

ESTTA Tracking number: **ESTTA763291**

Filing date: **08/09/2016**

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 HAYNES AND BOONE LLP 2323 VICTORY AVE, STE 700 DALLAS, TX 75219 UNITED STATES robert.ziemian@haynesboone.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Robert P. Ziemian
Filer's e-mail	ipdocketing@haynesboone.com, venisa.dark@haynesboone.com, robert.ziemian@haynesboone.com
Signature	/Robert Ziemian/
Date	08/09/2016
Attachments	92059235 Petitioner Nite Ize First Notice of Reliance.pdf(192697 bytes ) Exhibit A 4179235 NITEYE file wrapper.pdf(1928910 bytes ) v2 Exhibit B 2237925 NITE IZE file wrapper.pdf(3525569 bytes ) v2 Exhibit C 1620077 NITE IZE file wrapper.pdf(2867699 bytes ) Exhibit D 85485500 Notice of Psuedo Mark NITEYE.pdf(76907 bytes ) Exhibit F 3925114 JETBEAM file wrapper.pdf(2858186 bytes ) Exhibit Q USTM Registration Certificate 2485515 MAGLITE.pdf(99870 bytes ) Exhibit R USTM Registration Certificate 2622179 MAGLITE.pdf(121338 bytes )

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

In the Matter of:	§	
	§	
Trademark Reg. No. 4179235	§	
	§	
Trademark: NITEYE	§	
	§	
Registered: July 24, 2012	§	
	§	
IC: 11	§	Cancellation No. 92059235
<hr/>		
NITE IZE, Inc.	§	
Petitioner	§	
	§	
v.	§	
	§	
ZHANGWEI MO	§	
Respondent	§	

**PETITIONER'S FIRST NOTICE OF RELIANCE**

Pursuant to Trademark Rules 2.120(j) and 2.122(d) of the Trademark Rules of Practice, 37 C.F.R. §2.120 and §2.122, Petitioner Nite Ize, Inc., by counsel, hereby introduces into evidence and makes of record in this consolidated proceeding the documentation outlined below.

Pursuant to Trademark Rule 2.122(d), Petitioner hereby introduces into evidence, the following U.S. trademark applications/registrations:

1. U.S. Trademark Reg. No. 4179235 issued on July 24, 2012 for NITEYE in International Class 11 (*Exhibit "A"*).
1. U.S. Trademark Reg. No. 2237945 registered on April 13, 1999 for NITE IZE in International Class 11 (*Exhibit "B"*).
2. U.S. Trademark Reg. No. 1620077 registered on October 30, 1990 for NITE IZE in International Class 25 (*Exhibit "C"*).
3. U.S. Trademark Office's Notice of Psuedo Mark for App. No. 85/485500 (Reg. 4179235) for NITEYE in International Class 11 (*Exhibit "D"*).

4. U.S. Trademark Reg. No. 3925114 registered March 1, 2011 for JETBEAM in International Class 11 (*Exhibit "F"*).
5. U.S. Trademark Reg. No. 2485515 registered on September 4, 2001 for MAGLITE in International Class 11 (*Exhibit "Q"*).
6. U.S. Trademark Reg. No. 2622179 registered on September 17, 2002 for MAGLITE in International Classes 9 and 11 (*Exhibit "R"*).

These U.S. trademark applications/registrations are relevant to all of the issues in this proceeding. The above U.S. trademark applications/registrations will be relied on to support the strength and fame of Petitioner's marks and the likelihood of confusion and of dilution posed by Respondent's use of the NITEYE mark for the goods recited in the subject application for registration.

Respectfully submitted,

Date: August 10, 2016

/Robert P. Ziemian/  
Robert P. Ziemian, Esq.  
*Attorney for Petitioner*  
HAYNES AND BOONE, LLP  
2323 Victory Avenue, Suite 700  
Dallas, Texas 75219  
Telephone: 720-484-3713  
Facsimile: 214-200-0853  
*robert.ziemian@haynesboone.com*

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 10th day of August, 2016, the foregoing *Petitioner's Notice of Reliance* was served on Respondent's counsel of record, via email 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](mailto:jh@mg-ip.com); [mailroom@mg-ip.com](mailto:mailroom@mg-ip.com)

/Robert P. Ziemian/  
Robert P. Ziemian

**Generated on:** This page was generated by TSDR on 2016-05-13 13:14:07 EDT

**Mark:** NITEYE

# NITEYE

**US Serial Number:** 85485500

**Application Filing Date:** Dec. 02, 2011

**US Registration Number:** 4179235

**Registration Date:** Jul. 24, 2012

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** May 22, 2014

**Publication Date:** May 08, 2012

## Mark Information

**Mark Literal Elements:** NITEYE

**Standard Character Claim:** No

**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

**Description of Mark:** The mark consists of the wording "NITEYE".

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

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

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** 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

**International Class(es):** 011 - Primary Class

**U.S Class(es):** 013, 021, 023, 031, 034

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 11, 2008

**Use in Commerce:** May 01, 2010

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** MO, ZHANGWEI

**Owner Address:** GROUP 3, TAISHA VILLAGE  
NANMING TOWN, JIANHE COUNTY,  
GUIZHOU PROVINCE,  
CHINA

**Legal Entity Type:** INDIVIDUAL

**Citizenship:** CHINA

## Attorney/Correspondence Information

**Attorney of Record - None**

**Correspondent**

**Correspondent Name/Address:** P JAY HINES  
MUNCY GEISSLER OLDS & LOWE PC  
4000 LEGATO ROAD  
SUITE 310  
FAIRFAX, VIRGINIA 22033  
UNITED STATES

**Correspondent e-mail:** [gx6668@yahoo.com.hk](mailto:gx6668@yahoo.com.hk)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
May 22, 2014	CANCELLATION INSTITUTED NO. 999999	59235
Jul. 24, 2012	REGISTERED-PRINCIPAL REGISTER	
May 08, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 08, 2012	PUBLISHED FOR OPPOSITION	
Apr. 18, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Apr. 03, 2012	ASSIGNED TO LIE	68123
Mar. 15, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2012	ASSIGNED TO EXAMINER	68788
Dec. 08, 2011	NOTICE OF PSEUDO MARK MAILED	
Dec. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 06, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jul. 24, 2012

## Proceedings

### Summary

**Number of Proceedings:** 1

**Type of Proceeding:** Cancellation

**Proceeding Number:** [92059235](#)

**Filing Date:** May 08, 2014

**Status:** Pending

**Status Date:** May 08, 2014

**Interlocutory Attorney:** JENNIFER KRISP

**Defendant**

**Name:** Zhangwei Mo

**Correspondent Address:** P JAY HINES  
MUNCY GEISSLER OLDS & LOWE PC  
4000 LEGATO ROAD, SUITE 310

FAIRFAX VA , 22033  
UNITED STATES

Correspondent e-mail: [mailroom@mg-ip.com](mailto:mailroom@mg-ip.com)

Mark	Application Status	Serial Number	Registration Number
NITEYE	Cancellation Pending	<a href="#">85485500</a>	<a href="#">4179235</a>

**Plaintiff(s)**

**Name:** Nite Ize, Inc.

**Correspondent Address:** ROBERT P ZIEMIAN  
HAYNES AND BOONE, LLP  
2323 VICTORY AVE, STE 700  
DALLAS TX , 75219  
UNITED STATES

Correspondent e-mail: [robert.ziemian@haynesboone.com](mailto:robert.ziemian@haynesboone.com)

Mark	Application Status	Serial Number	Registration Number
NITE IZE	Renewed	<a href="#">74029928</a>	<a href="#">1620077</a>
NITE IZE	Renewed	<a href="#">75137013</a>	<a href="#">2237945</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 08, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 22, 2014	Jul 01, 2014
3	PENDING, INSTITUTED	May 22, 2014	
4	P PROOF OF SERVICE	May 23, 2014	
5	STIP FOR EXT	Jul 01, 2014	
6	EXTENSION OF TIME GRANTED	Jul 01, 2014	
7	ANSWER	Jul 31, 2014	
8	D UNDELIVERABLE MAIL	Aug 01, 2014	
9	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Sep 09, 2014	
10	P INITIAL DISCLOSURES	Sep 29, 2014	
11	TRIAL DATES REMAIN AS SET	Dec 19, 2014	
12	P 1ST SET OF INTERROGATORY	Jan 15, 2015	
13	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2015	
14	P EXHIBITS	Jan 21, 2015	
15	P EXHIBITS	Jan 21, 2015	
16	P EXHIBITS	Jan 21, 2015	
17	P EXHIBITS	Jan 21, 2015	
18	P EXHIBITS	Jan 21, 2015	
19	P EXHIBITS	Jan 21, 2015	
20	P EXHIBITS	Jan 21, 2015	
21	P EXHIBITS	Jan 21, 2015	
22	P EXHIBITS	Jan 21, 2015	
23	P EXHIBITS	Jan 21, 2015	
24	P EXHIBITS	Jan 21, 2015	
25	SUSP PEND DISP OF OUTSTNDNG MOT	Feb 02, 2015	
26	D OPP/RESP TO MOTION	Mar 04, 2015	
27	P REPLY IN SUPPORT OF MOTION	Mar 19, 2015	
28	CHANGE OF CORRESP ADDRESS	Jun 11, 2015	
29	P MOT FOR SJ DENIED/PROCEEDINGS RESUMED	Jun 30, 2015	
30	STIP FOR EXT	Aug 11, 2015	
31	EXTENSION OF TIME GRANTED	Aug 17, 2015	
32	STIP FOR EXT	Sep 04, 2015	
33	EXTENSION OF TIME GRANTED	Sep 04, 2015	

34	STIP FOR EXT	Oct 09, 2015
35	EXTENSION OF TIME GRANTED	Oct 09, 2015
36	STIP FOR EXT	Nov 11, 2015
37	EXTENSION OF TIME GRANTED	Nov 11, 2015
38	STIP FOR EXT	Dec 07, 2015
39	EXTENSION OF TIME GRANTED	Dec 07, 2015
40	P CONFID Motion to Compel Discovery	Jan 11, 2016
41	P REDACTED MOT TO COMPEL	Jan 11, 2016
42	SUSPENDED	Jan 29, 2016
43	TRIAL DATES RESET	May 11, 2016

United States of America  
United States Patent and Trademark Office

**NITEYE**

**Reg. No. 4,179,235**

**Registered July 24, 2012**

**Int. Cl.: 11**

**TRADEMARK**

**PRINCIPAL REGISTER**

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

FOR: AQUARIUM LIGHTS; BICYCLE LIGHTS; DIVING LIGHTS; FLASHLIGHTS; LAND-  
SCAPE LIGHTING INSTALLATIONS; OVERHEAD LAMPS; POCKET SEARCH LIGHTS;  
SAFETY LAMPS FOR UNDERGROUND USE; SEARCHLIGHTS; ULTRAVIOLET LAMPS  
NOT FOR MEDICAL PURPOSES; TABLE, FLOOR AND STREET LAMPS, IN CLASS 11 (U.S.  
CLS. 13, 21, 23, 31 AND 34).

FIRST USE 10-11-2008; IN COMMERCE 5-1-2010.

THE MARK CONSISTS OF THE WORDING "NITEYE".

THE WORDING "NITEYE" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-485,500, FILED 12-2-2011.

MIDGE BUTLER, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, May 8, 2012 00:42 AM  
**To:** gx6668@yahoo.com.hk  
**Subject:** Official USPTO Notification: OG Publication Confirmation for Serial Number 85485500

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OFFICIAL GAZETTE PUBLICATION CONFIRMATION

**Serial Number:** 85-485,500  
**Mark:** NITEYE(STYLIZED/DESIGN)  
**International Class(es):** 011  
**Applicant:** MO, ZHANGWEI  
**Docket/Reference Number:**

The mark identified above has been published in the *Trademark Official Gazette* (OG) on May 08, 2012. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a certificate of registration should issue.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to **TMPostPubQuery@uspto.gov**. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser: [http://www.uspto.gov/web/trademarks/tmog/20120508\\_OG.pdf#page=1](http://www.uspto.gov/web/trademarks/tmog/20120508_OG.pdf#page=1)
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 85-485,500, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=85485500>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Apr 18, 2012

## NOTICE OF PUBLICATION

1. Serial No.:  
85-485,500
2. Mark:  
NITEYE  
(STYLIZED/DESIGN)
3. International Class(es):  
11
4. Publication Date:  
May 8, 2012
5. Applicant:  
MO, ZHANGWEI

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

**Email Address(es):**

gx6668@yahoo.com.hk

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, April 18, 2012 03:34 AM  
**To:** gx6668@yahoo.com.hk  
**Subject:** Official USPTO Notification: Issuance of Notice of Publication for Serial Number 85485500

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 85485500) is scheduled to publish in the *Official Gazette* on May 8, 2012. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=85485500>. If you have difficulty accessing the Notice of Publication, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication & Issue Review Stylesheet**  
(Table presents the data on Publication & Issue Review Complete)

**OVERVIEW**

SERIAL NUMBER	85485500	FILING DATE	12/02/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BUTLER, MIDGE FAE	L.O. ASSIGNED	107

**PUB INFORMATION**

RUN DATE	04/04/2012		
PUB DATE	05/08/2012		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	04/03/2012		
LITERAL MARK ELEMENT	NITEYE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	NITEYE
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	MO, ZHANGWEI
ADDRESS	GROUP 3, TAISHA VILLAGE NANMING TOWN, JIANHE COUNTY, GUIZHOU PROVINCE,,

ENTITY	01-INDIVIDUAL
CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	011
DESCRIPTION TEXT	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

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	011	FIRST USE DATE	10/11/2008	FIRST USE IN COMMERCE DATE	05/01/2010	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the wording "NITEYE".
PSEUDO MARK	NITE EYE; NIGHT EYE
TRANSLATION	The wording "NITEYE" has no meaning in a foreign language.

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/03/2012	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	007
04/03/2012	ALIE	A	ASSIGNED TO LIE	006
03/15/2012	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	005
03/15/2012	DOCK	D	ASSIGNED TO EXAMINER	004
12/08/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
12/07/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/06/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	ANITA YU 458 CASTLE PEAK ROAD, FLAT F, 23/F, BLOCK 1, KAM FUNG GARDEN, TSUEN WAN HONG KONG
DOMESTIC REPRESENTATIVE	NONE

**NITEYE**

## Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

### OVERVIEW

SERIAL NUMBER	85485500	FILING DATE	12/02/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BUTLER, MIDGE FAE	L.O. ASSIGNED	107

### PUB INFORMATION

RUN DATE	03/16/2012		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	03/15/2012		
LITERAL MARK ELEMENT	NITEYE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

### FILING BASIS

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

### MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	NITEYE
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	MO, ZHANGWEI
ADDRESS	GROUP 3, TAISHA VILLAGE NANMING TOWN, JIANHE COUNTY, GUIZHOU PROVINCE,,

ENTITY	01-INDIVIDUAL
CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	011
DESCRIPTION TEXT	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

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	011	FIRST USE DATE	10/11/2008	FIRST USE IN COMMERCE DATE	05/01/2010	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the wording "NITEYE".
PSEUDO MARK	NITE EYE; NIGHT EYE
TRANSLATION	The wording "NITEYE" has no meaning in a foreign language.

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/15/2012	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	005
03/15/2012	DOCK	D	ASSIGNED TO EXAMINER	004
12/08/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
12/07/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/06/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	ANITA YU 458 CASTLE PEAK ROAD, FLAT F, 23/F, BLOCK 1, KAM FUNG GARDEN, TSUEN WAN HONG KONG
DOMESTIC REPRESENTATIVE	NONE

**NITEYE**

\*\*\* User:mbutler2 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	85485500[SN]
02	23	18	3	1	P/0:02	*nitey*[bi,ti] or *nightey*[bi,ti] or nytey*[bi,ti] or *nyghtey*[bi,ti]
03	7350	N/A	0	0	P/0:02	*niti*[bi,ti] or *nighti*[bi,ti] or *nyti*[bi,ti] or *nyghti*[bi,ti]
04	2434197	N/A	0	0	P/0:02	"011"[cc]
05	3722	N/A	0	0	P/0:01	3 and 4
06	127318	N/A	0	0	P/0:02	"011"[ic]
07	117	60	1	1	P/0:01	3 and 6

Session started 3/15/2012 1:12:11 PM

Session finished 3/15/2012 1:15:14 PM

Total search duration 0 minutes 11 seconds

Session duration 3 minutes 3 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85485500

**From:** TMDesignCodeComments  
**Sent:** Thursday, December 8, 2011 00:16 AM  
**To:** gx6668@yahoo.com.hk  
**Subject:** Notice of Pseudo Mark for Serial Number: 85485500  
**ATTORNEY REFERENCE NUMBER:**

---

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV). You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

**Pseudo marks assigned to the referenced serial number are listed below.**

**NITEYE**



## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 85485500

Filing Date: 12/02/2011

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

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS\EXPORT11\IMAGEOUT11\854\855\85485500\xml1\FTK0002.JPG">\\TICRS\EXPORT11\IMAGEOUT11\854\855\85485500\xml1\FTK0002.JPG</a>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	NITEYE
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the wording "NITEYE".
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	478 x 177
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	MO, ZHANGWEI
INTERNAL ADDRESS	GROUP 3, TAISHA VILLAGE
*STREET	NANMING TOWN, JIANHE COUNTY,
*CITY	GUIZHOU PROVINCE,
*COUNTRY	China
EMAIL ADDRESS	gx6668@yahoo.com.hk
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	INDIVIDUAL
*COUNTRY OF CITIZENSHIP	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	

*INTERNATIONAL CLASS	011
*IDENTIFICATION	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; <b>table, floor and street</b> lamps
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/11/2008
FIRST USE IN COMMERCE DATE	At least as early as 05/01/2010
SPECIMEN FILE NAME(S)	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\854\855\85485500.xml11\FTK0003.JPG</a>
SPECIMEN DESCRIPTION	The specimen shows the applicant was using the mark in commerce
<b>ADDITIONAL STATEMENTS SECTION</b>	
*TRANSLATION (if applicable)	The wording "NITEYE" has no meaning in a foreign language.
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
SIGNIFICANCE OF MARK	"NITEYE" appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the goods/services listed in the application, no geographical significance, nor any meaning in a foreign language.
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	Anita Yu
INTERNAL ADDRESS	Flat F, 23/F, Block 1, Kam Fung Garden,
*STREET	458 Castle Peak Road,
*CITY	Tsuen Wan
*COUNTRY	Hong Kong
*EMAIL ADDRESS	gx6668@yahoo.com.hk
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/MO, ZHANGWEI/
* SIGNATORY'S NAME	MO, ZHANGWEI
* SIGNATORY'S POSITION	Owner

\* DATE SIGNED

12/02/2011

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 85485500

Filing Date: 12/02/2011

#### To the Commissioner for Trademarks:

**MARK:** NITEYE (stylized and/or with design, see [mark](#))

The literal element of the mark consists of NITEYE.

The applicant is not claiming color as a feature of the mark. The mark consists of the wording "NITEYE".

The applicant, ZHANGWEI MO, a citizen of China, having an address of

GROUP 3, TAISHA VILLAGE,  
NANMING TOWN, JIANHE COUNTY,  
GUIZHOU PROVINCE,  
China

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

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

International Class 011: 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

In International Class 011, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 10/11/2008, and first used in commerce at least as early as 05/01/2010, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) The specimen shows the applicant was using the mark in commerce.

[Specimen File1](#)

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

"NITEYE" appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the goods/services listed in the application, no geographical significance, nor any meaning in a foreign language.

#### The applicant's current Correspondence Information:

Anita Yu  
Flat F, 23/F, Block 1, Kam Fung Garden,  
458 Castle Peak Road,  
Tsuen Wan, Hong Kong  
gx6668@yahoo.com.hk (authorized)

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

#### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting

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

Signature: /MO, ZHANGWEI/ Date Signed: 12/02/2011

Signatory's Name: MO, ZHANGWEI

Signatory's Position: Owner

RAM Sale Number: 19912

RAM Accounting Date: 12/02/2011

Serial Number: 85485500

Internet Transmission Date: Fri Dec 02 05:52:18 EST 2011

TEAS Stamp: USPTO/FTK-XXX.XXX.XX.XX-2011120205521853

4269-85485500-4907c2a7f724a11a376e2cbc40

95f52418-CC-19912-20111202045629642595

**NITEYE**





First Use: Feb. 13, 1990

Use in Commerce: Feb. 13, 1990

## Basis Information (Case Level)

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

## Current Owner(s) Information

**Owner Name:** NITE IZE, INC.  
**Owner Address:** 5600 Central Avenue  
Boulder, COLORADO 80301  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** COLORADO

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Carl A. Forest  
**Attorney Primary Email Address:** [docketingtrademarks@pattonboggs.com](mailto:docketingtrademarks@pattonboggs.com)  
**Docket Number:** 024338.0110T  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Carl A. Forest  
Patton Boggs LLP  
Suite 4900  
1801 California Street  
Denver, COLORADO 80202  
UNITED STATES  
**Phone:** (303) 830-1776  
**Fax:** (303) 894-9239  
**Correspondent e-mail:** [docketingtrademarks@pattonboggs.com](mailto:docketingtrademarks@pattonboggs.com)  
**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jan. 17, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Jan. 17, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 04, 2008	ASSIGNED TO PARALEGAL	73376
Dec. 02, 2008	TEAS SECTION 8 & 9 RECEIVED	
Dec. 02, 2008	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 02, 2008	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 19, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 19, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 05, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 05, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Apr. 14, 2005	REGISTERED - SEC. 8 (6-YR) FILED	
Apr. 14, 2005	PAPER RECEIVED	
Apr. 13, 1999	REGISTERED-PRINCIPAL REGISTER	
Jan. 19, 1999	PUBLISHED FOR OPPOSITION	
Dec. 18, 1998	NOTICE OF PUBLICATION	
Sep. 03, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 20, 1998	ASSIGNED TO EXAMINER	72471

Aug. 18, 1998 REINSTATED  
Mar. 30, 1998 ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE  
Aug. 08, 1997 FINAL REFUSAL MAILED  
Jul. 14, 1997 CORRESPONDENCE RECEIVED IN LAW OFFICE  
Jan. 08, 1997 NON-FINAL ACTION MAILED  
Dec. 18, 1996 ASSIGNED TO EXAMINER

72471

## Maintenance Filings or Post Registration Information

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

**Renewal Date:** Apr. 13, 2009

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** POST REGISTRATION

**Date in Location:** Jan. 17, 2009

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** RCP Enterprises, Inc.

### Assignment 1 of 1

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [3338/0418](#)

**Pages:** 5

**Date Recorded:** Jun. 28, 2006

**Supporting Documents:** [assignment-tm-3338-0418.pdf](#)

### Assignor

**Name:** [RCP ENTERPRISES, INC.](#)

**Execution Date:** Jun. 27, 2006

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** COLORADO

### Assignee

**Name:** [NITE IZE, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** COLORADO

**Address:** 5735-E ARAPAHOE AVENUE  
BOULDER, COLORADO 80302

### Correspondent

**Correspondent Name:** DAVID J. LEE

**Correspondent Address:** 4845 PEARL EAST CIRCLE, SUITE 300  
BOULDER, CO 80301

Domestic Representative - Not Found

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Cancellation

**Proceeding Number:** [92059235](#)

**Filing Date:** May 08, 2014

**Status:** Pending

**Status Date:** May 08, 2014

**Interlocutory Attorney:** JENNIFER KRISP

Defendant

Name: Zhangwei Mo

Correspondent P JAY HINES  
Address: MUNCY GEISSLER OLDS & LOWE PC  
4000 LEGATO ROAD, SUITE 310  
FAIRFAX VA , 22033  
UNITED STATES

Correspondent e-mail: [mailroom@mg-ip.com](mailto:mailroom@mg-ip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NITEYE	Cancellation Pending	<a href="#">85485500</a>	<a href="#">4179235</a>
<b>Plaintiff(s)</b>			

Name: Nite Ize, Inc.

Correspondent ROBERT P ZIEMIAN  
Address: HAYNES AND BOONE, LLP  
2323 VICTORY AVE, STE 700  
DALLAS TX , 75219  
UNITED STATES

Correspondent e-mail: [robert.ziemian@haynesboone.com](mailto:robert.ziemian@haynesboone.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NITE IZE	Renewed	<a href="#">74029928</a>	<a href="#">1620077</a>
NITE IZE	Renewed	<a href="#">75137013</a>	<a href="#">2237945</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 08, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 22, 2014	Jul 01, 2014
3	PENDING, INSTITUTED	May 22, 2014	
4	P PROOF OF SERVICE	May 23, 2014	
5	STIP FOR EXT	Jul 01, 2014	
6	EXTENSION OF TIME GRANTED	Jul 01, 2014	
7	ANSWER	Jul 31, 2014	
8	D UNDELIVERABLE MAIL	Aug 01, 2014	
9	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Sep 09, 2014	
10	P INITIAL DISCLOSURES	Sep 29, 2014	
11	TRIAL DATES REMAIN AS SET	Dec 19, 2014	
12	P 1ST SET OF INTERROGATORY	Jan 15, 2015	
13	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2015	
14	P EXHIBITS	Jan 21, 2015	
15	P EXHIBITS	Jan 21, 2015	
16	P EXHIBITS	Jan 21, 2015	
17	P EXHIBITS	Jan 21, 2015	
18	P EXHIBITS	Jan 21, 2015	
19	P EXHIBITS	Jan 21, 2015	
20	P EXHIBITS	Jan 21, 2015	
21	P EXHIBITS	Jan 21, 2015	
22	P EXHIBITS	Jan 21, 2015	
23	P EXHIBITS	Jan 21, 2015	
24	P EXHIBITS	Jan 21, 2015	
25	SUSP PEND DISP OF OUTSTNDNG MOT	Feb 02, 2015	
26	D OPP/RESP TO MOTION	Mar 04, 2015	
27	P REPLY IN SUPPORT OF MOTION	Mar 19, 2015	
28	CHANGE OF CORRESP ADDRESS	Jun 11, 2015	
29	P MOT FOR SJ DENIED/PROCEEDINGS RESUMED	Jun 30, 2015	
30	STIP FOR EXT	Aug 11, 2015	

31	EXTENSION OF TIME GRANTED	Aug 17, 2015
32	STIP FOR EXT	Sep 04, 2015
33	EXTENSION OF TIME GRANTED	Sep 04, 2015
34	STIP FOR EXT	Oct 09, 2015
35	EXTENSION OF TIME GRANTED	Oct 09, 2015
36	STIP FOR EXT	Nov 11, 2015
37	EXTENSION OF TIME GRANTED	Nov 11, 2015
38	STIP FOR EXT	Dec 07, 2015
39	EXTENSION OF TIME GRANTED	Dec 07, 2015
40	P CONFID Motion to Compel Discovery	Jan 11, 2016
41	P REDACTED MOT TO COMPEL	Jan 11, 2016
42	SUSPENDED	Jan 29, 2016
43	TRIAL DATES RESET	May 11, 2016

Side - 1



**NOTICE OF ACCEPTANCE OF §8  
DECLARATION AND §9 RENEWAL  
MAILING DATE: Jan 17, 2009**

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER:** 2237945  
**MARK:** NITE IZE  
**OWNER:** NITE IZE, INC.

Side - 2

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

FIRST-CLASS MAIL  
U.S POSTAGE  
PAID

Carl A. Forest  
Patton Boggs LLP  
Suite 4900  
1801 California Street  
Denver, CO 80202

## Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark under Sections 8 & 9

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

Input Field	Entered
<b>REGISTRATION NUMBER</b>	2237945
<b>REGISTRATION DATE</b>	04/13/1999
<b>SERIAL NUMBER</b>	75137013
<b>MARK SECTION</b>	
<b>MARK</b>	NITE IZE
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	NITE IZE, INC.
<b>STREET</b>	5735-E ARAPAHOE AVENUE
<b>CITY</b>	BOULDER
<b>STATE</b>	Colorado
<b>ZIP/POSTAL CODE</b>	80302
<b>COUNTRY</b>	United States
<b>ATTORNEY SECTION (current)</b>	
<b>NAME</b>	Carl A. Forest
<b>FIRM NAME</b>	Patton Boggs LLP
<b>INTERNAL ADDRESS</b>	1660 Lincoln Street
<b>STREET</b>	Suite 2050
<b>CITY</b>	Denver
<b>STATE</b>	Colorado
<b>POSTAL CODE</b>	80264
<b>COUNTRY</b>	United States
<b>PHONE</b>	(303) 830-1776
<b>FAX</b>	(303) 894-9239
<b>EMAIL</b>	docketingtrademarks@pattonboggs.com
<b>ATTORNEY SECTION (proposed)</b>	
<b>NAME</b>	Carl A. Forest
<b>FIRM NAME</b>	Patton Boggs LLP
<b>INTERNAL ADDRESS</b>	1801 California Street
<b>STREET</b>	Suite 4900
<b>CITY</b>	Denver

STATE	Colorado
POSTAL CODE	80202
COUNTRY	United States
PHONE	(303) 830-1776
FAX	(303) 894-9239
EMAIL	docketingtrademarks@pattonboggs.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	024338.0110T1US
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	011
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">SPN0-207136167210-183001617 . DENVER- 500033-v1-TM_Section_8_renewal.pdf</a>
CONVERTED PDF FILE(S) (1 page)	<a href="#">\\TICRS\EXPORT4\IMAGEOUT4\751\370\75137013\xml2\S890002.JPG</a>
SPECIMEN DESCRIPTION	Page from applicant's website showing the mark as used in commerce
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
TOTAL FEE PAID	500
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Christa Lee Rock/
SIGNATORY'S NAME	Christa L. Rock
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	12/02/2008
PAYMENT METHOD	CC
<b>FILING INFORMATION</b>	
SUBMIT DATE	Tue Dec 02 19:34:16 EST 2008
TEAS STAMP	USPTO/S08N09-XXX.XXX.XXX. XXX-20081202193416106985- 2237945-40026ff4e6865ed33 35195dfd9cab2aa0-CC-4211 -20081202183001617309

## Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark under Sections 8 & 9

### To the Commissioner for Trademarks:

**REGISTRATION NUMBER:** 2237945

**REGISTRATION DATE:** 04/13/1999

**MARK:** NITE IZE

The owner, NITE IZE, INC., having an address of  
5735-E ARAPAHOE AVENUE  
BOULDER, Colorado 80302  
United States

is filing a Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark under Sections 8 & 9.

For International Class 011, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Page from applicant's website showing the mark as used in commerce.

**Original PDF file:**

[SPN0-207136167210-183001617 . DENVER- 500033-v1-TM Section 8 renewal.pdf](#)

**Converted PDF file(s)** (1 page)

[Specimen File1](#)

The registrant hereby appoints Carl A. Forest of Patton Boggs LLP  
1801 California Street  
Suite 4900  
Denver, Colorado 80202  
United States

to file this Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 024338.0110T1US.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### Declaration

**Section 8: Declaration of Use in Commerce**

*Unless the owner has specifically claimed excusable non-use, the owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

**Section 9: Application for Renewal**

*The registrant requests that the registration be renewed for the goods and/or services identified above.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Christa Lee Rock/ Date: 12/02/2008

Signatory's Name: Christa L. Rock

Signatory's Position: Attorney of record

**Mailing Address (current):**

Patton Boggs LLP  
Suite 2050  
Denver, Colorado 80264

**Mailing Address (proposed):**

Patton Boggs LLP  
Suite 4900  
Denver, Colorado 80202

Serial Number: 75137013

Internet Transmission Date: Tue Dec 02 19:34:16 EST 2008

TEAS Stamp: USPTO/S08N09-XXX.XXX.XXX.XXX-20081202193

416106985-2237945-40026ff4e6865ed3335195

fd9cab2aa0-CC-4211-2008120218300161730

9

Nite Ize: Flashlight Accessories - Windows Internet Explorer

http://www.niteize.com/category.php?category\_id=25

File Edit View Favorites Tools Help

Nite Ize Flashlight Accessories

**NITEIZE**  
INNOVATIVE ACCESSORIES

LED ACCESSORIES MOBILE ACCESSORIES FLASHLIGHT ACCESSORIES HARDWARE ACCESSORIES

HOME | ABOUT | CONTACT | NEWS | SHOP ONLINE | TESTIMONIALS | LEGAL | WHOLESALE INFO

### Flashlight Accessories

Nite Ize Flashlight Accessories help you store, hang, shine, clip, fasten, hold and use your flashlight in ways you would never think possible. Our goal was to create a line of products that expand the usability and functionality of the flashlights we depend on every day. We offer Flashlight Accessories for AA, AAA, C and D cell lights.



**LITE HOLSTER**

Lite Holster STRETCH  
[Learn More](#)



**LITE HOLSTER**

Lite Holster Flex  
[Learn More](#)



**L.E.D. Upgrade**  
fits most C & D cell flashlights

1 Watt LED Upgrade  
[Learn More](#)



**L.E.D. Upgrade**  
fits C & D cells

LED Upgrade for C & D Cells  
[Learn More](#)



**1 WATT**  
LED

1 Watt LED Upgrade  
[Learn More](#)



**1 WATT**  
LED

1 Watt LED Upgrade & IO Switch Combo  
[Learn More](#)

**FLASHLIGHT ACCESSORIES**

- Lite Holster STRETCH
- Lite Holster Plus
- 1 Watt LED Bulb
- L.E.D. Upgrade for C & D Cells
- 1 Watt L.E.D. Upgrade
- 1 Watt L.E.D. Upgrade & IO Switch Combo
- IO Switches
- L.E.D. Upgrade
- L.E.D. & Switch Upgrade
- Fiber Optic Adapters
- Mini Pock-Its
- Lite-Its
- Pock-Its
- Clip Pock-Its XL
- Flashlite Friends
- Magn Pock-Its
- Hip Pock-Its
- Headband
- Mini Lite-Lok
- Lite-Its
- Lite Clamps
- Glow Spot
- Grip 'N' Clip
- Lite Ring
- Magneto Clip
- Flashlite Friends/ Magneto Combo
- Headband/AA Mini-Magneto Combo
- Fiber Optic Adapter/AA Mini-Magneto Combo
- Mini Lite-Lok/AA Mini-Magneto Combo

Start | Microsoft... | Windows | WINDATA | 8:55 AM

500033

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 2237945



**Serial Number:** 75137013



**RAM Sale Number:** 4211

**RAM Accounting Date:** 20081203

**Total Fees:** \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20081202	\$100	1	1	\$100
Application for Renewal (§9)	7201	20081202	\$400	1	1	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20081202



Nite Ize : Flashlight Accessories - Windows Internet Explorer

http://www.niteize.com/category.php?category\_id=28

File Edit View Favorites Tools Help

Nite Ize : Flashlight Accessories

**NITEIZE**  
INNOVATIVE ACCESSORIES

LED ACCESSORIES MOBILE ACCESSORIES FLASHLIGHT ACCESSORIES HARDWARE ACCESSORIES

HOME | ABOUT | CONTACT | NEWS | SHOP ONLINE | TESTIMONIALS | LEGAL | WHOLESALE INFO

### Flashlight Accessories

Nite Ize Flashlight Accessories help you store, hang, shine, clip, fasten, hold and use your flashlight in ways you would never think possible. Our goal was to create a line of products that expand the usability and functionality of the flashlights we depend on every day. We offer Flashlight Accessories for AA, AAA, C and D cell lights.



**LITE HOLSTER**  
STRETCH

Learn More



**LITE HOLSTER PLUS**

Learn More



**L.E.D. Upgrade**  
Fits most C & D cell flashlights

1 Watt PR Bulb

Learn More



**L.E.D. Upgrade**  
fits C & D cells

Learn More



**1 WATT**  
L.E.D. Upgrade

Learn More



**1 WATT**  
L.E.D. Upgrade & IQ Switch Combo

Learn More

**FLASHLIGHT ACCESSORIES**

- Lite Holster STRETCH
- Lite Holster Plus
- 1 Watt PR Bulb
- L.E.D. Upgrade for C & D Cells
- 1 Watt L.E.D. Upgrade
- 1 Watt L.E.D. Upgrade & IQ Switch Combo
- IQ Switch
- L.E.D. Upgrade
- L.E.D. & Switch Upgrade
- Fiber Optic Adapters
- Mini Pook-Its
- Lite Sile
- Pook-Its
- Clip Pook-Its XL
- Flashlite Friends
- Mini Pook-Its
- Hip Pook-Its
- Headband
- Mini Lite-Lok
- Lite Ride
- Lite Clamps
- Glow Spot
- Grip 'N' Clip
- Lite Ring
- Magneto Clip
- Flashlite Friends/ Mag-Lite® Combo
- Headband/AA Mini-Mag-Lite® Combo
- Fiber Optic Adapter/AA Mini Mag-Lite® Combo
- Mini Lite-Lok/AA Mini Mag-Lite® Combo

Start | Internet | 100%

500033

## Change Of Owner's Address

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

Input Field	Entered
<b>SERIAL NUMBER</b>	75137013
<b>REGISTRATION NUMBER</b>	2237945
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 104
<b>MARK SECTION</b>	
<b>MARK</b>	NITE IZE
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	NITE IZE, INC.
<b>STREET</b>	5735-E ARAPAHOE AVENUE
<b>CITY</b>	BOULDER
<b>STATE</b>	Colorado
<b>ZIP/POSTAL CODE</b>	80302
<b>COUNTRY</b>	United States
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	Carl A. Forest Patton Boggs LLP Suite 2050 1660 Lincoln Street Denver Colorado 80264 United States (303) 894-9239 (303) 830-1776 docketingtrademarks@pattonboggs.com
<b>NEW OWNER ADDRESS</b>	
<b>STREET</b>	5600 Central Avenue
<b>CITY</b>	Boulder
<b>STATE</b>	Colorado
<b>ZIP/POSTAL CODE</b>	80301
<b>COUNTRY</b>	United States
<b>CURRENT CORRESPONDENCE ADDRESS</b>	
<b>NAME</b>	Carl A. Forest
<b>FIRM NAME</b>	Patton Boggs LLP
<b>INTERNAL ADDRESS</b>	1801 California Street
<b>STREET</b>	Suite 4900
<b>CITY</b>	Denver

<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	80202
<b>PHONE</b>	(303) 830-1776
<b>FAX</b>	(303) 894-9239
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Christa Lee Rock/
<b>SIGNATORY NAME</b>	Christa L. Rock
<b>SIGNATORY DATE</b>	12/02/2008
<b>SIGNATORY POSITION</b>	Attorney of record, CO bar member
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Dec 02 19:29:58 EST 2008
<b>TEAS STAMP</b>	USPTO/COA-XXX.XXX.XXX.XXX -20081202192958699662-751 37013-400d72f75ea019fd996 987bb28e083b2bd-N/A-N/A-2 0081202192219098349

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

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	75137013
<b>REGISTRATION NUMBER</b>	2237945
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 104
<b>MARK SECTION</b>	
<b>MARK</b>	NITE IZE
<b>ATTORNEY SECTION</b>	
<b>ORIGINAL ADDRESS</b>	DONALD W. MARGOLIS MARGOLIS & ASSOCIATES PO BOX 20338 BOULDER, CO 80308-3338
<b>CORRESPONDENCE SECTION</b>	
<b>ORIGINAL ADDRESS</b>	DONALD W. MARGOLIS MARGOLIS & ASSOCIATES PO BOX 20338 BOULDER, CO 80308-3338
<b>NEW ATTORNEY ADDRESS</b>	
<b>STATEMENT TEXT</b>	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
<b>NAME</b>	Carl A. Forest
<b>FIRM NAME</b>	Patton Boggs LLP
<b>INTERNAL ADDRESS</b>	Suite 2050
<b>STREET</b>	1660 Lincoln Street
<b>CITY</b>	Denver
<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	80264
<b>PHONE</b>	(303) 830-1776
<b>FAX</b>	(303) 894-9239
<b>EMAIL</b>	docketingtrademarks@pattonboggs.com
<b>ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NAME</b>	Carl A. Forest

<b>FIRM NAME</b>	Patton Boggs LLP
<b>INTERNAL ADDRESS</b>	Suite 2050
<b>STREET</b>	1660 Lincoln Street
<b>CITY</b>	Denver
<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	80264
<b>PHONE</b>	(303) 830-1776
<b>FAX</b>	(303) 894-9239
<b>EMAIL</b>	docketingtrademarks@pattonboggs.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Michael C. Boyd/
<b>SIGNATORY NAME</b>	Michael C. Boyd
<b>SIGNATORY DATE</b>	09/19/2006
<b>SIGNATORY POSITION</b>	Chief Operating Officer
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Sep 19 17:37:14 EDT 2006
<b>TEAS STAMP</b>	USPTO/RAA-XXX.XXX.XXX.XXX -20060919173714647798-755 68906-350ea67594b16655e98 d188a3e39e263e87-N/A-N/A- 20060919121613519158

---

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

To the Commissioner for Trademarks:

**MARK:** NITE IZE

**SERIAL NUMBER:** 75137013

**REGISTRATION NUMBER:** 2237945

**The original attorney**

DONALD W. MARGOLIS  
MARGOLIS & ASSOCIATES  
PO BOX 20338  
BOULDER, CO 80308-3338

**Original Correspondence Address :**

DONALD W. MARGOLIS  
MARGOLIS & ASSOCIATES  
PO BOX 20338  
BOULDER, CO 80308-3338

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:

**Newly Appointed Attorney:**

Carl A. Forest  
Patton Boggs LLP  
Suite 2050  
1660 Lincoln Street  
Denver, Colorado 80264  
United States  
(303) 830-1776  
(303) 894-9239

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

Carl A. Forest  
Patton Boggs LLP  
Suite 2050  
1660 Lincoln Street  
Denver, Colorado 80264  
United States

(303) 830-1776

(303) 894-9239

docketingtrademarks@pattonboggs.com

Signature: /Michael C. Boyd/ Date: 09/19/2006

Signatory's Name: Michael C. Boyd

Signatory's Position: Chief Operating Officer

Serial Number: 75137013

Internet Transmission Date: Tue Sep 19 17:37:14 EDT 2006

TEAS Stamp: USPTO/RAA-XXX.XXX.XXX.XXX-20060919173714

647798-75568906-350ea67594b16655e98d188a

3e39e263e87-N/A-N/A-20060919121613519158



NAME: Alice D. Brown

ITU: Y or N

P - 1

S - 2

SERIAL NO:

75/137013

TRADEMARK APPLICATION FILE DATA WORKSHEET

CLASS DATA

1 INTERNATIONAL CLASS	11									
2 COLLECTIVE TM or SM	T	S	T	S	T	S	T	S	T	S
3 FEE PAID	Y	N	Y	N	Y	N	Y	N	Y	N
4 PRIOR US CLASS(ES)										
5 1ST USE DATE	02-13-1990									
6 1ST USE IN COMM DATE	02-13-1990									
7 IN ANOTHER FORM CODE	1	2	1	2	1	2	1	2	1	2
8 IN ANOTHER FORM STATEMENT	AF CODE IN MARGIN TEXT IN									
9 GOODS/SERVICES	GS INTERNATIONAL CLASS IN MARGIN, TEXT									
10 CERTIFICATION STATEMENT	CS IN MARGIN, TEXT IN									

FOREIGN DATA

1 PRIORITY CLAIMED	Y	N	Y	N	Y	N	Y	N	Y	N
2 COUNTRY CODE										
3 FOREIGN APPLICATION										
4 FOREIGN FILING DATE										
5 FOREIGN REG #										
6 FOREIGN REG DATE										
7 FOREIGN EXPIRATION DATE										
8 RENEWAL #										
9 RENEWAL REG DATE										
10 RENEWAL EXPIRATION DATE										

NOTES TO DATA ENTRY PERSONNEL:

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SERIES CODE & SERIAL NUMBER

75/137013

**CODING SHEET FOR PSEUDO MARKS  
AND DESIGN SEARCH CODES**

MARK DRAWING CODE

(please circle appropriate MDC)

1 2 3 4 6

PSEUDO MARK (PM) \_\_\_\_\_  
\_\_\_\_\_

WIPO/DESIGN SEARCH CODES

_____	_____	_____
_____	_____	_____
_____	_____	_____

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## **New Search Required**

THE ATTACHED APPLICATION HAS BEEN REVIVED OR REINSTATED. PLEASE DO AN ON-POINT SEARCH FOR ANY APPLICATIONS THAT MAY HAVE BEEN FILED BETWEEN THE TIME THIS APPLICATION WAS FILED AND THE TIME IT WAS RETURNED TO ACTIVE PROSECUTION. IF AN INTERVENING CONFLICTING APPLICATION WAS FILED, BOTH APPLICATIONS SHOULD BE HANDLED BY THE APPROPRIATE ATTORNEY, IN ACCORDANCE WITH OFFICE POLICY SET FORTH IN TMEP SECTION 1102.06(b) AND 1102.06(c).

# INITIAL EXAMINATION CHECK LIST

NAME: Curtis Nelloms

REG. # 2237945

CORRECT

CHECK MAIL DATE

INCORRECT

CORRECT

CHECK REGISTRATION NUMBER

INCORRECT

CORRECT

CHECK MARK

INCORRECT

CORRECT

CHECK OWNER

INCORRECT

CORRECT

COMMERCE STATEMENT

INCORRECT

CORRECT

CHECK GOODS OR SERVICES

INCORRECT

CORRECT

CHECK DECLARATION

INCORRECT

CORRECT

CHECK SIGNATURE

INCORRECT

CORRECT

CHECK DATE OF EXECUTION

INCORRECT

CORRECT

CHECK FEE

INCORRECT

CORRECT

CHECK SPECIMEN

INCORRECT

CORRECT

CORRESPONDENCE ADDRESS

INCORRECT

CORRECT

REGISTRATION DATE

INCORRECT

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31 and 34

Reg. No. 2,237,945

**United States Patent and Trademark Office**

Registered Apr. 13, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**NITE IZE**

RCP ENTERPRISES, INC. (COLORADO CORPORATION)  
2525 ARAPAHOE AVE., SUITE E4-277  
BOULDER, CO 80302

FOR: HOLDERS FOR AND ATTACHMENTS TO FLASHLIGHTS, NAMELY, NON-METALLIC BANDS FOR HOLDING A FLASHLIGHT TO A PERSON OR TO ANOTHER OBJECT; NON-METALLIC CONNECTORS FOR HOLDING A FLASHLIGHT TO A BICYCLE; CORDS FOR ATTACHMENT TO A FLASHLIGHT FOR USE IN CARRYING A FLASHLIGHT; NON-METALLIC LOOPS FOR HOLDING A FLASHLIGHT; NON-METALLIC HOLDERS FOR CARRYING A FLASHLIGHT; NON-METALLIC HAND HELD HOLDERS FOR CARRYING A FLASHLIGHT AND SPARE FLASHLIGHT BATTERIES; NON-METALLIC HOLSTERS FOR CARRYING A FLASHLIGHT AND SPARE FLASHLIGHT BATTERIES; ADAPTERS FOR ATTACHING A FIBER OPTIC LIGHT ELEMENT TO A FLASHLIGHT; CONNECTORS FOR HOLDING A FLASHLIGHT TO A HELMET; MAGNETIC HOLDERS FOR ATTACHING A FLASHLIGHT TO MAGNETIC OR

MAGNETICALLY PERMEABLE ARTICLES; MOUTHPIECE SHAPED HOLDERS FOR USE IN HOLDING A FLASHLIGHT IN THE MOUTH OF A PERSON; NON-METALLIC ATTACHMENTS FOR CONVERTING A FLASHLIGHT TO A SIGNAL LIGHT; NON-METALLIC HOLDERS IN THE SHAPE OF A SLEEVE FOR HOLDING A FLASHLIGHT; NON-METALLIC HOLDERS IN THE SHAPE OF A SLEEVE WITH A COMBINED HAND STRAP FOR HOLDING A FLASHLIGHT; NON-METALLIC UNDERWATER HOLDERS FOR FLASHLIGHTS; NON-METALLIC UNDERWATER HOLDERS, INCLUDING A FLOAT, FOR FLASHLIGHTS; AND DISPLAY RACKS FOR HOLDING ANY OR ALL OF THE ABOVE FLASHLIGHT HOLDERS AND ATTACHMENTS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 2-13-1990; IN COMMERCE 2-13-1990.

OWNER OF U.S. REG. NO. 1,620,077.

SER. NO. 75-137,013, FILED 7-22-1996.

MATTHEW KLINE, EXAMINING ATTORNEY

## **Assignment Data Not Available**

**For Registration Number: 2237945**

Search Results as of: 4/29/2005 11:47:53 A.M.

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If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723  
Web interface last modified: Oct. 5, 2002

75137013

PP  
Jhu



NOTICE DELIVERED  
DEC 18 1996  
UNIT OFFICE 104

CONTENTS

Entry	Date	Initials
1.	JAN - 8 1997	SW
2. <i>Amold A</i>	<i>7-14-97</i>	<i>JUL 25 1997</i>
3.	AUG - 8 1997	<i>JD</i>
4. ABANDONED	2/9/98	<i>McK</i>
5. REINSTATED	8/18/98	<i>JD</i>
6. NOP		
7. 1/19/99		
8.		
9. Section 8	4-14-05	<i>CN</i>
10.		
11.		
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NOP  
1/19/99

See inside of file for additional entries.

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SAZ

75137013

104

REG NUM: 2237945 REG DT: 04/13/1999 S/N 75/137013		3. MARK NITE IZE		4. SER. NO. 75/137013	
5. REGISTER PRINCIPAL		6. FILING DATE 07/22/96		9. LAW OFFICE 104	
6. INTERNATIONAL CLASS 11		7. PRIOR U.S. CLASS 13-21-23-31-34		10. APPLICANT AND POST OFFICE RCP Enterprises, Inc. 2525 Arapahoe Ave., Suite E4-277 Boulder, COLORADO 80302 CORPORATION OF COLORADO	
11. CORRESPONDENCE ADDRESS Donald W. Margolis Margolis & Associates 3405 Penrose Place, Suite 105 Boulder, CO 80301		12. DOMESTIC REPRESENTATIVE		16. EXAMINING ATTORNEY MATTHEW C. KLINE	
13. APPLICANT'S ATTORNEY Donald W. Margolis		17. TYPE OF MARK TRADEMARK		18. FIRST USE [CL 011] 02/13/1990	
15. GOODS - SERVICES 011-accessories specifically designed to hold a flashlight, namely, bands, bicycle connectors, carrier cords, carrier loops, clip on holders, combined flashlight and spare battery hand held holders, combined flashlight and spare battery holsters, display racks, fiber optic adapters, helmet connectors, magnetic holders, mouthpiece holders, signal light adapters, sleeve type holders type holders with a combined hand strap, underwater carriers, and underwater carriers with a float		19. IN COMMERCE [CL 011] 02/13/1990		20. FOREIGN REG. AND APPL. DATA	
21. OTHER DATA U.S. REGS. 1620077		PTO-102L (REV. 12/82) U.S. DEPT. OF COMMERCE - PATENT AND TRADEMARK OFFICE			

PUBLISHED  
1/19/99

Examining Attorney - (Please Print Name)	Date
Approved for Publication (Principal Register) - (Signature) <i>Matthew C. Kline</i> 8/24/98	Section 8 Accepted - (Signature) <i>Faird J. Allen</i>
Approved for Registration (Section 1(d)) - (Signature)	Section 15 - (Signature)
Approved for Registration (Supplemental Register) - (Signature)	Section 9 Renewal Accepted - (Signature)

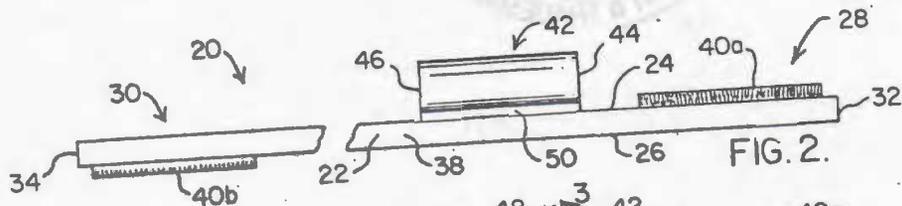


FIG. 2.

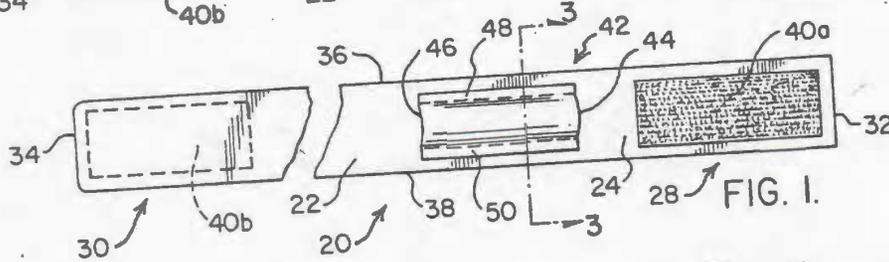


FIG. 1.

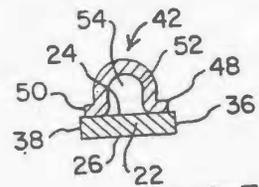


FIG. 3.

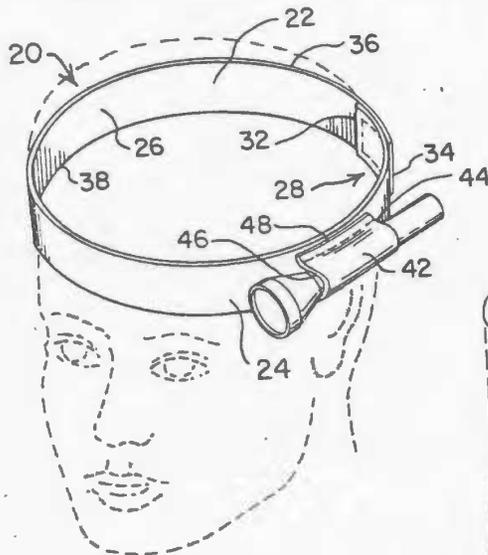


FIG. 6.

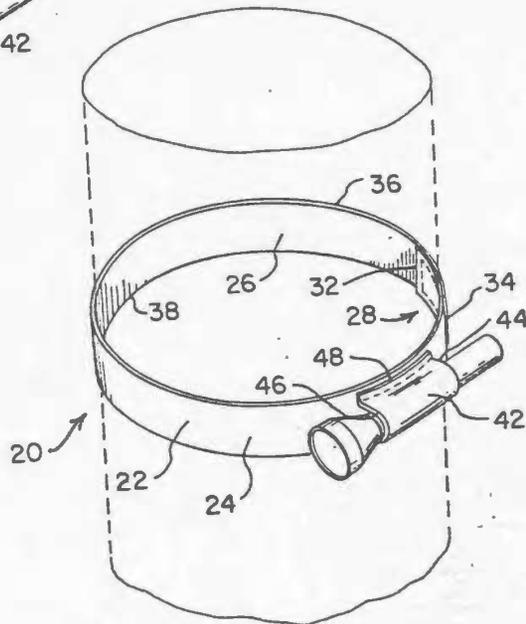


FIG. 7.





**NITE<sup>TM</sup>  
IZE**

PRICE

MADE IN THE U.S.A.

**MINI-FLASHLIGHT HOLDER**



**FREE YOUR HANDS! SEE IDEAS ON BACK.**

## PERFECT FOR ALL YOUR ACTIVITIES



BIKING

This versatile band wraps around and securely holds your mini-flashlight to just about anything - your head, a work bench, bike frame etc. . .

- Provides freedom of hands.
- Compatible with most mini-flashlights.
- Reliable, remains stable during activity.
- Comfortable & built to last.



AUTO WORK  
EMERGENCIES



FISHING

PATENT PENDING  
© 1990 ALL RIGHTS RESERVED  
RCP ENTERPRISES, INC., 2525 ARAPAHOE AVE.  
SUITE E4-277, BOULDER, CO 80302



0 94664 32068 0



CAMPING

TRADEMARK MAIL ROOM  
REC'D  
JUL 22 1998  
61  
US PATENT & TRADEMARK OFFICE

TRADEMARK MAILROOM  
REC'D  
JUL 22 1986  
61  
US PATENT & TRADEMARK OFFICE



# FLASHLIGHT ACCESSORIES

---



**HEADBAND**

**Free Your Hands!**  
Turn a mini-flashlight into a head lamp.

- Compatible with most mini-flashlights.
- Single elastic pocket makes inserting and removing the light quick & easy.
- Reliable, remains stable during activity.
- Comfortable to wear, non-elastic headband.

**Packaging:**



English

Multilingual



**COUNTER TOP DISPLAY**

**Increase your sales!**  
Attract your customer's attention with this creative counter top display. Bold graphics instantly convey the product's use. Rotates on a fixed base allowing easy color viewing and product selection.

- Holds 3 dozen product.
- 24x8x8 inches
- Shipped assembled

**Perfect For All Activities!**



**STANDARD COLORS**



**SPECIAL COLORS & PATTERNS**



Counter Top Display

U.S. Patent #5,053,932

HOOK & LOOP FASTENER, ONE SIZE FITS ALL DESIGN.

STRONG, COMFORTABLE 1-INCH NYLON WEBBING.



QUALITY CONSTRUCTION, BUILT TO LAST.

ELASTIC BAND SECURELY HOLDS MOST MINI-FLASHLIGHTS.

**FIBER OPTIC**



**FIBER OPTIC ADAPTERS**

**Bend Light!**  
Shine light into places where no ordinary flashlight can reach. Fiber optic wand bends and directs light. Providing precise illumination of the smallest work areas. Now, your customers can transform their mini-flashlights into precise lighting instruments. A great tool for around the house or at work.

**Packaging:**



AA 7 inch \* (Multilingual)

AA 20 inch \* (Multilingual)

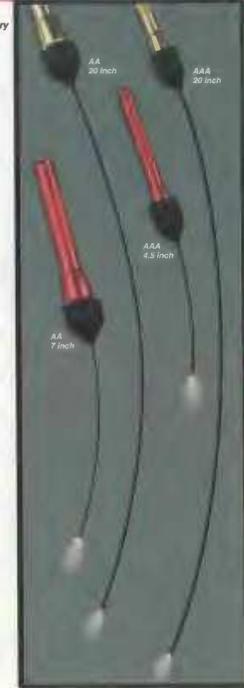
AAA 4.5 inch

Note: AAA 20 inch available in Poly Bag only.

\* Multilingual Packaging: French, German, Spanish, English

**Features**

- Fits most AA and AAA size mini-flashlights.
- Flexible 3mm fiber optic wand reaches into tight places.
- High quality, rugged construction, almost indestructible!
- Adjustable focus on flashlight varies light beam intensity.
- High intensity, light output.



AA 7 inch - Perfect for handgun bore inspection.



AA or AAA 20 inch - Perfect for rifle or shotgun bore inspection.



Ideal for electronics repair and inspection. • Non-Dam • Non-Conductive • Non-Magnetic



A must for any Auto Mechanic.

## CLIP

**MAGNETIC and Non-magnetic MINI-FLASHLIGHT HOLDER**

**Features**

Fits most AA and AAA size mini-flashlights

**Non-magnetic surfaces**

- Molded of tough, DuPont Nylon
- Self adhesive
- Hook & Loop fastener
- Apply to magnet

**Magnetic surfaces**

Strong magnet holds light securely to any metallic surface.

**Hundreds of Uses**



REFRIGERATOR



EMERGENCY



TOOL BOX



IN CAR



HELMET

**Packaging:**



## LITE BITE™

**MINI-FLASHLIGHT HOLDER**

**Features**

Free Your Hands!  
Don't bite a light...bite a LITE BITE™

Our unique mouth piece design distributes bite pressure over a greater number of teeth. LITE BITE provides a safer and more comfortable way to hold & support a mini-flashlight.

- Excellent for intermittent hands-free lighting.

**Packaging:**



Design Patent #322334

**Features**

Fits most AA size aluminum mini-flashlights and AAA size plastic-body mini-flashlights.

Patented mouth-piece design.  
Made of FDA approved plastic.



Accessory cord offers a convenient way to carry the mini-flashlight. 20" inch-long accessory cord is included.



## SPARE POWER™

**MINI-FLASHLIGHT ACCESSORIES**

**Features**

**BATTERY SOCK™**

**Spare Power!**  
Stores two AA size back-up batteries. Today's high-performance lights drain battery power fast—provide your customers with a convenient way to carry spare power.

- People often purchase batteries in multiples of 4 or more. Here is a practical way to carry an extra set of batteries, with the light, ready to use.

**Packaging:**



Patent Pending



**Colors**

Black	Royal Blue	Red
White/Yellow	Purple	Forest Green

**Features**

Fits most AA size mini-flashlights

- Neoprene sock fits snugly over most AA size mini-flashlights.
- Battery Sock pocket closes with hook & loop fastener to prevent loss.
- Open-end sock design permits changing batteries without removing the BATTERY SOCK.

**HOLSTER**

**Spare Power!**  
Holds a AA or AAA size mini-flashlight plus two back-up batteries. A piece-of-mind product for your customers. Keep them prepared with spare power.

**Packaging:**



Patent Pending



**Features**

Fits most AA & AAA size mini-flashlights.

- Fits belts up to 2-1/4 inches wide.
- Securely holds a AA or AAA size mini-flashlight.
- High quality materials and construction.
- Hook & loop fastener.
- Special pocket holds two AA or AAA size back-up batteries.
- Pocket flap protects batteries from dirt, moisture and loss.

**GRIP 'N CLIP™ - D cell**

- "Sharkskin" neoprene for warmth and comfort.
- Adjustable hand-strap designed for secure grip. Slide strap over the wrist to free the hand.
- Utility clip provides convenient way to carry or store flashlight.

**Packaging:**



**GRIP 'N CLIP™  
FLASHLIGHT ACCESSORY**

**Features**

Fits most D cell flashlights

Neoprene rubber provides insulation and offers a secure, comfortable grip.

Utility clip

Adjustable hand strap

Patent Pending



**Lite Suit™  
NEOPRENE MINI-FLASHLIGHT SOCK**

**LITE SUIT™**

Neoprene mini-flashlight sock

- Provides a soft, warm grip for your hand.
- More comfortable to hold in your mouth for those times when you need both hands free.

**Packaging:**



Patent Pending

12-Pack Display



Custom silkscreen printing is available; call for details.

Pushed forward, Lite Suit prevents accidental "roll-over".

**Features**

Fits most AA size mini-flashlights

- A great way to personalize any AA size mini-flashlight.

**COLORS**



**GLOW-SPOT™**

See and be Seen!

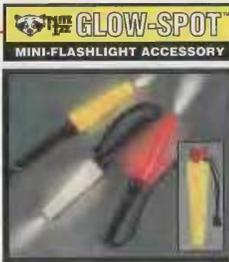
Transforms a mini-flashlight into a versatile area light with spot beam or an attention grabbing signal light.

- Translucent cone diffuses light to a soft glow. Open end of cone allows a bright spot-light.
- A great alternative to disposable chemical glow sticks.

**Packaging:**



Available in:  
Yellow,  
White and  
Orange.



**GLOW-SPOT™  
MINI-FLASHLIGHT ACCESSORY**

**Features**

Fits most AA size mini-flashlights



CAMPING Area Light with Spot Beam

EMERGENCY Warning, Attention Signal

FISHING Preserves Night Vision

Split-Fling & accessory cord are included.

Can be carried by accessory cord. Convenient, and ready to use.

Compact Storage Place flashlight backwards into cone.

Patent Pending



**INDUSTRIAL NITE IZE™  
MINI-FLASHLIGHT HOLDER**

**INDUSTRIAL NITE IZE™**

**Free Your Hands!**  
A truly versatile system for attaching a mini-flashlight to most styles of helmets.



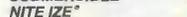
**Packaging:**



Strong, durable Acetal® Hooks securely attach Industrial Nite Ize to the rims of most helmets.

Patent Pending

**Colors:**



**Features**

Two stretch loops accommodate a wide range of mini-flashlight sizes and designs.

Quick & easy to attach.

Flashlight is positioned to illuminate objects in user's direct line-of-sight.

**COUNTER TOP DISPLAY**

Interactive carousel display gives your customers the opportunity to try the product. Stand has built-in support for holding a helmet.

- Color graphics immediately convey product uses.
- Holds 2 dozen product.
- 19-3/4 x 8 x 8 inches
- Helmet not included
- Shipped assembled

**Hundreds of Uses**



**SUBMERSIBLE NITE IZE™**

The underwater free-hands lighting system for dive masks. Designed to utilize a back-up mini-flashlight, and convert it into a virtually weightless underwater headlamp.

- Compatible with all masks and most mini-flashlights.
- Makes any task requiring illumination easier to accomplish.
- Safety—the perfect way to carry a back-up light, secure and ready for immediate use.

**Packaging:**



Patent #5,103,328

**Colors:**



**SUBMERSIBLE NITE IZE™**



**Free Your Hands**



**Features**

Adjustable straps accommodate a wide range of mini-flashlight sizes and designs (AA, AAA & 123).

Boyan® Chatham® cone fits and supports flashlight while underwater.

Quick-release buckles for easy on and off.

Wedge-shaped design directs flashlight beam along diver's line-of-sight.

**COUNTER TOP DISPLAY**

Inform your customers and increase sales with this attractive plexiglass display.

- Product is visible from all sides.
- Eye-catching graphics emphasize selling features.
- Holds 3 dozen product.
- 21-3/8 x 19 x 15-1/4 inches
- Shipped assembled, except for hooks.



## PROFIT CENTERS

### Multi-product Display Racks

- Attract your customers attention and increase sales!
- Holds nine popular Nite Ize products.
- Versatile design, use as a:
  - Pegboard Rack
  - Slatwall Rack
  - Counter Top Display



**NPC-01 ONLY**  
Nite Ize AA 20 inch  
Fiber Optic Adapter

### INCLUDES

- 6 ea. Nite Ize AA 7 inch, Fiber Optic Adapter
- 7 ea. Nite Ize Clip
- 7 ea. Nite Ize Lite Bite
- 9 ea. Nite Ize Headband - Standard Colors
- 9 ea. Nite Ize Headband - Special Colors & Patterns
- 15 ea. Nite Ize Lite Suit
- 9 ea. Spare Power Holster
- 12 ea. Spare Power Battery Sock
- NPC-01 Display ONLY**
- 6 ea. Nite Ize AA 20 inch Fiber Optic Adapter
- NPC-02 Display ONLY**
- 5 ea. Nite Ize Glow-Spot

### SPECIFICATIONS

29H x 18W x 10.5D inches

### SUSPEND YOUR RACK FROM:



**Pegboard**  
1-inch (25.4mm)  
on-center holes



**Slatwall**

### NPC-02



**NPC-02 ONLY**  
Nite Ize Glow-Spot

© 1996 All Rights Reserved, RCP Enterprises, Inc.

### SALES INFORMATION

**RCP ENTERPRISES, INC.**  
2525 Arapahoe Avenue, Suite E4-277  
Boulder, Colorado 80302 USA  
Telephone / Fax & International Orders (303) 449-2576  
TOLL-FREE ORDER LINE U.S.A. & CANADA: 1-800-678-6483



UNITED STATES AND TRADEMARK OFFICE

---

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

REGISTRATION NO: 2237945 SERIAL NO: 75/137013 MAILING DATE: 05/05/2005  
REGISTRATION DATE: 04/13/1999  
MARK: NITE IZE  
REGISTRATION OWNER: RCP Enterprises, Inc.

**CORRESPONDENCE ADDRESS:**

DONALD W. MARGOLIS  
MARGOLIS & ASSOCIATES  
PO BOX 20338  
BOULDER, CO 80308-3338

## NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

**ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.**

\*\*\*\*\*

**THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):**

011.

ROBERSON, FAITH  
PARALEGAL SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION  
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**

ORIGINAL

---

**REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION**

**I) SECTION 8: AFFIDAVIT OF CONTINUED USE**

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

**Failure to file the Section 8 Affidavit will result in the cancellation of the registration.**

**II) SECTION 9: APPLICATION FOR RENEWAL**

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

**Failure to file the Application for Renewal will result in the expiration of the registration.**

**NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.**

#9

UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: RCP Enterprises, Inc. Registration No.: 2237945

Registered: April 13, 1999

International Classes: 011

Mark: NITE IZE

TRANSMITTAL OF DECLARATION UNDER §§ 8 AND 15

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Dear Sir:

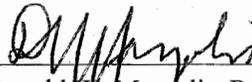
Enclosed for filing in connection with the above mark is:

- X A Declaration Under Sections 8
- X At least one specimen showing the mark as used.
- X The Commissioner is authorized to charge payment in the amount of **\$100.00** in payment of the Declaration Fees, and to charge any deficiencies or to credit any overpayment to Deposit Account No. **131705**. A duplicate copy of this sheet is enclosed.

**NOTE: Nite Ize, Incorporated is a registered dba of RCP Enterprises, Inc**

Please mail the receipt acknowledging the filing and acceptance of the Declaration, or any other correspondence regarding this matter, to the undersigned.

Respectfully submitted,



Donald W. Margolis, Reg. No. 22,045  
Margolis & Associates  
P.O. Box 20338  
Boulder, CO 80308-3338  
(303) 443-6200  
Facsimile (303) 443-3818

04/19/2005 HPHAM1 00000138 131705 2237945  
01 FC:6205 100.00 DA

Enclosures  
DWM:mm  
Sect8



04-14-2005

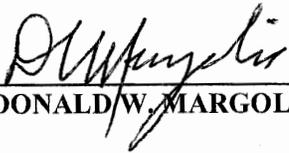
U.S. Patent & TMO/c/TM Mail RptDt. #64

**EXPRESS MAIL CERTIFICATE**

Label No. **ER 211781538 US**

I hereby certify that this correspondence, Declaration and fees are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 in an envelope with the proper postage attached on the date indicated below and addressed to:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514



DONALD W. MARGOLIS, Reg.No. 22,045

**April 13, 2005**

Date

## Declaration of Use of Mark in Commerce Under Section 8

<b>Mark:</b>	NITE IZE
<b>Registration Number:</b>	2237945
<b>Registration Date:</b>	04/13/1999

Owner Information		
<b>Current Owner</b>	<b>*Name</b>	RCP Enterprises, Inc.
	<b>* Street Address</b>	2525 Arapahoe Ave., Suite E4-277
	<b>*City</b>	Boulder
	<b>State/Province</b>	CO
	<b>* Country</b>	US
	<b>Zip/Postal Code</b>	80302
	<b>Phone Number</b>	303/449-2576
	<b>Fax Number</b>	303/449-2013

Attorney Information		
<b>*Correspondent Attorney Name</b>	Donald W. Margolis	
<b>Attorney Address</b>	<b>*Street Address</b>	P.O. Box 20338
	<b>*City</b>	Boulder
	<b>State</b>	Colorado

	if not listed above, please select 'OTHER' and specify here: <input type="text"/>
<b>*Country</b>	USA <input type="text"/>
<b>Zip/Postal Code</b>	80308-3338 <input type="text"/>
<b>Firm Name</b>	Margolis & Associates <input type="text"/>
<b>Phone Number</b>	303/443-6200 <input type="text"/>
<b>FAX Number</b>	303/499-8089 <input type="text"/>
<b>Internet E-Mail Address</b>	<input type="text" value="margolislaw @rmi.net"/> <input checked="" type="checkbox"/> Check here to <u>authorize</u> the USPTO to communicate with the owner or its representative via e-mail. NOTE: By checking this box, the owner acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The owner should periodically check the status of its application through the <u>Trademark Applications and Registrations Retrieval (TARR)</u> database, to see if the assigned examining attorney has e-mailed an Office Action. If an action has been sent to the provided e-mail address, the USPTO is not responsible for any e-mail not received due to the owner's security or anti-spam software, or any problems within the owner's e-mail system.

<b>*Goods and/or Services Information</b>	
Click on ONE circle below.	
<b>*International Class</b>	011 <input type="text"/> Enter class number 001 - 045, A, B, or 200
<input checked="" type="radio"/>	The owner is using <u>or</u> is using through a related company or licensee the mark in commerce on or in connection with <u>all goods and/or services listed in the existing registration.</u>
<b>* Describe what the specimen submitted consists of</b>	Packaging for the goods <input type="text"/>

**Fee Information**

Section 8 Filing Fee : \$100

**Number of Classes** 1

**Note:** The filing fee is computed based on the Number of Classes in which the goods and/or services associated with the mark are classified.

**Section 8 Filing Fee** \$ 100

(Number of Classes x \$100 (per class) =

Grace Period Fee : \$100

(if filing during the six-month grace period, enter the Section 8 Grace Period Fee)

**Number of Classes**

**Grace Period Fee**

(Number of Classes x \$100 (per class) =

\$

**Total fee paid**

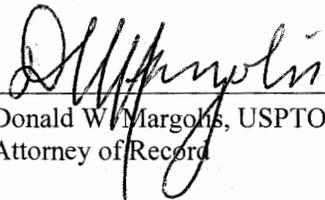
**Amount** Section 8 Filing fee + Grace Period fee  
=

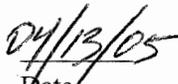
\$

### Declaration

*The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true. ✓

  
\_\_\_\_\_  
Donald W. Margolis, USPTO Reg. No. 22,045  
Attorney of Record

  
\_\_\_\_\_  
Date



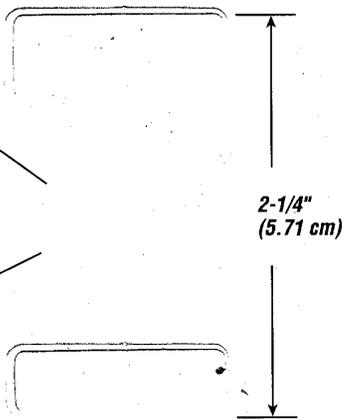
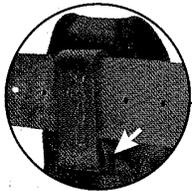
**NITE IZE MINI POCK-ITS®**



# MINI POCK-ITS®



- *Light, Rugged Utility Holster.*
- *Support utilitaire léger et durable.*
- *Leichtes, robustes Utensilienhalter.*
- *Funda liviana y robusta para todo uso.*



2-1/4"  
(5.71 cm)

- *Clips & stays on belt or waistband.*
- *S'enclenche sur la ceinture et y reste.*
- *Wird am Gürtel oder Hosenbund befestigt.*
- *Encaja y permanece en c orrea o pretina.*



U.S. Patent # D410,773  
U.K. Patent # D2083014  
French Patent Pub. 554 795+  
4 99 04 042.2  
Other foreign patents pending.

NITE IZE, INCORPORATED  
5735-E Arapahoe Ave.,  
Boulder, CO 80303 U.S.A.  
303-449-2576

<http://www.niteize.com>

PIM-03



Nite Ize, Inc. is not affiliated with Mag Instrument, Inc. which owns the following trademarks: MAG-LITE®, MINI MAGLITE®, the circumferential inscriptions on the flashlight's heads; and the shape, style and overall appearance of the MINI MAGLITE® flashlight.

LEATHERMAN® and LEATHERMAN® SUPER TOOL® are registered trademarks of Leatherman Tool Group, Inc. Nite Ize, Inc. is not affiliated with Leatherman Tool Group, Inc.

**FACSIMILE**

Registrant: **RCP Enterprises, Inc.**  
Registration No.: **2237945** International Classes: **011**  
Mark: **NITE IZE**

# Incoming Correspondence Routing Sheet

Work Location: ~~CENTRAL DOCKET~~ **PRO**

**Mark: NITE IZE**

Reg. No.: 2237945



Serial No: 75137013



Mail Date: 04142005



Doc. Type: Section 8 Affidavits



**Examiner: 72471 - KLINE, MATTHEW**

CASE IN TICRS: NO

---

Process in Accordance with Standard Operating Procedure and Work Steps.

---

**Fee**

RAM Mail Date: 041405



# Incoming Correspondence Routing Sheet

Physical Location: CENTRAL DOCKET

**Mark: NITE IZE**

Reg. No.: 2237945



Serial No: 75137013



Mail Date: 04142005



Doc. Type: Section 8 Affidavits



**Examiner: 72471 - KLINE, MATTHEW**

CASE IN TICRS: NO

---

Process in Accordance with Standard Operating Procedure and Work Steps.

---

**Fee**

RAM Mail Date: 041405



UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: **RCP Enterprises, Inc.** Registration No.: **2237945**

Registered: **April 13, 1999**

International Classes: **011**

Mark: **NITE IZE**

**TRANSMITTAL OF DECLARATION UNDER §§ 8 AND 15**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Dear Sir:

Enclosed for filing in connection with the above mark is:

- X A Declaration Under Sections 8
- X At least one specimen showing the mark as used.
- X The Commissioner is authorized to charge payment in the amount of **\$100.00** in payment of the Declaration Fees, and to charge any deficiencies or to credit any overpayment to Deposit Account No. **131705**. A duplicate copy of this sheet is enclosed.

**NOTE:** **Nite Ize, Incorporated is a registered dba of RCP Enterprises, Inc**

Please mail the receipt acknowledging the filing and acceptance of the Declaration, or any other correspondence regarding this matter, to the undersigned.

Respectfully submitted,

  
\_\_\_\_\_  
Donald W. Margolis, Reg. No. 22,045  
Margolis & Associates  
P.O. Box 20338  
Boulder, CO 80308-3338  
(303) 443-6200  
Facsimile (303) 443-3818

Enclosures  
DWM:mm  
Sect8

**EXPRESS MAIL CERTIFICATE**

abel No. **ER 211781538 US**

I hereby certify that this correspondence, Declaration and fees are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 in an envelope with the proper postage attached on the date indicated below and addressed to:

**Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514**



\_\_\_\_\_  
DONALD W. MARGOLIS, Reg.No. 22,045

**April 13, 2005**

**Date**

UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: RCP Enterprises, Inc. Registration No.: 2237945

Registered: April 13, 1999

International Classes: 011

Mark: NITE IZE

TRANSMITTAL OF DECLARATION UNDER §§ 8 AND 15

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Dear Sir:

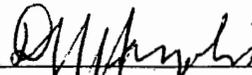
Enclosed for filing in connection with the above mark is:

- X A Declaration Under Sections 8
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- X The Commissioner is authorized to charge payment in the amount of **\$100.00** in payment of the Declaration Fees, and to charge any deficiencies or to credit any overpayment to Deposit Account No. **131705**. A duplicate copy of this sheet is enclosed. *COPY*

**NOTE:** Nite Ize, Incorporated is a registered dba of RCP Enterprises, Inc

Please mail the receipt acknowledging the filing and acceptance of the Declaration, or any other correspondence regarding this matter, to the undersigned.

Respectfully submitted,



Donald W. Margolis, Reg. No. 22,045  
Margolis & Associates  
P.O. Box 20378  
Boulder, CO 80308-3338  
(303) 443-6200  
Facsimile (303) 443-3818

Enclosures  
DWM:mm  
\\sect8

### Declaration of Use of Mark in Commerce Under Section 8

<b>Mark:</b>	NITE IZE
<b>Registration Number:</b>	2237945
<b>Registration Date:</b>	04/13/1999

#### Owner Information

<b>Current Owner</b>	<b>*Name</b>	RCP Enterprises, Inc.
	<b>* Street Address</b>	2525 Arapahoe Ave., Suite E4-277
	<b>*City</b>	Boulder
	<b>State/Province</b>	CO
	<b>* Country</b>	US
	<b>Zip/Postal Code</b>	80302
	<b>Phone Number</b>	303/449-2576
	<b>Fax Number</b>	303/449-2013

#### Attorney Information

<b>*Correspondent Attorney Name</b>	Donald W. Margolis	
<b>Attorney Address</b>	<b>*Street Address</b>	P.O. Box 20338
	<b>*City</b>	Boulder
	<b>State</b>	Colorado

	if not listed above, please select 'OTHER' and specify here: <input type="text"/>
<b>*Country</b>	USA <input type="text"/>
<b>Zip/Postal Code</b>	80308-3338 <input type="text"/>
<b>Firm Name</b>	Margolis & Associates <input type="text"/>
<b>Phone Number</b>	303/443-6200 <input type="text"/>
<b>FAX Number</b>	303/499-8089 <input type="text"/>
<b>Internet E-Mail Address</b>	<input type="text" value="margolislaw@rmi.net"/> <input checked="" type="checkbox"/> Check here to <u>authorize</u> the USPTO to communicate with the owner or its representative via e-mail. NOTE: By checking this box, the owner acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The owner should periodically check the status of its application through the <u>Trademark Applications and Registrations Retrieval (TARR)</u> database, to see if the assigned examining attorney has e-mailed an Office Action. If an action has been sent to the provided e-mail address, the USPTO is not responsible for any e-mail not received due to the owner's security or anti-spam software, or any problems within the owner's e-mail system.

<b>*Goods and/or Services Information</b>	
Click on ONE circle below.	
<b>*International Class</b>	011 <input type="text"/> Enter class number 001 - 045, A, B, or 200
<input checked="" type="radio"/>	The owner is using or is using through a related company or licensee the mark in commerce on or in connection with <u>all goods and/or services listed in the existing registration.</u>
<b>* Describe what the specimen submitted consists of</b>	Packaging for the goods <input type="text"/>

**Fee Information**

Section 8 Filing Fee : \$100

**Number of Classes**

**1**

**Note:** The filing fee is computed based on the Number of Classes in which the goods and/or services associated with the mark are classified.

**Section 8 Filing Fee**

**\$ 100**

(Number of Classes x \$100 (per class) =

Grace Period Fee : \$100

**(if filing during the six-month grace period, enter the Section 8 Grace Period Fee)**

**Number of Classes**

**Grace Period Fee**

(Number of Classes x \$100 (per class) =

\$

**Total fee paid**

**Amount** Section 8 Filing fee + Grace Period fee

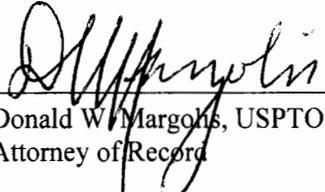
=

\$

### Declaration

*The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

  
\_\_\_\_\_  
Donald W. Margolis, USPTO Reg. No. 22,045  
Attorney of Record

  
Date

FACSIMILE

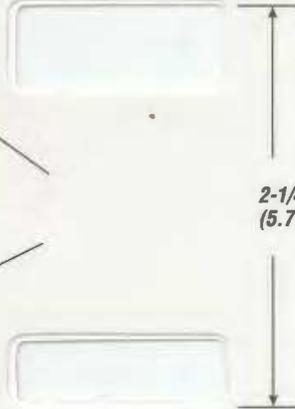
Registrant: RCP Enterprises, Inc.  
Registration No.: 2237945 International Classes: 011  
Mark: NITE IZE



# MINI POCK-ITS®



- *Light, Rugged Utility Holster.*
- *Support utilitaire léger et durable.*
- *Leichtes, robustes Utensilienhalter.*
- *Funda liviana y robusta para todo uso.*



2-1/4"  
(5.71 cm)

- *Clips & stays on belt or waistband.*
- *S'enclenche sur la ceinture et y reste.*
- *Wird am Gürtel oder Hosensbund befestigt.*
- *Encaja y permanece en c orrea o pretina.*



U.S. Patent # D410,773  
U.K. Patent # D2083014  
French Patent Pub. 554 795+  
4 99 04 042.2  
Other foreign patents pending.

NITE IZE, INCORPORATED  
5735-E Arapahoe Ave.,  
Boulder, CO 80303 U.S.A.  
303-449-2576

<http://www.niteize.com>

PIM-03



Nite Ize, Inc. is not affiliated with Mag Instrument, Inc. which owns the following trademarks: MAG-LITE®, MINI MAGLITE®, the circumferential inscriptions on the flashlight's heads, and the shape, style and overall appearance of the MINI MAGLITE® flashlight. LEATHERMAN® and LEATHERMAN® SUPER TOOL® are registered trademarks of Leatherman Tool Group, Inc. Nite Ize, Inc. is not affiliated with Leatherman Tool Group, Inc.

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31 and 34

Reg. No. 2,237,945

United States Patent and Trademark Office

Registered Apr. 13, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**NITE IZE**

RCP ENTERPRISES, INC. (COLORADO CORPORATION)  
2525 ARAPAHOE AVE., SUITE E4-277  
BOULDER, CO 80302

FOR: HOLDERS FOR AND ATTACHMENTS TO FLASHLIGHTS, NAMELY, NON-METALLIC BANDS FOR HOLDING A FLASHLIGHT TO A PERSON OR TO ANOTHER OBJECT; NON-METALLIC CONNECTORS FOR HOLDING A FLASHLIGHT TO A BICYCLE; CORDS FOR ATTACHMENT TO A FLASHLIGHT FOR USE IN CARRYING A FLASHLIGHT; NON-METALLIC LOOPS FOR HOLDING A FLASHLIGHT; NON-METALLIC HOLDERS FOR CARRYING A FLASHLIGHT; NON-METALLIC HAND HELD HOLDERS FOR CARRYING A FLASHLIGHT AND SPARE FLASHLIGHT BATTERIES; NON-METALLIC HOLSTERS FOR CARRYING A FLASHLIGHT AND SPARE FLASHLIGHT BATTERIES; ADAPTERS FOR ATTACHING A FIBER OPTIC LIGHT ELEMENT TO A FLASHLIGHT; CONNECTORS FOR HOLDING A FLASHLIGHT TO A HELMET; MAGNETIC HOLDERS FOR ATTACHING A FLASHLIGHT TO MAGNETIC OR

MAGNETICALLY PERMEABLE ARTICLES; MOUTHPIECE SHAPED HOLDERS FOR USE IN HOLDING A FLASHLIGHT IN THE MOUTH OF A PERSON; NON-METALLIC ATTACHMENTS FOR CONVERTING A FLASHLIGHT TO A SIGNAL LIGHT; NON-METALLIC HOLDERS IN THE SHAPE OF A SLEEVE FOR HOLDING A FLASHLIGHT; NON-METALLIC HOLDERS IN THE SHAPE OF A SLEEVE WITH A COMBINED HAND STRAP FOR HOLDING A FLASHLIGHT; NON-METALLIC UNDERWATER HOLDERS FOR FLASHLIGHTS; NON-METALLIC UNDERWATER HOLDERS, INCLUDING A FLOAT, FOR FLASHLIGHTS; AND DISPLAY RACKS FOR HOLDING ANY OR ALL OF THE ABOVE FLASHLIGHT HOLDERS AND ATTACHMENTS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 2-13-1990; IN COMMERCE 2-13-1990.

OWNER OF U.S. REG. NO. 1,620,077.

SER. NO. 75-137,013, FILED 7-22-1996.

MATTHEW KLINE, EXAMINING ATTORNEY



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Dec 18, 1998

**NOTICE OF PUBLICATION UNDER 12(a)**

- |                                      |  |
|--------------------------------------|--|
| 1. Serial No.:<br>75/137,013         | 2. Mark:<br>NITE IZE                   |
| 3. International Class(es):<br>11    |  |
| 4. Publication Date:<br>Jan 19, 1999 | 5. Applicant:<br>RCP Enterprises, Inc. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$38.00 each for domestic orders, or at \$47.50 each for foreign orders from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202)512-1800

By direction of the Commissioner.

Donald W. Margolis  
Margolis & Associates  
3405 Penrose Place, Suite 105  
Boulder, CO 80301

TMP&I

**PUBLICATION/REGISTRATION EXAMINATION WORK SHEET**

Reviewer: **Robin Paige** LO: **104** Date: **11/13/98** Serial No: **137013**

I certify all information in the database matched the information in the file and no corrections were required.

INSTRUCTIONS: If the information in the database does not match the information in the file the reviewer should check the ERROR column. After correction (text editing), the EDITED column should be checked. RETAIN IN FILE WRAP.

SCREEN	ERROR	EDITED	ERROR FOUND DURING REVIEW REQUIRING AMENDMENT OF:	
AM			AM	Mark Type:
			AM	Register:
			AM	Mark: <input type="checkbox"/> MDC:
			AM	Amended Register: PR: SR:
			AM	Amended Reg. Date:
PY			PY	Owner: <input type="checkbox"/> Name:
			PY	<input type="checkbox"/> Citizenship:
			PY	<input type="checkbox"/> Entity Type:
			EN	<input type="checkbox"/> Entity Statement:
			DB	DBA/AKA/TA Statement:
CL			PY	Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Country <input type="checkbox"/> Zip
			NC	Assignment or Name Change:
			CO	Composed of:
			CL	International Class: U.S. Class:
			CL	First Use: First Use in Commerce:
OTHER			OS	Goods and Services:
			OS	
			OS	
			IB	1(b) Claimed: Added <input type="checkbox"/> Deleted <input type="checkbox"/>
			D1	Disclaimer:
OTHER			DM	Description of Mark:
			LS	Lining and Stippling Statement:
			TR	Translation of Words in Mark:
			ND	Name/Portrait Description/Consent:
			TF	Section 2(f): <input type="checkbox"/> Entire Mark <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement:
FN			AF	Use in Another Form:
			CS	Certification Statement:
			CU	Concurrent Use Statement:
			PR	Prior U.S. Registrations:
			DR	Domestic Representative:
FN			FN	Foreign Country of Origin:
			FN	Foreign Application No: Frgn. Appl. Filing Date:
			FN	Section 44(d): Y/N
			FN	Foreign Registration No: Frgn. Reg. Date:
			FN	Foreign Registration Expiration Date:
CD			FN	Foreign Renewal Reg. No: Frgn. Reg. Renewed:
			FN	Foreign Registration Renewed Expiration Date:
			AT	Attorney Name:
		CD	Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter St. Address <input type="checkbox"/> City/State/Zip	
		DN	Attorney Docket Number:	

Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I certify that all corrections have been entered in accordance with the above instructions and text editing guidelines. **11/18**

  
 \_\_\_\_\_  
 Text Editor

\_\_\_\_\_  
 Date

U.S. Patent & TMO/TM Mail Receipt Dt. #61  
05-26-1998

DAC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:  
**RCP ENTERPRISES, INC.**

Serial No.: **75/137,013**

For: **NITE IZE**

Examining Attorney: **Matthew C. Kline**

Law Office: **104**

REINSTATED BY  
A/C FOR TRADEMARKS

ON: 8/10/98  
BY: [Signature]

**REQUEST FOR REINSTATEMENT OF APPLICATION**

Assistant Commissioner for Trademarks  
Attn: Paralegal Specialists  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

In response to the Notice of Abandonment mailed March 29, 1998, with regard to the above identified application, it is noted that the Application was improperly abandoned, and it is therefore requested that it be reinstated.

In support of this request, undersigned attorney declares that:

- 1) He discussed the Office Action of August 8, 1997 with Examiner Matthew C. Kline on the telephone at 703/308-9104 on October 24, 1997, and that no agreement was reached as to allowance of the application;
- 2) In view of the failure to dispose of the matter, he prepared a **RESPONSE TO OFFICE ACTION**, which response was completed on October 28, 1997;
- 3) On October 28, 1997, he again discussed the matter with Examiner Kline on the telephone at 703/308-9104, and advised Examiner Kline that he was sending an amendment by facsimile, and was advised by Examiner Kline that the appropriate facsimile telephone number was 703/308-7189; and
- 4) On the basis of his own personal knowledge October 18, 1998, he did timely send a three (3) page **RESPONSE TO OFFICE ACTION**, by facsimile, including a Certificate Of Mailing (*sic*) to 703/308-7189.

ASST. COMM. FOR  
TRADEMARKS

98 MAY 28 PM 2:50

U.S. PATENT  
AND  
TRADEMARK OFFICE

In support of the foregoing declarations, undersigned has enclosed:

- 1) As Exhibit A, a true copy of the **RESPONSE TO OFFICE ACTION**, including a Certificate Of Mailing, which was sent by facsimile on October 28, 1997 to 703/308-7189;
- 2) As Exhibit B, a true copy of his facsimile machine **TRANSMIT JOURNAL**, which confirms that a three (3) page facsimile was sent to

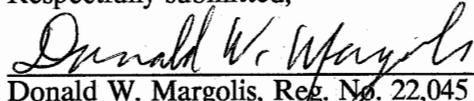
703/308-7189 on October 28, 1997; and  
3) As Exhibit C, a true copy of a long distance telephone bill showing that he had a three (3) minute conversation with Examiner Kline at 703/308-9104, and further showing that immediately thereafter had a three (3) minute transmission to 703/308-7189, which was the transmission of the three (3) page RESPONSE TO OFFICE ACTION, including a Certificate of Mailing, by facsimile.

Undersigned states, on information and belief, that the discrepancy between the times shown on the TRANSMIT JOURNAL of Exhibit B, and on the long distance telephone bill of Exhibit C was due to a failure to adjust the clock on the facsimile machine from Daylight Savings Time, thereby accounting for the approximately one hour discrepancy between the time of the Journal and the time of the telephone bill.

Wherefore undersigned has supplied a copy of the RESPONSE TO OFFICE ACTION, including a CERTIFICATE OF MAILING, and additional proof that the RESPONSE was timely transmitted by facsimile with a certificate of transmission in accordance with 37 C.F.R. § 1.8, and it is therefore requested that the above identified application be reinstated, and deemed "special", and that in view of the enclosed Response, the application be allowed. In the absence of allowance, and in view of the error in the Office and the now "special" nature of the application, it is requested that Examining Attorney Kline telephone undersigned before taking final action.

If any matters remain unresolved in this Request, it is also requested that undersigned be contacted by telephone in order to resolve those matters.

Respectfully submitted,

  
Donald W. Margolis, Reg. No. 22,045  
Margolis & Associates  
3405 Penrose Place, Suite 105  
Boulder, CO 80301  
(303) 443-6200  
FAX (303) 443-3818

Enclosures  
DWM:sfm

s\caserein.req

#### CERTIFICATE OF MAILING

I hereby certify that on this date the correspondence and enclosures are being deposited with the United States Postal Service as first class mail in an envelope with the proper postage addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

  
DONALD W. MARGOLIS, Reg. No. 22,045

05/22/98  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

RCP ENTERPRISES, INC.

VIA FACSIMILE: 703/308-7189

Serial No.: 75/137,013

PAGES: 3

For: NITE IZE

Examining Attorney: Matthew C. Kline

Law Office: 104

COPY

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

In response to the Office Action of August 8, 1997, with regard to the above identified application, and in view of our telephone conversation of October 24, 1997 in which no agreement was reached, please reexamine and reconsider the application in view of the following amendment and remarks.

AMENDMENT OF THE DESCRIPTION OF GOODS:

Please amend the description of goods by deleting the description as filed and previously amended, and substituting therefor:

-holders for and attachments to flashlights, namely: non-metallic bands for holding a flashlight to a person or to another object; non-metallic connectors for holding a flashlight to a bicycle; cords for attachment to a flashlight for use in carrying a flashlight; non-metallic loops for holding a flashlight; non-metallic holders for carrying a flashlight; non-metallic hand held holders for carrying a flashlight and spare flashlight batteries; non-metallic holsters for carrying a flashlight and spare flashlight batteries; adapters for attaching a fiber optic light element to a flashlight; connectors for holding a flashlight to a helmet; magnetic holders for attaching a flashlight to magnetic or magnetically permeable articles; mouthpiece

Bcf



shaped holders for use in holding a flashlight in the mouth of a person; non-metallic attachments for converting a flashlight to a signal light; non-metallic holders in the shape of a sleeve for holding a flashlight; non-metallic holders in the shape of a sleeve with a combined hand strap for holding a flashlight; non-metallic underwater holders for flashlights; non-metallic underwater holders, including a float, for flashlights; and display racks for holding any or all of the above flashlight holders and attachments.--

**RESPONSE TO REFUSAL TO REGISTER DUE TO INDEFINITE IDENTIFICATION OF GOODS:**

Examining Attorney has refused registration on the grounds that the identification of goods is unacceptable as indefinite, and has required that the applicant amend the identification to specify the common commercial name of the goods. In addition, Examining Attorney has indicated that the application includes goods in more than one International Class.

These basis for refusal to register are now believed to be avoided by the above amendment, or are traversed below.

Examining Attorney has found the following items to be too indefinite: bicycle connectors; carrier cords; carrier loops; helmet connectors; mouthpiece holders; signal light adapters; sleeve type holders; sleeve type holders with a combined hand strap; underwater carriers; and, underwater carriers with a float. Those goods, and all of the other goods have been made more definite as "holders for and attachments to flashlights" by the above amendment. In addition, the identification of goods is now consistent with the common commercial name of the goods as used in applicant's catalog and also as used with the goods. For these reasons it is requested that the refusal to register on the grounds that the identification of goods is unacceptable as indefinite be withdrawn, and that the goods of the present application be allowed for publication.

**RESPONSE TO FINDING THAT THE APPLICATION INCLUDES GOODS IN MORE THAN ONE INTERNATIONAL CLASS:**

With regard to Examining Attorney's finding that the application includes goods in more than one International Class, this basis for rejection is traversed.

With all due respect, Examining Attorney's proposed classifications are not believed to be appropriate, as they will not serve the public in searching for and in identifying applicant's flashlight holders and attachments. As now clarified by the above amendment, all of the goods are "holders for and attachments to flashlights". Flashlights

are in International Class 11. Therefore, all of the above identified holders and attachments for flashlights can also be properly included in International Class 11. For these reasons it is requested that the finding that the application includes goods in more than one International Class be withdrawn, and that the present application be allowed for publication.

As facsimiles or specimens for all of the goods have been previously submitted, no additional specimens, declarations, nor additional filing fees are required, nor need be submitted.

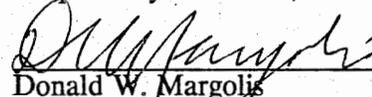
**ALLOWABLE MARK UNDER TRADEMARK ACT SECTION 2(d).**

It is again noted with appreciation that Examiner Attorney has indicated that he has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d).

**CONCLUSION**

In view of the foregoing amendments and arguments it is requested that the present application, as amended, be allowed for publication.

Respectfully submitted,



Donald W. Margolis  
Registration No. 22,045  
3405 Penrose Place, Suite 105  
Boulder, CO 80301  
(303) 443-6200

Enclosures  
DWM:sfm

a\niteize2.tm\amd2

**CERTIFICATE OF MAILING**

I hereby certify that on this date this correspondence is being sent by telephone facsimile addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, at 703/308-7189.

  
DONALD W. MARGOLIS, Reg. No. 22,045

October 28, 1997  
Date

# COPY

EXHIBIT B

D.W.MARGOLIS

303-443-3818

Oct.28.97 15:38

Oct.20.97- Oct.28.97

\*\* TRANSMIT JOURNAL \*\*

No.	Location	Mode	Start	Time	Pages	Result	Note
002	6974720#	NORM	20,17:21	2'05	2	0 K	
003	6745338#8	NORM	20,17:51	0'35	0	T.1.1	
001	6703760#1	NORM	21,10:49	1'45	2	0 K	
002	01161398901337#	NORM	21,18:23	1'24	2	0 K	
001	4400348	NORM	23, 9:11	1'09	1	0 K	
002	8373535	NORM	23,10:29	3'49	5	0 K	
001	1046517147184944	NORM	24,11:38	2'57	3	0 K	
001	4405166	NORM	27,11:49	2'31	2	0 K	
001	4317981	NORM	28,13:16	0'50	1	0 K	
X 002	1046517033087189	NORM	28,14:33	2'07	3	0 K	

↑  
TELEPHONE #

↑ DATE ↑ TIME

D.W.MARGOLIS

303-443-3818

Oct.28.97 15:38

Oct.20.97- Oct.28.97

\*\* RECEIVE JOURNAL \*\*

No.	Location	Mode	Start	Time	Pages	Result	Note
001	35316612083	NORM	21, 9:22	1'23	2	0 K	
002	0228541305	FINE	21,14:52	6'03	5	0 K	
003	63	NORM	21,16:42	2'18	3	0 K	
001	+492018103699	NORM	22, 7:54	3'04	4	0 K	
002	9704167634	NORM	22,17:19	0'46	1	0 K	
001	3037844119	NORM	23,11:40	0'59	1	0 K	
002	7147184944	NORM	23,14:58	2'24	3	0 K	
001	3039384863	NORM	24,13:29	6'28	13	0 K	
002	13034997077	NORM	24,17:31	1'19	2	0 K	
001	7083893378	NORM	28,15:37	0'56	1	0 K	

Page 5

Page 6

ACCOUNT DETAIL

ITEMIZED CALLS	31.43
TAXES	1.78
<b>TELEPHONE EXPRESS TOTAL</b>	<b>\$33.21</b>

ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
SIMPLE SAVINGS CALLS							
1	OCT 31	11:32A	NEWPORTBCH CA	714 718-4940	D	7	.91
2	NOV 07	11:45A	LOVELAND CO	970 635-6819	D	2	.26
3	NOV 13	9:55A	NEWPORTBCH CA	714 718-4940	D	2	.26
4	NOV 13	9:57A	NEWPORTBCH CA	714 718-4940	D	6	.78
5	NOV 13	2:42P	W ANGELES CA	310 443-7561	D	12	1.56
6	NOV 19	2:00P	SADLBCKVLY CA	714 380-4046	D	3	.39
7	NOV 20	11:23A	NASHUA NH	603 886-3700	D	1	.13
			<b>SUBTOTAL</b>			<b>4.29</b>	
CALLS FROM 440-9795							
SIMPLE SAVINGS CALLS							
8	NOV 11	12:24P	NEWPORTBCH CA	714 718-4940	D	1	.13
			<b>SUBTOTAL</b>			<b>.13</b>	
CALLS FROM 443-3818							
PRIME TIME LONG DISTANCE CALLS							
9	OCT 24	10:49A	NEWPORTBCH CA	714 718-4940	D	10	1.00
10	OCT 24	11:39A	NEWPORTBCH CA	714 718-4944	D	4	.40
11	OCT 27	10:33A	FT COLLINS CO	970 416-7629	D	3	.30
12	OCT 27	3:32P	ALEXANDRIA VA	703 308-7189	D	3	.30
13	OCT 28	10:01A	GRAND JCT CO	970 255-6500	D	3	.30
14	OCT 28	1:31P	ALEXANDRIA VA	703 308-9104	D	3	.30
15	OCT 28	1:34P	ALEXANDRIA VA	703 308-7189	D	3	.30
16	OCT 28	2:43P	BLUE ISLAND IL	708 389-3378	D	3	.30
17	OCT 29	11:50A	FT COLLINS CO	970 482-5227	D	3	.30
18	OCT 29	2:59P	W ANGELES CA	310 443-7510	D	8	.80
19	OCT 29	3:07P	SADLBCKVLY CA	714 380-4046	D	6	.60
20	OCT 30	11:04A	ALEXANDRIA VA	703 305-3579	D	3	.30
21	OCT 30	11:05A	ALEXANDRIA VA	703 308-1148	D	3	.30
22	OCT 30	1:23P	ALEXANDRIA VA	703 306-4227	D	3	.30
23	OCT 30	4:24P	W ANGELES CA	310 824-7000	D	3	.30
24	OCT 30	4:33P	SADLBCKVLY CA	714 380-4046	D	3	.30
25	OCT 31	10:40A	NEWPORTBCH CA	714 718-4940	D	3	.30
26	OCT 31	11:42A	NEWPORTBCH CA	714 718-4940	D	3	.30
27	OCT 31	11:44A	NEWPORTBCH CA	714 718-4940	D	3	.30
28	OCT 31	12:11P	NEWPORTBCH CA	714 718-4944	D	3	.30
29	OCT 31	1:31P	NEWPORTBCH CA	714 718-4944	D	3	.30
30	OCT 31	2:22P	NEWPORTBCH CA	714 718-4940	D	3	.30
31	NOV 03	10:19A	MEAD CO	970 535-0211	D	6	.60
32	NOV 03	11:51A	NEWPORTBCH CA	714 640-4294	D	9	.90
33	NOV 04	11:23A	KENSINGTON MD	301 230-5200	D	6	.60
34	NOV 06	1:40P	ALEXANDRIA VA	703 308-9104	D	8	.80
35	NOV 06	6:04P	OTTAWAHULL ON	613 235-9538	E	3	.51
36	NOV 12	1:38P	LOVELAND CO	970 635-6819	D	3	.30
37	NOV 12	1:39P	GLENND SPG CO	970 928-0572	D	3	.30
38	NOV 12	1:40P	GLENND SPG CO	970 928-0572	D	4	.40
39	NOV 12	2:15P	ALEXANDRIA VA	703 305-9189	D	23	2.30
40	NOV 13	11:36A	DIR ASST NY	212 555-1212	D	1	.60
41	NOV 13	11:36A	NEW YORK NY	212 758-1234	D	3	.30
42	NOV 13	12:16P	NEW YORK NY	212 702-5051	D	3	.30
43	NOV 13	2:18P	SADLBCKVLY CA	714 380-4046	D	3	.30
44	NOV 14	11:12A	FT COLLINS CO	970 224-3100	D	8	.80
45	NOV 14	11:30A	FLS CHURCH VA	703 658-2100	D	3	.30
46	NOV 14	3:34P	BOWLINGNDL MD	301 249-3050	D	3	.30
47	NOV 18	11:10A	ALEXANDRIA VA	703 308-9102	D	3	.30
48	NOV 18	3:25P	W ANGELES CA	310 443-8561	D	3	.30
49	NOV 18	3:32P	W ANGELES CA	310 443-7510	D	6	.60

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
50	NOV 18	3:38P	W ANGELES CA	310 443-8510	D	3	.30
51	NOV 19	10:50A	FT COLLINS CO	970 223-7336	D	8	.80
52	NOV 20	11:21A	MEDINA OH	330 722-5143	D	3	.30
53	NOV 20	2:08P	COLORDOSPG CO	719 636-1544	D	22	2.20
			<b>SUBTOTAL</b>			<b>22.01</b>	

MISCELLANEOUS CHARGES AND CREDITS

NO.	DATE	ITEM	TAX CODE	AMOUNT
54	OCT 31	PRIME TIME FEE	00	5.00
		<b>SUBTOTAL</b>	<b>5.00</b>	

TELEPHONE EXPRESS SUBTOTAL OF ITEMIZED CALLS

\$31.21

TAX SUMMARY

FEDERAL EXCISE TAX		.94
STATE TAX		.44
CITY TAX		.36
COUNTY TAX		.04
<b>TELEPHONE EXPRESS SUBTOTAL OF TAXES</b>		<b>\$1.78</b>
<b>TELEPHONE EXPRESS CURRENT CHARGES</b>		<b>\$33.21</b>

Type of Long Distance Calls:  
D - Dial Day - Full Rate  
E - Dial Evening - Discount Rate

Tax Code Explanation:  
00 - Federal, State and Local Tax Applied

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO TELEPHONE EXPRESS. THERE IS NO CONNECTION BETWEEN TELEPHONE EXPRESS AND U S WEST COMMUNICATIONS.

COPY

EXHIBIT C



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

<b>SERIAL NO.</b> 75/137013		<b>APPLICANT</b> RCP Enterprises, Inc.		<b>PAPER NO.</b>	
<b>MARK</b> NITE IZE				<b>ADDRESS:</b> Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513	
<b>ADDRESS</b> Donald W. Margolis Margolis & Associates 3405 Penrose Place, Suite 105 Boulder, CO 80301		<b>ACTION NO.</b> 02		If no fees are enclosed, the address should include the words "Box Responses - No Fee." Please provide in all correspondence: 1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.	
		<b>MAILING DATE</b> 08/08/97			
		<b>REF. NO.</b>			
FORM PTO-1525 (5-90)		U.S. DEPT. OF COMM. PAT. & TM OFFICE			

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 75/137013

This letter responds to the applicant's communication filed on July 14, 1997. In that correspondence, the applicant traversed the examining attorney's determination that the identification of goods be made more definite. In so doing, the applicant contends that the terminology "accessories specifically designed to hold a flashlight" is definite enough to classify the goods in International Class 11 with flashlights. However, the decision as to the proper classification of goods or services is a purely administrative matter which is within the sole discretion of the Patent and Trademark Office. *In re Tee-Pak, Inc.*, 164 USPQ 88 (TTAB 1969). Moreover, the applicant must make the items listed in the first Office Action as indefinite more definite. This determination is hereby made FINAL.

**Identification of Goods**

The identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, the applicant must describe the product and its intended uses. TMEP section 804. Moreover, the application includes goods in more than one International Class. For those items that the examining attorney found to be definite, he has provided the proper classification below. The following items were found to be too indefinite: bicycle connectors; carrier cords; carrier loops; helmet connectors; mouthpiece holders; signal light adapters; sleeve type holders;

sleeve type holders with a combined hand strap; underwater carriers; and, underwater carriers with a float.

The applicant may adopt the following identification of goods, if accurate:

International Class 9; safety products, namely, reflective safety bands to be worn on the body; fiber optic cables; magnetic holders;

International Class 20; clip on holders **not of metal**; combined flashlight and spare battery hand held holders **not of metal**; combined flashlight and spare battery holsters **not of metal**;

International Class 25; head, neck or wrist bands;

International Class 26; hair bands.

If the applicant prosecutes this application as a combined, or multiple-class, application, the applicant must comply with each of the following:

(1) The applicant must submit three specimens of use for each class; these specimens must be of a type which were in use at least as early as the filing date of the application. 37 C.F.R. Section 2.86(b).

(2) The applicant must state dates of first use and use in commerce for the mark in each class; these dates must be at least as early as the filing date of this application. 37 C.F.R. Sections 2.33(a)(1)(vii) and 2.86(b).

(3) The applicant must submit an affidavit or a declaration under 37 C.F.R. Section 2.20 signed by the applicant to verify (1) and (2) above. 37 C.F.R. Sections 2.59(a) and 2.71(d)(1).

(4) The applicant must list the goods by international class with the classes listed in ascending numerical order. TMEP section 1113.01.

(5) The applicant must submit a filing fee for each international class of goods not covered by the fee already paid. Effective December 3, 1993, the filing fee is \$245.00 per class. 37 C.F.R. Sections 2.6(a)(1) and 2.86(b); TMEP sections 810.01 and 1113.01.

### **Response Guidelines**

Please note that the only appropriate responses to a final action are (1) compliance with the outstanding requirements, if feasible, (2) filing of an appeal to the Trademark Trial and Appeal Board, or (3) filing of a petition to the Commissioner if permitted by 37 C.F.R. Section 2.63(b). 37 C.F.R. Section 2.64(a). Regarding petitions to the Commissioner, see 37 C.F.R. Section 2.146; TMEP sections 1702 and 1704. If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. Section 2.65(a).

A handwritten signature in cursive script, appearing to read "Matthew C. Kline".

Matthew C. Kline  
Trademark Examining Attorney  
Law Office 104  
(703) 308-9104 Ext. 179

**AMENDMENT EXAMINATION WORK SHEET**

Name: Kimberly Linton L.O.:            Date: 7-23-97 Serial # 137 013

INSTRUCTIONS: To certify amendments the R&A Clerk should check the "AMENDED" column. The Text Editor should check "ENTERED" after the amendment has been entered.  
 RETAIN IN FILE.

SCREEN	AMENDED	ENTERED	AMENDED TO:
AM			AM Mark Type:
			AM Register:
			AM Mark: <input type="checkbox"/> MDC:
PY			PY Owner: <input type="checkbox"/> Name:
			PY <input type="checkbox"/> Citizenship:
			PY <input type="checkbox"/> Entity Type:
			EN <input type="checkbox"/> Entity Statement:
			DB DBA/AKA/TA Statement:
			PY Address: <input type="checkbox"/> Inter <input type="checkbox"/> City <input type="checkbox"/> State/Country <input type="checkbox"/> Zip
CL			NC Assignment or Name Change:
			CO Composed of:
			CL International Class: U.S. Class:
			CL First Use: First Use in Commerce:
			GS Goods and Services:
			GS
AM			AM Amended Register: P.R.: S.R.:
			AM Amended Reg Date:
			DI Disclaimer:
O T H E R			DM Description of Mark:
			LS Lining and Stippling Statement:
			TR Translation of Words in Mark:
			NO Name/Portrait Description/Consent:
			TF Section 2(f): <input type="checkbox"/> Entire Mark <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement:
			AF Use in Another Form:
			CS Certification Statement:
			CU Concurrent Use Statement:
FN			PR Prior U.S. Registrations:
			DR Domestic Representative:
			FN Foreign Country of Origin:
			FN Foreign Application No.: Frgn. Appl. Filing Date:
			FN Section 44(d) Claimed: Y/N
			FN Foreign Registration No.: Frgn. Reg. Date:
			FN Foreign Registration Expiration Date:
CD			FN Foreign Renewal Reg. No.: Frgn. Reg. Renewed:
			FN Foreign Registration Renewed Expiration Date:
			AT Attorney Name:
CD			CD Correspondence: <input type="checkbox"/> Name <input type="checkbox"/> Inter St. Address <input type="checkbox"/> City/State/Zip
			DN Attorney Docket Number:

Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

certify that all corrections have been entered in accordance with the above instructions and text editing guidelines.

[Signature]  
 Text Editor

7/24/97  
 Date

Initial Box if No Amendments are required.

TRADEMARK LAW OFFICE 104

Serial Number: 75/13701

Mark: NITE IZE

20-104

JA

\*\*Please Place on Upper Right Corner\*\*  
\*\*of Response to Office Action ONLY\*\*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

RCP ENTERPRISES, INC.

Serial No.: 75/137,013

For: NITE IZE

Examining Attorney: Matthew C. Kline

Law Office: 104



RESPONSE TO OFFICE ACTION

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

In response to the Office Action of January 8, 1997, with regard to the above identified application, please reexamine and reconsider the application in view of the following amendment and remarks.

RECEIVED  
1997 JUL 16 A 10:58  
LAW OFFICE 104  
T.M.E.O.

AMENDMENT OF THE DESCRIPTION OF GOODS:

Please amend the description of goods by deleting the description as filed, and substituting therefor:

A1

AS

-accessories specifically designed to hold or to operate with a flashlight namely; bands for securing a flashlight to a person or to another object; connectors for securing a flashlight to a bicycle; cords for carrying a flashlight; loops for carrying a flashlight; holders for carrying a flashlight; hand held holders for carrying a flashlight and spare flashlight batteries; holsters for carrying a flashlight and spare flashlight batteries; adapters for attaching a fiber optic light element to a flashlight; connectors for securing a flashlight to a helmet; magnetic holders for securing a flashlight to magnetic or magnetically permeable articles; mouthpiece shaped holders for flashlights; adapters for converting a flashlight to a signal light; holders in the shape of a sleeve for a flashlight; holders in the shape of a sleeve with a combined hand strap for a flashlight; underwater carriers for flashlights; underwater carriers, including a float, for flashlights; and display racks for any or all of the above flashlight accessories.-

**RESPONSE TO REFUSAL TO REGISTER DUE TO INDEFINITE IDENTIFICATION OF GOODS:**

Examining Attorney has refused registration on the grounds that the identification of goods is unacceptable as indefinite, and has required that the applicant amend the identification to specify the common commercial name of the goods. In addition, Examining Attorney has indicated that the application includes goods in more than one International Class.

These basis for refusal to register are now avoided by the above amendment or are traversed.

Examining Attorney has found the following items to be too indefinite: bicycle connectors; carrier cords; carrier loops; helmet connectors; mouthpiece holders; signal light adapters; sleeve type holders; sleeve type holders with a combined hand strap; underwater carriers; and, underwater carriers with a float. Those goods, and all of the other goods have been made more definite, as accessories for flashlights, by the above amendment. In addition, the identification of goods is now consistent with the common commercial name of the goods as used in applicant's catalog and also as used with the goods. For these reasons it is requested that the refusal to register on the grounds that the identification of goods is unacceptable as indefinite be withdrawn, and that the present application be allowed for publication.

**RESPONSE TO FINDING THAT THE APPLICATION INCLUDES GOODS IN MORE THAN ONE INTERNATIONAL CLASS:**

With regard to Examining Attorney's finding that the application includes goods in more than one International Class, this basis for rejection is traversed.

With all due respect, Examining Attorney's proposed classifications are not believed to be appropriate, as they will not serve the public in searching for and in identifying applicant's accessories for flashlights. As now clarified by the above amendment, all of the goods are accessories for flashlights. Flashlights are in International Class 11. Therefore, all of the above identified accessories for flashlights can also be properly included in International Class 11. For these reasons it is requested that the finding that the application includes goods in more than one International Class be withdrawn, and that the present application be allowed for publication.

As a basis for supporting applicant's argument, it is noted that Examining Attorney has suggested that applicant may adopt certain identification of goods. For Example, Examining Attorney has suggested that applicant include combined flashlight and spare battery hand held holders of metal; combined flashlight and spare battery holsters of metal in International Class 6. However, reference to the catalog supplied with the application will make it immediately clear that: 1) these items are not made of metal; and 2) these items are accessories for flashlights. This leads to the conclusion that these items cannot be properly classified in International Class 6, as Examining Attorney has suggested, but that they can be properly classified in International Class 11,

accessories for flashlights.

As a further basis for supporting applicant's argument, it is further noted that Examining Attorney has suggested that applicant may adopt as an identification of goods, reflective safety bands to be worn on the body and fiber optic cables in International Class 9. However, reference to the catalog supplied with the application will make it immediately clear : 1) that none of the items are reflective safety bands to be worn on the body or fiber optic cables; and 2) that these items are accessories for flashlights. More specifically, a fiber optic light is not a fiber optic cable. This leads to the conclusion that these items cannot be properly classified in International Class 9, as Examining Attorney has suggested, but that they can be properly classified in International Class 11, as accessories for flashlights.

As a still further basis for supporting applicant's argument, it is further noted that Examining Attorney has suggested that applicant may adopt as an identification of goods, clip on holders not of metal; combined flashlight and spare battery hand held holders not of metal; combined flashlight and spare battery holsters not of metal in International Class 20. However, reference to the International schedule of classification of goods will show that none of the items meet the terms of International Class 20. Furthermore, reference to the catalog supplied with the application will make it immediately clear that these items are accessories for flashlights. This leads to the conclusion that these items cannot be properly classified in International Class 20, as Examining Attorney has suggested, but that they can be properly classified in International Class 11 as accessories for flashlights.

Similarly, the catalog describes no item which is intended to function as "hair bands" in International Class 26, as Examining Attorney has suggested, although almost every band or cord of any kind could serve this function if that is the user's desire. This leads to the conclusion that no items can be properly classified in International Class 26, as "hair bands" as Examining Attorney has suggested, but that they can be properly classified in International Class 11 as accessories for flashlights.

It is therefore seen that Examining Attorney has for some reason suggested many classifications which do not match the goods as described in the amendment, or as shown in the catalog which has been supplied. Similarly, Examining Attorney has for some reason found no single good which could be classified in International Class 11, as accessories for flashlights. For the above reasons, and in view of the amendment of the goods, it is suggested that the finding that the application includes goods in more than one International Class is not well taken. As now clarified by the above amendment, all of the goods are accessories for flashlights, and as such are all properly included in International Class 11. For these reasons it is requested that the finding that the application includes goods in more than one International Class be withdrawn, and that the present goods, as amended be found to all be properly included in International Class 11, and the application be allowed for publication.

As facsimiles or specimens for al of the goods have been previously submitted, no additional specimens, declarations, nor additional filing fees are required, nor need be submitted.

**ALLOWABLE MARK UNDER TRADEMARK ACT SECTION 2(d).**

It is noted with appreciation that Examiner Attorney has indicated that he has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d).

**CONCLUSION**

In view of the foregoing amendments and arguments it is requested that the present application, as amended, be allowed for publication.

Respectfully submitted,

  
\_\_\_\_\_  
Donald W. Margolis  
Registration No. 22,045  
3405 Penrose Place, Suite 105  
Boulder, CO 80301  
(303) 443-6200

Enclosures  
DWM:sfm

a\niteize2.tm\amd

**CERTIFICATE OF MAILING STATEMENT**

I hereby certify that on this date this correspondence and any required fee is being deposited with the United States Postal Service as first class mail in an envelope with proper postage attached and addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
\_\_\_\_\_  
DONALD W. MARGOLIS, Reg. No. 22,045

July 8, 1997  
Date

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

<b>SERIAL NO.</b> 75/137013 RCP Enterprises, Inc.		<b>APPLICANT</b>	<b>PAPER NO.</b>	
<b>MARK</b> NITE IZE		<b>ACTION NO.</b> 01	<b>ADDRESS:</b> Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513	
<b>ADDRESS</b> Donald W. Margolis Margolis & Associates 3405 Penrose Place, Suite 105 Boulder, CO 80301				<b>MAILING DATE</b> 01/08/97
FORM PTO-1525 (5-90) U.S. DEPT. OF COMM. PAT. & TM OFFICE				<b>REF. NO.</b>
			If no fees are enclosed, the address should include the words "Box Responses - No Fee." Please provide in all correspondence: 1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.	

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.** For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 75/137013

The assigned examining attorney has reviewed the referenced application and determined the following.

**Identification of Goods**

The identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, the applicant must describe the product and its intended uses. TMEP section 804. Moreover, the application includes goods in more than one International Class. For those items that the examining attorney found to be definite, he has provided the proper classification below. The following items were found to be too indefinite: bicycle connectors; carrier cords; carrier loops; helmet connectors; mouthpiece holders; signal light adapters; sleeve type holders; sleeve type holders with a combined hand strap; underwater carriers; and, underwater carriers with a float.

The applicant may adopt the following identification of goods, if accurate:

International Class 6; clip on holders **of metal**; combined flashlight and spare battery hand held holders **of metal**; combined flashlight and spare battery holsters **of metal**;

International Class 9; safety products, namely, reflective safety bands to be worn on the body; fiber optic cables; magnetic holders;

International Class 20; clip on holders **not of metal**; combined flashlight and spare battery hand held holders **not of metal**; combined flashlight and spare battery holsters **not of metal**;

International Class 25; head, neck or wrist bands;

International Class 26; hair bands.

If the applicant prosecutes this application as a combined, or multiple-class, application, the applicant must comply with each of the following:

(1) The applicant must submit three specimens of use for each class; these specimens must be of a type which were in use at least as early as the filing date of the application. 37 C.F.R. Section 2.86(b).

(2) The applicant must state dates of first use and use in commerce for the mark in each class; these dates must be at least as early as the filing date of this application. 37 C.F.R. Sections 2.33(a)(1)(vii) and 2.86(b).

(3) The applicant must submit an affidavit or a declaration under 37 C.F.R. Section 2.20 signed by the applicant to verify (1) and (2) above. 37 C.F.R. Sections 2.59(a) and 2.71(d)(1).

(4) The applicant must list the goods by international class with the classes listed in ascending numerical order. TMEP section 1113.01.

(5) The applicant must submit a filing fee for each international class of goods not covered by the fee already paid. Effective December 3, 1993, the filing fee is \$245.00 per class. 37 C.F.R. Sections 2.6(a)(1) and 2.86(b); TMEP sections 810.01 and 1113.01.

### **General Information**

#### Search Clause

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

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

75/137013

-3-

A handwritten signature in cursive script, appearing to read "Matthew C. Kline".

Matthew C. Kline  
Trademark Examining Attorney  
Law Office 104  
(703) 308-9104 Ext. 179

\*\*\* User: EX496014 \*\*\*

STMT NUMBER	TOTAL MARKS	LIVE VIEWED	DEAD VIEWED	SEARCH
01	6730	0	0	PHRASCH :nite:^:night:
02	10276	0	0	PHRASCH :eye^eye:^:ize^ize:^:ise^ise:
03	29	18	11	PHRASCH 1&2

TERMINAL SESSION STARTED 12/19/96 9:30 A.M. (EASTERN TIME)  
TERMINAL SESSION FINISHED 12/19/96 9:41 A.M. (EASTERN TIME)  
ELAPSED TIME THIS SESSION 0 HRS AND 11 MIN

1/6 245/311

75137013



TRADEMARK APPLICATION, PRINCIPAL REGISTER,  
WITH DECLARATION AND POWER OF ATTORNEY

Mark: NITE IZE

International Class No.: 11

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Applicant's Name: <sup>03 CO</sup> RCP Enterprises, Inc. ✓

Applicant's Business Address: <sup>AA</sup> 2525 Arapahoe Ave., Suite E4-277 ✓  
Boulder, Colorado 80302 ✓ <sup>CO</sup>

Applicant is a Corporation - Whose State of Incorporation is: Colorado ✓

Applicant requests registration of the above-identified trademark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as

<sup>205 (11)</sup> amended.) for the following goods: ~~accessories specifically designed to hold a flashlight, namely bands, bicycle connectors, carrier cords, carrier loops, clip-on holders, combined flashlight and spare battery hand held holders, combined flashlight and spare battery holsters, display racks, fiber optic adapters, helmet connectors, magnetic holders, mouthpiece holders, signal light adapters, sleeve type holders, sleeve type holders with a combined hand strap, underwater carriers, and underwater carriers with a float.~~

**Basis for Application:**

Applicant is using the mark in commerce in connection with the above identified goods. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

- Date of first use of the mark anywhere, at least as early as: February 13, 1990 ✓
- Date of first use of the mark in commerce which the U.S. Congress may regulate, at least as early as: February 13, 1990 ✓
- Specify the type of commerce: Interstate, and is still in such use.

- The manner or mode of use of mark on or in connection with the goods:  
embossed on the goods, imprinted on the goods, on labels on the goods, on  
packages containing the goods, and on display racks for the goods. ✓

PR

**NOTE:** Applicant is the owner of U.S. Trademark Registration No. [1,620,077] copy ✓  
enclosed, and as a result some of the specimens carry a ®.

### DECLARATION

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

### POWER OF ATTORNEY

AT

Applicant hereby appoints [Donald W. Margolis] PTO Registration No. 22,045,  
and [John L. Isaac, PTO Registration No. 26,282]  
both Colorado state Attorneys at Law, of  
[Margolis & Associates]  
3405 Penrose Place, Suite 105  
Boulder, Colorado 80301  
telephone no. (303) 443-6200,

CA

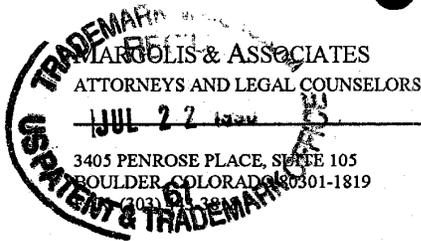
to prosecute this application to register, to transact all business in the United States Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

**RCP ENTERPRISES, INC.**

Date: 7/17/96 ✓

By: Richard N. Case  
Richard N. Case, President

s\nitezetm.11



75137013

(303) 443-6200

MARGOLIS & ASSOCIATES  
ATTORNEYS AND LEGAL COUNSELORS

3405 PENROSE PLACE, SUITE 105  
BOULDER, COLORADO 80301-1819  
(303) 443-6200

DONALD W. MARGOLIS  
EDWIN H. CRABTREE\*  
JOHN L. ISAAC  
\* Not admitted in Colorado

July 17, 1996

Assistant Commissioner For Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: **RCP ENTERPRISES, INC.**  
United States Trademark Registration  
Application for Mark: **NITE IZE**

Dear Sir:

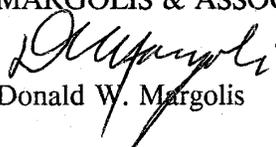
Enclosed are:

- An application in Class 11 (including a Declaration and Power of Attorney) of **RCP ENTERPRISES, INC.** for registration of the above-identified trademark;
- A check in the amount of \$245 to cover the filing fee;
- A drawing of the above-identified mark; and
- Three specimens and/or facsimiles of the mark as it is actually being used.
- The Commissioner is authorized to charge payment of any processing fees, filing fees or deficiencies, or to credit any overpayment to Deposit Account No. 13-1705. A duplicate copy of this sheet is enclosed.

We will await the filing receipt in due course.

Very truly yours,

MARGOLIS & ASSOCIATES

  
Donald W. Margolis

DWM:sfm  
Enclosures  
s\niteizetm.11

TRADEMARK MAIL ROOM  
REC'D  
JUL 22 1996  
U.S. PATENT & TRADEMARK OFFICE

MARGOLIS & ASSOCIATES  
ATTORNEYS AND LEGAL COUNSELORS

3405 PENROSE PLACE, SUITE 105  
BOULDER, COLORADO 80301-1819  
TEL: (303) 440-8818

(303) 443-6200

July 17, 1996

DONALD W. MARGOLIS  
EDWIN H. CRABTREE\*  
JOHN L. ISAAC  
\* Not admitted in Colorado

Assistant Commissioner For Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: **RCP ENTERPRISES, INC.**  
United States Trademark Registration  
Application for Mark: **NITE IZE**

Dear Sir:

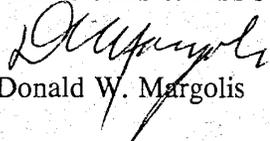
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- An application in Class 11 (including a Declaration and Power of Attorney) of **RCP ENTERPRISES, INC.** for registration of the above-identified trademark;
- A check in the amount of \$245 to cover the filing fee;
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We will await the filing receipt in due course.

Very truly yours,

MARGOLIS & ASSOCIATES

  
Donald W. Margolis

DWM:sfm  
Enclosures  
s\niteizetm.11

COPY

75137013

TRADEMARK APPLICATION SERIAL NO. \_\_\_\_\_

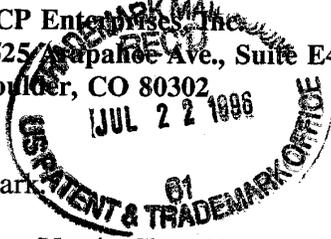
U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

090 RT 07/30/96 75137013

0 361

245.00 CK

RCP Enterprises, Inc.  
2525 Arapahoe Ave., Suite E4-277  
Boulder, CO 80302



Mark:

NITE IZE

First Use in Class 11:

at least as early as February 13, 1990

First Use in Interstate Commerce  
in Class 11:

at least as early as February 13, 1990

Goods:

accessories specifically designed to hold a flashlight, namely bands, bicycle connectors, carrier cords, carrier loops, clip on holders, combined flashlight and spare battery hand held holders, combined flashlight and spare battery holsters, display racks, fiber optic adapters, helmet connectors, magnetic holders, mouthpiece holders, signal light adapters, sleeve type holders, sleeve type holders with a combine hand strap, underwater carriers, and underwater carriers with a float.

NITE IZE



s\niteizetm.11

PUBLISHED  
1/19/99

Mark: NITE IZE

US Serial Number: 74029928

Application Filing Date: Feb. 20, 1990

US Registration Number: 1620077

Registration Date: Oct. 30, 1990

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Nov. 10, 2010

Publication Date: Aug. 07, 1990

### Mark Information

Mark Literal Elements: NITE IZE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

### Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: HEADBANDS TO BE WORN BY A PERSON AND DESIGNED TO HOLD A FLASHLIGHT

International Class(es): 025 - Primary Class

U.S Class(es): 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 13, 1990

Use in Commerce: Feb. 13, 1990

### Basis Information (Case Level)

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

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

Amended Use: No  
 Amended ITU: No  
 Amended 44D: No  
 Amended 44E: No

---

## Current Owner(s) Information

---

**Owner Name:** NITE IZE, INC.

**Owner Address:** 5660 Central Avenue  
BOULDER, COLORADO UNITED STATES 80301

**Legal Entity Type:** CORPORATION

**State or Country** COLORADO  
**Where Organized:**

---

## Attorney/Correspondence Information

---

**Attorney of Record - None**  
**Correspondent**

**Correspondent Name/Address:** Robert P. Ziemian  
NITE IZE, INC.  
5660 Central Avenue  
BOULDER, COLORADO UNITED STATES 80301

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Nov. 10, 2010	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76533
Nov. 10, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 10, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Nov. 01, 2010	TEAS SECTION 8 & 9 RECEIVED	
Nov. 17, 2009	REVIEW OF CORRESPONDENCE COMPLETE	70132
Apr. 20, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 03, 2007	CASE FILE IN TICRS	
Sep. 19, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 19, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 03, 2006	PAPER RECEIVED	
May 23, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
May 23, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 01, 2002	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 9	
Jul. 30, 2001	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	
Oct. 30, 2000	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Dec. 04, 1996	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 24, 1996	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 30, 1990	REGISTERED-PRINCIPAL REGISTER	
Aug. 07, 1990	PUBLISHED FOR OPPOSITION	
Jul. 11, 1990	NOTICE OF PUBLICATION	
Jul. 10, 1990	NOTICE OF PUBLICATION	
Jul. 07, 1990	NOTICE OF PUBLICATION	
May 21, 1990	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 21, 1990	EXAMINER'S AMENDMENT MAILED	
May 12, 1990	ASSIGNED TO EXAMINER	68110

---

## Maintenance Filings or Post Registration Information

---

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

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

**Renewal Date:** Oct. 30, 2010

---

## TM Staff and Location Information

---

**TM Staff Information - None**

---

**File Location**

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 10, 2010

**Assignment Abstract Of Title Information****Summary**

Total Assignments: 1

Registrant: RCP Enterprises, Inc.

**Assignment 1 of 1**

Conveyance: CHANGE OF NAME

Reel/Frame: [2459/0336](#)

Pages: 2

Date Recorded: Feb. 19, 2002

Supporting Documents: [assignment-tm-2459-0336.pdf](#)**Assignor**Name: [R C P ENTERPRISES, INC.](#)

Execution Date: Jan. 30, 2002

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**Name: [NITE IZE, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: COLORADO

Address: 5735-E ARAPAHOE AVE.  
BOULDER, COLORADO 80303**Correspondent**

Correspondent Name: DONALD W. MARGOLIS

Correspondent Address: SUITE 105  
3405 PENROSE PLACE  
BOULDER, CO 80301-1819**Domestic Representative - Not Found****Proceedings****Summary**

Number of Proceedings: 1

**Type of Proceeding: Cancellation**Proceeding Number: [92059235](#)

Filing Date: May 08, 2014

Status: Pending

Status Date: May 08, 2014

Interlocutory Attorney: JENNIFER KRISP

**Defendant**

Name: Zhangwei Mo

Correspondent Address: P JAY HINES  
MUNCY GEISSLER OLDS & LOWE PC  
4000 LEGATO ROAD, SUITE 310  
FAIRFAX VA UNITED STATES , 22033Correspondent e-mail: [mailroom@mg-ip.com](mailto:mailroom@mg-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NITEYE	Cancellation Pending	<a href="#">85485500</a>	<a href="#">4179235</a>

**Plaintiff(s)**

Name: Nite Ize, Inc.

Correspondent Address: ROBERT P ZIEMIAN  
HAYNES AND BOONE, LLP

2323 VICTORY AVE, STE 700  
DALLAS TX UNITED STATES , 75219

Correspondent e-mail: [robert.ziemian@haynesboone.com](mailto:robert.ziemian@haynesboone.com)

Mark	Application Status	Serial Number	Registration Number
NITE IZE	Renewed	<a href="#">74029928</a>	<a href="#">1620077</a>
NITE IZE	Renewed	<a href="#">75137013</a>	<a href="#">2237945</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 08, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 22, 2014	Jul 01, 2014
3	PENDING, INSTITUTED	May 22, 2014	
4	P PROOF OF SERVICE	May 23, 2014	
5	STIP FOR EXT	Jul 01, 2014	
6	EXTENSION OF TIME GRANTED	Jul 01, 2014	
7	ANSWER	Jul 31, 2014	
8	D UNDELIVERABLE MAIL	Aug 01, 2014	
9	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Sep 09, 2014	
10	P INITIAL DISCLOSURES	Sep 29, 2014	
11	TRIAL DATES REMAIN AS SET	Dec 19, 2014	
12	P 1ST SET OF INTERROGATORY	Jan 15, 2015	
13	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2015	
14	P EXHIBITS	Jan 21, 2015	
15	P EXHIBITS	Jan 21, 2015	
16	P EXHIBITS	Jan 21, 2015	
17	P EXHIBITS	Jan 21, 2015	
18	P EXHIBITS	Jan 21, 2015	
19	P EXHIBITS	Jan 21, 2015	
20	P EXHIBITS	Jan 21, 2015	
21	P EXHIBITS	Jan 21, 2015	
22	P EXHIBITS	Jan 21, 2015	
23	P EXHIBITS	Jan 21, 2015	
24	P EXHIBITS	Jan 21, 2015	
25	SUSP PEND DISP OF OUTSTNDNG MOT	Feb 02, 2015	
26	D OPP/RESP TO MOTION	Mar 04, 2015	
27	P REPLY IN SUPPORT OF MOTION	Mar 19, 2015	
28	CHANGE OF CORRESP ADDRESS	Jun 11, 2015	
29	P MOT FOR SJ DENIED/PROCEEDINGS RESUMED	Jun 30, 2015	
30	STIP FOR EXT	Aug 11, 2015	
31	EXTENSION OF TIME GRANTED	Aug 17, 2015	
32	STIP FOR EXT	Sep 04, 2015	
33	EXTENSION OF TIME GRANTED	Sep 04, 2015	
34	STIP FOR EXT	Oct 09, 2015	
35	EXTENSION OF TIME GRANTED	Oct 09, 2015	
36	STIP FOR EXT	Nov 11, 2015	
37	EXTENSION OF TIME GRANTED	Nov 11, 2015	
38	STIP FOR EXT	Dec 07, 2015	
39	EXTENSION OF TIME GRANTED	Dec 07, 2015	
40	P CONFID Motion to Compel Discovery	Jan 11, 2016	
41	P REDACTED MOT TO COMPEL	Jan 11, 2016	
42	SUSPENDED	Jan 29, 2016	
43	TRIAL DATES RESET	May 11, 2016	

Side - 1



**NOTICE OF ACCEPTANCE OF §8  
DECLARATION AND §9 RENEWAL  
MAILING DATE: Nov 10, 2010**

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER:** 1620077  
**MARK:** NITE IZE  
**OWNER:** NITE IZE, INC.

Side - 2

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

FIRST-CLASS MAIL  
U.S POSTAGE  
PAID

Robert P. Ziemian  
NITE IZE, INC.  
5660 Central Avenue  
BOULDER, CO 80301

## Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	1620077
<b>REGISTRATION DATE</b>	10/30/1990
<b>SERIAL NUMBER</b>	74029928
<b>MARK SECTION</b>	
<b>MARK</b>	NITE IZE
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	025
<b>GOODS OR SERVICES</b>	HEADBANDS TO BE WORN BY A PERSON AND DESIGNED TO HOLD A FLASHLIGHT
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN0-207136167210-180537438_..Specimen.pdf</a>
<b>CONVERTED PDF FILE(S) (3 pages)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\740\299\74029928\xml1\S890002.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\740\299\74029928\xml1\S890003.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\740\299\74029928\xml1\S890004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Page from website
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	NITE IZE, INC.
<b>STREET</b>	5735-E ARAPAHOE AVE.
<b>CITY</b>	BOULDER
<b>STATE</b>	Colorado
<b>ZIP/POSTAL CODE</b>	80303
<b>COUNTRY</b>	United States
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	NITE IZE, INC.
<b>STREET</b>	5660 Central Avenue
<b>CITY</b>	BOULDER
<b>STATE</b>	Colorado
<b>ZIP/POSTAL CODE</b>	80301
<b>COUNTRY</b>	United States
<b>LEGAL ENTITY SECTION (current)</b>	

<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Colorado
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	500
<b>TOTAL FEE PAID</b>	500
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/RPZ/
<b>SIGNATORY'S NAME</b>	Robert P. Ziemian
<b>SIGNATORY'S POSITION</b>	Attorney of Record, CO Bar Member
<b>DATE SIGNED</b>	11/01/2010
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Mon Nov 01 18:32:23 EDT 2010
<b>TEAS STAMP</b>	USPTO/S08N09-XXX.XXX.XXX. XXX-20101101183223006349- 1620077-470d223d8a37c7ce1 a9b4de2743e8ef3ab-CC-5062 -20101101180537438276

---

## Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

To the Commissioner for Trademarks:

**REGISTRATION NUMBER:** 1620077

**REGISTRATION DATE:** 10/30/1990

**MARK:** NITE IZE

The owner, NITE IZE, INC., a corporation of Colorado, having an address of  
5660 Central Avenue  
BOULDER, Colorado 80301  
United States

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9.

For International Class 025, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class: HEADBANDS TO BE WORN BY A PERSON AND DESIGNED TO HOLD A FLASHLIGHT ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Page from website.

**Original PDF file:**

[SPN0-207136167210-180537438... Specimen.pdf](#)

**Converted PDF file(s)** (3 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### Declaration

#### Section 8: Declaration of Use in Commerce

*Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

#### Section 9: Application for Renewal

*The registrant requests that the registration be renewed for the goods and/or services identified above.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /RPZ/ Date: 11/01/2010

Signatory's Name: Robert P. Ziemian

Signatory's Position: Attorney of Record, CO Bar Member

Serial Number: 74029928

Internet Transmission Date: Mon Nov 01 18:32:23 EDT 2010

TEAS Stamp: USPTO/S08N09-XXX.XXX.XXX.XXX-20101101183

223006349-1620077-470d223d8a37c7ce1a9b4d

e2743e8ef3ab-CC-5062-2010110118053743827

6

Headband | Nite Ize - Windows Internet Explorer

http://www.niteize.com/collections/flashlights/products/headband

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**NITE IZE** INNOVATIVE PRODUCTS: HARDWARE L.E.D. PETS TOYS INOVA FLASHLIGHTS INKA PENS INNOVATIVE ACCESSORIES FOR: FLASHLIGHTS MOBILE DEVICES TOOLS

FLASHLIGHTS

Home / Flashlight Accessories / Headband

**ZOOM +**



### HEADBAND

See more styles ▶

**Designed to hold AAA, AA, or L123 Flashlights effectively and easily while freeing both your hands, The Nite Ize Headband is the original product that got our company going back in 1989. We're pretty proud that it's just as bright an idea today.**

**Product Option**

Select One  **BUY NOW**

Done Internet 100%

Start | Inbox - Mic... | 17 Reminders | DENVER-#... | Headband... | 3:19 PM

Headband | Nite Ize - Windows Internet Explorer

http://www.niteize.com/collections/flashlights/products/headband

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Headband | Nite Ize



Hover over the images below for an enlarged view.



**ACTIVITIES**   **PACKAGING**   **DISPLAYS**   **F.A.Q.**

- Biking
- Camping
- Hiking
- Trades
- Home Projects
- General Illumination
- Military & Tactical
- Night Safety

### PRODUCT INFORMATION

The Nite Ize Headband was invented to solve an all-too-common problem: how to aim a flashlight with one hand while trying to work with the other. At some point in our lives, we've all experienced this frustration, maybe even tried to free our hands by balancing the flashlight on top of something nearby, holding it under our chin or in our mouth. (Mmmmm. The flavor of cold metal.)

Our Headband provides the perfect convenient, inexpensive solution. Constructed of 1" webbing, this lightweight, adjustable headpiece fits almost any AAA, AA or L123 flashlight, and instantly turns it into a versatile headlamp. Designed to illuminate the area in your direct line of sight, it's excellent for household projects (working under sinks, changing fuses, etc.), camping, mechanical work, or fishing trips (tying lines, landing fish, or searching for that special lure before the sun is up). The Headband is available in a variety of colors, fully adjustable to fit any size, and, like all of our Nite Ize products, made of high quality materials and built to last.

Done   Internet   100%

Start   Inbox - Mic...   17 Reminders   Document2 ...   Headband...   3:20 PM

Headband | Nite Ize - Windows Internet Explorer

http://www.niteize.com/collections/flashlights/products/headband

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Headband | Nite Ize

- Biking
- Camping
- Hiking
- Trades
- Home Projects
- General Illumination
- Military & Tactical
- Night Safety

solution. Constructed of 1" webbing, this lightweight, adjustable headpiece fits almost any AAA, AA or L123 flashlight, and instantly turns it into a versatile headlamp. Designed to illuminate the area in your direct line of sight, it's excellent for household projects (working under sinks, changing fuses, etc.), camping, mechanical work, or fishing trips (tying lines, landing fish, or searching for that special lure before the sun is up). The Headband is available in a variety of colors, fully adjustable to fit any size, and, like all of our Nite Ize products, made of high quality materials and built to last.

### PRODUCT DETAILS

- Designed and made of comfortable, non-elastic webbing.
- Hook & Loop fastener for one-size-fits-all design.
- Inner loop for smaller diameter flashlights, outer loop for larger diameter flashlights.
- Available in: Black, Blue, Olive, Red, Purple, Forest Green, Axum, Storm and Matrix

### REVIEWS

Done

Internet 11

Start | Inbox - Mic... | 17 Reminders | Document2 ... | Headband...

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 1620077



**Serial Number:** 74029928



**RAM Sale Number:** 5062

**RAM Accounting Date:** 20101102

**Total Fees:** \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20101101	\$100	1	1	\$100
Application for Renewal (§9)	7201	20101101	\$400	1	1	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20101101



Headband | Nite Ize - Windows Internet Explorer

http://www.niteize.com/collections/flashlights/products/headband

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**NITE IZE** INNOVATIVE PRODUCTS: HARDWARE L.E.D. PETS TOYS INOVA FLASHLIGHTS INKA PENS INNOVATIVE ACCESSORIES FOR: FLASHLIGHTS MOBILE DEVICES TOOLS

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## FLASHLIGHTS

Home / Flashlight Accessories / Headband



ZOOM +

### HEADBAND

See more styles ▶

**Designed to hold AAA, AA, or L123 Flashlights effectively and easily while freeing both your hands, The Nite Ize Headband is the original product that got our company going back in 1989. We're pretty proud that it's just as bright an idea today.**

Product Option

Select One  0

Done Internet 100%

Start | Inbox - Mic... | 17 Reminders | DENVER-#... | Headband... | 3:19 PM

Headband | Nite Ize - Windows Internet Explorer

http://www.niteize.com/collections/flashlights/products/headband

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Headband | Nite Ize



Hover over the images below for an enlarged view.



**ACTIVITIES**   **PACKAGING**   **DISPLAYS**   **F.A.Q.**

- Biking
- Camping
- Hiking
- Trades
- Home Projects
- General Illumination
- Military & Tactical
- Night Safety

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Our Headband provides the perfect convenient, inexpensive solution. Constructed of 1" webbing, this lightweight, adjustable headpiece fits almost any AAA, AA or L123 flashlight, and instantly turns it into a versatile headlamp. Designed to illuminate the area in your direct line of sight, it's excellent for household projects (working under sinks, changing fuses, etc.), camping, mechanical work, or fishing trips (tying lines, landing fish, or searching for that special lure before the sun is up). The Headband is available in a variety of colors, fully adjustable to fit any size, and, like all of our Nite Ize products, made of high quality materials and built to last.

Done   Internet   100%

Start   Inbox - Mic...   17 Reminders   Document2 ...   Headband...   3:20 PM

Headband | Nite Ize - Windows Internet Explorer

http://www.niteize.com/collections/flashlights/products/headband

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Headband | Nite Ize

- Biking
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- General Illumination
- Military & Tactical
- Night Safety

solution. Constructed of 1" webbing, this lightweight, adjustable headpiece fits almost any AAA, AA or L123 flashlight, and instantly turns it into a versatile headlamp. Designed to illuminate the area in your direct line of sight, it's excellent for household projects (working under sinks, changing fuses, etc.), camping, mechanical work, or fishing trips (tying lines, landing fish, or searching for that special lure before the sun is up). The Headband is available in a variety of colors, fully adjustable to fit any size, and, like all of our Nite Ize products, made of high quality materials and built to last.

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- Inner loop for smaller diameter flashlights, outer loop for larger diameter flashlights.
- Available in: Black, Blue, Olive, Red, Purple, Forest Green, Axum, Storm and Matrix

### REVIEWS

Done

Internet 11

Start | Inbox - Mic... | 17 Reminders | Document2 ... | Headband...

**Trademark Snap Shot Prosecution History for Review Correspondence**  
 (Table presents the data on Prosecution History for Review Correspondence)

**OVERVIEW**

SERIAL NUMBER	74029928	FILING DATE	02/20/1990
REG NUMBER	1620077	REG DATE	10/30/1990
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LAWRENCE, ANDREW D	L.O. ASSIGNED	550-NOT FOUND

**PUB INFORMATION**

RUN DATE	11/18/2009		
PUB DATE	08/07/1990		
STATUS	800-REGISTERED AND RENEWED		
STATUS DATE	05/23/2002		
LITERAL MARK ELEMENT	NITE IZE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	10/30/2000
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	NITE IZE
MARK DRAWING CODE	1-TYPESET WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	40-SUBSEQUENT OWNER AFTER REGISTRATION
NAME	NITE IZE, INC.
ADDRESS	5735-E ARAPAHOE AVE. BOULDER, CO 80303
ENTITY	03-CORPORATION

CITIZENSHIP	Colorado
ASSIGNEE OF	BY CHANGE OF NAME
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	025
DESCRIPTION TEXT	HEADBANDS TO BE WORN BY A PERSON AND DESIGNED TO HOLD A FLASHLIGHT

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	025	FIRST USE DATE	02/13/1990	FIRST USE IN COMMERCE DATE	02/13/1990	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
PSEUDO MARK	night easy

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/17/2009	CORV	P	REVIEW OF CORRESPONDENCE COMPLETE	021
04/20/2009	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	020
10/03/2007	CFIT	O	CASE FILE IN TICRS	019
09/19/2006	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	018
09/19/2006	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	017
07/03/2006	MAIL	I	PAPER RECEIVED	016
05/23/2002	RNL1	Q	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	015
05/23/2002	89AG	O	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	014
02/01/2002	PR89	I	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 9	013
07/30/2001	PR89	O	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	012
10/30/2000	89AF	I	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	011
12/04/1996	C15A	O	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	010
10/24/1996	815F	I	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	009
10/30/1990	R.PR	A	REGISTERED-PRINCIPAL REGISTER	008
08/07/1990	PUBO	A	PUBLISHED FOR OPPOSITION	007
07/11/1990	NPUB	O	NOTICE OF PUBLICATION	006
07/10/1990	NPUB	O	NOTICE OF PUBLICATION	005
07/07/1990	NPUB	O	NOTICE OF PUBLICATION	004
05/21/1990	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	003
05/21/1990	CNEA	F	EXAMINER'S AMENDMENT MAILED	002
05/12/1990	DOCK	D	ASSIGNED TO EXAMINER	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	Carl A. Forest
CORRESPONDENCE ADDRESS	Carl A. Forest Patton Boggs LLP Suite 4900 1801 California Street

	Denver CO 80202
DOMESTIC REPRESENTATIVE	NONE
<b>PRIOR OWNER INFORMATION</b>	
PARTY TYPE	30-ORIGINAL REGISTRANT
NAME	RCP Enterprises, Inc.
ADDRESS	Suite E4-277 2525 Arapahoe Ave. Boulder, CO 80302
ENTITY	03-CORPORATION
CITIZENSHIP	Colorado
PARTY TYPE	20-OWNER AT PUBLICATION
NAME	RCP Enterprises, Inc.
ADDRESS	Suite E4-277 2525 Arapahoe Ave. Boulder, CO 80302
ENTITY	03-CORPORATION
CITIZENSHIP	Colorado
PARTY TYPE	10-ORIGINAL APPLICANT
NAME	RCP Enterprises, Inc.
ADDRESS	Suite E4-277 2525 Arapahoe Ave. Boulder, CO 80302
ENTITY	03-CORPORATION
CITIZENSHIP	Colorado

## Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	74029928
<b>REGISTRATION NUMBER</b>	1620077
<b>MARK SECTION</b>	
<b>MARK</b>	NITE IZE
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	Carl A. Forest Patton Boggs LLP Suite 2050 1660 Lincoln Street Denver Colorado 80264 United States (303) 894-9239 (303) 830-1776 docketingtrademarks@pattonboggs.com
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NEW ADDRESS</b>	Carl A. Forest Patton Boggs LLP Suite 4900 1801 California Street Denver Colorado United States 80202 (303) 830-1776 (303) 894-9239 docketingtrademarks@pattonboggs.com
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/V. Craig Belair/
<b>SIGNATORY NAME</b>	V Craig Belair
<b>SIGNATORY DATE</b>	04/20/2009
<b>SIGNATORY POSITION</b>	Attorney of record, CO Bar member
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Mon Apr 20 14:32:40 EDT 2009
<b>TEAS STAMP</b>	USPTO/CCA-XX.XX.XXX.XXX-2 0090420143240276486-78345 974-440e8a431b706f94d070a c1a2956a41d5a-N/A-N/A-200 90420142433636258



02-01-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #76

**E UNITED STATES PATENT AND TRADEMARK OFFICE**

**Non-Fee**

Attorney Docket: T2673

In re the Trademark of: **RCP ENTERPRISES, INC.**  
nka as **NITE IZE, INC.**

Registration No.: **1,620,077** **Post Registration Division**

For: **NITE IZE** **Renewal Examiner: Valerie Stevens**

**RESPONSE TO LETTER**

Commissioner for Trademarks  
Box: Post Registration – Non-Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

In response to the letter that was mailed July 30, 2001 in the above referenced application, which letter has been carefully reviewed, please note the following:

The registrant of record, **RCP ENTERPRISES, INC.** has changed its corporate name to **NITE IZE, INC.** effective September 15, 1999, which date precedes the date of the §§ 8 & 9 Combined Affidavit that was signed October 30, 2000;

The §§ 8 & 9 Combined Affidavit that was signed October 30, 2000, reflects that fact as it was signed in the name of:

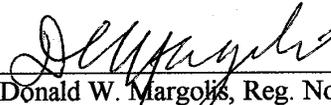
**NITE IZE, CORP.**  
**fka RCP ENTERPRISES, INC.**

In order to further clarify this matter, undersigned, for registrant, is filing a change of name of the above identified registration from **RCP ENTERPRISES, INC.** to **NITE IZE, INC.**, and a true copy of that change of name, including a true copy of the amendment to the Articles of Incorporation enacted September 15, 1999 and filed with the Colorado Secretary of State September 27, 1999, is enclosed.

**CONCLUSION**

As registrant has now explained above, the basis for the name on the §§ 8 & 9 Combined Affidavit, has now filed change of name from **RCP ENTERPRISES, INC.** to **NITE IZE, INC.**, and has shown that the change in name/ownership occurred prior to October 30, 2000, it is hereby requested that the §§ 8 & 9 Combined Affidavit previously submitted be examined and approved as to both § 8 and § 9.

Respectfully submitted,

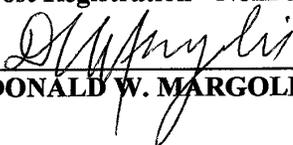


Donald W. Margolis, Reg. No. 22,045  
Margolis & Associates  
3405 Penrose Place, Suite 105  
Boulder, CO 80301  
(303) 443-6200  
Facsimile (303) 443-3818

Enclosures  
DWM:djb

**CERTIFICATE OF MAILING STATEMENT**

I hereby certify that on this date this correspondence and any required fee is being deposited with the United States Postal Service as first class mail in an envelope with proper postage attached and addressed to: Assistant Commissioner for Trademarks, Box Post Registration - NonFee, 2900 Crystal Drive, Arlington, VA 22202-3513.

  
\_\_\_\_\_  
DONALD W. MARGOLIS, Reg.No. 22,045

January 30, 2002  
Date

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
R C P Enterprises, Inc.

Individual(s)       Association  
 General Partnership       Limited Partnership  
 Corporation-State  
 Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies)  
Name: Nite Ize, Inc.  
Internal  
Address: \_\_\_\_\_  
Street Address: 5735-E Arapahoe Ave.  
City: Boulder State: CO Zip: 80303

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Colorado  
 Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:  
 Assignment       Merger  
 Security Agreement       Change of Name  
 Other \_\_\_\_\_

Execution Date: 01/30/02

4. Application number(s) or registration number(s):  
A. Trademark Application No.(s)  
B. Trademark Registration No.(s)  
1,620,077

Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: Donald W. Margolis  
Internal Address: Suite 105  
Street Address: 3405 Penrose Place  
City: Boulder State: CO Zip: 80301-1819

6. Total number of applications and registrations involved: .....

7. Total fee (37 CFR 3.41).....\$ 40.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:  
131705

(Attach duplicate copy of this page if paying by deposit account)

9. Statement and signature.  
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Donald W. Margolis      [Signature]      01/30/02  
Name of Person Signing      Signature      Date  
303/443-6200      Total number of pages including cover sheet, attachments, and document:

COPY

COPY

**CHANGE OF NAME OF TRADEMARK OWNER**

WHEREAS, **REGISTRANT**: **RCP ENTERPRISES, INC.**  
a Colorado Corporation  
5735-E Arapahoe Avenue  
Boulder, CO 80303

has adopted, has used and is using a certain mark which Registrant has registered in the United States Patent and Trademark Office, to wit:

Reg./Ser. No.            Reg. Date            For  
1,620,077                March 18, 1997        NITE IZE

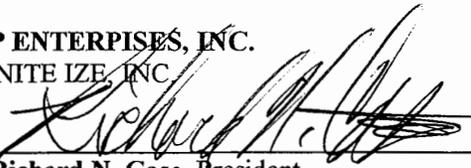
WHEREAS, **REGISTRANT**: **RCP ENTERPRISES, INC.** has properly changed its name to **NITE IZE, INC.**, effective September 15, 1999, as shown by the attached true copy of Articles of Amendment;

WHEREAS, **REGISTRANT** is now named:            **NITE IZE, INC.**  
fka and dba RCP ENTERPRISES, INC.  
a Colorado Corporation  
5735-E Arapahoe Avenue  
Boulder, CO 80303

and desires to acquire record legal title in said mark and the registration therefore which **Registrant** now possesses of record in said mark in any and all classes and for any and all goods and services in which **Registrant** has used said marks;

NOW, THEREFORE said **Registrant** does hereby request recordation of its change of name, and otherwise assigns unto the said **NITE IZE, INC.** all right, title and interest in and to said mark, and the registration therefore, together with the common law rights, foreign rights, State rights and goodwill of the business symbolized by the mark and the above identified registration therefore, and retroactive to September 15, 1999.

January 30, 2002  
Date  
  
303/449-2576  
Telephone Number

**RCP ENTERPRISES, INC.**  
nka NITE IZE, INC.  
By   
**Richard N. Case, President**



Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
www.uspto.gov

DATE: JUL 30 2001

Donald W. Margolis  
Margolis & Associates  
3405 Penrose Place, Suite 105  
Boulder, CO 80301

In Re: Registration # 1620077 for the mark NITE IZE

The Combined Section 8 Affidavit and Section 9 Renewal Application submitted on October 30, 2000 is refused for the following reason(s):

The Trademark Act requires that the current owner of the registration file the Section 8 Affidavit. 15 U.S.C. §1058. It is unclear whether the party who filed the Section 8 Affidavit is the current owner.

Office records indicate the registration is owned by RCP Enterprises, Inc. not Nite Ize Corp., the party who filed the Section 8 Affidavit.

The party who filed the Section 8 Affidavit must establish current ownership of the registration at least as early as October 30, 2000, the date the Section 8 Affidavit was signed. 37 C.F.R. §2.161(a). Ownership may be established by (1) recording appropriate documents in the Assignment Branch, (703) 308-9723, or (2) submitting proof of the transfer of title to the party who filed the Section 8 Affidavit. 37 C.F.R. §3.73(b).

- (1) If the present owner chooses to establish ownership by recording appropriate documents in the Assignment Branch, please notify the undersigned paralegal when the documents have been filed. A telephone call to the paralegal is encouraged to resolve this issue.
- (2) If the present owner chooses to establish ownership by submitting proof of the transfer of title, appropriate evidence, such as a copy of the document transferring ownership or a verified statement that a valid transfer of legal title has occurred, must be submitted. Please be advised that the Section 8 Notice of Acceptance will issue in the name of the original registrant or the last recorded assignee as recorded in the Assignment Branch.

If the wrong party filed the Section 8 Affidavit and there is time remaining in the statutory filing period, the current owner may file a new affidavit. If the new affidavit is filed during the 6-month grace period, the owner must pay the filing fee for the Section 8 Affidavit plus the grace period fee. If the wrong party filed the Section 8 Affidavit, and there is no time remaining in the statutory filing period, the registration will be cancelled.

**A COMPLETE RESPONSE MUST BE RECEIVED WITHIN 6 MONTHS FROM THE MAILING DATE OF THIS OFFICE ACTION. THE OWNER MUST RESPOND TO ALL INQUIRIES SET FORTH IN THIS LETTER TO AVOID CANCELLATION AND/OR EXPIRATION OF THE REGISTRATION.**



Valerie Stevens  
Affidavit/Renewal Examiner  
Post Registration Division  
Office of Trademark Services  
(703) 308-9500 Ext. 109



# PALM INTRANET

Day : Monday  
Date : 3/12/2001  
Time : 12:52:58

## Trademark Assignment Patent Number Information for 1620077

<b>Total Assignments : 0</b>	
Serial Number : 74/029928	Registration Number : 1620077
Date Filed : 02/20/1990	Date Registered : 10/30/1990
Related Registration Numbers:	
Mark : NITE IZE	
Registrant(s) : <u>RCP ENTERPRISES, INC.</u>	
Reel/Frame(s) :	

Search Completed: No More Records to Display.

### Search Another:

Serial#

or Registration#

or Reel/Frame#

(To Go BACK Use BACK Button on Your BROWSER Tool Bar)

Back to || [ASSIGNMENT](#) || [PALM](#) || [OASIS](#) || Home Page



PRU

~~NY~~

10-30-2000

PTO Form 1963 (Rev 4/2000)  
OMB No. 0651-0009 (Exp. 08/31/2001)

U.S. Patent & TMO/TM Mail RptDt. #64

**COMBINED DECLARATION OF USE IN COMMERCE & APPLICATION FOR  
RENEWAL OF REGISTRATION OF A MARK UNDER SECTIONS 8 & 9  
(15 U.S.C. §§ 1058 & 1059)**

PrinTEAS - Version 1.22: 10/10/2000

Each field name links to the relevant section of the "HELP" instructions that will appear at the bottom of the screen. Fields containing the symbol "\*" must be completed; all other relevant fields should be completed if the information is known.

Note:  check here if you do not want the scrolling help to be automatically shown at the bottom of the screen.

**Important:**

i

For general trademark information, please telephone the Trademark Assistance Center, at 703-308-9000. For automated status information, please telephone 703-305-8747, or use <http://tarr.uspto.gov>.

If you need help in resolving technical glitches, you can e-mail us at [PrinTEAS@uspto.gov](mailto:PrinTEAS@uspto.gov). Please include your telephone number in your e-mail, so we can talk to you directly, if necessary.

Mark Information	
* <b>Mark</b>	NITE IZE
* <b>Registration Number</b>	1620077 NOTE: Registration Number must be 7 digits. If necessary, add a leading "0". E.g., 0936427.
* <b>Registration Date</b>	10/30/1990 MM/DD/YYYY

Owner Information	
* <b>Name</b>	Nite Ize, Corp., fka RCP Enterprises, Inc.
* <b>Street Address</b>	5735-E Arapahoe Avenue
* <b>City</b>	Boulder

11/02/2000 GTHOMAS2 00000188 1620077

01 FC:372  
02 FC:365

100.00 OP  
400.00 OP

* Address	State	Colorado
	If not listed above, please select 'OTHER' and specify here: <input type="text"/>	
	* Country	USA
		If not listed above, please select 'OTHER' and specify here: <input type="text"/>
	Zip/Postal Code	80303
Internet E-Mail Address	<input type="checkbox"/> Check here to <u>authorize</u> the USPTO to communicate with the applicant at the listed e-mail address. Note: <b>only one</b> e-mail address may be used for correspondence.	

*Goods and/or Services Information	
Click on ONE circle below.	
<input checked="" type="radio"/>	The owner is using the mark in commerce on or in connection with <u>all goods and/or services listed in the existing registration.</u>
<input type="radio"/>	The owner is using the mark in commerce on or in connection with all goods and/or services listed in the existing registration, except the goods and/or services listed below.
<input type="radio"/>	The owner is <b>NOT</b> using the mark in commerce on or in connection with all goods and/or services listed in the existing registration. In the following space, list only those goods and/or services (and/or entire class(es)) appearing in the registration for which the owner is <b>NOT</b> using the mark in commerce and that should be deleted.
<input type="radio"/>	LEAVE THIS SPACE BLANK IF THE OWNER IS USING THE MARK ON OR IN CONNECTION WITH ALL THE GOODS AND/OR SERVICES IN THE REGISTRATION. <div style="border: 1px solid black; height: 50px; width: 100%; margin-top: 10px;"></div>

Check here if an attorney is filing this form on behalf of applicant(s).

Attorney Information	
Correspondent Attorney Name	Donald W. Margolis
Individual Attorney Docket/Reference Number	T2673
Other Appointed Attorney(s)	None

Attorney Address	Street Address	3405 Penrose Place, Suite 105
	City	Boulder
	State	Colorado If not listed above, please select 'OTHER' and specify here: <input type="text"/>
	Country	USA If not listed above, please select 'OTHER' and specify here: <input type="text"/>
	Zip/Postal Code	80301-1819
Firm Name	Margolis & Associates	
Phone Number	303/443-6200	
FAX Number	303/443-3818	
Internet E-Mail Address	<input type="checkbox"/> Check here to authorize the USPTO to communicate with the applicant's attorney at the listed e-mail address. Note: only one e-mail address may be used for correspondence.	

**Fee Information**

Combined §§ 8 & 9 Declaration/Application Filing Fee : \$500

Number of Classes

Note: The filing fee is computed based on the Number of Classes in which the goods and/or services associated with the mark are classified.

Combined §§ 8 & 9 Declaration/Application Filing Fee  
(Number of Classes x \$500 (per class) =

\$

Grace Period Fee : \$200

(If filing during the six-month grace period, enter the Combined §§ 8 & 9 Declaration/Application Grace Period Fee)

Number of Classes

Grace Period Fee  
(Number of Classes x \$200 (per class) =

\$

**Total fee paid**

(Note: The total fees paid is the sum of the Combined §§ 8 & 9 Declaration/Application filing fee due and the grace period fee due, if applicable.)

Declaration/Application Filing fee + Grace Period fee =

\$

\* Amount

\$

**Use Information**

You must submit one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services.

**Describe what the specimen submitted consists of**

Label carried by the goods.

**Declaration****Section 8: Declaration of Use in Commerce**

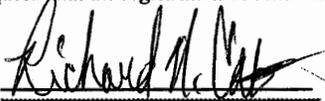
*The owner is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

**Section 9: Application for Renewal**

*The registrant requests that the registration be renewed for the goods and/or services identified above.*

Signature



Date Signed

10/30/00

Signatory's Name

Richard N. Case

Signatory's Position

President

**Click on the desired action:**

The "Validate Form" function allows you to run an automated check to ensure that all mandatory fields have been completed. You will receive an "error" message if you have not filled in one of the fields that are considered mandatory. For other fields that the USPTO believes are important, but not mandatory, you will receive a "warning" message if the field is left blank. This warning is a courtesy, if non-completion was merely an oversight. If you so choose, you may by-pass that "warning" message and validate the form (however, you cannot by-pass an "error" message).



**Note:** To print the completed Combined §§ 8 & 9 Declaration/Application, click on the Validate Form button and follow the steps on the Validation Screen.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Registrant: **Nite Ize Corporation, fka RCP Enterprises, Inc.**  
Registration No.: **1,620,077** International Class: **25**  
Registered: **October 30, 1990**  
Mark: **NITE IZE**

**SPECIMEN FOR**  
**COMBINED DECLARATION OF USE AND RENEWAL**  
**OF REGISTRATION OF A MARK UNDER §§8 & 9**





10-30-2000

U.S. Patent & TMO/TM Mail Rpt Dt. #64

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Registrant: **Nite Ize Corporation, fka RCP Enterprises, Inc.**  
Registration No.: **1,620,077** International Class: **25**  
Registered: **October 30, 1990**  
Mark: **NITE IZE**

**COMBINED DECLARATION OF USE AND RENEWAL  
OF REGISTRATION OF A MARK UNDER §§8 & 9**

Assistant Commissioner For Trademarks  
Box: Post Registration - FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

Enclosed for filing in connection with the above mark is:

- X An Application for Renewal of Registration Under Section 9;
- X One (1) specimen or facsimile showing the mark as presently used; and
- X Our check in the amount of \$500.00 in payment of the Renewal Fees.
- X The Commissioner is authorized to charge payment of any deficiencies or to credit any overpayment to Deposit Account No. 131705. A duplicate copy of this sheet is enclosed.

Please mail the receipt acknowledging the filing and acceptance of the Application, or any other correspondence regarding this matter, to the undersigned.

Respectfully submitted,

Donald W. Margolis, Reg. No. 22,045  
Margolis & Associates  
3405 Penrose Place, Suite 105  
Boulder, CO 80301  
(303) 443-6200, Facsimile (303) 443-3818

Enclosures

DWM:btm

**EXPRESS MAIL CERTIFICATE**

Label No. **EL555938060 US**

I hereby certify that this correspondence and fee are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 in an envelope with the proper postage attached on the date indicated below and addressed to: Assistant Commissioner for Trademarks, Box: Post Registration - FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

DONALD W. MARGOLIS, Reg.No. 22,045

October 30, 2000  
Date



10-30-2000  
U.S. Patent & TMO/TM Mail Rpt Dt. #64

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Registrant: **Nite Ize Corporation, fka RCP Enterprises, Inc.**  
Registration No.: **1,620,077** International Class: **25**  
Registered: **October 30, 1990**  
Mark: **NITE IZE**

**COMBINED DECLARATION OF USE AND RENEWAL  
OF REGISTRATION OF A MARK UNDER §§8 & 9**

Assistant Commissioner For Trademarks  
Box: Post Registration - FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

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- X An Application for Renewal of Registration Under Section 9;
- X One (1) specimen or facsimile showing the mark as presently used; and
- X Our check in the amount of \$500.00 in payment of the Renewal Fees.
- X The Commissioner is authorized to charge payment of any deficiencies or to credit any overpayment to Deposit Account No. 131705. A duplicate copy of this sheet is enclosed.

**COPY**

Please mail the receipt acknowledging the filing and acceptance of the Application, or any other correspondence regarding this matter, to the undersigned.

Respectfully submitted,

Donald W. Margolis, Reg. No. 22,045  
Margolis & Associates  
3405 Penrose Place, Suite 105  
Boulder, CO 80301  
(303) 443-6200, Facsimile (303) 443-3818

Enclosures

DWM:btm

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Label No. **EL555938060 US**

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DONALD W. MARGOLIS, Reg.No. 22,045

**October 30, 2000**  
Date



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

REGISTRATION NO. 1620077

SERIAL NO. 74/029928

PAPER NO.

MAILING DATE: 12/16/96

MARK: NITE IZE

REGISTRANT: RCP Enterprises, Inc.

CORRESPONDENCE ADDRESS:

Donald W. Margolis  
3405 Penrose Place  
Suite 104  
Boulder, CO 80301

Please furnish the following  
in all correspondence:

1. Your phone number and zip code.
2. Mailing date of this action.
3. Affidavit-Renewal Examiner's name.
4. The address of all correspondence not containing fees should include the words "Box 5".
5. Registration No.

RECEIPT IS ACKNOWLEDGED OF THE SUBMITTED REQUEST UNDER:

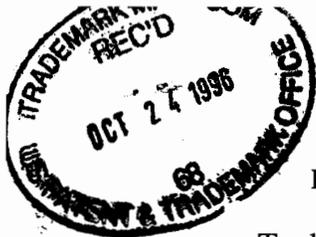
SECTION 8 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.161-2.166.

SECTION 15 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.167-2.168.

YOUR REQUEST FULFILLS THE STATUTORY REQUIREMENTS AND HAS BEEN ACCEPTED.

---

A. J. GORE  
AFFIDAVIT-RENEWAL EXAMINER  
TRADEMARK EXAMINING OPERATION  
(703) 308-9500 EXT. 129



200/374

PHU

Sign & return

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 3

Trademark: NITE IZE
Registration No. 1,620,077 Date of Registration: 10/30/90
Registrant's Name: RCP ENTERPRISES, INC.
Registrant's Current Mailing Address: 2525 Arapahoe Ave., Suite E4-277
Boulder, CO 80302

COMBINED DECLARATION UNDER SECTIONS 8 AND 15 OF THE TRADEMARK ACTION OF 1946, AS AMENDED

The mark shown in Registration No. 1,620,077, owned by the above-identified registrant, has been in continuous use in interstate commerce for more than five consecutive years from the date of registration to or the publication under §12(c) to the present, on or in connection with all of the goods identified in the registration, as evidenced by the attached specimen(s) showing the mark as currently used. There has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the registrant; he/she believes the registrant to be the owner of the above identified registration; the trademark/service mark is in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

10/2/96
Date

Richard N. Case
Signature

(303)449-2576
Telephone Number

Richard N. Case, President
Print or Type Name and Position



UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: RCP ENTERPRISES, INC. )  
 )  
 Registration No.: 1,620,077 )  
 )  
 Registered: 10/30/90 )  
 )  
 International Class: 28 )  
 )  
 Mark: NITE IZE )

TRANSMITTAL OF DECLARATION UNDER SECTIONS 8 AND 15

Assistant Commissioner For Trademarks  
 2900 Crystal Drive  
 Arlington, VA 22202-3513

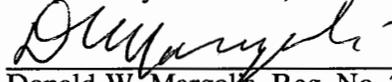
Dear Sir:

Enclosed for filing in connection with the above mark is:

- A Combined Declaration Under Sections 8 and 15;
- One (1) facsimile showing the mark as presently used;
- Our check #4687 in the amount of \$200.00 in payment of the Declaration Fees; and
- The Commissioner is authorized to charge payment of any processing fees, filing fees or deficiencies, or to credit any overpayment to Deposit Account No. 13-1705. A duplicate copy of this sheet is enclosed.

Please mail the receipt acknowledging the filing and acceptance of the Declaration, or any other correspondence regarding this matter, to the undersigned.

Respectfully submitted,

  
 Donald W. Margolis, Reg. No. 22,045  
 3405 Penrose Place, Suite 105  
 Boulder, CO 80301  
 (303) 443-6200

Enclosures  
 DWM:sfm

630 80 11/01/98 1620077  
 474 0 10/20/96



UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: RCP ENTERPRISES, INC. )  
 )  
 Registration No.: 1,620,077 )  
 )  
 Registered: 10/30/90 )  
 )  
 International Class: 28 )  
 )  
 Mark: NITE IZE )

TRANSMITTAL OF DECLARATION UNDER SECTIONS 8 AND 15

Assistant Commissioner For Trademarks  
 2900 Crystal Drive  
 Arlington, VA 22202-3513

Dear Sir:

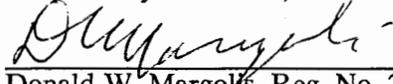
Enclosed for filing in connection with the above mark is:

- A Combined Declaration Under Sections 8 and 15;
- One (1) facsimile showing the mark as presently used;
- Our check #4687 in the amount of \$200.00 in payment of the Declaration Fees; and
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COPY

Please mail the receipt acknowledging the filing and acceptance of the Declaration, or any other correspondence regarding this matter, to the undersigned.

Respectfully submitted,

  
 \_\_\_\_\_  
 Donald W. Margolis, Reg. No. 22,045  
 3405 Penrose Place, Suite 105  
 Boulder, CO 80301  
 (303) 443-6200

Enclosures  
DWM:sfm



# NITE IZE™

## MINI-FLASHLIGHT HOLDER



### Free Your Hands!

FAST-SELLING  
HIGH-PROFIT  
ACCESSORY

COMPLIMENTS  
OVER THIRTY  
MINI-  
FLASHLIGHTS!



Creative packaging instantly conveys the product's use. Available individually packaged or as a convenient pull-off, six-pack display.



SEE REVERSE SIDE FOR MORE DETAILS...

# EXPAND YOUR MARKET!

## NITE IZE CREATES NEW SELLING OPPORTUNITIES



**AUTO WORK  
EMERGENCIES**



**BIKING**

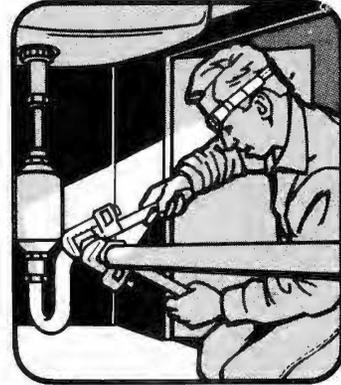
*This versatile accessory creates hundreds of new uses for, and reasons to buy, a mini-flashlight. Customers will appreciate the comfortable one-size-fits-all design, attractive colors and durable construction.*

*Nite Ize wraps around and securely holds a mini-flashlight to just about anything – a person's head, a work bench, bicycle frame, etc...*

- Provides freedom of hands.
- Compatible with most mini-flashlights.
- Reliable, remains stable during activity.
- Available in six popular colors: Red, Royal Blue, Black, Olive Green, Hot Pink and Neon Lime.

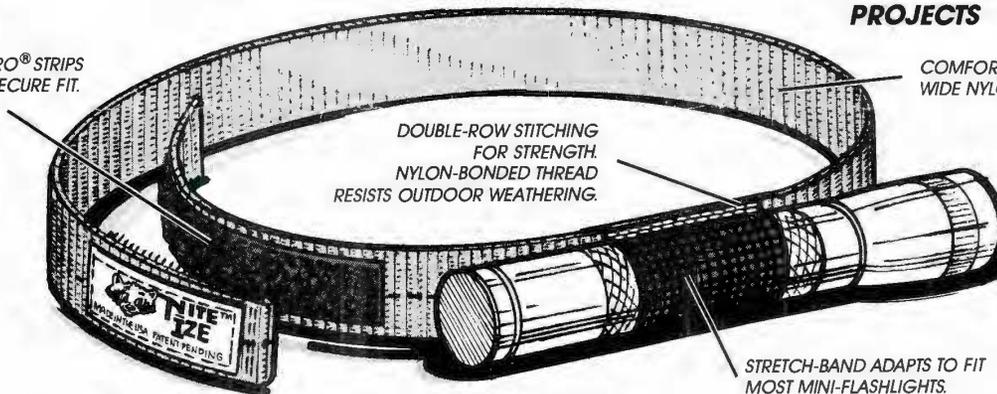


**CAMPING**



**HOUSEHOLD  
PROJECTS**

LONG VELCRO® STRIPS  
ASSURE SECURE FIT.



DOUBLE-ROW STITCHING  
FOR STRENGTH.  
NYLON-BONDED THREAD  
RESISTS OUTDOOR WEATHERING.

COMFORTABLE, STRONG 1"-  
WIDE NYLON WEBBING BAND.

STRETCH-BAND ADAPTS TO FIT  
MOST MINI-FLASHLIGHTS.

### SALES INFORMATION:

RCP ENTERPRISES, INC.  
2525 ARAPAHOE AVENUE  
SUITE E4-277  
BOULDER, COLORADO 80302  
TELEPHONE: 303/449-2576



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:  
74/029,928

2. Mark:  
NITE IZE

3. Applicant:  
RCP Enterprises, Inc.

4. Publication Date:  
AUG. 7, 1990

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$9.50 each for domestic orders, or at \$11.88 each for foreign orders from:

The Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

By direction of the Commissioner.

Donald W. Margolis  
3405 Penrose Place  
Suite 104  
Boulder, CO 80301

Reviewer: JANET BRIDGEMAN

Clk: 5 Date: \_\_\_\_\_

Serial No. 029928

This application was reviewed for publication/registration. All information in the database matches all information contained in the file wrapper and no corrections to the database were required.

*J. Bridgeman*  
(Signature)

INSTRUCTIONS: If information in the data base does not match information in the file wrapper, the reviewer should check (✓) the in Column 2. After correction (text editing), Column 3 should be checked (✓).  
NOTE: RETAIN IN FILE WRAP

1 Screen Code	2 Error ✓	3 Edited ✓	4 Error Found During Review Requiring Amendment of:
MK			Mark Words     Drawing Code
AM			Mark Type: Register: Amended Register?     Date Register Amended:
CL			Prime Classification Class Status: Active     Inactive     Class Status Date: International Class: Add     Delete     Reclassify     U.S. Class: Add     Delete     Reclassify     Date of First Use: Date of First Use in Commerce: Use in Another Form: Prime Class
AF			Goods and Services
GS			Certification Statement
CS			Attorney Name
AT			Correspondence: Name     Internal & Street Address     City & State or Country     Co
CO			Domestic Representative
DR			Concurrent Use Statement
CU			Description of Mark Statement
DM			Disclaimer
D1/D2			Lining and Striping Statement
LS			Name/Portrait Description/Consent Statement
N2			Section 2(f): Entire Mark     In Part     Limitation Statement
TP			Translation of Words in Mark Statement
TR			Foreign Entry Number: Foreign Application Number: Filing Date: Foreign Registration Number: Registration Date: Foreign Registration Expiration Date: Renewed: Foreign Registration Number: Renewal Date: Renewed: Foreign Registration Expiration Date: Priority Claimed: Section 44(d)
NC99			Assignment or Name Change
PR			Prior U.S. Registrations: Registration Numbers:
PY			Applicant Name
PY/EN			Applicant Entity Type     Entity Statement
PY			Applicant Citizenship
CO			Composed of Statement:
DB			Doing Business As (DBA) or Also Known As (AKA) Statement:
PY			Applicant Address: Internal     Street     City     State/Country     Zip Code

Other:

All indicated corrections have been entered in the data base in accordance with the above instructions and text editing guidelines.

\_\_\_\_\_  
(Text Editor) Date: \_\_\_\_\_





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

<b>SERIAL NO.</b> 74/029928 RCP Enterprises, Inc.		<b>APPLICANT</b>		<b>PAPER NO.</b>
<b>MARK</b> NITE IZE		<b>ADDRESS</b> Donald W. Margolis 3405 Penrose Place Suite 104 Boulder, CO 80301		<b>COMMISSIONER OF PATENTS AND TRADEMARKS</b> Washington, D.C. 20231  The address of all correspondence not containing fee payments should include the words "Box 5."
<b>ADDRESS</b>		<b>ACTION NO.</b> 01	<b>MAILING DATE</b> 05/21/90	
<b>FORM PTO-1525 (2-84)</b>		<b>U.S. DEPT. OF COMM. PAT. &amp; TM OFFICE</b>		Please furnish the following in all correspondence: 1. Your telephone number and ZIP code. 2. Mailing date of this action. 3. Examining Attorney's name and Law Office number.

TRADEMARK INTERVIEW AND AMENDMENT RECORD

<b>EXAMINING ATTORNEY</b> ANDREW LAWRENCE		<b>PERSON CALLED/INTERVIEWED</b> DONALD W. MARGOLIS, ESQ.		<input type="checkbox"/> APPLICANT <input checked="" type="checkbox"/> ATTORNEY
<input type="checkbox"/> PERSONAL INTERVIEW <input checked="" type="checkbox"/> TELEPHONE CALL	<b>INTERVIEW DATE</b> 5-16-90	<b>AREA CODE</b> 303	<b>TELEPHONE NUMBER</b> 443 6200	

CALL RECORD

- PRIORITY ACTION:** To comply with stated application requirements, Applicant or Applicant's attorney has two months from the above mailing date for this case to be given priority as an amended case. If Applicant or Applicant's attorney does not respond within two months, a proper response must still be made within SIX MONTHS from the mailing date in order to avoid ABANDONMENT.
- EXAMINER'S AMENDMENT:** In accordance with the authorization granted by the above Applicant or attorney, the application has been amended as indicated below. No response is necessary unless there is an objection to the amendment.
- The Examining Attorney has searched the Office records and has found no similar registered or pending marks which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052 (d) (1986).

The identification of goods is amended to read:

HEADBANDS TO BE WORN BY A PERSON AND DESIGNED TO HOLD A FLASHLIGHT. *Print*

*Andrew Lawrence*  
EXAMINING ATTORNEY SIGNATURE

5 LAW OFFICE (703) 557- 9241 PHONE

NAME



175,00 - 301 - TM

74/029928

**TRADEMARK APPLICATION, PRINCIPAL REGISTER,  
WITH DECLARATION AND POWER OF ATTORNEY**

Mark: NITE IZE

International Class No.: 25

**TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:**

03

Applicant Name: RCP Enterprises, Inc., a Colorado corporation

PA

Applicant Business Address: 2525 Arapahoe Ave., Suite E4-277 /  
Boulder, Colorado 80302

Applicant is a Corporation - Whose State of Incorporation is:  
**Colorado**

Sub A'  
GS  
025

Applicant requests registration of the above-identified trademark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended.) for the following goods: ~~Bands to be worn by a person and designed to hold a flashlight.~~

**Basis for Application:**

Applicant is using the mark in commerce or in connection with the above identified goods. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

- Date of first use of the mark anywhere: **February 13, 1990**
- Date of first use of the mark in commerce which the U.S. Congress may regulate: **February 13, 1990**
- Specify the type of commerce: **Interstate**
- The manner or mode of use of mark on or in connection with the goods: **on labels on the product, and printed on cards to which the goods are attached**

**DECLARATION AND POWER OF ATTORNEY**

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this application on behalf of the applicant; he believes the applicant to be the owner of the trademark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), he believes applicant to be

entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

AT  
CA

Applicant hereby appoints Donald W. Margolis Registration No. 22,045, Attorney at Law, of 3405 Penrose Place Suite 104, Boulder, Colorado 80301, telephone no. (303) 443-3818, to prosecute the application to register, to transact all business in the United States Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

RCP ENTERPRISES, INC.

2/15/90  
Date

By: Richard N. Case  
Richard N. Case, President



7-029928

RCP Enterprises, Inc.  
2525 Arapahoe Ave., Ste. E4-277  
Boulder, Colorado 80302

Mark:

**NITE IZE**

First Use in Class 25:

at least as early as  
**February 13, 1990**

First Use in Interstate Commerce  
in Class 25

at least as early as  
**February 13, 1990**

Goods:

**Bands to be worn by  
a person and  
designed to hold a  
flashlight**

**NITE IZE**



DONALD W. MARGOLIS  
Patent Attorney and Counselor

74/029928

(303) 443-3818

3405 Penrose Place  
Suite 104  
Boulder, Colorado 80301

February 15, 1990

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Re: **RCP Enterprises, Inc.**  
United States Trademark Registration  
Application for Mark: **NITE IZE**

Dear Sir:

Enclosed are:

- 1) An application in Class 25 (including a Declaration and Power of Attorney) of **RCP Enterprises, Inc.** for registration of the above-identified trademark;
- 2) A drawing of the above-identified mark;
- 3) Three specimens and/or facsimiles of the mark as it is actually being used; and
- 4) A check in the amount of \$175.00 to cover the filing fee.

We will await the filing receipt in due course.

Respectfully,

*Donald W. Margolis*  
Donald W. Margolis

Patents

Trademarks

Copyrights

TRADEMARK APPLICATION SERIAL NO. 74/029928

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

050 02/23/90 74029928

1 301

175.00 CK

# CODING SHEET FOR PSEUDO MARKS AND DESIGN SEARCH CODES

SERIAL NUMBER 029928

PSEUDO MARK (PM) Night easy

DESIGN SEARCH CODE(S) (WIPO) ndc 1


Verify word mark \_\_\_\_\_

Verify mark drawing code \_\_\_\_\_

TRADEMARK APPLICATION FILE DATA WORKSHEET

NOTES TO DATA ENTRY PERSONNEL

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MARK DATA

1. SERIAL NUMBER	029928
2. FILING DATE	02201990
3. LAW OFFICE	5
4. REGISTER TYPE	<input checked="" type="radio"/> 1 - Principal                      2 - Supplemental
5. MARK DRAWING CODE	See Coding Sheet for Drawing, Pseudo Marks and Design.
6. INTENT TO USE	Y <input checked="" type="radio"/> N
7. SECTION 2(f)-ENTIRE MARK	Y                      N
8. MARK	NITE IZE
9. ATTORNEY REFERENCE NO	
10. ATTORNEY	<input checked="" type="radio"/> AT in margin, text in [ ].
11. DOMESTIC REPRESENTATIVE	DR in margin, text in [ ].
12. CORRESPONDENCE ADDRESS	<input checked="" type="radio"/> CA in margin, text in [ ].

CLASS DATA

1. INTERNATIONAL CLASS	025			
2. COLLECTIVE TM OR SM	T S	T S	T S	T S
3. FEE PAID	<input checked="" type="radio"/> Y N	Y N	Y N	Y N
4. PRIOR US CLASS(ES)	039			
5. 1ST USE DATE	02131990			
6. 1ST USE IN COMM DATE	02131990			
7. IN ANOTHER FORM CODE	1 2	1 2	1 2	1 2
8. IN ANOTHER FORM STATEMENT	AF (IAF code) in margin, text in [ ].			
9. GOODS/ SERVICES	<input checked="" type="radio"/> GS (International Class) in margin, text in [ ].			
10. CERTIFICATION STATEMENT	CS in margin, text in [ ].			

BAW

**APPLICANT DATA**

ENTRY \_\_\_ | ENTRY \_\_\_ | ENTRY \_\_\_ | ENTRY \_\_\_   
 (ONLY APPLICATIONS WITH JOINT OWNERS WILL HAVE ENTRY NUMBERS)

1. NAME	Text in verticle lines. Double verticle lines and entry numbers separate joint owners.			
2. ENTITY TYPE	03			
3. ENTITY STATEMENT	EN (entry number) in margin, text in [ ].			
4. COMPOSED OF STATEMENT	CO (entry number) in margin, text in [ ].			
5. DBA/AKA/TA STATEMENT	DB (entry number) in margin, text in [ ].			
6. INTERNAL ADDRESS	AA (entry number) in margin, text marked by verticle lines.			
7. STREET ADDRESS	AA (entry number) in margin, text marked by verticle lines.			
8. CITY	AA (entry number) in margin, text marked by verticle lines.			
10. STATE/COUNTRY CODE	CO			
11. ZIP CODE	AA (entry number) in margin, text marked by verticle lines.			
10. CITIZENSHIP	CO			

**FOREIGN DATA**

1. PRIORITY CLAIMED 44(d)	Y	N	Y	N	Y	N	Y	N
2. COUNTRY CODE								
3. FOREIGN APPLICATION NO								
4. FOREIGN FILING DATE								
5. FOREIGN REGISTRATION NO								
6. FOREIGN REGISTRATION DATE								
7. FOREIGN EXPIRATION DATE								
8. RENEWAL REGISTRATION NO								
9. RENEWAL DATE								
10. RENEWAL EXPIRATION DATE								

**PRIOR US REGIATRATION DATA**

PRIOR US REGISTRATION	PR in margin, registration numbers in [ ].
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**ADDITIONAL TEXT DATA**

TEXT TYPE CODES	CO CU DB DM D0 D1 LS NO TF TR
TEXT	For PM: See Coding Sheet for Drawing, Pseudo Marks and Design. For all others: code in margin, text in [ ].

**DESIGN SEARCH CODE(S) DATA**

DESIGN SEARCH CODE(S)	See Coding Sheet for Drawing, Pseudo Marks, and Design
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TRADEMARK ASSIGNMENT QUERY AS OF 5/21/2002 13:43:7  
REEL/FRAME DATA

REEL: 2459  
FRAME: 0336

DATE LAST UPDATED: 05/03/2002  
DATE IN SYSTEM:  
DATE KEYED IN:  
RECORDATION DATE: 02/19/2002  
DATE MAILED: 05/03/2002  
ASSIGNMENT RECEIPT DATE: 03/13/2002  
CONVEY EFFECTIVE DATE:

NUMBER OF PAGES: 002

ELECTRONIC SUBMISSION: N  
PTAS SUBMISSION: Y

**CORRESPONDENCE**

NAME: DONALD W. MARGOLIS  
SUITE 105  
3405 PENROSE PLACE  
BOULDER, CO 80301-1819

BRIEF CODE: 33  
BRIEF TEXT: CHANGE OF NAME

**CONVEYING PARTY DATA**

ENTRY: 001  
NAME: R C P ENTERPRISES, INC.  
FORMERLY:  
ENTITY: 03 - CORPORATION  
ENTITY TEXT:  
CITIZENSHIP: -  
EXECUTION DATE: 01/30/2002

**RECEIVING PARTY DATA**

ENTRY: 600  
NAME: NITE IZE, INC.  
COMPOSED OF:  
DBA/AKA/TA:  
ADDRESS: 5735-E ARAPAHOE AVE.  
BOULDER  
STE/CTRY CODE: CO - COLORADO  
ZIP CODE: 80303  
ENTITY: 03 - CORPORATION  
ENTITY TEXT:  
CITIZENSHIP: CO - COLORADO

**DOMESTIC REPRESENTATIVE DATA**

NAME:

**PROPERTY DATA**

SERIAL NUMBER: 74029928 FILING DATE: 02/20/1990  
REGISTRATION NUMBER: 1620077 ISSUE DATE: 10/30/1990  
WORD MARK: NITE IZE  
MARK DESCRIPTION: WORDS, LETTERS, OR NUMBERS IN TYPED FORM  
LOCATION: 834 - POST REGISTRATION  
LOCATION DATE: 03/07/02  
EXAMINER: LAWRENCE, ANDREW D



RCP Enterprises, Inc.  
2525 Arapahoe Ave., Ste. E4-277  
Boulder, Colorado 80302

INT. CL. 25
PRIOR U.S. CL. 39

74/029928

Mark:

**NITE IZE**

First Use in Class 25:

at least as early as  
**February 13, 1990**

First Use in Interstate Commerce  
in Class 25

at least as early as  
**February 13, 1990**

Goods:

**Bands to be worn by  
a person and  
designed to hold a  
flashlight**

**NITE IZE**

1620077

PUBLISHED

AUG 7 1990

RECORDED

OCT 30 1990

PAT. & T.M. OFFICE

\*\*\*\*\* USER ID IS ex589506 \*\*\*\*\*

	# OF MARKS	# DISPLAYED	SEARCH
SS1:	1	1	PHRASCH /OW RCP ENTERPRISES
SS2:	1520	1	PHRASCH :NIGHT:
SS3:	2222	1	PHRASCH :NITE:
SS4:	2818	2	PHRASCH :IZE:
SS5:	1796	2	PHRASCH :EYE:
SS6:	22	1	PHRASCH (2^3)&(4^5)
SS7:	19	1	PHRASCH 6^DEAD/LD
SS8:	10	10	PHRASCH 7&025/CC

HELLO FROM SDC/ORBIT IV. (05/12/90 10:40 A.M. EASTERN TIME)

YOU ARE NOW CONNECTED TO THE ACTIVE TRADEMARK DATABASE.

TIMEPROMPTING IS NOW IN EFFECT.

SEARCH AUDITING IS NO LONGER IN EFFECT.



# NITE IZE™

## MINI-FLASHLIGHT HOLDER



### Free Your Hands!

FAST-SELLING  
HIGH-PROFIT  
ACCESSORY

COMPLIMENTS  
OVER THIRTY  
MINI-  
FLASHLIGHTS!



Creative packaging instantly conveys the product's use. Available individually packaged or as a convenient pull-off, six-pack display.

SEE REVERSE SIDE FOR MORE DETAILS...

# EXPAND YOUR MA NITE IZE CREATES NEW SELLING OPP



**AUTO WORK  
EMERGENCIES**

This versatile accessory creates hundreds of new uses for, and reasons to buy, a mini-flashlight. Customers will appreciate the comfortable one-size-fits-all design, attractive colors and durable construction.

74-029929

Nite Ize wraps around and securely holds a mini-flashlight to just about anything – a person's head, a work bench, bicycle frame, etc...



**CAMPING**



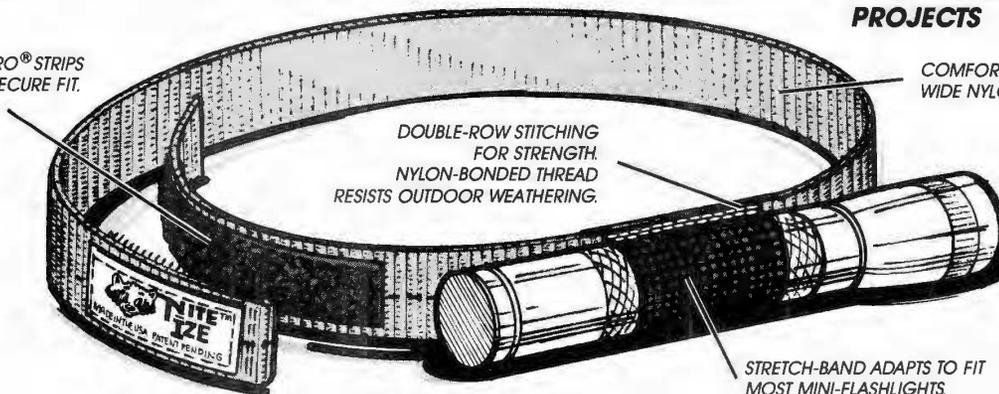
**BIKING**

- Provides freedom of hands.
- Compatible with most mini-flashlights.
- Reliable, remains stable during activity.
- Available in six popular colors: Red, Royal Blue, Black, Olive Green, Hot Pink and Neon Lime.



**HOUSEHOLD  
PROJECTS**

LONG VELCRO® STRIPS  
ASSURE SECURE FIT.



DOUBLE-ROW STITCHING  
FOR STRENGTH.  
NYLON-BONDED THREAD  
RESISTS OUTDOOR WEATHERING.

COMFORTABLE, STRONG 1"-  
WIDE NYLON WEBBING BAND.

STRETCH-BAND ADAPTS TO FIT  
MOST MINI-FLASHLIGHTS.

## SALES INFORMATION:

RCP ENTERPRISES, INC.  
2525 ARAPAHOE AVENUE  
SUITE E4-277  
BOULDER, COLORADO 80302  
TELEPHONE: 303/449-2576



**NITE™**  
**IZE**

MADE IN THE USA PATENT PENDING



**NITE™**  
**IZE**

MADE IN THE USA PATENT PENDING

# SPECIMENS

RCP Enterprises, Inc.  
2525 Arapahoe Ave., Ste. E4-277  
Boulder, Colorado 80302

Mark:

NITE IZE

First Use in Class 25:

at least as early as  
February 13, 1990

First Use in Interstate Commerce  
in Class 25

at least as early as  
February 13, 1990

Goods:

Bands to be worn by  
a person and  
designed to hold a  
flashlight

NITE IZE

29661MER2





**NITE  
IZE**

74 029928  
PRICE

MADE IN THE U.S.A.

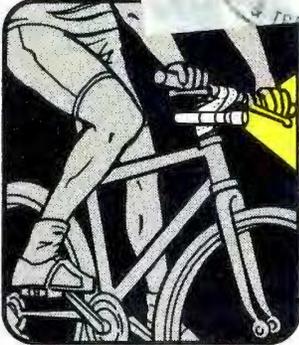
**MINI-FLASHLIGHT HOLDER**



**FREE YOUR HANDS! SEE IDEAS ON BACK.**



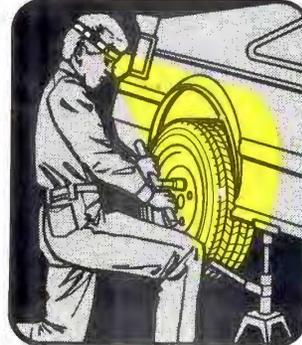
# FOR ALL YOUR ACTIVITIES



BIKING

**This versatile band wraps around and securely holds your mini-flashlight to just about anything - your head, a work bench, bike frame etc. . .**

- Provides freedom of hands.
- Compatible with most mini-flashlights.
- Reliable, remains stable during activity.
- Comfortable & built to last.



AUTO WORK  
EMERGENCIES



FISHING



CAMPING

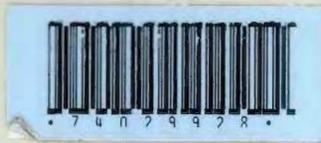
PATENT PENDING  
© 1990 ALL RIGHTS RESERVED  
RCP ENTERPRISES, INC., 2525 ARAPAHOE AVE.  
SUITE E4-277, BOULDER, CO 80302



74 029928



*JB*



25



CONTENTS

	Entry	Date	Initials
1.	<i>Ex. 8+11</i> <b>NOFP</b>	<i>5-21-98</i>	<i>[Signature]</i>
2.			
3.	<i>Sec. 8+11 - Oct. 24, 1996</i>		
4.	<b>section 8 &amp; 9</b>	<i>10-30-00</i>	<i>PC</i>
5.		<i>JUL 30 2001</i>	
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30.			

See inside of file for additional entries.

26 JUN 1990

RW

029928

PTO-102 (9-89)  
U.S. DEPT. OF COMMERCE  
Patent and Trademark Office

FPI-LOM

1. REG. NO. 1620077		3. MARK NITE IZE		4. SER. NO. 747029928	
2. REG. DATE OCT 30 1990				5. REGISTER PRINCIPAL	
6. INTERNATIONAL CLASS 25		7. PRIOR U.S. CLASS 39		8. FILING DATE 02/20/90	
				9. LAW OFFICE 550	
10. APPLICANT AND POST OFFICE RCP Enterprises, Inc. Suite E4-277 2525 Arapahoe Ave. Boulder, COLORADO 80302 CORPORATION OF COLORADO			16. EXAMINING ATTORNEY ANDREW LAWRENCE-08110		
			17. TYPE OF MARK TRADEMARK		
			18. FIRST USE ICL 025 02/13/1990.		
11. CORRESPONDENCE ADDRESS Donald W. Margolis 3405 Penrose Place Suite 104 Boulder, CO 80301			19. IN COMMERCE ICL 025 02/13/1990.		
12. DOMESTIC REPRESENTATIVE			20. FOREIGN REG. AND APPL. DATA		
13. APPLICANT'S ATTORNEY Donald W. Margolis					
15. GOODS-SERVICES <del>025-bands to be worn by a person and designed to hold a flashlight</del> (See inside A1)					
21. OTHER DATA					

PTO-102L (REV. 12/82) U.S. DEPT. OF COMMERCE--PATENT AND TRADEMARK OFFICE

22. A M E N D E D	PRINCIPAL REGISTER		25. Examiner <i>Andrew Lawrence</i>
			26. Section 1(C) Accepted
			27. Section 1(D) Accepted
23. A F F I D A V I T	Section 8	28. Approved for Publication <i>Donald W. Margolis</i>	
	Section 15 <i>S. Margolis</i>	29. Approved for Supplemental Registration	
24. R E N E W A L	Approved for Renewal <i>W. Margolis</i>	30. O.G. Date	
	Renewed From <i>HU 3000</i>	PUBLISHED AUG 7 1990	

Less Goods

USCOMM DC 89-3951

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

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	74029928
<b>REGISTRATION NUMBER</b>	1620077
<b>MARK SECTION</b>	
<b>MARK</b>	NITE IZE
<b>ATTORNEY SECTION</b>	
<b>ORIGINAL ADDRESS</b>	DONALD W. MARGOLIS MARGOLIS & ASSOCIATES 3405 PENROSE PLACE, SUITE 105 BOULDER, CO 80301
<b>CORRESPONDENCE SECTION</b>	
<b>ORIGINAL ADDRESS</b>	DONALD W. MARGOLIS MARGOLIS & ASSOCIATES 3405 PENROSE PLACE, SUITE 105 BOULDER, CO 80301
<b>NEW ATTORNEY ADDRESS</b>	
<b>STATEMENT TEXT</b>	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
<b>NAME</b>	Carl A. Forest
<b>FIRM NAME</b>	Patton Boggs LLP
<b>INTERNAL ADDRESS</b>	Suite 2050
<b>STREET</b>	1660 Lincoln Street
<b>CITY</b>	Denver
<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	80264
<b>PHONE</b>	(303) 830-1776
<b>FAX</b>	(303) 894-9239
<b>EMAIL</b>	docketingtrademarks@pattonboggs.com
<b>ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NAME</b>	Carl A. Forest
<b>FIRM NAME</b>	Patton Boggs LLP

<b>INTERNAL ADDRESS</b>	Suite 2050
<b>STREET</b>	1660 Lincoln Street
<b>CITY</b>	Denver
<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	80264
<b>PHONE</b>	(303) 830-1776
<b>FAX</b>	(303) 894-9239
<b>EMAIL</b>	docketingtrademarks@pattonboggs.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Michael C. Boyd/
<b>SIGNATORY NAME</b>	Michael C. Boyd
<b>SIGNATORY DATE</b>	09/19/2006
<b>SIGNATORY POSITION</b>	Chief Operating Officer
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Sep 19 17:37:14 EDT 2006
<b>TEAS STAMP</b>	USPTO/RAA-XXX.XXX.XXX.XXX -20060919173714647798-755 68906-350ea67594b16655e98 d188a3e39e263e87-N/A-N/A- 20060919121613519158

---

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

To the Commissioner for Trademarks:

**MARK:** NITE IZE

**SERIAL NUMBER:** 74029928

**REGISTRATION NUMBER:** 1620077

**The original attorney**

DONALD W. MARGOLIS  
MARGOLIS & ASSOCIATES  
3405 PENROSE PLACE, SUITE 105  
BOULDER, CO 80301

**Original Correspondence Address :**

DONALD W. MARGOLIS  
MARGOLIS & ASSOCIATES  
3405 PENROSE PLACE, SUITE 105  
BOULDER, CO 80301

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:

**Newly Appointed Attorney:**

Carl A. Forest  
Patton Boggs LLP  
Suite 2050  
1660 Lincoln Street  
Denver, Colorado 80264  
United States  
(303) 830-1776  
(303) 894-9239

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

Carl A. Forest  
Patton Boggs LLP  
Suite 2050  
1660 Lincoln Street  
Denver, Colorado 80264  
United States

(303) 830-1776

(303) 894-9239

docketingtrademarks@pattonboggs.com

Signature: /Michael C. Boyd/ Date: 09/19/2006

Signatory's Name: Michael C. Boyd

Signatory's Position: Chief Operating Officer

Serial Number: 74029928

Internet Transmission Date: Tue Sep 19 17:37:14 EDT 2006

TEAS Stamp: USPTO/RAA-XXX.XXX.XXX.XXX-20060919173714

647798-75568906-350ea67594b16655e98d188a

3e39e263e87-N/A-N/A-20060919121613519158



# PHYSICAL LOCATION ROUTING SHEET

**To: WAREHOUSE**  
**Physical Location: FILE REPOSITORY (FRANCONIA)**

**Mark: NITE IZE**

**Reg. No.: 1620077**



**Serial No: 74029928**



**Mail Date: 07032006**



**Doc. Type: Revocation of Old/Appointment of New Attorney**



**Examiner: 68110**



LAWRENCE, ANDREW

**Paralegal Number: 70132**



STEVENS, VALERETA

**LIE Number: 00000**



NO LIE ASSIGNED

**FILE IN TICRS: NO**

**RAM Mail Date: 070306**



**Law Office Assigned :**



DAVID J. LEE  
(720) 931-3021  
EMAIL: DLEE@LATHROPGAGE.COM  
WWW.LATHROPGAGE.COM

4845 PEARL EAST CIRCLE  
SUITE 300  
BOULDER, CO 80301  
(720) 931-3000, FAX (720) 931-3001

June 30, 2006

Commissioner For Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Re: U.S. Trademark Registration for **NITE IZE (word mark)**  
in the name of Nite Ize, Inc.  
Registration Number 1,620,077  
Our Matter Number 451291

Dear Madam or Sir:

Please find enclosed for filing in this matter a copy of the Global Power of Attorney executed by the Registrant appointing this firm to act on its behalf with respect to this registration. Please update the records of the U.S. Patent and Trademark Office to show that the undersigned is now the correspondent relating to this registration.

A postage paid return post card is enclosed.

<b>CERTIFICATE OF 1st CLASS MAIL \$2.197</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to:	
Commissioner For Trademarks P.O. Box 1451 Alexandria, Virginia 22313-1451	
LATHROP & GAGE L.C.	
06.30.2006 Date	By <i>Teresa Anderson Cawthon</i> Teresa Anderson Cawthon

Respectfully submitted,

LATHROP & GAGE L.C.

By:

*David J. Lee*  
David J. Lee

Enclosures



CC 1716425v1

07-03-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #34

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2

**GLOBAL POWER OF ATTORNEY BY  
NITE IZE, INC.  
(formerly known as RCP Enterprises, Inc.)  
IN ACCORDANCE WITH 37 C.F.R. § 2.17(d)**

**REVOCATION OF PRIOR POWER OF ATTORNEY**

The Power of Attorney previously given to Donald W. Margolis and Margolis & Associates, 3405 Penrose Place, Suite 105, Boulder, Colorado 80301-1819; and any other previous Power of Attorney, is hereby revoked.

**NEW POWER OF ATTORNEY**

The applicant/registrant, by the undersigned, hereby appoints the law firm of LATHROP & GAGE L.C., with offices in Boulder, Colorado; Denver, Colorado; Jefferson City, Missouri; Kansas City, Missouri; New York, New York; Overland Park, Kansas; Springfield, Missouri; and St. Louis, Missouri; which has associated with it the following attorneys admitted to practice in their respective states: Neil L. Arney, Joan K. Archer, Elizabeth Atkins, David R. Barnard; David V. Clark; Bert A. Collison, Cameron Garrison; William R. Hansen, Stephen J. Horace; Alfred R. Hupp, Jr.; Ronald E. Manka; Gianfranco G. Mitrione, Bernadette R. Reilly, Bridget Short, Xincheng Wang; Glenn Lenzen, Registration No. 29,320; Michael Byorick, Registration No. 34,131; Janelle Strode, Registration No. 34,738; Gerald M. Kraai, Registration No. 34,854; William A. Rudy, Registration No. 34,916; Jerome R. Smith, Jr., Registration No. 35,684; Dan Cleveland, Jr., Registration No. 36,106; Curtis A. Vock, Registration No. 38,356; Joseph L. Johnson, Registration No. 39,718; Neil L. Arney, Registration No. 41,589; David J. Lee, Registration No. 41,935; Kimberly A. Wingate, Registration No. 43,776; Robert J. Lambrechts, Registration No. 46,854; Daniel W. Roberts, Registration No. 52,172; Allen

J. Poplin, Registration No. 53,476; and each of them as its attorneys to prosecute this application to register said mark, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

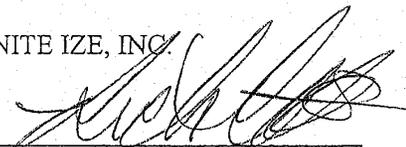
The U.S. Patent and Trademark Office is authorized to correspond with counsel at the following e-mail address: [ipdocketing@lathropgage.com](mailto:ipdocketing@lathropgage.com).

Please address all correspondence to:

David J. Lee, Esq.  
Lathrop & Gage L.C.  
4845 Pearl East Circle, Suite 300  
Boulder, Colorado 80301  
Phone: 720-931-3021  
Fax: 720-931-3001

Dated: 6/27/06

NITE IZE, INC.

  
Name: Rick Gage  
Title: President

SCHEDULE A TO GLOBAL POWER OF ATTORNEY

TRADEMARKS/SERVICE MARKS OWNED BY

**NITE IZE, INC.**

**(formerly known as RCP Enterprises, Inc.)**

COUNTRY	TRADEMARK	Serial Number	Registration Number
United States	NITE IZE (word mark)	74/029,928	1,620,077
United States	NITE IZE (word mark)	75/137,013	2,237,945
United States	DESIGN ONLY (animal head)	75/568,906	2,313,735
United States	FRIEND (word mark)	75/746,143	2,387,536
United States	STAND-UP (word mark)	76/310,825	2,754,564
United States	NITE IZE (word mark)	76/274,197	2,789,303
United States	TOOTH FERRY (word mark)	78/827,551	
European Community	NITE IZE (word mark), IC 009	02336980	02336980
European Community	NITE IZE (word mark), IC 011, 020	00456541	00456541
European Community	FLASHLITE FRIEND (word mark)	01827233	01827233
European Community	DESIGN (animal head), IC 007, 011	01829506	01829506
Japan	NITE IZE (word mark), IC 009	2001-091762	4641874
Japan	NITE IZE (word mark), IC 011	H09-005402	4295342

# Work/Logical LOCATION ROUTING SHEET

**To: POST REGISTRATION UNIT (PRU)**  
**Work Location: FILE REPOSITORY (FRANCONIA)**

**Mark: NITE IZE**

**Reg. No.: 1620077**



**Serial No: 74029928**



**Mail Date: 07032006**



**Doc. Type: Revocation of Old/Appointment of New Attorney**



**Examiner: 68110**



LAWRENCE, ANDREW

**Paralegal Number: 70132**



STEVENS, VALERETA

**LIE Number: 00000**



NO LIE ASSIGNED

**FILE IN TICRS: NO**

**RAM Mail Date: 070306**



**Law Office Assigned :**



DAVID J. LEE  
(720) 931-3021  
EMAIL: DLEE@LATHROPGAGE.COM  
WWW.LATHROPGAGE.COM

4845 PEARL EAST CIRCLE  
SUITE 300  
BOULDER, CO 80301  
(720) 931-3000, FAX (720) 931-3001

June 30, 2006

Commissioner For Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Re: U.S. Trademark Registration for **NITE IZE (word mark)**  
in the name of Nite Ize, Inc.  
Registration Number 1,620,077  
Our Matter Number 451291

Dear Madam or Sir:

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LATHROP & GAGE L.C.

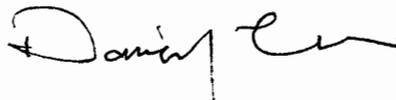
06.30.2006  
Date

By Teresa Anderson Cawthon  
Teresa Anderson Cawthon

Respectfully submitted,

LATHROP & GAGE L.C.

By:

  
David J. Lee

Enclosures



CC 1716425v1

07-03-2006

U.S. Patent & TMOfc/TM Mail Rcpt Dt #34

**Change Your Expectations.**

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**GLOBAL POWER OF ATTORNEY BY  
NITE IZE, INC.  
(formerly known as RCP Enterprises, Inc.)  
IN ACCORDANCE WITH 37 C.F.R. § 2.17(d)**

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J. Poplin, Registration No. 53,476; and each of them as its attorneys to prosecute this application to register said mark, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

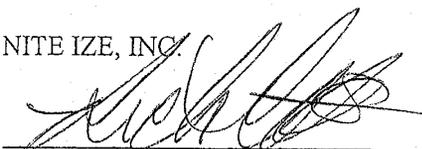
The U.S. Patent and Trademark Office is authorized to correspond with counsel at the following e-mail address: [ipdocketing@lathropgage.com](mailto:ipdocketing@lathropgage.com).

Please address all correspondence to:

David J. Lee, Esq.  
Lathrop & Gage L.C.  
4845 Pearl East Circle, Suite 300  
Boulder, Colorado 80301  
Phone: 720-931-3021  
Fax: 720-931-3001

Dated: 6/27/06

NITE IZE, INC.

  
Name: Rick Gage

Title: President

SCHEDULE A TO GLOBAL POWER OF ATTORNEY

TRADEMARKS/SERVICE MARKS OWNED BY

**NITE IZE, INC.**

**(formerly known as RCP Enterprises, Inc.)**

<b>COUNTRY</b>	<b>TRADEMARK</b>	<b>Serial Number</b>	<b>Registration Number</b>
United States	NITE IZE (word mark)	74/029,928	1,620,077
United States	NITE IZE (word mark)	75/137,013	2,237,945
United States	DESIGN ONLY (animal head)	75/568,906	2,313,735
United States	FRIEND (word mark)	75/746,143	2,387,536
United States	STAND-UP (word mark)	76/310,825	2,754,564
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European Community	NITE IZE (word mark), IC 011, 020	00456541	00456541
European Community	FLASHLITE FRIEND (word mark)	01827233	01827233
European Community	DESIGN (animal head), IC 007, 011	01829506	01829506
Japan	NITE IZE (word mark), IC 009	2001-091762	4641874
Japan	NITE IZE (word mark), IC 011	H09-005402	4295342

Int. Cl.: 25

Prior U.S. Cl.: 39

**United States Patent and Trademark Office** **Reg. No. 1,620,077**  
Registered Oct. 30, 1990

**TRADEMARK  
PRINCIPAL REGISTER**

**NITE IZE**

RCP ENTERPRISES, INC. (COLORADO COR-  
PORATION)  
SUITE E4-277  
2525 ARAPAHOE AVE.  
BOULDER, CO 80302

FIRST USE 2-13-1990; IN COMMERCE  
2-13-1990.

SER. NO. 74-029,928, FILED 2-20-1990.

FOR: HEADBANDS TO BE WORN BY A  
PERSON AND DESIGNED TO HOLD A  
FLASHLIGHT, IN CLASS 25 (U.S. CL. 39).

ANDREW D. LAWRENCE, EXAMINING AT-  
TORNEY

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**United States Patent and Trademark Office** **Reg. No. 1,620,077**  
**Registered Oct. 30, 1990**

---

**TRADEMARK  
PRINCIPAL REGISTER**

**NITE IZE**

RCP ENTERPRISES, INC. (COLORADO COR-  
PORATION)  
SUITE E4-277  
2525 ARAPAHOE AVE.  
BOULDER, CO 80302

FIRST USE 2-13-1990; IN COMMERCE  
2-13-1990.

SER. NO. 74-029,928, FILED 2-20-1990.

FOR: HEADBANDS TO BE WORN BY A  
PERSON AND DESIGNED TO HOLD A  
FLASHLIGHT, IN CLASS 25 (U.S. CL. 39).

ANDREW D. LAWRENCE, EXAMINING AT-  
TORNEY

## Exhibit D

---

**From:** TMDesignCodeComments  
**Sent:** Thursday, December 8, 2011 00:16 AM  
**To:** gx6668@yahoo.com.hk  
**Subject:** Notice of Pseudo Mark for Serial Number: 85485500

---

**ATTORNEY REFERENCE  
NUMBER:**

---

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV). You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

**Pseudo marks assigned to the referenced serial number are listed below.**

**PSEUDO MARK:**

NITE EYE; NIGHT EYE

# United States of America

United States Patent and Trademark Office

## **JETBeam**

**Reg. No. 3,925,114**

**Registered Mar. 1, 2011**

**Int. Cl.: 11**

**TRADEMARK**

**PRINCIPAL REGISTER**

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

FOR: AQUARIUM LIGHTS; BICYCLE LIGHTS; DIVING LIGHTS; 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, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 5-11-2005; IN COMMERCE 4-1-2006.

THE MARK CONSISTS OF THE STYLIZED WORDING "JETBEAM" WITH THE WORDING "ETBEAM" OVERLINED BY A HORIZONTAL LINE.

SER. NO. 85-058,190, FILED 6-9-2010.

CIMMERIAN COLEMAN, EXAMINING ATTORNEY



*David S. Kappas*

Director of the United States Patent and Trademark Office

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, March 1, 2016 01:10 AM  
**To:** gx6668@yahoo.com.hk  
**Subject:** Official USPTO Courtesy Reminder of Required Trademark Registration Maintenance Filing Under Section 8: U.S. Trademark RN 3925114: JETBEAM (Stylized/Design)

---

**U.S. Serial Number:** 85058190  
**U.S. Registration Number:** 3925114  
**U.S. Registration Date:** Mar 1, 2011  
**Mark:** JETBEAM (Stylized/Design)  
**Owner:** ZHANGWEI, MO

Mar 1, 2016

**U.S. PATENT AND TRADEMARK OFFICE ("USPTO") COURTESY REMINDER  
OF REQUIRED TRADEMARK REGISTRATION MAINTENANCE FILING UNDER SECTION 8**

**WARNING: Your trademark registration will be CANCELLED if you do not file the required document below during the specified statutory time period.**

The above-identified registration registered on Mar 1, 2011. Therefore, the owner of the registration must file a Declaration of Use and/or Excusable Nonuse under §8 of the Trademark Act anytime between now and Mar 1, 2017. For an additional fee, the owner may file the declaration within the six-month grace period that ends on Sep 1, 2017. See 15 U.S.C. §1058. The current fee for filing a declaration under §8 is \$100 per class, and the additional fee for filing during the six-month grace period is \$100 per class. 37 C.F.R. §2.6.

If the registration meets the requirements of §15 of the Trademark Act, the owner may additionally file an optional Declaration of Incontestability under §15. See 15 U.S.C. §1065. The current fee for filing a declaration under §15 is \$200 per class. 37 C.F.R. §2.6.

To expedite processing, the owner is encouraged to file through the USPTO's official website using the Trademark Electronic Application System ("TEAS"). Official forms for filing Declarations of Use and/or Excusable Nonuse under §8 and Combined Declarations of Use and Incontestability under §§8 and 15 are available through TEAS at [http://www.uspto.gov/trademarks/teas/reg\\_maintain.jsp](http://www.uspto.gov/trademarks/teas/reg_maintain.jsp).

For information regarding how to record ownership documents such as assignments, name changes and mergers, please see TMEP §503. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System ("ETAS") at <http://etas.uspto.gov>.

For further information regarding the maintenance of a trademark registration, including future maintenance filings, please consult the USPTO website at <http://www.uspto.gov/trademarks/process/maintain/prfaq.jsp>.

This reminder notice is being sent only as a courtesy to those trademark owners who have authorized e-mail communication and maintain a current e-mail address with the USPTO. Failure by the USPTO to send a reminder or non-receipt of a reminder does not excuse a trademark owner from meeting the statutory obligations for maintaining a trademark registration. If a registration is cancelled and/or expired due to the failure to timely file required maintenance documents, it cannot be reinstated or revived.

To check the status of this registration, go to [http://tsdr.uspto.gov/#caseNumber=85058190&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=85058190&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199.

**Beware of Unofficial Trademark Solicitations:** Please be aware that private companies not associated with the USPTO often use trademark registration information from the USPTO's database to mail or e-mail trademark-related solicitations. This is the only official reminder that you will receive from the USPTO about your upcoming required maintenance filing. For additional information about these private solicitations, please visit the USPTO website at [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

In order to be eligible for future e-mail reminders of maintenance filings, please remember to authorize e-mail communication when filing your maintenance documents through TEAS and ensure that you maintain a current e-mail address with the USPTO.

**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, December 14, 2010 00:26 AM  
**To:** gx6668@yahoo.com.hk  
**Subject:** Official USPTO Notice of Publication: Serial Number 85058190

---

**NOTICE OF PUBLICATION**

**Serial Number:** 85-058,190  
**Mark:** JETBEAM(SYTLIZED/DESIGN)  
**International Class(es):** 011  
**Applicant:** ZHANGWEI, MO  
**Attorney Reference Number:**

The mark identified above has been published in the *Trademark Official Gazette* (OG) on Dec 14, 2010. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a certificate of registration should issue.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser: [http://www.uspto.gov/web/trademarks/tmog/20101214\\_OG.pdf#page=1](http://www.uspto.gov/web/trademarks/tmog/20101214_OG.pdf#page=1)
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 85-058,190, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

**Trademark Snap Shot Publication & Issue Review Statusheet**  
(Table presents the data on Publication & Issue Review Complete)

**OVERVIEW**

SERIAL NUMBER	85058190	FILING DATE	06/09/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	COLEMAN, CIMMERIAN	L.O. ASSIGNED	102

**PUB INFORMATION**

RUN DATE	11/11/2010		
PUB DATE	12/14/2010		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	11/10/2010		
LITERAL MARK ELEMENT	JETBEAM		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	JETBEAM
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	ZHANGWEI, MO
ADDRESS	GROUP 3, TAISHA VILLAGE NANMING TOWN, JIANHE COUNTY GUIZHOU PROVINCE,

ENTITY	01-INDIVIDUAL
CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	011
DESCRIPTION TEXT	Aquarium lights; Bicycle lights; Diving lights; 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

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	011	FIRST USE DATE	05/11/2005	FIRST USE IN COMMERCE DATE	04/01/2006	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the stylized wording "JETBEAM" with the wording "ETBEAM" overlined by a horizontal line.
PSEUDO MARK	JET BEAM

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/10/2010	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
11/07/2010	ALIE	A	ASSIGNED TO LIE	012
10/26/2010	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	011
10/26/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
10/26/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
10/26/2010	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
09/20/2010	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/20/2010	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/20/2010	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/20/2010	DOCK	D	ASSIGNED TO EXAMINER	004
06/15/2010	MDSM	O	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	003
06/14/2010	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
06/12/2010	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	ANITA YU KAM FUNG GARDEN, 458 CASTLE PEAK ROAD, FLAT F, 23/F, BLOCK 1 TSUEN WAN HONG KONG
DOMESTIC REPRESENTATIVE	NONE

*JETBeam*

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	85058190	FILING DATE	06/09/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	COLEMAN, CIMMERIAN	L.O. ASSIGNED	102

**PUB INFORMATION**

RUN DATE	10/27/2010		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	10/26/2010		
LITERAL MARK ELEMENT	JETBEAM		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	JETBEAM
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	MO ZHANGWEI
ADDRESS	GROUP 3, TAISHA VILLAGE NANMING TOWN, JIANHE COUNTY, GUIZHOU PROVINCE.,

# Exhibit F

ENTITY	01-INDIVIDUAL
CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	011
DESCRIPTION TEXT	Aquarium lights; Bicycle lights; Diving lights; 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

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	011	FIRST USE DATE	05/11/2005	FIRST USE IN COMMERCE DATE	04/01/2006	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the stylized wording "JETBEAM" with the wording "ETBEAM" overlined by a horizontal line.
PSEUDO MARK	JET BEAM

<b>PROSECUTION HISTORY</b>				
DATE	ENT_CD	ENT_TYPE	DESCRIPTION	ENT_NUM
10/26/2010	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	011
10/26/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
10/26/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
10/26/2010	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
09/20/2010	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/20/2010	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/20/2010	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/20/2010	DOCK	D	ASSIGNED TO EXAMINER	004
06/15/2010	MDSM	O	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	003
06/14/2010	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
06/12/2010	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	ANITA YU KAM FUNG GARDEN, 458 CASTLE PEAK ROAD, FLAT F, 23/F, BLOCK 1 TSUEN WAN HONG KONG
DOMESTIC REPRESENTATIVE	NONE

***JETBeam***

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	85058190	FILING DATE	06/09/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	COLEMAN, CIMMERIAN	L.O. ASSIGNED	102

**PUB INFORMATION**

RUN DATE	10/27/2010		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	10/26/2010		
LITERAL MARK ELEMENT	JETBEAM		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	RE PUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	JETBEAM
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	MO ZHANGWEI
ADDRESS	GROUP 3, TAISHA VILLAGE NANMING TOWN, JIANHE COUNTY, GUIZHOU PROVINCE,,

**Exhibit F**

ENTITY	01-INDIVIDUAL
CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	011
DESCRIPTION TEXT	Aquarium lights; Bicycle lights; Diving lights; 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

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	011	FIRST USE DATE	05/11/2005	FIRST USE IN COMMERCE DATE	04/01/2006	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the stylized wording "JETBEAM" with the wording "ETBEAM" overlined by a horizontal line.
PSEUDO MARK	JET BEAM

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/26/2010	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	011
10/26/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
10/26/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
10/26/2010	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
09/20/2010	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/20/2010	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/20/2010	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/20/2010	DOCK	D	ASSIGNED TO EXAMINER	004
06/15/2010	MDSM	O	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	003
06/14/2010	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
06/12/2010	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	ANITA YU KAM FUNG GARDEN, 458 CASTLE PEAK ROAD, FLAT F, 23/F, BLOCK 1 TSUEN WAN HONG KONG
DOMESTIC REPRESENTATIVE	NONE

***JETBeam***

**Response to Office Action**

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85058190
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>MARK SECTION (no change)</b>	
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of the stylized wording "JETBEAM" with the wording "ETBEAM" overlined by a horizontal line.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/MO ZHANGWEI/
<b>SIGNATORY'S NAME</b>	MO ZHANGWEI
<b>SIGNATORY'S POSITION</b>	Applicant
<b>DATE SIGNED</b>	10/27/2010
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Oct 26 13:27:53 EDT 2010
<b>TEAS STAMP</b>	USPTO/ROA-XX.XXX.XX.XXX-2 0101026132753382936-85058 190-470d9f7b548a24f7633fb 72dc76b7151fa-N/A-N/A-201 01026132316133794

**Response to Office Action**

**To the Commissioner for Trademarks:**

Application serial no. **85058190** has been amended as follows:

**ADDITIONAL STATEMENTS**

**Description of mark**

The mark consists of the stylized wording "JETBEAM" with the wording "ETBEAM" overlined by a horizontal line.

**SIGNATURE(S)**

**Response Signature**

Signature: /MO ZHANGWEI/ Date: 10/27/2010

Signatory's Name: MO ZHANGWEI

Signatory's Position: Applicant

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either

## Exhibit F

(1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 85058190

Internet Transmission Date: Tue Oct 26 13:27:53 EDT 2010

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XXX-2010102613275338

2936-85058190-470d9f7b548a24f7633fb72dc7

6b7151fa-N/A-N/A-20101026132316133794

**To:** MO ZHANGWEI (gx6668@yahoo.com.hk)  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85058190 - JETBEAM - N/A  
**Sent:** 9/20/2010 7:44:11 PM  
**Sent As:** ECOM102@USPTO.GOV  
**Attachments:**

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

**APPLICATION SERIAL NO.** 85058190

**MARK:** JETBEAM

**\*85058190\***

**CORRESPONDENT ADDRESS:**

ANITA YU  
KAM FUNG GARDEN, 458 CASTLE PEAK ROAD,  
FLAT F, 23/F, BLOCK 1  
TSUEN WAN  
HONG KONG

**CLICK HERE TO RESPOND TO THIS LETTER:**  
<http://www.uspto.gov/teas/eTEASpageD.htm>

**APPLICANT:** MO ZHANGWEI

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

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

gx6668@yahoo.com.hk

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

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

**ISSUE/MAILING DATE:** 9/20/2010

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

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

**Search Results**

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

**Description of the Mark**

The description of the mark is accurate but incomplete because it does not describe all the significant aspects of the applied-for mark.

Applications for marks not in standard characters must include an accurate and concise description of the entire mark that identifies literal elements as well as any design elements. See 37 C.F.R. §2.37; TMEP §§808 *et seq.*

Therefore, applicant must provide a more complete description of the applied-for mark. The following is suggested:

**The mark consists of the stylized wording “JETBEAM” with the wording “ETBEAM” overlined by a horizontal line.**

/Cimmerian Coleman/  
Examining Attorney  
Law Office 102  
Tel. 571-272-9146  
Fax. 571-273-9102

**TO RESPOND TO THIS LETTER:** Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

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

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

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

---

**To:** MO ZHANGWEI ([gx6668@yahoo.com.hk](mailto:gx6668@yahoo.com.hk))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85058190 - JETBEAM - N/A  
**Sent:** 9/20/2010 7:44:13 PM  
**Sent As:** ECOM102@USPTO.GOV  
**Attachments:**

---

**IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION**

Your trademark application (Serial No. 85058190) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office Action") on 9/20/2010 to which you must respond. Please follow these steps:

1. Read the Office letter by clicking on this [link](#) OR go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter.

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

2. Respond within 6 months, calculated from 9/20/2010 (or sooner if specified in the Office letter), using the Trademark Electronic Application System Response to Office Action form. If you have difficulty using the USPTO website, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

3. Contact the examining attorney who reviewed your application with any questions about the content of the office letter:

/Cimmerian Coleman/  
Examining Attorney  
Law Office 102  
Tel. 571-272-9146  
Fax. 571-273-9102

**WARNING**

Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application. Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, please use the Trademark Electronic Application System Response to Office Action form.

# Exhibit F

\*\*\* User:ccoleman1 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	85058190{sn}
02	6923	N/A	0	0	0:01	*jet*[bi,ti]
03	13464	N/A	0	0	0:05	*b{v:2}m*[bi,ti]
04	9	4	5	5	0:01	2 and 3
05	3918	N/A	0	0	0:02	*be\$m*[bi,ti]
06	2072	N/A	0	0	0:04	5 and "011"[cc]
07	775	0	775	465	0:03	6 not dead[ld]
08	545	N/A	0	0	0:02	2 and ("011"[ic] or a[ic] or b[ic] or 200[ic])
09	208	0	208	109	0:03	8 not dead[ld]

Session started 9/20/2010 7:12:17 PM

Session finished 9/20/2010 7:27:47 PM

Total search duration 0 minutes 22 seconds

Session duration 15 minutes 30 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TICRS as Serial Number: 85058190

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**From:** TMDesignCodeComments  
**Sent:** Tuesday, June 15, 2010 00:15 AM  
**To:** gx6668@yahoo.com.hk  
**Subject:** Notice of Design Search Code and Pseudo Mark for Serial Number: 85058190

---

**ATTORNEY REFERENCE NUMBER:**

---

The USPTO may assign design search codes and/or pseudo marks, as appropriate, to new applications and renewed registrations to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

DESIGN SEARCH CODES are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page <http://www.uspto.gov/tmdb/dscm/index.html>.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the design search code(s) or pseudo mark assigned to your mark, please e-mail [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV). You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

**Design search codes and pseudo marks assigned to the referenced serial number are listed below.**

**DESIGN SEARCH CODES:**

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines  
26.17.13 - Overlined words or letters  
26.17.13 - Underlined words or letters

**PSEUDO MARK:**

JET BEAM

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 85058190

Filing Date: 06/09/2010

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

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	\\TICRS\EXPORT10\IMAGEOUT 10\850\581\85058190\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	JETBeam
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of JETBeam.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	636 x 183
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	MO ZHANGWEI
INTERNAL ADDRESS	GROUP 3, TAISHA VILLAGE
*STREET	NANMING TOWN, JIANHE COUNTY,
*CITY	GUIZHOU PROVINCE,
*COUNTRY	China
EMAIL ADDRESS	gx6668@yahoo.com.hk
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	

*INTERNATIONAL CLASS	011
IDENTIFICATION	Aquarium lights; Bicycle lights; Diving lights; Landscape lighting installations; Overhead lamps; Pocket search lights; Safety lamps for underground use; Searchlights; Ultraviolet lamps not for medical purposes; <b>table, floor and street lamps</b>
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/11/2005
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2006
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT10\IMAGEOUT 10\850\581\85058190\xml1\FTK0003.JPG
	\\TICRS\EXPORT10\IMAGEOUT 10\850\581\85058190\xml1\FTK0004.JPG
SPECIMEN DESCRIPTION	The specimens show the applicant was using the mark in commerce
<b>ADDITIONAL STATEMENTS SECTION</b>	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
SIGNIFICANCE OF MARK	"JETBeam" appearing in the mark has no significance in the relevant trade or industry or as applied to the goods/services listed in the application, no geographical significance, nor any meaning in a foreign language.
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	Anita Yu
INTERNAL ADDRESS	Flat F, 23/F, Block 1
*STREET	Kam Fung Garden, 458 Castle Peak Road,
*CITY	Tsuen Wan
*COUNTRY	Hong Kong
*EMAIL ADDRESS	gx6668@yahoo.com.hk
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/MO ZHANGWEI/
* SIGNATORY'S NAME	MO ZHANGWEI

**Exhibit F**

* SIGNATORY'S POSITION	Applicant
* DATE SIGNED	06/09/2010

**Trademark/Service Mark Application, Principal Register****TEAS Plus Application****Serial Number: 85058190****Filing Date: 06/09/2010****To the Commissioner for Trademarks:****MARK:** JETBeam (stylized and/or with design, see [mark](#))

The literal element of the mark consists of JETBeam.

The applicant is not claiming color as a feature of the mark. The mark consists of JETBeam.

The applicant, MO ZHANGWEI, a citizen of China, having an address of

GROUP 3, TAISHA VILLAGE,  
NANMING TOWN, JIANHE COUNTY,  
GUIZHOU PROVINCE,  
China

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

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

International Class 011: Aquarium lights; Bicycle lights; Diving lights; 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

In International Class 011, the mark was first used at least as early as 05/11/2005, and first used in commerce at least as early as 04/01/2006, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) The specimens show the applicant was using the mark in commerce.

[Specimen File1](#)[Specimen File2](#)

"JETBeam" appearing in the mark has no significance in the relevant trade or industry or as applied to the goods/services listed in the application, no geographical significance, nor any meaning in a foreign language.

## The applicant's current Correspondence Information:

Anita Yu  
Flat F, 23/F, Block 1  
Kam Fung Garden, 458 Castle Peak Road,  
Tsuen Wan, Hong Kong  
gx6668@yahoo.com.hk (authorized)

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

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or

## Exhibit F

association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /MO ZHANGWEI/ Date Signed: 06/09/2010

Signatory's Name: MO ZHANGWEI

Signatory's Position: Applicant

RAM Sale Number: 8887

RAM Accounting Date: 06/09/2010

Serial Number: 85058190

Internet Transmission Date: Wed Jun 09 11:55:51 EDT 2010

TEAS Stamp: USPTO/FTK-XXX.XXX.XX.XXX-201006091155512

67339-85058190-460f974fe1d4fc71ce156c7e4

fb9189c8f-CC-8887-20100609114353176246

***JETBeam***





可配合JETBeam戰術壓力開關使用





可配合JETBeam戰術壓力開關使用

**Int. Cl.: 11**

**Prior U.S. Cls.: 13, 21, 23, 31, and 34**

**United States Patent and Trademark Office**

**Reg. No. 2,485,515**

**Registered Sep. 4, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**

**MAGLITE**

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)  
1635 SOUTH SACRAMENTO AVENUE  
ONTARIO, CA 917611083

FOR: FLASHLIGHTS AND FLASHLIGHT ACCESSORIES, NAMELY, LAMPS, BULBS, FLASHLIGHT ACCESSORY KITS COMPRISING HOLSTERS, LENS HOLDERS, LENSES, POCKET CLIPS, WRIST LANYARDS AND KEY RINGS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 5-17-1984; IN COMMERCE 7-0-1984.

OWNER OF U.S. REG. NOS. 1,154,816, 1,808,998, AND OTHERS.

SN 75-385,568, FILED 11-5-1997.

ASMAT KHAN, EXAMINING ATTORNEY

**Int. Cls.: 9 and 11**

**Prior U.S. Cls.: 13, 21, 23, 26, 31, 34, 36, and 38**

**Reg. No. 2,622,179**

**United States Patent and Trademark Office**

**Registered Sep. 17, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**MAGLITE**

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)  
1635 SOUTH SACRAMENTO AVENUE  
ONTARIO, CA 917611083

FOR: ELECTRIC FLASHLIGHT ACCESSORIES SOLD TOGETHER OR SEPARATELY, NAMELY RECHARGEABLE BATTERIES, BATTERY CHARGERS, ELECTRICAL CONVERTERS, POWER CORDS, CHARGER CRADLES, FLASHLIGHT RECHARGER ADAPTERS FOR USE WITH VEHICLE CIGARETTE LIGHTERS, BATTERY PACKS FOR FLASHLIGHTS, VOLTAGE CONVERTERS, FOREIGN PLUG ADAPTERS, HARDWIRING HARNESSSES FOR ADAPTING FLASHLIGHT RECHARGERS TO LAND VEHICLES, BOATS AND AIRPLANES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-2001; IN COMMERCE 1-1-2001.

FOR: FLASHLIGHTS AND RELATED PARTS, COMPONENT PARTS AND ACCESSORIES THEREFOR, NAMELY REPLACEMENT FLASHLIGHT LAMPS, COMBINATION LENS HOLDER/ANTI-ROLL UNITS ADAPTED TO FIT THE HEADS OF FLASHLIGHTS, FLASHLIGHT MOUNTING BRACKETS, RUBBER GRIPPER SLEEVES ADAPTED TO FIT ON THE BARRELS OF FLASHLIGHTS AND LEATHER AND NYLON CARRYING HOLDERS AND BELT HOLDERS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 1-1-2001; IN COMMERCE 1-1-2001.

OWNER OF U.S. REG. NOS. 1,389,804, 1,611,960, AND OTHERS.

SN 76-223,778, FILED 3-12-2001.

KIMBERLY FRYE, EXAMINING ATTORNEY