESTTA Tracking number: **ESTTA651439**

Filing date: **01/21/2015**

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

Proceeding	92059235
Party	Plaintiff Nite Ize, Inc.
Correspondence Address	ROBERT P ZIEMIAN PATTON BOGGS LLP 1801 CALIFORNIA STREET, SUITE 4900 DENVER, CO 80202 UNITED STATES IPDocketing@pattonboggs.com, rziemian@pattonboggs.com, tcope@pattonboggs.com
Submission	Motion for Summary Judgment
Filer's Name	Robert P. Ziemian
Filer's e-mail	IPDocketing@pattonboggs.com, robert.ziemian@squirepb.com, theresa.cope@squirepb.com, ipfiles04@pattonboggs.com
Signature	/RPZ/
Date	01/21/2015
Attachments	SubmissionswithMotionforSummaryJudgement.pdf(88367 bytes) ExhibitF2.pdf(5020194 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.

Submission	Contents
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: _____

Robert P. Ziemian
2550 M Street, NW
Washington DC 20037
Telephone: 303-894-6330
Fax: 303-894-9239
Attorneys for Petitioner

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:

P. Jay Hines
Muncy, Geissler, Olds & Lowe P.C.
4000 Legato Road, Suite 310
Fairfax, Virginia 22033
E-mail: jh@mg-ip.com

/Theresa Cope/

NITE IZE®
DISCOVER YOUR SOLUTION™

Exhibit F2

SHOOTING HUNTING OUTDOOR TRADE SHOW 1979–2014

NSSF

DAY 1, JANUARY 14, 2014

SHOTDAILY

The Daily News of the 2014 Las Vegas SHOT Show Brought to You by The Bonnier Corporation and the NSSF

NEWS

Bright Idea

Nite Ize celebrates 25 years of innovation and light

Sometimes, inspiration comes in a blinding flash. At other times, it's a gradual awakening. In the case of Nite Ize, a manufacturer of lighting products for sportsmen that is celebrating its 25th year of operation, inspiration came from a fishing trip.

In 1989, company founder and CEO Rick Case was an undergraduate at the University of Colorado. Like many students who attend this school, he was an ardent outdoorsman.

"I was on a fishing trip, using a brand-new mini flashlight my family had given me as a gift," he says. "I was fishing at night, holding it in my mouth. Sure enough, I opened my mouth, and the flashlight fell out. I was staring down into the water, watching my still-lit flashlight on the bottom when an idea hit me. That idea became the first product I ever made, the Headband Mini Flashlight Holder."

In the years that have passed since that fishing trip, Nite Ize has grown from one bright idea into a company that makes and sells a wide variety of innovative accessories.

"Every product we offer is designed for superior functionality and is manufactured with top-of-the-line materials for optimum durability," Case says. "We're here to make your life easier, safer, and a little more fun."

To help celebrate its 25th anniversary, Nite Ize is introducing the Inova STS Headlamp, an innovative twist on the classic headlamp. Rather than a button or switches to turn the lamp on and off, all the user has to do is swipe his finger across the top of the headlamp.

"This headlamp is the first multi-mode, dual-color LED headlamp with a simple user interface that allows the user to easily turn on the light in any color or mode," Case says. "I think hunters in cold weather will find it incredibly bright and very easy to use."

To help celebrate its 25th anniversary, Nite Ize is introducing the Inova STS Headlamp, an innovative twist on the classic headlamp. Rather than a button or switches to turn the lamp on or off, all the user has to do is swipe his finger across the top of the lamp. Hunters wearing gloves in cold weather should find this a useful feature.

The Nite Ize Inova STS Headlamp is water resistant to 1 meter and features a white high-power, three-mode (high, low, and flashing) dimming LED and two red LEDs with three-mode (high, low, and flashing) dimming. It uses AAA batteries (alkaline or lithium) that sit in a fully sealed O-ring battery box with a solid latch. A programmed lock-out mode helps prevent accidental on during transport and storage. Available in three colors (black, blue, and orange). SRP: $34.99.

"If you'd asked me 25 years ago what I thought I'd be doing today, I'd have told you the same thing I would now—my mission is to bring innovative, solution-driven products to market that address the daily frustrations and problems outdoorsmen face." Booth #3846. (800-678-6483; niteize.com)

Nite Ize, Inc. • 5660 Central Ave • Boulder, CO 80301 • 303-449-2576 • 800-678-6483 • info@niteize.com • niteize.com

NITE IZE
INNOVATION

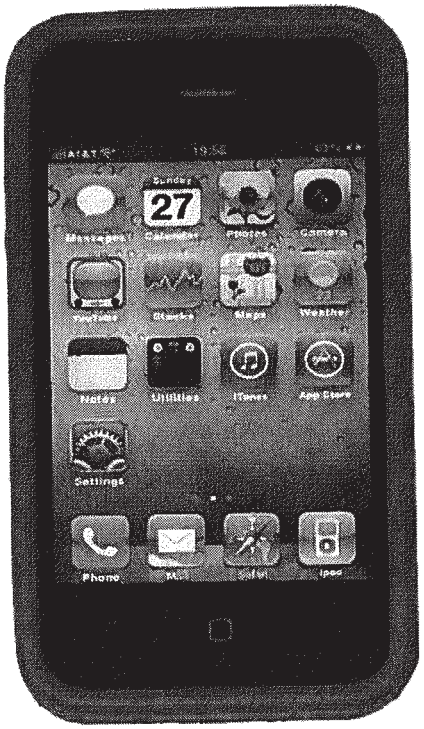
Perfect Protection

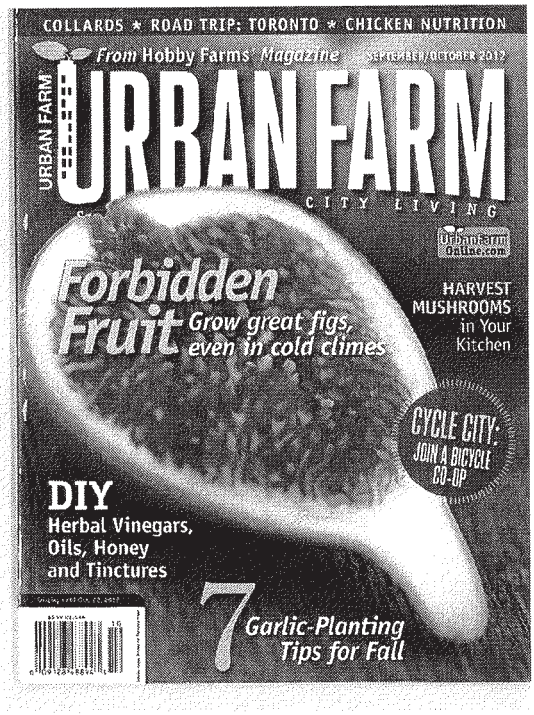
WHY YOU NEED IT You shouldn't have to scour the city to recycle cell-phone accessories.

WHY WE LOVE IT Compostable and biodegradable, the BioCase protects iPhones 4 and 4S while respecting the environment. Soft and flexible, yet surprisingly durable, the BioCase is made of organic materials, leaving a lighter carbon footprint.

GET IT Nite Ize Inc.;
800-678-6483; www.niteize.com

Circle No. 214 on the Reader Service Card.





NITE IZE
INNOVATION

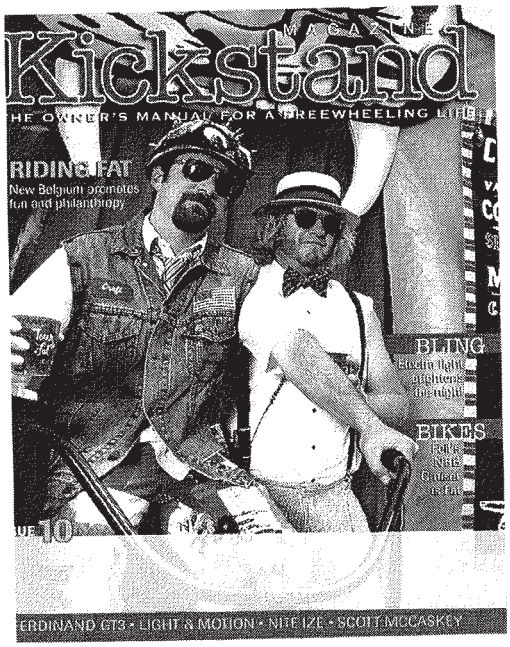
bicycle
BLING

Great stuff to accessorize your ride.

See'Em *by Nite Ize*

These long-lasting, easily activated LEDs are available in several colors nd snap on to most bicycle es. At night, they are nearly ossible to miss. Made with durable plastic and backed stainless steel clips, these ndy lights are powered by a replaceable lithium battery.

$6.99 • niteize.com



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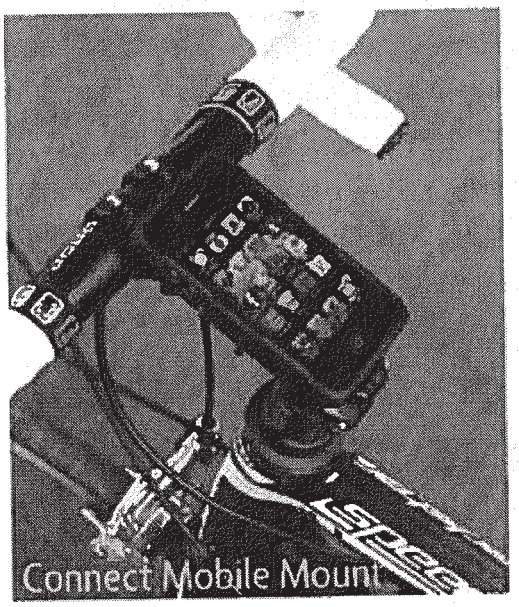
NITE IZE
INNOVATION

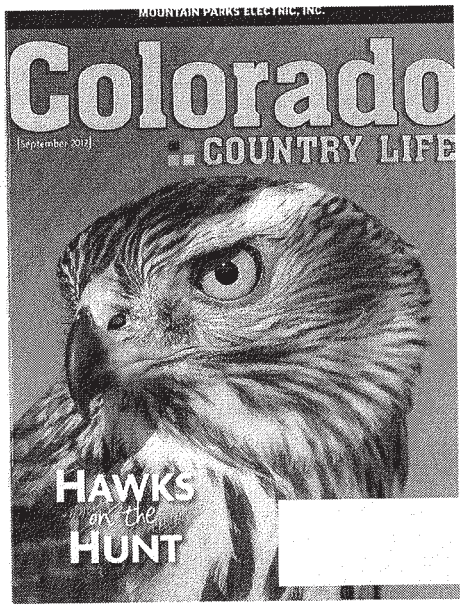
FEAST YOUR IZE ON THIS



Nite Ize products for bicyclists get glowing reviews from *Colorado Country Life* staff. The Boulder-based company's products include LED bike lights, key chains and marker bands as well as mobile phone holders.

You don't have to be a Pedal the Plains participant to appreciate the glow-in-the-dark spoke lights and carabiners, or the Connect Mobile Mount, which fixes nicely to bicycle handlebars.

But don't take our word for it; visit niteize.com.



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Tags: CES | Designers | Gadgets | iPhone

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You might like:

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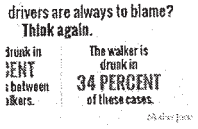
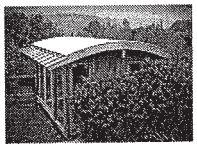
Home Stratosphere

Modern prefab gets closer to the right mix of quality and...

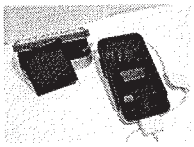
Another way to hide the bed: Turn it into a desk (Literally)



I need a drink after reading this article about drinking...

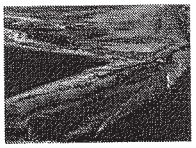


Milton Studio by Cameron Scott



Build a Solar Charger For iPhones In 30 Minutes

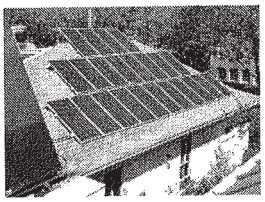
The 'No Shampoo Experiment,' six months later



Sea swallows the last house in doomed Virginia beach town
Climate-Energy

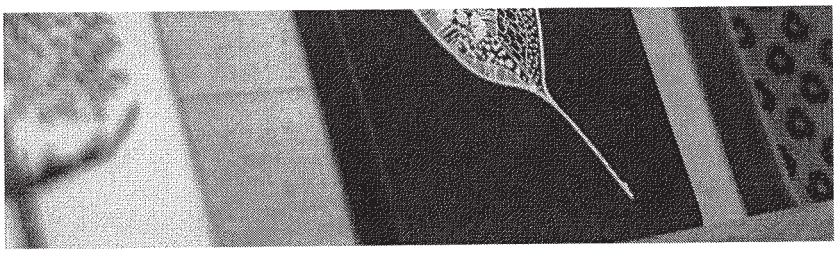
Recommended by

How much money can a solar roof save you?



Profit from your roof space: find local deals on solar in your area, eliminate your power bill, and join the solar revolution.

Calculate My Savings!



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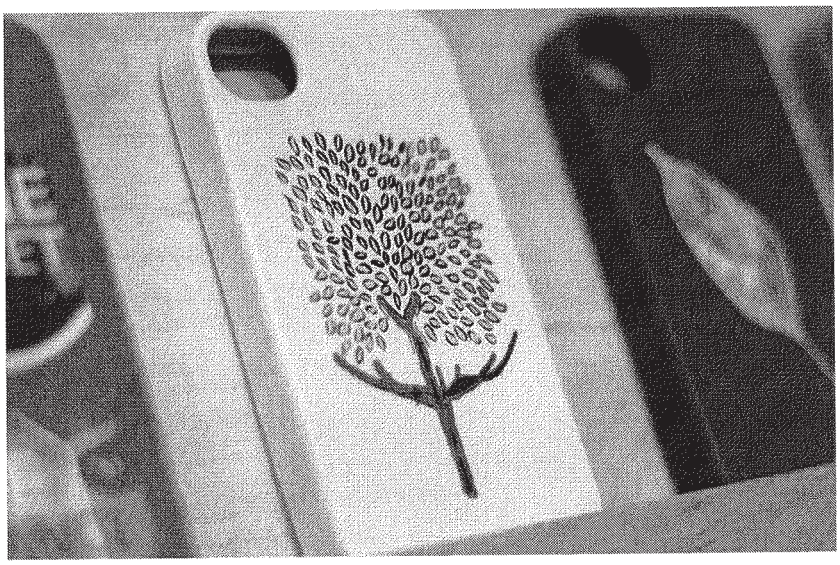
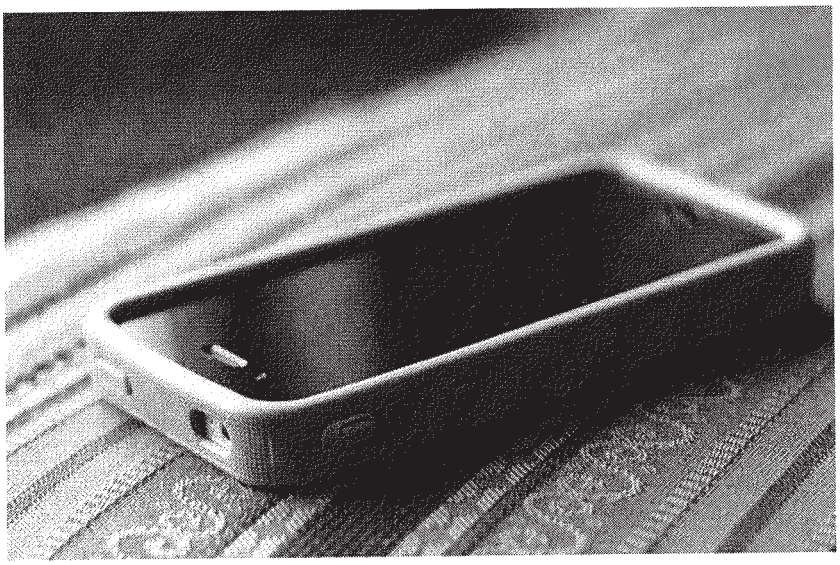


© Jaymi Heimbuch

There are a wide variety of designs already, and likely more to come -- though these cases aren't for sale through Nite Ize until March of this year. You can pre-order, though, and they run between about $20 and $30 depending on the design you select. Or, you can go to REI and grab one -- they're in stores and online.

© Jaymi Heimbuch

When I asked if it really does compost, and not just break apart into ever smaller bits of plastic-y stuff, I was told that yes indeed it will fully compost. Back into actual dirt. In fact, I was told that it would compost in under 12 months if you were to toss this onto a compost heap. But usually one doesn't toss stuff like this on a compost heap and expect it to biodegrade. So I double checked. According to Green Dot, "If left in an **aerobic commercial composting facility**, an item made out of GDH-B1 will transform back into plant-nourishing compost." [Emphasis mine.] Now that's more like what I was expecting.

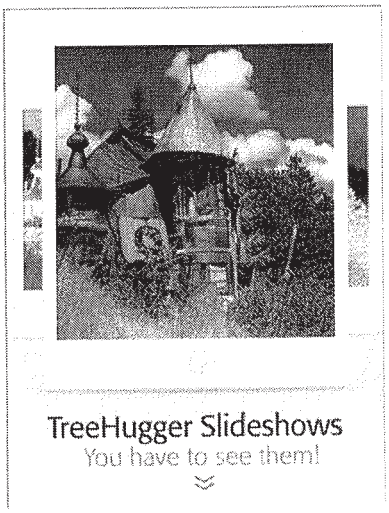


© Jaymi Heimbuch

So back to the cases -- they're adorable, and made to fit iPhone 4 and 4S. They're soft, flexible but durable, and don't add much bulk to the phone. I got to try one out on my iPhone 4 and I have to say, I really do like it. They don't do anything fancy like charge your phone, but they do give you the peace of mind that you're buying something that will one day become dirt, not something that will forever be plastic. Considering that there are billions of cell phones in use on the planet today (there were 5 billion cell phone subscriptions way back in 2010) and that cases are a fashion accessory for a good chunk of those cell phone users, having a cradle-to-cradle option like this is definitely appealing.

One key to being green is using less. Get inspired by these great examples!

by Lloyd Alter in Green Architecture



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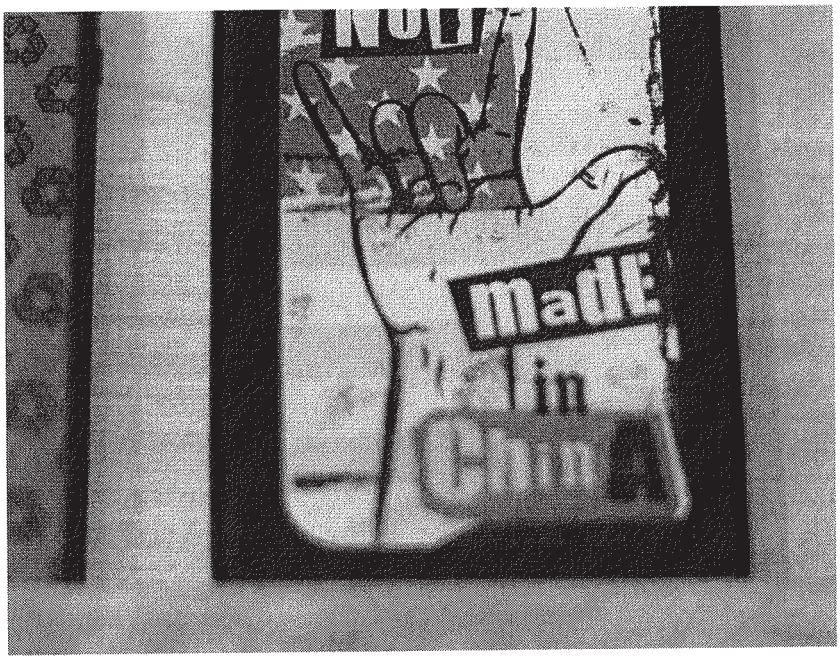
You have to see them!



© Jaymi Heimbuch

This is the BioCase from Nite Ize. It is made from "GD P.U.R.E. Bio Resin (GDH-B1)—the world's first certified compostable elastomer." Don't worry, I'd never heard of this stuff either. It was created by Binith Shah, who later founded Green Dot with his wife Elizabeth Rickard Shah (who happens to do the designs on the cases). Now, Green Dot is partnered up with Nite Ize for getting products made from this new elastomer out to the masses.

Green Dot's site states, "GDH-B1 is safe, durable, certified to meet the toughest environmental standards, and manufactured in the USA. By using organic materials as its base, not fossil fuels, GDH-B1 means a lighter carbon footprint and reduced carbon emissions overall. The life cycle of a product made out of GDH- B1 is complete when it decomposes back into organic material. Products made out of GDH-B1 transform themselves into compost quickly and safely in accordance to the EN 13432 and ASTM D6400 standards. It's the perfect plastic solution."

10. 6 ways to make an emergency candle with household objects

FEATURED

8 ways to use honey to pamper your skin and hair

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by Katherine Martinko in Organic Beauty

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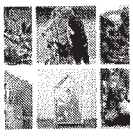

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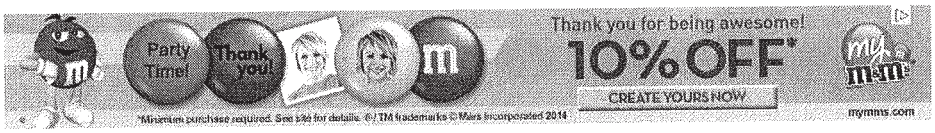
by Lloyd Alter in Sustainable Product Design

A Glimpse of What We've Lost: 10 Extinct Animals in Photos

We're in the midst of the sixth great extinction right now, with the ...

by Mat McDermott in Natural Sciences

How To Live With Less In Style & Comfort



CES 2012: iPhone Cases Made of World's First Certified Compostable Elastomer

Jaymi Heimbuch (@JaymiHeimbuch)
Technology / Gadgets
January 11, 2012

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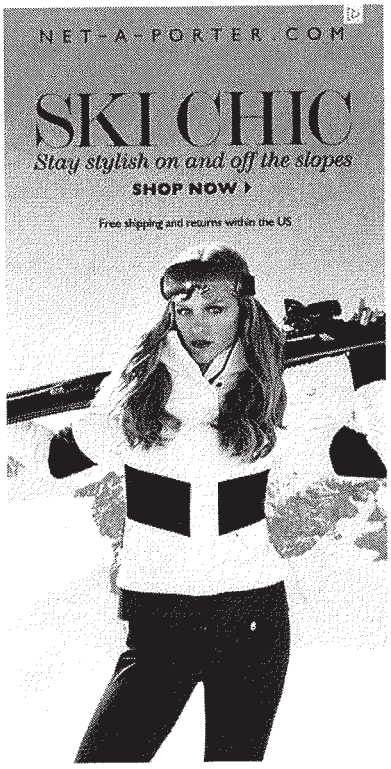
While bustling through a corner of CES, some iPhone cases caught my eye and I stopped to take a closer look. What I found is a lot more interesting than I'd have ever expected.



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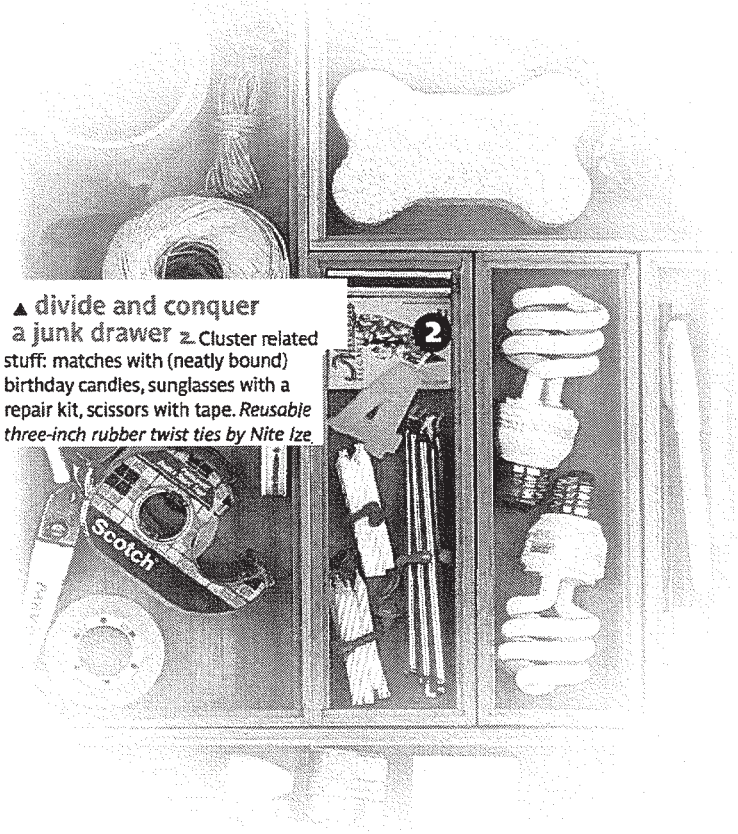
6. WASP 3D printer creates hyper-local affordable housing out of mud (Video)
7. Saving Food From The Fridge: It Will Taste Better, May Even Last Longer And Reduce Your Energy Bills
8. Why is Bill Gates drinking poop-water? (video)
9. Why do people keep saying electric car sales are slow?



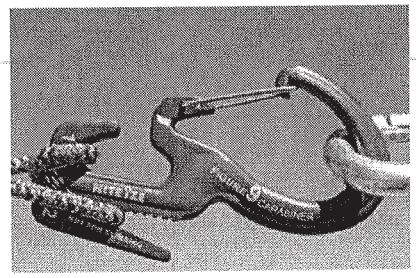
▲ divide and conquer a junk drawer 2. Cluster related stuff: matches with (neatly bound) birthday candles, sunglasses with a repair kit, scissors with tape. *Reusable three-inch rubber twist ties by Nite Ize*

By Jonathan Hanson and Scott Brady

A few of the best new products we found at the Outdoor Retailer show

Surefire SAINT $185

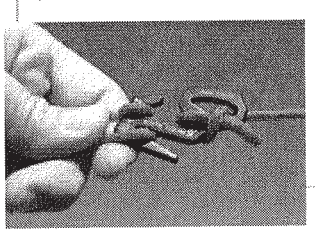
Resistance might be futile. For years I've shunned headlamps because, a) they're dorky, and, b) headlamp wearers always shine them in your eyes when they talk to you, then say, "Oh, sorry!" after destroying your night vision. But the Surefire SAINT might change my mind. Why? First, its black anodized aluminum housing is minimally dorky—perhaps even vaguely SWAT-esque—as well as shockproof and waterproof. The headstrap is by far the most comfortable I've tried. The lens produces an even, dead-spot-free beam in the same wide pattern as your field of vision, and it's adjustable with a twist from 1 to a conversation-partner-dazzling 100 lumens. Plus, it can run on one, two, or three 123a lithium batteries *or* two AA alkaline cells. On three 123s it will burn for 48 hours on the medium, 10-lumen setting. (J.H.) *surefire.com, 800-828-8809*



Nitelze Figure 9

$2.50 to $10

Does the stupid rabbit go down the hole or out of it after he goes around the tree? Never fumble knots again with the Figure 9 rope tighteners and carabiners from Nitelze, which allow you to instantly secure tent guylines or cargo tiedowns. Available with working load capacities up to 300 pounds, the design facilitates fast tension adjustment after the load is controlled, so if, say, a guyline sags because your tent fly stretches in the rain, you can snug it in seconds. (J.H.) *niteize.com, 800-678-6483*

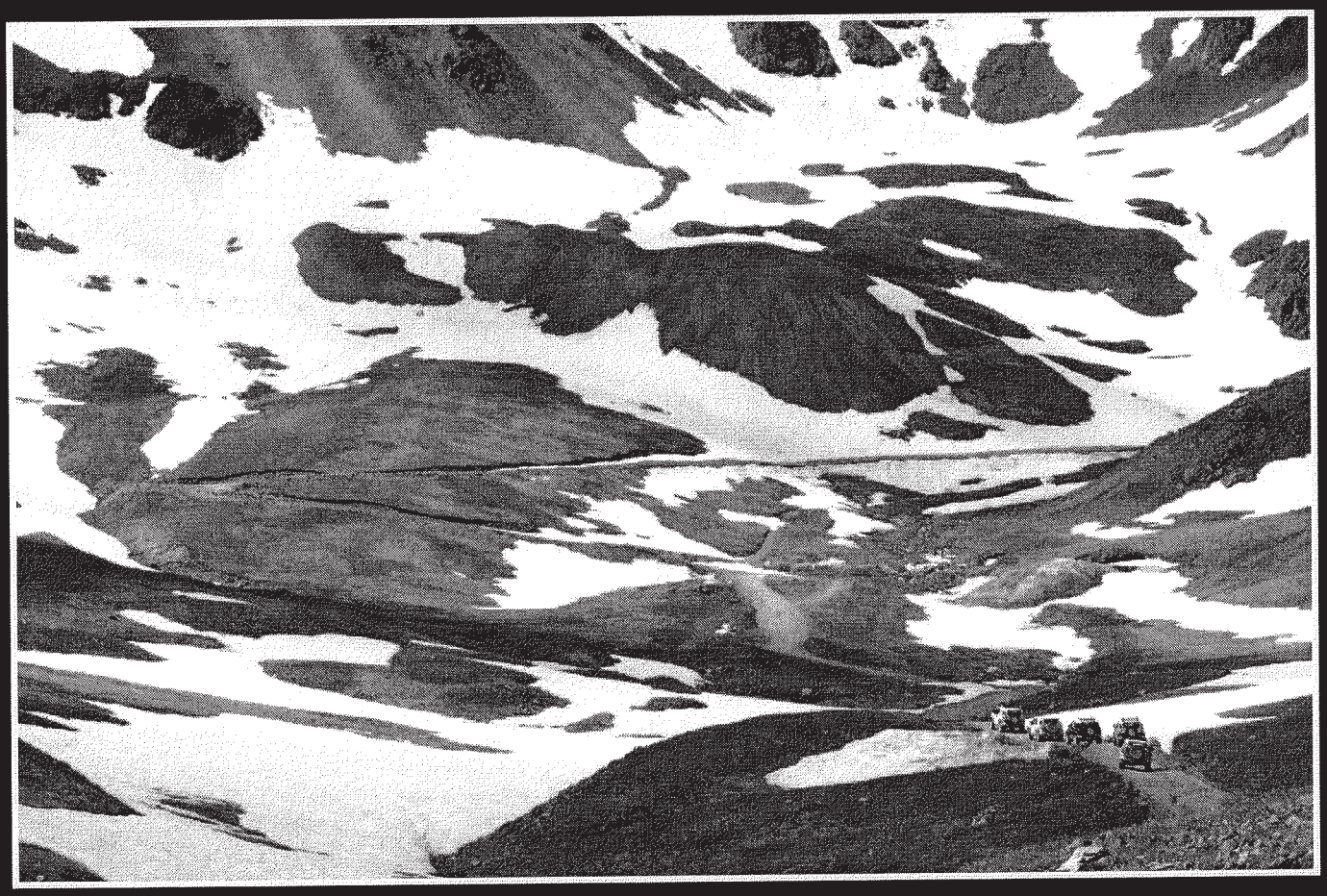


Trailcharge $425, Trailbatt $200

Portable solar arrays with real power are as rare as sunny days in Seattle. The Trailcharge boasts a 26-watt rating, meaning that in real conditions it should approach 20 watts of output, over 1.5 amps at 12 volts. That's enough to effortlessly recharge laptop, camera, or flashlight batteries, or keep a deep-cycle automotive battery topped up. One key to the Trailcharge's efficiency is the pair of aluminum poles that turn the four-panel folding array into a rigid structure, so you can lean it at a proper angle to the sun. You can pair the Trailcharge with the lightweight, lithium, 6-amp-hour Trailbatt for a complete power system. (J.H.) *trailcharge.com, 719-488-1600*

Fall 2008 $10

OVERLAND JOURNAL

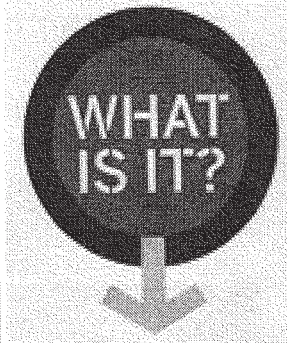


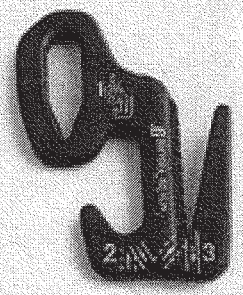
Sahara Empty Quarter, Part II

Family Tent Test

Hi-Lift Jack Skills

Exploring Vermont



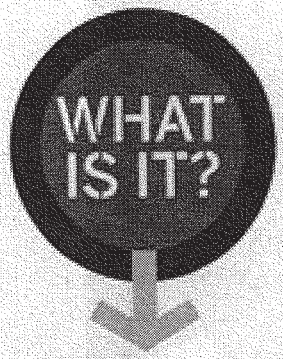


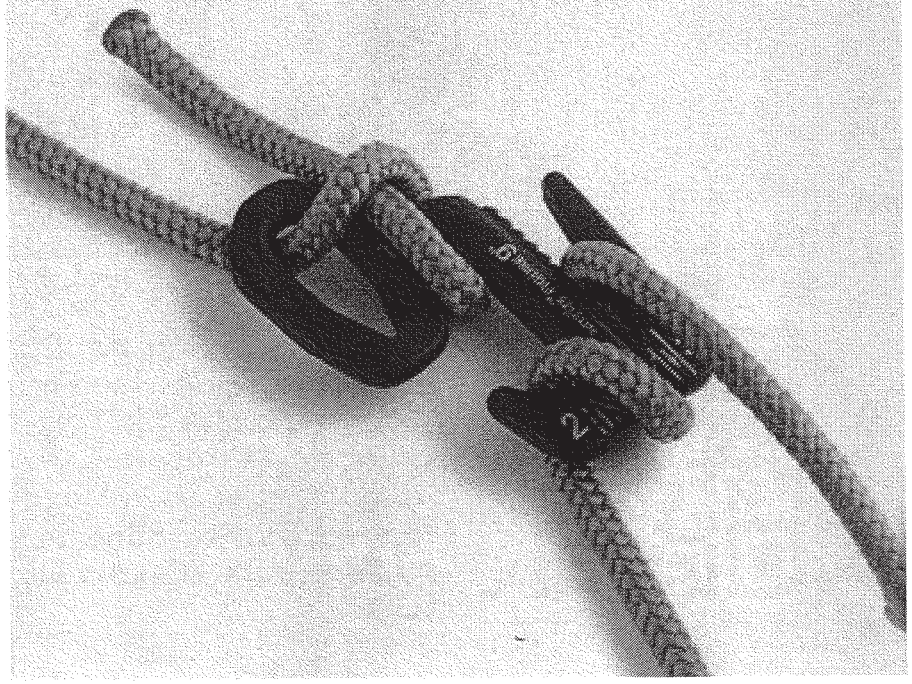
A→ Key for opening paint cans

B→ Gauge for measuring wire thickness

C→ Safety anchor for fall protection

D→ Or...



D → Rope tensioner

The aluminum Nite Ize Figure 9 Large allows you to easily snug down a load of cargo without tying a trucker's hitch—and minus all the extra rope it requires. Just follow the laser-engraved directions and you can quickly pull a rope taut or loosen it. Works with rope from ⅛ to ⅜ inch in diameter. $5.30; leevalley.com