## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SRI Sports Limited

Mark: AD HYBRID (stylized)

Serial No.: 78/515789

Filing date: November 12, 2004

Trademark Attorney: Linda M. Estrada

Law Office: 104

## **REQUEST FOR RECONSIDERATION**

The Final Office Action dated April 18, 2006 ("Final Office Action" is acknowledged. Applicant submits this Request for Reconsideration in response and advises that it is simultaneously filing a Notice of Appeal. Applicant notes that it still relies upon all of its arguments and submissions made in its March 17, 2006 Response to Office Action ("March 17, 2006 Response").

In the Final Office Action, the Hon. Trademark Attorney has withdrawn her citations of Registration Nos. 2382311 for a stylization of the letters "AD" for goods including "golf clubs" and Registration No. 2262244 for the word mark ADW 2000 for "golf clubs and golf club components, namely, golf club heads, golf club shafts and golf club grips". She has maintained her refusal to register based upon Registration No. 2369052 for a stylized design which the Hon. Trademark Attorney maintains is the legal equivalent of "AD" for "golf club shafts", Registration No. 2635568 for the stylized design with the words "ACCURACY & DISTANCE" for the same goods and Registration No. 2708360 for A.D. 2000 for "golf club". The Hon. Trademark Attorney's objection based upon these registrations, which was triggered solely by the issuance of a Letter of Protest in which Jessie N. Roberts of the Office decided that the marks were confusingly similar, continues to be traversed by Applicant.

Applicant submits with this Request for Reconsideration the following evidence.

## 1. The Declaration of Fumitoshi Hanafusa dated October 6, 2006.

Mr. Hanafusa is an employee of the Applicant. Applicant makes golf equipment under the house mark SRIXON. SRIXON is a leading brand of golf balls and golf clubs worldwide.



Hanafusa Dec., Par. 1. Mr. Hanafusa's title of employment is Manager of Overseas Sales and Marketing and his employment responsibilities include the marketing and sale of SRIXON golf clubs in the U.S. Mr. Hanafusa has personal knowledge of the facts discussed below. <u>Hanafusa Dec.</u>, Par. 2.

Included among the lines of SRIXON golf clubs made by SRI Sports are clubs sold under the designation "AD HYBRID" as appears in the drawing to this application. <u>Hanafusa Dec.</u>, Par. 3. The word "Hybrid" in the mark indicates a type of "AD" club Applicant makes and sells. A hybrid club is one that essentially combines the best characteristics of a wood and an iron. The combination of these characteristics results in a golf club that offers a golfer greater distance and height when hitting a golf ball than with an iron with the same loft. <u>Hanafusa Dec.</u>, Par. 4.

Applicant's golf clubs are sold nationwide in in the U.S. in retail and online golf shops such as Edwin Watts Golf which is at <a href="https://www.edwinwattsgolf.com">www.edwinwattsgolf.com</a> as well as at pro shops at golf courses. <a href="https://www.edwinwattsgolf.com">Hanafusa Dec.</a>, Par. 5.

The AD HYBRID mark is a continuation of a line of AD golf clubs that SRI Sports first sold nationwide in the U.S. during August, 2004. Applicant's sales of AD golf clubs in the U.S. have been as follows:

Model	Unit volume	Dollar volume
W-403 AD woods	19,839	\$2,373,000
I-403 AD irons	36,996	\$1,634,000
and pitching wedges		
AD HYBRID	10,474	\$1,012,000
(since March, 2005)		
Total	67,309	\$5,019,000
l Olai	01,309	φ3,019,000

Hanafusa Dec., Par. 6.

Every AD golf club sold in the U.S. has shown AD in its stylized form as appears above. Images of golf clubs bearing the marks as retrieved from the Internet are shown in group Exhibit 1 to Mr. Hanafusa's Declaration. <u>Hanafusa Dec.</u>, Par. 7.

Applicant advertises its AD HYBRID clubs on the Internet at the <a href="www.srixon.com">www.srixon.com</a>, the website of its U.S. distributor, Srixon Sports USA Inc. of Lawrenceville, Georgia, and in the catalog of Edwin Watts Golf, which is a golfing goods chain store that does business in the southern U.S. Other retailers such as BHM Golf.com, Golfballs.com and Golfjoy.com -- to name a few-- have advertised them on the Internet as well, as is shown in Group Exhibit 2 to Mr. Hanafusa's Declaration. <a href="Hanafusa Declaration">Hanafusa Declaration</a>. Par. 8.

The suggested retail pricing of SRIXON's AD golf clubs are as follows:

W-403 AD driver	\$299	
W-403 AD fairway woods	\$199	
I-403 AD irons	\$599	graphite shafts
	\$499	steel shafts

AD HYBRID

### Hanafusa Dec., Par. 9.

Since Mr. Hanafusa is responsible for Applicant's U.S. market, any instances of actual confusion in the U.S. marketplace with the marks shown in cited Registration Nos. 2369052, 2635568 and 2708360 that have been reported to SRI Sports directly from U.S. retailers or U.S. end-users, or through SRI Sports' U.S. distributor, would be brought to his attention. <u>Hanafusa</u> Dec., Par. 10.

\$149

Mr. Hanafusa has never been informed of <u>any</u> instances of actual confusion of <u>any</u> kind with <u>any</u> trademark of <u>any</u> kind. In other words, Mr. Hanafusa has never heard of any misdirected product inquiries, product returns, product complaints, etc. of any kind concerning SRI Sports' line of AD golf clubs. <u>Hanafusa Dec.</u>, Par. 11.

## 2. Declaration of Richard Stamper, dated October 6, 2006.

Mr. Stamper is employed by Srixon Sports USA, Inc. of Lawrenceville, Georgia ("Srixon Sports)". Srixon Sports is Applicant's exclusive U.S. distributor. <u>Stamper Dec.</u>, Par. 1. His title of employment is President and COO and his employment responsibilities include the marketing and sale of SRIXON golf clubs in the U.S. which include AD golf clubs sold under the designation "AD". Mr. Stamper has personal knowledge of the matters discussed below. Stamper Dec., Par. 2.

Mr. Stamper has read Mr. Hanafusa's declaration and agrees with all statements made therein by Mr. Hanafusa. <u>Stamper Dec.</u>, par. 3. As the person who is responsible for the sale of SRIXON golf clubs in the U.S., any instances of actual confusion in the U.S. with the marks shown in cited Registration Nos. 2369052, 2635568 and 2708360 that have been reported to Srixon Sports directly from U.S. retailers or U.S. end-users, would be brought to Mr. Stamper's attention. <u>Stamper Dec.</u>, Par. 4.

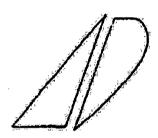
Mr. Stamper has never been informed of <u>any</u> instances of actual confusion of <u>any</u> kind with <u>any</u> trademark of <u>any</u> kind. In other words, he has never heard of any misdirected product inquiries, product returns, product complaints, etc. of any kind concerning SRI Sports' line of AD golf clubs, including its AD HYBRID clubs. <u>Stamper Dec.</u>, Par. 5.

## 3. The continued citation of Registration No. 2369052 and 2635568

Applicant seeks registration of AD HYBRID for "golf clubs" in the following form:



Registration No. 2369052 for "golf club shafts" appears as:



Registration No. 2635568 for ACCURACY & DISTANCE (and design) for "golf club shafts" appears as:



The Hon. Trademark Attorney argues that "all of the marks feature the letter "AD" as a dominant component significant to the overall commercial impression of the marks" and that "the literal portions of the marks with respect to the letters "AD" are nearly identical in appearance, sound and meaning". Applicant submits that a comparison of the marks as above clearly contradicts such an assertion. The marks are not nearly identical. They are quite dissimilar as is shown above.

Significantly, the Hon. Trademark Attorney relies upon the description of the design elements in the cited registrations as "AD" in support of her position that the design translates to "AD". Applicant submits that such reliance is entirely misplaced. What is important is how a prospective purchaser views the mark and not how the Office's records categorize it. Moreover, and as mentioned in the March 17, 2006 Response, the owner of the cited registrations did not describe its mark as "AD" in its applications. Rather, it merely categorized the mark as "design". See Exhibits 1 and 2 to said Response. If the Registrant had viewed its marks as indicating the letters "AD", it surely would have identified them as such when it filed its applications to register the marks.

In this connection, the <u>Trademark Manual of Examining Procedure</u> wholly supports Applicant's position. Section 808.01 provides in pertinent part that an examining attorney should "require a description of the mark" if "a significant element of a mark is unclear or ambiguous". Section 808.01(a) provides "if letters or numerals of a mark are displayed in manner that makes it difficult to ascertain what they are, then the examining attorney should require a description". Moreover, Section 808.02 provides that "[a] mark's meaning is based on the impression actually created by the mark in the minds of consumers, not on the impression that the applicant states the mark is intended to convey".

Simple logic dictates that if the design element in the cited registrations is so unclear, ambiguous and difficult to ascertain that a description was required to enable its registration, then the Hon. Trademark Attorney cannot correctly argue that the design element readily translates to the letters "AD". If the Office had to have the design element in the cited marks described as "AD" because the design element was so unclear, ambiguous and difficult to ascertain, how then will prospective purchasers of golf clubs – ordinary consumers – readily translate it to "AD"? The answer is they will not.

The Hon. Trademark Attorney has attempted to counter Applicant's reliance upon the In re Serac, Inc., 218 U.S.P.Q. 340 (TTAB 1983) and Spaulding Bakers Incorporated v. Interstate Brands Corporation, 209 U.S.P.Q. 355 (TTAB 1980) cases referred to in Applicant's March 17, 2006 Response to Office Action. She relies upon In re Rolf Nilsson AB, 230 U.S.P.Q. 141 (TTAB 1986), Puma-Sportschuhfabriken Rudolf Dassler KG v. Garan, Inc., 224 USPQ 1064 (TTAB 1984) and In Re Duofold, Inc., 184 U.S.P.Q. 638 (TTAB 1974). Applicant submits they are readily distinguishable because, unlike this case, the marks applied for in those cases readily translate to the cited word marks. That is: a) the silhouette of a lion's head with the letter "L" in Rolf-Nilsson readily translated to the cited LION word mark; b) the designs of mountain lions—which Applicant admitted were the same animals as pumas—readily translated to the word "puma" in the Puma case; and, c) the depiction of a golden eagle readily translated to the word "eagle" in the Duofold case.

Again, in this case the marks do not readily translate under the doctrine of legal equivalents. The design in the cited registrations is far too abstract to translate to "AD". Consequently, Applicant's mark and the cited registrations do not create the same mental images upon purchasers.

Probative of the point that the same mental image is not created is Applicant's evidence of a lack of instances of actual confusion. Applicant has used its AD marks nationwide for a significant period of time (nearly two years), which have resulted in the sale of more than 67,000 units of AD golf clubs sold at a cost exceeding \$5 million dollars. Applicant submits that the sales of all of its models of AD clubs are relevant since the Hon. Trademark Attorney is relying upon the design elements of the cited registrations as translating to "AD". Each of Applicant's clubs referred to above bears the letters AD in its stylized form. Applicant submits that if no instances of actual confusion have been experienced by Applicant with the far greater promotion and sale of AD clubs, then registration of AD HYBRID is not likely to result in confusion.

Additionally, purchasers of Applicant's goods and cited registrant's goods are sophisticated. The pricing of Applicant's goods indicates that prospective purchasers will carefully think about whether to spend \$149 for a single AD HYBRID golf club or more for an AD driver or fairway wood, as well as an entire set of AD irons that cost five to six hundred dollars.

### 4. The continued citation of Registration No. Registration for A.D. 2000.

"A.D". is an abbreviation of "anno Domini", which is an adverb meaning "in a specified year of the Christian era". The American Heritage Dictionary of the English Language, Fourth Edition. See Exhibit attached hereto. As the Hon. Trademark Attorney well knows, "B.C." is used to indicate years before the birth of Christ and "A.D" is used to indicate years after the birth of Christ.

The cited A.D. 2000 registration clearly indicates the beginning of the current millennia. Applicant's mark, on the other hand, creates no such impression. Applicant's mark has no periods separating "AD" and is not followed by a year. No year of any kind is suggested.

As the Hon. Trademark has conceded, marks must be considered in their entireties. When Applicant's AD HYBRID (stylized) mark is considered in its entirety with A.D. 2000, the commercial impressions are entirely dissimilar. No prospective purchaser will equate Applicant's mark has having anything to do with any millennia or any particular year.

Additionally, the same considerations of a lack of instances of actual confusing and sophistication of purchasers applies.

### 5. Conclusion.

As stated in the May 17, 2006 Response and further explained above, the Hon. Trademark Attorney "got it right" the first time when she did not cite any registrations against

this application. She is respectfully requested to decide the merits of this case on the record Applicant has made and to withdraw her Section 2(d) citations.

Date: October 16, 2006

New York, N.Y.

Respectfully submitted,

Robert B .G. Horowitz
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

File: 7470/75897

#### CERTIFICATE OF MAILING

I hereby certify that this paper, the attached declarations of Fumitoshi Hanafusa and Richard Stampers and exhibit are being deposited this 16th day of October, 2006 with the United States Postal Service as Express Mail addressed to: Commissioner for Trademarks, P.O. Box 1451 Alexandria, Virginia 22313-1451

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the Taveras

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Search Dictionary

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**Dictionary** 

A.D.

or a.d.

## abbreviation

anno Domini

an·no Dom·i·ni (ăn'ō dŏm'ə-nī, -nē) )

[Medieval Latin *annō Dominī*, Latin *annō* ablative of annus, year, + Latin *Dominī* genitive of Dominus, Lord.]

#### adverb

In a specified year of the Christian era.



The American Heritage® Dictionary of the English Language, Fourth

Edition
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

SRI Sports Limited

Mark:

AD HYBRID (stylized)

Serial No.:

78/515789

Filing date:

November 12, 2004

Trademark Attorney:

Linda M. Estrada

Law Office:

104

## **DECLARATION OF FUMITOSHI HANAFUSA**

Fumitoshi Hanafusa declares and states as follows:

- I am employed by SRI Sports Limited of Hyogo, Japan, the applicant. SRI Sports
  Limited manufactures golf equipment under the house mark SRIXON. SRIXON is a leading
  brand of golf balls and golf clubs worldwide.
- My title of employment is Manager of Overseas Sales and Marketing and my employment responsibilities include the marketing and sale of SRIXON golf clubs in the U.S.
   I have personal knowledge about the matters discussed below.
- 3. Included among the lines of SRIXON golf clubs made by SRI Sports are clubs sold under the designation "AD HYBRID" depicted as:



- 4. The word "Hybrid" in the mark indicates a type of "AD" club we make and sell.

  A hybrid club is one that essentially combines the best characteristics of a wood and an iron.

  The combination of these characteristics results in a golf club that offers a golfer greater distance and height when hitting a golf ball than with an iron with the same loft.
- 5. SRI Sports' golf clubs are sold nationwide in the U.S. in retail and online golf shops such as Edwin Watts Golf which is at <a href="https://www.edwinwattsgolf.com">www.edwinwattsgolf.com</a> as well as at pro shops at golf courses.
- 6. The AD HYBRID mark is a continuation of a line of AD golf clubs that SRI

  Sports first sold nationwide in the U.S. during August, 2004. Its sales of AD golf clubs in the

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Model	Unit volume	Dollar volume
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I-403 AD irons and pitching wedges	36,996	\$1,634,000
AD HYBRID (since March, 2005)	10,474	\$1,012,000
Total	67,309	\$5,019,000

- 7. I note that every AD golf club sold in the U.S. has shown AD in its stylized form as appears above. Images of golf clubs bearing the marks as retrieved from the Internet are shown in group Exhibit 1 hereto.
- 8. SRI Sports advertises its AD HYBRID clubs on the Internet at the site of its U.S. distributor, Srixon Sports USA Inc. of Lawrenceville, Georgia, and in the catalog of Edwin Watts Golf, which is a golfing goods chain store that does business in the southern U.S. Other retailers such as BHM Golf.com, Golfballs.com and Golfjoy.com have advertised them on the Internet as well, as is shown in Group Exhibit 2 attached to this declaration.
  - 9. The suggested retail pricing of SRIXON's AD golf clubs are as follows:

W-403 AD driver	\$299	
W-403 AD fairway woods	\$199	
I-403 AD irons	\$599 graphite shaft \$499 steel shafts	S
AD HYBRID	\$149	

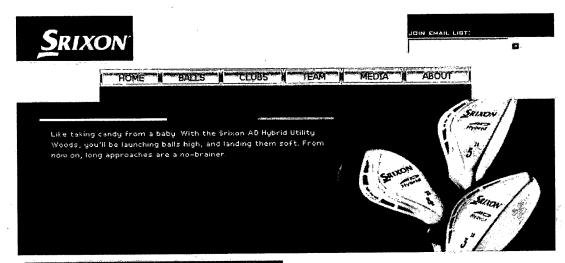
- 10. As the person who is responsible for the U.S. market, any instances of actual confusion in the U.S. marketplace with the marks shown in cited Registration Nos. 2369052, 2635568 and 2708360 that have been reported to SRI Sports directly from U.S. retailers or U.S. end-users, or through SRI Sports' U.S. distributor, would be brought to my attention.
- 11. I have never been informed of any instances of actual confusion of any kind with any trademark of any kind. That is to say, I have never heard of any misdirected product inquiries, product returns, product complaints, etc. of any kind concerning SRI Sports' line of AD golf clubs.

I declare under penalty of perjury according to the laws of the United States of America that the foregoing is true and correct.

Date: October 6, 2006

Hyogo, Japan

name] Fumitoshi Hanafusa



### AD HYBRID UTILITY WOODS OVERVIEW

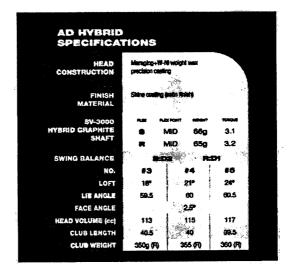
The Snxon AD Hybrid utility woods are the ideal solution to shots that need to launch high, fly far and land soft. With an ultrathin face constructed from Maraging Steel and featuring a CG optimizing tungsten nickel weight, the AD Hybrid incorporates all of Srixon's industry leading technology into the most accurate, most forgiving hybrid club yet.

The Tungsten Nickel Weight optimally lowers the center of gravity meaning that your shots will launch high and land soft. The thin maraging steel face and Srixon's Autoturn design means the AD Hybrid is extremely forgiving with a wider face and wider sweet spot, and higher COR for greater ball velocity.

The AD Hybrid has a clean set-up profile and optimal face depth to inspire confidence to get the ball up high and land soft out of most any lie. So whether you need it off the tee

for accuracy or need to land it soft out of the rough, the Srixon AD Hybrid is the solution!

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#### Personalized

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#### Clubs

Drivers Fairway Woods € LARGER VIEW

## Srixon I-403 AD Iron Set

Pro Shop > 1-403 AD Iron Set

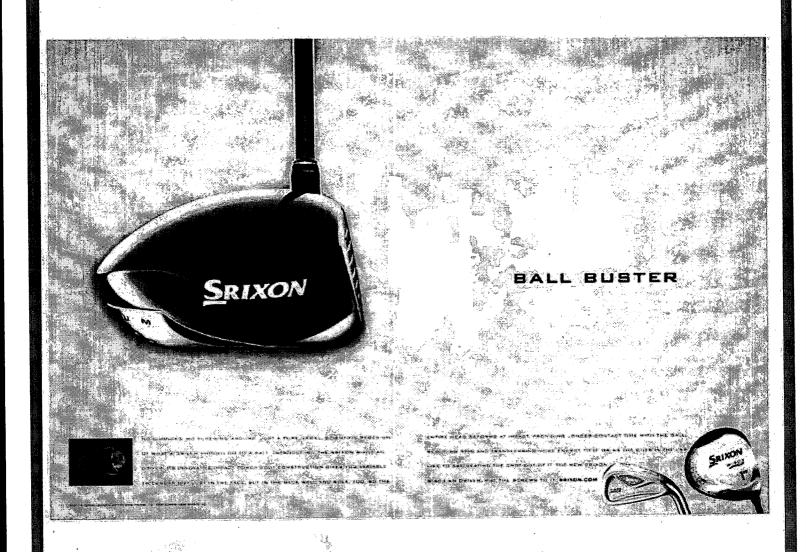


**Customer Rating** \*\*\* Right Hand **Shaft Material** Steel Select Shaft Flex \$499.95

The New Srixon I-403 Irons combine Digital Impact distance accuracy and forgiveness with a player's eye for design. The I-403 incorporates several features to make this extremely forgiving Iron very long and very easy to hit. Variable hosel lengths and varied back weighting position further optimize th CG point so the long irons area easy to square and get up in the air, while the short irons have the ideal scoring trajectory. Progressive offset and a rich, satin finish make the 403 an extremely appealing Iron for players of all abilities. for players of all abilities.

- Made from extremely soft SUS 255 stainless steel
- Tungsten-nickel sole weights move the center of gravity lower than any competitive iron
  True Temper Dynalite Steel Shafts
  USEN REVIEWS

  LEAVE A REVIEW S.



120x600\_rollbacks\_season\_e

Page 1 of 1



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Home - Clubs - Woods - Drivers - Srixon - W-403 AD Drivers

# W-403 AD Drivers

#### Price: \$249.95 Each

Dropdown Layout. Multiple - Single

Drivers: 10.5 Degree Driver

Shafts: Graphite Regular, Hand: Right

Add To Shopping Cart

Average Customer Review: \*\*\* \* Based on I review Write an online review for the W-403 AD Drivers

Tell-A-Friend about the W-403 AD Drivers

Found these W-403 AD Drivers for less? Tell us!

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#### Contact Us

800-499-7491

212-755-9398

9am - 7pm EST (Mon - Sat)

11am - 5pm (Sun)

Fax 212-207-8370

## Description

#### W-403 AD Drivers

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Frequently Asked Questions

**Order Information** 

Srixon W-403 Driver represents a new level of achievement in driver technology. The 420cc W-403 feature the proprietary Impact Power Body construction - where not only the face but the sole and backwall of the driver have varying thicknesses. This unique technology keeps the golf ball on the clubface just that fraction of a second longer which helps reduce distance-robbing backspin. The thin, forged titanium face helps provide maximum allowable energy transfer for high velocity. Built with Srixon's legendary elliptical high COR zone, the W-403 is Srixon at its biggest, longest and most forgiving.

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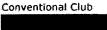
Email: Join (click for details)



Srixon W-403AD









http://www.theworldofgolf.com/item.asp?page=6666

10/16/2006

#### **Customer Reviews**

#### Monty

#### 12/16/2005

I have to say that I was BLOWN AWAY when I hit this club! I am a mid to low 80's golfer who hadn't bought a new driver in a while. I saw an article that said Srixon out drove callaway and all the others by 10 to 15 yards in a test. Well they must be correct. I can drive 280 to 320 yards EVERY time I tee it up and it is also very forgiving. My whole game has changed due to this driver. A 4 par is always a drive and a short chip. A 5 par is now a driver and maybe a 3 iron, It is so FUN playing when you can knock the living cr@p out of the ball and you are waiting on all the other guys to hit their shot to catch up. I wouldn't be afraid to enter any longest drive competition now. Thanks to Srixon for a GREAT driver. I guess the test results were really correct. It'll beat ANY driver out there by far! Anyone looking for a driver can't go wrong with this! Good luck!

#### Srixon Website







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We try to avoid exors in pricing and product information, but mistakes happen and we reserve the right to correct them? We apologize for any inconvenience it may cause.



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Pro Shop > 1-403 AD Iron Set

PRO SHOP

Shoes Ladies Juniors

CUSTOM LOGO

BEST DEALS Gloves Signature

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#### **Popular Brands**

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#### Balls

New Personalized Logo Overrun **Custom Logo** 

#### Personalized

Personalized Balls Personalized Towels Personalized Caps Personalized Bags

#### Clubs

Drivers Fairway Woods Hybrids Iron Sets **Putters** 

#### Srixon I-403 AD Iron Set

PERSONALIZED



**Customer Rating** Hand Right Shaft Material Steel **Shaft Flex** Select \$499,95 Price\*

**QLARGER VIEW** 

The New Srixon I-403 Irons combine Digital Impact distance accuracy and forgiveness with a player's eye for design. The I-403 incorporates several features to make this extremely forgiving iron very long and very easy to hit. Variable hosel lengths and varied back weighting position further optimize th CG-point so the long irons area easy to square and get up in the air, while the short irons have the ideal positions are also stored to the long irons area easy to square and get up in the air, while the short irons have the ideal irons are the stored to the long irons area easy to square and get up in the air, while the short irons have the ideal irons are the stored to the source of the stored to the stored scoring trajectory. Progressive offset and a rich, satin finish make the 403 an extremely appealing iron for players of all abilities.

- Made from extremely soft SUS 255 stainless steel
  Tungsten-nickel sole weights move the center of gravity lower than any competitive iron

True Temper DynaLite Steel Shafts

#### USER REVIEWS

LEAVE A REVIEW SHOW ALL

Srixon I-403 AD Iron Set

10/12/2006 Handicap 6 - 10

RAKKA great clubs good value for intermediate golfers. There are weights in the back to promote high shots which has really helped me Srixon I-403 AD Iron Set

Page 2 of 3

niall **Apparel** Shirts 2/13/2006 **SRIXON 1-403** Caps Handicap 10 - 15 A CLEAN LINE WITH A PLAYERS LOOK-THIS CLUB IS NOT ONLY EASY TO HIT, FORGIVING AND STRAIGHT IT IS SNEAKY LONG-BEST KEPT SECRET IN GOLF Accessories Towels BILL LAFFOON Eyewear Tees EMAIL A FRIEND Training Aids If you would like to email this product to a friend, just fill out the form below. You have an option of including a message if desired. Headcovers Shoes Your Name Your Email Mens Ladies Friends Email Friends Name Clearance Team Logo Message Balls Caps I saw this at Golfballs.com and thought you Shirts might be interested. **Custom Logo** Balls Caps Shirts Towels Susmit **Divot Tools** Umbrellas.

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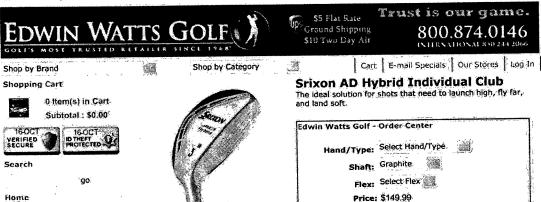
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Srixon I-403 AD Iron Set

Page 3 of 3

http://www.golfballs.com/PC1282/Srixon-I-403-AD-Iron-Set.html

10/16/2006



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Golf Clubs
Golf Balls
Other
Apparel
Pre-Owned
Gift Cards

Gift Cards

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USGA Handicap

Features an ultra-thin face constructed from Maraging Steel and a CG optimizing tungsten nickel weight.

Thus, these woods are extremely forgiving with a wider face, wider sweet spot, and higher COR for greater ball velocity, the AD Hybrid incorporates all of Srixon?s industry leading technology into the most accurate, most forgiving hybrid club yet.



The AD Hybrid has a clean set-up profile and optimal face depth to inspire confidence to get the ball up high and land soft out of most any lie. So whether you need it off the tee for accuracy or need to land it. soft:

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out of the rough, the Srixon AD Hybrid is the solution!

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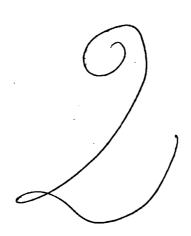
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## SRIXON

#### >Srixon AD Hybrid Utility Wood Features:

The new Srixon AD Hybrid utility woods are the ideal solution to shots that need to launch high, fly far and land soft. With an ultrathin face constructed from Maraging Steel and featuring a CG optimizing tungsten nickel weight, the AD Hybrid incorporates all of Srixon's industry leading technology into the most accurate, most forgiving hybrid club yet.

The Tungsten Nickel Weight optimally lowers the center of gravity meaning that your shots will taunch high and land soft. The thin maraging steel face and Srixon's Autoturn design means the AD Hybrid is extremely forgiving with a wider face and wider sweet spot, and higher COR for greater ball velocity.

The AD Hybrid has a clean set-up profile and optimal face depth to inspire confidence to get the ball up high and land soft out of most any lie. So whether you need it off the tee for accuracy or need to land it soft out of the rough, the Srixon AD Hybrid is the solution!

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The Srixon AD Hybrid Utility Woods Were Selected For The 2006 Golf Digest Hot List!!!

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Pack of	1
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The new Srixon AD Hybrid utility woods are the ideal solution to shots that need to launch high, fly far and land soft. With an ultrathin face constructed from Maraging Steel and featuring a CG optimizing tungsten nickel weight, the AD Hybrid incorporates all of The AD Hybrid has a clean set-up profile and optimal face depth to inspire confidence to get the ball up

high and land soft out of most any lie. So whether you need it off the tee for accuracy or need to land

out of the rough, the Srixon AD Hybrid is the solution!

- The Tungsten Nickel Weight optimally lowers the center of gravity meaning that your shots will launch high and land soft
- AD Hybrid is extremely forgiving with a wider face and wider sweet spot Srixon's industry leading technology has made the most accurate, most forgiving hybrid club

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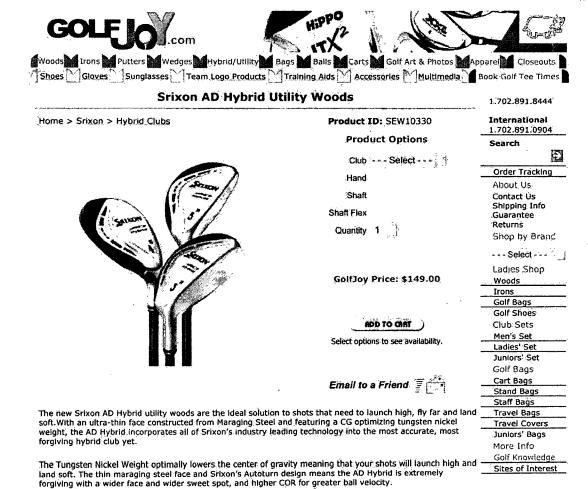
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The AD Hybrid has a clean setup profile and optimal face depth to inspire confidence to get the ball up high and

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AD Hybrid Utility	e/ba	1 -65	Head Volume	Length	Swing Weight	
Woods	oods Loft	Loft Head Volum	nead volume		R-flex	5-flex
#3 Wood	.18°	59.5°	113 cc	40.5"	. D1	D2
#4 Wood	21°	60.0°	115 cc	40.0"	D1	DZ
#5 Wood	24°	60.5°	117 cc	39.5"	Di	D2





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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

**SRI Sports Limited** 

Mark:

AD HYBRID (stylized)

Serial No.:

78/515789

Filing date:

November 12, 2004

Trademark Attorney:

Linda M. Estrada

Law Office:

104

## **DECLARATION OF RICHARD STAMPER**

Richard Stamper declares and states as follows:

- 1. I am employed by Srixon Sports USA, Inc. of Lawrenceville, Georgia ("Srixon Sports)". Srixon Sports is the exclusive U.S. distributor of SRI Sports Limited, the applicant, which is a manufacturer of golf balls and golf clubs that are best known by its house mark SRIXON.
- 2. My title of employment is President and COO and my employment responsibilities include the marketing and sale of SRIXON golf clubs in the U.S. which include AD golf clubs sold under the designation "AD". I have personal knowledge about the matters discussed below.
- I have read the accompanying declaration of Fumitoshi Hanafusa of SRI Sports
   Limited and agree with all statements made in that declaration.

4. As the person who is responsible for the sale of SRIXON golf clubs in the U.S. any instances of actual confusion in the U.S. with the marks shown in cited Registration Nos. 2369052, 2635568 and 2708360 that have been reported to Srixon Sports directly from U.S. retailers or U.S. end-users, would be brought to my attention.

5. I have never been informed of <u>any</u> instances of actual confusion of <u>any</u> kind with <u>any</u> trademark of <u>any</u> kind. That is to say, I have never heard of any misdirected product inquiries, product returns, product complaints, etc. of any kind concerning SRI Sports' line of AD golf clubs, including its AD HYBRID clubs.

I declare under penalty of perjury that the foregoing is true and correct.

Date: October 6, 2006

Lawrenceville, Georgia

[name] Richard Stamper

## Robert B G. Horowitz

From:

Okage, Yuko [Yuko.Okage@jp.sony.com]

Sent:

Sunday, October 15, 2006 8:47 PM

To:

Robert B G. Horowitz

Cc:

Hayakawa, Nobuhide (SIPS); Judy Olsen

Subject:

SONY KK - Trademark search request for "Motion Flow"

Attachments:

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Upon receipt of the search request, could you please kindly send us an acknowledgement via return e-mail.

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Best regards,

Yuko Okage Trademark Group IP Alliance & Licensing Department

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