ESTTA Tracking number: **ESTTA651448**

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) ExhibitN2.pdf(3454554 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/

Exhibit N2

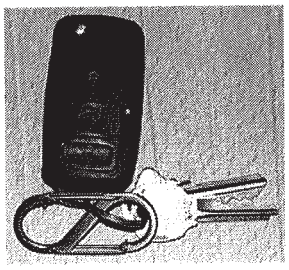
Dual-sided carabiner

Nite Ize S-Biner

05-14-08

S-Biners are much lighter than conventional carabiners and have two attachment points, which really comes in handy when you need to quickly attach and detach things. When I stumbled on these at Frys recently, I picked them up right away. I'm a product design engineer so whenever I see a simple elegant design, I just have to get it. I now use a #2 for my backpack and a #1 for my keychain; I like to clip just my motorcycle key to my jacket, so I don't have to root through my pockets, and I also like to separate my car key when I take it in for service. The two attachment points really makes this easier. On a recent bike camping trip, we also used them in a pinch to hold my friends panniers in place. In addition to various sizes, S-Biners even come in a variety of colors. Just don't use 'em for climbing.

– Cormac Eubanks



Nite Ize S-Biner
55
(size 2, black)
Available from Amazon

Other sizes/colors also available from Amazon

Manufactured by Nite Ize

Related items previously reviewed on Cool Tools:

Grocery Bag Panniers

Sigg Aluminum Water Bottles

Black Stallion Cowhide Welding Jacket

11 COMMENTS SHARE

PREVIOUS | NEXT in category GENERAL PURPOSE TOOLS

Related

Wink
remarkable books that belong on paper

JUSTWORKS!

Justworks. Give your business a rad holiday gift: less stress and better benefits.

Ads Via The Deck

COOLTOOLS

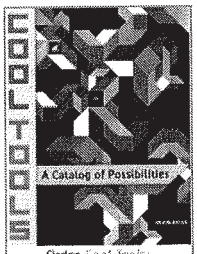
Recently Asked

Super-durable ZipLoc-type Bags?

I want to use a portable device as "virtual notebook" with integrated picture taking and annotations

Well Water contains sand/silt

Best Sunglasses



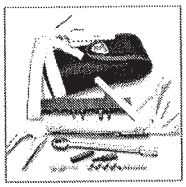
Order *Cool Tools: A Catalog of Possibilities* — the "best-of" Cool Tools over the last 10 years in an oversized paper format.

COOL TOOLS PRESENTS
THE DAILY RULE of THUMB

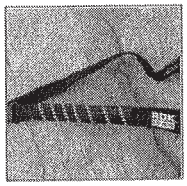
BUTCHERING BEEF
You are doing O.K. if you get half a beef cow's live weight in usable meat. – Ken Leach, meat cutter

SUBMIT A RULE

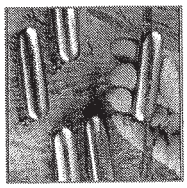
SHARE



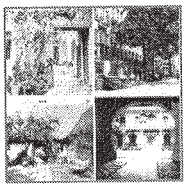
Gerber Artifact



ROK Straps

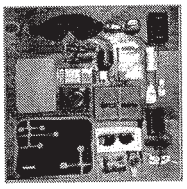


The Losable Knife

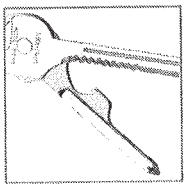


TechShop Membership

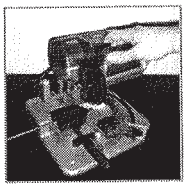
Explore Cool Tools



What's in My Bag? - Christopher Michel



Prove Us Wrong: Utili-Key



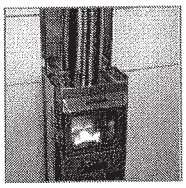
Proxxon Mini Saws

KK*

LIFESTREAM *
THE TECHNIUM *
COOL TOOLS *
TRUE FILMS *
SCREEN PUB *
QUANTIFIED SELF *
NEW RULES *
STREET USE *
ASIA GRACE *
SILVER CORD *
WINK *

FEEDS

Search



Dickinson Marine Fireplace

Powered by

Comments

A cool tool is anything useful that is superior to comparable items. If you think this tool is inferior suggest a better one. You are welcome to insult a tool, but comments containing insults to individual people will be deleted. Corrections of fact are always welcomed, if stated politely. Recommendations of better tools are dearly wanted and may be elevated to the front page.

AROUND THE WEB

Can Cole Slaw Kill You? Here Are 20 Dangerous Foods to

Pagani Huayra: The Most Expensive, Best Looking Car

ALSO ON COOL TOOLS WHAT'S THIS?

Butterfly Spring Door Closer

Kevin's Picks

SpiderPro Dual Camera Holster

Trek Light Gear Bindle Backpack

Comments Community Login

Sort by Newest Share Favorite

Join the discussion...

Zeb

Nite Ize now has locking versions of the S-Biner - the SideLock, and MicroLock.

Wayne Ruffner

I also recently lost an expensive thumb drive off one of these. I suggested to Nite Ize that a little plastic clip for the center of the S could be a perfect way to lock these things shut. I also decided to abandon these for my keys.

But since I like having several small rings to organize my stuff (and have used a selection of fishing tackle in various combinations over many years), I dug out one of the small plastic S-biners made by the same company. The spring gate is much stiffer and is working fine for me now - but I'm also not using giant rings of 50 keys.

So far so good!

Eric Sullender

I've also dropped keys with this clip, although the above photo looks like maybe a "double clip" method might work better. Has anyone tried this? Any other suggestions for keychains which allow easy addition/removal of a ring of keys? I once had the 'valet' keychain from Tiffany & Co. That worked well, but I lost it somewhere.

Johngo

I've tried these, and failed to see how they are any big advantage over a plain vanilla carabiner. The "2 clipping points" feature was worthless for me.

KK*

LIFESTREAM *
THE TECHNIUM *
COOL TOOLS *
TRUE FILMS *
SCREEN PUB *
QUANTIFIED SELF *
NEW RULES *
STREET USE *
ASIA GRACE *
SILVER CORD *
WINK *

FEEDS

Search

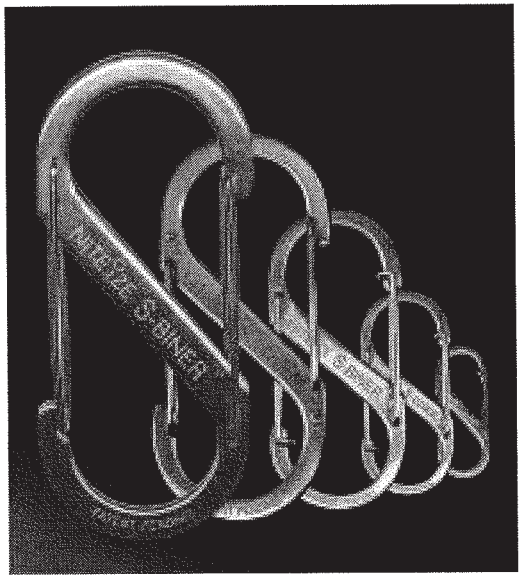
denverpost.com

Quick clip a good catch

The Denver Post
Article Last Updated: 05/17/2008 10:28:36 PM MDT

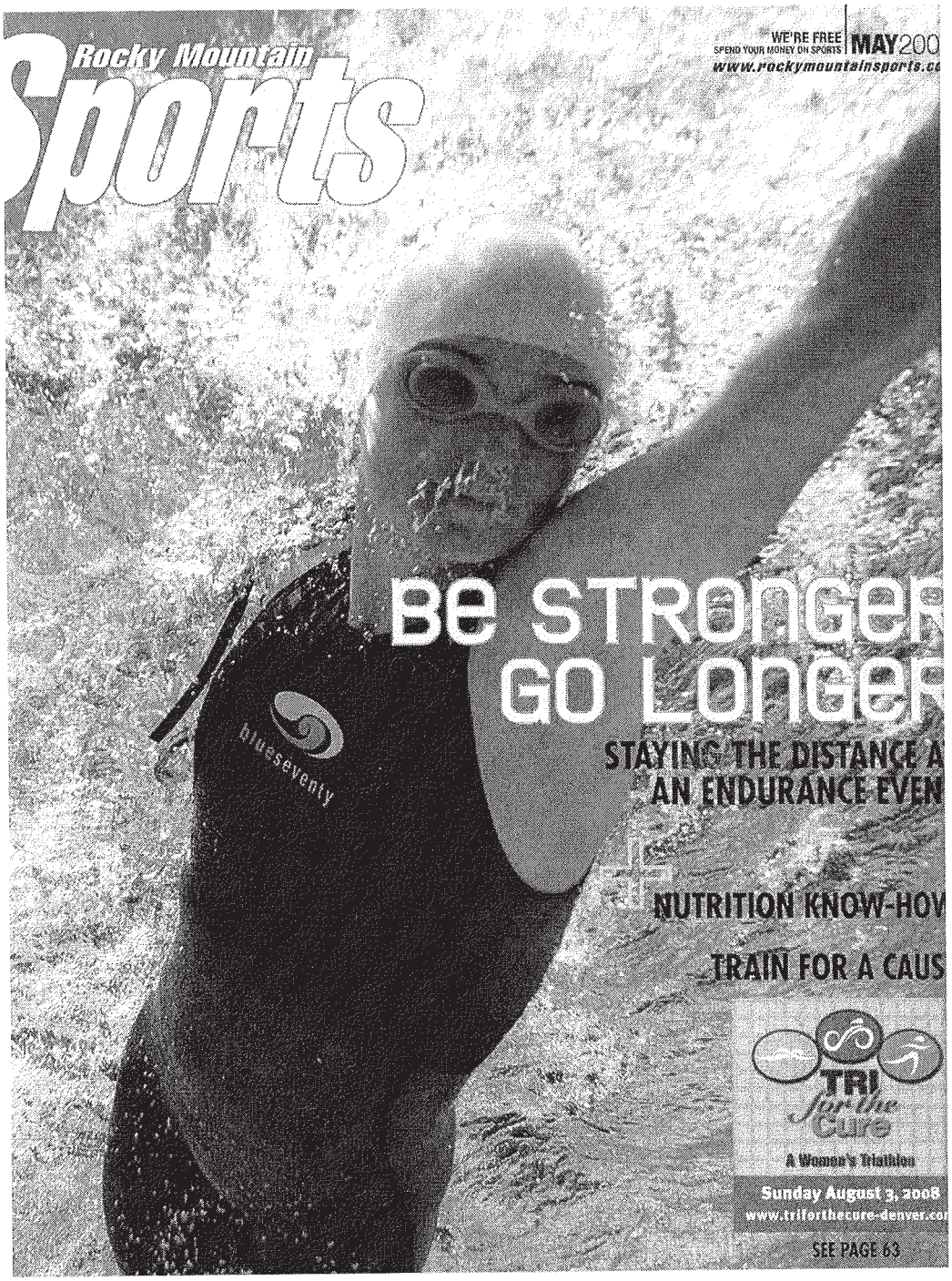
Don't know about you, but I'm always looking for some way to hang whatever new gadget I just acquired off my fishing vest. A Boulder company, Niteize, offers an answer with its S-Biner, a lightweight modification of the traditional climbing device.

The S-Biner provides a quick-clip, double-gated hanger of stainless steel that comes in five sizes, priced from $1.99 to $6.99 and available at REI, Bass Pro Shops and Dick's Sporting Goods. The small sizes work best for most fishing objects. They also may be ordered at niteize.com.



(|)

Rocky Mountain Sports
WE'RE FREE SPEND YOUR MONEY ON SPORTS | MAY 200
www.rockymountainsports.c



BE STRONGER GO LONGER

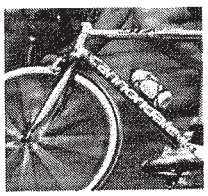
STAYING THE DISTANCE A
AN ENDURANCE EVEN

NUTRITION KNOW-HOW

TRAIN FOR A CAUS

TRI for the Cure
A Women's Triathlon
Sunday August 3, 2008
www.triforthecure-denver.co

SEE PAGE 63



BIKE

FUN STUFF

Denver-based Primal Wear is always coming out with wild and crazy jersey designs. There are beers, bands, even different branches of the military. And this season is no different. Your cycling buddies will have no bones with you if you're wearing the X-Ray Jersey. $60.95. *www.primalwear.com*

Heading out for some night riding? Then snap on a Nite Ize SpokeLit Light and be seen. The cleverly designed L.E.D. slides on to three-cross wheel spokes and stays securely in place while riding. The SpokeLit comes in both red and green L.E.D. and features both a flash and glow illumination mode. Fun for any bike. $7.99. *www.niteize.com*

VINE: ARE COLORADO VINTNERS CALIFORNIA DREAMING?

www.cobizmag.com

colorado biz

PEOPLE ISSUES BUSINESS STATEWIDE

JUNE 2008
Volume 35, No.6
A WiesnerMedia Publication
$3.95

[PLANET PROFIT REPORT]

FUEL'S PROGRESS

Colorado's new-energy economy: Managing the combustible mix of industry, innovation and environment

LAUREN WITTIG, A PH.D. CANDIDATE AT COLORADO SCHOOL OF MINES, TESTS ALGAE THAT SOMEDAY MAY BECOME A VIABLE BIOFUEL FEEDSTOCK.

ALSO

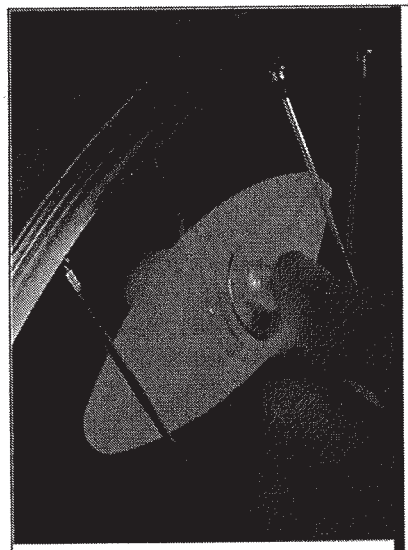
STEVE FARBER: KEY FIGURE IN DENVER'S DNC QUEST

GOOGLE'S ONLINE ANSWER TO MICROSOFT OFFICE

COLORADO'S TOP 100 PUBLIC COMPANIES

[small biz] COLORADO COOL STUFF

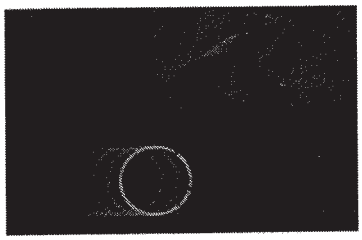
BY ERIC PETERSON



SPOKELIT

A gadget that turns a bicycle's wheel into a psychedelic light show, the SpokeLit is the latest in a long line of innovative safety- and light-related accessories from Boulder's Nite Ize.

"It provides active visibility rather than a passive reflector," said CEO Rick Case, noting that the SpokeLit gets its luminescence from energy-efficient LEDs in a number of different colors. "There's been phenomenal response."



The product, which easily mounts on a wheel's spokes and debuted this January, was conceived by Playhard, a Boulder-based concept company that designed previous Nite Ize products.

Noted Case: "You have to reach out there a bit for good ideas."

$7.99 retail.

Made by Nite Iz Inc., Boulder, (800) 678-6483 or (303) 449-2576, www.niteize.com. Available online and at numerous Colorado retailers; call for details.

KING CAGE

A former racer and bike-factory employee, Ron Andrews filled a request for a titanium water-bottle holder and made one by hand. "Seventeen years later, I'm still doing it," Andrews said.

He relocated from Boston to Durango in 1992 to work for Yeti Cycles, his "night job" making his King Cages in his garage.

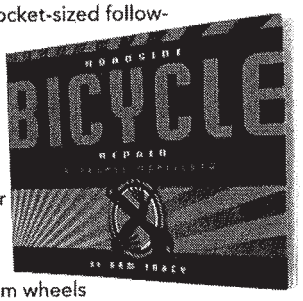
"Aluminum cages end up bending open," Andrews said. "And they mark up your bottles." Neither scenario happens with his titanium — and more affordable stainless steel — King Cages.

"I've got customers who have gone through three or four bikes and the only thing they keep is the cage," Andrews said.

Titanium: $60 retail. Stainless steel: $12 retail.

Made by King Cage (a dba for Andrews Design Work Inc.), Durango, (970)-259-146, www.kingcage.com. Also available at numerous bike stores throughout Colorado.

ROADSIDE BICYCLE REPAIR BOOK



Sam Tracy's pocket-sized follow-up to "Bicycle! A Repair and Maintenance Manifesto" is the perfect precautionary passenger on any bike ride, covering repairs on everything from wheels to handlebars. As the title implies, "Roadside Bicycle Repair: A Pocket Manifesto" approaches repairs that can be done on the sidewalk, not the shop, and covers the tools necessary for the job. A Boston-area resident, Tracy has melded a career of urban riding and writing since the early 1990s, working as everything from bike 'zine publisher to bike messenger to bike mechanic, and now works for a homelessness nonprofit. $12 retail.

Published by Speck Press, an imprint of Fulcrum Books, Golden, (303) 277-1623, www.fulcrum-books.com. Also available at numerous book and bike shops throughout Colorado.

KIDZ TANDEMS

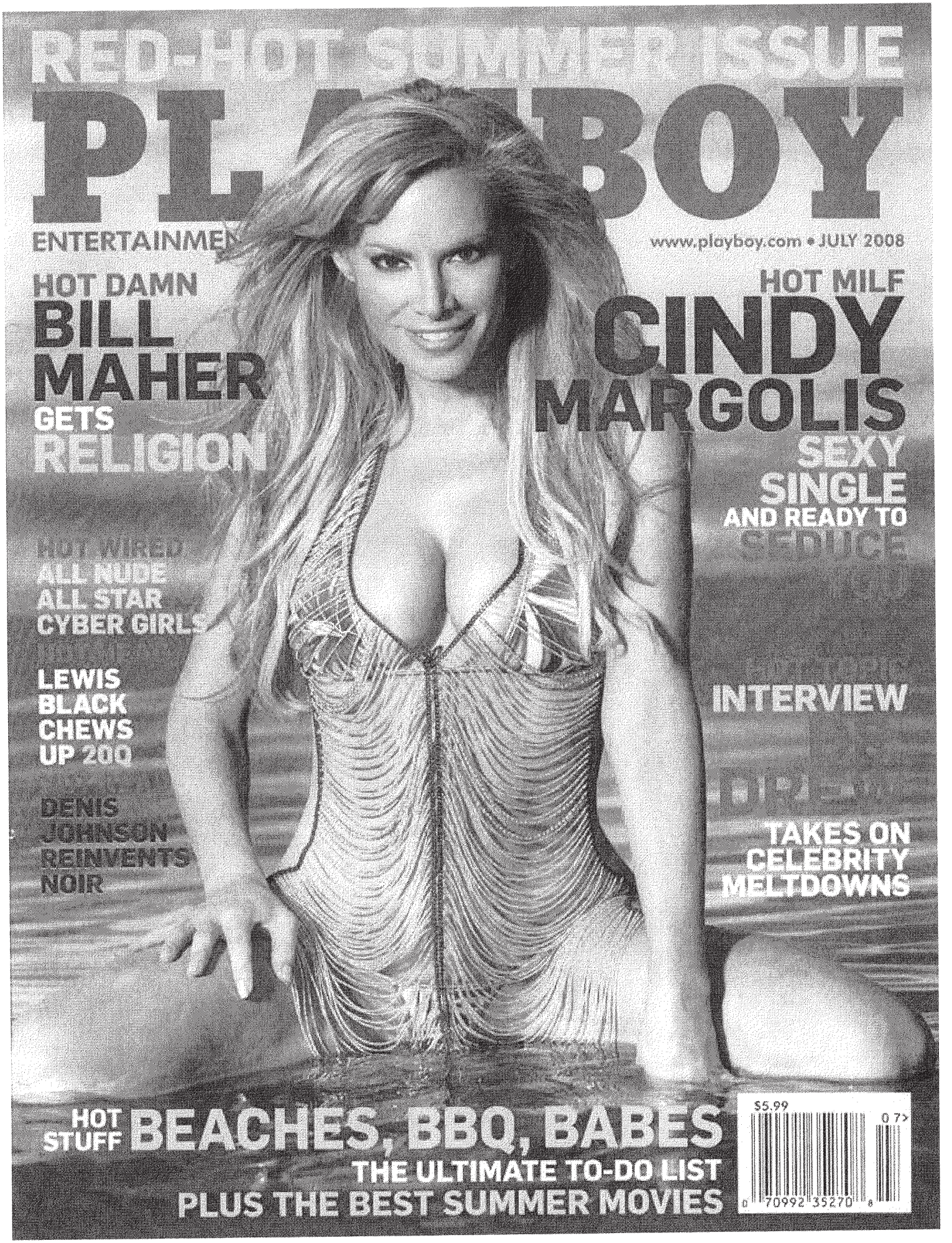
In 2004, Chris Brown, owner of Grand Junction bicycle retailer Brown Cycles, built a special tandem for riding with his own three children.

"I wanted to go on a real ride, not a fake ride," he said. "If you put them in a trailer, they just fall asleep."

Stemming from his love of building replicas of antique bicycles — he has a museum at the shop — Brown's personal bike became the prototype for the 24-speed Kidz Tandem, featuring a kid-sized front bike with real pedals and an interchangeable seat for kids aged zero to 8. Since the Kidz Tandem made its trade-show debut in 2005, Brown has sold hundreds of the bikes and continues to ride his own with his kids on the front.

"I rode over Vail Pass with my daughter this summer," he said. $1,850 retail.

Made by Brown Cycles Manufacturing LLC, Grand Junction, (970) 245-7939, www.kidz-tandem.com. Available at Brown Cycles (Grand Junction) Niwot Cycles (Niwot), and Ted's (Colorado Springs).


RED-HOT SUMMER ISSUE
PLAYBOY
ENTERTAINMENT
www.playboy.com • JULY 2008
HOT DAMN
BILL MAHER
GETS RELIGION
HOT MILF
CINDY MARGOLIS
SEXY SINGLE AND READY TO
ALL NUDE ALL STAR CYBER GIRLS
LEWIS BLACK CHEWS UP 200
INTERVIEW
DENIS JOHNSON REINVENTS NOIR
TAKES ON CELEBRITY MELTDOWNS
HOT STUFF
BEACHES, BBQ, BABES
THE ULTIMATE TO-DO LIST
PLUS THE BEST SUMMER MOVIES
$5.99
0 70992 35270 8

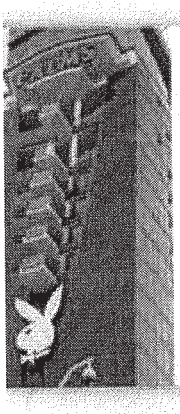
LEISURE SPORT

We like summer sports that allow you to participate while holding a cold drink in your hand. Work up a no-sweat in your backyard with Perfetta's handcrafted Italian Pro Bocce Set ($200, dwr.com). How do you make two polite old Italian men scream "fuck"? Roll your ball closest to the *pallino*.

THIS SUMMER'S HOT SEX POSITION

In honor of the Olympics, we bring you a way to make gymnastics interesting. Our apologies to the IOC.

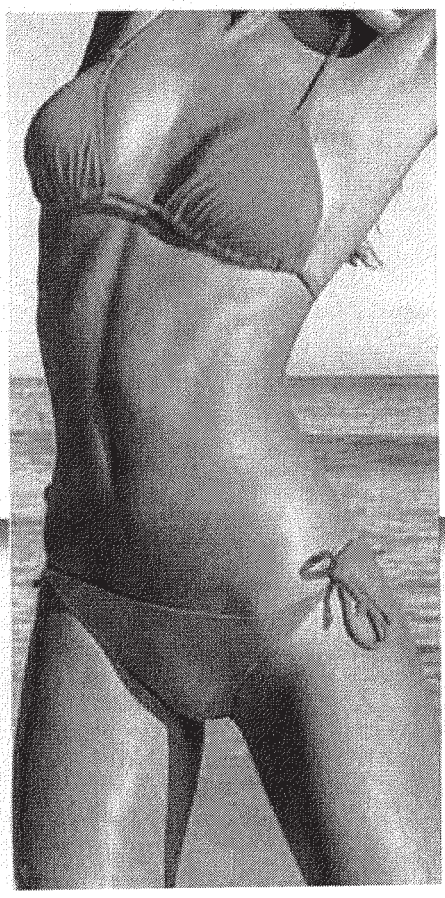
THE RIDE Mercedes-Benz SL convertibles are the preferred ride of Beverly Hills desperate housewives. But if you see the letters *AMG* on the rear, you're looking at no chick car but a beast upgraded with all manner of motor-sport love. The **2009 SL63 AMG convertible**, which hit the streets in May, sports a 6.2-liter V8 (518 bhp). We love the F1-inspired Race Start launch control, which lets you hammer from zero to 60 in 4.4 seconds. The car is electronically limited to 155 miles an hour, but if you option the AMG "killer chip," you can kiss 190 miles an hour with the top down. Sticker: $133,000. Take a test-drive with us at playboy.com/cars.



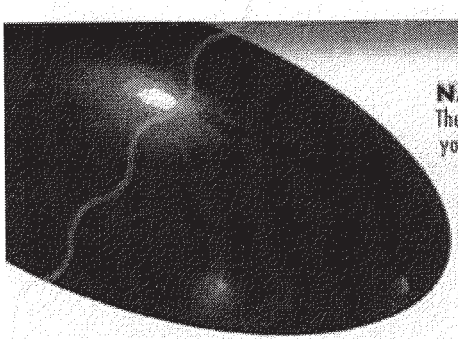
FIVE REASONS TO ROAD-TRIP TO VEGAS

1. Reserve the new 15-person table called Hef's Place at the Playboy Club at the Palms and you'll get your own silk bathrobe. The table's covered with photos of Hef and his ladies.
2. Once you're lubed, head upstairs to the new **Satellite Bar** atop the Palms' Fantasy Tower. Located inside the Moon nightclub, the Satellite is a VIP miniclub. We hit the opening-night party; the place was filled with hot women in stilettos and little else, downing absinthe cocktails. No complaints.
3. The new Vegas pool trend: **topless sunbathing.** Girls can recline Euro-style at the Bare (Mirage Hotel), Venus Pool Club (Caesars Palace), Beach Club 25 (Stratosphere) and Tao Beach (Venetian).
4. **The World Series of Poker's No-Limit Texas Hold 'Em Championship** runs from July 3 to 16 at the Rio, open to all who can afford the $20,000 buy-in.
5. Come on, do you really need a reason to road-trip to Vegas?

BEACH FASHION TREND String-tied bikini bottoms: The slightest tug and those babies slide right off.



TRENDY EROGENOUS ZONE The clitoris is so passé. The summer of 2008 is all about the vestibule. Called the introitus in medical books, it's the spot between the clit and the vaginal opening. Nina Hartley called it "the most sexually sensitive spot on the whole body" in her book *Nina Hartley's Guide to Total Sex*. Give it a rub (the vestibule, not the book) and see what happens.



NAKED NIGHT ULTIMATE

The problem with discs that light up for night play is you can't see the spin, so they're difficult to catch. Flashflight's flyers ($20, flashflight.com) use embedded fiber-optic strands that carry light to the edges, creating illuminated dots on the rim that show rotation in darkness. Now that science has the Frisbee-at-night problem licked, it can get back to solving global warming.