ESTTA Tracking number: **ESTTA608668**
Filing date: **06/08/2014**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	JST Performance, Inc. d/b/a/ Rigid Industries		
Entity	Corporation	Citizenship	AZ
Address	779 North Colorado Street Gilbert, AZ 85233 UNITED STATES		

Attorney information	Michael T. Wallace 779 North Colorado Street Gilbert, AZ 85233 UNITED STATES mwallace@rigidindustries.com Phone:4806550100

Registrations Subject to Cancellation

Registration No	4440324	Registration date	11/26/2013
Registrant	HALO2CLOUD LLC 148 Eastern Boulevard Glastonbury, CT 06033 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2013/03/00 First Use In Commerce: 2013/03/00 All goods and services in the class are cancelled, namely: Combination flashlight and portable power charger for charging portable electronic devices

Grounds for Cancellation

Priority and likelihood of confusion		Trademark Act section 2(d)	
Registration No	4432534	Registration date	11/12/2013
Registrant	Halo2Cloud, LLC 148 Eastern Blvd. Glastonbury, CT 06033 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2012/11/00 First Use In Commerce: 2012/11/00 All goods and services in the class are cancelled, namely: Flashlights and rechargeable flashlights; Electric lanterns; Portable light emitting diode (LED) lighting fixtures; Portable utility lights; and portable lights with motion detection

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)

Registration No	4431808	Registration date	11/12/2013
Registrant	Halo2Cloud, LLC 148 Eastern Blvd. Glastonbury, CT 06033 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2012/03/00 First Use In Commerce: 2012/03/00 All goods and services in the class are cancelled, namely: Flashlights and rechargeable flashlights; electric lanterns; portable light emitting diode (LED) lighting fixtures; portable utility lights; and portable lights with motion detection

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)

Related Proceedings	Opposition proceedings for serial numbers 85980730 and 85980731

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86085759	Application Date	10/08/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HALO		
Design Mark	HALO		
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2010/03/07 First Use In Commerce: 2010/03/07 Flashlights		

Attachments	86085759#TMSN.jpeg(bytes) 4440324.pdf(237469 bytes) 4432534.pdf(243181 bytes) 4431808.pdf(240499 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michael T Wallace/
Name	Michael T. Wallace
Date	06/08/2014

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

In the matter of Trademark Registration No. 4,440,324
For the mark HALO POCKET POWER STARLIGHT
Date Registered: November 26, 2013

JST Performance, Inc. d/b/a/ Rigid Industries,	§	
Petitioner,	§	Cancellation No.
v.	§	
Halo2Cloud, LLC,	§	
Respondent.	§	

PETITION FOR CANCELLATION

Petitioner, JST Performance, Inc. d/b/a/ Rigid Industries ("Petitioner"), an Arizona corporation with a business address at 779 North Colorado Street, Gilbert, Arizona, 85233, believes that it is damaged by the registration of the mark HALO POCKET POWER STARLIGHT registered on November 26, 2013 ("Registration") for the goods listed in International Class 11, by Halo2Cloud, LLC ("Respondent"), and hereby petitions for cancellation of same.

As grounds for this Cancellation, Petitioner, by its attorney Michael T. Wallace, alleges as follows:

1. Respondent has obtained under the provisions of the Lanham Act, registration on the Principal Register of the Trademark "HALO POCKET POWER STARLIGHT" on November 26, 2013, for "Combination flashlight and portable power charger for charging

portable electronic devices" with an alleged March 2013, first date of use, and an alleged March 2013, first date of use in commerce.

2. On October 8, 2013, petitioner filed an application under Section 1(a) seeking registration on the Principal Register for the Trademark "HALO" in International Class 11 for "Flashlights" having U.S. Serial No. 86085759. A TSDR printout of the application is made of record.

3. On December 8, 2013, the United States Patent and Trademark Office refused registration of the Trademark "HALO" for "Flashlights" citing a likelihood of confusion with the Registration.

Priority

4. Since at least as early as September 2008, Petitioner has been engaged in the business of advertising, promoting and selling lighting products.

5. Since at least as early as March 7, 2010, and prior to any date upon which Respondent can rely, Petitioner has used in commerce the trademark HALO for flashlights.

6. Since at least as early as March 7, 2010, and prior to any date upon which Respondent can rely, Petitioner has used the trade name HALO in connection with its business of advertising, promoting and selling flashlights.

7. On information and belief, Respondent made no use of the mark HALO POCKET POWER STARLIGHT for the goods listed in the Registration prior to the claimed first use date of March 2013. Therefore, Petitioner has priority.

8. Continued registration of the mark shown in the Registration will result in damage to Petitioner pursuant to the allegations stated above, and will create a cloud on the lawful

right of Petitioner to adopt and use the mark HALO and will prevent Petitioner from obtaining federal registration of the mark HALO in the name of the Petitioner.

WHEREFORE, Petitioner respectfully requests this Petition for Cancellation be sustained and that the Registration of the mark "HALO POCKET POWER STARLIGHT" in International Class 11 for "Combination flashlight and portable power charger for charging portable electronic devices" set forth therein be cancelled.

Respectfully submitted,

JST Properties, Inc. d/b/a/ Rigid Industries

Date: June 8, 2014

By: Michael T. Wallace

Michael T. Wallace
779 North Colorado Street
Gilbert, Arizona, 85233
Telephone: 480-655-0100 x1067
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that true and complete copy of the foregoing PETITION FOR CANCELLATION was served upon Respondent, by forwarding same via First Class Mail, postage prepaid, to the Applicant's attorney of record and correspondent, Wm. Tucker Griffith, McCormick, Paulding & Huber LLP, 185 Asylum Street, CityPlace II, Hartford, Connecticut, 06103, this 8th day of June, 2014.

Michael T. Wallace

Michael T. Wallace

Currently, the Trademark Status and Documents Retrieval (TSDR) system is not properly displaying certain documents uploaded between May 27, 2014 and May 30, 2014. The USPTO is currently working to resolve this issue. We apologize for any inconvenience. Please contact TEAS@uspto.gov with any questions.

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Mark: HALO

HALO

US Serial Number: 86085759 **Application Filing Date:** Oct. 08, 2013

Filed as TEAS Plus: Yes **Currently TEAS Plus:** Yes

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining atto information and/or making an initial refusal. The applicant must respond to this Office action. To view all the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 08, 2013

Mark Information

Mark Literal Elements: HALO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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: Flashlights

International Class(es): 011 - Primary Class **U.S Class(es):** 013, 021, 023, 03

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 07, 2010 **Use in Commerce:** Mar. 07, 2010

Basis Information (Case Level)

Filed Use: Yes **Currently Use:** Yes A

Filed ITU:	No	**Currently ITU:**	No
Filed 44D:	No	**Currently 44D:**	No
Filed 44E:	No	**Currently 44E:**	No
Filed 66A:	No	**Currently 66A:**	No
Filed No Basis:	No	**Currently No Basis:**	No

Current Owner(s) Information

Owner Name: JST Performance, Inc.

DBA, AKA, Formerly: DBA Rigid Industries

Owner Address: 779 North Colorado Street
Gilbert, ARIZONA 85233
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael T. Wallace

Docket Number: R-0007 T

Attorney Primary Email Address: mwallace@rigidindustries.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MICHAEL T. WALLACE
RIGID INDUSTRIES
779 N COLORADO ST
GILBERT, ARIZONA 85233-3402
UNITED STATES

Phone: 480-655-0100

Fax: 480-832-0606

Correspondent e-mail: mwallace@rigidindustries.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 08, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2013	NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2013	NON-FINAL ACTION WRITTEN	67443
Dec. 06, 2013	ASSIGNED TO EXAMINER	67443
Oct. 15, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

Oct. 11, 2013 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: MICHOS, JOHN E **Law Office Assigned:** LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING ATTORNEY ASSIGNED **Date in Location:** Jan. 13, 2014

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Proceedings - Click to Load

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

In the matter of Trademark Registration No. 4,432,534
For the mark HALO HALO2CLOUD.COM
Date Registered: November 12, 2013

JST Performance, Inc. d/b/a/ Rigid Industries,	§	
Petitioner,	§	Cancellation No.
v.	§	
Halo2Cloud, LLC,	§	
Respondent.	§	

PETITION FOR CANCELLATION

Petitioner, JST Performance, Inc. d/b/a/ Rigid Industries ("Petitioner"), an Arizona corporation with a business address at 779 North Colorado Street, Gilbert, Arizona, 85233, believes that it is damaged by the registration of the mark HALO HALO2CLOUD.COM registered on November 12, 2013 ("Registration") for the goods listed in International Class 11, by Halo2Cloud, LLC ("Respondent"), and hereby petitions for cancellation of same.

As grounds for this Cancellation, Petitioner, by its attorney Michael T. Wallace, alleges as follows:

1. Respondent has obtained under the provisions of the Lanham Act, registration on the Principal Register of the Trademark "HALO HALO2CLOUD.COM" on November 12, 2013, for "Flashlights and rechargeable flashlights; Electric lanterns; Portable light emitting diode (LED) lighting fixtures; Portable utility lights; and portable lights with

motion detection" with an alleged November 2012, first date of use, and an alleged November 2012, first date of use in commerce.

2. On October 8, 2013, petitioner filed an application under Section 1(a) seeking registration on the Principal Register for the Trademark "HALO" in International Class 11 for "Flashlights" having U.S. Serial No. 86085759. A TSDR printout of the application is made of record.

3. On December 8, 2013, the United States Patent and Trademark Office refused registration of the Trademark "HALO" for "Flashlights" citing a likelihood of confusion with the Registration.

Priority

4. Since at least as early as September 2008, Petitioner has been engaged in the business of advertising, promoting and selling lighting products.

5. Since at least as early as March 7, 2010, and prior to any date upon which Respondent can rely, Petitioner has used in commerce the trademark HALO for flashlights.

6. Since at least as early as March 7, 2010, and prior to any date upon which Respondent can rely, Petitioner has used the trade name HALO in connection with its business of advertising, promoting and selling flashlights.

7. On information and belief, Respondent made no use of the mark HALO HALO2CLOUD.COM for the goods listed in the Registration prior to the claimed first use date of November 2012. Therefore, Petitioner has priority.

8. Continued registration of the mark shown in the Registration will result in damage to Petitioner pursuant to the allegations stated above, and will create a cloud on the lawful

right of Petitioner to adopt and use the mark HALO and will prevent Petitioner from obtaining federal registration of the mark HALO in the name of the Petitioner.

WHEREFORE, Petitioner respectfully requests this Petition for Cancellation be sustained and that the Registration of the mark "HALO HALO2CLOUD.COM" in International Class 11 for "Flashlights and rechargeable flashlights; Electric lanterns; Portable light emitting diode (LED) lighting fixtures; Portable utility lights; and portable lights with motion detection" set forth therein be cancelled.

Respectfully submitted,

JST Properties, Inc. d/b/a/ Rigid Industries

Date: June 8, 2014

By: Michael T Wallace

Michael T. Wallace
779 North Colorado Street
Gilbert, Arizona, 85233
Telephone: 480-655-0100 x1067
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that true and complete copy of the foregoing PETITION FOR CANCELLATION was served upon Respondent, by forwarding same via First Class Mail, postage prepaid, to the Applicant's attorney of record and correspondent, Wm. Tucker Griffith, McCormick, Paulding & Huber LLP, 185 Asylum Street, CityPlace II, Hartford, Connecticut, 06103, this 8th day of June, 2014.

Michael T. Wallace

Michael T. Wallace

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Mark: HALO

HALO

US Serial Number: 86085759 **Application Filing Date:** Oct. 08, 2013

Filed as TEAS Plus: Yes **Currently TEAS Plus:** Yes

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining atto information and/or making an initial refusal. The applicant must respond to this Office action. To view all the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 08, 2013

Mark Information

Mark Literal Elements: HALO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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: Flashlights

International Class(es): 011 - Primary Class **U.S Class(es):** 013, 021, 023, 03

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 07, 2010 **Use in Commerce:** Mar. 07, 2010

Basis Information (Case Level)

Filed Use: Yes **Currently Use:** Yes **A**

Filed ITU:	No	**Currently ITU:**	No
Filed 44D:	No	**Currently 44D:**	No
Filed 44E:	No	**Currently 44E:**	No
Filed 66A:	No	**Currently 66A:**	No
Filed No Basis:	No	**Currently No Basis:**	No

Current Owner(s) Information

Owner Name: JST Performance, Inc.

DBA, AKA, Formerly: DBA Rigid Industries

Owner Address: 779 North Colorado Street
Gilbert, ARIZONA 85233
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael T. Wallace

Docket Number: R-0007 T

Attorney Primary Email Address: mwallace@rigidindustries.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MICHAEL T. WALLACE
RIGID INDUSTRIES
779 N COLORADO ST
GILBERT, ARIZONA 85233-3402
UNITED STATES

Phone: 480-655-0100

Fax: 480-832-0606

Correspondent e-mail: mwallace@rigidindustries.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 08, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2013	NON-FINAL ACTION E-MAILED	6325
Dec. 08, 2013	NON-FINAL ACTION WRITTEN	67443
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Oct. 15, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

Oct. 11, 2013 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: MICHOS, JOHN E **Law Office Assigned:** LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING ATTORNEY ASSIGNED **Date in Location:** Jan. 13, 2014

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

In the matter of Trademark Registration No. 4,431,808
For the mark HALO2CLOUD.COM
Date Registered: November 12, 2013

JST Performance, Inc. d/b/a/ Rigid Industries,	§	
Petitioner,	§	Cancellation No.
v.	§	
Halo2Cloud, LLC,	§	
Respondent.	§	

PETITION FOR CANCELLATION

Petitioner, JST Performance, Inc. d/b/a/ Rigid Industries ("Petitioner"), an Arizona corporation with a business address at 779 North Colorado Street, Gilbert, Arizona, 85233, believes that it is damaged by the registration of the mark HALO2CLOUD.COM registered on November 12, 2013 ("Registration") for the goods listed in International Class 11, by Halo2Cloud, LLC ("Respondent"), and hereby petitions for cancellation of same.

As grounds for this Cancellation, Petitioner, by its attorney Michael T. Wallace, alleges as follows:

1. Respondent has obtained under the provisions of the Lanham Act, registration on the Principal Register of the Trademark "HALO2CLOUD.COM" on November 12, 2013, for "Flashlights and rechargeable flashlights; Electric lanterns; Portable light emitting diode (LED) lighting fixtures; Portable utility lights; and portable lights with motion

detection" with an alleged March 2012, first date of use, and an alleged March 2012, first date of use in commerce.

2. On October 8, 2013, petitioner filed an application under Section 1(a) seeking registration on the Principal Register for the Trademark "HALO" in International Class 11 for "Flashlights" having U.S. Serial No. 86085759. A TSDR printout of the application is made of record.

3. On December 8, 2013, the United States Patent and Trademark Office refused registration of the Trademark "HALO" for "Flashlights" citing a likelihood of confusion with the Registration.

Priority

4. Since at least as early as September 2008, Petitioner has been engaged in the business of advertising, promoting and selling lighting products.

5. Since at least as early as March 7, 2010, and prior to any date upon which Respondent can rely, Petitioner has used in commerce the trademark HALO for flashlights.

6. Since at least as early as March 7, 2010, and prior to any date upon which Respondent can rely, Petitioner has used the trade name HALO in connection with its business of advertising, promoting and selling flashlights.

7. On information and belief, Respondent made no use of the mark HALO2CLOUD.COM for the goods listed in the Registration prior to the claimed first use date of March 2012. Therefore, Petitioner has priority.

8. Continued registration of the mark shown in the Registration will result in damage to Petitioner pursuant to the allegations stated above, and will create a cloud on the lawful

right of Petitioner to adopt and use the mark HALO and will prevent Petitioner from obtaining federal registration of the mark HALO in the name of the Petitioner.

WHEREFORE, Petitioner respectfully requests this Petition for Cancellation be sustained and that the Registration of the mark "HALO2CLOUD.COM" in International Class 11 for "Flashlights and rechargeable flashlights; Electric lanterns; Portable light emitting diode (LED) lighting fixtures; Portable utility lights; and portable lights with motion detection" set forth therein be cancelled.

Respectfully submitted,

JST Properties, Inc. d/b/a/ Rigid Industries

Date: June 8, 2014

By: Michael T. Wallace

Michael T. Wallace
779 North Colorado Street
Gilbert, Arizona, 85233
Telephone: 480-655-0100 x1067
Attorney for Petitioner

CERTIFICATE OF SERVICE

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Mark: HALO

HALO

US Serial Number: 86085759 **Application Filing Date:** Oct. 08, 2013

Filed as TEAS Plus: Yes **Currently TEAS Plus:** Yes

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining atto information and/or making an initial refusal. The applicant must respond to this Office action. To view all the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 08, 2013

Mark Information

Mark Literal Elements: HALO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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For: Flashlights

International Class(es): 011 - Primary Class **U.S Class(es):** 013, 021, 023, 03

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 07, 2010 **Use in Commerce:** Mar. 07, 2010

Basis Information (Case Level)

Filed Use: Yes **Currently Use:** Yes **A**

Filed ITU:	No	**Currently ITU:**	No
Filed 44D:	No	**Currently 44D:**	No
Filed 44E:	No	**Currently 44E:**	No
Filed 66A:	No	**Currently 66A:**	No
Filed No Basis:	No	**Currently No Basis:**	No

Current Owner(s) Information

Owner Name: JST Performance, Inc.

DBA, AKA, Formerly: DBA Rigid Industries

Owner Address: 779 North Colorado Street
Gilbert, ARIZONA 85233
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael T. Wallace

Docket Number: R-0007 T

Attorney Primary Email Address: mwallace@rigidindustries.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MICHAEL T. WALLACE
RIGID INDUSTRIES
779 N COLORADO ST
GILBERT, ARIZONA 85233-3402
UNITED STATES

Phone: 480-655-0100

Fax: 480-832-0606

Correspondent e-mail: mwallace@rigidindustries.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
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Dec. 08, 2013	NON-FINAL ACTION E-MAILED	6325
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Oct. 15, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

Oct. 11, 2013 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: MICHOS, JOHN E **Law Office Assigned:** LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING ATTORNEY ASSIGNED **Date in Location:** Jan. 13, 2014

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